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TOT. - Political Trials

7/3/80; 29/4/80; 30/7/8;

1-10-80 - 31-12-80

Court told of violent aims of ANC

CAPE TOWN. — Instructions to militarily-trained members of the African National Congress included the elimination of judges, magistrates, security policemen and State witnesses, the Cape Town Supreme Court was told yesterday.

Lieutenant-Colonel H Stadler was giving evidence on the ANC in the case in which Mr Bhekizitha Oliver Nqubelani has pleaded guilty to participating in terrorist activities, including placing a bomb in a toilet in the Supreme Court building on May 15 last year.

Col Stadler said there had been an escalation of sabotage following the Soweto unrest.

ANC members smuggled equipment into South Africa through "suitcases with false bottoms, cocoa tins with home-made bombs inside, cigarette packets and torch batteries."

When an attack was planned, members were first sent to reconnoitre a potential "drop site" for weapons. They left the country after marking the location of the cache, and the insurgents followed up.

Potential sabotage targets included bridges, rail links, police stations, courts, military establishments and oil supply lines.

The ANC's attitude had become militant early in the 1950s, Col Stadler said.

Explosives experts went into considerable detail concerning the bomb planted in the court toilet.

The court was told it could have resulted in considerable loss of life.

An explosives expert, Major Arnold Baartman, a police inspector, told the court the bomb had been made of TNT of foreign origin. It was a stable military high explosive.

Although it was difficult to anticipate the consequences had the bomb exploded in the toilet, he felt anyone in the toilet or in the immediate vicinity would have been killed instantly or suffered severe injuries from the shock wave and exposure to heat of about 300C.

There was also the possibility that people in nearby offices could have been killed by the blast. Injuries such as burst eardrums would also have been prevalent.

Anyone in the foreman's office (where the bomb was taken) would have been found by a clean-

In addition, anyone opposite his office would have been killed, and it was probable that most of the woodwork in the area would have caught fire.

Maj Baartman said the reason why the bomb had not gone off was because the detonator had not been inserted in a hole in the block of TNT and, although it (the detonator) had exploded, it had not set off the TNT because it was a stable explosive.

The case continues. — Sapa.

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Aregus 29/4/80

pupils**arrested****- 12****charged**

JOHANNESBURG. — One hundred pupils of the coloured high school at Kokstad have been arrested and held for questioning, according to an SABC television newscast monitored here.

Twelve of the pupils have been charged and are due to appear in court today.

According to the police, the pupils took part in a protest march, set fire to grass in the school grounds and broke school windows.

All but 300 of the 1 400 pupils at the Dr. Blok High School at Heidedal, Bloemfontein, returned to their classes yesterday.

UNDERSTANDING

Mr. Percy Murison, principal, said a delegation composed mainly of matric pupils had given him an undertaking that the boycott would end completely today.

This was promised after pupils learnt last week that a second high school for coloured pupils was a top priority in Bloemfontein.

Pupils who did not attend classes yesterday sat in the school grounds demanding written proof of the Government's intentions.

'Pupils who do not return to their classes could face action by the authorities that might include expulsion,' Mr. Murison said.

HOSTEL FOR 300

Mr. Selwyn Ewertse, a spokesman for the eight pupil delegation, said if no progress had been made with new facilities and contacts with authorities by July or August the boycott might resume.

The pupils have asked the Government to give attention to the building of a new high school with 12 classrooms and a hostel for 300 pupils, a teachers' training college, bursaries, the lack of textbooks, the ending of double shifts at primary schools and better library and laboratory

Parents are forming action committees in all centres to support their children's stand against 'apartheid-orientated discriminatory education. — Sapa and AB.

Pupil (19) jailed for having ANC banned book

A Mamelodi High School pupil has been acquitted of terrorism charges but jailed for nine months for furthering the aims of communism by distributing banned literature. Jimmy Gordon Chauke (19) of Saulsville, Pretoria, was sentenced to 18 months

imprisonment, half suspended for five years. In the Pretoria Regional Court yesterday, Mr C J Strydom said in his judgment that there was not sufficient evidence to convict Chauke on charges of attempting to undergo military training and encouraging someone else to do so.

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Stan
30/7/50

I liked ANC's aims, says accused

Own Correspondent

PIETERSBURG. — A convicted man told the Pietersburg Regional Court yesterday that before his arrest he saw the African National Congress as offering the best solutions to South Africa's problems.

Thabo Makunyane who, along with the president of the Congress of South African Students, Ephraim Mogale, was convicted on charges of furthering the aims of the banned African National Congress, and of communism, early last month, said he identified himself with the ANC's aims to liberate the Republic.

He was giving evidence in mitigation of sentence. The hearing was postponed to October 17 to allow the defence to call more witnesses.

Makunyane added that he had since revised his stand on bringing about change by violent means because he feared that violent retaliation by the Government would endanger the lives of innocent people.

He had been recruited into the ANC while he was in Lesotho with a sporting team in 1978 and in 1979 he had suggested forming an ANC cell.

He told the court that at the time he was in an emotional tumult and he had aimed to get money from the ANC, not for subversive aims, but to finance projects.

However, he never got any money from the ANC, but had got some from Dr M Ramphela, for a library project aimed at relieving parents of high school pupils from the burden of buying books.

Makunyane said he had distributed a pamphlet, "Being black in South Africa today", after he had been barred from writing examinations at the University of the North in 1977.

There was no justification for this, he said, and he had felt bitter and frustrated. He saw this as part of the daily injustices being meted out to blacks and he saw the university as part of the unjust system.

In New Pietersburg, where he grew up, he was disturbed by the poverty and overcrowding he saw around him.

A brilliant student who distinguished himself in mathematics and science, he went on to study political science at the University of the North, then he was exposed to mature politics and started relating conditions in other countries to the situation at home.

His father, Dr A Makunvane, was called by the defence. He is the president of the Lebowa Chamber of Commerce, a director of the Lebowa Development Corporation and holds an advisory position with the Lebowa Government.

He told the court he had been shocked at the arrest of his son. In discussions with his son, the latter had not sounded like one who would want to work to bring about a solution to the country's problems, yet he had often wanted to know from his father how his ties with the Government would help to uplift the people.

Professor E R Mathivha, of the University of the North, told the court Makunyane had shown leadership potential when he was at the university.

Six strokes for youth in police station bombing

Pretoria Bureau

A 17-year-old matric pupil, convicted of throwing three petrol bombs at Brooklyn police station, Pretoria, in June this year, was yesterday sentenced to six strokes with a light cane.

He was also given a suspended sentence of five years on further charges of attempted murder and arson relating to the incident.

A probation officer yesterday told the court that although the deed could have been politically motivated, the boy's emotional confusion was the overriding cause for his conduct.

Earlier, a lieutenant at the police station, who arrested the boy after the incident, said that the boy had told him: "I am against the Government — that is why I did it."

Major M D Ras of the Security Police also told the court he found writings and a poem, "The spirit of '76", in the boy's cupboard. The boy told him he had written it. The writings called for "Freedom to Azania and victory to the ANC".

According to the probation officer's report the boy had no emotional contact with his mother. His parents were divorced two years ago and he idolised his father, the report stated.

The deed, committed in broad daylight, was poorly planned and the impression had

been given that the boy wanted to be caught, according to the report.

The boy was busy with exams at the time of the incident and this also caused him stress. He could have committed the crime to escape from this and he could have used the political motive as an "excuse", she said.

"He is still young and with the correct guidance he can still become a useful citizen of the country," the officer said. She advised against a prison sentence.

Mr J Els, appearing for the accused, said in mitigation that the boy had an "escapism motive" rather than a political motive.

The magistrate, Mr A F Snyman, sentenced the boy to three years, suspended for five years, on two charges of attempted murder, and to two years, suspended for five years, on a charge of arson.

On the charge of possessing petrol bombs which could give rise to suspicion that he was carrying them for the purpose of injuring persons, he was sentenced to six strokes.

Conviction on this count usually carries a minimum sentence of three years' jail except in the case of a juvenile when corporal punishment may be given.

Mr F De Beer prosecuted.

Two terrorists each jailed for five years

PORT ELIZABETH. — Two self-confessed terrorists were each sentenced to five years' jail by a Port Elizabeth magistrate yesterday.

Mlungisi Elliot Somangamba, 24, and Monde Dogmore Johnson, 24, admitted that between May and July this year they underwent military training

outside South Africa in order to disrupt law and order in the Republic.

They travelled by train from Port Elizabeth to Montshiwa in BophuthaTswana. From there they would go to Botswana. However, they were arrested at Montshiwa. — Sapa.

Mandela - 'position is intolerable'

From Page 1

could be clearly heard by anyone outside the room.

On August 3, 1977 he was told that all the charges against him had been dropped and a prison official ordered him to hand over the documents. He refused.

However, Mandela said, eventually he had no alternative but to hand over the documents to the prison authorities.

After the prison authorities had refused to hand back the documents, he had applied to the Supreme Court to have them returned and they were handed to him.

However, on February 18 this year the prison regulations were amended and the prison authorities interpreted the new regulations as giving them the power to take his documents away from him.

The authorities also refused to allow him to hand the documents to

his family or his attorney.

"I respectfully submit that it would be unreasonable, unsuitable and improper for my documents to be taken from my possession and placed in the safe-keeping of the prison authorities, the same officials at whose instance the charges were brought against me.

"At the same time I cannot be expected to keep my documents myself for I am not able to ensure that they are not interfered with or seen by anyone.

INTOLERABLE

"I am in an intolerable situation at the present moment... the uncertainty and the necessity of retaining my documents in my possession involves me in strain and tension."

Mandela said he would not be able to write or give any written instructions to his attorney without the approval of the Commissioner of Prisons.

"Because of this and because of the fact that any oral instructions which I give my attorney may be overheard I have been and will continue to be inhibited from giving my attorney instructions of a privileged and confidential nature," he said.

The hearing continues.

Mandela tells of prison spying

CAPE TOWN — Warders could eavesdrop on prisoners and their attorney's in the Robben Island prison consulting room although this was contrary to a prisoner's rights, the former leader of the African National Congress, Mr Nelson Mandela, claimed in the Supreme Court, Cape Town, yesterday.

Mandela has applied to the Supreme Court to reverse a decision of the Commissioner of Prisons that two documents which he wrote for his Cape Town attorney, Mr Stanley Kawalsky, be handed over to the prison authorities for safe keeping and that he be allowed to hand the documents to his attorney.

He has also asked the court that he be allowed to give his attorney written instructions and that Regulation 123 of the Prison Service Regulations of 1959 be declared ultra vires and invalid or alternatively that they do not inhibit a prisoner giving written instructions to his attorney.

In an affidavit Mandela said he was charged in 1977 with the alleged contravention of several prison regulations and he prepared two statements for his lawyers.

The one document, about 40 pages long, dealt with his defence and another, eight pages long dealt with the bugging of the prison consultation room.

He was visited by his attorney Mr Kawalsky but was not allowed by the prison authorities to hand the documents over.

Mandela added he conducted a test with his attorney and found that that everything that was said in the consulting room in a normal voice

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Bingo did not know his 'son' was in the ANC

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TOP SOWETO actor, Mr Bingo Bentley, told a Johannesburg magistrate yesterday that he had no knowledge that his co-accused was a terrorist or a member of the ANC while staying with him at his flat in Eldorado Park.

Mr Bentley said he came from a film location in Sibasa after the shooting of *The Gods Must Be Crazy* when he found Mr Monty Mzinyathi, his co-accused, staying with his wife at the flat in Eldorado Park.

"I had no knowledge that he was a terrorist or a member of the ANC as it is now alleged while staying with me," Mr Bentley told the magistrate, Mr G Steyn. "I took him as a son who had come to stay with me and my wife."

Mr Bentley was giving evidence for his defence in the case in which he is appearing with Mr Mzinyathi, also referred to as his stepson in the trial. They face charges under the Terrorism Act.

Mr Bentley is accused of having harboured Mr Mzinyathi as a terrorist. Mr Mzinyathi is his wife's son.

NO OBJECTION

Mr Bentley said he did not object to Monty staying with them as he regarded him as "a son in the family." He said he had known that Mr Mzinyathi had been in Lesotho studying arts.

The two accused have pleaded not guilty to the charges before them.

Mr Bentley is represented by Mr M Basslian and Mr Mzinyathi by Mr C Mailer both instructed by Priscilla Jana and Associates.

Robben Island room was bugged, court told

Mandela verdict will come later

POST
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2/16/80

Judgment on an application by jailed African nationalist leader Nelson Mandela, to be allowed to hand certain documents to his attorney was reserved in the Cape Supreme Court yesterday.

In papers before the court the application was described as a test case to establish whether a convicted prisoner, in prison, could give written instructions to his attorney and whether the attorney could take them away.

The application was brought by Mandela against the Minister of Prisons and was heard by the Judge President, Mr Justice H E P Watermeyer, and Mr Justice E M Grösskopf.

In an affidavit Mandela said he was serving a life sentence on Robben Island. On January 20, 1977, he was served with a charge sheet alleging contraventions of prison regulations.

He prepared two statements for his attorney referring to his defence. One was a 40-page document with annexures comprising correspondence between himself, prison authorities and his attorney.

The other was about eight pages long and dealt with allegations that the room in which consultations were held was bugged.

On February 2, 1977 he was interviewed by his attorney, Mr Stan-

Later Mr Kawalsky showed him a copy of an amended prison regulation, No 90, dated February 18, to the effect that prison authorities could take into safekeeping any article be-

longing to a prisoner.

Mandela said the amended regulation appeared to have been enacted as a result of the proceedings he had started.

He submitted that it

would be unreasonable, unsuitable and improper for the documents to be taken from him and placed in the safekeeping of the prison authorities who had brought charges against him.

"I showed him my documents and informed him that I was not prepared to communicate the contents to him verbally as I believed that our conversation was being recorded and overheard," Mandela said.

Mandela said he asked whether he was entitled to hand the documents to Mr Kawalsky to read. The Commissioner of Prisons directed that only verbal communication was permissible.

Mandela said he was told later that his case had been set down for August 3, 1977, and that he had been given permission to hand his documents to his attorney.

Actor Bingo - case postponed

JUDGMENT in the case in which a leading Soweto actor and his stepson are appearing on charges under the Terrorism Act is expected to be passed on October 9 in the Johannesburg Regional Court.

Actor Mr Bingo Bentley is charged with assisting and harbouring Mr Monty Archibald Mziinyathi who is alleged to have undergone military training in Russia.

Both have pleaded not guilty before Mr G Steyn. The State alleges that

Mr Mziinyathi left South Africa in March 1977 and went to Russia where he received military training until July 1977. He then returned and stayed at an ANC camp in Lesotho.

Mr Mziinyathi is also alleged to have conspired to further the aims of the ANC by blowing up bridges and railways.

Bingo is alleged to have helped Mr Mziinyathi by taking him to and from a meeting in Leslie.

Terror prisoners promised leniency

JAILING two men for five years for contravening the Terrorism Act, a Port Elizabeth regional magistrate said on Tuesday he would make a point that they received lenient treatment in

prison because of their co-operative attitude. (33)

Mr B P Loots described their attitude as "rare and unique". In all his experience of dealing with terrorism trials, he had never found accused to behave as consistently as the men before him.

Mr Mlungisi Elliot Somngeuka (22), and Mr Monde Dugmore Johnson (23), both of Zwile township, Port Elizabeth, were convicted of contravening Section 2(1) (B) of Act 83 of 1967.

POSTPONED

They appeared with Mr Thamba Mtselu (28), but unlike him, pleaded guilty. His case was postponed.

Somngeuka and Johnson were found to have unlawfully consented to undergo military training outside South Africa between May and July this year.

They were arrested in BophuthaTswana after travelling there by train from Port Elizabeth en route to Botswana to enter the country unlawfully.

Mr Loots said he was compelled to sentence the two men to a minimum of five years. If it was in his power, he would have given them a shorter term of imprisonment.

They had behaved well and co-operated with police throughout the trial. They also pleaded guilty.

Mr Loots said he would send a copy of his judgment to the prison authorities to allow the men to pursue their studies.

Mr L L Strydom for the defence, said that Somngeuka had passed matric last year and had intended to further his studies, but could not because of lack of money. He was never politically inclined but was influenced by others.

Johnson was in matric and he also regretted his decision to try to leave the country. He intended finishing his school career.

Mr Strydom was instructed by Spilkin and Miltz.

Mr Herbert Fischat of Herbert Fischat and Associates appeared for Mr Mtselu.

Bombing case: Head defends the teacher

THE headmaster of the Pretoria school attended by the 17-year-old Brooklyn police station bomber is worried the Security Police will give the school "unwarranted attention".

In a frank interview this week he challenged evidence in the boy's statement to the police, and read in court, that his history teacher was the motivation behind his attack.

"I cannot believe a boy who spends three hours a week with a teacher can be influenced by her to such an extent that he would attempt to blow up a police station.

"I'm concerned that the allegations of bias and indoctrination could cause the school to be watched — perhaps by those people who investigated the incident," he said.

The magistrate, Mr A F Snyman, did not comment on the allegations directed at the history teacher.

The pupil was this week sentenced to six cuts with a light

'I CAN'T BELIEVE STORY THAT SHE INFLUENCED BOY'

By CHRISTINA PRETORIUS

cane for possession of petrol bombs and will not return to school until after the school holidays.

He was also sentenced to three years, suspended for five years, on two charges of attempted murder and to two years, also suspended for five, on a charge of arson.

The boy was originally charged with sabotage but this was withdrawn following consultations between his defence lawyer, Mr Johan Els, and the Attorney-General, Mr J E Nothling.

According to his headmaster

he is no more politically aware than the rest of his classmates.

"The children at the school come, for the most part, from privileged backgrounds and are well aware of the political situation in this country so I don't believe the emotional actions of a 17-year-old boy can be placed at the feet of his history teacher," the headmaster told me.

"I do not propose to institute any inquiry into the way my teacher conducts her classes.

"I have spoken to a number of her pupils and, as far as I can gather, the statements the boy attributed to her were

made by the pupils themselves during group discussions.

"The entire school is behind the teacher and is very upset about the allegations directed at her," he said.

According to the headmaster the boy doesn't lack intelligence but "is an under-achiever who, I'm sure, wasn't aware of his actions".

"I prefer to believe that he was emotionally disturbed at the time of the incident — that was the evidence led by the psychiatrist," he said.

"He must be carrying an enormous burden on his shoulders because of the upset he has caused the school and the history teacher.

"There is a definitely an attitude against him by the school which could prove difficult.

"He's no hero and his schoolmates are very upset by the allegations led against the school — it will be a real test of the tolerance we try to engender in our pupils whether or not he is accepted when he returns from holiday," said the headmaster.

Banning order trial postponed

STAR
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The trial of a banned black consciousness leader, Mr Aubrey Mokoena (28) of Orlando West in Soweto, has been postponed to December 8 because the State is preparing for Terrorism Act trials in Kempton Park and Johannesburg.

Mr Mokoena, who is serving a five-year banning order, is charged with five counts of contravening his banning order with which he was served in 1978. The State alleged that he attended a church meeting aimed at solving a church dispute between September and December last year.

Mr Mokoena has pleaded

not guilty to the charges and is represented by Mr C Mailer who is also defending the accused in the Silverton siege trial in Pretoria.

The magistrate, Mr G Steyn, said the court would find it difficult to continue with the case as he and the State were preparing for two other Terrorism Act trials in which Mr Steyn is to pass judgment.

The main charge against Mr Mokoena is that of involving himself in meetings which were held by church elders who tried to resolve a dispute over a priest who had been transferred.

No signs of torture, doctor tells court

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By Stuart Flitton

A Johannesburg district surgeon who examined an allegedly tortured Terrorism Act detainee on four different occasions told the Rand Supreme court today he found no signs of physical assault on the man.

Dr N Jacobson was giving evidence in the urgent application which Mrs Constance Ntuli Motaung of Dube, Soweto, brought against the Minister and Commissioner of Police on behalf of her husband, Mr Jonas Tshetso Motaung.

Mr Motaung, who was detained under the Terrorism Act on August 6 this year, sent two notes on August 24 and a third on September 25 to a cousin in which he alleged he was tortured and forced to make a confession.

Dr Jacobson said that he first examined Mr Motaung on August 27 this year and found no signs of physical assault.

He said Mr Motaung was given medicine for stomach ache.

Dr Jacobson said he later saw Mr Motaung and the man complained of vomiting and still had stomach ache but there were no signs of physical injuries.

On September 26 in another examination Dr Jacobson said the detained man still had stomach ache but there were no signs of physical injuries.

Mr J Coetzee, SC. (for the police), referred to Mr Motaung's allegation that his ribs might be broken or cracked: "Were there any signs of injuries to the chest? — No.

When you palpated the chest did the patient complain? — No.

Dr Jacobson said he examined Mr Motaung today and the man denied being assaulted by the security police and asked why he was constantly questioned about the alleged assaults.

Dr Jacobson said that Mr Motaung said he was very depressed and wanted to commit suicide because of the constant questioning about the alleged assaults.

He said Mr Motaung told him his stomach ache had started before his detention.

"I can't accept that violence was applied to his body.

"I have a very good relationship with Mr Motaung. I asked him about his work and he said he was an articled clerk to Tucker and Company," Dr Jacobson said.

Under cross-examination by Mr E Wentzel, SC, for Mrs Motaung, Dr Jacobson admitted testifying in a previous court case that prolonged interrogation was a sort of assault and that this happened to some detainees.

He said that Mr Motaung's stomach ache and vomiting could be connected to nervous stress.

Dr Jacobson said that during today's medical examination Mr Motaung was unaware of his wife's urgent application.

He said he had not read Mr Motaung's allegations before the examination because he did not want to have "anything to do with that part of the case."

Dr Jacobson said it was possible Mr Motaung had less confidence in him than in his own family. The application was postponed until October 3 for judgment.

Act 7/10/80 (S.S.)

No cop assault on Motaung says doctor

By SELLO
RABOTHIATHA
A JOHANNESBURG
district surgeon who
examined an alleged-
ly tortured Terrorism
Act detainee on four

different occasions, told the Rand Supreme Court yesterday he found no signs of physical assault on the man.

This was said by Dr T Jacobson who was giving evidence in the hearing in which Mrs Constance Motaung brought an urgent application seeking to restrain the police from assaulting her detained husband, Mr Jonas Motaung.

Dr Jacobson said that yesterday before coming to court he had gone to examine Mr Motaung and he found him very depressed, and Mr Motaung told him that he was being questioned every day and now feeling like committing suicide.

He said that on the three other occasions he had examined Mr Motaung, he had not found anything that could suggest that he had been assaulted or tortured. Mr Motaung had only complained of influenza and gastritis and he had treated him for this.

He also said that he had assured Mr Motaung to relax and know that he is a medical doctor, and not a member of the security police. He said they established a good

relationship and Mr Motaung had told him that the police were treating him well.

Under cross-examination by Mr Ernest Wentzel SC, for the Motaung family, Dr Jacobson said that yesterday Mr Motaung had complained of headaches and sore eyes. He also said such complaints by Mr Motaung that he was suffering from chest discomfort, sore eyes, influenza and gastritis could well lead to nervous tension.

Mr Wentzel said that if what the doctor was saying was true, then Mr Motaung needed psychiatric treatment. He said a man can't write letters at such a great risk claiming police torture and smuggle them out only to find that he was lying. He had not confided in Dr Jacobson because he did not trust him.

An application for an interim relief has been granted by Mr Justice Goldstone. The respondents in the case are the Minister of Police and the Commissioner of Police.

Mr Ernest Wentzel instructed by Raymond Tucker is appearing for the Motaung family and Mr J Coetzee with Mr Borman appear for the State.

Judgment will be passed on Thursday.

Man gets seven years for training in Russia

RDM
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Staff Reporter

A 24-YEAR-old man was yesterday jailed for seven years by a Johannesburg Regional Court after being convicted under the Terrorism Act.

Archibald Monty Mzinyati, of Soweto, appeared with his stepfather, Eldorado Park actor Mr Bingo Bentley, 43, who was acquitted under similar charges.

Both men had pleaded not guilty.

Mr Bentley was charged with harbouring Mzinyati on his return from Russia.

Mr Steyn conceded the State relied largely on the statements made to a magistrate before the trial. He furthermore conceded that although he had, in a "trial within a trial",

ruled that the statements were admissible, there was no evidence before court to confirm the statements.

Mr Bentley was acquitted as the court found he possibly did not know Mzinyati — the son of the woman he married four years ago — had undergone military training.

In sentencing Mzinyati, Mr Steyn said he had fled to Russia to undergo training against the maintenance of law and order in South Africa. He said this training could cause a lot of deaths in South Africa.

"The court has to act robustly when public safety is at stake," Mr Steyn said, adding that terrorist training was on the increase. He also said he was compelled to give a

lengthy jail sentence as volunteering for training in a communistic country was not merely a "joyride".

In mitigation, Mr C Mailer, for Mzinyati, asked for the minimum mandatory jail sentence of five years, saying terrorists were given "a tough time in jail".

After the sentence was pronounced, Mr Mailer applied for bail pending an appeal for Mzinyati, saying there were substantial prospects for appeal, which would take six to nine months to be heard.

Bail was refused as Mr Steyn found that Mzinyati might abscond.

Mr M Basslion appeared for Mr Bentley.

Mr A Hattingh prosecuted.

Farmworker to hang over terrorist attack

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WINDHOEK — A black farmworker, Markus Kateka (40), was sentenced to death in the Windhoek Supreme Court yesterday for taking part in terrorist activities and harbouring terrorists.

Another worker who had been charged with Kateka, a Bushman, Hendrik Kariseb (45), was jailed for 10 years.

Both men were found guilty by Mr Justice Strydom.

Leave to appeal was not granted, but pro deo defence counsel, Mr Plo Teek, indicated he would petition against both verdict and sentence.

The hearing was a sequel to a terrorist attack on the farm of 60-year-old Mr Jacobus Louw in the Grootfontein district on February 17.

Evidence was that Mr Louw had fought off the attack singlehanded after his daughter had woken him on a Sunday afternoon. No one was killed in the attack.

The two men were accused of aiding and abetting the terrorists, knowing they were intent on killing the Louw family.

Passing sentence, Mr Justice Strydom said farmworkers must be made to realise it was their duty to report the presence of armed insurgents and that they could not get involved with Swapo.

Everybody knew Swapo

had no good intentions toward the territory and its people.

The judge said he had taken into consideration the two men were simple people who might have been tempted by the false promises of Swapo and that there had been no loss of life.

The two accused were

considered by their employer to be the most responsible workers on the farm.

It had been their duty to report the presence of armed men.

Kateka had had the opportunity to warn the Louw family because he had been involved with the armed men long before the attack.

Mr Teek argued in mitigation that the two men had been victims of Swapo.

"They were victims of a shrewd and well-trained organisation," he told the court.

"It is well known that insurgents are trained in how to procure the help of ordinary people." — Sapa.

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Silverton trial: State closes case

THE State yesterday closed its case in the Silverton siege trial after a statement from the ninth accused, Mr Thomas Mngadi, was handed in to the Pretoria Supreme Court.

In the statement, made after his arrest, Mr Mngadi said he left his home in June, 1976, to undergo military training in Angola and Russia for two years.

He was taken via Swaziland to Mozambique and from there he flew to Angola where he spent several months undergoing training in anti-aircraft weapons, guns, bazookas, firearms and explosives.

Mr Mngadi said about 50 recruits were taken to a camp in Russia where they underwent training for six months. On his return to Angola he was trained in survival for several months.

He then went back to Mozambique and from there was instructed to go, with his commander, Thami, to Vryheid in Natal to seek an appropriate

place to establish a terrorist base.

One day the police arrived at the house of a man called "Ram" where they were staying. He said he ran away, but was caught. Thami was later arrested.

The nine men appearing are Mr Ncimbithi Johnson Lubisi, 28, Mr Petrus Tsepo Mashigo, 20, Mr Naphtali Manana, 24, Mr Ikanyeng Moses Molebatsi, 27, Mr Hlolile Benhamin Tau, 24, Mr Phumulani Grant Shezi, 24, Mr Jeremiah Radebe, 26, Mr Boyce Johannes Bogale, 26, and Mr Thomas Mngadi, 29.

They have pleaded not guilty to murder, attempted murder, robbery with aggravating circumstances, taking part in terrorist activities and high treason.

After the State closed its case, Mr Jules Browde, SC, asked Mr Justice Jaap de Villiers to postpone the case until today. He said the defence would probably be ready to present its case then. — Sapa.

(331)
Jail for
RDM 18/10/80
two after
year-long
terror trial

DURBAN. — Two young men were each jailed for five years yesterday after a year-long Terrorism Act trial in the Durban Regional Court.

Mr X. Odendaal found Mandla James Sibisi, 20, and a 16-year-old youth conspired to leave or attempted to leave South Africa for military training with the aim of the violent overthrow of the Government.

Five others — Mr Njengabantu Sithole, 21, Mr Ramatlotlo Moses, 21, Mr Christopher Sitembiso Nzuza, 20, a 17-year-old youth and a 16-year-old youth — were acquitted.

Mr Sithole was acquitted on a second charge of contravening the Act by inciting four youths to leave the country for military training.

Nzuza received a suspended two-year sentence for dealing in dagga.

Sentencing Sibisi and the youth on the Terrorism Act charge, Mr Odendaal said the Act laid down a minimum of five years' jail. — Sapa

Bloodshed not motive ⁽³³¹⁾ behind attack, court told

Own Correspondent

The Soekmekaar police station was chosen as an ANC target because of the dissatisfaction over the resettlement of black people in the area, the Silverton siege trial heard.

Mr Jules Browde, SC, who is appearing for the nine accused, told this to the Pretoria Supreme Court yesterday when the case for the defence began.

Mr Neimbithi Johnson Lubisi, one of the nine men, told the court, how, after he underwent military training in Angola, he came back to South Africa. On instructions, he reconnoitered the area around the Soekmekaar police station. He said the action against the police station was designed to harass and not to cause bloodshed.

Mr Lubisi said ANC headquarters chose the targets to be attacked, but the members were trained to reconnoitre first. The reason for this, he said, was they would attack when there was the least chance of injuring anyone.

Mr Lubisi told the court he, Mr Petrus Mashigo, Mr Naphtali Manana and a man called Lungile travelled to the Soekmekaar police station on the night of January 4. He said they stole a car to travel there, but intended returning it. He said they did not harm the owner.

He said he was the driver of the car and had to wait for the others to join him after they attacked the station. He said they did not intend to harm anyone.

Mr Lubisi was giving evidence at the trial in

which he and eight others have pleaded not guilty to high treason, murder, attempted murder, robbery with aggravating circumstances and taking part in terrorist activities.

The other men are Mr Petrus Tsepo Mashingo (20), Mr Naphtali Manana (24), Mr Ikanyeng Moses Molebatsi (27), Mr Hlolile Benjamin Tau (24), Mr Phumulani Grant Shezi (24), Mr Jeremia Radebe (26), Mr Boyce Johannes Bogale (26), and Mr Thomas Mngadi (29).

Silverton Siege accused claims ANC held him

ONE of the nine accused men in the Silverton siege trial told the court today he was forced across the Mozambique border at gunpoint by members of the ANC.

Mr Neimbithi Johnson Lubisi told the Pretoria Supreme Court today that he went looking for his uncle who disappeared in Swaziland in 1977.

He said some men had come to collect his uncle at their home and he had not been seen since. He

travelled to Nhabane and inquired at the police station. Mr Lubisi said a man called Duma seemed to know about his uncle, and assured him he was living near Manzini.

He said Duma and two other men took him in the direction of Mozambique. Near the border, the other two men produced firearms and told him to follow Duma. He was taken to Matola camp in Mozambique.

Mr Lubisi said he was

questioned there and eventually met his uncle, who was involved in ANC activities. He said his uncle told him to surrender. Eventually, Mr Lubisi said his uncle told him to take a scholarship to Angola. He protested, but could not leave because they were guarded all the time, said Mr Lubisi.

He said in Angola, instead of doing a scholarship he was given military training.

the fight to ensure good la-
area which has been identif
as a priority in their over
stability. Are your member

ZUBEIDA Jaffer was
reputed. with her
parents today after
seven weeks in deten-
tion. At Cape Town
Magistrate's Court to
meet her was her
mother, Mrs Raghnat
Jaffer, hugging her
and her father, Mr H
Jaffer, right.



Jaffer in court on banned publications

CAPE TOWN S. reporter
Zubeida Jaffer, 22, today
appeared briefly in the
Cape Town Magistrate's
Court charged with being
in possession of banned
publications.

Miss Jaffer, of Ottery
Road, Wynberg, was not
asked to plead to 19 counts
under Section 8 (1) (d) of
Act 42 of 1974. No evidence
was led.

She was granted R500
bail. The hearing was
postponed to November 5.
Miss Jaffer's appearance
follows her arrest on
August 26 when she was
taken from her home by
security police.

A large crowd of
friends and colleagues
packed the corridors
waiting to welcome Miss
Jaffer on her release.
When the magistrate,
Mr F. Van Zyl, told her she
would be turned and
family in Mr. Van
Zyl, she kept laughing in
the State and
represented Mrs.

Minister quite rightly emphasizes, stability
(also in the social and political spheres) is
equally important if we want to realise our full
potential.

On Government level much is being done. The dy-
namic initiatives of the Prime Minister are well
known to you, but Government and politicians can-
not face this challenge on their own. Business
leaders and industrialists have a particular role
to play as well:

As employers you stand in the front line in
the fight/.....

areas directly and indirectly in-
industry. I however think that the two exam-
ples given prove the point.

28/10/81 And in the/.....

231

I wanted to 331 cripple Govt, says accused

EDM

16/10/80

ONE OF the accused in the Silverton bank siege trial who was militarily trained in Angola, returned to South Africa "to overthrow the Government — to cripple it and show them how I was suffering", the Supreme Court in Pretoria was told yesterday.

The accused, Mr Johnson Lubisi, was giving evidence at the trial in which he and eight other men have pleaded not guilty to charges of high treason, murder, attempted murder, robbery with aggravating circumstances and taking part in terrorist activities.

Mr Lubisi said he left the country because he was looking for his missing uncle. He left in 1977 for Swaziland.

Cross-examined by Mr Chris Jansen, for the State, he said he was kidnapped and taken over the border by armed men.

He did not want to undergo military training. Once in Angola, he protested. He said a speech was made at the camp about children who were being shot in Soweto and yet there were people who did not want to be trained militarily. He said he felt "very bad" about this (the alleged shootings) and did the training.

Mr Lubisi said the Government's policy had led to the death of children shot in Soweto. Revenge was not his motive in returning.

"I would have come back to fight for my rights," he said.

"To overthrow the Government?" Mr Jansen asked.

"Yes, to cripple the Government and to show them I was suffering."

He said he was trained to use a handgrenade and would do so to frighten someone.

Mr Jansen, after quoting propaganda attributed to the African National Congress, where threats were made to "regain" South Africa through bloodshed, said: "This is what was announced in this country and you want to tell the court that where you were trained with murderous weapons, you were taught not to kill?"

"Yes" Mr Lubisi said.

During the hearing, Mr Jules Browde, SC, defence counsel, objected to part of a newspaper report yesterday saying Mr Lubisi had told the court he had been forced across the Mozambique border at gunpoint by members of the ANC.

In fact, Mr Lubisi had told the court two men took out "small guns" and told him to follow a man walking in front of him. He had then been taken to Matola camp in Mozambique.

The trial continues. — Sapa.

Code letter

STAR 16/10/80

excerpts

331

read out

in court

Own Correspondent

Extracts from a letter in code written to one of the alleged participants in the attack on the Soekmekaar Police station, were today read out at the Silverton Siege trial in the Pretoria Supreme Court.

During the third day of cross-examination of Mr Neimbithi Johnson Lubisi (28) by the prosecutor, Mr Chris Jansen, Mr Lubisi said he had received the letter the day after the attack.

He told the court the letter was to congratulate the attackers on carrying out the Soekmekaar operation.

Mr Lubisi said the weapons were later hidden about 20 km from Tzaneen. The hiding place was shown to police after his arrest in January this year.

In later evidence he said he had no knowledge of the attack on the Orlando police station in Soweto where two policemen were killed.

Mr Jansen said this attack was described in the official magazine of the African National Congress (ANC) as a "successful" attack.

He asked Mr Lubisi if he still maintained the ANC's policies were against violence.

Mr Lubisi and eight others have pleaded not guilty to high treason, murder, robbery with aggravating circumstances, and taking part in terrorist activities.

The others are: Mr Petrus Tsepo Mashigo (20), Mr Naphtali Manana (24), Mr Ikanyeng Moses Molebatsi (27), Mr Hloliile Benjamin Au (24), Mr Phumulani Grant Shezi (24), Mr Jeremia Radebe (26), Mr Boyce Johannes Bogale (26) and Mr Thomas Mngadi (29).

(Proceeding)

ANC used Soekmekaar to harass authorities, Silvertown trial told

THE Soekmekaar police station was chosen as an ANC target because of dissatisfaction over the resettlement of black people in the area, the Silvertown Siege trial heard.

Mr Jules Browde, SC, who is appearing for the nine accused men, told this to the Pretoria Supreme Court this week, at the commencement of

the defence's case.

Mr Ncimbithi Johnson Lubisi, one of the nine men, told the court how he underwent military training in Angola, and then returned to South Africa. On instructions, he reconnoitred the area surrounding the Soekmekaar police station. He said the attack on the police station was to harass and not to cause bloodshed.

Mr Lubisi said ANC

headquarters chose the targets to be attacked, but the members were trained to reconnoitre first. The reason for this, he said, was so that they would attack when there was the least chance of injuring people.

NO HARM

Mr Lubisi told the court that he, together with Mr Petrus Mashigo, Mr Naphthali Manana and a man called Lungile, travelled to the Soekmekaar police

station on the night of January 4. He said they stole a car to get there, but intended returning it. He said they did not harm the owner.

He was the driver of the car and had to wait for the others to join him after the attack. He said they did not intend to harm anyone.

Mr Lubisi was giving evidence at the trial of the nine who have pleaded not guilty to charges

of high treason, murder, attempted murder, robbery with aggravating circumstances and taking part in terrorist activities.

The other men are Petrus Tsepo Mashigo (20), Mr Naphthali Manana (24), Mr Ikanyeng Moses Molebatsi (27), Mr Hlobile Benjamin Tau (24), Mr Phumulani Grant Shezi (24), Mr Jeremiah Radebe (26), Mr Boyce Johannes Bogale (26), and Mr Thomas Mngadi (29).

Doctor accused of inciting youths

Rebeiro charged

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17/10/80

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33

A PRETORIA doctor and two other men, one of whom is under 18 years-old made a brief appearance at the Pretoria Regional Court yesterday facing charges under terrorism act.

The three, Dr Fabian Defu Rebeiro, Mr Jan Caiphus Mashilo and the youth — all no age given — refused to plead. Advocate Eric Danes

By Norman Ngale

of the Johannesburg Chambers who was instructed by the Maluleke, Serithi and Moseneke Firm of lawyers, for the accused requested further particulars regarding the charge sheet before pleas could be entered.

The three men were appearing for the first time since their detention under Section 6 of the Terrorism Act earlier this year. Dr Rebeiro of Mamelodi was detained on May 2.

The three are charged on five counts of partici-

pating in terrorism activities in accordance with sections of the act.

According to the charge sheet Mr Mashilo and the youth are charged with attempting to quit South Africa in a bid to undergo military training and of inciting other youths to do likewise.

Incite

Dr Rebeiro is charged with inciting three youths to undergo military training outside the country's borders with the aim of returning to endanger the maintenance of law and order.

The medico is also alleged, according to the charge sheet to have used his posh Mamelodi house as a venue for both his and the other two accused's meetings to incite others.

Dr Rebeiro is alleged to have unlawfully aided or procured aid for three youths other than the two accused to undergo training.

The hearing for formal remand will be heard on October 28 while the actual trial will resume on November 12.

Doctor faces ⁽²³¹⁾ terror charge

RDM 17/10/80

Pretoria Bureau

A MAMELODI medical practitioner, Dr Fabian Defu Ribeiro, 48, and two youths, appeared briefly in the Pretoria Regional Court yesterday on five counts of contravening the Terrorism Act.

Dr Ribeiro, Mr Jan Caiaphus Mashilo, 18, and a 16-year-old youth appeared before Mr W J van den Bergh. No evidence was led and the case was postponed to October 28.

In requesting a postponement, the defence counsel, Mr E Dane, said in terms of Section 85 of the Criminal Procedure Act, his clients could not plead before being furnished with further particulars.

He said only Dr Ribeiro had been served with particulars.

Mr Dane also submitted that the particulars should form part of the charge sheet.

The prosecutor, Mr B G Morrison, conceded that although the State had tried to set out the allegations in detail, the accused could not plead "at this stage" without further particulars.

According to the charge sheet, Dr Ribeiro wrongfully and unlawfully instigated, incited, advised or encouraged several youths during meetings at his Mamelodi home between January and April this year to undergo military training outside the Republic.

He is also charged with supplying the youths with money to catch a train from Eerstefabriek Station to Nespruit on their way to Komatipoort, near the the South African-Mocambique border, for the purpose of receiving military training.

Mr Mashilo and the 16-year-old youth are charged with wrongfully and unlawfully attempting, consenting or taking steps to undergo military training outside the Republic so as to endanger the maintenance of law and order during April this year.

The State further alleges that Mr Mashilo instigated and encouraged a youth to receive military training outside the country during meetings at Dr Ribeiro's house between February and April this year.

Silverton siege trial told of ANC policies

A SOWETO youth has told the Pretoria Supreme Court that the recent bomb outrage at the Oktoberfest in Munich was against the policy of the African National Congress.

Giving evidence in the Silverton Siege trial yesterday, Mr. Petrus Tsepo-Mashigo (19) told the court that at a train-

ing camp in Angola about 120 South Africans who had fled the country were told that when they returned they were not to use methods such as the Red Army in Japan which involved killing civilians.

He said the ANC was against this type of violence where hostages were held, money demanded and if the demands were not met

then the hostages were killed. "We were never to even think of doing what these groups do," he said.

Mashigo said he had left South Africa in 1976, shortly after the riots, but said that had he not discussed finding "a safe place to live in" with friends, he would never have thought of leaving the country.

At school they had been taught policemen were their friends, but the position in 1976 was such that it was contrary to the teaching.

He described to the court how he had taken a train from Johannesburg to Mafeking and then slipped across the border into Botswana.

There he was given the choice of joining the ANC or the Pan African

ist Congress. He said it was explained to them that PAC's policy was that since whites in South Africa had originally arrived in the country by sea, that was the way they should return, while he said he was told the ANC accepted both black and white in South Africa.

Mr. Mashigo said he then decided to join the ANC because he "saw no

reason why whites should be driven back as they had done nothing wrong."

He told how after political lectures, talks on trade unions, physical exercise and lectures on the theory of military training, the group at the camp at Luanda in Angola were taught about targets in South Africa. The hearing is continuing.

Removals

'led to raid on police'

Argus Correspondent

PRETORIA. — The attack on Soekmekaar police station was an 'armed propaganda' attack in protest against the removal of black residents in the area, one of the accused men told the Silverton siege trial today.

Mr Petrus Mashigo was giving evidence in the Pretoria Supreme Court at the trial of himself and eight others.

He said he and five others returned to Mozambique in August last year after receiving military training in various parts of Africa.

He and two other accused in the trial, Mr Johnson Lubisi and Mr Naphtai Manana, and a man called Lungile, met for the first time at Matolo camp when they were briefed on their South African mission.

They were told of the removal of the people of Soekemekaar to a place, unknown to them, which was in a dry area.

'We were told that the people were not satisfied about what was happening and that the Soekmekaar police were assisting in the removal of these people,' Mr Mashigo said.

He said the description 'armed propaganda' in relation to Soekmekaar meant that the attack was intended to show the people of Soekmekaar that the African National Congress sympathised with them and to demonstrate to the police that what they were doing was wrong.

Silverton siege trial told of ANC policies

A SOWETO youth has told the Pretoria Supreme Court that the recent bomb outrage at the Otterbreek in Munich was against the policy of the African National Congress.

Giving evidence in the Silverton Siege trial yesterday, Mr. Petrus Tsepo Mashige (19) told the court that at a train-

ing camp in Angola about 120 South Africans who had fled the country were told that when they returned they were not to use methods such as the Red Army in Japan which involved killing civilians.

He said the ANC was against this type of violence where hostages were held, money demanded and if the demands were not met

then the hostages were killed.

"We were never to even think of doing what these groups do," he said.

Mashige said he had left South Africa in 1976, shortly after the riots, but said that had he not discussed findings with friends, he would never have thought of leaving the country.

At school they had been taught policemen were their friends, but the position in 1976 was such that it was contrary to the teaching.

He described to the court how he had taken a train from Johannesburg to Mafeking and then slipped across the border into Botswana.

There he was given the choice of joining the ANC or the Pan African

ist Congress.

He said it was explained to them that PAC's policy was that since whites in South Africa had originally arrived in the country by sea, that was the way they should return, while he said he was told the ANC accepted both black and white in South Africa.

Mr. Mashige said he then decided to join the ANC because he "saw no

reason why whites should be driven back as they had done nothing wrong."

He told how after political lectures, talks on trade unions, physical exercise and lectures on the theory of military training, the group at the camp at Luanda in Angola were taught about targets in South Africa.

The hearing is continuing.

Good news for Kenya's Moi

STAR 18/10/80 (331) 43
NAIROBI — Kenya's State-run news agency reported in Nairobi yesterday that the South African President, Mr Marais Viljoen, had sent a telegram to President Daniel Arap Moi to tell him that a death sentence imposed on a young South African black had been commuted to imprisonment on appeal.

Earlier this year President Moi asked the South African Government to exercise clemency in the case of James Mange who had been sentenced to death for terrorist activities. — Sapa-AP.



President Daniel Moi

Attack on Soekmekaar was 'armed propaganda'

THE attack on the Soekarno-
police station was an "armed
propaganda" attack in protest
against the removal of black
residents in the area, one of the
accused told the Silverton siege
trial yesterday.

Mr Petrus Mashigo was giving evidence in the Pretoria Supreme Court at the trial in which he and eight others have pleaded not guilty to high treason.

son, murder, robbery with aggravating circumstances and taking part in terrorist activities. He told the court he and five Naphtali Manana, and a man called Lungile, met for the first time at Matolo camp when they were given their South African mission.

He told the court he and five others returned to Mozambique in August last year after undergoing military training in various parts of Africa.

He and two other accused, Mr Johnson Lubisi and Mr

"We were told that the people were not satisfied about what was happening and that the police from Soekinekar police station were assisting in the removal of these people," he said.

The notion "armed propaganda" in relation to Soekrnekaar meant the attack was intended to show the people of Soekrnekaar that the ANC sympathised

and to demonstrate to the police that what they were doing was wrong.

Mr Mashigo said it had been explained to him that people joined the police force believing they were assisting their community, only to find they were involved in doing things against their community.

Staging such propaganda was to show such policemen that

what they were doing was contrary to the wishes of their people.

He said he and his group reconnoitered the area around Soekmehar during the day, and at night to ascertain what time the police station would not be busy and to investigate movements in the vicinity.

They chose a time when they thought there would be only

two people in the change car.
The rest of the station would be
in darkness then and there
would be no one around in the
street.

THE COLLEGE EDUCATED 280:
Mr. Norman Scott, Libby, 28. Mr. Perry
Tate, Memphis, 20. Mr. Nathaniel Manning, Jr.,
New Kensington, Meade, Metropolitan, 27. Mr. Wynn
Benjamin, Tall, 24. Mr. Plummer, Great Falls,
24. Mr. James Patton, 20. Mr. Edwin Jones,
near Boise, 20. and Mr. Thomas A. Morgan, 21.
— Sept

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[]

Mr. Northington, John, Lib., Jan. 25. Mr. Peck,
Treas. Mar. 20. Mr. Nathan, Mar. 20.
Mr. Kewenig, Moses, Moderate, 27. Mr. Hall,
Benjamin, Jan. 24. Mr. Richardson, George, Secy.
24. Mr. Green, Peabody, 20. Mr. Evers, 24.
Mr. Davis, 20. Mr. M. Thayer, 20. Signed
--- Sept 18

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14

Cosas chief is jailed for eight years

By JAKE MOKGOLO

THE president of the Congress of South African Students (Cosas), Ephraim Mogale, 23, and a former student of the University of the North, Thabo Makunyane, 24, were each jailed for eight years after being convicted under the Terrorism Act of furthering the aims of the African National Congress and of communism.

They appeared before Mr W van Zyl yesterday in the Pietersburg Regional Court.

Makunyane was also sen-

tenced to two months on each of two counts of being in possession of subversive literature. This is to run concurrently with the eight-year sentence.

They were alleged to have recruited youths and to have formed organisations and clubs with the aim of preparing them for an uprising.

In his judgment, Mr Van Zyl said that although no harm had resulted from the activities of the two, these could have had disastrous results.

Mr C Farber, defending, asked for the minimum sen-

tence of five years, arguing that the two had acted out of a deep-rooted sense of grievance, anger and frustration.

In mitigation of sentence, Mr Farber quoted several cases in which conciliation and the need to return young men to their families played an important role.

Earlier, Professor N C Manganyi, a psychologist at the University of Transkei, gave evidence in mitigation of sentence.

He told the court it was easy

for black youths to be drawn to the ANC and communism, not because they understood and preferred their ideology, but out of disenchantment with the capitalist system.

World recognition of the ANC had enhanced its importance among blacks in South Africa. As they rejected whites, whom they associated with oppression, blacks took to the ANC. The liberation of neighbouring countries by organisations based outside those countries gave the ANC an attractive image, he said.

SUNDAY POST, October 19, 1980

No hostages for ANC

ASPECTS of African National Congress (ANC) policy, including its opposition to the taking of hostages, emerged in evidence before the Pretoria Supreme Court this week.

Giving evidence in the Silverton Siege trial, Mr Petrus Tsepo Mashigo (19) said about 120 South Africans in a training camp in Angola were told that when they returned they were not to use methods which involved killing civilians.

He said the ANC was against the type of violence carried out by the Red Army in Japan and the bombing at the Oktoberfest in Munich recently. It was also opposed to the taking of hostages for ransom and then killing them if their demands were not met.

"We were never to

SUNDAY POST Reporter

even think of doing what these groups do," he said. Mr Mashigo is one of nine men charged with high "treason", murder, robbery with aggravating circumstances and taking part in "terrorist" activities.

He said the ANC attack on the Soekmekaar police station was an act of sympathy with the people of Soekmekaar who were being removed from their homes to unknown barren areas. He said it was an "armed propa-

Court hears the ANC doesn't believe in killing civilians

eight years in prison for promoting the aims of the ANC and the Pan-Africanist Congress. They are the president of the Congress of South African Students (Cosas), Mr Ephraim Mogale (23), and a member of the

"ganda" attack. "We were told that the people were not satisfied about what was happening and that the police from the Soekmekaar police station were assisting in the removal of these people," Mr Mashigo said.

The attack was meant to show the people that the ANC sympathised with them.

Meanwhile, in the Pietersburg Regional Court, two former Turfloop students were sentenced to

Black Arts Council, Mr Thabo Makunyane (24), both of Seshego. And in the Durban Magistrate's Court, two young KwaMashu men were sentenced to five years each for trying to overthrow the Government by violent means.

They are Mr Mandla James Sibisi (20) and a 17-year-old youth.

In the Transkei Supreme Court, a former counsellor to deposed Chief Sabata Dalindyebo, Mr William Nelani (42),

Black Arts Council, Mr Thabo Makunyane (24), both of Seshego. And in the Durban Magistrate's Court, two young KwaMashu men were sentenced to five years each for trying to overthrow the Government by violent means. They are Mr Mandla James Sibisi (20) and a 17-year-old youth. In the Transkei Supreme Court, a former counsellor to deposed Chief Sabata Dalindyebo, Mr William Nelani (42),

Black Arts Council, Mr Thabo Makunyane (24), both of Seshego. And in the Durban Magistrate's Court, two young KwaMashu men were sentenced to five years each for trying to overthrow the Government by violent means. They are Mr Mandla James Sibisi (20) and a 17-year-old youth. In the Transkei Supreme Court, a former counsellor to deposed Chief Sabata Dalindyebo, Mr William Nelani (42),

Black Arts Council, Mr Thabo Makunyane (24), both of Seshego. And in the Durban Magistrate's Court, two young KwaMashu men were sentenced to five years each for trying to overthrow the Government by violent means. They are Mr Mandla James Sibisi (20) and a 17-year-old youth. In the Transkei Supreme Court, a former counsellor to deposed Chief Sabata Dalindyebo, Mr William Nelani (42),

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Press clippings handed in at siege trial

STAR

20/10/80

[Handwritten signature]

331

Own Correspondent
Newspaper clippings referring to the unrest in Soweto during 1976, were handed in to the Pretoria Supreme Court today.

At the continuation of the Silverton siege trial Mr C Mailer, one of the defence advocates, in his re-examination of Mr

Petrus Tsepo Mashigo (20), asked him if these clippings confirmed his personal experience of what had happened in Soweto during 1976.

Mr Mashigo said reports of the detentions and "indiscriminate shooting" were in accordance with what he saw during 1976,

shortly before he left the country to join the African National Congress.

The clipping came from The Star, The World and the Rand Daily Mail. The extract from The Star on November 10 1976 referred to house-to-house police raids being possibly a result of a call by the West Rand Administration Board for stronger measures against unrest in Soweto.

Earlier in today's proceedings, Mr Mashigo said the shots he had fired in the attack on the Soekme-kaar police station in January this year were not intended to injure anyone.

Mr Chris Jansen, State prosecutor, put it to Mr Mashigo that he has to know people could be injured in the attack and said the evidence of a constable at the police station was that a bullet had struck the frame of the door near to him.

Mr Mashigo was giving evidence at the trial of himself and eight others who pleaded not guilty to high treason, murder, robbery with aggravating circumstances, and taking part in terrorist activities.

The other men are Mr Johnson Lubisi (28), Mr Naphtali Manan (24), Mr Ikanyeng Moses Molebatsi (27), Mr Hloliile Benjamin Tau (24), Mr Phumulani Grant Shezi (24), Mr Jeremiah Radebe (26), Mr Boyce Johannes Bogale (26) and Mr Thomas Mngadi (29).

(Proceeding)

Charges against pupils to stand

EAST LONDON — An application by the Defence for the discharge of 35 pupils at the end of the State case was refused in the Regional Court here yesterday.

The 35 pupils from Adelaide are appearing on a charge of public violence. All have pleaded not guilty.

A 17-year-old youth, in his defence said he was not present when stones were thrown at Constable Johnson Zonke's house and car.

He was with a group of students who had decided to burn their books on the morning of the incident. The police arrived while books were being burnt and threw tear gas at them.

He ran home because his eyes, nose and throat had a burning sensation as a result of the tear gas. On his arrival home he washed and slept until late afternoon.

He denied being near where the stone throwing took place. He said when the police arrived to arrest him they kicked open his door and hit him across the forehead with a torch.

When they placed him in the police van they again hit him across the thigh with a baton. He was further assaulted with a sjambok by Constable Mbulelo Tom.

The students charged are: Miss Lulama Matshisi, 20, Mr Mxolisi Makhonxa, 18, Miss Funiwe Jonga, 18, Miss Nokuzola Wayisa, 18, Miss Maggie Sandra Ntyenge, 18, Mr Tembeka Suiker Toni, 19, Mr Tembeka Mgabile, 18, Mr Tembeka Mbotya, 19, Mr Daniel Mangali, 19, Mr Makhwenkwe Tshanga, 18, Miss Linda Bonani, 19, and 24 others whose ages range from 12 to 17 years. The hearing continues today. — DDR.

Press clippings read out at Silverton trial

RSH
21/10/80

331

NEWSPAPER clippings of reports of unrest in Soweto during 1976 were handed into the Pretoria Supreme Court yesterday when the Silverton Siege trial continued.

Mr C Mailer, for the defence, in his re-examination of Mr Petrus Tsepo Mashigo, 20, asked him if the clippings confirmed his personal experience of what had happened in Soweto during 1976.

Mr Mashigo said reports of the detentions and "indiscriminate shooting" were in accordance with what he saw shortly before leaving South Africa to join the African National Congress (ANC).

The clippings came from the Rand Daily Mail, Star and World.

An extract from the Star of November 10, 1976, referred to house-to-house police raids being possibly a result of a call by the West Rand Administration Board for stronger measures against unrest in Soweto.

Earlier yesterday, Mr Mashigo said shots he fired in an attack on the Soekmekear Po-

lice Station in January were not intended to injure anyone.

He said it had been decided not to shoot at the barracks next to the police station because the attacking group was not sure if there were people inside.

Mr Chris Jansen, the prosecutor, put it to Mr Mashigo that he must have known that people could be injured in the attack, and said the evidence of a constable at the police station was that a bullet struck the frame of a door near him.

The trial continues.

The accused are Mr Ndimbithi Johnson Lubisi, 28; Mr Petrus Tsepo Mashigo, 20; Mr Naphtali Menana, 24; Mr Moses Molebatsi, 27; Mr Hloli Benjamin Teu, 24; Mr Grant Shezi, 24; Mr Jeremia Radebe, 26; Mr Boyce Johannes Bogale, 26; and Mr Thomas Mngadi, 29.

They are appearing before Mr Justice De Villiers and two assessors on a charge of high treason, two charges of murder, 21 of attempted murder, and one of robbery with aggravating circumstances. There are four alternative charges of taking part in terrorist activities. All have pleaded not guilty to all charges.

The murder charges arise from the deaths of two women hostages during the siege of the Silverton branch of Volkskas Bank.

The attempted murder charges arise from injuries to people during the siege, and injuries to two men during an attack on Soekmekear Police Station.

Pupils may testify

21/10/80 ARGUS 231

TWO Guguletu pupils are being held as potential State witnesses in the case in which seven pupils are appearing on charges of sabotage.

The head of the Security Police in the Western Cape, Colonel H Kotze, confirmed to-day that youths are being held under Section 12 (b) of the Internal Security Act as potential witnesses in a sabotage case due to be heard in the Worcester Regional Court on January 26.

They were detained on September 25.

It is not known where they are being held and nobody has had access to them, according to their legal representative.

He pointed out that they have not necessarily agreed to be witnesses at the trial.

The seven pupils accused in the case appeared in the Athlone Magistrate's

Court last week. They were not asked to plead to the three counts of sabotage, alleged to have been committed on September 19 this year and no evidence was led.

Documentation on all seven pupils was handed into the court, signed by the Attorney-General of the Cape, Mr Daniel Jacobus Rossouw.

It said that in the interests of the security of the State and the maintenance of public order, the accused should not be released on bail or otherwise before sentence was passed or till a discharge was granted.

The accused are Oupa Lehulere, 20, the president of the Students' Representative Council of Fezeka High School; Kent Mkhali, 20, the SRC vice-president; Gladstone Mandla Buti, 20; Lonwabo Hashe, 20, and three youths.

49 bullet holes at Silverton - cop

A COLONEL in the Security Police told the Pretoria Supreme Court yesterday that he had found 49 bullet holes in the buildings of the Soekme-
kaar Police Station.

Colonel S J Strydom was recalled as a witness in the Silverton Siege trial to clear up evidence regarding the number of bullets fired at the police station during the attack in January this year.

Cross examination of Mr Naphtali Manana, of the nine accused in the trial and an African National Congress

member involved in the attack on Soekmekaar, continued later.

Colonel Strydom said he could distinguish between marks made by bullets and those made by shrapnel.

In an answer to a question by defence counsel, Mr Jules Browde SC the colonel said bullets tended to make a round mark in the plaster with a hole in the middle.

The men have pleaded not guilty to charges of high treason, murder, robbery and taking part in terrorists activities.

Court told of attack plan

205/23/10/80
331
A SKETCH was made on the back of a cigarette box of the position of the Waltloo petrol and oil tanks in Pretoria in preparation for a possible attack, the Silverton Siege trial heard yesterday.

Under cross-examination in the Pretoria Supreme Court, Mr Moses Molebatsi, said he had made the sketch at the site soon after he and two others from the African National Congress entered South Africa through Swaziland in December last year. On arrival he said they went to a pre-arranged base near Ga-Rankuwa where they armed themselves with three AK 47 rifles previously hidden for them.

Mr Molebatsi, one of the nine men who are accused, told the court they had left a rocket grenade launcher in the hiding place and were prepared to use explosives in the attack on the tanks if this was necessary.

The nine men who have all pleaded not guilty to charges of high treason, and murder, robbery with aggravating circumstances, and taking part in terrorist activities, are: Mr Johnson Lubisi (28), Mr Petrus Tsephe Mashigo (20), Mr Naphthali Mana (24), Mr Ikanyeng Moses Molebatsi (27), Mr Mlotile Benjamin Tau (24), Mr Phumulani Grant Shezi (24), Mr Jeremiah Radebe (26), Mr Boyce Johannes Bogale (26), and Mr Thoman Mngadi (29).

8 Adelaide pupils found guilty

EAST LONDON — Eight of 35 Adelaide students charged with public violence were found guilty in the Regional Court here yesterday.

All the other students were found not guilty when they appeared before Mr S. van Zyl.

Five of the students whose ages range from 14 to 17 were sentenced to 12 months' imprisonment, conditionally suspended for four years.

The other three students, Thembekile Mgabile, 18, Daniel Mangali, 18, and Makhwenkwe Tshanga, 18, were each sentenced to two years' imprisonment, of which one year was conditionally suspended for four years.

Immediately after sentence was passed, Advocate P. Langa, who appeared for them noted an appeal on behalf of the three students who were sentenced to two years' imprisonment.

Each was granted R100 bail pending the outcome of the appeal.

Their appearance is a sequel to disturbance of the peace, burning of school books, stoning police vehicles, the house and car of Constable Johnson Zonke and the municipal beerhall.

A telephone booth was also damaged.

Before passing sentence Mr Van Zyl said he intended dealing differently with the three youths as they were older than the others and there was evidence they were the ring leaders during this incident.

He said he agreed with Mr Langa that young people could be very easily influenced and follow a crowd. — DDR

'Tanks (33) marked for RDM 23/10/80 attack'

A SKETCH was made on the back of a cigarette box of the position of petrol and oil tanks in Pretoria in preparation for a possible attack, the Silverton siege trial heard yesterday.

Under cross-examination in the Pretoria Supreme Court, Mr Moses Molebatsi, one of the nine men who are accused, said that he made the sketch at the Waltloo site soon after he and two other members of the African National Congress entered South Africa through Swaziland in December last year.

He said that when they arrived in the country they went to a pre-arranged base near Ga-Rankuwa where they armed themselves with three AK-47 rifles, which had been previously hidden for them.

Mr Molebatsi told the court they had left a rocket grenade launcher in the hiding place. He added they were prepared to use explosives in the attack on the tanks if this was necessary.

The nine men, who have all pleaded not guilty to charges of high treason, murder, robbery with aggravating circumstances and taking part in terrorist activities, are: Mr Johnson Lubisi, 28; Mr Petrus Tsepo Mashigo, 20; Mr Naphtali Manana, 24; Mr Ikanyeng Moses Molebatsi, 27; Mr Hloile Benjamin Tau, 24; Mr Humulani Grant Shezi, 24; Mr Jeremia Radebe, 26; Mr Boyce Johannes Bogale, 26, and Mr Thomas Mngadi, 29.

The trial continues. — Sapa

Mdleleni, Mayet in court

POST 24/10/83
(331)

MR VUYISILE Horatius Mdleleni (28), former executive member of the banned Black People's Convention (BPC) made a brief appearance with five other men in the Johannesburg Magistrate's Court yesterday.

Also the case against banned journalist Ms Ruby Mayet was postponed in the Johannesburg Magistrate's Court yesterday.

pared with 8,3m a year ago.
The government's composite of economic trends that usually point the way for the overall economy has been turning out extremely strong recovery signals for three straight months, and September's report should make the fourth. As in August, when the index rose 1,9%, September should see at least seven of the 10 component trends pointing to positive economic growth.

But the full recovery that Carter sees before him? That may have to wait until well into 1981, at least according to the government economists who produce the hard numbers for politicians to interpret.

US ECONOMY (331)

No trip-ups

FM 24/10/80

None of the three economic reports that President Jimmy Carter must hurdle before November 4 is likely to trip him up, government economists believe.

On Friday, the Labour Department will report on the consumer price index's performance for September. Next Tuesday, the Commerce Department will produce trade account statistics, and on the following Friday the so-called index of "leading" economic trends that foretell future developments will be published.

By all accounts the numbers likely to be published will not show much of an improvement over the surprisingly good data already made public over the last two months. But then again, there are no disastrous developments waiting like a bomb to explode just before election day.

According to Labour Department economists, the consumer price index measure of retail price inflation will probably show that retail prices for goods and services during September rose between 0,8% and 1,0%. This would put the best known inflation measure very near the "double-digit" annual rate levels for which Carter has been roundly criticised. But government economists are likely to predict that retail price increases will remain "flat" and below the 10% annual level because wholesale prices during September already have been reported to have declined by 0,2%.

It is hard to see how the government can improve on the \$1,06 billion trade deficit the economy ran during August, when the September figures come out on Tuesday. American exports have boomed while the recession this summer cut into imports of foreign goods and petroleum, so that the trade account loss has been less than a third of what it was a year ago. But now the rest of the industrial bloc is headed into recession and the American recovery means more imports.

The best bet in Washington is for a \$2 billion trade deficit in September with the good news that oil imports are still running at about 6,6m barrels a day com-

Women tells of ANC training

RDM 25/10/80 331

Staff Reporter

AN ACCUSED said in the Kempton Park Regional Court yesterday that she was trained in guerrilla warfare and was also taught the ideology of the African National Congress (ANC).

Miss Thandi Ruth Modise, 21, was giving evidence for the second day in a trial in which she and two others are facing charges under the Terrorism Act. She is facing three Terrorism Act charges, one under the Sabotage Act and another of arson or malicious damage to property.

Appearing with Miss Modise are Mr Khowi Moses Nkosi, 24, and Mr Slim Aaron Mogale, 21, both of Soweto. Each faces two charges under the Terrorism Act.

They have all pleaded not guilty before Mr Gert Steyn.

Miss Modise, of Vryburg, told the court under cross-examination that she attended lectures in Tanzania aimed at politicising recruits and to encourage them in the political struggle in South Africa. At these lectures the ideology of the ANC was explained to them.

She said that the ANC's aim was for South Africa to belong to all its people, irrespective of colour. They were told that all the people were entitled to enjoy equal rights with no group dominating the other. Even though one way of achieving

this goal was through "armed struggle", it was said that after the revolution South Africa would need educated people for the reconstruction of the country.

Miss Modise told the court that at Funda, in Angola, she learned that the structure of the military wing of the ANC consisted of intelligence, counter intelligence, propaganda, sabotage, topography, reconnaissance and how to travel at night.

There, she was instructed in guerrilla warfare, which involved knowing the characteristics of firearms. She was taught how to use the "Scorpion" and the "UZI" firearms. She specialised in sabotage and also learned topography and reconnaissance.

Asked by Miss E Waite, for the State, whether she would still continue being a member of the ANC if she was acquitted, Miss Modise said that the ANC would have nothing to do with her in that event because she would be suspected of collaborating with the South African Police.

She said that she met co-accused Mr Nkosi in February, last year, and later gave him a Scorpion firearm, magazines, TNT, sulphuric acid, sodium chloride and capsules, and begged him to put them away for her because of fear of arrest.

The hearing continues on Monday.

Court told of ANC policy

Sun Post
26/6/80
537

THE Pretoria Supreme Court this week heard at least three times that the African National Congress (ANC) was "against indiscriminate killing".

On Tuesday one of the accused in the Silverton Siege trial said he did not believe the attack on the Volkskas Bank in Silverton was by the ANC.

When Mr Naphtali Manana (24) was asked by the defence counsel, Mr Jules Browde SC, if he considered what had happened at Silverton to be "an activity within the scope of the ANC", Mr Manana said he did not think the ANC was involved because the taking of hostages was not ANC policy.

Referring to the Soekmekaar attack in January, Mr Manana agreed there was a possibility that people could be injured in the attack. He said if the ANC group of which he were a part were cornered, "they would not point their guns at the ground."

Later in the week another of the nine accused, Mr Ikanyeng Moses Molebatsi (27), said the policy of the ANC was only to attack targets which were symbols of apartheid, but it was "against indiscriminate killing."

A former Soweto man, Mr Benjamin Tau, also told the court that banks were not ANC targets.

He said his mission in South Africa was to attack the Watloo installations in Pretoria. — SUN.

DAY POST Correspondent

Scars may be from shocks, court told

Scars found on the fingers of a number of youths charged with public violence were consistent with injuries resulting from electric shocks, a doctor told a Strand magistrate yesterday.

He was giving evidence in a hearing to determine the admissibility of statements made by 15 young men charged with public violence. The men, originally all pleaded guilty and were convicted, but their convictions were withdrawn after they claimed that the police administered electrical shocks to obtain statements from them.

The accused were all arrested in connection with incidents of stone throwing during a strike at the Kromrivier Apple Co-operative Ltd in Grabouw on April 25 this year. They are among the 700 seasonal employees of the co-operative who went on strike to demand a minimum weekly wage of R40.

The men who appeared in the Strand Magistrate's Court yesterday were David Dimons, 18; Neville Booyen, 20; Elie Stuurman, 20; Ronnie Claassens, 18; Benjamin Sauls, 21; Sidney Adendorff, 18; Willem Sauls, 18; Moos Konstabel, 18; Jan Palmer, 18; Lancel Koert, 18, and five youths under 18 years.

About 40 people were originally charged. Some have been acquitted and others are due to appear in court on November 10.

The doctor told the court that he had examined a number of the men at a house in Bot River after they were granted bail at a preliminary hearing. He listed their complaints of torture at the hands of the police and the injuries he found on their bodies.

'Tied two wires to my fingers'

He found lesions on the insides of the little fingers of 16 of the 21 men examined. The lesions were consistent with those caused by electric shocks. He could think of no other possible cause of the scars.

Neville Booyen told the court that he had been arrested in Grabouw on April 25 and taken to the police station.

"That (Friday) night, I was taken to an office where two detectives and two (uniformed) policemen sat. They handcuffed my hands behind my back and tied two wires to my little fingers. One of the policemen said I must say that I threw stones. He turned a handle on a machine and I got a shock. I said that I threw stones," he said.

Mr Booyen pointed out a Lieutenant Retief as the policeman who had administered the shocks. He said he had been told by another policeman and by the prosecutor to plead guilty when he appeared in Grabouw Magistrate's Court on April 28. He had then pleaded guilty, but had later changed his plea.

Mr Keith Engers, for the accused, challenged the prosecutor's claim that Mr Booyen had made his statement before being shocked. He said the statement was dated April 27, the Sunday following the alleged torture on April 25.

David Dimons, 18, told the court that he had been arrested on April 25 and was taken to Grabouw police station. Wires had been tied to his fingers and he had been asked whether he had thrown stones. When he had said "no", an electrical current was passed through the wires.

The hearing continues today. Mr Stuurman was remanded in custody. The other men are on bail of R50 each.

The magistrate, Mr A Lemmer, Mr G P Jordaan prosecuted. Mr Engers is being instructed by Frank, Bernardt and Joffe.

28/8/80 ARE US

Conviction for arson set aside

331

FAMILY and friends of two men, who appealed successfully in the Supreme Court, Cape Town, yesterday against their conviction for arson, laughed and cried with joy when the men were discharged.

The men, Mr Frederick Phillips, 27, and Mr Roger Schroeder, 25, both of Worcester, were charged in Hermanus in March this year, under the Terrorism Act. The alternative charge was one of arson.

They were acquitted of the main charge but convicted of arson after a fire broke out at the Evange-

listic Lutheran Church Hall in Worcester in April 1978.

The men were sentenced to three years imprisonment.

Two other men, Mr James Issel, 45, and Mr Clarence Williams Johnson, 24, also of Worcester, were acquitted in Hermanus of both charges on March 13.

Mr Justice Baker, with Mr Justice Rose-Innes, ordered yesterday that the men be released. Reasons would be given at a later stage.

Mr C J van Wyk appeared for the State.

Mr D Scott, instructed by A M Omar and Company, appeared for the two men.

A VRYBURG woman yesterday told the Kempton Park Magistrate's Court she received guerilla training in Angola and Tanzania.

Ms Thandi Ruth Modise (20) is appearing on three charges under the Terrorism Act. She is appearing together with Mr Co-wie Moses Nkosi (24) and Mr Slim Aaron Mogale (21).

They have all pleaded not guilty before Mr Gert Steyn and are represented by Mr Eric Danes and Mr David Soggot, instructed by Matjila and Mokgoatheng.

Ms Modise was giving evidence for her defence

Accused woman tells court of guerilla training

when she told the court that when she placed the explosives among clothes, five at the OK Bazaars and two at Edgars stores in Johannesburg, in March 1978, she was with a certain Mr George Ndlovu. She said bombs could have done more damage and killed people, which was contrary to what she had aimed.

She said she had received training in Angola and Tanzania between Oc-

tober 1976 and January 1978 and she returned to South Africa. She said she had joined the ANC after she had gone to Botswana with the hope of getting a scholarship.

She said while at the ANC camp in Katenga and Funda, she used to assist with first aid. She had training in a number of firearms which she named in court as, among others, Uzi, R1, Makarov and scorpions.

The ANC taught her sabotage, the use of firearms and all kinds of explosives. Bombs would be made, placed at government buildings because that would cripple the government, and as the ANC is fighting the government, it would eventually take over, she said.

If people or the police resisted such a move of placing a bomb somewhere, she would run away, she said. She would

not kill people unnecessarily and in the event of arrest, she would not resist and if that angered the ANC, that would be up to them.

Ms Modise is charged with undergoing military training in Tanzania and Angola between October 1976 and January 1978 with the aim of upsetting the maintenance of law and order in the Republic.

Secondly she is charged with being in possession

of a machinegun, 7.56 calibre shells and 20 rounds of ammunition, TNT and other explosives to propagate the aims of the ANC and placing them at OK Bazaars in Eloff Street and Edgars stores in corner Market and Joubert Streets, Johannesburg, together with Mr. George Ndlovu, on March 14, 1978.

Modise, Mr Nkosi and Mr Mogale are also charged with being in possession of the machine gun ammunition and explosives, and that Mr Nkosi and Mr Mogale rendered help to Ms Modise by concealing the weapons between April 14 to November 5, 1979.

The case continues today.

331

Terror Act accused tells court of vegetable tin containing 'cakes'

I was afraid of cops'

By SELLO RABOTHATA

AFTER being taken to John Vorster Square, questioned on an alleged ANC member's activities and released, a Soweto man went home to take a closer look at the contents of a bag given to him earlier, a Kempton Park Regional Court heard yesterday.

This was said by Mr Showi Moses Nkosi (24) at a trial in which he and two others are facing various charges under the Terrorism Act. Together with him are Miss Thandi Ruth Modise (21) and Mr Slim Aaron Morale (21).

tion.

The bag had been at his home from April to November last year and all this time he had spent anxious moments about it being in his possession. He also thought of what the police would do to him if they found it at his place as he had no lie-

ence for it.

On November 3 when he was arrested and taken to John Vorster Square he heard the security police in another office mentioning the word 'terrorism' and Miss Modise's name and he was shocked. Before he was arrested he did not think seriously of

the other contents in

the bag, but only about the gun.

When he was released he went home. He looked at the contents in the bag and took one of the mixed vegetable tins out of the bag. He was shocked when he opened it and found something like "cakes"

in it."

He had then taken the bag, together with its contents, with the intention of throwing it into the Doornburg dam. After considering for sometime what would happen if Miss Modise told the police about the bag being in his possession, he thought

that that would be his last day. They would kill him, he thought.

He had then decided to take "the cakes" out of the tin and bury them in a bath, that is used for small plants. The gun and magazines he kept in the kist. The hearing continues today.

Miss Modise, of Vryheid, is facing three Terrorism Act charges one under the Sabotage Act and another of arson or malicious damage to property. Mr Nkosi and Mr Morale, of Soweto, each face two charges under the Terrorism Act.

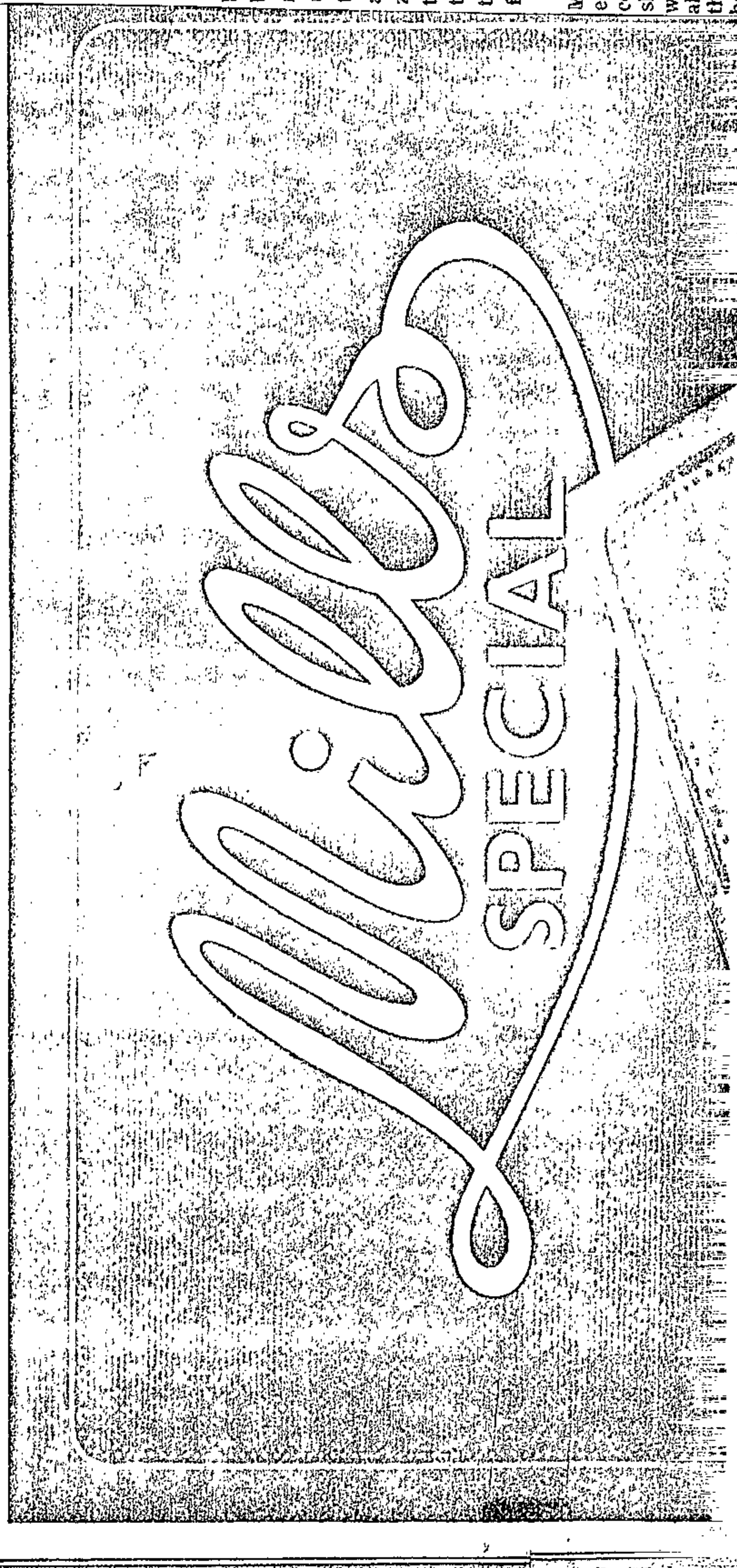
They have all pleaded not guilty before Mr Gertruy Steyn and represented by Mr Eric Dane and Mr David Soggoi instructed by Matjila and Mokgoatheng.

LOVER

Mr Nkosi said that he was given a bag by Miss Modise, who was cited in court as his lover and mother of his child, in April last year. Miss Modise had told him that it contained a friend's gun and other articles.

He said he kept the bag in a kist in his bedroom. At 3 am the next morning he woke up to look at the contents. Inside, he found a scorpion pistol, magazine with ammunition, two tins of mixed vegetables and plastic containers which he took for medicine.

He kept asking Miss Modise when the owner of the bag would come and fetch it and she assured him that he would ultimately come, although he could see that she did not like being asked this ques-



Robben Island man released

A ROBBER Island prisoner, Decon Mathe (22), one of the nine Atterdiggville men convicted this year on charges under terrorism act, was yesterday set free by an appeal court. , POST 29/10/80 (33)

The Transvaal Supreme Court in Pretoria yesterday set aside both Mathe's conviction and sentence while confirming conviction and sentence of the other eight men.

Those still to serve their sentences at the Island are: Thamsanqa Gerald Mkhwanazi (38), a POST reporter, Sermiah Kgokong Majatladi (23), Ronald Mamoepa (19), Lebogang Christie Mokone (18), Petrus Senabe (22), Andrew Moeti Phala (18), Cornelius Leeu (18), and a 17-year-old youth.

Mkhwanazi and Majatladi were each sentenced to seven years imprisonment while the others, including Mathe were sentenced to five years imprisonment each at the Pretoria Regional court.

For Mathe, this means that he will be released from Robben Island, after being there for the past seven months.

This judgment was delivered by Mr Justice Theron following an appeal against conviction and sentence of the nine's hearing on September 15. They were represented by Mr A Wilson SC on instruction from a Pretoria black lawyers' firm.

Security police tortured workers, court told

A SECURITY POLICEMAN forced a 17-year-old youth to stand barefooted on a set of wires while an electrical current was passed through them, a Strand magistrate heard yesterday.

The youth told the court he was shocked for about 10 minutes continuously. When he jumped off the wires, the policeman held him back on them. The shocks were stopped when he said that he had thrown stones during a strike at a Grabouw factory.

The youth and 14 others are charged with public violence following incidents of stone-throwing during the strike at the Kromrivier Apple Co-operative Ltd near Grabouw on April 25 this year. They pleaded guilty and were convicted, but the convictions were overturned following claims that they were tortured by the police to make statements admitting guilt.

The youth said he later made a statement after another policeman told them that those who continued to plead not guilty would "climb the walls". At a hearing in the Grabouw Magistrate's Court on April 28, the prosecutor, Sergeant Christoffel Otto, told him to plead guilty as this would "make things easier for me", he claimed.

The accused, who appeared in a "trial-within-a-trial" to determine the admissibility of their statements to the police, are Dawid Damons, 18, Neville Booysen, 20, Flip Stuurman, 20, Ronnie Claasens, 18, Benjamin Sauls, 21, Sidney Adendorf, 18, Willem Sauls, 18, Moos Konstabel, 18, Jan Palmer, 18, Leon Koert, 18 and five youths under 18 years.

A security policeman stationed at Stellenbosch, Lieutenant Marius Gerhard Retief, who was pointed out as the alleged torturer by several of the accused, denied administering shocks to any of them and said he did not know of scars on their fingers.

Dr Jonathan Myers testified on Monday that most of accused had lesions on their little fingers which were consistent with injuries caused by electricity burns.

Lieutenant Retief said the security police's interest in the case was to determine "who was behind the strike" and he did not find it necessary to take written statements.

He said he had questioned nearly all the men in an office at Grabouw police station throughout the night of April 25. He had no apparatus with which shocks could be administered and there were no "wires". The only source of electricity was the wall plug.

Asked by Mr Keith Engers, for the accused, whether he had done a course in basic electricity during his police training, Lieutenant Retief turned to the magistrate and asked whether he had to answer the question. He later said: "My training does not include any course in electricity."

Sergeant Hugo Lamprechts, who took statements from some of the accused at Grabouw police station, said he could not explain why the times on several statements were the same. The statements of Benjamin Sauls and Ronnie Claasens were both marked "2.30" and those of Leon Koert and Moos Konstabel "2.45". Sergeant Lamprechts said he had read out their rights to the accused and told them that they had the choice of whether to make a statement. He denied that details on the statements were filled in previously and that the men were only asked to sign. No one was forced or threatened to make a statement, he said.

Dr Francois Badenhorst, a district surgeon from Stellenbosch, told the court that if an electrical current strong enough to cause visible lesions was passed through a human body from a point on the left to a point on the right, the current would pass through both the heart and brain and the person would die. He said this would depend on the voltage and whether the shock was by direct or alternating current.

Dr Badenhorst conceded that a person could survive a shock by alternating current (AC) of a very high voltage and that the voltage of alternating current — always installed for domestic use — could be altered by using a transformer.

The hearing was postponed to December 18. Mr Stuurman was remanded in custody. The others are on bail of R50 each.

The magistrate was Mr J M Lemmer. Mr G P Jordaan prosecuted. Mr Engers was instructed by Frank, Bernardt and Joffe.

Cape Times
29/10/80
331

Rebeiro pleads not guilty to charges

POST
29/10/80
331

DR Fabian Defu Rebeiro (42), Mr Jan Kaifers Mashilo (18) and a 16-year-old youth yesterday pleaded not guilty to the charges under the Terrorism Act at a Pretoria regional court.

The three men — all of Mamelodi, appeared for the second time under these charges.

Dr Rebeiro and the other two had refused to plead at the initial hearing and instead requested, through their legal representative, for further particulars regarding the charge sheet.

The case has been adjourned to No-

vember 12 for hearing. Dr Rebeiro is charged with inciting three youths to undergo military training outside the country's borders with the aim of returning to endanger the maintenance of law and order.

He was also alleged, according to the charge sheet, to have used his posh Mamelodi house as a venue for both accused's meetings to incite others. Mr Mashilo and the other youths are charged with attempting to quit South Africa in a bid to undergo military training and of inciting others to do likewise.

Seven appear in court under Terror

Act ^{pos 7} 30/10/80

SEVEN men appeared briefly in the Pretoria Regional Court today on charges under the Terrorism Act.

They are Arthur Elliot Phalatse (22), Thabo Simon Ndlovu (19), Jannitjie Malaya Chiloane (24), William Mitwampe Mampuru (18), Tshupo Albert Moflana (23), Ezekiel Cupa Masuku (23) and Matone Joseph Masuku (24).

They were not asked to plead. The case has been postponed to November 6. All seven were remanded in custody.

Mr W G Pruis was on the bench and Miss M Venter appeared for the state.

Terror trial ^{RDM} defence ^{30/10/80} closes ^{33/} its case

By MONTSHIWA MOROKE

IN THE Kempton Park Regional court yesterday the defence closed its case at the trial of two men and a woman facing various charges under the Terrorism Act.

The accused are Miss Thandi Ruth Modise, 21, Mr Khosi Moses Nkosi, 24, and Mr. Slim Aaron Mogale, 21.

Miss Modise, of Vryburg, is facing three charges under the Terrorism Act, one under the Sabotage Act and another for arson or malicious damage to property.

Mr Nkosi and Mr Mogale, both of Soweto, each face two charges under the Terrorism Act.

All have pleaded not guilty before Mr Gert Steyn.

Giving evidence yesterday Mr Mogale said he was a cousin of Miss Modise and that he was detained early in 1979 while studying for an electrician's course.

Mr Mogale said he first met Miss Modise in 1974, when he had gone to Vryburg to visit her family.

He told the court that at the beginning of last year, while he was attending a relative's party in Eldorado Park, an argument ensued between Miss Modise and a relative. He said Miss Modise called him outside and asked him to do her a favour by taking a bag home overnight for her.

"When I asked her what was in the bag, she said she would tell me later.

"She came out with the bag when we left the party for my Meadowlands home. When we got home, I asked her what was in the bag and she replied that there was a gun inside. We went into the bathroom where she opened the bag and showed me the gun. She said it belonged to a friend, for whom she was doing a big favour."

Mr Mogale said that inside the bag he also saw two tins he thought contained vegetables, ladies' clothes and magazines containing ammunition.

He said he thought the gun belonged to Miss Modise's boyfriend, who could have used it either for self-protection or for committing robberies.

He said he was afraid and went to call his elder brother, George, and told him he had brought a gun home. His brother told him if their father found there was a gun in the house, he would be angry. He assured his brother that he would take the gun away the next morning.

Mr Mogale said that next day on his return from school he

Mr Nkosi introduced himself and said he was Miss Modise's boyfriend.

He said Miss Modise handed the bag containing the gun to Mr Nkosi as he was leaving.

Argument was postponed to Monday.

Court is told of argument and threat to tell the cops

By SELLO RABOTHA

AN argument at a party and a threat to set the police on her led an alleged ANC member to ask her cousin to look after her bag, containing a gun, for a night, a Kempton Park Regional Court heard yesterday.

Mr Slim Aaron Mogale (21) was giving evidence in a trial in which he and two others are facing various charges under the Terrorism Act.

Appearing with him are Ms Thandi Ruth Modise (21) and Mr Cowie Moses Nkosi (24).

Ms Modise of Vryburg, is facing three Terrorism Act charges — one under the Sabotage Act and another of arson or malicious damage to property. Mr Mogale and Mr Nkosi of Soweto, each face two charges under the Terrorism Act.

They have all pleaded not guilty before Mr Gert Steyn and are represented by Mr Eric Dane and Mr David Sogot, instructed by Matjila and Mokgoatheng.

he went to tell his brother, George, about the gun and showed it to him. George said their father would be very angry if he knew there was a gun in the house.

In the morning they left taking the bag along. However, Thandi

alighted on the way, leaving the bag behind. He and George then came back with the bag and he left for school.

On his return he found Thandi and Mr Nkosi in the dining room. He greeted Mr Nkosi and Thandi followed him in-

to the kitchen where she told him they had come to fetch the bag.

The three then left with Mr Mogale carrying the bag until they reached a taxi rank where he gave it to them and they got into a taxi. He said he did not know that

Mr Modise was a guerrilla. All he knew was that she was in Botswana, attending school and that she had returned because there was unrest at the school.

He denied that he and Thandi ever discussed politics and that Thandi

had told him that he should join the father. He said even if she had said that to him, he would not have been interested. She had spent most of her time with George, he added.

The hearing continues on Monday.

Mr Mogale, who is a cousin of Ms Modise, told the court that he and Mr Ben Modise had gone to a party in Eldorado Park. Later they decided to fetch Thandi as Ben wanted to see her.

ARGUMENT

After fetching Thandi, they returned to the party. Thandi later had an argument with another woman at the party. She then called Mr Mogale and they went outside where she told him that she wanted him to keep a bag for her.

He said she told him that the other woman had threatened to set the police on her. When he asked what was in the bag, she promised to tell him later and she looked as if she was about to cry.

Mr Mogale, Thandi and Ben then left for the flat where Thandi was staying to get the bag. After searching for the bag, Thandi said she would be going to sleep at Mr Mogale's home in Meadowlands, Soweto.

Thandi told her then that there was a gun in the bag and that she was doing a friend a big favour by keeping it. When they reached Meadowlands, she showed the gun to him while they were in the bedroom. He then hid the bag in a shelf in the bathroom.

He said he was very frightened for it was the first time he had seen a real gun. He then said

Banned Sobukwe pamphlet — appeal

THE Supreme Court, Cape Town, yesterday reserved judgment in an appeal against conviction and sentence of a man who was sentenced to nine months imprisonment suspended for four years for printing a pamphlet which quoted the late leader of the Pan African Congress, Mr Robert Sobukwe.

Abdul Quyum Sayed, 30, of Belgravia Road, Athlone, pleaded not guilty in the Cape Town Regional Magistrate's Court to contravening the Internal Security Act.

Mr Sayed worked for a firm, S and S Printers in Athlone. The firm published a pamphlet entitled: 'Heroes of yesterday — martyrs of the struggle.'

NOT READ

Mr K Engers, for Sayed, said that Sayed did not know there was offensive material in the pamphlet and said that Sayed did not read the pamphlet.

Mr J Slabbert, for the State, said that Sayed was untruthful when he said that he did not read the pamphlet and alternatively, if he did not read the pamphlet he was negligent in not doing so.

Mr Justice Watermeyer, the Judge President, with Mr Justice Friedman, reserved judgment.

Mr Engers was instructed by A M Omar and Company.

Trial of twelve juveniles adjourned

Argus Representative

GRAHAMSTOWN. — The Judge-President, Mr Justice Cloete, today adjourned the trial of 12 juveniles who are appearing on charges of murder and public violence to see if a compromise agreement can be reached between the defence and State on the manner in which alleged statements of eight of the accused should be dealt with by the court.

An agreement might shorten proceedings, he said.

The adjournment followed a complaint by defence leader Mr A S K Pitman that though the State had made certain factual admissions which were in essence the same as the contents of most of the alleged statements by the accused to a magistrate and a police officer, the State was apparently unwilling to accept this procedure at a trial-within-a-trial to test the admissibility of the statements as evidence at a trial proper.

NON-ISSUES

If it was intention to introduce other matters at the trial, the court's time should not be taken up with non-issues.

In reply, Mr Chris Nel for the State, said the State's case was an allegation of common purpose which led to the stoning to death of a taxi-driver and leader of the Peacemaker Vigilantes, Mr Alfred Soay, 42, on May 13.

The judge suggested that it might be advisable to have further discussions between the parties to see if the defence's difficulties could be met.

(Proceeding)

CURRICULUM VITAE

Klaas van der Poel

Has a degree in Operations
been with Shell International
as an international consultant.
His experience includes
financial management, management

He has taught courses in
Research at the Business School
Stellenbosch.

He is recognised as a member of the
Society of South African Engineers
design of industrial systems.

Reporter has bail extended

Own Correspondent

CAPE TOWN. — Journalist Zubaida Jaffer, 22, who is facing 19 charges of being in possession of banned documents, appeared briefly before a Cape Town magistrate yesterday.

Miss Jaffer, a reporter with the Cape Times, was not asked to plead and the hearing was postponed to November 19.

At a previous appearance on October 15, Miss Jaffer was granted bail of R500 after being held in detention.

Yesterday bail was extended.

According to the charge sheet Miss Jaffer is charged in terms of section 8 (1) (d) of Act 42 of 1973, the Publications Act.

She is alleged to have been in possession of banned publications on September 3 this year.

Mr B Carroll was on the Bench, Mr N Jones prosecuted and Mr A M Omar represented the accused.

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Argus Correspondent

GRAHAMSTOWN — The head of the Port Elizabeth Murder and Robbery Squad, Major C J Strydom, told the Grahamstown Supreme Court he had no ulterior motive in taking a statement from an accused in the Peacemaker murder trial except to have an accurate record of events.

Major Strydom added that it was quite impractical to refer every suspect in a serious case to a magistrate for the purpose of making a statement, before it was known that the suspect intended to say.

He had been asked by leading defence counsel, Mr A S K Pitman, why he had himself taken down a statement from the No 1 accused before referring him to a magistrate.

139 SCREENED

Explaining the background of events in mid-May last year when a vigilante, Mr Alfred Soya, 42, was stoned to death, Major Strydom said that on the day after the murder about 139 youths went to the Grahamstown police

No ulterior motive — police chief

6/11/80 Argus
(331)

station to contact friends who had been held in connection with the killing. He instructed that they should be screened to see whether they might be implicated.

POINTED OUT

The No 1 accused, who said he was 15 and may not be named, had been pointed out to him as having been seen with a large blood-splattered stone with which Mr Soya was allegedly struck. After warning him under judges' rules of his rights, he asked him whether he wanted to make a statement.

The accused agreed and he took it down as a

correct record of what he had been told for use in evidence. Later the youth was sent to a magistrate to repeat what he had said.

He had no ulterior motive in taking the statement, except to have an accurate account which might also prove No 1's innocence.

But, in a widespread investigation at a time of great unrest, it would not have been practical to send the accused with about 20 other suspects to make statements to two of the three magistrates available in the city. Another difficulty in this case was that it happened to be a public holiday — Ascension Day.

Siege trial defence plea

CONSPIRACY to overthrow a constituted government by force was treason, Mr Jules Browde, SC, the Silverton siege trial defence counsel, said yesterday in argument in the Pretoria Supreme Court.

He said the men charged denied that by merely joining the African National Congress (ANC) — whose aim it is to overthrow the Government by violence — each was criminally liable for the acts of all other organisation members.

Mr Browde said the men denied being in any way connected with or responsible for the Silverton siege, the murders of Miss Cynthia Anderson, and Mrs Anna de Klerk, the attempted murder of the hostages and Constable M Mashapa.

He said Mr Moses Molebatsi, Mr Hloile Tau, Mr Grant Shezi, Mr Jeremia Radebe, Mr Boyce Bogale and Mr Thomas Mngadi denied being in any way connected with or responsible for the attack on Soekmekaar Police Station.

Though admitting the attack, Mr Neimbithi Lubisi, Mr Petrus Mashigo and Mr Naph-tali Manana denied being guilty of attempted murder, because they did not have the intention to murder anyone.

They also denied that the incident involving Mr P Montie's van amounted to robbery.

Mr Molebatsi denied ever being in possession of arms found at Springs, and Mr Shezi denied that he attempted to recruit two people for the ANC.

Mr Browde submitted that the State's reliance on a common purpose in respect of each act individually done in execution of the conspiracy was contrary to principles of law.

The accused are: Mr Neimbithi Johnson Lubisi, 28; Mr Petrus Tsopo Mashigo, 20; Mr Naph-tali Manana, 24; Mr Moses Molebatsi, 27; Mr Hloile Benjamin Tau, 24; Mr Grant Shezi, 24; Mr Jeremia Radebe, 26; Mr Boyce Johannes Bogale, 20; and Mr Thomas Mngadi, 29.

They are appearing before Mr Justice De Villiers and two assessors on a charge of high treason, two charges of murder, 21 of attempted murder, and one of robbery with aggravating circumstances. There are four alternative charges of taking part in terrorist activities. All have pleaded not guilty.

The murder charges arise from the death of two women hostages during the siege of the Silverton branch of Volkskas Bank. The attempted murder charges arise from injuries to people during the siege, and injuries to two men during an attack on Soekmekaar Police Station. — Sapa

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CURRICULUM VITAE

Jailings lead to freedom songs in courts

Staff Reporter

FREEDOM songs were sung yesterday in the Kempton Park Regional Court after a woman and two men had been jailed under the Terrorism Act.

Appearing before Mr Gert Steyn were Thandi Modise, 21, of Vryburg; Moses Nkosi, 25, of Central Western Jabavu in Soweto; and Aaron Slim Mogale, 21 of Meadowlands.

Modise was convicted on three charges under the Terrorism Act. She was sentenced to a total of 10 years, but will effectively serve eight years.

Nkosi was sentenced to five years. His counsel lodged notice of appeal and bail was fixed at R2 000.

Mogale was sentenced to two years and six months, suspended for five years.

None had previous convictions. They had pleaded not guilty to all charges, arising from acts alleged to have been committed between 1976 and 1977.

The three accused and spectators started singing freedom songs soon after the magistrate had passed sentence and left the court.

The magistrate said before passing sentence that the accused had committed serious offences, but he would consider that they had spent a year in custody.

He added that he would be fair to them and society when passing sentence. The interests of society, law and order would also be considered.

Mr Steyn said Mogale had committed an offence by keeping articles belonging to Modise, who had left the country for military training.

He said Mogale had no political motivation, but was drawn to commit the offence by circumstances beyond his control.

Modise had told the court under cross-examination that she had trained in guerrilla warfare outside South Africa.

She said that the African National Council's aim was for South Africa to belong to all its people, irrespective of colour.

Modise said her baby, born in custody, was named after a Security Police sergeant who had been kind to her.

"I called my baby Nicolette after Sergeant Nico Deetlefs, who treated me like a fellow human being," she said.

Court wants police attack plans

By TONY STIRLING
Chief Reporter

THE judge in the the Silverton Siege trial at the Pretoria Supreme Court yesterday asked for detailed plans of Soekmekaar Police Station, with various points marked on it so that he could decide what occurred in the attack earlier this year.

With the trial drawing to a close, the court yesterday dealt with aspects of the arguments of the Defence and State.

The difficulty of the State's case — that of holding all accused criminally liable for all the overt acts listed in the annexures to the charges — was that there was no suggestion in the evidence that they all knew of or were consulted about the Soekmekaar incident.

Mission were kept secret from everyone except the person actually given the mission, and activities in Natal were apparently quite separate from those in the Transvaal.

Mr Jules Browde, for the defence, submitted that the evidence of Constable Mashaba in connection with the attack on Soekmekaar Police Station should be rejected because it conflicted with the evidence of two other police witnesses.

Mr Browde submitted that had shots been fired into the police station building above Constable Mashaba's head, as testified, these were sure to have been shown in the comprehensive array of police photographs handed in to the court.

So would any bullet damage to the inside of the police station.

Mr Brodie said there was a reasonable possibility that the version of those accused involved in the attack on the police station — that they had reconnoitred the building and had not intended to kill anyone — was true.

He said accused Mr Petrus Tespo Mashigo had been in a position to kill either of the policemen involved in the incident, but had not done so.

The judge, Mr Justice De Villiers, said he wanted to get at the truth relating to what occurred at Soekmekaar, and was prepared to have Constable Mashaba recalled if necessary, and hold an inspection in loco.

After a meeting between defence counsel and the State, it was agreed to hand in a detailed plan of the police station with photographs to assist the court.

The hearing continues on Monday.

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The accused: Mr Ndimbithi Johnson
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injuries to people during the siege, and injuries
to two men during an attack on Soekmekaar
Police Station.

Terror Act (33/)
574A 12/11/80
case adjourned

The case of six men accused under the Suppression of Terrorism Act was adjourned to November 14 in the Johannesburg Magistrate's Court today.

The six men are Mr. Themba Tshongwe, Mr. Vuyile Ndeleni, Mr. John Maduk, Mr. Sipho Nshlapo, Mr. Patrick Geboutloe, and Mr. Norman Monyapatoe.

13-11-80 2pm (331)

Terror trial in camera

Pretoria Bureau

Members of the Press and public were barred from the Pretoria Regional Court yesterday during the trial of a Mamelodi medical practitioner and two youths who are charged under the Terrorism Act.

Only families of the accused were allowed in court. This was the second time the case was heard in camera. The first occasion was last month when the accused pleaded to the charges.

Dr Ribeiron, Mr Jan Caia-phus Mashilo, 18, and a 16-year-old youth, who are appearing before Mr W J van den Bergh,

have pleaded not guilty to five charges under the Terrorism Act.

The prosecutor, Mr B G Morrison, said yesterday it was the arrangement of the court that the case be held in camera.

According to the charge sheet, Dr Ribeiro wrongfully and unlawfully incited, instigated, advised or encouraged several youths during meetings at his house between January and April this year to undergo military training outside the Republic which would endanger the maintenance of law and order.

He is also charged with supplying the youths with money for buying tickets so they could leave Eerstefabrieke Station for Nelspruit on their way to Komatipoort near the South African Mozambique border for the purpose of receiving military training.

Mr Mashilo and the 16-year-old youth are charged with allegedly attempting to undergo military training in April this year.

The State further claims that Mr Mashilo instigated and encouraged a youth to receive military training during meetings at Dr Ribeiro's house.

Island man may appeal

Own Correspondent

MARITZBURG. — A 25-year-old man, currently serving a 20-year sentence on Robben Island, was granted leave to appeal to the Appellate Division against his sentence in the Maritzburg Supreme Court yesterday.

The Judge President, Mr Justice James, who sentenced Godfrey Khumalo in March last year, said a different court might impose a different sentence on at least one of the counts for which Khumalo was sentenced. Since all counts were inextricably interlinked, he would grant Khumalo the right to appeal on all counts.

Khumalo was charged with entering South Africa with explosives and weapons after undergoing military training outside the country, and was sentenced for conspiring to commit murder and malicious damage to property.

Murder charge teenagers freed

GRAHAMSTOWN. Three teenagers have been discharged in the Grahamstown Supreme Court at the end of the State case against 12 youths charged with the murder of a vigilante, Mr Alfred Soya.

The Judge President of the Eastern Cape, Mr Justice Cloete, said yesterday there was no evidence implicating two of them in the murder or in the second charge of public violence.

The third was implicated in the evidence of one witness, Mr Monde Kelekete, who earlier told the court he had seen the youth throw a large stone on Mr Soya's head after he had fallen in the grounds of the Andrew Moyake Higher Primary school.

Mr Justice Cloete discharged him on the grounds that Mr Kelekete's evidence "was such that no reasonable person could convict on the basis of it".

The youths are accused of stoning Mr Soya to death on May 14 when he and other members of the Peacemakers group attempted to break the school boycott.

At the end of the State case yesterday the court held an in loco inspection at the school in Fingo Village.

The last State witness, Warrant Officer J W Strydom of the Port Elizabeth Murder and Robbery Squad, told the court he had been in contact with the Peacemaker vigilante group for the past year, while doing investigative work in Grahamstown.

WO Strydom said the Peacemakers were a self-appointed group whose aim was to counter unlawful activity.

He was aware of a few incidents in which they had landed in trouble through their lack of knowledge of the law.

Several Peacemakers had applied to join the police reserve. Of these, some 20 would probably be accepted. Others would be rejected as they had criminal convictions.

The case was adjourned until Monday for argument. — Sapa.

Peacemaker trial — 3 of 12 teenagers discharged

Argus Bureau

GRAHAMSTOWN.

Three of the 12 teenagers accused in the Peacemaker murder trial were discharged at the end of the State case yesterday afternoon, two for lack of evidence implicating them in the death by stoning of Mr Alfred Soya, 42, on May 14, and a third because of unsatisfactory evidence by the only adult State witness in his case. The court has adjourned to Monday when legal argument will be heard. All the accused teenagers

14/11/80 ARMS
agers have pleaded not guilty to the charges of murder and of public violence.

Earlier yesterday, the court carried out an inspection in loco at the Andrew Moyake School in the Fingo village where the clash took place between a group of Peacemakers and school boycotters as well as many adults.

The Judge, President, Mr Justice Cloete is hearing the case with two assessors, Mr A F Redpath and Mr J J L de Villiers. Mr A S K Pitman and Mr P J Miller instructed by Neville Borman and Botha are appearing for the defence. Mr C Nel is appearing for the State.

Terror trial court cleared

331

The presiding magistrate ordered a packed courtroom cleared today in a Terrorism Act trial in the Johannesburg Magistrate's Court.

Mr F Z Krynauw ordered out of the court more than 75 friends and relatives of accused — Mr Themba Tshongwe, Mr Norman Monyepote, Mr Patrick Gaboathoeloe, Mr Vuyisile Mdeleleni, Mr Sipho Mhlapo and Mr John

Matona.

STAR 14/11/80
The reason he gave was that at a previous appearance on Wednesday, as the court rose, "there was screaming and shouting to such an extent that other courts had to adjourn."

At the end of the previous hearing, spectators had shouted "amandla" ("power").

Today, however, the spectators were quiet and

orderly before and during their ejection from the court.

Mrs P Jana, for the defence, said she wanted to place on record that no charge sheet had been received. "We have no indication of how many charges there are or what the charges are at this stage."

Mr Krynauw ordered that the six accused remain in custody.

Leave to appeal given

NM 14/11/80

Pietermaritzburg Bureau

331

A 25-year-old terrorist who is currently serving a 20-year jail sentence on Robben Island was granted leave to appeal to the Appellate Division against his sentence in the Supreme Court here yesterday.

The Judge President, Mr Justice James, who sentenced Godfrey Khumalo in March last year, said there was a chance that a different Court could impose a different sentence on at least one of the counts for which Khumalo was sentenced.

Therefore, he said, he should grant Khumalo the right to appeal on all the counts, particularly since they were all inextricably bound with one another.

Court is cleared in poet's trial

Staff Reporter

A CROWD of people packing the public gallery were ordered from a courtroom in the Johannesburg Regional Court yesterday at the appearance of banned black poet, Mr Vuyisile Mdleleni, and five others charged under the Internal Security Act.

The magistrate, Mr F Z Krynauw, ordered that about 50 friends and relatives of the men leave court as, at the previous hearing, "there was a shouting and screaming to such an extent that other courts had to adjourn", he said.

According to a bystander there were exclamations of "amandla" (power).

Yesterday the case against Mr Mdleleni, 28, a founder

member of Medupe (a black consciousness writers' organisation) and ex-official of the Black Community Programme (cultural section), and five other men was postponed to January 19.

The others are a staff member at the University of the Witwatersrand, Mr Themba Tschongwe, 26, Mr Norman Monyepote, 39, Mr Patrick Gaboathoeloe, 46, Mr Siphonhlapo, 18, and Mr John Matana, 24.

All the men are in custody.

Mrs Pricilla Jana, acting on behalf of the men, told the court she had not yet been furnished with a charge sheet. She added she did not know how many charges there were, or what they were.

Marathon siege trial nears end

STAR
17/11/80

331

Own Correspondent

The Silverton siege case could be divided into four separate facets, involving different accused persons, Mr Justice J de Villiers said in his judgment which started in the Pretoria Supreme Court today.

The main argument by the state was that there was a conspiracy among the accused and that all were guilty of high treason, murder and attempted murder.

The judge said that the first aspect of the case was the attack on the Soekmekaar police station in which Mr Johnson Lubisi, Mr Petrus Mashigo and Mr Naphtali Manana were allegedly involved. This also had to do with the charge of robbery with aggravating circumstances and two charges of attempted murder.

Then there was the Silverton siege and the intended attack on the fuel storage depot at Waltloo among others.

Mr Justice de Villiers said the second aspect also involved the establishment of a base near Ga-Rankuwa and possession of explosives. Mr Ikanyeng Moses Molebatsi and Mr Hloli Benjamin Tau were allegedly involved in these crimes.

The third aspect was the intended attack on administration board buildings in Durban and

further charges in which Mr Phumulani Grant Shezi and Mr Jeremia Radebe were allegedly involved.

The last two accused, Mr Boyce Johannes Bogaie and Mr Thomas Mngadi, were allegedly involved in an incident in Vryheid, Natal.

The judge found that the banned African National Congress (ANC) was involved. Its goals, how it developed and changed from an apparently peaceful organisation to an organisation which in later years became militant, was also relevant.

Mr Justice de Villiers referred to the evidence of Lieutenant-Colonel H Stadler, of the Security Branch, Durban, who gave expert evidence on the ANC.

DOWNFALL

The State alleged that the conspiracy took place in that the accused men had joined the organisation knowing what they goals were, namely an armed attack on certain targets in South Africa in an attempt to bring about the downfall of the Government.

Each of the accused the state alleged, aligned himself with these goals and received training which, apart from the political nature, included the handling of explosives, weapons, launches and automatic weapons.

Colonel Stadler's evidence was that the ANC started 1912 as the South African Native Congress. In 1925, the name changed to the African National Congress or just Congress.

In 1943 the constitution changed to protect the interests of all black people. Evidence was that in 1944 Nelson Mandela started playing a greater role and started a youth brigade in which Walter Sisulu and Oliver Tambo also played roles.

The organisation became more militant. Marches were organised in the early 1950s.

Alliance organisations were also formed.

Two factions started clashing in the organisations with the eventual split and the formation of the Pan Africanist Congress, which did not allow whites into its ranks.

Mr Justice de Villiers said the ANC's militancy led to two confrontations, one at Sharpeville. After this, the ANC and the PAC were banned.

In 1961 the ANC met at Maritzburg under the leadership of Chief Albert Ntuli. An ultimatum was given to the Government to call a convention of all parties and all races to discuss the rights of non-whites. No notice was taken of this ultimatum, and the organisation turned to violence.

Summing up in the Pretoria Supreme Court, Mr Justice de Villiers said: "Nowhere in Sechaba (mouthpiece of the ANC) is there any evidence that the ANC as an organisation distances itself from what is done.

"Not only does it not distance itself but it takes pride in it," he said.

The judge referred to several issues of Sechaba used in the evidence.

One article headed "We are at war" stated: "This land of ours was taken away by bloodshed. We will take it back with bloodshed."

The ANC had to depend on outside help in the form of weapons, ammunition, money and training.

One of its main aims was to have hiding places in other countries, Mr Justice de Villiers said.

One of the aims of the ANC was the release of political detainees.

A growth in bomb attacks was referred to in an article in 1978.

More than 30 acts were attributed to the ANC, including the bomb at the Carlton Hotel, a bomb outside Germiston station and one at the Benoni railway station.

(Proceeding)

ANC was
proud of
its deeds
— judge

Own Correspondent

The African National Congress (ANC) did not distance itself from its deeds, the Silverton siege trial heard today.

Russell appeals against sentence

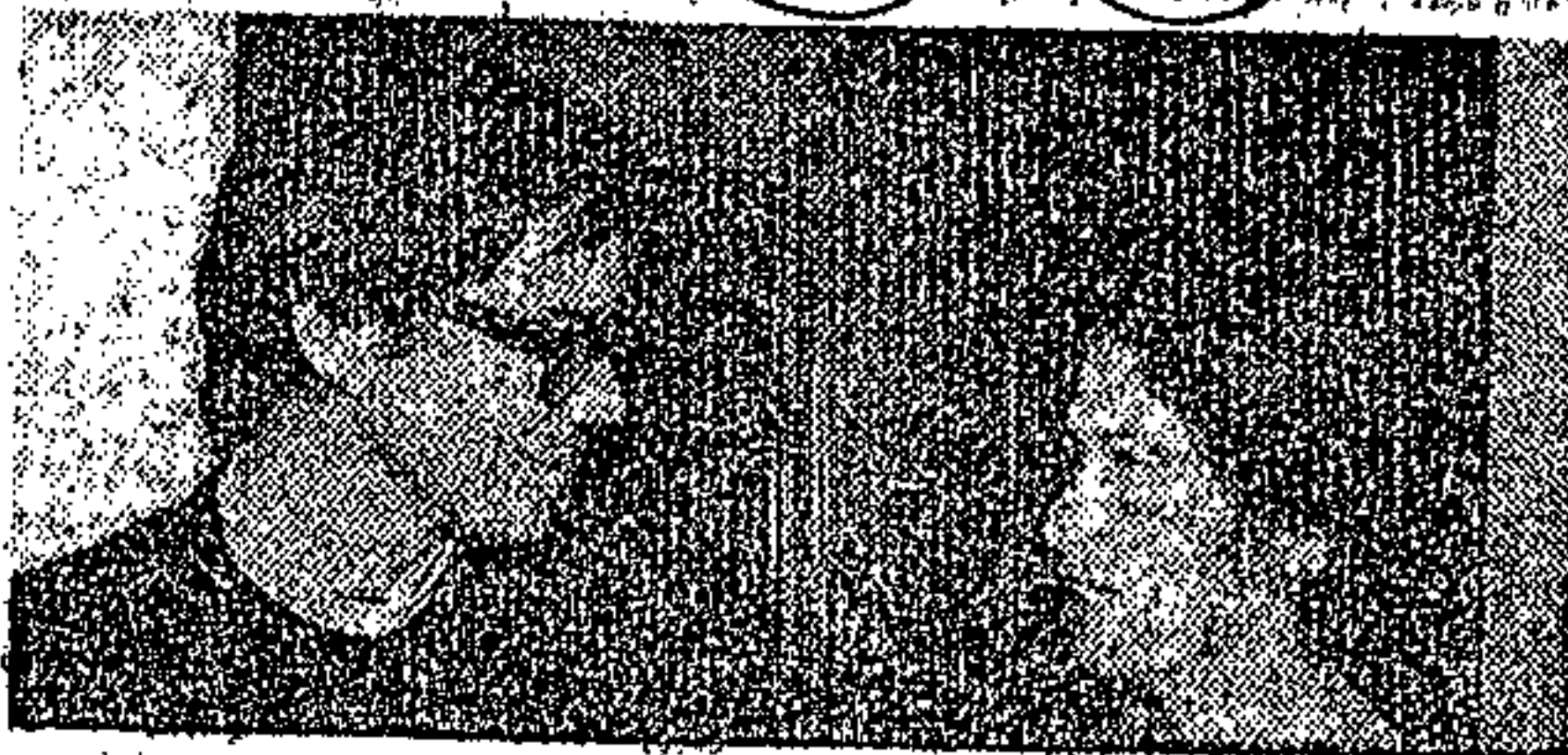
THE Rev David Russell, who broke the banning order which restricted him from attending the Anglican Church Synod in December last year, appealed in the Supreme Court Cape Town today against his sentence of 12 months imprisonment because it was 'excessive.'

Mr Russell also appealed against his conviction and sentence of two months imprisonment suspended for five years for distributing a banned publication to five people.

BANNED BOOK

The publication was Crossroads residents' personal accounts of conditions during the period of arrest following the September 1978 police raids.

He also appealed against the sentences on three other charges of possession of a copy of the banned book Biko by Donald Woods, and of breaking his restriction order twice.



THE Rev David Russell and his wife, Dorothea, outside the Supreme Court today.

He was fined R500 (or three months) for possession of the book Biko and six months suspended for five years on the two counts of breaking his restriction order.

EXCESSIVE

Mr I G Farlam, appearing for Mr Russell, submitted that these sentences were excessive.

He submitted on the appeal against the sentence of 12 months for attending the Anglican Church Synod that the trial court misdirected itself by not fully accepting the version given by Mr Russell as to his reasons for acting as he did.

REASONS

The trial court gave its reasons for rejecting Mr Russell's explanation for his actions as:

A Mr Russell was an evasive witness who 'tried to avoid giving a direct answer by an endless torrent of meaningless words

(Continued on Page 3, col 1)

(Continued from Page 1)

and sentences without giving a direct answer.

B His reasons for not directly approaching the Archbishop of Cape Town with his problems were unconvincing.

C He operated along certain definite lines and his actions were planned.

D In a letter written to the Minister of Justice on August 24 last year Mr Russell did not mention the synod and that he was a delegate.

E Mr Russell did not ask for an exemption but merely told him of his intentions to attend the synod.

F He chose to inform his fellow delegates at the synod of his reasons for going to the synod, in spite of the fact that he had already received a warm and friendly welcome from them.

PUBLICITY

G In spite of the wide publicity given by news media to his whereabouts he 'found it necessary to report to the police, Grahamstown, for what reason it is not clear, especially in locking at it in the light of his decisions to ignore the banning order totally.

H The fact that Mr Russell not only attended the actual sessions of the synod but also stayed on the Rhodes University campus and attended a social function in the Grahamstown City Hall.

I The impression gained by the trial court that Mr Russell 'openly defied and with bravado defied the order looking for and in fact receiving wide publicity, with the foreseeable and obvious results of a possible confrontation between the State and himself'.

Mr Farlam submitted that these reasons given did not justify the rejection of Mr Russell's explanation for his actions.

COMMON CAUSE

On the charge of distributing a banned pamphlet, Mr Farlam submitted it was common cause that the document Crossroads was not a paper, magazine, book, handbill or poster, but it was contended by the State that it was a pamphlet.

He submitted that this finding was wrong.

He further submitted that the word pamphlet usually meant a printed booklet which was issued and circulated among a number of people.

This document, however, was sent to five 'concerned individuals', Mr A Chaskalson, SC, Professor J Dugard, Mr N Hayson, Mr P Qoboza and Mr G Budlender.

If the court did not accept that this document was not a pamphlet, Mr Farlam submitted that the sentence of two months suspended for five years was excessive, as were the sentences handed down for the two counts of breaking the restriction order and possession of the banned book Biko.

Mr Justice van Heerden with Mr Justice Friedman are on the bench.

Mr D W Rothwell, SC, with Mr R B Rorich appear for the State.

Mr Farlam is instructed by Malhotra, Ress, Richman and Cloenberg.

(Proceeding)

Judgment in Silverton trial begins

By JOUBERT MALHERBE

Pretoria Bureau

JUDGMENT in the Silverton Siege trial began yesterday in the Pretoria Supreme Court, where nine men face charges of murder and others involving alleged membership of the African National Congress (ANC).

The judge, Mr Justice Jaap de Villiers, said the main State argument was that there had been a conspiracy between the nine, and that they were all guilty of treason, murder and attempted murder.

Before summarising the evidence, he said the case could be divided into four facets. The first concerned the attack on the Soekmekaar Police Station, in which Mr Johannes Lubisi, Mr Petrus Mashigo, and Mr Naphtali Manana were allegedly involved.

Also stemming from this attack were two charges of attempted murder and one of robbery with aggravating circumstances.

Other aspects of the case dealt with the Silverton Bank siege, alleged attacks planned against Administration Board buildings in Durban, and an alleged incident in Vryheid, Natal.

The judge referred to the evidence of Lieutenant-Colonel H Stadler, of the Security Police, who had given evidence about the development of the ANC and the PAC (Pan-Africanist Congress), and the split of the two organisations.

Col Stadler also gave evi-

dence how the two organisations were banned, how the military wing of the ANC — Umkhonto we Sizwe — was formed, and how Operation Mayibuye was launched.

The State had alleged that the nine men joined the ANC knowing that the goals of the organisation included armed attacks on certain targets in South Africa and the eventual overthrow of the government.

The State also alleged that the accused had aligned themselves with these goals and received training in Angola and Mozambique, which included handling explosives and weapons.

The judge referred to several quotes from Sechaba, the ANC mouthpiece, and said it seemed the ANC did not approve only of attacks on specific "targets" put out in the aims. "It seems the ANC condoned and even took pride in all attacks on the orderly way of life in this country."

The judge said the ANC's Freedom Charter was a blueprint for a "seemingly democratic government". However, it was clear that the charter's principles would be put into practice only after a violent overthrow of the government.

Referring to the evidence of a witness (who may not be named), the judge said that much of the State's evidence, and that of some of the accused, concurred.

The witness had told how he had seen six of the accused being trained at centres in Mozambique and Angola.

The judge said that he had gained the impression from the evidence that the ANC members had been ordered to attack "economic, political and military targets". However, it appeared that individual ANC members chose their own targets.

From the witness's evidence, said the judge, he had gained the impression that the ANC wanted to overthrow the government, and then wanted to install a democratic government with a socialist leaning.

The witness had received his instructions from Mr Joe Slovo, a member of the National High Command of the ANC. Mr Slovo had told him that when a judge presided over a political case, he immediately became a "military target" to the ANC.

Concerning the attack on the Soekmekaar Police Station, in which the first three accused were allegedly involved, the judge said many of the allegations were admitted by the accused.

The other accused are: Mr Ikanyeng Moses Molebatsi, Mr Hloli Benjamin Tau, Mr Phu-

emia Radebe, Mr Boyte Johannes Bogale and Mr Thomas Mngadi.
Judgment continues today.

Court cancels Sisulu subpoena

By MARTIN FEINSTEIN

THE Pretoria Magistrate's Court last week cancelled an earlier subpoena on the news editor of Sunday Post, Mr Zwelakhe Sisulu, by deciding that he need not answer questions in connection with a recent Terrorism Act trial.

In May this year the Transvaal Provincial Division of the Supreme Court ordered the magistrate to inquire into Mr Sisulu's reasons for refusing to answer the questions.

They dealt with a telephone conversation with Post reporter Thami Mkhwanazi, jailed under the Terrorism Act for seven years by the Pretoria Regional Court in May this year.

The conversations were alleged to be about seven youths who intended leaving the country for military training and an article on attempts to disrupt the John Tate-Kallie Knoetze boxing fight last year.

The Supreme Court also set aside a nine-month jail sentence the magistrate had imposed on Mr Sisulu for his refusal to answer.

The magistrate, Mr De Bruyn, found after a re-hearing that the privilege against self-incrimination applied to Mr Sisulu, and that he need not answer the questions.

Mr Sisulu's counsel had argued that the questions might have incriminated him in the commission of an offence ranging from high treason to offences under the Internal Security Act.

He said afterwards the magistrate's decision had upheld "a principle of great significance for the citizens of this country".

Provocation claim in school killing

Argus Reporter
GRAHAMSTOWN. —
There had been no element of self-defence among pupils at the Andrew Moyake School on May 14 when they stoned a group of Peacemakers, Mr C Nel, for the State, argued in the Supreme Court here.

Nine of the original 13 pupils accused of murder remain before the Judge President, Mr Justice

Cloete. One is now in a mental hospital and three have been discharged for lack of evidence.

The nine have all pleaded not guilty to the murder of Mr Alfred Soya, 42, and an alternative charge of public violence.

Mr Nel yesterday suggested that the first accused should be found guilty of murder with direct intent, four guilty of murder with indirect intent,

and four guilty of assault with intent to do grievous bodily harm.

Mr A S K Pitman, one of two defence advocates, submitted that except for the testimony of unreliable witnesses there was no evidence to implicate any of the accused with murder.

He suggested that the youths felt that they were threatened by the Peacemakers and their attitude

was that they would fight back if attacked.

Today the defence submitted that the acts of the Peacemakers, who were trying to end the schools boycott here, constituted severe provocation.

The judge observed today: 'We call them children, but they do not look very small. In fact, they would make a good football team.'

(Proceeding)

Russell

appeal

postponed

to Dec 1

THE hearing of the appeal against a sentence of 12 months' imprisonment by the Rev David Russell, who broke his banning order which restricted him from attending the Anglican Church Synod in Grahamstown in December last year, was postponed to December 1 in the Supreme Court, Cape Town, yesterday.

Mr Russell also appealed against his conviction and sentence of two months' imprisonment suspended for five years for distributing a banned publication to five people.

The publication was *Crossroads Residents' Personal Accounts of Conditions During the Period of Unrest following the September 1978 Police Raids*.

BANNED BOOK

He also appealed against the sentences on three other charges — being in possession of a copy of the banned book, *Biko*, by Donald Woods, and of breaking his restriction order twice.

He was fined R500 (or three months) for possession of the book, *Biko*, and six months, suspended for five years, on the two counts of breaking his banning order.

Mr I G Farlam, appearing for Mr Russell, submitted that these sentences were excessive.

The appeals were opposed by the State.

Mr Justice van Heerden and Mr Justice Friedman are on the Bench. Mr D W Rothwell SC with Mr R B Rorich appear for the State. Mr I G Farlam is instructed by Matlinick, Ross, Richman and Cloenberg.

Siege captain played a theatrical role—judge

STAR
18/11/80

244 (331)

Own Correspondent

The role of Captain Mickey de Swardt in the Silver-ton siege was that of an actor in a play with tragic consequences he could not foresee, said Mr Justice J de Villiers in his judgment at the Silver-ton siege trial today.

"Captain de Swardt told the court how he came to play this role.

"He was attached to the Murder and Robbery Squad and at 1.05 pm on January 25 he had a report which appeared to him to be a bank robbery

at the Volkskas Bank in Silver-ton by men armed with AK 47 rifles.

"He was there within seven minutes and found police were all over the place," said the judge.

He said Captain de Swardt went into the bank and saw how many people, women and men, were standing with their hands above their heads.

"He was struck by the factual situation that the bank was besieged and that hostages were being held by blacks armed with AK 7 rifles," said Mr Justice de Villiers.

He said Captain de Swardt spoke to one of the armed men who had his finger on the trigger of his rifle. He saw another in the window of the bank, also armed with an AK 7 rifle.

A third person, also armed, was standing behind the counter and there was a group of people in front of him.

He said Captain de Swardt and another policeman passed on demands made by three gunmen and food and drink and cigarettes were taken into the bank to them.

'Accused led police to arms point'

Argus Correspondent

PRETORIA. — It was clear that without the help of three of the accused men, hidden arms would not have been found by the police, Mr Justice J de Villiers said on the second day of judgment at the Silverton siege trial in the Supreme Court today.

Nine men, who are appearing before him have all pleaded not guilty to charges of high treason, murder, robbery with aggravating circumstances, and taking part in terrorist activities.

They are Mr Johanson Lubisi, 28, Mr Petrus Tsepo Mashigo, 20, Mr Naphtali Manana, 24, Mr Ikanyeng Moses Molegatsi, 27, Mr Hloliile Benjamin Tau, 24, Mr Phumulan Grant Shezi, 24, Mr Jeremiah Radebe, 26, Mr Boyce Johannes Bogale, 26, and Mr Thomas Mngadi, 29.

Referring to the attack on Soekmekaar police station, the judge said the first three accused men, Mr Lubisi, Mr Mashigo and Mr Manana helped the police to identify various points according to the evidence given by police.

WEAPONS

It is also clear that many of these points would not have been found by the police, particularly the original place where the weapons were found, said Mr Justice de Villiers.

He said after Mr Mashigo's arrest on January 29 he showed the police a post off the road near the 20 km signboard to Tzaneen where two blue drums were found hidden in the ground.

When the police opened the drums they found four AK 47 rifles, hand grenades, and ammunition.

BASES

Dealing with the actions of the fourth and fifth accused men, Mr Molegatsi and Mr Tau the judge said: 'Summed up it can be said this part of the case deals with the establishment of bases in the area of Ga-Rankua, the intended attack on the petrol fuel depot at Watloo, the Silverton siege, identifications of police stations in Pretoria West and Villieria, temporary shelters and weapons storage places in the area of Springs and Kwa-Thema and shelters in the area of Mamelodi, which was in the immediate vicinity of Watloo.'

Russell appeals against sentence

Staff Reporter

A MAGISTRATE erred in not fully accepting explanations given by the Rev David Russell for attending an Anglican synod in Grahamstown last year, the Supreme Court was told yesterday.

Russell, who broke his banning order to attend the synod, was appealing against the severity of a sentence imposed by the magistrate, Mr M M C Synington, in the Parow Regional Court in February.

He was jailed for 12 months after being convicted on 11 counts of breaking his banning order served on him in October 1977. He also received suspended sentences totalling 3½ years.

In terms of his banning order, he is restricted to the Wynberg magisterial district. He pleaded guilty to all counts.

Mr I G Farlam, for Russell, said yesterday it was clear that

the trial court had been strongly influenced in passing the sentence it did, by its finding that it could not fully accept Russell's reasons for acting as he did.

This had been an error and a misdirection. It was submitted further that Russell's explanation was fully acceptable and that the sentence imposed should be substantially changed.

The magistrate's reasons for rejecting Russell's evidence had included that Russell had been an evasive witness in trying "to avoid giving a direct answer by an endless torrent of meaningless words and sentences".

Mr Farlam submitted that while Russell sometimes answered questions at length, many of the questions asked raised broad and complex questions of moral philosophy.

Mr Farlam said he was not

able to find a single instance of answers and sentences that were meaningless and that examples the magistrate had given to substantiate his claim did not amount to an "endless flow of words".

Russell was a man who had wrestled with his conscience and had concluded it had been his moral and religious obligation to attend the synod. There was no reason to find he had not arrived at his decision honestly.

He was a person who had had severe restrictions placed on his freedom on the basis of untested information.

He could not summon enthusiasm to obey these restrictions, and was then faced with being an elected delegate to synod, with the moral duty to attend.

"Who must he obey? God or man? He had the moral courage to do what he believed God was telling him to do", Mr Farlam said.

Mr D W Rothwell, SC, for the State, said that the severe penalties for offences of the kind Russell committed indicated how seriously the legislature took them. There were aggravating circumstances involved in Russell's case.

He conceded the magistrate might have misdirected himself in certain respects, but said the reasons Russell attended the synod were still not those given by him. He said this could be seen by taking the evidence as a whole.

He would say the "true" reasons why Russell went to Grahamstown were that he wanted to make proposals to incite the overthrow of the government and to seek confrontation with the State either personally or on behalf of the church.

He submitted Russell was extremely arrogant in saying the State did not have the right to give or refuse permission for him to attend a synod, and submitted Russell was a publicity seeker.

The hearing was adjourned till December 1.

Mr Justice van Heerden sat with Mr Justice Friedman. Mr Rothwell appeared with Mr R B Rorich. Mr Farlam was instructed by Mallinick, Ress, Richman and Closenbergh. Mr D W Rothwell, SC, appeared with Mr R B Rorich for the State.

Legal definition challenged

Staff Reporter

THE REV David Russell yesterday appealed in the Supreme Court against conviction and sentence for distributing a pamphlet on Crossroads.

He also appealed against the severity of a sentence for breaking his banning order twice and for possessing a banned book, "Biko", by Donald Woods.

Russell was sentenced in the Regional Court in April to eight months, suspended for five years, for breaches of banning and for distributing the document. He was fined R500 (or three months) for possessing a banned book.

It was submitted yesterday that the Crossroads document was not a publication as defined in the Internal Security Act. It involved allegations of arrested Crossroads residents after a raid. It was sent to five "concerned individuals" to try to have something done.

Mr I G Farlam submitted that all the sentences were excessive. Regarding the first count of breaking his banning order, Russell had been away from home for a night. Regarding the second, he had been away for half-an-hour to conduct a healing service.

He had received the book "Biko" unsolicited. It dealt with a personal friend and Russell was referred to in it.

At the trial, Russell pleaded guilty to the first count of breaking his banning order and not guilty to the second. He pleaded guilty to possessing a banned book and not guilty to distributing a pamphlet.

The hearing was adjourned till December 1.

Mr Justice Van Heerden and Mr Justice Friedman were on the Bench. Mr Farlam was instructed by Mallinick, Ress, Richman and Closenbergh. Mr D W Rothwell, SC, appeared with Mr R B Rorich for the State.

Murder trial verdict this week (33)

PORT ELIZABETH. — Judgment will be given on Thursday in the trial of nine youths in the Grahamstown Supreme Court on charges of murder and public violence.

In argument yesterday, defence counsel, Mr Harry Pitman, said the State had not proved any of the youths had

killed a 42-year-old peacemaker vigilante, Mr Alfred Soya.

The State had also failed to show common purpose in the assault of the peacemakers, who tried to break the schools boycott at the Andrew Moyake Higher Primary School on May 14 this year. The only common purpose among the school

pupils had been to defend themselves against attack by the peacemakers.

He asked for eight of the accused to be found guilty only of common assault and one to be acquitted because there was no evidence incriminating him in anything but self-defence.

Police helped by accused, says judge

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14/1/80

331

IT WAS clear that without the help of three of the accused men, hidden arms would not have been found by the police, Mr Justice J de Villiers said in judgment at the Silverton siege trial in the Pretoria Supreme Court yesterday.

Referring to the attack on the Soekmekaar Police Station, the judge said the first three accused, Mr Johnson Lubisi, Mr Petrus Mashigo and Mr Naphtali Manana, spontaneously helped the police in identifying various points and places, according to evidence given by police during the trial.

"It is also clear that many of these points would not have been found by the police, particularly the original place where the weapons were found," said Mr Justice de Villiers.

He said after Mr Mashigo's arrest on January 29 he showed police a spot off the road near the 20km signboard to Tzaneen, where two blue drums were found hidden in the ground.

When police opened the drums they found four AK47 rifles, hand grenades, and ammunition.

The nine men, who have all pleaded not guilty to charges of high treason, murder, robbery with aggravating circumstances, and taking part in terrorist activities, are: Mr Johnson Lubisi, 28, Mr Petrus Tsepo Mashigo, 20, Mr Naphtali Manana, 24, Mr Ikanyeng Moses Molebatsi, 27, Mr Hlolile Benjamin Tau, 24, Mr Phumulanii Grant Shezi, 24, Mr Jeremia Radebe, 26, Mr Boyce Johannes Bogale, 26 and Mr Thomas Mngadi, 29.

The role of Capt Mickey de Swardt in the Silverton siege was that of an actor in a play with tragic consequences he could not foresee, said Mr Justice de Villiers.

Dealing with the actions of

the fourth and fifth accused, Mr Ikanyeng Moses Molebatsi and Mr Hlolile Benjamin Tau, the judge said this part of the case dealt with the establishment of bases in the Ga-Rankuwa area, the intended attack on the petrol fuel depot at Waltloo, the Silverton siege, identification of police stations in Pretoria West and Villieria, temporary shelters and weapons storage places in the area of Springs and Kwa-Thema and shelters in the area of Mamelodi, in the immediate vicinity of Waltloo.

"Capt de Swardt told the court how he became an actor in a play that had a tragic end which he could not foresee.

"He was attached to the Murder and Robbery Squad and at 1.05pm on January 25 he had a report which appeared to him to be a bank robbery at the Volkskas Bank in Silverton, by men armed with AK47 rifles.

"He was there within seven minutes and found police were all over the place" said the judge.

He said Capt de Swardt went into the bank and saw how many people, women and men, were standing with their hands above their heads.

"He was struck by the factual situation; that the bank was besieged and that hostages were being held by blacks armed with AK47 rifles."

The judge said Capt de Swardt spoke to one of the armed men who had his finger on the trigger of his rifle.

He saw another man at the window of the bank, also armed with an AK47 rifle.

In front of him was a woman sitting on a stool and there were two hand grenades on a partition.

A third person, also armed, was standing behind the counter and there was a group of people in front of him.

The trial continues. — Sapa.

(33) 40m 20/11/80

1976 riots moved accused to join ANC, says judge

Pretoria Bureau

THE 1976 riots and forced resettlement were among incidents which had moved four young men to leave South Africa and join the African National Congress, Mr Justice Jaap de Villiers said in the Pretoria Supreme Court yesterday.

Reviewing evidence for the third day in the Silverton siege trial, the judge yesterday concentrated on the evidence of four of the nine accused.

They are: Mr Johnson Lubisi, 28; Mr Petrus Tsepo Mashigo, 19; Mr Naphtali Manana, 24; and Mr Ikanyeng Moses Molebatsi, 27.

The other accused are: Mr Hlolile Benjamin Tau, 24; Mr Phumulani Grant Shezi, 24; Mr Jeremia Radebe, 26; Mr Boyce Johannes Bogale, 26; and Mr Thomas Mngadi.

The nine men are charged with murder, attempted murder and charges related to their membership of the ANC.

Referring to the Soekmekaar police station attack in which Mr Lubisi, Mr Mashigo and Mr Manana were involved, the judge said that according to evidence by the accused, Mr Mashigo was their leader.

Mr Mashigo earlier gave evidence about how police shot and killed a friend of his in June 1976. Until then he was not interested in politics. He decided to leave the country in November 1976.

He decided to join the ANC rather than the Pan Africanist Congress (PAC) because he was not partial to the PAC call of "chasing the whites into the sea", Mr Mashigo said.

He was taken to Angola and later went to Tanzania. He was told not to attack people in South Africa "who were unwillingly part and parcel of the apartheid system".

The Soekmekaar police station was chosen as a target because black people had been moved from the area against

their will and the police from the Soekmekaar had assisted the authorities.

Mr Mashigo said that had it been his intention, he could have killed two black constables at the station with ease.

He denied any knowledge of the attack on the Volkskas Bank, Silverton, on January 25.

Mr Manana said in evidence that he fled the country after the 1976 riots. He denied that he had taken part in the unrest, but said police had hunted him "day and night". He would not have left the country had it not been for riots.

He said the Silverton siege did not concur with ANC principles. The Soekmekaar attack was launched to make people aware of what they regarded as unjust.

Another facet of ANC action that was repeatedly emphasised by the first four accused in their evidence, was that the ANC was opposed to the random killing of people.

Mr Molebatsi who is charged with involvement in the Silverton siege also said the attack on the bank was not in accordance with ANC principles.

People who were not political targets, would not be attacked and the ANC was opposed to random killing, he said.

Mr Molebatsi was ordered to establish three bases near GaRankuwa, north west of Pretoria and he, Mr Tau, one of the accused, and Mr Fanie Stephen Mafoko, one of the three guerrillas who died in the Silverton siege, re-entered South Africa on the same day.

The last time he saw Mr Mafoko was on December 17 last year. They had never discussed the attack on the Silverton Volkskas Bank, Mr Molebatsi said.

He had been moved to join the ANC after his family, including his aged grandfather, was forced to move away from a place near the Magaliesberg where they had lived for many years, Mr Molebatsi said.

331 20m 2010180

Lawyer freed in 'charter' case

DURBAN. — A Verulam attorney and president of the Natal Indian Congress, Mr George Sewpersadh, was acquitted by Mr J J Britz in the Durban Magistrate's Court yesterday of charges of reproducing and distributing the banned "Freedom Charter".

He pleaded not guilty to the two counts of contravening the Publications Act.

The State alleged the "Freedom Charter", which was adopted at the Congress of the People at Kliptown in 1955, had

been declared undesirable by the Publications Board.

Mr Sewpersadh was alleged to have made 200 copies and to have distributed them at an anti-South African Indian Council meeting on October 14 last year.

Giving judgment, Mr Britz said he was satisfied the document was the same "Freedom Charter" which had been declared undesirable.

Mr Sewpersadh had admitted making the copies. He had intended distributing them at a

meeting of the Natal Indian Congress held to persuade people not to vote in elections for the Natal Indian Council.

He said the congress meeting was disrupted and he did not succeed in distributing the copies.

Mr Sewpersadh said he was not aware the document had been declared undesirable.

He had in his possession a book, which had not been banned, in which the entire text of the "Freedom Charter" was set out. — Sapa.

Nine acquitted in violence case

PORT ALFRED. — Nine Grahamstown men, accused of stoning policemen and police vehicles in Grahamstown on July 26, were yesterday acquitted on a charge of public violence.

The men, who all pleaded not guilty at a previous hearing, were alleged to have been part of a crowd of about 300 who, in addition to the stonings, prevented the police from removing a corpse lying in a street.

When the trial resumed in the Regional Court in Port Alfred yesterday, the prosecutor, Mr. J. Meiring, said the State was closing its case. He said although there was a confession

by one of the accused, the State would not make use of it.

Mr. J. A. Rossouw, for four of the men, then applied for the discharge of his clients.

He said there was no evidence at all against one of them, while the evidence against the others was so weak and contradictory that they had no case to answer.

The accused were Mr. Themiso Lombo, 36, Mr. Mbulelo Geelbooi, 28, Mr. Vuyisile Ndaba, 32, Mr. Mzwandile Faatjie, 19, Mr. Mtuzeli Mcekana, 31, Mr. Vuysile Mahote, 35, Mr. Donisi Beke, 40, Mr. Thobili Kili, 27, and Mr. Thobita Ntsengwana, 18. — Sapa.

Union leaders told sabotage claim altered

Staff Reporter

SABOTAGE charges have been withdrawn against three leaders of the Black Municipality Workers' Union (BMWU), whose members were involved in the Johannesburg municipal strike recently.

Disclosing this yesterday, lawyers for the men -- Mr Joseph Mavi, the BMWU president, and executive members Mr Philip Dlamini and Mr Gatsby Mazwi -- said they would face charges under the Riotous Assemblies Act instead.

The trial will begin in the Johannesburg Regional Court on February 16. A week has been set aside for it.

The State's decision to drop the sabotage allegations means the three men no longer face charges which carry a maximum penalty of death.

A charge sheet handed to the men's defence team by the State earlier this year said they were being charged under the 1962 General Law Amendment Act -- formerly known as the Sabotage Act.

The charge sheet claimed they had disrupted certain "essential services" in Johannesburg because of the strike.

They were to face trial on these charges in the Rand Supreme Court.

It was the first known occa-

sion on which worker leaders were to be charged under the Act in connection with a strike.

Now it appears the men will face charges instead of "inciting an illegal strike" under the Riotous Assemblies Act.

Several worker leaders have been charged this year under the section of this Act dealing with strikes.

A court spokesman said yesterday that no charges have yet been formulated against the men. But he confirmed that they could "possibly" be charged with participating in an illegal strike or inciting people to strike.

Mrs P Jena is appearing for Mr Mavi and Mr Mazwi, and Mr R Mokgoathleng for Mr Dlamini. The prosecutor is Mr A van Wyk.

(331) 2014/20

Woman on banned documents charge

Own Correspondent

CAPE TOWN. — Miss Zubeida Jaffer, 22, who faces 19 charges of being in possession of banned documents, appeared briefly before a Cape Town magistrate yesterday.

She was not asked to plead

and no evidence was led.

Her R500 bail was extended to February 20, when she will appear before a regional court.

It is alleged that Miss Jaffer, of Ottery Road, Wynberg, was found to have been in posses-

sion of 19 banned publications on September 3 this year.

Mr E. van Zyl was on the bench.

Mr N. Jones prosecuted and Mr A. M. Omar appeared for Miss Jaffer.

ANC man trained not to kill blindly

STAR
20/11/80

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Own Correspondent

According to the evidence of one of the accused men in the Silverton siege trial, he had been trained by the ANC not to blindly kill but just to attack selected targets. Mr Justice J de Villiers said during his judgment in the Pretoria Supreme Court today.

The accused man, Mr Hloli Tau, told the court he left South Africa at the end of 1978 intending to undergo military training because he wanted to get a firearm to use against the police.

The court heard in June that year his girlfriend was shot dead in front of him in the street by police who fired to control the crowds.

He left the country and joined the ANC in Gaborone, Botswana.

The judge said Mr Tau told the court that the ANC taught him to forget his idea of revenge. He emphasised the ANC wanted the support of blacks and whites in South Africa — they were not to blindly kill but to attack only selected targets.

He also underwent training in East Germany.

In October last year he came back to South Africa to form a base in the area near Springs. He was to have contact with another person, but this was never made.

Mr Tau knew the three men shot dead at the Silverton siege. Their mission was to attack a few depots with missiles or explosives.

(Proceeding)

Riots, resettlement 'moved accused to leave SA'

Mercury Correspondent

PRETORIA—The 1976 riots and the forced resettlement of people were among the incidents which had moved four young men to leave South Africa and join the African National Congress, Mr Justice Jaap de Villiers said in the Pretoria Supreme Court yesterday.

Reviewing evidence for the third day in the marathon Silverton siege trial, Mr Justice de Villiers yesterday concentrated on the evidence of four of the nine accused.

They are Mr Johnson Lubisi, 28, Mr Petrus Tsapo Mashigo, 19, Mr Naphtali Manana, 24, and Mr Ikanyeng Moses Molebatsi, 27.

The other accused are Mr Hloille Benjamin Tau, 24, Mr Phumulani Grant Shezi, 24, Mr Jeremiah Radebe, 26, Mr Boyce Johannes Bogale, 26, and Mr Thomas Mngadi.

The nine men are charged with murder, attempted murder and charges related to their membership of the ANC.

Referring to the attack on the Soekmekaar Police Station in which Mr Lubisi, Mr Mashigo and Mr Manana were involved,

he said that according to the evidence by the accused Mr Mashigo was their leader.

Mr Mashigo earlier gave evidence about how police shot and killed a friend of his, Mr Peter Magubane, in June 1976. He was not interested in politics until he decided to leave the country in November 1976, Mr Mashigo said.

He also related an incident during which municipal police raided a house in Soweto early one morning. These incidents disturbed him greatly, Mr Mashigo said.

After leaving the country he decided to join the ANC rather than the PAC (Pan Africanist Congress) because he was not partial to the PAC call of 'chasing the whites into the sea', Mr Mashigo said.

He was taken to Angola and he later went to Dar-es-Salaam in Tanzania. He was told not to attack people in South Africa 'who were unwillingly part and parcel of the apartheid system'.

The Soekmekaar Police Station was chosen as a target because black people had been moved from the area against their will and the police from the Soekmekaar Police Station had assisted the authorities.

Concerning the attack on the police station, Mr Mashigo said that he could have killed two black constables at the station with great ease, had that been his intention to do so.

Mr Mashigo denied any knowledge of the attack on the Volkskas Bank in Silverton on January 25.

Mr Manana also said in evidence that he fled the country after the 1976 riots. He denied that he had taken part in the unrest but said police had hunted him 'day and night'.

He feared arrest because a friend of his had suffered a broken arm after police had assaulted him when he was arrested, Mr Manana said.

He would not have left the country had it not been for riots, Mr Manana said.

He said that the Silverton bank siege did not concur with ANC principles as embodied in that organisation's Freedom Charter. The Soekmekaar attack was launched to make people aware of what they regarded as unjust, he said.

Another facet of ANC action that was repeatedly emphasised by the first four accused in their evidence, was that the ANC was opposed to the random killing of people.

Mr Manana said that ANC 'targets' were limited to buildings that symbolised apartheid. He would only resort to violence against people if he was 'cornered', he said.

Mr Molebatsi, who is charged with involvement in the Silverton siege, also said the attack on the bank was not in accordance with ANC principles.

Mr Molebatsi was ordered to establish three bases near Garankuwa, north west of Pretoria and he, Mr Tau, one of the accused, and Mr Fanie Stephen Matoko, one of the three men who died in the Silverton siege, re-entered South Africa on the same day.

They were also ordered to attack the petrol depot at Waitloo, east of Pretoria. The petrol tanks were to have been attacked with an RPG7 Bazooka projectile or, if that failed, explosives would have been used.

He had been moved to join the ANC after his family, including his aged grandfather, was forced to move away from a place near the Magaliesberg where they had resided for many years, Mr Molebatsi said.

Silverton nine are acquitted of murder

Pretoria Bureau

THE nine accused in the Silverton siege trial were yesterday acquitted in the Pretoria Supreme Court on two charges of murder.

In a majority judgement Mr Justice Jaap de Villiers and two assessors ruled that the State had not proved its case of alleged complicity of the nine accused in the Silverton bank siege.

The accused were also acquitted on 19 charges of attempted murder.

On Thursday, the nine men were found guilty of high treason because of their membership of the African National Congress (ANC).

Three of the accused, Neim-bithi Johnson Lubisi, 28, Petrus Tsepo Mashigo, 19, and Naphtali Menana, 24, were also found guilty on two charges of attempted murder and a charge of robbery with aggravating circumstances following the attack on the Soekmekaar Police Station.

The other accused are: Moses Molebatsi, 27; Hlolile Benjamin Tau, 24; Phumulani Grant Shezi, 24; Jeremia Radebe, 26; Mr Boyce Johannes Mogale, 26; and Mr Thomas Mngadi, 29. They were acquitted on charges of attempted murder and a charge of robbery with aggravating circumstances following the Soekmekaar attack.

The nine men were accused of the murder of Miss Cindy Anderson and Mrs A de Klerk who died in the Silverton bank siege.

They were also accused of 19 charges of attempted murder stemming from the siege.

Judge De Villiers said the accused clearly identified themselves with the aim of the ANC to violently overthrow the South African Government.

"It must have been a grave decision for them to allow themselves to be trained by strangers in the use of firearms and other weapons," he said.

It was repeatedly emphasised during the trial that the ANC would concentrate on military, political and economic targets only. But, the judge said, the accuseds' evidence revealed they had also foreseen the possibility of people dying as a result of their action.

Through the evidence of a former ANC member, who may not be named, it was apparent that although they would concentrate on military, political and economic targets, there would also have been "other targets", the judge said.

Referring to the Silverton siege, he said a bank could be seen as an "economic target". The fact that the three guerrillas involved in the siege demanded the release of political prisoners, implied that a bank

could also be a "political target".

The judge said that, with the exception of Bogale and Mngadi, all the accused were in South Africa at the time of the siege on January 25 this year.

"With the exception of Tau and Molebatsi, who had already been arrested at the time of the siege, the five other accused were busy elsewhere in the country with deeds of high treason while the siege took place."

The majority view of the court was that a mere conspiracy on the behalf of the accused did not constitute a crime. Something concrete had to be done before a crime could be proved against them, he said.

"The action of the guerrillas in attempting to overthrow the Government was limited to certain specific targets and the court accepts that the attack on the bank in Silverton fell beyond these targets," he said.

Nothing pointed to all the accused being responsible for the attack on the Soekmekaar Police Station, the judge said. Only Lubisi, Mashigo and Menana were convicted in this instance.

Defence counsel, Mr Jules Browde, SC, will start with evidence in mitigation on Monday.

Mr J C H Jansen, SC, deputy Attorney-General of the Transvaal, prosecuted.

Silverton siege

9 found guilty

of high treason

By MARIKASBOROS

ALL NINE accused in the Silverton siege trial were found guilty in the Pretoria Supreme Court yesterday of high treason.

The men are: Neimbithi Johnson Lubisi, 28; Petrus Tsepo Mashigo, 20; Naphtali Menana, 24; Moses Molebatsi, 27; Hlobile Benjamin Tau, 24; Grant Shezi, 24; Jeremia Radebe, 26; Boyce Johannes Bogale, 28; and Thomas Mngadi, 29.

Mr Justice De Villiers and two assessors found the men guilty of high treason because they were active members of the banned African National Congress, had received military training overseas, and returned to South Africa under orders to commit acts of war and sabotage.

After the verdict the men looked relaxed and smiled and waved to friends and family who packed the courtroom.

The treason judgment does not relate to the charges arising from the Silverton bank siege, which involves charges of murder and attempted murder. Judgment on these will be given today.

The State has alleged that all

the accused were guilty of murder and attempted murder following the siege because they were members of the ANC and pursued common aims.

It has not been alleged that any of the men were present at the siege. Bogale and Mngadi were not even in the country when it happened and only returned on February 29.

The State also submits common purpose among all nine for the attacks on the Soekmekaar Police Station and Port Natal Administration Board.

The judge found Manana guilty of establishing guerrilla bases, but the charge was restricted to a planned attack on petrol storage tanks at Waltloo, near Pretoria.

Tau was found guilty of ANC activities which were restricted on one charge to a reconnaissance mission around the Waltloo storage tanks. He was found not guilty of planning the Silverton bank siege as he was in police custody at the time.

Shezi and Radebe's guerrilla activities were restricted to a planned attack on the Port Natal Administration Board.

The three men involved in the attack on the Soekmekaar

Police Station on January 4 were found guilty on two counts of attempted murder and one count of murder with aggravating circumstances.

The judge found that Lubisi, Mashigo and Manana did mean to kill the two constables on duty, Mr Emmanuel Mashaba and Mr Milford Mothibi when they attacked the police station. He dismissed the Defence's argument that the men could have killed these men easily had they so desired.

The three men were also found guilty of robbing a small truck used in the attack.

The State submitted that all nine men were guilty of murder because Tau planned the Silverton siege with the three gunmen who were killed by the police when the siege was broken. Two hostages, a bank teller, Miss Cindy Anderson, 19, and Mrs A de Klerk, were killed.

Mr Jules Browde, SC, the Defence counsel, submitted that the State's reliance on a common purposes in respect of each act individually done in execution of the conspiracy was contrary to principles of law.

Silverton accused all found guilty of high treason

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Own Correspondent

The nine accused men in the Silverton siege trial have been convicted in the Pretoria Supreme Court of high treason.

Mr Justice J de Villiers also found that Neimbithi Lubisi, Petrus Mashigo and Naphtali Manana were guilty of two charges of assault with intent to murder, and robbery with aggravating circumstances. These charges arose from

the attack on the Soekme-
kaar police station.

Ikanyeng Moses Mole-
batsi (27), was found to
have joined the ANC, un-
dergone military training,
returned to South Africa
to take part in armed
revolt against the Govern-
ment and that during
November and December
last year, he, Tau, and the
three Silverton gunmen
had established a base
near Ga-Rankuwa from

where they would attack
certain targets.

He was also found to
have planned, with Tau
and the three terrorists,
an attack on the Waltloo
petrol fuel depot. He was
convicted of being in
possession of weapons, am-
munition and plastic ex-
plosives at Ga-Rankuwa.

Hlolile Benjamin Tau
(24) was convicted of join-
ing the ANC, undergoing
military training in An-

gola and returning to
South Africa last year
with the intent of taking
part in an armed attack
on the Government.

He was also found to
have planned, with Mole-
batse, the attack on the
petrol storage tanks at
Waltloo and to have
established a base near
Ga-Rankuwa from where
they planned attacks on
targets in the country.

ANC LITERATURE

He was also convicted
of being in possession of
weapons, ammunition, ex-
plosives and ANC literat-
ure during November last
year and January this
year.

Phumulani Grant Shezi
(24) joined the ANC, un-
dergone military training,
and come back to South
Africa to take up arms
against the Government.

He and Jeremia Radebe
had planned an attack on
the offices of the Port
Natal Administration
Board at Durban.

He was also found to
have been in possession of
two Makarov pistols, am-
munition, hand grenades
and explosives.

He was also found to
have attempted to recruit
Edward and Jeffrey Kim-
bule to the ANC.

RUSSIAN TRAINING

Jeremia Radebe (26)
was found to have joined
the ANC, left the country
for military training and
returned to take up arms
against the Government.

He was also found to
have planned, with Shezi,
an attack on the Port
Natal Administration
Board and that during
November last year he
was in possession of two
Makarov pistols, ammu-
nition and explosives.

Boyce Johannes Bogale
(26) also joined the ANC
and underwent military
training.

He was also found by
the court to have been in
possession of two Makarov
pistols, ammunition, and
hand grenades.

Thomas Mngadi (29)
also joined the ANC, un-
derwent military training
in Angola and Russia,
came back in February to
overthrow the Govern-
ment.

Trial of nine pupils postponed

Argus Correspondent

GRAHAMSTOWN. — The Peacemaker trial was today adjourned to December 3 at the request of the defence.

Three of the accused who are 15 were released into the custody of their mothers, who have been in the court throughout the four-week trial, on condition that they do not leave the Grahamstown district and report to a police station once a day.

The remaining six, aged between 16 and 17, were remanded.

All nine of the accused were yesterday found not guilty of the murder of a taxi driver and vigilante leader Mr Alfred Soya, 42, during a clash with school boycotters on May 14.

Eight were found guilty of public violence and a ninth of assault with intent to do grievous bodily harm.

9 guilty of high treason

PRETORIA — All nine accused in the Silverton siege trial were found guilty of high treason here yesterday.

The men are: Mr Ncimbithi Johnson Lubisi, 28, Mr Petrus Tsepo Mashigo, 20, Mr Naphthali Menana, 24, Mr Moses Molebatsi, 27, Mr Hloike Benjamin Tau, 24, Mr Grant Shezi, 24, Mr Jeremia Radebe, 26, Mr Boyce Johannes Bogale, 26, and Mr Thomas Mngadi, 29.

Mr Justice De Villiers and two assessors found the men guilty of high treason because they were active members of the banned African National Congress, had received military training overseas and had returned to South Africa under orders to commit acts of war and

sabotage.

The verdict comes after a trial lasting 3½ months.

After the verdict the men looked relaxed and smiled and waved to friends and family.

Although this is a sequel to the Silverton bank siege and two other terror attacks, the treason judgment does not relate to the actual charges arising from the siege. These are the charges of murder and 21 charges of attempted murder.

Judge De Villiers will give judgment on the state conspiracy theory involving these charges today.

The state has alleged that all the accused were guilty of murder and attempted murder following the siege because they

were members of the ANC and pursued common aims.

It has not been alleged that any of the men were present at the siege. Mr Bogale and Mr Mngadi were not even in the country when it happened and only returned here on February 29.

The state also submits common purpose among all nine for the attacks on the Soekmekaar police station and Port Natal Administration Board.

Judge De Villiers found Mr Manana guilty of establishing guerrilla bases but the charge was restricted to a planned attack on petrol storage tanks at Walloo in the Pretoria district. He was found not guilty of planned attacks on two Pretoria police stations.

Mr Tau was found guilty of ANC activities which were restricted on one charge to a reconnaissance mission around the Walloo storage tanks. He was found not guilty of planning the Silverton bank siege as he was in police custody at the time.

Mr Shezi and Mr Radebe's guerrilla activities were restricted to a planned attack on the Port Natal Administration Board.

The three men involved in the attack on the Soekmekaar police station on January 4 were found guilty on two counts of attempted murder and one count of murder with aggravating circumstances.

Judge De Villiers found that Mr Lubisi, Mr

Mashigo and Mr Manana did mean to kill the two constables on duty, Emmanuel Mashaba and Milford Mthibhi, when they attacked the police station.

He dismissed the defence's argument that the men could have killed these men easily had they so desired.

The fact that a hand-grenade was thrown at Constable Mashaba, which he caught and threw back, and that shots were fired at him as he ran for cover, indicated an intention to kill, the judge said.

He found the three men guilty of robbery when they robbed a Mr Montie of a small truck which they used in the attack. In their defence the men

claimed they were not guilty of robbery because they intended to return the stolen vehicle. Judge De Villiers said the court did not accept this.

The state has submitted that all nine men are guilty of murder because Mr Tau planned the Silverton siege with the three gunmen who were killed by the police when the siege was broken. Two hostages, a bank teller, Miss Cindy Anderson, 19, and Mrs A. de Klerk, were killed.

Mr Jules Brodie, SC, the defence counsel, has submitted that the state's reliance on a common purpose in respect of each act individually done in execution of the conspiracy is contrary to principles of law. — DDC.

331 Four ANC men jailed 22/1/80

PRETORIA: — Four members of the banned African National Congress (ANC) have each been sentenced to six years' imprisonment, with four years suspended for five years, in the Odi Regional Court for being in possession of illegal ANC pamphlets.

Alpheus Mathope, 23, Karabo Madiba, 19, Gerald Seobela, 21,

and Emmanuel Madiba, 29, all of Ga-Rankuwa, pleaded not guilty before Mr P W van Niekerk.

The court heard that during July in 1979 at or near Ga-Rankuwa in the district of Odi, the four were found in possession of pamphlets which propagated the aims of the banned ANC.

Siege nine's action 'made sense within the situation'

By JOUBERT MALHERBE
Pretoria Bureau

COGNISANCE had to be taken of the factors that had influenced the behaviour of the nine men convicted of high treason in the Pretoria Supreme Court, an eminent South African sociologist said yesterday.

Giving evidence in mitigation in the Silverton siege trial, Prof F A Maritz, head of the Department of Sociology at the University of South Africa, said South Africa's future depended on the elimination of these factors.

After Prof Maritz' testimony, the prosecutor, Mr Chris Jansen, SC, asked for the death sentence to be imposed on seven of the nine accused.

The seven are: Ncimbithi Johnson Lubisi, 29, Petrus Tsepo Mashigo, 19, Naphtali Manana, 24, Moses Molebatsi, 27, Hloli Benjamin Tau, 24, Phumolani Grant Shezi, 24, and Jeremiah Radebe, 26.

The two who were excluded are Boyce Johannes Bogale, 26, and Thomas Mngadi, 29.

Prof Maritz said June 16, 1976, was a "watershed" in the South African history of race relations.

"My argument is simply that the nine accused acted within a situation and that their action within this situation made sense. Their action is, without endorsing it, understandable," Prof Maritz said.

He said the accused had no criminal intentions but that they had tried to serve a cause

which, to them and to the international community, was justifiable on ethical grounds.

It was of cardinal importance that cognisance was taken by those in power of the factors that led to the nine men leaving the country and joining the African National Congress.

Three of the nine accused have been convicted on two charges of attempted murder and a charge of robbery with aggravating circumstances, over and above their conviction on a charge of high treason. They are Lubisi, Mashigo and Manana.

The other accused were convicted on a charge of high treason only.

After judgment was passed last week, Mr Jules Browde, SC, the defence counsel, yesterday called upon Prof Maritz to give evidence in mitigation.

Prof Maritz said he had tried to determine what had caused the accused to behave as they did.

One of his hypotheses was that the action of the accused had to be evaluated in the light of the 1976 riots.

Referring to a study by Dr Melville Edelstein, one of the first people to die in the June 1976 unrest, Prof Maritz said that Dr Edelstein had found already in 1971 that the main grievance of blacks in Soweto was "inadequate political rights".

Very little had been done to rectify this position before the 1976 riots, Prof Maritz said.

He said it was "simplistic and wrong" to ascribe the happenings of June 16 to a single factor like "agitators".

"Agitators can only succeed in their goal when grievances already exist in the structure of the society," Prof Maritz said.

"Most of the factors in the report of the Cillie commission of inquiry into the 1976 riots can be seen as relative to structural tension. It is apparent how often the terms 'frustration', 'dissatisfaction', 'rebellion' and 'hate' are found in the report."

Under the heading "Catalysing Factors", Prof Maritz referred to a quote of Father J D Kestell, a cultural Afrikaner figure in 1903.

Referring to the "oppression" of the Afrikaners by Lord Milner, he wrote: "The future belongs to us. Does he (Lord Milner) not understand the elementary fact that violence cannot destroy a subtle thing such as a nation's spirit."

It was meaningful that the Cillie commission was appointed only eight days after the riots started. The appointment, shortly thereafter, of the Wiehahn and Riekert Commissions was also relevant.

"The last two commissions made specific recommendations which contributed largely to a termination of the tension that existed in the black community."

He said that the "external situation" also contributed and encouraged dissenting blacks to leave South Africa.

"Via the ANC the refugees are supported by almost every country in the world. Other organisations, such as the World Council of Churches, also assisted them in their flight," he said.

It was also true that a whole "world" legitimised the behaviour of the accused and when they felt deprived and the world discredited the source of deprivation, it was impossible to remain loyal to that source (the South African Government).

"The ANC can be condemned and it can be banned but it cannot be negated as a factor in South African politics. With the possible exception of Lubisi, one of the accused, all the accused expressed their pride at being members of the ANC."

In a certain sense, the nine accused remained children because they never learnt to think independently. Their socialisation involved only hatred for the South African "system" and the knowledge that the world legitimised their actions.

Questioned by Mr Jansen, who asked if "the blacks in South Africa were not better off than blacks in other African countries", Prof Maritz said that conclusion could not be made easily.

"Blacks here compare themselves to the white man and not to other blacks."

Mr Justice Jaap de Villiers and his two assessors will pass sentence tomorrow.

Accused in siege trial children, says defence

Own Correspondent

Sentence will be passed on the nine accused in the Silverton siege trial tomorrow.

Ncimbithi Johnson Lubisi (29), Petrus Tsepo Mashigo (20), Naphtali Manani (24), Ikanyeng Moses Molebetsi (27), Hloile Benjamin Tau (24), Phumulani Grant Sheze (24), Jeremia Radebe (26), Boyce Johannes Bogale (26) and Thomas Mngadi (29) were found guilty of high treason in the Pretoria Supreme Court last week.

In mitigation yesterday, Mr. Jules Browde, SC, for the defence, asked Mr. Justice J de Villiers to treat the accused with firmness but said the judge's decision should be tempered with humanity. He asked that the death sentence not be imposed.

He referred to evidence given by Professor F. A. Maritz, head of the sociology department at Unisa.

Professor Maritz had

emphasised that the accused were "children" and most of them were school pupils when they left the country.

Youth was often taken as a mitigating circumstance, and the accused should be treated on the basis reserved for youthful offenders, he said.

The factors detailed in the report of the Cillie Commission, which investigated the causes of the 1976 Soweto riots, were also mitigating circumstances.

Professor Maritz said little had been done between 1971 and 1976 to better the sense of deprivation felt by blacks, especially those in the urban areas.

Discrimination against blacks in the society had been acknowledged by the Cillie, Wiehahn and Riekert commissions and the Wiehahn and Riekert commissions had aimed to rid the country of some of this discrimination, he said.

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Silverton trial —three to die for treason

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Own Correspondent

Three of the accused men in the Silverton Siege trial were today sentenced to death for high treason.

The nine accused climbed the stairs from the cells singing "We shall overcome" to the crowded gallery in the Pretoria Supreme Court.

The men faced the gallery and gave black power salutes which were returned by several people. Shouts of "Amandla Africa" were heard.

The men exchanged smiles and greetings with friends and family.

Sentenced to death by Mr Justice de Villiers were Neimbiti Johnson Lubisi (29), Petrus Tsepo Mashigo (20) and Naphthali Manana (24) for high treason after their involvement in the attack on Soekmekaar police station on January 4.

Ikanyeng Moses Molebatsi (27), and Hloile Benjamin Tau (24) were each jailed for 20 years. Phumutani Grant Shezi (24) and Jeremia Radebe (26) were jailed for 15 years and Boyce Johannes Bogale (26) and Thomas Mgadi (29) to 10 years' jail.

The men were all convicted of high treason.

Chaos reigned when the court adjourned. When the death sentence was passed on the first three accused, a man in the public gallery fainted and others wept.

The judge and his two assessors, left court as the crowd started singing "Nkosi Sikelel' Africa."

Screams and shouts were interchanged as the crowd surged towards the accused in the dock.

Family and friends reached out to touch and shake hands, many with tears streaming down their faces.

Police dogs

Police struggled to usher the crowd out of court and eventually some of the accused left the dock to go back to the cells after members of the defence team had spoken to them.

The others followed and the crowd left the court, shouting and singing "Senzeni?" ("What have we done?").

Outside, crowds were singing and chanting, and police dogs were brought forward to control them.

Mr Justice de Villiers gave leave to appeal against conviction and sentence to the three sentenced to death, but refused leave to appeal to the rest of the accused.

Passing sentence, the judge said that although Mashigo was at the time of the offence only 19, his attitude while giving evidence showed he had the maturity of a much older person and he had far greater insight than the others.

Molebatsi and Tau could count themselves lucky their plan to blow up the petrol storage tanks at Walloo had been unsuccessful.

Civilised

Mr Justice de Villiers said the sentences might evoke shock but he regarded the crimes in a very serious light.

On the attack on Soekmekaar, he said the police kept law and order in South Africa, a civilised country with civilised values.

Citizens should be able to go about their business without fear.

The men had left the country and had undergone military training, had returned to this country, had been in possession of dangerous weapons — particularly hand grenades — and had reconnoitred buildings for possible attacks.

● A Press photographer was taken away by police, but released shortly afterwards.

An unidentified couple leaving the Pretoria Supreme Court today after sentence was passed. The man fainted when the death sentence was passed on three of the accused, and had to be carried out of the court.



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By JOUBERT MALHERBE
Pretoria Bureau

THE singing stopped — and a packed courtroom listened in silence as the judge passed the death sentence yesterday on the three African National Congress men who took part in the attack on the Soekmekaar police station in January.

The trio — Neimbithi Johnson Lubisi, 28, Petrus Tsepo Mashigo, 19, and Naphtali Menana, 24 — were convicted in the Pretoria Supreme Court of high treason last week.

They entered the court singing yesterday — and after they were sentenced at the end of the Silverton trial, they turned to face the gallery, where black people stood up and sang the anthem "Nkosi Sikelel' iAfrika".

Mr Justice Jaap de Villiers granted all three leave to appeal against conviction and sentence. They were also convicted of charges of attempted murder and robbery with aggravating circumstances.

The other six accused — all ANC members — who were all convicted of high treason, were sentenced to 10 years each from 10 to 20 years each. Ikanyeng Moses Nolebatsi, 27, and Hloile Benjamin Tau, 24, were sentenced to 20 years.



Boyce Johannes Bogale, 28, and Thomas Mngadi, 29, were sentenced to 10 years each.

The judge refused the jailed six leave to appeal.

Every day of the hearing since the trial began on August 4, the nine had sung the civil rights anthem "We Shall Overcome" in the cells below.

Yesterday, led by Molebatsi, they were still singing it as they climbed 15 steps to the dock for the last time, to hear the judge pass sentence.

They sang even after taking their places in the long dock, built for the Rivonia trial of the early 1960s. *EDM 27/11/89*

Arguing in mitigation of sentence yesterday, Mr Jules Browde, SC, the defence counsel, said the court had to decide whether the actions of the nine constituted "extreme cases".

Referring to the trial in which James Mange was sentenced to death for high treason earlier this year, Mr Browde submitted that the present case did not call for the death penalty to be passed.

Mange's death sentence was commuted to 18 years' jail on appeal.

Mr Browde said that in the Mange case, the accused had conducted themselves in a "repulsive and provocative manner" during the trial.

He said he did not want to dwell on the "sheer brutality of the accused in that case".

Referring to evidence in mitigation by Professor F A Maritz, an eminent sociologist, Mr Browde said the professor had found the nine men to be "comparatively gentle people".

"He also found no inherent evilness in the nine accused and he stressed that they became enmeshed in the activities of the ANC largely on account of their youthfulness."

Referring to Lubisi, Mashigo and Menana, Mr Browde said that if it had been their intention, they could easily have killed the two black constables who were at the Soekmekaar police station at the time of the attack.

The prosecutor, Mr Chris Jansen, SC, earlier asked for the death sentence to be passed on all except Bogale and Mngadi. He said a judge had to consider each individual case on its merits in deciding whether it was an "extreme case".

It was the "avowed intention" of the first three accused to attack the police station at Soekmekaar.

"Must we wait until someone is killed before a case is regarded as an extreme case?" Mr Jansen asked.

A hush fell when the judge asked Lubisi if he had anything to say before the death sentence was passed. Lubisi thanked the judge and a certain policeman "who treated me like a human being".

After the death sentence was passed on him, on Mashigo — at 19 the youngest of the accused — and Menana, there was a commotion in the public gallery as a man fainted and several people were removed from court.

After the judge had left the courtroom, the public gallery

from court.

After the judge had left the courtroom, the public gallery erupted as all nine men turned around.

The people started singing "Nkosi Sikelel' iAfrika" — and raised clenched fists.

Then relative and friends of the accused scrambled towards the dock.

But policemen had formed a barrier between the public gallery and the dock.

The gallery was packed when the judge entered the courtroom yesterday morning.

Security was watertight. People were frisked by policemen using metal detectors before being allowed into the building.

A strong contingent of uniformed and Security Police stood on duty in the courtroom and the doors were locked during proceedings.

After the nine men had disappeared down the stairway to the cells below the court, the gallery again began singing and thronged out of the main entrance on Church Square, where passersby joined in.

When the police van carrying the nine prisoners appeared, a roar went up.

Death sentences for three traitors

Own Correspondent

PRETORIA. — The singing stopped as the death sentence was passed yesterday on the three African National Congress men who took part in the attack on Soekmekaar police station in January.

Ncimbithi Johnson Lubisi, 28, Petrus Tsepō Mashigo, 19, and Naphtali Menana, 24, were convicted in Pretoria Supreme Court last week of high treason.

They entered the court singing yesterday — and after they were sentenced they turned to face the gallery, where black people stood up and sang "Nkosi Sikelele Afrika".

Mr Justice Jaap de Villiers granted all three leave to appeal against conviction and sentence. They were also convicted on charges of attempted murder and robbery with aggravating circumstances.

The other six accused — all ANC members — who were all convicted of high treason were sentenced to jail terms ranging from 10 to 20 years.

Ikenyeng Moses Molebatsi, 27, and Hlobile Benjamin Tau, 24, were sentenced to 20 years each; Phumulani Grant Shezi, 24, and Jeremiah Radebe, 29, to 15 years each; Royce Johannes Bogale, 26, and Thomas Mngadi, 29, to 10 years each.

The judge refused the jailed six leave to appeal.

Every day of the hearing since the trial began on August 4, the nine sang the civil-rights anthem "We Shall Overcome"

in the cells below. Yesterday, they were still singing it as they climbed 15 steps to the dock for the last time.

Mr Justice DE Villiers said: "If I did not regard their conduct in a very serious light, I would not be doing my duty towards the citizens of South Africa, and South Africa is a civilized country."

Molebatsi and Tau had had weapons and had done reconnaissance patrols at Walfloo petrol depot near Pretoria with the aim of attacking it. Shezi and Radebe had planned an attack on the Port Natal Administration Board's offices.

The court found that the nine left South Africa in 1976 and underwent military training. They returned to South Africa with the specific goal of overthrowing the government violently.

At the beginning of the trial, the State alleged that all nine were guilty of murder arising from the Volkskas bank siege in Silverton, where two women died. The state had not proved this case, the judge said.

A hush fell when the judge asked Lubisi if he had anything to say before sentence. Lubisi thanked the judge and a certain policeman "who treated me like a human being".

After the death sentence was passed on him, on Mashigo — at 19 the youngest — and Menana, there was a commotion in the public gallery as a man fainted. Several people were removed from court.

Seven are charged ³³

SEVEN men appeared briefly in the Pretoria Regional Court yesterday on charges under the Terrorism Act.

They were not asked to plead.

According to the charge sheet, they allegedly attempted, consented or took steps to undergo military training by travelling to Houdkop on the South Africa-Swaziland border.

They are Mr Arthur Elliot Phalatse, 22, Mr Thabo Simon Ndlovu, 19, Mr Jannitjie Malaya Chiloane, 24, Mr William Mtwante Mampuru, 18, Mr Tshepo Albert Motlana, 23, Mr Ezekiel Oupa Masuku, 23, and Mr Matone Joseph Mashuhu, 24.

The hearing has been postponed to January 26, and the accused were remanded in custody. — Sapa.

RAND
Daily Mail

FRIDAY
November 28, 1980

The cleavage and conflict in SA

TRAGEDY upon tragedy mounts up; dilemma is piled upon dilemma in the African National Congress "Silverton" trial which ended this week. Three of the accused were sentenced to death for high treason, and the six others to severe sentences of 10 to 20 years' imprisonment.

The tragedy lies in the fact that these are South Africans who felt impelled to leave their country in secret and to go abroad for military training, and then to return to wreak violence against people and property. One of them — Petrus Tsepo Mashigo — was a mere 15 when he left, in the turbulence of 1976; he was 19 when he committed his offences; now he faces death.

The trouble is that once the vicious circle of violence gets started it has a tendency to spiral down the ghastly depths, finally reaching the unforgiveable; such as holding and killing hostages.

The behaviour of the Silverton accused presents the Government with a number of dilemmas. It cannot allow violent acts. It has to employ all the forces of the State to hunt down perpetrators of violence and to prosecute them. It cannot afford to be seen to be soft on such people, because to do so is to encourage others to follow in like manner.

Yet the Government cannot fail to recognise that considerable numbers of South Africans don't

view the accused in the light of the judicial findings.

That this is so is a terrible commentary on the cleavage and conflict in our country. It is the aspect to which the Government should be devoting its most urgent attention because calamity lies ahead if it is left unresolved.

Concerning the Silverton trial, leave to appeal against the death sentences has been granted. So the final judicial decision on this is still to come. That postpones, or could in the event avoid, a Government decision on whether to carry out the executions.

What should be remembered is that the passing of the death sentence for high treason is not unknown in our history. Nor is Government clemency. The most well-known case concerns the late Roby Leibbrandt who was sentenced to death for his treasonable activities on behalf of Nazi Germany during the Second World War. He was reprieved (and actually released when the Nationalists later came to power).

In regard to the Silverton trial, is there scope for the Government to demonstrate magnanimity in seeking racial reconciliation, even while maintaining law and order?

This is a different question. But it must be considered because, ultimately, there are no winners in the Silverton trial — and any others like it which might follow. Only South Africa loses.

Terrorism Act: 3 in court months after arrests

STAR 28/11/80

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Own Correspondent

EAST LONDON — Rhodes journalism lecturer, Mr Guy Berger (23), and two others, Mr Mandla Gxanyana and Mr Devan Pillay — held under Section 6 of the Terrorism Act for between three and five months — appeared briefly in the magistrate's court here today.

No charges were put to the three and the case was remanded to December 17. The State opposed bail which the magistrate, Mr N R Oosthuysen, upheld.

Mr Pillay, a first-year politics student was detained in Grahamstown on July 26. Mr Gxanyana was detained by East London Security Police on June 15. Mr Guy Berger, a Rhodes honours graduate and journalism lecturer, was detained at his Grahamstown home on August 11 following a series of pre-dawn raids by Security Police on university residences and private homes.

Three other Rhodes students, Mr Chris Watters, a final-year law student, Mr Mike Kenyon, a third-year science student, and Mr Alan Zinn, a physical education student, are still being held by East London Security Police under Section 6 of the Terrorism Act.

The Attorney-General of the Eastern Cape, Mr E C Heller, was unable to say when the three would face charges.

331 (157) (152) (352) Rom 29/11/80

Court hears of huge possible fine

DURBAN. — The KwaZulu Transport Company (Pty) Ltd was liable for a fine of more than R10 000 for failing for the past three years to display a notice stipulated under the Riotous Assemblies Act, the Camperdown Magistrate's Court heard yesterday.

Appearing for 44 KwaZulu transport drivers who were involved in a strike in the Mapumulanga district last month, Mr C Nicholson said it was an offence for employers not to display a notice outlining employees' rights.

Earlier, a State witness, Mr B E Bennett, acting manager

of the Mapumulanga Transport Depot, told the court that to the best of his knowledge a notice outlining employees' rights was only put up in April this year, on the advice of security police.

Mr Nicholson told the court that failure to display such a notice was punishable by a R10 fine or 14 days' imprisonment for every day the notice was not up.

He asked Mr Bennett, under cross-examination, why the police had prosecuted their bus drivers but had taken no action against the management of the company for failing to display the notice.

The magistrate, Mr M J van Graan, said the question was irrelevant to the case.

The 44 drivers have pleaded not guilty to charges under the Riotous Assemblies Act, but admitted being in the employ of the KwaZulu Transport Company on October 30 when they failed to report for duty.

Mr Bennett told the court he had gone to the Mapumulanga depot on the evening of October 29 when he was informed by a supervisor that the staff bus had gone missing.

He said he arrived at the depot to find the bus parked

outside the premises with a number of his drivers in it.

He said they told him they wished to speak to the group manager of KwaZulu Transport, Mr Chris Peckett, about the dismissal of a driver.

He said the police were called to the depot at his request and the drivers had questioned their presence.

Mr Bennett said he had warned the drivers a number of times that if they did not go back on duty "they could be committing a possible offence."

The hearing continues. — Sapa.

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TREASON AND A 'TREASON'

By VIV PRINCE

SILVERTON siege trial accused Ikan-yeng Moses Molebatsi was jailed for 20 years this week. Behind him, among the spectators, sat his father — sad . . . and proud.

Later in Soweto Mr Noah Molebatsi, 56, told me: "I've no regrets about the steps he's taken. I'm very proud of him. I still think of him as a son."

When the trial ended three men had been sentenced to death and six other given prison sentences ranging from 10 to 20 years.

As the judge and his assessors left court, the nine men convicted of high treason turned with fists clenched to face the crowd of spectators. And they responded by singing "Nkosi Sikelel' Afrika." Ikan-yeng's father did not wave a clenched fist.

Ikan-yeng Moses Molebatsi

WHAT THE EMINENT AFRIKANER SOCIOLOGIST SAID

How a studious boy who wanted to be a doctor ended up in prison for 20 years

I heard "We shall laid off because of health complications".

A passing motorist asked a colleague what trial it was. He told him it was the ANC men.

"Is that that guy Tekere?" asked the motorist.

The van left and there were cries of "Amandla" from the "pavement choir" — the spectators who'd been in court.

Where did it all begin? Later, in Soweto, I built up with the help of his father and brother a picture of the man Ikan-yeng Moses Molebatsi (27).

He is one of 11 children. His father was a teacher for 30 years — "then I was

tor of Youth Alive Ministries, takes up the tale. "When he did not get a university matric he felt bitter about it. He felt the whole education system was not a fair deal."

Ikan-yeng was about 20 when he left school. He had a variety of jobs. Caesar had left the country in 1971 and he talks of the change he saw in his brother when he returned three years later.

"He was a lot more politicised. He would go through four or five jobs in two years. He struggled with the white rulership mentality."

Two things, said Caesar, affected the thinking of the whole family. One was Caesar losing his leg in a car accident and the other was a case of Group Areas removals.

Caesar said: "When I was 15 I was riding a bike and there was a guy coming from behind driving a Kombi. He hit me from behind. I got compensation after five years in the Johannesburg Supreme Court. I got eventually just over R3 000 after paying off the expenses."

"I never thought I'd ever speak to a white person again at that point. "I was very much aware of the extent to which I could hope to develop. Christianity helped me to

overcome bitterness out of which comes hatred."

Ikan-yeng's father, a softly spoken man, said that the case of Caesar losing his leg affected Ikan-yeng. "It affected the whole family." Then there was the Group Areas removals.

"They were removing people from the Boons area, near Koster, and my father-in-law happened to be one of the people whose father had had a major share in the procurement of that land. And the method adopted by the authorities to remove them they considered very unfair."

"They just took everybody regardless of their rights there to one

at the graveyards and sent it to the then Minister of Justice, Mr J. T. Kruger.

Both father and brother told me they had not known Ikan-yeng had left the country. All they knew was when police came looking for him in January, 1977.

Said Caesar: "His evidence in court was that he went to Botswana and joined the ANC there."

I asked them how the felt about those 20 year in jail that Ikan-yeng now faces.

Mr Molebatsi said: "I want to accept it that I went for this ANC thinking and hoping it might improve the situation in South Africa."

'THE MAN WHO TODAY SITS IN JAIL MAY TOMORROW SIT IN GOVERNMENT'

S. TEBANE

20/11/86

THE eminent Afrikaner sociologist who spent hundreds of hours studying the accused in the Silverton siege trial, Prof Frans Maritz, is a drained man.

His mammoth report was the cornerstone of the defence's mitigatory evidence and was accepted without objection by the State. Mr Justice Jaap de Villiers complimented it for being "clearly objective".

Professor Maritz, dean of the sociology faculty at the University of South Africa, said that the court's decision to sentence three of the nine ANC men to death was a great shock to him. He was under further strain because of threatening and abusive phone calls.

"I spent three months and hundreds of hours studying these men; why they left South Africa after Soweto 1976, why they joined the ANC, why they underwent military training and then returned to attack targets in the Transvaal and Natal.

"I got to know them better even than the security police knew them; intellectually I was prepared for the death penalty but emotionally I wasn't and it left me limp.

"My research was not to show that certain sociological factors gave the nine the right to undergo military training overseas and then infiltrate South Africa with dangerous weapons. Neither was it to show that they are mentally disturbed. My argument is simply that they acted within a certain situation and that within this situation their actions make sense. Without condoning their actions, they are nevertheless understandable.

"They did not have criminal intentions, but tried to serve a cause which, in their opinion and that of the international community, is ethically justifiable.

It is of paramount importance that cognisance is taken of these facts by those governing our na-

tion. The future of South Africa is directly dependent on the removal of the factors which influenced the actions of the nine."

Professor Maritz said that the actions of the nine were linked to a phenomenon as old as humanity itself: that men have tried to overthrow governments and that the man who today sits in jail may tomorrow sit in the government.

"Also the history of South Africa, virtually from the time of Van Riebeeck, has known these fluctuations.

"Any happening can become a 'reason' for ensuing actions.

"The father of Afrikaans culture, Dr J. D. Kestell, wrote in 1903 during the time of the Afrikaner's struggle for freedom:

"The future belongs to us. Does Lord Milner know nothing of the simple, elementary, fact that violence cannot destroy as subtle a thing as the soul

of a nation? The nation asks for its own school committees. Lord Milner says no.

"The nation asks for recognition of its language rights. He says no. Now the nation will erect its own schools.

"But so it must be, otherwise the soft-hearted Afrikaner will say: England is very good to us, England gives us what we ask, England lets us choose, our own school committees, England lets us teach Dutch in the schools, England gives us everything. Why should we be rebellious?"

"It is, however, our duty to inform the English Government it is in our interests to always have an apple of discord, yes a hundred apples of discord."

"There were reasons for the happenings of June 16, 1976, and the happenings of June 16 were in turn the reasons, the celebrating factors, which gave a new impulse to the black freedom movement

and caused people to leave the country," Professor Maritz said.

Prof Maritz drew heavily on the findings of the Chile Commission which investigated the disturbances at Soweto and other places between June 16, 1976, and February 28, 1977.

"The actions of the nine must be understood in terms of June 16, 1976. What happened then did not just fall out of the sky, but was the result of the South African system of social control.

"After Soweto 1976 many young blacks left the Republic.

"From my interviews with the nine and from the evidence presented in court, it is remarkable how easy it was to leave South Africa. The most important reason for this is the fact that the rest of the world — not only neighbouring states — receive refugees from South Africa with open arms.

"People flee from the South African Police and

across the border they are welcomed by the police and given all possible assistance. There is a world which approved of these men's behaviour, legitimises and even encourages it.

"The ANC is an organisation which... provides the black man with a physical and moral home. The ANC may be condemned, it may be banned, but it cannot be negated as a factor in South African politics," Prof Maritz said.

He said it was clear from his interviews with the men that they were proud of belonging to the ANC and that it made life worth living for them, especially when they compared their lives as members of the ANC with their lives in South Africa before they left.

Prof Maritz said that it had to be emphasised that most of the men left South Africa while they were still school children. Petrus Mashigo — sentenced to death — was only 15 when he left.

"The biological age of the others — between 20 and 22 — should not be taken as their "personality age" because they were still school-children and immature.

"Considering these factors, when they left the country they were ideal pawns for an organisation like the ANC, which takes young people, even under false pretences, and trains them overseas in politics and military aspects.

"All of them repeatedly stressed the intensiveness of the political schooling... they were taken up in military camps characterised by strong discipline, without contact with normal circles of friends and family.

"Taken up in these camps as children, in a sense they remained children because they did not learn to think and live independently. Their socialisation was a hate of the South African system and the assurance that the world approved their aims and training."

Mr Molebatsi was living there at the time with his family and they decided not to go to the place allocated to them but to go to Soweto. That was in 1968.

Now we go on to 1976 and Caesar remarks: "At that time Ikanyeng was acting really unusually. He was a truck driver with Beeld. We used to have bitter arguments about this county."

"He was beginning to say the white people never listen. His brother Sam had got a Bantu Education B.A. which Ikanyeng considered worthless. He was absolutely agitated at that time. He was politically aware."

"We used to chide him about working for Beeld of all papers, with all of his talk of relevance. He just laughed. I hope I get time one day to get an explanation. He honestly laughed."

Caesar continued: "My dad and I and my wife were nearly killed in a crossfire towards the end of '76. At the graveyards we were caught between police and 1 000 people or so."

"Ikanyeng could not understand why I was not falling apart, feeling angrier than I did."

Caesar said he had made a tape of what happened

"ersona... I think I would have done the same thing (left the country and joined the ANC) if I was his age.

"I'm not sorry that he went out. Even if he had died while he was away he would have died a brave man trying to better his position. I really feel that we are not having a fair deal from our rulers."

Mr Molebatsi, whose youngest child is now 14, depends on financial support from his sons.

Caesar had this to say on his brother's jail term: "I really feel bitter. I feel that judge was totally unreasonable and that it's a real pity to waste lives this this."

"I think I can say Ikanyeng did the only thing he could have done under those circumstances. He took what was the only option for him."

"Knowing him, that was the only way that made sense for him."

After 20 years, I asked, how does he think his brother will feel? "He's going to bounce right back."

And then Caesar paused and reflected for a moment on the trial. He said: "This case will only radicalise a thousand more young people."

Gqweta in court on incitement charge (331)

EAST LONDON — The national organiser of the South African Allied Workers' Union, Mr Thozamile Gqweta, appeared briefly in the Mdantsane regional court yesterday charged with inciting workers to strike and being on premises where work is conducted, without permission.

He was not asked to plead. No evidence was led and Mr Gqweta, who

made several appearances on similar charges before they were withdrawn on November 25 when he was still in detention, was allowed out on bail of R500.

He was warned to appear on January 16.

Mr Gqweta's appearance was in connection with a strike by 700 workers at the Mdantsane Special Organisation on April 16. — DDR

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TD	Dona
TE	Esta
TF	Farmers
TM	Miscellaneous
TN	Non Residents

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2 Queenstown youths on sabotage charge

EAST LONDON — Two Queenstown youths pleaded not guilty in the Regional Court here yesterday to a charge of sabotage and three alternative counts of housebreaking with intent to commit arson, arson and malicious damage to property.

The youths aged 17 and 16, on the sabotage count are alleged to have set alight a garage and two vehicles.

They are alleged to have tampered with or endangered the maintenance of law and order and the property of other persons.

The first alternative is that they broke into the garage of Mr Elliot Silandela with the intent to commit arson.

The second alternative of arson is that they set fire to Mr Silandela's garage on June 14.

Mr Silandela said his car was burnt out as well as his wardrobe, bed, clothing and R60 cash which he kept in a storeroom.

He suffered more than R700 damage.

A 16-year-old girl said on the night of the incident she and the two youth with other friends had gone to a church service.

She had slept with the 17-year-old youth at his home that night. The girl denied a signature attached to a police statement was hers.

She further denied most of the contents contained in the statement, but admitted she made another statement which she signed.

The contents of this statement were not put to her by the prosecutor, Mr S. D. Grobbelaar.

A 12-year-old youth said the two accused spoke about setting fire to certain property of Mr Silandela.

He said while the 17-year-old youth jumped over a fence the 16-year-old youth looked through a window. When he saw grass burning he ran away, the youth said.

Later in his evidence he said when they came from church he smelt petrol and saw the 17-year-old

youth had a bottle in his coat pocket.

Mr Jongintyaba Mbolekwane said when he met the two accused that afternoon he did not hear them say anything.

Changing his evidence, Mr Mbolekwane said he heard them say they would set a certain place on fire. He could not say who said it because he was merely passing by when he overheard them say so.

Cross-examined by Advocate G. Bizos SC, for the accused, Mr Mbolekwane said: "I only heard him say he was going to burn", referring to the 17-year-old youth.

The hearing continues today. — DDR

(Adv G. Bizos SC and Advocate T. L. Skweyiya instructed by Magqabi Siwisa and partners appeared for the youths.)

Tears as detainees remanded

There were kisses and tears when two student detainees met their families for the first time in four months yesterday when they were charged under the Terrorism Act.

Mr Ettlene Pillay (18) of St Barnabas College, a 17-year-old student. Mr Pinda Manamela (34); Mr Jonas Motaung (36) and Mr Nicodemus Motapo (35) appeared before a Johannesburg Regional Court magistrate.

All the accused were remanded in custody and the hearing was provisionally adjourned to December 12 to enable the prosecutor to draw up a charge sheet.

Policeman admits

EAST LONDON — A police Warrant Officer from Queenstown under cross-examination by a defence advocate yesterday admitted he tore up an original statement made by a State witness.

Warrant Officer Mathews Nceba Makubalo was giving evidence in the hearing in which a 17 and a 16-year-old youth appeared in the Regional Court here charged with sabotage, alternatively, housebreaking with intent to commit arson, arson and malicious damage to property.

Warrant Officer Makubalo said this was normally done under instructions they get. He did not say who gave such instructions.

A 16-year-old girl said she had seen a bottle con-

taining sand and petrol in the possession of the 17-year-old youth.

She had once seen other youths using it to burn another man's car.

The 17-year-old youth in his defence said he had nothing to do with the burning of the garage of Mr Elliot Silandela and neither did he break into it or damage any property.

The hearing continues today. — DDR

Code	Details	No. of Tuts
CA	Cash budgets	4
CB	Capital budgeting	8
CC	Contract costing	2
CL	Linear programming	5
CM	Marginal costing	7
CP	Probability	4
CS	Standard costing	8
CX	Miscellaneous	9

Cape Times 331 3/21/80 12:45

Court at prison

MR OSCAR MPETHA, 71, detained chairman of the Nyanga Residents' Association, would face charges under the Terrorism Act and a charge of murder when the Wynberg Magistrate's Court sat in Pollsmoor Prison tomorrow morning, his lawyer said last night.

Mr Brian Lutzno, who will represent Mr Mpetha, told the Cape Times: "Mr Mpetha will be formally charged on Thursday with 17 others when the Wynberg Magistrate's Court will sit in Pollsmoor prison."

"They will face charges under the Terrorism Act and a charge of murder, alternatively public violence."

"I will appear, but expect the case to be postponed for a week until detailed charges are drawn up."

"I have yet to confirm with the authorities whether the court will be open to the public and whether the provision of section six of the Terrorism Act will fall away, enabling Mr Mpetha's family to have access to him."

Mr Mpetha was detained on August 14.

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They face charges under the Terrorism Act and two charges of causing the death of Mr Casper Jansen and Mr George Beeton who died in a fire in Nyanga on August 11 this year.

The men are: Mr. Lawrence Lerothodi, 18, of Nyanga, Mr. Oscar Mpetha, 71, of Nyanga East, Mr. Morgan Makuvala 19, of Guguletu, Mr. Aron Tshangana, 28, of Guguletu, Mr. Johannes Hlapo, 20, of Guguletu, Mr. Peter Kube, 18, of Nyanga East.

Mr Alton Sabuwa, 18, of Nyanga East, Mr F Booi, 18, of Crossroads, Mr D Mzaza, 19, of Guguletu, Mr D Englio, 30, of Nyanga East, Mr Jeffrey Baardman, 20, of Nyanga.

Mr Raymond Mapondo, 19, of Nyanga East, Mr D Diba, 21, of Nyanga and Mr W Mazolama, 21 of Crossroads and four

It is alleged that on August 11 this year along Ou Klipfontein Rd, Nyanga, Mr Jansen and Mr Beeton were stoned and then set alight. The hearing was postponed on Thursday at Pollsmoor Prison Court.

About 50 relatives and friends were searched by police officials using a metal detector as they entered the court room.

With fists clenched and singing freedom songs, the 18 prisoners were escorted into the packed courtroom. People in the public gallery joined in the singing.

Mr Mpetha bespectacled and with shirt hanging out sang along, but tried to calm his fellow prisoners when they became rowdy. He appeared to be in good physical health.

Three accused who were not represented at the hearing today asked the court to appoint attorneys for them from the Black Sash.

The Magistrate, Mr. S. W. E. Liebenberg, told them they were not allowed to see their parents and therefore had to make

(Continued on Page 3, col 2)

Pupils' case postponed

MDANTSANE — The case of ten Nyameko High School scholars charged with public violence has been postponed for trial to February 16, 1981.

The students appeared before Mr J. Goldworthy and no evidence was led.

The case was remanded in absentia for five scholars because they are still in detention.

Three of the five, held under the Ciskei emergency laws, are: Msindisi Halahoyi, 19, Vuyani Njokweni, 19 and Zukile Citwa 19.

The other may not be named because they are under the age of 18. —
DDR.

Bail is refused to 18 terror accused

Own Correspondent

CAPE TOWN. — Bail was refused by order of the Attorney-General for 18 men and youths who appeared yesterday on charges under the Terrorism Act.

The order, in terms of Section 61 of the Criminal Procedure Act, will stand until sentence has been passed or the men and youths have been acquitted and released.

They were remanded to December 11 after a brief but noisy appearance in the Wynberg Magistrate's Court sitting at Pollsmoor Prison.

Filing into a packed court, the group chanted and sang freedom songs until security officials threatened to send them back into the cells unless they stopped.

Prison wardens used metal detectors to screen relatives and friends coming into the heavily-guarded courtroom.

No evidence was led and no detailed charges were put to the accused, all residents of either Crossroads, Guguletu or Nyanga.

According to the charge-sheet, they face charges under the Terrorism Act and two charges of murder arising from the deaths of Mr Casper Jansen and Mr George Beeton in Crossroads in August this year.

Addressing the magistrate, Mr S K E Liebenberg, several of the men said they did not have legal representation and wanted the Black Sash to organise it for them.

Mr Liebenberg said it was not within his power to assist, but they would be allowed to arrange legal representation.

One of the men involved in the case is Mr Oscar Mpetha, 71, chairman of the Nyanga Residents' Association, who has been detained under Section Six of the Terrorism Act for nearly four months.

With yesterday's court appearance, Mr Mpetha's detention provision fell away.

The others were: Mr Lawrence Lerothodi, 18, of Nyanga; Mr Morgan Makuvala, 19, of Guguletu; Mr Johannes Hlapo, 20, of Guguletu; Mr Aaron Tshangana, 28, of Guguletu; Mr Peter Kube, 18, of Nyanga East; Mr Alton Sabuwa, 18, of Nyanga East; Mr Pumanekile Booi, 18, of Crossroads; Mr Vuyisele Mzaza, 19, of Guguletu; Mr M Jabavu, 30, of Nyanga East; Mr Jeffrey Baardman, 20, of Nyanga; Mr Raymond Mapondo, 19, of Nyanga East; Mr Duvisele Diba, 21, of Nyanga; Mr W Mazolama, 21, of Crossroads;

Miss J Bird prosecuted

Mr Brian Lutzko appeared for Mr Mpetha. Mr D Mias appeared for one of the youths. Mr L Bozalek appeared for Mr Tshangana and Mr Kube. Mr R Vassen appeared for Mr Mzaza, Mr Baardman, Mr Mapondo, and a youth. Mr Y Ebrahim appeared for Mr Diba, Mr Mazolama and one of the youths. Mr H Gischen appeared for Mr Hlapo. Mr P Sonn appeared for Mr Sabuwa and Mr Makuvala.

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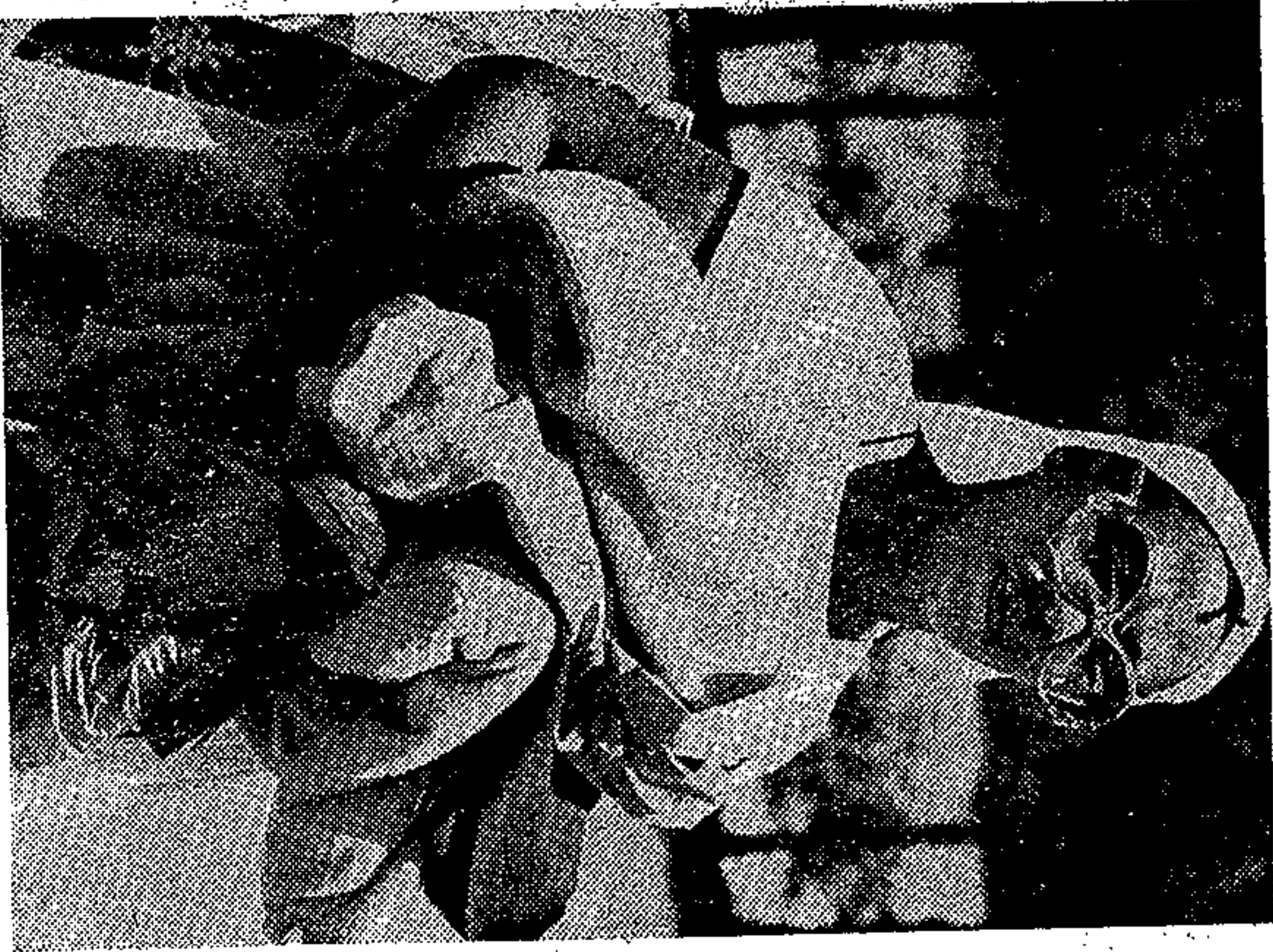
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Mpetha sees his family — for first time in 113 days



MISS ESTHER MPETHA holds a bundle of her father's dirty clothes shortly after seeing him yesterday for the first time in 113 days.

THE detained chairman of the Nyanga Residents' Association, Mr Oscar Mpetha, saw his family for the first time in 113 days yesterday at Pollsmoor Prison.

Earlier, Mr Mpetha and 17 others had appeared in the Wynberg Magistrate's Court, which sat at Pollsmoor Prison on charges under the Terrorism Act and two of causing the death of Mr Casper Jansen and Mr George Beeton, who died in a fire in Nyanga on August 11 this year.

Mr Mpetha's daughter, Esther, was clearly relieved that her father was in good physical health.

She said members of the family had been very concerned because he suffered from diabetes.

A DIET However, prison authorities had been treating him well and had made provision for him to be placed on a special diet, and to be checked and treated by a doctor.

Although I am very happy to have seen my father, I am very anxious that he could be detained up to 180 days, without us knowing what could happen to him during that period, Miss Mpetha said.

Her brother, Tembu, the only other member of the family who attended the court hearing, said he was very upset that his father had not been granted bail. My father is 71, and at that age, I don't know if he can withstand prison confinement.

3 MINUTES Mrs Mpetha's children were allowed to see him immediately after his appearance yesterday morning. They saw him for about half an hour. As a result of a court ruling yesterday parents may visit the detainees, they will now be allowed to see their father twice a week for half-hour periods.

Asked why their mother was not in the court, Miss Mpetha said: My mother

is at home — ill in bed. She is very confused and does not seem to know what is happening. Mrs Mpetha suffers from a mental disorder which, her daughter said, was caused when her father was detained in the 1960s for more than three months.

COFFEE Today I am doing what my mother did then — taking my father clean clothes and coffee, which he desperately wants.

The situation is very bad at home since my father has been in detention. If it were not for the trade unions we would be down and out, she said.



CHATTING outside Pollsmoor prison yesterday after seeing Mr Oscar Mpetha are (from left), Mr Tembu Mpetha, his father's attorney Mr Brian Lutzu, Miss Esther Mpetha, and close friend and secretary of the Nyanga Residents' Association, Mr Leon Mqhakayi.

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Unionist charged under Terror Act

By Drew Forrest
Trade-unionist Oscar Mphetha — the subject of an intensive Anti-Apartheid Movement campaign since his detention in August this year — was yesterday charged under the Terrorism Act.

Mr Mphetha (71), national organiser of the Food and Canning Workers' Union, was charged

together with 17 others in a court specially convened for the purpose in Cape Town's Pollsmoor Prison, a union spokesman said.

They are believed to have been charged under Section Eight of the Terrorism Act.

The spokesman condemned the "extraordinary" nature of the proceedings,

saying he had "never heard of a court hearing in a prison, outside Robben Island." He added that visitors and family had been scanned by a metal detector before entering court.

Mr Mphetha was detained in August this year shortly after releasing a statement to the Press

condemning the alleged police provocation of violence in Nyanga and Crossroads in Cape Town. His age, and the fact that he is diabetic have made him the focal point of a sustained campaign by anti-apartheid activists overseas.

In a further statement, the African Food and Canning Workers' Union,

condemned the "continued harassment of East London union officials by the Ciskeian and South African authorities."

The statement referred to the arrest on Monday this week by Ciskeian Security Police of AFCWU branch chairman Mr Welile Mozozoyana, and to the union's branch secretary Mr Bonisile Norushe,

who has been held under South African security legislation since June this year.

"No-one has had access to them, and we are extremely concerned for their safety," the statement said. It went on to call for their immediate release, and for an end to the official campaign against the union.

Crossroads deaths: No bail for men, youths

Staff Reporter

BAIL was refused by order of the Attorney-General for 18 men and youths who appeared yesterday on charges under the Terrorism Act.

The order, in terms of section 61 of the Criminal Procedure Act, will stand until sentence has been passed or the men and youths have been acquitted and released.

According to the charge-sheet, they face charges under the Terrorism Act and two charges of murder arising from the deaths of Mr Casper Jansen and Mr George Beeton in Crossroads in August this year.

They were remanded to December 11 after a brief in the Wynberg Magistrate's Court sitting at Pollsmoor Prison.

Filing into a packed court, the group chanted and sang freedom songs until security officials threatened to send them back into the cells unless they stopped.

Prison wardens used metal detectors to screen relatives and friends coming into the heavily-guarded courtroom.

No evidence was led and no detailed charges were put to the accused, all residents of either Crossroads, Guguletu or Nyanga.

Addressing the magistrate, Mr S K E Liebenberg, several of the men said they did not have legal representation and wanted the Black Sash to organize it for them.

Mr Liebenberg said it was

not within his power to assist, but now that they had appeared in court they would be allowed to arrange legal representation.

One of the men involved in the case is Mr Oscar Mpetha, 71, chairman of the Nyanga Residents' Association, who has been detained under section six of the Terrorism Act for nearly four months.

With yesterday's court appearance, the detention provision fell away and a well-looking Mr Mpetha was allowed to see his family and to consult with his legal representative.

The others were: Mr Lawrence Lerothodi, 18, of Nyanga; Mr Morgan Makuyala, 19, of Guguletu; Mr Johannes Hlapo, 20, of Guguletu; Mr Aaron Tshangana, 28, of Guguletu; Mr Peter Kube, 18, of Nyanga East; Mr Alton Sabuwa, 18, of Nyanga East; Mr Fumanekile Booi, 18, of Crossroads; Mr Vuyisele Mzaza, 19, of Guguletu; Mr M Jabavu, 30, of Nyanga East; Mr Jeffrey Baardman, 20, of Nyanga; Mr Raymond Mapondo, 19, of Nyanga East; Mr Duvile Diba, 21, of Nyanga; Mr W Mazolama, 21, of Crossroads; and four youths.

Miss I Bird prosecuted. Mr Brian Lutzno appeared for Mr Mpetha. Mr D Mias appeared for one of the youths. Mr L Bozalek appeared for Mr Tshangana and Mr Kube. Mr R Vassen appeared for Mr Mzaza, Mr Baardman, Mr Mapondo, and a youth. Mr Y Ebrahim appeared for Mr Diba, Mr Mazolama and one of the youths. Mr H Gischen appeared for Mr Hlapo. Mr P Sonn appeared for Mr Sabuwa and Mr Makuyala.

DD 9/12/80
331
152
181

Women on Riot Act charge

EAST LONDON — Two
Mdantsane women
appeared briefly in the
magistrate's court here
yesterday charged under
Section 10 of the Riotous
Assemblies Act and with
assault.

Mrs Nomathemba
Lynette Totyi, 33, and Mrs
Nozwi Rosy Nxayi, 40,
both of Zone 10, were not
asked to plead and no
evidence was led when
they appeared before Mr
N. R. Oosthuysen.

On two counts they
were charged with
restraining Miss Noyena
Rebe and Miss Primrose
Bandezwa by threatening
to assault them and by
assaulting them in order
to compel them not to go
to work.

The alleged incident
happened on September
26 at the Collondale
Cannery (Pty) Ltd, Cove
Rock.

The hearing was post-
poned to January 16 and
both women were warned
to appear. — DDR

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or the seditions
place, the un-
ment into remote
rm for such con-
st legislation,
rols. With South
unemployment in its
rate. Rapid

Security Act case: Rhodes 2 remanded

EAST LONDON — The hearing in which two Rhodes University men and a Duncan Village man are charged on two counts under the Internal Security Act was further postponed when they appeared in the magistrate's court here yesterday.

A journalism lecturer, Mr Guy Berger, 24, of Hill Street, Grahamstown, Mr Devandiren Pillay, 21, of Ward Street, North End, a first year student in journalism, and Mr Mandla Gxanyana, 26 of Dangazela

Street, Duncan Village, were not asked to plead and no evidence was led when they appeared before Mr N. R. Oosthuysen.

No details relating to the case were given in the charge sheet.

The hearing was postponed to January 21 pending the Attorney General's decision.

All three men are kept in custody on the instructions of the Attorney General, Mr E. C. Heller. — DDR

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Imported without modification from advanced capitalist economies
available of capital and labour in South Africa but are
words, techniques of production do not depend on the relative
as it does in many other peripheral countries. In other
I. Capital intensification proceeds autonomously in South Africa
stated:

Two competing theories of South African unemployment can now be
IS SOUTH AFRICAN UNEMPLOYMENT 'TECHNOLOGICAL' OR 'POLITICAL' ?

in 1980 and 1981 will be, remains to be seen.
creasing growth. What the effect of expected higher growth
period February 1978 to November 1979, a period of low but in-
from absorbing the increase in the African labour force over the
is accepted, then it is clear that the economy has been very far
If the 'statistical illusion' and constant activity rate view

calculated here.)
error of an estimate of a proportion will be different from that
a stratified sample, not a simple random sample and the standard
should be regarded as order of magnitude, since the CPS uses
at 32.4% at the 5% level of significance. (This argument

Two youths jailed for violence

WHILE 13 of their co-accused were acquitted in the Regional Court, The Strand, yesterday, two teenage youths were each sentenced to 18 months' imprisonment for public violence at the Kromko apple factory, Grabouw, in April this year.

Sentence was suspended for five years.

A foreman at the factory identified the youths as being among those who had stoned the building during a strike over pay.

Their conviction was the culmination of a 'trial within a trial', during which it was alleged by six of the accused that police had subjected them to electric shocks from an instrument which looked like a telephone with a handle and wires.

They claimed police said they would 'climb the walls' if they did not admit guilt. The police denied the assaults or the alleged shock torture with the device.

INFLUENCED

The magistrate found it could 'possibly be true', the accused had been influenced to plead guilty and changed the pleas of all 15 youths to one of not guilty.

Mr K. Engers, who appeared for all 15, said it was clear 'undue pressure' had been exerted on the youths. There was overwhelming medical evidence in support of the claims of electric shocks, he said, while 'the conduct of the police was designed to intimidate the accused into making statements and pleading guilty.'

The magistrate, Mr J M Lemmer, said the defence had provided evidence to show the youths had been shocked, while the State claimed no pressure had been put on them to admit guilt.

A Kromko foreman, Mr Errol Dukes, in evidence yesterday said several windows had been broken during stone throwing when about 500 workers struck over pay.

POLICE HURT

He said he remembered the faces and hairstyles of two of the accused, though not what they were wearing, and pointed out the two youths in court.

Warrant Officer A S le Roux, station commander of Grabouw police, said several policemen were injured during the riot. An arrested man was also

Also more people had to have couldn't live in a housing

grandparents (although the Councils also declared war last 70 years in Cape Town pushed around according to

These new houses were small and could not be ad were high so more people had to work to afford wouldn't allow 'boarders', who were the uncles

Another thing Group Areas did was to make labor to 'get.' These Acts 'set free' the 'locked up' family groups - free for the employers to use, this by pulling down houses rented or owned by them out to housing estates built by the Council

So the Government passed the Group Areas Acts. for several reasons. One was to stop the move 'coloured' people from farms and villages. The areas for Africans but not for 'coloureds' and were prevented from coming to live in Cape Town Group Areas made 'little homelands' near the people and 'Asians'. Housing was to be strict new areas, and it was hoped that this would stop coming to town. But it did not, as the first shows.

the extended family. had no need to seek work in factories. Labour from one wage-earner was spread to many people. each other and worked in a factory, one worker su family, one worker su the employers needed

injured when a stone hit his head, knocking him unconscious. Riot police had stormed the strikers and a total of 42 people were arrested, he said.

At this stage in the hearing, the magistrate acquitted 13 of the accused.

- 85 -

The company is in arrears with the dividends amounting to R2 000 payable to preference shareholders for the period 1 July 1979 to 31 December 1979.

Investments	No. of Shares	Cost or Book Value	Market Value	Directors' Valuation
Listed				
Scuppa Limited	250	375	375	
Unlisted				
Duppa (Pty) Limited	900	800		900

3.

Stock

Stock amounting to R22 000 comprises market cost or net realisable value.

Dr Waldheim, said his spokesman, had urged clemency in accordance with past Security Council resolutions on related cases.

The three Ncimbithi Johnson Lubisi (28), Petrus Tsepo Mashigo (20) and Naphtali Manana (24) — were sentenced to death for their part in the Silverton Bank siege and the attack on the Soekme-kaar police station.

The Secretary-General of the United Nations, Dr Kurt Waldheim, yesterday appealed to the South African Government to spare the lives of three African National Congress members who were sentenced to death last month.

By Marion Duncan

Silverton appeal by Waldheim

GENE

TOTALITARIANISM - Political Trials

30-5-81

1-4-81

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~~31-7-81~~

RDM 1/4/81 531

Journalist's appeal upheld

BLOEMFONTEIN. — The Appeal Court yesterday upheld the appeal of Mr Deon Jean du Plessis, formerly assistant editor of the Argus Africa Bureau and now assistant editor of the Sunday Tribune, against his sentence on two charges under the Official Secrets Act.

The court set aside his sentence of 18 months imprisonment (of which 12 months was suspended for five years) and substituted a sentence of nine months' imprisonment, suspended for three years.

The Appeal Court set aside Mr Du Plessis' conviction on two more counts, but upheld his conviction and sentence on a charge under the Defence Act.

The charges referred to a quantity of secret documents handed to him by a cadet reporter, Mr Jimmy Beaumont, who had done his National Service in the Signals Corps.

"Taking everything into account, I do not think that these

counts call for an effective jail sentence," said Mr Justice Corbett, with Mr Justice Trollip and Mr Justice van Heerden concurring.

It was true that the offences committed by Mr Du Plessis, particularly that of retaining possession of the documents, were of an inherently serious nature, Mr Justice Corbett said.

Secret State documents could not be allowed to be bandied about in this way.

On the other hand, Mr Du Plessis' motive in receiving and retaining the documents was not a particularly evil one, nor was it one which involved the likelihood of the interests of the State being endangered, he said.

Mr Justice Corbett ordered that no portion of the appeal record, or of the proceedings, should be published. However, the judgment on the appeal could be published, he said. — Sapa.

Appeal against having banned books is upheld

Own Correspondent

CAPE TOWN. — Mrs Dorothy Cleminshaw, secretary to the banned Anglican priest, the Rev David Russell, won an appeal in the Supreme Court yesterday against two convictions of possessing banned publications.

Mrs Cleminshaw was convicted in the Regional Court last year of being in possession of copies of two banned publications on April 9 1979.

The publications were "I Write What I Like", which the

State alleged was by Mr Stephen Biko, and Rioters' Digest, published by Deersur Press, of the Michaelis Students' Society at the University of Cape Town.

Mrs Cleminshaw pleaded not guilty.

She said she did not know possession of the first publication was unlawful and that she did not knowingly possess copies of the latter — or that its possession was unlawful.

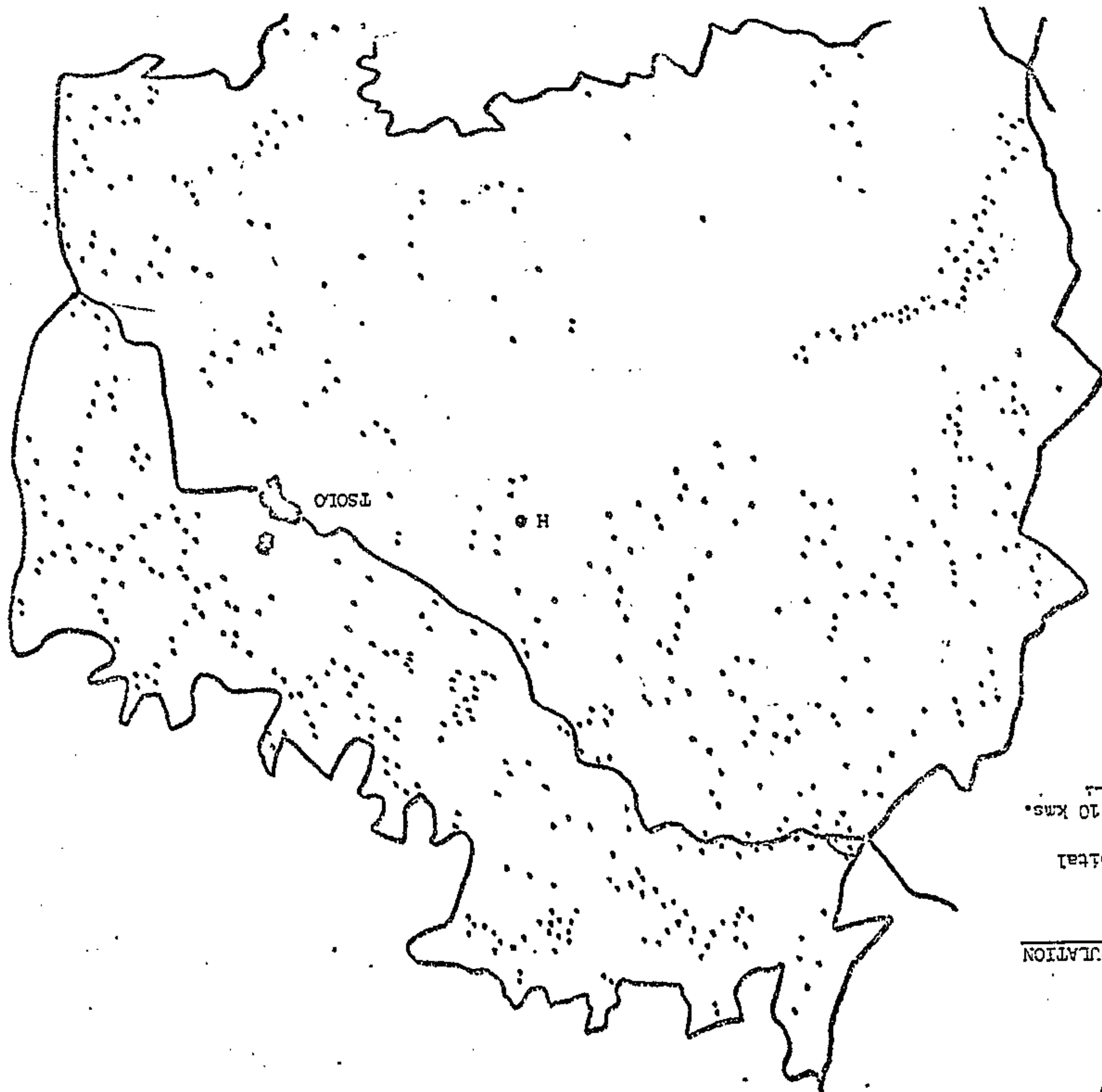
The Supreme Court heard that the first publication was

not by Mr Biko, but by a close acquaintance, the Rev Aelred Stubbs.

A Security Branch detective, Detective Sargeant Basson, told the Regional Court he found four copies of the Rioters Digest in a carton with news clippings at Mrs Cleminshaw's home.

Under cross-examination he conceded it was impossible for the ordinary layman to be aware of the majority of prohibited publications.

Conviction and sentence were set aside.



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MAP 3
DISTRIBUTION OF POPULATION
IN TLOZI DISTRICT

New

sanctions plan aired

The Star Bureau
By Jean-Jacques Cornish
LONDON — A call for a register of military collaborators with South Africa has come from the United Nations Special Committee Against Apartheid.

The list should be drawn up by the UN and the liberation movements to bring the full force of domestic and international laws on the offenders at the appropriate time, said Ghana's ambassador.

Mr James Gbeho.

"The precedent of Nuremberg should not be discarded," he told the opening session of the seminar for the implementation and reinforcement of the arms embargo against South Africa.

The three-day meeting in London is part of the preparations for the joint UN-OAU sanctions conference against South Africa in Paris next month.

The seminar is being run by the Special Committee Against Apartheid, the World Campaign Against Military and Nuclear Collaboration with South Africa and the Anti-Apartheid Movement.

Representatives of 13 governments are attending together with delegates from non-governmental organisations, UN organs, solidarity groups and political parties.

In his message to the seminar, Britain's Labour party leader, Mr Michael Foot, pledged that Britain's next Labour Government "will tighten the ban on arms sales and take every step to ensure that no equipment is sold to South Africa which will enhance its military capability."

"We reject the racist policy of South Africa and a Labour Government will work to strengthen the

international pressure on South Africa to change its policies," he said.

The seminar will hear legal and other expert testimony on exactly how to go about tightening the arms boycott.

The deputy commonwealth secretary-general, Mr Emeke Anyaoku, criticised moves by the US administration to lift the ban on aid to Unita.

"Arming Unita is to arm South Africa indirectly," he declared. "South Africa would thus, by a successful propaganda exercise, have brought about a de facto abrogation of the arms embargo."

4.2.2.2 An Informal Method for Setting Objectives

The following method for guiding the choice of priorities has been described by John Bryant (12). It has been used by medical and nursing students in Thailand, and one of its advantages is that it can be used where no numerical data is available. It therefore lends itself to discussion, to draw on the experience of a group of people.

Potential major health problems are first listed, and then given a score (from one to four pluses) under each of four headings :

V.D.	++
Dental problems	++++
TB	+++
Common cold*	++++
Yaws*	-

* Added to test scoring

The totals in each a final score which necessary to remove or vulnerability to contention.

This method uses all the criteria which are required in cost-benefit analysis, but in a more informal way. 'Vulnerability to management gives the impact on the disease possible with the most cost-effective method; and the higher the cost, the less likely the problem is to be classed high on vulnerability, and the less likely it is to command priority.

12. Report of the Annual Meeting of the Christian Medical Commission, Geneva, 1970, (Unpublished) p. 75.

Vulnerability to management	Total
++	96
++	48
++	36
++	32

++	16
++	16
++	54
-	0
+++	0

d to arrive at anking. This is ence (yaws), from priority

Info journalist may not serve his jail sentence

By CHRIS FREIMOND

NO DECISION has been taken on the fate of Mr John Matisonn, but there are indications that he will not go to jail.

Mr Matisonn, a former political correspondent of the Sunday Express and now the South African Morning Newspaper Group's man in Washington, was sentenced to 14 days' jail in 1979 for refusing in court to reveal his source of information for a report on links between the Government and the Christian League.

The report has since been proved correct.

An appeal against sentence was turned down last month by the Appeal Court.

A spokesman for the Attorney-General's office in Cape Town said yesterday that the appeal judgment had only just been received and had to be

studied before further action could be taken.

However it is understood that section 189(3) of the Criminal Procedure Act may be used to "pardon" Mr Matisonn.

The section reads: "A court may at any time, on good cause shown, remit any punishment or part thereof imposed by it under subsection (1)."

Although Mr Matisonn was sentenced under section 205 of the Act, provision is made for the application of section 189(3) to persons sentenced under section 205.

The fact that of all those involved in secret Info projects, only one person — a journalist instrumental in exposing the scandal — has been sentenced to a jail term, has caused angry reaction.

There have been calls by opposition leaders and at least

one Government-supporting newspaper to keep Mr Matisonn out of prison.

When asked to comment this week on the fact that Mr Matisonn would have to serve a jail term even though the report he published had been proved correct, the Minister of Foreign Affairs and Information, Mr Pik Botha, whose Department was involved in deals with the Christian League said:

"To the extent that the connection between the Christian League and the Department of Information could have had a bearing on the case I revealed that connection to ensure that nothing detrimental would occur to Mr Matisonn on that account."

The Minister of Justice, Mr Kobie Coetsee, was unavailable for comment.

It is in the

Note:

Range: R1,80 to R20,47.

Mean: R6,18 a week.

Distribution of workers according to family income per head		
(R per week)		
Family income per head	Number of workers	Cumulative %
0 - 1,00	0	3,85
1,01 - 2,00	5	16,15
2,01 - 3,00	16	34,62
3,01 - 4,00	24	53,85
4,01 - 5,00	25	66,15
5,01 - 6,00	16	74,62
6,01 - 7,00	11	77,69
7,01 - 8,00	4	81,54
8,01 - 9,00	5	85,38
9,01 - 10,00	5	100,00
> 10,00	19	
TOTAL	130	

TABLE 22 (a)

Range: R 6,41 to R34,40.

Mean: R19,70 a week.

Former SAP C7 man 3/4/51 charged

Own Correspondent

PORT ELIZABETH. — A riot policeman, who was guarding a school in Grahamstown's black township during unrest last year, broke down three classroom doors and set fire to school furniture, the Grahamstown magistrate's court was told yesterday.

Former constable Nico Emanuel Botha, 25, of Port Elizabeth, pleaded not guilty to a charge of housebreaking with intent to commit an offence and one of malicious damage to property.

The state alleges that on the night of August 1 he broke down three classroom doors at Fikizolo Lower Primary School in Fingo Village and used a classroom table and 11 wooden chairs to start a fire.

Three constables who were on duty with Mr Botha that night told the court he used the furniture as firewood because it was cold.

Small branches they collected in the school grounds failed to burn and Mr Botha then kicked open classroom doors and smashed the furniture.

The fire was made in a refuse drum found outside one of the classrooms, the court heard.

During the evening the policemen sent two motorists to buy food for them and Mr Botha also arrested a man on the school premises.

He was taken to Grahamstown charge office and Mr Botha returned to the school early in the morning.

Burnt through night

One constable said the fire they made burnt through the night and the coals were still hot next morning.

Mrs Gladys Mjekula, principal of the school, told the court the ashes in the refuse drum were hot when she arrived at school the following day.

She found three classrooms with their doors forced open and their locks bent. In one class, a table and 11 folding wooden chairs were missing.

Mr Botha said in answer to question by the magistrate, Mr A Deyssel, that the policemen went into one of the classrooms because they were being attacked by stone-throwers.

He denied that he kicked down a door and said he found the classroom door unlocked.

Describing his duties that night, he said he was to guard the school against petrol bombs, arsonists and stone-throwers.

The hearing continues today. Mr Stuart Redpath appeared for the State. Mr Andrew Booysen, of Espin and Espin, appeared for Mr Botha.

Trial 'irregular', claims advocate

CT 3/4/81 331
Own Correspondent

PORT ELIZABETH. — An application for a special entry that the trial proceedings of Wordsworth Kholekile Mhlana, 26, were irregular and not in accordance with law, was granted yesterday — minutes after he was convicted and jailed for eight years under the Terrorism Act in the Supreme Court here.

Defence counsel, Mr M T K Moerane, made application for the special entry on the grounds that the court had failed to allow the defence counsel to cross-examine a State witness, Weaver Seralo Magchye, who was jailed for 3½ years by Mr Justice Stewart during the

proceedings.

He was jailed after refusing to answer questions put to him by the State and for giving the black power salute from the witness box.

A special entry is, in effect, a request for a court hearing into the validity of a submission that there was an irregularity in proceedings. If an irregularity is found, the case may then go on appeal.

Mhlana was found guilty yesterday of undergoing military training in Mozambique and other places in and out of South Africa between February 1, 1978, and September 5, 1980.

After sentence was passed in

the month-long trial an application by Mr Moerane for leave to appeal against both the conviction and sentence was refused.

Mr Justice Stewart said judgment had been based on factual findings made by the court and by the admission of the confession made by Mhlana.

Passing judgment earlier, Mr Justice Stewart said Mhlana had proved himself to be "facile, quick-thinking, but uneasy in the witness box".

He said he had been unimpressive when talking about Mr Peter Mbele, the man whom Mhlana had spoken to on his return from Maputo.

The court found Mr Mbele a "good" witness.

He said the court would convict Mhlana just on the evidence heard, but there was also the confession, woven into which "are details which would be difficult for a person who had been taught" (by the police), as Mhlana alleged was the case.

In mitigation, Mr Moerane said the role he was found to have played was of a comparatively minor nature. His only activity after his return was a coincidental meeting with Mr Mbele.

Passing sentence, Mr Justice Stewart said Mhlana had been trained in the dismantling of an automatic weapon and "you would have been at large with that knowledge."

Mr Justice Stewart said the most serious aspect was Mhlana's training in the concealment of explosives.

Notes (continued)

5. Districts in which adjustments were made are:
Metropolitan: East London, Benoni, Krugersdorp, Westonaria, Odendaalsrus, Sasolburg, Virginia, Welkom.
Other: Barkly West, Kuruman, Mafeking, Dannhauser, Newcastle, Paulpietersburg, Utrecht, Vryheid, Bethal, Ermelo, Groblersdal, Klerksdorp, Letaba, Middelburg, Potchefstroom, Rustenburg, Standerton, Thabazimbi, Witbank.
6. I am indebted to the Department of Statistics for making the necessary unpublished information available to me. It is not, of course, to be held accountable for the way in which I have used the material.
7. I could not have obtained the results of this section without advice from Professor Ellis, Dr. Ruth Smart and Assoc. Professor Jackson of the Department of Applied Mathematics at the University of Cape Town. They, of course, are not responsible for what follows.

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Former PAC man freed

DD 3/4/81

(331)

MDANTSANE — A 58-year-old former member of the banned Pan Africanist Congress (PAC), Mr Mkathali Loliwe, was released from prison on Monday after serving 16 years on Robben Island for PAC activities.

Mr Loliwe was arrested in Duncan Village and sentenced in the Supreme

Court in Grahamstown.

He was resident in Duncan Village then, but his family was settled at Mdantsane while he was in prison.

He said that at the time of his arrest, contractors had only started building zone two where he now stays. He would have been lost if the security police had not dropped him at his

new home, he said.

Although he was happy to be free, his thoughts were still with his inmates of the island. He had lived with them for so long he regarded them as part of his family.

His wife, Rosy, said she was excited about his release after such a long spell in prison.

Terror

C. Herald

rap: 5

4/4/81

331

appear

FIVE of the people detained under security legislation in Kimberley appeared briefly in the Kimberley Magistrate's Court on Monday.

The were charged under Article 2 (1) of the Terrorism Act No 83 of 1967 and alternatively for arson and crimes related to arson.

The five who appeared were: Mr N Motlhabakwe, Mr J Kers, Mr E Mokgoasi, Mr H Hlatshwayo and Mr B Fani.

After the charges had been put to them the case was postponed to Thursday, April 2 to enable them to obtain legal representation.

They were remanded. Mr N A Carstens was on the bench and Mr A J Koch appeared for the State.

The Attorney General, Mr J H Liebenberg, said yesterday the other 18 detainees would not be charged at this stage but they would be giving evidence against those charged.

The group of 18 are also to remain in custody, he said.

Tribune

man's appeals upheld

BLOEMFONTEIN: Sunday Tribune assistant editor Deon du Plessis this week had a conviction under the Official Secrets Act set aside by the Appeal Court.

The court also set aside his sentence of 18 months' imprisonment (12 conditionally suspended for five years) and substituted a sentence of nine months' imprisonment, wholly suspended, conditionally for three years on another charge under the same Act.

These charges referred to a quantity of secret documents handed to him by a cadet reporter, Mr Jimmy Beaumont, who had done his national service as an operator in the Signals Corps.

On a charge that he communicated certain information he had received from Mr Beaumont to a police officer of what was then Rhodesia, (for which Du Plessis had been sentenced to six months, conditionally suspended for five years) the Appeal court allowed Du Plessis to appeal against the conviction and sentence.

The court substituted a finding that Du Plessis was guilty on the alternative charge under Section 3 (1) (A) of the Official Secrets Act.

He was sentenced to one month's imprisonment, conditionally suspended for three years.

Discharged

The court allowed the appeal against a further conviction under the Official Secrets Act, which involved attempting to publish in London a manuscript on the Rhodesian terrorist war.

The trial court had cautioned and discharged Du Plessis. The Appeal Court substituted an order of acquittal.

On a charge of attempting to contravene section 118(1) (B) of the Defence Act, for which Du Plessis had been sentenced to six months' imprisonment conditionally suspended for three years, the appeal was allowed and he was acquitted.

On a charge (count five) that he communicated secret information on the Rhodesian war, contained in the manuscript, to a Johannesburg publisher, Du Plessis was refused leave to appeal against the conviction and sentence.

For this he had been sentenced to a fine of R250 or one month's imprisonment, plus six months' conditionally suspended for three years.

Mr Justice Corbett, with the concurrence of Mr Justice Trollip and Mr Justice van Heerden, acting judges of appeal, ordered that no portion of the appeal record or of the proceedings should be published. The order did not apply to the judgment.

Du Plessis had been convicted in the Witwatersrand Supreme Court on September 28, 1979, by Mr Justice F. S. Steyn.

The trial and appeal were held in camera.

Mr Justice Corbett said the trial judge's reasons for sentence on the first two charges (involving the secret documents) appeared to revolve mainly round the court's understanding of Du Plessis's reasons for not having handed over the document to the authorities and for not having disclosed the identity of the person who purloined them.

Suspended

In two consecutive sentences in the judgment, Du Plessis' motivation in this regard was described alternatively as a mitigating factor and as an aggravating factor. Mr Justice Corbett said it was not clear to him why the trial judge ultimately preferred the latter characterisation.

The judge substituted imprisonment of nine months, conditionally suspended for three years.

On the charge of communicating information he received from Mr Beaumont to a police officer of Rhodesia (count three), it was common cause that a

contravention had been committed.

It was contended, however that du Plessis' conduct did not satisfy a further requirement of law that the information was communicated in any manner prejudicial to the interest of the Republic.

Mr Justice Corbett said the evidence did not establish more than the communication of the contents of one of these documents. The police officer's own evidence was completely vague.

In the judge's opinion, Du Plessis had succeeded in discharging the onus on him to show his purpose was not prejudicial.

Mr Justice Corbett could not agree that Du Plessis' guilt on the main charge was established.

A sentence of six months' imprisonment, wholly suspended, was not appropriate to a conviction on the alternative charge. The sentence should be altered to one month's imprisonment, suspended on appropriate conditions.

On count four (attempting to publish in London a manuscript on the Rhodesian terrorist war), Mr Justice Corbett said that Du Plessis' conduct fell short of an attempt because the necessary intention was lacking. His conduct was so remote from the ultimate act required for the commission of the offence that he had not commenced the consummation when he decided he would prefer to have the book published in South Africa.

On count five (publication of the secret information in the manuscript to a Johannesburg publisher) it was common cause that the secret information related to munitions of war and/or military matters concerning the South African Defence Force; that Du Plessis had this information in his possession or under his control; and that he published or communicated it to Mr Ball (of Jonathan Ball publishers) and at least one member of the firm's editorial staff.

It had been submitted that Du Plessis did not have the subjective intention to break the law and took every reasonable step to guard against it.

Mr Justice Corbett said this submission was fallacious.

Reasonable

It was true that he probably was thinking of publication, in the form of a book, to the public at large, rather than to the publishers, and that he may not have been familiar with the prohibitions.

But the reasonable man in Du Plessis' position would have appreciated that even communication of the manuscript to the publishers might be unlawful.

He was satisfied that the communication of the secret information to Mr Ball and members of his staff was prejudicial to the interests of the Republic.

The application for leave to appeal against the conviction on this count was refused. There was an independent application for leave to appeal against the sentence. But no adequate grounds for interference with the sentence were advanced.

On count six, one of the statements made in the manuscript relating to military matters was untrue, and was the subject of a separate charge under the Defence Act.

In relation to this count, the completed crime which Du Plessis was held to have attempted to commit was the publication, through the medium of a book, of the untrue statement. In this case, the actual publication of the book was interrupted or prevented when Du Plessis was arrested and the manuscript seized.

The judge did not think the State had showed that Du Plessis intended or "had finally made up his mind" to publish the untrue statement.

An order for acquitted was substituted. — Sapa.

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9-3 1.4

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PLATE LEVEL



Relief... but what about those who can't pay up

THIS week the Sunday Tribune's Assistant Editor, Deon du Plessis, won an appeal against a six-month prison sentence under the Official Secrets Act (the full findings of the appeal are on Page 15).

In his column, Du Plessis looks at the strain and tension suffered for almost two years which he had to live under the threat of jail — strains which have affected hundreds of people who have suffered under similar circumstances.

TWO years ago, give or take a few weeks, I was arrested by the Security Police in Johannesburg.

It was an event that concentrated the mind wonderfully. The memories of that afternoon and of what followed are technicolour clear and, I suspect, always will be.

The cup of tea they gave me after they said I was arrested had no tea-spoon. Ominous that was. Did they suspect I might launch a deadly assault on them with a tea-spoon? Or turn it on myself?

In the bare interrogation chamber with its double doors and obscure stain on the floor, I remember total desolation. Way down below Jo'burg churned and hooted as I so often had churned and hooted, yet that was outside and I was HERE . . . with a solemn pair of policemen regarding me . . . "Now look here Mr du Plessis . . ."

Cops came and went, muttered together, gazed upon me with varying degrees of hostility . . . "come now Mr du Plessis . . ."

I hadn't been able to tell anybody I had been arrested and, I later discovered, nor had the cops. Not at first anyway. They went to my house that night . . . searched the place and interrogated my wife in the garage.

But I knew that out there was a family with connections and a big and powerful newspaper. The Star — all stirring now. Phone calls to men of affairs and influence, lawyers girding for battle. "Get Du Plessis out of there."

But what, dear Heavens, what, of the people not so privileged?

Perhaps, someone told me later, it's easier for them. They accept it better, they simply accept they don't have the resources to fight back. So they just ride it out.

Much later that night, parked in an unmarked car with two detectives in a nearly deserted Hillbrow street, we saw one of the Brow's children of the night weaving home. Long, ratty hair he had and denims and clogs. "Jirra" said one cop. "How do you save a nation that looks like that?"

You never knew it stranger, but that was the first laugh there'd been in a long, bleak time.

Next morning, on the way to court and bail and the other good things that gave the day a happier glow than the night before, I fumbled for the seat belt in the security police car.

"Don't bother with that," said the driver. "We don't. Sometimes we've got to get out of our cars fast." Lord, what now? G-men rolling out of car doors, firing from the hip, hoods in snappy black hats fleeing for cover and me still struggling with a seat-belt clip?

After that, the months and months of waiting. Would they charge me or not? I even got to spinning coins, heads they'll charge me, tails they won't. Often it was tails: a deep wash of relief — they're not going to charge me.

But they did.

Then I appreciated the lawyers. They're actually morale-boosters, hope-for-the-best fellows who raise a shield about your baffled head: fellows who understand that it's really only other people who inhabit the halls of the Attorney General's office.

Lawyers, good ones, are gold. But what, just what, about the people who can't afford the best?

The trial was secret: father allowed in, wife not. Nor was the Press and that was a sinking sensation, watching the hacks take up their notebooks and walk: Cheers fellows, we'll have a grog when it's over.

But no grog flowed when it was over. Instead the knee-buckling shock of being sentenced to jail. I mean JAIL? With arrows on your shirt or don't they do that here? Jail? Chookie? Goodbye wife, don't forget visiting day? HooWee.

Onto appeal and the shock of finding the appellant has to buy his copy of the court record (which comes to over R900 for five days) while the State gets its copies free.

And then more waiting. That the Appeal Court is under pressure must be an understatement. My case took more than 18 months.

Tension is a pervasive thing. Sometimes it happens that you don't even think of the problem for three hours, four, five if you're lucky. But every day you do.

That gnawing rat is there every day. "Maybe you're going to sit baby." "No, surely not." "Yes, Maybe." Then rationalisation. "Well, maybe it won't be so bad."

A secret trial is particularly hard to live with. People don't know what it's about: you can't tell them, not even good, close friends. What are they thinking? That there's no smoke without fire? That this Du Plessis must be a dangerous fellow. I mean why else all the hoo ha?

But of course there's also a humbling realisation that many people really care. For that there can never be adequate thanks.

This week the Appeal Court smoke: acquittal on two charges and a reduced, and wholly suspended, prison sentence.

The gnawing rat has fled into the mists. There's a sharp new appreciation too for an institution like the Appeal Court, reverent thanks that in my situation there were resources enough to take the case to Bloemfontein.

But what, just exactly what, about the people who can't afford to do that?

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UPDATE LEVEL
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31 MK (331)
**Reporter
on Secrets**

Act charge

7/4/8
The Star's Africa
News Service

WINDHOEK—A 22-year-old reporter for The Star newspaper, Mr Winston Beaumont, appeared in the Windhoek Regional Court today charged with contravening the Official Secrets Act.

After Mr Beaumont pleaded not guilty, the presiding magistrate, Mr A G H Bower, ruled that the proceedings be held in camera. Members of the Press were asked to leave the court.

The State alleges that Mr Beaumont possessed South African Defence Force signals instructions "which could be used in a prohibited area," and that he obtained the instructions against regulations and failed to comply with directions for their disposal.

The alleged offence took place on about March 14 last year. Mr Beaumont was arrested on January 20.

(Proceeding)

Table 5.1: Cost of promotion of ethical drugs (as a percentage of sales) compared with the cost of manufacturing and research and development, (S.A. 1973)

Cost Component	Percent of Sales
Promotion	25%
Manufacturing	33
Research and Development	6

In addition, the rapid pace of technological change necessitates a great amount of information dissemination. The drug firms provide readable information necessary for the doctor to practice effectively. "Medical thinking tends to be ruggedly individualistic. The Pharmaceutical Industry serves as an influential instrument in orientating that individualism to an accommodation of the world's thinking so that the public gets the fullest advantage of the most important discoveries." (6)

However, the critics take issue with these arguments put forward by the industry.

Coetsee
ROM 7/4/81
told to
stop
hiding

Political Reporter

THE Minister of Justice, Mr Kobie Coetsee, correct should "stop hiding behind his desk" and clear the confusion surrounding the jail sentence imposed on Mr John Matisonn, head of the Rand Daily Mail's Washington Bureau.

This was said last night by the Progressive Federal Party spokesman on justice, Mr Dave Dalling, who urged Mr Coetsee to announce immediately that Mr Matisonn would not be required either to return from Washington or to serve his sentence.

Mr Matisonn recently lost an appeal against a 14-day sentence, following his refusal to give information in court in connection with an article he had written about the Christian League.

The Christian League was subsequently revealed to have received secret funds from the Government.

Mr Dalling said various Government departments were passing on responsibility about Mr Matisonn.

"The decision as to whether Mr Matisonn must return to South Africa or not to face a prison sentence in regard to a technical offence relating to the Info scandal remains firmly on the desk of the Minister of Justice," Mr Dalling said.

"The Minister should know that of all the offences and malpractices which occurred during the Info debacle, only one person has been convicted - ironically, someone who had an honourable role in exposing malpractices and who was not involved in any way in perpetrating fraud on the public."

The indecision relating to Mr Matisonn was unfair and did a disservice to every sense of South African justice.

Mr Coetsee could not be reached for comment last night.

(Report by A Akhalwaya, 171, Main St Johannesburg)

ies of scale are not that where there are a few firms to emerge the highly fragmented that there are no strong before, any reduction in reased sales will not be notion and the net result lent is increased. on is enhanced by promo-

Medical literature
Non-Medical mail

Diagram 5.2 : Analysis of mail items received by S.A. doctors

(3.2) The Role of Promotion:

The large amount of promotion is said by the industry to play several positive roles. Among these are the ability of promotion, by increasing sales volumes, to allow unit prices to be reduced as a result of economies of scale being realised, and the encouragement of price-sensitivity by drug sales representatives (detail men).

The effect of promotion is to increase brand loyalty and is really an investment in price insensitivity. The fact that promotion of drugs embraces very little copy that stresses prices is an indication that the industry benefits more by not encouraging price-sensitivity. (8)

The main attack of the critics centres on the role of information dissemination. Although it is conceded that doctors do need to be given large amounts of information, the sheer magnitude of the promotion by the industry causes distortions. The overconsumption of drugs and the increasing resistance of bacteria due to the injudicious use of antibiotics has become a major problem. Promotion boosts the sale of drugs and biases medical treatment towards drug-dependent curative medicine.

Trade unionist jailed for not testifying

331

DO 9/4/81

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EAST LONDON — A trade unionist, detained for over seven months before he was called to give evidence in a security trial, was sentenced to a year's imprisonment when he refused to testify yesterday.

Mr Philemon Bonisile Norushe, 34, local secretary of the African Food and Canning Workers' Union, was called as a state witness in the trial of Mr Mandla Gxanyana, 26, charged with being a member of the ANC, but said he could not "betray" Mr Gxanyana.

"I cannot testify because his contribution is great to me and my nation. My nation is a quagmire in this world and this has been done intentionally by the white government. I cannot testify against anyone who fights for our nation.

"Secondly, this case is a congress case and the congress kills people who testify, and they don't get you alone, your family and friends are also not safe. So by not giving evidence I am saving souls.

"Thirdly, there are people who have testified once but they are leading bad lives today because no one wants to associate with such people, they are called sell-outs. Some never drank liquor but today are drunk. Why? Because of frustration as no one wants to know them," said Mr Norushe when asked for his reasons for refusing.

Mr Norushe had been called to testify about certain banned literature allegedly given to him by Mr Gxanyana, who is also charged with furthering the aims of the ANC by helping a Mr Bubule Boya to flee the country following his role in the school boycotts last year.

Mr Gxanyana is alleged to have arranged a scheme with a London-based ANC member, Mr Karthigesan Singerham, whereby Mr Singerham would send him literature.

Mr Gxanyana is also charged under the Publications Act with possessing and distributing banned literature. He has pleaded not guilty to all four charges, although he admitted certain literature, including the Freedom Charter, was found in his home.

Lieutenant Charles Edward Johannes van Wyk, of the Security Police said that on June 19 last year he went with Mr Gxanyana to Mr Gxanyana's home in Dangazela Street, Duncan Village.

He said in Mr Gxanyana's bedroom, behind a curtain, Mr Gxanyana pulled out a brown envelope. Inside were two copies of the Freedom Charter and a pamphlet, Umkhonto Lerumo, issued by the ANC.

During further investigations, he went with Mr M. M. Fazzie and Mr Gxanyana to Mr Fazzie's home, where his mother handed over a plastic bag containing books. Mr Fazzie handed over an envelope, addressed to Mr Gxanyana, and containing Lenin Vol 2, All Power to the Soviets.

Lieutenant Van Wyk told the court on December 12 last year he went to Fort Glamorgan Prison, where Mr Gxanyana was held, and a prison warden handed over a document written by Mr Gxanyana. Called Fort Glamorgan Information News, it called on his friends to devote themselves to the struggle.

"It is necessary to transform any capitalist society to bring about the dictatorship of the people," Lieutenant Van Wyk quoted from the letter.

Lieutenant Van Wyk also gave evidence about the history of the ANC, and how it was linked with the South African Communist Party, and the South African Congress of Trade Unions.

He said clandestine journals played an important role in giving leadership and direction in the "armed struggle". Issues dealt with included Bantustans, the wage issue and the role of the youth.

He said part of the campaign was "the spread of propaganda via journals, pamphlets, cassettes, radio messages and mouth-to-mouth communication."

The magistrate, Mr S. van Zyl, granted a request by the defence advocate, Mr V. E. M. Tshabalala, that Lieutenant Van Wyk stand down and be cross-examined at a later stage, after Mr Tshabalala, consulted with experts. Mr Van Zyl rejected Mr Tshabalala's application for a remand until he had received expert advice. Mr Tshabalala said this was essential as "the lieutenant's evidence is the basis of the whole case and it would be prejudicial to go on with the case now."

The case continues today. — DDR.

We also asked about what steps were taken to safeguard adults in the household against misfortune and illness. Only about one in five African housewives reported that they took no particular steps. One-quarter used rites centered on the ancestors, and a further one in ten reported the use of African medicines and African traditional practitioners such as the *isangoma* and *inyanga*. Over one-quarter used doctors with western training, while one in 12 said they relied on Christianity plus some African practices. This means that over two-fifths of the housewives reported that they used traditional practices either alone or with some other means for safeguarding the adults against misfortune. Amongst Indians, two-thirds mentioned the observance of religious rites and duties, and/or the use of religious charms as a means of safeguarding adults against illness and misfortune. Less than one in eight mentioned specifically the resort to a doctor — that is a western medical practitioner — to prevent illness and misfortune.

ROM 2/4/81
Trial put off
 WINDHOEK — The trial of Johannesburg journalist, Mr Winston Beaumont, 22, under the Official Secrets Act, was adjourned in the Windhoek Regional Court yesterday until July 2. Mr Beaumont, who works for the Star, has pleaded not guilty to unlawfully possessing a secret defence document.

Amongst some Indians were quite convinced that there are and misfortune with which a western medical practitioner cannot understand and cannot *bantu*.) While half actually agreed with the statement that there were special kinds of illness and illnesses, a quarter were not sure. About half of the it at some stage or another they or a member of the d an *inyanga* and a much smaller proportion — one-tenth — d an *isangoma*. Amongst Indians 55% of the housewives it there were certain kinds of illnesses and misfortune which a western medical practitioner cannot help. Nonetheless two-thirds of the households apparently had a western medical practitioner (usually an Indian) to whom the family turned when illness occurred.

While we have commented on the importance of religion in health practices and beliefs of Indians, it is interesting to note that three-fifths of the Africans said that at one stage or another they had asked a prayer group to pray for them or a member of their family in a particular situation. Illness is one of the anxieties of African life, given the high infant mortality rate and death rate, higher than that for whites, or Indians.

It is Fernandez's (1967) contention that certainly at least some of the religious groups, such as the small Zionist Groups, provide security and support for Africans in a threatening urban environment, and help the individual to cope in stressful situations. Illness is one of these situations.

We cast the net wider towards the end of the interview and asked to what extent the families concerned had at any stage consulted doctors or been to hospitals. Amongst Africans, four-fifths of the housewives said that they had themselves been to a clinic or taken a member of their family, while almost nine-tenths said that at some stage or another they had made use of a hospital. In both cases the main reasons appear to be for what were essentially physical rather than psychological/psychosomatic complaints. Nine-tenths said that they had at some stage or another consulted a G.P., and half said that they had a G.P. of their own whom they consulted. Amongst Indians, a similar position was found. I was surprised to find that three-quarters of the African housewives interviewed said that they or someone in the household had been an in-patient at a hospital — probably very often this was for a confinement. Again amongst Indians by far the biggest proportion of informants or close relatives had been in a hospital at one time or another.

It is disturbing to note that three-tenths of the African housewives and half of the Indian women reported that they or patients in their homes stopped taking medicine once they felt better, rather than completing the whole course. This suggests that doctors must impress on patients the need to complete a full course of treatment, regardless of whether or not they (the patients) feel so improved that they do not really think it necessary to take the medicine for a further period of time.

In conclusion, while the results outlined here point to extensive use of western medical practitioners and clinics and hospitals, nonetheless religious and traditional belief systems and practices in regard to illness obviously form an important part of the behaviour of both African and Indian households in Durban. I suggest that this finding has implications not only for community health work, especially health education, but also for the training of medical practitioners, who need to obtain insight into the traditional worldviews and practices of their typical patients, and

Trade unionist jailed for not testifying

DO 9/4/81

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EAST LONDON — A trade unionist, detained for over seven months before he was called to give evidence in a security trial, was sentenced to a year's imprisonment when he refused to testify yesterday.

Mr Philemon Bonisile Norushe, 34, local secretary of the African Food and Canning Workers' Union, was called as a state witness in the trial of Mr Mandla Gxanyana, 26, charged with being a member of the ANC, but said he could not "betray" Mr Gxanyana.

"I cannot testify because his contribution is great to me and my nation. My nation is a quagmire in this world and this has been done intentionally by the white government. I cannot testify against anyone who fights for our nation.

"Secondly, this case is a congress case and the congress kills people who testify, and they don't get you alone, your family and friends are also not safe. So by not giving evidence I am saving souls.

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Mr Norushe had been called to testify about certain banned literature allegedly given to him by Mr Gxanyana, who is also charged with furthering the aims of the ANC by helping a Mr Bubule Boya to flee the country following his role in the school boycotts last year.

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Lieutenant Van Wyk also gave evidence about the history of the ANC, and how it was linked with the South African Communist Party, and the South African Congress of Trade Unions.

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The case continues today. — D.D.R.

A SUMMARY AND EXPRESSIONS OF THE ERASMUS COMMISSION OF ENQUIRY INTO
INDUSTRIAL HEALTH

2.

A Commission of Enquiry into Industrial Health consisting of the following members: Rudolph Philip Botha Erasmus, Berend Cornelius Jansen, Albert Strating and Philipus Petrus Roets was appointed on 18th October 1974 with the following terms of reference as published under Government Notice R295 of 14 Feb. 1975.

"To inquire into consider and report upon -

a) the nature, incidence and extent of occupational diseases in the Republic of South Africa and the territory of South West Africa;

b) the extent to which existing statutory measures and existing facilities

Jailed for refusal to testify

AN African trade union leader, Philemon Bonisile Norushe, was jailed for a year in East London on Wednesday for refusing to testify against a man charged with belonging to the banned African National Congress.

Mr Norushe had already been in prison for seven months pending the trial.

"My nation is a quagmire," he said, adding that the ANC forbade its members on pain of death from testifying against other members.

e) such other related matters as the Commission may deem necessary for the purpose of its inquiry."

The Commission reported back in 1976

effective protection
categories of trained
preventative and
which to establish
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us protection of the public
which arise from

Chapter I Organisation, activities and procedure of the Commission
This Chapter describes the procedures adopted by the Commission and includes information about visits made by the Commission within and without the Republic.

Chapter II Interpretation of the Terms of Reference

The Commission makes a distinction between industrial accidents which were not part of its brief and occupational diseases. It considers that its terms of reference relate specifically to occupational diseases.

1. "Admittedly, in connection with industrial health it has become customary to speak of the "safety and health" of workers in the same breath. So, for instance, one may point to the Occupational Safety and Health Act of 1970 of the USA which came into operation on 28 April 1971, and to England's Health and Safety at Work Etc. Act 1974. The word "safety" is generally taken to imply accidents which a worker may meet on the job or in his work environment, and such accidents are accordingly held to be or are included under occupational diseases. One of the reasons for the tendency to group accidents and occupational diseases as together, or to classify occupational diseases as accidents, is the historical struggle by workers to extend the scope of the laws relating to Workers' Compensation or to interpret existing laws as widely and as favourably as possible to themselves".

The Commission decides that the terms of reference do not extend to examination of people who were but are no longer working in industry. It is the Commission's opinion that paragraphs of the terms of reference "refer to the position of workers while still employed and not after they have already left their employment and not after they have already left their employment and can no longer be regarded as "industrial and other production workers".

Despite the seriousness of problems relating to compensation (i.e. amounts paid to worker, number of occupational diseases compensable by law and inequalities in law), the Commission decides that this is outside its terms of reference. Compensation had no bearing on "prevention of an occupational disease or alleviation or curing of such a disease".

EAST LONDON — A Duncan Village artist, Mr Mandla Gxanyana, was acquitted in the regional court here yesterday of being a member of the African National Congress (ANC) but was sentenced for possessing and distributing banned literature.

He was sentenced to one year's imprisonment, half of which was suspended for five years' and fined R250 or three months for possessing the Freedom Charter and distributing banned literature.

On the second hearing of the case against Mr Gxanyana, of Dangazela Street, the state withdrew its allegations that Mr Gxanyana was a member of the ANC, that he organised a scheme with an ANC member in London to have ANC literature sent to him, and that he helped Mr Bobule Buya to flee the country to prevent his detention for his role in

most important, one must take into account the

continuing economic recession in the capitalist world. The recession which began in 1973 has all the hallmarks of a long-lasting trough. By 1977 — after four years — it is clear enough that we are experiencing more than a short-term cyclical downturn, and there is no real recovery in sight. The last great depression in the 1930s was ended only by war and was thus, in a sense, artificially and politically cut short. If we wish to find a historical analogy for our present period we might perhaps be better advised to have regard to the great world recession of 1873—96. We may, in other words, be in for a trough several decades long.

If this did turn out to be the case — at present it seems rather more likely than not — then we may expect two major consequential developments which could have a fatal bearing on South Africa. First, though the communist world is not entirely immune from the effects of the world recession, it is nevertheless not a victim of it. The Soviet Union and Eastern Europe still manage full employment, low inflation and high, steady rates of economic growth. If the recession continues (and even, perhaps, if it doesn't), one must anticipate a continuing growth

ANC trial man gets fine and six months

culated books from time to time to one another, but not on a large scale.

Mr Jurgens replied: "We are living in troubled times and Mr Gxanyana involved himself with the ANC, which has itself declared war with the government here and lays much stress on the dissemination of propaganda. These incidents also occurred during the Year of the Charter, 1980, as declared by the ANC."

The magistrate, Mr S. van Zyl, said he took all this into account on sentencing Mr Gxanyana to a year's imprisonment, half of which was suspended for five years, providing he was not convicted of another offence under the Internal Security Act.

Mr Gxanyana was fined R250 or three months' imprisonment for possessing the Freedom Charter, and distributing banned literature. These two counts were taken as one.

— DDR

prisonment was in solitary confinement, which is in itself a severe punishment," he added.

Mr Wilson also said the Freedom Charter would be accepted by a large majority of persons in this country.

He said the relevant portion of the book by Lenin dealt with trade unionism and "this is stirring up a large amount of interest in this part of the world".

He said Mr Gxanyana took an interest in politics and discussed it with other people, and they cir-

(there is a very long way to go) — and in part because the USSR, spending far more of its GNP on arms, will catch up militarily first — detente will become unpopular with many in the West and there will even be those who argue for taking a (military) stand against Soviet power before the rot goes any further. The frustrations born of recession will, as in the 1930s, make such military posturing a satisfying psychological exercise for many. One must expect a powerful pressure group to develop in the West that sees the 'battle for southern Africa' as a sort of last stand which the West cannot afford not to take.

Should such a school of thought gather real strength — it already has its influential spokesmen, as we have seen — it will augur well for the future and survival of white supremacy in South Africa. Attention will be drawn particularly to South Africa's undoubted mineral wealth which the West cannot afford to 'lose' (an odd conception since even a revolutionary black regime in South Africa would be keen to sell it). There will be mention of the likelihood of a world uranium shortage by 1985 and the fact that South Africa has large supplies of the material. The importance of the Cape sea-route will be stressed,

Lesotho to get publications and distributed them on a much larger scale than in this case," said Mr Jurgens.

Mr Wilson said the state had told him the trial against Mr Gxanyana, who was detained in June last year, could have been concluded much earlier but because of other investigations the security police were involved in, Mr Gxanyana's case only came up now, after the investigations had been completed.

"A large part of his im-

desirable publications: Mao Tse Tung, an anthology of his writings during 1979, Sechaba, The African Communist, the Freedom Charter, and Lenin Vol Two.

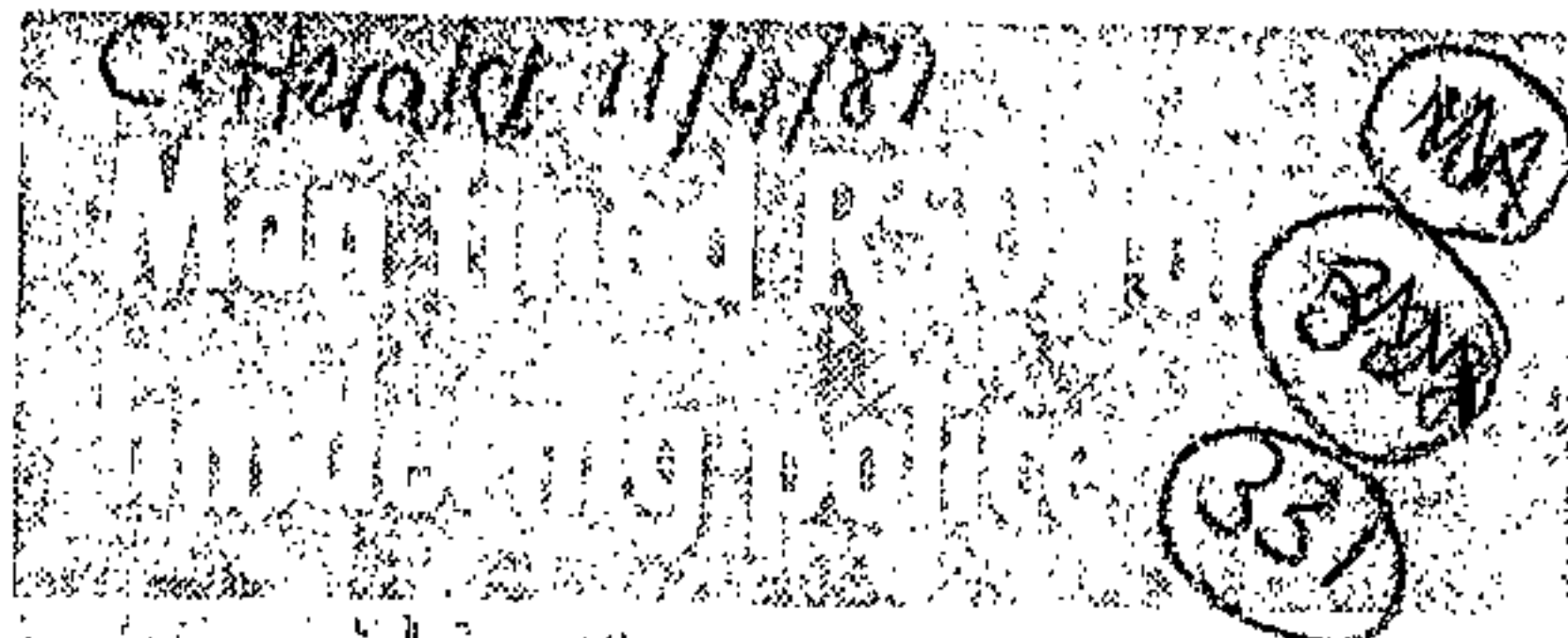
Before sentence was passed the prosecutor, Mr W. F. Jurgens, told the court of the appellate decision a few weeks ago in which Mr Ian Mngijima's sentence for distributing and possessing banned literature was reduced from three years to 18 months.

"Mr Mngijima went to

the school boycotts.

The defence, led by Mr A. L. Wilson of Durban, said Mr Gxanyana would change his plea on three counts to one of guilty. Mr Gxanyana admitted he distributed the Freedom Charter and Sechaba, an official publication of the ANC, during the period June 1979 to August 1980 to two people.

He also admitted in so doing he carried on in the direct or indirect interest of the ANC. He also admitted distributing to Mr D. Pillay the following un-



reaching, then was best described as having been contacted on his way to work by police in arresting the banned former journalist, Mrs Zubeide Mayet, at a meeting commemorating the banning of several black organisations on October 18.

Mr A. Chetty, a 25-year-old systems analyst and former research officer at the University of the West Indies, was fined \$50 (or 25 days imprisonment).

Mr Chetty was charged with obstructing the police by hindering them in arresting Mrs Mayet for contravening her banning order by attending a meeting at the Jisra Hall in London on October 19 last year.

He said he had not known the men were from the West India Police. They had not said so or shown their identification.

PROCEEDS

In their evidence, Lieutenant J. C. and Sergeant J. D. said the group at the meeting had been 'hostile' and 'battered'. Mr Chetty denied this, saying the meeting was essentially a prayer meeting and no one had been hostile.

The magistrate, Mr J. Lewis, said there were discrepancies in the evidence of both the state and the defence witnesses but that Constable H. L. and Lieutenant J. C. had made a favourable impression.

Platinum found in N. Transvaal is itself not toxic, but during the refining process, platinum salts are formed which can give rise to an allergic condition known as platinosis - an irritation and chronic inflammation of the whole respiratory canal and also an allergic dermatitis. 16 occupations in which platinosis can be contracted, including actual refineries, 252 factories, 18 711 workers and an unknown amount in chemical laboratories. In a sample taken in 3 refineries 27% of workers were found to have platinosis. With proper preventive measures, platinosis could be completely prevented.

Iron - S.A. is emerging as one of the major iron producers. Iron oxide in form of fumes or dust is absorbed by the lungs. Workers exposed to high concentrations of dust with iron oxide and silica develop advanced pulmonary fibrosis. (16 mines and 7 works, employing 10 486 workers.) No statutory ruling on threshold in S.A.

Chrome - Used in a variety of 102 occupations with 2 145 factories and 165 777 workers. Exposure can lead to traumatic atrophic rhinitis. In survey of a chrome factory, workers revealed that they expected to get perforated nasal septa. 75% of workers had active lesions, 4% had complete perforations. There is a lack of concern regarding physical welfare of workers.

Vanadium - S.A. produces 40% of the world's vanadium. The dangerous element is vanadium pentoxide. It damages red blood cells and leads to chronic malfunctions of the kidneys and nervous system. There are indications that it causes chronic bronchiolitis and emphysema, also cancer of the lung. Workers exposed to vanadium found in 17 industries, 408 factories with 27 616 workers. The commission consider that research into vanadium is of highest priority.

Mercury - Exposure limited to those industries where metal mercury or organic or inorganic mercury combinations are used in one form or another during manufacturing process. Although some combinations are skin irritants, the most common problem is from inhalation of mercury dust and fumes. Acute exposure results in stomach ache diarrhoea, gingivitis, pneumonia, kidney damage, heart and respiratory weakness. Chronic exposure includes gingivitis, emotional instability, headache, insomnia, hearing difficulties, vision restriction. 55 different industries with total of 715 factories, 77 132 workers. Although mercury is used in gold refining industry, Department of Mines does not include it as a listed disease.

Aluminium in its natural state is not mined in S.A. and S.W.A. Semi-processed aluminium is imported.

Cadmium causes emphysema, reduction in red blood cells, kidney damage, but no positive incidents have been traced.

Metal Fume Fever is found among bronze workers as a result of exposure to zinc fumes.

CHAPTER VIII Occupational Disease as a result of Physical or Biological Factors

Mainly concerns radiation (ionising and non-ionising) and noise, as well as biological factors in agricultural and forestry industries. The fear of nuclear war and related concern with nuclear energy has results in protection against radiation overshadowing other industrial health hazards. Thus careful monitoring has been seen. During period 1965 - 74, number of registered radiation workers grew from 4 000 to 7 000, with an average of 3 persons per annum.

Industry where a large number of persons are difficult to control, there has been dangerous doses.

Other dangerous beams include non-ionising e.g. microwaves and infrared and ultraviolet.

Most common dangerous physical factor is noise.

pressure of 85 decibels and is sustained for a sufficient length of time.

this noise is pleasant or not, it will cause deafness. If a noise equivalent to

85dB is sustained for 8 hour period, auditory loss is a real danger. There is not a single industry in which some area is not described as a noise zone. Of the 30 097 factories with 1 598 070 workers, 15% (i.e. 239 711) work in noise zones.

Excessive heat may cause dermatitis, dehydration, heat exhaustion, heat stroke. All these actions are reversible and disappear if exposed persons are removed from heat. Heat stroke, real problem on deep gold mines. A programme of heat acclimatisation on gold mines has succeeded in reducing heat stroke mortality from 14 per 100 000 per annum to 4 per 100 000 per annum. Workers exposed to heat radiation at coke furnaces, glass furnaces, foundries; intense heat radiation can cause protracted periods of sterility. The potential population exposed to heat about 300 000.

No betrayal
The secretary of the East London branch of the African Food and Canning Workers' Union, Mr Philemon Norushe, has been jailed for a year for not giving evidence in a security trial.

When he appeared in court, Mr Norushe (34) had been in detention for seven months. He was called as a State witness in the trial of Mr Mandla Gxanyana (26) who was charged with being a member of the African National Congress.

4 plotted to kill in SA, court told

Sign
(331)
14/4/81

Own Correspondent

Details of an alleged plot to assassinate leading South Africans were revealed in Pretoria today when four men appeared in the Magistrate's Court on terrorism charges.

Other charges the men face include undergoing military training in various countries including Russia, collecting information on petrol depots and oil refineries with the intention of sabotage, and being members of the banned African National Congress.

Mr Norman Yengeni (22) from Guguletu, Cape Town, Mr Edward Mbundu (38) from Orlando, Mr David Mampane (20) from Middelburg and Mr Eddie

Khumalo (30) from Soweto appeared.

Mr Mampane pleaded not guilty of returning to South Africa during July 1980 with the intention, in collaboration with another man, Mr Johannes Shabangu, to assassinate a number of people.

Mr Mampane told the court that they intended to kill certain people such as members of the police. He also pleaded not guilty to being a member of the ANC and to receiving military training in Angola.

Mr Yengeni told the court he left South Africa to undergo military training so he could return and change the political situation. He said he was

forced to be on the wrong side of the law through his involvement in politics and was therefore not guilty.

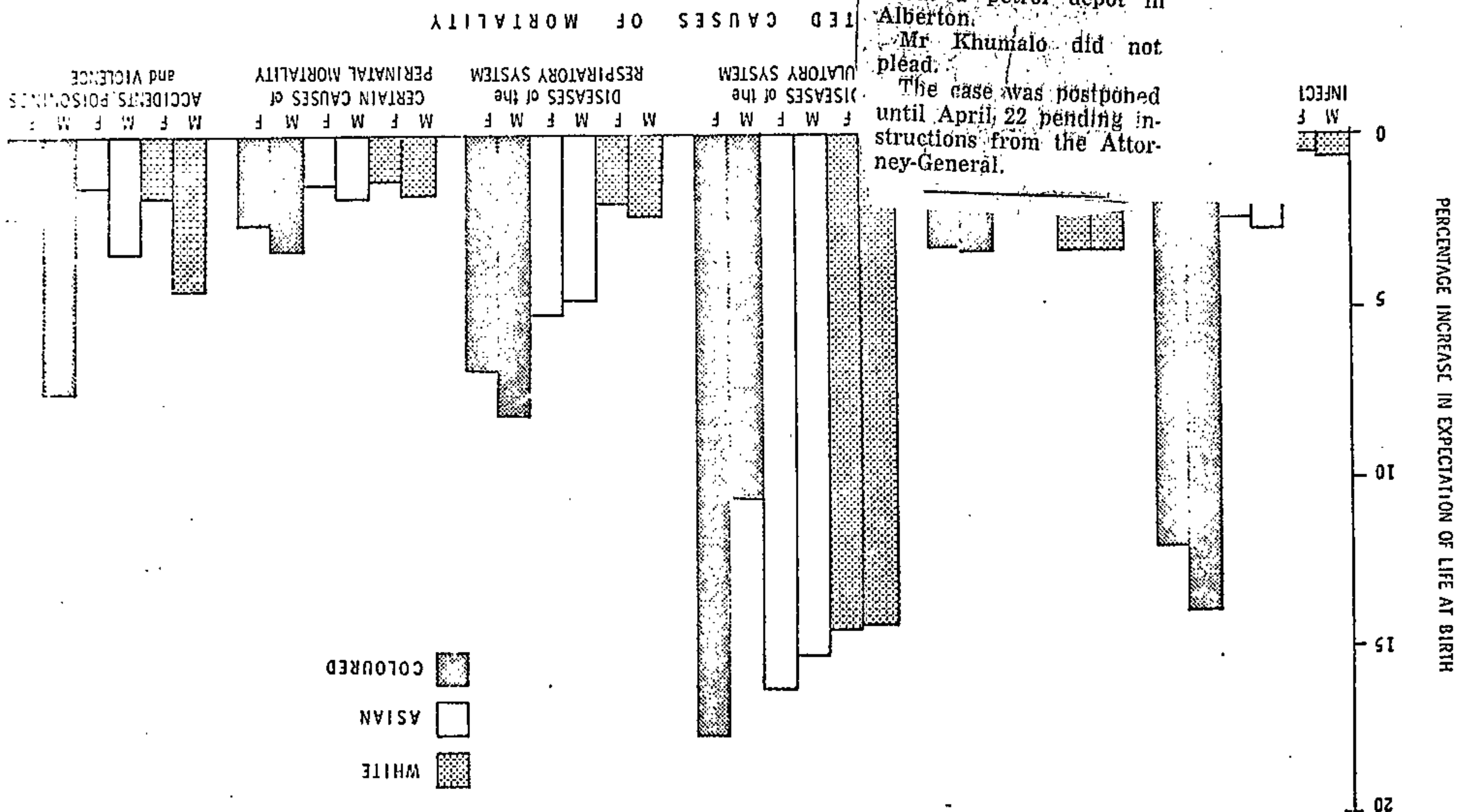
He is charged with joining the African National Congress during 1977 and undergoing military training in Angola during April 1977 and October 1980 and returning to Cape Town on October 26 last year to collect information regarding the Caltex oil refinery.

Mr Mbundu admitted being a member of the ANC and undergoing military training during 1976 and October 1980 in Angola, Russia and Zambia, but pleaded not guilty. He said this was not a crime.

He pleaded not guilty to gathering information about a petrol depot in Alberton.

Mr Khumalo did not plead.

The case was postponed until April 22 pending instructions from the Attorney-General.



The assistance of the following people, without which this study would never have materialised, is acknowledged with gratitude:

Dr's Robert and Susan Baker, Paediatricians, C.J.M. Hospital,

Miss Lucille Dlamini, Research Worker, S.A.I.M.R.,

Mrs Laureen Mcobela who for six years was Sister-in-Charge

of the Malnutrition Ward at C.J.M. Hospital and who never

despaired and by whose example I learned many others

of us not to despair.

The families of the house

who so courteously allow

their personal domestic

Mpetha trial again tomorrow

Argus 14/4/81

331

THE second session of the Cape Supreme Court opens tomorrow with the continuation of the trial of Mr Oscar Mpetha, 71, and 18 others, who are accused of participating in terrorist activities and of two counts of murder.

At the last hearing on March 19 Mr Justice Williamson ruled that the trial would not be held in camera and the public would be allowed to remain in the court.

He also ordered that the State furnish a single, comprehensive set of further particulars. The seven sets of further particulars formerly furnished by the State would be struck out he said.

Mr Oscar Mpetha is the chairman of the Nyanga Residents' Association.

With him appear: Mr Lawrence Lesotholi, 18; Mr Morgan Makubala, 19; Mr Aaron Tshangana, 20; Mr Peter Vusumzi Kube, 18; Mr Alton Siphwa Sabuwa, 18; Mr Fumane-kile Boo, 18; Mr Vuyisile Mzaza, 19; Mr Makawa Tabavu, 30; Mr Johannes Illapo, 20; Mr Jeffrey Baardman, 20; Mr Vuyisile Diba, 21; Mr Richard Mapondo, 19; Mr Wellie Mazotana, 21; and five youths.

PF MAN

The trial of a member of the Permanent Force based at the SA Infantry School at Oudtshoorn, Staff Sergeant Basil Duke Norris, 29, will begin tomorrow.

He is accused of allegedly murdering a Potchefstroom pilot, Lieutenant Johan Keet.

Lieutenant Keet was wounded after a shooting incident outside an Oudts-



Basil Duke Norris

hoorn Hotel on June 7 last year. He died later in the Wynberg Military Hospital.

Later in the term, on April 23, the summary trial of two young men and a woman begins. They are accused of allegedly murdering a former RAF pilot, Mr Wilfred Morrisby, who was smothered in his small flat in Brooklyn on June 3 last year.

The three accused are: Mr Desmond Januarie, 20, Mr Gerald Goosen, 24, and Miss Felicity Cloete, 26.

AD 14/11/81
331

Card: I helped crack ANC

EAST LONDON — The Progressive Federal Party parliamentary candidate for East London City, Mr Donald Card, played a role in the imprisonment of Mr Nelson Mandela.

In a statement which drew some pointed questions from National Party supporters at a PFP meeting in Victoria Hall last night, Mr Card said: "I gave evidence at the trial which put Mandela away."

Mr Card, who was a security policeman at the time of Mr Mandela's trial, said that Mr Mandela had "committed crimes against this country."

"He was being used by the communists," he said.

Mr Card said that the first leader of the African National Congress, which is banned in South Africa, Mr Albert Luthuli, who won a Nobel Peace Prize, was a "true son of South Africa."

"Luthuli did not allow himself to be used by anyone. He fought peacefully and hard for what he believed in."

Mr Gavin Clarke, NP campaign organiser, who was present at the meeting, asked Mr Card if Mr Mandela should be involved in round-table discussions on the future of South Africa.

Mr Card said that if Mr Mandela rejected violence and was willing to enter into peaceful negotiations, "then it should be considered."

Mr Clarke then asked if Mr Card still believed Mr Mandela was being used by communists and would be used by communists at the negotiating table.

Mr Card replied that Mr Mandela was never a communist.

"Let me tell you, Mr Clarke, and I know this well. There are young blacks going over our borders and being trained by communists and coming back to fight."

"They are fighting, not because they are communists, but because they want to destroy the apartheid of the National Party government." —

DDR

(News by Mike Chandler, 33 Caxton Street, East London)

See also page 4.

THE HEALTH TEAM

To provide such a service economically, required that no one should perform a task which some one less qualified can carry out as competently. Consequently the workload is undertaken by members of a health team. Our health team consist of:-

Medical Practitioners (full and part time)	58
Nursing Staff (including district sisters)	213
Midwives (staff nurses and assistant nurses)	40
Social Workers	17
Physiotherapists	16
Occupational Therapist	(1)
	15

Three accused of ANC terror links

By HENRY HARRINGTON
Pretoria Bureau

THREE men accused of reconnoitring two of South Africa's major oil installations for the African National Congress appeared in the Pretoria Magistrate's Court yesterday.

With a fourth man they are appearing on charges under the Terrorism Act and the Unlawful Organisations Act. The four are: Mr Norman Yengeni, 22, of Guguletu, Mr Edward Mbundu, 38, of Orlando, Mr David Linda Mampane, 20, of Middelburg, and Mr Eddie Bafana Khumalo, 30, of Soweto.

In a statement to the court, Mr Yengeni admitted being a member of the ANC, having received military training in Angola and having returned to South Africa in October 1980 to obtain information about the Caltex refinery in Cape Town. A plea of not guilty was entered by the magistrate.

Mr Yengeni said however that the reasons he was not guilty were political. He said he had left South Africa in 1977 after the student uprising.

"I made my own decision to get out of the country and get military training and to return and change the political situation," Mr Yengeni said.

Mr Mbundu said: "I must be given my political rights before I say anything."

Mr Mbundu, for whom a plea of not guilty was entered, said he wished to remain silent on the questions of whether he was a member of the ANC and whether he returned to South Africa in October last year to reconnoitre the Alberton oil storage depot, but answered: "That is so," when he was asked whether he had received military training in Angola, Russia and Zambia between 1976 and 1980.

Mr Mampane said he did not wish to make a statement to the court but admitted joining the ANC and receiving military training in Angola. He denied returning to South Africa with the intent to murder various people with one Johannes Shabangu. He also pleaded not guilty to the charges.

Mr Khumalo was not asked to plead to charges of being a member of the ANC, receiving military training in Angola and returning to South Africa in October 1980 to reconnoitre the Alberton oil installation.

The four men will remain in custody until the case returns to court on April 22.

Mr B J O van Schalkwyk was on the Bench. An advocate, Mr A F du Toit, prosecuted and another advocate Mr S Danilowitz.

At two day hospitals, one in the northern and the other in the southern suburbs, 'same day' surgery is undertaken, including tubal ligations.

It is evident that the major share of the workload can be and is undertaken by nursing staff whether they be registered nurses, staff nurses or assistant nurses.

It is essential to realise the implications of the role of the nurse which is to care for patients - and her extended role, which involves special tasks which have been delegated to her by a doctor. Consequently for such a nurse to function effectively she should be able to consult with a doctor, even if it is only by telephone or two-way radio, if standards of care are to be maintained.

I attribute our good results and low referral rate to the fact that nursing and paramedical staff have easy access to that leader and co-ordinator of the health team. It was only because of the involvement of practitioners in our service and because of our results, that we had credibility with staff at specialists hospitals and patients were referred back to us.

I think the 'drip-room' figures of the Red Cross Hospital need no comment except to say that some of the success has been due to early treatment by the D.H.O. staff in general and the paediatric nurse associates in particular.

The patient's bed at home is the least expensive, the hospital bed the most expensive. Last year our district sisters and midwives carried out over 100,000 home visits, mainly on, patients who could be discharged from hospitals earlier, because such a service was available.

Last year over three thousand cases were booked at the Lotus River M.O.U., our pilot project unit and 2500 confinements carried out. The perinatal mortality rate (P.M.R.) was 6 per 1000. If one excluded abortions and births below 1000 gms and included only cases presenting with detectable foetal heart sounds the incidence was only 2 per 1000.

Here again, by having clear cut protocols, the specialists accepted our high risk problem cases and they referred back to us their patients who had been delivered for follow up at home.

Over 90% of our patients go home with some form of family planning.

DD 15/4/81
Priest (33)
joins ANC

SALISBURY — A white South African Anglican priest, the Rev Mike Lapsley, has joined the banned African National Congress.

Mr Lapsley, who is living in self exile in Lesotho, told a local newspaper at the end of a brief visit here yesterday that he had joined the South African ANC because "Christians have to take political decisions".

Stressing that Christians had to take sides with the poor, Mr Lapsley said some people had become part of structures which used religion to "mystify the economic exploitation of the poor".

He said members of the South African "ruling class" had used religion as a force to help "quieten the conscience of those who might have doubts about how civilised the forces of colonialism might be." — DDR.

Own Correspondent

Three men accused with high treason after the attacks on the Booyens police station and Sasol 2 last year are to stand trial in the Pretoria Supreme Court.

Mr Anthony Bobby Tsotsobe (25), Mr Johannes Shabangu (26) and Mr David Moise (25) appeared today in the Pretoria Magistrate's Court.

Mr Tsotsobe admitted to being a member of the African National Congress and receiving military training in Angola between 1977 and 1980. He is also charged with an attack on Booyens police

Trial date set for treason accused

station, Johannesburg, on April 4 last year.

He admitted attacking "Uncle Tom's Hall" in Orlando West and setting the building alight on May 5 last year.

He also admitted to launching an attack on the night of October 14 on the Dube railway station. He admitted hiding ammunition weapons and explosives intended for use in sabotage.

Mr Moise admitted taking part in the attack at Sasol 2 at Secunda on the night of June 1 and again returning to South Africa on October 26 to gather information for a second attack on Secunda.

He is also charged with being a member of the ANC and receiving military training between 1978 and 1979.

Mr Shabangu is charged with attacking a South

African policeman's house at Bosfontein near Malelene, bārberton, on the night of April 27.

He admitted being a member of the African National Congress and receiving military training in Angola.

Pleas of not guilty were entered by the magistrate, Mr B J O van Schalkwyk, on all the charges.

Alternative charges of participating in terrorist activities, robbery with aggravating circumstances and four alternative charges of attempted murder were put to the men.

The case is set for June 2 and is expected to last for about four to six months.

stopping point.

and, the nearest clinic

er case treated could
since TB, VD treatment and
e, minor ailment visits
an average.
the average cost per
fallen as attendances
ad over a larger total.

The hotel vehicle goes daily to Addo but is only occasionally available to take people to the doctor in Sunland or at the co-op in Addo; part of the difficulty is the need to wait an unpredictable time to pick up the patients. Others got lifts to the doctor from friends or relatives; thus 9 out of 21 journeys reported to Addo or Sunland were free. The rest however were paid for; the manager told me that one regular traveller charges at least R5 for the one-way trip to Addo and R9 for a return trip is common. Others have walked there, stayed overnight with a friend and visited the doctor next day. This is feasible only for the not-so-sick.

Transport problems probably affect chronic cases and illnesses of uncertain nature more than obvious emergencies. In such cases the hotel will help and an ambulance can be called from Patterson to take people to a doctor. Most deliveries take place at home.

There is thus naturally a tendency to wait until the illness is certainly severe before seeking help. Five years ago a child was suspected of flu and taken to the doctor only after 4 days, in Patterson because a lift was available in that direction. The child had meningitis and was crippled as a result. Perhaps the illness would have been left to see if it would cure itself in any case, but transport difficulties contributed to this. However to remedy such a situation, cheaper transport alone would not suffice; a local health worker who is able to diagnose, not necessarily to treat such emergencies would enable people to distinguish cases needing urgent attention from those which do not. Such a person would have to be trusted sufficiently and well known enough by the community to be consulted early in the course of an illness; this means his/her services would also have to be cheap.

The solution suggested by the residents themselves was a different one, perhaps more practicable until such time as the diagnostically trained auxiliaries are available.

Court told Mpetha was brains behind killings

CT 16/4/81
33A
Staff Reporter

COMMUNITY leader and veteran trade unionist, Mr Oscar Mpetha, was not only the brains behind the bus boycott but planned the stoning of vehicles and killing of whites on August 11 last year, counsel for the State alleged in the Cape Town Supreme Court yesterday.

Mr Mpetha, 71 — chairman of the Nyanga Residents' Association and organizer for the Food and Canning Workers' Union — and 18 others all pleaded not guilty to charges of terrorism and murder.

Mr J Slabbert, for the State, told the court that at the time the alleged crimes took place, there was a bus boycott and black people in the Peninsula were not using buses. The use of

pirate taxis flourished.

"There is evidence that Mr Mpetha was not only the brains behind the bus boycott but planned the events that took place on August 11 last year," Mr Slabbert said.

Mr Mpetha planned that Monday, August 11 should be a memorial day to commemorate the 1976 Soweto riots, Mr Slabbert said. He also alleged that Mr Mpetha had planned that vehicles should be stoned and whites killed on that day.

Meeting

He said that on Friday, August 8, pupils at Noxolo School were told to attend a meeting in the Roman Catholic Church on Monday, August 11.

"There were various meetings planned for that day, including

meetings held in Mr Mpetha's house. On August 11, the whole area was in an agitated state.

"About 8 am, there were clashes between the police and some of the pirate taxi owners around NY 103. Thereafter there were two mass meetings held in the Roman Catholic Church and at the Assembly of God Church which was near Mr Mpetha's house.

People started to assemble at these points in the morning and early afternoon. During this period, two vehicles, one of them belonging to the post office, were attacked and destroyed.

After the meetings were

To page 2

A



From page 1

over, the crowd moved out of the churches and took a route which led through Crossroads to Klipfontein Road. A roadblock had been erected across Klipfontein Road.

At about 3.30 pm, Mr George Beeton arrived at the Crossroads roadblock. His car was attacked, overturned and set alight. He died of his injuries in the place he was attacked.

Mr Frederick Jansen arrived at the scene within minutes of the attack on Mr Beeton. Mr Slabbert told the court. His bakkie was attacked and overturned. Despite very severe burns — almost 80 percent — he was still alive when the police arrived shortly afterwards. He died in hospital the following day.

The mob dispersed when the police arrived but later on, stoning continued and a further meeting was held at the Assembly of God Church and there was more violence the following day.

Application

In response to an application by Mr Slabbert for the public to be excluded from the hearing while State witnesses were giving evidence, Mr Williamson said the court would decide with each witness whether his or her evidence should be heard in camera.

General evidence to support each specific application would be given today.

Mr Slabbert argued that the public should be excluded because many of the witnesses were aged between 14 and 17

years and they might be afraid to give evidence if the public were present.

"If, when they appear in court, they look up and see the sea of faces, it would take a very strong and determined witness to continue to give evidence," Mr Slabbert said.

"The administration of justice should take precedence over the demand for an open trial."

Mr I Farlam, for Mr Mpetha, opposed the application. He said all the witnesses were in preventive detention and they had not received any threats from "the defence side".

Earlier yesterday, Mr Justice Williamson ordered that an item in the indictment alleging that "all the accused committed or attempted to commit all or some of the alleged acts" be struck out on the grounds that it was a general allegation which conflicted with specific detail provided in the indictment.

The 18 are:

Mr Lawrence Lerotholi, 18, Mr Morgan Makubala, 19, Mr Aaron Tshangana, 20, Mr Peter Vusumzi Kube, 18, Mr Alton Sabuwa, 18, Mr Fumanekile Bôoi, 18, Mr Vuyisile Wilson Mzaza, 19, Mr Makawa Jabavu, 20, Mr Johannes Hlapo, 20, Mr Jeffery Baardman, 20, Mr Vuyisile Diba, 21, Mr Richard Raymond Bongani Mapondo, 19, Mr Welile Mazotana, 21 and five youths.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr Slabbert appeared with Mr C J van Wyk. Mr Farlam was instructed by Frank, Bernadt and Joffe. Mr T L S Skweyiya, Mr J Whitehead and Mr N Willis instructed by A Omar and Company, appeared for the other accused.

and Black communities.

- 9 -

During the period 1929 to 1970 the Whites have shown a changing spectrum of

mortality which is classically associated with an improving health status.

Infectious Diseases have become less important and the major causes of death

are increasingly related to Cardiovascular and Neoplastic Diseases.

since 1941.

- 10 -

Clearly the broad diagnostic categories used in this analysis conceal a

certain amount of information. However, because of the changes in disease

classification which have taken place since 1929 it is not possible to

examine the temporal changes of mortality rates in greater detail.

Court told of Mpetha murder plot

Angus 216/4/81
331

THE 71-year-old chairman of the Nyanga Resident's Association, Mr Oscar Mpetha, planned to commemorate the 1976 Soweto riots by stoning vehicles and killing whites, the Supreme Court, Cape Town heard yesterday.

He and 18 others have pleaded not guilty to two charges of murder and terrorist activities between August 8 and 12 last year at or near the Crossroads squatter camp.

Mr J Slabbert, prosecuting, said Mr Mpetha was the 'brains behind the bus boycott' last year.

During this time, pirate taxis had flourished. On Monday August 11, black areas of Cape Town had been in a state of tension, with clashes between police and the pirate taxis.

MEETINGS

Mr Slabbert said there had been mass meetings at Roman Catholic and Assembly of God churches after which crowds began to assemble outside.

Vehicles belonging to a dairy and the Post Office were attacked and destroyed.

After this, the crowds moved from churches through the Crossroads camp to Klipfontein Road, Philippi.

There around 1 pm a road block was erected.

Around 3 pm, Mr George Henry Beeton arrived at the block. His car was attacked, overturned and set alight. Mr Beeton died of his injuries where he was attacked, Mr Slabbert said.

BURNS

Minutes after the attack on Mr Beeton, Mr Frederick Casper Jansen was attacked. When the police arrived, Mr Jansen was found to have 80 percent burns, but was still alive. He died the following day in hospital, said Mr Slabbert.

Mr Slabbert handed in photographs of Mr Jansen's burns, and an aerial photograph and maps of the area.

He said that when one of the accused was arrested a month later he was found in possession of Mr Jansen's wallet.

Stoning and overturning of vehicles continued the following day.

The accused at Mr Oscar Mpetha, 71; Mr Lawrence Lesotholi, 18; Mr Morgan

Teboga Makubala, 19; Mr Aaron Tshangana, 20; Mr Peter Vusumzi Kube 18; Mr Alton Sphiwa Sabuwa, 18; Mr Fumanekile Booi, 18; Mr Vuvile Wilson Mzaza, 19; Mr Makawa Euclid Tabavu, 30; Mr Johannes Hlapo, 20; Mr Jeffrey Baardman, 20; Mr Vusisile Venson Diba, 21; Mr Richard Raymond Bengani Mapondo, 19; Mr Welile Vizard Mazotana, 21; and five youths.

RESTORE

Mr Slabbert yesterday applied for the public to be barred from the court during the evidence of some State witnesses. He said these witnesses — between the ages of 14 and 17 — had indicated to him they were scared of intimidation if they testified in open court.

Mr Slabbert said he was not asking for the Press to be barred and said it was not a secret trial.

If the witnesses look up and see a crowd of people, they will be frightened. This is a highly charged political case arising out of a riot situation, he said.

The Defence opposed the application.

No ruling was made but it was agreed that as certain witnesses were called the State could apply for the public to be excluded.

As the accused entered the courtroom yesterday, people in the packed gallery returned clenched fist salutes.

A large contingent of riot police were stationed outside the Supreme Court in Keerom Street, Cape Town.

People heading for the court sang songs but there were no incidents.

Earlier in yesterday's hearing, Mr Justice Williamson struck a general allegation relating to the terrorism charge from the indictment.

Today the hearing was adjourned until Wednesday.

(Continuing).

Mr Justice Williamson was sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr Slabbert, with Mr C J van Wyk, appeared for the State. Mr T L Skweyia appeared for 12 of the men; Mr J Whitehead for four of the men and Mr N Willis for two of the men. (All instructed by A M Omar and Co).

provides a more detailed analysis of the different diseases contributing to

the overall mortality of the Whites and Coloureds in the form of cause specific

mortality rates for defined age groups. Thus, although Cardiovascular diseases

are consistently responsible for a fairly small proportion of the overall

mortality of the Coloureds, Table I indicates that the actual rates for

Cardiovascular diseases have been fairly similar for both Whites and Coloureds

the aspects of

Firstly, whilst being affected by the incidence of the diseases in question

these rates are also influenced by their fatality rates, for example, a

decrease in the mortality related to Tuberculosis will not only be influenced

by a decreasing incidence of this disease but also by improved prevention

at primary, secondary and tertiary levels of intervention which will

of private medical and dental practitioners. An indication of the relative importance of these services is given in Tables 2 and 3.

The ownership of hospitals and beds is shown in Table 2. State Hospitals and aided institutions account for almost all of the beds for infectious diseases, and the state and private sector share responsibility for the supply of beds for the treatment of mental conditions. Bed accommodation for the aged and chronically sick is provided largely by private and aided institutions, and the supply of general hospital services is shared almost equally by the private sector and provincial administrations. Private and aided institutions accounted for 71 per cent of all hospitals, although they only accounted for 34 per cent of the available beds. Approximately twenty five per cent of the beds supplied by the private sector were purely for profit (8).

In table 3, the employment of doctors is analysed. This table, like table 2, emphasises the importance of the private sector in supplying health services. The private sector accounted for the employment of 59 per cent of all doctors and the majority of these were in private practice; the proportion of specialists in private sector employment was even larger at 61 per cent. In contrast, 20 per cent of dentists were in private sector employment (9).

(8) 10,158 beds in 1974. Source: Report of the Secretary for Health for the Year Ended 31 December 1975, pp 26/27, paragraph 7.

(9) Census of the Health Services. Appendix Table 1.1.

Table 3 Employment of Economically Active Doctors in 1972 by Sector of Employment

Specialists	General Practitioners	All
<p>100M 17/4/81</p> <h1>Court told accused was hit with batons</h1> <p>Staff Reporter</p> <p>A YOUNG man charged with assaulting police told the Johannesburg Regional Court yesterday that he was hit by police with batons during incidents outside the Newlands police station during the school boycott last year.</p> <p>An assistant district surgeon, who examined him in the police station, gave details of his injuries and told the court the incident "made him sick".</p> <p>Mr Mark Martin, 20, of Coronationville, Johannesburg, is charged with disturbing the peace, assaulting police and using abusive language outside the police station on April 29 last year.</p> <p>He has pleaded not guilty to the charges.</p> <p>The State alleges Mr Martin provoked police by pointing his finger and swearing at them.</p> <p>He told the magistrate, Mr J A van Eeden, that he went to the Newlands police station with his fiancée and two friends that evening.</p> <p>He said a large crowd of pupils, as well as parents whose children had been arrested, had gathered at the police station. Riot police with dogs were at the scene to control the crowd.</p> <p>He was standing at the front of the crowd. When police asked people to move back it was difficult to do so, because of pushing from behind, he said.</p> <p>Then, he said, several policemen assaulted him with batons and he fell to the ground.</p> <p>Mr Martin said he was then dragged to the police station, where he was further assaulted.</p> <p>A defence witness, the Rev Derek Jacobs, told the court he saw Mr Martin with blood all over his white lumberjacket and that after entering the police station he saw Mr Martin being hit in the ribs by a policeman.</p> <p>Dr C L Smith, assistant district surgeon for Johannesburg, said he was present when the accused was taken into the police station and examined him immediately.</p> <p>He said the bridge of Mr Martin's nose was swollen, he had two blood swellings on the back of his head, had lost a tooth and had abrasions on his thighs and back.</p> <p>He told the court: "I am recalling an incident that made me sick".</p> <p>The hearing was adjourned to May 7.</p>		

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Mr. Frederick Hanson, arrested at the same place, a member of the same party, was taken to the County Jail, and held in custody until the morning of the 10th. He was released and returned home. The other two persons whom the police seized, the day after the first seizure, were released the following day.

78 witnesses to be called in trial of alleged ANC men

By NORMAN NGALE

SEVENTY-EIGHT witnesses are expected to be called by the State to give evidence against three alleged members of the banned African National Congress who face charges that include attacks on the Booyens police station, Dube railway station and the Sasol II

plant.

Mr Anthony Bobby Tsotetsi (25) of Soweto, Mr Johannes Shabangu (26) of Mhluzi Township, Middelburg, Transvaal, and Mr David

Moise (25) of Sebokeng appeared before Pretoria Magistrate Mr B J O van Schalkwyk on Thursday. They were not asked to plead and the case was postponed to June 2.

Mr Tsotetsi faces charges of robbery, the attack on Booyens police station, the gutting of Uncle Tom's hall in Orlando, the blast at Dube station, the bombing of Wrab's Diepkloof offices, establishing an underground base and being in possession of arms, ammunition, grenades and other explosives.

Mr Shabangu faces, among other charges, attacking a house belonging to SAP Constable Mayesa Peter Mahaule in Barberton, and, together with another man, being found in possession of two

Makarov 9mm pistols and 32 rounds of ammunition.

Mr Moise is charged with planting explosives at Sasol II, in Secunda and of returning to the Republic via Swaziland to make a survey of Secunda with the aim of a further attack on the installations.

He also faces charges of being in possession of weapons and explosives for use in acts of sabotage in the Republic.

According to the charge sheet, the men are alleged to have undergone military training in Angola, and to have attempted to enter the Republic from Ka-Ngwane with aims of committing acts of violence and warfare.

The charge sheet also contains a list of weapons said to have been unearthed along the Soweto Highway near Meadowlands Hostel, at dumping grounds between Zones 5 and 6 Diepkloof, along a gravel road near a mine and in Chiawelo.

mpetha planned stoning boycott

COMMUNITY leader and veteran trade unionist, Mr Oscar Mpetha, was not only the brains behind the bus boycott but planned the stoning of vehicles and killings of whites on August 11 last year, counsel for the State alleged in the Cape Supreme Court last week.

Mr Mpetha (71), chairman of the Nyanga Residents' Association and organiser for the Food and Canning Workers Union, and 18 others have all pleaded not guilty to charges of terrorism and murder.

Mr J Slabbert, for the State, told the court that Mr Mpetha planned that Monday, August 11, should be a memorial day to commemorate the 1976 Soweto riots, Mr Slabbert said. He also alleged that Mr Mpetha had planned that vehicles should be stoned and whites killed that day.

"There were various meetings planned for that day, including meetings held in Mr Mpetha's house. On August 11, the whole area was in an agitated state," he said.

People started to assemble at these points in the morning and early afternoon. During this period, two vehicles, one of them belonging to the Post Office, were attacked and destroyed.

At about 3.30 pm, Mr George Beeton arrived at a Crossroads roadblock. His car was attacked, overturned and set alight. He died of his injuries at the place he was attacked.

Mr Frederick Jansen arrived at the scene within minutes of the attack on Mr Beeton, Mr Slabbert told the court. His bakkie was attacked and overturned. Despite very severe burns he was still alive when the police arrived shortly afterwards. He died in hospital the following day. - Sapa.

Fourth man on terror charges

A FOURTH man was accused in the Pretoria Magistrate's Court yesterday of undergoing military training in warfare and sabotage in Russia.

Mr Eddie Khumalo, 30, of Soweto, pleaded not guilty to charges of participating in terrorist activities.

He appeared with Mr Norman Yengeni, 22, of Guguletu, Cape Town, Mr Edward Mbunbu, 38, of Orlando, and Mr David Mampane, 20, of Middelburg.

Mr Khumalo is charged with joining the banned African National Congress in December 1976, leaving the country to undergo military training in Angola and Russia, returning to South Africa in October last year to gather information on a petrol depot at Alberton, and setting up a base there.

At a previous hearing, Mr Mampane pleaded not guilty to

returning to South Africa during 1980 in collaboration with another man, Mr Johannes Shabangu, to assassinate certain people.

Mr Mampane also pleaded not guilty to being a member of the ANC and receiving military training in Angola.

Mr Yengeni told the court he left South Africa to undergo military training so he could return and change the political situation.

He is also charged with being a member of the ANC and returning to Cape Town on October 26 last year to collect information regarding the Caltex Oil refinery.

Mr Mbundu admitted being a member of the ANC and undergoing military training between 1976 and October 1980 in Angola, Russia and Zambia.

The hearing was postponed to May 22. — Sapa.

Even if the meaning of 'health' is agreed upon, ways of achieving it may be very much open to doubt. It is often said that we cannot promote health by removing disease. This is usually taken to imply that a change of concept is necessary, from cure to active promotion of health; but it is also true in a very literal and scientific sense. Suppose that a certain type of event, e.g. moving house, predisposes people to suffer a variety of illnesses to which they may be prone - heart attacks, asthma, etc. - we would not know, since we have not looked for this factor. Under

According to their severity, prevalence and curability, we will perhaps expend more resources and energy for decreasing returns without reaching the fundamental problems of this family.

It may be argued that this family is not typical, that on the whole diseases are more randomly spread among families and individuals. But is this so? Research into the environmental and socio-psychological conditions

associated with ill health suggests the contrary, that who becomes ill, including those who contract infectious diseases, is highly determined. A recent study in U.K. showed that a majority of hospital patients had experienced a major disruption of their life in the months preceding their hospitalization (snocks such as bereavement, loss of job, moving house, divorce, etc.).

Moreover the fact that in most countries there are definable groups (26), (as well as the fact that in most families there are definite individuals) who fall ill much more often than other people, suggests that the incidence of disease is far from random; and that any improvement in the conditions surrounding such persons or groups which improve their resistance to a particular illness, is likely to improve their immunity to others as well. There is a choice, in other words, between 'broad spectrum conditioners', such as housing, education, social support, etc., and 'narrow spectrum' interventions, such as immunization, spraying against malaria, etc.

Some economists have recognized this. Pole, speaking of programme budgeting, writes:

'A major complication is the fact that some programmes ought really to cover the personal social services as well as the health service. Social workers tend to take a broader view than doctors; they deal in syndromes. Even when there is a well-defined task for the personal social services the objectives of care as seen by the social worker or other social services professional may be quite different from those perceived by a doctor considering the same case.

The poor, those from split families, the lonely die more often than others. Social class has been shown to be a strong determinant of both physical and mental illness: see J. Kosa, A. Antonovski and I.K. Zola, 'Poverty and Health', Harvard University Press, 1969. Deaths, even from what are typically thought of as diseases of affluent groups tend to be higher in lower social classes; e.g. Dick Paper on 'Mortality in South Africa', D.Bourne & B. Dick shows that deaths from circulatory diseases are higher in South Africa for 'coloureds' than for whites.

in infant mortality was observed with decreasing urbanization, the figure for the completely rural areas being of the same magnitude as those parts of the world devoid of medical services. Figure 4 summarizes the age specific mortality rates of the South African population from all causes

Mpetha trial: Decision today

Staff Reporter

THE trial of community leader, Mr Oscar Mpetha, 71, and 18 others was adjourned early yesterday.

They have all pleaded not guilty to charges of murder and terrorism.

Yesterday, the court heard argument from counsel for the defence and the State on whether the two assessors in the case, Mr G Titterton and Mr CH van Gend should sit with Mr Justice Williamson when he heard evidence by Warrant-Officer H J van der Hoven from the security police and Lieutenant L Knipe from the Murder and Robbery Squad.

Warrant-Officer Van der Hoven and Lieutenant Knipe are to give evidence about threats to State witnesses to support applications the State will make to have the public excluded from the hearing when certain wit-

nesses give their evidence.

Mr Justice Williamson will give his decision on whether the assessors should remain when the hearing resumes at 10 am today.

The 19 accused are: Mr Oscar Mpetha, 71, Lawrence Lerotholi, 18, Morgan Makubala, 19, Aaron Tshangana, 20, Peter Vusumzi Kube, 18, Alton Sabuwa, 18, Fumanekile Booi, 18, Vuyisile Wilson Mzaza, 19, Makawa Jabavu, 20, Johannes Hlapo, 20, Vuyisile Diba, 21, Jeffrey Baardman, 20 Richard Raymond Bongani Mapondo, 19, Welile Mazotana, 21 and five youths.

Mr J Slabbert, assisted by Mr C J van Wyk appeared for the State. Mr I Farlam, instructed by Frank, Bernadt and Joffe appeared for Mr Mpetha. Mr T L S Skweyiya, Mr J Whitehead and Mr N Willis, instructed by A Omar and Co, appeared for the other accused.

Fig. 4 summarizes the age specific mortality rates of the South African population from all causes

the category of Infectious and Parasitic Diseases and

tuberculosis are the most important causes of mortality. The Coloureds

experience an interesting combination of "developed" and "underdeveloped"

mortality with a high death rate from enteritis and diarrhoeal diseases in

the young and circulatory diseases in later life. What is also of interest

is the relatively large number of symptoms and ill-defined conditions,

particularly in the Black community (22,2%). This provides some indication of the provision and utilisation of medical services to Blacks in the urban areas. In general the Asians have a spectrum of mortality intermediate between the Whites on the one hand and the Coloureds and Blacks on the other.

Clearly the presentation of the cause specific mortality data as proportional mortalities conceals a certain amount of information. Table I provides a more detailed analysis of these data in the form of cause specific mortality rates for defined age groups by sex, the White, Asian and Coloured communities.

If the mortality rates (Table I) are compared with the proportional mortalities for the seventeen major disease categories (Fig. 5) it will be noted that despite the relatively minor proportional contribution made by circulatory diseases in the Coloured community, the actual rates for these diseases are higher than those of the Whites. The reason for this apparent inconsistency is that the mortality rates for Infectious and Parasitic Diseases are so

high that they effectively swamp the proportional mortality of the Circulatory Diseases in the Coloured community. In the White community, the mortality rates for most causes of death are so low, the importance of the Circulatory diseases become disproportionately exaggerated.

Mortality rates greater than 5/1 000 appear in italics in Table I. For all of

Court asked to hear teenager in camera

Own Correspondent

CAPE TOWN — A 15-year-old witness might be harmed and her family placed in jeopardy if the Cape Town Supreme Court did not hear her evidence in camera.

Mr J Slabbert, for the State, said this in support of his application for the trial of Mr Oscar Mpetha and 18 others accused of participating in terrorist activities and two counts of murder to be held in camera for the teenager's evidence.

Mr Mpetha (71), chairman of the Nyanga Residents' Association, and the other 18 have pleaded not guilty.

FRIGHTENED

Before argument, Mr Justice Williamson ruled that the question of whether a court should be held in camera was for the presiding judge alone to decide.

He said that without the assistance of his assessors, he would decide on the application.

Mr Slabbert submitted that the girl had asked him for her evidence to be heard in camera.

She had told him she would be frightened to

give evidence in public because members of the public would make known her identity and relay her evidence to areas where they lived.

This could result in harm to her family and herself.

He said the girl was in protective custody but once she had given evidence she would be released and might come to harm.

The girl had been a Standard Seven pupil when arrested last year.

Mr Slabbert cited two sections of the law dealing with in camera evidence.

INTERESTS

The first dealt with a witness under 18 who should be protected.

The second dealt with whether evidence led would bring harm to the person giving such evidence.

Mr I G Farlam, for Mr Mpetha, submitted the court should call the witness to satisfy itself that the fear of the child to give evidence in an open court was genuine.

He said it was in the interests of the accused that court proceedings be open to the public.

The question was whether the child's interests were greater than those of the accused.

(Proceeding)

Man on terror charges is mum in court

Own Correspondent

A man charged with receiving military training in warfare and sabotage in Russia yesterday elected to say nothing in a Pretoria Magistrate's Court.

Mr Freddie Bafana Khumalo (30) of Soweto pleaded not guilty to charges of participating in terrorist activities.

He appeared with Mr Norman Yengeni (22) of Guguletu, Cape Town, Mr Edward Mbunbu (38) of Orlando and David Linda Mampane (20) of Middelburg.

Mr Khumalo is charged with joining the banned African National Congress in December 1976, leaving the country to undergo military training in sabotage and warfare in Angola and Russia, and returning to South Africa in October last year to gather information on a petrol depot at Alberton and to set up a base there.

At a previous hearing Mr Mampane pleaded not guilty to returning to South Africa during 1981 with the intention of collaboration with another man, Mr Johannes Shabangu, to assassinate certain people.

Mr Mampane told the court the people mentioned in the charge were members of the police force.

Mr Yengeni told the court he left South Africa to undergo military training so he could return and change the political situation. He said he was forced to be on the wrong side of the law through his involvement in politics and he was therefore not guilty. He is also charged with being a member of the ANC.

The case was postponed until May 22 pending instruction from the Attorney General.

Mr B. J. O. van Schalkwyk was on the Bench. Mr A. F. du Toit prosecuted. Mr Bernard Ancer, instructed by Pricilla Jana and Associates appeared for Mr Yengeni and Mr Khumalo. Mr R. Mokgoathleng appeared for Mr Mbundu and Mr Mampane.

5/10/81
331
23/4/81

Mpetha: Witness, 15, fears reprisals

Staff Reporter

A FIFTEEN-YEAR-OLD detainee yesterday told the Cape Town Supreme Court she "did not think" she would testify in the trial of Mr Oscar Mpetha and 18 others unless the trial were held in camera.

The girl, who may not be identified, has been called as a State witness in the trial of Mr Mpetha, 71, and 18 others who have all pleaded not guilty to charges of murder and terrorism.

Earlier in the day, Mr Justice Williamson ruled that he could sit without his two assessors, Mr G Titterton and Mr C H von Gend, when he heard evidence on whether the witnesses should testify in camera.

Procedural

Mr Williamson said an order as to whether or not the court should sit in camera was a purely procedural question which could be decided by the judge alone. He said the function of the assessors was purely in regard to verdict.

Members of the public — except for the parents of the accused who are under the age of 18 — were ordered to leave while the girl told the court why she wanted her evidence to be heard in camera.

The two assessors also left the courtroom.

The girl, who was dressed in her school uniform, told the court that she was in Standard VII when she was detained on August 14 last year.

The girl's grandmother sat behind the witness box while the girl gave evidence.

Questioned by counsel for the State, Mr J Slabbert, the girl said her mother had visited her

a week before Christmas and told her she had been attacked. She said her mother was told she had been attacked because the girl had "pointed out other children".

"For that reason I don't think I would testify in front of the public because those people might again attack my mother," she said.

Under cross-examination by counsel for the defence, Mr T L S Skweyiya, the girl said she was told last Tuesday in the Attorney-General's office that the trial was going to be adjourned and she had "wanted to know why".

"I asked because I wanted to go home," she told the court. "I couldn't stand it any longer."

Mr Skweyiya then told the court he had spoken to the girl's parents who had both said "they would like her to give evidence in open court".

Mr Justice Williamson then adjourned the hearing so that the girl could consult with her parents.

The hearing will continue on Tuesday.

The 18 other accused are: Mr Morgan Makubala, 19, Mr Aaron Tshongana, 20, Mr Peter Vusumzi Kube, 18, Mr Alton Siphiwa Sabuwa, 18, Mr Fumanekile Booi, 18, Mr Vuyisile Wilson Mzaza, 19, Mr Makawa Euclid Jabavu, 20, Mr Johannes Hlapo, 20, Mr Jeffrey Baardman, 20, Mr Vuyisile Diba, 21, Mr Richard Raymond Bengani Mapondo, 19, Mr Velile Mazotana and six youths.

Mr Slabbert was assisted by Mr C J van Wyk. Mr I Farlam, instructed by Frank, Bernadt and Joffe, appeared for Mr Mpetha. Mr Skweyiya, Mr John Whitehead and Mr Nigel Willis, instructed by A Omar and Co, appeared for the other accused.

'Hold trial in camera or I won't speak'

331
SOUTHW
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CAPE TOWN - A 15-year-old female witness might be harmed and her family placed in jeopardy if the Supreme Court in Cape Town did not hold the proceedings in camera while she gave evidence, it was argued by Mr J Slabbert for the state yesterday.

Mr Slabbert was arguing an application he made to the court that the trial of Mr Oscar Mpetha and 18 others accused of participating in guerilla activities and two counts of murder, be held in camera while a young girl gave evidence.

Mr Mpetha (71), the chairman of Nyanga Residents' Association, and the 18 other men have pleaded not guilty to the charges.

The other men are Mr Lawrence Lesotholi (18), Mr Morgan Teboga Makubala (19), Mr Aaron Tshangana (20), Mr Peter Vusumzi Kube (18), Mr Alton Sphiwa Sabuwe (18), Mr Fumanekile Booi (18), Mr Vuyisile Wilson Mzaza (19), Mr Makawa Euclid Tabavu (30), Mr Johannes

Hlapo (20), Mr Jeffrey Baardman (20), Mr Vuyisile Venson Diba (21), Mr Richard Raymond Benganie Mapondo (19), Mr Welile Vizard Mazotana (21) and five youths.

Before the arguments began yesterday, Mr Justice Williamson ruled that the question of whether proceedings should be held in camera was for the presiding judge alone to decide.

He said that he alone, without the assistance of his assessors, would decide the application made by Mr Slabbert.

Mr Slabbert submitted that the 15-year-old girl he proposed to call had asked him for the hearing of her evidence to be held in camera so that the public would be excluded from the courtroom.

She told him that she would be frightened to give evidence in public because members of the public would convey her identity and her evidence back to areas where they lived which could result in harm to her family and herself.

He said the girl was in protective custody at

present but once she had given evidence she would be released and may come to harm.

He said the girl was a standard seven pupil when she was arrested last year.

Mr Slabbert mentioned two sections of the law which dealt with witnesses giving evidence in camera.

The first dealt with a witness under the age of 18 who should be protected, he submitted.

The second section dealt with whether the evidence led would bring harm to the person giving evidence.

Mr I G Farlam, for Mr Mpetha submitted that the court should call the witness so that it would be satisfied that the fear of the child to give evidence in an open court was genuine.

He said it was in the interest of the accused that court hearings should be held in the open.

The question was whether the child's interest were greater than those of the accused.

The enquiry as to whether the young girl's evidence would be held in camera began yesterday afternoon.

The Press were allowed to stay as were the parents of the minor accused.

The girl, who may not be identified, was brought into the court room, by special permission through the judge's entrance.

She was with her grandmother. She told the court that before she was arrested in August last year, she attended school in Nyanga.

She said she would refuse to give evidence if members of the public were allowed to remain in the court room.

She told the court that after she was arrested her mother came to visit her at Pollsmoor. Her mother told her that she had been threatened and attacked because the girl had pointed out some of the accused to the police.

If she gave evidence in an open court, she said, some of the people might know her and she feared an attack by these people.

She said she had not seen her mother since about November or December but she had seen her father once in January.

(Proceeding)

DISEASE CATEGORIES AND TREATMENT - THE FOLK MODEL

Home	Herbal	Dutch	Patent (a)	Patent (b)
1. <u>Respiratory tract</u> Malt, honey & olive oil Cod liver oil Flannel & camphor oil Honey, egg & bors druppels Hot lemon	Berg kruid van die Mraal Alis (wormwood) ¹ Buchu Wild dagga ² Wild garlic Kruisemint ³ Blue gum leaves Ganse keurtjie flowers ⁴	Turkington Honey tea Bors druppels Tinct. benz. co	Sterns cough mixture Extract of lettuce "Chamberlains" Med lemon Bells lung tonic Puna balm rub Krogs inflammation oil Eucalyptus oil Olino - great chest & lung remedy Vicks vapour rub Watkins menthol camphor	At least 9 different brands of chest, lung, flu and cold cure in one supermarket Vicks vapour rub
2. <u>Gastro-intestinal tract</u> Flour water (d) Brandy, sugar, boiling water, cloves Egg, red lavender, alis & olive oil in cloth round stomach Olive oil, coconut oil & red lavender rub (c)	Alis (d) ¹ Red lavender (c) ² Buchu (k) Kruisemint Olie boom positice Cloves Kruisemint-roer-my-nie Kalmes root	Essence of aloes, ginger, rhubarb Tinct aloes Wonderkroon Amalca ginger Groenewald Kram druppels Hartemans (k)	Chamberlains Mother Segal's Syrup Milk of Magnesia Silver Spring Salt Syrup of Figs Watkins blood purifying pills Bismarx Enos	At least four simple purgatives in one supermarket, also Enos Andrews Rennies Milk of Magnesia Worm syrup Glycerine & borax.
3. <u>Rheumatic/arthritic</u> Camphor & meths rub	Buchu & spirit rub Guava leaves & celery ¹ Willow leaves ² Kruisemint-roer-my-nie	Nil	Wongergreen Wintergreen Deep heat Embrocation	Deep heat Wongersol balm
4. <u>Headache</u> Nil	Nil	Nil	Grandpa Disprin Codis Watkins pain pills Beserol As for 3. above	At least four "pain" pills or powders.
5. <u>Sprains, strains and bruises</u> Kelp Note: Also rubs as in 3. above.	Buchu & vinegar rub			
6. <u>Antiseptics</u> Hot compress (for boils)	Wild dagga		Menthol camphor (for boils)	Three antiseptics Vaseline
7. <u>Mytical & miscellaneous</u> Green bean (warts)	Alis, buchu & wild dagga (backache)	Wit duicies (heart) Flax tea (measles)	Dr Williams Pink Pills + Vidaylin + Sanatogen Multivite ¹	Eyegene Foot powder Sticking plasters Multivite Nerve pain remedy

Notes: + to prevent boils. * to prevent migraine.

General notes.

a) Number of remedies mentioned by informants in each class

1. Respiratory tract - 27
2. Gastro-intestinal tract - 27 (note that opening and closing herbs may be used in combination for "stomach ache")
3. Rheumatic/arthritic - 9
4. Headache - 5
5. Sprains, strains and bruises - 7
6. Antiseptics - 3 (it is probable that informants had others, but did not think of them as medicines)
7. Mytical and miscellaneous - 7 (a meaningless figure).

b) Alis, buchu, Kruisemint and wild dagga were mentioned in many contexts and are used in various combinations and forms - as infusions to drink, poultices for a sore stomach, and in rubs. Buchu and Kruisemint were described as being "good for any illness."

Illness delays terror trial

DPM
29/4/8

(33)

CAPE TOWN. — The terrorism and murder trial of Mr Oscar Mpetha and 18 others in the Cape Town Supreme Court was postponed yesterday because one of the accused, Mr Peter Kube, 18, has pneumonia and possibly infectious tuberculosis.

Tests will show if the TB is infectious. If so, all the accused may have to go into quarantine.

Mr J Whitehead, for Mr Kube, said he was against the trial continuing without his client present because evidence might be led which might affect Mr Kube.

Mr Justice Williamson agreed that the trial be adjourned until next Tuesday.

Mr Whitehead, however, agreed that the inquiry on whether a 15-year-old State witness should give her evidence in camera should proceed yesterday.

Mr Justice Williamson ruled that the girl's evidence would be held in camera. He said she could be inhibited by a full courtroom. — Sapa.

of doctors in this country is appalling. In 1962 Professor

be short of nurses but compared to this national "average"



Editor of the now-banned Inspan literary magazine, Miss Christine Hofmeyr, outside court yesterday. Picture: TREVOR SAMSON

Prof ^{NDM 29/4/81} praises ³³¹ banned poems ~~in~~ court

Staff Reporter

PROFESSOR Ample Coetzee — a well-known Afrikaans poet, writer and academic — praised a banned magazine for its high standard when he gave evidence in the Joannesburg Magistrate's Court yesterday.

He was giving evidence for the defence at the trial of the editor of the now-banned Inspan, Miss Christine Hofmeyr, 27, of Yeoville, who has pleaded not guilty to a charge under the Publications Act of producing an undesirable magazine.

The October 1978 issue of Inspan was banned in January, 1979, after poems and prose printed in it were found by the Publications Board to be blasphemous, indecent and a danger to State security.

Yesterday Prof Coetzee, a lecturer at the University of the Witwatersrand, poet and writer, praised the "high standard" of works in both Afrikaans and English which were published in the magazine.

He said the magazine was a "literary laboratory" for poets wishing to experiment in literature and also an attempt to overcome the "stiffness" of works before the sixties.

Referring to an alleged "despicable and offensive" poem based on the Lord's Prayer, Prof Coetzee said the poem satirised the Afrikaner's power struggle in which he — the Afrikaner — relegates Almighty God to a position below himself. This could be the intention of the poet, Mr Andre le Roux du Toit.

An intelligent reader with a broad frame of reference would not be offended, but would understand the satire, Prof Coetzee said.

The case continues today.

n to doctor ratios as
in Durban)
the country.
ratios was reported to
being increased rapidly
using correspondingly.
quiet years politically)
medical graduates and
ft the country permanently.⁴
a fact that 469 new
migrated into the country,
y was only 111.⁷ During
12 doctors.⁷ Of the
cialists⁵ so that
's working in primary
ems unrealistic.

nurses in South Africa,
racting.⁸ This leaves
nurse ratio of 1100 : 1,
if all these nurses were
for twenty-four hour
nurse would be responsible
consider themselves to
this national "average"

Tuberculosis scare: ^{Sumner} ^{29/4/81} ⁽³³⁾ Mpetha trial postponed

THE terrorism and murder trial of Mr Oscar Mpetha and 18 others in the Cape Town Supreme Court was postponed yesterday because one of the accused, Mr Peter Kube (18), has pneumonia and possibly infectious tuberculosis and is undergoing tests in Queen Victoria Hospital.

The results of tests will show if the TB is infectious, and if so, all the accused may have to go into quarantine.

Mr J Whitehead, for Mr

Kube, said he was against the trial continuing without his client present because evidence might be led which might affect Mr Kube.

Mr Justice Williamson agreed that the trial be adjourned until next Tuesday.

Mr Whitehead agreed however, that the inquiry on whether a 15-year-old State witness should give her evidence in camera should proceed yesterday.

Mr Justice Williamson

ruled that the girl's evidence would be held in camera. He found her to be a very young person who could be inhibited by a full courtroom.

He said the trial was one which attracted large crowds and to give evidence in front of these people was a formidable experience for any person, let alone a child.

He ruled that the Press and the parents or guardians of the six accused youths be allowed to remain. — Sapa.

* * * * *

- (1) Plot this demand curve as accurately as possible, preferably using graph paper.
- (2) Now suppose that over a period of ten successive years the annual "crop" amounted to outputs of 80, 60, 70, 40, 50, 60, 50, 40, and 70 million bushels respectively. Calculate and tabulate the gross value of the crop in each of these years, if the demand curve scheduled above was the demand curve of each of the ten years.
- (3) Calculate the average annual gross value of the crop over the ten years, and the output and price which would yield this value.
- (4) Construct a schedule showing what price would have to be received for each of the outputs in the demand schedule in order to make the gross value of the crop in each year equal to the average annual gross value. Plot this schedule on the same paper as the demand curve. (It will be a curve of unit elasticity).
- (5) From the demand curve find the total amount which must be offered on the market in order to fetch the prices discovered in part (4). From these amounts make a schedule showing how much the government would have to buy or sell for each total output.
- (6) Draw up a schedule showing how much the government would have to buy or sell in each of the ten successive years of part (2). Would the government have to sell a total greater than the amount it would have to buy over the ten years? Does the answer mean that stabilization of the gross value of a crop is impossible?

2. cont.....

Info newsman will return for jail term

By MARIKA SBOROS

JOHN Matisonn, Washington correspondent of the Rand Daily Mail and Sunday Times, is expected in South Africa tomorrow to serve a 14-day jail term.

He returns amid confusion over whether investigations are continuing into alleged criminal offences relating to a report he wrote in 1978 which hinted at links between the Government and the Christian league.

The report has since been proved correct.

Mr Matisonn was sentenced in 1979 for refusing to reveal the information source of the report about the now defunct Information Department.

On Tuesday the Transvaal Attorney-General's office told lawyers acting for Mr Matisonn that investigations were continuing and that he would be required to return from Washington to serve his sentence.

However, yesterday the Attorney-General, Mr J Nothling, told the lawyers that he had not had any communication with the police, and could not say if investigations were continuing.

Mr Nothling said his function was not to gather the information, but to decide whether or not to prosecute.

Mr Nothling said he did not know who the investigating officer was, or if he had a file on

Mr Matisonn's case, and referred us to the chief of the CID," the lawyer said.

Mr Matisonn was subpoenaed under Section 205 of the Criminal Procedures Act to disclose his source of information.

The subpoena required him to appear in court to answer questions and stated that the police were investigating an alleged offence of "defamation of character against persons unknown".

Later in court the prosecutor said the suspected crime was tampering with the Christian League's mail.

From Washington last night, Mr Matisonn confirmed that he intended returning.

"As I understand it the onus is on me to return," he said, confirming he will arrive in South Africa on Friday.

Mr Nothling said last night he "supposed" investigations were continuing.

"As I told the lawyers, I have not received a docket from the police," he said.

VITA PALESTRANT reports that Mrs Helen Suzman, Progressive Federal Party MP, said it would be "absolutely disgraceful that the man who revealed the whole truth about a disgraceful act of the Government should have to pay a penalty like this for acting in the public interest".

RDM 30/4/81

321

32

Surviving children per mother

Ciskei	2,64	4,07	3,06
Transkei	2,24	3,86	2,32
Basutoland	2,02	4,30	2,28
Mean ..	2,28	3,95	2,45

Survivors as percentage of children born

Ciskei	62,8	52,3	58,3
Transkei	50,3	49,9	51,7
Basutoland	71,6	68,2	70,8
Mean ..	55,0	51,6	54,0

Child mortality per 1 000 live births

	1 year or under	2 years or under	18 years or under
Ciskei	164	244	374
Transkei	284	379	557
Basutoland	140	189	290
Mean ..	242	327	508

Judgment reserved

ROM 30/4/79 (331)
Staff Reporter

JUDGMENT in the Publications Act case in which Miss Christine Hofmeyr is charged with producing the now banned Inspan literary magazine will be given on June 15.

Miss Hofmeyr, 27, of Yeoville, pleaded not guilty in the Johannesburg Magistrate's Court to a charge under the Act.

She was editor of the October 1978 issue of Inspan, which was banned in January 1979, after articles in it were found by the Publications Board to be blasphemous, indecent and a danger to State security.

Yesterday the prosecution argued Miss Hofmeyr had been "negligent" in producing the banned magazine.

Mr J Kuny, for Miss Hofmeyr, contended that "obscenity is in the eye of the beholder."

Journalist's sentence to be remitted

By MARIKA SBOROS

JOHN Matisonn, the Washington correspondent of the Rand Daily Mail and the Sunday Times, will not go to jail for refusing to divulge his source of information.

Yesterday, the Minister of Justice, Mr J H Coetsee, announced that he would recommend to the State President that Mr Matisonn's 14-day jail sentence be remitted.

Mr Matisonn was due to arrive in South Africa today to begin the sentence for refusing to reveal his source of information for a report he wrote for the Sunday Express in 1978, hinting at links between the Government and the Christian League.

The report was later proved correct.

In a statement issued yesterday, Mr Coetsee said it had been decided to recommend to the State President that the 14-day jail sentence be remitted.

"This will be done as soon as possible, but notice can now already be taken of that fact and of the fact that Mr Matisonn will therefore not be admitted to prison to serve the sentence," Mr Coetsee said.

Mr Coetsee said his department had decided to recommend remission because:

- The police had concluded, and were not proceeding with, the criminal investigation connected with the sentence;
- Two years had already passed since sentence was imposed;
- Sentence only constituted 14 days' imprisonment;
- Mr Matisonn would have to return from the US to serve his sentence; and
- No application for remission had been made.

Mr Rex Gibson, editor of the Sunday Express, said he was "delighted" that a journalist would not have to go to jail for carrying out his ethical

principles.

"And I am delighted the Government has recognised it would be intolerable to send John Matisonn to jail for having been a forerunner in exposing the Information scandal."

From Washington yesterday, Mr Matisonn said the remission was "a tremendous relief."

Mr Matisonn said he hoped journalists could now do their work unhampered by the risk of jail if they refused to betray a confidence.

He called for the repeal of Section 205 of the Criminal Procedure Act.

"This law and its application to journalists has to be reviewed."

"Journalists should be exempt from this risk as they are in many European countries," Mr Matisonn said.

Mr John Battersby, a spokesman for the South African Society of Journalists, said while the society was relieved that the Government had finally decided to seek remittance of Mr Matisonn's sentence, it noted that the abhorrent restriction placed on all journalists by the Act remained.

"The society will continue to protest against the law which forces journalists to reveal sources of information gathered in pursuance of their duty to inform the public," Mr Battersby said.

The chairman of the Christian League, the Reverend Fred Sherry, said last night he would prepare an affidavit today to send to the State President to protest against the remission of Mr Matisonn's sentence.

"The State seems more concerned than the Press that Mr Matisonn should not serve his sentence," he said. "It was because I did not submit to pressure to drop the charge that the Christian League was dumped in a financial mess," he said.

Parents pray for sons in jail

Staff Reporter

FAMILIES of the 18 youths accused with community leader Mr Oscar Mpetha of terrorism and murder met last week to pray for their sons.

They met after the court had heard on Tuesday that one of the accused, Peter Kube, 18, had pneumonia and possibly infectious tuberculosis.

"It was very painful to all of us to hear that Peter could possibly have contracted tuberculosis," a spokesman for the families said yesterday.

"We fear that it could happen to any one of our children and we will not be able to help them," he said.

When Peter's brother went to see him in hospital on Wednesday, he was not allowed to see him until he got a permit from Pollsmoor Prison.

"Our children have been in prison for nine months now," he said. "If one has contracted tuberculosis, how safe are the others?"

The trial was adjourned on Tuesday after Mr Kube had been admitted to Victoria Hospital for tests.

The families have instructed their attorneys to ask the authorities to look into the circumstances that could have led to one of the accused contracting an infectious disease.

Mr M Vassan of Omar and Company is appearing for the 18 youths.

STAR 1/5/81
MPs' sons

convicted

cautioned

Own Correspondent

DURBAN — The student sons of two PFP members of Parliament were cautioned and discharged after being convicted by Mr H A Steyn in the Durban Regional Court today of contravening the Riotous Assemblies Act.

Andrew Michael Borraine (21), president of Nusas, and Mr Christopher St Leger Swart (21), president of the Durban SRC, were convicted of addressing a banned meeting convened by the projects committee of the Durban SRC.

Both pleaded not guilty.

Mr Steyn said it was clear the meeting, on the campus of the University of Natal in Durban on June 16 last year, had been held to commemorate the Soweto riots of June 1976.

Meetings of a political nature had been banned in terms of the Riotous Assemblies Act by notice in the Government Gazette on June 13 last year.

The meeting had been convened by a committee of the SRC of which Swart was president, and had been addressed by both men.

Robben Island man to be freed

A former Soweto student who was sentenced last year to five years' imprisonment, has had his sentence set aside by the Pretoria Supreme Court.

It is expected Adam Masake (19) of Dube Township will be released from Robben Island today.

Masake was found guilty in August last year of receiving military training in Lesotho through the banned African National Congress and Lesotho's paramilitary police.

At the appeal hearings, Mr Justice Curlewis and Mr Justice Melamet found there was no adequate evidence Masake had received military training.

Terror trial:

Girl gives evidence

THE State called its first witness today in the trial in the Supreme Court, Cape Town, of Mr Oscar Mpetha and 18 others on charges of taking part in terrorist activities and of murder.

The trial was postponed last week because one of the accused, Mr Peter Vusumzi Kube, 18, had pneumonia and possibly infectious tuberculosis.

Mr Slabbert told the court Mr Kube had not been cured, but was able to attend court.

Mr Mpetha, 71-year-old chairman of the Nyanga Residents' Association, and the other accused have pleaded not guilty.

IN CAMERA

They are alleged to have murdered Mr George Henry Beeton and Mr Frederick Casper Jansen and to have taken part in terrorist activities near Crossroads between August 8 and 12 last year.

The witness, a 15-year-old schoolgirl who may not be identified, is giving evidence in camera.

She told the court she recognised 12 of the accused, some of whom she knew by their nicknames.

Mr J Slabbert, for the State, handed in a list of alleged nicknames after objections by defence counsel were overruled.

The witness told the court she had been arrested on August 13 last year. On August 10, she said, she had attended a meeting of young people at the Assembly of God Church. A number of the

accused were present, she said.

Asked by Mr Slabbert if she knew what the 'comrades' were, the witness said: school pupils were comrades.

At the meeting, speeches were made and songs were sung, including the anthem Nkosi Sikelele Afrika, as well as 'with the young ones we cannot be killed by these whites' and 'I am going to fight for my country until I get it.'

CLENCHED

A speaker, not one of the accused, urged the people to go to where others were waiting for them near Crossroads, the witness said.

The meeting ended about 5 pm. While the crowd was walking along and singing, they met a man in a Toyota Hi Ace van who raised his arm with a clenched fist. He told the crowd to sing 'his song' — 'There are guns in Angola.'

'I think that person was Mr Mpetha,' the witness said. 'He drove off and we continued on our way.'

At Crossroads, she said, Mr Kube told the crowd to pick up stones.

'Someone from the crowd wanted to know why they should arm themselves with stones.'

He replied: 'You will see. I am afraid of being arrested.'

The witness said they picked up stones and formed lines near Klipfontein Road.

(Proceeding)

Nyanga schoolkid tells of stoning

(331) SOWETAN
6/5/81

A 15-year-old Nyanga East schoolgirl yesterday told the Cape Town Supreme Court how she watched a crowd stone a car, turn it over, and set it alight near the Crossroads squatter camp last August.

She was giving evidence in camera during the trial of Mr Oscar Mpetha (71) and 18 men on a charge of participating in terrorist activities and on two counts of murder. The accused have pleaded not guilty.

The schoolgirl was the first witness called by the state, although the trial began on March 3. It was delayed by procedural problems and by the illness of one of the accused.

The accused are Mr Oscar Mpetha, Mr Lawrence Leretholi (18), Mr Morgan Teboga Makubala (19), Mr Aaron Tshangana (20), Mr Peter Vusumzi Kube (18), Mr Alton Sipiwa Sabuwa (18), Mr Fumanekile Booi (18), Mr Vuyisile Wilson Mzaza (19), Mr Makawa Euclid Jabavu (30), Mr Johannesbues Klapo (20), Mr Jeffrey Baardman (20), Mr Vuyisile Venson Diba (21), Mr Richard Raymond Bengani Mapondo (19), Mr Welile Vizard Mazotana (21) and five youths.

The state alleges that between August 8 and 12 and near Crossroads, the 19 stoned vehicles, barricaded Klipfontein Road, marched in groups along public roads, obtained the closure of black schools and congregated in various places to incite others.

The are alleged to have murdered Mr George Henry Beeton and Mr Frederick Casper Jansen on August 11 at Klipfontein Road by attacking them with stones, knives and petrol bombs.

In evidence yesterday, the witness said a crowd of young people walked to Crossroads after a meeting at the Assembly of God church, arriving "about the time people returned home from work." The crowd armed itself with stones.

"I saw part of the crowd walk to Klipfontein Road and block the road with large bricks and a tree. A car could not have gone over the bricks," she said.

The girl said Mr Makubala, Mr Kube, Mr Sabuwa, Mr Baardman, Mr Diba, Mr Mapondo and one of the youths had been among those who set up the barricade.

She said a crippled youth had stood in front of the others at the barricade to stop vehicles because "no car would ever knock him down."

The first two cars to approach the barricade, driven by a coloured man and a black man, were allowed through after the drivers gave clenched fist salutes.

"Then came a blue car driven by a white man. It was stopped. A rope behind which some of the crowd was standing was lifted, and people threw stones at the car."

The witness said Mr Kube opened the door of the car after the stoning and took out the driver, who was alone.

"I noticed that the driver was already bleeding. Blood was coming from his head or forehead and streaming down his body. Vusumzi (Mr Kube) said: 'He is finished'."

The girl said the car was turned over and when some petrol came out of it, Mr Makubala struck a match and threw it at the leaking petrol tank. The car caught fire.

The crowd moved further down Klipfontein Road and the girl ran home.

She said she did not throw any stones but among those who had were Mr Makubala, Mr Kube, Mr Sabuwa, Mr Baardman, Mr Diba, Mr Mapondo and a youth.

Among those who helped to tip over the car, she said, were Mr Kube, Mr Sabuwa, Mr Hlapo, Mr Diba, Mr Mapondo and a youth.

The hearing continues today. — Sowetan Correspondent.

Argus Correspondent

JOHANNESBURG. — A former Soweto student who was sentenced last year to five years' imprisonment, has had his conviction set aside by the Supreme Court, Pretoria. Adam Masake, 19, of Dube township, won his

Argus 6/5/81

331

Robben Island man wins case

appeal on Monday and his attorney, Mr. M. Basslian, said he would be released from prison on Robben Island today.

Mr Masake was convicted in August last year after he was found guilty of receiving military training in Lesotho.

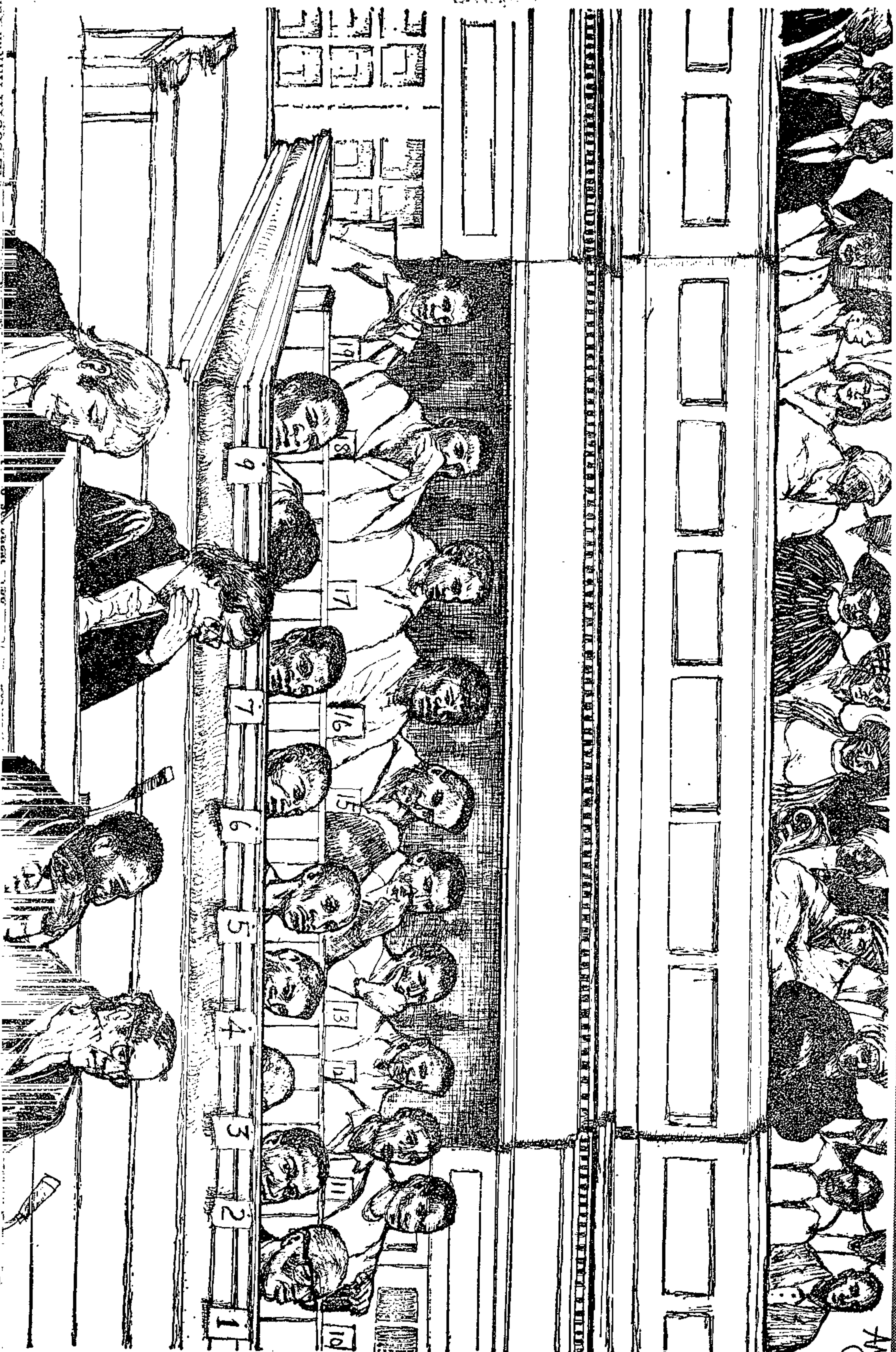
A Johannesburg regional magistrate, Mr. J. L. de Villiers, found that he received military training through the banned African National Congress and

Lesotho's para-military police. But he was acquitted on a charge of recruiting other youths for military training in that country.

Mr Basslian lodged an appeal.

At the appeal hearing, Mr Justice Curlewis and Mr Justice Melamet set aside the conviction and sentence after they found there was no adequate evidence that Mr Masake received military training.

The scene at the Mpetsha murder trial



APR 5/81 (33)
THE trial of veteran trade unionist and civic leader Mr Oscar Mpetsha, 71, and 18 others on charges of murder and terrorism is in its ninth week in the Supreme Court, Cape Town.

From the first day of the trial on March 3, the court room has been filled to capacity. Early proceedings were marked by protests outside the court and on one occasion police and demonstrators clashed and six people were arrested.

The proceedings are being held in camera for the testimony of the first State witness, who is a minor.

This is an artist's impression of the court scene showing the defence team in front. From left, Mr J Whitehead, Mr N Willis (second row), Mr T L Skweyiga and Mr I Farlam.

Cameras are prohibited in the courtroom.

All traffic police qualified for traps

Agus 6/5/81

CAPE TOWN'S traffic police are all qualified to operate the traffic department's speed-testing equipment, the traffic manager, Mr. Pat Melly, said today.

Mr Melly was commenting on criticism by Mr Justice A P Burger in the Cape Town Supreme Court yesterday when he found, in hearing an appeal, that a Bellville traffic officer had been issued with a certificate of competence to operate a trapping device when in fact he had not completed a training course.

Mr Melly said legislation required that a certificate as to the accuracy of an instrument was acceptable as evidence. The traffic department's procedure on instructions from the Attorney General, was to

produce additional evidence to prove the accuracy of the instrument.

Mr Melly said it would not be practical to have two testing instruments at every trap, but his officials tested the traps each time they were installed by riding over them at the specific speed which was to be tested.

Yesterday, Mr Justice Burger also suggested that universities which had the necessary expertise and equipment issue the certificates of competence to traffic officers rather than the manufacturers of the testing devices who issue the certificates at present.

Mr Melly would not comment on this suggestion.



MR JUSTICE WILLIAMSON, presiding over the Mpetha trial.



MR OSCAR MPETHA, charged with murder.

Mpetha

trial told

of attack

on motorist

Angus
6/5/81
(33)

A 15-year-old Nyanga East schoolgirl told the Supreme Court, Cape Town, yesterday how she watched a crowd stone a car, turn it over and set it alight near Crossroads squatter camp last August.

She was giving evidence in camera during the trial of Mr Oscar Mpetha, 71, and 18 young men on a charge of taking part in terrorist activities and on two counts of murder. The accused have pleaded not guilty.

The schoolgirl was the first witness called by the State, although the trial began on March 3. It has been delayed by procedural problems and by the illness of one of the accused.

UNIONIST

Mr Mpetha, a leading trade unionist and chairman of the Nyanga Residents' Association, is charged with Mr Lawrence Lerotoli, 18, Mr Morgan Teboga Makubala, 19, Mr Aaron Tshangama, 20, Mr Peter Vusumzi Kube, 18, Mr Alton Siphwa Sabuwe, 18, Mr Fumanekile Bool, 18, Mr Vuyisile Wilson Mzaza, 19, Mr Makawa Euclid Jabavu, 30, Mr Johannes Hlape, 20, Mr Jeffrey Baardman, 20, Mr Vuyisile Venson Diba, 21, Mr Richard Raymond Bengani Mapondo, 19, Mr Welile Vizard Mazotana, 21, and five youths.

The State alleges that between August 8 and August 12, near Crossroads, the 19 men stoned vehicles, barricaded Klipfontein Road, marched in groups along public roads, caused the closure of black schools and congregated in various places to incite others.

ALLEGATION

They are alleged to have murdered Mr George Henry Beeton and Mr Frederick Casper Jansen on August 11 in Klipfontein Road when they attacked them with stones, knives and petrol bombs.

In evidence yesterday the witness said a crowd of young people walked to Crossroads after attending an Assembly of God meeting, arriving about the time people returned home from work. The crowd armed itself with stones.

'I saw part of the crowd walk to Klipfontein Road and block the road with large bricks and a tree. A car could not have gone over the bricks.'

The girl said Mr Makubala, Mr Kube, Mr

Sabuwa, Mr Baardman, Mr Diba, Mr Mapondo and one of the youths had been among those who set up the barricade.

A crippled youth had stood in front of the others at the barricade to stop the vehicles because 'no car would ever knock him down.'

The first two cars to approach the barricade, one driven by a coloured man and the other by a black man, were allowed through after the drivers gave clenched fist salutes.

'Then came a blue car driven by a white man. It was stopped and people threw stones at the car.'

'FINISHED'

The witness said Mr Kube opened the door of the car and pulled out the driver, who was alone.

'I noticed that the driver was already bleeding. Blood was coming from his head or forehead and streaming down his body. Vusumzi (Mr Kube) said: "He is finished."

The girl said the car was overturned and petrol poured out. Mr Makubala threw a lighted match at the leaking petrol tank and the car caught fire.

The crowd then moved further down Klipfontein road and the girl ran home.

She said she did not throw stones. Among those who had were Mr Makubala, Mr Kube, Mr Sabuwa, Mr Baardman, Mr Diba, Mr Mapondo and a youth.

SONG

Among those who helped to tip over the car, were Mr Kube, Mr Sabuwa, Mr Hlape, Mr Diba, Mr Mapondo and a youth.

The witness told the court that while the crowd was on its way to Crossroads they encountered Mr Mpetha in a van. He had given a clenched fist sign and had asked the crowd to sing 'his song' — 'There are guns in Angola.'

Cross-examination by Mr I G Farlam, for Mr Mpetha, the witness said she had been arrested by Lieutenant Leonard Knipe at her home about 3 am, three days after the events she described.

CONTINUING

When first questioned that morning, she said, she had told Lieutenant Knipe she had not been in Klipfontein Road and had seen nothing.

The hearing continues today.

● Pen sketches—Page 19

Principal tells of threat to burn houses

EAST LONDON — The principal of a Queenstown school yesterday told the regional court how a group of boys had said they were going to burn examination papers because Bantu education was inferior.

Mr James Hanise was giving evidence in the trial of nine Queenstown youths, aged between 15 and 18 years old, charged with sabotage following the burning of classrooms and an office at the Nonezi Higher Primary School in October last year.

The nine are charged under the General Law Amendment Act in that during the period June 1 to October 18 1980 they, together with numerous other persons, committed acts whereby they endangered the safety of the public and/or endangered the maintenance of law and order and/or endangered, destroyed, damaged and/or rendered useless property of the state or other persons.

The nine all pleaded not guilty to the main count as well as to the six alternative counts, which include two under the Riotous Assemblies Act, two for arson, one for

robbery and one for malicious injury to property. All counts concern incidents alleged to have taken place at the school during the school boycotts last year.

Mr Hanise said the incident with the papers happened at the beginning of June and none of his school pupils were involved. He said he couldn't identify any of the boys. He said after the school holidays another group came to him and said classes should not be taught. Mr Hanise, who identified two of the 17-year-olds and the 15-year-old as part of the group, said the boys had said they were forced not to come to school but would not say by whom.

He told of two letters he received, which stated he should close the school or houses would be burnt. One of the envelopes had a black power salute drawn on it.

Mr Hanise told how on Friday, October 17 when he arrived at the school he found his office floor had been scorched by fire and a bottle which had contained petrol lay on the floor. Several of the win-

dows were broken.

Later that day the group of boys came to him and asked why pupils were still being taught, and demanded the keys to the classrooms. Mr Hanise was able to identify only the three boys.

He refused to give the keys to his office to them and they left, went away to other classrooms and took keys from some of the teachers.

When cross-examined by Mr H. K. Naidu for the defence about the "putting out" of pupils from the classrooms, Mr Hanise said he was teaching when the group entered the classroom. He said they took books, threw them outside and told the pupils to get out of the class.

"They didn't have anything in their hands with which they could have injured the pupils but they wore balaclavas and because of their attitude and appearance, the children feared them," said Mr Hanise.

He didn't know whether the children were afraid because of the disturbances in the township at the time, and if this had in-

fluenced them to leave the classrooms.

He added not all the youths had worn balaclavas, and several had taken them off when he spoke to them.

On Saturday, October 18 he discovered six classrooms, a storeroom and an office were completely burnt down and the contents, including desks, chairs and books, were destroyed.

Mr Lesley Gerald Sutherland, who was manager of the township in Queenstown and an employee of the Eastern Cape Administration Board, said the damages were estimated at R104 000. He said the burning of Nonezi Higher Primary School was not an isolated incident, and there had been fires at other schools in the district.

Before the evidence was given, the age of one of the youths, previously stated as 13, was changed to 17 after his birth certificate was presented.

The case continues today. — DDR

DEAR DOR
6/5/81

Petrol bombs: 2 charged

840

331

MDANTSANE — Two 17-year-old youths appeared briefly in the regional court here yesterday on a charge of being in possession of petrol bombs.

No evidence was led. They were not asked to plead and the matter was postponed for hearing to August 5.

Bail of R50 each was extended and both were released to the custody of their parents who were warned to bring them to court on the date of trial.

Their appearance was a sequel to last year's school disturbances here. — DDR

Mpetha trial: Schoolgirl tells of attack on car

Staff Reporter

A SCHOOLGIRL told the Supreme Court yesterday how the driver of a car had been injured when his vehicle was allegedly attacked by a stone-throwing crowd near Crossroads last year.

The 13 last year. The alleged offences were said to have been committed between August 8 and 12 last year.

The schoolgirl told the court she recognized 12 of the accused, some of whom she knew by their nicknames.

She pointed out a number of the accused, saying they had taken part in meetings, a march, the building of a barricade, stone-throwing, and the overturning of a car on Monday, August 10 1980.

Mr Mpetha, 71-year-old leader of the Nyanga Resident's Association and the other ac-

cused have pleaded not guilty to charges against them.

The murder charges relate to the deaths of Mr George Henry Beeton and Mr Frederick Casper Jansen in August last year.

Those appearing with Mr Mpetha are Lawrence Lerotohi, Morgan Makubala, Aaron Tshangana, Peter Kube, Alton Sabuwa, Fumanekile Kube, Mr Makubula, Mr Tshangana, Mr Sabuwa, Mr Baardman, Vuyisile Diba, Richard Mapondo, Walle Mazotana and four youths.

The schoolgirl said she had

attended a meeting at the Assembly of God Church on August 10 last year.

She said two of the accused, Mr Kube and a youth, had come past her home telling everybody there was a meeting at the church. At the meeting, speeches were delivered and songs were sung.

Among the accused at the meeting she said were Mr Kube, Mr Makubula, Mr Tshangana, Mr Sabuwa, Mr Baardman, Mr Diba, Mr Mapondo, and two youths.

One of the speakers, who was not among the accused, told the

gathering to join others waiting near Crossroads and "threatened to assault anyone who refused to go."

After they left the church at "something to 5pm" the crowd met a man driving a Toyota Hi-Ace van who raised his arm with a clenched fist and told the crowd to sing his song — "There are guns in Angola."

The witness told the court she thought the man was Mr Oscar Mpetha, who drove off afterwards while the crowd continued on its way.

The crowd stopped at a heap of building rubble. Mr Kube told

everyone to pick up stones.

When asked for the reason for this he replied "You will see ahead, I am also afraid of being arrested."

The witness said everyone picked up stones and walked to a position near Klipfontein Road, standing in lines behind a rope of rags tied together and held by two people.

The witness told the court she saw 10 of the accused, who had also been in the church, among the crowd.

Part of the crowd had walked on to Klipfontein road and built a barricade across it, using

wood and bricks.

The witness said she saw seven of the accused among the group building the barricade. When it was completed, one of the accused, a cripple, who is a youth and cannot be named stood in the middle of the road to stop traffic.

This was the idea of Mr Makubala and Mr Sabuwa, and another not among the accused. The first car which was stopped was driven by a coloured man who gave the crowd a black power salute and he was allowed to drive around the barricade, as was a black

man in the second car, who also saluted the crowd.

Then a blue car, driven by a white man came along and it was stoned by the crowd after the rag rope was lifted up.

The witness, who said she never threw any stones, told the court she had moved to higher ground while this happened. The car had been damaged and the man inside injured on the head by the stoning.

The crowd was then ordered to stop throwing stones. Mr Kube opened the door and pulled the man out, leaving him lying next to the car, saying to

the crowd: "He is finished."

Part of the crowd then overturned the car. They included Mr Kube, Mr Siphiwo, Mr Hlapo, Mr Mapondo, Mr Diba, and a youth, who are among the accused.

Another of the accused, also a youth, then stuck a match and threw it at the car's petrol tank, which had spilt petrol.

The witness said that among those who had thrown stones at the car were Mr Kube, Mr Sabuwa, Mr Baardman, Mr Diba, Mr Mapondo, and two youths, all of whom are facing charges.

When cross-examined by Mr I G Farlam, for Mr Mpetha, the witness said she had been arrested in her home at 3am on Thursday, August 13, by Lieutenant L. Kube and a police sergeant.

The trial continues today.

Mr Justice D W Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr J Shabert appeared for the State. Mr Farlam was instructed by Frank Bernardt and Joffe. Mr T L Skweyiya, with Mr J Whitehead and Mr N Willis, instructed by A M Omar and Company, appeared for the others.

Girl, 15, tells ^{CT 371} 7/5/81 court of detention

Staff Reporter

A 15-YEAR-OLD State witness told the Supreme Court yesterday that when she was arrested on August 13 last year, a Detective-Sergeant W Mbele told her father she "would be back in 10 minutes".

The witness, a schoolgirl, was giving evidence in the trial of Oscar Mpetha and 18 others.

Under cross-examination by Mr I G Farlam, for Mr Mpetha, the girl said she was taken to Bishop Lavis police station and later to Claremont. She was questioned a number of times by Lieutenant L Knipe as to whether she had been in a crowd at Klipfontein Road on August 11.

Evidence

She had at first denied being there, but later admitted she was, and four days later signed a statement.

She is due to be released and allowed to return home when she has finished giving evidence in the trial.

The witness's evidence is being heard in camera because of her age and fears that she might be intimidated by a full public gallery, but the press has been allowed to attend.

Mr Mpetha and the 18 others are facing charges of murder and of taking part in terroristic activities. The alleged offences are said to have been committed between August 8 and 12 last year. The murder charges relate to the deaths of Mr George Henry Beeton and Mr Frederick Casper Jansen.

Plea

Mr Mpetha, 71-year-old chairman of the Nyanga Residents' Association, and the 18 others have pleaded not guilty to charges.

Those appearing with Mr Mpetha are Morgan Makubula, Aaron Tshangama, Peter Kube, Alton Sabuwa, Fumanekili Booi, Vuyisile Mzaza, Makawa Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mapondo, Welile Mazotana and six youths.

The schoolgirl said she was taken into a room at Bishop Lavis police station and left alone after denying she had been at Klipfontein Road on Monday August 11 last year, when the driver of a car was injured when his vehicle was allegedly attacked by a stone-throwing crowd.

Names

While alone she saw a piece of paper on a table in the room on which were written her name as well as the names of a friend who had been arrested when she was, and two others, one being Richard "Bongani" Mapondo, one of the accused.

She realized someone had given the police her name and when Lieutenant Knipe returned she immediately admitted she had been at Klipfontein Road. She answered a number of questions about events that had taken place there, and he wrote it all down on a piece of paper.

After that, she was cold and was allowed out into the sun for a while, where she saw one of the accused, a youth, with two other females she did not know.

Friend

She joined the friend who had been arrested at the same time as she was for lunch.

Later that day, she and her friend were taken to Claremont and put into separate cells. Lieutenant Knipe questioned her again the next day and the day afterwards. On the Sunday, she signed a statement after taking an oath.

Mr Farlam then turned to earlier evidence by the schoolgirl that she had seen Mr Mpetha driving a Toyota Hi-Ace. She had said Mr Mpetha stopped while the crowd was on its way to Klipfontein Road, gave a clenched-fist salute and told them to sing his song — "There are guns in Angola".

Denial

Mr Farlam put it to her that Mr Mpetha admitted being in the van, but denied having been in the driver's seat, that it had stopped or even that he had urged the crowd to sing.

"I stick to my evidence," the girl replied through her interpreter, saying she had been within an arm's-length of Mr Mpetha and was sure it was he. She knew the beige-coloured van well, and said Mr Mpetha had been in the driver's seat with the window open.

The hearing will continue today.

Mr Justice D W Williamson is sitting with two assessors Mr C H

Mpetha trial witness in tears

Staff Reporter

TEARS yesterday rolled down the cheeks of a 15-year-old State witness in the Supreme Court trial of Mr Oscar Mpetha and 18 others on charges of terrorism and murder after she had asked the court to "finish with me so that I can go home".

The schoolgirl, the first witness to be called, was detained on August 13 last year and spent almost the whole of Tuesday giving evidence, in camera, for the State. Yesterday morning she faced cross-examination by counsel for the defence.

She is due to be released and allowed to go home when she has finished giving evidence through an interpreter.

Mr Justice Williamson explained to her that he appreciated her anxiety but counsel for the defence was entitled to examine her and she would have to remain until they had finished,

which might still be a few days.

"I know it is an ordeal, but it is your duty and it won't go on for ever. If you are tired, you may sit down," he said.

Mr I G Farlam, for Mr Mpetha, asked the court if something could be done to keep her warm. She was shivering and obviously cold and he did not like to see a witness in such a state.

When asked if she was cold, the witness said she was. Lieutenant L Knipe quickly found a jersey for her which she wrapped around her legs.

The incident happened shortly after the mid-morning adjournment, and Mr J Slabbert, for the State, asked for a short break to allow the witness to compose herself but Mr Justice Williamson ordered the trial to proceed, saying she seemed to have recovered.

Titterton
J Slabbert, assisted by Mr C J van Wyk, appeared for the State. Mr Farlam was instructed by Frank, Bernardt and Joffe. Mr T L Skweyiya, with Mr J Whitehead and Mr N Willis, instructed by A M Omar and Company, appeared for the others.

Schoolboy tells of threatening letter

Daily Dispatch 7/5/81
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 75
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EAST LONDON — A schoolboy said in the regional court here yesterday that he had helped write a threatening letter to a Queenstown school principal, but denied knowing what the rest of the letter said.

The 17-year-old state witness was giving evidence in the trial of nine youths, aged between 15 and 18 years old, charged with sabotage following a fire at the Nonezi Higher Primary School in Queenstown last October. The nine all pleaded not guilty to the main count under the General Law Amendment Act, as well as to the six alternative charges, which include arson, threatening violence, robbery and malicious injury to property.

The youth told the court he had written the letter together with two of the 17-year-olds and a 15-year-old at the latter's house, although he could not remember when.

He said each of them had written a paragraph one after the other, but none had read what the others he wrote.

"Do you mean to tell me you only wrote your portion after a whole page had been written and you didn't even look to see what the others wrote? How did you know what to write if you didn't know what came before?" asked

the magistrate, Mr S. van Zyl.

The youth replied this was so, there was no consultation. He could not explain why he had said earlier that he wrote the first paragraph. He said the police had fetched him from his new school in April this year and had shown him the letter, which he denied knowledge of. The police had told him who wrote the other parts and claimed it was the others who had said he had helped with the letter.

The youth claimed he denied knowledge of the letter because he had "forgotten" about it but eventually, after a lengthy cross-examination by Mr H. K. Naidu for the defence, he admitted he was afraid.

He said he couldn't remember the contents of the letter and then admitted it was not customary or proper to write a threatening letter to a principal.

He said the police had threatened him and said they would lock him up if he didn't give evidence. He said the policeman who threatened him was sitting in court.

He denied he was giving evidence to "save his own skin" and was implicating the others, as Mr Naidu claimed.

The youth later agreed with the prosecutor, Mr P. M. A. Pretorius, he had not wanted to give evidence because he was about to write exams, and not because he was frightened or threatened.

One of the charged 17-year-olds denied a handwriting specimen handed in by the state was written by him while in detention. He said he had given his specimen to a black policeman and not to Warrant Officer Du Randt, as the state claimed. Another state witness, also a schoolboy, said no white policeman had stood over the charged 17-year-old when he wrote his specimen.

Captain F. J. M. Venter, of the Security Branch and the investigating officer, said there was no such black policeman and W/O Du Randt had signed the specimen as taken by him.

A handwriting expert from the South African Criminal Bureau in Pretoria, Warrant Officer A. P. Bam, told the court he had received the letter to the principal as well as handwriting samples. He said that after a thorough analysis, he concluded the one sample was written by the same person who wrote a portion of the letter.

The sample was the one disputed by the 17-year-

old. W/O Bam said there were 13 points of similarity in the formation of the letters in the two documents. The other two samples taken from the other two named by the state witness to have written the letter with him, had "strongly" resembled portions of the letter. He added there was a 90 per cent possibility the writers were the same.

Cross-examination of W/O Bam was reserved for a later hearing.

The vice principal of the school, Mr Eric Nyiki, told the court of an alleged incident in June last year when a group of over 200 boys had gone to the principal's office and demanded the examination papers. He, the principal and the youths went to the principal's house to fetch the papers.

Mr Nyiki said he recognised the 15-year-old among the group, whom he claimed had been threatening because they had their hands in their pockets, which was disrespectful. He added that their attitude was frightening and arrogant. He could not explain why the principal, Mr Hanise, had not mentioned the incident although he was specifically asked about incidents involving exam papers.

The case was postponed to May 8. — DDR

~~331~~ 331 SOWETO 2/5/81

Appeal court releases Robben Island prisoner

A FORMER Soweto student sentenced last year to five years imprisonment, has had his sentence set aside by a Pretoria Appeal Court and is expected to be released from Robben Island soon.

Adam Masake (19), of Dube Township, won his appeal on Monday and his attorney, Mr M Basslian, said he would be released

from prison yesterday.

Masake was convicted in August last year after he was found guilty of receiving military training in Lesotho.

A Johannesburg regional magistrate, Mr J L de Villiers, found that he received military training through the banned African National Congress and the Lesotho para-military police.

But he was acquitted on a

charge of recruiting other youths for military training in that country.

Mr Basslian lodged an appeal.

At the appeal hearing, Mr Justice Curlewis and Mr Justice Melamet set aside the conviction and sentence after they found there was no adequate evidence that Masake received military training.

Masake alleged that while he was in detention at

John Vorster Square, he was assaulted by police who forced him to admit the training allegations.

As a result of the torture and solitary confinement, Masake alleged, he suffered from constant headaches and felt "insane".

He said he had no alternative but to admit the accusations and so he wrote a police statement confessing that he had received military training.

I want to go home, judge told

RDM
7/5/81
(33)

CAPE TOWN. — The first witness in the trial of Mr. Oscar Mpetha and 18 others told the Cape Supreme Court yesterday she wanted to finish her evidence so she could go home.

The 15-year-old schoolgirl — who was detained last August and who may not be named — said her grandmother, who was present in court, was not well and was complaining.

Mr. Justice Williamson said he appreciated the girl's anxiety to go home, but the defence counsel was entitled to question her fully.

Mr. Mpetha, 71, and the 18 young men have pleaded not guilty to murdering two men and participating in terrorist activities near Crossroads in August last year.

The witness told the court she had first denied being at Klipfontein Road on August 10 when questioned by police. At the Bishop Lavis Police Station, however, she had seen a piece of paper on which she and other people were named as being present. She then told Lieutenant Leornard Knipe that she had been in Klipfontein Road.

When she was arrested on August 13, the witness said, a policeman had told her father she would be back in 10 minutes. She did not think the police would keep her in custody.

The witness told the court she had seen Mr. Mpetha driving a van while a crowd was making its way towards Crossroads about 5pm on August 10.

He had given a clenched-fist salute and had told the crowd to sing "his song": "There are guns in Angola".

Mr. I. G. Farlam, for Mr. Mpetha, said Mr. Mpetha claimed he had left Nyanga about 2.45 pm. The vehicle was driven by somebody else and had not stopped.

Mr. Mpetha had not spoken to anyone or told the crowd to sing a song, Mr. Farlam said.

The hearing continues today.
— Sapa.

Detained witness asks for release

7/5/81
331

THE first witness in the trial of Mr Oscar Mpetha and 18 others asked the Supreme Court in Cape Town yesterday to finish with her evidence yesterday so she could go home.

The 15-year-old schoolgirl said her grandmother, who was present in court, was not well and was complaining.

"I would like to go back home", said the girl, who has been held since August last year.

Mr Justice Williamson said he appreciated the girl's anxiousness to go home, but the Defence counsel were entitled to question her fully.

"The end can't be that far away. It will be a few days at most," the judge said.

The girl was being cross-examined today by Mr I G Afraem for Mpetha.

CROSSROADS

Mr Mpetha (71), and the 18 young men have pleaded not guilty to murdering two men and participating in terrorist activities near Crossroads in August last year.

The witness told the court she had first denied being at Klipfontein road on August 10 when questioned by police.

At the Bishop-Lavis police station, however, she had seen a piece of paper on which she and other people were named as being present.

She then told Lieutenant Leonard Knipe that she had been in Klipfontein Road.

When she was arrested on August 13, the witness said, Detective Sergeant W Mbele had told her father she would be back in 10 minutes. She did not think the police would keep her in custody.

The witness told the court she had seen Mr Mpetha driving a van while a crowd was making its way towards Crossroads on August 10 at about 5 pm.

He had given a clenched fist salute and had told the crowd to sing this song: "There are guns in Angola."

Mr Farlam said Mr Mpetha claimed he had left Nyanga about 2.45 pm. The vehicle was driven by somebody else and had not stopped.

Mr Mpetha had not spoken to anyone or told the crowd to sing a song, Mr Farlam said.

The hearing continues tomorrow.

Mr Justice Williamson is sitting with two assessors, Mr

G H Titterton and Mr CH van Gend. Mr J Slabbert, with Mr CJ van Wyk, appears for the State. Mr I G Garlam, instructed by Frank, Bernadt and Joffe, appears for Mpetha. Mr T L Skweyiya appears for 12 of the men, Mr J Whitehead for four of the men, and N Willis for two of the men, all instructed by A M Omar and Company. — Own Correspondent.

Sowetan
3/5/81

SOWETAN, Friday, May

SSRC leaders finish jail terms

TWO former members of the banned Soweto Students' Representative Council (SSRC) will complete their sentences on Sunday.

The two, Seth Mazibuko and Sibongile Mthembu, were among the four jailed in 1979 after a marathon trial of 11 former SSRC leaders.

Mazibuko and Mthembu, a relation of Azapo president Khehla Mthembu, were sentenced to two years imprisonment. The other two, Montsisi and Murphison Morope, received four and three years respectively.

A spokesman for the Department of Prisons this week confirmed that the two would complete their sentences this Sunday, and would not comment further.

Already speculation is mounting on the future of the two, and that of Montsisi and Morobe.

Soon after the conviction of the four, township officials took their particulars and there were fears from the families that their children would not be allowed back into Soweto. A superintendent had allegedly told one of the families that their children would be sent to the homelands on release.

Mthembu is expected to be released from the Pretoria Central Prison and Mazibuko, who has been serving his term on Robben Island, from Modderbee near Benoni.

A spokesman for Priscilla Jana and associates, attorneys acting in the interests of the families, said the release of the two have been confirmed. Their families have also been notified.

And according to a spokesman for the Mazibuko family, Seth was removed from Robben Island a month ago and transferred to Modderbee probably to prepare for his release. Sibongile, who

LEN KALANE REPORTS

served most of her term at a prison near Potchefstroom, was also recently moved to Pretoria.

Sibongile, then 22 years, was the only girl in the 1979 "Soweto Eleven" trial. She was sentenced to six years, four suspended for five years making it an effective two-year jail term. The judge described Sibongile as one "commanding exceptional talents and a devoted Christian" when sentencing her.

Mazibuko was described as "intelligent and mature for his age". He too was sentenced to six years, four suspended for five years.

The "Soweto Eleven" were charged with sedition and blamed for having spearheaded the 1976 riots in Soweto. Seven of the eleven had their sentences suspended and were freed by Mr Justice H van Dyk on May 11, 1979.

Freed with suspended sentences on that day were Khotso Jefferson Lengane, Thabo Ernest Ndabeni, Kenny Mogami, Tebogo Reginald Mngomezulu, Sello Michael Khiba, Chief Wilson Twala, and Nkosinathi George Twala. The seven were sentenced to five years suspended for five years.

Mpetha trial witness spends night at home

CT 8/5/81 (331)

Staff Reporter

THE 15-year-old schoolgirl witness appearing in the Supreme Court trial of Mr Oscar Mpetha and 18 others on charges of terrorism and murder, gave evidence again yesterday — after having spent her first night at home since she was detained on August 13 last year.

This was revealed while she was under cross-examination by Mr T L Skweyiya, for 12 of the accused, who was asking her about the time she spent in detention at Claremont and Pollsmoor Prison.

Mr Mpetha, 71-year-old chairman of the Nyanga Resident's Association, and the 18 others have pleaded not guilty to the charges against them, which include the murder of Mr George Beeton, and Mr Frederick Jansen.

Those appearing with Mr Mpetha are Morgan Makubala, Aaron Tshangama, Peter Kube, Alton Sabuwa, Fumanekile Booi, Vuyisile Mzaza, Makawa

Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mapondo, Welile Mazofana and six youths.

Answering questions put to her by Mr Skweyiya, the schoolgirl told the court she had been detained at Claremont for 13 days after her arrest and had then been transferred to Pollsmoor on either August 17 or 28, where she was kept alone in a cell.

On December 4, she and a number of other detainees had been informed they were to be used as State witnesses, while others were released and allowed to go home. She was then kept in the company of other State witnesses.

She had been allowed visitors and regular visits to the doctor.

Earlier she had told the court she knew nothing of politics. She had never heard of the political organizations ANC, Azapo, or PAC, and she could not remember the contents of a Freedom Charter which had

been read out at a meeting in the Assembly of God church on Monday August 11 last year.

Before attending the meeting at the Church, she had visited a clinic and on her return had seen a car burning at a stop sign in the street near her home.

Children were running away from two "riot vans" shortly afterwards, but the witness said she did not know if this had anything to do with the burning car.

Mr Skweyiya then proceeded to ask the witness a series of questions relating to her experiences while in detention.

The hearing continues today.

Mr Justice D W Williamson is sitting with two assessors, Mr G H Titterton, and Mr C H van Gend. Mr J Slabbert, assisted by Mr C J van Wyk, appeared for the State. Mr I G Farlam, for Mr Mpetha, was instructed by Frank, Bernardt and Joffe. Mr T L Skweyiya, with Mr J Whitehead and Mr N Willis, instructed by A M Omar and Company, appeared for the others.

EL magistrate cites death of Sands

MDANTSANE — The death of IRA guerilla Bobby Sands, after starving himself for 66 days in an Irish prison, was recalled in the regional court here yesterday.

Mr Sands' death was mentioned by the magistrate, Mr R. Addison, when he acquitted a 17-year-old schoolgirl on a charge of public violence. She pleaded not guilty.

Mr Addison said Mr Sands had not achieved anything by starving himself to death.

"He is now dead and violent-minded people who sympathised with him have caused a lot of damage."

Mr Addison said he was mentioning this to show the effects of the type of violence that had occurred in Mdantsane last year during the height of the schools disturbances.

"By resorting to violence you are only hurting yourself and the people who are trying to give you education. If you have got any com-

monsense in your brain you will pass this message to your school mates," he said.

Earlier Mr Addison said he would have liked to know whether the girl, who claimed she had been threatened by others and forced to join a mob which stoned houses in Zone 10, had reported the matter to the police.

She said she had not and did not reply when he asked why she had not reported it.

Mr Addison said it was

clear from the case that people who were attending classes were victims of the wave of violence.

"Your conscience will tell you whether you told the truth and went there under compulsion.

"If not, such action is deplored by any decent minded person, including your parents. They and all other taxpayers have to pay for the damage, the building of schools and all that is being plundered.

"I know there is dissatisfaction towards Bantu Education but adopting violence is not going to help one bit. In

fact it could have the opposite effect."

Mr Addison said school children had to obey their parents because while at school they were still immature and it was mature people only who were able to judge and negotiate with the authorities for necessary improvements.

Evidence was that a group of pupils stoned houses in Zones 8 and 10 on October 14, 1986.

A confession alleged to have been made by the girl stated that she had been threatened by some boys and asked to go in a group that visited homes of other pupils and stoned windows. — DDR

RDM 9/5/81 (331)

Temporary halt called in terror, murder case

CAPE TOWN. — The Cape Town Supreme Court trial of Mr Oscar Mpetha and 18 others on charges of terrorist activities and murder ground to a temporary halt yesterday when the prosecution objected to the defence's method of questioning the State's first witness, a 15-year-old schoolgirl.

Shortly before lunch, Mr J Slabbert, for the State, interrupted the defence's cross-examination, saying that Mr T L Skweyiya, for 12 of the accused, had been "jumping around" in his questions, giving the impression the defence was "fishing" for evidence.

Mr Skweyiya replied he objected strongly to the statement.

Mr Justice D M Williamson said he thought Mr Skweyiya was being "unduly sensitive"

to Mr Slabbert's objection.

He had been asking the witness, in detail, about her activities and what she had observed on Monday, August 11, and about her experiences while in detention since August 13 last year.

Mr Justice Williamson said that although the defence was entitled to cross-examine the witness, he had allowed considerable leeway already and one had to draw the line somewhere.

Mr Skweyiya asked the court if it would then not be more convenient for an in loco inspection to be held at the Assembly of God Church, in Crossroads, about which he intended to cross-examine the witness in some detail.

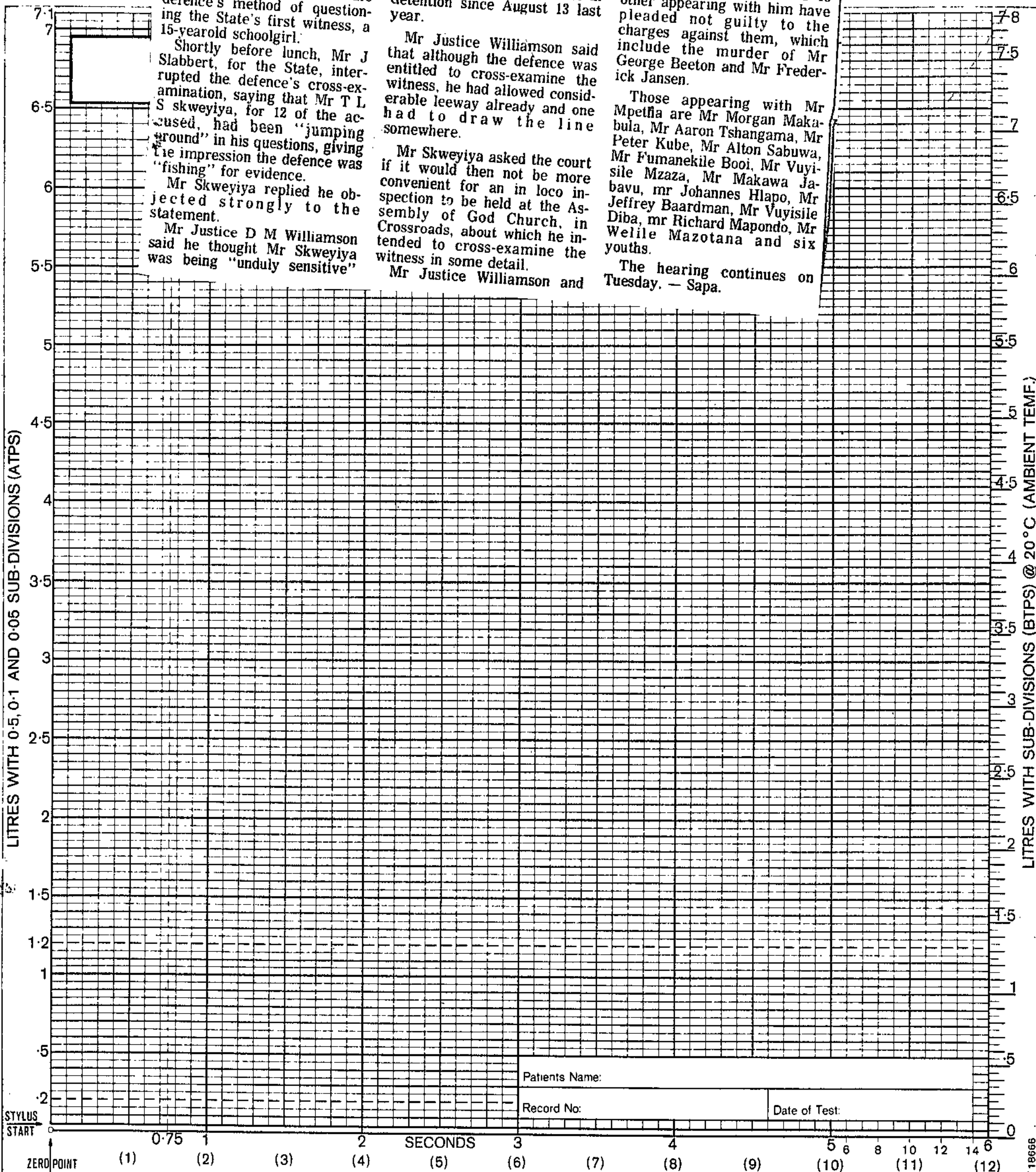
Mr Justice Williamson and

Mr Slabbert agreed to the suggestion.

Mr Mpetha, 71-year-old chairman of the Nyanga Resident's association, and the 18 other appearing with him have pleaded not guilty to the charges against them, which include the murder of Mr George Beeton and Mr Frederick Jansen.

Those appearing with Mr Mpetha are Mr Morgan Makabula, Mr Aaron Tshangama, Mr Peter Kube, Mr Alton Sabuwa, Mr Fumanekile Booi, Mr Vuyisile Mzaza, Mr Makawa Jabavu, Mr Johannes Hlapo, Mr Jeffrey Baardman, Mr Vuyisile Diba, Mr Richard Mapondo, Mr Welile Mazotana and six youths.

The hearing continues on Tuesday. — Sapa.



CT
9/5/81

Objection halts Mpetha trial

33i

Staff Reporter

THE Supreme Court trial of Mr Oscar Mpetha and 18 others on charges of terrorism and murder ground to a temporary halt yesterday when the State objected to the defence's method of questioning the first witness, a 15-year-old schoolgirl.

Shortly before lunch, Mr J Slabbert, for the State, interrupted the defence's cross-examination, saying that Mr T L Skweyiya, for 12 of the accused, had been "jumping around," in his questions, giving the impression the defence was "fishing" for evidence.

Mr Skweyiya replied he objected strongly to the statement that he was "fishing" and that his questions seemed irrelevant, saying he would not be asking them if it were so.

Mr Justice Williamson said he thought Mr Skweyiya was being "unduly sensitive" to Mr Slabbert's objection.

He had been asking the witness, in detail, about her activities and what she had observed on Monday August 11, and about her experiences while in detention since August 13 last year.

Mr Slabbert said this approach by the defence had already taken up 1½ days.

Mr Justice Williamson said that although the defence was entitled to cross-examine the witness, he had allowed considerable leeway already and one had to draw the line

somewhere.

Mr Skweyiya asked the court if it would then not be more convenient for an *in loco* inspection to be held at the Assembly of God Church, in Crossroads, about which he intended to cross-examine the witness in some detail.

Mr Justice Williamson and Mr Slabbert were agreeable to this suggestion.

Mr Mpetha, 71-year-old chairman of the Nyanga Resident's Association, and the 18 other appearing with him have pleaded not guilty to the charges against them, which include the murder of Mr George Beeton and Mr Frederick Jansen.

Those appearing with Mr Mpetha are Morgan Makabula, Aaron Tshangama, Peter Kube, Alton Sabuwa, Fumanekile Boo, Vuyisile Mzaza, Makawa Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mapondo, Welile Mazotana and six youths.

The hearing continues on Tuesday, but will be held in camera because of the witness's age.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr J Slabbert, assisted by Mr C J van Wyk, appeared for the State. Mr I G Farlam, for Mr Mpetha, was instructed by Frank Bernardt and Joffe. Mr T L Skweyiya, with Mr J Whitehead and Mr N Willis, instructed by A M Omar and Company, appeared for the others.

DAILY DISP 9/5/81 51 877 215 331

Schoolboy witness may face perjury charge

EAST LONDON — A schoolboy giving evidence in the trial of nine Queenstown youths charged with sabotage denied in the regional court here yesterday the statement he made to the police was true.

The nine, aged between nine and 15, are charged under the General Law Amendment Act following the burning of the Nonezi Higher Primary School in Queenstown in October last year. They all pleaded not guilty to the main count, as well as to six alternative charges, which include arson, robbery, malicious injury to property, and threatening violence.

The youth, whose age was not given, said during the middle of the year he and other pupils were put out of the classrooms. He said they were told to get out of the class by one of the charged 17-year-olds. He ran out of the room because the 17-year-old appeared to be angry and he was afraid of being assaulted, although he could not say why.

After he denied seeing anyone talking to the school principal or anyone locking classroom doors,

he was read the statement he made to the police.

In it he said he was hit with a sjambok by the 17-year-old and still had the scars on his back. Because of this assault the pupils ran out of the room.

He also said on the same day he saw the 15-year-old talking to the principal. Then several of the other charged youths went around the school locking the classroom doors, some carrying light sticks and belts.

Another day he went to a friend's house and found a meeting in progress. One of the youths stood up and said they would burn the school that night, and then the principal's house. One of the 16-year-olds was to get the petrol from his father's car.

They all met again later but he made an excuse not to go. The next day he heard the school had been burnt down.

Yesterday the youth denied the whole statement, saying he had been assaulted by the police. "They hit me so that I should tell lies. What I have told the court now is the truth."

The prosecutor, Mr P.

M. A. Pretorius, applied for the arrest of the youth on a perjury charge.

Another scholar told the court he left the Nonezi School to work but on Friday, October 17 last year Mr Zola Msingisana was at his house when two of the 17-year-olds arrived and said they had assaulted the children at school, one using a light stick and the other a knife.

The youth denied that he himself had anything to do with the trouble at the school but could not explain why the principal, Mr J. Hanise, had told the court the youth was one of the spokesmen when he was threatened.

A young girl told the court she was the girlfriend of one of the 17-year-olds, and he had told her he and his friends would burn the school. He also told her they would put the children out of the classrooms. The day after the school was burnt she accompanied her boyfriend to the station as he was leaving for East London.

The girl admitted after cross-examination by Mr H. K. Naidu that she thought he was running away because of the burning of the school. Then she said she told the police she didn't know why they were going because one of the policemen who arrested her, swore at her and she thought he would hit her.

The girl, who was repeatedly told by Mr Naidu not to hang her head and to speak up, said

when she went to visit her boyfriend in Frontier Hospital during his detention, she told him she was forced to speak to the police, but didn't tell him she had implicated him.

She denied the youth had assaulted her because she went out with someone else, and that after October 11 he never told her anything in connection with the school.

Another girl, 17, told the court she was on the train when two of the 17-year-olds and the 15-year-old boarded at Queenstown on October 18. She said they had said they were at a school burning and added it wasn't possible that while she was sleeping, they had discussed how many students were running away in case they were held responsible.

Constable Mxolisi Wilfred Ngqwaru stated he was present when a handwriting specimen was taken from one of the 17-year-olds, following a threatening letter to the principal. He admitted after lengthy cross-examination he could only identify the specimen as from the youth because his name was on the form, not because he knew the handwriting. He did not think it was a strange coincidence that the only person he was sure he saw write a specimen was the one who disputed the specimen was his, while there were many boys writing specimens.

The case was postponed to May 18 to enable a bail application to be heard. — DDR

Motlana in court



Members of the Committee of Ten seen talking to a reporter outside the court yesterday. They are Mr Leonard Mosala, Dr Nthato Motlana, Mr Tom Manthata. With them is school principal Mr Sidney Motingoe.

By WILLIE BOKALA
CHARGES of convening an illegal meeting were yesterday withdrawn against a Soweto school principal while the case against three Committee of Ten leaders on the same charges has been postponed until September 21.

Dr Nthato Harrison Motlana (55), chairman of the Committee of Ten, Mr Leonard Mosala (51) and

Mr Tom Manthata (38), secretary of the committee, are alleged to have convened or addressed a meeting on August 24 last year when gatherings were banned by the Minister of Justice.

Mr Sidney Motingoe (32), a Lejoeleputswa Higher Primary school principal who was charged with them, had his case withdrawn by Mr J J Jonck

in the Johannesburg Magistrate Court. The reason, the prosecutor, Mr A Hattingh said, was that the Attorney General has withdrawn prosecution against Mr Motingoe.

Dr Motlana and Mr Mosala have pleaded not guilty to both the main charge of convening an illegal meeting and the alternative charge of addressing the alleged illegal gathering.

Mr Manthata has not been asked to plead yet.

The pleas were made before Mr A H Barlow in the previous appearance.

Mr N B Tuchten, the advocate appearing for the accused and instructed by Matjila-Mokgoatleng, told the court that postponement was caused by the fact that the State supplied new information at an extremely late stage.

CT 12/5/87
**Court acquits
headmaster** (33)

JOHANNESBURG. — A Soweto school principal, Mr Sydney Motingoe, who appeared with members of the Committee of 10 on a charge of convening an illegal meeting, was yesterday found not guilty by a Johannesburg Regional Court magistrate, Mr J J Jonch.

Dr Nthato Motlana, 55, chairman of the Committee of 10, and Mr Leonard Mosala, 51, pleaded not guilty to a charge of convening or addressing an illegal meeting last August. Their hearing was adjourned to September 21. — Sapa

Riotous assembly case is postponed

Rd: 12/5/81 (331)

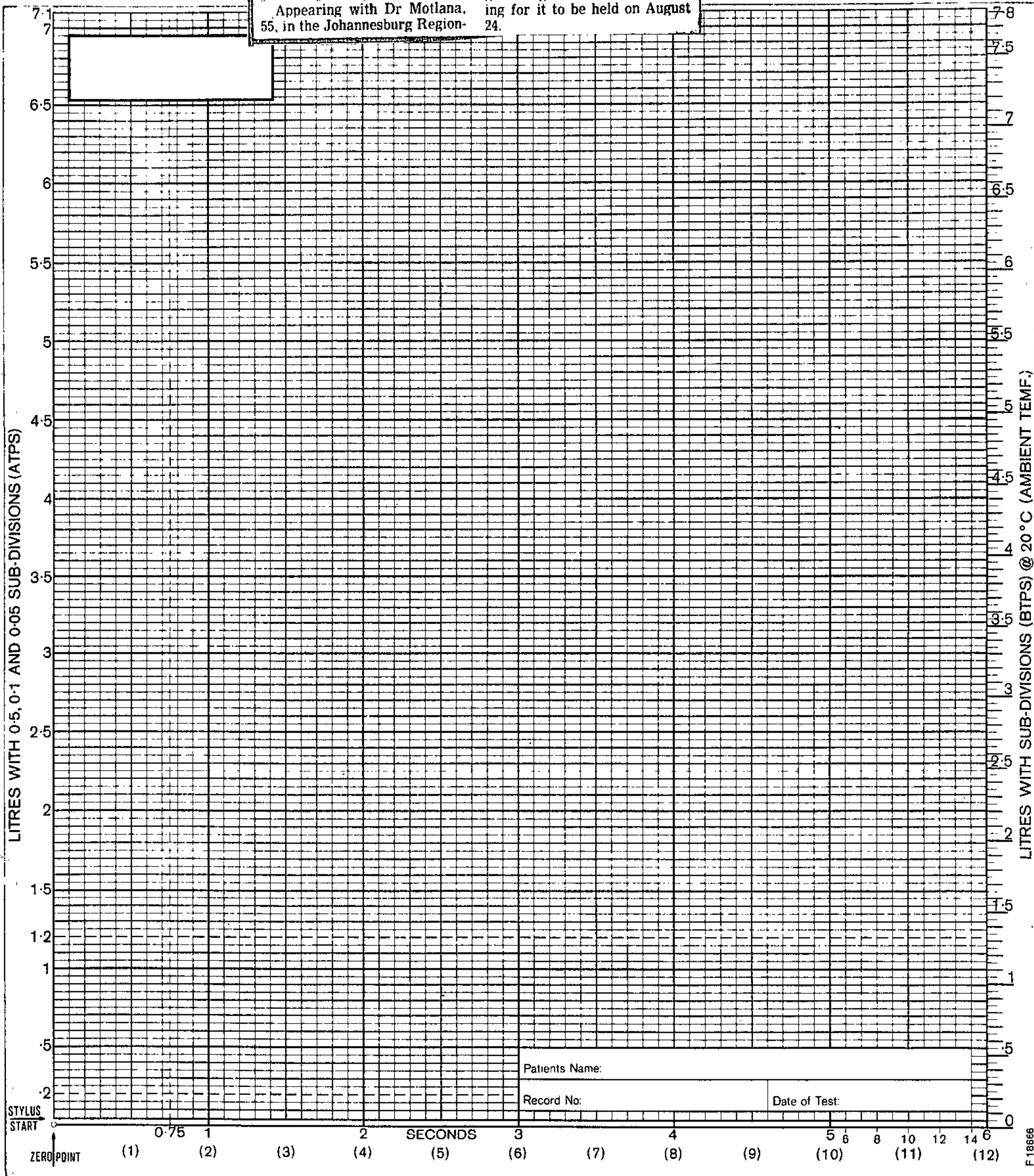
Staff Reporter

THE case in which Dr Nthato Motlana, chairman of the Soweto Committee of Ten, and two fellow committee members are charged under the Riotous Assembly Act was postponed yesterday to September 21.

Appearing with Dr Motlana, 55, in the Johannesburg Region-

al Court were the committee's secretary, Mr Tom Manthata, 38, and committee member, Mr Leonard Mosala, 51.

Both Dr Motlana and Mr Mosala had previously pleaded not guilty to addressing an illegal gathering in Soweto or arranging for it to be held on August 24.



Crossroads crowd disrupts inspection in loco

STONING AT TRIAL

331
Sowetan
13/5/87

CROWDS of singing and chanting people in Crossroads, near Cape Town, threw stones at the judge, policemen and advocates who were conducting an inspection in loco as part of the terrorism and murder trial of Oscar Mpetha (71) and 18 others.

There were not many stones thrown and all missed except for one which hit an attorney's car.

The first stop of the inspection was the Assembly of God Church where a 15-year-old witness pointed out to the judge and advocates what the situation was like on August 11 last year.

The 19 accused stood in the aisle of the church and pointed out certain facts to their attorneys and advocates.

Mr Justice Williamson requested that

SOWETAN REPORTER

Mr Mpetha's shackles be removed from his ankles and that he be transported in a police car rather than the van which transported the other accused.

Outside the church crowds of spectators gathered. They sang and chanted and raised their fists in the black power salute.

When the accused were led back to the police van the curious spectators shouted and waved to them and the accused raised their fists high.

As the convoy moved onto the next stop, the Cala Dairy, where there was stone throwing last year, the crowd chanted: "Open Vorster, we are knocking. Release Mandela, our leader."

The crowd followed the long convoy to the dairy and sang freedom songs. While the judge, assessors, police and

Press gathered outside the dairy, a few stones were thrown.

The inspection then stopped a little way from one of the entrances to Crossroads. The crowd came chanting over the hill and policemen carrying teargas canisters stopped them from getting too close to the convoy.

After a stop at the Roman Catholic Church, Mr Justice Williamson told the advocates that the trial would resume tomorrow.

Accused

The convoy of about 15 cars and vans each went their own ways. The accused were taken back to Pollsmoor Prison.

The state alleges that between August 8 and 12 and near Crossroads, the 19 stoned vehicles, barricaded Klipfontein Road, marched in groups along public roads, obtained the closure of black schools and congregated in various places to incite others.

They are alleged to have murdered Mr George Henry Beeton and Mr Frederick Casper Jansen on August 11 at Klipfontein Road by attacking them with stones, knives and petrol bombs.

They have all pleaded not guilty.

Mpetha: *Angus* Girl tells *13/5/81* of songs *(331)*

A 15-YEAR-OLD girl told the Supreme Court, Cape Town, today that at school meetings in Nyanga, pupils sang songs called 'I'm going to fight for my country until I get it' and 'We, the young ones, will not be killed by the whites.'

The girl, who may not be identified, was giving evidence at the terrorism and murder trial of Mr Oscar Mpetha, 71, and 18 others.

They have pleaded not guilty to all the charges.

Under cross-examination by Mr T L Skweyiya, who appears for 12 of the accused men, the girl said they sang 'freedom songs' at school meetings.

She said she knew 'Nkosi Sikilele Afrika' because she sang it at school concerts.

Mr Skweyiya asked her: 'Do you know what the song means to the black community?' She answered no.

Mr Skweyiya: Have you ever heard Die Stem being sung? — What is that?

ANTHEM

Mr Skweyiya: Do you know anything referred to as the National Anthem? — No.

Mr Skweyiya: You don't know that to the black community and in Africa Nkosi Sikilele Afrika is regarded as the national anthem? — No.

Mr Skweyiya: Do you know what it means? —

It only means God bless Africa.

The girl said the people sang 'I'm going to fight for my country until I get it' and 'We the young ones will not be killed by the whites' at school meetings.

She sang these with the people because she 'could not do her own thing,' she had to 'step in line.'

GESTURING

Twice during the trial today, one of the accused, a youth, put up his hand and said that one of the security policemen sitting at the side of the court was gesturing to the young girl giving evidence.

He said the man had nodded his head and clenched his fist.

M. J Slabbert, for the State, said the policeman was from the security police but had nothing to do with the case, and knew nothing of the case.

Mr Justice Williamson said that one of the assessors was specifically watching for any misconduct, since the first complaint, but had seen nothing. The assessor would continue to watch for this.

(Proceeding)

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend.

Mr J Slabbert with Mr C J van Wyk is appearing for the State.

Mr I G Farlam, instructed by Frank, Bernadt and Joffe, appears for Mr Mpetha.

Mr T L Skweyiya appears for 12 of the men, Mr J Whitehead for four of the men and Mr N Willis for two of the men. (All instructed by A M Omar and Co).

Arson trial: policeman warned

MDANTSANE — A regional court magistrate, Mr D. Addison, told a police sergeant he should not make a fool of himself by trying to concoct or say something in evidence when he did not recall it.

Mr Addison was warning Detective Sergeant C. Mguzulwa, of the Ciskei Police, when he was giving evidence in a trial in which a 16-year-old youth, Mr Christopher Daluxolo Mpofu, 18, and Mr Shepherd Dumezweni, 26, were charged with sabotage involving arson at Mzomhle High School here on August 11, 1980.

All pleaded not guilty and reserved their defence.

When Mr Addison warned Mr Mguzulwa he was being cross-examined by Mr D. Pillay for the three accused.

The warning followed several instances in which Mr Pillay complained that Mr Mguzulwa was being evasive and not answering questions put to him in connection with the sequence of events on the day he arrested two youths.

Mr Mguzulwa said he had arrested the 16-year-old youth and Mr Mpofu on September 29, 1980 but Mr Pillay insisted his instruction was that they were arrested on August 12.

After a lengthy argument the court adjourned and Mr Mguzulwa was given time to fetch police books to prove his point.

Although he had asked for "15 to 30 minutes" he came back after 43 minutes and conceded the

students had been arrested on August 12. Mr Mguzulwa said that when he arrested the 16-year-old youth and Mr Mpofu, Mr Mpofu had a "flame burn" on his face.

He denied he and other policemen at the police station had assaulted the youths and also changed an earlier statement that he had been told by Mr Mpofu only when they were driving him away that the injury on his face had been caused when he was involved in burning schools.

In his evidence in chief Mr Mguzulwa said Mr Mpofu had first told him the burn was caused by a pressure stove. He said he had seen the damage at Mzomhle High School before going to arrest the two.

Earlier the principal of the school, Mr B. T. Tengimfene, said that on August 12 he was told by the school's caretaker that there had been some arson at the school.

He found a window-pane broken in his office and the walls, windows, ceiling and the side of his table blackened.

Arsonists had also set fire to the clerk's office, the staff room and the homecraft classroom. He estimated the damage at about R100 but conceded under cross-examination that the school had had to pay R135.40 for broken window panes at the school. These included window panes broken before the date of the arson.

The hearing was postponed to tomorrow. —

DDR

Legal men stoned by crowd at Crossroads

Own Correspondent

CAPE TOWN — Supreme Court officials who conducted an inspection in loco in Crossroads yesterday as part of the Mpetha trial were surrounded by crowds of chanting people.

A few stones were thrown at the large convoy of police vans and cars carrying Mr Justice Williamson, advocates and policemen but nobody was hurt.

The inspection of the squatter camp was part of the trial of Mr Oscar Mpetha (71) and 18 others on charges of terrorism and murder.

Not many stones were thrown and only one caused any damage, making a small dent on a car belonging to an attorney.

The first stop by the party was at the Assembly of God Church, where a 15-year-old witness recalled the situation on August 11 last year.

The 19 accused stood in the aisle of the church and made certain points to their attorneys and advocates.

Mr Justice Williamson requested that Mr Mpetha's shackles be removed from his ankles and that he be transported in a police car rather than the

van in which the other accused were being transported.

Outside the church crowds of spectators gathered.

They sang and raised their fists in the black power salute.

When the accused were led back to the police van spectators shouted and waved to them. The accused raised their fists high.

As the convoy moved to the next stop, the Cala Dairy, where there was stone throwing last year, the crowd chanted: "Open, Vorster, we are knocking. Release Mandela, our leader."

The singing crowd followed the long convoy to the dairy.

While the judge, assessors, police and Press gathered outside the dairy, a few stones were thrown.

The inspecting party then stopped a little way from one of the entrances to Crossroads.

The crowd came chanting over a hill but policemen with teargas canisters stopped it from getting too close to the convoy.

The hearing resumes today.

5/18/72

231

13/5/81

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PLEASE CIRCLE

Crowd chants as court inspects dairy

CAPE TOWN. — Supreme Court officials, who conducted an inspection in loco of Crossroads yesterday as part of the Mpetha terrorism trial, were surrounded by crowds of singing and chanting people, some of whom raised their hands in the "black power" salute.

A few stones were thrown at the large convoy of police vans and cars carrying Mr Justice D M Williamson, advocates and policemen, but no one was hurt. The inspection of the squat-

ter camp was part of the terrorism and murder trial of Mr Oscar Mpetha, 71, and 18 others.

The first stop on the tour of inspection was the Assembly of God church where a 15-year-old witness described to the judge and advocates what the situation was like on August 11 last year.

The 19 accused men stood in the aisle of the church and pointed out certain facts to

their attorneys and advocates.

Mr Justice Williamson requested that Mr Mpetha's shackles be removed from his ankles and that he be transported in a police car rather than the van which transported the other accused.

The convoy moved on to the Cala Dairy, where there was stone-throwing last year. The crowd chanted: "Open Vorster, we are knocking. Release Mandela, our leader."

The crowd followed the long

convoy to the dairy singing "Freedom" songs. Some raised their hands in "black power" salutes.

The inspection then stopped a little way from one of the entrances to Crossroads. The crowd came chanting over the hill and policemen carrying teargas canisters stopped them from getting too close to the convoy.

The trial resumes today. — Sapa.

CT 14/3/81
Journalist
331
pardoned

JOHANNESBURG. — The State President yesterday officially pardoned Mr John Matisonn, Washington correspondent for the Morning Group of newspapers, who refused to disclose the source of a report he wrote about the now defunct Department of Information.

This was announced yesterday by the Minister of Justice, Mr Kobie Coetsee.

Mr Matisonn was sentenced in 1979 to a 14-day jail term for refusing to divulge the source of a report he wrote in 1978 hinting at links between the government and the Christian League.

Mr Matisonn lost an appeal against the sentence and was due to return to South Africa last month to serve the sentence.

President

RDM 14/5/81

pardons

reporter

Matisonn

Staff Reporter

THE State President yesterday officially pardoned Mr. John Matisonn, Washington correspondent of the Rand Daily Mail and the Sunday Times, for refusing to reveal the source of a report he wrote about the now defunct Department of Information.

This was announced yesterday by the Minister of Justice, Mr. Kobie Coetsee.

Mr. Matisonn was sentenced in 1979 to a 14-day jail term for refusing to reveal the source of a report he wrote in 1978 hinting at links between the Government and the Christian League.

The report has since been proved correct.

Mr. Matisonn lost an appeal against the sentence and was due to return to South Africa last month to serve the sentence.

The Department of Justice announced earlier this month that it would recommend to the State President that Mr. Matisonn's sentence be commuted, and that he be not required to return to serve the term.

'Gestures' dispute in terror trial

CT 14/5/87 (331)

Staff Reporter

THE Supreme Court trial of Mr Oscar Mpetha and 18 others on charges of terrorism and murder was yesterday interrupted twice by one of the accused who insisted a security policeman seated a few feet from him was signalling to the State's 15-year-old witness as she gave evidence.

Mr T L Skweyiya, for 12 of the accused, who was cross-examining the schoolgirl, told the court a similar incident had been reported to him last week and requested that police connected with the case be seated in full view of the Bench and the counsel.

Mr J Slabbert, for the State, pointed out that the security policeman accused of signalling to the witness was not involved with the case and that it was his first day at the hearing.

Mr I G Farlam, for Mr Mpetha, then asked why the policeman was present, if this were the situation. If signals were being made, it amounted to contempt of court, he said.

Mr Justice Williamson replied that it was necessary to have a certain number of policemen in court due to the nature of the case.

He said the Bench was aware of the situation and was keeping a close watch. So far, there had been no indications of signalling but if it did happen, action would be taken.

Normal gestures

Mr Justice Williamson felt the accused was misinterpreting perfectly normal gestures by the security policeman.

The accused, who is a 17-year-old youth and may not be named, appeared upset, wiping his eyes and blowing his nose with a handkerchief.

The youth was not among the other accused when the trial opened. He was included later.

Mr Mpetha, 71-year-old leader of the Nyanga Resident's

Association, and 18 others have pleaded not guilty to the charges against them, which include the murder of Mr George Beeton and Mr Frederick Jansen in August last year.

Those appearing with him are Morgan Makubala, Aaron Tshangama, Peter Kube, Alton Sabuwa, Fumanekile Booi, Vuyisile Mzaza, Makawa Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mapondo, Welile Mazotana, and six youths.

Shortly after the hearing started yesterday, Mr Justice Williamson asked Mr Skweyiya to explain the relevance of his line of questioning. He had been establishing from the witness that it was the investigating officers who had taken her home and brought her back to court each day.

Incorrect

Mr Skweyiya said he felt it was incorrect for the investigating officers to be in such close contact with the State's witness and that it could have an effect on her evidence.

Mr Justice Williamson said unlimited personnel were not available and that he did not see anything wrong with this.

Later, the witness said she had not known the name of one of the accused, Aaron Tshangama, until she was shown a photograph.

Last week, in her evidence-in-chief, she pointed him out as having stood at a door of the Assembly of God Church in Nyanga during a meeting there, shortly before violence erupted at Klipfontein Road on August 11 last year.

Yesterday, she said she had only known him by his face till shown the photograph. Responding to further questions by Mr Skweyiya, the witness said similar circumstances applied to the identification of another of the accused, Johannes Hlapo.

During the meeting at the church, which was said to be more a "memorial service," a number of songs had been sung, among them Nkosi Sikelele Afrika.

The witness had learnt the song at school, but when asked by Mr Skweyiya if she knew what the song meant to the black community she said she did not know.

Fist

She was also not aware that a

miliar greeting among blacks.

Referring back to her evidence-in-chief, Mr Skweyiya asked the witness why she had dipped a cloth in water to protect her in the event of teargas being used on the crowd at Klipfontein Road.

She replied that she had known what was happening was illegal, but had not run away because she was already there.

The hearing continues today. Mr Justice Williamson is sitting with two assessors, Mr G H Titterton, and Mr C H van Gend. Mr J Slabbert, assisted by Mr C J van Wyk, appeared for the State. Mr I G Farlam, instructed by Frank Bernardt and Joffe, appeared for Mr Mpetha. Mr T L Skweyiya, with Mr J Whitehead and Mr N Willis, instructed by A M Omar and Company, appeared for the others.

Saw Mpetha driving vehicle — witness

Argus
14/5/81
33

A 15-YEAR-OLD witness told the Supreme Court, Cape Town, today that on August 11 last year she saw Mr Oscar Mpetha, 71, driving a beige vehicle and giving a clenched fist salute to crowds surrounding the vehicle.

The young girl, who may not be identified, was giving evidence at the terrorism and murder trial of Mr Mpetha and 18 others, who have pleaded not guilty to all the charges.

RECOGNISED

Under cross-examination by Mr I Farlam, appearing for Mr Mpetha, the girl told the court that when she was a short distance from the vehicle she recognised the driver as being Mr Mpetha.

When he gave the clenched fist salute, the crowd responded by clenching their fists and saluting back, she said.

She had previously seen a vehicle such as the one Mr Mpetha was driving.

It had been parked near Mr Mpetha's home.

She said Mr Mpetha told the crowd to sing 'his song' and they sang a song known as There are guns in Angola.

Mr Farlam put it to the girl that Mr Mpetha had not driven the vehicle but had been a passenger. He said the vehicle had driven out of Nyanga about 3 pm on that day and had not stopped.

Mr Farlam said that at that time, according to his client, there were few people about. There was no crowd. He told the girl that Mr Mpetha did not have a song and that the song she was referring to was not 'his song'.

(Proceeding)

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend.

Mr J Slabbert, with Mr C J van Wyk, is appearing for the State.

Mr I G Farlam, instructed by Frank, Bernadt and Joffe, appears for Mr Mpetha.

Mr T L Skweylya appears for 12 of the men, Mr J Whitehead for four of the men, and Mr N Willis for two of the men (all instructed by A M Omar and Co).

Terror trial told of song

33

5/1/81

Own Correspondent

CAPE TOWN — A 15-year-old witness told the Supreme Court today that on August 11 last year she saw Mr. Oscar Mpetha (71) driving a beige vehicle and giving a clenched-fist salute to the crowds surrounding the vehicle.

The girl, who may not be identified, was giving evidence at the terrorism and murder trial of Mr. Mpetha and 18 others who have pleaded not guilty to all the charges.

Under cross-examination by Mr. I. Farlam, appearing for Mr. Mpetha, the girl told the court that when she was a short distance from the vehicle she recognised the driver as being Mr. Mpetha.

When he gave the clenched-fist salute, the crowd responded by clenching their fists and saluting back.

She said Mr. Mpetha told the crowd to sing his song and they sang a song known as "There are guns in Angola."

Mr. Farlam told the girl that Mr. Mpetha did not have a song and the song which she was referring to was not "his song."

(Proceeding)

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Girl, 15,
did not
know of
'Stem' (33)

CAPE TOWN. — A 15-year-old girl told the Supreme Court in Cape Town yesterday that at school meetings in Nyanga they sang songs called "I'm going to fight for my country, until I get it" and "We, the young ones, will not be killed by the whites".

The girl, who may not be identified, was giving evidence at the terrorism and murder trial of Mr Oscar Mpetha, 71, and 18 others. They have pleaded not guilty to all the charges.

Under cross-examination by Mr T L Skweyiya, appearing for 12 of the accused men, the girl said they sang freedom songs at school meetings.

She said she knew "Nkosi Sikelel'iAfrika", because she sang it at school concerts.

Mr Skweyiya: Do you know what the song means to the black community?

Girl: No.

Mr Skweyiya: Have you ever heard "Die Stem" being sung?

Girl: What is that?

Mr Skweyiya: Do you know anything referred to as the national anthem?

Girl: No.

Mr Skweyiya: You don't know that to the black community and in Africa "Nkosi Sikelel'iAfrika" is regarded as the national anthem?

Girl: No.

Mr Skweyiya: Do you know what it means?

Girl: It only means God bless Africa.

She sang freedom songs with the people because she "could not do her own thing". She had to "step in line."

Mr Skweyiya put it to the girl that since 1976 there had been in the black townships a certain "spontaneous resentment" among the people when they saw police vans in the townships. The girl said she did not know.

Mr Skweyiya asked her whether the lifting of one's hand to form a fist had become a way of greeting in the townships of late, and the girl said she did not know about that.

The trial continues today. — Sapa.

'Mpetha gave salute'

16/5/87
S. W. E. M. M. (331)

A 15-year-old witness told the Supreme Court in Cape Town that on August 11 last year she saw Mr Oscar Mpetha (71) driving a beige vehicle and giving a clenched fist salute to the crowds surrounding the vehicle.

The girl, who may not be identified, was giving evidence at the terrorism and murder trial of Mr Mpetha and 18 others, who have all pleaded not guilty to the charges.

Under cross examination by Mr I Farlam, appearing for Mr Mpetha, the girl told the court that when she was a short distance from the vehicle she recognised the driver as being Mr Mpetha.

When he gave the clenched fist salute, the crowd responded by clenching their fist and saluting back, she said.

She had seen a vehicle like the one Mr Mpetha was driving before. The vehicle had been parked near Mr Mpetha's house.

She said Mr Mpetha told the crowd to sing his song and they sang a song known as "There are guns in Angola."

Mr Farlam put it to the girl that Mr Mpetha had not driven the vehicle but was a passenger in the vehicle. He said the vehicle had driven out of Nyanga about 3 p.m. on that day and never stopped.

Mr Farlam said at that time his client told him there were very few people about, there was no crowd.

He told the girl that Mr Mpetha did not have a song and the song which she was referring to was not "his song."

The state alleges that between August 8 and 12 and near Crossroads, the 19 accused stoned vehicles, barricaded Klipfontein Road, marched in groups along public roads, obtained the closure of black schools and congregated in various places to incite others.

They are alleged to have murdered Mr George Henry Beeton and Mr Frederick Casper Jansen on August 11 at Klipfontein Road by attacking them with stones, knives and petrol bombs.

They have all pleaded not guilty. (Proceeding).

Detainee speaks

331
A MEMBER of the Parents' Action Committee, who was held for about seven hours on Monday morning, said yesterday that the police wanted to know why she was helping the defence team in the Oscar Mpetha case.

Mrs Linda Bam said that three policemen detained her at her house in Guguletu at about 6 am for allegedly defeating the ends of justice.

"They also said I was walking on dangerous ground," she said. - Sapa.

See page 15/1/81

DALE JIP 15/5/81

321

331

Court told police beat girl unconscious

MDANTSANE — A 19-year-old student charged with sabotage involving arson at Mzomhle High School, told a Regional Court Magistrate here how he had to carry a school girl, beaten unconscious by police at Mdantsane police station from an office to the charge office before they were locked up.

Mr Daluxolo Mpofu was giving evidence in a trial within a trial to settle whether statements made by him and a 17-year-old youth charged with him were made freely and could be accepted as evidence.

Appearing with Mr Mpofu and the youth was 26-year-old Mr Shepherd Dumezweni. All pleaded not guilty.

Mr Mzimasi Haka, 18, will appear later. At a previous hearing, the court was told he was being detained by South African Security Police

under section 6 of the Terrorism Act.

The trial within a trial was ordered by the presiding magistrate, Mr D. Addison, after Mr D. Pillay, for the three accused, disputed statements allegedly made by Mr Mpofu and the youth. Both argued the statements had been made under duress after they had been assaulted by the police.

Warrant Officer Bob Ndevu, who was the investigating officer at one stage, said the two had been handed over to him after they had been arrested by Sergeant C. Mguzulwa and Sgt M. Mcanyangwa on August 12 last year.

He said he had asked them about their involvement in the fire at Mzomhle High School where the principal's office, the staff room, a clerk's office and a

classroom were partially burnt.

Mr Ndevu said Mr Mpofu had a burn mark on his face and had told him he had been burnt while involved in arson at the school.

Reading from a statement allegedly made by the 17-year-old youth, Mr Ndevu said Mr Dumezweni had threatened that their homes would be burnt if they did not go with him to Mzomhle High School to set it alight.

When they arrived at the school, Mr Dumezweni broke windows and set some rooms alight.

Petrol had caught Mr Mpofu on the face and he had been burnt.

In his evidence in the trial within the trial, the 17-year-old youth said he had not made the statement freely and voluntarily. He said they had been assaulted at his home, and then on their

arrival at the police station when about 10 to 12 policemen had attacked them with fists, quirts, a pipe and a stick.

He said he had been compelled by fear to make the statement before Mr Ndevu on September 29.

Mr Mpofu said that on the day of their arrest they had been harrassed at the home of the 17-year-old youth, assaulted, and then again, at the police station. He said he had been asked about the injury on his face which he explained but was later forced to say he had sustained it while burning the school.

He said that on the day of their arrest they had been assaulted in an office and had to carry away a girl who had been beaten unconscious.

He was not told the statement he had made could be used against him as evidence in court. All Mr Ndevu had done was to get his personal particulars and had written the rest himself, Mr Mpofu said.

The hearing was postponed to June 11. — DDR.

Soweto woman cleared of perjury

A Soweto woman, who gave evidence for the State in an Internal Security Act trial early this year, was yesterday found not guilty of perjury by a Johannesburg regional court magistrate.

Miss Maureen Makhaphela (25) of Dube pleaded not guilty to giving conflicting evidence in the trial against her boyfriend, Mr Pinda Manamela and four other youths. They were charged with inciting people to undergo military training outside

South Africa.

Yesterday, Warrant Officer Daniel Kuhn of Protea Police Station told the magistrate, Mr J J Jonck, that Miss Makhaphela had made her statement voluntarily before a commissioner of oaths on August 28 last year.

In the statement, she said some youths, including those charged under the Internal Security Act with her boyfriend, had visited her home last year.

They had told her they were leaving for Botswana and were dissatisfied with the South African educational system.

Testifying on February 16, however, she told Mr G Steyn that she had been forced to make the statement. She said she had met the youths but had not discussed their future plans with them.

Miss Makhapela said that Warrant Officer Kuhn had interrogated her for almost the whole day, threatening violence,

if she did not say what he wanted.

"He slapped me across the face and threatened to detain me under Section 22 of the Internal Security Act."

She had signed the statement because she feared assault and detention, she said.

Yesterday Mr Jonck acquitted Miss Makhaphela after her defence lawyer submitted that the State had not proved all the elements of the case.

Mpetha: Girl quizzed on change in evidence

CT 15/5/81 (331)
Staff Reporter

A SCHOOLGIRL told the Cape Town Supreme Court yesterday that on August 11 last year she saw Oscar Mpetha, 71, driving a beige vehicle and telling the crowd surrounding the vehicle to sing "his song".

The crowd then started singing the song "There are guns in Angola".

The 15-year-old State witness, who may not be identified, was giving evidence in camera at the terrorism and murder trial of Mr Mpetha and 18 others, who have pleaded not guilty to all the charges.

Mr I G Farlam, for Mr Mpetha, put it to the witness that she had said in her evidence-in-chief that she had thought the driver of the vehicle to be Mr Mpetha.

"You did not say it was Mr Mpetha. You only said this after the court went into a long adjournment," Mr Farlam said.

The witness agreed that she had first said she thought the driver was Mr Mpetha but had later been satisfied that it had in fact been he.

Mr Farlam put it to the witness that Mr Mpetha had been a passenger and not the driver of the vehicle.

He also told her that Mr Mpetha had not told the crowd to sing any song and that "There are guns in Angola" was not "his song".

Under cross-examination by Mr J Whitehead, appearing for four of the accused, the witness said one of the accused, Johannes Hlapo, had said at a meeting held at the Assembly of God Church, that Nelson Mandela was no longer on Robben Island.

The witness at first denied knowing who Mr Mandela was or what Robben Island was.

She later said she had read of him in the Cape Herald, but still did not know what Robben Is-

land was.

She also said that, at the time of giving evidence, she had already been shown photographs of the accused and had been given their names. She could then point those young men out to the court.

Those appearing with Mr Mpetha are Morgan Makabula, Aaron Tshangama, Peter Kube, Alton Sabuwa, Fumanekile Boo, Vuyisile Mzaza, Makawa Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mapondo, Welile Mazotana and six youths.

The hearing continues today.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H Gend. Mr J Slabbert, assisted by Mr C J van Wyk, appeared for the State. Mr I G Farlam, instructed by Frank Bernardt and Joffe, appeared for Mr Mpetha. Mr J Whitehead and Mr N Willis, instructed by A M Omar and Company, appeared for the others.

Girl tells terror trial of stonings

Augus 15/5/81

(33)

THERE was 'general confusion' at Klipfontein Road on August 11 when Mr George Beeton's car was overturned and set alight, the Supreme Court, Cape Town, heard today.

Many people, other than the accused, were barricading the road and stoning cars, it was said.

A schoolgirl, 15, was giving evidence at the terrorism and murder trial of Mr Oscar Mpetha, 71,

and 18 others, who have pleaded not guilty to all the charges.

Under cross-examination by Mr John Whitehead, who appears for four of the accused, the girl said the accused men were not the only people barricading Klipfontein Road or throwing stones.

She said people stood on both sides of the road and were 'scattered all over'.

PULLED

After Mr Beeton's car was stoned, he was pulled from the driver's side of the car by one of the accused, she said.

The door of the car was then closed and the car was 'tipped'. She said the car was tipped on to the driver's side and part of the car was lying on the road.

Mr Whitehead showed her a photograph of the car and pointed out to her that the car was actually lying on the passenger side not the driver's side. It was also lying on the gravel path next to the road.

The girl agreed that she must have made a mistake.

She told the court that the car caught alight when another of the accused struck a match.

MATCH THROWN

The match was thrown on the side of the car where 'the petrol comes out'.

The girl said after she was arrested by the police she was interrogated and then placed in Pollsmoor Prison where she had remained until she was called to give evidence in the trial.

She said she thought the reason for her arrest was because she had been in Crossroads on that day.

Mr Justice Williamson pointed out that the photograph of Mr Beeton's car may only have been taken after the car had already been moved off the road.

The position of the car may well have been on the tarmac of the road when the girl saw it.

(Proceeding)

Mr Justice Williamson is sitting with two assessors, Mr G. H. Titterton and Mr C. H. van Gend. Mr J. Slabbert with Mr C. J.

Mr. E. G. Farlam, instructed by Frank, Bernadt and Joffe, appears for Mr. Mpetha.

Mr. T. L. Skweyiya appears for 12 of the men, Mr. J. Whitehead for four of the men and Mr. N. Willis for two of the men. (All instructed by A. M. Omar and Co.)

Berger, Argus 15/5/81 Pillay (331) to appeal

Argus Bureau

PORT ELIZABETH.—Former Rhodes University journalism lecturer Guy Berger and social science student Devandiren Pillay are to appeal against jail sentences imposed in March under the Internal Security and Publications Act.

A spokesman for a Johannesburg firm of attorneys said that notice of appeal had been filed.

It is to be heard in the Supreme Court, Grahamstown, but the date has not been set.

Berger and Pillay were found guilty in March of being members of the banned African National Congress and furthering its aims, and of possessing and distributing banned and undesirable literature.

Berger was sentenced to seven years and Pillay to five, both with three years suspended.

Each was also fined R400 (or four months).

Teenager tells (331) court how car^{STON} 15/5/87 was set alight

Own Correspondent

CAPE TOWN — There had been "general confusion" in Klipfontein Road on August 11 when Mr George Beeton's car was overturned and set alight and there were many other people barricading the road and stoning cars besides some of the accused, the Cape Town Supreme Court was told today.

A schoolgirl of 15 was

giving evidence at the trial of Mr Oscar Mpeha (71), and 18 others who have pleaded not guilty to charges of terrorism and murder.

Under cross-examination the girl said the accused had not been the only people barricading Klipfontein Road or throwing stones.

After Mr Beeton's car had been stoned, he had been pulled from the car by one of the accused, she said.

The door of the car had then been closed and the car tipped over on to the driver's side.

Shown a photograph of the car lying on the passenger's side and not the driver's side, the girl agreed she must have made a mistake.

She told the court the car had caught alight when another of the accused struck a match.

The match had been thrown on the side of the car "where the petrol comes out".

The girl said after being arrested by police she had been interrogated and then put in Pollsmoor Prison where she had stayed until called to give evidence at the trial.

She said she thought the reason for her arrest was because she had been in Crossroads that day.

(Proceeding)

Labour man is charged

East Rand Bureau

5744
16/5/18
The secretary of the Labour Party in Reiger Park, Mr George Kenrich du Plessis (46) was among 26 people who appeared in Boksburg's Regional Court yesterday on charges of public violence.

337
The charge arises from the unrest in the coloured township over the past week.

338
The men and women were granted R150 bail each and were warned by the Regional Magistrate, Mr W. G. Rosch, to appear again on June 4. The case has been postponed till then for further investigation.

Mpetha trial: Girl says others also threw stones

CT 16/5/81 331
Staff Reporter

A 15-year-old State witness told the Cape Town Supreme Court yesterday that many others, besides the seven accused she had identified, had thrown stones on August 11 last year.

But the seven accused were the only ones she could remember.

The schoolgirl, who may not be identified, was giving evidence *in camera* at the terrorism and murder trial of Mr Oscar Mpetha and 18 others, who have pleaded not guilty to all the charges.

Mr J Whitehead, for four of the accused, put it to her that she could have made a mistake about who had thrown stones and who had barricaded the road.

She agreed, but under further questioning said that she had correctly identified those accused who had thrown stones.

"There was a general confusion, with many people throwing stones," she said. "But I know that those I have identified were among the people who threw the stones."

She told the court that one of the accused, Morgan Makubala, had struck a match and set the

car stopped at the barricade, alight.

Mr Whitehead told her that Morgan Makubala denied having struck a match or having set the car alight. She said he had.

She admitted that Morgan had his back to her at the time when he struck the match.

Mr Whitehead also told her that another of the accused, Vusumuzi Peter Kube, denied her evidence that he had instructed others to set alight the car, to construct the barricade or to stop their actions. She said he had.

She said that another accused, Johannes Hlapo, had been beside the car and not 15 steps away as his defence indicated.

Questioned by Mr Whitehead, she said she was aware that the accused were facing serious charges and could be sent to jail for years.

Questioned by Mr N Willis, for two of the accused, the witness said she had been worried about being detained alone in a big cell and being away from her parents.

She had not been unduly worried about the court case but knew that she had to stick to her

statement to ensure release.

She said that on the morning of her arrest, the police had told her she would be released after 10 minutes. As the days passed by, she still hoped to be released.

She told the court that she did not usually see a clenched fist sign being made in the townships and did not know who Nelson Mandela was.

Those appearing with Mr Mpetha are Morgan Makubala, Aaron Tshangana, Peter Kube, Alton Sabuwa, Fumanekile Booi, Vuyisile Diba, Richard Mapondo, Welile Mazotana and six youths.

The hearing continues on Tuesday.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton, and Mr CH Gend. Mr J Slabbert, assisted by Mr CJ Van Wyk, is appearing for the State. Mr IG Farlam, instructed by Frank, Bernardt and Joffe, is appearing for Mr Mpetha. Mr J Whitehead and Mr N Willis, instructed by A M Omar and Company, are appearing for the other accused.

38 face charges after violence in Reiger Park

Staff Reporter

THIRTY-eight Reiger Park residents were arrested yesterday morning and later charged in the Boksburg Magistrate's Court with public violence.

The charges arise out of violence which flared in the East Rand coloured township last weekend.

Bail for 36 of the accused was fixed at R150. Two others are under 18 years of age. They were ordered to appear again in court on June 4.

Those appearing before Mr W G Rosch were: Mr Attie Clements, 35; Mr Everette W Clements, 41; Mr Everett J Thomas, 26; Mr Allen M de Jager, 35; Mr Norman Martins, 29; Mr Leon B Petersen, 32; Ms Ellen E Lambert, 32; Mr Aubrey Foster, 25; Ms Susan J Varrie, 23; Mr Cobert Julius, 40; Mr Andries Botha, 54; Mr

George K du Plessis, 46; Mr Jan Botha; Mr Noel Martin, 28; Ms Dores Andrews, 41; Mr Henry Jeffries, 26; Mr George J Andrews, 51; Ms Shirley Lypschitz, 49; Ms Jennifer K Schubert, 22; Mr Freddie Schubert, 27; Ms Lettie Januarie, 48; Ms Myrtel Thomas, 39; Mr Gregory R Schubert, 24; Mr Sidney D Minnie, 19; Mr Donald C W Opperman, 41; Mr Bennet N Klou, 48; Mr Johannes Louw, 23; Mr Douglas Roman, 20; Mr Daniel Benadie, 20; Ms Susan R Murphy, 33; Mr Vernon C Tree, 33; Mr Jan Redcliffe, 28; Mr Tyron van der Westhuizen, 38; Mr Vivienne Olifant, 25; Mr Winston A Lambert, 18; and Mr Emmanuel J Daniels, 39.

The chairman of Reiger Park management committee, Mr Jac Rabie, who is also Transvaal leader of the Labour Par-

ty, appealed to residents to be calm following the upheaval in the township last weekend.

Speaking outside the magistrate's court, Mr Rabie said: "We must bear in mind that we are still mourning the two youths who were killed during the unrest.

"Their funeral will be held tomorrow. I appeal to police to keep a low profile, if they are at the burial.

"Residents should be calm, especially because some of them have already been charged with public violence.

"Let the legal proceedings against them proceed in a calm atmosphere."

Mr Rabie was among those who were injured during the riot and admitted to hospital. He was discharged on Thursday.

CT 19/5/81
331
**Key witness deals
blow to State case**

JOHANNESBURG. — A key State witness in the trial of five men on terrorism charges yesterday dealt a blow to the State's case when he did not support a statement the prosecutor said he had made earlier.

Mr Kotlouno Leballo, 19, a pupil at St Barnabas School, Western Coloured Township, and two fellow pupils were allegedly recruited for military training outside South Africa by three men.

The six appeared in the Johannesburg Regional Court yesterday, Mr Leballo as a State witness and the other five on the terror charges. All the accused have pleaded not guilty.

The magistrate, Mr G Steyn, who had refused an application for Mr Leballo's evidence to be heard in camera, said the State witness had given a "knock" to the prosecution case.

It was alleged that Pinda Manamela, 34, Jonas Motaung, 36, and Nicodemus

Motapo, 35, all of Soweto, had encouraged Mr Leballo, Etienne Pillay, 18, and a youth to undergo military training outside South Africa.

Mr Leballo told the court he was arrested with Mr Pillay, the youth and Mr Manamela in Lichtenburgh on August 1 last year.

They were travelling to Sun City for a weekend of gambling and Mr Manamela had been driving. The students had gone without their parents permission and planned to return home afterwards to attend school.

Mr Leballo said he did not know anything about the arrest of Mr Motaung and Mr Motapo. Counsel for the defence did not cross-examine him.

The prosecutor, Mr A van Wyk, said Mr Leballo's evidence did not tie in with the statement he had made previously and requested a postponement.

The case was adjourned till today — Sapa

Terror trial

By NORMAN NGALE

MR CONRADE Lekhumbi (18), of Mamelodi will today appear for the second time before a Pretoria magistrate facing charges under the Terrorism Act.

Mr Lekhumbi, who was detained on January 29, first appeared on May 11 for a formal remand.

He is alleged to have, during October and December last year incited, encouraged and instigated three other youths to endanger the maintenance of law and order in South Africa.

He is represented by Maluleke, Serithi and Moseneke, a Pretoria firm of lawyers.

Mogale appeal starts on Soweto arson murders

RDM 19/5/81
331
BLOEMFONTEIN. — An appeal by Linda Mario Mogale, of Orlando West, chairman of the Soweto Students' Representative Council when it was declared unlawful in October 1977, against his conviction on 13 charges began in the Bloemfontein Appeal Court yesterday.

Twelve of the charges — three each of culpable homicide, assault with intent to seriously injure, arson and malicious damage — arose from incidents in Soweto in 1978 in which three houses were set alight. Three women died.

The 13th charge concerns a conspiracy with the Soweto Students' League (SSL) — formed after the banning of the SSRC — during 1978 to commit deeds to endanger law and order and to overthrow the Government violently.

Mogale was convicted by Mr Justice F S Steyn in the Transvaal Supreme Court in August, 1979 and sentenced to 24 years' jail — with concurrent terms, he would have served seven years.

Mr G Bizos SC, for Mogale, submitted that the trial court had misdirected itself both in relation to the law and the facts and that the appeal court could disregard the findings.

Mogale's convictions, he said, were not supported by the evidence.

The trial court had held that the onus was on Mogale to prove, on a balance of probabilities, that a statement made by him to a magistrate was not free and voluntary.

Mr Bizos claimed the court should have held that, as it appeared from the document containing the statement that Mogale's teeth were broken

and that he was "nearly every day" manhandled during interrogation, the relevant provisions of the Criminal Procedure Act did not apply and the onus of proof was on the State.

Even if the court was correct in holding that the onus shifted to Mogale, the court should have held that he had discharged the onus.

Mogale, in the best position to give the reasons why he made Exhibit T (the statement), had done so clearly and satisfactorily. It was common cause, Mr Bizos said, that there was no other evidence of any value implicating Mogale in charges 1 to 12.

The trial judge had found that if the onus was on the State the State had failed to discharge the onus. It followed that the judge must have had some misgivings about the State's assertions that the statement was voluntary.

On the remaining charge, the judge found Mogale was party to a decision to establish branches of the South African Youth Revolutionary Council (SAYRCO) to further aims set out in Exhibit D (an SSRC working paper on the creation of SAYRCO).

Mr Bizos submitted that Mogale described, clearly, his actions and views in relation to Exhibit D and was corroborated by witnesses who said he was opposed to violence and considered dangerous and unwise the steps suggested by members of the SSL to violently overthrow the Government.

If true, the State had failed to prove him party to the conspiracy.

The hearing continues tomorrow. — Sapa.

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The prosecution 'takes a knock' in terror trial

Staff Reporter

A TRIAL in which five men yesterday appeared on charges of terrorism, was adjourned until today after the prosecution experienced what the magistrate described as "a knock".

Appearing in the Johannesburg Regional Court were Mr Ettienne Pillay, 18, a student at St Barnabus school, Western Coloured Township; another St Barnabus student who may not be indentified because he is under age; and Sowetans Mr Pinda Manamela, 34; Mr Jonas Motaung, 36, and Mr Nicodemus Motapo, 35.

In the charge sheet Mr Manamela, Mr Motaung and Mr Motapo are charged with encouraging Mr Pillay, the youth and Mr Kotlouno Leballo, who is a State witness, to undergo military training outside the Republic.

They are also charged with arranging to transport and transporting Mr Pillay, the youth, and Mr Leballo to the border between BophuthaTswana and Botswana on July 31, 1980, and arranging for them to be met by persons who would organise their military training.

Mr Pillay and the youth are charged with encouraging each other and Mr Leballo to undergo military training, obtaining help to travel and travelling to Botswana.

The charge sheet says these actions would endanger the safety of the State and the maintenance of public order.

All the accused have pleaded not guilty on all the charges.

During yesterday's hearing the prosecutor requested that Mr Kotlouno Leballo, 19, a St Barnabus student, be allowed to give evidence in camera for the "safety of the State".

The court was cleared but after argument the magistrate, Mr G Steyn, ruled that the proceedings should be public.

Mr Leballo told the court that in the early hours of August 1, he was arrested in Lichtenberg with Mr Pillay, the youth and Mr Manamela.

He said they were travelling to Sun City for a gambling weekend.

They had gone without obtaining consent from their parents and planned to return home after the weekend to attend school.

Mr Leballo said he did not know anything about the arrest of Mr Motaung and Mr Motapo.

Council for the defence did not cross-examine Mr Leballo.

The prosecutor said that Mr Leballo's evidence in court did not match up with the statement he had made previously and requested a remand.

It was then that the magistrate said the prosecution had suffered "a knock".

Mr A van Wyk acted for the State. Mr E Dane instructed by Andrew, Lister and Tucker Incorporated appeared for the unidentified youth, Mr Motaung and Mr Motapo. Mr C Mailer instructed by Priscilla Jana and Associates appeared for Mr Pillay and Mr Manamela.

- No. 14 Brand, Politics and African Trade Unionism in Rhodesia since Federation.
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18 Van der Horst, Women as an Economic Force in Southern Africa.

PLEASE CIRCLE ITEMS REQUIRED

SSRC head's appeal begins

BLOEMFONTEIN - The appeal of Linda Mario Mogale, of Orlando West, who was chairman of the Soweto Students' Representative Council (SSRC) at the time it was declared unlawful on October 19, 1977, against his conviction on 13 charges began in the Appeal Court in Bloemfontein yesterday.

Twelve of the charges - three each of culpable homicide, assault with intent to seriously injure, arson and malicious damage to property - arose from incidents in Soweto on February 19-20, 1978, and March 21, 1978, in

which three houses were set alight. Mrs Verena Nkosi and her daughters Nomgqibela and Thabisile, died from burns they received when their house was set on fire on February 19-20.

The 13th charge concerned a conspiracy with other members of the Soweto Students' League (SSL) - which was formed after the banning of the SSRC - during March/April 1978 to commit deeds to endanger the maintenance of law and order in South Africa and to achieve the overthrow of the Government by violent means.

Mogale was convicted by Mr Justice F S Steyn in the Transvaal Supreme Court at Krugersdorp on August 10, 1979. He was sentenced to a total of 24-1/2 years' imprisonment. As several

of the sentences are to be served concurrently, the effective term of imprisonment is seven years.

The appeal is being heard by Mr Justice Rabie, sitting with Mr Justice Botha and Mr Justice van Heerden (acting judges of appeal).

Mr G Bizos SC, for Mogale, submitted that the trial court had misdirected itself both in relation to the law and the facts and that the court of appeal was at large to disregard the finding of the trial court. Mogale's convictions were not supported by the evidence and he should have been found not guilty and discharged on all the counts.

The trial court had held that the onus was on Mogale to prove on a balance of probabilities that

the statement (exhibit T) made by him to a magistrate was not freely and voluntarily made and without him being unduly influenced to make it. Mr Bizos contended that the court should have held that as it appeared from the document that contained the statement that Mogale's teeth were broken and that he was "nearly every day" manhandled during interrogation, the provisions of Section 217(1)(B)(II) of the Criminal Procedure Act did not apply and that the onus proof was on the state. Even if the court was correct in holding that the onus shifted to Mogale, the court should have held that he had discharged the onus, Mr Bizos submitted.

Mogale, who was in the best position to give the

reasons why he made exhibit T, had done so clearly and satisfactorily. It was common cause, said Mr Bizos, that there was no other evidence of any value implicating Mogale with the crimes charged in counts 1-12.

The trial judge had found that if the onus was on the state and he had wrongly placed the onus on Mogale, the state had failed to discharge the onus. It followed that the judge must have had some misgivings about the state's assertions that this was a statement freely and voluntarily made.

It was submitted that the trial judge overlooked so many facts, improbabilities in the state case and probabilities in favour of Mogale, that his finding that exhibit T was freely

and voluntarily made should be overruled.

On the remaining charge the judge found as a fact that Mogale was party to a decision to establish branches of the South African Youth Revolutionary Council (Sayrco) within South Africa to further its aims set out in exhibit D (a SSRC working paper on the creation of the Sayrco).

Mr Bizos submitted that Mogale, in a clear and satisfactory manner, described his actions and views in relation to exhibit D. He was corroborated by other witnesses who said he was opposed to violence and that he considered the steps suggested by certain members of the SSL as dangerous and unwise. (Proceeding.)

Ames 19/5/87 (331)

Epileptic witness

holds up city trial

THE terrorism and murder trial of Mr Oscar Mpetha, 71, and 18 others, was interrupted today when one of the accused, a youth, started making strange noises and asked to be excused because he was not well.

The proceedings were halted while Mr T L Skweyiya went to the cells to see a client, who is an epileptic.

When Mr Skweyiya returned to the court he said he could make no sense of what his client was saying.

His client had mentioned 'Chaka' and 'the Zulus,' and what he said was disjointed.

ADJOURNED

The hearing was adjourned while a doctor was called to examine the youth.

Dr E I Kaplan, a Cape Town district surgeon, told the court he had examined the youth by 'acute observation only.'

He said he had stood about 1.5 m from the youth and it was quite evident the youth was 'non compos mentis.'

The youth was physically active, he was crouching and uttering noises.

He wielded a stick and the doctor said that if any person had gone near the youth that person would have been struck.

NOT FIT

The doctor thought the youth could be suffering from 'paranoic schizophrenia' and was not fit to stand trial today.

Mr J Slabbert, for the State, said the investigating officer, Lieutenant Leonard Knipe, had reported that the youth had tied his feet and hands together and was acting strangely.

The officer believed the youth should receive urgent medication.

Mr Justice Williamson ordered that the youth be detained in Valkenberg at least until tomorrow when there should be some indication as to how long he should remain there.

Mr Skweyiya applied for the trial to continue until the present 15-year-old witness was finished giving evidence because he had already cross-examined her for his clients.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend.

Mr J Slabbert with C J van Wyk is appearing for the State.

Mr I G Farlam, instructed by Frank, Bernadt and Joffe, appears for Mpetha.

Mr T L Skweyiya appears for 12 of the men. Mr J Whitehead for four and Mr N Williams for two (all instructed by A M Omar and Co).

Security Act five are acquitted

STAR
19/5/81
331

Court Reporter

Five men charged under the Internal Security Act were today acquitted by a Johannesburg Regional Magistrate.

Mr Pinda Manamela (34), Mr Jonas Motaung (36), Mr Nicodemus Motapo (38), Mr Ettiene Pillay (18) and a 17-year-old youth were found not guilty of inciting other people to go for military training outside South Africa. They were also found not guilty of attempting to undergo such training.

The State alleged that Mr Manamela, Mr Motaung and Mr Motapo had encouraged Mr Pillay, the youth and Mr Kotlouno Leballo, who is a State witness, to undergo military training in Botswana.

After experiencing "a knock" yesterday when

the chief State witness Mr Leballo gave evidence that did not match his statement to the police, the State prosecutor, Mr A van Wyk, asked for the case to be postponed to today.

Mr Leballo told the court yesterday that he was arrested with Mr Pillay on August 1 on their way to Sun City for a gambling weekend.

Mr Leballo, a pupil at St Barnabas, said he and Mr Pillay had gone without their parents' consent and intended coming back after the long weekend. He said he knew nothing about the arrest of Mr Motaung and Mr Motapo.

He was not cross-examined by the defence counsel for the accused, nor recalled to the witness box by the State.

Argus Correspondent . .

JOHANNESBURG. —

Seven men were charged with public violence yesterday in connection with the Reiger Park riots this month.

All were released on R150 bail after appearing in the Boksburg Magistrate's Court.

The arrested men included Mr Dennis Phillips, a marketing officer at the Beeld Newspaper. His 14-year-old son Aziza was shot dead during the riots, reportedly by the police at

Argus 20/5/4
Reiger Park

riots seven
in court

their home far from the centre of the riot.

The other men arrested were Mr Tyrone Softer, a taxi driver, Mr Reginald Martin, a technician, Mr Oral French, a typesetter, Mr Dawid Botha, a scholar, Mr Trevor Soster and Mr Harry Trichardt, all of Reiger Park.

Evidence in Argus 20/5/81 camera plea — family 331 'threatened'

A 16-YEAR-OLD youth told the Supreme Court, Cape Town, yesterday that he wanted to give evidence in camera because his family had been threatened.

The youth was a witness in the terrorism and murder trial of Mr Oscar Mpetsha, 71, and 18 others.

He was called to the witness box after Mr J Slabbert, for the State, asked that his evidence be heard in camera.

Earlier the youth's mother had told the court that a woman had come to her house in Nyanga and said that her house would be burnt down and her son hurt because he was a State witness.

WITCHDOCTOR

That was the first she knew that her son was giving evidence for the State.

She asked that her son's evidence be heard in camera.

She said her son had reached Standard 1 at school, but she took him out of school because he had been 'talking things in his stomach.'

She took him to a witchdoctor who cured the youth.

The youth told the court that some of the accused told him to take the blame for the white man's death totally on himself.

He overheard some of the accused say they would kill his mother because she was the cause of their arrest.

ASSAULTED

Some of the others also told him to say that he was assaulted by policemen at Bishop Lavis.

He did not want to give evidence in open court.

He left school because he suffered from epilepsy.

The hearing continues today when a decision is expected on whether the youth will give evidence in an open or closed court.

Mogale: Judgment reserved

THE appeal of Linda Mogale, of Orlando West, against the conviction of 13 charges continued in the Appeal Court in Bloemfontein yesterday.

Mogale, who was chairman of the Soweto Students' Representative Council (SSRC) at the time it was declared unlawful on October 19, 1977, was convicted by Mr Justice F S Steyn in the Transvaal Supreme Court at Krugersdorp on August 10, 1979. He was convicted on three charges each of culpable homicide, assault with intent to seriously injure, arson and malicious damage to property and one charge of participation in terrorist activities.

He was sentenced to a total of 24 years imprisonment, with effective imprisonment of seven years as several of the sentences are concurrent. The first 12 charges arose from incidents in Soweto on February 19/20, 1978 when a house was set alight and on March 21, 1978 when two houses were set on fire. Mrs Verna Nkosi and her daughters — Nomgqibela and Thabisile — died from burns they received in the fire at their house on February 19/20.

The thirteenth charge involved a conspiracy with members of the Soweto Students' League (SSL) during March/April 1978 to commit deeds to endanger the maintenance of law and order in South Africa and to overthrow the government by violent means.

Mr J A Swanepoel, for the State, said that only Section 217(1)(B) (11) of the Criminal Procedure Act was applicable to the dispute as to whether Mogale's statement to a magistrate (Exhibit T) had been made freely and voluntarily. From the wording of the section it was clear that the court was entitled and bound to look at the whole document which contained the confession, including the confession itself, but

was not entitled to take into consideration evidence outside the document.

Mr Swanepoel said that from Exhibit T it appeared that the confession was made freely and spontaneously by Mogale, while in full possession of his senses and without being improperly influenced.

Mr G Bizos S C, for Mogale, had argued that Mogale had discharged the

onus of proving that he had not made the statement freely and voluntarily.

Mr Swanepoel said that, apart from the confession, there was the evidence of three members of the SP on the SSRC working paper on the creation of the South African Youth Revolutionary Council (SAYRCO) — Exhibit D.

It appeared from Mogale's confession (Exhibit T) that, although he did not expressly

acknowledge the acceptance of the SAYRCO, his version there differed from his evidence. It was strange that he had failed to call witnesses to support his version, particularly as such witnesses must have been available.

The State evidence showed that Mogale conspired to accept SAYRCO and to promote its aims, said Mr Swanepoel.

The only reasonable conclusion from the fact of the

conspiracy was the intention to endanger the maintenance of law and order. It could not be said that Mogale had discharged the onus of proving that he did not intend any of the consequences envisaged in Section 2(2) of the Terrorism Act.

The appeal was heard by Mr Justice Rabie, sitting with Acting Judges of Appeal Mr Justice Botha and Mr Justice van Heerden.

Judgement was reserved.

comprised by three diagnostic groups, viz: Schizophrenia, Acute Brain

Inspection of Table II reveals that more than 60% of the patients were

Diagnostic Categories:

the American Psychiatric Association (DSM II) with minor modifications.

personality disorder.

In general our nosological classification has followed that set out by

factors such as schizophrenia, organic illness, temporal lobe epilepsy or (or dissociated states) whilst recognizing that there may well be underlying factors such as schizophrenia, organic illness, temporal lobe epilepsy or personality disorder.

consensus of opinion that hysterical reactions are much more common in underdeveloped countries (Wittkower and Rin 1965)(11) and it has been our custom to describe these brief psychoses as frenzied states of hysterical origin

For example, it has been argued that there are certain "acute transient psychoses" peculiar to Black patients (Carothers 1953)(7) (Smartt 1964)(8) Field 1968)(9) which have been variously termed "bouffée délirante" or "hysterphrenesis". On the other hand, it has been pointed out that such

Patterns for 104 Patients (According to Diagnostic Categories)

TOTAL	Treated as out-patient (with follow-up)	Treated as out-patient (no follow-up)	Treated as out-patient then admitted	No Treatment given.	TOTAL
23	0	1	2	0	23
21	1	6	3	0	21
21	6	6	1	0	21
6	1	0	0	1	6
5	1	3	0	1	5
5	1	1	0	0	5
4	0	1	0	0	4
3	0	0	0	1	3
3	0	0	0	0	3

still to be found.

The current level of sophistication in causal theories of problem drinking become apparent in the following statement:

"Causes of alcoholism are unknown... Most probably the condition reflects a form or response to an interactive combination of physiological, psychological, and sociological factors in an individual and his environment" (Keller, 1968, p. 49).

postulated some form of enzyme deficiency usually related to the B group. These latter hypotheses have been supported by evidence from animal experiments.

Family studies have naturally formed the core of work designed to test genetic theories of alcoholism in humans, since if genes influence the condition then those who have part of

hereditary material in common with known alcoholics are more likely to suffer from the condition. On the extensive and detailed studies of the family history of several large samples of alcoholics from the Swedish on (Amärk, 1974, p. 31), a clear familial component of alcoholism is suggested. The major criticism against this similar studies and hypotheses is that these findings as easily be explained by shared cultural and environmental factors as by shared genes.

A way of attempting to separate the genetic and environmental variables in the development of alcoholism, has been to study adopted children, since an adopted child shares the environment of the adopted parents, but not the genetic lineage. A persisting resemblance of a child to its biological parents may then be taken to suggest genetic factors.

In a recent study (Goodwin, 1976, p. 52) using this methodological design, it was found that significantly more adopted men whose biological parents were alcoholics, were alcoholics, than the matched control group of adoptees.

This and similar significant results, has compelled researchers to seriously reconsider the genetic contribution to

Mpetha trial interrupted

called to examine the youth.

Dr E I Kaplan, a Cape Town district surgeon, told the court that he had examined the youth by "acute observation only".

He said he stood about one and a half metres from the youth and it was quite evident that the youth was "non compus mentus".

The youth was physically active, he was crouching and uttering noises.

He wielded a stick and the doctor said if any person had gone near the youth that person would have felt the stick.

The doctor felt the youth could be suffering from "paranoic schizophrenia".

Dr Kaplan said he did not feel that the youth was fit to stand trial yesterday.

Mr J Slabbert for the State said that since the doctor had seen the youth Lt Leonard Knipe had reported that the youth had tied his feet together and his hands and was acting strangely.

Mr Justice Williamson ordered that the youth be detained in Valkenberg at least until today when there should be some indication as to how long the youth would remain there.

(Proceeding)

THE terrorism and murder trial of Mr Oscar Mpetha (71), and 18 others, was interrupted yesterday when one of the accused, a youth, started making strange noises and asked to be excused because he was not well.

Mr Justice Williamson said the proceedings would pause while Mr T L Skweyiya went down to the cells to see his client, who was an epileptic.

When Mr Skweyiya came back to the court he said he could make no sense of what his client was saying.

His client mentioned "Shaka" and "The Zulus", and what he said was disjointed, Mr Skweyiya told the court.

The hearing was adjourned so that a doctor could be

category terms of

Processes within

the body (McCord & McCord, p. 28 and Williams, p. 455). One

of the most developed theories in this category concentrates on genetic factors or variables (Kaij, p. 37).

The genetic-hypotheses range from very general - that is alcoholism is inherited in some part, in some unspecified way - to very specific hypotheses. The latter have customarily

Evidence in camera plea — family 'threatened'

A 16-YEAR-OLD youth told the Supreme Court, Cape Town, yesterday that he wanted to give evidence in camera because his family had been threatened.

The youth was a witness in the terrorism and murder trial of Mr Oscar Mpetha, 71, and 18 others.

He was called to the witness box after Mr J Slabbert, for the State, asked that his evidence be heard in camera.

Earlier the youth's mother had told the court that a woman had come to her house in Nyanga and said that her house would be burnt down and her son hurt because he was a State witness.

WITCHDOCTOR

That was the first she knew that her son was giving evidence for the State.

She asked that her son's evidence be heard in camera.

She said her son had reached Standard 1 at school, but she took him out of school because he had been 'talking things in his stomach.'

She took him to a witchdoctor who cured the youth.

The youth told the court that some of the accused told him to take the blame 'for the white man's death' totally on himself.

He overheard some of the accused say they would kill his mother because she was the cause of their arrest.

ASSAULTED

Some of the others also told him to say that he was assaulted by policemen at Bishop Lavis.

He did not want to give evidence in open court.

He left school because he suffered from epilepsy.

The hearing continues today when a decision is expected on whether the youth will give evidence in an open or closed court.

RDM 20/5/81

Mogale: court 331 reserves decision

BLOEMFONTEIN. — Judgment was reserved yesterday by the Appeal Court, Bloemfontein, in the appeal of Linda Mario Mogale, of Orlando West, against his conviction on 13 charges.

Mogale, who was chairman of the Soweto Students Representative Council (SSRC) at the time it was declared unlawful on October 19, 1977, was convicted by Mr Justice F S Steyn in the Transvaal Supreme Court at Krugersdorp on August 10, 1979.

He was convicted on three charges each of culpable homicide, assault with intent to seriously injure, arson and malicious damage to property and one charge of participating in terrorist activities.

He was sentenced to a total of 24½ years' jail, with an effective jail term of seven years as some sentences were to run concurrently.

Mr J A Swanepoel, for the State, said that only Section 217 (1) (b) (ii) of the Criminal Procedure Act was applicable to the dispute as to whether Mogale's statement to a magistrate (exhibit T) had been made freely and voluntarily.

From the wording of the section it was clear that the court was entitled and bound to look at the whole document containing the confession, including the confession itself, he said.

The State evidence showed that Mogale conspired to accept the South African Youth Revolutionary Council (SAYRCO) and to promote its aims, said Mr Swanepoel.

The only reasonable conclusion from the fact of the conspiracy was the intention to endanger the maintenance of law and order. It could not be said that Mogale had discharged the onus of proving that he did not intend any of the consequences envisaged in Section 2 (2) of the Terrorism Act. — Sapa.

5 are freed in terror trial

Own Correspondent

JOHANNESBURG. — There were scenes of jubilation at the Johannesburg Regional Court yesterday when five of the accused charged with terrorism were acquitted after the magistrate had ruled that the State had led insufficient evidence against them.

Relatives and friends embraced the men as they emerged from the cells below the court building into the street.

The five are Mr Etienne Pillay, 18, a student at St Barnabus School in Western Coloured Township; another St Barnabus School student who may not be identified because he is under age; and Mr Pinda Manamela, 34, Mr Jonas Motaung, 36, and Mr Nicodermus Motapo, 35, all of Soweto.

Training

Mr Manamela, Mr Motaung and Mr Motapo were charged with encouraging Mr Pillay, the youth and Mr Kotlouno Leballo, 19, of Soweto, a State witness, to undergo military training outside the Republic.

They were also charged with arranging to transport and transporting the trio to the Botswana border on July 31 last year and arranging for them to meet people who would organize their training.

Mr Pillay and the youth were charged with encouraging each other and Mr Leballo to undergo military training, obtaining help to travel and travelling to Botswana.

All pleaded not guilty to the charges.

Mr Leballo, who was arrested in Lichtenberg with Mr Pillay, the youth and Mr Manamela, was given indemnity when he became a State witness in the case.

Mr A van Wyk appeared for the State. Mr E Dane instructed by Andrew Lister and Tucker Incorporated appeared for the youth. Mr Moaung and Mr Motapo. Mr C Mailer instructed by Priscilla Jana and Associates appeared for Mr Pillay and Mr Manamela.

Youth on terror charges

STAR
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Own Correspondent

A small crowd of youths gathered outside the Pretoria Magistrate's Court yesterday when Mr Conrad Lekhumbe (18) appeared on charges under the Terrorism Act.

Mr Lekhumbe of Mamelodi is charged with encouraging, enticing or helping three youths to leave the country to undergo military training between October and December last year.

The case was postponed until July 1. Three days have been set aside for the trial.

Mr Lekhumbe, who has been in detention since January 29, was given a parcel of sweets and cigarettes as he was led from the court.

Security Act 5 ³³¹

are set free

STAR
20/5/81

By Maude Motanyane

After nine months in detention and the possibility of a minimum five years prison sentence for Internal Security Act charges, five men walked to freedom yesterday.

The magistrate, Mr G Steyn, acquitted Mr Phinda Manamela (34), Mr Jonas Motaung (36), Mr Nicodemus Motapo (38), Mr Etienne Pillay (18) and a seventeen year old youth on charges of inciting other people into going for military training outside South Africa.

They were also found not guilty of attempting to undergo such training in Botswana.

The State alleged that Mr Manamela, Mr Motaung and Mr Motapo had encouraged Mr Pillay and the youth and Mr Kotsana Leballo, a State witness, to undergo military training in Botswana.

After calling at least

four witnesses during several hearings the state was unable to prove this. State witnesses as well as the accused alleged that they had been forced to make a statement.

However, at least two witnesses had turned against the State by giving evidence that did not match their statements to the police.

Miss Maureen Makhapela, who gave evidence in February, told the court that during her interrogation the police had threatened to "break her neck."

This week the State experienced what the magistrate called "a knock" when the key State Witness also gave evidence that did not match his statement to the police.

He is now in detention awaiting the Attorney-General's decision on whether he should be charged with perjury.

CT 21/5/81 (331) 337 Two Robben Island prisoners freed

Own Correspondent

JOHANNESBURG. — Two Soweto men who were former leaders of national youth organizations, were yesterday released from prison after serving five-year terms on Robben Island under the Suppression of Communism Act.

They are Mr Nkosiyakhe Amos Masondo, 28, a former national organizer of the banned South African Students' Movement (SASM), and Mr Jabulani David Nhlapo, 31, an executive member of the banned National Youth Organization (NAYO).

Mr Masondo and Mr Nhlapo, both

of Senaoane, were reunited with their families yesterday after their release from Leeuwkop Prison, near Bryanston.

They were transferred there after they were released from Robben Island on March 29. Both men were convicted in the Pretoria Supreme Court on May 21, 1976.

The men appeared in court with five others in the widely-publicised "NAYO Trial", which was transferred from the Rand Supreme Court to the Pretoria Supreme Court because of the large crowds attracted to the trial.

Appearing with them, at the time

were Mr Malebelle Molokeng, president of the NAYO, Mr Kgodi Moletsane, Miss Pumza Dyantyi, Mr Sandile Mfenyane and Mr Bheki Langa. Some of the accused belonged to the Transvaal Youth Organization (TRAYO). The five were acquitted on charges under the Terrorism Act and Suppression of Communism Act.

Mr Masondo, who was detained in September 1975, was a student at Sekano Ntoane High School. He was arrested at a Johannesburg mining house where he had been employed as a clerk for three months.

Speaking from his parents home

yesterday, Mr Masondo said he had mixed feelings about his release. He said that while prison was "not a nice place to be in" he still felt sad to have left many others still imprisoned on Robben Island.

The bespectacled Mr Masondo also said that he developed eye trouble while in jail. He said his eyes were now sensitive to light.

His mother said: "I'm so delighted I never thought he would come back to me."

Mr Nhlapo, who also complained of health problems, said he was glad to be out of prison to live with his family.



Mr Nkosiyakhe Amos Masondo, 28, left, and Mr Jabulani David Nhlapo, 31, after their release yesterday.

Mpetha trial: 'Threat' to key witness alleged

CT 21/5/81 (331)
Staff Reporter

ARGUMENT continued yesterday in the Supreme Court trial of Mr Oscar Mpetha and 18 others on charges of murder and terrorism as to whether or not the evidence of the State's second witness should be heard in camera.

According to evidence given by the State's first witness, a 15-year-old school girl, this second witness played a leading role in events leading up to the barricading of Klipfontein Road, and the stoning and burning of cars near Crossroads on August 11 last year.

At one stage in her evidence last week she told the court he had used a sjambok to force a crowd to march from a meeting in a Nyanga church to Crossroads.

Mr J Slabbert, for the State,

asked Mr Justice Williamson to hear the witness's evidence in camera on the grounds that a full, and possibly hostile, public gallery would be intimidating to the youth, and that threats had been made against him and his parents.

Mr IG Farlam, for the Mr Mpetha, said it had not been conclusively proved by a birth certificate that the witness was in fact a juvenile.

He said that the safety of the witness and of his parents would be greater if members of the public heard his evidence and did not accept the wild and possibly untrue rumours that could circulate in the black community if they were not allowed in court.

Earlier, while under cross-examination, the witness

said that people in the black community would know he was giving evidence for the State even if he was heard in camera.

Mr Farlam suggested that the second witness's case was different from that of the first witness, who had been "a very young 15-year-old".

The second witness, he said, was obviously much older and more self-assured.

While the first witness had played an almost passive role in the events of August 11 last year, the second witness appeared to have played a leading role.

Mr Mpetha, 71-year-old leader of the Nyanga Resident's Association, and the 18 other accused have pleaded not guilty to the charges which include the murder of Mr George Beeton and Mr Frederick Jansen in August last year.

Also accused are Morgan Makubala, Aaron Tshangama, Peter Kube, Alton Sabuwa, Fumanekile Booi, Vuyisile Mzaza, Makawa Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mapondo, Welile Mazotana and six youths.

Mr TL Skweyiya, for 12 of the accused, asked the judge to allow two relatives of each of accused to be present if the court ordered the evidence of the witness to be heard in camera.

Mr Slabbert said he had no objection to this.

The hearing continues today.

Mr Justice Williamson is sitting with two assessors, Mr GH Titterton, and Mr CH van Gend. Mr J Slabbert, assisted by Mr CJ van Wyk, appeared for the State. Mr IG Farlam, for Mr Mpetha, was instructed by Frank, Bernardt, and Joffe. Mr TL Skweyiya, with Mr J Whitehead and Mr N Willis, instructed by AM Omar and Company, appeared for the remaining accused.

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Reporter fined for obstruction

Argus Correspondent

JOHANNESBURG. — A Rand Daily Mail reporter was yesterday convicted of obstructing police in their duties.

Samuel Dikotla, 27, was fined R250 (or 90 days) by a Tembisa magistrate. Of this R150 (or 60 days) was suspended for five years.

The court heard that Dikotla had been sent to cover a riot in the black township of Tembisa on April 5.

Lieutenant-Colonel J H Cronje, of the Security Police, said that the situation in the township was tense and Dikotla had obstructed them by parking his car behind their vehicles.

He claimed that Dikotla had introduced himself as a member of the Press but had failed to produce his Press card.

Colonel Cronje said he ordered the reporter to move his car but he failed to do so.

Dikotla told the court he had been sent by his news editor to cover the riot.

In the township he had approached a group of policemen and asked them what the situation was.

He said Colonel Cronje informed him that he was not allowed to be there and had threatened him with arrest.

He was later taken to the police station, where he was locked up.

City reporter faces jail term

Argus 21/5/81 331

Crime Reporter

IN an effort to obtain the names of six policemen who gave details of their salaries to the Press shortly before the general election, a reporter has been summoned to appear before a magistrate on June 3.

The summons was served on Mr Stephen Wrottesley, the crime reporter for The Cape Times, in the newspaper's offices by Colonel Mike Smit, of the Cape Town CID, yesterday afternoon.

Mr Wrottesley is required to name the policemen who gave him the details as well as whether they had approached the newspaper without any prompting from reporters.

The summons follows meetings this week between Mr Wrottesley and Colonel Smit during which the reporter refused to disclose the names.

It is believed the investigation into the alleged contravention of police regulations was prompted by orders from police headquarters in Pretoria.

The subpoena was served in terms of Section 205 of the Criminal Procedure Act, in terms of which anyone likely to give relevant information regarding an alleged offence may be required to appear before a magistrate.

A two-year jail sentence may follow a refusal to disclose the information.

The possible offence being investigated is in terms of Section 25 (1) (b) of the Police Act which deals with 'any person not being a member of the force who agrees with or attempts to induce any member to omit or carry out his duty or to do any act in conflict with his duty.'

Mr Wrottesley will not be required to appear in court if he provides the police with the names before June 3.

Several local policemen said this week they found it 'incredible' that a departmental matter was being dealt with in such a way and believed a 'witch-hunt' in the force would lead to an even greater lowering of morale.

City reporter faces jail term

Ag 2/10/81

43 23 33

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Several local policemen said this week they found it 'incredible' that a departmental matter was being dealt with in such a way and believed a 'witch-hunt' in the force would lead to an even greater lowering of morale.

THE Cape Times Crime Reporter, Mr Stephen Wrottesley, was yesterday summoned to appear in the Cape Town Magistrate's Court on June 3 to reveal the names of six policemen who gave details of their salary increases for an article which appeared in the newspaper on April 23.

A subpoena in terms of Section 205 (1) of the Criminal Procedures Act was served on Mr Wrottesley by the Assistant District C.I. Chief for Cape Town, Colonel Mike Smit, at the Cape Times offices yesterday afternoon.

In terms of Section 205, anyone likely to give material or relevant information regarding an alleged offence may be required to appear

Sources: Reporter to appear in court

before a magistrate. If the witness refuses to disclose the required information, he may be jailed for up to two years.

Mr Wrottesley is required to disclose "material or relevant information" relating to an alleged offence involving the contravention of four police regulations by members of the police force.

The regulations cited in the subpoena, which all relate to offences against duty and discipline, are Regulations 58/4, 58/24, 58/32, and/or

58/24. "Read in conjunction with Section 33 (1) of the Police Act. This section also refers to offences against duty and discipline and the general control and discipline of the police force.

Mr Wrottesley is required to name the six policemen quoted in the article, which was headed: "No vote, say disappointed policemen", and to state whether the policemen furnished information to the newspaper "without any prompting from a reporter/reporters".

He will not be required to appear in court if he furnishes an affidavit containing the relevant information required by the police to Colonel Smit before June 3.

The police have already been informed that Mr Wrottesley is not prepared to disclose the names of the six policemen. The subpoena followed discussions earlier this week between Colonel Smit, Mr Wrottesley and his attorney, Mr E. R. von Witt.

Mr Wrottesley was informed on Monday that the



Mr Stephen Wrottesley



Mr Michael Morris

police were investigating a possible offence in terms of Section 25 (1) (b) of the Police Act, which reads: "Any person not being a member of the (police) force who agrees with or induces or attempts to induce any member to omit to carry out his duty or to do any act in conflict with his duty."

He was asked to name his sources for the article on police salaries and told that Section 205 of the Criminal Procedures Act would be invoked if he refused.

Quoting six unnamed policemen, the article gave details of their April pay increases and said policemen would not vote in the April general election to register their dissatisfaction with their "poor" increases.

Mr Wrottesley refused to name his sources and later accompanied his attorney to police headquarters, where he was informed that the offence being investigated involved a contravention of Section 25 (1) (d) of the Police Act, which reads: "Any person not being a member of the (police) force who is a party to or aids or abets or incites to the commission of an act whereby any lawful order given to a member or any regulation may be evaded."

The attorney raised several points and Colonel Smit later agreed to postpone the matter for further investigation. He later informed Mr Wrottesley that the investigation was related to alleged contraventions of police regulations.

● The independent candidate for Green Point in last month's general election, Mr Michael Morris, was also questioned by Colonel Smit on Monday in connection with claims that the Minister of Police, Mr Louis le Grange, had ordered an increased police presence in Sea Point for three days prior to an election meeting, which he addressed in the constituency.

Mr Morris referred to the allegation at an election meeting in Sea Point on April 24, when he asked the minister if it was true that a special telex message had

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From page 1
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He was asked to name his sources in connection with the allegation and was told that Section 205 of the Criminal Procedures Act would be invoked if he did not.

When approached by The Cape Times, Mr Morris said: "As to my source, hundreds of people whom I met while campaigning had confronted me with this story and asked whether it was true. The po-

licemen asked me to make a statement and I most gladly made a statement to this effect.

"At my election meeting, I raised the matter as a question directed at the minister, not as a statement of fact. I feel it is my right in terms of the spirit of the Electoral Act to pose such a question. I would have been quite happy to deal with this during the election, but feel it is definitely not in the spirit of the Electoral Act for them to come back to me when I am no longer a candidate," he said.

● See 'Plan to protect journalists' page 5

State witnesses seen as 'sellouts'

CAPE TOWN. — Any person who turned State witness was regarded in the townships as a "sell out", the Cape Town Supreme Court heard yesterday at the terrorism and murder trial of Mr Oscar Mpetha, 71, and 18 others.

Mr Ian Farlam, for Mr Mpetha, told the court that the evidence of a 17-year-old youth should be in open court and not in camera. He said the real reason the youth wanted to give evidence in camera was not because he feared for his family's safety, but because he was scared of being termed a "sell out" in the townships.

Mr Farlam also submitted that there was insufficient proof of the youth's age.

Mr T L Skweyiya, who appears for 12 of the accused, put it to the youth that the woman who gave evidence on his behalf earlier this week was not his real mother.

The youth said she was his real mother.

Mr Skweyiya put it to him that any person who turned State witness was regarded in the townships as being a "sell out" or "spy" or "informer". The youth agreed with this.

It was submitted that if the youth's evidence was heard in an open court he was more likely to tell the truth.

It was further submitted that if the youth gave evidence in camera rumours would spread in the townships about what was being said. This could be unfavourable for the youth.

The hearing continues. — Sapa.

Mpetha trial witness tells of 'Comrades'

CT 21/5/81 (331)

Staff Reporter

MR OSCAR MPETHA, who is one of 19 people facing charges of murder and terrorism in the Supreme Court, told meetings of an organization known as the "Comrades" that white people must be destroyed, the court was told yesterday.

This was revealed in evidence given by the State's second witness, a 17-year-old youth, after Mr Justice Williamson ruled that he be heard in public and not in camera, as the first witness was.

Mr Mpetha and 18 others have pleaded not guilty to the charges against them, which include the murder of Mr George Beeton and Mr Frederick Jansen, who died near Crossroads last year.

After lunch, Mr Justice Williamson ruled that the public be allowed to listen to the witness give his evidence, but warned them he would reconsider his decision if there were interruptions of any sort from the gallery during proceedings.

Youth

The court adjourned for a few minutes and about 50 people immediately entered the public gallery.

According to evidence given by the first witness, the 17-year-old youth, who may not be named because of his age, played a leading role in a meeting and events leading to violence at Klipfontein Road on August 11 last year.

The witness said he had left school in 1978 when he was in Standard One. He identified all of the accused except three, whose names he had forgotten, saying he knew them well.

With Mr Mpetha, the accused are: Morgan Makubala, Aaron Tshangama, Peter Kube, Alton Sabuwa, Fumanekile Booi, Vuyisile Mzaza, Makawa Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mapondo, Welile

Mazotana, and six youths.

The youth said he had joined an organization known as the "Comrades" in 1978 when he was taken to the house of Mr Mpetha by Richard Mapondo, one of the accused.

Eight of the accused — Mr Mpetha, Vuyisile Diba, Alton Sabuwa, Fumanekile Booi, Jeffrey Baardman, Vuyisile Mzaza, and a youth — had been at the meeting, and there had been many more such meetings in various places right up until last year.

Mr Mpetha had told him about the "Comrades", saying they were people who were fighting for the nation, and that if they were arrested while about to embark on their "boycotts," he would see to it that the banned African National Congress (ANC) helped to defend them.

Also, Mr Mpetha said the "Comrades" would have to fight the white people because they were oppressing the blacks and would not give them their country.

The youth said Mr Mpetha had told him more about the "Comrades" on the 10th and 11th day of the month, in which we committed the offence last year. He said he could not remember which month it was.

Mr Mpetha had told him the white men themselves had to be destroyed — because the blacks were fighting for their country and the whites were resisting this.

According to the youth, Mr Mpetha said this would take place on the 11th and 12th day of the month which he could not remember.

The hearing continues today.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr J Slabbert, assisted by Mr C J van Wyk, appeared for the State. Mr I G Farlam, for Mr Mpetha, was instructed by Frank, Bernardt and Joffe. Mr T L Skweyiya, with Mr J Whitehead and Mr N Willis, instructed by A M Omar and Company, appeared for the remaining accused.

Angus 21/5/81 (331)

Court dispute on youth's evidence

ONE should not hold a court hearing in camera merely because a witness was reluctant to give evidence in an open court, it was argued in the Supreme Court, Cape Town, today.

Mr Ian Farlam was arguing at the trial of Mr Oscar Mpetha, 71, and 18 others who have pleaded not guilty to participating in terrorist activities and two counts of murder.

Mr Farlam, appearing for Mr Mpetha, said there was no proof that a birth certificate produced by the mother of a youth who has asked that his evidence be heard in camera, was the youth's.

DIFFERENCE

The name was different. The mother had also previously given another date for her son's birth.

Mr Justice Williamson said the woman was illiterate and uneducated and it was a mistake she could easily make.

Mr Farlam submitted that if the youth's evidence was heard in camera the accused men would be prejudiced.

He further submitted that an order for the hearing to be in camera should not be granted on the 'reasonable possibility' that the youth was under 18 years old.

NO DOUBT

For an order to be granted there should be no doubt as to his age.

Mr Farlam submitted that the mother had been a 'thoroughly unsatisfactory' witness.

Yesterday Mr Farlam submitted that the youth's real reason for wanting to give evidence in camera was that he did not want to be regarded in the townships as a 'sell out'.

Mr Farlam said the youth's case was quite different from that of an earlier witness, a young

girl, whose evidence was ordered to be heard in camera.

He said the girl was a very young 15-year-old. The youth, however, was a mature person who had left home, had worked and had acted as a leader.

(Proceeding)

'Mail' man found guilty

Staff Reporter

JOURNALISTS faced the risk of being arrested even if they did not intend breaking the law while performing their duties, a Tembisa magistrate was told by an attorney yesterday.

The lawyer, Mr N J Roodt, was pleading in mitigation after a Rand Daily Mail reporter, Camuel Dikotla, 27, was found guilty on a charge of obstructing police in their duties.

He appeared before Mr B D de Wit, in the Tembisa Magistrate's Court near Kempton Park.

Dikotla was fined R250 or 90 days' jail (R150 or 60 days suspended for five years).

Lieutenant-Colonel J H Cronje of the Security Police told the court there was a riot at Tembisa on April 5.

The situation was tense, he said. Dikotla obstructed them by parking his car behind their vehicles.

He said he asked Dikotla to produce his Press card, but he failed to do so.

Col Cronje said he ordered Dikotla to move his car away, but Dikotla ignored him and, instead, entered the car and operated a radio to talk to somebody.

"I issued an order that he should be arrested after he had made no attempt to move his car as ordered," Col Cronje said.

Dikotla said he lost a camera and a notebook which were in the car he used that day.

The magistrate said he accepted evidence given by the State witnesses and rejected Dikotla's testimony.

Action against Cape Times reporter condemned

Staff Reporter

RETIRED policeman, Members of Parliament, newspaper, journalists, and a security expert yesterday condemned an attempt by the State to force the Cape Times Crime Reporter, Mr Stephen Wrotesley, to disclose the names of six policemen who gave him information on police pay.

Mr Wrotesley has been summonsed to appear in the

Magistrate's Court on June 3

and tell a magistrate who the policemen were, and whether they gave information on their pay increases "without any prompting by a reporter".

He has told the police that he is not prepared to divulge the names of his sources. Yesterday Major Jan de Klerk, a retired Bellville police officer, said he was "very dissatisfied" that the authorities had seen fit to use the press to "get at their own

men".

"The men in the force do not have a trade union or a mouthpiece and they are dependent on the goodwill of the press as their channel to the public," he said.

If they appealed to the press they had a right to expect that a witch-hunt would not be mounted against them.

Teachers, as an example, had their unions — "but the police have no such recourse," he said.

Major De Klerk said that since it had become known that he was concerned about police pay he had received calls from policemen telephoning from all parts of the country, appealing to him to help them get a better deal on pay.

Brigadier I P S Terblanche, another retired senior police officer, said he was "very sorry" about the move against Mr Wrotesley.

It was clear that it was part of an attempt on the part of the authorities to "teach their men a lesson," he said.

The Opposition's spokesman on police, Mr Ray Swart, said yesterday this was an "attempts witchhunt" which would do more to harm the morale and increase the disillusionment of members of the force than anything else.

"To invoke police regulations in order to punish members of the force for giving information about their own salaries anonymously to the press shows a contempt for their normal rights of citizenship. Where does it stop?"

The vice-president of the South African Society of Journalists, Mr John Battersby, said the summoning of Mr Wrotesley was "another ugly reminder of the abhorrent restrictions placed on all journalists" by Section 205 (1) of the Criminal Procedure Act.

The SASJ unconditionally supported Mr Wrotesley's refusal to reveal his sources and repeated its call on the government to lift this added restriction on journalists.

A former SASJ president, Mr John Matison, had recently been pardoned from serving a sentence under the law. It would be ironic if Mr Wrotesley, also an SASJ office bearer, should now go to jail for not revealing his sources.

The Progressive Federal Party's Western Cape chairman, Mr Tian van der Merwe, said it seemed that a witch-hunt was on against policemen who complained to the press about their salaries.

The fact that a reporter had been summonsed to reveal the names of policemen who had spoken to him was a disgraceful situation.

"This must be the only place in the world where people are threatened with prosecution for complaining about inadequate salaries."

Mr Van der Merwe said he knew of several FFP canvassers who had heard complaints about police pay and conditions of service during the election campaign.

"It is a basic democratic right of every civil servant, including policemen, and defence force personnel, to complain about bad salaries and service conditions to whom ever they wish to talk.

particularly to public representatives and pressmen."

The Argus said in an editorial that it was ironic that in the very day the major parties in the British Parliament agreed to provide greater protection for journalists who decline to name their informants, the police in Cape Town obtained a summons

From page 1

obliging a local reporter to divulge his sources.

Nationalist MPs found matters regarding salaries, the cost of living and dissatisfaction in the police force "embarrassing" and would prefer to stifle any discussion about them.

"This latest action against a Cape Town journalist could suit them very well if even people with well-founded and authentic grievances are led to feel they dare not talk about them in future."

In an open letter to the Minister of Police, Mr Louis le Grange, a local security expert and ex-policeman, Mr Michael Morris, said all police matters other than pre-trial matters directly related to investigation of criminal cases, should be public property.

More reports, page 11

Mpetha ordered 'kill whites', court told

AT a meeting at his home, Mr Oscar Mpetha ordered several of the accused and others to start rioting, to damage schools, to destroy and burn white men's cars and to kill any white drivers they encountered, the Supreme Court, Cape Town, was told today.

A 17-year-old youth, who may not be identified, was giving evidence at the trial of Mr Mpetha, 71, and 18 others who have pleaded not guilty to participating in terrorist activities and two counts of murder.

GALLERY PACKED

Yesterday Mr Justice Williamson ordered that the public would be allowed to hear the youth's evidence, as long as there was no misbehaviour.

The public gallery today was packed but quiet.

The youth, speaking in a soft voice, said that at the meeting, at Mr Mpetha's house on a Saturday last year, a map was placed on a coffee table and orders were given.

Eleven of the accused were present, including Mr Mpetha, who gave the orders.

'We were told we were to carry out riots and these riots would start on the following Monday,' the youth told the court.

They were ordered to go to the schools, remove the children and damage the buildings.

Thereafter we had to go to the location, look for white men's cars, damage the cars and kill the white men as well,' the youth said.

They were shown a sketch map which Mr Mpetha placed on a coffee table. Mr Mpetha pointed to various places where the men should go and also the route they should take.

The bus terminus in Nyanga was the first place to be pointed out.



Mr Oscar Mpetha

'We were ordered to go to the bus terminus and destroy the buses, white men's cars and any other cars that happened to be there, such as delivery vehicles,' the youth said.

Cars belonging to the Administration Board also had to be destroyed and any other vehicles that belonged to whites — even if they were driven by blacks, in which cases the driver would be told to get out and the car destroyed.

'From the bus terminus we were to go to Emms Drive and to stop any vehicle we met along the route.'

KILL ORDER

From there they were ordered to go to Lansdowne Road where all cars belonging to whites were to be stopped, destroyed and set alight.

If the cars were driven by whites, the whites were to be killed.

At a circle at an intersection on Lansdowne Road, the group were ordered to split into three.

The groups had to arm themselves with petrol bombs and they were ordered to barricade the road so that cars would be trapped.

Two groups, one on either side of the road,

(Continued on Page 3, col 6)

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend.

Mr J Slabbert with Mr C J van Wyk is appearing for the State.

Mr I G Farlam, instructed by Frank, Bernadt and Joffe, appears for Mr Mpetha.

Mr T L Skweyiya appears for 12 of the men, Mr J Whithead for four of the men and Mr N Willis for two of the men (all instructed by A M Omar and Co).

(Proceeding)

The youth said he was speaking in his natural voice which was very soft.

Mr Justice Williamson asked that an amplifier be installed so that the accused could hear what the youth was saying.

The meeting on Monday morning was to be held at the Assembly of God Church in Nyanga.

The youth could not remember the date of the Saturday meeting. He could only remember that the riots were to take place on the 11th and 12th but he could not remember which month.

After being told several times to speak up the

were to let cars pass and the middle group would then attack the cars, supported by the first two groups.

The men were ordered to hide behind trees and when a car was trapped they were to come out of hiding and attack.

A meeting was organised for the Monday morning to 'get as many people as we could to increase our group when we went out.'

(Continued from page 1)

Mpetha

22/5/81

33/

Witness in dispute

ONE should not hold a court hearing in camera merely because a witness was reluctant to give evidence in an open court, it was argued in the Supreme Court, Cape Town, yesterday.

Mr Ian Farlam was arguing at the trial of Mr Oscar Mpetha (71) and 18 others who have pleaded not guilty to participating in terrorist activities and two counts of murder.

Mr Farlam, appearing for Mr Mpetha, said there was no proof that a certificate produced by a mother of a youth who has asked that his evidence be heard in camera, was that of the youth's.

The name was different. The mother had also previously given another date for her son's birth.

Mr Farlam submitted that if the youth's evidence was heard in camera the accused would be prejudiced.

(Proceeding)

RD 14 22 5/81

'Youth should testify in open'

331

CAPE TOWN. — A court hearing should not be held in camera merely because a witness was reluctant to give evidence in an open court, it was submitted in the Cape Town Supreme Court yesterday.

Mr Ian Farlam was arguing at the trial of Mr Oscar Mpetha and 18 other on why the court should reject a request by a youth to give his evidence in camera.

The accused have pleaded not guilty to participating in terrorist activities and two counts of murder.

Mr Farlam, appearing for Mr Mpetha, 71, said there was no proof that a birth certificate produced by the youth's mother was that of the youth.

The name was different. The mother had also previously given another date for her son's birth.

Mr Justice Williamson said the woman was illiterate and uneducated and it was a mistake she could easily make.

Mr Farlam said if the youth's evidence was heard in camera, the accused men would be prejudiced.

He said an order for the hearing to be in camera should not be granted on the reasonable possibility that the youth was under 18.

There should be no doubt about his age for an order to be granted.

Mr Farlam described the mother as "a thoroughly unsatisfactory" witness.

He said an order should not be granted merely because the witness was reluctant to give evidence in an open court.

Previously he had told the court the youth did not want to give his evidence in public because he did not want to be regarded in the township as a "sell out".

Mr Farlam said the youth's case was quite different to that of the young girl, whose evidence was ordered to be heard in camera.

He said the girl was a very young 15-year-old. The youth, however, was a mature person who had left home, had worked and had acted as a leader.

The trial continues.

CT 23/5/81
ANC charges:
(33.1)
Four in court

Own Correspondent

PRETORIA — Four men appeared briefly in the Pretoria Magistrate's Court yesterday to face charges which will include reconnoitering the oil installations at Alberton and Cape Town for the African National Congress.

The case was postponed to June 12 and the men will remain in custody. They first appeared on April 14 this year, when a plea of not guilty was entered on the charges.

The men are Mr Norman Yengeni, 22, of Guguletu, Cape Town, Mr Edward Mbundu, 38, of Orlando, Mr David Mampane, 20, of Middelburg, and Mr Eddie Khumalo, 30, of Soweto.

Call to protect

Press's

AM 23/5/81

right to

silence

CALLS have been made to amend legislation in terms of which journalists face jail sentences for not divulging sources.

They follow the decision of the Attorney-General of the Cape, Mr D J Rossouw, SC, to withdraw the subpoena issued to Cape Times reporter Mr Stephen Wrottesley, requiring him to name six policemen quoted in an article on police salaries.

Mr Wrottesley declined to name them and faced being jailed for up to two years.

The vice-president of the Southern African Society of Journalists, Mr John Battersby, said: 'The SASJ welcomes the withdrawal of the subpoena.'

However, as long as Section 205 of the Criminal Procedure Act remains on the statute book in its present form, journalists will be faced with the prospect of a jail sentence for protecting their sources.

'The SASJ renews its call on the Government to amend the law.'

UNFAIR

Mr Tian van der Merwe, the Progressive Federal Party's Western Cape chairman, said he was pleased at the Attorney-General's decision but hoped the matter would be taken further.

'One hopes the Government will do away with such legislation.'

'The problem remains that the subpoena indicates there is an investigation against the policemen who gave Mr Wrottesley his information.'

'This is grossly unfair. It is the right of any employee to complain about his or her salary.'

The senior assistant editor of the Cape Times, Mr Gerald Shaw, said he was very pleased at the Attorney-General's decision.

Witness: Mpetha^{CT 23/5/81 (331)} ordered that whites be killed

Staff Reporter

MR OSCAR MPETHA told people at meetings in his house in August last year to take schoolchildren out of their classrooms, burn the schools, kill whites and destroy their cars, the Supreme Court heard yesterday.

Mr Mpetha and 18 others have pleaded not guilty to charges of terrorism and the murder of Mr George Beeton and Mr Frederick Jansen near Crossroads in August last year.

In his second day of giving evidence for the State, a 17-year-old youth, who may not be identified because of his

age, said Mr Mpetha produced a map, which he spread on a coffee table and gave orders to a number of the accused during a meeting at his home.

Ten of the other accused had been present at the meeting which had been on a Saturday. Using the map, Mr Mpetha had pointed out to them where to start rioting and which route to follow.

The first key point had been the bus terminus in Nyanga. The accused and others had been ordered to go there and destroy buses, the cars of whites, delivery vans and Administration Board vehicles. Any other

car that belonged to whites would be destroyed, even if driven by blacks, who would be told to get out first.

From the bus terminus, the rioters were to proceed down Emms Drive to Lansdowne Road. Any vehicles belonging to whites met along the way were to be stopped, set alight and destroyed.

White drivers of these vehicles were to be killed.

The next point on the route was the intersection of Lansdowne Road with Klipfontein Road, where the group was to split into three, with one staying in the middle while the other two posi-

tioned themselves some distance away on either side.

Any vehicle that encountered one of the two outside groups was to be allowed through, then to be attacked by the middle group, which would be supported by the other two.

The State witness identified two of the accused, Richard Bongani and Fumanekile Boo!, as having been appointed leaders of two of the groups. The third leader was not among the accused.

With 71-year-old Mr Mpetha are Morgan Makubula, Aaron Tshangama, Peter Kuibe, Alton Sabuwa, Fumanekile

Booi, Vuyisile Mzaza, Makawa Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mapondo, Willie Mazotana, and six youths.

Mr Mpetha was also said to have told members of the three groups to arm themselves with petrol bombs.

The road was to be barricaded. When cars were attacked those with petrol bombs should come out of hiding places behind trees and throw the bombs.

The youth told the court that after Mr Mpetha had used the map to indicate the route to be taken, he instructed them to organize a

meeting for the following Monday.

The purpose of this meeting was to have been to "get as many people as possible to increase the size of the group," said the witness. This meeting was held at the Assembly of God Church.

The witness said a meeting had also been held on the next day, Sunday, in the Assembly of God Church. It had already started when he arrived and the hall was full, so he stood outside at a window.

He did not stay there long. Turning to the meeting held on the next day, Monday August 11, 1981, the witness said he had arrived early and

had stood near the door with Vuyisile Diba, one of the accused, with a sjambok in his hand to chase away younger children.

He identified 12 of the accused as having been at this meeting in the Assembly of God Church. Five of the accused, including one who was not among the 12 he had just identified, were sitting on a long bench near the front of the hall, he said.

Johannes Hlapo, one of the accused, had been one of the speakers at the meeting. According to the witness, he said the young people must be violent.

About halfway through yes-

terday's hearing, Mr Justice Williamson requested that an amplification system be rigged for the witness because he spoke very softly, in spite of being told a number of times to speak up to enable the accused to hear him.

The hearing continues on Tuesday morning.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton, and Mr C H van Gend. Mr J Shabbert, assisted by Mr C J van Wyk, appeared for the State. Mr I G Farlam, for Mr Mpetha, was instructed by Frank Bernardt and Joffe. Mr T L Skweyva, with Mr J Whitehead and Mr N Willis, instructed by A M Omar and Company, appeared for the other accused.

CT 23/5/81

A-G withdraws action on reporter

257 248 331

Staff Reporter

THE Attorney-General of the Cape, Mr D J Rossouw SC, yesterday announced the withdrawal of a subpoena issued to the Cape Times Crime Reporter, Mr Stephen Wrottesley, requiring him to name six policemen quoted in an article on police salaries.

In a statement issued yesterday, Mr Rossouw said: "At an early and fluid stage of an investigation into alleged contraventions of certain police regulations which are based on the proper discipline which must necessarily be maintained in the police force, a subpoena in terms of Section 205 of Act 51 of 1977 was issued to require the attendance of Mr Stephen Wrottesley before a magistrate.

"I have considered the matter as a whole and have decided to request the magistrate to withdraw the subpoena and not to continue with the examination of Mr Wrottesley."

In terms of the subpoena, which was served on Mr Wrottesley on Wednesday, he was required to appear before a magistrate on June 3 to name his sources for the article, which was headed: "No

vote, say disappointed policemen". Mr Wrottesley refused and faced being jailed for up to two years.

The move was condemned by retired policemen, Members of Parliament, newspapers and journalists as an attempt to clamp down on policemen airing their grievances in public. They said policemen had no trade union or mouthpiece and warned that a "witch-hunt" in police ranks would harm morale and increase disillusionment in the force.

The decision to withdraw the subpoena served on Mr Wrottesley was widely welcomed yesterday.

Mr Wrottesley said yesterday he was pleased.

The Southern African Society of Journalists (SASJ) welcomed the withdrawal of the subpoena and called on the government to amend the Criminal Procedures Act to protect journalists from having to reveal their sources.

The SASJ's vice-president (Western Cape), Mr John Battersby, said in a statement: "The withdrawal is the second indication in less

To page 2

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CT 23/5/81

From page 1

than a month of a possible realization in government that trying to force journalists to betray their confidential sources is an undesirable practice. When used to aid an internal 'witch-hunt' in the police force, the practice becomes detestable."

Mr Battersby said an amendment of the Criminal Procedures Act to protect journalists would "recognize the importance of this sacred journalistic principle as well as avoid any further official embarrassment".

Distinction

In an editorial yesterday, the Burger, said much friction and ill-feeling between the government and the press could be avoided if a distinction was made between "matters of life or death or affecting the national interest" and matters of lesser importance when summoning journalists to reveal their sources.

"Whatever the technical merits of the case, account must be given of what the public implications will be. The impression that things are being made difficult for a newspaper or journalist who had done his work (or duty) should particularly be avoided," the editorial said.

The Burger said it was "a case of morality" for a journalist not to damage the confidence which his source had invested in him. The confidentiality of sources was a "question of honour" considered highly by journalists throughout the world, the editorial said.

'Police threatened me — Soweto woman

(C. Herald 23/5/81 (33))

A SOWETO woman, who gave evidence for the state in an Internal Security Act trial early this year, was found not guilty of perjury by a Johannesburg Regional magistrate last week.

Miss Maureen Makhaphela (25) of Dube pleaded not guilty to giving conflicting evidence in the trial against her boyfriend Mr Pinda Manamela and four other youths. They were charged with inciting people to undergo military training outside South Africa.

Testifying against them on February 16 this year, she told the court that she was slapped and threatened with detention while making her statement to the police.

Yesterday Warrant Officer Daniel Kuhn of Protea police station told the magistrate, Mr J J Jonck, that Miss Makhaphela had made her statement voluntarily before a Commissioner of Oaths on August 28 last year.

DISSATISFIED

In the statement she said that some youths, including those charged under the Internal Security Act with her boyfriend, had visited her home last year. They had told her they were leaving for Botswana and they were dissatisfied with the South African educational system.

Testifying on February 16, however, she told Mr G Steyn that she had been forced to make the state-

ment. She said she had met the youths but had not discussed their future plans with them.

She said that Warrant Officer Kuhn had interrogated her for almost the whole day, threatening to trample over her neck if she did not say what he wanted.

'He slapped me across the face and threatened to detain me under Section 22 of the Internal Security Act.'

FEARED

She had signed the statement because she feared assault and detention, she said.

Yesterday Mr Jonck acquitted Miss Makhaphela after her lawyer submitted that the State had not proved all the elements of the case.

Berger, Pillay appeal

RDM
25/5/81
331

By DAVE FORBES

A FORMER university lecturer and a student convicted under the Internal Security and Publications Acts in March are to appeal against their sentences.

Guy Julian Elliot Gough Berger, 24, a former lecturer in journalism at Rhodes University, Grahamstown, and Devan-diren Pillay, 21, a journalism student, were convicted in the Port Elizabeth Regional Court on March 18 of being members of the banned African National Congress, of furthering its aims, and on two charges each under the Internal Security Act.

Sentence was passed on March 27.

Berger was sentenced to four years imprisonment and Mr Pillay to two years. Both were fined R400 for possessing and distributing banned literature.

A Johannesburg attorney Mr Raymond Tucker — who prepared the defence for their trial — said an appeal had been lodged against sentence, but not against conviction.

He could not say when the appeal would be heard.

2 men to appeal against sentences

Own Correspondent

JOHANNESBURG. — A university lecturer and a student convicted under the Internal Security and Publications Acts in March this year are to appeal against their sentences.

Mr Guy Julian Elliot Gough Berger, 24, a lecturer in journalism at Rhodes University, Grahamstown, and Mr Devandiren Pillay, 21, a student in journalism, were convicted in the Port Elizabeth Regional Court on March 18 of being members of the banned African National Congress, of furthering its aims, and on two charges each under the Publications Act.

Sentence was passed on March 27. Mr Berger was sentenced to four years' impris-

onment and Mr Pillay to two years. Both were fined R400 for possessing and distributing banned literature.

A Johannesburg attorney, Mr Raymond Tucker, who prepared the defence for their trial, said at the weekend that an appeal had been lodged against sentence, but not against conviction.

He could not say when the appeal would be heard.

"The appeal will be heard only when the record is ready, and when the registrar allocates a date. The appeal will be heard in the Grahamstown Supreme Court," he said.

Mr Berger is serving his sentence in Pollsmoor prison in the Cape and Mr Pillay in Leeukop prison, near Johannesburg.

Mpetha 'told crowd to begin rioting'



MR OSCAR MPETHA
... facing charges
under the Terrorism
Act.

DURING a meeting at the Assembly of God Church, Nyanga civic leader Mr Oscar Mpetha told the crowd to begin rioting and they clenched their fists in agreement, the Supreme Court, Cape Town, heard today.

A youth, who may not be identified, was giving evidence at the terrorism and murder trial of Mr Mpetha, 71, and 18 others.

They have pleaded not guilty to all the charges.

The youth told the court that Mr Mpetha arrived at the church while they were singing.

When Mr Mpetha told the crowd to start rioting they raised their arms with clenched fists, 'the black power salute,' he said.

That signified that they agreed with what Mr Mpetha said, the youth told the court.

BURNT COMBI

'Then we went to the bus terminus (in Nyanga) where we burnt and destroyed a combi belonging to the Post Office,' the youth said.

He told the court that they left the church about 9 am. He said the combi was driven by a coloured man.

They stopped the combi and the driver and his passenger were told to get out of the van. They ran away.

Documents found in the combi were destroyed. The crowd stoned the vehicle and the windows were broken. One of the accused held a crowbar in his hand.

He burst the petrol tank and when petrol came out we put a hose pipe into the tank and sucked the petrol out into a container. We filled the plastic container with petrol, the youth said.

The petrol was poured into the vehicle, which was overturned and one of

(Continued on Page 3, col 2)

Mpetha

(Continued from page 1)

the accused, a youth, set it alight, the youth told the court.

'After that we threw stones at the buses and cars that passed the bus terminus.

'The riot squad shot teargas at us and we ran away to the single men's quarters. Then we went back to the Assembly of God church.

'We arrived back there about 11 am. We persuaded the minister to give us the key and went inside. We sang the politicians' songs,' the youth told the court.

He said the songs were called: Here Are the Guns, The Dutch People Are Dogs, We Are Going to Fight for Our Country.

AFRIKA

One of the accused, Mr Johannes Hlapo, known as 'Afrika' stood up and spoke to the crowd in the church.

'He said he had been long-suffering. He said he had run away because he threw some stones at a school in Guguletu and physically assaulted the teachers,' the youth told the court.

'The youth said that Mr Hlapo told them: 'We must fight the Dutch people. I want their blood.'

CLENCHED FISTS

The people in the church raised their clenched fists which signalled they accepted what he said, the youth said.

When Mr Hlapo had finished the crowd started singing again.

(Proceeding.)

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr J Slabbert with Mr C J van Wyk is appearing for the State. Mr I G Farlam, instructed by Frank Bernadt and Joffe appears for M Mpetha. Mr T L Skweyiya appears for 12 of the men, Mr J Whitehead for four of the men and Mr N Willis for two of the men. (All instructed by A M Omar and Co.)

Mpetha stoned riot victim witness

Staff Reporter

A 17-YEAR-OLD State witness said in the Cape Town Supreme Court yesterday that Oscar Mpetha, one of the 19 people facing charges of murder and terrorism, had thrown stones at one of the whites attacked in August last year.

The youth, who is the second State witness to give evidence in the trial, said Mr Mpetha threw many stones. Three hit the victim.

Mr Mpetha and 18 others have pleaded not guilty to the charges against them, which include the murder of Mr George Beeton and Mr Frederick Jansen, who died near Crossroads last year.

The other accused are Morgan Makubala, Aaron Tshangama, Peter Kube, Alton Sabuwa, Fumanekile Booi, Vuyisile Mzaza, Makawa Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mapondo, Welile Mazotana, and six youths.

Earlier yesterday the witness said that after a meeting at the Assembly of God Church, Nyanga, the crowd went to the Nyanga East bus terminus.

There the crowd attacked, destroyed and burned a Post Office vehicle. The two coloured men in the vehicle ran away.

Richard Mapondo broke open the vehicle's petrol tank with a crowbar. Petrol was siphoned out with a hosepipe into a plastic container.

The petrol was then poured inside the vehicle and one of the accused, a youth, set it alight.

The witness said the vehicle had been overturned and windows broken.

He identified some of the accused as being present.

Asked by the State what the purpose of the attack was, he replied: "We were

key from the minister of the church.

The witness said the minister was reluctant to give them the key and the whole group persuaded him to hand over the key.

Vuyisile Diba opened the church, where they all sang political songs. He said all the accused were present except Mr Mpetha.

While they were singing, one of the accused, Bongani Mapondo, arrived and said they must go to Crossroads because others were waiting. He estimated the time they left to be after 1 pm.

The youth said that on their way they met Mr Mpetha, who was driving a vehicle.

Mr Mpetha stopped and they all went to the car and saluted him with a "black power" salute. Mr Mpetha responded in the same way and asked them to sing his song "Nazi izibam eAngola" (There are guns in Angola).

The witness said they then broke up into two groups. One, which he joined, went to Crossroads and the other car-

ried on down the street past the Peninsula Administration Board offices. His group went to Noxolo School in Crossroads.

"At Noxolo School we met some Crossroads people. Fumanekile Booi, the leader of Crossroads Comrades, was present, as well as Welile Mazotana and another accused, a youth."

He said Fumanekile Booi told the Crossroads people that there would be rioting and they should join in.

'Kill the whites'

"He said we must all go together to kill the whites and burn their cars."

The witness said that after the speech they all left the school. They broke into two groups. One group, consisting of Morgan Makubala and other people not among the accused, went towards the circle where Klipfontein and Lansdowne roads meet. The

"Then the riot police arrived and shot us with tear-gas. We ran away to the single men's quarters."

Assembled

He said they went back to the Assembly of God Church about 11 am, but did not enter the church. They assembled outside the premises, then went into the churchyard.

The church door was locked and an accused, Vuyisile Diba, went to get the

group he was with went to Klipfontein Road.

They went to Klipfontein Road to "kill whites".

"On arrival at the road we barricaded it with stones and bricks we picked up."

He said that after this Fumanekile Booi brought a container filled with petrol, and some empty bottles.

The witness said he made petrol-bombs to throw at the cars and their occupants. Fumanekile Booi told him to make petrol-bombs. One accused, a youth, and others who were not in court helped him to make petrol-bombs.

The witness said they hit the first car which approached with stones to make it stop.

"When the driver did not stop we threw stones and a brick struck the driver on the forehead."

When the car stopped, one of the accused, a youth, switched the engine off.

The witness said Aaron Tshangama, Welile Mazotana and two people who were not accused pulled the driver out of the car.

Fumanekile Booi, Richard Mapondo, Makawa Jabavu and two people not in court stabbed the driver with knives. Johannes Hlapo stabbed the driver in the neck with a table-knife.

The witness said they then turned the car over and set it alight. While the car was burning Mr Mpetha arrived and threw stones at the driver. Mr Mpetha then left. The hearing continues today.

Mr Justice Williamson is sitting with two assessors, Mr G. H. Titterton and Mr C. H. van Gend. Mr J. Slabbert, assisted by Mr C. J. van Wyk, appears for the State. Mr I. G. Farlam, instructed by Frank, Bernadt and Joffe, appears for Mr Mpetha. Mr T. L. Skweyiya, with Mr J. Whitehead and Mr N. Willis, instructed by A. Omar and Company appears for the others.

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Sunday 27/5/61

5

Non-Economic Factors Concerning the Dairies and the Communal Gardens

While the communal gardens obviously can alleviate some hardships people suffer, it does not seem that either the garden or the dairy projects would ever be able to change the basic conditions of how a

lives.

37

MPETHA TOLD US TO RIOT

DURING a meeting at the Assembly of God Church, the Nyanga civic leader, Mr Oscar Mpetha, told the crowd to begin rioting and they clenched their fists in agreement, the Supreme Court in Cape Town heard yesterday.

A youth, who may not be identified, was giving evidence at the terrorism and murder trial of Mr Mpetha (71), and 18 others. They have pleaded not guilty to all the charges.

The youth told the court that Mr Mpetha arrived at the church while they were singing. When Mr Mpetha told the crowd to start rioting they raised their arms with clenched fists, "the Black Power salute".

"That signified that they agreed with what Mr Mpetha said.

"Then we went to the bus terminus (in Nyanga) where we burnt and destroyed a combi belonging to the Post Office.

"The combi was driven by a coloured man.

"They stopped the vehicle and the driver and his passengers were told to get out of the van. They ran away."

PETROL

Documents found in the combi were destroyed. The crowd stoned the vehicle and the windows were broken. One of the accused held a crowbar in his hand.

Petrol was taken from the tank and poured over the vehicle, which was overturned and one of the accused, a youth, set it alight.

"After that we threw stones at the buses and cars that passed the bus terminus.

The riot squad shot tear-gas at us and we ran away to the single men's quarters. Then we went back to the Assembly of God Church.

"We persuaded the minister to give us the key and went inside. We sang the politicians songs."

The songs were called: Here Are The Guns, Dutch People Are Dogs and We Are Going to Fight for Our Country.

One of the accused, Mr Johannes Hlapo, known as

I suggest
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elf-help;

these things my fault? Can you say from this that I do not love the dairy?" I said she obviously loved the dairy, but why? She said, "Because it has progress."

Two of the people who joined in the beginning and even paid joining fees and a subscription had and have no cows. I asked one of them why he had joined. He said that he believes one should support such projects and he hopes one day to get enough money to buy a cow.

I was utterly amazed to find that one of the three people who is most active in the dairy (he goes there nearly every day, makes long speeches at meetings and has many plans and ideas about the future) has no cows at the moment. (He did have three). He is very poor and I cannot see how he will be able to get more.

had put a daughter through nursing training and Freddy Mhlauuli had put a son through agricultural college with money from the dairy. He said that the daughter and son are now "working for the people" and that "this is progress". He wants 800 people to join the dairy. (Either the education of these people was financed by other sources or the income from the dairy was much better long ago: other evidence suggests this.)

spoke to the crowd in the church.

"He said he had been long suffering. He said he had run away because he threw some stones at a school in Guguletu and physically assaulted the teachers."

Mr Hlapo had told them "we must fight the Dutch people, I want their blood".

The people in the church raised their clenched fists which signalled they accepted what he said, the youth said. When Mr Hlapo had finished the crowd started singing again.

He said the group he was in went as far as the Nixolo school in Crossroads, where they met up with one of the accused, Mr Fumanekile Booli, known as "Fatty".

"Fatty is the Crossroads leader of the comrades," the youth told the court.

(Case continues)

camp, nor milking at the dairy, nor selling through

Man in flames fled from burning car, riot trial told

MR FREDERICK CASPER JANSEN escaped from his burning car through a broken window and ran 'in flames' to a patch of dirty water on the roadside. The riot police arrived and the crowd ran away, the Supreme Court, Cape Town, heard today.

A youth, who may not be identified, was giving evidence at the terrorism and murder trial of Nyanga civic leader Mr Oscar Mpetha, 71, and 18 others.

They have pleaded not guilty to all the charges.

The youth told the court that after Mr Henry George Beeton's car was stoned and set alight and Mr Beeton was stabbed and hit, the riot police had arrived and shot tear-gas canisters.

The crowd then went to Noxolo School in Crossroads where they held a meeting. All the accused except Mr Mpetha and a youth were there.

One of the accused, known as Fatty, addressed the people. He said: 'We are not going to stop what we are doing.'

He told the girls to go

to Lansdowne Road so that the riot police would hear the noise there and leave Klipfontein Road.

The crowd raised their clenched fists and sang songs.

Then an accused, Mr Johannes Hlapo, known as Afrika, told the crowd not to stop killing 'Dutchmen' and they all sang.

'Then we noticed the riot squad vehicles drive past the school. We kept quiet and they drove past. When they had passed I told the girls to go to Lansdowne Road and I further said we could go back to Klipfontein Road,' the youth told the court.

White man

When they got back to Klipfontein Road the crowd found that the barricade they had erected had been removed.

'We built it up again,' he said.

'Then a car belonging to a white man (Mr Jansen) approached. We signalled for people to surround the car and they came out of their hiding spots. They were hiding behind trees and behind houses near the road.

'When we surrounded the car we told the white driver to get out but he refused. We threw stones. I was the first person to throw a stone and the crowd followed', the youth said.

The man stopped the car when the crowd approached him from the front and back of his car and had 'hammered' on the car, he told the court.

Surrounded

He said all the accused before the court had surrounded the car except Mr Mpetha and a youth, who were not present. There were also many other people around the car.

'We then turned the car over. The driver was still inside. The car was damaged, the windscreen and lights were damaged,' he said.

The youth told the court the white man was injured at that stage. He had been hit by stones and was bleeding.

'I noticed that the petrol was spilling from the tank and then accused No 19 (a youth) threw a petrol bomb at the car.

Alight

'As a result, the car caught alight. The driver came out of one of the broken windows of the car. He was in flames,' the youth said.

'I noticed the driver running towards some dirty water in the road—he was burning.'

Riot police arrived and shot teargas canisters into the crowd and 'we dispersed', the youth told the court.

The youth was shown a photograph of Mr Jansen's face and of Mr Jansen sitting in a pool of water on the roadside.

He told the court he recognised him as the white man.

He also recognised a photograph of a bakkie which he said was the white man's car.

Decision

'We ran back to Noxolo School again. We took a decision that a meeting would be held at 5 pm that day, the youth told the court.

He said the decision was made by the Comrades. At the meeting at 5 pm Fatty addressed them.

We are going to repeat that thing again.

Dutch people told the people that he understood that accused No 2 (a youth) had been arrested.

He advised us not to go to our homes because we would be arrested.

Fatty said he also understood that accused No 2 had pointed out people to the police who had been

(Proceeding) Mr Justice Williamson is sitting with two assessors, Mr C. H. van der Merwe and Mr C. H. van der Merwe. Mr J. Siabbert is appearing for the State. Mr I. G. Farlam, instructed by Frank Barnard and Joffe, appears for Mr T. L. Siweyha. Mr J. Whitehead is appearing for two of the men. Mr A. M. Omar and Co. are instructed by A. M. Omar and Co.

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PLEASE CIRCLE ITEMS REQUIRED

CAPE TOWN. — During a meeting at the Assembly of God Church, the Nyanga civic leader, Mr Oscar Mpetha, told the crowd to begin rioting and they clenched their fists in agreement, the Cape Town Supreme Court heard yesterday.

A youth, who may not be identified, was giving evidence at the terrorism and murder trial of Mr Mpetha, 71, and 18 others. They have pleaded not guilty to all the charges.

The youth said Mr Mpetha arrived at the church while they were singing. When Mr Mpetha told the crowd to start rioting, they raised their arms with clenched fists, "the Black Power salute". That signified that they agreed with what Mr Mpetha said.

"Then we went to the bus terminus (in Nyanga) where we burnt and destroyed a kombi belonging to the post office," he said.

Petrol was taken from the tank and poured over the vehicle, which was overturned and one of the accused, a youth, set it alight.

"After that we threw stones at the buses and cars that

passed the bus terminus," he said.

"The riot squad shot teargas at us and we ran away to the single men's quarters. Then we went back to the Assembly of God Church.

"We persuaded the minister to give us the key and went inside. We sang the politicians songs."

The songs were called: "Here are the guns", "Dutch people are dogs" and "We are going to fight for our country".

One of the accused, Mr Johannes Hlapo, stood up and spoke to the crowd in the church.

"He said he had been long suffering. He said he had run away because he threw some stones at a school in Guguletu and physically assaulted the teachers."

Mr Hlapo had told them: "We must fight the Dutch people. I want their blood."

From the Assembly of God Church the crowd moved towards Crossroads. They split into two groups. One group went past the administration buildings and the other walked

over a rough road to Crossroads.

The youth said he was in the second group. As they were walking towards Crossroads he saw Mr Mpetha's van. He said Mr Mpetha drove right up to them.

"We saluted him with raised clenched fists, and he saluted us in return in the same way," he said.

"Then Mr Mpetha asked us to sing his song. His song is called 'Here are the guns in Angola'."

"We sang his song. He loved the song," the youth told the court.

He said the group he was in went as far as the Nixolo School in Crossroads, where they met up with one of the accused, Mr Fumanekile Booi, who, he said, was the Crossroads leader of the Comrades.

The youth said Mr Booi told them: "There is only one thing we are going to do and that is riot. We must all go to kill the whites."

He added that Mr Booi told the people to destroy white's cars by burning them.

The trial continues. — Sapa.

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PLEASE CIRCLE ITEMS REQUIRED

48 students in court after congress picket

CT 28/5/81

Staff Reporter
FORTY-EIGHT University of Cape Town students yesterday appeared briefly in the Magistrate's Court after a demonstration in the City.

The students were not asked to plead to a charge of convening or, alternatively, attending an illegal gathering outside the Good Hope Centre where the Opic Fourth World Meat Congress is being held.

The students were: Mandy Jacobson, 19, of Rondebosch; Mignon Retief, 18, of Rondebosch; Andrew Turner, 20, of Pinelands; Alain Barker, 21, of Observatory; Ann Thesen, 23, of Observatory; Terence Moll, 20, of Observatory; Gavin Evans, 21, of Observatory; Gary Minkley, 20, of Observatory; Briget McKay, 20, of Constantia; Ian Skinner, 19, of Observatory; Catherine Mathews, 24, of Gardens; Paula Soggot, 18, of Mowbray; Tessa Botha, 23, of Observatory; Patricia van Heerden, 21, of Observatory;

Richard Good, 20, of Claremont; Christopher Giffard, 20, of Rosebank; Julia Lamberth, 19, of Rosebank; Susan Longrigg, 22, of Newlands; Anton Richmand, 19, of Camps Bay; Mark Estment, 20, of Rondebosch; Jill Thorne, 19, of Claremont; Nicholas Chethwin, 22, of Observatory; Laura Greenblo, 21, of Rosebank; Clare Verbeek, 21, of Observatory; Louise Sloman, 22, of Observatory; Theresa Philip, 21, of Observatory; Jane Dederick, 23, of Observatory;

Joanne Bloch, 20, of Observatory; Andrea Olivier, 19, of Rondebosch; Anthony Karon, 20, of Observatory; Jane Coombe, 19, of Observatory;

Max Orinsky, 18, of Newlands; Maure Aronson, 23, of Cape Town; Keven Gold, 19, of Kenilworth; Guy Bloch, 21, of Rosebank; Michael Evans, 22, of Observatory; Janet Green, 20, of Sea Point; Cindy Postlethwayt, 19, of Observatory; Annette Griessel, 22, of Observatory; Ilana Corber, 18, of Camps Bay; Catherine Kell, 22, of Observatory;

Julia Leyden, 18, of Gardens; Diane Sandler, 21, of Claremont; Margot Lynn, 21, of Rosebank; Charles Kent, 18, of Rosebank; Jane Cherry, 19, of Newlands; Odette Geldenhuys, 21, of Mowbray and Elizabeth Green, 18, of Newlands.

Bail of R30 each was paid by the Students' Representative Council and the students filed out of the court singing songs. The case was postponed to August 19.

The appearance of the students was a sequel to a demonstration to draw the attention of delegates to the congress to a strike of meat workers in the Cape last year.

About 9am 11 vans with about 50 policemen arrived soon after the demonstration began. Police arrested 30 women and 18 men and bundled them into the vans. Some students were searched.

The Divisional Commissioner of Police for the Western Province, Brigadier D B Nothnagel, said the demonstrators had been arrested for holding an illegal public gathering in terms of the Riotous Assemblies Act.

Mr E van Zyl was on the Bench. Mr N Jones prosecuted. Mr J Sandler appeared for the students.

Court told of stoning attack

Staff Reporter

THE driver of a bakkie which had been stoned, overturned and set alight by a group of rioters while he was still inside it, crawled out and fell bleeding into a puddle of dirty water alongside the Klipfontein Road at Crossroads, the Supreme Court heard yesterday.

A 17-year-old youth, who is the State's second witness in the trial of Oscar Mpetha and 13 others on charges of murder and terrorism, was telling the court of events he had taken part in during riots at Crossroads in August last year.

Mr George Beeton and Mr Frederick Jansen died as a result of attacks upon them and their vehicles by rioters on August 11 last year.

Mr Mpetha and the 13 others have pleaded not guilty to the charges against them.

The other accused are: Morgan Makubala, Aaron Tshangama, Peter Kube, Alton Sabuwa, Fumanekile Booi, Vuyisile Mzaza, Mawaka Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mapondo, Welile Mazotana and six youths.

The 17-year-old youth, who had previously been described by counsel for the defence as a "key witness" for the State, told the court that during a meeting at the Noxolo School, in Crossroads, one of the accused, Fumanekile Booi, known as "Fatty", said: "We are not going to stop what we are doing."

The plan, he said, was that the girls would go to

Lansdowne Road, making a noise to attract the attention of the Riot Squad, while the boys went back to Klipfontein Road.

"The Riot Squad drove past the school during the meeting, but we kept quiet, and afterwards I told the girls to go to Lansdowne Road while we went to Klipfontein Road," the witness said.

Mr Morgan Makubala took his group to the circle (the junction between Lansdowne and Klipfontein roads) while the witness and others went to a spot on Klipfontein Road where they had previously built a barricade.

Barricade

The barricade had been removed but they rebuilt it. When a Peugeot bakkie driven by a white man came along, having passed "Fatty's" group at the circle, it was surrounded and stopped by people who came out of hiding behind trees and nearby houses.

The driver was told to get out, but he refused. The witness said he was the first one to throw stones at the bakkie, and was followed by the others.

All the accused, except Mr Mpetha and one of the youths, a cripple, were at the scene together with many others.

After this, the damaged bakkie was overturned, with the injured driver still inside.

Petrol spilled out of the

tank and one of the accused, a youth, threw a petrol bomb at the bakkie, setting it alight.

According to the witness, the Riot Squad with teargas canisters arrived soon afterwards and they all ran away, meeting again later at the Noxolo School.

The witness said that before he ran away, he had seen the Peugeot's driver, who was alone, crawl from a broken window of the burning bakkie and run to a puddle of dirty water about four paces away.

He identified photographs of the injured man sitting in the puddle of water, the burnt-out bakkie and one of the man's face.

At 5pm that day, another meeting was held at the Noxolo School, attended by the witness and 11 of the accused. Fumanekile Booi, or "Fatty", had said: "We are going to kill the Dutch people again."

It was also heard at the meeting that one of the accused, a youth, had been arrested by the police, and was co-operating fully with them. The people were warned not to go home for fear of being arrested.

"It was decided to go out and kill the Dutch people again," the witness said. The group, including all the accused except Mr Mpetha and the youth who had been arrested, had stoned and thrown petrol bombs at cars in Lansdowne Road until the Riot Squad arrived once more.

Many of the cars had caught fire from the petrol bombs thrown at them.

Late the next afternoon, on the Tuesday, at another meeting in the Noxolo School which was attended by all the accused except two, it was agreed to continue rioting as on the day before.

They had again gone to Klipfontein Road, where a car which was "zig-zagging" among attacking rioters, swerved off the road into one of the Crossroads shacks, knocking down two of the accused.

The driver was pulled out by Mr Fumanekile Booi, Mr Johannes Hlapo and Mr Richard Mapondo, and then stabbed by them, the witness said. He said there were also others who attacked the man.

The youth said he had taken "a screaming white child" he found in the vehicle into Crossroads and told someone to tell her how to run away.

He had returned and thrown a petrol bomb at the crashed vehicle after first reversing it and overturning it with aid of others. The stabbed driver was lying some distance away and he did not know what happened to him.

The hearing continues on Tuesday.

Mr Justice Williamson is sitting with two assessors, Mr G. H. Titterton and Mr C. H. van Gend. Mr J. Slabbert, assisted by Mr C. J. van Wyk, is appearing for the State. Mr I. G. Farlam, instructed by Frank, Bernardt and Joffe, is appearing for Mr Mpetha. Mr T. L. Skweyiya, with Mr J. Whitehead and Mr N. Willis, instructed by A. M. Omar and Company, are appearing for the other accused.

To page 2

News 28/5/81

48 UCT students granted R30 bail

THE 48 UCT students who were arrested during a demonstration outside the Good Hope Centre early yesterday, were each granted R30 bail when they appeared briefly in the Cape Town Regional Court.

Before they appeared, the students, 30 women and 18 men, chanted and sang as they were being led into the cells adjoining the courtroom.

They were not asked to plead to a main charge of holding an illegal gathering, alternatively attending an illegal gathering.

Those who appeared are: Mandy Jacobson, 19, of Rondebosch; Mignon Retief, 18, of Rondebosch; Andrew Turner, 20, of Pinelands; Alain Barker, 21, of Observatory; Ann Thesen, 23, of Observatory; Terence Moll, 20, of Observatory; Gavin Evans, 21, of Observatory.

Gary Minkley, 20, of Observatory; Bridgit McKay, 20, of Constantia; Ian Kevin Grey Skinner, 19, of Observatory; Cathrine Mathews, 24, of Gardens; Paula Soggot, 18, Mowbray; Tessa Botha, 23, Observatory; Patricia van Heerden, 21, Observatory.

Richard Good, 20, Claremont; Christopher Giffard, 20, Rosebank; Julia Lamberth, 19, Rosebank; Susan Longnigg, 22, of Newlands; Anton Richmond, 19, Camps Bay; Mark Estment, 20, of Rondebosch; Jill Thorne, 19, of Claremont; Nicholas Chethwin, 22, of Observatory; Lora Greendillo, 21, of Rosebank; Clare Verbeek, 21, of Observatory; Louis Sloman, 22, of Observatory; Theresa Kate Phillips, 21, of Observatory; Joanne Bloch, 20, Jane Dederick, 23, of Observatory; Andrea Olivier, 19, of Rondebosch; Anthony Karon, 20, of Observatory; Jane Carlisle Coombe, 19,

of Observatory; Max Ozinsky, 18, of Newlands; Maure Aronson, 23, of Cape Town; Kevin Gold, 19, of Kenilworth; Guy Bloch, 21, of Rosebank; Michael Evans, 22, of Observatory; Janet Green, 20, of Sea Point; Cindy Postlethwayt, 19, of Observatory.

Annette Greessel, 22, of Observatory; Ilana Korber, 18, of Camps Bay; Catherine Kell, 22, of Observatory; Julia Leyden, 18, Gardens; Diane Sandler, 21, Claremont; Margot Lynn, 21, of Rosebank; Charles Kent, 18, Rosebank; Jane Cherry, 19, Newlands; Odette Geldenhuys, 21, Mowbray; Elizabeth Green, 18, of Newlands.

Their appearance follows a demonstration against the fourth World Congress of OPIC — the international Permanent Meat Office.

The case was postponed to August 19 for trial.

Fled after rioting, court told

28/8/83 (33)

A YOUTH told the Supreme Court, Cape Town, yesterday that after the rioting in August last year he and others fled to Transkei and had plans to flee to Lesotho.

The youth was giving evidence at the trial of Mr Oscar Mpetha, 71, and 18 others who have pleaded not guilty to participating in terrorist activities and two counts of murder.

He told the court that after the rioting he and another man and two of the accused, Mr Johannes Hlapo (known as Afrika), and Mr Welile Mazotana, fled to Transkei.

They planned to go on to Lesotho from Transkei.

RETURNED

On the way to Transkei, Mr Mazotana and the other man consumed liquor and discussed politics. With that I made up my mind that I would come back, the youth told the court.

When he got home, Mr Hlapo was with him, when his mother told him that police were looking for him.

The youth said Mr Hlapo said the police were also looking for him on other matters. The youth's mother took them to the police station. They were arrested.

The hearing was adjourned till Tuesday.

Mr Justice Williamson is sitting with two assessors, Mr G Titterton and Mr C van Gend. Mr J Slabbert with Mr C van Wyk appear for the State.

Mr I Farlam, instructed by Frank Bernardt, and Joffe appears for Mr Mpetha. Mr T L Skweyiya appears for 12 of the men, Mr J Whitehead for four of the men and Mr N Willis for two of the men. They are instructed by A M Omar and Co.

Motorist had to flee for his life, court told

SAR 28/5/81

331

CAPE TOWN — A youth told the Cape Town Supreme Court yesterday that a motorist had to flee for his life during unrest at the Crossroads squatter camp in August last year.

Mr Frederick Casper Jansen escaped from his burning car through a broken window and, "in flames," ran to a pool of dirty water on the roadside, the youth said.

The youth, who may

not be identified, was giving evidence at the terrorism and murder trial of Nyanga civic leader, Mr Oscar Mpetha (71) and 18 others.

They have pleaded not guilty.

The youth told the court that after Mr Henry George Beeton's car was stoned and set alight and Mr Beeton was stabbed and hit, riot police arrived and fired teargas

canisters.

The crowd then went to the Noxolo School in Crossroads where a meeting was held.

All the accused, except Mr Mpetha and a youth, were there.

One of the accused, known as "Fatty," told the meeting: "We are not going to stop what we are doing."

He told the girls to go to Landsdowne Road so that the riot police would

hear the noise there and leave Klipfontein Road.

The crowd raised clenched fists and sang.

One of the accused, Mr Johannes Hlapo, known as "Afrika," told the crowd not to stop killing "Dutchmen" and they all sang.

"Then we noticed the Riot Squad vehicles drive past the school.

"We kept quiet and they drove past.

"When they had passed I told the girls to go to Landsdowne Road and I said we could go back to Klipfontein Road," the youth said.

When the crowd got back to Klipfontein Road it was found that a barricade put up by the crowd had been removed.

"We built it up again."

"Then a car belonging to a white man (Mr Jansen) approached.

"We signalled for people to surround the car and they came out of their hiding spots.

"They were hiding behind trees and houses.

"When we surrounded the car we told the white driver to get out but he refused.

"We threw stones. I was the first person to throw a stone and the crowd followed," the youth said.

The trial continues on June 2. — Sapa.

Arrested
Flags: 27
Four for court

FOUR students arrested after allegedly taking down Republic Day festival flags on the Cape Town Foreshore are expected to appear in court on Tuesday.

The students, aged between 19 and 21 years, have been charged with theft and malicious damage to property.

CT 30/5/81
Bunting theft:
4 in court (S31)

FOUR University of Cape Town students appeared briefly in the Cape Town Magistrate's Court yesterday on charges of theft following their arrest earlier this week after they allegedly tore down Republic Festival bunting on Hertzog Boulevard.

The students all live at Driekoppen Residence, UCT. They are: Richard John Hollington, 21; Trevor Daltrey Ward, 21; Peter Rawstron Ward, 21, and David Richard Vaughn Steward, 19.

No evidence was led and they were not asked to plead. Bail was set at R20 each and the case was postponed to June 26.

Mr T de Koker was on the Bench. Mr J M McEwan prosecuted. Mr G Taitz appeared for the students.

TOTALITARIANISM — POLITICAL TRAILS

6 JAN. — 31 MARCH 1981

Held man in hospital

THE chairman of the Nyanga Residents' Association, Mr Oscar Mpetha, who is facing charges of murder and terrorism, has been in a prison hospital since August 27 last year, about two weeks after being detained.

A prison spokesman in Pretoria said yesterday that on admission, Mr Mpetha was diagnosed by a district surgeon as diabetic.

To ensure that Mr Mpetha received professional medical treatment he was detained in a prison hospital.

The spokesman said Mr Mpetha's health was satisfactory.

● Mr Mpetha was detained in August 13. Since then he has not been allowed visitors, except his wife, till he was formally charged on December 4 with murder and terrorism.

However, his wife was ill and a request to allow another member of the family to visit him was turned down by the Minister of Police, Mr Louis Le Grange.

GOALS OF EMPLOYEE REPRESENTATIVES

ALL UNIONS

- * TO IMPROVE WAGES AND CONDITIONS OF EMPLOYMENT
- * TO INTRODUCE SOME FORM OF CO-DETERMINATION INTO MANAGEMENT OF COMPANIES

WHITE UNIONS

- * TO PROTECT THE "INTERESTS" OF WHITE WORKERS - DISPLACEMENT ETC.

NON-WHITE UNIONS

- * TO REMOVE RACIAL DISCRIMINATION FROM INDUSTRIAL LAWS, CUSTOMS AND THE GENERAL STATUTES
- * TO ADVANCE BLACKS AND COLOURED INTO MANAGERIAL POSITIONS
- * TO REMAIN "OUTSIDE" THE CURRENT SYSTEM OF REGISTERED TRADE UNIONS

TO HAVE "FOR CHANG AFRICAN GO

Jailed leader is taken to hospital

STAR 330 4/81

Own Correspondent

CAPE TOWN -- A Nyan-ga civic leader, Mr Oscar Mpetha (71) who faces terrorism charges, has been transferred to a prison hospital.

Mr Mpetha, a diabetic was detained in August last year. His family saw him for the first time last month.

A spokesman for the prison service in Pretoria confirmed last week that Mr Mpetha had been transferred to the prison hospital.

On admission prisoner Oscar Mpetha was diag-

nosed a diabetic by the district surgeon. In order to ensure that he receives professional medical treatment the prisoner is being detained in the prison hospital. His present health condition is satisfactory," he said.

The spokesman also said that some of the 17 others charged with Mr Mpetha were being deprived of privileges because they had contravened stipulations of Section 81 of the Prisons Act 1958 (Act No 8 of 1959) as amended.

TER PRESSURE ES AND SOUTH

NEWS IN BRIEF

DD 7/1/81 (331) 63 Ncokazi case postponed

UMTATA — The detained former leader of the defunct opposition Democratic Party, Mr Hector Bongani Ncokazi, 45, made a brief appearance in court here yesterday charged with being in possession of banned literature.

He was not asked to plead and no evidence was led. The hearing was postponed to January 22 and he was granted R100 bail.

Mr Ncokazi was detained on December 17 under Transkei's security laws. — DDR.

DD
Two fail
to appear
(6/1/31)
(33)

EAST LONDON Two women again failed to appear in the magistrate's court here yesterday in connection with a case involving an assault on four South African Railways policemen.

A warrant of arrest was issued against Miss Nosipho Mabata, 19, and Miss Ngeniswo Bhonco, 26, both of Mdantsane, at a previous hearing when they failed to appear with ten other women charged with assaulting the policemen at the harbour on August 12 last year. Police had not yet arrested the two women.

The case was postponed to April 4 and bail was extended to the ten who appeared.

STT -
The women are charged with assaulting Sergeant J. G. du Plessis, Constable A. J. Bekker, Constable J. F. Mentz and Constable L. A. Hughes. They are also charged with obstructing, hindering and interfering with the police in the execution of their duties by resisting arrest.

A third charge is that they damaged a window pane of a South African Railways police vehicle. --
DDR.

Prosecutor asks: free 23

RDM 21/1/81 (331)
By RAMOKOENA MATLALA
Pretoria Bureau

A STATE prosecutor yesterday asked for the conviction of only one of the 24 accused who are appearing in the Pretoria Regional Court on charges under the Riotous Assemblies Act.

Mr M Schutte told the magistrate only one of the State witnesses, Constable Kobus Prinsloo, had been able to give satisfactory evidence and identify Mr Dikgang Moilola in

court as the person who had held a placard at a procession in the Mamelodi township on April 27 last year.

The men were arrested for allegedly taking part in an illegal procession during the unveiling of the tombstone of Solomon Mahlangu, a former Mamelodi High School pupil who was hanged in 1979 for his part in the 1977 Goch Street shootings.

Mr Moerane, appearing for

all the accused, said Const Prinsloo's evidence was that Mr Moilola had carried the placard during the procession, but another State witness said another accused had carried it.

The accused are: Mr Simon Nkodi, 20, Miss Johanna Mahlangu, 21, Miss Thoko Mabuza, 19, Mr Solomon Zulu, 26, Miss Sylvia Kekana, 18, Miss Jane Monyakeni, 19, Miss Constance Phala, 21, Miss Clementine Phakathi, 23, Mr Joseph Phatswane, 20, Mr Cedric Kekana, 20, Mr Wandile Zulu, 24, Mr Dikgang Moilola, 21, Mr Sphiwe Thusi, 23, Mr Jacob Msiza, 23, Mr Andries Moropodi, 22, Mr Petrus Malindi, 19, Mr Donald Mokoena, 20, Mr Lucky Twala, 20, a 16-year-old youth, a 15-year-old girl and four 17-year-old minors.

Judgment will be heard on Friday.

Scene Three of our saga opens with the public enviously confiscating the boat owner's rights. The boat is declared public property for public welfare rather than some owner's personal profit.

Public, Communal Property

of fish. to get the largest catch—or maybe the best kind ter than anyone else how to use the boat so as the potential catch, or who thought he knew bet- only by a person who was more optimistic about that if the boat were for sale it would be bought the ocean deep. You can probably conjecture catch from shore, regardless of the fortunes on guaranteed four fish, which they could always ployees, on the other hand, they are always stuck with an unexpectedly bad future. As em- ments, the renters who use the boat avoid being account. By making short-term rental arrange- will adjust his offer price to take all that into selling off his ownership, because the new buyer escape projected future change—not even by the value of his boat. The boat owner cannot /ected changes in catch, as profits or losses in owner will suffer or enjoy the entire future pro- one day's error in estimated catch. But the boat the rent is set per day, the fishermen lose only be adjusted to match the expected net catch. If rent set the following day for use of the boat will "day"? To see, look again at the rental case: The men at least four fish. Why do we emphasize the day on which he has guaranteed the fisher- fishermen, he (the employer) bears the risk for at least four fish. If the boat owner hires the enough) fish to pay for the day's rent and have ing enough (or the boon of catching more than

boat, renters bear the consequences of not catch- duces a major difference. If fishermen rent the Uncertainly about the prospective catch intro- about performance.

methods, renting and hiring—assuming certainly tant point is the identity between the two payment make a difference. For the moment, the impor- mistaken estimates of the catch, and that does But someone must bear the consequences of there is certainly about the output performance. same income in either case? No difference, if the total daily sales—leaving the clerks with the (and inventory-use costs) to the owners out of hiring clerks as employees or the clerks renting Macy's building and facilities and paying rent

is there, then, no difference between Macy's boat owner hiring fishermen as employees! ample between fishermen renting the boat or the ing him 14 fish. There is no difference in this ex- paid four fish, a total wages bill of 20 fish, leav- a total catch of 34 fish with five people, each is he keeps the total catch, minus those wages. Of and/or of fish each to fish on his boat while in the latter case, he must pay them four plus a we could say the boat owner hires the fishermen. only. Instead of saying fishermen rent the boat, The same situation could be described differ-

Employees or not?

detail later.

is used, that is, how many are allowed on board, and (b) he is allowed to charge a price for access to the boat, and (c) keep the receipts. A private- property scenario permits those conditions. Pri- vate ownership of firms is dominant in most non- socialist countries and will be examined in more

RDM 22/1/81 (331)

3 detainees in court

Staff Reporter

A RHODES University lecturer, a student and a man from East London appeared in the East London Magistrate's Court yesterday on at least two charges each under the Internal Security Act after being held in detention for periods of between five and seven months.

They accused are: a lecturer in journalism, Mr Guy Julian Eliot Gough Berger, 24, of Grahamstown; Mr Devandiren Pillay, 21, of North End, East

London, a first year student in journalism; and Mr Mandla Gxanyana, 26, of Duncan Village, East London.

The hearing was postponed to January 27 in the East London Regional Court. The Attorney General has prohibited bail for the accused in terms of the Internal Security Act.

Mr Pillay was detained last July. Mr Gxanyana was detained on June 15 and Mr Berger on August 11.

3 before
magistrate

again

EAST LONDON — Two Rhodes University men and a Duncan Village man made their third appearance in the Magistrate's Court here yesterday on two counts under the Internal Security Act.

A journalism lecturer, Mr Guy Julian Berger, (24), of Hill Street, Grahamstown, a first-year student in journalism, Mr Deven-Diren Pillay, (21), of Ward Street, North End, and Mr Mandla Gzanyana (26), of Dangazela Street, Duncan Village, were not asked to plead and no evidence was led.

No details of the case were given.

Their appearance was on the instructions of the Attorney-General of the Eastern Cape, Mr Edward Heller, who also instructed they be kept in custody until the case had been completed — "in the interest of State security."

The hearing was postponed to January 27. — Sapa.

Court admits error over ruling

By MONTSHIWA MOROKE

A JOHANNESBURG Regional Court magistrate, presiding in an Internal Security Act trial, yesterday said he had erred previously when he had ruled that an accused was not entitled to have access to statements he made to the police.

Mr A H Barlow conceded this in a trial in which six men are charged with either being members of the banned African National Congress (ANC) or the Pan-Africanist Congress (PAC) or furthering the aims of those organisations to undermine law and order and stability in South Africa.

The accused are: Mr Themba Shongwe, 26; Mr Norman Monyepote, 39; Mr Vuyisile Mhlale, 23; Mr Patrick Gabaatloole, 49; Mr Sipho Nhlano, 18; and Mr John Morton, 24. All have pleaded not guilty.

Mr George Bizos, SC, for the accused, referring to previous cases, argued that an accused had the right to evidence relevant to his case and was entitled to a statement he had made.

Mr Bizos said that the basic concept was to ensure a fair trial. He wanted to know whether what Mr Shongwe said in a statement to the police was done freely and voluntarily.

"This case is that he was assaulted as soon as investigations against him regarding this case were instituted. Not only is it clear in our law that we are entitled to those copies, but that it would be irregular if the trial proceeded without them," Mr Bizos said.

Mr A Hattingh, for the State, replied that he was not compelled by law to do so.

Mr Barlow ruled on Wednesday that Mr Shongwe was not entitled to the statements and that the trial proceed without the documents.

Mr Barlow said: "I ruled yesterday that Mr Shongwe was not entitled to a statement or statements he had made to the police concerning this case and about allegations of assault he made to a police officer against certain police officers."

"But Mr Bizos has reopened the matter and he has made a very able argument and the State has replied. I agree with Mr Bizos' argument. I erred in making the ruling yesterday that the accused

LTA Prize
For the best student obtaining a first class pass for a dissertation in Building Management.
S F Richardson

George Strachan Prize
For the best final year student of the degree course.
R W Kohne

Fourth Year
R W Kohne

Third Year
B de Jong

Second Year
C S Jones

First Year
J A L Chapman

National Development Fund
for the Building Industry
Book Prizes
For the best student in each year of study of the degree course.

ward
st project in and design.
M R I Ness
I think Mr Bizos is right in saying that the accused is entitled to those statements because they are connected and relevant to the criminal proceedings with which he is charged," Mr Barlow said.

S A Brick Association Prize
For the student who has made of bricks in his
rk.
The magistrate said that there should be no difficulty if the other accused wished to have access to statements they made to the police.

Mrs. Thornton White Prize
For the best work in first year.
Miss M F J Sandilands

Magazine case: no blasphemy charges

A REPORT in yesterday's Rand Daily Mail, headed "Blasphemy charges", stated that Miss Isabel Hofmeyer, a former editorial staff member of the banned Insan magazine, would appear in the Johannesburg Regional Court on Monday on 16 charges of blasphemy, indecency and endangering State security.

This is incorrect.

Miss Hofmeyer has merely

been charged with producing an undesirable publication, in terms of the Publications Act. The charge arises out of the banning, by a committee of the Publications Control Directorate, of the October 1978 issue of the magazine. The committee found a number of articles in the magazine to be undesirable because they were, in the committee's opinion, blasphemous, harmful to public morals and a danger to State security.

For the best work in
John Perry Prize

D H Pryce Lewis

year.

For the best work in fourth
Osborn Prize

S A Read

For the best final year student.
General J B M Hertzog Prize

D H Pryce Lewis

For the best student of
David Haddon Prize
Architecture (or Quantity
Surveying) in the subject
of Professional Practice.

Miss C Tredgold

For the best woman student
Molly Gohl Memorial Prize
in third year.

P A Rappoport

For a student who has
Helen Gardner Travel Prize
satisfactorily completed
1st, 2nd and 3rd major courses.

P F Dunkley

Sixth Year

For the best student in :-
of Architects' Prize
Cape Provincial Institute

FINE ART & ARCHITECTURE

ARCHITECTURE

16 held ^{Sint} in church ^{23/1/81} raid are ³³¹ discharged

Four black journalists, 10 other blacks and two youths who appeared in the Soweto Magistrate's Court yesterday charged with trespassing, alternatively disturbing the peace, were found not guilty and discharged by Mr P D J Vorster.

Their appearance was a sequel to a police raid at the Seventh Day Adventist Church in Soweto on October 19 last year, where a service was to have been held to commemorate the banning of 18 black-consciousness movements in October 1977.

The journalists are Mr Mandla Ndlazi (Post Transvaal), Mr Solly Liefman and Mr Leslie Scott (Sapa) and Mrs Nana Mkhonza (The Voice).

The others are Mrs Amanda Kwadi, Mr January Motaung, Mrs Adelaide Motokeng, Miss Nomp Gumede, Mr Theodore Chikovi, Mr Johannes Mokgosi, Mr Mxolisi Stamper, Mr Cosmos Magudulela, Mr Isaac Ngwenya, Mr Daniel Magagane and the two youths.

They had all pleaded not guilty.

STORMED

The court was told that on October 19 a group of black and white policemen had stormed into the church and arrested everyone "indiscriminately."

Most of the people in the church had escaped by jumping over the high fence surrounding the church building.

Police were also said to have arrested other people outside the church premises.

REPORTING

Applying for the discharge of Mr Liefman and Mr Scott, Mr G Edwards said the two men had gone to the church with the intention of reporting on the events at the commemoration.

He said they had had no intention of breaking any law, and as far as they were concerned the gathering had not been illegal. — Sapa.

Court is given police papers

By MONTSHIWA MOROKE

THE police yesterday handed to the Johannesburg Regional Court documents relating to the accused in an Internal Security Act trial.

Six Soweto men are charged with either being members of the banned African National Congress (ANC) or the Pan-Africanist Congress (PAC), or furthering the aims of those organisations to undermine law and order and stability in South Africa.

Among the accused is banned poet Mr Vuyisile Mdeleleni, 28, a former official of the now banned Black People's Convention (BPC) and also an official of the cultural committee of the now banned Black Community Programmes (BCP). He was also a founder member of the now banned Medupe Writers' Association.

The other accused are Mr Themba Shongwe, 26; Mr Norman Monyepote, 39; Mr Patrick Gaboutloeloe, 49; Mr John Matona, 18; and Mr Sipho Nhlapo, 24.

All have pleaded not guilty before Mr A H Barlow.

The documents were brought to court yesterday following subpoenas served by the defence this week on commanding officers of the Moroka, Jabulani and Orlando police stations. The documents were cell registers, occurrence books and other records.

Also handed in to court were investigation notebooks belonging to members of the Security Police at Protea and statements made by the accused relating to the case and on allegations of assault made against the police.

Yesterday's hearing was postponed after an agreement between the State and the defence to allow the latter time to peruse the documents and also to make copies. The trial which started on Monday has been characterised by adjournments and arguments over the withholding of those documents by the State.

For the fifth day, the court was packed again yesterday by relatives, friends and supporters of the accused. Uniformed policemen formed a buffer between the dock and the public gallery.

The hearing continues on Monday.

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ARCHITECTURE

FINE ART & ARCHITECTURE

Magistrate acquits the 'riotous' 24

RDM 24/1/81

331

Pretoria Bureau

ALL 24 students who appeared in the Pretoria Regional Court on charges under the Riotous Assemblies Act were acquitted by the magistrate, Mr J Carstens, yesterday.

The magistrate described the evidence by the 24 State witnesses, all policemen, as "contradictory" and he added that there were many discrepancies in the evidence.

The 24 students were arrested on April 27 last year for allegedly taking part in an illegal procession during the unveiling of the tombstone of Solomon Mahlangu, a former Mamelodi High student who was hanged in 1979 for his part in the 1977 Goch Street shootings.

The accused were arrested with seven others, including two Johannesburg journalists, Mr Willie Bokala of Post and Mr Willie Nkosi of The Star.

Charges against the news-
men and three minors were
withdrawn. Warrants of arrest

were issued for two men who failed to appear in court during the trial.

The 24 are: Mr Simon Nkodi, 20, Miss Johanna Mahlangu, 21, Miss Thoko Mabuza, 19, Mr Solomon Zulu, 26, Miss Sylvia Kekana, 18, Miss Jane Monyakeni, 19, Miss Constance Phala, 21, Miss Clementine Phakathi, 23, Mr Joseph Phatswane, 20, Mr Cedric Kekana, 20, Mr Wandile Zulu, 24, Mr Dikgang Molea, 21, Mr Sphiwe Thusi, 23, Mr Jacob Msiza, 23, Mr Andries Moropodi, 22, Mr Petrus Malindi, 19, Mr Donald Mokoena, 20, Mr Lucky Twala, 20, a 16-year-old youth, a 16-year-old girl and four 17-year-old minors.

The magistrate, in his judgment, agreed with the state prosecutor, Mr M Schutte, that the evidence was far from "satisfactory". Mr Schutte earlier asked the court to convict one of the accused only on the alternative charge.

After acquitting the accused on the main charge of public

violence, the magistrate said there were also several aspects of the evidence about the alternative charge, that were "unlikely".

He said that from the evidence given by the State witnesses it was apparent that they were confused about details of the alleged stone throwing. They were also uncertain about the arrival of police on the scene, the magistrate said.

The witnesses contradicted each other about whether black or white policemen arrived at the scene first.

It was difficult to give judgment on whether a gathering was "illegal", he said and added that even "legal" gatherings could result in unrest at a later stage.

The magistrate also said that the ostensibly "legal" goal of the gathering could in many instances be a "sham goal".

All the acquitted were represented by Mr M T Moerane, instructed by Maluleka, Seriti, Moseneke and Mavundla.

Cape Provincial Institute
of Architects' Prize
For the best student in :-

Sixth Year

P F Duncley

Helen Gardner Travel Prize

For a student who has

satisfactorily completed

1st, 2nd and 3rd major courses.

P A Rappoport

Molly Gohl Memorial Prize

For the best woman student

in third year.

Miss C Tredgold

David Haddon Prize

For the best student of

Architecture (or Quantity

Surveying) in the subject

of Professional Practice.

D H Pryce Lewis

24/1/81 Freed men sing at court (33)

PRETORIA. — Twenty four blacks between the ages of 16 and 26 years, burst into song as they left the Pretoria Regional Court yesterday after they had been found not guilty of public violence and of attending illegal gatherings.

Their appearance was a sequel to a gathering in Mamelodi on April 27, to commemorate the death of Solomon Mahlangu, who was hanged for his part in the Goch Street shootings in 1977.

Evidence was that they had disturbed the peace on that day, and that one of the accused threw a stone at a black policeman.

Others were alleged to have waved a banner, given the clenched fist salute or shouted slogans.

The magistrate, Mr F Carstens, said the 24 State witnesses, all policemen, had contradicted themselves in their evidence. — Sapa

R A van Rosenveld.

third year.

For the best work in

John Perry Prize

D H Pryce Lewis

year.

For the best work in fourth

Osborn Prize

S A Read

For the best final year student.

General J B M Hertzog Prize

D H Pryce Lewis

of Professional Practice.

Surveying) in the subject

Architecture (or Quantity

For the best student of

David Haddon Prize

Miss C Tredgold

in third year.

For the best woman student

Molly Gohl Memorial Prize

P A Rappoport

1st, 2nd and 3rd major courses.

satisfactorily completed

For a student who has

Helen Gardner Travel Prize

P F Duckley

Sixth Year

For the best student in :-

of Architects' Prize

Cape Provincial Institute

ARCHITECTURE

FINE ART & ARCHITECTURE

Dominee tells Court Afrikaans poem was despicable

'It showed God as being second in control to Pik'



MISS Hofmeyr yesterday

Mercury Correspondent
JOHANNESBURG—A dominee yesterday told a magistrate he strongly objected to a satirical Afrikaans poem in which God was portrayed as a possible bonus-bond winner and as someone who would return to earth 'second in control to Mr Pik Botha'.

Ds Jacobus Botha, chairman of the Nederduitse Gereformeerde Kerk's Doctrine and Current Affairs Commission, was giving evidence for the State in the case against Miss

Christine Isabel Hofmeyr, editor of the now-banned literary magazine, Inspan.

Miss Hofmeyr, 27, of Yeoville, pleaded not guilty in the Johannesburg Magistrate's Court to charges under the Publications Act of having produced an undesirable magazine.

Inspan (October 1978) was banned in January 1979, after poems and prose printed in it were found by the Publications Board to be blasphemous, indecent and a danger to the security of the State.

Ds Botha said a poem based on the Lord's Prayer, by Andre le Roux du Toit, was 'despicable and offensive'.

Cross-examined by Mr Dennis Kuny, for Miss Hofmeyr, Ds Botha conceded the poem might not be disrespectful and could, in fact, have been written by a devout man who was criticising people who had replaced God with a materialistic form.

He said he had been particularly offended by the lines referring to the possibility of God winning bonus bonds, and coming down to earth to 'be second in control to Pik Botha'.

He said: 'My Church forbids the buying of bonus bonds as it is a form of gambling and the poem makes God look like a gambler.'

'The poem relegates the Almighty God to a position

below Mr Pik Botha.'

But he agreed with Mr Kuny that the poem could be interpreted as a distortion of values that had crept into society.

References to Morne du Plessis, Glenda Kemp, Kallie Knoetze and 'Adrenalien' Kriel could have shown that these people were elevated to god-like positions, Ds Botha said.

Mr Kuny said: 'This poem is highly critical of a group of people with distorted values.'

Ds Botha agreed the poet might be saying the NGK upheld the present South African system and performed a role to ensure the maintenance of apartheid.

If the man were a devout Christian he should have used another form, not the Lord's Prayer, he said.

'The poem was intended to offend certain people in society with misplaced values, but not a religious section of society,' Mr Kuny said when applying for a discharge.

The application for discharge was overruled. In refusing it, the Magistrate, Mr A C Allcock, said besides the evidence heard, other material in the publication, such as the poem *Sara — die Hoer van Rundu*, was indecent.

Miss Hofmeyr told the Court she saw none of the material as undesirable, indecent or threatening to State security.

The hearing continues today.

Cape Provincial Institute
of Architects' Prize
For the best student in :-

Sixth Year

P F Dunkley

Helen Gardner Travel Prize

For a student who has

satisfactorily completed

1st, 2nd and 3rd major courses.

P A Rappoport

Moliv Gohl Memorial Prize

Best woman student

Year.

edgold

Idon Prize

Best student of

ure (or quantity

) in the subject

sional Practice.

Lewis

B M Hertzog Prize

est final year student.

Prize

ARCHITECTURE

FINE ART & ARCHITECTURE

ARCHITECTURE

Cape Provincial Institute

of Architects' Prize

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Architecture (or Quantity)

(Surveying) in the subject

of Professional Practice.

D H Pryce Lewis

General J B M Hertzog Prize

For the best final year student.

Read

Turn Prize

the best work in fourth

Pryce Lewis

Perry Prize

the best work in

• year. p.

van Rosenveld.

Police chase
crowds

WORCESTER. — A crowd of about 200 people marched past the Magistrate's Court here yesterday chanting freedom songs and waving clenched fists.

The march took place after the adjournment of the trial of seven students charged with sabotage, which began yesterday.

Policemen, some with dogs and wielding batons, chased the crowd down the street and closed off the street leading past the court building.

The crowd consisted mainly of school friends and relatives of the accused as well as some white friends of the accused.

They had waited outside the court room throughout the proceedings after only the parents and guardians of the accused were allowed into the courtroom.

7 students deny sabotage charges

Staff Reporter

WORCESTER. — Seven students were charged with sabotage in the Regional Court here yesterday in the first major trial arising from last year's schools boycott.

They were: Miss Cynthia Nonkululeko Nduna, 20, Mr Oupa Kgosietsiele Lehulere, 20, Mr Kent Makaliti, 20, Mr Gladstone Mandla Buti, 20, Mr Lomwado Hase, 20, and two youths — aged 17 and 15.

All pleaded not guilty to three counts of sabotage and alternative charges of conspiracy to commit sabotage, incitement to commit sabotage, malicious damage to property and arson.

The minimum sentence for anyone convicted of sabotage is five years.

Only parents and guardians of the accused were allowed into the courtroom. Throughout yesterday's hearing Mr Lehulere and Mr Makaliti took copious notes on the proceedings.

Witnesses who gave evidence for the State yesterday were a minister of the Anglican Church, the Rev Stanley Kabazi, the acting principal of Fezeka High School in Guguletu, Mr M Gqaji, the headmaster of Sizamele High School in Nyanga, Mr Prince Tukulu, and a member of the Langa

High School's SRC, a 16-year-old girl who may not be named.

The girl said Miss Nduna, Mr Lehulere, Mr Makalite, Mr Hase and the two youths were members of both the SRC and the Regional Committee. She said that about 12pm on September 9 last year she attended a meeting held in a Guguletu church.

The meeting was chaired by Mr Makaliti and was attended by about 100 people.

Mr Makaliti told the students that some members of the SRC who were not fulfilling their duty should be expelled. At this point riot policemen entered the building and broke up the meeting.

Later that evening about 60 students met on an open piece of veld in NY7. One of the youths, who was chairing the meeting, said they would go from there to "destroy the negatives," meaning those who were opposed to the boycott. They all split into groups so as to allay suspicion as the riot police were patrolling the township, and went to Mr Gqaji's house.

They threw stones at the house and the youth who had chaired the meeting rolled one of Mr Gqaji's cars over, with the help of Mr Buti and the other youth, then set fire to the petrol that spilt from the car.

She said they then went to Mr Tukulu's house where they threw stones, shattering all the windows.

The youth who had chaired the meeting and a cripple named Godfrey, stopped passing cars and asked the drivers for petrol. The youths dipped curtains into the petrol then threw them through the windows of the house and set them alight.

The crowd then ran into the house and she heard the sound of furniture being destroyed. The youth came outside carrying a TV set and kicked it in. Someone then shouted "let's disperse" and she left.

The headmaster of Sizamele High School, Mr Tukulu, told the court he was walking along NY 100 to the Mr Kabazi's house on the night of September 9, when two people ran past them.

One of them said: "Here is this dog, Tukulu, let us kill him" and pulled out a long black object. Mr Tukulu ran away and sought shelter in a nearby house. He later went home and found it on fire.

Mr A V Burger was on the Bench. Mr T L S Skweyiva (instructed by A Omar & Co) appeared for all seven accused.

The case continues today

BUILDING

Mrs. Thornton White Prize
For the best work in
first year.
Miss M F J Sandilands
S A Brick Association Prize
For the student who has made
best use of bricks in his
design work.
J G Kirkman
R Stubbs Award
For the best project in
structure and design.
M R I Ness

ARCHITECTURE
(Continued)

RDM 27/1/81 (331)

Plea for discharge of the Azapo Eight

By JAKE MOKGOLO

DEFENCE counsel for eight members of the Lebowakgomo branch of Azapo, who appeared in the Lebowakgomo Magistrate's Court in Lebowa yesterday on a charge of holding an illegal meeting, applied for their discharge on the grounds that there was no case against them.

The magistrate, Mr M Z Ramothwala, postponed the hearing to today to study Mr B M Ngoepe's application.

After the State closed its case, Mr Ngoepe pointed out that the accused were charged under Section 6 of the Riotous

Assemblies Act, but no evidence was led to show that they had contravened it and he applied for their discharge.

The charge arises from a meeting allegedly held on October 26 last year. At the time the Lebowa Government had issued a ban on weekend gatherings.

The eight have pleaded not guilty. They contend that they did not know about the ban.

The eight are: Mr Jackson Mashiane, Mr Lawrence Marapyana, Mr Patrick Kobela, Mr Raleigh Maesela, Mr Jeffrey Ramokgopa, Mr Lawrence Mahlo, Mr Samuel Magaela and Mr Moses Mphahlele.

Seven charged with terrorist actions

RDM 27/1/81
331

By SAM MASEKO
Pretoria Bureau

A STATE witness in a Pretoria Terrorism Act trial told a Regional Court magistrate yesterday that he had received a letter from Lesotho requesting him and one of the accused to join the ANC's military wing, Umkhonto we Sizwe (Spear of the Nation).

The witness, who may not be identified and who was warned as an accomplice, was giving evidence for the State in the trial of seven Pretoria men who are facing four counts under the Terrorism Act.

The accused are Mr Arthur Elliot Phalatse, 22, Mr Thabo Simon Ndlovu, 19, Mr Jan-nitjie Malaya Chiloane, 24, Mr William Ntwape Mampuru, 18, Mr Tshepo Albert Motlana, 23, Mr Ezekiel Oupa Masuku, 24, and Mr Matome Joseph Masuku, 24. All have pleaded not guilty before Mr J H Bekker to participating in terrorist activities between March and July last year.

The State alleges that they enticed, encouraged and instigated other people in Atteridgeville, Mamelodi, Soshanguve and GaRankuwa to undergo military training outside the country so as to endanger the maintenance of law and order in the Republic.

The State also claims that they wrongfully and unlawfully attempted, consented or took steps to undergo military training outside the country by leaving their homes and travelling to the Hodkop border post near the South African-Swaziland border.

Mr Ezekiel Masuku is also charged with inciting, urging and recruiting his co-accused and other people and with arranging transport for them to undergo military training outside the country.

The recruits were allegedly taken from Soweto to the Hodkop border post by car. The witness told the court that Mr Phalatse and he had received a letter from Lesotho from Mr Strike Moroane, former Atteridgeville/Saulsville Students' Representative Council member, to join Umkhonto we Sizwe and to travel to a refugee camp in Lesotho. But they never did so because they had no money, he said.

John Perry Prize
For the best work in
third year.

D H Pryce Lewis

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Later, Mr Ndlovu and Mr Ezekiel Masuku had made the "necessary arrangements" for him and the other accused to skip the country. The witness told the court that arrangements had then been made in Atteridgeville to leave for Soweto by train, where he, the accused, and other men were to be transported to Swaziland to receive military training. He said Mr Joseph Masuku had bought their train tickets to Soweto from Atteridgeville station, and also in Naledi and Dube. After attending a Congress of South African Students meeting in Phumolong, they were driven towards Swaziland by a man called "Special" who, he was told, had recruited people for the ANC. The witness said Mr Ezekiel Masuku had told him on their way to Swaziland that he was just studying the routes and would return to recruit more people. A 17-year-old witness, who was also warned as an accomplice, told the court that Mr Mampuru, one of the accused, had given him the ANC's yellow book called the Freedom Charter in March last year because he knew that he (the witness) was involved in politics. Mr Mampuru had also given him ANC pamphlets on which was written the words — "The Struggle Continues" — to distribute, but he had never done so, he said. The witness said Mr Mampuru had taken the pamphlets away after realising that he was not prepared to skip the country because he had to look after his parents. At the start of the trial, the magistrate rejected an application by the State prosecutor, Mr S Joubert, that the case be held in camera, but ruled that the courtroom be vacated only when a witness under 18 was giving evidence.

FINE

By ALISON GILLWALD

Dominee damns poem for references to God and Pik

RDM 27/1/81 (331)

A DOMINEE yesterday told a Johannesburg magistrate he strongly objected to a satirical Afrikaans poem in which God was portrayed as a possible bonus bond winner and as someone who would return to earth "second in control to Mr Pik Botha".

Dominee Jacobus Botha, chairman of the Nederduitse Gereformeerde Kerk's (NGK) Doctrine and Current Affairs Commission, was giving evidence for the State in the case against Miss Christine Isabel Hofmeyr, editor of the now banned literary magazine, Inspan.

Miss Hofmeyr, 27, of Yeoville, pleaded not guilty in the Johannesburg Magistrate's Court to charges under the Publications Act, of having produced an undesirable magazine.

Inspan (October 1978) was banned in January 1979, after poems and prose printed in it were found by the Publications Board to be blasphemous, indecent and a danger to the security of the State.

Mr Botha said a poem based on the Lord's prayer, by Andre le Roux du Toit, was "despicable and offensive".

Cross-examined by Mr Dennis Kuny, for Miss Hofmeyr, Mr Botha conceded the poem might not be disrespectful and could, in fact, have been written by a devout man who was criticising people who had replaced God with a materialistic form.

He said he had been particularly offended by the lines referring to the possibility of God winning bonus bonds, and coming down to earth to "be second in control to Pik Botha".

"My church forbids the buying of bonus bonds as it is a form of gambling and the poem makes God look like a gambler."

"The poem relegates the Almighty God to a position below Mr Pik Botha," he said.

But he agreed with Mr Kuny that the poem could be interpreted as referring to a distortion of values that had crept into society.

This was symbolised by references to a God in Lynnwood Groenkloof, upper-middle suburbs in Pretoria, and cabinet Ministers, models and men who became gods for a corrupted population.

References to Morne du Preez, Glenda Kemp, Kallie Neetze and "Adrenalien" could have shown that people were elevated to like positions, Mr Botha

And he added the poet might have meant in his poem that in order to maintain materialistic values it was necessary to resort to violence and oppression.

He also agreed with Mr Kuny that references to people who "wore combs in their socks" and complained of having to pay sales tax, when they only had three cars and two "garden boys", were, in fact, typifying those whites who were content with their superior position in society and were intent on maintaining it.

Mr Kuny said: "This poem is highly critical of a group of people with distorted values and in fact has a moral mes-

sage as opposed to an immoral message."

Mr Botha agreed the poet might be saying the NGK upheld the present South African system and performed a role to ensure the maintenance of apartheid.

"If that is how you see it, that's fine, but it is not true," Mr Botha said.

If the man was a devout Christian he should have used another form, not the Lord's Prayer, he said.

"The poem was intended to offend certain people in society with misplaced values, but not a religious section of society," Mr Kuny said when applying for a discharge, after Mr

Botha's evidence had been heard.

The application for a discharge on the grounds that no evidence was led to prove the accused intended to offend a religious section of the population was overruled.

In refusing the application, the magistrate, Mr A C Allcock, said besides the evidence heard, other material in the publication, such as the poem "Sara — die Hoer van Rundu", was indecent.

Miss Hofmeyr, who has a Masters degree in South African literature, and who lectured at the University of Durban-Westville and University of the Witwatersrand before be-

coming a course writer for the South African Council for Higher Education (Sached), told the court she saw none of the material as undesirable, indecent or threatening State security.

"In fact, I was very surprised when the publication was banned," she said.

Professor Elise Botha, literary critic of the University of Pretoria, had even written in the banned issue encouraging the establishment of an "avant garde" magazine, stressing its important role — not to provide enduring literature, but work that was contemporary, holding a certain interest, Miss Hofmeyr said.

The hearing continues today.



Miss Christine Isabel Hofmeyr outside court yesterday.

Kimberley ^{ST 187}journalist ⁽³³¹⁾
granted bail ^{2/11/81} of R1 000 ⁽²⁴⁷⁾

Own Correspondent

KIMBERLEY — Mr Winston James Beaumont (22), a Johannesburg journalist on secondment to the Diamond Fields Advertiser in Kimberley, appeared yesterday in the Kimberley Magistrate's Court in relation to an alleged offence under the Official Secrets Act.

No details of the charge

were given and the case was adjourned to April 7 for hearing in the Windhoek Regional Court.

Mr Beaumont was not asked to plead and no evidence was led. He was released on bail of R1 000.

Mr Beaumont's appearance came after his arrest in Kimberley at 8.45 am yesterday under a warrant of arrest issued in Windhoek.

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For the best woman student

in third year.

Miss C Tredgold

David Haddon Prize

For the best student of

Architecture (or Quantity

Surveying) in the subject

of Professional Practice.

D H Pryce Lewis

General J B M Hertzog Prize

For the best final year student.

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best work in fourth

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best work in

Prize

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Detained men's trial for PE

EAST LONDON — Two Rhodes University men and a Duncan Village man made their fourth and final brief appearance together in the magistrate's court here yesterday, charged under the Internal Security Act.

On the instructions of the Attorney-General of the Eastern Cape, Mr Edward Charles Heller, a journalism lecturer, Guy Julian Elliot Gough Berger, 24, of Hill Street, Grahamstown, and a first year social science student, 21-year-old Devandiren Pillay, of Ward Street, North End are to be transferred to

Port Elizabeth for trial on February 16 in the regional court there. Both are to remain in custody.

Mr Mandla Gxanyana, 26, of Dangazela Street, Duncan Village, was remanded in custody until February 24 to appear again in the magistrate's court here.

The men were not asked to plead and no evidence was led.

Mr Berger has been in custody since August 11, and Mr Pillay since July. Mr Gxanyana was arrested by security police at Buffalo Flats on June 15. — DDR.

331

DD 28/1/81

Sabotage trial — pupil refuses to give evidence

Special Representative

WORCESTER. — Another pupil today refused to give evidence at the trial here of seven pupils charged with sabotage in Guguletu last year.

Mr Mzonke Jacobs said he did not wish to take the oath because he was not going to give evidence.

His counsel, Mr L Bozalek, requested an adjournment so he could consult Mr Jacobs.

Earlier an agenda, allegedly written by a black pupil leader on a flattened cigarette packet, was read out in the Regional Court.

IN POCKET

The agenda, allegedly found in the pocket of Kent Makalipi, 20, one of the accused, read:

Detained people;

Yesterday's job and checking security;

Names people such as those at Langa High;

Issues of cops bulldozing meetings;

Students who still don't attend meetings;

Bus issue;

Names of people who were escorted by cops.

This was read as evidence by Detective Sergeant M Motolwana, of the Cape Town Security Police, who also read out a statement taken from Mr Makatipi on September 14 last year.

In the statement he allegedly denied having committed sabotage and said: 'I was watching Dallas at the time the offence was committed.'

The pupils who have pleaded not guilty to three counts of sabotage, alternatively conspiracy and incitement to commit sabotage, malicious damage to property and arson are: Miss Cynthia Nduna, 20, Mr Oupa Lehulere, 20 (president of the SRC at Fezeka High school), Mr Makalipi, 20 (vice-president), Mr Gladstone Buti, 20, Mr Lonwabo Hase, 20

and two youths aged 15 and 17.

Yesterday a pupil who refused to give State evidence against his seven colleagues was sentenced to 12 months' imprisonment.

Before sentencing Zinto Kuse, 19, the magistrate, Mr A P Burger, said: 'According to Section 189

of the Criminal Code, the court can imprison you for up to two years.

Asked what his reasons were for not testifying Kuse said: 'The people against whom I must testify were all involved in the school boycott. It is not fair that I am released and they may have to go to jail.'

(Proceeding)

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1st, 2nd and 3rd major courses.

P A Rappoport

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For the best woman student

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Miss C Tredgold

David Haddon Prize

For the best student of

Architecture (or Quantitative

Survey)

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Gap of 12 days in SAP files

Staff Reporter

DEFENCE Counsel in an Internal Security Act trial in the Johannesburg Regional Court yesterday called on a Protea security policeman to explain a gap of 12 days in the station files, a continuous record of the treatment of people detained by police.

According to the file, one of the six accused under the Internal Security Act, Mr Norman Monyepote, 39, had been "a sort of non-person for the indeterminate period", Defence Counsel, Mr George Bizos, said.

Appearing with Mr Monyepote are Mr Themba Shongwe, 26, Mr Patrick Gaboathoeloe, 49, Mr Vuyisile Mdieleni, 28, Mr Sipho Nhlapo, 18, and Mr John Matana, 24.

They are charged with either being members of the banned African National Congress or the Pan-Africanist Congress or furthering the aims of the organisations to undermine law and order in South Africa.

Mr Bizos submitted that Warrant Officer Louis van Wyk of the Protea police station had taken care of Mr Monyepote for the said 12 days as Mr Monyepote was not fit to be seen by an independent person.

Mr Bizos submitted that his client's feet were swollen and his chest was bruised as a result of continuous assault.

The WO denied this, adding as he could not explain the "gap".

Mr Bizos further submitted that WO Van Wyk had failed to investigate assault claims by Mr Monyepote as the officer himself had taken part in the ill-treatment.

Mr Bizos added that the officer had taken Mr Monyepote to a task for complaining to a magistrate, the Inspector of Detainees and a doctor about alleged assaults. According to Mr Bizos, about three statements by Mr Monyepote had been torn to pieces by the officer.

Mr Bizos contended that the officer had warned Mr Monyepote that it would not help him to complain and that he could be treated much worse — possibly be killed without anyone's knowing.

WO Van Wyk denied this. But he admitted destroying the statements.

Mr Bizos also put it to him that a doctor examining the detainees had told him that there were too many complaints of Protea policemen assaulting detainees.

WO Van Wyk officer denied this.

The hearing continues.

Court hears of 'ambush' on SA border

By SAM MASEKO
Pretoria Bureau

A WARRANT officer told a Pretoria Regional Court magistrate yesterday how he had waylaid and arrested seven men near the South African-Swaziland border last June.

WO Anton Willem Olivier was giving evidence against seven Pretoria men who are charged with four counts under the Terrorism Act.

The accused are: Mr Arthur Elliot Phalatse, 22, Mr Thabo Simon Ndlovu, 19, Mr Jannitjie Malaya Chiloane, 24, Mr William Ntwape Mampuru, 18, Mr Tshepo Albert Motlana, 23, Mr Ezekiel Oupa Masuku, 24 and Mr Matome Joseph Masuku, 24.

They have pleaded not guilty before Mr J H Bekker to participating in terrorist activities between March and July, 1980.

The State alleges that they enticed, encouraged and instigated other people in Atteridgeville, Mamelodi, Ga-Rankuwa and Soshanguve to undergo military training so as to endanger the maintenance of law and order in the Republic.

The State also claims that they wrongfully and unlawfully attempted, consented or took steps to undergo military training outside the country by travelling to Houdkop border post near the South African-Swaziland border.

Mr Ezekiel Masuku is also charged with inciting, urging and recruiting his co-accused

and other people and with arranging transport for them to undergo military training outside the country.

WO Olivier told the court that after receiving a report he and another police officer had travelled to Piet Retief and waylaid the accused in the bush.

While they were in ambush, a white kombi carrying the accused and three other men had gone past them. They had followed it travelling along the Piet Retief-Houdkop road, he said.

He said they had arrested the passengers of the kombi with the help of other police in camouflage uniform and put them in a police van.

WO Olivier told the court that the accused had told them that they were going to a funeral. But he had investigated and found that no funeral took place.

He said one of the passengers, who had already given evidence, had told him that they were on their way to Swaziland to join Umkhonto we Sizwe (the Spear of the Nation), the ANC's military wing.

Under cross-examination by defence counsel, Mr Eric Dane, WO Olivier said he did not want to reveal where Mr Joseph Masuku had been kept after his arrest as he was still investigating a similar Terrorism Act case.

The hearing continues today.

Second sabotage trial witness jailed for year

Staff Reporter

WORCESTER — Another Cape Town youth yesterday refused to testify against seven students on trial in the Regional Court here because, he said, the community would regard him as a "sell-out" if he did.

Mzonke Jakobs, 19, was sentenced to 12 months for refusing to give evidence. He was the second youth in two days to refuse to give evidence at the trial. On Wednesday, Vinto Kuse, 19, was jailed for 12 months for refusing to testify.

The two have refused to give evidence in the trial of Miss Cynthia Nduna 20; president of the SRC at Fezeka High School, Mr Oupa Lehulere, 20; the vice-president, Mr Kent Makalipi, 20; Mr Gladstone Buti, 20; Mr Lonwabo Hase, 20; and two youths aged 15 and 17.

All seven have pleaded not guilty to three counts of sabotage and to alternative

charges of conspiracy and incitement to commit sabotage, malicious damage to property and arson.

Jakobs, who said he was a standard 10 pupil at Fezeka High School in Guguletu when he was detained last year, said the first reason he could not give evidence was that one of the youths on trial was his sister's son.

The second reason was that he and the accused all worked together on the regional committee, a body representing students in Cape Town.

The third reason was that he wanted to become a teacher.

The final reason was that the statement he had made was not made voluntarily. He was forced to make it.

"I was hit with a sjambok. After I was hit, I was taken to one of the detectives who convinced me I should make a statement," he told the court.

Asked by counsel for the State, Mr J A Niehaus, why he had not complained of the assault to a magistrate who visited him during his detention, Jakobs said he did not know he could tell the magistrate.

Earlier yesterday Detective-Sergeant M Motolwana, from the Cape Town Security Police, read to the court an agenda written on a flattened cigarette box.

He said the agenda was found in the pocket of one of the accused, Mr Kent Makalipi, 20.

Detective-Sergeant Motolwana also read out a statement taken from Mr Makalipi on September 14 last year in which he claimed he was watching Dallas, a television programme, at the time the offence was committed.

Another Cape Town Security Branch officer, Detective-Sergeant H J van der Hoven, said he was the investigating officer in the case.

Describing the background to the arrest of the students, he said students frequently held meetings in churches.

He became very suspicious of these meetings. Guards were always posted at the doors and the students dispersed when police arrived.

His personal experience was that youths were responsible for incidents of stone-throwing.

The trial continues today.

Mr A P Burger was on the bench. Mr J A Niehaus appeared for the state; Mr T L S Skweyiya instructed by A Omar and Company appeared for the accused.

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For the best student in :-

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For a student who has

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For the best woman student

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Miss C Tredgold

David Haddon Prize

For the best student of

Architecture (or Quantity

Surveying) in the subject

of Professional Practice.

D H Pryce Lewis

ARCHITECTURE

FINE ART & ARCHITECTURE

Court asked to acquit four pupils of sabotage

Augus 30/1/81 331

From a Staff Reporter
WORCESTER. — An application for the discharge of four of the seven pupils standing trial on charges of sabotage at Guguletu, was made in the Regional Court here today.

The pupils are Miss Cynthia Nduna, 20, Mr Oupa Lehulere, 20, (president of the SRC at Fezeka High School); Mr Kent Makalipi, 20, (the vice-president), Mr Gladstone Buti, 20, Mr Lomwabo Hase, 20, and two youths aged 15 and 17.

All seven have pleaded not guilty to three counts

of sabotage, alternatively conspiracy and incitement to commit sabotage, malicious damage to property and arson.

Addressing the court, Mr T L S Skweyiya, asked for the discharge of Miss Nduna on two counts of sabotage and Mr Makalipi on three counts of sabotage.

EVIDENCE

He asked for the outright acquittal of Mr Lehulere and Mr Hase, claiming there was no substantial evidence against them.

Mr Skweyiya said: 'There is no substantial evidence to convict Miss Nduna and Mr Makalipi.'

The only evidence against her is that of Monica Qabazi who said she saw Miss Nduna running away after an attack on her father's home on the night of September 9 last year and that of Mrs Mildred Tukulu, who said the girl stood outside her window and swore and threw stones at her later

that night while their house was being attacked.'

The only evidence against Mr Makalipi was the undated agenda written on a flattened cigarette packet found in his pocket.

OPPOSED

The prosecutor, Mr J A Niehaus, opposed the application, arguing there was sufficient evidence for a conviction.

However, he conceded the evidence against Mr Lehulere and Mr Hase was thin.

'It is dangerous to acquit them as the other accused could later in the trial put the blame on them,' he said.

The hearing was adjourned to February 2 when a ruling on the application will be given.

Mr A P Burger was on the Bench.

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Miss C Tredgold

For the best woman student
in third year.
Molly Gohl Memorial Prize

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ARCHITECTURE

FINE ART & ARCHITECTURE

Hans.

1 Ques. Col. 12

30/1/81

331

Internal Security Act

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

- 1 Ques. Col. 12
- (1) How many persons were charged with offences under the Internal Security Act during 1980;
 - (2) how many of them (a) were (i) released without trial, (ii) acquitted and (iii) convicted of lesser offences and (b) are still on trial or awaiting trial;
 - (3) for what period was each person detained before being charged or released?

The MINISTER OF POLICE:

- (1) 31.
- (2) (a) (i) 3.
(ii) 3.
(iii) 3.
(b) 13.
- (3) 1 for 12 days
4 for 14 days
1 for 72 days
1 for 97 days
1 for 110 days
1 for 124 days
1 for 125 days
1 for 165 days
2 for 180 days
2 for 194 days
(16 were summarily charged)

Magistrate rules against documents

A Johannesburg regional court magistrate yesterday ruled documents alleging police ill-treatment of one of the accused in an Internal Security Act trial could not be released.

Mr A H Barlow made the ruling after an application by the defence council Mr George Bizos SC, that the documents be made available to him by the Chief Magistrate of Johannesburg, Mr J A van Dam.

In his application Mr Bizos said the defence needed two written statements by magistrates based on interviews with Mr Norman Monyepote (39), in which he alleges ill-treatment by the police.

He called for the release of the documents to the defence as the State had used statements

by the accused to prove its case.

Mr van Dam said under Section 6 of the Internal Security Act documents of this nature could not be released.

DIFFERENT

The presiding magistrate, Mr Barlow, said in this case conditions were different as the statements in the documents were made by third persons — the magistrates who interviewed the accused.

Appearing with Mr Monyepote are Mr Themba Shongwe (26), Mr Patrick Gabontloeloe (49), Mr John Matona (18), Mr Siphon Nhlapo (24) and Mr Vuyisile Mdeleleni (28).

They are charged with membership of the banned African National Congress (ANC) or the Pan Africanist Congress (PAC) or for furthering the aims of these organisations.

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For the best student of
Architecture (or Quantity
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P F Dunkley

Sixth Year

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For the best student in :-

FINE ART & ARCHITECTURE

ARCHITECTURE

'Silent' RDM sabotage 30/1/81 (331) witness jailed

WORCESTER. — A Cape Town student was jailed for a year yesterday for refusing to testify against colleagues facing charges of sabotage which followed unrest during the schools boycott.

Vinto Kuse, 19, told the Worcester Regional Court that he would not give evidence against seven other students because they were fellow members of the "regional committee".

The court adjourned to give Kuse time to "reconsider his decision". When the trial resumed, he still refused to give evidence.

The magistrate, Mr A P Burger, asked him for his reasons.

Kuse said: "These people against whom I am called to give evidence... we were all in the boycott, so it would not be fair for me to speak so that I am released and they go to jail."

During the trial, counsel for the State, Mr J A Niehaus, said one of his witnesses, Mr Godfrey Mpahlwa, had given evidence which conflicted with a statement made to the police.

Under cross-examination, Mr Mpahlwa, 25, paused for long periods before answering some questions. He also claimed he could not remember clearly and was confused.

Told by Mr Niehaus that he should say if he did not want to testify, Mr Mpahlwa said he was sick, and was not getting enough food in the cells.

Later Mr Niehaus read to the court parts of a statement Mr Mpahlwa made to the police last October 13, showing that he had given conflicting evidence to the court.

Mr Mpahlwa was then discredited as a witness.

Under cross-examination by Mr T S L. Skweyiya, for the defence, Mr Mpahlwa said he had been in solitary confinement since his detention in October.

Kuse and Mr Mpahlwa were called to give evidence in the trial of Miss Cynthia Nduna, 20, president of the students' representative council at Fetzeka High School; Mr Oupa Lehuhle, 20, the vice-president; Mr Kent Makalipi, 20; Mr Gladstone Buti, 20; Mr Lonwabo Hase, 20; and two youths aged 15 and 17.

All seven have pleaded not guilty to three counts of sabotage and alternative charges.

The trial continues. — Sapa

Court refused access to statements

RDM
30/1/81
331

By CHERYL VAN EYSSSEN

JOHANNESBURG'S chief magistrate, Mr J A van Dam, yesterday refused to grant a court conducting an Internal Security Act trial access to documents concerning alleged ill-treatment of people detained by Security Police.

The presiding regional court magistrate, Mr C Barlow, ruled that Mr Van Dam's refusal was just.

Six men are being charged under the Internal Security Act. They are: Mr Themba Shongwe, 26; Mr Norman Monyepote, 39; Mr Patrick Gaboathoeloe, 49; Mr Vuyisile Mdleleni, 28; Mr Sipho Nhlapo, 18; and Mr John Matana, 24.

All have pleaded not guilty to charges of either being members of the banned African National Congress or the Pan-Africanist Congress or of furthering the aims of the organisations to undermine law and order in South Africa.

The request to have access to the documents was brought by Mr George Bizos, SC, for the accused, who said that the chief magistrate possessed statements to independent magistrates in which Mr Monyepote complained of the treatment he had received from Warrant Officer Louis van Wyk, of Protea Police Station, and from other Security

Policemen.

Mr Van Dam said that Section 6, Sub-section 6, of the Internal Security Act prohibited him from disclosing the documents.

Mr Bizos contended that Mr Van Dam's refusal was not well founded and that the failure to disclose the documents could only hinder the defence case.

Mr Barlow found that the reports on Mr Monyepote were not made by him, but were "purely reports" by visiting magistrates to administrative authorities.

Soon after the refusal W/O Louis van Wyk was called back to the witness box and the almost eight-day cross-examination on his part in the alleged ill-treatment of the detainees was concluded.

Mr Bizos put it to the officer that banned Black Consciousness poet Mr Mdleleni was handcuffed, put in leg irons and then forced to stand up straight all night (the night of his arrest) without being interrogated.

Mr Bizos added that Mr Mdleleni the next day was forced to make a statement, but that it had been destroyed by the officer as he had not been satisfied with it.

The officer denied this.
The hearing continues.

A terror trial accused freed on one count

By SAM MASEKO

A PRETORIA Regional Court magistrate yesterday rejected an application by the defence for the acquittal of the seven accused who are facing four counts under the Terrorism Act.

The defence counsel, Mr Eric Dane, however, successfully applied for the discharge of one of the accused, Mr William Mampuru, 18, on a count of inciting and encouraging a Mamelodi youth to undergo military training outside the country.

In his application Mr Dane said the State relied on a single witness, an accomplice who had not taken the court into his confidence and whose insufficient evidence could not be corroborated.

The accused are: Mr Arthur Elliot Phalatse, 22, Mr Thabo Simon Ndlovu, 19, Mr Jannitjie Malaya Chiloane, 24, Mr William Ntwape Mampuru, 18, Mr Tshepo William Motlana, 23, Mr Ezekiel Oupa Masuku, 24 and Mr Matome Joseph Masuku, 24.

They have pleaded not guilty before Mr J H Bekker to participating in terrorist activities between March and July 1980.

The State claims that they enticed, encouraged and instigated other people in Atteridgeville, Mamelodi, Ga-Rankuwa and Soshanguve to undergo military training outside the

country so as to endanger the maintenance of law and order in the Republic.

The State also alleges that they wrongfully and unlawfully attempted, consented or took steps to undergo military training by travelling to Houdkop border post near the South African-Swaziland border.

Mr Ezekiel Masuku is also charged with inciting, urging and recruiting his co-accused and other people and with arranging transport for them to undergo military training outside the country.

Mr Phalatse, one of the accused, told the court that he and other accused had gone to Soweto late in June as members of a funeral brigade, a group of young Pretoria blacks who assisted in the arrangements of funerals.

They had gone to attend the funeral of the father of Duma Nokwe, a former Soweto advocate and member of the ANC who died in exile after skipping the country.

Mr Phalatse said when they reached a place called Sefikeng in Soweto, they found that the funeral had already been arranged.

He told the court that a man called "Special" had then suggested that they accompany him to his cousin's funeral at Potgietershoek near Piet Retief in the Eastern Transvaal.

The hearing continues today.

blocked accounts, the Loans Committee would have to verify that the original guarantors, or others were prepared to continue their backing beyond the original period. Once a reserve fund is built, the Committee may be able to offer greater institutional cover to ease the position of guarantors; perhaps an increase of from 15% to 20% in an established institution, or a first round of 15% in a younger institution. It all depends on the strength of the particular Credit Union. The whole has to be carefully audited and must fall within constitutional and overall member control.

Repayment schedules are agreed at the time of loan making. In agricultural communities they would match the expected cash flow of the borrower.

‘no’ to
31/1/81
defence
plea for
papers

Staff Reporter

THE inspector of detainees, Mr Abraham J Mouton, yesterday refused to produce documents concerning alleged ill-treatment of detainees.

He made this refusal at the trial of six men in the Johannesburg Regional Court who have pleaded not guilty to charges under the Internal Security Act. The accused are charged with either being members of the banned African National Congress or the Pan-Africanist Congress or of furthering the aims of these organisations.

Mr Mouton's refusal follows the previous day's refusal of the Johannesburg chief magistrate, Mr J A van Dam, to grant the court access to similar complaints of alleged assaults by security policemen, made to independent magistrates by people detained.

In both instances, the presiding magistrate, Mr C Barlow, ruled that the refusals were justified on grounds of being prohibited by Section 6, Sub-section 6, of the Internal Security Act.

He found the reports were not made by the detainees themselves but were reports by visiting magistrates and inspectors to administrative authorities.

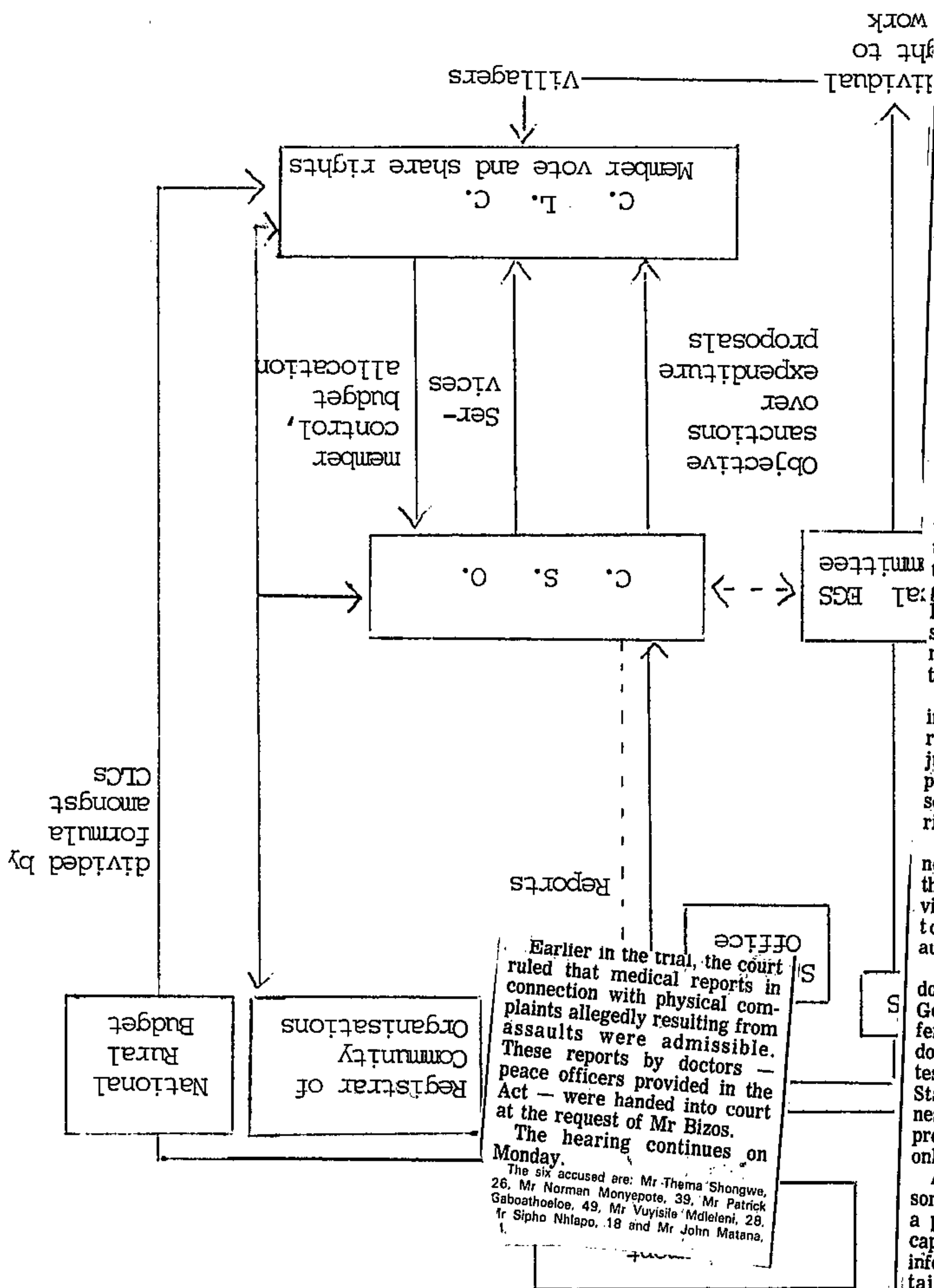
The request for access to the documents was brought by Mr George Bizos, SC, for the defence, who submitted that the documents were important to test the credibility of both the State and the defence witnesses, and that the failure to produce the documents could only hinder the defence case.

According to the Act no persons other than the Minister or a person acting in his official capacity is entitled to official information relating to a detainee or obtained from a detainee.

But Mr Bizos — quoting from a number of authorities — stressed that this did not take away an accused's right to have access to a statement made to a peace officer — a doctor, magistrate or inspector of detainees.

Mr Mouton, a retired Pretoria chief magistrate, had documents with him when he appeared in court yesterday.

Inspectors who visit detainees make reports on detainees. The reports could include allegations by detainees of ill-treatment by police.



TON PROPOSED : AUTONOMOUS COMMUNITIES

Two freed in sabotage trial

Staff Reporter

WORCESTER. -- Two of the seven students charged with sabotage in the Regional Court here were yesterday acquitted by the magistrate.

They are the president of the Kozeka High School Students' Representative Council, Mr Oupa Lebulere, 20, and another student, Mr Lonwabo Hase, 20.

The trial of Mr Lebulere, Mr Hase and five others -- Miss Cynthia Nduma, 20, Mr Kent Makalipi, 20, Mr Gladstone Bati, 20, and two youths aged 15 and 17 -- began last Monday.

They all pleaded not guilty to three counts of sabotage and to alternative counts of destruc-

tion and conspiracy to commit sabotage, malicious damage to property and arson.

The acquittal of the two students followed an application on Friday by counsel for the defence, Mr T. L. S. Skweziya, for the discharge of Miss Nduma on two of the sabotage charges, the discharge of Mr Makalipi on all three charges and the outright acquittal of Mr Lebulere and Mr Hase.

Making the application on Friday, Mr Skweziya said the only evidence against Mr Lebulere was that of the principal of the Sizamele High School, Mr Prince Tukululu.

Mr Tukululu said Mr Lebulere

was one of about 50 boys and girls who came to him about two weeks before his house was attacked to ask him why he was still teaching.

The only evidence relating to Mr Hase was that of Miss Poppy Mnyama, who said she had seen part of the evening on which the acts of sabotage were alleged to have occurred with Mr Hase. She knew nothing about what had happened that evening.

The magistrate, Mr A. P. Burger, said that he would furnish reasons for the acquittal of the two students later if necessary.

The trial continues today.

Mr A. P. Burger said that he would furnish reasons for the acquittal of the two students later if necessary.

CHEMICAL

negaldo

Sammy Sacks Memorial Prize
Awarded to the student with the best classwork in Engineering Drawing.

J H Rens

Professor George Menzies Prize
Awarded on results of final examinations to the best male student in Land Surveying or Civil Engineering.

P M Salmon
T J Cumming
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J H Rens
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Fourth Year (Gold Medal)

Miss N C Davidson

Third Year (Silver Medal)

Miss G C Littlewort

Second Year (Bronze Medal)

Corporation Medals
For the best student in each of the 2nd, 3rd and final years.

FACULTY OF ENGINEERING

The translation of ANC songs disputed in court

RDM 4281 (331)

Staff Reporter

DEFENCE counsel in an Internal Security Act trial in the Johannesburg Regional Court yesterday disagreed with a security policeman's translation of African National Congress (ANC) songs.

Mr Clifford Mailer contended that a more serious meaning had been put on certain words in songs translated by Major M Heystek, a Security Police linguist.

The court recommenced yesterday after listening to tape recordings of songs in Zulu, Xhosa and Sotho as well as the major's translations.

Six men are charged with being members of either the banned ANC or the Pan-Afri-

canist Congress or of taking part in activities of these organisations to undermine law and order and stability in South Africa.

The men are Mr Themba Shongwe, 26, Mr Norman Monyepote, 39, Mr Patrick Gaboethoeloe, 49, Mr Vuyisile Mdeleleni, 28, Mr Sipho Nlapo, 18, and Mr John Matana, 24.

They have pleaded not guilty to the charges.

Some are charged with being in possession of the tape recordings, including a speech made by Mr Oliver Tambo, banned ANC leader.

Yesterday Maj Heystek told the court that he was experienced in the translation of Xhosa, Zulu and Sotho dialects, and that he had transcribed and

then translated the recordings.

Mr Mailer contended it was strange the major had given a more serious meaning to certain words in the recordings.

He said one word, "mbayimbayi", had been translated by the major as "machinegun", but the principal Johannesburg interpreter, Mr Mac Chitja, had translated it as "cannon".

This was obviously a less serious meaning, Mr Mailer said.

Mr Mailer further contended that most of the songs were inspired by black jazz pianist Dollar Brand, who was born in South Africa and is now living in the United States.

He said both the words and music were inspired by Mr Brand, a popular jazz artist.

The hearing continues today.

Witness was not told of charges

Staff Reporter

A STATE witness in an Internal Security Act trial told a Johannesburg Regional Court yesterday he was detained for six months before making a police statement and was not told the charges against him.

He has still not been charged. Earlier this week he was told to testify in the State's case against six men charged under the Act.

The man, who asked not to be identified, said in January this year a Protea security policeman took a statement from him and told him he could be called as a State witness. He was detained last July.

He testified in the case against the men charged with being members of either the banned ANC or PAC or of taking part in the activities of these organisations to undermine law and order in South Africa.

They are Mr Themba Shongwe, 26, Mr Norman Monyepote, 39, Mr Patrick Gaboethoeloe, 49, Mr Vuyisile Mdeleleni, 28, Mr Sipho Nlapo, 18, and Mr John Matana, 24.

All have pleaded not guilty to the charges.

The man, who told the court he had been "behind locked doors", said he was confused when a security policeman approached him earlier this week and asked him to mark certain ANC songs allegedly played to him by Mr Matana.

"I do not know what is happening to me," he said.

He then told the court he marked the songs with confidence.

When pointed out by Mr Bizos, SC, for the accused, the court conceded that there were two kinds of markings on the document — a bold and a fainter marking.

Mr Bizos asked the man if it was a coincidence that only the political slogans and not the more poetic pieces had been marked on the document.

The man said he had been confused when marking it.

"I had a headache," he said.

Another State witness, Mr Wilfred Mfenjane, earlier yesterday denied making a statement to the police implicating Mr Shongwe because he feared he would be detained.

Mr Bizos said to Mr Mfenjane that he was an "embittered man".

At first Mr Mfenjane denied this, but later admitted to being "bitter".

This was because his brother had been detained by the Security Police and his wife was crippled by police shots at a

For the first year student
obtaining the highest average
mark.
A E & C I Prize
L Menegaldo
Drawing.
Awarded to the student with the
best classwork in Engineering
Sammy Sacks Memorial Prize
J H Rens
Awarded on results of final
examinations to the best male
student in Land Surveying or
Civil Engineering.
Professor George Menzies Prize
P M Salmon
T J Cumming
D P Weeks
J H Rens
B F McClelland
Fourth Year (Gold Medal)
Miss N C Davidson
Third Year (Silver Medal)
Miss G C Littlewort
Second Year (Bronze Medal)
of
burial ceremony. She too had
been "innocently" detained two
years ago.
The hearing continues today.

OF ENGINEERING

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For the best student in each
of the 2nd, 3rd and final years.

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Miss G C Littlewort

Third Year (Silver Medal)

Miss N C Davidson

Fourth Year (Gold Medal)

P M Salmon

T J Cumming

D P Weeks

J H Rens

B F McClelland

Professor George Menzies Prize
Awarded on results of final

examinations to the best male

Students 'wanted action' court told

5/2/81
(331)

Staff Reporter

WORCESTER. — Students at a meeting held shortly before the attack on three Guguletu houses had been angry and "wanted action", the Regional Court here heard yesterday.

This was said by one of the youths facing three charges of sabotage and alternative charges of conspiracy and incitement to commit sabotage, malicious damage to property and arson.

The youth, together with four students charged with him, Cynthia Nduna, 20, Gladstone Buti, 20, Kent Makalipe, 20, and another youth aged 15 have all pleaded not guilty to the main charge and the alternative charges.

The youth, a pupil at Sizamele Secondary School and a member of the SRC and the regional committee, said he had chaired the meeting which preceded the attack on the homes of two principals and a minister on September 9 last year.

He had asked for items for an agenda for the meeting.

One boy had proposed that buses be attacked, but Mr Oupa Lehulere — acquitted this week of all charges — had told the meeting that stoning buses was dangerous because the police were around. Mr Lehulere said the regional committee was opposed to violence.

Another pupil had then suggested that they attack the creche, but this was also re-

jected by Mr Lehulere, who said the place was useful and if it were attacked unity between pupils and parents would be lost.

At this stage, a 16 year-old girl, who was witness for the State last week, said that some Langa pupils were preparing to write their exams, and she asked for volunteers to go with her to confront the teacher who was arranging the examinations.

When she had realized that this proposal would not be accepted, she said: "We should deal with Kabazi".

Although none of the suggestions were accepted for the agenda, the majority of pupils agreed with the girl. The meeting ended in disorder.

The trial continues today.

Mr A P Burger presided, Mr T L S Skweyiya, instructed by A Omar & Co, appeared for the accused.

CHEMICAL

Pupil 'favours boycott'

331
ARGUS
5/2/81

From a Staff Reporter

WORCESTER. — A Guguletu pupil told the Regional Court here today he was 'strongly in favour of the schools boycott because of all the suffering we have had to endure.'

The youth, aged, 15, said student grievances had contributed to the schools boycott.

The grievances at my school, where I was an SRC and regional committee member were:

No school grounds; broken windows; no sport fields; the cost of books and high school fees; no library or laboratory; and broken toilets.

The youth said although he was upset with the situation at school, he did not believe violence could bring about change.

STRIVING

He said he believed in speaking to people who were ignorant about the situation, and enlightening them on what they were striving for.

This was evidence heard at the trial of five pupils who face three charges of sabotage, alternatively conspiracy and incitement to commit sabotage, malicious damage to property and arson.

The youth, together with Miss Cynthia Nduna, 20, Mr Kent Makalipi, 20; Mr Gladstone Buti, 20 and another youth aged 17, have pleaded not guilty to the main and alternative charges.

Earlier this week Mr Oupa Lenhulere, 20, and Mr Lomwavo Hase, 20, were acquitted.

MEETING

Under cross examination by the prosecutor, Mr J A Niehaus, the youth said that on September 9 last year he attended a meeting in a church hall at NY 74.

He said that before the meeting started they were dispersed by riot police.

Later that evening he said about 50 pupils gathered to discuss a proposal to stone buses and attack a creche.

The regional committee members did not accept these proposals because we were against using violence.

'During the meeting I

went to the shop, and when I returned, pupils were on their feet chanting "Let's go, let's go".

The youth said the meeting ended in chaos.

Mr A P Burger was on the Bench. Mr T L S Skweyisa (instructed by A Omar and Co) appeared for the pupils.

(Proceeding)

FACULTY OF ENGINEERING

Corporation Medals
For the best student in each
of the 2nd, 3rd and final years.

Second Year (Bronze Medal)
Miss G C Littlewort

Third Year (Silver Medal)
Miss N C Davidson

Fourth Year (Gold Medal)
P M Salmon
T J Cumming
D P Weeks
J H Rens
B F McClelland

Professor George Menzies Prize
Awarded on results of final
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J H Rens

Sammy Sacks Memorial Prize
Awarded to the student with the
best classwork in Engineering
Drawing.
L Menegaldo

A E & C I Prize
For the first year student
obtaining the highest average
mark.

**Illegal meeting:
3 charged**
EAST LONDON — Two
women and a man are to
appear in court here today
for allegedly holding an il-
legal meeting, the head of
the security police here,
Col A. P. van der Merwe,
said yesterday.
The three were arrested
at a milk processing fac-
tory here on Wednesday
afternoon.
All three are organisers
of an unregistered trade
union. — DDR

CHEMICAL

Student leaders feared

(331) C. Herald 7/2/81

being 'watched'

STUDENT leaders did not sleep at home during the schools' boycott for fear of being 'watched' by the security police, the Worcester Regional Court heard on Tuesday.

Mr Kent Makalipi, 20, a member of the Fezeka High School SRC and the regional committee, giving evidence in his defence, denied all knowledge of the attacks on the homes of two principals and an Anglican minister on September 9 last year.

Mr Makalipi, together with Miss Cynthia Nduna, 20, Mr Gladstone Buti, 20, and two youths aged 15 and 17, have pleaded not guilty to three charges of sabotage, malicious damage to property and arson.

Mr Lonwabe Hase and Mr Oupa Lehulere were acquitted on Monday of all charges.

Mr Makalipi denied attending a meeting on the night of September 9, saying that he was watching Dallas on TV before going to sleep at an aunt's place in Guguletu.

He said the contents of an agenda written on the back of a cigarette packet found in his pocket, related to an important meeting held at Guguletu earlier in the day attended by about 200 students.

were 'watching and detaining people'.

Mr A P Burger was on the Bench. Mr T L S Skweyiya, instructed by A M Omar and Company represented the pupils.

A decision was taken at the meeting that student leaders should not sleep at their homes in case of raids by the security police, and they should not attend all meetings because the security police

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Professor George Menzies Prize
Awarded on results of final
examinations to the best male
student in Land Surveying or
Civil Engineering

Sammy S
Awarded
best cl
Drawing

J H Ren

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For the first year student
obtaining the highest average
mark.
G L Cragg

Illegal meeting: 3 get bail

EAST LONDON — Two
women and one man
arrested by security police
were released on bail in
the regional court here
yesterday after being
charged with holding or
attending an illegal
meeting on February 4 in
Duncan Village.

Ms Motiwe Alice Stuur-
man, 24, of NU8, Mdant-
sane, Ms Debora Kemose,
26, of Kuze Street, Duncan
Village, and Mr Sopitsho
Ranie, 30, of NU3, Mdant-
sane were not asked to
plead and no evidence was
led when they appeared
before Mr G. E. Clark.

The case was postponed
to March 19, and bail of
R30 each was granted. —
DDR

Incitement:
five plead
not guilty

A 17-year-old youth and four other men appeared in a Johannesburg Regional magistrate's court yesterday, on charges of inciting people to leave the country to undergo military training. They have all pleaded not guilty.

Two State witnesses, Warrant Officer D Kuhn and Mrs Hilda Sene, alleged that Mr Pilola Manamela (34), Mr Jonas Motaung (36), and Mr Nicodemus Motapo (35), had helped three men to cross over the border into Botswana for military training.

Warrant Officer Kuhn said that after their arrest, Mr Manamela and Mr Motaung had taken him up to a town on the South African border.

The hearing continues on February 11.

Witness tells of border visit

Staff Reporter

A STATE witness in an Internal Security Act trial yesterday told the Johannesburg Regional Court two men came to her home on the Botswana-BophuthaTswana border and told her three men wanted to cross the border without passports.

The witness, Mrs Hilda Sene of Magoebastad, a border town between Botswana and BophuthaTswana, was giving evidence in the Johannesburg Regional Court in the case against two former scholars at St Barnabas School in Johannesburg and three other men.

The accused are Mr Jonas Mataung, 36, Mr Nicodemus Motopo, 35, Mr Etienne Pillay, 18, Mr Pinda Manamela, 34, and a 17-year-old youth who may not be named.

They have pleaded not guilty to charges that they incited people to undergo military training outside South Africa or attempted to undergo such training in order to undermine law, order and stability in the Republic.

The court was packed with friends and relatives of the accused, and the magistrate, Mr G Steyn, ordered out a group of more than 10 minors in school uniform.

Mrs Sene told the court Mr Mataung and Mr Motopo visited her and told her three men wanted to cross the border without passports.

Earlier police Warrant Officer Daniel Kuhn told the court a document bearing the registration number of a car Mr Mataung and Mr Motopo had allegedly been driving was handed to him at Mrs Sene's home in the presence of the two men.

Under cross-examination by Mr Clifford Mailer, for the defence, Mrs Sene denied handing over the document in front of the two men. She said she was positive they had not seen her do so.

Mrs Sene said the two men were sitting handcuffed in the back of the police vehicles.

Later she was asked to go to the vehicles and identify the men as the pair who had come to her house with three others who wished to cross the border.

The case continues on February 11.

Mr A van Wyk is prosecuting and Mr Mailer is appearing for Messrs Pillay and Manamela. Mr N Segal for the other men.

RDM 7/2/81 (26) (331)
UN clemency appeal to SA

By RICHARD WALKER
NEW YORK. — The United Nations Security Council this week fired off a clemency appeal on behalf of the three Silverton trialists condemned to death.
Expressing "grave concern", the council "strongly urged" the South African Government to "avert further aggravating the situation" and "take into account the concern expressed for the lives of these three young people."
The statement was read out at a brief meeting on Thursday that climaxed two months of lobbying by the African National Congress.
This came only minutes after new U.S. ambassador, Mrs. Jeane Kirkpatrick, had presented her credentials to Dr. Kurt Waldheim and left calling her job "awesome."

Nine youths convicted

10/2/81 Political Staff 331

HOUSE OF ASSEMBLY. — The Minister of Police, Mr Louis le Grange, yesterday declined to give details of 127 children under the age of 18 who were detained in terms of the security laws last year.

But he did say that 26 of the youths were charged, of whom nine were eventually convicted, but said the trials of eight others had not yet been concluded.

Mr Le Grange was replying to a question tabled by Mrs Helen Suzman (PFP Houghton). He said 95 males and 32 females under the age of 18 had been detained under the security laws last year.

Mrs Suzman wanted to know what the age of each of the detained children was at the time of their detention, under what law they had been detained and for what period each had been detained.

Mr Le Grange said: "I consider it not to be in the public interest to disclose all the information required."

Of the 26 youths charged, one was charged with malicious injury to property; one with attempted murder, arson and causing an explosion; two with leaving the country at a place other than a port and without valid passports; four with participating in terrorist activities, murder or alternatively public violence; three with sabotage; 12 with intimidation of scholars; one with attempted murder, and two with incitement to commit a crime.

CHEMICAL

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J H Rens

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of the 2nd, 3rd and final years.
Corporation Medals

FACULTY OF ENGINEERING

Girl, 16, exposed as liar — defence

Staff Reporter

WORCESTER. — A 16-year-old girl who gave evidence against five students charged with sabotage had been "exposed as a patent liar", counsel for the defence claimed in the Regional Court here yesterday.

Mr T L S Skweyiya said this while arguing the case for five students on trial here.

The students — Cynthia Nduna, 20, Kent Makalipi, Gladstone Buti, 20, and two youths — all pleaded not guilty to three counts of sabotage and alternative counts of incitement and conspiracy to commit sabotage, malicious damage to property and arson.

Counsel for the State, Mr J A Niehaus, called for Miss Nduna to be convicted on two counts of sabotage, Mr Makalipi on one count and Mr Buti and the two youths on all three counts.

The charges relate to the stoning and burning of the Guguletu houses of two school principals and an Anglican minister on September 9 last year.

Mr Niehaus said the incidents took place during the school boycotts.

He said a meeting held before lunch on September 9 was

disrupted by riot police and students were assaulted. They were unhappy about this.

At the meeting at NY7 that evening, the children wanted action. They wanted revenge because they had been assaulted and their meeting broken up.

The reason the houses — which belonged to the Rev Stanley Qabazi, Mr M Gqaji and Mr Prince Tukululu — were damaged was that all three were against the school boycott.

Mr Niehaus said the 16-year-old girl who gave evidence for the State was "a good witness. She was at the evening meeting at NY7. She said they were all instructed to pick up a stone."

"It was not easy for her to give evidence with the pressures exerted on her by people outside," he said.

She had first denied and later admitted to writing a letter produced in court which she allegedly wrote while in detention.

He said the accused students all had water-tight alibis. They also tried to give the impression of peace in the townships.

This was disputed in the evidence given by the investigat-

ing officer in the case. Warrant Officer H J van der Hoven, who said the position was tense.

Arguing the case for the defence, Mr Skweyiya said the girl was "exposed as a patent liar".

"She is a child, only 16 years old. The less said about her evidence the better."

"She first denied it was her handwriting even before she had seen it. She then admitted it was her letter when she was reassured that she had nothing to fear."

Mr Skweyiya said "great caution" was called for when dealing with a person who was in detention at the time she gave evidence, as the girl had been

"I cannot over-emphasize the dangers of using the evidence of someone in detention," he said.

The girl had been warned as an accomplice before she testified and her evidence would need to be corroborated. This was not done.

The verdict will be given tomorrow.

Mr A P Burger was on the Bench. Mr Skweyiya was instructed by A Omar and Co.

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FACULTY OF ENGINEERING

'Dangerous to convict on a detainee's evidence'

ADM 10/2/81

331

WORCESTER. — It was extremely dangerous to convict people on evidence given by someone who had been detained until the day of the trial, it was submitted in the Worcester Regional Court yesterday.

Defence counsel Mr T S L Skweyiya said this at the trial of Miss Cynthia Nduna, 20, Mr Gladstone Buti, 20, Mr Kent Makalipe, 20, and two youths who are appearing on three charges of sabotage, malicious damage to property and arson. They have pleaded not guilty.

Mr Skweyiya said a 16-year-old girl who had turned State witness was patently a liar.

"I submit, with respect, the less said about her evidence the

better. She is an accomplice to the crime, a single State witness and only a child."

Referring to the letter the girl wrote in detention, alleging she had been tortured, Mr Skweyiya said that at first she denied it was her handwriting. Only when told she had nothing to fear did she admit writing it.

She was naive to think the court could accept her explanation that she had written the letter because she wanted to restore her credibility with the community after they heard she had turned State witness.

Mr Skweyiya asked for the acquittal of the five on all the charges. There had been no corroboration of the girl's evi-

dence and the State had failed to disprove their alibis.

The prosecutor, Mr J A Niehaus, said that under pressure the girl had been a good witness. He said not one of the accused could give reasons for her wanting to testify falsely against them.

He said that although the accused had watertight alibis, on the strength of evidence before the court he asked for Miss Nduna to be convicted on two counts of sabotage, Mr Makalipe on one sabotage count and Mr Buti and the two accused youths on three.

Mr A P Burger adjourned the trial to Wednesday for judgment. — Sapa.

CHEMICAL

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FACULTY OF ENGINEERING

CT 10/2/81 (331)
**Slogan painters
 sentences reduced**

Staff Reporter

TWO MEN who were sentenced to nine months for painting political slogans on three private buses had their sentences reduced on appeal to the Supreme Court yesterday.

Frederick Phillips, 27, and Roger Schroeder, 27, formerly employed by the company that owned the buses, were convicted in the Hermanus Regional Court of malicious damage to property on June 6 last year.

The men pleaded guilty. Convicted with them was a third man who was not involved in yesterday's appeal.

They painted slogans on three buses belonging to a Worcester company, Hextex (Pty) Ltd, Worcester.

The cost of removing the slogans amounted to R180. Phillips and the third man painted the slogans while Schroeder kept watch.

Phillips and Schroeder were sentenced to 18 months each, half of which was suspended for five years.

The magistrate said if it was not for the political nature of the offence, the sentence would have been different. It was clear that the motivation had

been political.

It was a democratic right to differ with the authorities, but this had to be expressed in the proper way. Any shift away from this undermined the Western democratic system.

He said the slogans had been painted in an "amateurish and childish" way.

Miss Justice Van der Heever said yesterday the magistrate

had been in part "slightly misdirected", as Phillips and Schroeder had not been charged with such offences as terrorism, communism, incitement or public violence.

Their sentences were reduced to 12 months each, suspended for five years. The conditions for suspension included that they pay R90 each to Hextex (Pty) Ltd and write to the company to express remorse.

Mr Justice Lategan concurred, but added that the magistrate had not misdirected himself in taking into account their political motivation when considering a heavy sentence.

Mr D W Scott, instructed by A Omar and Company, appeared for the two men. Mr R B Rorich appeared for the State.

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FACULTY OF ENGINEERING

84 pupils charged

MDANTSANE — A total of 84 Mdantsane pupils appeared in 21 separate trials before Mr B. Addison at a special regional court here on charges of either public violence or arson, or both.

They were not asked to plead and no evidence was led.

The cases were postponed

to March 9 and 10 and bail was fixed at R50 each.

The pupils had been in detention under the Ciskei emergency regulations since the unrest last year.

The case of 13 other students on public violence charges was postponed to March 4. — DDR.

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G L Cragg

CHEMICAL

Sabotage charges— 5 found not guilty

331

ARCUS 11/2/81

Staff Reporter

WORCESTER. — Five black SRC members who allegedly stoned and burnt down the Guguletu houses of two school principals and an Anglican priest, were acquitted of charges of sabotage by Regional Court magistrate here today.

Immediately after the Magistrate, Mr A P Burger, acquitted Miss Cynthia Nduna, 20, Mr Kent Makalipi, 20, Mr Gladstone Buti, 20, and two youths aged 15 and 17, a small crowd gathered outside the building gave clenched fist salutes and sang freedom songs.

BATON CHARGE

After refusing to obey an order to remain quiet, about 12 policemen baton-charged them and they scattered.

Mr Burger said in the 24-week trial, that State

had failed to prove their guilt.

Referring to Miss Nduna, Mr Burger said the evidence by two State witnesses, Miss Monica Qabazi and Mrs Mildred Tukulu could not be seen in isolation.

Monica, daughter of the Rev Stanley Qabazi, had contradicted herself while describing the attack on her father's house on the night of September 9 last year, while Mildred Tukulu, an aged woman and mother of school principal, Mr Prince Tukulu, had been terrified while attempting to ward off the attack on their home.

Mr Burger said the defence council had not contested the honesty of Mrs Tukulu, although Mr Skweyiya had put aside the procedure adopted at the identification parade where Mrs Tukulu had pointed out Miss Nduna.

HONEST PERSON

He said the court had seen her as an honest, upright person who could make a bona fide mistake.

Another problem which had faced the State was the refusal of two witnesses to testify against their friends, and had to be punished by the court. They were both sentenced to 12 months imprisonment.

Referring to Mr Makalipi, the only evidence was that of Joos and Monica Qabazi. They said while their house was being attacked, they saw Mr Makalipi standing outside in a patch of light. He stood there doing nothing, then left the premises, they said.

ACCOMPLICE

Mr Burger said the evidence against Mr Buti and two youths, relied entirely on a 16-year-old girl and accomplice, who had turned State witness.

He said her evidence was brilliant except for two serious flaws. She had first denied then later admitted writing a letter in detention. She had given the court a good explanation for writing the letter, but this explanation could

not be accepted in the face of her denial of ever having written the letter, he said.

LETTER

The girl had explained to the court she had written a letter, in which she alleged assaults on her by the security police, to restore her credibility in her community.

Mr Burger said she had withstood the merciless attack on her by the defence counsel, who had cross-examined her for a day.

She deserved her freedom after this unpleasant experience, he said.

At the end of the State case, Mr Oupa Lehulere, 20, president of the SRC at Fezeka High School and Mr Lomwabo Hase, 20, were acquitted of all charges.

Mr J A Niehaus prosecuted.

Terror trial witness refuses to testify

• Staff Reporter

A STATE witness yesterday refused to give evidence in a Terrorism Act trial in the Ermelo Magistrates' Court.

The witness, who, the court ruled, may not be named, refused to take an oath after entering the witness box, and asked the magistrate, Mr J S P Kuhn, if he was to testify of his own will or that of the State.

Mr Kuhn told him he was to give evidence under the will of the State.

Mr Raphael Mzikayifani Khumalo, 24, and Mr Raymond Veli Dlulu, 29 were appearing on charges under the Terrorism Act.

The State alleges that Mr

Khumalo entered South Africa after being trained as a terrorist, and that he was found in possession of firearms and explosives.

It is alleged that Mr Dlulu conveyed terrorists between Swaziland and South Africa between 1976 and 1980.

They have pleaded not guilty to all charges.

The witness said he would decide whether to give evidence only after he had consulted his legal adviser.

After an adjournment, Mr Kuhn agreed that the witness, who was warned as an accomplice, was entitled to do this.

The hearing was postponed to March 23, and the witness was remanded.

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Three face incitement charge

Three men who allegedly wanted to smuggle students out of South Africa for military training asked a Mafikeng resident studying in Soweto to take them to an uncontrolled border crossing point, a Johannesburg Regional court magistrate heard yesterday.

Mr Jeffrey Mashokwe (23) was giving evidence before Mr G Steyn in an Internal Security Act trial.

Three men, Mr Pinda Manamela (34), Mr Jonas Motaung (36) and Mr Nicodemus Motapo (38), were charged with inciting people to undergo military training outside South Africa and arranging transport from Johannesburg to Botswana.

Mr Etienne Pillay (18) and a 17-year-old youth were charged with consenting to undergo military training. All pleaded not guilty.

Mr Mashokwe said he was asked by Mr Manamela to take them to Makgobistad on the border of Bophuthatswana and Botswana because there was no control post there.

Mr Mashokwe said he agreed because he was offered a lift to nearby Mafikeng.

The trial continues today.

Black scholars acquitted of sabotage in Guguletu

RDM 12/2/81

331

WORCESTER. — Five black school students' representative council members who allegedly stoned and burnt down the Guguletu houses of two school principals and an Anglican priest, were yesterday acquitted of charges of sabotage by a Worcester regional magistrate.

Immediately after the magistrate, Mr A P Burger, acquitted Miss Cynthia Nduna, 20, Mr Kent Makalipi, 20, Mr Gladstone Buti, 20, and two youths aged 15 and 17 of the charges, a small crowd gathered outside the building with clenched fists, singing freedom songs.

A group of about 12 policemen baton charged the people, who scattered in all directions, after initially ignoring orders to remain quiet.

Passing judgment, Mr Burger said that in the trial of the young people the State had failed to prove guilt.

Referring to Miss Nduna, Mr Burger said the evidence against her by two State witnesses, Miss Monica Qubazi and Mrs Mildred Tikulu, could not be seen in isolation, and that they were single witnesses.

Monica, the daughter of the Rev S Qubazi, had contradicted herself when describing the attack on her father's house on the night of last September 9, while Mrs Mildred Tikulu, an aged woman and mother of a school principal, Mr Prince Tikulu, had been terrified while attempting to ward off the attack on their home.

Mr Burger said defence counsel, Mr T L S Skweyiya, had not contested the honesty of Mrs Tikulu, though he had put doubt on the procedure at the identification parade where Mrs Tikulu pointed out Miss Nduna.

He said the court had seen her as an honest, upright person who could make a mistake.

Another problem which had faced the State was the refusal of two witnesses to testify against their friends. They were both sentenced to 12 months' jail.

Mr Burger said Miss Nduna had created a bad impression. She was not honest to the court and had he had admitted it was unlikely that Mrs Tikulu would falsely incriminate her.

A 16-year-old State witness, eventually discredited by the court, had explained that she wrote a letter in which she alleged assaults on her by the Security Police to restore her credibility in her community. Mr Burger said she had withstood the merciless attack on her by the defence counsel, who had cross-examined her for a day. She deserved her freedom after this unpleasant experience, he said.

At the end of the State case on Monday, Mr Oupa Lehulere, 20, president of the SRC at Fezeka High School, and Mr Lomwabo Hase, 20, were acquitted of all charges.

All the pupils had previously pleaded not guilty to the three charges of sabotage. — Sapa.

Terrorism trial judgment today

(331) RDM 13/2/81

Pretoria Bureau

JUDGMENT will be delivered today in the Pretoria Regional Court in the case of a Mamelodi doctor, Dr Fabian Ribeiro, 48, and two youths who are charged with five counts of contravening the Terrorism Act.

The accused are Dr Ribeiro, Mr Caiaphus Mashilo, 18, and a 16-year-old youth. The trial was

held in camera.

Today's judgment is likely to be open to the public.

The accused have pleaded not guilty to taking part in terrorist activities between January and April last year.

According to the charge sheet, Dr Ribeiro is alleged to have wrongfully and unlawfully incited, instigated, advised or encouraged several youths to undergo military training outside the Republic, which would endanger the maintenance of law and order.

He is also charged with supplying the youths with money for train tickets to Nelspruit, on their way to Komatipoort, near the Mozambique border, for the purpose of receiving military training.

Mr Mashilo and the 16-year-old youth are charged with wrongfully and unlawfully trying to undergo military training outside the country.

A further claim is that between February and April the 16-year-old youth incited and encouraged another youth to receive military training.

Dr Ribeiro has been granted R500 bail and the two youths are in custody. This is the first time a Terrorism Act accused has been granted bail.

RDM 14/2/87

331 Youths guilty in terror trial

By SAM MASEKO
Pretoria Bureau

TWO Mamelodi youths were found guilty of contravening the Terrorism Act and sentenced to 15 years jail by a Pretoria magistrate yesterday.

Jan Mashilo, 18, was found guilty on two counts and jailed for five years on each count, but the magistrate ruled the sentences would run concurrently.

The 16-year-old youth charged with him was jailed for five years, after being found guilty on one count.

Dr Fabian Ribeiro, 48, who appeared with them, was found not guilty and discharged.

He said he would have been been happier if all had been acquitted.

The doctor and the two

youths had pleaded not guilty to five counts of participating in terrorist activities.

The court found there was not sufficient evidence to prove Dr Ribeiro had incited other people to receive military training outside the country, and that he had not supplied youths with money to leave the country to undergo military training.

Mashilo and the youth were found guilty of consenting to, attempting to or taking steps to undergo military training so as to endanger the maintenance of law and order in the Republic.

Mashilo was also found guilty on a charge of inciting and encouraging other people to leave the country for the purpose of undergoing military training outside the country.

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MPs' sons in court on Assemblies Act charge

Own Correspondent

DURBAN — Two students, sons of two Progressive Federal Party MPs, pleaded not guilty before Mr H A Steyn in the Durban Regional Court today to contravening the Riotous Assemblies Act by holding and addressing a prohibited meeting on the Durban campus of the University of Natal last year.

Mr Andrew Michael Borraine (21), president of Nusas, and Mr Christopher St Leger Swart (21), president of the Durban campus SRC, are alleged to have held and addressed a meeting on the campus on June 16 in contravention of a prohibition on meetings of more than 10 people between June 14 and June 30 1980.

LEGAL DEFENCE

Mr A Wilson, SC (for the defence), said the facts were not in dispute. But the defence was a legal one. It was submitted that their conduct did not amount to a contravention of the proper meaning of the prohibition notice.

Alternatively, the prohibition notice was void because of vagueness, uncertainty or unreasonableness.

A journalist, Mr Ian Patrick Leeman, told the court he had attended the meeting which was opened by Mr Swart and addressed by both men.

At the close of the State case, the defence case was closed without evidence being led.

The trial was adjourned to March 23.

Argus
17/2/81
Security (331)
plea: Don't
name Mr A

Argus Bureau

PORT ELIZABETH. — A security policeman, Captain Craig Williamson, gave evidence today to support an application in the Regional Court here, that, in the interests of State security, the identity of a witness, Mr A, should not be revealed and his evidence be heard behind closed doors.

**Top
secret...**

PORTRAIT of a South African super-spy: First of a two-part series — Pages 14 and 15.

Captain Williamson was giving evidence at the trial of a Rhodes University journalism lecturer, Mr Guy Julian Eliot Gough Berger, 24, and a student, Mr Devandiren Pillay, 20.

They are charged with:

- Becoming members of an unlawful organisation — the African National Congress (ANC).
- Taking part in ANC activities.
- Furthering the aims of communism.
- Three counts under the Publications Act for possessing and distributing undesirable and banned publications.

Mr Berger faces a seventh charge of obtaining information on black trade unions for use by the ANC against the Federa-

(Continued on Page 8, col 8)

Argus
17/2/81
Mr A (331)
(Continued from Page 1)

tion of South African Trade Unions.

The two are accused of having had contact with senior ANC officials in foreign countries, recruiting ANC members in East London and Grahamstown, establishing 'safe' houses and organising discussion and indoctrination groups.

Both have pleaded not guilty to all counts, but have admitted possession of or having stored certain banned publications with other people. They have denied distributing the literature.

Captain Williamson said that as a Security Policeman at headquarters in Pretoria, his duty was to liaise regularly with the National Intelligence Services (NIS).

UNDERCOVER

While still a member of NIS, he had been engaged in sensitive, undercover operations with Mr A, where the primary aim had been to gather information for intelligence rather than investigate crime.

'If Mr A's identity is revealed or his picture published in the Press it would be to the detriment of his activities now and in the future,' said Captain Williamson.

Under cross-examination by Mr D A Cooney, for the defence, who opposed the application, Captain Williamson said that on January 24, 1980, he had been exposed as an undercover police officer — 'I take exception to the term spy' — by the Minister of Police.

Mr Cooney put it to him that Mr A's 'cover' had been blown as far as student activities were concerned.

'Student activities are not the only threat to the State. Some leftist students might know who he is but many others don't,' said Captain Williamson.

'There has been a degree of Press speculation about the role of Mr A but no authoritative statement has yet been made.'

Mr Cooney said there had been a great deal of national Press publicity surrounding both Mr A and Captain Williamson.

'In the student Press a lot has been published about both of you,' he said.

'Luckily, I don't have to read the student Press,' said Captain Williamson.

The hearing was adjourned until later today when a decision on the application would be announced.

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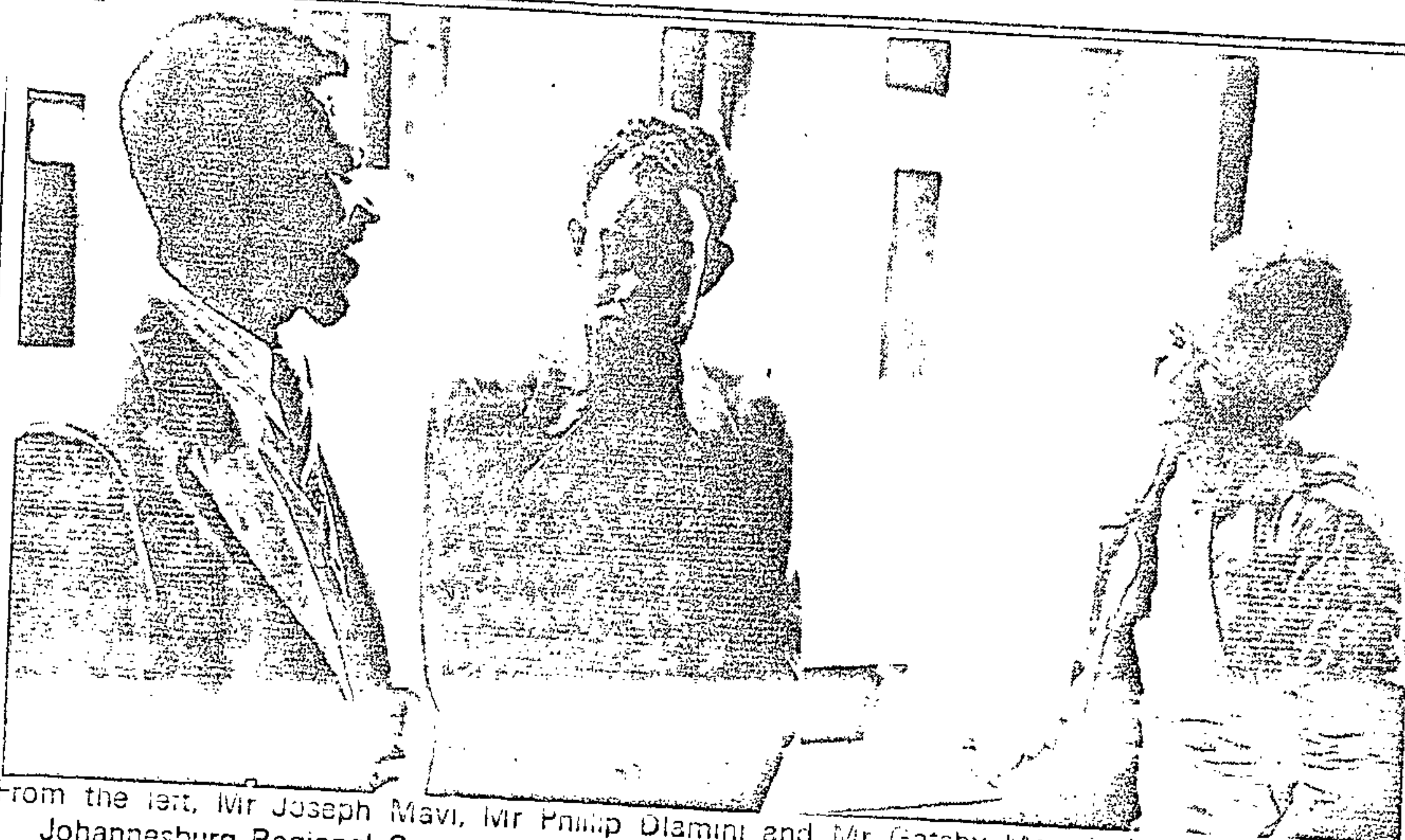
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best classwork in Engineering



From the left, Mr Joseph Mavi, Mr Phillip Dlamini and Mr Gatsby Mazwi chatting outside the Johannesburg Regional Court yesterday after the State had agreed to postpone their case.

ROM 17/2/91
**Mavi case
postponed**

Staff Reporter

THE case in which union leader Mr Joseph Mavi and two of his officials are charged under the Riotous Assemblies Act was postponed by the Johannesburg Regional Court yesterday at the request of the defence.

Appearing on allegations of inciting an illegal strike were Mr Mavi, 42, president of the Black Municipal Workers' Union, and executive members, Mr Phillip Dlamini, 59, and Mr Gatsby Mazwi, 29.

Mr Mavi and Mr Mazwi are each on R500 bail. Mr Dlamini's bail is R1 000.

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Sammy Sacks Memorial Prize

old youth have all pleaded not
guilty to the charges.
Miss Maureen Makhapela, 25, was giving evidence in a trial in which four men and a 17-year-old youth are appearing on charges of inciting people to undergo military training outside the country or attempting to undergo such training in order to undermine law, order and stability in the Republic.

Mr Etienne Pillay, 18, Mr Pinda Manamela, 31, Mr Jonas Motaung, 35, and Mr Nicodemus Motapo, 39, and a 17-year-old youth have all pleaded not

guilty to the charges.
Miss Maureen Makhapela told the court that one day last year Mr Kutlwano Lehallo (her brother), the youth, Mr Pillay and three other men came to visit her boyfriend, Mr Manamela, at their home in Dube, Soweto.

"They all slept at home that night. The following day the five men, the youth and my boyfriend left the house and did not tell me where they were going," she said.

"A few days later W/O Daniel Kuhn of Protea police station interrogated me for almost the whole day and ordered me to make a statement.

"He slapped me across my face and threatened to detain me under Section 22 of the Internal Security Act if I did not say what he wanted," she added. The hearing continues tomorrow.

I was slapped, says witness

Staff Reporter

A STATE witness in an Internal Security Act trial in the Johannesburg Regional Court said yesterday she was slapped across her face and threatened with detention under Section 22 of the Internal Security Act by a warrant officer while she was making a statement in the Protea police station last year.

Miss Maureen Makhapela, 25, was giving evidence in a trial in which four men and a 17-year-old youth are appearing on charges of inciting people to undergo military training outside the country or attempting to undergo such training in order to undermine law, order and stability in the Republic.

Mr Etienne Pillay, 18, Mr Pinda Manamela, 31, Mr Jonas Motaung, 35, and Mr Nicodemus Motapo, 39, and a 17-year-old youth have all pleaded not

guilty to the charges.

Miss Maureen Makhapela told the court that one day last year Mr Kutlwano Lehallo (her brother), the youth, Mr Pillay and three other men came to visit her boyfriend, Mr Manamela, at their home in Dube, Soweto.

"They all slept at home that night. The following day the five men, the youth and my boyfriend left the house and did not tell me where they were going," she said.

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"He slapped me across my face and threatened to detain me under Section 22 of the Internal Security Act if I did not say what he wanted," she added. The hearing continues tomorrow.

CHEMICAL

ED-1 17/2/81

(331)

MPs' sons deny meeting was illegal

RDM 17/2/81
331

DURBAN. — Two students, both sons of Progressive Federal Party MPs, pleaded not guilty in the Durban Regional Court yesterday to contravening the Riotous Assemblies Act by holding and addressing a prohibited meeting on the Durban campus of the University of Natal.

Mr Andrew Michael Boraine, 21, president of Nusas, and Mr Christopher St Leger Swart, 21, president of the Durban SRC, are alleged to have held and addressed a meeting on the campus on June 16 last year.

The State claims that the meeting was to commemorate disturbances at Soweto on June 16, 1976.

This was in contravention of a notice published in the Government Gazette on June 13 last year prohibiting meetings of more than 10 people between June 14 and June 30, 1980, unless authorised by the Minister of Justice or the magistrate for the district.

The two students also pleaded not guilty, before Mr H A Steyn, to alternative charges that they advertised the prohibited meeting and attended it.

Mr A Wilson, SC (for the defence) said the facts were not in dispute. The defence admitted that the meeting was held and that both men addressed it.

Mr Wilson said the meeting was arranged by the projects committee of the SRC, of which Mr Swart was ex-officio chairman.

The defence was a legal one in that it was submitted that their conduct did not amount to a contravention of the proper meaning of the prohibition notice.

Alternatively, the prohibition notice was void because of vagueness, uncertainty or unreasonableness.

A journalist, Mr Ian Patrick Leeman, told the court he had gone to the campus on June 16 expecting to report on a prayer meeting.

Mr Swart opened the meeting and read an address to the effect that students should not lose their ideals after

They should be prepared to make financial sacrifices to help Africans by, for example, teaching in black communities.

Mr Leeman said he regarded Mr Boraine's speech as more in the nature of a summing up of the socio-political situation in South Africa as he saw it.

The speech was a factual summing-up of the situation in South Africa. It also dealt with historical aspects of the socio-political situation. There was no discussion.

Mr Leeman said the meeting did not open with prayer and did not fill his expectation that it was a religious meeting.

Lieutenant J L McPherson told the court he went to the campus with Major P L du Toit, also of the Security Police, on June 16.

Maj Du Toit arrested Mr Boraine in the office of the president of the SRC about 6pm.

Lieut McPherson said Mr Boraine was detained at the Brighton Beach police station.

He personally searched him and took possession of a copy of the speech made that afternoon, a notice of the meeting and a Press statement issued by the SRC.

He said Mr Boraine was detained for two months, but his detention had nothing to do with this case.

Det W/O P C Brand, also of the Security Police, said he went to the campus about 1.15pm on June 16.

He took possession of a poster which he found in the foyer of the SRC building. On it the words "Remember June 1976" had been crossed out.

At the close of the State case, the defence case was closed without evidence being led.

Mr Wilson said it had been agreed that it would be more convenient if written legal argument were submitted to the court by himself and the prosecutor.

The trial was adjourned to March 23. — Sapa.

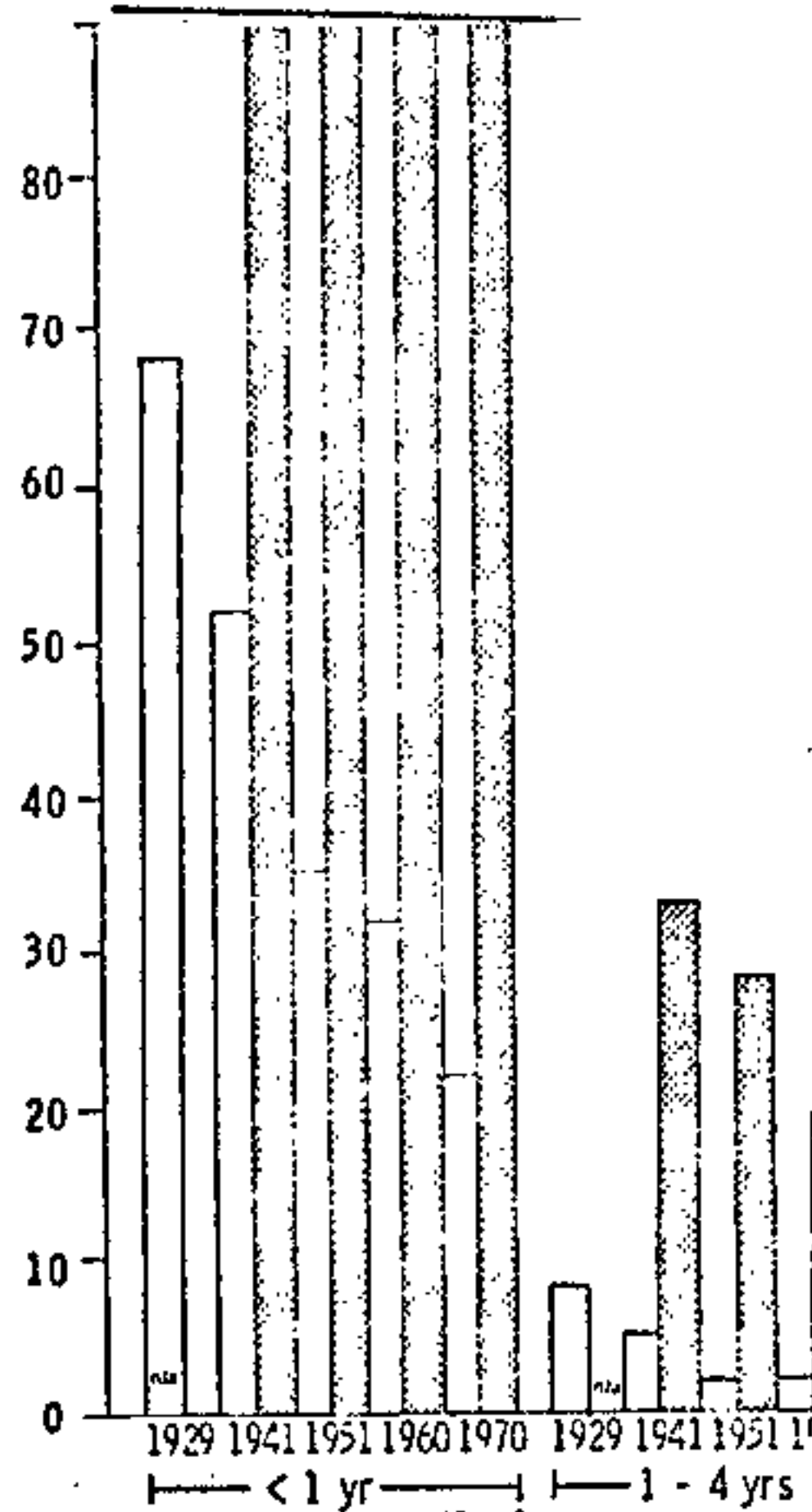
Rhodes men ANC members court told

DD, 17/2/81

(331)

190
180
170
160
150
140

MORTALITY
RATE/1000



- 1 & 2 Infectious & Parasitic Diseases (including Respiratory Tuberculosis)
- 3 Diarrhoea, Gastritis and Enteritis
- 4 Influenza, Pneumonia and Bronchitis
- 5 Cardiovascular Diseases
- 6 Malignant and Benign Neoplasms
- 7 Certain Degenerative Diseases
- 8 & 9 Accidents & Violence (including Motor Vehicle Accidents)
- 10 Certain Diseases of Infancy
- 11 & 12 Other Unknown Causes (including complications of pregnancy)

the Port Elizabeth Regional Court the importance attached to workers' organisations by various underground movements in South Africa.

Professor Christoffel van der Merwe, head of RAU's Department of Political Science, was giving evidence at the trial of a Rhodes University journalism lecturer, Mr Guy Berger, 24, and a social science student, Mr Devandiren Pillay, 21, of East London.

They pleaded not guilty to three counts each under the Internal Security Act and a further three each under the Publications Act.

It is claimed by the state that they were members of the banned African National Congress, that they took part in its activities and that they furthered the aims of the South African Communist Party (SACP).

Mr Berger also pleaded not guilty to a further charge under the Internal Security Act of obtaining information about black trade unions in the Eastern Cape which could have been of use in furthering the aims of the ANC.

The state claims that Mr Berger, on behalf of "two senior members of the ANC" in Botswana, Mr Pete Richer and Miss Loren Vlotman, obtained information which might bring the Federation of South African Trade Unions (Fosatu) within the sphere of the ANC-aligned South African Congress of Trade Unions (Sactu), or, alternatively, might discredit Fosatu as a possible competitor to Sactu.

The state also claims that Mr Berger and Mr Pillay set up secret codes to make contact with ANC members in other countries.

Prof Van der Merwe, who said he recently completed a doctorate on the theory of revolution, gave a broad outline of black opposition in South African history.

He said Sactu, which

was formed in 1955, had never been banned, but accepted the ANC as the leader in the liberation struggle.

Sactu made workers aware of their grievances, then mobilised them for action.

The SACP and the ANC did not favour attempts to register black trade unions, as they believed the government would gain more control of these unions and cripple them.

Organisations like that of Lucy Mvubelo (head of the National Union of Clothing Workers) were strongly criticised, he said.

Quoting from the SACP magazine, African Communist, he said: "The struggle of the black workers cannot be separated from the struggle against racist oppression. The indivisible line which exists between class and national oppression in our country explains the need for strong Communist Party and a well-organised trade union movement."

A number of books and documents, some of which Mr Berger and Mr Pillay admitted they had possessed, were handed in as evidence.

Reviewing a selection of books, including works by Marx, Lenin and Joe Slovo, Prof Van der Merwe said that, on the whole, they could be used for the teaching and studying of Marxism on a sophisticated level.

He said a "piece of typical communistic propaganda," which was placed inside the cover of a publication by the Anglo American mining house, was in accordance with "the practice" of putting publications inside an innocent looking cover.

Prof Van der Merwe agreed with Mr D. A. Cooney, appearing for Mr Berger and Mr Pillay, that the books were the type of literature one might expect to find in the possession of a serious student of Marxism.

The case continues. — DDC.



Calendar Years
Age Groups

although their cash wages may amount to as little as R5,00 per week. He sees about 100 to 150 patients a day at the clinic for 'coloured' patients. The clinic is situated in a small building, which includes a waiting room, a consultation room, a surgery and a dispensary. It is situated in the town of Kimberley, which is one of the poorest of the four towns. The clinic is run by a doctor who is a member of the South African Medical Association and who is also a member of the South African Medical Association. The clinic is open from 9 a.m. to 5 p.m. and is free of charge. The doctor also runs a surgery on three mornings a week at the clinic, which is also free of charge. The clinic is situated in the town of Kimberley, which is one of the poorest of the four towns. The clinic is run by a doctor who is a member of the South African Medical Association and who is also a member of the South African Medical Association. The clinic is open from 9 a.m. to 5 p.m. and is free of charge. The doctor also runs a surgery on three mornings a week at the clinic, which is also free of charge.

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The fees charged to private patients vary from upwards of the R10 for a consultation to the R20 for a surgery. The Government pays for the clinic, which is situated in the town of Kimberley, which is one of the poorest of the four towns. The clinic is run by a doctor who is a member of the South African Medical Association and who is also a member of the South African Medical Association. The clinic is open from 9 a.m. to 5 p.m. and is free of charge. The doctor also runs a surgery on three mornings a week at the clinic, which is also free of charge. The clinic is situated in the town of Kimberley, which is one of the poorest of the four towns. The clinic is run by a doctor who is a member of the South African Medical Association and who is also a member of the South African Medical Association. The clinic is open from 9 a.m. to 5 p.m. and is free of charge. The doctor also runs a surgery on three mornings a week at the clinic, which is also free of charge.

The cost of the services provided by the clinic is borne by the Government. The clinic is situated in the town of Kimberley, which is one of the poorest of the four towns. The clinic is run by a doctor who is a member of the South African Medical Association and who is also a member of the South African Medical Association. The clinic is open from 9 a.m. to 5 p.m. and is free of charge. The doctor also runs a surgery on three mornings a week at the clinic, which is also free of charge. The clinic is situated in the town of Kimberley, which is one of the poorest of the four towns. The clinic is run by a doctor who is a member of the South African Medical Association and who is also a member of the South African Medical Association. The clinic is open from 9 a.m. to 5 p.m. and is free of charge. The doctor also runs a surgery on three mornings a week at the clinic, which is also free of charge.

3.1.2. The Valley Clinics

There are three permanent clinics in Kimberley, and one each in Oudshoof and Aido. Two of these in Kimberley - one in the town for 'coloured' patients and one in the African location of Bonting - are run by the municipality for residents of the municipal area. Bonting clinic is run by two African nurses and supervised by the doctor who runs the clinic for 'coloured' patients. The clinic is situated in the town of Kimberley, which is one of the poorest of the four towns. The clinic is run by a doctor who is a member of the South African Medical Association and who is also a member of the South African Medical Association. The clinic is open from 9 a.m. to 5 p.m. and is free of charge. The doctor also runs a surgery on three mornings a week at the clinic, which is also free of charge.

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3.1.3. The Valley Clinics

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3 charged over illegal striking

Three executive members of the Black Municipality Workers' Union appeared briefly in the Johannesburg Regional Court yesterday, charged with inciting an illegal strike.

On trial with Mr Joseph Mavi, the 42-year-old president of BMWU, are the secretary of the union, Mr Phillip Dlamini (29), and Mr Gadsby Mazwi, an executive member.

The trial was postponed until tomorrow.

The prosecutor, Mr H J Coetzer, asked for an adjournment to obtain particulars requested by the defence.

Appearing for Mr Mavi and Mr Mazwi was Mr E Wentzer SC, instructed by Mrs Priscilla Jana. Mr Ratha Mokgoathleng appeared for Mr Dlamini.

Mr J J Luther was on the bench.

The trial was postponed until tomorrow. The prosecutor, Mr H J Coetzer, asked for an adjournment to obtain particulars requested by the defence. Appearing for Mr Mavi and Mr Mazwi was Mr E Wentzer SC, instructed by Mrs Priscilla Jana. Mr Ratha Mokgoathleng appeared for Mr Dlamini. Mr J J Luther was on the bench.

Secret agent collapses after giving evidence

Own Correspondent

PORT ELIZABETH. — A National Intelligence Service (NIS) secret agent, whose identity may not be revealed "in the interests of state security", collapsed yesterday after undergoing cross-examination in the security trial in progress in the Port Elizabeth Regional Court.

Earlier, Captain Craig Williamson, a security policeman based in Pretoria, who admitted having infiltrated "various undercover organizations", told the court why he thought the name of the agent, who claims to have infiltrated the National Union of South African Students (Nusas), the International University Exchange Fund (IUEF) and the African National Congress (ANC), should be kept secret.

The mystery witness, referred to as Mr A, was giving evidence in the trial of Mr Guy Berger, 24, a Rhodes University journalism lecturer, and Mr Devandiren Pillay, 21, a social science student.

They face three counts each under the Internal Security Act of being members of and furthering the aims of the banned African National Congress, of furthering the aims of communism and another three counts each under the Publications Act. Mr Berger faces an additional charge under the Internal Security Act.

They have pleaded not guilty to all charges.

Yesterday the State was granted an order that the identity of Mr A be kept secret "in the interests of state security", and that his evidence be heard behind closed doors. The press was allowed to be present.

In his evidence in chief, Captain Craig Williamson said that if it was openly confirmed that Mr A was in fact a member of the NIS, this would affect the carrying out of his duties.

Under cross-examination, Captain Williamson said there had been a degree of speculation in the South African and British press about Mr A's role. He agreed that Mr A's cover had been blown as far as student organizations were concerned, but said student political activity was not the only activity threatening the security of the state.

Cross-examined, Mr A said that when he went to a South African university in 1971, he was already operating as an agent for the then Bureau for State Security.

By 1977 he was acting as a courier for the ANC, and was later formally inducted into the organization. He read to the court a copy of a letter he was given in Botswana for Mr Berger by a Mrs Jeanette Schoon, whom he described as being "linked to Sactu" (the South African Congress of Trade Unions).

The letter gave instructions to find a hiding place "if things go wrong" and gave a code phrase to identify a helper.

Mr A said he had liaised with Captain Williamson over the International University Exchange Fund, for which he (Mr A) was in charge of the distribution of funds.

The hearing was adjourned.

Mr W Jurgens appeared with Mr P Crous for the State. Mr Kuny is instructed by Andrew, Lister and Tucker, of Johannesburg.

By RIAN DE VILLERS
Labour Correspondent

A STORM of protest erupted yesterday over the trial and conviction of 176 black bus drivers and other workers for striking illegally in Kingersburg on Monday.

Police were called, the men were arrested and taken to the Krugersdorp police station. They were tried later in the Krugersdorp Regional Court at Krugersdorp.

A total of 180 employees of the Greifhard Bus Lines Company in Chamdun, near Karp-Bersdorf, refused to go on duty on Monday morning after negotiations with management over Labour Relations Regulation 8.30pm.

Act. They were sentenced to prison terms of 10 months, concurrently suspended for five years.

Assembly Act, which prohibits strikes by workers in essential services, including transport.

In a move described as "unprecedented" by Labor Lawyers yesterday, the magistrate Mr. W. Anderson, imposed an order

The remaining 12 workers of the conditions for suspending the sentences that the men return to work yesterday.

Mr. Nathan Chodoff, a layman law expert, said the sentences imposed induced a "sense of shock" and appeared excessive for first offenders.

Mr. Chodoff, of the Centre for Applied Legal Studies at the

University of the Witwatersrand, described the condition that the men return to work as a "completely unprecedented" move which "flew in the face of common law".

is to compel workers to return on pain of an 18-month jail sentence. In my view, this is reviewable as well as appealable."

This now also covered blacks and prescribed much smaller penalties for illegal strikes.

Mr Piroshav Camay, general secretary of the Council of Nations of South Africa, also expressed shock.

of the Black Sash advice office described reports on the proceedings as "among the most appalling things I have read years".

"If it is correct that the men were given these sentences for a first offence, and a conditional to return to work imposed, then I find it incredible," he said.

study the events in greater detail, he said, it was likely to take the matter further as it indirectly affected an affiliate union which had had dis-

Another prominent labour lawyer also sharply criticized what he described as "uncommonly heavy sentences".

BLADED SECTOR A reports that the 12 remaining workers again pleaded not guilty yesterday to charges of striking illegally. No evidence was let and the men

Mrs Sheena Duncan, director

added that it was a cause for concern that a trial dealing with such complex issues could be dealt with so quickly.

Storm Over Businessmen's Lying Trial

He also questioned the dis-

parity between the speed at which offences by employees were brought to court, as opposed to actions by employees against employers.

"If it is correct that the men were given these sentences for a first offence, and a condition to return to work imposed, then I find it incredible," he said.

MARCO SERRA reports that the 12 remaining workers again pleaded not guilty yesterday to charges of striking illegally. No evidence was lost and the men

O'Company spokesman could not be reached for comment yesterday.

Country: .

100



100

Secret agent faints at lecturer's trial

Own Correspondent

PORT ELIZABETH. — A secret agent whose identity may not be revealed collapsed yesterday while undergoing cross-examination at a security trial in the Port Elizabeth Regional Court.

Earlier, agent Captain Craig Williamson, the "spy who came in from the cold" last year, told the court why he thought the name of the agent should be kept secret.

The mystery witness, referred to as Mr A, was giving evidence at the trial of Mr Guy Berger, 24, a Rhodes University journalism lecturer, and Mr Devandiren Pillay, 21, a social science student.

They face three counts each under the Internal Security Act

— of being members of and furthering the aims of the ANC and of furthering the aims of communism — and another three counts each under the Publications Act. Mr Berger faces an additional charge under the Internal Security Act. Both have pleaded not guilty to all charges.

Mr A told the court he was already operating as an agent when he attended university in 1971. By 1977 he was acting as a courier for the ANC, and was later formally inducted into the organisation.

During his cross examination, Mr A appeared ill. The magistrate, Mr J B Robinson, then adjourned the court. Mr A collapsed into a chair, sweating profusely, but took the stand again a few minutes later.

CHEMICAL

Sammy Sacks Memorial Prize
Awarded to the student with the
best classwork in Engineering
Drawing.

Professor George Menzies Prize
Awarded on results of final
examinations to the best male
student in Land Surveying or
Civil Engineering.

Fourth Year (Gold Medal)
P M Salmon
T J Cumming
D P Weeks
J H Rens
B F McClelland

Third Year (Silver Medal)
Miss N C Davidson

Second Year (Bronze Medal)
Miss G C Littlewort
For the best student in each
of the 2nd, 3rd and final years.
Corporation Medals

FACULTY OF ENGINEERING

WATER
 (17)
 SUPPLIES IN THE HOMELANDS.

It is easy so to concentrate on food problems as to forget that an ample and pure water supply is also essential for adequate nutrition" (8) ←

The inadequate water supplies in the area had long since been a source of concern to health workers, and it was decided to include data about how each household obtained its day-to-day water supply.

NIS man collapses at security trial

Own Correspondent

PORT ELIZABETH — A National Intelligence Service (NIS) agent, referred to as Mr A, collapsed yesterday in the Port Elizabeth regional court after undergoing cross-examination in a security trial.

The mystery witness was giving evidence in the case against Mr Guy Berger (24), a Rhodes University Journalism lecturer, and Mr Devandiren Pillay (20), a social science student. They were charged with being members of the ANC, taking part in the activities of the ANC, furthering the aims of communism and three counts of possessing and distributing undesirable or prohibited publications.

They pleaded not guilty to all charges.

Yesterday the court granted that the identity of Mr A be kept secret in the interests of State security and that his evidence be heard behind closed doors. The Press was allowed to be present.

Under cross examination, Mr A told the court that in 1977, he was acting as a courier for the ANC and was later formally inducted into the organisation.

During the cross examination by Mr D A Kuny, for Mr Berger and Mr Pillay, Mr A looked ill.

He collapsed in a chair, sweating profusely. The magistrate, Mr J B Robinson, adjourned the court but Mr A took the stand again a few minutes later.

Mr W Jurgens appeared with Mr Croux for the State.

(18)

The statistics reflect a very unsatisfactory situation in the homelands as far as water supplies are concerned. Very often the inavailability of a sound water supply is given as the reason for not starting a vegetable garden.

7) GENERAL HEALTH AND NUTRITION PROBLEMS AND PRACTICE.

The mother or mother figures were asked to itemise the constituents of an adequate diet for their children.

38% of the mothers suffering from malnutrition described

as suffering from inadequate diet.

team evaluated as

suffering from

team evaluated

not suffering from

team evaluated

as an adequate diet.

These figures indicate that while ignorance about nutrition is a factor in malnutrition, it should be noted that 62% of the mothers of children suffering from malnutrition had adequate knowledge about what constituted a healthy diet. The fact that they quoted diet could be related to one or more of the following factors:

- i) insufficient income to purchase the necessary diet
- ii) the mother may not be the person doing the buying and the cooking
- iii) a fatalistic attitude on the part of the mother whereby she is in possession of the relevant knowledge but is not convinced of the relationship between diet and disease.

a correct diet yet their children have malnutrition could be related to the following factors:

Approximate amount of water used per household per day (Table Thirti-Eight)

Unable to estimate	50%
6-20 litres	2%
21-40 litres	34%
40+ litres	14%

Not one of the households boiled water prior to consumption, the majority being unaware of the need to do so. The reasons for not boiling water (Table Thirti-Nine) did not need to be filtered water through 30%
 2%
 68%
 Why should we?

Corporation Medals
For the best student in each
of the 2nd, 3rd and final years.

Second Year (Bronze Medal)

Mr. A said he joined
Nusas (the National Union
of South Africa Students)
at a South African univer-
sity in order to be ab-
sorbed by the ANC.
While giving evidence
yesterday, Mr. A collapsed
in a chair, sweating pro-
fusely.
The magistrate adjourned
the court but Mr. A took
the stand a few minutes
later.
(Proceeding)

11) 1a1)

T J Cumming
D P Weeks
J H Rens
B F McClelland

Professor George Menzies Prize
Based on results of final
examinations to the best male
student in Land Surveying or
Civil Engineering.

Rens

My Sacks Memorial Prize
Awarded to the student with the
best classwork in Engineering

Wengaldo

& C I Prize
Awarding the first year student
winning the highest average

Cragg

Spy helped ANC set up courier link to Botswana

(331)
Argus 18/2/81

Argus Bureau
PORT ELIZABETH —
For a long time, Mr. Guy
Berger suspected one of
being a spy but we had a
fairly good relationship,
said the mystery witness,
a National Intelligence
Services agent, during the
trial of Rhodes lecturer
Mr. Berger and a student,
Mr. Devan Pillay, 20, on
charges under the Internal
Security Act and the Pub-
lications Act.

Under cross-examina-
tion, the witness, known
only as Mr. A, to protect
his identity in the in-
terests of State security,
said today that as an Afri-
can National Congress
member he was entrusted
to handle a courier sys-
tem between South Africa
and Botswana.

His network channelled
South African Communist
Party (SACP) publica-
tions for distribution in
South Africa, delivered
letters to listed commun-
ists and other political ac-
tivities and sent reports to
the International University
Exchange Fund (IUEF)
and the Africa National
Congress (ANC).

Mr. A said he had had
contact on several occasions
with former Rhodes stu-
dents, Peter Richer and
Loren Vlotman in
Botswana, and had once
delivered a letter from a
Jeanette Schoon to Mr.
Berger.

He had made a photo-
stat copy of the letter
before delivering it.

However, Mr. D. A. Kuny,
for Berger and Pillay,
said Mr. Berger had no
recollection of the letter.

Mr. A said he had told
no one, not even Mr.
Berger, that he was work-
ing for the ANC, nor dis-
cussed the organisation's
activities.

He said he was admitted
to ANC in 1977 and his
duties included gather-
ing intelligence.

Besides being involved
with the ANC, he was also
responsible for channel-
ling IUEF funds to
various projects.

As a member of NIS
and ANC, my purpose in
dealing with these pro-
jects was to build up con-
tact for subsequent use,
he said.

For the best student in each of the 2nd, 3rd and final years.

Corporation Medals

Second Year (Bronze Medal)

Mr A said he joined Nusas (the National Union of South Africa Students) at a South African university in order to be absorbed by the ANC.

While giving evidence yesterday, Mr A collapsed in a chair, sweating profusely.

The magistrate adjourned the court but Mr A took the stand a few minutes later.

(Proceeding)

11) 11)

T J Cumming
D P Weeks
J H Rens
B F McClelland

Professor George Menzies Prize

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the first year student
aining the highest average

Cragg

Spy helped ANC set up courier link to Botswana

Argus Bureau

PORT ELIZABETTE

For a long time, Mr Guy Berger suspected me of being a spy but we had a fairly good relationship," said the mystery witness, a National Intelligence Services agent during the trial of Rhodes lecturer Mr Berger and a student, Mr Devan Pillay, 20, on charges under the Internal Security Act and the Publications Act.

Under cross-examination, the witness, known only as Mr A to protect his identity in the interests of State security, said today that as an African National Congress member he was entrusted to handle a courier system between South Africa and Botswana.

South Africa delivered letters to listed communists and other political activists and sent reports to the International University Exchange Fund (IUEF) and the Africa National Congress (ANC).

Mr A said he had had contact on several occasions with former Rhodes students, Peter Richer and Loren Viotman in Botswana and had delivered a letter from a

He said he was admitted to ANC in 1977 and his duties included gathering intelligence.

Besides being involved with the ANC, he was also responsible for channeling IUEF funds to various projects.

As a member of NIS and ANC, my purpose in dealing with these projects was to build up contact for subsequent use," he said.

Jeannette Schoon to Mr Berger.

He had made a photograph copy of the letter before delivering it.

However, Mr D A Kuny, for Berger and Pillay, said Mr Berger had no recollection of the letter.

Mr A said he had told no one, not even Mr Berger, that he was working for the ANC, nor discussed the organisation's activities.

331

18/2/81

Argus

Greyhound trial comes under fire

West Rand Bureau

The speedy trial, conviction and sentence of 176 striking West Rand bus company employees has raised a storm of protest.

Lawyers and trade unionists have criticised the "rushing" of the trial and the sentences imposed.

One hundred and eighty-eight employees of Greyhound Bus Lines in Chamber, near Krugersdorp, went on strike on Monday morning over a wage dispute.

Police arrested the strikers who were later tried in the Krugersdorp Regional Court. In a hearing that lasted until 8.30 p.m., 176 of the strikers pleaded guilty to striking in contravention of the Black Labour Relation Regulation Act.

They were sentenced to 18 months' jail, suspended for five years on condition they were not convicted again of similar charges and that they returned to work yesterday.

They were acquitted on charges under the Riotous Assemblies Act.

HARSII

Mr P Moshidie, of the Black Lawyers Association, strongly criticised the "harshness of the sentence and the conditions."

He did not believe the court had the power to compel workers to return to work or face an 18-month jail sentence.

Mr Alex Erwin, general-secretary of the Federation of South African Trade Unions, was "amazed" at the handling of the matter.

"I have never heard of a similar case going through the courts so quickly. This will serve only to polarise industrial relations and discredit any kind of reform. It will solve nothing in the long term."

The sentences, he said, seemed very heavy-handed.

Twelve workers who pleaded not guilty were due to appear in court today.

Perjury charge in Security trial

Own Correspondent

JOHANNESBURG. — A 25-year-old Soweto woman appeared before Mr J Myburgh in the Johannesburg Magistrate's Court charged with perjury following her testimony in an Internal Security Act trial on Monday.

Maureen Makhapela, of Dube, Soweto, a mother of two children, was arrested by police soon after she testified in the trial in which four men and a youth are appearing on charges of inciting other people to undergo military training outside South Africa or attempting to undergo such training, to undermine law, order and stability in the Republic.

It is alleged that Miss Makhapela had deviated in her evidence under oath in the trial from the statement she had made to the police.

Mr Myburgh will rule on an application for bail today.

In the Johannesburg Regional Court yesterday, where the five people are being charged under the Internal Security Act, Warrant Officer Danie Kuhn said that Miss Makhapela had been co-operative while she was making a statement in the Protea police station last year.

Warrant-Officer Danie Kuhn, of Protea police station, Soweto, was giving evidence against a 17-year-old youth, Ettiene Pillay, 18, Pinda Manamela, 34, Jonas Motaung, 36, and Nicodemus Motapo, 38. All five have pleaded not guilty.

Warrant-Officer Kuhn told the court he questioned Miss Makhapela, Mr Manamela's girlfriend, for about three hours in his office at Protea.

Under-cross examination he said: "I could not have done anything to her if she had refused to sign the statement or to answer the questions I put to her."

On Monday Miss Makhapela told the court that she was slapped across her face and threatened with detention under Section 22 of the Internal Security Act trial if she did not tell him what he wanted.

She said she was interrogated for almost the whole day and was told to sign the statement and did it because she was afraid of being assaulted or detained.

The hearing continues today.

Mr G Steyn is on the Bench, Mr A van Wyk is prosecuting, Mr C Mailer is appearing for Mr Pillay and Mr Manamela and Mr N Segal for the others.

Agent tells court of 'spy' suspicion

Own Correspondent

PORT ELIZABETH. — The mysterious Mr A, the National Intelligence Service agent whose identity may not be disclosed yesterday told the Port Elizabeth Regional Court he believed that one of the accused, Guy Berger, had thought "for a long time" that he was a spy. But he maintained that he and Mr Berger nevertheless

had a cordial relationship. Mr Berger, 24, a journalism lecturer at Rhodes University, and Devandiren Pillay, 21, a student, have pleaded not guilty to charges under the Internal Security Act and the Publications Act. The State alleges they were members of the African National Congress (ANC), and that they furthered the aims of communism.

Mr A, whose cross-examination continued yesterday behind closed doors "in the interests of State security", told the court he had known Mr Berger when he (Mr Berger) was a student at Rhodes University.

ANC courier

At that time he (Mr A) was operating as a courier for the ANC.

He said he gave Mr Berger R200, from funds supplied to him by the International University Exchange Fund (IUEF), to establish a self-help organization in Grahamstown called Delta.

When Mr D Kuny, for the defence, suggested that Mr A's investigations into Delta must have proved disappointing, as it was not a front organization for anything, Mr A said "As a member of the NIS, I firmly believe that organizations like this are very necessary in South Africa."

He agreed with Mr Kuny that Delta was a laudable project.

Mr A said he never told Mr Berger he was a member of the ANC, never asked him if he was a member of the ANC and never discussed the ANC with him.

He tried to build up Mr Berger's confidence in him, but believed Mr Berger suspected for a time that he was a spy.

Nusas executive

Captain Craig Williamson, who is attached to the security police headquarters in Pretoria, told the court how he joined the security police in 1972, registered as a student at the University of the Witwatersrand and later was elected to the national executive of the National Union of South African Students before taking up a job in Geneva with the IUEF.

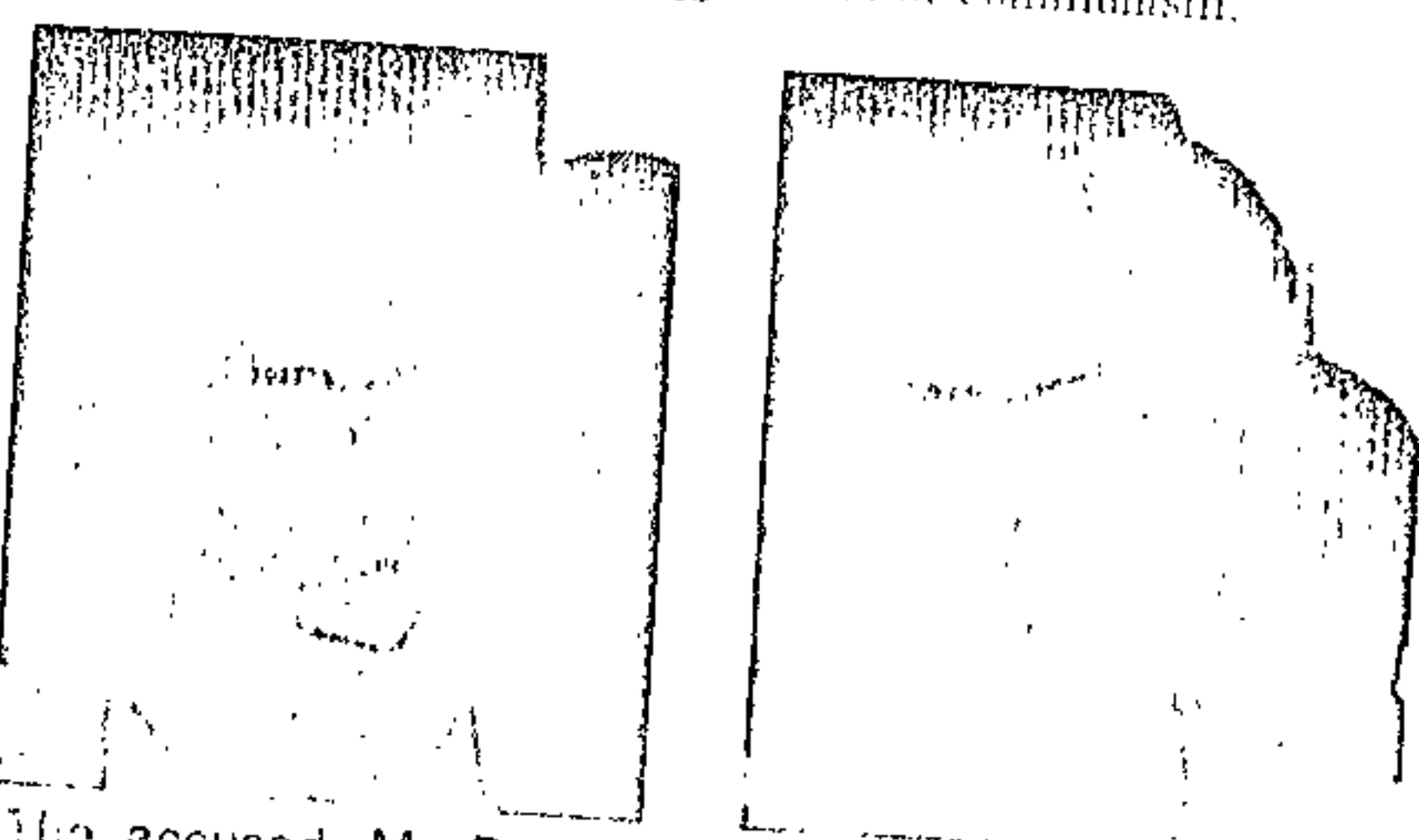
He said he became a member of the ANC and in Lusaka met a Professor Jack Simons, who said he lectured to ANC guerillas in Angola.

Professor Simons had made it clear to him that he felt the role of the trade unions in South Africa, and of the South African Congress of Trade Unions in particular, should be to lend wholehearted support to "political liberation".

The main tool by which this liberation was to be achieved was through the ANC-organized armed struggle.

or medicines is probably constant (possibly falling):

30. For discussion of public sector wage discrimination in South Africa see: J.B. Knight and M.D. McGrath, 'An Analysis of Wage Discrimination in South Africa', Oxford Bulletin of Economics and Statistics, vol.39, no. 4, November 1977.



The accused, Mr Devandiren Pillay, left, and Mr Guy Berger, in front of the court yesterday.

11. B. Abel-Smith, An International Study of Health Expenditure, op. cit., pp.40-44.
12. E. Kleiman's study cited in A.L. Sorkin, Health Economics in Developing Countries, Lexington, 1976, pp.108 and 109.
13. B. Abel-Smith, An International Study of Health Expenditure, p.41.
14. Ibid., p.43.
15. M.D. McGrath, Racial Income Distribution in South Africa, Black/White Income Gap Project, Report No. 2, University of Natal, 1977.

Accounts of the Bantu Homelands 1969/70 to 1973/74, tables 1.1 and 2. Incomes of

31. This pattern is prevalent in the poor.
32. Calculated from the 1970 Census, Tables 1.23 and 1.24.
33. Black Development in South Africa.
34. Calculated from Census 1970, South African Statistics.

Captain Williamson said he attended a meeting in London where the audience was urged by Mr Joe Slovo, speaking on behalf of the Revolutionary Council, to join Umkhonto we Sizwe, the military wing of the ANC.

Mr Slovo had told them: "It is not enough to be prepared to die for the revolution. What I want to know is, are you prepared to kill?"

The prosecutor, Mr W Jurgens, drew the court's attention to a headline in yesterday's Eastern Province Herald referring to Mr A which read: "Govt NIS agent faints during evidence in security trial". Mr Jurgens pointed out that although Mr A had felt ill, he had not fainted.

Mr J.B. Robinson was on the Bench. Mr P. Crous appeared with Mr Jurgens for the State. Mr Kuny is instructed by Andrew Lister and Tucker of Johannesburg.

40. For discussion see A.L. Sorkin, op. cit. pp.110-112.
41. O. Gish, 'Resource Allocation, Equality of Access and Health', World Development, Vol. 1, No. 12, December 1973, pp.37-44.
42. There is no evidence for South Africa, but O. Gish, ibid., p.40, cites evidence showing that the catchment area of Tanzanian hospitals is extremely limited: over 91 per cent of patients at the national referral hospital in the capital came from within a radius of 15 km.

'Will you kill?'

Accused thought I

RDM 19/2/81

(331)

was a spy

'Mr A'

Own Correspondent

PORT ELIZABETH. — The mysterious "Mr A", a National Intelligence Service agent whose identity may not be revealed, yesterday told the Port Elizabeth Regional Court he believed one of the accused, Mr Guy Berger, had thought "for a long time" he was a spy.

But he maintained that he and Mr Berger nevertheless had a cordial relationship.

Mr Berger, 24, a journalism lecturer at Rhodes University, and Mr Devandiren Pillay, 21, a student, have pleaded not guilty to charges under the Internal Security Act and the Publications Act. The State alleges they were members of the African National Congress (ANC), and that they furthered the aims of communism.

Mr A, whose cross-examination continued yesterday behind closed doors "in the interests of State security", told the court he had known Mr Berger when he (Mr Berger) was a student at Rhodes University.

At that time he (Mr A) was operating as a courier for the ANC.

He said he gave Mr Berger R200 from funds supplied to him by the International University Exchange Fund (IUEF), to establish a self-help organisation in Grahamstown called Delta.

When Mr D Kuny, for the defence, suggested that Mr A's investigations into Delta must have proved disappointing, as it was not a front organisation for anything, Mr A said: "As a member of the MIS, I firmly believe that organisations like this are very necessary in South Africa." He agreed with Mr Kuny that Delta was a laudable project.

Mr A said he never discussed ANC with Mr Berger.

He attempted to build up Mr Berger's confidence in him, but believed Mr Berger suspected for a time that he was a spy.

Captain Craig Williamson, who is attached to the Security Police headquarters in Pretoria, told the court how he joined

the Security Police in 1972, registered as a student at the University of the Witwatersrand, and later was elected to the national executive of the National Union of South African Students before taking up a job in Geneva with the IUEF.

He said he became a member of the ANC, and met a Professor Jack Simons in Lusaka, who said he lectured to ANC guerrillas in Angola.

Capt Williamson said Prof Simons made it clear to him that he felt the role of the trade unions in South Africa, and of the South African Congress of Trade Unions in particular, should be to lend wholehearted support to "political liberation".

The main tool by which this liberation was to be achieved was through the ALC — organised armed struggle.

Capt Williamson said he attended a meeting in London where the audience was urged by Mr Joe Slovo to join Umkhonto we Sizwe, the military wing of the ANC.

CHEMICAL

J H Rens

Professor George Menzies Prize
Awarded on results of final
examinations to the best male
student in Land Surveying or
Civil Engineering.

P M Salmon
T J Cumming
D P Weeks
J H Rens
B F McClelland

Fourth Year (Gold Medal)

Miss N C Davidson

Third Year (Silver Medal)

Miss G C Littlewort

Second Year (Bronze Medal)

For the best student in each
of the 2nd, 3rd and final years.
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FACULTY OF ENGINEERING

Security Police spies testify at ANC trial of Rhodes men

Captain Craig Williamson of the Security Police told a Port Elizabeth Regional Court yesterday that a leader of the ANC in London had ordered him to expand the organisation's activities in South Africa.

The leader had also ordered him to commit acts of terrorism.

Captain Williamson was giving evidence at the trial of Mr Guy Julian Elot Gough Berger (24), a lecturer, and Mr Devandiren Pillay (20), a student, who are charged with being members of the ANC, furthering its aims, furthering the aims of communism and distributing undesirable and prohibited literature in the Eastern Cape.

Both have pleaded not guilty to the charges.

Captain Williamson told the court that he joined the security police in 1972 and registered as a student at the University of the Witwatersrand. Later he was elected to

the national executive of the National Union of South African Students (Nusas) before taking a job in Geneva with the International University Exchange Fund (IUEF).

He said he became a member of the ANC and in Lusaka met Professor Jack Simons who said he had lectured to ANC guerillas in Angola.

Professor Simons said that the role of trade unions in South Africa — and of the South African Congress of Trade Unions in particular — should be to lend wholehearted support to political liberation.

This liberation was to be achieved through the ANC — organised armed struggle.

Captain Williamson said he attended a meeting in London at which the audience was urged by Mr Joe Slovo, on behalf of the "Revolutionary Council", to join Unkhonto We Sizwe, the military wing of the ANC.

Captain Williamson said Mr Slovo told them: "It is not enough to be pre-

pared to die for the revolution. What I want to know is — are you prepared to kill?"

Another security policeman, identified only as "Mr A," who was cross-examined behind closed doors "in the interests of State security," told the court that he knew Mr Berger as a student at Rhodes University.

At that time "Mr A" was operating as a courier for the ANC.

"Mr A" said he gave Mr Berger R200 from funds supplied by the IUEF to establish a self-help organisation called "Delta" in Grahamstown.

"Mr A" said he did not tell Mr Berger that he was a member of the ANC, did not ask him if he was a member of the ANC, and did not discuss the ANC with him.

He attempted to build up Mr Berger's confidence in him but believed Mr Berger suspected for a time that he was a spy.

The case continues. — Sapa.

Graph II demonstrates the growing discrepancy between bed capacity and inpatient population from 1935 onwards. This discrepancy continued up until the 1970's with a brief respite in the immediate post-war years. It recurred from 1955 in a more acute form. From the early 1970's, both bed capacity and inpatient population fell absolutely, and began to approximate each other.

Graph I shows a progressive growth in numbers of mentally disordered. Graph II illustrates a growing inpatient population which begins to fall off after 1970, despite the growing number of mentally disordered persons.

A comparison of the actual numbers of mentally disordered and inpatient at state hospitals (TABLE I) shows that the number of disordered has always been in excess of the number resident in state hospitals.

TABLE I

Harvard sells its stake in 'apartheid'

NEW YORK — Investments in Citibank — one of the largest US banks — totalling nearly 50 million dollars (R37.5-million) have been sold by Harvard University because of its stand against South Africa's apartheid policy.

Harvard took the decision because Citibank was lending money to the Government of South Africa, an official confirmed yesterday.

Harvard adopted a policy on April 28, 1978, against investing in a bank making a direct loan to the South African Government. Students and others urged the policy because of South Africa's apartheid.

NO PUBLICITY

The sale was not announced by Harvard and there was some criticism about the lack of publicity of the sale, but there was "nothing sinister" in not making an announcement, said Mr Lawrence Stevens, secretary of the University's advisory committee on shareholder responsibility.

Mr Stevens said it is impossible to know whether the university lost on the sale because investment sales produced moneys which were invested elsewhere. But he conceded the bond market was "not good" at the time of the sale.

Mr Stevens understood that some of the money to be loaned to the Government was to be used for black housing and presumably the loan could have helped blacks. But, he said, the purpose of such loans is not considered in the university policy.

Mr Patrick Flaherty, a graduate said: "If they do this in such surreptitious fashion, what purpose is there? When it's done in secret, there is no publicity effect." — Sapa-AP.

not resident in state hospitals, who have resided either at their own homes, at licensed institutions or at non-Government institutions. In 1925, over 80%, in 1955, over 90%, and in 1976, less than 50% of all mentally disordered patients were resident in state mental hospitals. The number of mentally ill patients accommodated in other 'Government' institutions has risen dramatically since 1965. Alternative institutions have developed since the early 1960's, particularly since 1970.

• / ...

They comprise provincial hospitals, homelands hospitals and licensed institutions.

Provincial Hospital Services

Dr Moll was the first specialist psychiatrist to practise in South Africa. He practised as a psychiatrist in Johannesburg from 1914. Dr A. Cox was the first psychiatrist to be appointed to a provincial post. In 1929 she was appointed honorary consultant psychiatrist to the Johannesburg General Hospital. There were neither psychiatric beds nor an outpatient department. To get round this limitation, she resigned her post, and joined the Department of Medicine as an assistant in neurology and psychiatry. From this position she could run an outpatient department for neurology and psychiatric patients. By 1932 the neuropsychiatry subdepartment had 9 casualty beds. In 1946 the Johannesburg General Hospital opened a specialist neuropsychiatry branch at Tara Sanatorium which has been used previously as a plastic surgery hospital during the war. The

departments. It was at that time that the first Community Psychiatric Service from provincial hospitals began.

The services provided by the provincial hospitals and state mental hospitals were always independent of each other. During the investigatory stage of the Commission of Inquiry into the Mental Disorders Act and the reorganisation of Mental Health Services.

84/ ...

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of the 2nd, 3rd and final years.

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Sammy Sacks Memorial Prize
Awarded to the student with the

RDH 139 152 266
20/2/81 331
3 statements on strike — witness

By MONTSHIWA MOROKE

A STATE witness at the trial of three officials of the Black Municipality Workers' Union (BMWU) said in the Johannesburg Regional Court yesterday he had made three separate statements concerning the municipal workers' strike last year because police alleged he was not telling the truth.

Appearing before Mr J J Luther are Mr Joseph Mavi, 42, president of the union, Mr Philip Dlamini, 29, secretary, and Mr Gatsby Mazwi, 29, assistant secretary.

They are facing charges under the Black Labour Relations Regulation Act.

All have pleaded not guilty.

The witness, Mr Hope Mambolo, said he had been detained at John Vorster Square by Security Police as a result of the strike.

He said: "I only signed the last statement, in which I said Mr Dlamini had said at a meeting on Friday July 25 that there would be a strike by municipal workers on Monday July 28. I had not included that part in the two previous statements."

"I was told by police I would be detained indefinitely if I did not tell the truth. It was only when I included Mr Dlamini in my third statement that the police were pleased. They released me eight days later without charging me."

Both the State and the defence closed their cases yesterday.

Six witnesses were called to testify for the State. The defence closed its case without calling a single witness.

Mr H J Coetzer is appearing for the State. Mr E Wentzel SC, instructed by Mrs P. Jans and associates, is representing Mr Mavi and Mr Mazwi. Mr R Mokgoatheng is representing Mr Dlamini.

CHEMICAL

Master spy Williamson asked to 'foil' plot

20/2/81

337

Own Correspondent

PORT ELIZABETH. — South Africa's master spy, Captain Craig Williamson, yesterday told the Port Elizabeth Regional Court that he was asked to help foil "an imperialist plot" to discredit the South African Congress of Trade Unions (Sactu).

He said he was told that the Federation of South African Trade Unions (Fosatu) was to be used as a tool in this plot.

Captain Williamson was giving evidence in the trial of a Rhodes University journalism lecturer, Mr Guy Berger, 24, and a student, Mr Devandiren Pillay, 21, who have pleaded not guilty to charges under the Internal Security and Publications Acts.

They are alleged to have been members of the African National Congress (ANC).

Mr Berger is also alleged to have obtained information that was to be used to bring trade unions, including Fosatu, within the sphere of Sactu, which the State says is the trade union wing of the ANC.

ANC network

Captain Williamson, under cross-examination, said that in late 1978 when he was running an ANC network, he went to Lusaka and spoke to Mrs Rae Simons, who he said had links with the ANC.

She was very angry at an "imperialist plot" designed to discredit Sactu not only on the international level, but especially among black workers inside South Africa.

She said the main force behind the plot was the Brussels-based International Confederation of Free Trade Unions. Fosatu was to be the tool in this plot.

Captain Williamson said she asked him to use his intelligence network to gather information about this matter, but he never did so.

He read out a letter he said he was sent by the Sactu secretary-general, Mr John

Gaetswe, in which the registration of unions was opposed, and it was said that Sactu's position was closer to that of independent unions, who were under enormous pressure to compromise their position, than to any other South African trade union grouping.

Laughter

Captain Williamson agreed that Sactu had never been declared an unlawful organization and said it operated in South Africa as an underground organization, using clandestine methods.

There was laughter when Mr D Kuny, for the defence, reminded him of an incident in the early seventies when, as a student at the University of the Witwatersrand, he was found not guilty on a charge under the Riotous Assembly Act.

"I have to thank my legal defence for that," Captain Williamson told the magistrate. "Mr Kuny was my advocate and Mr Tucker (the attorney representing the firm instructing Mr Kuny in the present trial) was my attorney."

The assistant national secretary of the Fosatu-affiliated National Union of Motor Assembly and Rubber Workers' Union of South Africa, Mr Vee Ahshene, told the court that Mr Berger had spoken to him in 1978 about the United Auto Workers' Union, which Mr Ahshene had helped to organize.

He understood Mr Berger was doing a thesis on trade unions.

Mr Ahshene said he gave Mr Berger "very straightforward" information about the union, some of which had been in newspapers. He said other students had approached him for similar information, and there was nothing privileged or secret about it.

Mr J B Robinson was on the Bench. Mr W Jurgens and Mr P Crous appeared for the State. Mr Kuny is instructed by Andrew Lister and Tucker of Johannesburg.

Police spy Craig infiltrated ANC

South African Police spy, Captain Craig Williamson described in the Port Elizabeth regional court yesterday the part he played in helping mastermind an internal "shake up" of the African National Congress (ANC) while posing as an ANC member.

He was giving evidence at the trial of Rhodes University lecturer, Mr Guy Berger and student Mr Devan Pillay who have pleaded not guilty to charges under the Internal Security Act and the Publications Act.

The State alleges they were ANC members and that they furthered the aims of communism.

Shortly before Captain Williamson resumed the stand the magistrate, Mr J B Robinson, accepted an explanation after reprimanding Mr Berger for smiling or appearing to laugh, that this was due to the tension of the trial and not in contempt of court.

Captain Williamson told the court he met with Peter Richer and Lorn Richer, (nee Vlotman) in Gaborone who told him they were worried about the number of anti-ANC people there.

They also discussed South African draft dodgers and ANC support among draft dodgers.

Captain Williamson was told there was a possibility that a woman employed

by the Department of Health in Oslo, Norway, would be able to provide funds for groups or individuals supporting draft dodgers.

Richer gave him a letter to carry overseas to a certain Abdul Minti to tell the woman not to give funds to any group opposed to the ANC — ensuring the money would be channelled by the ANC.

Captain Williamson said that Abdul Minti, a South African by birth, was founder and current honorary secretary of the Anti-Apartheid Movement in London and headed the campaign against military and nuclear collaboration with South Africa.

RECRUITING

The following day he met with Jeannette and Marius Schoon for a prolonged discussion about the co-ordination of his ANC network to prevent overlapping with their network.

Schoon then told him he was co-ordinating a new secret department — the Internal Reconstruction, and Development Department (IRDD) whose main objective was to spot potential recruits, get them to join, gather intelligence and infiltrate and influence legal South African organisations.

Anti-Sactu plot' was feared

Own Correspondent

PORT ELIZABETH. - Captain Craig Williamson, a Security Branch undercover agent told the Port Elizabeth Regional Court yesterday that he was asked to help foil an "imperialist plot" to discredit the South African Congress of Trade Unions (Sactu).

He was told that the Federation of South African Trade Unions (Fosatu) was to be used as a tool in the plot.

Capt Williamson was giving evidence in the trial of a Rhodes University lecturer in journalism, Mr Guy Berger, 24,

and a student, Mr Devandren Pillay, 21, who have pleaded not guilty to charges under the Internal Security and Publications Acts. They are alleged to have been members of the African National Congress (ANC).

Mr Berger is also alleged to have obtained information that was to be used to bring trade unions, including Fosatu, within the sphere of Sactu - which the State says is the trade union wing of the ANC.

Capt Williamson, under cross-examination, said yesterday that in 1978 when he was running an ANC network he went to Lusaka and spoke to

Mrs Rae Simons who, he said, had links with the ANC.

She was angry over an "imperialist plot" designed to discredit Sactu - not only internationally, but among black workers in South Africa. The main force behind the plot, she said, was the Brussels-based International Confederation of Free Trade Unions.

Capt Williamson said she asked him to use his network to gather information about the matter. He never did.

He read out a letter which he said had been sent by the Sactu secretary-general, Mr John Gaetsewe, in which the registra-

tion of unions was opposed. It also said Sactu's position was closer to independent unions - which were under pressure to compromise their position - than to any other South African trade union grouping.

The assistant national secretary of the Fosatu-affiliated National Union of Motor Assembly and Rubber Workers' Union, Mr Vee Akshona, told the court Mr Berger spoke to him in 1978 about the United Auto Workers' Union.

He understood Mr Berger was doing a thesis on trade unions and gave him "straight forward" information.

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Third Year (Silver Medal)

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J H Rens

Sammy Sacks Memorial Prize
Awarded to the student with the
best classwork in Engineering
Drawing.

L Menegaldo

Reporter Jaffer on trial today

CT 20/2/81 (331)
Staff Reporter

A CAPE TIMES reporter, Ms Zubeida Jaffer, 23, is to appear in the Cape Town Regional Court today on charges under the Publications Act.

Ms Jaffer first appeared in court on October 15 last year on 19 charges of being in possession of banned documents, after having been detained for nearly two months — initially under Section 22 of the General Laws Amendment Act and

later under Section Six of the Terrorism Act.

She was released on R500 bail.

She appeared in the Cape Town Magistrate's Court again on November 19 and the date for her trial was fixed for today.

A Johannesburg advocate, Mr I Mahomed SC, assisted by Mr A M Motala, will appear for Ms Jaffer. Mr Mahomed is instructed by a Cape Town firm, A M Omar and Company.

Workers entitled to stop work

By Maude Motanyane
Court Reporter

"You cannot expect a man to work and not pay him. If you don't pay he is entitled to stop work," Senior Counsel told a Johannesburg Regional Court magistrate today.

Arguing the case of three Black Municipality Workers' Union executives charged with inciting a strike, Mr E Wentzel SC, said the State had failed to prove that the municipality workers had gone on an unlawful strike.

He said the State had only proved a work stoppage, which the workers were entitled to.

Appearing before Mr J J Luter are Mr Joseph Mavi (42), president of the union, Mr Phillip Dlamini (29), secretary, and Mr Gatsby Mazwi (29), an executive member.

They are charged with instigating an illegal strike, taking part in a strike and inciting other workers to go on strike.

Mr Wentzel said the city council had not kept its side of the bargain by paying promised wage increases to the drivers.

In evidence earlier a council official admitted he had been aware of pay

complaints three weeks before the strike.

The court heard that the drivers had been promised pay increases three weeks prior to the strike and these had not been paid.

Mr H J Coetzer prosecuting said the dispute between the council and the union involved matters not within the powers of the council.

In earlier evidence it was alleged that the black municipality workers had gone on strike because the council had failed to recognise their union.

This, Mr Coetzer argued, did not involve the city council because the union was not registered.

The trial was postponed to March 4 for judgment.

RDM 21/2/81 Berger's statement not made freely, court told

331

Own Correspondent

PORT ELIZABETH. — A lengthy statement made to a magistrate by Mr Guy Berger, on trial under the Internal Security Act, was not freely and voluntarily given, the Port Elizabeth Regional Court was told yesterday.

The statement, made shortly after Mr Berger's detention in August last year, was handed in by the State as an exhibit.

Mr D Kuny, appearing for Mr Berger, 24, and his co-accused Mr Devandiren Pillay, 21, said the defence proposed to contest the admissibility of the statement on the grounds that

it was not freely and voluntarily given.

The magistrate, Mr J B Robinson, adjourned the court until Monday to enable Mr Kuny to consult Mr Berger.

A trial within a trial to determine the admissibility of the statement will begin some time next week, after the completion of the cross-examination of Professor Christoffel van der Merwe of the Rand Afrikaans University. He gave evidence earlier this week on the history of black opposition in South Africa.

Mr Berger, a lecturer in journalism at Rhodes University, and Mr Pillay, a social sci-

ence student, have pleaded not guilty to charges that they were active members of the African National Congress and furthered the aims of Communism.

There was amusement yesterday when, during an adjournment, the prosecutor Mr W Jurgens jokingly asked a security policeman who was talking to Mr Pillay about "all this fraternisation".

Defence attorney Mr Raymond Tucker said: "They're trying to infiltrate each other."

There was evidence earlier this week of Security Police infiltration of Leftwing organisations.

CHEMICAL

L Menegaldo

Drawing.

Awarded to the student with the best classwork in Engineering
Sammy Sacks Memorial Prize

J H Rens

Civil Engineering.

Awarded on results of final examinations to the best male student in Land Surveying or
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Corporation Medals

FACULTY OF ENGINEERING

Banned books case: reporter acquitted

Own Correspondent

MISS Zubeida Jaffer, 23, a Cape Times reporter, was found not guilty yesterday of contravening the Publications Act.

In a 10-second judgment, Mr A P Burger said the State had not proved Miss Jaffer knew she possessed three banned books, nor had it proved she knew they were banned.

"She is therefore acquitted."

Appearing in the crowded Cape Town Regional Court, Miss Jaffer pleaded not guilty to unlawfully possessing three books banned in 1977.

The books — "Spotlight on the Transkei", produced by the World Peace Council and the African National Congress; "The Wretched of the Earth" by Frantz Fanon; and "Mao Tse-Tung", published by Foreign Language Press in Peking — were found among other documents and books in two of her suitcases.

The State argued it was Miss Jaffer's duty as a newspaper reporter to know whether a book or person was banned. She had been "untruthful" in denying this knowledge and her evidence on the contents of her

suitcases was "unreliable".

Argument by the defence centred on three elements: that the onus was on the State to prove she had possessed the books, that they were prohibited, and that she knew this.

In a statement handed to the court Jaffer conceded she had "physically" possessed the books and did not dispute the fact that they were banned.

However, at no stage had she been aware they were in her suitcases or that they were prohibited in terms of the Publications Act.

The sole State witness was Detective Warrant-Officer J van Wyk of the Cape Town Security Police.

He told the court he had been asked to arrest Miss Jaffer in the early hours of August 26 last year and "to hold her".

He knew she was a reporter and that she had written articles for the Cape Times on the unrest in Cape Town last year.

Miss Jaffer was detained and taken to Port Elizabeth.

Early the following month, while still in detention, she had phoned him in Cape Town and told him about two suitcases at her home.

The cases, locked at the time, contained newspaper cuttings and various books.

These were handed in as exhibits, as well as two lists of book titles. Many of the books in the suitcases corresponded with the lists.

Cross-examined by Mr I Mahomed, SC, for Miss Jaffer, Warrant-Officer Van Wyk said the titles of only two of the three disputed books appeared on the lists and neither was catalogued in her handwriting.

Giving evidence, Miss Jaffer said she had never seen the three books among the contents of the suitcases.

She had lent her books and cuttings to a friend, Mr Alan Zinn, several years ago while at Rhodes University.

She returned to Cape Town in February last year.

The suitcases had been returned by then and were in her father's garage.

In August she asked her brother to fetch the suitcases.

When she returned from work about 2am on August 26, the suitcases were there.

Two hours later she was arrested.

CHEMICAL

Professor George Menzies Prize
Awarded on results of final
examinations to the best male

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T J Cumming
D P Weeks
J H Rens
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FACULTY OF ENGINEERING

that real expenditures per capita did increase, as is shown in Table 5, although per capita expenditure increased at a slower rate than income. From 1969/70 to 1974/75, real health expenditure per capita and GNP per capita grew even more slowly, with income per capita increasing at 3.4 per cent per annum and health expenditures at 2.5 per cent per annum.

In Table 6, the relationship between private health expenditure, and public health expenditure and public consumption expenditure is shown. The results of this table indicate that one reason for the declining proportion of national resources allocated to health is to be found in the slow expansion of public health expenditure. Although public consumption expenditure increased as a proportion of GNP, as would be expected, the proportion of health expenditures in public consumption expenditure decreased noticeably over the sixteen year period, and as a result public health expenditure did not rise as a percentage of GNP. The proportion of private health expenditure in private consumption expenditure was approximately the same at the

(although it remained at more and thus the proportion of private consumption of private consumption

This analysis thus leads to a smaller amount of resources Africa, and that by 1974/75 for countries at a similar level buting to the decline has been ture directed to the provision of health services.

The usefulness of expenditure contrasts between countries is, however, limited because expenditure depends on price levels and wage levels and the price of health service inputs varies enormously between countries. health services are highly labour intensive and in countries where the incomes of medical personnel are high, the proportion of GNP spent on health is likely to be above the average. Monopoly factors may also increase the relative price of drugs and other health products in certain nations.

As an alternative to a comparison of expenditures, the physical quantity of service supplied can be analysed. Useful measures of physical capacity are given by numbers of people per hospital bed, per doctor and per nurse.

Table 7
Indicators of Physical Quantity of Health Services
Supplied by Countries at Different Levels of
Development at 1970

Country Group by GNP per Capita	Population per Doctor	Population per Nurse	Population per Hospital Bed
\$			
100 and below	21 821	8 243	1 883 (a)
101 - 200	8 879	2 980	1 228 (a)
201 - 375	3 437	1 704	-
376 - 1000	-	-	-

Berger's defence contests evidence

Own Correspondent

PORT ELIZABETH. The Port Elizabeth Regional Court yesterday heard that a legal statement made to a magistrate by Mr Guy Berger, who is on trial under the Internal Security Act, was not freely and voluntarily given.

The statement, made shortly after Mr Berger's detention in August last year, was handed in by the State as an exhibit.

Mr D. Kuntz, appearing for Mr Berger, 24, and his co-accused, Mr Edwardien Pillay, 21, said the defence proposed to contest the admissibility of the statement on the ground that it was not freely and voluntarily given.

The hearing was adjourned to Monday to enable Mr Kuntz to consult with Mr Berger.

A trial without a trial, to determine the admissibility of the statement will begin some time next week, after the completion of the postponed examination of Roni Afrikaans University, population, Professor, who will give evidence on the validity of the statement of Mr Berger.

Mr Berger, a lecturer in international law at the University of Port Elizabeth, a racialist, who is alleged to have pleaded that public to charge under the Internal Security Act, and the Publications Act, are alleged to have been members of and taken part in the activities of the African National Congress and to have fomented the anti-apartheid movement.

Mr D. Pillay was on the Board of the W. J. van der Merwe Trust, a trust for the benefit of the children of the late W. J. van der Merwe.

Service data from Hospital and Nursing yearbook of Southern Africa 1972 ed. H. MacCarthy, H. MacCarthy Publications, p. 11; Census of Health Services 1972-73, op cit., Table 1.1; and South African Statistics 1974, Table 4.2.

In calculating averages for countries with incomes over \$1000 per capita, Arab nations have been excluded.

Berger's statement not made freely, court told

331

Own Correspondent

PORT ELIZABETH. — A lengthy statement made to a magistrate by Mr Guy Berger, on trial under the Internal Security Act, was not freely and voluntarily given, the Port Elizabeth Regional Court was told yesterday.

The statement, made shortly after Mr Berger's detention in August last year, was handed in by the State as an exhibit.

Mr D Kuny, appearing for Mr Berger, 24, and his co-accused Mr Davandiren Pillay, 21, said the defence proposed to contest the admissibility of the statement on the grounds that

it was not freely and voluntarily given.

The magistrate, Mr J B Robinson, adjourned the court until Monday to enable Mr Kuny to consult Mr Berger.

A trial within a trial to determine the admissibility of the statement will begin some time next week, after the completion of the cross-examination of Professor Christoffel van der Merwe of the Rand Afrikaans University. He gave evidence earlier this week on the history of black opposition in South Africa.

Mr Berger, a lecturer in journalism at Rhodes University, and Mr Pillay, a social sci-

ence student, have pleaded not guilty to charges that they were active members of the African National Congress and furthered the aims of Communism.

There was amusement yesterday when, during an adjournment, the prosecutor Mr W Jurgens jokingly asked a security policeman who was talking to Mr Pillay about "all this fraternisation".

Defence attorney Mr Raymond Tucker said: "They're trying to infiltrate each other."

There was evidence earlier this week of Security Police infiltration of Leftwing organisations.

CHEMICAL

L Menegaldo

Drawing.

Awarded to the student with the best classwork in Engineering
Sammy Sacks Memorial Prize

J H Rens

Awarded on results of final examinations to the best male student in Land Surveying or Civil Engineering.
Professor George Menzies Prize

P M Salmon
T J Cumming
D P Weeks
J H Rens
B F McClelland

Fourth Year (Gold Medal)

Miss N C Davidson

Third Year (Silver Medal)

Miss G C Littlewort

Second Year (Bronze Medal)

For the best student in each of the 2nd, 3rd and final years.
Corporation Medals

FACULTY OF ENGINEERING

Zubeida Jaffer acquitted

Staff Reporter

CT 21/2/81 (331)

CAPE TIMES reporter Zubeida Jaffer, 23, was yesterday found not guilty of contravening the Publications Act.

In a 10-second judgment, Mr A. P. Burger said the State had not proved that Ms Jaffer knew she possessed three banned books, nor had the State proved that she knew they were prohibited.

"She is therefore acquitted," he said.

Appearing in the crowded Regional Court on a charge under Section Eight of the Publications Act of 1974, Ms Jaffer pleaded not guilty to unlawfully possessing three books banned in 1977.

The books — "Spotlight on the Transkei" produced by the World Peace Council and the African National Congress, "The Wretched of the Earth"

written by Frantz Fanon, and "Mao Tse-Tung" produced by The Foreign Language Press in Peking — were found among other documents and books in two school suitcases belonging to her.

Acquitted, then subpoenaed

MS ZUBEIDA JAFFER, was yesterday subpoenaed by the State to appear as a witness in the trial of Rhodes University journalism lecturer, Mr Guy Berger, and a student, Mr Devan Pillay.

Mr Berger and Mr Devan Pillay are standing trial in the Port Elizabeth Regional Court on charges under the Publications Act and the Internal Security Act.

Ms Jaffer was handed the subpoena by a security police-

The State argued that it was Ms Jaffer's duty as a newspaper-reporter to know whether a book or person had been banned. She had been "untruthful" in denying this knowledge and her evidence regarding the contents of her suitcases was "unreliable".

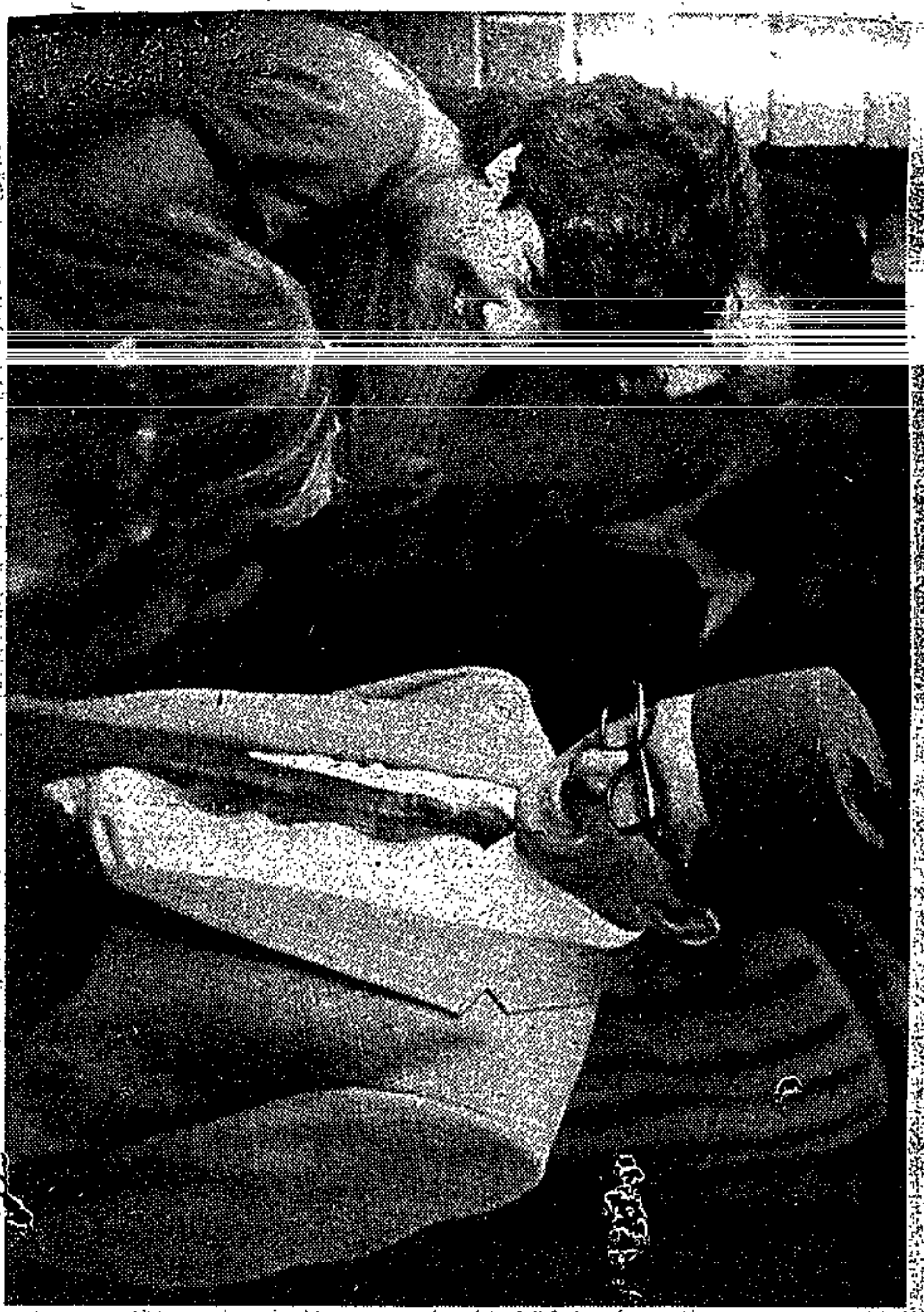
Argument by the defence centered on three elements. That the onus was on the State to prove she had possessed the books, that they were prohibited, and that she knew this.

In a statement handed to the court in the opening stages of the trial, Ms Jaffer conceded she had "physically" possessed the books, and did not dispute the fact that they were banned. However, at no stage had she been aware of their presence in her suitcases or that they were prohibited in terms of the Publications Act.

The sole witness for the State was Detective Warrant-Officer J van Wyk of the Cape Town Security Police.

➡➡➡
To page 2

B



Cape Times reporter, Ms Zubeida Jaffer, chats to her father, Mr H Jaffer, outside the Regional Court before her trial.

in the suitcases, were bonded with the lists.

Cross-examined by Mr I Mahomed, SC, appearing for the defence, Warrant Officer Van Wyk said the titles of only two of the three disputed books appeared on the list, and neither of them had been catalogued in her handwriting.

He believed one of them had been written by a friend of Ms Jaffer's, Alan Zinn, now a defence. He did not know who had entered the other title.

Giving evidence under oath, Ms Jaffer, a graduate from both the University of Cape Town and Rhodes University, said she had never seen the books and was not the author of the entries.

She had not a record of the entries for a time to travel and had been in London and Edinburgh, Scotland, when she was at Rhodes University.

She returned to Cape Town in 1976, last year when she began to work for the Cape Times.

Ms Jaffer said the suitcases had been returned by then and were in her father's private home. It was not until they were found in her home that she had no idea to see them at that time.

Ms Jaffer said she had not seen the books since they were found in her home. She said she had not seen the books since they were found in her home. She said she had not seen the books since they were found in her home.

When she returned from London, she found the suitcases in her father's home. She said she had not seen the books since they were found in her home. She said she had not seen the books since they were found in her home.

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From page 1

He told the court he had been asked to arrest Ms Jaffer in the early hours of August 26 last year and "to hold her".

He was aware she was a reporter and had written articles for the Cape Times in the past in Cape Town last year.

Ms Jaffer was detained and taken to Port Elizabeth. Early the following month while still there in detention, she had telephoned him in Cape Town and told him about two suitcases at her home.

The cases which were locked at the time contained newspapers, per cuttings and various books.

There were found in an exhibit as well as a list of books at her home. Most of the books

(331)

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Miss G C Littlewort

Third Year (Silver Medal)

Miss N C Davidson

Fourth Year (Gold Medal)

P M Salmon
T J Cumming
D P Weeks
J H Rens
B F McClelland

Professor George Menzies

Awarded on results of final examinations to the best student in Land Surveying Civil Engineering.

J H Rens

Sammy Sacks Memorial Prize

Awarded to the student with best classwork in Engineering Drawing.

L Menegaldo

A E & C I Prize

For the first year student who did not apologise in court.

The magistrate, Mr G Steyn, did not make a ruling, but said he would prefer not to have the parties at odds with each other. The hearing continues on February 24.

Accused
ROM 21/2/81
blames

'police

threats'

Staff Reporter

AN ACCUSED in an Internal Security Act trial alleged yesterday that "police threats, assaults and false promises" led to his being charged in the Johannesburg Regional Court.

Mr Nicodemus Motapo, 38, told the court that threats by Protea Security Police, assaults and his fear of extended detention led to his making a statement to a magistrate. Police had told him he would not be charged, he said.

Mr Motapo was being cross-examined during a "trial within a trial" after the defence objected to the admissibility of statements to police and a magistrate by Mr Motapo and his four co-accused.

Appearing with him are Mr Etthen Pillay, 18, Mr Pinda Manamela, 34, Mr Jonas Matung, 35, and a 17-year-old youth who may not be named.

The men pleaded not guilty to charges that they incited people to undergo military training outside the country or attempted to undergo such training themselves to undermine law, order and stability.

The prosecutor, Mr A van Wyk, put it to Mr Motapo that he claimed "the police forced him into a mess with threats and false promises".

Mr Motapo agreed.

He said police forced him to make a statement of "more than 10 pages" to a magistrate, and promised he would not be charged if he made the statement.

He was told he would be a State witness, Mr Motapo said.

Mr Van Wyk put it to Mr Motapo that he had approached his defence counsel, Mr D Spilg, during a break in the proceedings while still under cross-examination.

Mr Motapo did not deny this. He said he had asked the lawyer whether he would be allowed to speak to his relatives, as he was still under cross-examination.

Mr C Maller, appearing with Mr Spilg, informed the court that the prosecutor had shouted at Mr Spilg in an open court when Mr Motapo approached him.

Mr Maller asked Mr Van Wyk to apologise in court for questioning the integrity and dignity of Mr Spilg in respect

CHEMICAL

CT 21/2/81 (331) (331) Busdrivers cleared on illegal striking charges

Own Correspondent

JOHANNESBURG — Eleven black bus drivers were acquitted in the Krugersdorp Regional Court yesterday on charges of striking illegally.

The 11 had pleaded not guilty before Mr W Aucamp to striking illegally in terms of the Black Labour Relations Regulation Act and to charges of breaking the terms of their contracts with their employer.

They are: Mr Simon Mogale, Mr Dolfas Jantjie, Mr Silas Kekana, Mr Tatius Mathe, Mr Jacob Mane, Mr Anderson Mohamed, Mr Samuel Malingu, Mr Andries Tanse, Mr Goodwill Dube, Mr Jack Dinebegele and Mr Edward Suzwane. (No ages or addresses were given.)

188 arrested

They were among 188 bus drivers and other workers, all employed by Greyhound Bus Lines of Krugersdorp, arrested last Monday morning after refusing to go on duty.

The other 176 pleaded guilty to both charges on Monday during a trial that lasted till 8.30 pm. They were sentenced to 18 months, suspended for five years. The court also ruled that they return to work the next day.

The case against Mr Elias Sebetele, who originally appeared with the 11, was postponed to February 23.

The men said in evidence yesterday that they had gone to the Greyhound bus depot in Chamdor, near Krugersdorp, early that morning because they had been told there would be discussions over their wage increases.

Intimidation

On that day one of them was on leave, two had the day off, two had reported for duty, one was on night shift from the previous day and one was due to start his shift late that afternoon.

The remaining four said they had reported for work but were coerced into not going on duty.

All the men said they had been intimidated and threatened by other drivers and had to go along with the group because they feared for their lives.

Before acquitting the 11, Mr Aucamp said the State had not disproved the men's claim that they had been intimidated and threatened.

The drivers' evidence that they had either been on leave, had the day off or in some cases reported for duty had also been corroborated by the company's general manager, Mr Peter Davies, and by other company officials, he said.

Mr P L Prinsloo appeared for the State. The men were not represented.

11.61	8.13	59.13	19.11
1.70	1.45	10.98	07.70
0.00	0.37	0.00	0.00
0.00	0.13	0.00	0.00
0.26	0.23	1.43	0.26
0.16	0.08	0.13	0.16
1.20	0.56	4.41	1.20
2.65	1.10	9.01	2.65
4.21	2.37	25.49	4.21
0.76	0.82	5.64	0.76
0.09	0.41	0.87	0.09
0.39	0.46	0.85	0.39
0.21	0.21	0.28	0.21
15-64	65+	ALT	

ALT	59.	17V
12	19.	
11	19.	
10	0.	
9	0.	
8	0.0	
7	0.	
6	0.0	
5	0.0	
4	10.5	
3	14.1	
2	3.7	
1	0.0	
0		

1961

0	1-4	5-24	25-44	45-64	65+ ALT	0	1-4	5-24	25-44	45-64	65+ ALT
0.06	0.01	0.02	0.22	0.52	0.61	0.20	0.03	0.02	0.07	0.17	0.12
1.80	0.76	0.13	0.12	0.34	0.62	0.29	1.49	0.63	0.12	0.08	0.15
5.44	0.28	0.01	0.01	0.05	0.45	0.20	4.73	0.16	0.01	0.01	0.55
4.35	0.69	0.05	0.20	1.10	7.13	0.85	4.99	0.47	0.04	0.10	4.71
0.16	0.01	0.15	0.93	7.82	37.23	3.93	0.06	0.00	0.10	0.58	4.92
0.06	0.15	0.11	0.32	2.99	11.52	1.38	0.19	0.08	0.09	0.46	2.47
0.16	0.07	0.03	0.23	0.97	3.84	0.49	0.03	0.04	0.04	0.17	0.76
0.03	0.10	0.23	0.28	0.28	0.46	0.25	0.06	0.03	0.06	0.04	0.09
0.59	0.36	0.40	0.75	0.91	1.18	0.64	0.42	0.23	0.09	0.14	0.28
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.13	0.00
20.77	0.00	0.00	0.00	0.00	15.41	0.50	4.21	0.50	0.18	0.34	1.06
5.25	0.49	0.18	0.36	1.79	11.46	1.35	4.21	0.50	0.18	0.34	1.06
38.67	2.71	1.31	3.43	16.79	74.87	10.03	31.64	2.16	0.91	2.23	10.36
ALT	38.67	2.71	1.31	3.43	16.79	74.87	10.03	31.64	2.16	0.91	2.23

WHITE

1951

Berger counsel contests statement

AD 21/2/81

331

PORT ELIZABETH — The trial of a Rhodes University lecturer and a student on charges under the Internal Security and Publications Act in the regional court here has been postponed to Monday.

Mr Guy Berger, and Mr Devandiren Pillay, 20, have been charged with being members of the African National Congress, furthering the aims of the ANC, furthering the aims of communism and distributing undesirable and prohibited publications. They pleaded not guilty.

Yesterday, the state sought to introduce a written statement made by Mr Berger before a magistrate in Grahamstown last August.

"This was opposed by the defence who argued that the statement was not freely and voluntarily

made. The defence conceded that the onus would probably be on them to prove this in terms of the section on confessions of the relevant Act and applied for a postponement of the trial within a trial.

The state opposed the postponement and asked that the statement be placed before the court.

The magistrate granted the postponement and also allowed the statement to be placed before the court.

Meanwhile, a Cape Times reporter, Ms Zubeida Jaffer, was subpoenaed by the state yesterday to appear as a witness in the trial here.

Ms Jaffer was handed the subpoena as she was leaving a Cape Town courtroom after being acquitted on three charges under the Publications Act. — SAPA-DDC.

SELECTED CAUSES OF MORTALITY

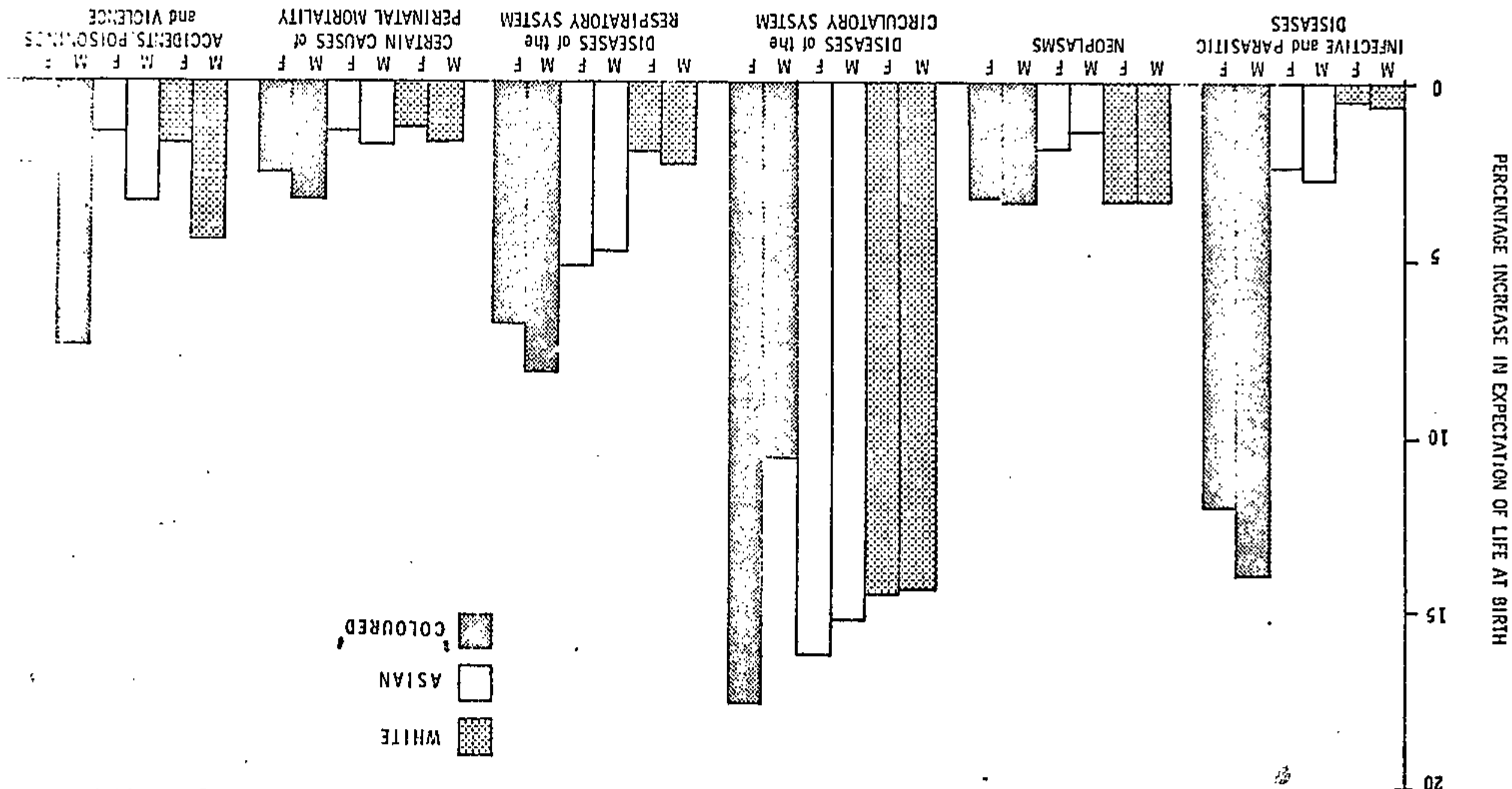


Fig. 7 PERCENTAGE INCREASE IN EXPECTATION OF LIFE AT BIRTH SUBSEQUENT TO THE COMPLETE ELIMINATION OF THE MORTALITY ASSOCIATED WITH SELECTED CAUSES OF DEATH. (International Classification of Diseases, Eighth Revision)

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T J Cumming

D P Weeks

J H Rens

B F McClelland

Professor George Menzies Prize

Awarded on results of final

examinations to the best male

student in Land Surveying or

Civil Engineering.

J H Rens

Sammy Sacks Memorial Prize

Awarded to the student with the

best classwork in Engineering

Drawing.

L Menegaldo

A E & C I Prize

For the first year student

obtaining the highest average

mark.

L Cragg

2011 23/2/81

Acquitted
called
as witness

Staff Reporter

A CAPE Times reporter, Miss Zubeida Jaffer, has been subpoenaed by the State to appear today as a witness in the trial of Rhodes University journalism lecturer, Mr Guy Berger, and a student, Mr Devan Pillay.

Mr Berger and Mr Pillay are appearing in the Port Elizabeth Regional Court on charges under the Publications Act and the Internal Security Act.

Miss Jaffer was handed the subpoena by Detective-Warrant Officer J F P van Wyk of the Security Police on Friday.

She was leaving the Cape Town Regional Court after having been acquitted on three charges under the Publications Act.

Attached to the subpoena was a second-class rail warrant from Wynberg to Port Elizabeth.

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best classwork in Engineering
Drawing.

L Menegaldo

A E & C I Prize
For the first year student
obtaining the highest average
mark.

G L Cragg

State plea
to call
witness
rejected

RM

24/2/81

331

Pretoria Bureau

A PRETORIA Regional Court magistrate yesterday turned down an application by the State prosecutor, Mr S. Joubert, to call a witness who is alleged to have travelled with the accused, to testify in a "terrorism" Act trial involving seven Pretoria men.

The witness is in custody.

The accused are: Mr Arthur Elliot Phalato, 22, Mr Shalo Simon Ndlovu, 19, Mr Kenneth Mahaba Chibane, 24, Mr William Mtwaga Mawurwa, 21, Mr Tshopo Albert Mofema, 23, Mr Ezekiel Anna Masuku, 24, and Mr Motenjo Joseph Masuku, 24.

They have pleaded not guilty before Mr J. H. Bester to conspiring for crimes under the Terrorism Act between March and July last year.

The State alleges that they enticed, encouraged and instigated other people in Atteridgeville, Mamelodi, Soshanguve and Geankwale to undergo military training so as to endanger the maintenance of law and order in the Republic.

The State also claims that they conspired and unlawfully attempted to overthrow the government, to overthrow the existing order of the State and to overthrow the existing order of the State.

Mr Joubert says he is also charged with instigating, encouraging and assisting his own and other people and with organising them.

In his application Mr Joubert said the witness' testimony might help the court because he was with the accused when travelling to the Western Transvaal last June.

Defense counsel Mr Eric Dene opposed the application.

The judge, Mr Justice Mofema, one of the accused, said that he had information and evidence that the witness had been in the country.

The trial continues today.

Lecturer tells of all-night interrogation

52 PM
331
24/2/81

PORT ELIZABETH — A hushed court yesterday heard Rhodes University journalism lecturer Mr Guy Berger say he became ill when deprived of sleep for 48 hours after his detention by Security Police in August last year.

He also said that in a night-long interrogation session he was ordered to remove some of his clothes and a Security policeman brandishing a cane stalked around him, glared into his face and demanded to know who had recruited him for the African National Congress.

EVIDENCE

Mr Berger was giving evidence in the Port Elizabeth Regional Court in a trial-within-a-trial to determine the admissibility as evidence of a statement he had made to a magistrate shortly after his detention.

The defence claims it was not made voluntarily.

Mr Berger (24) and student Mr Devan Pillay (21) have pleaded not guilty to charges under the Internal Security and Publications Acts.

The State alleges they were members of and took part in the activities of the ANC, that they furthered the aims of communism and that they possessed and distributed undesirable publications.

Mr Berger said he was detained at his home at 6 am on August 11 and taken to the Security Police offices.

At about 11 pm, he was taken from Alexandria Police Station back to Grahamstown. He was told by a Captain Oosthuizen to make a list of certain books belonging to him.

LIST

He worked on the list until 3 am and was then taken back to Alexandria. Before Captain Oosthuizen left, he told the policemen in charge of Mr Berger that "hy moenie slaap nie."

He said he was visited by a doctor when he became ill with diarrhoea due to over-tiredness.

The next night there was another interrogation session, which began at 7 pm and continued until dawn.

"After midnight he told me to strip off my clothes and stand in front of a draughty open window. I took off my shoes, socks and jersey, and he said that was enough.

"Captain Oosthuizen picked up a cane — there were several — leaning against a blood-spattered section of the wall — and stalked around me, glaring and demanding: 'Who recruited you?'

The trial continues today — Sapa.

CONTENTS

(1)

1. INTRODUCTION

This paper originated as an attempt to survey the entire scope of mental health facilities existing in South Africa in 1976. This raised a number of problems. In numerous areas, e.g. geriatrics, social welfare, alcoholism, it was difficult to differentiate psychiatric from non-psychiatric sources. Secondly, the statistics available were inadequate for the task, particularly since they bore little information on the quality of services, or on the demands for them. It is earnestly hoped that the relevant authorities will endeavour to collect

to make them more readily available as a

ing out a retrospective survey of It was decided to narrow the field down appropriate state department. The ived into two groups, i.e. Group I, a.g. state mental hospitals, provincial icensed institutions; and Group II, or Only Group I institutions are dealt institutions are listed in appendices minology "Government" and "non-rely arbitrary. The organisation and private facilities was not dealt ictly on state services, e.g. certain of providing a perspective on what was t had further effects. Firstly, it ss of development of these facilities. in using so it identified two striking trends.

(1) The racial inequality affecting the distribution of resources and facilities present in the field of psychiatry no less than in any other aspect of social life in South Africa.

(2) The tendency towards overcrowding in state institutions.

Secondly, it focussed upon factors spurring and hindering this process of development.

Student's ANC link denied

AD 24/251 (331)

GRAHAMSTOWN — Judgment was reserved in the Supreme Court here yesterday in the appeal of a Rhodes University journalism student, Mr Ian Mgiijima, 30, against an effective five-year sentence for being a courier for the banned African National Congress.

A Port Elizabeth regional magistrate had misdirected himself by finding that the student, who had distributed banned pamphlets to four friends, was guilty of being a courier for the outlawed African National Congress, the Supreme Court was told yesterday.

Mr George Bizos, SC, was appealing against the sentence passed on Mr Mgiijima in September last year for furthering the aims and objects of the ANC and for possessing ANC or SA Communist Party literature.

Mr Mgiijima had pleaded guilty to two counts under the Internal Security Act. On the first — that of engaging in unlawful acts on behalf of the ANC — he was sentenced to five years, of which two were conditionally suspended.

On the second count, of possessing pamphlets, publications, books and a tape recording which were banned and which in-

dicated his association with the ANC or the SACP, he was sentenced to three years, one of which was conditionally suspended.

Mr Bizos said the magistrate, Mr B. P. Loots, seemed to have adopted the attitude that it was more dangerous for Mr Mgiijima to have given banned pamphlets to four students than to the ordinary man in the street.

Mr Mgiijima had been advised in Lesotho by a relative on how the ANC worked and the courier system had been described to him, Mr Bizos said. Yet there had been no evidence of him personally travelling back and forth and the banned pamphlets had been delivered to him in Grahamstown.

"He was given advice on how to form a group yet for over six months nothing was done. He had discussions with a number of his fellow students and gave four of them a banned pamphlet."

Mr Bizos said the magistrate had misdirected himself by finding Mr Mgiijima to be an ANC link when no evidence pointed to him belonging to any organisation with which the ANC wished to forge links. —

SAPA

Court frees 7 on Terror

KbM 25/2/81

331

Act charges

Pretoria Bureau

SEVEN Pretoria men were acquitted in the Pretoria Regional Court yesterday on four counts of contravening the Terrorism Act.

They are: Mr Arthur Elliot Phalatse, 22; Mr Thabo Simon Ndlovu, 19; Mr Jannitie Malaya Chiloane, 24; Mr William Ntwape Mampuru, 18; Mr Tshepo Albert Motlana, 23; Mr Ezekiel Oupa Masuku, 24; and Mr Matome Joseph Masuku, 24.

All had pleaded not guilty before Mr J H Bekker to participating in terrorist activities between March and July last year.

The state alleged that they enticed, encouraged and instigated other people in Atteridgeville, Mamelodi, Soshanguve and GaRankuwa to undergo military training outside the country so as to endanger the maintenance of law and order in the Republic.

The state also alleged that they wrongfully and unlawfully attempted, consented or took steps to undergo military training outside the country by leaving their homes and travelling to the Houdkop border post, near the South African-Swaziland border.

Mr Ezekiel Masuku was also charged with inciting, urging and recruiting his co-accused

and other people to receive military training outside the country.

The court heard that the recruits were taken by car from Soweto to the Houdkop border post after leaving their homes in Pretoria.

They had been told that they would join Umkhonto we Sizwe (Spear of the Nation), ANC's military wing, once they had skipped the country, but were arrested along the Piet Retief-Potgietershoek road last June.

In their denial, the seven said they had intended going to a funeral at Potgietershoek and also opening a new branch of the Funeral Brigade, a youth organisation which assisted adults with funeral arrangements.

In his judgment the magistrate said the state had not proved beyond reasonable doubt the seven men had intended to leave the country for the purpose of undergoing military training.

The state had relied on the evidence of a single accomplice witness whose evidence could not be corroborated, although he had impressed the court.

He said the evidence of the seven men that they were members of the Funeral Brigade could possibly be true, and they had to be given the benefit of the doubt.

Security Act case postponed again

EAST LONDON — A Duncan Village man, who has been detained for over eight months, appeared briefly in the magistrate's court here yesterday under the Internal Security Act.

Mr Mandla Gxanyana, 26, of Dangazela Street, was told that the acting senior prosecutor, Mr L. J. Langeveld, had received instructions from the Attorney-General of the Eastern Cape that the charge sheet would be served on Mr Gxanyana on

March 10.

Mr Gxanyana originally appeared with two Rhodes men, Mr Guy Berger, 24, a journalism lecturer, and Mr Devandiren Pillay, 21, a first year social science student, who are presently appearing in the Port Elizabeth Regional Court. They are being charged under the Internal Security Act and the Publications Act.

Mr Gxanyana was remanded in custody until March 10. — DDR

25/2/81
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Berger: I felt in lion's jaws

Own Correspondent

PORT ELIZABETH. — Mr Guy Berger, the Rhodes University journalism lecturer on trial under the Internal Security Act, yesterday told the Regional Court here that although he had agreed to make a confession to a magistrate, he had not been sure of precisely what he had to confess to.

He said he had felt at the time that he was "in the lion's jaws", and if he was to be swallowed, he wanted to be chewed as little as possible.

Mr Berger, 24, was giving evidence in a trial within a trial to determine the admissibility of his statement, which the defence says was not made freely and voluntarily.

Mr Berger and a Rhodes University student, Mr Devandiren Pillay, 21, have pleaded not guilty to charges under the Internal Security Act and Publications Act.

Mr Berger told the court yesterday that the head of the Grahamstown security police,

Captain Alfred Oosthuizen, had told him during an all-night interrogation session that his girlfriend, Jeanne Chunnett, would be detained because he had not told the police everything.

During another interrogation his head was held back by a Captain Siebert, a security policeman from Port Elizabeth, who told him to stop crying. Another policeman hit him hard in the face.

He was allowed to sleep for the first time only 52 hours after his detention. Nine days after his detention, he agreed to make a confession.

Mr Berger told the court he was not sure precisely what he had to confess, but he knew that Captain Oosthuizen wanted him to confess to furthering the aims of the ANC.

Mr J B Robinson was on the Bench. Mr Jurgens appeared with Mr P Crous for the State. Mr D Kuny, instructed by Andrew Lister and Tucker of Johannesburg, appeared for Mr Berger and Mr Pillay.

Prosecutor tells detainee: ^{51 AR} Don't waste court's time ^{331 25/18}

Own Correspondent

PORT ELIZABETH — The trial of Rhodes University lecturer, Mr Guy Berger, took a heated turn today when the prosecutor angrily reprimanded him for being hesitant.

Mr Berger was being cross-examined by the State during a trial-within-a-trial to determine the admissibility of his statement. The defence says it was not made freely and voluntarily.

When Mr Berger stumbled over a reply, the prosecutor, Mr W Jurgens said: "I will not be toyed with and the time of the court will not be trifled with."

Appearing with Mr Ber-

ger is a Rhodes student, Mr Devan Pillay.

Both have pleaded not guilty to charges under the Internal Security and Publications Acts.

Mr Berger said when he made his confession of his alleged African National Council links to a magistrate, he had not been clear its importance as evidence in court.

The State put it to him that, questioned by the magistrate, he had denied being assaulted or influenced by the police and compromising for advantage.

"I realised I had nothing to fear from the magistrate but this was during a period of detention and I did not know what lay ahead — interrogation,

emotional pressure or even rotting in a police cell. The magistrate did not think it important when I told him my reason for confessing was to shorten the trial," Mr Berger said.

At the end of his statement the magistrate had added the footnote: "Mr Berger was completely relaxed and spoke freely and easily."

"I felt bad. My confession had kept the magistrate up late. I thanked him profusely for taking it," said Mr Berger.

Mr Jurgens said: "So you thanked him profusely for sealing your fate."

"No it was an indication of my nervousness," said Mr Berger.

The hearing continues.

higher \$ 87,35 as against \$ 44,53 respectively, due to the shorter stay in the general hospital, 23,6 days as against 93 days for the sanatorium, the saving was, 1 187 857 dollars,

7.

and personal hygiene, overcrowding, malnutrition and the generally poor way of life due to disillusionment and dejection (8).

Outpatient
Table 4)
The hearing continues.

8.

It is here that one has to be careful-semanticly

to be clear about the difference between what cures Tb. -

chemotherapy and what prevents Tb. - physical, mental and social levels.

Because of these factors, one finds many

if this was not so, one would not find Tb. clinics

and hospitals serving those in "the sticks". Tb. is not

found amongst those owning houses and motor cars.

If you had to pay for your own Tb. therapy you might

well take up the attitude of the "bare-foot doctor" and say -

give me the best drug or drugs and cut out the rest, especially today since,

but for Streptomycin injections, the whole

service could be run by trained, lay staff, not a good trade-

union-maxim.

the comparison of total cost

Apart from these gross figures, further factors must

be taken into account.

1) Differences in treatment regimes

(a) The patient/day hospital costing only includes

3 drug therapy, i.e. Streptomycin (S), Isoniazid

(H), and either Pyrazinamide (Z) or Ethionamide

(Et), PAS having been phased out

(as) Hospital costs pertain only to the patient, as

an individual. Outpatient services include also

all-patients, their contacts, suspects, and

doctor's referrals, tuberculin testing, the

giving of B.C.G. to all of whom-outnumber patients

by at least a factor of 5 to 1.

Detainee sent Christmas card to interrogator

PORT ELIZABETH. — A Christmas card sent by Guy Berger "with sincere respect" to the security policeman who, he said, interrogated him and caused him to be kept without sleep for 52 hours, was yesterday handed in as an exhibit in the Port Elizabeth Regional Court.

Under cross-examination Mr Berger denied that he saw the policeman as a villain, saying he genuinely respected him as a man who "really believed in what he was doing, in terms of his own goals".

Mr Berger, 24, a journalism lecturer at Rhodes University, and Devan Pillay, 21, a student, have pleaded not guilty to charges under the Internal Security and Publications acts.

Mr Berger was yesterday cross-examined in the trial within a trial to determine the admissibility of a statement he made while in detention. According to the defence it was not made freely and voluntarily.

Mr W Jurgens, for the State, reminded Mr Berger of his earlier evidence that Captain Alfred Oosthuizen, head of the Grahams-town security police, had threatened to arrest Mr Berger's girlfriend if he did not talk; had not helped him when he was being assaulted by other policemen; had stalked round him with a cane and had asked him why he did not fall on the floor when he felt dizzy.

"That is correct," said Mr Berger.

Mr Jurgens: "And this is the man to whom you sent a Christmas card?" He read from the card: "I send this card with sincere respect after having come to know a bit about you."

'Deep and horrible level'

Mr Jurgens suggested that Mr Berger's respect for Captain Oosthuizen was "nowhere near a sincere level" but was on a "deep and horrible level, as for a murderer who does his job well".

Mr Berger said he did not feel the captain was an evil man and he respected him as a sincerely motivated person in terms of his own goals. "He really believed in what he was doing."

Earlier there was a sharp exchange when Mr Jurgens challenged Mr Berger over his repeated use of the term "rotting in jail".

Mr Jurgens said the word was an emotional term. "You know as well as I do that all over the world in the past few months, people have been in detention awaiting trial. But you were 'rotting in jail'."

"That's right," said Mr Berger. "I was under Section Six (of the Terrorism Act). I was in a very emotional state, I read the Bible, the only reading matter I had, five times, and at one time I gave up hope that anything would happen at all. I was mentally rotting in that cell."

"As many others were," said Mr Jurgens.

"As many others were who were left rotting in a cell under this legislation for 23 hours out of 24 hours a day for 90 days," said Mr Berger.

Mr J-B Robinson was on the Bench. Mr P Crous appeared with Mr Jurgens. Mr D Kuny, instructed by Andrew Lister and Tucker of Johannesburg, appeared for Mr Pillay and Mr Berger.

Berger: ^{Argus} Trial is ^{26/2/81} ⁽³³¹⁾ postponed

Argus Bureau
PORT ELIZABETH. —
The trial against Mr Guy
Berger was adjourned
today minutes after the
court had come into ses-
sion to resume the cross-
examination by the State.

Mr Berger stepped down
from the witness stand and
was able to confer with
his defence.

He was being cross-
examined in the trial
within a trial to deter-
mine the admissibility of
a statement he had made
in detention. According to
the defence, it was not
made freely and volun-
tarily.

Mr Berger, a Rhodes
University journalism lec-
turer, and Mr Devan Pil-
lay, a student, have
pleaded not guilty to
charges under the Internal
Securities and Publications
Acts.

SANDWICHES

Mr Berger and Mr Pillay
spent the rest of the
adjournment today sitting
at the Press bench, eat-
ing sandwiches, chips and
soft drinks and scanning
newspapers.

When the hearing was
resumed, Mr W Jurens,
for the State, thanked the
magistrate for this indul-
gence. He asked on be-
half of both the State
and the defence that the
trial be postponed until
tomorrow as 'new matters
had cropped up'.

The request was gran-
ted.

CHEMICAL

For the best student in each
of the 2nd, 3rd and final years.
Corporation Medals
Second Year (Bronze Medal)
Miss G C Littlewort
Third Year (Silver Medal)
Miss N C Davidson
Fourth Year (Gold Medal)
P M Salmon
T J Cumming
D P Weeks
J H Rens
B F McClelland
Awarded on results of final
examinations to the best male
student in Land Surveying or
Civil Engineering.
J H Rens

FACULTY OF ENGINEERING

Table 5.1: Cost of promotion of ethical drugs (as a percentage of sales) compared with the cost of manufacturing and research and development, (S.A. 1973)

Cost Component	Percent of Sales
Promotion	25%
Manufacturing	33
Research and Development	6

The enormity of the promotional effort can be gauged from the description given by a U.S.A. doctor: "It would take two railroad mail cars, 110 mail trucks and 800 postmen to deliver the daily load of drug circulars and samples to doctors if mailed to a single city. Then, after being delivered, it would take 25 trash trucks to haul it away to be burned on a dump pile whose blaze would be seen for 50 miles around." (4)

A study of the mail received by South African doctors shows that it is probably comparable to the amount received by doctors abroad. Diagram 5.2 illustrates this: (5)

Pharmaceutical
Propaganda
Material
Non-
medical mail

Diagram 5.2: Analysis of mail items received by S.A. doctors

(3.2) The Role of Promotion:

The large amount of promotion is said by the industry to play several positive roles. Among these are the ability of promotion, by increasing sales volumes, to allow unit prices to be reduced as a result of economies of scale being realised, and the encouragement of price-sensitivity by drug sales representatives (detail men).

... /

In addition the rapid pace of technological change necessitates a great amount of information dissemination. The drug firms provide readable information necessary for the doctor to practice effectively. "Medical thinking tends to be ruggedly individualistic. The Pharmaceutical Industry serves as an influential instrument in orientating that individualism to an accommodation of the world's thinking so that the public gets the fullest advantage of the most important discoveries." (6)

However, the critics take issue with these arguments put forward by the industry.

... that result from economies of scale are not

Trial waits as lawyers confer

Own Correspondent

PORT ELIZABETH — University students and reporters sat in a deserted Regional Court today while the State and the defence for Mr Guy Berger were still consulting about new evidence that had "cropped up."

The trial was adjourned yesterday in the middle of a cross-examination by the State and was to have resumed at 2 pm today.

Mr Berger was being questioned in a trial-within-a-trial to determine the admissibility of a statement he made while in detention. According to the defence, it was not made freely and voluntarily.

Mr Berger (24), a Rhodes University journalism lecturer, and Mr Devan Pillay (21), a social science student, have pleaded not guilty to charges under the Internal Security and Publications Acts.

... is to increase brand loyalty and is re...

price insensitivity. The fact that promotion of drugs embraces very little copy that stresses prices is an indication that the industry benefits more by not encouraging price-sensitivity. (8)

The main attack of the critics centres on the role of information dissemination. Although it is conceded that doctors do need to be given large amounts of information, the sheer magnitude of the promotion by the industry causes distortions.

The overconsumption of drugs and the increasing resistance of bacteria due to the injudicious use of antibiotics has become a major problem. Promotion boosts the sale of drugs and biases medical treatment towards drug-dependent curative medicine.

... /

28/2/81 Berger and Pillay change their pleas

Own Correspondent

PORT ELIZABETH. — A Rhodes journalism lecturer, Mr Guy Berger, and a student, Mr Devan Pillay, yesterday changed their pleas to guilty on most of the charges on which they are appearing under the Internal Security Act and the Publications Act.

In statements handed to a Port Elizabeth Regional Magistrate yesterday, Mr Berger, 24, pleaded guilty to five of the seven charges. Mr Pillay, 21, entered pleas of guilty to five of six charges. At a previous hearing, both men pleaded not guilty to all the charges. Both have pleaded not guilty to a charge of furthering the aims of communism. Mr Berger pleaded not guilty to a charge of obtaining information which could be of use to the African National Congress.

The trial within a trial over the admissibility of a statement made by Mr Berger while in detention was resolved out of court. Mr D A Kuny, for the defence, said that Mr Berger had withdrawn his opposition to the statement being admitted.

He admitted that he was presumed to have been an ANC member in that he distributed ANC literature. However, he denied being a member of the ANC.

He also admitted that he had agreed to obtain information

for Pete Richer regarding the Federation of South African Trade Unions (Fosatu) and that he travelled to Botswana to convey this information.

Other admissions were that between 1979 and 1980 he organized and attended discussion groups which were in the indirect interest of the ANC.

Mr Berger admitted distributing "undesirable" documents but denied having known that they had been declared undesirable in terms of the Publications Act.

Mr Pillay denied being an ANC member but acknowledged that by distributing banned literature it could be presumed he had been a member.

He also admitted:

- Playing a tape-recording of Oliver Tambo's New Year message to various people;
- Distributing banned documents;
- Discussing plans to hold a demonstration against the rugby match between the British Lions and Border at East London;
- Considering staging a boycott of the South African Indian Council elections.

Mr J B Robinson postponed the trial till Tuesday.

Mr W F Jurgens and Mr P Crous appeared for the State. Mr D A Kuny, instructed by Andrew Lister and Tucker, of Johannesburg, appeared for Mr Berger and Mr Pillay.

Crowd cheers

5 acquitted

of sedition

RDM 28/2/81

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By CHERYL VAN EYSEN

AFTER their acquittal on charges under the Internal Security Act yesterday, five men were greeted outside the Johannesburg Regional Court by a jubilant crowd shouting "Amandla!" and raising clenched fists.

The men had been held since April and were charged under the Act with either being members of the banned African National Congress or Pan-Africanist Congress or furthering the aims of the organisations to undermine law, order and stability in South Africa.

They are Mr Themba Tshongwe, 26, Mr Masedi Monyepote, 39, Mr Keresephe Gaboathoeloe, 49, Mr Sipho Mhlapo, 18, and Mr Tsediso Matona, 24.

All had pleaded not guilty to the charges and had denied the allegations.

The magistrate, Mr A H Barlow, said there was no evidence

in the prosecution case which amounted to an offence.

He added that the evidence of the key State witness, Warrant Officer Louis van Wyk, of the Protea Security Police, had been most unsatisfactory.

It was difficult to accept his evidence, Mr Barlow said.

In applying for a discharge, Mr George Bizos, SC, contended that the possession of documents and cassettes made and published by the ANC was not sufficient evidence to support a charge.

There was no evidence that the documents found in the men's possession were displayed or distributed at any stage.

Possession also did not indicate that they were members, officials or office bearers of the unlawful organisation.

According to Mr Bizos, the documents are not sent to members only, but to the public at large. He pointed out that the ANC used means similar to those used by political parties in the hope of getting support.

Literature was received from parties before an election and, after reading it, one could either disagree more strongly or find it more agreeable, Mr Bizos said.

When a verdict of not guilty was returned, relatives, friends and supporters in the packed public gallery rose and cheered.

Among the crowd outside the court yesterday were most of the men acquitted earlier this week in Pretoria of charges under the Internal Security Act.

Berger pleads guilty

Aug 28/78

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PORT ELIZABETH.—The trial of Rhodes journalism lecturer, Mr. Guy Berger, and a student, Mr. Devan-diren Pillay — charged with various alleged sub-versive activities — took a dramatic turn yesterday after two weeks of evi-dence with both accused changing their pleas to guilty on most counts.

After a lengthy adjourn-ment yesterday, statements were handed to the Port Elizabeth Regional Court in which Mr. Berger, 24, pleaded guilty to five of seven counts and Mr. Pu-lay to five of six.

Both had initially pleaded not guilty on all counts.

They are appearing on three counts each under the Publications Act and three each under the In-ternal Security Act.

There is also a charge against Mr. Berger under the Internal Security Act of obtaining information about Eastern Cape black trade unions to further the aims of the African Na-tional Congress.

MEMBERS

The State alleges they were members of the banned ANC, took part in ANC activities and furthered the aims of the South African Communist Party.

Both are still pleading not guilty to a charge of furthering the aims of communism.

Mr. Berger pleaded not guilty to obtaining infor-mation which could be of use to the ANC.

The trial continues on Tuesday.

unexpected, no entrepreneur will undertake a venture as the expected payoff of the action would be zero. If profits are predictable, then opportunities for profit are open to everyone. ^{profits} ~~paying-out~~, by definition, ^{profits} ~~profits~~.

The existence of this dichotomy results from the static nature of the economic analysis used. It concentrates only on the power of the market to allocate existing resources in response to price signals, and rules out the creative side of the market. (1) The omission of the motive power from the foundations of economics was, perhaps, in no small measure due to the somewhat subconscious need to find a reassuring "final" equilibrium which Walras so elegantly supplied and Debreu finally polished into a perfectly sterile instrument for micro-economic operations in the antiseptic conditions of neo-classical economics. (1) An understanding of the role of profits entails the realisation of the "creative functions (of markets) as instruments (2)

Change of pleas by ^{STAR} Berger, ^{28/8/81} Pillay ⁽³³¹⁾

^{QVC} ~~Went to be~~ "excessive" and policy makers accordingly.

PORT ELIZABETH — A Rhodes University journalism lecturer, Mr Guy Berger, and a student, Mr Devandiren Pillay, yesterday changed their pleas to guilty on most of the counts on which they are appearing under the Internal Security Act and the Publications Act.

In statements handed in to a Port Elizabeth Regional Magistrate yesterday, Mr Berger (24) pleaded guilty to five of seven counts.

Mr Pillay (21) entered pleas of guilty on five of six counts.

At a previous hearing both men pleaded not guilty on all counts.

Both are appearing on three counts each under the Internal Security Act and another three each under the Publications Act.

Mr Berger is also appearing on a charge under the Internal Security Act of allegedly obtaining information about black trade unions in the Eastern Cape which could have been of use in furthering the aims of the banned African National Congress.

FOSATU

It is claimed by the State that the two men were members of the African National Congress, that they took part in its activities and that they furthered the aims of the South African Communist Party.

Both have pleaded not guilty to a charge of furthering the aims of communism.

The State claims that Mr Berger, on behalf of two senior members of the ANC in Botswana — Mr Pete Richer and Miss Loren Vlotman — obtained information which could have brought the Federation of South African Trade Unions within the sphere of the ANC-aligned South African Congress of Trade Unions, or alternatively, might discredit Fosatu as a possible competitor to Sactu.

The hearing continues on Tuesday.

(3.2) The Rate of Profit in the Drug Industry:

It is not easy to measure the profits in the drug industry as most firms are highly diversified. Stock Exchange reports and published data do not indicate the profits attributable to the drug divisions of the firms. In addition the large number of foreign-owned firms preclude the use of local published data.

• / ...

However, statistics from the Department of Statistics and, in particular, the recent commission provide some useful indications of the profit levels. (3)

For the Pharmaceutical manufacturing industry as a whole, net profits amounted to 15% on ^{capital} ~~sales~~ in 1972 compared to the average for the manufacturing sector of 7.5% - 12.5%. (4) Turning more specifically to the ethical drug industry itself, the cost investigation of the Steenkamp Commission reveals the following data (Table 3.1)

Table 3.1: Profit (%) as total average operating capital, before interest and tax, of manufacturing industry.

Pharmaceutical Companies	Average of all Manufacturing Industry.
1	

(3.3.1) Profits and risk

The industry has emphasised the risk inherent in the drug business. In order to develop one marketable drug, between as a compensation for extra risk. Critics, on the other hand, claim that the higher profits in the drug industry are a result of monopoly power. Each of these arguments will be assessed.

• / ...

(228/331)
Banned man

loses bail

A 22-year-old banned man was taken into custody yesterday in the Johannesburg Regional Court after his bail of R200 was cancelled.

The magistrate, Mr T J la Grange, heard that Mr Lawrence Ntlokoa, restricted to Krugersdorp, was arrested in Ermelo on February 14.

The prosecutor, Mr A R van Wyk said it was clear that Mr Ntlokoa intended leaving the country.

1/3/81

OSCAR MPETHA

A SOUTH AFRICAN LEADER ON TRIAL

On 3 March, Oscar Mpetha and 17 younger people go on trial in the Cape Town Supreme Court.

Even in a country like South Africa, where political trials are a part of every day life, it is unusual that a man aged 71 faces a prolonged prison sentence. But Oscar Mpetha is unusual. He is one of the few true leaders of South Africa who has managed to spend almost his entire life representing the demands and desires of both his community and the broader South African population.

Oscar Mpetha has not escaped persecution for his belief that the present social system in South Africa is fundamentally undemocratic. He has a history of banning orders and detentions. However, at the age of 71 he is faced with a trial which could put him in prison for most of the final years of his life.

To examine Oscar Mpetha's life is to examine the history of a people's fight for democracy. It is within his un-failing commitment that one sees the hope for a democratic future in South Africa.

A LIFE OF PROTEST

Oscar Mpetha was born in 1909 at Mount Fletcher in the Transkei. At an early age he came to Cape Town to find work. He worked as a waiter and later became a dockworker, a hospital orderly, a roadworker and eventually a factory worker.

It was while working as a fish-worker in Laaiplek, that he became involved in establishing the Food & Canning Workers Union. During the 1940's and 1950's the Union was part of the Trades and Labour Council. It was within this white dominated trade union coordinating body that progressive leaders like Oscar Mpetha fought for non-racial worker solidarity.

The Nationalist Government of 1948 introduced laws which drove a sharp wedge between black and white workers (who were already divided). It was in this context that right-wing trade unionists took full control of the Trades and Labour Council. They eventually dissolved the council and formed the South African Trade Union Council, which specifically excluded African trade unions.

19 Trades and Labour Council unions opposed this new body with its Colour Bar Constitution. 14 of these, including the Food & Canning Workers Union, with leaders like Mpetha, released a statement in which they claimed that the interests of Coloured, European, Indian and African workers were the same:

"...we the undersigned delegates are determined to carry on a struggle against the policy of racial discrimination and work to the achievement of a single trade union organization embracing all sections of the working class."

It was at this stage in 1954, that Oscar Mpetha received his first banning order.

In 1955 the Food & Canning Workers Union joined with other trade unions to form the South African Congress of Trade Unions (SACTU). SACTU was the first truly non-racial coordinating body for trade unions. It strongly recognised the necessity for its activities to be connected to broader political activities and therefore joined the Congress of Democrats, African-National Congress, South African Indian Congress and Coloured People's Organization in forming the Congress Alliance. In this context, SACTU organized the famous 5-a-day Campaign which ran from 1957 - 1962 and anti-pass year in 1959 which culminated in the activities of Sharpeville and Langa in 1960 in which approximately 70 people were killed.

Oscar Mpetha remained active throughout this period. In 1958 he became the President of the Cape Town Branch of the African National Congress. He was however severely limited by a second banning order in 1959 and his detention during the "State of Emergency" which followed the events at Sharpeville and Langa in 1960.

The years 1960 - 1964 were difficult ones for the trade union movement. Hundreds of trade union and political leaders were banned and detained, forcing SACTU to become an underground organization. Individual SACTU unions, like that of the Food and Canning workers, survived and continued to function as legal organizations.

The years 1976 and 1977 once again saw Apartheid in crisis with thousands of students and workers participating in riots and stay - aways. During this period, Oscar Mpetha was a founding member and chairperson of the Nyanga Residents Association. In this capacity he gave evidence to the Cillie Commission of Inquiry in 1977, in which he claimed that police had shot at Nyanga residents and actually attacked them inside their homes.

In 1978 Mpetha rejoined the Food and Canning workers union as an organizer. He contributed to the victory of the union in the Fattis and Monis strike of 1979 in which people throughout the country boycotted Fattis and Monis products.

Oscar Mpetha has 4 children and 4 grandchildren.

Man, 71,
17 others
on terror
charges

THE chairman of the Nyanga Residents' Association, Mr Oscar Mpetha, 71, and 17 others will appear in the Supreme Court, Cape Town, tomorrow on charges of terrorism and murder.

They face charges under the Terrorism Act and two charges of causing the death of Mr Casper Jansen and Mr George Beeton, who died in a fire in Nyanga on August 11 last year.

The men are: Mr Lawrence Lerothodi, 18; Jeffrey Baardman, 20; Mr D Diba, 21; all of Nyanga; Mr Oscar Mpetha, 71; Mr Peter Kube, 18; Mr Alton Sabuwa, 18; Mr D Englio, 30; Mr Raymond Mapondo, 19; all of Nyanga East; Mr Morgan Makuvala, 19; Mr Aron Tshangana, 28; Mr Johannes Hlapo, 20; Mr D Mzaza, 19; all of Guguletu; Mr F Booie, 18; Mr W Mazolama, 21; both of Crossroads; and four youths.

It is alleged that on August 11 last year on the old Klipfontein Road, Nyanga, Mr Jansen and Mr Beeton were stoned and then set alight.

The accused were detained in August last year.

AN application by the defence to quash the indictment marked the opening of the trial of Mr Oscar Mpetha and 17 others in the Supreme Court, Cape Town, today.

Mr I G Farlam, for Mr Mpetha, submitted that the charge sheet did not contain sufficient particulars to inform the accused of the nature of the charges.

He made an application to the court to compel further particulars, or alternatively to quash the indictment.

Mr Mpetha, 71, the detained chairman of the Nyanga Residents' Association, is appearing with Mr Lawrence Lerotholi, 18; Mr Morgan Teboga Makubala, 19; Mr Aaron Tshangana, 20; Mr Peter Vusumzi Kube, 18; Mr Alton Siphima Sabuwa, 18; Mr Fumanekile Boli, 18; Mr Vuyisile Wilson Mzaza, 19; Mr Makawa Euclid Tabavu, 30; Mr Johannes Hlapo, 20; Mr Jeffrey Baardman, 20; Mr Vuyisile Venson Diba, 21; Mr Richard Raymond Bengani Mapondo, 19; Mr Welile Vizard Mazotana, 21, and four youths under the age of 18.

TERRORISM

They face charges under the Terrorism Act as well as two charges of murder allegedly committed during the unrest in Cape Town in August.

It is alleged that on August 11, on Ou Klipfontein Road, Nyanga, Mr Casper Jansen and Mr George Beeton were first stoned and then set alight.

The 18 accused were ordered to sit as the defence and State counsel argued an amendment to the charge sheet.

The foyer of the Supreme Court was crowded an hour before the trial and there was tight security at the court.

SEARCHED

People were searched before they entered the building. Uniformed and plainclothes police mingled with the crowd.

About 30 people crowded outside the entrance to the court and another crowd of about 20 stood around the entrance to the public gallery.

Inside the court both the public gallery and the well of the court were full. Policemen stood at the doors and let in only certain people.

Black power salutes as Mpetha trial opens



MRS J JANSEN, wife of Mr Casper Jansen who was stoned and set alight on August 11 last year, attended the trial of Mr Oscar Mpetha and 17 others in the Supreme Court today.

The van transporting the accused arrived about 8.45 am. From inside the vehicle the accused could be heard singing loudly and drumming on the side panels.

They entered the courtroom from the cells below shortly before 10 am and were greeted by many in the court with clenched fist salutes.

Spectators squeezed into the gallery and hung over the railings. The well of the court was filled to capacity with people packed against the back wall.

Among those present was the widow of Mr Jansen, who died after his vehicle had been set alight during the unrest last year.

There were many representatives of trade

unions including the secretary of the Food and Canning Workers' Union, Mr Jan Theron.

Before the trial started Mr Mpetha stood up, faced the public and gave the clenched fist salute. The crowd responded with shouts of Amandla.

The crowd sang Senzani quietly while they waited for the trial to start. The words are: 'What have we done? Our only crime is being black.'

HUSH

There was a sudden hush as the judge entered and a black man, who shouted out something incomprehensible, was brought before the judge. He said his name was Witness. Asked by Mr Justice Williamson why he had shouted he replied: 'I



PEOPLE entering the Cape Town Supreme Court today were searched and uniformed police and plainclothes police mingled with the crowd which packed the foyer before the start of the trial of Mr Mpetha.

made a mistake. I apologise. I did not do it deliberately.'

Mr Justice Williamson reminded the man that he had the power to punish him for contempt of court. He accepted the man's apology but had him ejected from the court.

He said that any repetition of this kind of behaviour would not be dealt with leniently.

Mr Farlam, for Mr Mpetha, submitted to the court that the 'summary of essential facts' handed into the court by the State did not inform the accused of the substantial facts of the case. He said it was considerably shorter than the indictment itself.

The summary states that on August 10-11 last year the accused

with other people assembled at various times in the Assembly of God church, the Noxolo School, the Roman Catholic Church and various other places in Crossroads.

Many schoolchildren were present since they had been told on August 8 to attend meetings on August 10-11.

On August 11 after several speeches had been made the accused with other people went to Klipfontein Road, Philippi.

During the day many vehicles were stoned or set alight.

Petrol bombs had also been made.

The police on many occasions instructed the

(Continued on page 2)

News 3/2/81 (331) **Black power salutes**

(Continued from Page 1)

crowd to disperse and they fired teargas at the crowd but as soon as the gas lifted, the crowd gathered again.

The free flow of traffic was impeded by stones, tree stumps, car tyres and other objects across the road.

The summary further states that various cars

were stoned and about 3.30 pm on that date Mr Beeton was stopped at the barricade.

His car was stoned and set alight and he was

assaulted. He died of his injuries.

A short time later Mr Jansen's car was stopped. It was stoned and set alight and he was also assaulted. He died of his injuries.

After the court had risen for tea crowds of people gathered outside the building singing freedom songs and saluting with clenched fists.

An international television news agency filmed the crowd chanting on the steps: 'Open Botha, we are knocking. Release Mpethe and Mandela.'

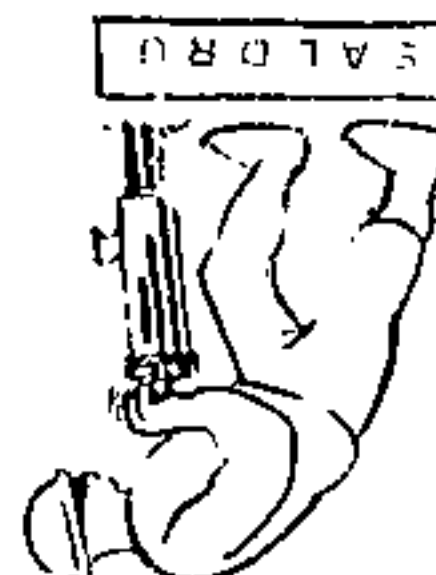
A police van then parked in front of the chanting crowd and while police dogs barked from inside the van a policeman went on to the steps of the court building. He said that the place would be cleared and that to do this the police would use 'all their force' if they had to.

He warned the crowd to stop singing on the steps of the court.

The crowd stopped singing.

(Proceeding)

RESEARCH DIVISION,
SCHOOL OF ECONOMICS,
BEATTIE BUILDING,
UNIVERSITY OF CAPE TOWN,
RONDEBOSCH,
7700.



TELEPHONE 69-8531 (EXT. 453/440)

18 to face murder and terror charges

Labour Correspondent

MR OSCAR Mpotha, a 71 year-old Cape trade unionist, is among 18 people to appear in the Cape Town Supreme Court today on charges of murder, taking part in terrorist activities and alternative charges of committing public violence.

The charges relate to violent incidents near the Crossroads squatter camp in August last year in which three men died.

Mr Mpotha is an organizer for the African Food and Clothing Workers' Union and chairman of the Nyanga Residents' Association.

Two charged with inciting Toyota strike

By STEVEN FRIEDMAN
Labour Reporter

IN A MOVE which has evoked trade union protest, the authorities have decided to prosecute two former workers for allegedly inciting a strike at the Toyota car company earlier this year.

The charges carry a maximum penalty of five years' jail.

Lawyers said yesterday that prosecutions of alleged strike leaders appeared to be a growing trend at present. The authorities had generally used anti-strike provisions in the law rarely. But recently several prosecutions flowing out of work stoppages have been launched.

The Metal and Allied Workers Union, of which both men are members, yesterday expressed its "disappointment" that "the State has once again seen fit to involve itself in industrial relations".

A union spokesman added: "Using the law against strikers will not help the State. Nor will it help industrial relations at Toyota."

The two men, Mr Charles Ngobese and Mr Johannes Ngwenya, appeared in the Randburg Magistrates' Court yesterday after being arrested by Security Police last Thursday. They were granted bail of R250 each and the hearing was postponed to March 16, though

the trial is not, however, expected to begin on that date.

A charge sheet handed to their lawyer says they are being prosecuted under Sections 10 and 12 of the Riotous Assemblies Act, which make it an offence to incite a strike. These sections carry a maximum sentence of five years' jail, or a fine of R1 000, or both.

Mr Ngobese was a shop steward and Mr Ngwenya a union member at Toyota.

The charges against them flow out of a strike at the company earlier this year in which workers alleged they were being made to work compulsory overtime. The company denied this.

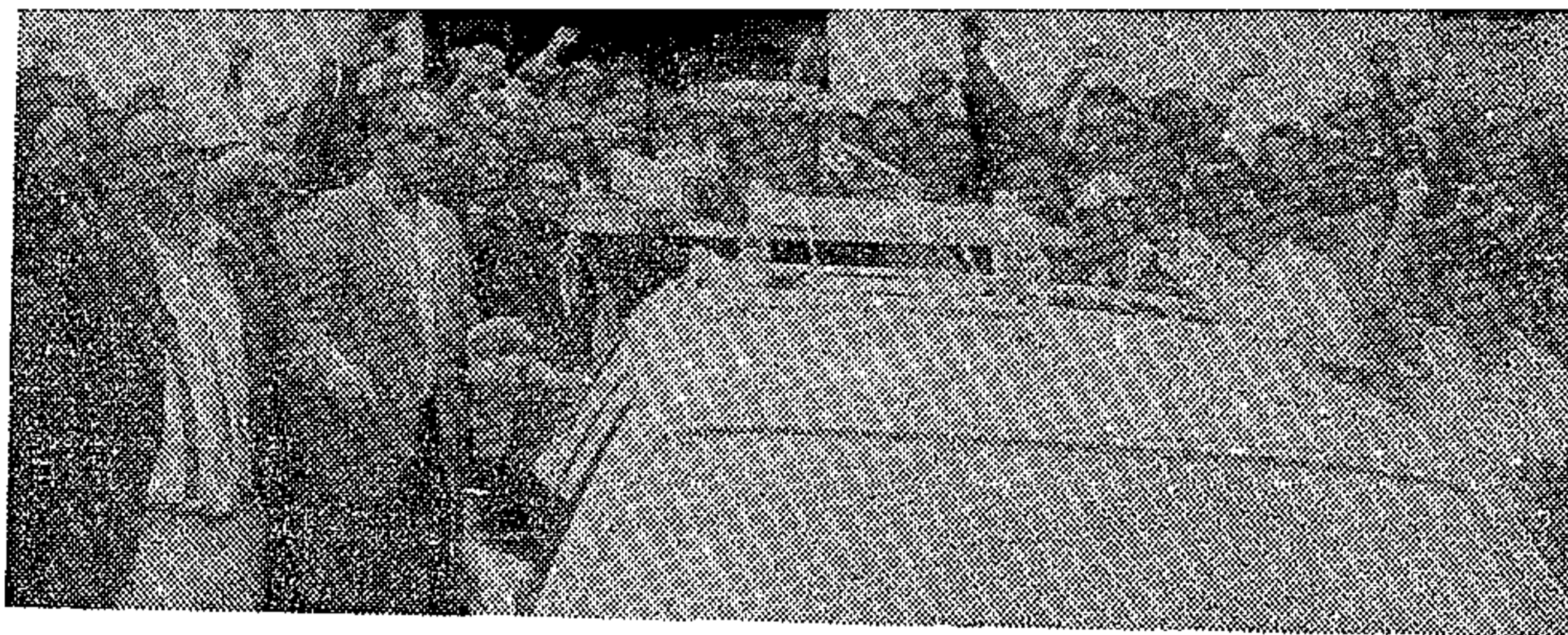
It was the third strike at Toyota in little over a year. All those who took part in the strike were sacked and very few have been taken back by the company.

Before the arrest of the two men, police had detained seven ex-Toyota workers.

A Maun spokesman said yesterday the union had taken up the case with the motor industry's industrial council. It alleged that Toyota was guilty of an "unfair labour practice" and the council was investigating the matter.

"It is even more disturbing that workers should be prosecuted when the matter is being dealt with by the industrial council," the spokesman added.

DD 3/3/81



Pall-bearers carry Mr Lengisi's coffin shoulder high as they leave the church.

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LIFE

300 sing freedom songs at Lengisi's funeral

EAST LONDON — A crowd of more than 300 eventually attended the funeral of former ANC Youth League leader, Mabi Joel Lengisi, at Mdantsane cemetery yesterday.

When the funeral service — conducted by Presbyterian Church of Africa preacher, Mr M. Kombela — started at the Lengisi home in Zone Four, 120 people were present.

After a short service the body was carried shoulder high for almost 2 km before it was transferred to a hearse which took it to the church's Zone Three building for the major service.

Inside the church the crowd had grown to 250.

There were no tears, only clenched fists and freedom songs when Mr Kombela gave over to two speakers who were associated with Mr Lengisi during his leadership days in the late forties and early fifties before he was banished, first to near Barberton and then to the Vryburg district.

Both speakers emphasised Mr Lengisi's resilience — his determination to keep to his convictions right up to the end.

When the service started at the Lengisi home it was scorching hot but as mourners left the church a gale was blowing. And then came the rain.

From the church the coffin was carried shoulder high by relays of pall-bearers who walked the 4 km stretch to the graveyard in pouring rain.

There were two buses for the mourners but the majority, among whom were many students, chose to brave the rain and walk, singing freedom songs while the buses ran half empty.

The crowd sang Nkosi Sikelel'Afrika as the last post to Joe Lengisi.

Before the funeral authorities issued orders limiting mourners to 100 and decreeing it should be held on a weekday. —

DDR



Mr Lengisi's wife, and his brother, Mr M. Lengisi, of Cape Town, at the church.

AGE (YEARS)		WAGE (R)	
35, 1 -	30, 1 - 35	2,51 -	5,01 -
40, 1 -	25, 1 - 30	0-2,50	7,51 - 10,00
45, 1 -	20, 1 - 25		
50, 1 -	15, 1 - 20		
55, 1 -	10, 1 - 15		
60, 1 -	5, 1 - 10		
> 65			
TOTAL		OF WOM	

Distribution of workers by Age (x) and ca

TABLE 35

'Berger can't alter plea to guilty'

Own Correspondent

PORT ELIZABETH —

The trial of a Rhodes University lecturer, Mr Guy Berger, and a student, Mr Devan Pillay, was again postponed today after the regional magistrate rejected changing their pleas to guilty.

In a statement last week to the magistrate, Mr J B Robinson, Mr Berger pleaded guilty to five of seven counts under the Internal Security and Publications acts.

Mr Pillay pleaded guilty to five of six counts.

Both had previously pleaded not guilty on all counts.

Mr Berger and Mr Pillay changed their pleas to guilty on charges of being members of an unlawful organisation (ANC) and participating in the activities of an unlawful organisation.

Both still pleaded not guilty to furthering the aims of Communism, and Mr Berger pleaded not guilty to an additional charge of obtaining information about Fosat (Federation of South African Trade Unions) and other Eastern Cape black trade unions to further the aims of the ANC.

But the magistrate ruled that the statements did not satisfy the court's requirements.

Mr W Jurgens, assisted by P Crous, appeared for the State. Mr D Kuny appeared for the defence.

(Proceeding)

Argus 4/3/81
Judgment reserved

(331)

Argus Bureau

PORT ELIZABETH. — Judgment has been reserved in the trial of Rhodes journalism lecturer, Mr. Guy Berger, 24, and social science student, Mr. Devan Pillay, 21, until March 16.

The court sat briefly today to postpone the case.

Mr Berger and Mr Pillay, who were in custody for about six months before the start of the trial, are expected to remain in custody.

They are appearing in the regional court, Port Elizabeth, on charges under the Internal Security and Publications Acts.

SOWETAN

Court refuses change of plea

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11/3/81

A DOCUMENT setting out the reasons for a Rhodes University journalism lecturer and a sociological student changing certain pleas to guilty, was rejected by a Port Elizabeth magistrate yesterday.

Mr J B Robinson gave the ruling in the trial of Mr Guy Gough Berger (24) and Mr Devan Dhiren Pillay (20), who are facing charges under the Internal Security and Publication Acts.

He said the document, for the purpose of establishing pleas of guilty was inadequate.

The court was told by Mr D Kuny, for the defence, that the position was being reconsidered and the statement would be revised.

In another development today the defence complained that police were stopping "friends, associates and colleagues" of the accused from entering the court because they were not properly dressed.

Mr Kuny said the courts were open by tradition and the fact that people were wearing jeans and sports shirts, would not damage the courts' decorum. — Sapa.

ADVOCATE, Mr. T. L. Skweyiya, who is appearing with two other advocates for 17 of the 18 men accused of participating in terrorist activities, made an application to the Supreme Court, Cape Town, yesterday for further particulars to be furnished by the State in the interests of fairness and justice.

The 18 men, including the detained chairman of the Nyanga Residents' Association, Mr. Oscar Mpepha, 71, face charges under the Terrorism Act as well as two charges of murder allegedly committed during the unrest in Cape Town in August. The other men are: Mr. Lawrence Lerethohi, 18; Mr. Morgan Teboga Makubela, 19; Mr. Aaron

Plea for more details in Mpepha case

sen and Mr. George Beeton were first stoned and then set alight.

Yesterday the 18 accused were ordered to sit as Mr I. G. Farlam, for Mpepha, and Mr Skweyiya, who appears with Mr N. J. Whitehead and Mr W. Willis, argued for amendments to the charge sheet.

They made an application to the court to compel further particulars or alternatively to quash the indictment.

Mr Skweyiya handed in typed heads of argument.

He said the object of asking for further particulars was to enable the accused to know the case proposed to be made against him and thus enable him to prepare his defence.

The question was whether the charge or indictment sufficiently informed the accused person of the case he had to meet.

The prosecution therefore had to give details of the relevant or material facts it proposed to prove.

Mr Skweyiya submitted

that the State was not entitled to refuse to give the necessary information to the defence merely because to give such information would be to disclose evidence.

It was submitted that in the information supplied by the State none of the accused had been told what it was that he had done as an individual.

None of the accused was able to say what his defence was until each knew accurately what the case against him was, and the accused were accordingly unable

properly to instruct their attorneys and counsel.

It was further submitted that in the circumstances of the present case the accused not only required the information sought in order to prepare their defence, but it could be that, depending on the information to be furnished, they could find that there was a conflict of interests between them which would require separate representation.

Further, depending on the information to be furnished, the present case might well be one where the court should order separate trials in respect of separate charges.

Mr Skweyiya submitted that where there were a number of accused charged together and part of the State's material was meetings, and speeches made at such meetings, the State should indicate fairly and reasonably:

- When, where and at what times such meetings were held.
- Which of the accused persons and/or conspirators were present at each meeting.

Which accused made speeches and at which meetings the said accused made speeches.

The nature of the meeting and any speech which may have been made by an accused person.

This was in order fairly to inform each accused what his role was at such meetings and/or fairly to inform such accused what the case against him would be.

Mr Skweyiya submitted that the accused were likely to be prejudiced by the State's refusal to furnish the requested particulars.

The charge sheet, some one walking through a mine field, to find the relevant facts relating to him.

The 18 accused sat in two rows in the dock. Mr Mpepha wore spectacles. His hair is grey.

The hearing was adjourned until tomorrow when Mr Skweyiya will continue to argue for amendments to the charge sheet.

It is expected that the State will oppose the application for further particulars.

Mr Justice Williams is sitting with two assessors, Mr G. H. Trotter and Mr C. H. van der Merwe. Mr J. G. Farlam, for Mpepha, is represented by Frank E. M. Whitehead and Mr W. Willis, who appear for the other 17 men and for the State.



A WOMAN shouts the black power slogan 'umandla' (power) outside the Cape Town Supreme Court yesterday.



BLACK POWER salutes outside the court after the first day's hearing of the Mpepha trial.



A TELEVISION CAMERAMAN records the chanting and singing crowd outside the Supreme Court.

Chanting terror trial demonstrators march through city

THE opening day of the trial of Nyanga civic leader Mr Oscar Mpepha, and 17 others yesterday was marked by demonstrations, culminating in a march by about 200 people singing and chanting through the streets of Cape Town.

Spectators who had managed to cram into the court room streamed out of the Supreme Court at about 3.30 pm and joined a crowd who had sung and danced on the court steps throughout the afternoon.

The crowd began marching down Keerom Street singing and giving clenched fist salutes.

Photographers and an international television crew followed the march through the traffic down Wale Street and into Adderley Street.

The crowd halted briefly outside the entrance to the Golden Acre complex and then marched through the building and across the Strand Street overhead bridge to the station parking area.

Ticket examiners manning the turnstiles at the station stepped aside and the crowd surged on to the platform.

There were no violent incidents and shoppers were quick to give way to the marching mass.

After singing Nkosi Sikeleli Afrika outside the court, the crowd began chanting.

The songs were interspersed with cries of 'Amandla' (power to the people). The crowd sang 'Vula Botha, sivankonkoza' (Open Botha, we are knocking).

knocking).

There was heavy security at the court and all people entering the building were searched. Uniformed and plainclothes police mingled with the crowd.

Inside the court both the public gallery and the well of the court were full. The doors of the building were barred after the lunch recess.

About 50 people were barred from entering the building and they remained on the court steps throughout the afternoon singing and dancing.

An attorney for the defence intervened to allow some relatives of the accused who had been refused admission to the building to be admitted.

Mrs J. Jansen, wife of Mr Casper Jansen, who was stoned and set alight on August 11 last year, attended the trial in the early morning but did not reappear after the recess for tea.

(331)

4/3/81

~~(S)~~ ~~(P)~~ ~~(R)~~ ~~(A)~~
Acquitted Mavi wants

strikers reinstated ^{SIPR 4/3/81}

Mr Joseph Mavi, leader of the Black Municipal Workers Union, who was acquitted today of inciting a strike, said that his first priority would be to try to negotiate with the Johannesburg City Council for the reinstatement of workers who were sacked for striking.

Mr Mavi said he could not regard his acquittal as a victory for his union over

the council "as long as some of my brothers are still in the streets."

Another issue he faced was to try to get the council to recognise his union. He was planning a meeting with the council "very soon," he said.

He did not want to anticipate the council's decision about whether to see him or not.

Court officials bar students

PORT ELIZABETH — A group of more than 20 Rhodes University students were turned away from the trial in the regional court here yesterday of a Rhodes journalism lecturer, Mr Guy Berger, and a student, Mr Devandiren Pillay.

A contingent of uniformed policemen barred the students from the courtroom on the grounds that not all the men were wearing jackets and ties and the women hats.

A few students, sporting borrowed sandals and other rudiments of "proper" courtroom attire, were allowed to enter the packed courtroom before proceedings started.

Shortly before the morning adjournment, Mr D. A. Kuny, for the defence, objected to the magistrate, Mr J. B. Robinson, against the students being turned away because of improper

dress.

"These people are friends and associates of the accused who have come all the way from Grahamstown to attend the trial.

"Courts are open to the public and should be conducted with the proper decorum. But the fact that not all of them are dressed in jackets and ties will in no way interfere with the court.

"Every day there are improperly dressed people in court without proceedings being disrupted."

Mr Robinson ordered that they be allowed in "as long as they were neatly dressed and there remained sufficient seating accommodation."

Policemen remained posted at the doors to usher students to their seats — but not before searching the women students' handbags. — DDC.

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19. For a general discussion, see Charles Sinkins, Unemployment, Growth in South Africa, 1961 - 1979, SAI DRU Working Paper No. 4.
20. Report of the Commission of Enquiry into matters affecting the Coloured Population group (Theron Commission Report) R.P. 38/1976, pp. 141-2.

Judgment reserved in Cape ANC trial

PORT ELIZABETH — Judgment has been reserved in the Port Elizabeth Regional Court trial of a Rhodes Journalism lecturer, Mr Guy Berger, and a student, Mr Devandiren Pillay.

The magistrate, Mr J B Robinson, yesterday rejected their pleas of guilty to some of the charges under the Internal Security Act and the Publications Act, saying the statements of admission by the accused contained clear denials of some of the charges.

Mr Berger (24) and Mr Pillay (21) originally pleaded not guilty to the charges. In a statement handed to the court on Friday Mr Berger reversed pleas of not guilty on five of the seven counts and Mr Pillay pleaded guilty of six charges.

Mr Robinson said the explanation of the pleas of guilty was unsatisfactory and he entered a plea of not guilty to all the charges.

Mr D A Kuny, for the defence, accepted the pleas.

After closing the State case Mr W F Jurgens asked that Mr Berger and Mr Pillay be convicted on four of the original seven counts.

These counts are that they were members of, and took part in the activities of the banned African National Congress and that they possessed and distributed undesirable publications.

The case was postponed until today. — Sapa.

Mavi is acquitted on strike charges

By Maud Motauwane

Mr Joseph Mavi and two other executive committee members of the Black Municipality Workers' Union were today cleared of charges of instigation and participating in an illegal strike among the workers of the Johannesburg City Council last year.

A Johannesburg Regional Court magistrate, Mr I J J Luther, found that the work stoppage on July 29 could not be construed as a strike.

The State had therefore failed to prove its case under Section 18 of the Black Labour Relations Amendment Act in which it was alleged that they instigated an illegal strike, took part in a strike and incited other workers to strike.

Mr Mavi (42), president of the Black Municipality Workers' Union, Mr Phillip Dlamini (29) secretary, and Mr Gatsby Mazwi (29) executive member, pleaded not guilty.

Mr Luther found that the State had not proved its allegations that the work stoppage was to compel the city council to pay higher wages.

Evidence led by the State pointed out that the municipal workers had stopped work because of the failure of the city council to recognise the union.

Mr Luther said the city council could not have recognised the union as it was less than three months old.

© Page 3: Acquitted Mavi wants strikers reinstated.

DD 513181
Ex-sweet worker charged
 EAST LONDON — A former Wilson-Rowntree worker, Mr Danile Tokwe, appeared briefly in the regional court here yesterday charged under Section 10 of the Riotous Assemblies Act. Mr Tokwe, 41, is charged with using force to threaten people not to go to work. He was not asked to plead and no evidence was led. The case was postponed to April 7, and Mr Tokwe is to be detained in custody. — DDR

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The average of R8,69 a week in cash is startlingly different from averages derived from agricultural census statistics. The census breaks regular employees into White, Coloured and African, and average cash wages for Coloured and African workers in each district (total cash wage bill divided by number employed) are shown below. Comparable figures for this survey by race are: African cash wages, average R8,36 a week; Coloured cash wages, average R8,77 a week.

The table shows that 93 workers (72%) earned R10 a week or less, and 113 (87%) earned R12,50 a week or less.

Distribution of workers according to cash wages (R per week)		
Wages (weekly, R)	Number of workers	Cumulative %
0 - 2,50	4	3,08
2,51 - 5,00	22	20,00
5,01 - 7,50	34	46,15
7,51 - 10,00	33	71,54
10,01 - 12,50	20	86,92
12,51 - 15,00	6	91,54
15,01 - 17,50	0	91,54
17,51 - 20,00	7	96,92
> 20,00	4	100,00
total	130	
Mean: R8,69		
Range: 0 to R28,62		

TABLE 7

August 5/3/81

Power salutes greet (33) Mpetha again

BLACK POWER salutes from a crowded public gallery again greeted the chairman of the Nyanga Residents' Association, Mr Oscar Mpetha, 71, as he led his 17 co-accused into the dock in the Supreme Court, Cape Town, today.

There was evidence of increased security in the court as well as the precincts of the court. A contingent of uniformed police marshalled the crowd which began forming two hours before the trial was scheduled to start.

GALLERY FULL

By 9 am the public gallery and the well of the court were full. Some people were asked for identification and all were searched before entering the court.

In Keerom Street, outside the entrance to the court, about 200 people formed a queue.

The accused could be heard singing and banging on the sides of the van taking them to court.

The 18 accused are charged with participating in terrorist activities between August 8 and 12 last year at or near the Crossroads squatter camp, and with murder.

The latter relates to the deaths of Mr George Henry

(Continued on Page 3, col 2)

Mass demo hails Terror Act trial

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5/3/81

meetings the said accused made speeches. ● the nature of the meeting and any speech which may have been made by an accused person.

This was in order to fairly inform each accused what his role was at such meetings and/or to fairly inform such accused what the case against him would be.

Earlier Mr Farlam, for Mr Mpeha said the accused in this case had to "pick his way through the charge sheet, like someone walking through a mine field, to find the relevant facts relating to him."

The 18 accused sat in two rows in the dock.

The hearing was adjourned until today when Mr Skweyiya will continue to argue for amendments to the charge sheets. It is expected that the State will oppose the application for further particulars.

Mr Justice Williamson is sitting with two assessors, Mr G H Tieterton and Mr C H van Gend. Mr J Slabbert with Mr C J van Wyk, appear for the State.

Mr I G Farlam for Mr Mpeha, is instructed by Frank Berardt and Joffe.

ton were first stoned and then set alight.

On Tuesday the 18 accused were ordered to sit as Mr I G Farlam, appearing for Mr Mpeha, and Mr Skweyiya who appears with Mr J Whitehead and Mr N Willie, argued for amendments to the charge sheet.

They made an application to the court to compel further particulars or alternatively to quash indictment.

ARGUMENT

Mr Skweyiya handed in typed heads of argument. He said the object of asking for further particulars was to enable the accused to know the case which is proposed to be made against him and thus enable him to prepare his defence.

The question was whether the charge of indictment sufficiently informed the accused persons of what the case was that he had to meet. The prosecution had to therefore furnish parti-

culars of the relevant or material facts which it proposed to prove.

Mr Skweyiya submitted that the State was not entitled to refuse to furnish the necessary information to the defence merely because to furnish such information would be to disclose evidence.

It was submitted that in the information supplied by the state none of the accused were told what it was that they had done as individuals.

None of the accused were able to say what their defence was until each one of them knew accurately what the case against them was and the accused were accordingly unable to properly instruct their attorneys and counsel.

It was further submitted that in the circumstances of the present case the accused not only required the information sought in order to prepare their defence, but it could be that, depending

SPEECHES

Mr Skweyiya submitted that where there were a number of accused charged together and part of the state's evidential material was meetings and speeches made at such meetings, the state should indicate fairly and reasonably:

- when, where and at what times such meetings were held,
- which of the accused persons and/or conspirators were present at each meeting,
- which accused made speeches and at which

A DURBAN advocate, Mr T L Skweyiya, who is appearing with two other advocates for 17 of the 18 men accused of participating in guerilla activities made an application to the Supreme Court, Cape Town, this week for further particulars to be furnished by the State in the interest of "fairness and justice."

The 18 men, including the detained chairman of the Nyanga Residents Association, Mr Oscar Mpeha, face charges under the Terrorism Act as well as two charges of murder allegedly committed during the unrest in Cape Town in August last year.

The other men are: Mr Lawrence Lerotoholi (18), Mr Moran Tebogamakubala (19), Mr Aaron Tshangana (20), Mr Peter Susumzi Kube (18), Mr Alton Siphina Sabuwa (18), Mr Fumanekile Booi (18), Mr Vuyisile Twilson Mzaza (19), Mr Makawa Euclid Tabavu (30), Mr Johannes Hlapo (20), Mr Jeffrey Beardman (20), Mr Vuyisile Venson Diba (21), Mr Richard Raymond Bengani Mapondo (19), Mr Willie Vizard Mzaotana (21), and four youths under the age of 18.

The opening day of the trial was marked by public demonstrations culminating in a march by about 200 people singing and chanting through the streets of Cape Town.

Spectators streamed out of the capacity filled court room and joined a crowd who had sung and danced on the court steps throughout the afternoon. Spontaneously the crowd began marching down Keerom Street, singing and waving clenched fist salutes.

There were no violent incidents and bewildered shoppers were quick to give way to the marchers.

After singing Nkosi Sikelel' iAfrika outside the court, the crowd began chanting for the release of Mpeha and Nelson Mandela, imprisoned leader of the African National Congress.

It is alleged that on August 11 last year, on Ou Klipfontein Road, Nyanga, Mr Casper Jan-son and Mr George Bee-

Jo'burg Municipality strike case

THE three officials of the Black Municipal Workers Union, Mr Joseph Mavi (42), Phillip Dlamini (29) and Gatsby Mazwi (32), were yesterday freed on charges of inciting a strike.

And this acquittal spelt victory for black workers who demand a fair deal in the country's labour regulations, Mr Mazwi said in an interview after the court case.

Spectators — mostly former employees of the Johannesburg City Council — roared with excitement in the packed public gallery, soon after the verdict was pronounced.

Spilling into the court corridors, they clapped their hands, hugged the three executives as some lone voice shouted "Amandla!"

Jubilant Mr Mazwi told SOWETAN that, "the acquittal is an indication of victory for the black workers who demand a fair deal in the country's labour regulations."

He added: "Our main concern now is what to do for the approximately

1200 workers who were sacked as a result of the work stoppage. This is now the union's biggest problem."

President of the union, Mr Mavi said the case had caused him "nightmares and sleepless nights." He was frustrated by the bail condition that required him to report daily at Jabulani Police Station. Mr Mavi said as a result he

missed a number of invitations to address worker's conferences.

He said his union repeatedly, before the work stoppage, called on the Johannesburg City Council staff board to discuss the workers' grievances. The union wished to get a fair deal on working conditions and equal pay for equal work.

① The three had appear-

ed before Mr J J Luther on charges of having incited municipal workers to go on strike and taking part in the illegal strike between July 25 and 28 last year in Johannesburg.

Acquitting them, Mr Luther found them not guilty as charged. He said this was not an illegal strike within the ambit of Section 18 of the Black Labour Regulations Act of 1953. He said there was "scant" evidence that they incited the Orlando Power station workers to go on an illegal strike.

Mr Mavi and Mr Mazwi were both represented by Advocate E Wentzel, instructed by Priscilla Jana and Associates. Mr Dlamini was represented by Mr Ratha Mokgoatheng.



● Mavi wielding a stick, Dlamini in Afro-shirt and Mazwi raising a fist as they walk out of court.

MAVI FREE

By MANDLA NLAZI

5/3/81

SOWETAN

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SOWETAN

SOWETAN

Court clears union leaders

By MONTSHIWA MOROKE

MR JOSEPH Mavi, president of the Black Municipality Workers' Union (BMWU), and two of his officials were acquitted yesterday by the Johannesburg Regional Court of charges under the Black Labour Relations Regulation Act.

The three men were charged at first under the Sabotage Act. Later they were charged under the Riotous Assemblies Act.

Those acquitted with Mr. Mavi, 42, were Mr Phillip Dlamini, 29, secretary of the union, and Mr Gatsby Mazwi, 29, an executive member.

There were shouts of "Amandla a wethu" (Power to the people) as the magistrate, Mr J J Luther, left the courtroom.

The magistrate found that the State had not proved that action by employees of the local authority in the Johannesburg City Council constituted a strike as defined in the Act.

The three men, all formerly employed in the transport department, were accused of instigating a strike, taking part in a strike and inciting others to take part in a strike between July 25 and 28 last year.

The court found that the work stoppage could not be construed as a strike because it did not fall within the ambit of Section 16 of the Black Labour Relations Regulation Act.

Charges were that the work stoppage was to compel the council to pay higher wages, but the State did not lead evidence to this effect. Evidence led by the State pointed out that the work stoppage was a result of the council not recognising the BMWU.

The magistrate said there was no State evidence to prove that the men incited others to go on strike.

The State had also alleged that the accused failed to continue or resume work, failed to comply with terms and conditions of work, obstructed the progress of work and were in breach of contract.

The accused were supposed to have set themselves as examples by stopping work in sympathy with workers at the Orlando power station who had gone on strike on July 25.

Evidence concerning the strike at Orlando was very scanty and it was insufficient to prove that they incited others to go on strike, Mr Luther said.

1) Silicosis is caused by dioxide in its free form.

Tuberculosis among black miners rose but there was no island formation.

2) Asbestosis in South Africa: Anthophyllite amosite, Cape and chrysotile. Exposure has been reduced to threshold level and anthophyllite to (Cape blue asbestos) to 0,2 in the USA 5 fibres reduction. Mines has proposed 40 fibre and underground mining activities. Other industries follow the of the vast number of uses of potentially exposed workers. exposure show that out of 46 13,8% had not and 28,5% were 3) Anthracosis - Pneumoconiosis among gold miners and production.

There is Pneumoconiosis in quarrying, including asbestos goods, sandblasting. Pneumoconiosis for work. But in conjunction with emphysema and cardiac disease death.



Municipality Workers Union, is carried by supporters after he and two other were acquitted of charges under the Black Labour Relations Regulation Act.

Compensation for Pneumoconiosis was awarded under occupational diseases in the Mines and Works Acts of 1973, if there were unmistakable signs:

6	1
32	25
1 chemicals	
of substances in use. Development of growing numbers of chemical commercial processes. General : any other substance determined which occur, period of exposure and) short term exposure to highly low concentrations of damage - no chronic occupational condition develop for which may take place. 72 different total of 6794 factories employing 0 at real risk) one. Long exposures to high p, chronic bronchitis and false, shortness of breath and 3793 factories and 175,605	
to materials in plastic industry. (osarcoma) kidneys, lungs, brain. primarily potentially exposed 17 workers. Secondary industries	

CDM 5/3/81
Judgment
reserved
until (331)
March 16

Own Correspondent

PORT ELIZABETH. — Judgment in the Port Elizabeth Regional Court trial of a Rhodes journalism lecturer, Mr Guy Berger and a student, Mr Devandiren Pillay, was reserved yesterday until March 16.

Mr Berger, 24, and Mr Pillay, 21, are appearing on charges under the Internal Security Act and the Publications Act.

On Tuesday, the magistrate, Mr J B Robinson, entered pleas of not guilty on all the charges after Mr Berger had reversed his original pleas of not guilty on five of seven counts and Mr Pillay, on five of the six counts.

6/3/81 (331)
**Judgment
is reserved**

PORT ELIZABETH — Judgment in the Port Elizabeth Regional Court trial of a Rhodes University journalism lecturer, Mr Guy Berger, and a student, Mr Devandiren Pillay, was yesterday reserved until March 16.

Mr Berger (24) and Mr Pillay (21) are appearing on charges under the Internal Security Act and the Publications Act.

On Tuesday the magistrate refused to enter pleas of guilty after Mr Berger had changed his original pleas on five of seven counts and Mr Pillay made a similar reversal on five of six counts.

— Sapa.

Nineteenth accused for City terror trial

331

CT
6/3/81

By PADDY ATTWELL

A 19th accused person provisionally joined the chairman of the Nyanga Residents' Association, Mr Oscar Mpetha, and 17 others in the Supreme Court yesterday on charges of murder and terrorism.

The 19th person was a 17-year-old youth who may not be named. Mr Justice Williamson provisionally granted an application by the State to include the youth subject to his rights to object.

In further developments, the court allowed the State time to consider what further particulars it would provide in terms of an application by counsel representing the 18 men and youths in the dock.

The court also granted an application by the State to amend the charge sheet in respect of an alternative charge of conspiracy.

In terms of the amendment the alleged conspiracy took place between January and August 12 last year.

Mr Mpetha, 71, and the 18 others are charged with three counts, one of participating in terroristic activities between August 8 and 12 last year, and two of murder, both of which allegedly occurred on August 11.

The murder charges relate to the deaths of Mr George Beeton and Mr Frederick Jansen who were said to have died in Klipfontein Road, Philippi,

after being attacked with weapons and other marathons. We have shared many words during the past seven weeks. I hope that they will assist you in this and other marathons.

Conclusion.

masterpiece. kilometre a human perfectly, of making each on the mechanics of running and to concentrate exclusively kilometre as a separate entity "frame" — that is to run each son, then it is necessary only to body, mind and spirit are in uniting falls into place, when the those rare days when every-running with me and finally, on be proud of my efforts were he whether the race winner would best, then I will ask myself whether I am really doing my ing your best. When, on other regular intervals, "you are do-

and Mr T. Skweyiya, who is appearing for the 17 others with two other advocates, to speak to the youth after the hearing.

At the start of the hearing at 2.15 pm, Mr Skweyiya continued argument for an application for further particulars needed to prepare the defence.

Referring to the various acts alleged under the terrorism charge, he asked for details concerning what alleged acts each accused personally committed and which other accused had been present.

The defence team wanted to know with whom they allegedly conspired. Details were asked for about places, dates and approximate times, and what effects the acts under the terrorism charge were likely to have had.

One act was allegedly malicious damage to property. The accused had been charged under the Terrorism Act which carried a five-year minimum sentence. In fairness to the accused, certain details were necessary.

Common purpose

The accused were also entitled to know details about acts in which the accused were alleged to have acted with a common purpose. Details were also needed on the likely results of an alleged conspiracy.

Mr Skweyiya asked for details concerning each individual accused where acts allegedly committed in concert were concerned and where assaults were

As far as "isotonic" fluids are concerned, there are no indicated during marathon running because they are too concentrated. The runner's drink must be hypotonic (ie of low concentration) as hypotonic, not isotonic, solutions are absorbed most rapidly from the intestine and are therefore best able to minutes.

ment for adding sugar (glucose or sucrose) to the fluid, as this may help prevent the fall in blood sugar levels that occurs late in the race. But the added sugar must be at a low concentration (less than 30 grams per litre of water) or else it interferes with fluid absorption and may cause nausea. All drinks should be taken ice-cold, and one should aim to drink one litre per hour, in doses of approximately 175 ml every ten minutes.



БОТНА

15 А

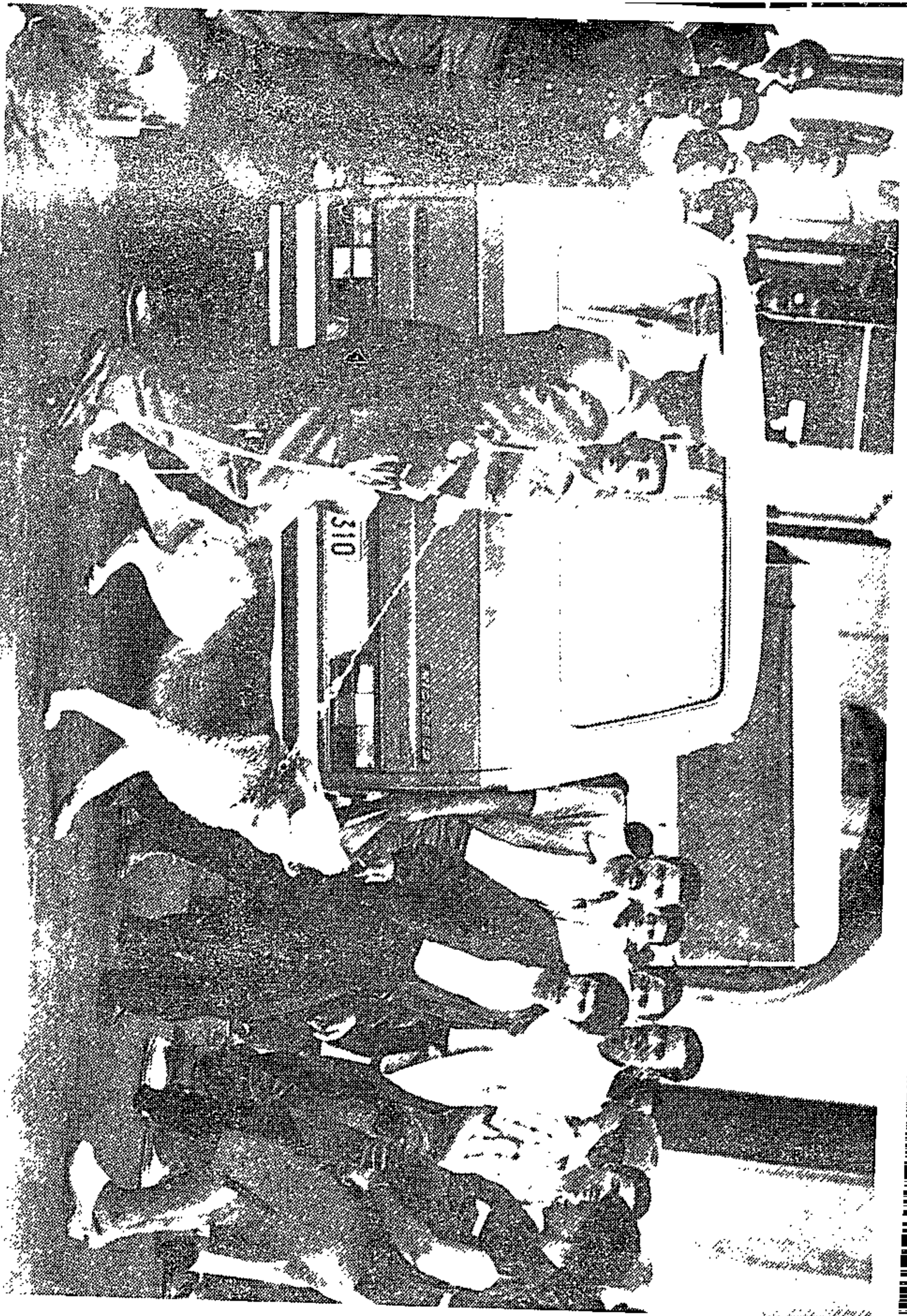
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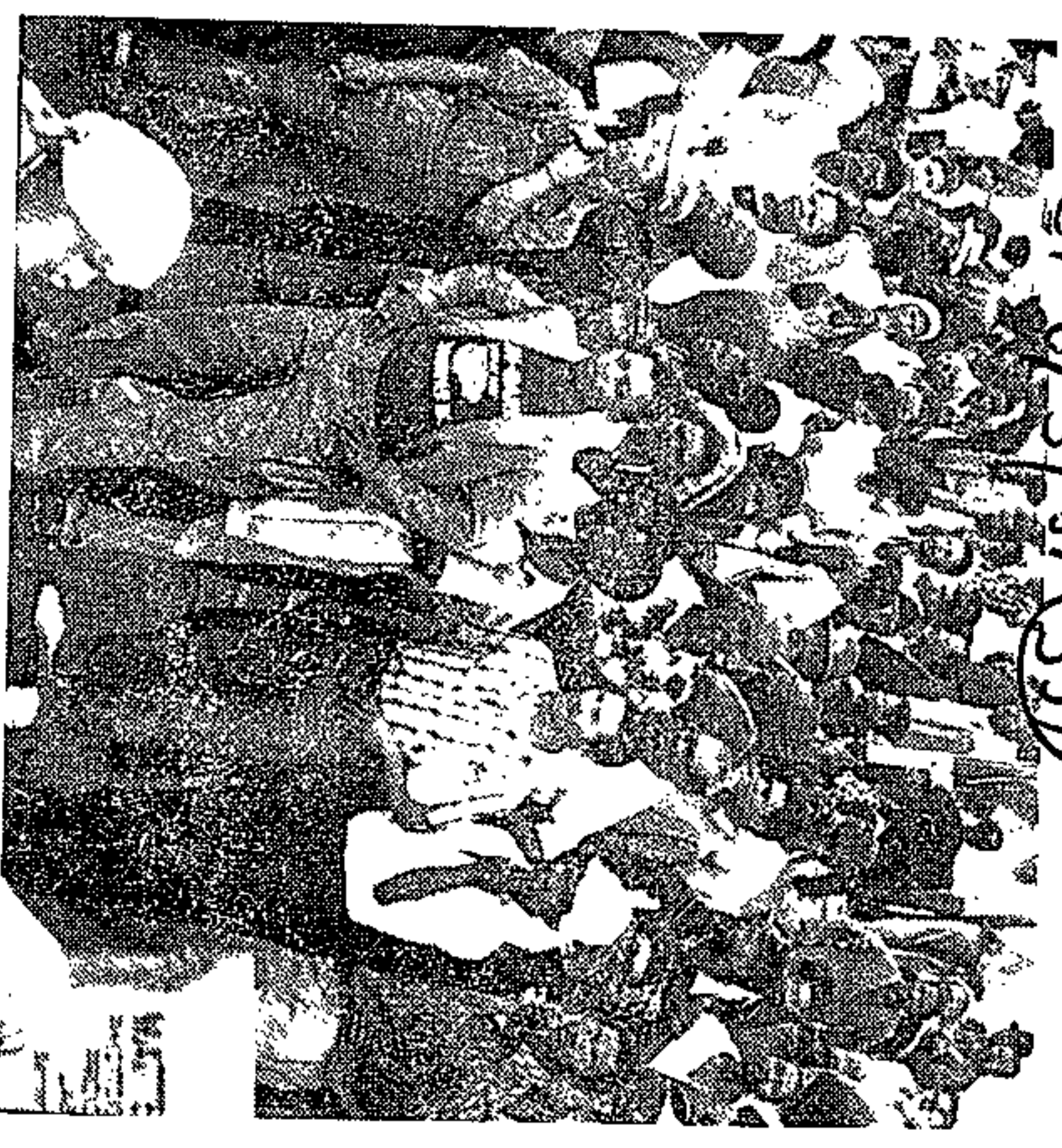
15 В. 15 С.

6/3/81

331



A policeman with a dog attempts to disperse a section of the crowd.



Above: Members of the crowd march with placards outside the Supreme Court yesterday after the trial of Mr Oscar Mpetha and 18 others was adjourned. Minutes afterwards police moved in and arrested six men and a woman. Later, sections of the crowd marched down to the railway station from where they caught their trains home.
Below: Part of the crowd near the Supreme Court.

CF 613/81 (331)

Elderly woman, six arrested

POLICE CHARGE CROWD

6/3/87
SOWETO
337

POLICE yesterday baton-charged a banner carrying crowd outside the Cape Town Supreme Court when 19 people appeared on charges under the Terrorism Act.

At least six people and an elderly woman were arrested. The huge crowd — many of the women wearing colourful traditional dress — started gathering at the court building well before the case which started on Tuesday was due to resume.

Among the accused is Mr Oscar Mpetha (71), a civic leader from Nyanga, one of Cape Town's black townships.

There was increased security in the court as well as outside. A contingent of uniformed police marshalled the crowd and barred the doors after the public gallery in the court-room was full.

The rest formed a queue outside the court building.

When Mr Mpetha led the accused into the dock they were greeted with a forest of black-power salutes from the gallery to which they smilingly responded.

After the baton-charge the crowd

OWN CORRESPONDENT

began marching down the street waving banners which read "Botha is a Terrorist," "Release our leaders Mpetha and Mandela and our Fellow-Brothers."

Suddenly the crowd turned about and marched up Leeuwen Street where they were confronted by a squad of riot police stationed there most of the day. The police stormed the crowd and arrested those carrying banners.

There were scuffles in the street and a man in a wheel-chair was knocked over.

Police cameramen were at the court all day and an international TV crew filmed the demonstration.

After the arrests riot police in vans followed the chanting crowd through the streets of Cape Town to the railway station. There were no further incidents.

● The accused are charged with participating in terrorist activity between August 8 and 12 last year and or near the Cross Roads squatter camp.

They also faced two murder charges relating to the death of Mr George Henry Beeton and Mr Cedric Casper Jansen after allegedly being attacked with weapons such as stones, petrol bombs and knives at Klipfontein Road, Philippi on August 11.

The State Prosecutor, Mr J Slabbert, said the delay, which had the case postponed from morning to afternoon, was because a 19th accused was to be joined with the original 18.

Police cleared the crowd from the steps of

ed to form groups on the pavement.

Mr Justice Williamson said he would postpone the case until next Wednesday. Mr Slabbert was to furnish the defence with the particulars by 10 am on Tuesday, so that the defence had time to study them.

He then introduced the 19th accused — a youth — and asked that the youth be the 19th accused.

Mpeetha: State to give details

August 6/3/81 (331)

THE State prosecutor in the Supreme Court, Cape Town, trial of Mr Oscar Mpeetha and 18 others on charges of terrorism and murder yesterday undertook to supply defence counsel with further details of charges.

The prosecutor, Mr J Slabbert, gave the undertaking after the court heard argument from Mr I Farlam, appearing for Mr Mpeetha, and Mr T L Skweyiya and Mr N Willis, appearing for other accused.

The defence objected on the grounds of vagueness of the charges and that

only essential, and not substantial, facts had been given by the State.

Mr Slabbert said he thought he could supply further particulars, but would need time to do so.

Mr Justice Williamson asked Mr Slabbert to furnish the defence with the particulars by 10 am next Tuesday. After the defence had studied the particulars, the case would resume on Wednesday.

The charges relate to alleged terrorist activities between August 8 and 12 last year at or near the Crossroads squatter

camp. Two murder charges relate to the deaths of Mr George Henry Beeton and Mr Frederick Casper Jansen, who died after they had been allegedly attacked with stones, petrol bombs and knives in Klipfontein Road, Philippi, on August 11.

Before the case was postponed yesterday, Mr Slabbert introduced a 19th accused — a youth — and asked for the court to order a joinder so that he could be tried with the remainder. The youth was brought from the cells below the court.

Through an interpreter, Mr Justice Williamson asked the youth whether he had been issued with the documents pertaining to the case, including an authority from the Attorney-General for him to be charged under the indictment.

The youth produced a sheaf of documents, which he said he had been unable to study because he was handcuffed on his way to court.

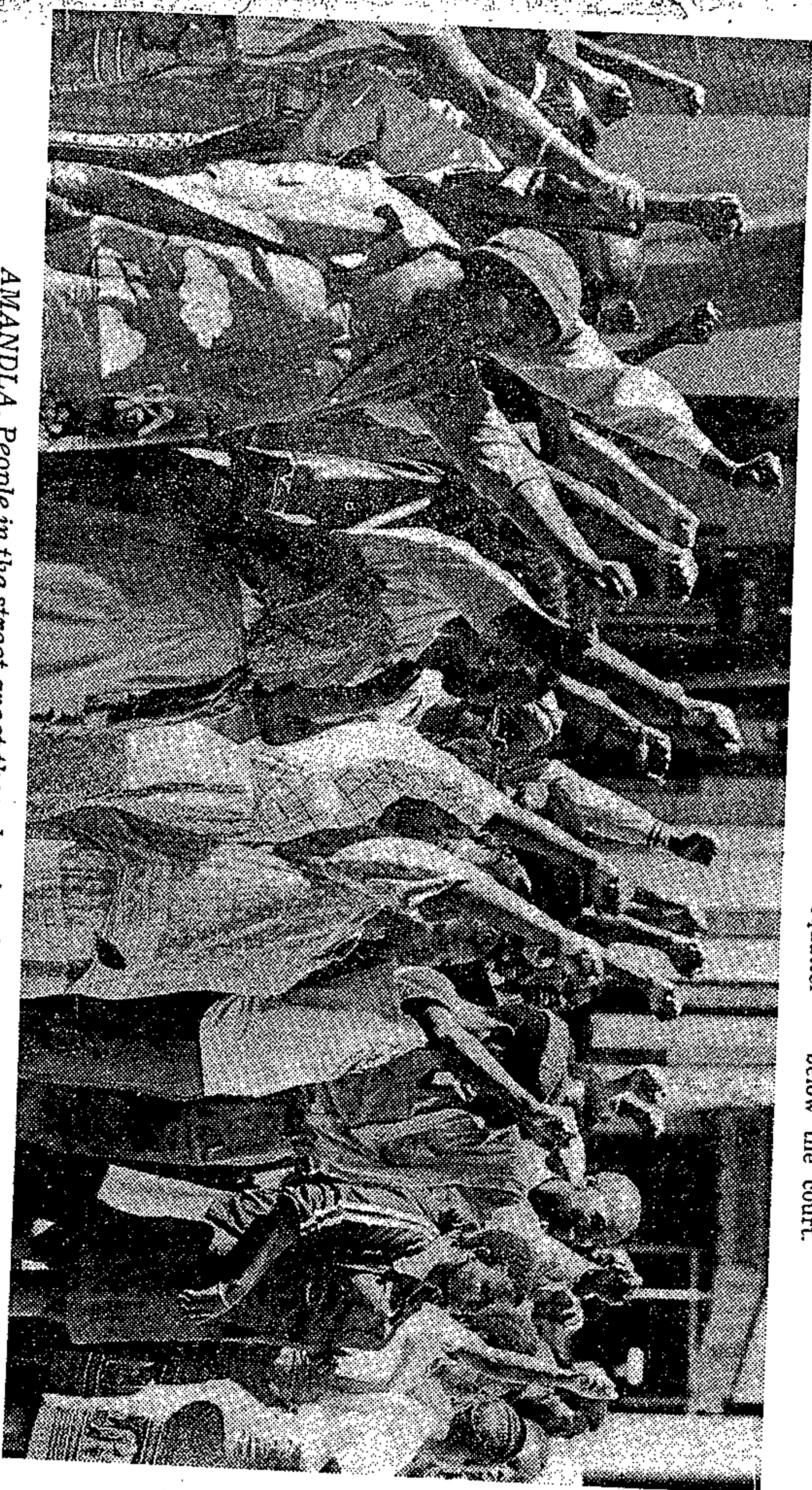
Mr Slabbert studied the documents and told the court they were in order. Mr Justice Williamson told the youth he was entitled to pro Deo defence, and would have an opportunity to study the charges and prepare his defence.

After looking closely at the mark beside the youth's right eye, Mr Justice Williamson remarked: 'It does not appear recent.'

The judge asked Mr Slabbert to ensure the youth was examined by a district surgeon.

Mr Justice Williamson added that he would order the joinder subject to the right of the youth and other accused to object if they wished.

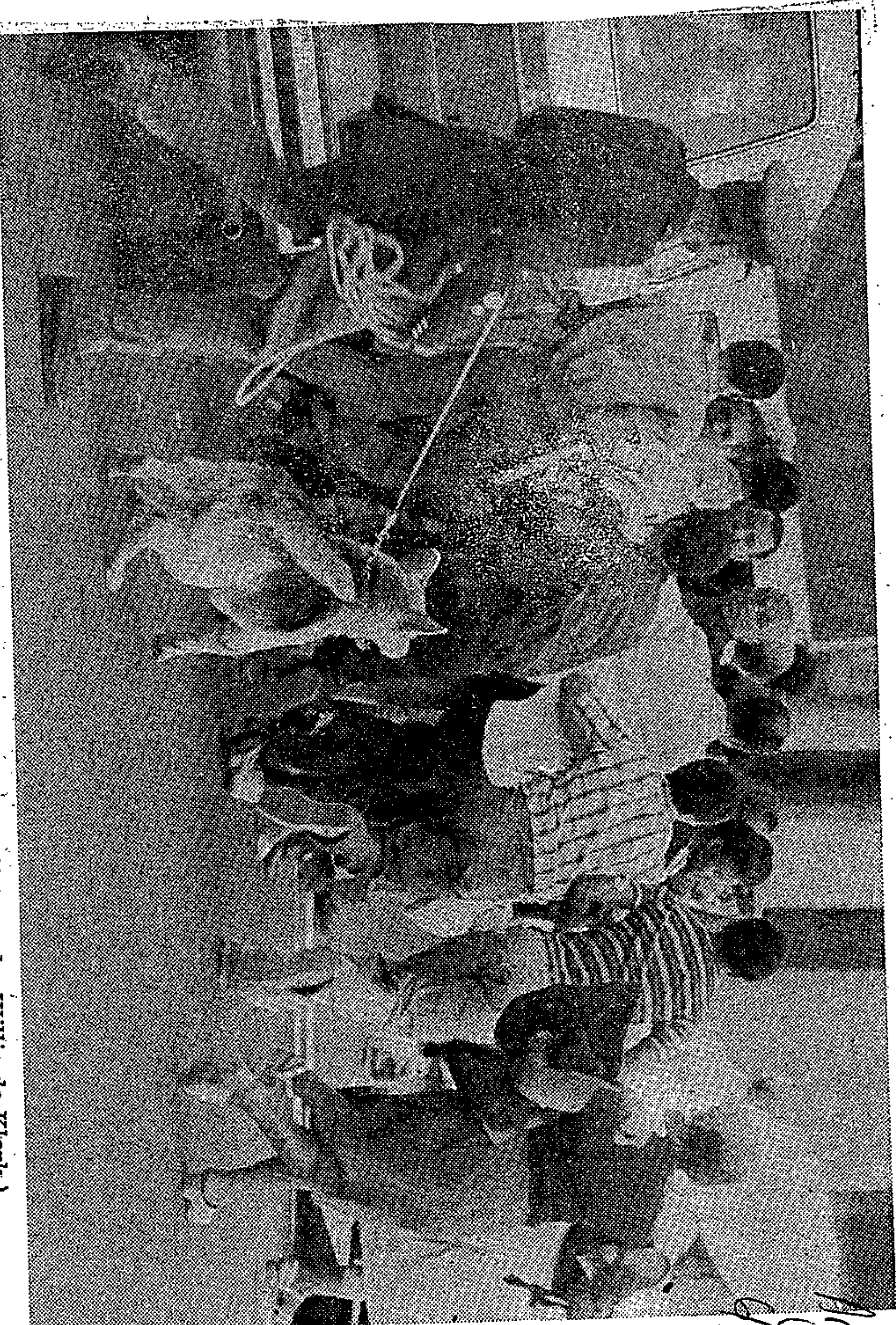
The case was postponed until Wednesday.



AMANDLA. People in the street greet those leaving the Supreme Court.



WAVING BANNERS AND CHANTING, the crowd marched up Leeuwen Street to Long Street where they were dispersed by riot police.



A DOG HANDLER disperses a crowd outside the court. (Pictures by Willie de Klerk.)



A DEMONSTRATOR is taken away by police. The policeman on the right is holding some of the seized posters.

6/3/81

Seven arrested in City march

By STEPHEN WROTTESELEY
RIOT POLICE moved in on a crowd of more than 300 marchers near the Supreme Court yesterday and made a number of arrests after the throng had changed direction and headed straight for them.

Brigadier D B Nothnagel, Divisional Commissioner of Police for the Western Cape, said last night that six men and a woman had been held in terms of the Riotous Assemblies Act.

It was the second march in the City in three days by people attending the trial of a Nyanga community leader, Mr Oscar Mpetha, and 18 others on charges of murder and terrorism.

Originally only 18 people were charged but yesterday a 19th person was brought before court. The charges arise out of the unrest last year in which two men, Mr George Beeton and Mr Frederick Jansen, died.

The march started after the more than 100 people who had been sitting in the public gallery throughout the day left the court and joined a crowd of over 200 people outside.

There was a large crowd outside the court building for most of the day and there were a number of incidents. In one, people attempted to storm the main door of the court.

In another, a woman was nipped on the buttocks by a police dog as police tried to move the crowd back.

When the two groups met, they started singing "Nkosi Sikelele Afrika" and gave black

power salutes. A number of posters were produced saying "Botha is a terrorist" and "Release Oscar Mpetha our leader, and our brothers".

The crowd started moving down Keerom Street in the direction of Wale Street — the direction the crowd took on Tuesday, the first day of the trial.

Then the crowd stopped, turned and marched back, turning up Leeuwen Street outside the Supreme Court and heading towards Long Street where a number of police vans had been parked most of the day.

Earlier in the day, the vans

the crowd who turned and ran, screaming in panic. A number of people were knocked to the ground as the crowd fled and others collapsed as police tried to arrest them.

One man in a wheelchair was bowled over as people tripped over him attempting to escape.

Those arrested were either walked, dragged or carried to the waiting police vans. Three policemen with dogs then moved in on the crowd and started dispersing it, moving people down Keerom Street.

In Wale Street the crowd reformed, although now much smaller in number, and started moving towards the station. Riot police moved among them but did not arrest them.

The crowd moved into the Golden Acre, where shopkeepers had closed and locked their doors, and once a number of them had gone up the escalator the power to the escalator was switched off causing a number of people to stumble.

However, the move effectively split the remaining crowd as the front section moved off along the bridge over Strand Street while the back section straggled up the escalator.

The sections rejoined on top of the station and were joined by marchers who had come by another route. They had also been accompanied by members of the riot squad for part of the way but no arrests were made.

The marchers then moved en masse into the third class section of the station and stormed one of the ticket barriers, sending ticket collectors scattering.

**Trial
report,
pictures
Page 3**

had been manned by riot policemen in plain clothes but by the time the marchers approached they had changed into their camouflage gear.

The small squad of men had no other weapons beside their side-arms, which remained holstered throughout the action.

When the crowd reached the intersection it seemed to waiver and started chanting "Botha is a terrorist".

The police then moved in, attempting to grab members of



Police carry off a demonstrator Mpetha, and 18 others had been marched peacefully from

They then went down onto the platform to wait for their train home.

For much of the crowd, the day had been spent outside court. Well before 10 am and the start of the trial, police stopped people entering court, saying the public gallery was full.

They formed a queue but later attempted to storm an open doorway in the hope of gaining entrance. The door was swiftly closed and later they were told to move away.

When the court adjourned in the morning, some of the people listening to the case, started to leave but seeing the crowd waiting for places, they quickly went back inside.

At one stage a senior police officer spoke to the crowd and asked them to disperse. Spokesmen for the crowd said they wished to enter the court and the officer said the court did not fall under his jurisdiction.

He eventually took a number of people inside the building but they later emerged.

Police storm 6/3/81 demos, 331 arrest 7

RIOT police yesterday stormed a crowd of about 400 chanting, banner-waving demonstrators outside the Supreme Court, Cape Town and arrested six men and an elderly woman.

The police action came after a day of tension outside the court where the Nyanga civic leader Mr Oscar Mpetha and 18 others are standing trial on charges of terrorism and murder.

The court room was packed long before the trial started and a crowd of about 150 people waited outside the building throughout the day to gain admission.

UNEASY TRUCE ...

Police with dogs tried unsuccessfully to clear the people outside and during the hot afternoon there was an uneasy truce between waiting policemen and the crowd.

A senior police officer addressed the crowd early in the afternoon and told them it was illegal to sing or display placards in the street and warned them not to block the pavement.

The tension was eased for a while when the crowd whistled and clapped a young man who walked past wearing running shorts and a T-shirt.

When the trial adjourned the people in the street were joined by the gallery spectators.

POSTERS

They began marching down Keerom Street waving banners and chanting. Posters were held up reading, 'Botha is a terrorist', 'Release our leaders, Mpetha and Mandela, and our fellow brothers.'

Suddenly the crowd turned about and marched up Leeuwen Street where they were confronted by a squad of riot police who had been stationed there most of the day.

The police stormed the crowd and arrested those carrying banners. There were scuffles in the street and a man in a wheelchair was knocked over. Police seized banners.

TV CREW

Police cameramen were at the court all day and an international television crew filmed the demonstrations.

people regrouped and marched down Wale Street and into Adderley Street on their way to the station. They were followed closely by several riot vans and riot policemen on foot.

Secrets Act appeal closed to public

BLOEMFONTEIN — An appeal by Deon Jean du Plessis, an Argus Company journalist, was held in camera in the Appeal Court yesterday after an application by the State.

Du Plessis is appealing against various sentences and convictions under the Official Secrets Act and Defence Act.

At the time of his convictions, he was an assistant editor of the Argus Africa Bureau. He is now assistant editor of The Tribune, Durban.

His appeal and petition were heard by Mr Justice Corbett, and Acting Judges of Appeal Mr Justice Trollip and Mr Justice Van Heerden.

Du Plessis was convicted by Mr Justice Fritz Steyn in the Witwatersrand Supreme Court on September 26, 1979. On the first two charges, treated together for sentence, he received 18 months' jail, with 12 months suspended for five years. The charges referred to a quantity of secret documents handed to him by a cadet reporter, Mr Jimmy Beaumont, who had done his national service as an operator in the Signals Corps.

Further conviction under the Official Secrets Act involved attempting to publish in London a manuscript on the Rhodesian terrorist war. For this, Du Plessis was cautioned and discharged.

On a charge under the Defence Act, he was sentenced to six months' jail, suspended for three years.

Du Plessis has appealed against his sentence on the two charges under the Official Secrets Act, against the further conviction under the Official Secrets Act, and against the conviction and sentence under the Defence Act.

He has also petitioned the court for leave to appeal against his conviction on two more counts under the Official Secrets Act, and against sentence on one of the two.

The first count on which he petitioned the court for leave to appeal was that he communicated certain of the information he received from Mr Beaumont to a police officer in Rhodesia (now Zimbabwe). For this he was sentenced to six months' jail, suspended for five years.

The other count was that he communicated secret information on military matters contained in the manuscript on the Rhodesian war to a Johannesburg publisher. For this he was fined R250, or a months' jail, and six months' jail suspended for three years.

Before the appeal was heard yesterday, counsel for the State, Mr A C Human, asked for the proceedings to be heard in camera. Mr E M Wentzel, SC, who is appearing with Mr P Coetsee for Mr Du Plessis, had no objection.

Mr Justice Corbett made an order that the further proceedings be in camera.

The court further made an order in terms of Section 154 of the Act that no information relating to the proceedings should be published — other than the report by Sapa (the South African Press Association).

Judgment was reserved. — Sapa

5/10/72
Everite
331 23 28
strike case
1/3/6
is dropped

A charge of inciting an illegal strike brought against three workers from the Everite Construction Company, Klipriver, was withdrawn yesterday.

The workers were to have appeared in the Klipriver Magistrate's Court to face charges under the Riotous Assemblies Act.

They were among the 700-odd workers who went on strike at Everite on February 6 in support of a wage demand.

Teargas was used to disperse the strikers, a number of whom have since been dismissed by the company.

Riot police move in on crowd

CAPE TOWN — Riot police moved in on a crowd of more than 300 marchers near the Supreme Court here yesterday and made a number of arrests after the throng had changed direction and headed straight for them.

Brigadier D. B. Nothnagel, Divisional Commissioner of Police for the Western Cape, said last night that six men and a woman had been held in terms of the Riotous Assemblies Act.

It was the second march in the city in three days by people attending the trial of black community leader, Mr Oscar Mpetha, and 18 others on charges of murder and terrorism.

The march started after more than 100 people who had been sitting in the public gallery throughout the day left the court and joined a crowd of over 200 people outside.

The crowd started moving off, then turned and marched back. At an intersection the throng seemed to waiver and started chanting "Botha is a terrorist."

The police moved in and members of the crowd turned and ran, screaming in panic.

A number of people were knocked to the ground and others collapsed as police attempted to arrest them.

Meanwhile, a 19th accused person provisionally joined Mr Mpetha and the others on charges of murder and terrorism.

He is a 17-year-old youth who may not be named and who claimed to have been assaulted.

The court allowed the state time to consider what further particulars it would provide in terms of an application by counsel representing the 18 men and youths in the dock, whose charge was amended to an alternative of conspiracy.

Mr Mpetha, 71, and the 18 others are charged with one count of terroristic activities, and two of murder, both of which allegedly took place on August 11.

None of the accused have been asked to plead.

The case will continue next Wednesday. — DDC.

5-18 year olds the next age group, and who assisted as, not school children, were, in 1970, 4 977 calculations.

This means that the total of Africans shown in the age classification for areas 11 and 13 will be lower than that shown in the occupational

Age distributions for coloured people are shown for economic regions 11 and 13, but for Africans, only Xhosa-speakers are listed according to economic regions in the Cape. Age distributions for other Africans are given for three economic regions in the Cape only and other regions are grouped as 'rest of Cape'.

In other words, the people not included in the age distribution total, (but included in the occupation total), have been distributed in broad age categories in the same way as those are included.

The report listing occupations covers the whole population of the areas, while those listing age distributions are based on a sample survey. The result is that figures of total population by area do not coincide. The figures in the occupation survey (Report No. 02-05-04), which are higher, have been used and the difference is assumed to be distributed by age in the same way as is shown in the sample tabulation.

classified 1) above, speakers c It has been speaking age distr between the age c tabulation Table 2 shows The table show men and 30 673 economically e therefore can scholars, stud * Fifteen is p especially Coloured bracket given in

Cheering as 5 acquitted

C. Herald
7/3/81
331

THERE was cheering in the Johannesburg regional court when five men charged with being members of banned organisations were acquitted.

Mr Themba Tshongwe (26), Mr Norman Nonyetote (39), Mr Patrick Gaboutloeloe (40), Mr John Matsoba (18), and Mr Siphio Nhlapo (24) were discharged when the magistrate, Mr A H Barlow found that the State had failed to prove that they were members of the Pan Africanist Congress (PAC) or the African National Congress (ANC).

The five men were also found not guilty of furthering the aims of the organisations.

An application for acquittal was made by Mr George Bizos SC, after the State had closed its case.

Passing judgment, Mr Barlow said the State had not tendered any evidence supporting the allegations.

NOT SATISFACTORY

'At the very most the State has proven possession of banned documents. From that an inference cannot be drawn that they were members of the banned organisations,' Mr Barlow said. The State witnesses had not been satisfactory.

The evidence given by Warrant Officer Louis van Wyk, an investigating officer, would have been important but, 'it could not be relied on,' Mr Barlow said.

Mr Vuyisile Mdleleni, initially charged with the five men, was discharged on February 4 after Mr Barlow found that the State had no evidence against him.

which he can use professionally. He will practise in co-operation with other colleagues, medical and non-medical. He will know how and when to intervene through treatment, prevention and education to promote the health of his patients and their families. He will recognise that he also has a professional responsibility to the community.

Confusion exists between the disciplines of community medicine and general practice. Community medicine is concerned with the determina-

Strike charges dropped

Labour Correspondent

THE State has withdrawn charges of inciting an illegal strike against three black workers of the Everite Construction Company.

The three men — one of whom has been dismissed by the company — were to have appeared in the Klip River Magistrate's Court this week in connection with a strike at the company last month.

A spokesman for the public prosecutor's office confirmed yesterday that they had been charged under the Riotous Assemblies Act — which carries a maximum five years' jail sentence for inciting an illegal strike — but that these had been withdrawn because of "insufficient evidence".

when, in the future, a person who is ill or believes himself to be ill, seeks the advice of a doctor whom he trusts. This is the consultation and all else in the practice of medicine derives from it."

Arising out of the definition is the concept of patient care in which is illustrated the attitudes of general practice. We speak of four types of care which are related and interdependent — personal, continuing, primary and holistic.

Personal care.

This implies the recognition of each patient as a unique individual with his own genetic inheritance, his own response to disease process and his own attitudes. "The mark of a general practitioner is his overriding interest in people. Hand in hand with this interest in people goes a unique attitude to their diseases. Whatever troubles the patient is important whether its origins be emotional or physical." (McWhinney) It is important to the doctor because it is important to the patient, not because it is an interesting disease. Herein lies the difference between patient-oriented medicine and disease or doctor-oriented medicine.

Personal care also implies the concept of responsibility. There must be a doctor to guide the patient through the maze of modern medicine and to take the responsibility for his welfare. Divided responsibility threatens this fundamental role of the doctor. This can occur in a large hospital, in the health team approach or when the patient has direct access to the specialist and becomes his own referral agent. Responsibility also requires that the doctor should be available and accessible to his patient in illness and distress.

Under personal care one must also consider the important but misunderstood subject of the doctor-patient relationship. To the patient this often means the easy charm of the bedside manner. To our specialist and academic colleagues it is equated with kindness — a commendable quality in any doctor. However, the doctor-patient relationship refers to the honesty, concern, acceptance, empathy and equality which should exist in our relationship with our patients. This in turn leads to the report,

Joseph Mavi: free — and very determi



HE'S free, his innocence is proven, and he's bent on consolidating his union's already considerable support.

Joseph Mavi, the man nobody had heard of until he brought Africa's richest city to its very dirty knees last year, was acquitted of sabotage this week and cleared of charges under the Riotous Assemblies Act following last year's massive strike by Johannesburg members of the Black Municipal Workers' Union.

After a frenzied pre-strike beginning, work at the union offices slowed down during the long months awaiting trial, following the spectacular arrest of Mr Mavi late at night in the corridors of the Supreme Court, where he went to argue an urgent matter for the union.

Every day for eight months, the three union executives behind this, the most representative organisation of municipal workers in Johannesburg, had to travel time-consuming distances from their Soweto homes to report to the police.

Within 24 hours of their acquittal on Wednesday, the downtown offices of the union were humming again.

I watched as workers streamed in to pay their subscriptions, sign enrolment forms, or have their union cards updated.

Migrant workers who were dismissed during the strike and have filtered back to the city, crowded in to report on their poverty and joblessness.

And Mr Mavi and his men were hard at it.

Last time I called at their small offices in Sauer Street at the height of the strike, when uncollected stinking refuse littered the streets and parks — the union was disorganised.

They had no telephone, no office furniture, nowhere to sit, merely basic administrative

'If we'd wanted a strike we'd have called it in summer'



● Dlamini... I wish I had more education

machinery — a couple of pens and some paper.

Today, nine months later, all they need are a few filing cabinets, and normal access to the workers they represent.

Both Mr Mavi, a tall impressive man who chooses his words carefully, and his more volatile general-secretary, Mr Philip Dlamini, have one priority — they want freedom to talk to the 15 000 men employed by the City Council.

They claim they are not allowed into municipal compounds or onto any property where workers are employed.

Yet, the union has 2 000 fully paid-up members, and another 9 000 who have signed on.

The rival organisation, the Johannesburg Municipal Workers' Union, recognised by the City Council as the only legitimate negotiating body representing workers, has 40 paid-up members to date, according to Mr Dlamini.

I tried hard to get somebody at the City Council to give me figures of this union's paid-up membership. It appears this is sensitive information as only

one man at City Hall is authorised to give out that kind of information, and he was unavailable.

Joseph Mavi, who is now a hero among the workers, speaks with intensity of the history of unions in South Africa, and their growing effect on the economy.

His measured speech is, however, frequently lightened by humour and a certain cynicism, especially when Councillor Francois Oberholzer's name crops up in conversation.

It's astonishing that a man like Mr Mavi, self-taught but well-educated, put up with the job of bus driver for so long.

"I had good teachers on unionism. I learned from the Whites, and they taught me plenty."

He grinned wryly when he said that. Of course that is a simplistic description of the knowledge he has acquired over the years. He has studied unionism for eight years, from books bought or borrowed, and books from libraries wherever he could find them.

He must have suffered these last eight months, he must suffer today, but he doesn't admit it.

His wife Ruth has borne the financial brunt of providing for the large Mavi family. She earns R29-a-week as a cashier in a quality city departmental store.

Her husband has been without a job since he was dismissed following the strike.

"So what. We don't eat eggs or fruit any more, and not much meat. It's not going to kill us. My family, and even Soweto headmaster, have helped us out with school fees for the children."

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ned

Bitterness? Rage? It is always an extraordinary experience to meet people like Joseph Mavi. People who have suffered outrageous treatment from the authorities, and who have no anger.

He would have some justification for anger. He had to go into hiding knowing the authorities were after him. He knew 1 200 migrant workers whose interests he represented were being isolated, then trucked off to their poverty-stricken homelands.

And then that midnight arrest in the corridors of the Supreme Court. An arrest which shattered even the most cynical legal men in the country, and his subsequent three-week detention in solitary confinement.

Bitterness?

"No, all I felt was embarrassment when they arrested me because I wanted to protect my workers from harassment. That was the reason I sought an urgent application late that night.

"After I was arrested I was powerless to help the workers, which was my job."

But he grins when he remembers dark days during the strike when he was on the run.

Dressed like a labourer he met with his executive all over town, in public places, at appointed times, to discuss the developments of the strike he had fought against.

While the City Council searched for the leaders, and police and security police watched their homes, the premises of the BMWU and other haunts, they held their meetings in view of hundreds of passers by.

He knew when he came out into the open that day to consult with his lawyers, freedom and anonymity were running out.

"It was a risk I had to take. The workers were being harassed."

He speaks about the subterfuge as a White man might discuss an outing to Zoo Lake.



● Joseph Mavi . . . conversation lightened with humour

He grinned when he spoke of Mr J C de Villiers, chairman of the Staff Board, the man who pointed him out to the police in those halls of justice in the dead of night, moments before the court went into session.

"I saw him. He knew me well, because we had dealings with each other when I was secretary of the Works Committee. He came to me and greeted me, 'Yes, Mr Mavi,' he said.

And I replied, 'Yes Mr de Villiers.' He was being followed by plain-clothes policemen who were waiting for me to return a greeting so they would know which one was Mr Mavi.

"One of them tugged at my shirt and said to me 'Kom'. I knew then I was under arrest.

It's hard to imagine Mr Mavi as any kind of a fire-brand. He's quiet, a neat and conservative dresser, and, above all, a family man.

He shows a fine set of teeth when he talks of Mr Oberholzer.

"We wanted to talk to them during the strike, and they wouldn't. We still want to talk to them. Our door will always be open."

Mr Dlamini, a spindly man who spent much of his childhood ailing in Baragwanath Hospital, smiled: "What they should do now the trial is over, and the dust has settled, is to have a referendum between the two unions, to see who has the greater support. But they would be too frightened for that."

He cursed himself as he spoke, "I wish I had more education. I need it now."

His wife, a R19-a-week office cleaner, is now also the sole supporter of the family of five.

Both men say that the prominent use of their names in a publication in connection with the strike issued by the Council before the trial will probably preclude them from gaining employment.

And certainly the money collected in subscriptions is not for salaries for anyone. Work at the union headquarters is done on a voluntary basis.

Suddenly I knew I was in the

way. The telephone was ringing incessantly, and the crowd outside the door was growing. Mr Mavi and Mr Dlamini wanted to get back to the business of their union.

One worker had subscriptions from five of his colleagues, unable to get to town to pay their subs.

The network of enrolment among Johannesburg municipal workers is complex and comprehensive.

In each place, even the most distant compound, there is a scribe. He is a trusted man who fills in the forms for the illiterate workers, and then hands them on to someone else to ensure they get to the RMWI offices.

The present filing system is orderly. And even though a box containing about 4 000 completed forms mysteriously disappeared from Philip Dlamini's locker while he was in detention, they have more than enough on hand to process.

None of them want more strikes.

"If we had wanted a strike last year, we wouldn't have called it in winter, but in summer. Rain makes rubbish rot quicker, and breaks up the roads," said Mr Dlamini.

Last year's wildcat strike took place when the union was a week old. It has matured to adulthood now.

Poor old "Obie."

He was in dire straights when Johannesburg's rubbish spilt into the streets and into the international Press, and he then said the strike had been good for labour and race relations.

How loud does the chatter of discontent and the growing unity of a strongly supported organisation have to be before people stop shouting "agitators", and listen to the genuine needs of the men who keep our city alive and working?

Nice is a boring word, which Joseph Mavi isn't. But there isn't another one that will do. He really is so nice. Even "Obie" might find he liked him.

R2m for refugees education

MASERU — The United Nations High Commission for Refugees is to provide more than two million rand for the education of South African political refugees, living in Lesotho.

Discussions on the co-operation programme were held in Maseru last week between the Lesotho Government and Mr David Lambo of Nigeria, chief of the Southern Africa section of the UN High Commission for Refugees.

Part of the aid programme will include the expansion of facilities at the National University of Lesotho and nine secondary schools, for the benefit of student refugees.

Hostel facilities, a cafeteria and staff houses for additional lecturers will be provided at a cost of about R750 000.

Employment opportunities will also be provided.

SOWE (M) 4/3/81

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all cash payments.

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have been considered
been cleared by the
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**13 damage, arson
trials postponed**

MDANTSANE — Twenty-nine students and a housewife, Mrs Ivy April, appeared briefly before Mr B. Addison in a special regional court in 13 separate trials yesterday on charges of public violence, arson, incitement and malicious damage to property.

Charges were withdrawn against 10 pupils.

The defendants were not asked to plead and no evidence was led.

The cases were postponed to various dates in April and May.

Bail was extended and parents were warned to bring their children to court on the set dates.

The brothers failed to appear. The prosecutor, Mr H. J. D. Hitchcock, applied that a warrant of arrest should be suspended for 14 days because he was not sure whether the defendants were in custody or out on bail.

Their case was remanded in their absence to April 28.

Mrs April is charged with public violence, alternatively malicious damage to property.

Her case was postponed to April 11. Her bail has been extended.

The magistrate said the trials would be shifted to a government building in zone four which would provide more space. — DDC.

Current debt to farmer (R)	Number of workers	Cumulative %
0,01 - 10,00	10	34,48
10,01 - 20,00	7	58,62
20,01 - 30,00	5	75,86
30,01 - 40,00	4	89,66
		100,00

Distribution of workers according to current debt outstanding, R

TABLE 21

is shown in the table below.

all. The distribution of debt among the remaining 29 workers (78 percent) were described by farmers as having no debt at a few weeks. At the time of the survey, 101 workers food, etc.) 'on the book' and to pay the farmer back over their provisions (millet meal, sugar, tobacco, soap, tinned to workers in the sense that workers were allowed to buy However, most farmers extended very short-term credit them.

too big to pay off easily and there was no way to stop

Meeting: Motlana charged

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11/11/61

Three members of the Committee of Ten are due to appear in the Johannesburg Magistrate's Court on March 19 charged with attending an illegal meeting, according to the committee's secretary, Mr Thomas Manthata.

The three members are Dr Nthato Motlana (chairman), Mr Manthata and Mr Leonard Mosala.

Their appearance arises from a meeting at Holy Cross Anglican Church, Soweto, on August 24 last year.

ke: after the acquittal, the questions...

of the Black Municipality Workers' Union were acquitted last week on charges that they had instigated a wide strike in Johannesburg. But a number of questions arising from the work stoppage remain outstanding issues. A copy of his report was submitted to the chairman of the Johannesburg Committee, Mr Francois Oberholzer, for his comments. But Mr Oberholzer indicated through his Friday that he could not comment at this stage because he first wanted to read the judgment in the



officials acquitted last week. from left, Mr Joseph Mavi, Mr Phillip Dlamini and Mr Gatsby Mazwi.

ommendations we read "that the Staff Board will report in due course, after consultation and negotiation with the Union of Johannesburg Municipal Workers..."

Mr Oberholzer needs little reminding that the UJMW was an unregistered union until July 29th, 1980 (at which time it had 40 paid up members!)

What has happened to the possessions that had been kept by workers in their lockers in the Orlando compound?

The "strike" began at Orlando. Whether we are in fact talking about a strike or a lock-out is debatable. Mr Lu-ther, in his judgment, noted that "the evidence on Orlando

is very, very scant" and certainly "insufficient to prove that the Orlando strike was unlawful".

Nevertheless, the JCC dismissed the 600 or so "striking" workers and would not even allow them to collect their personal belongings from the compound. (It must be the first compound in the history of South Africa to be classified as a "strategic area").

Mr Mavi immediately voiced the concern of the dismissed workers. "What," he asked, "if the money and belongings of these workers gets lost?"

Unlike most compounds, Orlando has lockers which

lock. They were therefore used by workers as secure places in which to keep money, not only for themselves but also for friends who did not have access to such security.

The anxiety of Mr Mavi and the workers was more than justified. The lockers were opened, and at the time of writing this article, more than seven months later, not one cent of cash held in the lockers has been returned to its owners. Fifty-three of these workers have been interviewed and 41 of them claim to have had cash taken from their lockers (in addition to other possessions).

The total sum of cash the 41 workers claimed to have

lost is R10 757.65.

There is no question about who removed the money. Mr Oberholzer confirmed to the Sunday Express that "we went there to their lockers which are numbered and put their clothes in municipal bags which were numbered."

Some of these bags were found scattered around the Orlando and other municipal compounds several days later, but none contained any money and few contained all the other belongings removed. Six weeks later some of these bags were still lying in the disused City Deep compound — property of Rand Mines Properties.

Why did the JCC repeatedly assert that the pay gap had been closed when it had not? And what was Mr Petty trying to convey when he spoke of a multiracial pay scale for the bus drivers when the bus drivers are in fact divided by a so-called proficiency barrier?

The fact that no white driver, even with a month's experience, is below the barrier and not one black driver, even with 10 years experience, is above the barrier makes a mockery of such claims.

Why did Mr Oberholzer deny reports that those who would be deported immediately to their homelands, when that is precisely the "offer" that most workers claim that the council's officials put to them and precisely what the JCC did to them? In the early hours of Friday, August 1, an agreement was reached out of court (following the seizure of Mr Mavi) and without liability, between the JCC and the BMWU's attorneys.

A spokesman for the BMWU's attorneys confirmed

that the JCC's lawyers had undertaken not to unlawfully detain union members. This meant that no workers would be forced to board buses taking them to a homeland against their will.

Why, when Mr R Kruger, counsel for the JCC, confirmed that an agreement had been made, did the JCC immediately break the agreement and deport workers to homelands against their will? Mr Oberholzer repeatedly stated that the strike was caused by agitators and that workers were being intimidated. This is in direct contradiction to the very substantial amount of research data as well as the findings of the court.

According to Mr Oberholzer, "there was an enormous amount of intimidation. Police have told us this and they have arrested some of the agitators."

The JCC's September newsletter even went so far as to state that two workers were murdered at the Orlando Power Station. These are serious happenings. It would therefore be interesting to know why these agitators were not charged in court. The JCC could also help our own research by naming the two people murdered at Orlando. We have still found no trace of any such murders.

Why did the JCC state in the above-mentioned newsletter that the council's black bus drivers "had no grievances of any sort" when the general manager of the transport department confirmed in court that they did indeed have legitimate grievances which had in fact been brought to the attention of the Staff Board itself?

One of their many grievances was that the council, at the time of the "strike", had

gone three pay days without having paid the drivers allowances due to them. As argued in court, it was the JCC and not the drivers who had broken their contracts.

The reason why the BMWU received such overwhelming support from virtually all sections of the JCC's black workforce is quite simply because there were very few black workers in the JCC's employ who did not have legitimate grievances relating to such issues as wage rates, differentials, non-payment of overtime, unilateral modification of shift agreements, non-payment of allowances due, alleged assault and victimisation, lack of worker representation, living conditions, and so on.

If proof is needed of this it is to be found in the ultimate indictment of the JCC and in the ultimate irony of the strike: one of the first groups of workers to give their support to the BMWU and assist it in the organisation of the migrant workers in the compounds was the council's own compound police — the trusted "blackjacks".

They were not intimidated or whipped up by "agitators". They assisted the BMWU quite simply because they, too, had had enough of the exploitative conditions under which the JCC expected them to work.

Meanwhile, the Attorney-General of the Transvaal has refused to prosecute the JCC on a charge of contempt of court laid against it by the president of the BMWU for the publication of a story under the heading "A strike can paralyse a city", which appeared in the council's September newsletter when charges against the BMWU were pending.

This article is based on a full analysis of the "strike" to be published in the SA Labour Bulletin Vol 6 No 7.

INSIDE MAIL

Jo'burg municipal 'strike':

THE judgment handed down in the Johannesburg Regional Court by J J Luther last week in the case of Mr Joseph Mavi, Mr Philip Dlamini and Mr Gatsby Mazwi for their involvement in last year's Johannesburg Municipality strike has bolstered faith in the courts.

They were acquitted on all charges brought against them under Sec 10 of the Black Labour Relations Act of unlawfully participating in or instigating a strike, inciting others to strike or committing a breach of contract of employment by refusing to work in order to compel their employers to comply with demands by them.

Their acquittal is even more significant when we remember that they were first charged under the sabotage clause of the General Law Amendment Act which carries a maximum penalty of the death sentence, and also that the Black Municipality Workers Union's (BMWU) first attempt to seek the protection of the courts met in failure.

On that occasion, on the night of July 31 last year, Mr Mavi, president of the BMWU, was seized by Security Police in the corridors of the Rand Supreme Court as he was making an urgent application for an interdict seeking to restrain or prevent the Johannesburg City Council (JCC) and the Minister of Police from wrongfully and unlawfully detaining, restraining and assaulting members of the union; and from wrongfully and unlawfully depriving them of their possessions and personal effects contained in their lockers and in the dormitories of the hostels in which they were residing.

It was an action which, in the opinion of Mr Johan Kriegler, SC, "appears to

have been interference with the fundamental right of a litigant to free access to a court of law".

But if Mr Luther's judgment helped reaffirm our faith in the courts, the trial itself was particularly disturbing on two counts.

Firstly, the evidence led against the accused has once again provided a salutary reminder of the lengths to which the State will go to press charges against black labour leaders. A key State witness, a member of the BMWU's executive committee, admitted that he had been detained and assaulted in John Vorster Square and had consequently produced three different statements — the third of which was to the police's liking.

Under cross-examination by Mr E Wentzel, SC, he admitted that the first statement, which completely exonerated the accused, was true. As Mr Luther commented, "for obvious reasons his evidence is not worthy of belief."

Secondly, the trial raised a number of questions about the management of the JCC which are not all answered in court and which must now be allowed to sink into obscurity. Some of the more important questions are:

• Why did the council persistently deny that it was pushing an "in-house" union, the Union of Johannesburg Municipality Workers (UJMW), and inhibiting the formation of what was clearly a far more representative union, namely the BMWU?

In court, Mr Pettey, the general manager of the JCC's transport department, admitted what was common knowledge — that the council had been backing and favouring the UJMW.

The support went as far as giving the union organisers

(members of the monthly paid staff's liaison committee) paid leave to organise the union; open access to all the municipality's compounds; a tour of the compounds conducted by a member of the council's Staff Board, and personal introductions by the Staff Board to the compound managers.

When it came to the inaugural meeting of the UJMW on January 23, 1980, the JCC placed the Selbourne Hall at the union's disposal free of charge; gave workers the afternoon off to attend the meeting, and provided the council's own transport to take workers to and from the meeting. It is also alleged that the UJMW even used the city council's stationary!

In contradistinction the JCC intervened directly to inhibit the formation of the BMWU. On February 20, 1980, the members of the transport department's works committee, who were the initial organisers of the BMWU, met with the council's Staff Board to ask permission to organise a union. The report of this meeting was conveyed to a meeting of the JCC's management committee on March 18 at which the management committee refused to allow them to organise a union anywhere other than in their own transport department.

At the BMWU's inaugural meeting on June 23, the JCC did not give the union the free use of the Selbourne Hall, nor did it give workers time off, nor did it provide transport facilities.

• Why did the Chairman of the JCC's management committee, Mr Francois Oberholzer, state that it would be a contravention of the law to negotiate with an unregistered union when there is nothing whatsoever in the law that prohibits negotiation with or recognition of an un-

Key members of the Black MU last year's city-wide strike in unanswered. JEREMY KEENA examines the outstanding Management Committee. Mr secretary yesterday that he court case.



BMWU officials acquit

registered union?

• Why did Mr Oberholzer steadfastly state throughout and after the strike that the JCC could not and would not negotiate with an unregistered union? This question is most puzzling as a management committee document (ref SB 18/80, (vote: 100/0900) dated 11.2.80, 10.4.80. Special) reads:

Sec 10... "The Staff Board is working towards consolidating the conditions for blacks and in this regard is now able to consult and negotiate with the newly formed Union of Johannesburg Municipal Workers before reporting to Council".

And in the document's rec-

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Motlana to face charge

THREE members of the Committee of Ten are due to appear in the Johannesburg Magistrate's Court on March 19 to answer charges of attending an illegal meeting, according to the committee's secretary, Mr Thomas Manthata.

The three members are: Dr Nthato Motlana (Chairman), Mr Manthata (Secretary) and Mr Leonard Mosala. Their appearance is in connection with an anti-racist meeting held at Holy Cross Anglican

Church, Soweto, on August 24, last year.

The Minister of Justice had at the time banned all meetings that would attract an audience of more than 10 people. The ban on such meetings expired on August 31.

clinics at Enon, a mission settlement 12.5 km from Kirkwood, and at Dunbrody on a large estate (see map). The

ded. The white sister at the so makes two fortnightly trips to more distant from the clinic, and staff area, incorporating TB

at D.C. expense from Kirkwood for cases to the point of treatment, range or Livingstone hospitals. It is authority of a doctor, which patients have to reach the doctor ce is available from Uitenhage to as to hospital there or in

Local Services

available in Port Elizabeth and hospitalization are referred ne, the Provincial Hospital in ne Hospital at P.E. Better off the doctor may be referred to ne towns.

Other areas

re detail in Appendices I and III. ide an interesting contrast m in the rest of the Uitenhage private clinic supported by

Albany D.C.

4. Utilization of Health Facilities

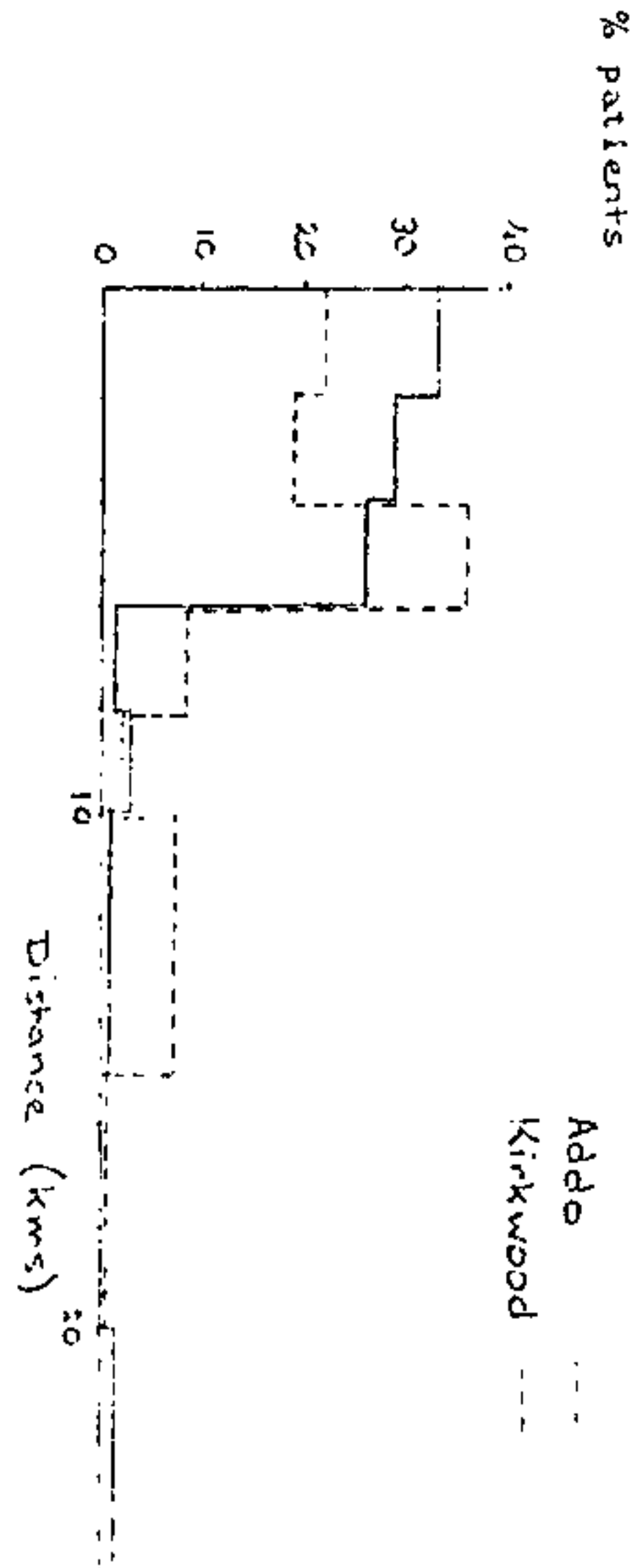
4.1. Analysis of clinic attenders

A study of 'minor ailment' patients' cards was made at Addo and Kirkwood Divisional Council clinics to discover the areas served by them and the age/sex distribution of their clientele. The results are given below:

Table 1: Distance travelled to clinics

km	0-1,9	2-3,9	4-5,9	6-7,9	8-9,9	10-14,9	15-19,9	20+	Total
Addo	38	33	30	1	3	3	0	5	113
Kirkwood	16	13	26	5	1	10	1	0	72

Graph 1: Distribution of clinic patients by distance travelled



From the graph it can be seen that Kirkwood has relatively fewer patients from close by; this is because residents of the municipal area must use the municipal clinics. Only those living on farms can use the D.C. clinics. There are fewer patients from distant locations because, paradoxically, Kirkwood clinic is reckoned to serve a larger area than Addo and the sister makes fortnightly visits in her car to a number of stopping places,

Terror trial crowd whistles and waves

ABOUT 250 people crowded into the Supreme Court, Cape Town, today for the resumed hearing of the trial of the chairmen of the Nyanga Residents' Association, Mr Oscar Mpetha, 71, and 18 others who are accused of taking part in terrorist activities and two counts of murder.

The other accused are: Mr Lawrence Lesotho, 18; Mr Morgan Teboga Makubala, 19; Mr Aaron Tshangana, 20; Mr Peter Vusumzi Kube, 18; Mr Alton Siphile Sabuwa, 18; Mr Fumanekile Boo, 18; Mr Vuyisile Wilson Mzaza, 19; Mr Makawa Euclid Tabavu, 30; Mr Johannes Hlapo, 20; Mr Jeffrey Baardman, 20; Mr Vuyisile Venson Diba, 21; Mr Richard Raymond Bengani Mapondo, 19; Mr Welile Vizard Mazotana, 21; and five youths.

At the tea recess the crowd in the gallery and at the back of the court waved and whistled at the accused as they went down to the cells.

Mr I G Farlam, for Mr Mpetha, said there were still some questions about the charge sheet which the State had not answered. Some further particulars had been furnished but these did not remove all the grounds of objection that had been raised. The accused were entitled to be given even more details to prepare their defence.

The question about the 19th accused, a youth, was raised.

The youth said he wanted to be represented and he had spoken to Mr T Skweyiya, who appears for 17 of the accused.

Mr Skweyiya said he had told the youth that advocates could not work through the public but had to be instructed by attorneys.

The youth's mother was called. She said she knew her son had been served with the indictment. It had been arranged that she see attorneys today.

Mr Justice Williamson told her that time was important and said the wasted

time was position. He said see an at the Altho was full quiet. When led into the peo

(Continued)

State calls for Mpetha trial to be in camera

Staff Reporter

COUNSEL for the State yesterday asked the Supreme Court to hold the trial of Oscar Mpetha and 18 others, on charges of terrorism and murder, in camera.

Mr J Slabbert, for the State, said he did not intend this to be a "secret trial" and made the application on the basis that six of the accused were juveniles.

He asked that the press be allowed to attend, as well as the parents of all the accused.

Mr T Skweyiya, who appeared with two other advocates for all the accused, except

for Mr Mpetha, said it was of fundamental importance that the case be held in open court.

He had spoken to the juvenile accused who had said they wanted the case heard in open court. Their guardians had agreed.

He said certain witnesses had been detained. It would be "very easy for a witness to depart from the truth" if he gave evidence in camera while still in detention and under police custody.

Would be wary

A witness would also be wary of telling a lie if there were people in the public gallery who knew something of what he was talking about.

Mr Mpetha and the 18 others are charged with participating in terroristic activities between August 8 and 12 last year and with murdering Mr Frederick Jansen and Mr George Beeton in Philippi on August 11 last year.

Those appearing with Mr Mpetha are Lawrence Lerotholi, Morgan Makubala, Aaron Tshangana, Peter Kube, Alton Sabuwa, Fumanekile Booi, Vuyisile Mzaza, Makawa Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Welile Mazotana and six juveniles.

A further development in the preliminaries was that Mr Slabbert told the court he had provided certain further details requested by the defence since the previous hearing but the defence said the State had still not provided enough particulars.

Assault alleged

Mr Skweyiya applied for an order that all the particulars asked for be given. The defence has argued that further particulars were needed on the alleged offences for the preparation of their case.

Police will also investigate an allegation by one of the accused, a 17-year-old youth, that he had been assaulted.

On the question of further details, Mr Slabbert said he had provided "further and better particulars" to the defence since the previous hearing of the case.

Mr Ian Farlam, for Mr

Mpetha, said that while the particulars supplied went further than those previously given, they did not go far enough. There were still unanswered questions.

"The accused is entitled to be given those particulars, to prepare his defence and to narrow the issue."

Another issue was that of allegations of defiance of orders given by the police to groups to disperse. The defence had to know exactly what these instructions were and where and when they were given and who defied orders.

Mr Farlam said it could not be expected of defence counsel to prepare defences on a "running basis" as evidence was given. A total of 31 incidents was alleged, at seven different venues.

Acts also allegedly took place over a period of five days. He could accept a reply that the State did not know certain answers but this was not what the State was saying.

It was saying the defence should wait until evidence was given. The accused were prejudiced by the State's "failure to disclose information" which it "obviously had".

Mr Skweyiya associated himself with Mr Farlam's remarks.

Mr Slabbert referred to argument by the defence that details should be provided in the interests of justice.

The court should also be fair to the prosecution. He said he had set out which accused attended what meetings and had given the gist of what had been said.

"For the defence to say they are unable to prepare a defence, is far-fetched." It would be unfair for the State to be required to say exactly what each accused said or how he had reacted.

The accused had been given a broad outline of the case and a fair amount of detail. Mr Slabbert submitted the defence had been given enough detail to prepare its case.

It was unfair for the State to be called on to provide details of when and where the police gave groups orders to disperse. The situation had been fluid and

police had been driving up and down at the time.

While police witnesses would be able to give this evidence, Mr Slabbert asked if it was not sufficient for the defence to know only the route taken and the broad outlines of what had taken place.

On the question of who ordered that schools be closed, Mr Slabbert said this could be inferred from certain other details.

Mr Slabbert said it was not for the State to say how it was going to prove certain facts. It had given "very full" details on the facts which it would rely on to draw the inference of common purpose or conspiracy.

He saw no reason why, during the trial, proceedings would have to be adjourned so that defences could be prepared.

He said he would draw up a single document to make it easier for the court to follow all the particulars that had been provided so far.

Mr Skweyiya applied on behalf of the other two advocates appearing for all the accused, except Mr Mpetha, for an order that details requested be given. Mr Farlam applied for an order requiring a more substantial summary of alleged facts from the State.

The hearing was adjourned till Thursday next week when judgment is expected on the various applications made.

The accused have not yet been asked to plead.

Mr Justice Wilhanson sat with two assessors, Mr G Titterton and Mr C H van Gend. Mr Slabbert appeared with Mr C J van Wyk. Mr Farlam was instructed by Frank, Bernadl and Joffe. Mr Skweyiya appeared with Mr J Whitehead and Mr N Willis. They were instructed by A Omar and Company.

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Tight security at terror trial

A STRONG contingent of riot police confronted spectators outside court at the trial of Nyanga civic leader, Mr Oscar Mpetha, and 18 others at the Cape Town Supreme Court yesterday.

Riot police lined the streets outside the entrance of the court building shortly before the trial adjourned at about 3.45 pm.

They watched the crowd file quietly down Keerom Street, into Wale Street. Groups of riot police were stationed at intervals along the roads. When the crowd reached Adderly Street, it was followed by about 10 riot police vans to the railway station.

Railway police with dogs were stationed on the car park above the station. The crowd began singing in its third class concourse. There were no incidents.

But there were angry scenes in the foyer of the Supreme Court during lunch recess. Police allegedly told the gallery spectators that they would not be allowed back to the court if they left the building. Spectators remonstrated with court officials before attorneys for the defence intervened.

A spectator then addressed the crowd and told them that it had been agreed that they could leave the building but must return at 1.30 pm.

Last week, seven people were arrested during a demonstration outside the court.

Advocate T L. Skweyiya, who is appearing for 18 of the 19 men accused of participating in terrorist activities, and two counts of murder, told the Supreme Court that "justice must not only be done, it must be seen to be done."

He said the whole idea of holding proceedings in

plication made by the State for the trial to be held in camera.

Mr Skweyiya told the court there were five youths under the age of 18. The youths, their pa-

rents and guardians wished the trial to be held in an open court.

Mr J Slabbert for the State, made the application for the hearing to be held in camera shortly

after the lunch recess.

Mr Justice Williamson said he had to consider both applications, before passing judgment.

The trial was adjourned to March 1.

minors. As they, assisted by their guardians, wished for open court proceedings, then the court had the discretion to decide that the trial could be heard in an open court.

He was opposing an ap-

Union man held as witness

EAST LONDON - The branch secretary of the African Food and Canning Workers' Union, Mr B P Norushe, is being held as a witness in the Security Act trial of Mr Guy Berger and Mr Devin Pillay, the head of the security police in the Border, Col A P van der Merwe, said in East London yesterday.

Mr Berger, a lecturer in journalism at Rhodes University, and Mr Pillay, a student at the university, have been charged under the Internal Security and Publications Acts for taking part in and furthering the aims of the banned African National Congress.

Col van der Merwe was reacting to a statement by the general secretary of the union, Mr Jan Theron, calling on

the security police either to charge or release Mr Norushe, who was detained in Buffalo Flats on June 15 last year under the General Laws Amendment Act and later under Section Six of the Terrorism Act.

In a statement on behalf of the East London branch, Mr Theron said Mr Norushe had been unanimously re-elected branch secretary at their annual meeting here.

Col van der Merwe confirmed that Mr Norushe was still being held, but said he was not being held under Section Six of the Terrorism Act. Mr Norushe was being held under Article 12 B, as a result of a warrant of arrest issued by the Attorney-General. — SAPA.

Seven on riot charge

SEVEN PEOPLE have appeared briefly in the Cape Town Magistrate's Court on charges of contravening the Riotous Assemblies Act.

They were arrested during a march through the city last Thursday after the adjournment of the Supreme Court trial at which Oscar Mpetha and 18 others are appearing on charges of terrorism and murder.

The seven were not asked to plead, no evidence was led and the case was postponed to March 25 when it will be heard in the regional court.

The accused are Francina Mamfanya (55), Cyril Matsiko (23), Beau Ndamanda (18), Cecil Dlabantu (18) and Desmond Mncube (23).

Two youths aged 16 and 17 also appeared.

Mpetha trial in camera opposed

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A DURBAN advocate, Mr T L Skweyiya, who is appearing for 18 of the 19 men accused of participating in terrorist activities and two counts of murder, told the Supreme Court, Cape Town, yesterday that 'justice must not only be done, it must also be seen to be done'.

He was opposing an application made by Mr J Slabbert, for the State, for the trial of Mr Oscar Mpetha and 18 others to be held in camera.

Mr Skweyiya told the court that five of the accused were youths under the age of 18. The youths, their parents and guardians wished the trial to be held in an open court.

MINORS

He said the whole idea of holding proceedings in camera was to protect minors. If they, assisted by their guardians, wished for open court proceedings, then the court had the discretion to decide that the trial could be heard in an open court.

Mr Skweyiya said that some of the State witnesses were being held in custody and if the court was held in camera these witnesses would be brought to court by their interrogators and they would see only the interrogators and legal representatives in court.

He said they might be more truthful if there were members of the public in the gallery to hear their evidence.

The people in the gallery knew the facts and the witnesses would be less likely to deviate from the facts if they knew people were listening.

PARTICULARS

Earlier, Mr I G Farlam, for Mr Mpetha, and Mr Skweyiya who appears together with Mr J Whitehead and Mr N Willis, for 18 of the accused, made an application for an order to be made instructing the State to furnish further particulars of the charges.

Although the State had already furnished further particulars these were not sufficient for the accused to prepare their defences, it was submitted.

Mr Justice Williamson said he had to consider both applications before making a ruling.

The trial was adjourned until Thursday, March 19.

A strong contingent of riot police met gallery spectators as they left the Supreme Court building.

CROWD

They watched the crowd file quietly down Keerom Street into Wale Street. Groups of riot police were stationed at intervals along the road. When the crowd reached Adderley Street they were followed by about 10 riot police vans to the Grand Parade. Railway Police with dogs were stationed on the car park above the station. The crowd began singing in the third-class ticket holders concourse but there were no incidents.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend.

Mr Slabbert with Mr C J van Wyk appear for the State.

Mr Farlam is instructed by Frank, Bernardt and Joffe.

Mr Skweyiya, Mr Whitehead and Mr Willis are instructed by A M Omar and Co.

Union man is charged

The national president of the Black Allied Workers' Union, Mr M J Khumalo, was detained by the Ladysmith security police this week and charged under the Riotous Assemblies Act.

The charge is related to the recent Ezakheni bus drivers' strike in Natal.

Mr Khumalo's detention follows the questioning by security police of Bawu's Ladysmith organiser, Mrs K R Khumalo.

ANC-trained witness admits state payment

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PORT ELIZABETH — A man who has admitted being trained by the ANC in Angola, yesterday told the Supreme Court here that he did not wish to reply to a question on whether he

was paid by the state before consulting a police captain, and then admitted he was paid by the police.

The man, who may not be identified and is

referred to as Mr X, was giving evidence at the trial of Mr Wordsworth Kholekile Mhlana, 25, of Kwazakhele, who is charged under the Terrorism Act.

Mr Mhlana has pleaded not guilty to undergoing military training in Mozambique and other places in and out of South Africa between February 1, 1978 and September 5, 1980.

He has also pleaded not guilty to an alternative charge under the Internal Security Act alleging that he was an active member or official of the ANC during the same period.

Yesterday, under cross-examination by the defence advocate, Mr X said he was arrested by Frelimo and held in Maputo in 1978.

Asked whether this was the result of his being discovered as a spy, Mr X said: "I have no knowledge of that".

Mr X said he was released in early 1980 and deported from Mozambique, after which he made no contact with the ANC, but had contacted the Security Police instead.

He said whatever the police said he must do, he would.

When asked if he received his pay from the State, Mr X requested to speak to the investigating police officer before replying.

When this was refused, Mr X said: "Yes, I am paid by the police."

Mr X said that when he had met Mr Mhlana in Maputo, he (Mr X) had told him he was trained in East Germany, Cuba and Russia, so "he would not know where I had been trained", in case he was a South African secret agent. — DDC

Justice must be seen —terror trial advocate

Own Correspondent

CAPE TOWN — A Durban advocate, Mr T L Skweyiya, who is appearing for 18 of the 19 men charged with participating in terrorist activities and two counts of murder, told the Cape Town Supreme Court yesterday that "justice must not only be done, it must also be seen to be done."

He was opposing an application made by Mr J Slabbert, for the State, for the trial of Mr Oscar Mphetha and 18 others to be held in camera.

In making the application Mr Slabbert said he did not intend the trial to be a "secret trial" as the court could allow the Press to attend.

He made the application on the basis that six of the accused were juveniles. He asked that members of the Press be allowed to attend, as well as the parents of all the accused.

Mr Skweyiya told the court there were five accused under the age of 18 and that they, their parents and guardians wished for the trial to be held in an open court.

He said the whole idea of holding proceedings in camera was to protect the minors. If they, assisted by their guardians, wished for open court proceedings, then the court had the discretion to decide that the trial could be heard in an open court.

Mr Skweyiya said that some of the State witnesses were being held in custody and if the trial was held in camera it would be "very easy for a witness to depart from the truth" if he gave evidence in camera while still in detention.

Earlier, Mr I G Farlam for Mr Mphetha; and Mr Skweyiya who is appearing together with Mr Whitehead and Mr N Wil-

lis, for the other 18 accused, made an application for an order to be made instructing the State to furnish further particulars.

Although the State had already furnished further particulars these were not sufficient for the accused to prepare their defences, it was submitted.

Mr Ian Farlam said that while the particulars supplied, went further than details previously given, they did not go far enough.

More details were required both to prepare a defence on individual actions as well as where allegations of a common purpose were made.

Mr Farlam said it could not be expected of defence counsel to prepare defences on a "running basis" as evidence was given.

Mr Slabbert said it was not for the State to say

how it was going to prove certain facts. It had given "very full" details on the facts on which it would rely to draw the inference of common purpose or conspiracy.

He said he would draw up a single document to make it easier for the court to follow all the particulars that had been provided thus far.

Mr Mphetha and the 18 others are charged with participating in terrorist activities between August 8 and 12 last year and with murdering Mr Frederick Jansen and Mr George Betton in Philippi on August 11 last year.

The hearing was adjourned until Thursday next week. — (Also from Sana).

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend.

Mr Slabbert with Mr C J van Wyk, appear for the State. Mr Farlam, for Mr Mphetha, is instructed by Frank, Bernardt and Joffe.

Mr Skweyiya, Mr Whitehead and Mr Willis, representing the 18 other accused are instructed by A M Omar and Co.

Lecturer, student guilty of being ANC members

Own Correspondent

PORT ELIZABETH — A Rhodes University lecturer and a student were convicted in the Port Elizabeth Regional Court today of being members of the banned African National Congress, furthering the aims of that organisation, distributing undesirable literature and being in possession of banned publications. They are Guy Berger (24), a junior lecturer in journalism, and Devandiren Pillay (20), a sociology student.

Berger was acquitted on two other counts under the Internal Security Act and one under the Publications Act.

Pillay was acquitted on one count under the Internal Security Act and one under the Publications Act.

The magistrate, Mr J B Robinson, said he accepted the evidence of Professor C J van der Merwe, of the Randse Afrikaanse Universiteit, whom he found to be an expert on black revolutionary movements.

He also found that Mr A . . . , a member of the

national intelligence service, whose identity cannot be published, was a reliable witness.

He said the court was satisfied that Berger took part in the activities of the ANC and was fully aware he was doing so.

Pillay had admitted taking part in ANC activities.

Both admitted distributing undesirable literature knowing it was ANC material. The same applied to their possession of prohibited books and documents.

Mr W F Jurgens, assisted by Mr P Crouse, appeared for the State. Mr D A Kuny, instructed by Andrew Lister and Tucker, appeared for the defence. (Proceeding)

The ease or difficulty with which a farmer can replace one or more of his

2. Alternatives open to farmers :

of it to another are strictly controlled. geographically enormous market, but in reality their movements from one part BAAB area are relatively fortunate in that they can sell their labour on a It may seem, therefore, that Africans legally entitled to live in the karoo he could be 'fitted' to an employer, and to a house, could the worker move. African workers and as being able to provide housing for them. Only if then check to see if there were employers from George listed as needing George, he would first have to register with the Labour Bureau, who would BAAB area left his employer in Middelburg and wanted to go to work in, say, a job. In other words, if an African worker entitled to live in the karoo in any part of it - but they could not go to live anywhere unless they had the sense that if they qualified to live in the area at all they could live They said workers were able to move freely throughout the Board area - in

year had been 'repatriated' to the homelands since 1973, many of them voluntarily. out of the area, the officials stressed - 'only' about 40 to 50 families a these requirements did not mean that large numbers of Africans were sent 15 years in the area, in the case of men - were applied. 'Application' of permanent residence in a 'White area' - 10 years with a single employer or employers, their cases were re-examined and the normal qualifications for took over administration in September 1973. However, if they left their Karoo Board area had been registered without qualification when the Board BAAB officials in Middelburg and Graaff-Reinet said that Africans in the

PENSIONS
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protest STAR

Own Correspondent

PORT ELIZABETH —

Several hundred black workers at Murray and Roberts Construction Company here downed tools in protest against their alleged compulsory membership of the firm's pension fund.

Workers gathered outside the firm's office today demanding that they be allowed to opt out of the fund and that their pension contributions to date be paid out to them.

By lunchtime, workers were electing a committee to negotiate with management. A spokesman for the company has addressed a crowd of about 300 workers. The Press was not allowed to attend.

Berger, Pillay convicted on ANC charges

A RHODES university lecturer and a student were convicted in the Port Elizabeth regional court yesterday of being members of the banned African National Congress, furthering the aims of that organisation, distributing undesirable literature and being in possession of banned publications.

They are Guy Berger (24), a junior lecturer in journalism, and Devan Pillay (20), a sociology student.

Berger was acquitted on two other counts under the Internal Security Act and one under the Publications Act.

PILLAY

Pillay was acquitted on one count under the Internal Security Act and one under the Publications Act.

The magistrate, Mr J B Robinson, said he accepted the evidence of Professor C J van der Merwe, of Rand Afrikaanse Universiteit, whom he found to be an ex-

pert on revolutionary movements.

He also found that Mr A, a member of the national intelligence service whose identity cannot be published, was a reliable witness.

He said Captain Craig Williamson — "who undoubtedly penetrated to the heart of the ANC" — was not even seriously challenged by the defence.

He said the court was satisfied that Berger took part in the activities of the ANC and was fully aware that he was doing so.

Pillay had admitted taking part in ANC activities.

Both admitted distributing undesirable literature knowing it was ANC material. The same applied to their possession of prohibited books and documents.

Mr W F Jurgens, assisted by Mr P Crouse, appeared for the State. Mr D A Kuny, instructed by Andrew and Tucker appeared for the defence.

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Attitude of poor 'made me defy law'

Argus
17/3/81
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Argus Bureau

PORT ELIZABETH.—The fact that poor people he saw around him did not sit back and accept their fate, led him to be interested in resistance, said Rhodes University journalism lecturer, Guy Berger, today in the Port Elizabeth Regional Court.

He was giving evidence in mitigation after he and political science student Devandiren Pillay were yesterday convicted on four counts under the Internal Security Act and the Publications Act.

Questioned by Mr D A Kuny, for the defence, he said: 'I have very much doubt if I would have done what I had if I had realised the implications.'

HELP

'In my personal development at Rhodes, I became concerned about the socio-economic position of others, particularly in Grahamstown, a poverty stricken town.'

'As a result of this, I developed an attitude where I felt I had to do something to help. At the same time, I saw that the deprived people did not sit back and accept this fate.'

'I became interested in various ways they tried to oppose the situation. This led me to an interest in resistance and particularly in organisations involved in resistance,' said Berger.

Questioned by Mr W F Jurgens, for the State, Berger said his reading and contact with certain people during his student career drew his attention to the fact that economic equality was important in society.

'This was raised by interest in the Marxist sociological method of analysis.'

'I concluded that a socialistic society should be established in South Africa — certainly a society which reduces inequalities.'

Such a society would differ vastly from the present dispensation.

This line of thought led to his motivation for discussion groups.

Berger said today his goals differed 'slightly' from the goals of the African National Congress as he understood them.

Yesterday, Berger and Pillay were convicted of being members of the banned African National Congress, furthering the aims of that organisation, distributing undesirable literature and being in possession of banned publications.

ACQUITTED

Berger was acquitted on two counts under the Internal Security Act and one under the Publications Act and Pillay was acquitted on one count under the Internal Security Act and one under the Publications Act.

Mr J B Robinson was on the Bench. Mr W Jurgens appeared for the State. Mr D A Kuny appeared for Berger and Pillay.

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Rhodes lecturer, student convicted

Own Correspondent

PORT ELIZABETH. — Two Rhodes University professors yesterday gave evidence in mitigation, after Guy Berger and Devandiren Pillay were convicted on charges under the Internal Security Act and the Publications Act in the Port Elizabeth Regional Court.

Berger, 24, a Rhodes University journalism lecturer, and Pillay, 21, a social science student, were found guilty of being members and furthering the aims of the banned African National Congress.

They were also found guilty of possessing and distributing undesirable and banned publications.

They were acquitted on a count of furthering the aims of communism and on a count under the Publications Act.

Berger was acquitted on a charge of having gathered information about trade unions which could have been of use to the ANC.

The magistrate, Mr J B Rob-

inson, said the court was satisfied that Berger had taken part in ANC activities while fully aware that he was doing so and he had admitted possessing and distributing undesirable literature.

Pillay had admitted to taking part in ANC activities as well as possessing and distributing undesirable literature.

Giving evidence in mitigation, Professor Terrence Baird, professor of political studies at Rhodes, described Berger as "warm-hearted, generous and compassionate almost to a fault".

Professor L E Switzer, chairman and professor in the Department of Journalism, said Berger gave a "variety of points of view" in his lectures.

"He was extremely generous, helping Africans to get their matric."

The hearing continues today.

Mr W F Jurgens and Mr P Crouse appeared for the State. Mr D A Kuny, instructed by Andrew, Lister and Tucker, appeared for Berger and Pillay.



Mitigation pleas heard in trial of Rhodes men

17/3/81
S.D.N.
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Own Correspondent

PORT ELIZABETH —

The fact that the poverty-stricken people he saw around him did not sit back and accept their fate led him to be interested in resistance, said Rhodes University journalism lecturer Guy Berger today in the Port Elizabeth Regional Court.

He was giving evidence in mitigation after he and political science student Devandiren Pillay were yesterday convicted on four counts under the Internal Security Act and the Publications Act.

Questioned by Mr D Kuny for the defence, he said: "I very much doubt if I would have done what I had if I had realised the implications."

Asked about his activities with the African National Congress in discussion groups, he said: "In my personal development at Rhodes I became concerned about the socio-economic position of others, particularly in Grahamstown, a poverty-stricken town."

"As a result of this I developed an attitude where I felt I had to do something to help. At the same time I saw that the

deprived people themselves did not sit back and accept this fate."

"I became interested in the various ways they tried to oppose or avert the situation. This led me to an interest in resistance and particularly in organisations involved in resistance," said Berger.

Questioned by Mr W F Jurgens for the State, Berger said his reading and contact with certain people during his student career drew his attention to the fact that economic equality was important in society.

"This raised by interest in the marxist sociological method of analysis."

"I concluded that a socialistic society should be established in South Africa . . . certainly a society which reduces inequalities."

Such a society would differ vastly from the present dispensation, he said.

This line of thought led to his motivation for discussion groups.

Berger said today his goals differed "slightly" from the goals of the ANC as he understood them.

Yesterday Berger and Pillay were convicted of being members of the banned African National Congress, furthering the aims of the organisation, distributing undesirable literature and being in possession of banned publications.

Berger was acquitted on two counts under the Internal Security Act and one under the Publications Act and Pillay was acquitted on one count under the Internal Security Act and one under the Publications Act.

Two Rhodes University professors and a senior lecturer in political studies yesterday gave evidence in mitigation of sentence, Sapa reports.

Professor Terrence Baird, professor of political studies at Rhodes, described Berger as "warm-hearted, generous and compassionate almost to a fault."

Dr Nancy Charlton, senior lecturer in political studies and Professor L E Switzer, chairman of the journalism department also spoke in mitigation of Berger's sentence.

(Proceeding)

Berger, Pillay found guilty

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PORT ELIZABETH—Two Rhodes University professors and a senior lecturer in political studies yesterday gave evidence in mitigation after Mr Guy Berger and Mr Devandiren Pillay were convicted on charges under the Internal Security Act and the Publications Act in the regional court here.

Mr Berger, 24, a Rhodes University journalism lecturer and Mr Pillay, 21, a social science student, were found guilty of being members and furthering the aims of the banned African National Congress.

They were also found guilty of possessing and distributing undesirable and banned publications.

They were acquitted on a count of furthering the aims of communism and on a count under the Publications Act.

Mr Berger was acquitted on a charge of having gathered information about trade unions which could have been of use to the ANC.

The two men stood beside each other in the dock as judgment was passed in the full court. Many of those who filled the public gallery were students.

Passing judgment, the magistrate, Mr J. Robinson, described the evidence of Professor C. J. van der Merwe of the Rand University—who at the start of the trial gave

detailed evidence on the history and background of the ANC—as “convincing and impressive”. He said he had an objective approach and accepted his evidence.

Mr Robinson said Mr A, the mystery witness and agent of the National Intelligence Service who had told the court that he was acting as a courier for the ANC while a student at Rhodes, was a “truthful and honest witness”.

He said the evidence of Captain Craig Williamson, a security branch undercover agent, was “credible in all respects.”

“He was undoubtedly a person who had penetrated to the very heart of the ANC. His information had a ring of truth,” he said.

Mr Robinson said there were similarities between the South African Communist Party and the ANC. He said they both wished the destruction of the present government through armed revolution.

He said it could be concluded that the South African Congress of Trade Unions (Sactu) served as a base for recruiting ANC members as there was no provision in the ANC constitution for a military wing.

It could be further concluded that the overall aims of Sactu were the same as those of the ANC.

He said the court was satisfied that Mr Berger

had taken part in ANC activities while fully aware that he was doing so, and he had admitted possessing and distributing undesirable literature.

Mr Pillay had admitted to taking part in ANC activities as well as possessing and distributing undesirable literature.

Giving evidence in mitigation of Mr Berger's sentence, Professor Terence Beard, professor of political studies at Rhodes, described Mr Berger as “warm-hearted, generous and compassionate almost to a fault.”

“If anyone was in trouble he would help them by going fully into their circumstances,” he said.

Mrs Nancy Charlton, senior lecturer in political studies, described Mr Berger as “very intelligent and conscientious. He was and still is, a most promising academic,” she said.

He was “intensely loyal” and had produced first class work while a student.

“He matured in the most marvellous way and would listen to all points of view,” she said.

Prof Les Switzer, professor in the department of journalism, said of Mr Berger:

“He was extremely generous, helping Africans to get their matric.”

The hearing continues today. — DDC.

Rhodes student's sentence cut

GRAHAMSTOWN — A Rhodes University journalism student, Ian Mgiijima, who was convicted in Port Elizabeth on two counts under the Internal Security Act last September, had his five year sentence reduced to an effective one year by the Supreme Court here yesterday.

Mr Mgiijima appealed last month against the severity of sentence passed by the Port Elizabeth regional court. He has already served six months of his sentence on Robben Island.

Mr Justice De Wet said in yesterday's judgment that the magistrate had erred in not regarding

both counts as one for the purpose of sentence as they arose from one course of action.

The magistrate had also misdirected himself by finding that Mr Mgiijima had been a “link” between the banned African National Congress and a splinter opposition group with which it wished to forge contact.

Mr Justice De Wet found the sentence to be “heavier than we would have imposed and more severe than the sentences for this type of offence generally”.

The appeal judge rejected the argument that the magistrate had mis-

directed himself by finding the present times more unsettled than the mid 60s.

The judge also commented on the magistrate's finding that the recipients of the pamphlets, beign students, were more dangerous than the ordinary man in the street.

Mr Justice De Wet said it did not appear the remarks of the magistrate had influenced him when he considered sentence.

He confirmed the conviction and sentenced Mr Mgiijima to three years imprisonment, two of which were conditionally suspended. — DDC.

OF WORKERS	TOTAL NO
> 12	12
12	11
11	10
10	9
9	8
8	7
7	6
6	5
5	4
4	3
3	2
2	1
1	Family
No.	In

Dist

30	TAL NO.
1	
1	
0	
5	
13	
10	
8	
14	
16	
21	
11	
12	
18	
WORKERS	

27

and which work.

Thus, even considering the restrictions on how far projects can develop (vide Part I), involvement in them in the present situation is worthwhile at least as a learning process for all concerned.

Guy Berger: ^{STAR} used unwittingly? ³³¹

Own Correspondent
PORT ELIZABETH — Rhodes University journalism lecturer Guy Berger "may well have been used unwittingly and may now have to pay the price" said Mr D A Kuny, delivering argument in mitigation of sentence in the Port Elizabeth Regional Court today.

Mr Kuny, for the Defence, said Berger only indirectly was, or could have been, of assistance to the African National Congress.

Berger (24) and Devaniren Pillay (21), a social science student, were convicted on four charges under the Internal Security Act and the Publications Act.

They were found guilty of being members and furthering the aims of the

banned ANC and also of possessing and distributing prohibited publications.

Mr Kuny said today the degree of seriousness of the offences were "on the lowest rung of the ladder."

Had the two accused been more involved with the ANC, there would have been more evidence on this by the three main witnesses, a specialist academic on resistance and two Security Branch undercover agents.

The two accused were actually not even mentioned by the specialist or by the one undercover agent, Captain Craig Williamson, said Mr Kuny. There was no evidence of any direct involvement in the ANC by the accused.

(Proceedings)

to direct projects to benefit the very poorest people, it will often find that the entrenched richer classes on the local level corrupt these projects to their own benefit.

(b) There is a widely held view that peasants are "traditionalist", "stubborn", "suspicious", and that they reject new ideas and projects. One should consider here that this may be a logical response from people whose vulnerable position in relation to technologically more advanced groups has led to a long history of exploitation.

It is possible that total commitment to projects will only occur when poor people believe that they can control their political and economic environment to the extent of being able to change the basic condition of their lives. This would depend on their having power and influence in the political structure.

Notwithstanding that this basic change may be crucial, one can discern factors which influence people's response at a project level; for example, how projects are initiated and whether they run efficiently and benefit members (others I shall discuss in this part of the paper).

Any attempt to implement an integrated rural development strategy must be based on an analysis of the present situation:

- (a) To expose the workings of the present system and to look for places in the existing social order in the reserves where there seems to be potential for change.
- (b) To try to discover through experience and assessment, types of projects which foster equitable development

18-month sentence

GRAHAMSTOWN — Rhodes University journalism student, Ian Mgi-jima, had a five-year prison term reduced to 18 months on appeal to the Supreme Court here — not one year as was reported yesterday.

The incorrect report was due to an error in the copy of the judgment which was handed to a reporter by an assistant registrar at the court.

Mr Justice De Wet reduced the sentence, on two counts under the Internal Security Act, to three years' imprisonment, of which 18 months was suspended conditionally for five years.

He had originally been sentenced to a total of eight years on the two counts, with three years suspended. — DDC.

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Industrial Legislatio

The Theron Commission probably expressed the opinions of most South African farmers when it quoted the 1951 report of the Commission of Enquiry into

It seems, then, that the power of workers to change their working conditions by putting pressure on the farmers is limited in view of the ability of farmers to withstand this pressure. Threats to leave unless changes are made have little meaning when a) the alternatives open to workers are even less attractive and b) the farmer will suffer little loss if the threat is carried out.

Part V. Conclusions.

Nineteen farmers thought a shortage of labour would develop in the future (they were not prepared to say how far in the future) unless farm wages kept pace with wages in other sectors. They planned to cope with this shortage by competing to a greater extent with town employment (by paying higher wages, by paying a higher proportion of wages in cash, by improving housing) and by cutting down on their labour requirements where possible. Some farmers said they could cut labour requirements immediately by giving up labour-intensive 'sidelines' like lucerne or vegetable cultivation, horse, pig and cattle breeding.

farmers were also asked where the extra workers would come from. They said there were usually 'treks' along the road — temporarily unemployed workers who moved with their families in donkey carts from one farm to another looking for work, sleeping beside the road and apparently living off sheep stolen at night from nearby camps, usually with the help of dogs. Otherwise the farmers would let it be known, through their own workers, that they needed extra labour and applicants would come from other farms or from the towns. Only one farmer said he would ask the Bantu Affairs Administration Board to register him as an employer looking for workers and several others volunteered the information that the Board was not efficient in sending workers onto the farms.

Robben Island man's sentence is reduced

GRAHAMSTOWN — A Rhodes University journalism student, Mr Ian Mgijima, who was convicted in Port Elizabeth on two counts under the Internal Security Act last September, had his five-year sentence reduced to an effective one year by the Grahamstown Supreme Court.

Mgijima appealed last month against the severity of sentence passed by the Port Elizabeth regional court. He has already served six months of his sentence on Robben Island.

Mr Justice H F de Wet said in this week's judgement, in which Mr Acting Justice Mullins concurred, that the magistrate had erred in not regarding both counts as one for the purpose of sentence as they arose substantially from one course of action.

The magistrate had also misdirected himself by finding that Mgijima had been a "link" between

the banned African National Congress and a splinter opposition group with which it wished to forge contact.

He found Mgijima guilty of engaging in unlawful acts on behalf of the ANC, informing four Rhodes students of the aims and working of the ANC including the "courier" system, and giving two of them two copies each of the Freedom Charter and 12 copies of a pamphlet entitled "Nelson Mandela says unite! Mobilise! Fight on!". He was sentenced to five years' imprisonment on this count, two of which were suspended.

On the second count of possession pamphlets, publications, books and a tape recording which indicated his association with the ANC or the South African Communist Party (SACP), he was sentenced to three years, one of which was conditionally suspended.

Mr Justice De Wet re-

jected an argument presented in the appeal by Mgijima's counsel, Mr George Bizos, SC, that there was a disturbing disparity between this

sentence and others imposed elsewhere.

However, he found the sentence to be "heavier than we would have imposed". — Sapa.

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SO WET 1/81

Lecturer Argus 18/3/81 'may pay (331) the price' — defence

Argus Bureau

PORT ELIZABETH. — Rhodes University journalism lecturer Mr Guy Berger 'may well have been used unwittingly and now have to pay the price,' said Mr D A Kuny in mitigation of sentence in Port Elizabeth Regional Court today.

Mr Kuny, for the defence, said Berger only indirectly was — or could have been — of help to the African National Congress.

Berger, 24, and Mr Devandiren Pillay, 21, a social science student, were convicted of four charges under the Internal Security Act and the Publications Act.

They were found guilty of being members and furthering the aims of banned ANC and also of possessing and distributing prohibited publications.

NOT CRIMINALS

Mr Kuny said the degree of seriousness of the offences were 'on the lowest rung of the ladder.' Both men were good university material and the court was not dealing with criminals.

We are dealing with people motivated with concern for the existing society, although they disagreed with them.

Whatever these two accused have done, they did not carry it out for personal gain. On the contrary, they only sacrificed.

IN CUSTODY

They had been in custody for seven months, part of it being in terms of Section 6 — 'a severe form of punishment which in effect could be regarded as solitary confinement.'

Had the accused been more involved with the ANC, there would have been more evidence on this by the three main witnesses, a specialist academic on resistance and two Security Branch undercover agents.

The two accused were not even mentioned by agent Captain Craig Williamson.

(Proceeding)

Mr W F Jurgens and Mr P Crouse appeared for the State. Mr Kuny is instructed by Andrew Lister and Tucker. Mr J B Robinson is on the Bench.

at the MRU.

The weight distribution of control children had also improved over that when the children had been at the hospital.

Clinical condition: There was no significant relationship between clinical condition of the sample children and period of stay at the MRU. The incidence of Protein Energy Malnutrition in sample and control groups was similar: 32% and 40% respectively.

Agricultural Aspects

Vegetable gardens: Sixteen of the 42 sample guardians had gardens (38%). Of these, 8 had gardens prior to admission to the MRU, 5 having increased their gardening activities since their return home - ie. a positive effect of the MRU in 13 cases (31%). This is similar to ^{the findings} that found at Holy Cross. Two of the gardens were plots in community gardens shared by the entire village. These community gardens were highly praised by the guardians concerned. The vegetables most commonly grown were potatoes, cabbage and pumpkins while other vegetables included beans, spinach, tomatoes and onions.

The proportion of deaths was higher amongst those with gardens, but 4 of the guardians with gardens, and whose children had died, had only started their gardens after their children's deaths. The proportion of falls in percentage of expected weight was lower amongst those with gardens (0,01<P<0,05).

Problems with fencing comprised the major reason for not having started a garden, other reasons including poor land, inadequate water supplies and expense of seeds.

Four of the 7 control guardians had vegetable gardens, 3 of these having had gardens prior to their children's admission to hospital. There was no relationship between deaths or change in percentage of expected weight and presence of a garden.

"Rehabilitated" villages and agricultural officers: The 42 sample guardians lived in 34 different villages or locations, 22 of which were "rehabilitated". Thirteen guardians knew of government agricultural officers for their locations and 7 of these said they had been taught by these officers (6 of these 7 guardians had gardens). The 7 control guardians came from 7 different villages or locations, 4 of which were "rehabilitated". Three control guardians knew of an agricultural officer for their location.

significant (0,3<P<0,5). Presence of a garden was not related to family income.

The mean total family cash income of the control guardians was approximately R16 per month and the mean income per family member approximately R3 per month. There was a higher proportion of deaths in the lower family income group. (P<0,001).

Education of the Guardian

Twenty-four of the 36 sample guardians had received no school education. There was a lower proportion of deaths

Berger speaks on ANC link

THE fact that the poverty-stricken people he saw around him did not sit back and accept their fate, led him to be interested in resistance, said Rhodes University journalism lecturer, Mr Guy Berger yesterday in the Port Elizabeth regional court.

He was giving evidence in mitigation after he and political science student Devandiren Pillay were convicted on four counts under the Internal Security Act and the Publications Act.

Questioned by Mr D Kuny for the defence, he said: "I very much doubt if I would have done what I had if I realised the implications."

Asked about his activities with the African National Congress in discussion groups, he said: "In my personal development at Rhodes I became concerned about the socio-economic position of others, particularly in Grahamstown, a poverty-

stricken town.

"As a result of this, I developed an attitude where I felt I had to do something to help. At the same time I saw that the deprived people themselves did not sit back and accept this fate."

"I became interested in the various ways they tried to oppose or avert the situation. This led me to an interest in resistance and particularly in organisations involved in resistance," Berger said.

Questioned by Mr W F Jurgens for the State, Berger said his reading and contact with certain people during his student career drew his attention to the fact that economic equality is important.

"This raised my interest in the marxist sociological method of analysis.

"I concluded that a socialist society should be established in South Africa or certainly a society which reduces inequalities."

Two of the 7 control children had died since leaving the hospital (29%). This was not significantly different from the study sample (0,3<P<0,5). Both died within 1 week of returning home, both again developing kwashiorkor.

Weights: There was no significant relationship between the deaths and the percentage of expected weight of the children when at the MRU. The overall weight distribution of the children at follow-up showed some improvement over that when at the MRU, but there was no clear relationship between the change in percentage of expected weight at follow-up and period of stay

Berger outlines ANC interest

DP 18/3/81
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PORT ELIZABETH — Rhodes University journalism lecturer, Mr Guy Berger, told the regional court here yesterday that it was his interest in those "who were deprived but did not sit back and accept their fate" which led to his interest in resistance organisations.

Mr Berger, 24, and Mr Devandiren Pillay, 21, a Rhodes social science student, were convicted of having been members and furthering the aims of the banned African National Congress.

They were also found guilty of possessing and distributing undesirable and banned publications.

Mr Berger said in mitigation he had initiated self-help projects for underprivileged communities and helped a number of black pupils from his own pay with their schooling.

He said he had never used his position as a tutor, teacher and supervisor to indoctrinate others. His goal as a teacher was to present a range of ideas.

His interest in the ANC had started with an interest in resistance. He had been concerned with the social, political and economic position of others.

In his third year he began to look at the ANC. "There was an increase in its topicality which made

me wonder what this organisation was all about."

He had initiated two discussion groups, one in 1979 and the other in 1980, in which the history of resistance organisations was discussed.

Mr Berger said he had supplied a former Rhodes student living in Botswana with information on trade unions and had also given him a list of names which he had assumed was for research work.

He severed this contact after a friend who had accompanied him on a visit to Botswana was detained.

In 1978 a Rhodes student who had been approached by the Bureau of State Security, told him that Boss suspected him of ANC activities. Later that year, a farm where he was staying was raided.

He did not consider himself to be seriously involved in anything to want to run away.

Giving evidence in mitigation of Mr Pillay's sentence, his mother, Mrs Daynithee Pillay, brought some relief into the courtroom when she described her son's love of music.

"He used to play loud and raucous music which got on my nerves. Then one day I heard sweet and melodious sounds. The music had changed!"

There was laughter all

round as Mrs Pillay spoke.

She said that after his father's death, her son became remote and quiet. He had been an enthusiastic writer of letters to newspapers.

A section of one of his letters was read to the court by Mr D. A. Kuny, for the defence.

"Radicalism simply means commitment... to be committed to removing the monster of apartheid is to be a true patriot of South Africa," it said.

Also in mitigation, Mrs Valerie Viljoen, regional secretary for the South African Institute for Race Relations in East London, said Mr Pillay, who was an assistant organiser of a youth programme, had an inventive mind and handled the job extremely well. He invited speakers to the meetings and would always try to present both sides in a controversial discussion.

The hearing continues today. — DDC.

- 1) Date: the agricultural census refers to 1972-73, the Unisa survey to January and February 1975 and this survey to end-1975 and early 1976.
- 2) Area: the census includes all holdings in four Karoo magisterial districts, the Unisa survey includes 300 farms scattered all over the Cape (a breakdown by district is not given and the inclusion of Boland farms, where cash earnings for men workers are highest, may draw the average upwards), and this survey includes farms scattered in four magisterial districts but not evenly distributed.

Bus bomb: Two plead not guilty

Staff Reporter

TWO young men from Factreton pleaded not guilty in the Regional Court yesterday to charges of attempted murder and malicious damage to property in June last year.

Mr Anthony Williams, 19, and Mr Chris Swartz, 20, both of Factreton, are accused of assaulting Reginald Klassen while he was driving a bus and of throwing a petrol bomb into the driver's cabin.

The second charge is that they damaged a bus by breaking the cabin window and setting it alight.

Mr A J Lamprecht, for Mr Williams and Mr Swartz, contested a statement made by Mr Williams to Captain M J Christiaans, after he was arrested.

The court decided to hold a trial within a trial to determine the admissibility of the statement made to the police.

Captain Christiaans told the court he had taken the statement from Mr Williams because the investigating officer in the case, Constable J C de Bruin, had been very busy that day.

Mr Lamprecht put it to Captain Christiaans that Mr Williams reported that Captain Christiaans had said he had his fingerprints on a cooldrink bottle. The captain denied this.

When Mr Lamprecht asked the captain whether he hit his fist on the table while he was taking a statement from Mr Williams he replied that he had never done this.

The case was postponed to June 22. Both men's bail was extended.

Mr T H de Koker was on the Bench. Mr S S W Louw appeared for the State.

Bus bomb: 2 plead not guilty

ANUS 19/3/81

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TWO FACTRETON men who during last years rest in the Western Cape allegedly threw a petrol bomb into a City Ramways bus, pleaded not guilty to attempted murder and malicious damage to property when they appeared before a Cape Town Regional Court magistrate yesterday.

They were Mr Anthony Williams, 19, and Mr Chris Swartz, 20.

Another accused, Mr Herman Meyer, 21, also of Factreton, failed to appear in court yesterday and charges against him were provisionally withdrawn.

The State alleged that on June 11 last year, near Factreton, Mr Williams, Swartz and Mr Meyer assaulted Mr Reginaldassen by throwing a petrol bomb into the bus which was driving.

SETT ALIGHT

It is also alleged that the three men damaged the bus by breaking the windows and setting the bus alight.

Yesterday's hearing was a trial within a trial to find out if statements made by Mr Williams and Mr Swartz were admissible.

Mr Andre Lamprecht, for the accused, argued that the statements were made against the will of the clients.

The State called two witnesses, Captain N J Christiaans and Detective Constable J C de Bruin of the South African Police based in Kensington.

The hearing was postponed to June 22. Mr Williams's and Mr Swartz's bail of R70 was extended.

Mr T H de Koker was on the bench. Mr S S W Louw appeared for the State.

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Mipetha (33)

On 11/11/80, the following information was received from the FBI, New York City:

Mgijima case raised in Berger mitigation

PORT ELIZABETH — The accused in political trials were worse off than the rapist, robber or cheat, the Regional Court here heard yesterday.

Speaking in mitigation, Mr D. A. Kuny, defence counsel for Mr Guy Berger and Mr Davandiren Pillay, said it was generally known that people sentenced for political offences were not given remissions of sentence or granted amnesty.

Mr Berger, 24, a Rhodes University journalism lecturer, and Mr Pillay, 21, a social science student, were convicted of having been members and furthering the aims of the banned African National Congress.

They were also found guilty of possessing and distributing undesirable and banned publications.

Mr Kuny said the men had been held in custody for seven months.

"Whatever the accused have done was not carried out for personal gain. They have not benefitted financially or any other

way by what they have done. They have only sacrificed."

Mr Kuny referred the magistrate, Mr J. B. Robinson, to the trial of a Rhodes journalism student, Mr Ian Mgijima.

On appeal on Monday, Mr Mgijima, who had been convicted under the Internal Security Act, had a five-year sentence reduced to an effective 18 months.

Mr Kuny said features in the Mgijima case were similar to those in the present case. Various counts should be regarded as one for the purpose of sentence because they had arisen "out of one course of conduct, one transaction."

He said that in the evidence given by Captain Craig Williamson, a Security Police undercover agent, there had been no reference to Mr Berger, although he (Capt Williamson) must have known what was going on inside his extensive network.

The severing of Mr Berger's contact with

Peter Richter in Botswana showed he had realised that what he was doing was not worth the cost.

Mr Kuny said Mr Pillay was "searching, inquiring and looking for alternatives. This shouldn't be a cross that he has to bear for the rest of his life."

Sentence should not be seen to stifle inquiring minds. The ANC was a fact of life.

"It's important that people don't adopt an ostrich-type attitude."

Mr Kuny said there was sufficient justification for Mr Robinson to suspend any jail sentence he might impose.

Mr W. F. Jurgens, for the State, referred to the seriousness of the offences. He said the ANC was "at war with South Africa" and that contrary to the defence argument, Mr Berger's actions had been for personal gain "to see a government that would be of his approval and liking."

The trial was postponed until March 27 for sentence. — DDC.

impossible: the authorities maintain a reasonably efficient system of policing pass requirements among Africans who are admittedly less scattered but far more numerous than farmers. It may be that the absence of written contracts of employment between farmers and most workers would make the task of the inspectors impossible, but it seems that this problem needs more careful study before it can be considered insuperable.

The problem not voiced by the 1951 Commission or by the Theron Commission is that many farmers, at least in the Karoo, seem to be in a position to respond to any pressure to raise wages by reducing their labour forces. The abundance of cheap labour available to the farms has encouraged farmers to employ more workers than are physically necessary to run the farm. Many of the farmers interviewed during this survey pointed out that in Australia, for example, where farm workers earn wages far higher than South African farm wages, farmers keep one or two workers on to handle a flock, and an area, which in South Africa would need 10 workers. Smaller labour forces are made possible by the use of dogs, by carefully planned camp and run fencing (so that sheep can be directed from one place to another and handled by a minimum of workers) and by the use of contract workers at

On Saturday, 21 years ago, one of the most tragic events in South African history took place: Sharpeville.

A mass protest against the still-hated pass laws at a previously little-known black residential area near Vereeniging ended with the deaths of 69 black people and the wounding of another 178.

It was later established that 155 of those killed and wounded during the incident had been shot in the back as they tried to escape the bullets.

Quite who or what was responsible for Sharpeville has been a subject of dispute ever since and there is little point re-opening that issue now, but what is beyond dispute is that Sharpeville changed the nature of black resistance to apartheid and the government's response to black frustrations.

At the time the acting leader of the government, Mr. Paul Sauer, actually made a speech in which he predicted the ending of the pass laws; twenty-one years later Dr. Piet Koornhof was making the same kind of prediction. Sadly, however, the pass laws are still with us and are still exacerbating racial tensions at a cost, Dr. Frederick van Zyl Slabbert has been pointing out this week, of at least R118 million a year.

Whether the government's proposed fingerprinting law comes

21 years after Sharpeville

into effect or not, the pass laws which are as blatant a form of racial discrimination as anything, are a source of tension.

This tension existed for years and has led to innumerable protests. Between 1955 and 1959 hundreds of women burned their passbooks, held protest marches and presented petitions to native commissioners.

In these circumstances, little wonder that the then legal African National Congress (ANC) regularly called on the government to abolish the pass laws.

Early in 1959 it announced an anti-pass law campaign, which was due to be launched on March 31, 1960. The breakaway Pan Africanist Congress (PAC), also still legal at the time, then announced its own campaign against the pass laws and launched it on March 21, 1960 — the day that will forever be commemorated in South African history whether the present government likes it or not.

The strategy of the campaign was simply for every man in every town, city and village to leave their passes behind at home, surrender to the nearest police station and demand arrest. This would mean that no one was at work



Leader of the Progressive Federal Party, Dr. Frederick van Zyl Slabbert — the pass laws are exacerbating racial tensions at a cost of R118 million a year.

and industry would be brought to a standstill.

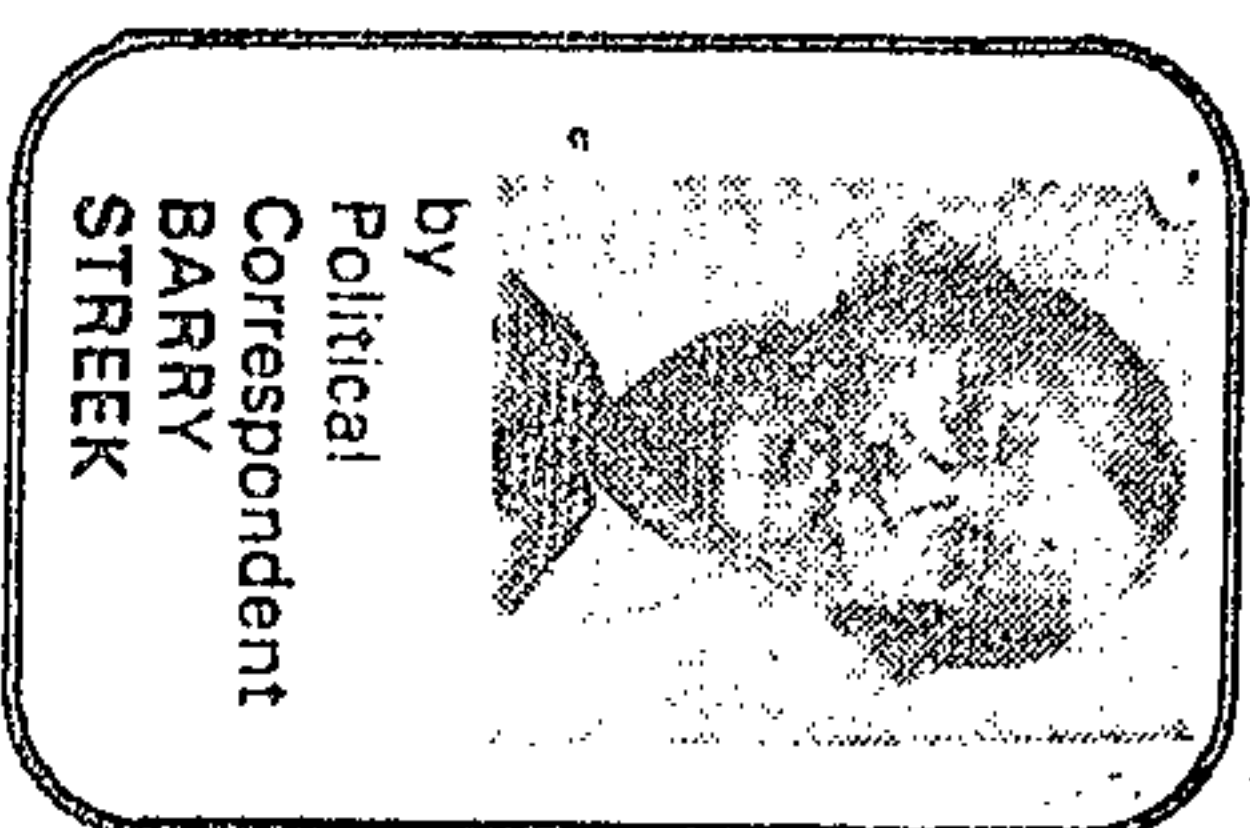
The government, it was somewhat naively argued at the time, would be forced to come to terms with the workers or the economy would collapse.

At Sharpeville thousands of people converged on the police station and according to their evidence later to the commission of enquiry, the police there felt threatened and the shots were fired.

In a recent book, Prof. Gwendolen Carter, who said that Sharpeville created a new watershed in South African history, wrote:

"The government panicked, declared a state of emergency, outlawed the ANC and PAC, arrested and detained some 1 900 people, including for the first time members of the predominantly white Liberal Party which stood for a universal franchise under its leader the internationally known author, Alan Paton, and imprisoned thousands of so-called African idlers.

"Urgent appeals from inside South Africa for consultation with Africans were disregarded by the government. International censure on the wanton killings was followed by an outflow of



by
Political
Correspondent
BARRY
STREEK

foreign capital.

"With the banning of the ANC and PAC shortly after the Sharpeville killings, the organisations went underground and turned to violence."

The bombs, death trials and hearache caused by the decision of the ANC and PAC activists that there was no alternative but violence, need not be detailed here. It is however clear that Sharpeville was indeed the turning point. Until then the ANC and PAC were prepared to operate above ground, although in conflict with the government. The moment they were proscribed the leadership of these organisations turned to violence — a decision

which has resulted recently in things like the bombing of the Sasol plants and the raids into Maputo.

Sharpeville today is a whole generation back in our history, but it symbolises so much. There have been other essentially political tragedies since then, such as June 16, 1976, in Soweto, but Sharpeville was the turning point.

The question now, surely, is whether the steady process to more violence and more militarisation in South Africa can be avoided or whether our country must sink into the tragic pattern of events of Zimbabwe or Namibia?

If there is no solution, we may as well build the laager, close the hatches and fight it out, but there is surely an alternative?

One merely has to take an issue like the pass laws, the focus of resentment which contributed so much to the killings 21 years ago. Surely it is time that the government realistically declared war on the dompas as Dr. Koornhof has already said publicly, and accept that they are simply not worth it.

Undoubtedly the abolition of the pass laws would accelerate the process towards urbanisation and many people living in the impoverished rural areas would move to the cities.

Even with the pass laws, according to a Pretoria University professor last week, there will be 21 million more people in the cities by the year 2000 than originally estimated.

Which in real terms means that South Africa has to plan for a phenomenal growth in urban population over the next 20 years. That rate of growth may be larger without the pass laws, but it is clear that no government actively removing sources of grievances in South Africa can seriously try to keep the pass laws on the statute books.

In the end, what it boils down to, is that the intensification of conflict in South Africa cannot be avoided unless there is direct negotiation between the government and the leaders of the majority of South Africans. What we should be aiming for in the interests of everyone, is the removal of those frustrations which make people feel so helpless about the possibilities of change that they turn to solutions by guns.

The resolution of those grievances is going to be difficult and traumatic and the changes are going to be painful, but surely that is preferable to bloody shoot-outs?

If, after 21 years, South Africa can learn those lessons of Sharpeville, March 21 could turn into a symbol of hope rather than the commemoration of a tragedy.

Other income refers to interest on the capital investments of schemes and the 20% levy on small groups and private investments of schemes and the 20% levy on small groups and private individuals, which, because of their size have a greater claims ratio than large groups. Full Account and Scheme's Portion refers to the total value of accounts submitted by members to their scheme for reimbursement and the actual amount reimbursed.

TABLE 3
FINANCIAL STATEMENT OF MEDICAL SCHEMES
(Yr. Ended 31/12/1975) (R Millions)

	Membership Fees	Subsidy	Other Total	Full Scheme's Cost of A/C Portion Admin.
Medical Aid (200)	(I4) 102,3	68,1	4,8	175,3
Medical Benefit (43)	(I4) 21,8	6,0	1,0	28,9
Exempted (49)	30,4	25,6	6,4	62,5
Total:	154,6	99,8	12,4	266,9
				235,9
				196,6
				21,4

Source: Department of Health Annual Report 1976, p.65.

From Table 3, it can be seen that employers subsidise at least 40% of their employees contributions. In a different context this is equivalent to roughly 16% of 1975/76 public health budget (See Table 1.) (10) This proportion would be even higher if account is taken of the fact that private members are not subsidised. Costs of administration appear to be low - 8% of revenue compared with 17% for U.S.A. medical schemes. It appears that costs of thus contributions could be reduced by the rationalisation through amalgamation of schemes - the average scheme in South Africa has 10 000 members whilst the optimum size from cost saving point of view seems to be 20 000 or more.

There are at present plans to extend medical schemes' coverage to Blacks on a larger scale. A State-subsidised medical aid scheme exists for Coloured employees in the public sector. Apparently a scheme for Black employees in the public sector is under consideration by the Department of P R D. (11) Membership contributions by employees are subsidised by 60%.

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2.3 Sick Pay Funds (I2)

All workers have to be covered by a sick pay fund, the provisions for which are laid down in the Shops and Offices Act as well as the Factories Act. Briefly, the scheme entitles a member during his service to full pay for the sick in a cycle of 3 years he is entitled to 1 day of completed period of 5 weeks.

Claims in this respect are Fund which accumulates fund of a levy of 0,2% of the wage a levy of 0,3% of the same Labour can subsidise the Fund R7 million per year) of the year.

An industrial council may fund if and, only if the benefit (in terms of the number of those under the above two funds are usually split between the figures collected by Dou workers covered by industrial

Meeting: Committee of Ten men plead not guilty

By Maude Montanyane
Court Reporter

Three members of the Committee of Ten and a Soweto principal appeared in the Johannesburg Regional Court today charged with convening an illegal meeting.

Dr Nthato Motlana (55), Chairman, Mr Tom Mantata (38), secretary, Mr Leonard Mosala (51) and Mr Sidney Motingoe (32),

the principal, are alleged to have convened or addressed a meeting on August 24 last year at a time gatherings had been banned by the Minister of Justice.

Dr Motlana, Mr Motingoe and Mr Mosala pleaded not guilty before Mr A H Barlow.

They also pleaded not guilty to an alternate charge of attending the

alleged illegal gathering.

The magistrate initially granted an application by Mr Mantata to have his trial separated from that of the other three men.

His defence attorney, Mr Ratha Mokoathleng, said Mr Mantata's summons had been delivered to the wrong address and they had not had time to consult.

But after an adjournment, the magistrate ruled that Mr Mantata be tried jointly with the others.

All four will appear again on May 11.

Before the court adjourned Mr Mokoathleng had threatened to withdraw from the trial because the magistrate refused a request for a 15-minute break so that an advocate called by the accused could arrive.

The magistrate said the accused had had ample time to secure legal representation.

Mr G Thlart appears for the State.

in South Africa in 1974. It indicates that 20% of hospital beds in South Africa are privately supplied, of which roughly half are by firms in the mining/industrial sector.

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Mpetha: State must give details

Staff Reporter

MR JUSTICE Williamson yesterday ordered the State to supply a single, comprehensive set of further particulars to the defence in the trial of Oscar Mpetha and 18 others on charges of terrorism and murder.

The judge struck out seven previous sets of particulars, supplied at the request of the defence. He also ruled that the public should be allowed to attend the proceedings, despite a request from the State that the trial be held in camera because six of the accused were juveniles.

"I think it would be wrong of me in this situation to force a sort of semi-private trial on all 19 accused when not one of them wants it," he said.

Counsel for the defence had informed him that after consultation with the six juveniles and their parents or guardians, it had been decided that they would rather have the proceedings in public.

"I am aware that parents and guardians can make the wrong decisions for their wards, but I feel this case is of great importance and interest to the community in the Crossroads area," he said.

The judge also directed the Attorney-General to further consider the question of the summary of substantial facts.

He found that the summary furnished by the State was inadequate. Not one of the accused had been singled out as to what he had actually done. This could be "embarrassing" to the defence.

Further particulars to be supplied should not contain arguments or submissions, and if the State wanted to give them in the form of answers to questions asked in previous requests for

particulars, the question must be set out in full and properly answered without "gobbledegook" cross-referencing to other answers, which was "very confusing".

The particulars should contain specific details of each accused's alleged offences — the date, time and place. This should satisfy the defence, he said.

Mr Mpetha, chairman of Nyanga Residents' Association, and 18 others are charged with participating in terroristic activities last year and with the murder of Mr Frederick Jansen and Mr George Beeton in Phillippi last August.

Those appearing with Mr Mpetha are Lawrence Lerotholi, Morgan Makubula, Aaron Tshangana, Peter Kube, Alton Sabuwa, Fumanekile Booi, Vuyisile Mzaza, Makawa Jabavu, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Wellie Mazotana and six juveniles.

The judge said he realized it would take some time for the State to comply with his order, and agreed to the trial being postponed to April 15.

• The Supreme Court gallery was packed and about 30 members of the riot squad were outside the entrance.

After the session, however, the 100 or so people who attended went quietly to nearby St George's Cathedral where a prayer meeting was conducted.

They prayed for a fair trial and justice for the 19 accused.

Mr Justice Williamson sat with two assessors — Mr G H Titterton and Mr C H van Gend. Mr J Slabbert, with Mr C J van Wyk, appeared for the State. Mr I G Farlam (instructed by Frank, Bernardt and Joffe) appeared for Mr Mpetha. Mr T L Skweyiya, with Mr J Whitehead and Mr N Willis (instructed by A M Omar and Co), appeared for the others.

Judge gives 'open court' ruling in terror trial

CAPE TOWN — The trial of Mr Oscar Mpetha and 18 other accused of participating in terrorist activities, and two counts of murder would not be held in camera and the public would be allowed to remain, Mr Justice D W Williamson, ruled in the Cape Supreme Court yesterday.

There was a strong police force outside the court. In the court raised fists and shouts from the

public gallery greeted the accused before the start of the trial.

Mr Justice Williamson said that since the last hearing the State had furnished the further particulars the defence had asked for.

He said there had been seven lots of further particulars but found that there had been confusing references. He said the further particulars should have been presented in a

"logical and clear" manner.

He found the summary of essential facts furnished by the State was inadequate and that the State had taken the wrong approach. He had referred the summary back to the Attorney-General.

Mr Justice Williamson ordered that:

● All seven sets of further particulars be struck out;

● The State furnish one single comprehensive set of further particulars to comply with the guidelines laid down;

● The further particulars to be furnished should not contain arguments or submissions and;

● If the State elected to name further particulars in the form of answers to questions, the following procedure should be observed: the question should be set out, thereafter the question should be properly answered and there should be no cross-reference to other answers.

In regard to the hearing of the trial in camera, Mr Justice Williamson said: "I think it would be wrong for me in this situation to force a sort of semi-private trial on all 19 accused when not one of them wants it."

He realised it would take some time for the state to comply with the order and postponed the trial to April 15.

Appearing with Mr Oscar Mpetha (71) are: Mr Lawrence Lerotholi (18), Mr Morgan Teboga Mukubala (19), Mr Aaron Tshangana (20), Mr Peter Vusumzi Kubele (18), Mr Alton Siphitha Sabuwa (18), Mr Fumanekile Booi (18), Mr Vuyisile Wilson Mzaza (19), Mr Makawa Eclid Tabayu (30), Mr Johannes Hlapo (20), Mr Jeffrey Baardman (20), Mr Vuyisile Vensona Diba (21), Mr Richard Raymond Bengani Mapond (19), Mr Wello Vizard Mazolana (21) and five youths Sapa.



Dr Motlana yesterday.

Committee of 10 leaders in court

THREE members of the Committee of Ten and a Soweto school principal appeared in the Johannesburg regional court yesterday charged with convening an illegal meeting.

Dr Nthato Motlana (55) (chairman), Mr Tom Manthata (38), (secretary), Mr Leonard Mosala (51) and Mr Sidney Motlingoa (32) (principal) are alleged to have convened or addressed a meeting on August 24 last year, when gatherings were banned by the Minister of Justice.

Dr Motlana, Mr Motlingoa and Mr Mosala pleaded not guilty before Mr A H Barlow.

They also pleaded not guilty to an alternative

charge of attending the alleged illegal gathering.

Mr Manthata will be tried separately. The magistrate granted his application to have his trial postponed as he had had no time to consult with his lawyer.

Summons

His defence lawyer, Mr Ratha Mokgoatheng, said his summons had been delivered to the wrong address.

A request by Mr Mokgoatheng, to have the trial of the other three postponed was refused by the magistrate.

Mr Mokgoatheng threatened to withdraw from the trial when the magistrate refused to adjourn for fifteen minutes for

an advocate who was called by the accused to arrive.

The magistrate said the accused had had ample time to consult with the defence. However, he later reversed his earlier ruling that the trial proceed without the advocate.

After an adjournment, the prosecutor asked for a postponement to May 11 after conceding that the 14-day period for the serving of a summons had not expired.

He also asked that Mr Manthata be tried with the other three men.

The magistrate is Mr A H Barlow, the prosecutor Mr G Thiar and appearing for the defence is Mr Ratha Mokgoatheng.

Continued

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20/3/31

RAISED fists and shouts of "Azania" from people in the public gallery greeted the 19 people facing charges of taking part in terrorist activities and two counts of murder as they came from the cells and entered the Supreme Court in Cape Town yesterday.

There was a strong police force outside the court and security was tight with newsmen having to show identity cards.

Before the case started people in the court room downstairs and the gallery spoke to the 19 accused.

Appearing with Mr Mpe-
tha are Mr Lawrence Le-
rotholi (18), Mr Morgan
Teboga Makubala (19),
Mr Aaron Tshangana (20),
Mr Peter Vusumzi Kube
(18), Mr Alton Siphwa
Sabuwa (18), Mr Fuma-
nekile Booi (18), Mr Vu-
yisile Wilson Mzaza (19),
Mr Makawa Auclid Taba-
vu (30), Mr Johannes
Hlapo (20), Mr Jeffrey
Baardman (20), Mr Vuyi-
sile Venson Diba (21), Mr
Richard Raymond Benga-
nie Mapondo (19), Mr
Weli'e Vizard Mazotana
(21), and five youths.

There was a hush as
Mr Justice Williamson
and two assessors entered

the room.

Mr Justice Williamson
said yesterday that since
the last hearing the State
had furnished seven lots
of further particulars.

Mr Justice Williamson
found there had been con-
fusing references and he
proposed to strike these
out.

He also said the fur-
ther particulars should
have been presented in a
"logical and clear" man-
ner.

Mr Justice Williamson
found that the summary
of essential facts fur-
nished by the State was
inadequate and the State
had taken the wrong ap-
proach.

He had referred the
summary back to the at-
torney general for re-
commendation.

The judge also ruled
that the trial will not be
held in camera and the

general public will be al-
lowed to remain in the
court.

In regard to the hear-
ing of the trial in
camera, Mr Williamson
said: "I think it would be
wrong for me in this
situation to force a sort
of semi-private trial on
all 19 accused when not
one of them wants it."

POSTPONED

Mr Williamson said he
realised it would take
some time for the State
to comply with the order.

The trial was postponed
to April 15.

● About 100 spectators
at the trial attended a
prayer service at St
Georges Cathedral after
the court adjourned yes-
terday.

Riot police met the
spectators as they left the
court and followed them
to the cathedral.

A Guguletu priest from
the Church of God com-
pared the position of the
accused in the trial to
that of Jesus Christ.

As the priest, an old
man, spoke, women and
men wept softly.

The priest prayed for
justice to be done and
for fairness to the ac-
cused.

He said the people
despised the laws and
the accused men were
being tried by an unjust
minority.

The service lasted
about half an hour. Af-
terwards the spectators
filed out of the church
and gathered on the
street corner, watched
by riot police.

The crowd then filed
quietly down to the sta-
tion followed by a van
with about 12 riot police
inside.

Large crowd at Cape terror trial

HEALTH CARE IN RURAL DEVELOPING AREAS -- A CHANGE OF MEDIUM FOR A CHANGING MESSAGE

Introduction

of advertising and attending the meeting.

In a written argument, Mr P Weightman, for the State, stated that the meeting was prohibited in terms of a Government notice and that it was of political nature.

In reply, Mr Wilson said the State had failed to prove what sort of meeting it was.

Judgement was reserved to May 1.

MPs' sons: finding postponed

Own Correspondent
DURBAN — Evidence in the trial of two students charged with holding a prohibited meeting fell "woefully short of proving that it was of political nature," a Regional Court Magistrate heard today.

This was submitted by Mr A Wilson SC in the trial of Mr Andrew Boraine (21) and Mr Chris Swart (21), who have pleaded not guilty to holding a meeting at the University of Natal Durban campus on June 16 last year.

Mr Boraine, the son of Dr Alex Boraine, is president of Nusas and Mr Swart, former president of the Durban Students' Representative Council, is the son of Mr Ray Swart, MP for Musgrave.

They have also pleaded not guilty to an alternative charge

many people present to-day I were to say that there are individuals or organisations over the health status of rural

considerable importance.

am in any detail, but it ice them at the beginning : the shadow which often : reality of much which

h status of people in general, ing in the so-called developing tuation which goes far beyond or the health services. about Latin America:

e, low literacy and high high morbidity and mortality ut as we all know, the under- the primary disease -- is of land, of educational sentation and of basic

talking about health care 'the morbidity fostered by insufficiency will decline, not when clinicians become more skilful but when whole communities revise their political and hence economic and social structure".

This second quotation leads me on to the next problem which concerns the formerly accepted guardians of the peoples' health -- the medical profession.

Whilst it may be possible for us to rationalise at least some of the more general accusations levelled against us by critics such as Ivan Illich, our achievements and activities are increasingly being questioned:

"If I were asked to compose an epitaph on medicine throughout the 20th Century, it would read: Brilliant in its discoveries, superb in its technological breakthroughs, but woefully inept in its application to those most in need.... the implementation gap must be closed".

Quite apart from Fendal's implementation gap, we have to consider whether or not we are really concerned with the health of the people who we are ostensibly serving. Kenneth Newell has noted that:

"The rising costs of prevention, medical care and research and the decreasing quality in relevance of the services rendered are starting a whisper (which will probably later rise to a shout) that medicine is for the medical establishment and there must be an easier, more effective way of solving the problems of health".

In the developing countries we face even greater problems since, as Latham has pointed out:

"The result of transplanting a developed style of medicine to developing countries has been an unqualified disaster -- whole segments of the population are excluded from access to health care, and a large proportion receive care inadequate or inappropriate to their needs".

I believe that these two problems are the major obstacles to improving the health status of rural developing communities. Unfortunately, they are problems which have a long tradition and which will take many years to change. Fortunately, however, there is a growing realisation amongst certain members of the medical profession in South Africa of our defects; despite this reorientation, it is likely to be many years before the new seed produces a significant harvest.

24/3/81 (331)
**Ex-ANC man dies
 after short illness**

DistributionIncome (R)

CAPE TOWN — Former treason trialist and executive member of the Cape branch of the African National Congress, Mr Joseph Ndabezitha, 45, died in hospital here after a short illness.

Mr Ndabezitha was one of 15 men sentenced to six years in 1964 at the end of the marathon treason trial. He had been in detention since 1961 and had been banned

previously. The 15 men spent about one year on Robben Island, but later won their appeal against conviction and sentence.

He leaves his wife and eight children, who live in Guguletu. His funeral, which will take place on Saturday at 2 pm, will be conducted by one of the 15 men sentenced with him, the Reverend Howard Marawu, now a minister of the African Native Mission Church. — DDC.

head, weekly Rcumulative %

0			6,92
1,01			32,31
2,01			60,00
3,01			73,08
4,01			79,23
5,01 - 6,00	8		81,54
6,01 - 7,00	3		86,15
7,01 - 8,00	6		89,23
8,01 - 9,00	4		90,00
9,01 - 10,00	1		100,00
> 10,00	13		
total	130		

Mean: R4,75 a week

Range: R1,34 to R21,02

Of the 13 'families' with incomes per head of more than R10 a week, 11 are single men. The table shows that 95 families (73 percent) have an income per head of R5 or less. A total of 117 families (90 percent) earn R10 or less per head per week.

Note: 30 families get additional income in kind, generally in the form of meals given to a domestic worker, to which no value has been ascribed.

f) Housing.

Housing is clearly an important part of payment in kind. It was the item most frequently mentioned by farmers as the major advantage to workers of living on a farm, offsetting,

CT 25/3/81 (331)

Two on banned meeting charge

DURBAN. — Evidence in the trial where two students are charged with holding a prohibited meeting fell "woefully short of proving that it was of a political nature", a Durban magistrate was told yesterday.

This was submitted by Mr A Wilson, SC, in argument in the trial of Mr Andrew Boraine, 21, and Mr Chris Swart, 21. They have pleaded not guilty to holding the meeting at the University of Natal Durban campus on June 16 last year.

Mr Boraine, the son of Dr Alex Boraine MP, is president of Nusas and Mr Swart, former president of the Durban Students' Representative Council, is the son of Mr Ray Swart, MP for Musgrave.

They have also pleaded not guilty to an alternative charge that they advertised the meeting and that they attended the meeting.

In a written legal argument before Mr H A Steyn, Mr P Weightman, for the State, sub-

mitted that the meeting was prohibited in terms of a Government Gazette notice and that it was of a political nature.

In reply, Mr Wilson said the State had failed to prove what sort of meeting it was and the evidence "fell woefully short of proving that it was of a political nature".

He also submitted that the government notice was void because it was vague.

Mr Steyn reserved judgment to May 1. — Sapa

CT
26/3/37
331

March: Seven in court

Staff Reporter

SEVEN people — four men, a woman and two youths — appeared briefly in the Cape Town Juvenile Court yesterday in terms of the Riotous Assemblies Act for allegedly attending an unlawful gathering.

Yesterday was their second appearance following their arrest on March 5 when more than 300 people marched from the Supreme Court through the City.

Mr Cyril Matsoko, 23, Mr Cecil Diabantu, 18, Mr Beau Ndamandana, 18, all of Guguletu, Mr Desmond Mncube, 23, of Nvanga East, Mrs Francina Mamfanya, 55, a 16-year-old youth from Guguletu, and a 17-year-old youth from Nyanga East, were not asked to plead and no evidence was led.

The hearing was postponed to April 23. Bail of R50 each was extended.

Mr B Carrol was on the Bench. Miss L E Marais appeared for the State. Mr E Daniels appeared for the seven.

26/3/81
Court
hears
appeal
on ANC
charge

JUDGEMENT was reserved in the Grahamstown Supreme Court this week in the appeal of a Rhodes University journalism student, Mr Ian Mgiijima (30), against an effective five-year sentence for being a courier for the banned African National Congress.

A Port Elizabeth regional magistrate had misdirected himself by finding that the student, who had distributed banned pamphlets to four friends, was guilty of being a courier for the outlawed African National Congress, the Supreme Court was told.

Mr George Bizos, SC, was appealing against the effective five-year sentence passed on Mr Mgiijima in September last year for furthering the aims and objects of the ANC and for possessing ANC or SA Communist Party literature.

Mr Mgiijima had pleaded guilty to two counts under the Internal Security Act. On the first — that of engaging in unlawful acts on behalf of the ANC — he was sentenced to five years, of which two were conditionally suspended.

On the second count, of possessing pamphlets, publications, books and a tape recording which were banned and which indicated his association with the ANC or the SACP, he was sentenced to three years, one of which was conditionally suspended.

Mr Bizos said the magistrate, Mr B P Loots, seemed to have adopted the attitude that it was more dangerous for Mr Mgiijima to have given banned pamphlets to four students than to "the ordinary man in the street."

He seemed to regard students as more dangerous recipients of such literature because they were more intelligent.

Mr Mgiijima had been advised in Lesotho by a relative on how the ANC worked and the courier system had been described to him Mr Bizos said.

Yet there had been no evidence of him personally travelling back and forth and the banned pamphlets had been delivered to him in Grahamstown.

"He was given advice on how to form a group, yet for over six months nothing was done. He had discussions with a number of his fellow students and gave four of them a banned pamphlet."

Mr Bizos said the magistrate had misdirected himself by finding Mr Mgiijima to be an ANC "link" when no evidence pointed to him belonging to any organisation with which the ANC wished to forge links.

Berger, Pillay get jail sentences

PORT ELIZABETH — A Rhodes University lecturer in journalism was sentenced to an effective four years imprisonment and a Rhodes student to two years by a Regional Magistrate today.

In addition they were both fined R400 (or four months).

Guy Berger (24) and Devandiren Pillay (21) were convicted on March

18 of being members of the banned African National Congress, furthering the aims of that organisation and on two counts under the Publications Act.

The Magistrate, Mr J B Robinson said it was essential a balance be struck between the interests of the accused and the interests of society.

Man-years lost					
White	Black	Asian	Coloured	Indian	Other
88	197	137	230	123	1687
3.1	90	477	46	79	644
2.7	86	397	56	96	600
2.1	89	323	35	55	443
Total 169 720 (11.1)					

(Whites: 70.9%)

COST OF PEPTIC ULCERATION IN THE R.S.A. - JULY 1976 TO JUNE 1977

Total 169 720 (11.1)

Nonsurgical 127 152 (10.1)

Surgical 42 568 (12.4)

cost/day

= f (hospital days x

Surgery: 22.4%

Number of patients: 15 270

Transvaal: 50% of cost

In-patients: R8,6 m (97%)

Outpatients: R0,3 m (3%)

Whites: 54,6% of cost

Lost productivity (absenteeism) R31,9 million (62,8% of total cost)

Total cost R50,8 million

Consultations (private practitioners) R1,5 m
Diagnosis (tests: barium meal, gastroscopy, etc.) R2,1 m
Drugs R4,5 m
Provincial hospitals R8,9 m (47%)
Private hospitals (bed rate, theatre, dispensary) R1,3 m
Surgery (surgeon, anaesthetist, assistant) R0,6 m

Medical care R18,9 million (37,2% of total cost)

COST OF PEPTIC ULCERATION IN R.S.A. - JULY 1976 TO JUNE 1977

RDM 27/3/81 (331) (243)

Journalist loses his appeal against 14-day jail sentence

BLOEMFONTEIN. — An appeal by journalist Jonathan (John) Matisonn against a sentence of 14 days' jail was dismissed by the Appeal Court in Bloemfontein yesterday.

Matisonn, formerly the political correspondent for the Sunday Express, is now the representative in Washington of the South African Morning Group of newspapers.

He was sentenced in March 1979 by a Cape Town magistrate for refusing to divulge the identity of the go-between who put him in contact with the person who gave him information for a report in the Sunday Express on December 3, 1978.

The report was headed "Rightwing churchman operates unauthorised bank account in US".

The Cape Supreme Court confirmed the sentence.

The magistrate had found that Matisonn had been properly brought before the court in terms of Section 205 of the Criminal Procedure Act, that the question put to him was fair, relevant and material; and that his failure to reply was not on account of any just excuse.

In the Appeal Court, counsel for Matisonn relied on two contentions: the refusal by the

magistrate to deal with the question of the validity of the subpoena and to hear evidence in regard to the assertion that there were reasonable grounds for believing that there had been an abuse of the process provided for by Section 205; the right of a prosecutor to specify offences not set out or alluded to in the subpoena, and thereby requiring the witness to answer questions about the offences.

Mr Justice Van Heerden (Acting Judge of Appeal), with the Chief Justice, Mr Justice Rumpff, and Mr Justice Jansen concurring, said it was clear that a magistrate was not enjoined to inquire whether, as a fact, the prospective witness was a person likely to give the information in question.

At most, he would consider material put before him by the prosecutor (or the police), and he need not hear the person to whom the request related.

Mr Justice Van Heerden said that in the present case, Matisonn proposed to lead evidence as to the motive which led to the request for the subpoena.

The evidence consequently did not relate to one of the objective requirements (that it was a magistrate who authorised the subpoena; that the request must emanate from a prosecutor; that the magistrate

must consider the request; and that the magistrate must form an independent judgment. Nor was it suggested that the magistrate did not exercise a proper judgment.

The basis of the envisaged attack on the subpoena was that its issue was an abuse of the process provided for by Section 205. Matisonn's contention therefore implied that the subpoena was voidable and not void on the said ground.

Mr Justice Van Heerden said that on the assumption that a subpoena issued in terms of the Section may be set aside if the issue constituted an abuse of process, he could find nothing in Act 51 of 1977, or in any other Act, which empowered a magistrate to make such an order.

When counsel who appeared for Matisonn at the inquiry applied for leave to adduce evidence, he stated that Matisonn had reason to believe that the inquiry was intended simply as part of an information gathering process unrelated to any offence, and added: "I cannot put it higher than that, but it seems to be a fair possibility."

It followed that counsel was applying to lead evidence for the purpose of showing as a mere possibility, and no more,

that the issue of the subpoena amounted to an abuse of process.

If the inquiry magistrate had the power, as contended by Matisonn, the application was consequently rightly refused.

Little needed to be said about the second contention when the point was taken that the prosecutor had to specify an offence for the purpose of the application of Section 203.

He specified criminal defamation, and the offence of tampering with mail. In so doing, he tendered Matisonn an indemnity in the sense in which the phrase was explained in an earlier case of the State v Waite (1978), and adopted in the case of the State v Kleinschmidt (1980).

It was apparent that Mr Matisonn could not have been prejudiced by such a tender and that, on the contrary, it could only have inured to his benefit.

Secondly, none of the questions actually put to him was unrelated to the offence set out in the subpoena, that is, criminal defamation.

The fact that the answers might also have had a bearing on the alleged offence of tampering with mail was completely irrelevant.— Sapa.

collection for public sector decision making, is difficult as the impacts of many decisions are extremely widespread. Consequently the resultant costs and benefits may be very difficult even to identify, let alone evaluate, with any degree of accuracy. Public decision making in the field of health care is no exception, indeed the nature of the demand for health and medical services itself provides special problems for decision makers.

Difficulties in Determining the Level of Demand for Health Care.

It was said earlier that one of the major weaknesses of the market mechanism as a signalling device was that it does not issue signals that are concerned with the supply of goods that are not available. This shortcoming also applies to a lesser political signalling devices, as it is very difficult to articulate their feelings for anything that they have experienced. This difficulty is particularly pertinent in the field of the supply of health care and is of great significance in developing countries and where the level of past experience of the benefits of programmes is likely to be very small.

It is argued that the demand for health services flows from sources:

"First there is the sum of all individual demands for personal current treatment at current prices and future availability of treatment at expected prices or current future prices. Second there is the sum of all individuals demands for current treatment and the future availability of treatment for other people". (10) p. 42.

Of the types of demand referred to above, the first, the demand by individuals for 'personal current treatment' is the easiest to obtain through existing institutions such as the market or the ballot box, however, even in this instance there are problems that arise and that

(10) A.J. Culyer 'Comment on Problems of Efficiency' in M.M. Hauser (Ed.), *The Economics of Medical Care*, University of York, Studies in George Allen and Unwin, 1972.

are peculiar to the supply of medical care. Arrow has pointed out that the demand for medical care exhibits a number of special characteristics. (11)

1. It originates in an irregular and largely unpredictable manner and signals a departure from 'the norm' of the individual making the demand (i.e. he is usually sick rather than well, which is taken to be the norm).
2. A high risk element is involved; this element includes the risk of death, the risk of permanent full or partial incapacity and the risk of loss of income.

3. It includes a substantial degree of uncertainty as to the outcome from using the product being demanded because, in most instances, the

COPY 27/3/81

Reporter to return for jail sentence

Staff Reporter

JOHN Matisonn, former political correspondent of the Sunday Express and now the representative in Washington of the SA Morning Group of newspapers, will return home to serve a 14-day jail sentence.

The Appeal Court yesterday dismissed his appeal against the sentence - imposed in 1979 because he refused to give the source of information for a report he wrote.

The report, which appeared in the Sunday Express, alleged that the Rev Fred Shaw, of the Christian League, operated an unauthorised banking account in the United States, and linked the league to the Info scandal.

Speaking from Washington, Matisonn said that as far as he knew, he had a fortnight to present himself for jailing.

"Obviously I will return, as soon as I have spoken to my lawyers and the editor of the Sunday Express. Mr Rex Gibson, who has supported me strongly throughout," he said.

The general manager of South African Associated Newspapers, Mr Raymond Louw, said arrangements had already been made for Matisonn to return if his appeal failed.

"We deplore the circumstances under which he has to serve his sentence, because he was under a moral obligation not to disclose the identity of his informant," said Mr Louw.

● See Page 2

these estimations the impact of the demand for future care or the effects of an individual's demand for medical care for people other than himself.

In addition, the information relating to the properties of particular treatments flowing from the suppliers, especially doctors, and pharmaceutical manufacturers, to the individuals, who must express the demand in either money or political terms, is frequently far from ideal. Poor information may lead to the demand for excess care such as is the case when the services of a specialist gynaecologist are demanded when those of a

(11) Kenneth J. Arrow; 'Uncertainty and the Welfare Economics of Medical Care', *American Economic Review*, Vol. 53, 1963, pp 941-973.

(12) How do you obtain a price for uncertainty?

Ruling after 2-week terror trial debate

Own Correspondent

PORT ELIZABETH. — The confession of a detained Kwazakele man, who is appearing in the Supreme Court, Port Elizabeth, under the Terrorism Act, was ruled admissible yesterday by Mr Justice Stewart.

Mr Wordsworth Kholekile Mhlana, 25, has pleaded not guilty to the charge arising from an allegation that he underwent military training in Mozambique and other places within and outside South Africa between February 1, 1978, and September 5, 1980.

He has also pleaded not guilty to an alternative charge under the Internal Security Act alleging that he was an active member or official of the banned African National Congress during the same period.

Yesterday, after two weeks of debate in the trial on a statement Mr Mhlana made to a Johannesburg magistrate during his detention last year, the judge ruled it admissible.

Contesting admissibility, the defence submitted that the confession was not made freely and voluntarily.

In evidence, Mr Mhlana said Security Police had induced him to make the confession by torture including electric shocks, assault, excessive physical exercise, starvation and a threat of drowning in the Vaal River.

Making his ruling, the judge said there was a sharp contrast between the evidence of the State and that of the defence on the matter.

He said Mr Mhlana had gone into great detail when describing alleged torture. However, certain descriptions were typical of allegations made by accused people.

He said it was common cause that Mr Mhlana had newspaper cuttings in his possession at the time of his arrest and it appeared that he followed political affairs closely.

However, there were other events described which would seem difficult to imagine or dream up. The judge cited the alleged drowning threat and an allegation that Mr Mhlana had been handcuffed to a steel door grille, as examples.

He said Mr B O Duminy, the magistrate who took the statement from Mr Mhlana, had been determined to make it clear that his only concern was to carry out his duties properly.

"It seems improbable that Mr Duminy would take a statement from a man who had a paralysed arm, swollen face and who could not sit properly, without making a note of these facts."

Mr Justice Stewart described Mr Mhlana as a "facile and specious witness" who had been self-contradictory in many respects.

He said that before evidence of the confession was led, there was other evidence — some of it common cause and other aspects disputed by the defence — which showed the State's case did not rely entirely on the confession.

Taking all factors into account, Mr Justice Stewart said, he could not believe Mr Mhlana.

The trial continues on Monday.

ANC trial: Rhodes lecturer, student jailed

CT 28/3/81 (331)

PORT ELIZABETH. — A Rhodes University journalism lecturer was jailed for four years, and a student who appeared with him to two years in the Regional Court here yesterday.

They were also both fined R400 (or four months).

Guy Berger, 24, and Devandiren Pillay, 21, were both convicted on March 18 of being members of the banned African National Congress, furthering the aims of that organization, and on two counts framed under the Publications Act.

Passing sentence yesterday, the magistrate, Mr J B Robinson, said he had given long thought to the question of sentence. It was essential that a balance be struck between the interests of the accused and the interests of society.

Testifying in mitigation after the conviction on March 17, Berger said he had never used his position as a tutor to indoctrinate others. He, like others, had taught black children that there was "more to life than discotheques".

Pillay's mother, addressing the court, said he had become quiet and remote after his father died. He had enrolled at Rhodes in 1979 and had become an enthusiastic writer of letters to newspapers.

The defence counsel quoted from one of Pillay's letters: "Radicalism simply means commitment... to be committed to removing the monster of apartheid is to be a true patriot of South Africa."

Today, the magistrate said the court was taking into consideration the cumulative effect

of the sentences. Had it not been for this, the sentences for membership and for the men's activities would have been far more severe, in view of the nature of the organization concerned.

Each was sentenced to three years on the membership charge, but in each case one year was suspended conditionally for three years. On the activities charge, Berger was sentenced to four years and Pillay to two. Again, half of each sentence was suspended conditionally for three years.

The court also ordered that the unsuspended part of Pillay's sentence run concurrently with his sentence on the first count.

The two Publications Act charges were treated as one for purpose of sentence and each was fined R400 (or four months). — Sapa

DD 28/3/81

Ex-political prisoner Keke goes missing (331)

EAST LONDON — A newly-wed Duncan Village man, Mr Hamilton Zolile Keke, has been missing from his home and work since last Saturday.

Mr Keke, an articled clerk for an Mdantsane firm of attorneys, did not report for work last Saturday and was reported to have left home for town on Saturday morning.

A relative said he had said he was attending a meeting here when he left.

His wife, Mrs Nomthunzi Keke, a nursing sister in Mdantsane, also did not know where he was.

In 1979 Mr Keke, a former political prisoner on Robben Island, received a five year suspended sentence for furthering the aims of the PAC while on Robben Island.

He was the only one to receive a suspended sentence among 17 men from all over South Africa who appeared in a

marathon trial in Bethal, Transvaal.

Asked whether Mr Keke was detained the head of the security police here, Col A. P. van der Merwe, said: "Certainly not by us. Hamilton Keke is an old customer, very well known to us but we have not detained him."

A spokesman for the Ciskei Central Intelligence Services also said Mr Keke was not detained by them. — DDR

Keke is in Lesotho

EAST LONDON — Mr Hamilton Zolile Keke, the Duncan Village man who disappeared on March 21, is in Lesotho.

Mr Keke's employer, Mr A. V. Maggabi, an Mdantsane professional man, said Mr Keke had telephoned him.

Mr Keke, a former Robben Island political prisoner, recently married an Mdantsane nurse, Nomthunzi Mtshaulana. — DDR.

Six injured

MDANTSANE — Six people were injured, four seriously when two vehicles collided on Qumza Highway here last night.

No details were available from the hospital yesterday but two of the four men had serious head wounds. — DDR.

BOOKS

26	L.C.G. DouwesDekker	The Process of Collective Bargaining and its implications for Industrial Relations Policies. (R0,75)
27	Marc Best	The Scarcity of Domestic Energy: A Study in Three Villages (R1,00)
28	Jonathan Myers	Asbestos and Asbestos-Related Disease in South Africa (R1,00)
29	Dudley Horner/ Alide Kooy	Conflict on South African Mines: 1972-1979 (R0,75)
30	George Ellis	The 'Quality of Life' Concept: An overall framework for assessment schemes (R2,00)
31	Don Flinnock	Telona: Some reflections on the work of a private labour recruiter (R2,00)

Farm Labour in South Africa. Francis Wilson, Alide Kooy and Della Hendrie (eds.). David Philip, Cape Town, 1977. (R9,00)

Economics of Health in South Africa Volume I: Perspectives on the Health System. Gill Westcott and Francis Wilson (eds.). Ravan Press, Johannesburg and David Philip, Cape Town, 1979. (R4,00)

Economics of Health in South Africa Volume II: Hunger, Work and Health. Francis Wilson and Gill Westcott (eds.). Ravan Press, Johannesburg and David Philip, Cape Town, 1980. (R4,00)

Russell's secretary wins appeal

DOROTHY CLEMINSHAW, part-time secretary to banned Anglican priest the Rev David Russell, had her conviction for possessing two prohibited publications and sentence of R100 (or one month's imprisonment) set aside in the Supreme Court, Cape Town today.

In a reserved judgment handed down today, Miss Justice van den Heever, with Mr Justice Broeksma concurring, allowed Mrs Cleminshaw's appeal, and set aside the conviction and sentence.

The publications were: Steve Biko — I Write What I Like, by Aelred Stubbs, and Rioters Digests (June-Sept 1976) — published by Deersur Press,

Michaelis Students Society, University of Cape Town.

Earlier evidence was that a Security Branch detective went to Mrs Cleminshaw's home in Buchan Road, Newlands on April 9 1979 with a search warrant.

On a shelf in Mrs Cleminshaw's office were a number of cartons containing newspaper cuttings. In one of these he found the four digests.

On Mrs Cleminshaw's desk, under newspapers and documents, the detective discovered the book on Steve Biko.

He removed them because he suspected that possession of these publications might be prohibited. Later he found this to be the case.

AT CENTRE

Mrs Cleminshaw told the court there were copies of the Rioters Digest at the Ecumenical Centre at Mowbray where she worked, when they were first published.

She had taken them home and 'popped them into one of my cardboard boxes.' She had 'quite forgotten' about them.

She had borrowed the Biko book from a friend.

Mrs Cleminshaw told the court she did not know possession of the book was banned.

WHERE FOUND

The magistrate rejected her evidence. He wrongly presupposed the detective to have said unequivocally and consistently that the Rioters' Digest were found on and not in a carton.

Miss Justice van den Heever found that it 'cannot seriously be contended that the activities of reading about or possessing publications on "political" topics or "erotic" topics or "contentious" topics, are activities that the State intends to control.'

'Were that so, parliamentarians, artists, theologians, poets, scientists, lawyers, everyone bar the readers of the merely blandly beautiful, would be too busy studying Government Gazettes to have

any time left to read the water. Some 25 sea training dives. Some 25

Journalist's sentence eased

BLOEMFONTEIN — The Appeal Court today quashed an effective six-month jail sentence imposed on a South African journalist, Mr Deon du Plessis, for Official Secrets Act offences and replaced it with a suspended sentence.

The judges also acquitted Mr du Plessis, assistant editor of the Sunday Tribune, and former assistant editor of The Argus Africa News Service, on two charges relating to a manuscript on the war in Rhodesia in 1977 and 1978.

Du Plessis was convicted by the Rand Supreme

Acquitted on manuscript charge

Court on five Official Secrets Act counts and one Defence Act charge after receiving a file of secret South African Defence Force signals sent between SWA/Namibia and Pretoria and after writing the manuscript.

On two charges relating to his receipt of the signals, Appellate Division judges today cut the sentence from 18 months' imprisonment (12 months' suspended) to nine months' (all suspended).

Du Plessis did not appeal against conviction on these charges. The signals were given to him by cadet reporter James Beaumont, who had done his national service in the Signals Corps.

Du Plessis was acquitted on the main Official Secrets Act charge relating to giving the signals to a policeman in then Zimbabwe-Rhodesia. A suspended jail sentence of six months was set aside.

Appeal judges substituted a finding that Du Plessis was guilty on an alternative Official Secrets Act charge and they sentenced him to one month's imprisonment, suspended for three years. Du Plessis was acquitted on:

- An Official Secrets Act charge for offering his manuscript to a London publisher; and

- A Defence Act charge for attempting to publish a rumour.



Deon du Plessis

(331) (3/28) 213/8
**Woman wins
her appeal**

CAPE TOWN — Dorothy Klemesinshaw, part-time secretary to the banned Anglican priest, the Rev David Russell, had her conviction for possessing two prohibited publications and sentence of R100 (or one month's imprisonment) set aside in the Cape Town Supreme Court today.

In a reserved judgment handed down, Miss Justice L van den Heever, with Mr Justice C Broeksma concurring, allowed her appeal.

The publications were: "Steve Biko — I Write What I Like" and Rioters Digests (June-September 1976). — Sapa.

Lecturer and student jailed

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Sow 67m
31/3/51

PORT ELIZABETH. — A Rhodes University lecturer in journalism was sentenced to an effective four years imprisonment, and his student to an effective two years in the Port Elizabeth Regional Court last week.

In addition they were both fined R400 (or four months).

Mr Guy Gough Berger (24), and Mr Devandiren Pillay (21), were both convicted on March 18 of being members of the banned African National Congress, furthering the aims of that organisation and on two counts framed under the Publications Act.

Passing sentence the magistrate, Mr J B Robinson, said he had given serious thought to the question of sentence. It was essential that a balance be struck between the interest of the accused and the interests of society, he said.

Court told of cash for ANC information

PORT ELIZABETH — A man giving evidence in a terrorism trial yesterday told the Supreme Court he was paid by Security Police to get information on the African National Congress, but he did not consider himself a spy or informer.

The man, referred to as Mr X, gave evidence in the trial of Mr Wordsworth Kholekile Mhlana, 25, of Kwazakhele, who pleaded not guilty to a charge under the Terrorism Act. He is alleged to have undergone military training in Mozambique and other places in and out of South Africa between February 1, 1979, and September 5, 1980.

He also pleaded not guilty to an alternative charge under the Internal Security Act alleging that he was an active member or official of the ANC during the same period.

Mr X was recalled yesterday after giving evidence at an earlier hearing. In reply to a question by the defence counsel, Mr M. T. K. Moerane, he told the court he gave information to the police, but he did not consider himself an informer.

He admitted receiving money for information he passed on about the South African Students' Organisation (Saso).

At a previous hearing Mr X said he left South Africa in 1977 and entered

Swaziland. He joined the ANC and went to Maputo. He was later taken to Luanda where he was trained in the use of weapons.

He told the court yesterday that obtaining information for the Security Police about the ANC was a minor reason why he left the country. He had other reasons.

Mr Moerane: Is it correct that if you obtained information about the ANC you would sell it to the Security Police at a high price?

Mr X: If I obtained it.

Mr X later said his understanding of a spy was someone who went about collecting secret information. An informer was no different.

In evidence yesterday after the close of the State case, Mr Mhlana said he was born in Port Elizabeth in 1955. He attended school until Std 8 in 1976, when he dropped out because of the disturbances.

In 1977 he joined the South African Students' Movement, whose main objective was to deal with students' complaints. He first attracted the attention of the Security Police when he distributed pamphlets produced by the Black People's Convention.

He went into hiding in Johannesburg, Zwide and Hankey until 1978. He met a friend, Phindile Dobo, also on the run, who told him that he knew people in Johannesburg who could help them leave the country and obtain education across the border.

In Johannesburg, he was introduced to Eric Nkeleza who was to help him cross the border. After a week he left with five others for Swaziland where they spent a week before going on to Mozambique.

He said he met Mr X in Maputo. They shared the same room, but it was Mr X who "did much talking about himself."

He was persuaded there by one David to undergo military training, but he insisted on education. He said David made vain efforts to contact places in Lusaka, Nigeria and Dar-es-Salaam.

On his return to South Africa he was advised by Peter Bele not to stay in Port Elizabeth as police were still after him. He went to Johannesburg.

"I was never a member of the ANC and never supported it," he said.

The trial continues on Thursday. — DDC.

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Average wage in kind

(R per week)

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Average cash wage

District

Weekly wages of domestic workers, cash, kind and total, averages in four magisterial districts, 1972-73.

TABLE 33

Sentence in CT 31/3/81 transport case cut on appeal

Staff Reporter

A GUGULETU man who conveyed passengers without a road transportation permit during last year's bus boycott had his sentence reduced in the Supreme Court yesterday.

Morriat Juta was fined R500 (or four months) and sentenced to a further four months suspended for five years when he appeared in the Bellville Magistrate's Court on August 26 last year.

The court found that he had transported nine passengers, who paid him 50 cents each, from Bellville South to Racecourse Road, Durbanville, on August 6 last year. Juta appealed against both the conviction and sentence.

Trivial

Mr C Y Louw, for Juta, said the offence had been a "comparatively trivial one" which courts did not traditionally "take in too serious a light".

"The offence took place during a trying time for a section of the community. People were boycotting buses and people not in line with the boycott exposed themselves to some risk," he said.

Mr Louw said the fine of R500 was "substantial for an offence which contained no morally reprehensible act". Juta and his wife together lived on about R140 a month, he added.

Juta had a previous conviction for conveying passengers without a road transportation permit. He was fined R200 (or six months) in the Bellville Magistrate's Court on July 31.

In contempt

The Judge-President, Mr Justice Watermeyer, said Juta was "clearly in contempt of the law" and dismissed an argument by Mr Louw that the trial magistrate had acted irregularly by not informing Juta that the onus was on him to prove that the people in his vehicle had not been passengers as defined in the Road Transportation Act.

The judge dismissed the appeal against conviction, but ruled that the additional four months suspended sentence be deleted. He ordered that Juta pay the fine in instalments of R50 a month starting on April 1.

Mr Justice Fagan concurred.

Mr W C Viljoen appeared for the State. Mr Louw was instructed by Buchanans.

under security
RDM 31/3/81 (33)

The survey includes a special chapter on school boycotts.

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