

TOTALITARIANISM — POLITICAL TRIALS

1 JULY 19~~8~~82 — 31 AUGUST 1982

# Reporter 'holds key' to ANC trial

Pretoria Bureau

A MISSING former Pretoria freelance reporter held the key to the acquittal or conviction of two Mamelodi men charged with taking part in the activities of the banned African National Congress, an advocate claimed yesterday.

The advocate Mr B Doctor advanced the argument before Mr W J van den Bergh in the Pretoria Regional Court when he asked for the acquittal of Mr Ishmael Strike Bila, 28, and Mr Bernard Mokgonyane, 19, both of Mamelodi East.

Mr John Kgotso, 35, also of Mamelodi East, was found not guilty and discharged at the end of the State case.

Mr Bila and Mr Mokgonyane have pleaded not guilty to charges of posses-

sion of banned literature, taking part in the activities of the banned ANC and contravention of the General Law Amendment Act.

Neither Mr Bila nor Mr Mokgonyane gave evidence in their defence.

Mr F E Roets, State prosecutor, said that, from statements made by Mr Bila and Mr Mokgonyane it was clear they had acted as couriers for the ANC. They had visited Botswana where they made contact with ANC members.

Mr Roets said the two had contacted the former freelance reporter Rustus Legodi, who has now disappeared.

Mr Doctor said Legodi, who was the instigator in the whole case and possibly a recruiter for the ANC in the country, had "conveniently" disappeared.

However, the State had to prove that Legodi was a member of the ANC before it could prove that Mr Bila and Mr Mokgonyane were guilty of taking part in ANC activities.

He said the painting of slogans like "Commemorate the death of Solomon Mahlangu. Died 9.4.79" was no evidence that the men took part in ANC activities. The ANC might have approved of the action, but there was nothing more than that.

Mr Doctor said further that the possession of ANC literature was also no evidence that a person took part in the organisation's activities.

Judgment in the case will be given on August 20.

stripped of his finery, a birthday-suited Lloyd Seeber frolics with his prizes.

## EL trial for Saawu men

EAST LONDON — The president and vice-president of the South African Allied Workers' Union are due to appear in the magistrate's court here today on charges under the Terrorism Act.

Mr Thozamile Gqweta and Mr Sisa Njikelana

appeared briefly in the Grahamstown magistrate's court yesterday afternoon, where they were told their case was being transferred to East London as the Grahamstown court had no jurisdiction over them.

Earlier this week the unionists appeared in

the Johannesburg Regional Court, where they were told their case was being transferred to Grahamstown.

During their brief appearance yesterday the union leaders were not asked to plead and no charges were laid. ~~9/1~~ DDR

ROM  
17/82  
Unionist  
cleared,  
then  
seized

Mail Reporter

A DURBAN trade unionist Mr Sam Kikine was taken into police custody on Tuesday immediately after Terrorism Act charges against him were withdrawn by a Johannesburg magistrate.

A spokesman for Priscilla Jana and Associates, a legal firm, said yesterday they did not know who had arrested Mr Kikine or under what law he was being held.

"We guess he is in Durban, but we are still trying to find out," he said.

Mr Kikine, a senior SA Allied Workers' Union (Saawu) official, appeared in the Johannesburg Regional Court on Tuesday about 9am. He was told he would be transferred to Durban for trial.

He appeared with two other top Saawu officials, Mr Thozamile Gqweta and Mr Sisa Njikelana. They were told their cases were being transferred to Grahamstown.

Mr Kikine had reappeared in court about 30 minutes later and was told by the magistrate that charges against him had been withdrawn, the spokesman said.

"Immediately afterwards he was taken into police custody and we do not know where he is."

The spokesman said Mr Gqweta and Mr Njikelane, who live in East London, had appeared in a Grahamstown court yesterday. The case had been transferred to East London.

No charges had been laid against the two men, who were expected to appear in court today.



**Relief**

**over**

**ANC**

**posters**

ONE of the three Mamelodi men facing 10 charges of being in possession of prohibited publications; putting up illegal posters and promoting the interests of the banned ANC was yesterday acquitted in the Pretoria Regional Court.

Mr John Qotso (35), of 11330 Mamelodi East, was acquitted by the magistrate, Mr W J van den Bergh, after the prosecutor, Mr F J Roets, had told the court that the State had no proof that he was implicated.

Mr Roets also asked for the withdrawal of eight of the charges against both Mr Strike Ishmael Bila (28), of 11347 Mamelodi East, and Mr Bernard Mokgonyana (19), of 14089 Mamelodi East. The charges related to the alleged putting up of illegal posters, signs or marks at various places including the Mamelodi High School, the Rethabile Post Office and the Tsako Thabo High School.

**Proceeding.**



**REAGAN: Policy unchanged.**

just because there is a new Secretary of State. These are policies that the President is pursuing and they are vested in a very clear understanding of our national interests — and particularly our interests in this part of the world." — Own Correspondent

## in court

yesterday after appearing in the Johannesburg Regional Court earlier this week.

The Grahamstown court ruled that it had no jurisdiction over the men and referred the case to East London — SANS.

## al denied

South Africa had discussions with Lesotho in 1980 over where the border was drawn.

There had been no negotiations over OwaOwa or the Free State, he said — SANS.

# Three men in court on treason charges

By NORMAN NGALE  
THREE alleged members of the ANC charged with high treason, terrorism, murder, attempted murder and robbery will appear in the Pretoria Supreme Court on Monday.

The three are Mr Thele Simon Mogoe-rane (23), of Vosloorus, Boksburg, Mr Jerry Semano Masololi (25), of Dube, and Mr Markos Thabo Motaung, of Diepkloof, Soweto. They are alleged to have

undergone military training in Angola, Tanzania and other countries between 1976 and 1979 with the intention of overthrowing the South African Government.

After their first appearance in the Supreme Court on June 1, their case was postponed to August 2 at the request of their defence advocate who had requested further particulars relating to the charges against Mr Motaung. The hearing has, however, been brought

forward to Monday.

Their charges include the attack on the Moroka police station on May 31, 1979, with AK-47 assault rifles and grenades, killing Constable Bongani and Mr Brian Thembe and injuring Constable Edward Moren, Constable Ernest Nkosi, Mrs Daphney Magagula and Mr Godfrey Tshabalala.

They are alleged to have attacked the Orlando police station on the night of November 11, 1979, with sub-machineguns and gre-

nades, killing Constable Ntseini, Mr Jerry Mosidane and Constable Christopher Zibi.

The third alleged attack was on the Wonderboompoort police station near Pretoria late last year.

Other charges faced by the men are that they were found in possession of explosives, rifles, a rocket-launcher, bayonets and other arms.

Mr Mogoe-rane and Mr Mosololi had earlier pleaded not guilty to all charges while Mr Motaung refused to plead.

## Decrease in polio

THE GaZankulu Secretary for Health, Dr J S Roos, said yesterday that the outbreak of polio in the north-eastern Transvaal appeared to be slowing down.

Although 133 cases have been reported, the number of fatalities has remained at nine.

Only four new cases — all at the Lebowa Hospital — were reported on Tuesday.

So far, all the deaths have occurred at the hospital — Sapa.

# Mum regains child

NEW YORK — A white woman whose white son was taken away from her by court order, after she had had another baby by a black man, has been given back the white child by court order.

The Georgia Supreme Court gave back the three-year-old son that a lower court took away after Kathleen Blackburn had had an illegitimate daughter by a black policeman.

The lower court had

awarded the white child to his grandmother on the grounds that his mother, a 26-year-old divorcee, was a "lewd" person.

The mother sued on

the grounds that, if she was unfit to be a mother to her white child, she should not have been allowed to keep her racially mixed child. The higher court agreed.

## Mamelodi to get church centre

WORK on the first phase of a R1-million multi-purpose in-service training centre in Mamelodi, near Pretoria, is to start soon.

A spokesman for the Nederduits Gereformeerde Kerk in Africa said yesterday that, when complete, the centre would have a conference centre capable of seating 250 000 people, and facilities for

the training of people in different aspects of church administration, including youth leadership and stewardship courses.

The Mamelodi Community Council has already approved the church's application for a site on which to build the centre. The centre will be built next to where the township's first hotel is to be built.

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231  
Soweto  
2/7/82

# 'Man' Man' released

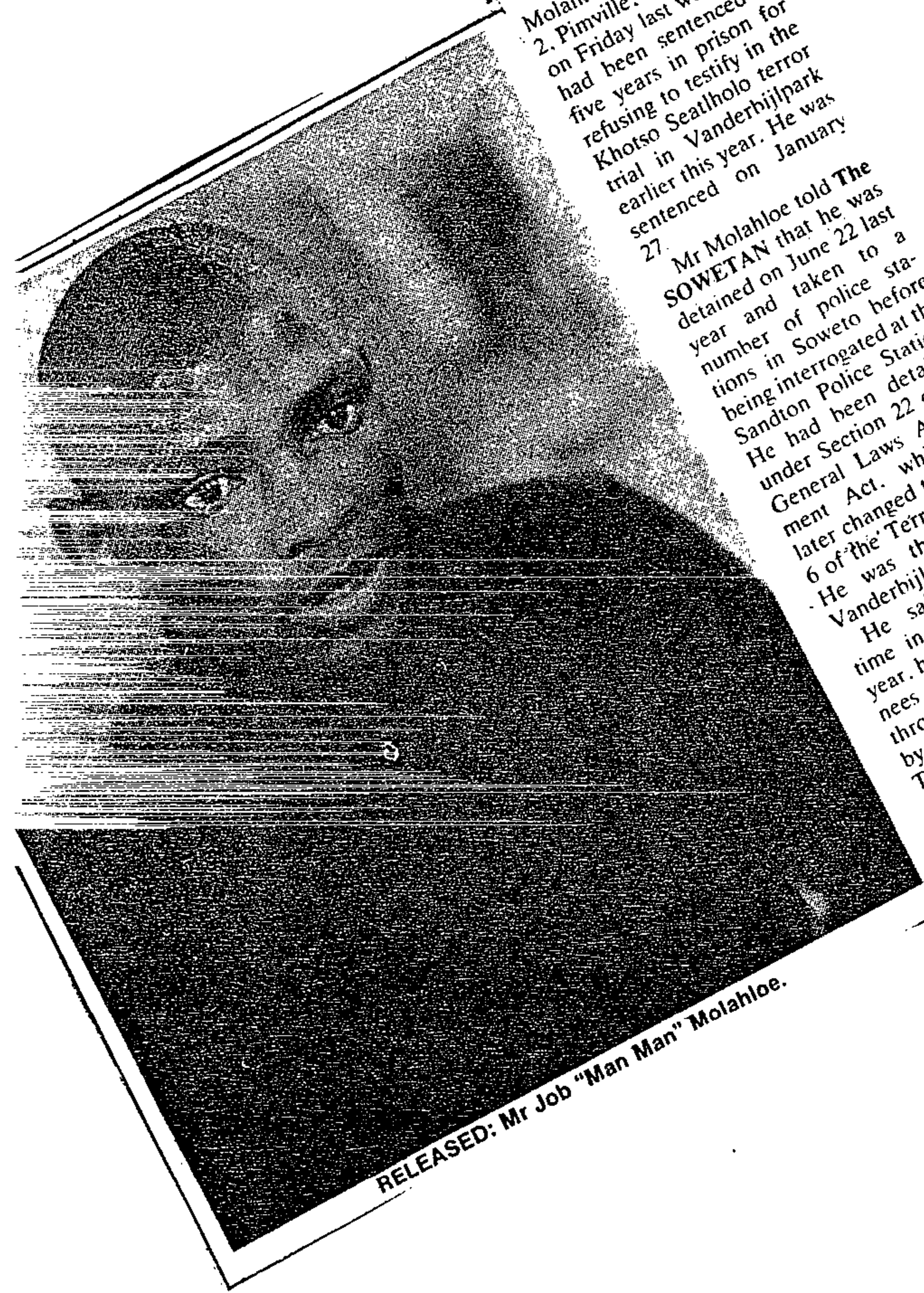
ONE of the men who were sentenced for refusing to give evidence in the Khotso Seathlo terror trial earlier this year has been released — and he does not regret what he did.

Mr Job "Man Man" Molahloe, of 2646 Zone 2, Pimville, was released on Friday last week. He had been sentenced to five years in prison for refusing to testify in the Khotso Seathlo terror trial in Vanderbijlpark earlier this year. He was sentenced on January 27.

Mr Molahloe told The SOWETAN that he was detained on June 22 last year and taken to a number of police stations in Soweto before being interrogated at the Sandton Police Station. He had been detained under Section 22 of the General Laws Amendment Act, which was later changed to Section 6 of the Terrorism Act. He was then held in Vanderbijlpark.

He said that some time in November last year, he and other detainees attended a picnic thrown on their behalf by the Security Police. They had not known that they were to attend the picnic, he said. He was surprised thereafter when he was told he had to give evidence for the state against Khotso Seathlo and Masabata Loate.

Mr Molahloe said that when he refused to testify against the two he was brought before the court on January 27 and sentenced to five years in prison. He was sentenced without his lawyer or parents knowing anything about the matter, and was then taken to Leeuwkop prison. He said: "I ultimately managed to get a message out to my lawyer, who then started proceedings on my behalf. A year later I was released on June 21 but I came out only on Friday, June 25. I am very happy at being released and do not regret my earlier decision."



RELEASED: Mr Job "Man Man" Molahloe.

# Bail for Cosas youths

By MONK NKOMO

THE chairman of the Atteridgeville branch of the Congress of the South African Students (Cosas), together with five other youths, made a brief appearance before the local magistrate yesterday on charges of public violence and theft.

Mr Desmond Nkosi, of 10 Letlametlo Street, Saulsville, appeared before Mr W Johnson, together with Messrs Johannes Danny Selundu (20), of 2 Motsepe

Street, Isaac Mashigo (20), of 20 Mashifane Street, Lucky Ndebele (19), of 7 Nakana Street, William Mokgosi (19), of 8 Chanbangu Street, and Godfrey Ndebele (21), of 365 Maunde Street, all of Atteridgeville.

## BAIL

They were not asked to plead and the case was referred to the Pretoria Regional Court for hearing on August 13.

The magistrate granted bail at R200 each on condition they

2/7/82  
did not interfere with State witnesses and that they report to the local police station twice a week.

A request by Mr E Moseneke, for the accused, to have the bail reduced to R100 was rejected by the prosecutor, who argued that the sum was "very reasonable".

Desmond Nkosi is presently serving 50 days' imprisonment after he was convicted on an assault charge last week.



# Pretoria 331 treason trial opens

Pretoria Bureau

Minutes before standing trial for their lives today on charges of treason and murder, three alleged African National Congress members were heard singing "Nkosi Sikelele Afrika" in the cells below the Pretoria Supreme Court.

Smiling and talking animatedly to one another, Mr Thelle Simon Mogoerane (23), Mr Jerry Semano Mosololi (25) and Mr Marcus Thabo Motaung (27) took their places in the dock and peered curiously about them.

## SABOTAGE

The three men are accused of carrying out attacks last year on the Orlando, Moroka and Wonderboompoort police stations in which four people died, and other acts of sabotage.

These include the attack on the Capital Park power station in Pretoria where a transformer was destroyed and the sabotage of the New Canada railway line in Soweto.

Five alternative charges under Section Two of the Terrorism Act, 10 of attempted murder and one of robbery with aggravating circumstances are also on the charge sheet.

## ADJOURNED

Mr Motaung, who has not been asked to plead before, pleaded not guilty on all counts to Mr Justice Curlewis.

The court was adjourned until this afternoon.

The only alternative to this situation is that once the initial run might be inefficient and this is socially undesirable. The firm should be once a network of po- station could be used to compete with the order to exert profitability.

331

# Sabotage charges: three to appear

ROOM  
5/7/82

## Pretoria Bureau

THE trial of three men allegedly responsible for rocket and grenade attacks on three police stations starts in the Pretoria Supreme Court today.

The State has linked the men, all alleged members of the banned African National Congress, to attacks on police stations at Moroka, Orlando, and Wonderboom Poort, as well as to other sabotage attacks.

Mr Thello Simon Mogoerane, 23, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, face a main charge of treason and 20 alternative counts.

Alternative charges are:

- Four murder charges following the deaths of policemen during attacks on the three police stations;
- Ten charges of attempted murder;
- Five charges under the Terrorism Act;
- One charge of robbery with aggravating circumstances.

All three men allegedly left South Africa in 1976 to join the ANC.

According to the charge sheet, Mr Mogoerane, Mr Motaung and others were responsible for the attacks on the Moroka police station on May 3, 1979, and the Orlando police station on November 2, 1979.

The State alleges that Mr Mosololi and others were responsible for the attack on the New Canada railway line on May 24, 1981.

Mr Mogoerane and Mr Mosololi allegedly set up an underground base at Hamanskraal, north of Pretoria, from which, it is alleged, they launched an attack on the Capital Park power substation and the Wonderboom Poort police station in December 1981.

Mr Jack Unterhalter, SC, assisted by N Tuchten, will appear for the accused and Mr P B Jacobs is appearing for the State.

Mr Justice H P van Dyk is on the bench.





M2 yesterday which brought traffic to a halt.

## Trader tells of rioting

By CHARLES MOGALE

AN INDIAN shop manager yesterday told how he fled out of Reiger Park on the East Rand and returned four days later after rioting coloureds had gone on the rampage in the township.

Mr Abdul Gally told a Johannesburg Regional Court that he was managing the Natabai Butchery in Reiger Park on May 9 last year when the incident took place. He was giving evidence before Mr S H Van Heerden in a case in which 23 people have pleaded not guilty to charges of public violence.

Among the accused is the Transvaal Labour Party Leader, Mr Jacobus Rabie. Mr Gally told the court that he was in the butchery when a mob attacked a nearby shopping complex. He had previously seen a garage and two shops set on fire.

Under cross-examination by Mr E Dane for the 23, Mr Gally said that after the burning of the garage "we have been feeling insecure". Mr Gally said the mob was in a riotous mood and threw stones. He said he left Reiger Park and went to the Boksburg Police Station. He stayed out of the township and returned four days later to find his butchery destroyed. Mr Gally estimated the damage to the butchery at R40 000.

Earlier, the court heard that a local businessman, Mr L Pulsar, known as Abie Gunga-

Earlier, the court heard that a local businessman, Mr L Pulsar, known as Abie Gungadin, had several motor vehicles and business premises destroyed by rioting crowds who were calling for his eviction from the township. Mr Gungadin said his contemporary in a taxi business had been jealous of his success.

## Not guilty treason trial

high treason alternative at include four 10 attempted five counts un-Terrorism Act cry with aggr- circumstances.

otaung, who refused to plead the local magis- yesterday pleaded

not guilty to all the charges. No evidence was led yesterday, following an order by Mr Justice Curlewis, sitting with two assessors, to postpone the trial to today to allow both the State and the defence team to reach agreement on certain admissions relating to the charges.

The three men are alleged to have attacked

— with AK47 sub-machine guns and hand grenades — a Moroka and Orlando police station during May and November 1979, the Capital Park power station near Pretoria on December 14 last year and the Wonderboom police station on December 26. The attacks resulted in the deaths and injury of a number of policemen.

## Strike continues

SALARY negotiations between the Coca Cola management and workers' representatives at the Benrose plant reached a deadlock yesterday, despite the company's threat to dismiss the striking workers if

started last Wednesday, when about 500 truck helpers decided to down tools. He also said that this was the third increase the company had offered the truck helpers this year. The increase amounted to an aggre-

152) 6/7/82 Saturday. He people from the North mine are injured and receive treatment are later dis- from the hospi-

ng the rioting, was caused to a



... or magnitude ...

(331) D. Dispatch  
6/7/82

# Treason trial: state has 135 witnesses

PRETORIA — Three alleged members of the African National Congress pleaded not guilty to a charge of high treason and twenty alternative charges in the Supreme Court here yesterday.

The trial will resume today after the judge, Mr Justice D. J. Curlewis, asked the state and the defence counsel to consult each other to agree on certain admissions so as to shorten the hearing, set down for two months.

The state is to call 135 witnesses.

Mr Thelle Simon Mogoerane, 23, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, are appear-

ing on a main charge of treason.

The three are facing alternative charges of murder (three counts), attempted murder (11 counts), contravention of the Terrorism Act (five counts) and robbery with aggravating circumstances.

Mr Jack Unterhalter, SC, said at the start of the hearing that Mr Mogoerane and Mr Mosololi had already pleaded not guilty to all the charges in the lower court. Mr Motaung would also plead not guilty to all the charges.

The three men then confirmed their not guilty plea.

According to a 44-page indictment, the three were members of the banned ANC. They left the country to undergo military training in Angola, Tanzania and East Germany in 1976 and 1977.

After a stay in ANC bases in Mozambique, the three came back into the country in 1979. They brought arms, explosives and ammunition with them and established hide-outs in Meadowlands and Pretoria north.

The state alleges that they attacked the Moro-

ka police station on the night of May 3, 1979. During the attack they murdered Constable Bongoni Brian Tembe. They also injured three other policemen and two members of the public who were in the police station.

On November 1, 1979, the three allegedly attacked the Orlando police station where they murdered Constables Ntsieni Jerry Musindane and Christopher Zibi.

The three are also alleged to have attacked the Wonderboom police station, near here, on the night of December 24, last year. The state alleges that the three blew up the railway lines between New Canada and Mzimhlophe stations and between New Canada and Mlam-lankuzi stations in Soweto on May 24, last year.

On December 14, last year the three allegedly attacked an electricity substation in Capital Park, near here.

There was strong security in and around the Supreme Court building yesterday. People coming into the court building were searched by the police at the main entrance. — DDC

# Three plead not guilty at treason trial

Pretoria Bureau

THREE alleged members of the African National Congress pleaded not guilty to a charge of high treason and 20 alternative charges before Mr Justice D J Curlewis and assessors in the Pretoria Supreme Court yesterday.

The judge asked the State and the defence counsel to try to agree on certain admissions so as to shorten the hearing which has been set down for two months.

The state is to call 135 witnesses.

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Mr Jack Unterhalter, SC, said that Mr Mogoerane and Mr Mosololi had pleaded not guilty to all the charges in the lower court. Mr Motaung would also plead not guilty.

The three accused confirmed that they were pleading not guilty.

According to the 44 page indictment, the three were members of the ANC. They left South Africa to have military training in Angola, Tanzania and East Germany in 1976 and 1977.

After staying in ANC bases in Mozambique, they returned to South Africa in 1979. They brought arms, explosives and ammunition with them and established hideouts in Meadowlands and Pretoria North.

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On November 1, 1979, they are alleged to have attacked Orlando police station, where they murdered Constables Ntsieni Jerry Musindane and Christopher Zibi. Constable Goodenough Dyantjie and Mr Sipho Moses Zungu were injured in the attack.

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On December 14 last year the three are alleged to have attacked an electricity substation in Capital Park, near Pretoria.

The trial resumes today.

Mr P B Jacobs, with Mr J F Pistor, appeared for the State and Mr Unterhalter and Mr N Tuchten for the accused.



# Proclamation was repealed — counsel

331

D. Asfatch  
6/7/82

ZWELITSHA—Defence counsel for the 20 people who appeared before a magistrate here yesterday, following disturbances on the Fort Hare University campus in May, argued that proclamation R252 did not form part of the Ciskeian law because it was repealed by the Constitution Act of 1981.

Advocate, T. K. Moerane is appearing for 19 Fort Hare students and a Border Council of Churches field worker, Mr Alfred Mentele. They are charged on three counts.

The first accuses them of public violence and charges them with congregating at the campus and creating a riot by singing, shouting and giving black power salutes; of assaulting or attempting to assault Ciskeian policemen with stones, bricks or other objects, and of damaging three vehicles.

Count two alleges that the accused attended an unlawful meeting, at which more than 10 people were present, which had not been authorised by the Alice magistrate.

Count three refers to unlawful statements and acts threatening violence, disadvantage or inconvenience to the person or property of people in Ciskei.

Counts two and three cite contravention of proclamation R252. Mr Moerane claimed yesterday this proclamation ceased to form part of the law of Ciskei on December 4, 1981 when Cis-

kei became independent.

He said the proclamation, promulgated in terms of the Black Administration Act, was in conflict with the Ciskei Constitution Act, which stated that all human beings were born free, everyone should be equal before the law and no one should be favoured because of sex, beliefs or race.

"Proclamation R252 is inconsistent with the fundamental rights conferred by the Constitution Act, including those relating to freedom of movement, thought, expression and association.

"It is also conflict with the declared policy of Ciskei enshrined in the Constitution Act, making Ciskei a sovereign independent democracy.

"Another provision of the act is that the constitution will be the supreme law of Ciskei, binding the executive, legislature and judiciary."

Mr Moerane noted that the Constitution Act had been amended by an act promulgated last Friday "after apparently being rushed through the National Assembly with unseemly haste."

The amendment provides that no law made by the National Assembly or which continues enforced in Ciskei under any provision of the constitution can be declared invalid by any court of law.

"Within a week," Mr Moerane said, "the National Assembly pas-

sed a law which purports to amend provisions of the constitution dealing with the fundamental rights of the citizens of Ciskei, and making the amendment retrospective."

Mr Moerane argued that the amendment did not affect the constitution "because it is meaningless and it cannot be allowed to operate retrospectively in respect of proceedings already instituted."

The magistrate, Mr J. Kotze, pointed out that only the Supreme Court could determine the validity of proclamation R252. The Attorney-General, Mr W. F. Jurgens, replied that the magistrate could rule whether the proclamation was applicable in Ciskei.

Mr Moerane said he was not asking the magistrate "to declare R252 invalid because if it doesn't exist it cannot be declared invalid."

Mr Jurgens conceded that the proclamation would not have been applicable "had it not been for the amendment."

Mr Moerane replied that the amendment had no bearing on proclamation R252 "because R252 was excluded from the law taken over by Ciskei on December 4, 1981.

"It is an absurdity that until the amendment was promulgated on Friday, R252 did not form part of the law of Ciskei."

Mr Kotze will rule on Mr Moerane's objections this morning. — DDR.

# 'ANC' men plead not guilty

OWN CORRESPONDENT

JOHANNESBURG. — Three alleged members of the African National Congress pleaded not guilty to a charge of high treason and 20 alternative charges before Mr Justice DJ Curlewis and assessors in the Pretoria Supreme Court yesterday.

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The State plans to call 135 witnesses.

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The three are facing alternative charges of murder (three counts), attempted murder (eleven counts), contravention of the Terrorism Act (five counts) and robbery with aggravating circumstances.

According to the 44-page indictment, the three were members of the banned ANC and left the country to undergo military training in Angola, Tanzania and East Germany in 1976 and 1977.

## Hide-outs

After a stay in ANC bases in Mozambique, the three came back into the country in 1979. They brought arms, explosives and ammunition with them and established hide-outs in Meadowlands and Pretoria North.

The State alleges that they attacked the Moroka police station on the night of May 3, 1979. During the attack they allegedly murdered Constable Bongani Brian Tembe. They also allegedly injured three other policemen and two members of the public who were in the police station.

On November 1, 1979, the three allegedly attacked the Orlando police station where they allegedly murdered Constables Ntsieni Jerry Musindane and Christopher Zibi. Constable Goodenough Dyantjie and Mr Sipho Moses Zungu were injured during the attack.

## Railway lines

The three are also alleged to have attacked the Wonderboom police station, near Pretoria, on the night of December 24, last year. The State alleges that the three blew up the railway lines between New Canada and Mzimhlophe stations and between New Canada and Mlamlankuzi stations in Soweto on May 24, last year.

On December 14, last year the three allegedly attacked an electricity sub-station in Capital Park, near Pretoria.

# Reiger businessman:

## Police ran from mob

By Michael Tissong

A businessman whose shops were burned down during unrest in Reiger Park last year told a Johannesburg Regional Court yesterday, the police, who were blocking the road in front of his shops, ran away when they were stoned by a "wild and noisy crowd of about 1 000 people".

The businessman, Mr Achmat Jacob Nanabhai, said he owned a hardware store and a butchery in Reiger Park.

"I was in the shop when the trouble started on a Saturday in May. A crowd moved up the road towards my shop," he said.

"The police used three vehicles to block the road in front of my shop. The mob stoned the police with bricks,

rocks, stones and whatever they could get their hands on. The police ran away," Mr Nanabhai said.

Twenty-five people appeared before Mr H S van Heerden on a public violence charge. They all pleaded not guilty.

Mr Nanabhai (38) said he recognised one of the accused as Mr Winston Lambert. "He hit the side window of the police vehicle with something, while the policeman was trying to get away. I was standing at the door of my shop at the time.

"The mob went on past my shop to Gungadin's store and Loonat's store. They were screaming loudly. "Away with Gungadin's," and one of the people in the crowd threatened me. I later saw Loonat's store burning.

"The crowd then turned and came back towards me.

"I closed the doors of the shop. When the mob attacked, I left through the back door. I saw the crowd trying to break down the front door and I left for the police station.

"I returned later in the evening. The shelves and refrigerator had been broken and the shop looted." Mr Nanabhai said he had lost R25 000 when the shop was burned down the following Wednesday.

The 25 accused are: Mr Attie Clements, Mr Everette Clements, Mr Everette Thomas, Mr Alan de Jager, Mr Ellen Lambert, Mr Aubrey Foster, Mr Andrew B. J. Mrs Shirley Lipschitz, Mr Freddy Schubert, Mrs Lettie Januarie, Mr Sydney Minnie, Mr Dennis Phillips, Mr Tyrone Foster, Mr Jacobus Rebie, Mr Reuben S. Billy Koon, Mr George M. Mr Harry Grichardt, Mr Manay Daniels, Mrs Susan Nimrod, Mr Winston Lambert, Mr Ronald Martin, Mr Trevor Foster and Mr Jan Redcliffe, all of Reiger Park.  
(Proceeding)



# Dolinchek may bought his life

## With SA sec

MARTIN Dolinchek, the South African secret agent who took part in the abortive Seychelles coup, was closely interrogated by KGB agents in the Seychelles before he stood trial for treason in Victoria.

And he may have done a deal with them to save his life by agreeing to disclose everything he knows about South African security matters.

This week Dolinchek was jailed for 20 years while four of his companions — Aubrey Brooks, Jeremiah Puren, Roger England and Bernard Carey — also found guilty of treason, were sentenced to death despite an impassioned plea by Mr Nicholas Fairbanks, QC.

Robert Sims, who was found guilty of importing arms of war into the Seychelles, was jailed for 10 years.

Dolinchek, who defended himself, attacked apartheid in court and promised to fight against it in the future, but was, surprisingly, sentenced to 20 years.

I was unable to verify reports that Dolinchek had been separated from the others after they were sentenced on Tuesday and that

## I'll wait, says wife of condemned

MRS Di Brooks, the attractive wife of mercenary Aubrey Brooks who was sentenced to death in the Seychelles, arrived back in South Africa and vowed: "I will wait for Aubrey. I don't believe he will die. Even if he has to serve 20 years, I'll wait for him."

She brought back a postcard for Aubrey's elder son from a previous marriage for his 17th birthday next week. Brooks wrote: "Rory, you will have to fill my boots. Take care of your mum and Roy."

Rory, five, is the son of Di and Aubrey Brooks. Mrs Brooks spent her savings for the trip to the Seychelles a month ago to be near her husband for the trial.

She saw her husband, perhaps for the last time, on Friday.

"He was cheerful and told me to keep faith," Mrs Brooks said when she arrived at Jan Smuts airport yesterday.

## By DESMOND BLOW

Chief Reporter



reported in the island's only newspaper, the government-run Nation, and by the government-controlled radio.

There are strong rumours in Victoria, capital of the Seychelles, that Dolinchek will soon be released.

A barman at a hotel where army officers drank said that, before the verdict, he was told that four would be given the death sentence and

It is known that the army wants the men dead and it was this political pressure, plus pressure from other OAU countries, that caused President Rene to instruct his Attorney

There are also rumours of friction within the Seychelles Government and there is widespread fear of the army.

Those convicted at the trial are still in the care of the army despite having been sentenced. It is expected that there will be reports to Amnesty International if they are not sent to an ordinary prison soon.

But the army, no doubt,

# Court told man was shot at during riots

A YOUNG East Rand man yesterday described how a slip saved him from being shot by Transvaal Labour Party leader Mr Jack Rabie.

Mr Howard Reed (20) was giving evidence for the State in the Johannesburg Regional Court, where Mr Rabie and 24 others have pleaded not guilty to charges of public violence.

The trial is a sequel to the riots in Reiger Park in May last year, during which businessman Mr Abie Gungadin's premises and vehicles were burnt out. Several other Indian traders' premises were also destroyed.

Mr Reed, Mr Gungadin's nephew, also al-

By CHARLES MOGALE

leged that he saw schoolteacher Mr Attie Clements among a group that was setting Mr Gungadin's cars alight.

He said that on May 9 last year he was helping at Mr Gungadin's driving school in Reiger Park when he heard a loud noise outside the yard. He went to investigate and saw a crowd of about 800 people enter the yard.

He went back into the office and phoned the Boksburg police. Mr Reed said he later peeped through a window and saw several members of the crowd, including Mr Clements, setting cars on fire after

liquid had been poured over them. The people were stoning the building and vehicles, he said.

### Hid away

Mr Reed said he later saw a police vehicle in the yard and left the office in which he was hiding to run after it. He could not catch up with it.

Outside the yard, he saw two motor vehicles and thought they belonged to the police. He ran towards them but stopped when he saw one of the accused, Mrs Susan Lambberg, in one of them.

He said he saw Mr Rabie in the driver's

seat, holding a firearm. Mr Reed said he heard a shot fired but slipped "on the spur of the moment. He missed me and the bullet hit a precast wall," Mr Reed said.

Splinters from the wall entered his eyes and he immediately called back into the yard while at least three more shots were being fired. Mr Reed said the first shot was aimed at him but he did not know where the rest were aimed at.

Back in the yard, he ran to a scrap truck and hid inside it until he could escape. He said he hid in a coloured man's house for about 30 minutes until he went to the police.

The case is proceeding.

South Africa comm the death sentences on terrorists after an appeal President Rene and seen as an appeal to president to be lenient.

But there is said strong pressure on him the army for the men executed.

There are also rumours of friction within the

Seychelles Government and there is widespread fear of the army.

Those convicted at the trial are still in the care of the army despite having been sentenced. It is expected that there will be reports to Amnesty International if they are not sent to an ordinary prison soon.

But the army, no doubt,

WALL-CARPETING?

THE DUTCH

DOM 7/7/82 (731)

## Brief appearance for ANC suspects

Mail Reporter

THREE alleged members of the African National Congress appeared in the Pretoria Supreme Court for about five minutes yesterday before their case was adjourned to today.

Mr Thelle Simon Mogoerane, 23, Mr Gerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, have all pleaded not guilty to a main charge of high treason and 20 alternative counts before Mr Justice D J Curlewis and assessors.

According to the charge sheet, the alternative charges are of murder, attempted murder, robbery with aggravating circumstances, and various charges under the Terrorism Act.

On Monday the case was postponed after the judge had asked the State advocates and defence counsel to agree on seven admissions to shorten the procedure.

He asked the advocates for the admissions to avoid clumsy proceedings.

Yesterday Mr Jack Unterhalter, SC, for the three accused, said certain admissions had been agreed on, but after some alterations the document was "unsightly".

He asked for the case to continue without the written admissions being placed before the court.

However, the judge said he was not happy to start the case without the admissions, and ruled that the case be held over until today.



# Father tells of flight from mob on the rampage

By Michael Tisson

A former manager of a clothing store in Reiger Park told a Johannesburg magistrate yesterday "only God knows" how he escaped when about 1000 people stoned and burned his shop in May last year.

Mr Kabdul Hajee said that during unrest in the township he was serving customers at Tip Top clothing store when he saw a noisy crowd burning cars parked outside a businessman's shop further up the street.

Mr Hajee said he saw the crowd being addressed by two people. He identified them as Mr Billy Klou and Mrs Ellen Lambert.

Mr Klou and Mrs Lambert were two of the 25 appearing on a public violence charge. They all pleaded not guilty.

"I could not hear them speak but I could see from their hand actions they were addressing the crowd. Then my

shop was stormed. I was terrified.

"Mr Derrick Tree was in front of the crowd and he pointed at my shop. I grabbed my three children, who were on the stoep, and ran inside.

"As I banged the door closed the shop was stoned. We escaped through the back door and went to a supermarket in the shopping complex. We locked ourselves in the yard," Mr Hajee said.

"We pushed the zinc wall down and ran away. We hid in a nearby house after the family let us in. The mob looted the shopping centre. We then left after dark. When I returned the next day there were only ashes left. All the shops had been burnt down," Mr Hajee said.

Another witness, Mr Howard Reed, said he was working at a driving school when he noticed a crowd burning cars. He hid in a

scrap car and later saw two cars stopping nearby.

He thought the occupants were policemen and approached the cars. He said he saw Mr Jacobus Rabie holding a firearm in one. As he ran away he heard three or four shots being fired.

The 25 accused are: Mr Attie Clements, Mr Everette Clements, Mr Everette Thomas, Mr Alan de Jager, Mrs Ellen Lambert, Mr Aubrey Foster, Mr Andries Botha, Mrs Shirley Lipschitz, Mr Freddy Schubert, Mrs Lettie Januarie, Mr Sydney Minnie, Mr Dennis Phillips, Mr Tyrone Foster, Mr Jacobus Rabie, Mr Reaben Selinda, Mr Billy Klou, Mr George Martin, Mr Harry Trichardt, Mr Manny Daniels, Mr Derrick Tree, Mrs Suzan Nimrod, Mr Winston Lambert, Mr Reginald Martin, Mr Trevor Foster and Mr Jan Redcliffe, all of Reiger Park.

The case continues.



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8 RAND DAILY MAIL, Wednesday, July 7, 1982

# Trader tells of ordeal of unrest

By MIKE LOUW

AN ASIAN trader had to evacuate his children to safety when a mob stoned his shop in Reiger Park, near Boksburg, a Johannesburg Regional Court magistrate was told yesterday.

Mr Kabbul Hajee told Mr H S van Heerden "Only God knows what was happening."

Mr Hajee was giving evidence in the trial of the Transvaal leader of the Labour Party, Mr Jac Rabie, and 24 others, charged with public violence.

The State alleges they threw bottles, stones and tins at Indians, their homes and businesses at Reiger Park between May 2 and 9 last year.

They have all pleaded not guilty.

Mr Hajee said he had been manager of a shop in the township. He had seen a rowdy crowd and noticed cars burning.

He had begun to panic when the crowd moved towards his shop. His two sons and a nephew were outside.

He told the court he took the children inside

and closed the door as the crowd began stoning the shop.

After taking the children to a coloured family, he had seen his shop burning. He estimated damage at R50 000.

Mr Howard Reed told the court he was working at a driving school when he saw people burning about 12 motor vehicles on the premises and then set fire to the building.

He had seen Mr Rabie holding a firearm inside a parked car. He later heard shots.

Appearing with Mr Rabie are Mr Attie Clements, Mr Everette Clements, Mr Everette Thomas, Mr Alan de Jager, Mrs Ellen Lambert, Mr Aubrey Foster, Mr Andreas Botha, Mrs Shirley Lipschitz, Mr Freddie Schubert, Mrs Lettie Januarie, Mr Sidney Minnie, Mr Dennis Phillips, Mr Tyrone Foster, Mr Ruben Celinda, Mr Billy Klou, Mr George Martin, Mr Harry Trichardt, Mr Manny Daniels, Mr Derrick Tree, Mrs Susan Nimrod, Mr Winston Lambert, Mr Reginald Martin, Mr Trevor Foster and Mr Jan Redcliff. All are from Reiger Park.

The trial continues today.

Chief Buthelezi

Chief Buthelezi said the king wished to "share his agony on the proposed excision with his people" and to seek their guidance.

He said the king had asked him last year to appeal to Zulus to help in bearing costs for a tombstone on King Dingaan's grave in the Nyawo tribal area in Ingwavuma. This matter had now become "extremely urgent".

"At least we can construct the tombstone on King Dingaan's grave without having to go through a foreign state," he said.

Diplomats

● A Durban correspondent reports that foreign diplomats and journalists are expected to attend the mass meeting

In Durban. Zulus are already organizing buses for the event. Some said they would be at the royal kraal even if they had to walk. Schoolchildren, many of them members of Inkatha Youth Brigade, are keen to visit their king.

Zulus on the Reef have also indicated that they will go to Natal to hear their king express his views on the Ingwavuma excision.

## Cape Times Watchdog

Readers with complaints regarding retail or wholesale trading or professional practices are asked to ring Watchdog ☎ 22-4632 between 9am and 12 noon, Monday to Friday, or write to PO Box 11, Cape Town, 8000.



## SA man dies in Spain

BARCELONA. — Mr Abe Imerman, a 68 year-old Johannesburg outfitter who came here to watch the World Cup, has been killed in a motor accident.

Mr Imerman was killed when travelling from Barcelona to the Costa Brava holiday resort of Loret in a car driven by his son-in-law, Mr Charlie Franks.

Mr Franks and a third

South African, Mr Unky Zangwill, a Kyalami bowler, were both taken to hospital unconscious and treated for cuts and abrasions. Mr Franks had a throat injury.

It was the third fatal motor accident involving an overseas visitor to the World Cup.

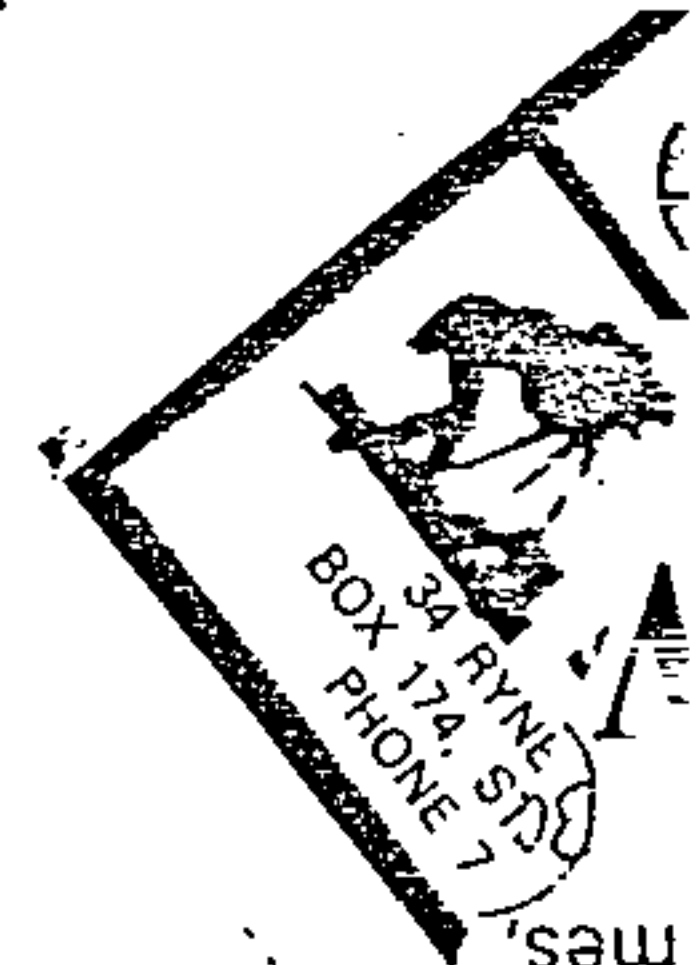
● Match previews, colour picture, back page

TOMATO

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Look at today	18	Business	12 & 13	Editorials ...	10	Transport ...	18	Cape Times, Box 11,
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POLY

D. Dispatch

7/18/82  
Fort  
Hare  
trial

2/3  
331  
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ZWELITSHA — The Fort Hare trial is to be heard in the Supreme Court here following a magistrate's ruling yesterday that a lower court could not decide on the validity of Proclamation R252.

Defence counsel for the 20 accused, Advocate T. K. Moerane, has argued that the proclamation, cited in two of three counts the accused face, was repealed by the Constitution Act of 1981 and no longer forms part of Ciskeian law.

The accused are charged on count one with public violence, while count two alleges they attended an unlawful meeting and count three refers to unlawful statements and acts threatening people or property.

The case arises from disturbances on the Fort Hare University campus at graduation on May 1 this year.

It was postponed provisionally yesterday until August 9 when a date for the Supreme Court hearing will be decided.  
— DDR.



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# Unsightly documents delay treason trial

*D. Dispatch*  
*7/7/82*  
*331*

PRETORIA — Three alleged members of the African National Congress were in the dock for about five minutes in the Supreme Court here yesterday before their case was postponed to today.

Mr Thelle Simon Mogoerane, 23, Mr Gerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, have pleaded not guilty to a main charge of high treason and 20 alternative counts.

According to the charge sheet, the alternative charges are murder, attempted murder, robbery with aggravating circumstances and charges under the

Terrorism Act.

On Monday the case was remanded after the judge had asked the state advocates and the defence council to meet and agree on admissions to shorten the proceedings.

Mr Jack Unterhalter, SC, for the three accused said the defence and the state advocate had come to an agreement on certain admissions. These were in writing, but after some alterations the documents were "unsightly."

He asked the court to proceed with the case, after which he would hand in the written admissions.

Mr Justice D. J. Curle-

wis, replied he was not happy to start the case without the admissions and added that, according to the Criminal Procedure Act, he ought to ask the accused for the admissions.

He had asked the advocates for the admissions to avoid clumsy proceedings.

The judge said the admissions would save days or even weeks of hearings. He added because there was no compelling reason to call state witnesses the case could be postponed to today.

Colonel H. D. Stadler of the Security Police here is to be called for expert evidence by the state. — DDC.



# Court told of ANC arrest

Argus Correspondent

PRETORIA. — A former member of the African National Congress turned security policeman told the Supreme Court today of the arrest of one of the alleged attackers on the Orlando and Moroka police station and the Capital Park sub station.

The man, who may not be identified, said he arrested Mr Marcus Thabo Motaung, 27, of Stinkwater on May 1 this year.

Mr Motaung, together with Mr Jerry Semano Mosololi, 25, and Mr Thelle Simon Mogoerane, 23, have pleaded not guilty to a charge of high treason and 20 alternative charges of murder, attempted murder, robbery and charges under the Terrorism Act.

## IN PLASTER

The man said he went with an unnamed man who was in plaster, to prevent him from running away, to a shop in Stinkwater. As they approached the shop they saw Mr Motaung leave with a second man called Jabu.

Mr Motaung and the man in plaster recognised each other and Mr Motaung walked towards them. The witness said Mr Motaung spoke to the man with him, saying that he had been to his house, where he was told that the man had been arrested.

Mr Motaung asked him how he had escaped.

The witness said he heard the police car approaching and took out his service revolver and told Mr Motaung he was arrested.

## SHOT FIRED

Mr Motaung tried to grab the revolver and the witness fired a shot, hitting Mr Motaung in the stomach. He said he fired as he was not sure whether Mr Motaung was armed or not.

The first time he met Mr Motaung was when he arrested him.

The witness said he met Mr Mogoerane and Mr Mosololi at ANC camps in Angola and Mozambique.

He met Mr Mosololi at a military training camp in Angola. Mr Mosololi was a member of the group of people who had already received training and who left for East Germany for further training.

(Proceeding)

# Rembrandt to fight Fedmyn

Argus Correspondent  
JOHANNESBURG. — Rembrandt is to contest in court the appointment of three additional Sanlam-nominated directors to the Federale Mynbou board.

The company's headquarters in Stellenbosch today confirmed that proceedings would shortly be

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LESS than 24 hours after the Administration Board to erect temporary shelters next to the former No. 1 mushroomed near Crossroads. By last night the camp consists of 12 tents and the other structures, an assortment of material, includ

ARGUS 7/7/8

# Evicted s in tempo

THE year-long struggle by about 700 squatters for legal status in the Western Cape took a new turn yesterday when about 100 of them were granted permission by the Administration Board to erect temporary homes near Crossroads.

The site is about 30 metres from the No-Name squatter camp where their battle to live legally in the Western Cape with their families started.

The squatters were granted permission to erect shelters after they were evicted from the grounds of the Holy Cross church in Nyanga.

They were asked to leave because the church, which had accommodated them for three months, felt it was the Government's responsibility to house them.

The decision to allow the people to move to another site follows a

hous and representatives tion of the squatters. site

The commissioner said permission had been given to erect tents only. Plastic material could be used, however. prom to ins tion

The squatters were told that a request to erect temporary wood and iron structures would be considered. The

The people moved last night, and by early today a small squatter settlement had mushroomed. Dr

About 200 more of the 700 squatters being considered for legal status in the Western Cape joined

# Rail strike clogs roads

LONDON. — Eleven km traffic jams clogged main roads into London on the fourth day of a national rail strike today, but thanks to rebel train engineers, State-owned British Rail managed to operate one-third more trains than yesterday.

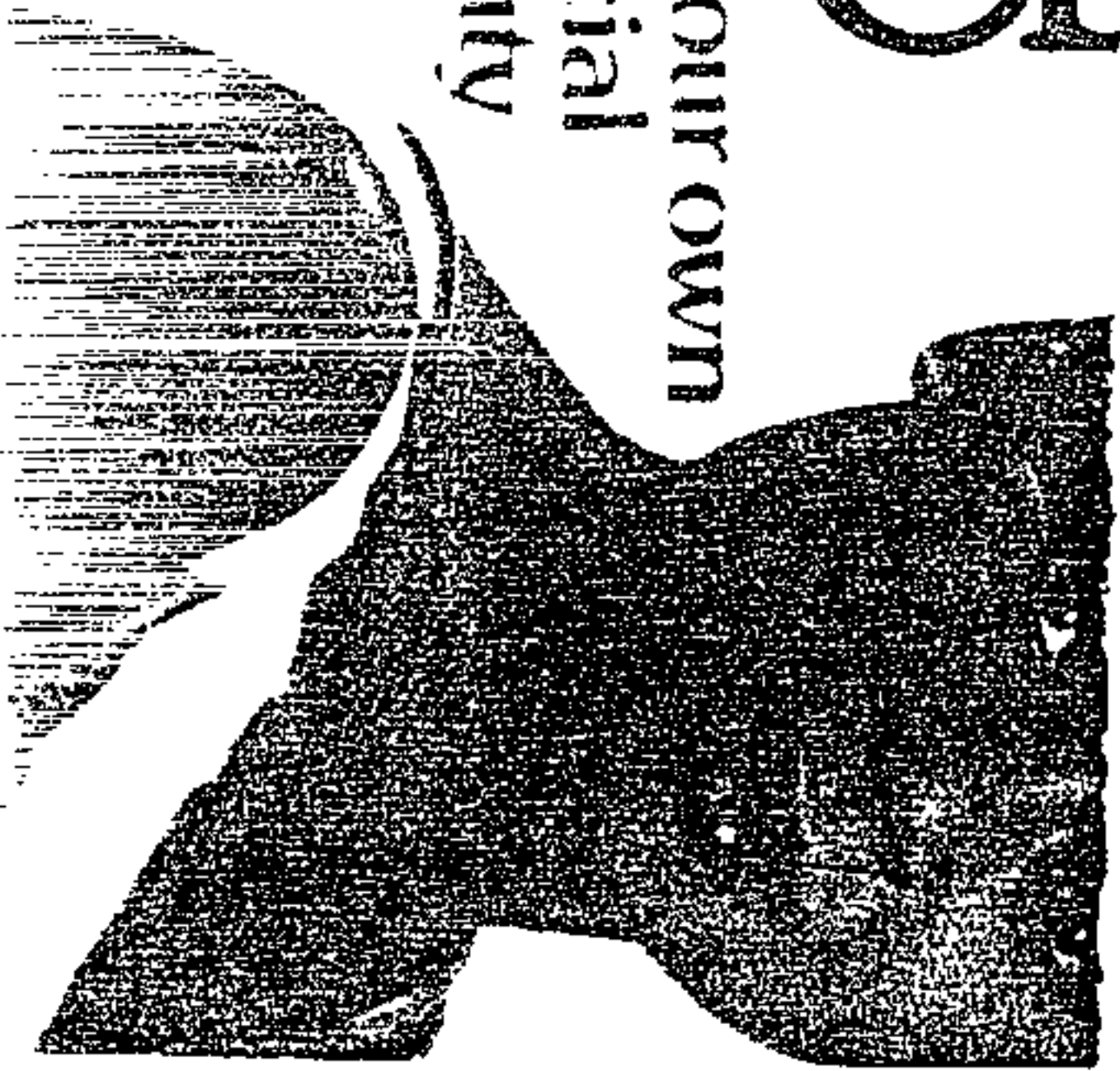
"It's more motoring misery for thousands of drivers today and there seems no alternative but to just sit it out," said a Royal Automobile Club spokesman, reporting the worst traffic hold-ups of the week. "Driving times are being trebled," he added.

Britain's strikebound rail network hoped to operate about 10 percent of normal services thanks to engineers who showed up for work in defiance of their union, which is protesting against plans to introduce flexible work shifts.

By 8 am a total of 345 trains — up 32 percent from yesterday's 262 in the same period — were on the tracks. British Rail reported, although this was still 90 percent fewer than normal.

Sir Peter Parker, chairman of British Rail, said nobody could win the strike. — Sapa-AP





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Page 2

SOWETAN, Thursday, July 8, 1982

**COURT TOLD**

# Defector shot ANC trialist

A FORMER member of the banned African National Congress, who has since defected to the South African Security Police, gave evidence on how he twice shot at one of the three treason trialists who appeared before the Pretoria Supreme Court yesterday.

The State witness cannot, however, be identified in accordance with a court ruling by Mr Justice D Curlewis, who ordered that his evidence be heard in camera.

Mr Thelle Simon Mogoerane (23), of Vosloorus, Boksburg, Mr Jerry Semano Mosololi (25) and Mr Motaung (27), of Diepkloof in Soweto, have all pleaded not guilty to charges of high treason and 20 alternative charges that include four of murder and 10 of attempted murder, five counts under the Terrorism Act, and robbery with aggravating circumstances.

**By MONK NKOMO**

Mr X told the court that, after receiving information that the third accused, Mr Marcus Thabo Motaung, was at Stinkwater, Hammanskraal, near Pretoria, on May 1 this year, he travelled together with another person whose leg was in plaster with a radio transmitter strapped around his body.

They were accompanied by a few other Security Policemen.

Together with the radio-transmitter-clad man, Mr X said, they alighted from a van and

went in the direction of certain shops as planned. They saw the accused in the company of a certain Jabu.

Mr Y, who carried the transmitter, tried in vain, according to Mr X, to communicate with the "major" who was in the car. The radio, said Mr X, did not function properly. Mr Motaung then came to them and discussed how he had escaped an attempted arrest, the court heard.

Mr X said he then heard the sound of the van they were travelling in. He produced his ser-

vice revolver and Mr Unterhalter, SC, ordered Mr Motaung to walk towards the van. He said Mr Motaung tried to grapple for the gun and "I shot him twice before he was arrested".

Meanwhile, Mr Justice D Curlewis, the presiding judge, yesterday deplored and described as "irresponsible" a court report that appeared in a Johannesburg-based Afrikaans morning newspaper on Tuesday.

Mr Justice Curlewis was reacting to complaints from Mr Jack Unterhalter, SC, for defence, that Beeld had, in their Tuesday report, stated that the three accused had sung ANC songs at the beginning of their trial.

In their report, Beeld had stated that the three alleged ANC members who were allegedly involved in attacks on police stations in Woonderbospoort, Mook, and Orlando and the Capital Park power station "sang the ANC song" at the beginning of their trial.

**By  
MZYKAYISE  
EDOM**

'cardboard "walls" of the shack, setting it alight.

He said: "Immediately after the fire had

started, I rushed outside to get water to put it out. By the time I returned with a bucket of water, the house and three shacks were already on fire. The heat was so fierce that I was forced to retreat."

By yesterday afternoon, families and neighbours were, still busy clearing the debris, while other members of the family were busy collecting material to erect new shacks. Most of the families have now been accommodated in the three shacks that were not destroyed by the fire.

A FOUR-MONTH-OLD baby was burnt to death in Katlehong when a house and eight backyard tin shacks were destroyed by fire.

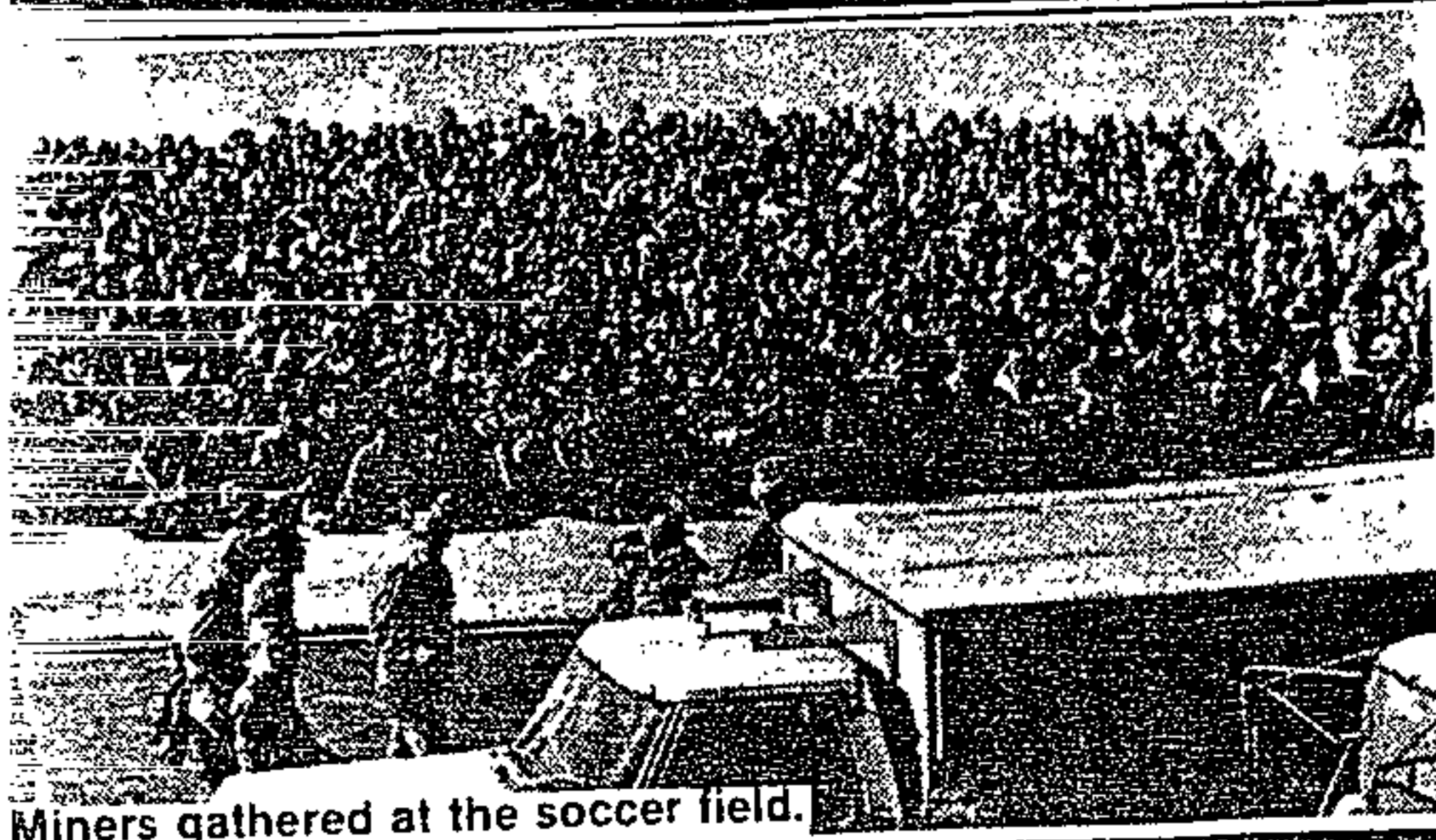
Thandeka Nkosana, of 557 Skhosana Section, was asleep in the house when a fire, which started in a shack and later spread to seven other shacks, including the house, destroyed all the furniture and clothing, causing damage estimated at

more than R15 000.

## Cape squatters win

temporary wood-and-iron structures. The





Miners gathered at the soccer field.

## Arrested

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## Whites 'against' blacks

WHITE miners were "against" black miners, and if they did not like the jobs they were allowed to do on "white" South African mines they should go and look for jobs in their own homelands, Mr Arrie Paulos, secretary of the all-white Mine Workers' Union, told a radio interviewer yesterday.

Mr Paulos said that the black miners came to "white South Africa" because their "countries" could not provide them with jobs, and, if they were not happy with the jobs given them on the mines, they could go back to their countries.

Asked whether he did not believe that black miners were needed on the mines. Mr Paulos said they were needed, but they should do only the jobs given to them.

He said that white miners were "against blacks" who had come from "their countries" to work on the mines in "white South Africa".

Mr Paulos was being interviewed on the settlement between the Chamber of Mines and his union, which had been due to hold a strike ballot yesterday. The ballot was called off after the Chamber of Mines offered a "compromise" 12 per cent increase to the white miners.

## Witness tells of death threats

A STATE witness yesterday told of death threats if he revealed "certain things" about 25 Reiger Park residents.

Mr Howard Reed told a Johannesburg Regional Court: "Last night I received an anonymous call threatening me. I received another call from the same person this morning."

He said this at the end of his cross-examination by Mr Eric Dane for the defence.

Among the accused appearing before Mr H S van Heerden on charges of public violence is the Transvaal Labour Party leader, Mr Jack Rabie.

All 25 have pleaded not guilty to the charges arising from the uprising in Reiger Park last May.

An Indian trader, Mr Moosa Bham, told the court that on the afternoon of the uprising he had been attracted by a loud noise outside his shop. He had seen community leader Mrs Susan Lambberg, one of the accused, addressing a large crowd. A crowd later had come back to his shop and started stoning it.

He had left the shop by a back entrance and run to the Boksburg police station.



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"I was kicked in my back and fell on top of him. I was frightened and remained lying on my stomach. After two of the men had entered the police station, I crawled on my hands and knees to a car where I hid in the shadows," said Mrs Macu.

Mr Thelie Simon Mogerane, 23, Mr Jerry Semano Mosololi, 25 and Mr Marcus Thabo Motaung, 27, pleaded not guilty to high treason, murder, attempted murder, armed robbery and contaventions under the Terrorism Act.

The trial continues today.

All her husband, Constable Bongani Brian Thembe, had a chance to say was "how." He was

(331)

# ANC men jailed for five years

*[Signature]*  
Court Reporter 9/7/82

THREE members of the banned African National Congress were each jailed to an effective total of five years by Mr H S van der Walt in the Durban Regional Court yesterday for contravening the Terrorism Act.

Before Mr van der Walt were Fana George Sithole, Jabulane Ngcobo and Titi Mtenyane. They had pleaded not guilty to all the counts.

It had been alleged by the State that they encouraged people to leave South Africa to undergo military training and that they were guilty of conspiring to commit acts of violence and sabotage in the Republic.

Ngcobo was found not guilty on one of the counts at the close of the State case.

Sithole and Mtenyane were both found guilty on two counts of contravening the Terrorism Act and jailed for five years on each count but Mr van der Walt ordered that the sentences he had imposed run concurrently.

Ngcobo was jailed for five years on the one count of which he was found guilty.

In addition Sithole was jailed for 30 days on each of 15 counts of contravening the Internal Security Act by breaking the terms of his banning order.

Mr A Ackerman appeared for the State and Mr A Wilson, SC, for the three accused.

# Witness tells of rioting

*331*  
*Sowetan* 9/7/82  
A SHOP manager was forced to squeeze through a fence to avoid being hurt by a riotous mob that attacked his shop, a Johannesburg regional court heard yesterday.

Mr Idris Bham was testifying before Mr H S van Heerden at a trial in which 25 Reiger Park residents are charged with public violence.

Among the accused is the Transvaal Labour

Party leader, Mr Jakobus Rabie. All have pleaded not guilty to the charges arising from the riots in Reiger Park in May last year.

Mr Bham told the court that on the day of the riots he was in a shop that he was managing when he heard a noise outside. He went to investigate and saw a large crowd charging his store.

He and other employees ran to the back yard and he managed to escape by squeezing through a hole in a fence. He saw some members of the crowd looting while others watched.

He left Reiger Park and returned only three months later to find the whole business complex from which he was operating burnt down.  
Proceeding.



# General not in favour of secret trials

ARGUS 9/7/82

331

IN an SABC television interview on May 5, 1982, the head of the Security Police, Lieutenant-General Johan Coetzee, said that because of the propaganda value inherent in political trials and the exploitation of these cases by elements dangerous to the State, he sometimes wondered whether "the time had not arrived when alternative mechanisms for security trials should be considered."

On May 28, 1982, a report and a commentary in Weekend Argus said that General Coetzee had contemplated the holding of secret political trials. On May 11, 1982, The Argus published a statement by General Coetzee in which he denied that

he was in favour of secret political trials.

He was quoted as having said that what he had in mind in his television interview was a commission of inquiry or an investigation by the Department of Justice, adding that he had not stated that he was in favour of secret political trials. This clarification was again published on May 12.

The Argus accepts General Coetzee's assurance that the published interpretation of his remarks on television was erroneous. The report and commentary were published in good faith and The Argus regrets any embarrassment caused to General Coetzee.

# Policeman: <sup>sta</sup> <sup>(331)</sup> I was shot <sup>7/7/82</sup> as I clawed way up wall

Own Correspondent

"I clawed the wall with my hands in an attempt to get out when I saw a shadow behind me and felt pain as I was shot," a policeman told the Pretoria Supreme Court yesterday.

Constable Ernest Nkosi was testifying before Mr Justice Curlewis and two assessors at the trial of Mr Thelle Simon Mogorane (23), Mr Jerry Semano Mosololi (25) and Mr Marcus Thabo Motaung (27) who have pleaded not guilty to charges of high treason.

They have also pleaded not guilty to alternative charges of murder, attempted murder, armed robbery and contraventions of the Terrorism Act.

The charges link the men to rocket and grenade attacks on the Orlando, Moroka and Wonderboompoort police stations, a Capital Park electrical substation and an attack on the New Canada railway line.

Constable Nkosi said he had been on duty at the Moroka police station in Soweto on May 3 1979. About 9.15 pm he had heard shots.

A man had run into the charge office shouting:

"Terrorists are here."

"I ran away because I was not armed. I ran into the cells courtyard. I clawed the wall with my hands in an attempt to get out when I saw a shadow behind me and felt pain as I was shot.

## EXPLOSION

"I fell to the ground. The man fired two or three shots more at me where I was lying. I just lay still.

"Then I saw a hand-grenade explode."

Constable Nkosi said he had jumped over the wall when things had quietened down.

Mrs Sibongile Anna Macu said she had been with her husband at the police station's main gate when she had seen three men jogging towards them.

"When they reached us they suddenly stopped and said, 'Hands up, Police'."

## KICKED

All that her husband, Constable Bongani Brian Thembe, had had the chance to say was, "How?" He had been shot, his hands still in the air.

Constable Thembe had been the gate watchman. He died the

following day in hospital.

Mrs Macee told the court: "I was kicked in the back and fell on top of him. I was frightened and stayed lying on my stomach.

"After two of the men had entered the police station, I crawled on my hands and knees to a car, where I hid in the shadows."

The third man had kept watch outside the station. One of the men had come outside again and spoken to him.

He had then gone inside again.

Immediately afterwards she had heard an explosion. Flames had leapt up from the charge office.

## PAPERS

The men had come outside and had handed a bundle of papers to a man called Sam Sangweni who had arrived during the attack.

The men had then left in a car. She had not seen their faces in the darkness.

Captain Deon J Greyling, of the Johannesburg Security Police, said he had found an unexploded hand grenade of Russian origin near the main gate of the police station.

He had later destroyed the grenade because it had been dangerous.

The records room of the police station had been burnt to the ground and a grenade had also exploded in an office.

The hearing continues today.

# Court told how cop was killed

331

Sowetan  
9/7/82

A PRETORIA Supreme Court heard yesterday how Constable Brian Tembe had been with his common-law wife when they had suddenly been confronted by three armed men who had forced them to raise their hands before fatally shooting him at the entrance of Moroka police station on the night of May 3 in 1979.

Mrs Sibongile Anna Macu, Constable Tembe's common-law wife, was giving evidence before Mr Justice D. Curlewis, during a case in which three alleged members of the banned ANC have pleaded not guilty to charges of high treason, and 20 alternative charges that include four murders, 10 attempted murders, five counts under the Terrorism Act, and robbery with aggravating circumstances.

Miss Macu said the three armed men, who appeared to have been jogging, suddenly stopped before them and shouted, "Hands up, police". They both raised their hands and Constable Tembe was shot dead while she was kicked in the back.

The two men, she added, stormed into the police station while one of the men stood guard at the gate. However, she managed to crawl on her knees to hide next to a nearby light delivery van.

By MONK NKOMO

## ATTACKED

Mr Thalle Simon Mogoerane (23), of Vosloorus, Boksburg, Mr Jerry Semano Mosololi (25), of Dube, Soweto, and Mr Marcus Thabo Motaung, of Diepkloof, Soweto, are alleged to have attacked the Moroka and Orlando police stations on May 3 and November 1, 1979, respectively, and the Capital Park power station in Pretoria on December 14, 1981.

They are also alleged to have attacked the Wonderboompoort police station on December 26, and the railway line between New Canada and Mzimhlophe stations on May 24 last year.

Constable Ernest Nkosi told the court yesterday that he was on duty at Moroka police station on May 3, 1979, when there was a sudden hail of bullets and continuous machine-gun fire at about 9.15pm. Somebody, he said, stormed into the office and shouted "terrorists", and he ran out of the office.



9/7/82 (331) RDM

## Three ANC men jailed for five years

Mail Correspondent

DURBAN. — Three members of the banned African National Congress were each jailed for an effective total of five years by Mr H S van der Walt in the Durban Regional Court yesterday for contravening the Terrorism Act.

Appearing before Mr van der Walt were Fana George Sithole, Jabulane Ngcobo and Titi Mtenyane.

They had pleaded not guilty to all charges.

It was alleged they encouraged people to leave South Africa to undergo military training and conspired to commit acts of violence and sabotage in the Republic.

Ngcobo was found not guilty on one count at the close of the State case.

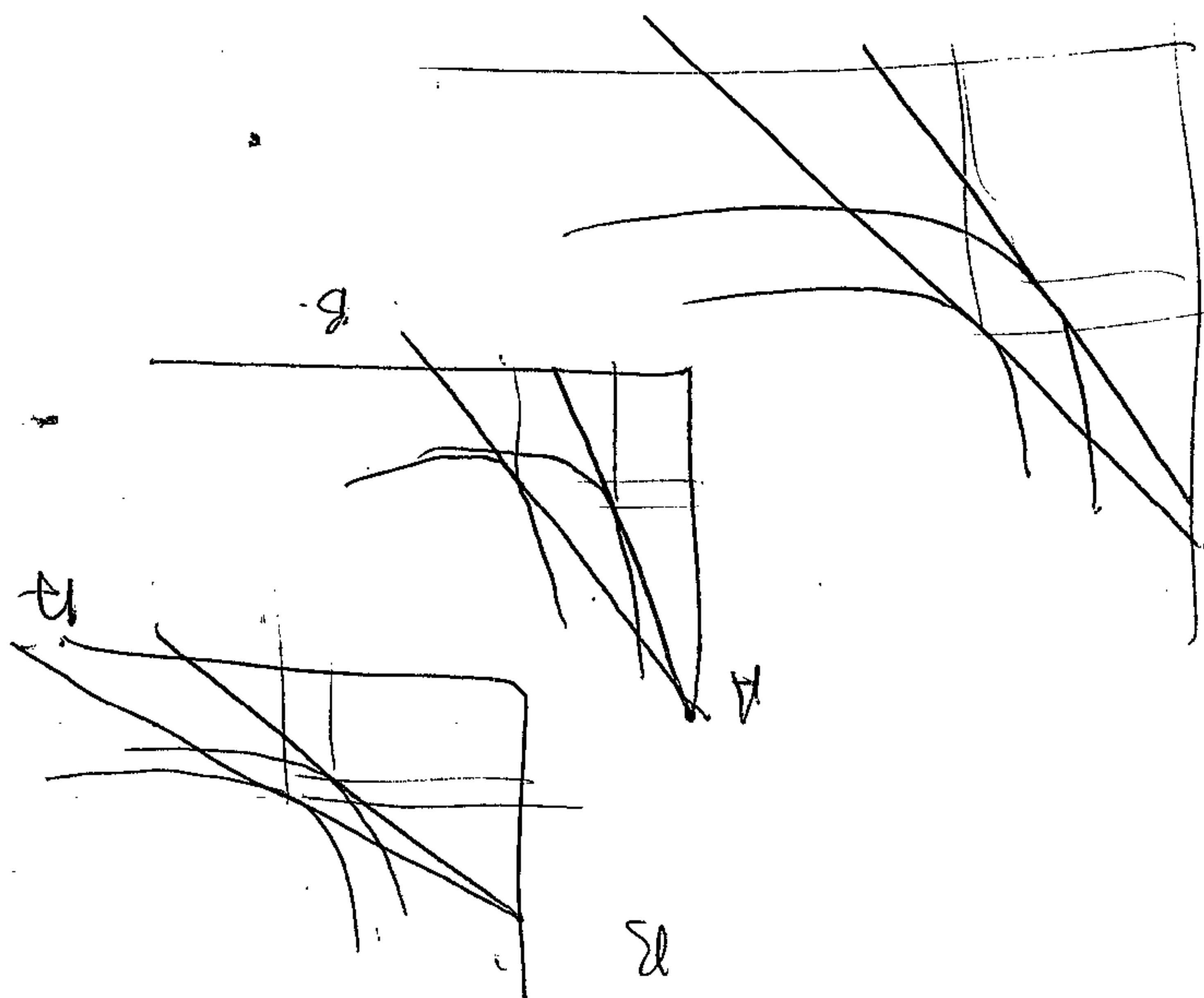
Sithole and Mtenyane were both found guilty on two counts of contravening the Terrorism Act and were jailed for five years on each count, the sentences to run concurrently.

Ngcobo was jailed for five years on the one count.

In addition Sithole was jailed for 30 days on each of 15 counts of contravening the Internal Security Act by breaking the terms of his banning order.

Mr A Ackerman appeared for the State and Mr A Wilson, SC, for the three accused.

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# ANC men jailed for five years

33/ Mercury Court Reporter 9/7/82

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Before Mr van der Walt were Fana George Sithole, Jabulane Ngcobo and Titi Mtenyane. They had pleaded not guilty to all the counts.

It had been alleged by the State that they encouraged people to leave South Africa to undergo military training and that they were guilty of conspiring to commit acts of violence and sabotage in the Republic.

Ngcobo was found not guilty on one of the counts at the close of the State case.

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Ngcobo was jailed for five years on the one count of which he was found guilty.

In addition Sithole was jailed for 30 days on each of 15 counts of contravening the Internal Security Act by breaking the terms of his banning order.

Mr A Ackerman appeared for the State and Mr A Wilson, SC, for the three accused.



# Court asked to release 15 detainees

331  
10/7/82

Own Correspondent

KIMBERLEY — Judgment was reserved yesterday on the urgent application made in the Northern Cape Division of the Supreme Court for the release of 15 of the 19 detainees in the Kimberley terror trial.

The application was made by the parents or relatives of the 15 detainees. The applicants were Mr A Thuntsi, father of Mr Arthur Mafisto Thuntsi, and 14 others.

The mother of a detainee was called by Mr A B M Wilson, SC for the applicants to testify that her child was under age as he was

born on May 1 1962.

Mr Justice H R J cobs said there were no facts on why the application was so urgent. The case had been going on for more than a year. Witnesses had been required to give evidence for two to three weeks and longer.

Mr Wilson said the application was urgent because the detainees had been wrongly detained since close of the State case.

Mr Wilson submitted that the 15 detainees were still being held when the reason for their detention had fallen away and the authority granted in terms of the statute no longer existed.

The detainees are being held in custody in terms of section 12 B of the Internal Security Act which authorises the detention of "any person likely to give material evidence for the State in any criminal proceedings."

## DECLARATORY

Mr Wilson said that the applicants were not asking the court to rule that these were not such persons. They were asking for a declaratory order. The Attorney-General would act on such an order.

A further submission was that it was the intention of the defence to call the 15 detainees and other witnesses to rebut the evidence given by State witnesses.

Mr Wilson also submitted that any further detention of the detainees would hinder the preparation of the defence case.

An affidavit from the acting attorney-general, Mr Gey van Pittius, stated that the court did not have jurisdiction to make a declaratory order or release from custody any person detained under sub-article 1 of the Internal Security Act, No 44 of 1940.

# Witness admits lies to police

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10/7/82

A witness at the trial of 25 residents of Reiger Park, Boksburg, charged with public violence, admitted yesterday that he had made a false statement to the police.

Mr Lullchan Gungadin was giving evidence in the Johannesburg Regional Court.

The accused have all pleaded not guilty.

Mr Gungadin said he, his brother Abie, and his father were summoned to the Boksburg Police Station on May 9 last year. They were told to sit on the floor behind the charge office counter while police talked to a crowd of coloured people who were insisting that the Indians be charged.

Mr Gungadin said he overheard Mr Jacobus Rabie, the Transvaal leader of the Labour Party and one of the accused, say: "They're locked up. They won't get bail."

Another man replied: "I'm ready. Let's go."

The Gungadins were released two days later and returned to Reiger Park to find that their businesses had been burnt down.

Under cross-examination by Mr Eric Dane for the accused, Mr Gungadin admitted that he had not mentioned the conversation in a statement he made to police.

Mr Dane also put it to him that he had named many people in the statement that he had not mentioned in court.

"Everything was so mixed up. I couldn't think straight," Mr Gungadin said.

Pressed by the magistrate, he admitted the statement had been false.

Mr Dane: "It's clear that you sucked these names out of your thumb."

Mr Gungadin: "Yes."

(Proceeding)



PRETORIA — Two policemen were shot dead during an attack on the Orlando police station six months after the fatal shooting of another policeman at a different police station.

This was evidence given before Mr Justice D. J. Curlewis and two assessors in the Supreme Court here when Mr Thelle Simon Mogoerane, 23, Mr Jerry Semalo Mosololi, 25, and Mr Marcus Thabo Motaung, 27, appeared on a charge of high treason and 20 alternative charges of murder, attempted murder, robbery with aggravating circumstances and contravention of the Terrorism Act.

The hearing was postponed to Monday after Mr J. F. Pistor, for the state, told the court yesterday that the state had called its witnesses

# <sup>331</sup> Court told shot policeman not armed

so fast that there were no more ready.

The state alleges the accused are members of the banned African National Congress, that they attacked the Orlando police station on the night of November 1, 1979, and sabotaged railway lines between Soweto and Johannesburg on the night of May 24/25, 1979.

During an attack on the police station, Constable Christopher Zibi and Student Constable Ntsieni Jerry Musindane

were shot dead.

Constable Good-enough Dyantjie and Mr Sipho Moses Zungu were injured.

Sergeant Willoughby Kazina said he went on duty at about 8 pm at Orlando and was outside the police station settling an argument between Mr Musindane and another policeman when the shooting started.

As they ran towards the police station, Mr Musindane, who didn't carry a firearm, was shot.

Inside the station, he found Constable Zibi covered in blood, Sgt Kazina said.

He said the three men who attacked the police station had carried rifles which looked like AK-47s. He said he had not been armed.

Mr Zungu described a bomb blast which ripped off the roof of the office while he was laying a charge of robbery. He was injured in the leg.

An explosives expert with the South African Railway Police, Captain P. Fourie, told the court he had found timing devices along railway lines between New Canada and Soweto.

Earlier the court was told how three armed men attacked the Moroka police station, where Constable Eogani Brian Tembe was shot dead. — DDC.

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# Court hears of AK attack on Orlando Police Station

TWO policemen were killed and another injured when Orlando Police Station was attacked by three men armed with AK47 assault rifles on November 11, 1979, the Pretoria Supreme Court was told on Friday.

Sergeant Willoughby Kazina told the court that Student Constable Ntseni Msindane had been shot dead trying to run for cover, and that Constable Christopher had died in Baragwanath Hospital from chest wounds after a sudden explosion and machine-gun fire had

raked the police station at about 9pm.

He added that Constable Thami Gode-nough Dyantjie had been shot in the right knee.

Sgt Kazina was giving evidence before Mr Justice D Curlewis, sitting with two assessors, during the trial of three alleged members of the banned ANC, who have pleaded not guilty to charges of high treason and 20 alternative charges including four murders, 10 attempted murders, five counts under the Terrorism Act, and robbery with aggravat-

ing circumstances.

He said he was on duty that night when there was a sudden burst of machine-gun fire at the police station. Msindane and Msibi ran towards the kitchen for cover but Musindane was fatally shot and collapsed in the kitchen, the court heard.

Sgt Kazina said he hid in the charge office until the shooting had subsided. Then, when he peeped through the window, he saw three men armed with AK47s running away.

Constable Dyantjie, he said, limped into

the charge office after being shot in the right knee.

The court heard that Constable Zibi, covered in blood, also came into the office and immediately collapsed on top of a trunk.

He had been shot in the chest and was still alive, said Sgt Kazina, who added that Zibi died later in hospital.

Mr Mosos Sipho Zunga told the court he was in the charge office reporting a robbery when he heard a bomb explosion and the firing of bullets at

the police station. He was shot in the left leg.

Constable Dyantjie told the court he was shot in the right knee and also suffered four other wounds, which were treated at Baragwanath Hospital.

The Orlando Police Station building and a few vehicles at the premises were damaged, Sgt Kazina told the court.

Mr Jack Unterhalter, SC, assisted by Neil Tughton and instructed by attorneys Matjila and K Mokoatlheng, appeared for the three accused.

Proceeding.



# Jailed ANC man to appeal

Pretoria Bureau

A 20-YEAR-OLD man convicted last year under the Terrorism Act and the Internal Security Act in the Pretoria Regional Court and jailed for 16 years is appealing against his sentence.

David Linda Mampane is appealing because he says his sentence was not appropriate — on August 2 he will ask the Pretoria Supreme Court to set aside his sentence and impose a different one.

Mampane and three others were convicted and sentenced by Mr A G H Boucher. His co-accused were effectively jailed for 10 years.

The four were convicted of being African National Congress members and receiving military training outside the country. Mampane was further convicted of having re-entered the Republic with the intention of murdering a policeman. Mampane claims there was a disturbing difference in the sentences. The intention to kill a policeman did not "materially" affect the issue.

The court had "lost sight" of the fact he had taken no steps to kill the policeman. There was no evidence of this preparation. There was no injury to any persons and damage to buildings in the crime he was convicted of.

Mampane says although the magistrate dealt fully with the element of mercy in punishment and quoted authorities, he had not applied the principles he believed in.

The magistrate also had "overemphasised" the seriousness of the offence.

He says he was 16 years old when he left the country and was 20 when he committed the crime. He had left the country during the Soweto riots. He has no previous convictions.

# Treason trial told of blasts

ARGUS 12/7/82

331

Argus Correspondent

PRETORIA. — Five limpet mine explosions at the Capital Park sub-station plunged large parts of Pretoria into darkness, the Supreme Court Pretoria heard today.

The H F Verwoerd and Pretoria West hospitals were without electrical power for three hours on the night of December 14 last year, Mr Archibald Norval said.

Mr Norval was giving evidence in the trial of three men allegedly responsible for the sabotage of the Flower Street sub-station.

Mr Thelle Simon Mogoerane, 23, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, have pleaded not guilty to a main charge of treason and 20 alternative charges of contraventions of the Terrorism Act, murder, attempted murder and armed robbery.

Mr Andries Willem Beila, who was on duty at the Capital Park control

centre about 11 pm, testified that he heard a violent explosion in the direction of the electrical installations.

Two more explosions followed in rapid succession. Through the window he saw a pall of grey smoke hanging over the installations.

He also saw a man, who appeared to be white, carrying a firearm standing in front of the fence.

"I then heard a fourth explosion and saw sparks. I left the building and at the same time heard the last blast," he said.

## FOUR ON DUTY

Mr Beila said four people were on duty at the sub-station that night.

Mr Norval testified further that he had checked the fencing surrounding the sub-station earlier that day and it was all in order. After the blast he found three holes in the fence and said he presumed the saboteurs had entered the sub-station that way.

Damage caused by the blasts was estimated at R150 000.

## SAFETY RING

Detective Warrant Officer Roger Raven, an explosives expert, said the blasts were caused by five Russian-made limpet mines.

He had arrived at the sub-station soon after the blasts and had checked the area to see if it was safe. He found a safety ring from a limpet mine near a switch.

When the area was considered safe he allowed firemen and police into the area.

(Proceeding)



By Michael Tissong

Mrs Angel Gungadin cried in the witness box when she told a Johannesburg Regional Court yesterday how her house, dairy, livestock and poultry, collectively worth more than R155 000, were destroyed during unrest last year.

Mrs Gungadin, a former Reiger Park resident, said that on May 9 last year, she was in her house when she saw a group of people storming into the yard.

She pointed out 17 people in court and said they were part of the crowd. Twenty-five Reiger Park residents are appearing before Mr H S van Heerden on charges of public violence. They have all pleaded not guilty.

Mrs Gungadin said the people were armed with pieces of iron, pangas, bottles, tins and stones. "Mrs Ellen Lambert and Mr Jacobus Rabie stood at the gate and directed the

## Court told of cows burnt to death in shed

people to the taxis in the yard" she said.

Many of the alleged vandals were named in court by Mrs Gungadin.

"Mr Freddy Schubert was on the roof of the house and he threw petrol over it. Mr Alan de Jager noticed that I was looking at them and he threw a petrol bomb at me," she said.

"I saw someone break the window of the milk room at the dairy, and pour something inside. The room burst into flames."

Twenty-one cows died in the fire, Mrs Gungadin said.

The 25 accused are: Mr Attie Clements, Mr Everett Clements, Mr

Everette Thomas, Mr Alan de Jager, Mrs Ellen Lambert, Mr Aubrey Foster, Mr Andries Botha, Mrs Shirley Lipschitz, Mr Freddy Schubert, Mrs Lettie Januarie, Mr Sydney Minnie, Mr Dennis Phillips, Mr Tyrone Foster, Mr Jacobus Rabie, Mr Reuben Selinda, Mr Billy Klou, Mr George Martin, Mr Harry Trichardt, Mr Manny Daniels, Mr Derrick Tree, Mrs Suzan Nimrod, Mr Winston Lambert, Mr Reginald Martin, Mr Trevor Foster and Mr Jan Redcliffe.

The hearing is proceeding.

# Bleeding man hid from two armed policemen'

331

Star 13/7/82

## Own Correspondent

A Soshanguve man today told the Pretoria Supreme Court how he hid, bleeding, in the grass alongside the road after he was shot and robbed by two men posing as policemen.

Mr Frans Thobela was giving evidence for the State at the trial of three men, Mr Thelle Simon Nogoerane (23), Mr Jerry Semano Mosololi (25) and Mr Marcus Thabo Motaung (27).

The men have pleaded not guilty to charges of high treason arising from attacks on three police stations,

the New Canada railway line and the Capital Park sub-station.

Mr Thobela said he had borrowed a brown Valiant from a friend on December 25 last year. He had stopped to buy a soft drink from a cafe in Capital Park, and when he returned, he had found two men smartly dressed in suits at the car.

They told him they were policemen and asked for a lift to Soshanguve as they had to report on duty. Mr Thobela said he had agreed to give them a lift.

On the Onderstepoort road they had ordered

him to stop the car. He said he had initially refused, but when he saw a firearm aimed at him in his rear view mirror, he stopped the car and turned off the engine.

"One of the men then said: 'Don't waste time, shoot him.'" Mr Thobela testified.

"I was shot through my arm while still holding the keys. The bullet went right through my arm. I left the keys and tried to open the door when I was shot a second time.

"As I got the car door open a bullet went through my right hand ring finger. I made for the grass verge next to the car.

"I realised I was bleeding and fell to the ground. One of the men followed me. He was carrying a firearm. I lay still.

"My mouth was full of blood, but I was too scared to spit it out and attract attention to myself."

Mr Thobela said the men patrolled the road for a few minutes in the car then left.

(Proceeding)



331

331

SOWETAN, Tuesday, July 13, 1982

Page 3

# Witness tells of underground hideout

By MONK-NKOMO

Constable Piet van Wyk said that after receiving a report that there was a hole in the island he, together with two other policemen, had gone to investigate. On arrival he had gone inside the hole and found one of the accused, Mr Jerry Semano Mosololi, who had told him: "Wait, I am coming. While they had been waiting outside the hole with Mr Mosololi, they had seen another of the accused, Mr Thelle Simon Mogoerane, carrying a paper bag. The two had been arrested. The three men, including Mr Marcus Thabo Motaung, appeared before Mr Justice Curlewis, sitting with two assessors, on alleged charges of high treason and twenty alternative counts that include four murders, ten attempted murders, five counts under the Terrorism Act and robbery with aggravating circumstances. All have pleaded not guilty.

The trial took a dramatic turn when a State witness, who cannot be identified in accordance with a court ruling, emphatically denied the facts, he had earlier given in a statement that linked Mr Motaung with a Valiant car that was allegedly used when the Wonderpoort Police Station was attacked on December 26 last year.

Mr X repeatedly told the court that he knew nothing about the car and said: "I was drunk and did not make the statement voluntarily."

According to the statement which was read in court, Mr X had confirmed that he had seen Mr Motaung in a brown Valiant and the (Motaung) had told him the car belonged to his friend.

TWO of the three alleged members of the banned ANC facing charges of high treason were arrested in an underground hideout on an island in the Apies River, near a farm near Hamankraal, on December 28 last year, the Pretoria Supreme Court was told yesterday.

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# Station riddled with bullets, says SP man

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14/7/82

## Own Correspondent

The Wonderboompoort police station had been riddled with bullet holes and part of the roof had been blown up during an attack on Family Day last year, the Pretoria Supreme Court heard today.

Captain Gert Visser of the Pretoria Security Police, said he had arrived at the police station in Mayville, Pretoria, after the attack by five alleged terrorists on December 26 last year.

He had found a hand grenade of foreign origin in front of the station.

There had been bullet holes all over the walls, in the ground and inside the charge office.

A set of corrugated

iron cells at the back of the police station had been full of bullet holes.

He said he had picked up 78 AK-47 rifle cartridge shells and three live rounds.

A handgranade had exploded in the charge office.

The examination room next door had been partly destroyed by an RPG 7 rocket.

The roof had lifted with the force of the explosion.

Captain Visser was giving evidence in the trial of Mr Thelle Simon Mogoerane (23), Mr Jerry Semano Mosololi (25) and Mr Thabo Marcus Motaung (27).

The men have pleaded not guilty to charges of high treason and alternative charges arising from attacks on

three police stations, a Capital Park electricity sub-station and the new Canada railway line.

The court adjourned just before lunch today to tomorrow, when captain Visser will testify on certain matters allegedly pointed out by the accused.

The court heard yesterday that three steel trunks containing arms and ammunition had been found buried in Meadowlands and Diepkloof, Soweto.

Captain Abraham Grobbelaar said in evidence that the trunks, together with an underground base were pointed out to him in November 1980 by Bobby Tsotsobe, sentenced to death in the Pretoria Supreme Court last year for his part in the attack on the Booyens Police Station.

The first trunk had been found near the Meadowlands hostel under Soweto's Main Road. It was covered with grass and contained explosives handgrenades and 373 AK 47 bullets.

Near a dam behind the Meadowlands hostel a base was pointed out.

## HOLE

After the leaves and ground had been scraped away by Tsotsobe, a rubbish bin lid covering a hole was revealed. Captain Grobbelaar said it appeared someone had been living in the hole.

A second trunk, buried under a rubbish dump in Diepkloof contained AK47 rifles, an RPG7 rocket launcher, a set of handcuffs, gloves and handgrenades.

The third trunk had been found buried close to the Meadowlands hide-out.



# Treason trial told of bogus police hikers

29/11/82 331 ROM

A MAN yesterday told the Pretoria Supreme Court how he hid, bleeding, in the grass alongside the road after he was shot and robbed by two men posing as policemen.

Mr Frans Thobela, of Soshanguve, near Pretoria, was giving evidence in the high treason trial of Mr Thelle Simon Mogoerane, 23, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27.

The men are linked with attacks on three police stations, the railway line at New Canada and a Capital Park sub station.

Mr Thobela said he borrowed a car from a friend on Christmas Day last year. He stopped at a cafe on the corner of Paul Kruger and Flowers streets in Capital Park. When he returned he found two men at the car.

They told him they were policemen and asked for a lift to Soshanguve, as they had to report for duty. He gave them a lift.

On the Onderstepoort Road they ordered him to stop. He refused, but when he saw one of the men pointing a firearm at him, he stopped.

One of the men said: "Don't waste time, shoot him", Mr Thobela told the court.

"I was shot through my arm while still holding the keys. The bullet went right through my arm. I left the keys and tried to open the door, when I was shot a second time. As I got the car door open a bullet went through my right hand ring finger. I made for the grass verge next to the car.

"I realised I was bleeding and fell to the ground. One of the men followed me. He was carrying a firearm. I lay still. My mouth was full of blood, but I was too scared to spit it out and then attract attention to myself," Mr Thobela said.

The men patrolled the road for a few minutes in the car and then left. He was later taken to hospital.

After testifying, Mr Thobela asked the court if there was a way he could get the car back, as the owner was claiming compensation from him.

The court heard earlier that the car was found burnt out in Bophuthatswana.

A fingerprint expert said he found the prints of Mr Mosololi on a battery found at the site of the New Canada railway line sabotage.

The trial continues. — Sapa.

## SAAWU man in court

Own Correspondent

DURBAN - The general secretary of the South African Allied Workers Union, Mr Samuel Kikine, no age given, appeared briefly before Mr J J Brits in the Durban Magistrate's Court yesterday in connection with an allegation of contravening the Terrorism Act.

No charge was put to Mr Kikine and no details of the allegation were given. The hearing was adjourned to August 6, and Mr Kikine was released on bail of R500.

He has to report twice a week to the police.



# 'Cops' shot man - court told

A MABOPANE man yesterday told the Pretoria Supreme Court how he had been shot thrice at point-blank range by two immaculately dressed "policemen" who had forced him to run out of the car he had been driving and hide in the nearby growth and wait for about five minutes — scared to even cough from the blood that was in his mouth.

Mr Frans Thobela, giving evidence in the Pretoria treason trial, said he had been driving the car of his friend, Mr Aaron Menyoko, on the night of December 25 last year when he had stopped at the corner of Flower and Potgieter Streets, Pretoria North, to buy a cold drink in a cafe. When he had come out, he had found two men wearing suits waiting at the car.

The court heard that the two men had told him they were po-

licemen at Soshanguve and were late to resume their duties at 7pm. They had asked him to give them a lift after Mr Thobeka had told them he was going to Mabopane.

Mr Thobela said he had been near Onderstepoort when the two men, who were sitting at the back, had told him to pull aside and stop as they wanted to check if it was not a stolen vehicle.

When he had asked why they wanted to

had tried to take the keys out of the ignition, the court heard, a shot had been fired, which had gone through his right upper arm. He had tried to get out of the car but a second shot had been fired, hitting him just under his right arm-pit. The bullet, Mr Thobela said, had lodged in his back. A third shot, which had hit a finger of his right hand, had been fired just before he had opened the door and run.

Mr Thelle Simon Mo-  
goerane (23), of Vosloo-  
rus, Boksburg, Mr Jerry  
Semano Mosololi (25),  
of Dube, Soweto, and  
Mr Marcus Thabo Mo-  
taung (27), of Diep-

kloof, Soweto, appeared before Mr Justice D Curlewis, sitting with two assessors, for allegedly being members of the banned ANC and facing charges of high treason. Twenty alternative charges included four for murder, ten for attempted murder, five counts under the Terrorism Act and robbery with aggravating circumstances. The three have pleaded not guilty to all charges.

Mr Thobela told the court he had been bleeding through the mouth, hand and finger. He had hidden in the undergrowth and one of the women carrying a firearm had come out of the car

looking for him. "I waited for about five minutes with my mouth full of blood. I was even scared to cough," said Mr Thobela. The men had driven slowly away but had reversed twice before hooting and driving off without seeing him.

Using his knees and one hand, Mr Thobela said he had crept and stopped an oncoming PUTCO bus, which had driven him to the Pretoria North police station, from where he had been rushed to the Gankuwa hospital, where he had been operated upon, and the bullet in his back removed. **(Proceeding.)**

**Y CANDIDATE MUST** enter in n (1) the number of each question asked (in the order in which it has answered); leave columns (2) and 3k.

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es, pieces of paper or other mate-  
brought into the examination room  
ates are so instructed.

do not to communicate with other  
with any person except the invigi-

Answer book is to be torn out.

Books must be handed to the commissioner or an invigilator before leaving the

examination book (s) are used.

**Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University**

# Detention laws keep 202 in jail

By Carolyn Dempster

There are now 96 people under banning orders in South Africa and 202 people are being held in detention.

These figures are the latest compiled by the South African Institute of Race Relations and The Star.

Of the 96 banned people, seven have gone into exile and will never be able to return to South Africa. This year 14 people have been issued with banning orders restricting them for periods ranging from two to five years.

## PATTERN

Since the Internal Security Act No 74 of 1982 was promulgated on June 9, banning orders are issued under this legislation.

A new trend in the serving of banning orders this year has been

that many of those banned had been held in detention for months under security legislation.

They were not charged on release but within two weeks of release were served with banning orders.

This pattern has applied in 1982 in respect of four trade unionists from Port Elizabeth, Mr D Makanda, Mr S Pitvana, Mr M Madlingozi and Mr Z Mjuzawe; two editors of the student newspaper, Saspu National, Mr Keith Coleman and Mr Clive van Heerden; and student-lawyer Mr Nicholas "Pink" Haysom.

Mr Haysom, banned in March for two years, was served with a particularly severe order. As he may not enter the premises of the University of the Witwatersrand, where he works at the Centre for Applied Legal Studies

his economic lifeline has effectively been cut.

The Association of Law Societies has tried for the past three months to obtain permission for Mr Haysom to continue his work and studies — without success so far.

## 2½ YEARS

One of the 202 detainees, Modika Mothibi Tatsa has been imprisoned under security legislation for more than two-and-a-half years.

He is held under section 10 (1) (a) of the Internal Security Act of 1976 but has been held at various times under almost every existing form of detention legislation.

Modika Tatsa was first detained in December 1979 as a Standard Six pupil and spent six months in detention before being charged. The charges were later dropped because there was insufficient evidence. He was re-detained under section six of the Terrorism Act and refused to give evidence in a terrorism trial in Ermelo.

## APPEAL

The accused in the trial were acquitted but Modika Tatsa was sentenced to three years' imprisonment. On appeal the sentence was reduced to 12 months. On the day he was due to leave prison after serving this sentence he was re-detained in terms of section 10 of the Internal Security Act, which allows indefinite preventive detention.

● See Thermometer of Justice, Page 21.



## Judge turns down treason trial request

# ANC island hideout

AN APPLICATION by Mr Jack Unterhalter, SC, to have a trial within a trial on the pointing out of certain things and places by the three men accused of high treason was turned down by Mr Justice D Curlewis in a Pretoria Supreme Court yesterday.

By MONK NKOMO

The application was made during the cross-examination by the State of a senior Security Policeman, Captain Gert Visser, who had just started giving evidence on his findings at an underground hideout on an island in the Apies River near a farm at Hammanskraal on December 28 last year where two of the accused were arrested.

Mr Thelle Simon Mogoerane (23), of Vosloorus, Boksburg, Mr Jerry Semano Mosololi (25), of Dube, Soweto, and Mr Marcus Thabo Motaung (27), of Diepkloof, Soweto, have

pleaded not guilty to the main charge of high treason and 20 alternative charges that include four of murder, ten of attempted murder, five counts under the Terrorism Act and robbery with aggravating circumstances.

Quoting extracts from various law books, Mr Unterhalter submitted that a trial within a trial was imperative in order to determine if the pointing out was done freely and voluntarily.

Violence, he said, was abuse of elementary rights and if violence was used during the pointing out of certain things and places the evidence given by the State should be inadmissible.

Turning down the application after lengthy argument, Mr Justice Curlewis ruled that the trial within a trial on the particular aspect was one process of lengthening the trial. Though he understood why the defence council requested

to have a trial within a trial, the State should go ahead and lead its evidence and the court would then attach the necessary weight to it, he said.

On December 28 last year, the court heard, Captain Visser had gone to Hammanskraal following a report and on arrival police had been taken to an underground base on the Apies River. There he had found the two accused, Mr Mogoerane and Mr Mosololi. A number of articles, including a tank marked "ANC" in black paint, had been found at the base, the court heard.

(Proceeding.)

# Witnesses 'conspired to perjure accused'

7/17/80 331 Stan 15/7/82

By Michael Tissong

At the close of the State's evidence yesterday against 25 Reiger Park residents charged with public violence the defence advocate accused several witnesses of an "orchestrated conspiracy."

The advocate, Mr Eric Dane, told Johannesburg Regional magistrate the Gungadin family had "orchestrated a conspiracy to come to court to perjure and implicate the accused. And implicate they did."

## DISCREDITED

During his address Mr Dane asked for the discharge of some of the accused. He said Mr Sidney Minnie and Mr Reginald Martin had not been mentioned by any of the State witnesses.

He said several of the witnesses had been discredited by the prosecutor, Mr A van Wyk. Statements to the police did not tally with evidence.

"Mrs Angel Gungadin told the police Mr Aubrey Foster was involved," Mr Dane said. In court she had pointed out 17 of the accused.

"There has been a

consistent naming of some people, including Mr Jac Rabie, Mrs Ellen Lambert, Mr Attie Clements, Mr Everette Clements and Mr Freddy Schubert. They have worked the story out," Mr Dane said.

The magistrate, Mr H S van Heerden, adjourned the case to July 19.

## Land appeal in August

BLOEMFONTEIN —

The appeal by the State against a Maritzburg Supreme Court order declaring invalid the proclamation granting control of Ingwavuma to the Department of Co-operation and Development, will be heard by five Appeal Court judges in Bloemfontein on August 18.

The judges will hear argument from 9 am before deciding whether the proclamation, issued by the State President, is to be put in force.—Sapa.

## Body was carried on front seat

Own Correspondent

BLOEMFONTEIN — A Bloemfontein cartage contractor charged with murdering a 27-year-old divorcee, told a magistrate yesterday that the corpse of the woman was next to him on the front seat of his car when he drove out to the Bultfontein road from Bayswater last Friday afternoon.

Mr Kenneth Lionel Schwartz, of Alsace Street, Bloemfontein, said that he stopped under a tree and transferred the body to the boot of the car.

Mr Schwartz was being cross-examined by Mr A Theron (for the State) as to why it took him so long after the alleged shooting of Mrs Naomi Hester Roos, of Wilcocks Road, Bayswater, to take the body to the Park Road police station.

On Monday, Mr Schwartz pleaded not guilty to murder. Yesterday an application for bail was submitted to Mr P P Venter.

The hearing was adjourned until tomorrow.

The 25 accused are Mr Attie Clements, Mr Everette Clements, Mr Everette Thomas, Mr Alan de Jager, Mrs Ellen Lambert, Mr Aubrey Foster, Mr Andries Botha, Mrs Shirley Lipschitz, Mr Freddy Schubert, Mrs Lettie Januarie, Mr Sydney Minnie, Mr Dennis Phillips, Mr Tyrone Foster, Mr Jacobus Rabie, Mr Reuben Selinda, Mr Billy Klou, Mr George Martin, Mr Harry Trichardt, Mr Manny Daniels, Mr Derrick Tree, Mrs Suzan Nimrod, Mr Winston Lambert, Mr Reginald Martin, Mr Trevor Foster and Mr Jan Redcliffe.

The detainees were taken from their homes, work places or school on June 24 and initially held in terms of Section 22 of the General Laws Amendment Act, which allows for 14 days' detention without trial.

## Three weeks ago

- Trade unionist Mr Bonisile Norushe, and Miss Zodwa Mapela and Mr Boy Soci, were yesterday released without charge from detention in Ciskei.

Mr Norushe, the East London branch secretary and acting national organiser of the African Food and Canning Workers' Union, and his two companions, were detained nearly three weeks ago.

Major-General Charles Sebe, director-general of state security in Ciskei, said at the time that they would be charged under the Riotous As-



# ANC trial told how suspects were tortured

SECURITY Policemen tightened a length of rope around the neck of a treason trialist and then linked it to a tree in such a manner that he was forced to stand on the tips of his toes while a dog was made to bite his co-accused before both were subjected to electric shocks, a Pretoria Supreme Court was told yesterday.

Mr Jack Unterhalter, SC, appearing for three men charged with high treason, told the court while cross-examining a senior Security Policeman, Captain Gert Visser, that Mr Thelle Simon Mogoerane and Mr Jerry Semano Mosololi had been tortured by police shortly after they had been arrested at a hideout on an island in the Apies River near a Hammanskraal farm on December 28 last year.

**BAG**

Mr Unterhalter said Captain Visser had put a wet plastic bag over Mr Mosololi's head after he had refused to reveal where their weapons were. The plastic bag, he added, had interfered with his breathing. The court heard that someone in the presence of Captain Visser, who was holding a dog, had advanced it to Mr Mosololi and made it bite him, leaving a circular mark on part of his body.

Mr Mogoerane (23) of Vosloorus, Boksburg, Mr Mosololi (25) of Dube, Soweto, and Mr Marcus Thabo Motaung (27) have pleaded not guilty before Mr Justice D Currelly, sitting with two assessors, on charges of high treason and twenty alternative charges that include four murders, ten attempted murders, five counts under the Terrorism Act and robbery with aggravating circumstances.

Both men, said Mr Unterhalter, had also been subjected to electric shocks by police. The court heard that Mr Mogoerane had had a wooden pole inserted

between his legs and arms, and had then been suspended between a

chair and table while being interrogated at the Compol Building.

# Witness: Mxenge (33) had strong views

DURBAN — Attorney, Mr Griffiths Mxenge, had had strong political feelings and had often represented the accused in political trials, a magistrate was told yesterday at an inquest into his death.

"But I do not know whether he had any enemies," Mr Pius Langa, an advocate and friend of Mr Mxenge, told Umlazi magistrate, Mr V. A. Patterton.

Mr Lange was giving evidence at the inquest into the death of Mr Mxenge, whose body was found at the Umlazi cycle track on November 20 last year.

Earlier in the inquest forensic pathologist, Dr Johannes van Staaten, told the court that 45 wounds had been found on the deceased's body and the cause of death was "multiple clean cut injuries to the lungs, liver and heart."

Dr Van Staaten said that the majority of wounds had been caused by a knife or knives but a number of wounds on the head had been inflicted by a blunt-edged

instrument "like a hammer."

He said most of the wounds to the head had not been fatal but a "potentially fatal" wound had been a cut which had severed the neck right to the bone.

Mr Langa told the court he had met Mr Mxenge briefly in the street on the day he disappeared in order to hand over the file of a case to which he could not attend.

Mr Langa told the court he handed over the file and had U-turned the wrong way up the street when he heard urgent hooting from what could have been Mr Mxenge's car.

"I thought the deceased was telling me that I was going the wrong way so I just ignored the hooting."

He said that about two hours later he received a phone call from Mrs Mxenge saying her husband had not arrived home.

A detective branch officer, Lieutenant Thembinkosi Makhanya, who accompanied a col-

league to where Mr Mxenge's body was discovered, told the court there had been no blood stains on Mr Mxenge's trousers.

He felt this was unusual considering the wounds on his body.

The body was found by a road worker, Mr Themba Mungwe, who in a statement handed into the court said he had found the body of "a black male covered in blood."

Lt Makhanya, who worked for the security branch until 1973, said he had known the deceased "quite well" but had not recognised Mr Mxenge.

He said they had found blood stains next to the neck but "that was the only blood I noticed."

"There was not much blood around which led me to suspect that the deceased was killed somewhere else then dumped."

He also told the court he had noticed tyre marks "five or six yards from where the body was found". — DDC.

*[Handwritten signature]*



# Trial (331) hears of third arrest

## Own Correspondent

The Pretoria treason trial today heard about the arrest of the third accused, Mr Thabo Marcus Motaung.

Major H J P Nel said a man in Mamelodi was arrested in May this year. On information received from him, they went to a shop in Stinkwater.

The man's leg was put in plaster to prevent him from running away and he was dropped about a kilometre from the shop with a policeman.

Major Nel said when he did not hear anything from them, he went to see what was happening. As the car pulled up he heard gun shots and found Mr Motaung was injured.

Mr Motaung was arrested and they returned to Pretoria.

Mr Motaung had been living in a room behind the shop.

Mr Motaung is standing trial on a charge of high treason in the Pretoria Supreme Court with Mr Thelle Simon Mogoerane (23), and Mr Jerry Semano Mosololi (25).

The trial was postponed until Monday at the request of Mr Jan Jack Unterhalter, SC, for the defence. Mr Unterhalter said he needed time to consult his clients.

# 'ANC': Court told of forged pass books

Own Correspondent

PRETORIA. — Two men alleged to be African National Congress members were found with forged reference books when arrested, the Pretoria Supreme Court heard yesterday.

The evidence was given at the trial of Mr Thelle Rimono Mogoerane, 23, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, before Mr Justice D J Curlewis and assessors.

The three men have pleaded not guilty to high treason and 20 alternative charges of murder (four counts), attempted murder (10 counts), robbery with aggravating circumstances and contravention of the Terrorism Act (five counts).

## Training

According to the State, the three men received military training in Angola, Tanzania, East Germany and Russia. They had left the country in 1976 and joined the ANC. After training they returned to South Africa with falsified reference books.

Major F J P Nel, the investigating officer in the case, said he received certain information from a Mamelodi man, Mr Madoda Moses Mbatha, on April 23. The police arranged that Mr Mbatha undergo an "operation" and his foot was put in a plaster-cast.

Mr Mbatha was to make contact with Mr Motaung at a Stinkwater shop while the police watched from a distance. Mr Motaung was arrested after had been shot twice by the police.

Major Nel said a forged

reference book was found in the room occupied by Mr Motaung and another man. The reference book contained Mr Motaung's photograph but the name of Mr John Lebogang.

Mr Motaung was taken to Kalafong Hospital two days after the shooting. He was discharged from hospital on May 11.

Major Nel, asked why he took Mr Motaung to hospital only two days after the shooting, said the police had been involved in investigations which were of importance to life.

Major Nel denied that Mr Motaung was ever assaulted by the security police either to make a statement or to point out certain spots to the police.

Major Nel said he had been called to a small island on the Apies River on a Hammanskraal farm where he had found Mr Mosololi and Mr Mogoerane under arrest.

Mr Mosololi had a reference book containing his picture and the name of Mr Jacob Mojalefa Monareng.

Police testified that they had found a masking tape with the name "Jacob Monareng" at the scene of sabotage on the railway line between New Canada and Soweto on May 4, 1979.

Evidence was also led that militarily-trained members of the ANC were given Unkhonto We Sizwe (Spear of the Nation) names when they came back into the country.

The questioning of Major Nel by the defence counsel, Mr Jack Unterhalter, SC, will begin on Monday.



# Treason trial hears of false documents

Pretoria Bureau

TWO alleged African National Congress members were found with forged reference books when arrested, the Pretoria Supreme Court was told yesterday.

The evidence was given at the treason trial of Mr Thelle Simon Mogoerane, 23, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, before Mr Justice D J Curlewis and assessors.

According to the State, the three men received military training in Angola, Tanzania, East Germany and Russia. Afterwards they had returned to South Africa with falsified reference books.

Major F J P Nel, investigating officer in the case, said Mr Motaung had been arrested at Stinkwater after being shot twice by police.

Major Nel said he found a forged reference book in the room occupied by Mr Motaung and another man.

Mr Motaung was taken to Kalafong Hospital two days

after the shooting.

Major Nel, when asked why he took Mr Motaung to hospital two days after the shooting, said the police were involved in investigations which were of vital importance.

He denied that Mr Motaung was ever assaulted by the Security Police.

He said when he was called to a small island on the Apies River he found Mr Mosololi and Mr Mogoerane under arrest. Mr Mosololi had a reference book with his picture and the name of Mr Jacob Mojalefa Monareng.

Cross-examination of Major Nel by the defence counsel, Mr Jack Unterhalter SC, will begin on Monday.

The three men have pleaded not guilty to high treason and 20 alternative charges of murder (four counts), attempted murder (10 counts), robbery with aggravating circumstances, and the contravention of the Terrorism Act (five counts).

# Court hears cops held wounded man

331 Sowetan p/7/82

ONE of three treason trialists had been shot twice by police at Stinkwater on May 1 this year and then driven to two police stations at Hammanskraal before being brought to Pretoria, where he had been attended to by a district surgeon — three hours after being shot — a Pretoria Supreme Court was told on Friday.

By MONK NKOMO

Mr Thelle Simon Mogoerane (23), of Vosloorus, Boksburg, Mr Jerry Semano Mosololi (25), of Dube, Soweto, and Mr Motaung (27), of Diepkloof, Soweto, have pleaded not guilty before Mr Justice D Curlew, sitting with two assessors, to charges of high treason and twenty alternative charges that include four murders, ten attempted murders, five counts under the Terrorism Act and robbery with aggravating circumstances.

Major H J Nel, the investigating officer, said Mr Marcus Thabo Motaung had been shot twice while he (Major Nel) had waited in a radio-installed combi van. He and another policeman had travelled to Stinkwater with Medoda Moses Mbatha, who had

been arrested at Mamelodi and had given certain information to the police, the court heard.

Mbatha, whose leg had been in a plaster cast to prevent him escaping, had had a radio transmitter strapped to his body to communicate with Major Nel.

The court was told that Mr Motaung had been found near a shop by Mbatha and another policeman, who could not be identified in accordance with a court ruling.

Major Nel said that, while he had waited in the combi, he had heard a shot being fired and on arrival at the scene had found the policeman holding a gun. With him had been Mr Motaung,

who had been shot twice.

Mr Motaung, the court heard, had been arrested at 12 noon and driven to his room, where police had taken possession of a reference book that contained Mr Motaung's photograph but bore the name of John B Lebogang.

The court heard that Mr Motaung had been

taken to two police stations at Hammanskraal and Temba before being brought to Pretoria by Major Nel at about 3pm. A district surgeon had then been called to attend to Mr Motaung. From there the accused had been taken to the hospital on Monday, May 3, where he had been treated and from where he had been discharged on May 11.

Mr Jack Unterhalter, SC, assisted by Mr Neil Tuchten and instructed by attorneys Matjila and Mokoatheng, appeared for the accused.

Proceeding



July 1982

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## Terror trial: 2 refuse oath

**ZWELITSHA** — There was drama in the Supreme Court here when Ciskei's first Terrorism Act trial resumed yesterday.

Two witnesses, whose names may not be revealed by a court order, refused to take the oath.

The first witness said it was against his upbringing and religious beliefs. However, he affirmed and said he was going to tell the truth.

The second witness also refused to take the oath saying he did not know anything and that he was forced to make a statement.

He was summarily sentenced to 2½ years' imprisonment for refusing to take the oath.

The two men were called to give evidence in a trial in which four Mdantsane men are charged with participating in terrorist activities, being members of the banned African National Congress and being in possession of banned literature.

Mr William Mabone Duna, 31, Mr Dumisani Bizette Maninjwa, 31, Mr Jeffrey Bayi Keye, 52, and Mr Luyanda Patric Mayekiso, 23, all of Mdantsane, have pleaded not guilty before Chief Justice De Wet and two assessors.

The hearing is in camera.

The first witness, under cross-examination by Mr M. T. Moerane for the defence, alleged that he was assaulted by members of the security police at their offices in Cambridge, East London. He named a Mr Elsdon, Mr Robey Keith, a Mr Methu and a Mr Mfazwe as the people who assaulted him. He was assaulted with open hands and clenched fists. As a result he sustained a damaged right eardrum, he said.

Asked by Mr Moerane what the purpose of the assault was, he said it was to induce him to make certain admissions. When he denied things the assaults intensified.

The Attorney-General, Mr W. F. Jurgens, said the witness was called to testify about his alleged devising of a secret code for communicating with some of the accused, reburial of literature and distribution of leaflets.

During re-examination, Mr Jurgens said he would ask the witness several questions to discredit him.

The witness said what he told Mr Jurgens during two consultations was not wholly true. He admitted

that he had told him that Mr Mayekiso had played a tape of freedom songs and that his (the witness') fiancée, had got angry. He said he had told him so because he was trying to fix things because of the manner in which he had been treated. He had told Mr Jurgens that he and another had dug up certain articles which they had reburied because the police had told him the other man had said so.

The witness agreed that he had tried to mislead the Attorney-General. He was afraid that if he had told him what he had said in court yesterday he might meet with the police again.

Asked in his evidence if he remembered any discussion about a code, he said he did not. Asked if he remembered any person mentioning the name "Buya" he said he thought Mr Mayekiso said the man left South Africa for Lesotho to further his studies.

He said last year he had accompanied a man who distributed leaflets in Zone 13 in Mdantsane last May. He did not take notice of what was written in them, but the man told him the purpose of the leaflets was to discourage people from celebrating Republic Day.

The second witness called to give evidence on school boycotts was sentenced to 2½ years' for refusing to take the oath.

Asked by Mr Justice De Wet for his reasons for refusing he said he knew nothing and that he had been forced to make a statement.

Mr Justice De Wet told him he was obliged to give evidence. If he was asked about anything he did not know about he should say so after taking the oath.

The witness again refused to take the oath, saying he was not going to say anything because he knew nothing.

The judge said he was only required to tell the truth as he knew it. He warned him he could summarily send him to jail. He told him to take the oath, answer questions and tell the court what he knew. The witness again refused and he was sentenced to 2½ years.

The court adjourned until today.

Asked after the adjournment if the press could use the convicted man's name, Mr Justice De Wet said through his secretary that the man's name should not be revealed since he had already made a ruling. — DDR.



MR CEDRIC DE BEER  
Mentally competent

**Freed man gets State witness subpoena**

**Mail Reporter**

CEDRIC de Beer, released on Friday after 298 days in detention, has been subpoenaed by the State to give evidence at the trial of Miss Barbara Hogan in the Supreme Court on August 16.

Miss Hogan, 30, of Hunter Street, Yeoville, has been charged under the Treason

Act for conveying information about the labour movement to the ANC.

But yesterday, Mr De Beer, 29, was spending his first weekend out of Security Police custody relaxing at his parents' home in Bramley, Johannesburg.

After nine months in detention, he described his condition as "physically and men-

tally competent".

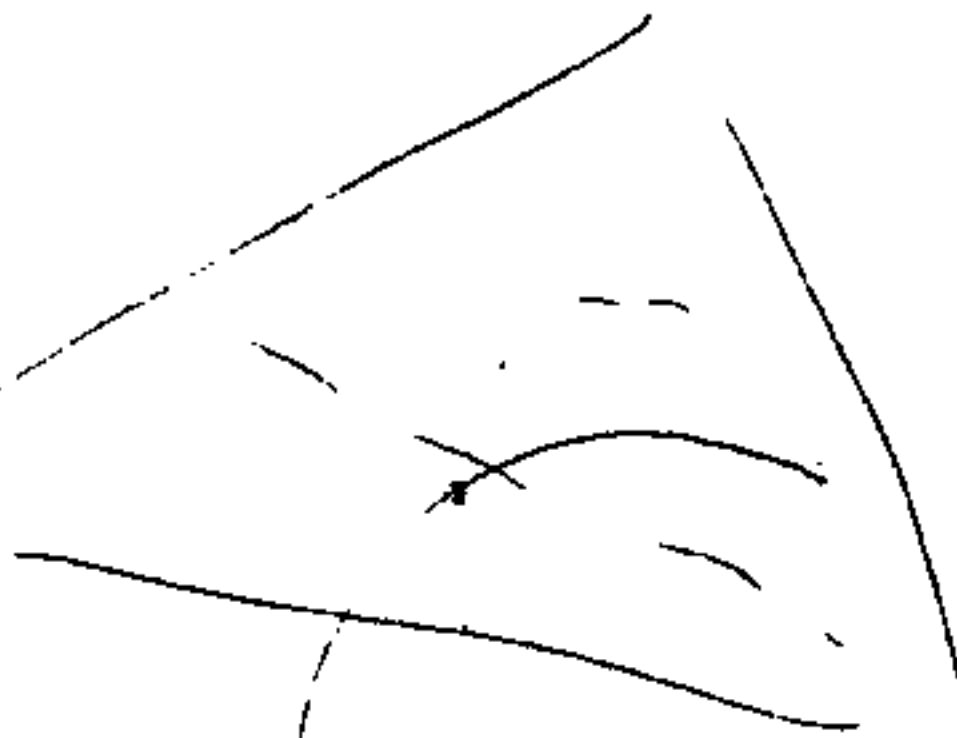
A rural development worker attached to the Environmental Development Agency, Mr De Beer will soon be tested by the psychology sub-committee of the Detainees' Parents Support Committee (DPSC).

The psychology group aims to scientifically mea-

sure the effects of solitary confinement to prove that statements taken from detainees are not valid.

Meanwhile, according to DPSC figures, 151 people have been detained so far this year. Five people have died in detention since 1980, including people held in Ciskei, Transkei and Venda, the organisation said.

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19/7/82

# Watloo sabotage bid 'uncovered by SP' *Star* 331

## Own Correspondent

A plan to sabotage petrol storage tanks at Watloo had been uncovered by the Security Police, a Pretoria Supreme Court judge was told today.

Major Hendrik J P Nel was giving evidence at the trial of three alleged members of the banned African National Congress, Mr Thelle Simon Mogoerane (23), Mr Jerry Semano Mosololi (25) and Mr Marcus Thabo Motaung (27).

Major Nel said Mr Motaung had told him he knew where the explosives for the sabotage bid were hidden.

Earlier the court was told Mr Motaung had been shot twice before

his arrest at Stinkwater.

In cross-examination Major Nel said he knew Mr Motaung as "Abbie" and that he had had a false identity.

It was only after his arrest that police had discovered he had been involved in attacks on the Orlando and Moroka police stations, it was alleged.

Major Nel said Mr Motaung had volunteered to assist him in investigations.

It was put to Major Nel that Mr Motaung had repeatedly asked for medical help but Major Nel denied this.

It was put to him that Mr Motaung had been taken to hospital only two days later where he had undergone an operation.

It was further put to Major Nel that Mr Mogoerane and Mr Mosololi had alleged that when arrested at Hamanskraal—where arms and ammunition had been found in hideouts—they had been assaulted by police.

Mr Mosololi had alleged he had received electric shocks.

Major Nel told the court there was no electricity in the area.

It was put to him that a car battery found in one of the hideouts could have been used to administer electric shocks.

Major Nel said he would not have allowed this to happen and that neither of the accused had been assaulted.

(Proceeding)

*June*  
*Beck*  
*Cap White*

Cape Times  
20/7/82

# Reiger Park 25 not guilty

Own Correspondent

JOHANNESBURG. — Twenty-five Reiger Park residents, among them, Mr Jac Rabie, Transvaal leader of the Labour Party, held a thanksgiving prayer outside the Johannesburg Magistrate's Court yesterday after being acquitted on charges of public violence.

The magistrate, Mr H S van Heerden, said State witnesses had given contradictory evidence which was unreliable.

The State had alleged that the accused threw bottles, stones and tins at Indians, and at the homes and business premises of Indians during unrest at Reiger Park near Boksburg between May 2 and 9 last year.

They had all pleaded not guilty.

One of the Indian State witnesses, Mr Abie Gunga-din, told the court that there was a long-standing feud between some Asian traders and some coloured residents, including some of their political leaders.

He said his fleet of taxis and a business premises had been destroyed by fire and all properties owned by Indians in the township set on fire.

Those appearing with Mr Rabie were: Mr Attie Clements, Mrs Everette Clements, Mr Everette Thomas, Mr Alan de Jager, Mrs Ellen Lambert, Mr Aubrey Foster, Mr Andreas Botha, Mrs Shirley Lipschitz, Mr Freddie Schubert, Mrs Lettie Januarie, Mr Sidney Minnie, Mr Dennis Phillips, Mr Tyrone Foster, Mrs Ruben Selinda, Mr Billy Klou, Mr George Martin, Mr Harry Trichardt, Mr Mannie Daniels, Mr Derrick Tree, Mrs Susan Nimrod, Mr Winston Lambert, Mr Reginald Martin, Mr Trevor Foster and Mr Jan Redcliff.



CT. 20/7/82 (H#)  
(225) (331) (229)  
**Mpetha trial:  
Perjury charge**

A MAN accused of committing perjury in the Oscar Mpetha trial told a Regional Court magistrate yesterday that he had been shown a photo-album by the police to identify people who "took part in a meeting, a march or a murder".

The State alleges that on November 25 last year in the Supreme Court, Mr Mpumelelo Yawa, 21, of M1530, Nyanga-East, committed perjury by making a conflicting statement while under oath. He pleaded not guilty.

Mr Yawa made a statement to police on 26 August 1980. He told the court yesterday that the statement made in the Supreme Court was the same except for a "difference in the last part".

The hearing was adjourned to July 22 and Mr Yawa's bail of R50 was extended.

Mr J Vermeulen was the magistrate. Mr F Silbert appeared for the State and Mr Y Ebrahim for Mr Yawa.

# Four on terror rap

HA 331 2/11  
FOUR alleged members of the South African Youth Revolutionary Council (Sayrco) appeared yesterday in the Kempton Park Regional Court to face two charges under the Terrorism Act.

The fifth accused, Ms Elizabeth Mothibedi (20), of Diepkloof, had charges against her withdrawn.

The four, all from Soweto, are Mr Stanley Radebe (27), Mr Ephraim Madalane (24), Mr Ernest Mohakalala (23) and Ms Innocentia Ma-

zibuko (20).

They appeared before Mr H F Bosman. The first two accused were represented by Mr Ratha Mokgoatheng, while the rest had Mr Morris Basllian instructed by Priscilla Jana appearing for them.

They were not asked to plead but will be requested to do so at their next appearance, on September 21. Their trial is set down for four weeks.

Among other things, the State alleges that the four underwent military

sowetan 20/7/82  
training outside the boundaries of South Africa with the intention to return and overthrow the Government through violent means.

It is alleged that they held meetings in Natal-spruit and other places where they tried to recruit certain people to join Sayrco. It is further alleged that they have been to Botswana and Lesotho to further the aims of the organisation. All the incidents allegedly took place between May last year and January this year.



# Witness tells of terror attack 'dummy runs'

AFRICAN National Congress insurgents built an underground hideout about 500m from a railway station north-west of Pretoria, a 25-year-old man told the Pretoria treason trial yesterday.

The witness, who said he was trained in Russia, was warned as an accomplice and cannot be named.

He told Mr Justice D J Curlewis in the Supreme Court that one of the accused, Mr Marcus Thabo Motaung, ordered an attack on the Mabopane Police Station last year.

He said the ANC squad to which he belonged kept its weapons and lived in the underground base close to the railway station near GaRankuwa Hospital.

While on reconnaissance prior to an attack on the police station "we used to walk to the police station fully armed from our base", he said.

The witness said he met the three accused — Mr

Motaung, Mr Thelle Simon Mogoerane and Mr Jerry Semano Mosololi — in military camps in Angola and Mozambique.

The three have pleaded not guilty to high treason.

The witness gave his evidence in camera. He was told by the judge that if he answered questions to the court's satisfaction, he would be granted indemnity against prosecution.

He said he joined the ANC in Botswana after leaving South Africa in 1976. He was sent to Angola and later to Russian training camps.

After returning from Russia he went to a camp for fully-trained men in Mozambique, where Mr Motaung was a senior member in charge.

"At a certain stage Mr Motaung and a man called Leonard asked two of us if we were familiar with Mabopane (outside Pretoria)," he said.

"Mr Motaung gave us

directions on how to find the police station."

The witness said he and the other man infiltrated South Africa across the Swaziland border near Piet Retief.

They had false reference books.

The witness said Mr Motaung formed and took charge of a unit comprising a number of men.

The five-member unit built its underground hideout about 500m from the station near GaRankuwa Hospital.

Mr Motaung told them to launch their first attack on the Mabopane Police Station as they were inexperienced.

The witness said they were not given specific instructions when they left Mozambique, but knew their targets to be symbols of the Government or people connected to it.

The squad began with preparatory reconnaissance.

The trial continues. — Sapa.

# I'll die if I betray ANC, secret witness tells court

331  
20/7/82

## Own Correspondent

High treason' accused Mr Marcus Thabo Motaung (27) had ordered the attack on the Mabopane police station last year, a secret witness told the Pretoria Supreme Court yesterday.

The witness, a 25-year-old member of the banned African National Congress, was testifying for the State.

He said he had met Mr Motaung, Mr Thelle Simon Mogoerane and Mr Jerry Semano Mosololi in military camps in Angola and Mozambique.

The three men have pleaded not guilty to high treason.

The witness gave his evidence in camera and was warned by Mr Justice Curlewis to answer all questions.

If he did so to the court's satisfaction indemnity against prosecution would be granted, he was told.

## CAMPS

The witness said he had left South Africa in 1976 and joined the ANC in Botswana.

From there he had been sent to training camps in Angola and Russia.

In Angola he had met Mr Mosololi and Mr Mogoerane.

After returning from Russia he had been sent to Mozambique to a camp called "Liberdade."

The camp was for fully trained men and Mr Mosololi had been stationed there. Mr Motaung had been one of the senior members in charge at the camp.

The witness told the judge he would be killed if he betrayed the ANC.

The court heard yesterday the witness had been one of a five-man squad which had attacked the Mabopane police station. Mr Motaung had been the overall commander of the units in the area, the witness said.

## PROPAGANDA

"On two occasions when attacks were planned on the Mabopane police station there were not enough policemen.

"We used to walk to the police station fully armed from our base 500 m from the Garankuwa railway station."

After the second attempt had backfired Mr Motaung had ordered the squad to go ahead with the attack for "propaganda purposes."

After the attack at Mabopane plans had been made to attack petrol storage tanks at Watloo near Pretoria.

## ROCKETS

First they had become acquainted with the area.

Late one night Mr Motaung had arrived at their base and taken weapons — R P G 7 rockets, two AK-47 rifles, ammunition, hand grenades and explosives — away with him.

The witness said two members of the squad had helped Mr Motaung build a "Dead Letter Box" (DLB) the following day. He said the DLB had been a hiding place for the weapons.

The witness was ar-

rested on April 23 this year and had been instrumental in the arrest of Mr Motaung on May 1 this year the court was told.

## ARRESTED

The witness's leg had been put in plaster and he had accompanied a policeman to a shop in Stinkwater where Mr Motaung had been arrested.

A man with Mr Motaung had escaped. The witness said this man had been his unit commander.

He had met Mr Mogoerane towards the end of last year when he had given him R300 at a Hammanskraal bus stop.

Under cross-examination by Mr Jack Unterhalter SC, defending, the witness said he had joined the ANC to further his schooling.

He said he did not agree with apartheid and was fighting for the freedom of black people in South Africa — but he did not believe people should be killed.

In reply to a question by Mr Unterhalter he said he had remained loyal to his unit because he would be killed if he deserted.

## RULING

Mr Justice Curlewis today ruled that the admissibility of alleged confessions made by Mr Mogoerane would be decided after a trial within a trial.

Major Isaac Engelbrecht, the first witness at the trial within a trial, said that on December 31 last year he had taken a signed confession from Mr Mogoerane.

Mr Justice Curlewis said he would rule later on whether two trials within a trial would be held to decide on the admissibility of alleged confessions by Mr Mosololi and Mr Motaung.

(Proceeding)



# Witness jailed for refusing to take oath

Own Correspondent

EAST LONDON — A witness in Ciskei's first Terrorism Act trial was sentenced to 2½ years' jail yesterday for refusing to take the oath.

Another witness also refused to take the oath, but affirmed that he would tell the truth.

By court order, their names cannot be published.

The men were called to give evidence in the trial at Zwelitsha of four Mdantsane men: Mr William Mabone Duna (31), Mr Dumisani Bizette Maninjwa (31), Mr Jeffrey Bayi Keye (52), and Mr Luyanda Patric Mayekiso (23).

They are appearing before Mr Chief Justice de Wet and are charged with participating in terrorist activities, being members of the banned African National Congress, and being in possession of banned literature.

The witness who was jailed told the judge

that he knew nothing and had been forced to make a statement. He refused to take the oath, saying he was not going to say anything because he knew nothing.

The other witness said it was against his upbringing and religious beliefs to take the oath. But he affirmed that he would tell the truth.

## LEAFLETS

Under cross-examination by Mr M T Moerane, for the defence, the witness claimed that he was assaulted with open hands and clenched fists by security policemen at their offices in East London. He said his right eardrum was damaged.

He said that in May last year he accompanied a man who had distributed leaflets in Mdantsane. The man had said the leaflets were to discourage people from celebrating Republic Day.

The trial continues today.

# Rabie is now cleared of violence charges

By MIKE LOUW

JUBILATION reigned outside the Johannesburg Magistrate's Court yesterday after 25 Reiger Park residents, among them Mr Jac Rabie, Transvaal leader of the Labour Party, were acquitted on charges of public violence.

The magistrate, Mr H S van Heerden, said that State witnesses had given contradictory evidence which was unreliable.

The State had alleged the accused threw bottles, stones and tins at Indians, their homes and business premises during unrest at Reiger Park, near Boksburg, between May 2 and 9 last year.

All pleaded not guilty.

The elated group offered up a thanksgiving prayer outside the court after the trial. They said the judgment would be celebrated with members of their community at Swanray Inn, in Reiger Park, on Thursday evening.

They also said they would hold a prayer service at the Congregational Church in the township at 6.30pm on Sunday.

One of the Indian State witnesses, Mr Abie Gungadin, whose various businesses were formerly based at Reiger Park, had told the court of a long-standing feud between some Asian traders and coloured residents, including some of their political leaders.

The feud had continued until unrest erupted at Reiger Park on May 2 last year, he said. His taxi fleet and business premises had been set alight and destroyed.

Mr Gungadin had also testified that all property owned by Indians in the township had been set alight. His aunt, Mrs Angel Gungadin, had told the court that 21 of her dairy cows died after an angry mob set their stable alight.

Those appearing with Mr Rabie were:

Mr Attie Clements, Mr Everette Clements, Mr Everette Thomas, Mr Alan de Jager, Mrs Ellen Lambert, Mr Aubrey Foster, Mr Andreas Botha, Mrs Shirley Lipschitz, Mr Freddie Schubert, Mrs Lettie Januaria, Mr Sidney Minnie, Mr Dennis Phillips, Mr Tyrone Foster, Mrs Ruben Selinda, Mr Billy Klou, Mr George Martin, Mr Harry Trichardt, Mr Mannie Daniels, Mr Derrick Tree, Mrs Susan Nimrod, Mr Winston Lambert, Mr Reginald Martin, Mr Trevor Foster and Mr Jan Redcliff.



# Former ANC man tells of plans

Own Correspondent

PRETORIA. — A Russian-trained former member of the African National Congress was sent to South Africa last year with false documents to attack government installations and personnel; the Pretoria Supreme Court was told yesterday.

The man, who may not be identified, gave evidence for the State.

He told Mr Justice D J Curlew and assessors that some of the targets for their attacks were police stations. He said he was involved in the attack on Mabopane police station last year.

Asked by the prosecutor, Mr P B Jacobs, what would have happened if, during the attack on the police station they found some people inside and there was resistance, the man said "we were to eliminate" them.

The evidence was given at the trial of Mr Thelle Simon Mogoerane, 23, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung.

The three men, who are alleged to be members of the banned ANC, pleaded not guilty to high treason and alternative charges of murder (four counts), attempted murder (10 counts), robbery with aggravating circumstances and contravention of the Terrorism Act (five counts).

## Scholarship

The man said he joined the ANC in 1977 after he was promised a scholarship. He went to Botswana, Zambia, Angola and Russia where he received military training and during which he met the three accused.

He said he was sent to South Africa in March last year.

He and four others established a cell in Garankuwa from where they planned the attack on Mabopane police station.

The man, who was arrested by the Security Police on April 23, said the unit was also responsible for the attack on a Rosslyn electrical transformer.

Major F J P Nel, the investigating officer, told how Mr Motaung was arrested on May 1. During the arrest Mr Motaung was shot in the left hip and groin. He had surgery at Kalafong Hospital.

Major Nel denied Mr Mogoerane was assaulted at Security Police offices. He was interrogated for about 20 hours.

The hearing continues today.

# Treason trialist: Confession is true

331 Star 21/7/82

## Own Correspondent

Mr Thelle Simon Mogoerane (23), who with Mr Jerry Semano Mosololi (25) and Mr Marcus Thabo Motaung (27) has pleaded not guilty to high treason today, admitted that the contents of a confession he had made to a Justice of the Peace were true.

"My confession is the truth," he told a Pretoria Supreme Court judge.

In cross-examination during a trial within a trial at which the admissibility of an alleged confession by Mr Mogoerane is being challenged, Mr P B Jacobs, prosecuting, asked Mr Mogoerane if the contents of the alleged confession were true.

Mr Jack Unterhalter, SC, defending, objected. He submitted that Mr Mogoerane had never said he was told what to write in the confession.

He had said he had made the confession because he had been threatened.

Mr Justice Curlewis said the purpose of the trial within a trial was to determine if the confession had been freely given.

But he said the issue of truthfulness could be a test for credibility. He overruled the objection.

Mr Mogoerane then testified that the contents of the confession, which included admissions that he had been a member of the banned

ned African National Congress and had taken part in terrorist activities in South Africa, were true.

Mr Mogoerane said yesterday that he had admitted being a person police said he was because they had mentioned his mother and he thought she would be tortured.

He said he was arrested on December 28 near Hammanskraal.

## HANDCUFFED

"I was made to lie down next to Mr Mosololi and we were handcuffed together," Mr Mogoerane said.

"Captain Gert Visser came along and was told that I would not answer the other policemen's questions. A rope was tied around my hands and neck and I was tied to a tree."

Mr Mogoerane said he was questioned.

"I said I was just looking for dagga in the area. A plastic bag was put over my head several times so that I had difficulty breathing."

Mr Mogoerane said he was taken to Hammanskraal where he was spoken to by a policeman who called him 'Seeiso'.

"He asked me if I remembered Oshoek, but I said no."

Mr Mogoerane was then taken to Pretoria and said he was given electric shocks and told to tell the truth.

"I told them my

name was Godfrey, but they kept calling me 'Seeiso'. At one time a Sergeant Da Santos stuck a pistol in my mouth and I thought I heard a big noise. I wished the pistol had gone off," said Mr Mogoerane.

Later a colonel questioned him, said Mr Mogoerane.

"He said he knew I was 'Seeiso' and that I was a platoon leader in Angola."

"They asked me if I was the son of Christine Mogoerane. I was worried they might hurt her like I had been hurt, and I felt I was prepared to die. I then decided I would admit I was the person they said I was."

On December 31 he was taken to a Major Engelbrecht.

Because he was making a statement to a policeman in a police station, he feared further torture and repeated the story he knew the police wanted, Mr Mogoerane said.

Earlier the State had called several security policemen involved in the investigation. They denied any assaults on Mr Mogoerane.

Mr Mogoerane made a statement to Major Isaac Johannes Engelbrecht at Halfway House Police Station.

In it he said he left South Africa for Botswana in 1976.

In Botswana he was approached by the African National Con-

gress and agreed to join its military wing. He received military training in Angola and Tanzania.

The statement continued. "During April 1979 I returned to South Africa in a group of four — myself, Jabu, Lawrence and Ntsizwa. We lived in the veld near Soweto."

## SHOOTING

"One night our leader, Ntsizwa, went to fetch AK47 assault rifles and handgrenades. We each received a rifle and two handgrenades. We had to go and attack Moroka police station."

"In September 1979 we attacked Orlando police Station. I threw four handgrenades which exploded."

Mr Mogoerane said that after the attack he became ill. Later he went to Maputo.

"In October last year I returned to South Africa. While I was still in Maputo Ntsizwa and Jabu returned. They told me Bobby had been arrested and Malinke killed."

"I returned with Ntsizwa and we went to the veld in Hammanskraal."

While Major Engelbrecht was reading the alleged confession to the court, Mr Mogoerane's mother, Mrs Christine Mogoerane, left the court crying.

(Proceeding)

CAPE TIMES. 21/7/82

# Treason trial man was 'prepared for torture'

Own Correspondent

PRETORIA. — A man on trial for high treason said in the Pretoria Supreme Court yesterday that he was prepared to die by torture by the security police, but had decided to confess when they threatened to arrest his mother.

Mr Simon Thelle Mogoerane, 23, was giving evidence before Mr D J Curlewis and assessors during a "trial within a trial".

Mr Mogoerane, Mr Jerry Semano Mosononi, 25, and Marcus Thabo Motaunj, 27, are charged

with high treason and alternative charges of murder, attempted murder, robbery with aggravating circumstances and contravention of the Terrorism Act.

## 'Assaulted'

Mr Mogoerane said the statement he had made to a Soweto police officer, Mr E J Englebrecht, on December 31 last year, was made after he had been assaulted by police.

He said that when he was arrested in Hammanskraal, the police had tied a rope around his neck and tied his hands behind his back. They had also pulled a plastic bag over his head.

"They were questioning me and I told them I had come to look for dagga," Mr Mogoerane said.

He said he was "hung" from a tree while he stood on his toes.

He said he was further assaulted at the Hammanskraal police station before being taken to the security police in Pretoria. In the offices he was made to squat against the wall by a security policeman called "Tiny".

## 'I screamed'

"When I got tired he jerked me upwards by putting his fingers behind my ears. It was painful and I screamed. It felt as though there was liquid in my ears," he said.

Mr Mogoerane said he was then taken to another room "where a security policeman wrote 'truth' on the wall and said that is what I was supposed to speak".

Mr Mogoerane said a pistol was put in his mouth, and someone had banged on the table, making a sound like a shot being fired.

"I actually wish a bullet had gone off," he said.

Mr Mogoerane is on trial in connection with an attack on the Moroko and Wonderboompoort police stations and the Capital Park power station.

The hearing continues today.



Sowetan 21/7/82

# TORTURE CLAIM

ONE of the three men appearing on charges of high treason in the Pretoria Supreme Court alleged on Monday that a policeman had put a pistol in his mouth while interrogating him in the Compol Building in Pretoria shortly after his arrest last December.

Mr Thelle Simon Mogoerane was giving evidence before Mr Justice D Curlewis, with two assessors, during a trial within a trial into the admissibility of statements they made to the police and magistrates after their arrest on an island near Hammanskraal and

Stinkwater.

He said he had been taken to the second floor of the Compol Building, where he had been told to remove his sandals and had been made to lie on the floor by Captain Visser, Sergeant dos Santos and another captain.

Another policeman called "Tiny", he added, had come into the office and ordered him to squat against the wall. When he had felt tired, "Tiny" had put his two fingers under his ears and jerked him up.

"It was painful and I screamed," he said.

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the thieves were seen

331 (105) D-Dispatch 21/7/82  
**Ciskei terror trial adjourned**

ZWELITSHA — The Terrorism Act trial here was adjourned until Friday afternoon.

At the start of yesterday's hearing, which lasted a few minutes, the Attorney General, Advocate W. F. Jurgens, told the court he had run into

certain difficulties.

Mr William Mabone Duna, 31, Mr Dumalisile Maninjwa, 31, Mr Jeffrey Bayi Keye, 52, and Mr Luyanda Mayekiso, 23, all of Mdantsane are charged with participating in terrorist activities, being members of

the banned African National Congress and being in possession of banned literature.

They have pleaded not guilty before Mr Chief Justice De Wet and two assessors — Mr J. A. Nel and Mr P. Nel. — DDR.

# Terror accused: It's all true

By JOHN MOJAPELO  
Pretoria Bureau

A MAN accused of high treason told the Pretoria Supreme Court yesterday that a statement he made to the police admitting attacking three police stations and an electricity power station was correct.

Mr Thelle Simon Mogoerane, 23, made the admission during a day-long cross-examination by the State Prosecutor, Mr P B Jacobs. But, earlier, Mr Mogoerane told Mr Justice D J Curlewis and assessors that the statement was made after he had been tortured by Security Police.

Mr Mogoerane, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, have pleaded not guilty to a charge of high treason and alternative charges of murder, attempted murder, robbery with aggravating circumstances and contravention of the Terrorism Act.

Before the start of the cross-examination, Mr Jack Unterhalter, SC, for the three accused, objected when the State Prosecutor asked Mr Mogoerane whether the contents of the statement he made to a police officer, Major E J Engelbrecht, on December 31 last year were correct.

The judge ruled that the State was allowed to test the credibility of the statement by questioning Mr Mogoerane about it.

"The statement I made to

Major Engelbrecht is the truth," Mr Mogoerane told the court.

In the statement, Mr Mogoerane said that he left South Africa in 1976 and joined the ANC in Botswana. He received military training in Angola. He returned to South Africa with false documents and was involved in the attacks on Moroka, Orlando and Wonderboompoort police stations in 1981.

Mr Mogoerane said in the statement that he was also involved in the sabotage of the Capital Park electrical power station in Pretoria and the railway line between New Canada and Soweto.

Mr Mogoerane was then cross-examined on the allegations of police torture and about an alleged assault on Captain G Visser of the Security Police on December 28.

"What I did to Captain Visser is nothing compared with what was done to me. He only sustained a black eye and was not as injured as I was," Mr Mogoerane said.

He admitted he was attempting to escape when he attacked Capt Visser with handcuffs in a moving police car.

Mr Jacobs submitted that Mr Mogoerane's evidence of electrical shocks and assaults at Security Police headquarters in Pretoria to force him to make a statement was not true.

The hearing continues today.



# smash

## SP 'assaulted'

A SENIOR security policeman suffered a bruised eye when one of the men accused of high treason attacked him in a bid to escape while handcuffed in the car they were travelling in from Hammanskraal to Pretoria shortly after his arrest on December 28 last year, the Pretoria Supreme Court was told yesterday.

Asked if Captain Geri Visser had not retaliated immediately after the incident, in which he had nearly caused an accident, Mr Thelle Simon Mogoerane told the court that the assault had been "nothing compared to what I have gone through".

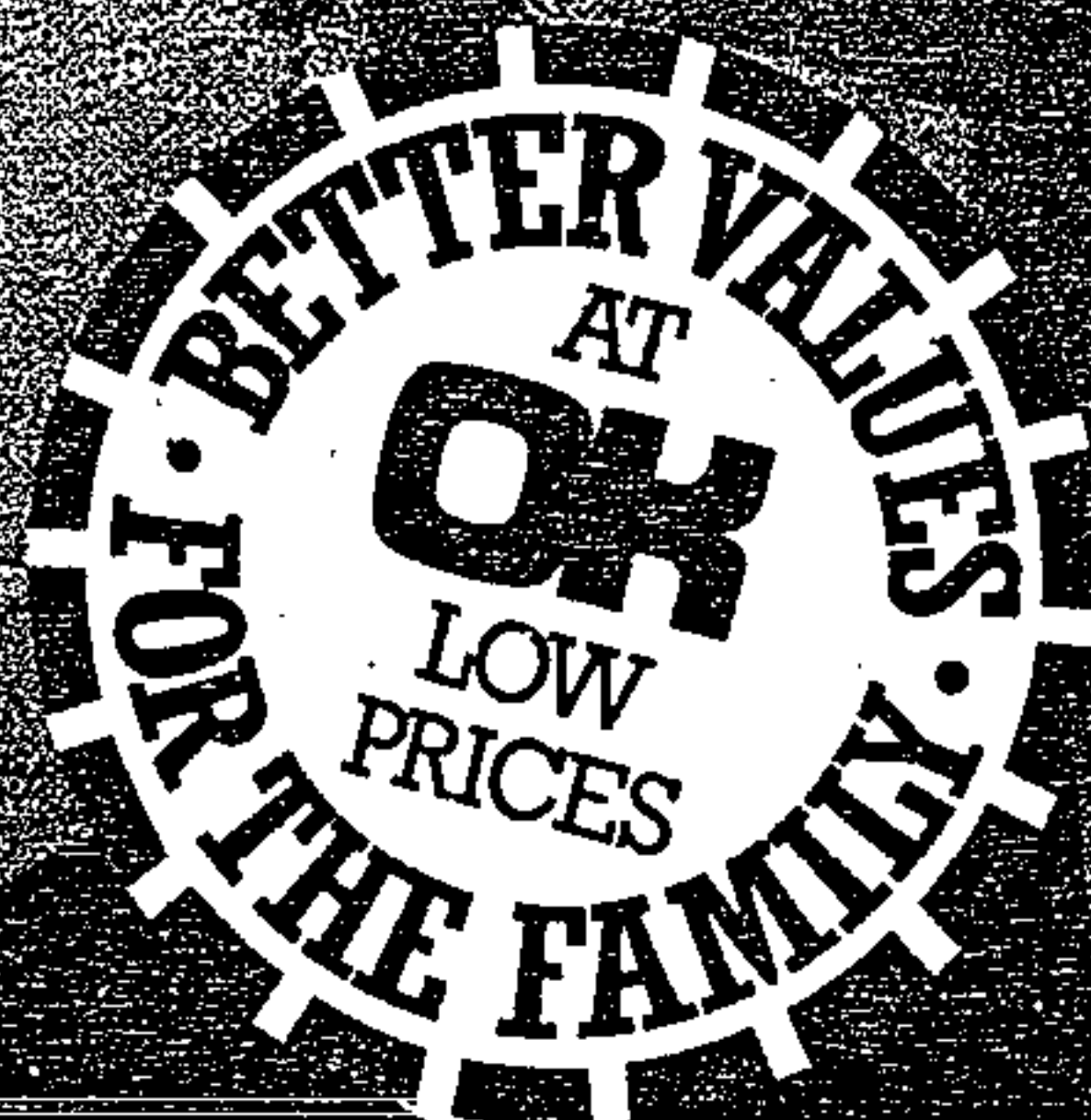
Mr Mogoerane (23), Mr Jerry Semano Mosololi (25) and Mr Marcus Thabo Motaung (27) appeared on charges of high treason and 20 alternative charges. All have pleaded not guilty.



who downed tools at Ferro Plastics and dies yesterday.

Pic. Robert Magwaza

# all the way mer bedding



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By ANNE SACKS

LAWYERS acting for 15 Kimberley schoolboy detainees believe the boys are being held illegally as State witnesses in one of the country's longest Terrorism Act trials.

The schoolboys have been detained for 18 months.

They are being held as likely State witnesses in a terrorism trial which began over a year ago and has so far cost over R160 000.

Lawyers this month brought an unsuccessful application before the Supreme Court to have the schoolchildren released.

The application is connected to the drawn-out Terrorism

Act trial arising out of unrest in Galeshewe, Kimberley, during the schools boycott of 1980/81.

During January and February 1981, 24 Galeshewe schoolchildren were detained.

On March 30 last year, the Attorney-General of the Northern Cape ordered that 19 of the children be transferred to Section 12 1(b) of the Internal Security Act, the State Witness clause. They were previously being held in

terms of the Terrorism Act.

Five of the 24 were charged under the Terrorism Act. Their trial began on June 2 last year. Four of the group of 19 detainees gave evidence for the State.

Those charged were Mr Sello Motlabakwe, 21, Mr Johannes Kers, 20, Mr Eugene Mokgoasi, 21, Mr Nelco Hlatshwayo, 20, and Mr Mlulami Fani, 22.

They have all pleaded not guilty to terrorism, arson, at-

tempted arson and housebreaking.

The trial dragged on and, on May 6 this year, the State closed its case.

"On that day, the prosecutor made available to the defence the remaining 15 detainees, should the legal representatives of the accused decide to call any or all of them, to give evidence on behalf of the accused," the lawyers said in their application to the Northern Cape Division of the Supreme Court.

The lawyers took statements from all 15 detainees and decided to call all of them to give evidence for the accused.

"It is submitted," the lawyers said, "that the reason for the detention of the persons concerned has fallen away and the authority granted in terms of the Statute no longer exists".

The Supreme Court ruled, however, it had no jurisdiction to order the detainees' release.

# Lawyers fight pupils' detention

# Trial judge throws out confession plea

23/7/82

Sowetan

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**A STATEMENT** allegedly made by one of the three treason trialists, admitting that he had taken part in the sabotage attacks on the Capital Park power station and Wonderboom police station last year, was read in the Pretoria Supreme Court yesterday.

The alleged statement was read by magistrate Mr A M H Blum shortly after Justice D Curlewis, sitting with two assessors, had rejected defence claims that confessions made by another accused, Mr Simon Thelle Mogoe-rane, had not been made freely and voluntarily.

The accused, he ruled, had made the confession without coercion or inducement.

In his confession, Mr Mogoe-rane had admitted being a member of the banned ANC and having left the country

to undergo military training outside South Africa.

Mr Mogoe-rane (23), Mr Jerry Semano Mosololi (25) and Mr Marcus Motaung (27) have pleaded not guilty to charges of high treason and 20 alternative charges during the trial confessions.

Mr Blum told the court yesterday that Mr Mosololi had freely and voluntarily made a statement to him on January 5 this year, in which he said he left the country in 1976 to undergo military training in Angola and East Germany.

Together with Mr Pendela Khuzwayo, the men had returned from Maputo to blast the railway line between New Canada and Mlamankunzi. They went back to Swaziland and came to the Republic, together with Pendela and

a man called Bruce, and at the Pretoria station they had met two others — "Ntsizwa" and "Abel" — before proceeding to Hammanskraal, where they met Seeso (Mr Mogoe-rane), the statement said.

From the base in Hammanskraal, the five had planned to attack the Capital Park power station on December 26 last year. They had cut through the fence and planted limpet mines and then returned to their underground base.

Ntsizwa, the court heard, had then initiated the attack. They were armed with AK-47 assault rifles and Bruce was armed with a bazooka.

After the attack, the five went back to the base while Ntsizwa and Bruce went to burn the car used during the attack.

The statement added that, while they were still at the hideout, Pendela saw a herdsman

waiting at the hole. He ran, from where he was sitting near a tree, to alert the others that people had seen the base. They then decided to tell Ntsizwa, who was washing at the river, that they had to take the weapons out.

According to the alleged statement, Mr Mosololi went to fetch a gas stove inside the hole while others ran away. He then heard a policeman trying to enter the base. He asked him not to shoot.

While he was waiting with other policemen, Mr Mogoe-rane arrived from the shops and both were arrested in December last year.

Rejecting Mr Mogoe-rane's application that the confession made to Major I E Engelbrecht at Halfway House early this year was not freely made, Mr Justice Curlewis described the accused as "liars" and added that he was satisfied with the evidence given by the responsible policemen involved during the investigation.



**COURT: Part of the Swazis who converged on the Pretoria Supreme Court yesterday.**



# Confession by treason trial accused is ruled admissible

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Stan  
23/7/82

## Pretoria Bureau

High treason accused Mr Thelle Simon Mogoerane's allegations that he was forced to make a confession were dismissed yesterday.

Mr Justice D Curlew, sitting with two assessors, ruled at a trial-within-a-trial in the Pretoria Supreme Court yesterday that the confession was admissible as evidence.

Mr Mogoerane (23), standing trial for high treason with Mr Jerry Semano Mosololi (25) and Mr Marcus Thabo Motaung (27), contested the validity of the confession he had made about being a member of the banned African National Congress and taking part in terrorist activities in South Africa.

Earlier, Mr Mogoerane admitted that the confession was the truth, but said he had been assaulted,

threatened and forced by the police to make the statement.

Mr Justice Curlew said there was no doubt in his mind that the police had not conspired against Mr Mogoerane.

He said Mr Mogoerane had made Captain Gert Visser out to be a "sadistic monster" when he said he had been hung from a tree, dragged along the ground and given electric shocks.

Mr Justice Curlew asked why, if Captain Visser had wanted to torture Mr Mogoerane, he had been so worried about getting handcuffs off Mr Mogoerane without hurting him, and why he had not retaliated when Mr Mogoerane had assaulted him during a trip to Hammanskraal.

Mr Mogoerane had admitted that he had lied when he was arrested at Hammanskraal when he said he was

looking for dagga, Mr Justice Curlew said.

"He is obviously a comprehensive and consistent liar," the judge said.

At the start of a second trial-within-a-trial, concerning the admissibility of Mr Mosololi's confession, magistrate Mr A M Bluhn gave evidence.

Mr Bluhn said he had taken Mr Mosololi's statement on January 5 this year. He said he went through the normal procedure of warning Mr Mosololi that anything he said could be used as evidence against him.

Mr Mosololi answered that he wanted to make the statement because he thought his sentence would be less if he made a confession.

Mr Bluhn said Mr Mosololi said he had been assaulted when arrested, but said he had not been forced to make the statement.

The only injuries he

had were on his wrists from handcuffs and marks on his chest from a dog. Mr Bluhn did not think any of the injuries were serious.

Mr Mosololi said in the statement that he had been arrested at Hammanskraal on December 28 last year.

In 1976 Mr Mosololi went to Angola and East Germany, where he underwent military training, the statement said.

In 1981 he was sent to blow up the New Canada, Mzimhlope and Mlamkunze railway lines.

Later in the year he was sent with other ANC members to meet "Seeiso" in Hammanskraal, where they made a hide-out.

He said he took part in the sabotage of the Capital Park substation and the Wonderboompoort Police Station.

The trial continues.

# Treason trial: confession of 'liar' accepted

By JOHN MOJAPELO

A CONFESSION by a treason trial accused, described by a judge in the Pretoria Supreme Court yesterday as a "comprehensive liar", was allowed as evidence.

Mr Justice D J Curlewis and assessors unanimously decided that the confession by Mr Thelle Simon Mogoerane, 23, on December 31 last year was made voluntarily and freely.

Earlier Mr Mogoerane had said he made the confession after being subjected to torture by the Security Police.

Mr Mogoerane, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, alleged members of the banned African National Congress, pleaded not guilty to high treason and alternative charges of murder, attempted murder, robbery with aggravating circumstances and contravention of the Terrorism Act.

In the confession, Mr Mogoerane told a Justice of the Peace, Major A Engelbrecht, that he took part in attacks on the Moroka, Orlando and Wonderboompoort police stations and the Capital Park power station in Pretoria.

The judge said Mr Mogoerane had lied comprehensively when he testified about incidents alleged to have occurred before he was taken by two security policemen to Maj Engelbrecht.

"There is not a shadow of doubt that the two security

policemen, Lieutenants Trolip and Loock, have told the truth," the judge said. He said Maj Engelbrecht had been meticulous in taking the confession — Mr Mogoerane had signed each page.

The judge said Mr Mogoerane had called a security policeman, Captain G Visser, a "sadistic monster". The judge had, however, found his actions in unlocking overly tight handcuffs on Mr Mogoerane "decent and sensitive".

The judge said further that an attack on Capt Visser by Mr Mogoerane while the former was driving him to Pretoria was "murderous" and could have led to disaster for the occupants of the car.

"Capt Visser took no retaliatory action at all. He could have, because he sustained contusions and bruises during the attack," the judge said.

In a statement to a magistrate, Mr A M Bluhm, on January 5, Mr Mosololi said he left the country in 1976 and received military training in Angola and East Germany.

He came back to the country with instructions from the Maputo ANC base to sabotage the railway line between New Canada and Soweto, which he did. He then returned to Maputo.

He had been arrested at an underground hideout on a farm at Hammanskraal on December 28, he said.

The hearing continues today.



# Woman in court after 8 months' custody

Mall Reporter

A WOMAN who has spent the past eight months in custody appeared in the Johannesburg Regional Court yesterday to apply for bail.

Miss Lillian Keagile, 24, of Molapo in Soweto, appeared before Mr W Aucamp.

The prosecutor Mr A van Wyk told the court Miss Keagile was alleged to have belonged to a banned organisation. She had first been held under the General Laws Amendment Act and later under Section 6 of the Terrorism Act.

He opposed bail and said the police had not yet completed their investigations.

Mr M Basslian, for the defence, said his client was arrested on November 18 last year and was held in custody under security legislation before charges were formulat-

ed against her.

He said it seemed police would never complete their investigations, which started when she was arrested.

The magistrate said he would give a decision on Tuesday whether Miss Keagile should be granted bail.

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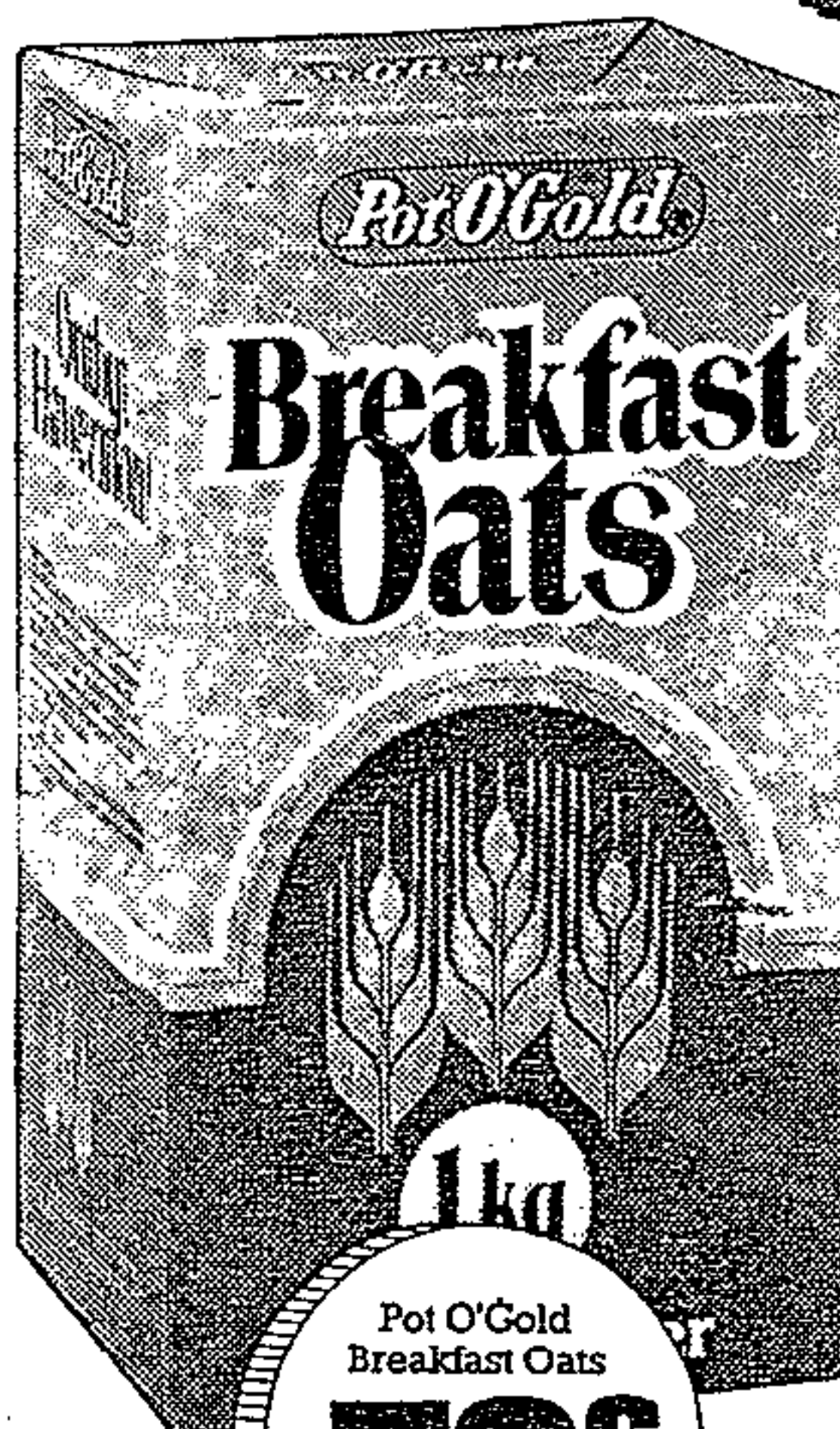
## A little w

London Burea

LONDON. — The SAS, British soldiers who are used on special operations, have publicly thanked women who have helped them in the Falkland Islands.

The wives of SAS soldiers at the regiment's headquarters in a "knit for victory" camp

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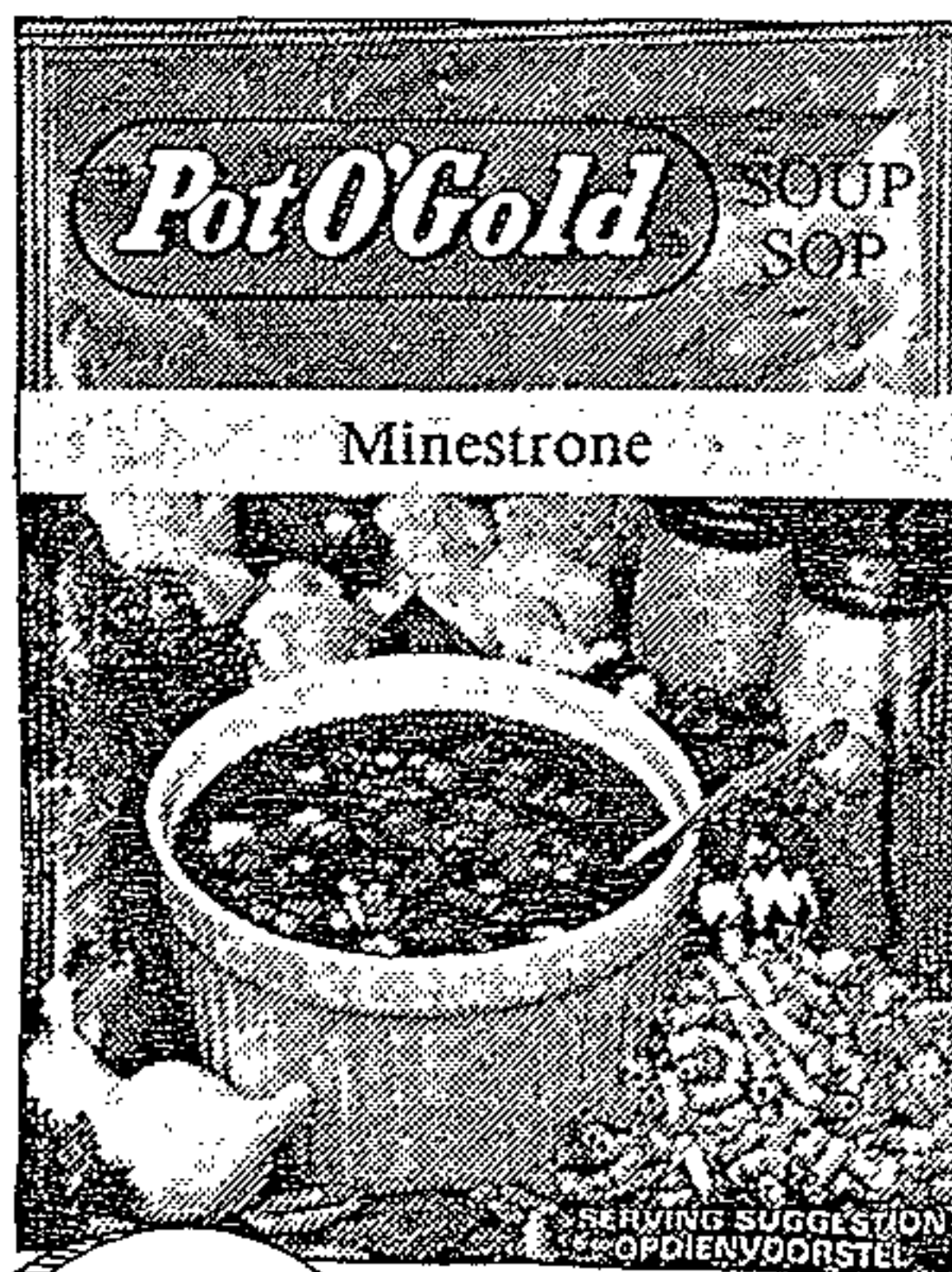
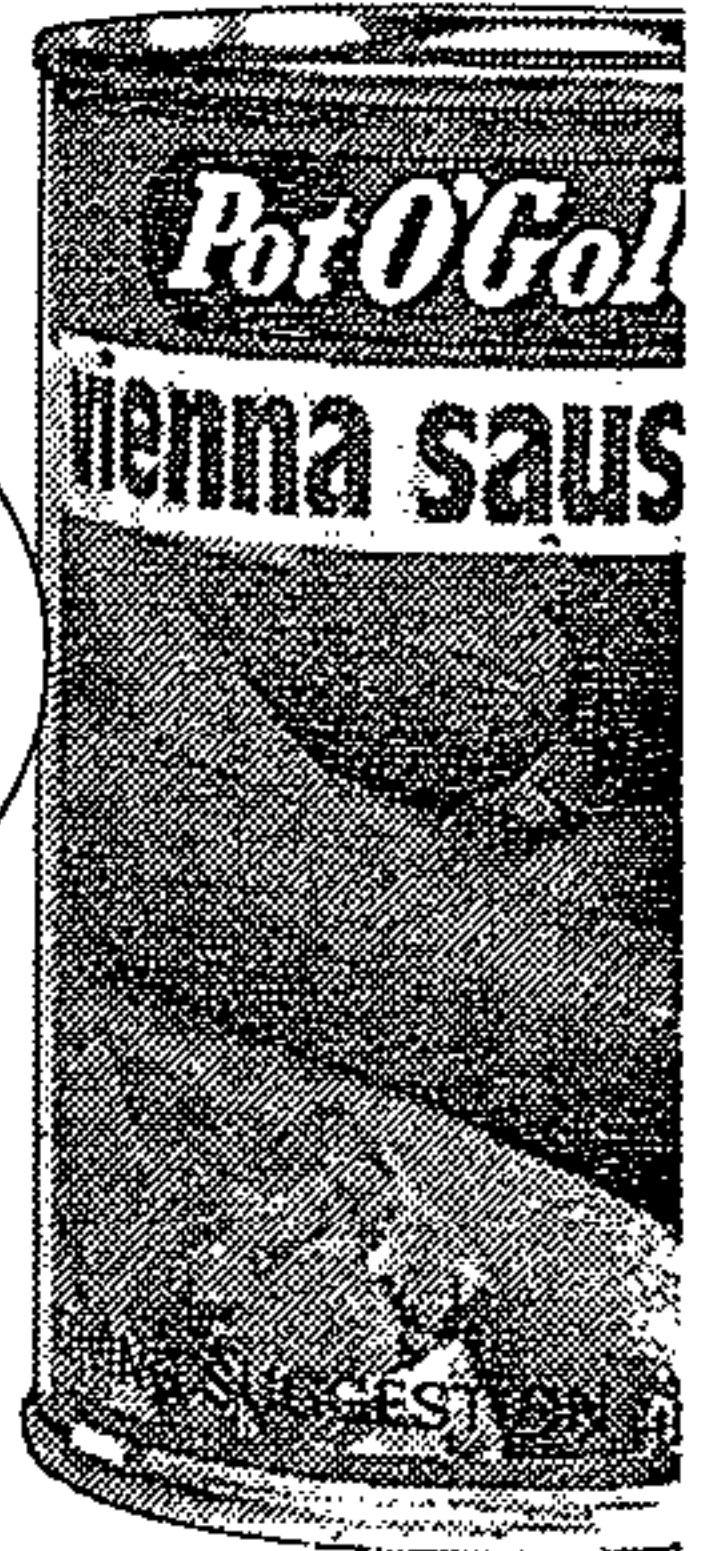


Pot O'Gold  
Breakfast Oats  
**79c**  
1 kg

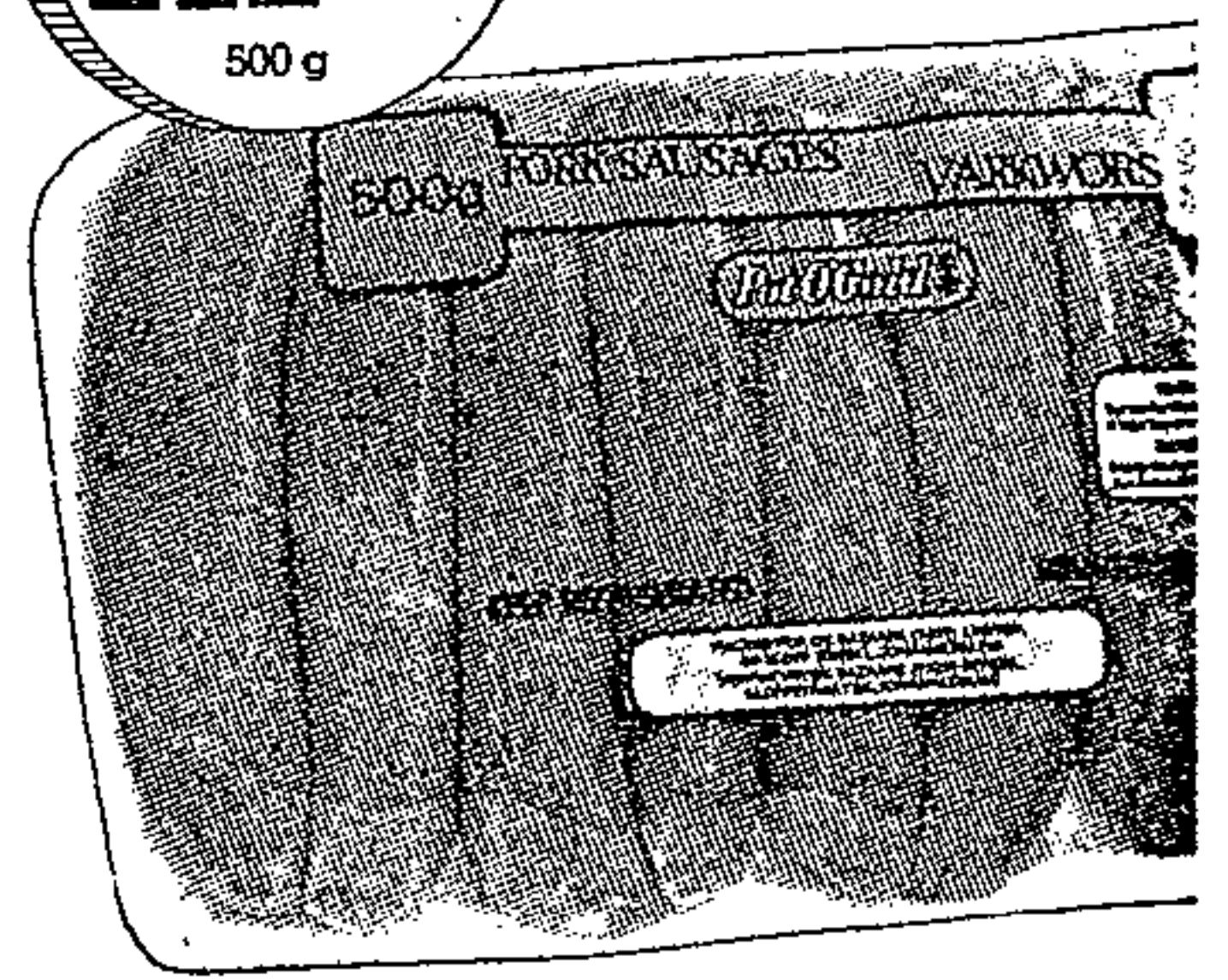
Pot O'Gold  
Spaghetti or  
Macaroni Plain  
**59c**  
500 g



Pot O'Gold  
Vienna Sausages  
**85c**  
380 g



Pot O'Gold  
Pork Sausages  
**R1,39**  
500 g





# Remand after 252 days' jail

331 Stan 23/7/82  
A young woman was yesterday remanded a second time after being held in detention for 252 days. She will again appear before a Johannesburg Regional Court magistrate on July 27.

Miss Lilian Keagile (24) was arrested on November 18 last year. She is being held in connection with furthering the aims of a banned organisation or, alternatively, participating in the activities of a banned organisation.

The organisation has not been named on the charge sheet.

The magistrate, Mr W Aucamp, adjourned the case for five days to assess the arguments put by defence advocate Mr M Basslian concerning an application for bail.

Miss Keagile of Molapo, Soweto, first appeared in court on June 17. The prosecutor, Mr A van Wyk, opposed the granting of bail on the grounds that police investigations had not been completed.



201 247182  
Accused  
'happy' 331  
to talk

Pretoria Bureau

A TREASON trial accused spoke "spontaneously" to the Security Police after his arrest inside an underground hide-out, the Pretoria Supreme Court heard yesterday.

Security policeman Captain Gert Visser testified before Mr Justice D J Curlewis and assessors that he questioned Mr Jerry Semano Mosololi, 25, on a Hammanskraal farm island hide-out in the Apies River on December 28 last year.

"Accused number two (Mr Mosololi) spontaneously told me exactly how he came there and how he was found in the hole," Capt Visser said.

He denied Mr Mosololi was assaulted or forced to make a statement to magistrate Mr A H Bluhm on January 5.

Mr Mosololi, Mr Thelle Simon Mogoerane, 23, and Mr Marcus Thabo Motaung, 27, are appearing on a charge of high treason and 20 alternative charges of murder, attempted murder, robbery with aggravating circumstances and contraventions of the Terrorism Act. They have pleaded not guilty to all charges.

Capt Visser said when he arrived at the island Mr Mosololi had a swollen lip which a police constable said had been sustained during the arrest.

The hearing continues on Monday.

Mr P B Jacobs and Mr J F Pistor appeared for the state and Mr J Unterhlater and Mr N Tuchten appeared for the three accused.

Snell  
out

# Advocate objects to statements

*D. Dispatch*

24/7/82

331

ZWELITSHA — A Durban advocate, Mr M. T. Moerane, objected to the handing in of three statements allegedly made by accused persons in a Terrorism Act trial in the Ciskei Supreme Court here yesterday.

In a trial within a trial to determine whether to admit the statements as part of the evidence or whether they should be handed in to the judge, Mr Justice De Wet ruled that they should be handed in. He reserved judgment on their admissibility until August 23.

Mr Moerane, for the defence, opposed their being handed in to court.

He said the statements were inadmissible because they were written in Afrikaans which was not an official language in Ciskei. A translation of the Afrikaans statements into English would not be admissible either because it would be secondary evidence.

Four Mdantsane men, Mr William Mabone Duna, 31, Mr Dumisani Maninjwa, 31, Mr Jeffrey Bayi Keye, 52, and Mr Luyanda Mayekiso, 23, have pleaded not guilty to participating in terrorist activities, being members of the banned African National Congress and being in possession of banned literature.

Mr Moerane further

argued that two of the three statements were made to an East London magistrate in August and September last year.

By that time Ciskei had its own Department of Justice and its own Magistrate Act. The two statements were thus inadmissible because they were not made to a magistrate of or in Ciskei but to a South African magistrate belonging to another Department of Justice.

He said the third statement, although made before a magistrate in Ciskei, was not admissible either because it was also written in Afrikaans.

The Attorney-General, Advocate W. F. Jurgens, said Afrikaans was still an official language in Ciskei when the statements were made. He agreed that it was no longer an official language since independence.

Mr Jurgens said it would be ridiculous to argue that a marriage certificate made in Mongolia or a South African marriage certificate in Afrikaans would not be admissible in Ciskei. He asked what the case would be of a will drawn up in Afrikaans in Alice before independence.

He also agreed that an East London magistrate had no powers in another district and could fulfil his duties only in his territory. In this case an East London magistrate took statements in East London and they were therefore admissible in any court.

The case was postponed to August 23. —  
DDR.



## ARMS SMUGGLING ALLEGED

# The State paints a picture of terror as three go on trial for their lives

ARLENE GETZ reports from the Pretoria Supreme Court

THREE young men on trial for their lives were laughing and joking in the Pretoria Supreme Court this week.

The three men, Mr Thello Simon Mogoerane, 23, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, are known to the court as accused Nos. 1, 2 and 3.

Casually dressed, they sit in the dock above large cards painted with their brief identification numbers.

The men could face death sentences if found guilty — but in court this week they were alert and cheerful, taking advantage of tea and lunch breaks to smile and wave to the few relatives attending the trial.

Their 20-day-old trial has settled into a comfortable rhythm, but the jargon of court documents and arguments do little to illuminate the last six years of the dramatic life of the men after they left the country.

Yet a startling picture of comprehensive across-the-border-training in guerrilla warfare has emerged in evidence in the Palace of Justice.

The State claims the three men became members of the ANC in 1976.

From then until 1979 they were allegedly trained as soldiers in Angola, Tanzania and East Germany before basing themselves in Mozambique for skirmishes in South Africa.

During these trips they allegedly smuggled sophisticated Russian weapons into the country and carried out attacks on various installations and police stations.

Less than a year ago the two younger men, Mr Mogoerane and Mr Mosololi, were sharing an underground hide-away with three unidentified men, the court was told.

The bunker, carved out of the soil of the Hammanakraal bush, served as their home and the base from which they allegedly launched their attack on the

## SMILES AND WAVES FOR THE ACCUSED TRIO'S RELATIVES

THREE alleged members of the banned African National Congress are facing charges of high treason in the Pretoria Supreme Court.

Mr Thello Simon Mogoerane, 23, of Boksburg, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, both of Soweto, have denied being involved in attacks on police stations

at Moroka, Orlando, and Wonderboompoort. Four policemen died and 10 people were hurt in the attacks.

They are facing a main charge of high treason with alternative charges of three counts of murder, 11 of attempted murder, five under the Terrorism Act, and robbery with aggravating circumstances.

Wonderboompoort police station on December 26 last year.

The third accused, Mr Motaung, allegedly co-ordinated the plans of the attack.

Located on an island farm on the Apies River, the hide-out's entrance was a round opening smaller than a manhole cover and draped with black plastic.

The tiny hole led to an underground passage which in turn opened into an earth room.

The roof was supported

with wooden beams, and the room contained a 200l water tank with the letters ANC painted on the side.

Lists handed in to the court stated that the room also contained a transistor radio, a map of Pretoria, five sleeping bags, plates, a kettle, pots, petrol, picks, glue, and a book written by ANC president Alfred Lutuli, entitled 'Let My People Go'.

The men also had a basic kit which included disinfectant, cough medicine, and

two preparations to combat athlete's foot.

Their food supply was small, comprising cans of sardines, sausages, beans, apricot jam, mixed vegetables, bottles of mayonnaise, and a tin of coffee.

There were also three packets of candles, a box of matches, two packets of cigarettes and a bottle of whisky.

The three accused were arrested at the hide-out when it was discovered by a herdsman two days after the

attack on the Wonderboompoort police station on December 26 last year.

Near the bunker was an arms cache containing weapons that included five AK M rifles, a rocket launcher, 10 handgrenades, ammunition, bayonets, and 5kg of plastic explosive.

According to the charge sheet, Mr Mogoerane and Mr Mosololi lived in the underground hide-away from October to December last year.

This was allegedly Mr Mogoerane's second underground hide-out, the first having been built near Meadowlands, Johannesburg, in April 1979.

It was from the Meadowlands hide-out that Mr Mogoerane and the third accused, Mr Motaung, attacked the Moroka police station on May 3 that year, the court heard.

A police constable was killed in the attack and five

people — including three civilians — were wounded.

Six months later, on November 1, Mr Mogoerane and Mr Motaung were allegedly among those who attacked the Orlando police station, killing two policemen and wounding two men.

In 1980 Mr Mosololi allegedly entered South Africa from Mozambique and is accused of being one of three men who sabotaged the railway line in two places near New Canada railway station on May 24 last year.

So far 70 State witnesses — including at least one former ANC member who defected to the South African Security Police — have testified against the men.

The defence hopes to begin putting its case early next week.

In a trial-within-a-trial Mr Justice J D Curlewis decided to admit Mr Mogoerane's confession as evidence.

The men claimed their statements were not made freely and voluntarily and therefore should not be accepted by the court.

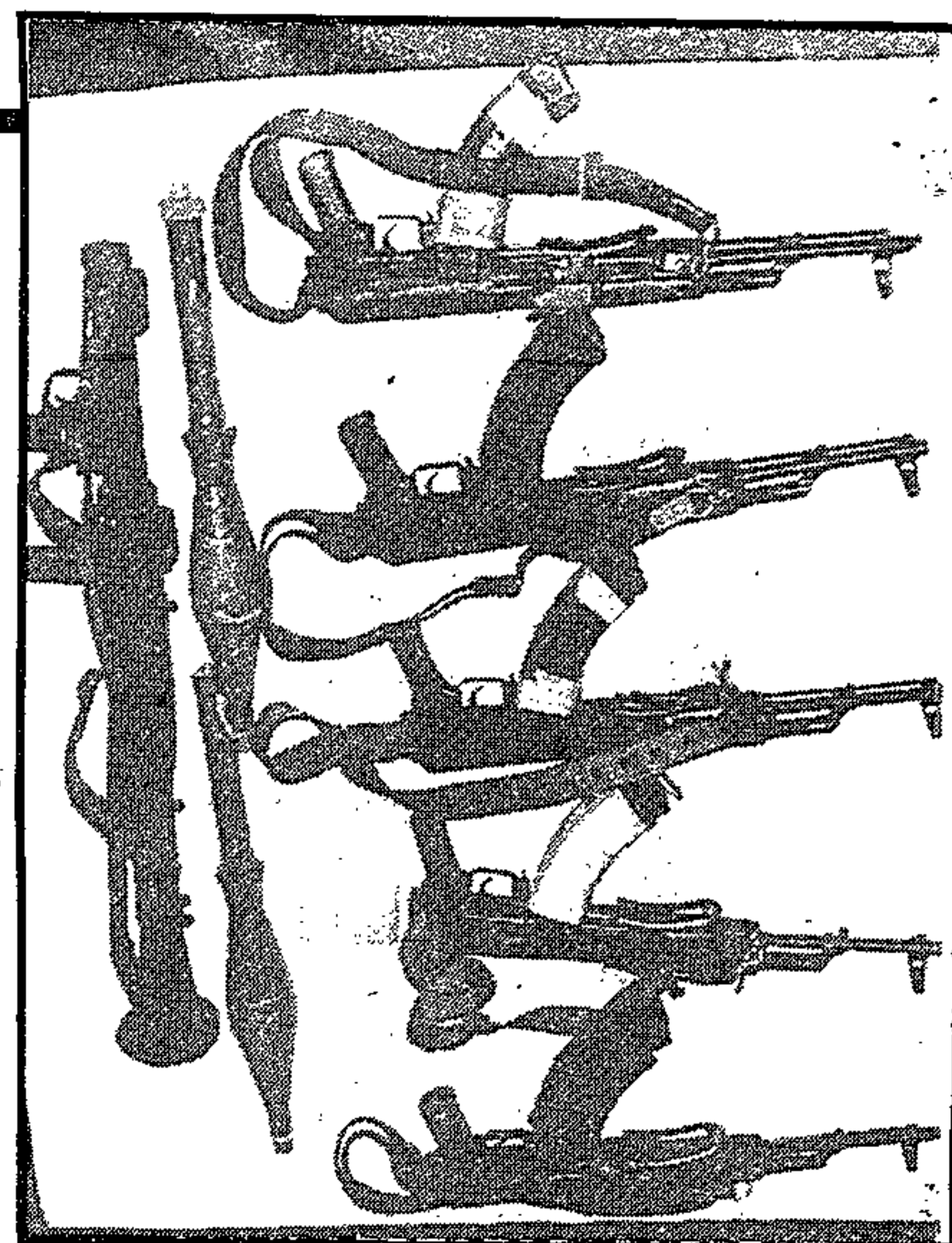
Mr Mogoerane, admitting that his confession was true, told the court that one of the policemen who arrested him repeatedly tied a plastic bag around his head while he was being interrogated.

A rope coiled to the branch of a tree was used to bind his hands so that he was forced to stand on his toes, he said.

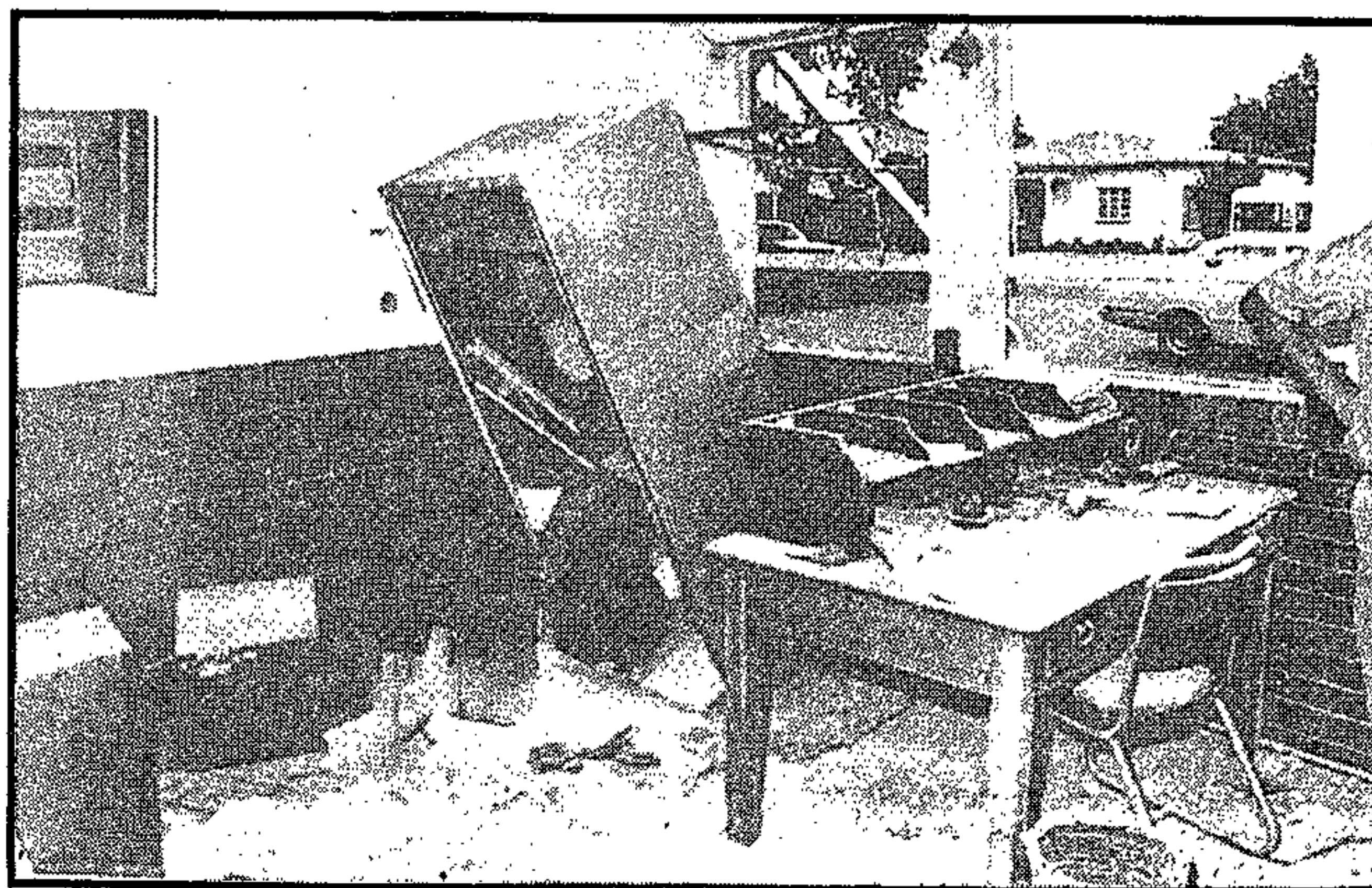
He also claimed he was tortured with a cigarette butt and in one case a gun was placed in his mouth while another gun was fired nearby.

"I was scared of the police, because I was in their hands," he said.

The trial is proceeding. Mr Curlewis is sitting with two assessors. Mr P B Jacobs and Mr J F Pistor are appearing for the State and Mr Jack Unterhalter and Mr N Tuchten are appearing for the defence.



Some of the contents of the arms cache allegedly used in ANC attacks in Pretoria.



The inquiries office of the Wonderboompoort police station after it was attacked on December 26 last year. One policeman died and four were wounded.



# Dissent in court over statements

A DURBAN advocate, Mr. M T Moerane, objected to the handing in of three statements allegedly made by accused persons in a terrorism trial in the Ciskei Supreme Court in Zwelitsha on Friday.

In a trial within a trial to determine whether to admit the statements as part of evidence or whether they should be handed in, the judge, Mr Justice de Wet, ruled that they should be handed in.

He reserved judgment on their admissibility until August 23.

Mr Moerane, for the defence, opposed the handing in of the statements to the court. He said they were inadmissible because they were written in Afrikaans, which is not an official language in Ciskei. A translation of the Afrikaans statements into English would not be admissible either, be-

cause it would be secondary evidence.

Four Mdantsane men, Mr William Mabone (31), Mr Dumisani Maninjwa (31), Mr Jeffrey Bayi Keyen and Mr Luyanda Mayekiso, have pleaded not guilty to participating in "terrorist" activities, being members of the banned African National Congress and being in possession of banned literature.

Mr Moerane further argued that two of the three statements were made to an East London magistrate in August and September last year. By that time Ciskei had its own department of justice and its own Magistrate Act.

The two statements were inadmissible because they were not made to a magistrate of or in Ciskei, but to a South African magistrate belonging to another department of

justice.

He said the third statement, although made before a magistrate in Ciskei, was also not admissible as it was also written in Afrikaans.

Ciskei's Attorney-General, Mr W F Jurgens, appearing for the State, said Afrikaans had still been an official language in Ciskei when the statements had been made. He agreed that it was no longer an official language since independence.

He also agreed that an East London magistrate had no powers in another district and could fulfil his duties only in his territory. In this case, an East London magistrate took statements in East London and they were therefore admissible in any court.

The case was postponed to August. — Sapa.

VERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

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Examiners' Initials		

Paper No. Ia.  
(to be copied from the heading on the Examination Paper)

## NOTE CAREFULLY

1. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
2. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
4. Do not write in the left hand margin.

## WARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

**Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University**



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(331) ~~27~~  
Unionists

Jan 27/7/22. ~~1921~~  
not guilty

~~1921~~  
Labour Reporter

Five Eastern Cape auto union members were found not guilty in the Uitenhage Regional Court yesterday on charges of public violence.

Their appearance followed a number of postponements in a case which arose from a strike last June over wages at the Dorbyl components plant in Uitenhage.

They are all members of the National Automobile and Allied Workers' Union.

Another nine former Dorbyl workers were acquitted late last year on similar charges, while five were found guilty. One of the five was given an effective one-year jail term. The others were fined.



Sowetan 131 ~~132~~

By MONK NKOMO

In his evidence in chief, Mr Jerry Semano Mosololi (25) told the court he had been tortured shortly after his arrest at an underground base near Hammanskraal on December 28 last year. Captain Gert Visser, he said, had asked him where "the guns" were. After he had replied that he knew nothing about them, Captain Visser had put a wet plastic bag over his head and tightened it, making it difficult for him to breathe. This had been done at regular intervals.

Mosololi was giving evidence during a trial within a trial, in which the defence is contesting the admissibility of a statement he allegedly made before a magistrate confessing that he had taken part in sabotage attacks on the Wonderboompoort Police Station, Capital Park Power Station and the railway line between New Canada and Mlam-lankunzi last year.

Rejecting the defence counsel's contention that the accused had not made the statement freely and voluntarily, Mr Justice D Curlewis, sitting with two assessors, ruled that the accused had, during cross-examination by the State, evaded questions, protested "too much" and fabricated stories, and all that he had said about being assaulted, tortured or bitten by a dog was "a pack of lies".

Mr Mosololi, Mr Thellé Simon Mogoe-rane (23) and Mr Mar-cus Motaung (27) have pleaded not guilty to a

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USS Vessels are so instructed.

candidates are not to communicate with other candidates or with any person except the invitor.

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answer books must be handed to the commissioner or to an invigilator before leaving the examination.

Degree/Diploma/Certificate for which  
you are registered (e.g. B.A., B.Sc.) B-Comm

**Paper No.....**  
(to be copied from the heading on the Examination Paper)

charge of high treason and twenty alternative charges that include murder, attempted murder, contraventions of the Terrorism Act and robbery with aggravating circumstances.

found the bags missing and police accused him of "playing the fool" with them.

He had then been taken to a spot near the underground base where his feet had been bound with rope and he had been blindfolded with a black piece of cloth. His trousers and underpants had been lowered to his knees and he had been made to lie down. "I felt a terrible shock on the groin and I screamed at one stage. I felt the shock all over my body, including my private parts," Mr Mosololi said.

## Proceeding

1. Enter at the top of the block, question you ask. Mr Mosololi had earlier told the court that one of the policemen had charged him with a
2. Blue or black dog during his arrest at answers. The the island. He lifted his able. Red or shirt in court, showing a underlining, scar on the chest that he which pencil said was a dog bite. After telling police he
3. Names must did not know anything (e.g. graph p about guns, he had examination taken them to the spot where he had earlier left
4. Do not write i bags containing clothing. On arrival they had

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## Vervaardig in Suid-Afrika



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DAILY DISPATCH, TUESDAY, JULY 27, 1982 — 7

# Banned pamphlets: man freed

MDANTSANE — An Mdantsane man was found not guilty yesterday of possessing three prohibited publications.

In acquitting Mr Boy-boy Mpulampula, 27, the magistrate, Mr J. Dracatos, said that had he had to base his verdict on the

strength of evidence given in court, he would have decided in favour of the state.

What had created doubt in his mind was that there had been evidence of assault, and a number which appeared on one of the publica-

tions in question — Umkhonto-Lerumo — had been shewn to appear on a similar publication exhibited in a Supreme Court case in progress in Zwelitsha.

Mr Dracatos said that the number, 48, did not appear on the same spot

on both publications.

"I can't say I believe what the accused has told the court."

But since there was doubt about the one publication, he felt the same about the other two presented.

Mr Dracatos said the defence had alleged the

pamphlets had not been found in Mr Mpulampula's possession but had been planted.

He also referred to an order restraining certain security officers from assaulting Mr Mpulampula while he was in detention. — DDR.

DOM 27/7/82 (331)

# Supreme Court accepts statement by treason trialist

By JOHN MOJAPALO

A STATEMENT to a magistrate by one of the treason trial accused was accepted as evidence in the trial within a trial in the Pretoria Supreme Court yesterday.

Mr Jerry Semano Mosololi, 25, alleged that he made the statement to the magistrate Mr A M Bluhm on January 5 after being assaulted and threatened by Security Police.

In the statement Mr Mosololi admitted taking part in the attack on three police stations last year after receiving military training in Angola and East Germany.

Mr Justice D J Curlewis, sitting with assessors, found that the statement was made freely and voluntarily.

The judge said Mr Mosololi was an appalling witness. He protested, prevaricated and evaded questions.

He said Mr Mosololi's evidence of how he was bitten by a police dog after his arrest inside an underground hideout in Hammanskraal "bristled with improbabilities".

"It was perfectly clear that he was making up the stories as he was going along," the judge said.

"The evidence of the assault was a pack of lies and he was not threatened at all."

Mr Mosololi, Mr Thelle Simon Mogoerane, 23, and Mr Marcus Thabo Motaung, 27, are appearing on high treason charges and 20 alternative charges of murder, attempted murder, robbery with aggravating circumstances and contravention of the Terrorism Act.

Alleged members of the African National Congress, they have pleaded not guilty to all charges.

Mr Mosololi earlier told the court that he was with Mr Mogoerane and two others in the underground base in Hammanskraal.

He said he was arrested and punched on the mouth by Constable Pieter van Wyk.

"I was then made to lie on the ground while my hands were handcuffed from behind," Mr Mosololi said.

He said he was assaulted by Captain G Visser who put a plastic bag over his head which made breathing difficult. A police dog was then set on him and bit his chest.

"They blindfolded me with a black cloth. They lowered my trousers and underpants. While I was lying down I felt a terrible shock in my groin. I started screaming," Mr Mosololi said.

He said he was later taken to the offices of the Security Police in Pretoria, Compol Building, where he was further threatened before making a statement to the magistrate.

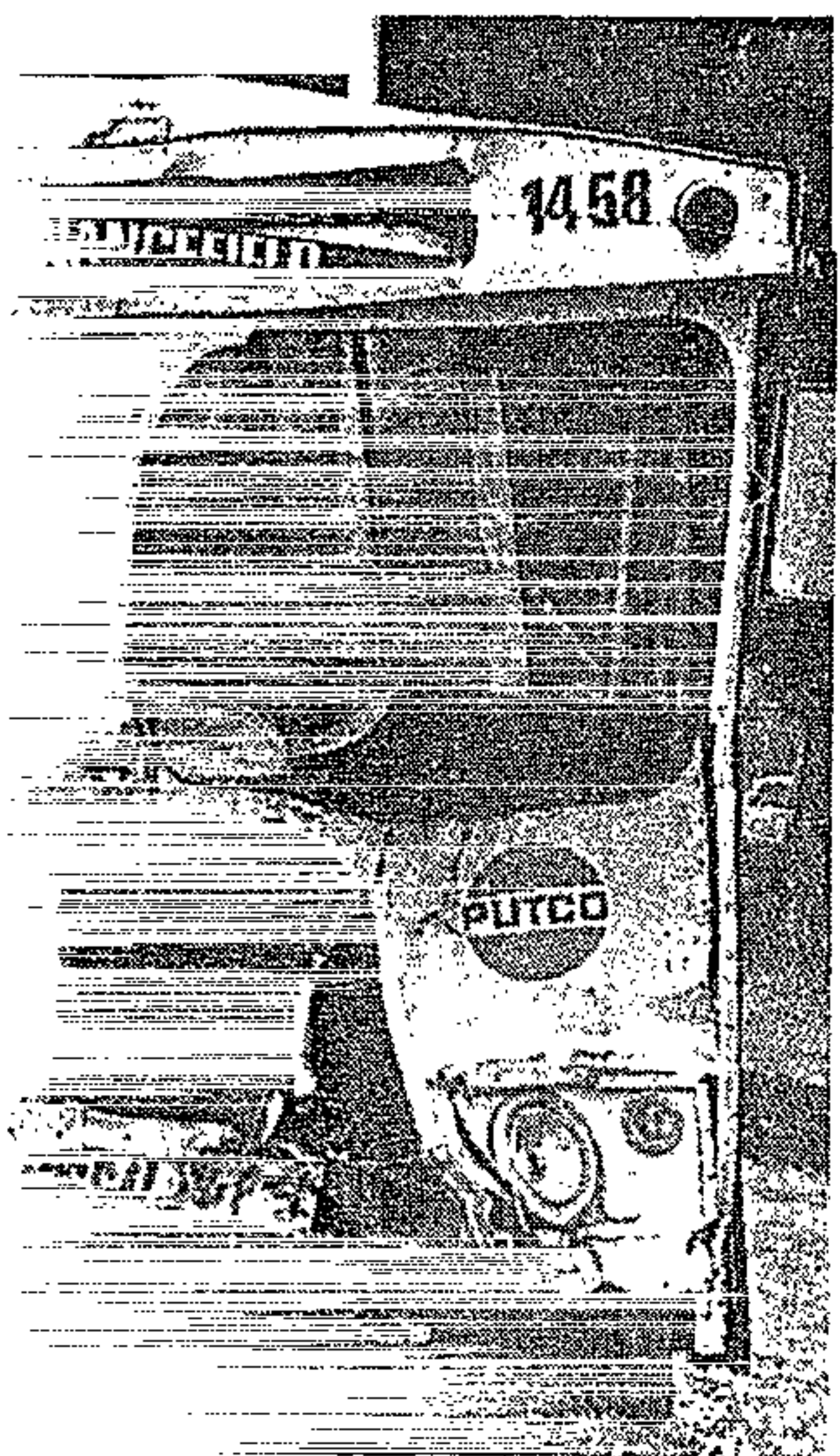
Constable Van Wyk denied in evidence that he punched Mr Mosololi on the mouth, saying Mr Mosololi sustained the wound when pulled out of the hideout.

Captain Visser and Major F P Nel also denied in evidence that Mr Mosololi was assaulted or threatened at the Compol Building.

Colonel J H Baker, who took part in the questioning of Mr Mosololi at Compol Building, denied threatening him.



erton yesterday morning. The driver of



were injured as the two vehicles met

Picture: ABSALOM MNISI

## Strike a light, mate! No, you'd better not

Mail Reporter

LIGHTING up your life is going to cost you 50% more.

Yesterday the Lion Match group announced that a standard box of matches would cost 3c instead of 2c — the first price increase since 1977.

The managing director of the Durban-based company, Mr Robert Harker, said last night that the new price compared "very favourably" with prices in the rest of the world.

"In England an equivalent box of matches would cost 10c," he said.

"I dare say traders will jump in and sell their old stocks at the new price, but there is nothing we can really do about that."

ail

## Doctors are warned after drug death

By JOHAN BUYS

Cocksburg-Benoni Hospital after injecting himself intravenously with a solution of Welconal — a Schedule 7 drug. He obtained a massive

## Boy, 12, hanged

WINDHOEK. — A 12-year-old schoolboy was found hanged at the weekend in a garage at his parents' home in Kombat, northern SWA police reported in Windhoek yesterday.



331 (228) RWM 28/7/82

# Treason accused 'begged' for hospital treatment

By JOHN MOJAPALO

AN ACCUSED in the ANC treason trial told the Pretoria Supreme Court yesterday that for two days he repeatedly begged the Security Police for medical treatment for bullet wounds sustained during his arrest.

Mr Marcus Thabo Motaung, 27, told Mr Justice D J Curlewis and assessors that he was shot in the hip and the groin by Security Police at Stinkwater on May 1. He was sent to hospital on May 3, admitted for eight days and operated on.

Mr Motaung said that for two days, while he was in the custody of the Security Police, he had repeatedly asked for medical treatment but instead was told to show the police hidden weapons.

Mr Motaung, Mr Thelle Simon Mogoerane, 23, and Mr Jerry Semano Mosololi, 25, alleged ANC members, are appearing on a high treason

charge and 20 alternative charges of murder, attempted murder, robbery with aggravating circumstances and the contravention of the Terrorism Act.

Mr Motaung said that when he asked for medical treatment after being shot, Major S P Nel had told him he must die.

"In the police combi, I was bleeding and it was painful where I was shot. I told them to take me to hospital because I was in pain. I was told by Major Nel that I would only be taken there after I had produced the guns."

He said he repeated the hospital request when the police were searching for an arms cache near the Ga-Rankuwa hospital.

They later found a steel trunk with three AK47 rifles, TNT explosives and some hand grenades.

Mr Motaung said while he was detained at Pretoria Central police station pain prevented him from sleeping.

He had leaned against the cell's bars the whole night.

On May 12 Mr Motaung made a statement to a magistrate Mr J A Diner.

He told how he joined the ANC in October, 1977, while in Swaziland. He was taken to Mozambique and later to Angola for military training.

In April 1979, he attacked the Moroka Police Station. He also helped attack Orlando Police Station.

He told the magistrate of the attacks on the Wonderboompoort police station, and Capital Park and Rosslyn power stations.

Major Nel, investigating officer, said Mr Motaung was examined by a Doctor Snyman, who said Mr Motaung was fit to help the police investigations.

"As far as I was concerned the wounds were not serious. It is not right to say he begged for hospital treatment," Major Nel said.

The hearing continues today.

# No aid for shot man from police

331  
star  
28/7/82

Own Correspondent

The investigating officer in the Pretoria treason trial yesterday denied he was callous in not providing immediate aid for Mr Marcus Thabo Motaung after he was twice shot during his arrest.

Mr Motaung, together with Mr Thelle Simon Mogoe-rane and Mr Jerry Se-mano Mosololi, has pleaded not guilty to high treason.

Major F J P Nel said he did not think Mr Motaung's condition was serious enough.

In the third trial-within-a-trial, the Pre-toria Supreme Court heard yesterday that Mr Motaung was shot in the loin and hip.

Earlier Mr Motaung said he had refused an offer by Major Nel to be a State witness. Major Nel denied this. He said there was no need to have Mr Motaung as a State witness.

Mr Jack Unterhalter SC, the defence counsel, asked Major Nel if this was not the way the State obtained their convictions.

Could not "the neg-lect suffered by Mr Mo-taung from Saturday to Monday have put fear in his mind," ques-tioned Mr Unterhalter.

## Drunken driver fined

A first offender who told a magistrate he had driven a car a million kilometres in the past 10 years without blemish was fined R800 in the Randburg Magistrate's Court yesterday for drunken driving.

The man, 34-year-old technical representative Anthony Francis Ma-rai, of Van der Berg Street, Lynwood in Pretoria, pleaded guilty to being under the in-fluence of alcohol at the time of his involv-ment in a collision on the Ben Schoeman Highway on June 23.

Marais was given the maximum fine of 100

Major Nel denied this.

Earlier Mr Motaung said his wounds were very painful, but Major Nel had told him he would be taken to hos-pital only after he had shown him where weapons were hidden.

This he did and he was examined by a doc-tor the same day (Sat-urday) but was only ad-mitted to hospital on the Monday when he underwent an opera-tion.

After his discharge from hospital, Major Nel had spoken to him about becoming a State witness, Mr Motaung said. Major Nel had told him to tell the magistrate he wanted to "reveal 'everything that was in his heart.'"

Mr Motaung said he had not believed the magistrate's offer of protection.

In a statement read to the court, Mr Mo-taung said that after the attack on the Moro-ka police station in 1979, he had fled to Potgietersrus where he wanted to give himself up to the police, "but I was too scared."

Mr Motaung said he had left the country in October 1977 to join the African National Congress. He had un-dergone military train-ing in Angola and then lived in Mozam-bique. He had infil-trated South Africa a number of times during 1978 and in March 1979 took part in the attack on the Moroka police station.

He and his col-leagues had attacked Orlando police station in October or Novem-ber of 1979.

Mr Motaung said he had returned to South Africa in May last year with a group of men and they had planned to attack the Mabopane police station. This at-tack had failed as he had been scared, but the men had gone ahead later on their own.

The hearing continu-es.

# Flying-stone dea blaster fined R1000

A road construction worker was yester-day fined R1000 (or 12 months) on a charge of culpable homicide arising from the death of a woman killed by a flying stone during rock blasting.

A Johannesburg regional magistrate, Mr T J Coetzee, ordered that half of the sentence be con-ditionally suspended for three years.

Petrus Johannes Annandale was also found guilty of

using explosives contrary to regula-tions. Mr Coetzee fined him R50 (or 25 days).

At about 2 pm on the afternoon of July 1 last year, An-nandale ignited charges at a road construction site. A 14 kg rock flew through the air for about 400 m and fat-ally struck Ms Prin-cess Radebe on the side of the head.

Annandale told the court he had 10 years' experience in rock blasting, his

feeling

"I the so far always same sive."

On using contras-tions, that sticks into two

"I prevent flying said. (53) of burg guilty.

**DIAMONDS** **DIAMONDS**

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**R304,00**  
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# Accused tells of pain, fear

*Sowetan* 28/7/82 331

A TREASON trialist, Mr Marcus Motaung (27), yesterday told the Pretoria Supreme Court how police had shot him in the hip and private parts and how, when he had requested them to take him to hospital, he had been threatened with death.

Mr Motaung was giving evidence before Mr Justice D Curlewis and two assessors, during a trial within a trial, in which the defence is contesting the admissibility of a statement he allegedly made to a magistrate.

In the statement he confessed to being a member of the banned ANC, undergoing military training, taking part in sabotage attacks on the Moroka and Orlando police stations and also taking part in planning to sabotage the Mabopane police station and petrol pumps at Waltloo.

## SHOT

Mr Motaung, Mr Thelle Simon Mogoe-rane (23) and Mr Jerry Semano Mosololi (25) have pleaded not guilty to a charge of high treason and twenty alternative charges that include murder, attempted murder, contravention of the Terrorism Act and robbery with aggravating circumstances.

Mr Motaung told the court that he had been shot by a Security Po-

liceman called "Ghost" during his arrest at Stinkwater on May 1 this year. He had complained to the police about severe pains and had asked them to take him to hospital. The police took him to hospital only on May 3.

Describing how he had been shot, Mr Motaung said one policeman had said to him: "Ek gaan jou skiet," to which he had replied: "Skiet my broer." A shot was fired hitting him in the hip. He fell to the ground but was pulled up by the same policeman who fired another shot which hit his sexual organs.

## WITNESSED

Mr Jack Unterhalter, SC, for the accused, put it to Major Nel, the investigating officer, that he had shown disregard for the accused's life and had been interested only in securing weapons that had been hidden. The accused, Mr Unterhalter said, had not received first aid until two days after his arrest.

By MONK NKOMO

Mr Motaung said Major Nel had also asked him to be a State witness, which he had refused. The court heard that he had been frightened when making a statement before a magistrate on May 12.

Although the magistrate, Mr Diener, had given him the assurance that he should reveal everything and that he would be protected, he had taken the magistrate as "part and parcel of the police", and had not believed him.

Major Nel denied the claims of the accused but confirmed that he had been shot, but said he had not been in a serious condition.

# Wounded man 'taken on hunt for ammo'

(331) Star  
29/7/82

## Own Correspondent

A district surgeon who examined high treason accused Mr Marcus Thabo Motaung after he was shot during his arrest, told the Pretoria Supreme Court yesterday she thought it was more important for him to assist the police than undergo immediate medical treatment.

Mr Motaung, with Mr Thelle Simon Mogorane and Mr Jerry Semano Mosololi, has pleaded not guilty to high treason.

Dr Magdalena Snyman was giving evi-

dence in the third trial within a trial at which the admissibility of a confession made by Mr Motaung was being contested.

On May 1 this year Dr Snyman was requested by the Security Police to examine Mr Motaung.

She said the Security Police told her Mr Motaung was a terrorist and had to show the police where ammunition was hidden.

"Here was a person who had something very important to do," Dr Snyman testified.

After examining Mr

Motaung, who had three bullet wounds, Dr Snyman said she thought he was in good enough condition to go with the police. He was definitely not shocked.

During cross-examination by Mr Jack Unterhalter, SC, Dr Snyman said the wounds should perhaps have been given some disinfectant, but she did not have any with her.

However, she did give Mr Motaung painkillers.

In reply to Mr Unterhalter, Dr Snyman said that in an ordinary situation she probably would not have acted in the same way.

She said she told the police that if Mr Motaung looked as if he was in pain, they should take him to hospital.

## "REFUSED"

Mr Motaung alleged that he repeatedly asked the police to take him to a hospital, but they refused until he showed them where he had hidden weapons which were to be used for terrorist attacks.

However, Major F J P Nel said the police had not taken Mr Motaung directly to hospital because a doctor had examined him and had said his condition was not serious. He said Mr Motaung had not complained of pain.

## CHATTED

Warrant Officer Philip Selepe, who was with Mr Motaung and Major Nel when they went to look for the weapons, agreed that Mr Motaung had co-operated willingly and had even chatted about life outside South Africa.

Mr Unterhalter said he thought it amazing that a man who had been injured in such a way had not complained or asked for medical treatment.

He said that Mr Motaung admitted he had never been forced or threatened to make a statement.

Major Nel said he had asked Mr Motaung if he wanted to make a statement and he readily agreed.



(331) 210 M  
June 16 riot  
posters: two  
youths freed

Pretoria Bureau

CHARGES against two youths, arrested in connection with June 16 riot commemoration service posters, were withdrawn when the youths appeared briefly in Soshanguve Magistrate's Court yesterday.

A third youth who appeared with them was charged with possession of undesirable literature. The three appeared before Miss G S J van Rensburg.

Mr Molefe Msiza, 18, and a 17-year-old youth had their charges of possessing undesirable literature withdrawn while the other youth, aged 16, had his case postponed to August 25.

The 16-year-old youth pleaded not guilty to the charges of being in possession of forbidden literature including "Heroic Worker", "People's Hero" and "Lion of Chiawelo".

Although he pleaded not guilty, the youth admitted he had the pamphlets in his possession but did not know they were banned.

Miss H E van Jaarsveld appeared for the State while Mr B Currin represented the three youths.

## Publications:

man in court

29/7/82  
Court Reporter

A Hillbrow man appeared in the Johannesburg Magistrate's Court yesterday in connection with an allegation of possessing banned publications.

Mr Carl Gerhardus Niehaus of Kapteijn Street, Hillbrow, is alleged to have possessed a copy of "Dayn" and two volumes of "The African Communist." The case was postponed until September 20.



331  
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Sometan  
29/7/82

## External

(3)

**By MONK NKOMO and SAPA**

The accused, he added, had not been threatened or forced to point out certain things or places. He had also not been assaulted or threatened in order to make a statement. Mr Jacobs told the court

Mr Unterhalter said that the accused had been "under subjected fear" and had responded to the police because of the experience he endured during the two days he had not been taken to the hospital. The magistrate, he added, had also not taken any steps to investigate how the accused was shot at the time he made the statement.

## Proceeding

## TREATMENT

Mr P B Jacobs for the State said that the accused was a liar. The accused had, during his evidence-in-chief, stated

## SABOTAGE

(on Paper)

(ion Paper)

Examiners' Initials

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# Wounded man had to have op, terror trial told

By JOHN MOJAPPELO

A SECURITY Police detainee was admitted to hospital for eight days and underwent an operation for bullet wounds two days after a district surgeon examined him and found the wounds were not "serious", the Pretoria Supreme Court was told yesterday.

The evidence was given at the trial of Mr Thelle Simon Mogoerane, 23, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27.

The court also heard that the district surgeon, after examining the detainee, had applied no dressings or disinfectant and had ordered him to help the police with their investigations.

The three men, who are alleged to be members of the ANC, have pleaded not guilty before Mr Justice D J Curlewis and assessors to high treason and 20 alternative charges of murder, attempted murder, robbery with aggravating circumstances and contravention of the Terrorism Act.

The court is holding a trial within a trial to determine whether Mr Motaung's statement to a magistrate was made voluntarily.

Mr Motaung was shot in the hip and groin when he was arrested by the Security Police at Stinkwater on May 1. The shooting took place about 11am and he was examined by Dr M C S Snyman about 4pm.

He has said that he begged the Security Police for two days to get medical treatment, but this was refused.

Under cross-examination by Mr Jack Unterhalter, SC, for the three accused, Dr Snyman said she applied no dressings to the wounds and used no disinfectant. She gave Mr Motaung some painkillers, however.

When asked whether it was not her elementary duty in terms of the Hippocratic Oath to have done something to relieve Mr Motaung's pain, Dr Snyman replied: "It is so".

She said she did not have the disinfectant in her medical bag. She had thought that Mr Motaung would be taken to hospital the following morning.

She said although she could not tell the reason for the 200ml of blood found in Mr Motaung's stomach when he was operated on at Kalafong Hospital, "there was a small possibility that internal bleeding could take place".

Warrant-Officer Phillipus Selepe, a security policeman, denied that Mr Motaung had asked for medical treatment or complained of pain after he had been shot.

"He walked on his own. He showed no signs of weakness and did not show that he was in pain. He made no requests for treatment nor was such a request refused," W/O Selepe said.

Mr Unterhalter said the fear and anxiety Mr Motaung developed during the time when he was refused medical treatment led him to make a statement to the magistrate.

"A man in such a situation could have been cowed. According to the police it would seem incredible that a man with such wounds did not once open his mouth to complain," he said.

The prosecutor, Mr T B Jacobs, said the evidence by the investigating officer, Major S P Nel, that Mr Motaung was not seriously wounded was confirmed by Dr Snyman. Major Nel had acted bona fide when he thought Mr Motaung did not need medical treatment after he had been shot.

Judgment is to be given today on whether Mr Motaung's statement is to be admitted as evidence or not.



Transport Services, Dr Kobus Loubser, at yesterday's gloomy Press (i) managers Mr B J Groenewald and Dr E L Grove.

Picture: ROBERT TSHABALALA

re and more user added that the possible international flights would be used in the flight to Tel Lisbon would be. Instead, one now serve Rome via.

Dr Loubser confirmed the delivery to South Africa of the new Boeing 747 stretched upper deck (SUD) aircraft next April.

He also said the Airbus currently being used on the domestic service would not fly if there were not enough passengers on a particular

flight.

The cheaper 737 would be used instead.

Also, the allocation for housing loans had been reduced from R320-million to R245-million. But commitments made up to September this year would be honoured, Dr Loubser said.

## trade is booming, declares attache

States trade a sub- in Zimbabwe in interview

of Zimbabwe said the aid programme was more than

programme asked for easing

Zimbabwe's foreign exchange problem and make available equipment needed for development, he said.

The aid programme had begun to work with the purchase of computer equipment worth R1 700 000, which would be used in the national census and to launch the Zimbabwean Government's computer network.

According to the terms of the aid agreement, the money would be used to buy equipment from overseas for re-sale in Zimbabwe in local currency, that would in turn be recycled for local development projects.

Mr Gross said the Bulawayo industry congress had allowed a useful and informative interchange of ideas.

"Probably nowhere in the world would so many Ministers and their deputies attend that kind of a meeting. It is an indication of co-operation and positive attitudes that exist between government and industry."

Zimbabwe was not alone in its economic problems, Mr Gross said, although industrialists who had been isolated from the international community for so long needed more opportunities to travel in other countries.

Firms that had been cut off from the world during the UDI era needed to reassess their position in terms of competitiveness of their products and their effectiveness in the international markets. — Sapa.

## Saawu says no to land transfer

Mall Correspondent

THE South African Allied Workers' Union (Saawu), which claims a membership of 50 000 in Natal, has come out against moves to incorporate Ingwavuma into Swaziland and has urged workers to attend King Goodwill's meeting at Nongoma on Saturday.

Saawu's general secretary, Mr Sam Kikine, said workers should attend the meeting be-



(33) Star  
30/7/82  
**Treason  
confession  
admitted as  
evidence**

**Own Correspondent**

The State and defence cases in the trial of three men charged with high treason closed in the Pretoria Supreme Court yesterday.

The accused, Mr Thelle Simon Mogorane, Mr Jerry Simon Mosololi and Mr Marcus Thabo Motaung, have pleaded not guilty to high treason and 20 alternative charges of murder, attempted murder, robbery and contraventions of the Terrorism Act.

Mr Justice D Curlew, sitting with two assessors, admitted their statements.

The third trial-within-a-trial, concerning Mr Motaung's statement ended yesterday.

Mr Justice Curlew said there was no doubt Mr Motaung had lied.

Mr Motaung had been shot twice after his arrest. He alleged that he had pleaded with the police to take him to hospital. He said they had refused, saying he must first show them where weapons were hidden.

Mr Justice Curlew said Mr Motaung's blood pressure and pulse had been normal and he had not been bleeding when a doctor examined him.

Argument will be heard on Monday.

331 Star 30/7/82  
**Woman is refused bail**

Bail was refused in the Johannesburg Magistrate's Court yesterday to Miss Lillian Keagile (24), of Molapo in Soweto, alleged to have been a member of a banned organisation.

Miss Keagile, who was refused bail on a previous occasion, has been in custody for 18 months.

Bail was opposed by the Attorney-General, Mr J E Nothling, in the interests of State security and the maintenance of law and order. The magistrate, Mr W Aucamp, remanded Miss Keagile to August 12.

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# Treason trial judge calls accused a liar

Own Correspondent

JOHANNESBURG. — A man accused of high treason was called a liar yesterday by Mr Justice Curlewis in the Pretoria Supreme Court.

Mr Marcus Thabo Motaung, 27, is one of three alleged members of the banned African National Congress (ANC) charged with high treason and 20 alternative counts of murder, attempted murder, robbery with aggravating circumstances and contravention of the Terrorism Act. The three men have pleaded not guilty.

Mr Motaung, Mr Jerry Semano Mosololi, 25, and Mr Thelle Simon Mogoerane, 23, closed their cases yesterday after entering the witness box to testify against confessions they had made before the trial.

Mr Justice Curlewis accepted as evidence the statement made by Mr Motaung to a magistrate, Mr J A Diener, on May 12.

## 'They shot me twice'

Mr Motaung said he made the statement after being indirectly influenced by the security police, who allegedly refused him medical treatment after shooting him twice in the hip and the private parts when they arrested him on May 1.

The judge said Mr Motaung told lies about the extent of his injuries and the pain he suffered. The bullet wounds Mr Motaung received were

not that serious. This was confirmed by the investigating officer, Major F J Nel, and the district surgeon, Dr M Snyman, who saw Mr Motaung at the Compol Building offices of the security police in Pretoria.

"He was suffering a certain amount of discomfort. It is perfectly untrue that he was suffering great pain," the judge said.

"He was in a fairly healthy condition."

## 'Uncomfortable'

According to the judge, Mr Motaung looked uncomfortable under questioning in the witness box. At times "you could almost see him think what could be the best answer to give".

He described as a "disgraceful lie" an allegation by Mr Motaung that Major Nel had said he could die before he would be given medical treatment.

In the statement, Mr Motaung told the magistrate that he had taken part in the attacks on the Moroka and Orlando police stations.

Mr Motaung stated that he took part in planning attacks on the Mabopane and Wonderboompoort police stations and two power stations, Capital Park and Rosslyn.

The trial resumes on Monday.

Mr P B Jacobs and Mr J F Pistor appeared for the State. Mr Jack Unterhalter SC and Mr N Tuchten appeared for the three accused.

# Treason trial man a liar, says judge

By JOHN MOJAPELO

A MAN who alleged that Security Police refused him medical treatment after he had been shot twice, was told that he was a liar by Mr Justice D J Curlewis in the Pretoria Supreme Court yesterday.

Mr Marcus Thabo Motaung, 27, is one of three alleged members of the banned African National Congress charged with high treason and 20 alternative counts.

He and the other accused, Mr Jerry Semano Mosololi, 25, and Mr Thelle Simon Mogoerane, 23, closed their case yesterday without giving evidence in their defence.

The men testified against the admission of the confessions they had made before the trial.

Before the prosecutor, Mr P B Jacobs, closed the State case, Mr Justice Curlewis sitting with assessors accepted

as evidence the statement Mr Motaung made to a magistrate on May 12.

Mr Motaung said he made the statement after he had been indirectly influenced by the Security Police who refused him medical treatment after shooting him twice in the hip and the private parts on May 1.

The judge said Mr Motaung told lies about the extent of his injuries and the pain he suffered. He had not been improperly influenced nor had he had concealed fears when he made the statement which was given voluntarily.

The judge said the bullet wounds Mr Motaung sustained were not that serious. This was confirmed by the District Surgeon, Dr M Snyman, and the investigating officer in the case, Major F J Nel.

The judge rejected the evidence that the Security Police had deliberately kept Mr Motaung from seeing a doctor or sending him to hospital for treatment.

Mr Motaung's condition was normal.

According to the judge, Mr Motaung looked uncomfortable in the witness box when asked certain questions. His "demeanour was thoroughly unsatisfactory". He also fabricated his evidence.

On the other hand, the judge found that Major Nel was an honest and credible witness.

In the statement, Mr Motaung said he joined the ANC in Swaziland in 1977. He received military training in Angola and took part in the attacks on Moroka and Orlando police stations.

The three men have pleaded not guilty to high treason and 20 alternative charges of murder (four counts), attempted murder (10 counts), robbery with aggravating circumstances and the contravention of the Terrorism Act (five counts).

Both defence and State counsel will begin arguments when the trial resumes on Monday.

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Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University



# 'Heavy' case in terror trial, defence admits

**By JOHN MOJAPPELO**

**THE** defence counsel for three alleged members of the African National Congress charged with high treason admitted yesterday that there was "heavy evidence" against them.

Mr Jack Unterhalter, SC, was presenting his closing argument in the Pretoria Supreme Court in the trial of Mr Simon Thelle Mogoe-rane, 23, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27.

The three men, who are alleged to be members of an ANC group responsible for attacks on key Government installations in the Transvaal, have pleaded not guilty to high treason and 20 alternative charges of murder, attempted murder, robbery with aggravating circumstances and contravention of the Terrorism Act.

Mr Unterhalter said there was a "great deal" in the State evidence the defence could not challenge. However, the State had not proved that the three accused were guilty of certain acts through common purpose or conspiracy.

He said Mr Mogoerane and Mr Motaung could not be held liable for the May 1981 sabotage attack on the railway line between New Canada and Soweto, which was allegedly blown by Mr Mosololi.

Equally, Mr Mosololi could not be liable for the attacks on Orlando and Moroka police stations because he had not been in the country at the time.

"It cannot be said that because people joined the ANC, and because the purpose of the ANC is to attack installations and to want to overthrow the Government, that by virtue of their membership the accused can take responsibility for what someone did somewhere else," he said.

Mr Unterhalter said there was "a wealth of evidence" against both Mr Mogoerane and Mr Motaung regarding the attacks on the two Soweto police stations.

• "The weight of the evidence is very heavy indeed," he said.

The State prosecutor, Mr P B Jacobs, said the three men were members of the ANC's Gebuza (hit squad) Machinery, which was responsible for attacks on key installations.

The Machinery was controlled from the ANC's Maputo base by Mr Siphwe Nyanda. Mr Jacobs said Mr Motaung was leader of a five-man unit sent into the country to take part in terrorist activities. It was irrelevant whether or not he had taken part in some of the attacks.

Mr Jacobs said there was uncontested evidence that the three men were members of the ANC, that they had received military training outside the country and that, as members of the Machinery, they associated themselves with its terrorist activities.

The three men did not give evidence in their defence.

Mr Justice D L Curlewis said he might give judgment tomorrow.

**CANDIDATE MUST** enter in the number of each question in the order in which it has been numbered; leave columns (2) and

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ARGUS 3/8/82

# Three will hear fate tomorrow

Argus Correspondent

PRETORIA.—Three men on trial for their lives in Pretoria Supreme Court will hear their fate tomorrow when Mr Justice Curlewis will give judgment.

Mr Thelle Simon Mogoerane, 23, Mr Jerry Semano Mosololi, 25, and Mr Marcus Thabo Motaung, 27, have pleaded not guilty of high treason and 20 alternative charges of murder, attempted murder, robbery and participating in terrorist activities.

Written confessions to the police were ruled admissible last week by Mr Justice Curlewis. Mr Jack Unterhalter, SC, for the defence, contested that the men were forced to make the statements.

## "HOSTILE"

Mr P B Jacobs, for the State, said the accused were guilty of high treason because they had hostile intentions to impair the independence and safety of the Government.

"The ANC is an organisation which functions against the Government. Its members have conspired to change South Africa into a national socialist state by unconstitutional methods in which loss of life may be suffered."

The accused had admitted to taking part in terrorist activities and by virtue of a conspiracy of a common purpose, although they had not taken part in each of the alternative charges, they were indirectly involved, Mr Jacobs said.

## RESPONSIBILITY

Mr Unterhalter said there was no such evidence which the defence could not challenge. The issue of contention had been the confession which the court had ruled admissible.

The only other issue, Mr Unterhalter said, was whether the accused could be held responsible for the activities in which they did not take part.

Just because the accused were members of the ANC could they be held responsible for the other activities if they had not known about them?



## Charge on ban order

331 ~~Star~~ 30/7/82  
A banned attorney, Mrs Priscilla Jana, was yesterday called out of a Johannesburg Regional Court, where she was the instructing attorney, to face an allegation in another court of contravening her banning order.

Mrs Jana (39), of Woodpecker Road, Lenasia, is alleged to have broken her banning order and failed to report at a police station. She was not asked to plead.

Her advocate, Mr M Basslian, applied for a postponement because Mrs Jana wished to be ~~represented~~ by a Senior Counsel. He also said the defence had not yet seen the charge sheet.

Mr A R van Wyk, for the State, opposed the application and said the trial should go ahead.

The magistrate, Mr H H van der Watt, postponed the case provisionally until August 17.

Accused told he exaggerated pain

# Court rejects trialist's claims

CLAIMS by a treason trialist that he had suffered enormous pain after being shot by Security Police on May 1 this year were "vastly exaggerated" and it was a "disgraceful lie" that police had threatened him with death, a Pretoria Supreme Court judge ruled yesterday.

Rejecting claims by the defence during the final trial within a trial that the alleged statement made by Mr Marcus Thabo Motaung had not been made voluntarily, Mr Justice D Curlewis, sitting with two assessors, ruled that the accused was a shrewd person in the witness box, his evidence had been unsatisfactory and there had been no doubt that he had not been telling the truth.

The accused, he added, had been fit and cured when he had made the statement to a magistrate on May 12 and there had been no improper influence or fear imposed on him.

He ruled that the statement be admitted as evidence because it had been made freely and voluntarily.

Mr Motaung (27), Mr Thelle Simon Mogorane (23) and Mr Jerry Simano Mosololi (25)

have pleaded not guilty to a charge of high treason and 20 alternative charges that include four murders, 10 attempted murders, five counts under the Terrorism Act and robbery with aggravating circumstances.

In his statement, made to magistrate J A Diener, the accused had allegedly confessed that he had joined the ANC in Swaziland in 1977. After undergoing military training in Angola and Mozambique, he had come back to the Republic but had been afraid to go home. He had booked in at the Diepkloof Hotel for five days.

Together with Jabu, Ntsizwa and Seeiso, they had attacked the Moroka and Orlando police stations in 1979.

During May last year he had arrived from Mozambique together with

a group of men who stayed in an underground base. They had then planned to attack the Mabopane police station.

According to the statements, two more groups had arrived in the Republic. He had collected them from the Pretoria Station. While the second group had been busy trying to establish a base, three people from the first group had attacked the Rosslyn power station.

The second group had then attacked the Capital Park power station. Both attacks had been carried out without his permission. He had participated in the planning of sabotage attacks on the Wonderboompoort police station and the petrol tanks at Watloo.

Mr Justice Curlewis said the district surgeon had testified that the accused had not been seriously wounded, that one shot had grazed his private parts and he had also suffered a superficial wound.

By MONK NKOMO

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## Man brought to trial after 10 months in custody

Mail Reporter

A MAN who has been in custody for about 10 months will appear for trial in the Johannesburg Regional Court on Monday in connection with an allegation of contravening the Terrorism Act.

He is Mr Alan Fine, 46, of Sharp Street, Bellevue, who is alleged to have been involved in furthering the aims of the banned African National Congress and South

African Congress of Trade Unions.

The State further alleges the two organisations conspired to organise workers to be involved in a militant role in a revolution to bring about change in the economic, social and political systems in the Republic.

Alternatively, that Mr Fine took part unlawfully in the activities of the banned organisations both in the Republic and Botswana.

# SP man denies 'vegetable' threat

By ANNE SACKS

A SECURITY policeman charged with assaulting a woman detainee denied yesterday he had threatened to turn her into a "vegetable".

Warrant Officer Lawrence Prince also denied he had sworn at Miss Barbara Hogan, 30, or that he had screamed at her or threatened her with violence.

W/O Prince, 31, of Government Homes, State Mortuary, Springs, and W/O Nicolaas Johannes Deetleefs of Beech Avenue, Primrose, Germiston, are appearing before Mr George Schoeman in the Johannesburg Magistrate's Court on a charge of assault.

The State alleges they hit Miss Hogan with fists and open hands on the head, face, ears, and back on October 22 last year. They have pleaded not guilty.

The hearing arises from a charge of assault laid by Miss Hogan while she was detained in terms of Section Six of the Terrorism Act. She will appear in the Rand Supreme Court on August 16 on

a treason charge.

W/O Prince denied Miss Hogan was handcuffed during the October 22 interrogation session, adding that she was sitting at a table and writing.

He said he noticed a bruise under her right eye and although he could not remember her exact words, Miss Hogan had told him she had fallen in her dark cell when going to the toilet at night.

Mr Hendrik Jacobus Killian, a Vereeniging magistrate who visited Miss Hogan twice, denied telling her he could only take a statement about her detention conditions at Vereeniging and not at John Vorster Square.

"The first time I saw her she seemed bewildered," he said. "We spoke for a long time and I got the impression that she was afraid that information she might give me would come to the attention of the SP. The second time I saw her she appeared calm and said she had decided not to talk."

He denied asking her if she had been assaulted.

Lieutenant Charlotte Pienaar, of the Railways Security Police, denied noticing injuries on Miss Hogan's back, when she took her to have a shower, and denied rubbing her back to try to ease the stiffness.

She said Miss Hogan's right eye had been bruised, but she only shrugged her shoulders when asked about it.

Two magistrates who visited Miss Hogan, Mr Abraham Wessels and Mr Pieter van der Merwe, said she was fully aware of her right to complain to them, and that those complaints would be investigated.

The court heard earlier that Miss Hogan did not complain to magistrates and it was only when she was seen by an inspector of detainees in January that she realised she could lay a charge of assault.

The hearing continues on Tuesday. Mr J H Liebenberg, SC, assisted by Mr T T A Bornman, instructed by State attorneys, appeared for the accused. The prosecutor is Mr D Lamprechts.

## Police maintain alert as Liverpool rioting fades

LIVERPOOL. — The Toxteth district of Liverpool, scene of violent street disturbances for three of the past four nights, was reported quiet yesterday but police were watching for any new flare-up in the predominantly black area.

"It is fairly quiet at the moment," said a police inspector. "But we are prepared for any eventuality."

On Thursday night youths threw petrol bombs into a disused betting shop, set two derelict houses on fire, broke into a store and stoned cars in the streets.

Nobody was hurt in the attack on the betting shop

and the two houses set ablaze were unoccupied.

A gang of youths stoned a police car but none of the officers inside was injured, police said. A 15-year-old girl was hurt on the knee when a bus was stoned but her injuries were not serious.

Mobile police units patrolled the area, site of some of the most violent rioting during last summer's disturbances across England, but made no arrests.

Police equipped with riot shields and helmets were kept on alert but the outbreak was contained.

"Not much damage has been done and so far trouble has been sporadic and uncon-

nected," a policeman said.

Twenty-four hours earlier, youths aimed a car at firemen attending a blaze at a derelict apartment block and slashed firehoses. Another gang set two overturned cars alight and stoned firemen dispatched to the scene.

Four youths were arrested for "threatening behaviour."

Some civic leaders blamed the new violence on poor housing and high unemployment. They said the government was unwilling to offer financial assistance despite an official report warning that disturbances were unavoidable unless social conditions changed. — UPI.

## Court backs turban ruling

London Bureau

LONDON. — The appeal court ruling that a headmaster who refused to admit a Sikh boy as a pupil because he insisted on wearing a turban was not guilty of racial discrimination, has been widely hailed by at least one London newspaper.

A leading article in the Daily Mail devoted to the subject states: "Rejoice and again we say 'rejoice' at the puncturing of the meddlesome pretensions of the commission for racial equality."

The commission is Britain's race watchdog body. It helped the father of the would-be pupil bring the case, alleging discrimination under the 1976 Race Relations Act.

The Daily Mail praises one of the appeal judges for championing the "harassed schoolmaster" and lambasts those who under the race relations laws "are an engine of oppression".

Should male Sikhs be allowed to follow their religious laws that they grow their hair long and wear turbans? Sikh bus conductors are allowed to do so and Sikh women nurses are permitted to wear trousers with their uniform.

It's been a dog of a day for the proceeds of yesterday's last count, it came to a record of R11

## World syphilis warning

GENEVA. — A medical organisation (WHO) yesterday called for special control syphilis among homosexuals, warning the problem posed a danger

## SAAN case goes for R750 bid

Mail Correspondent

DURBAN. — Authority to proceed with a R20 000 defamation action started by former National Party parliamentary candidate Mr Norman Reeves against South African Associated Newspapers was sold to the highest bidder yesterday for R750.

The buyer turned out to be the British finance company, Forbes Campbell, which was granted judgment in September last year against Mr Reeves and his mother, Mrs Maxine Reeves for R148 058 of fire-fighting equipment supplied to John W Searcy, Natal, Pty. The Reeves, who were directors of the company, stood surety for the amount.

Mr Reeves' damages action against SAAN refers to a photograph and caption published

in the Sunday Express on July 5 last year which he claims is defamatory.

The claim was attached after it had been listed by Mr Reeves as a saleable asset.

Three bidders showed interest in the auction held by the deputy sheriff of Durban on the steps of the Durban Supreme Court yesterday.

Mr Jeff Fobb of the Durban firm of attorneys, Ditz Inc, whose R750 bid was not bettered, said afterwards that he had been instructed to represent a Johannesburg firm on behalf of Forbes Campbell Finance Co at the auction.

He said he understood that the firm had made a deal with SAAN but was unable to give details.

## Crisp service from a tiny new super-chip

TOKYO. — Fujitsu, a leading a match head, can store up to for such chips in the world —



# Treason trialist jailed for four years

ARGUS

3/8/62

HA 844

331

Argus Correspondent  
MARITZBURG. — A detainee was jailed for four years today for refusing to give evidence "against his brothers" at the treason trial in Maritzburg.

The trial — in which Mr Patrick Maqubela, Mr Mboniswa Maqhutyana and Mr Seth Gaba have pleaded not guilty to 57 counts of terrorism, sabotage and other capital offences — went into camera yesterday.

Today, after the court had sat in secret for more than one hour, the detainee, Mr Litha Jolobe, a Swaziland University student, 25, still refused to testify. He said a statement made by him to security police was untrue because he alleged he had been assaulted.

## INCRIMINATING

The presiding judge, Mr Justice van Heerden, said: "The witness today confirmed that he was arrested outside the

library at the Natal University in Durban with certain things in his hand.

"It's abundantly clear that the evidence the prosecution had hoped the witness would give might have been of an incriminating nature for one or more of the accused.

"The excuse given yesterday was that he didn't want to give evidence against his brothers."

## SAME IDEALS

Asked whether they were his blood brothers, he had said they were brothers because they had similar ideals.

"Sympathy with the politics of the accused is not a just excuse for refusing to testify," he said.

In sentencing him, Mr Justice van Heerden said he took into account that Jolobe had been in detention since November 23 last year, but "justice demands that he be given a severe sentence."

## DIFFICULTIES

Jolobe said in mitigation: "Most of my people in this land of ours, South Africa, are in great difficulties. I find myself in difficulties now, in that I am expected to partake in the trial of these people, giving evidence, whereas I had no say in making the laws under which these people are appearing in court."

"The laws were made by the minority of people in South Africa."

**THE reckless nature of attacks by the African National Congress members showed that they did not care whether lives were lost, a Security Branch colonel told the high treason trial at the Pietermaritzburg Supreme Court yesterday.**

He was giving evidence at the trial of Durban attorney Mr Patrick Maqubela (32), Mr Mvoniswa Maqutyana (29), of Umlazi, and Mr Seth Gaba, of East London.

#### OWN CORRESPONDENT

They are charged on 57 counts of high treason and contraventions of the Terrorism Act, the Arms and Ammunition Act, the General Law Amendment Act, malicious injury to property and attempted murder.

They are alleged to have been involved in bombings of two motor-car showrooms, the Field Street postbox bomb, the Cenotaph blast and bombings at two Government offices, the SADF recruiting centre in the Trust Bank Building and the railway line at Umlazi.

The men are being tried by Mr Justice van Heerden and two assessors, Mr Ernie Wentzel,

SC, and Mr P N Langa are defending the men and Mr Ian Slabbert and Mr Gerrie Roberts are prosecuting.

The first witness was Security Police Colonel J D Stadler, who said he had been investigating the ANC and the South African Communist Party for about 20 years. He had given evidence in many treason trials, including the Mombaris trial in Pretoria in 1973.

Colonel Stadler told the court: "Looking at the recklessness of attacks by the ANC, using rocket-propelled grenades, leaves me in no doubt that they don't care whether they put into danger people other

than police or state officials."

Raising the political consciousness of the masses through "propaganda" was vital in the revolutionary phase of the ANC, he said.

Besides printed propaganda, ANC members also communicated via coded messages distributed by courier systems or left messages in "dead letter boxes" — secret sites where other members could collect them. He said the ANC operated in groups or cells with different tasks.

The court was also told that a secret message calling for explosives to be left at Durban station had been found stuck under a table of Durban University's architectural library.

Major Donald Andrews told the trial that he had opened a letter that librarian Mrs J H van Schoor had witnessed being fixed under a table by a person not known to them. The letter read: "Dear Comrade Richard — Please arrange to have the following material deposited at Durban Station cloakroom immediately and hand the ticket over to O."

# Durban bombings' case GOOP TELLS OF ANC

3/8/82  
Source from  
(331)



# Terrorist <sup>Stan</sup>loses jail 3/8/82 appeal 331

Own Correspondent

The appeal by an African National Congress terrorist against a 16 year jail sentence has been dismissed by the Pretoria Supreme Court.

David Linda Mampane was convicted in the Pretoria Regional Court last August, for contravening the Internal Security Act and Terrorism Act.

He was sentenced to eight years on a charge of receiving military training abroad, and to eight years on a charge of returning to South Africa with the intention of murdering a policeman.

Mr M F Noorbhai, appearing for Mampane, said he was 16 when he left South Africa at the time of the Soweto riots, and 20 at the time the offence was committed.

Mr Noorbhai said no regard had been paid to the rehabilitation of Mampane, and he had not been given the chance to play a useful role in society.

Mr Acting Justice A J Phillips said the magistrate had delivered a well-reasoned judgment, and though the sentence was heavy the appeal court could interfere only if the magistrate had committed an irregularity or the sentence gave a feeling of shock.

## Treason trial told of varsity 'drop'

Own Correspondent

MARITZBURG — Instructions to a "Comrade Richard" to leave explosives in Durban station's cloakroom were hidden under a table of the Natal University's architectural library, the treason trial was told yesterday.

The trial, in which three men are charged with involvement in last year's bomb blasts in the city, heard that Security Police arrested a man who came to retrieve the instructions at the library.

The men charged are Durban attorney Mr Patrick Maqubela, Mr Mboniswa Magqhutyana of Umlazi and Mr Seth Gaba, of East London, who face 57 charges including treason and involvement in explosions in Durban last year.

They are alleged to have been involved in bombings of two motor showrooms, the Field Street postbox bomb, the Cenotaph blast and bombings at two Government offices, the SADF recruiting centre in the Trust Bank Building and the railway line at Umlazi.

### EXPERT

The first witness was security police Colonel J D Stadler who said he has been investigating the ANC and the South African Communist Party for about 20 years. He has given evidence in many treason trials including the Mombaris trial in Pretoria in 1973.

The trial was told that an envelope containing letters of instruction about explosives, R100 in cash and five passport-sized photographs together with a request that "documents be prepared and sent with Tollman" were affixed under a library table.

One letter read: Dear

# Court told of Durban blasts

Comrade Richard, Please arrange to have the following material deposited at Durban station cloakroom immediately and hand the ticket to Q. 20 kg plastic explosive, 10 electric detonators, 10 electronic delay devices, 25 m demolition cord, two pairs of rubber gloves, 6 hand grenades.

### "POWER"

Another letter ended with the words: Forward to people's power!

An assistant librarian at the Durban campus of the University of Natal, Mrs Johanna van Schoor said that on November 23 last year a black man sat at the table and seemed to be feeling for something under it.

Some time later a white student, Mr Michael Pace, came in and sat at the table and went through the same motions.

The security police were informed of the goings on in the library and a trap was laid after the contents of the envelopes had

been inspected, resealed and placed back under the table.

A black man entered the library at about 4.45 pm the same day and reached for the package — he was arrested.

The afternoon session of the trial was in secret after the judge granted an application for the court to go into camera.

Prosecutor, Mr Ian Slabbert, appealed for the court to go into secret session. He said revealing the identity of the witnesses could endanger their lives.

He argued that cer-

tain witnesses might be reluctant to testify in open court for fear of their lives. The court could offer them some sort of protection by not revealing their identity, he said.

Defence advocate Mr Ernie Wentzel SC opposed this.

"Family and friends must have the opportunity of being satisfied that the trial will be properly conducted. That can't happen in a private trial," he said.

### INEFFECTIVE

He pointed out that an in camera ruling would be ineffective in protecting the witnesses, because the accused could disclose the identity of secret witnesses to people in the public gallery.

Presiding Judge Mr Justice Auret van Heerden decided to clear the court. He said it was not a blanket protection to all "black non-police witnesses," but would be granted in individual cases.

The court was cleared of Press and public. A secret witness was taken into the witness box and evidence proceeded behind closed doors for the rest of the afternoon.

It is understood that several detainees held without being charged will be called as witnesses in the treason trial.

## Police pupils charged

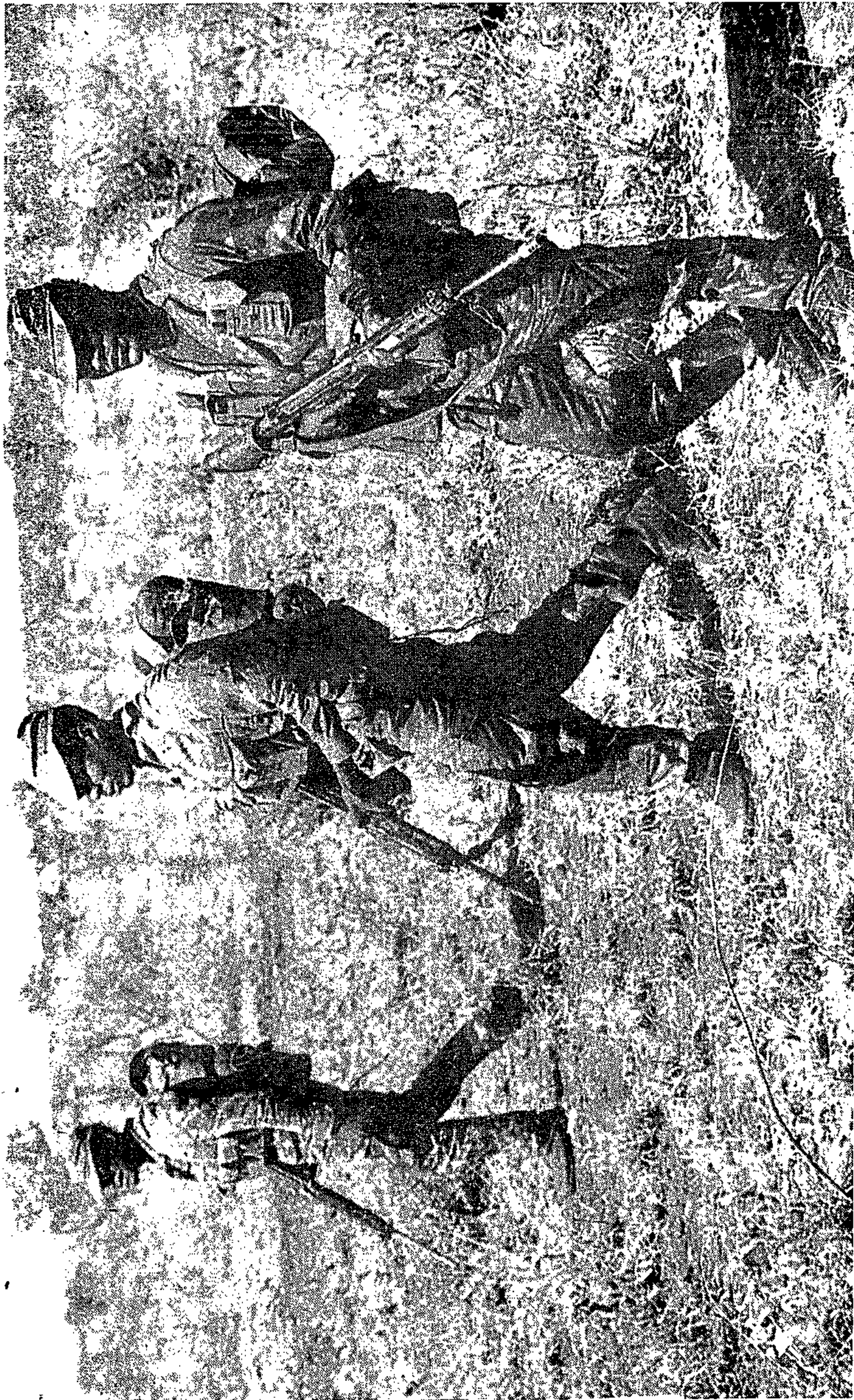
Two students of the South African Police College in Pretoria are to appear in court shortly on a charge of fraud.

One of the men, according to the SAP's public relations division in Pretoria, had earlier yesterday reported the disappearance of his

friend while swimming in the Vaal River at Vereeniging. This report had since been found to be false.

One of the men, he said, would also have to appear in court at De Aar in connection with a complaint of theft from a departmental store. — Sapa.





Three Zimbabwean soldiers scour the bush north-west of Bulawayo in the hunt for Zipra rebels who are still holding six tourists hostage. On the opposite side of the country bodies found on Sunday in the Eastern Highlands were yesterday identified as those of three British tourists who went missing on July 14.

Picture: DANIE COETZER

#### Pretoria Bureau

THE appeal of David Linda Mampane, 25, against a sentence of 16 years imprisonment for terrorist activities was dismissed in the Pretoria Supreme Court yesterday.

Mampane was found guilty under the Terrorism Act in the Pretoria Regional Court

on August 25 last year.

He was convicted on charges of joining the banned African National Congress, receiving military training outside the country and re-turning to South Africa with the intention of murdering a

policeman, Mr Peter Khoza.

In his appeal Mampane said the sentence was severe and inappropriate. He added that the three men with whom he was convicted were each jailed for 10 years.

Mampane argued that the

lower court did not consider his youth as a mitigating factor when the sentence was imposed. He said that he was still young when he joined the ANC after leaving the country.

Mr Acting Justice Phillips,

## Terrorist's appeal against sentence fails

with Mr Justice Theron concurring, dismissed the appeal.

The judges found that the lower court had given Mampane an appropriate sentence and rejected the argu-

ment that his youth had not been considered.

Mr Justice Phillips said Mampane was a "willing terrorist" as he had been described by the magistrate. Unlike the other men, Mampane had come back into the country as an assassin in search of a victim to murder treacherously.



3/8/82  
Messages  
sent to  
banned  
exile star

A trade unionist on a Terrorism Act charge appeared before a Johannesburg regional magistrate yesterday after 10 months in detention and admitted that he had sent labour information and to banned and exiled South African in Botswana.

The Deputy Attorney-General of the Transvaal, Mr J. Swanepoel, appeared for the State. He alleged that between 1977 and September 1981, Mr Alan Morris Fine, Mr Alan Morris and its members to further the aims and objectives of SACTU and therefore of the African National Congress.

According to the charge sheet it was alleged that SACTU and the ANC had conspired to overthrow the Government by violence and by crippling industry.

#### WIEHAHN

Mr Fine of Sharp Street, Bellevue, allegedly sent information to Mrs Jeanette Schoon in Botswana about 14 trade unions, three boycott campaigns and the likely recommendations of the Wiehahn Commission.

The charges were alternative. Fine unlawfully took part in the activities of the ANC or acted in the direct or indirect interests of the ANC. He pleaded not guilty to the charges.

In a statement read out to the court on his behalf, Mr Fine said that in October 1977 he took a job as assistant to Mr Morris Kagan, an official of various trade unions.

#### ALONE

In Botswana, Mr Schoon asked him to keep her informed of trade union matters in South Africa through dead letter boxes.

Mr Fine had agreed on condition that he worked alone. The messages to Botswana all had to do with labour matters. The case continues today.



# Six Transkei men charged with terrorism

3/8/82 RDN 331

UMTATA. — A former Robben Island prisoner and executive member of the Transkei Opposition Democratic Progressive Party, Mr James Kati, made a brief appearance with five other men before the Transkei Chief Justice, Mr Justice J J Hefer, in the Supreme Court on charges of terrorism.

Mr Kati, 56, Mr Mveleli Saliwa, 21, Mr Mzwandile Mbethe, 24, Mr Mkangeli Manford Matomela, 23, Mr Alfred Fikile Marwanqana, 24, and Mr Peter Bawoshe King, 56, faced three charges of terrorist activities in contravention of the Transkei Public Security Act.

They were not asked to plead and no evidence was led. Mr Marwanqana had charges against him withdrawn and the others were remanded until August 18.

Mr Saliwa and Mr Mbethe, who were former executive members of the now defunct Transkei youth wing of the Democratic Progressive Party, were arrested with other accused men in August

last year and Mr Kati was detained shortly afterwards.

They also face three alternative charges under Section 27 of the Security Act which prohibits any association with an unlawful organisation.

The first count of the main charge covers terrorist activities between November 1979 and September 1981, the second incitement of others to undergo terrorist training and the third possession of explosives, firearms and ammunition.

The indictment gives a list of 49 conspirators, some of whom are expected to be called as state witnesses, including a daughter of Mr Kati, Miss Doris Kati.

The Attorney-General of Transkei, Mr George Muller, SC, told the court that he had agreed with the leading defence advocate, Mr A Wilson, to have the case postponed to a later date. — Sapa.

**Can you help track**  
Crime Reporter

# Terror trial told of 'dead letterboxes'<sup>CAPE TIMES, 3/8/82</sup> <sup>231</sup>

Own Correspondent

JOHANNESBURG. — An accused in a Terrorism Act trial, Mr Alan Fine, told a Johannesburg Regional Court yesterday that he used "dead letterboxes" in Houghton, Oaklands and near Rosebank to send information to the SA Congress of Trade Unions (Sactu).

Mr Fine, 28, of Sharpe Street, Bellevue, appeared before Mr WG Rosch on a charge under the Terrorism Act, or alternatively under the Internal Security Act. He pleaded not guilty to both charges.

The State alleges that the ANC and Sactu, an exiled labour organization, conspired with each other to overthrow violently the government, and that Mr Fine associated himself with the aims of Sactu, and therefore the ANC.

It is also alleged that he sent information on various trade unions to Sactu via a Mrs Jeanette Schoon who lives in Gaborone, during 1977 and September 1981.

In a statement before the court, Mr Fine ad-

mitted sending information on labour matters to Sactu from late 1977 to September 1981.

He denied that by sending the information he conspired with Sactu, and therefore the ANC, and said he was unaware of an alleged conspiracy between the two and took no part in ANC activities.

He also denied that Sactu aimed to organize workers to play a militant role in a revolution.

"I cannot remember exactly what information I sent to Botswana during the past three-and-a-half years, but it had always to do with labour matters," he said.

He stopped visiting Mrs Schoon after August 1980 — and had had no communication with her since — because evidence, at the trial of Guy Berger, who was convicted for being a member of the ANC, was that he had visited certain people in Botswana, including Mrs Schoon.

The hearing continues. Mr Dennis Kuny, instructed by Miss Kathleen Satchwell of Raymond Tucker, appeared for Mr Fine. Mr J Swanepoel, for the State, is assisted by Mr W Hanekom.

after trade Portugal can increase for consumption of wine  
and cloth as well as the UK. after trade the wine  
must be parallel. ie (a) and (b)



# Treason trial: Three in court

CAPL TMS. 3/8/82 (351)

Own Correspondent

MARITZBURG. — Three men appeared in the Supreme Court here yesterday on the first day of their trial on a total of 57 counts including high treason, sabotage, terrorist activities and attempted murder.

A Durban attorney, Mr Patrick Ntobeko Maqubela, 32, of Clermont, Mr Mboniswa de Villiers Richard Maqhutyana, 29, of Umlazi and Mr Seth Mpumulelo Gaba of East London pleaded not guilty to all charges.

The trial in the historic College Road court follows eight explosions in Durban last year, causing hundreds of thousands of rands of damage and injuring nine people.

Mr Ian Slabbert, appearing for the State, applied to withhold the identity of certain witnesses by clearing the court of all persons not directly concerned with the trial.

## Summary of evidence

Mr Justice Auret van Heerden granted an order to clear the court while the State presented a summary of the evidence about to be led, so that the judge could decide whether to hear the witnesses evidence *in camera*.

Mr Slabbert said that in certain cases, the State would allow members of the press to be present if they did not disclose the identity of the witness concerned.

However, members of the press were not readmitted to the court when the first witness gave evidence.

Mr Ernie Wentzel SC, assisted by Mr P M Langa, is appearing for the three accused, while Mr Slabbert and Mr Gerhard Roberts appear for the State. The hearing continues.

## Terrorism allegation

331

*Mercury* Court Reporter

3/8/87

THREE men appeared before Mr Justice Kemele in the Supreme Court, Durban, yesterday in connection with terrorist activities.

Mr Amon Sipho Buthelezi, 27, of Enyathi area, Vryheid, Mr Amos Dlomo, 34, of the same area, and Mr Mkipheni Nyandeni, 33, of Ceza in the Nongoma district, were not asked to plead and the trial was adjourned to September 13.



# Judge shown

## *Mercury* (331) 'shopping list for 3/8/82 violent revolution'

A SHOPPING list for violent revolution was handed to a judge in the Supreme Court here yesterday during the first day of the trial of three men on 57 counts including treason, sabotage and attempted murder.

A Durban attorney, Mr Patrick Ntobeko Maqubela, 32, of Clermont, Mr Mboniswa de Villiers Richard Maqhutyana, 29, of Umlazi and Mr Seth Mpumulelo Gaba, of East London, pleaded not guilty to all charges.

The trial, in the historic College Road Supreme Court, follows eight explosions in Durban last year in which nine people were injured.

The list, allegedly found by security police among other documents in a hiding place at the University of Natal, asked 'Comrade Richard' to arrange to deposit explosives, detonators and other items in the baggage room of Durban Station.

Among items asked for in the unsigned letter were 20 kg plastic explosive, 10 detonators, 10 delay devices, 25 m of demolition cord and six handgrenades.

'Please stuff a lot of cotton material and fabric and paper for camouflage,' the letter read.

'The above list is priority. Act with a sense of extreme urgency.'

### Suspicious

The letter also said that 20 kg of plastic explosive and the same quantities of detonators and other devices as the first list had been sent to 'James'.

'If not enough augment with TNT,' it continued.

The letter ended: 'Forward to peoples' power. Revolution!'

The Court was told that security police had been called to the University of Natal, Durban, in November last year after a librarian had seen two men behaving suspiciously. They found an envelope concealed beneath a table.

A librarian in the architecture library of the university, Mrs Rika van Schoor, told the presiding judge and two assessors that a tall black man had gone into the library on the morning of November 23 last year.

She said he appeared to be feeling for something underneath the table where he sat. He had taken something out of a black bag and appeared to be writing on it.

He left the library after five or 10 minutes.

Some time later a white student, whom she recognised as a Mr Michael Pace, went directly to the same place at the table and carried out precisely the same movements.

She heard a sound like the rustling of sweet papers, Mrs van Schoor said.

After a minute Mr Pace left very quickly, without greeting her, although she knew him.

'The whole business looked unnatural and I decided I would wait until Miss Hazel Sherwood, head of the architecture library, came back'.

Miss Sherwood looked under the table and

found a a yellow envelope which appeared to have something inside, Mrs van Schoor said.

The university's security officer, Maj Ronald Andrews, was called and he found, inside the envelope, two railway baggage tickets and three more envelopes, as well as a letter and five passport photographs.

### Struggle

What he read in the letter led him to call Capt H S Miles of the security police.

Capt Miles told the Court that one envelope was addressed to 'R — for immediate attention', while the other was addressed to 'James, care of Richard'.

Later that afternoon the same black man reappeared with a woman companion, according to Mrs van Schoor.

Sgt T Joannidas, also of the security police, said he saw the man reach under the table without sitting down.

He then left clutching something in his hand and Sgt Joannidas arrested him.

A struggle ensued, and another security policeman took the envelope from the black man.

### Certain cases

Mr Ian Slabbert, appearing for the State, made an application for the identity of certain witnesses to be withheld by clearing the Court of all persons not directly concerned with the trial. In terms of the order granted by Mr Justice Auret van Heerden the Court was then cleared while the State presented a summary of the evidence about to be led so that the judge could decide whether to hear the evidence in camera.

Mr Slabbert said that in certain cases the State would not object if members of the Press were present, so long as they did not reveal the identity of the witness concerned.

Mr Ernie Wentzel SC, assisted by Mr P M Langa, appear for the three accused, while Mr Slabbert and Mr Gerhard Roberts appear for the State.

The hearing continues.

**Last**  
4/8/82  
**ANC**  
Sowetan  
**survivor**

11/11/82  
11/11/82  
331

A 73-YEAR-OLD Transkei man, charged under the country's security laws as being a member of a banned organisation, said in court he had told the police he was the only surviving former member of the African National Congress in his village.

Mr Charlton Ntuli is also charged with trying to recruit people for the Poqo organisation, the military wing of the Pan Africanist Congress, and with being found in possession of banned literature.

An additional charge alleges he operated a "dead-letter box" for use in sending and receiving secret messages to and from Lesotho.

Mr Ntuli pleaded not guilty to all the charges. He denied having given ANC pamphlets, books and cassettes to a relative for safekeeping. One of the cassettes was said to contain a speech by Mr Oliver Tambo, president of the ANC.



CHL Times 4/8/82

# Court told of Sactu link to ANC

Own Correspondent

JOHANNESBURG. — South African masterspy Major Craig Williamson told a Johannesburg Regional Court yesterday that "fairly innocent" information allegedly sent to the SA Congress of Trade Unions (Sactu) by Alan Fine was vital for national liberation planning.

Major Williamson, who posed as a member of the outlawed African National Congress for five years, was giving evidence before Mr W G Rosch.

Mr Fine, 28, of Sharpe Street, Bellevue, faces a charge under the Terrorism Act or, alternatively, under the Internal Security Act. He has pleaded not guilty to both.

The State alleges that the ANC and Sactu, an exiled labour organization, conspired with each other to violently overthrow the government and that Mr Fine associated himself with the aims of Sactu, and therefore the ANC.

It is also alleged that he sent information on trade unions to Sactu via Mrs Jeanette Schoon, who lives in Gaborone, during 1977 and September 1981.

Major Williamson told the court that "accurate information" on trade unions helped the ANC-

led national liberation movement plan strategies and tactics.

The information — which the prosecutor, Mr J Swanepoel, described as "fairly innocent" — was also vital for the propaganda efforts of the ANC and allied organizations, he said.

In attempting to show links between Sactu and the ANC, Major Williamson told the court about his meetings around the world with Sactu officials, adding that he was regularly instructed by the ANC to give all possible assistance to Sactu, although he never became a member.

He said he knew Mrs Schoon well from their student days, and watched how she was cleared through customs by ANC protocol officials after they met in Lusaka in 1979.

Major Williamson will continue his evidence tomorrow.



## Bonanza is OK

IF YOU ARE a woman, you cannot afford to miss The SOWETAN tomorrow. That's when you will find details of our bonanza: hundreds of brands' worth of grocery vouchers from OK Bazaars will be given away — and your share of it is only a telephone call away. Don't miss the details in The SOWETAN tomorrow.

And that's not all. What do you do when you fall in love with the priest at your church? Read all about a woman in love's dilemma in our brand-new series, "Short Story of The Week" — only in The SOWETAN tomorrow. It's a story that will touch you.

## Help for

### fire victims

KATLEHONG residents have collected R1 091 to help the local family whose house and belongings were gutted by a fire last month.

A four-month-old baby was killed in the fire, which destroyed R15 000 worth of goods.

## Refused to give evidence in Durban bombing case

# DETAINED

A DETAINEE was jailed for four years yesterday for refusing to give evidence "against his brothers" at the treason trial in Pietermaritzburg.

The trial — in which Mr Patrick Maqubela, Mr Mboniswa Maqhutyana and Mr Seth Gaba have pleaded not guilty to 57 charges of terrorism, sabotage and other capital offences — was held *in camera* on Monday.

Yesterday, after the court had sat in secret for more than one hour, the detainee, a Swaziland University student, Mr Lutha Jolobe, still refused to testify. He said a statement made by him to Security Police was untrue because he alleged he had been assaulted.

Presiding Judge Mr Justice van Heerden said: "The witness today confirmed he was arrested outside the library of Natal University in Durban with certain other people in his hand."

"It's clear from evidence the prosecution had hoped the witness could give might have been of

## OWN CORRESPONDENT

an incriminating nature for one or more of the accused.

"The excuse given yesterday was that he didn't want to give evidence against his brothers."

Asked whether they were his blood brothers, he said they were brothers because they had similar ideals.

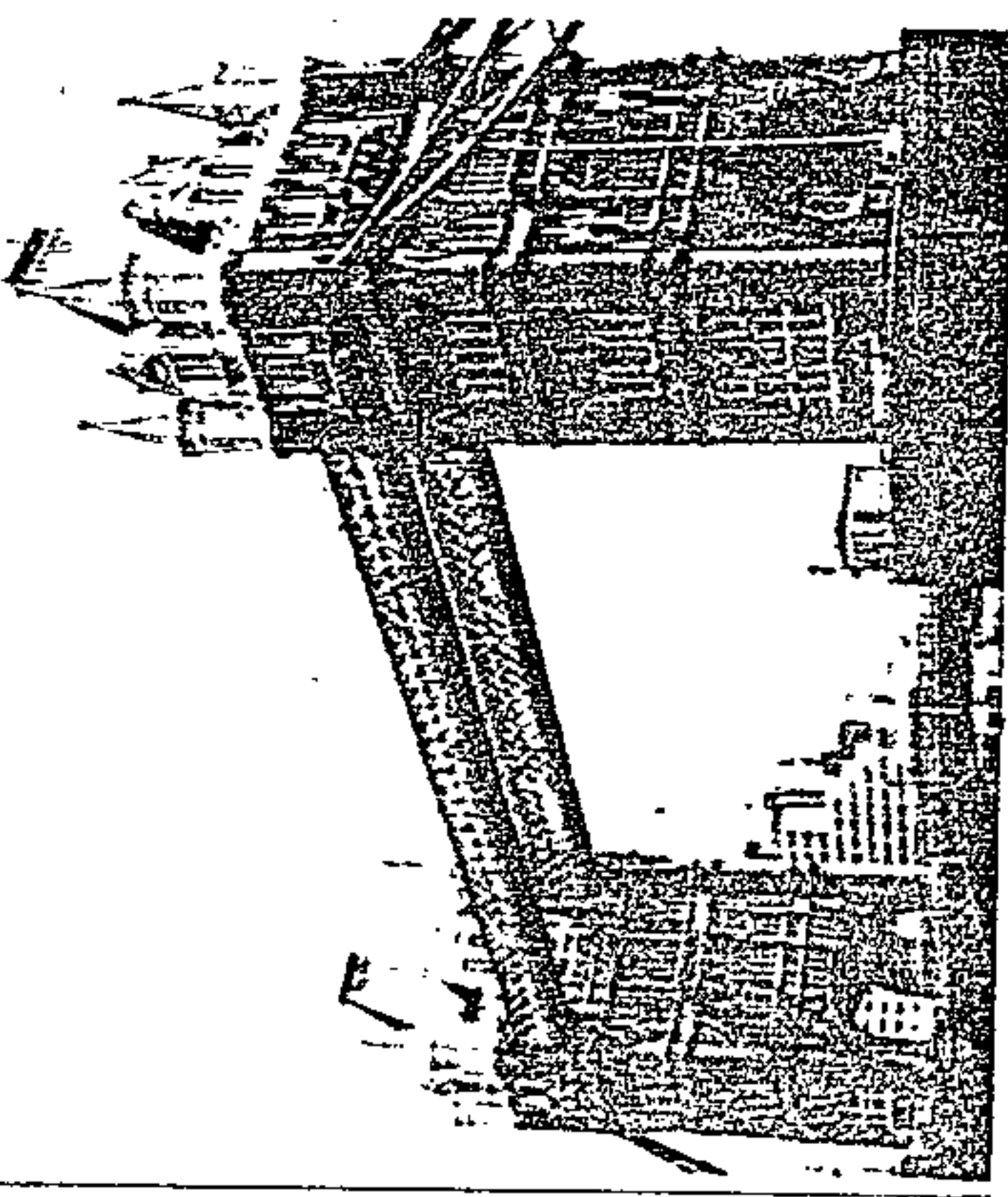
"Sympathy with the politics of the accused is not a just excuse for refusing to testify," he said.

In sentencing him, Mr Justice van Heerden said he took into account that Jolobe had been in detention since November 23 last year, but "justice demands he be given a severe sentence."

Jolobe said in mitigation: "Most of my people in South Africa are in great difficulties. I find myself in difficulties now in that I am expected to partake in the trial of these people, giving evidence, whereas I had no say in making the laws under which these people are appearing in court."

"The laws were made by the minority of people in South Africa."

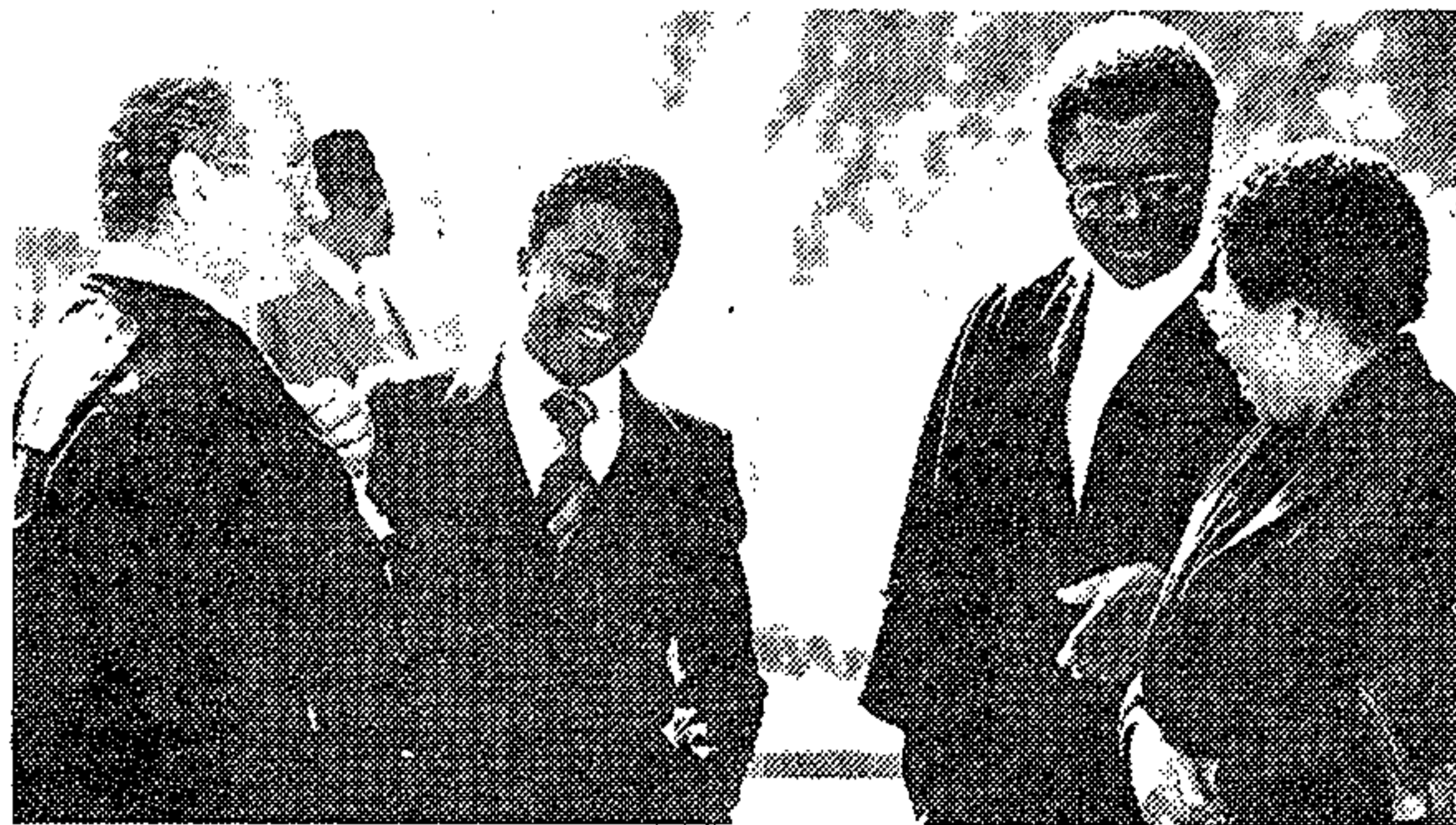
London's most famous landmark — Tower Bridge





## More witnesses 'may follow suit'

# Student jailed for refusing to testify



THE legal team representing the three accused in the treason trial are, from left, Mr Ernie Wentzel SC, Mr Bheka Shezi, Mr P M Langa, and Mrs Nonyamezelo Mxenge.

### Pietermaritzburg Bureau

A 25-YEAR-OLD law student was jailed yesterday for four years for refusing to testify against his 'brothers' in the terrorism trial being heard in the Supreme Court here.

The accused, Mr Patrick Ntobeko Maqubela, Mr Mboniswa de Villiers Richard Maqhutyana and Mr Seth Mpumulelo Gaba face a total of 57 charges including high treason, sabotage and attempted murder.

They have pleaded not guilty to all the charges.

The trial follows a series of eight bomb blasts in Durban last year in which nine people were injured and damage estimated at nearly R500 000 was caused.

Counsel appearing for the prosecution told the Judge, Mr Justice Auret van Heerden, that he expected five more witnesses to adopt the same attitude in refusing to give evidence.

Two of these, Mr Mbulelo Hongo and Mr Bulelane Ngcuka, later told the Court they were not prepared to give evidence.

One, Mr Ngcuka, asked through his counsel for leave to obtain more senior legal representation by today so that he could 'argue his case more persuasively'.

The jailed student, Litha Jolobe, first appeared in Court on Monday afternoon behind closed doors after the prosecution had obtained an order allowing them to clear the Court if they wished to protect the identity of certain of the accused.

However, members of the Press and public were readmitted yesterday morning after Jolobe had refused to take an oath or to give evidence against the three accused.

However in answer to a question from the Bench, he confirmed that he had been arrested by security police outside the University of Natal's architecture library on November 23 last year, and that he had had something in his hand at the time.

On Monday the Court had heard a librarian describe how a black man had felt beneath one of the tables in the library, followed some time later by a white student, who had duplicated his actions.

According to the librarian's evidence, the same black man had later returned, and a security policeman then testified that the man had been arrested as he attempted to leave after taking something from underneath the table.

### Adamant

Mr Justice van Heerden said it was clear that Jolobe was involved in one or more of the charges brought against the accused and he had been warned by the prosecution as an accomplice.

'The witness himself informed the Court that he was the first to be arrested and that what he had told the police during his interrogation had led to the arrest of one or more of the accused.'

Jolobe had remained adamant that he would not testify even though he could be discharged from prosecution on any of the charges on the indictment if he answered the questions put to him fairly and honestly.

It was fundamental to an ordered and democratic society that witnesses be compelled to testify as to what they knew and the witness

had advanced no just excuse for his refusal, the Judge said.

Even bearing in mind the witness's age and the fact he had been in detention since last November, justice demanded a severe sentence, he said.

Mr Ian Slabbert, for the State, said the charges against the accused were serious, possibly involving capital punishment, and Jolobe's refusal should be seen in this light.

The Criminal Procedures Act laid down sentences of up to two years for refusal to give evidence, and up to five years if the cases related to terrorism or internal security, he said.

Mr A K Kassoon Singh, appearing for Jolobe, said his client was a second year student at the University of Swaziland.

He had already lost a year of his studies.

Mr Slabbert said Jolobe was a Transkeian citizen, which Jolobe denied, saying he had been born and raised in South Africa even though he held a Transkeian travel document and his family lived in Transkei.

The Court is to hear further legal argument today, relating to the two witnesses who refused to testify yesterday, before continuing with further evidence against the three accused.

Mr Ernie Wentzel SC, assisted by Mr P M Langa and instructed by Mrs N V Mxenge, is appearing for the accused, while Mr Slabbert, assisted by Mr Gerhard Roberts, is appearing for the State.

Mr Justice van Heerden is sitting with two assessors, Mr W G S Driver and Mr W O H Menge.



# Bomb blasts trial—three refuse to 'tell all'

331

Stan  
4/8/82

## Own Correspondent

**MARITZBURG** — Three detainees refused to give evidence at the treason trial yesterday and one of them was jailed for four years for taking this stand.

The trial arises from eight bomb explosions in Durban last year and three alleged ANC members, Mr Patrick Maqubela, Mr Boniswa Maqhutyana and Mr Seth Gaba, have pleaded not guilty to charges including treason, terrorism and sabotage.

Yesterday Mr Justice van Heerden, sitting with two assessors, sentenced Swaziland university student Litha Jolobe (25) to four years' jail because he refused to testify.

Jolobe claimed he had been tortured by Security Police and a statement made to them did not reveal the truth. Also, the

State could regard him as an accomplice and he could be liable to further prosecution.

He was arrested outside the Durban university architecture library last November with documents in his hand. The three accused were held the following day.

The judge said: "The excuse was that he did not want to give evidence 'against his brothers.' But sympathy with the politics of the accused is not a just excuse for refusing to testify."

In mitigation Jolobe said: "Most of the people in this land of ours, South Africa, are in great difficulties. If I give evidence it will bring no change to the difficulties."

The other two detainees who refused to testify are Mr Mbulelo Hongo and Mr Bulalani Ngcuka. Their reasons for not testifying will

be argued today.

The State wants to lead evidence to show that one of the accused, Mr Patrick Maqubela, had a key to a car in which Mr Ngcuka had arranged to take people to Swaziland. The State would later prove traces of explosives were found in the car, the prosecutor said.

Mr Hongo told the court he had no excuse for not giving evidence, but said he feared for his future because he would be branded a traitor.

"People outside will say I've sold Maqubela," he said.

The judge said the State did not want to show he was an accomplice but merely wanted to lead evidence that he had assisted Mr Maqubela in loading suitcases without knowing what was inside them.



# ANC men found <sup>(331)</sup> guilty of *Star* 4/8/82 treason

## Own Correspondent

Three members of the African National Congress showed no emotion when they were convicted in the Pretoria Supreme Court today of high treason.

They will be sentenced tomorrow and could face death.

Mr Justice D. J. Curlewis said the evidence against Thelle Simon Mogôerane (23), Jerry Semano Mosoloi (25) and Marcus Thabo Motaung (27) had been overwhelming.

## CONFESSIONS

Though they were not all directly involved on attacks on the Moroka, Orlando and Wonderboompoort police stations, and sabotage at the Capital Park electricity sub-station in Pretoria and New Canada railway line, they were involved indirectly, the judge said.

They had all admitted in confessions that they were members of the banned ANC.

"It is common knowledge that the ANC is an organisation which functions to overthrow the Government by violence," said Mr Justice Curlewis.

Four people had been killed and 12 injured in the attacks which the men had taken part in, the judge said.

331 (844) ROM 4/8/82

# Law student jailed for silence in Maritzburg terrorism trial

Mail Correspondent

MARITZBURG. — A 25-year-old law student was jailed for four years yesterday for refusing to testify in the terrorism trial being held in the Maritzburg Supreme Court.

Litha Jolobe, a second year student at the University of Swaziland, refused to take the oath or give evidence against Mr Patrick Maqubela, Mr Mboniswa Maqhutyana and Mr Seth Gaba, who have pleaded not guilty to a total of 57 charges, including high treason, sabotage and attempted murder.

Two more witnesses, Mr Mbulelo Hongo and Mr Bulelane Ngcuka, later told Mr Justice van Heerden they they also would not give evidence after the prosecution had said it expected five more people to refuse to testify.

The trial follows a series of eight bomb blasts in Durban last year in which nine people were injured and damage estimated at nearly R500 000 was caused.

Jolobe had been in detention since November last year when he was arrested by security police at the University of Natal.

Mr Justice van Heerden said it was clear Jolobe was involved in one or more of the charges brought against the accused and he had been warned by the prosecution as an accomplice.

He had remained adamant that he would not testify even though he could be discharged from prosecution on any of the charges on the indictment if he gave evidence.



Transkeian  
denies  
ANC charge

EDR 9/8/82  
UMTATA. — A 73-year-old Transkei man, charged under the country's security laws with being a member of a banned organisation, said in court he had told the police he had been a member of the African National Congress before it was banned but had subsequently left the organisation.

Mr Charlton Ntuli is also charged with trying to recruit people for the Poqo organisation — the military wing of the Pan-Africanist Congress — and with being in possession of banned literature.

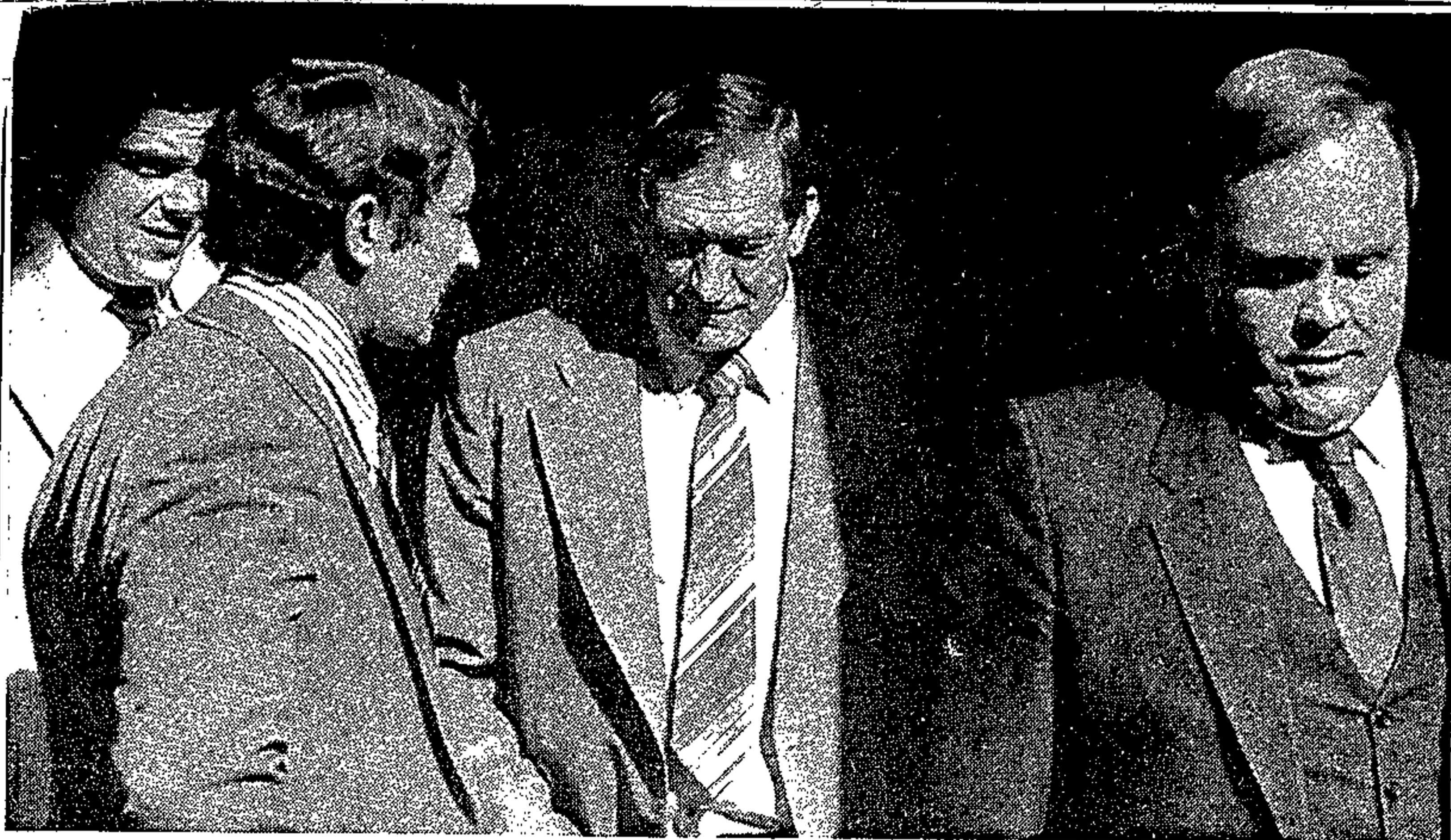
An additional charge alleges he operated a "dead letter box" for use in sending and receiving secret messages to and from Lesotho.

Mr Ntuli has pleaded not guilty to all the charges. He denied having given ANC pamphlets, books and cassettes to a relative for safe-keeping.

Mr Ntuli said he had told the police he belonged and subscribed to the aims of the ANC before it was banned. He had ceased to be a member of the organisation.

He denied having confessed to the police that he was still an active member of the ANC.

The case was adjourned to August 11. Bail of R400 was extended. — Sapa.



Major Craig Williamson (far right) with Captain Andries Struwig and other Security Police members at the Johannesburg Regional Court, where Maj Williamson gave evidence at the trial of Mr Alan Fine yesterday.

## Terror trial: master spy testifies

By ANNE SACKS

SOUTH Africa's master spy Security Police major Craig Williamson, told a Johannesburg Regional Court yesterday that "fairly innocent" information allegedly sent to the SA Congress of Trade Unions (Sactu) by Mr Alan Fine was vital for national liberation planning.

Maj Williamson, who posed as a member of the outlawed African National Congress for five years, was giving evidence before Mr W G Rosch.

Mr Fine, 28, of Sharpe Street, Bellevue, has pleaded not guilty to a charge under the Terrorism Act or, alternatively, under the Internal Security Act.

The State alleges that the ANC and Sactu, an exiled labour organisation,

conspired with each other to violently overthrow the Government and that Mr Fine associated himself with the aims of Sactu, and therefore the ANC.

It is also alleged that he sent information on various trade unions to Sactu via Mrs Jeanette Schoon, who lives in Gaborone, during 1977 and September 1981.

Maj Williamson told the court that "accurate information" on trade unions helped the ANC-led national liberation movement plan strategies and tactics.

The information — which the prosecutor, Mr J Swanepoel, described as "fairly innocent" — was also vital for the propaganda efforts of the ANC.

In attempting to show links between Sactu and the ANC, Maj Williamson told the court about his meetings around the

world with Sactu officials, adding he had been regularly instructed by the ANC to give all possible assistance to Sactu.

He referred to several Sactu and ANC documents to show "the inextricable link between the working classes and the struggle for national liberation".

He told the court that Sactu delegates had filled the seats of ANC observer members at United Nations labour conferences in the 1970s and that the president of Sactu, Mr Stephen Dlamini, addressed an ANC Heroes' Day service in London in 1977.

Maj Williamson will continue his evidence tomorrow.

(Mr Dennis Kuny, instructed by Miss Kathleen Satchwell of Raymond Tucker, appeared for Mr Fine. The prosecutor, Mr J Swanepoel, was assisted by Mr W Henekom).



# Former spy <sup>Star</sup> tells of ANC's links to Sactu

331  
4/8/82

A former spy in the African National Congress, Major Craig Williamson, told a Johannesburg Regional Court magistrate yesterday that the ANC and the South African Congress of Trade Unions were closely linked and when he held a position in the ANC he was told to give all possible assistance to Sactu.

A trade unionist, Mr Alan Morris Fine, appeared before Mr W Rosch on a charge under the Terrorism Act. He is accused of conspiring with members of Sactu to further the aims and objectives of Sactu and therefore of the ANC.

Mr Fine of Sharp Street, Bellevue, Johannesburg, has pleaded not guilty.

Major Williamson said there was a "revolutionary alliance" of which the ANC was the leading member-organisation. The alliance comprised the ANC, Sactu and the South African Communist Party.

Major Williamson said that in 1975 in Geneva he had been recruited to the ANC. Major Williamson, then deputy director of

the International University Exchange Fund, said he supplied information to the ANC.

"I was expected to have a thorough knowledge of the ideological premises underlying the policy, strategy and tactics of this organisation."

"Everything I learnt in the ANC indicated that it was regarded as a mass democratic organisation representing that sector of South African society which is the most oppressed and which was working towards national liberation."

"The ANC was supported in this struggle by various other organisations including Sactu and the Communist Party."

"In addition to national liberation, the revolutionary alliance is working for the liberation of the working class from the capitalist economic system," Major Williamson testified.

"It was explained to me that genuine revolution could not be brought about unless both the revolutionary process and the resulting society were led by the proletarian working class," he added.

Mr Fine earlier admitted he had sent information on labour matters to Sactu in Botswana.

The case was adjourned to Thursday.

# Five accused of aiding ANC

331

4/8/82

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THE FIVE accused in the Transkei terrorism trial here, who are accused of participation in terrorist activities, were described as members and or active supporters of the African National Congress in the indictment.

The charge sheet, which also shows 49 conspirators, said Mr James Kati, (56), Mr Mveleli Saliwa, (21), Mr Mzwandile Mbethe, (24), Mr Mkangeli Matomela, (23), and Mr Petec Bawose King, (56), had intended to endanger the maintenance of law and order in Transkei.

The accused are alleged to have conveyed to, and received messages, subversive literature and money from ANC representatives in South Africa and

Lesotho. Sowetan

They are also alleged to have harboured, assisted and transported into and out of Lesotho over the Tele River bridge, people they had reason to believe were terrorists.

In the second count they are alleged to have incited and encouraged conspirators listed to undergo training which could be used to endanger the maintenance of law and order.

One count, which excludes Mr Saliwa, deals with the wrongful possession of explosives, ammunition and firearms. The alternative counts refer to the accused becoming office-bearers or members of the ANC or Umkonto We Sizwe.



# Student jailed in terror trial

(331)

4/8/82

## PIETERMARITZBURG

A 25-year-old law student was jailed yesterday for four years for refusing to testify against his "brothers" in the terrorism trial being heard in the Supreme Court here.

The accused, Mr Patrick Ntobeka Maqubela of Durban, Mr Mboniswa de Villiers Richard Maqhutyana of Umlazi and Mr Seth Mpumulelo Gaba of Mdantsane, face a total of 57 charges including high treason,

sabotage and attempted murder.

They have pleaded not guilty to all the charges.

The trial follows a series of eight bomb blasts in Durban last year in which nine people were injured and damage estimated at nearly half a million rands was caused.

Counsel appearing for the prosecution told the judge, Mr Justice Auren van Heerden, that he expected five more witnesses to adopt the same attitude in refusing to give evidence.

Two of these, Mr Mbulelo Hongo and Mr Bulelane Ngcuka, later told the court that they were not prepared to give evidence.

One, Mr Ngcuka, asked through his counsel for leave to obtain more senior legal representation by today so that he could "argue his case more persuasively."

The jailed student, Mr Litha Jolobe, first appeared in court on Monday afternoon behind closed doors after the prosecution had obtained an order allowing them to clear the court if they wished to protect the identity of certain of the accused.

However members of the press and public were readmitted yesterday morning after Mr Jolobe had refused to take an oath or give evidence against the three accused.

In answer to a question from the bench, he however, confirmed that he had been arrested by security police outside the University of Natal's architecture library on November 23 last year, and that he had something in his hand at the time.

On Monday, the court had heard a librarian describe how a black man had felt underneath one of the tables in the

library, followed some time later by a white student, who had duplicated his actions.

According to the librarian's evidence the same black man had later returned, and a security policeman then testified that the man had been arrested as he attempted to leave after taking something from underneath the table.

Mr Justice Van Heerden said it was clear that Mr Jolobe was involved in one or more of the charges brought against the accused and he had been warned by the prosecution as an accomplice.

"The witness himself informed the court that he was the first to be arrested and that what he had told the police during his interrogation had led to the arrest of one or more of the accused."

Mr Jolobe had remained adamant that he would not testify even though he could be discharged from prosecution on any of the charges on the indictment if he answered the questions put to him fairly and honestly.

He had also alleged that he had received "certain treatment" at the hands of the security police, the judge said.

However, as the court had not had the benefit of hearing the other side of the story, it was making no finding in respect of the alleged assault.

It was fundamental to an ordered and democratic society that witnesses be compelled to testify as to what they knew and the witness had advanced no just excuse for his refusal.

Asked if he had anything to say in mitigation, Mr Jolobe said: "If I give evidence that would bring no change to the difficulties under which the people are living here in South Africa."

DDC.

# Fourth silent witness jailed

Argus 5/8/82 331

Argus Correspondent

MARITZBURG. — Former Fort Hare student Mpila Ichabod Thaho today became the fourth man to be jailed this week for refusing to testify in the treason trial here.

Thaho, who has been in custody since November 25, was jailed for five years.

As he left the court he raised a clenched fist in salute. Some spectators responded in the same way.

Mr Justice van Heerden said Thaho could not claim it was just cause to refuse to testify on the grounds that he did not want to give evidence against a

black brother and that there were pressures in the community preventing him from doing so.

There came a time when loyalty to the State transcended community pressures and ostracism.

Mr Peter Macmillan, for Thaho, asked the judge to take into account that people in South Africa lived in separate communities because of State policy.

As a result Thaho was subjected to strong pressure not to testify.

Mr Justice van Heerden said he would be failing in his duty if he did not impose a sentence of five years.

In the treason trial Durban attorney Mr Patrick Maqubela, 32, Mr Mboniswa Maqhutyana, 29, and Mr Seth Gaba are appearing on 57 charges, including high treason, attempted murder and participating in terrorism.

(Proceeding)



coastal suburbs north of the paralysed international airport.

Mr Reagan's statement, which followed an earlier White House expression of "profound concern" over the new attack, did not mention sanctions, but State Department sources said that these were being considered at top-level Washington meetings.

In Jerusalem the Israeli Prime Minister, Mr Menachem Begin, declared yesterday he would resist US sanctions aimed at punishing Israel for the continued assault on Beirut, saying "No-body is going to bring Israel to her knees."

### Israelis wounded

The Israeli military command said Israeli warplanes pounded guerrilla artillery emplacements in south Beirut near the Bourj el-Barajneh neighbourhood for 1½ hours yesterday afternoon. All the aircraft returned safely to base.

It said 64 Israeli soldiers were wounded in fighting which started late Tuesday and continued all day yesterday.

The State Radio in Beirut said the Israeli attack was still going on last night.

The renewed violence, which began at midnight on Tuesday night, ended a ceasefire agreed on 48 hours earlier and followed reports of some progress in negotiations aimed at getting the guerrillas of the Palestine Liberation Organization out of Beirut before the Israelis mounted a final drive. — Sapa-Reuter-AP

Park another crowd gathered

Prince Charles's brother An-

Then he opened his mouth

# Jewish, black students clash

Own Correspondent

JOHANNESBURG. — There were fist-fights at the University of the Witwatersrand yesterday when about 1500 Jewish students confronted about 500 black and Indian students who had met to support the Palestine Liberation Organization (PLO).

Only the intervention of the vice-chancellor, Professor DJ du Plessis, the registrar, Mr Ken Standenmacher, student leaders and security staff prevented a full-scale clash between the two groups.

Professor Du Plessis kept the two groups apart for nearly two hours while collaring scores of students and reprimanding them for their provocative behaviour.

Twelve students were suspended from lectures and forbidden to enter the campus and all student meetings have been banned for an unspecified period.

A university spokesman said the 12 would appear before the student disciplinary committee on charges of provocative behaviour, using insulting language, disobeying an order, and punching.

The violence flared after simultaneous lunchtime meetings were held by the pro-PLO Black Students' Society (BSS) and the Wits branch of the South African Union of Jewish Students to discuss the war in

Lebanon.

When their meeting ended, more than 1000 Jewish students streamed to the venue of the BSS meeting, in spite of a warning not to do so, and surrounded the lecture theatre chanting "No, no PLO".

Wits security staff could not stop the students from encircling the lecture theatre but Professor Du Plessis and Mr Standenmacher succeeded in clearing a space the size of a tennis court.

### Slogans

As students left the BSS meeting, several isolated fist-fights broke out and security staff as well as student leaders on both sides restrained large groups of students from attacking each other.

At one point only a few steps and a handful of security officers separated the two jostling groups, each waving fists and flags and shouting threatening slogans. Jewish students also burnt a small PLO flag. Many students were led away by Wits security staff.

Student leaders who appealed to both sides to remain calm and disperse were loudly booed.

● Picture, page 13

Won't testify  
2 jailed

DURBAN. — Two more people have been jailed by Mr Justice Van Heerden in the Supreme Court, Maritzburg, for refusing to testify in the terrorism trial.

An attorney, 28-year-old Bulelane Ngcuka, refused to give evidence yesterday against one of the accused, Patrick Maqubela, on the grounds that they were close friends. Mbulelo Hongo, 26, who has a B Proc degree and is a cousin of Mr Maqubela, also refused to testify.

Neither of the men were implicated as accomplices, and they gave as their reasons their loyalty to black society and fear of social ostracism.

Both of the men — who have been in solitary confinement for eight months — were jailed for three years in terms of the Criminal Procedures Act.

A Transkeian citizen, 25-year-old Litha Jolobe, was sentenced on Tuesday to four years' imprisonment for refusing to give evidence.

The trial of Mr Maqubela, Mr Mboniswa Maqhutyana and Mr Seth Gaba is a sequel to a number of explosions in the Durban area between February and November last year. — Sapa

## Woman, 76, raped: Arrest

Crime Reporter

A 76-YEAR-old woman was allegedly raped in the northern areas yesterday morning. Police arrested a man soon afterwards.

Brigadier Dries van den Heever, chief detective for the Western Cape, later issued a short statement about the incident.

"At about 10am a 76-year-old woman in the northern suburbs was allegedly raped. Certain items were reported missing and a 26-year-old man was arrested in the vicinity of the crime shortly after police were alerted."

He said no other details would be released at this stage.

## Sick killer helped guard Queen

LONDON. — A mentally ill man was hired briefly to help protect Queen Elizabeth, Prince Charles and Princess Diana three weeks before he killed his own wife, it was reported yesterday.

The report by Britain's domestic news agency, the Press Association, appeared likely to add to the controversy over the protection of the Royal Family.

Stephen Chambers, 20,

was employed as a temporary security guard at London's Barbican Centre when the capital's new arts and cultural complex was opened by members of the Royal Family in March, the agency said.

Last week a judge at the Old Bailey criminal court sentenced Chambers to 10 years' jail for killing his wife. Chambers admitted to manslaughter on the grounds of "diminished responsibility", or mental

illness.

The court was told Chambers stabbed his wife to death in front of their three-year-old daughter. A psychiatrist said Chambers had a personality disorder "due to an anxiety depressive state".

The Press Association quoted an unidentified senior police officer as saying: "Although there is no suggestion that he presented a threat to the lives of members of the Royal

Family, the facts are disturbing. He was very depressed and could not have been vetted very well before being taken on for royal duties."

Mr Peter Holroyd-Smith, managing director of the London firm which employed Chambers, said he was taken on merely for crowd duty.

"We do a 'pre-employment check on every applicant before he is engaged," he said. — Sapa-AP

crack of dawn



"Under CP policy all coloureds and Indians will be transplanted to their own heartlands."

INSIDE

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The emblem on the left marks the centenary year of the Newspaper Press Union.



# Why I turned to terror trialist

AKGUS  
5/8/82

~~HA 86A~~

331

PRETORIA. — A man convicted of high treason told the Supreme Court here today why he had turned to terrorism.

## Caravan shooting arrest

**Crime Reporter**  
AN ATHLONE man has been arrested in connection with the death of a man who was shot in his caravan in Belgravia Estate yesterday afternoon.

Mr Natalia Paulsen, 32, of First Avenue, Belgravia Estate, was taken to an undertaker in Lawrence Street, Athlone, at 5 pm yesterday with a gunshot wound in his stomach.

Two men with Mr Paulsen asked the undertaker to take him to hospital.

Mr Paulsen was taken to a doctor whose consulting rooms were nearby and later to Groote Schuur Hospital, where he died.

A 28-year-old Athlone man is due to appear in court soon in connection with his death.

## Shopping centre row is revived

**Municipal Reporter**  
THE Cape Town City Council will once again have to consider the Western Province Agricultural Society's plan to build a business and shopping centre on a portion of the Goodwood Showground, a scheme to which it is totally opposed.

The society's plan, part of a scheme to improve and expand the showground and its facilities, has been the subject of a major row between the council and the develop-

Thelle Simon Mogoerane, 23, said that as he grew up he became more and more aware of the shortage of necessities among the blacks of South Africa.

Mogoerane, Jerry Semano Mosloli, 25, and Marcus Thabo Motaung, 27, were found guilty yesterday of high treason, murder, attempted murder, robbery and contravening of the Terrorism Act.

The case was postponed until today for evidence to be led in mitigation.

The three men walked into the packed court smiling and singing.

### ASSESSORS

A policeman called "Silence in court" and they stopped singing as Mr Justice Curlewis and his two assessors appeared.

Mr Jack Unterhalter, SC, called Mogoerane, the first accused, to the witness box.

Mogoerane, dressed in blue, gave an account of his participation in the attacks on the Moroka, Orlando and Wonderboompoort police stations. He said he did not kill anyone in any of the attacks.

"I never expected innocent people to be killed. Our plans were to attack the police station and shoot at policemen," Mogoerane said.

### TRAINS

Mogoerane said he was born in Boksburg and went to high school in Qwa-Qwa. As he grew up he became aware of the hardships of the black people.

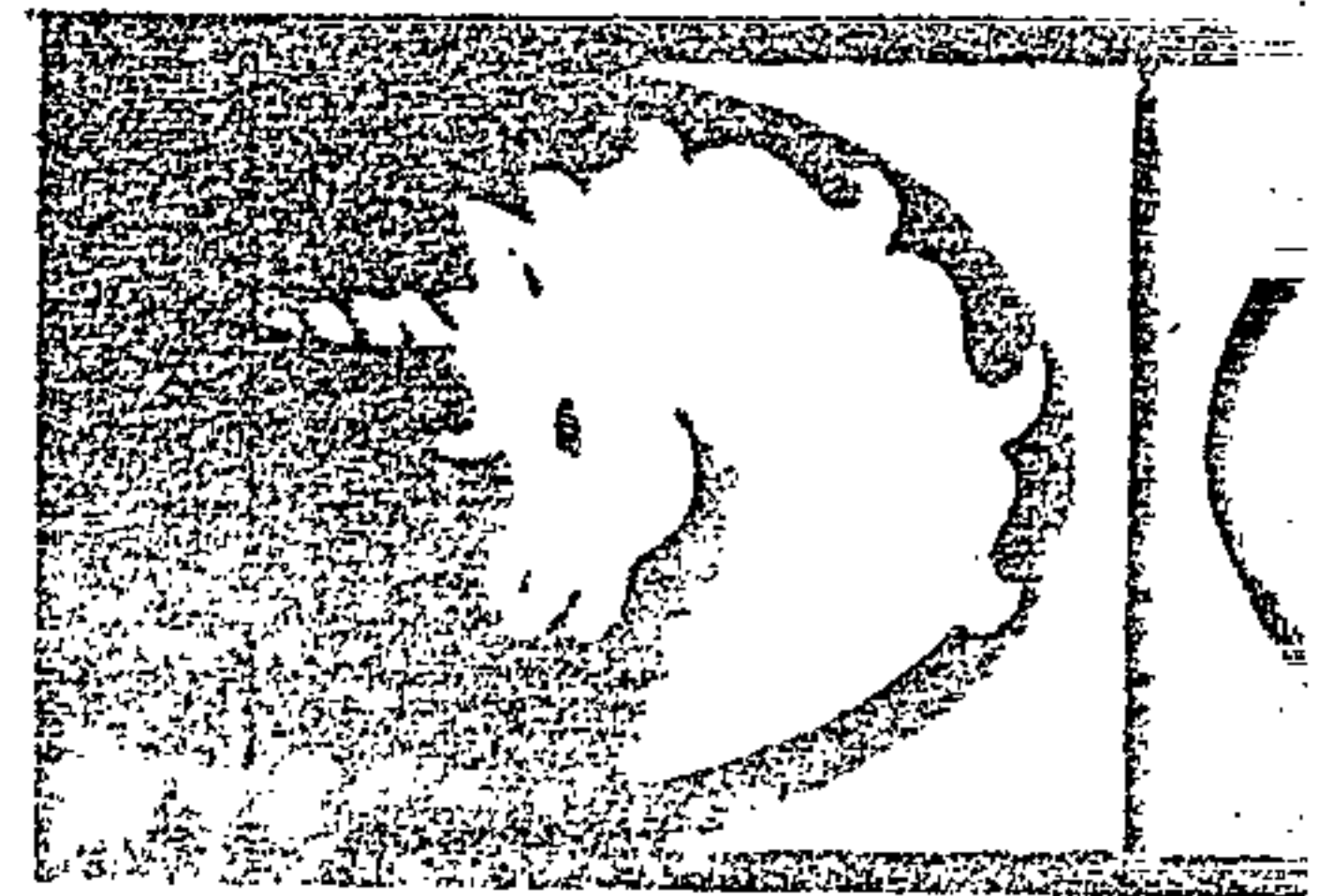
"My people travelled cramped in trains while the whites' coaches were relatively empty," he said.

He also said blacks did not have sufficient facilities for education. All he wanted was the basic necessities of life.

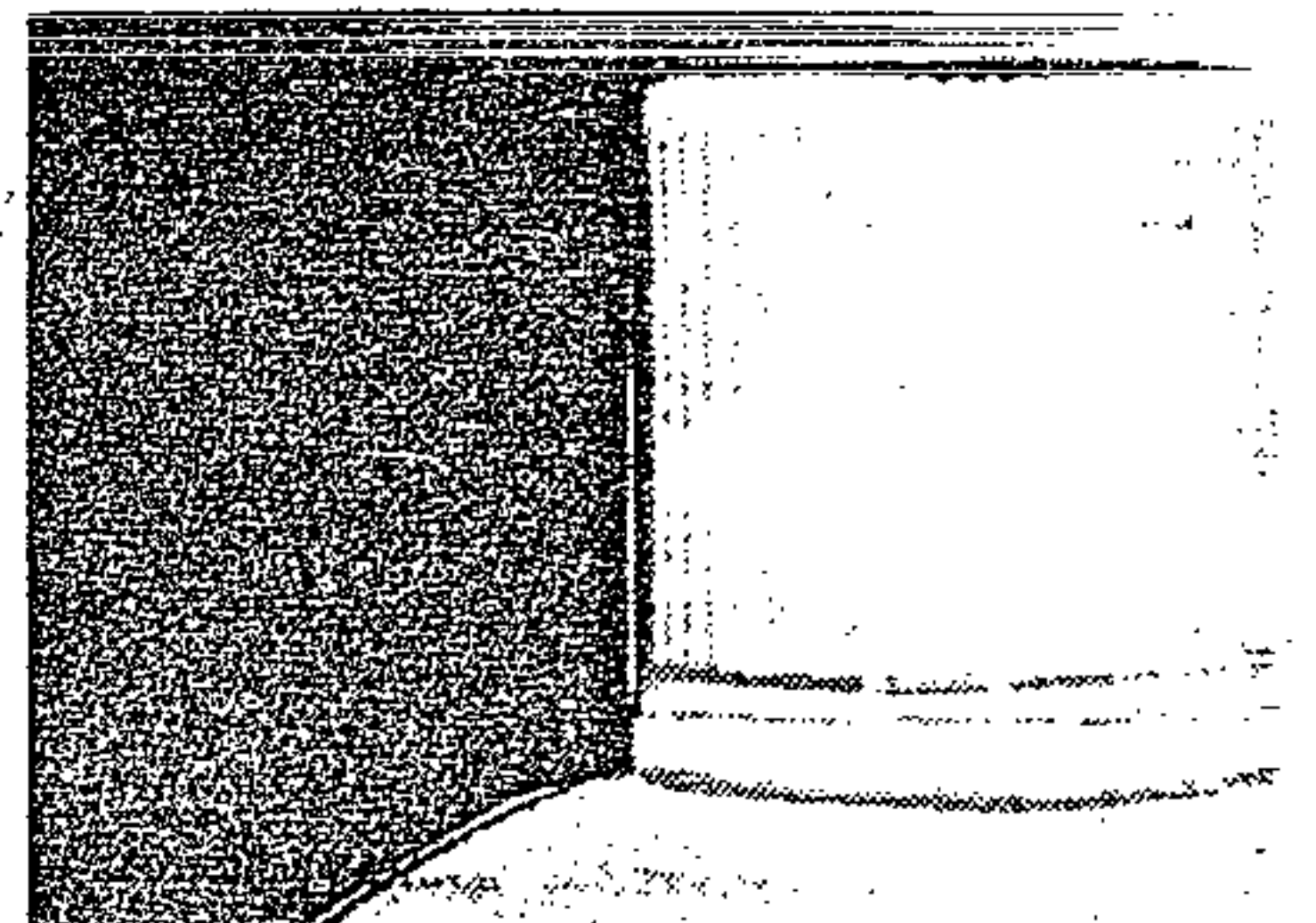
"We also had to show passes wherever we went while the whites did not," said Mogoerane.

As he grew up these

# YOU



# RE



"My people travelled cramped in trains while the whites' coaches were relatively empty," he said.

He also said blacks did not have sufficient facilities for education. All he wanted was the basic necessities of life.

"We also had to show passes wherever we went while the whites did not," said Mogoerane.

As he grew up these problems annoyed and confused him.

"The Soweto 1976 riots reinforced the hatred I felt for the Government. I decided to leave the country and get myself a gun to fight them."

"When the riots broke out I thought that the war had started and that our freedom was very near."

REVLON

ATMENT SHAN



## Two jailed for three years for failing to testify

Pietermaritzburg Bureau TWO men were jailed for three years when they appeared in the Supreme Court yesterday for refusing to give evidence against three accused in the treason trial under way here.

Their conviction, in terms of the Criminal Procedures Act, meant that three witnesses had been jailed after only three days of the trial, which arises out of a series of eight bomb blasts in and around Durban last year in which nine people were injured and nearly R500 000 damage was caused.

Three alleged members of the African National Congress, Mr Patrick Maqubela, Mr Mboniswa Maqhutyana and Mr Seth Gaba have pleaded not guilty to a total of 57 charges including high treason, sabotage and attempted murder.

On Tuesday 25-year-old student Litha Jolobe was

jailed for four years for refusing to take an oath or to testify.

Yesterday a Durban attorney, Bulelane Ngcuka, 28, and an articled clerk in a law firm, Mbulelo Hongo, 26, were each sentenced to three years.

Appearing for the two men Mr J N S Bristowe, SC, said both had been held in solitary confinement for the past eight months.

He pointed out that, unlike Jolobe, neither of his clients had been implicated as accomplices and, in the case of Hongo, his testimony was intended merely to connect one of the accused with a suitcase.

Mr Bristowe said both had very close ties with Mr Patrick Maqubela.

Ngcuka had served his legal articles with Mr Maqubela, had been admitted as an attorney on the same day and had lived

◆ TURN TO PAGE 2

## Two jailed for three years

with him until the day of their arrest.

Hongo was a cousin of the same accused.

A second pressure which operated on the men was that in their communities in South Africa it was regarded as treachery for them to give evidence, however innocuous, against their fellow blacks.

However misguided their sentiments were, they were genuinely held.

### Oath

Mr Justice Auret van Heerden said Ngcuka had taken an oath to be faithful to the Republic of South Africa when he had been admitted as an attorney, and Hongo had evidently intended to do so.

He could not reconcile this oath with their refusal to testify particularly in a case as serious as one involving treason.

He said he had taken into account that their careers may well come to an end as a result of their conviction and that they had already been in detention for eight months.

### Granted

Following the sentencing of the two witnesses, two further witnesses were called and the prosecutor, Mr Ian Slabbert, said he was not sure what their position would be.

The two men, Mr Luyanda Mpahlwa and Mr Ndamse indicated they would be willing to give evidence.

Earlier another witness, Dr Donald Mazibuko, had been granted time to consult legal opinion.

### Counsel

Mr Ernie Wentzel SC, assisted by Mr P M Langa and instructed by Mrs N V Mxenge, is appearing for the three accused.

Mr Bristowe, assisted by Mr A K Kissoon Singh and Mr M T K Moerane appeared for the witnesses.

Mr Slabbert, assisted by Mr Gerhard Roberts, is appearing for the State.

Mr Justice van Heerden is sitting with two assessors, Mr W G S Driver and Mr W O H Menge.

Local people have been attempting to obliterate the spoor and also laying false trails in attempts to confuse the trackers.

They have been giving sanctuary food and water to kidnappers and hostages secretly and not passing on information to the security forces.

### Eradicate

The minister warned those people involved in the kidnapping that 'no stone will be left unturned' in efforts to find the hostages.

'They must realise the pains they may suffer in the Government's firm determination to flush out and eradicate from our country all bandit and dissident activity once and for all,' he said.

Meanwhile, it has been reported that five British campers were found in the massive Matabeleland bush by Zimbabwe search troops last week.

The troops apparently stumbled into a tent camp set up by the group of tourists. The campers were questioned and told to move on.

## Tourist industry hit in Zimbabwe

Mercury Correspondent BULAWAYO—Hundreds of tourists in Zimbabwe and many more planning to visit the country have cancelled, or cut short their holiday as a result of dissident activity in the country.

The hostage crisis in Matabeleland, and the news of three tourists being found dead in Inyanga, have dealt a severe blow to the tourist trade.

Zimbabwe has always been a tourist's paradise, from the ancient Zimbabwe Ruins right up to Victoria Falls.

It has also been a sportsman's heaven, with many excellent fishing and hunting opportunities to be had right through the country.

### Crisis

The R50-million tourist industry, catering to more than 320 000 foreign visitors each year, now stands to be the prime victim of dissident lawlessness in Zimbabwe.

Hotel and Restaurant Association's president John Moore said that the

Staff housing loans are being held back. Those who had been told at the beginning of the year that they could have loans will have to wait a little longer.

Mr Mitchell said: 'The overall state of the economy has caused a sharp drop in the traffic we convey. We are not getting the income from traffic that we budgeted for and costs are spiralling.

### Commuters

'More people have looked to us for employment and we have been able to fill vacancies of certain grades which we have had problems with for a long time.

'Unfortunately we cannot balance our books by having more staff to shift less traffic, so while we are not retrenching directly we are not filling any vacancies that occur unless it is absolutely vital to do so.

Commuters were also being affected by the move to cut back on expenses — each system manager was being asked to save as much as R27 million a month. Natal train commuters could expect a 25 percent cut in their service and the harbour ferry service had been pruned.

With regard to passenger trains, peak hours would be unaffected but the valley period service would be selectively curtailed with the times between trains respaced for even distribution.

The harbour ferry service which had cost 35c and ran every 15 minutes now costs 60c and runs every hour.

## Three attack shop owner

Pietermaritzburg Bureau AN INDIAN shopkeeper survived an attack by three black men who beat him over the head with the blunt edge of their knives.

Police reported yesterday that Mr Mougli Roushing, 63, was in his Prestbury store on Tuesday morning when three black men burst in the store and attacked him.

The three — all armed with knives — repeatedly beat him on the head with their knives causing multiple wounds which bled profusely, police said.

They seized R300 and a .38 revolver from the safe and took R40 from the till.

That night police arrested

100's

**75c**

**SAVER**

**200's**

Twinsaver Tissues (220 mm x 206 mm) 200's

**59c**



# 3 ANC men guilty of treason

Own Correspondent

PRETORIA. — Three members of the African National Congress, who belonged to the organization's special unit assigned to attack key installations and government employees in the Transvaal urban areas, were found guilty on high treason and 20 other charges in the Pretoria Supreme Court yesterday.

Thelle Simon Mogoerane, 23, Jerry Semano Mosololi, 25, and Marcus Thabo Motaung, 27, were members of the Maputo-based "Gebuza Machinery".

The "machinery" under Mr Siphwe Nyanda is a specially-trained unit of the outlawed ANC charged with the responsibility of attacking installations such as police stations and policemen in the Transvaal.

Mr Justice D J Curlewis, sitting with assessors, found the three men guilty of high treason, murder (four counts), attempted murder (10 counts), robbery with aggravating circumstances, and contravention of the Terrorism Act (five counts).

The three men separately left the country in 1976 and 1977. They received military training in Angola, East Germany and Russia separately. They then re-entered the country using false reference books. They took part in attacks on police stations, sabotaged railway lines and blew up power stations.

The murder charges arise from the killing of four policemen. Constables Christopher Zibi and Jerry Musindane were murdered when the Orlando Police Station was attacked on November 1, 1979.

Constable Bongani Brian Tembe, of the Moroka Police Station, and Constable Daniel Makosonke Nkosi, of the Wonderboompoort Police Station, were murdered on May 4, 1979, and December 26 last year respectively.

During the attacks on the police stations, 14 people including four policemen, were injured. The attacks on the police stations were carried out with foreign-made firearms, AK47 rifles, grenades and bazookas.

## Taxi

The judge also found the three men guilty of robbing Mr France Thobela of his taxi on December 25, last year. The taxi was used by five men the following day in the attack on the Wonderboompoort Police Station, near Pretoria.

Mr Justice Curlewis said there was overwhelming evidence against the three men. They freely pointed out certain spots to the police and made confessions.

They were members of the ANC, an organization bent on the violent overthrow of the government through terroristic activities.

Evidence in mitigation will be led today.



# 1976 riots drove me to take up arms

## Own Correspondent

"The Soweto 1976 riots reinforced the hatred I felt for the Government. I decided to leave the country and get myself a gun to fight it," convicted treasonist Thelle Simon Mogoerane told the Pretoria Supreme Court today.

Mogoerane, Jerry Semano Mosloli (25) and Marcus Thabo Motaung (27) were found guilty yesterday of high treason and of alternative charges of murder, attempted murder, robbery and contravention of the Terrorism Act. Sentence was postponed for evidence to be led in mitigation.

The three men walked into the packed court today smiling and singing. When a policeman called "silence in court," they stopped singing and Mr Justice D. Curlewis and his two assessors appeared.

Mr Jack Unterhalter SC, for the defence, called Mogoerane, the first accused, to the witness stand.

Mogoerane gave an account of his participation in the attacks on the Moroka, Orlando and Wonderboomport police stations. He said he had not killed anyone in any of the attacks.

## INNOCENT

"I never expected innocent people to be killed. Our plans were to attack the police station and shoot at policemen," Mogoerane said.

Mogoerane said he attended high school in Qwa-Qwa and as he grew up he became aware of the deprivation of black people.

"My people travelled cramped in trains while the whites' coaches were relatively empty," he said.

He also said black people did not have sufficient facilities for education. All he wanted was to have the basic necessities of life, Mogoerane declared.

"We also had to show passes wherever we

went while the whites did not," he added.

He described the events which led him to leave the country and become a soldier.

"When the 1976 riots broke out I thought the war had started and that our freedom was very near," he said.

In 1976, while still in Standard 9 at boarding school, Mogoerane left South Africa for Botswana. There he elected to become a soldier "because of my experiences. I decided I had to fight first to help free my people from oppression. Education would come later," he said.

While undergoing military training he received political education. He read books on the history of the African National Congress. In the beginning ANC policy was to unite people in order to free them. A series of defiance campaigns in the 1950s and attempts to talk to the Government, failed, he said.

"Because of the failures it was decided the ANC would talk to the Boers in the language they understood — by shooting. This was the armed struggle," Mogoerane said.

After receiving military training he was instructed to return to South Africa. "I regarded myself as a soldier — a person fighting for the freedom of his people," he said.

## TARGETS

Mogoerane said ANC targets were police stations, railway lines, power stations and soldiers. He said he realised people would die but he did not see policemen as human beings in the true sense of the word because of their deeds.

During cross-examination by Mr P. B. Jacobs, for the State, he was asked if that meant he could walk in and shoot a policeman.

"What do you do when you meet your enemy in a war?" replied Mogoerane.

(Proceeding)

## Police station bombers await sentence

# ANC TRIO GUILTY

331 Senetan 5/8/82

THREE members of the banned African National Congress were yesterday found guilty in the Pretoria Supreme Court on a charge of high treason and twenty alternative charges including four murders, ten attempted murders, five counts under the Terrorism Act and robbery with aggravating circumstances.

In judgment, Mr Justice D Curlewis and two assessors said they were satisfied the three accused, Thelle Simon Mogoerane (23); Jerry Simano Mosololi (25) and Marcus Thabo Motaung (27), were members of the ANC, whose purpose was to overthrow the Government by violent means.

There had also been "overwhelming evidence" against the accused that they had been members of the "Gebuza Machinery", whose purpose was to carry out terrorist activities in the Transvaal, Mr Justice Curlewis said.

Conviction followed sabotage attacks on the Moroka and Orlando police stations on May 3 and November 1, 1979, respectively, the railway line between New Canada and Mzimhlophe stations on May 24, 1981, Capital Park Power station on December 14, and the Wonderboompoort police station on December 26 last year.

Student constable Ntsieni Mosindani, Constables Christopher Zibi, Brian Bongani Thembe and Daniel Makhosonke Nkosi were killed during

### By MONK NKOMO

the attacks on the police stations, while others, including civilians, were injured.

Mr Justice Curlewis said the accused had known the attacks, in which hand grenades, AK47 assault rifles and bazookas had been used, would lead to police and innocent people being killed.

They had also known cars would be stolen and drivers who resisted would be killed in order to carry out these attacks.

The ANC's policy, he added, was to shed the blood of innocent people. Evidence given by witnesses, including ballistics experts and "Mr X", had been "overwhelming and much of it had not been contested or disputed by the de-

fence. "We are satisfied that there was intention to kill during this attack," he said.

Both Mogoerane and Mosololi, Mr Justice Curlewis said, had been caught "redhanded" at an underground base where ammunition, used during the attack on the Wonderboompoort police station and Capital Park power station, and ANC pamphlets had been found.

Motaung was arrested at Stinkwater by police who were assisted by "Mr X" — an accomplice who was yesterday indemnified from prosecution.

Mr Justice Curlewis said the bullets found on Mr Frans Thobela, who had been shot three times by two men before being robbed of his friend's car near Onderstepoort on December 25 last year, had been from the Makarov pistol found lying, after the attack, at Wonderboompoort police station, according to ballistic evidence. Fingerprints on the pistol were those of Mogoerane.

The defence will lead evidence in mitigation today.



# Terror trial: Accused turns 73 in jail

AKG 65 5/8/82

331

THE marathon Mpetha terror trial was marked off in years again today as Mr Oscar Mpetha, the main accused in the continuing trial, celebrated his second birthday in jail.

Mr Mpetha, 73 years old today, celebrates his birthday seven days short of two years that he has been held in Pollsmoor Prison, Tokai.

Today he is appearing in the Supreme Court, Cape Town, on charges of

murder and terrorism, together with 18 other accused.

The trial, after many adjournments and recessions, is again in session — the third day this week.

Mr Mpetha, a national organiser for the Food and Canning Workers' Union, is a diabetic and the trial has been delayed several times because of his illness.

He recently spent several weeks in Groote Schuur Hospital where he had a prostate gland operation, after which he is believed to have spent about two weeks in a Manenberg convalescent home.

The accused are appearing on charges relating to rioting in 1980 and the death of two motorists, Mr George Beeton and Mr Frederick Jansen.

It is expected that the trial will continue well into 1983.

## Mum weeps after police turn her away at court

Pretoria Bureau

The mother of a man convicted of treason was today refused entry to the Pretoria Supreme Court to hear her son give evidence in mitigation of sentence because policemen said the court was "too full."

Mrs Christina Mogoerane sat crying outside court and later went to sit in the sun in Church Square as her son, Simon Mogoerane (23), convicted yesterday for treason with two others, explained to the court why he had committed his life to a "liberation struggle."

Mrs Mogoerane has daily travelled from Boksburg to Pretoria to attend the hearing since early July.

She tried to enter the court again after the morning tea break and was again told that the court was "full."

● See Page 3.



# ANC unit members guilty of treason

By JOHN MOJAPELO

**THREE** members of the African National Congress, who belonged to the organisation's special unit assigned to attack key installations in the Transvaal urban areas, were found guilty of high treason and 20 alternative charges in the Pretoria Supreme Court yesterday.

Thelle Simon Mogoerane, 23, Jerry Sermano Mosololi, 25, and Marcus Thabo Motaung, 27, were members of the Maputo-based "Gebuza Machinery".

The "machinery", under Mr Sipiwe Nyanda, is a specially-trained unit of the outlawed ANC responsible for attacking installations, such as police stations, in the Transvaal.

Mr Justice D J Curlewis, sitting with assessors, found the three men guilty of high treason and alternative charges of murder (four counts), attempted murder (10 counts), robbery with aggravating circumstances and the contravention of the Terrorism Act (five counts).

The court was packed when the judge delivered his 35-minute judgment. The three men listened without apparent emotion.

The three men left the country separately in 1976 and 1977 and received military training in Angola, East Germany and Russia. They then came back into the country with false reference books. Later they took part in attacks on police stations, sabotaged railway lines and blew up power stations.

The murder charges arise from the killing of four policemen. Constables Christopher Zibi and Jerry Musindane were murdered when the Orlando Police Station was attacked on November 1, 1979.

Constable Bongani Brian Tembe, of Moroka Police Station, and Constable Daniel Makosonke Nkosi, of Won-

derboompoort Police Station, were murdered on May 4, 1979, and December 26, 1981.

During the attacks 14 people, including four policemen, were injured.

The attacks on the police stations were carried out with AK-47 rifles, grenades and bazookas.

The judge also found the three men guilty of robbing Mr Frans Thobela of his taxi on December 25, last year.

In his judgment, Mr Justice Curlew said there was overwhelming evidence against the three men who had freely pointed out certain spots to the police and made confessions.

Mogoroane and Mosololi were caught "red-handed" after a farm-hand accidentally found an ANC underground hide-out on an island on a Hammanskraal farm. Motaung was pointed out by a former ANC member who was working with the Security Police.

The judge said the three men were members of the ANC, an organisation bent on the violent overthrow of the South African Government through terroristic activities. They were also members of "Gebuza Machinery". Motaung was on the committee of the "machinery" and was also a command-unit leader.

The judge dismissed the defence argument that the three could not collectively be held liable for the crimes committed by one of them in the absence of the other. The judge said this was a "fallacious" argument because an attack by one unit on an installation was an encouragement to other units.

The judge said the three men had the intention to kill policemen or civilians when they attacked the police stations.

The defence will lead evidence in mitigation today.

Mr P B Jacobs and Mr J F Pistor appeared for the State. Mr Jack Unterhalter, SC, and Mr N Tuchten appeared for the three men.

**EVERY CANDIDATE MUST** enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

	Internal	External
(1)	(2)	(3)
4C	8½	
Examiners' Initials		

## WARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

**Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University**

## Own Correspondent

MARITZBURG — An attorney and articled clerk had sacrificed their legal careers by refusing to testify in a treason trial, Mr Justice van Heerden said yesterday in sentencing them both to three years' jail.

Attorney Bulelani Ngcuba (28) faced being struck off the roll and articled clerk Mbulelo Hongo (26) had a slim chance of being admitted as an attorney because they had indicated by their refusal to testify in the Supreme Court treason trial in Maritzburg they were not faithful to South Africa, the judge said.

They are both detainees and have been held in solitary confinement for the past eight months.

The State called them to give evidence against three men who are alleged to be ANC members — Mr Patrick Maqubela, Mr Mboniswa Maqhutyana and Mr Seth Gaba — on trial for high treason, terrorism, sabotage and other offences.

## LOYALTY

Bulelani Ngcuka was a close friend of Mr Patrick Maqubela. He had served articles with him, had been

# <sup>331</sup> <sup>Staw</sup> <sup>5/8/82</sup> 'Careers sacrificed by refusal to testify'

admitted as an attorney on the same day and had lived with him. He felt a strong sense of loyalty towards the accused man, Ngcuka's counsel said.

"It would be regarded as treachery to give evidence, of however innocuous a nature, against a fellow black and particularly a friend," advocate Mr J N S Bristowe, SC, said.

There were strong pressures in the black community which would result in ostracism and rejection if the detainee testified, he said.

In mitigation Mr

Bristowe pointed out that Ngcuka had been detained just before he was due to be married. He was supporting his mother and school-going brother and sister at the time.

## MOTIVES

He asked the judge to take into account that Ngcuka had honourable motives. "He has nothing to gain from his refusal to give evidence. He has only to lose," he said.

The judge replied: "There comes a time in everybody's life when loyalty to one's friends must take second place."

The judge said he did not know what action the Natal Law Society would take against Ngcuka but expected his chances of being removed from the roll were "extremely great".

Mr Bristowe said Mbulelo Hongo had similar reasons for refusing to give evidence. He was a cousin of accused attorney Mr Patrick Maqubela.

The effect of his evidence would have been to link Mr Maqubela to certain suitcases.

## ALLEGIANCE

Hongo had completed a B Proc degree and was serving articles when he was detained.

The judge said: "When you apply to be admitted as an attorney you will have to swear allegiance to South Africa. But your actions have indicated you will never be faithful and the chances that you will be admitted are very slim."

Earlier two Umlazi women, Miss Patricia Kwaza and Mrs Chrisadel Hlongwane, identified suitcases as belonging to their lodger, Mr Mboniswa Maqhutyana. They said police had found bombs inside the cases when they arrested him.



# <sup>(331)</sup> Fourth witness to refuse to testify at treason trial

*Sowetan 5/8/82*

YET another witness at the treason trial in Pietermaritzburg has held up court proceedings by refusing to testify.

On trial are Mr Patrick Maqubela, Mr Mboniswa Maqhutyana and Mr Seth Gaba, following eight bomb blasts in Durban last year, but yesterday witness Dr Donald Mazibuko said he would not give evidence until he had been apprised of his rights by a legal representative.

His evidence relates to the use of his garage by accused Mr Patrick Maqubela.

Prosecutor Mr Ian Slabbert apologised to the judge: "This is totally

unexpected," he said.

He had expected five more recalcitrant witnesses and the doctor had not been one of them.

When the judge adjourned the trial to allow the doctor to consult with an attorney, he said: "This thing is getting out of hand now."

Mr Justice van Heerden jailed Litha Jolobe on Tuesday for four years for refusing to give evidence. Two other detainees, Mr Mbulelo Hongo and Mr Bulelani Ngcuka, spent yesterday morning consulting with senior counsel Mr J N S Bristow after refusing to give evidence yesterday.

## Argus Correspondent

MARITZBURG. — Treatment meted out to squatters was given as a reason to "make fire and lightning," the treason trial here heard yesterday.

The statement was in a letter found in a cache of explosives, arms, pamphlets and other items in a house at Umlazi.

The court was told that two of the accused, Mr Patrick Maqubela and Mr Mboniswa Maqhutyana, pointed out two caches in Umlazi to police in November.

## RUSSIAN MINES

Major R L Welman said Mr Maqhutyana pointed out several cases which contained explosives, Russian limpet mines, detonators, a Makarov pistol, ANC pamphlets and other items.

A letter read:

"Mfowetu (Brother),

"As you are aware, there is presently a very burning issue. The so-called squatters issue.

"I think you know how repulsive this action is against our people.

"We have to rise up and express our disgust at this act and show our solidarity with our dispossessed mothers and fathers.

"I would suggest you tackle as soon as possible an administering structure which administers these acts, eg Indababantu building in town.

"If this is not possible any 'Bantu Affairs' office.

"I am sure you see the link of the situation.

# Squatter evictions 'a reason for sabotage'

Enclosed is R100 to assist you in the maintenance and transport.

"Let us make thunder and lightning.

"Keep strong, take care, seize the time,

"Your brother,

"Bruin Ou."

In another dwelling, Mr Maqubela pointed out two locked suitcases.

Major Welman said both had false bottoms.

He found 20 kg of plastic explosive of foreign make, 22 blocks of TNT, 16 Russian handgrenades, an AK47 rifle and 120 cartridges.

In another suitcase he found 15 kg of plastic explosive, pamphlets entitled Nelson Mandela Says Unite, Mobilise, Fight On, and 375 copies of the Freedom Charter.

Major Welman said today that a letter found

in a tin trunk referred to the use of hard and soft soap.

Hard soap referred to TNT and soft soap to plastic explosive, which was pliable.

Other sections of the letter, dated June 24 1981, read:

"Fellow fighters, Richard speaking. To you all with love. Happy we are all still alive. March on to the new day.

"We may not all get there, but we as people will reach the promised land.

"The exams were carried at the Trust Bank on

27.06.81 at 5.54 am. Study was carried constantly at every morning and evening. We measured the danger time — civilians.

"We used 400 gm hard soap. Used 1,25 equals 1 block of soft soap at timing device.

"Night time very tight with security and day very dangerous. Time selection very good."

One of the State's allegations is that the accused were involved in a bombing at the SADF recruiting office at the Trust Bank in Smith Street on May 27.

(Proceeding)

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Examiners' Initials		

## NOTE CAREFULLY

1. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
2. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
4. Do not write in the left hand margin.

## WARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University



# Court hears of Sactu aims

JOHANNESBURG. — It was not necessarily unlawful to send information to the exiled SA Congress of Trade Unions (Sactu), Major Williamson agreed under cross-examination in the Court yesterday. Regional He was giving evidence before Mr Alan Fine, 28, of Sharpe Street, Bellevue, who faces a charge under the Terrorism Act or, alternatively, under the Internal Security Act.

He has pleaded not guilty to both.

## Not unlawful

One of the allegations made by the State was that Mr Fine sent information on various trade unions to Sactu via Mrs Jeanette Schoon, who lives in Gaborone, from 1977 to 1981. Major Williamson said it was not unlawful to send information on trade unions to Sactu "depending on the motives of the person sending the information and the motives of the recipient". He believed Sactu, an exiled labour organization which has not been declared unlawful, was a genuine trade union fed-erally, but unfortunately had revolutionary aims. He said he had no evidence of strikes in which Sactu had participated.

## Clandestine

He agreed it had no visible presence in South Africa, but was a clandestine organization which "always struggled to maintain its separate identity".

He said he was not sure if the security police were interested in information sent to Sactu because it was clandestine or if the information was sent in a clandestine fashion because of security police interest in labour matters.

Major Arthur Cronwright, head of John Vorster Square's investigation unit, disclosed that of the 41 trade unionists detained in the last year, five had been charged, including Saawu officials and Mr Fine. The trial continues today.

Men sing on way to the cells

News 6/8/82

331

# PREA:SON:G

Argus Correspondent

PRETORIA. — Three African National Congress members convicted in the Pretoria Supreme Court of high treason for the attacks on the Wondeboompoort police station and Capital Park sub-station in Pretoria were today sentenced to death.

With a shout of "Amandla", Thelle Simon Mogoerane, 23, threw a black power salute at Mr Justice D J Curlewis's back as he left the court after passing sentence.

Jerry Semano Mosoloi, 25, and Marcus Thabo Motaung, 27, joined their

co-accused in singing as attacks on the police stations. They were led down to the cells by a contingent of policemen and men of the Riot Squad.

The three were further convicted of directly or indirectly taking part in the attacks on the Orlando and Moroko police stations and the New Canada railway line. Four policemen died in

the present case, in memory, a man who had his hands in the air was shot down in front of his wife.

"I do not and cannot believe that any decent black person would condone such an action."

A person arrived in a car on an innocent errand at the police station and was shot or injured in a handgrenade blast.

"Mogoerane seemed to think something was to be gained by saying he did not know if he was

hit by a gunshot or the handgrenade blast".

The judge said he did not think the three would gain anything by testifying that they hoped not to injure any civilians. They admitted that they knew the police stations were used by members of the public.

"These were premeditated, planned and cold-blooded murders."

"I am not prepared for one moment to accept that an ordinary police constable who has his life to live and a woman and children to support can be regarded as a thing which can simply be killed without any remorse."

"It does not make it better that policeman were killed rather than civilians."

"It makes it worse for one reason only — the police are there to guard and keep the peace for all people," he said.

"The ANC attacks

police stations for the very good reason that like all terrorist organisations, they are aware that the people who guard law and order must be destroyed as only then can chaos and anarchy prevail.

"I have weighed up all the facts, for and against, and I have no doubt that the death sentence should be imposed," the judge said.

Mr Jack Unterhalter, SC, assisted by Mr Neil Tuckwell appeared for the three men. Mr P B Jacobs with Mr J F Pistor appeared for the State. Mr Curlewis sat with two assessors.

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# 3 ANC men sentenced <sup>(331)</sup> to death <sup>Star</sup> <sup>6/8/82</sup>

By Sheryl Raine  
Pretoria Bureau

Three ANC members, convicted of high treason, raised their fists in the air and smiled broadly as they were sentenced to death today by a Pretoria Supreme Court judge.

Thelle Simon Mogorane (23) of Boksburg, Jerry Semano Mosololi (25) and Marcus Thabo Motaung of Soweto (27), greeted their sentences with shouts of "Amandla" which were echoed by a packed gallery.

Riot police in camouflage uniform looked on, some with batons drawn.

The condemned men were found directly or indirectly responsible for attacks on the Orlando, Moroka and Wonderboompoort police stations and for sabotage at the Capital Park substation and New Canada railway line between May 1979 and December 1981.

Four policemen died and 10 people were injured in the incidents.

Other charges which the three were found guilty of included four of murder, 10 of attempted murder, armed robbery

and participating in terrorist activities.

Passing sentence, Mr Justice D/J Curlewis, said the facts of the case had revealed that the ANC was prepared to shoot policemen and harm innocent people and did so.

"In the present case a man who had his hands in the air was shot down before his wife," the judge said.

"I cannot believe that any decent black person would approve of that." Another innocent person had been injured by a hand grenade and a woman standing in a police charge office had also been injured with a "terrible machine of violence," the judge said.

The accused had all testified that their intention was to attack police stations and to kill people.

Mr Justice Curlewis said he had listened to arguments in mitigation that the three accused believed they were soldiers fighting for the liberation of their people.

This did not alter the fact that they had planned to cold-bloodedly kill.

# Silent witness (331) in treason trial Stan gets five years 6/8/82

**Own Correspondent**  
**MARITZBURG** — The fourth detainee to refuse to testify in the Maritzburg treason trial was jailed by Mr Justice van Heerden in the Supreme Court yesterday.

Former Fort Hare student Mr Mpila Ichabod Thalo (28), who refused to testify against his "brother," was given the maximum sentence of five years.

Mr Peter MacMillan, who appeared for Mr Thalo, said that, as a result of Government policy, Mr Thalo lived in a community in which there was strong pressure not to testify in a trial of this kind.

The judge said there came a time when loyalty had to transcend community pressures and ostracism.

On Tuesday student Mr Litha Jolobe (25) was sentenced to four

years and, on Wednesday, Mr Bulelane Ngcu-ka (28) and articled clerk Mr Mbulelo Hongo (26) were each sentenced to three years for refusing to testify.

Yesterday another detainee, Mr Gabula Ndamse, said he could not remember when he visited Swaziland, when he matriculated and the subjects he discussed with State counsel during the morning. He said that a stamp on his passport, indicating that he left Golela in August last year, did not help him remember.

Mr Justice van Heerden ordered that Mr Ndamse stand down so it could be decided whether he genuinely could not remember.

The judge said he would have to decide whether Mr Ndamse's claim of amnesia was an excuse for not testifying.



# Another jailed for refusing to give evidence

6/8/82 331 Murray

Pietermaritzburg  
Bureau

A FOURTH man was jailed in the Supreme Court here yesterday for refusing to testify against three accused alleged members of the ANC in the treason trial being heard by Mr Justice Auret van Heerden and two assessors.

Mpilo Ichabod Taho, 28, an unemployed Ciskeian, received the maximum penalty of five years in terms of the Criminal Procedures Act for refusing to testify or take an oath.

Mr Patrick Ntobeko Maqubela, 32, Mr Mboniswa de Villiers Richard Maqhutyana, 29, and Mr Seth Mpumulelo Gaba have pleaded not guilty.

They face a total of 57 counts including high treason, sabotage and attempted murder following the blasts which injured nine people and caused nearly R500 000 damage.

On Tuesday 25-year-old Litha Jolobe was jailed for four years and on Wednesday Bulelane Ngcuka, 28, and Mbulelo Hongo, 26, were each sentenced to three years for the same offence.

All had been in custody since November last year.

Judge van Heerden said he had been led by counsel for the prosecution to believe that Taho, like Jolobe but unlike Ngcuka and Hongo, had been implicated as an accomplice in the charges brought against the accused.

Appearing for Taho, Mr Peter McMillan asked the Judge to take cognisance of the policy of the Government which kept people within their own communities.

In the black community there was a very strong pressure on members not to testify against the accused in trials of this nature.

Another witness was unable to remember whether he had visited Swaziland last year.

Mr Gabula Ndamse said he was the nephew of one of the accused, Mr Maqubela, and had lived with him for some time.

When asked by Mr Ian Slabbert, prosecuting, whether he had visited Swaziland, Mr Ndamse said he could not remember.

In spite of questioning

◆ TURN TO PAGE 2

# News to Sactu 'not unlawful'

By ANNE SACKS

IT WAS not necessarily unlawful to send information to the exiled SA Congress of Trade Unions (Sactu), Major Craig Williamson of the Security Police told the Johannesburg Regional Court yesterday.

He was giving evidence before Mr W G Rosch in the trial of Mr Alan Fine, 28, of Sharpe Street, Bellevue, who is charged under the Terrorism Act or, alternatively, under the Internal Security Act.

He has pleaded not guilty. The prosecution has alleged that Mr Fine sent information on trade unions to Sactu between 1977 and 1981. Maj Williamson, who spied

on the African National Congress for five years, said it was not unlawful to send information on trade unions to Sactu, "depending on the motives of the person sending the information and the motives of the recipient".

He believed Sactu, an exiled labour organisation which has not been declared unlawful, was a genuine trade union federation "but unfortunately had revolutionary aims".

It had no visible presence in SA but was a clandestine organisation which "always struggled to maintain a separate identity".

He did not know if security police were interested in information sent to Sactu be-

cause it was clandestine or if the information was sent in a clandestine fashion because of security police interest in labour matters.

Maj Arthur Cronwright, head of John Vorster Square's investigation unit, said Mr Sam Kikine, a top official of the SA Allied Workers' Union, would be taken from Durban to the Eastern Cape to stand trial with two other Saawu officials, Mr Thozamile Gqweta and Mr Sisa Njikelane.

He said of 41 trade unionists detained in the last year, five had been charged.

(Mr Dennis Kuny, instructed by Miss Kathleen Satchwell of Raymond Tucker, appeared for Mr Fine. The prosecutor is Mr J Swanepoel, assisted by Mr W Hanekom).

**METRO MAIL**



# Unionist 6/8/82 accused of ANC plot

Mr Alan Morris Fine, a trade unionist facing charges under the Terrorism Act, told a Johannesburg regional court yesterday his interest in labour matters had grown while he was a student at the University of the Witwatersrand.

He had later worked as an assistant to Mr Maurice Kagan, who held positions on five trade unions.

Mr Fine (28) is alleged to have conspired with the South African Congress of Trade Unions and its members to further the aims and objectives of Sactu and therefore the aims of the African Nationalist Congress.

The charge sheet alleged Sactu and the ANC have conspired to overthrow the Government using violence and by crippling industries.

## NEWSPAPER

Mr Fine, of Sharp Street, Bellevue, who had worked as a sub-editor on the now banned World newspaper, pleaded not guilty.

He said that at Wits he had worked on a student project which investigated labour matters and published a newspaper, Abasebenzi, for distribution among workers.

The project, Wages Commission, also helped some unions in their work.

Mr Fine was also involved in research into the Government's decentralisation of industries to the border areas. The research project was published.

He was later detained for two 14-day periods in January 1975 and October 1976.

## CODE NAME

Referring to Mr Fine's code name, "Apple," Major Arthur Cronwright, of John Vorster Square Security Police, said a code name was given to a person "who has joined the ranks of the ANC or its two allies, Sactu and the ANC's military wing, Umkhonto we Sizwe.

"This code name is for the protection of the individual and is given when the person is completely accepted by the ANC as a disciplined comrade," Major Cronwright said.

"Disciplined means he receives and obeys instructions."

Major Craig Williamson, a former Wits campus spy and later a South African agent in the ANC, said communications with an exiled Sactu representative in Botswana, Mrs Jeanette Schoon, were monitored when an ANC network was used.

Mr Fine used "dead" letter boxes in Johannesburg to communicate with her.

"Innocent information was being communicated. But even a local telephone book sent to the ANC would be an offence because it would be furthering the interests of the organisation. Surveillance and an investigation would then take place," Major Williamson said.

The case continues.

# Court told: Why I am ANC man

Own Correspondent

PRETORIA. — An African National Congress member told the Pretoria Supreme Court yesterday how he had left the country for military training and come back to fight the South African Government.

Thelle Mogoerane, 23, with Jerry Semano Mosololi, 25, and Marcus Thabo Motaung, 27, has been convicted of high treason and 20 alternative charges, including the murder of four policemen. He gave evidence in mitigation yesterday before Mr Justice D J Curlewis and assessors.

The three accused have been found guilty of high treason and alternative charges of murder (four counts), attempted murder (10 counts), robbery with aggravating circumstances and the contravention of the Terrorism Act (five counts).

Mogoerane admitted taking part in the attacks on the Moroka, Orlando and Wonderboomport police stations.

## Shot dead

The packed courtroom listened while Mogoerane recalled the night of May 4, 1979, when Constable Bongani Brian Tembe was shot dead at the main gate of the Moroka police station. Mogoerane said he had not taken part in

the shooting, but had set a police office on fire.

Mogoerane said that Motaung was present when the attacks on Moroka and Orlando police stations took place.

He also admitted taking part in the attack on Wonderboomport police station. He had driven the car with the attackers to the police station. Mosololi was present when the attack took place.

Mogoerane, from Boksburg, said he had left school in 1976 while in Standard 9.

## Discrimination

He said that while he was growing up he became aware of the discrimination between whites and blacks. Education for whites had been different from that for blacks. Blacks had to stay in overcrowded four-roomed houses and carry a reference book when they turned 16.

Mogoerane said that during the Soweto uprisings in 1976 he had read about the fatal shooting of Hector Peterson. At the time there were riots in Spain, where police had used rubber bullets and water-hoses to disperse rioters. Nobody had been killed.

"I thought it was pointless to make placards and

be shot for that. I decided to go out of the country and get a gun. I know I would not be given a gun in South Africa. A person given a gun is the one who is defending apartheid policy," Mogoerane said.

He said he joined the ANC while in Botswana. He had received military training and political education in Angola.

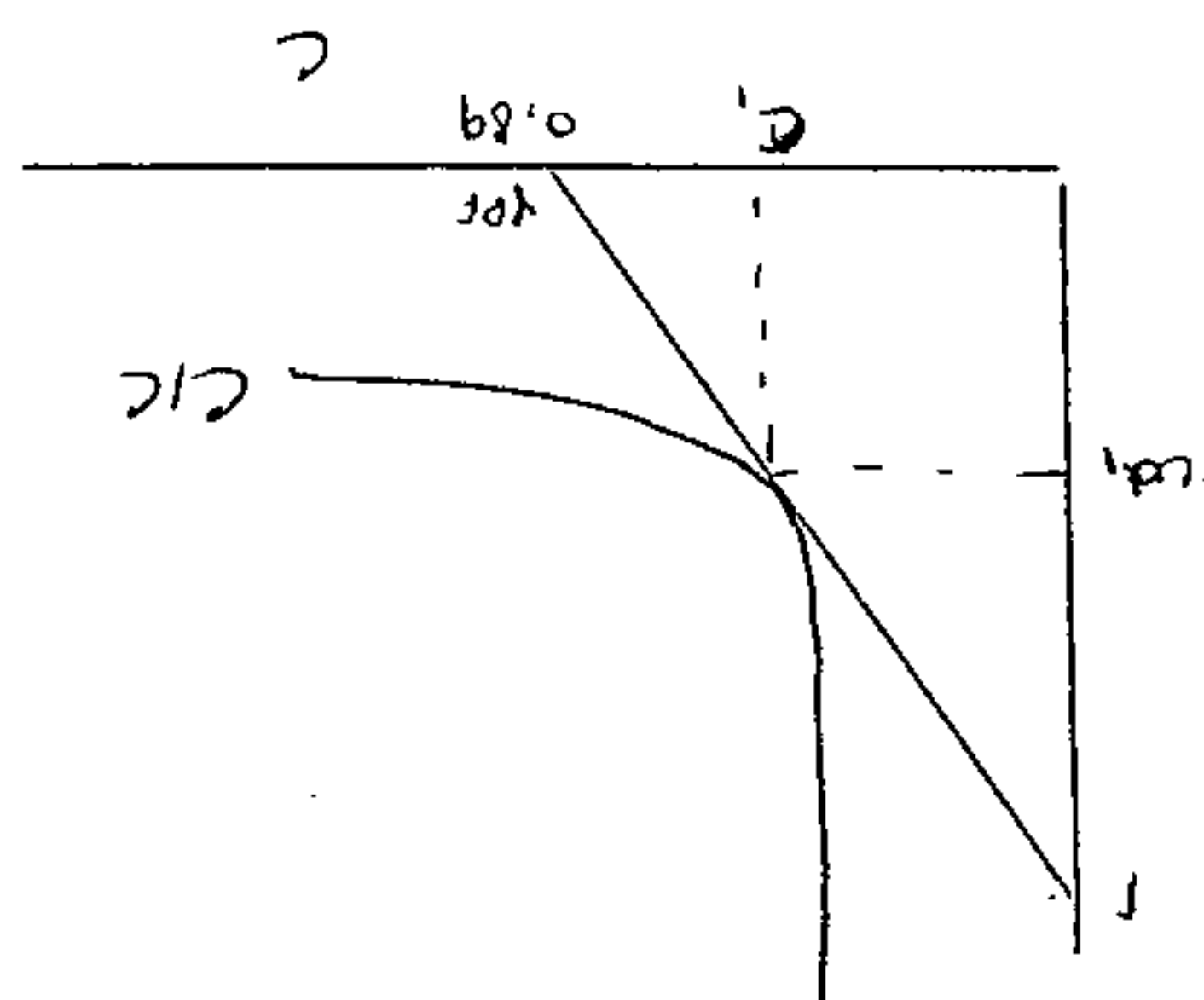
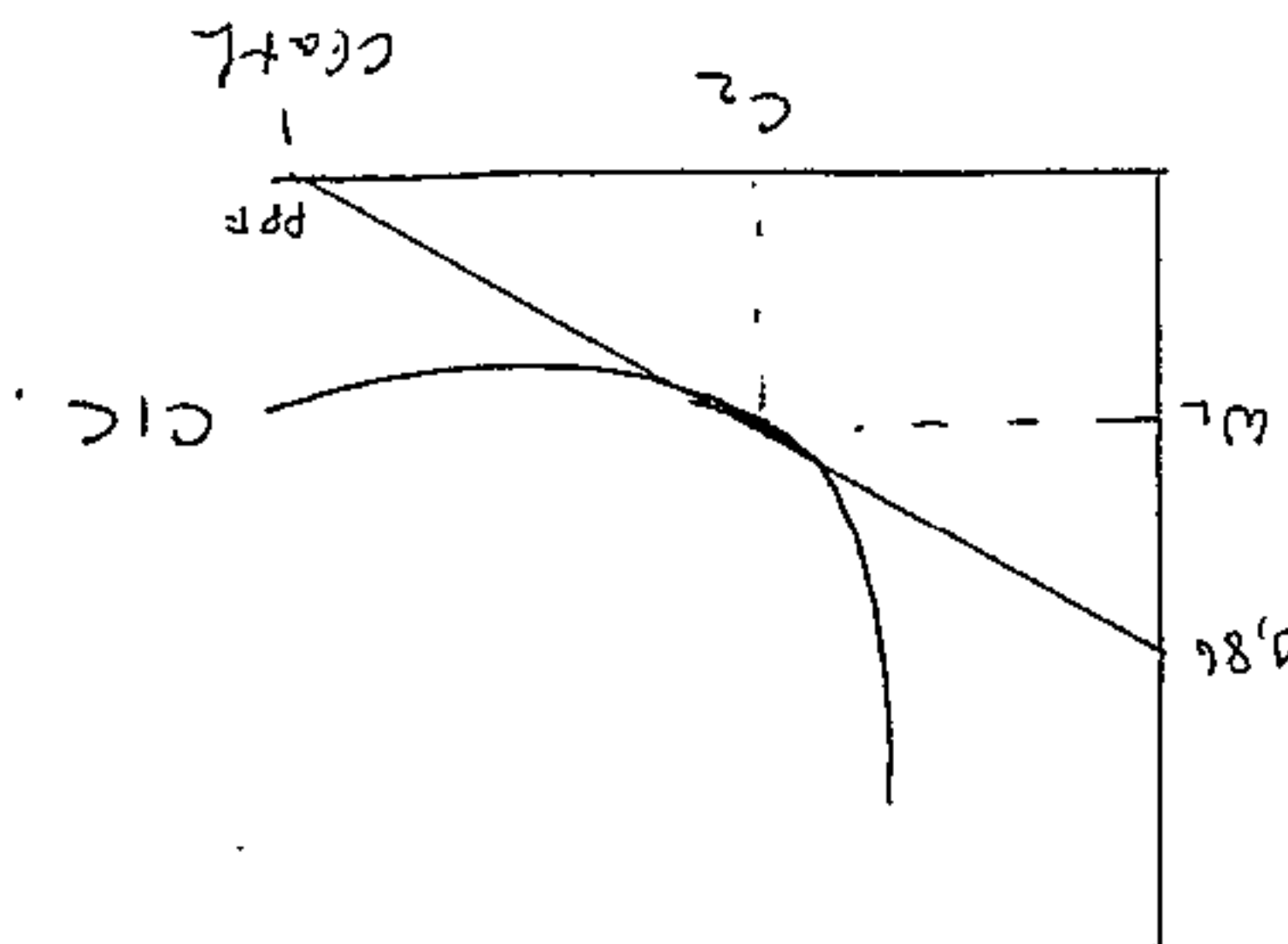
He said he had later received instructions to attack certain targets in South Africa.

Mosololi, who admitted sabotaging the railway line between New Canada and Soweto, said the explosions on the railway lines would have been heard by the police nearby.

"I did not expect derailment of a train because there were no train movements at that time," Mosololi said.

Motaung, a former Madibane High School matric student, said he was aware of the police raids in black townships, black man's poverty, the effect of the 1936 Land Act on black land ownership and the different education for blacks.

The hearing continues. Mr P B Jacobs and Mr J F Pistor appeared for the State. Mr Jack Unterhalter, SC, and Mr N Tuchten appeared for the three men.



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# Mines, TNT found in houses

Own Correspondent

MARITZBURG. — Suitcases and bags containing plastic explosive, TNT, handgrenades, limpet mines, firearms and fuses, were shown to Security Police in two Umlazi homes following a series of eight explosions in and around Durban last year, the Supreme Court was told here yesterday.

An explosives expert told the court the caches had been shown to police by two of the three accused in the treason trial in the historic College Road Court.

Also found was a letter which said the "burning issue" was the "so-called squatters". It called for the addressee to "tackle" an administrative building.

Mr Patrick Ntobeko Maqubela, 32, Mr

Mboniswa de Villiers Richard Maqhutyana, 29, and Mr Seth Mpumulelo Gaba have pleaded not guilty to a total of 57 counts including high treason, sabotage and attempted murder following the blasts, which injured nine people and caused damage totalling nearly R500 000.

The explosives expert, Major R. L. Welman, told the court he had inspected the scenes of each of the explosions. He described the extent of the damage, referring to a bound volume of more than 130 photographs.

He said he had accompanied other policemen and one of the accused, Mr Maqubela — a Durban lawyer — to an address in "K" section, Umlazi, on November 24 last year.

Mr Maqubela had shown him a blue-and-a

brown suitcase.

The blue case, which had a false bottom, contained explosives, an AK47 rifle with a folding butt and ammunition.

In the brown suitcase were hundreds of pamphlets referring to Nelson Mandela and the Freedom Charter.

On the same day he had accompanied more policemen and another of the accused, Mr Maqhutyana, to a house in "F" section, where more explosives, time-switches, fuses, surgical gloves and adhesive tape had been found in a number of cases and bags under a bed.

A pistol, maps of parts of South Africa, photographs, papers and letters were also found there.

The trial continues today.

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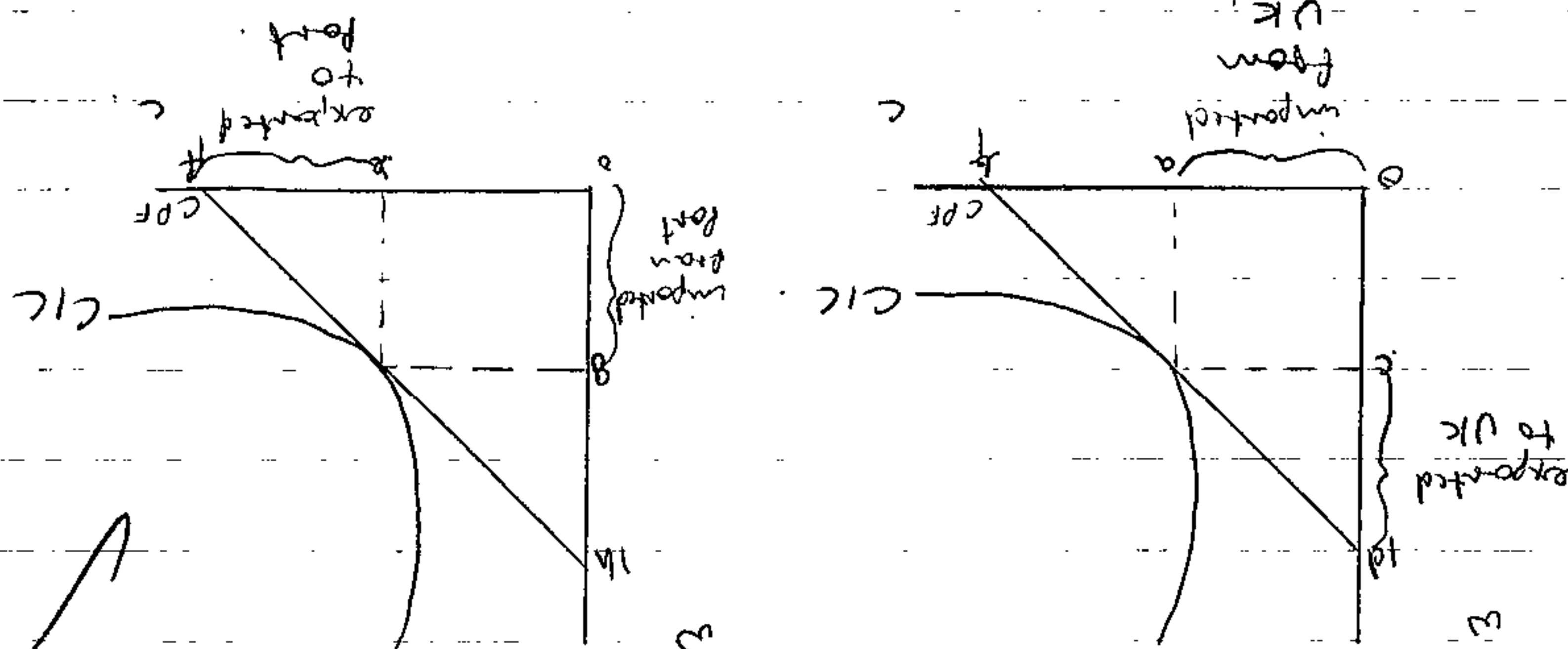
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'WHY WE  
FOUGHT'

The country was rich but most blacks were so poor that they transcended loyalty to the State where came a time when the judge said that

The court heard that he had finally joined the ANC to get a gun because in South Africa only people who supported apartheid

# Drama at ANC trial

The defence will continue with evidence in mitigation today.

# ANC 3 sentenced to death for treason

By JOHN MOJAPELO  
Pretoria Bureau

THREE African National Congress members shouted "amandla" and raised clenched fists in the dock after they were sentenced to death for high treason by Mr Justice D J Curlewis in the Pretoria Supreme Court yesterday.

Simon Thelle Mogoerane, 23, of Boksburg, Gerry Semano Mosololi, 25, and Marcus Thabo Motaung, 27, both of Soweto, were convicted of high treason and alternative charges of murder (four counts), attempted murder (10 counts), robbery with aggravating circumstances and contravention of the Terrorism Act (five counts).

The courtroom was packed when the judge passed sentence at noon and 13 uniformed policemen and Security Police stood guard immediately behind the dock.

It took the judge 20 minutes to decide to impose the death penalty. The judge had earlier adjourned the trial after hearing arguments from both the defence and State counsels.

Outside the courtroom, friends and relatives of the three men ignored police warnings by shouting "amandla" and sang freedom songs. An hour after the sentence had been passed the three men were driven in a heavily covered police van under escort to Death Row in the Pretoria Central Prison.

The three condemned men were heard

shouting in the back of the police van "amandla" when they were driven off.

Mr Justice Curlewis, sitting with assessors, before passing sentence complimented Major F J Nel, Captain G Visser, and other members of the Security Police in the case for the "meticulous" manner in which they investigated the case.

The judge said despite the plea by the defence counsel not to impose the extreme penalty, the court must take into account the facts of this particular case and not be tied down by comments in previous cases.

He said no decent black man would approve of the killing of a policeman like the one shot in front of the Moroka Police Station while he had his hands in the air.

He said the murders of the four policemen in the case were "premeditated, planned and cold-blooded".

Earlier, when pleading in mitigation for the three accused, Mr Jack Unterhalter, SC, said there was tradition in South African courts not to impose the death sentence in political trials. People convicted of treason and sedition were not regarded as common criminals.

He said if the death sentence were to be imposed the three would be regarded as national martyrs among the black community.

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# Unionist names NIS man

Wk Argus

7/8/82

331

Weekend Argus Correspondent

**JOHANNESBURG.** — Mr Alan Morris Fine, a trade unionist charged with furthering the aims of the African National Congress, told a Johannesburg Regional Court yesterday that the person who transported his information to an exiled trade union was a security policeman.

Mr Fine is alleged to have conspired with the exiled South African Congress of Trade Unions and its members to further the aims and objectives of Sactu and therefore the aims of the ANC.

The State alleges that Sactu and the ANC have conspired to overthrow the Government using violence and by crippling industries.

Mr Fine, 28, of Sharp Street, Bellevue, has pleaded not guilty.

Mr Fine said that in 1980, the person with whom he had been communicating in Botswana since 1978, Mrs Jeanette Schoon, told him Mr Carl Emmers "who was involved in the transporting of the messages via the dead letter box system," had been exposed as an employee of the National Intelligence Service.

## "PERTURBED"

"I was quite perturbed because the authorities would have known about my activities for some time. I then broke off all open contact with Jeanette and corresponded by mail."

Mr Fine said he was given a codename "Apple", so that "when Jeanette forwarded my reports to other Sactu officials she would be able to identify the source without using my proper name."

"I saw nothing sinister in using the codename. I also used a code for certain parts of my messages, because although Sactu was not a banned organisation, it had a history of harassment by the State and its leaders have been banned and had other administrative action taken against them."

"None of the information I sent to Sactu was

secret



# More 'may remain silent'

## Pietermaritzburg Bureau

FOUR men were sentenced in the Supreme Court here this week to jail terms of between three and five years after they had refused to give evidence against three alleged members of the ANC.

A fourth man, a medical doctor, may have escaped the same fate after the prosecution conceded his evidence.

The prosecution have indicated to Mr Justice Auret van Heerden, sitting with two assessors, that they suspect another witness may be resorting to 'convenient amnesia' in order to avoid answering questions in Court while they believe still more may elect to remain silent.

The three men being tried on a total of 57 counts, including high treason, sabotage and attempted murder, are Durban attorney Mr Patrick Ntobeko Maqubela, 32, Mr Mboniswa de Villiers Richard Maqhutyana, 29, and Mr

Seth Mpumulelo Gaba.

The trial follows a series of blasts in and around Durban last year, including those at the Cenotaph, outside an army recruiting centre in Smith Street, outside the Department of Indian Affairs in Stanger Street, and on a railway line between Umlazi and the city.

Nine people were injured in the explosions which caused a total of R500 000 damage.

Security at the historic College Road court, where the trial is being heard, is in stark contrast to the more relaxed conditions a week earlier when Col Mike Hoare and his group of 41 mercenaries were sentenced to between six months and 10 years in terms of the Civil Aviation Offences Act.

The dock, especially enlarged to accommodate the group, has been glassed-in while the court is now patrolled by policemen armed with machine pistols and pump-action shotguns.

Members of the public are screened with metal detectors each time they enter the public gallery. The Court has also been cleared on several occasions when evidence was heard in camera.

## Act

Counsel have predicted the case will run for about a month, and to date volumes of photographs, ANC pamphlets, suitcases which allegedly held explosives and even a section of railway line damaged in one blast have been handed in as exhibits.

The four men imprisoned for refusing to testify were convicted in terms of the Criminal Procedure Act, which lays down a maximum sentence of two years for refusing to testify, unless the case involves charges under the Terrorism or Internal Security Acts, in which event the Judge is empowered to impose terms of up to five years.

The first to be sentenced was 25-year-old student Litha Jolobe, who had been held in solitary confinement for eight months before his refusal to testify.

Mr Justice van Heerden said it was clear Jolobe was implicated in the case as an accomplice.

On Wednesday another two men were jailed for three years each.

They were attorney Bulelane Ngcuka, 28, and articled clerk Mbulelo Hongo, 26.

They, too, had been in custody for the past eight months.

Counsel appearing for the two witnesses said neither was implicated as accomplices and, in the case of Hongo, his evidence was needed merely to connect one of the accused to a suitcase.

On Thursday the fourth man to be imprisoned for his silence, unemployed Ciskeian Mpilo Ichabod Taho, 28, received five years.

In each case legal counsel said the witnesses found themselves faced with the painful choice between testifying against members of their community, which would lead to certain ostracism, or lengthy prison terms. They had all chosen the latter.



AMONG exhibits handed in for the trial are an A K rifle and magazine, plastic explosive and handgrenades.

P. T. O. for  
continuation

# Death sentence for ANC killers

Mercury Correspondent

JOHANNESBURG—Three African National Congress members shouted 'amandla' and raised clenched fists in the dock after they were sentenced to death for high treason by Mr D J Curlew in the Supreme Court in Pretoria yesterday.

Simon Thelle Mogorane, 23, of Boksburg, Gerry Semano Mosololi, 25, and Marcus Thabo Motung, 27, both of Soweto, were convicted of high treason and 20 alternative charges of murder (four counts), attempted mur-

der (10 counts), robbery with aggravating circumstances and contravention of the Terrorism Act (five counts).

It took the Judge 20 minutes to decide to impose the death penalty. The Judge had earlier adjourned the hearing after both the defence and State counsels had presented their arguments.

Outside the courtroom, friends and relatives of the three men ignored police warnings by shouting 'amandla' and sang freedom songs.

Mr Justice Curlew, sitting with assessors, before passing sentence, complimented Maj F J Nel, Capt G Visser, and other members of the Security Branch for the 'meticulous' manner in which they investigated the case.

The Judge said, like the Palestinian Liberation Organisation, 'which is a bunch of killers of Jews', the ANC was given a 'gloss of respectability' of recognition by the international community.

He said the murders of the four policemen in the case were 'premeditated, planned and cold-blooded'.



140 331  
8/8/82 S. Express  
By CHARLENE BELTRAMO

# Sactu case: Police spy key witness

THE exiled South African Congress of Trade Unions had struggled to maintain a separate identity and not be seen as a front for the African National Congress or the South African Communist Party.

"It is separate from these," security police officer Major Craig Williamson, who spent five years as a member of and spying on the ANC, told a Johannesburg Magistrate's Court this week.

He was giving evidence about Sactu and the ANC in the trial of Mr Alan Morris Fine, 28, a trade unionist charged under the Terrorism Act of conspiring with members of Sactu to "further the aims and objectives of Sactu and therefore the ANC".

Sactu is a confederation of trade un-

ions formed in 1955. It went into exile in 1964 after many of its members were either banned, detained or jailed. It has never been declared unlawful and it is not illegal to be a member of or communicate with it.

Major Williamson, who was a key State witness, said Sactu was a genuine trade union confederation but with revolutionary aims.

"It has never been involved in any violent action per se. Its aim is to mobilise workers."

Cross-examined by Mr Denis Kuny, counsel for Mr Fine, Major Williamson said most of the paranoia about the activities of the Security Police was justified.

Major Williamson said Mr Fine's use of dead letter boxes did not make his

communication unlawful and said Mr Fine's information was "innocent material". He said the State also used codes.

Mr Fine said he actively supported Sactu and its goals, which included the abolition of pass laws and migratory labour, and full political rights and free education for all.

He did not believe the ANC and Sactu worked together and would not have worked for Sactu if he believed they were committed to the violent overthrow of the Government.

Mr Fine will continue his evidence tomorrow before Mr W Rosch.

The prosecutor is Mr J Swanepoel assisted by Mr W Hanekom. Mr Kuny is instructed by Miss Kathleen Satchwell, of Raymond Tucker.

# Treason: Gatsha wished to testify

By ARLENE GETZ

KWAZULU'S Chief Minister, Chief Gatsha Buthelezi, wanted to give evidence in favour of the three young African National Council members sentenced to death in the Pretoria Supreme Court this week.

The three men, Simon Thelle Mogoerane, 23, Gerry Semano Mosololi, 25, and Marcus Thabo Motaung, 27, were convicted of high treason and 19 alternative charges and sentenced to be hung for their roles in the attacks on the Wonderboom, Orlando and Moroka police stations.

Chief Buthelezi said yesterday he had planned to explain to the Pretoria Supreme court that the actions of the trio were "perfectly understandable".

"While I do not condone the violence, it was no surprise that these men felt they needed to go over the border for military training," Chief Buthelezi said.

"The Government has closed the door on meaningful dialogue and I can understand that these men felt they had no choice.

"Even those who also don't condone the violence will now see the men as martyrs."

Chief Buthelezi said had he spoken in the men's favour he would have told the court he had also been a member of the ANC and that some of their actions could be ascribed to the excesses of youth.



**Parents' hearts bleed, tears flow for children waiting to die**

# CONDEMNED

# MEN 'SWEET KIDS'

taung's eyes filled with tears at his Diepkloof home yesterday when he spoke of his son.

"Now you're touching my heart, my son," Mr Motaung said. "Thabo was not like my other children. He was always by himself, especially when he did his school work."

"He would read until all of us had gone to bed. Even before he fled, he did not tell me or anybody in the family. He told me in Roodepoort, where he was working, that he had forgotten a book at home."

## ARREST

"I let him go and did not see him again until I went to see him in Pretoria after his arrest," Mr Motaung said.

Thabo was Mr Motaung's fourth child by his younger wife, Mrs Refilwe Motaung.

The instructing attorney of the sentenced men, Mr Ratha Mokgoatheng, said the families of the men would appeal against the death sentences.



**FISTS:** Relatives and friends raise clenched fists outside court after the ANC trio was sentenced to death.

TWO of the three ANC men sentenced to death in the Pretoria Supreme Court on Friday have been described as sweet children by their parents.

Gerry Semano Mosololi and Marcus Thabo Motaung (27) were sentenced to hang by Mr Justice DJ Curlewis after he had convicted them on charges of high treason, murder, attempted murder, robbery with aggravating circumstances and terrorism.

Convicted with them was Simon Thelle Mogoerane (23), of Vosloorus.

## HANDSOME

Mr Isaac Mosololi, Gerry's father, said he had always marvelled at his son's sweetness.

"He was a wonderful child. I called him Mr Handsome because of his neat habits. My heart bleeds for him," Mr Mosololi said.

Gerry's younger sister, Kikie, said she was closer to Gerry than any other member of the family.

She said: "On the day he disappeared, he confided in me. That was in 1976 and he kept on saying: 'See me now, see me no more.' Then he told me he was going to flee the country because the police were looking for him. I opened the door for him at about 2 am when he fled."

Kikie, a standard 10 while awaiting trial.

"He always laughed and said we should not worry if the whites killed him," she said.

Mr France Mo-

**Police fire teargas at women's meeting**





GUARD: Strict security as onlookers await police vans taking the ANC trio to the gallows to emerge from the court.

# Death for ANC three

THREE members of the banned African National Congress (ANC) convicted of high treason jumped up in the dock and gave black-power salutes, one shouting "Amandla", after being sentenced to death in the Pretoria Supreme Court on Friday.

Thelle Simon Mogoerane (23), Jerry Simano Mosololi (25) and Marcus Thabo Motaung (27) were condemned following sabotage attacks on the Moroka, Orlando and Wonderboomport police stations, the Capital Park power station and the railway line between New Canada and Mzimhlophe. The attacks were carried out between May 3 1979 and December 26 last year.

Gloom shrouded the silent and packed court when the judge, Mr Justice D Curlewis, entered together with two assessors. Inside the court were parents, relatives and friends of the convicted men and a number of security and uniformed police.

It was 12.03pm and the three men appeared calm in the dock.

Mr Justice Curlewis said the facts of the case had proved the ANC was an organisation pre-

pared to shed the blood of innocent people. The murders of the four policemen who had died during these attacks had been premeditated and cold-blooded.

Those killed had been Student Constable Ntsieni Musindane and Constables Christopher Zibi, Brian Bongani Theme and Daniel Makhosonke Nkosi.

Referring to the death of Constable Thembe during the attack on the Moroka police station, the judge said Thembe had had his hands in the air before he had been shot in front of his wife.

"I do not and cannot believe that any decent person would condone such an action," Mr Justice Curlewis said.

"I am not prepared to tolerate that a police constable who has his life to live and a woman and

children to support can be regarded as a thing that can be simply killed without any remorse."

Although the three had testified that their plan had not been to injure or kill civilians, a number of civilians had been wounded in these attacks.

"It does not make it better that policemen were killed rather than civilians. It makes it worse because police are there to keep the peace for all people," Mr Justice Curlewis said.

"In my view, the number of attacks and the number of people murdered and injured is purely fortuitous," the judge said. He concluded that he had no doubt the death sentence should be imposed.

At 12.20pm the judge, dressed in a red and black robe, declared: "You shall all be returned to custody from whence you have come, where you shall wait for the day you are hanged by the neck until you



GRIEF: Sadness on the faces of relatives after the ANC men got the death penalty.

die."

The three condemned men jumped up and gave black-power salutes and Mogoerane shouted "Amandla" as the judge and his assessors left the court.

The defence counsel, Mr Jack Unterhalter, SC, had earlier requested in mitigation that the three be given long-term prison sentences because they were not common criminals. If executed, he had said, they would be regarded as martyrs like the exe-

cuted ANC member Solomon Mahlangu.

No tears were shed. "They were soldiers and shall die like soldiers," a woman relative said outside court.

Scores of people waited in Vermeulen Street with the hope of getting a glimpse of the condemned men.

At 1.20pm the three were escorted, with a wail of sirens from motorcycles, up Paul Kruger Street to jail. The five-week trial was over.

**COLOSSEUM THEATRE** (Lessors: Kinekor)  
Wed and Thurs 11th—12th at 8.30  
Friday at 6.15 R3,75  
Fri at 9.15 and Sat at 6.15 and 9.15



# Jail for silent witness

ARGUS  
9/8/82  
331

## Argus Correspondent

MARITZBURG. — A detainee was today jailed for four years for refusing to give evidence in the treason trial here on grounds of "Christian conscience".

Alyanda Mpahlwa, 23, was detained last year while writing his final architectural technician exams at Durban Technikon. He is the fifth detainee to be sentenced here for refusing to give evidence.

Last week four men were sentenced to be-

tween three and five years.

Mpahlwa said his Christian conscience prevented him from testifying in political cases against his people "who are in the struggling class and who are all oppressed by the Nationalist Government."

He did not want to help the Government in "imposing punishment on the accused."

### JUDGE'S VIEW

Mr Justice van Heerden said the men accused of treason and other offences — Mr Patrick Maqubela, Mf Mboniswa Maghutyana and Mr Seth Gaba — were not being punished by the Government.

They were charged with certain offences and it was for the court to decide if they were guilty. If guilty, the court would impose punishment.

Mr Peter Macmillan, for Mpahlwa, said if Mpahlwa were seen to give evidence, he and his family faced real danger and ostracism.

Many blacks, felt the Government was oppressive.

### BLACKS HURT

Mr Justice van Heeren said of Mpahlwa's Christian feelings that if the court found the accused guilty of being involved in the Durban bombings last year, there had been little Christianity in that. Blacks had also been hurt in the bombings.

Mr Macmillan said Mpahlwa had been in solitary confinement since his arrest, and had made an agonising decision in deciding not to testify.

His detention had prevented him from completing his exams and joining an architectural firm in Umtata.

**Vervaardig in Suid-Afrika**



(331) (21) R10 M  
10/8/82

# Trial told of 'severe and vicious' assault

Mail Correspondent

MARITZBURG. — One of the accused in the treason trial being heard in Maritzburg was subjected to "severe, prolonged and particularly vicious assaults" while in police custody, the Supreme Court was told yesterday.

As a result Mr Mboniswa de Villiers Richard Maqhutyana, 29, suffered a burst eardrum and had to receive medical treatment, his legal counsel said.

Cross-examining a member of the Security Police, Detective Warrant Officer W G F Andrews, who was one of the officers investigating the spate of bombings in Durban last year, Mr Ernie Wentzel, SC, asked him if he had known that Mr Maqhutyana had been injured and had had to receive treatment.

W/O Andrews said he had not.

Mr Wentzel then said he intended during the course of

the trial to argue that, far from Mr Maqhutyana giving the police a statement voluntarily, he had been subjected to assaults by a Captain Taylor, W/O Andrews, an Indian member of the force and other black members.

W/O Andrews said he "denied most strongly" that Mr Maqhutyana had been assaulted while in his care.

Earlier W/O Andrews said Mr Maqhutyana initially had been held under Section 50 of the Criminal Code — the section catering for ordinary criminals.

In terms of this law he was required to caution the prisoners that they were not required to say anything.

Mr Wentzel then put it to him that this was "preposterous evidence" because an ordinary criminal was allowed immediate access to family and lawyers, could apply for bail and legally could not be asked any questions.





## Three face 57 charges linked to explosions

# Witnesses tell of bomb blasts

### Pietermaritzburg Bureau

THE Supreme Court, Pietermaritzburg, heard evidence yesterday from seven people injured in a series of bomb blasts in central Durban last year.

Three alleged members of the banned ANC face a total of 57 charges arising out of the explosions, including high treason.

The trial of Mr Patrick Ntobeko Maqubela, 32, Mr Mboniswa de Villiers, Richard Maqhutyana, 29, and Mr Seth Mfumulelo Gaba follows a series of bomb blasts in Durban last year which left nine people injured and caused damage of almost R500 000.

### Treatment

The witnesses were injured in three of the eight explosions, one outside Scotts stores in Field Street during the early afternoon of February 7, a second outside the Whitehead Building in Stanger Street just after 8 p.m. on October 10 and a third outside the Department of Indian Affairs building on the corner of Stanger and Victoria Embankment in the early morning of November 3.

Miss Evelyn Masuko told the Court she had

been at Scotts store when she felt the ground shaking and had seen glass falling.

She had not heard an explosion, she said; neither did she realise she was injured when she began to move away until she was made to sit down.

She was later taken to hospital for treatment to her leg, which still gave her difficulties if she stood for any length of time.

Another woman injured in the same explosion, Mrs Isabel Mchunu, said she heard a sound like thunder and saw stones and bottles falling on and around her.

### Clothes

Her back and one of her legs were injured and she was in hospital for two months.

Miss Mary Jane Mathandela was returning with her companions to a car in Stanger Street after being unable to gain admission to a show at the Playhouse Theatre on October 10 when she heard an explosion.

'I found myself lying in the road, my clothes had been burned as well as the skin on my chest, stomach, legs and face.'

She told the Court she had been thrown between 12 and 15 paces by the explosion.

Since then the hearing in one ear had been impaired, she said.

when the bomb went off.

He said he managed to remain standing, but had been injured on his forearm.

During yesterday's hearing the Court was told that one of the accused, Mr Maqhutyana, had been subjected to 'severe, prolonged and particularly vicious assaults' while in police custody.

As a result he suffered a burst eardrum and had to receive medical treatment, his legal counsel said.

Cross-examining a member of the security police, Det W/O W G F Andrews, who was one of the inves-

tigating officers involved in the spate of bombings which rocked Durban last year, Mr Ernie Wentzel, SC, asked him if he had been aware that Mr Maqhutyana had been injured and had to receive treatment.

W/O Andrews said he had not.

Mr Wentzel then said he intended during the course of the trial to argue that, far from Mr Maqhutyana giving the police a statement voluntarily, he had been subjected to assaults by Capt Taylor, W/O Andrews, an Indian member of the force and other black members.

testify against three accused.

Luyanda Mpahlwa, 23, was sentenced to four years' imprisonment by Mr Justice Auret van Heerden, sitting with two assessors.

Appearing for Mpahlwa, Dr Peter McMillan said his client had faced an agonising decision between testifying against a friend of about eight years standing and a member of his own community, or of receiving a lengthy jail sentence.

He had chosen the latter.

The hearing continues today.

### White

Two policemen, Sgt J J Swarts and Const D H Olwagen described the explosion at the Department of Indian Affairs building in which they were both injured.

Sgt Swarts said he had been called to the scene at 5 10 a.m. and arrived to see a packet wrapped in newspaper with some-

Miss Cynthia Dlamini spent three weeks in hospital after being caught in the same explosion.

She said since then she had been deaf in one ear and her feet and legs swelled up if she stood for any length of time.

Mr Gwazele Maphumulu said his car had been completely destroyed in the same blast, and he had regained consciousness in hospital.

He had suffered injuries to his stomach and head and had spent seven weeks in hospital.

19/8/82 331

## ANC trial: 5th person<sup>531</sup> refuses<sup>ROM</sup> to testify<sup>10/6/82</sup>

MARITZBURG. — A Durban architecture student yesterday became the fifth person to be jailed for refusing to testify against three alleged members of the African National Congress at present appearing in the Maritzburg Supreme Court on charges including high treason, terrorism and attempted murder.

Luyanda Mpahlwa, 23, was sentenced to four years imprisonment by Mr Justice Auret van Heerden, sitting with two assessors.

He follows an attorney, an articulated clerk, a student at the University of Swaziland and an ex-student from Fort Hare who have received sentences of between three and five years for the same offence.

The trial of Mr Patrick Ntobeko Maqubela, 32, Mr Mboniswa de Villiers Richard Maqhutyana, 29, and Mr Seth Mpumulelo Gaba, follows a series of bomb blasts in Durban last year which left nine people injured and R500 000 in damage.

Mpahlwa told the court he was a Christian and "my conscience prescribes that I may not testify in a political case against my own people".

Dr Peter McMillan, appearing for Mpahlwa, said his client had faced an agonising decision between testifying against a friend of about eight years standing or of receiving a lengthy jail sentence.

He had chosen the latter. Mpahlwa had been in solitary confinement since December last year, Dr McMillan said.



# Treason trial: 331 victims tell of Durban blasts

Mail Correspondent

MARITZBURG. — The Maritzburg Supreme Court yesterday heard evidence from seven people injured in a series of bomb blasts in central Durban last year.

Three alleged members of the banned African National Congress, Mr Patrick Maqubela, Mr Mboniswa Maghutyana and Mr Seth Gaba, face a total of 57 charges arising from the explosions, including high treason.

The witnesses were injured in three of the eight explosions.

One took place outside Scotts Stores in Field Street during the early afternoon of February 7, the second outside the Whitehead Building in Stanger Street just after 8pm on October 10, and the third outside the Department of Indian Affairs building on the corner of Stanger Street and Victoria Embankment in the early hours of November 3.

Miss Evelyn Masuko told the court she was at Scotts Stores when she felt the ground shaking and saw glass falling.

She had not heard an explosion, she said, nor had she realised she was injured until she was made to sit down.

She was later taken to hospital for treatment to her leg, which still gave her difficulties if she stood for any length of time.

Another woman injured in the same explosion, Mrs Isabel Mchunu, said she heard a sound like thunder and saw stones and bottles falling on and around her.

Her back and one of her legs were injured and she was in hospital for two months.

Miss Mary Jane Mathan-

dela was returning with her companions to a car in Stanger Street after being unable to gain admission to a show at the Playhouse Theatre on October 10 when she heard an explosion.

"I found myself lying in the road. My clothes had been burned as well as the skin on my chest, stomach, legs and face," she said.

She told the court she had been thrown between 12 and 15 paces by the explosion.

Since then her hearing in one ear had been impaired, she said.

Miss Cynthia Dlamini said she spent three weeks in hospital after being caught in the same explosion.

Two policemen, Sergeant J Swarts and Constable D H Olwägen, described the explosion at the Department of Indian Affairs building in which they were both injured.

Sgt Swarts said he was called to the scene at 5.10am and arrived to see a packet wrapped in newspaper.

Another policeman, Constable A S Surtee, had walked towards the package and had shouted that he could see wires. He, Sgt Swarts, had shouted to him to come away. A few seconds later the bomb had gone off.

Sgt Swarts said he had been standing from six and eight metres from the bomb. When he stood up, he found he had been thrown about 20 metres.

He had suffered leg, chest and back injuries.

Const Olwägen, of the Railways Police, said he had been about 12 metres away when the bomb went off. He had managed to remain standing, but had been injured on his forearm.

The hearing continues today.

# Durban bomb victims <sup>Star</sup> tell court of injuries <sup>331</sup> 10/8/82

Own Correspondent

MARITZBURG — The Stanger Street bombing in Durban on the night of October 10 last year hurled a woman 12 to 15 paces, burned her and damaged her hearing, a treason trial was told yesterday.

The Supreme Court sitting in Maritzburg heard that the woman, Miss Lombo Matandele, had spent two weeks in hospital and that she had burns on her face, chest, stomach and legs.

She was testifying in

the trial in which three alleged African National Congress members are charged with high treason, sabotage, attempted murder and other offences.

They are Mr Patrick Maqubela (32), Mr Mboniswa Maghutyana (29) and Mr Seth Gaba.

Miss Cynthia Dlamini, who was with Miss Matandele at the time of the blast, said that the last thing she remembered was turning into Stanger Street. She regained consciousness in hospital with burns on her face, chest and legs. She spent three weeks in hospital.

## STITCHES

Miss Evelyn Masuku, who was hurt in the Field Street explosion on February 7, said she did not hear the explosion.

She did not realise at the time that she was injured and was made to sit down. She was taken to hospital, treated and discharged but two days later she returned for stitches in her foot.

Mr Justice van Heerden is hearing the case.

The case is continuing.

## Fort Hare: Station row: date set man in dock

Own Correspondent

EAST LONDON — An application by four Fort Hare University students for an order to declare their dismissal from the university invalid was postponed to Thursday in the Ciskei Supreme Court yesterday.

The four, who are among about 1500 dismissed from the university last week after a three-day lecture boycott, will also apply for an order to allow them to write examinations they have missed.

The university will be asked to show cause why such an order should not be granted.

Another Ciskei Supreme Court case involving 17 Fort Hare students was postponed to September 6. The students face charges of public violence.

A Maraisburg man appeared in the Johannesburg Magistrate's Court yesterday in connection with a fatal shooting at a railway station bar on Friday.

Mr Desmond Barry Eaton (27), of Seventh Street, Maraisburg, was not asked to plead to an allegation of murder.

The case was postponed to August 23 and Mr Eaton was granted bail of R500.

His appearance arises from an incident at the Johannesburg station when Mr P C B "Solly" Theodosi was shot dead in an argument.

## Kerzner trial now drugs probe

Own Correspondent

DURBAN — The trial of Beverley Kerzner (21) was adjourned in the Durban Regional Court yesterday so an application could be made to the Supreme Court for it to be converted to an inquiry under the Drugs Act.

Kerzner was convicted by Mr N S Main in June of breaking into Mediquick Pharmacy

on the night of April 6 and stealing drugs.

She was also convicted of illegally possessing drugs and dagga.

She had pleaded guilty on all counts.

Sharon Baillache (21), who appeared with Kerzner, was also convicted of breaking into the pharmacy and of illegal possession of 119 Wellconal tablets.

She also pleaded

guilty.

Mr J H Combrink SC, for Kerzner, asked for an adjournment yesterday. He said he wished to apply in terms of the Criminal Procedures Act for the trial to be stopped and converted to an inquiry under the Drugs Act.

The trial was adjourned to October 13.

Kerzner is on bail of R2 000.



# Sactu against violence Fine

10/8/82 Mail Reporter

THE ANC and the South African Congress of Trade Unions (Sactu) have a mutual moral support for each other's end goals, a Johannesburg magistrate was told yesterday.

Mr Alan Fine, 28, of Bellevue, told the court both organisations opposed apartheid but that they were using different methods to propagate the same aims. "The ANC are prepared to use violence, Sactu is not" Mr Fine said.

Mr Fine has pleaded not guilty to a charge under the Terrorism Act of furthering the aims of the ANC through his association with Sactu. The State alleges that the ANC and Sactu have conspired to violently overthrow the Government.

He allegedly provided information about trade unions, boycott campaigns and possible recommendations of the Wiehahn Commission.

The prosecutor, Mr J Swanepoel, asked Mr Fine if he knew that either Marius or Jeanette Schoon, both exiled in Botswana, to whom he relayed information, were ANC members.

He said he "assumed very strongly" that Marius Schoon, convicted in South Africa for sabotage, was an ANC member, and had suspected that Jeanette Schoon might also be.

He had never asked them about ANC involvement.

He denied that by letting Marius Schoon participate in his discussions with Jeanette, he was conveying information to an ANC official.

"Discussions about labour are a day to day topic in some circles. I didn't see anything sinister in having such a discussion."

Mr Swanepoel referred to articles in Sactu's mouthpiece "Workers Unity" which threatened the overthrow of the Government by force.

Mr Fine said force did not necessarily mean violence.

He said he did not always identify with articles in the magazine because "these publications often contain a lot of hot air."

The trial continues today.

# Policeman admits he slapped a suspect

331 Star 11/8/82

Own Correspondent

DURBAN — A security policeman has described in the Maritzburg Supreme Court how he slapped one of the accused in whose room he found a Russian Makarov pistol.

Warrant Officer Daniel Raymond Naude was giving evidence at the trial of Mr Patrick Ntobeko Maqubela (32), Mr Mboniswa Richard Maqhutyana (29) and Mr Seth Mpu-mulelo Gaba (24) on charges of treason, sabotage, attempted murder and several other counts.

Warrant Officer Naude said that, during a search of Mr Gaba's room in Mndantsane township, East London, he found a pistol in a pillowcase on Mr Gaba's bed.

During the search Mr Gaba moved forward and he pushed him back. He warned him that he should not interfere

with the search. When Mr Gaba moved towards the bed a third time, Warrant-Officer Naude said he pushed him back firmly and slapped him twice.

W/O Naude said the only reason he slapped Mr Gaba was because there was always the possibility of weapons

being about and lives could be endangered.

Under cross-examination by Mr E Wentzel he said that, apart from this incident, no force was used to influence Mr Gaba to make a statement.

The admissibility of Mr Gaba's statement as evidence is being

questioned by the defence. Mr Wentzel argued that Mr Gaba made a confession to a magistrate after he had been assaulted and threatened with further assault.

The court heard that the events after the arrest of Mr Gaba as described by the State, including the voluntary confession of the accused, did not agree with the account of the accused.

The State asserts that, after his arrest under Section 50 of the Criminal Code that forbids interrogation, the accused freely admitted his link with the African National Congress and the series of bombings and handed his confession willingly to the magistrate.

The accused claims he was interrogated against the conditions of Section 50, and intimidated into producing a confession for the magistrate.

The case continues.

## 7 top Nkomo men on treason charge

The Star's Africa News Service

HARARE — The Zapu and Zipra men whose release is being demanded in Zimbabwe's tourist hostage drama appeared in court specially convened at Harare's Chikurubi maximum security prison yesterday.

The seven men have been remanded until August 24.

They face allegations

of treason and have not yet been asked to plead.

However, they have rejected the allegations through their counsel, Mr Adrian de Bourbon.

A Prisons Department spokesman told reporters they could not attend yesterday's hearing.

The men's first appearance in open court since their detention was a fortnight ago.

## Man used 3 cheques sent to him by mistake

West Rand Bureau

An artisan with a "formidable" record of 16 fraud convictions and one for impersonating the police was sent to jail for an effective nine years by a Krugersdorp Regional Court Magistrate yesterday.

Karel Olof Nelson (39) of Strydom Street, Randfontein, was found guilty on three charges of theft and three of fraud. He allegedly used three cheques intended for a Mrs E Antel which were posted to him by mistake.

The cheques totalling R846 were posted to Mrs Antel by a Johannesburg firm of attorneys.

The court heard that

## Trade unionist says he feared for safety

140 Star 11/8/82

A trade unionist charged with furthering the aims of the African National Congress told the Johannesburg Regional Court yesterday that at a certain stage of his activities he became concerned about his personal safety, and seriously thought of leaving South Africa.

Mr Alan Morris Fine said he wrote encoded messages about his fears to an exiled trade unionist in Botswana.

CODE

He had been taught a page-line-word reference code by a banned South African Congress of Trade Unions official, Mrs Jeanette Schoon.

Mr Fine was charged

the likely recommendations of the Wiehahn Commission. All the information he gave was about labour matters.

"Information and documents I gave about the Trade Union Council of South Africa showed its lack of activity rather than its activities," Mr Fine said.

An industrial sociologist, Mr Eddie Webster, told the court that, as editor of the South African Labour Bulletin, he had invited Mr Fine to serve as a consultant.

Mr Webster said Sactu was formed in March 1955, and was distinctive at the time because it was a non-racial trade union federation.

al parties. In Britain the trade union movement is close to the Labour Party. In the United States it is linked to the Democratic Party."

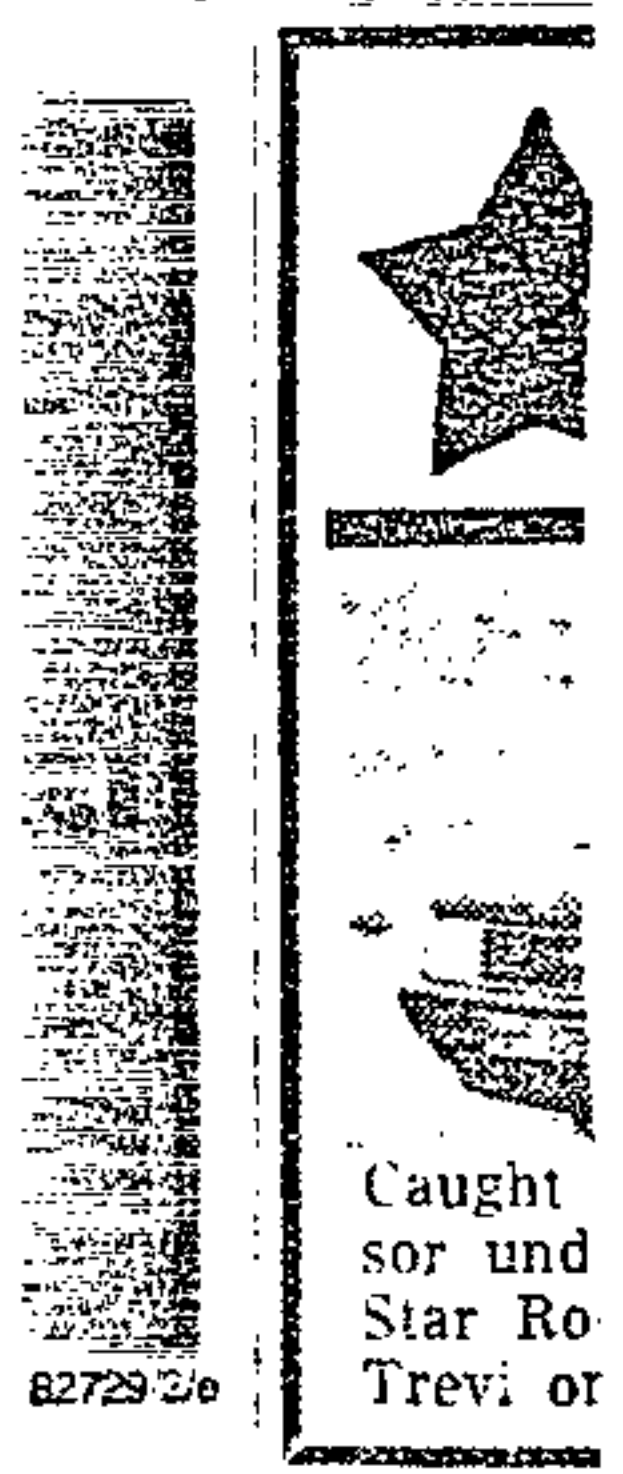
Questioned by Mr Denis Kuny, appearing for Mr Fine, Mr Webster said most strikes in South Africa were illegal.

"The conclusion the Government is reaching is that the present system is too slow for dealing with strikes. Steps have been taken to amend the situation," he said.

OBJECTIVE

The charge-sheet claims that Sactu aimed to cripple industries.

Mr Webster said a





The charges include

He also denied promises to induce the prisoner to make a statement to

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ECONOMICS  
the heading on the Exam

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3. Names must be printed on each separate (e.g. graph paper) where sheets additio examination book (s) are used.

**Any dishonesty will render the candidate I**

However he denied that another policeman, a Capt Naude, had stood behind Mr Gaba hitting the prisoner with an open hand across the back of his head, to the extent that Mr Gaba cried.

W/O Naude then agreed that Mr Gaba had been interrogated throughout the night, but denied any knowledge of assaults by Capt Naude.

He agreed with Mr Wentzel that one could have an injury severe enough to cause death without any external sign. Had Mr Gaba been subjected to the treatment he described, he would have expected a high pulse rate and an anxious expression on his face.



231\*

# Treason trial man claims police torture

MARTZBURG. — A man suspected by the Security Police of being a trained ANC terrorist had a wet bag drawn tightly over his head and, with his hands manacled behind his legs, was suspended by his knees from a stick resting between two tables, the Supreme Court was told here yesterday.

The allegations were made during a "trial within a trial" to determine whether a statement allegedly made by one of the accused to an East London

terrorist activities, attempted murder, possession of unlicensed firearms, possession of grenades and explosives, and of causing an explosion.

The allegations of torture and assault were made by Mr Gaba's counsel, Mr Ernie Wentzel SC, to two security police witnesses involved in the arrest of Mr Gaba.

One of the investigating policemen, Detective Warrent-Officer D R Naude, told the Court he had

never in his 23 years of service had so much co-operation from a security prisoner.

He denied that Captain Naude had then brought in a wet, khaki-coloured canvas bag with a drawstring and put it over Mr Gaba's head, and that the prisoner was handcuffed with his hands behind his legs, with a pair of black trousers over his wrists to prevent them being marked, and then suspended between two tables.

Warrant-Officer Naude also denied hearing Cap-

tain Naude say he had a six-point plan to make terrorists talk.

He had not himself told the prisoner he would disappear if he did not cooperate or that his ears would be cut off.

He agreed that Mr Gaba had been interrogated throughout the night, but denied any knowledge of assaults by Captain Naude.

Earlier, a district surgeon, Dr Basil Windgreen, had told the court he had examined Mr Gaba soon

after he had made a statement to the magistrate.

Mr Gaba, alone with him, had complained of cramps in the head and lockjaw when he slept.

The doctor said that had Mr Gaba been subjected to the treatment he described, he would have expected a high pulse rate and an anxious expression on his face.

He had prescribed treatment for bronchitis, and said the prisoner was fit enough for interrogation. The hearing continues.

Mr Gaba, a 24-year-old surveyor from the eastern Cape, and two other men are facing 57 charges arising from a series of bombings in Durban last year.

The charges include high treason, sabotage,

terrorism activities, attempted murder, possession of unlicensed firearms, possession of grenades and explosives, and of causing an explosion.

The allegations of torture and assault were made by Mr Gaba's counsel, Mr Ernie Wentzel SC, to two security police witnesses involved in the arrest of Mr Gaba.

One of the investigating policemen, Detective Warrent-Officer D R Naude, told the Court he had

never in his 23 years of service had so much co-operation from a security prisoner.

He denied that Captain Naude had then brought in a wet, khaki-coloured canvas bag with a drawstring and put it over Mr Gaba's head, and that the prisoner was handcuffed with his hands behind his legs, with a pair of black trousers over his wrists to prevent them being marked, and then suspended between two tables.

Warrant-Officer Naude also denied hearing Cap-

## 10-day closing for Ford plants

PORT ELIZABETH. — The Ford Motor Company yesterday announced that all its Port Elizabeth plants would be closed until August 20, after workers at the company's Neave plant had downed tools and walked out at midday.

Reaction Unit police in camouflage uniforms and the

workers said they walked out yesterday in protest at the firing of six of their colleagues and the

suspension of a seventh on Monday.

Ford's director of industrial relations, Mr Fred Ferreira, confirmed the dismissals saying the six had been fired for "their participation in the hooliganism at the plant on Friday".

He could not confirm the suspension of the seventh man.

It was reported on Friday that fighting between workers who downed tools and those who wished to continue their shifts had resulted in 11 people being injured.

However, the National Automobile and Allied Workers Union (Naawu)

## Raw Minister 'back-tracked'

DURBAN. — The leader of the New Republic Party, Mr Vaase Raw, has accused the Minister of Law and Order, Mr Louis Grange, of a "breach of faith" with Parliament because he "back-tracked" on a statement in the House of Assembly earlier this year that a code of conduct for interrogators was in the process of being drawn up, and would be enforced by regulation.

At the same time Mr Ray Swart, PFP spokesman on the police, said it was high time an established code of conduct for interrogators was accepted and made public.

Referring to a statement by Mr Le Grange to foreign correspondents in

to be incorporated into the Internal Security Act during the debate on the Bill in Parliament. This had been rejected on a division, but in the debate, the minister had assured him such a code was being drawn up and would be enforced.

Mr Le Grange's statement to foreign correspondents was made at a lunch in Johannesburg following the death at the weekend of Mr Ernest Moab Dipale, a 21-year-old student, found hanged in his cell at John Vorster Square.

Mr Raw repeated his call for an independent commission of inquiry to probe all aspects of detention without trial.

Meanwhile, the Minister of Kwa-



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# Call for Ciskei trial to be held in camera

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11/8/82

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**ZWELITSHA** — A call was made in the regional court here yesterday for a trial in which two people are accused of undertaking activities associated with the African national Congress to be held in camera.

Miss Nomakhephu Ntsatha and Mr Mnekeleli Peter have pleaded not guilty to five counts of recruiting members for the ANC, being members of the organisation, distributing banned literature, being in possession of banned literature and inciting people to undergo training to endanger the maintenance of law and order.

Mr Peter is also charged with taking steps to undergo training.

Earlier in the day, a defence counsel objection that the Publication Act did not apply in an independent Ciskei was overruled.

Advocate M. T. K. Moerane had told the court on Monday that charges relating to the Publications Act were in conflict with the Ciskei Constitution Act.

Overruling the objection the magistrate Mr J. A. Dracatos, said the alleged offences occurred before Ciskei gained

independence.

If an act had been repealed it did not mean the offender could not be charged. As the alleged offence was committed before independence the act did not infringe on Ciskei's Bill of Rights.

Mr Moerane also objected to the handing over of statements allegedly made by the accused after the prosecutor, Mr P. M. A. Pretorius, said they were written in Afrikaans and there were English translations.

The advocate said Afrikaans was not an official language in Ciskei and that the statements were not made to a Ciskeian magistrate but to a magistrate in Aliwal North.

The issue had been argued before in the Ciskei Supreme Court and judgment in this regard would be given on August 23, he said.

Mr Dracatos ruled that he would wait for the judgment of the Supreme Court and asked the state to proceed with other matters.

Mr Pretorius then asked for the trial to be held in camera to protect the interests of state witnesses.

This was opposed by Mr Moerane.

In a trial within a trial, Colonel L. L. Nonhonho, of the Ciskei Central Intelligence Service, read to the court a publication entitled "Death to the Traitors". He said the document called for the killing of "traitors to the black cause."

Col Nonhonho said he did not know of any acts of retribution or intimidation against state witnesses in Ciskei, although later he said he had received a report that a girl who was to testify in a terrorism trial in the Ciskei Supreme Court had been shouted at.

He could not say whether the girl gave evidence or not.

The colonel listed acts allegedly perpetrated by the ANC against police in Mdantsane and against one civilian.

The acts were linked with the ANC because the organisation issued threats before the shootings, he said.

Asked by the prosecutor how the ANC referred to police and state witnesses he said they were regarded as enemies and traitors.

Under cross-examination by Mr Moerane, Col Nonhonho said he did not remember if anything happened to the potential witness who had been shouted at. He had no evidence of potential witnesses or witness being harmed in Ciskei.

Addressing the court, Mr Pretorius said there was evidence that the ANC committed acts of violence in Ciskei and that threats had been made to witnesses regarded as traitors.

Mr Moerane said the colonel, who had five years service in the Ciskei police, could not tell of a single case of a potential witness or witness being harmed.

He said people whose photographs appeared in the document threatening death to traitors referred to trained members of the military wing of the ANC, Umkhonto Wesizwe, who worked with the police after they had been captured or had deserted.

There was no evidence before court that civilian witnesses were regarded as traitors.

Mr Dracatos is to give his ruling on the application this morning. — DDR

External

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## NOTE CAREFULLY

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# Mpetha excused from his trial

Staff Reporter

TRADE UNION and community leader, Mr Oscar Mpetha, 73, was excused from his trial in the Supreme Court yesterday because of ill health.

Mr Mpetha is appearing with 18 others on charges of murder and terrorism following events in Crossroads in August, 1980.

Mr Justice Williamson granted an order that the hearing could continue in Mr Mpetha's absence.

The trial is expected to adjourn today till August 24, when judgment in the second leg of the "trial-

within-a-trial" will be given.

The trial-within-a-trial is to test the admissability of statements made by certain of the accused men before the trial.

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 SC, assisted by Mr J R Whitehead, instructed by Frank, Bernadt and Joffe, appears for Mr Mpetha. Mr T L S Skweyiya appears for 12 of the accused, Mr Whitehead for four and Mr N P Willis for two. All are instructed by A M Omar, Vassen and Company.



# DRAMA DAY IN TREASON TRIAL

331  
Sowetan  
11/8/82

## OWN CORRESPONDENT

ALLEGATIONS that an accused in the Pietermaritzburg treason trial was subjected to severe, prolonged and vicious assaults by Security Police and suffered a burst eardrum were made in the Supreme Court here by defence counsel Mr Ernie Wentzel, SC, this week.

Mr Wentzel, who is defending three men on charges of treason, sabotage, attempted murder and other charges, said that Durban bakery clerk Mr Mboniswa Maqhutyana (29) had been assaulted by Warrant Officer W G T Andrews, Captain A R C Taylor, and black and Indian Security Police.

He was cross-examining State witness Warrant Officer Andrews, who denied having assaulted Mr Maqhutyana.

### ASSAULTED

Mr Wentzel said Mr Maqhutyana had reported to the inspector

of detainees that he had been assaulted.

The allegations were made at the end of a dramatic courtroom day.

Several people described how they had been injured in Durban bomb blasts, and Warrant Officer Andrews described how Mr Maqhutyana had pointed out to him an explosive cache and where the bomb blasts had taken place in Durban last year.

Mr Maqhutyana's co-accused are Durban attorney Mr Patrick Maqubela and Mr Seth Gaba of East London.

The State alleges they are members of the banned African National Congress.

Warrant Officer Andrews said that he had helped arrest Litha Jolobe, jailed last week for refusing to testify in the trial, while he was leaving Durban University on November 24 last year.

Mr Wentzel alleged that rules had not been complied with during the detention of Mr Maqubela and Mr Maqhutyana.

After the series of bombings in Durban, Mr Maqubela had been held in terms of the criminal code and not security legislation.

Mr Wentzel said the purpose of taking him into custody had been to interrogate him, disallowed in terms of the criminal code.

Police had to read to people held in terms of the code that they were not to be forced to answer questions and that the police were not entitled to question them.

Mr Wentzel said Warrant Officer Andrews had wanted him to talk, and had warned him to. He said it was preposterous that in a security investigation Warrant Officer Andrews would warn a person not to say anything.

He asked Warrant Officer Andrews whether Mr Maqubela had said he wanted a lawyer or to speak to his wife.

Andrews: He did not. Wentzel: Instead, he ignored your warning and absolutely volun-

tarily took you to the place where you found all these explosives?

Mr Wentzel asked Warrant Officer Andrews if he had taken down a statement of what Mr Maqubela had said.

### METICULOUS

Andrews: I did not.

Wentzel: You were meticulous in your warning but not in writing it down.

He said Warrant Officer Andrews had testified that Mr Maqubela and Mr Maqhutyana had been co-operative and calm in pointing out caches of explosives.

Their co-operation had been, however, limited. The locks had had to be broken open by Major R L Welman of the Durban Security Police.

In reply to questions, Warrant Officer Andrews said he did not know exactly when Mr Maqubela changed from an ordinary prisoner to a security prisoner.

After 14 days, an application had been made for him to be held under the Terrorism Act.

"Mr Maqubela instructs me that he was never warned in terms of section 50 of the criminal code", he said.

Warrant Officer Andrews insisted he had been warned.

The trial continues today.

# Terror accused tells of his links with banned Sactu

**By DIANNA GAMES**

**MR ALAN Fine**, charged under the Terrorism Act, would not have worked for the South African Congress of Trade Unions if he had thought it was involved in "revolutionary" activities, he told a Johannesburg magistrate yesterday.

Mr Fine, 28, of Bellevue, Johannesburg, has pleaded not guilty to a Terrorism Act charge of furthering the aims of the banned African National Congress through his association with Sactu.

The State alleges that the ANC and Sactu have conspired to violently overthrow the Government. Mr Fine said under cross examination by his lawyer, Mr Dennis Kuny, that violence in strikes usually began with the arrival of the police.

He denied Sactu advocated the crippling of industries. Mr Fine said "Workers Unity", Sactu's mouthpiece published in England, used emotive language which did not necessarily indicate violent revolution. All political publications used that kind of language

**"from the organs of the HNP leftwards".**

The magistrate, Mr W Rosch, asked Mr Fine if he knew Sactu had attended an International Labour Organisation (ILO) congress as part of the ANC. Mr Fine said he was surprised to learn that.

Mr Rosch asked Mr Fine to explain the codes he had used to communicate with Mrs Jeanette Schoon in Botswana.

Mr Fine said they were cumbersome and only suitable for brief messages. He had sent messages to Mrs Schoon about his personal security in South Africa after the appearance of a police spy, Mr Carl Edwards, at the trial of Guy Berger, convicted under the Terrorism Act last year.

The editor of the South African Labour Bulletin and head of the Industrial Sociology Department at the University of the Witwatersrand, Mr Edward Webster, was called by Mr Kuny to give evidence. He said Mr Fine had been invited to work as a consultant for the publication.

The trial continues tomorrow.

Subject..... Economics II .....  
(to be copied from the heading on the Examination Paper)

Paper No. II  
(to be copied from the heading on the Examination Paper)

**YOUR CANDIDATE MUST** enter in column (1) the number of each question asked (in the order in which it has been answered); leave columns (2) and (3) blank.

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# I was told to hang myself accused

CAR-Times  
12/8/82  
331

**Own Correspondent** he volunteered to make a confession to a magistrate. MARITZBURG. — An alleged member of the ANC, accused of high treason, yesterday told the Supreme Court here that security policemen had told him he should hang himself because he would be sentenced to death anyway.

This was one of many alleged threats made by police against Mr Seth Mpumulelo Gaba, 24, after his arrest near East London last November.

He is appearing with two other men on a total of 57 counts including high treason, attempted murder, sabotage and causing an explosion following the series of blasts in Durban last year.

## Electric shocks

Appearing in a "trial within a trial" to establish the admissibility of a statement made to an East London magistrate, Mr Gaba alleged that police also told him that he would be subjected to electric shocks to his private parts, that he would "disappear" and that his ears would be cut off.

He said he believed the threats because one of the security policemen reminded him of the fate which had befallen black-consciousness leader Steve Biko, who died while in police custody.

Mr Gaba also told the court he was repeatedly slapped until he cried and that he was suspended by his knees from a broomstick between two tables with his wrists handcuffed behind his legs and a wet canvas bag over his head.

## 'Co-operative'

Six police witnesses, between the ranks of constable and captain, denied the allegations, saying they had neither threatened nor assaulted Mr Gaba, nor had they seen any of their colleagues do so.

They described their prisoner as extremely co-operative from the time he was arrested, and said

In yesterday's evidence Mr Gaba said his arrest had been a shock to him because he had not expected it.

## 'No rights'

He was taken to Cambridge police building in East London where he was allegedly told he had no rights and that if he was unco-operative he would be in agony.

He said he was handcuffed to a chair by his left hand and made to write the answers to questions put to him.

If the policemen did not like the answers, they slapped him with their open hands on the side of his head and neck, he said.

## 'Cried'

Following this treatment he cried and was unable to continue writing, he said.

Mr Gaba rejected police claims that he had been calm throughout.

Under cross examination, Mr Gaba said he had not told the district surgeon, Dr Basil Windgreen, that he had been assaulted because Dr Windgreen was "one of them" and he had been told the doctor was coming to see whether he could stand electric shocks.

He said he was told he would be assaulted further if he complained.

## 'Enemies'

Mr Gaba said he and Dr Windgreen had regarded each other as enemies and he had no confidence in the doctor.

Captain Naude said he had not assaulted Mr Gaba, nor had there been an allegation of assault made against him for the duration of his service with the security police.

He told Mr Ernie Wentzel SC, for the defence, that he rejected the allegations made against him with the contempt they deserved.

The hearing continues today.



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# Accused in treason trial says he was told to hang himself

Pietermaritzburg Bureau  
A MAN accused of high treason told the Supreme Court here yesterday that he had been urged by security policemen to hang himself because he would be sentenced to death anyway.

Mr Seth Mpumulelo Gaba, 24, said this was one of many threats made by police after his arrest near East London last November.

He is appearing with two other men on a total of 57 counts including high treason, attempted murder, sabotage and causing an explosion following the series of blasts in Durban last year.

Giving evidence during a trial within a trial to establish the admissibility of a statement made to an East London magistrate, Mr Gaba alleged he had also been told by police that he would be subjected to electric shocks to his private parts, that he would disappear and that his ears would be cut off. He believed the threats because one security policeman reminded him of the fate which had befallen Black Consciousness leader Steve Biko, who died while in police custody.

But Durban's Mayor, Mrs Sybil Hotz, explained that the council had to restrict its invitation to chairmen of the LACs because of limited space and a limited budget.

She added that on many occasions when all LAC members had been invited to functions, the response from them had been poor.

Mr Panday told the Mercury last night that he could not see his way clear to attend the banquet while members of his committee had been ignored.

## Every

'Surely they are regarded as councillors of their areas, and in view of the

The Court was also told that Mr Gaba had been slapped repeatedly until he cried and had been suspended by his knees from a broomstick between two tables with his wrists handcuffed behind his legs and a wet canvass bag drawn over his head.

Six police witnesses, between the ranks of constable and captain, denied the allegations, saying they had neither threatened nor assaulted Mr Gaba, nor had they seen any of their colleagues do so.

They described their prisoner as extremely co-operative from the time of his arrest, and said he volunteered to make a confession to a magistrate.

Mr Gaba told the Court he had been shocked when arrested because he had not expected it.

## Slapped

He was taken to Cambridge Police Building in East London where he was allegedly told he had no rights and that if he was unco-operative he would be in agony.

Mr Gaba said he was very afraid after police

★ TURN TO PAGE 2

Mr Thukana Ramani, chairman of the Southern Durban LAC, attended the banquet, saying his committee, with the exception of one of its members, had no objection to him accepting the invitation.

'Extending invitations only to the chairmen of LACs is not something new. It had been going on for some time. I don't see what the fuss is about,' he said.

Mr Mahomed Rajab, chairman of the Grey Street LAC, also attended the banquet but said he was writing to the Mayor, asking that in future an invitation should be extended to all LAC members, if possible, for functions to which all city councillors were invited.

# Treason trial

★ FROM PAGE 1

had slapped him during interrogation.

He rejected police claims that he had been calm throughout.

W O Naude (Det W O D R Naude) said that I would disappear and that he would cut my ears,' he said.

'I believed him because he also reminded me of Biko's fate.

Capt Naude (Capt M J Naude) also said I would disappear and said that when I came to in my cell where I would be detained, I must hang myself.'

Mr Justice Auret van Heerden, presiding, asked Mr Gaba why Capt Naude should have done that.

'He said I would, after all, die because the judge is going to impose the death sentence on me.'

Under cross-examination, Mr Gaba was asked why he had not told the district surgeon, Dr Basil Windgreen, that he had been assaulted.

Mr Gaba said Dr Windgreen was 'one of them' and he had been told the doctor was attending him to see whether he could stand electric shocks.

He had been told if he complained he would be assaulted further, Mr Gaba said.

Referring to the doctor's evidence that he had found no points of tenderness on his body, Mr Gaba said Dr Windgreen had not touched the areas where the blows had fallen.

Mr Gaba said Dr Windgreen regarded him as an enemy, and he regarded the doctor as an enemy and had no confidence in him.

Earlier Capt Naude had told the Court he had originally been ordered to East London because of information of plans to assassinate a number of people during the Ciskeian independence celebrations.

The reason Mr Gaba's interrogation had to go ahead was to determine how great a degree of infiltration there had been and whether other arrests had to be made. It had been a very urgent matter.

Capt Naude said he had not assaulted Mr Gaba, nor had there been an allegation of assault made against him for the duration of his service with the security police.

Another security policeman, Lt C E J van Wyk, described the same allegations as devoid of all truth.

The hearing continues today.

# More Swapo men killed

★ FROM PAGE 1

representative during the past month, claiming that South Africa intended to invade Angola, a Western diplomat said yesterday.

Swapo's deputy UN representative, Mr H Ash-eeke, said his office was still waiting for more information from Swapo in Luanda.

Mr Andreas Shipanga, leader of the Swapo Democrats, said in Windhoek it was 'disgusting' that young people on both sides were dying.

If both sides were sincere that they wanted a ceasefire, the slaughter would stop, he said.

Our London Bureau reports that the British Foreign Office deplored the

incursion.

'We believe that both sides should show restraint and refrain from activities likely to prejudice a Namibia settlement at a time when negotiations are at a particularly delicate stage and agreement is within sight,' said a spokesman.

The names of another two of the 15 men who died in the Angola helicopter crash were announced yesterday.

They were Rfn Shane Patrick Mallon, 21, of Plot 1, Botha Street, Alsef, Agricultural Holding, Honeydew, and Rfn Russel Hilton Barrett, 21, of 12, First Crescent, Vaal Reefs.

● See also Page 5





**ZWELITSHA** — A man called to give evidence for the state in a trial here yesterday told the court that he and others arrested with him were assaulted by the security police.

The man, whose name may not be revealed, refused to take the oath but gave his evidence under affirmation.

He was called to give evidence against Miss Nomakhephu Jane Ntsatha and Mr Mncekeleli Peter who have pleaded not guilty to participating in ANC activities.

They are accused of recruiting members for the ANC, being members of the ANC, being in possession of and distributing banned literature and recruiting people for training which was likely to endanger maintenance of law and order.

Mr Peter is also charged with taking steps to undergo training.

At the start of the day's hearing the regional court magistrate, Mr J. A. Dracatos, upheld an application by the prosecutor, Mr P. M. A. Pretorius, for the trial to be held in camera. The application had been opposed by defence counsel, Advocate M. T. K. Moerane.

Mr Dracatos ordered that the court be cleared except for court officials and the press.

The witness who was warned as an accomplice, at first told the

court that he had no evidence to give the court.

A King William's Town attorney, Mr T. M. Mdla-lani, then told the court he had been briefed by the parents of some of the witnesses to watch their interests.

The court adjourned to allow him to brief the witness. Mr Mdla-lani was asked by the magistrate to warn the man of the consequences he faced in refusing to take the oath.

After the adjournment the man still refused to take the oath but affirmed.

He said he lived near Stutterheim. He was arrested with his brother and another man last November at Burgersdorp on his way to Johannesburg to look for work.

The witness said he was subjected to humiliating treatment after his arrest. He was made to crawl on his belly like a snake and was kicked in his teeth. One tooth came loose and had to be extracted by a doctor.

Asked by the prosecutor if he had been recruited by anybody to join the ANC or undergo military training, he said he had not. He did not know anything about the ANC and had never seen or heard of a publication called Sechaba.

He agreed with Mr Pretorius that his statement to the police differed to what he told the court.

He said he was forced to make the statement.

In the statement, read by the prosecutor, the witness allegedly said he and Mr Peter discussed the ANC. Mr Peter said he would go to Lesotho.

The witness also allegedly said that he would never have joined the ANC were it not for Mr Peter and what he had read in Sechaba.

The statement added that Miss Ntsatha was to show the man the route to Lesotho.

Under cross examination by Mr Moerane, the witness said he was assaulted by a Mr Mbinase and by a friend of the investigating officer.

His brother Khumbula had been assaulted as well. He noticed an open wound above his left ear.

Miss Ntsatha was assaulted in another room. When she came out of that room she showed him, his brother and the police who were with them blisters on her thighs and breasts.

Mr Bezuidenhout, the

investigating officer, told her not to tell the magistrate and doctor that she had been assaulted by the police, the witness said.

A schoolboy, witness who was warned as an accomplice, told the court he was introduced to Miss Ntsatha.

She asked him to go and read the Freedom Charter at the house of Mr Peter so he could understand the policy of the ANC. She later explained points he did not understand about the charter.

She also told him the difference between the ANC and the Pan Africanist Congress.

Under cross examination by Mr Moerane he said no threats had been made to him when the police took his statement.

He conceded that at no stage did he become a member of the ANC. All he was told by Miss Ntsatha was that it was an organisation fighting for the rights of blacks.

When questioned by the prosecutor he said if he had wished to join the ANC he would have done so through Miss Ntsatha.

The case continues today. — DDR

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#### NOTE CAREFULLY

1. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
2. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
4. Do not write in the left hand margin.

#### WARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

**Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University**

Own Correspondent

MARITZBURG — A treason trialist testified yesterday that Security Police had reminded him of the fate of Mr Steve Biko and had told him to hang himself when he got to his cell.

Mr Seth Gaba (24), of East London, told Mr Justice van Heerden in the Supreme Court, Maritzburg, he had been told to write about his involvement with the banned African National Congress.

Police had been "unhappy" about certain answers he had given.

Lieutenant C E J van Wyk had slapped him on the left ear and Captain M J Naude had hit him on the face.

Mr Gaba was giving evidence at a trial

## Accused: Police (331) told me to hang myself in cell

within a trial.

Mr Ernie Wentzel SC, defending, contested the admissibility of Mr Gaba's confession to a magistrate.

Mr Gaba, Durban attorney Mr Patrick Ntobeko Maqubela (32) and Mr Richard Maqhutyana face charges of high treason, sabotage and attempted murder, among others.

Mr Gaba said Warrant Officer D R Naude had told him he would disappear and that he would "cut his ears."

"Captain Naude told me that when I got to my cell, I should hang myself because the judge was going to impose the death sentence on me," he said.

"A short while later, Captain Naude put a wet, khaki bag over my head and tightened it around my neck.

"Captain Naude said this was the first stage of his six-point plan to make terrorists talk," Mr Gaba said.

The hearing continues.



# Told to hang myself — accused

ARGUS  
12/8/87

331

## Argus Correspondent

DURBAN. — An accused in the treason trial in Maritzburg said yesterday that security police reminded him of the fate of Mr Steve Biko — and then told him to hang himself when he got to his cell.

Mr Seth Gaba, 24, of East London, described to Mr Justice Auret van Heerden in the Supreme Court how security police assaulted him in East London soon after his arrest on November 25 last year.

He was told to write, he said, about his involvement with the African National Congress, but the police were un-

happy about certain answers.

Lieutenant C E J van Wyk, slapped him on his left ear and Captain M J Naude struck him on his face. "But mostly on the side of my neck".

"I then stopped writing and cried," he said.

### DISPUTE

Mr Gaba was giving evidence in a "trial within a trial" because Mr Ernie Wentzel, SC for the defence, was disputing the admissibility as "evidence" of Mr Gaba's confession to a magistrate.

Mr Gaba, Durban attorney Mr Patrick Ntobeko Maqubela 32 and Mr Richard Maqhutyana are facing charges of high treason, sabotage, attempted murder and other counts.

Mr Gaba said Warrant Officer D R Naude told him he would disappear and he would cut his ears.

Asked whether he believed the police, Mr Gaba said he did when they reminded him of the fate of Mr Biko.

### BAG OVER HEAD

"Captain Naude told me that when I got to my cell I should hang myself because the judge was going to impose the death sentence on me," he said.

"A short while later Captain Naude put a wet khaki bag over my head and tightened it around my neck."

He had difficulty in breathing and when he cried out, the bag was taken off his head.

"Captain Naude then said that this was the first stage of his six-point plan to make terrorists talk."

Mr Gaba said Stage Two of the plan was unveiled when the captain rolled black trousers round his wrists, put the handcuffs over the trousers, placed Mr Gaba's arms behind his back and ordered him to sit on the floor with his hands behind his ankles.

Captain Naude then pushed a broomstick under his knees and suspended the stick between two tables.

"I was swinging with my head downwards and the wet canvas bag was again put over my head."

The hearing continues today.

Star  
12/18/82  
Dipale  
woman

## remanded

A security detainee who was to have appeared with Mr Ernest Dipale in a Johannesburg Regional court yesterday in connection with allegations under the Terrorism Act, was again remanded after 268 days in detention.

The prosecutor Mr A van Wyk said "It was the State's intention to prosecute Mr Ernest Dipale with Miss Lillian Keagile on Thursday. The State cannot be held responsible because Mr Dipale has died."

Mr Dipale was found hanged in his cell at John Vorster Square at the weekend.

Miss Keagile (25) of Molapo, Soweto, was detained on November 17 last year. The prosecutor said another month was needed to investigate the case.

Mr M Basslian defending, said that to wait another month in custody would be grossly unfair on Miss Keagile.

Miss Keagile was not asked to plead yesterday. She will appear in court again on September 14.

# 'Joke' alligator in New York is a true tail

By Cheetah Haysom,  
The Star Bureau

NEW YORK — Only gullible foreigners believe the old tale that alligators thrive in New York's sewer system.

Smart New Yorkers know better. For years they have played up the old fable that a pregnant alligator was flushed down a lavatory, and survived to breed her young in the New York sewer system, feeding mainly on unsuspecting pedestrians nabbed off the pavements and dragged into the city's underbelly.

## SCEPTICAL

Uncountable travellers, from the United States and abroad, inquire about the progress of the alligators in the sewer system.

But the story is untrue.

Or so the slick locals thought. But last week an alligator was caught in the New York city water system.

At first no officials would take seriously the report of an alligator sighting, 1 000 km north of alligator country.

But the calls kept coming in, so the Department of Environmental Protection set off in cynical pursuit.

"I couldn't believe it," said one official. "I thought, this has got to be a joke."

## BLINDED

But the sightings were confirmed by water supply inspectors.

The best way to catch an alligator is reputedly to wait until dark and then shine a strong light in the animal's eyes, blinding it.

New York officials set off in a boat on the Kensico Reservoir in the Bronx, where the alligator was blinded by torchlight, lassoed and taken to the local zoo.

"There is no store a spare tyre or a trip, tyre, no not vans. Many a chance, and without a spare caravan."

"Last year woman sitting road side guard caravan, which flat tyre. Her had taken the nearest fetch a replace luckily it was day and this sible."

## NO SPA

"My wife di we had no a our caravan. me bluntly would never a middle of guarding our... and that's me thinking."

Mr Hicks with the idea ing a device makes it possi cat spare to be a caravan.

Just until get to the near to replace the van tyre.

He uses glass fibre to plastic nylon, tied from the States.

The mai filled strategically holes so any car tyre will any caravan," plained.

## PRESIDENT AUCTIONEERS

NORTHCLIFF

## AUCTION SALE

PERSIAN, ORIENTAL RUGS & SOUTH AFRICAN PAINTINGS

Duly instructed, we will sell ON MONDAY AUGUST 16 1982 AT 10.30 AM the following:

### PERSIAN, ORIENTAL RUGS

Woollen Isphahan, Sarouk, Belouch, Shiraz, Woollen Qums, Silk Qums, Woollen Tabriz, Gabeh, Silk Kayseri, Afghans, Berbers, Islamabads, Mori Bokhoras, Kermans, Kashmeres, Chinese Woollen Rugs, Chinese Silk Rugs, Heriz, plus many more. Also a large variety of Runners.

### SOUTH AFRICAN PAINTINGS

W H Coetzer, K J Faure, J Hay, L Albertyn, G Wagner, G Cronje, R MacIntosh, Cloerhout, K Baker, D Herring, M de Jongh, E Rowarth, plus, plus.

EACH PIECE SOLD WITH A CERTIFICATE OF AUTHENTICITY

### VIEW:

Morning of Sale from 9 am.

### VENUE:

President Galleries,  
222 Northpark Plaza,  
D F Malan Drive,  
Northcliff.

Same Centre as Ten-Pin Bowling Alley.

## PRESIDENT AUCTIONEER

BRYANSTON

## AUCTION SALE

PERSIAN, ORIENTAL CARPETS

Duly instructed we will sell on Saturday 14th August 1982, at 10 am, the following:

### PERSIAN, ORIENTAL CARPETS

Silk Qums, Silk Kayseri, Woollen T Afghans, Chinese Silks, Mori Bokh Kermans, Kashmires, Belouch, Islama Berbers, Heriz, Gabeh, Chinese W Rugs, plus many more.

RUNNERS ALSO AVAILABLE.

EACH PIECE SOLD WITH A CERTIFICATE OF AUTHENTICITY

### VIEW:

Morning of Sale from 9am

### VENUE:

Bryanston Shopping Centre,  
Nicol Highway,  
BRYANSTON.



# Dipale a 204 13/8/8 co-accused, court 331 is told 229

Mail Reporter

A SOWETO man who was found dead in a cell at John Vorster Square on Sunday morning was to appear in the Johannesburg Regional Court yesterday together with co-accused Miss Lillian Keagile, in connection with an allegation of furthering the aims of a banned organisation. Miss Keagile, 24, of Molapo in Soweto appeared briefly yesterday before Mr T J le Grange.

The prosecutor, Mr A van Wyk, said Mr Ernest Dipale, 21, who was found dead at John Vorster Square on Monday was to appear together with Miss Keagile in court yesterday. Mr Van Wyk said: "It was the intention of the State to prosecute Mr Dipale with Miss Keagile.

"The State cannot be held responsible that the hearing had to be postponed because Mr Dipale has died." Miss Keagile who has been in custody since November 18 last year was remanded in custody and will appear again on September 14.

Mr M Basslian for the defence said it would be grossly unfair for his client to have the trial postponed for a month.

Mr Dipale was arrested on Thursday last week and was found dead in a cell at John Vorster Square on Monday morning. He will be buried on Saturday morning.

XX7:-- -- 11 42

# Dipale linked with political trialist

13/8/82

331

Sowetan

MR ERNEST Dipale, who died in a cell at John Vorster Square on Sunday, has been linked to a political trial that was postponed by a Johannesburg magistrate yesterday.

This came out when State counsel, Mr A van Wyk, applied for the remand of a case against Miss Lilly Keagile (18), of Molapo. Ms Keagile has been in detention since November 18 last year and was remanded to September 14 for a trial date yet to be fixed.

She is charged with belonging to a banned organisation. Mr van Wyk said the postpone-

ment of the case had been caused by the death of Mr Dipale and the Security Police needed another month to investigate the case.

He said Mr Dipale was to have appeared with Miss Keagile and his death had changed the background of the case. There were people, he said, who could join Ms Keagile in the dock when investigations were completed.

Opposing the appeal, defence counsel, Mr M Basslian, said Mr Dipale's death had had nothing to do with Miss Keagile. The Attorney-General had drawn up

charges against Mr Dipale at the weekend and these had nothing to do with her.

She was entitled to privileges that were being curbed by her detention, he said. If the State had no case against her, she should be released or granted bail.

"Now she is told she has to wait. Why must this accused wait? There is no reason for that. It will be a travesty of justice if a postponement is granted," Mr Basslian said.

The magistrate, Mr T J le Grange, granted the postponement.



# 2 jailed for refusing to testify in Zwelitsha trial

D. Dispatch 13/8/82

331

ZWELITSHA — Two people were convicted in the Regional Court here yesterday by Mr J. A. Dracatos for refusing to testify in an ANC trial.

An 18-year-old man was sentenced to two years' imprisonment and a 24-year-old to three years.

The men were called to give evidence in camera and the court had ruled that their names should not be published.

Mr Dracatos would not allow them to be named even after they had refused to testify.

The accused in the ANC trial; Miss Nomakhephu Jane Ntsatha and Mr Mncekeleli Lawrence Peter, have pleaded not guilty to recruiting members for the ANC, being members of the ANC, distributing and possessing banned publications and recruiting people to undergo training likely to endanger maintenance of law and order.

Mr T. M. Mdlalana, who had been instructed by the mother of the 18-year-old called to testify, told the court after brief-

ing him that he refused to give evidence under oath or under affirmation. The reason was one of conscience.

The young man said he was a personal friend of Mr Peter and felt that testifying against him would be tantamount to a betrayal.

If he testified he would carry a stigma until his death and he had been assaulted by police, he claimed.

Mr Mdlalana said he had communication problems with the 24-year-old. He had tried to explain the situation to him but there seemed to be mistrust.

The witness did not even want to discuss with him his past experience in detention. Mr Mdlalana pleaded for leniency for both men.

Mr Dracatos told them (separately) that the consequences of refusing to testify under oath or affirmation was so serious that they could be sentenced to five years' imprisonment.

The refusals interfered with the administration of justice. If witnesses in various cases

were to refuse to testify, people would be living in a world of chaos, he said.

He took into consideration the age of the 18-year-old, a scholar, and that he had been in custody since November last year.

This was the first case of this nature before him but he knew of similar cases in a town in the Republic of South Africa where the judge had been passing severe sentences, Mr Dracatos said. However that would not influence him.

At the beginning of the proceedings yesterday morning, the prosecutor, Mr P. M. A. Pretorius, demanded to be present when Mr Mdlalana held briefings with the 18-year-old. He said the state had a right to be there since the witness had not been charged yet.

Mr Mdlalana objected, saying that this would violate his privilege to see his client in private.

The defence counsel for the two accused of ANC activities, Advocate M. T. K. Moerane, supported Mr Mdlalana's objection.

When the prosecutor questioned Mr Moerane's participation in the argument, Mr Moerane said that as an officer of the court he was assisting the court to arrive at a just decision.

Mr Dracatos overruled the prosecutor's objection, saying he appreciated Mr Moerane's assistance.

The court adjourned to give the prosecutor time to consult law books.

After the court resumed, Mr Pretorius produced a letter written to Mr Mdlalana by the Attorney-General granting him permission to have access to the two witnesses on condition that Mr Pretorius or the investigating officer, Warrant Officer W. Bezuidenhout, was present and that should the discussion between him and the witness be in

any other language other than English, an official interpreter should be present.

Mr Mdlalana objected to the handing in of the letter, saying it was a private letter. It had been a reply to a request to see the witnesses while they were still detainees. As one of them was already in the witness box he was no longer a detainee.

After Mr Dracatos had said he was in difficulty because he did not know the contents of the letter, Mr Mdlalana gave the court permission to read it. He said he objected to the manner in which his private letter had been presented in court without his permission.

Mr Dracatos ordered Mr Mdlalana to see the witness in private.

A railway security policeman, Constable Robert Mdyuba, of Burgersdorp, told the court he had arrested four men in Burgersdorp, in November last year. They had told him they were from East London and were on their way to Sterkspruit to look for work.

He said he had been on the lookout for "terrorists" whose possible route between Lesotho and South Africa could pass through Burgersdorp, Aliwal North, Sterkspruit and Tele Bridge.

Mr Moerane will continue cross-examination of Constable Mdyuba in open court today. DDR.

THE treason trial being heard in the Supreme Court here was delayed again yesterday after the presiding judge told counsel for the prosecution that he wanted witnesses from East London recalled.

The witnesses, magistrate Mr E Marais and his interpreter, Mr Z J Mjezu, gave evidence earlier in the week during a 'trial within a trial' to determine the admissibility of a confession made by one of the accused last November.

Mr Justice Auret van Heerden said he wanted to put additional questions to Mr Marais regarding an allegation by the accused, Mr Seth Mpumulelo Gaba, 24, that he had told Mr Marais he was assaulted.

But he had asked the magistrate not to write this down because he feared further assaults by members of the security police.

#### Agreed

Mr Gaba and two other men face a total of 57 counts including high treason, sabotage and attempted murder arising out of a series of bomb-blasts in Durban last year in which nine people were injured.

Appearing for the second day in the witness box during the trial within a trial, Mr Gaba told counsel for the prosecution, Mr Ian Slabbert, that he had agreed to make a statement to a magistrate.

This was because a security policeman, W/O D R Naude, told him that this would be his last chance to make a statement otherwise he would 'disappear'.

#### Threats

'I understood that to mean that I would be killed and never be traced thereafter,' Mr Gaba said.

Mr Slabbert put it to Mr Gaba that threats that his ears would be cut off and being told that he should hang himself when he got to the cells in which he would be detained, did not amount to threatening him with death.

'It does not when one is standing here in court, but when you are in the hands of the police it does,' Mr Gaba replied.

Mr Slabbert later put it to Mr Gaba that the whole purpose of interrogating him would be defeated if he hanged himself.

# Treason accused was told that he would 'disappear'

431  
Pietermaritzburg Bureau  
12/2/87

'I don't know, I don't know whether the people who died in detention died after their interrogators were satisfied or not,' he said.

Earlier Mr Slabbert asked the Judge whether he could have a volunteer recreate a torture method described by the accused man in court.

However after Mr Gaba had been questioned further, the demonstration was not carried out.

Police have denied the allegations.

Mr Ernie Wentzel SC, assisted by Mr P M Langa and instructed by Mrs N V Mxenge, is appearing for the accused while Mr Slabbert, assisted by Mr Gerhard Roberts, is appearing for the State.

The trial continues today.



## Terror trial: 2 State witnesses sent to jail

Cape Times 13/8/82 7th 331

ZWELITSHA. — Two State witnesses were sent to prison yesterday for refusing to testify in a terrorism trial held in camera in Zwelitsha.

They were to have given evidence in a Regional Court where Miss Jane Ntsathe, 25, and Mr Laurence Peter, 21, are appearing on charges of participating in terrorist activities. Both accused have pleaded not guilty.

The State alleges they incited people to join the African National Congress, recruited people to undergo military training, were office-bearers of the ANC, distributed propaganda material of the ANC, and of being in possession of banned publications.

One witness who refused to take the oath and testify told the court he could not do so.

The witness was adamant that he could not testify against his friend, Mr Peter.

The witness was sentenced to two years' jail.

Pleading in mitigation, the defence counsel said the witness was an 18-year-old at the time of his arrest and had been in

custody since he was detained by security police in November 1981.

He may not be named because of his age.

The other witness, 24 years old, who may also not be named, also refused to give evidence. He was sentenced to three years' jail.

The trial continues today. — Sapa

# Policeman quizzed on PAC leader

331

D. Dispatch  
14/8/82

ZWELITSHA — A security policeman told a regional court here yesterday he did not know whether the late leader of the Pan Africanist Congress, Mr Robert Sobukwe, was in detention or dead.

Warrant Officer W. B. Bezuidenhout of Aliwal North was giving evidence in a trial in which two people are charged with activities connected with the banned African National Congress.

Miss Nomakhephu Ntsatha and Mr Mnekeleli Peter have pleaded not guilty to five counts of recruiting members of the ANC, being members of the organisation, distributing banned literature, being in possession of banned literature and inciting people to undergo training to endanger the maintenance of law and order.

Mr Peter is also charged with taking steps to undergo training.

W/O Bezuidenhout said in evidence that Mr Sobukwe had been a prominent leader of the ANC.

However, under cross-examination by the defence counsel, advocate M. T. K. Moerane, he said he was not sure whether

Mr Sobukwe had been a member of the ANC or PAC.

Pressed further by Mr Moerane, W/O Bezuidenhout said he was confused.

Asked what confused him as earlier he had told the court Mr Sobukwe had been a member of the ANC, he said he had had a blackout and could not think straight.

Mr Sobukwe was out of circulation and was not "here anymore", he said.

The magistrate, Mr J. A. Dracatos, asked the policeman whether he meant Mr Sobukwe was in detention. He said yes.

But later he said he did not know of whether Mr Sobukwe was in detention or dead.

Questioned by Mr Moerane about a metal badge he allegedly found in Miss Ntsatha's wardrobe, which he identified as an ANC badge, W/O Bezuidenhout said he knew it was an ANC badge because it mentioned the Freedom Charter which was an ANC document.

Mr Moerane put it to him that other organisations used the charter as well.

W/O Bezuidenhout said he was no expert.

Asked if he agreed that the Freedom Charter was a democratic document he said it could be.

He could not say whether Ciskei's Bill of Rights had been copied from the charter because he had not read the Bill of Rights.

He conceded that in Ciskei a person was not looked at in terms of colour.

Earlier in his evidence, W/O Bezuidenhout told the court of a number of documents and photographs he had confiscated while searching the house of Miss Ntsatha in Zwelitsha.

He said he had found in a letter addressed to Miss Ntsatha a metal badge with the words "Year of the Freedom Charter. People shall govern."

He said the badge was given out by the ANC to identify its members.

He also found a large portrait of Nelson Mandela, Steve Biko, a photostat photograph of Robert Sobukwe, and typed leaflets with the heading Message to the Students.

W/O Bezuidenhout added that the police had gone to another house where Mr Peter had asked a man to hand

him a parcel which contained a publication, Sechaba, and English and Xhosa copies of the Freedom Charter.

When asked what significance he attached to the leaflets Message to the Students, W/O Bezuidenhout said they were distributed among students during unrest.

He agreed that the leaflets called for free education and equal pay for teachers.

He could not say whether the Mandela photograph was issued by the organisations and churches that had launched the Free Mandela campaign.

He said he could not comment on several questions put to him by Mr Moerane because he was no expert on the ANC and its activities.

Mr Dracatos then asked Mr Moerane if he was going to continue with his line of questioning in view of the fact that the policeman professed to be no expert on the ANC.

He asked the state if it was going to call any expert evidence.

Mr Pretorius said he intended calling Lieutenant Van Wyk of the East London security police to give evidence.

The case continues on Monday. — DDR



# Judge to rule on statement

HA/848/229/331  
Cape Times 14/8/82

MARITZBURG. — Judgment is to be given on Monday on the admissibility of a statement made to an East London magistrate by one of the accused in the treason trial being heard in the Supreme Court here.

The accused, Mr Seth Mpumulelo Gaba, 24, with two other men, faces a total of 57 charges — including high treason, sabotage and attempted murder — arising out of a series of explosions in Durban last year in which nine people were injured.

Summing up his opposition to the statement being admitted, Mr Ernie Wentzel, SC, for the defence, said the prosecution had called a "battery of policemen" who would quite obviously swear they had not assaulted the accused man, even if they had.

## 'Unlawful'

It would be a rare case in which a crime were admitted by its perpetrators.

Mr Wentzel accused the East London security

police of "grossly unlawful" handling of Mr Gaba on their own admission.

He said they had alleged they had arrested Mr Gaba in terms of section 50 of the Criminal Code, the ordinary law applicable to suspected criminals, which was only later converted to Section 22 of the General Laws Amendment Act, intended for the detention of security prisoners.

## Judges' Rules

In terms of the Judges' Rules which laid down conduct for police in cases of section 50 arrests, the accused should have been allowed immediate access to lawyers, family and friends, should not have been interrogated at all or held in police offices, but should have been placed in the custody of the prison service at the first opportunity, and should have appeared in court as soon as possible.

None of these conditions had been complied with because, as the police witnesses had

eventually conceded, Mr Gaba was regarded as a security case.

Appearing for the State, Mr Ian Slabbert said the evidence given by the district surgeon, who had examined Mr Gaba soon after he had made his statement, was that the prisoner had been calm.

The accused had made an unimpressive witness, with his head at times completely bowed, and there had been contradictions in his evidence.

## 'Too far'

He also said Mr Wentzel had gone too far in describing the actions of the police as illegal, since the Judges' Rules were merely an administrative measure.

The trial of the three is expected to continue on Monday after judgment on the admissibility of the statement by Mr Gaba has been delivered.

Mr Wentzel is assisted by Mr P M Langa. Mr Slabbert is assisted by Mr Gerhard Roberts.

CAPE TIMES 14/8/82

# Charges against students dropped

Staff Reporter

CHARGES of holding an illegal gathering outside the Good Hope Centre in Cape Town were withdrawn in absentia against 47 University of Cape Town students in the Magistrate's Court yesterday.

The State alleged that at the Good Hope Centre on May 13 last year the students held an illegal gathering, alternatively, that they attended an illegal gathering.

They were not asked to plead at any of the previous hearings.

They were arrested in May last year while demonstrating outside the Good Hope Centre, where the Opic Fourth World Meat Conference was being held.

Those against whom charges were withdrawn are:

Alain Barker, 21, Ann Thesen, 23, Terence Moil, 20, Gavin Evans, 21, Gary Minckley, 20, Ian Skinner, 19, Nicholas Chethwin, 22, Tessa Botha, 23, Patricia van Heerden, 21, Laura Greenblo, 21,

Clare Verbeek, 21, Louise Sloman, 22, Kate Philip, 21, Jane Dederick, 23, Joanne Bloch, 20, Anthony Karon, 20, Michael Evans, 22, Cindy Postlethwayt, 19, Annette Griesel, 22, Odette Geldenhuys, 21, and Catherine Kell, 22, all of Observatory.

Andrea Olivier, 19, Mandy Jacobson, 19, Mark Estment, 20, and Mignon Retief, 18, all of Rondebosch; Dianne Sandler, 21, Richard Goode, 20, and Jill Thorne, 19, all of Claremont.

Charles Kent, 18, Guy Bloch, 21, Christopher Giffard, 20, Julia Lambert, 18, and Margot Lynn, 21, all of Rosebank; Janet Chery, 19, Elizabeth Green, 18, Susan Longrigg, 22, and Max Ozinsky, 18, all of Newlands.

Ilana Corber, 18, and Anton Richmond, 19, both of Camps Bay; Julia Leyden, 18, and Catherine Mathews, 24, both of Gardens; Maure Aronson, 23, of Cape Town; Kevin Gold, 19, of Kenilworth; Andrew Turner, 20, of Pinelands; Janet Green, 22, of Sea Point; Brigit McKay, 20, of Contantia; and Paula Soggot, 18, of Mowbray.

Mr B Carroll was the magistrate. Mr T Lerm appeared for the State. The students were not represented.

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# Ruling soon on statement

## Pietermaritzburg Bureau

JUDGMENT is to be given on Monday on the admissibility of a statement made to an East London magistrate by an accused in the treason trial being heard in the Supreme Court here.

Mr Seth Mpumulelo Gaba, 24, and two other men, face a total of 57 charges including high treason, sabotage and attempted murder, arising out of a series of explosions in Durban last year in which nine people were injured.

Summing up his opposition to the statement, Mr Ernie Wentzel, SC, for the defence said the prosecution had called a 'battery of policemen' who would quite obviously swear they had not assaulted the accused man, even if they had.

It would be a rare case indeed in which a crime were admitted by its perpetrators, he said.

Mr Wentzel accused the East London security police of 'grossly unlawful' handling of Mr Gaba on their own admission.

He said they had alleged they had arrested Mr Gaba in terms of Section 50 of the Criminal Code — the ordinary law applicable to suspected criminals. Only later was this converted to Section 22 of the General Laws Amendment Act, intended for the detention of security prisoners.

In terms of the Judges' Rules, which laid down the conduct of police in cases of Section 50 arrests, the accused should have been allowed immediate access to lawyers, family and friends, should not have

been interrogated at all or held in the police offices, but placed in the custody of the prison service at the first opportunity, and should have appeared in court as soon as possible.

None of these conditions had been complied with because, as the police witnesses had eventually conceded, Mr Gaba was regarded as a security case.

Mr Gaba had also been interrogated and had made his statement while handcuffed, which, whether it was

justified or not, removed the element of free and voluntary co-operation, which the State had an onus to prove.

Appearing for the State, Mr Ian Slabbert said the evidence given by the district surgeon who had examined Mr Gaba shortly after he had made his statement, was that the prisoner had been calm and this was borne out by his normal blood pressure and temperature.

The accused man had made an unimpressive witness with his head at times completely bowed, and there had been clear

contradictions in his evidence, Mr Slabbert said.

He also said Mr Wentzel had gone too far in describing the actions of the police as illegal, when the Judges' Rules were merely an administrative measure.

The trial of the three accused is expected to continue on Monday after judgment on the admissibility of the statement by Mr Gaba has been delivered.

Mr Wentzel is assisted by Mr P M Langa, while Mr Slabbert is assisted by Mr Gerhard Roberts.

331 CD 14/8/82  
**Mr Webster's evidence**

Mail Reporter

IN A report in yesterday's Rand Daily Mail on the trial of Mr Alan Fine — headlined "Role of worker vital — editor" — Mr Edward Webster of the University of the Witwatersrand, called as an expert witness, was incorrectly quoted as telling a Johannesburg magistrate that trade unions saw workers playing a vital role in a

possible revolution in this country.

Mr Webster was in fact asked by the prosecutor if he saw workers playing a vital role in a possible revolution. He replied that unions saw themselves as concerned with the majority of workers and would therefore see them as important to change.

We apologise to Mr Webster for any inconvenience caused to him by the error.

*not called*



# Sobukwe 'out of circulation'

SOWETAN, Monday, August 16, 1982

Page 3

THE LATE Robert Sobukwe, former head of the banned Pan-Africanist Congress, was "out of circulation" and was either dead or in detention, a member of the Security Police said in court last week.

This was said by Warrant Officer B Bezuidenhout, a Security Police investigating officer in a terrorism trial in Zwelitsha.

The two accused in the trial are Miss Jane Ntsathe (25) and Mr Laurence Peter (21) who are charged with participating in terrorist activities.

Mr Peter is also charged with trying to leave the country illegally. They have pleaded not guilty to all charges.

The State alleges they incited people to join the ANC, recruited

them to undergo military training, for being office bearers of the ANC, that they distributed ANC propaganda and were in possession of banned publications.

Under cross-examination by defence counsel, Mr T K Moerane, Warrant Officer Bezuidenhout told the court he was not an authority on African National Congress activities.

He told the court that

in November last year he and some other members of the Security Police searched Miss Ntsathe's house where they found ANC and PAC material.

Asked if he was sure Sobukwe was in detention, Warrant Officer Bezuidenhout said he was not sure as Sobukwe was out of circulation. He presumed he was dead. The trial continues today.

## Two witnesses jailed for refusing to testify

TWO State witnesses have been sent to prison for refusing to testify in a terrorism trial held in camera in Zwelitsha.

They were to have given evidence in the regional court where Miss Jane Ntsathe (25) and Mr Laurence Peter (21) are appearing on charges of participating in terrorism activities. They have pleaded not guilty.

One witness, who refused to take the oath and testify told the court he could not do so. The court adjourned for five minutes for consultation with the witness's attorney.

The witness was adamant that he could not testify against his friend, accused No 2, Mr Peter, and was sentenced to two years' imprisonment.

He may not be named because of his youth.

The other witness, 24 years of age, who may also not be named, refused to give evidence.

He was sentenced to three years' imprisonment. — Sapa.

Save the 16/8/82

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# Statement ruled to be admissible

Own Correspondent

MARITZBURG — Mr Seth Gaba (24), an accused in the treason trial in Maritzburg, told a magistrate today that he put a bomb in a litter bin in Durban's Field Street and that it exploded 15 minutes later.

Mr Gaba also said that he took a man to try to kill Major-General Martin Ngceba, former Commissioner of Police in Transkei.

These statements were made to East London magistrate, Mr E Marais, on November 25 last year.

Last week the admissibility of the statement was challenged. Mr Justice van Heerden today said that the statement was made freely and voluntarily and was admissible.

Mr Gaba's co-accused are Mr Patrick Maquebela (32), a Durban attorney, and Mr Mbosiswa Maqhutyan (29), a Durban clerk. They face 57 charges of high treason, sabotage and attempted murder.

## TRAINING

Mr Gaba said that he went for training to Swaziland in October 1980. First he was taken to Durban to Mr Maquebela, who arranged the trip and told him to contact Mr M D V Guma in Swaziland.

Eventually he found people who knew Mr Guma. "They blindfolded me and made me lie on the back seat of a car. We travelled to a lonely house," Mr Gaba said.

"They taught me to make explosives and to throw hand grenades and used an air gun to teach me to shoot."

One was known as Zweli, another was a coloured person known as Ceril, and the third was an Indian, Goodwill.

"When I was ready to leave I was given a sketch showing where I would find the goods in Umtata cemetery.

"At first I was to operate alone and would later be introduced to the people with whom I would work. I said that I would work in Transkei."

"I was to obtain information on Major-General Ngceba, Commissioner of Police in Transkei and, if I had a chance, shoot him. I was also to blow up the magistrate's office in Amanzimtoti."

"I was also to choose other targets. These were to be political and economic targets. I was not to shoot police or soldiers until I was trained."

"I found the goods in Umtata cemetery and took them to my house in Mqanduli."

"On the day Chief Bambilanga was appointed I placed goods in a parked vehicle. The bomb was made at 3

pm to explode at 6 pm and was to protest against Bambilanga being appointed in place of Sabata."

"I put the second bomb in a litter bin in Field Street, Durban, at 2 pm and it exploded at 2.15 pm."

"Because I did not have a target on Republic Day I blew up an electricity supply pole between Butterworth and Idutywa."

"On a Monday I travelled to Swaziland and phoned Zweli. He and Ceril fetched me. They again blindfolded me and we went to the lonely house again."

"I had to write down what I had done since I had left them. They asked me what my problems were and why I did not carry out the instructions."

The hearing continues.

# Woman worked for ANC, court is told

Court Reporter

A woman had become a member of the banned African National Congress and had agreed to work for it in the labour field, it was alleged in the

Rand Supreme Court today.

Miss Barbara Hogan (30) of Yeoville pleaded not guilty before Mr Justice van Dyk to a charge of high treason. She

pleaded guilty to an alternative charge of furthering the aims of the ANC.

Miss Hogan also pleaded guilty to a second charge under the Terrorism Act of

being a member of the ANC. The State has accepted this plea but has rejected a plea of not guilty of high treason.

Mr J A Swanepoel, Deputy Attorney-General, said, when outlining

his case, that Miss Hogan had joined the ANC in Swaziland during 1977.

He alleged that after she had agreed to work for the ANC, the organisation had ordered her to work in the labour field in South Africa.

He said Miss Hogan had learnt a secret ANC code for communicating with the organisation.

On dates unknown to the State, Miss Hogan had allegedly compiled documents entitled "Social Background of Working-Class Leadership", "Problems Arising in Internal Political Work" and "Close Comrades".

Mr Swanepoel alleged she handed these to Robert Adam who had attempted to transmit them to the ANC High Command in London via Botswana.

In order to obtain information of use to the ANC and to further its objects, Mr Swanepoel said Miss Hogan became involved in the following activities:

- During 1978 she was employed by the South African Institute of Race Relations as a research worker.

- During 1980 she started working as a volunteer in an unemployment bureau for blacks, Johannesburg Organisation to Boost Self-Help (JOBS), in the hope of launching an unemployment union from that base.

- During July 1980 she became secretary to the Rural and Community Development Trust.

- Mr Swanepoel said that during 1980 and 1981 Miss Hogan had negotiated with the South African Allied Workers' Union and/or its officials to establish the Unemployment Workers' Union and branches of this union.

He also alleged that during 1981 she had delivered two coded messages received from the ANC to Mr Cedric de Beer in Johannesburg.

This was done, Mr Swanepoel said, to further the aim of the ANC to cripple or prejudice industries or undertakings generally in the Republic.

The case continues.



(331) COM 16/8/82

# Treason trial: judge to rule on statement

**Mall Correspondent**

**MARITZBURG.** — Judgment is to be given in the Maritzburg Supreme Court today on the admissibility of a statement made to an East London magistrate by one of the accused in a treason trial.

The accused, Mr Seth Mpu-mulelo Gaba, 24, and two other men face a total of 57 charges, including high treason, sabotage and attempted murder arising out of a series of explosions in Durban last year in which nine people were injured.

Summing up their opposition to the statement being admitted, Mr Ernie Wentzel, SC, for the defence, said the prosecution had called a "battery of policemen" who would obviously swear they had not assaulted the accused man, even if they had.

It would be a rare case indeed in which a crime were admitted by its perpetrators, he said.

Mr Wentzel accused the East London Security Police of "grossly unlawful" handling of Mr Gaba on their own admission.

He said they had alleged they had arrested Mr Gaba in terms of Section 50 of the criminal code — the ordinary law applicable to suspected

criminals — which was only later converted to Section 22 of the General Laws Amendment Act, intended for the detention of security prisoners.

In terms of the Judges' Rules, which laid down the conduct of police in cases of Section 50 arrests, the accused should have been allowed immediate access to lawyers, family and friends, should not have been interrogated at all or held in the police offices, but placed in the custody of the prison service at the first opportunity, and should have appeared in court as soon as possible.

None of these conditions had been complied with because, as the police witnesses had eventually conceded, Mr Gaba was regarded as a security case.

Mr Gaba had also been interrogated and had made his statement while handcuffed, which, whether it was justified or not, removed the element of free and voluntary co-operation which the State had an onus to prove.

Mr Ian Slabbert, for the State, said Mr Wentzel had gone too far in describing the actions of the police as illegal, when the Judges' Rules were merely an administrative measure.

331 17/8/82

# Hogan pleads guilty to ANC membership

## Court Reporter

A FORMER research worker of the South African Institute for Race Relations and self-confessed African National Congress (ANC) member admitted that she wrote three documents destined for the banned organisation's head office in London, a Security Policeman told the court yesterday.

Major A B Cronwright was giving evidence in the hearing of Miss Barbara Anne Hogan, 30, of Yeoville.

Miss Hogan denied that she had any hostile intent towards the State, or that her activities constituted terrorism. She pleaded not guilty to charges of high treason. Miss Hogan pleaded guilty to furthering the aims of the ANC under the Terrorism Act and of being a member of the organisation.

According to the indictment, Miss Hogan joined the ANC during 1977. She allegedly received instructions from the ANC to work in the

labour field in South Africa to further the aims of the ANC.

Miss Hogan allegedly established a communications network with the ANC by means of so-called "dead letter boxes" and couriers.

Miss Hogan allegedly visited Marius Schoon, an ANC official in Botswana, several times from 1978 to last year. She allegedly received her instructions from him.

The State alleges that Miss Hogan wrote three reports entitled: "Social Background of Working Class Leadership", "Problems Arising in Internal Political Work", and "Close Comrades", in which the names of Neil Agett and others are mentioned. Miss Hogan denied that she wrote the second report or that the documents had information required by the ANC. Robert Adam transmitted these reports to the ANC high command in London, the court heard.

Maj Cronwright told Mr Justice van Dyk that after

Miss Hogan's arrest on September 22 last year, she admitted to him that she wrote all three documents.

Miss Hogan admitted that she negotiated with the South African Allied Workers Union and its officials to establish the Unemployed Workers Union. She denied, however, that it was her intent to cripple and prejudice industries and undertakings in South Africa.

Miss Hogan said she drew up a document to this end entitled: "A Rough Outline of a Possible Unemployed Workers Union".

The court heard that she does not know whether her co-workers were ANC members or that two messages she gave to Mr Cedric de Beer from Marius Schoon were from the ANC.

Miss Hogan said she did not associate herself with violence at any time.

The hearing continues today.

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CAPE TOWN 17/8/82

11P 331

# Treason trial statement on bomb allowed

Own Correspondent

MARITZBURG. — A statement describing how a bomb was placed and exploded in a refuse bin in Field Street in Durban, was admitted as evidence yesterday in the treason trial here.

The statement, made by one of the accused, Mr Seth Mpumulelo Gaba, 24, to an East London magistrate, was made freely and voluntarily and was therefore admissible, Mr Justice Auret van Heerden ruled.

The ruling followed a four-day trial within a trial last week during which Mr Gaba's counsel said the accused man had been tortured and threatened.

## 'Co-operative'

Police denied the allegations, saying Mr Gaba had been very co-operative, while a district surgeon said he had seen no signs of maltreatment when he examined Mr Gaba shortly after he had made the statement.

Three men face a total of 57 charges following a series of explosions in Durban including one on February 7 last year in Field Street in which two people were injured.

In the statement Mr Gaba described how he went to Swaziland at the end of October 1980 where he received training in the use of explosives.

## Given sketch

He said he was given a sketch of where he could find "the goods" in a graveyard in Umtata and was told to operate alone until he was experienced.

"I had to get information on Ngcheba and when I got a chance, I had to shoot him.

"I also had to blow up

the Magistrate's Court in Amanzimtoti."

He said on the day "Bambilanga was appointed chief" he had placed "other things" under ash near a parked car. It was placed at 3pm to go off at 6pm, he said.

A second bomb was placed in a refuse bin in Field Street at 2pm and exploded at 2.15.

## Questioned

After the attack the Transkeian police had questioned him on several occasions and he had made a statement about his brother.

From the beginning of May, 1981, he had worked for LTA in Mdantsane.

"Because I did not have any targets here I blew up an electricity pole between Butterworth and Idutywa on Republic Day," he said.

After that he had received instructions from one "Madikizela" to go back to Swaziland.

When he got to Swaziland he was blindfolded, as he was on the first occasion, and taken to a remote house.

## Trained

There he was trained in the use of mines and asked why he had not carried out the orders he had been given.

He said he had been unable to shoot Ngcheba because an attempt had been made to shoot him earlier and he was on his guard.

Also Amanzimtoti was too far and he had still to learn his way around.

"My instructions were that I should do nothing until December 16, the birthday of Ukonto we Sizwe."

He said he had also been told to get information on a petrol depot in East London to see if it could be blown up.

*Cape Times*  
*17/8/82*  
**Court is  
told of  
~~the~~ escape  
route'**

ZWELITSHA. — The Aliwal North security police chief, Major R Pallas, told the Regional Court yesterday that police had arrested several people leaving South Africa for military training.

He was giving evidence at the trial of Miss Jane Ntsatha, 25, and Mr Laurence Peter, 21, on charges of recruiting for the banned African National Congress, being ANC office-bearers and possessing banned publications. Mr Peter is also charged with attempting to leave the country for military training.

Both have pleaded not guilty on all counts.

Major Pallas said security police knew of an "escape route" used by people leaving South Africa. They usually travelled by train from East London to Burgersdorp, where they boarded a bus for Sterkspruit via Aliwal North. From there it was about 40km to Lesotho.

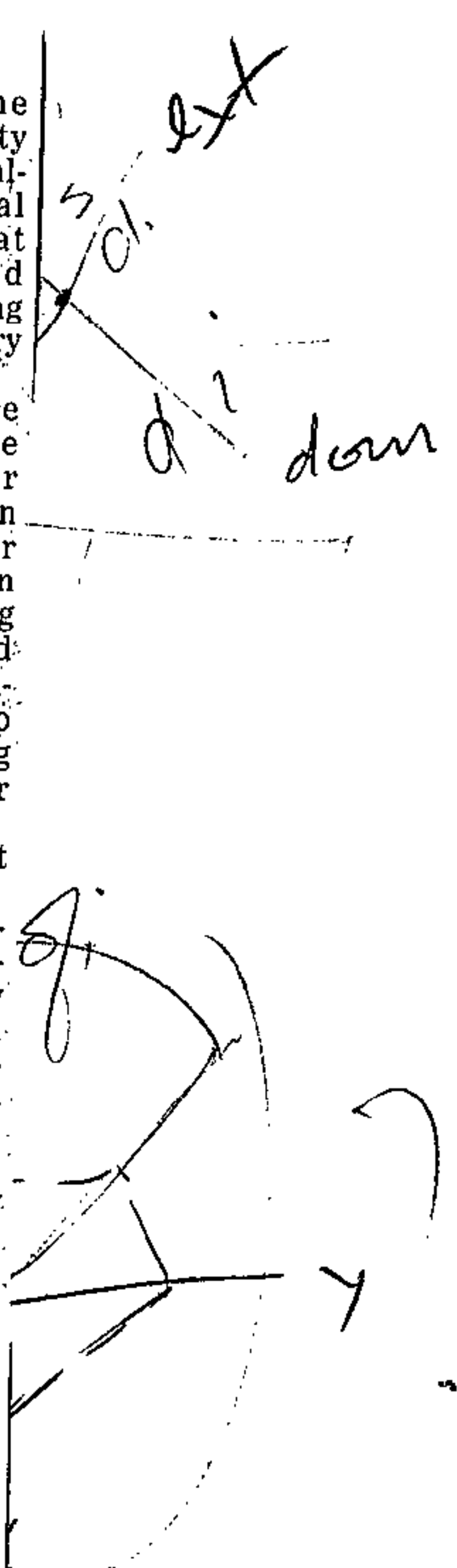
Defence counsel, Mr T K Moerane, objected about the admissibility of some documents, which he said were not relevant to the charges.

They included two pamphlets titled "Down With Home Guards" and "Massege (sic) to the students"; an ANC list of freedom songs; a photo of Nelson Mandela; a Drum magazine feature on Robert Sobukwe; a poster entitled "Whose Republic" and a programme from the unveiling of Steve Biko's tombstone.

Mr J Pretorius, for the State, claimed they were relevant as they related to the ANC struggle and were used to recruit members.

The magistrate, Mr J A Dracatos, overruled the objection.

The trial continues today. — Sapa





A self-confessed member of the banned African National Congress told the Rand Supreme Court yesterday that her activities in the labour field were not hostile and so she was not guilty of high treason.

Miss Barbara Hogan (30) of Yeoville, Johannesburg, said this in a 12-page statement she submitted to Mr Justice van Dyk.

The contents could be recorded as admissions by her, she said.

Miss Hogan has pleaded not guilty to a charge of high treason, but guilty to an alternative charge of furthering the aims of the ANC.

She has also pleaded guilty to a charge of being a member of the ANC.

She denied that the sole aim of the ANC was to overthrow the Government by violence, or means which envisage violence, and by other means including the crippling or prejudicing of industries or undertakings generally in South Africa.

She denied she had associated herself or conspired with the ANC to achieve its aims through these methods.

She had joined the ANC in 1977 in Swaziland.

Miss Hogan said that during 1979 she had received instructions from the ANC to take a job in a "specific field." She had not

(331) Stan 17/8/82

# Activities in labour field for ANC 'not hostile'

received a general instruction to work in the labour field.

Six months later she had been told by the ANC to work in the unemployment field.

To communicate with the ANC she had used dead-letter boxes, occasionally used two private boxes, and once a courier.

Various publications and documents on labour relations in South Africa were sent by her to the ANC for information.

She said two of her five visits to Marius Schoon, an ANC official in Botswana, were unrelated to her activities. Her contact with the ANC was through Swaziland. These two visits had been social calls.

Miss Hogan admitted compiling the documents, "Close Comrades" and "Problems Arising in Internal Political Work" but denied being the author of "Social Background

of Working Class Leadership."

She said the two documents had contained information required by the ANC.

Miss Hogan said her employment with the South African Institute of Race Relations had not in any way been related to her membership of the ANC or been intended to further its aims.

She had worked for the Johannesburg Organisation to Boost Self-Help (JOBS) and the Rural and Commu-

nity Development Trust.

She had worked there partly for the purpose of obtaining information for the ANC — "only in so far as the aims of the ANC corresponded with the aims and objects of JOBS and RCDT."

Her activities with the South African Allied Workers' Union had been to strengthen the trade union movement in South Africa by organising unemployed workers for their benefit," she said.

Miss Hogan admitted working with certain people, but did not know if they were members, active supporters or sympathisers of the ANC. Robert Adam was the only person known to her as a member of the ANC.

Miss Hogan denied she had attempted to win individual persons, groups or organisations over to the ANC, or had incited them to join the ANC or its activities.

In conclusion, Miss Hogan said the acts performed by her "do not evidence a hostile intent" and she was therefore not guilty of high treason.

She said her activities "do not constitute acts of terrorism, nor were they performed with the necessary intent."

The hearing continues today.



# ANC works for state overthrow, court told

(331) *D. P. Pretorius*

**ZWELITSHA** — The banned African National Congress (ANC) sought the overthrow of the South African Government, an East London police lieutenant attached to the security police told the regional court here yesterday.

Lieutenant C. E. J. van Wyk was giving evidence on the history of the ANC and its activities in the trial of Miss Nomakhephu Ntsatha of Zwelitsha and Mr Mncekeleli Peter of Mgwali.

They have pleaded not guilty to recruiting members for the ANC, being members of the ANC, being in possession of and distributing banned literature and recruiting people to undergo training likely to endanger the maintenance of law and order.

Mr Peter is also charged with attempting to undergo military training.

Lt Van Wyk said the ANC's methods did not only imply a threat to law and order but its total annihilation.

He said the ANC was formed in 1912 to "unite and lead the African people".

During 1944, people like Oliver Tambo, Walter Sisulu and Nelson Mandela played a leading role in the formation of the ANC youth league which later exerted pressure on the ANC to become more militant.

Since the formation of the league and together with such men as Dr Yusuf Dadoo, Moses Kotane, J. B. Marks and Bram Fischer, the ANC arranged demonstrations and protests.

The ANC women's league played an important part in the August 1956 protest against pass laws for women.

During 1955 the "congress of the people" was convened at Kliptown, Johannesburg.

The Freedom Charter, which was today the fundamental document of the ANC, was adopted. In ANC publications, the Freedom Charter was referred to as a revolutionary document, Lt Van Wyk said.

The ANC decided to take up arms after its call for a national convention had been rejected by the South African Government in 1961.

On December 16, 1961, it organised acts of sabotage against government installations. This marked the emergence of Umkhonto Wesizwe (spear of the Nation) — the military wing of the ANC.

ANC did not recognise the independent states within the Republic of South Africa.

An important part of the ANC campaign to achieve goals such as recruitment, mobilisation and the establishment of cells entailed the distribution of propaganda in the form of leaflets, magazines, books, gramophone records, tape recordings, radio transmissions, meetings and dialogue.

The propaganda was directed at the violent overthrow of South Africa and the independent states.

To achieve the ANC's main goal, people were recruited locally to undergo military training abroad.

Lt Van Wyk said since 1967, when the first ANC cadres were infiltrated into South Africa, acts of terrorism had escalated.

These acts were directed at the "system" government buildings, police stations, and included the assassination of state witnesses, defectors and other public figures who were considered traitors and sell outs.

The ANC proudly accepted full responsibility for these acts.

For example, Lt Van Wyk said, the ANC described the fire caused by insurgents at Sasol and Natref as "a sea of flames of the fire of freedom — the most beautiful fire which symbolised the largest act of sabotage ever in South Africa."

Lt Van Wyk went on to analyse documents allegedly found in possession of the accused.

Earlier during yesterday's hearing the defence counsel, Advocate M. T. K. Moerane of Durban, objected to the admissibility of certain documents.

He said these documents were not relevant to some of the charges and that their admission might be prejudicial to the accused.

These documents were Down with Homeguards, Freedom Songs, Message to the Students, a photo of Nelson Mandela, a programme of the unveiling of the tombstone of Steve Biko and a picture of Robert Sobukwe on a cover of Drum Magazine.

Mr Moerane said the documents did not prove or tend to prove his clients performed any acts aimed at furthering the goals of the ANC.

Mr P. M. A. Pretorius, for the state, said the documents were relevant to the state case

and related to the liberation struggle. They might be used for recruiting purposes.

The magistrate, Mr J. A. Dracatos, said he had not noted the documents' significance to the case but overruled the objection "at this stage".

Analysing the exhibits, Lt Van Wyk said the document Strategy and Tactics of the ANC was issued to commemorate the 10th anniversary of the Magororo declaration. It gave guidance to activists.

Sechaba was the official mouthpiece of the ANC.

A badge found in a letter was manufactured to commemorate the 25th anniversary of the Freedom Charter.

It had the yellow, green and black official colours of the ANC and had a spear which was the symbol of the Umkhonto Wesizwe.

The photo of Mandela was part of the Free Mandela campaign and commemoration of the Freedom Charter. These photographs were sent to ANC members.

Lt Van Wyk said he did not know of any other organisations which distributed the photographs except the ANC.

Down with Homeguards seemed to be an ANC document, he said.

The Drum cover of Sobukwe was not banned. The ANC used legal and illegal publications to recruit people by way of showing them the pictures.

Freedom Songs originated with the ANC. Songs could be used to make people aware and to build up spirit, he claimed.

The anti-South African Republic Day celebrations poster was issued by the Anti-Celebration Committee. The ANC did not recognise the Republic of South Africa, the court was told.

On the Biko unveiling programme he said the ANC regarded Steve Biko and black consciousness as belonging to the genuine front of revolutionaries.

Message to the Students concerned inferior education and equal pay for teachers.

The ANC used it as a grievance for recruiting people.

Official organs of the ANC had called for students to participate in the struggle and this included school boycotts.

Lt Van Wyk will be cross-examined by the defence today. — DNR



# Woman admits ANC membership

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Mercury 17/8/82

## Mercury Correspondent

JOHANNESBURG—A former research worker of the South African Institute for Race Relations and self-confessed ANC member had admitted she wrote three documents destined for the banned organisation's head office in London, a Security Branch policeman told the Rand Supreme Court yesterday.

Maj A B Cronwright was giving evidence at the trial of Miss Barbara Anne Hogan, 30, of

Yeoville, who pleaded not guilty to charges of high treason but guilty to furthering the aims of the ANC and of being an ANC member.

Miss Hogan denied that she had any hostile intent towards South Africa or that her activities constituted terrorism.

According to the indictment, Miss Hogan joined the ANC during 1977 and received instructions to work in the labour field in South Africa to further the aims of the organisation.

## Visited

Miss Hogan allegedly established a communications network with the ANC by means of so-called 'dead-letter boxes', post boxes and couriers. Information was sent and instructions were received via this network.

The State alleges that Miss Hogan applied for private post boxes at Bedfordview and Illovo during 1978 to 1979 under the names of R Adams of Kensington and Margret Watson of Melrose.

Miss Hogan allegedly visited Marius Schoon, an ANC official in Botswana, on several visits from 1978 to last year. She allegedly received her instructions from him.

The State also alleges that Miss Hogan wrote three reports entitled: 'Social Background of Working Class Leadership', 'Problems Arising in Internal Political Work', and, 'Close Comrades', in which the names of Dr Neil Aggett and others were mentioned.

She had denied she wrote the second report or that the documents had information required by the ANC.

The State would attempt to prove that Robert Adam had transmitted these reports to the ANC in London, the Court heard.

Miss Hogan was involved in the human awareness program of the South African Institute of Race Relations as a research worker, worked voluntarily in a black unemployment bureau and acted as a secretary to the Rural and Community Development

Trust to obtain information required by the ANC, the Court heard.

She had admitted that she negotiated with the South African Allied Workers' Union and its officials to establish the Unemployment Workers' Union.

But she would deny that it had been her intention to cripple and prejudice industries and undertakings in South Africa.

## Messages

Miss Hogan had said she drew up a document to this end entitled: 'A Rough Outline of a Possible Unemployed Workers' Union'.

The Court heard that she did not know whether her co-workers were ANC members or that two messages she gave to a man called Cedric de Beer from Marius Schoon were from the ANC.

Miss Hogan would say that she had not associated herself with violence at any time.

Maj Cronwright told Mr Justice van Dyk that after Miss Hogan's arrest on September 22 last year she had told him she had written all three documents, and that Robert Adam had been instructed to use a 'dead-letter box' to post the documents, which were meant for ANC headquarters in London.

The hearing continues today.



Friday, August 17, 1982

# City Security Branch Chief

testifies

Pietermaritzburg Bureau

THE head of the Security Branch in Durban, Brig J R van der Hoven, was called to testify at the treason trial in the Supreme Court here yesterday.

Three men face a total of 57 counts including high treason, sabotage, participating in terrorist activities, attempted murder, and contraventions of the Arms and Ammunitions Act and the Explosives Act.

The trial follows a series of eight blasts in Durban last year in which 10 people were injured and damage of almost R500 000 was caused.

The accused are Durban attorney Patrick Ntobeko Maqubela, 32, from Clermont, bakery worker Mboniswa de Villiers Richard Maghut- yana, 29, of Umlazi, and learner-land surveyor Seth Mpunulelo Gaba, 24, of Mndatsane near East London.

Giving his evidence-in-chief, Brig van der Hoven said he had gone to see Mr Maqubela on the morning

Pietermaritzburg Bureau

A STATEMENT describing how a bomb was placed in a refuse bin in Field Street, Durban, on an unspecified date at 2 p m, and then exploded at 2 15 p m, was admitted as evidence yesterday in the treason trial being heard here.

The statement, made by one of the accused, Mr Seth Mpunulelo Gaba, 24, to an East London magistrate, was made freely and voluntarily and was therefore admissible, Mr Justice Auret van Heerden ruled.

The ruling followed a four-day trial within a trial last week during which Mr Gaba's counsel said the accused man had been tortured and threatened before making the statement.

Police denied the allegations, saying Mr Gaba had been very co-operative, while a district surgeon said he saw no signs of maltreatment when he exam-

ined Mr Gaba soon after he had made the statement.

Three men face a total of 57 charges following a series of explosions in Durban, including one on February 7 last year in Field Street which left two people injured and damage of more than R13 000.

Mr Gaba described in the statement how he went to Swaziland at the end of October 1980, where he received training in the use of explosives and hand-grenades.

He said he was given a sketch of where he could find 'the goods' in a graveyard in Umtata, and was told to operate alone until he was more experienced.

I was asked where I would like to work and I said in the Transkei. The day I went for the lesson I was told not to work in the eastern Cape or Transkei.

He said that at that stage Mr Maqubela was being held in terms of Section 50 of the ordinary criminal code, and was not yet a security prisoner.

He had asked the ac-

Asked by Mr Ian Slab-

ber, for the State, what these questions were, Brig van der Hoven said he had asked Mr 'Richard' was, who 'James' was and whether he knew any one addressed as 'Q'.

According to evidence led earlier in the trial, these names appeared on

because it was controlled by Lesotho.

I had to get information on Ngcheba and when I got a chance I had to shoot him. I also had to blow up the Magistrate's Court in Amanzimtoti.

Mr Gaba said his other targets were to be chosen by himself, but they should be political and economic.

He was not to shoot policemen or soldiers because he was not trained.

He said the day 'Bambilanga was appointed chief' he had placed 'other things' under ash near a parked car. It was placed at 3 p m to go off at 6 p m, he said.

A second bomb was placed in a refuse bin in Field Street at 2 p m, and exploded at 2 15 p m.

From the beginning of May, 1981, he had worked for LTA in Mndatsane.

Because I did not have any targets here I blew up an electricity pole be-

letters found stuck under a table in the architecture library at the University of Natal which contained requests for arms and explosives, travel documents and the identification of a railway route 'to be studied thoroughly'.

Brig van der Hoven said

Mr Maqubela had said he knew only one person by the name of Richard, a cashier in a bakery in Umlazi, and one person called James, who worked for a construction company in East London. He said he himself was sometimes referred to as

tween Butterworth and Idutywa, on Republic Day, he said.

After that he had received instruction from one 'Madikezela' to go back to Swaziland. He was told to go to Maqubela in Durban, where he would be given a car. In Swaziland he was blindfolded and taken to a remote house.

Here he was trained in the use of mines and asked why he had not carried out the orders he had been given on the first occasion.

He said he had been unable to shoot Ngcheba because an attempt had been made to shoot him earlier and he was on his guard.

My instructions were that I should do nothing until December 16, the birthday of Umkonto we Sizwe.

He said he was also told to get information on a petrol depot in East London to see if it could be blown up.

Under cross-examination by Mr Ernie Wentzel, SC, for the accused, Brig van der Hoven said he would have allowed Mr Maqubela access to a lawyer if he had requested one — which he had not.

Brig van der Hoven conceded he did not know of a single case where this had occurred.

Mr Wentzel had asked the brigadier whether he was aware that it was not allowed, in terms of the Judges' Rules, that questions be put to a person arrested under Section 50.

Brig van der Hoven replied that he had not asked Mr Maqubela about the crimes with which he

and the other accused were charged.

Mr Wentzel contradicted him, saying the identities of James, Richard and 'Q' were cardinal to the allegations of a conspiracy.

The idea was not to interrogate the prisoner, Brig van der Hoven said. It was that if Mr Maqubela wanted to say anything to him, he could.

Mr Wentzel said that what he had said to Mr Maqubela, in essence, was that he really had no choice because if he did not co-operate in every way, he — the brigadier — would hand him over to people who would ensure that he did. Brig van der Hoven denied this.

Later Mr Wentzel put it to a joint investigating officer of the case, W/O W G F Andrews, that according to his evidence Mr Maqubela had gone out of his way to secure his own conviction.

Then, according to W/O Andrews' evidence, Mr Maqubela said out of the blue he wanted to show the police something in Umlazi, but would not say what it was.

He then allegedly took them to an address where a cache of explosives and weapons was found.

W/O Andrews denied suggestions from Mr Wentzel that they had in fact found out about the explosives from someone else.

The trial continues.



Cap Times 18/8/82

# Williamson (331) tells court of ANC training

Own Correspondent

JOHANNESBURG. — A security policeman who successfully infiltrated the ANC during the 1970s, said in the Rand Supreme Court yesterday that all ANC members were given a thorough grounding in the policies and tactics of the organization before being allowed to write and distribute pamphlets.

Major Craig Williamson of security police headquarters in Pretoria was giving evidence in the trial of Miss Barbara Anne Hogan, 30, of Hunter Street, Yeoville.

Miss Hogan, a self-confessed member of the banned organization, has pleaded not guilty to a charge of high treason but guilty to a charge of furthering the organization's aims and objectives between 1977 and last year.

The State alleges that Miss Hogan wrote three reports entitled "Social Background of Working Class Leadership", "Problems Arising in Internal Political Work" and "Close Comrades" which were destined for the ANC headquarters in London.

## Full-time student

Major Williamson said he enrolled as a full-time student at Wits during 1972. He had been in the police force for several years.

He had worked as information officer and later as a deputy director of the International University Exchange Fund (IUEF) in Geneva from 1977 to 1978 and as an

ANC agent.

The IUEF was one of many international non-governmental organizations which funded refugee students and national liberation activities in Africa and Latin America.

His relationship with the ANC continued until January 1980 when it was confirmed that he worked for the security police.

Major Williamson said he had gathered information for the ANC, distributed ANC propaganda and recruited and trained young whites for the organization.

## Tested

"All ANC members received instructions and a thorough grounding in the organization's policies and tactics. You were tested on your knowledge before being allowed to write and distribute pamphlets," he said.

Various ANC officials, but mainly Aziz Pahad and Ronnie Kessrils, instructed Major Williamson on ANC policies, strategies, tactics and ideology.

Detective Warrant Officer M Marx testified that he and Major A. B. Cronwright searched Miss Hogan's flat on September 22 last year when she was arrested. He said that a red flag bearing a yellow hammer, sickle and star was found in her bedroom cupboard.

Trade union posters and ANC literature were also confiscated.

The hearing continues today.

# State witness tells of flight

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A STATE witness told a court yesterday that after a man told him of his trips to countries outside SA for military training he alerted the police for fear that he would get involved should the man be arrested.

Mr Raymond Dlamini was testifying in the trial of Mr Harold Abel Mazala (33) of Soweto, who is charged in terms of the Terrorism Act, Explosives Act and the

Arms and Ammunition Act.

He pleaded not guilty to all charges before Mr W Aucamp in the Johannesburg Regional Court.

The State alleged he was found in possession of a hand grenade at a Soweto house, which he wanted to use for violence. The offence allegedly took place between May and July last year.

Mr Dlamini told the court that the night before they were both arrested, Mr Mazala told him he travelled to Swaziland, Botswana, Tanzania and Angola.

Mr Dlamini had become worried and decided to inform the police because he knew it was an offence to accommodate someone who was running away from the police.

The trial continues on August 20.

LET US TELL YOU A SECRET OK!



ZWELITSHA — An objection to the admissibility of evidence given by a police officer in the regional court here was overruled yesterday.

The ruling, made by magistrate Mr J. A. Dracatos, came during the trial of Miss Nomakhephu Ntsatha and Mr Mncekeleli Peter who have pleaded not guilty to recruiting members for the ANC, being members of the ANC, being in possession of and distributing banned literature and recruiting people to undergo training likely to endanger the maintenance of law and order.

Mr Peter is also charged with attempting to undergo military training.

The counsel for the defence, Advocate M. T. K. Moerane, submitted that a Security Police officer, Lieutenant C. E. J. van Wyk of East London, was not qualified to give expert evidence on the African National Congress.

The application came after Lt Van Wyk had said that he did not regard himself as an expert because he based his evidence on ANC publications and was not academically qualified to be an expert.

Mr Moerane submitted that the officer was not qualified to draw inferences from documents allegedly found in possession of the accused, particularly portraits of Steve Biko, Nelson Mandela and a Drum magazine cover with a picture of Robert Sobukwe.

Opposing the application the prosecutor, Mr P. M. A. Pretorius, likened the matter to a case of drunken driving where a policeman could testify on the degree of drunkenness of the accused through his police experience.

Mr Moerane submitted that the analogy of drunken driving was entirely different.

It was dangerous to give hearsay evidence he said.

Under cross-examination, Lt Van Wyk said he had no qualifications in political science, political philosophy, economics or political psychology.

He said he passed matric. He conceded he had

# Defence: police officer not expert on ANC

not made a study of political revolution, except in ANC publications, nor had he published any papers on the ANC in any journal.

He had no specific qualification connected with literature.

He agreed there were other organisations which aimed at achieving total liberation for blacks.

He said these organisations did not want the same form of liberation as desired by the ANC. He named Inkatha as one example.

He said he would not dispute that Inkatha displayed the same colours as the ANC.

Asked by Mr Moerane if he would describe the Freedom Charter as democratic, Lt Van Wyk said he would but it depended on what purpose it was used for.

He added that the ANC played a leading role in the drafting of the Charter.

Lt Van Wyk agreed that the Freedom Charter said all national groups should have equal rights.

It objected to discrimination on the basis of colour, race, language and religion.

He agreed it gave a guarantee on liberty for everyone. It said no one should be subjected to torture or inhuman treatment.

It guaranteed the right of privacy and honour, freedom of movement and free and compulsory education.

Mr Moerane then told Lt Van Wyk he had been reading from the Ciskei Bill of Rights as entrenched in the Ciskei constitution.

The officer agreed the Charter was identical to the Bill of Rights if what Mr Moerane had read was the bill.

Mr Moerane asked him if the Charter did not present a type of government which all democra-

tic states aspired to. Lt Van Wyk replied it could.

He conceded that the document Down with Homeguards did not say it was produced by the ANC.

It was correct that one could say the author of the document was sympathetic to or a supporter of the ANC.

He further stated the author must have had links with the ANC and could not have been a man off the street.

He said he did not know the author. He agreed with Mr Moerane that the author could have been with the Black Peoples' Convention but that organisation was banned as well.

Lt Van Wyk agreed that the alleged ANC badge found in a house search did not say it was manufactured by the ANC or on behalf of the ANC.

He could not say the copies of the Freedom Charter in court were banned or not because various copies were banned but reproduced on forms. Not all forms had been banned.

He thought the publication Strategy and Tactics was an extract from the publication ANC Speaks, but had not read it.

He agreed it would not be worthwhile to be asked questions about it.

On Freedom Songs, he said he was not familiar with the exhibit. He agreed he had not made a special study on the origin of freedom songs. He agreed further that they could have started as far back as the "Kaffir wars."

Mr Moerane put it to him that he was speaking carelessly when he said they originated with the ANC. Lt Van Wyk said he became aware of freedom songs when he read ANC literature.

He said he could not say Freedom Songs originated with the ANC.

He said he did not know who produced Message to the Students, or if it had any connections with the ANC.

He said he was aware of the circulars and leaflets issued by the Free Mandela committees but the one in court with the portrait of Mandela was not one of them.

It would have contravened the Prisons Act to publish the portrait.

It must have been printed outside the country, he added but he did not know where it was printed.

On the Steve Biko poster, Lt Van Wyk agreed that one could be forgiven if he assumed it was issued by the Black People's Convention.

As far as he knew Biko was not a member of the ANC nor was he a supporter.

Biko supported the philosophy of black consciousness, he said.

Cross-examination of Lt Van Wyk continues today. — DDR

normal

# SP major recruited for ANC

18/3/81  
TONI REYNEKE

A SECURITY policeman who infiltrated the ANC during the 1970s, said in the Rand Supreme Court yesterday that all ANC members were given a solid grounding in the organisation and tactics of the organisation before they were allowed to write and distribute pamphlets.

Major Craig Williamson was giving evidence in the trial of Miss Barbara Anne Hogan, 30, of Sunrey Court, Johannesburg, Street, Yeoville, Miss Hogan, a self-confessed ANC member, has pleaded not guilty to a charge of high treason but guilty to furthering the organisation's aims and objectives between 1977 and 1981.

The State alleges that Miss Hogan wrote three reports entitled "Social Background of Working Class Leader", "Problems Arising in Internal Political Work" and "Close Comrades" which were destined for ANC headquarters in London. Maj Williamson said he had enrolled as a full-time student at the University of the Witwatersrand in 1972. He had been in the police force for several years. In 1975, while he was vice-president-elect of Nusas, he was approached by Mr. Thomas Nkobi, treasurer-general of the ANC.

He worked as information officer and later as a deputy director of the International University Exchange Fund (IUEF) in Geneva from 1977 to 1978 as an ANC agent. His relationship with the ANC continued until January 1980 when it was learned he was in the Security Police.

Major Williamson said he had gathered information on behalf of the ANC distributed ANC propaganda and recruited and trained young whites for the organisation. "All ANC members received thorough instructions and a grounding in the organisation's policies and tactics. You were tested on your knowledge before being allowed to write and distribute pamphlets," he said.

He had been taught ANC policies, strategies, tactics and ideology. He was taught the theory of the National Liberation Movement and the Revolutionary Alliance, who aimed to overthrow the State in South Africa through a "revolutionary arms struggle".

Defective arms struggle. Major A. B. Cronwright searched Miss Hogan's flat on September 22 last year when she was arrested. They had found a red flag bearing a yellow hammer, sickle and star and had confiscated trade union posters and ANC literature.

The trial continues today.



# Bomb was in dustbin, terror trial is told

Mall Correspondent

MARITZBURG. — A statement describing how a bomb was placed in a refuse bin in Field Street, Durban, and then exploded, was admitted as evidence yesterday in the treason trial being heard in the Natal Supreme Court in Maritzburg.

The statement, made by one of the accused, Mr Seth Mpumulelo Gaba, 24, to an East London magistrate, was made freely and voluntarily and was therefore admissible, Mr Justice Auret van Heerden ruled.

The ruling followed a four-day "trial within a trial" last week during which Mr Gaba's counsel said Mr Gaba had been tortured and threatened before he made the statement.

Police denied the allegations, saying Mr Gaba had been very co-operative, while a district surgeon said he saw no signs of maltreatment when he examined Mr Gaba shortly after he had made the statement.

Three men face 57 charges following a series of explosions in Durban including one on February 7 last year in Field Street in which two people were injured and damage of more than R13 000 was caused.

In the statement Mr Gaba described how he went to Swaziland at the end of October 1980, where he received training in the use of explosives and handgrenades.

He said he was given a sketch of where he could find "the goods" in a graveyard in Umtata, and was told to operate alone until he was more experienced.

Mr Gaba said he was told to shoot a man called Ngheba and blow up the magistrate's court in Amanzimtoti.

He was to choose other political and economic targets but was not to shoot police or soldiers because he was not trained.

He said the day "Bambilanga was appointed chief" he had placed "other things" under ash near a parked car. They were placed at 3pm to go off at 6pm, he said.

A second bomb was placed in a refuse bin in Field Street at 2pm, and exploded at 2.15pm.

From the beginning of May, 1981, he had worked in Mdantsane.

"Because I did not have any targets here I blew up an electricity pole between Butterworth and Idutywa on Republic Day," he said.

After that he had received instructions from one "Madi-kizela" to go back to Swaziland.

In Swaziland he was blindfolded and taken to a remote house where he was trained in the use of mines. He was asked why he had not carried out the orders he had been given on the first occasion.

"My instructions were that I should do nothing until December 16, the birthday of Umkhonto we Sizwe."

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Section C

**Perjury:  
bail refused**

ZWELITSHA — Application for bail by a man charged with perjury was refused in the magistrate's court here yesterday.

Mr Phumezo Randall Mene, 32, was remanded in custody until September 17.

Mr D. D. Tabata for the defence applied for bail but the application was opposed by the prosecutor, Mr B. D. Nel.

Mr Mene told the court that he would stand trial and would adhere to bail conditions if granted bail.

Under cross-examination by Mr Nel he denied trying to leave South Africa for military training. He admitted that the charge followed testimony he gave in a trial in which two people face charges under security laws. — DDR.

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We will now look at the external equilibrium. Above the line there will exist a surplus in the balance of payments which may be brought about either by a devaluation or by a decrease in the real demand of the economy (brought about by monetary and fiscal policy).

Below the line there exist a deficit on the balance of payments which may have been brought about by a revaluation of the national currency relative to the other ~~current~~ currencies, or an increase in the level of real demand brought about by an  $\uparrow$  in  $G$  or  $M_s$  or a  $\downarrow$  in  $T$  or  $rf$ .



**Mercury Correspondent**  
JOHANNESBURG—A Security Policeman who had successfully infiltrated the ANC during the 1970s, said in the Rand Supreme Court yesterday that all ANC members were given a thorough grounding in the policies and tactics of the organisation before they are allowed to write and distribute pamphlets.

Maj Craig Williamson, of Security Police headquarters in Pretoria, was giving evidence in the trial of Miss Barbara Anne Hogan, 30, of Sunrey Court, Hunter Street, Yeoville.

Miss Hogan, a self-confessed member of the banned organisation, pleaded not guilty to a charge of high treason but guilty to a charge of furthering the organisation's aims and objectives during 1977 to last year.

The State alleges that Miss Hogan wrote three reports entitled 'Social Background of Working Class Leadership', 'Problems Arising in Internal Political Work' and 'Close Comrades' which were destined for the ANC headquarters in London.

### Change

Maj Williamson said he enrolled as a full time student at Wits during 1972. He had been in the Police Force for several years. He was approached by Thomas Nkobi, treasurer general of the ANC during 1975, while he was vice-president elect of Nusas.

He worked as information officer and later as a deputy director of the International University Exchange Fund in Geneva from 1977 to 1978 as an ANC agent, the Court heard.

His relationship with the ANC continued until January 1980 when it was confirmed that he worked for the Security Police.

Maj Williamson said he gathered information on behalf of the ANC, distributed ANC propaganda and recruited and trained young whites for the organisation.

'All ANC members received instructions and a thorough grounding in the organisation's policies and tactics. You were tested on your knowledge before being allowed to write and distribute pamphlets,' he said.

He was instructed in the theory of the National Liberation Movement and the Revolutionary Alliance, which aimed to overthrow the State in South Africa through the use of 'revolutionary arms struggle'.

The final result would be the armed seizure of State power by the revolutionary alliance which was headed by the ANC,

Maj Williamson said.

The Revolutionary Alliance was made up of the ANC, SACP and the South African Congress of Trade Unions, the Court heard.

Maj Williamson said that the ANC mainly represented the South African blacks as the most oppressed population.

The black working class had a special place in the revolutionary process and the organisation of trade unions was an integral part of the revolutionary movement, the Court heard.

Maj Williamson said that the revolutionary struggle combined economic, political and armed struggle.

The role of the National Liberation Movement was to bring about armed struggle in South Africa.

The struggle was a process which started with 'arms resistance' and escalated into 'mass insurrection'.

The hearing continues today.

**Infiltrator  
tells of  
planning  
by the ANC**  
*Mercury*  
18/8/82  
-331



## Accused unfit to plead

A man accused of murdering his foster mother was today found by a Rand Supreme Court judge to be unfit to plead and was declared a patient of the State President.

Mr Justice Franklin gave this ruling in the case in which Mr John Viviers (26) of Krugersdorp was appearing in connection with the death of Mrs Erika von Bulow on February 7 at her home in Linden, Randburg.

Mr Justice Franklin said it had been proved on the balance of probabilities that Mr Viviers suffered from a mental defect and could not understand court proceedings.

According to the indictment, Mr Viviers visited Mrs von Bulow at her home where he smothered her.

Mr Gusto von Bulow, son of Mrs von Bulow, had told the court that his mother was the only person whom Mr Viviers trusted and was capable of loving.

Mr D. Gordon appeared for the State.

## Murder bid is alleged

A Nancefield farmer who allegedly beat a 14-year-old boy with an iron pipe and dragged him behind a van on February 6, appeared in a Johannesburg Regional Court yesterday in connection with an allegation of attempted murder.

Mr Gerhardt van Zyl Myburgh (38), who was not asked to plead to any charge, is out on warning. The case was postponed to October 11 for trial.

## Woman faces ban charge

A banned Johannesburg attorney, Mrs Priscilla Jana, appeared briefly before a Johannesburg

# SP say detainee had communist material

18/8/82

331  
Star

By Rashid Chopdat

A security policeman told the Rand Supreme Court yesterday that a communist flag and a booklet were among items he had confiscated at a political detainee's flat.

Warrant Officer Martinus Marx of John Vorster Square was giving evidence at the trial of Miss Barbara Hogan (30) of Yeoville, Johannesburg.

Miss Hogan has pleaded not guilty to a charge of high treason but guilty to an alternative charge of furthering the aims of the banned African National Congress. She has also admitted being a member of the ANC.

Warrant Officer Marx said that during last September he had gone with Major Arthur Cronwright to Miss Hogan's flat, where she was arrested. He had searched her

bedroom and seized 30 items.

He said these included a communist flag, a booklet, "African Communist," and some posters declaring support for workers dismissed by Wilson Rowntree.

Other items comprised documents, booklets and letters, including a letter from a university confirming her admission to an MA degree.

Major Craig Williamson of Security Police headquarters, who infiltrated the ANC, was called as an expert witness by the State.

When the flag was shown to him, Major Williamson said he had seen it in the Kremlin in Russia and in South African publications. He had not seen it flying in South Africa.

When he was with the ANC he had been instructed in the

theory of the national liberation movement and the revolutionary alliance which aimed to overthrow the State by armed struggle, he said.

Major Williamson said the final result would be the armed seizure of power by the revolutionary alliance, which is headed by the ANC and has the South African Communist Party and the South African Congress of Trade Unions as its other members.

He said the black working class held a special place in the revolutionary process and the organising of trade unions was integral to the struggle.

Miss Hogan denies a State allegation that she received a general instruction from the ANC to work in the labour field.

The hearing continues today.

## Jail for man who raped boy

A 48-year-old Joubert Park man, Neville Pote, was sentenced in the Hillbrow Regional Court yesterday to eight years' jail for sodomy with a 12-year-old boy.

The magistrate, Mr A H Barlow, said Pote had brutally assaulted the boy to commit sodomy with him.

The effect on the boy had been traumatic, Mr Barlow said.

The boy, who may not be identified, said Pote had abducted him from the Johannesburg Station on January 20. After handcuffing him, Pote had taken him to his flat at Kings Ransom in Joubert Park where he was stripped and raped repeatedly for about four hours.

Medical evidence was that the boy sustained extensive injuries.

Pote, who pleaded not guilty, denied assaulting the boy or committing sodomy with him.

A nightwatchman had given evidence that he had seen the boy leaving the building about 8.30 pm.

There were red marks around his

and had hurt himself."

Mr Barlow said there had been no suggestion that the injuries were sustained after leaving the building. He rejected Pote's statement that he had noticed nothing "untoward" about the boy when he left.

If the injuries had been sustained before the boy came to the flat Pote must have been "stone blind" not to notice them.

Mr Barlow said the only conclusion he could come to was that Pote had brutally and most grievously assaulted the young boy.

He rejected an appeal by Pote's attorney for a fine to be imposed and said this would not serve the interests of society.

Bail for Pote pending appeal was also rejected because he attempted suicide on the night of the crime.

Evidence was that Pote was arrested on January 21 with his wrists slashed. He was then taken to Tara Hospital.

After sentence was passed, Pote's daughter Mrs Michelle Smithson

Earlier she had given evidence that her father had attempted suicide after a telephone conversation with her in which she told him: "You are not my father."

Police said they had tried repeatedly to enter Pote's flat on the night of the crime, but were blocked by a steel security door. Only after Mrs Smithson arrived were they able to get in.

## Chilchik in liquidation

A final order placing under liquidation the estate of the business of Mr Simon Chilchik, a former Johannesburg city councillor, was granted in the Rand Supreme Court yesterday.

Mr Justice Irving Steyn granted a final liquidation order requested by Mr H H Joubert, who was appearing for a creditor Syka Finance (Pty) Limited.

In papers before court at the first hearing, Syka Finance said it was owed R112 000 by Mr Chilchik, who was the sole proprietor of

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UMTATA — The aim of the African National Congress was not only to topple the South African regime but also to bring about political change in the national states, the Chief Justice of Transkei said here yesterday.

Mr Chief Justice Hefer was delivering judgment before he sentenced Mr Velile Junior Saliwa, 23, and Mr Mzwandile Mbethe, 26, to five years' imprisonment each for taking part in the activities of the outlawed ANC.

The men were charged together with Mr James Zamiwonga Kati, 58, Mr Mkangeli Manford Matomela, 25, and Mr Peter Bawose King, 57, for contravening Section Seven of the Transkei Public Security Act.

The first count was that the men had been members of the ANC.

It was also alleged that they had received subversive literature and money from ANC representatives in Lesotho and that they had distributed the literature.

The men were alleged to have harboured or aided people whom they had reason to believe were terrorists or members of the ANC.

They were also charged with transporting members of the ANC or terrorists or potential ANC recruits to different points in Transkei and South Africa.

The second count alleged that the men had encouraged people to undergo military training which could be of use to endanger the maintenance of law and order in Transkei.

On the third count, the men were alleged to have been in possession of explosives, ammunition and firearms.

They were all charged alternatively with continuing to be members or of furthering the activities of the ANC.

Mr Saliwa and Mr Mbethe pleaded guilty to the alternative charge and the other men pleaded not guilty to both the main and the alternative charge. There was a separation

## 2 men jailed in Transkei on ANC charges

*P. Dishatch 19/8/82*

of trials.

Mr Justice Hefer said that according to affidavits handed in as evidence, Mr Saliwa had been the driver of a vehicle used to ferry members of the ANC from place to place in Transkei and centres outside the country.

He said Mr Mbethe had received and distributed subversive literature in Transkei and had also tried to recruit people to join the ANC.

Mr Justice Hefer said the ultimate goal of the ANC was to establish what might be called a utopian socialist republic in South Africa.

In order to achieve this, the ANC had resorted to trying to overthrow the South African Government.

The judge said Mr A. Wilson, for the defence, had argued that the ANC's activities were not directed at Transkei but at the South African Government.

Mr Justice Hefer said it was clear from the documents before the court that the ANC regarded community councils and the national states as obstacles to its goals.

"To me the ANC is dangerous in Transkei as it is dangerous in South Africa and the organisation's activities in South Africa cannot be divorced from those in this country."

Earlier, Colonel Daniel Stadler of the Security Police in Pretoria told the court he had done extensive investigations into the activities of the ANC.

Col Stadler said the ANC had been founded in 1912 and its aim had been to unite blacks. However, in 1944 a youth brigade was formed which pressurised the ANC to become more militant.

But it was only in 1961 that Umkonto Wesizwe,

the military wing of the ANC, was made known.

He said that presently, the aims of the ANC included overthrowing the South African Government.

Asked about a poster depicting jailed ANC leader, Mr Nelson Mandela, he said Mr Mandela was regarded as a hero in certain circles.

Under cross-examination by the defence, Col Stadler agreed that the ANC had been non-violent before it was outlawed.

He also agreed that the ANC was of the view that the independence of national states was a tactic of divide and rule by South Africa.

Asked if he knew that Mr Mandela had once been invited to live in Transkei, Col Stadler said he had heard this but did not know whether the story was correct.

Mr Wilson then read from press cuttings which reported a call by the Minister of Foreign Affairs, Mr Mtutuzeli Lujabe, in the National Assembly here earlier this year for talks with leaders of liberation movements.

Mr Kati, Mr Matomela and Mr King are to appear this morning.

# ANC (331) members 'free to choose' 19/8/82

## Court Reporter

THERE are a lot of Christians involved with the ANC who support the policies of armed struggle as the only way to bring about change in South Africa, Major Craig Williamson of the Security Police told a Supreme Court judge yesterday.

Major Williamson, who successfully infiltrated the ANC in the guise of a Wits student in the '70s, was giving evidence in the trial of Miss Barbara Anne Hogan, 30, of Sunray Court, Hunter Street, Yeoville.

Miss Hogan, an ANC member, pleaded guilty to a charge of furthering the banned organisation's aims and objectives from 1977 to 1981. She pleaded not guilty to a main count of high treason.

Major Williamson said under cross-examination by Mr. George Bizos, SC, for Miss Hogan, that historically the ANC had a strong Christian base.

He said he was told by ANC instructors that there were a lot of Christians involved but they did not hope to bring about a reconciliation between the ANC and the Government, the court heard.

The Christians in the ANC justified their support of violence because of the "intransigence of the Government" which turned their violence into self-defence, the court heard.

He said the ANC counted ministers among its members. "Archbishop Trevor Huddleston of the Anglican Church has received an award from the ANC," he said.

Major Williamson said that no-one would force an ANC member to pull a trigger if the member was a conscientious objector.

More than 90% of the political members of the ANC did not physically participate in Umkhonto we Sizwe, the organisation's militant wing.

Major Williamson said anyone could join the ANC provided they supported its principles, and members were free to choose whether they wanted to join Umkhonto we Sizwe.

The hearing continues today.



bring about a reconciliation between the ANC and the government, the court heard.

Major Williamson said they supported the arms struggle as the only way to bring about change in South Africa.

The Christians in the ANC justified their support of violence because of the "intransigence of the government" which turned their violence

## in of the year

— South Africa's Businesswoman of the Year for 1982.

The award was announced here yesterday by a previous winner, Mrs Margaret Lesing. — SAPA.



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# Officer: Ciskei not widely recognised

ZWELITSHA — Most countries did not recognise the independence of Ciskei, an East London security policeman said under cross-examination in the regional court here yesterday.

The policeman, Lieutenant C. E. J. van Wyk, was called to give evidence in the trial of Miss Nomakhephu Ntsatha and Mr Mncekeleli Peter.

They have pleaded not guilty to recruiting members for the ANC, being members of the ANC, possessing and distributing banned literature and recruiting people to undergo training likely to endanger the maintenance of law and order.

Mr Peter is further charged with taking steps to undergo training.

In his evidence in chief, Lt Van Wyk said the ANC referred to the independent states as puppet governments and attacked them as such.

He agreed under cross-examination by the defence counsel, Advocate M. T. K. Moerane, that he meant attacking by means of words.

Lt Van Wyk agreed that the ANC was not alone in not recognising Ciskeian independence.

Asked by Mr Moerane if it was correct that apart from Transkei, Bophuthatswana and

Venda, the rest of the world did not recognise Ciskeian independence, he said it was hard to comment but he knew that Ciskei's President Lennox Sebe had visited overseas countries.

He could not say whether those countries did or did not recognise the independence of Ciskei but the majority of countries did not.

Mr Moerane then read a long extract from the December copy of Sechaba, the official organ of the ANC.

Lt Van Wyk conceded that there was no mention of the violent overthrow of Ciskei but said one should see the document in context. The ANC sought to overthrow South Africa by force.

One could come to the conclusion that since it did not recognise Ciskei it saw Ciskei as part of South Africa, he said.

Asked if this was his opinion, Lt Van Wyk said there had been incidents of terrorism in Mdantsane, which was in Ciskei. The incidents had been carried out by the ANC during 1980 and 1981, before Ciskeian independence.

The ANC, which seldom claimed responsibility for acts of terrorism, had not claimed responsibility for these acts.

He said he had no knowledge of any people being convicted in Cis-

kei for acts of sabotage and terrorism during 1980 and 1981.

People responsible for these acts had been killed in a shootout with police and another had died in a blast in Mdantsane.

Asked if there had been any incidents of terrorism in Ciskei after independence Lt Van Wyk said there had been one at a railway line near Mdantsane.

He could not say whether this occurred inside Ciskei but said it was in the vicinity of Mdantsane.

He was not sure of the Ciskei boundary in Mdantsane. Damage had been minor and since Ciskei did not have a railway line, the loss must have been sustained by the Republic of South Africa, he said.

Sergeant R. P. Oelofse, of the Aliwal North Security Police, told the court he had accompanied the accused when they appeared in the Aliwal North magistrate's court in March this year.

Both had raised clenched fists before and after their appearance.

Mr Moerane objected to this evidence.

He said it was tantamount to a confession and was not acceptable.

Answering a question from the bench on the evidence, the prosecutor, Mr P. M. A. Pretorius, said the policeman would tell the court that after he had asked them what the sign was for, Miss Ntsatha said it was the salute of her organisation but did not name it and Mr Peter said it was the salute of the ANC although he did not say he was a member.

The magistrate, Mr J. A. Dracatos, said he was not happy about the evidence the state wanted to lead but adjourned the court until this morning to study it. — DDR

## Businessmen urged to use recession

JOHANNESBURG — Workers are too often blamed for lack of productivity while the fault often lies with management, claims Anglovaal chairman and Barclays Bank deputy chairman, Mr Basil Hersov.

Speaking at the Businesswoman of the Year function here yesterday, he said this situation existed either because of a lack of training given to middle management, or because of a failure to communicate properly with people in the lower echelons.

"Do we, in our communications, take into account language barriers, cultural differences, social gaps, when instructions are given?"

"Indeed, do we not tend to make everything an order, an instruction, a command, instead of possibly a discussion point?"

"Do we sometimes lose sight of the fact that discussion, the exchange of

views, is part and parcel of the cultural tradition of a large part of our workforce?"

Mr Hersov said one of the reasons for the last boom petering out was that as the economy expanded there was an increasing shortage of skilled manpower at all levels.

He urged businessmen to use the recession to train people for the next upturn.

"It is no good waiting for the recovery to come upon us before embarking on upgrading training."

"Start training for the upturn during the depths of the recession when one has time to train. When the business tempo speeds up there is never time."

Training was not an expense but a capital investment which had to produce its own dividends eventually, he said. — SAPA.

## Court told firm had R2m liabilities

JOHANNESBURG — A computer company placed under provisional liquidation yesterday had liabilities of R2 million, the supreme court heard here.

# INVITATION



**GREAVES  
& THOMAS**

PROUDLY PRESENT THEIR

# FABULOUS



# Treason accused tells of labour

Miss Barbara Hogan today made dramatic disclosures at her high treason trial in the Rand Supreme Court about her involvement in the labour field, including her role in organising two boycott campaigns.

Miss Hogan (30) of Yeoville, Johannesburg, has pleaded not guilty to the charge of high treason but guilty to an alternative charge of furthering the aims of the banned African National Congress.

She has also pleaded guilty before Mr Justice van Dyk to a charge of being a member of the

ANC. The admissions were read into the court record by Mr J A Swane-poel, for the State, from a document and confirmed by Miss Hogan's defence counsel, Mr G Bizos, SC.

The statement of admission read: "During December 1980 / 1981 she went to Botswana where she met Marius Schoon and other members of the ANC.

"They discussed the white left and especially the position of Auret van Heerden, as there were rumours he was a spy. She undertook to investigate Van

Heerden's position and to report on it to them. "During her visit to Botswana, she had talks with Marius Schoon, Reg September and one Steven about the white left and the position of Auret van Heerden. She received instructions from them and, on her return to South Africa, informed Auret van Heerden and Cedric de Beer as follows:

• "That she had discussions with Schoon and September.

• "That she was told by them that there had been a decentralisation of the ANC's structure and that the Frontline

States of Botswana, Lesotho and Swaziland had been given powers by the Revolutionary Council of the ANC to initiate and direct ANC activity inside the country. These States were to be known as forward areas.

• "That she had been told that this ANC activity was to be controlled through zonal attack groups.

"Miss Hogan helped organise the Fattis and Monis boycott campaign (in support of the Fattis and Monis workers who were members of the African Food and Canning Workers' Union) in 1979 and the red

meat boycott campaign in support of workers who were members of the Western Province General Workers' Union in 1980.

"She attended a meeting held to discuss the strike by the Media Workers' Association of South Africa. Present were, inter alia, Alan Fine and Monty Narsoo, both trade union officials.

"During 1981 Miss Hogan attended a meeting held to discuss the possible launching of a boycott of Colgate products. Present were, inter alia, Gavin Anderson, Neil Aggett (an

official of AFCWU), Joanne Yarwiche and Alan Fine.

"During 1980 she was a member of the Labour Research Committee, a body doing research in labour matters.

"She attended a meeting during February 1981 held to discuss the level of trade union organisations and the link between trade unions and community organisations. Present were, inter alia, Neil Aggett, Gavin Anderson and Monty Narsoo.

"During 1981 Miss Hogan attended meetings held to discuss the labour policy of the

newspaper, Saspu National.

"The meetings were attended by, inter alia, Fink Hayson, Auret van Heerden, Mr Barnabus and Samson Ndou, Keith Coleman, Clive van Heerden and Alan Fine.

"She had various discussions with Cedric de Beer and Auret van Heerden, both prominent members of the white left during 1980/1981, dealing with the following matters:

• "Whether the white left should establish a political party.

• "Their political work and whether they

By Alex Ball

Thomas Paul Wentink (22), who was visiting Germishuis, was acquitted of dealing in, and possession of, dagga.

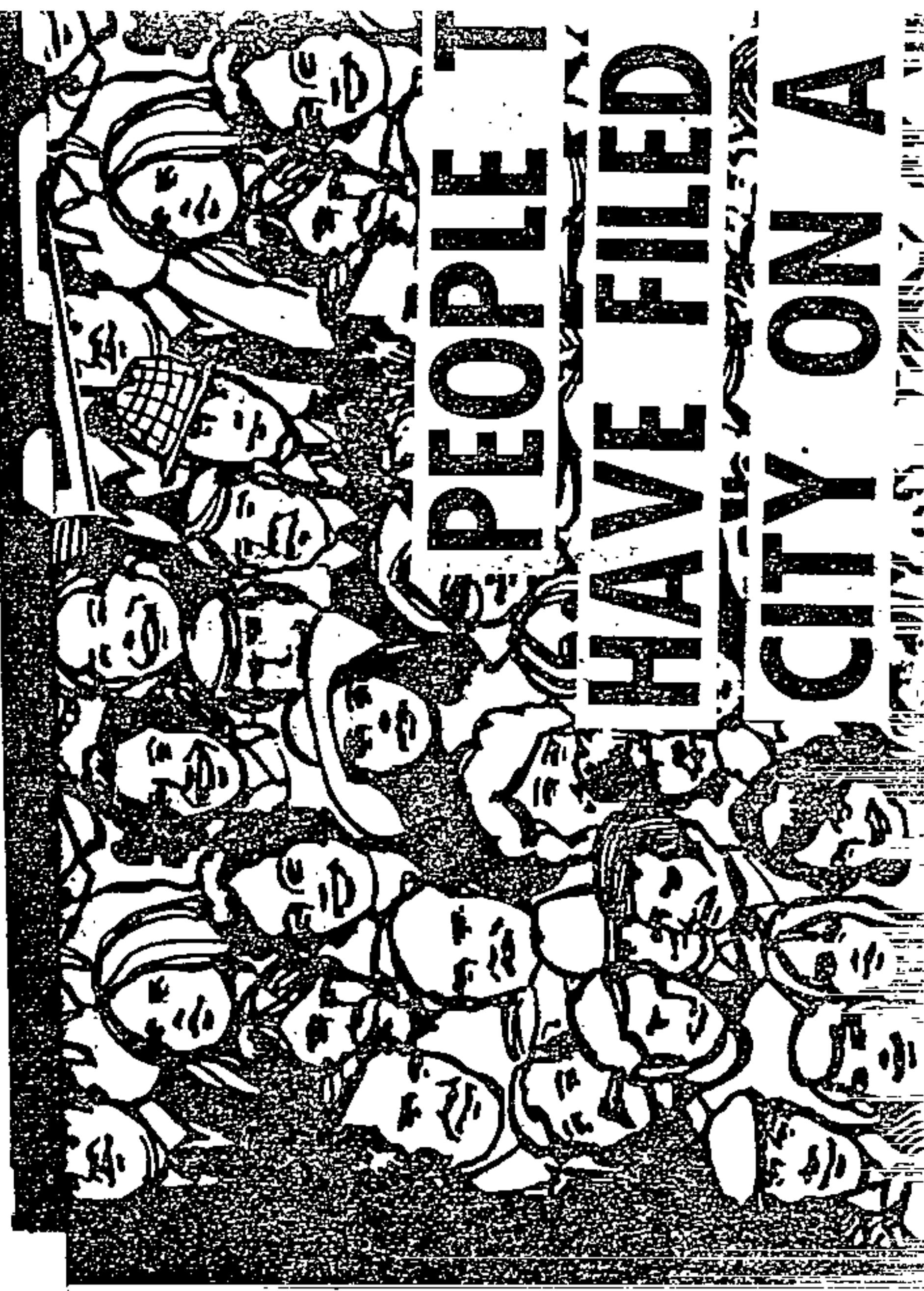
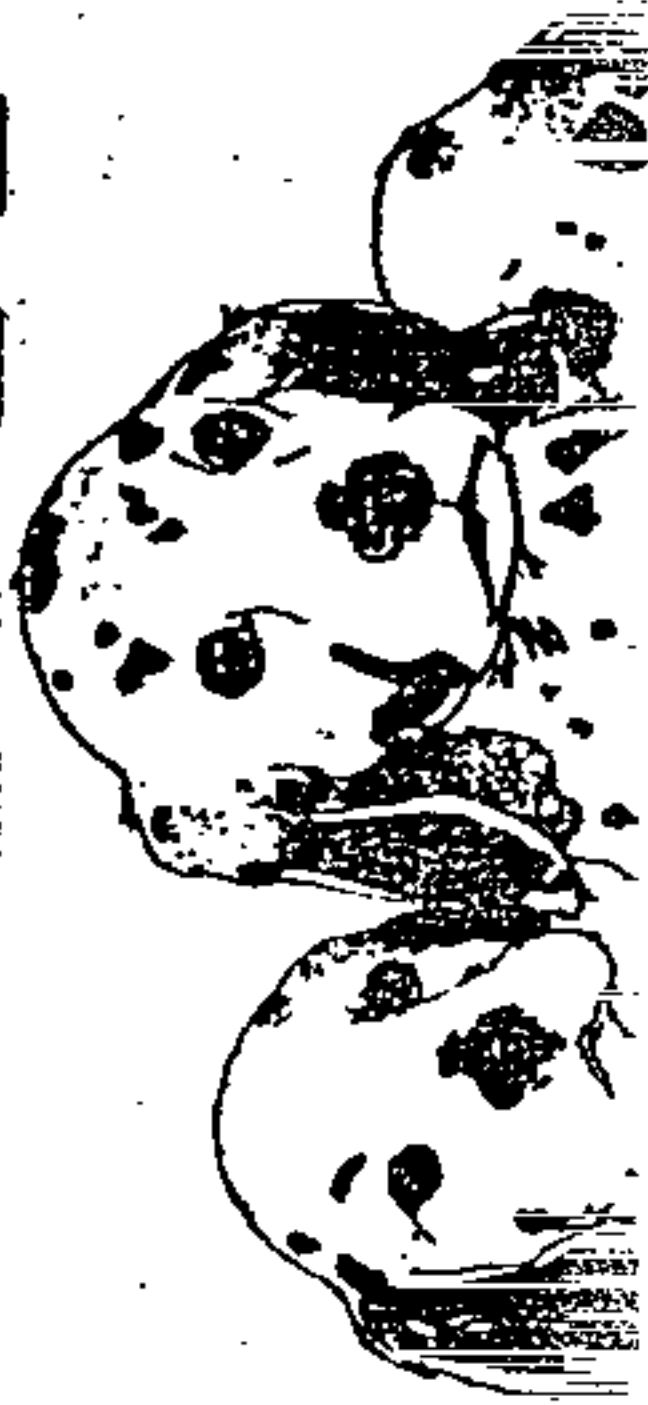
## Poison pen letters sent to employers

A young man who sent poison pen letters to four employers — one who sacked him and three others who would not give him a job — was jailed for two years by a Johannesburg magistrate yesterday.

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# SPOT CASH





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19/8/82

# ason accused tells of labour role

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"They discussed the white left and especially the position of Aurret van Heerden, as there were rumours he was a spy. She undertook to investigate Van

Heerden's position and to report on it to them.

"During her visit to Botswana, she had talks with Marius Schoon, Reg September and one Steven about the white left and the position of Aurret van Heerden. She received instructions from them and, on her return to South Africa, informed Aurret van Heerden and Cedric de Beer as follows:

• "That she had discussions with Schoon and September.

• "That she was told by them that there had been a decentralisation of the ANC's structure and that the Frontline

States of Botswana, Lesotho and Swaziland had been given powers by the Revolutionary Council of the ANC to initiate and direct ANC activity inside the country. These States were to be known as forward areas.

• "That she had been told that this ANC activity was to be controlled through zonal attack groups.

"Miss Hogan helped organise the Fattis and Monis boycott campaign (in support of the Fattis and Monis workers who were members of the African Food and Canning Workers' Union) in 1979 and the red

meat boycott campaign in support of workers who were members of the Western Province General Workers' Union in 1980.

"She attended a meeting held to discuss the strike by the Media Workers' Association of South Africa. Present were, inter alia, Alan Fine and Monty Narsoo, both trade union officials.

"During 1981, Miss Hogan attended a meeting held to discuss the possible launching of a boycott of Colgate products. Present were, inter alia, Gavin Anderson, Nell Aggett (an

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"During 1980 she was a member of the Labour Research Committee, a body doing research in labour matters.

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"During 1981 Miss Hogan attended meetings held to discuss the labour policy of the

newspaper, Saspu National.

"The meetings, were attended by, inter alia, Fink Hayson, Aurret van Heerden, Mr Barnabus and Samson Ndou, Keith Coleman, Clive van Heerden and Alan Fine.

"She had various discussions with Cedric de Beer and Aurret van Heerden, both prominent members of the white left during 1980/1981, dealing with the following matters:

• "Whether the white left should establish a political party.

• "Their political work and whether they

should establish links with the ANC.

• "The relationship between trade unions, community organisations and student organisations.

• "Whether she should leave the country as she (Miss Hogan) thought she was under police surveillance.

"Miss Hogan learnt a code to be used for communications with the ANC. The code was based on the book "The Political Economy of Growth" by Paul A Baran."

The hearing was postponed to Tuesday.



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19/8/82  
ANC (231)

## Court told of support

Own Correspondent

JOHANNESBURG. — There were a lot of Christians involved with the African National Congress who supported the policies of armed struggle as the only way to bring about change in South Africa, Major Craig Williamson of the security police told a Supreme Court judge yesterday.

Major Williamson, who successfully infiltrated the ANC in the guise of a university student during the 1970s, was giving evidence in the trial of Miss Barbara Anne Hogan, 30, of Sunray Court, Hunter Street, Yeoville.

Miss Hogan, an ANC member, pleaded guilty to furthering the banned organization's aims and objectives during 1977 to 1981. She pleaded not guilty to a main count of high treason.

Major Williamson said under cross-examination by Mr George Bizos, SC, for Miss Hogan, that historically the ANC had a strong Christian base.

He said he was told by ANC instructors that there was room for Christians in their organization "as long as they did not object to the armed overthrow of the State".

### Only way

There were a lot of Christians involved, but they did not hope to bring about a reconciliation between the ANC and the government, the court heard. Major Williamson said they supported the armed struggle as the only way to bring about change in South Africa.

The Christians in the ANC justified their support of violence because of the "intransigence of the government" which turned their violence into self-defence.

The ANC counted ministers among its members. "Archbishop Trevor Huddleston of the Anglican Church has received an award from the ANC."

Major Williamson said that no-one would force an ANC member to pull a trigger if the member was a conscientious objector.

Members were free to choose whether they wanted to join the ANC's militant wing, Umkhonto we Sizwe.

The hearing continues today.



# Hogan admits helping in two boycotts

## Court Reporter

MISS Barbara Anne Hogan, 30, a former research worker for the Institute of Race Relations and a self-confessed ANC member, admitted to the Rand Supreme Court yesterday that she helped to organise two boycott campaigns in 1979 and 1980.

Miss Hogan, of Sunray Court, Hunter Street, Yeoville, pleaded not guilty to a charge of high treason, but admitted to Mr Justice van Dyk that she furthered the aims and objects of the ANC from 1977 to 1981.

According to a list of admissions submitted, Miss Hogan said she visited Botswana in December 1980 and January 1981 where she met Mr Marius Schoon, Mr Reg de Beer and one Steven, all members of the ANC. They discussed the white Left and the rumours that Mr Auret van Heerden, a former Nusas president, was a spy.

She promised to investigate these rumours and report back on them.

On her return to South Africa, Miss Hogan told Mr Van Heerden and Mr Cedric de Beer that there had been a decentralisation of the ANC's structure and that the Front-line states of Botswana, Lesotho and Swaziland had been given powers by the revolutionary council of the ANC to initiate and direct ANC activity in South Africa.

The states were to be known as "forward areas", and the activity would be

controlled by "zonal attack groups".

According to the admissions, Miss Hogan helped to organise the Fattis and Monis boycott with the approval of the African Food and Canning Workers' Union in 1979 and the red meat boycott campaign in 1980 in support of the Western Province General Workers' Union.

Miss Hogan admitted that she attended several meetings with Mr Alan Fine, Mr Monty Narsoo, Mr Gavin Andersson, Dr Neil Aggett, Miss Joanne Yarwitch, Mr Fink Haysom, Mr Van Heerden, Mr Barnabas, Mr Samson Ndou, and Mr Keith Coleman to discuss strikes by the Media Workers' Association of South Africa and a possible boycott of Colgate products.

During February last year Miss Hogan attended a meeting to discuss the level of trade union organisation and the link between union and community organisations.

Meetings on the labour policy of the newspaper Saspu National were also held.

Miss Hogan said that she, Mr Cedric de Beer and Mr Van Heerden met several times during 1980 and 1981 to discuss whether the white Left should establish a political party, its political work, whether it should establish links with the ANC and the relationship between trade unions and community and student organisations.

The hearing continues on Tuesday.

(331) 183  
**Zwelitsha  
trial 20/8/81  
O. Dispatch  
postponed**

ZWELITSHA — The trial of a man and a woman charged in the regional court here with undertaking activities connected with the African National Congress, has been postponed to October 11.

Miss Nomakhephu Jane Ntsatha of Zwelitsha and Mr Mncekeleli Peter of Mgwali have pleaded not guilty to recruiting members for the ANC, being members of the ANC, possessing and distributing banned literature and recruiting people to undergo training likely to endanger the maintenance of law and order.

Mr Peter has also pleaded not guilty to taking steps to undergo training.

The magistrate, Mr J. A. Dracatos, yesterday upheld an objection by the defence counsel, Advocate M. T. K. Moerane, to evidence given by a policeman that the accused, in an earlier appearance in the Aliwal North magistrate's court, raised clenched fists and later told him the salute was that of the ANC.

Mr Moerane had objected on the grounds that the evidence was tantamount to a confession.

Mr Dracatos said alleged statements made to a police officer were allegedly made after a period mentioned in the charge sheet. He said he felt he would be treading on dangerous ground if he allowed the evidence.

The prosecutor, Mr P. M. A. Pretorius, told the court he had no further witnesses to call. The state was waiting for the ruling of the Supreme Court on the admissibility of statements allegedly made by the accused.

At the beginning of the trial Mr Moerane objected to the handing over of these statements.

He said they were in Afrikaans which was not the official language in Ciskei and that they were not made to a magistrate of Ciskei or a magistrate in the country.

The matter was shelved pending a ruling of the Supreme Court in another security trial. — DDC.



# Hogan 'helped organize boycotts'

Own Correspondent

JOHANNESBURG. — Miss Barbara Anne Hogan, 30, a former research worker for the Institute for Race Relations and a self-confessed ANC member, admitted in the Rand Supreme Court yesterday that she had helped to organize two boycott campaigns in 1979 and 1980.

Miss Hogan, of Hunter Street, Yeoville, pleaded not guilty to a charge of high treason, but admitted to Mr Justice Van Dyk that she had furthered the aims and objects of the ANC during 1977 to 1981.

According to a list of admissions handed in to court, Miss Hogan said that in December

1980 and January 1981 she visited Botswana where she met Marius Schoon, Reg de Beer and one Steven, all members of the ANC. They had discussed the white left and the rumours that Auret van Heerden was a spy. She promised to investigate these rumours and report back on them.

On her return to South Africa, Miss Hogan told Auret van Heerden and Cedric de Beer that there had been a decentralization of the ANC's structure and that the frontline States of Botswana, Lesotho and Swaziland had been given powers by the revolutionary council of the ANC to initiate and direct ANC

activity inside the country. The states were to be known as "forward areas". The activity would be controlled by Zonal Attack Groups.

According to the admissions, Miss Hogan helped to organize the Fattis and Monis boycott on approval of the African Food and Canning Workers' Union in 1979 and the red-meat boycott campaign in 1980.

Miss Hogan admitted that she had attended several meetings with Alan Fine, Monty Narsoo, Gavin Anderson, Neil Aggett, Joanne Yarwitch, Fink Haysom, Auret van Heerden, Mr Barnabas, Samson Ndou and Keith Coleman to discuss strikes by the Media Workers' Association

of South Africa and the possible boycott of Colgate products.

Miss Hogan said that during February last year she had attended a meeting to discuss the level of trade union organizations and the link between trade union and community organizations. Meetings to discuss the labour policy of the newspaper Saspu National were also held.

Miss Hogan said she, Cedric de Beer and Auret van Heerden held several discussions during 1980 and 1981 about whether the white left should establish a political party, their political work, whether they should establish links with the ANC and the relationship between trade

unions and community and student organizations.

The court heard that she learnt a code to use when communicating with the ANC. The code was based on Paul A Baran's book "The Political Economy of Growth".

About a year before she gave a copy of the report "Social Background of Working Class Leadership" to Robert Adam, an ANC official, she sent a copy of the report to the ANC.

According to Mr Izak de Vries of the Rand Afrikaans University, the report is of a Marxist-Leninist nature and inspired by a communistic ideology.

The hearing continues on Tuesday.

# Witnesses give *Mercure* (331) secret evidence 20/8/82 at treason trial

Pietermaritzburg  
Bureau

TWO witnesses gave evidence behind closed doors in the treason trial being heard in the Supreme Court here yesterday.

In terms of a ruling by the presiding judge, Mr Justice Auret van Heerden, neither the identity of the witnesses nor the nature of their evidence may be disclosed.

When the Court was reconvened in open session, State counsel applied for an adjournment until today for certain written submissions to be prepared which would complete their case.

Defence attorneys for the three accused, who face a total of 57 charges including high treason, attempted murder and sabotage, will then open their case.

Durban attorney Mr Patrick Ntobeko Maqubela, 32, of Clermont, bakery clerk Mr Mboniswa de Villiers Richard Maqhutyana, 29, of Umlazi and learner land surveyor Mr Seth Mpumulelo Gaba, 24, of Mndatsane in the Eastern Cape allegedly took part in the spate of bomb-blasts in and around Durban last year which injured 10 people and caused damage of almost R500 0000.



331 Star 21/8/82

# ANC men convicted

**Own Correspondent**  
Two African National Congress "messengers" were convicted by a Pretoria regional magistrate yesterday on charges of possessing banned literature, acting as messengers for the organisation and using inflammatory slogans.

Mr "Strike" Ishmael Bila (28), Mr Bernard Makonyana (19) and Mr John Qotso (35), all of Mamelodi East, had

pleaded not guilty to charges of possessing banned material, putting up prohibited posters and promoting ANC interests.

Mr Qotso was acquitted on all 10 charges by the magistrate, Mr W.P. van den Bergh.

Bila was found guilty on the first charge of possessing banned literature and on the 10th charge of acting as a messenger for forbidden organisations.

Charge 10 also in-

cluded using inflammatory slogans, possessing or distributing documents which set forth the policies or aims of the ANC and trying to recruit members for the organisation as well as raising funds.

Mr Makonyana was convicted as an accomplice on charge 10, and acquitted on the others.

Sentence was postponed until August 24.

Mr F.E. Reats prosecuted. Mr E.R. Moose appeared for the accused on behalf of Mr B. Doctor.

# No witnesses for defence in trial

**Pietermaritzburg Bureau**  
COUNSEL for three alleged ANC terrorists, facing possible death sentences for high treason, declined yesterday to call any witnesses for the defence.

The trial, in the Supreme Court here, has been adjourned until Tuesday morning to give the legal teams time to prepare their argument.

The three men, who face a total of 57 counts arising out of a spate of bombings in Durban last year, and which left 10 people injured, are Durban attorney Mr Ntobeko Maqubela, 32, of Clermont, bakery clerk Mr Mboniswa de Villiers Richard

Maqhutyana, 29, of Umlazi, and learner land surveyor Mr Seth Mpu Mulelo Gaba, 24, of Mdatsane in the eastern Cape.

Closing the case for the State, Mr Ian Slabbert read out a list of admissions by the prosecution.

One of these related to the discovery of a message written on toilet paper concealed inside a newspaper sent by one of the accused, Mr Maqhutyana, to a witness, Mr Bulelane Ngcuka, while they were in detention in C R Swart Square in Durban.

Mr Ngcuka, a Durban attorney, was one of five witnesses jailed for terms of three to five years for

refusing to testify against the accused in the trial.

The policeman who had been asked to convey the newspaper from Mr Maqhutyana to Mr Ngcuka, Const C A Smal, found the message and gave it to the Officer Commanding C R Swart Square, Col Chris Roberts.

The contents of the message have not been disclosed in open court.

The remaining points on the list of admissions concerned the employment of the accused and the passage of certain vehicles through the Swaziland border last year.

Mr Justice Aurret van Heerden is sitting with two assessors, Mr W G S Driver and Mr W O H Menge.



21/8/82 D. Dispatch

## Defence declines to call witnesses (331)

PIETERMARITZBURG — Counsel for three alleged ANC terrorists facing possible death sentences for high treason in their trial in the Supreme Court here declined yesterday to call any witnesses for the defence.

The trial has been adjourned until Tuesday to give the legal teams time to prepare their argument.

The three men who face a total of 57 counts arising out of a spate of bombings in Durban last year, which left ten people injured, are Durban attorney Mr Patrick Ntobeko Maqubela, 32, bakery clerk Mr Mboniswa Maqhutyana, 29, and learner land surveyor Mr Seth Mulelo Gaba, 24, of Mdantsane in the Ciskei.

Closing the case for the state, Mr Ian Slabbert read out a list of admissions by the prosecution.

One of these related to the discovery of a mes-

sage written on toilet paper concealed inside a newspaper sent by one of the accused, Mr Maqhutyana, to a witness, Mr Bulelane Ngcuka, while they were detained in C. R. Swart Square in Durban.

Mr Ngcuka, a Durban attorney, was one of five witnesses jailed for terms of three to five years for refusing to testify against the accused in the trial.

The policeman who had been asked to convey the newspaper from Mr Maqhutyana to Mr Ngcuka, Const C. A. Smal, found the message and gave it to the officer commanding C. R. Swart Square, Colonel Chris Roberts.

The contents of the message were not disclosed in open court.

The remaining points on the list of admissions concerned the employment of the accused and the passage of certain vehicles through the Swaziland border. — DDC.

# ANC security worried the treason trialist

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S. Express 22/8/82

BARBARA Hogan is the first white South African woman to be charged with treason since 155 people shared the dock in a marathon treason trial in 1956.

Ms Hogan, a 30-year-old MA student at the University of the Witwatersrand, appeared in the Rand Supreme Court this week to plead not guilty to high treason — the State refused to alter the charge to one under the Internal Security or Terrorism Acts — but has pleaded guilty to being a member of the African National Congress between 1977 and last year.

Before her detention Ms Hogan submitted detailed reports, often coded, to the ANC via 'dead letter' boxes.

In one of her last reports, 'Problems in Internal Political Work', she expressed fears that the ANC was not sufficiently security-conscious.

Her 15-page report was picked up from the 'dead letter' box she left it in by Major Arthur Cronwright of the Security Police.

The report was submitted to court this week.

When she joined the ANC through a friend, Marius Schoon, in Botswana in 1977 she was directed to report on labour matters and the recruitment of white Left-wingers.

She submitted her final report "to draw attention to the problems arising in internal political work with the external wing".

She wrote: "I have been politically active for about six years and am a fairly influential person in Left political circles (both black and white).

"My main roles are as consultant, educator and strategist to a wide range of people and organisations.

"I work with one or two SAAWU (South African Allied Workers' Union) people in conceptualising an unemployed workers' movement and am party to a discussion group evaluating Fosatu's



● Major Williamson  
... spied on ANC



● Reg September  
... ANC exile

By CHARLENE  
BELTRAMO

contradictory position (a militant shop floor and conservative leadership).

Fosatu (the Federation of South African Trade Unions) is the biggest registered non-racial trade union federation in South Africa.

"Early in 1981 a problem developed in the relationship

between certain people in the white Left."

This was when Ms Hogan was instructed by Mr Schoon and another ANC exile, Reg September, to evaluate whether another activist, Aurret van Heerden was a spy.

She responded negatively and later discussed with Mr Van Heerden and Mr Cedric de Beer the "decentralisation of the ANC's structure".

Ms Hogan sent coded messages twice a week to the ANC through 'dead letter' boxes. However, the system was stopped in June last year when it was suspected "it had been infiltrated".

She did not believe that was the case and rejected advice to leave the country.

Throughout her report she complained about the unclear definition of her role for the ANC and expressed disquiet about security risks.

In her report Ms Hogan talked of difficulties in sending coded messages.

"If I send an uncoded message it takes two weeks for a reply and two weeks for me to send it.

"There are other problems. I feel very insecure about submitting lengthy reports, because I do not know how the document is transmitted or to what extent its contents will remain confidential and free from enemy infiltration.

"Please do not think I am questioning the security of your operations, they may be water-tight. All I am saying is that I am ignorant and ignorance breeds insecurity."

Major Craig Williamson, who spent five years spying on the ANC, gave evidence at Ms Hogan's trial this week. He said many Christians were involved with the ANC. They justified their support of violence because of the "intransigence of the Government" which turned their violence into self-defence, he said.

The trial continues on Tuesday.

Ms Hogan is represented by Mr George Bizos, SC, and Mr Denis Kuny, instructed by Ms K Satchwell of Raymond Tucker. Mr J Swanepoel, assisted by Mr W J Hanekom, appeared for the State. Mr Justice Van Dyk is on the Bench.



# 2 men jailed for furthering aims of ANC

331  
Pretoria Bureau

TWO Mamelodi men, found guilty of furthering the aims of the ANC and of being in possession of prohibited literature last Friday, were yesterday jailed in the Pretoria Regional Court.

Strike Ishamel Bila, 28, was jailed for two years for furthering the aims of the banned African National Congress.

He was also fined R300, or six months, for being in possession of banned literature.

Bernard Mokgonyana, 19, who was charged with him, was jailed for 18 months, six of which were conditionally suspended for five years.

Both men were acquitted on eight charges of putting up posters and writing slogans on the walls of buildings in Mamelodi and in GaRankuwa between March and April this year.

They had pleaded not guilty before Mr W J van den Bergh.

The court found that Bila and Mokgonyana had furthered the aims of the ANC by acting as messengers.

It was also found that Bila had visited persons and organisations connected with the ANC in Botswana, and that Mokgonyana collaborated with him.

The two men were also charged with recruiting or

attempting to recruit people and obtaining money or trying to procure funds for the ANC.

The court heard that prohibited literature was found at the homes of Bila and Mr John Qotso, 35, also of Mamelodi.

Mr Qotso, who was acquitted during the June proceedings, told police the banned literature belonged to Bila.

The court was told that prohibited literature, such as "Amandla" by Mirriam Tladi, "Biko" by Donald Woods, and "Fifty Fighting Years" by A Lerumo, were found in Bila's bedroom. "We remember you, Solomon Mahlangu, died April 6, 1979," stickers were also found by Security Police.

Mr B Doctor, counsel for both men, said in mitigation they should be given suspended sentences as their crimes were not of a grave nature. Mokgonyana's sentence should be wholly suspended so he could return to school, he said.

The magistrate said the two men had shown no remorse and had fallen victims to the ANC, which misled many children.

"Accused No 1 (Bila) was the frontliner and Accused No 2 (Mokgonyana) played a more passive role," said Mr Van den Bergh.

# 3 'liable for Natal explosions'

Argus Correspondent

MARITZBURG. — Three men facing high treason and other charges here were criminally liable for the eight explosions in Durban last year, State prosecutor Mr Ian Slabbert submitted today.

He said the actions of the men amounted to the common law offence of high treason or at least offences under security legislation.

The men who are standing trial on 57 charges are Durban attorney Mr Patrick Maqubela, 32, Mr Mboniswa Maqhutyana, 29, and Mr Seth Gaba, 24, of East London.

During the trial, which started on August 2, five detainees have received jail sentences of three to five years for refusing to testify for the State.

The trial resumed today for argument after the State closed its case on Thursday.

## CONSPIRACY

Mr Slabbert submitted that there had been a conspiracy between the three accused, the banned African National Congress and other people in Swaziland to commit the crimes.

He said that the defence admitted the explosions took place in Durban, that people were injured in the explosions and that damage amounting to R496 500 was caused.

In relation to the charge of high treason, Mr Maqubela had taken an oath of allegiance to South Africa when he was admitted as an attorney. He was born in the Transkei.

Mr Slabbert said Mr Maqubela had shown Durban security policeman Warrant Officer W G F

Andrews a house in Umlazi and there had pointed out two suitcases containing explosives, bombs, a Makarov pistol and ammunition and pamphlets.

## EXPLOSIVES

Mr Maqubela had removed newspapers which had covered suitcases and had said they belonged to him. The cases contained explosives.

Mr Maqubela had also shown a Major R J Welman a flat in Clermont in which a letter written by a man named Bruin Ou was found. In his clothes were three sets of car keys. In some of the cars operated by the keys traces of explosives were found.

(Proceeding)

A very important and well-known contributor to the major political processes, the general political dispensation of South Africa has numerous negative social, psychological and economical consequences that (indirectly) contribute, in certain areas, to an unsatisfactory quality of life. Examples of this is the implementation of the Group Areas Act, the existence of job reservation and separate facilities, etc.

tors can be identified that are conducive in creating alcohol problems insofar that a high level of anxiety is generated and maintained.

This anxiety must be channeled in some or other way to make life tolerable. With the lack of meaningful recreational facilities and leisure-time organizations within the community, the abuse of liquor becomes a logical and predictable phenomenon, with its tranquillising and anaesthetic potential, well known.

Because of the continuous battle for existence on the most basic level, informal normative control and sanctioning of behaviour, is virtually eliminated. Individual attitudes of fatalism, despair and don't care as a reaction to social

Any effort to build a theoretical construction about the incidence and aetiology of problem drinking in the Coloured community shall have to utilize insights and concepts from the different academical disciplines involved in alcohol-related research.

On a societal level, as has been demonstrated, certain fac-

of materialistic and social criteria, between them and the rest of the population of Cape Town, creates strong feelings of inferiority, insignificance and uselessness. This is especially true for adult males in a society where self-esteem and status within the family and greater community depends to a large extent on material and vocational success.

The situation of the Coloured male is very similar to the



24/8/82 (331) stan

## Mozambican on terror and murder charges

A 32-year-old Mozambican citizen pleaded not guilty in the Pretoria Supreme Court today to two charges of murder and three of taking part in terrorist activities.

Mr Rogerio Hoffmani Chamusso, of Inhambane, Mozambique, denied undergoing saboteur training in Mozambique and Angola between 1979 and October 1981.

Secondly he denied sabotaging the Escom Transalloys substation in Witbank by damag-

ing a transformer on October 23 last year.

Mr Chamusso also pleaded not guilty to the third and fourth charges which stated that on October 23 last year he murdered Mr Lukas Abraham Mans and Mr Hendrik Rudolph Gerhardus Booyesen at Hewelfontein, Ogies.

Lastly he pleaded not guilty to being in possession of explosives, ammunition, a Makarov pistol and Russian limpet mines.

# Ciskei terror trial *o. Ripatch* *24/8/82* postponed

ZWELITSHA — The Terrorism Act trial in the Ciskei Supreme Court was postponed yesterday until Monday.

Ciskei's Chief Justice, Mr Justice De Wet, was to have given judgment on the admissibility of statements allegedly made by the accused. The defence council, Advocate M. T. K. Moerane, had objected at an earlier hearing to the statement on the grounds that they were in Afrikaans which was no longer an official language in Ciskei and that they were not made to a magistrate of the Ciskei, or a magistrate in the Ciskei.

Mr Williams Duna, 31, Mr Dumisani Maninj, 31, Mr Bhayi Keye, 52 and Mr Luynda Mayekiso, 23, have pleaded not guilty to participating in terrorist activities, being members of the ANC, recruiting people to undergo military training, and being in possession of banned publications. — DDR



# Court row erupts over ANC aims

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By NEIL HOOPER

THE TREASON trial in the Rand Supreme Court this week became the arena for a verbal exchange between one of South Africa's leading advocates, Mr George Bizos, SC, and Major Craig Williamson, the police agent who successfully infiltrated the banned ANC.

The occasion was the ongoing trial of Miss Barbara Hogan who has pleaded not guilty to a charge of high treason, but guilty to an alternative charge of furthering the aims of the banned African National Congress.

She has also pleaded guilty before Mr Justice van Dyk to a charge of being an ANC member.

Maj Williamson gave evidence for the State about the aims and objectives of the ANC.

Cross-examining, Mr Bizos said that students in South Africa relied on documents and books legally available at university libraries for their information about the aims and objectives of various organisations, such as the ANC.

Bizos: These are books which are complimentary to the ANC?

Williamson: Sympathetic.

Bizos: Sympathetic. Yes, a better word. The book by Professor Gwen Carter and Professor Carris — are you familiar with that book in three volumes?

## Repute

Williamson: Four volumes. They gave me a complimentary copy. It is a very complete study — they do take their own particular line.

Bizos: They (the authors) are political scientists of international repute.

On the creation of the ANC, Maj Williamson agreed that it was the oldest political party in South Africa.

Bizos: Before being declared an unlawful organisation it was a democratic one which held annual congresses at which its leadership was elected?

Williamson: Yes, that is the history that is stressed.

Bizos: It was an organisation which, although in those days restricted membership to Africans, was not racist?

Williamson: No, I don't believe it was.

Bizos: Unlike other organisations it did not propose that there was no place for whites in South Africa?

Williamson: No, it still believes that there is a place for whites.

Bizos: From the late '40s it became a more militant organisation and started describing itself as a revolutionary organisation?

Williamson: Yes.

Bizos: Not to bring about change by violence, but change in the way we were living?

Williamson: Yes.

Mr Bizos asked whether the the ANC projected itself as a parliament for the people.

Williamson: Yes, I have heard the expression. I am very aware of the propaganda the ANC puts out.

Bizos: Do you agree that there are different attitudes and contradicting statements made (by the ANC) in relation to policy and tactics?

## Charter

Williamson: Yes, but no person in the organisation will be regarded as a disciplined member unless they accept the Freedom Charter as a basis.

Bizos: Will you agree that the strategy has various dimensions, several of which are non-violent?

Williamson: The ANC has a single strategy with several dimensions — the overall objective is to overthrow.

Maj Williamson agreed that the ANC had various sections operating in SA independently of the military wing.

Bizos: Many sections of the political organisation inside the country do not have violent military objectives or functions?

Williamson: Correct. However, violent military activity inside South Africa would not be possible unless there were other members inside SA laying the groundwork.

Bizos: Do you agree they do not have a military function?

Williamson: Yes, they do not pull the trigger — just select the target.

# Treason trial man 'might fall outside jurisdiction'

331 Pietermaritzburg Bureau

ONE of the accused in the treason trial being heard in the Supreme Court here might fall outside of the jurisdiction of the Court for some of his alleged crimes, counsel for the State said yesterday.

Summing up the State's case against Mr Seth Mpumulelo Gaba, 24, of Mndantsane, near East London in the Cape, Mr Ian Slabbert, for the State, said Mndantsane was now part of the independent Ciskei.

However, Mr Gaba had been arrested on November 25 last year, nine days before the Ciskei attained independence, and had been in custody in South Africa since.

The offences for which the Court might find that Mr Gaba could not be tried related to the alleged discovery of a loaded pistol in his room, and the pointing out of a cache of explosives, allegedly given by Mr Gaba to another man for burying, Mr Slabbert said.

The State had been unable also to prove Mr Gaba's place of residence on February 7 last year, when a bomb he allegedly admitted planting in a rubbish bin in Field Street, Durban, exploded.

There was a suggestion that Mr Gaba was working and living in the Transkei

at the time, and that could mean he would not 'possess the qualities' for a charge of high treason.

Mr Slabbert emphasised, however, that the State considered Mr Gaba guilty of high treason as a conspirator in the other explosions which occurred during his residence in Mndantsane, which was then part of South Africa, from May 1 until his arrest.

He also submitted that Mr Gaba could be held to be an accomplice for the first explosion, citing the law relating to rape as an example.

## Analogy

In South African law only a person 'possessed of the qualities of manhood' could be guilty of rape, but it was trite law that a woman could be guilty as an accomplice.

By analogy, Mr Gaba could be guilty of high treason in respect of the Field Street explosion as an accomplice, even if he was normally resident outside of the country at the time.

There was also ample evidence, Mr Slabbert submitted, connecting Mr Gaba to the other two accused, Mr Patrick Ntobeko Maqubela, 32, and Mr Mboniswa de Villiers Richard Maqhutyana, 29, both

of Durban.

He said it had been proved that Mr Gaba had driven a rented car to Swaziland in October last year, and that traces of explosive had been found inside the door panels.

Another of the accused, Mr Maqubela, allegedly had duplicate keys to this car and others, also found to have traces of explosives.

All three accused had been in possession of the Swaziland telephone number of known ANC members or sympathisers, Mr Slabbert said, and it was common cause that the ANC was trying to overthrow the Government of South Africa by violent means.

The hearing continues today.

## Strike off

BRISBANE—Leaders of a general strike in the north-eastern Australian State of Queensland said yesterday that they had decided to call off the stoppage, 24 hours after it began. — (Sapa-Reuters)



# Aggett was not part of ANC — treason trialist

By Rashid Chopdat

Miss Barbara Ann Hogan today told the Rand Supreme Court of tension and disagreement between her and trade unionist Dr Neil Aggett during the Fattis and Monis boycott campaign.

Miss Hogan (30) of Yeoville, Johannesburg, a self-confessed member of the banned African National Congress, was giving evidence in her defence before Mr Justice van Dyk.

She has pleaded not guilty to a charge of high treason but guilty

to the alternative charge of furthering the aims of the ANC. She has also pleaded guilty to being a member of the ANC.

Miss Hogan last week admitted to the court she had helped organise the Fattis and Monis boycott campaign during 1979 in support of Fattis and Monis workers who were members of the African Food and Canning Workers' Union (AFCWU).

During cross-examination, Miss Hogan was asked by Mr J

A Swanepoel, for the State, whether Dr Aggett had been a member of the ANC.

Miss Hogan replied he had not been an ANC member, a fact confirmed to her by the ANC.

She had discussed him in a document when she had written to the ANC of her role in the boycott campaign.

She said Dr Aggett, who was then secretary of the AFCWU, had not known her well at that stage.

Miss Hogan said Dr Aggett had begun to resent her presence at meetings and at times there had been disagreement and tension between them.

She had thought Dr Aggett was not in favour of the boycott in support of the workers.

Miss Hogan was later informed by the ANC that Dr Aggett was not a member of the ANC and that the ANC was not involved with the boycott.

It was not ANC policy for its members to identify each other but this sometimes happened depending on instructions by the ANC. Miss Hogan said in reply to a question from the judge.

She was then asked to categorise the people with whom she had worked as members, supporters or sympathisers of the ANC.

She was given names from a document which she had written.

She said Mr Cedric de Beer was not an active member of the ANC. She said he had feelings of sympathy for the ANC.

She assessed Mr de Beer as a passive person who, for certain reasons, believed in the Freedom Charter.

Miss Hogan yesterday testified she had been attracted to the ANC because of its democratic principles.

The ANC believed the country belonged to all its citizens, she said. It stressed black nationalism but did not exclude whites.

"Unlike the Black Consciousness Movement, the ANC felt whites did have a role to play in significant change in South Africa."

Miss Hogan said she joined the ANC in 1977 and had been aware that a part of the ANC had adopted the strategy of engaging in guerilla warfare in the country.

"But I personally abhor violence," she said.

"There is a role in the ANC for people who are non-violent. As Major Craig Williamson has told the court, nobody is forced to join in acts of violence."

(Proceeding)

(351) (129/1231) Jan 1952

## Unionist due in court

Labour Reporter 25/1/52

An official of the General Workers' Union of South Africa is to appear in the Pretoria Magistrate's Court tomorrow on a charge of inciting workers to strike.

Mr Donsie Khumalo, organiser for Gwusa in the Pretoria area, first appeared in court in June after a strike at Pretoria's Deluxe dry-cleaning firm. Gwusa had been involved in organising its members.

Mr Khumalo pleaded not guilty to the charge and the case was postponed.

The union has also sought a Supreme Court order against the management of Noristan Laboratories in Pretoria to gain recognition rights to organise the 700 workers at the company.

Mr Khumalo accused the firm of refusing to deal with the union.

P.T.O.



(a) degree to which the culture operates to bring a-

1982

# Youth tells how two workers were shot dead

By J S MCJAPPELO

A 17-YEAR-OLD youth told the Pretoria Supreme Court yesterday how a man who claimed he was looking for work, shot dead two white construction workers in their caravan with a Makarov pistol.

The youth, who may not be identified, gave evidence before Mr Justice A P Myburgh and assessors at the trial of Mr Rogerio Hoffmann Chamusso, 32.

Mr Chamusso, a Mozambican citizen from Inhambane in Mozambique, pleaded not guilty to two murder charges, contravening the Terrorism Act, possession of explosives and having received military training in Mozambique and Angola between 1979 and October 1981.

The State alleges that Mr Chamusso murdered Mr Lukas Abraham Mans and Mr Hendrik Rudolph Gerhardus Booysen at Heuwelsfontein in Ogies, near Witbank, on October 23 last year.

Mr Chamusso is further alleged to have caused the explosion of an Escom electrical transformer at Transalloys near Witbank on October 23.

Mr Booysen was shot seven times in different parts of the body. Mr Mans was shot twice through the lungs and heart. The two men died from the bullet wounds.

The 17-year-old youth said he worked for Mr Booysen. Mr Booysen stayed with Mr Mans in a caravan. They were both employed by Matla mines.

The youth said he was washing pans when Mr Chamusso came and said he was looking for work. The youth told Mr Chamusso that there was work. Mr Chamusso asked what type of work was available.

"Before I could answer him, Baas Lukas came out of the tent at the caravan. He left with the black man (Mr Chamusso) towards the caravan. The black man came back and the white

man told him to report for work on Monday," the youth said.

Mr Mans, who spoke to Mr Chamusso, went back to the tent. Mr Chamusso followed Mr Mans because he wanted to ask something further.

"I saw the man lift the front cover of the tent. He started shooting inside. I then fled in the direction of a white residential area. Before I got there the black man (Mr Chamusso) appeared in front of me and told me to go back," the youth said.

The youth said he was helped later by a black man and he managed to report the incident to the police. He later identified Mr Chamusso in a police photo album as the man he saw shoot the two construction workers.

Four days after the shooting the youth said he identified Mr Chamusso at an identification parade held in Middelburg.

The hearing continues today.

is used to explain alcoholism. Merton (Merton, 1957, p. 215) postulates that anomie is brought about by a disjunction be-

18/ .....

tween culturally shared goals and institutionalized means for achieving them. Such a strain of goals and means leads to lowered conformity to goals and means and thereby to a state of anomie and deviant behaviour. Anomie thus implies a condition of relative structural disorganisation and instability due to ineffective norms.

Merton spells out the logically possible ways in which people can adapt to this above-mentioned disjunction: they may either accept or reject the cultural goals or accept or reject the institutionalized means. In addition to this, Merton also conceptualized four different modes of adaptation, namely innovation, ritualism, retreatism and rebellion, all being deviant ways of achieving culturally prescribed goals of success open to those who occupy different positions in the social structure.

According to Merton problem drinking is representative of retreatism. The retreatism pattern consists of substantial abandoning of the once esteemed cultural goals and of institutionalized practices directed towards these goals. The individual has internalized fully the cultural goals of success but finds inaccessible the institutionalized means to obtain them. Under internalized pressure not to obtain the goal by illegitimate means, the individual finds himself frustrated and handicapped. He does not renounce the success goal but instead adopts escape mechanisms such as defeatism and retreatism.

The person or group of people in this situation have in al-

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## Blasts: Call for conviction

Cape Times  
25/8/82

331

### Own Correspondent

MARITZBURG. — One of the accused in the treason trial being heard in the Supreme Court here may fall outside the court's jurisdiction for some of his alleged crimes, counsel for the State said yesterday.

Summing up the State's case against Mr Seth Mpumulelo Gaba, 24, of Mndantsane, near East London, Mr Ian Slabbert said Mndantsane was now part of the independent Ciskei.

However, Mr Gaba had been arrested on November 25 last year — nine days before the Ciskei attained independence — and had been in custody in South Africa since then.

### Loaded pistol

Mr Slabbert said the offences on which the court could rule that Mr Gaba may not be tried related to the alleged discovery of a loaded pistol in his room and the pointing out of a cache of explosives

he allegedly gave to another man for burying.

The State had been unable to prove Mr Gaba's place of residence on February 7 last year, when a bomb he allegedly admitted planting in a rubbish bin in Field Street, Durban, exploded.

There was a suggestion that Mr Gaba was working and living in Transkei at the time, and that might mean he could not be charged with treason.

Mr Slabbert stressed, however, that the State considered Mr Gaba guilty of treason as a conspirator in the other explosions which occurred during his residence in Mndantsane — which was then part of South Africa.

### Accomplice

He also submitted Mr Gaba could be held to be an accomplice for the first explosion even if he was normally resident outside the country.

There was also ample evidence, he said, connecting Mr Gaba to the other two accused, Mr Patrick Ntobeko Maqubela, 32, and Mr Mboniswa de Villiers Richard Maqhutyana, 29, both of Durban.

It had been proved Mr Gaba had driven a rented car to Swaziland in October last year, and that traces of explosive were found in the door panels.

All three accused had also been in possession of the Swaziland telephone number of known ANC members or sympathisers, and it was common cause that the ANC was trying to overthrow the South African government by violent means.

The hearing continues today.

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# Youth<sup>331</sup> saw two<sup>Stow</sup> shot dead<sup>2/18/82</sup>

Own Correspondent

A 16-year-old youth watched an alleged terrorist shoot and kill two men, the Pretoria Supreme Court has heard.

The youth, who may not be named, was giving evidence in the trial of Mr. Rogerio Hoffmann Chamusso (32), of Inhamane, Mozambique, who pleaded not guilty to three charges of participating in terrorist activities and two charges of murder.

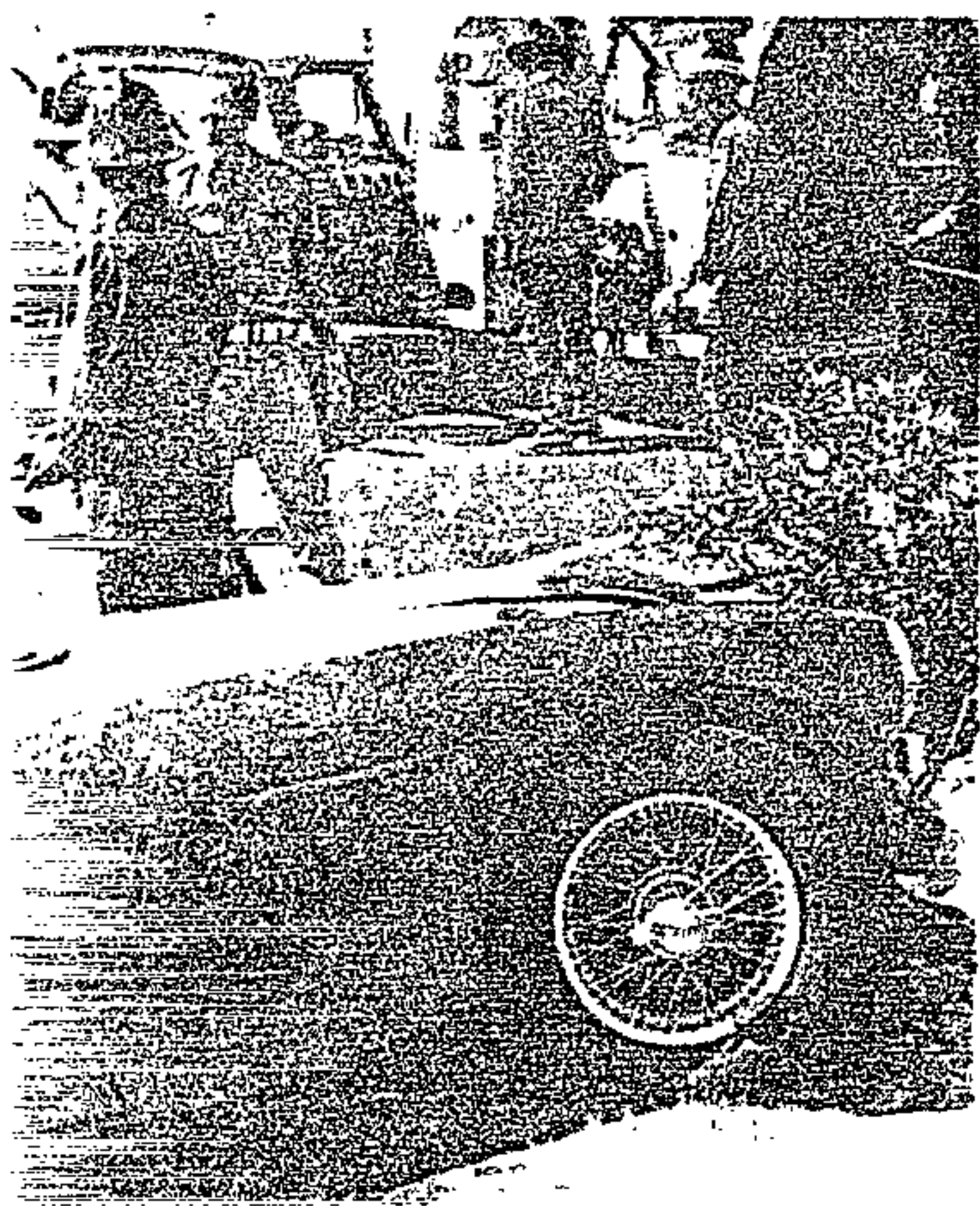
The youth told the court that on October 28 last year he was working for the men who were gunned down, Mr. Lucas Mans and Mr. Hendrik Booysen, when Mr. Chamusso came to the caravan park in Ogies where the men lived.

Mr. Chamusso, who was looking for work, went into the caravan. He came out, told the boy there was something he did not understand and went back and started shooting.

The boy said he later identified Mr. Chamusso at an identity parade.

Earlier, Dr. S. P. de Bruyn said he had performed post mortems on the two men. He said, Mr. Mans had been shot twice in the heart and lung, Mr. Booysen had been shot eight times.

The trial continues.



the Austin Healey in which Mr Martin Bruce van Deenen died on February 28 this year.

# Court told of list of comrades

Cape Times 25/8/82

331

Own Correspondent

JOHANNESBURG. — Miss Barbara Anne Hogan, 30, of Yeoville, told the Rand Supreme Court yesterday that she had decided to join the ANC although she herself abhorred violence.

Miss Hogan was giving evidence in her trial for treason.

She pleaded guilty to being a member of the ANC and of furthering its aims but pleaded not guilty to treason.

## Detained

Miss Hogan said the ANC had asked her in a letter addressed to "Dear Comrade" for a list of people she associated with in her political work. Miss Hogan said she had then compiled a report entitled "Close Comrades" as a result of which several people mentioned therein had been detained by the security police.

Miss Hogan told Mr Justice van Dyk that she had become involved in student politics as a first-year student at the University of the Witwatersrand in 1970.

She had met Mrs Jeanette Schoon, Marius Schoon's wife, while doing voluntary work at the Industrial Aid Society.

She had returned to university in 1976 to complete her honours degree in development studies. She had started reading up on banned organizations. She had read, amongst others, Nelson Mandela's "Statement from the Dock" which had

impressed her enormously.

She said the ANC belief that whites had a role to play in their organization had appealed to her. "I felt it was a nationalism that was not so conservative as to reject other colours. It did not have the potential to become racialistic and oppressive."

"I joined the ANC in 1977. I was aware that the ANC adopted violence as one of their strategies. My personal attitude to violence is one of abhorrence."

After her approach to the ANC in 1977 she had gone to Swaziland to discuss this with one Khuzwayo.

"He told me the ANC is a democratic organization and that I would never have to work for Umkhonto we Sizwe. He said there was room for me in the ANC as long as I accepted the principles of the Freedom Charter."

## 'Not treasonable'

Miss Hogan said the Freedom Charter did not subscribe to the violent overthrow of the State, neither was it a treasonable document.

Miss Hogan said she had been transferred to the ANC in Botswana in April 1979 to work with Marius Schoon.

Miss Hogan said she had noticed she was under surveillance by the Security Police and had sent a message to Botswana in this regard. She had not received a reply.

The hearing continues today.

# Currie Cup rugby final prices double

Staff Reporter

THE PRICE of tickets for the rugby Currie Cup final has doubled since 1979 when the final was last played at Newlands.

Rugby fans who watched Daan du Plessis's Northern Transvaal team snatch a lucky draw against Morné du Plessis's Western Province side in 1979, paid

Newlands offices, said on Monday that covered seats would cost R12 and open seats R10. This also constitutes a 100 percent increase since 1979.

The price of season tickets increased from R34 to R55 this year, but holders must still book for the final and fork out more cash.

Tickets have already been printed, but WP

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five a minimum of 10 890 and a maximum of R16 020.

School nurses and those working in semi-government posts would also benefit.

There were also satisfactory adjustments at student-nurse level and there would be marked improvement.

He said: "All the increases have been long overdue and they have not been properly investigated."

the news was that newly-qualified nurses would commence at salaries which should be competitive to those in the private sector.

However, certain questions remained unanswered, one of them being the disparity in pay scales between black nursing staff and those in other race groups.

## Warning

The Times 1982 for



# Treason trialist talks of abhorrence of violence

By TONI REYNEKE

ALTHOUGH she abhorred violence, she decided to join the ANC despite the strategy of violence they followed, Miss Barbara Anne Hogan, 30, of Yeoville, Johannesburg, told the Rand Supreme Court yesterday.

Miss Hogan is giving evidence in self-defence in the hearing in which she is accused of high treason.

She has pleaded guilty to being an ANC member and of furthering the banned organisation's aims, but not guilty to high treason.

Miss Hogan told Mr Justice van Dyk that she became involved in student politics at Wits University in 1970. She said her strong Christian sense was appalled that people could be kept in solitary confinement.

This led her to read up on South Africa's problems and she attended protest meet-

ings and seminars.

She returned to university in 1976 to complete her honours degree. Her dissertation dealt with nationalism. She started reading up on banned organisations.

Prior to 1977, she was more involved with the black conscious movement and with an interest in black trade unions. However, the black conscious movement had no role for whites to play, Miss Hogan said.

Miss Hogan said the ANC belief that whites have a role to play in their organisation appealed to her. "I felt it was a nationalism that was not so conservative as to reject other colours. It did not have the potential to become racialistic and oppressive."

"I joined the ANC in 1977. I was aware that the ANC adopted violence as one of its strategies. My personal attitude to violence is one of abhorrence," Miss Hogan said.

She told the court that two

factors influenced her decision. She was convinced and told that there was a role for non-violent persons and that she would be working for democratic rule in South Africa. The ANC was neither committed to terrorism or acted violently for violence sake, Miss Hogan said.

After her approach to join the ANC in 1977, she journeyed to Swaziland to discuss this with one Khuzwayo.

"He said there was room for me in the ANC as long as I accepted the principles of the freedom charter."

Miss Hogan said the freedom charter does not subscribe to the violent overthrow of the State, neither is it a treasonable document.

She received a letter from the ANC in Swaziland in 1978. She went to see Khuzwayo and was instructed to send articles on South Africa by academics to the ANC.

Miss Hogan said she was transferred to the ANC in Botswana in April 1979 to work with Mr Marius Schoon.

He asked her to service a dead-letterbox in the Johannesburg Library. But, the dead-letterbox was not in operation.

When she met Mr Schoon in January 1980, she had told him about her interest in unemployment and they decided that she should work for the Johannesburg Organisation to Boost Self-Help.

Miss Hogan said she also helped to draw up a document to establish an unemployed workers union with the SA Allied Workers Union. However it never got off the

ground.

Miss Hogan told the court that she and Mr Schoon established a coded communications system. They were to communicate every second week via a system of dead-letterboxes.

Miss Hogan said she wrote a document called "Problems Arising in Internal Political Work". In the latter document Miss Hogan said she highlighted the problems she had in communicating with Botswana in times of crisis.

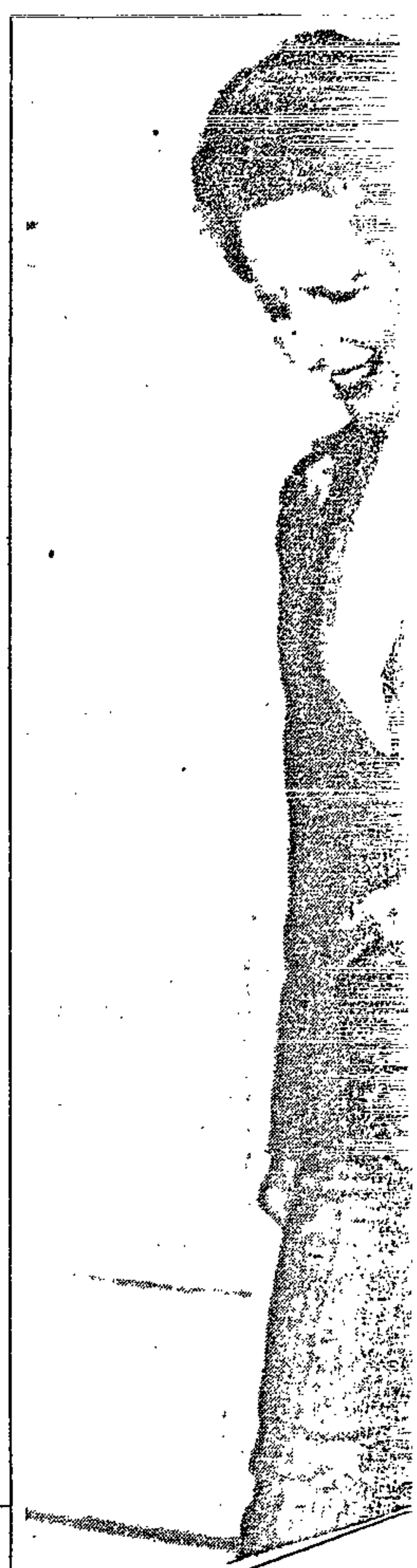
Miss Hogan said that she noticed she was under surveillance by the Security Police and sent a message to Botswana in this regard. She received no reply.

One Robert Adam later gave her a letter reportedly from the ANC in which they agreed with her worries about communication. Miss Hogan said the ANC wanted a list of people she associated with in her political work.

Adam was convicted earlier this year for drawing up plans to bomb the Brixton Tower.

Miss Hogan said she then compiled a third report entitled "Close Comrades", as a result of which several people mentioned in it were detained. The Security Police intercepted the document.

Miss Hogan said although the name of Dr Neil Aggett was mentioned in her third report she did not quote him as working with the ANC. "Mr Schoon assured me that Dr Aggett was not involved with either the ANC or Sactu," Miss Hogan said.



## Treason trial: correction

ON FRIDAY, August 20, 1982 it was incorrectly reported that Miss Barbara Hogan, currently facing charges of high treason, had held several meetings with Mr Keith Coleman. Mr Auret van Heerden and others to discuss strikes by the Media Workers Association and a possible boycott of Colgate products. This statement is incorrect. Mr Coleman and Mr van Heerden did not attend any meetings with Miss Hogan to discuss either of

these matters.

It was also reported in the same article that there were rumours that Mr Auret van Heerden had been a spy. The article omitted to state that Mr Van Heerden had been cleared of all suspicion of being a spy.

The Rand Daily Mail apologises to both Mr Coleman and Mr Van Heerden for these inaccuracies and regrets any inconvenience suffered by them.

## CP considers HNP pact

By DON MARSHALL

MEMBERS of Dr Treurnicht's Conservative Party will spend the next few days considering a proposal for future co-operation which was presented to them yesterday by members of the Herstigte Nasionale Party.

Members of both Rightwing Afrikaner parties have agreed to maintain a strict silence on the latest moves to create closer ties between them.

The HNP's proposals for the Rightwing pact were formulated at a meeting of the party's steering committee in Pretoria on Monday night. No statement was issued after the meeting, though it was earlier announced that one would be made.

It is understood from sources that the HNP is prepared to strike an election pact with the

CP which will ensure that the two parties do not oppose each other in any constituency where the Rightwing has a chance of winning.

Several leading members of the CP are against the move, but with by-elections pending in Parys, Stellenbosch and Walvis Bay, Dr Treurnicht will have to give his party's reply soon.

Without an election pact the Rightwing parties stand little hope of unseating the National Party.

Dr Johan Gerber, one of the CP members said to be opposed to a pact between the two Rightwing parties, last night telephoned Mr Jaap Marais, leader of the HNP, to assure him that he "earnestly desired" closer co-operation between the HNP and the CP in opposing the Nats.

## CP growth 'will be limited'

CAPE TOWN

the National Party of the most serious threats for decades drew, the Federal Party dens said last night.

"It is ironic, even understandable, that men who have dreamed in the National Party years are now terrified possible consequences told his constituents at a public meeting.

"My view is that the servative Party and the Herstigte Nasionale Party have considerable support, but that their potential growth is limited to winning 35 to 40 seats in a General Election."

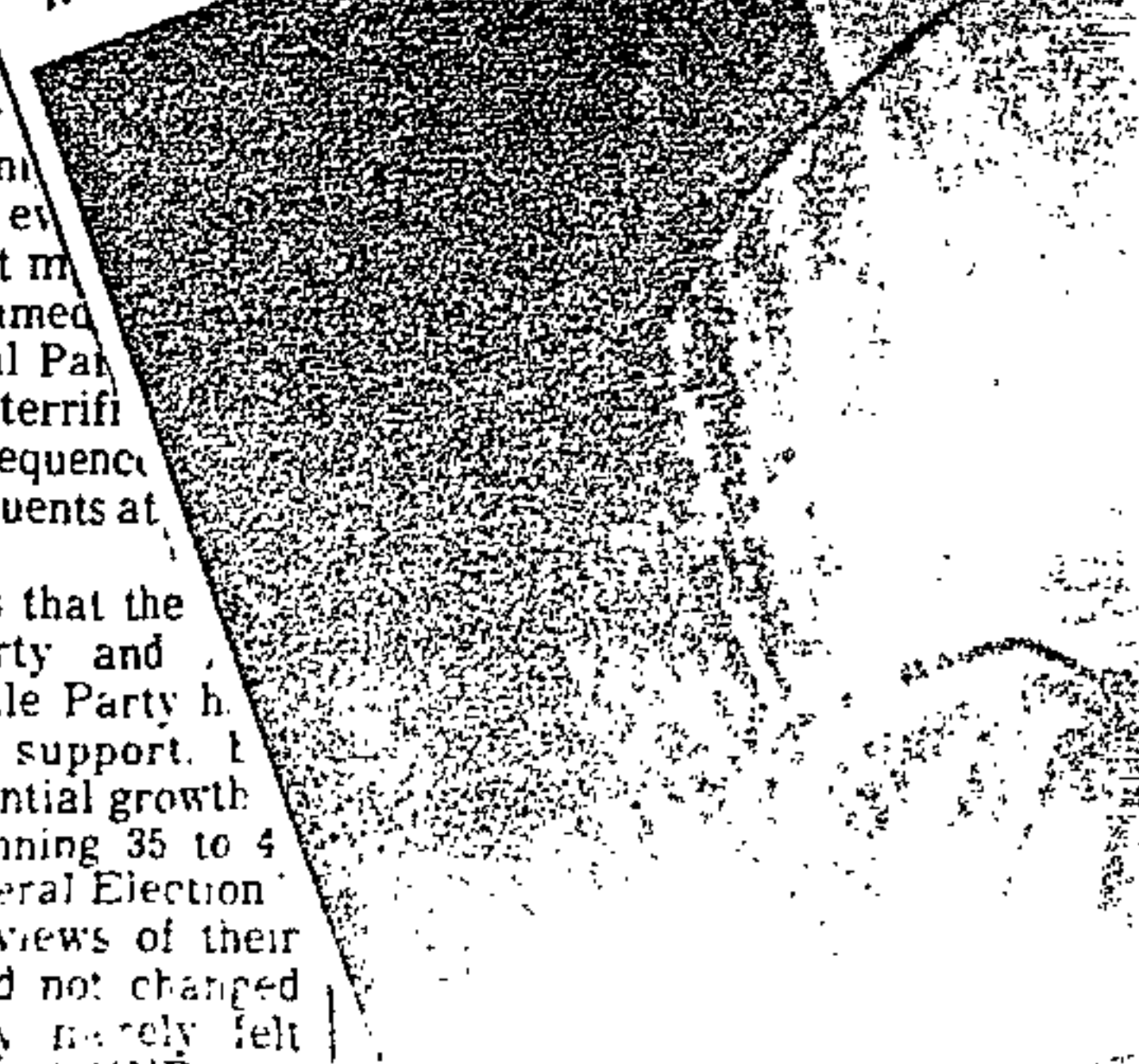
The racist views of their supporters had not changed recently. They merely felt

## Goods disappear: 3 businessmen held

By EMILIA JAROSCHEK  
Crime Reporter

Colonel Nollie Hulme, head of the Johannesburg

Picture: STEVEN GOLDBLATT  
a series of concerts for the fans who arrived in Johannesburg yesterday.





25, 1982

# Union man in court

THE Transvaal secretary of the Motor Assemblies and Component Workers' Union of SA is to appear in the Pretoria Magistrates' Court tomorrow charged with inciting workers to strike.

The charges against Mr Donse Khumalo arise out of an incident last September when he was involved in a strike by workers of a Pretoria dry cleaning company.

Meanwhile another unionist Mr Taffy Adler, the general secretary of the National Automobile and Allied Workers Union, appeared in the Germiston Magistrates' Court on Monday charged with holding an illegal meeting.

He was not asked to plead, no evidence was led and the hearing was postponed until October 12. He is out on R50 bail.

His appearance was a sequel to the meeting of Leyland workers in Elandsfontein on Saturday. During the meeting the police arrested him.



I believe the enlightened new Health Act can be a catalyst to bring about dramatic changes in the health of the people of this country and to fight the enemy within disease and discontent.

What is health? There are no known direct parameters to measure health status in general use. Usually health is measured and assessed in terms of certain negative indices: "negative", because they measure the absence of health, namely disease! This may well be the most practical, although over-simplified, view to hold in the coming years.

How we hope to implement the new Health Act has evoked many suggestions, but in the long run we must measure the benefits of any system against the birth rate, or even better fertility rates, perinatal mortality rate, infant mortality rate and life expectancy and at what cost. Unfortunately the basic requirement of statistical analysis for future planning - honest reporting has not been a characteristic of hospital annual reports. This basic epidemiological flaw has been of grave concern to many members of the medical profession including the Director of Hospital Services, Dr. R. Kotze, though some people prefer information which is plausible and pleasant rather than factual. Nevertheless in spite of opposition, it is hoped that from next year hospital statistics will be standardized, meaningful and comparable.

The super specialist and specialist levels of care do not come within the context of my talk, except to state that if we wish to achieve 'health for all by the year 2000' then the secondary and tertiary levels of health services, that is in the hospitals, should invariably be designed in support of the needs of community health centres rendering primary health care at the peripheral level and not vice-versa!

The Day Hospitals Organisation was started in 1969 - to-day we have 16 centres and our health teams carry out over one and a half million items of service a year, with a referral rate of only 2% and at a cost of only 4% of the C.P.A. Hospitals Services budget for the area, in other words a small proportion of patients utilise the major portion of health care expenses.

I believe I have been privileged to have seen the effect, like a catalyst, of placing such a service as ours in our communities as the following statistics show. The birth rate which was one of the highest in the world in the coloured community, has dropped from 32 per 1000 in 1968 to 23 per 1000 today.

I believe our part has been to motivate our patients of the importance

# Aggett 'definitely not' an ANC man

Mail Reporter

DR NEIL Aggett, former secretary of the Food and Canning Workers' Union (Transvaal branch), was definitely not a member of the African Nationalist Congress, the Rand Supreme Court was told yesterday.

Miss Barbara Hogan told the court she was assured of this by ANC members and Dr Aggett himself.

Miss Hogan, 30, of Sunraycourt, Hunter Street, Yeoville, is facing charges of high treason and of furthering the aims of the banned ANC from 1977 to 1981.

Miss Hogan, a self-confessed member of the ANC, admitted to Mr Justice Van Dyk that she had been involved in the Fattis and Monis boycott campaign during 1979.

"There was a tension problem between Dr Aggett and myself. I thought it was because he was not in favour of the boycott. He resented my presence at meetings.

"I can definitely say he was not an ANC member. He himself told me that and the ANC assured me of the same fact," Miss Hogan said.

Miss Hogan said she was a voluntary worker at the Johannesburg Organisation to Boost Selfhelp (JOBS). The main object of the organisation was to assist and promote self-help groups and help unemployed blacks to find jobs.

Although she was not working there on ANC instructions, Miss Hogan said, she was looking at JOBS as an organisation out of which an unemployment union could develop. She had received no ideological training

from the ANC apart from code training. The court heard that her contact with the ANC outside South Africa was limited and did not allow for that kind of training.

Miss Hogan said she had never seen a document entitled "Manual on Detention", which was allegedly found in her flat at the time of her arrest.

She told the court she did not know which of her associates were members or supporters of the ANC.

The court heard that Miss Hogan and Mr Alan Fine worked together on boycotts and other matters without instructions from the ANC. She knew Mr Fine was a member of the South African Council of Trade Unions (an organisation in exile which had aligned itself with the ANC in the past) and that he had reasonable grounds to believe that she was a member of the ANC.

Auret van Heerden was a loyal supporter of the ANC, Miss Hogan said. The ANC said he was not a member, but added that they did not doubt his loyalty to them, the court heard.

She told the court she presumed that Mr Gavin Anderson had some kind of relationship with the ANC. Cedric de Beer was not an active member of the organisation, although he had received two messages from the ANC. A report on his work in the Environmental Development Association was sent to the ANC.

Miss Hogan said that some of the people she mentioned in her report "Close Comrades" were associated with her in her underground activities for the ANC.



# Transkeians 'did not owe allegiance to SA'

Pietermaritzburg Bureau

THE State had failed to prove treason against three alleged ANC terrorists because it had not established that they owed allegiance to South Africa, their defence counsel told the Supreme Court here yesterday.

Both the defence and the State completed their cases in the trial of three men who face a total of 57 counts, including high treason, which carries a possible death sentence.

The charges arise out of a series of eight bombings in and around Durban last year, in which 10 people were injured and almost R500 000 damage caused.

Judgment has been reserved until September 6 by Mr Justice van Heerden, sitting with two assessors.

Summing up the case for the accused, Mr Ernie Wentzel SC said mere residence in South Africa was not good enough for the crime of high treason.

The whole concept of treason was an ancient and medieval one, in which one could be a traitor only against those to whom one had committed one's loyalty.

All three of the accused in the trial, Mr Patrick Ntobeko Maqubela, 32, Mr Mboniswa de Villiers Richard Maqhutyana, 29, and Mr Seth Mpumulelo Gaba, 24, were Transkeian citizens, Mr Wentzel said.

Mr Maqhutyana was in South Africa on a foreign contract worker's permit, while Mr Gaba had been living and working in the Transkei at the time of the explosion in Field Street, to which he had confessed, the Court was told.

The National States Citizenship Act also laid down that every black person would be either a citizen of a self-governing or independent black State.

## Loyalty

Mr Wentzel rejected a submission by the State that, just as a woman could be an accomplice but not a principal offender in a case of rape, Mr Gaba could be an accomplice in a case of treason, even if he lived outside the country at the time.

Loyalty was a prerequisite for treason — which made it quite unlike rape, he said.

Mr Wentzel also submitted that the oath of allegiance sworn by Mr Maqubela to South Africa when he was admitted as an attorney did not render him capable of committing high treason against the country.

Many lawyers were required to swear allegiance to foreign states for the purpose of practising law there, he said.

Mr Wentzel also repeated an earlier objection that statements made to police by persons being held as security prisoners were not admissible as evidence.

He said the State had obviously hoped to prove the connection between the accused in a conspiracy through the evidence of a witness who had refused to testify.

After this refusal they had attempted to achieve the same end by introducing statements allegedly made to the head of the Security Police, Brig J R van der Hoven, by Mr Maqubela soon after his arrest.

The police contended that Mr Maqubela had been held in terms of ordinary criminal law, rather than security laws, which made the statements admissible.

However, Brig van der Hoven had conceded there was no prospect of Mr Maqubela being charged in court within 48 hours, as was required in ordinary criminal cases, and it was clear Mr Maqubela was regarded as a security prisoner.

There was also an 'unhappy aspect' to the pointing out by the accused of the scenes of the various blasts.

## Mistaken

Two of the accused had apparently confessed by pointing out the site of the Field Street blasts — yet they had pointed to spots several metres apart.

Mr Gaba, who had confessed to planting the bomb, had also mistaken the time at which it had gone off, when he made the confession.

Mr Wentzel conceded that, on the evidence, arms, explosives and ANC literature had been found in the possession of Mr Maqubela and Mr Maqhutyana, and that they would have to bear responsibility for this.

Mr Gaba, however, found himself in 'an anomalous' position, because he was linked to a conspiracy largely on the strength of a statement made to police by another of the accused.

## Totality

Earlier in the day, Mr Ian Slabbert, for the State, said his submissions as to the various lesser counts were subject to the Court finding the State had not proved its case of high treason.

However, once a conspiracy had been proved, the totality of that conspiracy must be held against each of the members of it.

He also pointed out that the three accused had also elected not to testify in the face of what he submitted was overwhelming evidence.



The formation of a team of voluntary community health workers to run a home based information service is described in this paper. On a recommendation of Dr John Smith, Medical Superintendent of the Day Hospitals Organisation, representatives of the Day Hospitals and the St. Johns Ambulance studied the feasibility of this innovation to the local medical scene in the Cape Peninsula. For many years trained members of St. Johns or other trained personnel applied First Aid after accidents and emergencies at sports meetings and other public gatherings. For chronic conditions and afflictions it is now advocated that affected apply to AID first — AID being an acronym for Auxiliary Information Department.

the Dr Abdurahman Day Hospital in Kew Town. Due to their having been established for many years they housed a relatively stable community. Recent upheavals have been due to the younger generation reaching maturity, the riot of 1976 and the unemployment situation since 1977. If this pilot scheme is successful it will be developed into a major permanent service of the St. Johns Ambulance aided and abetted by the Day Hospitals Organisation. The service would hopefully be expanded to all the townships around the Cape Peninsula and its environs.

# ANC had sympathy of group

By Rashid Chopdat

A woman accused of high treason described to a Rand Supreme Court judge yesterday her relationships with people with whom she had worked in the labour field.

Miss Barbara Hogan (30) of Yeoville was being cross-examined by the State on a document, "Close Comrades," in which she had listed names of those with whom she had been associating.

She had told the court that she had been under the impression the names had been requested by the banned African National Congress as a security check.

She learned later they had not been requested by the ANC and that the document had been intercepted.

Miss Hogan has pleaded not guilty to high treason but guilty to an alternative charge of furthering the aims of the ANC. She has also admitted a charge of being a member of the ANC.

Miss Hogan said the people she had worked with had given her some indication of their attitudes to the ANC.

She said she had not received a general instruction from the ANC to work with them in the labour field.

Among those named in the document, which was divided into three categories, were Mr Cedric de Beer, Mr Gavin Anderson, Mr Auret van Heerden, Mr Fink Haysom and Mr Alan Fine.

During cross-examination Miss Hogan said that Mr de Beer, Mr Anderson and Mr van Heerden had had good reason to believe she was working under the discipline of the ANC and that she had contact with the ANC in Botswana.

She had trusted them over a period and had worked with them

in trade union movements.

To her knowledge, Mr de Beer was not a member of the ANC. But she assessed him to be a sympathiser, although not an activist.

She said Mr de Beer had once reluctantly sent a report on request by ANC official Marius Schoon in Botswana. This concerned his work with the Environmental Development Agency in South Africa.

Miss Hogan said she had delivered two messages from the ANC to Mr de Beer and was requested to convey one to Mr Anderson.

Miss Hogan considered Mr Anderson and Mr van Heerden supporters of the ANC.

At a time when there were rumours that Mr van Heerden was a spy, he had told her: "I am ANC." She took this as a clear indication he was a member of the ANC.

She had discussed this with Mr Schoon during a trip to Botswana. He said the claim was an overstatement and overreaction due to hurt on the part of Mr van Heerden.

Miss Hogan said she had had a fairly close relationship with Mr Haysom before their working relationship on labour matters. She had no knowledge whether he had a relationship with the ANC.

She had worked closely with Mr Fine in the Industrial Aid Society long before they became members of the South African Congress of Trade Unions, but not in an ANC capacity.

To her knowledge Miss Liz Floyd, Mr Monty Narsoo and Miss Merle Favis were not members of the ANC and they had not given her any reason to think that.

The hearing continues today before Mr Justice van Dyk.

An initial pilot scheme was introduced in Kew Town, Bridgetown and Silvertown. These townships form part of the Athlone complex. They are 3 sub-economic housing estates built and managed by the Cape Town City Council and they form part of the area catered for by the/...

class commodity and the poor are discriminated against medically just as they are educationally."

The poor suffer severely from nearly every physical and emotional illness known. The causal relationship between poverty and ill-health is very well known. There is an inverse relation between income level and such conditions as malnutrition, infant mortality, tuberculosis and venereal/...

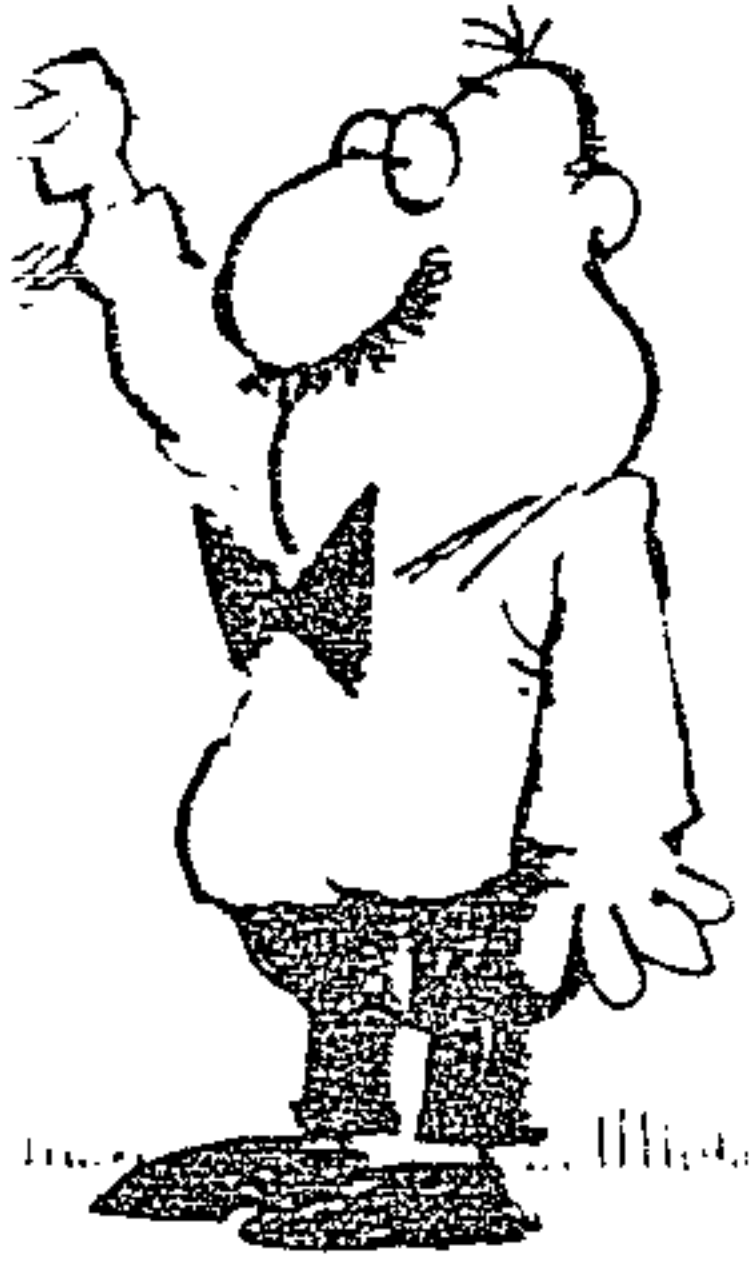


## in court

More than 30 state witnesses and investigating officers, most of them from Cape Town and Port Elizabeth, were either flown or brought by bus to Tsumeb.

Mr Ndanga, who started out as a contract labourer, is a director of several companies, and also a member of the executive committee of the Ovambo Legislative Assembly — DDC.

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**PIETERMARITZBURG** — The state had failed to prove treason charges against three alleged ANC insurgents because it had not established that they owed allegiance to South Africa, their defence counsel told the Supreme Court here yesterday.

Both the defence and the state completed their cases in the trial of three men who face a total of 57 counts, including high treason which carries a possible death sentence, arising out of a series of eight bombings in and around Durban last year.

Judgment has been reserved until September 6.

Summing up his case, the defence counsel, Mr Ernie Wentzel SC, said mere residence in South Africa was not good enough for the crime of high treason.

The whole concept of treason was an ancient and medieval one, in which one could be a traitor only against those to whom one had committed one's loyalty.

All three of the accused in the trial, Mr Patrick Ntobeko Maqubela, 32, Mr Mboniswa de Villiers Richard Maghutyana, 29, and Mr Seth Mpumulelo Gaba, 24, were Transkeian citizens, Mr Wentzel said.

One of these, Mr Ma-

# SA allegiance not proved court told

Maghutyana was in South Africa on a foreign contract worker's permit, while another, Mr Gaba, had been living and working in Transkei at the time of the explosion in Field Street Durban.

Mr Wentzel rejected a submission by the state that, just as a woman could be an accomplice but not a principal offender in a case of rape, Mr Gaba could be an accomplice in a case of treason even if he lived outside the country at the time.

Loyalty was a prerequisite for treason — which made it quite unlike rape, he said.

Mr Wentzel also repeated an earlier objection that statements made to police by persons being held as security prisoners were not admissible as evidence.

He said the state had obviously hoped to prove the connection between the accused in a conspiracy through the evidence of a witness who had refused to testify.

After this refusal they had attempted to achieve the same end by introducing statements

allegedly made to the head of Security Police, Brigadier J. R. van der Hoven, by Mr Maqubela soon after his arrest, he said.

The police contended that Mr Maqubela had been held in terms of ordinary criminal law, rather than security law, which made the statements admissible.

Mr Justice Auret van Heerden put it to Mr Wentzel that the statements had been made to commissioned officers, which made them admissible.

Mr Wentzel replied that if this was so, the statements should have been led in their entirety and the state should have proved they were made freely and voluntarily.

Judge Van Heerden said each of the policemen had denied the use of force, to which Mr Wentzel said prisoners under security legislation were obliged to talk, as they could be held until they did.

In regard to Mr Gaba's confession, Mr Wentzel said the court had, by implication, found him

to be untruthful by rejecting a claim in the confession that he had been beaten and by finding it had been made freely and voluntarily.

The court would now have to find the remainder of the confession to be truthful if Mr Gaba was to have any case to answer, Mr Wentzel said.

Earlier in the day, Mr Ian Slabbert, for the state, said his submissions as to the various lesser counts were subject to the court finding that the state had not proved its case of high treason. — DDC.

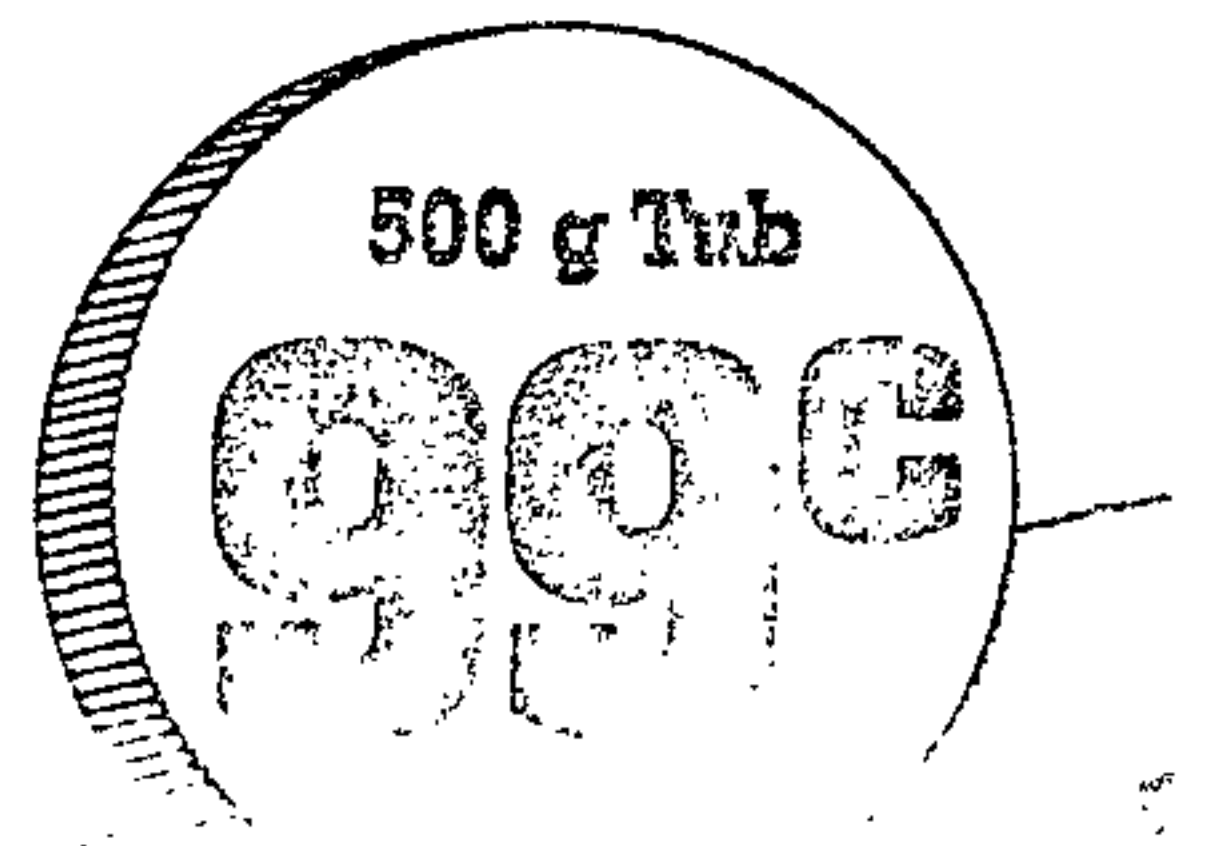
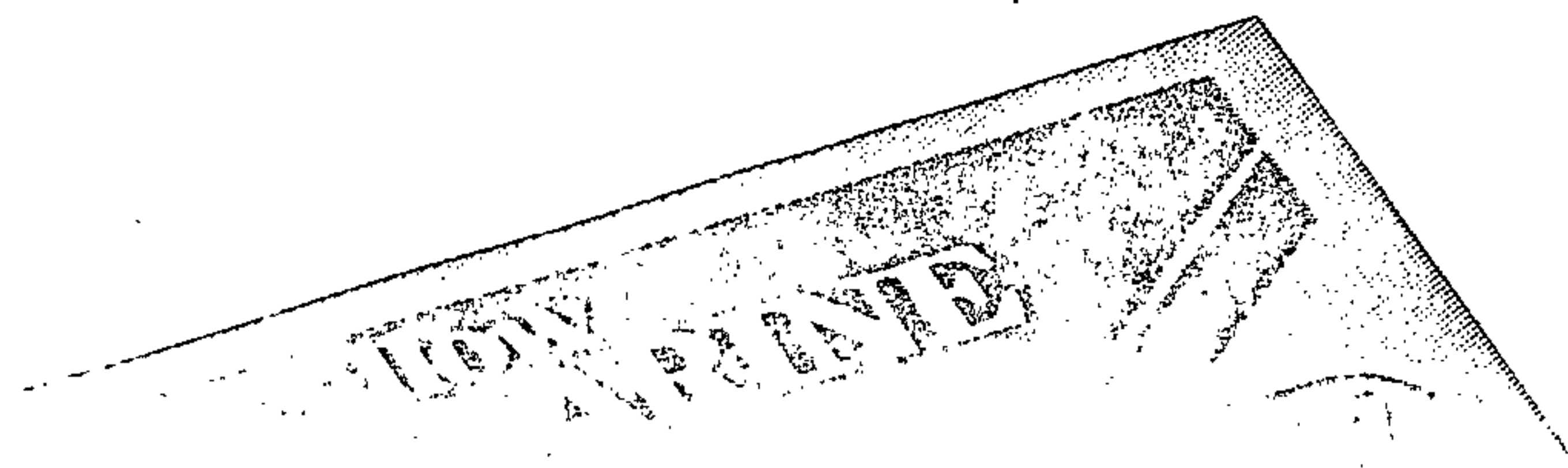
## Ore load sets record

**SALDANHA BAY** — The biggest load yet to be shipped from the iron ore terminal here was loaded in the bulk carrier, USA Maru, yesterday.

The 268 000-ton ship loaded 260 000 tons of ore to set the record. The iron ore terminal was opened in September 1976 and since then 651 ships have loaded more than 75 000 000 tons of ore. — SAPA.

# new Pot O'Gold Ma

## Cuts the cost, improves t





# Treason trialists

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SA *Sowetan*  
26/8/82  
men

IT WAS most fortunate for the accused in the treason trial in Pietermaritzburg that no lives were lost in the Durban explosions last year, prosecutor Mr Ian Slabbert said in the Supreme Court yesterday.

He said some of the explosions caused devastation and it was only through good fortune that no-one was killed.

He was asking for the conviction on a charge of high treason of Mr Patrick Maqubela (32), a Durban Attorney, Mr Mboniswa Maqhutyana (29) of Umlazi, and Mr Seth Gaba (24) of Mdantsane near East London.

Mr Slabbert said it had been proved that the three men conspired with the ANC and its military wing, Umkonto we Sizwe, to overthrow the State by violent means.

Defence counsel Mr Ernie Wentzel, SC, said the evidence in the case had been inferential. The State had anticipated that accomplices of the accused would testify against them but this had not happened (five detainees have been jailed for periods from three to five years for refusing to testify).

A legal principle was that a rebel was not liable for all the acts of co-rebels, Mr Wentzel said. He said Mr Maqubela had made a highly damaging admission but this could not be used against Mr Maqhutyana and Mr Gaba.

Referring to the court's jurisdiction over the men, he said that mere residence in a country was not good enough for their actions to be treasonable.

For people to be guilty of treason they had to be treacherous to the country in which they lived permanently and sunk their fortunes.

Men were treacherous only to those countries to whom they had committed themselves in law, and treason did not apply when people were only temporarily in a country.

Mr Wentzel said the State had failed to establish that the men owed allegiance to South Africa. The National States Citizenship Act laid down that every black South African would become a citizen of a self-governing territory or independent state.

For the purpose of South African law, the accused were as foreign as an American or Argentinian would be.

Proceeding



## Boy (6) hit, in a coma

A SIX-year-old Orlando West boy is in a coma at Baragwanath Hospital after he was struck several times on the head with a metal toy gun by two school-mates, his aunt said yesterday.

Ms Thuli Nkopazi, aunt to Zwelibanzi Mbatane, who is a pre-school pupil at Tlhoreng Primary in Phefeni, said: "I can't understand how a child can be assaulted so badly at school." He is an orphan in her care.

She said the two assailants were not much bigger than Zwelibanzi — about seven and eight years old. Teachers at the school apparently said children were children and were often involved in such incidents.

Ms Nkopazi said Zwelibanzi returned from school on Friday last week with dirty clothes. She was told he was involved in a fight with a school mate and teachers punished the other child.

"After school the other boy confronted Zwelibanzi. He and a friend hit Zwelibanzi on the head with a steel toy gun several times. When he came home he went to sleep," she said.

"We were worried about him as he lay motionless, almost like a dead person, and took him to Baragwanath."

She said the doctor told her Zwelibanzi's brain could be permanently damaged. "He has been in a coma for many days in the intensive care unit. I am considering taking steps against those involved. I am waiting for a report from the school," she said.

A spokesman at the hospital said: "He is still in a coma and his condition is serious."

## Terror trial name drama

THE MOZAMBIKAN Terrorism trial in the Pretoria Supreme Court yesterday took a turn when the accused asked that his other names be used so that his relatives should know he is appearing in court.

The accused told Mr Justice A P Myburgh and two assessors he, Mr Rogerio Hoffmann Chumusso, was also known as Patrick Shange.

The judge ruled that the accused's names on the charge sheet be retained and that "also known as Patrick Shange" be added.

He pleaded not guilty on all charges. It is alleged he murdered Mr Lucas Abraham Mans and Mr Rudolph Gerhardus Booysse at Ogies near Witbank on October 23, 1981.

## DOCTOR DIES

A well-known West Rand medical practitioner, Dr Modise Nathaniel Mokate, died suddenly at the weekend.

Dr Mokate (58), was married to Dr masibi-Langa, better known by the community in Kagiso township as Ma-Mokate. Mokate is survived by his wife and children. His funeral arrangements have not yet been released.

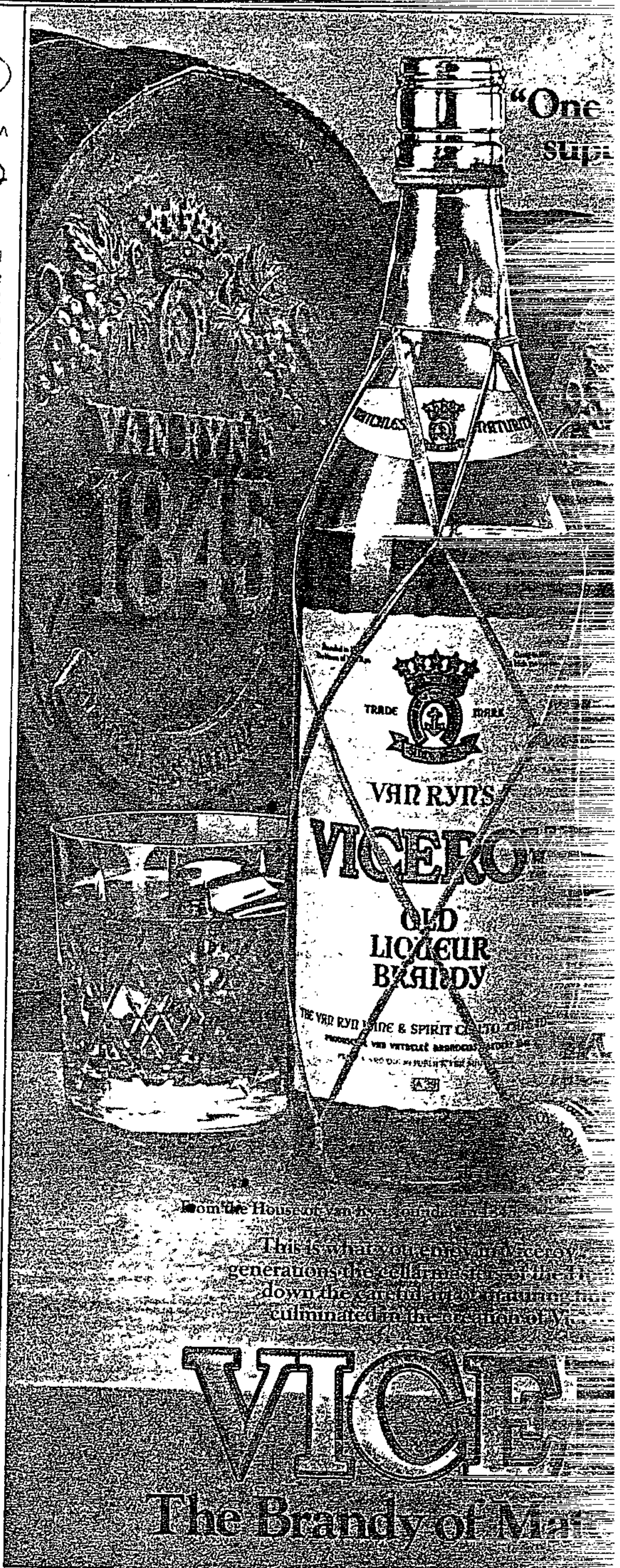
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27/8/82 (331) RDM

# Hogan tells of 'personal enemies'

## Court Reporter

THE Security Police were her "personal enemies", Miss Barbara Hogan, a self-confessed member of the African National Congress on trial for treason told a Rand "Supreme Court judge yesterday.

Under cross-examination by the State yesterday, Miss Hogan, 30, of Sunray Court, Hunter Street, Yeoville, was questioned on a report she wrote entitled "Problems Arising in Internal Political Work".

The "enemy" to which she had referred in the report, she told the court, was the Security Police.

She also said that, if innocent people were killed in guerrilla warfare, this was incidental and had to be seen in the context of "more important work".

She told Mr Justice van Dyk that "everybody knows the ANC is at war with South Africa". However, the ANC was not South Africa's enemy. "It is South Africa's opposition, because its members are South Africans."

Miss Hogan said that although she objected to violence she knew it to be

one of the ANC's aims. She was attracted to the ANC because it upheld the goal of a non-racial, just and democratic society.

"I was assured that violence was not the only means to obtain that goal," Miss Hogan said.

The ANC intended giving blacks the vote, ending the exploitation of black labour, re-distributing land and abolishing apartheid and inequality in education, Miss Hogan said.

This did not mean a classless society. The ANC supported legal organisations bringing about change in South Africa, and did not intend crippling industry to achieve its goal.

She said Mr Marius Schoon had instructed her to examine the possibilities of a union for unemployed workers and to get a job at the Urban Training Project in Johannesburg.

It was also recommended that she recruit whites, which she had refused to do, Miss Hogan said.

She was allowed by the ANC to spend time increasing her knowledge of unemployment problems and instructed to set up a union she felt could emerge from

the Johannesburg Organisation for Self-Help (Jobs), which union, she was told, would not be an ANC front but would play a supportive role for other unions.

Miss Hogan said she was asked to send information to Botswana, to spread anti-Republic Day pamphlets, to recruit people to distribute literature and to act as courier and to put Mr Schoon in touch with someone on labour matters. She had refused to do all this.

The ANC had at no time given her instructions on the Fattis and Monis boycott in 1979, Miss Hogan said, although they had requested a report of her participation.

She denied that she had tried to win over the Media Workers' Association of South Africa (Mwasa) to the ANC.

Miss Hogan is accused of furthering the aims of the ANC to overthrow the State. She has pleaded not guilty to a charge of high treason, alternatively of participating in terrorist activities, but pleaded guilty to charges of being a member of the ANC and of furthering its aims.

The hearing continues today.



# Accused wants to see attorney

Pretoria Bureau

A MAN facing double murder and Terrorism Act charges in the Pretoria Supreme Court, yesterday asked for the postponement of his trial because he wanted to consult a black attorney.

Mr Rogerio Hoffsani Chamusso, 32, alias Patrick Shange, told Mr Justice A P Myburgh, sitting with assessors, that he wanted to consult a Johannesburg attorney,

Mr Mokgoatleheng.

The hearing was adjourned until today.

Mr Chamusso said he had met Mr Mokgoatleheng before he was arrested after first reading about him in newspapers.

Mr Chamusso, who is described on the charge sheet as a Mozambican citizen, has pleaded not guilty to two charges of murder arising

from the deaths of two construction workers, Mr Lukas Abraham Mans and Mr Hendrik Rudolph Gernardus Booysen, in their caravan at Heuwelsfontein, near Witbank, on October 23 last year.

Mr Chamusso has also pleaded not guilty to a charge of possessing explosives and receiving military training in Angola and Mozambique between 1979 and October last year.

(331) Stan 27/8/82

# Expert disputes authorship

By Rashid Chopdat

A document submitted as evidence in the trial of Miss Barbara Ann Hogan on charges of high treason in the Rand Supreme Court could not have been written by her, a defence expert witness said today.

He was Mr Tom Lodge, a lecturer in politics at the University of the Witwatersrand.

It was alleged by the State that Miss Hogan wrote "Social Background of Working-Class Leadership." Miss Hogan denies this.

Mr Lodge said he had compared the document with the one written by Miss Hogan, "Problems Arising in Internal Political Work," to determine if they were by the same person.

He concluded that

the two documents were by different authors, and gave four reasons.

The document admittedly written by Miss Hogan was less formal than the other.

In it she discussed her uncertainties, arising from inadequacies in the communication system between her, as an ANC agent in the field, and her controllers, who were based in the "forward area."

"The report is written in a modest and unassuming fashion, and though it is not uncritical of other members of the organisation, the criticisms are phrased with considerable tact," said Mr Lodge.

"The writer is evidently conscious of having a somewhat junior and peripheral status within the organisation."

Mr Lodge said most of her work was evidently with the "white left." None of the undertakings with which she had contact were of a clandestine or illegal nature.

Miss Hogan had pointed out in the document that her work was the necessary corollary of ANC membership, he said. In other words, given her political beliefs and qualifications, it was the sort of work she would have done whether "under (ANC) discipline" or not.

Referring to the document which the State alleges she wrote, Mr Lodge said that it was written with considerable assurance by someone with an exceptionally intimate knowledge of the internal affairs of the Federation of South African Trade Unions (Fosatu).

It employed a rigid marxist mode of analysis, with a high degree of sophistication. It was a most accomplished piece of work, he said. It was a sophisticated and exhaustive analysis of the leadership of Fosatu.

Referring back to the document written by Miss Hogan, he said that reading between the lines it was evident that her supervisors had neglected to take much interest in her work. This was perhaps because of her reluctance to compromise her legal above ground "political mobilisation" activity by undertaking clandestine duties for the ANC beyond those which merely concerned maintaining communications with her "forward area."

The hearing continues.



SOWETAN, Friday, August 27, 1982

# Defence pleads 331 against treason

DEFENCE counsel Mr N E Wentzel, SC, conceded in the treason trial in Pietermaritzburg on Wednesday that two of the three accused were in possession of explosives, arms, ammunition and ANC literature but submitted that none was guilty of treason.

Judgment is to be given on September 6.

The accused are Durban attorney Mr Patrick Maqubela (32), Umlazi bakery cashier Mr Mboniswa Maqhutyana (29) and Mr Seth Gaba (24) of Mdan-tane near East London.

The case arises from eight explosions in Durban last year and the State charged them on 57 counts, including treason, terrorism, sabotage, attempted murder and possession of explosives.

Since the start of the trial on August 2 the judge, Mr Justice Auret van Heerden, has jailed five detainees for periods of three to five years for refusing to give evidence for the State.

Mr Wentzel said that the charge of high treason had not been proved because the State had failed to establish their domicile in South Africa.

Mr Wentzel said Mr Maqubela had been clearly found in possession of explosives, arms, ammunition and ANC literature, and had to take responsibility for the cache.

He said Mr Maqhutyana had also been found in possession of explosives, arms, ammunition, ANC literature and a military engineering manual in his handwriting.

The court had found part of Mr Gaba's confession to be untrue. Mr Wentzel said that it was not known what part of the confession was true and what was untrue.

Mr Wentzel said: "He may have wanted to protect someone by making the confession. He claimed he placed the bomb in Field Street but he pointed out the wrong spot to the police."

# Hogan 'was attracted by non-violent aims of ANC'

Court Reporter

MISS Barbara Anne Hogan possibly involved herself in the ANC because she was in broad sympathy with the overall aims of the organisation and she felt she could contribute to the non-violent part of its work, an expert in African politics told the Rand Supreme Court yesterday.

Mr Tom Lodge, a lecturer at the University of the Witwatersrand, was discussing the question of how Miss Hogan could contribute to the work of the ANC while dissociating herself from the violence of its militant wing.

Miss Hogan, 30, of Sunray Court, Hunter Street, Yeoville, Johannesburg, has pleaded not guilty to a charge of high treason. She has pleaded guilty to an alternative charge of furthering the ANC's aims and has confessed to being an ANC member.

Mr Lodge told Mr Justice Van Dyk that the strategy of the ANC had various dimensions,

several of which were not violent in character. Organisational structures existed for these and they were isolated from Umkonto we Sizwe, the military wing.

Since the formation of Umkonto, the ANC had continued to attempt to maintain a separate, non-military organisation within South Africa, which worked in isolation from the Umkonto insurgent groups.

"The ANC advocates a multi-dimensional strategy and is sensitive to the dangers of militarism, that is, the subordination of mass (non-violent) political work to the requirements of military action," Mr Lodge said.

"Given the ANC's organisational complexity, the existence of various different dimensions of its activities within South Africa and the current independence of some of this activity from Umkonto's military campaign, it is not difficult to understand how someone who was in broad sympathy with the overall

social aims of the ANC — but who did not wish to contribute in any way to its violent dimension — could nonetheless feel she could involve herself in the movement," Mr Lodge said.

Miss Hogan's chosen field, labour, was an obvious area in which the ANC would wish to make its influence felt without diverting worker organisations from their "principle tasks".

According to the indictment, Miss Hogan allegedly wrote three documents: "The Social Background of Working Class Leadership", "Problems Arising in Internal Political Work" and "Close Comrades". Miss Hogan admitted to writing the latter two only.

Mr Lodge said, in comparing the first and second documents, that "Social Background" was a sophisticated and exhaustive analysis of the leadership of the Federation of South African Trade Unions, and was highly critical of the leadership.

"The document ascribes to the Fosatu leadership a syndicalist position. That is the belief that political power flows directly from factory organisation and that, in consequence, working class revolutionaries should avoid entanglement with any political movement not rooted in the work-place structures," Mr Lodge said.

He told the court that the documents were written by different people because of the literary style used. The documents were written in different contexts involving different conventions of presentation and there were significant discrepancies in the language employed in each, he said.

Mr Lodge said "Social Background" was already a dated document when dispatched to the ANC last year, and failed to note the resignation as general secretary of Mr Alec Irwin in April that year.

The hearing continues on Monday.

70  
Has followed up



# ANC can be <sup>(33)</sup> <sup>sten</sup> non-violent' <sup>28/8/82</sup>

A politics lecturer told the Rand Supreme Court yesterday that the banned African National Congress (ANC) "advocates a multidimensional strategy and is sensitive to the dangers of 'militarism'."

Mr Thomas Jeffrey Lodge of the University of the Witwatersrand was giving evidence for Miss Barbara Hogan, a self-confessed member of the ANC.

Miss Hogan (30), has pleaded not guilty to a charge of high treason but admitted an alternative charge of furthering the aims of the

ANC and pleaded guilty to a charge of being a member of the ANC.

Mr Lodge told Mr Justice van Dyk that he had interviewed ANC officials in his research on the movement.

He then read from his academic paper entitled "The possibility of someone who dissociated themselves with the violence of the Umkhonto we Sizwe being able to contribute to the ANC's work as a member of that organisation."

Mr Lodge said the strategy of the ANC had various dimensions,

several of which were non-violent in character.

He said there were "organisational structures" in the ANC which were separate and isolated from Umkhonto we Sizwe, the organisation's military wing.

He said his argument was based in three stages.

The first was that since the formation of the military wing, the ANC had continued the attempt to maintain a separate non-

military organisation within South Africa which worked in isolation from the insurgent groups.

Secondly, the ANC "advocates a multidimensional strategy and is sensitive to the dangers of 'militarism' — that is the subordination of mass (non-violent) political work to the requirements of military action."

Lastly, he said that many of the tasks of the political organisation did not have a violent, military objective or function.

## Top SAAWU men<sup>78/8/82</sup> released on bail<sup>Star</sup> (331)

The South African Allied Workers' Union president, Mr Thozamile Gqweta, and his deputy, Mr Sisa Njikelana, were yesterday released on bail of R750 — three days before they are due to appear in court.

The two trade unionists have been charged under provisions of the Terrorism Act as yet unspecified. The trial has been set for Tuesday.

Mr Njikelana has been in police custody since November last year, first as a detainee and then as an awaiting-trial prisoner, under several different provisions of security legislation.

Mr Gqweta was apprehended by police in May this year — the sixth time the trade union leader has been the subject of security police investigations.



# Judgment reserved in Umtata security trial

UMTATA — The state and defence counsels in the security trial in the Supreme Court here have completed their arguments.

Mr Justice A. P. van Collier said he would try to deliver his judgment as soon as possible as he was aware that the accused had been in detention for a long time.

The hearing was postponed to a date to be fixed at a later stage.

Mr James Zamiwonga Kati, 58, Mr Mkangeli Manford Matomela, 25, and Mr Peter Bawose King, 57, are appearing on three counts under Section Seven of Transkei's Public Security Act of 1977.

The men have pleaded not guilty on all counts and their alternatives.

Applying for the conviction of the men, Mr George B. Muller, QC, for the state said the investigating officer, Captain Spalding Dengana had

given satisfactory evidence beyond reasonable doubt.

On the question of the suitcase with a false bottom found at Mr Kati's home, Mr Muller said he was satisfied that Mr Kati was the possessor or owner of the suitcase.

In connection with count one, Mr Muller said Mr Kati was guilty because he gave accommodation to a Mr Tolo and also arranged meetings, transport for certain people and was active in a recruiting campaign.

Asked by the judge whether one of the witnesses, Mr Mlungisi Mtshotana who gave evidence for the state could still be regarded as an accomplice, Mr Muller said: "In our opinion he may still be regarded as an accomplice, but according to Mr Kati's evidence, he (Mr Mtshotana) did not play a very active role."

Mr Muller said when Mr Matomela gave accommodation to Mr Mazwi Yako he was directly or indirectly rendering assistance to a person engaged in ANC activities.

The court heard earlier that when Mr Yako moved from a hotel in the city, Mr Matomela sought accommodation for him at his home knowing of his subversive movements.

Turning to Mr King, Mr Muller said the onus rested on Mr King to prove he did not know that a suitcase brought to his house contained explosives.

"The story by Mr King and his wife that a man came to their house, left a suitcase and said he would call for it later, was a fabrication," Mr Muller said.

Advocate A. Wilson for the defence said that the only evidence the state had was that of accom-

plices.

"There must be an independent confirmation of these incidents," Mr Wilson said.

Mr Wilson said the evidence of an accomplice, Mr Vuyani Macosa, was unsatisfactory. He was evasive, especially about dates.

"On the question of visiting Herschel, he said he wanted to see that town as he had never been there before. Pressed further his second version was that he went to see Mr Joe Gwabeni at Herschel for the purpose of discussing military training.

"He appears to be wanting to say very little about himself and his activities. In addition he was hesitant to point out Mr Kati," Mr Wilson said.

He said there were improbabilities in Mr Macosa's evidence. — DDR.



# 'Non-violent' ANC worker

Own Correspondent

JOHANNESBURG — Barbara Hogan involved herself in the African National Congress possibly because she was in broad sympathy with the overall aims of the banned organization and felt she could contribute to the non-violent part of the ANC's work, an expert in African politics told the Rand Supreme Court yesterday.

Mr Tom Lodge of the University of the Witwatersrand was discussing how Miss Hogan could contribute to ANC work while dissociating herself from the violence of the organization's militant wing.

Miss Hogan, 30, of Sunray Court, Hunter Street, Yeoville, has pleaded not guilty to a charge of high treason. She pleaded guilty to an alternative charge of furthering the aims of the ANC.

Mr Lodge told Mr Justice van Dyk that the strategy of the ANC had various dimensions, several of which were non-violent in character. Organizational structures existed for these and were isolated from Umkonto We Sizwe, the militant wing.

Activity within these structures should not be seen as merely auxiliary to Umkonto's campaign.

"It is conceivable that Miss Hogan joined the ANC with the purpose of expanding the importance and overall contribution of that part of the ANC's work which is inherently non-violent," Mr Lodge said.

## 'Dangers of militarism'

Since the formation of Umkonto, the ANC had continued to attempt to maintain a separate, non-military organization within South Africa, working in isolation from the Umkonto groups.

"The ANC advocates a multi-dimensional strategy and is sensitive to the dangers of militarism, that is, the subordination of mass (non-violent) political work to the requirements of military action," Mr Lodge said.

Miss Hogan's chosen field, labour, was an obvious area in which the ANC would wish to make its influence felt without diverting the worker organizations from their "principle tasks".

According to the indictment, Miss Hogan allegedly wrote three documents: "Social Background of Working Class Leadership", "Problems Arising in Internal Political Work" and "Close Comrades". Miss Hogan admitted to writing the latter two, but not the first.

Mr Lodge said that in the second document, Miss Hogan discussed inadequacies in communication between her and the ANC in Botswana.

## 'Boundaries and purposes'

"In essence it appears that she was never clearly informed about what the precise boundaries and purposes of her work for the ANC should be and whether it fitted into the ANC's strategy," Mr Lodge said. "Social Background" is a sophisticated and exhaustive analysis of the leadership of the Federation of South African Trade Unions (Fosatu). It is highly critical of the leadership, mainly because of the latter's conception of trade unions and political strategy.

"The document ascribes to the Fosatu leadership a syndicalist position. That is the belief that political power flows directly from factory organization and in consequence working class revolutionaries should avoid entanglement with any political movement not rooted in the workplace structures."

Mr Lodge said the documents were written by different people, because of the literary style used.

"Social Background" was written with moral certainty, intellectual self-confidence and considerable cynicism. None of these characteristics were evident in "Problems Arising". Mr Lodge said the tone here was supplicatory and uncertain.

The hearing continues on Monday.

# Russian cosm

MOSCOW. — The second woman to fly in space and her two male crewmates yesterday undocked their descent craft from the orbiting Salyut T-7 space station in preparation for a landing in Soviet Central Asia, Soviet radio reported.

The radio said the crew would need one orbit after the undocking before it began heading towards earth and conclusion of a nine mission.

Svetlana Savitskaya and fellow cosmonaut Alexander Serebrov, flight engineer, and mission commander Leonid Popov, 36, were fired space on August 19 docked their Soyuz with the space station.



Rock star Carlos Santana, left, watches as Musicourt '82, a charity

# Park home awaits new-born lion cubs

DURBAN. — Three new-born lion cubs whose mother was killed when she mauled game warden Wynand Kanfer in the Umfolozi Game Reserve earlier this week, may have found a home at the Natal Lion Park.

Mr Brian Boswell, owner of the park near Cato Ridge, said he would be willing to take the cubs.

"Young lion cubs would be no problem to rear. It's when they have experienced the wilderness that things become difficult."

His staff has had more than 20 years' experience rearing cubs.

Mr Martin Engelbrecht,

Umfolozi, said the cubs were still covered with blood and other signs of birth, including their umbilical cords, when found.

"This could explain the aggressive behaviour of the lioness."

The eyes of the cubs, two females and a male, are almost fully open, and they have learnt how to climb out of the dog's basket in which they are being kept at the park.

They are being bottle-fed on a mixture of milk, glucose, soda and lime.

Mr Kanfer is in a satisfactory condition in the War Memorial Hospital in

# Fare increase before board

Staff Reporter

THE National Transport Commission will sit in Cape Town on Monday to hear objections — from more than 40 trade unions, youth movements, and civic organizations — to a bid by City Tramways to increase bus fares by an average of 11,6 percent.

The objectors were notified earlier this month that they could testify before the Local Road Transportation Board, at the Foreshore, on August 30 and 31.

They lodged complaints when the bus company announced its intended

# Wife of IRA suspect reappears

BELFAST. — Belfast housewife Mrs Fiona Brown, missing for six weeks and expecting her first child in three weeks time, reappeared dramatically yesterday at a news conference called by the IRA's political front.

Australian-born Mrs Brown, 20, disappeared on July 13, four days after her husband Robert had been arrested on IRA bomb and conspiracy

er statements to p about their activities. "Four days after Robert had been arrested, I to stay with friends fear of being arrested well," Mrs Brown said.

She denied reports she had left home the washing machine radio left on and the open — raising fears she had been abducted.

The Browns live in Twinbrook public housing project in West Belfast which was also home



# R750 bail granted to Saawu executives

28/8/87  
D. Dispatch  
(331)

EAST LONDON — The president and vice-president of the South African Allied workers' Union (Saawu) were released on bail of R750 each after a brief appearance in the magistrate's court here.

Mr Thozamile Richard Gqweta, 29, and Mr Sisa Njikelana, 27, were not asked to plead when they appeared before Mr N. R. Oosthuysen on a charge of high treason, alternatively charges under the Terrorism Act. No evidence was led.

The Deputy Attorney General, Mr Petrus Jaco-

bus Strauss, assisted by Mr Deon Els, said although the Attorney General, Mr Edward Charles Heller, previously objected to bail being granted to the two men, the matter had since been reconsidered and that an agreement with Mr Gqweta and Mr Njikelana's attorney, Mr H. K. V. Siwisa, had been reached regarding certain conditions of the bail.

The conditions were that Mr Gqweta and Mr Njikelana hand in to the court their passports and travel documents and report daily to the

Cambridge police station between 7 am and 9 am and to the police at Duncan Village between 6 pm and 7 pm.

In addition, once the identities of state witnesses had been disclosed in any way, the two must not have any contact with or interfere with such a person and that they should not involve themselves in any way whatsoever with unlawful trade union activities.

A further condition is that they must not leave the magisterial district of East London unless, in the case of Mr Gqweta

who had indicated he wanted to visit relations in King William's Town, they do so with the written permission of the local branch of the Security Police.

It is alleged in the charges under the Terrorism Act that the two men furthered the aims of a banned organisation and that they furthered the aims of communism over a period.

The hearing was postponed to September 30 by which date, Mr Strauss said, the indictment specifying the charges would have been drawn up. — DDR

(331) (HSA) RDM  
28/8/82

## Unionists on Terror Act charges released on bail

### Labour Correspondent

THE president and vice-president of the SA Allied Workers Union, Mr Thozamile Gqweta and Mr Sisa Njikelana, were released on bail in East London yesterday after spending several months in police custody.

Both men have been detained six times without trial by Ciskeian and South African authorities and neither has yet been convicted.

Their release was announced by Saawu's general secretary Mr Sam Kikine, who is himself free on bail after appearing in a Durban court charged under the Terrorism Act.

Mr Gqweta and Mr Njikelana have been released on

R750 bail each after appearing in court in Johannesburg and Grahamstown, also charged under the Terrorism Act. Mr Kikine's bail was set at R500.

Details of the charges have not yet been made available to the three men's legal representatives and lawyers say it is "unusual" for accused people in Terrorism Act cases to be released on bail.

According to lawyers for the two men, several bail conditions have been imposed. They must report twice a week to the police, they must surrender their passports and they must not engage in "illegal trade union activities".



# All on Hogan's contact list were detained

BARBARA Hogan was a fresh-faced teenager and a committed Christian when she entered university 12 years ago.

The convent schoolgirl was also a junior deputy mayor of Benoni and school sports captain.

Now she stands in the dock of the Rand Supreme Court accused of treason.

A self-confessed member of the banned African National Congress, she carries the burden that a list she compiled for the ANC of trusted 'close comrades' led

to each of those people being detained — some for months.

One of those detained was never released. He was Dr Neil Aggett who died in February while in Security Police detention.

Miss Hogan, who joined the ANC in Swaziland in 1977, and later fell "under the discipline" of South Afri-

can exile and ANC activist Marius Schoon in Botswana, told Mr Justice van Dyk this week she communicated in code every second week with Mr Schoon.

When the judge asked her why she communicated in code, she replied that Mr Schoon was concerned for her safety.

Judge: Why was he concerned for your safety? All you have done so far (up to early 1981) was legal.

Miss Hogan had sent the ANC copies of magazines, newspapers and academic

reports. She said Mr Schoon was concerned because the ANC was an illegal organisation in South Africa.

At the end of June last year, Miss Hogan told the court, she received a message from Mr Schoon saying she should leave the country because the envelope in which her last coded message had been enclosed had been found slit open.

"They were anxious about my safety here. I examined the pack of envelopes and noticed all were slit as they

were opened. So I doubted whether the Security Police or someone else had opened the envelope.

"I came under Security Police surveillance that same week and sent a message to Botswana via a friend, Alan Fine.

"I received no advice on what to do so I approached Rob Adam (who was convicted earlier this year of plotting to blow up the Brixton tower), the only other person I knew was an ANC member and asked him for

advice.

"He asked the people he worked under and they said I should stay in South Africa. What worried me was that my communication with Botswana was inadequate in a crisis.

"Rob suggested I write a report outlining my problems."

Miss Hogan then compiled a 15-foolscap page unencoded report giving details of her recruitment to and work for the ANC, and stating the problems she encountered.

Later she received a letter purporting to be from Mr Adam's ANC contact group, saying attention should be given to her problems and asking for a list of people she worked with, "not only ANC people."

The contact list fell into the hands of the Security Police, and all those she named were detained.

She claimed she worked closely with the first five people on her list. These were Mr Cedric de Beer, Mr Gavin Andersson, Mr Aurret van Heerden, Mr Fink Hayson and Mr Alan Fine.

Under a sub-heading 'Reference people, only above-ground work', she listed Dr Neil Aggett, Dr Liz Floyd, Miss Merle Favis, Mr Mohammed Moosa, Mr Ismael Monomiat and Mr Monty Narsoo.

Miss Hogan then listed six other people she termed 'consultants', all of whom were detained for varying periods.

Mr George Bizos, SC and Mr Denis Kany, appeared for Miss Hogan. Mr J Swane-poel and Mr W J Hanekom prosecuted.

## Recession starts to bite Frauds and debts mark tough times

THE squealing but not the bloodletting in South African business has begun.

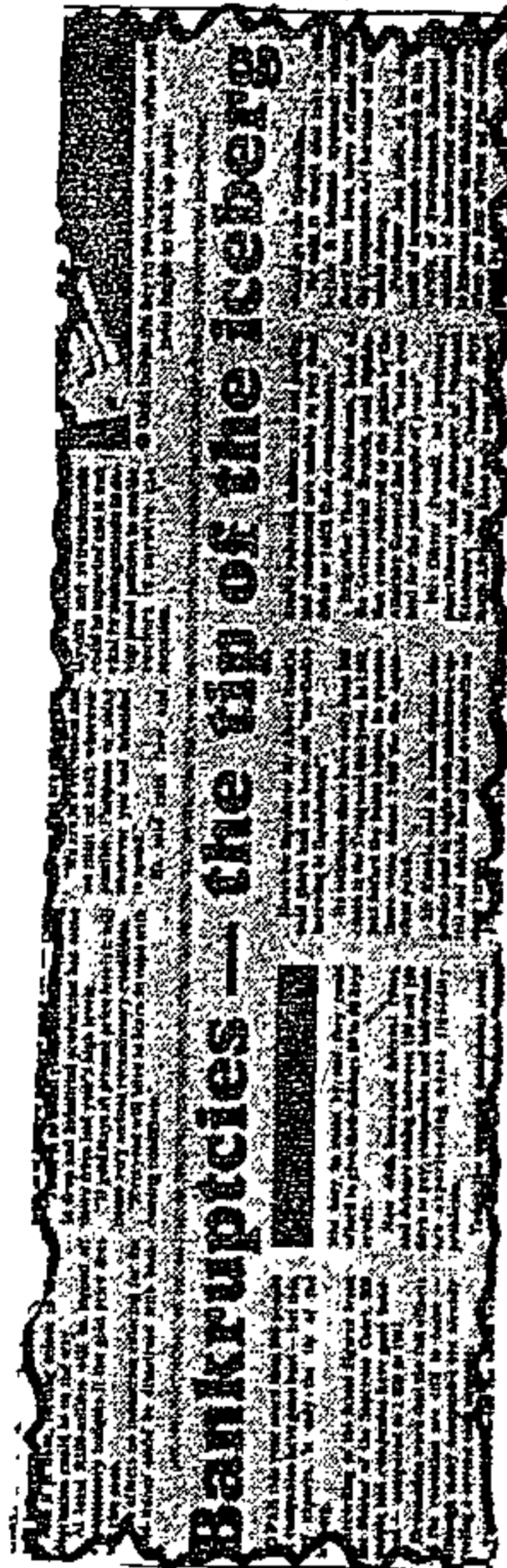
Finance and liquidators

compared with 271 for the same period in 1980 — a boom year.

There has been an increase in the number of

BY CATHY KENTRIDGE

Miss Hogan's contact list



The Sunday Express, June 27 — when the issue was first examined.



# Defence holds Chamusso trial

30/8/82 (331)  
Sowetan

**THE TERRORISM** hearing in the Pretoria Supreme Court has been adjourned until September 6 to enable the accused to brief his defence.

The adjournment by Mr Justice A P Myburgh who set with two assessors followed a request from Mr Rogerio Hoffmann Chamusso (32), a Mozambique citizen also known as Patrick Shange, to consult an attorney because he was not happy to have been defended by pro-deo counsel.

Mr Chamusso pleaded not guilty to two charges of murder arising from the deaths of two construction workers in Ogies near Witbank, of possession of explosives, a fire arm and ammunition and of being a member of the ANC.

He is alleged on October 23 to have shot Mr Lucas Abraham Mans and Mr Hendrik Gerhardes Booyesen in their caravan at Heuwelfontein, of participating in the bombing of an electric transformer near Witbank and of undergoing military training in Angola and Mozambique with intention to undermine law and order in South Africa.

All answers

Number

Number

Surname

First Name

Date 25/10/78

Degree/Diploma/Certificate for which you are registered (e.g. B.A., B.Sc.) B. Comm

Subject Eco II  
(to be copied from the heading on the Examination Paper)

Paper No 1  
(to be copied from the heading on the Examination Paper)

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

	Internal	External
(1)	(2)	(3)
3	62	
4	63	
Examiners' Initials		

## NOTE CAREFULLY

- Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
- Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
- Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book (s) are used.

## WARNING

- No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
- Candidates are not to communicate with other candidates or with any person except the invigilator.
- No part of an answer book is to be torn out.
- All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University



(331) D. Dispatch 3/18/82

## Ciskei terror trial postponed

ZWELITSHA — The Terrorism Act trial in the Ciskei Supreme Court was postponed again yesterday. The hearing will resume tomorrow.

Ciskei's chief justice, Mr Justice De Wet, who is presiding over the case, yesterday heard an application by four expelled Fort Hare students for an interdict against the university.

He was to have given judgment on the admis-

sibility of statements allegedly made by the accused in the Terrorism Act trial.

Advocate M. T. K. Moerane, the defence counsel, had objected at an earlier hearing to the statements' admissibility on the grounds that they were in Afrikaans, which was no longer an official language in Ciskei, and that they had not been made to a Ciskeian magistrate or a

magistrate in Ciskei.

Mr William Duna, 31, Mr Dumisani Maninjwa, 31, Mr Bhayi Keye, 52, and Mr Luyanda Mayekiso, 23, have pleaded not guilty to participating in terrorist activities, being members of the ANC, recruiting people to undergo military training and being in possession of banned literature. — DDR.

# Query on book in ANC trial

Own Correspondent

JOHANNESBURG. — A book called "Manual on Detention" allegedly found in the flat of Miss Barbara Hogan, differed substantially in contents and graphics from the "Manual on Detention" printed by the University of Cape Town, the Rand Supreme Court heard yesterday.

Ms Jennifer Schreiner, giving evidence in the treason trial of Miss Barbara Anne Hogan, 30, told the court that "Manual on Detention" was printed in February this year by the University of Cape Town.

The State alleges that a copy of the manual was found in Miss Hogan's Yeoville flat when she was arrested on September 22, 1981.

## 'Talks'

Miss Hogan has pleaded not guilty to a charge of treason but guilty to charges of furthering the aims of the ANC and of being a member of the organization.

Ms Schreiner told Mr Justice Van Dyk that talks had been organized in Cape Town after countrywide detentions during the end of 1981.

## 'Differed'

She said that the four talks, delivered amongst others by a Mr Omar, a lawyer, and a Mr Davis, a law lecturer at Cape Town University, had been recorded. It was decided to have the discussions produced in book form. The manual was printed in February 1982, the court heard.

Ms Schreiner said the talks were held during November and December last year.

She told the court that the contents and graphics in the manual she had helped produce differed substantially from the one allegedly found in Miss Hogan's flat.

Mr Tom Lodge, a lecturer in African politics at the University of the Witwatersrand, said under cross-examination by the State that the ANC would implement the Freedom Charter after the government had been overthrown by violence.

## 'Sabotage'

He said the ANC mentioned "mass insurrection" as a means of overthrow in some of its documents although it did not form part of the organization's special strategy.

"The sabotage attacks on strategic installations like Sasol have mainly exhibitionist purposes. Civilian attacks are limited on the whole to people who the ANC believe are morally culpable, like policemen and State witnesses," he said.

Mr Lodge said the ANC saw the worker and trade union as important forces in its struggle. The task of the trade union was to mobilize the oppressed worker, who was the backbone of the ANC's striking power into mass action.

## 'Strategy'

The ANC regarded strikes and boycotts as an invaluable tool in the revolution, Mr Lodge said. "The ANC is trying to cripple the South African industry as part of its strategy," he told the court.

The hearing was postponed until September 6 for argument.



# Treason trial dispute on origin of document

By Rashid Chopdat

A Rand Supreme Court judge presiding at the trial of Miss Barbara Hogan, yesterday heard how a document was wrongly submitted as evidence in two courts by the Security Police.

Miss Hogan (30) of Yeoville has pleaded not guilty to a charge of high treason but has admitted an alternative charge of furthering the aims of the banned African National Congress.

She has also pleaded guilty to a charge of being a member of the ANC.

In the early stages of the trial a copy of "Manual on Detention" was submitted as an exhibit. The Security Police said it had been found in Miss Hogan's flat on September 22 last year when she was arrested.

Miss Hogan's advo-

cate, Mr G Bizos SC, disputed this, saying the manual before court had been published during February this year while she was in detention.

Later the State handed in a second document, bearing the same title but with some differences in text and in graphics.

Mrs Jennifer Schreiner of Cape Town said she had helped compile "Manual on Detention" which was published by Media Press at University of Cape Town during February this year.

The manual was compiled after four talks were delivered in Cape Town in response to countrywide detentions late last year.

Explaining how he had come to identify the manual produced in 1982 as having been found in Miss Hogan's flat in 1981, Major Arthur Cronwright of John Vorster Square

said there were two different publications entitled "Manual on Detention."

As the copy alleged to have been found in the flat was to be a court exhibit, Major Cronwright said he did not want a junior officer to use it at a trial in the Johannesburg Magistrate's Court where two security policemen were acquitted of assaulting Miss Hogan.

The major had therefore authorised the junior officer to make copies from a similar publication in the police archives. In this way the officer had made copies of the 1982 publication for exhibit in the magistrate's court, the Supreme Court was told.

Mr Justice van Dyk postponed the hearing to September 6 when legal argument is to be submitted.

TOTALITARIANISM — POLITICAL TRIALS  
1982

SEPT. — DEC.



# Mpetha: Ruling on statements

Staff Reporter

SIX statements made by four of the accused facing charges of murder and terrorism with trade-unionist Mr Oscar Mpetha were found in the Supreme Court yesterday to be inadmissible.

Giving his ruling in the second leg of the trial-within-a-trial which involved 10 of the accused, Mr Justice Williamson also ruled that seven statements were admissible.

In the first leg, five statements made before a magistrate were found to be admissible.

The trial-within-a-trial has been running since December last year and follows a claim by the defence counsel that certain statements made by 15 of the accused to Captain L Knipe of the Murder and Robbery Squad were not made freely.

In his ruling, Mr Justice Williamson called Captain Knipe a truthful and reliable witness.

After assessing the evidence made by the 10 accused, he rejected all the claims of assault. However, he found that in some cases other forms of pressure had been present.

"I don't say the police acted improperly," he said, "but they have a difficult task to perform."

In most cases the pressures were caused by the men's youth, the fear of detention and solitary confinement, the implication made by police that they would be released if they made statements, and in one case an "unfortunate remark" which might have been made by Captain Knipe.

Statements made by two youths were found to be inadmissible and a statement by a third was accepted. Statements by Mr Peter Kube and Mr Vuyisile Diba were found inadmissible and statements by Mr Alton Sabuwa, Mr Johannes Hlapo, Mr Jeffrey Baardman, Mr Richard Mapondo and Mr Phillip Nonygwana were found to be admissible.

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 SC, instructed by Frank, Bernadt and Joffe, appears for Mr Mpetha. Mr T L S Skweyiya appears for 12 of the accused, Mr J R Whitehead for four and Mr N P Willis for two, all instructed by A M Omar, Vassen and Company.

# Ciskei judge rules statements admissible

ZWELITSHA — Chief Justice D. S. De Wet ruled in the Ciskei Supreme Court yesterday that statements allegedly made in Afrikaans by three Mdantsane men on terrorism charges were admissible as evidence.

The judge said the contents of the statements were acceptable provided that a proper English translation was placed before the court. The fact that they were made to a magistrate outside Ciskei did not invalidate them because Ciskei had not been independent when they were made.

Defence counsel, Advocate M. T. K. Moerane, had objected to their admissibility on the grounds that they were in Afrikaans, which was no longer an official language in Ciskei and that they were not made to a Ciskeian magistrate or magistrate in Ciskei.

Mr William Mabone PE Duna, 31, Mr Dumisani Bizette Maninjwa, 31, Mr Bhayi Jeffrey Keye, 52, and Mr Luyanda Patric Mayekiso, 23, all of Mdantsane have pleaded not guilty to participating in terrorist

activities, recruiting people to undergo military training, being members of the banned ANC and being in possession of banned literature.

The Attorney General, Advocate W. J. Jurgens, had applied to submit statements allegedly made by Mr Duna, Mr Maninjwa and Mr Mayekiso.

He said Mr Mayekiso had told the magistrate he had not been assaulted at the time of making the statement but had said he had been assaulted two weeks previously.

Mr Jurgens said the statement had therefore been made freely and voluntarily and there was no connection between it and the alleged assault as the latter had allegedly taken place two weeks previously.

Mr Jurgens said that when Mr Maninjwa was asked what benefit he expected to gain from making a statement, he

had said he hoped his "colleagues" would be discharged. This was no inducement, however.

Mr Moerane submitted that the statement allegedly made by Mr Duna appeared to have been made by a Mr A. F. Majola and this name did not correspond with Mr Duna's name.

He argued further that the state should prove to whom the statements had been made. Secondly, the person who issued the certificate should say whether he had interpreted correctly and verify that he was the interpreter.

Mr Moerane criticised the East London additional magistrate, Mr Edward Marais, who took Mr Duna's and Mr Maninjwa's statements.

He said Mr Duna had told the magistrate that he had already made a statement to a Lieutenant Van Wyk. Asked why he wanted to make a second statement, Mr

Duna had said he wanted to make it so that it could be handed to court.

Mr Moerane said the magistrate should have asked when the first statement had been made and investigated the matter.

And when the accused said he wanted his second statement to be handed into court, the magistrate should also have queried this. It was a curious answer and the magistrate should have realised there may have been influence brought to bear.

Dealing with Mr Mayekiso's claim when he made his statement that he had not been assaulted "now" but two weeks previously, Mr Moerane said the magistrate had not even asked him who had assaulted him.

Mr Maninjwa, when asked by the magistrate what advantage he expected to gain from mak-

ing the statement, had said he wanted his colleagues to be discharged.

"Here again Mr Marais recorded in a mechanical way," Mr Moerane said, and accused the magistrate of not doing his duty. Here too there seemed cause to suspect inducement, he said.

Mr Justice de Wet ruled in Mr Duna's case that the statement clearly had been made by him. There had been a mistake in the name.

He upheld Mr Moerane's contention on the other elements.

The state called Mr Edward Marais, who testified that he took Mr Duna's and Mr Maninjwa's statements.

Under cross-examination by Mr Moerane, he said it made no difference to him when taking a statement whether a deponent was detained under the security legislation or not.

He said he seldom went beyond the prescribed questions to probe for inducements and alleged assaults.

Cross-examination of Mr Marais continues today. — DDR

include representatives of municipal, management committee and divisional council associations in the Cape.

lish the new Cape regional bodies will be held in Kimberley on Friday, Cape Town on Monday, Beaufort West on Tuesday and Port Elizabeth during September.

Mr Louw will be chairman of each of the four regional bodies, with Mr Hernus Kriel, MEC in charge of local government, as deputy chairman.

Invited to each of the meetings are seven representatives of the Municipal Association of the Cape, seven members of the Association of Management Committees, one member of the South African Indian Council and one member of the Association of Divisional Councils.

## NOMINEES

Each committee will comprise nominees of these bodies appointed by the Administrator, as well as any ad hoc members the Administrator may think necessary, and ex officio members nominated by the Department of Internal Affairs.

Regional committees will in turn be represented on a national liaison committee under the chairmanship of the Minister of Constitutional Development, Mr Chris Heunis.

dorp, Vredendal, Clanwilliam, Piketberg, Ceres, Worcester, Montagu, Ladismith, Oudtshoorn, Uniondale and (along the coast) Knysna, George, Mossel Bay, Riversdale, Swellendam, Bredasdorp, Caledon and the whole Western Cape-Peninsula area.

● Karoo, based in Beaufort West, comprising Calvinia, Sutherland, Laingsburg, Prince Albert, Beaufort West, Fraserburg, Murraysburg, Victoria West, Richmond, Hanover, Noupoot, Colesberg, De Aar, Philipstown, Hopetown, Prieska, Victoria West, Fraserburg and Williston.

● Northern Cape, based in Kimberley, comprising Gordonia, Kenhardt, Herbert, Kimberley, Barkly West, Warrenton, Vryburg, Kuruman and Postmasburg.

● Eastern Cape, based in Port Elizabeth, comprising on its boundaries with the Karoo and Western Cape regional committees the districts of Venterstad, Steynsburg, Middelburg, Graaff-Reinet, Aberdeen, Willowmore and Humansdorp, and all the area east of these districts, including Aliwal North, Elliot-Maclear, Queenstown-Komga, Cradock, East London, Grahamstown and Port Elizabeth.



# Alleged statement irregularities cited

D. Disputel  
3/9/82

ZWELITSHA — An advocate told the Supreme Court here yesterday that if his instructions were correct, the taking of a statement from one of his clients charged under the Terrorism Act had been attended by the most gross irregularities he had encountered in his career.

Defence counsel, Mr M. T. K. Moerane, said in the terrorism trial here that if his instructions were correct, the magistrate who took down a statement from one of the accused, Mr Luyanda Mayekiso, had made false entries.

Mr Moerane was cross-examining Mdantsane's former additional magistrate, Mr J. Stanford, who took down Mr Mayekiso's alleged confession.

Mr Mayekiso, 23, Mr William Duna, 31, Mr Dumisani Maninjwa, 31, and Mr Bhayi Keye, 52, have pleaded not guilty before Chief Justice De Wet to participating in terrorist activities, being members of the banned ANC, recruiting people to undergo military training and being in possession of banned publications.

Mr Moerane said he had been instructed that on August last year Mr Mayekiso was taken to Mr Stanford's offices at the Mdantsane magistrate's offices to make a statement. Mr Mayekiso said he had refused to continue making the statement after insisting that it should be recorded that he had been assaulted by police and that the names of the alleged culprits be recorded as well.

Mr Moerane's instructions were that after Mr Mayekiso's refusal to make the statement Mr Stanford called two police officers, a Mr Genda and a Mr Madliwa. After aspeaking to them he allegedly made a telephone call and soon after three East London security officers, a Lieutenant Van Wyk, a Mr Muller and a Mr Robey Keith were said to have arrived. Mr Mayekiso claimed he had been taken away without making a statement.

Mr Moerane said Mr Mayekiso alleged he had been taken to the Cambridge police offices of the security police and been assaulted. On the following day (August 19) he said he had been taken to Lt Van Wyk's office, where he claimed he had found Mr Stanford and a Colonel Nonhonho of the Ciskei Central Intelligence Services. The last portion of his statement, dated August 18, was then taken and he was made to sign after Col Nonhonho acted as some sort of interpreter, Mr Mayekiso said. He claimed to have been coerced by police to make the statement he signed.

Mr Stanford denied making a false declaration.

He also denied that Mr Mayekiso had ever refused to make a statement. He said Mr Mayekiso had been willing all along. Mr Mayekiso had told him he had been assaulted by police during interrogation two weeks earlier but that this was not related to the statement he was making, Mr Stanford said.

Mr Mayekiso had been calm and collected and related simply the history of events. His demeanour had been relaxed and he had appeared at ease. There had been no visible assault marks on him, Mr Stanford said.

Mr Stanford denied making a telephone call as alleged by Mr Mayekiso.

He said Mr Mayekiso had been taken away on August 18 after he had finished making a statement. He denied going to the offices of the security police in Cambridge the next day. He said he had been at work as usual on that day and besides, Cambridge was outside his jurisdiction. The statement had been completed at the magistrate's offices on August 18, he said.

Mr Stanford said Mr Mayekiso was fluent in English and had asked that his statement be read back to him in English without interpretation.

Asked why he had signed confirmation that the statement had been read and interpreted to Mr Mayekiso when it had not been interpreted, Mr Stanford said he had forgotten to delete a section in the form to show that the statement had not been interpreted but read back to Mr Mayekiso in English only.

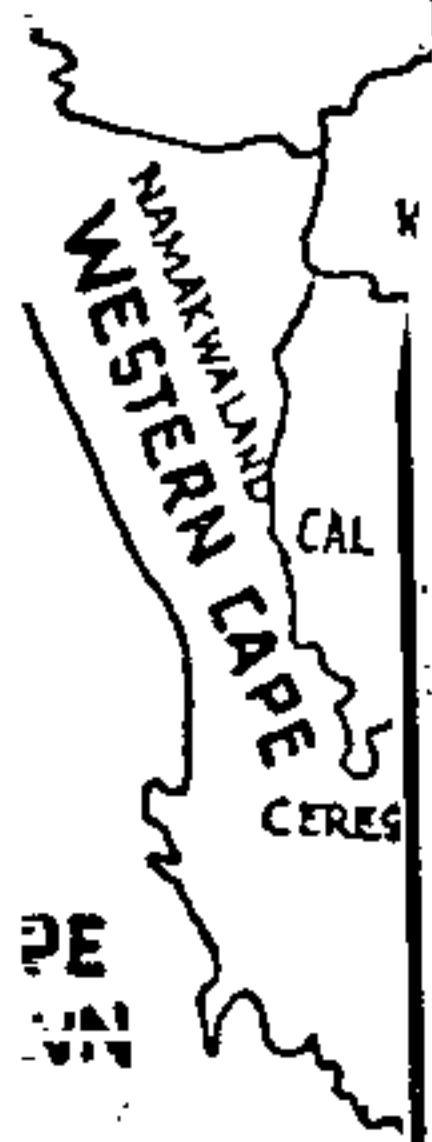
Mr Stanford conceded that additions and alterations in the original statement bore his initials only and none of the deponent's. He agreed with Mr Moerane that when a deponent made an alteration the deponent had to initial the change.

Asked why the deponent's initials did not appear in the alterations, Mr Stanford said he did not know how this oversight had occurred.

Mr Moerane asked whether, when writing out the statement, Mr Stanford had been copying from another document that had already been prepared. Mr Stanford said there had been no statement or document on his desk except the statement he took down from the deponent.

Mr Moerane suggested that the reason why Mr Mayekiso's initials did not appear was that he had not been present when that particular statement was made. Mr Stanford said Mr Mayekiso had been there all the time.

The trial continues. — DDR.



MAP of the regional e, Karoo, include re tee and

Association of Divisional Councils.

## NOMINEES

Each committee will comprise nominees of these bodies appointed by the Administrator, as well as any ad hoc members the Administrator may think necessary, and ex officio members nominated by the Department of Internal Affairs.

Regional committees will in turn be represented on a national liaison committee under the chairmanship of the Minister of Constitutional Development, Mr Chris Heunis.

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September 3, 1982

# Charges against unionist dropped

By STEVEN FRIEDMAN  
Labour Correspondent

CHARGES under the Terrorism Act against the general secretary of the SA Allied Workers' Union, Mr Sam Kikine, were dropped yesterday when he appeared unexpectedly in the Durban Magistrate's Court.

This move follows a remarkable series of events in which Mr Kikine was detained without trial under security laws for several months, charged in a Johannesburg court, had the charges against him withdrawn, was redetained and transferred to Durban where he was again charged and released on bail.

Mr Kikine said yesterday that he had received a call from the Durban public prosecutor asking him to appear in court later in the day, where charges against him would be dropped. He had been unable to get to court at the arranged time and had then agreed to appear yesterday morning to hear the charges against him withdrawn.

No explanation or reasons were given for the dropping of the charges against Mr Kikine and he has not been told that he may be called as a witness in any forthcoming security law cases. Mr Kikine was detained late in November last year, initially under the General Law Amendment Act and then under the Terrorism Act.

During his detention he was admitted to the psychiatric ward of a Durban hospital. After about six months in detention, he appeared with Saawu president Mr Thozamile Gqweta and vice-president Mr Sisa Njikelana in the Johannesburg Magistrate's Court and was charged under the Terrorism Act.

However, later on the same day Mr Kikine reappeared in court and was told by the presiding magistrate that charges against him were being withdrawn. He was also told, however, that he would remain in police custody and was to be transferred to Durban in court charged under the Terrorism Act and was released on R500 bail, a move which lawyers described as "unusual" in Terrorism Act cases.

Meanwhile, Mr Gqweta and Mr Njikelana were transferred to East London, where they, too, have now been released on bail of R750 each.



# Sports dream comes true



AT LAST: The principal of the school Mr Francis Mnguni and his happy pupils.

## ANC 3 appeal against death *331* *Some fan* *3/9/82*

THREE condemned members of the African National Congress (ANC) appeal against their death sentences in the Bloemfontein Supreme Court today.

The three, Anthony "Bobby" Tsotsobe, David Moise and Johannes Shabangu, were sentenced to hang for treason at the end of the lengthy Sasol-Booyens trial last year.

Earlier this year, the three boycotted prison food for at least two weeks while an appeal against their sentences was being considered.

The Prisons Department in Pretoria confirmed the boycott, but pointed out that the men were not on a hunger strike because they had been allowed to buy "additional foodstuffs and edibles."

The three were convicted for blasting the Sasol plant in Sasolburg and attacking the Booyens police station in Johannesburg in different incidents last year.

Are you lost?  
See Page 6

## Call of the rope

A 28-YEAR-OLD Kwa-Mashu man was sentenced to death in the Durban Supreme Court yesterday after being found guilty of murder.

Sipho Goodenough Ndoda Mlambo was found guilty of stabbing a 49-year-old woman, Mrs Ntombi Elizabeth Mabuza, at her home in Umlazi in May 1980 after she had demanded he leave her property.

## Photo family

THE Black Photographers Association of SA is to hold a general meeting at the Dube Y Hall on Sunday at 9am.

The association's Soweto branch president, Miss Boitumelo Makhema, said among issues to be discussed will be a reportback of an appointed committee investigating photographers plight, and a bulletin.

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# HAWKERS — HAWKERS

THE WHOLE TOWN IS TALKING ABOUT  
THESE

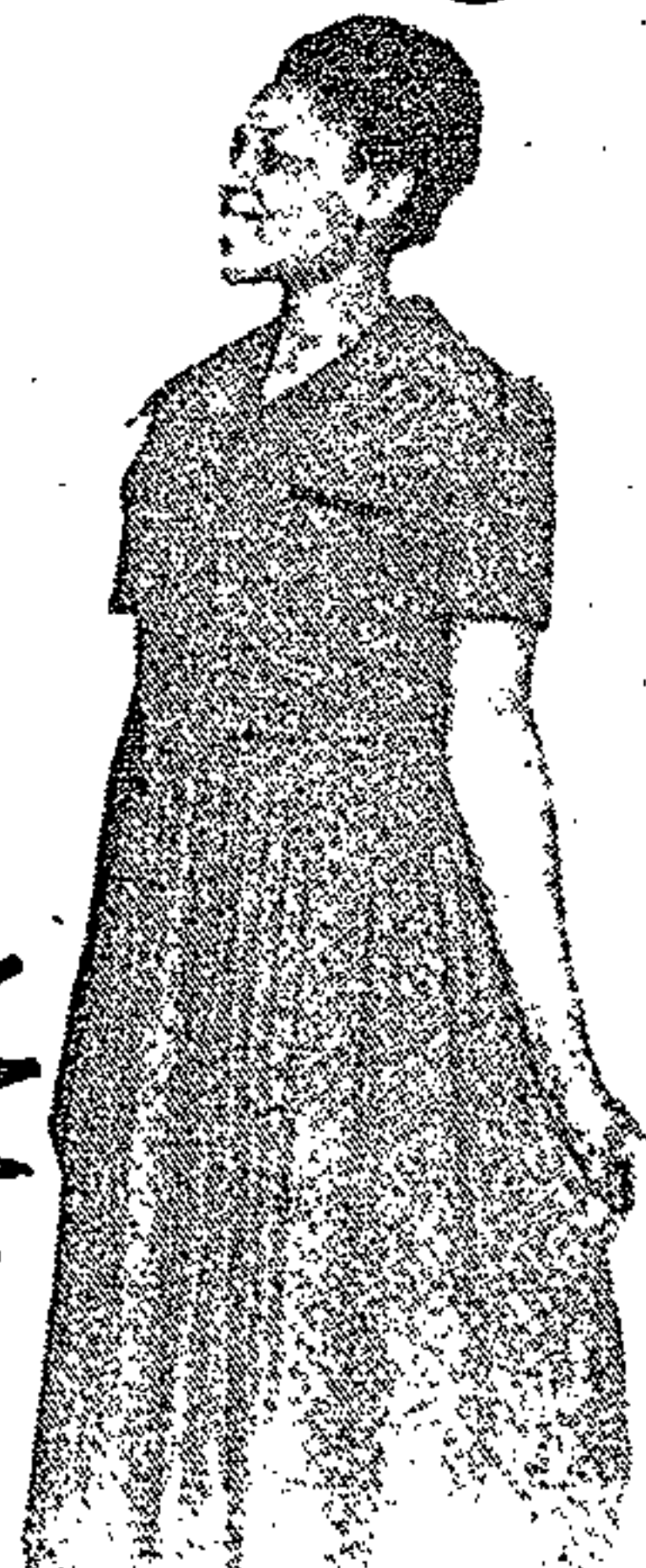
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FRC

# Translation can be ambiguous — interpreter

*331*  
*D. Dispatch*  
*4/9/82*

ZWELITSHA — In a trial within a terrorism trial in the Supreme Court here yesterday, Chief Justice D. S. De Wet ruled that the onus lay on the defence to prove that two statements made by two accused had not been made freely and voluntarily.

In the case of the statement of another the onus was on the state to prove it had been made freely and voluntarily, he said.

The judge added statements made by Mr William Duna, 31, and Mr Dumisani Maninjwa, 31, could be admissible as evidence. They appeared to have been made freely and voluntarily and the onus was on the defence to prove the contrary.

But in the case of an alleged statement by Mr Luyanda Mayekiso, 23, the onus was on the state to prove it had been made freely.

The three men, together with Mr Bhayi Keye, 52, all of Mdantsane, have pleaded not guilty to participating in terrorist activities, being members of the ANC, recruiting people

to undergo military training and being in possession of banned literature.

Advocate M. T. K. Moerane, for the defence, had objected to presentation of the men's statements to the court.

There was doubt as to whether Mr Duna and Mr Maninjwa's statements had been made without inducement, he claimed, and said Mr Mayekiso had alleged he had been assaulted.

The state called the former Mdantsane prosecutor, Mr Welcome Ntamba Mtyongwe, who had interpreted for Mr Mayekiso when he made his statement.

Mr Mtyongwe said he had interpreted everything fully and truthfully, to the best of his ability.

He said Mr Mayekiso had been told by the magistrate, Mr J. A. Stanford, before making the statement that he was before a magistrate, who had nothing to do with the police. Mr Mayekiso had been told he was not compelled to make a

statement and had nothing to fear.

Mr Mtyongwe said the deponent had told the magistrate he had been assaulted by police. He could not remember whether Mr Mayekiso had mentioned the names of the alleged culprits or where he was allegedly assaulted.

He later agreed Mr Mayekiso had mentioned the place where he claimed to have been assaulted.

Mr Mayekiso told the magistrate he had been assaulted two weeks previously during interrogation, Mr Mtyongwe said.

He then admitted that a Xhosa interpretation of two weeks previously and during the past two weeks could be the same, depending on the sense in which it was used.

Asked by Mr Justice De Wet to tell the court in English what the deponent had said, Mr Mtyongwe said Mr Mayekiso had said he had not been assaulted "now" but two weeks ago. — DDR





DIO



88

## Prisoners

Staff Reporter  
POLITICAL prisoners at Helderstroom prison near Caledon have faced visiting rights effort to change a regulation that communication between prisoners and visitors must be in English or Afrikaans.

About 75 prisoners were transferred to Robben Island to Helderstroom six months ago. On the island, prisoners may use their own tongue in the presence of an interpreter.

At Helderstroom, prisoners were told all communication must be in English or Afrikaans. This has been reported to the International Red Cross.

On Wednesday, friends

## Newsmedia freed after 4 weeks

Argus Africa News Service

HARARE. — Two Zimbabwe journalists were released yesterday from the Chikurubi maximum security prison after four weeks in detention.

Mr Aubrey McDowall, senior assistant editor on the country's main newspaper, the Herald, and the paper's crime reporter, Mr Bill Hipson, had been held under a section of the Emergency Powers Regulations which enabled police to detain them for up to 30 days.

Mr McDowall said last night he had still to consider his future plans.

### MUGABE

He declined to talk about his detention and referred to a comment last week by the Prime Minister, Mr Mugabe, who said that if the police could not find anything against the two, they would be released.

When detained they were told inquiries were being made following information that they had acted in a manner prejudicial to public order or public safety.

It is understood that

## 'Overthrow of State planned'

By Rashid Chopdat  
Court Reporter

Miss Barbara Ann Hogan had taken part in activities hostile to South Africa on behalf of the banned African National Congress, it was stated in the Rand Supreme Court today.

Mr J A Swanepoel was presenting argument to Mr Justice van Dyk on behalf of the State.

Miss Hogan (30), of Yeoville, had pleaded not guilty to a charge of high treason but admitted an alternative charge of furthering the aims of the ANC. She also admitted being a member of the ANC.

Mr Swanepoel mentioned 13 acts by Miss Hogan which he said constituted overt acts.

These included participating in boycotts, compiling and sending

documents on labour matters to the ANC, learning an ANC code and receiving instructions from the ANC.

Mr Swanepoel said Miss Hogan had conspired with the ANC to further its aims.

Her actions were unlawful and committed with hostile intent to overthrow the State, endanger law and order and cripple the economy.

He said it had been proved Miss Hogan had associated herself with all the aims of the ANC although she denied this.

Mr Swanepoel said the State had proved the charges against Miss Hogan and asked for a conviction of high treason and of being a member of the ANC.

The case continues.

## hearing next week

Staff Reporter

THE National Transport Commission meets in Cape Town next week to consider an application from City Tramways for an average increase in bus fares of about 12 percent.

The hearing takes place on top of last night's announcement of a one percent increase in sales tax.

The Road Transportation Board has received more than several objections to the application and many of the objectors are expected to appear personally before the commission, which will sit under the chairmanship of Road Transport Commissioner Mr H C van Zyl.

The hearing is set down for Monday and Tuesday at the Foreshore offices of the Road Transportation Board but will carry on longer if necessary.

### ADJUSTMENT

City Tramways have pointed out that the existing tariffs imposed

was granted an increase in wages which, together with another adjustment in March, made a total increase of 20 percent. Pay scales of the Amalgamated Engineering Union were also increased in July.

"The effect of this and the inevitable increase in the salaries and wages of administrative staff, together with other cost increases such as postal rates, general sales tax, a surcharge on imports and tyres leaves us with no alternative but to recover these costs."

### SALARIES

The company added that 75 percent of the increase it was applying for would go towards increased staff salaries and wages.

One of the main objections to the increase will be that black commuters have been forced to live considerable distances from their places of work because of the Group Areas Act and spent a large portion of their

## rights

Brigadier Hennie Botha, chief liaison officer of the Department of Prisons, said in a statement from Pretoria the general rule was that communication should be in English or Afrikaans but if interpreters were available, visits could be in another language.

"It has come to our notice that some prisoners at Helderstroom Prison refused to take visits in English or Afrikaans, while all the visitors involved were happy to speak English."

"The Prison Service is satisfied the prisoners involved were fully capable of enjoying the privilege of their visits."

## Israelis halt PLO convoy

Argus Correspondent

BEIRUT. — The first convoy of Palestinian and Syrian fighters going to Damascus by road came to a halt early today.

The Israelis stopped it by complaining about the way the Italian contingent of the international peacekeeping force was counting the evacuees.

The Italians, who arrived in Beirut yesterday, were to escort the nearly 1500 men on their trip through the mountains and down through the Beka'a valley.

The Syrians leaving Beirut were to be taken to a point in the mountains to join up with the Syrian army deployed in the Beka'a valley.

This is the most difficult phase of the Palestinian military withdrawal.

### POSTPONED

Previous plans to take out guerrillas by this route have been postponed because of the Palestinians' fear of ambush by right-wing Christian militia who con-

# ANC letters planted by Mr X, court is told

Own Correspondent

MARITZBURG — Letters stuck under a table in the University of Natal architecture library had been sent from Swaziland by the African National Congress, it was said in the treason trial in the Supreme Court here today.

Mr Justice Auren van Heerden, who began giving judgment in the trial, was reviewing the evidence of a Mr X who testified in camera in the early stages of the trial.

Mr X admitted he had brought the letters and other items from Swaziland.

One of the letters started: "Dear comrade Richard."

The men on trial are Durban attorney Mr Patrick Maqabela (32), Umlazi Bakery clerk Mr Mbomsa Maqhutyana (29) and Mr Seth Gaba (24) of Mdantsane township near East London.

The charges, arising from explosions in Durban last year, include one charge of high treason, nine charges of participating in terrorist activities, eight of committing acts of sabotage, seven of committing malicious injury to property, seven of attempted murder and seven of wilfully causing explosions.

Mr X told the court he visited Swaziland on September 30 1980 and contacted alleged members of the ANC or Umkhonto we Sizwe, the so-called military wing of the ANC. They were Mr Mpanza Maduna, a person known as Douglas and a Mr Cyril Abrahams.

Douglas had lent Mr X a car and hid the letters and some books in the rear door panel. The letters were to be left under the library table.

(Proceeding)



14A 362  
Plea for  
ANC men  
25 (331) 2004  
Jan 7/9/82

The Star's Africa  
News Service

HARARE — The National Unifying Force, a white body best known for its opposition to Mr Ian Smith's UDI government, has appealed to Pretoria to commute the death sentences of three African National Congress members.

In a letter to the Minister of Justice, Mr Kobie Coetsee, the NUF president, Mrs Muriel Rosin asked that the Government spare the lives of Mr Thelle Mogoerane, Mr Gerry Mosololi and Mr Marcus Motaung.

**COURTS**

Own Correspondent

**MARITZBURG** — Archbishop Dennis Hurley spoke out strongly against the death penalty while giving evidence in mitigation in the treason trial in the Supreme Court here today.

He said the imposition of the death penalty on the three men convicted of high treason — Patrick Maqubela (32), Mboniswa Maqhutyana (29) and Seth Gaba (24) — would make them political martyrs in the eyes of most blacks.

He said the death penalty would exacerbate the social conflict in South Africa. In the hearts of most black people there were feelings of deep resentment; feelings of being deprived of exercising

# Abolish the death penalty — Hurley

the most human rights in the country of their birth.

Prosecutor Mr Jan Slabbert asked Archbishop Hurley whether he thought the death penalty should be abolished. Archbishop Hurley agreed that it should. Mr Slabbert said that in sabotage there was often loss of human life and he asked if the death penalty

was not fitting in those cases.

Archbishop Hurley replied that he thought other punishments were sufficient, particularly as sabotage and terrorism were considered different to other crimes in this country.

He said the taking of life was always an evil.

Defence counsel Mr Ernie Wentzel, SC, said the judge was probably

thinking in terms of a sentence which would deter others, but he urged Mr Justice van Heerden to consider that Mr Maqutyana had undertaken reconnaissance of Durban to prevent endangering people during the explosions.

He said that the penalties should not be the same in cases where lives had not been lost as in cases in

which there had been deaths.

Mr Slabbert said: "A letter addressed to Mr Maqhutyana instructed him to reconnoitre a railway line to Cato Ridge. Destroying a railway line could have led to the loss of hundreds of lives and probably the lives of people whose social injustices the accused claimed they were trying to redress."



# Defence counsel (331) asks for remand 1/182

## Pretoria Bureau

THE case against a Mozambican man, charged with the murder of two roadworkers, and under the Terrorism Act, was postponed again yesterday when his new counsel asked for time to prepare for his case.

Mr Justice P. Myburgh, sitting with assessors in the Pretoria Supreme Court, said this was the final postponement. The case will now be heard on September 20.

Mr Rogerio Hoffisani Chamusso, 32, alias Patrick Shange, has pleaded not guilty to five charges. The State alleges that he received military training in Mozambique and Angola from 1979 to October last year.

Mr Chamusso allegedly sabotaged an Escom electrical transformer at Transalloys, near Witbank, on October 23. On the same day he allegedly murdered Mr Lukas Abraham Mans and Mr Hendrik Gerhardus Booysen in their caravan at Heuwelsfontein at Ogies.

Mr Mans and Mr. Booysen were shot to death at point blank range with a Makarov pistol.

The State further alleges that Mr Chamusso was in possession of explosives, a Makarov pistol and Russian limpet mines.

At the start of the hearing Mr Vic Botha, pro Deo counsel for Mr Chamusso, asked for permission to withdraw as the defending counsel.

Mr Eric Dane, who is instructed by Matjila and Mokgaotleheng of Johannesburg, said he had now been briefed to defend Mr Chamusso.

He asked for the postponement to prepare the defence case.

# Transkeians convicted of high treason

AK 65 7/9/82 (10/8/82)

Argus Correspondent

331

MARITZBURG. — Three Transkeians found in control of large amounts of explosives were convicted of high treason here yesterday, the judge finding that they owed allegiance to South Africa through their domicile and work.

Convicted were a Transkeian-born attorney practising in Durban, Patrick Maqubela, 32, Transkeian Mboniswa Maqhutyana, 29, who worked in Umlazi on an endorsed passbook, and Transkeian citizen Seth Gaba, 24.

Mr Justice van Heerden found that Gaba, who admitted causing the Field Street explosion in Durban last year, was not guilty of high treason for that offence because he was living and working in the Transkei at the time and did not then owe allegiance to South Africa.

He convicted Gaba of terrorism for the Field Street explosion, but found that Gaba's crimes after he took up residence in South Africa made him guilty of high treason.

## EXPLOSIVES

Maqubela had been found in possession of "huge" quantities of explosives, including 20 kg of plastic explosives and about 4 kg of TNT, 16 Russian hand grenades, an AK 47 rifle and ammunition and ANC literature.

The judge said the evidence established that he was a link between people with strong ANC connections in Swaziland and Maqhutyana and Gaba.

He found that the Durban explosions, with the exception of that on the railway line near the Umlazi bridge on May 25 last year, were caused in furtherance of a conspiracy to overthrow the Government by violence or threat of violence.

## KNOWLEDGE

Maqhutyana was also found in possession of large quantities of explosives, including nearly 20 kg of plastic explosives, more than 2 kg of TNT, three Russian limpet mines, and other items and ANC literature.

Maqhutyana had a profound knowledge of explosives and the judge was satisfied he was connected with the Durban explosions.



# Terror trial delayed

331  
Sometime  
7/9/82

By NORMAN NGALE

THE Mozambican terrorism and murder trial in the Pretoria Supreme Court was yesterday postponed to September 20 to enable the accused's counsel to prepare their defence.

The trial before Mr Justice A P Myburgh was postponed on August 27 after the accused, Mr Rogerio Hoffsanie Chamussa (32), also known as Patrick Shange, had expressed dissatisfaction about his pro-deo counsel, Mr V Botha, and asked to be allowed to consult his attorney.

The Matjila and the Mokgoatleng firm of Johannesburg attorneys have instructed Mr Erik Dane to defend Mr Chamusso, who is described in the charge sheet as a Mozambican citizen.

Mr Chamusso is being charged with the murder of two white construction workers near Witbank, of participating in the bombing of electric transformers south of Witbank, of possessing explosives, a firearm and ammunition and of being a member of the banned ANC.

He is alleged to have fatally shot Mr Lukas Abraham Mans and Mr Hendrik Gerhards Booysen on October 23 1981 near Witbank and that he underwent military training in Mozambique and Angola with the intention to undermine law and order in South Africa.

Mr Botha was, at his request, yesterday permitted to withdraw as pro-deo counsel to enable Mr Dane to take over as Mr Chamusso's defence. Mr Dane then asked for postponement to enable him to prepare his defence. The State is represented by Mr P B laasbroek, deputy attorney general.

South

## Three face death sentences after treason convictions

Pietermaritzburg Bureau  
THREE men face possible death sentences after having been convicted in the Supreme Court here yesterday of high treason.

The trial followed a series of eight blasts last year, seven of them in Durban, in which 10 people were injured and almost R500 000 damage caused.

The convicted men are Durban attorney Patrick Ntobeko Maqubela, 32, of Clermont, Umlazi bakery clerk Mboniswa de Villiers Richard Maqhutyana, 29, and learner land-surveyor Seth Mpumulelo Gaba, 24, of Mndatsane in the Eastern Cape.

The three accused had pleaded not guilty to a total of 57 counts including high treason, attempted murder, participation in terroristic activities, sabotage and possession of arms, ammunition and

explosives (331) *Maqubela*

Summing up the evidence before a packed court yesterday, Mr Justice Auret van Heerden, presiding, said the State regarded the count of high treason as the main charge and the others as alternatives, which fell away if their case was proved under the first count.

During the four-hour judgment he also gave his reasons for finding that a statement made by Gaba to an East London magistrate had been made freely and voluntarily.

**Truthful** 7/9/82

In the preamble to confession, Gaba said he hoped that by making the statement he would no longer be hit and told to tell the truth.

Justice van Heerden said the police witnesses, all of whom had denied that Gaba was assaulted or threatened, had impressed him as truthful, while the accused's evidence was full of contradictions.

Justice van Heerden said the State was relying on circumstantial evidence to bring home the charge of high treason.

He then dealt extensively with the laws and legal precedent relating to probabilities and reasonable doubt in cases involving circumstantial evidence.

All three of the accused

had been found in possession of quantities of arms, ammunition, explosives and ANC literature.

Maqubela had been shown by the evidence to be the link between the ANC in Swaziland and the people with whom he was linked.

Maqhutyana had been found to have a 'profound knowledge' of explosives, and had pointed out all the places where explosions had taken place except the blast on the railway line near Umlazi.

Gaba had undergone training in the handling and making of explosives in Swaziland, and by his own admission had caused the Field Street blast.

Mr Justice van Heerden said the Court was satisfied that, apart from any conspiracy, each accused stood to be convicted on the basis of his actions.

He rejected defence submissions that none of the accused was capable of committing high treason because the nature of their residence in South Africa was such that they did not owe allegiance to the country.

Mr Ernie Wentzel SC, for the defence, asked for leave to lead evidence in mitigation today before the passing of sentence.

Mr Justice van Heerden is sitting with two assessors, Mr W G S Driver and Mr W O H Menge.



# State counsel: Hogan's acts were treason

331  
RDM  
7/9/82

## Court Reporter

MISS Barbara Anne Hogan, a self-confessed member of the banned African National Congress on trial for treason, had committed an act of treason by conspiring with the organisation, the Rand Supreme Court was told yesterday.

Mr Jan Swanepoel, for the State, asked that Miss Hogan, 30, of Hunter Street, Yeoville, be convicted on a charge of high treason.

He told Mr Justice A van Dyk that the evidence had shown that the ANC had aligned itself with the South African Communist Party and the South African Congress of Trades Unions in a so-called national liberation movement.

The ANC's policy included the destruction of the State and of social and economic relationships. The Government would be overthrown by both military and political means, which included the crippling or prejudicing of industries and undertakings in South Africa, the court heard.

Miss Hogan had associated herself with all of the aims of the ANC. She was aware that the ANC used violence in its attempt to overthrow the Government, and was also aware of the organisation's aim to cripple or prejudice industries, Mr Swanepoel argued.

He said she had admitted in evidence that workers had a role to play in the revolution, that a substantial strike could be a political weapon and that the ANC was active in legal organisations to

bring about change.

She owed her allegiance to South Africa. She committed an overt act of treason by acting with "hostile intent to the injury of the State or the supreme Government".

He submitted that Miss Hogan had committed an act of conspiracy by joining the ANC and by receiving instructions and agreeing to carry them out.

"The fact that she received these instructions indicates that the matters it related to were of importance to the ANC and could further the aims of the ANC," Mr Swanepoel said.

Mr George Bizos, SC, for Miss Hogan, said in reply that she was not guilty of treason, nor of terrorism, in view of the nature of the ANC as an organisation, the diversity of its objects, policies and methods, and her expressed dissociation from its policy of violence.

Apart from the act of joining the ANC, all Miss Hogan's acts were lawful, but were rendered illegal because they were allegedly carried out on behalf of the ANC.

Miss Hogan's evidence and admissions revealed that, although she became a member of the ANC and carried out work on its behalf, she did so without intending to overthrow the State.

She did not associate herself with violence or with means which envisaged violence or the aims to cripple or prejudice industries, Mr Bizos said.

"The State seeks Miss Hogan's conviction on a charge of treason and terrorism because she became a member of the ANC. It is submitted

that membership of the ANC does not make one guilty. A member of the ANC who has limited her participation to the ANC's non-violent activities cannot be found guilty of treason or terrorism," he told the court.

The question at issue was whether Miss Hogan, in joining and working for the ANC, had conspired with it to achieve the overthrow of the State, thereby committing treason, Mr Bizos said.

"This question must be examined in the light of the evidence that the ANC is a multi-faceted and multi-dimensional organisation which has other aims and objects than the violent overthrow of the Government, and which functions on various levels and in various different directions," Mr Bizos said.

The State had failed to prove the existence of a conspiracy between Miss Hogan and the ANC to endanger the maintenance of law and order, Mr Bizos submitted.

She was an intelligent and forthright witness. The fact of her political involvement showed her to be a person with social concerns and a fierce and selfless determination to assist with the bringing about of change in South Africa for the betterment of all its people, Mr Bizos said.

Miss Hogan has pleaded not guilty to a charge of high treason, but pleaded guilty to charges of furthering the aims of the ANC and of being a member of the organisation.

The hearing continues today.



# Durban blasts: 3 guilty of treason

PIETERMARITZBURG — Three men face possible death sentences after having been convicted in the Supreme Court here yesterday of high treason.

The month-long trial followed a series of eight blasts last year, seven of them in the centre of Durban, in which 10 people were injured and almost R500 000 damage caused.

The convicted men are Durban attorney Patrick Ntobeko Magubela, 32, of Clermont, Umlazi bakery clerk Mboniswa de Villiers Richard Maghutya, 29, and learner land-surveyor Seth Mpunumlelo Gaba, 24, of Mdantsane.

The three accused had pleaded not guilty to a total of 57 counts including high treason, attempted murder, participation in terrorist activities, sabotage and possession of arms, ammunition and explosives.

Summing up the evidence in front of a packed court yesterday, Mr Justice Auren van Heerden, said the state regarded the count of high treason as the main charge and the others as alternates, which fell away if their case was proved under the first count.

During the four-hour judgment he also gave his reasons for finding that a statement made by Mr Gaba to an East London magistrate had been made freely and voluntarily.

In the preamble to the confession, Mr Gaba said he hoped that by making the statement he would no longer be hit and told to tell the truth.

Mr Justice Van Heerden said the police witnesses, all of whom had denied that Mr Gaba was assaulted or threatened, had impressed him as truthful, while the accused's evidence was full of contradictions.

It had been quite clear that Mr Gaba was fabricating his evidence as he went along.

The judge also referred to the evidence of a witness which had been led in camera.

The witness, referred to as "Mr X", had agreed to convey envelopes from Swaziland to Durban where he was to attach them underneath a table at a certain time in a library at the university.

However, a librarian had seen two men feeling underneath a table

and had become suspicious, and had summoned the university's security officer.

This had led to the arrest, later in the day, of the man who had retrieved the envelope.

The man, identified as Litha Jolobe, was later brought before the court where he refused to give evidence and, along with three other recalcitrant witnesses, was jailed for between three and five years.

Mr Justice Van Heerden said the state was relying on circumstantial evidence to bring the charge of high treason home to the accused.

He then dealt extensively with the laws and legal precedents relating to probabilities and

reasonable doubt in cases involving circumstantial evidence.

He also analysed evidence led regarding the aims and history of the banned African National Congress, and found that the accused, if not actually members of the ANC, at least subscribed to their ideals and methods.

In addition he found that the accused had pointed out the places where the explosions had taken place, and that various admissions made by them had been made freely and voluntarily.

All three of the accused had been found in possession of quantities of arms, ammunition, explosives and ANC literature.

Mr Magubela had been shown by the evidence to be the link between the ANC establishment in Swaziland and the people with whom he was associated, and had arranged vehicles which, it had been shown, were used to transport explosives and other items.

Mr Maghutya had been found to have a "profound knowledge" of explosives, and had pointed out all the places where explosions had taken place except a blast on the railway line near Umlazi.

Mr Gaba had undergone training in the handling and making of explosives in Swaziland, and by his own admission, had caused the explosion in Field

Street, Durban, in February, 1981.

Mr Justice Van Heerden said the court was satisfied that, apart from any conspiracy, each accused stood to be convicted on the basis of his own actions.

He rejected defence submissions that none of the accused was capable of committing high treason because the nature of their residence in South Africa was such that they did not owe allegiance to the country.

Mr Magubela, although in possession of a Transkeian travel document, had been admitted as an attorney to the Natal Supreme Court and so had sworn an oath of allegiance to the Republic.

Mr Maghutya, similarly in possession of Transkeian documents, had an endorsement in his pass book entitling him to live and work in Umlazi for a year, subject to renewal.

In the case of Mr Gaba, it was common cause that he was living and working in Transkei at the time of the Field Street bombing to which he had confessed.

As far as this explosion was concerned, therefore, he could not be guilty of high treason and was instead guilty of count number two in terms of the Terrorism Act.

However, he had moved to Mdantsane — then part of South Africa — on May 1 while still a member of the con-

spiracy and had lived there until his arrest on November 24.

All three accused, therefore, had the necessary quality of residence in South Africa to cause them to owe a debt of allegiance to the country.

Mr Ernie Wentzel, SC, for the defence, asked for leave to lead evidence in mitigation to-day prior to the passing of sentence.

Mr Justice Van Heerden is sitting with two assessors, Mr W. G. S. Driver and Mr W. O. H. Menge. — DDC.



# Defence counsel (331) asks for remand 4/82

Pretoria Bureau

THE case against a Mozambican man, charged with the murder of two roadworkers, and under the Terrorism Act, was postponed again yesterday when his new counsel asked for time to prepare for his case.

Mr Justice P Myburgh, sitting with assessors in the Pretoria Supreme Court said this was the final postponement. The case will now be heard on September 26.

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Mr Mans and Mr Booyesen were shot to death at point blank range with a Makarov pistol.

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At the start of the hearing Mr Vic Botha, pro Deo counsel for Mr Chamusso, asked for permission to withdraw as the defending counsel.

Mr Eric Dane, who is instructed by Matjila and Mokgaotleheng of Johannesburg, said he had now been briefed to defend Mr Chamusso.

He asked for the postponement to prepare the defence case.

## Ad balloon disappears into thin air

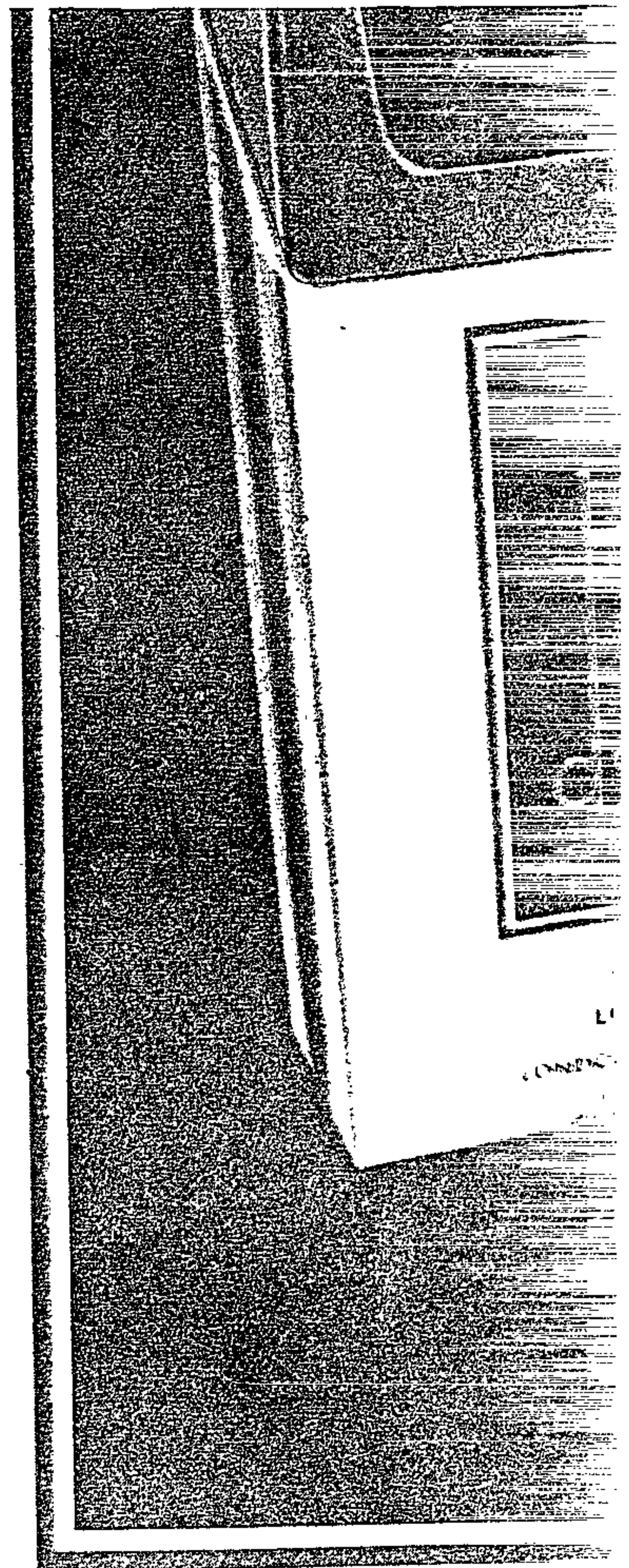
A LARGE white helium-filled balloon advertising a new steakhouse in Pretoria has disappeared.

Mr Eugene Wannenburg, joint owner of the steakhouse, said the R870 balloon, which is about 2,5m in diameter, was positioned outside the newly opened steakhouse on Saturday.

"At about midnight somebody must have cut the rope that anchored it and let it float away," he said.

"It has a panel inside it that will make it burst once it gets to a certain height and it will come down somewhere. It will look rather conspicuous, so somebody is bound to find it."

The balloon disappeared from the corner of Rubida and Roussouw streets in



Light

# Hogan 'never intended to join <sup>331 Star</sup> armed struggle' <sup>7/9/82</sup>

Defence counsel representing Miss Barbara Hogan argued in the Rand Supreme Court yesterday that the State had not proved a charge of high treason against her.

Mr G Bizos SC was presenting legal argument before Mr Justice van Dyk.

Miss Hogan had denied the high treason charge but admitted an alternative charge of furthering the aims of the banned African National Congress of which she admitted being a member.

The State claimed she had conspired with the ANC and its supporters and sympathisers to overthrow the State by violence and by crippling the economy through boycotts and strikes.

During her trial, Miss Hogan had made many

admissions, said Mr J A Swanepoel for the State.

These included helping to organise two boycotts, working to establish a trade union for unemployed black workers on instructions from the ANC, delivering two messages from the ANC and having talks with ANC officials outside the country, he said.

In his argument Mr Bizos said that apart from joining the ANC and receiving instructions from the ANC, Miss Hogan's actions were per se lawful.

He said the State alleged them to be unlawful because she had carried them out on behalf of the ANC or in furtherance of the interests of the ANC.

Miss Hogan's conviction was being sought on the charges of treason and terrorism because of her membership of the ANC, Mr

Bizos said.

"Despite the enactment of the Sabotage Act and the Terrorism Act and a well-defined common law crime of treason, no person to our knowledge, prior to this trial, has been charged with treason or terrorism because of their membership of the ANC," he said.

He said it was "never her intention" in joining and working with the ANC to become part of the armed struggle or to bring about destruction and disorder or to cripple and prejudice industries.

"The fact that Miss Hogan conceded that she condoned certain of the violent acts committed by ANC members does not mean that she had made herself a party thereto or had conspired with the ANC when joining it, to participate directly or indirectly in such acts," said Mr Bizos.

(Proceeding)



**Terror Act: 2 charged**  
 ZWELITSHA — Two Mdantsane men appeared briefly in the Ciskei Supreme Court yesterday on charges under the Terrorism Act.  
 Mr Bongani Nondula and Mr Sindile Mfana were remanded until September 13.  
 No evidence was led and they were not asked to plead. — DDR. 7/9/82

5.

In the light of the 1979 amendments to the Industrial Conciliation Act, could you please indicate if your union has made any application for extensions in scope. If so,

- a) where.....
- b) to whom .....
- c) for what additional area.....
- d) has this been granted.....
- e) if so, when.....

4.

AFFILIATIONS TO INDUSTRIAL FEDERATIONS CONTINUED:

Federation of Salaried Staff Associations of South Africa	Pulp and Paper Industry's Joint Committee	Rand Water Board Unions Joint Committee	South African Council of Mining Unions	South African Federation of Leather Trade Unions	South African Council of Transport Workers	South African Federation of Chemical and Allied Workers Union
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# Teargas fired as three get 20 years' jail

ARGUS

8/9/82

331

Argus Correspondent

MARITZBURG. — Seconds after three men were jailed here yesterday for 20 years for high treason, police used teargas to clear chanting spectators from the courtroom.

As Mr Justice van Heerden left the courtroom, convict Mboniswa Maqhutyana, 29, launched into a defiant tirade which drew noisy response from spectators.

Minutes earlier, Maqhutyana and co-convicts, Patrick Maqubela, 32, and Seth Gaba, 24, heard the judge say that although he would not impose the death penalty, the 20-year sentence did not minimise the seriousness of their crimes.

## INJURIES

In the bombings in Durban last year, nine people had been injured and much damage caused.

He complimented the police, saying they performed excellent work on the case.

Addressing spectators who supported the banned African National Congress, the judge said the death sentences on

five people convicted of bombings in Angola had been confirmed.

"This was black against black in a country in which there is equality.

"I have used my discretion not to impose the death penalty in this case.

"I quote these facts for the benefit of those people in the back of the court."

Mr Justice van Heerden said Archbishop Denis Hurley, Catholic Archbishop of Durban, and the Rev Dr Simon Gqubule, president of the Methodist Conference, had said in mitigation that they were against the death penalty however heinous criminals committed crimes.

## EXTREME

The judge said the church leaders had quoted social and political reasons for opposing the death penalty.

He said State counsel Mr Ian Slabbert had argued that this case was an extreme one that called for the death penalty.

Mr Slabbert had said this was not an isolated bombing, but a calculat-

ed series of acts of urban terrorism carried out in the heart of a busy metropolis.

The accused had shown a callous disregard for the sanctity of human life and it was only by the grace of God that no deaths followed.

## INJUSTICES

Mr Slabbert said that Maqhutyana had been instructed to survey the Durban-Cato Ridge rail line.

Destroying a rail line could cause hundreds to lose their lives, probably the lives of people whose social injustices the accused men had tried to redress.

Nine people were injured in the blasts and some were in hospital for some time.

Mr Slabbert had said it did not help for defence counsel Mr Ernie Wentzel, SC, to say the bombs were set to explode when few people were about.

In a busy city such as Durban, people were on the streets night and day and they were endangered by bomb blasts.

Mr Wentzel gave notice that he intended to apply for leave to appeal, both against conviction and sentence.



Patrick Ntobeko Maqubela, 32, Mboniswa de Villiers Richard Maqhutyana, 29, and Seth Mpumulelo Gaba, 24, members of an ANC-backed conspiracy, were responsible for a series of explosions in Durban last year in which nine people were injured and more than R400 000 damage caused.

The Judge, Mr Justice Auret van Heerden, had left the courtroom when the three defendants raised clenched fists and started chanting slogans.

They were joined by a crowded public gallery.

A police spokesman confirmed that an aerosol canister, which he said was not teargas but had 'a similar effect', had been used to subdue the crowd. There had been no arrests and no injuries.

### Streaming eyes

After the police action spectators and lawyers rushed from the building with streaming eyes, many coughing and sneezing uncontrollably.

Earlier police had had to warn members of the public to remain silent after they had broken into song while waiting for the Judge to enter the court.

The five-week trial took a surprise turn yesterday when two prominent churchmen were called to give evidence in mitigation of possible death sentences.

Archbishop Denis Hurley, the head of the Catholic Church in Natal, and Dr Simon Gqubule, president of the Methodist Conference, told the Court they would like to see the abolition of the death sentence.

Questioned by Mr Ernie Wentzel, SC, for the defence, Archbishop Hurley said he believed the death penalty would exacerbate social conflict in South Africa.

He also warned that by paying the ultimate penalty the men might be considered by their communities to be martyrs. This would 'deepen and strengthen the resolve' of those involved in the struggle rather than act as a deterrent.

Speaking on behalf of the South African Council of Churches, which he served as vice-president, Dr Gqubule said the council had petitioned President René of the Seychelles not to execute mercenaries involved in the abortive coup there.

This illustrated their standpoint, which was that the death penalty should not be imposed on anyone.

### Christian families

Cross-examined by Mr Ian Slabbert for the State, Dr Gqubule conceded that he did not regard the actions of the three accused as Christian.

However, he knew them to have been brought up in Christian families — the father of Seth Gaba, for example was a Methodist minister — and they had been led by the circumstances in which their people lived to commit the crimes of which they were accused.

Mr Wentzel said a letter found in the possession of one of the accused had indicated that the timing of the explosions had been carefully chosen to avoid injury to the public.

This indicated that they were mindful that their conduct could be dangerous to others, he said.

He also pointed to the 'grievously divided people of South Africa', and appealed to the Court to do whatever it could towards the process of reconciliation.

'I'm not asking your lordship to set aside the law, but to understand what it is that brings the three people before the Court from their backgrounds to their present situation.'

Mr Slabbert submitted that the death penalty was intended to be imposed at the Judge's discretion in the most extreme cases, but this was such a case.

Mr Justice Auret van Heerden said he had given earnest and anxious consideration to the facts and had concluded 'with a measure of hesitation' that the death penalty was not warranted.

The 20-year sentence, however, should not be regarded as minimising the seriousness of the crimes.

Mr Wentzel said he would ask for leave to appeal.

Pietermaritzburg Bureau

A TEARGAS substance was used in the Supreme Court here yesterday to subdue spectators minutes after a Judge had pronounced sentence of 20 years' imprisonment each on three men convicted of high treason.

# Police use 'gas' in courtroom drama

ANC men  
get 20 years  
for high treason

# Police defend use of teargas

331  
8/9/62  
Stan

**Own Correspondent**  
MARITZBURG — Brigadier W van Wyk, the Divisional Criminal Investigation Officer for Maritzburg, defended the use of teargas by police in the Supreme Court yesterday to clear it of chanting people giving clenched-fist salutes.

The incident came after the jailing for 20 years of three men convicted of high treason.

Defence lawyers have said the action was unnecessary.

Brigadier van Wyk said that if the police had not used teargas there could have been a riot with far more serious consequences.

"This was one of those situations in which the police had to decide quickly what to do," he said. "As it was, the people suffered no more ill effects than a temporary

headache, streaming eyes and cough."

The demonstrating people were committing an offence in terms of a law passed in June.

They demonstrated while Mr Justice van Heerden was still leaving the court and could also have been charged with contempt of court.

Mr Andrew Wilson SC, chairman of the Natal Society of Advocates, said it was undesirable for teargas to be used merely because spectators were making a noise, but there might be circumstances justifying its use. He is to ask for reports on the incident.

The judge said today that he had fleetingly considered the rowdy public gallery to be in contempt.

● See Page 9.



Cape Town, 8/9/82

# Police chief defends use of teargas in court

Argus Correspondent

MARITZBURG. — Brigadier W van Wyk, Divisional Criminal Investigation Officer here, today defended police use of teargas in the Supreme Court yesterday to clear it of chanting

people giving clenched fist salutes.

The incident followed the jailing for 20 years of three men convicted of high treason, and has angered their defence lawyers who said the action was unnecessary.

Brigadier van Wyk said that if the police had not used teargas a riot could have developed and the consequences would have been far more serious.

"This was one of those situations in which the police had to decide quickly what to do. As it was, the people suffered no more ill-effects than a temporary headache, streaming eyes and coughing."

The demonstrators were committing an offence as such acts were prohibited in or near

court buildings.

Those who had demonstrated while Mr Justice van Heerden was leaving court could also have been convicted of contempt of court.

Mr Andrew Wilson, SC, chairman of the Natal Society of Advocates, said it was undesirable to use teargas merely because spectators were making a noise, but said there might be circumstances where its use would be justified.

● See page 2.

# Police teargas at treason trial

Mail Correspondent

MARITZBURG. — Teargas was used in the Maritzburg Supreme Court public gallery yesterday minutes after three men were sentenced to 20 years' jail each for high treason.

The disturbance broke out as Mr Justice J A van Heerden and two assessors left the court after passing sentence on Durban attorney, Patrick Ntobeko Maqubela, 32. Mboniswa de Villiers Richard Maqhutyana, 29, and Seth Gaba, 24.

The men were found guilty yesterday of having caused seven bomb blasts in central Durban last year and of being part of a conspiracy with the banned African National Congress and Umkhonto we Sizwe, military wing of the ANC, to overthrow the South African Government. Nine people were injured in the blasts.

A spokesman for the Maritzburg police said last night that "aerosol-type" gas was used to quell the "unruly" crowd.

Seconds after being sen-

tenced, the convicted men raised their fists in black power salutes and began to shout: "Long live the ANC, long live Umkhonto we Sizwe and forward to the people's revolution".

Almost the entire gallery, crowded with family and supporters, took up the cry until the police intervened.

Spectators and lawyers emerged from the court with streaming eyes, many coughing and sneezing uncontrollably.

The five week-long trial took a surprise turn yesterday when two prominent churchmen were called by counsel for the defence to give evidence in mitigation of a possible death sentence.

Archbishop Denis Hurley, the head of the Catholic Bishops Conference of Southern Africa, and Dr Simon Gqubule, the president of the Methodist Conference, both told the court they would like to see the abolition of the death sentence.

Archbishop Hurley said he believed the death penalty would exacerbate social conflict in South Africa.



# Hogan's work 'not a danger to the State'

## Court Reporter

MISS Barbara Hogan had not endangered law and order in South Africa even if she had worked on unemployment for the African National Congress, Mr George Bizos, SC, for the defence, said in the Rand Supreme Court yesterday.

Continuing his argument before Mr Justice A van Dyk,

he said Miss Hogan's work in labour relations could not be regarded as treason as she had not shown any hostile intent towards the State.

The judge postponed the hearing to October 20 for judgment.

Miss Hogan, 30, of Hunter Street, Yeoville, pleaded not guilty to a charge of high treason, but guilty to a

charge of being a member of the ANC and furthering its aims.

Mr Bizos said the State had attempted to portray the ANC as playing a disruptive role in manipulating trade unions and workers to bring about chaos and pave the way for the violent overthrow of the State. There was no evidence that Miss Hogan

had been instructed to work in the labour field with this objective in mind, he said.

Miss Hogan had participated in a "perfectly normal, natural and lawful process" by working in this field, which was in a state of radical change. Even if such work were being carried out on behalf of the ANC, this did not endanger the maintenance of law and order.

nance of law and order.

Mr Bizos said the State, to convict her of conspiring with the ANC, would have to prove she had been involved in trade union activities; that she had called or participated in unlawful strikes; that she had acted in a manner not in the interests of the workers and that she had not negotiated in good faith.

was a Metho- made and there were no  
— and they injuries

Mr Dirk Mudge

leagues in the Ministers' Mr Mudge told the con-  
Council charged that ference that at a recent

## st' stranger pert clue?

Staff Reporter

for Mr Harold Alpert, the Somerset West  
who has been missing since Sunday.  
observatory yesterday after a resident had  
at a man fitting his description had come to  
ate asking for a cigarette and water.  
first possible lead in the mystery surround-  
ear-old man's disappearance since the dis-  
his locked car in the parking area at  
on Sunday.  
rude Payne, of Lower Collingwood Road,  
y said a man "who looked like Mr Alpert"  
r front gate about 10am yesterday and asked  
cigarette  
Mr Des Porter, said last night: "My mother  
n in a packet and she gave him one, as well  
of water he then asked for  
me he was well-spoken, unshaven, and that  
sort of unsettled, or lost."  
r explained that his mother had thought the  
usual but had not worried too much. think-  
anger was from nearby Valkenberg Hospital.  
inking the glass of water, the man had wan-  
down the road again.  
rt was last seen on Thursday and was de-  
family as having been "depressed".  
elieved to be suffering from loss of memory.  
to the advertisement which appeared in the  
s yesterday, offering a R500 reward for the  
firmed information" leading to his discovery.

## Hostages: More time

BERNE. — Gunmen  
threatening to blow up  
the Polish Embassy in  
Berne had extended their  
deadline by 48 hours, a  
Justice Ministry spokes-  
man said last night.

The group had said ear-  
lier that they would blow  
up the embassy and its  
hostages at 10am (SAST)  
today unless the Polish  
Government lifted martial  
law and freed political  
prisoners.

Late last night the gun-  
men released a fourth  
hostage, a student who  
had visited the embassy  
to renew a visa.

The gunmen are still  
holding eight embassy  
staff after releasing three  
women earlier.

Extension of the dead-  
line had been agreed to  
in negotiations between a  
group of Swiss officials  
and the gunmen, the  
spokesman said. — Sapa-  
Reuter

● Picture, page 4

## Man freed in Mpetha trial

Staff Reporter

A MAN who had been fac-  
ing charges of murder  
and terrorism with trade  
unionist Mr Oscar  
Mpetha, was discharged  
in the Supreme Court yes-  
terday because of lack of  
evidence.

Mr Lawrence Lerotholi,  
of Nyanga, was dis-  
charged before the start  
of the defence case —  
after spending two years  
in custody.

Mr T Skweyiya, for 12  
accused, argued for the  
discharge of five men at  
the close of the State case  
on the grounds that there  
was not enough evidence  
to convict them. Mr I  
Farlam SC, for Mr  
Mpetha, has argued for  
Mr Mpetha's discharge on  
the same grounds.

Mr J Slabbert, for the  
State, asked for an ad-  
journment to Thursday,  
when he would reply to

the discharge applica-  
tions. However, he said  
he had no submissions to  
make about Mr Lerotholi.  
He did not oppose his dis-  
charge.

Mr Skweyiya argued for  
the discharge of Mr  
Lerotholi, Mr Vuyisile  
Mzaza, Mr Makawa  
Jabavu and two youths.

The trial, which follows  
events in Crossroads in  
August, 1980, has been  
running for 17 months.

The hearing continues  
tomorrow.

Mr Justice Williamson is sit-  
ting with two assessors, Mr G  
H Titterton and Mr C H van  
Gend. Mr Slabbert is appear-  
ing with Mr C J van Wyk for  
the State. Mr Farlam is assist-  
ed by Mr J R Whitehead and  
instructed by Frank, Bernadt  
and Joffe. Mr Whitehead is  
appearing for four of the ac-  
cused and Mr N P Willis for  
two Mr Skweyiya, Mr White-  
head and Mr Willis are in-  
structed by A M Omar, Vassen  
and Company.

# lots in close shave — by c

ARE STERN

bearded South  
Airways pilots  
a close shave ...  
gement instruc-

hair today and  
orrow for the pi-  
were ordered to  
their whiskers,

or be grounded. The ban-  
the-beard policy got off the  
ground with the delivery  
of the airline's latest jets.  
The oxygen masks bore  
stickers warning that they  
had not been tested for use  
over facial hair.

"The instruction to  
shave was on the recom-

mendation of the civil avi-  
ation authorities in  
America," said a spokes-  
man for SA Transport Ser-  
vices.

"The oxygen masks the  
pilots must wear have to  
be sealed off and facial  
hairs can affect this."

It seems that along with

their beards, the de-whis-  
kered pilots have lost their  
tongues. In spite of being  
given the green light by  
officialdom to air their  
views on the matter, they  
remained tight-lipped and  
kept the upper one stiff.

But it is believed that  
they succumbed to what

has been called "the  
Falklands factor" without  
flying off the handle. Pi-  
lots with the British task  
force also needed to be  
free of facial fuzz to wear  
their blast-resistant  
masks.

None of the pilots  
approached would discuss

INSIDE	TV	2	Weather	17	Aircraft	17	Court Roll	17	Radio	17
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## SACC counts Roelofse invasion

## Angola fears invasion

## liars' bodies posed of

The judge sentenced Hunt-  
months' jail and said: "You are  
turer with a real talent for  
bills, for which she is now being sued.  
His downfall came because "he bor-  
Outside the court Huntley  
rowed too much money from too many  
people."

20-year-old South  
by the Zimbabwe  
at Heathrow with  
his country's safari parks.  
Huntley said despite having access to  
large sums of money he was "temporarily  
financially embarrassed" because some  
travellers' cheques had been lost — Mr  
Huntley then lent him R3 200.  
a Minister of the  
End.



RTS

Own Correspondent

MARITZBURG — After three men were jailed for 20 years for high treason here yesterday police used teargas to clear chanting spectators from the courtroom.

As Mr. Justice van Heerden left the courtroom, convict Mboniswa Maqhutyana (29) began a tirade which drew a loud response from spectators.

More than 100 spectators who had packed the courtroom were forced to flee as the teargas spread through the court.

Outside, crowds scattered when a police dog arrived.

Minutes earlier Maqhutyana, Patrick Maqubela (32) and Seth Gaba (24) had heard the judge say he would not impose the death penalty. But the 20-year sentence did not minimise the seriousness of their crimes, he said.

They were sentenced for bombings in Durban last year in which nine people were in-

# Teargas used to quell treason case crowd

jured and much damage was caused.

Addressing spectators the judge referred to the confirmation of the death sentence on five people convicted of bombings in Angola.

"This was black against black in a country in which there is equality.

"I have used my dis-

cretion not to impose the death penalty in this case. I quote these facts for the benefit of those people at the back of the courtroom."

Mr Justice van Heerden said that the Arch Bishop of Durban, the Most Rev Denis Hurley, and the Rev Dr Simon Gqubule, president of

the Methodist Conference, had said in mitigation they were opposed to the death penalty however heinous the crime committed.

He said State counsel Mr Ian Slabbert had argued this case was an extreme one that called for the death penalty.

Mr Slabbert had said this was not an isolated

bombing but a calculated series of acts of urban terrorism carried out in the heart of a busy metropolis.

The accused had shown a callous disregard for the sanctity of human life and it was only by the grace of God that no deaths had resulted.

Mr Slabbert had said Maqhutyana was instructed to survey the Durban-Cato Ridge rail line. Destroying a rail line could cause hundreds of deaths, probably those of people whose social position the accused men wanted to uplift, Mr Slabbert had said.

Nine people were injured in the blasts and some were in hospital for some time.

Mr Slabbert had said it did not help for defence counsel Mr Ernie Wentzel SC to say the bombs were set to explode when few people were about. In a busy city such as Durban people were on the streets night and day.

Mr Wentzel gave notice that he intended to apply for leave to appeal against conviction and sentence.

**Cops fire teargas into crowd at ANC trial**

# TEARGAS 331 Drama Sowetan 8/9/82

**POLICE USED TEARGAS** to clear the court at the treason trial in Pietermaritzburg yesterday when spectators failed to come to order after a defiant harangue from one of the convicted men.

Patrick Ntobeko Maqubela (32), Mboniswa Maqhutyana (29) and Seth Gaba (24) were sentenced to prison sentences of 20 years each on charges of high treason, partly involving the series of bombings in Durban.

More than 100 spectators who had packed the courtroom to hear what sentences were to be imposed on the three men on trial were forced to flee as the teargas permeated through the court.

Outside, crowds scattered when a police dog was brought to the scene.

The trouble began when Mr Justice van Heerden passed sentence on Maqhutyana. The latter launched into a tirade and spectators responded noisily.

Beforehand, Mr Justice van Heerden, said that while he had used his discretion not to impose the death penalty, the sentence should not be seen as minimising or condoning the actions of the accused.

## OWN CORRESPONDENT

The judge, addressing the spectators in court, "for the benefit of those who support the ANC," said that in at least one country where black was fighting against black and there was full equality, death sentences were often imposed for bombings. He quoted this to show that in South Africa judges had discretion and used it before imposing sentence.

The judge said that State counsel Mr Ian Slabbert, had said this was an extreme case calling for the death penalty. The judge said he had come to the conclusion, however, that this was not a case in which he should impose the ultimate pen-

alty.

The judge complimented the police on their work in this case and said they had their hands full in combatting these crimes.

Mr Justice van Heerden said Archbishop Denis Hurley and Dr Simon Gqubule, president of the Methodist Church, had said in mitigation of sentence yesterday that they were against the death penalty, however heinous the crimes committed were.

The church leaders had quoted political and social reasons for their stand.

Defence counsel Mr Ernie Wentzel SC told the judge he intended seeking leave to appeal.



# Bomb threat alleged at city central library

THE Cape Town Regional Court was told yesterday that Mr Royal Baleka, of Guguletu, left a bag in the Central City Library in July and said a bomb in it would explode.

A library employee was giving evidence at the trial of Mr Baleka, 29, who has pleaded not guilty to communicating false information concerning an explosion or a bomb.

Mrs Magdalena Brown said she had collected bags at the library, in the old City Hall, on July 21.

"When Mr Baleka handed me his bag he said there was a bomb in it that would explode in 10 minutes."

Mrs Brown said she had thought the threat a joke because Mr Baleka was smiling. "But when he mentioned that it would explode in 10 minutes I became worried and immediately left the ante-room."

## GUARDS

A Mrs Scott saw her outside the ante-room and asked why she was standing there.

"When I told her about the bomb threat she took the bag to the security guards for examination."

Mrs Brown said she had seen Mr Baleka at the library before. He was a friendly person who always greeted her.

Mr Mervin van der Schyfs, a security guard, said Mrs Scott had asked him to examine the bag. When he saw it contained a plastic bag and a tin he became afraid and put it in the street.

He warned street sweepers to keep clear and stop passers-by from going near the bag. Then he telephoned the police.

Mr Baleka, a railways ticket examiner, told the court he had not made the threat. When he handed the bag to Mrs Brown, she complained about its weight and said there might be a bomb in it.

She then took the bag to the security guards.

"I followed her and, when I tried to explain to the security guard what had happened, he told me to shut up."

Mr Baleka said the bag had contained a track suit, running shoes, a piece of soap, deodorant in a tin and a key to open train doors.

He was warned to appear today.

Mr R A Duraan is on the Bench. Mr C A Cilliers is appearing for the State and Mrs Vivian Malan is appearing for Mr Baleka.

# Teargas 9/9/82 tactics (331) ~~251~~ Mercury 'undesirable'

Pietermaritzburg Bureau  
THE Progressive Federal Party spokesman on law and order, Mr Harry Pitman, has called for an immediate and full inquiry into the use of teargas in the College Road Supreme Court here on Tuesday.

An aerosol canister was used to subdue a large crowd of spectators in the public gallery after the presiding judge, Mr Justice van Heerden, had left the room.

The incident happened shortly after three men had been jailed for 20 years each for high treason. The three convicted men had raised clenched fists and started chanting slogans after being sentenced and the cry was taken up by people in the crowded public gallery.

## A shock

The teargas substance was sprayed into the crowd and people rushed from the building with streaming eyes, many of them coughing and sneezing uncontrollably, according to a Mercury reporter who was at the court.

Mr Pitman said yesterday that the use of teargas in a South African Supreme Court gave one a shock.

'It is highly undesirable that this should happen. It should happen only in the most extreme circumstances such as imminent violence. Reports so far indicate that this was not the position,' Mr Pitman said.

He called for an 'immediate and full' inquiry to ascertain who in authority gave the order to use teargas and if no one did, who was responsible for using it.

'The circumstances also should be fully investigated and unless it is found that an extreme situation existed people should be punished to bring home the extreme undesirability of this sort of thing.'

'If people misuse a court for demonstrations there are laws that can be used against them,' he said.

A senior police spokesman said the substance

used was not a gas but 'tearsmoke' which irritated the skin and eyes and made one rush outside to get fresh air.

The spokesman said the police had acted lawfully in using the 'tearsmoke' to disperse unruly spectators in the public gallery, and added that the situation could have developed into something more serious.

'The courts are there for the holding of trials, not for demonstrations and protests,' he said.



September 9, 1982

3

# ANC man on treason charges

336  
NA  
ROM  
9/9/82

By SAM MASEKO  
Pretoria Bureau

A SELF-CONFESSED member of the banned African National Congress pleaded not guilty in the Pretoria Magistrate's Court yesterday to a charge of high treason, six alternative charges of high treason and six of participating in terrorist activities.

Mr Suzman Nkopane Mokoena, 24, of Central Jabavu, Soweto, appeared briefly before Mr C S van Loggerenberg. He was not represented and the case was postponed to October 18 for a summary trial in the Pretoria Supreme Court.

The State alleges Mr Mokoena and others conspired to overthrow or endanger the security of the State between 1976 and this year, and failed to report that these acts were being planned.

The alternative charges are:

- That Mr Mokoena and others conspired to further the aims of the ANC by endangering the maintenance of law and order in the country;
- That he underwent military training, or received training in warfare and sabotage to incite a revolution against the State;
- That between September and November 1981 Mr Mokoena and others established an arsenal in GaRankuwa where they kept explosives, ammunition, weapons, limpet mines, Makarov pistols and hand grenades.

He was also charged with being in possession of one RPG-7, five RPG launching tubes and rocket projectiles, submachine guns, magazines and ammunition in Mamelodi between November last year and April this year.

He was charged with receiving military training in Angola and then going to Mamelodi where he and others formed an ANC force called Gebuza Machinery, with the intention of undermining the State.

It is alleged Mr Mokoena and other members of Gebuza Machinery established bases in GaRankuwa where they planned to sabotage the Rosslyn electric substation.

The State claims Mr Mokoena and others planned to sabotage the Eerstefabriek railway line and the Watlopetrol depot near Mamelodi between November last year and April this year.

# Library *Albani 10/9/82* **'bomb'** *331* hoaxer convicted

ROYAL BALEKA of Guguletu, who told an employee of the Central City Library in July that there was a bomb in his bag — bringing Cape Town's emergency services to full alert — was yesterday found guilty in the Regional Court of giving false information about an explosion.

Baleka, 29, pleaded not guilty.

Evidence was that on July 21, Baleka told Mrs Magdalena Brand, whose job was to collect bags at the library, that there was a bomb in his bag and that it would explode in 10 minutes.

## SECURITY GUARD

The bag was subsequently taken to a security guard, Mr Mervyn van der Schyfs, who, after finding out that it contained a plastic bag and a tin, put it in the street and phoned the police, the ambulance, a bomb-disposal team and members of the Metro rescue unit.

Both Mrs Brand and Mr van der Schyfs told the court that Baleka later told them he was only joking when he made the threat.

In his evidence, Baleka denied making the bomb threat. He said it was Mrs Brand who had said the bag was heavy and that there might be a bomb in it.

## SERIOUS OFFENCE

He said he could not have made the threat because he knew that by so doing he would be committing a serious offence.

The magistrate, Mr R A Duraan, said the court was convinced the evidence for the State was probable and, therefore, acceptable.

He rejected Baleka's evidence on the ground that Mrs Brand's evidence was corroborated by that of Mr van der Schyfs.

The hearing continues today. Baleka was warned to appear.

Mr C A Clifflers appeared for the State and Mrs Vivian Malan for Baleka.



## Guguletu man jailed for City 'bomb-joke'

Staff Reporter 11/9/82

A GUGULETU man who "jokingly" told a package clerk at the Cape Town Central Library that a bag he had handed her contained a bomb which was about to explode, was sentenced in the Magistrate's Court yesterday to six months' jail.

Royal Baleka, 28, was sentenced to three years' imprisonment, two-and-a-half years suspended for five years. He had pleaded not guilty.

Passing sentence, the magistrate, Mr R A Duraan, said that whether Baleka had made a joke or not was of no real significance.

"You knew you were committing an offence when you communicated the false information. This type of conduct affects society as a whole

and cannot be tolerated, especially in these days of terrorism."

Earlier, the package clerk, Miss M Brand, had testified that Baleka had handed her his bag before entering the library, saying with a smile that it contained a bomb which was about to explode.

A security guard telephoned the police after he had seen a plastic bag and a tin in the half-open bag.

Several of Cape Town's emergency services had gone to the library and after examination the bag was found to contain only sports clothing and a deodorant can.

When Baleka was confronted he had replied that he had only been joking.

Mr C A. Cilliers appeared for the State and Mrs V Malan for Baleka.

4

331 327 331

# Koeberg man found guilty

Cape Times 17/9/82

Staff Reporter

A 23-YEAR-OLD electrician who took photographs of electrical work done at the Koeberg nuclear power station was convicted yesterday by a regional magistrate of contravening the National Key Points Act.

The hearing was held in camera.

Michael David de Villiers, 23, of Sunderland Street, Kensington, admitted that on March 9 he had obtained photographs relating to the Koeberg nuclear power station and had shown them to family and friends.

He said he had been employed by an electrical engineering concern contracted to do installation

work at the power station as an assistant to Mr A Pierart, who had taken photographs to record work done at Koeberg.

He had taken the photographs home from Mr Pierart's office without permission.

He had wanted to take them back the next day but the photographs had attracted the attention of the police when they had fallen out of his pocket while he was jogging home after visiting his girlfriend on March 9. A police van had arrived when he picked up the photographs.

Sentence will be passed today. Bail was extended.

Mr D Cronje was the magistrate. Mr C A Cilliers appeared for the State and Mr H Scoombie for De Villiers.

1





# Mpetha discharge bid fails

ARGUS 17/9/82

331

All answer books

Number of books

Number of the

Surname.....

First Name(s)

Date.....

Degree/Dip  
you are regis

Subject.....  
(to be copied)

Paper No.....  
(to be copied)

NOTE CARE

APPLICATIONS for the discharge of veteran trade unionist Mr Oscar Mpetha and Mr Vuyislie Mzaza, Mr Makawa Jabavu and two youths were refused in the Supreme Court today.

The five are among accused appearing on charges relating to rioting in 1980 at Crossroads and the death of two motorists, Mr George Beeton and Mr Frederick Jansen.

They have been held in Pollsmoor Prison, Tokai, for more than two years.

There was no reaction from the five or from the packed public gallery when Mr Justice Williamson refused the applications.

## SIX MONTHS

He said it had been a long trial. The State's case had lasted 18 months. In this time the accused had been in custody and would remain in custody until the end of the trial, which could continue for a further six months.

He had considered the anxiety and tension the accused would undergo if they remained in custody, with the added consideration that Mr Mpetha was old and sickly. Nevertheless, on the evidence, they had a case to meet.

Although there were inherent contradictions in evidence by two State witnesses against Mr Mpetha, there was a reasonable chance that this evidence would support the charges.

## POSSIBILITY

The other men were strongly implicated by State evidence and there remained a further possibility that they could be implicated by their fellow accused.

The trial was postponed to Tuesday for the defence case.

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, appears for the State. Mr I J Farlam, SC, instructed by Frank Bernad and Joffe, appears for Mr Mpetha. Mr T L Skweyiya appears for 11 accused. Mr J Whitehead for four and Mr N Willis for two, all instructed by A M Omar and Company.

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

	Internal	External
(1)	(2)	(3)
5	57	
Examiners' Initials		

1. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
2. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
4. Do not write in the left hand margin.

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

# Terrorism trial told tribesfolk held man with rifle

Mercury Reporter

A 62-YEAR-OLD man was captured by a group of people when he tried to use a rifle which had been left at his kraal by one of the three men appearing in the Supreme Court, Durban, on three charges under the Terrorism Act and two under the Riotous Assemblies Act.

This was said in evidence by Mr Joseph Dlomo at the trial of Mr Sipho Buthelezi, 27, Mr Amos Dlomo, 34, and Mr Mki-pheni Nyandeni, 33.

They have pleaded not guilty to the charges before Mr Justice Didcott.

Mr Joseph Dlomo said that Mr Amos Dlomo arrived at his kraal with a bag, and while there had said he had been trained as a soldier in Swaziland. He also said he was looking for young people to join the army there.

## Bag

Mr Joseph Dlomo said he had asked him about the need to train as a soldier, and he had replied that they were going to fight the whites because they ill-treated people.

After a few days Mr Amos Dlomo left for Johannesburg, leaving behind the bag containing the rifle, Mr Joseph Dlomo said.

He said while he was away there was some trouble at his kraal and he tried to use the rifle which he took from the bag.

Because he was unable to use it, he was captured by some people and taken to the kraal's headman who in turn took him to the police.

He said the police arrested him and kept him in custody since.

The headman, Mr Mukeni Nxumalo, said that in December this year Mr Joseph Dlomo and a rifle were brought to him by some of his people.

When he took Mr Joseph Dlomo to the police he was arrested and Mr Nxumalo was asked to keep a lookout for Mr Amos Dlomo.

## Sister

The headman said he later captured Mr Amos Dlomo and took him to the police.

Miss Dudla Buthelezi, sister of Mr Sipho Buthelezi, told the Court she knew Mr Amos Dlomo.

She said when her brother came home to Vryheid in November last year he said he had come from Angola where he had trained in the army to become a soldier.

At the start of the trial yesterday prosecutor Benny Schonfeldt said that after consultations with the defence team, 40 of the 55 witnesses would not be called to give evidence.

The hearing continues today.



16/9/82

**ZWELITSHA** — Two Mdantsane men charged under the Terrorism Act in the Ciskei Supreme Court here were found not guilty and discharged at the close of the state case yesterday.

Mr Justice J. J. Negpen told Mr Bongani Nondula, 23 and Mr Sindile Mfana, 23, both of Zone 2, Mdantsane, that there was no evidence to implicate them when, for the second day, witnesses refused to take oaths and one refused to testify.

The man who refused to testify was jailed for 2½ years. On Tuesday another witness was jailed for a similar period.

The accused had pleaded not guilty to participating in terrorist activities by inciting people in Mdantsane during January and February this year to undergo military training abroad; to joining the military wing of the ANC; and taking part in the activities of the banned ANC and being members of the ANC.

Advocate M. T. K. Moerane, for the defence, formally asked for their discharge at the end of the state case without calling any defence witnesses.

The witnesses were discredited by advocate J. Langeveld for the state. The trial was held in camera.

The witness who refused to testify was advised to consult an advocate appointed by his family to warn him of the consequences of his action.

After consultation with Advocate D. Pillay, the witness persisted in his refusal.

The witness said he could not testify against slaves as he was a slave himself.

He said he did not want to implicate others who were oppressed like him. He explained that by giving evidence he would be "selling out."

Mr Justice Negpen said his reasons for the refusal could not amount to a just excuse.

The accused shook hands with counsel, friends and relatives after he was sentenced.

Two other witnesses refused to take the oath on religious grounds yesterday and gave evidence under affirmation. A third witness was sworn in.

All three said they did not know the accused and that they had been assaulted by the police to induce them to make statements.

Mr Langeveld said the

one witness should be warned as an accomplice. He had said he attended a meeting where there was discussion about leaving the country to undergo military training and the route to be taken. He said he had left Ciskei for military training.

Initially the witness refused to testify or be sworn in.

He was warned by the judge of the serious consequences he faced and was told that his family had appointed counsel to advise him.

At first he refused to see counsel but later changed his mind.

Mr Pillay told the court he had explained the witness's rights to him and he had agreed to testify although, for religious reasons, he was not willing to take the oath. He later affirmed.

The witness said he was arrested at the Burgersdorp railway station on his way to Herschel to apply for admission to a school. He did not know the accused, he said.

He said he was assaulted by a Sergeant Mzamo and forced to make a statement.

Asked by Mr Moerane in what way he had been assaulted, the witness said he was slapped and throttled by the sergeant.

The witness said he was also assaulted by Lieutenant Colonel L. L. Nonhonho and Captain Genda who were in the company of a white man.

He was given shocks with an electric gadget, his head was covered with a dustbin and Capt Genda threatened to hit him with a firearm, he said.

He told the court he had never told Col Nonhonho that he feared to testify in an open court.

During the state's application for the hearing to be held in camera, Col Nonhonho told the court that all the witnesses had told him they feared giving evidence in an open court or in front of many people.

The third witness testified under oath.

He conceded to Mr Langeveld that his evidence in court was not consistent with the

# Witness jailed as Terror Act trialists freed

tents of the statement he made to Sgt Mzamo at Dimbaza.

He said he was assaulted to make the statement and therefore did not make it freely and voluntarily.

The witness claimed that Col Nonhonho and Capt Genda took part in his assault.

Asked by Mr Moerane how he had been assaulted, he said he was throttled and a gadget, which gave him shocks was placed on his private parts and kidneys.

The fourth witness would not take the oath but agreed to give evidence on affirmation.

At first the witness had refused to be sworn in or give evidence and had refused to see the counsel appointed by his family.

Asked for his reasons for refusing to testify, he said he had been ill-treated by police and therefore could not be expected to give evidence. He later changed his mind and agreed to see counsel.

After consultations, Mr Pillay said the witness was prepared to give evidence under affirmation.

The witness said he did not know the accused. He claimed he had been throttled by a Mr Velebayi while other policemen held him by his private parts. He said he was assaulted and forced to admit certain things.

The witness also said he had never told Col Nonhonho that he feared giving evidence in an open court. He had never spoken to the colonel, he said. — DDR.

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ANC men's

appeal (331)

bid RWH (1/8)

fails 16/9/82

**Mail Reporter**

TWO convicted members of the African National Congress were refused an application for leave to appeal against their sentences by a Rand Supreme Court judge yesterday.

Mr Justice W Boshoff said Robert Martin Adam, 26, and Mandla Themba, 25, will have no reasonable prospect of success on appeal.

Adam and Themba were convicted on charges of being members of the ANC and of conspiring to sabotage the SABC's TV transmission tower in Brixton during November 1980 to September last year.

Adam was sentenced to an effective 10 years' jail. Themba was jailed for five years. Themba applied for leave to appeal against both his conviction and sentence.



# Actress leaves hospital on walker

NEW YORK. — Veteran actress Mary Martin, mother of Dallas TV star Larry Hagman, who was seriously injured in a car crash 10 days ago, has been released from San Francisco General Hospital.

The crash killed her manager and critically injured actress Janet Gaynor, 72.

Miss Martin, 68, star of Peter Pan and South Pacific, had broken ribs and a fractured pelvis. She

used a walker to leave hospital.

Miss Gaynor was still listed in serious condition and is in intensive care. Her husband, Paul Gregory, 62, is in good condition after also breaking

his legs in the crash.

The accident happened when a van allegedly jumped a red light and crashed into the taxi in which the foursome were travelling to a dinner appointment.

## 'Trial reports support State'

Argus Correspondent

DURBAN. — Press reporting of political trials in South Africa inadvertently supported the State, a senior legal academic said in Durban yesterday.

In an interview during the Detention and Security Legislation Conference at the University of Natal, the senior lecturer in Commercial Law at the University of Cape Town, Mr Denis Davis, said the Government used the political trial as an ideological support.

"The political trial is presented as a morality play in which the State is seen as giving a fair trial to those who are seen to represent violence and revolution and represent the forces of darkness", he said.

The State, by tolerantly providing these people with such a trial, is seen as fair and just.

The Government never openly admitted to the existence of "political" trials since they claimed that the accused were common criminals who were dedicated to violence and subterfuge.

This image - which Mr Davis rejected as distorted since it failed to take account of South Africa's repressive security legislation and the authentic political aspirations of the accused - could only be effectively projected by the media which reported on these trials.

Unfortunately, Mr Davis said, the dramatic use of headlines and the irregular reporting by the Press on these trials helped to strengthen the image the Government wished to create.

## Pattern in security trials seen

Argus Correspondent

DURBAN. — A legal authority, Professor John Dugard, says a pattern has emerged in the Transvaal whereby certain judges are repeatedly selected to preside over security trials.

Last month a Johannesburg advocate, Mr Sydney Kentridge, said that in certain parts of the country a similar pattern had become apparent.

Addressing about 200 delegates at a conference at the University of Natal on detention and security legislation, Professor Dugard said his opinion was based on a study of security trials in the Transvaal which he conducted between 1978 and 1982.

Professor Dugard, who is director of applied legal studies at the University of the Witwatersrand, said that during this period there were 25 trials involving treason, terrorism, sabotage or serious offences under Internal Security Act 44 of 1950.

### BENCH

These cases were tried by 12 of the 45 judges and acting judges who sat on the Transvaal Bench.

Eight judges heard 21 of these cases. This meant that 17 percent of the Transvaal judiciary heard 84 percent of the cases in question.

The common denominator for these judges was that all except one were members of the Pretoria Bar before their appointment to the



PROFESSOR John Dugard

Bench. Most of the "conservative, Executive-minded and formalist advocates" were to be found in Pretoria.

### EXECUTIVE

He was not suggesting that judges who presided at "political" trials in the

Transvaal "are deliberately or consciously biased in favour of the Executive".

However, Professor Dugard said his criticism should not be dismissed but remedied through all judges being given an equal opportunity to preside at trials under the security laws.

Turning to magistrates, who were increasingly trying cases under the security laws since the passing of the Lower Courts Amendment Act of 1977, Professor Dugard said they were "particularly unsuited" to this role because they were professionally too close

## Talks on Barclays ban on politics

DURBAN. — An urgent meeting has been called by Barclays Bank's top management to discuss the blanket ban preventing employees from taking part in political activities.

A senior bank spokesman confirmed that a statement was expected to be released after the meeting.

Sources said they expected the political ruling to be reversed.

The bank's decision has provoked an outcry from several organisations and unions, including a new threat by the general secretary of the South African Allied Workers Union, Mr Sam Kikine, to call for a boycott of the bank if the ruling is not reversed.

### 'UNFAIR'

He said: "We would not hesitate to call for a boycott of the bank if it does not reverse the decision. This is an unfair labour practice and the bank runs the risk of alienating many of its black clients."

Dr Frank Mdlalose, Minister of the Interior of the Kwazulu Government, said no citizens should be robbed of the right to express their political approach, affiliation and activity in a way that befits them and their society.

Mr Mdlalose said he could understand the approach of Barclays but the bank could not deprive people of the right to express their political

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Star 15/9/82 (331)  
**Detainees in court**

Two young Soweto women appeared separately before a Johannesburg magistrate, Mr T J le Grange, yesterday in terms of the Internal Security Act and were remanded to September 28.

They were Miss Lillian Keagile (24) of Malopo and Miss Baby Kyawa (23) of Dube. Both are charged with

furthering the aims of a banned organisation.

They have been in custody since being detained by the Security Police. Miss Keagile was detained in November last year and Miss Kyawa on August 25 this year.

Mr Ernest Dipale, who died in detention on August 8, was to have been tried with Miss Keagile.



SHS 18/10/82  
**Banned  
unionist  
charged**

**Labour Reporter**

The banned former chairman of the Motor Assemblers and Component Workers' Union of South Africa, Mr Dumile Makanda, appeared in the Port Elizabeth's Magistrate's Court last week on charges of contravening his banning order and possessing banned documents.

Mr Makanda was released on bail of R300 and the case was postponed to December 6. A further restriction was added to his banning order compelling him to report to the police in Port Elizabeth.

He was picked up by the police on Wednesday outside the Ford Motor Company Headquarters.

Mr Makanda was detained last year and held for about eight months before being released without being charged and banned. X

# Many train, but few terrorists jailed

By PATRICK LAURENCE  
Political Editor

THE number of blacks leaving South Africa for military training as insurgents is appreciably higher than the number of people, mainly black, who are charged and convicted under the security laws.

The exodus of blacks for military training is running at about 20 a month, Professor Mike Hough, of the Institute of Strategic Studies, says in the latest issue of the institute's journal, *Strategic Review*. His figure concurs with that quoted in the Rabie Commission.

According to Institute of Race Relations figures, 28 people have been charged and convicted under security laws so far this year. Last year 23 were convicted.

The Minister of Law and Order, Mr Louis le Grange, and the Security Police have claimed near total success in the interception and capture of insurgents returning to South Africa.

But the discrepancy between the success claims of the police and the depar-

ture of blacks for military training may not be as great as it seems at first.

Many of the blacks who leave South Africa for military training may change their minds and end up either as refugees in neighbouring territories or return to South Africa.

In addition some trained insurgents may either defect secretly to the police or be killed in operations such as those who were killed in the Silverton siege in 1980.

Many of those with training may still be in insurgent camps in neighbouring territories, as a kind of reserve strike force.

According to Prof Hough, the banned African National Congress has bases in Angola, Zambia, Mozambique and Tanzania while "infiltration takes place through Botswana, Lesotho and Swaziland".

Of the four African states where the banned ANC has bases, three — Angola, Zambia and Mozambique — spend a bigger portion of their gross national product on defence than does South Africa.

In another article in *Strategic Review*, Dr J Breedt of the University of Pretoria says South Africa spends 4.7% of its gross national product on defence against 14.1% for Angola, 13.9% for Zambia, 11.6% for Mozambique and 4.6% for Tanzania.

But in actual money terms South Africa spends more than twice as much on defence as the four countries combined.

In an analysis of the White Paper on defence presented to Parliament this year, Prof Hough draws attention to the military build-up in neighbouring states.

"The combined forces of South Africa's neighbouring states have increased by more than 300% since 1977 and these states have augmented their tanks and aircraft by 200% within the past five years," he says.

"The USSR, East Germany, Cuba and North Korea together have more than 27 800 personnel in Southern Africa. In the past year alone, Swapo and South Africa's neighbouring states procured weapons to the value of R1 200 000."



D. Dracatos 16/10/72

## Two remanded in custody for Jan trial

(33)

ZWELITSHA — A Regional Court magistrate, Mr J. A. Dracatos, recommended to the King William's Town prison authorities that one of the accused in an ANC trial, Miss Nomakhephu Ntsatha, should not be kept in solitary confinement.

This followed a request by Miss Ntsatha's defence counsel after she had been examined

by a physician, Dr F. C. P. Swift. She was examined by the physician to see if she was fit to stand trial after the court had heard that she had displayed abnormal behaviour in prison.

Dr Swift said her mental and psychological state did not suggest inability to stand trial.

Miss Ntsatha and Mr Mnckeleli Peter, have pleaded not guilty to re-

cruiting people to undergo training likely to endanger the maintenance of law and order, recruiting members for the ANC, being members of the ANC and to possessing and distributing banned publications.

They were remanded in custody until January 17 and two weeks have been set down for the trial. — DDR.

# Diepkloof looks at high bills

331  
Soweto 15/10/87

HIGH electricity bill and Putco's application for a 13 percent busfare increase will be among issues to be discussed at a public meeting to be held by the Diepkloof Civic Association (DCA) in Diepkloof on Sunday.

According to Mr Isaac Mogase, chairman of the DCA, the meeting will be held at Modisi yo Botse Lutheran Church in Zone Four, Diepkloof and will start at 2 pm.

Mr Mogase said residents in Diepkloof have had numerous complaints about frequent water and electricity supply cuts in the past few weeks but that no explanation has been forthcoming from either the Soweto Council or the West Rand Administration on reasons for the cuts.

"We are human beings and water and electricity are our life. If the cuts are for legitimate reasons, we feel we are entitled to an explanation or at least a notice to the effect that there will be a cut of water supply at such and such a time.

"We would also like to hear the views of residents on the electricity bills which have become a painful experience for our people. The reports we hear that people could find themselves with a R900 bill on their lap is shocking.

"There is also this question of blocked latrines which are a health hazard," said Mr Mogase.

He added that the DCA would also make its stand clear towards community council elections.



D-Dispute 15/10/82

## Judgment today on jailed man's application (331)

ZWELITSHA — Chief Justice de Wet reserved judgment until this morning on an application for leave to appeal by a man convicted for refusing to testify.

Mr Malusi Kunene was convicted by the Chief Justice in July when he refused to be sworn in as a state witness.

He applied yesterday for leave to appeal against his two-and-a-half year sentence.

Advocate Pius Langa, for Mr Kunene, said the court failed to ask Mr Kunene whether he was prepared to make an affirmation as a witness.

Chief Justice De Wet read the court record wherein he told Mr Kunene he was obliged to take the oath or affirm but he refused.

Mr Langa said the word 'oath' was repeated twelve times in the report and this could have overshadowed 'affirmation.' The court had not made a full enquiry into the applicant's refusal and his legal position was not explained to him.

Referring to the sentence, Mr Langa said that the applicant had not been invited to make representation in mitigation.

Chief Justice De Wet said he had looked into sentences passed for similar offences in South Africa and found his was the lightest.

Opposing the application, the Attorney-General, Advocate W. F. Jurgens, said the applicant had been adamant that he was not going to testify or say anything. He conceded that personal circumstances should be noted before passing sentence, but said the judge had seen him and must have considered his age and that he came from detention. — DDR.

**Application for 13,5% bus fare rise today**

# Putco fare drama

*Sowetan 14/10/82 332*

**By NKOPANE MAKOBANE**

AN APPLICATION by Putco for a 13,5 percent bus fare increase on its Johannesburg routes is to be heard by the National Transport Commission today.

Mr Pat Rogers, the company's public relations officer, told The SOWETAN yesterday that he was, however, not sure if the application for the Durban area would also be heard.

The commission has already heard the application for Pretoria but Putco has not as yet received a reply. The percentage increase being asked applies to all the three areas.

Meanwhile, five leading black organisations have indicated that they will oppose the application before the commission hearing, and even seek a Supreme Court order if that fails.

Mr Rogers said because of rising operating costs, they had no alternative but to raise the prices. He said between June 1981 and this year, wages and salaries had gone up by 18,5 percent, fuel over 9 percent, maintenance 25 percent and bus costs 14 percent.

"People must understand that our last bus increases in April this year, had been applied for last July and had compensated for a two year period.

"It is unfortunate that whenever we put forward our application, it has to go through a long and dragging procedure before the increase can be implemented.

"We would prefer having a regular annual review of fares, taking into account increased costs incurred during the year. If we can be up to date with our cost index, then the increases would not be viewed as being high when there is a need for them," he said.

Mr Rogers further said they had not received any objections against their Pretoria application. Asked if he expected a similar reaction in today's application, he said not at all.

The five organisations that are geared to fight the increases are the Commuters' Watchdog Association (Comwasa), Soweto Committee of Ten, Inkatha Cultural Movement, United Women's Organisation and the Coloured Labour Party Women's League.



# Court told doctor refused examination

*D. D. Dipane 13/10/82*

331

ZWELITSHA — The defence counsel in an ANC trial, Mr T. K. Moerane, told the regional court here yesterday that Dr Vukile Peteni of Zwelitsha had declined, on ethical grounds, to ex-

amine one of the two accused, Miss Jane Nomakhepu Ntsatha who was alleged to be abnormal and unfit to stand trial.

She and Mr Lawrence Ngcekeleli Peter, 23, have been charged under the Terrorism Act.

It is alleged they recruited people to undergo military training, were members of the banned ANC and distributed banned literature.

Mr Peter also faces a charge of planning to undergo military training.

Earlier in the trial they pleaded not guilty

to all the charges.

Dr Shabeer Meer, acting District Surgeon at King William's Town, who examined Miss Ntsatha, testified that she was fit to stand trial and the defence made an application that Miss Ntsatha be examined by Dr Peteni.

After Dr Peteni declined to examine Miss Ntsatha on "ethical grounds," the magistrate ruled that Miss Ntsatha be examined by Dr E. J. Swift of the Cecelia Makiwane Hospital in Mdantsane.

The hearing was postponed to October 15. — SAPA.

Argus 13/10/82  
**Priest  
331  
fined for  
banned  
literature**

**Argus Correspondent**

**KIMBERLEY.** — A Kimberley Anglican priest who is the editor of a monthly Anglican newspaper, was fined R200 (or 50 days) in the Kimberley Regional Court for unlawful possession of two banned publications.

Ivor Shapiro, 29, of Louisa Court, had been charged with illicit possession of two prohibited publications, *Torture In South Africa* and *South Africa, A Police State*.

He had initially been charged under section 11 (a) and (b) of the Internal Security Act of 1950, read in conjunction with Section 3 (1) (IV) of Act 44 of 1950, as well as Section 2 (d) of the Unlawful Organisations Act 34 of 1960.

**DROPPED**

The charge involving the Internal Security Act was dropped by the acting Attorney General.

He pleaded not guilty to two counts of contravention of Section 8 (1) (d) of the Publications Act of 1974.

He is a first offender. Mr C J Blanckenberg, appearing for Shapiro, said his client was an ordained priest and editor of *Seek*, a monthly Anglican newspaper.

**OPEN SHELF**

He said Shapiro held an honours degree in theology.

The publications had been found by the police on an open shelf and no attempt had been made to conceal the literature, Mr Blanckenberg said.

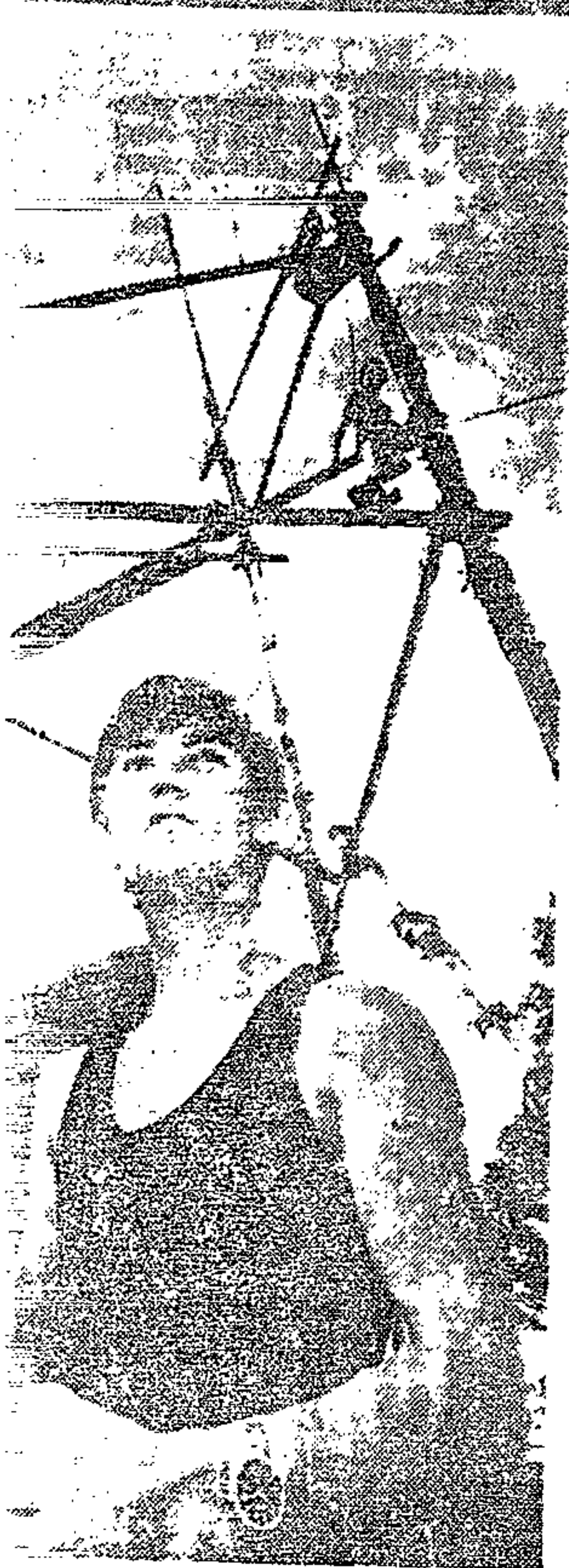
He said Shapiro had done nothing more than possess the publications.

"Where an enormous number of publications have been prohibited, it is difficult for the layman to know which have been banned," he said.

Mr J P van Eeden was the magistrate. Mr T B van Rensburg appeared for the State.



## high way



part of Scout training. Members of the wood and rope tower as part Scoutmaster Mark Odendaal took six the school holidays.

Picture by Dale Yudelman.

# Mayson treason trial for Pretoria

By Rashid Chopdat

A man accused of helping Mr Horst Kleinschmidt leave South Africa illegally and of receiving banned political material through an official at the Swedish embassy appeared in the Rand Supreme Court yesterday.

Mr Cedric Radcliffe Mayson (53) of Yeoville was not asked to plead to a charge of high treason, alternatively of participating in terrorist activities. Mr Justice Ackerman postponed the trial to February 7 next year and transferred it to the Pretoria Supreme Court.

Mr Mayson is accused of being an active supporter and/or a member of the banned African National Congress.

He allegedly had discussions with Mr Kleinschmidt, former assistant director of the banned Christian Institute who fled South Africa, regarding support for the ANC in South Africa. The indictment describes Mr Kleinschmidt as an active ANC supporter.

Mr Mayson is accused of helping Mr Kleinschmidt, Miss Patricia Townsend, Mr Graham de Schmidt and Miss Lorna Meeran

— described as active supporters of the ANC — to leave South Africa illegally for Botswana to support ANC activities.

He also allegedly assisted an ANC official, Mr Marius Schoon, and his wife, Jeanette, a member of the South African Congress of Trade Unions, to leave South Africa for Botswana for the same purpose.

Mr Mayson, it is alleged had discussions with Mr Thabo Mbeki, an ANC official and commander of its military wing, about the situation in South Africa and the ANC's problems inside the country.

Mr Mayson allegedly agreed to carry out Mr Mbeki's instructions. These included:

- To investigate and set up area political committees in the Republic to co-ordinate the activities of the ANC.
- To obtain information about churches and other related organisations with a view to infiltrating them or using them to further ANC aims.
- To examine the possibility of storing weapons in churches.
- To determine targets for reconnaissance and sabotage.
- To encourage and support strikes and boycotts; to recruit people to join the ANC.

## Smokers are the happiest endings



**FREE**  
INTRODUCTORY  
LECTURES

Hundreds of thousands of hard-core smokers have broken the



12/10/82

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# Press sent out of bread trial

Boland Bureau

tember 29. Seven of them were minors.

At the start of the proceedings today, Mr G J Badenhorst, for the State, asked that the case be held in camera because minors were involved.

The 22 accused in the case were arrested in Paarl at a protest meeting against the bread price increase on Sep-

tember 29. Seven of them were minors. She told the court that the case was of great concern and interest to the community.

If members of the community were allowed to stay it could be educational for them, she said. They could learn from the proceedings how they could deal with their

grievances and cope with similar situations.

A precedent had been set in the Mpepha trial in the Cape Town Supreme Court. Many of the accused in the trial were under 18 yet the public and the Press were allowed in court.

After a short adjournment, the magistrate, Mr

G Rossouw, said an exception could be made only when the presence of members of the community was "imperative for the proceedings" and this was not the case in the bread protesters trial.

Mr Rossouw also turned down an application that friends and relatives of the accused be

dricks, 19, Chantel Jennifer Lawrence, 18, Lucy Zegwana, 43, Willem Simonse, 20, Leroy Truter, 19, Lizzi Phike, 44, Ruth Tisana, 56, Godfrey Abraham, 23, Leon Mankoo, 18, Vivian Mathee, 25, Ruben Richards, 20, all of Paarl-East, and seven youths who may not be identified.

Charged with attending an illegal gathering were Arden Jean Blaauw, 20, Joseph Meyer, 20, Patrick Charles Truter, 20, Lizzie Dina Abraham, 47, Calvin Fre-



*D. Dracatos*  
*12/10/82*

# Accused in ANC trial sees doctors

*WIA*  
*23*

**ZWELITSHA** — One of the accused in an ANC trial in the regional court here was sent to two doctors yesterday for observation after the court heard that she had displaced abnormal behaviour in the King William's Town prison.

Defence counsel, Advocate M. T. K. Moerane, said he had been informed by the prison officials that Miss Nomakhepu Jane Ntsatha had hallucinations during the past four weeks up to Saturday. She would sometimes scream in the dead of night and would sometimes walk naked in her cell.

Mr Moerane said this while cross-examining the Ciskei Government's acting district surgeon, Dr Shabeer Meer, of King William's Town who testified that she was fit to stand trial.

Miss Ntsatha and Mr Mncekeleli Peter, have pleaded not guilty to charges connected with ANC activities.

The first count alleges that during October and November they took part in ANC activities by recruiting members or supporters for the ANC.

The second count alleges that at or near Zwelitsha they became or continued to be office-bearers or members of the ANC.

On the third count they are alleged to have distributed banned publications, copies of Sechaba and the Freedom Charter.

Count four alleges possession of banned literature.

The fifth count alleges that they incited others to undergo training likely to endanger the maintenance of law and order.

Count six alleges that Mr Peter took steps to undergo training.

Before the resumption of yesterday's hearing Miss Ntsatha was taken to Dr Meer for observation. Dr Meer told the court that she was fit to stand trial. He said she was tense, nervous and seemed to be afraid of what would happen to her.

Under cross-examination by Mr Moerane he conceded that he did not do a physical examination and did not carry out any tests to find out if her central nervous system was functioning.

Dr Meer told the court

that he saw her for about seven to eight minutes.

Asked by Mr Moerane if he had examined the history of her mental behaviour in the past four weeks, he said he asked her how she was and she said she was fit except for abdominal pains. She spoke normally but was excited and tense.

Mr Moerane said that this appeared to be a contradiction in terms. Dr Meer said he meant she did speak sense but was tense. He said he had seen her three to four times in prison since August and knew she spoke quickly.

During his visits to her he did not observe any erratic or abnormal behaviour during the past four weeks. She had said she did not get the prescribed medicine in prison.

Dr Meer said the prison authorities did not tell him about her behaviour. He had not been told of her screaming or her walking naked.

Asked by Mr Moerane if he had been told of her hallucinations of a person trying to take a picture of her, he said he had not been told.

Dr Meer told the court he obtained his degree in Ireland in 1980 and completed his housemanship in December last year. From January this year he worked in the paediatric department in a Natal hospital until his appointment on August 1 as acting district surgeon for the Ciskei Government.

He said it was the first time as a district surgeon he had had to inquire into the mental capacity of an accused person.

Asked by the magistrate, Mr J. A. Dracatos, what he would have done had he been told of her screams, he said he would have examined her thoroughly and decided whether she needed psychiatric treatment or not.

Mr Moerane said the defence was not bound by Dr Meer's evidence and asked that Miss Ntsatha be taken to a local practitioner, Dr Vukile Peteni.

Dr Peteni will give evidence on his observation this morning.

Mr Dracatos said evidence by Dr Meer did not give the court a clear picture.

The trial continues today. — DDR.

# Yeoville

572 11/10/82

## man charged with treason

By Rashid Chopdat

A man accused of helping Mr Horst Kleinschmidt leave South Africa illegally and of receiving banned political material through an official at the Swedish embassy appeared in the Rand Supreme Court today.

Mr Cedric Radcliffe Mayson (53) of Yeoville was not asked to plead to a charge of high treason, alternatively of participating in terrorist activities. Mr Justice Ackerman postponed the trial to February 7 next year and transferred it to the Pretoria Supreme Court.

Mr Mayson is accused of being an active supporter and/or a member of the banned African National Congress.

Between 1977 and November 1981 he allegedly had contact with ANC officials and/or its active sup-

porters with a view to furthering the aims of the organisation.

He allegedly had discussions with Mr Kleinschmidt, former assistant director of the banned Christian Institute who fled South Africa, regarding support for the ANC in South Africa. The indictment describes Mr Kleinschmidt as an active ANC supporter.

Mr Mayson is accused of helping Mr Kleinschmidt, Miss Patricia Townsend, Mr Graham de Schmidt and Miss Lorna Meeran — described as active supporters of the ANC — to leave South Africa illegally for Botswana to support ANC activities.

He also allegedly assisted an ANC official, Mr Marius Schoon, and his wife, Jeanette, a member of the South African Congress of Trade Unions, to leave

South Africa for Botswana for the same purpose.

Mr Mayson it is claimed, received tape recordings of speeches by Mr Oliver Tambo, president of the ANC and freedom songs of Swapo. He allegedly made copies for distribution.

Mr Mayson, it is alleged, had discussions with Mr Thabo Mbeki, an ANC official and commander of its military wing, about the situation in South Africa and the ANC's problems inside the country.

Mr Mayson allegedly agreed to carry out Mr Mbeki's instructions. These included:

- To investigate and set up area political committees in the Republic to co-ordinate the activities of the ANC.

- To obtain information about churches and other related organisations with a view to infiltrating them or using them to further ANC aims.

- To examine the possibility of storing weapons in churches; to write and distribute a document advocating and encouraging revolution in the Republic.

- To determine targets for reconnaissance and sabotage in the Republic.

- To advise and encourage people in the Republic to refuse to undergo military training in the SADF.

- To encourage and support strikes and boycotts; to recruit people to join the ANC.

● To obtain information about various people, including Dr Alan Boesak, Mr Frank Chikane, Mr Drake Tshenkeng, Mr Kingdom Lolwane, Mr K K Matsena, Mr Colin Finn and Dr Margaret Nash. Mr Mayson allegedly discussed the formation of the area political committees with Mr Chikane, Mr van Heerden, Dr Naude, Mr Jabu Ngwenya and someone known as Norman.



some of the recommendations of the Grosskopf Committee, said the paper.

The Minister of Cooperation and Development, Dr Piet Koornhof, told the Cape National Party Congress in East London this week that the Bill had been "postponed".

But the Evening Post said it was now understood it had been withdrawn in its present form and would not be submitted to the constitutional committee that was to have considered it before its introduction in Parliament next year.

Mr Andrew Savage, Progressive Federal Party MP and spokesman for Cooperation and Development matters in the eastern Cape, said the shelving of the Bill raised hopes that it would be redrafted in the light of the Grosskopf Committee report and other representations received by the Constitutional Committee.

The Grosskopf report, which is now before the Constitutional Committee, is believed to have contradicted many provisions of the Bill.

## 'Accused' joked

THE KEMPTON Park Regional Court was yesterday told that a terrorist claiming he had been assaulted had been friendly and had cracked jokes with the Security Police.

This was said by Warrant Officer Leon van Loggerenberg, the investigating officer in the trial where Mr Stanley Radebe, Mr Ephraim Madalane, Mr Ernest Mohakalane and Ms Innocentia Mazibuko have pleaded not guilty to charges under the Terrorism Act.

Answering questions relating to an alleged assault on Mr Radebe by the Security Police, W/O Van Loggerenberg told defence counsel Mr D Soggot that he had seen the trialist on March 8. He had not seen Mr Radebe on the two following days, during which he had been interrogated by Warrant Officers Els and Greyling.

"On the first day I spoke to him, he was co-operative, very friendly and even cracked jokes with me", W/O Van Loggerenberg said.

Proceeding

was under consideration to "deal with" the consequences of the court decisions. — Sapa

POSTPONED:  
Koornhof.

for the inquiry  
gett's complaint  
being assaulted

## Car racket

### • From Page 1

These are replaced with falsified numbers, making it impossible to identify cars.

Worse still, these cars are taken across the border, where they are sold for give-away prices. A car thief would normally want to get rid of "hot" property, known in township lingo as "le-shala".

Maj Haynes said that, to prevent theft, car owners were advised to:

- Park at well-lit places. A thief likes working in the shadows.
- Lock all the doors and boot, close the windows tight. This might not stop a professional but it's safer.
- Don't leave keys in the car. Although a professional can start the car without keys, he will

obviously move to one with keys.

- Do not leave the car for too long outside. Check frequently.

Maj Haynes added: "It's a shattering experience to discover that your car has been stolen, particularly if your personal property has gone with it. It leaves you stranded, miles away from home."

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A MITCHELL'S PLAIN father of four was fined R500 (or 6 months) in the Cape Town Magistrate's Court yesterday for failing to print a name and address on pamphlets of the Azanian Youth Revolutionary Movement.

R200 (or 2 months) was suspended for five years.

Stanley Macaulem, 35, of Rocklands, a foreman at a printing company, pleaded guilty to a charge of failing to print the name and address on the 2 000 pamphlets he printed at Metro Printing Company in Castle Street, Cape Town, on September 14 this year.

He told the court his employer was not aware

he printed the pamphlets.

He knew it was an offence to leave out the name and address and did not receive permission from the Minister of Internal affairs to omit it. He told the court he did not know the contents of the pamphlet, but merely printed it.

Asking for a heavy sentence, the prosecutor, Mr T Lerm, said that in the pamphlet the movement advocated revolu-

tion as "the only solution".

He said it was this type of literature that sowed unrest among the people.

He quoted extracts from the pamphlet which read: "We learnt that we have to fight guns with guns. We also learnt we fight our own battles because we cannot expect the oppressor to have pity on us and give us our freedom. We know

the ruling class will not give up their privileges without a bitter fight."

The pamphlet also launched an attack on the National Union of South African Students (Nusas).

Passing sentence, Mr B Carroll said he rejected Macaulem's story that he did not know what the contents of the pamphlet were.

Macaulem conducted his own defence.

# Printer fined R500 over 'revolutionary' pamphlets

Argus 8/10/82  
331

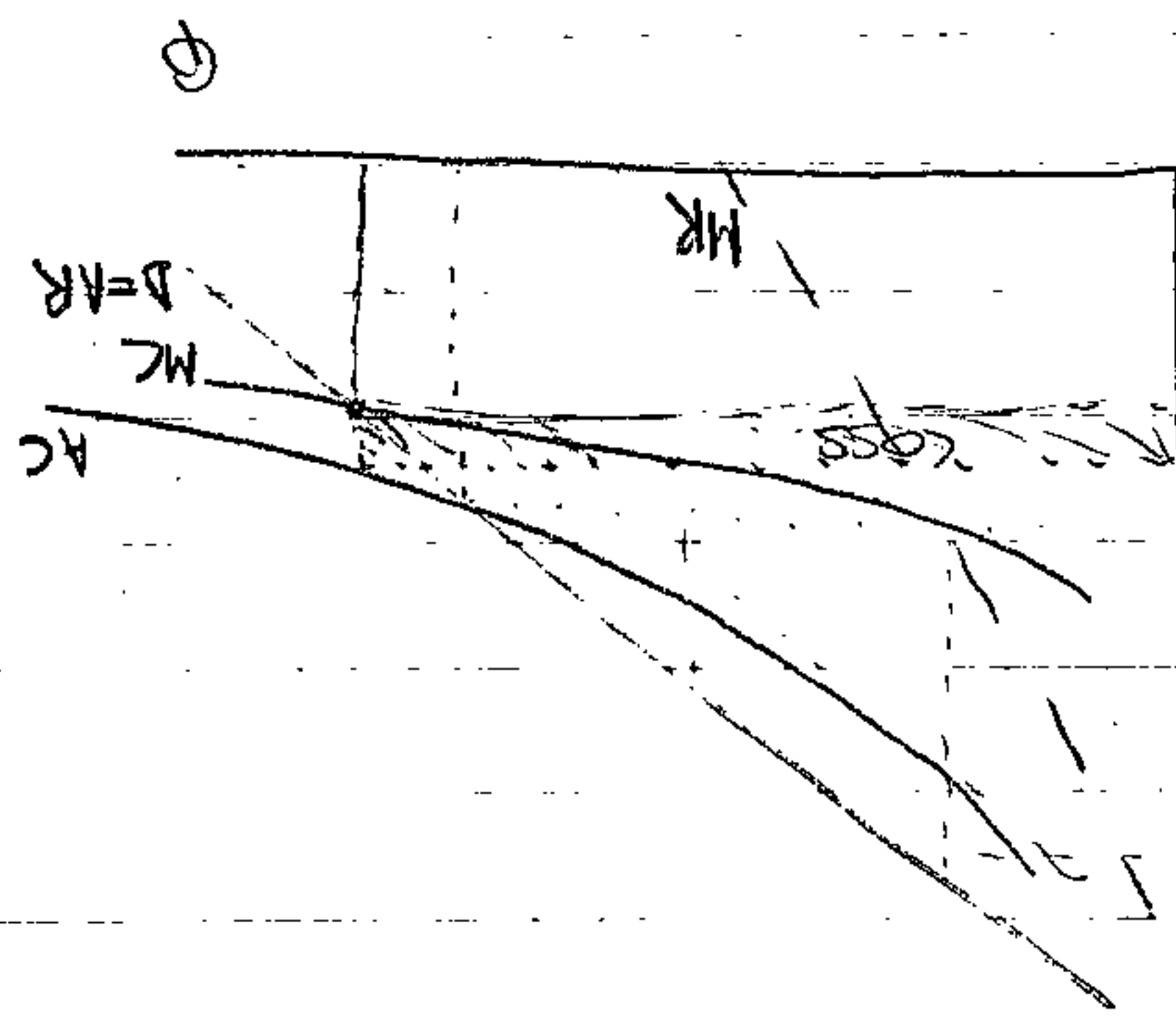
reduced more come about because the economy is slow at the moment

rel to the market  
not many desirable

MC = P - loss

subsidy

MC is benefit



ROUGH NOTES:

4(a)



CAPE Times 8/10/82

# Printer fined for illegal pamphlets

Staff Reporter

A FATHER of five was yesterday fined R500 (or 6 months) by a Cape Town magistrate for failing to print his name and address on pamphlets he had printed for the Azanian Youth Revolutionary Movement.

The magistrate, Mr B Carrol, suspended R200 or (two months) of the sentence for five years.

Stanley Macaulen, 35, of Tigermoth Road, Rocklands, Mitchells Plain, admitted that on September 14, at Castle Street, Cape Town, he had, without obtaining exemption from the Minister of Internal Affairs, printed 2 000 pamphlets without putting his full name and address on the pamphlets.

Macaulen, a foreman at a City printing concern, told the court he was not aware of the contents of the pamphlet. He had printed it without the knowledge of his employer.

He knew it was illegal not to print his name and

address on the pamphlet. Constable Pieter Stefanus Goosen, said he had found 2 000 pamphlets in a stolen car and further investigation led to Macaulen's house.

The prosecutor, Mr T Lerm read the pamphlet to the court. He said the contents should be seen as an aggravating factor.

"The pamphlet propagates revolution on the front cover. Everything points to revolution being the only solution for this organization."

"It is this type of pamphlet which creates unrest and damages race relations. Distribution of these would have caused internal and external harm to the country."

He asked that the court impose the maximum penalty.

Passing sentence, Mr Carrol said the offence was serious as the pamphlet could have "caused friction" between the races.

"It is in the interest of the community that this type of propaganda is not distributed."

# Hogan

# found

# guilty



Barbara Ann Hogan  
(30).

# of high t

By Rashid Chopdat

Barbara Ann Hogan (30) was convicted in the Rand Supreme Court today on a charge of high treason, the first white woman in South Africa to be convicted of this offence.

Hogan was also found guilty of being a member of the banned African National Congress.

Mr Justice van Dyk said that by her conduct she had made herself guilty of a conspiracy to high treason.

The judge said she was a staunch supporter of the ANC and was well informed of its aims.

Hogan had not joined the ANC on the spur of the moment.

## Intelligent person

Mr Justice van Dyk said he was not impressed with her explanation that she did not recruit people for the ANC.

He said: "It was clearly done to swell the ranks of the ANC and to further its aims.

"The ANC was and is still waging a minor civil war which would undoubtedly lead to the loss of lives."

Hogan had taken part in her activities for the ANC with enthusiasm and dedication, the judge said.

Hogan, who was described by the judge as an intelligent person, had pleaded not guilty to the charge of high treason but guilty to an alternative charge of furthering the aims of the ANC.

She joined the ANC in 1977.

Hogan showed no reaction when she was found guilty.

Hogan was smiling when she went into court before judgment.

She was handed a bunch of yellow carnations and daisies by friends.

She was casually dressed in black jeans, a dark green skipper and blue tennis shoes.

She joked and waved to her family and friends before judgment.

She listened attentively to the judge, but turned around occasionally to wink and smile at the packed public gallery.

She kept the bunch of flowers in her hands most of the time.

Her father Paul and her stepmother Hester, of Northmead in Benoni, looked tense as the judge read his 53-page judgment.

Mrs Hogan was the first to give evidence in mitigation of sentence.

She said her stepdaughter was a strong Christian who believed in equal treatment.

She was committed to South Africa and its problems and always tried to fight for the underprivileged.

Mr George Bizos, SC, defending, urged the judge not to impose a jail sentence longer than the two to three-year term in some precedents.

Mr Jan Swanepoel, for the State, asked for a lengthy jail term.

The judge said he would pass sentence tomorrow.



# NO 'MEDICAL AID' FOR DETAINEE, COURT TOLD

A PRISON major is alleged to have refused an "assaulted" prisoner pain-killing tablets, the Kempton Park Regional Court was told yesterday.

By CHARLES MOGALE

Convict Petrus Nkala made the allegation before the court where four people are facing charges under the Terrorism Act. The four are Mr Stanley Radebe, Mr Ephraim Madalane, Mr Ernest Mohakalane, and Miss Innocentia Mazibuko. All have pleaded not guilty.

Six convicts at the Groenpunt Prison in the Free State told the court of hearing Mr Radebe screaming, and seeing his blood-stained shirt,

and his head swollen.

Nkala said his cell had been opposite Mr Radebe's in the isolation block in March. One morning he had seen Mr Radebe being brought to his cell by a warder. His clothes had been full of blood stains and his head had been swollen.

The following day, he said, the head of the prison, a Major Boshoff, had walked past the cells and Mr

Radebe had called out to him.

"Stanley told him something about pain tablets but the major just walked away. He did not call a warder to take him to hospital or do anything about it. I then thought he had refused," Nkala said.

The investigating officer, Warrant Officer Leon van Loggerenberg, denied that Mr Radebe had been as-

saulted. He said he had gone to interview Mr Radebe on March 8 at Groenpunt, where he had been serving a prison sentence. During the interview, which had been held in an office, Mr Radebe had denied knowledge of hand-grenades and documents found at his home in Soweto, but had said he knew about the South African Youth Revolutionary Council (Sayrco).

Warrant Officer van Loggerenberg said he had not seen Mr Radebe until March 11 as he had

been attending the Khotso Seathlolo trial in Vanderbijlpark.

On three later occasions, he said, he had spoken to Mr Radebe over the telephone in connection with the case — on the first occasion from Cape Town, on the second from Newcastle, and on the third from Soweto.

On the third occasion, Warrant Officer van Loggerenberg said, he had been told by Major Boshoff that Mr Radebe had asked to speak to him.

Proceeding

# ANC trial:

## Kati

gets 13 years

331 P. Asaph 7/10/82

UMTATA — A former Robben Island prisoner, Mr James Kati, was sentenced to a total of 13 years here yesterday for ANC activities.

The 58-year-old Engcobo widower was sentenced to an effective seven years' imprisonment because Mr Justice A. P. van Collier ruled that his seven-year sentence on the first count run concurrently with a six-year sentence for possession of explosives.

His co-accused, Mr Peter Bawose King, was sentenced to seven years for possession of explosives.

The men were granted leave to appeal.

Three state witnesses warned as accomplices at the beginning of the trial have been discharged because the judge said they answered questions satisfactorily. They are Mr Mlungisi Mshotana, Mr Vuyani Macaosa and Mr William Ndude.

Mr Kati and Mr King were charged with three counts under the Public Security Act.

The first count alleged

that they were members of the banned African National Congress and that they furthered the aims of the ANC in that they received subversive literature and money from the ANC, that they harboured or aided people whom they had reason to believe were terrorist members of the ANC or potential ANC recruits and that they entered or left Lesotho at Tele Bridge and avoided border posts. Mr King was found not guilty on this count.

The second count alleged that they had encouraged people to undergo military training which could be used to endanger maintenance of law and order in Transkei. Both were found not guilty on this count.

On the third count they were alleged to have been in possession of explosives, firearms and ammunition. Both were convicted.

The alternative count was that they continued to be members of the ANC or furthered the aims of the outlawed organisation.

Passing sentence on Mr Kati, Mr Van Collier said the crime was serious but not extreme which could warrant the death sentence.

"The guiding principle which should be taken into account in passing sentence is the nature of the offence, the interests of the community and the personal circumstances of the accused.

"The accused rendered assistance to a member of the ANC whose aim is to endanger law and order and the overthrow of the state. The ANC makes use of violent means to achieve its aims.

"The fact that it is directed at the very nature of the state makes it treason. Treason has been described as stabbing your own country in the back.

"In crimes of this nature more emphasis should be placed on the interests of the community and the sentence should be a deterrent to others."

Mr Van Collier said there was no doubt Mr

Kati committed a serious offence by introducing the organiser of the opposition Democratic Progressive Party Youth League, Mr Mlungisi Mshotana, to a member of the ANC to be recruited as well as his hand-over of the firearms.

The judge said he had taken into account Mr Kati was no longer a young man and that he had been in detention for 14 months. He had not taken into account his previous conviction because it had occurred more than 10 years ago.

Passing sentence on Mr King, Mr Van Collier said one could imagine what could have happened had the police not found the explosives.

He also took into account Mr King was not young but although he was only convicted on one count, there was no real difference in his moral blame worthiness and that of Mr Kati.

Mr Kati and Mr King gave black power salutes as they were led out of court.

The attorney-general,

Mr George Muller, opposed the application for leave to appeal by advocate Andrew Wilson.

Outlining the grounds for appeal, advocate Wilson submitted that the trial court had erred in holding that Mr Kati had assisted one Tolo of the ANC in that their meeting was not pre-arranged and was a casual one.

On the second ground he queried whether Mr Kati's action would have had the results set out in the Act while the third ground was that the trial judge erred in rejecting Mr Kati's evidence. There was also no evidence on the commission of an offence with reference to recruiting ANC members.

On the count of possession of explosives and firearms, Advocate Wilson questioned the definition of the word "possession".

He said the court erred in holding that Mr Kati had not proved that he did not possess the firearms for any of the purposes set out in the act.

He said Mr King's invitation to the police to fetch the envelope was inconsistent with a man who had knowledge explosives were hidden at his home.

Mr Van Collier said the test whether there was reasonable prospect of appeal was a difficult one but that the court must apply it.

The judge said he had no doubt about his findings but could not exclude that another court may draw different inferences from those which he had drawn.

"Possibly another court may come to a different conclusion and in the circumstances I am granting leave to appeal against the convictions," Mr Van Collier said. — DDR.

Referring to the judge's reference to the carelessness and negligence as to what would happen to the explosives and firearms, Advocate Wilson held that this was not sufficient proof.

Referring to Mr King, advocate Wilson said the evidence before the court did not point to possession of explosives by Mr King, but rather by his wife, Angelina.

He argued that if Mr King had known about the explosives at his house, he would not have offered to take the police there to fetch an envelope which they wanted.

"The court erred in failing to conclude that there was a reasonable doubt whether she in fact was not the possessor."

Advocate Wilson said the judge argued by inference that she knew of the explosives and would have told her husband. She did not tell him because he had been in trouble before and she wanted to protect him.

He said defects in the wife's evidence had been used to detract from evidence of Mr King who the judge had said had been a satisfactory witness.



# Transkei

## convicts 2 terrorists

Own Correspondent

UMTATA — Former Robben Island prisoner, James Kati (58) and co-accused Peter King (57) were yesterday each sentenced to an effective seven years in jail in Transkei's first major terror trial.

They were found guilty in the Umtata Supreme Court of taking part in terrorist activities in contravention of the Transkei Public Security Act.

The presiding judge, Mr Justice van Coller, sent Kati to jail for seven years for helping a member of the banned African National Congress and six years for unlawful possession of firearms, the terms to run concurrently.

King was jailed for seven years for unlawful possession of explosives.

The two men showed no emotion when sentenced. The judge granted them leave to appeal against their convictions.

Mr Justice van Coller said he took into account that they were both "elderly" men who had already spent 10 months in detention. He did not take into account a previous political conviction because they had served sentences more than 10 years ago.

Mr Mkangeli Matomela (26), of Umtata, was acquitted of all the charges, earlier this week.

7/10/82 Star

## Ex-Island prisoner jailed for seven years

UMTATA. — A former Robben Island prisoner and executive member of the Transkei opposition Democratic Progressive Party, James Kati, was jailed for seven years by the Transkei Supreme Court yesterday for taking part in terrorist activities.

Kati, 57, and Peter Bawoshe King, also 57, originally appeared with three other men, Mr Mkangeli Matomela, Mzwandile Mbethe and Mveleli Saliwa, on three counts under the Transkei Public Security Act. Mr Matomela was discharged.

Mbethhe and Saliwa were each jailed for five years after pleading guilty to the alternative charges. King was acquitted on two counts, but was convicted on one count and jailed for seven years.

Kati was found to have introduced a member of the African National Congress, a Mr Tolo, to Mr Mlungisi Mtshontana, a youth leader of the Democratic Progressive Party.

Mr Tolo later recruited Mr Mtshontana into the ANC and influenced him to recruit people for the DPP, from where they could be recruited by the ANC. — Sapa.



# Terror trialist to be X-rayed for fractures

331 3000 Somerset 6/10/82

THE Kempton Park Regional Court yesterday granted an order for an accused to be examined by a district surgeon to determine if his ribs had healed fractures.

The order was granted by Mr I J J Luther after counsel for the defence, Mr D Soggot, had submitted that injuries to the rib-cage could be X-rayed even if they had healed.

Mr Soggot made the application following claims by accused Mr Stanley Radebe that he had made a statement to the Security Police after being assaulted.

Mr Radebe and three others, Mr Ephraim Madalane, Mr Ernest Moshakalane and Ms Innocentia Mazibuko, have all pleaded not guilty to charges under the Terrorism Act.

Six long-term prisoners have testified hearing Mr Radebe crying out in pain while he was

By  
**CHARLES  
MOGALE**

in an office with warders and plainclothes men at the Groenpunt Prison in the Free State.

The court also heard that Mr Radebe's shirt had been seen stained with blood and that three days later he could still not walk "because he was obviously feeling pain".

One of the long-term prisoners, Sydney Nxumalo, said he had

been himself assaulted by two men in plain clothes because he had "ANC" tattooed on his chest.

He said he had been waiting outside a major's office when the two men he had earlier seen with Mr Radebe had confronted him. They had asked him what the "ANC" was and when he had said that he did not know he had been slapped and punched.

Mr Nxumalo said the tattoo had been drawn on him while he had been at the Leeukop Prison "long ago".

"I don't know what the ANC is. I just saw it written under a picture of a clenched fist and a broken chain. I thought it was a karate word," he said.

Proceeding

# ANC trial: Engcobo man found guilty

331

UMTATA — Former Robben Island prisoner Mr James Kati was found guilty here yesterday on two of three counts under the Public Security Act.

The 59-year-old Engcobo widower will be sentenced this morning with co-accused Mr Peter Bawose King who was found guilty on one count.

Mr Justice A. P. van Collier acquitted a former post office clerk Mkangeli Manford Matomela, 25, on all the counts.

The men were charged on three counts of contravening the Public Security Act.

The first count was that they were members of the banned African National Congress and that they furthered the aims of the ANC in that they received subversive literature and money from the ANC, that they harboured or aided people whom they had reason to believe were terrorists or members of the ANC, that they transported members of the ANC or potential ANC recruits and that they entered or left Lesotho by crossing at Tele bridge and avoiding border posts.

The second count

alleged that they had encouraged people to undergo military training which could be used to endanger maintenance of law and order in Transkei.

On the third count, they were alleged to have been in possession of explosives, firearms and ammunition.

The alternative count was that they continued to be members of the ANC or furthered the aims of the outlawed organisation.

They pleaded not guilty to all the counts.

When the trial was adjourned yesterday, there was legal argument on whether both convicted men's previous conviction and sentence should be taken into account.

Defence team leaders advocate Andrew Wilson argued that both men's convictions were almost 20 years old and that according to the relevant act should not be taken into consideration because the convictions were more than 10 years old.

The Attorney-General, Mr George Muller, QC, argued that the previous convictions could not be ignored and referred to the strict provisions of the act.

Pleading in mitigation, Advocate Wilson asked Mr Van Collier to take into consideration Mr Kati's age, that he had refrained from political activity since his last conviction, and that he had been in detention for 18 months.

He also submitted that the people Mr Kati had been involved with were relatives and that the sentence on both counts should run concurrently.

On the submission of

being involved with relatives, Advocate Wilson said: "Old loyalties die hard. If a relative was to say I need help, the law expected him to say no, but as a human being it was difficult for him."

"The help was not too serious. Find some place for me to stay, introduce me to some young men and look after my parcels are not too serious requests."

"I can offer no legal excuse but it can be taken into account as a moral one in assessing sentence."

Advocate Wilson argued that because of his past involvement, Mr Kati would be a likely person to ask for such requests.

"The circumstances and forces of the temptations that worked on the accused should be taken into account," Advocate Wilson said.

Mr Muller said the offences must be viewed in a serious light and the fact that Mr Kati succumbed to temptation did not mitigate the offence.

Mr Van Collier said he accepted the evidence of Mr Mlungisi Mshotana although it had to be weighed on the cautionary rule that he was an accomplice.

Mr Kati had been evasive and unsatisfactory and in certain aspects had conflicted with the evidence of Mr Mshotana.

He said Mr Kati knew more about a Mr Tolo and was aware he was a member or supporter of the ANC. Nevertheless he had introduced Mr Tolo to Mr Mshotana and had also assisted in finding Mr Tolo accommodation.

Even if the inference was wrong, the probabilities were against the finding that the introduction was a casual one as when one visitor was introduced to another at a social gathering and that help was merely help to a relative.

The onus was on Mr Kati to prove it wrong and he had failed to discharge that onus and was thus guilty.

Freeing Mr Kati on the count of sending people for military training, Mr Van Collier said the only evidence against him here was that of Mr Vuyani Macosa.

Mr Macosa had been detained and it was dangerous to accept his evidence that he had been told to cross the border and undergo military training. The state had also failed to prove this count.

Mr Van Collier rejected Mr Kati's evidence concerning possession of the explosives and firearms — that he did not know about this. Mr Kati had been evasive on the issue of the arms in the false bottoms of the suitcase.

Passing judgment on Mr King on the third count, Mr Van Collier said it was false that he did not know about the 150 gm explosives left at his home with some other parcels.

It had been left with his wife, Angelina, by one Sigi, also known by his clan name, Radebe.

The judge said Mrs King had been an unsatisfactory witness unlike her husband who had been satisfactory and had not contradicted himself.

He said Mrs King had told her husband about the parcels which she had stored away and it was improbable she had not told him about the explosives.

Turning to Mr Matomela, Mr Van Collier said he was possibly used as a tool to store the suitcases containing firearms and explosives and that it was reasonably possible he did not know about the contents.

The state had failed to prove he had associated himself with the crime and he was found not guilty and discharged on all the counts. — DDR



# <sup>5/16/82</sup> ~~123~~ ~~Soweto~~ ~~331~~ Court told of strike

THE Transvaal organising secretary of the General Workers' Union (Gwusa), Mr Donsie Khumalo, had addressed a meeting in Mamelodi where he told about 30 workers to go on strike the following day, a Pretoria magistrate's court heard yesterday.

Mrs Elsie Nkonyana (26), a presser at De Luxe Dry Cleaners in Koedoespoort, said Mr Khumalo had come to their firm during September last year and told them he was an official of a trade union that would help them get better wages. On September 9, she added, Mr Khumalo had asked them at a meeting — held in a church in Mamelodi — how much they earned and if they had uniforms and lockers.

Mr Khumalo had then told them to go on strike at 10am the following day, the court heard.

Mr Khumalo (27), of 7005 Mamelodi, appeared before Mr J A Le Roux on a charge of inciting workers to strike during August and September last year. He is alleged to have incited employees at De Luxe Dry Cleaners, Koedoespoort, near Pretoria, to go on strike. He pleaded not guilty.

Both Mrs Nkonyana and Ms Rebecca Mogale, a checker at the firm, said under cross-examination by Mr Martin Brassey, for the accused, that they had been forced to go on strike after they had been threatened with assault by other workers. They also said the accused had urged them to go on strike while he negotiated with management. The strike, the court heard, had lasted until after 3 pm.

The case was postponed to November 30.



# Prisoner tells of notes at Groenpunt jail

A LONG-TERM SERVING prisoner yesterday told how a prison major had reprimanded him for writing notes on the "torture" of a Kempton Park terror trialist.

Solomon Lelake (34), who is serving a nine- to 15-year stretch, was giving evidence before Mr J J Luther in the Kempton Park terror trial.

Mr Stanley Radebe (27), Mr Ephraim Madalane (24), Mr Ernest Mohakalala (23) and Miss Innocentia Maziuko have pleaded not guilty to charges under the Terrorism Act.

## BLOOD

Lelake told the court that on a day in March this year he and other prisoners at the Groenpunt Prison in the Free State had been moved out of the cells and locked in a fenced yard.

He had then seen Mr Radebe being taken into the evacuated block by two whites in civilian clothes and the chief warder, a Mr Pretorius.

Lelake said Mr Pretorius had been carrying a straitjacket.

When Mr Radebe had been taken out, his face

By CHARLES MOGALE

had been swollen and his shirt blood-stained. Lelake said his cell had been in disarray.

"When I got back to my cell, I wrote notes about it because it was a very strange thing. I thought we had been taken out so that we could not see what was happening in the cells. It was something that had never happened before," he said.

## NOTES

Later, he said, the cells had been searched and the notes had been found.

"The chief of the prison, Major Boshoff, came to me and reprimanded me. He told me I was not in prison to note what was going on. I never saw the note again," Lelake said.

Earlier, another convicted prisoner, James Moloisane, told the court he had heard Mr Radebe screaming in

pain in an office near the isolation block of cells. He then had seen him (Mr Radebe) taken back to his cell by a warder called City.

"His face was swollen, and there were blood-stains on his shirt," Moloisane said.

The case is proceeding.

## SWOLLEN

Three days later, when the prisoners in the isolation block had been taken out to exercise, Mr Radebe had walked with difficulty.

"He dragged his legs and walked slowly. He tried to do some exercise but stopped. It was as if he was in pain," he said.

A third prisoner, George Dladla, who was also locked in the isolation block in March, said he had seen Mr Radebe's face swollen and



PARENTS: Mr Geelbooi Radebe and his wife Sannah leave the Kempton Park court building yesterday after their son's hearing.



*D. D. Smith*  
**Detained  
3 for court** (331)

UMTATA — Three Transkei detainees will be brought to court tomorrow.

Transkei's Attorney-General, Mr George Muller, confirmed that Mr Ezra Sigwela, Mr Wilson Fanti and Mr S. A. Xobololo would appear to face charges under Transkei's Public Security Act.

Mr Sigwela, a field worker for the Transkei Council of Churches, was detained at his office on June 28.

Mr Xobololo, an executive member of the opposition Democratic Progressive Party, was detained on September 17 with an executive member of the party's youth league, Mr M. Mtshotwana.

Mr Muller said he was still studying the police dockets on Mr Mtshotwana.

Mr Fanti, of Mgwali, was detained in South Africa early in July and handed over to the Transkei security police.  
— DDR.

## Ex-waiter accused of phoning bomb threats

A restaurateur told a Johannesburg magistrate yesterday he had received repeated bomb threats from a caller who said he worked for the Mozambique Government.

Mr Jorge de Rocha, owner of Tico-Tico restaurant, was giving evidence at the trial of Mr Januario Jose Guilande (32), address given as the Waverley Hotel, who has pleaded not guilty to two counts of making bomb threats.

Mr da Rocha said that on March 30 "The caller said he was working for the Mozambique Government and his commandos would arrive by 11.45 pm and blow up the restaurant."

Calls continued all week, up to seven a night, and on April 3 Detective Sergeant

Paul Erasmus of the Security Branch installed a tapping device.

That evening Mr da Rocha got a call lasting from 6 to 11 pm. The caller would not put the receiver down, blocking reservations.

The voice was familiar. Some time later he saw Mr Guilande, a waiter he had dismissed last September, on a street corner. Mr Guilande tried to hide.

Mr da Rocha called Sergeant Erasmus and they followed Mr Guilande to the Waverley. When they got him to phone the restaurant, Mrs Maria da Rocha recognised the voice.

Mr Guilande claimed he was dismissed for objecting to being paid in Mozambican and Zimbabwean currency, not for incompetence.

The hearing will continue on October 19.



# Clemency appeal for 'Wonderboom Three'

From RICHARD WALKER  
NEW YORK. — A stunning coup by the African National Congress in rallying 126 nations — including all of the West, except the United States — behind a clemency appeal for the "Wonderboom Three" is to be followed up in the United Nations Security Council today.

Sponsored by Cuba and set before the General Assembly as a total surprise on Friday, the appeal named the three — Simon Mogoerane, Jerry Mosololi and Marcus Motaung — as "freedom fighters", and called on the South African authorities to commute their death sentences "as soon as possible".

The "Wonderboom Three" were found guilty on four murder and 12 attempted murder counts — a fact the US had emphasized in private negotiations.

The shock tactics — the appeal was inserted in the midst of the assem-

bly's annual global debate of Foreign Ministers — caused grumbles by the British and some others of the West.

But only the US abstained in the vote, after the US Ambassador, Mrs Jeanne Kirkpatrick had accused the appeal of violating "the spirit and practice of judicious debate" and had claimed that the facts of the case were "scarcely known".

Now the appeal is to be lodged with the Security Council, with the aim of winning a parallel plea there.

In earlier manoeuvring, the US had managed to block this.

The move is the climax of a step-by-step campaign over several years to gain prisoner-of-war status for all captured ANC combatants.

In 1980, the ANC in Geneva formally declared its intent to abide by the Geneva Conventions in operations in the Republic.

On the basis of this, it could lobby for prisoner-

of-war status through a 1977 amendment to the 1949 convention that extended the provision to peoples fighting against "racist regimes" or "colonial domination and alien occupation".

Several times the Security Council has spoken up for condemned ANC prisoners, but none had been convicted for causing loss of life.

This fact, all agree, makes the issue a critical challenge.

The Security Council will take it up in private consultations today, with the issue to come back to the General Assembly on October 15 if the council is deadlocked.

For the Cubans, isolating the US in the vote was considered to be as gratifying as the success of the appeal.

On the other hand, there were some complaints about the tactics used.

Not even the African group had been consulted, officials said.



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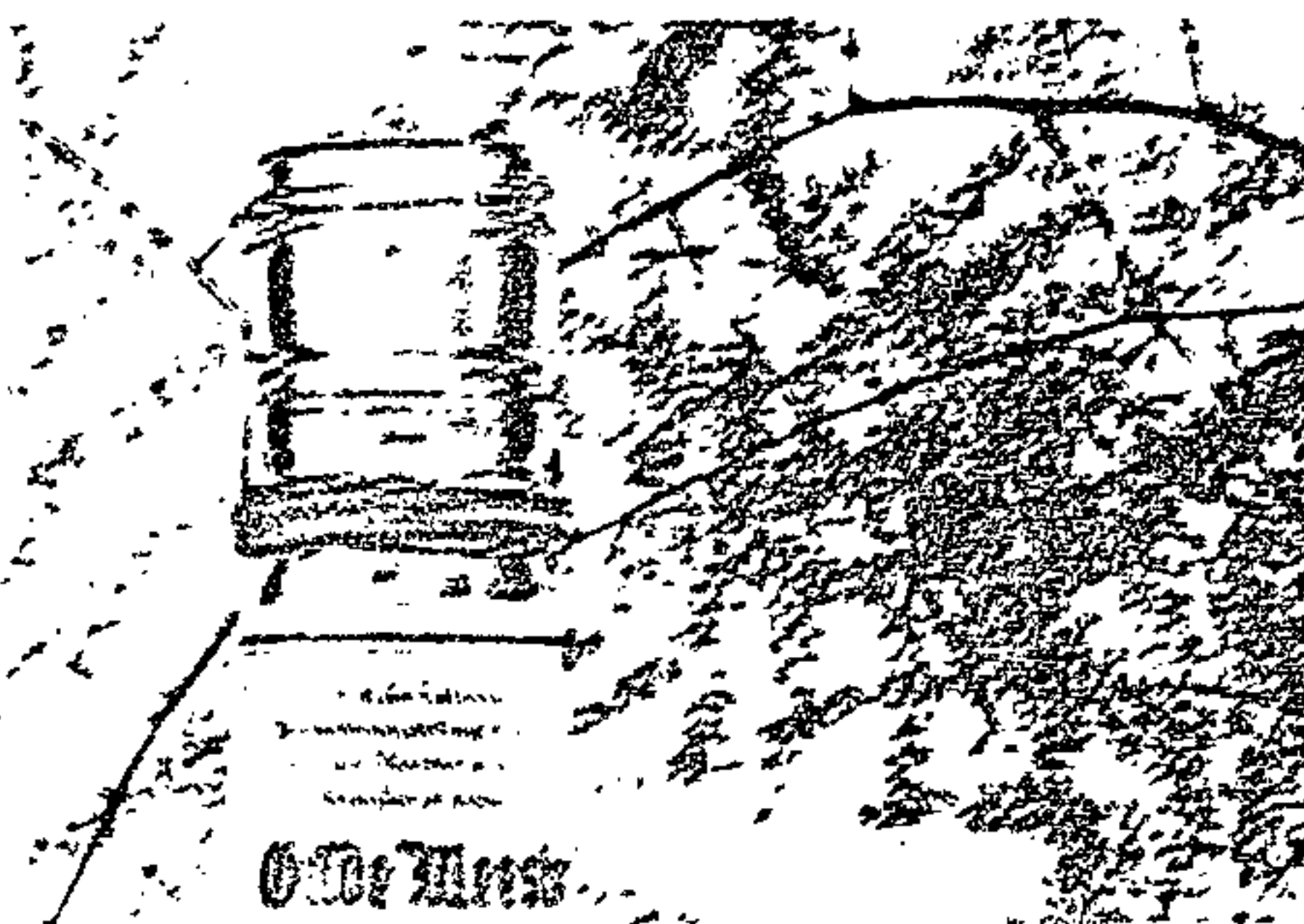
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331 D. Disappears 2/10/87

## 3 Queenstown youths' late appeal rejected

GRAHAMSTOWN — An application by three Queenstown youths against their conviction on a charge of sabotage was struck from the roll in the Supreme Court here yesterday after their attorneys filed heads of argument a day later than required by the rules of the court.

The heads — a document which lays out the grounds on which the appeal is being made — were supposed to have been filed with the court on Tuesday morning, but were only handed in on Wednesday.

Although counsel for

the youths yesterday asked that the court condone the late filing, Mr Justice Theal Stewart refused, saying that to do so would merely be an "academic exercise", as there was no reasonable prospect that the appeal would succeed. He granted condonation in the case of a fourth youth, whose appeal will now be heard on a date to be arranged.

Mr Justice Stewart said the attorneys — Mdantsane-based Magqabi, Siwisa and partners — had come to the attention of the court before and that if this sort of thing happened again,

"stronger steps will be taken against this firm".

The four youths, all of whom were under 18 years old when they were originally brought to trial, were found guilty by a Queenstown regional magistrate in September last year of having threatened pupils of the Nonesi Higher Primary School to boycott classes, and of having set fire to the school buildings. They were each sentenced to five years jail.

Acting Justice J. F. J. van Rensburg sat with Mr Justice Stewart. — DDC.



# Mpetha denial on incitement

VETERAN trade unionist Oscar Mpetha, on trial with 17 others in the Supreme Court on a charge of murder, denied last week that he had undertaken a campaign to incite Nyanga residents to violence during August 1980.

During proceedings on Wednesday Mr Mpetha denied any knowledge of the unrest, saying the first he had heard of it was when he was taken into custody 10 days after the unrest on August 11 and 12.

Mr Mpetha denied that some of the 17 men had met regularly at his house to draw up plans for August 11 and 12. He

said that he knew only one of the accused and none of the witnesses.

Mr J Slabbert, appearing for the State, said that he thought it improbable that people who did not know Mr Mpetha would implicate him in the case.

## PRESS STATEMENT

Constant reference was made to a press statement released to an English daily newspaper by Mr Mpetha. It was said in court that in the statement Mr Mpetha blamed the disturbances on the action of police.

Mr Slabbert said he thought that for a man who said he was too busy with union work at the time of the bus boycott for him to get involved, Mr Mpetha had gone to a lot of trouble to release the statement.

Mr Mpetha said that he had released the statement in the hope of stopping police from what they had been doing in the township.

During proceedings on Friday Mr Slabbert told the court that the community leader had been the brains behind the unrest in the Nyanga area two years ago.

Mr Slabbert said Mr Mpetha was deliberately playing down his role in the planning of the unrest two years ago.

During last week's proceedings the presiding judge, Mr Justice Williamson read to the court

a letter threatening members of Mr Mpetha's defence team and the legal representatives of some of his co-accused.

Mr Justice Williamson described the letter, written by a Mr Johnstone, as being a scurrilous and unwarranted attack.

In referring the matter to the attorney-general he said that justice could only be done by rendering legal service to all people. He said that attorneys should be free to defend anyone charged, no matter how unpopular the person might be.



Security Police spokesman for the committee said there was sufficient evidence that the revised legislation, including the Rabie Commission safeguard, afforded no room for detainees. The abolition of detention-related provisions can end the real horror of detention removed from the public and judicial scrutiny, the statement said.

President of the Rev Peter Dinko said that, as long as there was a system where detainees were under total control of the police, it would never happen to the public scrutiny.

That, just as it is impossible to imagine torturers of torture would equally be able to disprove and therefore would remain.

hato Motlana, of the Soweto branch of Ten, said: "We are the ones who have been involved in the detention of recently prisoners and

horrible deeds are carried out, if not with the express permission of those in power, at least with their knowledge."

A spokesman for the Federation of South African Women (Fedsaw), Ms Amanda Kwadi, praised the work done by the DPSC and said she hoped the truth about what went on behind detention walls would be known by all.

"I am convinced that people who made those statements can challenge anybody who wants to deny that their allegations are untrue," she said.

Professor John Dugard, director for Applied Legal Studies and lecturer at the University of Witwatersrand, said the memorandum of the DPSC called for the Minister's immediate explanation.

He said that for many years there had been suspicions that torture was practised in detention. As long as the Internal Security Act permitted indefinite detention, abuses of this kind would continue, he said.

He also said the DPSC's memorandum demonstrated the inadequacies of the inquiry conducted by the Rabie Commission.

# Hogan said Dr Aggett was not ANC member

DR NEIL Aggett, the trade unionist found changed in his cell last February while in detention, was not a member of the banned African National Congress but an "adviser" to the organisation, the inquest into his death was told yesterday.

The court was shown a document from ANC member Barbara Hogan to the banned organisation that had been intercepted by the Security Police. Ms Hogan has been tried for high treason and contravening the Terrorism Act, but her trial has been postponed until next month.

In the document, Miss Hogan listed Dr Aggett's name under a heading: "Advisory Reference People — Only Above Ground Work".

Security policeman Captain Martin Naude told the court: "What emerged from the document is Dr Aggett was sympathetic towards the ANC. There is very little difference between being sympathetic to the ANC and being a member."

George Bizos, the Aggett family's lawyer, asked Captain Naude: "Does that mean if you

are sympathetic towards the ANC you must be detained?"

"Not necessarily," Capt Naude replied.

Five former detainees have given evidence that Dr Aggett appeared "changed and unlike his former self" when they saw him at Security Police detention headquarters.

The former prisoners said that during their detention they had been assaulted, deprived of sleep, given electric-shock treatment, and handcuffed with their right wrists to their right ankles and left standing. — AFP.

## 14 taximen appear in court

FOURTEEN Soweto taximen appeared briefly in the Soweto Regional Court yesterday on charges of public violence and attempted murder and had their cases postponed to different dates.

The first batch appearing before Mr T Veldman on a public-violence charge had their case adjourned to October 14, a provisional date to set a trial date. They were not asked to plead and are all out on free bail except Mr Richard Tshabalala of Zola, whose R200 bail was extended.

The others are:

Messrs Simon Motloung (25) of Naledi, Amos Hlatwayo (48), of Jabulani, Joseph Sibeko (52), of Senaoane, Shadrack Tshabalala, of Senaoane, Mashell Makhubu, of Zola, Aaron Hlatwayo, of Orlando, Frans Khumalo, of Emdeni, Sydney Msimango, of Emdeni, and Johan Masinga, of Pimville.

The other group who appeared before the same magistrate charged with attempted murder are: Messrs Absolom Khumalo (42), of Senaoane, Abraham Nkabinde (38), of Zola, Absolom Khumalo (36), of

Senaoane, and James Thusi (48), also of Senaoane.

They are to appear again in court on December 2 for trial and they have also not been asked to plead. Their R200 bail each was extended.

Both groups' appearance follows the eruption of the taxi "war" between different factions in Soweto recently. As a result, at least two people died, another was shot by police and a number of others were injured. The fight also saw a number of vehicles damaged and one set alight.

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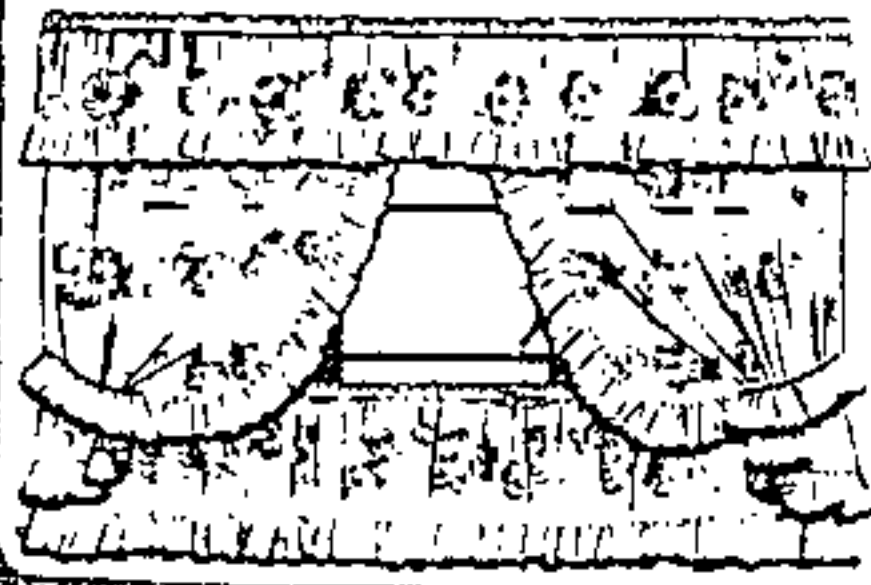
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# Court denies State more time

Own Correspondent

EAST LONDON. — An application for the trial of the president and vice-president of the South African Allied Workers' Union (Saawu) to be postponed to January 20, 1983, was refused in the Magistrate's Court here yesterday.

The application was made on behalf of the State by the prosecutor, Mr G Walden, who said the time was needed to prepare the indictment in terms of which Mr Thozamile Richard Gqweta and Mr Sisa Njikelana, 27, would face charges of treason, alternatively charges under the Terrorism Act.

No evidence was led and the two men were not asked to plead.

## 'At a loss'

Dismissing the application, the magistrate, Mr N R Oosthuysen, said: "The court is at a loss to know why the State is not in a position to provide the necessary indictment now."

He said he was not prepared to accept the State's argument, but ruled that the hearing be adjourned to November 12, by which date the State should have the indictment ready.

An application by Mr Mailer that terms of bail be eased to allow Mr Gqweta and Mr Njikelana to leave the East London magisterial area without permission from a magistrate or the security police, and to require that they report to police once every other day instead of twice a day, was granted with modifications.

## Final order

The final order handed down by Mr Oosthuysen read:

"That the accused report every alternative day to Cambridge police station between 7am and 9am:

"That they may leave the magisterial district of East London only under the following circumstances:

"Notice to leave must be given timeously to the security police. The notice shall contain the full names and addresses of the persons to be visited:

"That they obtain in writing from the security police their approval of the route to be used, duration of visit, mode of travel to be used and the police stations to be reported to whilst outside the magisterial district of East London."

Bail fixed at R750 each at a previous hearing was extended.

## Hogan's letter said Aggett not in ANC

331  
some fun  
30/9/82

A DOCUMENT from Miss Barbara Hogan to the African National Congress that was intercepted by the Security Police and which indicated that Dr Neil

Aggett was not a member of the ANC but an "adviser" was handed in at the Aggett inquest yesterday.

In the document, Miss Hogan (30), a self-con-

fessed member of the ANC, included Dr Aggett's name in a list under the heading "Advisory Reference People — Only Above Ground Level".

Miss Hogan distinguished between the people she knew to be under the discipline of the ANC and those with whom she had above-ground dealings.

A Security policeman, Captain Martin Naude, agreed with Mr George Bizos, who appeared for the Aggett family, that the document that listed Miss Hogan's contacts also indicated that Dr Aggett was not a marxist or a communist.



# Grant Pityana jailed for 10 days

Post Reporter

GRANT PITYANA, a former executive member of the Port Elizabeth Black Civic Organisation (Pebco), was sentenced to 10 days' imprisonment by the Port Elizabeth Magistrate's Court yesterday for contravening a banning order imposed on him in October, 1979.

Pityana has two previous convictions for contravening the banning order which was imposed for five years.

Following the latest contravention of the banning order under Section 10 of the Internal Security Act, the State requested that Pityana's suspended sentence from previous convictions be put into operation.

In mitigation, an appeal for periodic imprisonment was made and factors from Pityana's second conviction, when he absented himself from his home, were given.

- There was no suggestion of any sinister motive when Pityana visited his neighbour.
- Pityana was absent from his home for no longer than an hour.
- He was under the influence of alcohol.
- He had a domestic problem with his wife.

The court was also told that Pityana had been employed as an insurance agent since August, 1982 — his first job since the banning order was imposed. He is married with two children, aged four and seven.

Mr J S Knoesen was on the Bench. Mr A Petzer appeared for the State and Mr Hussein appeared for the defence.

# Youth jailed for refusing to testify in trial

A SOWETO youth was yesterday sentenced to 18 months in jail for refusing to testify in the Kempton Park terror trial in which four youths are appearing.

Lazarus Mojalefa Shole, of White City, was sentenced after refusing to give evidence before Mr I J J Luther against Mr Stanley Radebe, Mr Ephraim Madalane, Mr Ernest Mohakalala and Ms Innocentia Mazibuko.

They have all pleaded not guilty to a charge under the Terrorism Act or alternatively recruiting, inciting and encouraging people to undergo military training outside the country.

Shole told the court that his conscience did not allow him to testify against the accused be-

By SELLO  
RABOTHATA

cause he was involved in youth programmes in the township and he would be regarded as a traitor.

One of the accused, Mr Ernest Mohakalala, yesterday told the court that he was acquiring

the services of a new legal representative as he was dissatisfied with his defence, Mr Morris Basslian.

Mr Mohakalala asked the court to postpone the hearing until Friday as his new legal counsel needed time to prepare his case. He is facing an extra alternative charge of undergoing military training in Libya.

The State proposed that instead of a postponement the court should deal with a statement that was allegedly made by Mr Stanley Radebe to a Vanderbijlpark magistrate on May 3 this year.

The State said Mr Radebe's statement did not affect Mr Mohakala and that a confession made by an accused was not taken as evidence against his co-accused. The magistrate ruled that the case should proceed and said if any of the witnesses who came up were needed by Mr Mohakalala they would be called up again.



Sh. 24/12/82  
18 months

for refusing  
to testify 33

East Rand Bureau

In a trial which started  
at 2.15 pm yesterday, a 24-year-old meteorolo-  
gical assistant was sen-  
tenced to 18 months  
jail by a Kempton Park  
regional magistrate yes-  
terday for refusing to  
give evidence against  
four fellow Sowetans  
charged with terrorism.

Lazarus Mojalesa  
Shole was called to give  
evidence for the State  
on the fourth day of the  
trial of Mr. Stanley Ra-  
bebe (27), and Mr.  
Ephraim Madalane (24),  
both of Semoane Street,  
Soweto, Mr. Ernest Mo-  
hakealala (23) of Mo-  
lapo Street, Soweto,  
and Miss Innocentia  
Mazibuku (20) of Zone  
6, Diepkloof, Soweto,  
who are alleged to  
have formed the South  
African Youth Revolu-  
tionary Council.

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**EAST LONDON** — People should not be arrested and transported across borders between South Africa and Ciskei unless legal requirements are observed and approaches made through diplomatic channels.

This emerged from inquiries by the Daily Dispatch following two incidents said to have involved Ciskei police actions in South Africa.

In one reported incident, Mr Godfrey Shiba, a member of the Wilson-Rowntree Boycott Support Committee, said that on September 22 he and six companions were ordered by an armed man to drive from King William's Town to the offices of the Ciskei Central Intelligence Services (CCIS) in Zwelitsha for questioning.

In the other, a Daily Dispatch employee, Mr Themba Kente, said he was arrested in East London by a uniformed Ciskei policeman with a warrant of arrest issued in Mdantsane.

Mr Shiba said that he and his companions had parked in Bank Street, King William's Town, on their way to attend a meeting of the Dependents' Conference near Port Elizabeth.

He heard a hoot from a vehicle behind him. A man knocked on his window and, when he opened it, pointed a rifle at him.

Mr Shiba said the man ordered him to drive to the CCIS offices in Zwelitsha. The man with the rifle followed them in his vehicle.

He said they were questioned about their trip by Lieutenant Colonel L. Nhonhonho, Captain Vuyani Genda and others. Mr Shiba said they were then questioned briefly by General Sebe.

One and a half hours later they were questioned by two men from the South African security police in Cambridge, Mr Shiba said.

They were released three hours after they had been picked up.

Mr Shiba said others involved in the interrogation were Mr Samson Nube, Mr Johnson Ndindwa, Mr Boyce Melitafa, Miss Thami Mndi and two former Fort Hare students. Mr Eric Mntonga, who was travelling with them, was not in the vehicle when they were picked up.

Mr Kente said he had

been asked by three men in plain-clothes to accompany them into Caxton Street from the entrance of the Daily Dispatch.

A uniformed man showed him a warrant for his arrest issued by the Mdantsane magistrate's court and he was taken to Mdantsane in a Ciskei police van.

The Daily Dispatch was not notified that one of its employees had been arrested and established this fact only after extensive inquiries.

Mr Kente was imprisoned at Mdantsane before being released on bail arranged by the Daily Dispatch.

Ciskei's Commander-General of State Security, Major-General Charles Sebe, has refused to comment on claims that Ciskei police were involved in the two incidents.

General Sebe said he had no knowledge of the incident involving Mr Kente. He said of Mr Shiba's allegations "If they feel the matter is illegal, then they must go to court."

General Sebe confirmed that Ciskei police could not make arrests in South Africa and that all the "red tape" had to be followed.

Asked if Ciskei police were permitted to enter South Africa in uniform and driving police vans, General Sebe said he often went to Pretoria in uniform on official duties.

"Just because you see a Ciskei police van driving around East London does not mean they are going to arrest someone."

He said co-operation between South African and Ciskeian police was "good".

Asked about the claim that men from the South African Security Police had interrogated Mr Shiba and his companions in CCIS offices, the head of the security police here, Colonel A. P. van der Merwe, said: "It's possible, I don't know."

A spokesman for the Department of Foreign Affairs in Pretoria, who investigated the incident involving Mr Kente outside the Daily Dispatch's East London offices, said: "We understand he was not arrested in South Africa."

A spokesman for the Department of Justice in Pretoria said he was not aware of any legislation which permitted the police force of any foreign country to operate

within the Republic of South Africa.

He said foreign police forces were not empowered to make arrests in South Africa and transport any arrested person across a South African border.

The spokesman said the only way in which a foreign country could have a person arrested in South Africa and transported across the border would be in conformity with the Extradition Act of 1962 and any extradition agreement made in terms of the law.

An extradition agreement between South Africa and Ciskei came into force at Ciskei independence.

The spokesman said that in terms of the agreement and the Act, a request for the arrest and extradition of any person in South Africa by Ciskei had to be made through the diplomatic channel to the Minister of Justice.

After being considered by the Minister, the request would have to be considered by a magistrate who could issue a warrant of arrest.

The arrest would then have to be made by the South African Police in terms of the warrant.

The arrested person could contest the extradition request in the magistrate's court with the right of appeal to higher courts.

The spokesman said only after an extradition request had been granted legally could a person be taken by the South African Police and surrendered to the government which had requested the extradition.

A spokesman for the magistrate's court here said that as far as he was aware, no extradition requests had been received by the court from Ciskei. — DDR.

## Energy talks: US withdraws

**WASHINGTON** — The United States withdrew from the general conference of the International Atomic Energy Agency in Vienna yesterday denouncing a vote to expel Israel as "unjustifiable and illegal," State Department officials said.

The officials said the US was reassessing its participation in the key nuclear energy agency and said the action "could have ramifications for the whole United Nations system". — SAPA-AP.

# Cross-border arrests need legal sanction

D. Dispatch  
25/9/82

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## Man tells of attack by lioness

**Own Correspondent**  
DURBAN — A 64-year-old Hluhluwe game farmer, Mr Gerhardus van Rooyen, who was attacked by a lioness minutes after one of her two marauding companions had been shot dead was in good spirits yesterday when he described his experience.

He and two other farmers had been stalking the lions which were found on a koppi. He remained in a ravine while the others surrounded the lions.

"I heard a couple of shots being fired, then the men shouting that a lion was coming down."

"I saw her about 15m away. Suddenly she started roaring and coming towards me," he said.

"When she was about 5m away, I fired a shot."

"I thought that would stop her. It hit her in the shoulder, and my next shot hit an inch above that."

Undaunted, the lioness sprang at him.

"I sank to my knees but she didn't get me right down. I tried to stick the barrel of the rifle in the lion's mouth as I hadn't time to reload after the first two shots."

"While I struggled to reload, the lion bounded off", Mr Van Rooyen said.

## Rees legal aid: State to act

**Own Correspondent**  
JOHANNESBURG — The State is to act against the Methodist Church for raising funds for legal aid of Mr John Rees, a lay Methodist preacher and former general secretary of the South African Council of Churches.

Mr Rees has appeared in court a number of times on charges of alleged theft of SACC funds, alternatively fraud.

The Rev Cecil Begbie, superintendent minister of the Methodist Church of Southern Africa for the Rand Central Circuit, is to be charged with contravening the Fund Raising Act in his personal capacity and as an official of the church.

Police have confiscated R3 580, a video tape of the sermon and lists of donors after collections

were made last month at a Methodist Church service held in Mr Begbie's Coronationville congregation.

The church has since refused a police request for a formal statement on the collections.

Mr Begbie is to appear in court on October 26 in what church leaders see as a test case to decide how far a church can go in collecting funds.

The Rev Stanley Mogoba, secretary for the Conference of the Methodist Church, said last night: "The church will be watching this case with interest because the interpretation of the Fund Raising Act is not clear. We believe that it is a legitimate part of church work to assist in the defence of a person, because justice must be seen to be done."

## Koeberg fire: 'No threat'

ESCOM says the fire which broke out at Koeberg recently would have posed no threat to the safety of the nuclear reactor had it been operational.

This was the main finding of a board of inquiry which investigated the fire.

It was found that no circuits essential for reactor safety were fed from the switchboard in which the fault leading to the fire developed.

The board also said the controlling circuits of the switchboard essential for reactor safety were duplicated so any similar fault in that switchboard would pose no threat to safe operation of the reactor.

Damage caused by the fire was estimated at R350 000. — Sapa

## More valuable than gold

GOLD continues to be in the news, moving up and down and carrying spirits of economic optimism and pessimism with it according to which way it is going. In spite of everything it seems to be proving itself to be one of the

most precious things in this life by the way it keeps coming back in demand.

Gold is beautiful and so jewellers and artists want it. It's useful and very pure so it is used by doctors and dentists. It never deteriorates and so bankers want it in their vaults for lasting security. This constant demand for gold makes us very happy in South Africa where we have a lot of it, and we feel that it can solve a lot of our problems.

But the Bible reminds us that although it is undoubtedly precious it can't solve them all.

Isaiah wrote about this in chapter 46 where he said that it was very easy to turn gold into an idol. "But one shall cry unto Him yet He cannot save him out of his trouble. Remember I am God and there is no-one else."



material possessions.

What, then, is more valuable than gold according to the Bible?

God's law is more valuable, and a more lasting solution to our problems. The judgments of God, says the psalmist, are more to be desired than

## Religious Notices



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# Mpetha trial evidence 'tainted', says State

Staff Reporter

EVIDENCE given yesterday by two defence witnesses in the trial of Mr Oscar Mpetha and 17 others was "tainted" to fit Mr Mpetha's evidence the Supreme Court was told yesterday.

The claim was made by Mr J Slabbert, for the State, who said he found it difficult to believe that the witnesses — Mr Mpetha's son, Carl, and Mrs Anna Mentoor, a secretary of the African Food and Canning Workers' Union, of which Mr Mpetha is a general organizer — could remember "little things" that had happened two years ago.

Mr Mpetha is facing charges of terrorism and murder following unrest in the Nyanga-Crossroads area in August 1980.

Mr Slabbert said he thought it strange that the evidence of the father

and son tallied 100 percent without any discrepancy.

Mr Carl Mpetha, 26 said since he had been with his father on the days of the unrest, it was obvious their evidence would coincide. Mr Mpetha said that on Monday, August 11, he had spent most of the day with his father.

## Police

Mr Mpetha said he and his father had not noticed anything unusual while they were out. But as they were returning home, they had noticed police turning back cars outside Nyanga. Mr Mpetha said he and his father had turned back as ordered and returned home by another route.

Mr Mpetha said the township had seemed normal to him on that day and the next. The only thing that had seemed ab-

normal to him were police patrolling the area.

The other defence witness, Mrs Anna Mentoor, said she had spent the early part of Sunday and Monday with the older Mr Mpetha. They had gone out to visit workers.

She was asked by Mr Slabbert how she remembered the events of the two days. Mrs Mentoor said she knew Mr Mpetha well and had made an extra effort to remember the events of the days in question.

The hearing continues on Tuesday.

Mr Justice Williamson sat with two assessors, Mr GH Titterton and Mr CH van Gend. Mr J Slabbert, with Mr CJ van Wyk, appeared for the State. Mr IG Farlam, SC, instructed by Frank Bernadt and Joffe, appeared for Mr Mpetha. Mr TL Skweyiya appeared for 11 accused. Mr J Whitehead for four and Mr N Williams for two, all instructed by A M Omar and Co.



D. Dispute 25/9/82

# Sweets boycott stand: 2 plead not guilty

MDANTSANE — A Wongalethu High School pupil who was detained for four months claimed he had been assaulted by the Ciskei police to force him to make a statement if he wanted to be released.

This was alleged at the Mdantsane magistrate's court during the trial of two men charged with contravention of Proclamation R252 of 1977, before Mr G. M. Zamxaka.

Mr Nceba Mahlangeni, 26, and Mr Malungisa Joka, 35, pleaded not guilty to the charge

The State led evidence that the men had organised a boycott with the object of causing loss, disadvantage or inconvenience to Wilson Rowntree by displaying stickers to encourage people not to buy certain brands of sweets in Mdantsane on July 28, last year.

Advocate B. E. N. Tshabalala instructed by Mr Ben Ntonga said the basis of the defence would be that the accused would admit having stickers on their clothing which read, "We don't eat Wilson Rowntree," but that the stickers referred to them, and did not intend to encourage others.

A 17-year-old youth told the court that on the day in question he met

the accused in front of the post office at about 8.50 am. He said he was from school when the men came to him and they stuck stickers on his chest and hat.

The youth said after the men did this, they told him he should beware of arrest by the police.

Cross-examined by Advocate Tshabalala, the youth said after his arrest he was detained for four months. While in detention he was assaulted by the police to make a statement if he wanted to be released.

He said because he was keen to go to school, he had told the police that the statement he had made was true.

Detective Sergeant Zolile Goodman Velebaya told the court he was patrolling the Highway bus rank with Constable Mdingi, Constable Mdosha and Warrant Officer Fanti when they saw the accused standing in front of the post office.

Detective Sergeant Velebaya said their attention was attracted by the stickers which were on their clothing.

He said they searched the accused and found other stickers in their pockets.

Sgt Velebaya said he had asked the accused where they had got the stickers. He was told by

them that they had written them as they had worked at Wilson Rowntree and that they had been dismissed and wanted to go back. They believed this would happen if people did not eat the sweets.

Sgt Velebaya said he knew there was trouble between the management of Wilson Rowntree and the employees who had been dismissed.

Sgt Velebaya said he had not seen them sticking the stickers to other people. The stickers were on their backs and fronts.

Sgt Tukela Welcome Mnwana said he had imprisoned the accused at the police station on the afternoon of the day in question.

He said there was nothing wrong with their cell where another man had been imprisoned. When he visited the cell later with the station commander, Major N. Mlandu, at about 4 pm, he found papers and posters stuck to the wall.

Sgt Mnwana said the man who had been detained with the accused had denied sticking the papers to the wall. He said the accused had also denied knowledge of the posters.

The hearing was postponed to October 18. Bail of R50 each was granted. — DDR

# Witness refuses to testify

By SELLO

RABOTHATA

nocentia Mezibuko.

24/9/82

331 A WITNESS yesterday refused to testify in the Kempton Park terror trial in which four Soweto youths are appearing.

Mr Lazarus Mojalefa Shole refused to testify before Mr I J J Luther in the trial of Mr Stanley Radebe, Mr Ephraim Macalana, Mr Ernest Mogakalala and Ms In-

Mr Shole said his conscience did not allow him to testify against the accused because he was involved in youth programmes in the township and he would be regarded as a traitor. And he doesn't seem to find any other reason for refusing to testify besides his conscience and he respects his conscience because it guides his life.

The State called on the court to pass a sentence on Mr Shole and said the sentence would be reviewed when he came to court with his legal representative. The magistrate said Mr Shole was too proud a man to flee the country, which was the State's fear, and if he did he would be regarded as a coward by the community of which he was a leader. Mr Shole was warned to appear on Tuesday with an attorney.

The court earlier heard how Mr Ben Lebelwane, a worker with the West Rand Administration Board, had

asked for a lift from Mr Radebe, and a certain Oupa, to Lesotho in May 1980. He said that on the way to Lesotho he had heard Mr Radebe talking to Oupa about military training and that he was going to leave Oupa in Lesotho.

When about 500 metres from the Maputsoa border gate, Mr Radebe had parked the car and said he had forgotten his passport at home.

Mr Lebelwane said he had been told to drive the car into Lesotho and wait for the two at a certain spot, where they had later met him and proceeded to Maseru.



# Cradock youth claims recruitment bid

24/9/82. 331 D. R. patch

JOHANNESBURG — An 18-year-old Cradock youth told a special regional court here that he had been asked to recruit people to undergo military training outside the country.

Colleen Mbayise was giving evidence at the trial of four former members of the Soweto Students' Representative Council (SSRC) who are charged with terrorism.

The accused are Stanley Radebe, 27, Ephraim Mthuthuzele Madalane, 24, Ernest Lebana Mohakalala, 23, and Innocentia Nonkululeko Mazibuku, 20, all of Soweto.

It is alleged that after the Soweto SRC was outlawed in 1977, the four established the South African Youth Revolu-

tionary Council (SAYR-CO) outside the Republic with the aim of overthrowing law and order in the country by violence.

Mr Radebe is alleged to have tried to get explosives or formulas for explosives in Soweto and to have conspired with Sayrco members in Lesotho to get drugs and exchange them for arms in Cape Town.

Mr Mohakalala, who allegedly holds an executive position in Sayrco, is accused of compiling pamphlets which were allegedly distributed in the Republic.

The four pleaded not guilty to all the charges.

Mr Mbayise said that during two visits to

Johannesburg Mr Radebe had tried to recruit him for Sayrco and asked him to recruit other boys in Cradock for military training.

He said Mr Radebe had shown him Sayrco books and documents and told him his organisation was responsible for the distribution of pamphlets among schoolchildren in Soweto.

Another witness, Mr Alan Mark Vukile Boo, said Mr Radebe had asked to use his house for meetings and also if he as the owner of a shop would be able to get substances, such as nitrate and alcohol, in bulk.

The case continues. —  
SAPA

# Man tells court of SB assault

TWO members of the Security Branch pleaded not guilty in the Durban Magistrate's Court on Tuesday to a charge of assaulting the 19-year-old chairman of the Durban branch of the Azanian People's Organisation.

Detective Warrant Officer Patrick Jacobs (25) and Detective Sergeant Mohum Gopal (29) are alleged to have assaulted Mr Bradley Potgieter by slapping, punching and kicking him and banging him

with a door in an office at C R Swart Square on the evening of March 19.

Mr Potgieter testified that on the night of March 19 he was interrogated by Detective Sergeant Gopal.

Mr Potgieter said he seemed to misunderstand one of the questions and Detective Sergeant Gopal slapped his face.

The Sergeant ordered him to crouch in a corner of a room and

taunted him by calling him a "pipsqueak". Mr Potgieter said he was sworn at.

When he could no longer crouch he stood up. This seemed to annoy Detective Sergeant Gopal who slapped Mr Potgieter's face and kicked his legs, he said.

Mr Potgieter added that he got the impression that the assault was to intimidate him and warn him to stay out of politics.

Mr Potgieter said he was made to stand be-

hind the door and it was opened so that he was banged by it.

Dr L Robertson told the court he examined Mr Potgieter on March 20. He found a bruise on his left cheek with evidence of bleeding inside the mouth. There was a bruise on the back of his left elbow and bruising on his knees and thighs.

He also had some tenderness on his left side.

The hearing was adjourned until October 28. — Sapa

Leave condemn



# Threats in letter to attorneys

Staff Reporter

A SUPREME court judge yesterday described a letter threatening the attorneys defending Mr Oscar Mpetha and 17 other men in the murder and terrorism trial as a "scurrilous and totally unwarranted attack".

Commenting on the letter — which was written by a Mr Johnstone — Mr Justice Williamson said attorneys and senior counsel formed a very important part in the administrative process. They should be unhampered and free to defend anyone charged, no matter how unpopular the person might be.

Mr Justice Williamson said justice could be done only by rendering legal service to all people.

The matter has been referred to the Attorney-General.

26-11-79/82  
**Charge is withdrawn**

Mall Reporter 231

AN ALLEGATION of furthering the aims of a banned organisation brought against a Soweto woman was withdrawn by a Johannesburg Regional Court yesterday following instructions from the Attorney-General.

Miss Baby Penelope Tyawa, 20, of Dube, Soweto, was arrested on August 25 and remanded in custody until yesterday.

Miss Tyawa had also been detained without trial on November 23, 1979, and released on April 14, 1980.



CAPE TIMES 24/9/82 (331)

# Mpetha 'brains of unrest'

Staff Reporter

**MR OSCAR Mpetha, who is standing trial with 17 others on charges of murder and terrorism, was the brains behind the unrest in the Nyanga-Crossroads area two years ago, the Supreme Court was told yesterday.**

Mr J Slabbert, for the State, made this claim in his cross-examination of the 73-year-old trade unionist and community leader, who gave evidence yesterday for the third day.

Mr Slabbert said Mr Mpetha had planned the events of the unrest and had given instructions for them to be carried out, but he was "deliberately playing down" any knowledge of the events.

Mr Mpetha had previously said he had learnt of the events only when he was taken into custody 10 days after the unrest.

## 'Part of plan'

Mr Slabbert said Mr Mpetha had planned, incited and conspired with other people to carry out the stoning of vehicles of whites and rioting, and these events had occurred as planned.

Mr Slabbert said the press statement Mr Mpetha had released to the Cape Times was part of the plan to incite people and "work them up".

He thought it strange that a community leader was unaware of unrest and disturbances in his area.

Replying, Mr Mpetha said he was unaware of the unrest. He said that when he was taken into custody, a police captain had said there was no evidence against him but he was nonetheless being charged with murder because of his press statement.

Mr Slabbert asked Mr Mpetha if he was saying that he (Mr Mpetha) was being charged with murder because of his statement to the Cape Times. Mr Mpetha said the police captain would not deny having said that.

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, with Mr C J van Wyk, is appearing for the State. Mr I J Farlam, SC, instructed by Frank Bernadt and Joffe is appearing for Mr Mpetha, Mr T L Skweyiya for 11 accused, Mr J Whitehead for four and Mr N Willis for two, all instructed by A M Omar and Company.

# Names taken by policeman

331

CAPL T. W. 24/9/82  
Staff Reporter

POLICE took the names and addresses of white people sitting in the public gallery of the Supreme Court yesterday at the trial of Mr Oscar Mpetha, who is appearing with 17 others on charges of terrorism and murder.

A lecturer in economic history at the University of Cape Town, Mr Martin Nicol, was one of "about six" people approached by a uniformed police constable in the Supreme Court public gallery.

"Shortly after we entered the court, a policeman approached us and asked for our names and addresses," Mr Nicol said. "He could not give me a reason for the request so I refused to give him my particulars.

"The policeman then said he would go and speak to his captain and he left. Later, the trial was adjourned and before I could leave the court, the same policeman approached myself and two other persons who had refused to comply with his earlier request, and asked us to accompany him to an office.

## 'For security reasons'

"At the office he again asked for our names and addresses, only this time he said it was 'for security reasons' and 'something new the police had started'. We gave him the particulars and left."

Mr Nicol said he had attended the Mpetha trial on "at least ten previous occasions" without ever being questioned by police.

A police liaison officer, Captain Jan Calitz, confirmed yesterday that names and addresses had been taken but said the incident "had nothing to do with security".

"Noisy people in the public gallery were distracting the court," Captain Calitz said. "They were told to keep quiet but some continued talking to the accused men from the gallery — that is why their names were taken."

Captain Calitz said no charges were being investigated by police. He confirmed that only white people had been approached.



331 State  
witness

## refuses to testify

East Rand Bureau

In a dramatic turn in a terrorism trial in Kempton Park a State witness refused to give evidence yesterday.

Lazarus Majalefa Shole said he respected his conscience and if he gave evidence against the four accused Sowetans it would haunt him.

Mr Shole was speaking at the trial of Stanley Radebe (27), Ephraim Mthuthuzele Madalane (24), Ernest Lebana Mohalealala (23) and Innocentia Nonkululeko Mazi-buku (20), who are charged with terrorism.

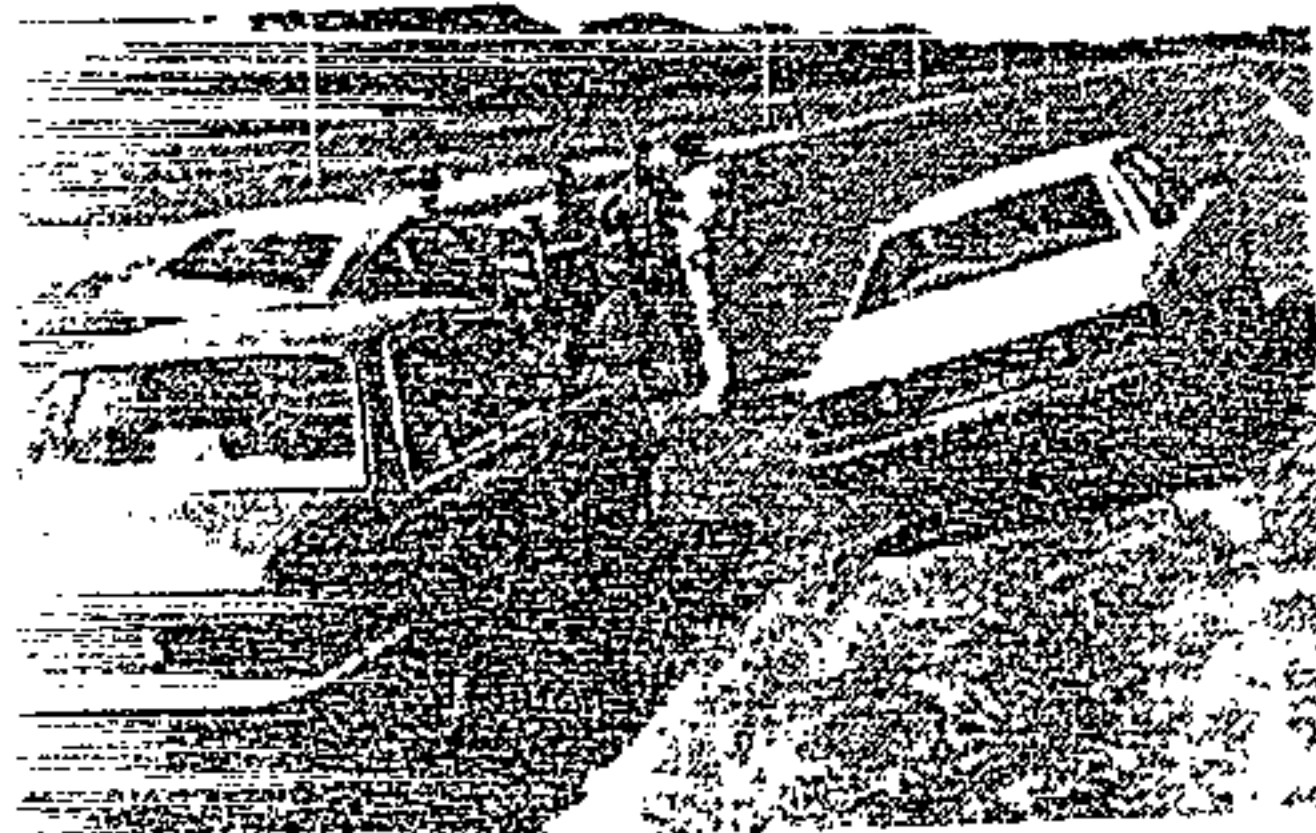
The accused have pleaded not guilty to all charges.

The magistrate, Mr I J Luther, yesterday warned Mr Shole he faced a heavy prison sentence if he did not testify.

Mr Luther adjourned the inquiry into Mr Shole's refusal to give evidence until Tuesday to allow him time to consult an attorney.



# It ends y shower



men and members of the public at the  
here the armed man disappeared into  
bushes



cant JJ "Nip-  
du Preez,  
se wife was at-  
ed by the fugi-  
tive.

em One of the  
men returned his  
and the man was  
in the left shoulder

chase carried on  
ction Road and as  
police decided to  
him off the bicycle.  
erved across the  
dumped the bicycle  
disappeared into the  
es bounded by  
on, Rosmead and  
v roads.

e men were sum-  
d and a search was  
ched while other  
emen watched the  
aries of the area.

Constable D de  
Villiers, one of the  
policemen involved  
in the chase.

Detectives, members of  
the uniformed branch  
and soldiers moved  
through the dense bush,  
hoping to find the fugitive  
but they had no luck al-  
though he was seen by  
some men working in the  
area.

The search lasted  
several hours but was  
called off when Major I  
Nel, station commander  
at Claremont, arrested a  
man at the base.

The man had a gun-shot  
wound and had had a  
shower shortly before.

Police confiscated a  
firearm.

## CAPE TIMES 23/9/82 Incitement plans denied by Mpetha

Staff Reporter

OSCAR Mpetha who is  
appearing with 17 others  
on charges of terrorism  
and murder in the Cross-  
roads Nyanga area two  
years ago, yesterday de-  
nied in the Supreme  
Court that he had under-  
taken a campaign to in-  
cite people to violence.

The 73-year-old trade  
unionist and community  
leader gave evidence for  
the second day.

Cross-examined by Mr J  
Slabbert, for the State, Mr  
Mpetha denied that some  
of the 17 men met him  
regularly at his house to  
draw up plans for August  
11 and August 12, 1980 —  
the time of the distur-  
bances

### 'Unrest'

He denied any know-  
ledge of the unrest, saying  
the first he had heard of  
it was when he was taken  
into custody, about ten  
days after the events.

Referring to Mr  
Mpetha's claims that he  
knew only one of the 17  
men and did not know any  
of the witnesses, Mr Slab-  
bert said he did not think  
it possible that people  
who did not know Mr  
Mpetha would implicate  
him in a court case.

He referred to a press  
statement issued by Mr  
Mpetha before his arrest  
to the Cape Times in  
which he said it was the  
action of the police that  
had caused the distur-  
bances.

Mr Slabbert said he  
thought that for a man  
who said he was much too  
busy with "official" work  
at the time of the bus boy-  
cott "to get involved", Mr  
Mpetha went to a lot of  
trouble to release a state-  
ment.

Mr Mpetha said he had

done so in the hope that it  
would help the people  
solve some of their prob-  
lems and perhaps stop  
police from what they  
were doing in the town-  
ship

The hearing continues  
today

Mr Justice Withamson is sit-  
ting with two assessors, Mr  
H Titterton and Mr C H van  
Gend. Mr J Slabbert, with Mr  
C J van Wyk, is appearing for  
the State. Mr I J Farlam, SC,  
instructed by Frank Bernadt  
and Joffe, is appearing for Mr  
Mpetha. Mr T L Skweyiya is  
appearing for 11 accused, Mr  
J Whitehead for four and Mr  
N Willis for two, all instruct-  
ed by A M Omar and Com-  
pany.

## Man dies in docks mishap

Staff Reporter

A BOATMAN at the Royal  
Cape Yacht Club, Mr  
Randolf Reagon, of Wind-  
sor Road, Kalk Bay, was  
killed when a mobile  
crane collapsed in Table  
Bay docks yesterday.

Mr Reagon was struck  
by the hoist of the crane.  
Brigadier D F Malan,  
Divisional Commissioner  
of the Railway Police in  
Cape Town, said a crane  
had been lifting a con-  
crete block used in build-  
ing breakwaters soon  
after 11am when the acci-  
dent happened.

A RCYC spokesman  
said Mr Reagon had been  
working at the club for  
about two months.

### BUSINESS BRIEF

Gold (close) ..	\$443,50
FT index (3pm)	579,50
RDM 100 .....	653,60
Dow Jones ...	927,61

Weather ... 17  
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Book at today 17

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ANC men



# Terror trialist arrested in escape bid

331  
Soweto  
23/11/82

MR ROGERIO Hoff-  
sanie Chamusso (32), the  
Mozambican terror  
trialist, was arrested on  
October 27 last year at a  
ruin near Loskopdam,  
three days after the car  
he had allegedly been  
driving had overturned  
in an alleged bid to es-  
cape from police, the  
Pretoria Supreme Court  
heard yesterday.

Captain M Strydom,  
stationed in Middel-  
burg, Transvaal, told Mr  
Justice A P Myburgh  
and two assessors that  
they had found the ac-  
cused after a search and  
after he had identified  
himself as Rogerio Cha-  
musso. He had been  
arrested and handed to  
the Security Police.

Warrant Officer J H  
Diederichsen, of  
Groblersdal, told the  
court that in a search  
through the abandoned  
car, which had over-  
turned while the occu-  
pant had been fleeing  
from a police road  
block, they had found a  
Russian-made firearm, a  
reference book with the  
surname "Mehlo", a  
travel document bearing  
the name Ben Mabuza,  
and a driver's licence.  
The documents had car-  
ried different names and  
different photographs of  
Mr Chamusso.

Mr Chamusso's ap-  
pearance is a sequel to  
the fatal shooting on Oc-  
tober 23, 1981, of two  
white men in their cara-  
van at Yeovelfontein,  
Oogies, near Witbank.

# Seven years' jail for terrorists

'They had no work, no homes . . . no stake in society' Judge says

## Mercury Reporter

SENTENCING three ANC members to seven years' imprisonment each yesterday after they had been found guilty on two counts under the Terrorism Act, a Durban judge said the men had not joined the insurgent forces because of any political militancy or revolutionary zeal.

Mr Justice Didcott said Amon Sipho Buthelezi, 27, Amos Dlomo, 34, and Mkipheni Nyandeni, 33, were members of a disadvantaged community and that they had no stake in society.

They were sentenced in the Supreme Court, Durban, to five years' imprisonment for having undergone military training outside South Africa and seven years' imprisonment for being in possession of foreign weapons and ammunition. Both sentences will run concurrently.

## Sad

Mr Justice Didcott said the men were from a humble background and had had minimal education. None of them bore any resemblance to political activists.

He said they had joined up as soldiers to ensure that they would be fed, clothed and kept. It gave them some function to perform in life and an opportunity to belong to a distinct social unit.

It was sad that they were unable to find these opportunities at home, the Judge said.

The three men had left South Africa and underwent military training in Angola. They had returned with firearms, weapons, ammunition and

weapons.

The Judge said that it was widely acknowledged that the black people of South Africa had real and legitimate grievances.

However, it was acknowledged that the danger inherent in these grievances might be expressed in violent terms, he said.

'While violence of such a nature may be foreseeable, no State can allow it to go unchallenged. Prevention is always better than punishment.'

'The three men must have realised this before returning to the Republic,' the Judge said.

## Work

Mr Justice Didcott said the men had no regular income and homes which they could call their own, and that it would be impossible not to sympathise with someone in this situation.

He said Buthelezi and Nyandeni had gone to Swaziland in search of work and were led to believe they could do better in Mozambique.

They had fallen under the influence of agents of the Umkhonto wing of the ANC and had joined up as soldiers.

Mr Justice Didcott said the training had not been a spectacular success and that none of the accused could be regarded as a skilled professional or talented amateur.

Dlomo's story was different in that he had decided to become a soldier before he had left South Africa. He was told that soldiering was a fine career. He, too, had been out of work.

not found  
23/9/82  
Stock m?



Staff Reporter  
 OSCAR Mpetha, 73, the  
 trade unionist and com-  
 munity leader who is ap-  
 pearing in the Supreme  
 Court with 17 others on  
 charges of terrorism and  
 murder, said yesterday  
 that he had no knowledge  
 of the charge and the al-  
 legations made against him.  
 Questioned by his de-  
 fending counsel, Mr I G  
 Farlam, SC, he said he  
 knew only one of the 17  
 men appearing with him  
 on charges of murder and  
 terrorism following events

# 'All fabrication'

in Crossroads in August, 1980.  
 Contrary to their evi-  
 dence, he had never held  
 meetings at his home, ad-  
 dressed meetings in the  
 Assembly of God Church,  
 or conspired with any of  
 them to commit acts of  
 vandalism and terrorism.  
 Mr Mpetha said the al-  
 legations levelled against

him by witnesses and the  
 men facing the charge  
 with him were "all fabri-  
 cation".  
 He had never spoken  
 about "destroying whites",  
 as alleged by some wit-  
 nesses, and described this  
 as "cheap politics", saying  
 it was not his belief to  
 judge people by their  
 colour.

Cross-examined by Mr J  
 Slabbert, for the State, Mr  
 Mpetha said that although  
 he "accepted whites", he  
 felt some of them were  
 oppressors and although  
 this made him unhappy,  
 there was nothing he  
 could do about it "at this  
 stage".  
 However, when he was a  
 member of the African

National Congress before  
 the organization was  
 banned, he had used it to  
 try to seek redress for  
 black people.  
 Asked by Mr Slabbert  
 how he sought redress, Mr  
 Mpetha said the organiza-  
 tion used to protest  
 against certain laws and to  
 seek consultation with  
 relevant members of au-

thority on grievances af-  
 fecting blacks.  
 He saw himself as a  
 community leader and  
 tried to help people who  
 came to him with prob-  
 lems.  
 Mr Mpetha, who has  
 been in custody since he  
 was arrested two years  
 ago, said he was aware of  
 the causes of the unrest in

Nyanga at the time of his  
 arrest, but was too busy  
 with "official" work to de-  
 vote any time to these is-  
 sues.

The hearing continues  
 today.  
 Mr Justice Williamson sat  
 with two assessors, Mr G H  
 Titterton and Mr C H van  
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 Farlam was instructed by  
 Frank Bernadt and Joffe. Mr T  
 L Skweyiya appeared for 11 of  
 the accused, Mr J Whitehead  
 for four and Mr N Willis for  
 two. They were instructed by  
 A M Omar and Company.

~~331~~ Mpetha

Sentence

to be

passed

on four

terrorists

#### Mercury Reporter

SENTENCE will be passed today on the three black men who were found guilty at the Durban Criminal Sessions yesterday on two charges under the Terrorism Act.

Mr Sipho Buthelezi, 27, Mr Amos Dlomo, 33, and Mr Mkipheni Nyanzeni, 33, were found guilty by Mr Justice Didcott after a week-long trial in which they pleaded not guilty to three charges under the Terrorism Act and two under the Riotous Assemblies Act.

Mr Justice Didcott acquitted the men on one charge under the Terrorism Act.

On this the State had alleged that the men attempted to recruit other people for the purpose of military training outside South Africa.

#### Conspiracy

In the two charges under the Riotous Assemblies Act, of which they were also acquitted, it was alleged that they conspired to murder farmers and blacks who co-operated with the Government and that they intended blowing up government departments, trains and petrol depots.

Mr H E Mall, SC, for the Defence, told the Court that all three accused admitted being in possession of firearms, ammunition and weapons.

They also did not deny having had military training while in Angola, he said.

Mr Mall said the three accused had come from a humble background and had gone to seek employment in Swaziland, from where they were taken to Mozambique.

Mr B J Schonfeldt, SC, appeared for the State.



Angola is

331 1758  
free, says

Slav 23/9/82  
union man

Own Correspondent

CAPE TOWN — As far as he knew, Mozambique, Angola and Zimbabwe were free countries, trade unionist Mr Oscar Mpetha, charged with murder and terrorism, told the Cape Town Supreme Court yesterday.

Mr Mpetha is appearing with 17 others on charges arising from rioting in black townships in 1980 in which two passing motorists, Mr George Beeton and Mr Frederick Jansen, were killed.

Asked by Mr J Slabbert, for the State, if a song known as "There are guns in Angola" was "his," Mr Mpetha said he had heard it sung but it was not.

When Mr Slabbert asked if Mozambique was a free country, Mr Mpetha said: "As far as I know, yes."

And Angola?

As far as I know, yes.

Earlier, Mr Mpetha was questioned about a Press statement he released to the Cape Times accusing the police of starting the 1980 riots because they protected city tramways.

He said he did not feel the statement would incite people because he "was not sure people in Nyanga read the Cape Times."

The hearing continues tomorrow.

Responsible for

# 3 ANC men get 7 years each for terror training

Rbm 23/9/82

Mall Correspondent

DURBAN. — Three members of the African National Congress were each jailed for seven years by a judge in the Durban Supreme Court yesterday after being found guilty on charges under the Terrorism Act.

They were each jailed for five years for having undergone military training outside South Africa and for seven years for possessing foreign weapons and ammunition. The sentences will run concurrently.

Passing sentence on Amos Siphos Buthelezi, 27, Amos Dromo, 34, and Mkipheni Nyandeni, 33, Mr Justice Didcott said the men were members of a disadvantaged community and that they had no stake in society.

Mr Justice Didcott said the men were from a humble background and had minimal education. None of them bore any resemblance to political activists. They had joined the ANC not because of any political militancy or revolutionary zeal.

They had joined up as soldiers to ensure that they would be fed, clothed and kept. It gave them some function to perform in life and an opportunity to belong to a distinct social unit.

It was sad that they could not find these

opportunities at home, the judge said.

The three men left South Africa and underwent military training in Angola.

The judge said it was widely acknowledged that the black people of South Africa had real and legitimate grievances.

However, it was also acknowledged that the danger inherent in these grievances might be expressed in violent terms, he said.

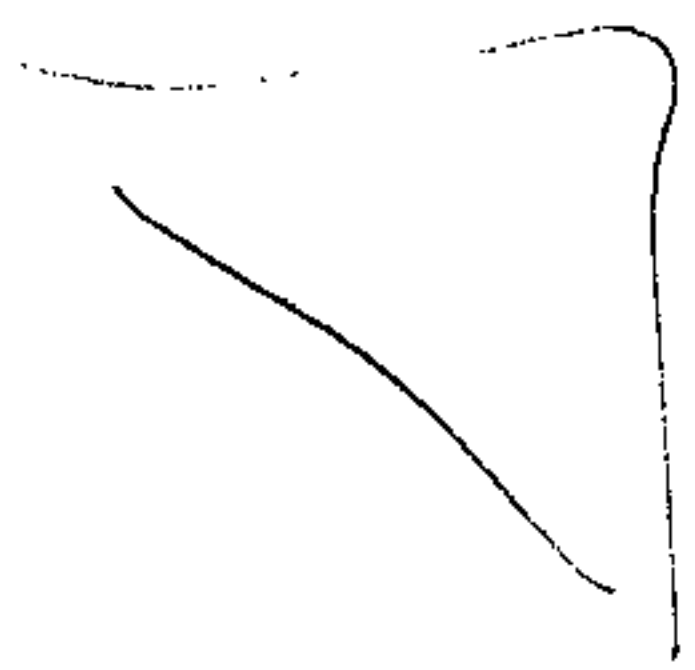
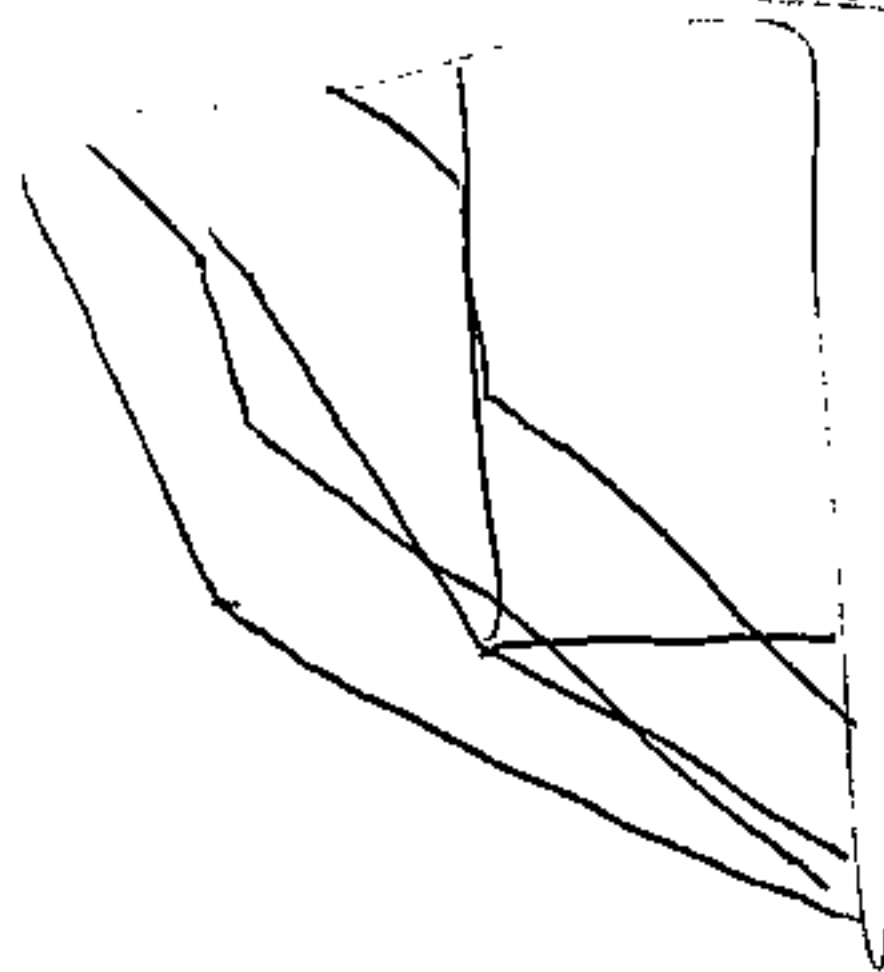
"While violence of such a nature may be foreseeable, no State could allow it to go unchallenged."

Mr Justice Didcott said the men had no regular income and homes which they could call their own and that it would be impossible not to sympathise with someone in this situation.

He said Buthelezi and Nyandeni had gone to Swaziland in search of work and were led to believe they could do better in Mozambique.

They had fallen under the influence of agents of the ANC and had joined up as soldiers.

However, Dromo's story was different in that he had decided to become a soldier before he left South Africa. He was told that soldiering was a fine career. He, too, was out of work.





23/9/82

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2 The Cape Times, Thursday, September

## 3 ANC men get 7 years for terrorism

Own Correspondent

DURBAN. — Three members of the African National Congress had not joined the ANC's military wing because of any political militancy or revolutionary zeal, a Durban judge said yesterday when sentencing the men to seven years each on two counts under the Terrorism Act.

Mr Justice Didcott said in the Supreme Court, Durban, that Amon Sipho Buthelezi, 27, Amos Dlomo, 34, and Mkipheni Nyandeni, 33, were members of a disadvantaged community and had no stake in society.

They were sentenced to five years for having undergone military training outside South Africa and seven years for being in possession of foreign weapons and ammunition. The sentences will run concurrently.

Mr Justice Didcott said the men were from a humble background and had minimal education. None bore any resemblance to political activists.

### Men wanted food, clothing

He said they had joined up as soldiers to ensure that they would be fed and clothed. It gave them some function to perform in life and an opportunity to belong to a distinct social unit.

It was sad that they were unable to find these opportunities at home, the judge said.

The three men left South Africa and underwent military training in Angola. They returned with firearms, weapons, ammunition and weapons.

The judge said that it was widely acknowledged that the black people of South Africa had real and legitimate grievances. However, it was acknowledged the danger inherent in these grievances might be expressed in violent terms.

### Violence has to be challenged

"While violence of such a nature may be foreseeable, no state could allow it to go unchallenged."

The judge said Buthelezi and Nyandeni had gone to Swaziland in search of work and had been led to believe they could do better in Mozambique.

They had fallen under the influence of ANC agents and had joined up as soldiers.

Dlomo had decided to become a soldier before he left South Africa.

# Treason (331) trialist trained *Sowetan* in Maputo 22/9/82 court told

By NORMAN NGALE

MR JUSTICE A P Myburgh heard in the Pretoria Supreme Court yesterday that a Mozambican terror trialist had been brought up in Daggafontein, Springs, and that his mother had left for Maputo in 1966, leaving him behind.

Mr Eric Dane, defence council for Mr Roderio Hoffsani Chamusso (32), said this while he cross-examined Ms Mapula Laulang, elder sister of Ms Johanna Laulang, who is the mother of the accused's two children.

Mr Chamusso is being charged with murdering two white men in Ogies, near Witbank, of being a member of the banned ANC, of having undergone military training in Angola and Mozambique, and of being found in possession of a firearm, rounds of ammunition and explosives.

Mr Chamusso, also known as Patrick Shange, who according to the charge sheet is resident of Inhabane, Mozambique, has pleaded not guilty to all charges.

Ms Mapula Laulang told the court that Mr Chamusso had stayed at her room while she had been still at Florida and had told her he was going to the army in 1980 in his home country and on his return had told her he was back at work.

The hearing continues.



# Mpetha: Cheap politics to say 'kill the whites'

Accus 22/9/82  
331

TRADE unionist Mr Oscar Mpetha yesterday told the Supreme Court, Cape Town that he would never indulge in "such cheap politics" as saying that whites had to be killed or driven into the sea.

Mr Mpetha, 73, and 17 others are facing charges of murder and terrorism following riots in Cape Town's black townships in 1980 in which two motorists, Mr George Beeton and Mr Frederick Jansen, were killed.

Questioned by his defence counsel, Mr Mpetha said: "My attitude is that judging a person on race or colour is contrary to my beliefs."

## TOOK HAT

"In 1979 I went to an Azanian Peoples' Organisation meeting where a worker was defined as a black man. I took my hat and left and I never went back because I know some whites are workers and some blacks are not."

Mr Mpetha denied all knowledge of the allegations against him and said he knew none of the State witnesses, except one, whom he had seen once before.

He said he was acquainted with only one of the accused, with whom he had started a rugby club before his arrest.

Cross-examined by Mr J Slabbert for the State, Mr Mpetha said that some whites, but not all, oppressed blacks. This made him unhappy.

## UNITE WORKERS

Asked if he had done anything to obtain rights for blacks, Mr Mpetha said he had been a member of the African National Congress before the organisation was banned in 1959.

He had also tried to unite workers in the Food and Canning Workers' Union and agreed that newspaper descriptions of him as a "community leader" were accurate.

Asked about a "strong, emotional statement" by him in the Cape Times during the bus boycotts, Mr Mpetha said he had been angry at seeing people "maltreated".

Asked why he regarded a bus fares increase as maltreatment, Mr Mpetha said the people, already facing higher food prices and low wages, were being "squeezed".

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, with Mr C J van Wyk, appears for the State.

Mr I J Farlam, SC, instructed by Frank, Bernadi and Joffe, appears for Mr Mpetha. Mr T L Skweyiya appears for 11 accused, Mr J Whitehead for four and Mr N Willis for two, all instructed by A M Omar and Company.

# Witness asked to recruit

By SELLO

RABOTHATA

A WITNESS told a Kempton Park Regional Court yesterday that one of the accused in the terror trial had asked her to organise youths in the Cape, whom he would take to Botswana.

Ms Nomalungela Gxova, of Cradock, was giving evidence before Mr I J J Luther in the trial of Mr Stanley Radebe, of 718 Senaoane, Mr Ephraim Madalane, of 1693 Senaoane, Mr Ernest Mohakalala, of 795 Molapo, and Ms Innocentia Mazibuko of

8109 Zone 6 Diepkloof. They are appearing on a charge under the Terrorism Act or alternatively recruiting, inciting and encouraging people to undergo military training outside the country.

Mr Mohakalala is also facing an alternative charge of undergoing military training in Libya. They have all pleaded not guilty.

Ms Gxova told the court she had met and fallen in love with Mr Radebe in December 1979.

Towards the end of

May 1980, she had returned to her home town, Cradock, in the Cape. She had received a letter while at home from Mr Radebe to which she had replied.

After some days, he had phoned and asked her to organise boys in Cradock, whom he would take to Botswana in a car he had stolen. He also told her that Timothy, a friend she had met, had left Johannesburg for Botswana. He had told her that he wanted the youths for his organisation in Botswana.

She had heard of the ANC only through reading newspapers. The words on the book had shocked her as she had known that politicians were always arrested.



**FAMILY:** Mr Rodney Mosebi and his wife Cecilia with Ms Christinah Mifi, all relatives of Mr Timothy Mashiane, leave the court.



MR Oscar Mpetha, facing charges of murder and terrorism with 17 others, today told the Supreme Court, Cape Town that he had been busy with other activities at the time of the rioting which resulted in the deaths of two motorists, Mr George Beeton and Mr Frederick Jansen.

Questioned by Mr I Farlam, SC, Mr Mpetha outlined his activities last year from Friday, August 8, to Monday, August 11, the day the motorists died.

He said he was travelling to his Nyanga home on the Monday afternoon when he was stopped by police at a roadblock on

the outskirts of the township.

They warned him that cars were being stoned further down the road. He then entered Nyanga by another way.

Mr Mpetha said he saw about five youths standing along the road. He stopped when they indicated that he should do so. One came to the car and asked Mr Mpetha who it belonged to.

When he said it was his, another youth said: "It's his — don't you know him?"

Mr Mpetha then asked the youths what they were doing. They said they were "rectifying a few small things".

He then drove home, thinking he would find out along the way what the matter was, but did not meet anyone.

Mr Mpetha then told

about various matters he occupied himself with, including filling a gas cylinder, looking for a car body with his son and spending time with the neighbours' children.

(Proceeding.)

Mr Justice Williams is sitting with two assessors, Mr C H Titterton and Mr C P van Gend. Mr J Sabbert with Mr C J van Wyk is appearing for the State. Mr I J Farlam, SC, instructed by Frank Bernad and Joffe is appearing for Mr Mpetha. Mr T L Skwevica is appearing for the accused Mr J Whitehead for four and Mr N Willis for two, all instructed by A M Omar and Company.

## Mpetha a 'busy' man at time of riot deaths

## Trade union registration investigation

### Labour Reporter

IT WOULD be completely incompatible with the Department of Manpower's principle of voluntarism to force any trade union to register, Dr P J van der Merwe, director-general of the Department of Manpower, said today.

Dr van der Merwe was addressing delegates at the annual conference of the Trade Union Council of South Africa (Tucsa).

There were differences of opinion as to what the approach should be, but since the whole question of registration was being investigated by the National Manpower Commission, it appeared desirable to wait for the commission's report, he said.

### CRITICISM

Dr van der Merwe said much criticism had been levelled against the department at the time that expired before registration was granted. However, the unions were not altogether free of blame as far as delays were concerned.

The department was concerned about the lack of co-operation from unions with regard to the submission of the prescribed documentation

and statistics to the Industrial Registrar.

"With the exception of a few unions, the department has to request unions repeatedly for the submission of the statements concerned.

"Failure of this nature is a criminal offence, and though the department is reluctant to go to the extreme of prosecuting unions for not complying with the Act in this regard, such a step will, however, have to be considered if a material improvement is not evident in future," Dr van der Merwe said.

### HAZARDS

Referring to occupational safety and health hazards in the workplace, Dr van der Merwe said they could "no longer be dealt with by authoritarian types of legislation".

A tripartite effort was necessary to improve the quality of life of the workers, making use of the expertise of government, labour and employers.

A draft Bill dealing with occupational health and safety had been drawn up by the Department of Manpower and would be introduced in the next parliamentary session.

Dr van der Merwe said the workmen's compensation office encountered "vast difficulty" in processing and assessing claims for compensation.

This was because of the failure of employers to report accidents and submit relevant documentation to the Workmen's Compensation Commissioner.

It was also due to the employers' failure to register their businesses and pay their assessments.

Dr van der Merwe thanked the trade union movement for its "co-operation and support". Without that the department would not have been able to make the progress it had.

## US farm exports soar

WASHINGTON. — United States farm exports next year should set another record, exceeding 170-million metric tons, the US Agriculture Department said.

But, because of continued depressed prices, driven down by record harvests in the United States and other major producing nations, analysts said: "The price outlook is uncertain." — Sapa-AP.

## Spider coming after all

GERALDINE Aron's play Along Came A Spider — dropped from transmission by SABC-TV last Thursday — will be screened this Thursday at 9.40 pm.

The play was shelved at the last minute after strong reaction from viewers to advance promotion sequences containing a scene in which a ouija board was used.

An SABC-TV spokesman said today that cuts had been made to "certain violent scenes".

Geraldine Aron said she was delighted her play would be screened after all.

"I was very disappointed when they dropped it. But I felt sure that when they looked at it again they would find the ouija board scene quite harmless.

"I'm a little concerned about the cuts, though, because I don't know what they are. Let's hope they're all right."

The schedule change will affect another play, Enemy, which is being held over until a 1983 English drama season.

## Baby claims

Argus Bureau

LONDON. — Damages claims by couples who have babies after birth control operations are increasing, says medical lawyer Mr Andrew Laver.



COURTS

(331) Star 22/9/82

## 'Useless' terrorists get 7 years

DURBAN — The black people in this country had real and legitimate grievances and this was widely acknowledged, Mr Justice Didcott said in the Supreme Court, Durban, today.

Sentencing three men, trained in Angola as terrorists, to seven years' imprisonment each, he said it was also acknowledged that the danger inherent in these grievances might be expressed in violent terms.

"While violence of such a nature might be foreseeable, no State can allow it to go unchallenged," the judge said.

The three men, Amon Siphso Buthelezi (27), Amos Dlomo (34) and

Mkipheni Nyandeni (33), must have realised this before returning to South Africa.

The judge said that none of the three men bore any resemblance to political activists. When they left the country their level of political consciousness was so low it could be described as zero.

Buthelezi and Nyandeni went to Swaziland and then to Mozambique to look for work. There they fell under the influence of agents of the Umkhonto wing of the African National Congress and joined up as soldiers.

The judge said he accepted the submission of the State that they

would have been "mere clay in the hands of a persuasive recruiter."

They did not join up as soldiers because of any political militancy or revolutionary zeal. It was merely because, at the time, they had nothing else to do and it ensured that they would be fed, clothed and kept.

It gave them some function to perform in life and an opportunity to belong to a distinct social unit.

"It was sad that they were unable to find these opportunities at home," the judge said.

Their military training in Angola lasted about six months. It was not a spectacular

success and none of the three could be regarded as a skilled professional or even a talented amateur on his return to South Africa.

They did nothing until their arrest but visit relatives and friends and loaf. They did not attack anyone or anything or make preparation in that direction.

But, the judge said, if it were their intention to abandon the military life, he would have expected them to have said so from the witness box. Their silence spoke for itself.

There was no way any court could view this state of affairs with leniency, the judge said.



at her door      tal.      moments in hospital

## 4 on terror charges

22/9/82  
East Rand Bureau

Four members of the banned Soweto Students' Representative Council appeared in a special Regional Court in Kempton Park yesterday on charges of terrorism.

In a hearing marked by heavy security, Mr Stanley Radebe (27), Mr Ephraim Mthuthuzele Madalane (24), Mr Ernest Lebana Mahakalala (23), Miss Innocentia Nonkululeko Mazibuku

(20), all of Soweto, pleaded not guilty to charges of terrorism under the new Internal Security Act, which was passed in July this year, and to an alternative charge under the old Terrorism Act.

Mr Mahakalala also pleaded not guilty to a second alternative charge of undergoing military training in a foreign country.

The case continues today

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# Terror trial told of military training

By JOUBERT MALHERBE  
Pretoria Bureau

THE PRETORIA Supreme Court heard yesterday how a man quit a lucrative job as a painter and left the country to do military training in Mozambique.

Mr Rogerio Hoffmann Chamusso, 32, alias Mr Patrick Shange, is facing two murder charges, seven charges under the Terrorism Act and a theft charge.

His appearance is in connection with a series of sabotage blasts at the Sasol plant near Evander and at Witbank in October last year, as well as the death of two construction workers near Ogies.

Mr Chamusso has pleaded not guilty to all the charges.

Yesterday his defence counsel, Mr Eric Dane, put it to a witness that Mr Chamusso would tell the court he worked as a messenger for the African National Congress only.

Mr Dane said Mr Chamusso would say he started working for the ANC after his wife and child were killed. He did not specify how or where Mr Chamusso's wife and child were killed.

Yesterday Miss Johanna Laulang, 24, who bore two of Mr Chamusso's children, gave evidence and said she met him in Florida where he worked as a painter "earning good money."

She said he never discussed politics. "I had no idea he would ever become a soldier." She said he disappeared in 1981.

Miss Laulang said in her evidence-in-chief Mr Chamusso showed her a gun when he returned to her in October last year shortly before the series of blasts. "He said he brought it from where he had done training."

Miss Laulang who was staying in Dennilton at the time, said she told him he was doing a "stupid" job when he told her he was an ANC messenger.

She said she did not know what the ANC was, but said she had heard people talking about the movement on the train.

Mr Dane pointed out several discrepancies in Miss Laulang's evidence and disputed that Mr Chamusso showed her a gun after his return.

After the sabotage blasts and the killing of the two construction workers, Mr Lukas Abraham Mans and Mr Hendrik Booysen, in their caravan, Mr Chamusso went back to Miss Laulang and she gave him food.

She said she was "suspicious" because Mr Chamusso had a gun and he had talked about "shooting" when he returned to her after the blasts and the killings.

Mr Dane said Miss Laulang decided to implicate Mr Chamusso to win the favour of police because she feared she had done something wrong by sheltering him.

Mr Philip Mahlangu, a cattle herder who lives on a farm near Loskop Dam, told the court how Mr Chamusso came to him on October 25, saying he was from Johannesburg, and asked if he could stay overnight.

"I gave him a bed but I remained on guard all night. You can't trust people from Johannesburg," Mr Mahlangu said.

The next morning Mr Chamusso left, Mr Mahlangu said, and soon afterwards he saw a strong police contingent near his home. He told them about Mr Chamusso.

Mr Chamusso was arrested on October 27 near Middelburg, Transvaal.

The case continues today.



# Court told of terror trialist's kids, wife

331 Sowetan 21/9/82

By NORMAN NGALE

THE Pretoria Supreme Court heard yesterday that a Mozambican terror trialist was a father of two children in Denilton, near Grobblersdal, and that he had left his girl-friend in 1980 to undergo military training in his home country.

Mr Rogerio Hoffsani Chamusso (32), a Mozambican citizen, has pleaded not guilty to participating in terrorist activities and of fatally shooting two white men in Ogies near Witbank on October 23, 1981.

Ms Johanna Laulang told the court that she had met Mr Chamusso in 1974 while looking for a job in Florida, Johannesburg, and that they had lived as man and wife until two years ago, when he had disappeared for over a year.

On his return on October 14 last year, he had told her he had undergone military training in Mozambique and that he had arrived back in the company of other men for whom he had had to provide food.

Mr Chamusso is al-

leged to have, on October 23, shot Mr Lukas Abraham Mans and Mr Hendrick Gerhardus Booysen in their caravan at Heuwelfontein, Ogies, near Witbank, and of having undergone military training in Mozambique and Angola with the intention of "undermining law and order in South Africa."

Ms Laulang told the court that the morning after October 14 last year Mr Chamusso had arrived at her home before sunrise, his legs covered with mud.

**Court**

**told**

**police**

**paid**

**witness**

**Mercury Reporter**

A FORMER ANC member, who surrendered himself to the police while they kept his house under observation, was paid by the security police, a Durban judge was told yesterday.

This was said by Mr Kekekene, whose other names cannot be disclosed because of a Court ruling, in evidence at the trial of Mr Siphobuthlezi, 27, Mr Amos Dlomo, 34, and Mr Mkipheni Nyandeni, 33, at the Durban Criminal Sessions.

The men are facing three charges under the Terrorism Act and two under the Riotous Assemblies Act. They have pleaded not guilty before Mr Justice Didcott.

Mr Kekekene told the Court that he had only been told on Friday last week that Mr Buthelezi, Mr Dlomo and Mr Nyandeni had been arrested, and that he was to give evidence at their trial.

He said he was told by the Security Police in Newcastle to stay at his house until he was needed. He was to ask for whatever he wanted.

Mr Kekekene said that for many months he received various sums of money from the police.

Cross-examined by Mr H E Mall SC, for the defence, as to how he had joined the ANC in Angola, Mr Kekekene said he walked across the border to a house in Swaziland, and from there he was taken to Mozambique.

It was in Mozambique that he was told he could go either to Angola for three months' military training, or for education in Tanzania. He agreed to go to Angola so that he could return to South Africa, he said.

Mr Kekekene said he did want to go to Angola or Mozambique in the first place, but had no choice. He said if he did not go, he feared he might be arrested.

From Angola 38 of the 110 men who were at training there flew to East Germany for further training, he said.

He said he decided to escape when he returned to Swaziland, because he realised it would be dangerous to carry out the instructions which were given to him to destroy buildings and kill whites and blacks who co-operated with the Government.

Mr Mall was assisted by Mr Pius Langa and instructed by Mrs V Mxenge. Mr B J Schonfeldt appeared for the State.



# Witness tells of training

A WITNESS IN A terrorism trial in the Durban Supreme Court last week told of his training and the use of arms and bombs while he was in Angola, Mozambique and East Germany as an ANC member.

The witness, who could be named only as Mr Kekekene because of a ruling from the judge, said this at the trial of Mr Sipho Buthelezi (27), Mr Amos Dloomo (34) and Mr Mkipheni Nyandeni (33).

They are facing three charges under the Terrorism Act and two under the Riotous Assemblies Act, to all of which they have pleaded not guilty.

Mr Kekekene said he had left South Africa in 1978 and joined the ANC in Angola after travelling through Swaziland and Mozambique.

He said he had passed through Luanda before going to an ANC camp at Dibashi in the north.

While in Angola they had trained how to use firearms and bombs for the purpose of destroying buildings and killing whites together with blacks who agreed with whites. They had been trained to use AKMs, AK47s and LMGs and TNT bombs, he said.

In 1979 he had been transferred to East Germany, where he had received further training before returning to Angola in 1980.

Mr Kekekene said he

## SA PRESS ASSOCIATION

had remained in Dabashi for a while and then had gone to Pango and Funda, another ANC camp. At Funda he had been a military-tactics and drill instructor.

He said he had met Mr Buthelezi, Mr Dloomo and Mr Nyandeni at the training camp where they had been known as Vusi, Jerry and Mose respectively.

In 1981 he had returned to Swaziland, where he had received instructions to destroy buildings, police stations and power stations in South Africa.

He said he had not been able to tolerate coming to South Africa to fight so he had left the belongings he had been given and escaped. He had later surrendered to the police.

Another witness, Mr Bhékuyise Nyandeni, a brother of the accused Mr Mkipheni Nyandeni, said that when he had met his brother he had told him that he had come back from Mozambique, where he had trained so that there could be equal rights.

In reply to a question from Mr H E Mall, SC,

for the defence, as to whether he had been taught by the police to say that his brother had told him that he had come from Mozambique, Mr Bhékuyise Nyandeni said: "No".

He said he had never heard of Mozambique until his brother had mentioned it to him.

The trial continues today.



FLASHBACK: Trumpeter Hugh Masekela

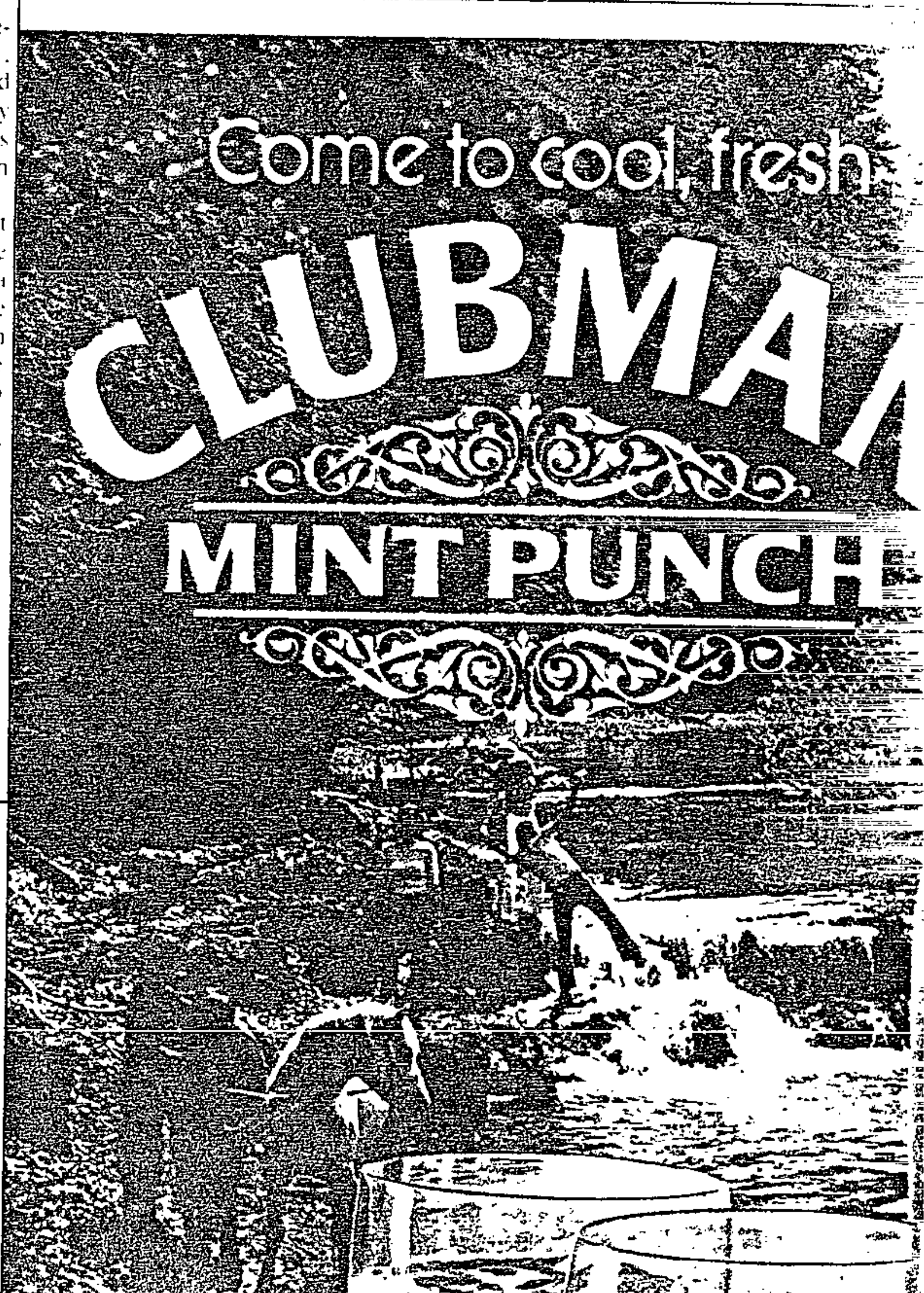
## Police cell death: Cop in court

A 25-year-old black policeman, Constable E B Gumbi, appeared last week briefly in court in connection with the death of a man who died in the Scottburgh police cells last Monday.

A post-mortem on Mr Maphulombo Mhlongo (46) revealed that he had not died of natural

been found in the cells soon after he had been sentenced to 90 days' jail on a charge of drunkenness.

Gumbi had been arrested soon afterwards and he has since been suspended from the force. He was not asked to plead and has been released on R200 bail.





# Court told of terrorist arms lessons

(331) Mercury 18/7/82  
Mercury Reporter

A WITNESS in a terrorism trial in the Supreme Court, Durban, yesterday told of his training and the use of arms and bombs while he was in Angola, Mozambique and East Germany as a member of the ANC.

The witness, who could only be named as Mr Kekekene because of a ruling from the Judge, said this in evidence at the trial of Mr Sipho Buthelezi, 27, Mr Amos Dlomo, 34, and Mr Mkipheni Nyandeni, 33.

They are facing three charges under the Terrorism Act and two under the Riotous Assemblies Act to which they have pleaded not guilty before Mr Justice Didcott.

Mr Kekekene told the Court that he left South Africa in 1978 and joined the ANC in Angola after travelling through Swaziland and Mozambique.

## Killing whites

He said he passed through Launda before going to an ANC camp at Dibashi in northern Angola.

While in Angola they were trained how to use firearms and bombs for the purpose of destroying buildings and killing whites, and also blacks who agreed with whites.

They were trained to use AKM, AK 47 and LMG firearms and TNT bombs, he said.

In 1979 he was transferred to East Germany where he received further training before returning to Angola in 1980.

Mr Kekekene said he remained in Dabashi for a while and then went to Pango and Funda, another ANC camp.

At Funda he was a military tactics and drill instructor.

He said he met Mr Buthelezi, Mr Dlomo and Mr Nyandeni at the training camp where they were known as Vusi, Jerry and Mose respectively.

In 1981 he returned to Swaziland where he received instructions to destroy buildings, police stations and power stations in South Africa.

## Surrendered

However, he said he could not tolerate coming to South Africa to fight, therefore he left the belongings he was given and escaped. He later surrendered to the police, he said.

Another witness, Mr Bhekuyisae Nyandeni, a brother of accused Mr Mkipheni Nyandeni, said that when he met his brother he had told him that he had come back from Mozambique where he had trained so that there could be equal rights.

In reply to a question from Mr H E Mall, SC, for the defence, as to whether he was taught by the police to say that his brother had told him that he had come from Mozambique, Mr Bhekuyisae Nyandeni said he had not been taught.

## Mentioned

He said he never heard of Mozambique until his brother had mentioned it to him.

The trial continues on Monday.

Mr Mall, assisted by advocate Mr Pius Langa and instructed by Mrs N V Mxenge, appeared for the accused and Mr B J Schonfeldt appeared for the State.



Cape

33

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Times, Saturday, September 18, 1982 3

## Key Points Act: City man fined

Staff Reporter

A KENSINGTON electrician who removed 16 photographs from the Koeberg nuclear power station to show to his family and friends, was yesterday fined R600 (or 12 months) by a regional magistrate for contravening the National Key Points Act.

The magistrate, Mr D Cronje, suspended R300 (or six months) for five years on condition that Michael David de Villiers is not convicted of contravening the Key Points Act or the Official Secrets Act.

Evidence in the trial — which was held *in camera* — was that on March 9, De Villiers, 23, of Sunderland Street, removed photographs from the office of his senior and took it home to show to his parents and his friends.

In a statement handed to the court De Villiers pleaded guilty to obtaining photographs relating to the Koeberg Nuclear power station and of showing them to family and friends.

He said he had wanted to return the photographs the next day but they came to the attention of the police when they fell out of his pocket while he was jogging home after visiting his girlfriend on March 9. A police van had arrived as he was picking up the photographs.

In mitigation of sentence, De Villiers said he was a first offender. He came from a "solid" background and there was no political motive in the removal of the photographs.

Mr D Cronje was the Magistrate. Mr C A Cilliers appeared for the State. Mr H Schoombie, instructed by Routledge-MacCallums, appeared for De Villiers.

# Ex-ANC man tells court of arms training

CAPE TIMES 18/9/82  
~~111-111A~~ 331

Own Correspondent

DURBAN. — A witness in a terrorism trial in the Supreme Court, Durban, yesterday told of his training and the use of arms and bombs while he was in Angola, Mozambique and East Germany as a member of the African National Congress.

The witness, who could be named only as Mr Kekekene because of a court ruling, said was giving evidence at the trial of Mr Sipho Buthelezi, 27, Mr Amos Dlomo, 34, and Mr Mkipheni Nyandeni, 33.

They are facing three charges under the Terrorism Act and two under the Riotous Assemblies Act, to which they have pleaded not guilty.

Mr Kekekene told the court he had left South Africa in 1978 and joined the ANC in Angola after travelling through Swaziland and Mozambique.

He had passed through Luanda before going to a ANC camp at Dibashi in northern Angola.

## 'Trained to kill whites, blacks'

While in Angola they had trained in the use of firearms and bombs for the purpose of destroying buildings and killing whites, and also blacks who agreed with whites. They had been trained in the use of AKM, AK47, LMG firearms and T and T bombs, he said.

In 1979 he was transferred to East Germany, where he received further training before returning to Angola in 1980.

He remained in Dabashi before going to Pango and Funda, another ANC camp. At Funda he was a military tactics and drill instructor.

He said he had met Mr Buthelezi, Mr Dlomo and Mr Nyandeni at the training camp, where they were known as Vusi, Jerry and Mose respectively.

In 1981 he had returned to Swaziland, where he received instructions to destroy buildings, police stations and power stations in South Africa.

## Surrendered to police

However, he said, he did not want to fight in South Africa and escaped. He later surrendered to the police.

Another witness, Mr Bhekuyisae Nyandeni, brother of one of the accused, said his brother had told him he had returned from Mozambique, where he had trained so that there could be equal rights.

Asked by Mr H E Mall, SC, for the defence, whether he had been instructed by the police to say his brother had told him he had come from Mozambique, Mr Bhekuyisae Nyandeni said this was not so.

He had never heard of Mozambique till his brother mentioned it to him.

The trial continues on Monday.



**COMMENCING  
TOMORROW**

**YOU JUST CANNOT  
AFFORD TO MISS  
THESE BARGAINS**

**DON'T MISS OUT!**

## STUDENTS' DEPARTMENT

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**NYLON  
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**RT BLOUSE** **1.99**

# VERY

PIECE  
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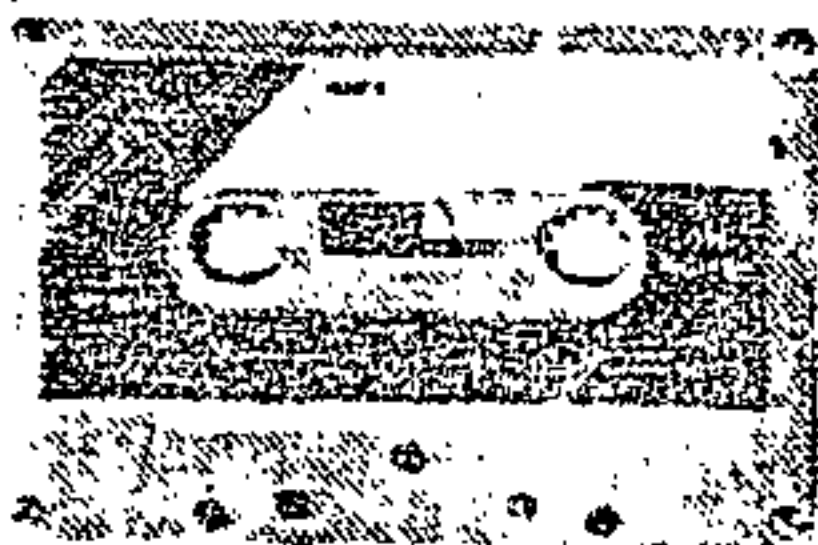
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**PRE-RECORDED**

## CASSETTES



**ONE TITLE ONLY**

**TO  
CLEAR  
NOW**

49c

WE RESERVE THE  
RIGHTS TO LIMIT  
QUANTITY

8v LEON BEKKER

**CHURCHMEN** in the Catholic and Methodist churches are to get more involved in the legal battle between the black liberation movements and the State.

This was spelled out by Durban's Catholic Archbishop Denis Hurley, and the President of the Methodist Conference, Rev Simon Gqubule.

Both men said they would recommend that the clergy of their churches be available to give evidence in court for accused facing heavy penalties for politically-motivated crimes.

However, the American Church's mission to help the people of the world is not a feeling of superiority or a desire to impose American music.

"I am not dependent very much on the circumstances. I would want to know what the world about me was doing. I am not one of those 'observed,' he said.

Bishop Harlow and Dr. Daymonne had addressed the supreme court in "Waterbury on behalf of three members of the A.N.C. who had

been found guilty of high treason.

The two men spoke for the defence in mitigation of sentence, and both expressed strong opposition to the death sentence.

Bishop Hurley and Dr Gqubule said their decisions to speak for the three accused had been motivated by a duty they felt to be more involved in their pastoral duties towards detainees and politically-motivated accused.

Bishop Hurley said he would recommend to Catholic clergy that they should accede to requests from legal counsel to get involved in court proceedings of this nature.

He had not taken the initiative to give anyone a copy of the three men, but had been invited to do so by their counsel, Mr. Ernie Wentzel, SC.

It was the first time he had done so.

"This is as a consequence of the fact that the church I represent, and I myself, are insisting upon a more outspoken stance in such matters," he said.

Bishop Hurley  
said his plea against  
the death penalty

had been forceful, and Mr Wentzel had told him afterwards that this evidence, as well as that of Dr Giquibule, had created an atmosphere in the court which made the death penalty very difficult to impose.

"I made it clear that the death penalty is regarded as murderdom by many black people these days, in the context of politically-motivated action. Things have got to such a stage that very evil things are done by people for political motives and they have no conscience about it. This is sad, and shows the extent of the social conflict in this country," he said.

Dr. Gaubule told the Tribune that there was a need to expand the church's ministry in the area of detainees and their problems, and he would encourage the Methodist church's ministers to be involved in this field.

He said he was also asked to speak on behalf of the three accused in P i e t e r m a r i t z b u r g. "but I must say I was looking for the opportunity to do it, and so I gladly agreed."



# A six-week wait before Hogan learns her fate

331 S. Express 12/9/82

By CHARLENE BELTRAMO

AS TREASON trialist Barbara Hogan begins a six-week wait for judgment

after her two-week trial, the case of her friend Alan Fine on charges under the Terrorism Act will resume on Tuesday.

Ms Hogan, a 30-year-old Johannesburg student and labour activist, has pleaded guilty to being a member of and furthering the aims of the African National Congress, but not guilty to a charge of high treason.

During her trial, defence counsel Mr George Bizos, SC, accused a Security Police major of perjury after police produced two differing documents on advice for security detainees.

The defence contended that the first — which police claimed to have found in her flat — was published five months after she was detained.

This week the State prosecutor, Mr Jan Swanepoel, argued that Ms Hogan committed treason by conspiring with the ANC.

He said the ANC's policy included the destruction of the State and social and economic orders.

Ms Hogan, he said, admitted that workers had a role to play in the revolution, and that the ANC was active in legal organisations to bring about change.

Mr Bizos said Ms Hogan's work in labour relations could not be regarded as treason because she had not shown any hostile intention towards the State, and was avowedly against violence.

The State, to convict Ms Hogan of treason, would have to prove that she had called for or participated in unlawful strikes; that she had acted in a manner not in the interests of the workers; and that she had not negotiated in good faith.

Judgment will be given on October 20.



## Durban blasts: Three ANC men jailed for 20 years

### Letter led to quick arrests

Tribune Reporter

MR X, who testified behind closed doors during the trial, played "an important role" in the investigations which led police to arrest the three convicted men.

This was confirmed by the Security Police investigating officer who told the Sunday Tribune it had taken only two days for police to uncover the plot and make all the arrests.

Police uncovered a plot to leave explosives in the Durban station in a secret letter to "Comrade Richard" which had been hidden under a table of the Durban University's ar-

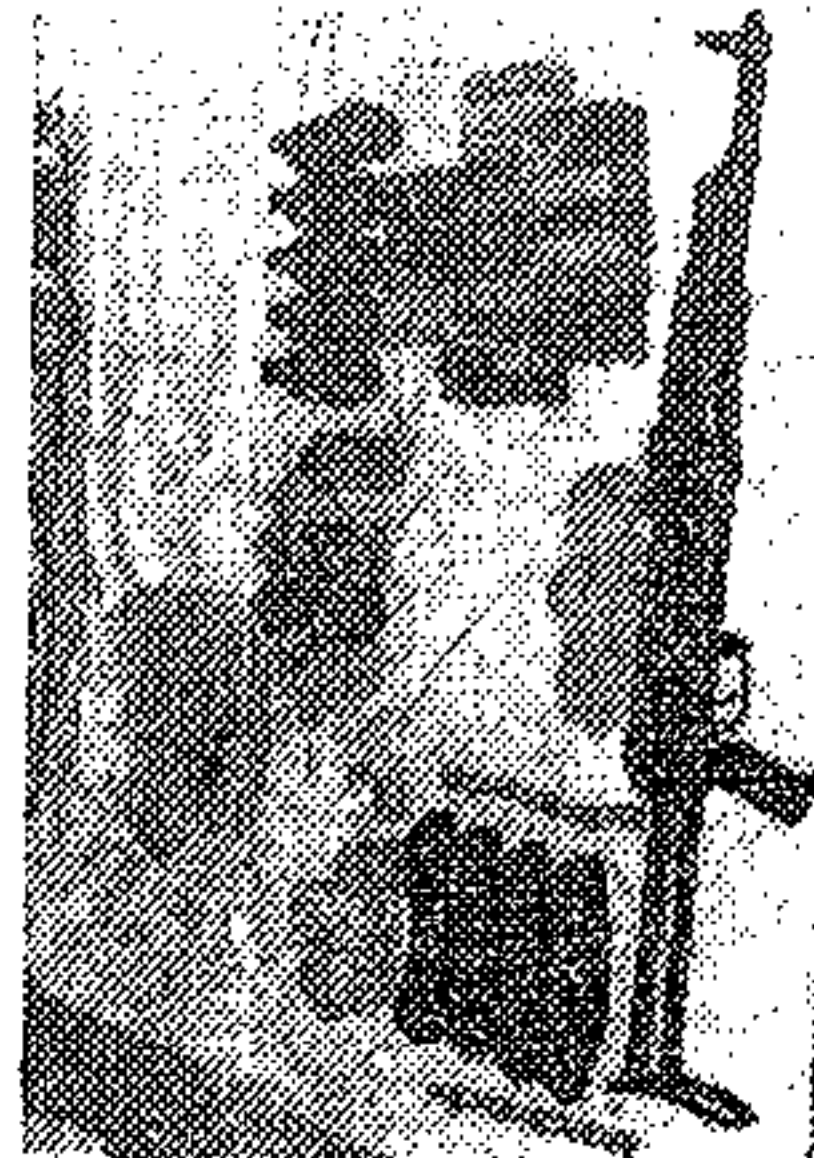


TEA adjournment outside the court — Mr Ernie Wentzel, SC, Mrs Nzwakhe Maqubela and Mr Pious Langa

chitectural library on November 23 last year.

The same evening Litha Jolobe was arrested and the following morning Maqubela and Ngouka were arrested.

Maqutvana was arrested that afternoon and all the explosives were recovered. Gaba was arrested near East London on November 25.



ARMS, ammunition, explosives recovered by the security police

# They are not bitter wife who will wait

2/9/82  
2/9/82  
1331

THE three ANC-conspirators found guilty of high treason and jailed for 20 years each by a Pietermaritzburg Supreme Court judge this week, were not bitter and were "prepared to face anything".

This was the opinion of Mrs Nzwakhe Maqubela, wife of Durban attorney, Patrick Maqubela who was one of the three. She said she had spoken to her husband before he was taken to prison.

By DOMINIQUE GILBERT

P.T.O.



Patrick Maqubela, boniswa de Villiers and Richard Maqhutyana and Seth Gaba were found guilty of having caused six of the 10 bomb blasts which rocked Durban last year — leaving 10 people injured and causing nearly R500 000 damage.

Mrs Maqubela said her husband was a "good man and a wonderful father to our two children — we'll miss him, but time goes quickly and I have faith in him," she said.

The charges against the three included high treason, sabotage, ter-

rorism, attempted murder, participation in terroristic activities and possession of arms, ammunition and explosives.

The bomb blasts in and around Durban last year included those at a post box in Field Street (February 7), the railway line at Umlazi Bridge (May 25), the SADF recruiting offices at the Trust Bank building (May 27), the Cenotaph at the Francis Farewell Square (June 26), McCarthy Leyland (July 26), the Whitehead building (October 10), and the Indian Affairs office (November 3).

Summing up, Mr Justice Auret van Heerden found all three men had been in possession of quantities of arms, ammunition, explosives and ANC literature.

## Conspiracy

He said the court was satisfied that all the explosions, except the one at the Umlazi railway line, were caused in furtherance of a conspiracy and it was indisputably established that they had joined and formed part of a conspiracy with the ANC to overthrow, or coerce, the South African Government.

Mr Ernie Wentzel, SC, for the defence, said in mitigation of sentence, that South Africa had a grievously divided people and asked the court to understand what it was that brought the three convicted men to do what they did.

He said they were not ordinary criminals, but had come from good families and were motivated by social and economic conditions.

Seth Gaba is the son of a Methodist minister and had grown up according to the Christian doctrine, according to his mother, Mrs Florence Gaba, who had travelled from Transkei every day for the trial.

## Studied

After obtaining a matric at the Clarkebury High School in Transkei, he had gone to University of Fort Hare to study a degree in agriculture, but later was employed by LTA in Mndatsane, where he worked as a learner land surveyor.

Maqhutyana matriculated at the Mount Ayliff High School in Transkei in 1976. Although he worked as a bakery clerk in Umlazi at the time of his arrest, he had studied for a Bachelor of Administration degree at Fort Hare University, studied through Unisa and only had a few courses to complete before qualifying for his degree.

The trial ended dramatically this week when police sprayed teargas into the courtroom after spectators and the convicted men shouted freedom slogans and gave clenched fist salutes.



# State 'failed to show ANC link'

Defence counsel for a trade unionist charged under the Terrorism Act argued in a Johannesburg Regional Court today, the State had not proved Mr Alan Morris Fine had committed any unlawful act.

Mr Fine is charged with conspiring with the South African Congress of Trade Unions (Sactu) and its members to further the aims of Sactu and therefore of the African National Congress.

The alternative charge is that he took part in the activities of the ANC. Mr Fine (28) of Sharpe Street, Bellevue, has pleaded not guilty to both charges.

Defence advocate Mr D Kuny said the State had neither alleged nor proved that a conspiracy existed between Mr Fine and the ANC.

"There is evidence

that Mr Fine worked for Sactu and there is the allegation of a conspiracy between Sactu and the ANC. Thereby the State has tried to link Mr Fine's conduct with the ANC.

"All the acts alleged and proved against Mr Fine are acts performed on behalf of a lawful organisation, Sactu.

"Mr Fine's acts were not of a terrorist nature and they did not endanger the maintenance of law and order in the country," Mr Kuny argued.

Referring to the alternative charge, Mr Kuny said the State had not proved that Mr Fine "knowingly took part in the activities of the ANC and that his conduct was intentionally carried on in the direct or indirect interests of the ANC."

(Proceeding)

# They tried to recruit me for training in Angola, Court told

14/9/82 Mercury Reporter

A STATE witness described in the Supreme Court, Durban, yesterday how two men tried to recruit him for military training in Angola after showing him various weapons at his kraal near Vryheid.

Mr Sakade Mazwi, a Transkei citizen, said this in evidence at the trial of Mr Amon Sipho Buthelezi, 27, Mr Amos Dlomo, 34, and Mr

Mkipheni Nyandeni, 33, who are appearing before Mr Justice Didcott on three charges under the Terrorism Act and two under the Riotous Assemblies Act.

The men have pleaded not guilty.

According to the State, the men left South Africa through Swaziland and Mozambique in 1980 to undergo military training in Angola.

On completion of their training they returned to Swaziland where they were issued with firearms, ammunition and explosives of a foreign origin.

They were instructed to return to South Africa and kill farmers and tribal chiefs who co-operated with the Government as well as to sabotage petrol depots, it was alleged.

Mr Mazwi told the Court that he knew the accused, Mr Buthelezi and Mr Dlomo, because they had tried to recruit him for military training in Angola.

They came to his in-law's kraal near Vryheid and while they were in the house Mr Dlomo had opened a bag and shown him firearms and some round objects, he said. The next day Mr Buthelezi had shown him similar weapons in his bag.

## Rights

Mr Mazwi said the men repeatedly asked him to go to Angola for military training. He said he had refused and the men had left after staying a few days at the kraal.

Mr Mazwi said Mr Dlomo told him that he had gone for military training in Angola so that he could return and fight for the black people's rights in South Africa.

Under cross-examination by Mr H E Mall, SC, for the defence, Mr Mazwi told the Court that he was arrested by the police in December 1981 and had been in detention since.

Asked why he had not gone to the police and reported that Mr Buthelezi and Mr Dlomo had weapons and had tried to recruit him, he replied that he had been afraid.

The hearing continues today.



14/9/82  
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D. Dr patch

The trial continues today. — DDR.

Examiners' Initials

### Vervaaardig in Suid-Afrika

# Durban terrorism trial is adjourned

Mercury 15/9/81

## Mercury Reporter

THE trial in which three blacks are appearing in the Supreme Court, Durban, on three charges under the Terrorism Act and two under the Riotous Assemblies Act has been postponed until tomorrow.

Mr Sipho Buthelezi, 27, Mr Amos Dlomo, 34, and Mr Mkipheni Nyandeni, 33, have pleaded not

guilty to the charges before Mr Justice Didcott.

Yesterday's postponement follows consultation between the prosecution and the defence team.

Mr H E Mall, SC, for the defence, said that as a result of the consultation the defence had made certain admissions which would have the effect of eliminating the necessity of calling a large number of witnesses.

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EMBER 15, 1982

331 D. Dispatch 15/9/82

**ZWELITSHA** — A state witness who refused to testify, and was sentenced to 2½ years imprisonment in the terrorism trial in the Ciskei Supreme Court here, told the judge yesterday that because of the present political situation in South Africa he could not give evidence.

Five state witnesses

## Terror trial witness jailed

refused to take oaths before Mr Justice J. J. Nepgen and two assessors, Professor P. G. Malan and Mr P. B. Loots, in a trial held in camera.

However, four gave

evidence under affirmation and claimed they were assaulted before making the statements to the police.

Counsel for the state, Advocate J. Langeveld, asked that the witnesses be discredited.

The fifth man refused to take the oath and would not affirm, saying he could not testify against his people. He was sent to jail.

The witnesses' names cannot be revealed because of a court order that had been sought by Mr Langeveld to protect them from possible harm.

The witnesses had been called to give evidence in the trial of Mr Bongani Nondula, 23, and Mr Sindile Mfana,

23, both of Mdantsane.

They have pleaded not guilty to participating in terrorist activities by inciting people in Mdantsane during January and February this year to undergo military training abroad; to joining the military wing of the ANC, and to taking part in the activities of the ANC and being members of the ANC.

The witness who was jailed raised his fist on more than one occasion in the witness box as he answered questions. He shouted "power to the people" and "the country is ours" with a raised clenched fist after sentence.

The man had earlier refused to consult an advocate appointed by his family to represent

him.

When asked by the judge if he was dissatisfied with the political situation, he said he was. He said if apartheid was not legalised in South Africa there would be no cases like the present one.

The judge said he did not consider his reasons for refusal to give evidence as just reasons. The court was empowered to impose a sentence for a period not exceeding five years. No matter what one's personal beliefs were, one could not allow the administration of justice to be toyed with or fall into disrepute because of witnesses who refused to give evidence.

The trial continues today. — DDR.

TEARGAS was used at least three times against members of the public during the month-long treason trial which ended in the Supreme Court here last week, according to two lawyers and the wife of one of the accused.

Defence counsel Ernie Wentzel, SC, said he had inhaled the gas twice during the five-week-long trial, while Mrs Nzwakie Maqubela said she had been exposed to it on three separate occasions.

Mr Sydney Dunn, who instructed counsel on behalf of several witnesses, said he was told of one such occasion during the early stages of the trial although he had not been present.

The Opposition's official spokesman on law and order, Mr Harry Pitman, said the inquiry he had called for following the exposure of one of the incidents was now all the more necessary.

In this incident a teargas-like substance had been sprayed in the crowded public gallery of the Court when singing and chanting broke out minutes after the three accused had been sentenced to 20 years each for a series of bomb-blasts in central Durban last year.

### Run

A senior police spokesman said this week he had made inquiries but could find no record of the gas being used more than once.

He said the matter could go no further unless the people who claimed otherwise came forward to make statements.

Speaking from the University of Fort Hare, where she works in the library, Mrs Maqubela told the Mercury she had had to run for her car when the gas was used after the Court had adjourned at the end of the first week of the trial.

She said she had been chatting to friends when they had been assailed by the fumes.

Mr Wentzel said he, too, had been affected in the first incident, although he could not recall the date.

Mrs Maqubela said the second incident came an hour before the Court was convened on the last day when teargas was sprayed in a toilet in the Court buildings.

She said she believed the police's intention may have been to discourage people from using the toilet because

they were able to communicate with the accused in their cells.

She had also been in the front row of the public gallery when gas was used that afternoon and had received it full in the face, she said.

Mr Wentzel said he had been subjected to the gas in the courtroom: 'It's not a pleasant experience.'

The police spokesman said canisters of the gas were issued to policemen each morning of the trial and collected each evening.

They had all been sealed and as far as could be established only one seal had been broken during the course of the trial.

Mr Pitman said he predicted that the Minister of Justice, Mr Kobie Coetzee, would not respond to his call for an inquiry to establish whether the use of the gas was justified.

'The real cause will, as always, emanate from the Cabinet which actively condones this kind of act.'

# Teargas 'used three times during treason trial' claim

Pietermaritzburg Bureau

331

25

Mercury

15/9/82



## Journalist is fined for swearing

Mall Reporter

THE fashion and beauty editor of Darling magazine Mrs Suzie Jordan was found guilty of crimen injuria by the Kempton Park Magistrate's Court yesterday after she swore at an airport official.

An eight-and-a-half months pregnant Mrs Jordan, 37, pleaded guilty and was fined R120 (or 60 days' jail).

The court found that Mrs Jordan had called the official a "stupid little bitch" on July 23 this year.

Mrs Jordan told the court she had uttered the words after she had been unable to get on a flight at Jan Smuts Airport because her assistant had left their air tickets at her office.

She told the court that at the time of the incident she was under a lot of pressure and had had problems with her pregnancy.

She said "I uttered the words in frustration, because I could not board the flight."

Mrs Jordan said she had been running up and down at the airport and when she had finally managed to sort out her ticket problems, officials at the check-in point had not allowed her to board the flight.

In her frustration at ruining a day of scheduled appointments in Durban, Mrs Jordan said she picked up her briefcase and swore at the duty officer.

She said that at the time she had not meant it and had apologised immediately.

Mrs Jordan told the magistrate, Mr J J de Vries, she was very sorry.

## Banned organisation: 2 in court

By MIKE LOUW

TWO Soweto women appeared separately before Mr T J le Grange in the Johannesburg Regional Court yesterday in connection with allegations of furthering the aims of an undisclosed banned organisation.

Miss Lilian Keagile, 24, of Molapo, in Soweto, was not asked to plead and will appear again on September 28.

She has been in custody since November 18 last year and was refused bail at a previous hearing.

The court heard during a previous hearing that the State had intended to prosecute Miss Keagile with Mr Ernest Dipale, 21, also of Soweto. Mr Dipale was found dead in a cell at John Vorster Square on August 9, five days after he was taken into custody.

Miss Baby Penelope Tyawa, 23, of Dube, in Soweto, who was arrested 20 days ago, appeared later in the same court.

She was not asked to plead and will appear again on September 28.

## Murder probe: man in court

Mall Reporter

A MAN appeared in the Johannesburg Magistrate's Court yesterday in connection with the death of a motorist who was found dead in the back seat of a car at the weekend.

Mr Pieter van Heerden, 33, of Parkmore Court, Joubert Park, appeared before Mr W A Nieman.

The dead man was Mr C H van Wyk of Vredepark.

The case was postponed to September 21.



This man can help police

## Police seek this man

Crime Reporter

POLICE are keen to contact this man to help them with their investigations into the theft of a video machine and several videotapes.

Police said the man produced an ID book with a name later found to be false.

Anyone with information is asked to contact Detective Warrant-Officer Willem Visser of the Norwood CID 728-4144 or home 786-8788.

## EEC's 'quangos' come under heavy fire

London Bureau

LONDON. — South Africa's control boards, ranging from the Banana Board to the Wheat Board, have come in for criticism in their time, but on nothing like the scale of criticism at present being directed at the European Economic Community's "quangos" — British term for quasi-autonomous non-governmental organisation.

Obscure quangos looking into such subjects as dried fodder and bathing water are smothering the Common Market in red tape, a report says.

The report says there are about 250 commissions, committees and advisory bodies in the EEC costing at least R80 000 000 a year.

They include the Silk Worm Section of the Advisory Committee on Flax and Hemp, the Management Committee for Dried Fodder and the Committee on the Quality of Bathing Water.

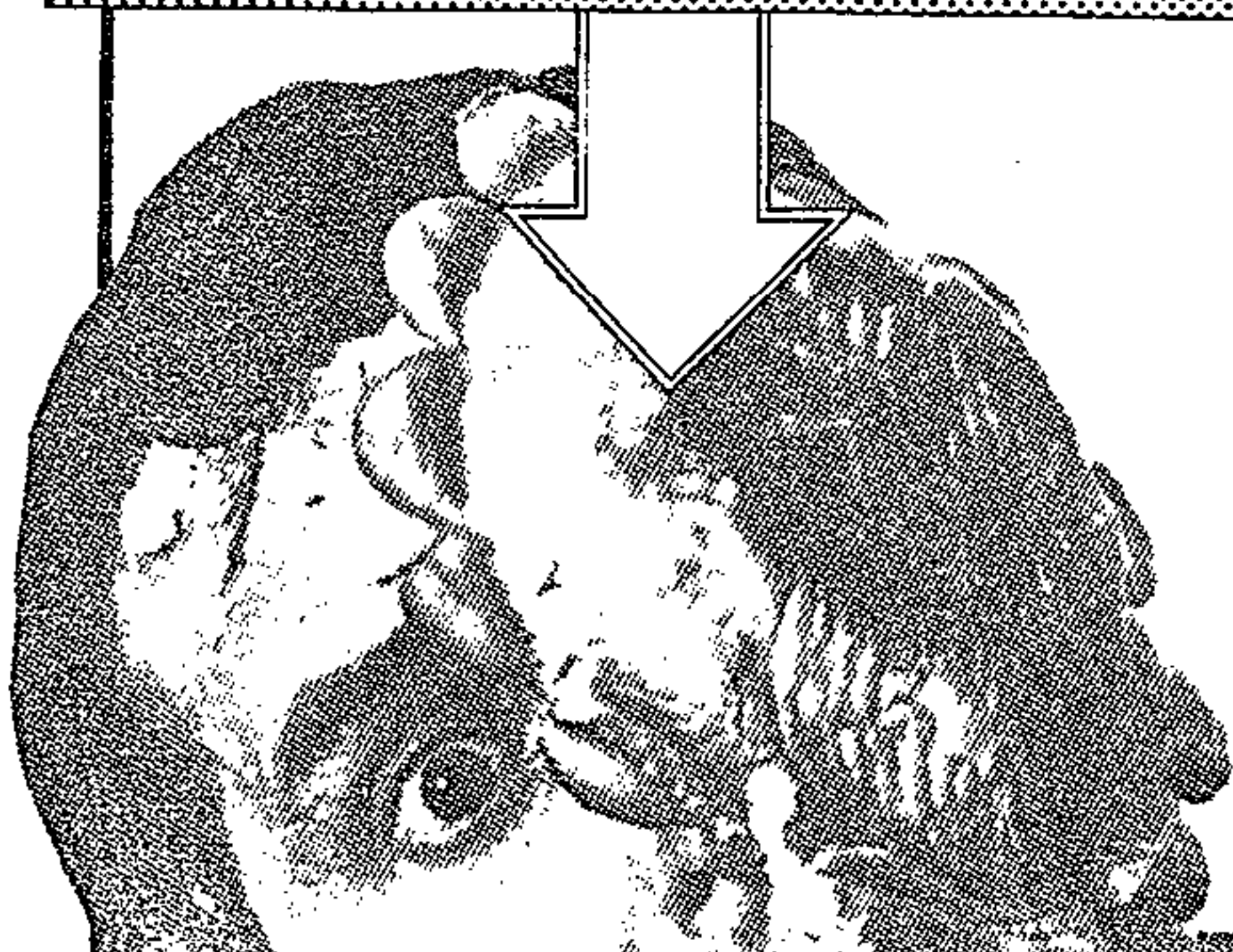
The report, published by the Adam Smith Institute, says: "In the bureaucratic hothouse of the European community — a world dominated by commissions and commissioners — the Euroquango has grown and blossomed."

Its author, Mr Michael Fallon, claims that the quangos meet in private and work in secret, are costly and not properly accountable.

And, he adds: "The undoubted beneficiaries of the growth of Euroquangos have been the trade unions."

"Notwithstanding years of implacable hostility to the EEC and repeated conference demands for Britain's withdrawal, the TUC barons are hard at work in their cigar smoke-filled rooms of the Berlaymont Buildings in Brussels."

**HARRY NEVER MADE ENOUGH OF A FUSS  
TELLING HIS CUSTOMERS THAT SANYO'S  
LASERTRON HAS ALL THE HI-FI  
FEATURES WITHOUT THE HI-FI FUSS.**



**HARRY, HOWEVER, WAS  
VERY FUSSY  
ABOUT HIS  
FEATURES.**

Which is why we decided to give Harry a lesson in Sanyo psychology. Not to say that Harry doesn't realize that the Sanyo Lasertron represents the ultimate in



# ANC link 'is only presumed'

331 Star 15/9/82

## defence counsel contends

It could not be proved by presumption that Mr Alan Morris Fine conspired with the African National Congress when he sent information to the South African Congress of Trade Unions, Mr Fine's defence counsel said before a Johannesburg Regional Court magistrate yesterday.

Mr Fine is charged with conspiring with Sactu and its members to further the aims of Sactu, and therefore, the ANC.

The alternative charge is that he took part in the activities of the

ANC. Mr Fine (28) of Sharpe Street, Bellevue, has pleaded not guilty to both charges.

Mr Fine admitted he sent information regarding labour to Sactu.

Defence advocate, Mr D Kuny, said Mr Fine had not committed any unlawful act.

"There is evidence that Mr Fine worked for Sactu and there is the allegation of a conspiracy between Sactu and the ANC. Thereby the State has tried to link Mr Fine's conduct with the ANC."

Referring to the al-

ternative charge, Mr Kuny said the State had not proved that Mr Fine knowingly took part in the activities of the ANC and that his conduct was intentionally carried on in the direct or indirect interests of the ANC.

The prosecutor, Mr J Swanepoel, said Mr Fine provided Sactu with information "but was reckless to the possibility that his information could have been used by the ANC."

The case was adjourned to November 8 for judgment.



# BPC founder in court for banned books

331

Sowetan  
15/9/82

A WELL-KNOWN Johannesburg articulated clerk, Mr Chris Mokoditsoa, yesterday made a brief appearance before a magistrate on a charge of being in possession of banned literature.

Mr Mokoditsoa appeared with Mrs Mayttah Rachidi, wife of the banned former leader of the Black Peoples' Convention (BPC). Both were arrested at their homes in Soweto by the Security Police early yesterday morning.

The two spent most of the day sitting in the court corridors while the police tried to arrange a court-room for them. They were only called into the dock late in the afternoon and the case was postponed to November 10.

## BANNED

Mr Mokoditsoa is a founder member of the BPC and was the vice-president until it was banned in 1977.

Mr Mokoditsoa was also secretary-general of the University Christian Movement (UCM), which has now disbanded.

UCM gave birth to the South African Students' Organisation (Saso), which was also banned by the Government in 1977.

Each page and in column (1) is cover the number of the answering.

- Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
- Do not write in the left hand margin.

## By CHARLES MOGALE

Mr Mokoditsoa was banned in 1973 and spent seven years as a listed person. He was refused permission by the Government to work for a company of lawyers, Shun Chetty and Associates, while serving his banning order.



LAWMAN: Mr Chris Mokoditsoa, in court for banned literature.

(nation Paper)

T PAPER

(ie heading on the Examination Paper)

Examiners' Initials

## WARNING

- No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
- Candidates are not to communicate with other candidates or with any person except the invigilator.
- No part of an answer book is to be torn out.
- All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

MDANTSANE — Two Mdantsane men yesterday denied that they had organised a boycott at Wilson Rowntree products.

Mr Nceba Mahlangeni, 26, and Mr Malungisa Joka, 35, pleaded not guilty before Mr G. M. Zamxaka, to having organised a boycott with the aim of causing loss, disadvantage or inconvenience to Wilson-Rowntree by displaying stickers to discourage people from buying certain brands of sweets.

At a previous hearing the defence admitted that the accused had worn stickers on their clothing which read, "We don't eat Wilson-Rowntree". The defence said the stickers referred to the accused, and were not aimed at encouraging others.

The court was told they were arrested by Sergeant Zolile Goodman Velebaya at the Highway main bus terminal.

During yesterday's hearing, before a packed court, a youth said the accused had placed stickers on him.

Advocate B. Tshabalala, from Durban, instructed by Mr Ben Ntonga, applied for the acquittal of the accused.

## 2 deny sweet boycott bid

He said the evidence against his clients was conflicting. The accused had stickers displayed on their persons but were not seen by Sergeant Velebaya doing anything to other people.

The youth's evidence was also in conflict, Adv Tshabalala said.

Opposing the application, Mr G. Adams said there was a prima facie case against the accused as they knew they were inciting others not to eat sweets from Wilson-Rowntree.

They had worked at the firm where there were strikes by workers before they were dismissed.

The application for their acquittal was refused by Mr Zamxaka.

Mr Mahlangeni told the court he was in possession of stickers when

he was arrested near the post office. He told the police the stickers came from the South African Allied Workers Union (SAAWU) offices.

He denied that he had organised a boycott against Wilson-Rowntree sweets.

Mr Mahlangeni said schoolchildren had approached him and had asked for stickers, which he had given to them.

He said he did not know it was an offence to stick the stickers onto himself.

He said that at the police station he had been accused by his interrogators of being one of the people who encouraged schoolchildren to boycott classes.

He alleged his interrogators had assaulted him.

Mr Joka also denied that he had organised a boycott against Wilson-Rowntree products.

He said that he did not eat Wilson-Rowntree sweets and that the stickers encouraged those who did not eat the products anymore.

The hearing continues today. Bail of R50 each was extended.



(331) RDM 19/10/82

## Court told of sabotage orders

Pretoria Bureau

AN ACCOMPLICE witness told the Pretoria Supreme Court yesterday that the ANC had instructed him and his accused colleagues to commit acts of sabotage in the Republic.

The witness — who may not be named, and will be indemnified from prosecution if he gives satisfactory evidence — was testifying against Mr Suzman Nkopane Mokoena, 24, who has pleaded not guilty to charges of high treason and contravention of the Terrorism Act.

Mr Mokoena, of Central Jabavu, Soweto, appearing before Mr Justice P J van der Walt, has been accused of conspiring with others to overthrow or endanger State security between 1976 and 1982, and of failing to report the conspiracy. He is also charged with furthering the ANC's aims, undergoing military training outside South Africa, establishing an arsenal in Ga-Rankuwa, and sabotaging the Rosslyn electric sub-station and planning to sabotage the Eerstefabrieke railway line and the Waltloo

petrol depot near Mamelodi.

The witness said he had left Soweto in 1976, after being told the ANC could offer him a scholarship — but he had found himself doing military training in Angola and Russia after studying politics, topography, tactics and engineering in Zambia and Angola.

He then went to Maputo, where the ANC instructed him and others to attack the Mabopane police station, and later the Rosslyn sub-station.

The case continues today.

# 2 fined over sweet-boycott stickers

Own Correspondent

MDANTSANE. — Two former East London sweet factory workers, Nceba Mahlangeni, 26, and Malungisa Joka, 25, were each fined R150 (or 150 days) in the Magistrate's Court here yesterday for contravening the Ciskei Emergency Regulations (Proclamation R252).

They displayed and supplied stickers which read "I don't eat Wilson-Rowntree" at the highway bus terminal here on July 28, 1981.

They were each fined R300 (or 300 days imprisonment) with half the sentence conditionally suspended for three years.

In mitigation, Mr Vuka Tshabalala, of Durban, who appeared for both men, said the men had

felt aggrieved when they had lost their jobs at the sweet factory, following a strike, and that their actions were based on this feeling.

He added that a previous conviction for assault against Mahlangeni had no bearing on the matter.

Joka had no previous convictions.

He said the offence committed was not an ordinary offence normally committed in the course of criminal action.

Evidence was that the two men had stickers referring to the eating of the company's products and that they had supplied two youths with the stickers.

They said they had given the stickers to the youths after they had asked for them.

Cape Times  
20/10/81  
125 227



125-2516182

# Treason trial told of substation blast

Pretoria Bureau

THE Pretoria Supreme court heard yesterday how an accused in a high treason trial and other alleged members of the ANC sabotaged the Rosslyn substation and planned other sabotage attacks near Mamelodi.

A State witness, warned as an accomplice in the trial of Mr Suzman Nkopane Mokoena, 24, of Central Jabavu, Soweto, told the court they had operated from their Ga-Rankuwa base. They had travelled by train to Rosslyn.

At the substation they had connected the limpet mines to TNT with sellotape, and then attached the mines to the transformers and removed the safety pins, Mr X said. They had heard the explosion at their base, and had also seen the leaping flames.

Mr Mokoena has pleaded not guilty before Mr Justice P J van der Walt to conspiring with others to overthrow or endanger State security between 1976 and 1982, and to failing to report the conspiracy. He is further charged with furthering the aims of the ANC, undergoing military training abroad, establishing an arsenal at Ga-Rankuwa, sabotaging the Rosslyn substation and planning further attacks.

Mr X said they had planned to blast the Waltloo petrol depot last December with a rocket, and had reconnoitred the Mamelodi police station and the railway line — but then had been arrested. The trial continues today.

1

# Torture of suspect denied

D. Disputed 20/10/82

HUMANSDORP — A security policeman yesterday denied that a 16-year-old arson suspect was electrically shocked, beaten and made to drink urine in order to force him to admit complicity in the burning of 16 schools.

Warrant Officer Gideon Nieuwoudt was testifying in the trial of three men and three youths accused of setting fire to 16 schools in the townships of Zwide, Kwazakele and New Brighton between November 1981 and February this year.

Mr Vuyisile Kate, 18, of New Brighton, Mr Monwabisi Bosman, 18, and Mr Solomon Jack, 18, both of Zwide, appeared with the youths charged with 16 counts of arson.

All have pleaded not guilty.

W/O Nieuwoudt said he took an initial interest in the school burnings when he suspected they had been politically motivated. After interrogating the youth, however, he was satisfied this was not the case.

Both at the time of his

arrest, in the early hours of February 24, and during the subsequent five-hour interrogation W/O Nieuwoudt said, the youth had given his full co-operation.

Their conversation had been "friendly and intimate" and the youth had given information spontaneously. No coercion had been applied.

In cross-examination, Mr P. Langa, for the youth, gave the following account of "what really happened during those five hours."

- A wet canvas bag was placed over the youth's head and he was kicked and beaten.

- W/O Nieuwoudt administered electric shocks to the youth's big toe while three policemen held him down.

- The youth's head was repeatedly pushed under water in a cold bath.

- Three policemen confronted the youth and ordered him to drink from a container filled with urine.

The trial continues today.

## Court



# Criticism of magistrates 'part of onslaught'

ACCUSATIONS that magistrates were not independent and that they should therefore not hear security trials were part of the onslaught against South Africa, the Minister of Law and Order, Mr Louis le Grange, said today.

Speaking at the opening of the Wynberg Magistrate's Court and district police headquarters, Mr le Grange said that even though magistrates were civil servants, they acted impartially and in-

dependently in their duties.

He rejected allegations that visits to detainees by magistrates were not a proper safeguard for detainees.

## DISCREDIT

"Accusations of this kind are a part of the onslaught against South Africa and one of the aims is to discredit the State and its organisations.

"The South African Police were one of the first targets and are still the target of blatant untruths."

Mr le Grange said the police were experiencing a serious personnel shortage. It was especially difficult to estimate the shortage in some metropolitan areas.

"This was not due to the salary structure or work benefits. South Africa just does not have enough developed or skilled people to cater for its needs."

Before declaring the R4,8-million complex open, Mr le Grange presented eight medals to Cape Town police including the SAP medal for combating terrorism which was awarded to Brigadier G. J. Odendaal, Divisional Inspector of Police.

# Hogan guilty of treason

CAPE TIMES 21/10/82

331

Own Correspondent

JOHANNESBURG. — Barbara Anne Hogan, 30, was convicted of high treason by the Rand Supreme Court yesterday.

Hogan, of Sunray Court, Hunter Street, Yeoville sat impassively for most of the judgment holding a posy of yellow chrysanthemums and roses which friends and well wishers presented to her before the court session started.

She was convicted on a second charge of joining the banned ANC during a visit to Swaziland in 1977.

## Compiled documents

Mr Justice A P van Dyk found that Hogan compiled three documents entitled Social Background of Working Class Leadership, Problems Arising in Internal Political Work, and Close Comrades. They were destined for the ANC high command in London but were intercepted by the South African security police.

The court heard that several people had been identified in Close Comrades and detained by the

police. One of these people had since died.

Hogan admitted that she met Marius Schoon, Reg de Beer and one Steven, all members of the ANC, during visits to Swaziland. She also admitted that she helped to organize the Fattis and Monis boycott campaign in 1979 and the red meat boycott campaign in 1980.

Hogan said she learned a secret code to use in her communications with the ANC and set up a system of dead letter boxes.

The court found that Hogan agreed to work in the labour field in pursuance of instructions given to her by the ANC.

Although she denied attempting to recruit people and organizations for the ANC, she said in one of her reports she tried to win people over to the ANC.

"Hogan is well-read and well-informed on the South African Communist Party and the ANC. On her own evidence she still is a staunch supporter of the ANC," the judge said.

She had joined the ANC

after long consideration knowing that the overall aim of the ANC was the overthrow of the State.

"Hogan signified by her conduct an agreement with all the aims of the ANC and therefore conspired to commit treason," the judge said.

## Enthusiasm

She participated in the act with enthusiasm, knowing it formed part of the overall aim. She admitted that the ANC was waging a small war.

Hogan had joined the ANC and committed treasonable acts to assist the ANC in its ultimate aim of overthrowing the State.

Mr Justice Van Dyk described Hogan as an unsatisfactory witness. She had given conflicting evidence, he said.

Mrs H E Hogan, Hogan's step-mother, said in mitigation her daughter was a strong Christian who believed in equal treatment and equal opportunity for all people.

She said Hogan was committed to South Africa and its problems. She had always tried to fight for the underprivileged and oppressed.

## Sentence plea

Mr George Bizos SC, for Hogan, urged the court not to impose a sentence of more than three years. He said Hogan did not act out of personal gain or political advantage to herself.

He said that severe punishment could not have any effect on Hogan's thinking.

The fact that many of her friends were detained as a result of her writing Close Comrades weighed heavy on her mind, Mr Bizos said. He said a long term of imprisonment would only add to the failure that Hogan had already suffered.

Sentence will be passed today.



# Hogan jailed for 10 years

By Rashid Chopdat

Barbara Ann Hogan (30), self-confessed member of the banned African National Congress and the first white woman in South Africa to be convicted of high treason, was sentenced to an effective 10 years' jail today.

Mr Justice van Dyk sentenced her in the Rand Supreme Court to 10 years' jail for high treason, to which she had pleaded not guilty.

She received a further four years' jail for being a member of the ANC.

This sentence will run concurrently. She pleaded guilty to this charge.

She will serve an effective 10 years in jail.

After sentence was passed Hogan turned to the crowded courtroom and shouted "Amandla" three times and gave a clenched fist salute.

She was refused leave to appeal against sentence.

## ENTHUSIASM

In judgment Mr Justice van Dyk said Hogan had carried out her activities for the ANC with enthusiasm and dedication.

He said it had been proved by the State that Hogan had agreed to carry out instructions from the ANC to work in the labour field.

She was told to seek employment with two organisations and to start a union for unemployed black workers. She had learned a secret code and established a communications network with the ANC.

She had agreed to send out academic literature which would benefit the ANC in its ultimate aim to overthrow the Government of the Republic of South Africa.

## RECRUITING

It had also been proved Hogan had visited a senior ANC official in Botswana to take instructions and to report back to him.

The judge said she tried to recruit individuals and organisations

to swell the ranks of the ANC which was and is still waging a minor civil war in which many lives would be lost.

Hogan had been well informed of the aims and objects of the ANC of which she was still a staunch member and of the South African Communist Party.

## AGREEMENT

She joined the ANC in 1977 after some consideration, but believed she did not have to participate in the violence, the judge said.

Mr Justice van Dyk said by carrying out certain instructions Hogan signified her agreement with the aims of the ANC and had, therefore, made herself guilty to conspiracy to commit high treason.

Mr J A Swanepoel and Mr W Hanekom appeared for the State. Mr G Bizos, SC, and Mr D Kuny, appeared for Hogan.

# Barbara Hogan, guilty of treason, awaits sentence

Rom 21/10/82

(331)

By TONI REYNEKE

BARBARA Anne Hogan, 30, when joining the ANC, agreed to commit acts which would lead to the ultimate overthrow of law and order in South Africa, a Supreme Court judge said yesterday in convicting her on a charge of high treason.

Hogan, of Sunray Court, Hunter Street, Yeoville, sat impassively for most of the judgment, holding a posy of yellow chrysanthemums and yellow roses which friends and well-wishers presented to her before the session.

She was convicted on a second charge of joining the banned organisation during a visit to Swaziland in 1977.

Mr Justice A P van Dyk found that Hogan compiled three documents, entitled "Social Background of Work-

ing Class Leadership", "Problems Arising in Internal Political Work" and "Closer Comrades", which were destined for the ANC high command in London, but which were intercepted by the South African Security Police.

Several people were identified in the report named "Closer Comrades" and were subsequently arrested and detained. One of those detained is dead, the court heard.

Hogan admitted that she met with Mr Marius Schoon, Mr Reg de Beer and one Steven, all members of the ANC, during visits to Swaziland. She also admitted having helped to organise the Fattis and Monis boycott campaign in 1979 and the red meat boycott campaign in 1980.

Hogan said she learned a secret code to use in her com-



BARBARA HOGAN  
five years with the ANC

munications with the ANC and set up a system of so-called dead letterboxes.

The court found that Hogan agreed to work in the labour field in pursuit of instructions given to her by

the ANC. Although she denied attempting to recruit people and organisations for the ANC, she said in one of her reports she tried to win people over to the ANC.

"Hogan signified by her conduct an agreement with all the aims of the ANC and therefore conspired to commit treason," the judge said. She participated in the act with enthusiasm, knowing it formed part of the overall aim. She admitted that the ANC was waging a small war.

Mr Justice Van Dyk described Hogan as an unsatisfactory witness. She gave conflicting evidence, he said.

Mrs H E Hogan, Hogan's stepmother, said in mitigation her daughter was a strong Christian who believed in equal treatment and equal opportunity for all people.

She said Hogan was com-

mitted to South Africa and its problems. She always tried to fight for the underprivileged and oppressed.

Mr George Bizos, SC, appearing for Hogan, urged the court not to impose a sentence of more than three years. He said Hogan did not act out of personal gain or political advantage to herself.

He said that severe punishment could not have any effect on Hogan's thinking, however misguided it may be.

The fact that many of her friends were detained as a result of her writing "Close Comrades" weighed heavily on her mind, Mr Bizos said. He said a long term of imprisonment would only add to the failure that Hogan had already suffered.

Sentence will be passed today.

## Conviction has wider implications

Mail Reporter

A 30-YEAR-OLD woman yesterday became the first white female and the first white South African since the Second World War to be convicted of high treason.

Barbara Hogan sat calmly and passively in the dock of the Rand Supreme Court as Mr Justice Van Dyk found her guilty of high treason and of being a member of and furthering the aims of the banned African National Congress.

And police searched and photographed the large crowd that filled the public gallery to hear the verdict. Most of the crowd wore yellow flowers and Hogan carried a bunch of the same flowers given to her by friends as she entered the court.

The finding was particularly significant since it was the first time someone has been charged with treason for the kinds of activities Hogan admitted to.

According to lawyers at the trial, this

now means that membership of the ANC is in itself an act of treason, since it denotes identification with the overall aims of the organisation.

Hogan had admitted joining the ANC in 1977, meeting and holding discussions with ANC officials, supplying them with information about labour matters, conveying messages to other people for them and using a "dead-letter" box and post boxes to send and receive messages from them.

Delivering a lengthy verdict, Mr Justice Van Dyk rejected her claim that she had done this without identifying with or approving of the ANC's use of violence or without the "hostile intent" that constituted treason.

He said the State had proved that by joining the ANC and doing this work for it "with enthusiasm and dedication", Hogan had assisted it with its final aim to overthrow the South African State.

She had not joined the ANC on the

spur of the moment and by joining she had identified with its long-term aims and was thus guilty of taking part in a conspiracy, he added.

He pointed out that Hogan had said she was still an enthusiastic supporter of the ANC and would continue to be.

He said he was not impressed by her explanation that she had attempted to win over groups and organisations to the ANC, but had not recruited anyone.

Speaking in mitigation, Mr George Bizos, SC, asked the judge to take into consideration the fact that Hogan had already spent 13 months in custody.

Her stepmother, Mrs Esther Hogan, told the court Hogan believed as a Christian that everyone was created equal and should be treated equally.

Mr J Swanapoel, for the State, said sentences had to increase as a deterrent, since the ANC threat was increasing all the time. He said the usual sentence of two to three years was not sufficient.

Sentence will be passed today.



31

Rom 2/11/82

# ANC man 'wanted harmony'

Pretoria Bureau

331

A STATE witness joined the banned African National Congress because he wanted to bring about harmonious racial co-existence in South Africa, a judge was told in the Pretoria Supreme Court yesterday.

The witness, who was warned as an accomplice and may not be identified, told Mr Justice P J van der Walt he had joined the ANC because he wanted to further his studies.

He told the court that he was surprised when he was taught politics instead of being granted a scholarship. He was told that change was imperative as blacks were the most exploited, and he had sympathised with this sentiment because of his experience in South Africa.

The witness was testifying against Mr Suz-

man Nkopane Mokoena, 24, who is charged with high treason and under the Terrorism Act. He has pleaded not guilty.

The State claims that he conspired with others to overthrow or endanger the security of the country between 1976 and 1982, and that he failed to report the conspiracy.

He is further charged with furthering the aims of the ANC, undergoing military training abroad, establishing an arsenal at Ga-Rankuwa, committing acts of sabotage at the Rosslyn electric sub-station and planning other attacks near Mamelodi.

The witness told the court that as a black man he had accepted the ideology of the ANC.

He said: "I wanted us to live together happily instead of segregating".

The hearing continues today.





Mrs Maria da Rocha and her son Jorge . . . bomb threats every day for a week.

*Star 2/10/82*  
**ANC similar  
 to the UN**  
**witness told**

**Own Correspondent**

A witness in a high treason trial in the Pretoria Supreme Court said he joined the African National Congress to further his education — not to undergo military training.

The witness, who may not be identified, was giving evidence yesterday at the trial of Mr Suzman Nkopeni Mokoena (22).

Mr Mokoena, no address given, has pleaded not guilty to high treason and alternative charges of participating in terrorist activities.

The witness said he himself had once been a member of the ANC, but when he joined he was given the impression it was an organisation similar to the United Nations.

He was told the ANC could improve his education, but when he joined he was forced to undergo military training.

He was also told if he defected he would be killed.

The hearing is continuing.

## 'Voice identified' in phone threats

A police voice identification expert told the Johannesburg Magistrate's Court yesterday that he had positively identified, from tape recordings, the voice of a man who allegedly made repeated threats by telephone to blow up a city restaurant.

Colonel Leendirt Jansen, of the forensic laboratories in Pretoria, used a spectogram comparison of a voice recorded on a tapped telephone line at the restaurant and the taped voice of Mr Januario Jose Guilande.

Mr Guilande (30), of the Waverley Hotel, Johannesburg, is appearing before Mr H Broeze on two counts of bomb threats. He has pleaded not guilty.

It is alleged the calls were made daily for a week to the owners of the Tico Tico restaurant on the corners of Market and Delvers streets, where he had been a waiter.

Colonel Jansen said he had taken 10 words used on the telephonic tape and the tape of Mr Guilande's voice re-

corded at John Vorster Square. They corresponded positively.

Mr Jorge da Roche, the Tico Tico owner said he recognised the voice in the repeated calls in March and that Mr Guilande had said he worked for the Mozambique Government and his commandos would blow up the Tico Tico.

Mr da Roche's mother, Mrs Maria da Roche, said she sacked Mr Guilande because he refused to wash the dishes after eating in the kitchen.

Mr Guilande said Mr da Roche and the Tico Tico were dealing in illegal Zimbabwean and Mozambique currency. He had been sent by Mr da Roche to the mines to acquire foreign currency and had been caught by the police.

Mr da Roche had dismissed him when he told the police Mr da Roche had sent him to change the money.

The case was postponed to October 26 for Mr Guilande to call a witness.

*Must ensure that the farmers do not voluntarily  
 over produce otherwise the government could  
 be left with a large stock of unwanted  
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# Hogan guilty

*Sowetan 21/10/82*  
THIRTY-year-old Barbara Hogan was yesterday found guilty of high treason in the Rand Supreme Court for activities connected with the banned African National Congress (ANC).

It was the first time a white South African has been found guilty on treason charges. The court, which will pass sentence today, also found Hogan guilty of contravening the Terrorism Act by belonging to the ANC.

Mr Justice Van Dyck noted in a 53-page

judgment that Hogan, who pleaded not guilty to the treason charges, had taken part "with enthusiasm and dedication" in ANC activities since 1977.

The judge said the ANC "was and is still waging a minor civil war which would undoubtedly lead to the loss of lives."

"One of the main aims of the ANC is to bring about a revolution through armed struggle and the crippling of the economy," he said. —

AFP

*what, how, for whom*

# Magistrates: Le Grange defence is due

By Jon Qwelane

Jonannes Marotola's voice trails away in despair at his helplessness and lines crease his youthful face as he relates how he lost the use of his legs four years ago yet became a free man — if only on paper.

His future seems empty despite the huge sum a Transvaal judge awarded him last week — R27 000 in compensation for his injury.

There is a major obstacle between Mr Marotola and his money — the man ordered by the court to pay has disappeared.

On October 18 1978 Mr Marotola, then 25 and a sign painter with the roads division of the Transvaal Provincial Administration was with some friends near a cafe in Muldersdrift on the West Rand.

## Crime Reporter

THE Minister of Law and Order, Mr Louis le Grange, yesterday said suggestions that magistrates were not independent and impartial and therefore should not preside over security matters were part of the "onslaught against South Africa".

The minister was speaking at the opening of the new police district headquarters, police station and magistrate's courts at Wynberg.

The opening was attended by the chief director of the Directorate of

Justice, Mr S.J.N. Marais, and the Judge-President of the Cape, Mr Justice Munnik.

Mr Le Grange said it was unfortunate that recently the independence and integrity of magistrates in regard to security legislation had been questioned.

## Security laws

Criticism had been levelled about the use of magistrates to fill certain positions in the carrying out of security legislation. It had been suggested

that magistrates were not independent and therefore should not hear security cases. It had also been suggested that visits by magistrates to detainees could not give any real protection because the magistrate was ostensibly not independent of the executive authority.

"I am convinced and happy that magistrates in the Republic, although they are State officials, are totally impartial and independent in exercising their duties," Mr Le Grange said.

that magistrates were not independent and therefore should not hear security cases.

It had also been suggested that visits by magistrates to detainees could not give any real protection because the magistrate was ostensibly not independent of the executive authority.

"I am convinced and happy that magistrates in the Republic, although they are State officials, are totally impartial and independent in exercising their duties," Mr Le Grange said.

"The government does not prescribe to them how to conduct their judicial functions, and over the years our magistrates have built up a tradition of independence and impartiality which is generally respected.

"Allegations of that nature are a facet of the onslaught against the Republic.

"The aim is to try to bring the State and its organs into disrepute, and in this regard certain persons, organizations and daily papers more than accommodate the broader implications."

The minister said he dealt daily with various facets of the onslaught against the Republic.

The country's "enemies" used sophisticated techniques and sometimes the actions appeared innocent and humanitarian.

## Technique

One technique was using people and organizations without their knowing it.

He said the country's enemies grabbed every possible incident to put the authorities and their organs in a bad light.

Wild allegations were made against the security police and were published sensationally without the truth first being established.

farms in Muldersdrift.

"At the time of the Supreme Court hearing I was staying with relative J. Alexander township but I had to be put in hospital because of severe pain in my abdomen and back."

The last time Mr Marotola saw M. Klaasens was at the Long Hospital when policemen brought him there with other white men for an identity parade.

"I clearly picked him out from the other men. He again apologised for having shot me, just as he had done as I lay on the ground with a bullet in my spine at Muldersdrift," Mr Morotola said.

"I will never forgive him for what he has done to me... never. He had no reason at all to shoot me."

## R25 000 gift for Unisa's development

The Gold Fields Foundation has given R25 000 to the University of South Africa's Development Fund.

Mr A. J. Weideman, chairman of the foundation made the donation last month during a ceremony to mark the event. The foundation was originally established by Gold Fields SA to assist educational, training and health projects and help charitable organisations.

An apolitical student association representing the interests of students at English and Afrikaans technikons has been formed.

The National Union of Technikon Students (NUTS) was constituted when the SRC chairmen of the technikons met in Pretoria two weeks ago, and Mr Gerard Rheeders, chair-

## EDUCATION BRIEFS

doing the course will be able to talk to the lecturers at the cocktail party, which is being held at the school, 2 St David's Place, Parktown at 5.30 pm.

A three-day seminar to help science lecturers upgrade the quality of school science teachers will be held in Pretoria from today until Wednesday.

Organised by Unisa, the Pretoria College of Education, the Onderwyserskollege and Pretoria University, the seminar has been planned because of the shortage of

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RADIO

AM/FM DIGI  
CLOCK RADIO

- AM/FM radio with slide-dial
- Music or buzzer alarm
- 59-min sleep-to-music timer
- Snooze key 24-hour alarm with auto repeat and shut-off

LLOYD'S AM/FM  
ELECTRONIC DIGITAL  
CLOCK RADIO

- 2-band radio, plus wake up to music or alarm
- Mains operated with battery back-up in case of power failure
- Snooze bar alarm delay for that extra five minutes more
- 59 minute sleep switch
- 24-hour memory alarm

DION'S LOW PRICE

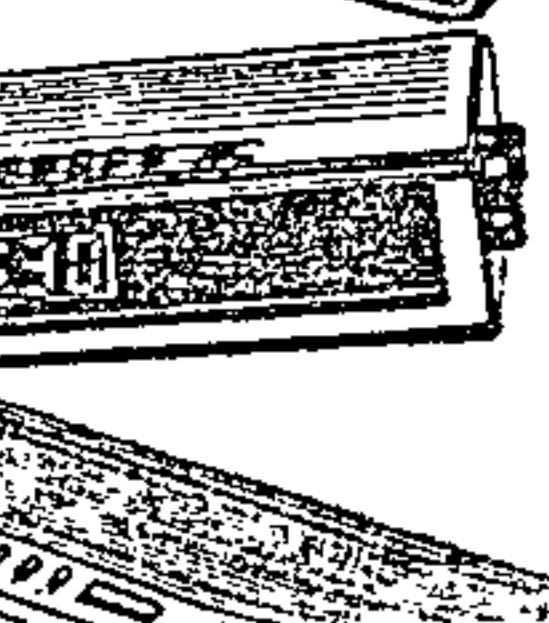
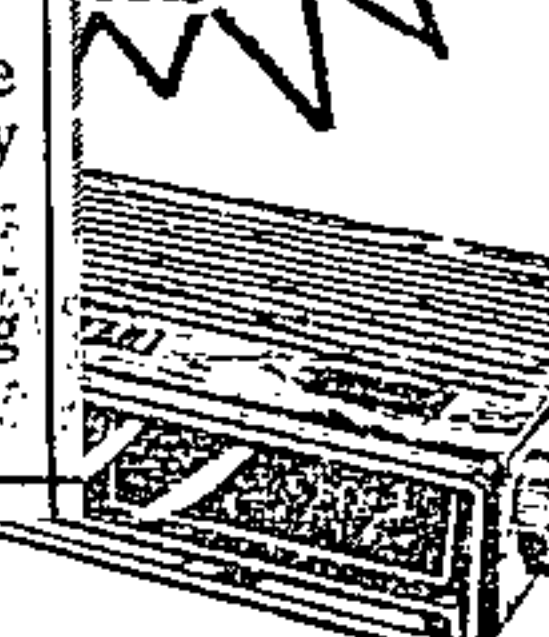
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22/10/82  
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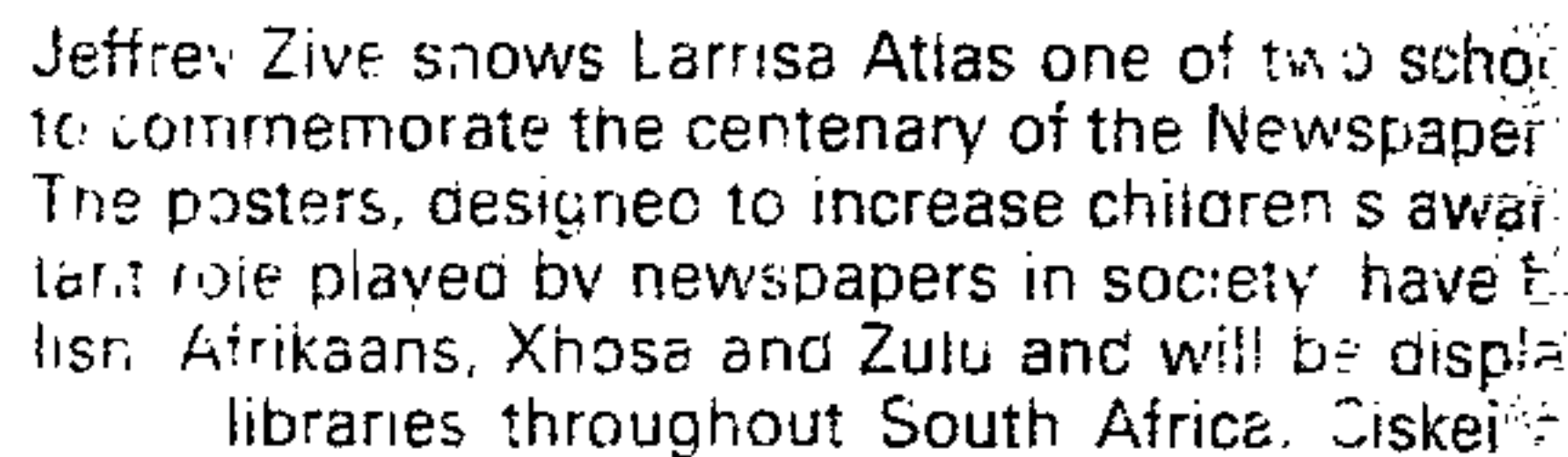
Hogan was sentenced to 10 years imprisonment on a charge of high treason and to four years on a charge of being a member of the ANC. The sentences will run concurrently.

There was no doubt that

"We have already experienced strikes and boycotts in which he played a role and which are merely the beginning of more sophisticated onslaughts against the State," Mr. Justice Van Dyk said.

He refused an application for leave to appeal against conviction on the charge of high treason and against the sentences of both charges.

On Tuesday, Mr. Van Niekirk had his permit to cover news events in the City's Black townships all

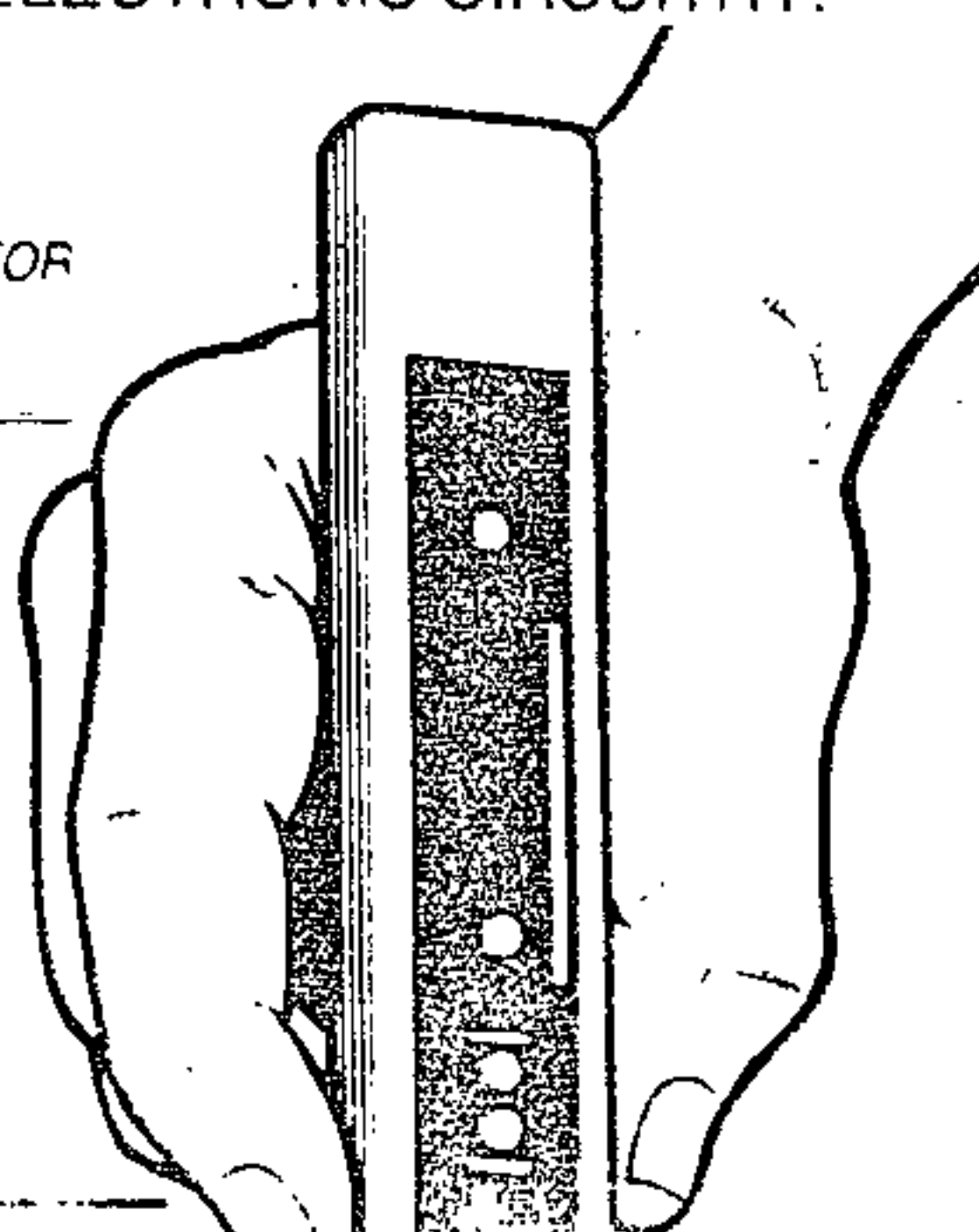


The Burger report provoked a complaint a Stellenbosch sociology

Then, after sometimes angry debating, another amendment by the hardline's was defeated by 11-10.

MAN'S SHOP  
WOODSTOCK. PHONE 47-4313.

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# HAMRAD HAMRAD



# Clenched fist as Hogan gets 10 years

By ANTON HARBER  
and TONI REYNEKE

BARBARA Hogan, dressed in the colours of the African National Congress, stood calmly in the dock of the Rand Supreme Court yesterday as she was jailed for 10 years for high treason and membership of the ANC.

Hogan, who will be the only white female political prisoner in a South African jail, then turned smiling to the packed gallery, gave a clenched fist salute and chanted "Amandla" as she was led down to the cell.

More than 150 people, all wearing the same yellow flowers as Hogan carried while in the dock, gathered outside the court, singing songs and giving clenched fist salutes.

Mr Justice A P van Dyk sentenced Hogan, 30, to 10 years for high treason and four for membership of the ANC, the sentences to run concurrently. He refused leave to appeal.

Police used a metal detector to search people entering the court and photographed them as they left.

Hogan is the first white woman to be convicted for treason and the first white since the Second World War.

The judge said high treason had, since time immemorial, been considered a serious offence because the perpetrator placed the State and its citizens in jeopardy and treasonable actions often lead to the shedding of innocent blood.

In wartime the death sentence was often imposed for this crime.

The question was whether South Africa was already at war, he said. The ANC regarded itself as at war with SA on all fronts — a fact which Hogan knew and admitted to.

Hogan, short, with long, brown hair, contrasted sharply in appearance with the description of her as someone who aimed "to destroy law and order and the peace and tranquillity of society".

She had pleaded not guilty to the charge of high treason but admitted that she joined the ANC during a visit to Swaziland in 1977.

The judge said she helped plan ANC strategy in the field of labour, the final aim of which was to develop a revolutionary consciousness among the working class.

This would have been used by the ANC and its ally, the SA Communist Party (SACP), who considered the working class the backbone of their struggle, he said.

Hogan had played an important role in a number of strikes and boycotts, the beginning of a more sophisticated onslaught by the ANC and SACP.

He said Hogan was an idealistic and successful student who devoted a lot of time to the under-privileged. It was agreed, however, that a prison term would have little reformatory effects on her because of her deep-rooted political convictions.

Mr Justice van Dyk said that he took into account that she had already spent 13 months in detention, but the interests of society outweighed other considerations and a substantial jail sentence was appropriate.

● Pictures — Page 4





By Tyrone August

Barbara Ann Hogan (30) of Yeeville in Johannesburg this week became the first white woman in South Africa to be convicted of high treason.

Hogan, a self-confessed member of the banned African National Congress, was born in Benoni. She went to primary school at St Dominic's Convent in Benoni and afterwards to high school at the St Dominic's Convent in Boksburg.

While at school, she showed leadership qualities and became Benoni's deputy junior mayor and her school's sports captain during her matric year.

After school she went to the University of the Witwatersrand where she studied for a Bachelor of Arts degree.

# Barbara aimed to help underdogs

It was then that she had her political baptism. In 1971 she took part in a prohibited demonstration against the solitary confinement of 22 detainees.

In an interview, her father Paul (69), and stepmother Pat spoke freely about her. (Her mother Jean, who was a nurse at Baragwanath Hospital, died in 1967.)

"I was always accused of regarding Barbara as my favourite child," said Mrs Hogan at their home in Northmead, Benoni. "She was always a happy person — always laughing

and smiling.

"In her spare time she taught people to read and write. She felt they could look after themselves better if they knew that. That is the kind of person Barbara is."

She said it was a treat to have her daughter at home. "We have been a very lucky family," said Mrs Hogan. "We used to look forward to being together."

Her father said: "Barbara is a great little lady. She was always happy, always laughing. "Her objective in life was to

help the underdogs. She was never worried about money. I always used to say — Barbara, what about the mercenary side?

"She would chuckle and say — 'Daddy, money is not important.' That was when I realised how much helping the underprivileged meant to her."

He said she was a very quiet, religious girl. He recalled how she listened to the radio programme "Think on these things" when she was small. "She used to get very annoyed when anyone spoke during

the programme," he said.

"It was while she was at school that she started compiling a scrap-book of Press clippings. I remember one of the first items in the book was about the cricketer Basil D'Oliveira. She could not understand why he could play test cricket for England, but not for his own country."

Mr Glen Moss, a past Wits SRC president and fellow student has known her since 1971. He said she worked for the Industrial Aid Society in 1974 as an education worker.

In 1977 she returned to Wits to complete an honours degree in developmental studies. Mr Moss said she subsequently worked for the Johannesburg Organisation to Boost, Self-Help (Jobs).

He said Hogan, whom he described as a complex and talented person, had also worked for the Human Awareness Programme and the Rural and Development Trust Fund. This fund assisted with small-scale development projects in rural areas.

On Wednesday Hogan was found guilty of high treason and guilty of being a member of the banned African National Congress. "Inside I know she is feeling deeply," her father said. "But she won't show it."

Barbara Hogan . . . sentenced yesterday to an effective period of 10 years in jail.



# 'Amandla' as Hogan gets 10 years for treason

By Rashid Chopdat and Tyrone August

Barbara Ann Hogan (30), a self-confessed member of the banned African National Congress was yesterday sentenced in the Rand Supreme Court to an effective 10 years' jail.

Leave to appeal against sentence was refused by Mr Justice van Dyk.

Hogan was found guilty of high treason, a charge to which she had pleaded not guilty.

A further four-year term, for being a member of the ANC, will run concurrently.

After sentence was passed, Hogan, the first white woman in South Africa convicted of high treason, turned to the crowd, clenched fist raised and shouted "Amandla."

Passing sentence, Mr Justice van Dyk said treason had always been a serious crime. Treasonable deeds often lead to spilling blood of innocent people.

He said the ANC regarded itself as being at war with South Africa.

Hogan had assisted the ANC in planning its strategy in the labour field, and her conduct was clearly aimed at destroying peace and tranquility within the State.

The judge said strikes and boycotts were devastating weapons, the beginning of a more sophisticated onslaught against South Africa.

## Facing long separation

Barbara Hogan's father, Paul, and her step-mother, Hester (left), leaving the Rand Supreme Court yesterday after the judge had sentenced her to an effective 10-year jail term.



During the trial Hogan had admitted helping organise two consumer boycotts.

He said he had been asked to bear in mind that Hogan was an idealistic and successful student and had devoted most of her time to improving the lot of the underprivileged.

He had taken into account the fact that Hogan had been in custody for 13 months.

The judge concluded that the interests of society outweighed those of the individual and a "substantial jail sentence" was necessary in Hogan's case.

In judgment, Mr Justice van Dyk had said Hogan had carried out her activities for the ANC with enthusiasm and dedication.

He said it had been proved by the State that she had agreed to carry out instructions from the ANC to work in the labour field.

The judge said, by agreeing to carry out certain instructions, Hogan had signified her agreement with the aims of the ANC and had therefore made herself guilty to conspiracy to commit high treason.

A friend burst into tears after sentence was passed and Hogan's sister, Sally, wept openly.

Her father, Mr Paul Hogan, said the family was terribly upset. They tried to avoid Press photographers by leaving the court through a back exit and declined interviews.

● See Page 19.



# Father: son admitted school arson

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22/10/1981

**HUMANSDORP** — The father of a 17-year-old arson suspect gave evidence in the regional court here yesterday implicating his son in the burning of five Port Elizabeth schools.

The youth appeared with Mr Monwabisi Bosman 18, Mr Solomon Jack 18, both of Zwide, Mr Vuyisile Kate, 18, of New Brighton and two 16-year old youths charged with 16 counts of arson.

The six, who are alleged to have set fire to 16 schools in the Port Elizabeth township of Zwide, Kwazakhele and New Brighton between November 1981 and February this year have all pleaded not guilty.

The youth's father said he was determined to ascertain the truth after the investigating officer, Warrant Officer P. Nel confronted him with

"deadly" evidence, which included certain banned publications which had allegedly been found in his son's room.

The youth's father said WO Nel had allowed him to speak to his son in private, but had requested that he make notes of what was said "as he would not be present".

WO Nel had informed him that the youth would be given a lighter sentence if he told the truth.

He said his son admitted that he and others had set fire to five schools. He then signed a statement to this effect in his presence.

The father said he got the impression that his son had told him the truth.

Mr R. G. Buchanan, for the youth, said his instructions were that WO Nel had told the youth that if he did not make the admissions the proceedings would just take longer. Under these circumstances the youth had been prepared to lie to his father.

The trial continues today. — DDC

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MEMBERSHIP OF ANC IS NOW  
TREASON, CLAIM LAWYERS

# Hogan's conviction makes SA legal history

BARBARA Hogan's conviction for high treason this week was the culmination of a soul-searching decision she made five years ago — and an important moment in South African legal history.

When Hogan joined the African National Congress in 1976 she knew there was a good chance her decision might end as it did this week — in a lengthy prison sentence.

But, according to one of her closest friends, she never doubted she had to do the work she was doing and maintained always that she would rather be in jail than in the safety of exile.

This, her friend said, was why she could stand calmly and impassively as Mr Justice A P van Dyk sent her to prison for an effective 10-year sentence.

While her friends and family gasped and burst into tears, Hogan turned calmly to the gallery, raised a clenched fist in the air, and chanted "Amandla" as she was led down to the cell.

She attended the end of her trial defiantly wearing the green, black and gold colours of the ANC.

She was the first white woman and the first white since the Second World War to be convicted of treason. She also became South Afri-

Sunday Express  
Reporter

ca's only white female political prisoner which, the court was told, meant she would be kept apart from the other prisoners.

The friend, who refused to be named, told how Hogan had gone through a crisis in the mid-1970s, tormented by her role as a white in South Africa. This coincided with a disillusionment with her Christianity.

This crisis of conscience put her on the path that led this week to a Kroonstad cell, for she decided then that she had to join the ANC.

"She was an incredibly feeling person who would feel the most intense pain for things most people consider minor.

"She would empathise in an incredible way. Everyone brought their problems to her and she would give them all the energy she had," the friend said.

"Her conscience would not have allowed her to stay uninvolved. It was not really a matter of choice. She felt she had to do the work and so she did it. If it meant she would go to jail, then she had to go to jail."

Her sister, Miss Sally Hogan, was adamant that Barbara was not a traitor.

"The tragedy is that someone like her should be seen as a traitor. That someone of her calibre, with her commitment to people, should be deprived of the most productive period of her life.

"We were shocked that such a precedent should be allowed onto our law books, especially for such a trivial offence.

"We were even more shocked when the judge refused her leave to appeal," Miss Hogan said.

"We admired her strength during the trial and are still very proud of her but our grief is a small one compared to the grief our country suffers under the present system," she added.

The judge's finding was particularly significant because it was the first time someone had been charged with treason for the acts Hogan admitted to.

Hogan told the court she joined the ANC in 1976, met and communicated with leaders of the organisation and promoted their policies among various groups and organisations.

The meaning of the conviction, according to lawyers, is that now membership of the ANC alone is treason.

Previously, only members found to have committed acts of violence were convicted of treason.

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JOHANNESBURG: Top lawyers and academics have sharply criticised the 10-year sentence imposed on Barbara Ann Hogan, the first white woman to be convicted of high treason in South Africa.

Hogan's family and friends sat in stunned silence in the Rand Supreme Court this week as Mr Justice A. P. van Dyk sentenced her to 10 years for high treason and four years for being a member of the ANC. The sentences are to run concurrently, effectively jailing her for 10 years.

Hogan was refused leave to appeal, but her lawyers are to petition the Chief Justice for permission to appeal.

The trial has attracted considerable attention as it is the first time membership of the banned ANC has resulted in a charge of high treason when not accompanied by acts of violence.

Hogan admitted to joining the ANC in 1977, meeting and holding discussions with ANC officials, supplying them with information on labour matters, helped organise the Fattis and his, and red meat shops and conveyed messages for the ANC in dead letter boxes at office boxes.

According to lawyers, now means that the relationship of the in itself an act, since it de-identification overall aims of

# Lawyers Hit at Barbara Hogan's Sentence

Sally Hogan and her father Paul outside court



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# SEVERE

the organisation.

Several academics criticised the severity of Hogan's sentence.

Professor John Dugard, director of the Centre for Applied Legal Studies at Wits University, said he would have expected the judge to be more compassionate as this

was a test case.

"In my view, the sentence is excessive," he told the Sunday Tribune.

In a paper he presented at a conference organised by the Detainees' Parents Support Committee in Durban last month, Prof Dugard said a

study of security trials between 1978 and 1982 showed that 17 percent of the Transvaal judiciary heard 84 percent of political cases.

The common factor among the judges was that they had all been members of the Pretoria Bar, one of the

most conservative in the country before being admitted to the Bench.

"I am suggesting that the background of the judges in question makes them more likely to exercise their judicial discretion in favour of the executive," Prof Dugard

told the Durban conference.

Prof Johan van der Vyver, president of the Lawyers for Human Rights organisation, said that in principle he was against the whole idea that the right to appeal could be refused.

"The severity of the sentence is surprising," said another lawyer who did not want to be named.

He pointed out that in previous treason cases involving trained guerrillas who had plotted attacks on strategic buildings, they

had been sentenced to between seven and eight years.

"Hogan's sentence is disproportionate," he said.

Delivering a lengthy judgment, Mr Justice van Dyk rejected Hogan's claim that she



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# 'BE STRONG AND STOP CRYING'

Tribune Reporter

JOHANNESBURG: "Be strong and stop all this crying," Barbara Hogan, 30, told her family as she left the Rand Supreme Court to begin her 10-year jail sentence for treason.

Moments before, she had given a clenched fist salute to the packed public gallery and shouted "amandla".

She wore the colours of the ANC and carried a bunch of gay yellow flowers given to her by friends who also wore yellow flowers in their lapels and dresses.

While Barbara was outwardly calm, her family left the court ashen-faced and in a state of shock.

"It was so hard and so cruel," Barbara's sister, Sally Hogan, said.

She said Barbara's 10-year sentence had come as a severe shock to the family as they had expected it to be half that.

"We feel that she in no way could be a traitor. It's a tragedy that someone like this, who is on the side of the majority of South Africans, should be jail-



Mrs Hester Hogan

ed like this."

The long trial and period of detention before that — lasting 13 months — has been a strain for Barbara's parents, Paul and Hester Hogan, of Benoni, and they plan to take a short holiday.

Hester Hogan, who is actually Barbara's step-mother, took the witness stand to plead in mitigation of sentence.

She told Mr Justice van Dyk that Barbara had always tried to fight for the underprivileged and the oppressed because she was a Christian and believed everyone should be treated equally.

## Cronwright is transferred

JOHANNESBURG: Major Arthur Ben Cronwright, the man in charge of interrogation staff at John Vorster Square — and who interrogated among the mass of trade unionists detained last year the late Neil Aggett and Barbara Hogan, sentenced for treason this week — has been transferred to Krugersdorp.

Lieutenant-General Johan Coetzee, Chief of the Security Police and Acting Commissioner of Police, ignored questions from the Sunlay Tribune asking whether the transfer to the West Rand town was a promotion.

In a brief statement he said Major Cronwright's transfer from Security Branch, Johannesburg to the Security Branch, Krugersdorp was scheduled to take place, "with normal SAP transfers" at the end of the year.

"He was attached to the Security Branch at John Vorster Square for about eight years, where he rendered outstanding service culminating in the conviction this week of Miss Barbara Ann Hogan for high treason."

had not identified with the ANC's use of violence and that she had not had the "hostile intent" that constituted treason.

By joining the ANC and committing acts that helped to achieve the main aim of the ANC to overthrow the Government, she was guilty of a conspiracy to commit high treason.

The judge said she had carried out orders with enthusiasm and dedication. He was satisfied she realised the ANC was, and still is, "waging a minor civil war" in SA.

Addressing the court in mitigation of Hogan's sentence, her advocate, Mr George Bizos, asked the court to bear in mind how little she had done to further the aims of the ANC.

"Persons are punished for their own acts, not for the nature of their conspiracy."

He said a heavy sentence would not have any reforming effect as it would not change Hogan's view that "we live in an unjust society."

Mr J. A. Swanepoel, for the state, said a heavy sentence was needed to serve as a deterrent.

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University





# UNIVERSITY OF CAPE TOWN EXAMINATION ANSWER BOOK

EVERY CANDIDATE MUST enter in column (1) the number of each question answered in the order in which it has

The Star Tuesday October 26 1982

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## COURTS

### Own Correspondent

The young Sowetan convicted of high treason in the Pretoria Supreme Court and, a member of the banned African National Congress, was sentenced to 20 years imprisonment yesterday.

Suzman Nkopnae Mokoena (22) took part in the planning of the attack which took place at the Rosslyn substation last year. He also took part in the planning of an attack on the Waltloo petrol plant, the Erste Fabriek railway line and a Mamelodi police station.

Bishop Desmond Tutu (51), general secretary of the South African Council of Churches, gave evidence in mitigation of sentence for Mokoena.

He said Mokoena was affected by the 1976 Soweto riots.

There was a great feeling of discrimination among the black

# Sowetan gets 20 years for treason

people, and after the riots many of them left South Africa with a "burning zeal" to get rid of discrimination.

After talking to Mokoena, Bishop Tutu said he believed he had joined the ANC because he thought it was a non-racial group which did not hate white people but their

obnoxious policies.

"Although I support the aims and objectives of the ANC, I do not support their methods of achieving these aims," said Bishop Tutu.

He did not support the death penalty and pleaded for clemency for Mokoena. Mr Justice P J van der Walt

said Bishop Tutu could put his mind at rest because he was not considering the death penalty.

The SACC did give assistance to accused in trials involving security legislation, but it was not only for ANC members Bishop Tutu said.

Mr Justice van der Walt said sentencing

was always the most difficult part of a trial, especially when the accused was as young as Mokoena who had thought that by joining the ANC he would be able to further his education.

"We are all aware there are many problems in this country created by colour and I think we are all aware each in his own way is trying to improve matters for everyone in the country. It's a mistaken belief anyone can benefit from terrorism," Mr Justice van der Walt said.

He hoped Mokoena would use his days in prison to his advantage by furthering his education.

Mokoena's father asked the court to give his son a chance and Mr Justice van der Walt said he appreciated the feelings of a father.

Paper No. SECTION I

(to be copied from the heading on the Examination Paper)

Examiners' Initials

### NOTE CAREFULLY

1. The answers only on the right hand pages will be marked. The left hand pages may be used for rough work, but no credit will be given for such work.
2. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
3. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
4. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.

### WARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

# ANC pamphlet *Mercury 26/10/82* found in youth's home, Court told

## Court Reporter

PAMPHLETS and documents, allegedly concerning the banned African National Congress, had been found in a house searched by a captain in the Security Branch at Pietermaritzburg, a Durban Regional Magistrate heard yesterday.

This evidence was given by Capt L de Jager at the trial in which a 23-year-old man and a 17-year-old youth are appearing before Mr P J du Plessis in the Durban Regional Court charged with contravening the Internal Security Act.

It is alleged by the State that Mr Nkosenye Ndlovu and the youth incited certain people to undergo military training which could further the aims and objects of the ANC.

It is also alleged they participated in the activities of the ANC. The offences are alleged to have been committed between September 1 last year and June 10 this year.

The State alleges that the two accused formed or attempted to form a secret cell in the Republic to promote the aims and objects of the ANC. It is also alleged they recruited or attempted to recruit mem-

bers and supporters for the ANC.

The State claims too they painted slogans of a political nature on the walls of Myezane School at Imbali and on the toilet building near the Imbali sports ground.

It is alleged they attempted to promote or encourage feelings of hostility between the white and non-white races of the Republic. Another claim against the accused is that they incited people to make petrol bombs and set up road blocks.

## Documents

It is also claimed that they played and possessed cassette tapes containing ANC propaganda and that they incited people to obtain or steal firearms from members of the police force.

Capt de Jager told the Court he had visited the house of the youth in Pietermaritzburg where he had found a cassette tape, documents, ANC stickers and a pamphlet issued by the ANC, as well as a picture of an ANC office bearer, Oliver Tambo.

Mr J Wessels appeared for the State and Mr A K S Pitman for the two accused. The hearing continues today.



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# 20 years — not too bad, says ANC treason man

By SAM MASEKO  
Pretoria Bureau

SUZMAN Nkopane Mokoena, convicted on Friday of high treason, sighed with relief, smiled and remarked "it's not bad", when he was jailed for 20 years in the Pretoria Supreme Court yesterday.

Only three people, one of them Mokoena's father, were in the public gallery to hear Mr Justice P J van der Walt pass sentence.

Bishop Desmond Tutu, general secretary of the South African Council of Churches, told the court he had been impressed by Mokoena. He was one of many young people who left the country during the 1976 riots with "a burning

zeal" to see change in South Africa. He had chosen the African National Congress (ANC) as it was a multiracial organisation.

Bishop Tutu said the SACC was against violence, and the ANC would get little support from the black community if it resorted to violence.

Mokoena, 22, of Soweto, had pleaded not guilty to high treason and to charges under the Terrorism Act.

The court found he had conspired with other people to overthrow or endanger the security of the State between 1976 and 1982, and he had failed to report the conspiracy.

The court also found he had furthered the aims of the ANC, underwent military training abroad, set up an arsenal

at Ga-Rankuwa, sabotaged the Rosslyn electric sub-station, and had planned two other sabotage attacks.

Counsel for the accused, Mr J N de Vos asked the court to consider Mokoena's youthfulness, and that he had had no personal gain.

Mr J H F Pistor, for the State, said Mokoena should have foreseen the consequences of joining the ANC.

Passing sentence, the judge said the ANC was committed to violence. It trained youths on military lines and to commit acts of sabotage.

Although he was young and a subordinate of a group, Mokoena had been committed to this type of conduct. He was fortunate nobody had died or been injured.

Dispatch 26/10/82 (337)

## Language problem delays terror trial

ZWELITSHA — A language problem arose in the Ciskei Supreme Court here yesterday when four men appeared again on charges of participating in terrorist activities, being members of the ANC and possessing banned literature.

Mr William Mabone Duna, 31, Mr Dumisani Bizette Maninjwa, 31, Mr Jeffrey Bayi Keye, 52, and Mr Luyanda Patrick Mayekiso, 23, have pleaded not guilty to the charges.

The language problem arose when the investigating officer Lt Charles van Wyk, was being cross-examined by Mr M. T. Moerane, for the four men.

Lt Van Wyk is Afrikaans-speaking, a language that is not official in Ciskei. The two official languages are English and Xhosa.

An Afrikaans-English interpreter was found but it became clear during proceedings that his understanding of Afrikaans was limited.

Lt Van Wyk often had to help him with transla-

tions to English, after answering questions in Afrikaans.

At times, Mr Chief Justice De Wet, who is presiding, came to the interpreter's rescue.

There was another interpreter from English to Xhosa for the benefit of the four men.

During the afternoon's proceedings Mr Moerane asked for a competent interpreter.

"The lieutenant does a better interpretation of his statement from English to Afrikaans than the interpreter," Mr Moerane said.

"It seems the interpreter is merely a megaphone."

Mr Justice De Wet said there was a problem but efforts were being made to get someone more competent in Afrikaans.

He said he would help clear up translations he felt were not correct.

A few minutes later, after several more interpretations from Lt Van Wyk, Mr Justice De Wet ordered an adjournment to this morning. — DDR



# Mokoena gets 20 years jail

*Sowetan 26/10/82*  
A YOUNG Sowetan convicted in the Pretoria Supreme Court of high treason and being a member of the banned African National Congress, was yesterday sentenced to 20 years imprisonment.

Suzman Nkopane Mokoena (22) took part in the planning of the attack on the Rosslyn electrical sub-station in Pretoria last year. He also took part in the planning of an attack on the Watloo petrol plant, a railway line and a Mamelodi police station.

Bishop Desmond Tutu, general secretary of the South African Council of Churches (SACC), gave evidence in mitigation of sentence.

He said Mokoena was affected by the 1976 Soweto riots. There was a great feeling of discrimination among the black people, and after the riots many of them left South Africa with a "burning zeal" to get rid of discrimination.

Mr Justice van der Walt said the sentencing was always the most difficult part of a trial, es-

pecially when the accused was as young as Mokoena and thought that by joining the ANC he would be able to further his education.

"We are all aware that there are many problems in this country created by colour and I think we are all aware that each in his own way is trying to improve matters for every one in the country. But it's a mistaken belief that anyone can benefit from terrorism," said Mr Justice van der Walt. — Sapa.

# Witness denies phone bug

ZWELITSHA — A South African Security Police lieutenant yesterday denied security police in Cambridge, East London had a machine for listening into telephone conversations.

Lt Charles van Wyk was being cross examined in a Supreme Court trial in which four Mdantsane men, Mr William Mabone Duna, 31, Mr Dumisani Bizette Maninjwa, 31, Mr Jeffrey Bayi Keye, 52, and Mr Luyanda Patrick Mayekiso, 23, are appearing on charges of participating in terrorist activities, being members of the ANC and possessing banned publications.

They have pleaded not guilty to all charges.

During cross-examination the defence advocate, Mr M. T. Moerane, asked Lt Van Wyk about several allegations of assault and ill treatment of Mr Duna which Lt Van Wyk denied.

Asked whether he had on one day taken a paper from Mr Duna, read the contents and said: "This is bull..." he said he read the notes but had never uttered such words.

He said Mr Duna was giving them information

in bits and had to be questioned before they got more facts.

During the cross-examination of Lt Van Wyk, which was in its second day yesterday, Mr Chief Justice de Wet, who is presiding asked Mr Moerane if he thought they would finish the trial when he went through a blow by blow account of the interrogation. He appealed to Mr Moerane to be concise.

Mr Moerane said it was difficult to separate incidents and the defence submission was that the four men were subjected to a certain line of treatment intended to wear them down.

When Mr Moerane asked Lt Van Wyk about a claim that as a rule when something untoward was to happen, like assault and torture he would go out of the interrogation room, Lt Van Wyk denied this.

Earlier Mr Justice De Wet said Lt Van Wyk had agreed to give evidence in English and had asked to explain some issues in Afrikaans when he had difficulty with English.

The hearing continues today. — DDR



# Idealism — treason or 'treason'?

MR JUSTICE A P van Dyk is on record as having queried, on Wednesday, October 20 — while interrupting the prosecutor, Mr J Swane-poel who was calling for a long prison sentence — "whether the trespasses of the accused had not been of a rather technical nature" and commented that there was "treason and treason".

Yet, 24 hours later, he sentenced the accused, described as "an idealistic person who had devoted most of her time to improving the lot of the underprivileged" to 10 years' imprisonment additional to the 13 months which she had already spent in detention.

That very same day, Mr Robert McNamara, in delivering the triennial Chancellor's lecture at the Uni-

The imprisonment for treason last week of Barbara Hogan has drawn angry reaction from some, including the Chancellor of Wits University, Dr Mike Rosholt, who described it as "tragedy for South Africa". Now the Detainees' Parents Support Committee asks whether the action means this country is about to witness a series of trials that will "make martyrs out of sincere idealists".

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versity of the Witwatersrand, while urging the South African Government to greater and speedier progress towards social change, said inter alia: "... the South African Government continues to refuse to make fundamental change in its racial policy ..." and

"... today's Government security measures in South Africa are so repressive and ruthless ..."

Let all those who approve the imposition of the heavy sentence on Barbara Hogan reflect and ponder the words of Mr McNamara, and ask themselves whether that sentence is not an additional setback to peaceful transformation of our South African society.

The underprivileged cannot fail to note that those who assist the ANC when exercising their convictions of brotherly love and concern in trying to assist the downtrodden, do so at the peril of severe punishment by a Government obviously intent only on preserving its privileged position. To this end it continues to extend its security laws to criminalise actions which, in other countries, would be considered as legitimate opposition.

Is it now the intention to bring to court for acts of high treason everyone who contravenes such laws while striving for a just society? Are we going to witness a series of trials that will make martyrs out of sincere idealists whose search for a more equal and democratic society may show them to be in sympathy with some of the aims of the ANC?

And if this is the intention, do the authorities really think that sentences of 10 years' imprisonment imposed on well intentioned, principled young people are going to deter others from following their conscience and working for social change?

Let no one gloat over the "success" of the action by the Security Police against Barbara Hogan, because one may well ask who is endangering progress and peaceful change?

It is the law makers and the laws they enforce which may well be the real enemy of the South African nation as a whole, and the real impediment to peaceful evolution and reform.

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# Court told of plan to conquer country

27/10/82 337

## Court Reporter

A DURBAN Regional Court was told yesterday that plans had been discussed by a group of young men to go to Angola to 'learn how to fight'.

This evidence was given at the trial at which Mr Nkosenye Ndlovu and a 17-year-old youth are appearing before Mr P J du Plessis charged with contravening the Internal Security Act.

It is alleged by the State that Mr Ndlovu and the youth incited certain people to undergo military training which could further the aims and objects of the banned African National Congress.

It is also alleged they participated in the activities of the ANC. The offences are alleged to

have been committed between September 1 last year and June 10 this year.

Giving evidence yesterday Mr Innocent Pa Cele told the Court that he was a Standard 8 pupil who said he knew both the accused.

He had been told by Mr Ndlovu that he could obtain money in other ways than by studying.

Mr Ndlovu had suggested that a group of young men be formed so that they could go to Angola where they could learn to fight.

Mr Ndlovu told him that after they had returned from Angola they would conquer South Africa and the whites.

The hearing continues today.



# Hogan gets ten years

331  
12/10/22

**BARBARA ANN HOGAN (30), a self-confessed member of the banned African National Congress and the first white woman in South Africa to be convicted of high treason, was sentenced to an effective ten years' imprisonment yesterday.**

Mr Justice van Dyk sentenced her in the Rand Supreme Court to ten years' imprisonment for high treason. She pleaded not guilty to this charge.

She got a further four years' imprisonment for being a member of the ANC. This sentence will run concurrently. She pleaded guilty to this charge.

She will serve an ef-

fective ten years' imprisonment.

After sentence was passed, she turned around to the crowded courtroom and shouted "amandla" three times with a clenched fist.

Mr Justice van Dyk said Hogan had been convicted of two of the most serious crimes by being a member of the ANC and of committing high treason which in times of war carries the death penalty.

He said the ANC regards itself as being at war with South Africa though it may be an unconventional type of war.

He said the interests of society was served by the preservation of the maintenance of law and order which also applies

to the labour field.

The judge said it was clear Hogan had assisted the ANC to destroy this law, order and peace by participating in the ANC's strategy to organise black labour workers.

The courtroom was packed and members of the public were searched by a metal detector by uniformed policemen.

Hogan was handed yellow carnations and roses by friends as she appeared in the dock. — Own Correspondent.

## Witness tells of 'white power'

### Court Reporter

A 17-YEAR-OLD youth told a Durban Regional Court yesterday that a man accused of contravening the Internal Security Act had told him that houses for blacks had no electricity but that white-occupied houses had electricity.

This evidence was given before Mr P J du Plessis at the hearing at which Mr Nkosenye Ndlovu and a 17-year-old youth are charged with contravening the Internal Security Act.

It is alleged by the State that Mr Ndlovu and the youth incited people to undergo military training which could further the aims and objects of the banned African National Congress.

It is also alleged that they participated in the activities of the ANC and that the offences took place between September 1 last year and June 10 this year. They have both pleaded not guilty.

Yesterday's witness told the Court that he met Mr Ndlovu in a street in Imbali township near Pietermaritzburg in May this year.

He said Mr Ndlovu had complained that houses occupied by blacks had no electricity while homes occupied by whites had electricity.

Mr Ndlovu had also said that white houses had swimming pools and motor garages, while black homes did not.

The hearing continues today.





# Lambs and sheep

High treason has dramatic connotations in the Anglo-Saxon world, from Sir Thomas More to the Rosenbergs. It is a common-law offence, so its applicability and penalties are defined by a body of precedent rather than statute.

In the last week, supreme courts in SA have passed two judgments of treason, in the case of Barbara Hogan and of Suzman Mokoena respectively.

Both were members of the ANC. Mokoena was found guilty in the Pretoria Supreme Court and sentenced to 20 years for treason, which included leaving the country for military training. Hogan was given an effective 10 years for political and persuasive, rather than military, activities by Justice Van Dyk in the Rand Supreme Court.

Hogan's case is comparable with that of Guy Berger, a Rhodes academic. Some 18 months ago Berger was found guilty under the Internal Security Act for activities similar to Hogan's. Neither Hogan's nor Berger's activities would have been illegal were it not for their membership of the ANC. Berger was sentenced to four years' imprisonment, which was cut to an effective two on appeal.

So the State's decision to charge Hogan with treason is a new departure. In the case of the other two whites who have recently received comparable sentences, Renfrew Christie had passed on information on energy secrets and Robert Adam had conspired to sabotage the Brixton tower.

Hogan also faced alternative charges under the Terrorism Act and the Internal Security Act. The State accepted her plea of guilty under the latter, of ANC membership, but refused to accept a guilty plea under the Internal Security Act of furthering the aims of the ANC. The State wished to prove that her acts, however non-violent, were treasonous.

Evidently the legal approach of the Attorney-General's office has shifted to moulding common law by precedent rather than utilising the numerous statutory tools available.

In the last three years charges of treason have increased in number against people who have undergone military training and who have been infiltrated back to commit sabotage or other acts of violence. This is the first charge of treason where there was no question of violent acts involved.

Justice Van Dyk noted while sentencing Hogan that the maximum penalty for treason was usually only considered during times of war. But, he said, it could be argued that SA is in a state of war against the ANC, which has explicitly declared its aim

of overthrowing the State.

This has far-reaching implications. Since Justice Van Dyk took this into account in sentencing an ANC activist, it could then be argued that ANC combatants' claim to prisoner-of-war status has some grounds. Of course it could be argued that Van Dyk is wrong — that SA faces civil insurrection rather than a foreign war — and that his basis for a surprisingly harsh sentence is misplaced.

Certainly, if the precedent in the Hogan trial holds, there is reason for anxiety that ANC activists — or their superiors — may think they might as well be hanged for a sheep as for a lamb.



# Mabe subpoenaed

*Sowetan 29/10/86 (331)*  
The SOWETAN'S senior reporter, Mr Sam Mabe, has been subpoenaed to testify as a State witness in the trial of a Soweto woman who is charged with furthering the aims of the banned African National Congress.

The woman, Miss Lillian Keagile (24), of Mollapo, will appear in the Johannesburg Magistrate's Court on Thursday November 4. She is related to Mr Ernest Dipale, who attempted to hang himself in a cell at John Vorster Square a few days after his de-

tention in August this year.

The subpoena on Mabe was delivered to him at The SOWETAN'S offices by two black Security Policemen from John Vorster Square. Mr Mabe was first called to Protea Police Station in November last year and questioned on Miss Keagile shortly after her detention.

Early last month, he was again questioned on Miss Keagile and on Mr Dipale and several other people, some of whom were in detention at the time.

# Advocate: detainee told he would die

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**ZWELITSHA** — One of four men appearing in the Ciskei terrorism trial, Mr Luyanda Patrick Mayekiso, had collapsed when he was tortured by Ciskeian and South African security police in East London and iced water had been used to revive him, the defence advocate, Mr M. T. Moerane, alleged yesterday.

Mr Moerane, is appearing for Mr Mayekiso, 23, Mr William Mabone Duna, 31, Mr Dumisani Bizette Maninjwa, 31, and Mr Jeffrey Bayi, 52. He made the allegation when he cross-examined the investigating officer, Lt Charles van Wyk of the South African Security Police, in a trial-within-a-trial to determine the admissibility of confessions allegedly made by Mr Mayekiso, Mr Duna and Mr Maninjwa.

The four men, charged with participating in terrorist activities, being members of the African National Congress and possessing banned literature, have pleaded not guilty to all charges.

Mr Moerane said his instruction was that Lt Van Wyk had told Mr Mayekiso to write down the truth or he would die.

He added that when Mr Mayekiso did not cooperate, he was stripped naked, and tortured, and when he collapsed Capt Vuyani Genda of the Ciskei Central Intelligence Services (CCIS) placed iced water on his chest, neck and back. Lt Van Wyk denied the allegations.

Other allegations put by Mr Moerane and denied by Lt Van Wyk were:

- That the Commander-in-Chief of Ciskei State Security, Lt-General Charles Sebe, had after talking to Mr Mayekiso in the presence of some of his officials, told them to "deal with" Mr Mayekiso. He was then assaulted by Capt Genda, a Warrant Officer Ngwanya and a Mr Nkani and forced to make a statement.

- That a magistrate, Mr D. W. Crossman, when visiting Mr Mayekiso in cells in Dimbaza had, when told of ill-treatment, torture and assault by security police and CCIS men, told him he was only interested in conditions under which he was detained and not what the security police did when

they took him out for interrogation.

- That on one occasion prison warders had remarked about Mr Mayekiso's face being swollen and his eyes blue when he was returned to prison after an interrogation session.

- That Lt Van Wyk had instructed Mr Maninjwa to "behave" himself when he appeared before a magistrate, and that if he was asked if he had been assaulted he should say "no" and agree he had gone to the magistrate to make the statement freely and voluntarily.

- That when Capt Genda reported to him that Mr Mayekiso had complained to Mr Crossman, Capt Genda had assured him he should not worry as Mr Crossman did not bother about such reports.

- That Lt Van Wyk had examined Mr Mayekiso's testicles after he had said his private parts were swollen and told him he had "drop" (venereal disease).

- That an Mdantsane magistrate, a Mr Stanford, had taken a statement — the alleged confession — in police office in Cambridge, East London.

Lt Van Wyk said he had not warned Mr Maninjwa and Mr Mayekiso in terms of the judge's rules. He had asked them to write about their involvement in the matter as they were questioned about.

He had asked Mr Mayekiso whether he wanted to make a statement to him or to a magistrate, and he had chosen to make it before a magistrate.

Asked about handvuffing Mr Maninjwa to a chair before a magistrate took a statement from him, Lt Van Wyk said this had been done for safety reasons. It was not laid down in regulations.

Regulations specified that when detainees were in the presence of security police, or when they were being transported, they had to be handcuffed. On that particular occasion he had felt this was necessary because the window of the office had no burglar proofing and if anything happened to the detainee, the security police, and not the magistrate, would be blamed.

The trial-within-a-trial continues on Monday. — DDR.

External

(3)

## NOTE CAREFULLY

1. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
2. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
4. Do not write in the left hand margin.

## WARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

**Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University**



**Security  
Act  
trial  
adjourned**

*3/11/71*

**Court Reporter**

THE HEARING at which a 23-year-old man and a seventeen-year-old youth are appearing before Mr P J du Plessis in the Durban Regional Court charged with contravening the Internal Security Act was adjourned yesterday until November 15.

Before the Court were Mr Nkosenye Ndlovu and the youth who are alleged to have incited people to undergo military training which could further the aims and objects of the banned African National Congress.

It is also alleged that they took part in activities of the ANC. The offences are alleged to have been committed between September 1 last year and June 10 this year.

Both accused have pleaded not guilty. They have been remanded on R500 bail each.

# Trial: newsmen told to leave police station

D. Dispatel 2/11/82

KING WILLIAM'S TOWN — Two journalists covering the Ciskei terrorism trial in Zwelitsha yesterday were ordered by two Ciskei Central Intelligence services men to leave the Dimbaza police station when the state and defence teams went there for an inspection in loco.

The journalists, Phila Ngqumba, a freelance writer, and Leslie Xinwa, of the Daily Dispatch, arrived at the police station soon after the Ciskei Attorney-General, Mr W. F. Jurgens, who is prosecuting, the defence

advocate, Mr M. T. Moerane, the instructing attorney, Mr H. L. M. Siwisa, and the investigating officer, Lt Charles van Wyk, had entered the police station to check records of visits by the chief magistrate of Zwelitsha to detainees in Dimbaza.

Mr Xinwa said: "We arrived late because we first went to King William's Town to get film so that we could take pictures of the officials leaving the police station after the inspection in loco.

"We had been in the office for a few minutes

when a Lt Ngwanya, of the CCIS asked who we were and what we were doing in the office. After we had explained Lt Fikile Zibi ordered us to wait outside as we had no part to play in the matter.

"When we explained that we were working with the court officials, he told us this was a police station and that we should wait for them outside."

The reporters had attempted to put their point of view to the policemen, but they had insisted that they leave, Mr Xinwa said. — DDR.



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# Report of ill-treatment denied by magistrate

**ZWELITSHA** -- The chief magistrate of Zwelitsha, Mr D. W. Crossman yesterday denied a man appearing in the Ciskei terrorism trial here, had ever made a report to him about being ill-treated by police during detention in Dimbaza, last year.

Mr Crossman was giving evidence in a trial-within-a-trial to determine the admissibility of alleged confessions by three of four men appearing in the trial.

Appearing in the Ciskei Supreme Court before Mr Chief Justice De Wet are Mr William Mabone Duna, 31, Mr Dumisani Bizette Maninjwa, 31, Mr Jeffrey Bayi Keye, 52 and Mr Luyanda Patrick Mayekiso, 23, all of Mdantsane, on charges of participating in terrorist activities, being members of the ANC and possessing banned literature. They have pleaded not guilty to all charges.

Mr Crossman, who gave evidence on his visits to Mr Mayekiso in Dimbaza last year, said he visited him on ten occasions between June 12 and August 13.

During that time he had made notes of what Mr Mayekiso said and on no occasion had Mr Mayekiso made reports of ill-treatment, assault and torture to him.

Earlier defence advocate Mr M. T. Moerane said Mr Mayekiso had instructed him that he had been assaulted and had made reports to Mr Crossman who had said he was not interested in what happened to him when police took him for interrogation. All Mr Crossman had been interested in was how Mr Mayekiso was treated in the police station and general conditions of his detention there. Mr Crossman denied saying this.

He also denied an allegation that he did not bother about reports

assault on the four men and other detainees — some of them used as state witness in the trial.

He said Mr Keye had been referred to Komani Hospital for observation on instruction from the principal district surgeon of East London, Dr Basil Wingreen. He (Lt Van Wyk) said he did not think there was anything wrong with Mr Keye at the time.

Lt Van Wyk said Mr Keye had reported to a prison doctor that he had been assaulted by the security police at Cambridge — he named Warrant Officer Nicholson and Constables Madliwa and Madikizela. A docket had been opened to investigate the matter but had been closed because the allegation had been found to have been unfounded. Lt Van Wyk said.

Mr Moerane said his instructions were that throughout the investigation police actions were calculated to obtain statements under duress. Lt Van Wyk denied this and said the investigation had been carried out in good spirit.

Mr Moerane said he would call some detainees if the state did not call them and the Attorney-General, Mr W. F. Jurgens, said no decision had been taken on whether to call them as witnesses but they were not available for the defence.

The hearing continues. — DDR.

## Fight to s

**BOSTON** — A school of whales are committing suicide one-by-one on sandbanks off the east England coast, as would-be human rescuers in small boats try to save their lives by herding them to the open sea.

At least 18 of the school of 40 or 50 had died by dusk on Sunday night. Rescue opera-



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# magistrate

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During that time he had made notes of what Mr Mayekiso said and on no occasion had Mr Mayekiso made reports of ill-treatment, assault and torture to him.

Earlier defence advocate Mr M. T. Moerane said Mr Mayekiso had instructed him that he had been assaulted and had made reports to Mr Crossman who had said he was not interested in what happened to him when police took him for interrogation. All Mr Crossman had been interested in was how Mr Mayekiso was treated in the police station and general conditions of his detention there. Mr Crossman denied saying this.

He also denied an allegation that he did not bother about reports made by detainees to him as alleged earlier.

"If I got such a complaint (from a detainee) I would note it down and take it up," he said.

After Mr Crossman's evidence had been led, Mr Moerane asked for an adjournment to study the record of his visits. Later both defence and state officials went on an inspection in loco of records at Dimbaza police station.

Earlier the investigating officer, Lieutenant Charles van Wyk denied several allegations of

assault on the four men and other detainees — some of them used as state witness in the trial.

He said Mr Keye had been referred to Komani Hospital for observation on instruction from the principal district surgeon of East London, Dr Basil Wingreen. He (Lt Van Wyk) said he did not think there was anything wrong with Mr Keye at the time.

Lt Van Wyk said Mr Keye had reported to a prison doctor that he had been assaulted by the security police at Cambridge — he named Warrant Officer Nicholson and Constables Madliwa and Madikizela. A docket had been opened to investigate the matter but had been closed because the allegation had been found to have been unfounded, Lt Van Wyk said.

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At least 18 of the school of 40 or 50 had died by dusk on Sunday night. Rescue operations, now two days old, have to cease at night because the whales cannot be seen in the dark.

Naturalists believe

## Swart sta

BLOEMFONTEIN — South Africa's first state president, Mr C. R. Swart, who died on July 16 this year, is to be honoured by the University of the Orange Free State.

The university council has decided that a statue



# Magistrate tells of cell visits

ZWELITSHA — A man detained in Dimbaza last year had told the Zwelitsha chief magistrate, Mr D. W. Crossman, during a visit, that detainees had decided not to help him because he was not helping them, the Ciskei terrorism trial in the Supreme Court here heard yesterday.

Mr Crossman told Mr Chief Justice De Wet in answer to a question about allegations that he never bothered about complaints of ill-treatment raised by detainees that he had noted down all their complaints and passed them on.

He was being cross-examined by the defending advocate, Mr M. T. Moerane, in a trial-within-a-trial to determine the admissibility of confessions allegedly made by three of four Mdantsane men appearing on charges of participating in terrorist activities, being members of the ANC and possessing

banned literature.

Mr William Mabone Duna, 31, Mr Dumisani Bizette Maninjwa, 31, Mr Jeffrey Bayi Keye, 52, and Mr Luyanda Patrick Mayekiso, 23, have pleaded not guilty to all charges.

Mr Crossman said he had seen Mr Mayekiso when he visited detainees in Dimbaza in June, July and August last year.

He had not received complaints of ill-treatment from any detainees during that time, he said. The only complaints were about toilets being dirty, blankets having bugs (of insect type) and other minor complaints.

Mr Mayekiso had asked to be seen by a doctor on some occasions but had not told him why.

Mr Crossman said he had told detainees he was not concerned about the reasons for their detention. His duty was to find out all aspects of their treatment during

detention.

"Any request made to me I answered," he said. "Whatever they told me I took down in writing, included in my report and passed on."

In reply to a question by Mr Moerane, he denied seeing Mr Bongani Nondula — who was alleged to have been bleeding from his ear — with his shirt full of blood.

Asked about a "composite report" which did not refer to any particular detainee, compiled after his visit on July 31, Mr Crossman said he had not written down any detail about particular detainees that day because "they would not co-operate with me, would not talk and would not even identify themselves."

Detainees were normally brought to him in an office one by one but there was one occasion when they would not get out of the cells, he said.

Mr Moerane asked: "Was there no general

complaint that you did not forward complaints about assaults?"

"No."

"I put it to you that the reason for the dissatisfaction of Mr Mayekiso and others was simply that they regarded you as part of the system of interrogation they were subjected to."

"I don't know how they regarded me but I have no reason to think they regarded me as part and parcel of the interrogation system."

Mr Crossman said that when Mr Mayekiso had asked to see the written conditions under which he was detained, he had referred him to the police.

"I told him it should be provided in the warrant served on him."

He had not ascertained whether Mr Mayekiso had been served with a warrant on his detention. He had not asked police to fur-

nish him with a copy of the warrant because he did not consider that to be part of his duty.

"I took it that everybody is served with a warrant when detained," Mr Crossman said.

Col Theodore Muller of the SAP in East London, said he conducted a course attended by the investigating officer, Lt Charles van Wyk and others from July 27 to August 1 last year.

He could not say what Lt Van Wyk did during the lunch hour.

Captain M. M. (Vuyani) Genda of the Ciskei Central Intelligence Services, denied all allegations of assault, torture and ill-treatment of Mr Mayekiso during his detention.

He also denied Mr Mayekiso had been taken to Cambridge, East London, for interrogation before August 17 last year. — DDR.

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331 (11A)

A SOWETO woman charged with being an alleged member of the African National Congress pleaded not guilty in the Johannesburg Regional Court yesterday but admitted that the organisation was unlawful in South Africa.

Miss Lilian Keagile (24), of Molapo, was appearing before Mr I J J Luther on the main charge of promoting the aims and objects of the ANC or alternatively taking part in its activities.

She has also been charged under the Terrorism Act for reconnoitering the Ihlazane Power Station, drawing a sketch of it and sending it to the ANC in Botswana. The offences are alleged to have

Sowetan 3/11/82

## Woman charged with joining ANC

taken place between September 1980 and November last year.

Before the start of the trial her defence counsel, Mr Cliff Mailer, instructed by Priscilla Jana, raised an objection to certain sections of the charge sheet and said his client was not satisfied with answers given by the State in response to a request for further particulars.

He argued that information on certain matters was insufficient and as a result this embarrassed his client in the preparation of her defence. As a result, she was unable to plead

properly to the charge.

In reply, Mr A R van Wyk, for the State, said the defence's request was vague in that the State had furnished more details than necessary. Again, there was no provision in the Criminal Procedure Act that entitled the accused to have access to exhibits and documents in the hands of the State.

Mr Luther dismissed all objections made by the defence. He ruled that, in his view, there was no substance to the objection in that the accused had been informed about the nature of the allegation.



Feb 3/11/82 (337)

## Woman drew plan for ANC, court told

### Mail Reporter

A SOWETO woman who appeared in the Johannesburg Regional Court yesterday on a charge of being a member of the banned African National Congress was alleged by the State to have sketched a plan of a power station in Soweto and to have sent it to the ANC in Botswana.

Miss Lillian Keagile, 24, of Molapo in Soweto, pleaded not guilty before Mr I J J Luther on charges of belonging to the banned ANC, alternatively that she was engaged in the affairs of the ANC, or had contravened the Terrorism Act.

According to the charge

sheet she drew a plan of the Inhlanzana Power Station in Soweto and sent the drawing to the ANC in Botswana.

Detective-Sergeant Jacobus Johannes Badenhorst of the Security Police in Zeerust told the court he was with colleagues at Ramatlapana Border Post, between South Africa and Botswana, when a train from Zimbabwe arrived.

He said he checked Miss Keagile's Bophutatswana travelling document and was later instructed that she should not proceed on her journey.

Miss Keagile was remanded in custody and the trial will continue today.

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# Ciskei court told of 'tortured mind'

THE Ciskei Supreme Court was told yesterday a 52-year-old detainee had complained to a prison doctor that Security Police had "tortured his mind" and that he had to be admitted to the Komani hospital in Queenstown for mental observation.

The submission was made by the defence counsel, Mr T K Moerane, at the trial in Zwelitsha of Mr William Duna (31), Mr Dumisani Maninjwa (31), Mr Bayi Keye (52), and Mr Luyanda Mayekiso (23).

They are appearing before Mr Justice D S de Wet charged under the Terrorism Act. At an earlier hearing the four Mdantsane men pleaded not

guilty. *3/1/82*  
Mr Moerane alleged that Mr Keye was assaulted by the Security Police, was suspended from a rod between two tables and was kicked in the ribs.

During the interrogation Mr Keye became "mentally disturbed" and showed signs of abnormal behaviour, he submitted.

Mr Moerane maintained that Mr Keye became unconscious through ill-treatment. He told the court that after Mr Keye lodged a complaint with the prison doctor he was confronted by a Warrant Officer Nickelson and a Security Policeman, named as Mr A Madliwa, and was assaulted.



# Ciskei officer denies assault

ZWELITSHA — The deputy Commander-in-Chief of Ciskei Armed Forces, Brigadier N. H. Tamsanqa, slept while taking a statement from a detainee, the defence advocate, Mr M. T. Moerane, alleged in the Ciskei terrorism trial here yesterday.

Mr Moerane made the allegation when he cross-examined Brig Tamsanqa about a statement he took from one of four men — Mr Luyanda Patrick Mayekiso — appearing on charges of participating in terrorist activities, being members of the ANC and possessing banned literature.

Mr William Mabone Duna, 31, Mr Dumisani Bizette Maninjwa, 31, Mr Jeffrey Bayi Keye, 52, and Mr Mayekiso, 23, have pleaded not guilty to all charges.

In a trial-within-a-trial to determine the admissibility of statements allegedly made by Mr Duna, Mr Maninjwa and Mr Mayekiso, Mr Moerane said he had been instructed that Brig Tamsanqa had asked what he should do when taking a statement from Mr Mayekiso.

Other allegations put to Brig Tamsanqa by Mr Moerane were:

- That he had been present when the commander-in-chief of State Security, Lt-General Charles Sebe, spoke to Mr Mayekiso in the presence of others.
- That Col Nhonhonho of the CCIS had banged a door to wake him up.
- That Mr Mayekiso had asked that a statement taken by Brig Tamsanqa be signed by a witness.
- That he had witnessed or taken part in an assault on Mr Mayekiso in the offices of the CCIS.

Brig Tamsanqa denied all allegations. He said he could not remember talking to Mr Mayekiso or taking a statement from him.

Questioned by the judge, Mr Chief Justice De Wet, Brig Tamsanqa said it was possible he had taken a statement from Mr Mayekiso.

Earlier Captain M. M. (Vuyani) Genda said under cross-examination that Mr Mayekiso had been arrested in connection with ANC stickers and other activities in which he was allegedly involved.

He denied Mr Mayekiso had been assaulted during detention.

Cross-examined about entries in occurrence books at the Dimbaza police station about the dates on which Mr Mayekiso was taken from the police station, Capt Genda said if the occurrence books stated he was taken to a district surgeon then it was so.

When asked by Mr Moerane whether Mr Mayekiso had been taken for interrogation between June 10 and August 10 as the occurrence books indicated, Capt Genda said if that was what was reflected then that was the true position.

He denied Mr Mayekiso had been taken to Port Elizabeth one day during this time.

The hearing continues.  
—DDR.

22/11/78  
Moerane v. Tamsanqa

# Press barred at ANC hearing

By MIKE LOUW

THE Press and public were barred by a Johannesburg Regional Court magistrate yesterday from attending some of the trial of a Soweto woman charged with taking part in the activities of the African National Congress.

Miss Lillian Keagile, 24, of Molapo in Soweto, appeared before Mr I J J Luther.

The State alleges she took part in the activities of the ANC, or alternatively that she was engaged in the affairs of the organisation, or contravened the Terrorism Act.

She pleaded not guilty to both the main charge and alternative charges.

The prosecutor, Mr A R van Wyk, asked that for security reasons proceedings should be held in camera while a State witness, who was to be called, testified.

Mr Cliff Mailer, for the defence, opposed the application and said the Press at least should be allowed to attend and be ordered not to identify the witness.

He said this would be in the interests of both his client and the freedom of the Press.

Captain Jan Karel Coetzee, of the Security Police head office in Pretoria, told the court he was stationed at Krugersdorp when Miss Keagile was arrested on November 18 last year.

He said he became involved in the case as an investigating officer. He was aware that the State was to call a witness who was a member of the police force, also stationed in Pretoria.

Captain Coetzee said the policeman's home was in Soweto, but he was not staying there at present.

The purpose of calling the witness was that he should testify against Miss Keagile.

He said for the safety of the witness the Press, public and even Miss Keagile's mother should not be present during the proceedings. The witness had asked to give evidence behind closed doors.

He said black readers would immediately know the identity of the policeman.

Captain Coetzee read a pamphlet which he said was issued and distributed by the ANC in black townships last year.

He said the letter P, which in ANC terminology meant "attack", was written in red paint on a pole near the Soweto home of the witness.

He said the pamphlet featured photographs, names and addresses of people who had testified for the State in trials involving the ANC.

The magistrate said the pamphlet handed in as an exhibit also mentioned that people whose pictures appeared in it had deserted the ANC and should not be allowed to live.

He said although it was important to have proceedings held openly, it was also important that witnesses should give evidence freely and without fear.

But he said there was a probability the witness would be interfered with. He ordered journalists and spectators to leave the court.

The trial continues today. Miss Keagile was remanded in custody.



# ANC trial in <sup>Soweto</sup> camera

PROCEEDINGS in the trial of a Soweto woman charged with being a member of the African National Congress (ANC) were yesterday held in camera in the Johannesburg Regional Court after the magistrate ruled that it was in the interests of the State and of a State witness.

The ruling followed a submission by Mr A R van Wyk, for the State, that the Press and public be ordered out to ensure the safety of a former member of the ANC, who has now joined the Security Police, and who was about to give evidence. This decision set the scene at the trial of Miss Lillian Keagile (24) of Molapo.

Miss Keagile has pleaded not guilty to the main count of promoting the aims and objectives of the ANC, or alternatively taking part in its activities.

The investigating officer, Pretoria Security Policeman, Captain J Coetzee, corroborated Mr van Wyk's submission and said that there was information that the witness was earmarked for "elimination".

He supported his evidence by producing before the court an alleged ANC pamphlet which had names, addresses and pictures of former ANC members that had deserted to join the Security Police.

PROCEEDING

225 226 231  
Cape Times 5/11/82

# Methodists back Mayson petition

Own Correspondent

LONDON. — The president of the Methodist Conference in Britain, the Rev Norwyn E Denny, is backing a national petition launched by the Alliance of Radical Methodists in support of a former Methodist minister detained in South Africa on a charge of high treason.

The former minister is Mr Cedric Mayson, whose trial is scheduled for February 7 next year. He is charged with conspiring with the banned African National Congress.

The "Support Cedric Mayson and all South African detainees" petition is backed by four

other prominent Methodists. They are the former president of the Conference, who two weeks ago preached at the centenary service of the Conference of the Methodist Church of Southern Africa, the Rev Dr John A Newton, Dr Theo Kotze and the African secretary of the British Council of Churches, the Rev Brian J Brown.

The Rev David Haslam of the Alliance of Radical Methodists is urging all Methodists in Britain to sign the petition because applying pressure in this way "really does make a difference", he said.



# Detainees may be called to testify

ZWELITSHA — An order allowing the defence to consult with people held as potential state witnesses in a terrorism trial before they had been called by the state to give evidence, was handed down by Mr Chief Justice de Wet in the Ciskei Supreme Court here yesterday.

The order followed an application by defence advocate Mr M. T. Moerane, after the state had closed its case in a trial-within-a-trial to determine the admissibility of a confession alleged to have been made by one of four Mdantsane men appearing on charges of participating in terrorist activities, being members of the ANC and possessing banned literature.

Mr William Mabone Duna, 31, Mr Dumisani Bizette Maninjwa, 31, Mr Jeffrey Bayi Keye, 52, and Mr Luyanda Patrick Mayekiso, 23, have pleaded not guilty to all the charges.

In handing down the order Mr Justice de Wet said both the state and defence advocates agreed there was no au-

thority on the matter and such an order was not known to have been given before.

Earlier when the Ciskei attorney general, Mr W. F. Jurgens, who is prosecuting, said he had closed the state's case, Mr Moerane said several witnesses who, in the opinion of the defence, might give relevant evidence on the matter, were potential state witnesses.

He mentioned two who had said in court they had been assaulted and had been discredited by the state.

Mr Moerane said there were six others whose evidence might be relevant to the investigation system used in the case.

"With regard to all these witnesses the defence application is to have them called. But before they are called, the defence wants an opportunity to consult with them under whatever conditions may be set," Mr Moerane said.

Mr Jurgens opposed the application and

argued that the people concerned were state witnesses and he had not heard of any instance of witnesses of one party being made available to another party before the first party had used them.

Mr Justice De Wet cut in and said: "On the aspect of making a statement freely and voluntarily the defence must start the ball rolling in the matter involving accused No.1 and No.2. Can the witnesses be kept away from the person who wants to use them on this matter?"

Mr Jurgens: "My submission, my Lord, is that this is premature at this stage and I may call them in rebuttal of evidence to be led by the defence."

Judge: "Take a civil case. This is a rule of practice and ethics too. It is that if I consult with your witness I do that in your presence."

"Is there any objection in law or practice that Mr Moerane must be allowed to see these witnesses in your presence only on the question of

this particular issue to be decided?"

Mr Jurgens said it was a long established view in criminal matters that the defence had no right to speak to state witnesses without the permission of the state.

"If I decide not to call them I may release them," Mr Jurgens said.

Judge: "You would be entitled to consult with them before Mr Moerane did and you would know what their evidence would be. Then Mr Moerane could consult with them in your presence."

Mr Justice De Wet said he felt he might not refuse Mr Moerane the opportunity to see witnesses who might come up with evidence that proved Mr Mayekiso's statement might be true.

After an adjournment Mr Jurgens accepted the order could be made after Mr Justice De Wet had said his "sense of law" made him think the order should be made.

The hearing was yesterday postponed to February 28, 1983. — DDR.

Ceteris Paribus  
Price  
Function  
Inferior Good  
Substitutes  
Complements  
Perfect Competition  
'Rise' in Demand (or Supply)  
'Increase in Quantity Demanded' (or Supplied)  
Equilibrium  
Maximum Price  
Minimum Price  
Rent Control  
Minimum Wages Legislation  
International Trade  
Transport Costs  
Tariff  
Economic Rent.

# Terror Act

## judgment

## postponed

20m 9/11/82

Mail Reporter

JUDGMENT in the Terrorism Act trial of trade unionist Mr Alan Fine, expected yesterday, has been postponed until this morning.

Friends and union colleagues of Mr Fine in the public gallery heard a Regional magistrate Mr W Rosch say he had not completed his judgment, but would deliver it at 9am today.

Mr Fine, who was detained under security laws on November 26 last year, is facing Terrorism Act and other charges relating to information he sent to an official of the exiled SA Congress of Trade Unions (Sactu).

The State has argued that because Sactu is allegedly allied with the banned African National Congress in an attempt to overthrow the State violently, Mr Fine is guilty of terrorism for allegedly aiding Sactu.

Counsel for Mr Fine has argued that Sactu is not a banned organisation and that Mr Fine believed that, by sending information to a Sactu official, he was merely assisting a lawful union.

Mr Fine has told the court he rejects violence as a means to political change.



# Union man not guilty

ARGUS  
9/11/82  
331

Argus Correspondent  
JOHANNESBURG. — Trade unionist, Mr Alan Morris Fine, 30, was acquitted of Terrorism Act charges in the Johannesburg Regional Court today.

The magistrate, Mr W Rosch, found that the State had failed to prove that Mr Fine, of Bellevue, had taken part in illegal activities.

Mr Fine had pleaded not guilty to furthering the interests of the African National Congress, alternatively taking part in activities which fulfilled ANC aims, such as forwarding information to the South African Congress of Trade Unions (SACTU) and participating in boycotts.

## Use unknown

Mr Rosch said information sent to SACTU by Mr Fine was the sort collected by any trade union federation.

"There is no evidence that information was sent with an ulterior motive, largely because its destination and uses were unknown," Mr Rosch said.

There was also no proof that SACTU formed part of a revolutionary alliance with the ANC or that Mr Fine had been aware of this.

He said evidence was that SACTU strove to maintain independence from the ANC.

No inference of guilt could be drawn from the fact that the information was forwarded clandestinely to Botswana by "dead letter box".

Mr Fine was known to the security branch, had been detained twice and may only have wanted to avoid surveillance.

SHS 9/11/82

# Terrorism

## Act: Fine

## acquitted

By Alex Ball

A trade unionist, Mr Alan Morris Fine (30), was acquitted of Terrorism Act charges by a Johannesburg Regional Court magistrate today.

A packed court burst into a cheer as the magistrate, Mr W Rosch, found the State had failed to prove that Mr Fine, address given as Sharp Street, Bellevue, had taken part in illegal activities.

Mr Fine had pleaded not guilty to furthering the interests of the African National Congress, alternatively taking part in activities which fulfilled ANC aims such as forwarding information to the South African Congress of Trade Unions and taking part in boycott campaigns.

The magistrate said the information Mr Fine had forwarded to Sactu was of the type that any trade union federation collected.

"There is no evidence that information was sent with any ulterior motive, largely because its destination and uses were unknown," Mr Rosch said.

Regarding Mr Fine's participation in boycott campaigns, the magistrate said there had been no evidence of political motives.



president of the World Wildlife Fund, greets President and Mrs Reagan.

the one who  
Queen."

# rt told of nude dancing

Bureau

Magistrate's Court yesterday a strip show taking place outside the city in which Maseru's Ms Rachel Char-

part. Trashed sniggers in State witnesses were what they saw when Mibrow and her co-

Shiner, 28, from Maseru, performed. 48, on whose small-show was held, was days) and Pieter Oost-

Wageningen, was fined for organising the show and an alternative Immorality Act. The money from some who attended the show

show and exposing themselves "in sight of the public" in an "indecent manner".

State witnesses yesterday agreed that the first part of the show — when Ms Mans and Ms Shiner danced separately and on their own — was "passable". Both women stripped completely while dancing to music.

But the second part of the show, they said, was a "bit rough".

One witness, Mr Pieter Potgieter, said he would not want his 13-year-old son to see a show like that, but he added anyone offended by the show could have left the premises. He did not notice anyone leaving, he said.

Another State witness, Mr Marius van Schalkwyk, described the atmosphere during the performance as "joyful and enjoyable".

A visibly embarrassed Mr Van Schalkwyk laughed when the prosecutor, Mr T Dicker, asked him "what movements" the two girls had made during their show.

"It is too difficult — it is an impossible situation," Mr Van Schalkwyk explained to smiles from the Bench, the prosecutor, the dock — and the public gallery.

It was during this part of the show that the police had burst in and taken photographs.

Warrant-Officer Jacob Pronk, of the SA Narcotics Bureau, told the court a "member of the public" had given him a map showing how to get to Mooiplaas about a week before the incident and he had waited outside the house before ordering his men to enter.

Mr Mannie Witz, appearing for Ms Mans and Ms Shiner, disputed the show was held in a public place.

The case was adjourned to November 25.

Mr I du Plooy is on the Bench.

Mr C R de Bruyn appeared for Hubener and Mr B P Geach appeared for Oosthuizen. Their cases were heard by Mr J A Diener.

Five-day

Press bar

Mail Reporter

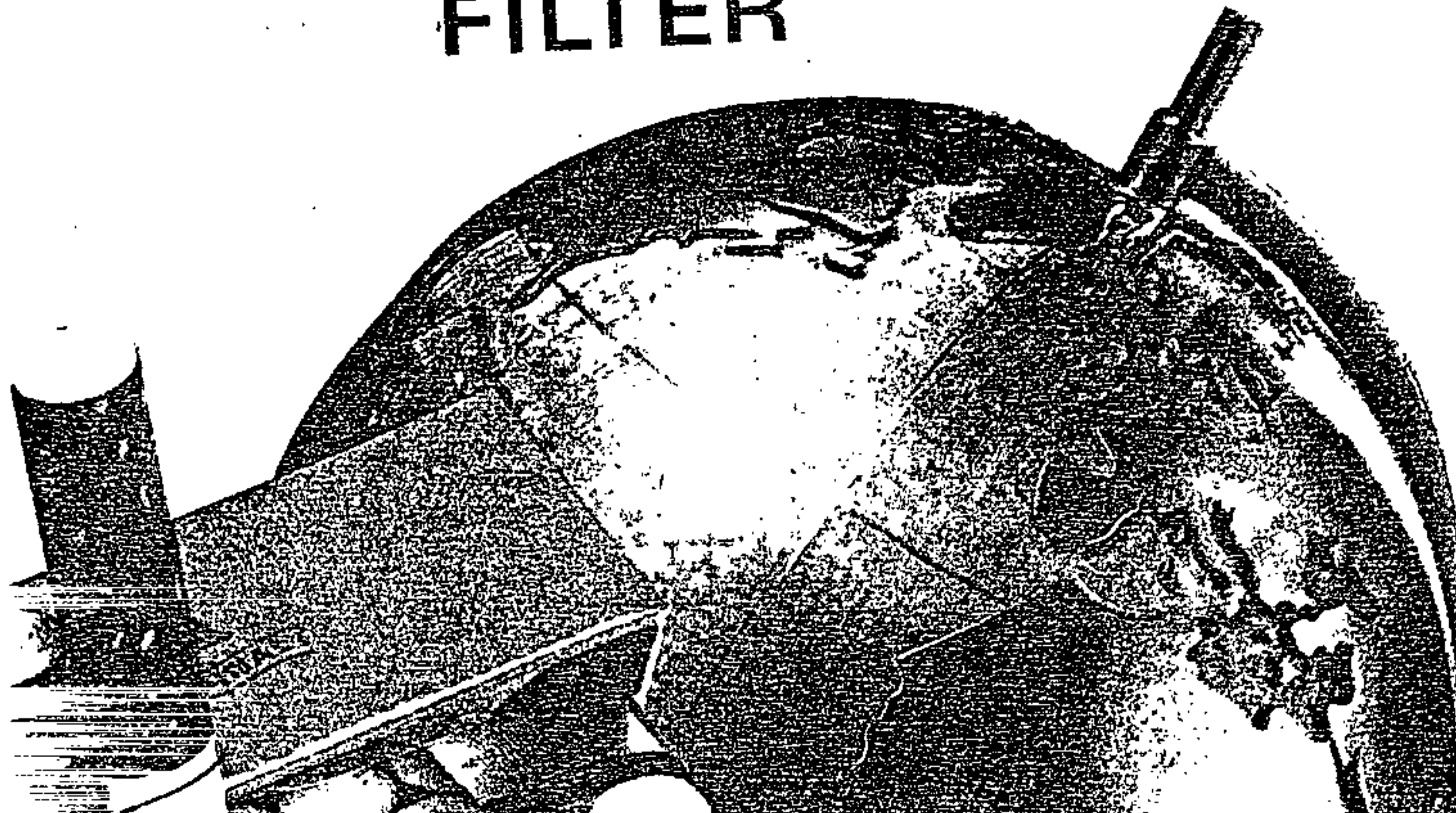
THE Press has been unable for five days to publish evidence by a policeman in the trial of a Soweto woman charged with taking part in the activities of the African National Congress.

The trial of Miss Lillian Keagile, 24, of Molapo in Soweto, started before Mr I J J Luther on Tuesday last week. The magistrate ordered journalists and the public to leave the court before a black policeman was called to testify for the State.

The policeman had asked to be protected by giving evidence in camera.

Miss Keagile was remanded and the trial will continue today.

# World-famous RAVEN "A" Menthol FILTER





RDM 10/11/82

# Detainee won't testify

Mail Reporter

THE Terrorism Act trial, from which the Press and public were barred for five days while a black policeman testified for the State, took a dramatic turn when a detained trade unionist refused to give evidence yesterday.

Miss Lillian Keagile, 24, of Molapo in Soweto, appeared before Mr I J J Luther in the Johannesburg Regional Court.

The State alleges she took part in the activities of the African National Congress, alternatively that she was engaged in the affairs of the organisation or contravened the Terrorism Act.

She has pleaded not guilty to all the offences, alleged to have been committed last year.

A black policeman, whose name and evidence for the State the magistrate ruled on Tuesday last week should not be published, finished testifying yesterday.

The drama started when the State called a

detainee, Mr Phillip Dlamini, a former general secretary of the South African Black Municipal Worker's Union.

Mr Dlamini, wearing a blue overall, entered the witness box and told the court he would not take an oath because he was not prepared to give evidence for the State.

He said he wished to consult a legal adviser, but could not do so because he had been in detention for about five months.

The prosecutor, Mr A R van Wyk, confirmed that Mr Dlamini was in detention in connection with another matter which did not involve the present trial in which the State wanted him to testify.

He said he was not opposing Mr Dlamini's wish to consult a lawyer. He said arrangements would be made for Mr Dlamini to obtain legal advice.

The magistrate ruled that Mr Dlamini was entitled to consult a legal representative.

He ordered Mr Dlamini to be present when the trial continues today.

Miss Keagile was remanded in custody.



# Cheers as Fine is freed after year's ordeal

By STEVEN FRIEDMAN  
Labour Correspondent

A PACKED public gallery burst into applause and some spectators shed tears yesterday after trade unionist Mr Allan Fine was acquitted in the Johannesburg Regional Court of Terrorism and Internal Security Act charges.

Mr W Rosch freed Mr Fine, a 30-year-old official of a registered liquor and catering workers' union, after finding that the State had failed to prove that, by secretly sending information to an official of the exiled SA Congress of Trade Unions, he intended to assist the banned African National Congress.

Among his findings were that Mr Fine's participation in consumer boycotts did not mean he was working for the ANC and that he may have sent information to SACTU secretly because he feared banning or detention without trial.

The verdict ends more than a year of imprisonment for Mr Fine, who was detained last September under security legislation. Since then, he has either been detained without trial or held as an awaiting trial prisoner. Friends, relatives and trade union colleagues cheered and hugged each other after Mr Rosch completed his verdict.

In his judgment, Mr Rosch noted that it was common cause that Mr Fine had sent information on labour developments to a Botswana-based SACTU official, Mrs Jeanette Schoon, by means of "dead letter boxes".

Although it was agreed SACTU was not an illegal organisation, it was alleged that there was a conspiracy between SACTU and the ANC to overthrow the State by violent means and that Mr Fine was therefore guilty of terrorism.

A second charge, under the Internal Security Act, alleged that, by sending information to Mrs Schoon, he had furthered the aims of the ANC. Mr Rosch found there was indeed a

conspiracy between SACTU and the ANC to overthrow the State. He added that SACTU engaged in both legal and illegal activities.

But there was no prima facie evidence before the court that Mr Fine's actions were in themselves "terroristic" and it was thus up to the State to prove "beyond reasonable doubt" that Mr Fine was furthering the ANC's aims.

Most of the information sent to SACTU had been publicly available. There was no evidence it had been sent with "ulterior motives" and, because of a lack of knowledge inside the country of SACTU activities, it was not known to what use the information had been put.

The fact that the information had been sent secretly was no evidence of guilt, because it might have been due to the fact that Mr Fine had been detained twice by police before the alleged offence, knew that unionists were watched by police and was therefore afraid of police action.

On the use of a code to communicate with Mrs Schoon, Mr Rosch found this was either because he was "under her discipline" or because he feared police action. It was the court's duty to accept the "more favourable possibility" and acquit Mr Fine, he said.

The court had been "hampered" in determining the use to which the information sent by Mr Fine had been put by a lack of information inside the country about SACTU activities.

Mr Rosch found there was no evidence Mr Fine had taken part in consumer boycotts and other union activities at the request of SACTU. He said that he had been impressed by the evidence of State witnesses, including Major Craig Williamson of the Security Police.

In his own evidence, Mr Fine had sometimes contradicted himself and had also been "childishly naïve" about SACTU's aims, but had been "frank and honest" about his political beliefs and other aspects, Mr Rosch found.

## Court's verdict stuns unionist

Mail Reporter

YESTERDAY morning Mr Allan Fine was pessimistically preparing to begin a jail sentence under the Terrorism Act. By the afternoon he was at home, bewildered by his release after 13 months in custody.

Speaking shortly after being freed by a Johannesburg magistrate, the trade unionist said he had never allowed himself to think about the possibility of being acquitted and released.

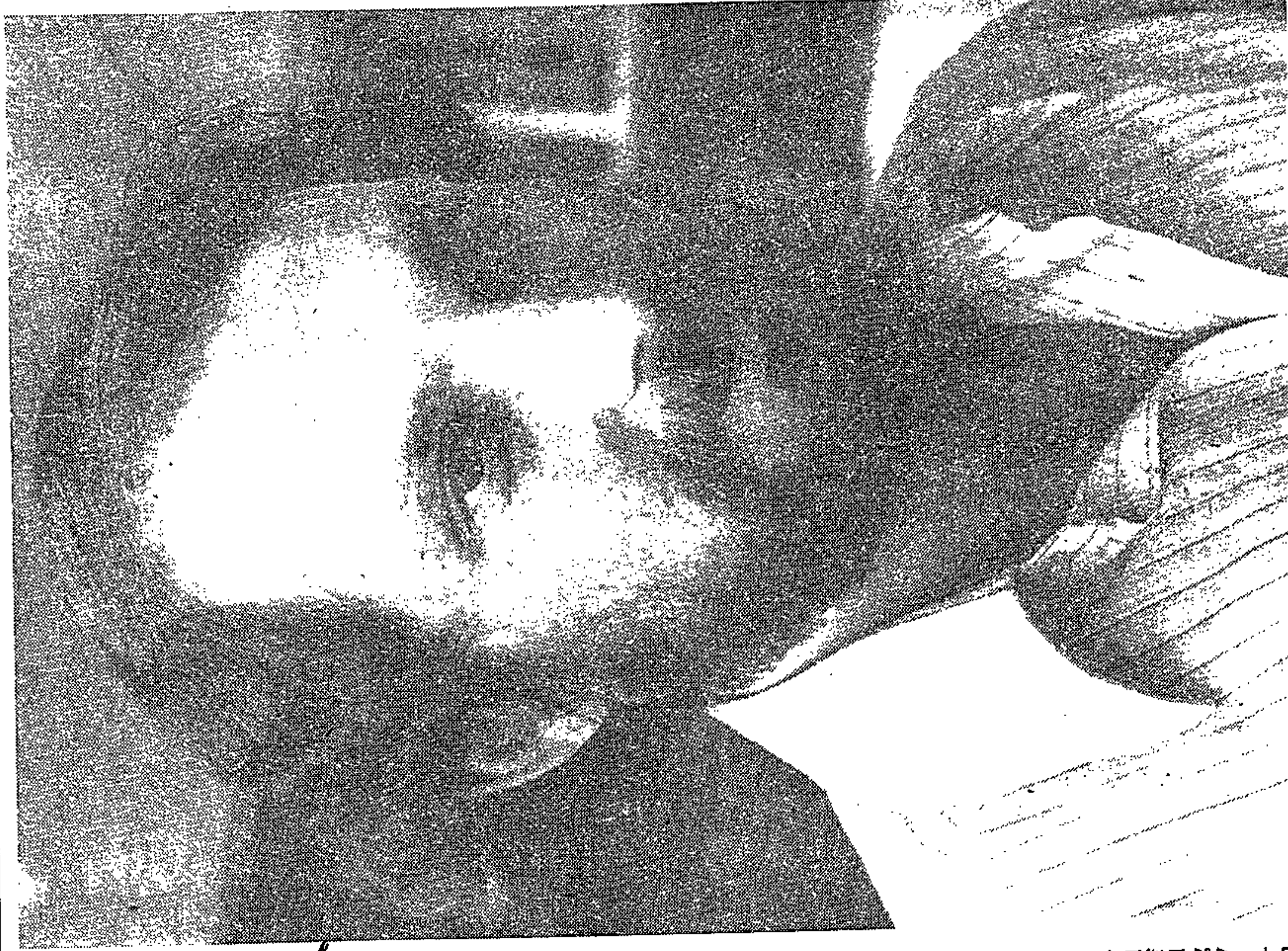
"I was pessimistic and had prepared myself for the worst. It was impossible to think that I could be at home this afternoon."

It was only halfway through the magistrate's speech that I began to think things were looking good. When I heard the magistrate acquit me, I could not believe it," he said.

Since his detention on September 24 last year he has had to make few plans for his own future. Suddenly, he is freed and says now he will have to spend a long time thinking — but does not think it likely he will return to his job as an official of the Witwatersrand Liquor and Catering Employees' Union.

"Thirteen months is obviously a big gap."

"What is sad is that there are still others who are in custody, in detention or serving sentences, and one colleague in particular — Neil Aggett — who will not be around anymore," he said.



Mr Allan Fine, 30, was ready for jail yesterday — but he was acquitted of Terrorism and Internal Security Act charges after 13 months in custody.



By Moira Levy

Trade Unionist Mr Allan Fine, elated at his acquittal in the Johannesburg Regional Court yesterday on Terrorism and Internal Security Act charges, is stunned at the prospect of freedom after more than 13 months' detention.

"When I think back to where I was yesterday at this time I find it hard to grasp," Mr Fine said early today at a friend's flat in Johannesburg.

His only plans at the moment are to take a long holiday.

"I don't know where. I have not yet had a chance to consider what I will do after that," he said.

**SADDENED**

"During all those months in detention I had to try to steel myself in preparation for a possible jail sentence, although there were times when I allowed myself hope.

"What saddens me is that there are others still in detention and serving sentences and that our colleague, Neil Aggett, is no longer around."

Mr Fine (30), an of-

# Freedom stunning, says Fine

ficial of a liquor and catering workers' union, was acquitted when the State failed to prove he had assisted the banned African National Congress by secretly sending information to an exiled official of the South African Congress of Trade Unions.

Yesterday the public gallery was packed with friends, relatives and supporters, who burst into cheers when the magistrate Mr W Rosch, freed Mr Fine. Some hugged each other and wept tears of relief.

Mrs Estelle Fine, the trade unionist's mother, said today she was "delighted, relieved and grateful that justice has been

done.

"And I am also grateful to Allan, who was incredibly brave and strong throughout his ordeal. He was probably depressed at times, but he was always on the bright side when we visited him. He was obviously trying to make it easier for us," she said.

"During the long months of detention — as we hoped and prayed — he never gave us any unnecessary worry."

Mrs Fine said friends and relatives had been phoning her since early this morning. "The response has been terrific and the atmosphere in the court room yesterday was absolutely charged."



CAPE TIMES 10/11/82 (124) (138) (144) (334)

# Tears as Fine is freed

Own Correspondent

JOHANNESBURG — A packed public gallery burst into applause, and some spectators shed tears yesterday after trade unionist Mr Allan Fine was acquitted in the Johannesburg Regional Court of charge under the Terrorism and Internal Security Acts.

Mr W Rosch acquitted Mr Fine, a 30-year-old official of a registered liquor and catering workers' union, after finding that the State had failed to prove he had intended to assist the banned African National Congress (ANC) by secretly sending information to an official of the exiled SA Congress of Trade Unions.

One of Mr Rosch's findings was that Mr Fine's participation in consumer boycotts did not mean he was working for the ANC and that he may have sent information to SACTU secretly because he feared banning or detention without trial.

The verdict ends more

than a year's imprisonment for Mr Fine, who was detained last September under security legislation. Since then, he has either been detained without trial or held as an awaiting-trial prisoner.

Friends, relatives and trade union colleagues cheered and hugged each other after Mr Rosch completed his verdict and Mr Fine was led away from the dock by police before being released.

In his judgment, Mr Rosch noted it was common cause that Mr Fine had sent information on labour developments to a Botswana-based SACTU official, Mrs Jeanette Schoon, by means of "dead-letter boxes".

Although it was agreed that SACTU was not an illegal body, it was alleged that there was a conspiracy between SACTU and the ANC to overthrow the State by violent means and Mr Fine was therefore guilty of terrorism.

A second charge, under the Internal Security Act,

alleged that by sending information to Mrs Schoon, Mr Fine had furthered the ANC's aims.

Mr Rosch found there was indeed a conspiracy between SACTU and the ANC to overthrow the State and added that SACTU engaged in both legal and illegal activities.

But there was no *prima facie* evidence before the court that Mr Fine's actions were in themselves "terroristic" and it had thus been up to the State to prove "beyond reasonable doubt" that Mr Fine was furthering the aims of the ANC.

Most of the information sent to SACTU had been publicly available.

There was no evidence that it had been sent with "ulterior motives" and, because of a lack of knowledge of SACTU activities inside the country, it was not known to what use the information had been put.

On the use of a code to communicate with Mrs Schoon, Mr Rosch found

this was either because he was "under her discipline" or because he feared police action. It was the court's duty to accept the "more favourable possibility" and acquit Mr Fine, he said.

The court had been "hampered" in determining the use to which the information sent by Mr Fine had been put by a lack of information inside the country about SACTU activities.

Mr Rosch found there was no evidence that Mr Fine had taken part in consumer boycotts and other union activities at the request of SACTU.

Mr Fine had sometimes contradicted himself in his evidence and had also been "childishly naive" about SACTU's aims, but he had been "frank and honest" about his political beliefs and other aspects, Mr Rosch said.

He had been impressed by the evidence of State witnesses, including that of a security policeman, Major Craig Williamson.

# Detainee refuses to give evidence

A DETAINEE and ex-trade union leader refused to give evidence against terror trialist, Miss Lilian Keagile, in the Johannesburg Regional Court yesterday.

Former secretary of the South African Black Municipal Workers' Union, Mr Phillip Dlamini, refused to testify before Mr I J J Luther where Miss Keagile (24), of Orlando West, Soweto, is charged under the Terrorism Act.

She has pleaded not guilty to taking part in activities of the ANC and alternatively taking part in terror activities last year.

Mr Dlamini refused to take the oath and asked for an adjournment so that he could consult his lawyer, Mr Ratha Mokgoathleng.

After the adjournment he persisted in refusing to testify saying that a statement he had made to the police had not been made freely and voluntarily.

The prosecutor, Mr A R van Wyk submitted that in terms of the new Section 29 under which Mr Dlamini is being held, nobody other than the Minister of Police or the Commissioner of Police, had lawful access to a detainee.

Judgment on Mr Dlamini's accessibility was reserved until Monday.

(Proceeding)



# Terror charges dropped

CAPE TIMES 11/11/82 331

Own Correspondent

JOHANNESBURG. — The State would withdraw Terrorism Act charges against two East London trade unionists, the president of the SA Allied Workers Union, Mr Thozamile Gqweta, and the vice-president of the union, Mr Sisa Njikelana, lawyers for the two men were told yesterday.

They were among a group of about 12 trade unionists detained in a police swoop last year. None of them has been convicted of an offence. One of the group, Dr Neil Aggett, died in police custody.

## 'Other activities'

Government spokesmen have said unionists who have been detained were not held for their union work but for "other activities".

Lawyers for Mr Gqweta and Mr Njikelana said yesterday the Attorney-General of the Cape had informed them charges against the two men were to be dropped.

The charges will be formally withdrawn at a court hearing in East Lon-

don tomorrow, they said.

The two men have been detained six times by the South African or Ciskeian police. Neither has been convicted of a security law offence.

While he was in detention, Mr Gqweta was admitted to the psychiatric ward of a Johannesburg hospital.

After being held for five months, the two men appeared in a Johannesburg magistrate's court on terrorism charges. They were transferred to Grahamstown for trial.

In Grahamstown, they were transferred to East London for trial and have appeared in court there several times. No details of the charges against them were given.

## 'Unusual'

In an unusual move, the two men were granted bail of R750 each while awaiting trial under the Terrorism Act.

Saawu's general secretary, Mr Sam Kikine, had earlier been granted R500 bail while awaiting trial in Durban under the same act. Charges against Mr Kikine were also withdrawn.

# Rachidi - banned books charge

MRS MAYTTAH Rachidi the wife of a former leader of the banned Black People's Convention, Mr Hlaku Rachidi, received banned publications from unknown persons through the post, a Johannesburg Magistrates Court heard yesterday.

Mrs Rachidi was giving evidence before Mr L S du Toit, where she is being charged with being in possession of "prohibited publications." She pleaded not guilty.

The court heard that the Security Police found the publication, "Call Me Not a Man," and three editions of "Solidarity" at Mrs Rachidi's home at 553 Letsatsi Street, Orlando East, Soweto. She said the editions of "Survival" had come to her home by post and addressed "to the owner of the house".

The case was postponed to November 30 for judgement.

• Articled clerk - Mr Chris Mokoditso who is being charged under the same law, will appear before the same court on November 30.



## TERRORISM TRIAL 331 Sactu links FM 12/11/82

Trade unionist Allan Fine, acquitted this week of charges under the Terrorism and Internal Security Acts, is probably the last person who will be tried under the Terrorism Act. The Act was repealed this year, with a number of its provisions incorporated into the 1982 Internal Security Act.

Fine, employed by the Witwatersrand Li-

quor and Catering Employees Union, was one of the 40-plus people rounded up by Security police for "general investigation" in September and November last year. Of that number, 14 were unionists or involved in the labour field on the Reef, in Natal or the eastern Cape.

Of this number, Fine has been acquitted, charges against Sam Kikine, Natal head of the SA Allied Workers Union (Saawu), were dropped, and the rest released. Thosamile Gqweta and Sisa Njikelana, both East London-based Saawu officials are on bail on Terrorism Act charges. However, neither has received a charge sheet.

Detainees included officials of Saawu, the General and Allied Workers Union (Gawu), the African Food and Canning Workers Union (Dr Neil Aggett, who died in detention), the Johannesburg Combined Municipal Employees Union, the Commercial Catering and Allied Workers Union, the Industrial Aid Society and the editor of the Durban-based *Labour Bulletin*.

By the time Fine was acquitted he had spent more than 13 months in detention and as an awaiting trial prisoner. He admitted sending generally available labour and union information to the exiled — but not outlawed — SA Congress of Trade Unions (Sactu). Fine was charged under the Terrorism Act with conspiracy with Sactu to endanger maintenance of law and order in SA, and under the Internal Security Act

with furthering the aims of the African National Congress.

In a meticulous technical judgment, the magistrate found that Fine's acts were not terroristic *per se*. This shifted the onus of proof back on to the State. The State had to prove beyond reasonable doubt that consequences penalisable under the Terrorism Act would eventuate from Fine's actions, rather than the accused having to prove the reverse — as usual under the Terrorism Act.

The court found that while there were illegal aspects to Sactu's activities, where it furthered the aims of the ANC, it also had independent and legal activities, and there was no proof that Fine's information was used for the former.

His clandestine communications with Sactu officials could be explained by the fact that, as Major Craig Williamson of the security police testified, the security police did maintain surveillance of unionists, which could have motivated Fine to perform legal acts covertly. Such points helped to acquit Fine.

### FM CONFERENCE

The FM's annual international investment conference, to be held next week, November 18 and 19, at the Carlton Hotel, Johannesburg, is now fully-booked.

Hence reservations can no longer be accepted for "Investment in 1983."



Themba Mthembu, left, and Mandla Sibisi.

## 2 win appeal, leave island

By ENRICO KEMP

AFTER completing two years of a five-year sentence on Robben Island, Durban schoolfriends Themba Mthembu and Mandla Sibisi were released yesterday after their successful appeal against a conviction under the Terrorism Act.

Excited and smiling, the two young men, still dressed in prison clothes, were brought to Cape Town on board the Robben Island ferry Susan Kruger shortly after 4.30pm and released. They were due to board a flight to Durban last night to be reunited with their relatives.

Mr Mthembu, 21, and Mr Sibisi, 23, of Kwa Mashu, near Durban, were arrested by security police at Mkuze, near the Swaziland border, in 1980 and were convicted in the Durban Regional Court on charges of undergoing military training. Five other men arrested with them were acquitted.

They were initially held at Leeukop prison near Pretoria and later transferred to Robben Island in November 1980.

Their attorney, Mrs Nonyamezelo Mxenge, said yesterday two judges in the Maritzburg Supreme Court had set

aside both their convictions and sentences on Tuesday.

She said the two men were to have been freed on Wednesday and their families had waited in vain for them to arrive in Durban on Wednesday night.

Mr Mthembu said yesterday it was "nice to be out", but he was concerned about other prisoners serving long sentences on Robben Island.

"But our cause is just. I am still committed to a free and just South Africa," he said.

He and Mr Sibisi — "my best friend" — grew up together in Kwa Mashu and were pupils at the Ubuhle Higher Primary School at the time of their arrest.

Mr Mthembu and Mr Sibisi both studied while on Robben Island and were due to write examinations shortly before their release. Mr Mthembu studied Accountancy, Business Economics, English and History for Form 3 and Mr Sibisi completed courses in History, English, Biology and Business Economics for Form 5 (Matric).

Both men said they had no immediate plans for the future and would first assess "conditions at home".



D. Disputed 12/1/82

## Charges against Saawu men to be dropped

**EAST LONDON** — The Deputy Attorney General of the Eastern Cape, Mr P. J. Strauss, confirmed yesterday that a charge of high treason, alternatively charges under the Terrorism Act, will be withdrawn when two trade union leaders, Mr Thozamile Richard Gqweta, 29, and Mr Sisa Njikelana, 27, appear in the magistrate's court here today.

Mr Gqweta and Mr Njikelana, president and vice president respectively of the South African Allied Workers' Union (Saawu), have been on bail of R750 each.

Initially they appeared in court in Johannesburg on May 6 with the un-

ion's national secretary, Mr Sam Kikine. Bail was refused then.

After another appearance in Johannesburg with several other trade unionists previously detained with them, Mr Gqweta and Mr Njikelana appeared in East London on August 27 when bail was granted under certain conditions.

When the men appeared on September 30, the state sought postponement to January, 1983, but this was refused by the presiding magistrate, Mr N. R. Ooshuysen, who ordered a postponement to today.

The men were not asked to plead at their appearances. — DDR

331 227 1183

## End of Gqweta's charges

CHARGES <sup>5-11-83</sup> against the national president and vice president of the South African Allied Workers' Union would be withdrawn today, a spokesman for the Attorney General's office in Grahamstown said yesterday. *Sowetan*

The spokesman said the charges against Mr. Thozamile Gqweta, president, and Mr Sisa Njikelana, vice president, would be withdrawn when the men appeared in the Magistrate's Court.

Mr Gqweta and Mr Njikelana, who were detained on December 8 last year, have appeared in court eight times since May.



APR 13/4/82

# Terror appeal: Judge <sup>331</sup> hits at police

MARITZBURG. — The evidence on which two men were convicted under the Terrorism Act was tainted, suspect and unreliable, in view of police malpractice in the investigation of the case, a Supreme Court judge said in giving reasons for setting aside the convictions and sentences of two Robben Island prisoners.

Mr Justice J A Howard was giving reasons for upholding the appeal of Mr James Sibisi, 20, and Mr Stanley Themba Mthembu, 18, this week.

The two Kwamashu men were sentenced in 1980 to five years imprisonment by Mr X Odendaal in the Durban Regional Court for planning to leave the country for military training.

Mr Justice Howard said the magistrate had misdirected himself by ignoring the evidence of 13 witnesses that they had been induced by threats of assault to make statements implicating the accused.

Referring to the evidence of Mr Vuyani Nkosi, in which he had implicated Mr Sibisi, the judge said his account of how the security police had extracted his statement made disturbing reading.

It was perfectly clear Mr Nkosi could not remember any of the conversations with the other accused concerning plans to go to Mozambique for military training. — Sapa



Mr Njikelana and Mr Gqweta after the withdrawal of the charges in the magistrate's court yesterday.

## Court packed as charges are dropped

EAST LONDON.—Trade union leaders Mr Thozamile Richard Gqweta, 29, and Mr Sisa Njikelana, 27, were told by a magistrate here that charges of treason, alternatively charges under the Terrorism Act, against them had been withdrawn.

The court was packed to capacity when the leaders of the South African Allied Workers Union (Saawu) appeared before Mr N. R. Oosthuysen.

The Deputy Attorney General of the Eastern Cape, Mr P. J. Strauss, asked for the withdrawal of the charges. He said

investigation of the matter had been "very complex".

He said police had had to do further investigations which had been completed recently and, despite the close attention given to the matter, much time had been taken to finalise it.

Mr Strauss said the Attorney General had decided not to proceed against the two men and had decided to withdraw all the charges.

A worker shouted "Amandla" after Mr Oosthuysen had told them the charges were withdrawn.

Mr Oosthuysen had earlier called upon a court orderly to stop people entering the court when another trial was in progress.

"This is not a circus," Mr Oosthuysen said.

"Those who have seats can stay and those who have not must leave."

Mr Gqweta and Mr Njikelana arrived in court 30 minutes before the matter was heard.

Mr Gqweta wore a dark green striped suit, dark shirt and a grey tie while Mr Njikelana wore a light grey suit, light green floral shirt and a black striped tie. — DDR.





Members of the South African Allied Workers' Union celebrate the withdrawal of treason charges against two of their leaders, Thozamile Gqweta and Sisa Njikelana outside an East London court this week.

# Union breaks State harassment

THE withdrawal of charges against two top South African Allied Workers Union officials in East London this week was the final blow to a Government-sponsored campaign to crush the union, say SAAWU officials.

The entire executive of the union — which claims a membership of nearly 95 000 — was in detention at one stage this year.

Two of the executives spent time, during their detention, in the psychiatric wards of hospitals.

Sam Kikine, the union's general secretary, who spent more than six months in detention, appeared in court nine times during and after his incarceration before charges under the Terrorism Act were withdrawn against him.

This week president Thozamile Gqweta and vice-president Sisa Njikelana, whose trial has been postponed eight times since May — after they had both spent several months in detention — were told the Attorney-General of the Cape had decided to drop charges of high treason, alternatively under the Terrorism Act.

Mr Gqweta has been detained seven times since 1980 and Mr Njikelana five times.

Mr Kikine told the Sunday Tribune the withdrawal of charges against his two colleagues this week was not unexpected following the acquittal in Johannesburg on Wednesday of another trade unionist, Alan Fine, who faced Terrorism and Internal Security Act charges.

Thirty-year-old Mr Fine, an official of a registered liquor and catering workers' union, was freed after spending more than a year in prison, by a Regional Court

By INGRID STEWART  
Labour Reporter

magistrate who found the State had failed to prove that, by secretly sending information to an official of the exiled South African Congress of Trade Unions (SACTU) he intended to assist the banned African National Congress.

Among his findings were that Mr Fine's participation in consumer boycotts did not mean he was working for the ANC and that he may have sent information to SACTU secretly because he feared banning or detention without trial.

Mr Kikine also said the State never had a case against the two SAAWU officials.

"SAAWU has never done, nor will we ever do, anything that is illegal. On the many occasions that I appeared in court there was never a charge sheet," he said.

The indictment against Mr Gqweta and Mr Njikelana also failed to arrive in courts where they appeared.

Mr Kikine said his detention and that of his two colleagues was part of a Government strategy to crush the union.

"But they have failed,"

he said.

Instead more than 10 000 people have signed up with the union since the crackdown on the leadership.

"Our detention is proof to the workers that we are fighting for them and the union has carried on regardless."

Backing up his claim of Government harassment of the union, Mr Kikine points to a document circulated by the Security Police in East London — where SAAWU is particularly powerful — on how to deal with labour unrest in the area.

The document outlined a joint Government-employer strategy to smash unregistered unions, especially SAAWU, in the area and became the subject of a heated debate in Parliament last year.

Mr Kikine says the Government is concerned about SAAWU not only because it refuses to register but also because it is committed to a policy of non-racialism and does not confine its activities to factory-floor issues only.

"We believe the problems of the workers go beyond the factory gate," he says.

We've stopped the campaign to crush us, says SAAWU as charges are dropped

For this reason SAAWU stands on the same platforms as those organisations fighting for improved housing and better transport for the poor and improved educational facilities. At the time of the three officials' detention last year, the union was actively campaigning in the Eastern Cape against Ciskeian independence.

SAAWU is also gaining support overseas. Organisations like Amnesty International and the Anti-Apartheid movement in London as well as the British Labour Party campaigned for the release of the unionists when they were in detention.

"When you put all this, and our vast and growing membership together, you can see why the Government finds us a threat and feels it necessary to harass us," he said.

Both the police and the Department of Manpower have persistently denied harassment of any trade unionists.

However, during Mr Fine's trial, Major Craig Williamson, a member of the Security Police, admitted that trade unions had been a particular target of police action over the past few years.

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# Alan Fine: 'It was a time of no hope'

By WILMAR UTTING

TRADE unionist Mr Alan Fine was so stunned when acquitted this week on charges under the Terrorism Act that he sat in his girlfriend's flat listening to news broadcasts "to see if I was really a free man".

Two days after his acquittal he was still bewildered and tense, unable to plan for the future or to clearly describe what his thoughts had been during more than 13 months in jail.

"All I could think of was what would happen next," he said.

"When I went into court I was prepared for the worst. I was prepared for a long jail sentence.

"When I was acquitted and able to walk out of court I just could not believe it."

Mr Fine, a 29-year-old official of the Liquor and Catering Workers' Union, was acquitted in the Johannesburg Regional Court on Wednesday by magistrate Mr W. Rosch.

Mr Rosch said the State had failed to prove its claim

that Mr Fine had intended to aid the banned African National Congress by sending information to an official of the exiled South African Congress of Trade Unions.

The fact that the information had been sent secretly was not proof of guilt, said Mr Rosch.

The information was publicly available and there was no evidence that it had been sent with ulterior motives, he said.



Mr Alan Fine  
... acquitted.

Mr Fine was one of 58 people detained in South Africa between September and December last year in a massive swoop on trade unionists, community workers and students.

He was held in solitary confinement at Hillbrow Police Station from September. Six months later he was charged and transferred to the Fort as an awaiting-trial prisoner. He stayed there for more than seven months.

"It was impossible to think or hope. I just had to wait and see what would happen to me. I played bridge a good deal of the time," he said.





# Union victory - final blow to Govt

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THE WITHDRAWAL of charges against two top South African Allied Workers' Union (Saawu) officials in East London last week was the final blow to a Government-sponsored campaign to crush the union, say SAAWU officials.

President of the union, Mr Thozamile Gqweta and vice-president Mr Sisa Njikelana, whose trial has been postponed eight times since May — after they had both spent several months in detention — were last week told the Attorney-General of the Cape had decided to drop charges of high treason and terrorism.

Mr Gqweta has been detained seven times since 1980 and Mr Njikelana five times.

## NOTE

1. The withdrawal of charges against his two colleagues was not unexpected following the acquittal in Johannesburg on Wednesday of another trade unionist, Mr Alan Fine, who faced Terrorism and Internal Security Act charges.
2. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
3. Do not write in the left hand margin.

Mr Kikine had spent more than six months in detention and appeared in court nine times before charges under the Terrorism Act were withdrawn against him.

Mr Kikine said the State never had a case against the two SAAWU officials.

"SAAWU has never done, nor will we ever do, anything that is illegal. On the many occasions that I appeared in court there was never even a charge sheet," he said.

The indictment against Mr Gqweta and Mr Njikelana also failed to arrive in courts where they appeared.

Mr Kikine said their detentions were part of a Government plan to crush the union. "But they have failed," he said.

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EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

	Internal	External
(1)	(2)	(3)
1	58	
3	28, 63	
11	35	
Exami- ners' Initials		

## WARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University



# UNIVERSITY OF CAPE TOWN EXAMINATION ANSWER BOOK

Section B

All answer books must be numbered

Number of books handed in	
Number of this book	

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

	Internal	External
(1)	(2)	(3)
6	60	
8	63%	

CAPE Times 15/11/82 (331)

## Jail release: Inquiry urged

Own Correspondent

THE release last week of Mr Mandla Sibisi and Mr Themba Mthembu from Robben Island after two years' jail has brought strong reaction from the Opposition and a call for a full-scale inquiry.

Commenting on the men's release and Mr Justice Howard's criticism of police methods, Mr Alex Boraine, chairman of the federal executive of the PFP, called the men's imprisonment "scandalous".

The two Kwamashu men were sentenced to five years' jail in 1980 for

planning to leave the country for military training.

However, in upholding the appeal last week, Judge Howard said that the magistrate, Mr X Odendaal, had seriously misdirected himself by ignoring the evidence of 13 witnesses who stated that they had been induced by threats of assault and detention to make statements implicating the accused.

"The fact that these two men had to spend two years on Robben Island before their appeal was heard, is nothing short of

scandalous. It amounts to Mr Mandla Sibisi and Mr Themba Mthembu being condemned to lose two years of their lives incarcerated on the infamous Robben Island, only to be found 'not guilty'," said Mr Boraine.

"The judge's comments are very disturbing. They reflect very badly on the conduct of the initial police investigations.

"I call upon the Minister of Law and Order (Mr Louis le Grange) to launch a full inquiry."

A spokesman for Mr Le Grange was unable to comment on the matter.



Mr Themba Mthembu is reunited with his mother after his release from prison.

Paper No .....  
(to be copied from the heading on the Examination Paper)

### NOTE CAREFULLY

1. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
2. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
4. Do not write in the left hand margin.

### WARNING

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*Internal*  
**Internal** (33)

*Security*  
**Security**  
*Mercury*  
**Act trial**

*16/11/82*  
**continuing**

**Court Reporter**

*16/11/82*  
THE trial at which a 23-year-old man and a 17-year-old youth are appearing before Mr PJ du Plessis in the Durban Regional Court charged with contravening the Internal Security Act is continuing.

Mr Nkosenye Ndlovu and the youth are alleged to have incited certain people to undergo military training which could further the aims and objects of the banned African National Congress.

It is also alleged that they participated in the activities of the ANC.

The offences are alleged to have been committed between September 1 last year and June 10 this year.

The State alleges the two formed or attempted to form a secret cell in the Republic to promote the aims of the ANC. It is also alleged they recruited or attempted to recruit members and supporters for the ANC.

The hearing continues today. They have pleaded not guilty.

*test in court policy*  
*into privilege*  
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By CHARLES MOGALE

A WOMAN charged under the Terrorism Act yesterday described how a white Security Policeman allegedly repeatedly forced his finger into her vagina and assaulted her for not giving "satisfactory" answers while under questioning.

Miss Lilian Keagile (24) of Molapo, Soweto, pleaded not guilty to charges of furthering the aims of a banned organisation.

Wiping her eyes occasionally, Miss Keagile told Mr I J J Luther there were three children with her when she was arrested last November 18 and they were not given food from 10 am when she was arrested until late that night when she put them to sleep in a police cell in Magaliesburg.

The children were aged six, five and two.

The court heard that Miss Keagile was travelling home from Botswana when she was arrested in a train at the Mafikeng border. She was driven to Zeerust where two policemen from Protea came to collect her.

She and the children were put into the back of the car and driven to Magaliesburg. During the trip she was asked questions about her trip to Botswana and the people she had met. The driver ac-

331 16/11/82  
cused her of being a member of the ANC and got angry when she denied it.

Miss Keagile said the car stopped on four occasions and she was dragged out by the driver.

"On the third and fourth occasions he pressed me against the door of the car and forced his finger into my private parts. I tried to push him away but he was too strong for me.

"He slapped me in the face and kicked me even after I had fallen. I knew I was in the hands of a wild, stupid beast," Miss Keagile said.

After the first halt the children saw her crying and started crying too. The driver got angry and shouted at them: "Voertsek, klein terroriste."



UNCONSCIOUS: Pirates' captain Andy Karajinsky in hospital after accident on Saturday.

## Bucs star in disaster over car accident

By HORATIO MOTJUWADI

MYSTERY still surrounds the circumstances of the accident in which Orlando Pirates' captain, Andy "Jesus" Karajinsky was critically injured on Saturday night.

By late yesterday afternoon, Karajinsky still could not recall what had happened. He is at a Johannesburg hospital where The SOWETAN was told he would be "for a long time — at least six

weeks".

The Bucs mid-fielder sustained a broken leg, a fractured pelvis and ribs, facial injuries and an arm injury.

According to Bucs trainer-coach, Brian Goldrick, Karajinsky was found lying unconscious in his car in Randburg on Saturday night.

"I don't have the faintest idea how long he had been there, but a passerby arranged for

him to be taken to hospital," he said.

When Karajinsky was taken to hospital, he was being treated for his injuries. Karajinsky was recognised by his teammates and then taken to his room. He was found unconscious in his car in Randburg on Saturday night.

Goldrick was in tears when he heard the news. He said he must go to the hospital to see the coach.

Goldrick said Karajinsky had been a teammate at his first club, the Chiefs at Durban, where he met his wife.

Wasmueller said he would be found comment.

# Win a new kitchen — P 9

## THE SOWETAN/LUBNERS BETTER HOMES CONTEST



Cops choked me with wet sack, says accused

33,

Sowetan  
17/11/82

# Trialist tells of torture

**TERROR** trialist Lillian Keagile (24), yesterday alleged that two security policemen choked her with a wet sack and forced her to make an incriminating statement before a magistrate.

Miss Keagile of Mopopo, Soweto, made the allegation before Mr I J J Luther in the Johannesburg Magistrate's Court yesterday where

she pleaded not guilty to a charge of furthering the aims of a banned organisation.

The court heard that on the night of her arrest on November 18 two white security policemen drove her to a veld in Magaliesberg and pulled a wet sack over her face. She was

assaulted and one of the policemen forced his finger into her vagina.

"It became too painful and I agreed to tell the magistrate what they told me to," she said.

Under cross examination by Mr A R van Wyk for the State, Miss Keagile said she agreed to make a statement because she was promised

an early release and she was worried about the three children whom had been arrested with her. The children were aged six, five and two.

Earlier, Miss Keagile told the court that on the trip to Magaliesberg, after her arrest in Mafikeng, one of the policemen repeatedly assaulted her and forced

his finger into her vagina. She was called "a bitch" (teef) and when the children cried, the policemen shouted at them "voertsek klein terroristes".

She and the children were not given anything to eat or drink from 4.30am when they were arrested at the Mafikeng border, until she put the kids to sleep in a Magaliesberg cell late that night.

**PROCEEDING.**

according to the definition of inflation (ie a sustained rise in the general price level), that is not inflation. So perhaps here the alternative to the monopoly is rampant inflation.

Another myth is that monopolies always display monopoly power. An example against this are some of the agricultural boards in S.A. who do not really display monopoly power.

When the government regulates an economy, the more often than not ~~create~~ welfare losses, by so doing, are created, and this is undesirable. Also, many monopolies exist because of the government which has the power to restrict entry into that field (licences etc), protect that monopoly (import tariffs etc) and just help the continuation of its existence. (All this results of course in rent seeking).

5 12/11/82

# State rejects assault claim

By Themba Maseko

The prosecutor at the trial of Miss Lillian Keagile in the Johannesburg Magistrate's Court yesterday dismissed as a lie her claim that she was assaulted and sexually molested by two security policemen last year.

Mr A R van Wyk said Miss Keagile made up a story to suit her evidence. He produced a statement alleged to have been made by Miss Keagile when she was examined by a doctor while in detention last year.

Mr van Wyk said that, in the statement, she had mentioned only the assault and had omitted the claim of sexual molestation.

Miss Keagile said she had felt ashamed to tell the doctor that she had been assaulted indecently.

"But you had the

temerity to tell the public and Press in this court about the sexual molestation," Mr van Wyk said. "Surely a doctor was the only person in whom you could confide. I put it to you that you were not sexually molested."

Miss Keagile replied: "I did not reveal these details in court for publicity or to attract attention. I still feel ashamed but I have taken an oath to tell the truth."

Mr van Wyk was warned by the magistrate, Mr I J J Luther, to lower his voice after Mr C Mailer, defending, had objected to "the prosecutor's aggressive attitude towards my client."

Miss Keagile (25) of Molapo, Soweto, has pleaded not guilty to being a member of the African National Congress, or furthering its aims, and to contravening the Terrorism Act.

The case continues.



# State calls Keagile a liar

33  
20/11/79

THE prosecutor in the trial of Miss Lillian Keagile, held in the Johannesburg Magistrate's Court, this week dismissed as a lie her claim that she was assaulted and sexually molested by two security policemen last year.

Mr A R van Wyk said she had fabricated a yarn to suit her evidence. He produced a statement which Miss Keagile had allegedly made when examined by a doctor during her detention last year.

Referring to the statement, Mr Van Wyk said she had mentioned only the alleged assault and not sexual molestation.

In reply, Miss Keagile said she had felt ashamed to tell the doctor that she was indecently assaulted. Mr Van Wyk said: "But you had the temerity to tell the public and Press in this court of the sexual molestation. Surely a doctor was the only person in whom you could confide? I put it to you that you were not sexually molested."

Miss Keagile said she had been advised by her lawyer to tell the truth in court because she had taken an oath.

On one occasion Mr Van Wyk was warned by the magistrate, Mr T J J Luther, to lower his voice after Mr C Mailer, defending, had lodged an objection against "the prosecutor's aggressive attitude towards my client."

Miss Keagile (25), of Molapo, Soweto, has pleaded not guilty to being a member of the African National Congress.

# Doctor took a look just 83 days later

Mall Reporter

A DETAINEE was examined by a doctor 83 days after she was allegedly assaulted by members of the Security Police during interrogation, a Johannesburg Regional Court magistrate heard yesterday.

This testimony was given in the Terrorism Act trial of Miss Lillian Keagile, 24, of Molapo, Soweto, who appeared before Mr I J J Luther.

The State alleges she took part in the activities of the ANC.

Giving evidence for the defence, the senior district surgeon for Johannesburg, Dr Norman Jacobson, told the court his duties included examining detainees.

He said he examined Miss Keagile on February 9 this year. She told him she had

been assaulted by Security Police when she was arrested on November 18 last year.

She said she was suffering from pains in the chest and also under her breast.

She told him she had not been seen by a doctor since she was allegedly assaulted by being kicked all over her body.

She told him her head was covered with a wet sack which was later used to hit her on the body. She was also slapped on both ears, he said.

Dr Jacobson said he noticed no visible injuries on her.

Miss Keagile, who first appeared in court eight months after being detained, will spend a second Christmas day in custody and will appear again on January 10 next year.

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120m 20/11/82 (3)

# Accused spoke freely, SP head tells court

## Mail Reporter

AN ALLEGED double murderer and African National Congress saboteur spoke spontaneously and freely to the Security Police after 20 hours interrogation by three teams of interrogators, it was heard in the Pretoria Supreme Court yesterday.

Mr Rogerio Hoffsan Chamusso, 32, alias Patrick Shange, is appearing before Mr Justice A P Myburgh and assessors on five charges — two counts of murder and three counts of contravening the Terrorism Act, and an alternative charge of sabotage.

Mr Chamusso is alleged to have murdered Mr Lukas Abraham Mans, 47, and Mr Hendrik Rudolph Gerhardus Booysse, 32, near Witbank on October 23 last year. He is also alleged to have sabotaged an Escom electricity transformer in Witbank.

The State alleges further that Mr Chamusso received military training in Mozambique and Angola between 1979 and October 1981. When arrested, he was allegedly in possession of explosives and ammunition.

Lieutenant-Colonel Robert McIntyre of the Eastern Transvaal Security Police said Mr Chamusso looked normal after his arrest. He was not wearing a shirt or shoes.

Col McIntyre said he organised three interrogation teams. The first team was to interrogate Mr Chamusso from 4pm until midnight. The second was to take over from midnight until 6am and the third would interrogate Mr Chamusso until midday.

He talked to Mr Chamusso on the morning of October 28 and after Mr Chamusso made a verbal statement to the Security Police, it was decided he should make a statement to a magistrate.

Col McIntyre said Mr Chamusso spoke spontaneously and freely to him. He did not look as if he had been deprived of water.

"His spontaneity did not surprise me because from the beginning he co-operated with the police," Col McIntyre said.

Under cross-examination by Mr J N de Vos, Col McIntyre said Mr Chamusso had been in detention for nine

months, first as a suspect, then detained under the Internal Security Act and later, under the Terrorism Act.

Col McIntyre said Mr Chamusso denied he was a member of the ANC or that he possessed a car or pistol.

Earlier, a Middleburg magistrate, Mr S A Muller, testified that he was called by the Security Police to take Mr Chamusso's statement.

Mr Muller said he did not ask Mr Chamusso to tell him the circumstances which led him to make the statement. He did not ask Mr Chamusso to explain what he meant when he said he wanted to talk before a "court".

"There was water and a glass in my office when he was making a statement. He did not ask for water. I did not think that I should ask him further about the denial of the water. He did not look thirsty," Mr Muller said.

The judge is to decide on Monday whether the statement made to Mr Muller is acceptable as evidence in the hearing.

Mr P Haasbroek, SC, Deputy Attorney-General of the Transvaal, and Mr S Joubert, appeared for the State. Mr E Dane and Mr J N de Vos appeared for Mr Chamusso.

233 331 S. Times 21/11/82

# Freedom and degree for journalist

FORMER political journalist Tony Holiday, 42, went to jail in 1976 with a standard six education — and came out this week with a BA degree. And he has just finished writing his final paper for an honours degree.

Mr Holiday served six years in prison under the Terrorism Act. His schooling had been restricted because of a neuro-muscular disease.

In the final year of his degree he received a distinction in philosophy.

"Getting that degree was the biggest lift I got during those six years in prison," said the former Rand Daily Mail reporter during his first "freedom breakfast" on Friday at the home of his sister, Anne, at Bedfordview, near Johannesburg.

He was not going to talk about politics, he said as he hungrily ate a big plate of bacon and two fried eggs, two slices of buttered toast and coffee — "the best breakfast I have had for years ... I tended to go without while I was in prison".

## Painful

Studying every night in prison made the time pass quickly.

"I did it on my head," he said, adding: "It was my 73-year-old mother, and my sister and her husband who really suffered all those years."

Freedom was not the trauma many people had warned him it would be.

"I didn't feel overwhelmed by the sudden freedom or the Press and people in the streets."

"When I got back to my



TONY HOLIDAY  
Six-year swot in prison

By NEIL HOOPER

sister's home I had two beers, later a whisky, and after that two glasses of wine and some liqueur — my first alcohol for six years, and it had no affect on me whatever.

"Despite many visitors and wellwishers, I went to bed early that first evening, about 9.30, and slept well and woke up at six o'clock."

When I found him at 7.30am he was having breakfast on the patio next to the swimming pool at his sister's home, looking fit and much the same as when I last saw him leaving the dock in Pretoria's Old Synagogue on November 19, 1976.

He had then just been sentenced by Mr Justice Davidson for promoting the aims of the banned African National Congress and the banned South African Communist Party by producing and dis-

tributing "highly subversive and inflammatory" pamphlets to a wide range of people.

He had recruited two journalists, Mr Patrick Weech and Mr Harry Mashabela, to assist him. Both gave evidence for the State.

The judge said Mr Holiday had been man enough to admit to his actions.

He said it was extremely painful for him to pass sentence.

"I have listened with sympathy to your statement and I appreciate your sensitivity, but can only condemn the aims you encourage," he said.

Mr Holiday told me this week: "I have been granted a passport of the Republic of Ireland and am leaving South Africa for Britain next week, where I am going to try to raise money so that I can study further in philosophy in Britain."

## Reunion

"First, I'm flying to Zimbabwe, where my brother lives, for a family reunion."

Has he any plans of returning to his former profession — journalism?

"Not if I can help it. I had 10 years of it. I am not going to start climbing up that long ladder again."

"I am sad to leave South Africa, a country I love, and to leave my friends behind in prison — friends who were prepared to be friends although I spent so much time studying," Mr Holiday said.



**By J S MOJAPelo**  
**Pretoria Bureau**

# Forced to make false statement

## — accused

### Own Correspondent

A 32-year-old man yesterday testified that he had admitted taking part in terrorist activities to a magistrate because he was assaulted and threatened by the police.

Mr Rogerio Hoffmann Chamusso, alias Patrick Shange, of Mozambique, is facing charges of murder and taking part in terrorist activities. He was giving evidence at a trial within a trial in the Pretoria Supreme Court concerning the admissibility of a statement as evidence.

After he was arrested in October last year Mr Chamusso made a statement to a magistrate. He claimed he was forced to make it by being denied food and water by the police.

Mr Chamusso admitted working for the banned African National Congress in Mozambique but said he was not a Mozambican citizen.

He said he had also worked as a driver for the United Nations.

On one occasion, he said, he met revolutionary-in-exile Mr Joe Slovo, who gave him a mandate to carry out three acts of sabotage in South Africa.

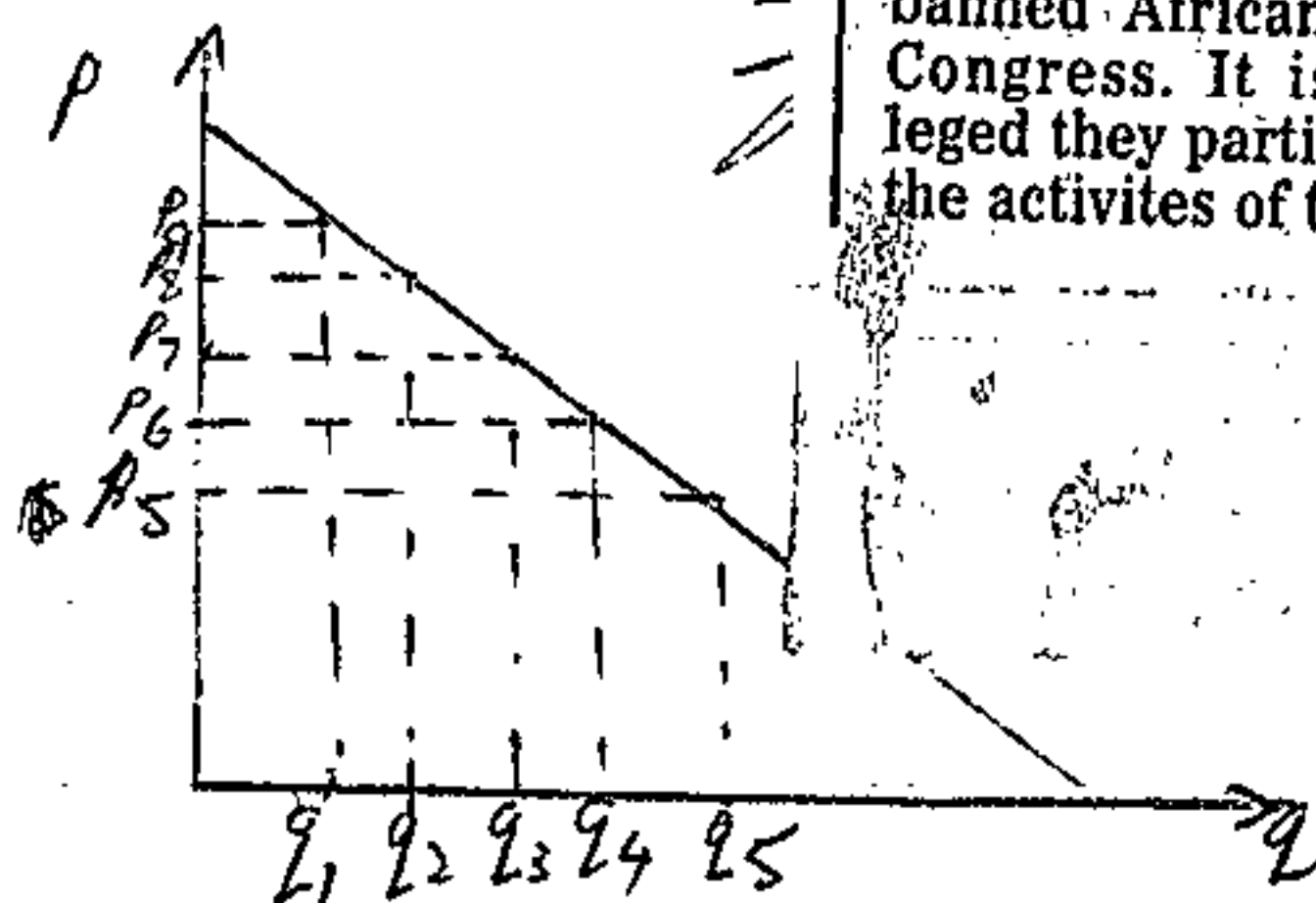
When he came to South Africa Mr Chamusso admitted using explosives to damage the Transalloys substation in Witbank and admitted possessing limpet mines.

He denied the State's allegation that he shot and killed Mr Lukas Abraham Mans and Mr Hendrik Booysen in Ogies last year.

The case continues.



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## Security Act trial resumed 25/1/80 adjourned

**Court Reporter**  
 THE hearing at which Mr Nkosenye Ndlovu, 23, and a 17-year-old youth have pleaded not guilty to contravening the Internal Security Act has been adjourned until November 29.

At the close of the State case in the Durban Regional Court yesterday, Mr A K S Pitman, for the two accused, said he was going to make an application for their discharge.

It is alleged by the State that the two young men incited certain people to undergo military training which could further the aims and objects of the banned African National Congress. It is also alleged they participated in the activities of the ANC.

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However even though equilibrium is at  $P_5$  and the monopolist sells his commodity at  $P_5$ . In certain instances the monopolist can sell at higher prices to certain people, these prices being above the equilibrium price, the revenue he gets above the equilibrium is his super normal profits. Discrimination occurs in almost every aspect of life e.g. your home doctor will charge you more for a check up than he would another person, who has a lower income than you. The economics department gives a person a supplementary examination and gets an extra R40 because you can afford it.

By JOHN MOJAPelo  
Pretoria Bureau

AN ALLEGED African National Congress saboteur had used false names to evade arrest by the Security Police the Pretoria Supreme Court was told yesterday.

Mr Rogerio Hoffsani Chamusso, 32, according to the indictment, is a Mocambican citizen. This week he told Mr Justice A P Myburgh and assessors he was really a South African. His real name was Patrick Shange.

Yesterday the court heard that Mr Chamusso had used different names in several different reference books and his driver's licence.

He said he had been warned he would be arrested if he used his correct name because his parents had fled to Mozambique.

Mr Chamusso is appearing on two charges of murder, three of contravening the Terrorism Act and an alternative charge of sabotage.

# ANC trial told how accused used aliases

331 Rbm 25/11/82

The State alleges he:

- Received military training in Angola and Mocambique between 1979 and October 1981;

- Murdered Mr Lukas Abraham Mans, 47, and Mr Hendrik Rudolph Gerhardus Booysen, 32, in Ogies near Witbank on October 23 last year;

- Sabotaged an Escorn electrical transformer in Witbank with Russian limpet mines on the same day;

- Was found in possession of arms and explosives when arrested after a three-day police search.

Mr Chamusso, cross-examined by Mr P Haasbroek, SC,

for the State, said he had co-operated with the police until the Security Police brought his two children and aged mother-in-law to the police station and refused to allow him to see them unless he implicated himself in a Pretoria sabotage attack.

"I knew my children would be killed. I saw my wife and child killed by the South African soldiers during the raid on Matola in Mocambique," Mr Chamusso said.

Mr Chamusso said he had been employed at the Phoenix Colliery in Witbank between January 1979 and October 1981 under a false name. When he took a driv-

er's licence at Maraisburg he used another false name.

The assistant chief clerk at the Phoenix Colliery, Mr Paulos Monareng, gave evidence on Mr Chamusso's employment at the colliery during 1979 under a false name.

Today State and defence counsels will argue whether a statement Mr Chamusso made to a Middleburg magistrate, Mr S A Muller, on October 28 should be accepted as evidence. Earlier Mr Chamusso told the court he had made the statement under duress.

Mr P Haasbroek, SC, the Transvaal deputy Attorney-General and Mr S Joubert appeared for the State. Mr E Dane and Mr J N de Vos represented Mr Chamusso.



26/11/82 Rem

# ANC man's confession thrown out by court

321

By JOHN MOJAPelo  
Pretoria Bureau

A CONFESSION made after 30 hours' intensive interrogation by the Security Police of a self-confessed African National Congress saboteur was rejected as evidence in the Pretoria Supreme Court yesterday.

Mr Justice A P Myburgh, sitting with assessors, said "undue influence" had been used to extract the confession.

Mr Rogerio Hoffmann Chamusso, 32, alias Patrick Shange, who is appearing on two charges of murder, three of contravening the Terrorism Act, and an alternative charge of sabotage, made the confession to a Middelburg magistrate, Mr S A Muller, on October 28, 1981.

The State alleges Mr Chamusso had received military training in Mozambique and Angola between 1979 and October 1981 and had returned to South Africa on October 23. It further alleges Mr Chamusso murdered Mr Lukas Abraham Mans, 47, Mr Hendrik Rudolph Gerhardus Booysen, 32, and sabotaged an Escom electric transformer with Russian limpet mines. The State also alleges that when Mr Chamusso was arrested he was found in possession of arms and explosives. In a previous confession Mr Chamusso admitted he belonged to the ANC.

Mr Chamusso, in the disputed confession, admitted shooting Mr Mans and Mr

Booyesen in their caravan with a Makarov pistol.

This week Mr Chamusso told the court he had made the confession after he had been denied water, food and sleep by the Security Police. He said he had been interrogated by three teams of Security Police October 27. The Security Police denied Mr Chamusso had made the confession under duress. They said he had spoken spontaneously and freely to them.

But the judge said undue influence had been applied on Mr Chamusso to make the confession. The confession did not comply with the requirements of the Criminal Procedure Act. The confession must be disallowed as evidence and be deleted from the court record, he said.

He would not accept the evidence that Mr Chamusso had made the confession because of an agreement with the Security Police that if he implicated himself with the murders he would be absolved from prosecution.

"I do not think somebody with the accused's intelligence would have entered into a foolish agreement to endanger his life and expect to be absolved from prosecution," the judge said.

It was a pity Mr Muller, who had taken the confession, had not investigated some of Mr Chamusso's remarks when making the confession. The judge rejected the allegation by Mr Chamusso that he had made the confession because he had been denied water and food. The hearing continues today.

# Painter tells court why he joined ANC

Own Correspondent

JOHANNESBURG. — A former Maraisburg painter decided to join the African National Congress (ANC) and went for military training after his wife and child were killed during the Matola raid by the South African Defence Force, it was said in the Pretoria Supreme Court yesterday.

Mr Rogerio Hoffmann Chamusso, 32, alias Patrick Shange, told Mr Justice A P Myburgh and assessors that he was shot in the knee during the attack in Maputo on January 31 last year.

Mr Chamusso is appearing on two charges of murder and three of contravening the Terrorism Act.

## 'Sabotage mission'

The State alleges he left the country and underwent military training in Mozambique and Angola between 1979 and October 1981, and that he came back into the country with a mission from the ANC in Maputo to commit sabotage.

Mr Chamusso is alleged to have murdered Mr Lukas Abraham Mans, 47, and Mr Hendrik Rudolph Gerhardus Booysen, 32, on October 23 last year.

Mr Chamusso was arrested after a three-day search by the police who found arms and explosives in his car.

Mr Chamusso gave evidence in his own defence. He said he had left the country on June 20, 1980.

"The first reason was that I had problems with inspectors who did not allow me to do my painting in suburbs and said I must go to Soweto."

Mr Chamusso said he was sent for military training in Angola. He received orders from Joe Slovo to sabotage three targets, left Maputo on October 14 last year and entered South Africa through Swaziland. He had Russian limpet mines hidden in the back seat of his car.

## Ogies unit

Mr Chamusso said he met a man called George in Swaziland who gave him R200 for an ANC unit in Ogies.

He admitted he had sabotaged an electrical transformer in Witbank.

Mr Chamusso said he had decided to join the ANC after his wife and child were killed.

"The raid took place at the residence of innocent people. The nearby terrorist camp was not attacked," he said.

The deputy Attorney-General of the Transvaal, Mr Haasbroek SC, and Mr S Joubert appeared for the State. Mr E Dane and Mr J N de Vos appeared for Mr Chamusso. The hearing continues on Tuesday.



# SAAN trial to be in camera

Own Correspondent

JOHANNESBURG. — An application for the withdrawal of charges under the Protection of Information Act against South African Associated Newspapers and three of the company's senior employees was rejected yesterday in the Johannesburg Regional Court.

The president of the Regional Court, Mr JA van Dam, who presided, ordered that the case proceed against SAAN, the editor of the Rand Daily Mail, Mr Rex Gibson, the editor of the Sunday Times, Mr Tertius Myburgh, and the Mail's investigations editor, Mr Eugene Hugo.

## March, 1983

Mr Van Dam upheld an application by the Deputy Attorney-General of the Transvaal, Dr Koos D'Oliviera, who appeared for the State, that the trial be held in camera when it resumes on March 1 next year.

The accused face three charges under the Protection of Information Act and three alternative charges under the Official Secrets Act. They have not yet been asked to plead.

The charges arise from

reports by Mr Hugo in the Mail and the Sunday Times in April concerning alleged involvement by the National Intelligence Service (NIS) in last year's abortive Seychelles coup.

## 'Quite plain'

At a hearing on Thursday the defence counsel, Mr Ernie Wentzel SC, said it was true — as had been conceded by the State — that the case was not a major espionage trial, but some very important issues were raised and it was "quite plain" that there had been considerable South African involvement in the attempted coup as was found by Mr Justice James in the Maritzburg hijack trial.

He said the accused, who were the editors and a reporter of newspapers which had reported on the coup attempt, were the first and only people to have been brought before court in the matter.

He said the charges were authorized by the Attorney-General under the Protection of Information Act which did not exist at the time of the alleged offences and should therefore be withdrawn.

The alternative charges were also invalid because the the Official Secrets Act was repealed by the Protection of Information Act and no longer existed.

Dr D'Oliviera submitted on Thursday that the charges under the Protection of Information Act were in all essential respects the same as the accused would have faced under the Official Secrets Act.

Mr Van Dam said yesterday it was clear the Attorney-General had applied his mind to the prosecution — as was required by law — and was satisfied that the case should be proceeded with.

## 'Refused'

He refused a request by Mr Wentzel that the case be adjourned for his argument to be reviewed by the Supreme Court.

Mr Wentzel's request was opposed by Dr D'Oliviera who quoted various authorities who believed a superior court should not interfere in a matter once it had begun in a lower court, but rather that the matter be reviewed on appeal if the accused were convicted.

Mr Wentzel successfully applied for an adjournment to seek further particulars of the charges from the State. Dr D'Oliviera agreed to supply the particulars which may not be published due to the in camera ruling.

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2 RAND DAILY MAIL, Saturday, November 27, 1982

# 'I joined ANC after soldiers shot my wife'

Pretoria Bureau

THE death of his wife and child in Mozambique at the hands of South African soldiers prompted a former Maraisburg painter to join the African National Congress and go for military training, the Pretoria Supreme Court heard yesterday.

Mr Rogerio Hoffmann Chamusso, 32, alias Patrick Shange, told Mr Justice A P Myburgh and assessors he had been shot in the knee during the Matola raid by the South African Defence Force on January 31, last year.

Mr Chamusso is appearing on two charges of murder, three contraventions of the Terrorism Act, and an alternative charge of sabotage.

The State alleges Mr Chamusso left the country and underwent military training in Mozambique and Angola between 1979 and October 1981. He returned with a mission from the ANC in Maputo to commit sabotage.

Mr Chamusso is alleged to have murdered Mr Lukas Abraham Mans, 47, and Mr Hendrik Rudolph Gerhardus Booysen, 32, on October 23, last year. In the evening he allegedly sabotaged an Escom electrical transformer

with Russian limpet mines.

In his defence, Mr Chamusso said he had left South Africa on June 30, 1980.

"The first reason was that I had problems with inspectors who would not allow me to do my painting in the suburbs and said I must go to Soweto. Again, my personal documents did not allow me in the urban areas," Mr Chamusso said.

Under cross-examination by the State prosecutor, Mr P Haasbroek, SC, Mr Chamusso said when he had crossed into Mozambique from South Africa he had been detained by Frelimo soldiers for three months.

He said he had decided to join the ANC and undergo military training in Angola after his wife and child had been killed during the Matola raid by South African soldiers.

"I saw the soldiers while on my way from the bioscope with my wife. I thought they were Frelimo soldiers. Minutes before midnight, while I was in the toilet, the attack started. There was bombing around me and I escaped through the toilet window," he said.

Mr Chamusso, who was shot in the knee, said he had been in hospital when he was told his wife and child had been killed in the raid.

The hearing continues on Tuesday.

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fact by the people who earn the top 20%  
of the income to be earned in a country. They  
in most cases don't need the benefits of a tax  
policy. They can afford to send their families  
abroad to hospitals and to have them  
educated. In South Africa for eg. a top  
executive in a mining co pays a large  
proportion of <sup>his</sup> income in tax. Should he  
receive the benefits of the tax policy or most  
of the ~~poor~~ labourers who actually mine the  
profits out of the ground. ~~Yes~~ Without them  
the executive could not earn his salary and  
so the labourers should be entitled to a  
share of the tax paid as well. More important  
if the gov wants to stimulate the economy it



**UNIVERSITY OF CAPE TOWN  
EXAMINATION ANSWER BOOK**

**EVERY CANDIDATE MUST** enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

All answer books must be numbered

**See Page 2**

# High treason trio's appeal is dismissed

**BLOEMFONTEIN.** — The appeals of three men sentenced to death for acts that included the attack on the Booysens Police Station and Sasol Two at Secunda have been dismissed by the Appeal Court.

The appellants were Anthony Bobby Tsotsobe, Johannes Shabangu and David Moise. They were convicted of high treason in the Transvaal Supreme Court by Mr Justice C D J Theron on August 18, 1981, and were all sentenced to death.

**Tsotsobe's conviction arose from:**

- The attack on the Booyens Police Station on April 4, 1980;
- The attack on Uncle Tom's Hall, Orlando West, on May 5, 1980;
- The setting of TNT explosives at Dube station under and near the railway line and attached to an electric time switch on October 14/15, 1980;
- An attack on the West Rand Administration Board offices at Diepkloof on October 30, 1980;
- The setting up of an underground base in Meadowlands between April and November 1980, and;
- Being in possession of arms, ammunition and explosives for the purpose of war, sabotage and subversion.

Shabangu was responsible for a handgrenade attack on the house of a police constable at Bosfontein on April 27, 1980.

He then left for Swaziland, but returned on July 26, 1980, with orders to kill certain people.

On August 1, 1980, at Driekoppies in Ka-

ngwane, he was in possession of weapons and ammunition intended for acts of violence and war in South Africa.

Moise, with other people, attached limpet mines at Sasol Two on June 1/2, 1980.

He was in possession of limpet mines that he and others had brought into South Anrica to commit sabotage. He was arrested on October 26, 1980, when he returned from Mozambique to again reconnoitre at Secunda.

Yesterday's 143-page judgment was delivered by the Chief Justice, Mr Justice Rabie, with the concurrence of Mr Justice Jansen, Mr Justice Joubert, Mr Justice Viljoen and Mr Justice van Heerden (Acting Judge of Appeal).

The Chief Justice said that in regard to Tsotsohe he was by no means persuaded the trial court had erred.

He referred to a passage quoted by the trial court from Tsotsobe's confession that referred to the time when he first began to receive military training in a camp in Angola. It showed he appreciated from the outset that he would, after completing his training, return to South Africa.

After a detailed analysis of the evidence against Shabangu, the Chief Justice concluded that there were no grounds on which it could be held that Shabangu was wrongly convicted.

Similarly, with Moise, the judge considered there was no ground on which it could be held that the trial court had erred in convicting Moise of high treason.

[illegible]

**NOTE CAREFULLY**

1. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
2. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
4. Do not write in the left hand margin.

## WARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

**Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University**

# Appeal for 3 ANC men

By CHARLES  
MOGALE

*Sowetan 29/11/82*  
THE STATE President is to be petitioned in a final attempt to save the lives of three condemned ANC guerillas, Anthony Bobby Tsotsobe, Johannes Shabangu and David Moise. (331) ~~148~~

The move follows international appeals for a stay of their executions.

An appeal against their sentences was dismissed by the Appellate Division in Bloemfontein on Friday.

The three's instructing attorney, Mr. Ratha Mokgoatlheng, yesterday confirmed the intention to petition the State President — the only legal recourse still left to save the men's lives.

All three were convicted in the Transvaal Supreme Court on August 18, 1981, for their roles in the attacks on the Booysens police station and Sasol fuel plant.

## CONVICTED

Tsotsobe was convicted for the attack on the Booysens police station, Uncle Tom's Hall in Orlando West, Dube Station and the Wrab offices.

Shabangu was convicted for a handgrenade attack on a police constable's house in Bosfontein and being in possession of weapons and ammunition.

Moise was convicted for his role in attaching limpet mines at Sasol II, Secunda and for being in possession of limpet mines brought into the country to commit acts of sabotage.

The ANC has issued a world-wide call for support to save the three's lives. The appeal for support has been made to the Secretary-General of the United Nations, the non-aligned movement, the Organisation of African Unity and various governments.



# Petition to save the lives of ANC trio

The State President is to be petitioned in a final attempt to save the lives of three condemned ANC members Anthony Bobby Tsotsobe, Johannes Tshabangu and David Moise. This was confirmed today by a spokesman at the office of the instructing attorney, Mr Ratha Mokogoatheng.

An appeal against their death sentences for high treason was dismissed by the Appellate Division in Bloemfontein last Friday. The move comes after international appeals for a stay of their execution.

The three men were convicted in the Transvaal Supreme Court on August 18 last year for their roles in attacks on the Booyens police station and Sasol fuel plant.

Tsotsobe's conviction arose from the attack on the Booyens police station on April 4 1980 and on Uncle Tom's Hall in Orlando West on May 5 1980. He also set TNT explosives attached to a time switch under and near the railway line at Dube railway station on October 14 and 15 1980. His conviction also arose from an attack on the West Rand Administration Board offices at Diepkloof on October 30 1980, setting up an underground base in Meadowlands between April and November 1980 and being in possession of arms, ammunition and explosives.

Tshabangu was responsible for a hand-grenade attack on the house of a police constable at Bosfontein on April 27 1980. He then left for Swaziland but returned on July 26 1980 with orders to kill certain people.

Moise, with other people, attached limpet mines at Sasol Two on June 1 and 2 1980. On those days, at Secunda and other places, he was in possession of limpet mines that he and others had brought into South Africa to commit sabotage. He was arrested when he returned from Mozambique to again reconnoitre at Secunda.

The judgment, which consists of 143 pages, was delivered by the Chief Justice, Mr Justice Rabie, with the concurrence of Mr Justice Jansen, Mr Justice Joubert, Mr Justice Viljoen and Mr Justice van Heerden (Acting Judge of Appeal).

The Chief Justice said the powers of the Appeal Court to interfere with a sentence imposed by a trial judge were limited, and, in his view, it had not been shown that there were any grounds on which the Judges of Appeal would be entitled to interfere with the sentences. — Sapa.

12/12/82

## Postponed

**JUDGMENT** at the hearing at which 23-year-old Nkosenye Ndlovu and a 17-year-old youth are appearing in the Durban Regional Court charged with contravening the Internal Security Act was yesterday postponed by the magistrate, Mr P J du Plessis, until December 10.

(331)  
The accused are alleged to have incited certain people to undergo military training which could further the aims and objects of the banned African National Congress.



Rem 1/12/82 (33)

# 'Kaffir' slur no reason to kill — ANC man

By JOHN MOJAPelo  
Pretoria Bureau

A MEMBER of the African National Congress appearing on two charges of murder and three contraventions of the Terrorism Act told the Pretoria Supreme Court yesterday that his head was full of politics, but he would never kill a white for calling him a kaffir.

Mr Rogerio Hoffsani Chamusso, 32, alias Patrick Shange, told Mr Justice A P Myburgh and assessors he was not bothered by whites calling him a kaffir.

"As far as I am concerned it is not a swearword. I heard it used while growing up. My head is full of politics. If anybody called me a kaffir I would fold the word like a piece of paper and put it in my pocket," Mr Chamusso said.

He denied police evidence that he said in a statement he killed two whites because one called him a kaffir.

The State alleges that Mr Chamusso left the country and underwent military training in Angola and Mozambique between 1979 and October 1981, and that he returned with a mission to

## Accused denies murder charges

commit acts of sabotage after receiving instructions from the ANC in Maputo.

It is further alleged that he murdered Mr Lukas Abraham Mans, 47, and Mr Hendrik Rudolph Gerhardus Booysen, 32, in Ogies near Witbank on October 23, then sabotaged an electric sub-station with limpet mines.

Three days after an intensive police search, Mr Chamusso was arrested in possession of a number of explosives and arms.

Under cross-examination by the prosecutor, Mr P Haasbroek SC, Mr Chamusso denied that he told a security policeman in a statement that he had killed Mr Mans and Mr Booysen because Mr Booysen called him a kaffir.

Mr Chamusso denied that the Makarov pistol used to

murder Mr Mans and Mr Booysen belonged to him. It belonged to another ANC member, a certain Lawrence, he said.

The defence closed its case after Mr Chamusso's evidence.

Mr J N de Vos, for Mr Chamusso, said his client was still pleading not guilty to the murders of Mr Mans and Mr Booysen. Mr Chamusso has pleaded guilty to a charge of receiving military training in Angola for four weeks between August and September 1981. He denied receiving training in Mozambique.

Mr Chamusso further pleaded guilty to causing the explosion at the electrical sub-station with Russian limpet mines, which resulted in R20 000 damages. He admitted being in possession of limpet mines but not the Makarov pistol and ammunition.

Mr Haasbroek accepted the pleas of guilty on the three Terrorism Act charges and not guilty on the two murder counts.

Both the State and defence will present arguments on Friday. The judge indicated that judgment would be handed down on December 6.

Mr Haasbroek and Mr S Joubert appeared for the State. Mr De Vos and Mr E Dane represented Mr Chamusso.

# Thloloe<sup>331</sup> appears in PAC trial <sup>7/12/82</sup>

THE "PAC trial" in which banned journalist, Mr Joe Thloloe, is appearing with eight others, comes to the Johannesburg Regional Court today, probably to decide the date of the trial.

Mr A P de Vries, senior prosecutor, said the case had been termed the "PAC trial" because it involved former members of the banned Pan African Congress. The nine accused face various charges under the security laws.

It will be the first major PAC trial since the marathon one in 1979 where 17 men were convicted at Bethal for furthering the aims of the PAC. The accused in the Bethal trial included the ageing Zephania Mothopeng, and former chief photographer for the banned World newspaper, Moffat Zungu.

The date for this fresh PAC trial will probably be set for early next year, Mr de Vries indicated.

Mr Thloloe is appearing with another known personality, Mr Philip Dlamini, the general secretary of the South African Black Municipal and Allied Workers' Union.

The rest of the accused consist mostly of the executive of the Azanian National Youth Unity (Azanyu).

Mr Harrison Nqogkele (chairman), has briefed lawyer, Mr Sello Monyatsi to appear for him after Mr Ratha Mokgoathleng, another Johannesburg attorney, left his services.

Other accused are Mr Nhlanganise Sibanda (Azanyu's acting president), Mr Mfana Mtshali (Kagiso branch chairman), Sipho Ngcobo (national general secretary) and an additional member, Mr Shadrack Rampete.

Mr Veli Truman Mnguni and Mr Steven Mzolo also appear in this case. Mr Mokgoathleng appears for most of the accused while Ms Priscilla Jana appears



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**Paper 1**  
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Before passing sen-

He acquitted Chamusso on the murder charge as he said Chamusso's story that the Makarov pistol used in the killing and found in Chamusso's car, belonged to a colleague, could be true.

	Internal	External
(1)	(2)	(3)
3.	369	
Examiners' Initials		

## ARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

**Vervaardig in Suid-Afrika**

room 7/12/82  
**Former painter freed on murder charges**

# ANC man gets 24 years' for sabotage

By JOHN MOJAPELO  
Pretoria Bureau

A FORMER Dennilton painter, who trained as a saboteur for the African National Congress after his wife and child were killed in an army raid, was sentenced in the Pretoria Supreme Court yesterday to an effective 24 years' jail.

Rogério Hoffsaní Chamusso, 32, alias Patrick Shange, was convicted on three counts under the Terrorism Act but acquitted on two murder charges.

The judge rejected the "conflicting" evidence of the Security Police and criticised the "unreliable" and "dishonest" testimony of some State witnesses, including the only witness to the shooting of two construction workers.

Chamusso remained impassive when Mr Justice A P Myburgh, sitting with two assessors, jailed him for 10 years for receiving a month's military training in explosives at the Funda Camp, Angola.

Chamusso was also jailed for 12 years for sabotaging an Eskom electric sub-station and six years for being in possession of Russian limpet mines used in the explosions.

The judge ordered four years of the six-year term to run concurrently with the 12 years.

Chamusso was found not guilty of murdering Mr Lukas Abraham Mans, 47,

and Mr Hendrik Rudolph Gerhardus Booysen, 32, on October 23 last year. The two construction workers were shot with a Makarov pistol.

Before sentence was passed the State prosecutor, Mr P Haasbroek, SC, asked the judge to impose the death sentence or 40 years' imprisonment. He said the five-year sentence prescribed by the Terrorism Act for such crimes would be "hopeless".

Mr Haasbroek said damage at the sub-station amounted to R20 000 and an aggravating factor in the sabotage was that Chamusso had undergone specialised training for it.

Mr J N de Vos, for Chamusso, said Chamusso had become an ANC sympathiser after his wife and child were killed during a raid on Matola, in Maputo, by the South African Defence Force on January 31 last year.

"His intention was only formed after this personal tragedy," Mr De Vos told the judge. He added that no one had died in the sabotage. In fact, before blowing up the sub-station Chamusso had made sure no one was on the premises.

"The death sentence is too harsh in this case and it is more than an eye for an eye and a tooth for a tooth. Must a man forfeit his life when he took no life?" Mr De Vos asked when pleading in mitigation.

He said the 40-year jail term asked for

by Mr Haasbroek would "completely crush the accused as a person". A sentence of more than 20 years was a "lifetime".

The judge said he would be failing in his duty if he imposed "too light a sentence".

In his judgment on the two murder charges, the judge referred to the "conflicting" evidence given by the Security Police and the "unreliable" and "dishonest" evidence of the two main State witnesses, including the only witness to the murders.

The judge said the evidence of Chamusso's wife, Miss Johanna Laolang, who testified that Chamusso had shown her a Makarov pistol and had later confessed that he had killed somebody, was not an honest witness.

The judge said there were "unsatisfactory" aspects of the police evidence concerning the identification parade at the Middelburg police station on October 27. The Security Police also had given "conflicting" evidence.

The judge said the evidence of the 15-year-old boy who allegedly saw Chamusso shoot Mr Mans and Mr Booysen at point-blank range in a tent attached to their caravan was subject to "well-founded criticisms".

The judge said there "was no doubt" Chamusso was a liar. But there were no grounds why the court should dismiss the explanation he gave the police.



# PE trial of banned unionist postponed

7/2/82 Labour Reporter

A case against the banned former chairman of the Motor Assemblers and Component Workers' Union, Mr Dumile Makanda, was postponed until February 7 in the Port Elizabeth Magistrate's Court yesterday.

Mr Makanda, who is subject to a two-year banning order, was charged in mid-October with having broken his banning order and possessing banned documents.

He was detained for eight months last year, released without being charged and later served with the banning order.

Several of his colleagues in Macwusa were also served with two-year banning orders.

# Magistrate postpones PAC trial

331  
Sowetan  
8/12/82

THE PAC trial at the Johannesburg Regional Court was yesterday postponed after the State submitted that an additional charge had been drafted against the first accused Mr Harrison Nogqেকে.

Mr Nogqেকে told the magistrate last week that he had given another accused Mr Joe Thloloe, a submachine gun, two magazines and a handgrenade. Mr Nogqেকে appeared alone last week before Mr I J J Luther.

He pleaded guilty to four charges under the security laws but Mr Luther entered a plea of not guilty. Mr Thloloe and the other seven accused have not yet pleaded.

The accused are Mr Thloloe (a banned journalist and former senior reporter of The SOWETAN), Mr Philip Dla-

By **LEN  
KALANE**

mini, general secretary of the South African Black Municipal and Allied Workers' Union. The other six are mostly executive members of the Azanian National Youth Unity (Azanyu).

Mr Nogqেকে is chairman of Azanyu.

Yesterday all the nine accused appeared before Mr C H J Venter who postponed the case to Friday December 10.

It was said that the prosecutor, Mr A R van Wyk, was not present and would only be avail-

able on Friday.

The other accused in the case are Mr Nhlanganise Sibanda (Azanyu's acting president), Mr Mfana Mtshali (Kagiso branch chairman), Mr Siphon Ngcobo (national general secretary), Mr Shadrack Rampete, Mr Veli Truman Mnguni and Mr Steven Maseko.

The PAC trial, involving former members of the banned Pan African Congress, will be the first major trial since the Bethal Trial in 1979 in which 17 men were convicted and got long term jail sentences, according to senior prosecutor Mr A P de Vries.



Report 8/12/82

# Reporter Thloloe<sup>(33)</sup> appears in court

Mail Reporter

A BANNED journalist appeared with eight other people in the Johannesburg Regional Court yesterday in connection with an allegation of contravening the Terrorism Act.

The journalist, Mr Joe Nong Thloloe, 40, of Zone 5, Pimville, Soweto, who was banned while working for the Sowetan and was arrested in June, appeared before Mr H. J. Venter.

He appeared with the former general secretary of the South African Black Municipality Workers' Union, Mr Phillip Dlamini, 30, of Zola North, Soweto.

The others who appeared with them are Mr Harrison Thembinkosi Noggekele, 26, of Zola 2, Soweto, Mr Veli Truman Mnguni, 33, of Makhula Street, Orlando East, Soweto, Mr Siphon Moffat Ngcobo, 28, of Mofolo North, Soweto, Mr Nhlanganiso Sibanda, 26, of 16th Avenue, Alexandra Township, Mr Steven Siphon Mzolo, 26, of Esangweni Section, Tembisa, Mr Mfana Mtshali, 18, of Kagiso 2, Krugersdorp, and Mr Shadrack Rampete, 27, also of Kagiso 2, Krugersdorp.

They were not asked to plead and will appear in court again on Friday.

The charge sheet did not give details about where and when the alleged offence was committed.

*Pass...*

# Sasa 8/12/82 CAPE TOWN 331 wants Mpetha freed

Staff Reporter

A CAPE TOWN-based student group has launched a campaign for the release of veteran trade unionist and community leader Oscar Mpetha and 18 other men currently standing trial on charges under the Terrorism Act.

Mr Mpetha, chairman of the Nyanga Civic Association, and his co-accused were arrested in August 1980 and have been in custody ever since. Their trial started in the Supreme Court, Cape Town, in March 1981. While in prison, Mr Mpetha, 73, has been frequently hospitalized with diabetes and prostate-gland trouble and has undergone surgery twice.

The South African Students' Association (Sasa) said in a statement yesterday that "detentions and imprisonment are a weapon of the state to disorganize and disrupt the organization and mobilization of the oppressed".

## • Struggle

"It is most efficiently used to frighten the oppressed from striving for their own freedom and liberation. Security detentions, intimidation and deaths are meant to scare individuals from opposing the regime (and) from other involvement in the struggle."

Sasa has drafted a petition calling for the immediate release of Mr Mpetha and his co-accused and all people detained or imprisoned "without fair trial, bail or hearing".

Copies of the petition will be distributed to community and other organizations throughout the country and "petition points" will be set up at mosques, churches, business centres, schools, colleges and universities.

Completed petition forms will be forwarded to organizations such as the Anti-Apartheid Movement, Amnesty International and the United Nations Special Committee on Apartheid.



## Transkei terrorism charges

THREE MEN, including the treasurer of the Transkei Opposition Democratic Progressive Party Mr Alfred Xobololo, appeared briefly before Mr I R Carlisle in the Butterworth Regional Court yesterday charged under section 27 of the Transkei Public Security Act which deals with terrorism.

Mr Xobololo (60), Mr Ezra Sigwela (42), a field worker for the Transkei Council of Churches, and Mr Wilson Fanti (55) were not asked to plead and no evidence was led. They were remanded in custody until today.

According to the charge sheet, it is alleged that between January last year and August this year, the trio took part in activities of the Banned African National Congress.

The State also alleges that they conveyed people, including an executive member of the now defunct DPP Youth League, Mr Mlungisi Mtshontana, to Lesotho for indoctrination in matters pertaining to the ANC.

nom  
2/2/81 (33)  
Petition  
to get  
Mpetha  
freed

Mall Correspondent

CAPE TOWN. — A Cape Town-based student group has launched a campaign for the release of veteran trade unionist and community leader Mr Oscar Mpetha and 18 others currently on trial under the Terrorism Act.

Mr Mpetha, 73, chairman of the Nyanga Civic Association, and his co-accused were arrested in August 1980. Their trial started in the Cape Town Supreme Court in March 1981. While in prison, Mr Mpetha has been in hospital frequently with diabetes and prostate gland trouble and underwent surgery twice. The South African Students' Association (SASA) said in a statement yesterday that "detentions and imprisonment are a weapon of the State to disorganise and disrupt the organisation and mobilisation of the oppressed".

SASA has drafted a national petition calling for the immediate release of Mr Mpetha and his co-accused and all other persons detained or imprisoned "without fair trial, bail or hearing".

Petition forms can be obtained from SASA, P O Box 74, Crawford, Cape, or 021-62 8373, and must be returned by December 15.



BUTTERWORTH — A self-confessed member of the banned African National Congress told the regional court here he was lectured on South African politics when he was being recruited to join the ANC last year.

Mr Mlungisi Mtshontana, national organiser of the Transkei opposition Democratic Progressive Party Youth League, gave evidence in the trial of three men facing charges under the Terrorism section of the Transkei Public Security Act.

Mr Ezra Mvuyisi Sigwela, a field worker for the Transkei Council of

## ANC member claims he had lessons on SA politics

Churches, Mr Alfred Siphiwo Xobololo, the deputy leader of the DPP, and a Stutterheim man, Mr Mzwandile Wilson Fanti, have all pleaded not guilty.

Mr Mtshontana, who was warned as an accomplice, said that in August 1981, he was introduced to a Mr Tolo by Mr James Kati, now serving a prison sentence for terrorism. Mr Tolo recruited him as an ANC member.

Mr Tolo lectured him

on South African politics and elaborated on the aims and objectives of the ANC.

Later, Mr Tolo escorted him across the border into Lesotho by illegal routes.

He was given R1 000 for Mr Xobololo to pay for the funeral of Mr Kati's wife.

The witness told the court he later became a fugitive, changing his

places of residence to escape arrest.

Under cross-examination by Mr C. R. Mailer, for the defence, Mr Mtshontana said he was subjected to intensive police interrogation, assault, abuse and humiliation when he was arrested on July 22 this year.

He told the court the police had made him admit knowledge of activities concerning the

three accused.

The police had forced him to lift heavy chairs and had slapped him in the face.

The court heard that police assaulted Mr Mtshontana's wife.

He said he attached his thumb print to a statement implicating the three accused after a Lieutenant Booie threatened to make him defecate.

Mr Mtshontana told the court, however, that "everything I admitted in that statement was not true."

The trial continues. — SAPA

331

## ANC trialist tells why — he joined

*9/12/87 Sowetan*  
A STATE witness told the terrorism trial in the Butterworth Regional Court yesterday he joined the banned African National Congress this year because of personal experiences of hardship and feeling "the pinch of the nationalist regime".

Mr Bellington Sizani Mtshontana was giving evidence before Mr I R Carlisle in the trial of Mr E M Sigwela, a field worker of the Transkei Council of Churches, Mr M W Fanti, of Stutterheim, and Mr A S Xobololo, the deputy leader of the Transkei opposition Democratic Progressive Party.

The trio pleaded not guilty to charges under the Transkei Public Security Act, which allege they engaged in activities aimed at furthering the aims of the ANC.

Mr Mtshontana, who earlier refused to take the oath, said he had no one to swear to because he was not religious.

Mr Mtshontana, who was also warned as an accomplice, said he totally rejected the South African "regime" headed by the Prime Minister, Mr P W Botha, and the Minister of Defence, General Magnus Malan.

Mr Mtshontana said he joined the ANC, because he felt "legislation should not be left in the hands of racists, facists, scandal-mongers and money wolves".

He said he was recruited to the ANC by a Mr Tolo.



December 9, 1982

# UK lawyer for Thloloe

331  
Sonefan  
9/12/82

ADVOCATE David Soggott will be recalled from London, where he is now based, to defend in the PAC trial involving banned journalist, Mr Joe Thloloe, and eight others.

Mr Soggott will form part of the defence team together with Mr George Bizos (SC) as soon as the PAC trial starts, probably early next year.

Johannesburg attorney, Mr Sello Monyatsi, said he had secured the services of Mr Soggott who will work alongside senior counsel, Mr Bizos, to defend his client, Mr Harrison Noggekele, accused number one in the case.

The PAC case will be held at the Johannesburg Regional Court tomorrow, where the nine accused will be making their third appearance before court in two weeks.

By LEN KALANE

The date of trial might be decided tomorrow, according to senior prosecutor, Mr A P de Vries.

Mr Soggott left the country to stay in London where he is said to be working. Both he and Mr Bizos are known to handle mostly political trials.

Mr Bizos will defend all the accused in the trial.

The other accused in the case are Mr Philip Dlamini, Mr Nhlanganise Sibanda, Mr Mfana Mtshali, Mr Sipho Ngcobo, Mr Shadrack Rampete, Mr Veli Truman Mnguni and Mr

Steven Maseko.

All the accused have not pleaded as yet, except Mr Noggekele, who is said to be facing an additional charge. The accused are charged under security laws.

Mr Noggekele pleaded guilty, but the magistrate entered a plea of not guilty. Mrs Jana represents Mr Mtshali and Mr Rampete while Mr Mokgoathleng represents the rest, except for Noggekele.

BUTTERWORTH — A state witness told the terrorism trial in the regional court here yesterday that he joined the banned African National Congress this year because of personal experiences of hardship and feeling "the pinch of the Nationalist regime."

Mr Bellington Sizani Mtshontana was giving evidence before Mr I. R. Carlisle in the trial of Mr E. M. Sigwela, a field worker of the Transkei Council of Churches, Mr M. W. Fanti, of Stutterheim, and Mr A. S. Xobololo, the deputy leader of the Transkei opposition Democratic Progressive Party.

They pleaded not guilty to charges under the Transkei Public Security Act of engaging in activities aimed at furthering the aims of the ANC.

Mr Mtshontana earlier refused to take the oath, saying he had no one to swear to because he was not religious.

Mr Mtshontana, who was also warned as an accomplice, said he totally rejected the South African "regime" headed by the Prime Minister, Mr P. W. Botha, and the Minister of Defence, General Magnus Malan.

Mr Mtshontana said he joined the ANC because he felt "legislation should not be left in the hands of racists, fascists, scandal-mongers and money wolves."

He said he was recruited to the ANC by a Mr Tolo, in March or April this year. Mr Tolo told him the freedom struggle in South Africa was being piloted by the ANC.

# Witness tells why he joined ANC

*D. Dispatel 9/12/82* (331)

Mr Tolo, he said, "dwelt on our treatment as Africans in our own country, South Africa" saying that from the time the Dutch landed in the Cape in 1662 "they took possession of our land through the barrel of a gun."

Mr Tolo also told him of differences between capitalism, as advocated by the South African Government, and socialism.

Mr Tolo had said the ANC was the spearhead of the struggle for freedom, supported by world bodies like the United Nations, the Organisation of African Unity, and the World Council of Churches.

Mr Tolo talked, Mr Mtshontana added, of the "brutal killings" of 1 500 black students in Soweto and other urban areas, and deaths in detention.

Replying to questions by Mr D. J. Mulder, for the state, Mr Mtshontana said he first met Mr Fanti while on an errand for Mr Tolo, taking a letter to Mr Fanti in Stutterheim.

Mr Fanti later visited Mr Mtshontana with a message from Mr Tolo. Mr Fanti was with an elderly man and a woman.

Mr Mtshontana said he took Mr Fanti and the

two people to Mr Sigwela in Umtata, who took the four by car to the vicinity of Telle Bridge on the Lesotho border.

In Lesotho, Mr Mtshontana said, he received lectures on the principles of the ANC and the South African Communist Party.

He later returned to Transkei, carrying books, pamphlets and a cassette containing speeches.

Under cross-examination by Mr C. R. Mailer, for the defence, Mr Mtshontana said he did not know Mr Fanti catered for refugees from Ciskei or were concerned with their plight.

He denied knowing the two people with Mr Fanti were Ciskeian refugees.

After his arrest, Mr Mtshontana said, he was held at Sterkspruit, was assaulted by the security police and sustained bruises during his interrogation.

He was taken to Umtata after making a statement.

In Umtata, he was again confronted by the security police and had to make certain clarifications and additions to his statement. He insisted that what was in the statement was true.

The hearing continues today. — SAPA

*surely?*



The Argus Thursday December 9 1982

# 24 years for ANC man

## Mozambique citizen guilty of Witbank sabotage

Argus Correspondent  
PRETORIA. — A "self-confessed terrorist", Rogério Chamusso, 32, has been sentenced to an effective 24-year jail term by the Supreme Court here.

Chamusso, alias Patrick Shange, a Mozambique citizen, was convicted by Mr Justice Myburgh of undergoing military training in an Angolan camp in the use of explosives, sabotaging a sub-station in Witbank and of being in possession of limpet mines. He pleaded guilty to these charges.

He was acquitted on charges of murdering Mr Lukas Abraham Mans and Mr Hendrik Rudolph Gerhardus Booysens on October 23 last year and of the illegal possession of a Makarov pistol.

He was sentenced to 10 years' imprisonment on the charge of undergoing military training, 12 years' imprisonment on the sabotage charge and six years' imprisonment for possessing Russian-made limpet mines. The

court ordered that four years of the six-year jail term were to run concurrently with the sentence on the sabotage charge.

Mr Justice Myburgh said that sentencing someone was not an easy task. "I do not want to impose a sentence that is too severe — the young man still has a long span of his life before him — but I would be failing in my duty if I passed too light a sentence.

"The interests of the community in this case are of paramount importance in that the South African public should be free from this type of terrorist action."

The court heard that the death of Chamusso's wife and son at the hands of South African soldiers during the Defence Force raid on Matola in January last year prompted him to join the African National Congress (ANC).

He underwent four weeks of training in Angola in the use of explosives and infiltrated South Africa in October last year. On October 23 he sabotaged an Eskom sub-station, causing R20 000 damage.

Mr Justice Myburgh said he took into consideration the fact that no one was killed or injured in this case.

He acquitted Chamusso on the murder charge. Chamusso's story

that the Makarov pistol used in the killing and found in his car belonged to a colleague could be true. However, he described Chamusso as a "shrewd liar".

Mr P G Haasbroek, for the State, asked the court to impose the death sentence. Failing that, he recommended an effective sentence of 40 years.

Mr J N de Vos, for the defence, asked the court to impose a sentence which would not crush Chamusso as a person.

*terms of track?*

231 Mail Reporter

BARBARA Hogan, 30, self-confessed member of the African National Congress and the first white South African woman to be jailed for high treason — she was given a 10-year sentence — has finally been refused leave to appeal by the Chief Justice Mr Justice Rabie.

## Hogan is refused leave to appeal

When Mr Justice A P van Dyk sentenced Hogan to 10 years' for high treason and four years' for membership of the ANC on October 20, he also refused her leave to appeal. *RAM 9/12/82*

But a petition was made to

the Chief Justice, which was refused on December 6 by Mr Justice Rabie, a spokesman for her lawyer Mr Raymond Tucker, said yesterday.

After Hogan's trial lawyers said the finding was particularly significant since it was the first time a charge of

treason had been made for the activities Hogan admitted.

They said the finding meant that membership of the ANC was in itself an act of treason, since it denoted identification with the overall aims of the organisation.

*Transfers can be put not otherwise.*



**BUTTERWORTH** — A 40-year-old member of the Transkei opposition Democratic Progressive Party, who gave evidence in the terrorism trial in the regional court here, was arrested by the Transkei security police yesterday and charged with perjury.

Mr Sigxini Qotyiwa testified for the state at the trial of Mr Ezra Sigwela, 42, Mr Wilson Fanti, 55, and Mr Alfred Xobololo, 60, who have pleaded not guilty to charges under the terrorism section of the Transkei Security Act.

The trio are alleged to have engaged in activities aimed at furthering the objectives of the banned African National Congress between January last year and August this year.

Earlier, Mr Qotyiwa, an Engcobo farmer, told the court that he was a relative and neighbour of two previous state witnesses, Mr Mlungisi Mtshontana, and Mr Sioani Bellington Mtshontana, and they visited each other regularly.

In October last year, Mr

# Witness held on perjury charge

Mlungisi Mtshontana came to stay at his home with a friend, a Mr Tolo. They stayed for a month before leaving for an unknown destination. Nobody else visited him.

Under cross-examination by Mr C. Mailer for the defence, Mr Qotyiwa said he was detained for a week and had "had a hard time" with the security police. They threatened to keep him in the cells till he died if he did not satisfy them in reply to their interrogations, he said.

He claimed that the security police forced him to admit that Mr Xobololo was present at his home at a meeting of Mr Tolo, Mr Mtshontana and other people at night.

He said they con-

fronted him with Mr Mtshontana and compelled him to agree with what Mr Mtshontana had said.

Mr Qotyiwa told the court that he was released after he had agreed with the suggestions by the security police and signed a statement for fear of further assaults to secure his release.

Mr Qotyiwa said everything contained in his statement was not true.

Counsel for the state, Mr D. Mulder, read a sworn statement by Mr Qotyiwa, signed before Captain Spalding Dengana, in which the witness admitted that Mr Xobololo, Mr Mlungisi Mtshontana, Mr Tolo and an un-

known man held an overnight meeting at his home.

The magistrate, Mr I. R. Carlisle, then told Mr Qotyiwa to step down from the witness box, informing him that the statement contradicted his evidence.

Mr Qotyiwa was immediately arrested and will appear in court today on a charge of perjury.

An application by the defence counsel, Mr C. R. Mailer, for the discharge of Mr Xobololo, on the grounds that there was insufficient evidence to convict him, was dismissed.

Later, Mr Mulder handed into court a document containing the history and strategies of the ANC by Colonel H. D. Stadler of the South African Security Police and a forged travel document with a photograph of Mr Fanti. Both documents were admitted by the defence.

The hearing was adjourned to January 18. The three men will be held in custody at the Umtata police station. — SAPA.

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Subject Economics L.H.  
(to be copied from the heading on the Examination Paper)

Paper No.                       
(to be copied from the heading on the Examination Paper)

Examiners' Initials		

## NOTE CAREFULLY

1. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
2. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book (s) are used.

## WARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

**Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University**

# March date set for Terrorism Act trial

31 Mail Reporter LOM  
A BANNED journalist and seven other people will appear for trial in the Johannesburg Regional Court on March 22 in connection with an allegation of contravening the Terrorism Act.

Mr Joe Tlholoe, 40, of Zone 5, Pimville, who was banned while working for The Sowetan and was arrested in June, appeared yesterday before Mr J. J. van der Watt.

He appeared with the general-secretary of the South African Black Municipality Workers' Union, Mr Phillip Dlamini, 30, of Zola North, Soweto.

With them were Mr Vali Mnguni, 33, of Makhula

Street, Orlando East; Mr Siphiso Ngqobo, 28, of Mofolo North; Mr Nhlanganiso Sibanda, 26, of 16th Avenue, Alexandria Township; Mr Steven Mzolo, 26, of Esangweni Section, Tembisa; Mr Mfana Mtshdi, 18, of Kagiso 2, Krugersdorp; and Mr Cedrack Rampete, 27, also of Kagiso 2.

They were not asked to plead and were remanded in custody.

Mr Harrison Noggekele, 26, of Zola 2, Soweto, who appeared with the men at a previous hearing, appeared separately yesterday before Mr I. J. J. Luther in another court on similar allegations.

He was not asked to plead and will appear again on January 10.



# Mpetha trial: Remarks withdrawn

Cape Times  
15/12/82

331

THE attention of the Cape Times has been drawn to a report of December 8 in which the South African Students' Association (Sasa) called for the release of Mr Oscar Mpetha and 18 other men who have been on trial in the Cape Supreme Court for 20 months charged with murder and under the Terrorism Act.

The report said that Sasa had drafted a peti-

tion calling for the immediate release of Mr Mpetha and his co-accused and all people detained or imprisoned "without fair trial, bail or hearing".

In so far as these remarks imply that Mr Mpetha and his co-accused are not receiving a fair trial this is an unwarranted reflection on the Supreme Court which we unreservedly withdraw.

# Security charge: Student gets bail

CAPE TOWN 21/12/82  
331  
Staff Reporter

A SECOND-YEAR social science student at the University of Cape Town, who allegedly contravened sections of the Internal Security Act, was yesterday granted R500 bail by a Wynberg magistrate.

Allan Charles Marsden, 20, of Main Road, St James, was not asked to plead and no evidence was led.

The State alleges that Mr Marsden contravened section 13 (1) (a) read with

section 56 (1) (a) of Act 74 of 1982, alternatively that he caused malicious damage to property.

The State further alleges that he possessed a banned publication.

The conditions of Mr Marsden's bail were that he refrain from interfering with State witnesses and that he report to the Muizenberg police station daily.

Mr J Kotze was the magistrate. Mr R Metz appeared for the State and Mr L J Bozalek for Mr Marsden.



# Six acquitted on charges of damaging cells

E. Post Post Reporter 21/12/82

FOUR men and two youths who allegedly scrawled freedom-fighting slogans on the walls of platteland police cells were acquitted on charges of malicious damage to State property by the Port Elizabeth Regional Court today.

Thamsanqa Ntshabe, 24, Mongamele Kondlo, 18, Sithembele Gomo, 18, Zimesele Maqunqu 19, and two youths, all of New Brighton, were charged with damaging police cells at the Jansenville police station between August 20 and September 11. Damage estimated at R52 was caused to the cells.

Initial charges of kidnapping and assault were withdrawn. They were initially charged with kidnapping and assaulting Mr George Befile between August 14 and 16.

They had attended the funeral of Mr Robert Sobukwe in Graaff-Reinet and allegedly kidnapped Mr Befile, saying they would kill him if he did not take them to and from Graaff-Reinet to attend the funeral.

The men appeared in court today on charges of malicious damage to the police cells at Jansenville police station.

Photographic evidence showed that slogans were scratched on the walls of the cells. Slogans such as "We want liberty", "Freedom", "Long live PAC" and "Long Live PRO" depicted on the cell walls were allegedly scrawled by the accused.

All six were acquitted of the charges today.

Mr J D Robinson was on the Bench. Mr A T Kilian appeared for the State.

22/12/82 (333) (11A) (331) (33) 2. Dispatch  
**Judge to confer man he jailed**

JOHANNESBURG —  
Mr Justice Hiemstra  
who sentenced a Tem-  
bisa man to 12 years  
imprisonment 19 years  
ago under the Sabot-  
age Act is to confer a  
Bachelor of Arts de-  
gree on him next year.

Mr Vusindlu  
Kanyakomusha Nku-  
mane, who majored in  
economics and sociol-  
ogy, will have the de-  
gree conferred on him  
by Mr Justice V. G.  
Hiemstra, Chancellor  
of the University of  
South Africa who  
found him guilty of

conspiring to possess  
dangerous weapons  
and explosives.

Mr Nkumane, now a  
field interviewer  
doing oral history with  
the University of the  
Witwatersrand, mat-  
riculated from the Kil-  
nerton Training In-  
stitution in 1962.

He was arrested on  
April 5, 1963 and im-  
prisoned with seven  
other members of the  
banned PAC for  
periods ranging from  
10 to 20 years.

While on Robben Is-  
land Mr Nkumane  
made himself an un-  
usual musical instru-  
ment — a saxophone  
made out of plastic,  
copper and driftwood  
washed ashore on the  
island from the sea.  
He later discovered he  
had designed a tenor  
wind instrument.

After his release  
from prison in 1975 he  
worked as an appren-  
tice violin repairer  
and in 1979 registered  
with Unisa for his BA  
studies. He later  
joined Wits. — DDC.



(331) Stan 23/12/83  
**Books: student jailed**

A second-year BA student at Wits University, Carel Niehaus, was jailed yesterday by a Johannesburg magistrate for 50 days, conditionally suspended for five years, for being in possession, in terms of the Internal Security Act, of banned literature.

Niehaus (22), address given as Albany Flats, 109 Kapteijn Street, Hillbrow, was also fined R150 (or 50 days) for contravening the Publications Act.

Evidence was that he was found in possession of "Dawn" and two copies of "The African Communist."

# Six former strikers arrested

By STEVEN FRIEDMAN  
Labour Correspondent

SIX former workers at the Teltron electronics company, which was hit by a strike recently, have been arrested and are believed to be facing charges under the Intimidation Act.

A spokesman for the Commercial, Catering and Allied Workers' Union (CCAWUSA) said yesterday the union had secured the workers' release on bail after hearing of their arrest. All six were released yesterday.

When the Intimidation Act

was introduced recently, following a recommendation by the Rabie Commission into security legislation, unionists and lawyers claimed it would be used against worker leaders.

The Act lays down heavy penalties for "intimidation", which it defines very widely.

Since then, union members have been arrested and charged with contravening the Act.

But only one worker has been convicted under the Act and in two cases, involving members of the Metal and

Allied Workers' Union, charges against the two were withdrawn.

Workers at Teltron were fired after throwing tools in protest against the sacking of a colleague.

Negotiations between CCAWUSA and the company ended in deadlock — chiefly because workers rejected a company stipulation that it would not rehire all of them — and all but a few refused to return to the company and were replaced by newly-hired workers.



# Applause as AWB accused leave court

Own Correspondent  
JOHANNESBURG. —  
Afrikaner Weer-  
standsbeweging (AWB)  
members were warmly  
applauded by their fam-  
ilies and friends yester-  
day when they left the  
Pretoria Regional Magis-  
trate's Court on R1000  
bail each.

AWB leader Mr Eugene  
Terre'Blanche and five  
other men appeared in  
connection with the dis-  
covery of illegal weapons,  
ammunition and explo-  
sives. No charges were  
put to them.

Regional magistrate Mr  
W F Krugel granted all  
six bail, which the State  
did not oppose, and or-  
dered them to reappear  
in court on January 21.

The accused are Eu-  
gene Terre'Blanche, of  
Roth Street, Ventersdorp;  
Jacob Daniel Viljoen, 40,

of Kritzinger Avenue,  
Klerksdorp; Jan Jurgens  
Groenewald, 37, of Naude  
Street, Wonderboom  
South, Pretoria; Dawid  
Frederik Botes, 43, of 5th  
Avenue, Geduld, Springs;  
Cornelius Jacob Jooste,  
27, of Skinner St, Sun-  
side, Pretoria, and Hen-  
drik Gerhardus Jacobz,  
37, of Reitz Street, Rus-  
tenburg.

Mr Terre'Blanche led  
the accused into court at  
10am and smiled when he  
spotted his wife sitting  
behind the dock. He leant  
over and kissed her.

At least 10 security  
policemen attended the  
proceedings, standing  
along the sides of the  
court. They closely  
watched the about 40  
family members and sup-  
porters present.

In the centre of the  
back bench sat elderly Mr  
Barnie Basson, who acted  
as AWB leader during Mr  
Terre'Blanche's deten-  
tion. He was flanked by  
younger men.

When the accused  
emerged from the court  
building after bail had  
been paid, Mr Terre'B-  
lanche made a brief  
speech. He shook hands  
with a number of support-  
ers and then, with his  
family and a number of  
friends, left for Venters-  
dorp.

# Union officials have trespass charges thrown out

331 Pretoria Bureau

CHARGES of trespassing against two officials of the General Workers' Union of South Africa (Gwusa) were withdrawn yesterday in the Kempton Park Magistrate's Court.

Mr Donsie Khumalo, Transvaal secretary of Gwusa and Mr Solly Mase-

31/12/82  
ROM  
mola, an organiser, were arrested outside the premises of the Trade Centre at Olfantsfontein on November 29.

The men and another Gwusa organiser, Mr Solomon Maluleke, had an appointment with the head of the centre, Mr M Smit. The men failed to trace him and were arrested when they left

the centre.

They were taken to Olfantsfontein Police Station where they were charged with trespassing.

The charges against Mr Maluleke have not been withdrawn and he is to appear again in the Kempton Park Magistrate's Court on January 7.

At the time of the incident Mr Smit said workers at the Trade Centre — which is run by the Department of Manpower — were precluded from joining a trade union because they were State employees.

Yesterday Mr Khumalo accused officials at the Trade Centre of employing strong-arm tactics against unionists.

He said nothing would deter him from carrying out his union activities for the benefit of the workers.

Mr Khumalo is currently facing a charge of inciting a strike at De Luxe Dry Cleaners in Pretoria. Judgment in this case will be given in the Pretoria Regional Court on January 21.