

TOTALITARIANISM — POLITICAL TRIALS

1983

JANUARY — MARCH.

331 Star
3/11/83
**Motlana's son makes a
brief court appearance**

Mr Karabo Motlana, son of Soweto Committee of 10 chairman Dr Nthato Motlana, appeared briefly in Ermelo Magistrate's Court today in terms of the security laws, a spokesman for police headquarters in Pretoria said today.

Mr Motlana appeared with Miss Ninki Malika who was arrested with him at the Oshoek border post on Thursday while they were returning from Swaziland with three friends.

The friends, Miss Ouma Tsagae, Miss Kenelloe Mathe and Miss Esmie Mashungane, were released by

the Security Police on Friday.

Dr Nthato Motlana yesterday went to Ermelo to see his son. Mrs Sally Motlana said the police had confirmed that her son was being held but would not give details.

Motlana family still in dark about charges against son

331 Sowetan 3/1/83

THE family of Dr Nthato Motlana, chairman of the Soweto Committee of Ten, was by yesterday still in the dark on the charges his son, Karabo (22), is to face or under which security law he is being held.

Dr Motlana could not be contacted yesterday as he had gone to Ermelo to take his son food and clothing and to establish if he would appear in court today.

Karabo and four women were detained by Security Police on

Thursday at the Oshoek border post as they were returning to Johannesburg after a holiday in Swaziland.

He was arrested after his car was searched and African National Congress documents and political letters were found in it. Police later released three of the women but detained one.

She is Miss Ninki Maleka and those released are, Miss Esme Mashugane, Miss Ouma Tsagae and Miss Keneiloe

Mathe.

Mrs Sally Motlana told The SOWETAN yesterday that police have refused to reveal what Karabo will be charged with. A family lawyer is looking into the matter.

According to a report yesterday, Brigadier J C "Kalfie" Broodryk of the Security Police has confirmed that investigations were underway and that the matter has been referred to the Attorney-General.

7, 1983

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Students in court on arson charges

ROM 7/11/83

Mali Correspondent

PIETERSBURG. — Five students from the University of the North appeared briefly in the Pietersburg Magistrate's Court yesterday on charges of arson. Their appearance followed the burning of a bookshop on the university campus at Turfloop on June 5 last year when an estimated R46 000 damage was caused.

The five are Mr Ian Petje, 21, Mr Mangalam Joshua Hlongwane, 23, Mr Gerson Kgobe, 23, Mr Rhulani Mahlaba, 21, and Mr Eric Teko Hlabahlaba, 22. They were not asked to plead and the case was postponed to February 25.

Mr Petje had his R200 bail extended while the other accused were released on warning.

The bookshop, owned by the Nederland-Afrikaans Uitgawe Maatskappy, in which the NGK and the Hervormde Kerk have controlling shares, burnt down on the evening of June 5 after the Tiro Day Commemoration Service.

The service commemorated Abraham Onkgopotse Tiro, who died after receiving a parcel bomb while exiled in Botswana. He was expelled from the University of the North after a graduation speech in 1972 in which he represented the student body.

His expulsion was followed by turmoil on campus when students staged a sit-in and demanded he be unconditionally re-instated.

Reporter on banned literature charge

AN Evening Post reporter Miss Alexandra Smith, 24, pleaded guilty in the Port Elizabeth Magistrate's Court today to a charge of being in possession of banned literature.

Miss Smith admitted that on September 9 last year police searched her flat at Torrington Court, Hansen Street, Central and took possession of 13 publications.

They were: *Dissension in the Ranks* by Nusas, *Crisis in Education*, *Ngunga's Adventures*, *Critical Health* by Neil

Aggett, *Work in Progress* — *Repressive State Apparatus*, *Work in Progress* — Swapo, *Introduction to Labour Organisation in South Africa*, *The Manual on Detention*, *SSD South Africa: Politics, Power and People*, *The Socialist Register*, *Marxism after Marx* by David McLellan, *Organise... or Starve* and *Working for Freedom*.

Miss Smith admitted *The Manual on Detention* and *Organise... or Starve* were banned in terms of the Publications Act.

She said as far as she knew *The Manual on Detention* had been sent to her by Nusas, and *Organise... or Starve* by Ken Luchardt and Brenda Wall had been left in her spare room by a guest.

In her own declaration of defence, she said she suspected *Organise... or Starve* and a few of the other publications might have been banned.

That was why they were concealed. As it happened the other publications were not banned.

For this reason, she

pleaded guilty to the charge relating to possession of *Organise... or Starve* on the basis of suspicion, but not of direct intention.

Miss Smith said she was, however, totally unaware that *The Manual On Detention* was listed. She pleaded not guilty to the possession of this publication.

The magistrate, Mr J D Moony, stood the case down until later today.

Mr J Kotze appeared for the State. Mr G G Huisamen appeared for Miss Smith.

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331 (279 307) S. Post
10/11/83

Arson case youths 'never complained'

By GARTH KING

HUMANSDORP — At no time had any of six youths accused of committing arson ever complained to him of ill treatment, a police officer told the Regional Court here today.

Warrant Officer P Nel, of the Port Elizabeth murder and robbery squad, was giving evidence at the trial of the youths, all of Port Elizabeth, who are each charged with 16 counts of arson.

Three of the youths are minors and may not be identified.

The others are Monwabisi Bosman, Vuyisile Kate and Solomon Jack, all aged 18.

At an earlier hearing they pleaded not guilty to the charges arising from the fire damage to 16 schools in Zwide, New Brighton and Kwazakele between November, 1981, and February, 1982.

Damage was estimated at R30 000.

The defence has alleged the six were tortured. It was said the police used electrical apparatus suffocated them by placing wet canvas bags over their heads, applied skin irritants, punched and kicked the accused.

It has also been claimed that they were forcibly made to drink their urine and that food and drink were denied them.

Today WO Nel said the security police — who initially handled the investigation last year — had handed over all six accused to him in good mental and physical condition.

All the accused had been treated "normally" by him. The only complaint, he said had come from one of the accused who complained of "too much silence" and had asked for a radio.

Today Mr P N Langa,

who appeared for five of the accused, submitted that WO Nel had allowed three youths to go without food or water for a long time.

Mr Langa said the three had been assaulted while lying on their stomachs by a black policeman and a fourth youth by a white policeman at Kirkwood police station shortly after their detention in terms of Section 22 of the Internal Security Act.

Mr Langa asked WO Nel why he had failed to inform one minor's parents of his detention. WO Nel replied that at that stage he was still looking for the boy's birth certificate.

Mr Langa submitted that one of the minors had an irritant applied to his skin.
(Proceeding)

Mr P P J Van der Merwe was on the Bench. Mr J Nel appeared for the State. Mr Langa was instructed by Silas and Nkanunu and Co Mr R G Buchanan (instructed by Van Kerken and Oelofse) appeared for one youth.

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Court told of girl's wounds

Mall Correspondent
ZWELITSHA. — A 15-year-old girl from Soweto, who was shot and seriously wounded, had to be rushed from Alice to the Cecilia Makiwane Hospital in Mdan-tane, the Zwelitsha Regional Court was told yesterday.
Dr Juanito Riego de Dios, a Philippine doctor on contract to the Ciskei government, told the court he had administered emergency treatment to the girl before she was taken to hospital.
The girl, who cannot be

named, is one of 20 accused before Mr J A Dractos on charges of public violence following an incident at Fort Hare University on May 1 last year.
Dr De Dios told the court he had also treated another accused, Mr Monwabisi Dingiswayo, 25, for a bullet wound in his lower right leg.
He said the bullet was still lodged in Mr Dingiswayo's leg and "I had to remove the bullet right away".
He had also treated the girl on the same day and she was in an "emergency condition".

There was a bullet wound on the right upper part of her body, just under the collarbone, and a "possible exit wound" under her right arm near her armpit. There was a third wound near her elbow, he said.
Turning to the bullet wound in Mr Dingiswayo's leg, Dr De Dios said the bullet had entered on the right hand side of the lower right leg, just above the ankle.
He said the bullet hit the tibia bone and had been deflected up slightly.
The trial continues

Derailment delays trains

Mall Reporter
TRAINS on the Kimberley-Klerksdorp line were running up to 7½ hours late yesterday morning after a derailment on Sunday mornine.
The derailment occurred between Fendyke and Camelford at 9.42am when the axle of a truck snapped. Twelve trucks carrying sand and calcium were derailed and 1km of rail damaged. A mast carrying overhead powerlines was ripped out and nine others were moved on their foundations. No-one

was injured.
According to a South African Railway's spokesman the Trans-Karoo to Cape Town was running six hours late, after being diverted round Ottosdale, Vermaas and Pudimoe, and the Trans-Karoo to Johannesburg was running one hour late. Passenger trains from the Cape to Pretoria were running four hours late and passenger trains from Kimberley to Johannesburg 7½ hours late.
By yesterday afternoon trains were running on schedule.

State workers roam streets

UMTATA. — President Kaiser Matanzima yesterday called on Transkei Government employees to devote themselves to duty and to stop "roaming the streets".
Chief Matanzima said he hoped the Prime Minister would "use his whip" to see that Cabinet Ministers stayed at their desks.
He said it was the duty of Ministers "to feel the pulse of the Government" and to know what to do if Government employees failed to do their jobs properly.
The President said whenever he went to town he met Transkei Government officials in the streets. — Sapa.

Soweto preacher on robbery charge

Mall Reporter
A LAY preacher of the Apostolic Faith Mission appeared in the Soweto Regional Court yesterday charged with robbery involving R65 000.
Mr Amos Hlatshwayo, 40, of Dlamini, Soweto, was not asked to plead.
His appearance is a sequel to the robbing of Mr Ephraim Tshabalala, a Soweto tycoon, and his driver near Nancefield Station on December 14.
Mr Hlatshwayo was remanded in custody to Friday.
Four other people, including a woman, appeared in

court last week in connection with the robbery.
They are Mr William Mothlabane, 30, of Mapetla, Mr Patrick West, 24, of White City Jabavu, Mr Ernest Mncube, 42, of Phiri, Mr Timothy Madonsela, 38, of White City Jabavu, and Ms Rebecca Hlatshwayo, 32, of Dlamini.
They were also not asked to plead.
Mr Mothlabane was granted bail of R100 and Ms Hlatshwayo bail of R200. Mr West, Mr Mncube and Mr Madonsela were remanded in custody.

Train plunges into ravine

JAKARTA. — A train, which carried 40 passengers and a cargo of coal, plunged into a ravine in the north of Sumatra on Sunday, killing at least 18 people and injuring eight others.
Rescue workers found 18 bodies, but 12 people who might have been aboard the train were reported missing. Eight others were seriously injured. — UPI.

Five drown at sewage works

CAIRO. — Five workers drowned and four others were injured as they carried out maintenance work at the weekend at a sewage station near Giza, south of Cairo, said Egyptian police.
The accident began with the drowning of one worker. When his colleagues rushed to rescue him, four choked on toxic gases and drowned, police said. — UPI.

R46 000 stolen from trunk

WINDHOEK. — Police in South West Africa are still searching for thieves who made off with R46 000 found in a trunk that dropped off the back of a light truck transporting salaries and pension money in Kavango on December 7.
Two civil servants from the Kavango administration

were transporting the salary and pension money in a steel trunk in the truck when it fell off.
The driver of the truck later turned back to retrieve the fallen trunk.
But when he found it lying on the roadside R46 000 was missing. — Sapa.

Lillian Keagile is charged

Mall Reporter
A YOUNG Soweto woman, who has been in custody for more than a year, appeared in the Johannesburg Regional Court yesterday on charges under the Terrorism Act.
Miss Lillian Keagile, 24, of Molapo in Soweto, appeared before Mr I J J Luther.

She is alleged to have contravened the Terrorism Act in 1981, among other things having pursued the activities of the banned African National Congress.
Miss Keagile, who was taken into custody in November 1981, was remanded and will appear again today.

Gulf tour for French VIP

DOHA. — French Foreign Minister Mr Claude Cheysson wrapped up a one-day visit to Qatar yesterday and flew to Saudi Arabia on the third leg of a Gulf tour.
Mr Cheysson held talks with Qatari Emir Sheikh Khalifa Bin Hamad Al Thani. — UPI.

THE AA CALLED ON... authorities to be exact in measuring speeding vehicles or "the principle of fairness and righteousness is undermined".
It said: "The motorist finds himself in a position where it is very difficult and expensive to defend his case in court and prefers to pay an admission of guilt fine."

Guard fined in porn trial

Mall Reporter
A 25-YEAR-OLD security guard, who was found reading a magazine containing nude photographs, was fined R100 (or 50 days) in the Pretoria Magistrate's Court yesterday.
Richard Hlongwane (of no fixed abode) pleaded not guilty before Mr CS van Loggerenberg to reading a pornographic magazine, "Mayfair".
The court heard Hlongwane was found in possession of the magazine in a Pretoria restaurant last Friday.
Hlongwane said he did not read the magazine, but had been looking at nude photographs of women.
In passing sentence the magistrate took into account that Hlongwane was married with two children and that he had shown remorse

Woman dies in storms

WINDHOEK. — Good rains fell throughout central and northern South West Africa at the weekend, but a woman was killed by lightning and considerable storm damage was caused in some areas.
Reports said an unidentified woman was struck dead by lightning in Hereroland east. In Okakarara, sweeping rain ripped rooftops off houses and uprooted trees.
Trees were also uprooted at Omaruru, in the centre of the territory, and water pipes damaged when 51mm of rain fell. — Sapa.

Zimbabwe's top judge to retire

HARARE. — Zimbabwe's white Chief Justice, Mr John Fieldsend, is to retire from the bench at the end of his three-year contract in June.
Mr Fieldsend, who was recruited by the Zimbabwe Government shortly after independence on April 18, 1980, told the opening 1983 session of the High Court in Harare yesterday he would return to England.
Mr Fieldsend resigned from the Rhodesian bench in 1968 in protest against "un-constitutional practices" by the judiciary. — Sapa-AP.

MATTER OF FACT

TO CORRECT specific errors of fact, write to the Editor at P O Box 1138, Johannesburg, or telephone the

SP used children, terror trial told

11/11/83 331

Three young children who were arrested and detained with Miss Lillian Keagile were used by a security policeman to force her to make a statement, a Johannesburg Regional Court was told yesterday.

Mr CR Mailer, appearing for Miss Keagile (25) of Molapo, Soweto, who is charged under the Terrorism Act, said: "The children were merely chattels to be played with

at the pleasure of Captain J.C. Coetsee."

In a trial within a trial, Miss Keagile has alleged she was assaulted, sexually molested and forced to make a statement by Captain Coetsee.

The children, one of whom is Miss Keagile's son, were aged two, four and six when they were arrested with her at the Ramathlabama border post near Mafikeng on November 18 1981.

They were taken to

the Magaliesburg police station and spent the night in her cell.

They were allegedly left in the cell when Miss Keagile was taken for questioning and not offered food.

Mr Mailer contended the children had been kept at the station to pressurise Miss Keagile. "She was never told what would happen to them. The keeping of the children was causally connected with the making of the statement."

Under cross-examination, Captain Coetsee said the children had not been released immediately because he had not wanted other suspects to know Miss Keagile had been arrested.

Miss Keagile was remanded; the trial continues today.

11/1/83 (331) ~~SA~~
Soggot comes from Britain for SA trial

Mail Reporter

A FORMER South African advocate who is now based in London is expected to arrive in South Africa this week to defend a Soweto man charged under the Terrorism Act.

Mr David Soggot will assist Mr George Bizos, SC, in the trial of Mr Harrison Noggekele, 26, of Soweto.

Mr Noggekele appeared in the Johannesburg Regional Court yesterday. He was remanded in custody and will appear again on Friday.

He previously appeared with the banned journalist,

Joe Tiholoe, and seven others on charges of allegedly furthering the aims of the Pan-Africanist Congress.

The separation of their trials was ordered at a previous hearing when Mr Noggekele appeared with Mr Tiholoe and the seven others who will be appearing for trial on March 22.

The instructing attorney, Mr Sello Monyatsi, told the Rand Daily Mail yesterday that he had arranged with Mr Soggot, who is based in England, to appear on behalf of Mr Noggekele to assist Mr Bizos.

Magistrate to consider case against reporter

Court Reporter

THE trial of an Evening Post reporter, Miss Alexandra Smith, on a charge of being in possession of banned literature, has been postponed to January 14.

Miss Smith pleaded guilty to being in possession of a publication *Organise ... or Starve* by Luchardt and Wall which has been banned under the Publications Act. She admitted that a second banned publication, *Manual on Detention*, was also in her possession. She pleaded not guilty to possessing this publication on the grounds that, having no idea it was banned, she had no intention of committing an offence.

The charge arises from an incident on September 9 last year, when police searched her flat and removed a total of 13 publications.

After considering a written statement of defence and a statement she made to the police, the magistrate, Mr J D Moony, said he needed time to consider the matter — in particular the part played by Miss Smith's intention.

Mr G G Huisamen, who appeared for Miss Smith, said the defence and the State had agreed on the basis of Miss Smith's plea. Mr Moony replied that he was not party to the agreement, and must return a verdict on the evidence before him after due consideration of the law.

Mr J Kotze appeared for the State.

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Doctor's evidence on Fort Hare fracas

ZWELITSHA — A 15-year-old girl from Soweto who was shot and seriously injured had to be rushed from Alice to Mdantsane's Cecilia Makiwane Hospital, the Regional Court here was told yesterday.

Dr Juanito Riego de Dios, a Philippine doctor working for the Ciskei Government, said he had administered emergency aid to the girl before she was taken to hospital.

The girl, who cannot be named, is one of 20 accused before Mr J A Dracatos facing charges of public violence after an incident involving a Ciskei ministerial cavalcade at Fort Hare University on May 1.

Dr de Dios said he had also treated another accused, Mr Monwabisi Dingiswayo, 25, for a bullet wound in his right leg.

A third accused, Mr Thami Luvuno, 19, was not present and the State requested a warrant for his arrest and the estreatment of his bail.

Mr M T K Moerane, for the defence, said he had been told Mr Luvuno was ill and being treated.

Mr Dracatos issued a warrant but deferred its execution for a week pending information on Mr Luvuno's illness.

In reply to questions Dr de Dios said he had examined Mr Dingiswayo on May 1

and he had a bullet lodged in his lower right leg which he removed without delay.

He had also treated the girl the same day. She was in an "emergency condition", he said.

There was a bullet wound on the right upper part of her body, just under the collarbone, and a "possible exit wound" under her right arm near her armpit. There was a third wound near her elbow.

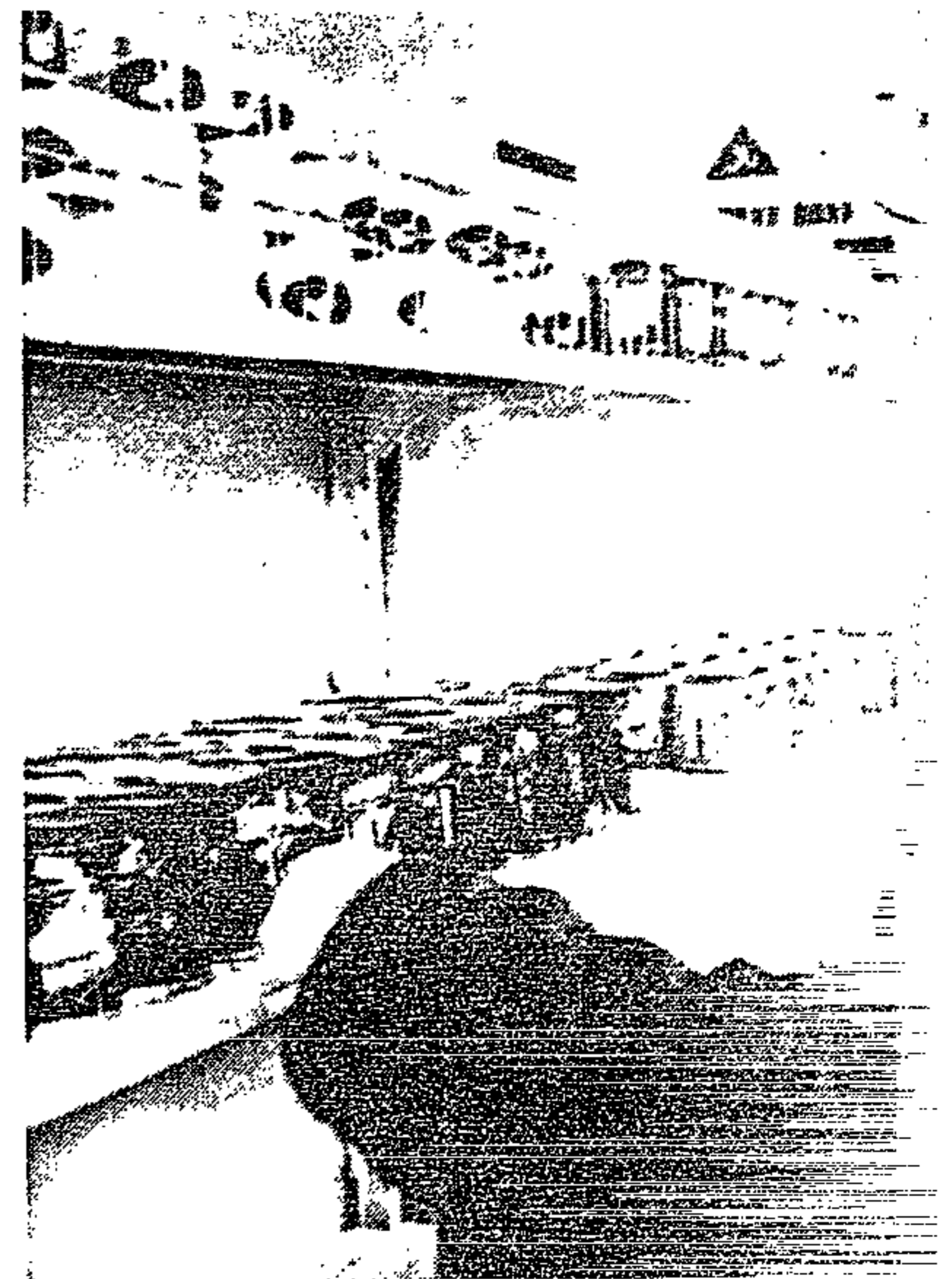
Cross-examined by Mr Moerane, he said the wound under her armpit was a "possible" exit wound because it was rougher than that under her collarbone.

He denied it could have been a possible entrance wound, as suggested by Mr Moerane, saying that although he was not an expert, there was a difference between an entrance and exit wound.

Mr Moerane told the court he had been advised there was another wound on the girl's body and the position indicated by Dr de Dios of the possible exit wound was incorrect.

After an adjournment for an examination of the girl by Mr Dracatos, Mr Nel, Mr Moerane and Dr de Dios, the court heard there was a third scar on her body.

The trial continues. — Sapa



Two People's Liberation Army soldiers go shopping in China. Despite the slightly higher prices, 7 000 people queued for hours last week to shop in the district of

Chiavelli permit is 'in order'

JOHANNESBURG — Dr Marino Chiavelli's residence permit and other documents are in order, according to the Department of the Interior.

Last night the SABC television news quoted a spokesman in Pretoria as saying the department was not investigating documentation relating to the Italian millionaire's entry to South Africa.

Newspaper reports had speculated that such an investigation was under way.

The spokesman said the department had conducted a routine check on Dr Chiavelli's documentation after a Sunday newspaper reported alleged sentences passed against the millionaire overseas. The check had produced no sign of irregularities, he added. — Sapa

Six hurt as truck tumbles 200m off cliff

CAPE TOWN — Six Cape Divisional Council workers were hurt when their truck rolled 200 metres off a cliff on Chapman's Peak Drive.

A Council spokesman said the six forestry department workers were returning to Hout Bay from Ocean View when the accident occurred.

Two were slightly hurt when they jumped out of the six-ton tip-up truck before it plunged over the edge. It stopped only metres from the sea.

Four of the injured were admitted to Victoria Hospital in Wynberg where a hospital spokesman described their condition as satisfactory. He expected the men, whom he declined to name

because their families had not been informed, to be discharged "quite soon".

The others, Mr Gordon du Plessis, 39, and Mr Gillian Anthony, 24, were admitted to False Bay Hospital in Fish Hoek. A hospital spokesman described Mr Anthony's condition as "not serious" but said they were still waiting for the final tests on Mr Du Plessis, who may have suffered internal injuries. Both men were kept overnight for observation.

Dr Alan Macmahon and six members of his Metro Rescue Unit were at the scene soon afterwards and winched the injured up the cliff with a crane.

Last Wednesday a nurse died near the spot. — Sapa

Cause of train accident probed

PRETORIA — Iscor officials are investigating the cause of an accident in which a train carrying dolomite ore to the Pretoria works was derailed.

Nobody was injured in the accident, which occurred shortly after 5pm yesterday on the line between Mooiplaas and the Iscor works, near Laudium.

An Iscor spokesman said he did not expect any serious damage was caused to the engine, which was derailed after it hit a bank of sand and ash at the end of the side line.

He said the load had not been tipped out and had quickly been taken to the works for off-loading. — Sapa

Magistrate considers against

Court R.

THE trial of an Evening Post, on a charge of being in contempt, has been postponed to 11/11/87.

Miss Smith pleaded guilty to publication *Organise... or S* which has been banned under the *Detention*, was also in her possession of this publication, having no idea it was banned, committing an offence.

The charge arises from an investigation in 1986, when police searched for 13 publications.

After considering a written statement she made to the magistrate, Mr Moony, said he needed time to consider the part played by

Mr G G Huisamen, who was the defence and the State had agreed to Mr Moony's plea. Mr Moony's agreement, and must return before him after due consideration.

Mr J Kotze appeared for

Weather

FORECAST until 6pm tomorrow:
COASTAL BELT FROM PLETTENBERG BAY TO PORT ALFRED: Partly cloudy to cloudy and mild with some rain or showers overnight, clearing from the west tomorrow. Wind fresh south-westerly, becoming moderate southerly to south-easterly tomorrow.

PORT ALFRED TO PORT EDWARD: Partly cloudy to cloudy and mild with some rain or showers overnight.

IF WE DON'T
 PERFORM, WE
 GET NAILED

Star
12/1/83
331
Magistrate rules Keagile statement is admissible

A Johannesburg Regional Court magistrate today ruled admissible as evidence a statement in which Miss Lilian Keagile admitted acting as a messenger and conveying money for the African National Congress.

The magistrate said Miss Keagile (25), of Molapo, Soweto, who is charged under the Terrorism Act, had not proved she made the statement involuntarily.

In the statement Miss Keagile said she acted as a courier for the ANC between Botswana and Soweto "because my husband became a member in 1980 and because I did not know I was doing wrong."

The statement said she brought

R2 000 to the South African Black Municipality Workers Union in 1981 and contacted people in Soweto for the ANC.

She said the statement was inadmissible because she was assaulted by Security Police and forced to make it.

A State witness in the trial refused to give evidence.

Mr Phillip Dhlamini, secretary of the South African Black Municipality Workers Union, said he refused to testify and would not give reasons because he was sick.

He will appear in court tomorrow after consulting a doctor and attorney.

The case is continuing.
● See Page 4

Transkeian politician on perjury charge

#105
O. Dispatch *331*
12/1/83

UMTATA — A member of the Transkei Opposition Democratic Progressive Party, Mr Sigxinini Qotyiwe, appeared briefly before the Butterworth Chief Magistrate, Mr J. Erasmus, yesterday charged with perjury.

Mr Qotyiwe, an Engcobo farmer, was not asked to plead and no evidence was led. The case was postponed until March 7 and Mr Qotyiwe was released on R200 bail.

His appearance was a sequel to the terrorism trial of Mr Ezra Sigwela, field worker of the

Transkei Council of Churches, Mr S. A. Xobololo, deputy leader of the DPP, and Mr Wilson Fanti, a Stutterheim taxi-operator.

The trio were alleged to have engaged in activities aimed at furthering the aims and objectives of the African National Congress.

Mr Qotyiwe, 40, was arrested by the Transkei Security Police after giving evidence for the state in the trial in the Butterworth Regional Court on December 10 last year. — SAPA.



Youths claim torture

UNIVERSITY OF CAPE TOWN 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.

COUNSEL for teenagers charged in Humansdorp with arson said in court yesterday his clients had been starved, assaulted, deprived of blankets and threatened that they would be sent to Robben Island.

Mr Solomon Jack, Mr Monwabisi Bosman and Mr Vuyisile Kate, all 18, appeared with three youths in the Regional Court here each facing 16 charges of arson.

The charges arose from the burning of sixteen schools in Port Elizabeth between November 1981 and February 1982.

The investigating officer, Warrant Officer Philip Nel of the Port Elizabeth Murder and Robbery Squad, denied a claim by Mr P N Langa who appeared for five of the accused, that three of them were shown food which was then taken away from them.

Mr Langa claimed on behalf of Mr Kate that blankets were deliberately withheld from him so that he would be cold at night.

He also alleged that Mr Nel's reaction to Mr Kate's complaint about lack of sleep and food was to promise to see that they were treated well if they co-operated.

He said Mr Nel had threatened one of the youths with 45 years on Robben Island if he did not admit his guilt to a magistrate. The youth had been arrested on a Thursday but been given no food until Saturday.

The case continues today. — Sapa.

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- Enter at the block you are
- Blue or black. The use of blue 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

Court rejects arson admission

By GARTH KING

A WRITTEN statement to a magistrate handed in at the trial of six youths charged with arson, was today ruled inadmissible as evidence because in it the youth acknowledged complicity in arson on Guy Fawkes Day in 1981.

The State did not include the date, November 5, 1981, on the charge sheet drawn up against Mr Solomon Jack, 18, of Zwide.

The six youths — three minors who may not be identified, and three 18-year-olds, Mr Monwabisi Bosman, Mr Vuyisile Kate and Mr Jack — are appearing in the Humansdorp Regional Court on 16 counts of arson.

They have all pleaded not guilty to the charges, arising from R30 000 fire damage to 16 black schools in Port Elizabeth between

November 1981 and February 1982.

Another written statement to a magistrate by Mr Kate was ruled admissible on the grounds that the onus was on Mr Kate to prove that it was not made freely and willingly.

The defence has alleged that police had pointed a firearm and threatened to shoot, suffocated, punched, kicked, applied skin irritants and withheld food and water from the accused.

The trial was adjourned early today so that the State could call the Kirkwood magistrate who took statements from the accused. It continues tomorrow.

Mr P P J Van der Merwe was on the Bench. Mr J Nel appeared for the State. Mr P Langa, who appeared for five of the youths, was instructed by Silas and Nkanunu and Company. Mr R G Buchanan (instructed by Van Kerken and Oelofse) appeared for one youth.

Cure is claimed for AIDS disease

BECAUSE the Acquired Immunity Deficiency Syndrome (AIDS) was contracted by intimate physical contact between homosexuals, the disease could be fought by curing those who preferred to have sex with their own kind, a Pretoria homeopath said yesterday.

The homeopath, who requested anonymity for ethical reasons, believes he has the cure for homosexuals.

He has said he was willing to treat about five cases to prove his theory.

He said that one of the pioneers of homeopathy had said many centuries ago that God was aware of every situation — physical and mental — which would attack the human being and he believed that provision had been made to cure every case.

"I am prepared to treat the homosexual because I believe our remedies are as God gave them to us."

Homosexuality is a condition that develops like any other disease and there can be various reasons for it like fear, inculcation by parents and friends, aversion to the opposite sex, he said.

The homeopath said there was an antidote for every condition.

He said practitioners did not handle the disease as such, but rather the symptoms.

Because the symptoms differed in every person, every case was handled individually and he was convinced homosexuality could be handled successfully. — Sapa.

Magistrate to rule today on Keagile statement

By MIKE LOUW

A JOHANNESBURG Regional Court magistrate will give a ruling today on whether a statement, alleged to have been made by a young Soweto woman after being arrested, should be admissible as State evidence.

Miss Lillian Keagile, 24, of Molapo, Soweto, was arrested at the Botswana border 13 months ago.

She pleaded not guilty before Mr I J J Luther on charges of offences under the Terrorism Act, alleged to have been committed during 1981.

Miss Keagile told the court at a previous hearing she was assaulted by Security Police in the veld near Magaliesberg while being taken in a car to Johannesburg.

She said she was arrested on November 18, 1981, and was taken before a magistrate at Krugersdorp the next day, where she made a statement. She had earlier

been told by police she had been arrested in connection with allegations of furthering the activities of the African National Congress.

Security Police denied Miss Keagile was assaulted at any stage.

One of the policemen who testified yesterday, Captain Abram Grobler of the Soweto Security Police, told the court he and a colleague, Captain J C Coetzee, went to Zeerust in a car on November 18, 1981.

He said they found Miss Keagile in an office at the police station. She was with three young children.

He said they took Miss Keagile and the children to the Magaliesberg police station. He was driving the police car and it was not stopped along the way and Miss Keagile was not assaulted, as she had claimed.

Mr C R Mailer, for the defence, told the court in argument the statement made by

his client before a magistrate should be ruled inadmissible.

He said the State had failed to prove beyond reasonable doubt that the statement was made freely and voluntarily.

Mr A R van Wyk, representing the State, said evidence given by Miss Keagile was contradictory and unconvincing.

The senior district surgeon for Johannesburg, Dr Norman Jacobson, earlier told the court he had examined Miss Keagile on February 9 last year when she told him she had been assaulted by Security Police on the day of her arrest.

He said she told him she was suffering from pains in the chest and under her breast.

He said she told him she had not seen a doctor since she was allegedly assaulted by being kicked all over the body and sexually assaulted.

Court told of death push in car

Mail Reporter

A WOMAN of 46 appeared briefly in the Pretoria Magistrates Court yesterday in connection with an allegation of murder.

Mrs Georgina Francina du Toit of Malherbe Street, Capital Park, Pretoria, was not asked to plead.

The State alleges that she tossed Mr Martinus Hendrik Christiaan van Loggerenberg out of a moving car in Pretoria last July.

Mrs du Toit was released on her own recognisances and the case adjourned until February 10.

To hospital by tricycle

PEKING. — Peking's state-controlled taxi companies are so badly run that a man whose wife was in labour had to rush her to hospital on a tricycle, according to a front-page letter in the official Peking Daily yesterday.

Mr Li Jianhua said that three taxi offices refused though he saw several cabs outside. He had to take his wife to hospital by pedicab, a kind of tricycle.

Peking residents sometimes wait several hours for a cab.

90kg boozer had taste for honey

DURBAN. — A Durban angler, Mr Lance "Kingfish" Cotterell, found a Hong Kong beer can inside the stomach of a 90kg tiger shark he landed off South Pier last week.

It took him an hour and 20 minutes to bring the shark in after hooking it on a "Mixed grill" — honey wrapped in squid — on an 18kg line — Sapa.

Mine rockfall kills worker

A MINERWORKER was killed in a rockfall at President Steyn Gold Mine in the Free State on Monday, a spokesman for the mine said yesterday.

The man's name was being withheld until his family had been informed, the spokesman said. — Sapa.

Dagga smoker says: I didn't know legal ropes

Mail Reporter

A MAN fined R120 for possession of dagga, and who admitted 11 previous convictions, said yesterday that had he known court procedures, he would not have spent the last 14 years in and out of jail.

Harris John Suttner, 30, of Primrose Terrace, Berea, pleaded guilty in the Hillbrow District Court to possessing 12g of dagga on November 14, 1982.

His 11 previous convictions

included five for the possession of dagga. Others were for housebreaking, theft and receiving stolen property.

Suttner told the court: "If I was 'jacked-up' on court procedures, I wouldn't be going to jail all the time".

The magistrate, Mr G P Button, in passing sentence, warned Suttner that if he appeared in his court again on a dagga charge, he might face the maximum jail sentence for the offence — 25 years.

Jeweller and gems missing

LONDON. — Police yesterday were investigating the disappearance of a wealthy jeweller after R4 500 000 worth of gems were reported missing from his jewellery stores in Warwickshire, in central England.

Police said Mr Robert Chatwin, 41, who owns six jewellery stores in the area, disappeared more than a week ago from his home in the Warwickshire town of Whitnash.

Staff discovered gold, diamonds and other gems missing from all six stores on Monday.

Police said a note was found saying the jewels had been removed for valuation.

All the stores had been closed for seven days for inventories.

Mr Chatwin's wife Carolyn, 35, who returned home yesterday from a holiday with her children in the US, said she had no clue to her husband's whereabouts.

"I don't know where he is

Chinese premier departs

HARARE. — The Chinese Premier, Mr Zhao Ziyang, left Harare yesterday after a three-day official visit to Zimbabwe.

Before the delegation left, Zimbabwe and China signed a co-operation agreement, a government spokesman said.

Little information was available on Mr Zhao's talks with Zimbabwean leaders, led by the Prime Minister Mr Robert Mugabe, but discussions appeared to concentrate heavily on security and economic affairs.

The Chinese leader and his party would visit Tanzania and Kenya to complete their 11-nation African tour.

China was the principal military backer of Mr Mugabe's Mozambique-based Zanu guerrilla forces during the Rhodesian civil war which preceded Zimbabwe's independence in 1980.

CASSETTE RECORDERS at **BELOW WHOLESALE** SORRY — NO MAIL ORDERS WE IMPORT DIRECT

NOW! EVERYONE CAN HEAR YOUR WALKMAN OR WALKABOUT 4 WATT HI-FI SPEAKERS WITH BUILT-IN AMPLIFIER. OPERATES ON 8 TORCH BATTERIES. * SPEAKERS SEPARATE, FOR TRUE HI-FI STEREO **R35⁰⁰** per pair

HI-FI STEREO WALKABOUT WITH SUPER HI-FI HEADPHONES With talk hotline switch Automatic stop 1 year guarantee **R59⁹⁵** **MICRO CASSETTE POCKET RECORDER**

SA emigrants are asked

Mail Reporter SOUTH Africans who want to emigrate to Australia will be asked to review their plans — as a result of the Australian Government's sudden decision to slash its immigration intake by about 10 000. A spokesman for the Australian Embassy in Pretoria said yesterday the embassy was reviewing applications for emigration against the demand for labour in Australia, and would soon be advising applicants of the review results. The Fraser Government said the announcement — was unacceptable — worsened cutting migrants third

12/11/83 7:40
331

Would-be terror recruits jailed

Two men arrested on their way to Lesotho for military training were jailed for three years by the Johannesburg Regional Court yesterday.

Samuel Thabo John Lerumo (19) of Zone 1, Meadowlands, and Akila Mogale Mapheto (21), address not given, were found guilty of participating in terrorist activities.

They pleaded not guilty and will lodge an appeal.

The magistrate said

that in terms of the Internal Security Act of 1982 he no longer was bound to impose a minimum sentence of five years for terrorism.

He said the men were young "amateur terrorists" who intended fighting the Government, but had not managed to get in touch with any terrorist organisation.

They were arrested on November 11 1981.

They were remanded pending an appeal.

~~770~~
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Staw 331
13/1/83
~~277~~
**Delay in
hearing
on strike**

Labour Reporter

A court case against 29 black mineworkers charged with striking illegally at the Winkelhaak Gold Mine near Evander last April was postponed this week until March 7.

The men were held in jail from May 7 last year because they could not afford bail of R1 000 each.

The National Union of Mineworkers, however, secured bail for 21 of the men and the case was brought to the Evander Magistrate's Court.

Other miners described in court this week how the men had been active in the strike and the State still had to conclude its case when it was postponed until March.

The NUM was able to have bail reduced to R500 each.

Magistrate did not act on detainee's claims of assault

13/1/83 E. Post 331
HUMANSDORP — A Kirkwood magistrate failed to refer allegations of assault in statements made to her by two detainees now charged with 16 counts of arson to the police.

The acting magistrate, Mrs Elsie Stroebel, told the Humansdorp Magistrate's Court today that she had considered one youth's allegation — made last year — of policemen rubbing skin irritants on his body as "similar to rubbing sugar on his body".

Mrs Stroebel was given evidence at the trial of three minors and three 18-year-old youths, Mr Monwabisi Bosman, Mr Vuyisile Kate and Mr Solomon Jack, each charged with 16 counts of arson.

The charges arose from fire damage to 16 schools in black townships between November 1981 and February 1982. All have pleaded not guilty to the charges.

Today's trial within a trial, held in camera, dealt with the admissibility of the youth's statement to a magistrate and the police.

Some of the accused had been in detention under Section 22 of the General Laws Amendment Act for a year before they were charged.

Mrs Stroebel took statements from one of the minors on February 5, 1982.

She said she had not questioned him

further about his allegation of having irritants applied to his skin "because it wasn't an assault, had caused no pain to the youth, and because he had no injuries".

Mr P Langa (for the youth) asked her if an assault meant that there had to be an open wound. She replied that if he had been hit or given electric shocks she would have reported it to the Kirkwood Station Commander.

Later in the today's proceedings, Mrs Stroebel failed to say why she had not questioned Mr Kate's allegations that police had hit him with an open hand, a sjambok and a stick.

Under cross-examination she admitted she had neither asked Mr Kate for details of the assault nor referred the alleged assault to the Kirkwood station commander.

Mr Langa asked: "Is this not your function as magistrate? Did you realise you were putting him back into the hands of his alleged tormentors?"

Mrs Stroebel did not reply.

She said later on that she had "no specific instructions" about reporting alleged assaults made in statements to her.

Proceeding

Mr P P J Van der Merwe was on the Bench. Mr J Nel appeared for the State. Mr Langa, who appeared for five of the accused, was instructed by Silas and Nkanunu. Mr R G Buchanan (instructed by Van Kerken and Oelofse) appeared for one youth.

331 2-105
13/1/83
Ciskei policeman
accused of telling
'cooked-up' story
on May shootings

ZWELITSHA — A sergeant of the Ciskei Central Intelligence Services was accused in the Ciskei Regional Court yesterday of telling the court a "cooked-up" story.

His appearance followed an incident in which shots were fired, hitting two people and a car carrying a Ciskei Cabinet Minister.

Appearing were 16 Fort Hare students, a 15-year-old pupil from Soweto, and a field worker of the Border Council of Churches.

All the accused pleaded not guilty to the charges of public violence.

Their appearance followed disturbances at the University of Fort Hare in May when students protested against a visit to the campus by Government representatives.

Sergeant Mzikhulu said he fired the shots on instructions from the head of security, Lieutenant-General Charles Sebe.

Under cross-examination for the second day by the defence counsel, Advocate M K Moerane, the sergeant refused to demonstrate to the court how he shot a man and a young girl allegedly carrying a pipe.

He also refused to tell the court the kind of pistol he had used and said there was also no reason to disclose the serial number.

Mr Moerane told the court that the witness contradicted General Sebe's and Colonel Z Mkuzeni's evidence. They told the court that he had fired two shots.

Sergeant April said when a car of the Minister of Transport was hit in the rear window, Mr Namba Sebe and his chauffeur were inside.

He said he saw the girl fall after his shots.

Mr Moerane: "I put it to you that your story is just a cooked-up one." The sergeant denied this.

A State prosecutor, Mr G Nel, asked for an adjournment for further investigation. The trial continues today. — Sapa

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Sergeant, F

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South Africa
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331.0968 50UT

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4
Southern African Labour + Development
Research Unit
Working Papers No. 31 to No. 38.
Cape Town, S.AFRICA, 1981.

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Working papers
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0979 ✓

Union boss jailed for terror trial refusal

Mall Reporter

THE general secretary of the Black Municipal Workers' Union, Phillip Dlamini, was jailed for 18 months yesterday for refusing to give evidence for the State in a Terrorism Act trial.

He had been called to testify in the trial against Miss Lillian Keagile, 24, of Molapo, Soweto.

Dlamini, 31, of Zola, Soweto, had been called as a witness three times, the third time yesterday, but each time refused to testify.

He told Mr I J J Luther in the Johannesburg Regional Court yesterday: "It was written in the Good Book that a person should not give false evidence against a neighbour."

Mr Ratha Mokhoatlheng, for Dlamini, said in mitigation that blacks who had given evidence for the State in the past had been ostracised by their community and some of them had been assassinated.

He said Dlamini had told him his conscience did not allow him to give evidence against Miss Keagile.

As an official of the BMWU, he felt he would lose credibility and be regarded as a "sell-out" if he testified.

Mr Mokhoatlheng said Dlamini had made a statement to police under duress after being threatened with detention.

Mr A R van Wyk, prosecuting, said Dlamini had been taken into custody in May last year and was facing certain charges.

He was to have been a key witness and his refusal to testify would weaken the State's case considerably.

Mr Luther rejected the application. ● Captain J C Coetzee, a Security Policeman, told the court on Monday that Miss Keagile was arrested on the Botswana border on November 18, 1981.

He and a colleague fetched her from Zeerust police station and brought her before a magistrate the following day, when she allegedly made a statement.

He had questioned her for about 10 minutes at the Magaliesberg police station on the night of her arrest and told her she was being held in connection with a serious offence involving the ANC.

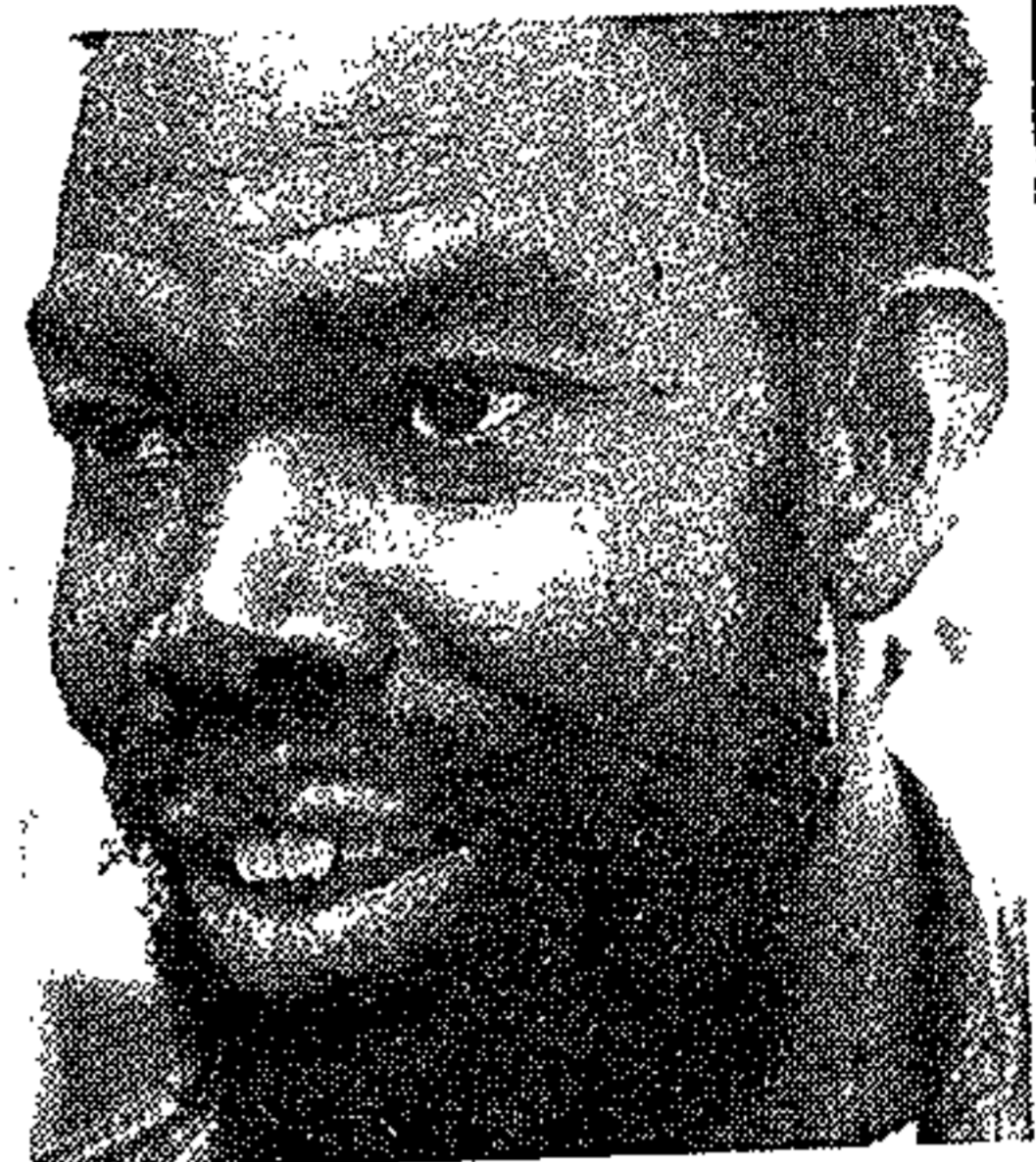
He denied under cross-examination that she was ever assaulted, and specifically that the car carrying her had been stopped in the veld and she had been assaulted, as she had claimed.

He said he had been shocked to read in the Press about her allegations.

Mr Mailer put it to Capt Coetzee that three children, among them her own child, were used to pressurise Miss Keagile into co-operating with the police and making a statement. Capt Coetzee denied this.

Asked whether the children had spent the night of November 18/19 in a cell at Magaliesberg with Miss Keagile, he said he did not release the children immediately because he did not want other suspects to know at once that Miss Keagile had been arrested.

Re-examined by the prosecutor, Capt Coetzee said the accused was happy to



PHILLIP DLAMINI
jailed for 18 months

be with the children and had never asked that they be allowed to go.

He also denied that the children were left alone in the cell while she was being questioned, or that they and Miss Keagile were deprived of food.

The children were given cool drinks and chips in the car while they travelled, he said. At one point, the police had stopped the car at a shop to allow Miss Keagile to buy more food and milk for the children.

Miss Keagile had earlier claimed during a trial within a trial that she was assaulted and sexually molested after the police car was stopped in the veld.

Miss Keagile was remanded in custody and the trial will resume on March 7.

State witness' silence gets him 18 months

331
Sowetan
14/1/83

A STATE witness who refused to testify because he did not want to be branded a "sellout" was jailed for 18 months in the Johannesburg Regional Court yesterday.

Phillip Dlamini (31), former General Secretary of the South African Black Municipality Workers' Union, refused to testify in the trial of

Miss Lillian Keagile who is being charged under the Terrorism Act.

The magistrate, Mr I J Luther, said Dlamini had not given a justifiable excuse for his refusal.

Dlamini said his union had an international reputation and would lose its credibility in South Africa and

overseas if he testified.

A statement he had made to the Security Police was incorrectly recorded and was made under duress in fear of indefinite detention, he said.

He said he did not want to be branded a "sellout" by the black community.

In mitigation of sentence, Mr R Mokgoatheng, appearing for Dlamini, said: "A black man who testified in a political case is ostracised. There have been assassinations in such cases."

Mr Luther said political sympathy with an accused was no justification for refusal to testify. The interests of the State had to be protected.

Arson trial postponed to allow defence to consult with witnesses

By GARTH KING

THE trial of six Port Elizabeth youths accused of arson was today postponed until February 8.

The State closed its case in a trial within a trial concerning the admissibility of three of the accused's statements to a Kirkwood magistrate.

The six earlier all pleaded not guilty to 16 charges of arson arising from the fire damage of 16 black Port Elizabeth schools between November 1981 and February 1982.

The six include three minors who may not be named and Mr Monwa-

pati Bosman, Mr Vuyisile Kate and Mr Solomon Jack, all 18.

The Humansdorp Regional Court magistrate, Mr P P J van der Merwe, in the *in camera* trial, earlier rejected the admissibility of Mr Jack's statement to a Kirkwood magistrate because in it he admitted complicity on November 5, 1981 — a date which does not appear on his charge sheet.

The trial was today postponed to allow the defence to interview witnesses in an attempt to prove that a minor's statement to a magis-

trate was made after the application of a skin irritant on the minor by police.

The defence had alleged in the trials that the youths were kicked, punched, whipped, given electric shocks, suffocated and food and water was withheld by police.

No evidence was heard today and the six will be held in custody until the trial resumes.

Mr J Nel appeared for the State. Mr P N Langa was instructed by Silas and Nkanunu and Company. Mr R G Buchanan (instructed by Van Kerken and Oelofse) appeared for one youth.

ANNEXURE "P" 167
 SALANCE AS AT 30TH NOVEMBER 1982

<u>Dr</u>	<u>G</u>
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... in the Supreme Court at first glance appear prepared by Mr Raymond Thomas, internal audit examination shows a crucial line referring to first document (top) has been changed to read (below). The alteration has become the centre of a legal storm.

ANNEXURE "Q" 168
 SALANCE AS AT 30TH NOVEMBER 1982

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WEATHER

TRANSVAAL — Till 6 pm tomorrow. Cloudy and cool over the north and east with fairly general rain, otherwise partly cloudy and hot with scattered thunderstorms.

Temperatures and rainfall for the 24-hour period ended 8 am today:

	Max	Min	Rain mm		Max	Min	Rain mm
Bryanston	33	17	7,8	Vereeniging	31	14	8,5
Pretoria	31	16	23	Cape Town	31	14	—
Krugersdorp	29	15	8,5	Durban	22	19	38,2
Springs	34	16	23,0	Port Elizabeth	21	18	1,6
Nelspruit	28	18	8,3	East London	20	17	7,5
				Bloemfontein	32	16	0,4
				Pietersburg	32	16	11,5

JOUBERT PARK — Today: 8 am, 17 deg C. Wind: NE. Yesterday: Maximum, 28 deg C; minimum, 14 deg C. Rainfall: 6,1 mm.
 SUNSET today, 19.04; sunrise tomorrow, 05.29; sunset tomorrow, 19.04

EXPECTED TEMPERATURES FOR TOMORROW

	Min early AM	Max PM		Min early AM	Max PM
Johannesburg	14	29	Maritzburg	16	26
Pretoria	16	32	Port Elizabeth	19	26
Durban	19	24	Cape Town	16	27

Witness
jailed 331
for his 1751
 14/1/83
silence Stan

By Fiona Macleod,
 Court Reporter

A State witness who refused to testify because he did not want to be branded a "sell-out" was jailed for 18 months by a Johannesburg Regional Court magistrate yesterday.

Phillip Dhlamini (31), the former general secretary of the South African Black Municipality Workers' Union, refused to testify in the trial of Miss Lillian Keagile, who is charged under the Terrorism Act.

The magistrate, Mr I J J Luther, said Dhlamini had not given a justifiable excuse for his refusal.

CREDIBILITY

Dhlamini said his union had an international reputation and would lose its credibility in South Africa and overseas if he testified.

A statement he had made to the Security Police was incorrectly recorded and was made under duress in fear of indefinite detention, he said.

He said he did not want to be branded a "sell-out" by the black community.

In mitigation of sentence, Mr R Mokgoatlheng, appearing for Dhlamini, said: "A black man who testifies in political cases is ostracised. There have been assassinations in such cases."

Mr Luther said political sympathy with an accused was no justification for refusal to testify. The interests of the State had to be protected.

Dhlamini has been in detention since May 1982 and has been charged in a separate case.

He was an important witness in this trial. The State closed its case and the trial was adjourned until March 7.

Terror 330 accused 2004 changes 15/1/83 his plea

Mail Reporter

A MAN who previously pleaded guilty to charges under the Terrorism Act was allowed by a Johannesburg Regional Court magistrate to change his plea to not guilty yesterday.

Mr Harrison Thembinkosi Noggekele, 26, of Zola 2, Soweto appeared before Mr I J Luther. The magistrate had advised him, after he had pleaded guilty to the charges at a previous hearing, to obtain the services of a legal representative.

Mr David Soggot, for the defence, told the court Mr Noggekele wished to change his plea to one of not guilty. He said he would deny all the allegations.

The magistrate allowed Mr Noggekele to change his plea.

The State alleges he contravened the Terrorism Act between February 1981 and June last year.

It is alleged he brought firearms and ammunition into South Africa and sought a place to hide them, and that he recruited people for military training outside the country and later harboured them after they returned.

Mr Noggekele was remanded in custody and will appear for trial on March 22.



ir yacht, the Loner, in East London harbour.

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and Mrs Speary
Sea Rescue
anti-pollution
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States.

This week the company replied that it was not interested in attaching the Loner and would drop its claims.
"Safmarine merely asked us to make a suitable donation to the National Sea Rescue Institute," Mr Speary said.
"The company has acted in the best seafaring tradition — one seaman helping another."
"We are very grateful. It was darned decent of them."
Mr Speary, a carpenter, has now bought the timber to repair the Loner's damaged hull and broken mast.
"I expect to get it done in about two months," he said, "then we will sail for home."
Mr and Mrs Speary have been cruising for the past three years.
They now intend to work for two or three years, save money and then go cruising again.



Magistrate did not act on assault allegations

By GARTH KING

A KIRKWOOD magistrate told a Humansdorp regional magistrate this week that she did not report to the police allegations of security police assault made to her in statements by two detainees now facing 16 arson charges.

Acting magistrate Mrs Elsie Stroebel made the admission in the trial of six Port Elizabeth youths — three of them minors — who are each charged with 16 counts of arson arising from fire damage to 16 schools in Zwijde, New Brighton and Kwazakele.

Mr Monwabisi Bosman, Mr Vuyisile Kate, Mr Solomon Jack, and the minors, who may not be identified, have pleaded not guilty to the charges.

Some of the youths were detained by the security police for a year under Section 22 of the General Laws Amendment Act.

In court appearances this week, the defence alleged that statements made to Mrs Stroebel in February last year were not made freely and willingly, but after various instances of police torture.

The defence alleged that some of the accused had been suffocated by the application of a wet canvas bag, punched, kicked, forced to drink urine, and denied food and drink.

Other allegations by the defence have included the application of a powerful, burning, skin irritant, and the pointing of a firearm at the accused before and after statements to Mrs Stroebel.

Mrs Stroebel told the court that one of the minors and Mr Kate had made statements to her on February 5, 1982.

Under cross-examination, she said she had not thought the application of skin irritants on the minor was an assault, believing it was "similar to rubbing sugar on his body".

"It was not, for me, an assault in the sense that he received an injury," she explained.

Mr P Langa (for the youth) asked her if an assault had to result in an open wound.

She replied that if the youth had been hit or given electric shocks she would have reported it.

Later in the proceedings, she admitted that she had failed to ask for further details and did not report allegations made by Mr Kate that police had hit him with an open hand, a stick and a sjambok.

She did not reply when Mr Langa asked whether she had realised that she was putting Mr Kate "back into the hands of his alleged tormenters".

In reply to a question from the magistrate, Mrs Stroebel said she had "no specific instructions" from her superiors to report alleged assaults.

The trial was postponed yesterday to February 8.

Mr P P J van der Merwe was on the Bench. Mr J Nel appeared for the State. Mr P N Langa, instructed by Silas Nkanunu and Co. appeared for Mr Bosman, Mr Kate, Mr Jack, and two youths. Mr R G Buchanan, instructed by Van Kerken and Oelofse, appeared for the other youth.

Israel inflation rate over 131% for last year

JERUSALEM — Israel's annual rate of inflation rose sharply in 1982, reaching a near record level of 131,5%, according to official figures

shekel hit Israel's exports which fell by 7% last year.

The experts said the shekel was now overvalued against the dollar by about

12/1/83 ROM 22

Union trespass case ends in acquittal

Pretoria Bureau

AN ORGANISER of the General Workers' Union of South Africa (Gwusa) was yesterday acquitted of a trespassing charge by the Kempton Park Magistrates court.

Mr Solomon Maluleke, 30, was arrested with two other Gwusa officials outside the State Trade Centre at Olifantsfontein on November 29. The charges against the other two men were withdrawn when they appeared in court earlier this month.

Mr Maluleke, Gwusa's Transvaal secretary, Mr Donsie Khumalo, and an-

other Gwusa organiser, Mr Solly Masemela, were arrested at the centre when they went there to see the head, Mr M Smit, with whom they had an appointment.

They failed to trace him and when they left the centre they were arrested, taken to the Olifantsfontein police station and charged with trespassing.

Mr Khumalo is facing a charge of inciting workers at the De Luxe Dry Cleaners in Pretoria to strike. Judgment in that case will be given in the Pretoria Regional Court on January 21.

331

Unionists slam jail sentence

17/1/83
Soulman
331
17/1/83

By JOSHUA RABOROKO

ABOUT 30 trade unionists have condemned the 18-month sentence imposed on trade union leader Phillip Dlamini for refusing to testify in a terrorism trial in Johannesburg last week.

The unionists affiliated to the Council of Unions of South Africa (Cusa), and the Metal and Allied Workers' Union, an affiliate of Fosatu, observed a moment of silence during a special service held in Johannesburg on Friday. In a statement afterwards they also condemned the solitary confinement legislation in South Africa.

Phillip Dlamini, former general secretary of the SA Black Municipality Workers' Union, was sentenced after refusing to testify in the much publicised trial of Miss Lillian Keagile in the Johannesburg Regional Court.

In a statement the unionists said they protested against unjust victimisation, intimidation and subjugation by the South African Government on trade unionists.

"We condemn solitary confinement and feel this form of legislation is unfair. We support the stand Dlamini has taken," said Mrs Agnes Molefe, general secretary of the South African Laundry Dry Cleaning and Dyeing Workers' Union.

In a separate statement, Mawu also condemned the sentence imposed on Mr Dlamini.

Magistrate accepts statements in Ciskei ANC trial

18/1/83

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D. Onpatch

ZWELITSHA — A regional court magistrate yesterday accepted statements allegedly made to magistrates by two people charged with promoting the aims of the banned African National Congress.

Mr J. A. Dracatos ruled the statements were admissible despite an objection by the defence advocate, Mr M. T. K. Moerane.

Mr Moerane also opposed the handing in of the statements last year, saying they were made in Afrikaans — not an official language in Ciskei — and had not been made to a Ciskei magistrate.

Yesterday Mr Dracatos said he thought Mr Moerane's preliminary objection had been shelved pending a ruling by the Supreme Court in another trial.

He said he had read in newspapers that the Supreme Court had ruled the statements were admissible, but had not seen a copy of the ruling.

Mr Moerane said he had not seen a copy of the ruling either. He said the problem with the ruling was that no reasons were given and it was couched in negative terms.

Mr Dracatos said he would overrule the objection although he did not have details of the ruling. The defence could appeal later when they got the details, he said.

Earlier an Aliwal North magistrate told the court Miss Jane Nomakhephu Ntsatha, of Zwelitsha, had breastfed her "troublesome baby" while he took a statement from her.

Mr David Fourie said Miss Ntsatha, had been nervous when he took the statement.

He added that this could have been because of the baby.

Miss Ntsatha and Mr Mncekeleli Peter of Mgwali face charges of recruiting members for the ANC, possession and distribution of banned literature and recruiting people to undergo training "likely to endanger the maintenance of law and order."

They both pleaded not guilty.

Mr Peter has also pleaded not guilty to undertaking steps to undergo training.

Asked by the prosecutor, Mr P. M. A. Pretorius, during re-examination if he had noticed any marks or bruises on Miss Ntsatha's breasts while breastfeeding the baby, Mr Fourie said he had not looked at her breasts. He said he was embarrassed when she took out her breasts to feed the baby, and looked aside. However, he did not stop her from breastfeeding the child.

Miss Ntsatha told him a security policeman had said she could make a statement to the magistrate if she wished and that she had not been forced.

She said she had no bruises or injuries and he did not see any external signs of bruising.

He said she told him the police did not assault her or influence her to make a statement.

She told him she had not been induced to make a statement and no rewards or promises had

been made nor was she expecting any benefits if she made the statement. Miss Ntsatha made the statement freely without any questions put to her except to explain things she said that were not clear.

The original statement was taken down in Afrikaans and later translated into English. He was satisfied with the translation.

Under cross-examination by the defence counsel, Advocate M. T. K. Moerane, Mr Fourie said he did not ask her about her nervousness. He disputed that she was extremely agitated. She was "fairly nervous," he said.

Mr Moerane put it to him she was nervous because of her ordeal since her arrest four days earlier. Mr Fourie said he could not answer that because he was not there. He said he did not ask her in general terms how she had been treated by the police.

Mr Fourie denied that she had a black eye from being assaulted. He would have noted it down if there was one, he said.

Another magistrate, Mrs Christina Gerber, told the court she took a statement from Mr Peter in November 1981.

She said Mr Peter agreed to make the statement after she had told him he was before a magistrate and was not obliged to speak. He was in sober senses and calm and there were no visible bruises or injuries.

He told her he had not been assaulted by the police or influenced to make a statement.

Under cross-examination by Mr

Moerane she agreed that the interpreter she started the statement with was not the same one she finished with. She had dismissed the first one because he was under "strong influence of liquor." She started afresh with the second one, she said.

She could not remember Mr Peter telling her of assaults when she visited him in police cells at Jamestown.

If he had told her of the assaults she would have noted them down in the register, she said.

Mr Moerane said his instructions were that Mr Peter complained twice of assaults. On the first occasion she told him she would see to the complaint. On the second occasion he was told she was not concerned about assaults. Mrs Gerber said she knew nothing about the alleged assaults.

Asked by Mr Moerane whether Mr Peter was standing or sitting when she asked him preliminary questions printed on the form, she said she thought he was standing. She said it was her practice to ask deponents questions while they were standing.

When asked why, she said she did not know whether there were rules on whether a deponent should stand or sit.

She conceded that a deponent might not feel at ease making a statement standing but thought he would say the same thing whether standing or sitting.

She said she was sitting while taking down the statement because she could not write properly while standing. —

DDR

Accused says his beard was pulled by Transkei Security Police

As a result of that message, Mr Xobololo went to Lesotho where Chief Sabata told him that he had handed Mr Steki Mtshontana a sum of R1000 for Mrs Kati's funeral expenses.

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UMTATA — A regional court here heard yesterday that a 55-year-old man from Stutterheim was assaulted by Transkeian security policemen until he bled from both ears and nose during interrogation.

Mr Mzwandile Wilson Fanti was giving evidence in a case in which he, Mr Ezra Mvuyisi Sigwela, 42, a field worker of the Transkei Council of Churches, and Mr Alfred Sipihwo Xobololo, 60, treasurer of the official opposition party, the Democratic Progressive Party, are charged under the terrorism section of the Transkei Public Security Act.

They have pleaded not guilty.

According to the charge sheet, the men are alleged to have taken part in activities of the outlawed African National Congress or carried on activities in the direct interest of the ANC at various places in Transkei, including En-gcobo, Sterkspruit and Umtata.

Mr Fanti told the court he was a part-time farmer and also a taxi owner at Stutterheim. He was also chairman of the recently formed Mgwali Residents Committee.

Mr Fanti said the committee was formed be-

cause residents had been informed they would have to be resettled somewhere in Ciskei. The residents did not like the idea to be removed from the area, the court heard.

Mr Fanti said, as chairman, he called several meetings where the resettlement issue was discussed at length and he also sent memoranda to the South African Government.

The court heard that in June, 1981, Mr Fanti was detained for two months by the Ciskei security police although no charges were preferred against him.

Mr Fanti said he was detained by the South African Police on July 5 last and was kept in solitary confinement. He was allowed no access to legal representative nor could he be visited by his family, he said.

Mr Fanti told the court that he was later taken to the security police head offices in East London where he was interrogated. The South African security police handed him over to the Transkei Security Police, the court heard.

Mr Fanti told the magistrate, Mr I. R. Carlisle, that in the hands of the Transkei Security Police, he did not have

"an easy time." He alleged that he was assaulted until his ears bled and that he was pulled by his beard until his chin bled.

Mr Fanti told the court Mr Bellington Sizani Mtshontana, a state witness, had given him an envelope in which there was a note addressed to him and a second envelope. The note asked him to pass the second envelope to a certain Mgwashu.

Mr Fanti told the court that he had approached Mr Xobololo and asked him for advice on how the Mgwali people could resist the resettlement.

Mr Fanti said on a certain day he accompanied an old man and a young woman to Mr Mtshontana's house. The man and the woman wanted to run away from Mgwali as they did not want to be moved to a new place they had not seen before.

Mr Fanti said Mr Mtshontana advised them to go to the Transkei Council of Churches (TCC) where they could get some help.

Mr Fanti said he took both the man and the woman, whose names he could not remember, to the TCC offices. He discussed their fate with Mr Sigwela and later left.

Mr Fanti denied having taken part in the activities of the ANC.

Under cross-examination by the prosecutor, Mr D. Mulder, Mr Fanti said he had reported the assault at Mqanduli police station but was told that security police were feared by the prison warders there and nothing could be done about the assault.

He agreed that he had a passport with false names but said he had

another with his correct names.

He said he carried the falsified passport because Ciskei security police always followed him and he did not want them to know he had been to Lesotho. He used the false passport to go to Lesotho, he said.

Mr Xobololo said he received a message from the former leader of the Democratic Progressive Party (DPP), Paramount Chief Dalindyebo Sabata, now in Lesotho.

Mr Xobololo said when he came from Lesotho, he confronted Mr Steki Mtshontana about the money and also accused him of having stolen the money. He said Mr Mtshontana gave him only R400 of the R1000.

Mr Xobololo said he was not assaulted while in detention but had been threatened with assault should he not admit certain allegations put against him.

The case continues today.

No complaints of police assaults, court told

D. Dispatch

19/1/83

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ZWELITSHA — No complaints of police assaults were ever made by deponents from whom statements were taken by a magistrate, Mrs Christina Gerber, the regional court here heard yesterday.

Mrs Gerber said this during cross-examination in a trial within a trial to determine the admissibility of statements allegedly made by two people charged with promoting the aims of the African National Congress (ANC).

Miss Nomakhephu Ntsatha, of Zwelitsha, and Mr Mncekeleli Peter, of Mgwali, have pleaded not guilty before Mr J. A. Dracatos of recruiting members for the ANC, being members of the ANC, possessing and distributing banned literature and recruiting people to undergo training likely to undermine the maintenance of law and order.

Mr Peter has also pleaded not guilty to taking steps to undergo training.

Mrs Gerber said she took the statement from Mr Peter.

She said she had taken many statements from deponents in her career as magistrate since 1977.

Under cross-

examination by the defence counsel, Advocate M. T. K. Moerane, she said she had no legal or academic qualifications. She had neither a law degree nor certificate.

She agreed with Mr Moerane it was her duty to investigate carefully the circumstances leading up to a deponent coming before a magistrate. She said she often asked deponents if they had been assaulted or not.

Dealing with a preliminary question printed in the form as to whether an accused had made a statement previously, and if so to whom and when, Mrs Gerber said she must have asked that question because if she had not she would not have recorded that the previous statement was written at the Jamestown police station.

She was not certain whether Mr Peter had told her when. If he had told her the time she would have written it down but she did not pursue the matter. She had no reason for not pursuing the matter further she said.

When asked by Mr Moerane if she did not think it important to find out when the first statement was taken, she said

she did not know. What was important to her was the statement she had to take.

On the question of whether she was interested in the statement more than what happened at the police station to the deponent, she said she was there to take a statement and not to investigate.

Mr Moerane put it to her that by adopting such an attitude she failed to discharge her duty as a magistrate who was taking a statement from a deponent. She denied it.

Mrs Gerber said when she asked Mr Peter how he came to be in her office, he told her he had asked a certain police official to take him to a magistrate to tell her how it all started until his arrest.

She did not know whether she followed up this answer. She conceded she did not ask him who the official was, or when and where this took place.

Asked why she said she asked him questions that were in the form and noted down the replies, she told Mr Dracatos that if he had told her he had been assaulted by the police she would have recorded that.

She denied Mr

Moerane's suggestion that the taking of the statement had been rushed through and that several questions had not been asked.

She further denied that Mr Peter had not told her that he had asked to be taken to the magistrate.

A court interpreter at Aliwal North, Mr Archibald Macingwana, told the court that he interpreted the statements of the two accused.

Asked by the prosecutor, Mr P. M. A. Pretorius, if he had noticed any injuries or bruises to the deponents, he said he had not. If there had been any facial bruises he would have noticed them.

Under cross-examination he said Miss Ntsatha was neither agitated nor nervous. He interpreted correctly for both. He denied finding difficulty in interpreting some of the things said by the magistrate and Miss Ntsatha.

Mr Moerane asked him to interpret some Afrikaans questions on the form into Xhosa.

Mr Moerane said some of his interpretations of certain Afrikaans words were not correct.

The case continues today. — DDC.

Defence says witnesses

DAILY DISPATCH, THURSDAY, JANUARY 20, 1983 73

Threatened

UMTATA — There had been "gross" irregularities committed by the Transkei security police which included not only assaults on detainees but also suggestions to accomplices-turned state witnesses what to say in their statements, the regional court heard here yesterday.

Mr R. C. Mailer, defending Mr Ezra Sigwele, 42, Mr Wilson Fanti, 55, and Mr Alfred Xobololo, 60, who are charged under the terrorism section of the Transkei Public Security Act, argued for his clients' acquittal because of the alleged irregularities.

The trio are alleged to have engaged in activities aimed at furthering the aims of the outlawed African National Congress between January 1981 and August last year.

They are also alleged to have conveyed people including an executive of the now defunct

Democratic Progressive Party Youth League, Mr Mlunisi "Steki" Mtshontana, to Lesotho.

Mr Mtshontana was one of two people warned as accomplices who gave evidence for their state while the trial was at Butterworth.

The charge against the men is that Mr Mtshontana was taken to Lesotho for indoctrination in matters pertaining to the ANC.

Other allegations include the indoctrination in Transkei of people in matters pertaining to the ANC, recruitment, encouragement and aiding

recruitment of persons to join the ANC.

The trio are further alleged to have sent and received messages, made payments of and arranged journeys and organising transport, obtaining necessary documents, and arranging liaison between members and sympathisers of the ANC.

The men pleaded not guilty on all counts.

Evidence before the court was that Mr Mtshontana, a self confessed member of the ANC, was lectured on South African politics when he was being recruited to join the ANC in 1981.

The court heard that Mr Mtshontana was introduced to a certain Mr Tolo by Mr James Kati — now serving a jail sent-

ence for the activities of ANC — and that Mr Tolo recruited Mr Mtshontana to join the ANC.

Mr Mtshontana told the court that Mr Tolo lectured him on South African politics and elaborated on the aims and objectives of the ANC.

He alleged that later Mr Tolo escorted him across the borders into Lesotho by illegal routes.

The court heard he was given R1 000 to pass on to Mr Xobololo. The money was for the funeral expenses for Mr Kati's wife and had been handed to him by the self-exiled former leader of the official Opposition party, the Democratic Progressive Party, Paramount Chief Dalinyebo Sabata — who was then in Lesotho.

recruited one person at a time.

Mr Mulder quoted extensively from a book written by an ANC expert on the organisations aims and objectives and from the judgment by Transkei Chief Justice Hefer when he sentenced Mr Kati for ANC activities recently.

Mr Mulder's argument was that there was no need for Mr Fanti to have a forged passport when going to Lesotho because he did not have to pass through Ciskei. Mr Fanti had told the court he had the passport that the Ciskei intelligence services should not know he had been to Lesotho where he had contacted a lawyer to find out if people who did not want to be moved to Ciskei could be accommodated.

Mr Mailer pointed out that the Ciskei police had jurisdiction over Mgwali, where Mr Fanti comes from.

He said this was clear from the fact that Mr Fanti had been detained for about six weeks by the Ciskei police following his activities as chairman of the Mgwali Residents Committee — which resisted the resettlement scheme.

Mr Mailer said both the accomplices who had given evidence had been under duress when they made statements to the police and had feared for their freedom. It was an irregularity for the police to induce the witness to say what they (the police) wanted the witnesses to say, Mr Mailer argued.

Mr Mailer said the question the court

"utterly confused" and unable to distinguish between truth and lies.

Mr Mailer said that had Mr Mtshontana declined to co-operate with the police, he would have lost his freedom and feared he would be assaulted.

Mr Mailer was countering the submissions by the prosecutor, Mr D. Mulder, who said the two accomplices who gave evidence for the state had corroborated each other. He said their evidence should be accepted by the court.

The magistrate, Mr I. R. Carlisle, asked Mr Mulder how he would overcome the problem of the witnesses contradicting themselves and each other.

Mr Mulder replied that the ANC did not recruit a rugby field but

purpose between Mr Tolo and the accused and the evidence that had been presented to the court was "transparent concoction."

Mr Mailer argued that evidence before the court was that there had been no political discussion between the accused and the accomplices though they had spoken to one another for long periods.

Judgment is to be delivered tomorrow. — DDR

should ask itself was whether the accused did know, when receiving the money from Paramount Chief Sabata, that they were furthering the aims of the ANC.

Mr Mailer further argued that the two state witnesses were confessed criminals, according to the law, and sought to implicate the accused. Under those circumstances their evidence should be rejected.

He said the state had failed to prove common

Accused tells court of assault, torture

20/1/83

D. Dispatch

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ZWELITSHA — An accused in the ANC trial here told the regional court she was beaten and suffocated, and had her hair pulled and electric shocks applied to her by the police.

Miss Nomakhephu Ntsatha, of Zwelitsha, was giving evidence in a trial within a trial to determine the admissibility of statements she and her co-accused, Mr Mnckeleli Peter, of Mgwali, allegedly made to magistrates.

The two are appearing before Mr J. A. Dracatos on charges of being members of the banned ANC, recruiting members for 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 taking steps to undergo training.

They have pleaded not guilty to all the charges.

Miss Ntsatha told the court she was arrested in Aliwal North by a Warrant Officer Bezuidenhout on November 22, 1981.

She said she was taken to the security offices there where W/O Bezuidenhout slapped her until she fell on her back. He then sat on her stomach and suffocated her with a small blanket

she had wrapped her baby in and asked her how she felt.

Miss Ntsatha said the officer hit her again on her face with his open hands when she stood up. At one stage W/O Bezuidenhout asked a policeman to hold her hands behind her as he assaulted her.

She said the officer and a policeman pulled out her hair and showed it to her, saying they were going to shave her head in that manner.

W/O Bezuidenhout pulled a bag that looked like a canvas 'bank' bag over her head and tightened it around her neck. It felt wet and suffocated her and she could not speak. After a while he took it off.

Miss Ntsatha said on the following day she was taken to the King William's Town security offices. On arrival she was interrogated for a short while by a Mr Hattingh.

A policeman showed her a wet spot in the office and told her a man they had arrested had urinated on that spot after they had assaulted him.

W/O Bezuidenhout entered the office with other men.

Mr Hattingh had a money bag that appeared to have something inside.

Between six and eight

men held her on her back.

Some held her by her shoulders, some by her waist and others by her legs.

Miss Ntsatha said Mr Hattingh pressed what was contained in the money bag against her from the jaw down to her lower parts. He pressed it against her breasts and arms as well.

The "thing" shocked her and she felt cramps in her body. She was screaming all the time because of pain.

Later Mr Hattingh said he was tired and gave it to Mr Fouche.

Miss Ntsatha said when the door of the office was opened she saw Mr Peter and observed that his lower lip was swollen.

When she was taken out of the office she saw people called Thabo, Khumbula and Phumezo in the passage. Khumbula and Thabo had been called as potential witnesses in the present case.

She said she saw that Mr Peter had weals on his face. Thabo had blood flowing from the top of his eye and Khumbula had blood flowing from his head and down his face.

When she met them the following day Khumbula told her she was blue in the face.

She said W/O Bezuidenhout told her that when she got to a doctor or magistrate she should not tell them she had been assaulted by the police.

She said she told him she would not, but lifted her dress and showed them her blue thighs.

After the state had called the two magistrates who took down the statements and the interpreter who interpreted for them, the defence counsel, Mr M. T. K. Moerane, argued that the deponents had not been told they were not obliged to make the statements.

Mr Moerane added that one of the magistrates who took the statements, Mrs C. Gerber, had said she did not think it her duty to investigate circumstances leading to a deponent making a statement to a magistrate. The interpreter also had difficulty interpreting the relevant matter from Afrikaans into Xhosa.

The prosecutor, Mr P. M. A. Pretorius, said it appeared that the statements were made freely and voluntarily.

Mr Dracatos said it appeared that both accused knew they were not obliged to make the statements as they were told they could be used against them. They must have been aware of the consequences, he said.

The case continues today. — DDR.

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D. Disputa 2/1/83

Woman: I wasn't told my rights

ZWELITSHA — A magistrate taking an alleged confession from a deponent did not warn her that she was not obliged to make a statement, an accused said in the regional court here yesterday.

Miss Nomakhephu Ntsatha told the court she was under the impression she was obliged to make a statement to a magistrate because the police told her to.

She was giving evidence in a trial within a trial to determine the admissibility of statements made to an Aliwal North magistrate.

Miss Ntsatha of Zwelitsha and Mr Mncekeleli Peter of Mgwali appeared before Mr J. A. Dracatos charged with being members of the African National Congress, recruiting members for the ANC, recruiting people to undergo training likely to endanger the maintenance of law and order, and possession and distribution of banned literature.

Mr Peter is also charged with taking steps to undergo training.

They have pleaded not guilty to all the charges.

Miss Ntsatha admitted lying to the magistrate by telling him she had not been assaulted by the police because she had been told by a warrant officer not to tell him about the assaults.

Under cross-examination by the prosecutor she said she did not tell a doctor the cause of her pains because the same officer had begged her not to.

She said a security policeman had asked her to confirm certain things, which he wrote down. He threatened to assault her when she re-

fused, so she even confirmed things she did not know, she said. Later she was told to memorise what had been written and tell it to the magistrate. She was warned that it would not help to leave out certain things because the magistrate would take her back to the police and she would be assaulted.

Miss Ntsatha said she was scared and nervous before the magistrate.

Before being taken to the magistrate she asked Warrant Officer Bezuidenhout what she should tell the magistrate if he asked her why her face was blue. The officer said it did not show clearly and she should tell him it was eye shadow which she had used.

She conceded that the magistrate introduced himself as one and told her she should speak freely before him. She believed he was a magistrate although she had some doubts. She thought he could be a policeman, she said.

She was not told that the statement, by mere production in court, might be used as evidence against her. Nor was she asked whether she had been influenced to make a statement. She said her statement was not made freely or voluntarily.

Miss Ntsatha agreed with the prosecutor, Mr P. M. A. Pretorius, that the police treated her child kindly and were considerate to him.

However she said during her interrogation and assaults they did not care for the child. She would leave the child on the floor during the assaults and would cry as she screamed.

The case continues today. — DDR.

ZWELITSHA — A man told the regional court magistrate here he was made to stand next to Steve Biko's grave at the Ginsberg cemetery in handcuffs and leg irons while police threatened to shoot him.

Mr Mncekeleli Peter of Mgwali said the investigating officer, Warrant Officer Bezuidenhout of Aliwal North, told him he was going to die like a dog in the same manner Steve Biko died if he did not tell the officer what he wanted him to say.

Mr Peter was giving evidence in a trial within a trial to determine the admissibility of confessions allegedly made by him and a co-accused, Miss Nomakhephu Ntsatha of Zwelitsha.

Both are appearing before Mr J. A. Dracatos charged with promoting the aims of the banned ANC.

They have pleaded not guilty to being members of the ANC, recruiting members for the ANC, being in possession of and distributing banned literature and recruiting

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Accused: gun held to my head
D. Dracatos 22/1/83

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.

Mr Peter said he was taken out of his cell at dawn and driven to the graveyard. He was made to stand next to Steve Biko's tombstone. He said W/O Bezuidenhout had asked him to talk about Steve Biko's organisation.

He and other policemen moved backwards and the officer pulled out his firearm and threatened to shoot him if he did not talk, he said.

He said W/O Bezuidenhout had wanted him to admit he was on his way to undergo military training as a terrorist when he was arrested at Burgersdorp in November 1981.

At the King William's Town security police offices he was told to strip naked. He said he was prodded with a gadget that gave him electric shocks. The gadget had two metal prongs that rotated as it was brought towards him.

He said he screamed with pain and at one time felt dizzy.

At one stage he was taken into an office where he saw Miss Ntsatha standing on a wet spot. She later told him it was her urine. He was asked to talk on terrorism before her.

When he refused he was taken back and electric shocks were again applied on him.

At one stage W/O Bezuidenhout pointed a gun at his face threatening to kill him, he said. DDR.

Transkei
331 ROM
suspects
freed 22/1/83

UMTATA. — Three men charged under Transkei's security legislation were told yesterday by an Umtata Regional Court magistrate, Mr I R Carlisle, that they were free men.

Mr Ezra Mvuyisi Sigwela, 42, a field-worker of the Transkei Council of Churches, Mr Wilson Mzwandile Fanti, 55, a Stutterheim taxi-operator, and Mr Alfred Sipiwo Xobololo, 60, deputy-leader of the Transkei opposition Democratic Progressive Party, had pleaded not guilty to charges under Section 27 of the Transkei Public Security Act.

They were alleged to have engaged in activities aimed at furthering the objectives of the banned African National Congress, or to have acted in the direct or indirect interests of the ANC. — Sapa.

3 found not guilty on terror charges

UMTATA — Three men charged under Transkei's Public Security Act were found not guilty in the regional court here yesterday.

Mr Ezra Sigwela, 42, Mr Wilson Fanti, 55, and Mr Alfred Xobololo, 60, were all found not guilty under the terrorism section of the act.

The men were alleged to have engaged in the activities aimed at furthering the aims of the outlawed African National Congress between January 1981 and August last year.

They were also alleged to have conveyed people to Lesotho and to have aided and advised people to avoid official border posts between Transkei and Lesotho to enable them to proceed to Maseru.

They were also alleged to have assisted, harboured or concealed people they knew were members, sympathisers or recruits of the ANC; to have indoctrinated people in Transkei in matters pertaining to the ANC; and to have recruited, encouraged and aided the recruitment of persons to join the ANC.

The men were further alleged to have sent and received messages, made payments and received money for arranging journeys and organising transport, obtained necessary documents and arranged liaison between members and sympathisers of the ANC.

They had pleaded not guilty to all the counts.

The magistrate, Mr I. R. Carlisle, said the state had relied heavily on evidence by two accom-

plices-turned state witness.

He dwelt at length on the legal implications on evidence that has been given by an accomplice.

He said an accomplice could easily implicate the accused because he wanted to shield a friend or wanted his own freedom. He could give evidence favourable to the state to gratify the police and in turn hope he would get an indemnity from prosecution.

The first accomplice, Mr Mlungisi Mtshontana, was currently under detention and professed not to know when he would be released.

That gave him a good reason to tamper with his evidence to suit the case of the state, he said.

Mr Mtshontana had said he was illiterate and had avoided committing himself, especially on dates. But it was clear throughout the time he gave evidence that he was politically aware.

Mr Carlisle said Mr Mtshontana was an organiser of the official opposition party in Transkei, the Democratic Progressive Party. At one stage, Mr Mtshontana had said there was some disquiet among members of the ruling party in Sterkspruit.

Mr Mtshontana had gone there and tried to take advantage of the situation and canvassed people to join his party.

That could not have been done by an ignorant person, the magistrate said.

He said the overriding impression he got from Mr Mtshontana was that

Mr Mtshontana was more concerned with saving his own skin than telling the truth. He was blatantly lying and frequently contradicted himself and sometimes pretended to have forgotten the sequel of event.

Mr Carlisle said the second accomplice who gave evidence, Mr Sizani Mtshontana, was not different from his cousin, the first accomplice.

Besides those two accomplices, the state had no other evidence to prove their case against the accused.

The magistrate said Mr Sizani Mtshontana was aggressive and refused to take the oath when he was called to the witness box. He used the chance to expound his political manifesto which was nearly that of Karl Marx.

Mr Mtshontana clearly did not recognise the independence of Transkei and other national states. He was evasive in answering questions.

Mr Carlisle said it was impossible to place reliance on the evidence of the accomplices.

None of the accomplices' evidence directly connected the accused with the ANC.

Mr Carlisle said the accused had given reasonable explanations about their actions which were not rebutted.

The magistrate found that the state had failed to prove beyond reasonable doubt that the three men had committed the crime as set out on the charge sheet and acquitted them. — DDR.

Bus drivers in court

FIFTEEN Putco drivers are to appear in the Boksburg Magistrate's Court today on charges of obstructing traffic after a go-slow strike staged by 175 drivers in Vosloorus on Friday.

The drivers went on strike in protest against what they claimed were excessive disciplinary action by supervisors. At least 52 buses were damaged during the commotion by angry commuters causing damage estimated between R20 000 and R40 000.

Most of the buses had their windows broken and there were attempts to set some alight. Drivers interviewed said they decided to strike after the supervisors told them to demand bus fares

from pensioners, a thing the drivers refused to do.

The drivers claimed the supervisors were at times "bossy, unreasonable, and unco-operative".irate commuters who were left stranded when the drivers went on strike at about 6am showed their anger and frustration by stoning the buses.

The strike lasted about four hours and the drivers decided to go back to work after their representatives had met with the company's management.

A Putco spokesman confirmed that nearly all the 175 drivers went on a go-slow strike. He said further talks between management and the drivers would be held tomorrow.

'Police threats at Biko's grave'

CAPE TOWN 24/1/83

331

ZWELITSHA. — A man told the Regional Court here on Friday that he had been made to stand next to Steve Biko's grave at the Ginsberg cemetery wearing handcuffs and leg-irons while police threatened to shoot him.

Mr Mncekeleli Peter, of Mgwali, Ciskei, said the investigating officer, Warrant-Officer Bezuidenhout of Aliwal North, had told him he was going to die like a dog "in the same manner Steve Biko died" if he did not talk.

Mr Peter was giving evidence in a trial within a trial to determine the admissibility of confessions allegedly made by him and co-accused, Miss Nomakhephu Ntsatha, of Zwelitsha.

Both are charged with promoting the aims of the banned African National Congress (ANC).

They have pleaded not guilty to being members of the ANC, recruiting members for the ANC, being in possession of and distributing banned literature and recruiting people to undergo training likely to endanger law and order.

Mr Peter has also pleaded not guilty to taking steps to undergo training.

He told the court he was taken out of his cell at dawn and driven to the graveyard.

He was made to stand next to Steve Biko's tombstone. Warrant-Officer Bezuidenhout pointed his pistol at him and threatened to shoot him if he did not talk.

Mr Peter said he was prodded with a gadget that gave him electric shocks.

At one stage he was taken into an office where he saw Miss Ntsatha standing on a wet spot. She later told him it was her urine. He was ordered to talk on terrorism before her.

When he refused, he was taken back and given more electric shocks. — Sapa

15 Putco drivers in court after go-slow strike

FIFTEEN Putco drivers made a brief appearance in the Boksburg Magistrate's Court yesterday on charges of obstructing traffic following a go-slow strike by 175 drivers in Vosloorus on Friday.

The men appeared before Mr A L Badenhorst and were not asked to plead and were all released.

They will be tried on separate dates. One driver will appear in court on January 31, three on February 17,

two on March 1, one on March 7, two on March 8, another two on March 16 and the rest on March 15.

The court appearance is a sequel to the strike on Friday by the drivers who staged a go-slow strike in protest against what they claimed were excessive disciplinary action by supervisors. At least 52 buses were damaged during the commotion by angry commuters causing damage estimated between R20 000 and

Most of the buses had their windows broken and there were attempts to set some alight. The strike lasted about four hours and the drivers decided to go back to work after their representatives had met with the company's management.

Further talks between management and the drivers would be held today. Buses in the township have been running normally since Saturday.

Sowetan 25/1/83
R40 000.

ANC trial: detainee says doctor did not examine him

D. Dispatch
25/11/83
11A
331

ZWELITSHA — An Aliwal North doctor, to whom a detainee was taken asked a security officer if the detainee was a "terrorist," the regional court heard yesterday.

Mr Mncekeleli Peter said the doctor did not examine him but just looked at a blood clot in his nose and said he scratched himself with his fingernails.

Mr Peter claimed that his nose bled after he had been assaulted by a Warrant Officer Bezuidenhout. He said that at the time he was taken to the doctor he had visible facial marks.

Mr Peter was giving evidence in a trial with-

in a trial to determine the admissibility of statements allegedly made by him and a co-accused, Miss Nomakhephu Ntsatha, to magistrates at Aliwal North.

Both are appearing before Mr J. A. Dracatos on charges of promoting the aims of the banned African National Congress.

They have pleaded not guilty to being members of the ANC, recruiting members for the ANC, possession and distribution of banned literature and of recruiting people to under go training.

Mr Peter has also pleaded not guilty to taking steps to undergo training.

Yesterday he said that when he was taken to the doctor, his face and lips were swollen, part of the skin in his lower lip was torn and he had pains all over his body.

He said the doctor told him that the nosebleeding was caused by fingernail scratches.

Mr Peter said he was assaulted by Warrant Officer Bezuidenhout

and told to admit certain things to a magistrate. He said he had been threatened with further assaults if he did not mention all the issues W/O Bezuidenhout wanted.

He said he was assaulted by another policeman a few days after making the statement to the magistrate.

The policeman asked him why he did not tell the magistrate he was going away for military training and that he had also recruited Mr Vusumzi Mlahleni to be a member of the ANC.

At the time he was going to make the statement to the magistrate, W/O Bezuidenhout told him he would be standing near the door as he made his statement to the magistrate.

Mr Peter claimed that the magistrate, Mrs Christina Gerber, did not tell him he could speak freely or that she had nothing to do with the police investigation. She did not caution him that he was not obliged to make a statement.

At the time of making

the statement he was afraid of being assaulted by the police and thus did not make his statement freely and voluntarily.

He would not have made the statement if he had been told he was under no obligation to make the statement, he said.

Under cross-examination by the prosecutor, Mr P. Pretorius, he said he had agreed to admit things he did not know because he had had enough of the assaults.

He agreed that he took the police to Vusumzi Mlahleni's place to fetch a copy of the Freedom Charter. They had both picked it up at a sportsfield.

Asked by Mr Pretorius where he got his food while detained in the Jamestown police cells, he said he did not know.

Mr Pretorius put it to him that his food was bought at a cafe and the account came to R400. He said he did not know about that.

The case continues today. — DDR.

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DAILY DISPATCH

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SHOP 45

VINCENT PARK CENTRE

26/1/83

Accused denies food worth R400 a month

331

ZWELITSHA — An accused told the regional court magistrate, Mr J. A. Dracatos, it was not true that he consumed food worth R400 a month while in detention at Jamestown.

Mr Mncekeleli Peter, of Mgwali, said this during re-examination by defence counsel, Advocate M. T. K. Moerane, during a trial within a trial to determine the admissibility of confessions allegedly made while in detention.

Mr Peter and Miss Ntsatha, of Zwelitsha, have pleaded not guilty of promoting the aims of the banned African National Congress.

It is alleged they continued to be members of the ANC, recruited members, possessed and distributed literature and recruited people to undergo training likely to endanger the maintenance of law and order.

Mr Peter is also alleged to have taken steps to undergo training.

During cross-examination on Monday the state prosecutor, Mr P. M. A. Pretorius, asked Mr Peter to dispute that his food while in detention at Jamestown was bought from a cafe and amounted to R400 a month.

Mr Moerane asked Mr Peter how many meals a day he ate and what he had for each meal.

Mr Peter said he ate brown bread and coffee in the morning. Asked what was on the bread and whether it had butter or honey, he said it was dry.

The midday meal was rice and potatoes. There was no meat but he got pilchards at times. He said in the evenings he had bread and sometimes two meat pies.

Mr Moerane asked if there were any desserts like pudding and custard. Mr Peter said there were none. It was not true that his food bill amounted to R400 a

month. *D. Dispatch*

Miss Lulama Pillso, 18, of Dimbaza told the court she spent a night in the King William's Town cells with Miss Ntsatha in 1981. She observed Miss Ntsatha had been assaulted. There were marks on her body, chest, arms and thighs and her face was swollen.

A former district commander at Aliwal North, Colonel P. J. Ras, said he visited the accused and other detainees before he was transferred to Port Elizabeth. He asked them if they had complaints or requests. The accused had never complained.

Mr Peter asked to be put in a cell with another man and Miss Ntsatha asked for permission to write home. He refused both requests.

None of them had any marks.

Colonel Ras said he recorded what the detainees told him in a notebook.

When told by Mr Moerane that his instructions were that he never recorded what was said in the presence of detainees, he said he did not think it necessary to make notes in the presence of detainees.

Mr Moerane asked if the lapse of time between the time the report was made and the time it was recorded could not cause misrepresentation of what had been said.

Colonel Ras asked if Mr Moerane was casting a slur on him or if he was being demeaned.

Mr Moerane explained that the misrepresentation might not be intentional but he caused by fallible human memory.

Colonel Ras said it was not worth his while to misrepresent or hide anything.

Colonel Ras denied Mr Peter had complained that he was not allowed to wash himself and his clothes. However, he re-

quested to be allowed to wash his clothes.

Mr Moerane said his instructions were that Mr Peter had complained he was not allowed to go out of his cell for sunlight and fresh air.

The colonel said he couldn't remember. If he had made such a request to him he would have known about it.

When told that Mr Peter's request to wash his clothes was not acceded to until they developed fungus, he said he could not answer that.

Before the lunch adjournment Colonel Ras said the accused were detained under Section 22 of the General Law Amendment Act until he was transferred.

After the adjournment he conceded that they were no longer detained under Section 22 at the time of his transfer. He denied having said they were under Section 22 at the time of his transfer.

After Mr Dracatos had told him he had said so, he apologised. He said he had since realised they could not have been detained under the section indefinitely. He said he had not been told this by anyone during the lunch break but had remembered himself.

He conceded that there were alterations of dates in the police register and in his notebook about his visits to the accused. On the first visit, on December 1, his watch had registered November 31 and this had to be altered.

Under cross-examination by Mr Pretorius Colonel Ras said he would not have volunteered his notebook if it had been deliberately falsified. He said he never lied.

On the question of fungus on Mr Peter's clothes he said he would have seen it if there was any.

The case continues today. — DDR.

Doctor's procedure concerns defence

27/1/83

D. Dispatch

~~331~~
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~~125~~
~~111~~

ZWELITSHA — Defence counsel in an ANC trial told the regional court here he was concerned about the procedure whereby detainees taken to a doctor were certified healthy with no abnormalities detected although they were not thoroughly examined.

Advocate M. T. K. Moerane, of Durban, said this during the cross-examination of an Aliwal North part-time district surgeon, Dr H. J. du Plessis.

Dr Du Plessis was called by the state to give evidence about his examination of two people charged with furthering the aims of the banned African National Congress.

The doctor produced a medical report in which he stated he had seen one of the accused and found him healthy with no abnormalities although he had only looked at his nose.

Miss Jane Ntsatha, of Zwelitsha, and Mr Mncekeleli Peter, of Mgwali, have pleaded not guilty before Mr J. A. Dracatos to furthering the aims of the ANC.

The state has alleged that they were members of the ANC, recruited members for the ANC, possessed and distributed banned literature and recruited people to undergo training likely to endanger the maintenance of law and order.

Mr Peter is also alleged to have taken steps to undergo training.

Dr Du Plessis agreed with Advocate Moerane that his report on Mr Peter was extremely condensed and did not give a clear picture of what happened in his consulting room. He conceded that the report did not refer to the nose-bleeding he had examined Mr Peter for.

Mr Moerane said anybody reading the report would think that he had examined the accused thoroughly.

Dr Du Plessis agreed that the report was not a full medical certificate.

Mr Moerane asked him why he had not mentioned in his report that he had examined Mr Peter's nose. The doctor said he was busy at the time Mr Peter was brought in.

Asked by Mr Moerane if the reason was not that the policeman who had assaulted Mr Peter wanted a clean bill, he replied he did not tell lies because that would create problems for him.

Mr Moerane suggested Dr Du Plessis had been manipulated by Warrant Officer Bezuidenhout in order to certify Mr Peter healthy with no abnormalities detected. The doctor said he saw Mr Peter alone in his consulting room.

Under re-examination by the state prosecutor, Mr P. M. A. Pretorius, the doctor said he had not been manipulated. He was a religious man and was not lying in court.

In his evidence-in-chief Dr Du Plessis said Miss Ntsatha was brought to his surgery by the security police in November 1981 complaining of a sore throat. She had acute tonsillitis and had one or two blisters in her mouth. The blisters were compatible with tonsillitis or her biting herself.

He did not examine her to see if she had been assaulted but only for her specific complaint.

Mr Pretorius asked him what his reaction would have been if Miss Ntsatha had blue eyes and a swollen face. The doctor said he would not have missed observing

this and would have reported it to higher police officials.

He said her state of mind was completely rational.

Dr Du Plessis said he also examined Mr Peter that month.

Mr Peter had complained of nose-bleeding. There was evidence that the nose had bled before. There were small blood clots stuck to the hair in his nose.

He said he did not ask him to undress because he had been brought with a specific complaint of nose bleeding. He saw no signs of assault or injury and would have noticed them if there were any.

Under cross-examination by Mr Moerane, Dr Du Plessis disputed a suggestion by Mr Moerane that Miss Ntsatha had been taken to him in order to eliminate any accusations of assault that might be later alleged. The doctor said she had been brought to him for a specific complaint.

He agreed with Mr Moerane that if he had been asked to examine her for possible assault he would have examined her thoroughly.

A former station commander at Jamestown, W/O D. R. Spann, told the court that at no stage did Mr Peter complain of assaults while he was detained there. He was never assaulted at the Jamestown police station. If he was ever assaulted there he would have known about it. It was not true that he was never given an opportunity to wash his clothes.

He said Mr Peter was kept in isolation at Jamestown and denied access to a lawyer, his family, and a spiritual adviser of his choice.

He denied that Mr Peter was not allowed out of his cell for exercises. On many occasions he had wanted hot water and this was agreed to.

W/O Spann agreed with Mr Moerane that entries for other security detainees were recorded as stock theft although the detainees had been brought in by the security police for investigation under security. He said he was not on duty when the entries were made.

W/O P. J. Fouche, of King William's Town, said he was present when the accused were brought to the offices.

He did not witness any assault or ill-treatment nor did he take part in any assaults on them.



He took no interest in the investigation of their case and had carried on with his duties.

The case was adjourned early in the afternoon until today because of a fault with the recording machine. — DDR.

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sions on university funds in April


Mum faces ^{Small town} Terror Act ^{27/11/89}

A FORMER political refugee, an alleged member of the banned Pan Africanist Congress, and a mother of a three-month-old baby, made a brief appearance in the Umtata Magistrate's Court on Tuesday on terrorism charges.

Mr Vumankosi Lawrence Ntikinca (35) of Tveni near Engcobo, and Miss Nomthandazo Lusizi Lusizi (35) of Colosa near Idutywa, both former employees of the Transkei Government, were not asked to plead and no evidence was led.

The case was postponed until February 16 for a trial date in the Transkei Supreme Court. Miss Lusizi was released on R1 000 bail while the public prosecutor, Mr B Z Poswa, said an order from the Attorney-General required that Mr Ntikinca be refused bail.

The two were both arrested by the Transkei Security Police in October last year. — Sapa.



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Anti-council group set to take off

27/11/89

Threats at ~~the~~ Biko's grave denied

D. Dist. 28/11/83

331

HA

ZWELITSHA — Warrant Officer P. J. Fouche, of the King William's Town security branch, told the regional court he believed that an accused wanted to leave the country for military training so that he could return to overthrow the present régime.

He was giving evidence in a trial within a trial to determine the admissibility of statements allegedly made to magistrates by two accused persons.

Miss Jane Ntsatha of Zwelitsha and Mr Lawrence Peter of Mgwali, have pleaded not guilty before Mr J. A. Dracatos to charges of promoting the aims of the banned African National Congress.

The state has alleged that they were members of the ANC, recruited members for the ANC, possessed and distributed banned literature and recruited people to undergo training likely to endanger maintenance of law and order.

It is also alleged that Mr Peter took steps to undergo training.

Defence counsel, Mr M. T. K. Moerane, put it to W/O Fouche that he and other policemen were armed with this information and took Mr Peter to the tombstone of a "recognised political leader," Steve Biko.

The officer denied ever taking Mr Peter to a graveyard.

Mr Moerane said that in W/O Fouche's presence W/O Bezuidenhout continued his activities of trying to demoralise Mr Peter by saying Steve Biko was a dog and Mr Peter would die a dog, like Biko.

W/O Fouche denied it. He said Mr Peter's evidence was a figment of his imagination.

Mr Moerane said W/O Fouche's lack of recollection of a number of incidents was contrived and not genuine. The officer denied it.

W/O Fouche said he visited Biko's grave shortly after the unveiling of his tombstone. He went

there to read the inscription.

Asked by Mr Moerane why he wanted to read it, he said Steve Biko was a leader. He said he would not say whether he was a political leader but he had a great following.

Pressed further by Mr Moerane W/O Fouche said Steve Biko was a leader of the Black People's Convention which was eventually banned and Steve Biko had been detained on many occasions. The convention could have been a political organisation but he could not say because he had never studied the BPC.

At one stage Mr Moerane said he noticed that the officer repeatedly looked at a certain side of the bench (pointing where the prosecutor, Mr P. M. A. Pretorius sat, and asked if there was any reason for that.

W/O Fouche said there was no reason.

At another stage he asked the officer to look at the magistrate's bench and "not across"

The officer said that in his career he had never lifted a finger against a woman after Mr Moerane had said he too part in the assault of Miss Ntsatha whereby she was subjected to electric shocks.

Constable W. J. Kotze, of the uniform branch in Aliwal North, told the court that on November 30 1981 he was instructed to take Mr Peter to a magistrate to make a statement.

Under cross-examination he denied that Mr Peter was taken to the magistrate by the investigating officer, W/O Bezuidenhout.

The branch commander of the King William's Town security police, Captain Andre Nel, said the accused were never assaulted in the King William's Town security offices. If there were any assaults where people screamed he would have heard them, he said.

The trial continues today. — DDR.

ZWELITSHA — An accused in the Fort Hare violence trial yesterday told the regional court here of events leading to his arrest on the university campus.

Mr A. Goci, of East London, was the second defence witness to be called in the case in which 19 people are facing charges of public violence.

The trial is a sequel to the alleged stoning of a ministerial motorcade during the graduation ceremony at the University of Fort Hare last year.

Mr Goci who was a law student at the university last year told the court that on his way from Alice to the campus he saw police cars entering the university campus. After the police had alighted from their cars Major Stemmet who was in charge, spoke to General Sebe. A plainclothes policeman took out a big gun from a brief case he was carrying and gave it to General Sebe. The major escorted cars from the back of the University Great Hall out of the campus.

Mr Goci said while he was talking to his ex-teacher he saw a crowd running in their direction and towards the hostels, with the police in pursuit with sjamboks. He also saw tear-gas smoke coming towards them.

He said as he and his friend moved away, he was ordered by a policeman pointing a firearm to stop. He and Mr Ntsikana Mtshabe were put in a car and taken to the police station at Alice.

Mr Goci said while they were at the charge

Crowd chased with sjamboks — witness

1/2/83
D. Dispatch
331

office General Sebe arrived and made a telephone call to a person he often referred to as the "excellency".

After the call he held Mr Monwabisi Dingiswayo, one of the accused who had a wound near his ankle. He asked who had shot at him, saying that person could not shoot because he should have shot at a higher level.

Mr Goci said an allegation by Major Marele that he had thrown an unidentified object was not true. He had not been apprehended by the Major but by a certain Mr Dukashe.

After their arrest their photographs were taken twice. They were later taken into the courtyard for an identification parade. He said the policeman in charge told other policemen to stand near the persons they had apprehended.

Two policemen stood next to Mr Siphiwo Dlamini and Mr Bheki Mlangeni (two of the accused). When the two accused said they had not been apprehended by the two policemen, the officer in charge said they should tell that to a magistrate.

Mr Goci said nobody stood next to him.

The prosecutor, Mr B. D. Nel, asked Mr Goci if he was a Ciskeian citizen. He said he was

not but a South African. He said he resided in Duncan Village, East London.

Asked by Mr Nel if the crowd was singing freedom songs, he said he was not used to freedom songs but would not dispute they were freedom songs. He said he did not see any stone-throwing at the campus.

Mr Goci said he was

not assaulted at the campus but at the police station. Mr Fikile Zibi hit him with an open hand when he took him out of his cell to the charge office, he said.

Asked by Mr Nel why he had not mentioned the assault in his evidence-in-chief, Mr Goci said he had answered questions that were asked by his defence counsel. The counsel had not asked him about

the assault.

Mr Goci said he did not ask the police why he had been arrested because he was afraid of them. The police threatened and swore at them. He never tendered any explanation at any stage because the police seemed angry and gave the impression that they would not listen.

The case has been postponed until Thursday. — DDR.

Paddock interview is banned

By JOUBERT MALHERBE
THE Publications Appeal Board has banned a pamphlet containing an interview with conscientious objector Billy Paddock, who was jailed for a year last October.

Confirming the decision by a publications committee that the interview was undesirable, the board said it created distrust in South Africa's war effort in South West Africa.

The board said the pamphlet went further than the publication of a political idea in favour of political conscientious objection against military service, adding it "sides with the enemy".

The court martial sentenced Paddock to a year's civilian jail after which he would be discharged from the South African Defence Force "with ignominy".

Paddock said at his trial South Africa was involved in an unjust war in SWA and his conscience did not allow him to take part in it.

Probe resumes

THE Commission of Inquiry into the South African Council of Churches will resume hearing evidence at its third open session in Pretoria next Monday, the commission said in a brief statement yesterday. — Sapa.

331 ROOM
2/2/83

7 subpoenaed in Mayson trial

By ANTON HARBER

BANNED lawyer Mrs Priscilla Jana and a prominent member of the Detainees' Parents Support Committee (DPSC), Dr Max Coleman, have been subpoenaed to give State evidence at the high treason trial of Mr Cedric Mayson which begins on Monday.

Five others, the former Nusas President, Mr Auret van Heerden, his banned brother Mr Clive van Heerden, Dr Coleman's banned son, Keith, trade unionist, Mr Jabu Ngwenya and religious leader the Reverend Frank Chikane, have been listed as State witnesses.

The latter five were all detained at the same time as Mr Mayson, who has been in custody for 15 months.

Mr Mayson originally appeared in court seven months ago with five others. Of those, Barbara Hogan is presently serving a 10-year sentence for treason, Mr Alan Fine was recently acquitted and charges against the other three were later withdrawn.

Mr Mayson is accused of:

- Becoming a member of the ANC during 1977 and 1981;
- Holding talks with ANC official Mr Marius Schoon and Sactu official Mrs Jeanette Schoon in Botswana in October 1981 regarding the ANC attitude towards national service;
- Receiving tape recordings

of speeches by ANC president Mr Oliver Tambo and giving these to Mr Auret van Heerden, the Rev Beyers Naude and Mr Jakes Silebe;

- Distributing a large quantity of ANC literature received through an official of the Swedish Embassy in Pretoria between 1977 and 1981;

- Holding intensive talks with ANC military commander Mr Thabo Mbeki.

Mr Mayson allegedly agreed to investigate the possibility of involving youth and students in ANC activities; to propagate the boycott of Government-created institutions; to advise people to refuse to undergo military training; to determine targets for reconnaissance and sabotage and to examine the possibility of storing weapons in churches.

The trial, which is expected to last between one and two months, will take place in the Pretoria Supreme Court.

The Mail's London Bureau reports that more than 17 000 Methodists including nine presidents of the Methodist Conference have signed a petition of support for Mr Mayson.

The petition will be handed in at the South African embassy on Friday.

From 3-4pm supporters of Mr Mayson will stand in silent vigil outside the embassy.

'Devil worshipper' guilty of slaying goat

London Bureau

LONDON. — A pet goat, said to be well loved by the children of a village, died at the hands of a "devil worshipper" who wanted its horns for his occult collection, magistrates at Accrington, Lancashire, were told yesterday.

After the macabre slaying,

the court was told, there was so much ill-feeling in the village that the man who cut off the goat's head decided to leave the village.

Jonathan Hughes, 21, pleaded guilty to destroying the animal and torturing and terrifying it by beating, stabbing and decapitating it.

The prosecutor, Mr Peter

Tidey, read a statement in which Hughes told police he had been getting deep into black magic and "while some people worship God, I worship the devil".

The animal, kept on an allotment near his home, reminded him of the goat of Mendes in a book called "black arts".

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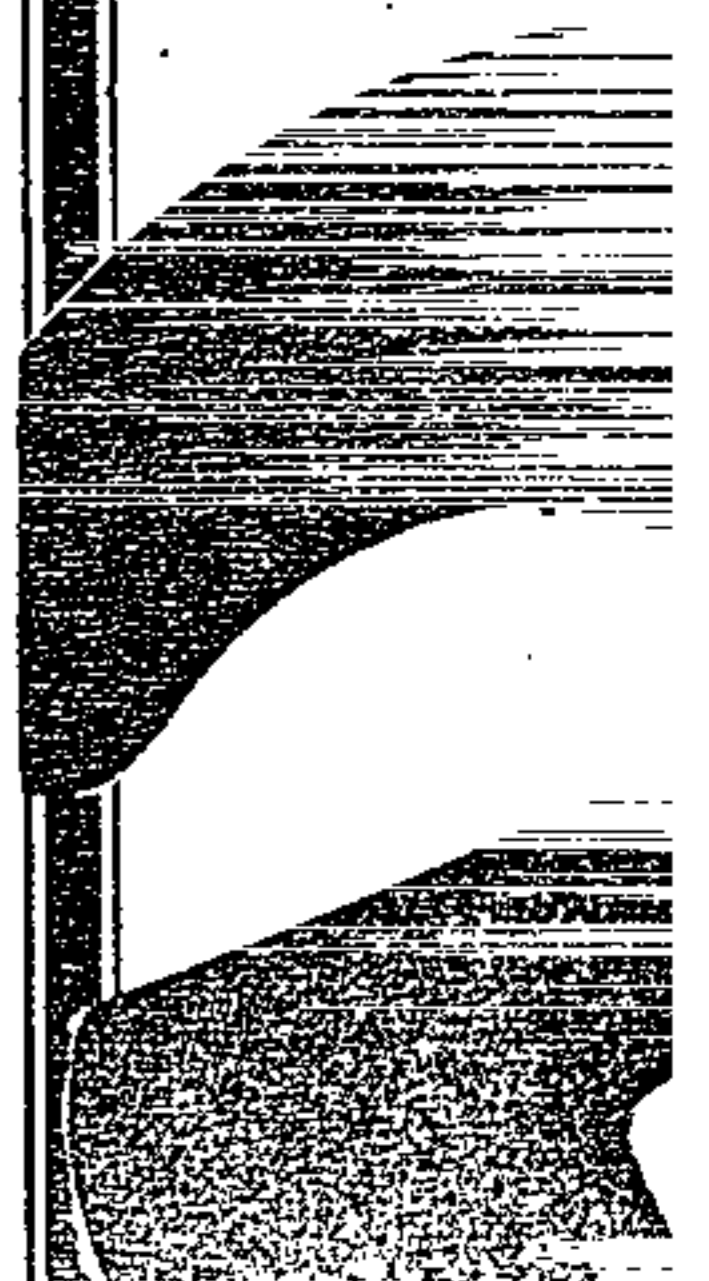
Mrs Gusta Nkambule in front of her new home



A window cleaner shines up the back entrance of one of Betec's new houses for their top black employees in Mhluzi township



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More and more workers being held for intimidation

Sowetan
2/2/83
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the Riotous Assemblies Act.

MORE and more workers are being arrested under the new Intimidation Act, according to the Federation of South African Trade Unions.

The union says the Act has now been used to charge eight workers at Litemaster on the East Rand who were not even on strike.

The union was also referring to the case of the Transvaal secretary

of the General Workers' Union of South Africa, Mr Donsie Khumalo, who was acquitted in the Pretoria Magistrate's Court on a charge of inciting workers at a dry cleaning firm to strike.

The article says the Act has also been used in Empangeni, in Northern Natal, and Brits, during strikes which occurred in the areas.

The Intimidation Act

was passed by Parliament last year following the report of the Rabie Commission concerning security laws.

At the time, it did not attract much comment from worker organisations as it seemed to contain the same provision as the Riotous Assemblies Act which it partly replaced.

The Riotous Assemblies Act made it an of-

fence to force or persuade someone to do something or not to do something, by damaging his person or his property by "jibing or jeering at him."

The intimidation Act contained the same provision but then went further than the previous law. According to the Rabie Commission, the police found it difficult to get convictions under

According to the new Act the police have much greater freedom to act against worker organisations, and they have been using their powers with great enthusiasm, the union says.

Not only have striking workers been prosecuted but fellow workers from a rival union have also laid charges against eight Metal and Allied Workers' Union members at Litemaster.

They have since withdrawn these charges.

Granny tells of assault

Sowetan 2/2/83

By CHARLES MOGALE

331 A 57-YEAR-OLD Soweto grandmother yesterday described how she was allegedly handcuffed and assaulted with a rod by Security Policemen at Protea Police Station.

Mrs Sannah Radebe also told how a young man accompanying Security Police had introduced himself as Peter Lengene.

Mrs Radebe was giving evidence before the Kempton Regional Court where her son Mr Stanley Radebe is appearing with three other people on charges

under the Internal Security Act. Appearing with him are Mr Ephraim Majalane, Mr Ernest Mohakalane and Ms Innocentia Mazibuko. All have pleaded not guilty before Mr I J Luther.

Mrs Radebe told the court that she was detained from her Senaoane home last February 15 and taken to Protea where she was handcuffed and photographed. At one time, she said she was left handcuffed to a chair in an office. She was later transferred to Jabulani Police Station but was brought back to Protea on February 23.

She was put in a room by Warrant Officers Van Loggerenberg and Groenling where she was questioned about pamphlets found in her house when Mr Madalana was detained.

Warrant Officer Van Loggerenberg hit me with a rod on my shoulders. I got dazed and fell to the floor. When I came to my senses, he ordered me to kneel on the floor. He then hit me repeatedly on the head and I cried. I felt dazed again and when I came to he started hitting me again until Groenling asked him to stop. My head was swol-

len then and my left arm was numb," Mrs Radebe said.

Two days later Warrant Officer Groenling took her to a doctor in Florida. She said: "The doctor asked me what had happened and I told him the police had assaulted me, he then gave me a prescription and we went to a chemist where I was given tablets.

Defence Counsel Mr D Soggot submitted that contrary to claims by the police that the doctor had diagnosed high blood pressure, the tablets prescribed "had nothing to do with high blood pressure".

639

For in dym. external evidence
Fair in the dym. internal evidence

Terror trial told of Sayrco recruiting

331 ~~1/2/83~~ → Sowetan 3/2/83

A 23-YEAR-OLD man yesterday alleged one of the accused in the Kempton Park Terror Trial, Miss Innocentia Mazibuko, tried to recruit him to join the South African Youth Revolutionary Council (Sayrco).

Mr John "Kiddo" Mosito told the court that he had refused to join the organisation and told a false excuse about his church laws.

He was giving evidence before Mr I J J Luther where Miss Mazibuko, Mr Stanley Radebe, Mr Ephraim Madalane and Mr Ernest Mohakalane have pleaded not guilty to charges under the Internal Security Act.

Mr Mosito said he attended the same school with Miss Mazibuko in May 1981.

By CHARLES MOGALE

call Chris for her.

"When Chris arrived, I left them talking and walked away," he said.

Later, while he was attending extra classes at Wits university, Miss Mazibuko approached him and told him she had put a book in his bag. She asked him to pass it to David Puwane.

The book, he said, had written "Sayrco" on the cover.

Under cross-examination by Mr Tony Bass-

lian for Miss Mazibuko,

Mr Mosito, who is also a ballet dancer, admitted he could have committed an offence by inviting Chris to discuss joining Sayrco — if it was banned.

Mr Basslian put it to him that the headquarters of Sayrco were not in Botswana but in Nigeria, to which he replied: "Thank you for that information."

The case is proceeding.

Miss Mazibuko approached him one morning during a short break and asked him if he was interested in joining an organisation "which would help black people".

"I asked her who the leader was and she said it was Khotso. She said the organisation was based in Botswana. I told her a lie and said joining such an organisation was against the laws of a church I attended in town," Mr Mosito said.

Miss Mazibuko, he said, asked him if any of his friends would be interested, and he went to

for me
Mosito

Justice appears
in the

will be favourable to a country in a
less than full-employment state, and as
long as $c < 1$, as it will lead to an
increase in production, as well as an increase
in the balance of payments, and in a
full-employment situation it will be
beneficial through its direct effect on absorption,
but only if strict monetary policies are
applied as well.

Petition over ^{Argus} _{3/2/83} Cedric ~~Mayson~~ ³³¹ Mayson

Argus Bureau

LONDON. — More than 17 000 Methodists in Britain have signed a petition of support for South African Methodist Cedric Mayson, who goes on trial for high treason in Pretoria soon.

The petition will be handed in at the South African Embassy on Friday afternoon by the president of the Methodist Conference, the Rev Norwyn Denny. This will be followed by an hour's "silent vigil" outside the embassy.

Two exiled South African Methodists, the Rev Brian Brown and the Rev Theo Kotze, will take part.

Mr Brown, Mr Kotze and Mr Mayson were among the officers of the South African Christian Institute who were banned when the institute was disbanded by the South African Government in 1977.

British-born Mr Mayson was released from his banning order in June 1981 but was detained again the following November and has been in detention since.

Witness says accused tried to recruit him

Court told about Sayrco

4/2/87
331
Somelau

A SECOND man has alleged that an accused in the Kempton Park terror trial, Ms Innocentia Mazibuko, tried to recruit him to join the South African Youth Revolutionary Council (Sayrco).

The witness, who may not be named, said he had realised that joining such an organisation would land him in trouble with the police.

He was giving evidence before Mr I J J Luther in the Kempton Park Regional Court where Mr Stanley Radebe, Mr Ephraim Madalane, Mr Ernest Mohakalane and Ms Innocentia "Freedom" Mazibuko have pleaded

not guilty to charges under the Internal Security Act.

Mr X said he met Ms Mazibuko while he was travelling to school on a bus one morning in May 1981. Ms Mazibuko, who was not a passenger in the bus, beckoned

him to open his window while the bus was stationary and asked to see him later.

"I did not go to her as she said I should, but she later came to my home one day and asked me to go with her to another girl's

home in Zone 4. While we were on the way, she said she was inviting me to join Sayrco. She did not explain what that stood for, but I saw that joining such an organisation could land me into trouble

with the police," Mr X said.

When he asked Ms Mazibuko what the aims of the organisation were, she invited him to come to a meeting where all would be explained. Mr X said he did not attend the meeting.

Proceeding.

By CHARLES MOGALE

Banned books result in suspended sentence

331 E. Post 4/2/83
Post Reporter

AN Evening Post reporter specialising in labour affairs, Alexandra (Sandra) Smith, was fined R100 (or 100 days), conditionally suspended for three years, by the Port Elizabeth Magistrate's Court yesterday after she had been convicted of possessing banned publications.

Smith pleaded guilty to the charge under the Publications Act, but said that although she suspected that one of the publications found in her possession, Organise or Starve, was banned, she had been completely unaware that the other, Manual on Detention, fell into the same class.

On September 9 last year detectives searched her flat in Hansen Street and re-

moved 13 publications. None of the others was on the prohibited list.

Mr G Huisamen, who appeared for Smith, argued that a guilty intention was a necessary part of a conviction. If Miss Smith was unaware that the one publication was banned, she could not have had a guilty intention to keep it.

The magistrate, Mr J D E Moony, said Smith pleaded guilty to the charge that involved the possession of both publications. In her statement, she had said that she suspected that several of the publications found in her possession might have been banned.

By keeping all the publications in her possession, she had accepted the responsibility for them. For a

defence of innocent possession, some evidence was necessary. A statement through a legal representative did not suffice.

In mitigation, Mr Huisamen argued that Smith specialised in labour affairs — a complex, volatile and extremely important field in South Africa today. He said it was essential for a reporter to read widely on the subject to be efficient.

Passing sentence, the magistrate said he accepted that Smith was young, had a clean record and was probably inexperienced in the field of banned publications. He declared the publications forfeit to the State.

Mr J Kotze appeared for the State.

5/2/83 D. Dispatch 331

Turban not allowed in Ciskei court

ZWELITSHA — The wearing of turbans in Ciskei courts was not allowed, an Islamic leader was told by the police yesterday.

Mr Hassan L. Petshwa, one of Ciskei's few Muslims, was told by court officials that he was not properly dressed in court with his headgear.

He was attending the Fort Hare violence trial as a spectator.

All eyes turned on him when he entered the courtroom wearing his white turban before the start of the trial.

A young constable asked him to remove his headdress, saying men were not allowed in court with their heads covered. Mr Petshwa, a storeman in a Ciskei Government depart-

ment, explained that his turban was like a white collar put on by ministers of religion. The policeman left him.

Eyes turned on him again when, during the trial, a defence witness pointed at him to give an indication of the distance between the witness and the police at the university campus during the disturbances.

During the tea adjournment a sergeant shouted in the court passage saying Mr Petshwa should not be allowed inside the courtroom if he insisted on wearing his turban. An argument developed between Mr Petshwa and some members of the police force about his headgear. The police told him he was not properly dressed.

Mr Petshwa then left. — DDR.



MR PETSHWA



Double agent 'copied letters' treason trial court is told

ARGUS
8/2/83
331

Argus Correspondent

PRETORIA. — As a trusted courier for the African National Congress, double agent Carl Edwards secretly copied all correspondence before delivering it, the Pretoria Supreme Court was told.

Warrant Officer Edwards yesterday gave evidence in the treason trial of Mr Cedric Mayson, a former Methodist minister.

Mr Mayson pleaded not guilty to a main charge of high treason, to two alternative charges under the Terrorism and Internal Security acts and a second charge in terms of the Internal Security Act.

WO Edwards, a National Intelligence Service (NIS) agent from 1971 to 1981, described how he infiltrated the ANC and Nusas while a student at Rhodes and later in Johannesburg.

FRONT

While in Johannesburg he established an ANC front organisation called EDA (Environmental Development Agency). Under this guise he set up a courier network and an escape system between South Africa and Gaborone, Botswana.

In his evidence in chief, WO Edwards said he had delivered letters from alleged active ANC supporters in Gaborone to Mr Mayson.

He first met Mr Mayson in 1977 when he delivered a letter to him from Mr Chris Woods. Mr Woods worked with the escape network in Gaborone.

WO Edwards said the letter was an offer to Mr Mayson to make use of the escape system.

WO Edwards said the letter was an offer to Mr Mayson to make use of the escape system.

s)

ADMISSION

Under cross-examination by Mr Ernie Wentzel SC, for Mr Mayson, WO Edwards admitted intercepting the letter, but said he did not make a photostat copy of it as he did not think it was important at the time. He said he had no idea of what had become of the letter.

"At that time I never imagined that as a NIS agent I would one day be required to give evidence in a court," he said, talking quietly and without looking at the packed public gallery.

WO Edwards admitted giving evidence for the State against Guy Berger, a former lecturer at the Rhodes University, in February 1981.

During that trial, his evidence was heard in camera and he was referred to as Mr A.

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.

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Date.....

Degree/Diploma you are registered for.....

Subject.....
(to be completed by candidate)

Paper No.....
(to be completed by candidate)

NOTE CARDS

- The answers must be marked in blue or green ink. Red ink is not acceptable. Red or green ink may be used for emphasis.
- Enter at the block of the question you are answering.
- Blue or green ink. The use of red ink is not acceptable. Red or green ink may be used for emphasis.
- Names of candidates must be written in blue or green ink on a separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.

Additional pages will be provided for candidates who require them. These may be used for rough work or for such purposes as writing answers. Red or green ink is acceptable. Red or green ink may also be used for emphasis. Red or green ink may also be used for emphasis.

- 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

Policeman 'set up ANC front'

JOHANNESBURG. — A former National Intelligence Service agent told the Pretoria Supreme Court yesterday that he had become a member of the directorate of Nusas in 1976 and had infiltrated the African National Congress in 1977.

Warrant-Officer Carl Z Edwards, now a security policeman in Port Elizabeth, was giving evidence on the first day of the trial of Mr Cedric Radcliffe Mayson, 53, a former official of the Christian Institute.

Treason charge

Mr Mayson, of Yeoville, Johannesburg, pleaded not guilty to the main charge of treason, and to alternative charges under the Terrorism Act and the Internal Security Act, and a second charge under the Internal Security Act.

The charge sheet alleges that Mr Mayson was a member or active supporter of the banned African National Congress (ANC).

Allegations against him on the charge sheet include that he:

- Copied and distributed recordings of freedom songs and speeches by the ANC leader, Mr Oliver Tambo, during 1980.

- Received ANC literature from Ms Cecilie Hurgland of the Swedish Embassy in Pretoria and distributed it between 1977 and November, 1981.

- Received and distributed copies of Sechaba from 1977 to 1981.

- Made and distributed copies of the Freedom Charter in 1980 and 1981.

- Assisted Mr Horst Kleinschmidt, described as an active ANC supporter, to leave the country illegally for Botswana during 1976.

- Assisted Mr Marius Schoon, an ANC official, and his wife Jeanette to leave South Africa illegally for Botswana during June, 1977.

Military wing

- Assisted Miss Patricia Townsend, Mr Graham de Schmidt and Miss Lorna Meeran, described as active ANC supporters, to leave South Africa illegally for Botswana during June and July, 1977.

- Had extensive discussions with Mr Thabo Mbeki, commander of the ANC military wing, Umkhonto we Sizwe, in London in July, 1981, on a wide range of topics.

These included: information-gathering, setting up area political commit-

tees, infiltrating organizations, encouraging boycotts, recruiting people for the ANC, and obtaining information about certain people, including Dr Alan Boesak, Mr Frank Chikanye, Mr Drake Tshenkeng, Mr Kingdom Lolwane, K K Matsena, Colin Finn and Dr Margaret Nash.

- Discussed during September and October, 1981, the formation of area political committees of the ANC with Mr Jabu Ngwenya, Mr Frank Chikane, Mr Auret van Heerden, Dr Beyers Naude and a man called Norman, with a view to establishing such committees.

Nusas

Warrant-Officer Edwards told the court he had joined the ANC in 1977 — the year after he had served in the Nusas directorate. One of his duties had been to set up a front organization for the ANC.

This organization was the Environmental Development Agency (EDA). Using this as a cover, Warrant-Officer Edwards

had set up an escape route for people who wanted to leave the country illegally for Botswana.

Warrant-Officer Edwards said he had helped Mr Chris Wood escape in 1976. In 1977 he had delivered a letter from Mr Wood to Mr Mayson, urging him to use the network to help people leave South Africa illegally.

Mr Mayson had later contacted him and asked him to help people leave South Africa illegally.

Letters

Warrant-Officer Edwards said Mr Mayson had told him in March 1977 that an important person, Dr Theo Kotze, former director of the Christian Institute, wanted to leave the country along the escape route. But this had not happened.

Warrant-Officer Edwards said he had met an ANC official, Mr Marius Schoon, and his wife Jeanette in Gaborone in 1977. They had given him a letter to deliver to Mr Mayson.

After this meeting, a regular courier service had been set up between the Schoons and Warrant-Officer Edwards who, on every occasion, had copied the contents of letters before delivering them in South Africa.

Under cross-examination by defence counsel, Mr Ernie Wentzel, SC, Warrant-Officer Edwards admitted he had not made copies of the letter from Mr Chris Wood he claimed to have delivered to Mr Mayson.

'Fabrication'

Mr Wentzel said Mr Mayson would deny ever having received Mr Wood's letter.

Mr Wentzel also submitted that the letter, purportedly from Mr Schoon to Mr Mayson, was a fabrication. Mr Mayson would deny he had ever received the letter.

Mr Wentzel described as "not true" Warrant-Officer Edwards's claim that Mr Mayson had said he had told the banned former director of the Christian Institute, Dr C F Beyers Naude, about the escape route to Botswana.

The very last thing the accused would have done would have been to burden Dr Naude with this kind of information, Mr Wentzel said.

The trial continues today. — Own Correspondent and Sapa

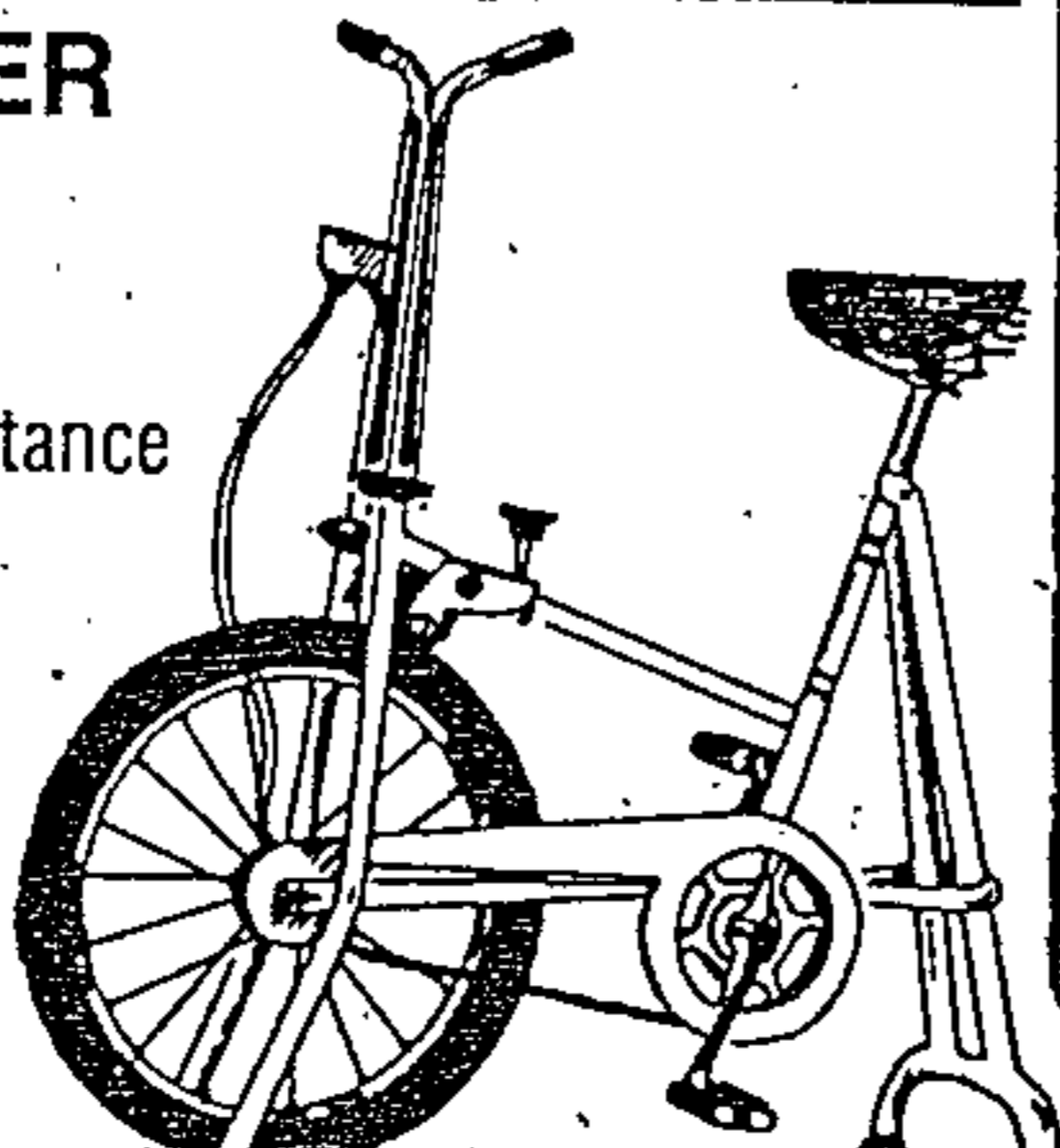
DION

SAVES YOU MORE ON SPORTS

HEALTHMASTER EXERCISE BIKES

- Speedometer and distance meter
- Solid front wheel
- Sprung saddle

DION'S SPECIAL LOW PRICE



By Sheryl Raine,
Pretoria Bureau

The treason trial of Mr Cedric Radcliffe Mayson (53) got underway in the Pretoria Supreme Court yesterday with what amounted to an intelligence bombshell.

A South African agent Warrant Officer Carl Zachary Edwards, revealed how he worked as a double agent for the National Intelligence Service while pretending to be an agent for the African National Congress.

As part of a team which reported to Major Craig Williamson he and several other agents penetrated to the core of Nusas, operated an escape network between South African and Botswana and established an ANC front organisation in Johannesburg together with a courier service for letters to and from ANC members in Gaborone.

It became evident in court that for several years during the period 1977-1981 the South African intelligence network operated the ANC's underground escape route to Botswana, allowing certain refugees to flee the country under their noses in order to continue gathering intelligence

their evidence would be needed in court.

Between 1971 and 1981 Warrant Officer Edwards faithfully reported to two bosses.

Although he has given evidence in other trials, including that of Guy Berger in February 1981, Warrant Officer Edwards' evidence has to date been led in camera and his identity kept secret.

Yesterday he described his association with Mr Mayson, a former Methodist Minister and South African citizen who was born in Britain.

Mr Mayson pleaded not guilty to a charge of high treason, an alternative charge under the Terrorism Act, another alternative charge under the Internal Security Act and a second charge of contravening Section 3 (1) of the Internal Security Act.

The State alleged that: ● He became a member of the ANC during 1977 and 1981.

● Held talks with an ANC official, Mr Marius

During his evidence against Mr Mayson, WO Edwards, nicknamed "0012" by defence attorney, Mr Ernie Wentzel, (SC), said he was presently a member of the security branch at Port Elizabeth.

He told how as a national intelligence agent he was sent to Rhodes University where he obtained an honours degree in psychology.

Still operating as a mole in 1973, he was elected to the national executive of Nusas and by 1974 held the position of regional director of the Eastern Cape region of the organisation.

Later he worked at Nusas headquarters in Cape Town.

In 1977 he was recruited into the ANC in order to run four projects These activities brought him into contact with Mr Mayson, whom he met in 1977 when he claimed he delivered a letter to him from South African exile, Mr Chris Wood.

WO Edwards said Mr Mayson agreed to use the escape network that had been established and later assisted people to use it.

The agent also said he took a letter detailing an escape route via the Botswana border written by Marius Schoon to Mr Mayson.

He also claimed that Mr Mayson told him he had met ANC activists both abroad and inside South Africa and planned to tell the Rev Beyers Naude about the ANC escape route.

Mr Wentzel said his client denied receiving a letter from Mr Wood or Schoon was intended for him.

Mr Wentzel pointed out that the letter from Mr Wood and the envelope of the letter written by Mr Schoon were missing from the photocopies of such correspondence usually made by WO Edwards while operating as an agent, and had not been presented to the court.

He accused Edwards of putting "a poisonous gloss" on information that was only partly true.

Proceeding P J van der Walt presided. Mr Wentzel was assisted by Mr L Bowman, Mr J A Swaneepoel, Deputy Attorney-General of the Transvaal, appeared for the State assisted by Mr A G Berry.

Police pulled out my hair, magistrate told

According to Mr Visagie, Mr Mayson said he started to make the statement to a policeman but was told to make it to a magistrate.

"Mr Mayson said he was making the statement voluntarily and had not been threatened in any way to make it."

Defence attorney, Mr E Wentzel, SC, challenged the admissibility of the statement on the grounds that it was not confirmed and reduced to writing by the magistrate. In terms of Section 217 of the Criminal Procedures Act, a confession must be made to a magistrate, confirmed by him and reduced to writing.

Mr J A Schoeman, appearing for the State, conceded that the statement made by Mr Mayson did not comply with the provisions in the Act which were there to ensure the voluntary nature of confessions.

Mr P J van der Walt, the presiding judge, declined to rule on the admissibility of the statement at this stage.

(Proceeding)

Although it was obvious that the bald spot was "not natural" and could have been the result of an assault, Mr Visagie said he did not think the possibility of an assault to Mr Mayson's wanting to make a statement.

Mr Visagie said he did not take action to ensure Mr Mayson was examined by a doctor.

A legal dispute concerning the admissibility of the statement took up most of this morning's court proceedings.

Mr Visagie said Mr Mayson came to his office at the Benoni Magistrate's Court with a 29-page typed statement.

between 1977 and 1981.

● Helped Mr Horst Kleinschmidt, an active supporter of the ANC, to leave South Africa illegally for Botswana.

● Held intensive discussions with Mr Thabo Mbekei, the ANC military commander in London, in which they discussed the possibility of storing weapons in churches, infiltrating churches and religious bodies to further ANC aims, encouraging boycotts of government institutions and strikes and resistance to military in the SADF.

and Miss Lorna Meeran, also supporters of the ANC to leave illegally for Botswana.

● Held intensive discussions with Mr Thabo Mbekei, the ANC military commander in London, in which they discussed the possibility of storing weapons in churches, infiltrating churches and religious bodies to further ANC aims, encouraging boycotts of government institutions and strikes and resistance to military in the SADF.

50/79

Banned PE man appears in court

Court Reporter

331 9-Port 8/2/67
A 32-YEAR-OLD banned man, Mr Dumile Dennis Makanda, appeared yesterday in the Port Elizabeth Magistrate's Court charged with possessing banned literature and breaking his banning order.

Mr Makanda pleaded not guilty to both charges. He admitted that he was subject to a restriction.

The State alleged that on October 8 last year Mr Makanda was found in Zwide which was outside of the area to which he was restricted.

It also alleged that three banned publications were found in Mr Makanda's possession: New Dawn Vol 1 No 2 — 1981, Peoples Hero — Joe Gqabi, and Peoples Hero — Solomon Mahlangu.

The case was postponed to the Regional Court on March 28. Mr Makanda's R300 bail was extended.

Mr J D E Moony was on the Bench. Mr J Nel appeared for the State. Mr S Nkanunu appeared for the defence.

D. Disputes 9/2/77

Police set dogs on people — witness

ZWELITSHA — An accused in the Fort Hare violence trial told the magistrate, Mr J. A. Dracatos, he was put into the boot of a car and driven to the police station at Alice after his arrest at the university campus.

Mr Sipiwe Dlamini was giving defence evidence in the trial of 19 people charged with public violence.

Their trial is a sequel to the alleged stoning of ministerial cars at the University of Fort Hare's graduation ceremony last year.

Mr Dlamini said that while talking to the relatives of one of the students he saw a big police truck near the hall. Police alighted and charged the people, assaulting them with sjamboks and batons

and setting at least two dogs on them.

He said he started running to his hostel warden's house. When he was about to enter the gate he felt somebody grab him by his shoulder. He was hit on the head with a gun, pulled towards a car and put in the boot.

Asked by the defence counsel, Mr M. T. K. Moerane, if he threw any stones or saw anybody throwing stones, he said he did not and did not see anybody else throwing stones.

At an identification parade at the Alice police station they were told to stand against the wall. The policeman in charge of the parade instructed the others to stand next to the man he had apprehended. No-

body stood next to him.

The policemen were again ordered to point out people they had arrested. A uniformed policeman pointed him out but when he protested, the policeman in charge said he should tell the magistrate that he had been pointed out by the wrong man.

Under cross-examination by the prosecutor, Mr B. D. Nel, he said he saw Mr M. Dingiswayo, one of the accused, bleeding from his right ankle.

Mr Dlamini said General Sebe said the policeman who had shot him could not shoot properly. He should have shot on a higher level.

The cross-examination of Mr Dlamini continues today. — DDR.

CANDIDATE MUST enter in the number of each question in the order in which it has been asked; leave columns (2) and (3) blank.

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Degree/Diploma/Certificate for which you are registered (e.g. B.A., B.Sc.)..... *C.T.A*

Subject..... *Economics 1B*
(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.
4. Do not write in the left hand margin.

WARNING

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MR X TELLS OF COP ASSAULT AT TRIAL

331
8/2/83
~~331~~
Sowetan

By CHARLES MOGALE

THE KEMPTON PARK terror trial took a dramatic twist yesterday when a State witness alleged he was assaulted and forced to remain kneeling by a Lieutenant Trollip of the Security Police.

Mr X, who may not be named, said he saw a doctor two weeks later and was told that his ear had bled. The assault, he said, took place during an interrogation session at the Sandton Police Station in 1981.

Mr X was giving evidence before Mr I J J Luther where Messrs Stanley Radebe, Ephraim Madalane, Ernest Mohakalane and Ms Innocentia "Freedom" Mazibuko are facing charges under the Internal Security Act.

All have pleaded not guilty.

Mr X said he was interrogated after spending three weeks in solitary confinement.

"VERY ROUGH"

"I was interrogated by an elderly man with spectacles. I don't know his name. While he was busy with me, he left the room and Trollip came in. He said I should kneel because he said I was getting sleepy sitting in a chair," Mr X said.

He realised that Lt Trollip was "very rough" because the policeman talked loudly.

"He slapped me on my ear and I fell. I jumped up," he said. Lt Trollip said he would come back the same night but did not do so.

The court has heard that Ms Mazibuko tried to recruit Mr X to join the South African Youth Revolutionary Council (Sayrco).

Under cross-examination by counsel for Ms Mazibuko. Mr Tony Basslian, Mr X said he was scared of the security police.

"Even tomorrow I will be afraid of them," he said.

He admitted that he would do anything during his interrogation to avoid prolonged detention and assaults. His being locked in a room in the court building reminded him of his solitary confinement.

Court (331) 9/2/83
cleared Swetam

THERE was drama in the corridors of the Kempton Park Magistrate's court yesterday when Security Police cleared the court to allow a State witness to enter the courtroom unseen.

The Press, friends and relatives of the accused were ordered to remain around a corner in the corridors while the witness entered the court.

Messrs Stanley Radebe, Ephraim Madalane, Ernest Mohakalane and Miss Innocentia Mazibuko have pleaded not guilty to charges under the Internal Security Act.

After the clearing of the public, the State witness gave evidence in camera before Mr I J J Luther in the Regional Court.

Earlier it was alleged that Miss Mazibuko tried to recruit several people to join the South African Youth Revolutionary Council (Sayrco).

Police 'mocked naked Mayson'

Own Correspondent
PRETORIA. — It was alleged in the Supreme Court here yesterday that a former Methodist minister charged with treason had been ordered to strip naked, handcuffed and mocked about his faith by a group of security policemen in John Vorster Square.

Mr Cedric Radcliffe Mayson, 53, who was detained on November 27, 1981, and has been in custody since, has pleaded not guilty to treason, to two alternative charges and to a charge under the Internal Security Act.

'Hair pulled'

Mr Ernie Wentzel, SC, for Mr Mayson, made the claims while cross-examining the former personnel chief of the security branch at John Vorster Square, Major Arthur Cronwright, who is now stationed in Krugersdorp.

The court was also told that a tuft of hair had been pulled out of Mr Mayson's scalp on his first day of detention — a fact corroborated yesterday by a regional magistrate.

Mr Wentzel submitted that Mr Mayson had been kept naked in the offices at John Vorster Square from the Friday of his arrest until the following Sunday when he had a blanket wrapped around him.

Major Cronwright, who has been a State witness in several security trials, denied the allegations.

Earlier yesterday, Ma-

Major Cronwright described the pre-dawn arrest of Mr Mayson.

Major Cronwright said he and a number of security policemen had gone to Mr Mayson's home at 5am on November 27. He had said to Mr Mayson: "Your African National Congress activities have come to an end."

Statements

Mr Mayson had been taken to John Vorster Square where Major Cronwright claimed to have shown him certain notes, allegedly written by Mr Mayson and intercepted by East Rand police.

On December 3, Mr Mayson had asked for a typewriter because he wanted to make a statement, Major Cronwright said. He had then ordered his subordinates to cease interrogating Mr Mayson.

Major Cronwright denied that he had scrutinized each typed page, sometimes ordering the police responsible for interrogating Mr Mayson to tell him "the major" was not satisfied with particular passages.

Mr Mayson had torn up a first statement he had written by hand soon after being detained, because it was not the truth, Major Cronwright said.

Major Cronwright claimed he had not noticed the bald spot on Mr Mayson's scalp. He had not conducted a "scalp inspection" of Mr Mayson. However, he had referred

the matter to detectives at John Vorster Square for investigation.

He said he had been told by them that Mr Mayson had refused to make a statement about the matter.

Under cross-examination by Mr Wentzel, Major Cronwright denied that Mr Mayson's hair had been pulled out by a Cape Town policeman visiting Johannesburg, Warrant-Officer "Spyker" van Wyk. He was called "Spyker", said Mr Wentzel, because he was hard as nails.

Mr Wentzel suggested that Major Cronwright had torn up Mr Mayson's first statement because Mr Mayson had written that he was motivated by Christian principles.

Major Cronwright replied that many Christian organizations became involved with banned organizations.

'Feet swollen'

Major Cronwright denied a claim that when Mr Mayson was taken back to his home for investigation on the Monday after his arrest, his feet had been so swollen from enforced standing that he had had to wear slippers.

Major Cronwright said of the claim that Mr Mayson had been kept naked on the 10th floor of John Vorster Square: "We have too much respect for the women who work on the 10th floor to permit such unruly action."

The trial continues today.

CANDIDATE MUST enter in the number of each question in the order in which it has (red); leave columns (2) and

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communicate with other person except the invigilator. Book is to be torn out.

- 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.

- 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



UN EX

De Crespigny denies spy allegations

Cape Times
10/2/83
206-A 3811

Chief Reporter

DR Anthony de Crespigny, the former University of Cape Town academic who suddenly resigned from the President's Council and left South Africa five months ago, denied in a letter from London published in the Burger yesterday that he was a spy or that he had ever had intelligence-agency connections.

He was reacting to a report published in the Burger about the recent detention of Commodore Dieter Gerhardt and his wife in connection with allegations of espionage, in which reference was made to Dr De Crespigny's "very sudden flight from Cape Town to Britain after he had been questioned by the intelligence service".

'No evidence'
Dr De Crespigny, a former professor of political science at UCT and a member of the constitutional committee of the President's Council, said no evidence had been produced that he had ever worked for any intelligence agency, and he added: "No such evidence will ever be produced."
"You will have difficulty in finding anyone in Cape Town who knew me personally and who thinks that I was a spy. I doubt if even my most dedicated adversaries at UCT, Doctors Welsh and Schrire, believe this."

"An article of mine was published recently by the Vaderland, and I have been asked to write another. It is clear that this newspaper, which one assumes would have connections with the security service, does not regard me as a spy."

Dr De Crespigny said he had since December 1976 written numerous articles and chapters in books on the problems of South Africa's people and its politics.

"Anyone with the necessary perseverance to read all these writings of mine must agree that the same viewpoints are maintained throughout."

'Signed report'

"I signed the first report of the constitutional committee of the President's Council and played an important part in its drafting. I also signed the joint report on local and regional government, and wrote one of the chapters."

"If my former colleagues on the council believed there was a spy in their midst, some of them must surely have been greatly concerned."

"I wish to express deep regret over the extent to which my departure caused embarrassment to the council, and to which it led to the grossest misapprehension."

Dr De Crespigny concluded his letter by proposing "with all respect" that the whole matter be investigated afresh.

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.

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NOTE CARE

- 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.
- 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.
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Mayson 'assault' was not probed for three months, court hears

ARGUS 10/2/83

229 331

Argus Correspondent
PRETORIA. — It took more than three months for an alleged assault by the security police on treason trial accused Mr Cedric Mayson to be investigated by the uniformed branch, the Pretoria Supreme Court heard today.

Mr Mayson, 53, who has pleaded not guilty to high treason, reported to a magistrate on December 3 1981 that on the day he was arrested, November 27, some of his hair had been pulled out.

On March 17 the following year, Detective Sergeant Aletta Blom was sent to take a statement from Mr Mayson about the allegation.

This emerged during the evidence of Brigadier Leslie Whitehead, the District Commandant of Johannesburg at the time of Mr Mayson's detention.

Defence counsel Mr Ernie Wentzel SC has told the court that Mr Mayson was assaulted, kept naked and out of his cell for interrogation for four nights and days. He has also said his client was deprived of sleep.

Captain Adrian van Niekerk of the security branch at John Vorster Square told the court that he interrogated Mr Mayson on the 10th floor of the building.

"I know of no record on any diary kept on the details of the interrogation, how long it lasted, where Mr Mayson slept or for how long," said Captain van Niekerk.

It was his experience that the uniformed police did not always keep the accurate register they were supposed to when a detainee was taken to and from his cell for interrogation.

Captain van Niekerk denied that Mr Mayson was assaulted and said he appeared physically and mentally normal and not nearly as tense as some of the many other detainees he had interrogated.

By Sheryl Raine, Pretoria Bureau

It was more than three months after an alleged assault by Security Police on treason trial accused Mr Cedric Mayson that the uniformed branch began an investigation of the incident, the Pretoria Supreme Court was told today.

Mr Mayson (53), who has pleaded not guilty to high treason, said that the day he was arrested — November 27, 1981 — some of his hair was pulled out. He reported the assault to a magistrate on December 3.

On March 17, Detective-Sergeant Aletta Blom was sent to take a statement from him.

These facts emerged during the evidence of Brigadier Leslie Whitehead, the District Commandant of Johannesburg at the time of Mr Mayson's detention.

Defence counsel, Mr Ernie Wentzel, SC, has told the court that Mr Mayson was assaulted and kept naked and out of his cell for interrogation over four nights and days. He was also deprived of sleep.

Captain Adrian van Niekerk, of the Security Police at John Vorster Square, told the court that he interrogated Mr Mayson on the 10th floor of the building.

"I know of no record of any diary kept on the details of the interrogation, how long it lasted, where Mr Mayson slept, or for how long," said Captain van Niekerk.

It was his experience that the uniformed police did not always keep the accurate register they were supposed to when a detainee was taken for interrogation from or to his cell.

Captain van Niekerk denied Mr Mayson was as-

SP deny all claims of Mayson abuse

10/2/83

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(33)

saulted. He said he appeared physically and mentally normal, and not nearly as tense as some of the many detainees he had interrogated.

Detective Cornelius van der Merwe, a Railways policeman brought in to assist with the Mayson interrogation, admitted that he knew little about the circumstances of Mr Mayson's arrest, but denied that his sole function was to keep Mr Mayson awake during the night of November 29 and 30, 1981.

Mr Wentzel put it to him that he and Mr Mayson had established a bond of human sympathy because Detective van der Merwe suffered from gout and Mr Mayson had swollen and painful feet from being forced to stand.

"You even let him sleep with his head down on the desk, and told him not to tell anyone about it," said Mr Wentzel.

Detective van der Merwe admitted allowing Mr Mayson to sleep.

Yesterday the court heard five security policemen deny that My Mayson was assaulted or threatened after being detained at John Vorster Square on November 27, 1981.

They were Warrant Officer Lawrence Prins with the Security Police in Benoni, Major Daniel Mahoney, Lieutenant Hendrik Pitout, Captain Carell van Rensburg and Captain Andries Struwig, all with the Security Police at John Vorster Square at the time of Mr Mayson's arrest.

The policemen denied Mr Mayson's claims that he was stripped naked on arrival at John Vorster Square and kept naked — with only a blanket around his shoulders for four days and nights of uninterrupted interrogation, during which his hands were handcuffed behind his back.

They also denied he was made to stand so that his feet became so swollen he had to wear slippers instead of shoes.

None of the policemen could explain what Mr E-

books, notes, pieces of paper or other material may be brought into the examination room. candidates are so instructed.

Candidates are not to communicate with other candidates or with any person except the invigilator.

The front of an answer book is to be torn out.

Answer books must be handed to the commissioner or to an invigilator before leaving the examination.

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.

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Wentzel, for the defence, called the "phantom hand" that plucked a tuft of hair 2 cm by 3 cm from Mr Mayson's head — an injury confirmed by a magistrate.

Although the policemen said they knew records were kept of the times at which detainees were taken to and from their cells, none could give the court details of such records.

The policemen knew of no records kept on how long a detainee was under interrogation, how long he slept or if he was allowed to sleep, or where he slept if not returned to his cell at night.

Captain Struwig denied in court that he struck the accused with his fist on the chest bone or that he threatened to bring Mrs Penelope Mayson "in for questioning" even though she was recovering from a recent nervous breakdown.

"During interrogation, if a detainee asks to sit or stand he is allowed to do so. If he is tired we will take him back to his cell," Captain Struwig said.

At the time of Mr Mayson's arrest there were 50 or more detainees being held for interrogation, he said. Major Arthur Cronwright, former personnel chief of the Security Police at John Vorster Square and now stationed in Krugersdorp assigned interrogators to the detainees.

"It is absurd to suggest Major Cronwright would allow his men to interrogate detainees who were naked," said Captain Struwig.

Two foreign observers, an official from the Dutch embassy in Pretoria and a representative of the Methodist Church in Britain, are attending the trial.

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

Former detainees testify

Northern Transvaal
Bureau 10/1/65

THOHOYANDOU — Two former Terrorism Act detainees were called as State witnesses during the murder trial of two Venda policemen in Thohoyandou yesterday.

The policemen, Captain M L Ramaligela and Detective-Sergeant P J Mangaga, have been charged with the murder of Mr Tshifiwa Muofhe.

Mr Muofhe, a Lutheran Church lay preacher, died in detention shortly after being arrested on charges under the Terrorism Act.

The former detainees, who occupied cells on either side of Mr Muofhe, said they were awakened by a door being unlocked and lights being switched on late on the night of November 11.

But they said they heard nothing else.

Earlier, prison officials told Mr Justice G P van Ryn and two assessors that Captain Ramaligela had brought Mr Muofhe to the central prison at Sibasa in a police vehicle that night.

They said Mr Muofhe appeared drunk and had to be carried to his cell.

CAPE Times 10/2/83 331

Mayson 'given comradely hug'

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PRETORIA — The Pretoria Supreme Court heard yesterday how a Security Police lieutenant — described as a friendly man — embraced a detained Methodist minister at John Vorster Square, saying: "Hello comrade, how are you?"

Lieutenant H C J Pitout was giving evidence in the trial of Mr Cedric

Mayson who is facing a charge of high treason, two alternative charges and a charge under the Internal Security Act.

Lieutenant Pitout denied an allegation Mr Mayson was naked when he embraced him, or during interrogation.

At yesterday's hearing, five members of the security police gave evi-

dence and denied Mr Mayson had been handcuffed and kept naked in the offices at John Vorster Square or that he was assaulted.

None of the policemen could give detailed evidence about records or registers documenting the periods detainees were interrogated, and when or whether they were returned to their cells.

Captain Andries Struwig, when he was cross-examined by Mr Wentzel, admitted detainees were not interrogated "along a fixed pattern," but said there were certain "directives" interrogators had to comply with.

"If a detainee says he is tired, he will be taken back to his cell. He is free to sit or stand during interrogation," he said.

Asked by Mr Wentzel what he would do if a detainee refused to answer questions, Captain Struwig said he would "chat" to him or send him back to his cell.

"And you will continue your interrogation the following day?" Mr Wentzel said. "Definitely," Captain Struwig replied, and agreed with Mr Wentzel he would continue till a detainee "makes a statement".

Regarding periods of interrogation, Captain Struwig admitted there had been occasions when detainees were kept in the offices through the night, but said this had not happened in Mr Mayson's case.

'Hair pulled'

Regarding the bald patch on Mr Mayson's head where hair had allegedly been pulled out by Warrant-Officer "Spyker" van Wyk, Captain Struwig said he had read about the allegations in Mr Mayson's statement but he did not "find it necessary" to follow up the complaint.

The captain denied having told Mr Mayson he had sent two people to pick up Mr Mayson's wife. "The accused will say you said so and that you said you knew Mrs Mayson had had a nervous breakdown but that would not deter you from detaining her as well," Mr Wentzel said.

The case continues today. — Sapa

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Morisy 10/2/82
Court Reporter

A 32-YEAR-OLD-black man who sent a 'death threat letter' to a black supervisor of the firm where they were both employed was sentenced to two years' imprisonment by Mr H W Weitz in the Durban Regional Court yesterday for contravening the Intimidation Act.

The entire sentence on Themba Willmöt Zwane was suspended for five years.

Zwane, a shop steward with the S A Allied Workers' Union, admitted he had sent a letter containing a threat against the life of Mr Thamsagna Luthuli.

The Court was told that Mr Luthuli was a supervisor at O T H Beier and Co in September last year.

Betrayed

The letter claimed that Mr Luthuli did not 'behave' at work and was a white man's informer.

It also said that Mr Luthuli betrayed his community and his fellow workers to the white people.

It also said: 'All crooks like you are dead. Where is Mr Griffiths Mxenge, a famous lawyer? Is he not dead? Why did he die? And who killed him?'

The letter warned Mr Luthuli to stop betraying his people.

The letter also said that Mr Luthuli should stop using buses to go to work and that he should apologise to the African National Congress.

The letter ended: 'Stay in peace, brother, I am from the ANC.'

Clothing change ^{11/2/83} not ~~54~~ allowed, court told ~~45~~ 331

ZWELITSHA — A woman was not allowed any change of clothing after her arrest on May 1 until her release on bail on May 18, the regional court heard yesterday.

Miss Linda Qina of Umtata, who was then a final year BA student at the University of Fort Hare told the court that she stayed in police cells at Alice with the same clothes she was wearing on her arrest until she was released.

Miss Qina is one of the 19 people charged with

public violence following the alleged stoning of a ministerial motorcade at the university's graduation ceremony.

They have pleaded not guilty before Mr J. A. Dracatos.

Miss Qina who has since obtained her degree, said while in custody she was photographed four times. Particulars of her clothing were taken down.

She said that a claim by Colonel Z. Makuzeni that she had thrown

stones in the direction of the police and that he had sent Sergeant Boloshe to apprehend her was not true. She had never thrown any stones.

She said she was arrested by Mr Vuyisile Jaca. She did not know Mr Jaca then but had seen him in court on Monday after an adjournment, standing next to the court stenographer taking notes.

She was told by some of the accused that his name was Vuyisile Jaca.

She said she was arrested on the campus after a commotion that had taken place earlier had died down.

While she was standing with friends Mr Jaca and another man came towards her. Mr Jaca called her but she told him that as a man he should come to her, she said.

The other man accused her of insolence. Mr Jaca arrested her and took her to a police truck where she found some of the accused inside the truck. Mr Alfred Metele, one of the accused, was handcuffed, she said.

The trial continues today. — DDR

Treason trial 331 moves to home of policeman

By Sheryl Raine
Pretoria Bureau

A quiet street in Dinwiddie, Germiston, became a hive of activity today when treason trial accused Mr Cedric Mayson strolled down the pavement and into a small house to hear further evidence against him.

Major Jan Visser, who was said to be in control of the Mayson investigation, was unable to appear in the Pretoria Supreme Court because he is recovering from a back operation.

Mr Justice P J van der Walt, defence attorney Mr Ernie Wentzel, Prosecutor J Swanepoel, court officials and security policemen spent the morning at Major Visser's home at 168 Black Reef Road.

While Security Policemen stood in small groups on the lawn outside Major Visser's neat home, court proceedings went on inside.

Members of the Press were not permitted to enter the house because of lack of space.

Mr Mayson was brought by car from the Pretoria Central Prison this morning. He was not handcuffed and spoke in a relaxed manner to his escorts.

A full transcript of today's court proceedings will be made available on Monday.

Yesterday the court heard how at least two teams of interrogators were with the accused during the weekend following his arrest on November 27 1981.

Detective van der Merwe said he and Sergeant van Schalkwyk were with Mr Mayson during the nights of Saturday and Sunday.

He said he first met Mr Mayson when he was detained in 1976 and that Mr Mayson was leaving the office of Major Arthur Benoni Cronwright, then still a captian.



Major Arthur Benoni Cronwright... "threat to internal security of this country."

"I remember his first words to me were: 'If anyone is a threat to the internal security of this country, it is that man' — meaning Cronwright," Detective van der Merwe said.

The second time he saw Mr Mayson he was instructed by Major Visser to interrogate him.

However, he conceded he knew little about Mr Mayson's case but did nevertheless interrogate him.

The detective described how he came on duty late on the Saturday afternoon and left at about 8 or 9 pm. The accused had started to write out a statement on that day.

He said he was on duty on the Sunday night and was with Mr Mayson throughout the night until 6 am on Monday morning. Most of the time Mr Mayson had slept on a camp bed in a neighbouring office.

"My client will tell the court that you got him sugar water because he was so tired and feeling terrible, and that you allowed him to sit down and put his head on a desk and sleep," Mr Wentzel said.

"My client also says you told him not to tell anyone you allowed him to sleep and that a bond of human sympathy was forged between the two of you out of mutual suffering.

"Detective van der Merwe, you were suffering from gout and Mr Mayson's feet were sore and swollen from being forced to stand."

The detective said nobody had told him Mr Mayson was not allowed to sleep and denied Mr Mayson was abused.

He told the court how captor and captive spoke freely about politics and the relationship of the Church to the State.

Detective van der Merwe recalled he had asked Mr Mayson what would become of him as a policeman after "the revolution."

FRIENDLY

Captain A van Niekerk told the court he and Lieutenant Hendrik Pitout were with Mr Mayson during the early morning and day of Saturday and Sunday.

He told the court Mr Mayson appeared mentally and physically normal.

"We chatted and he was friendly. He was far less tense than some of the many detainees I have interrogated," said Captain van Niekerk.

He claimed that if a person in detention declined to answer questions the person was "either charged or released."

"That doesn't happen very often," retorted Mr Wentzel, who went on to describe how the laws of the country had been changed in 1962 to ensure that a person could be held indefinitely.

"I'm not entitled to make a person talk," Captain van Niekerk told the court. "There is nothing in the law that allows the police to keep a detainee until he talks."

The case continues



Security Policemen inspect an "ANC" inscription on a lamp post at Major J Visser's house, which served as a treason trial courtroom yesterday.

Picture: Raymond Preston

(331) 20M 12/21/82

Treason trial held in SP major's home

By NORMAN PATTERTON

THE treason trial of Mr Cedric Mayson was held at the Dinwiddie, Germiston, home of a Security Police major yesterday.

Major J Visser, who was in charge of Mr Mayson's interrogators, gave evidence and was cross-examined in his home at 168, Black Reef Road because a recent spine operation prevented him from going to the Pretoria Supreme Court.

The Press was barred from the hearing and told a transcript of the proceedings could be collected on Monday.

A Captain Van Wyk, one of eight Security Policemen standing on the lawn in front

of the house, ordered Pressmen from the property and told a reporter he was trespassing when he was approached.

Mr Mayson faces a charge of treason, two alternative charges, and a charge under the Internal Security Act.

When Judge P J van der Walt emerged from the house at 11.30am he forbade the Press to run photographs in terms of the Prisons Act and drove off in his Mercedes.

Security Police drove Mr Mayson, dressed in a grey suit, away in a Cortina.

The hearing continues in Pretoria on Monday.

Mr Ernie Wentzel, assisted by Mr L Bowman, appeared for Mr Mayson. State prosecutor Mr J Swanepoel is assisted by Mr A Berry.

DD 12/2/83
~~105~~ (331)
Trial postponed

ZWELITSHA — The Fort Hare violence trial was postponed yesterday to April 11 in the regional court here after the sixth defence witness had given evidence.

Nineteen people, including a 15-year-old girl, have pleaded not guilty before Mr. J. A. Dracatos to charges of public violence. The trial is a sequel to an alleged stoning of Ciskei Government ministerial cars at the graduation ceremony at the University of Fort Hare last year. — DDR.



Union denies death threat letter ~~USA~~ man was a member ~~USA~~

Not one of us!

By **BARNEY MTHOMBOTHI**

THE South African Allied Workers' Union has denied reports that a man who sent a threatening letter to a fellow worker suggesting that Durban lawyer Griffiths Mxenge may have been killed for cheating or betraying the ANC, was a member of the union.

Mr Mxenge, who was found murdered and mutilated in November 1981, was the union's attorney.

Themba Wilmot Zwane, 32, was found guilty by Mr H W Weitz in the Durban Regional Court this week and sentenced to two years for contravening the Intimidation Act.

The sentence was suspended for five years.

Zwane admitted sending a letter in September last year containing threats against the life of Mr Thamsanqa Luthuli, a supervisor at OTH Beier and Company, where they were both employed.

In the letter Mr Luthuli was told there were people who wanted to kill him. Everything had been arranged and the assassin selected — only the date remained to be set.

Mr Luthuli had to be killed because he did not "behave" and was an informer for the whites.

Zwane, who was described as a Allied Workers' Union shop steward, wrote: "All crooks like you are dead. Where is Mr Mxenge, the famous lawyer? Isn't he dead? Who killed him? Why did he die? Please stop betraying people, its end is death."

Mr Luthuli was told to apologise to the ANC. "Stay in peace, brother, I am from the ANC," the letter concluded.

In a statement released in Durban yesterday, Allied Workers' Union general secretary Sam Kikine said Zwane was not, and had never been, his union's shop steward. The union had no knowledge of the letter read in court and wished "to dissociate itself completely from the unsavoury statements and sentiments expressed therein.

"SAAWU, as a federation of unions, wishes it to be placed on record that it had the utmost and unqualified confidence and faith in the person of GM Mxenge and condemns in no uncertain terms this and every other attempt to besmirch the character of the late Mr Mxenge, whose memory we, as a nonracial federation, hold in the highest esteem," the statement said.

Mr Kikine said he did not know how Mr Zwane came to be associated with SAAWU in the first place.

"We know all our shop stewards and if he was our member he could have brought the matter to our attention," he said.

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.

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Bombshell

SUNDAY TRIBUNE 13/2/82

Intelligence AND THE ANC DOUBLE LIFE OF A SPY WHO WORKED FOR THE GOVERNMENT

BY KAY TURVEY

THE treason trial of Cedric Mayson in Pretoria Supreme Court this week has dropped an intelligence bombshell.

A South African agent, Warrant Officer Karl Zachary Edwards, disclosed how he worked as a double agent for the National Intelligence Service, while pretending to be an agent for the African National Congress.

The former Government spy, now a member of the Port Elizabeth Security Branch, faithfully reported to two bosses between 1971 and 1981.

As part of a team which reported to Major Craig Williamson, he penetrated the core of Nusas, operated an escape network between South Africa and Botswana and established an ANC front organisation in Johannesburg together with a courier service for letters to and from ANC members in Gaborone.

It became evident in court that for several years during the period 1977-1981 the South African intelligence network operated the ANC's underground escape route to Botswana, allowing certain refugees to flee the country under their noses in order to continue gathering intelligence



□ Penny Mayson (centre), wife of treason trialist Cedric Mayson, with her family outside the Pretoria Supreme Court this week □ RIGHT: Former double agent Karl Edwards



and waiting for the time their evidence would be needed in court. Edwards, nicknamed "0012" by defence advocate Ernie Wentzel, told the court how he joined the ANC in 1977.

He said he helped Mr Chris Wood escape in 1976.

Mr Wood later allegedly wrote a letter to Mr Mayson, urging him to use the network to help people leave South Africa.

WO Edwards claimed he delivered this letter to Mr Mayson at Diakona House in Johannesburg, in 1977. This was his first meeting with Mr Mayson.

In his evidence in chief, Mr Edwards said Mr Mayson told him he would reply to Mr Wood along his own channels.

Mr Mayson later allegedly contacted WO Edwards and asked him to assist people leaving the country illegally.

The people who subsequently left the country along the network WO Edwards set up were: Miss Patricia Townsend; Mr Graham de Schmidt and Miss Lorana Meeran, who, according to the charge sheet, are supporters of the ANC.

But under cross examination by Mr Wentzel, Mr Edwards admitted that as far as he knew these three people had nothing to do with the ANC.

Miss Townsend had a nervous breakdown and Mr de Schmidt, who was white, had a relationship with Miss Meeran, a coloured.

WO Edwards conceded

Mr Mayson's main motivation in helping these people to leave the country had been based on humanitarian grounds.

Mr Wentzel also pointed out that the late sister of security policeman Major Craig Williamson, Miss Lisa Williamson — who was also in the police force — helped ferry the people across the Botswana border.

To laughter, Mr Wentzel remarked: "It seems as if the majority of the people in the network were members of the security services."

WO Edwards said he met ANC official Marius Schoon and his wife Jeanette, a South African Congress of Trades Union official, in Gaborone in 1977, claiming they gave

him a letter to deliver to Mr Mayson.

After this meeting, a regular courier service was set up between the Schoon couple and WO Edwards who, on every occasion, copied the contents of the letters before delivering them in South Africa.

Under cross-examination by Mr Wentzel, WO Edwards admitted he had not made copies of the first letter (from Mr Chris Wood) he allegedly delivered to Mayson.

Mr Mayson, 53, has pleaded not guilty to high treason, and two alternative charges of contravening the Internal Security Act by promoting the aims of the banned African National Congress.

Star
331
14/2/83

Mayson tells of 'fear of dying'

By Sheryl Rame
Pretoria Bureau

Mr Cedric Mayson typed out a statement to the satisfaction of Security Police because he said he was afraid of dying.

The treason trial accused described his anguish during the first four days in detention to the Pretoria Supreme Court today.

"They (the Security Police) can do anything they like to you. They walk around with handguns in their trousers or under their armpits.

"They make it clear that if you don't make a statement to their satisfaction they can detain you as long as they like."

An emotional Mr Mayson said he had heard stories of what had happened to other detainees and was frightened similar things would happen to him.

He told the court that shortly after his arrest on November 27, 1981, he was ordered to strip by Major Arthur Cronwright in an office on the 10th floor of John Vorster Square. His hands were then handcuffed behind him.

CRITICISED

"Lots of people were brought in and others peered in at me. I realised a dehumanisation process had begun.

"They asked me how I could be a Christian if I was a terrorist, a member of the ANC and a communist. Their language was very bad.

"In leaving the office, Captain Andries Struwig, a former police boxer, punched me in the chest."

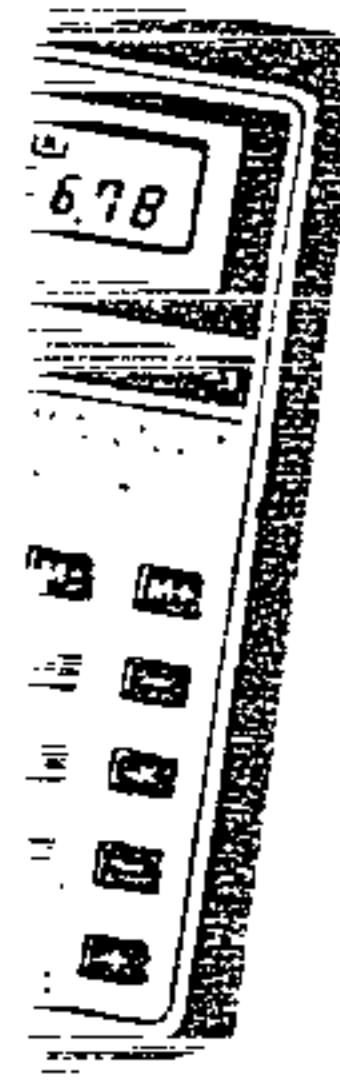
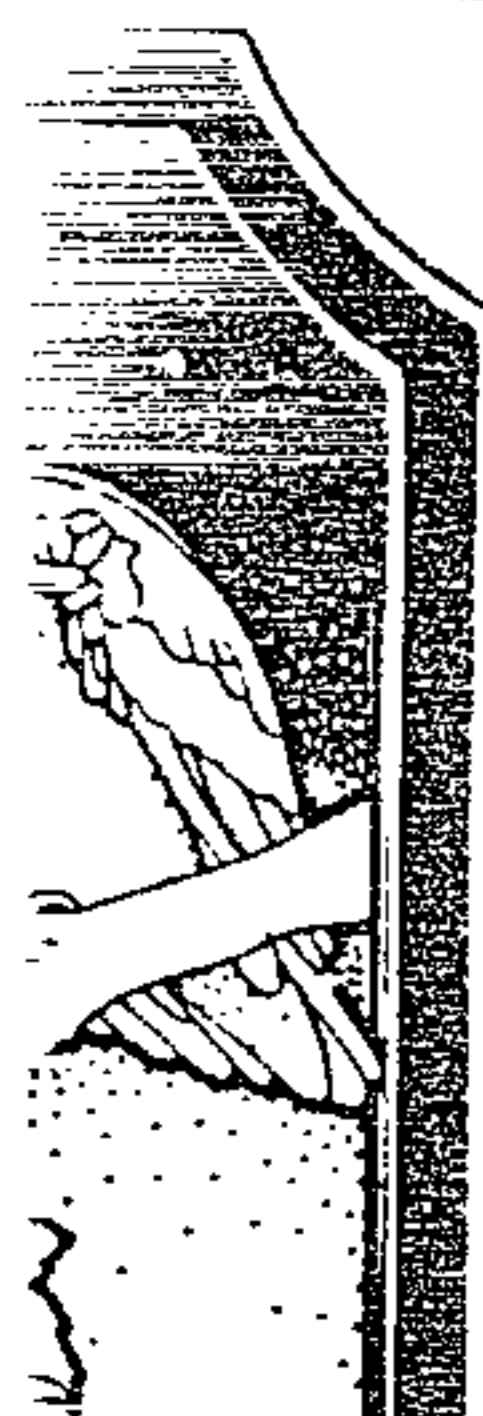
Left alone with Warrant Officer "Spyker" van Wyk, who is attached to the Security Police in Cape Town and nicknamed "Spyker" because, according to defence advocate Mr Ernie Wentzel, he is as hard as nails, Mr Mayson said the policeman had assaulted him.

"He suddenly leapt at me, fixed his hands in my hair, pulled me down on to my knees and jerked my head from side to side, pulling out some hair.

passport
Alexander
Correspondent

ESBURG. — A Robben Island and prominent ic. Dr Neville er. has been de- passport to attend ation conference ana

xander is now re- director of the African Council of Education in Cape Town one of several members invited nference



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Mayson tells of 'rough stuff'

CAPE TIMES 15/2/83
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Own Correspondent

PRETORIA. — A former Methodist minister yesterday told the Supreme Court here of "the process of dehumanization" he experienced at the hands of the security police when they interrogated him about his alleged African National Congress activities.

Cedric Radcliffe Mayson, 55, gave evidence concerning the admissibility of a statement he made while at John Vorster Square in detention and said a security police major told him to make a statement and said: "We do not want to start the rough stuff again"

Mr Mayson, who faces a charge of high treason and one under the Internal Security Act, said he viewed the assault on him by Warrant Officer "Spyker" van Wyk on the first day of his detention as "complete terrorism — nothing else".

WO Van Wyk allegedly yanked a tuft of hair from Mr Mayson's head after he had forced him to the floor.

When they arrived at the square on November 27, 1981, Mr Mayson said, the personnel chief of the Security Branch, Major Arthur Cronwright, accused him of being the ANC leader in Johannesburg.

He told the police he would make a statement because "I wanted to come into an open court to be able to say why I did certain things and to explain how I had been motivated by my Christian faith".

However, the police were not satisfied with his first, handwritten statement and told him to start another one, Mr Mayson said.

He said he knew there was a chance he would be detained because notes he

had sent from overseas to his son's address in July, 1981 had been intercepted by the police.

After he was taken to John Vorster Square, Mr Mayson said, he was taken to the tenth floor where Major Cronwright told him to strip and he was handcuffed

Several policemen were brought to the office. While some stood in the office, others remained in the corridor or climbed up to the windows of adjacent offices from where they mocked and harangued him.

"I then realized the process of dehumanization had started."

After this he was left alone in the office with WO Van Wyk who pulled his hair out, he said.

The interrogation started on Friday afternoon and he had to stand, naked and handcuffed behind his back.

He sat down to write his first statement on the Sunday afternoon after his arrest.

On the Saturday morning, Mr Mayson said, Major Cronwright came into the office and said "we know" Mr Mayson had met a top ANC official, Mr Thabo Mbeki, in London.

After they took away his first statement, the police told him to start another and to omit the parts about his motives, faith and beliefs.

Cross-examined by Mr J Swanepoel, for the State, Mr Mayson said he wrote in the second statement — the one in dispute — what "the police expected" because he did not want the "rough stuff" — as Major J Visser put it — to start again.

The hearing continues today.

The facts of life was better than usual last night, though I feel poor old Natalie is coming in for something of a drubbing at the hands of her "friends". She is not the most glamorous doll around, but has a wicked smile and a good line in swift rejoinders.

There is something very reminiscent of the Lone Ranger about the Knight Rider. Last night's episode was very much along the lines of the gallant frontiersman riding with such skill that the villains ranged against the luckless small-timer are soon brought to earth.

NEIL VEITCH
TV 2

THE profile of Mary Feli was comprehensive and worth all the trouble taken in tracing her Christian background up to the time she was entrusted with the job of solving some of the social problems faced by people in her community.

Her invaluable service in all walks of life in the local black townships was excellently highlighted and the interviews with her at various parts of her work disclosed the total commitment of a mother of five completely involved in helping people to help themselves.

Although the sensitive part of her work was evaded for obvious reasons, the programme was intelligently handled.

The sports programme showed highlights of Saturday's West Indies v South Africa one-day international. JOE GUWA

- 6.40 Hoe Wa Strydom
- 6.53 Sports match be and Am Park Sta
- 7.10: Diamante ging of d cial refer Elizabeth'
- 7.28: Die Voort dig? Ther kom hom visit for i
- 8.00: News
- 8.28: Weather
- 8.35: News Fe in the re
- 8.50: Police Fil Hall-Groo help solv
- 9.03: Masada. tician fr Tenth Le in the m that God
- 9.54: Looking A Taxiderm scientific look at Museum homes.
- 10.27: Portrait of the most; a family — The B
- 10.51: News
- 11.06: Epilogue.

Le Grange sanctions LP's 'military wing'

CAPE TIMES 15/2/83
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Political Staff

THE Minister of Law and Order, Mr Louis le Grange, has given the green light for the Labour Party (LP) to form a "military wing" to deal with opponents who disrupted its meetings.

"If the Labour Party is terrorized by unruly elements, it is entitled to form an internal body to protect itself — as long as it remains within the law," Mr Le Grange said in an interview.

Mr Le Grange was commenting on an announcement by the Transvaal LP leader, Mr Jac Rabie, that the party would form a

"military wing" to deal with opponents who disrupted meetings.

Describing the behaviour of demonstrators who disrupted Labour Party meetings as "nothing less than political thuggery", Mr Le Grange warned that the police would continue to intervene to restore order.

But Mr Rabie's threat to form the "military wing" has precipitated a row within the LP.

The party's national chairman, Mr David Curry, yesterday repudiated Mr Rabie's claim and said that he had no knowledge of a "military wing".

"Neither do I think it would be the answer," said Mr Curry.

"But I think that Mr Rabie's off-the-cuff statement was an understandable emotional response to the fighting at Eldor-

Reffering to the demos, Mr Curry said: "It is an orchestrated group, and not the community, that is disrupting our meetings to prevent us from getting our message across.

"If you believe in democracy you must practice it. We cannot allow property to be destroyed."

Meanwhile, the Labour Party's image has taken a further knock with the decision by the 19 000-strong Cape Teachers' Professional Association (CTPA) to reject the government's constitutional proposals. The Indian Reform Party took a similar decision at the weekend.

At a time when the Labour Party is fighting to prove that it is the representative voice of the coloured community Mr Rabie's threat to form a "military wing" will raise

Lawyer defends 'torture' claims

From ANDRE VILJOEN HARARE. — A Zimbabwean lawyer told a Harare regional magistrate yesterday he had tried to uphold the course of justice by informing reporters about what he considered to be appalling unauthorized torture of two detained air force officers.

"We as officers of the court are sometimes forced, morally and ethically, to bring something to public notice when there is a poisoning of the rivers of justice," said the lawyer, Mr Michael Hartmann.

Mr Hartmann and a colleague, Mr Rhett Gardener, are charged with contempt of court arising

From J H Victor, before Monday. All resignation have immediate and the resultant tions are expected held in April. Pending provincial elections in Car and Malmesbury ly to be held on date. Mr Van Breda s terday that the co of the agreeme that Mr Botha stand for re-elec Soutpansberg Treurnicht in Wa while Mr Langley resign his Waterki to oppose Mr B Soutpansberg This is in term Botha's challenge Treurnicht in Pa last week. While Nation CP workers are ing equal cont about Soutpansb Waterberg, the ke



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Informers admits lying to court

A former Mocambiquan army officer turned informer who admitted he would say "anything" to please the Security Police was yesterday reprimanded for lying before court.

Mr Jim Kelly of Eldorado Park admitted that he had given false evidence because the Security Police had told him what to say. He was

giving evidence before Mr I J J Luther in the Kempton Park Regional Court where four people are charged under the Internal Security Act. They are Messrs Stanley Radebe, Ephraim Madalane, Ernest Mohakalane and Miss Innocentia Mazibuko. All have pleaded not guilty.

In his evidence, Mr Kelly who spoke through a Portuguese interpreter, fled Mocam-

bique when President Samora Machel took over the Government in 1975. He went into Swaziland and later South Africa. He said he went back to Mocambique and returned to South Africa without a passport.

On January 27 last year, he said, he gave a young hitchhiker a lift to Botswana where he met Mr Mohakalane who

gave him pamphlets in two envelopes and asked him to come into South Africa with them. Mr Kelly said he hid the envelopes in the engine of a car the Security Police had given him.

Before dismissing him, Mr Luther questioned Mr Kelly on the "false" evidence he had given.

Magistrate: "Why did you agree to deliber-

ately give false evidence to this court?"

Mr Kelly: "I was told not to mention anything."

Magistrate: "In other words, you were told to give false evidence?"

Mr Kelly: "I explained the way I was told to."

Mr Luther asked who had given Mr Kelly instructions on what to say, and he replied: "The major."

reserve rate
C.B. rate of interest
Indirect
altering require cook - reserve
liquor - assets
bank rate
Open market selling assets
direct - credit ceilings, but purchase
Moral suasion + package deal
Govt - deciding on budget
movement of cook reserve from Govt
borrowing from Govt Bank
borrowing " overseas

February 15 1983

Mayson tells of 'panel-beating' at John Vorster Square

The Star Tuesday

Pretoria Bureau

Former Methodist minister Mr Cedric Mayson (55) yesterday spent almost an entire day in the witness stand. He told the Pretoria Supreme Court of four days of alleged "panel-beating" — as the process of breaking down detainees is known among prison inmates.

Only one other witness, Warrant Officer Petrus "Spyker" van Wyk, gave evidence on the sixth day of the treason trial, which has become a trial-within-a-trial to decide on the admissibility of a controversial state-

ment allegedly made voluntarily by Mr Mayson. Warrant Officer van Wyk, nicknamed "Spyker" because he is allegedly "as hard as nails," denied assaulting Mr Mayson by grabbing his hair, dragging him to his knees and jerking his head from side to side.

He also denied that Mr Mayson was forced to stand.

Describing the events which took place after his arrest on Friday, No-

vember 27 1981, Mr Mayson said he was not surprised he had been detained.

After the interception of certain notes which he had posted to a fictitious Denise Fogherly at his son's address from abroad, he was expecting the police.

He had already taken a decision not to leave the country but to stay and defend his beliefs.

He said many of his friends had left the

country and he had seen the anguish exile had brought them.

The accused said Major Arthur Cronwright had ordered him to strip and remain standing for more than 48 hours.

"Lots of people were brought in to look at me naked. They shouted at me, mocked my Christian faith and yelled obscenities," said Mr Mayson.

A Captain Struwig, a former boxer, had punch-

ed him in the chest. "I felt the blow for several days," Mr Mayson told the court.

In office 1016 on the 10th floor of John Vorster Square, he was left alone with WO van Wyk, who leapt at him, grabbed his hair, pulled him to his knees and jerked his head from side to side.

Mr Mayson said he had lost some of his hair.

"WO van Wyk was left alone with me for the sole purpose of assaulting

and terrifying me," said Mr Mayson.

He described how he was not permitted to sit down from the time he was arrested on Friday until Sunday afternoon, November 29. His feet from the toes to the instep were purple and swollen.

He was not permitted to sleep during this time, he said, as was given irregular meals in a plastic cup, sugar water to revive him, and tea.

Teams of interrogators and other Security Police were with him throughout the weekend. He said he was determined they would not "break him". Every time he tried to lean against a table to rest, he was told to stand up.

A Major Visser had been surprised at one stage during his interrogation to find the accused naked, and had ordered him to dress. However, Major Cronwright then

ordered him to undress.

"It was obvious to me that some of the police were not in favour of the rough stuff but were under orders from Major Cronwright," said Mr Mayson.

He said he had typed out a statement to the satisfaction of the Security Police because "quite frankly, I was afraid of dying in detention."

"They can do anything to you they like. Every-

body walks around with a handgun in his trousers or under his armpit. They make it quite clear that you must make a statement to their satisfaction or they can detain you indefinitely," he said.

Five months after his detention, he was allowed to see a lawyer.

At one stage, just after the death of Dr Neil Aggett in detention, the Chief Magistrate of Pretoria came to see him, he said.



Mr Cedric Mayson... "I was expecting to be detained."

Mayson trial told of SP 'terrorism'

Pretoria Bureau

15/2/83
A FORMER Methodist minister told the Pretoria Supreme Court yesterday he viewed a Security Police-man's assault on him on the first day of his detention as "complete terrorism"

Mr Cedric Radcliffe Mayson, 50, faces one charge of high treason and another under the Internal Security Act. He was yesterday giving evidence in a trial-within-a-trial to determine whether a second statement he made to the SP at John Vorster Square in late 1981 is admissible as evidence.

Mr Mayson said he had been detained on 27 Novem-

ber, 1981. When they had arrived at John Vorster Square, the personnel chief of the SP Major Arthur Benoni Cronwright, had accused him of being the Johannesburg leader of the banned African National Congress.

Maj Cronwright had ordered him to strip naked and he had been handcuffed. A large number of policemen had mocked and harangued him, he said.

"I asked them whether they had not seen a naked man before, and they shouted back they had, but they had not seen the leader of the South African Communist Party naked before." Mr

Mayson told the court. "I then realised the process of dehumanisation had begun."

After this he had been left alone with Warrant Officer "Spyker" Van Wyk, who had yanked a tuft of hair from his head. This act Mr Mayson saw as being "complete terrorism".

The interrogation had started on a Friday afternoon, he said. On the Saturday, Maj Cronwright had told him another detainee, Mr Auret van Heerden, had told him Mr Mayson had met a senior ANC official, Mr Thabombeki, in London. Mr Van Heerden was lying on the floor (of another office) "cry-

ing like a baby." Mr Mayson said he had been told

He had told the police soon after his detention he would make a statement because "I wanted to come into an open court to be able to say why I did certain things and to explain how I had been motivated by my Christian faith." Mr Mayson told the court.

He had known he would be detained because notes he had sent from overseas to his son's address in July 1981 had been intercepted — but had decided against exile.

He had a statement on the Sunday after his detention, but the SP had taken it away because they were "not satis-

fied". They had told him to omit in his second statement the parts about his motives, faiths and beliefs.

Copies of the notes he had sent from overseas were given to Mr Mayson when he began his second statement, which ran to 29 pages — and most of which, Mr Mayson said, excluded at the insistence of the SP the parts explaining his faith.

Under cross-examination by Mr J Swanepoel the prosecutor, Mr Mayson said the disputed second statement was what "the police expected" — he had been "afraid of dying". Mr Mayson told the court.

Mayson: ANC can play positive role

Pretoria Bureau
Intercepted private notes written by treason trialist Mr Cedric Mayson referred to increasing white components of the ANC's military wing, Umkonto we Sizwe, targets for ANC reconnaissance, the Pretoria Supreme Court heard yesterday.

The notes were seized from the post by the Security Police after Mr Mayson posted them from abroad to a fictitious person at his son's address in South Africa.

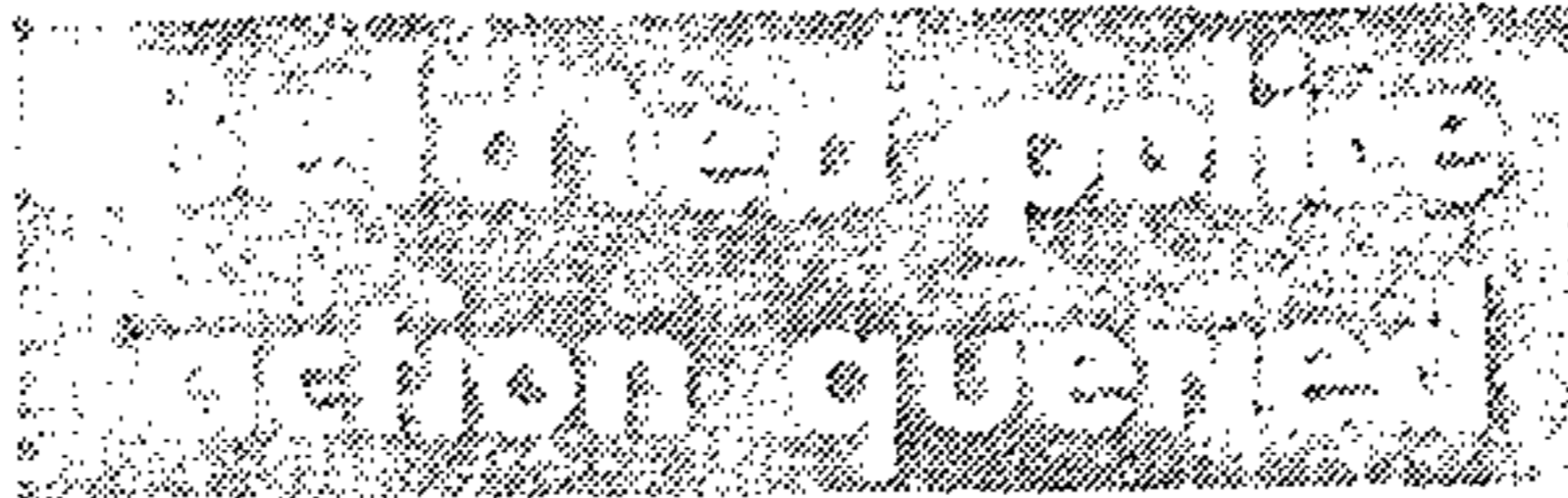
Mr Mayson (55) made the notes during a meeting in London in July 1981 with the commander of the ANC's military wing, Mr Thabo Mbeki.

Security Police later used the notes as the basis for a statement made by Mr Mayson to a magistrate and now in dispute on the grounds that the accused was assaulted before typing the statement.

The notes mentioned boycotts and strikes, sabotage, the ANC revolutionary committee, organising youth groups into an underground ANC structure, storing weapons in churches and Dr Margaret Nash, a Cape Town academic who was referred to as a potential ANC supporter.

Looking tired and drawn, Mr Mayson was under cross-examination by Mr J A Swanepoel for almost four hours yesterday.

Mrs Penelope Mayson appeared distraught as her husband described how he was obliged to make a distorted statement on his activities to satisfy his captors.



Pretoria Bureau

The Pretoria Supreme Court today called on the police to explain why it took almost four months for an alleged assault on Mr Cedric Mayson to be investigated.

The alleged assault took place on the day Mr Mayson was arrested, November 27 1981.

Detective-Sergeant Aletta Blom said she received a letter from the Security Branch on February 25 1982, asking her to investigate the allegations of assault.

On March 17 1982, the policewoman said she went to Pretoria Central Prison and took a statement from Mr Mayson. She told the court that he refused to give her details of the assault but said that someone had pulled out some of his hair.

Mr Mayson denied that he made the statement in Pretoria. He said he made the statement on the 10th floor of John Vorster Square "in the same situation as the assault occurred."

Detective-Sergeant Blom admitted that a stamp on the statement said that it was made at John Vorster Square.

She said she had taken the statement back to John Vorster Square and illegally stamped it, and admitted she was guilty of an irregularity.

The statement, made after several alterations suggested by the police, was given to a Benoni magistrate on December 3 1981, Mr Mayson said.

During the proceedings in court Mr Mayson claimed that the ANC had a positive role to play in the country and that he believed it should be unbanned.

"Where Christian beliefs overlap with those of the ANC I support them strongly. But it was never my intention to further the aims of the ANC," he said.

The former Methodist minister has been charged with high treason for furthering the aims of the

ANC. He has pleaded not guilty.

Although his statement to the magistrate was still in dispute and its contents not yet admissible as evidence, Mr Justice P J van der Walt allowed certain portions to be scrutinised in open court "even though it would open a Pandora's Box," he said.

Exaggerations, half truths and pure inventions were put into the statement to satisfy the Security Police, according to Mr Mayson. These distortions included:

- Reference to a meeting and discussions with Mr Johnny Maka-

thini, a high-ranking New York official of the ANC, in London. The meeting took place during July 1981, and Mr Makathini saw Chief Gatsha Buthelezi afterwards.

In fact, Mr Mayson said, his meeting with Mr Makathini was purely coincidental. The ANC official had come to see Mr Buthelezi and happened to share a room with the accused.

- The misspelling of a name throughout the statement as an indication of Mr Mayson's objections to making it. Mr Thabo Mbeki, commander of the ANC's military wing, was referred to as Tabo in the statement.

- An invented story about an American voice on the other end of a telephone telling the accused to go to the top of an escalator in the Carlton Centre to collect R5 000 in cash.

- Fabrications about receiving money from exiled South African lawyer, Mr Shun Chetty.

"I never received any money from Shun Chetty but the Security Police kept questioning me about money and funds," said Mr Mayson.

- A false admission that the accused had duplicated, and distributed en masse, cassette recordings of speeches by Mr Oliver Tambo, leader of the ANC, and Swapo protest songs. In fact, Mr Mayson said, he made copies only for the Rev Beyers Naude and Mr Auret van Heerden.

Mr Ernie Wentzel (SC) assisted by Mr L Bowman are appearing for the defence.

The case continues.

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Dispatch 10/2/83 (331)

Union condemns death threat letter

EAST LONDON — The South African Allied Workers' Union (Saawu) has "completely dissociated" itself from a death threat letter produced in the Durban regional court last week from a man claiming to be a Saawu shop steward.

The letter was produced in the court during the trial of Mr Temba Wilmot Zwane, 32, who was imprisoned for contravening the Intimidation Act. The sentence was suspended for five years.

In a statement, Saawu's general secretary, Mr Sam Kikine, said that Mr Zwane had never been a Saawu shop steward as had been claimed.

The letter, which suggested that a lawyer, Mr Griffiths Mxenge, was killed for cheating or

betraying the banned African National Congress, was sent to a work supervisor, Mr Thamsanga Luthuli.

In his statement, Mr Kikine said that Saawu had no knowledge of the letter written by Mr Zwane, but "dissociates itself completely from the unsavoury statements and sentiments expressed therein."

"Saawu, as a non-racial federation of trade unions, wishes it to be recorded that it had utmost and unqualified confidence and faith in the person of the late G. M. Mxenge, and condemns in no uncertain terms this and every other attempt to besmirch the character of the late Mr Mxenge whose memory we hold in the highest esteem."

— DDR

Mayson

SAP 'pressured' me into untruths —

Own Correspondent

PRETORIA. — A former Methodist minister said in the Supreme Court here yesterday that the security police had insisted that he exaggerate certain aspects about his alleged African National Congress activities in the 29-page statement he made in detention so that he would be implicated.

For example, Mr Cedric Mayson, 55, said he had held discussions about the role of the church in the liberation struggle with the Rev Peter Storey, president of the South African Council of Churches and Dr Alex Boraine, the Progressive Federal Party member of Parliament, but the police had forced him

to say in the statement they had only discussed the role of the ANC.

Mr Mayson, who is facing a charge of high treason and a charge under the Internal Security Act, told Mr Justice P J Van der Walt he believed there was a possible role for the ANC to play in the South Africa and that the organization should be unbanned.

"Where aims and objectives of the ANC concur with the Gospel, I do support the ANC — that was one of the resolutions of the Christian Institute, and I stand by it," Mr Mayson said.

Yesterday, both the State and the defence closed their cases in the trial-within-a-trial concerning the admissibility of the statement Mr

Mayson made in detention. The statement was later confirmed before a magistrate in Benoni.

During the trial, the court heard several allegations of security police abuse of Mr Mayson and yesterday he emphasized that he had made the statement — "which contains exaggerations and untruths" — to satisfy his interrogators and because he was motivated by fear.

Mr Mayson, cross-examined by Mr J A Swanepoel, for the State, then went through the statement to point out the "untruths and exaggerations" he said he had included to satisfy the police.

With regard to a discussion he had held with a top ANC official, Mr John Makhafini, Mr Mayson

said he happened to be in the same house when Mr Makhafini arrived to see Chief Gatscha Buthelezi.

"But the police insisted that Mr Makhafini came to see me and that is why I put it as such in my statement. They wanted the statement to implicate me."

Likewise, the police claimed he had received instructions from the commander of Unkhonto We Sizwe (MK), Mr Thabo Mbeki, in London regarding the strategies of certain organizations and people in them and whether they could be infiltrated by the ANC. One of these organizations was Cosas (the Congress of South African Students). Mr Mayson has admitted he met Mr Mbeki, but denied receiving in-

structions.

Mr Swanepoel read from notes Mr Mayson had mailed from London after the meeting and which were intercepted by police. One part of the notes allegedly dealt with "increasing the white component of MK".

Another part of the notes allegedly dealt with targets for reconnaissance and sabotage, and another part allegedly dealt with support for boycotts and strikes.

Mr Swanepoel submitted that if the police had forced Mr Mayson to fabricate certain aspects of his statement, they would have been especially interested in the notes. The statement did not dwell on these aspects, Mr Swanepoel said.

He also said a reference in the notes about the South African academic, Dr Margaret Nash, allegedly said: "Dr Nash is not ANC but she must be pulled into the organization."

But in the statement, Mr Mayson described her as a "potential ANC supporter" and he allegedly referred to booklets of which she had been the author and which could be "used" by the ANC.

Regarding a reference in the notes about "examining the possibility of storing weapons in churches", Mr Mayson said both he and Mr Mbeki thought the suggestion was funny.

The trial continues today.

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Defence in Mpetha trial closes

CAPK TIMES 16/2/83
331

Supreme Court Reporter

THE defence case for the 17 men charged with trade unionist Mr Oscar Mpetha, 73, with murder and terrorism closed in the Supreme Court yesterday on the 209th day of the trial.

The defence case for Mr Mpetha himself closed last September.

Charges

The men are charged with taking part in terrorist activities between August 8 and 12, 1980, and with two counts of murder relating to events on Klipfontein Road, Crossroads, on August 11, 1980.

Mr Mpetha was excused from attending the hearing yesterday because of ill-health. Last week he was carried from the cells by two fellow accused.

Professor Noel Chabani Manganyi, professor and senior research fellow of the African Studies Institute of the University of the Witwatersrand — the last defence witness — told the court yesterday that since 1976 a generalized consciousness and conformity about political beliefs had spread among black youth.

"When we were students there was a great deal of room for differences of opinion," he said. "But now it is more important to have the right gut-reaction and to be part of the momentum."

The youth had also broken away from adults,

especially during the post-1976 period, he said.

"A schism of consciousness has developed between the youth and adults.

"This is dangerous because it means they depend entirely on their own ability to articulate the country's problems."

This tendency to exclude adults also meant that the ability of parents to socialize their children was diminished. Young people's primary influences had shifted from the family to youth.

The pressure of the group during actions such as those in Crossroads during 1980 was extremely strong. This was especially so since August 11 was a day of commemoration for certain people who had died during previous violence.

'Emotions'

In the post-1976 mood, a commemorative day could trigger a communal vulnerability to emotions when things could easily get out of hand, he said.

The hearing continues today, when the State will recall certain witnesses.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr J Slabbert is appearing with Mr C J van Wyk for the State. Mr I Farlam, assisted by Mr J R Whitehead and instructed by Frank, Bernad and Joffe, is appearing for Mr Mpetha. Mr Whitehead is appearing for four of the accused, Mr N P Willis for two, and Mr T Skweyiya for 12.

Court is told of pillow attack

2004 16/2/83
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LAUGHTER echoed through the Pretoria Supreme Court yesterday when Mr Cedric Mayson, 55, facing charges of high treason, described how his wife Penelope threw a pillow at a security policeman at the time of his detention in 1976 — and missed.

"My wife threw a pillow at Captain Andries Struwig during my first detention in 1976. Many people criticised her afterwards," he told the court.

"Why? For missing or throwing the pillow," asked Mr Justice P J van der Walt.

"For missing," replied Mr Mayson, amid laughter. Mr Mayson has pleaded

not guilty to charges of high treason and contravening the Internal Security Act.

Yesterday, he looked tired and drawn as he entered the witness stand for the second day during the trial-within-a-trial over the admissibility of a statement he made to a magistrate.

Mr Mayson has alleged that Captain Struwig punched him on his chest on his first day in detention on November 27, 1981.

He said yesterday parts of the statement he made to the magistrate on December 3, 1981, were pure fabrication and others were exaggerations to suit the Security Police.

He pointed out to the judge parts which were fabricated or exaggerated.

He said he feared dying as he was in the "complete power of people who had already shown that they have no hesitation in being brutal."

"Also many people have died in detention and death in detention has become something which will obviously be in the mind of a detainee," he said.

He had refused to become a State witness because "I would not like to give evidence in such a case, and I did not approve of detention".

The trial continues. — Sapa.

Irregularity in statement court told

PRETORIA — Sergeant Aletta Blom admitted in the Pretoria Supreme Court today irregularities about a statement she took from Mr Cedric Mayson, who is accused of high treason.

The statement — about an allegation that he was assaulted in that a tuft of his hair was pulled out — was taken almost four months after Mr Mayson complained.

NOTHING FURTHER

Sergeant Blom was called on today by Mr Justice P J van der Walt to explain why it took so long for an investigation to be made.

Sergeant Blom said the detective section at John Vorster Square received a letter about the allega-

tion on March 12. She visited Mr Mayson on March 17.

Mr Mayson refused to make a statement initially, but later agreed to make a statement mentioning he was assaulted, but did not want to say anything further about the matter.

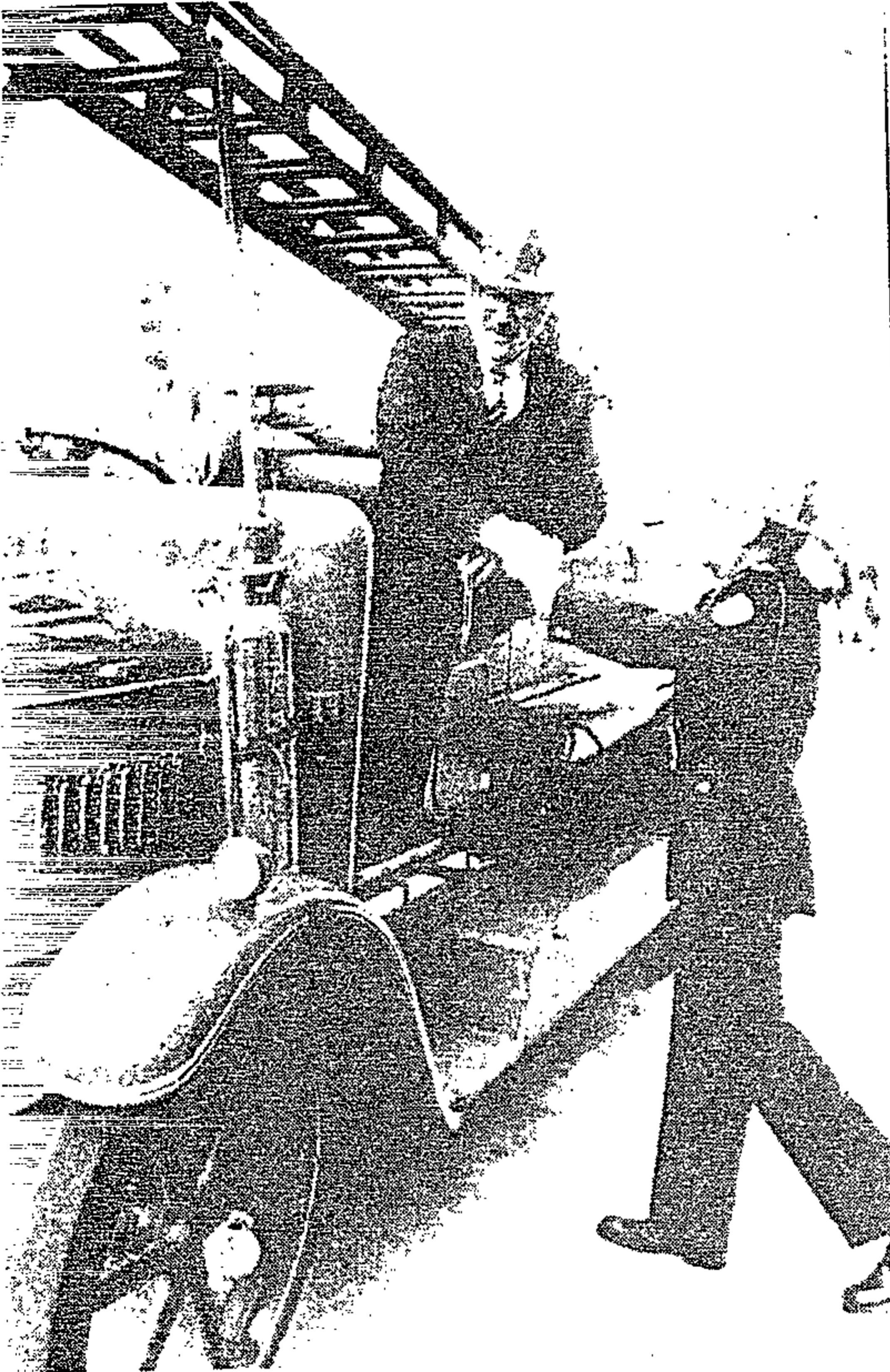
During cross-examination by Mr Ernie Wentzel SC, defence counsel, she admitted that a stamp affixed to the statement to indicate the oath had been taken was put on when she returned to Johannesburg from Pretoria.

According to the stamp, the statement was made and sworn to at Commissioner Street, Johannesburg. Sergeant Blom was adamant that she visited Mr Mayson at Pretoria Central Prison to take the statement.

Mr Mayson testified that he made the statement while on the 10th floor of John Vorster Square, in Commissioner Steet, Johannesburg.
(Proceeding.)

ARGUS 16/2/83

331



official opening of the new Fairview Fire Station. They arrived in style: in a fire engine that was the latest thing — in the 1920s.
● Picture by Clive Lloyd.

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table allegedly the owner of a shop of an im- police raid and ed the owner to for the warning, nesburg magi- card yesterday. table Jacobus was not asked to e charges of at- g to obstruct the of justice, two of bribery, and ther work without sent of the Com- of Police. table Kruger alle- believed that a un shop in May- ld be raided and Mr Joseph Rah- case was postpon- ebruary 23.

All-race beach plan will stay

Own Correspondent

DURBAN — The Durban City Council was unlikely to succumb to political pressures to rescind its decisions on integrating beaches and water-sport amenities, the Mayor of Durban, Mrs Sybil Hotz, said today.

Any attempt to review its decision would need the approval of two-thirds of the councillors.

Mrs Hotz was reacting to moves by National Party MPs in Natal to get the council to reconsider its plans for integrated facilities along its beachfront.

Mrs Hotz said the decision was taken in the interests of sound planning and economic need. The council believes the sharing of facilities

would promote racial harmony.

She said the council couldn't reconcile the continued segregation of its paddling pools when adjacent to them were amusement attractions open to all races.

Mrs Hotz disagreed with claims that the opening of these amenities would lead to racial friction and a drop in the tourist trade.

The Town Clerk, Mr Gordon Haygarth, said there were two pieces of legislation which could be used by the Government to block the multi-racial pool move. They were the Reservation of Separate Amenities Ordinance and the rule that by-law changes had to be approved by the Administrator.

Mayson (331) chose to stand — State

By Sheryl Raine,
Pretoria Bureau

If treason triallist Mr Cedric Mayson (55) had swollen ankles, it was not because he was forced to stand for two days while in detention — but because he chose to stand, the State told the Pretoria Supreme Court yesterday.

During argument to conclude a trial within a trial on the admissibility of a disputed statement made by Mr Mayson, the prosecutor, Mr J A Swanepoel, claimed that only Mr Mayson knew why he had chosen to stand for so long.

Mr Swanepoel conceded, however, that if Mr Mayson's version of what happened on the first four days of his detention was correct, 13 policemen had lied to the court in their evidence.

Mr Mayson, who has pleaded not guilty to high treason and other charges, has claimed that he was stripped naked, forced to stand for more than 48 hours, handcuffed, kept awake, punched in the chest and had his hair pulled out.

Arguing that a statement made by Mr Mayson and handed to a magistrate should be admitted as evidence, Mr Swanepoel said the accused had exaggerated in the witness stand in order to smear the police.

POWERFUL

It was impossible that Captain Andries Struwig, "a very powerful man" and ex-boxer, had punched Mr Mayson in the chest because the accused was willing from the beginning to make a statement.

Regarding allegations that Warrant Officer "Spyker" van Wyk pulled out Mr Mayson's hair in an assault, Mr Swanepoel said had Warrant Officer Van Wyk wanted to assault the accused, he was an "experienced policeman and would have done it in such a manner as to leave no marks."

On several occasions, Mr Justice P J van der Walt intervened. At one stage the judge said probability favoured Mr Mayson's version of events.

Mr Justice van der Walt asked why, if Brigadier Leslie Whitehead's evidence was true, that he visited Mr Mayson in his cell at John Vorster Square on the night of November 30, 1981, there was no record of the visit in the cell occurrence book.

REGISTER

The cell register also raised problems for the court because it showed Mr Mayson had been booked out of his cell on Friday, November 27, and not returned during the ensuing weekend.

Mr Justice van der Walt had difficulty with certain gaps in the evidence.

As regards the visit by Cape Town-based Warrant Officer van Wyk, the judge said: "He had nothing to do with the Mayson investigation. Was the accused freely available for all and sundry to go and look at him?"

Mr Justice van der Walt was particularly concerned about the pulling out of some of Mr Mayson's hair. None of the police witnesses except Major Jan Visser, the investigating officer, had seen a bald patch on Mr Mayson's head, but a magistrate had seen it.

Arguing that the statement should be rejected by the court, defence advocate Mr E Wentzel said that, whether the accused was prepared to make a statement or not, the police had wanted to demonstrate their power over him and had done it in a number of ways.

Mr Justice van der Walt will rule tomorrow on the admissibility as evidence of the disputed Mayson statement.

Overseas

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Overseas jockeys warm up

The visiting international "All Stars" jockeys team got the feel of the Gesforth Park Race Course, Germiston, today ready for tomorrow's second "test" against South Africa.

The "All Stars" — Yves Saint-Martin, Alain Lequex, Guy Guignard, Lloyd Duffy, Pat Eddery and Greville Starkey — hold a 21 point lead in this year's series

They have lost the series in the previous two years.

Former Jockey, and team manager, Mr Jimmy Lindley, said that the "All Stars" team of English and French jockeys rode as individuals once they were on the track.

Mr Lindley said the main point of the tests was the experience younger South African jockeys gained from riding against the world's best.

SP forced me to lie, says terror witness

A witness who admitted to giving false evidence in a terrorism trial yesterday told a Kempton Park magistrate that he had been threatened with detention by the Security Police if he strayed from what he had been told to say

The witness, who may not be named, was giving evidence for the State in the trial of Mr Stanley Radebe (27), of Senaoane, Soweto. Mr Ernest Lebana Mohakalala (23), of Molapo, Soweto, Mr Ephraim Mthuthuzeli Malebane (24), of Senaoane, Soweto and Miss

Nonkululeko Innocentia Mazibuko (20), of Zone 6, Diepkloof.

All four pleaded not guilty to charges of furthering the aims of unlawful organisations and taking part in terrorist activities.

Mr Mohakalala is also charged with undergoing military training in Lebanon

They are alleged to have furthered the aims of the banned Soweto Students' Representative Council (SSRC) and the South African Youth Revolutionary Council (Sayrco).

Other allegations are that they unlawfully recruited black youths to join Sayrco and tried to force contact with the Azanian Students' Movement with the intention of endangering the Government

The witness admitted to lying when he earlier testified that Miss Mazibuko had tried to recruit him into the ranks of Sayrco. He said he had been told what to say by a Mr van Loggerenberg of the Security Police, who threatened him with detention if he didn't follow instructions.

He said he had also signed a statement which differed from the original statement he wrote in September last year.

"I lied because I did not want to be detained," he said.

The hearing continues tomorrow.

Editor: No staff fired

The editor of Oggendblad, Mr Thys Human, denied last night that any editorial member of his newspaper had been fired as was reported yesterday in the Press, on radio and TV.

He said a reporter from The Rand Daily Mail had telephoned him saying he had information that staff members of Oggendblad were to be dismissed today.

Mr Human said he told the reporter he could deny the information although the editorial situation was still being investigated. — Sapa.

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Mrs M Eg-
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Wakkerstroom Hospi-
tal, she said.

She told of an inci-
dent when she had been
called to assist with a
birth at the hospital.
When she arrived, Dr
Smit and another nurse
were lying on a bed.

"He could not do a
delivery. I told them to
go, and I delivered the

baby. They had taken
something."

Another nurse, Mrs
M J De Bruin, told the
hearing that she had
once called Dr Smit to
tell him of an old man
who was ill. Dr Smit
gave a telephone diag-
nosis of brain hae-
morrhage, but declined
to come to the hospital.

"What must I do,

break his head open
with an axe?" Dr Smit
said according to Mrs
de Bruin.

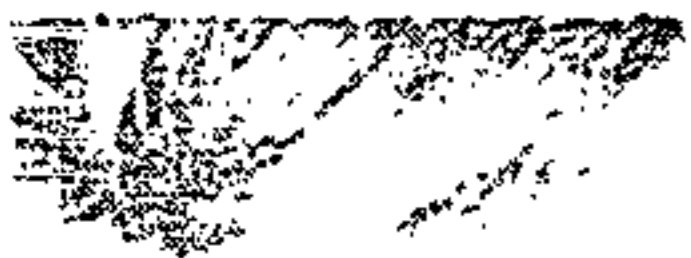
Dr Smit, a Ned Ge-
ref Kerk elder, said he
had low blood sugar
and low blood pres-
sure. This was the
reason, he said, for his
slurred speech and un-
steady walk.

After he was found

guilty, he told the
commission he had
built up a
R100 000-a-year prac-
tice.

It was unlikely that
a drug addict could
build up such a prac-
tice, he said.

The committee's
recommendations will
be referred to the April
sitting of the South
African Medical and
Dental Council.



Of the 234 newly graduated teachers
Pretoria Bureau
who made their debut in Transvaal
Education Department schools last

English teacher
CRISIS: ONLY 338
make TVI debut



PEOPLE
IN THE
NEWS

Mpetha 'terror' case adjoined to March

C. Times 17/2/83 331

Supreme Court Reporter

THE HEARING of trade unionist Oscar Mpetha and 17 others, in which more than 100 witnesses have testified in the past two years, was adjourned in the Supreme Court yesterday till March 28, for argument.

The witnesses who testified yesterday were the last to give evidence before Mr Justice Williamson gives judgment. Their evidence brought to a close the first section of the case, which began on March 3, 1981 and has covered more than 10 000 pages of record.

Mr Mpetha was originally charged with terrorism and two counts of murder with 18 young men. They all pleaded not guilty.

One of the young men, Mr Lawrence Lerotholi, of Nyanga, was discharged because of lack of evidence at the end of the State case in September last year.

Assault

On the terrorism charge, the State alleges that from August 8 to 12, 1980, the men either committed or incited and encouraged others to commit terrorist activities.

These activities included damaging cars by throwing stones or petrol bombs, assaulting the drivers, barricading Klipfontein Road, marching and singing on public roads and ordering the closure of schools.

They also included congregating in the Assembly of God church or the Roman Catholic church to incite or encourage each other and other people to commit acts of terrorism.

The murder charges follow the death of Mr George Beeton and Mr Frederick Jansen on August 11, 1980 — a memorial day to commemorate the 1976 Soweto riots.

The cars of both men were overturned and set alight at a barricade set up in Klipfontein Road, Crossroads. Mr Beeton died of injuries to his head, face and body. Mr Jansen, who arrived at the roadblock soon after Mr Beeton, died in hospital from severe burns.

During April 1981, Mr J Slabbert, for the State, alleged that Mr Mpetha was the "brains" behind a bus boycott at the time and the events on August 11. He claimed Mr Mpetha planned that vehicles would be stoned and whites killed on that day.

During the course of the hearing, seven judgments on preliminary matters were given — and reported in the South African Law Reports. These included judgments in two legs of a trial-within-a-trial in which 12 statements made by the men were judged admissible as evidence. Six statements were judged to be inadmissible.

At the end of the State case, applications for the discharge of Mr Mpetha, Mr Vuysile Mzaza, Mr Makawa Jabavu and two youths were refused.

Giving evidence in his own defence in September last year, Mr Mpetha said he had no knowledge of the allegations against him and had never addressed meetings or conspired with anyone to commit acts of vandalism or terrorism. He claimed he had never spoken about "destroying whites".

Service

Giving evidence, Mr Mzaza and a youth both claimed they had attended a service at the Roman Catholic church but had not gone to Klipfontein Road. Another youth claimed in evidence that he had attended a service at the Assembly of God church but was unable to go to Klipfontein Road as he was crippled.

Mr Vuysile Diba said he attended the Assembly of God service but did not go to Klipfontein Road as he got involved with a girl on the way.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and C H van Gend. Mr J Slabbert, with Mr C J van Wyk, is appearing for the State. Mr I G Farlam, assisted by Mr J Whitehead, instructed by Frank, Bernadt and Joffe, is appearing for Mr Mpetha. Mr T L Skweyiya is appearing for 11 of the accused, Mr Whitehead for four and Mr N Willis for two. All are instructed by A M Omar, Vassen and Company.

'Gaps' in State case Mayson judge

Own Correspondent

PRETORIA. — Counsel for Mr Cedric Radcliffe Mayson yesterday described as "preposterous" a claim by a security police interrogator that he had not discussed the drafting of a 29-page statement with Mr Mayson while Mr Mayson was typing it in detention.

Mr Mayson, 55, is charged with treason and also faces a charge under the Internal Security Act.

The judge referred to certain "gaps" in the State's evidence and said it was not clear what had happened to Mr Mayson during those periods. "It seems strange," he added.

Mr Ernie Wentzel, SC, appearing for Mr Mayson, said the evidence of the policeman, Major J Visser, was characterized by a "backbone of untruthfulness".

'More probable'

Mr Justice PJ van der Walt asked the prosecutor if he did not think the evidence of Mr Mayson about what had happened between him and Major Visser "seemed more probable".

Earlier, Mr Mayson told the court he had deliberately inserted certain passages into his statement "to satisfy the police". Yesterday the prosecutor, Mr J Swane-poel, agreed the statement could not be admitted as evidence if police had suggested to Mr Mayson what to write.

The judge is expected to rule this afternoon on the admissibility of the statement.

'Disquiet'

Yesterday Mr Wentzel said there should be grave disquiet about whether the statement had been made freely and voluntarily. He referred to several allegations of security police abuse made by Mr Mayson.

"There has been a deliberate attempt by the State to show Mr Mayson was held under normal circumstances in his cell at John Vorster Square and that he was only removed from the cell for questioning during the day," Mr Wentzel said.

Only when Mr Wentzel "extracted" evidence from the police witnesses had it emerged that Mr Mayson had been kept in the offices on the 10th floor of John Vorster Square for the first four days of his detention "and the reason for that was simply to tame him and to demonstrate security police power".

'Kept naked'

When the judge asked Mr Wentzel whether Mr Mayson's claim that he had been kept naked throughout the first week-end of his detention in November 1981 was not "strange", Mr Wentzel said: "If you want to demonstrate to someone the absolute power you hold over him, there is nothing strange about ordering him to strip."

The 29-page statement had not been made freely and voluntarily, Mr Wentzel submitted. The first statement Mr Mayson had made "freely and voluntarily" had been destroyed by the former personnel chief of the security branch at John Vorster Square, Major Arthur Benoni Cronwright. The trial continues.

Trial examines pressure on detainees

Doubts over SP major's evidence

By Sue Leeman
Pretoria Bureau

The announcement in today's Government Gazette that the Johannesburg suburbs off Fordsburg and Burghersdorp are now officially an Indian group area, has been condemned as an "utterly useless gesture".

Mr Cassim Saloojee who is chairman of A.A. stop, a body which helps those who are prosecuted under the Group Areas Act, said today Indians had been allowed to live in these areas in terms of

By Sheryl Raine
Pretoria Bureau

Detention without trial and the pressures which it could bring to bear on a detainee were scrutinised in the Pretoria Supreme Court yesterday.

Mr Justice P J van der Walt asked the State and the defence to argue their cases on a disputed statement in the treason trial of Mr Cedric Mayson (55).

Mr Ernie Wentzel (SC), appearing for Mr Mayson, submitted that detention without trial was in itself "unnatural" and placed a detainee in abnormal circumstances.

Highlighting the lack of legal rights granted to detainees, Mr Wentzel said any number of pressures, excluding the direct possibility of acts of violence, were automatically brought to bear on detainees.

These pressures included interrogation, fear of further detention, uncertainty of the charges against the detainee and hopes for early release.

Mr Wentzel compared the position of a man arrested on a specific charge who had to be brought to court and charged within 48 hours with a man like Mr Mayson, detained by the Security Police for 15 months for questioning.

While the man arrested on specific charges could consult his lawyer and make a specific statement confessing his crime or defending himself, a person in Mr Mayson's position would be in very different circumstances.

"The whole object of detention is to get

Quotable quotes in a battle of words

Pretoria Bureau
During the past two weeks the Pretoria Supreme Court has heard evidence from 13 policemen and Mr Cedric Mayson to try to establish what happened on the first four days of his detention, starting on November 27, 1981. The trial-within-a-trial which ends today, has spawned some quotable quotes, including:

● "If Cedric Mayson had swollen ankles, it was not because he was forced to stand for two days but because he chose to stand for reasons best known to himself" — Mr J A Swanepoel, the prosecutor.

● "During interrogation, if a detainee asks to sit or stand, he is allowed to do so. If he is tired we would take him back to his cell." — Captain Andries Struwig, Security Branch, John Vorster Square.

● "I destroyed a written statement made by the accused because I didn't believe it was the truth, and I still don't think it was the truth." — Major Arthur Benoni

information," Mr Wentzel said. "If that information is incriminating it is then used to draw up charges against the detainee."

When a detainee made a statement, he had no opportunity to consult a lawyer, had no knowledge of the possible charges against him but was nevertheless obliged to

Cronwright, former head of personnel, Security Branch, John Vorster Square.

● "The laws of the country give the police the right to continue interrogating a detainee until he talks." — Lieutenant Hendrik Pitout, Security Branch, John Vorster Square.

● "I'm not entitled to make a man talk." — Captain Adriaan van Niekerk, Security Branch, John Vorster Square.

● "I typed out a statement because, quite frankly, my Lord, I was afraid of dying in detention." — Mr Cedric Mayson, the accused.

● "The reason why none of the Security Policemen can remember what Mr Mayson was wearing is because he was kept naked." — Mr Ernie Wentzel, defence advocate.

● "If the accused's version of what happened on the first four days of his detention is correct, then 13 policemen lied to the court." — Mr Swanepoel.

make a statement of which any part could be used against him.

In addition to these pressures in the case of Mr Mayson, there was evidence before the court that some of the accused's hair had been pulled out and that he had been kept out of his cell for at least three

days.

Mr Mayson has also claimed he was assaulted, punched in the chest, kept awake, handcuffed and made to stand for two days.

All 13 of the Security Policemen who gave evidence denied these claims.

Mr J A Swanepoel, arguing for the State, pointed out that Mr Mayson had failed to complain of assaults on him or pressures on him to make a statement when he saw a magistrate.

On the issue of whether or not the Security Police prompted and induced Mr Mayson to type a statement, Mr Swanepoel conceded that there were discrepancies in evidence given by the investigating officer, Major Jan Visser.

The Security Police officer had answered the same question relating to his role in handling the statement in three conflicting ways.

When first asked if he had read the typewritten statement made by Mr Mayson, Major Visser replied that he had not.

Later he said he glanced at it but did not absorb it, and finally he told the court that the type-written statement was a "better statement" than a previous handwritten statement started by Mr Mayson.

This, the judge said, indicated that Major Visser had absorbed enough of the typewritten statement to make a substantial comparison. The major's three replies placed doubt on his evidence.

November 27 1981.

He said he was kept awake, forced to stand naked and handcuffed for two days, was punched in the chest and had some of his hair pulled out.

Pretoria Bureau

A Pretoria Supreme Court judge ruled today that a 29-page statement made by treason trialist Mr Cedric Mayson was not admissible as evidence.

Judge rules statement out

detailed reasons would be given at the time of judgment.

treason.

Earlier, in a trial



Northern Transvaal Bureau

THOHOYANDOU — At a special session on Wednesday, the Venda Parliament approved certain amendments to the Casino Act. These will enable the Venda Government to withdraw concessions granted to Mr Jaap de Villiers, of Upsurge Investments, to operate the Flockhart

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Star 18/2/83

'Reserve' urged on judge

CAPL-Trans

18/2/83

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Own Correspondent
JOHANNESBURG. — Defence counsel for Cedric Radcliffe Mayson, 55, said yesterday that if the statement his client had made in detention was admitted as evidence, it would "do violence" to the evidence the court had heard regarding the admissibility of the statement.

And Mr Ernie Wentzel, SC, told Mr Justice P J van der Walt, who will rule this morning on the admissibility of the statement, that the "lack of candour" on behalf of the police witnesses about their treatment of Mr Mayson should cause the judge to regard their evidence with great reserve.

Police and the State allege that Mr Mayson, who faces a charge of high treason and one under the Internal Security Act, made the 29-page statement "freely and voluntarily" while he was in detention at John Vorster Square.

Bald spot

But Mr Wentzel yesterday pointed to discrepancies in the evidence of Major J Visser, who was in charge of the interrogation during the first weekend of Mr Mayson's detention, and said he (Mr Wentzel) had been forced to "extract" evidence from the major.

"Why this lack of candour on his behalf? He had to be pressured before he finally admitted he did observe a bald spot on Mr Mayson's head where some of his hair had allegedly been pulled out."

Of the 13 police wit-

nesses, Mr Wentzel said, it was only the 11th witness who had conceded that Mr Mayson was kept in security police offices — and not his cell — during the first weekend of his detention in November, 1981.

Concerning the drafting of the statement, Mr Wentzel said it was "absurdity to the third degree" for Major Visser to deny he even read Mr Mayson's statement before it was taken to the magistrate.

The State prosecutor, Mr J A Swanepoel, earlier conceded that if Mr Mayson included certain aspects in the statement at the behest of his captors, it would be inadmissible.

'Distaste'

Asked by the judge whether Major Visser was a satisfactory witness, Mr Swanepoel conceded there were discrepancies in his evidence. He said the major merely "guided" Mr Mayson in the drafting of the statement.

Concerning the claim by Detective-Sergeant Aletta Blom that she took the statement from Mr Mayson concerning the alleged assault on him at John Vorster Square in Pretoria, Mr Wentzel said: "One is left with distaste at this untrue statement."

Mr Mayson said Sergeant Blom took the statement on the tenth floor of John Vorster Square and on Wednesday the form on which the statement was taken and which was handed in to the court had a "John Vorster Square" stamp on it.

Mayson statement 'does violence' to evidence

By JOUBERT MALHERBE
Pretoria Bureau

DEFENCE counsel for Mr Cedric Radcliffe Mayson, 55, said yesterday that if the statement his client had made in detention was admitted as evidence, it would "do violence" to the evidence the court had heard in the trial within a trial regarding the admissibility of the statement.

Mr Ernie Wentzel, SC, also told Mr Justice P J van der Walt that the "lack of candour" shown by police witnesses in describing their treatment of Mr Mayson should cause the judge to regard their evidence with great reserve.

Mr Justice Van der Walt will rule on the admissibility of the statement today.

It is claimed that Mr Mayson, who faces a charge of high treason and one

under the Internal Security Act, made the 29-page statement "freely and voluntarily" while he was in detention at John Vorster Square.

Mr Wentzel yesterday pointed to certain discrepancies in the evidence of Major J Visser, who was in charge of interrogation during the first weekend of Mr Mayson's detention.

"Why this lack of candour on his behalf? He had to be pressurised before he finally admitted he did observe a bald spot on Mr Mayson's head where some of his hair had allegedly been pulled out," Mr Wentzel said.

Of the 13 police witnesses, he said, it was only the eleventh who conceded that Mr Mayson was kept in Security Police offices — and not his cell — during the first weekend of his detention in November 1981.

Concerning the drafting of the statement, Mr Wentzel said it was "absurdi-

ty to the third degree" for Maj Visser to deny he even read Mr Mayson's statement before it was taken to a magistrate.

The State prosecutor Mr J A Swanepoel, asked by the judge whether Maj Visser was a satisfactory witness, admitted there were discrepancies in his evidence.

Concerning the claim by Detective-Sergeant Aletta Blom that it was in Pretoria that she took the statement from Mr Mayson concerning an alleged assault on him at John Vorster Square, Mr Wentzel said: "One is left with distaste at this untrue statement."

Mr Mayson said Sgt Blom took the statement at John Vorster Square. On Wednesday, the form on which the statement was taken had a John Vorster Square stamp affixed to it when it was handed in to the court, he said.

Mr Wentzel is assisted by Mr L Bowman, instructed by Kathleen Satchwell, and Mr Swanepoel is assisted by Mr A G Berry.

Tears as Mayson gets R1 000 bail

By JOUBERT MALHERBE
Pretoria Bureau

THERE were tears of joy in the Pretoria Supreme Court yesterday when treason trialist, Mr Cedric Mayson, 55, was released on bail of R1 000. He had been in detention since November, 1981.

The trial was postponed to April 18 because the State has been unable to trace one of its key witnesses in the case, former detainee and student leader, Mr Auret van Heerden.

And earlier yesterday Mr Justice P J van der Walt ruled the 29-page statement Mr Mayson made while in detention was inadmissible as evidence.

After the State had led evidence yesterday about documents which were seized by the police at Mr Mayson's home and at his office, the prosecutor, Mr J A Swanepoel, asked that the case be postponed.

He said the State had been trying to locate Mr Van Heerden — who was detained from September 1981 until July 1982 — since January.

Mr Ernie Wentzel, SC, for Mr Mayson, who also faces a charge under the Internal Security Act, said if the application for postponement was granted, he would apply for bail for Mr Mayson.

Mr Wentzel and Mr Swanepoel agreed bail should be set at R1 000.

When it became apparent bail would be granted, Mr Mayson's daughter, Miss Kimberley Mayson, found it hard to control her emotions and a visibly moved Mrs Penelope Mayson said: "I am stunned".

When the judge returned, Mr Swanepoel said the Attorney-General had withdrawn the certificate according to which bail could not be permitted to someone facing a charge of high treason.

The bail conditions set were that Mr Mayson reports on Mondays and Fridays to the Hillbrow Police Station or to a police station at Richards Bay.

Granting the request that the case be postponed so that Mr Van Heerden could be traced, the judge said it was "perhaps now more important" to hear Mr Van Heerden's evidence following the ruling on the statement.

It is alleged Mr Van Heerden received cassettes with recordings of speeches by African National Congress leader, Mr Oliver Tambo, from Mr Mayson and he and Mr Mayson discussed the creation of ANC committees after Mr Mayson had met ANC officials in London.

SP claim preposterous, treason trial is told

By JOUBERT MALHERBE
Pretoria Bureau

COUNSEL for Mr Cedric Radcliffe Mayson yesterday described as "preposterous" a claim by a Security Police interrogator that he had not discussed the drafting of a 29-page statement with the former Methodist minister while he was typing it in detention.

Mr Mayson, 55, is charged with high treason and also faces a charge under the Internal Security Act.

Mr Ernie Wentzel, SC, who is appearing for Mr Mayson, said the evidence of the policeman, Major J Visser, was characterised by a "backbone of untruthfulness".

And Mr Justice P J van der Walt asked the prosecutor if he did not think the evidence of Mr Mayson about what had happened between him and Maj Visser "seemed more probable".

Mr Mayson earlier told the court he had deliberately inserted certain passages into his statement "to satisfy the police" and yesterday the prosecutor, Mr J Swanepoel, agreed the statement could not be admitted as evidence

if police had suggested to Mr Mayson what to write.

The judge is expected to rule this afternoon on the admissibility of the statement.

Yesterday Mr Wentzel said there should be grave disquiet about whether the statement had been made freely and voluntarily and he pointed at the several allegations of Security Police abuse made by Mr Mayson.

"There had been a deliberate attempt by the State to show Mr Mayson was held under normal circumstances in his cell at John Vorster Square and that he was only removed from the cell for questioning during the day," Mr Wentzel said.

Only when he (Mr Wentzel) "extracted" evidence from the police witnesses did it emerge that Mr Mayson had been kept in the offices on the 10th floor of John Vorster Square for the first four days of his detention "and the reason for that was simply to tame him and to demonstrate Security Police power".

When the judge asked Mr Wentzel whether Mr Mayson's claim that he was kept

naked throughout the first weekend of his detention in November 1981 was not "strange", Mr Wentzel said: "If you want to demonstrate to someone the absolute power you hold over him, there is nothing strange about ordering him to strip."

The 29-page statement had not been made freely and voluntarily, Mr Wentzel submitted and he said the first statement Mr Mayson had made "freely and voluntarily" had been destroyed by the former personnel chief of the Security Branch at John Vorster Square, Major Arthur Benoni Cronwright.

Mr Swanepoel denied that the incident in which Mr Mayson's hair was allegedly pulled out — a magistrate confirmed he had seen a "reddish, bald patch" on Mr Mayson's head — had "influenced" him to make the statement.

The judge referred to certain "gaps" in the State's evidence and said it was not clear what had happened to Mr Mayson during those periods. "It seems strange," he added.

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equivalent of the FBI since he joined the 85-member Co-

ers "He promised the German R2 080 for a decoding

He said the German involved was not arrested be-

can service members - UP.

Tears as Mayson gets R1 000 bail

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By JOUBERT MALHERBE
Pretoria Bureau

THERE were tears of joy in the Pretoria Supreme Court yesterday when treason trialist Mr Cedric Mayson, 53, was released on bail of R1 000. He had been in detention since November, 1981.

The trial was postponed to April 18 because the State has been unable to trace one of its key witnesses in the case, former detainee and student leader, Mr Auret van Heerden.

And earlier yesterday Mr Justice P J van der Walt ruled the 29-page statement Mr Mayson made while in detention was inadmissible as evidence.

After the State had led evidence yesterday about documents which were seized by the police at Mr Mayson's home and at his office the prosecutor, Mr J A Swanepoel, asked that the case be postponed.

He said the State had been trying to locate Mr Van Heerden — who was detained from September 1981 until July 1982 — since January.

Mr Ernie Wentzel SC, for Mr Mayson, who also faces a charge under the Internal Security Act, said if the application for postponement was granted, he would apply for bail for Mr Mayson.

Mr Wentzel and Mr Swanepoel agreed bail should be set at R1 000.

When it became apparent bail would be granted, Mr Mayson's daughter, Miss Kimberley Mayson, found it hard to control her emotions and a visibly moved Mrs Penelope Mayson said "I am stunned".

When the judge returned, Mr Swanepoel said the Attorney-General had withdrawn the certificate according to which bail could not be permitted to someone facing a charge of high treason.

The bail conditions set were that Mr Mayson reports on Mondays and Fridays to the Hillbrow Police Station or to a police station at Richards Bay.

Granting the request that the case be postponed so that Mr Van Heerden could be traced, the judge said it was "perhaps now more important" to hear Mr Van Heerden's evidence following the ruling on the statement.

It is alleged Mr Van Heerden received cassettes with recordings of speeches by African National Congress leader, Mr Oliver Tambo, from Mr Mayson and he and Mr Mayson discussed the creation of ANC committees after Mr Mayson had met ANC officials in London.

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SALE SALE SALE

MEN'S SUITS FROM R50 ⁰⁰ JOHN STEPHEN, MEURICE, MONATIC ALBA, CHRISTIAN DIOR, YVES ST LAURENT, CARDUCCI, PIERRE CARDIN	LADIES' SLAX FROM R5 ⁰⁰ RONALD SASSOON, CARDUCCI, MONDI, CASSIDY, DIJON, ZA
SPORTS COATS FROM R30 ⁰⁰ MAN ABOUT TOWN, JOHN STEPHEN, PIERRE CARDIN, MENTONE	SKIRTS FROM R5 ⁰⁰ MONDI, AFFINITY, ZA, RONALD SASSOON
TROUSERS FROM R15 ⁰⁰ MOVERS, MONATIC, JOHN STEPHEN, MENTONE, KNOCKOUT	CORDS FROM R15 ⁰⁰ ZA, DIJON, WRANGLER, RONALD SASSOON, CHAPS
QUIDTC FROM R10 ⁰⁰	KNITWEAR FROM R5 ⁰⁰

WOMEN'S WEAR SALE, MEN'S WEAR SALE, BLOUSES SALE, KNITWEAR SALE

Building in Bloemfontein where a bomb

Picture: JILLIAN EDELSTEIN

19/2/83
Britain and Norway cut

State witness

tells court of

SB threats

7/2/83
A STATE witness in the Kempton Park Regional Court yesterday alleged that he was threatened with detention and prosecution if he did not "say what they want" in his evidence.

Mr X, who may not be identified, said he had made a statement to Warrant Officer Van Loggerenberg of the Protea Security Police, because he was scared of being detained and assaulted.

He was giving evidence before Mr JJJ Luther where Messrs Stanley Radebe, Ephraim Madalane, Ernest Mohakalane and Miss Innocentia "Freedom" Mazibuko have pleaded not guilty to charges under the Terrorism Act.

Mr X said he had met Miss Mazibuko in 1980. She had asked him to join the South African Youth Revolutionary Council (Sayrco) and invited him to a meeting. Later, he said, he realised that the movement advocated violence, and he decided to terminate his friendship with Miss Mazibuko.

He told the court he went to Miss Mazibuko's home in Zone 6, Meadowlands to tell her of his intention to terminate their friendship. There he found Mmasabata Loate who told him that even if he had withdrawn his friendship with Miss Mazibuko, his name was already on the Sayrco list.

Under cross-examination by Mr Tony Bassilian for Miss Mazibuko, Mr X said he was scared

By CHARLES
MOGALE

when the police took him to Protea to make a statement last year.

W O Van Loggeren-

331
Sowe fan
berg, he said, threatened him with detention if he did not agree with the statement allegedly made by Miss Mazibuko.

As a result of threats, shouting and screaming, he agreed "to say what they said".

Tears flow as Mayson released

331

~~20/2/83~~

S. Turine
20/2/83

By Kay Turvey

AFTER 18 months in detention, treason trialist Mr Cedric Mayson spent the day yesterday with his family at his Yeoville home

In a rare legal turn Mr Mayson, 55, a former Methodist minister who faces charges of high treason, and one under the Internal Security Act, was granted bail of R100 in the Pretoria Supreme Court on Friday.

Mr Mayson's daughter, Kimberley, 16, wept with joy while her mother, Mrs Penelope Mayson repeatedly said: "I just can't express how I feel".

Mr Mayson on hearing he was going home for the first time since he was detained in November, 1981, said while hugging his wife from the dock: "Do you think she will still remember me."

He was referring to his youngest daughter, four-year-old Judith whom he last saw over a year ago.

It's statutory that a person facing charges of high treason cannot be permitted bail. According to Mr Ernie Wentzel, SC for the defence, Mr Mayson is only the second person to be afforded bail. Braam Fischer, facing treason charges in the Rivonia trail, was granted bail in 1962.

Mr Mayson was granted bail after Mr Justice P J van der Walt agreed to a postponement till April 18.

The prosecutor, Mr J A Swanepoel asked for the case to be postponed until the State was able to trace a key witness, a former detainee and student leader, Mr Auret van Heerden.

The State assured that its chances of locating Mr van Heerden were good, although Mr van Heerden's attorney would not tell where he was.

"He is around and will have to come to court when we can locate him," said Mr Swanepoel.

Granting the request for the postponement s.

Mr van Heerden could be traced, the judge said it was "perhaps now more important" to hear Mr van Heerden's evidence following the ruling on the statement.

Earlier the judge had ruled the 29-page statement the accused made while in detention was inadmissible. He gave no reasons for his decision, which concluded the trial-within-a-trial situation which has existed since the hearing began two weeks ago.

Mr Mayson alleged he was kept standing naked, handcuffed and without sleep while interrogated on the 10th floor of John Vorster Square.

The court also heard several allegations of security police abuse of Mr Mayson, who stressed he made the statement "which contains exaggerations and untruths" to satisfy his interrogators and because he was motivated by fear.

In deciding on the admissibility of the statement, the laws pertaining to detention came under the spotlight.

After Mr Mayson's statement had been ruled inadmissible, the State provided what was described as a "formidable array" of exhibits. They brought in a suitcase containing letters and pamphlets, demonstrating against Ciskei independence and a record of liberation songs that had been taken from Mr Mayson's home and office. They also brought in a cardboard box containing 29 books that had been brought in for Mr Mayson from Botswana.

Mr Mayson's charges arise from his alleged support from the ANC.

PHOTOGRAPH



Mr Cedric Mayson picks up his wife, Penny, moments after he was released from Pretoria Central Prison on bail

(37)

State seeks key witness in Mayson treason trial

S. ex. news 20/2/87

THE trial of Mr Cedric Radcliffe Mayson, charged with high treason, has been postponed to April 18 while the State continues its search for a key witness — Mr Auren van Heerden.

In the Pretoria Supreme Court on Friday, Mr Mayson was granted R1 000 bail after Mr Justice P J van der Walt ruled that Mr Mayson's 29-page statement — typed shortly after his detention on November 27, 1981 — was inadmissible as evidence.

Mr J A Swanepoel, for the State, told the court the chances of finding the witness were good.

Mr van Heerden, a former president of the National Union of South African Students, intends suing 10 members of the Security Police for a total of over R60 000 for

By DANIELA
WYSZKOWSKI

assaults allegedly perpetrated against him during his detention from September, 1981 to July.

Earlier this week, Mr Mayson told the court he made the statement — "which contains gross exaggerations and untruths" — to satisfy his interrogators and because he was motivated by fear.

"Everyone knows about the numerous deaths in detention and I was scared of dying."

He said that, under the circumstances, he had inserted certain things which implicated him directly in activities of the outlawed African National Congress.

The court also heard that Major Arthur Cronwright, who headed the investigation into Mr Mayson's alleged ANC activities, had destroyed the accused's first statement because he didn't believe it was the truth.

For the defence, Mr Ernie Wentzel, SC, said Mr Mayson had made a second statement for fear of assault and a long detention.

Bail was granted on condition that Mr Mayson report at the Hillbrow Police Station on Mondays and Fridays, alternatively at a police station in Richards Bay where he may decide to holiday.

In granting the postponement, Mr Justice van der Walt said: "The State's lack of witnesses has become more important now it has been ruled that the statement (Mr Mayson's) is inadmissible as evidence."



Unionists fined

THE NATIONAL Union of Mineworkers has condemned the arrest by police and conviction in court of two union organisers at Vaal Reefs, near Klerksdorp last week.

The two union organisers, Mr Jeffrey Magida and Mr Muyiselo were fined R15 after being convicted in the Klerksdorp Commissioner's Court on a charge of not having a lodger's permit.

The organisers had earlier been questioned by Security Police while organising workers in preparation for a meeting between the union's national executive and the Chamber of Mines to which the mine management is affiliated.

The union and the chamber were due to sit at the weekend to discuss recognition which is seen by sources as a "major breakthrough for black unions" in the mining industry.

The union's general secretary, Mr Cyril Ramaphosa, said the union deplored the action of the police in union matters and maintained that the members were intimidated.

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Sowetan 21/2/83

Mayson re-united with family

AFTER 18 months in detention, treason trialist Mr Cedric Mayson spent the day yesterday with his family at his Yeoville home.

Granting the request for the postponement so Mr van Heerden could be traced, the judge said it was "perhaps now more important" to hear Mr van Heerden's evidence following the ruling on the statement.

Earlier the judge had ruled the 29-page statement the accused made while in detention was inadmissible. He gave no reasons for his decision, which concluded the trial-within-a-trial situation which has existed since the hearing began two weeks ago.

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The State assured that its chances of locating Mr van Heerden were good.



ON TRIAL: Cedric Mayson.

Mr Mayson's daughter, Kimberley (16) wept with joy while her mother, Mrs Penelope Mayson repeatedly said: "I just can't express how I feel."

Mr Mayson, on hearing he was going home for the first time since he was detained in November, 1981, said while hugging his wife from the dock: "Do you think she will still remember me."

He was referring to his youngest daughter, four-year-old Judith whom he last saw over a year ago.

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By CHARLES MOGALE

A KATLEHONG youth claimed that Security Police told him what to say to intimidate an accused in the Kempton Park terror trial.

The 17-year-old youth, who may not be named, admitted under cross-examination that the Security Police in Germiston told him to give evidence that Mr Ephraim Madalane had sent him to a PAC camp in Lesotho for military training.

Messrs Madalane, Stanley Radebe, Ernest Mohakalane and Miss Innocentia "Freedom" Mazibuko have pleaded not guilty to charges under the Terrorism Act. They are appearing before Mr IJJ Luther.

The youth told the court that he and a friend wanted to be enrolled in a school "in the rural areas like Natal" last January. The two went to Mr Madalane's home in Soweto and there he (Mr Madalane) arranged for them to be sent, after three days, to Lesotho.

He said he entered Lesotho by crossing the Caledon River and headed for Maseru where he met a man who took him to the PAC camp.

The youth said he lived in the camp for five months during which time all he did was read a book about Robert Sobukwe. The book, he

YOUTH DISCREDITS SP IN TERROR TRIAL

SOWETAN, Tuesday, February 22, 1983

Page 3

said, claimed that Sobukwe had died of slow poisoning.

After five months, he

said, his father came to fetch him and took him to the border post where he was interrogated by

the South African Police. The youth said he was scared and agreed to say

he had undergone military training in Lesotho. He said he also agreed to say he had joined the

Pan-Africanist Council because of his fear for the interrogator. He later made a

statement to the Germiston police in which he said Mr Madalane had sent him to the camp. The case is proceeding.

331 (3/11) Sfew
22/2/83

State witness 'thought SA ruled Lesotho'

By Themba Molefe

A 19-year-old student, who illegally crossed the border into Lesotho, told a Kempton Park Regional Court yesterday he thought Lesotho was part of South Africa.

Mr Lungi Robert Mothabela of Katlehong, Natalspruit, was testifying against four people charged under the Terrorism Act.

Mr Stanley Radebe (27) and Mr Mthuthuzeli Ephraim Madalane (24), both of Senaoane, Mr Ernest Lebana Mohakala (23), of Molapo, Soweto, and Miss Nonkululeko Innocentia Mazibuko (20) of Soweto, and Miss Nonkululeko Innocentia Mazibuko (20) of Diepkloof, Soweto, have pleaded not guilty to various charges under the Act.

Mr Mohakala has pleaded not guilty to undergoing military training in Lebanon.

Mr Mothabela told the magistrate, Mr I J J Luther, that he had met Mr Madalane in Soweto last January after being introduced to him by a man called Mvimbi.

He said Mvimbi had promised him and his three friends they would

be taken to a school in Lesotho, where they would receive free education.

"I was told by Mvimbi that I should not worry, when I asked whether there was a Zulu school in Lesotho."

Mr Mothabela said Mr Madalane had told him to say he wanted to join the South African Youth Revolutionary Council (Sayrco) on his arrival in Lesotho.

"I thought Sayrco was a school and was satisfied," Mr Mothabela said. They were taken to the Lesotho border by taxi and crossed through a river, he said.

Replying to a question by Mr D Soggott, for Mr Radebe, Mr Madalane and Mr Mohakala, Mr Mothabela said he had thought Lesotho to be the part of South Africa where Sotho-speaking people lived. He had only learnt after crossing the border that he should have obtained a passport to do so.

Mr Mothabela said he re-entered South Africa illegally three days after entering Lesotho.

The hearing continues.

Case against 6 AWB men postponed

331
CAN 7/10/83
24/2/83

Own Correspondent

PRETORIA. — The case against six members of the Afrikaner Weerstandsbeweging (AWB) was postponed again in the Pretoria Regional Court yesterday when the men appeared on charges of illegally possessing arms and explosives.

The prosecutor, Mr P J J Fick, told the court the men would appear in groups at separate trials.

All the cases are a sequel to the alleged uncovering of arms and ammunition caches on farms of members of the far-rightwing movement last year.

The accused include the leader of the AWB, Eugene Terre'Blanche, 38, of Ventersdorp, and Jan Groenewald, 37, of Naude Street, Wonderboom South, the AWB secretary.

Two of the accused, Jacob Daniel Viljoen, 40, of Kritzinger Avenue, Kerksdorp, and Hendrik Gerhardus Jacobz, 37, of

Reitz Street, Rustenburg, will face charges in the Supreme Court.

This hearing was postponed till March 9 when a date for the Supreme Court hearing will be determined.

A separate case against Dawid Frederik Botes, 43, of Fifth Avenue, Geduld, Springs, Mr Viljoen, Mr Groenewald and Mr Terre'Blanche was also postponed till March 9, when the men will plead to the charges against them.

The case against Cornelius Jacobus Jooste, 27, of Skinner Street, Sunnyside, Pretoria, was postponed till March 24. He will appear in Rustenburg to plead.

In another case to be heard in Klerksdorp on March 11, Mr Terre'Blanche and Mr Viljoen will appear together to plead.

The R1 000 bail granted the men at an earlier hearing was extended.

A Pretoria advocate, Mr Paul Bernard, is appearing for the accused.

Terrorism trial shifts to prison

24/2/83 Star (331) (M) (M)

The marathon Terrorism Act trial at the Kempton Park Regional Court will resume in a Free State prison on Monday to enable an sick police major to testify for the State.

Magistrate Mr I J J Luther accepted the application by the State to transfer the seven-month-old trial to Groenpunt Prison where a Major Boshoff is recovering in hospital after an operation.

Nineteen people have so far testified against Mr Stanley Radebe (27) and Mr Mthuthuzeli Madalane (24), both of Senaoane, Soweto, Mr Lebana Ernest Moshakala (23), of Molapo, Soweto and Miss Nonkululeko Innocentia Mazibuko (20), of Diepkloof, Soweto.

The accused have pleaded not guilty to charges under the Act, including futhering the aims of the outlawed Soweto Students Representative Council and the South African Youth Revolutionary Council. They have been in detention since 1981.

ROY 24/2/85
331

Terrorism charge against Transkei woman dropped

UMTATA. — Terrorism charges against a Transkei Government clerk, Miss Nomthandazo Lusizi, were withdrawn in the Umtata Magistrate's Court yesterday.

Miss Lusizi, 35, of Colosa, appeared last month with another former Transkei Government clerk and political refugee, Mr Vumankosi Ntinkinca, on charges under the

Transkei Public Security Act.

She was charged under a section of the Act which prohibits the rendering of assistance to persons reasonably believed to be terrorists.

The magistrate ordered a separation of trials last week and Mr Ntinkinca was committed for trial in the Supreme Court on various charges under the Act. — Sapa.

Witness thought PAC was a school

A 19-YEAR-OLD State witness aroused laughter in the Kempton Park terror trial yesterday when he said he thought a camp he had gone to in Lesotho, was a school where one was taught to become a refugee.

Mr Elias Majaga Ngubeni, a student in Katshehlong, was under cross-examination by Mr D Soggot in the trial of four Soweto people who have pleaded not guilty to charges under the Terrorism Act before Mr I J J Luther.

They are Mr Stanley Radebe (27), Mr Mthuzeli Ephraim Madalane (24) both of Senoane, Mr Ernest Lebana Mohakalane (23) of Molapo and Miss Innocentia "Freedom" Mazibuko (20) of Zone 6 Diepkloof.

In his evidence-in-chief, Mr Ngubeni said after he and a friend had been recruited, they had been told to join either the Pan-African Congress or South African Youth Revolutionary Council (Sayrco) on reaching their destination.

At first they had thought PAC and Sayrco were schools in Natal but found themselves in Lesotho. He had been told where a taxi would drop them and that they should ask for Molefi or Shocks because they were well known in Maseru.

He said after realising they could not find the people they were told to look for, they had asked for a place of refugees and went there the same day.

At the refugee camp, he said, they had found a man called Mashinini whom they knew and who advised them not to stay at the place because they would be sent to train as soldiers.

PROCEEDING.

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29/2/83

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Separate trials for 6 AWB accused

331 Pretoria Bureau

THE case against six Afrikaner Weerstandsbeweging (AWB) members was postponed again in the Pretoria Regional Court yesterday when the men appeared on charges of illegally possessing arms and explosives.

The prosecutor, Mr P J J Fick, told the court the men would appear at separate trials — all of which are a sequel to the alleged discovery last year of arms and ammunition caches on farms belonging to members of the Rightwing movement.

The accused include the leader of the AWB, Mr Eugene Terre'blanche, 38, from Ventersdorp, and AWB secretary Mr Jan Groenewald, 37, of Naude Street, Wonderboom South.

Two of the accused, Mr Ja-

cob Daniel Viljoen, 40, of Kritzinger Avenue, Klerksdorp, and Mr Hendrik Gerhardus Jacobz, 37, of Reitz Street, Rustenburg, will face charges in the Supreme Court.

The case was postponed until March 9, when a date for the Supreme Court hearing will be determined.

Mr Viljoen, Mr Dawid Frederik Botes, 43, of Fifth Avenue, Geduld, Springs, Mr Groenewald and Mr Terre'blanche will be asked to plead on March 9.

Mr Cornelius Jacobus Jooste, 27, of Sunnyside, Pretoria, will appear in Rustenburg on March 24.

Mr Terre'blanche and Mr Viljoen will appear in another case in Klerksdorp on March 11.

Bail of R1 000 was extended.



...s have not yet been demolished. Here residents wait for their turn.

No appeal for Durban bomb trio

THREE men who were found responsible for the seven bomb blasts which rocked Durban in 1981, were refused leave to appeal against their convictions in the Supreme Court, Pietermaritzburg yesterday.

Durban attorney Patrick Ntobeka Maqubela, Maboniswa Richard Mahutyana of Umlazi, and Seth Mpumelo Gaba of Mdantsane, were found guilty of high treason and sentenced to 20 years' imprisonment by Mr Justice J A van Heerden in September last year. *Sowetan 24/2/83*

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Last year, the council came under fire from the opposition for having not built a single house for renting purposes since its inception six years ago.

• The Mental Health Association is to erect a stall in the Dobsonville Council chambers, to

OK Super Savers

CAPE GRAPES

ALPHONSE LAVALLEE

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SP search 12 homes for former detainee

RDM 26/02/83

Mail Reporter 331

SECURITY Police have searched at least a dozen houses in Johannesburg and Cape Town looking for the former Nusas president, Mr Auret van Heerden, according to friends and associates.

Police have declined to comment, but a number of Mr Van Heerden's friends have told the Rand Daily Mail that police searched their houses or flats, asking for the former detainee.

In a statement yesterday, the police division of public relations said they were still "desirous to make contact with Mr Van Heerden" and appealed to him to come forward.

Mr Van Heerden's disappearance recently caused the postponement of a high treason trial — police said they had been trying to serve a subpoena on him since January.

Mr Van Heerden was expected to be a key witness in the trial of Mr Cedric Mayson, who is charged with high treason. When police said they had not been able to find Mr Van Heerden, Mr Mayson was granted R1 000 bail until March 18 while police continued their search.

Last year Mr Van Heerden laid a R65 000 damages claim against 10 Security Police-



Mr VAN HEERDEN Sought by Security Police

men. He alleged they tortured and assaulted him during his 10 months in detention, which ended in July last year. The case is expected to come to court some time next year.

Many of the houses searched were in the Johannesburg suburb of Yeoville, including the house previously occupied by Mr Van Heerden.

CAPE TIMES 26/2/83

Hunt for former Nusas leader

Own Correspondent

JOHANNESBURG — Security police have searched at least a dozen houses and flats in Johannesburg and Cape Town looking for former Nusas president Mr Auret van Heerden, according to friends and associates of the former student leader.

Police have declined to comment, but in a statement yesterday, the police division of public relations said they were still "desirous to make contact with Mr Van Heerden" and appealed to him to come forward.

His disappearance recently caused the postponement of a high treason trial when police said they had been trying to subpoena him since January.

Mr Van Heerden was expected to be a key witness in the trial of Mr Cedric Mayson. When the police said they had not been able to find Mr Van Heerden, Mr Mayson was granted R1 000 bail until March 18 while police continued their search.

Last year Mr Van Heerden claimed R65 000 damages from 10 security policemen he alleged tortured and assaulted him during 10 months in detention, which ended in July last year. The case is expected to come to court next year.

D. Dispatch 1/3/87 (331)

Terror trial told of assaults on detainee

ZWELITSHA — A Terrorism Act trialist told the Ciskei Supreme Court he had been stripped naked, tortured and assaulted by the Security Police during interrogation at the Cambridge security offices in East London during 1981.

Mr William Mabone Duna, 31, was giving evidence in a trial within a trial to determine the admissibility of statements he and his co-accused allegedly made to magistrates.

Mr Duna, Mr Dumisani Maninjwa, 31, Mr Bayi Keye, 52 and Mr Luyanda Mayekiso, 23, have been charged with participation in terrorist activities, being members of the banned African National Congress and possession of banned literature.

They have pleaded not guilty before Chief Justice de Wet.

Mr Duna said at one time a tube was put into his backside and he felt warm water being squeezed into his stomach. The tube was removed and immediately forced into his mouth and the force resulted in a tooth being broken.

Physically he felt pain but spiritually he no longer felt like a human being, he said.

On several occasions he was made to strip naked and do physical exercises, like lying on his back and lifting his legs up and down. When he was tired he was made to lie on his stomach and do press-ups and then to run on the spot.

On many occasions a Mr Elsdon would cover his head with a wet canvas bag which made it difficult for him to breathe as Mr Elsdon had tightened the bag around the neck.

At certain times he was asked to "ride a Boeing". In this exercise he was handcuffed and two tables were brought close to each other. He was told to sit with his hands in front of his knees so his knees were

between his arms. A rod was put under his knees and over the handcuffed arms. When the rod was put between the two tables he was suspended.

On one occasion he was blindfolded with the bag and electric shocks applied on his arms.

Mr Duna said he was ill-treated for several weeks by the police who wanted him to talk about ANC activities and ANC meetings they said he held at Mdantsane. He denied any knowledge of the alleged activities.

He said he was arrested on June 21, 1981 at his house in Mdantsane and taken to Fort Jackson police station. There he was assaulted by the Ciskeian police and called a terrorist.

He was transferred to the Cambridge police cells. He and other detainees could not sleep because police came to their cells "every five minutes" and threatened them with firearms, ordering them to stand up.

On the following day he was taken to an office and questioned about the ANC. When he denied knowledge of ANC activities he was ordered to strip naked. Mr Elsdon assaulted him, he said.

He said Captain C. van Wyk told him he was going to be detained until he told them what they wanted to know about the ANC. He was told to stand on a metal trunk and his hands were handcuffed to window bars. The trunk was pulled away and he was suspended by the handcuffs. This was so painful that he cried. The handcuffs cut deep into his skin, Mr Duna said.

On June 23 Mr Elsdon ordered him to strip naked again and asked a Mr Misani to handcuff him.

He said Mr Elsdon slapped him and punched him while he was naked. He put a wet bag over his head, which was tight and made breathing difficult.

Mr Robey Keth pun-

ched him on the stomach while he was hooded with the wet bag. He lost strength and fell on the floor. He was ordered to do physical exercises while naked.

Mr Duna said he was interrogated again on June 24 and made to "ride a Boeing".

He said Captain Van Wyk asked him who had attacked the Fort Jackson police station. When he said he did not know, Captain Van Wyk took Mr Duna's shoes off and hit him on the sole with the shoe.

Captain Van Wyk said if he ever complained about his treatment they would immediately know and what was happening to him would increase.

"He said that during the days I was under them they were a government in themselves because there was not a single person who was going to see me," Mr Duna said.

Captain Van Wyk told him that the doctor who was going to see him in prison was a state doctor and even prison warders belonged to the state.

Later that day Captain Van Wyk asked him about recruiting people to make bombs. The captain and Mr Elsdon and a Mr Muller assaulted him until he collapsed.

Mr Duna said on the following day electric shocks were applied to him after he had again denied any knowledge of ANC activities.

On one occasion when he wrote things down a Captain Naude tore it up and said it was rubbish.

Mr Duna said he had been subjected to ill-treatment for weeks. Almost daily he was told to write a statement. He wrote down those things he remembered police wanted him to write about until he ran out of facts. When the police were not satisfied they would order him to do physical exercises, strip him naked and assault him.

The case continues tomorrow. — DDR.

ZWELITSHA — A security officer told a detainee that nobody else would rule the country except a white government, the Supreme Court was told yesterday.

Mr William Mabone Duna, said he was told this by a Mr Muller of the East London security police while in detention in 1981.

Giving evidence in a trial within a trial to determine the admissibility of his alleged confession Mr Duna said Mr Muller said the ANC would never rule South Africa. Even if he thought there was some sense in what the ANC was saying, nothing could be done by a black man. He gave Zimbabwe as an example saying there was unrest there.

Mr Duna, Mr Dumisani Maninjwa, Mr Bayi Keye and Mr Luyanda Mayekiso, all of Mdantsane have been charged with participating in terrorist activities, being members of the banned ANC and being in possession of banned literature.

Detained: I wasn't told of rights

They have pleaded not guilty before Ciskei's Chief Justice, Mr Justice De Wet.

Mr Duna said he was told by Captain C. van Wyk to make a statement to a magistrate. He was given the statement he had made to the police to read as he was supposed to repeat it before the magistrate.

Before he was taken to the magistrate he said Captain Van Wyk told him not to tell the magistrate that he had been assaulted and had been induced or forced to make the statement but that he had come to make it voluntarily.

Asked by the defence counsel, Advocate M. T. K. Moerane, if the magistrate warned or cautioned him that he was under no obligation to make a statement, he said he was not. Neither was he told the statement might later be used in court as evidence against him.

When asked by the magistrate if he had been assaulted or encouraged to make the statement he said he had not been.

Asked by Mr Moerane why he did not tell the magistrate, Mr Duna said when the magistrate mentioned assault by the police he had a vision of Captain Van Wyk although he was not present. When he had the vision of Captain Van Wyk the office of the magistrate appeared as if it was a police station and he became afraid.

Earlier the court had heard that Mr Duna had been assaulted by Captain Van Wyk and other security policemen and that the captain had warned him that if he reported the assaults to anybody he would be assaulted further.

Mr Duna said when the magistrate asked him why he wished to repeat the statement he made to the police, he told him

he had been told by the police to make a statement before a magistrate.

He denied telling the magistrate that he wanted the statement to be handed in to court.

Asked by Mr Moerane if, when he told the magistrate certain things, he was doing it voluntarily, he said no. He did not know he had a right to refuse to make a statement.

Mr Duna said the treatment he received from the police broke him.

He was not himself with regard to will power. He felt like a machine under the hands of the security police and when they touched him he did as they wanted him to do.

Under cross-examination by the Attorney-General, Advocate W. F. Jurgens, he denied he exaggerated police harassment and intimidation.

Mr Jurgens put it to him that on his first night at the Cambridge police cells he was not woken up every five minutes and threatened with firearms.

Mr Jurgens said cell inspections were done hourly by the uniformed police and not every five minutes.

Mr Duna replied that the inspections were done after every five minutes if they were inspections at all.

Mr Jurgens put it to him that if he was suspended on the window bars while handcuffed he must have dropped when the trunk on which he was standing was pulled away. Mr Duna said he did not feel he was dropping down.

Mr Duna agreed with Mr Jurgens that the handcuffs cut into his skin while he was suspended but denied that the skin was lacerated and that he bled the first

D. Oberholzer
time. He said he got bruises the second time and bled.

Asked by Mr Jurgens if he had any scars he said they had been visible but had faded after a year in custody.

Mr Duna denied that Captain Van Wyk and Mr Mfazwe were away on the day he alleged they asked him about bombing a house belong to Mr Mfazwe and an attack on the Fort Jackson police station.

Mr Jurgens said he had evidence that the two policemen were at Mdantsane on that day and gave evidence at an inquest in connection with a motor car accident. Mr Duna said Captain Van Wyk came in and out of the office on that day.

Under cross-examination by Mr Jurgens, Mr Duna said he did not know the source of the electric shocks that were applied to him because he was hooded with a canvas bag. — DDR.



Ex-Nusas president sought ^{Jan 2/3/83} by police ³³¹

Johannesburg police have appealed to Mr Aurret van Heerden (above), who is wanted as a State witness in a terrorism trial, to come forward and assist them.

The appeal was made last night on TV's "Police File". A police spokesman said today that Mr Van Heerden, or anyone with information regarding his whereabouts, should contact Colonel L Malan at 834-6318.

Mr van Heerden, a former Nusas president, gave evidence at the inquest of Dr Neil Aggett, who was found hanged in his John Vorster Square police cell last year.

He was in detention for several months and has instituted a claim for damages against the Minister of Law and Order and the Security Police as a result of his alleged assault.

Mr van Heerden is wanted as a State witness at the trial of Mr Cedric Mayson in the Pretoria Supreme Court.

are seeking an ejection order against Mr David Bank (60) for allegedly harassing maids and tenants.

Mrs Taitai said that in April last year she and other maids were sitting discussing church affairs when the door of the room was flung open and Mr Bank appeared, armed with a gun.

She said he shouted at them, calling them baboons who were making a lot of noise, and threatened to kill them.

Mrs Moletsane said she feared Mr Bank and wanted to give up her job because of his behaviour.

She recalled incidents in which he had addressed objectionable language at her and other servants, calling them "bitches, baboons, prostitutes, monkeys and bloody kaffirs".

The hearing continues today.

had been curator at the park and now

by Mr B Duchon of Miller, Ackerman and Bronstein. Mr A Chester prosecuted

Snub for ratepayers

The Midrand Town Council has reacted to repeated allegations of incompetence by the Glen Austin Ratepayers' Association by no longer acknowledging the body as the official representative of its ratepayers.

A statement issued by the council says the ban will continue until the association "rectifies all the reckless and irresponsible public statements that have been made in the name of the association or its executive which has done far-reaching and irreparable damage to the future prospects of the area."

Terror Act lawyer raps 'poison' evidence

A lawyer, representing three of four people facing Terrorism Act charges in the Kempton Park Regional Court, yesterday described the State's evidence as "testimonial poisoning".

Mr D Soggott SC was leading argument in the trial of Mr Stanley Radebe (27) and Mr Mthuzeli Madalane (24), both of Senaoane, Soweto; Mr Lebana Ernest Mohakala (23), of Molapo, Soweto; and Miss Innocentia Nonkululeko Mazibuko (20), of Zone 6, Diepkloof. All have pleaded not guilty to several charges.

Mr Soggott said the Security Police team under Warrant Officer J van Loggenberg had threatened Mr Radebe with death, to force him to write a statement.

He said a Mr Els of the Security Police had threatened to shoot Mr Radebe and write a letter to his parents, saying he was trying to escape from the Groenpunt Prison, where he was held last year. Other prisoners had claimed Mr Radebe was assaulted.

"Out of desperation, Mr Radebe agreed that he knew of the Azanian Students' Movement, that he knew a Mr Mayathula and that a handgrenade was found in his car," Mr Soggott said.

(Proceeding.)

Overflow, not floods

Brixton residents who feared the drought in the suburb had been followed by floods when water flowed down Barnes Street yesterday can relax.

A spokesman for the Johannesburg city engineers department said a reservoir had overflowed while pumps installed at the Crosby pump station were being tested.

The spokesman said it was unlikely the problem would recur.

Now that you've read the review, do you know where to find the book?

END

If it's not in stock, we'll order it for you.

TVTV
FAMOUS MAKE
66 cm COLOUR
R799

Pick Pay

Why

NOW AT LAST!

UNBANNED

THIS IS THE BEST COMING OUT OF THAT I HAVE RE A NUMBER OF YI

—STUART

PASSION

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29

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the Rand
Mail 710-9111

CHANGE
FRATELY
PAGE 9

Flair
WOMEN
SCREEN VIOLENCE
PAGE 12

HISTORY, FINESSE
VERSATILE MEL
PAGE 11

SPORTS MAIL

ROGS
FOR REVENGE
SEE BACK PAGE

a six-lane ring road
However, the Conservative
Party MP for Langlaagte, in
whose constituency the af-
fected area falls, Mr S P Bar-
nard, reacted angrily yester-
day to Mr Kotze's
announcement.

He said that reproclama-
tion of the affected area of
Mayfair would mean that 200
white families would have to
be resettled.

"For these families it will
mean a greater burden which
they cannot afford because
they fall in the lower income
group which pay a monthly
rental of between R70 and
R100 a month," he said.

"According to my informa-
tion rentals in Vrededorp and
Pageview - where the fami-
lies are due to be resettled -
is so high that they will not be
able to afford it," Mr Bar-
nard said

In Mayfair yesterday,
white residents were shocked
and distraught after hearing
they would probably be
forced to sell their homes.

Mrs J C Hoffman, 65, who
has lived in her Mayfair
home for 25 years, said: "The
Government will have to
force me out and even then I
will return to my house."

Mr B Blazevic, a Mayfair
butcher, said he had been liv-
ing in the area for 15 years.

"I bought my house five
years ago and I think if I sell
it I should be paid what it is
worth - not what the Gov-
ernment decide to give me.

"I think it is terrible that
they can do this because I
worked very hard to pay for
my house."

Mr S J Gouws, 67, said:
"Residents of Mayfair have
been supporting the National
party for many years.

"Now the same party are
throwing us out of our
homes."

He said he had spent his
entire pension on his house.

● Pictures — Page 2

Total clamp on Info Act trial 2/3/83

By ANTON HARBER

THE Press has been prevent-
ed from reporting all details
of the trial of two newspaper
editors and a journalist - in-
cluding the detailed charges,
the pleas of the accused and
the names of witnesses.

The large wooden doors of
the Johannesburg Regional
Court were firmly closed yes-
terday as Mr Rex Gibson, Ed-
itor of the Rand Daily Mail,
Mr Tertius Myburgh, editor
of the Sunday Times, and
journalist Mr Eugene Hugo
faced charges under the Pro-
tection of Information Act
and alternatively the Official
Secrets Act.

Reporters, who were not
allowed to enter, waited out-
side until the court adjourned
in the afternoon. The trial
will continue on Friday.

The president of the Re-
gional Court, Mr J A van
Dam, had ruled that the rest
of the trial will be held in
camera. Even details such as
the pleas entered by the ac-
cused and the names of wit-
nesses, normally allowed to
be published in secret trials,
were covered by the ruling.

Yesterday, the head of the
National Intelligence Service
(NIS), Dr Niel Barnard, was
present at the court.

The charges relate to re-
ports in the two newspapers
on the involvement of the NIS
in the abortive Seychelles
coup early last year.

Mr Ernie Wentzel, SC, in-
structed by Mr William Lane
of Bell, Dewar and Hall, ap-
peared for the accused. Dr
Koos D'Oliviera, the deputy
Attorney-General, appeared
for the State.

Opec sets official date for emergency summit

PARIS. — The crude oil price
is likely to fall at a full sum-
mit of the Organisation of
Petroleum Exporting Coun-
tries on either Saturday or
Monday - after a few more
days of private negotiations

This was said yesterday by
Saudi Arabia's Oil Minister,
Sheik Ahmed Zak, Yamani,
who controls the greatest oil
reserves in Opec and usually
takes a leading role in Ope-

"More than at any time in
the past I think the solution is
not only possible, but immen-
ent." He did not specify a
location, but it is believed the
summit will be held in Gene-
va or Lausanne, Switzerland.

Opec Ministers must reach
some preliminary agreement
on a new world oil price level
before they will convene a

full emergency meeting. Any
new agreement will involve
stiff commitment to an
agreed price, matched by an
accord on production levels
low enough to match slump-
ing world oil demand.

At the weekend, Gulf coun-
tries issued an ultimatum to
other Opec states that they
must agree within a week or
face a price war - which
would spark off a massive
financial crisis in the West

Opec secretary-general Mr
Marc Nan Nguema yester-
day warned against rumours
of a \$7/barrel price cut by
"so-called oil experts" - "in-
tensive" negotiations were
continuing between Opec and
non-Opec states, he said.

The authoritative Middle
East Economic Survey has
reported that the Gulf coun-

tries might slash
\$34/barrel Opec
unless Opec agree

Nigeria has
broken ranks with
partners by an
\$5.50 cut, in line
lowering of the
North Sea oil
members Britain
way Nigerian
Mr Mallam Y
currently Opec's
due to have talk
Venezuela's Oil
Humberto Cal
who has been in
the last week
some sort of
accord

Last week
from Venezuela,
Kuwait managed
a non-Opec mem
to postpone a pr

Shark terrorises two underwater d

Mall Correspondent

CAPE TOWN. — A 2m-long
shark was yesterday sighted
within Cape Town's harbour
limits by two underwater
divers who said last night it
"harassed" them repeatedly.

One of the divers, Mr Man-
uel Blaya, said he had ra-
dioed the Port Captain's

office for assistance after the
shark began circling his div-
ing launch when he and fel-
low-diver Mr E Ries started
work yesterday morning.

They went back into the
water later after the shark
had disappeared.

But shortly after Mr Ries
began an underwater inspec-
tion of the "Opal K", the

shark reappeared
circling him.

"The shark
but it was big
Mr Blaya.

A spokesman
Captain's office
confirmed a
sighted in Table
the harbour
within the har-

Freed after 13 appeals ag

TAIPEI. — Thirteen has
proved a lucky number for
Mr Hua Ting-kuo. After being
sentenced to death 12 times
in the past nine years for a
murder he did not commit, he
was finally acquitted yester-
day at the end of his 13th
trial.

Mr Hua, a bricklayer, was

first condemned to death in
1974. He was found guilty of
killing his 66-year-old mother
and raping his adopted
daughter.

Over the years his defence
lawyers repeatedly came up
with new evidence that quali-
fied him for a retrial.

His case went from one
Taiwanese court to another.

But until yest-
always found
der and senten
yet again.

The rape
overturned
proved Mr
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Murder

Military court
jails witnesses
for three years

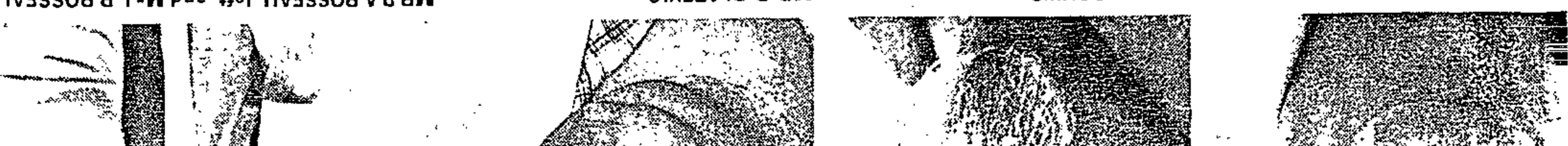
00 000 membership

MR P A ROSSEAU, left, and MR L R ROSSEAU
P W Botha has no worries about his home

MR B BLAZEVIC
Worked hard for home

MR S J GOUWS
Something is wrong

MR C T KORBE
Where will I go?



used R10 000
Marais, who
ark and now

Mr Cornisch was represented by Mr M A Werner and
Mr Smith was represented by Mr Manny Witz, instructed
by Mr B Duchon of Miller, Ackerman and Bronstein. Mr A
Chester prosecuted.

Terror Act lawyer raps 'poison' evidence

Stan 2/3/83
A lawyer, representing three of four people facing Terrorism Act charges in the Kempton Park Regional Court, yesterday described the State's evidence as "testimonial poisoning".

Mr D Soggott SC was leading argument in the trial of Mr Stanley Radebe (27) and Mr Mthuthuzeli Madalane (24), both of Senaoane, Soweto; Mr Lebana Ernest Mohakala (23), of Molapo, Soweto; and Miss Innocentia Nonkululeko Mazibuko (20), of Zone 6, Diepkloof. All have pleaded not guilty to several charges.

Mr Soggott said the Security Police team under Warrant Officer J van Loggenberg had threatened Mr Radebe with death, to force him to write a statement.

He said a Mr Els of the Security Police had threatened to shoot Mr Radebe and write a letter to his parents, saying he was trying to escape from the Groenpunt Prison, where he was held last year. Other prisoners had claimed Mr Radebe was assaulted.

"Out of desperation, Mr Radebe agreed that he knew of the Azanian Students' Movement, that he knew a Mr Mayathula and that a handgrenade was found in his car," Mr Soggott said.

(Proceeding.)

3/3/87

Police said they could kill — witness

D. Aspatok

331

ZWELITSHA — A Terrorism Act accused claimed that a police officer told him police had powers to kill somebody, as they did with Steve Biko.

Mr Dumisani Maninjwa, 31, of Mdantsane, told the supreme court here that after his arrest a security policeman, a Mr Elsdon, told him he was going to get "Gestapo treatment".

He was giving defence evidence in a trial within a trial to determine the admissibility of confessions allegedly made to a magistrate by him and his co-accused.

Mr William Duna, 31, Mr Maninjwa, Mr Bayi Keye, 52, and Mr Luyanda Mayekiso, all of Mdantsane, have pleaded not guilty to participating in terrorist activities, before Chief Justice De Wet.

Mr Duna said Mr Elsdon questioned him

about his alleged African National Congress activities. When he denied knowledge of them Mr Elsdon told him the police had powers to kill as they did with Steve Biko. He was told nobody could question them about taking somebody's life because they were a government.

He said he was ordered to strip but he refused to take off his underpants. Other policemen came into the office in which he was being interrogated and assaulted him.

He claimed Mr Elsdon covered his head with a canvas bag while other policemen assaulted him until he fell down. He was trampled on while he was lying down.

Police also accused him of having distributed leaflets.

Mr Maninjwa said he was taken to Butterworth and assaulted

there when he did not tell the police what they wanted him to say. On the way back from Butterworth, a Captain Van Wyk pointed a gun at him and threatened to shoot him.

He said on the following morning after their arrival from Butterworth he was shown newspaper headlines which said two policemen had been shot dead in Butterworth. He claimed the police assaulted him and asked if he had seen that the policemen they had been with in Butterworth had been shot.

Mr Maninjwa also referred to a Mr Madliwa who had spoken to him about the distribution of leaflets at the highway bus terminus in Mdantsane.

He said Mr Madliwa told him that he (Maninjwa) was the man he had shot while distributing leaflets. Mr Madliwa wanted him to admit that and write about the incident. When he denied it, he said, he was hit with a straightened wire hanger on his body.

When he was taken to the Fort Glamorgan prison he complained to prison officials about police assaults. After-

wards he was confronted by Mr Elsdon for complaining to the prison warders.

Mr Maninjwa will continue with his evidence in chief today.

Earlier another trialist, Mr Duna, told the court he was forced by Captain Van Wyk to say he had been trained in Lesotho in sabotage, making bombs, explosives and training of a military nature. He denied ever going to Lesotho.

Mr Duna denied that he made a statement to a magistrate freely and voluntarily.

The attorney-general, Mr W. F. Jurgens, put it to him that he was never assaulted, tortured or ill-treated in the manner he had described in court. Mr Duna said he had been.

Mr Jurgens put it to him that after interrogation Mr Duna decided to make a statement on his own and that before making it he was fully aware of the implications of the statement and that everything written on the statement emanated from him.

Mr Duna denied this. — DDR.

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SOWETAN, Thursday, March 3, 1983

State's evidence slammed

A LAWYER, representing three of four people facing Terrorism Act charges in the Kempton Park Regional Court, this week described the State's evidence as "testimonial poisoning".

Mr D Soggott (SC), was leading argument in the trial of Mr Stanley Radebe (27) of Senaokane, Soweto, Mr Mthuthuzeli Madalane (24) of Senaokane, Mr Labana Ernest Mohakala (23) of Molapo, Soweto, and Miss Innocentia Nonkululeko Mazibuko (20) of Zone 6, Diepkloof.

All have pleaded not guilty to several charges under the Act.

Mr Soggott said the Security Police team under Warrant Officer J van Loggenberg had threatened Mr Radebe with death and terror and also put him in a state of helplessness. They used these methods to force him to write a statement, he said.

THREAT

Mr Soggott cited as an example of testimonial poisoning the evidence given in court by Mr Jim Kelly, the Security Police informer who finally admitted under cross-examination that all he said in court were lies. He was instructed by the Security Police to say it.

Sowetan 3/3/83

Motlana's son remanded

MR KARABO Motlana (22), son of Dr Nthato Motlana, chairman of the Soweto Committee of Ten, made a third appearance in the Ermelo Magistrate's Court yesterday and had his case postponed to May 26.

He appeared briefly before Mr M Jungbluth together with Miss Ninki Moleka who had the charges against her withdrawn. Mr Motlana was not asked to plead.

Cops launch hunt for killer

By MONK NKOMO

THE POLICE have launched a man-hunt for the killer of a 63-year-old Brits labourer.

Brigadier H A du Plessis, Chief Northern Transvaal CID Officer, yesterday said Mr Jonas Mpete was found with both his legs and hands bound and his head severely battered in his room at about 5pm on Monday.

He said Mr N J Nel of the farm Kareepoort, near Brits, returned home at about 5pm and found his house burgled and clothing taken. On further investigation he found Mr Mpete's body in the servant's quarters. His head had been severely battered with what appeared to be a

blunt instrument, Brig du Plessis said.

Meanwhile, the search for seven men who allegedly made away with a total of R270 000 from two branches of a Pretoria chain store at the weekend, is also continuing.

The police are looking for two white youngsters who allegedly held three employees at gunpoint before making away with R200 000 at the Hercules branch of Checkers Supermarket on Saturday. The men fled on motor cycles.

Five unidentified black men snatched R70 000 from the Lynnwood branch of Checkers after the cashier, Mr H de Klerk, was held up at gunpoint on Sunday at about 1pm.

Rail prices hike looms

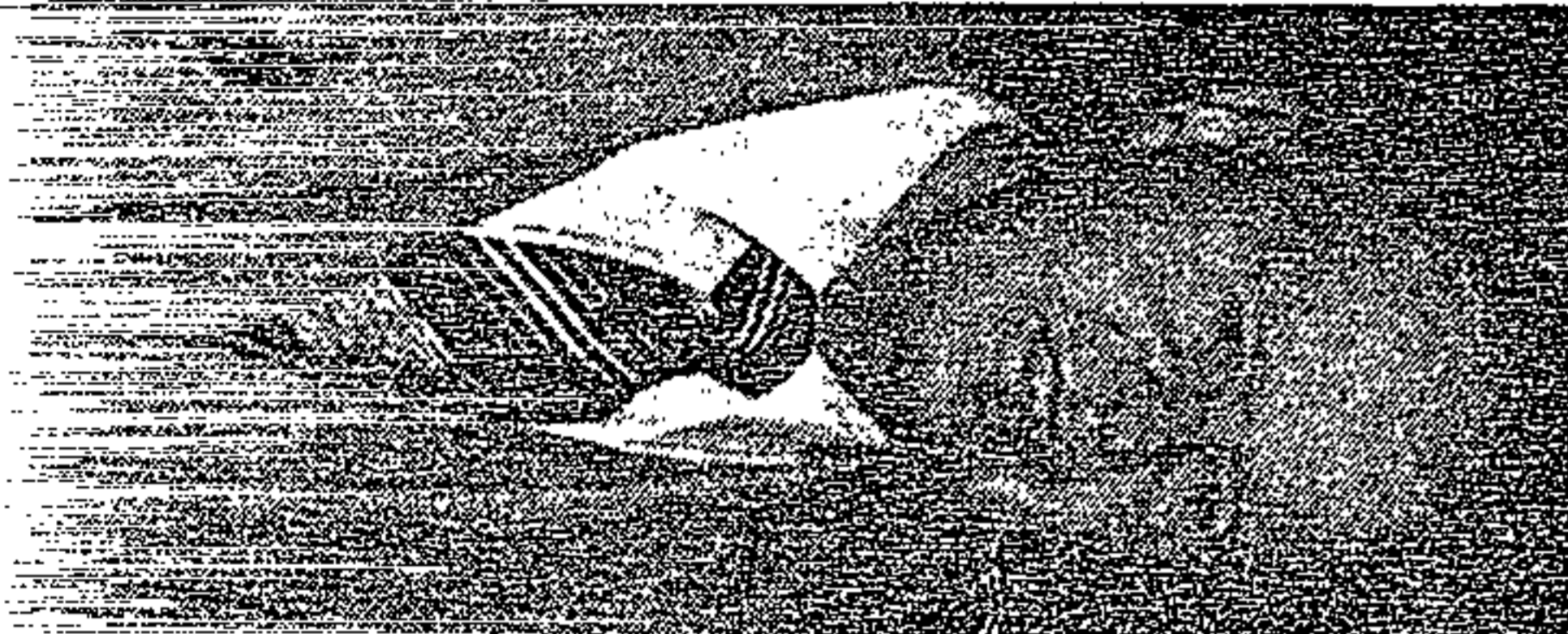
ANOTHER hike in railway tariffs can be expected before the end of the year Mr Hendrik Schoeman said yesterday after introducing a bland and gloomy South African Transport Services budget in Parliament.

In the budget totalling R8 692,5-million there are no salary increases for railway workers. Mr Sch... man de-

ways last year as a result of the downturn in the economy.

Final figures were expected to reflect a drop of revenue over the budgeted amount of R588-million.

The result was that the estimated deficit of R10,5-million was now expected to reach R375-



Sowetans slammed with R212-m loan

EACH SOWETO household will have to pay an additional R30 a month levy which will be included in the rent bill over a period of 25 years, towards the repayment of the R212-million re-traffic loan. Sowetan 3/3/83 343

BY LEN KALANE

In addition to the levy, a R30 connection fee will have to be paid but authorities have said this would only be payable when a household needed power to be supplied to their house.

But the levy is general and applies to homes with or without electricity, including houses

demption of the loan, Mr Knoetze said.

He said: "The scheme was worked out on the basis that everybody would make a contribution towards the repayment of the loan."

Mr Knoetze said notices had been served on residents to this effect and he was now surprised by the sudden turn-around from people who pretended not to know that they had to

Court rejects terror trial confession

3/3/83
331

By Themba Molefe
A Kemptor Park Regional magistrate yesterday refused to accept as evidence a confession made by an accused in prison in which he admitted to charges put to him by the Security Police because he was desperate to get out of solitary confinement.

But the magistrate, Mr I J J Luther, said he did not accept an allegation made in court by the accused, Mr Stanley Radebe, that he signed a statement before a magistrate because he had been forced to do so by the Security Police.

The magistrate said Mr Radebe signed the statement because of force of circumstance and not because he was tortured by the police.

Mr Luther also ruled that Mr Radebe (27), of Senaoane, Soweto, was unlawfully kept by the Security Police for more than two months at

Groenpunt Prison in the Free State last year without the permission of the Commissioner of Prisons.

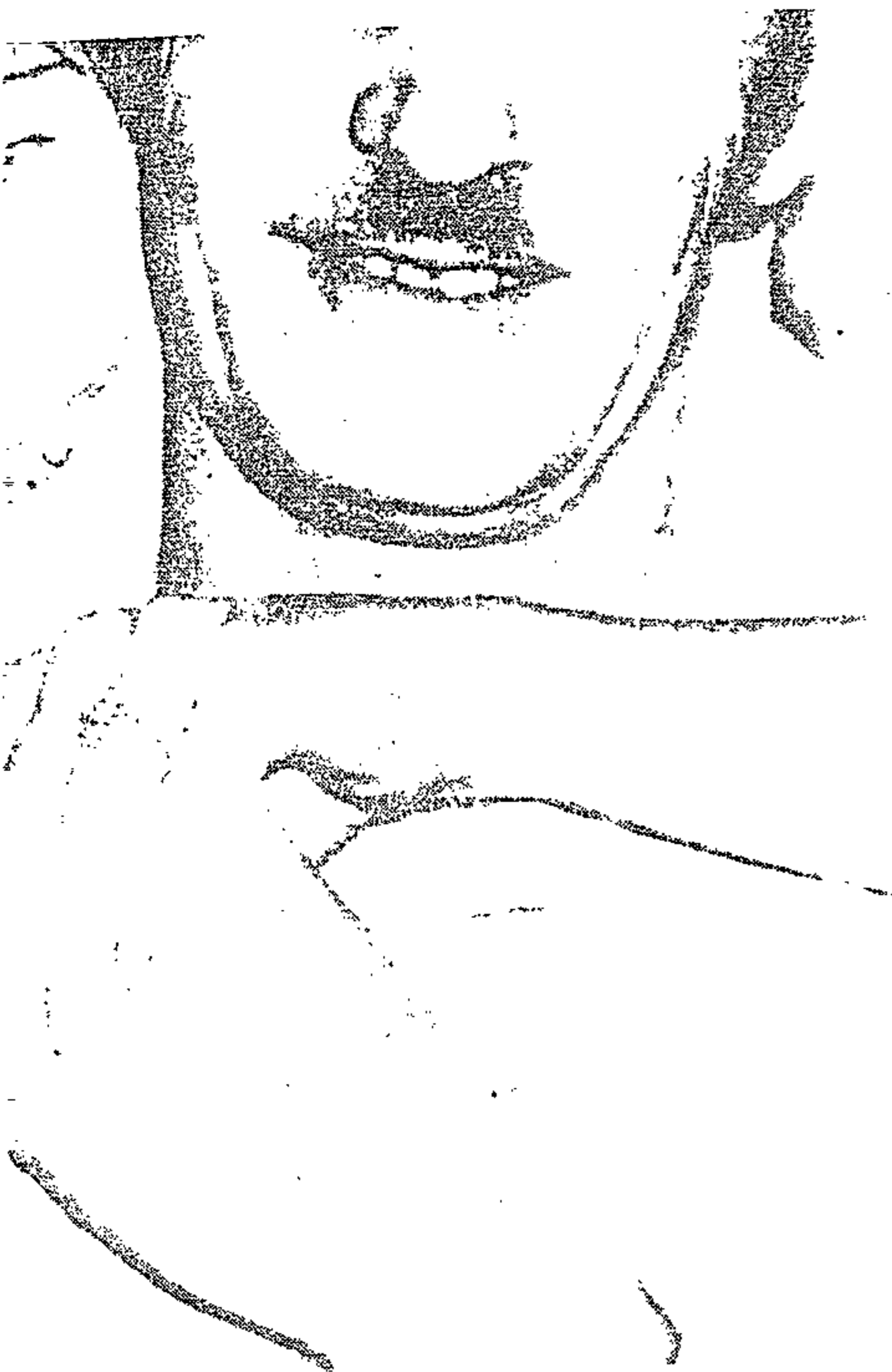
Mr Radebe, Mr Mthuzeli Madalane (24), of Senaoane, Mr Lebana Ernest Monakala (23), of Molapo, Soweto, and Miss Nonkululeko Innocentia Mazibuko (20), of Zone 6, Diepkloof, have pleaded not guilty to several charges under the Terrorism Act.

Mr Radebe, who was serving an 18 months' jail term for car theft, was taken from the Johannesburg Fort, where there are no isolation facilities, to Groenpunt.

Mr Radebe was held in isolation there for more than two months.

Mr Luther said desperation to come out of isolation and out of Groenpunt had driven Mr Radebe to admit, before a magistrate, the charges put to him.

The case continues today



...s off her diamond engagement ring as she hugs her future husband Freddie van der Walt.

...e (14) gets 3 000 ring

...ly faint-
...ould I do

...daughter
...girlfriend

...Her en-
...g has a
...to match.
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...Herman-
...spoke
...bout an

...added bonus — Elize became a grandmother on Saturday, her engagement day, because Freddie's son and daughter-in-law had a baby.

"This means Elize's mother, Ansie Coetzee, becomes a great-grandmother at the age of 45," said Freddie.

With the big wedding

...day drawing closer, plans are under way and Elize has fitted on her gown. The theme is blue and white. "I am wearing a white gown, but my going-away outfit will be blue," she said.

The couple will marry at the Pretoria Magistrate's Court on June 24.

The honeymoon? Said Freddie: "We had thought of going overseas, but I think we'll spend a week at the sea on the Natal South Coast."

Murder charge is denied

A man who said he had a blackout on the day he is alleged to have shot his brother-in-law appeared in the Johannesburg Magistrate's Court yesterday.

At a previous hearing Mr Johannes Nel (36) of Reyneke Avenue, Crown Gardens, Johannesburg, was sent for observation.

A report handed in yesterday confirmed his epilepsy, but said he was fit to stand trial.

Mr Nel pleaded not guilty to murdering his brother-in-law, Mr Petrus Engelbrecht, on December 27.

The magistrate, Mr M P Prinsloo, remanded him to March 23.



Another raid on squatters

Own Correspondent

CAPE TOWN — Administration board officials today again raided the KTC squatter camp in Cape Town and tore down shelters and burnt material.

This is fifth time in two weeks that board officials, assisted by police,

Detainee: I was warned not to mention assault

~~(331)~~ (331) ~~(#)~~ ~~(#)~~
D. Dispatch 4/3/83

ZWELITSHA — Security police officers warned a detainee not to tell a magistrate he was to make a statement to, that he had been assaulted and forced to make the statement, the Ciskei supreme court was told yesterday.

Mr Dumisani Maninjwa was giving defence evidence in a trial with- in a trial to decide on the admissibility of confes- sions allegedly made to a magistrate. He said he told the magistrate that he had not been forced or threatened to make the statement because he was afraid of the security police. He was under their control.

He said they told him that anything he said to the magistrate would come back to them. They told him not to mention

that he had been assaulted or forced by the police to make the statement.

Mr Mininjwa, Mr Mabone Duna, Mr Bayi Keye and Mr Luyanda Mayekiso have been charged with participat- ing in terrorist activi- ties, being members of the banned ANC and dis- tribution of banned literature. They have pleaded not guilty to all the charges.

Mr Maninjwa said he was told by a Mr Elsdon how to write his state- ment. He was told that his statement should corroborate statements allegedly written by other detainees. He said Mr Elsdon told him how to write about military training and sabotage in Lesotho.

Before he was taken to

a magistrate to make a statement he was given the statement he had made to the police to read for two hours. He was told to read it well, particularly certain pa- ragraphs or passages that had been under- lined.

Mr Mininjwa claimed that the magistrate had not warned him that he was not obliged to make a statement and that if he made one it might be used against him.

He said when the magistrate asked him if he had been assaulted or forced to make a state- ment, he said he had not.

Asked by the defence counsel why, he said he had been instructed by the police not to tell him.

Under cross- examination by the pro-

secutor Mr Mininjwa de- nied that he had fabri- cated claims of assault and that he was not allowed to sleep on a certain night.

Mr Maninjwa told the court under cross ex- amination that East Lon- don security police led by their Transkei coun- terparts went into the house of a Mr Skumbuzo Majeke in a township at Butterworth.

He said the police went into the house leav- ing him behind. He saw Captain C. van Wyk run- ning out. He was fol- lowed by others

He said he was told by a policeman, Mr Nkon- zombi, that Mr Majeke had jumped out of the window and run away.

The trial continues to- day. — DDR.

~~331~~ 331 ~~105~~
**Accused: police told
me what to write** D. Dispatch
5/3/83

ZWELITSHA — A man claimed in the Ciskei Supreme Court that security police forced him to write in his statement that he attended a two-week crash course in military training and sabotage in Lesotho.

Mr Dumisani Maninjwa said he wrote this in a statement he made to a magistrate because he was at the mercy of the security police in Cambridge, East London. He had never been to Lesotho nor undergone any training.

He also denied recruiting people to undergo military training in Lesotho.

Mr Maninjwa was giving defence evidence in a trial within a trial to determine the admissibility of a confession he allegedly made to the magistrate.

Mr Maninjwa, Mr Mabone Duna, Mr Bayi Keye and Mr Luyanda Mayekiso, all of Mdantsane, are charged with participating in terrorist activities, recruiting

people to undergo military training, being members of the ANC and possessing banned literature.

They have pleaded not guilty to all the charges before Chief Justice De Wet.

Dealing with the contents of the alleged statement the Attorney-General, Mr W. F. Jurgens, asked how it came about that Mr Maninjwa gave details about the alleged trip to Lesotho if he had been forced by the police to admit it. Mr Maninjwa said the statement gave details of how he and another man walked on foot for three hours in Lesotho before they got a lift on a lorry that took them to the Moscow refugee camp in Lesotho.

Mr Maninjwa said he got most of the details from the police and he formulated some of the things himself like a person writing a composition.

Mr Jurgens put it to him that he was as good

as writing a composition in the witness box, giving bits and pieces of truth but concocting the story.

Mr Maninjwa denied this.

The prosecutor further put it to him that he was never assaulted or ill-treated and that he co-operated from the outset and assisted the police with their investigations and voluntarily decided to make a statement.

Mr Maninjwa denied this.

The case was postponed to March 21 for Mr Mayekiso to give evidence. — DDR.

Three journalists sentenced

By ANTON HARBER

A MAGISTRATE yesterday described two editors as impressive and a journalist as responsible as he found them guilty under the Official Secrets Act and imposed suspended sentences on them.

Delivering sentence behind closed doors, Mr J van Dam, the president of the Johannesburg Regional Court, also said he was satisfied that the journalists' offences were committed without malice.

Mr Rex Gibson, editor of the Rand Daily Mail, was found guilty on two counts under the Act and fined R500 or five months' imprisonment, suspended for five years.

Mr Tertius Myburgh, editor of the Sunday Times, was fined R300 or three months' imprisonment, suspended for five years, on one count.

Journalist Mr Eugene Hugo was found guilty of three counts and sentenced to R800 or eight months' imprisonment, also suspended for five years.

South African Associated Newspapers (Saan), the company that owns the two papers, was found guilty on three counts and fined R2 000, half of which was suspended for five years.

The trial related to the publication of reports dealing with alleged National Intelligence Service (NIS) activities in the Seychelles and possession by the Rand Daily Mail of a document in contravention of the Act.

Most of the trial was held in camera, and the Press was given permission to publish only the conviction, sentencing and the magistrates's reasons for imposing the sentences.

Delivering sentence, the magistrate said it had not been demon-

strated that the harm done was malicious.

He said the Press was entitled and obliged to keep a watchful and critical eye on the Government and it was a safeguard for the country that this critical eye was directed at the Government.

But this did not allow the Press to contravene the law, he added. It was a different matter when their actions harmed the State or State institutions.

He was satisfied that the reports published had harmed the interests of the Republic.

He described the editors as prominent and well-known men and said he had never heard anything to their detriment.

He had heard them speak on various occasions and had found them impressive.

Mr Gibson, he said, was appearing to a large extent only in a representative capacity as editor of the newspaper.

He accepted evidence that Mr Hugo was a responsible senior journalist who had written his story in the knowledge that it would go through a sifting process that would safeguard against any error.

The Sunday Times had written their report later in the day and so it had a lesser effect than the Mail's, he said.

An appeal against the conviction is being considered.

The journalists were represented by Mr Ernie Wentzel, SC, instructed by Mr Nigel Carman of Bell, Dewar and Hall.

Similar charges are pending against the Afrikaans Sunday newspaper, Rapport.



...d proper accommoda-
Picture: ROBERT TSHABALALA

Buti condemns Wrab 'bribery'

By SOPHIE TEMA

A STATEMENT by the Alexandra Liaison Committee condemning certain officials for participating in bribery and corruption has been sent to all divisional heads of departments of the West Rand Administration Board (Wrab).

The statement, signed by the chairman of the ALC, the Rev Sam P Buti, was circulated yesterday.

Meanwhile the ALC is investigating allegations that people who have been temporarily housed in an unused beerhall in Alexandra township by Wrab are paying up to R500 for a "permit" to

said it was believed certain whites were involved in the racket, using black touts to whom they paid a fee.

The statement released by the ALC yesterday reads: "My attention has been drawn to the fact that corruption is on the increase among the ranks of Wrab and the ALC.

"Officials accept bribes, gifts, and other presents from persons requiring permits, houses and qualifications to stay in the area.

"This is an illegal act and persons found to be participating in this exercise will be dealt with accordingly.

"All cases dealing with

More shacks razed

By MONTSHIWA MOROKE

THE West Rand Administration Board (Wrab) yesterday demolished at least four corrugated iron dwellings in Orlando East, Soweto, instilling a new fear in the occupants of the township's 4 000 shacks.

Wrab's demolition of the dwellings comes a week after a Supreme Court judge ordered the Soweto Council to restore a demolished shack and leave another standing.

Mr Justice F H Grosskopf said in judgement last week the council was not entitled to demolish shacks. The council was also ordered to pay the costs of the action.

The latest demolitions came on the eve of a mass rally at the Eyethu Cinema, Mofolo, tomorrow, which identifies, civic parties, community councillors, church people and the youth are expected to attend.

Man
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or fraud

Mail Reporter
SOWETO man was fined a total of R420 after he was found guilty in the Johannesburg

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EVERYTHING IN FASHION

Three journalists sentenced

By ANTON HARBER

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331 RDM 5/3/83
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World spotlight on teenage detainee

UNTIL this week little was known about a schoolgirl member of a black consciousness group who has been in detention for the past 10 months without being charged.

But now 17-year-old Cynthia Nōmvulo Ntshingwa, a member of the Azanian National Youth Unity Organisation, has become the focus of an appeal by the human rights group, Amnesty International

Miss Ntshingwa, who was detained by Security Police at her Kagiso, Krugersdorp, home on May 28 last year, is one of five women prisoners in different countries on whose behalf Amnesty is making an appeal for action. Amnesty said there was concern that Miss Ntshingwa was an unknown young woman whose plight might eventually be forgotten.

This week the Sunday Express pieced together the background to her detention under South Africa's security legislation.

According to the Detainees' Parents Support Committee (DPSC), she is being held as State witness in a forthcoming Pan Africanist Congress (PAC) trial that allegedly involves her brother.

Her mother, Mrs Beauty Ntshingwa, refused to speak to the Sunday Express for fear of victimisation.

But she told the DPSC that Security Police visited her often and urged her to force

S Express 6/3/83

SCHOOLGIRL CYNTHIA, 17, IN DETENTION FOR 10 MONTHS

By ANGELA GILCHRIST

her son, Ernest, 20, to return home from the Dukwe refugee camp in Botswana.

Mrs Ntshingwa told the DPSC her son fled the country the same month her daughter was detained.

At the time, she was 16 and in Standard 8 at the Aurora Girls Secondary School in Soweto.

Mrs Ntshingwa said Ernest was wanted in connection with a PAC trial.

Banned journalist Mr Joe Thlolo, former general secretary of the Black Municipality Workers' Union, Mr Phillip Dhlamini, Mr Harrison Noggekele, 26, and six others are accused under the Internal Security Act of furthering the aims of the banned PAC.

A senior State advocate in the department of the Attorney-General, Mr Andre du Toit, confirmed Miss Ntshingwa was being held as a State witness in the forthcoming trial, in terms of Section 31 of Act 74 of 1982.

"I cannot say whether the

case concerns her brother," said Mr du Toit.

Mrs Ntshingwa's lawyer, Mr Prakash Dhai, said he wrote to Krugersdorp Security Police in January to say any attempt by Mrs Ntshingwa to fetch her son home from Botswana would prove fruitless "as she has no influence and control over him".

Mrs Ntshingwa told the DPSC she last saw her daughter on December 7 at Krugersdorp police station.

She claimed she had subsequently been refused permission to visit.

A DPSC spokesman said Mrs Ntshingwa believed her daughter had been moved to Sasolburg, and attempted to visit her there on Christmas Day.

She was told she would not be able to see her daughter unless she was accompanied by a member of the Krugersdorp Security Police, she claimed.

The DPSC spokesman said DPSC representatives had

met Mrs Ntshingwa "some time ago"

"But in view of the interest in the case overseas, we will probably try and get hold of her again.

"We have had a letter from an attorney asking for permission to visit," he said. "We replied only this morning (Friday)."

Mr Du Toit said the attorney had applied for permission to allow him to visit Miss Ntshingwa.

"We have received no applications from relatives of Miss Ntshingwa," said Mr Du Toit.

A spokesman for the Police Directorate of Public Relations in Pretoria confirmed Miss Ntshingwa was detained under Section 31, refused to verify whether she was still being detained and referred all queries to the Department of Justice.

A second telex was sent to the Police Directorate asking for confirmation that Miss Ntshingwa was being held as a State witness in a case concerning her brother.

In its reply the directorate asked the Sunday Express to direct its enquiries to the Attorney-General of the Transvaal.

An official in the Department of Justice also refused to answer questions and referred the Sunday Express to the Attorney-General's department.

"Facing is my life and I... ed if they didn't let me race. George said this week

The South African, Sigma pion, Graham Duxbury is... who feel George deserves

Duxbury said several mo... were dangerous to drive. George would not be any... showed consideration on th



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Nun in court after police raid

West Rand Bureau

A Roman Catholic nun appeared briefly in the Krugersdorp Regional Court today charged with furthering the aims of the ANC.

Sister Mary Bernard (48), address given as St Mary's Roman Catholic Convent, Kagiso, Krugersdorp, appeared before Mr. C Eksteen.

She was not asked to plead to charges of furthering the aims of the ANC and the possession of unauthorised publications.

She was arrested on Friday and subsequently released.

The case was postponed to March 22.

Sister Bernard was among four people detained by security police in pre-dawn swoops in the township of Kagiso at the weekend.

She was arrested at the Companions of St Angela Convent, where, according to another nun, the police searched Sister Bernard's rooms.

Also detained in the raids were Mr Isaac Genu, Mrs Anna Mogase and Mrs Lettie Nzima.

Mr Isaac Mogase, husband of one the detainees, said the police arrived at his home around 4 o'clock on Friday morning and asked to see his wife.

He said the police never told him why or where they were taking Mrs Mogase (34).

Major Victor Haynes of the SAP Directorate of Public Relations said in Pretoria at the weekend: "In terms of security legislation the police cannot confirm the detention of the persons mentioned."

But I think people are slowly becoming more aware because of the large losses which are occurring.

"Fire services, insurance companies and civil defence organisations are all trying to spread the word about fire safety techniques."

Mr Davey called on managements to commit themselves to establishing fire safety programmes in an effort to cut the high losses in industry.

He said national statistics were useful in indicating where fire prevention efforts were most needed. "We obviously have to spend more time in the industrial sector," he said.

Accused dismisses counsel

By Themba Molefe

In a surprise move in the Kempton Park Regional Court one of the four Terrorism Act accused dismissed his defence counsel and told the court he would continue with the case unrepresented.

Mr Lebana Ernest Mohakala (23) of Molapo, Soweto, told the magistrate, Mr I J J Luther, he would proceed with the case without his advocate, Mr D Soggott.

Mr Luther warned Mr Mohakala that the hearings were at an advanced stage and acquiring another defence counsel would cause difficulties.

Mr Mohakala said he was prepared to go on without counsel.

Earlier another accused, Mr Mthuthuzeli Ephraim Madalane (24) of Senaoane, Soweto, told the court he saw two of his fellow accused for the first time only on July 12 last year when they were formally charged under the Act.

He said he did not know Mr Mohakala and Miss Nonkululeko Innocentia Mazibuko (20) of Zone 6, Diepkloof. He knew only Mr Stanley Radebe (27), also of Senaoane, who is his cousin.

Mr Madalane said he knew Miss Mazibuko only from reading about her. He said he had read that Miss Mazibuko was jailed for 12 months because she cried in court when she was told to testify against Masabata Mary Loate in another Terrorism Act trial in Vanderbijlpark last year.

The four, who have all pleaded not guilty, were remanded to March 21.

● Mr Mohakala, facing one count of undergoing military training abroad, also dismissed his first defence counsel, Mr M Basslian, who is representing Miss Mazibuko, earlier in the case.

● Loate is serving a five-year jail term. Her co-accused, Khotso Seathlolo, former president of the outlawed Soweto Students' Representative Council, is serving a 10-year term on Robben Island.

SAAF man dies in night skydive

Pretoria Correspondent

A young South African Air Force officer's first attempt at night skydiving ended in tragedy on Saturday when he fell to his death at Wonderboom Airport.

He was Lieutenant Barend Daniel (Niel) Botha (23), of Pretoria.

When club members found his body, neither the parachute nor the emergency parachute had been opened.

Colonel Julius Kriel, of the SAAF, said today that he could not confirm claims that Lieutenant Botha's ripcord had not been released.

He said there would be an inquiry by the Parachute Club, under the control of the Aero Club of South Africa.

Professor Johann Loubser, the Chief State Pathologist, said a post-mortem examination showed the injuries received to be consistent with a fall. There will be an inquest later.

Lieutenant Botha leaves his mother, Commandant Maria Botha, under whom he worked at the Air Force Gymnasium; his father, Colonel Hennie Botha, who is in Civil Defence; and a brother and sister.

Manager is stabbed

Crime Reporter

A bookshop manager was stabbed and three of his employees held up when five armed men entered their Johannesburg shop this morning and robbed them of R5 000.

According to police the five men, armed with a gun and knives, entered the Juta Bookshop in West Street at 8am.

They held up Mr C Crossen (23) and three employees and demanded the money. Mr Crossen was stabbed when he tried to resist. The men fled taking R5 000 in cash.

Mr Crossen was slightly wounded in his left shoulder.

Soweto murder rate soars to 20

By Themba Khumalo

The Soweto police are investigating a charge against a Johannesburg traffic officer who allegedly shot a man in the chest after he had been threatened with a panga.

In all, 20 murders were reported in the township this weekend — the highest this year.

Soweto CID chief Brigadier J J Viktor said the incident involving the traffic officer happened at Meadowlands Township after a group of men with pangas and knives attacked his brother.

Brigadier Viktor said nobody had died as a result of the shooting.

The weekend death toll rose by three compared to the weekend before when 17 people died violently.

Brigadier Viktor said four arrests had been made in connection with four of the murder cases.

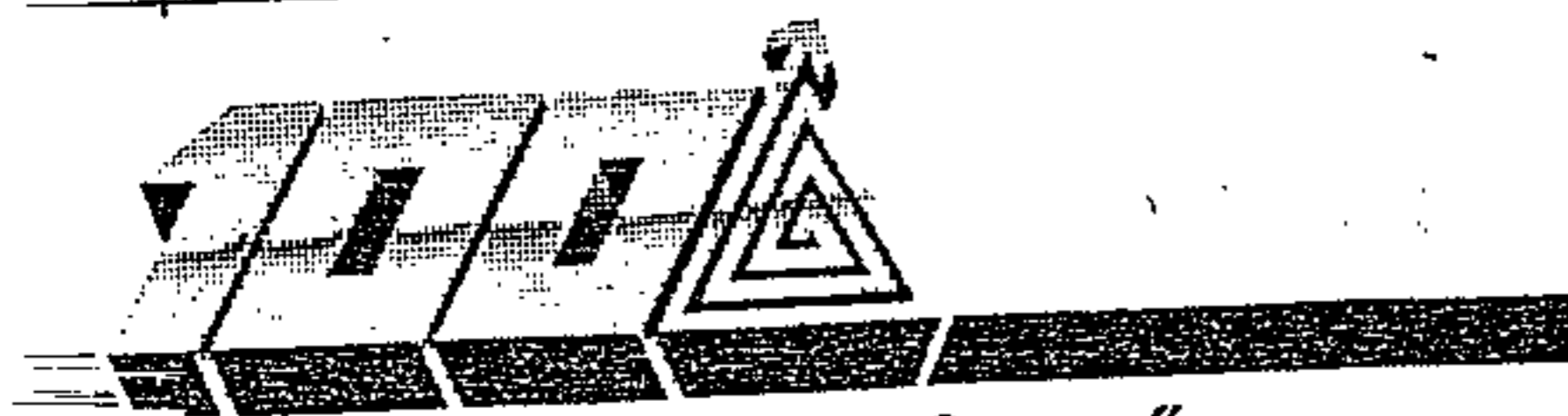
As well 16 robberies and four rapes were reported.

The Narcotics Squad also arrested 43 people for illegally dealing in liquor.

Scheckter roars back

Saturday's fourth round of the Sigma series at the Goldfields raceway in Welkom gave former champion Ian Scheckter his first comeback campaign win — and leaves only two points separating the first three drivers in this year's championship stakes.

Scheckter, in the Gunston March 822, led from the start to beat reigning champion Graham Duxbury in the Brut/Boss Paving March 822, with two other former champions, Tony Martin (South Coast Motors Maurer) and Bernard Tilanus (Daw Maurer) in third and fourth spots. Yet another former champion,



"We're making it a special year for you"

Can you posit cash before 7a.m. tomorrow?

QUICASH

Nun on
ANC ^{7/31/83}
charge ^{2. Page} ⁽³³¹⁾

KRUGERSDORP — A Roman Catholic nun appeared briefly in the Krugersdorp Regional Court today charged with furthering the aims of the banned African National Congress.

Sister Mary Bernard, 48, address given as St Mary's Roman Catholic Convent, Kagiso, Krugersdorp, appeared before Mr C Eksteen. She was not asked to plead to charges of furthering the aims of the ANC and possession of unauthorised publications.

She was arrested on Friday and subsequently released. The case was postponed to March 22.

— Sapa

Nun on banned books charge

By MONTSHIWA MOROKE

A ROMAN Catholic nun and a civic leader in Kagiso yesterday appeared in the Krugersdorp Regional Court charged with being in possession of undesirable publications.

Sister Mary Bernard (Mcube), 43, of St Mary's Roman Catholic Convent, Kagiso, was not asked to plead and the matter was postponed to March 22.

Sister Bernard is out on bail of R300.

The other accused is Mr Isaac Genu, an official of the Kagiso Residents' Organisation, which has been fighting rent increases in the township.

Mr Genu was refused bail, his lawyers said yesterday.

Also detained from their Kagiso homes were Mrs Anna Mogase and Mrs Lettie Nzima, who are sisters.

Mrs Mogase is the administration secretary, while Mrs Nzima is an instructor of sewing and knitting at the Self-Help Centre on the premises of the Apostolic Faith Mission Church.

Sister Bernard said she was detained at the convent at dawn on Friday, held overnight and granted bail on Saturday.

Mrs Nzima said police arrived at her house between 3am and 4am and searched it, confiscating a church duplicating machine before taking her away.

Her sister's house was then visited and she, too, was taken in.

"We were separated at the Security Police offices and I was questioned on whether I was a member of the Federation of South African Women (Fedsaw), the Kagiso Residents' Organisation (KRO) and about a flag of the African National Congress."

Yesterday, Security Police called at the Self-Help Centre where they told Mrs Nzima to appear in the Krugersdorp Regional Court today.

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Ex-teacher played ANC tape, court told

New 8/3/83 By Themba Molefe 334

A former Soweto high school teacher appeared in the Johannesburg Regional Court yesterday, charged with furthering the aims of the banned African National Congress and for possession of banned literature and tapes.

Mr Lazarus Mohau Moledi (27), of Jabavu, Soweto, who had pleaded not guilty on both counts, changed his plea to guilty on the charge of possession. Mr Moledi is a former teacher at Molapo High School.

Mr Malefetsane Jacob Segopolo (25), who testified for the State, said Mr Moledi paid him a visit at his home on a Saturday morning last June and played a tape which contained a speech by Mr Oliver Tambo, president of the ANC.

He said he was initially not interested in the tape but was impressed by the leading song "Ikhlapa" — "Where does it ring".

Mr Moledi's R1 000 bail was extended and the case postponed until tomorrow.

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D. Dispatch 8/3/83 (331)

Perjury charge dropped

ZWELITSHA — A charge of perjury against an Mdantsane man, Mr Mzimasi Venkile, has been withdrawn in the magistrates' court.

last year shortly after giving evidence in the Ciskei's Terrorism Act trial involving four Mdantsane men.

Mr Venkile was charged with perjury

Mr Venkile was not asked to plead and no evidence was led against him. — DDR.

Six gold medals

Swimming sensation

The latest sensation to surface in South African sport is a stunning blonde from Western Province. Annette Cowley has burst like a bombshell on the swimming scene.

At the national championships in Bloemfontein she scooped up six gold medals — a feat not achieved since Karen Muir's time — and in so doing won The Star's "Star of the Week" award.

● See Page 19.

Still on the ball

He once knocked over wickets like nine-pins as a Springbok seamer. Now he hits a golf ball with equal accuracy.

Pat Trimborn yesterday added a 74 to his opening round of 72 in the South African Amateur strokeplay championship at Royal Durban to be just four shots off the pace.

Typically, Trimborn made light of his feat: "I was playing so well I got all tense and struggled home."

● See Page 18.



Success formula

Winning words

Failure is a word which does not belong in the vocabulary of dynamic cosmetics executive and former top model Reeva Forman.

In Today! Reeva explains her formula for success and how changing attitudes can change one's life and create opportunities.

AWB 4 face five weapons charges

Star 9/3/83
Pretoria Correspondent
(331) (24)

Four members of the Afrikaner Weerstandsbeweging (AWB) today pleaded not guilty before a Pretoria Regional Court magistrate to five charges relating to the storage and possession of explosives, arms and ammunition.

The four were Mr Eugene Terre'Blanche, of Roth Street, Ventersdorp, Mr Jacob Daniel Viljoen (40), of Kritzinger Avenue, Klerksdorp, Mr Jan Jurgens Groenewald (37), of Naude Street, Wonderboom South, and Mr David Frederik Botes (43), of Fifth Avenue, Geduld, Springs.

The first charge is that between September 1981 and December 1982 in Pretoria, Cullinan, Delmas and Ventersdorp, machineguns or parts thereof were stored or possessed by the four.

The second charge is that on the same date and in the same areas they possessed one unlicensed Makarov pistol.

TEARGAS

The third charge pertains to possession of ammunition and the fourth to the possession or alternatively storage of explosives. The fifth charge relates to the possession of three teargas holders.

The four men did not make any statements to the court and the case was postponed to May 2. Bail of R1 000 each was extended.

Two other AWB members appeared in connection with allegation of storing explosives.

They were Mr Hendrik Gerhardus Jacobs (33), of Reitz Street, Rustenburg, and Mr Cornelius Jacobus Jooste (27), of Skinner Street, Pretoria.

The men were not asked to plead and their case was postponed to March 30 for a date to be set for a Supreme Court hearing. Bail of R1 000 each was extended.

Severe new water curbs from today

By Stephen McQuillan

Severe and widespread water restrictions were introduced this afternoon throughout the 17 000 square km Rand Water Board (RWB) supply area after a crucial meeting of experts.

Gardeners and sportsmen are two groups seriously affected by the new range of tough measures, introduced to ease the crippling drought.

And RWB chairman Mr Dale Hobbs warned that further restrictions might be introduced if today's measures were not enough.

The meeting at RWB headquarters in Johannesburg involved about 70 water supply experts, including representatives from all local authorities on the Reef.

RACE COURSES

They decided:

- Hoses may be used only on Wednesdays between 3 pm and 10 pm.
- Permits must be obtained for the use of sprinklers.
- Sprinklers may be used for watering cricket pitches, bowling greens and putting greens on golf courses on Tuesdays and Fridays only between 12 noon and 6 pm.
- Watering of sports fields and race courses is banned.
- Nurseries may water plants on Mondays, Wednesdays and Fridays with sprinklers between 12 noon and 6 pm.
- New swimming pools may be filled once only and then topped-up.
- The use of hoses for washing cars is banned.
- Commercial car washing machines with re-circulating water systems may be used during normal business hours only.

MINE-DUMP IRRIGATION

- Automatic toilet flushing systems must be turned off in all buildings after staff have left.
- Those responsible for irrigation of vegetation in mine-dumps have been called on to use sprinklers sparingly.
- Industry has been called on to cut water use.

The measures were introduced in a bid to meet 20 percent cutback in consumption over last year ordered by the Government.

"If they are not adequate," said Mr Hobbs, "we may have to impose more restrictions after about two months."

"The whole water position is very serious and we are in the fourth or fifth year of probably the most severe drought this century," he said.

King David pupi

By Trevor Jones

A seven-year-old Waverley schoolboy died today in spite of frantic attempts to save his life after he was rescued from his school swimming pool by his gym master.

Gregory Phillips, a Grade 2 pupil at the King David Primary School in Victory Park, was pulled from the swimming pool shortly after 9 am when his teacher noticed he was in trouble.

Monday applied resuscitation after... The Meiers Gregory Gregory Phillips able

Music ~~(11)~~
led him ^{RPM. (331)}
to court ^{9/3/83}

Mall Reporter

A SOWETO man said in court yesterday he had no interest in furthering the aims of the banned African National Congress by playing a recorded cassette. His interest was in the music.

Mr Lasarus Mmoledi, 26, of Jabavu, was giving evidence at his trial before Mr T J le Grange in the Johannesburg Magistrate's Court.

He had previously pleaded not guilty to a charge of taking part in the activities of the ANC during June to August last year, by playing a tape of their principles and propaganda.

He pleaded guilty to a charge of being in possession of the cassette without prior permission.

"I played it as I enjoyed the brilliance of the speech, but it was mostly for the music," he said.

The case was adjourned to today when judgment will be given.

Accused: Tambo talk was exciting

By Themba Molefe

Mr Oliver Tambo, exiled president of the banned African National Congress (ANC), expressed his views against the South African Government logically, a Johannesburg magistrate was told yesterday.

Mr Lazarus Mohau Mmoledi (27), of Soweto, charged with furthering the aims of the ANC and possession of banned literature and tapes, told the magistrate he was excited by Mr Tambo's taped speech.

The magistrate, reading excerpts, asked if the words were entertaining. The words were: "Power is ours ... prepare for war. Tambo, lead us to take back our land. Come, let us take up arms." Mr Mmoledi said the lines were poetic but said the words "let us kill the wizards/boers" were derogatory.

The prosecutor said the tape was "explosive" material which could be detrimental to the State.

The case was postponed until today and Mr Mmoledi's bail of R1 000 was extended.

Keagile denies ANC activities

Trialist says

SB's forced

statements

SECURITY Police told a young Soweto mother to admit before a magistrate that she acted as a messenger for the African National Congress (ANC) between Soweto and Botswana, a Johannesburg Regional Court heard yesterday.

This claim was made by Ms Lilian Keagile of Molapo, Soweto during the second day of cross-examination by Mr A R van Wyk for the State.

Ms Keagile has pleaded not guilty before Mr I J J Luther to being an ANC member and furthering its aims as well as contravening the Terrorism Act.

Questioned on a confession she made before a magistrate, Ms Kea-

sation. She said she was shocked when informed she had been arrested in connection with her activities with the ANC.

During cross-examination, Mr Van Wyk read portions of Ms Keagile's statement in which she tells of her visit to Botswana. At one stage she was asked to contact a Mr Jabu Ngwenya and had also been given an amount of R2 000 to give to Mr Phillip Dlamini of the black municipality workers' union, the statement read.

Proceeding

By NKOPANE
MAKOBANE

Sowetan 9/3/83
Keagile agreed the statement had been made by her, but said she had agreed to some of the statements because of police pressure.

She maintained that at no stage did she work for the ANC as a messenger or receive money from the organi-

Teacher awaits judgment

By NKOPANE
MAKOBANE

A JOHANNESBURG regional magistrate yesterday reserved judgment for tomorrow in the trial of a former Soweto high school teacher charged with furthering the aims of the African National Congress (ANC) and possession of banned publications and cassette tapes.

Mr Lazarus Mohau Mmoledi (27) of White City Jabavu, has pleaded not guilty to the first count of promoting

the ideals of the ANC but guilty to the second of possession of publications issued by a banned organisation.

The State alleges that during June and August last year, Mr Mmoledi unlawfully and wrongfully took part in the activities of ANC or carried direct or indirect interest in the movement.

It is further alleged that during the same period without the consent of the Minister, he possessed literature and disseminated it under the direction or

guidance of the unlawful organisation.

Evidence of two witnesses was that Mr Mmoledi had played a cassette tape for them containing a speech by Mr Oliver Tambo, president of the ANC.

Mr Mmoledi denied that by inviting friends to listen to the tape he was spreading ANC propaganda. Although he found the tape to be musical and entertaining, he disagreed with Mr Tambo's "mission of violence" against the South African Government.

Clemency plea for killers of policemen

ARGUS
11/3/83
331

Religion Reporter

ARCHBISHOP Denis Hurley of Durban has written to the State President, Mr Marais Viljoen, appealing for clemency for the men sentenced to death for treason following attacks on the Wonderboom, Orlando and Moroko police stations.

In the Supreme Court, Pretoria, Mr Justice Curlewis found that four policemen were killed and 12 people injured in attacks in which the men took part between 1979 and 1981.

"MARTYRS"

Archbishop Hurley, chairman of the Roman Catholic Bishops' Conference of Southern Africa, said that if the men were hanged for high treason

they would be seen by their own people as "martyrs".

"We beg that mercy may be extended to them and that their sentences may be commuted."

The Southern Cross, official organ of the Catholic Church, quoted Archbishop Hurley as saying the men had "followed in the footsteps of all those of every age and country who suffered political humiliation and privation".

His letter to the State President added: "The present head of our church, Pope John Paul

II, also comes of a people that has known deep and prolonged suffering.

TEMPTATION

"This has enabled him to sympathise with those who have become impatient with their lot and have reacted against it.

"He is a firm and dedicated promoter of non-violence, but he understands how people can be tempted to the opposite course."

Archbishop Hurley said the Bishops' Conference associated itself with the Pope's recent plea for the abolition of the death sentence — especially in the case of those found guilty of political offences.

Court told no proof of ANC

A DEFENCE witness told a court yesterday that during his visit to Botswana he had met Mr Ernest Dipale, who has since died in detention, and other people but at no stage was politics discussed in his presence.

Mr Ben Sere was testifying in the trial of Ms Lilian Keagile of Soweto who has pleaded not guilty before Mr I J J Luther in the Johannesburg Regional Court to being an ANC member and furthering its aims as well as contravening the Terrorism Act.

He told the court that he went to Botswana in December 1980 to visit an aunt and had later

By NKOPANE MAKOBANE

been fetched by Ms Keagile to visit her husband. Martin — his elder brother — in Gaborone.

He said he and his brother Martin, a former vice-president of Black Municipal Workers' Union, had never discussed reasons why he fled the country. Again no-one, including Ms Keagile, had said Martin was an ANC member or not.

Another defence witness, the Rev Graduate James Shongwe of the International Assemblies of God Church in Soweto, told the court that during his visit to

Botswana he had seen no ANC posters or literature in the flat of Joyce Dipale, Mr Dipale's sister.

He said during his stay at the flat there had been no gathering of people where politics were discussed. He said he had not seen Ms Keagile in Botswana but had only later met her at the Dipale's home in Dube.

Proceeding.

Star 21/3/83
HA 331

Cards, not politics — witness

The brother-in-law of a young Soweto woman who is facing several charges relating to the African National Congress yesterday denied before a Johannesburg magistrate that he had discussed politics with her when they met in Botswana.

Mr Ben Sere said he left for Botswana in December 1980 to visit his aunt. A few days after his arrival, his sister-in-law, Miss Lillian Keagile, came to fetch him and they left for Gaborone to see his brother and her husband, Martin.

He said: "During my visit to Gaborone we spent most of the time playing Monopoly and cards. At no stage did we discuss politics.

"Moabi Ernest Dipale was one of the people with whom I stayed at the house in Gaborone," he added. Mr Dipale was found hanging in a John Vorster Square cell last year.

Miss Keagile (25), of Molapo, Soweto, had said in evidence earlier that Mr Dipale was her cousin.

She has pleaded not guilty before Mr I J J Luther to being a member of the ANC, to furthering its aims or to taking part in its activities. She has spent 16 months in detention.

township Sally game for experience in August

Sowetan gets four years' for playing ANC cassette

331

Mail Reporter

RWM

12/3/83

A SOWETO man was sentenced to four years' jail in the Johannesburg Magistrate's Court after he was found guilty of furthering the aims of the African National Congress by playing a recorded cassette.

Lasarus Mmoledi, 26, of White City, Jabavu, had previously pleaded not guilty to taking part in the activities of the ANC by playing a tape of their principles and propaganda to four friends between June and August last year.

He pleaded guilty to being in possession of the cassette without permission.

The magistrate, Mr T J le Grange, found him guilty on both counts.

In passing sentence, Mr Le Grange said an important consideration in the case was the

fact that Mmoledi had no previous convictions.

"A person who takes part in the activities of the ANC, in the way in which Mmoledi did, must expect the courts to view their actions in a serious light," he said.

"There is an inflammatory speech on the tape by the president of the organisation, Mr Oliver Tambo, which is more than criticism aimed at the Government and the courts.

"It is a message of violence which Mmoledi is prepared to pass on to others."

Mr Le Grange said he could not consider Mmoledi's Christian beliefs as the tape advocated violence with the sound of machine-gun fire in the background.

"People who take part in these activities can only expect severe penalties."

Jailed for playing cassette of ~~ANC~~ 331 ANC propaganda

12/3/83 E. Post

JOHANNESBURG — A Soweto man was sentenced to four years in jail after he was found guilty in the Johannesburg Magistrate's Court of furthering the aims of the ANC by playing a cassette.

Lasarus Mmoledi, 26, of White City, Jabavu, previously pleaded not guilty to taking part in the activities of the ANC by playing a tape of their principles and propaganda to four friends from June to August, last year.

He pleaded guilty to being in possession of the cassette without permission.

The magistrate, Mr T J le Grange found him guilty on both counts.

"A person who takes part in the activities of the ANC, in the way Mmoledi did, must expect the courts to treat them in a serious light," he said.

"There is an inflammatory speech on the tape by the president of the organisation, Mr Oliver Tambo, which is more than criticism aimed at the Government and the courts.

"It is a message of violence which Mmoledi is prepared to pass on to others."

Mr Le Grange said he failed to believe in Mmoledi's Christian beliefs because the tape advocated violence with the sound of machinegun fire in the background.

"People who take part can only expect severe penalties," he said. — Sapa

331
Court warns
banned lawyer Jana

12/11/83
15/3/83
Mail Reporter

A LENASIA attorney was cautioned and discharged after a Johannesburg magistrate suspended the passing of sentence for five years on charges that she contravened her banning order.

Devikatane Priscilla Jana, 39, of Woodpecker Road, pleaded guilty and handed in a statement saying she had broken her order restricting her to the Johannesburg Magisterial district on July 23 to 25, last year.

She said she had gone to Durban to see her mother who had had an operation.

The magistrate, Mr W G Rosch, said he took into account that had she applied for permission to see her mother on these grounds, it would probably have been granted.

D-Dispatch 15/3/83 (231)

Officer accused of deceiving doctor

ZWELITSHA — Defence counsel in an African National Congress trial here, Mr M. T. K. Moerane, yesterday accused the investigating officer, Warrant Officer W. Bezuidenhout, of trying to get a clean bill of health for an accused under false pretences.

Mr Moerane was cross-examining the officer in a trial within a trial to determine the admissibility of confessions allegedly made by two accused persons, Miss Jane 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, recruiting people to undergo training likely to endanger the maintenance of law and order, and being in possession of banned literature.

Mr Peter is also charged with taking steps to undergo training.

W/O Bezuidenhout told the court the accused were taken to a doctor before making statements to magistrates so as to eliminate any accusations of assault.

In the past, he said, accused persons had alleged police assaults when they made statements before magistrates.

He said Miss Ntsatha had complained of a

sore throat and Mr Peter of nose bleeding.

Under cross-examination by Mr Moerane W/O Bezuidenhout admitted he did not tell the doctor to examine the accused to eliminate accusations of assaults. He told him of the throat and nose complaints believing that if the doctor saw any assault marks he would record them.

He was asked by Mr Moerane whether he agreed that if he had told the doctor to examine Mr Peter for possible assault, the examination would have been more thorough than for just a nose bleed. He replied that he did not know the doctor's procedures.

He agreed with Mr Moerane that a doctor's examination was determined by types of complaints and that if one complained of a nose problem one would not be asked to strip or examined in the stomach.

Mr Moerane put it to W/O Bezuidenhout that the only reason he did not tell the doctor to examine the two for possible assaults was that the doctor could have found out that they had been assaulted. W/O Bezuidenhout denied it.

He also put it to W/O Bezuidenhout that he had wanted to obtain a clean bill of health for

the accused under false pretences. The officer denied it.

Mr Moerane said the doctor had said Mr Peter was in good health and there was nothing wrong with him, although he did not give him a thorough physical examination.

W/O Bezuidenhout denied that the accused were ever assaulted or harassed.

Asked by the prosecutor, Mr P. M. B. Pretorius, if the accused were influenced to make statements to two magistrates, he said he never influenced them and was not aware of anyone else influencing them.

Under cross-examination by Mr Moerane he said he had told Miss Ntsatha she was not obliged to answer his questions while he was interrogating her.

He denied that he physically assaulted her or that when she fell down he sat on her and plucked her hair.

He agreed with Mr Moerane that it was important to him that they made statements to a magistrate but said he did not force them. He said he told them they could make statements if they wanted to.

The case continues today. — DDR.

2/21/83
**Jana
guilty**

Banned Johannesburg attorney Devikatane Priscilla Jana was convicted in the Johannesburg Regional Court yesterday of contravening a five-year banning order restricting her to the Johannesburg magisterial district.

The magistrate, Mr W Rosch, deferred sentence for five years and ruled that the details of the offence be reported to the SA Law Society for possible disciplinary action:

Jana (39), of Woodpecker Road, Lenasia, pleaded guilty.

D. Dispatch 16/3/83

(105) (331) (151)

DAILY DISPATCH

ZWELITSHA — Judgment on the admissibility of confessions allegedly made by two accused charged with ANC activities will be given tomorrow by the presiding magistrate, Mr J. A. Dracatos, in the regional court here.

After hearing argument by the prosecutor and defence counsel, Mr Dracatos told Miss Jane Ntsatha of Zwelitsha and Mr Mncekeleli Peter of Mgwali that a lot of evidence had been recorded in the trial with-in a trial to determine the admissibility of their statements and he could not make an immediate decision. He postponed the case to tomorrow.

Miss Ntsatha and Mr Peter have pleaded not guilty to recruiting members for the ANC, being members of the ANC, recruiting people to undergo training likely to endanger the maintenance of law and order and being in possession of banned literature.

Mr Peter has also pleaded not guilty to taking steps to undergo training.

At the close of the state case on the admissibility of the statements, the prose-

cutor, Mr P. M. B. Pretorius, submitted that the statements were made freely and voluntarily before magistrates.

He said the accused realised that they were before magistrates and the state had proved that they made the statements freely and voluntarily.

The evidence of the accused was spiced with blatant untruths and discrepancies. They realised the importance of keeping their statement out of court and thus resorted to all sorts of stories.

Mr Pretorius said state witnesses gave evidence satisfactorily. The only criticism of the police was that they could not give minute to minute detailed accounts of the events.

Mr Pretorius said the two magistrates who took the statements were truthful and reliable. The questions they asked from the questionnaire form were comprehensive and it was

not necessary to go far beyond them.

He said Miss Ntsatha was boastful in her statement and proud of what she did. It was clear she spoke freely. In a letter she wrote to her sister while in custody she said she had been arrested because she involved herself in the liberation struggle.

Defence counsel, Mr M. T. K. Moerane, argued that the statements were inadmissible.

He said there had been no proof of proper translation of the statements from Afrikaans to English which was the official language in Ciskei.

Another problem the court had was to ascertain what was said by the deponents to the magistrates. It was clear from the evidence of the official interpreter, Mr Macingwana, that he was not competent to interpret from Xhosa to Afrikaans and vice versa.

An example was that

Mr Macingwana did not interpret a warning or caution the deponents that they were not obliged to make statements and that if they did so whatever they said would be written down and used in court against them.

Mr Moerane submitted that on that technical legal ground the statements were not admissible.

He said the duties of a magistrate taking down a statement did not merely end at asking questions on the questionnaire form. The duties had been authoritatively set out in various court decisions as going far beyond the mere asking of the questions in the form.

Dealing with police witnesses Mr Moerane said it was significant that although the main interrogator of Miss Ntsatha was W/O Hattingh he was not called to give evidence.

Mr Moerane said the

main purpose of the trial within a trial was to decide upon assaults and undue influence on the accused to make statements.

Regarding assaults the accused gave good evidence. They corroborated each other. The manner in which they testified could not be faulted. They were at ease and answered questions without hesitation.

He said W/O Bezuidenhout was an unsatisfactory witness who contradicted himself in the witness box. He was not at ease and as a result his voice faded at times. He was evasive and in places his evidence was inconsistent. In his reply Mr Pretorius said the state had supplied the defence with English and Afrikaans copies of the statements. Both magistrates, who were highly competent, were satisfied with the English translations.

He said the state could not have called all the witnesses.

Mr Moerane disputed that the defence had been supplied with English translations. — DDR.

Trial pattern (331)

An important trial began, without publicity, in the Ladybrand magistrates' court this week. It is that of three men charged with attempting to leave SA secretly with the intention of joining the outlawed African National Congress (ANC). A number of such trials, involving similar charges, have been held recently or are expected to come to court in the near future.

Simon Cyprian Nomvalo, David Cebisa and George Xoleliswe from Kagiso, near Krugersdorp, are charged with transgressing Section 54 of the Internal Security Act of 1982. They have pleaded not guilty.

This section of the Act relates to the attempt, conspiracy or instigation to leave the country to undergo military training with the intention of returning to overthrow the State.

Trials of this nature became common after the 1976 Soweto unrest and the "waves" of departures, mainly through Botswana and Swaziland, of young people apparently on their way into exile to join the ANC.

The flood of exits, however, has been replaced by a "trickle," according to Wits University academic, Tom Lodge. Late last year it was estimated by Mike Hough of Pretoria University's Institute for Strategic Studies, that about 20 people were leaving SA each month for insurgency training.

D. Dispatch 18/3/83

ANC trial: statements ruled admissible

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ZWELITSHA — Statements made to magistrates by the accused in an African National Congress trial were ruled as admissible in the regional court here yesterday.

The magistrate, Mr J. A. Dracatos, overruled an objection by the defence counsel, Mr M. T. K. Moerane, that they were not admissible because they were made to magistrates in South Africa, and were in Afrikaans, which was not an official language in Ciskei.

Mr Dracatos said the statements were made before Ciskei attained independence and that at that time Afrikaans was still an official language.

He also ruled that they were made freely and voluntarily by the accused. No undue influence was exerted and there were no assaults.

The accused contradicted each other in certain aspects during the trial-within-a-trial to determine the admissibility of their statements, he said.

Mr Dracatos said the two magistrates who took the statements from Miss Nomakhephu Ntsatha of Zwelitsha and Mr Mncekeleli Peter of Mgwali had told the court they saw no assault marks.

Both accused have pleaded not guilty to recruiting members for the ANC, being members of the ANC, being in possession and distributing banned literature and recruiting people to

undergo military training.

Mr Peter has also pleaded not guilty to taking steps to undergo training.

Mr Dracatos said the doctor who examined the accused had also told the court he saw no assault marks and that neither had complained of assaults.

Police who were implicated by the accused for assaults had denied assaulting them or witnessing assaults on them.

The statements were in lengthy detail and could not have contained what the accused were allegedly told by the police to say.

At the close of the state case, Mr Moerane argued that certain documents were inadmissible because they did not link the accused with the charges. He said they should be ruled as inadmissible.

The prosecutor, Mr P. M. B. Pretorius, objected saying they were of a political nature in a political case.

Mr Dracatos said he

would allow them as exhibits which could be referred to but would decide later whether they were admissible or not.

The defence closed its case without calling the accused or any other witnesses.

At the close of the defence case Mr Pretorius called for the conviction of the accused on all charges. Issues in the statements had been corroborated by direct evidence, he said and the state had proved all charges.

Mr Moerane said the state had not proved the allegations of recruitment for military training and taking steps to undergo training. There was no evidence to support the allegations.

On the counts of distribution and possession of alleged banned literature he argued that the state had failed to prove that the particular documents had been banned. He said, for example, not all issues of the Freedom Charter had been prohibited.

Mr Moerane will continue his argument today. — DDR

Lilian Keagile guilty

Sowetan (8/7/83) (331)

A SOWETO woman, Lilian Keagile (24) was found guilty in the Johannesburg Regional Court yesterday on charges of undergoing military training and engaging in the activities of the African National Congress with the aim of overthrowing the South

African Government.

Keagile of Molapo township was also found guilty of reconnoitering Inhlanzane railway station and drawing a sketch of it which she sent to the ANC in Botswana. Sentence is to be passed today.

The court found that she contravened the Terrorism Act by receiving military training in Botswana with the aim to bring about violent change in the Republic.

It was also found that during September 1980 and November 1981 when she was arrested at the border post near Zeerust, she conveyed messages and letters between Botswana and

Johannesburg and as a result acted as an ANC courier.

She recruited people from South Africa for the ANC and transported them to Botswana. She was also found to have encouraged people to destabilise law and order in the Republic as well as conspiring with others to overthrow the Government.

She was found to have received intelligence and military training which would be used to eliminate "sell outs" as well as protect herself against the police in the effort to turn the present "capitalistic state" into a socialist one.

Keagile jailed for 10 years

By Fiona Macleod

Lillian Keagile was sentenced to a total of 10 years' imprisonment by a Johannesburg Regional Court magistrate today on three charges of contravening the Internal Security and Terrorism Acts. The effective sentence is six years. Keagile (24), of Molapo, Soweto, has been in detention for nearly 18 months.

The magistrate, Mr I J J Luther, jailed her for two years under the Internal Security Act for being a member of the banned African National Congress, forming a cell of the ANC in Soweto and conveying money and information between the ANC in Botswana and Soweto.

She was sentenced to four years' jail each on two other counts under the Terrorism Act, which will run concurrently.

MILITARY TRAINING

These charges involved undergoing military training in Botswana between September 1981 and November 1980 sending a sketch of an electrical installation in Soweto to the ANC.

The minimum sentence prescribed under the Terrorism Act is five years, but Mr Luther said the charges were covered by the Internal Security Act of 1982 and he was not bound to impose the five-year sentence.

Mr C Mailer, appearing for Keagile, said in mitigation that she was a young mother and that she had acted with a sense of idealism and not for personal gain.

"She wanted a better constitution for all the people of this country, especially those who she believed to have legitimate political aims," he said.

After Mr Mailer told Mr Luther an appeal would be lodged, Keagile saluted the packed gallery and descended to the cells.

Mr A R van Wyk prosecuted and Mr C Mailer appeared for Keagile.

(331) ~~SEA~~
Woman
jailed ^{ROM}
for ANC
links
19/3/83

By ANN PALMER

A YOUNG Soweto woman was sentenced to an effective six years' jail in the Johannesburg Magistrate's Court yesterday after she was found guilty of contravening the Terrorism Act and the Internal Security Act.

Lillian Keagile, 24, of Molapo, Soweto, who pleaded not guilty to the three counts against her, was found to have furthered the aims of the banned African National Congress by acting as a courier between Johannesburg and Botswana.

The magistrate, Mr I J J Luther, also found she had drawn a map of the Inhlazane Power Station in Molapo, Soweto and sent it to the ANC or its members in Botswana.

She was also found guilty of receiving training of use to anyone attempting to endanger the maintenance of law and order.

Mr Luther said in passing sentence that the crimes of which Keagile was found guilty were of a serious nature as they threatened the security of the State.

"Keagile is a first offender and isn't a criminal in the strict sense of the word. She is the mother of a small child and has already been away from her child for the last 18 months since her arrest," Mr Luther said.

He sentenced her to two years' jail for contravening the Internal Security Act, and to four years' jail on each count of contravening the Terrorism Act, the latter two to run concurrently.

105 (33) HA RDM
SA law unfit for
Ciskei, trial told 19/3/83

ZWELITSHA. — The Ciskei Regional Court was told yesterday that South Africa had no Bill of Rights.

Mr M T K Moerane was defending Miss Nomakhephu Jane Ntsatha, 25, of Zwelitsha, and Mr Mcekeneli Lawrence Peter, 21, of Mgwali. Both have pleaded not guilty to charges of participating in ANC activities, being members of the ANC, recruiting people to undergo military training and being in possession of banned publications.

Mr Peter is also charged with attempting to leave the country illegally.

Mr Moerane said Ciskei was a democratic state and could not use the central government's laws.

"One is in a position to understand why the Freedom Charter has been declared undesirable in South Africa, but not in Ciskei, because it states more or less what is in the Ciskei Constitution." — Sapa.

ANC trial: April judgment

W 331

D. Dispa/zel 19/3/83

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ZWELITSHA — Judgment in the African National Congress trial in the regional court here will be given on April 21.

Miss Jane Ntsatha, of Zwelitsha, and Mr Mncekeleli Peter, of Mgwali, have been charged with recruiting members for the ANC, being members of the ANC, being in possession and distributing banned publications and recruiting people to undergo military training.

Mr Peter is also charged with taking steps to undergo training.

Both have pleaded not guilty to all the charges before Mr J. A. Dracatos.

The defence counsel, Mr M. T. K. Moerane, argued that the South African Internal Security Act, Terrorism Act and the Publications Act, under which the accused were charged, infringed fundamental human rights enshrined in

the Ciskei Constitution Act. The Ciskei constitution had been declared supreme law of the country.

The Security Act and the Terrorism Act were in conflict with the constitution in that they infringed the right of freedom of association. The Publications Act infringed the right of freedom of thought and conscience which were guaranteed in the constitution.

Mr Moerane submitted that the state was labouring under the impression that what was good for South Africa was good for Ciskei as well.

Although the alleged acts were committed before independence the applicability of certain laws should be based on the commencement of the proceedings, which was last year.

Mr Moerane said South Africa had no bill of rights while Ciskei had the bill which en-

shrined fundamental human rights.

Some of the topics raised in court were an anathema in South Africa but not in Ciskei. Statements in the Freedom charter, for example, were acceptable in Ciskei and their letter and spirit had been enshrined in the constitution.

Even if the accused possessed copies of the charter and Sechaba, the state failed to prove that those particular publications had been banned.

Dealing with the discussion of the aims of the ANC and the difference between it and the PAC, Mr Moerane said it was not a criminal offence to do so.

Mr Moerane said a state witness who may not be named, was not a good witness. He gave his evidence with no details even when his memory had been jogged.

The witness admitted that he was never recruited, he was never a member of the ANC and that he had no intention of joining the organisation.

Regarding Mr Peter's statement he said it did not link the organisation with the Freedom charter and Sechaba publications. His statement was a mere admission of handling the publications.

Mr Moerane said although Miss Ntsatha admitted joining the organisation, the question of whether she was a member or not must be viewed objectively. It could be that she thought she was a member when she was not.

It was not clear in her statement when she joined the ANC.

In her statement there was no admission that she recruited or attempted to recruit anybody. In addition there was no evidence to show she recruited people. — DDR.

Keagile gets six years

LILIAN Keagile, a 24-year-old Soweto woman, was sentenced to six years' imprisonment after she was found guilty of being a member and courier of the banned African National Congress.

Sowetan 2/3/83 ~~1/1~~ 331
Keagile, mother of one, was sentenced by Mr I J Luther in the Johannesburg Regional Court for having formed an ANC cell in Soweto; sending a sketch of Inhlanzane Power Station to the ANC in Botswana; for conveying money and information from the ANC in to the SA Black Municipality Workers' Union and to have undergone military training in Botswana.

Banned senior journalist for trial today

Mail Reporter

22/3/83
230
A BANNED senior journalist who has spent almost nine months in custody will appear with eight others in the Johannesburg Regional Court for trial today.

The trial is in connection with allegations of contravening the Terrorism Act.

Mr Joe Nong Thlooe, 40, a senior journalist for the Sowetan newspaper, whose family lives at Zone Five, Pimville, Soweto was arrested in June last year.

The general secretary of the South African Black Municipality Workers' Union, Mr Phillip Dlamini, 30, of Zola North, Soweto, will be among the accused

Others who will appear are Mr Harrison Thembinkosi Noggekele, 26, of Zola Two, Soweto, Mr Veli Truman Mnguni, 33, of Makhula Street, Orlando East, Mr Siphon Moffat Nqobo, 28, of Mofolo North, Mr Nhlanganiso Sibanda, 26, of 16th Avenue, Alexandra Township, Mr Steven Siphon Mzolo, 26, of Esangweni Section, Tembisa, Mr Mfana Mtshali, 18, and Mr Shadrack Rampete, both of Kagiso Two, Krugersdorp

They were not asked to plead when they appeared previously

According to the charge sheet they are accused of furthering the aims of both the banned Pan Africanist Con-

gress (PAC) and the Azanian Youth Unity (Azanyu).

They are also accused of endangering the safety of the Republic or attempting to do so, including conspiring with others to commit the alleged offences, in Johannesburg, Krugersdorp, Tembisa and Pietersburg, between January 1981 and June last year.

Mr Thlooe is the first South African black journalist to win the Louis M Lyons award for conscience and integrity in journalism. The award was given to him by Harvard University where it was received on his behalf by journalist Ameen Akhalwaya a year ago.

Cape Times 22/2/83
**Nun on ANC
aims charge**

331
Own Correspondent

JOHANNESBURG. — A Roman Catholic Church nun appeared briefly in the Krugersdorp Regional Court yesterday charged with promoting the aims of the banned African National Congress (ANC).

Sister Mary Bernard — whose age is given as 48 years on the charge sheet — of St Mary's Roman Catholic Convent, Kagiso, is also charged with being in possession of banned publications.

Sister Mary was not asked to plead by Mr C J Ecksteen and the case was postponed to May 6.

She is free on bail of R300. Her appearance in court follows her detention by security police on March 4.

Accused denies ³³¹ SAYRCO links ^{Star} ^{22/3/83}

One of the accused in the resumed Terrorism Act trial in the Kempton Park Regional Court yesterday said he had thought the banned South African Youth Revolutionary Council (Sayrco) was a youth club.

Mr Stanley Radebe (27), of Senaoane, Soweto, appeared with three others on charges of furthering the aims of Sayrco and the outlawed Soweto Students' Representative Council (SSRC) and recruiting black youths to undergo military training.

Mr Radebe, Mr Mthuthuzeli Madalane (24), also of Senaoane, Mr Ernest Mohakala (23), of Molapo, Soweto, and Miss Nonkululeko Innocentia Mazibuko (20), of Zone 6, Diepkloof, have pleaded not guilty before Mr I J J Luther.

Mr Radebe told the court he often ran errands for the youth club and, when he was asked by an executive member of the club to fetch documents from a Johannesburg office, he had not thought the documents were of a political nature.

He also denied being a member of Sayrco or having any prior knowledge about it.

The trial continues today.

Joe Thloloe

Sowetan 22/3/83 331

in court today

Banned journalist, Mr Joe Thloloe and eight other people are to appear in Johannesburg Regional Court today in a trial concerning their alleged involvement in and revival of the Pan Africanist Congress (PAC).

Mr Thloloe is charged together with Mr Harrison Nqogkele, Mr Veli Truman Mnguni, Mr Phillip Dlamini, Mr Siphon Ngobo, Mr Nhlanganise Sibanda, Mr Steven Mzalo, Mr Mfana Mtshali and Mr Shadrack Rampete.

The trial, called the "PAC" trial because it involves former members of the banned organisation is expected to drag for weeks as well as attract many spectators because some of the accused are well-known figures.

The men are to face various charges under the security laws including the Terrorism Act, alternatively the new Internal Security Act, furthering the aim of PAC and recruiting members to the organisation.

The trial is expected to be the first major PAC trial since the marathon one in 1979 when 17 men were convicted at Bethal and sentenced to a total of 162 years imprisonment with jail terms ranging from five to 30 years.

In an earlier hearing, Mr Nqogkele was separated from the rest after he had pleaded guilty to the charges. However, at a later appearance, he was allowed to change his plea to not guilty and is now included with the rest.

I was beaten says Gqweta

A SECURITY detainee told the Ciskei Supreme Court yesterday that Security Police interrogated him intensively about his visits to Lesotho and Swaziland and his links with the South African Congress of Trade Unions.

Mr Thozamile Gqweta, national president of the South African Allied Workers' Union (SAAWU), currently detained under Ciskei security laws, gave evidence as a defence witness in a terrorism trial of four men.

Mr William Duna (31), Mr Gumifani Maninjwa (52), Mr Bayi Keye (23) and Mr Luyanda Mayekiso, pleaded not guilty to partaking in terrorist activities, being members of the banned ANC, recruiting people for military training in Lesotho and possession of banned publications.

Mr Gqweta said his written statement to Security Police affirmed that Mr Maninjwa, Mr Duna and Mr Mayekiso visited his office. He said the police were dissatisfied, as they wanted him to include "ANC" in his statement.

Mr Gqweta said that on the first day of his detention he was assaulted with clenched fists. He said he complained to the district surgeon about his right ear. The next day he lodged another complaint.

The police told him: "We want to tell you that as from now we are going to assault you un-

til you complain no more to the prison warders and doctors."

The court heard that he was stripped and suspended from a window bar with handcuffs. When he told the police that he knew nothing, a canvas bag was pulled over his head and was twisted until he collapsed.

He did not deny his visits to Swaziland and Lesotho, but denied dealing with the ANC.

The Attorney-General, Mr W F Jurgens, said Mr Gqweta was not interrogated by the police in connection with the current case, but for his alleged visits to the neighbouring states and his ANC connections. — Sapa.

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Star 23/3/83

Security ³³¹

case is postponed

The case of banned journalist Mr Joe Thlooe and eight others charged under security legislation was postponed by a Johannesburg magistrate yesterday because of the absence of two defence advocates.

The nine are charged under the Internal Security and Terrorism Act. They are also alleged to have recruited members for the Pan Africanist Congress.

A trade unionist, Philip Dlamini, who is serving 18 months for refusing to testify in the trial of Lillian Keagile, is among the accused.

Keagile was jailed for six years last week for activities relating to the African National Congress.

The case was postponed to April 12 for trial.

Ciskei detainee claims assault by Security Police

~~1983~~
~~1983~~
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Sapa
23/3/83

ZWELITSHA — A security detainee told the Ciskei Supreme Court yesterday that the Security Police had interrogated him intensively about his visits to Lesotho and Swaziland and his links with the South African Congress of Trade Unions.

Mr Thozamile Gweta, national president of the South African Allied Workers' Union (SAAWU), who is detained under Ciskei security laws, was giving evidence for the defence at the trial of four men on charges of terrorism.

Mr William Duna (31), Mr Gumifani Maninjwa (52), Mr Bayi Keye (23) and Mr Luyanda Mayekiso pleaded not guilty to taking part in terrorist activities, being members of the ANC, recruiting people for military training in Lesotho, and being in possession of banned publications.

Mr Gweta said his written statement to the Security Police affirmed that Mr Maninjwa, Mr Duna and Mr Mayekiso had visited his office. He said the police were dissatisfied, as they wanted him to include "ANC" in his statement.

Mr Gweta said that on the first day of his detention he was assaulted with clenched fists.

He said he complained to the district surgeon about his right ear and he made another complaint on the following day.

He claimed that the police then told him: "We are going to assault you until you complain no more to the prison warders and doctors."

Mr Gweta told the court that he was stripped and suspended from a window bar with handcuffs. When he told the police that he knew nothing, a canvas bag was pulled over his head and was twisted until he collapsed.

The Attorney-General, Mr W F Jurgens, said Mr Gweta was not interrogated by the police in connection with the current case but about his alleged visits to neighbouring states and his ANC connections. — Sapa.

Journalist's case postponed

THE CASE in which banned senior journalist Mr Joe Thlooe and eight others are charged under the country's security laws, was postponed in the Johannesburg Regional Court yesterday to April 12 for trial.

However, only eight of the accused appeared in court before Mr W A Aucamp. The ninth accused, trade unionist Mr

Phillip Dlamini, is serving an 18 month sentence for refusing to testify in the Lillian Keagile trial.

Only Mr Harrison Thembinkosi Nongqele (26) has pleaded not guilty to charges under the Terrorism Act, the Internal Security Act and the Arms and Ammunition Act.

At an earlier court ap-

pearance he was separated from the others after pleading guilty to the charges but later his plea was changed to not guilty.

The six others, who have not been asked to plead, are Mr Veli Trueman Mnguni (33), Mr Nhlanganiso Sibanda (26), Mr Siphon Moffat Ngcobo (28), Mr Siphon Mzolo (21), Mr Mfana

Mtshali (18) and Mr Shadrack Rampete (22).

In asking for postponement, Mr A R van Wyk for the State informed the court that the defence counsels, except Mr Nongqele, Mr D Soggot and Mr M Basilian were presently engaged in another political trial in Kempton Park involving four Soweto people.

Soetan 23/3/83
(33)

Rene offer on condemned 10

Star 23/3/83 (331)

VICTORIA — The President of the Seychelles, Mr Albert Rene, has called on South Africa to commute death sentences on six black nationalists in what senior government sources said could be an offer of return clemency for four white mercenaries sentenced to death in the Seychelles.

Mr Rene's office released the text of an urgent message sent yesterday to the South African Prime Minister, Mr P W Botha, asking for mercy for six members of the African

National Congress awaiting execution.

Government sources said President Rene was generally in favour of commuting the sentences against the four but that his decision could rest on South Africa's reaction to his appeal.

The four — two Britons, a South African and a Zimbabwean — were sentenced to death for involvement in an abortive attempt to topple the Seychelles Government in September 1981. — Reuter.

Terror trial youth: I did not understand revolution

331 (initials) Star 23/3/83

By Themba Molefe

A young man charged under the Terrorism Act yesterday told a Kemp-ton Park Regional Court magistrate he did not understand politics or the meaning of revolution.

Replying to questions by the prosecutor, Mr E Jordaan, Mr Stanley Radebe said his defence counsel, Mr D Soggott, had explained it to him.

Mr Radebe (27), of Sen-aokane, Soweto, was charged with furthering the aims of the banned South African Youth Rev-olutionary Council (SAYRCO) and Soweto Students' Representative Council (SSRC) and with recruiting youths to un-dergo military training.

He said that in Stan-dard 6 he was not taught about the French and in-dustrial revolutions. "I do

not know the meaning of those things." the ANC is or what its aims are."

Asked again by Mr Jordaan if he knew any-thing about the African National Congress (ANC), Mr Radebe replied that he had heard the ANC was a "terrorist" organi-sation and three of its members were killed by police in Silverton.

"I do not know what

Mr Radebe said two people from Lesotho had asked him to obtain ni-trate and alcohol.

He learned from the police that the people were SAYRCO members and that the chemicals were meant to manufac-ture explosives.

The case continues today.

Students in clemency bid

CAPE TIMES 24/3/83
Staff Reporter

THE Western Cape branch of the Azanian Students' Organization (Azaso) has launched a campaign for the commuting of the death sentences passed on six men recently convicted of treason.

A statement released by Mr S Badat, an executive member of Azaso's Western Cape regional council, says the campaign is to save the lives of Simon Mogoerane, David Moise, Jerry Mosololi, Thabo Marcus Motaung, Johannes Shabangu and Anthony Tsotsobe, who were convicted of treason after attacks on the Wonderboom, Orlando, Moroka and Booyens police stations.

"From the statements they made in the trials it is clear that after the countrywide unrest in 1976 they became disillusioned and desperate.

"They saw no hope for peaceful change in South

Africa — change that would take into account the aspirations of the majority of the oppressed and exploited people in our country." the statement says.

"Motivated by high ideals, they set about a course of conduct they believed would bring about the change they desired. It culminated in acts which, in the eyes of the government, amounted to treason.

"Azaso believes these six young men are the products of an oppressive, exploitative and unjust society and their actions must be seen in this context."

The campaign was launched yesterday with pamphlets and posters. A meeting to gather support will be held at 2.30pm on Saturday in the Hanover Park Civic Centre. Letters have been sent to 70 organizations asking for their support in the campaign.

Rough Work

Sowetan 24/3/83 (331)

Drama in court over taped conversation

Trialist collapses

THERE was drama in the Kempton Park Regional Court yesterday when a witness collapsed under cross-examination in the witness box.

The witness, Mr Stanley Radebe (27) of Senoane, Soweto, was testifying in a trial in which he and three others have pleaded not guilty to charges under the Terror Act or alternatively

to English. Mr Radebe said certain portions were incorrect.

The tape was played in court for Mr Radebe to identify those parts that were incorrect.

Mr Radebe agreed the voice on the tape was his mother's but said the transcript read by the prosecutor differed with certain portions of the tape. Questioned on the transcript

he denied he told his mother to identify certain witnesses and tell them they were going to die because "we are going to be free". He also denied saying that reporters from papers like the Transvaler and Vaderland should be chased away.

Mr Soggot questioned the legitimacy of using the tape as evidence against his client. Al-

though in theory the State can cross-examine any document or transcript, it may not produce subsequent evidence after it had closed its case, he said.

The other accused charged with Mr Radebe are Mr Ernest Mochakala (23), Mr Mthuzela Madalane (24) and Miss Innocentia Mazibuko (20) all of Soweto.

D. Dispatch 24/3/83

Accused says police hit him

ZWELITSHA — An accused in a Terrorism Act trial here told the supreme court the head of the Ciskei Central Intelligence Services, Lieutenant General X. C. Sebe, ordered Ciskei police to "work" on him.

Mr Luyanda Mayekiso was giving evidence in a trial within a trial to determine the admissibility of statements he and his fellow accused made to magistrates.

Mr Mayekiso, Mr William Duna, Mr Dumisani Maninjwa and Mr Bayi Keye, all of Mdantsane have pleaded not guilty to participating in terrorist activities, recruiting people for military training, being members of the ANC, and possession and distribution of banned literature.

Mr Mayekiso said he was taken to General Sebe's office where he found him with a white policeman who was cleaning a firearm. He said the general asked him if he was a member of the ANC, SAWU, the Communist Party or the Congress of South African Students (Cosas).

When he said that he

used to be a member of Cosas, General Sebe said that was nonsense because all the organisations he had enumerated were ANC.

Mr Mayekiso said General Sebe had asked the police why they had brought him in a clean state, and then ordered then to take him away and "work" on him.

He was then manhandled into another office where he was handcuffed and hit with fists until he fell down.

While he was down, police trampled on him and kicked his body and private parts.

A Lieutenant Ngwanaya sat on his chest and throttled him.

Mr Mayekiso said Captain Genda covered his head with a motorcar tube that made it difficult for him to breathe. He lost consciousness.

He said when he came to he was taken to Brigadier Tamsanqa to make a statement. While dictating this statement, the brigadier kept on falling asleep while he was talking.

Colonel Nonhonho and Captain Genda would peep into the office while he was sleeping and ask Mr Mayekiso to wake up the Brigadier. He said he refused because he was afraid of him, and they would make a noise with the door to wake him up.

Mr Mayekiso said Brigadier Tamsanqa did not know what procedure was followed when a person had finished making a statement, and he had to explain to him that it had to be signed by him, the brigadier and another witness.

Mr Mayekiso said his statement was taken to the East London security police who tore it in half.

He said the East London police assaulted him, wanting to know his connection with the ANC. — DDR

Defence hits out at transcript

Terror trial to rule on secret tape

By Themba Molefe

In a dramatic hearing in the Kempton Park Regional Court yesterday the defence advocate for a Terrorism Act accused, Mr Stanley Radebe, strongly objected to the acceptance as evidence of the transcript of a secretly tape-recorded conversation at Modder Bee Prison between the accused and his mother.

Mr D Soggott stated that "it was a principle in law that a court should

exclude unfairly procured evidence".

The objection arose when the prosecutor, Mr E Jordaan, read to Mr Radebe the transcribed version of the taped conversation which took place when his mother visited him at Modder Bee in July last year, a day after Mr Radebe and three others were formally charged under the Act.

Mr Soggott said the court had to exclude the tape on grounds that the

contents were admissions taken from the accused without his knowledge.

"The tape has been kept in the background until the accused is in the witness box. Now he is confronted with it.

"The State can reopen its case on the basis of the tape provided it (the tape) is available to the defence to challenge the translation."

'UNFAIRNESS'

Mr Soggott noted that there was "an element of unfairness" toward both Mr Radebe and his mother.

"People have a right to communicate without disturbance even in prison where a conversation is conducted in the presence of a warder," Mr Soggott said.

He also noted that it was unusual that police should be allowed to secretly tape a discussion inside a prison.

"The tape was in the hands of the police and the defence cannot prove whether it has not been tampered with," Mr Soggott said.

Earlier in yesterday's proceedings, Mr Radebe collapsed in the witness box while under cross-examination. The court adjourned for about an hour while he was taken to the cells to recover.

The case resumed after he had told the magistrate, Mr I J J Luther, that he was fit to proceed.

Mr Radebe (27) of Senaoane, Soweto, Mr Mthuthuzeli Madalane (24) also of Senaoane, Mr Ernest Mohakala (23) of Molapo, Soweto and Miss Innocentia Nonkululeko Mazibuko (20) of Zone 6 Diepkloof have pleaded not guilty.

Mr Luther will give a ruling on the argument today.

(331) Hansard Q.61 806 -
 Internal Security Act
 25/3/83 207
 180 Mrs. H. SUZMAN asked the Minister of Law and Order:

- (1) How many persons were charged with offences under the Internal Security Act in 1982;
- (2) how many of them (a) were (i) released without trial, (ii) acquitted and (iii) convicted of lesser offences and (b) are still on trial or awaiting trial;
- (3) for what period was each person detained before being charged or released?

The MINISTER OF LAW AND ORDER:

- (1) 117.
- (2) (a) (i) 5.
 (ii) 9.
 (iii) 3.
 (b) 48.
- (3) 5 for 1 day
 9 .. 2 days
 1 .. 9 ..
 1 .. 10 ..
 1 .. 11 ..
 6 .. 12 ..

807

FRIDAY, 25 M

3	..	13	..
5	..	14	..
3	..	21	..
1	..	23	..
4	..	25	..
1	..	51	..
1	..	62	..
1	..	67	..
1	..	72	..
1	..	77	..
1	..	81	..
2	..	87	..
2	..	96	..
1	..	99	..
1	..	100	..
1	..	109	..
1	..	111	..
1	..	113	..
1	..	114	..
1	..	117	..
2	..	120	..
1	..	129	..
1	..	131	..
2	..	142	..
1	..	147	..
2	..	151	..
1	..	156	..
1	..	164	..
1	..	170	..
1	..	173	..
2	..	176	..
1	..	182	..
3	..	184	..
1	..	227	..
	for		days

(41 were summarily charged)

Of the 13 persons detained for longer than 150 days, nine are involved in an extensive investigation into the subversive activities of the Pan Africanist Congress, and whose trial will commence in due course. The other four persons are Hannchen Fitzgerald, Barbara Hogan, Alan Fine and Rogerio Chamusso whose cases have already been disposed of.

D. Dispatch 25/3/83

~~406~~ 331 ~~339~~

Court told deponent refused to complete statement

ZWELITSHA — The Ciskei Supreme Court was told a deponent completed his statement to a magistrate at the Security Police offices in the presence of officers after he had refused to continue with it at the Mdantsane Magistrates Offices.

Mr Luyanda Mayekiso told the court that he refused to continue making a statement at the magistrate's offices after the magistrate, Mr Stanford, had omitted to write down an alleged police assault.

He said the investigating officer, Captain C. Van Wyk, who entered the office after his refusal, slapped him in the presence of the magistrate.

Mr Mayekiso was giving defence evidence in a trial within a trial to determine the admissibility of statements he and his fellow accused had made to a magistrate.

Mr Mayekiso, Mr William Duna, Mr Dumisani Maninjwa and Mr Bayi Keye, all of Mdantsane have pleaded not guilty before the Chief Justice, Mr Justice De Wet, to charges of participating in terrorist activities, recruiting people to undergo military training, being members of the banned ANC, being in possession of and distributing banned publications.

Mr Mayekiso said after he had refused to con-

tinue making the statement Mr Stanford left the office and spoke to a captain Genda, one of the policemen, who brought him to the offices.

Mr Stanford came back and tried to telephone someone. A short while later Captain Van Wyk arrived and slapped him in front of Mr Stanford.

He said he was taken back to the Security Police offices at Cambridge in East London and was assaulted by the police. At the police office he was ordered to write down the things he had left out in his statement to the magistrate.

On the following day he found the magistrate

and other security officers in Captain Van Wyk's office. Captain Van Wyk produced the notes he had written the previous day and told him to dictate them aloud to the magistrate who took down what he said.

Mr Mayekiso said when the magistrate asked him the previous day if he had been assaulted to induce him to make a statement, he told him he had been assaulted by the Security Police during the past two weeks.

He also told him that he had been instructed by Capt Van Wyk to come and make the statement.

He denied telling Mr Stanford that he wanted to make a statement because he had been furthering the aims of the ANC and that he felt guilty because he had been found in possession of banned publications. He said no literature had been found with him.

Under cross examination he insisted that while in the offices of the Ciskei Central Intelligence Services here a tea woman called Mamtshawe and Mr Lolo Sebe made derogatory remarks to him.

When it was put to him it could not have been Mr Lolo Sebe because he was at school at the time, and that he had nothing to do with the police and had never been to those offices and was asked if it was not his brother, Lt Kwane Sebe, who was also at school, Mr Mayekiso was adamant that it was Mr Lolo Sebe.

He said he knew both brothers well and told Mr Justice De Wet he knew their faces.

Mr Mayekiso denied he was dragging Mr Lolo Sebe into the issue to smear the Sebe family. He said there was no

reason to smear the family.

He said while being taken to Dimbaza police cells a Ciskei policeman, Mr Fikile Zibi, throttled him with one hand and opened his trousers zip and squeezed his private parts.

When it was put to him it was ridiculous for Mr Zibi to do that on a busy public road, Mr Mayekiso said it grieved him to be told it was ridiculous because he had experienced it.

Mr Mayekiso accused the chief magistrate here, Mr Crossman and the district surgeon, Dr Peer, of working hand in hand with the Ciskei Police.

He said Mr Crossman had ignored his complaint about the police assault saying he was only interested in complaints on his stay in the police cells.

He said Dr Peer, when told of the police assaults, asked him what he wanted and gave him medicine without examining him with a stethoscope.

The prosecutor put it to him that he asked to be taken to a doctor on numerous occasions while in detention, in an attempt to be taken out of police cells for a joy ride and that it was common strategy for detainees at that time to inundate police with requests to see a doctor.

As part of the strategy some detainees refused to give their names or speak to a magistrate who visited them and there was a hunger strike at one time.

Mr Mayekiso denied he wanted a police joy ride. He knew nothing about the other incidents.

The case was postponed to May 23. — DDR

NUN ON BANNED BOOKS CHARGE

By MARTIN
NTSOELENGOE

KRUGERSDORP — A nun made her second appearance here this week on charges of possessing banned literature.



● SISTER MNCUBE
... banned literature
charge.

She was not asked to plead. Her case was postponed to May 6.

Sister Bernadette Mncube's appearance is a sequel to a security police raid on houses in Kagiso and Mohlakeng in the early hours of Friday, March 4.

Sister Mncube spent the weekend in jail and was granted R300 bail on Monday.

She is a teacher at the St Mary's Catholic school in Kagiso and an instructor at the self-help centre started by Pastor Frank Chikane when he was running the Apostolic Faith Mission.

● As a sequel to the same swoop, lay preacher Mosotho Genu, 32, of the Apostolic Faith Mission, appeared in the regional court on charges of being in possession of prohibited publications and promoting the aims of the ANC.

(a) How many persons were in detention in each detention centre of the South African Defence Force as at the latest specified date for which figures are available and (b) for what offence was each of them detained at that date?

The MINISTER OF DEFENCE:

(a) On 22 March 1983 the position was as follows:

Vootrekkerhoogte	473
Wynberg	58
Grootfontein	26
Bloemfontein	21
Simon's Town	4
King's Rest	5

(b) Description of Offence

Offences in connection with conduct in action	14
Absent without leave	185
Assaulting a superior officer	8
Disobeying lawful commands or orders	4
Theft of government property or property belonging to a commander, mess, etc.	10
Negligent loss of kit, weapons, etc.	2
Using or taking an article issued to or under control of another person	4
Drunkenness	2
Conduct to the prejudice of military discipline	1
Refusal to undergo military training in the Citizen Force or commando	355
Common assault	2

Defence Force: persons died/seriously injured

600. Mr. P. A. MYBURGH asked the Minister of Defence:

(1) How many South African Defence

Force personnel members died as a result of accidents in 1982:

(2) how many such members (a) died or (b) were seriously injured as a result of other causes, excluding enemy action, in that year?

The MINISTER OF DEFENCE:

(1) 259.

(2) (a) 149.

(b) 72.

Kruger Rand coins

631. Mr. T. ARONSON asked the Minister of Finance:

(a) What was the total number of Kruger Rand coins sold in 1982 and (b) what was the amount obtained from the sale of such coins?

The MINISTER OF FINANCE:

(i) Kruger Rand (1 oz)	2 179 120
(ii) ½ Kruger Rand	222 004
(iii) ¼ Kruger Rand	699 755
(iv) 1/10 Kruger Rand	1 017 192

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(b) (i) Kruger Rand

(1 oz)	865 203 588,52
½ Kruger Rand	46 246 228,73
¼ Kruger Rand	64 188 634,94
1/10 Kruger Rand	44 909 270,46

R1 020 547 722,65

633. Mr. A. F. FOUCHÉ asked the Minister of Community Development:

How many areas (a) have been proclaimed in terms of section 19 of the Group Areas Act, No. 36 of 1966, and (b) are still under consideration?

The MINISTER OF COMMUNITY DEVELOPMENT:

(a) 27.

(b) 11.

Group Areas Act

644. Mr. G. B. D. McINTOSH asked the Minister of Community Development:

Whether any open areas have been proclaimed in municipal areas in terms of section 19 of the Group Areas Act since February 1982; if so, (a) in which municipal areas and (b) when?

The MINISTER OF COMMUNITY DEVELOPMENT:

Yes.

(a) Potchefstroom; Cape Town; Springs.

(b) 19 May 1982; 1 October 1982; 29 October 1982.

660. Dr. M. S. BARNARD asked the Minister of Defence:

(1) How many posts for social workers in his Department (a) were vacant and (b) had been filled as at 1 November 1979, 1980, 1981 and 1982, respectively

(a) Vacant	(b) Filled	
(1) 1979	8	42
1980	39	39
1981	41	61
1982	46	79

The MINISTER OF DEFENCE:

(2) whether any such posts lapsed in any of these years; if so, how many in each such year?

+Indicates translated version.

For written reply: *Handwritten notes and signatures*
 392. Dr. A. L. BORRAINE asked the Minister of Justice:

Whether any (a) Blacks, (b) Whites, (c) Coloureds and (d) Indians involved in trade union movements and detained since 1 January 1982 have been tried for any offence; if so, (i) how many in each category, (ii) for what offence in each case and (iii) how many of them were convicted of the offence charged?

The MINISTER OF JUSTICE:

As the hon. member knows, people are not prosecuted in the Republic of South Africa on account of *bona fide* trade union activities. The required particulars of the trials of persons detained since 1 January 1982 in connection with activities pertaining to the safety of the State, and who are or were otherwise involved in trade union movements, but for which trade union activities no prosecution was instituted, are as follows:

(a), (c) and (d) No.

(b) Yes

(i) 2.

(ii) and (iii) 1 person was prosecuted in terms of section 2(1)(a) of the Terrorism Act, 1967 (Act 83 of 1967) and was acquitted. 1 person was prosecuted for high treason and was convicted on the charge.

425 Mrs. H. STUZMAN asked the Minister of Co-operation and Development:

Attacks 'not spontaneous'

ARGUS 28/3/83 331

Supreme Court Reporter

THE attacks on two motorists at Klipfontein Road during the Crossroads riots in August, 1980, were not a spontaneous mob action, Mr J Slabbert, for the State, argued in the Supreme Court, Cape Town, today.

Arguing in the marathon trial of trade unionist Mr Oscar Mpetha, 73, and 17 others charged with murder and terrorism, Mr Slabbert said that at a meeting held at the Assembly of God Church on August 11, 1980, it had been decided that the cars of the "boere" were to be attacked.

Dealing with the State witnesses who testified at the trial, Mr Slabbert said the first witness, a minor who was in the witness box for two weeks, had shown during the unnerving pre-trial procedures and her testimony that she was a resolute young person, able to withstand tremendous pressure.

If she had been a lying witness, she would have cracked.

Evidence that a rope made from rags had been seen at various places that day meant to keep people in place until it was lifted, showed without doubt that it was not a spontaneous mob action.

A witness known as Fufu, the fourth witness and warned as an accomplice, had described the proceedings in the church where it had been decided to kill whites and obtain petrol bombs. He had also seen the assault on Mr Jansen.

During his 19 days in the witness box his confidence and stature as a witness had increased the more he was cross-examined, said Mr Slabbert.

(Proceeding.)

Mr Justice Williamson is sitting with two assessors Mr G H Titterton and Mr C H van Gend. Mr J Slabbert, with Mr C J van Wyk, appears for the State. Mr I J Farlam, instructed by Frank Bernadt and Joffe appears for Mr Mpetha. Mr T L Skweyiya appears for 11 of the accused. Mr J Whitehead for four and Mr N Willis for two. They are instructed by A M Omar and company.

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(328) (331) E. Post
28/3/83

Banned man says restricted area not clearly demarcated

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THE defence of a banned man who appeared in the Port Elizabeth Regional Court today on a charge of breaking his banning order was that the area to which he was restricted was not clearly demarcated.

Mr Dumile Dennis Makhanda, 32, of Kwazakele, pleaded not guilty to a charge of breaking a banning order and to another of possessing banned literature.

Mr Makhanda was allegedly found at his brother's house in Zwide — outside the area to which he was restricted — on October 8, 1982.

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It was also alleged that one banned publication, *New Dawn*, volume 1, number 2, 1981, and three banned stickers titled "People's Hero — Joe Gqabi", "People's Hero — Solomo Mahlangu" and "The Silverton Three", all bearing photographs, were found in his possession on October 12, 1982.

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Mr P Langa, instructed by S Nkanunu, for the defence, submitted that Kwazakele, the area to which Mr Makhanda was restricted, was not clearly demarcated.

(Proceeding)

Accused: I grew ^{Star} to hate ^{28/3/88} Afrikaners ⁽³³¹⁾

Solitary confinement and police torture drove a young man to hate Afrikaners, a Kempton Park Regional Court magistrate was told last week.

Mr Stanley Radebe (27), of Senaoane, Soweto, who pleaded not guilty to charges under the Terrorism Act, was replying to questions based on a secretly tape-recorded conversation between him and his mother at Modder Bee Prison when she visited him there.

Mr Radebe, charged with furthering the aims of the banned South African Revolutionary Youth Council (SAYRCO) and of the Soweto Students Representative Council (SSRC), said being kept in isolation at Groenpunt Prison in the Free State and being assaulted and tortured by Security Police "made my heart bleed and hate Afrikaners because the police are Afrikaans-speaking.

"They made me suffer for things I did not do and accused me of being a member of SAYRCO when I was not.

"At the time I almost hated white people generally, especially the police and Groenpunt Prison officials.

"They did not treat me like a human being but like an animal.

"I have been kept in jail for things I did not do."

Mr Mthuthuzeli Madalane (24), of Senaoane, Mr Lebona Ernest Mohakala (23), of Molapo, Soweto, and Miss Innocentia Nonkululeko Mazibuko (20), of Zone 6, Diepkloof, have also pleaded not guilty under the Act.

The trial continues today.

1980 attacks by mob planned, claims the State

Own Correspondent

CARE TOWN — The attacks on two motorists at Klipfontein Road during the Crossroads riots in August 1980 were not spontaneous mob action, the State prosecutor said in the Supreme Court here yesterday.

Mr J Slabbert said in the marathon trial of trade unionist Mr Oscar Mpetha (73) and 17 others charged with murder and terrorism that at a meeting held in the Assembly of God Church on August 11 1980, it had been decided the cars of the "boere" were to be attacked.

Dealing with the State witnesses who testified at the trial, Mr Slabbert said the first witness, a minor who was in the witness box for two weeks, had during the unnerving pre-trial procedures and her testimony indicated she was a resolute young person, able to withstand tremendous pressure.

He said if she had been a lying witness, she would have cracked by the time the pre-trial procedures had been completed.

She never broke under cross-examination, which strengthened her original evidence, and was remarkably consistent.

Mr Slabbert submitted that if there were any flaws in her evidence they

were of an obscure and insignificant nature, and he submitted her evidence could be accepted in toto.

The second State witness, another minor, said that Mr Mpetha had laid the plans for the assaults. He also described the events at the bus terminus and the church and the adjournment of the crowds to Crossroads, where they met Mr Mpetha, and the murders of Mr George Beeton and Mr Frederick Jansen.

Mr Slabbert said that although he had been warned as an accomplice, where the second minor was corroborated his evidence should be accepted in parts after the cautionary rule applied to accomplices had been satisfied. Although the witness had lied to the magistrate, he was honest enough to admit the lie, implicating himself deeply.

The witness never deviated from his evidence of the meetings at Mr Mpetha's house and in saying that Mr Mpetha had laid the plans for the attacks against the whites. There was also corroboration of his evidence that barricades would be built and cars attacked with petrol bombs.

Mr Michael Mlangeni spoke on the meeting at the church, the attack on the car and how he had seen a white man pulled out of the car.

He was not an accomplice and there was no indication he had been associated with the attack.

The fourth witness, known as Fufu, had described the proceedings in the church where it had been decided to kill whites and get petrol bombs.

During his 19 days in the witness box, his confidence and stature as a witness had increased the more he was cross-examined.

Mr Slabbert said he was a most impressive witness and should be granted indemnity.

The case is continuing.

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, instructed by Frank Bernad, and Joffe appears for Mr Mpetha. Mr T L Skweyva appears for 11 accused. Mr J Whitehead for four and Mr N Willis for two. They are instructed by A M Omar and company.

'Mpetha has simmering resentment'

ARGUS 29/3/83

Supreme Court Reporter

MR OSCAR MPETHA, who professed acceptance of whites, harboured a simmering resentment towards them, Mr J Slabbert, for the State, has told the Supreme Court, Cape Town.

Mr Slabbert said yesterday that this "professed acceptance" had crumbled in cross-examination.

The trade unionist, aged 73, and 17 others face charges of murder and terrorism. He has denied all alleged incriminatory evidence against him while in the witness box.

Mr Slabbert argued that in view of Mr Mpetha's history and reputation as a respected community leader, his evidence that the people had not consulted him on

such a big issue as the bus boycott was highly suspect.

Mr Mpetha had known of the problems and their causes and had been concerned about the "mal-treatment".

Mr Slabbert said Mr Mpetha's excuse that he had been too busy with official work was feeble and at variance with his life's work relating to black grievances.

Mr Mpetha had known about the Klipfontein incidents hours after they had happened and had released a statement to the Press later in the afternoon to let "people all over the world" know about them.

He said Mr Mpetha's evidence during cross-examination on the Press statement had been unsatisfactory.

The "freedom songs" sung at meetings and the clenched-fist salute, Mr Slabbert said, did not have only an innocent connotation. They were also used to express unity among people who felt they were oppressed.

Using this salute in court was a further indication of this unity.

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Counsel says PE banned man will deny charge

Post Reporter

DEFENCE counsel for a banned former trade unionist told the Port Elizabeth Regional Court yesterday that his client would deny he had banned publications.

Mr P N Langa appeared for Mr Dumile Dennis Makanda, 32, of Kwazakele, who pleaded not guilty to contravening his banning order and to possession of banned literature.

Mr Makanda was allegedly found at his brother's house in Zwide, a township outside the area to which he is restricted, on October 8 last year.

It was also alleged that he was found in possession of the banned publication — New Dawn, Volume 1, Number 2, 1981, three banned stickers with photographs titled "People's Hero — Joe Gqabi", "Peo-

ple's Hero — Solomon Mahlangu", and "People's Hero — The Silverton Three" and photographs allegedly showing notices framed by ANC colours.

Mr Langa submitted that Kwazakele, the area to which Mr Makanda was restricted, was not clearly demarcated and that the order of restriction was vague and uncertain.

He said members of the Port Elizabeth security police belittled Mr Makanda when they found him under a bed at his brother's house. They referred to a pending restriction order confining him to his house during certain hours.

The case was postponed to June 1.

Mr J B Robinson was on the Bench. Mr J Nel appeared for the State. Mr Langa was instructed by S Nkanunu and Company.

E. Post

29/3/83

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Mpetha 'resents whites', court told

Cap Times 29/3/83 331

Supreme Court Reporter

TRADE unionist Mr Oscar Mpetha, who faces charges of murder and terrorism with 17 others, showed during the trial that he "harboured a simmering resentment of whites", the State submitted in the Supreme Court yesterday.

Mr J Slabbert was presenting his argument in the trial, which has continued for two years and has involved more than 100 witnesses.

The men are charged with committing or inciting others to commit terrorist activities between August 8 and 12, 1980. They are also charged with two counts of murder arising from the death of Mr George Beeton and Mr Frederick Jansen on August 11, 1980.

The State alleged that Mr Mpetha was the brains behind the events on August 11. It was alleged that he had planned for cars to be stoned and whites killed on that day.

Mr Slabbert said there were a number of unsatisfactory aspects to Mr Mpetha's evidence.

His professed acceptance of whites had collapsed under cross-examination, showing that he strongly resented them, he submitted.

Mr Mpetha's professed ignorance of the events from August 11 to 22 was not in keeping with his role of community leader.

Mr Slabbert submitted that the evidence showed an improbable recall of time and unimportant detail.

The five witnesses called by Mr Mpetha cor-

roborated him on nearly every detail, he said. However, this remarkable similarity could only be ascribed to the defence witnesses' tailoring their evidence, he submitted.

Mr Slabbert submitted that the court should accept the evidence of the State witnesses. Despite problems with some of them, he submitted that their evidence could be accepted where corroborated.

The case continues today.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr C J van Wyk is assisting Mr Slabbert. Mr I Farlam, SC, assisted by Mr J R Whitehead, and instructed by Frank, Bernadt and Joffe, is appearing for Mr Mpetha. Mr Whitehead, Mr N P Willis and Mr T Skweyiya are appearing for the other accused.

CAPE Times 30/3/85

Mpetha trial: Crowd 'incited' by posters

331

Staff Reporter

PROVOCATIVE posters on the walls of a Roman Catholic Church, "sketches" which depicted police brutality, and the singing of freedom songs during a memorial service, incited a large crowd of people to murder two white motorists on August 11, 1980, the State submitted in the Supreme Court yesterday.

Mr J Slabbert, for the State, was presenting his argument in the trial of 73-year-old trade unionist Mr Oscar Mpetha, who faces charges of murder and terrorism with 17 others.

The men are charged with taking part in terrorist activities between August 8 and 12, 1980, and with two counts of murder arising from the death of Mr George Beeton and Mr Frederick Jansen on August 11, 1980.

Mr Slabbert said the memorial services, organized by several of the accused, had been a facade for the real purpose of incitement.

"Given the tense atmosphere which prevailed in the townships at the time and the general turmoil boiling in the boycotting students' hearts, it was inevitable that the added emotional issue of the 1976 dead would result in the students becoming even more incensed," he said.

Mr Slabbert submitted that the feelings of hostility must have been even

more inflamed by the "most provocative" posters on the walls of the Roman Catholic Church.

"It is a strange coincidence that after the two so-called memorial services held that day, a large crowd consisting of people from both churches (RC and Assembly of God), murdered two white motorists," he said.

Another strange feature, Mr Slabbert said, was that the ministers of the churches played no role in the two services.

Mr Slabbert also submitted that the SRC of Fizeka and the Regional Committee had been far more active in the control and organization of the boycotting students than they were prepared to admit.

He submitted that the church services had been organized by these bodies to "whip up" anti-white and anti-police feelings.

Mr Slabbert also submitted that the failure of eight of the accused to testify was "fatal" to some of their cases.

The hearing continues today.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H Van Gend. Mr C J Van Wyk is assisting Mr Slabbert. Mr I Farlam, SC, assisted by Mr J R Whitehead, and instructed by Frank Bernadt and Joffe, appears for Mr Mpetha, and Mr Whitehead, Mr N P Willis and Mr T Skweyiya appear for the other accused.

Police gave sweets, turned 'nasty'

By NKOPANE MAKOBANE

A KEMPTON Park court heard yesterday that after an accused had refused to testify in the Khotso Seat-holo trial, a security policeman had told her her life was going to be made so unbearable she would have to leave the country.

Miss Nonkululeko "Freedom" Mazibuko (20) of Diepkloof, Soweto, told the court that after she had refused to become a State witness,

Warrant Officer Celliers that I would be turned into a jaibird until I left the country," she said.

Miss Mazibuko was under re-examination by her defence counsel, Mr Morris Bassian, in her trial with three Soweto men. They have all pleaded not guilty be-

fore Mr J J Luther to a charge under the Terrorism Act or alternatively recruiting people to undergo military training outside the country.

The three are Mr Stanley Radebe (27) of Senoane, Mr Mhuthuzeli Madalane (24) also of Senoane and Mr Ernest Mohakala (23) of

Molapo.

The court heard that before she refused to give evidence in Vanderbijlpark trial involving Seatholo and Masabata Loate she got on well with the police.

"They even bought me chocolates because they knew I liked them. At one stage I was even invited to a braai vleis."

she said.

She said the politics she used to discuss with her friends were mainly school politics following the 1976 Soweto riots. They had also discussed the plight of blacks in general but never discussed overthrowing the Government through violent means.

She also told the court that after the June 1976 unrest, many Soweto parents sent their children away to neighbouring countries and places outside Johannesburg because police arrested scholars and conducted house-to-house raids.

At the end of yesterday's proceedings, the defence closed its case and argument is to start today.

Violence was inevitable, Mpetha trial hears

Black hostility 'inflamed' — State

Own Correspondent

CAPE TOWN — During August 1980 it was inevitable that black people became incensed, given the "general turmoil boiling in the boycotting students' hearts" and "the emotional issue of the 1976 dead", the State submitted in the Supreme Court yesterday.

Mr J Slabbert was presenting his argument in the trial of trade unionist Mr Oscar Mpetha and 17 others. The case has lasted for two years and involved more than 100 witnesses.

The men are charged with committing or inciting others to commit terrorist activities between August 8 and 12 1980. They are also charged with two counts of murder arising from the death of Mr George Beeton and Mr Frederick Jansen.

Referring to "the tense atmosphere" in black townships and the two meetings at the Roman Catholic and Assembly of God churches, held on the day the men were killed, Mr Slabbert alleged:

"These feelings of hostility must have been even more inflamed by the most provocative posters on the walls of the Roman Catholic Church and the 'sketches' enacted before the audience, all of which depicted police brutality.

"It is a strange co-incidence that after the two so-called memorial services held on that day a large crowd consisting of people from both churches thereafter murdered two white motorists."

He said it was also strange that the ministers of the two churches played no role in the services.

"This is certainly not in accord with the defence's contention that it was 'a normal service like a church service one attends on a Sunday'," he said.

Quoting freedom songs sung at the church meetings, Mr Slabbert said these were not "of an innocent or even religious nature"

"Their effect on a hostile and emotional black audience need not be spelled out.

"The songs and speeches seemed to go hand-in-hand with the black power salute, which is a 'sign of togetherness' or (made) after a speech or agreement with what was said."

He said the various SRCs and the students' regional committee were "far more active in the control and organisation of the boycotting students than they were prepared to admit".

"The school boycott lasted for nearly a year. It is submitted that the boycott by so many pupils from so many schools could only have continued for that length of time if the students and teachers had been intimidated," said Mr Slabbert.

The case continues today.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr CH van Gend. Mr CJ van Wyk is assisting Mr Slabbert. Mr I Farlam SC, assisted by Mr J R Whitehead, is appearing for Mr Mpetha. Mr Whitehead, Mr N P Willis and Mr T Skweyiya are appearing for the other accused.

'Boere' attacked, court told

CAPE TIMES 31/3/83

Supreme Court Reporter
MR OSCAR MPETHA, 73, was guilty of two murders because he had planned a general assault on whites in August, 1980 or had incited the crowd to attack the "boere", the State submitted in the Supreme Court yesterday.

Mr J Slabbert, for the State, presented his argument for the third and final day yesterday.

Mr Mpetha and 17 others face charges of murder and terrorism in the trial, which has continued for over two years and covered more than 10 000 pages of record. The charges follow incidents in Crossroads during August 1980, in which two men were killed, cars were stoned and petrol bombs thrown.

Church meeting

Mr Slabbert submitted that, when the large crowd left the Assembly of God Church on August 11, its plan was to attack the cars of the "boere" at Crossroads. This plan could have arisen at a previous meeting at Mr Mpetha's house, or in the church.

He submitted that Mr Mpetha had visited the minister the previous evening to obtain the church for the meeting.

The crowd was large and was singing "inflammatory" freedom songs, Mr Slabbert said. The whole township was tense because of the schools boycott, the bus boycott and the 1976 dead.

He submitted that Mr

Mpetha stopped his car in Mohobe Drive and told the crowd to sing the "inflammatory" song "There Are Guns In Angola". He indicated solidarity with them by giving the Black Power salute.

Soon afterwards, the cars were attacked at Crossroads.

Mr Slabbert said that a State witness, who is still a minor, had testified that Mr Mpetha had previously said whites would be destroyed on August 11 and 12, and that a meeting would be held at the Church to recruit young people.

He submitted that the church was an "integral part of the plot" and someone had to arrange for its availability. This further identified Mr Mpetha as a co-conspirator.

Terrorism

He was also guilty of participating in terrorist activities — whether he had planned the events, or had later incited the crowd, Mr Slabbert submitted.

The other 17 men had all committed their own acts in relation to one or both the murders, he submitted.

The hearing will continue on April 18.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr Slabbert appears with Mr C J van Wyk. Mr I Farlam, SC, assisted by Mr J Whitehead, instructed by Frank, Bernadt and Joffe, appears for Mr Mpetha. Mr Whitehead, Mr T L Skweyiya and Mr N Willis appear for the other accused.

Mpetha trial hears: 'General assault on whites planned'

ARMS
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Staff Reporter

A plan to attack the cars of "boere" at Crossroads during August, 1980, could have arisen at the home of trade unionist Mr Oscar Mpetha, it was said in the Supreme Court, Cape Town

At the trial of Mr Mpetha and 17 others, Mr J Slabbert, presenting argument for the State, said yesterday the attack could also have been planned at the church meeting later, but added: "The main point is, when the crowd left the church their blood was up and 'murder was in their hearts and minds'.

"It was a large crowd which was singing freedom songs, the wording of which is most inflammatory."

The 18 accused, who have been on trial for more than two years, are charged with committing or inciting others to commit terrorist activities between August 8 and 12, 1980 and two counts of murder arising from the deaths of Mr George Beeton and Mr Frederick Jansen.

According to Mr Slabbert, Mr Mpetha had told the crowd to sing There Are Guns In Angola and he gave the black power salute.

Mr Slabbert said there had been a definite plan to attack whites and submitted that Mr Mpetha was "part of the ... conspiracy".

"(Mr Mpetha) was encouraging and inciting this large crowd ..." he told the court.

Mr Slabbert alleged the trade unionist was "guilty of the two murders on the basis that he planned a general assault on the whites ... reckless as to the results thereof".

LAW AND ORDER

He said Mr Mpetha had intended to "endanger the maintenance of law and order".

With regard to all accused, Mr Slabbert asked the court to find the following:

- The church services — where anti-white and anti-police sentiments were "inflamed" — held on the day the two white men were killed, were "a facade for the more serious business of incitement";

- The freedom songs sung at the churches were all extremely "inflammatory";

- The use of the black power salute "indicates solidarity or togetherness";

- The township was very tense that day, due to various factors such as the school and bus boycotts as well as the 1976 dead;

- When the crowds left the churches they knew they were going to kill whites and

- The violence continued the following day.

At the end of the State's argument, the case was adjourned until April 18.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr G H van Gend. Mr C J van Wyk is assisting Mr Slabbert. Mr I Farlam, SC, assisted by Mr J R Whitehead, instructed by Frank, Bernadt and Joffe, is appearing for Mr Mpetha. Mr Whitehead, Mr N P Willis and Mr T Skweyiya are appearing for the other accused.

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O. D. Ntsheli
Charge is
21/3/83 *(321)*
terrorism

MDANTSANE Two men appeared briefly in the magistrate's court here yesterday on a charge of terrorism — contravening the Ciskei National Security Act and an alternative charge under the same Act.

Mr. Monwabisi Mnikina and Mr Thembinkosi Matutu were not asked to plead and no evidence was led.

Attached to the charge sheet was a certificate from the attorney general ordering that they be not released on bail.

They were remanded to appear in court on May 16. — DDR

Detainee now in hospital

CAPE TIMES 31/3/83

Own Correspondent

JOHANNESBURG. — A Soweto detainee who has been in police custody since 1979 was last week admitted to Johannesburg Hospital's psychiatric ward.

Mr Mordecai Tatsa, 27, of Orlando East, Soweto, is suffering from acute depression, according to a spokesman for his lawyers, Priscilla Jana and Associates.

Confirmation of Mr Tatsa's transferral to Johannesburg Hospital could not be obtained from the Police Directorate of Public Relations last night.

Of the 40 months Mr Tatsa has spent in prison, only 12 have been as a convicted prisoner — and that was for refusing to give evidence in the Terrorism Trial of two youths.

He was first detained in December 1979 under Section Six of the Terrorism Act. In June 1980, he was brought to court on a Terrorism Act charge involving allegations of ANC activities. Charges were withdrawn when the trial began the following month but before he could leave the court, he

was re-detained under Section Six of the Terrorism Act.

In March the following year, he was called to give evidence in the Ermelo Regional Court against Mr Raphael Khumalo and Mr Raymond Dlodlu.

When he refused, he was sentenced to three years' imprisonment. Both Mr Khumalo and Mr Dlodlu were later acquitted.

However, his lawyers appealed successfully against the sentence and in November 1981, two Pretoria judges, Mr Justice Kees van Dijkhorst and Mr Justice H Nestadt reduced the sentence to one year.

He served his sentence in Bethal prison. In March last year, on the day he was due to be released, his parents drove out to fetch him only to find he had been re-detained under Section 10 of the Internal Security Act.

Since then, he has been held in Modderbee Prison in Benoni. Last week, he was transferred to Johannesburg Hospital's psychiatric ward.

Cape terrorism trial goes into 27th month

Own correspondent

CAPE TOWN — Veteran trade unionist and Nyanga civic leader Mr Oscar Mpetha could celebrate his 74th birthday in prison while his marathon trial — which resumed in the Cape Town Supreme Court this week — drags towards its conclusion.

Mr Mpetha (73) and 17 others are facing charges of murder and terrorism following the riots near Crossroads in August 1980 when two motorists, Mr George Beeton and Mr Frederick Jansen, were killed. The accused were arrested soon afterwards.

The trial is now in its 27th month — a record for a Terrorism Act trial.

Already it has lasted three months longer than the 1976 South Africa Students' Organisation terror trial in Pretoria,

Mpetha could be in jail for 74th birthday

which held the previous record. Senior counsel believe that the Mpetha trial could continue for at least another three months.

During the long hearing the defence and outside organisations have made several appeals for the acquittal of Mr Mpetha because of his age and diabetic condition.

The trial has been characterised by numerous delays, among them a lengthy "trial within a trial" concerning the admissibility or otherwise of statements of 15 of the accused, a perjury trial in which a witness was convicted and sentenced to 15 months' jail and the illness and hospitalisation of Mr Mpetha on two occasions in one week.

In all the trial was delayed seven times for incidents unrelated to the court proceedings. On one occasion one assessor had a fall in the bath and was not available for a few days, on another the delay was caused when a 64-year-old interpreter, Mr Solomon Mekuto, died after he was hit by a train at Nyanga on his way home and difficulties were experienced in finding another interpreter.

Other incidents were:

- a delay of 35 days owing to procedural problems and the illness of one of the accused;

- the examination of a trial youth by the district surgeon after he complained of feeling ill;

- the postponement of the trial to allow three of the accused to be medically examined and treated for nervous strain and possible tuberculosis and pneumonia;

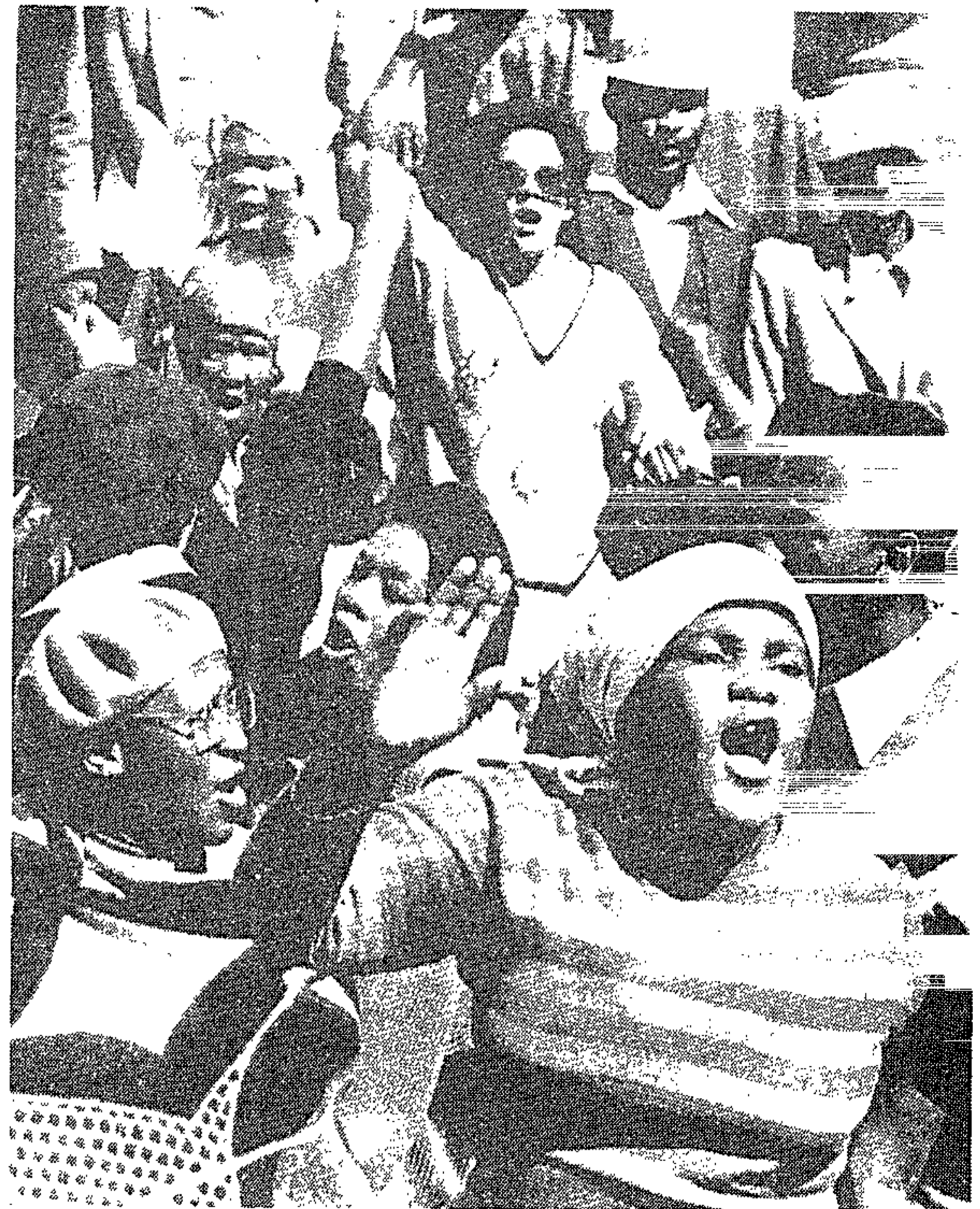
INSPECTION

- the absence of Mr T Skeweyiya, the Durban advocate for the accused, after he received "bad news" from home;

- and a short delay when a witness broke down and the court adjourned for the afternoon.

There was an inspection in loco where the alleged murders took place and, in the first few months, the hearing was marked by a packed court and rowdy spectators. Now only close relatives and associates of the accused attend the trial regularly.

On one occasion, early in the hearing, riot police stormed a crowd of about 400 people outside the Supreme Court and arrested six men and an elderly woman.



Black power salutes outside the court at the start of the Mpetha trial.



Chatting outside Pollsmoor Prison after a visit are Mr Mpetha's son, Tembu, his attorney, Mr Brian Lutzno, and his daughter, Esther.



Mr Oscar Mpetha, who suffers from diabetes, is helped from a police van during the trial. Mr Justice D Williamson inspected the vehicle after complaints from the accused that they had to travel in overcrowded conditions from Pollsmoor Prison to the court.

State claims 73-year-old planned riot

CAPE TOWN — The State argued yesterday that Mr Oscar Mpetha (73) was guilty of two murders because he had planned a general assault on whites in August 1980, or had incited a crowd to attack the "boere".

Mr Mpetha and 17 others are appearing in the Cape Town Supreme Court on charges of murder and terrorism. The trial has been on for more than two years.

The charges result from incidents at Crossroads in which two men were killed, petrol bombs thrown and cars stoned.

SINGING

The prosecutor submitted in his summing up yesterday that when a large crowd left the Assembly of God church on August 11 1980, its plan was to attack the cars of the "boere" at Crossroads.

This plan could have arisen at an earlier meeting at Mr Mpetha's house, or in the church.

The prosecutor submitted that Mr Mpetha had visited the minister the evening before to obtain the church for the meeting.

The crowd was large and was singing "inflammatory" freedom songs, the prosecutor said. The whole township was in a tense state because of the schools boycott, bus boycott, and the township deaths in 1976.

RECRUITS

The prosecutor, Mr J Slabbert, submitted that Mr Mpetha stopped his car in Mohobe Drive and told the crowd to sing the "inflammatory" song, "There are guns in Angola", and indicated solidarity with them by giving the Black Power salute.

Shortly afterwards, cars were attacked at Crossroads.

Mr Slabbert said that a State witness — who is still a minor — had testi-

Mr Oscar Mpetha with his advocate, Mr Ian Farlam. Mr Mpetha's ankle shackles were removed at the request of Mr Justice Williamson.

fied that Mr Mpetha had previously said that whites would be destroyed on August 11 and 12, and a meeting would be held at the church to recruit young people.

Mr Slabbert submitted that the church was an "integral part of the plot", and someone had to arrange for its availability. This further identified Mr Mpetha as a co-con-

spirator.

He had also participated in "terroristic" activities.

Mr Slabbert submitted that the other 17 accused had all committed their own acts in relation to one or both of the killings.

The hearing continues on April 18. — Sapa.

● See Page 7 of the Metro section.



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TOTALITARIANISM - POLITICAL
TRIALS

1983

APRIL - JULY.

Magcayi released after two years behind bars

*Soweto
331
5/14/83*

By **MONO BADELA**

A POLITICAL prisoner and widower from Diepkloof township in Soweto, Mr Weaver Magcayi, was last week released from the J.C. Steyn Prison in the Cape after spending more than two years behind bars.

Mr Magcayi was convicted in the Port Elizabeth Supreme Court by Mr Justice Solomon for refusing to give State evidence against his colleague, Mr Kholekile Mhlana, in a Terrorism Act trial in March 20, 1981. He had been detained first in terms of Section Six of the Terrorism Act and later under Section 12B of the same law. When he was brought to court on March 20, instead of testifying against Mr Mhlana, he launched a tirade against the South African judiciary as well as the South African Police.

He also turned down an appeal by the prosecution to have the case conducted in camera. Instead he demanded that the Press be pre-



POLITICAL PRISONER: Mr Weaver Magcayi with his two sons, Mzimkhulu (12) on the left, and Makana-Bongolethu (10), soon after his release from a two-year prison sentence.

sent. Mr Justice Solomon thereupon sentenced him to three years' imprisonment. Mr Magcayi said that was not enough. When he raised a clenched black power salute in reaction to the judge's decision, he was slapped with a further six months' imprisonment. On appeal the three-and-a-half-years' prison sentence was reduced to one of two years. Mr Magcayi, who has two sons, Mzimkhulu (12) and Makana-Bongolethu (10), is now happy to be with his family. His wife died in 1973. He told **THE SOWETAN**: "It is also strange to be surrounded by new people but I feel a lot of sympathy for my friends and all those I left behind in jail."

He said, although he missed his children, family and colleagues during the time he was detained and later imprisoned, he did not regret the stand he took "because I feel what I did was right." His sister, Miss Thandi Magcayi, a school teacher in Soweto, looked after the five children while Mr Magcayi was away. This was not the first time Mr Magcayi was detained. He was also detained in May 1978 with six others, including Mr Eric Ngeleza of Soweto and Mrs Feziwe Bookholane, before they were brought to trial in the Humansdorp Regional Court eleven months later. Evidence against him and Mr Eric Timi was judged to be insufficient and they were discharged in April 1979.

error trial told of false witness under pressure

Gives list of assaults

By Themba Molefe

The mother of Mr Stanley Radebe, one of the four accused under the Terrorism Act who were freed yesterday, is to sue the Minister of Police for alleged assaults on her by the Security Police.

Mrs Sannah Radebe (57), alleges the assaults took place during her detention between February and March last year.

During her son's trial she told the court she was hit on the head and fell while detained at Protea Police Headquarters shortly after her son's arrest.

The sensational end to the trial came when the magistrate, Mr J J J Luther, acquitted Mr Radebe (27), Mr Mthuthuzeli Madalane (24), both of Senaokane, Soweto; Mr Lebona Ernest Mohakala (23), of Molapo, Soweto, and Miss Nonkululeko Innocentia Mazibuko (22), of Zone 6, Diepkloof.

Mr Luther found State witnesses gave false evidence, were unreliable and contradicted themselves due to "fear of police assaults and threats of further detention by the Security Police."

The amount for which Mrs Radebe is suing is not yet known but legal sources believe it will be several thousand rands.

During the trial Mr D Sogot, defence advocate for two of the accused presented a

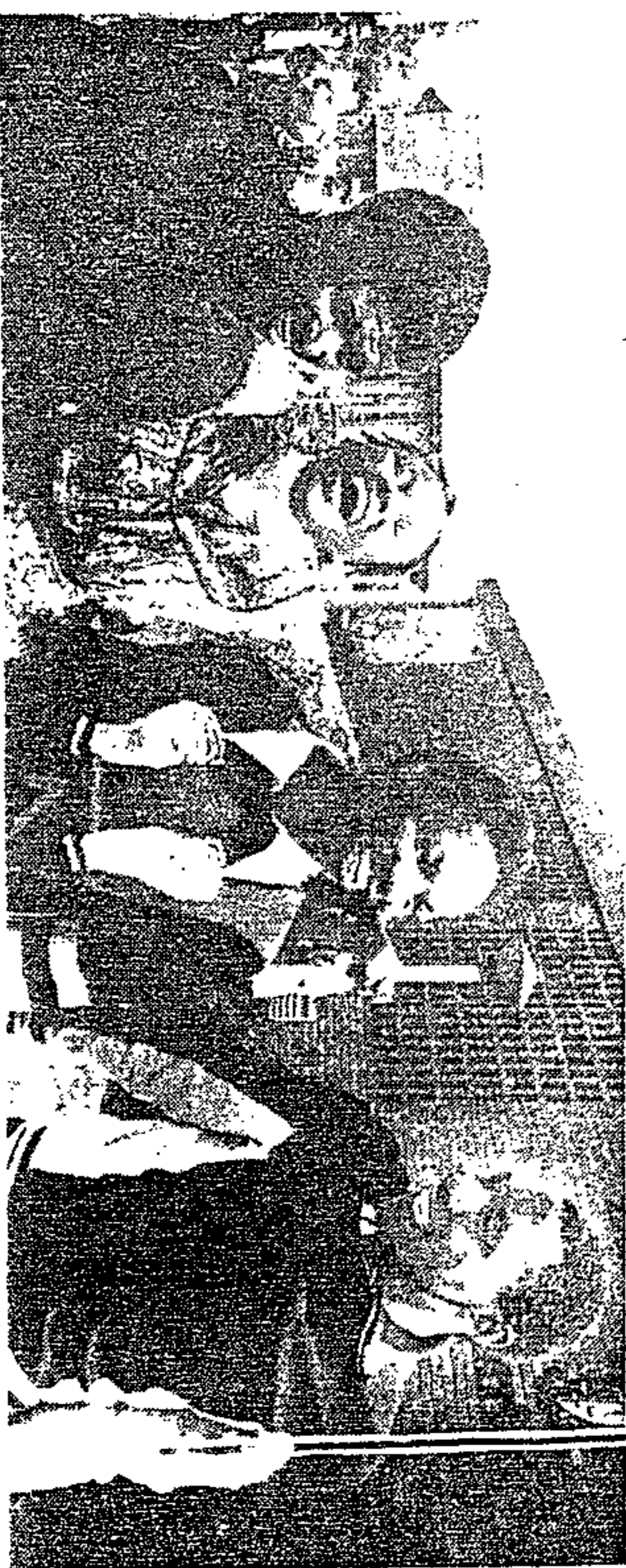
Four young people go free after a surprise acquittal, but for the mother of one of them the matter is not closed. After court disclosures of false witness under pressure she has her own story to tell.

ing in Lebanon, wept silently as the magistrate summed up his case.

The verdict, when it came, surprised him as well as his co-accused, their friends and relatives.

"Thank God he is free," said Mrs Miriam Mohakala (53), and this was followed by a chorus of deep sighs of relief from the packed gallery. The tension of the marathon nine-month trial was eased.

When Mr Luther announced: "You are discharged," the mother of Miss Mazibuko — known in Soweto as "Freedom" —



The three young men and a woman acquitted yesterday are from left, Mr Lebona Ernest Mohakala, Miss Nonkululeko "Freedom" Mazibuko, Mr Mthuthuzeli "Chief" Madalane and Mr Stanley Radebe.

— fell back in her seat and tears rolled down her cheeks.

She will be reunited with her daughter for the first time in two years.

Miss Mazibuko was jailed for 12 months when she refused to testify against Khotso Seathlo — the leader of Sanyco jailed for 10 years on Robben Island — and her friend Masabata Loate, a former beauty queen jailed with Seathlo for five years.

While still serving the sentence, Miss Mazibuko was brought to court to face the charges in the Kempton Park trial.

Also present at the trial was Miss Poppie Buthelezi, in a wheelchair as a result of being paralysed when she was shot during the 1976 Soweto student unrest.

There were salutes, cheering and emotional embraces when the four finally emerged. They said that although they were elated at being free their thoughts were with those still in detention who might also have to endure the ordeal of a lengthy trial.

Terror trial told of false wit:

Lawyer gives li

By Themba Molefe

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During the trial Mr D Soggot, defence advocate for two of the accused, presented a document in court which he termed "a cross-analysis of the interrogational process according to State witnesses".

Mr Soggot said that:

- Five witnesses alleged severe assault by the Security Police during interrogation.
- Nine witnesses said they were told what the Security Police wanted them to say in court.
- Seven said they were terrified during interrogation and five said they were threatened with further assault.
- The black Portuguese-speaking, self-confessed police agent, Mr Jim Kelly, said he was explicitly told by the Security Police to fabricate evidence.
- Six witnesses said they were kept in isolation before being interrogated.

Mr Mohakala, also charged with undergoing military train-



Mrs Sannah Radebe (57), mother of Mr Stanley Radebe was freed in the marathon Kempton Park Terrorism Act trial yesterday. Mrs Radebe who was detained and allegedly assaulted by Security Police at Protea Police Headquarters between February and March last year is to sue the Minister of Police for several thousand rands.

Woman to sue after alleged assault

Argus Correspondent

JOHANNESBURG. — The mother of one of the four accused in a Kempton Park Terrorism Act trial who were freed yesterday is to sue the Minister of Police after alleged assaults on her by the Security Police.

Mrs Sannah Radebe, 57, alleges the assaults took place during her detention between February and March last year.

She told the court during the trial that she was hit on the head and fell while detained at Protea Police headquarters soon after the arrest of her son, Mr Stanley Radebe.

The magistrate, Mr I J J Luther, acquitted Mr Radebe, 27, and Mr Mthuthuzeli Madalane, 24, both of Senaoane, Soweto; Mr Lebona Ernest Mohakala, 23, of Molapo, Soweto, and Miss Nonkululeko Innocentia Mazibuko, 22, of Zone 6, Diepkloof.

FALSE

Mr Luther found State witnesses gave false evidence, were unreliable and contradicted themselves due to "fear of police assaults and threats of further detention by the Security Police".

During the trial, Mr D Soggot, who appeared for two of the accused, handed in a document which he termed "a cross-analysis of the interrogational process according to State witnesses".

The document stated that:

Five witnesses alleged severe assault by the Security Police during interrogation;

Nine witnesses said they were told what the Security Police wanted them to say in court;

Seven said they were terrified during interrogation and five said they were threatened with further assault;

A black Portuguese-speaking, self-confessed police agent, Mr Jim Kelly, said he "was explicitly told by the Security Police to fabricate evidence", and

Six witnesses said they were kept in isolation before being interrogated.

ASSAULTED

Acquitting the accused, Mr Luther found that State witnesses had been assaulted and intimidated by Security Police to give false evidence. He said some of them had been held incommunicado for up to three weeks before being interrogated.

Mr Luther said if dockets were not opened against a police informer who said he was made to lie in court by a Security Police major, and against the major who was alleged to have forced him to lie, he would himself get in touch with the attorney-general to recommend prosecution.

All the accused had pleaded not guilty to furthering the aims of the banned South African Youth Revolutionary Council and the Soweto Students Representative Council.

They also denied recruiting black youths to undergo military training outside South Africa and of forging links with a black organisation, the Azanian Students' Movement.

Mr Mohakala was acquitted also of a charge of undergoing military training in Lebanon.

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Flames sweep through the Members' Pavilion (left) and the main grandstand at the height of today's blaze which devastated half of the arena

● Picture by David Sandison.

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the evacuation of the endangered buildings and had the competitors leave the arena. However, about 5 000 people stayed on the stands opposite the blaze and had a grandstand view of the more than 30 fire-fighters.

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Three fire engines and four ambulance units were called. The firemen brought the blaze under control with 20 minutes, although they were hampered by low water pressure at times.

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At lunchtime the buildings were still smouldering and fire chiefs were watching closely.

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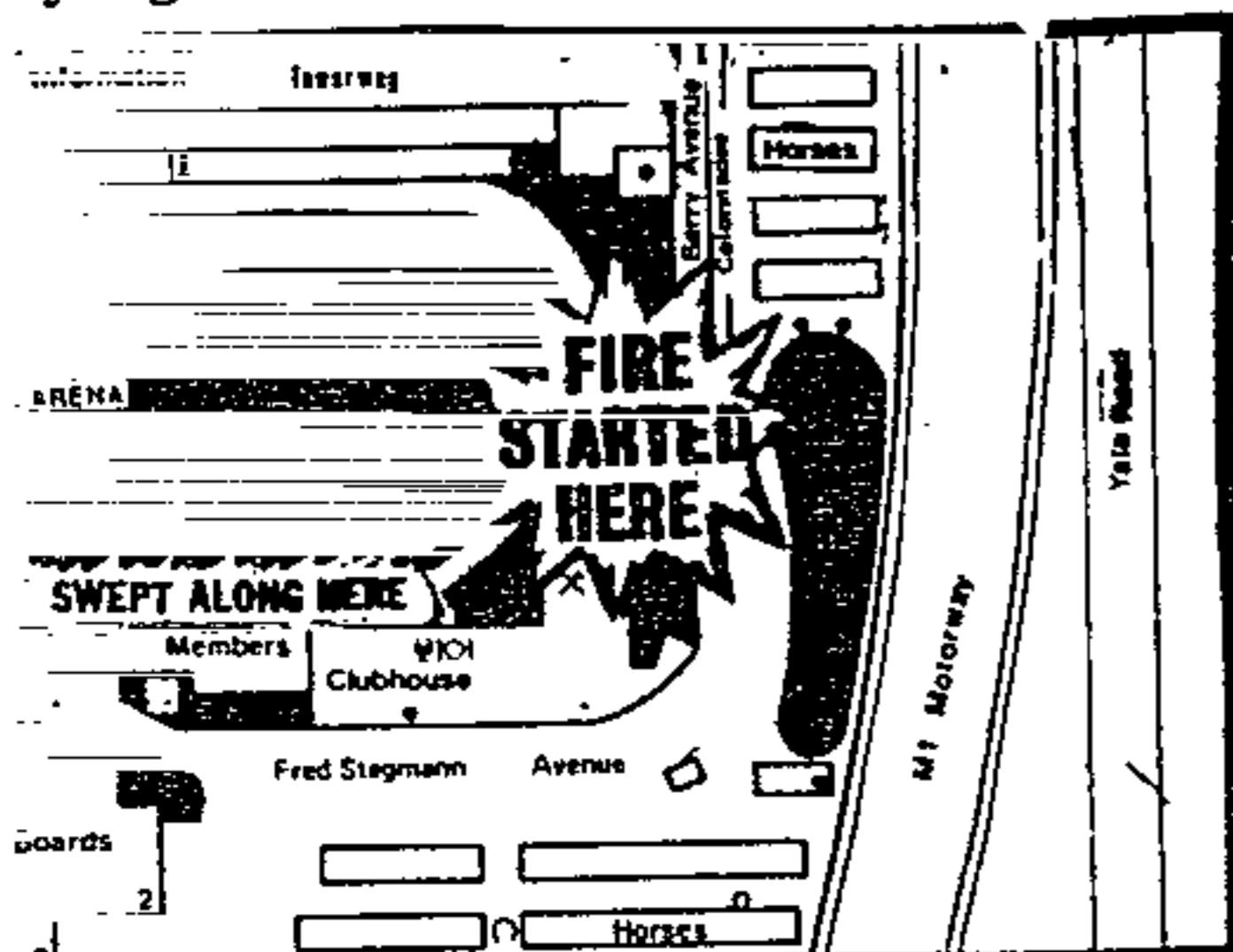
Major P C Olckers, who is in charge of police operations at the Rand Show, said his men had cordoned off the arena to stop more people crowding in.

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Police, firemen and traffic officials said the public had reacted well and there had been no panic among people at the show.

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● More pictures on Page 2 of the Metro section.



Four go free in terror acquittal

By Themba Molefe

A nine-month terror trial in Kempton Park came to a sensational end yesterday when four young people were acquitted because the magistrate found State witnesses had been forced to give false evidence by the Security Police.

The court heard the witnesses had been threatened with assault, solitary confinement and further detention if they did not give the evidence the Security Police wanted them to give.

The magistrate, Mr I J J Luther, found the State witnesses had been assaulted by the Security Police and some of them had been incommunicado for up to three weeks before being interrogated.

Mr Luther said if dockets were not opened against a police informer who said he was made to lie in court by a Security Police major, and against the major who is alleged to have forced him to lie, he (the magistrate) would recommend prosecution to the Attorney-General.

The four acquitted were Mr Stanley Radebe (27), Mr Mthuzeli Madalane (24), both of Senaoane, Soweto; Mr Lebona Ernest Mohakala (23), of Molapo, Soweto and Miss Nonkululeko Innocentia Mazibuko (22), of Zone Six, Diepkloof.

All had pleaded not guilty to charges under the Terrorism Act which included furthering the aims of the banned South African Youth Revolutionary Council (Sayrco) and the outlawed Soweto Students Representative Council (SSRC).

They also denied recruiting black youths to undergo military training outside South Africa and forging links with a black organisation, the Azanian Students Movement (Azasm).

Mr Mohakala was acquitted on a charge of undergoing military training in Lebanon.

Mr Luther noted that the former Mozambican Mr Jim Kelly, who became a South African Police agent, had lied when he said in court he was a traveller and later admitted under cross-examination by defence counsel, Mr D Soggot, that he was a police agent sent to Botswana by a Major Schoeman for information regarding Mr Mohakala.

Before acquitting Miss Mazibuko, the magistrate said evidence by three witnesses who testified against her showed that they had been forced by the Security Police to testify falsely.

He criticised methods used by Security Police in forcing one witness to make a statement against Miss Mazibuko.

Mr Luther said the witness had said in court that he had been roughly handled by the police and, because he was afraid of being kept in solitary confinement and of being assaulted, he had made the statement.

Another witness had admitted that his fear of Security Police threats made him confused and he did not know which evidence was the truth when he was asked to explain why he gave unsatisfactory answers.

Mr Luther said he agreed with Mr M Basslian, defence counsel for Miss Mazibuko, who said the witness was unsure of himself and gave evidence "like a parrot".

Mr Luther, dismissing as unreliable the evidence of another witness, said the witness had said in court he was arrested in the early morning at his home and kept in solitary confinement for three weeks before being interrogated for more than five hours a session.

● See Page 7.

Man's daughter saves the day

Jones fire was Vivienne of arena events, led the evacuation and saved trophies

fireman at the Ro- later, fire chief at knew exactly what the fire started,"

ena where we were Arabs when I saw the kitchen was on

fire.

"Immediately I realised that the buildings were very old and would probably burn easily. So I told the competitors to leave the arena and went to the offices of the Riding and Jumping Club, next to the main clubhouse.

"It was amazing how quickly the fire spread. With the smoke getting into the stalls where we had several hundred horses it was important that we get them away as soon as possible.

"Then I got someone to bring a

Kombi to the riding club offices and started people removing everything from the offices into the van."

While the offices were being cleared Miss Tohill removed several trophies, one of them valued at R20 000.

Miss Tohill carried the last items from the offices only minutes before the building was engulfed.

During the final stages of the evacuation the blaze was less than 30 m from Miss Tohill but she kept calm and only one office was left with equipment still in it.

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YOUR GUIDE...
to weekend activities. See ...

tonight!

WIN...
a home full of furniture next week. See ...

TODAY!

WIN...
a trip to watch Wimbledon. Details next week.

Let the six live' bishops appeal

*Cape Herald
9/4/83*

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[Signature]

THE Southern African Catholic Bishops Conference (SACBC) has petitioned the State President, Mr Marais Viljoen, to commute the death sentences of six African National Congress (ANC) guerillas.

The convicted guerillas are Simon Mogoerane, David Moise, Jerry Mosolili, Thabo Motaung, Johannes Shabangu and Anthony Tsotsobe.

The president of the SACBC, Archbishop

Denis Hurley, wrote in a letter, signed by 30 bishops from South Africa, SWA/Namibia, Botswana and Swaziland: "From the information we have received, it appears that these six young men came to the conclusion, after the disturbances of 1976, that there was no hope for change in South Africa that would grant black people greater participation in political life. So they left the country and embarked on a course of action which ended with their arrest, trial and condemnation to death."

In their decision, the men had followed in the footsteps of countless young men of every age and country who had suffered political humiliation and privation, the bishops said.

HEROES

The bishops said, in the eyes of those they opposed, the guerillas were considered guilty of high treason, but in the eyes of their own people they were considered heroes and, if they were executed, martyrs.

In recent addresses, the Pope had also pleaded for the abolition of the death sentence, especially in the case of those guilty of political offences.

Associating themselves with the plea by the Pope, the bishops begged for mercy to be extended to the six and for their sentences to be commuted.

ATTACKS

Mogoerane, Mosololi and Motaung were sentenced to death for their part in the attacks on the Wonderboomspruit Police Station and the Capital Park sub-station in December 1981.

Tsotsobe, Shabangu and Moise were given the death sentence after they had been convicted of high treason following attacks on the Booyens Police Station and petrol storage tanks at Sasol.

(331) RDM
9/4/83
**Mayson case
key witness
still missing**

Mail Reporter

WITH nine days to go before the high treason trial of Cedric Mayson reopens, police have still not found their key witness, former Nusas president Mr Auret van Heerden.

Mr Mayson's trial was adjourned two months ago after police said they had been unable to serve a subpoena on Mr Van Heerden, a former detainee and their key witness.

Earlier, a statement made by Mr Mayson during his detention was ruled inadmissible.

Since then, police have searched a number of houses for Mr Van Heerden and put an appeal for information on his whereabouts on the Police File television programme.

'Mpetha trial' makes history

VETERAN trade unionist and Nyanga civic leader, Mr Oscar Mpetha, could celebrate his 74th birthday in prison while his marathon trial — which resumed in the Supreme Court, Cape Town last week — drags towards its conclusion.

Mr Mpetha and 17 others are facing charges of murder and terrorism, following the unrest near Crossroads in August, 1980. Two motorists, Mr George Beeton and Mr Frederick Jansen, were killed. The accused were arrested soon afterwards.

During the long hearing, the defence and outside organisations have made several appeals for the acquittal of Mr Mpetha, because of his age and diabetic condition.

DELAYS

The trial is now in its 27th month — a record for a Terrorism Act trial in South Africa. Already it has lasted three months longer than the 1976 Saso (South Africa Students' Organisation) trial in Pretoria.

Senior counsel believe the Mpetha trial could continue for at least another three months.

The trial has been characterised by numerous delays, among them, a lengthy "trial within a trial" concerning the admissibility of statements of 15 of the accused; a perjury trial in which a witness was convicted and sentenced to 15 months jail; the illness and hospitalisation of Mr Mpetha on two occasions in one week.

In all the trial was delayed seven times for incidents unrelated to the court proceedings.

On one occasion, one of the assessors suffered a fall in the bath and was not available for a few days, on another, the delay was caused when a 64-year-old interpreter, Mr Solomon Mekuto died — after he had been struck by a train at Nyanga station on his way home — and difficulties were experienced in finding another interpreter.

Other incidents were:

- A delay of 35 days due to procedural problems and the illness of one of the accused.
- The examination of one of the accused by the district surgeon after he had complained of feeling ill.
- The postponement of the trial to allow for three of the accused to be medically examined and treated for nervous strain and possible tuberculosis and pneumonia.
- The absence of Mr T Skweyiyva, the Durban advocate for the accused, after he had received "bad news" from home and a short delay when a

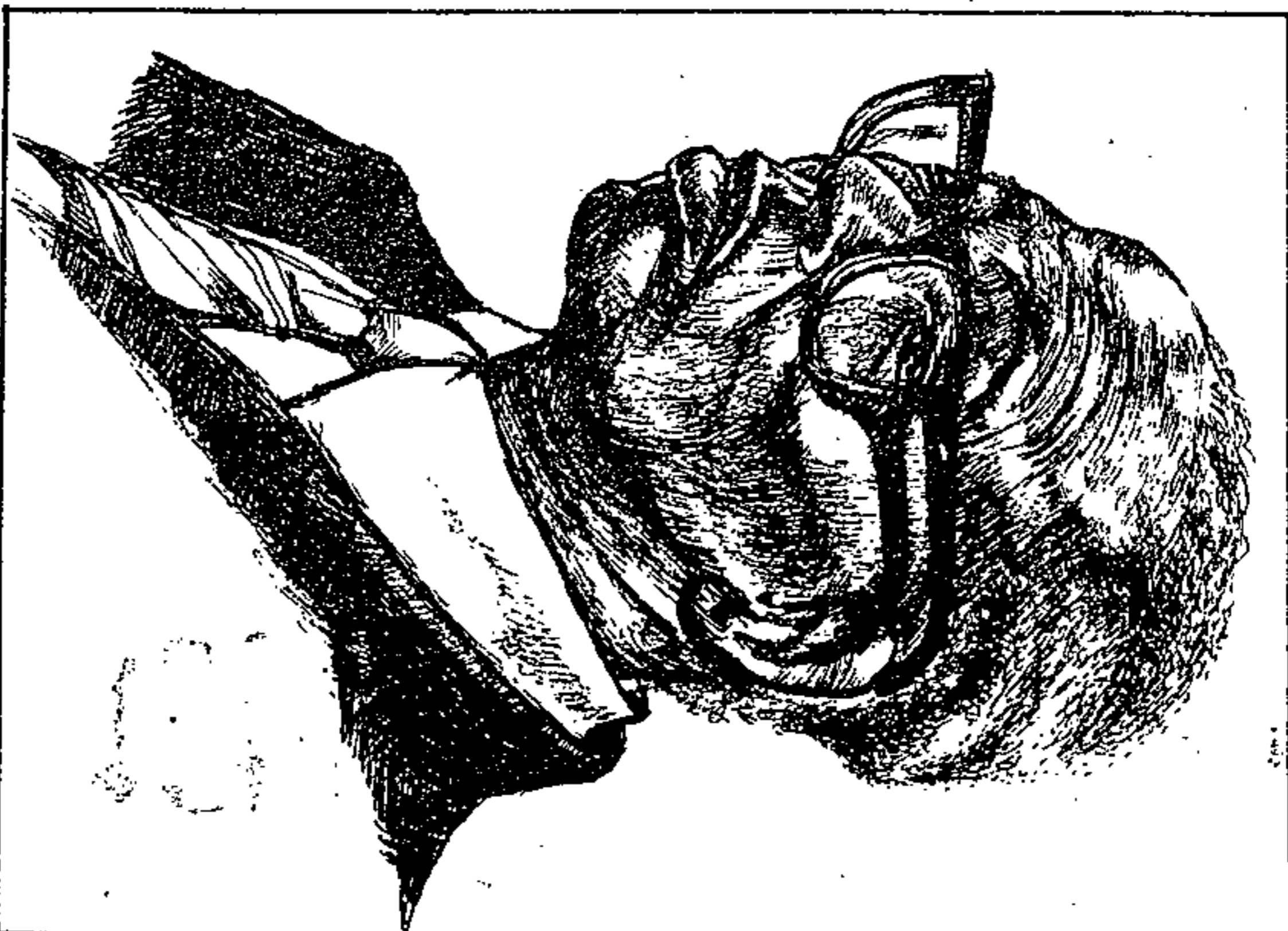
On one occasion, early in the hearing, riot police stormed a crowd of about 400 people outside the Supreme Court and arrested six men and an elderly woman.

witness broke down and the court adjourned for the afternoon.

INSPECTION

There was an inspection of the site where the alleged murders took place, and, in the first few months, the hearing was marked by a packed court room and rowdy spectators. Now only close relatives and associates of the accused attend the trial regularly.

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● OSCAR Mpetha . . . 74th birthday in prison

Terror trial four acquitted at Kempton Park

LUTHER LAUDED

THE ACQUITTAL of the four Sowetans in a nine-month long terror trial in Kempton Park drew favourable response from various organisations and community leaders yesterday.

The judgment was described by legal men as a "rare decision taken in South Africa in a Terrorism Act trial". They regard it as one of the few favouring the accused to have been handed down in a South African judicial court.

The four, Mr Stanley Radebe (27), Mr Mtutuzeli Madalane (24), both of Senaokane, Mr Ernest Mōhakala (23) of Molapa, and Miss Nonkululeko (20), of Zone Six Diepkloof were acquitted because the magistrate found State witnesses had been forced to give evidence by the Security Police.

The court heard witnesses had been threatened with assault, solitary confinement and further detention if they did not give evidence the Security Police wanted them to give.

The magistrate, Mr I J J Luther found the State witnesses had been assaulted by the Security Police and some of them held incommunicado for up to three weeks before being interrogated.

Professor John Dugard of the Faculty of Law at the University of Witwatersrand, described the judgment as "very significant indeed". He told THE SOWETAN that "it is a significant judgment because it is the first occa-

sion on which a judicial officer has acquitted people charged under the Terrorism Act on the grounds that the State witnesses had been ill-treated or manipulated by the Security Police.

"It is also of significance that it was a judgment handed down by a magistrate not a Supreme Court judge. One hopes that judges will follow this fine example."

A spokesman for the Detainees Parents Sup-

port Committee said the security legislation and its whole implementation could be seen as the death throes of an unjust society.

The president of the Black Sash, Mrs Joyce Harris said: "We are delighted with the verdict. It is very encouraging to find an administrator of the law admitting that the evidence of State witnesses is unreliable because of the treatment to which they have been subjected."

The publicity secretary of the Azanian Peoples Organisation Mr Ishmael Mkhabela said: "The judgment itself only shows the irony of the South African experience. However we see the judgment as a drop in a South African politically motivated judicial system."

Sowetan 11/4/83 (331)

By MONO BADELA

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Mr. J.P. Brummer



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**Bucs on
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FREE: Nonkululeko "Freedom" Mazibuko (left) with her father Mr George Mthembu and colleague Elsie Mpho Mathibedi of Diepkloof after "Freedom" was acquitted in the Kempton Park Magistrate's Court.

FREEDOM HOLDS NO HOPE FOR MAZIBUKO

SOWETO student, Miss Nonkululeko "Freedom" Mazibuko, described her acquittal in a Terrorism Act trial as a "painful joy" as she knew this may be the beginning of another long struggle in her life.

She was acquitted with three others in a marathon Kempton Park Terrorism Act trial on Thursday after two years behind bars. The three others acquitted with her were Mr Stanley Radebe, Mr Mututuzeli Madalane and Mr Ernest Mohakala, all of Soweto.

Soon after her release from detention she told **The SOWETAN:** "It is such a relief to be free again but I still live in fear." She said when she took a decision in February last year not to give evidence against former student leader Khotso Seathlolo, she knew she was taking a grave risk because she might have to pay a high

By **MONO BADELA**

price.

She said she was not surprised when the Security Police took her from Pretoria Central prison on July 12 last year to the Kempton Park Magistrate's Court to face charges under the Terrorism Act. She said when she refused to give State Evidence in 1982 the police had told her she would be a jailbird.

"I still believe anything may still happen to me," she said. She suspected she would be banned, rearrested or be turned into "a jailbird". She said the price she may pay for her acquit-

tal may be very heavy.

Miss Mazibuko was detained in June 1981 and was jailed for 12 months in February last year when she refused to testify against Mr Sethlolo — the leader of Saylorco, now serving a 10 year imprisonment sentence — and her friend Masabata Loate, a former beauty queen jailed with Seathlolo for five years.

Asked what she was going to do for her future she replied: "When I was detained I was promised an opportunity to complete my matric but because I rejected the police offer to

turn State witness to sell my brother, the promise fell away. I am still very young I still want to further my education."

Despite being locked up for two years Miss Mazibuko still has a lot of fire left in her.

"As long as my people are shunted about and uprooted from their places of birth and as long as I see people's homes being demolished I shall find it difficult to abandon my calling. I am deeply concerned by what I read in newspapers. I shall continue to express my feelings against injustice." The question of leaving South Africa, she said, was out.

Miss Mazibuko's friends said their relief at her release was dampened by the fact that

there were several of their friends languishing in police cells awaiting to be tried for alleged terrorist activities.

The nine month-long trial is believed to have cost the defence about R50 000. In preparing the case defence lawyers travelled extensively to Robben Island, Botswana, Nigeria, London and even to Lebanon.

The four lawyers expressed their gratitude to the seven prisoners from Groenpunt who testified for the defence. According to Mr Radebe they helped to discredit police evidence that he was never assaulted. The magistrate had ruled that the confession Mr Radebe made to a magistrate was inadmissible because it was made under duress.

Ex-student faces ANC charges

Own Correspondent

CAPE TOWN — Charges of being a member and furthering the aims of the banned African National Congress have been brought against a former University of Western Cape student, Mr Headley King.

Mr King (27), of Penlyn Estate, Athlone, was not asked to plead and no evidence was led. The case was postponed to August 1. Mr King goes into custody.

Mr A Omar, for Mr King, told the court that he wanted to apply for bail as the Attorney-General had not issued an order in terms of the Internal Security Act that Mr King be refused bail.

The prosecutor, Mr R Rorich, said that the Attorney-General had been approached but to date had not responded.

The magistrate, Mr A J Burger, informed Mr King that he would be held at Paarl.

Mr King and an Athlone schoolteacher, Miss Daphne Williams, were detained at her home in Newfields Estate, Athlone, on February 7. She has since been released. They were both held under section 29 of the Internal Security Act.

Three days later a Mitchells Plain teacher, Miss Zelda Holtzman, was detained under the same Act. Mr Michael Coetzee, a BSc student at UWC, was detained in Port Elizabeth three weeks earlier.

The detentions were widely condemned by community, youth and church organisations.

Terror witness: I won't take oath

By Fiona Macleod *Stew* 12/4/83

A major trial on alleged involvement in and revival of the banned Pan Africanist Congress (PAC) and Azanian National Youth Unity (Azanyu) began in a packed Johannesburg Regional Court today.

Nine men — including Mr Joe Nong Thlooe (40), who is the banned vice-president of the Media Workers' Association of South Africa, and a senior journalist on The Sowetan newspaper — pleaded not guilty to charges under the Internal Security Act and Terrorism Act.

They did not state the grounds of their defence but denied all the charges, which include furthering the aims of the PAC and Azanyu and endangering the safety of South Africa.

An impressive defence counsel of five advocates, instructed by four firms of attorneys, represented the nine men.

The trial got off to a shaky start as the first State witness, Mr Michael Sipho Mtshingana, refused to take the oath.

"The evidence I have been told to give here is a total untruth," he said.

Mr P Diar, his attorney, asked for the case to stand down till tomorrow so he could consult Mr Mtshingana and two other State witnesses he represents.

The case continues.

Appearances: Mr T Kleinhans presided; Mr A R van Wyk prosecuted; Mr M F Noorbha appeared for Mr Sibanda, and Mr G Bizos SC, assisted by Mr D Soggot, Mr C R Mailer and Mr M Baslian, appeared for the other eight men.

Police action was sinister — accused

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D. Dispatch 12/4/83

ZWELITSHA — A field worker for the Dependant's Conference, a division of the South African Council of Churches, told the regional court here he thought the taking of pictures and particulars of the clothing he and his fellow accused wore while in detention was "sinister."

Mr Alfred Meteale and 18 others have pleaded not guilty to charges of public violence following last year's stoning of a ministerial motorcade attending the graduation ceremony at the University of Fort Hare.

Mr Meteale said he had been detained twice before by the Ciskei police but no pictures of him or particulars of his clothing had been taken.

He was surprised when the pictures and particulars of clothing were recorded. He said it appeared particularly sinister after a Captain Ntwasa had denied in court that he took them.

Describing his arrest, Mr Meteale said while he was sitting near the university's Great Hall he heard singing and saw people running. They were being chased by the police who fired teargas. He heard shots being fired as well. He remained seated until there was a lull before walking to his car.

He was apprehended while walking to his car by two policemen who told him the Commander-in-Chief of State Security, Lieutenant-General Charles Sebe, wanted to see him.

The general accused him of being an "instigator," he said, and ordered him locked up. When he tried to protest he was handcuffed and put into a police truck.

He and others were taken to the Alice charge office where particulars of their clothing were taken. Pictures were taken the following day by Capt Ntwasa, and by another man some days later.

At an identification parade later no one pointed him out, he said, and two of his fellow accused had protested that they had not been arrested by the policemen who pointed them out. The man in charge had told them they could point that out in court.

Mr Meteale denied evidence by Major Stemmet

that he had raised a clenched fist and an allegation by Colonel Nonhongo that he had thrown stones at the police.

An honours student in personnel management, Mr Enoch Msimang, said he and his friends had been confronted by police on the campus while singing after they had had drinks at an hotel in Alice. When police called them they ran away but were caught.

He denied he had thrown stones or that he was part of a crowd that threw stones. He also said that particulars of their clothing were recorded at the Alice charge office.

Asked by the prosecutor, Mr B. D. Nel, why they ran away when they were called by the police, Mr Msimang said they thought they may have disturbed the graduation ceremony by their singing.

The case continues today. — DDR.

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COURT

DRAMA

~~2/2~~ ~~1/1~~ 331 Sowetan 13/4/83

THE MUCH awaited trial involving banned senior journalist, Mr Joe Tlholo and eight others started on a dramatic note yesterday in the Johannesburg Regional Court when the first State witness refused to take the oath.

Mr Michael Siphon Ntshingane told the court: "I cannot take the oath because the evidence I have been told to come and give is a total untruth."

At this stage he was warned by Mr T Kleinhans, the magistrate, that by refusing to testify he ran the risk of being jailed for five years unless he had valid reasons for not doing so.

Mr Ntshingane then said he was prepared to explain to the court his decision not to give evidence. At this point, an attorney, Mr P Diar, asked to address the court.

Mr Diar said he was to have represented Mr Ntshingane and another State witness, Ms Cynthia Ntshingwa.

He said he had written a letter to the Attorney-General seeking permission to see the witnesses but had been refused this. Yesterday morning, he had again informed the prosecutor in the case, Mr A R van Wyk, that he was to represent the witnesses, but

By NKOPANE MAKOBANE

he had been told that the two had indicated they did not need his services.

He said Cynthia's mother had again confirmed to him yesterday morning that he should represent her daughter, even though he had failed to meet Mr Ntshingane's mother. He then asked for permission to talk to Mr Ntshingane to establish if he required his services.

In reply, Mr van Wyk said he spoke to Mr Ntshingane on Monday. At no stage did he tell him he was not prepared to testify. He said he was surprised by Mr Ntshingane's turnabout as the first time that he heard of his decision was when Mr Ntshingane was in the witness box.

Mr van Wyk said that when Mr Ntshingane was called to the witness box, Mr Diar had told him that Mr Ntshingane's mother was not in court. He said he viewed what had just been told to the court as something intended to put him in a bad light.

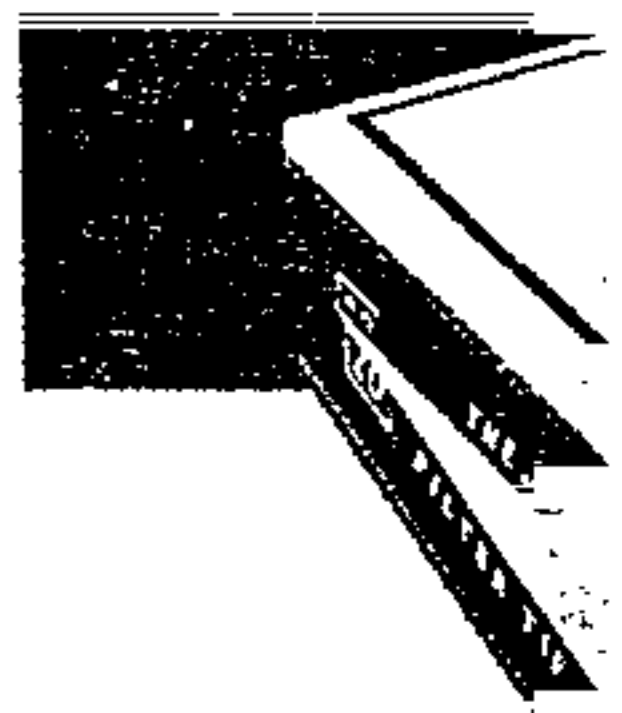
Mr Diar then confirmed that he had told Mr van Wyk that Mr Ntshingane's mother was not present but denied that he wanted to cast a bad reflection on him.

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Drama at case

← From Page 1

Mr Kleinbans then ordered an adjournment after he said it seemed there had been a misunderstanding between the two.

When the proceedings resumed, Mr Diar informed the court that an agreement had been reached that he secure an advocate for Mr Ntshingane and two other State witnesses, Ms Ntshingwa and Mr Richard Marumola. He asked for the matter to be postponed until today so he could consult with the witnesses.

The courtroom was packed with relatives and friends long before the start of the trial at about 10am.

• Nine alleged members of the Pan African Congress (PAC) appearing in the Johannesburg Regional Court are charged, among other things, with the erection

of a tombstone for Hector Peterson — the first victim of the 1976 Soweto Riots.

The nine whose trial is expected to drag on for months, are facing four main counts connected with allegations of contravening the Terrorism Act and alternatives which include the new Internal Security Act, furthering the aims of the outlawed PAC and recruiting members for the organisation.

The men are Mr Harrison Thembinkosi Noguekele (26) of Soweto, Mr Joseph Nong Tholoe (40) of Soweto, Mr Veli Trueman Mnguni (33) of Soweto, Mr Philli Dlamini (30) of Soweto, Mr Siphon Mofat Ngcobo (28) of Soweto, Mr Nhlanganiso Sibanda (26) of Alexandra, Mr Steven Siphon Mzolo (21) of Tembisa, Mr Mfana Mtshali (18) of Kagiso and Mr Shadrack Rampete (22) also of Kagiso.

Soweto 13/4/23



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D. Dipatchu
13/4/83

BCC man in court

ZWELITSHA — A field worker of the Border Council of Churches, Mr Mzwandile Msoki, of Mdantsane, appeared briefly in the magistrates court here yesterday on charges under the Ciskei National Security Act of 1982 and under the Publications Act.

He was not asked to plead and no evidence was led.

The case was postponed to May 16 for trial in the regional court.

He was released on R200 bail and warned to appear in court. A warrant of arrest would be issued and bail estreated if he did not, he was told. — DDR.

Police hit woman — accused

ZWELITSHA — A former Fort Hare student, Miss Bongwe Ndzuta, told the regional court she cried when she saw a Ciskei policeman sjambokking an old woman during the unrest at the university's graduation last year.

Miss Ndzuta was giving defence evidence in the trial of 19 people, including herself, who have been charged with public violence.

The 19 people, mostly Fort Hare students, have pleaded not guilty to the charges before Mr J. A. Dracatos.

Miss Ndzuta said that

while she was watching for relatives outside the great hall she saw people running and being assaulted by the police. She did not run.

An old woman remarked that parents had travelled long distances to see their children graduate but instead saw them being assaulted. A policeman who overheard her assaulted her, she said, and she cried as a result.

Miss Ndzuta said she was arrested by a policeman and put in a police truck where she found two other girls. Later they were transferred to

another police truck where other people had been kept.

She denied that she ever threw an object in the direction of the police. She said she could never have done that because she was afraid of the police.

She never changed her clothing while in detention.

A field worker for the dependant's conference, Mr Alfred Metele, was cross-examined by the prosecutor, Mr B. D. Nel, for the whole morning session yesterday.

The trial continues today. **DDR**

~~11~~ D. M. Ndzuta 13/4/83 (331) 105

Court may recall witness in PAC trial

By NKOPANE
MAKOBANE

A STATE witness in detention who refused to take an oath at the start of the trial of nine alleged members of the banned Pan African Congress (PAC) may be recalled later to do so, a Johannesburg regional magistrate ruled yesterday.

Mr T Kleinhans said the administration of justice would not be served if he made the witness take the oath despite what he had said — that his evidence would be untrue.

"The court is of the opinion that at this stage he should not be called. However, if at a later stage he is called, the defence may have access to him," he said.

The ruling followed a stance taken by Mr Michael Siphon Ntshingane

on Tuesday that he was unwilling to take the oath because he had been told to tell the court an untruth.

At the start of yesterday's proceedings, the counsel for Mr Ntshingane, Mr Neil Tuchten, told the court that his client was prepared to take the oath and give evidence.

However, the prosecutor, Mr A R van Wyk, informed the court he had decided not to call him at this stage.

Mr G Bizos, SC, representing eight of the accused objected and said the court should make a decision.

He said detention and isolation was a form of pressure which may induce Mr Ntshingane to say things later that he was not prepared to say now.

In reply, Mr van Wyk denied that further detention would influence the witness and assured the court no other methods would be used to pressurise the witness.

The nine accused include two well known figures, Mr Joe Thlooe (40), a banned former senior journalist with The SOWETAN and Mr Phillip Dlamini (30) a Johannesburg trade unionist.

They have all pleaded not guilty to four main

counts connected with allegations of contravening the Terrorism Act and alternatives which include the new Internal Security Act and furthering the aims of the outlawed PAC as well as recruiting people for the organisation.

The others are, Mr Harrison Thembinkosi Nqogkele (26) of Soweto, Mr Veli Truman Mnguni (33) of Soweto, Mr Siphon Moffat Ngobo (28) of Soweto, Mr Nhlanganiso Sibanda (26) of Alexandra, Mr Steven Siphon Mzolo (26) of Tembisa, Mr Mfana Mtshali (18) of Kagiso and Mr Shadrack Rampete (22) of Kagiso. (The case continues on Monday).

14/4/83

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Court told arrested man manhandled

P. Dispatch
14/4/83
331

ZWELITSHA — A man who protested against his arrest was manhandled by a captain at the Alice Police Station, the regional court here was told yesterday.

Miss Bongiwe Ndzuta told the court that a Mr Duduza Zondi was manhandled by Captain Joe Ntwasa when he asked why he had been arrested. His mother was ordered out of the charge office after she had asked what police were doing to her son, she said.

Miss Ndzuta was giving evidence in the trial at which she and 18 others are charged with public violence.

Their appearance follows unrest at the graduation ceremony of the University of Fort Hare last year when a ministerial motorcade was stoned.

All have pleaded not

guilty.

Miss Ndzuta told the court that she first saw Mr Zondi when he came to a police truck in which she and others were held at the campus. Mr Zondi asked the police why a young girl in the truck had been assaulted.

The girl had a swollen face, bruised knees, weals on her legs and her dress was soiled.

At the charge office Mr Zondi was manhandled after asking what he had been arrested for.

Miss Ndzuta said she never saw any shunting to and fro by a crowd at the campus but only saw people milling around. She heard ululating and singing by the crowd but could not make out what song or songs were sung. She said she saw no raising of fists nor did she see any stone throwing.

The case continues today. — DDR.

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Election of a black leader deeply divides Chicago, but . . .

Mayor pledges unity

By Neil Lurssen,
The Star Bureau

WASHINGTON

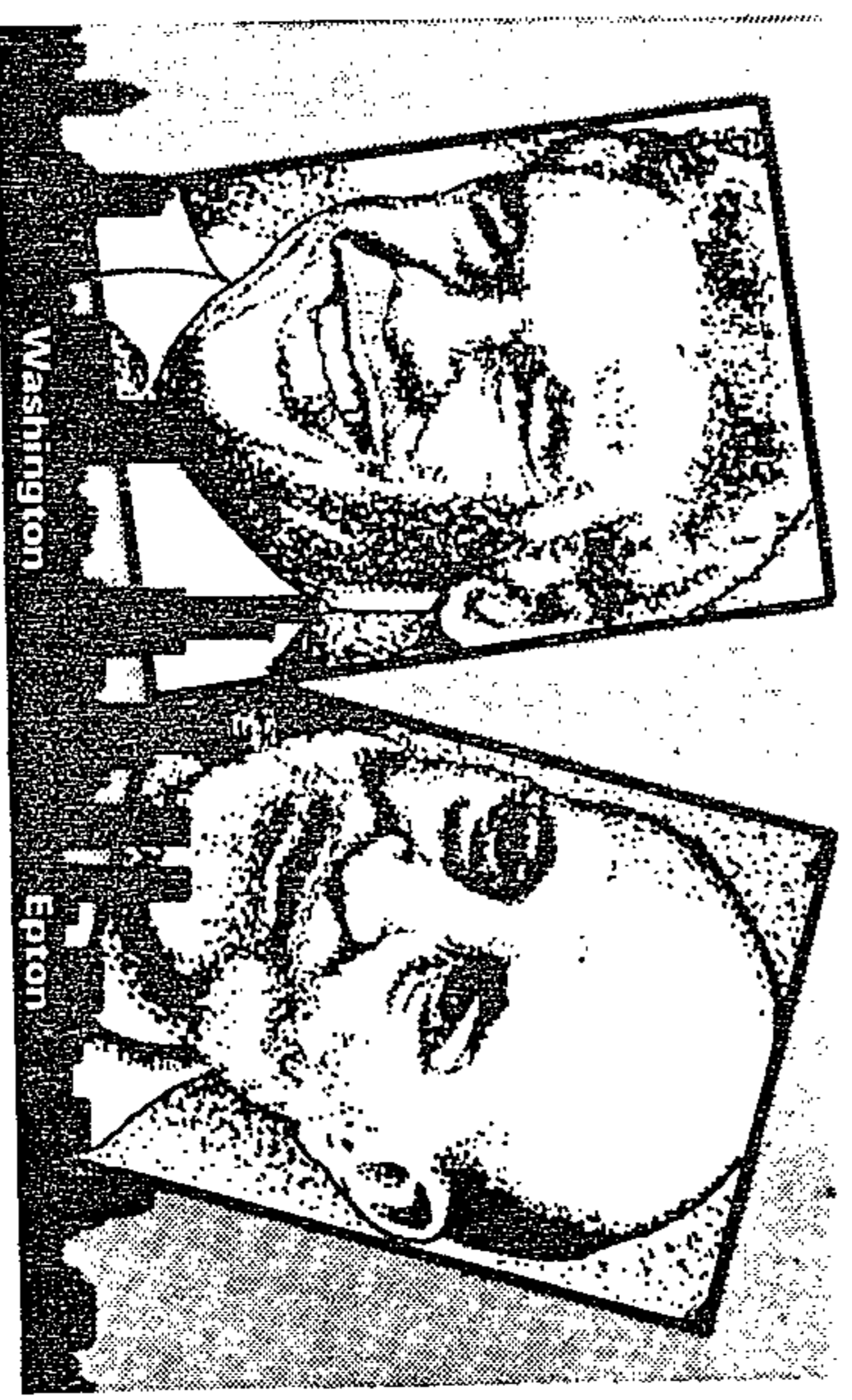
After an election battle which appalled many Americans with its displays of bigotry and racism, Mr Harold Washington, a black Congressman, has been elected Mayor of Chicago, probably the most segregated major city in the US.

In an 88 percent poll, Mr Washington, a Democrat, beat his white Republican opponent, Mr Bernard Epton, by a whisker — 666 652 votes to 621 893, with a handful still to come in.

It is a vote that seems certain to increase the pressure on US relations with South Africa — because it underlines the effectiveness of a motivated black voter turnout and lends force to black issues, among which South Africa is a priority.

Mr Washington has urged Chicago to face up to the racial divisions that surfaced during the election campaign rather than ignore them. "There is divisiveness. For some reason people want to

For South Africa, the election of a black mayor in Chicago is significant. It means more attention is likely to be paid to international issues that concern blacks very deeply. The Chicago vote is sure to increase the pressure on the Reagan Administration for its policy of "constructive engagement" with the Republic.



Washington

Epton

He did not attend a "unity prayer" lunch which Mr Washington had called, sending his brother in his place.

Mr Washington said he was not offended because "my assumption is that Bernard Epton had travel plans that made it impossible for him to stay for the lunch".

He said Mr Epton's brother had relayed a pledge of "total and complete support".

the city — not only because he is black but also because of his failure to pay taxes and his suspension from legal practice.

Mr Epton expressed some of this feeling in a bitter comment to a television reporter: "I wish Harold luck. He'll certainly need all the good help and talent he can get. His expertise in the area of finances certainly leaves a lot to be desired. We'll learn to pay his

there will be a revolt because that man (Mr Washington) will take all the city jobs away from the whites."

Mr Washington must bear some of the blame for the heightened tensions with his aggressive message to the city's blacks that it was now "their turn".

But in a victory speech to thousands of wildly excited supporters, he promised that his main initial concern now

next year's presidential election. By referring to a "new Democratic coalition", Mr Washington seemed to indicate that, for himself at least, the threatened breakaway was not on the cards. Nor is there unanimous support for a black presidential campaign among black leaders here, many of whom see it as a move that would actually harm black interests.

Also relieved were Democratic presidential hopefuls — such as Mr Walter Mondale — who had travelled to Chicago to campaign for Mr Washington.

Had their man lost, it would have been a major setback for the image they seek as leaders capable of winning a wide consensus in a divided community.

Mr Mondale, who had earlier earned Mr Washington's anger by supporting a white candidate in the party primary, said today: "We want to be a party in which racial and religious distinctions are less important in terms of public policy."

The chairman of the Democratic Party, Mr Charles Manatt, accused the Republicans of bringing about racial polarization in Chicago. "They saw an opportunity and seized on the chance to exploit racial politics."

But the Republican leadership denies the charge, saying that it was the Democrats who

black force to black issues, among which South Africa is a priority.

Mr Washington has urged Chicago to face up to the racial divisions that surfaced during the election campaign rather than ignore them.

"There is divisiveness. For some reason people want to keep it hidden," he told a news conference after his election victory.

But he said the city's blacks who voted heavily for him and the whites who voted heavily against him "should not recoil in horror".

Mr Washington promised Chicago's three million residents he would be sensitive to differences in race and culture "in every neighbourhood, every culture.

"We demand that we be unified," he said.

Mr Washington (60) is believed to have captured 97 per cent of the huge black vote — blacks comprise about 40 per cent of the Chicago electorate — and 19 percent of the white vote.

Mr Epton left the city for a holiday in Florida yesterday after cabling his best wishes to his opponent.

Mr Washington said he was not offended because "my assumption is that Bernard Epton had travel plans that made it impossible for him to stay for the lunch".

He said Mr Epton's brother had relayed a pledge of "total and complete support".

The meeting was also attended by the two people Mr Washington defeated in his party's primary election for the right to run for mayor — Cook County State Attorney Richard Daley and Mrs Jane Byrne, his predecessor.

Mr Byrne's only public comment was: "The people have spoken. Chicago has a mayor."

But Mr Washington said she delivered a very spirited, pointed message of unity and happiness at the closed meeting.

His victory was achieved on a wave of black voter support and a pledge to abolish the city's traditional political patronage system of awarding jobs and lucrative contracts.

Many who voted for Mr Epton are lifelong Democrats. But their votes reflected their dismay at the prospect of having Mr Washington as chief of

this feeling in a bitter comment to a television reporter: "I wish Harold Luck. He'll certainly need all the good help and talent he can get. His expertise in the area of finances certainly leaves a lot to be desired.

"Maybe he'll learn to pay his bills promptly and certainly pay his taxes promptly."

But there is little doubt that thousands flocked to the Epton banner because of the race issue, alarming many in the US with the reminder that racism is still an ugly factor in parts of the country, and likely to remain one while people live through the uncertainties of economic hard times.

Reflecting these feelings, newspapers covering the election published comments that many papers in South Africa would balk at to avoid being accused of exacerbating race tensions.

Typical of these is this comment by a white woman, quoted in the Washington Post: "There'll be turmoil in this city. What are they (the blacks) trying to do? Win the whole US from us. I'm scared. I assume

heightened tensions will be an aggressive message to the city's blacks that it was now "their turn".

But in a victory speech to thousands of wildly excited supporters, he promised that his main initial concern would be to achieve unity.

He told them: "Out of the crucible of this city's most trying election, carried on the tide of the most massive voter turnout, blacks, whites, Latinos, Jews, gentiles, Protestants and Catholics of all stripes have joined hands to form a new Democratic coalition and to begin, in fact, a new Democratic movement."

For the Democratic Party leaders in Washington, the Chicago result came as a mighty relief.

They had feared a black backlash against the party in the event of a Republican victory in a city that had been solidly Democratic for 52 years, a move that could have turned millions of black voters away from a party they had supported loyally for decades and towards a black candidate in

opportunity and seized on the chance to exploit racial politics."

But the Republican leadership denies the charge, saying that it was the Democrats who injected the racism. Still, some Republicans are pleased by their party's breakthrough into a Democratic stronghold.

They are hoping that the voters who supported Mr Epton will continue to have Republican sympathies during the presidential race next year. For South Africa, the Chicago vote is significant.

South Africa's racist system is a priority item. Many blacks here are obsessed by what they see as an unacceptable insult to their race and they assail it whenever and wherever possible — even during the Chicago election campaign.

The Reagan Administration's policy of constructive engagement with South Africa is under attack in the US. The Chicago vote is certain to increase the pressure.

~~331~~ D. Dispatch 15/4/83 ~~331~~ 331

Witness tells of assault on girl

ZWELITSHA — A "vicious" Ciskei police assault on a young girl was alleged in the magistrate's court here yesterday.

The last defence witness in the trial of 19 people on charges of public violence arising from events at the Fort Hare University graduation on May 1, last year, said he saw Ciskei police beat a 16-year-old girl with batons and sjamboks.

Mr Dudula Zondi, an assistant industrial relations officer with a major Durban company, told the magistrate, Mr J. A. Dracatos, that he saw the girl being assaulted while he was going towards the university's Great Hall to see his girlfriend graduate.

Mr Zondi said between five and eight policemen rushed up to the girl, who was walking about 20 paces in front of him.

"They asked no questions and I saw them assault her with batons and sjamboks. She fell down while they were hitting her and then they kicked her with booted feet and picked her up.

"During the assault she blocked her face with her hands.

Mr Zondi said the girl was pulled and pushed into a police truck. He said he was shocked by the incident and had gone to the truck to ask the police why they had assaulted her.

"I asked her what she had done to be assaulted, but she did not answer. All I could see was that she was crying and sobbing."

He said the police asked him if he was the girl's father or if he knew her and when he replied he did not know her, they ordered him to leave.

"I asked them not to arrest her as she had been assaulted."

He said the girl was taken out of the one truck and put into another and he had again asked that she be released because she had been "viciously assaulted."

At that stage, he said, a man in a blue suit had grabbed him and said if he wanted to talk so much he could talk at the police station. He was then put into a police truck.

"I resisted and asked what I had done and he told me I was cheeky."

Mr Zondi said he was

taken to the Alice police station and kept in the cells for about an hour before being released.

The prosecutor, Mr D. Nel, put it to Mr Zondi that his evidence was "in general, a fabrication."

Mr Nel said there were points raised in Mr Zondi's evidence that none of the other witnesses had mentioned while other points contradicted previous evidence.

Mr Dracatos asked Mr Zondi why he had not reported the assault to anyone in authority who he thought could have taken action.

Mr Zondi said he had been confused by his arrest and release and had not wanted to go back to the police station.

Mr Dracatos said he could have approached anyone in a position of authority to report the incident, but had not done so.

Today, the defence and prosecution will present their cases to Mr Dracatos.

Mr Dracatos said he would not be able to pass judgment today and provisionally set aside July 5 as the day on which he will deliver his judgment. — DDR.

Cape Herald 10/4/83

Squatters in court

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FIFTY-TWO of the 60 KTC squatters arrested in Bishop Lavis while marching to the Goodwood offices of the Western Cape Administration Board (WCAB), appeared in the Bishop Lavis Magistrate's Court on charges under the Internal Security Act last week.

The people were divided into groups of 20 and 32 and were not asked to plead to a charge of attending an illegal gathering.

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Wife of Sparks in court

Mail Reporters

THE wife of the former editor of the Rand Daily Mail appeared briefly in the Johannesburg Regional Court yesterday in connection with an allegation of defeating the ends of justice.

Mrs Sue Yvonne Sparks, 38, wife of Mr Allister Sparks who is now working for overseas publications, including the Washington Post and the London Observer, appeared before Mr F. Z. Krynauw.

She appeared with a freelance reporter Mr Bernard Maxim Dominique Simon, 34, of 11th Avenue, Parktown North.

Mr Simon writes for The Economist, Associated Press-Dow Jones, and the Financial Times.

They were not asked to plead and they will appear again on May 6.

Mrs Sparks was freed on warning while Mr Simon was allowed R500 bail.

A representative of the US consulate told the Mail yesterday there was "concerned" public interest and extensive Press coverage in the United States of the charges against Mrs Sparks.

Mr Frank Stravos, who described himself as a "concerned observer", is associated with the US Information Service.

And the interest in the case in the US was reflected by the arrival of the Washington Post's vice-president and counsel, Mr Bo Jones, on Thursday night.

During the first hour of their appearance at the court, a safari-suited photographer, who was not a member of the recognised Press in South Africa, and whom court reporters said appeared at all "political trials", took photographs of the group outside the court room.

Mr Stravos said his government was concerned about issues associated with freedom of the Press.

He intended following the proceedings of the case "closely" as a representative of the US Government. The US had already issued a statement condemning the raid, Mr Stravos said.

Mr Jones said yesterday he had come to South Africa to monitor the proceedings, as there was "a lot of interest" in the case in the US.

"The Washington Post is not used to having its correspondents harassed or charged."

Mrs Sparks said she did not want to speak about the case "at the moment".

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Fort Hare trial hears argument

ZWELITSHA — The trial here of 19 people on charges of public violence, following events at Fort Hare University on May 1 last year, was such that either the state witnesses or the defence witnesses were lying.

This was said yesterday by both prosecution and defence counsels in their arguments closing their cases.

They both said the court, before Mr J. A. Dracatos, would have to accept one version as true and the other as a complete fabrication.

The prosecutor, Mr D. Nel, said the defence had attempted to discredit the Ciskei Police and had maintained that the arrests of the 19 accused were anything but orderly.

"What other defence could be raised?" he said.

He described the police operation at Fort Hare as very orderly. The police had embarked on a classic crowd control operation.

He conceded that the evidence of some state witnesses left something to be desired, and described Sergeant April, the last state witness, as "not very sophisticated," but said this was more because of the competence of the defence advocate, Mr M. T. Moerane, than the discredit of the witness.

Mr Nel said the evidence of the Commander-in-Chief of Ciskei

State Security, Lieutenant-General Charles Sebe, had "not been without blemish," but said he had been an honest witness who had admitted he could not be sure of the identity of some of the accused.

"Why should he admit anything if he is in the process of trumping up charges?"

Mr Nel said the defence witnesses had contradicted each other on numerous points.

He said some of the accused were poor and untruthful witnesses who had contradicted other defence witnesses, while some of the accused did not give evidence at all, but had to rely on the evidence of others to account for their actions.

"If one looks at the probabilities — the orderly actions of the police and the number of different versions from defence witnesses — there is no aspect of reasonable doubt.

"There is no defence," Mr Nel said.

Mr Moerane argued that, in law, the crime of public violence had a specific definition which the prosecution had not dealt with, and

that the state had failed to "visit the crime of public violence on any of the accused."

Quoting judicial precedents, he said the onus of proof clearly rested on the state

"If any reasonable possibility exists that the accuseds' evidence may be true, he or she is entitled to acquittal."

Mr Moerane said the case rested on identification and he submitted that the state case was a fabrication.

"I agree that the court must accept in toto, or almost in toto, either the state version or the version tendered by the accused. Either one side or the other is lying."

He said the state had built up its case after the arrests had been made and, in their haste, the "agents of the state" had apportioned among themselves certain accused in numerical order to make identification easier.

This was why the state had taken photographs of the accused, together with details of their clothing.

Mr Moerane said both General Sebe and Major Zozi had been "lying witnesses."

"General Sebe contradicted himself in material respects and I submit the hallmark of a lying witness is one who contradicts himself in material things — who says one thing then under cross-examination says another thing and denies his first statement until his record is played back."

He said a witness who contradicted something said by another witness could not be called a lying witness, because different people could see the same situation in a different light.

"The prosecution talks of the police operation as orderly — as classic crowd control. I submit it was a complete shambles from planning to execution."

He said there was confusion over who the investigating officer was.

Captain (now Major) Stemmet had denied he was the investigating officer, but General Sebe had said he appointed Captain Stemmet, while Colonel Nonhonho had denied Captain Stemmet was the investigating officer and said Brigadier Tamsanqa was the investigating officer.

Brigadier Tamsanqa had not given evidence for the state.

Mr Moerane said Sergeant April, who said he had shot and apprehended two of the accused, could not identify the accused and had handed them to a warrant officer who was not called as a witness.

An important aspect of the case concerned the allegations of stone-throwing, allegations which the state had to prove if the accused were to be convicted of public violence.

"The state evidence regarding the stone-throwing is a fabrication," Mr Moerane said.

"State witnesses said there were between 60 and 200 people throwing stones, but not one of them ducked any stones, saw where they struck or reported any damage."

He said the prosecution's submission of contradictions by defence witnesses was immaterial.

The points of contradiction raised by the prosecution were all minor, and had no bearing on the case particularly as the state had offered no proof of the points raised.

"This was a poorly investigated case and the state tried to build up a case. The state bears the onus of proof and the state has not discharged this onus."

Mr Dracatos postponed his judgment July 5. — DDC.

Treason trialist Cedric Mayson flees to Britain

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By David Breier,
Chief Reporter

Mr Cedric Mayson (55), a former Methodist minister who was due to appear in the Pretoria Supreme Court today on a high treason charge, has fled the country to London, leaving behind him intense speculation on the reasons for his departure.

Mr Mayson, who arrived in Britain yesterday, went to Lesotho after leaving South Africa, the British Council of Churches says.

Legal sources in South Africa say Mr Mayson probably would have been acquitted after the judge, Mr Justice van der Walt, ruled earlier this year that a statement he had made to police was inadmissible as evidence.

He was released on bail of R1 000 in February after being in detention since November 1981.

The low bail was an indication that the court did not consider the case against him serious, sources say.

Witness

His trial was due to have been resumed today after the State had failed to find a crucial witness, Mr Auret van Heerden, a former Nusas president, who has disappeared.

Several theories for Mr Mayson's decision to flee have been advanced.

These include:

- His position in South Africa was untenable as he had inadvertently implicated several people before he was detained.
- He wanted to protect friends who would have been called as State witnesses. These include Dr Beyers Naude, banned former head of the Christian Institute, and a political lawyer, Mrs Priscilla

● Mr Mayson believed he was going to be convicted. Other legal sources have said a conviction was unlikely.

Mr Mayson is the second person facing treason charges to be released on bail.

The first was Bram Fischer, a central figure in the Rivonia trial, who was later recaptured and jailed.

State sources say Fischer was released because the court respected his professional status as a counsel.

Status

They say that, similarly, Mr Mayson was released on bail because of his status as a former clergyman.

He had indicated he wanted to face trial to put his side of the case, sources said.

Methodist Church sources in London say Mr Mayson might speak to the news media today.

Mr Mayson's 85-year-old father, Mr Horace Mayson, speaking from his home in the Lake District, said he was delighted his son had managed to get away.

From Lesotho Mr Mayson flew to "one of the neighbouring territories" and got to Maputo. Then he flew to Paris and on to London, where he is now staying with a son.

One of the first people he got in touch with on arriving in Britain was the Rev Brian Brown of the British Council of Churches' international department, who is banned in South Africa.

Officials at the BCC office would not say where Mr Mayson is staying, but said they expected him to visit them later today.

I'm sorry, fugitive tells judge in a letter

By Sheryl Raine,
Pretoria Bureau

The only trace of Mr Cedric Mayson in the Pretoria Supreme Court today was a long letter of apology written by him and addressed to a judge.

Mr Mayson, who was to have appeared on charges of high treason and others under the Internal Security Act, had fled to Britain.

Mr Justice P J van der Walt was handed a 1½-page letter from Mr Mayson through his advocate, Mr E Wentzel.

"Mr Mayson has informed me he does not intend to appear in court and has fled to the United Kingdom," said Mr Justice van der Walt.

"He has apologised for the inconvenience he has caused, and made other personal statements."

Mr J A Swanepoel, for the State, confirmed that Dr Beyers Naude had been subpoenaed to give evidence. The defence had, however, agreed to spare Dr Naude the ordeal of coming to court by making certain admissions in the case.

All trial preparation had come to a halt with



Mr Cedric Mayson

Mr Mayson's flight. A warrant has been issued for his arrest and bail of R1 000 estreated.

After the court had adjourned, Mrs Penny Mayson, looking tired and harassed, announced that she and three of her children would join Mr Mayson in London.

Three of Mr Mayson's sons will remain in South Africa. Mr Mayson is with another son, Andrew, who lives in London.

"I saw Cedric for the last time on Thursday," Mrs Mayson said. "We returned from holiday with my sister in Richards Bay last Tuesday."

"I did not know he was

planning flight."

She confirmed, however, that her husband left a letter addressed to Mr Justice van der Walt for her to hand to his advocate.

She did not know how Mr Mayson left South Africa. It is believed he went to Lesotho and then London.

"Cedric telephoned me at 9.10 am on Friday, but I don't know where he was calling from. He telephoned again from Heathrow Airport yesterday," said Mrs Mayson.

"I will join my husband in time for our daughter's fifth birthday next month. He missed her fourth birthday because he was in detention for 15 months before coming to trial."

Mr Mayson was born in Britain but has lived in South Africa for nearly 30 years. His South African passport was handed in before he was granted bail, but he is believed to hold a British passport which was kept for him in London.

Efforts to extradite people who have sought refuge from South African law in Britain have failed in the past.

Mayson in London, treason trial told

Argus Correspondent
PRETORIA. — High treason trialist Mr Cedric Mayson, due to appear in the Supreme Court here today, is in London, staying with his eldest son, Andrew, in West Drayton.

His wife, Mrs Penny Mayson, said in court today he had arrived at Heathrow Airport last night.

"The last time I saw Cedric was on Thursday. I had no idea of what he was planning," she said.

According to legal sources, Mr Mayson would probably have been acquitted after the

judge, Mr Justice van der Walt, ruled earlier this year that a statement he had made to the police was inadmissible as evidence.

He was released on bail of R1 000 in February after being in detention since November 1981. The low bail was an indication that the court did not consider the case against him serious, the sources say.

● The Argus Foreign Service reports that Methodist church sources in London confirmed Mr Mayson had arrived in the capital, and said he might give a Press conference later today.

charge Open from 11 am to 4 pm every day, including Sundays. Meet the artist's son Gabriel de Jongh, on Saturdays and Sundays. 65 7242

The 1983 Corobrick National Ceramics exhibition opens at the Gowllett Gallery in Long Street until Friday. Award winning works will be exhibited.

Thirty-five years of photographs — an exhibition by David Goldblatt at the South African National Gallery.

Festival exhibition of watercolours by Phil Cloete and Richard Pooler until April 30 at Gallery 709, 35 Burg Street, Cape Town.

Scrabble

Cape Town Scrabble Club meets at 8 pm in the Century Hotel, Sea Point. All welcome. Bring your own board.

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By CHRIS OLCKERS

MR CEDRIC RAD-CLIFFE MAYSON, a former Methodist Minister charged with high treason, who was due to appear in the Pretoria Supreme Court today, has fled the country.

Mr Mayson is believed to have left his Yeoville home on Thursday night en route for Mozambique.

While police were unable to say whether the former clergyman had left the country, a police spokesman confirmed that a key witness in the trial, former Nusas president, Mr Auret van Heerden had still not been found.

Mr Mayson, 55, a member of the banned Christian Institute was facing charges of high treason, charges under the Terrorism and Internal Security Acts and contravening Section 3(1) of the Internal Security Act.

Cedric Mayson leaves SA before trial today

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PWS M

18/4/83

Yesterday Mr Mayson's advocate, Mr Ernie Wentzel, SC, said he had been informed that his client would not be in court today.

"Apart from that I know nothing," Mr Wentzel said.

Mr Mayson's trial was postponed for two months to assist the prosecution to find Mr Van Heerden.

Sources yesterday said that Mr Mayson was seen in the Lesotho capital of Maseru on Saturday afternoon

where he told an acquaintance that he was on his way to Mozambique. It is not known how he managed to leave the country.

Mr Mayson was only the second person facing treason charges to have been granted bail. According to the law a person facing these charges may not be granted bail.

Braam Fischer, facing treason charges in the Rivonia Trial, was granted bail in 1962.

The former minister spent 18 months in Security Police detention after being arrested in November 1981.

Mr Justice P J van der Walt granted Mr Mayson bail of R1 000 on February 20 this year after he had ruled that a 29-page statement made by the accused while in detention was not admissible as evidence.

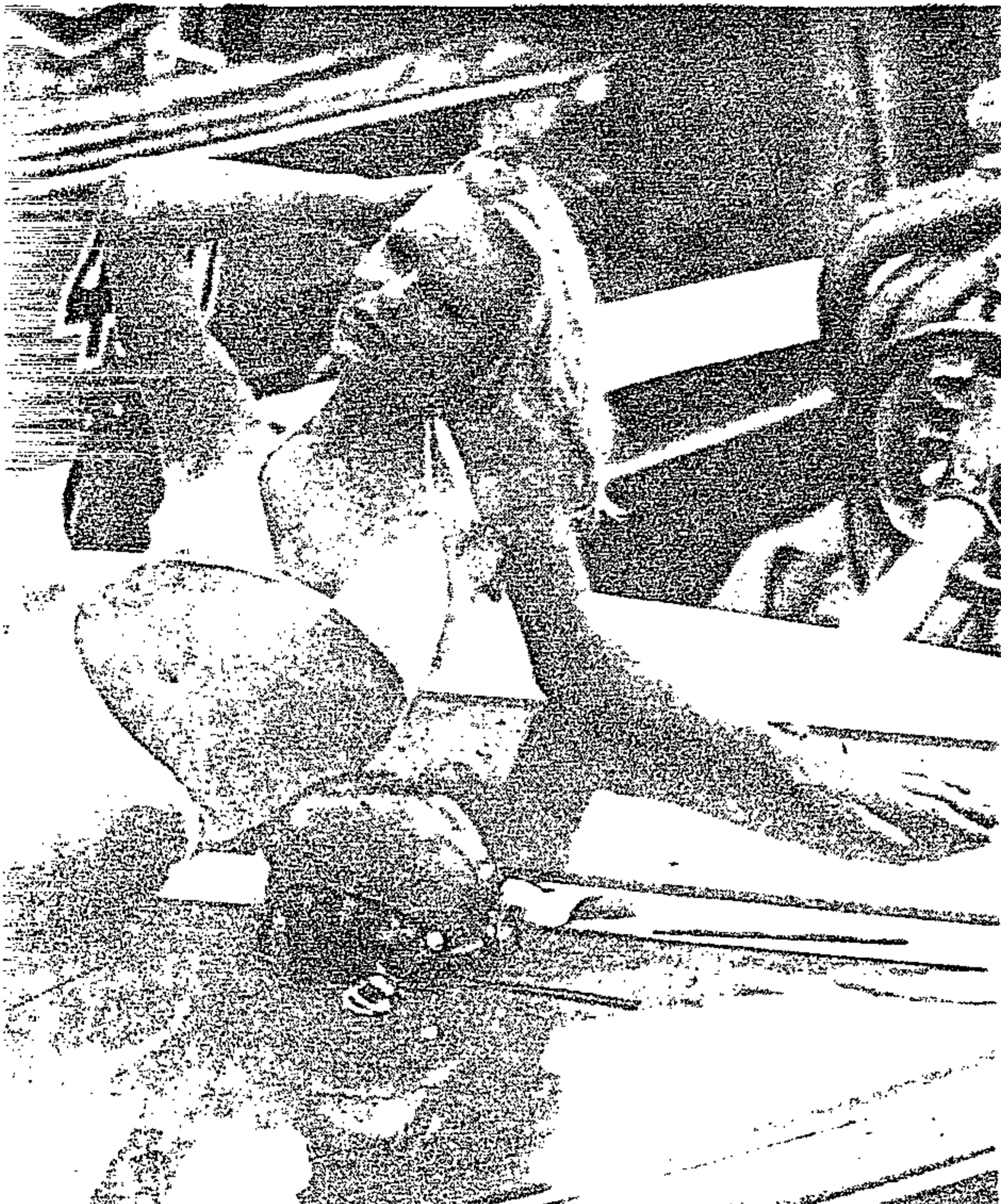
Bail was granted on condition that he reported twice weekly on Mondays and Fri-

days at the Hillbrow Police Station or at the Richards Bay police station if he was to go on holiday.

A police spokesman confirmed yesterday that Mr Mayson had not reported at the Hillbrow or Richards Bay police stations on Friday.

Mrs Penny Mayson, his wife, was not at their home yesterday.

Mr Mayson's lawyer, Ms Kathleen Satchwell, said Mrs Mayson had gone away for the weekend.



Johannesburg model Ursula Vermeulen sits on the prow of a boat in front of Racing test series at the Hartebeespoort Dam on April 23 and 39 and May 7.

Picture: GREG ENGLISH

Fugard advised film's producer

By GEOFFREY ALLEN

IT WAS advice from leading South African actor/playwright Athol Fugard "not to go near whites-only performances" that apparently convinced Sir Richard Attenborough, director-producer of the Oscar Award-winning 'Gandhi', not to attend premieres of his film in Johannesburg.

Yesterday Mr Fugard confirmed that Sir Richard had phoned late last week to ask his advice after attacks on the "whites only" ruling on the film's premieres in South Africa.

Mr Fugard, who plays General Jan Smuts in the film, said: "I told him while we were filming in India that the greatest treason in this country is silence.

"I told Richard that he did not have to pay lip service by attending the premieres and I advised him that I wouldn't go near a whites-only performance and he shouldn't either.

"He phoned me after he got back from the Oscar presentations in Los Angeles and I tried to explain to him the situation here and to give him advice, Fugard said."

Sir Richard has launched a bitter attack on the film's local distributors, Ster-Kinekor, saying they have not done enough for

desegregation.

The two other South African actors who play in the film, Marius Weyers and Winston Ntshona, said at the weekend they had not been invited to premieres.

"I wonder what they've got against us," Weyers asked.

A spokesman for Ster-Kinekor said he had been told by a source in London that Sir Richard would definitely be coming to South Africa but that he would only attend the premiere in Lenasia, if he attended a premiere at all.

In a statement issued in London, Sir Richard said: "I shall go to South Africa as planned to promote the film and the principles embodied within it in the hope of fostering some inclination toward change."

MARGARET SMITH reports from London that the Minister of Community Development, Mr Pen Kotze, told Britons yesterday that he had not bowed to international pressure in allowing mixed audiences at the premieres of the film.

He also disagreed that it would have been "totally inappropriate" for the film to have been shown to segregated audiences given the philosophy of Gandhi.

He was speaking in a telephone interview with BBC Radio. It featured prominently in the news yesterday.

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of the Opposition, Dr Frederik ... will take Mr Botha to task ... for calling a referendum at a

'Jackal' training his new hit squad

Taste America.

Cape Times 18/4/83

Mayson ~~thought~~ thought to have fled

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Own Correspondent

JOHANNESBURG. — Mr Cedric Radcliffe Mayson, a former Methodist minister charged with treason and due to appear in the Pretoria Supreme Court today, is believed to have fled the country.

He is believed to have left on Thursday night for Mozambique. His Yeoville home was deserted yesterday.

Charges

Mr Mayson, 55, a member of the banned Christian Institute, was facing charges of treason, alternative charges under the Terrorism and Internal Security acts, and of contravening Section 3(1) of the Internal Security Act.

Yesterday Mr Mayson's advocate, Mr Ernie Wentzel, SC, said he had been informed that his client would not be in court today.

"Apart from that I know nothing more," Mr Wentzel said.

Sources yesterday said that Mr Mayson was seen on Saturday afternoon in the Lesotho capital of Maseru where he told an acquaintance he was on his way to Mozambique. It is not known how he managed to leave the country.

Mr Mayson was only the second person facing treason charges to have been granted bail. It is statutory that a person

facing such a charge cannot be granted bail.

Braam Fischer, who faced treason charges in the Rivonia trial, was granted bail in 1962.

The former minister spent 18 months in security police detention after being arrested in September 1981.

Mr Justice P J van der Walt granted Mr Mayson bail of R1 000 on February 18 this year after he had ruled that a 29-page statement made by the accused while in detention was not admissible as evidence.

Bail was granted on condition that he reported twice weekly on Mondays and Fridays at the Hillbrow police station or at the Richards Bay police station if he went on holiday.

Not reported

A police spokesman confirmed yesterday that Mr Mayson had not reported at the Hillbrow or Richards Bay police stations on Friday.

Mrs Penny Mayson and the rest of the family were not at their home yesterday. Documents could be seen through a window lying on a table in the study.

Mr Mayson's lawyer, Ms Kathleen Satchwell, said Mrs Mayson had gone away for the weekend but would not discuss Mr Mayson.

9 cleared of terror charges

8 APR 1983

By Themba Maseko

Terrorism Act and Internal Security Act charges against nine men were withdrawn in the Johannesburg Magistrate's Court today.

But four men, Mr Joe Thloloe, Mr Moffat Siphongcobo, Mr Nhlanganiso Sibanda and Mr Steven Siphon Zungu, now face a charge of possession of banned Pan Africanist Congress literature. They have pleaded guilty.

Previously the men had pleaded not guilty to a charge of furthering the aims of the banned PAC.

They were also charged with recruiting youths to undergo military training outside the country.

Those who were acquitted of all charges are trade unionist, Mr Phillip Dlamini, Mr Harrison Thembinkosi Nongqele, Mr Veli Truman Mnguni, Mr Mfana Mtshali and Mr Shadrack Rampete.

Mr Dlamini is serving an 18-months sentence for refusing to testify against Lillian Keagile who was jailed for six years last February.

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Terror charges are improbable, argues counsel

Own Correspondent

CAPE TOWN — Mr Oscar Mpetha (73) should be acquitted of charges of terrorism and murder, his defence counsel, Mr Ian Farlam SC, argued in the Cape Town Supreme Court yesterday.

"The allegations made against Mr Mpetha are wildly improbable and totally contrary to his character and the professed opinions of a lifetime", Mr Farlam said.

Mr Mpetha and 17 others have been on trial for more than two years, charged with committing or inciting others to commit terrorist activities between August 8 and 12 1980, and two counts of murder arising from the death of Mr George Beeton and Mr Frederick Jansen.

Mr Farlam submitted that in a case such as this, where the State relied on accomplices who had been in detention, the court must approach the evidence with even greater care than usual because of the dangers



MR OSCAR MPETHA

that flowed from their awareness of what was required by the police.

In view of the allegations that Mr Mpetha was guilty of conduct of "monstrous wickedness and enormity", very clear and cogent evidence was required in support. But Mr Farlam submitted that the evidence led against Mr Mpetha was anything but clear and cogent.

Referring to the incidents, Mr Farlam said two explanations could

be advanced for the events of August 11 and 12 1980.

They were the result of a cold-blooded, callous scheme masterminded by Mr Mpetha during if not before the preceding weekend—or the result of spontaneous reaction to unwise and inappropriate interference, on the morning of August 11, with the pirate taxi drivers and their passengers.

Of these two possible explanations, Mr Farlam submitted that the second alternative was inherently more probable, and in itself provided a satisfactory and convincing explanation of what had happened.

Important factors in this regard were the bus and school boycott and the fact that August 11 was the anniversary of the deaths of Cape Town residents in 1976.

The case continues.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr G H van Gend. Mr C J van Wyk appears for the State. Mr I Farlam SC, assisted by Mr J R Whitehead and instructed by Frank, Bernadt and Joffe, is appearing for Mr Mpetha.

Mayson apologizes to judge

CALL Times 19/4/83

PRETORIA. — The only trace of Mr Cedric Mayson in the Pretoria Supreme Court yesterday was a long letter of apology written by him and addressed to a judge.

Mr Mayson, who was to have appeared in court yesterday on charges of treason and others under the Internal Security Act, has fled to Britain.

Mr Justice P J van der Walt said he had received a 1½ page letter from Mr Mayson via his defending counsel, Mr Ernie Wentzel SC.

"Mr Mayson has informed me he does not intend to appear in court and has fled to Britain," said Mr Justice Van der Walt.

"He has apologized for the inconvenience he has caused the court and made other personal statements."

'Postponed'

In court waiting to give evidence in a trial that has now been indefinitely postponed, was Major Craig Williamson of the Security Police.

Other members of the Security Police, including Captain Andries Struwig and Major Arthur Cronwright, were also present.

Mr J A Swanepoel, appearing for the State, confirmed that Dr Beyers Naude had been subpoenaed to give evidence.

The defence had, however, agreed to spare Dr Naude the ordeal of com-

ing to court by making certain admissions.

All trial preparation has now come to a halt. A warrant has been issued for Mr Mayson's arrest and bail of R1 000 has been estreated.

'Harassed'

After the court adjourned, Mrs Penny Mayson, looking tired and harassed, announced she and three of her children would join Mr Mayson as soon as possible. Three of Mr Mayson's sons will remain in South Africa.

"I did not know my husband was planning to flee the country," she said.

"Cedric phoned me at 9.10am on Friday, but I don't know where from. He phoned again from Heathrow Airport."

Mr Mayson is staying with another son, Andrew, in London.

● **BRUCE STEPHENSON** reports from London the British Council of Churches yesterday welcomed the arrival of Mr Mayson, and said even if he had been found innocent of treason there was no doubt he would have been banned or detained again.

Mr Mayson arrived in Britain on Sunday by way of Maseru and Maputo. He is expected to give details and his reasons for leaving at a press conference at the British Council of Churches headquarters in London this week.

Five acquitted in PAC trial

THLOLOE GUILTY

BANNED journalist Joe Nong Thloloe (40) and three others were yesterday convicted in the Johannesburg Regional Court for collection and possession of literature published by the outlawed Pan African Congress.

Five of their co-accused were acquitted after the State decided not to proceed with charges against them.



FREED: Trumal Mnguni and Shadrack Rampete.



FREED: Harrison Nogqeleke and Mfana Mtshali.

Thloloe, together with Siphon Moffat Ngcobo (28) of Soweto, Nhlanganiso Sibanda (26) of Alexandra, and Steven Siphon Mzolo (21) of Tembisa, were found guilty after they had changed their plea of not guilty on all the charges to guilty on only one of the two alternatives on the main count under the Terrorism Act.

The State accepted their plea of guilty on the alternative in that between February 1981 and June 1982 they wrongfully, unlawfully and intentionally took part in an activity of an unlawful organisation, the PAC.

In acquitting the other five, the magistrate, Mr T Kleinhans, said the State accepted their pleas of not guilty to the four main counts connected with allegations of contravening the Terrorism Act. The same, he said, applied to the convicted four except for the alternative they changed their plea on.

Those found not guilty and discharged, are: Mr Harrison Them-binkosi Nogqeleke (26) of Soweto, Mr Trumal Mnguni (33) of Soweto, Mr Mfana Mtshali (18) of Kagiso, Mr Shadrack Rampete (22) of Kagiso and Mr Phillip Dlamini (30) of Soweto, who was not released as

By **NKOPANE
MAKOBANE**

he is serving an 18-month jail term for refusing to testify in the Lillian Keagile trial.

When proceedings against the four started, Mr A R van Wyk, for the State, handed in literature found in possession of the men. He said a book, *The New Road* was found with Thloloe, three documents, *Azania News*, *PAC World* and *Salute the Second Consultative Conference of the PAC on Azania* with Ngcobo, and boxes containing different documents with Sibanda and Mzolo.

He then informed the court that he wished to call a witness whose evidence should be heard in camera in the interest of the State. He said if evidence was heard in public and his identity revealed, there was a likelihood that he may be harmed. The court was then cleared.

Mr G Bizos for Thloloe, Ngcobo and Mzolo said they had the documents for their own purpose and not to advocate the PAC ideas. He said there was nothing related to violence in the act of the accused except that they had collected the material.

At the end of the day's proceedings Mr Kleinhans adjourned the hearing to tomorrow so that he could go through the documents.

19 APR 1983 331
Star
~~331~~

Letter to judge gives cleric's reasons for fleeing

By Sheryl Raine,
Pretoria Bureau

Treason triallist Mr Cedric Mayson (55) left the country for three main reasons according to a letter he wrote to a Pretoria Supreme Court judge.

The letter, addressed to Mr Justice P J van der Walt, was one-and-a-half pages long and made certain observations about the judge and the court.

Mr van der Walt, who was to have continued hearing evidence in the trial yesterday, has refused to disclose the contents.

He said that it was a "personal letter" which would not become part of the formal court record and its contents would not be made public.

However, it has been reliably learned that Mr Mayson told the judge he had left the country because he wished to protect certain witnesses subpoenaed to appear for the State.

These included close friends of Mr Mayson, such as Dr Beyers Naude, the banned NGK minister formerly associated with the now-banned Christian Institute, Mr Keith Coleman, son of Dr Max Coleman of the Detainees' Parents Support Committee, Mrs Priscilla Jana, a banned Johannesburg attorney, the Rev Frank Chikane and Mr Aurret van Heerden, a former detainee and president of Nusas.

Mr Mayson wished to protect them because he suspected they might refuse to give evidence in court against him and face prosecution as a result.

He apparently also wished to spare his family the ordeal of the trial.

Another factor was that he believed that the South African Government would use the treason trial for propaganda purposes and wanted to rob them of this opportunity.

19 APR 1983 The Star

Terrorism Act charges against nine withdrawn

By Themba Maseko
Terrorism Act and Internal Security Act charges against nine men, among them banned journalist Mr Joe Thlooe, were withdrawn yesterday in the Johannesburg Magistrate's Court.

Four of the men, Mr Thlooe, Mr Siphon Mofat Ngcobo, Mr Nhlanganiso Sibanda and Mr Steven Siphon Mzolo, were also appearing on an alternative charge of possession of banned Pan Africanist Congress (PAC) literature.

Acquitted were trade unionist Phillip

Dlamini, Mr Harrison Thembinkosi Nongqele, Mr Mfana Mtshali, Mr Veli Truman Mnguni and Mr Shadrack Rampete.

All were charged with furthering the aims of the outlawed PAC and recruiting youths to undergo mili-

tary training outside the country. They pleaded not guilty.

The men were acquitted after Mr George Bizos SC, defending, requested the charges be withdrawn.

The magistrate did not advance reasons for withdrawing the

charges.

At the beginning of the trial last week Mr Michael Siphon Ntshingane refused to testify for the State. He was remanded after the prosecutor, Mr A R van Wyk, said he would consider calling him at a later stage.

Dlamini is presently serving an 18-month sentence for refusing to become a State witness in the trial of Lillian Keagile who was jailed for six years last February for activities relating to the African National Congress (ANC).

110 331 19 APR 1963 The Star

Banned literature: four guilty

Joe Thlooe and his three co-accused were yesterday convicted in the Johannesburg Magistrate's Court on a charge of possession of banned Pan Africanist Congress (PAC) literature.

The conviction of Thlooe, Siphon Moffat Ngcobo, Nhlanganiso Sibanda and Steven Siphon Mzolo followed their acquittal — together with five others — on charges of furthering aims of the PAC and recruiting youths to undergo military training outside the country.

The four pleaded guilty to possessing the literature.

Mr George Bizos SC, for the defence, said in mitigation the men had been detained for about 10 months before they appeared in court.

"This is punishment enough. Thlooe is a journalist who is interested in the background of the PAC and it is known that PAC literature is not absolutely prohibited because it is available in public libraries and universities," Mr Bizos said.

Thlooe, he added, was a respected journalist and former president of the banned Union of Black Journalists (UBJ). If he was sent to jail his career would be placed in jeopardy as he would later find it difficult to secure a job, Mr Bizos said.

"The case was postponed until tomorrow to enable the magistrate to read the contents of the banned literature

SA treason trialist in London

Mayson flight pleases UK churchmen

331
RWM
19/4/83

London Bureau

LONDON. — The British Council of Churches yesterday welcomed the arrival in Britain of treason trialist Mr Cedric Mayson and said that even if he had been found innocent by the South African courts, there was no doubt he would have been banned or detained again.

Mr Mayson, a Methodist Church minister, fled South Africa last Friday and arrived in Britain on Sunday by way of Lesotho and Mozambique. He is expected to give details and his reason for leaving at a Press conference at the British Council of Churches headquarters in London tomorrow.

A spokesman for the council, the supreme governing body for all British churches, said yesterday that Mr Mayson had provided them with a full briefing of his situation.

There was "much pleasure at the freedom he was now able to enjoy", the spokesman said.

"There is an awareness that, under the South African system, had he been proven innocent the extra-judicial procedures against his person, to which he had been previously subjected, would have been re-imposed."

The belief was that he would have been banned, placed under house arrest or detained again.

Church leaders were hopeful that his wife Penelope and three young daughters would be able to join him soon.

Mr Mayson yesterday briefed the British Council of Churches on his flight from South Africa.

Sapa reports that the only trace of Mr Mayson yesterday in the Pretoria Supreme Court — where he was due to appear on charges of treason and other charges under the Internal Security Act — was a long letter of apology written by him and addressed to a judge.

Mr Justice P J van der Walt said he had received a letter from Mr Mayson through his attorney, Mr Ernie Wentzel.

"Mr Mayson has informed me that he does not intend to appear in court and has fled to the United Kingdom.

"He has apologised for the inconvenience he has caused the court and made other personal statements," the judge said.

In court waiting to give evidence in the trial was Major Craig Williamson of the Security Police. Also present were other members of the Security Police, Captain Andries Struwig and Major Arthur Cronwright.

Mr J A Swanepoel, appearing for the State, confirmed that Dr Beyers Naude had been subpoenaed to give evidence.

The defence, however, had agreed to spare Dr Naude the ordeal of coming to court by making certain admissions in the case.

All preparations for the trial have now come to a halt with Mr Mayson's departure. A warrant has been issued for his arrest and his bail of R1 000 has been withdrawn.

After the court adjourned, Mrs Penny Mayson, looking tired and harassed, said she and three of her children would join her husband as soon as possible.

Three of Mr Mayson's sons will remain in South Africa.

Mr Mayson is staying with another son, Andrea, who lives in London.

"I saw Cedric for the last time on Thursday," Mrs Mayson said.

"We returned from a holiday with my sister in Richards Bay last Tuesday. I did not know that my husband was planning to flee the country."

She confirmed, however, that her husband had left a letter addressed to Mr Justice Van der Walt for her to hand to his attorney.

She said she did not know how her husband had left South Africa. It is believed that he went first to Lesotho after leaving South Africa.

"Cedric phoned me at 9.10am on Friday, but I don't know where he was phoning from. He phoned again from Heathrow Airport yesterday," said Mrs Mayson.

"I will join my husband in time for our four-year-old daughter's fifth birthday next month. He missed her fourth birthday because he was in detention for 15 months before coming to trial."

Mr Mayson was born in Britain, but has lived in South Africa for about 30 years. His South African passport was handed in before he was granted bail, but he is believed to hold a British passport, which was kept for him in London.

Efforts to extradite exiles who have sought refuge in Britain have been unsuccessful in the past.

PAC trialist glad to be free

By SAM MABE

ONE OF the four PAC trialists who were acquitted in the Johannesburg Regional Magistrates Court yesterday said he was shocked by his dramatic acquittal — because he had expected to be sent to jail for up to 20 years.

Mr Harrison Nogekele, acting President of the Azanian Youth Unity (Azanyu), who was accused number one in the trial in which he was charged with eight others for allegedly furthering the aims of the banned PAC, was acquitted with Mr Shadrack Rampete, Mr Mfana Mshali and a popular Soweto businessman, Mr Truman Mnguni.

Their surprise acquittal, which was greeted with shouts of jubilation from friends and family

members, followed a dramatic decision by the State not to pursue four charges under the Terrorism Act which included among others, intentions to overthrow the Government of the Republic through violence.

Mr Nogekele, who was living in exile in Botswana when he was kidnapped and brought back to Johannesburg in June last year, said his acquittal was like a dream come true.

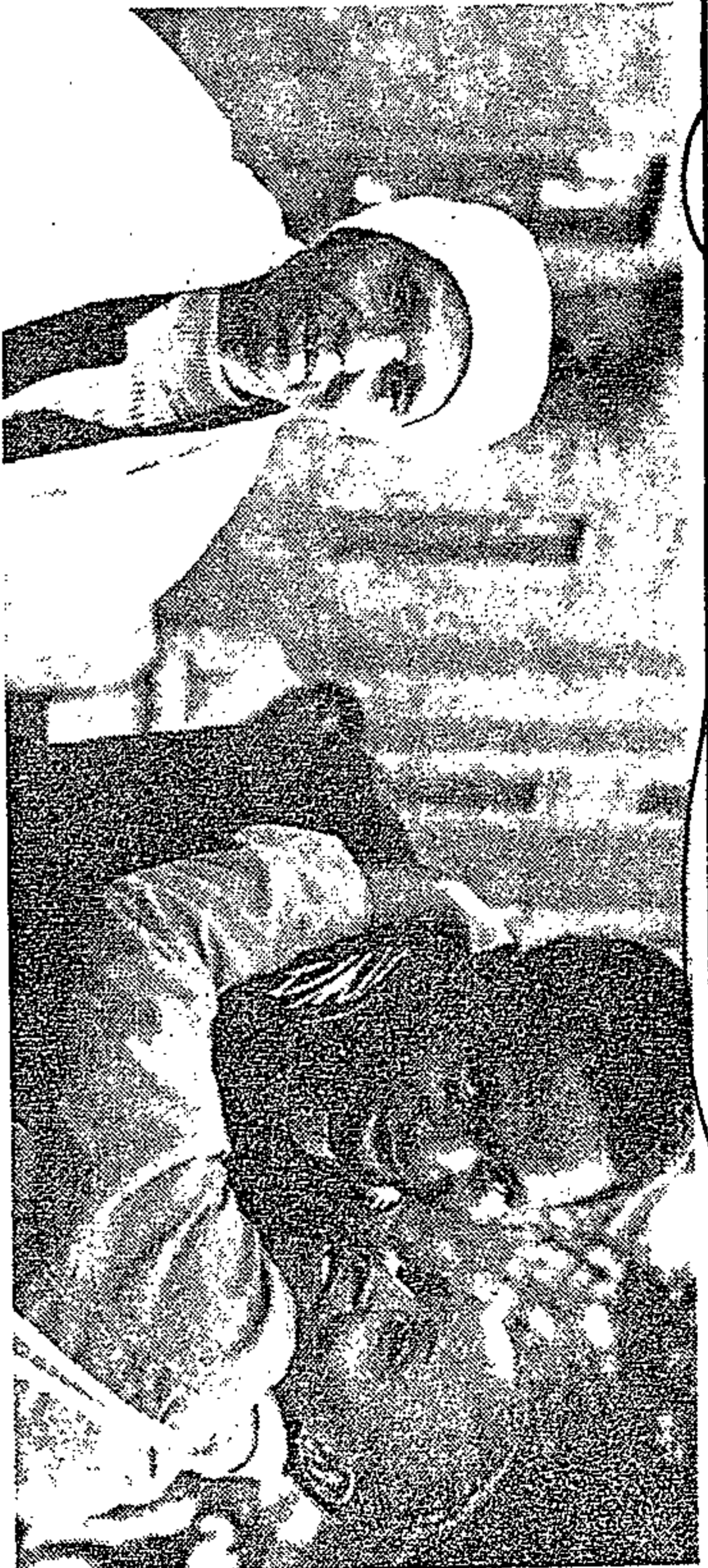
"The allegations that were made against me were extraordinary and I just imagined myself going to prison for 20 years. It came as a big shock to hear that I was free to go home," he said.

Mr Mnguni said his acquittal had proved to him that God had been with him throughout the 10 months he spent behind bars. He said he was happy to breathe fresh air and hoped that his colleagues would also be freed soon.

Mr Rampete said: "I cannot celebrate my acquittal because most of my colleagues are still inside.

"I am as surprised at being acquitted as I was surprised at being detained," he added.

Mr Mshali said his acquittal brought him a painful joy because he knew that his colleagues who were found guilty of possession of banned literature, were likely to be sentenced to jail.



FREE: Mr Mfana Mshali is hugged by his sister Bellinah yesterday after he was acquitted with four other men in the Johannesburg Regional Court following the State's withdrawal of the Terrorism Act charges against them. Next to them is their mother, Minah.

Cape Times 19/4/83

Plea to acquit Mpetha

Supreme Court Reporter
THE allegations against Mr Oscar Mpetha, 73, who faces charges of murder and terrorism with 17 others, were "wildly improbable and totally contrary to his character and professed opinions of a lifetime", the Supreme Court heard yesterday.

Mr I Farlam, SC, was presenting his argument in the trial, which has run for over two years and has involved more than 100 witnesses.

The men are charged with committing or inciting others to commit terrorist activities between August 8 and 12, 1980. The two counts of murder follow the death of Mr George Beeton and Mr Frederick Jansen on August 11, 1980.

All counts

The State has alleged that Mr Mpetha was the brains behind the events on August 11.

Mr Farlam submitted that Mr Mpetha should be acquitted on all the counts.

He had testified as to his belief in a non-violent solution to the country's problems, he said. He was corroborated in this by a trade-unionist, Mr Jan Theron, who gave evi-

dence in his defence.

This evidence was not challenged or put in issue, he said.

The events on August 11 and 12 had either been the "result of a cold-blooded, callous scheme masterminded by Mr Mpetha", or the result of a spontaneous reaction to "unwise and inappropriate interference", he said.

He submitted that the second alternative was inherently more probable, considering the bus and school boycotts at the time, and the fact that August 11 was a remembrance day for the 1976 dead.

The two eye-witnesses who directly implicated Mr Mpetha while giving evidence for the State, were both youths. They had both been detained in solitary confinement and one was an accomplice, he said.

The case continues today.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr C J van Wyk appears for the State. Mr Farlam is assisted by Mr J Whitehead and instructed by Frank, Bernadt and Joffe. Mr Whitehead, Mr T L Skweyiya and Mr N Willis appear for the other accused. All are instructed by A M Omar, Vassen and Company.

19 APR 1983

Acquit Mpetha court told

MR OSCAR Mpetha (73), should be acquitted of charges of terrorism and murder, Mr Ian Farlam, SC, for the defence, argued in the Supreme Court, Cape Town, yesterday.

"The allegations made against Mr Mpetha are widely improbable and totally contrary to his character and the professed opinions of a lifetime," Mr Farlam said. Mr Mpetha and 17 others have been on trial for more than two years charged with committing or inciting others to

commit terrorist activities between August 8 and 12, 1980, and two counts of murder arising from the death of Mr George Beeton and Mr Frederick Jansen.

Mr Farlam submitted that in a case such as this, where the State relied on accomplices who had been in detention, the court must approach the evidence with even greater care than usual because of the dangers that flowed from their awareness of what was required by the police. In view of the allega-

tions that Mr Mpetha was guilty of conduct of monstrous wickedness and enormity, very clear and cogent evidence was required in support. But Mr Farlam submitted that the evidence led against Mr Mpetha was anything but clear and cogent.

Referring to the incidents, Mr Farlam said two explanations could be advanced for the events of the 11th and 12th August, 1980. They were the result of a cold blooded, callous scheme master minded by Mr

Mpetha during if not before the preceding weekend. Or they were the result of spontaneous reaction to unwise and inappropriate interference on the morning of August 11, with the pirate taxi drivers and their passengers.

Of these two possible explanations, Mr Farlam submitted that the second alternative was inherently more probable and in itself provided a satisfactory and convincing explanation of what had happened.

Proceeding. — Own Correspondent.

Freedom in sight

SOWETAN 331
ATTORNEYS representing four people who were to have testified as State witnesses in the trial of Joe Tholoe and eight others told **The SOWETAN** yesterday that their clients may be released today.

Mr P Diar, whose clients are Mr Michael Sipho Ntshingane, who at the beginning of the hearing refused to take the oath, Ms Cynthia Ntshingwa and Mr Richard Marumole, said he had received confirmation that they would be freed from detention at the end of the hearing of the convicted four today.

Mr D J S Moshidi, a legal representative of Mr Mathata Tsedu, a journalist, also said that, following inquiries, he had established that Mr Tsedu would be released from custody.

He said however that because Mr Tsedu was serving a banning order, he would be taken to his home in Pietersburg.

Meanwhile, sentence is expected to be passed today in the trial of four of the nine men who were found guilty on Monday for collecting and possessing banned literature of the Pan African Congress (PAC).

* As sold in London.

In re
 Consulate

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Consulate — j

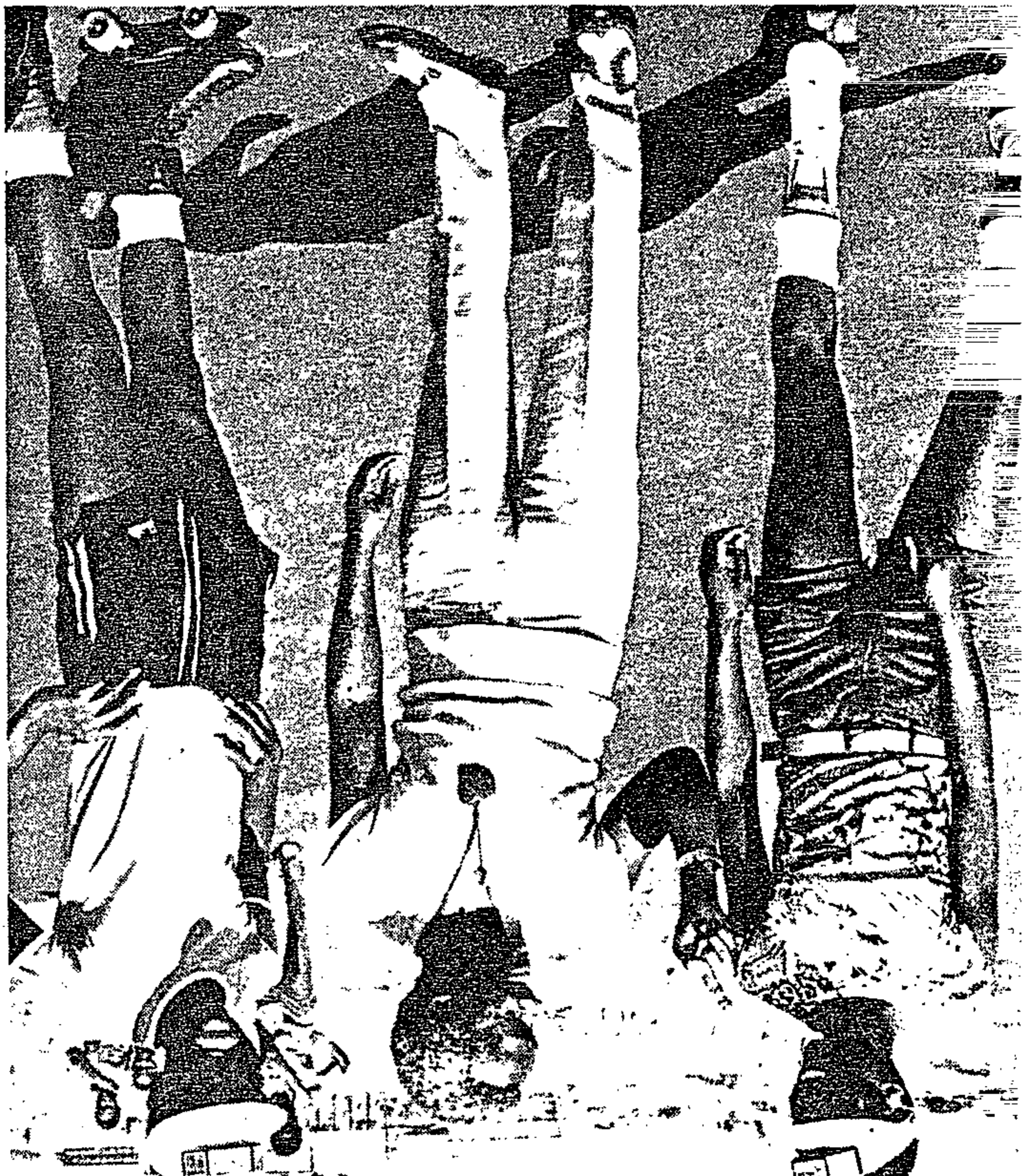
MADE IN SOUTH

CON216EF

Permanent and regular basis.
 "There are some very good skaters among the kids and I'd like to see them develop their talents. We might have a few potential champions among them."
 Parking lots, roads in yet-to-be-developed residential areas and public parks — anywhere where there is a strip of level, paved ground you can find the high-rollers of Soweto today.

ATING — It's sweeping Soweto like more than 2 000 teenagers are today the latest sporting craze.

than any other craze I've seen here TV personality "Sir Charles" Mchunu "It's growing bigger every day."



Arrest warrant for ^{CAP- TIMES} 20/4/83 police ³³¹

Staff Reporter

A WARRANT for the arrest of two policemen was issued yesterday after they had failed to appear to testify in the Regional Court in the trial of two men charged under the Internal Security Act and Publications Act.

A Regional magistrate, Mr A J Burger, who at an earlier hearing had warned the policemen to be on hand yesterday, was told by the State prosecutor, Mr C A Cilliers, that one was believed to be on the border and the other "supposedly working in Robertson". All efforts to contact them had failed, the court heard.

They were to have testified in the trial of Mr Michael Abramse, 23, of Rue Robert, Glenhaven, Bellville, charged with possessing five publications of a book titled "The African Communist", and a photostat copy of a book titled "Unity in Action — A History of the ANC. 1912-1982".

Banned book

He also faces an alternative of possessing a copy of "Revolutionary Thought in the 20th Century" while it appeared as banned literature in the Government Gazette.

Mr Terry Lucas, 22, of Crystal Avenue, Steenberg, faces a count of possessing a copy of "Revolutionary Thought in the 20th Century".

Neither of the men were asked to plead and no evidence was led. Their bail of R100 was extended.

The hearing was adjourned to June 17.

Mr A M Omar, instructed by Omar, Vassen, Sonn and Abercrombie, appeared for the accused.

Mayson admits links with ANC

Own Correspondent

LONDON. — Mr Cedric Mayson, the Methodist churchman who fled South Africa last week before facing charges of high treason, said yesterday that he had left to prevent Dr Beyers Naude and other friends from going to jail.

Speaking at his first press conference since arriving in London, by way of Lesotho and Mozambique, Mr Mayson admitted links with the African National Congress and other "black liberation" groups since as far back as 1973 and said: "It was too risky for my friends and colleagues if I stayed. Despite the fact that they were not in-

criminating, subpoenas were served on Dr Beyers Naude and others

"Dr Naude and my other friends would have deliberately chosen to go to jail for contempt rather than give evidence, and the State knew this. This was not something I was prepared to subject others to unnecessarily, so I left."

Speaking at the headquarters of the British Council of Churches in London, Mr Mayson said that when he joined the now-banned Christian Institute in 1973 as editor of the journal *Pro Veritate*, he almost immediately established links with the ANC, the Pan Africanist Congress, the black con-

sciousness movement and other black organizations

"I thought it was crucial to get to know the liberation organizations — that it was crucial to listen to the 'poor and oppressed' as they are in theological terms.

"That was the reason for my first detention in 1976, because the security police thought I was behind the Soweto riots."

British-born Mr Mayson was detained for three weeks in 1977 and then banned with other members of the Christian Institute — Dr Beyers Naude, Dr Theo Kotze, the Rev Brian Brown, Mr Horst Kleinschmidt and Mrs Oshadi Pakathi. All but Dr Naude have left South Africa.

Without naming those he had assisted, Mr Mayson admitted yesterday that he had helped "certain members" of the Christian Institute to leave the country illegally.

His own escape from South Africa was organized by an unnamed friend who drove him from Johannesburg to the Lesotho border on Friday, April 14.

From Maseru he took a flight to Maputo and on to London, where he is staying with his son Andrew.

Denied charges

Mr Mayson denied the charges levelled against him by the State of committing high treason by assisting the ANC and offering to control ANC weapons.

"Even if the court had acquitted me of treason (which I fully expected), I would almost certainly have been restrained as I left the court or banned or house-arrested, or held as a future witness by the security police."

I skipped to save Naude, says Mayson

331

RUM

20/4/83

By BRUCE STEPHENSON

LONDON. — Mr Cedric Mayson, the Methodist churchman who fled South Africa last week before facing charges of high treason, yesterday said he left to prevent Dr Beyers Naude "and other friends" from going to jail.

Speaking at his first Press conference since arriving in London, by way of Lesotho and Mozambique, Mr Mayson admitted links with the African National Congress and other "black liberation" groups since as far back as 1973 and said:

"It was too risky for my friends and colleagues if I stayed. Despite the fact that they were not incriminating, subpoenas were served on Dr Beyers Naude and others.

"For some time it has been a firm principle in liberation circles that no-one in any circumstances will give evidence for the state against a colleague.

"Dr Naude and my other friends would have deliber-

ately chosen to go to jail for contempt rather than give evidence and the state knew this. This was not something I was prepared to subject others to, unnecessarily. So I left."

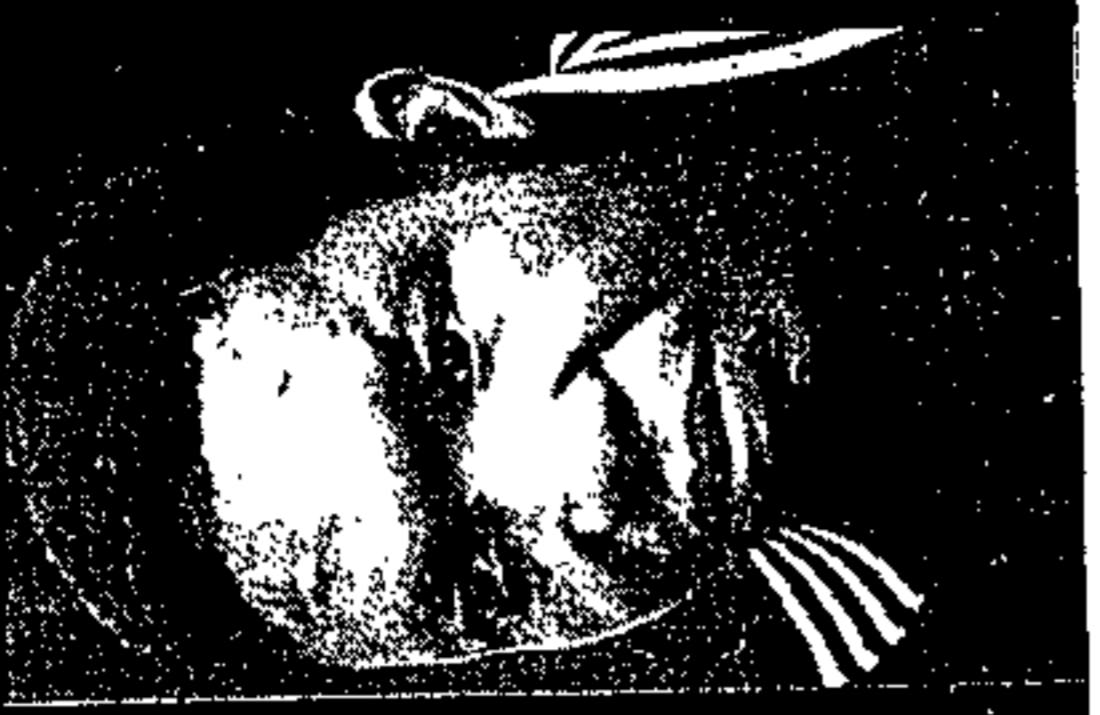
Speaking at the headquarters of the British Council of Churches in London, Mr Mayson said that when he joined the now-banned Christian Institute in 1973, as editor of the journal Pro Veritate, he almost immediately established links with the ANC, the Pan Africanist Congress, the Black Consciousness Movement and other black organisations.

"I thought it was crucial to get to know the liberation organisations — that it was crucial to listen to the 'poor and oppressed' as they are in theological terms.

"That was the reason for my first detention in 1976, because the Security Police thought I was behind the Soweto riots."

● Picture — Page 2

THILOLOE JAILED



~~331~~ (331) 20 APR 1983

BANNED JOURNALIST Joe Thloloe was yesterday sentenced to two-and-half-years imprisonment after being found guilty of possessing banned Pan African Congress literature.

Sipho Moffat Ngcobo (28) of Soweto was also jailed for 2½ years, Nhlanganiso Sibanda (26) of Alexandra Township got three years and Steven Sipho Mzoto (26) of Tembisa, also three years.

Immediately after sentence was passed by magistrate Mr T Kleinhans, defence counsel for the four indicated an intention to lodge an appeal. The hearing was then adjourned until today when an application for bail pending the appeal would be made.

In his remarks before passing sentence, the magistrate said he had listened carefully and paid particular attention to suggestions by the defence that the offence was least serious.

However, the court viewed the offence as serious and differed with the argument that the accused should be given suspended sentences.

He said that the evidence given in camera by a witness who may not be identified, and which dealt with PAC literature and propaganda was very important.

"The court has also taken into account the interest of the State and the society and has come to the conclusion that the collection and distribution of PAC literature was not in the interest of either," he

By **NKOPANE
MAKOBANE**

said. *Sowetan*

He went on to say it had not been an easy task to decide on the sentence. The court has however, taken into consideration that the accused had been in detention for 10 months prior to the trial.

Again, he said, they had shown readiness to plead guilty and take punishment.

Meanwhile three men and a woman who had been held as potential State witnesses in the trial were released yesterday. The four include Mr Mathata Tsedu, the banned former journalist with **The SOWETAN** and also member of the Media Workers' Association of South Africa (Mwasa).

Mr Tsedu lives in Pietersburg. The other three who live in Kagiso Krugersdorp are Sipho Ntshingane, who refused to testify and was threatened with a five-year jail sentence, Ms Cynthia Ntshingwa and Mr Richard Maserumule.

UC

Gang in court

FIVE Wire Gang members and three Soweto men appeared yesterday before the same magistrate on two separate murder charges in the Johannesburg Magistrate's Court.

Three gang members, Mr Koo Sibeko (28), Mr Mack "General" Ngubeni (31) and Mr Samuel Kubayi (21) pleaded not guilty before Mr M P Prinsloo of murdering Mr Doctor Mashimi in Soweto on August 23, 1981.

Their case was adjourned to April 29.

Another gang member, Mr Samuel Kubayi (21) appeared together with Mr Sydney Ngubeni (30), Mr George Mohapi (31) and Mr Elias Radzilani (21). All pleaded not guilty to the charge.

The State alleges that on April 24 last year in Pimville, they assaulted Mr Joseph Mandlazi.

As a result of the injuries, Mr Mandlazi died at Baragwanath Hospital two months later. The tour had their case postponed to May 10.



SUPERMARKET: Part of the R2-million complex of Mr Richard Maponya.

Maponya hits out at critics

SOWETO businessman and race horse owner Mr Richard Maponya, yesterday denied that his R2-million business complex presently built in Dube, Soweto was a front.

He accused those who called his business a front and of being in partnership with whites of talking "absolute nonsense".

In an exclusive interview with The SOWETAN this week, Mr Maponya said his complex would house a bakery, boutique, record bar and possibly a chemist.

The building will be completed in August this year and be opened at the end of September.

Mr Maponya said because of a lack of managerial expertise among blacks he would sign a management contract with a white company — something similar to the one signed by Blackchain when it started operating.

He said the consumers wanted their money's worth and if we hope to stop the flow of money from our townships to the cities, we should be prepared to compete with the large supermarkets in town.

Quiet over inquiry

THE Attorney-General's office has not yet received any information from an "internal investigation" by the South African Police following a magistrate's finding in the recent Kempton Park terror trial that State witnesses had been forced to give false evidence by Security Police.

A spokesman told The SOWETAN yesterday that no results have been forwarded to them on the matter. He said it was still too soon to have received anything and he presumed police were continuing with their investigations.

Early this month, Mr IJJ Luther acquitted four Soweto people, Mr Stanley Radebe (27), Mr Mthuzeli Madalane (24), Mr Ernest Mohakala (23) and Miss Nonkululeko Maziuko (20). The court heard witnesses had been threatened with assault, further detention and solitary confinement if they did not co-operate with the police.

Three shot in Springs

By MZIKAYISE EDOM

who was shot in the back and later admitted to hospital and Mr Thembi Mbatha (22), address given as Club 45 Night Spot, who was shot on the left arm and was slightly injured.

The fourth person, Mr Washington "Duze" Mtshali of 16 Molapo Street, KwaThema, escaped uninjured and hid in a nearby bush. He finally made his way to

Mr Gilbert Motlaping, the owner of Club 45 Night Spot told The SOWETAN yesterday that he was watching TV in one of the rooms on top of his club when he heard shots being fired

from outside.

He said: "I took my revolver and ran outside. As I came out of the door I found Mr Mkhize lying on the ground, two other people, including Mr Mbatha, who is the security guard at my night club had gun-shot wounds. I

witnesses that a group of unknown men who were earlier seen lingering around my business premises were responsible for the shooting of

the three men."

Meanwhile the KwaThema police are still looking for a man who raped a five-year-old girl in KwaThema on Sunday evening. The girl was walking in Mabwe Street at 10pm when she was attacked by the man.

The KwaThema police are also looking for two men who robbed an East Rand Administration official of R12 000 in cash on Monday night.

C.M.M.C.

21/11/83

Journalist Thloloe jailed

By ANN PALMER

A BANNED journalist and three others were sentenced to a total of 11 years' jail in the Johannesburg Magistrate's Court yesterday after it was found they had collected and possessed literature published by the Pan Africanist Congress.

A journalist on the Sowetan newspaper, Joe Nong Thloloe, 40, and Sipho Moffat Ngcobo, 28, both of Soweto, were each jailed for 2½ years for contravening the Terrorism Act.

Nhlanganiso Sibanda, 26, of Alexandra Township, and Steven Sipho Mzolo, 21, of Tembisa, were each jailed

for three years under the same Act.

At a previous hearing, the four changed their plea of not guilty to guilty of taking part in an activity of the outlawed PAC between February 1981 and June 1982.

Mr A R Van Wyk, for the State, previously handed in the literature which was found in the possession of the four men.

"The New Road" was found with Thloloe, three documents - Azania News, PAC World and Salute the Second Consultative Conference of the PAC on Azania - were found with Ngcobo and boxes containing different documents with Sibanda and

Mzolo.

The magistrate, Mr T Kleynhans, said he took into account that the men had already been in detention for 10 months.

As far as Thloloe was concerned he had only been found in possession of one banned document.

"All four of you are first offenders which does not automatically entitle you to a suspended sentence."

Mr Kleynhans said that in pleading guilty the men had shown some remorse and readiness to accept their punishment but circumstances might be so that they did not have much choice.

No bail
for jailed
journalist

23
12 2 APR 1983

A Johannesburg prosecutor yesterday refused applications for bail by Joe Thloloe and three others pending appeal against their sentences for possession of banned Pan Africanist Congress (PAC) literature.

The application was made by defending advocate, Mr David Sogot, who produced affidavits signed by the four men pledging that they would not abscond and would also adhere to other bail conditions.

Thloloe (40), who is a banned journalist, and Moffat Ngcobo (28) were jailed for 2½ years earlier this week.

Nhlanganiso Sibanda (26) and Steven Siphon Mzolo (21) were jailed for three years.

URG

D. Dispatch

331

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ANC trial: young woman guilty - on all charges

22 APR 1983
21 APR 1983

ZWELITSHA — A young woman convicted on five charges involving the ANC, banned publications and inciting others to go for military training had told one of her recruits she wanted to learn how to use a gun, a regional court magistrate observed here yesterday.

Mr J. A. Dracatos was passing judgment in a trial in which Miss Jane Ntsatha, of Zwelitsha, and Mr Mncekeleli Lawrence Peter, of Mgwali appeared on charges of being members, recruiting members and being involved in activities of the banned ANC, being office bearers of the ANC, distributing banned publications, possessing banned publications and inciting, instigating, encouraging or procuring persons to undergo military training which could be of use to any person intending to cause disturbance of law and order.

Mr Peter was also charged with attempting to undergo military training and training in terrorism.

Both pleaded not guilty to all charges. Miss Ntsatha was found guilty on all five charges she faced while Mr Peter was convicted on the first four charges and cleared of instigating others to go for military training and attempting to go for such training.

In a written judgment which took 42 minutes to deliver, Mr Dracatos said the defence had closed its case without leading evidence against what had been given by the state.

He said Mr Peter was arrested at Burgersdorp on November 22, 1981 on a route used, among others, by terrorists going for military training.

He said that when Miss Ntsatha was arrested police found a document — Down with the Home Guard — a publication of the military wing of the ANC, a Ciskeian citizenship card, a South African travel document, a Transket travel

books belonging to others and her own.

Mr Dracatos said Down with the Home Guard ended with a call to join the ANC.

He said that Miss Ntsatha later took the police to her room in Zwelitsha where various items were found.

"From her statement it was clear Miss Ntsatha was a member of the ANC and she says as much in her statement", Mr Dracatos said.

Of Mr Peter he said he had admitted in a statement made to police and confirmed to a magistrate that he had joined the organisation and had formed a cell of the ANC.

It was clear Miss Ntsatha had taken steps to recruit Mr Peter and others, Mr Dracatos observed.

Of publications found on state witnesses and alleged to have been received from Miss Ntsatha and Mr Peter, Mr Dracatos said he was satisfied Sechaba was an ANC document.

He said distribution of the document raised the presumption, in terms of the Suppression of Communism Act, that they were members of the ANC unless they proved the contrary which they had not done.

He said he was satisfied that they had distributed Sechaba and the Freedom Charter but the problem was to be satisfied that the documents were declared undesirable in terms of the Act as some issues of the Freedom Charter had not been declared undesirable.

He said that Lt C. van Wyk had said under

cross examination the exhibit of the Freedom Charter produced in court was one of those declared undesirable.

Both were then found guilty of distributing the Freedom Charter.

He said Miss Ntsatha had been found in possession of a copy of Strategy and Tactics of the ANC and a poster entitled Solidarity while Mr Peter had been in possession of a banned copy of the Freedom Charter.

He said the ANC envisaged a revolutionary armed struggle in South Africa.

"The ANC does not recognise the independent states in South Africa and this includes Ciskei. It is clear that the ANC's military activities would be directed against Ciskei," Mr Dracatos said.

He added Miss Ntsatha had told one of the people she recruited that she wanted to learn how to use a gun.

He cleared Mr Peter on the fifth charge on the grounds that in his statement he had said he wanted to cross the border to study law in Lesotho.

He said Mr Peter had refused to give evidence and had not been questioned on the matter. Mr Dracatos said he suspected Mr Peter had other intentions in going to Lesotho but he had no evidence to prove his suspicions.

He therefore cleared Mr Peter on the charges of recruiting people for military training and attempting to go for military training.

Mr Dracatos discharged from prosecution a state witness who

had been warned as an accomplice.

The defence advocate, Mr M. T. Moerane, asked for postponement to today.

He said he wanted to look into the aspects of the Acts involved as the relevant statutes under which the two were charged had been superseded by others in Ciskei.

He added that in fact the Ciskei Act now applicable had no provision for minimum sentence as provided by the Act applied in South Africa.

Sentence will be passed today after argument on those aspects and mitigation by the defence. — DDR

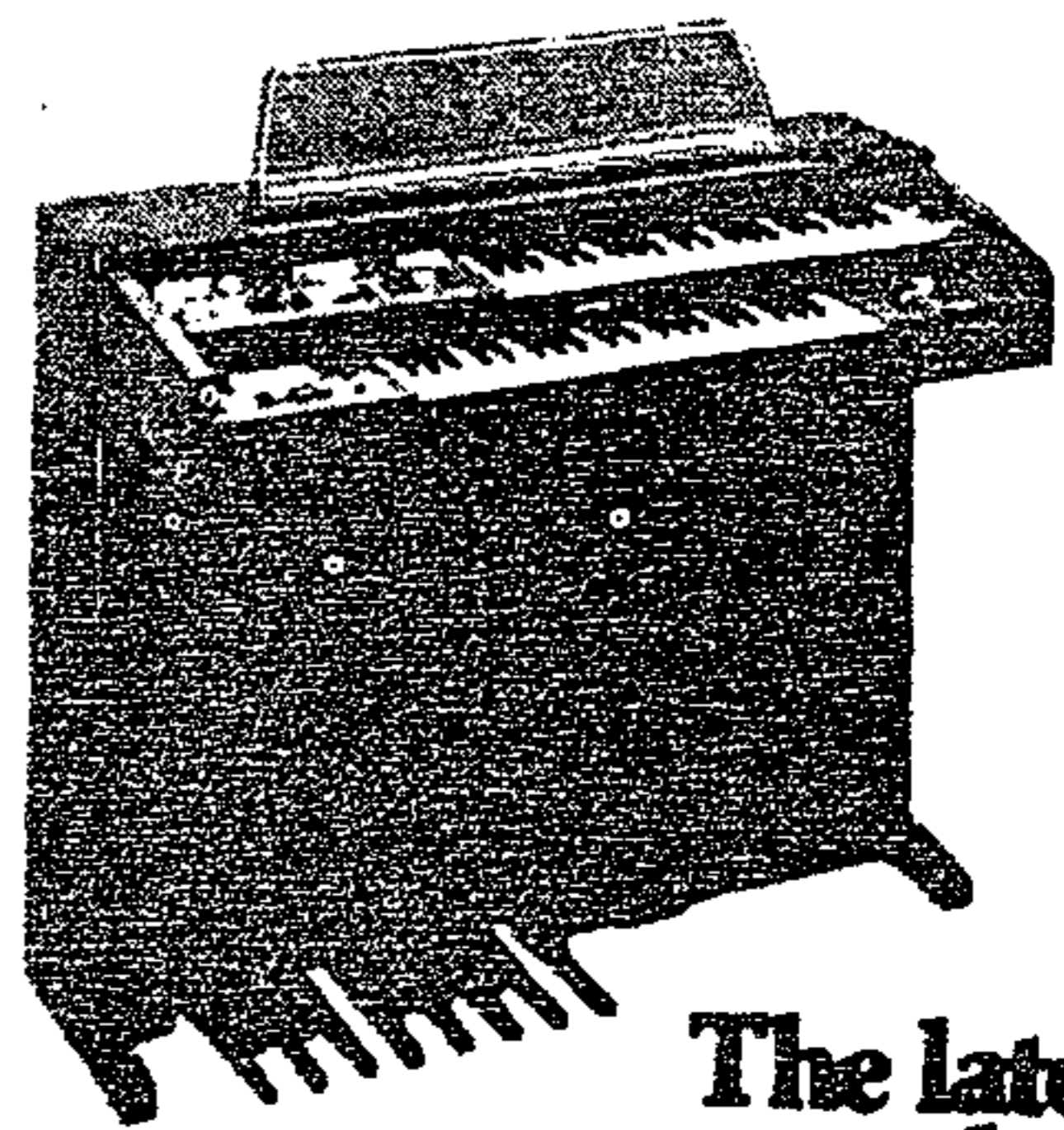
Hunting season is still open

EAST LONDON — The hunting season for 1983 was not closed, a press release from the Department of Nature and Environmental Conservation said yesterday.

Dr J. Neethling, deputy director of the Department, said although an application for the closing of the hunting season was received from the Kaffraria Divisional Council because of the drought, the Department was "investigating the matter, but wants to wait and see how late summer rains may affect the situation." —DDR

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Killings: Guilt 'not proved'

CASE TIME 22/4/83 (331)

Supreme Court Reporter THE actions of four men, charged with murder and terrorism with Mr Oscar Mpetha and 13 others, did not contribute to the death of two men in Crossroads during 1980, it was submitted in the Supreme Court yesterday.

Mr J Whitehead, for the four accused, submitted that the State had failed to prove any causal connection between the men's actions and the death of the men. It had also failed to prove that they were part of a common purpose to murder the men, he said.

Mr Morgan Makubala, Mr Peter Kube, Mr Johannes Hlapo and Mr Jeffrey Beardman, with Mr Mpetha and 13 others, are charged with committing or inciting others to commit terrorist activities between August 8 and 12, 1980. The two counts of murder follow the death of Mr George Beeton and Mr Frederick Jansen on August 11, 1980.

Mr Whitehead submitted that no inference of guilt could be drawn from the four men's failure to testify. If the facts favourable to the men and to the State, contained in their statements, were taken into account with other evidence against them, a reasonable doubt in respect of their participation arose, he said.

Mr Makubala had admitted in his statement to "throwing stones at the car", he said. Mr Kube had admitted being present when a man was killed, but claimed he had taken no part in it and had thrown no stones.

Mr Hlapo and Mr Beardman had admitted in their statements that they had thrown stones at cars, he said.

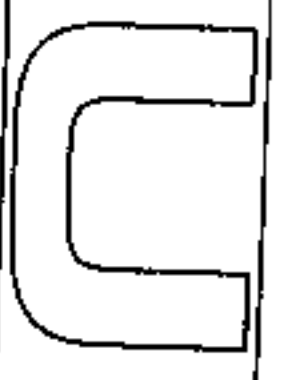
The case continues today.

Mr Justice Williamson is sitting with two assessors. Mr G H Titterton and Mr C H van Gend. Mr C J van Wyk appears for the State. Mr I Farlam, SC, assisted by Mr Whitehead, instructed by Frank Bernadt and Joffe, appears for Mr Mpetha. Mr Whitehead, Mr T L Skweyiya and Mr N Willis appear for the other accused.

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7.0059	.95183	.489	-1.07	336.788	3.3	336.788	3.3
8.1204	.77926	5.308	-1.21	384.594	3.3	384.594	3.3
2.3607	.62927	2.460	-1.39	45.149	2.2	45.149	2.2
11.7401	1.34205	2.011	-.73	2583.833	12.0	2583.833	12.0
17.0184	1.53396	2.011	-.64	2583.833	12.0	2583.833	12.0
10.5608	.80350	8.632	-1.16	532.419	3.3	532.419	3.3
4.7028	.70802	6.367	-1.05	125.556	3.3	125.556	3.3

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Two found guilty in Ciskei ANC trial

22/4/89

S. Post

331

ZWELITSHA — The Zwelitsha Regional Court heard yesterday that the banned African National Congress did not recognise the independent homelands, including Ciskei, when two accused were found guilty of being members of the organisation.

The magistrate, Mr J A Dracatos, said that armed struggle by the ANC would also be directed at Ciskei, when giving judgment in a case in which Nomakhe Phu Jane Ngsatha, 25, of Zwelitsha and Mcekeleli Lawrence Peter, 21, of Mgwalie, appeared on charges of being members of the ANC, recruiting people to undergo military

training and join the ANC, and of being in possession of banned publications.

Peter was also charged with attempting to leave the country illegally.

They both pleaded not guilty.

Mr Dracatos said it was clear both took part in activities of the ANC which was banned and so they were guilty.

He said that after Ngsatha was arrested, her belongings were searched and police found a document, *Down with the Home Guards*, and a book, *Strategies and Tactics of the ANC*.

The documents made it

clear "the ANC had advocated revolutionary struggle in South Africa and did not recognise the independent homelands".

"It was clear that both accused engaged in activities that endanger the maintenance of law and order," he said.

He found Peter not guilty of attempting to leave the country illegally and of recruiting people.

Ngsatha was found guilty of recruiting people to join the ANC and to undergo military training and of being in possession of banned publications.

Defence counsel Mr M T K Moerane will address the court today. — Sapa

Contest

Top Am

Thloloe remanded

SOWETAN

AN application for bail pending appeal for Joe Thloloe and three others jailed for a total of 11 years this week in the Johannesburg Regional Court was yesterday postponed to a date still to be fixed.

The magistrate, Mr T Kleinhans, adjourned the hearing after the defence pointed out that there has been a significant amendment to the Criminal Procedure Act which it wanted to study fully for argument on the accused's rights for bail application.

The three were convicted for possession of Pan Africanist Congress (PAC) literature.

Those convicted with Thloloe (who was sen-

tenced to two-and-half years imprisonment) are Siphon Moffat Ngcobo (28) of Soweto also jailed for the similar period Nhlanganiso Sibanda (26) of Alexandra Township and Steven Siphon Mzolo (26) of Tembisa who were both given three years each.

22 APR 1983 331

The four had all pleaded guilty to taking part in an activity of the outlawed PAC.

CC

adoption in 1974 of General Assembly resolution 3324 (XXIX) which, contrary to the principles of the charter of the United Nations, recommended the exclusion of South Africa from participation in conferences under United Nations auspices.

- (2) No, for the same reason as mentioned in (1).
- (3) The matter is still under consideration. Since South Africa had no say in the drafting of the United Nations Convention on the Law of the Sea and since it contains clauses which have far-reaching implications, the matter requires serious consideration before the Republic commits itself.

Airways: internal reorganization

*8. Mr. H. H. SCHWARZ asked the Minister of Transport Affairs:

Whether any decisions have been made in regard to the internal reorganization of the South African Airways; if so, what is the nature of such decisions?

The MINISTER OF TRANSPORT AFFAIRS:

Re-organization on a limited scale is a continuing process. Recently a decision was taken in regard to the abolition of one post on the level of director and the responsibilities allocated to the remaining three posts on the same level.

Airways: Las Palmas

*9. Mr. H. H. SCHWARZ asked the Minister of Transport Affairs:

Whether a decision has been made by the South African Airways in regard to using Las Palmas as a stop; if so, (a) what is the nature of the decision, (b) when will it come into effect and (c) why was it made?

†The MINISTER OF TRANSPORT AFFAIRS:

Yes.

(a) To eliminate Las Palmas as a landing place on flights to and from Europe.

(b) 1 April 1983.

(c) The costs involved in landing at Las Palmas are too high.

X **331** *How long?* *22/4/83*

Q. 61. 1060/3
*10. Mr. D. J. DALLING asked the Minister of Justice:

Whether Mrs. Suzanne Sparks has been charged with any offence; if so, (a) what offence and (b)(i) in which court, (ii) at what time and (iii) on what date was she so charged?

†The MINISTER OF JUSTICE:

Yes.

(a) Defeating or obstructing the course of justice;

(b) (i) Regional Court, Johannesburg;

(ii) 11h45;

(iii) 15 March 1983.

Mrs. Suzanne Sparks: finger-prints

*11. Mr. D. J. DALLING asked the Minister of Law and Order:

- (1) Whether the South African Police have taken impressions of the fingerprints of Mrs. Suzanne Sparks; if so, (a)(i) on what date and (ii) at what time was she conducted to the place where such impressions were taken, (b) where were the impressions taken, (c) how long did it take the police to make them and (d) at what time was she released from the said place;

- (2) whether Mrs. Sparks was questioned while being at the said place; if so, (a) by whom, (b) for how long, (c) on whose authority, (d) under what statutory provision, (e) for what pur-

pose and (f) what was the import of the questions asked;

- (3) whether Mrs. Sparks's legal rights were explained to her at the time; if not, why not;

- (4) whether Mrs. Sparks had legal representation while she was being questioned; if not, who was present at the time of the questioning?

The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) (i) 15 April 1983.

(ii) 12h35.

(b) In the lobby of the cell complex at the magistrate's court, Johannesburg where facilities for the taking of fingerprints are available.

(c) Approximately 75 minutes.

(d) At approximately 13h50.

- (2) No. Only routine particulars for completion of the relevant fingerprint form were obtained from her.

(a) to (f) Fall away.

- (3) No, because no legal rights were involved. The police acted in accordance with an order issued by a magistrate in terms of section 37(4) of the Criminal Procedure Act, 1977.

(4) Falls away.

Mr. D. J. DALLING: Mr. Speaker, arising out of the reply given by the hon. the Minister, could he tell us why it was necessary to have this lady taken down to the cells of the magistrate's court in order to carry out this small task?

The MINISTER: Mr. Speaker, I do not know, but I refer the hon. member again to my reply to (1) (b).

Mr. D. J. DALLING: Mr. Speaker, further arising out of the reply given by the hon. the Minister, does he think it is proper that after a person has been charged in a magistrate's court a policeman should interrogate her on matters far wider than what the hon. the Minister has announced and that without that person charged having any legal representation?

The MINISTER: Mr. Speaker, I refer the hon. member again to paragraph (2) of my reply. Only routine particulars for completion of the relevant fingerprint form were obtained from her. If that answer does not satisfy the hon. member, he can place further questions on the Question Paper. I will then investigate the matter and furnish him with a further reply.

Mr. D. J. DALLING: Mr. Speaker, further arising out of the reply given by the hon. the Minister, could he tell us whether it is a routine question to ask a person who her political friends are, what political organizations she supports and of which political organizations she is a member? Is that routine to the taking of fingerprints?

†The MINISTER: Mr. Speaker, I do not know what the purpose of the hon. member's supplementary questions is. I have replied fully to the questions put to me by the hon. member. In fact, I have done so repeatedly. Should the hon. member have particular in regard to the facts which he has now mentioned, I ask him to put them in writing and hand them to me. I shall then investigate the matter and furnish him with a full reply.

Mr. D. J. DALLING: Mr. Speaker, the hon. the Minister says he does not know why I am asking these questions. I submit it is very clear. The hon. the Minister has said...

Mr. SPEAKER: Order! The hon. member cannot address the House now. He can only ask further questions.

Mr. D. J. DALLING: Mr. Speaker, I am addressing you.

Mr. SPEAKER: Order! The hon. member

22/4/83.

22/4/83

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FRIDAY, 22

cannot address me now. He can only put a further question to the hon. the Minister.

Mr. D. J. DALLING: Mr. Speaker, could the hon. the Minister tell us how it is possible to ask questions of a political nature in a routine fingerprint check? [Interjections.]

Mr. S. A. PITMAN: Mr. Speaker, arising out of the hon. the Minister's reply, could he tell the House whether the South African Police are no longer told that Judges' Rule No. 4 stipulates that suspects should not be questioned at all?

The MINISTER: Mr. Speaker, I believe I have replied sufficiently to the question on the Question Paper. If any hon. member has any further questions, he can place it on the Question Paper.

Mr. D. J. DALLING: Mr. Speaker, arising out of the hon. the Minister's final reply, if I should place on the Question Paper a question asking for every question put to that person, will he then reply to that?

The MINISTER: Mr. Speaker, I have replied to the hon. member's question. If he has any further questions in this regard he should formulate such questions, place them on the Question Paper, after which I will investigate the matter and furnish him with a reply as far as possible within the limits of the rules of this House.

✓

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2 jailed on ANC charges

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ZWELITSHA — A 25-year-old mother of a two-year-old child was yesterday sent to prison for an effective five years when a regional court magistrate sentenced her on five charges involving the ANC, banned publications and assisting another person to undergo military training.

Miss Jane Ntsatha, of Zwelitsha, was sentenced to three years imprisonment for two charges involving membership, recruiting members and being involved in activities of the ANC, three months (or R200) for distributing and being in possession of a banned publication and five years for assisting someone to undergo military training.

The first two sentences are to run concurrently with the third, the magistrate, Mr J. A. Dracatos ordered.

Mr Mncekeleli Peter, 22, of Mgwali, who appeared with Miss Ntsatha and who was convicted on four charges was sentenced to three years on the first two and two months (or R100) on the offence involving possession and distribution of banned publications. The two are the first to be convicted on Security Act charges in Ciskei since the state gained independence in December, 1981.

In passing sentence Mr Dracatos noted that the defence advocate, Mr M. T. Moerane, had said he would be "applying a new law to a new legal order."

Mr Dracatos said the tragedy of the whole matter was that somebody — Miss Ntsatha's child — had to suffer for another person's deeds.

He said he also had to consider the seriousness of the offence and what society thought of it.

Mr Dracatos referred to the recent South African trial of Miss Barbara Hogan who was sentenced to four years' imprisonment in the Supreme Court for membership of the ANC. He noted that courts had

passed varying sentences in trials involving such cases.

He said the offence involving military training, like charges of treason, carried a minimum sentence of five years.

Earlier Mr Moerane argued that both the Internal Security Act and the Terrorism Act, under which the two were charged and convicted had since been repealed by the enacting of the Ciskei National Security Act in Ciskei.

The new act did not lay down a minimum sentence as was the case with the South African Acts.

He pleaded that the court treat the first four charges as one because they all involved the ANC and literature pertaining to the organisation.

Later Mr Moerane said that if one read the Ciskei Constitution Act, read the Freedom Charter one would be struck by the similarity in various aspects in the documents.

Although it was criminal and reprehensible in South Africa to discuss certain sections of the Freedom Charter, it was not necessarily so in Ciskei.

He asked that passing of sentence be postponed on charges involving possession and distribution of the Freedom Charter. The poster titled Solidarity did not advocate violence. It merely showed a man breaking chains.

On personal circumstances he said both had been in solitary confinement for a long time since they were arrested in November, 1981. Miss Ntsatha supported her child, two sisters and a brother. She was employed at a factory here and had earned R27 a week before her detention.

Mr Peter had been at school and in Form four.

The instructing attorney, Mr H. L. M. Siwisa, said they were noting an appeal against the sentences. — DDR.

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371 STAR

Terrorism statement in doubt

27 APR 1963

Northern Transvaal Bureau.

PIETERSBURG — The trial of three former students of the University of the North on charges under the Terrorism Act, has been adjourned until the Regional Court magistrate, Mr W G M van Zyl, has given his ruling on the admissibility of a written statement by one of the accused, Mr Peter Mokaba, which, the defence alleges, was not given voluntarily.

The case is expected to resume tomorrow.

Mr Mokaba (23), Mr Jerome Maake (23) and Miss Portia Nhlapo (24), are facing charges which include the possession of banned literature, illegal possession of ammunition, the promotion of the aims of the banned African National Congress and leaving the country to receive military training.

Actions were not terror, court told

27 APR 1983

S.M. 331

CAPE TOWN — There was no clear evidence that the actions of 11 men, accused with Mr Oscar Mpetha and six others, of terrorism and murder, had intended to overthrow the "established order of things", it was submitted in the Supreme Court here yesterday.

The men are charged with committing, or inciting others to commit, terrorist activities during the period August 8 to 12, 1980.

The murder charges follow the deaths of Mr

George Beeton and Mr Frederick Jansen on August 11, 1980.

Mr Willis, for the 11, said the men, if convicted, should only be convicted of public violence or some lesser offence, not of terrorism.

Before a conviction on a charge of terrorism could be achieved, the State had to prove the intention to "endanger the maintenance of law and order in the Republic," he said.

The case is continuing. — Sapa.

Mpetha: 'No clear evidence of terrorism'

Call Times 27/4/83

225
331

Supreme Court Reporter

THERE was no clear evidence that the actions of 11 men accused of terrorism and murder with Mr Oscar Mpetha and six others, had been intended to overthrow the "established order of things", it was submitted in the Supreme Court yesterday.

Mr N Willis was presenting his argument on behalf of 11 of the accused in the two-year-old trial.

The men are charged with committing or inciting others to commit terrorist activities between August 8 and 12, 1980. The two counts of murder follow the death of Mr George Beeton and Mr Frederick Jansen on August 11, 1980.

Mr Willis submitted that the men, if convicted at all, should be convicted of public violence or some lesser offence, rather than terrorism.

'State must prove intention'

Before a conviction on a charge of terrorism could be achieved, the State had to prove the intention to "endanger the maintenance of law and order in the Republic", he said.

Mr Willis said that "to endanger law and order, an act has to be directed either at the constituted authority or the general body of law-abiding members of society".

It was clear that there was no evidence that any of the accused had directed their acts against the constituted authority, he said. There was also no evidence that they had "sought by their conduct to overthrow the established order of things".

"At best the accused threw stones out of a spirit of perversity," he said.

"That there may be underlying objective motives or explanations such as frustration... and latent anger bubbling near the surface, does not prove that the accused consciously directed their will against the general body of law-abiding members of society."

He submitted that "endangering the maintenance of law and order" must mean more than causing a disturbance or causing injury to a person.

Mr Willis associated himself with the argument on the murder charges, presented by Mr J Whitehead, who appears for four of the accused.

The hearing continues tomorrow:

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr C J van Wyk appears for the State. Mr I Farlam, SC, assisted by Mr Whitehead and instructed by Frank, Bernadt and Joffe, appears for Mr Mpetha. Mr Whitehead, Mr Willis and Mr T L Skweyiya appear for the other accused.

Reagan administration condemns any effort to intimidate newsmen

SOWJETAN

27 APR 1983

331

WASHINGTON — The Reagan administration has declared its support for the freedom of the Press and strongly condemned any effort to restrict or intimidate newsmen.

The administration was reacting to a report here that journalist Joe Thlooe had been jailed for two-and-a-half years in South Africa for possession of a banned book and that his imprisonment followed a series of recent actions against South African journalists.

A spokesman for the State Department said this week: "While I cannot comment on the particulars of the (Thlooe) case, this administration strongly supports the traditional American belief in the importance of the free flow of information and the freedom

of the Press.

"We are against the arbitrary banning of books and other publications simply because they reflect ideas and opinions contrary to a government's philosophy or point of view.

"And, as we have stated before, we strongly condemn any effort to restrict, fetter or otherwise intimidate members of the Press."

A report on the trial of Mr Thlooe was given prominence in yesterday's Washington Post, filling the top section of a page.

It recalled that Mr Thlooe last year became the first foreigner to be given an annual award by the Nieman Foundation at Harvard University.

The award had been handed to fellow journalist Mr Ameen Akhal-

waya, who was at Harvard as a Nieman fellow at the time.

The report said that

Mr Akhalwaya had not yet been able to hand over the award to Mr Thlooe. — SFS.

State withdraws 12 charges against Rees

Own Correspondent

JOHANNESBURG. — Twelve of the 43 counts of fraud on which Mr John Rees, 45, former general secretary of the South African Council of Churches, had been charged would be withdrawn, the Rand Supreme Court was told yesterday.

Mr K Attwell, for the State, indicated to Mr Justice R Goldstone that these counts — concerning a total of R73 500 — against Mr Rees would be formally withdrawn. Mr Attwell was answering the defence's appli-

cation for a discharge of Mr Rees on all counts.

Mr Rees, of Panther Street, Kensington, Johannesburg, has pleaded not guilty to the counts of fraud, alternatively theft of R379 000 from the SACC.

The State alleged Mr Rees had misappropriated the money of two funds set up by the SACC. These were the Asingeni Fund set up to help victims of the 1976 riots and the Dependant's Conference Fund set up to help victims of security legislation.

Mr J Kriegler, SC, for

Mr Rees, applied for Mr Rees's discharge at the close of the State case on Wednesday.

His arguments yesterday consisted mostly of detailed explanation of the movements of monies in and out of the more than 50 accounts Mr Rees had controlled.

These accounts were either in his name or those of his wife or children and his company, JCR Consultants.

Mr Kriegler said it had now become clear that during 1975 to 1978 Mr Rees had circulated "very substantial sums of money" inter alia from the Asingeni Fund and the Dependant's Conference into one or more of the accounts controlled by him.

The fact that Mr Rees was a recipient or payee of cheques, coupled with the fact that they were crossed cheques, was consistent with an "open, patient modus operandi".

"The fact that lawyers in general would see such conduct as odd was not sinister, and that men with commercial experience would find it inconsistent that a man of good faith would mingle trust money with his own funds, "does not apply here," Mr Kriegler said.

He said there was nothing untoward in this mingling for the people who could speak with authority on the mandate of the fund.

If Mr Rees was entitled to reimburse himself from Asingeni Fund for disbursements made, no inference could be withdrawn from payment into his account of Asingeni funds and its remaining there.

Similarly, no inference of impropriety could be made if it was consistent with good faith to pay in the money into his own account for disbursements over a period of time.

"One must be cautious not to infer a breach of good faith from his conduct," Mr Kriegler said.

The hearing continues today.

Mr Kriegler is assisted by Mr B Doctor and instructed by Mr R Tucker.

CAPE TIMES 30/4/83
331

Mpetha trial: 'Childish acts'

Supreme Court Reporter
THE ALLEGED actions of 17 men accused of murder and terrorism with Mr Oscar Mpetha, were "irresponsible and childish acts of revenge without revolutionary intent", the Supreme Court heard yesterday.

Mr T L Skweyiya was presenting his argument in the trial which has spanned two years and filled more than 10 000 pages of records.

The men are charged with committing or inciting others to commit terrorist activities between August 8 and 12, 1980. The two counts of murder follow the death of Mr George Beeton and Mr Frederick Jansen on August 11, 1980.

Mr Skweyiya submitted that the State had failed to prove that the men had committed the acts specified against them or that they had acted with a common purpose.

The State had failed to prove that the men had taken part in killing Mr Beeton and Mr Jan-

sen, or that they had acted in concert in their murder.

Even if the court held that the men had performed the acts alleged, the State had not proved that they had had the intention to endanger "the maintenance of law and order". This intention was necessary for a conviction of terrorism.

Evidence showed the actions had been without revolutionary intent.

There was no evidence that the men were associated with political organizations set on a course of violence against South Africa.

The hearing continues next week.

Mr Justice Williamson is sitting with two assessors, Mr G H Titterton and Mr C H van Gend. Mr C J van Wyk is appearing for the State. Mr I Farlam, SC, assisted by Mr J Whitehead, instructed by Frank, Bernadt and Joffe, is appearing for Mr Mpetha. Mr Whitehead, Mr Skweyiya and Mr N Willis, instructed by A M Omar, Vassen and Company, are appearing for the other men.

Waiting for freedom in psychiatric ward

E 2 MAY 1983

SOWETO SOWETAN

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ANGUISHED: Petrus Tatsa (76) reads the telegram from prison authorities.

MORDECAI Tatsa's welcome home present, a smart new pair of trousers, is already a year old. But, his father believes the 27-year-old detainee from Soweto is past caring as he sits in a psychiatric ward of a Transvaal hospital.

"He walks all bent over like an old man, older than me," his 76-year-old father Petrus Tatsa said sadly after his most recent visit to Mordecai.

His son has been in prison for four years since being detained in 1979. One year was as a convicted prisoner (for refusing to give evidence in a Terrorism Act trial) but for the rest of the time as a detainee.

Twice he has been on the point of release, only to be redetained by Security Police.

"Mordecai wanted to be a doctor if he did well in matric. He should have been through medical school by now," said the father.

Mordecai's story is typical of many of the youths whose personal ambitions were shattered by the Soweto riots of 1976 — youths who were caught up in the struggle for black rights.

The first visit from the police was just before Christmas of 1978. It spelt trouble for Mordecai, and threw up more barriers between him and his parents. It meant it was then too dangerous for him to come home. Like many other Soweto students, he was on the run and skipped the country soon after.

Where he went, or

how, his parents still do not know. The police became their only link with their son and when he was detained in 1979, they were required to identify a photograph of their son. They were not allowed to see him, only allowed to take him clean clothing and food.

His mother was allowed to see him in 1980 after he had been charged under the Terrorism Act for alleged ANC activities. In court the charges were dropped but with freedom only a step away, he was redetained under Section Six of the old Terrorism Act.

In 1981 he was called to give evidence in the Ermelo regional court against Mr Raphael Khumalo and Mr Raymond Dlodlu, both later acquitted on charges under the Terrorism Act.

It was on one of Mordecai's rare visits to Ermelo that his father first noticed a change in him.

"Mordecai looked wild and upset although he was talking and laughing."

In March last year, on the day Mordecai was due to be released after serving his sentence, Mr Tatsa and his eldest daughter, Andromeda, travelled to the Bethal prison to fetch him, carrying the precious welcome home present.

"We went to fetch him and were just lucky we found the police taking him to a car. They told me I could see him at another prison."

Mordecai had been detained again. His father says he does not know why.

Two months ago Mr Tatsa received a telegram from the prison authorities informing him his son had been taken to hospital "for observation".

He has been allowed visits. Mr Tatsa says Mordecai talks little, appears very depressed and sits bent on his chair, the wild look in his eyes.

The doctors have not yet been able to diagnose his condition. The father's feeling is one of despair and helplessness rather than anger.

Mr Tatsa says he has never got involved in politics. "I am not a man of politics, but a man of thinking and rethinking. I have eyes to look with and ears to hear with — it goes to your heart."

And right now his heart is sore, and responsibility sits heavily on his old shoulders. His pension is small, and the anticipated breadwinner of the family sits in a mental ward.

Court told man (21) got orders from Slovo

Pietermaritzburg Bureau

THE Supreme Court in Pietermaritzburg yesterday heard how a 21-year-old youth who is facing charges of treason, terrorism and murder received terrorist training in Angola and was instructed by Joe Slovo to blow up a fuel pumping station in Zululand.

Mr Khaya Skweyiya is facing charges arising from his involvement with the banned African National Congress and its military wing, Umkhonto We Sizwe.

The State alleges Mr Skweyiya was a member of the ANC whose aims are the violent overthrow of the Government.

He had left the country to receive training as a terrorist and had returned with the intention of blowing up the Mahlabatini fuel pump station near the KwaZulu capital, Ulundi.

In a statement read to the Court by counsel for Mr Skweyiya's defence, he told of how he came to be an ANC member.

It said he could not return to school in Port Elizabeth in 1978 because of disturbances by pupils.

'I was introduced to man called Mita, who told me how to get out of the country to continue my studies, and paid for me to travel to Johannesburg by train,' he said.

He was taken to Swaziland where he remained under control of the ANC until his return to South Africa in June 1982.

Mr Skweyiya said he was taken to Mozambique and then flown to Angola where he received training in guerilla warfare.

'In June 1982 I and three others were sent back to Mozambique where we were given instructions by

Joe Slovo, who told us our target was a fuel pumping station at Mahlabatini.'

Mr Skweyiya and a friend were given a sketch of the target and a map locating a cache of explosives.

'We crossed the border and stayed at the Ulundi Holiday Inn for four days and later collected the explosives,' he said.

The two men had approached the station but decided it was too difficult to blow up. They abandoned the mission and buried the arms.

Mr Skweyiya was arrested in Mahlabatini in October last year.

Reconnoitre

In formal admissions to the Court, Mr Skweyiya said he had had in his possession two Makarov pistols, 17 cartridges, handgrenades, limpet mines, detonators and timing devices.

He also admitted returning to the country in June 1982 on a mission to reconnoitre the pump station with a view to destroying it.

He admitted the explosives in his possession had been intended for the purpose of committing sabotage and subversion.

Mr Skweyiya is also facing charges of attempting to murder Mr Clement Nkosi and murdering Mr Vitalis Mkhaye.

Yesterday the Court heard evidence by Mr Alexis Zungu that he had seen Mr Skweyiya, who was known as Thami Khumalo on his return to South Africa, fire a shot through the door of Mr Nkosi's home.

Mr Nkosi said the bullet had struck his hip.

The hearing continues today. The Judge is Mr Justice Nienaber.

Accused tells of sabotage mission

Own Correspondent

MARITZBURG — A young man, in papers placed before Mr Justice Nienaber in the Maritzburg Supreme Court yesterday, described how at the age of 15 he began military training in Angola under the African National Congress and returned to South Africa last year on a sabotage mission.

Mr Khaya Skweyiya (21), of New Brighton, Port Elizabeth, pleaded not guilty to 12 counts including high treason, terrorism, terrorist activities, unlawful possession of arms, ammunition, grenades and explosives, murder and attempted murder.

Mr Skweyiya admitted in papers that the ANC and Umkhonto we Sizwe, its military wing, were unlawful organisations conspiring to overthrow the Government and endanger law and order by violence.

He admitted undergoing military training at the Funda camp in Angola under the ANC after leaving South Africa in March 1978. Mr Skweyiya said in his statement he could not return to school in that year because of student disturbances.

He met a young man named Mita who told him and others that he knew of a way they could continue their studies. Under Mita's direction he travelled to Swaziland to an ANC house known as the "white house" in Manzini.

He was taken from there to a centre in Mozambique and later to Angola by air, arriving in May 1978.

After undergoing political and military training in which it was stressed that the only hope for the black people of South Africa was armed intervention by the ANC, he was sent to a camp called Machava in Mozambique in June 1982.

He and Mr Lucky Ntsele were given instruction by ANC leader Joe Slovo, who told them their target was the Mhlabatini fuel pumping station.

After crossing the South African border and staying for four days in Ulundi, Mr Skweyiya collected explosives at a cache while Mr Ntsele inspected the target.

After a discussion they decided it would be too difficult to attack and abandoned their mission. They buried the explosives in another cache.

Mr Skweyiya said these caches were later pointed out to him by police.

Mr Skweyiya and Mr Ntsele went to Mhlabatini and stayed for several months with a friend.

He denied that he was guilty of attempting to murder Mr Muntukabani Nkosi by shooting him or of shooting dead Police Sergeant Bekuyise Vitalis Makhaye.

The case is proceeding.

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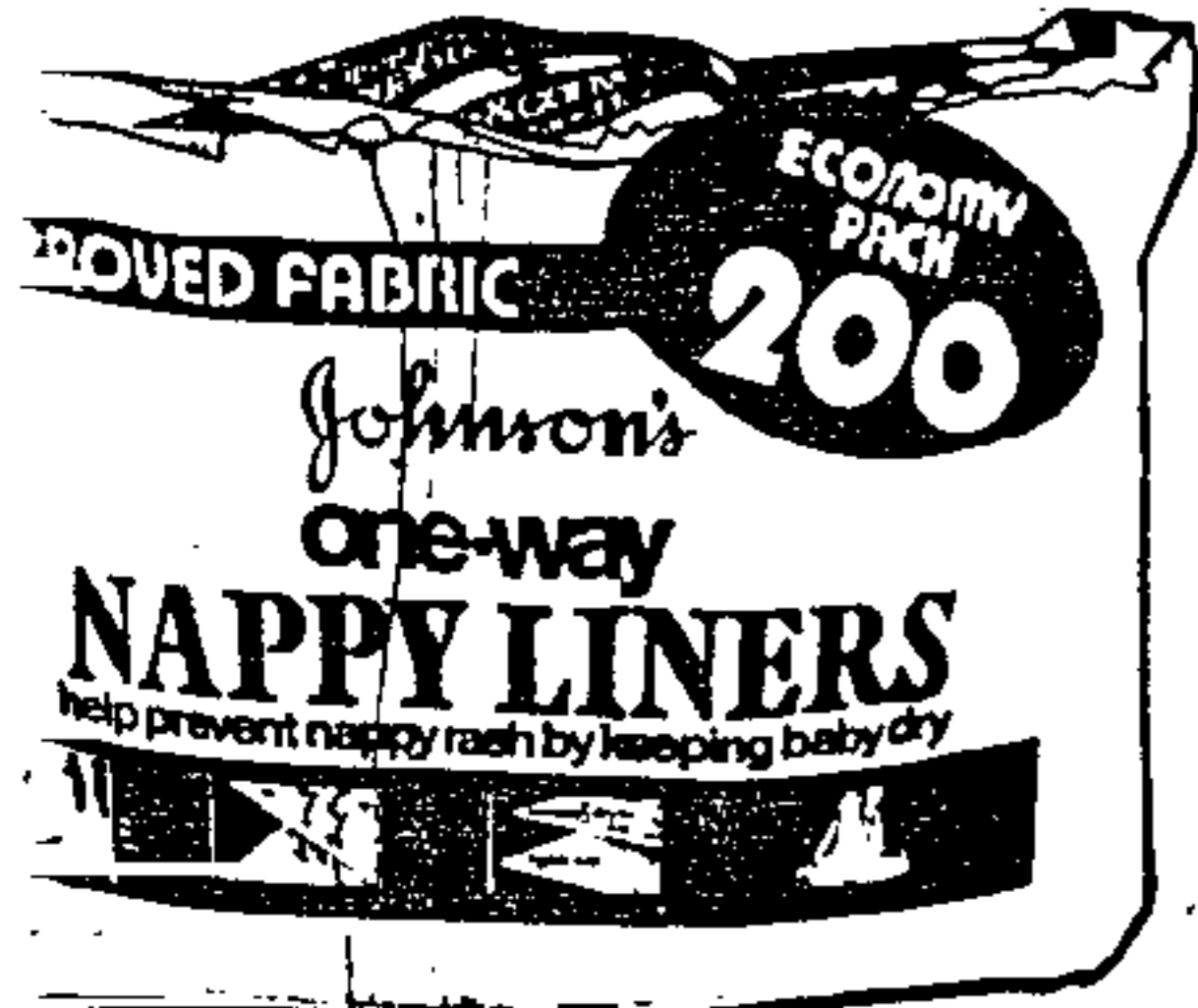
**Dion's
Low
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**JOHNSON'S
BABY OIL**

300 ml

244
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JOHNSON'S ONE-WAY

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**DPA PAIN
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**SON & JOHNSON
ON WOOL PUFFS** **159**
Dion's Low Price

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High Quality**
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Dr Treurnicht said. will not be on their agenda the Deputy Minister of

'Appalling law' jailed writer

Mail Reporter
THE law which jailed Mr Joe Thloloe, a journalist, for possessing banned literature was "an appalling law" which discredited South Africa.

In an official statement on behalf of the International Press Institute, Dr Joel Mervis, the institute's official representative in South Africa, yesterday condemned the system of laws and justice which has led to a two-and-half-year jail sentence being imposed on Mr Thloloe.

A journalist was once again the victim of a "harsh" law that imposed punishment

and suffering "on a scale quite out of proportion to the seriousness of the crime" alleged to have been committed, said Dr Mervis, a former editor of the Sunday Times.

The system under which Mr Thloloe was detained for two years — about half of that time in solitary confinement — was an affront to human dignity and to civilised standards of justice.

Dr Mervis said he condemned the laws which made Mr Thloloe "their victim" in the name of journalists all over the world whom the IPI represented.

"This is now compounded

by his long jail sentence. The court no doubt acted according to law in sentencing Mr Thloloe to jail. But if that is the law, it is an appalling law which brings the utmost discredit to South Africa. The sooner it is repealed the better.

"One must bear in mind that Mr Thloloe's crime was to possess banned literature — and for that, by arbitrary ministerial action, and now by legalised court procedure, he will lose about five years of his freedom."

In no other civilised country was a person subjected to such harsh penalties.

Mugabe hints at party purge

Mail Africa Bureau

HARARE. — The Zimbabwean Prime Minister, Mr Robert Mugabe, told demonstrating women in Harare yesterday there was a need to "correct" the country's leadership from top to bottom to make it follow a socialist line.

There has been intense speculation among political observers in Zimbabwe about a possible imminent cabinet shakeup ever since Mr Mugabe attacked "greedy capitalist" cabinet ministers and other leaders in a recent speech on the eve of the third anniversary of independence recently.

The Prime Minister's battle cry was soon taken up by about 1 000 university students who marched through Harare with anti-capitalist placards. Then in a May Day speech on Monday, Mr Mugabe fired a fresh salvo, threatening to jail employers who violated labour regulations. Black employers were the worst culprits, he said.

Yesterday several hundred women supporters of the ruling Zanu Party marched in Harare with placards denouncing "black capitalists", "rich ministers" and "greedy leaders" and were addressed by Mr Mugabe outside his office.

SA ship to aid of Red vessel

WINDHOEK. — A South African naval vessel has left Walvis Bay to assist a Soviet cargo ship, the Nina Onilova, which has a seriously ill sailor on board, maritime authorities in Walvis Bay reported yesterday.

The Nina Onilova developed engine trouble about 90 miles from Walvis Bay, while on its way to the port to disembark the sick sailor.

Another Soviet ship, the Derszkij, was also on its way to help tow the ship to port.

MATTER OF FACT

TO CORRECT specific errors of fact, write to the Editor at P O Box 1138, Johannesburg, or telephone the Editor's secretary at 710-9111 between 9am and 5pm on weekdays.

If you have broader complaints about the Rand Daily Mail these can be taken up with the Mail Ombudsman, James McClurg, c/o the Editor's secretary.

Weather

THE weather bureau's forecast for TRANSVAAL: — Partly cloudy and highveld areas where cloudy condit morning. It will be cloudy and cool over with isolated thundershowers. FREE STATE and CAPE north of the OF in the morning. It will be cloudy in the OFS and it will become partly cloudy. CAPE south of the ORANGE: — Fine over the south coast, becoming partly western Cape later. It will be fine and and the south-western Cape interior Karoo, otherwise fine and mild to NATAL: — Fine and warm but partly SOUTH WEST AFRICA: — Fine to BOTSWANA: — Fine and hot but parts with a possibility of thundersh

TEMPERATURES ARE CELSIUS MAXIMUM

**Rand Daily Mail
Weather Station**

Wednesday
May 4, 1983
Temperatures:
09h00 14h00 21h00
11°C 23°C 16°C
Humidity:
68% 30% 40%
Max temp: 24°C
Min temp: 9°C
Rain 24 hours to 20h00:
Nil
Sunset today: 17h37
Sunrise tomorrow:
06h32



SOUTH AFRICA

Temperatures in °C

Bloemfontein..... 24	Jan Smuts
Cape Town..... 28	Nelspruit
Durban..... 24	Pietersburg
East London..... 23	Port Elizabeth...

SOUTH AFRICA: Hottest at 14h00: Vrecc Sutherland — 3°C
TRANSVAAL: Hottest at 14h00 Ellisras 29 1C

THE WORLD YI

	Min °C	Max °C	Weather	Ma
Amsterdam	8	14	Cloudy	Mc
Athens	14	27	Clear	Mc
Berlin	6	15	Rain	Ne
Brussels	6	16	Cloudy	Pa

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Thursday, May 5, 1983

Shoot-out at Mahlabatini Evidenced on fatal wounding of sergeant

233 Mercury
Pietermaritzburg Bureau

A SECURITY policeman was fatally wounded in a shoot-out with suspected terrorists, who were hiding in a hut in Mahlabatini in Zululand, the Supreme Court in Pietermaritzburg heard yesterday.

The incident was described at the trial of Mr Khaya Skweyiya, 21, of Port Elizabeth, on charges including high treason, terrorism, murder and possession of arms and explosives.

Mr Skweyiya has pleaded not guilty to all the charges but has admitted he received training in guerilla warfare in Angola and that he returned to South Africa with the intention of blowing up a fuel pumping station at Mahlabatini.

The State alleges Mr Skweyiya shot dead Sgt Vitalis Khaye on October 9 last year.

A former security policeman, Const Cleopas Mazibuko told the Court he and Sgt Khaye had visited a hut in Mahlabatini on October 9 last year with the intention of searching it.

Sgt Khaye had knocked on the door and said it was the police while Const Mazibuko stood next to the door with his back to the wall.

He said he heard whispering and slight movements inside the hut. A woman opened the door and went past them.

Const Mazibuko said Sgt

Khaye had entered the hut and shooting started. He said the shots were fired from inside the hut because he saw sparks from within the building.

He told the Court he had heard Sgt Khaye cry out 'Oh God'. He said he could not say if Sgt Khaye had returned the fire. He himself had stretched his arm out and fired two shots into the hut, but said he aimed left of where Sgt Khaye was standing.

The sergeant then retreated from the hut, running for cover. He said two men ran from the hut and fled into the darkness. He had left to report the shooting to the police, but returned later to find the bodies of Sgt Khaye and a man found later to be Mr Lucky Ntsele.

Wounds

The District Surgeon at Eshowe, Dr Jan Venter, told the Court a post mortem examination showed Sgt Khaye had died from bullet wounds near his collar bone.

He said there were two entry wounds but only one exit wound. He offered the explanation that the bullets had been fired in rapid succession and entered in two different places but left through the same hole.

He said Mr Lucky Ntsele had died as the result of a bullet wound in the head.

The hearing continues today.

Judgment in Mpetha case in June

Supreme Court Reporter THE Supreme Court trial of a trade unionist, Mr Oscar Mpetha, and 17 others was yesterday provisionally adjourned to June 6 for judgment — after running for more than two years.

Mr Justice Williamson told counsel yesterday that he would try to give judgment on June 6. However, he would let them know if he and his assessors needed more time.

More than 100 witnesses have testified in the trial, which began on March 3, 1981. The record covers more than 10 000 pages.

Mr Mpetha and 18

young men were originally charged with terrorism and two counts of murder. They all pleaded not guilty.

One of the men, Mr Lawrence Lerotholi, of Nyanga, was discharged because of a lack of evidence at the end of the State case in September, last year.

On the terrorism charge, the State alleges that from August 8 to 12, 1980, the men either committed or incited and encouraged others to commit terrorist activities.

These included damaging cars by throwing stones or petrol bombs, assaulting the drivers; barricading Klipfontein Road; marching and singing on public roads and ordering schools to be closed.

The murder charges follow the death of Mr George Beeton and Mr Frederick Jansen on August 11, 1980 — a memorial day to commemorate the people who died in the 1976 riots.

The cars of both men were overturned and set alight at a barricade in Klipfontein Road, Crossroads. Mr Beeton died as a result of injuries to his head, face and body. Mr Jansen died in hospital from severe burns.

There are two assessors, Mr G H Titterton and Mr C H van Gend. Mr C J van Wyk appears for the State.

Mr I G Farlam, SC, assisted by Mr J Whitehead, instructed by Frank, Bernadt and Joffe, is appearing for Mr Mpetha.

Mr Whitehead, Mr T L Skweyiya and Mr N Willis, instructed by A M Omar, Vassen and Co, appear for the other accused.

Soldier killed

PRETORIA. — Lance-Corporal Gerhardus Daniel Blignaut, 22, died in action against terrorists in the operational area yesterday, Defence headquarters announced in Pretoria yesterday.

He is survived by his mother, Mrs J A Blignaut, of 678 Sarel Ave.

Rail constable 'h

Staff Reporter

A RAILWAYS constable on train patrol assaulted a passenger, fired four shots from a window and broke a passenger's ornament, a Regional Magistrate heard yesterday.

This was said by a Railway Police reservist in the trial of Constable

James Peter Davids, 27, of Lancaster Road, Rocklands, Mitchells Plain, who faces a charge of assault with intent to do grievous bodily harm, two charges of attempted murder, one charge of malicious damage to property and one of pointing a firearm.

He plead to the charge.

Mr Anthander, a reserve constable was on trial with others on Saturday last year in Mitchells Plain.

While passing the third

Heunis: Stability is priority

Political Correspondent

THE Minister of Constitutional Development, Mr Chris Heunis, said yesterday that while reform was urgently needed, the government was not prepared to jeopardize South Africa's stability.

He also described a one man, one vote system as catastrophic and said the inclusion of black people in the proposed arrangement would "destroy the constitution".

Answering questions from local and international journalists on the Constitutional Bill released yesterday, Mr Heunis said the government foresaw a role for opposition parties in the standing committees designed to reach consensus when disputes arose.

Change

He could not, however, bind the new parliament, which would have to decide its own procedure.

In an opening statement, he repeated the view he had expressed earlier in Parliament that justice and the demands of the times required change in South Africa.

The government's objective was to create an

people, because the government believed black constitutional development had taken a different path.

Considered change, reform and stability went hand-in-hand, Mr Heunis said.

"The government, while committed to constitutional reform, will not do anything to jeopardize stability in any way."

He rejected the idea of a fourth black chamber in the new parliament, saying black people were not one homogenous group but a number of separate nations. It would therefore be illogical, in terms of government policy, to accommodate them in one chamber.

Implementation

Asked whether the rejection of black participation in the new system meant this would never happen, Mr Heunis said he could not bind future generations.

"My philosophy is that they will not be included for the reasons I have enumerated and because I believe the inclusion of blacks will destroy the constitution — as it did elsewhere."

Mr Heunis hoped the new constitution would be implemented as soon

From left, yesterday General of

Frig fair

Staff Reporter

A "FULL and investigation, would bring to the facts and surrounding of Chief Pett Donald Webb frigate SAS Kruger sank in January last year, used by the Magistrate Town, Mr C F yesterday.

Mr Van Zyl presiding at the assisted by assessors, was giving on an objection on Wednesday witnesses being questions the "not qualified answer.

Mr M S Jacob advocate representing commanding

Fanic

Alexander Joles

Removal Sale

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Terror suspect's surrender described

Pietermaritzburg Bureau

A SUSPECTED terrorist fell to the ground and put his hands in the air when a policeman fired a shot at him, the treason trial in the Supreme Court in Pietermaritzburg heard yesterday.

Mr Khaya Skweyiya, 21, of Port Elizabeth is facing charges of high treason, terrorism, possession of arms and explosives and murder. He has pleaded not guilty to all the charges but has admitted receiving training as a terrorist in Angola.

Lt W H F Strydom, of the Nongoma Section, said he searched the man and found a 9 mm Makarov pistol in his pocket. There was a bullet in the chamber and one in the magazine and the safety catch was off.

The policeman identified the man he arrested as the accused in the court. He said he had been given a photograph of the suspect and the man he arrested was the same person as the one in the photograph.

Lt Strydom told the Court the suspect had been shot in the left upper arm but the wound had not been caused by the shot he fired.

He said he found out later that the wound had been caused by a bullet from a .32 calibre pistol -- the firearm carried by security policemen.

Cpl W Earle told the Court he had arrived at the scene of a shoot-out between two terrorists and two security policemen and found the body of Sgt Vitalis Makaye.

He said he saw a trail of blood leading from the hut and through a pile of dry branches. He followed the trail and found the body of a man who was later identified as Lucky Nisele. He had been shot in the head.

The hearing continues today.

Open fighting as defiant squatters resist demolitions

Mercury Correspondent

CAPE TOWN—More than 100 defiant Crossroads squatters sang, danced and waved sticks and iron bars in front of a large contingent of police and Western Cape Administration Board officials who surrounded them during further demolitions yesterday morning.

As the situation grew increasingly tense, the entire convoy of police and WCAB vehicles, including two armoured personnel carriers, withdrew from the site, leaving most of the makeshift plastic-and-branch shelters standing.

Earlier, tear-gas was fired as the squatters, in an angry mood, resisted having their shelters pulled down.

Two policemen were hit by stones which were thrown and several instances of open fighting between squatters and WCAB officials and police flared up. One squatter, Mr Aron Zichonisile was

the bird's leg when they

captain Cook to try on his peg-leg today

Mercury Reporter

CAPTAIN Cook, the one-legged secretary bird at Durban's Centre for the Rehabilitation of Wildlife, will have its first fitting of a peg-leg today.

Mrs Isolde Mellet, director of CROW said yesterday there had been an 'incredible response' to an appeal published in the Mercury last Saturday for someone to make a false limb for the bird.

'I've never done this sort of thing before, so it's rather a challenge,' he said. 'It will be a case of trial and error, however, until we get it right.'

The leg, which will be about 30 cm long and made of fibre-glass with a rubber lining, would have a foot attached to it later if necessary, he said.

An Underberg couple, John and Nola Haslett, were forced to amputate the bird's leg when they

Reform Party rejects Bill for change

Mercury Reporter

THE Reform Party saw no reason for Indians to accept the new constitution contained in the Bill before Parliament as blacks were excluded, party leader Yellani Chinsamy said last night.

But Mr Albie Stowman, acting Natal regional chairman of the Labour Party, and a member of the party's national executive, said he shared the views of his party leader, the Rev Alan Hendrikse, that the proposed constitution would be accepted as a 'small step in the direction of

entrenched... discriminatory laws and practices remained on the statute books, and the new executive president would have autocratic powers.

The Government has used this opportunity to constitutionalise its own policy rather than create a constitution for all parties to contribute in fair political participation,' said Dr Slabbert.

It could lead only to increased polarisation.

There is no way that the Official Opposition can support a Constitution

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He would... er rejection... coloured... munity was... mulgation... depend on... test was... community... not yet been

See also... and Editor

ALL to Nat rec sur

Pietermaritzburg THE film... ated a but

Robbers get R3 400 in Durban garage attack

Mercury Reporter

ROBBERS got away with R3 400 after a surprise attack on a businessman in a parking garage in Durban yesterday.

Police said Mr Clive Freeman, 38, of Portland Drive, Umhlanga Rocks, who is the owner of a hotel in Russell Street, went to deposit money about 3 p.m.


He drove to a branch of... in the garage... the car... the head... Mr Freeman was not seriously hurt.

At the same time another black man opened the opposite door of the car and grabbed the bag containing the money.

The first man then pulled Mr Freeman out of the car and hit him over the head before fleeing.

Mr Freeman was not seriously hurt.

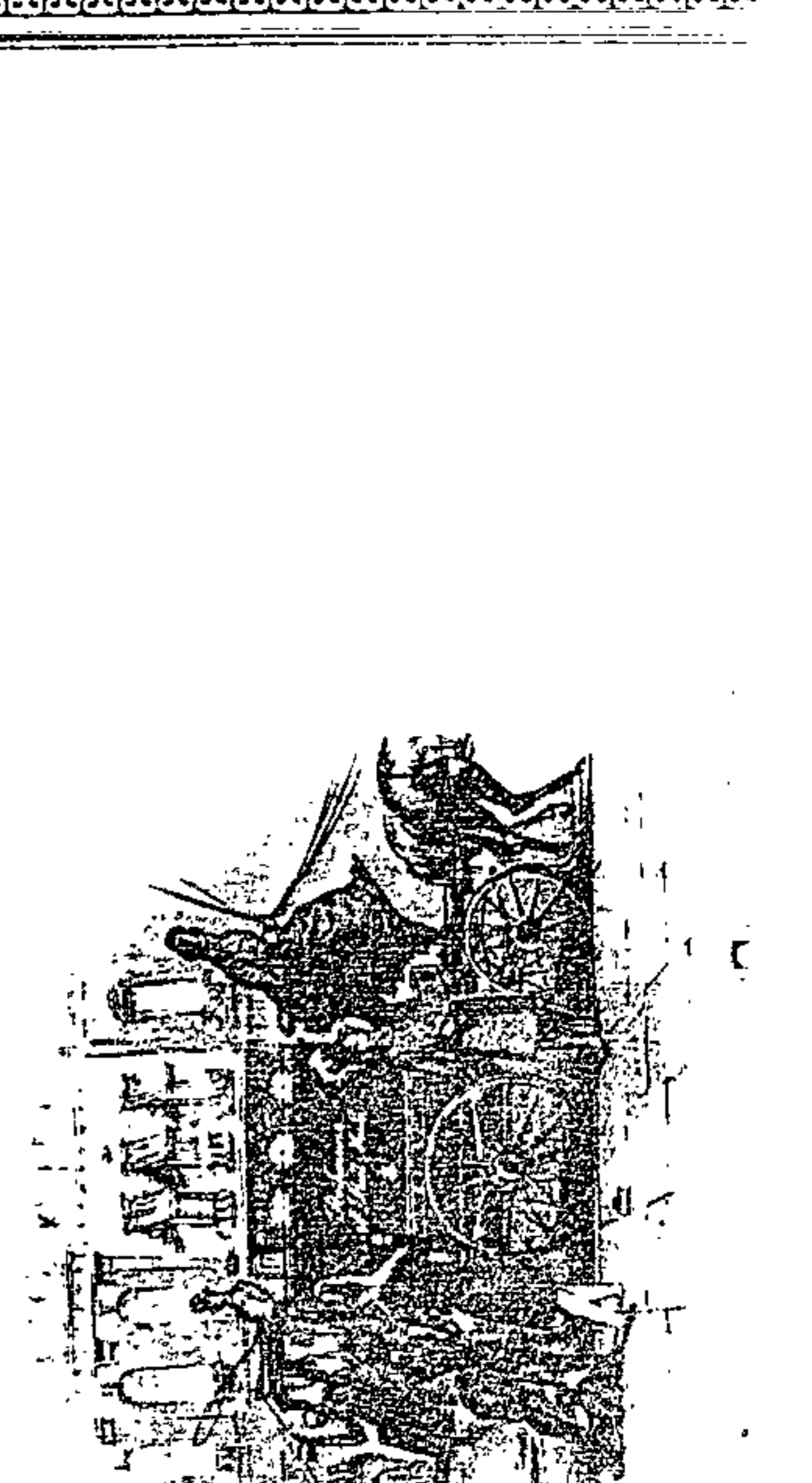
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Investigate: 'Full and fair' inquiry pledged

Staff Reporter
"Full and fair" intention, which is being lighted all its details and details of the death of Petty-Officer Webb when the SAS President sank in February, was promised by the Chief of Staff of Cape Town, C F W van Zyl, yesterday.

the President Kruger, Captain Wim de Lange, had appealed to Mr Van Zyl to rule as inadmissible questions which he said "can only have the effect of prolonging this inquiry, with a consequent wastage of time and money".

Experts

Mr Jacobs was referring specifically to certain questions put to witnesses, some of them junior officers, by the Deputy Attorney-General, Mr Frank Kahn, SC. He said that to be of any value to the court, such questions would need to be answered by expert witnesses.

● In his ruling Mr Van

Zyl said: "The public is entitled to all the facts and details with the exception of classified information... especially those members of the public who have lost family in the disaster."

If it became apparent that the South African Navy's methods and procedures were incorrect or that its systems were to blame, then the inquiry could result in appropriate steps being taken to prevent a recurrence of a similar disaster, Mr Van Zyl added.

This was of such importance that considerations such as time and cost were overshadowed.

The inquest continues today.

Rees denies lying to court

Own Correspondent

JOHANNESBURG. — Mr John Rees, the former general secretary of the South African Council of Churches (SACC), yesterday denied an accusation that he had deliberately lied to the Rand Supreme Court.

The accusation was made by the State prosecutor, Mr K Attwell, during cross-examination of Mr Rees, who was in the witness box for the fourth day.

Mr Rees is facing 31 charges of fraud and alternatively theft of R305 000 of SACC money.

Mr Attwell said to Mr Rees that documents showed he had informed the SACC in October 1976 of his intention to resign because he felt it was time for the organization to have a black general secretary.

Mr Rees had told the court that his intention to resign had become known in January 1977.

Mr Attwell said he would be arguing that Mr Rees gave false evidence to make it seem as if he only resigned after a meeting with overseas associates in December 1976.

Mr Rees said he did not tell lies.

Overpaid

Mr Rees also admitted that he may have overpaid his personal discretionary fund, known as Actipax, by R10 000 when reimbursing it from the SACC's Asingeni Relief Fund.

Mr Attwell said documents before the court showed that payments described by Mr Rees as reimbursements to Actipax totalled R159 000 in four months alone.

Mr Rees had earlier said that the total amount that had to be reimbursed was R149 000.

Mr Rees has said that many of the monies paid into his accounts, and which he is accused of stealing, were reimbursements of money loaned from Actipax to Asingeni.

Asked why he had not made payments directly from Asingeni instead of advancing it from Actipax, Mr Rees said...

Fanie Botha's TV reticence

From BRUCE STEPHENSON

JOHANNESBURG. — The former Minister of Manpower, Fanie Botha, yesterday demonstrated to television viewers the art of how not to lead and influence people. Asked by a British TV reporter to explain the art of power-sharing, he retorted: "If you are South African, you won't understand it. If you are not prepared to explain it to you." Botha's performance attracted considerable interest in Britain, and Mr Botha's memorable performance was screened on independent Television's one o'clock news. The British public are unaccustomed to the performance of a politician unwilling to grasp with both hands a heaven-sent opportunity to explain the party's policies at length. A British observer commented: "It is a great pity that African politicians like Mr Botha do not have to convince only their electorate of the power-sharing policy. The whole world will need convincing."



Mr Fanie Botha

Move to block IMF loans to SA

GEN BARBER
WASHINGTON. — A subcommittee on Africa yesterday passed an amendment which would effectively block the flow of money to the International Monetary Fund (IMF). The measure, which is a blow to the administration, would prevent the full flow of money on banking and urban affairs on Monday, where the measure seems assured. The amendment is a...

weighted voting system, the US holds 20 percent of the fund's votes and has a powerful influence over the decisions of its Western partners.

Had the Reagan administration decided to oppose South Africa's R1.4-billion loan request last November, it would have been overwhelmingly rejected.

The amendment is attached to the administration's controversial request for the US contribution to the IMF to be increased to R8.7-billion to help meet a growing loan demand...

Teachers 'betrayed'

Staff Reporter

THOUSANDS of teachers had been betrayed by the government because it had led them to believe a fairer educational deal would emerge from the De Lange Report, the provincial spokesman on education, Mr Jan van Eck, said yesterday.

He was reacting to a statement by the Minister of National Education, Dr Gerrit Viljoen, that the De Lange Commission's call for a single education ministry "was open to two contradictory interpretations".

Mr Van Eck claimed the government had...

- 11.21: Gute Laune Mit Musik. Kom Saam Eddi Arendt, Edith Prock and others sing popular melodies from the Produced by E Roets.
- 11.43: Nuus
- 12.03: Oordenking. Pastoor Christo de V...

TV 2

- 6.32: Ikhotha Eyikhothayo: Ezabomndeni. is told by Verity that an operation necessary.
- 7.00: Izindaba/lindaba (News).
- 7.10: Jikelele (Magazine Programme). Ezinyathelweni ZikaJesus (In the of Jesus). Jesus In Jericho. A look Jericho was like when Jesus passed it on his way to Jerusalem. Presented Kubheka. Ingxoxo Ngezenkolo (In steps Of Jesus — Discussion Series discussion about the events in Jericho Jesus was there. Presented by Bengu. Siyabuya E-Thekwini (Live ban). Light music featuring local...
- 9.00: Izindaba/lizindaba (News).
- 9.27: Isibikezelo Sezulu/Imozulu (Weather)
- 9.29: Iphunga Elimnandi/Ezenkolo (Epit...

Last night's

TV1

THE eight o'clock news deluge on the Constitution Bill was remarkable for the introduction of two new words into the English language: "Ownafees" and "Genalafees", both freely used by three commentators.

Anyone able to remember which were own affairs and which were general affairs emerges cum laude.

However, it was reassuring to be told three times in two minutes that in spite of everybody's affairs, God was acknowledged too.

How different was the last in the series of Then Came the English: Urbane as ever, even when covering the mistakes of the past 35 years which finally brought about the Constitution Bill.

It has been a great programme — one of the best ever produced by the English service, and leaving no doubt that the English-speaking are as valid a part of the country as any other group.

Earlier "1945", recapturing a different view and mood of South Africans, again evoked the feelings of the time.

SATV has a lot of talent to draw on locally — and it has shown in these two programmes that it can make the best of South African history.

RUPERT LANGERMAN

TV2

THE mere fact of Zulu Radio awards ceremony screened live in City Hall in Johannesburg without interruption underlined the dominance of items in the magazine programme.

The previous Radio Xhosa awarding did not receive same prominence.

The Xhosa-speaking viewers have been hit out at the viewing-time all Xhosa-produced programmes.

However, the awards were spectacular a night's. The showed that the proud nation they do things, that in a very big way.

To non-boxing must have been pleasant sight to a helpless Willie Merwe sprawled on the floor for five minutes, doctor and his handlers trying to revive him.

Before that treated to some boxing display by Toweel when he pointed Manuel to win the world heavyweight title in May.

JOE

Too late for class

DEATHS
MURDOCH. — Pat, ex- passed away peacefully May 3 at Steynsburg, lovingly remembered by Ivor...

Wim de Lange, revealed to Mr Van Zyl as inadmissible questions which he can only have the of prolonging this with a consequent wastage of time and money".

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Mr Rees has said that many of the monies paid into his accounts, and which he is accused of stealing, were reimbursements of money loaned from Actipax to Asingeni.

Asked why he had not made payments directly from Asingeni instead of advancing it from Actipax, Mr Rees said he had felt it necessary at the time because Asingeni was in the red.

Mr Attwell pointed out that he had not worried at other times when it had been overdrawn.

Mr Rees said that retrospectively it was not necessary to have done this.

Cross-examination continues today.

Minister's TV reticence

PHENSON

Minister of Manpower demonstrated to the art of how not to speak to people.

He retorted: "If you won't understand it, explain it to you."

His remarks have attracted attention in Britain, and Mr Botha's one o'clock news was unaccustomed to the Minister's unwillingness to grasp with an opportunity to explain at length.

Ministers like Mr Botha do only their electorally good thing. The whole of the country is watching.



Mr Fanie Botha

Block US to SA

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The amendment is attached to the administration's controversial request for the US contribution to the IMF to be increased to R8.7-billion to help meet a growing loan demand from Third World countries.

Two senior officials, US fund executive director Mr Richard Erb and the Assistant Secretary of Treasury Mr Marc Leland, appeared before the sub-committee yesterday to plead against the rider, which they claimed would "po-

Teachers 'betrayed'

Staff Reporter

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He was reacting to a statement by the Minister of National Education, Dr Gerrit Viljoen, that the De Lange Commission's call for a single education ministry "was open to two contradictory interpretations".

Mr Van Eck claimed the government had "purposefully" left Cape educational leaders under the impression that they were "seriously considering" the more liberal interpretation of the recommendations.

"But now teachers' hopes have been dashed," he said. "The government has decided to keep its sticky political finger in education."

6.32: Ikhotha Eyikhornayo. Is told by Verity that an operation will be necessary.

7.00: Izindaba/lindaba (News).

7.10: Jikelele (Magazine Programme). Including: Ezinyathelweni ZikaJesus (In the footsteps of Jesus). Jesus In Jericho. A look at what Jericho was like when Jesus passed through it on his way to Jerusalem. Presented by S A Kubheka. Ingxoxo Ngezenkolo (In The Footsteps Of Jesus — Discussion Series). A discussion about the events in Jericho while Jesus was there. Presented by Ds S N Bengu. Siyabuya E-Thekwini (Live From Durban). Light music featuring local groups.

9.00: Izindaba/lindaba (News).

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The previous night the Radio Xhosa award-giving did not receive the same prominence.

The Xhosa-speaking viewers have frequently hit out at the limited viewing-time allotted to Xhosa-produced programmes.

However, the Xhosa awards were not as spectacular as last night's. The Zulus showed that they are a proud nation — when they do things, they do it in a very big way.

To non-boxing fans, it must have been an unpleasant sight to watch a helpless Willem van der Merwe lying sprawled on the canvas for five minutes, with a doctor and his worried handlers trying to revive him.

Before that we were treated to some fine boxing display by Viccie Toweel when he out-pointed Manuel Ortiz to win the world bantam-weight title in May 1950.

JOE GUWA

Too late for classification

DEATHS

MURDOCH. — Pat, ex Col SAAF, passed away peacefully on Tuesday May 3 at Steynsburg, aged 80. Fondly remembered by Ivor and Sheila.

DEPARTMENT OF NATIONAL EDUCATION
TECHNICAL COLLEGE
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HOBBY CLASSES FOR ADULTS 1983

Treason trial told of shootout at hut

Pietermaritzburg Bureau 7/5/83

THE lover of a suspected terrorist told the treason trial in the Pietermaritzburg Supreme Court yesterday how she had found him dying outside a hut where a shootout with the Security Branch had taken place.

Miss Abigail Zungu was giving evidence at the trial of Mr Khaya Skweyiya, 21, who is facing 12 charges including high treason, terrorism, possession of arms and explosives and the murder of a security policeman.

He has pleaded not guilty to all charges but has admitted that he received training in terrorism in Angola and had explosives and arms in his possession for the purpose of sabotage and subversion.

Miss Zungu told the Court she had been the lover of Lucky Ntsele and had known the accused, but by the name of Thami Khumalo.

She said that on the night of October 9 last year the three of them were asleep in her hut when she was awakened by knocking at the door.

She said Lucky had told her not to open the door because he feared the police. She opened it and saw two men outside who said they were policemen.

Miss Zungu said she went out of the hut and then heard explosions. She ran to the neighbours to report the blasts.

When she returned she found Lucky outside the hut. He was groaning and bleeding. She said he died later that morning.

She also saw the body of Sgt Vitalis Makhaye who also died in the shootout.

The trial is being heard by Mr Justice Nienaber. Mr M G Roberts and Mr H Prinsloo are appearing for the State and Mr Andrew Wilson, SC, and Mr P Langa for the accused.

The hearing continues on Monday.

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7/5/83
Nun on ANC charge

Own Correspondent

JOHANNESBURG. — Sister Mary Bernard, a nun, appeared briefly in the Krugersdorp Regional Court on Thursday, charged with promoting the aims of the banned African National Congress.

Sister Bernard, 48, of St Mary's Roman Catholic Convent, Kagiso, is also charged with being in possession of banned publications.

She was not asked to plead and the hearing was adjourned to June 9. She was granted bail of R300.

Sister Bernard was detained after a raid by security police on the convent on March 4.

The vice-president of the Kagiso Residents' Organization, Mr Isaac Genu, and two other community leaders were detained on the same day.

~~10/5/63~~ (331) ROOM 10/5/63

Newspapermen to appear

By DAVID CAPEL

SENIOR representatives of the Sunday newspaper Rapport will appear in court in early October in connection with an alleged contravention of the Protection of Information Act, alternatively Official Secrets Act.

This follows reports on the alleged involvement of the National Intelligence Service in the abortive Seychelles coup last year.

In an earlier case, the Editor of the Rand Daily Mail Mr Rex Gibson, the editor of the Sunday Times Mr Tertius Myburgh, and a senior journalist Mr Eugene Hugo, were found guilty on the same charges and fined a total of R3 600.

The Attorney-General of the Transvaal, Mr J E Nothing, could not say yesterday exactly when in October the case would be heard.

Court told of shoot-out

CHE Times 10/5/83

MARITZBURG. — An Eshowe policeman yesterday described the scene of a shoot-out in which a security policeman died and a suspected terrorist lay "gasping for breath and about to die".

Warrant Officer H A Mabanga was giving evidence in the Supreme Court here in the trial of Khaya Skweyiya, 21, of New Brighton, Port Elizabeth.

Mr Skweyiya pleaded not guilty before Mr Justice Nienaber to 12 counts of high treason, terrorism, unlawful possession of arms and ammunition, murder and attempted murder.

Mr Skweyiya is also alleged to have been a

member or supporter of the banned ANC and its military wing, Umkhonto We Sizwe.

W/O Mabanga said that on the morning of October 9 last year, he was summoned to the scene of a shoot-out in the Mahlabantini district between security police and suspected terrorist Lucky Ntsele. Sergeant Bekuyise Vitalis Makhaye was already dead when he arrived. Mr Ntsele died later that day.

Mr Skweyiya is also alleged to have attempted to murder Mr Clement Nkosi in the Mahlabantini district.

The hearing continues tomorrow. — Sapa

Treason
trial:
State
closes case

351
Mercury
10/9/83

Pietermaritzburg Bureau
THE State closed its case yesterday in the treason trial being held in Pietermaritzburg.

Appearing before Mr Justice Nienaber and two assessors is Mr Khaya Skweyiya, 21, of Port Elizabeth on 12 charges including high treason, terrorism, possession of arms and explosives and the murder of a security policeman.

Mr Skweyiya has pleaded not guilty to the charges but has admitted receiving training in terrorism in Angola and having explosives and arms in his possession for sabotage and subversion.

A police forensic expert from Pretoria, Gen L P Neethling, gave evidence for the State on tests carried out on the body of Mr Lucky Ntsele, Mr Skweyiya's alleged co-conspirator, to establish whether he fired shots which killed Sgt Vitalis Makhaye on October 9.

Mr Andrew Wilson, SC, for the accused, will open the defence case today.

Court told of

331

ANC plan

Mercury 11/5/83

to attack

fuel depot

Pietermaritzburg Bureau

A YOUNG man charged with high treason told the Supreme Court in Pietermaritzburg yesterday how an ANC mission to attack a fuel-pumping station at Mahlabatini had been abandoned when people were seen in the vicinity of the target.

Mr Khaya Skweyiya, 21, of Port Elizabeth, was giving evidence in his defence before Mr Justice Nienaber and two assessors.

He has pleaded not guilty to 12 charges including high treason, terrorism, possession of arms, ammunition, grenades and explosives and the murder of a security policeman.

Mr Skweyiya told how he and Mr Lucky Ntsele — a co-conspirator — had been sent to Mahlabatini after undergoing military training in Angola and the Soviet Union, to attack the fuel depot.

He said Joe Slovo, 'a high-ranking official in the ANC' had told them not to 'dirty the ANC's name' by killing people.

The accused and Mr Ntsele were given a sketch map showing where they would find limpet mines in South Africa which would be used during the mission.

'We were told we were to attack it when there

were no people in the immediate vicinity of the station as no people were to be injured,' Mr Skweyiya said.

The two crossed the Swaziland border with two Makarov pistols, R600, reference books, and spent four days at a hotel in Ulundi.

They inspected the contents of the 'dead letter box', or cache, containing three limpet mines, four grenades and two pairs of pliers with which to cut through wire.

Abandoned

Walking towards the target late at night, they saw people in the immediate vicinity. 'They appeared to be working at the target. They were blacks,' he said.

The pair then abandoned their mission.

He told how he had shielded himself behind the door of a hut during a shoot-out between Mr Ntsele and a policeman which left both dead.

He also described under cross-examination his military training in Angola and the Soviet Union and political education in Mozambique.

Mr Skweyiya said the hand grenades were to be used in self defence.

The trial continues today.

ANC policy not to kill, says accused

MARITZBURG — A young man facing charges of high treason said he underwent extensive political and military training in ANC camps in Angola, Mozambique and the Soviet Union, and was sent to South Africa on a mission to blow up an important pumping station.

Mr Khaya Skweyiya (21) of New Brighton, Port Elizabeth, said the mission to destroy the Mahlalatini fuel station in Natal in June last year was abandoned because

black workers were seen in the vicinity and it was not ANC policy to kill or injure anyone.

Mr Skweyiya pleaded not guilty in the Supreme Court here yesterday before Mr Justice Nienaber and two assessors to 12 counts of high treason, terrorism, participation in terrorist activities, unlawful possession of arms, ammunition, grenades and explosives, and murder and attempted murder.

He told the court of being recruited by the

African National Congress in 1977 at the age of 15.

He was impressed by what he learnt at political lectures on the aims of the ANC, and agreed to undergo military training with the organisation's military wing.

They were told the ANC had been engaged in a peaceful struggle against apartheid in South Africa for more than 50 years, but that after the Sharpeville incident in 1961 it had become apparent that they could not succeed by talking to the Government — and that armed struggle was the only way.

The court heard that Mr Skweyiya spent a number of years training in the use of firearms and explosives in other countries — at the Funde camp in northern Angola, in the Soviet Union and in Mozambique.

Last year he was sent to Mozambique where he met the SA Communist Party leader, Mr Joe Slovo. He and another member of the ANC, Mr Lucky Ntsele (who was later killed in a shoot-out with police), were instructed to attack the fuel line at Mahlalatini.

Mr Skweyiya said the explosives, situated in a "dead letter box" near the fuel line, included limpet mines, handgrenades and pliers.

He and Mr Ntsele set off to attack the station at night. However they saw people working there and decided it was best to abort the mission.

They had been instructed by Mr Slovo that they were not to "abuse the name of the ANC" by killing or injuring anyone as this was not the policy of the ANC.

Mr Skweyiya has denied charges of attempted murder and of murdering a security policeman in October last year.

The case continues today. — Sapa.

37 appear in court 12/5/83

(331) ~~125~~ Court Reporter *Herrman*

THIRTY-SIX black men and a black woman appeared before Mr B J Brummer in the Durban Magistrate's Court yesterday afternoon in connection with allegations of public violence following the recent disturbances and rioting at Lamontville.

Allegations against 18 of them including the woman were withdrawn. The remaining 19, many of them juveniles, will appear in court again tomorrow.

She was articulate and was

Alleged terrorist to face 18 charges

(33) Mercury
12/1/83
Court Reporter

MR SIPHIWE Wilfred Makhatini, 26, was sent for summary trial in the Supreme Court in Pietermaritzburg on 18 charges under the Terrorism Act when he appeared before Mr BJ Brummer in the Durban Magistrate's Court yesterday.

It was alleged that he left South Africa in 1977 and received military training in Mozambique, Angola and Tanzania. The State claimed that he returned to South Africa last year.

He was arrested on December 16 in Natal.

The State alleged he

committed acts of sabotage and terrorism.

The State said he was found in possession of firearms, ammunition and grenades.

It was also alleged that during April and May last year he was responsible for explosions to water pipelines at the Umlazi canal, and a pipeline at Chesterville. It was also claimed by the State he was responsible for an explosive blast at the Ilco Homes Centre in Hermitage Street, Durban.

He was remanded for summary trial in the Supreme Court in College Road, Pietermaritzburg on August 1.

Terror accused says police killed friend

12 MAY 1982

STAR

MARITZBURG — A man facing charges of high treason in the Maritzburg Supreme Court has told how police finally cornered him in a hut and killed his friend in a shoot-out.

Mr Khaya Skweyiya (21) of New Brighton, Port Elizabeth, has pleaded not guilty to 12 counts of high treason, terrorism, participation in terrorist activities, unlawful possession of arms, ammunition, grenades and explosives, murder and attempted murder.

Yesterday before Mr Justice Nienaber and two assessors, he said he had unintentionally shot and injured Mr

Clement Nkosi through the door of a hut with a Makarov pistol issued by the African National Congress.

Then he and Mr Lucky Ntsele tried to flee back to Swaziland to escape the police who caught up with them at an Nkandla hut.

Mr Skweyiya said another Makarov pistol had been lost and only Mr Ntsele was armed when the police arrived there in the early hours of October 9.

"I hid behind the door," he said. Mr Ntsele's girlfriend, Miss Abigail Zungu, opened the door and went out.

Then a beam of torchlight shone into the room and the police fired.

"Mr Ntsele fired back and there was a shoot-out. There was a rapid exchange of fire," he said.

He saw Mr Ntsele drop to the ground and the shooting stopped.

Mr Skweyiya said he decided to make a run for safety and as he passed Mr Ntsele's body he stepped on the pistol and picked it up "without thinking". The pistol was found on him when he was arrested the next day.

When he ran out of the hut he passed the body of a policeman lying in the doorway.

Under cross examination by State Prosecutor Mr G Roberts, Mr Skweyiya said he would not have used the pistol on the police.

The hearing continues on Monday. — Sapa

Judgment date set in Oscar Mpetha trial

C. Herald

14 MAY 1983

331

JUDGMENT in the marathon security trial involving Mr Oscar Mpetha and 17 others, has been provisionally set down for June 6.

The case has been running for more than two years.

At last week's hearing, Mr Justice Williamson, the presiding officer, said that he would try to deliver judgment on June 6. He also said that if they needed more time he would let the defence counsel know.

Mr Mpetha and the 18 young men were originally charged with terrorism and two counts of

murder. They all pleaded not guilty to the charges.

DISCHARGED

In September last year, one of the men, Mr Lawrence Lerotholi, of Nyanga, was discharged because of a lack of evidence at the end of the State's case.

Mr Mpetha, chairman of the Nyanga Residents' Association and national organiser for the African Food and Canning Workers' Union, was detained in the early hours of August 13, 1980.

The charges against Mr Mpetha and the 17 co-accused stem from the

death of two motorists, Mr George Beeton, and Mr Frederick Jansen, during the unrest in Nyanga in 1980.

OVERTURNED

The cars of both men were overturned and set alight at a barricade in Klipfontein Road, Crossroads. Mr Beeton died as a result of injuries to his head, face and body. Mr Jansen died of severe burns.

More than 100 witnesses have testified in the trial, which began on March 3, 1981. The record covers more than 10 000 typed pages.

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Kimberley terror trial sets records

KIMBERLEY — South Africa's longest running Regional Court trial, the Kimberley terror/security trial, has been running for over two years, costing an astronomical amount.

It is thought that the trial has cost the defence a minimum of R284 000 so far. According to the Regional Court magistrate hearing the case, Mr A J van Wyk, it has cost the State an "astronomical amount".

He said it was impossible to estimate the State's costs so far.

"It includes the salary of a Regional Court magistrate, a senior State advocate and other personnel for two years, as well as other costs such as typing."

JUDGEMENT

Mr van Wyk said he would start his judgement on July 4.

"I don't know how long it will take as we have a vast amount of evidence to go through."

The evidence is contained in 140 volumes, running to a total of 11 104 pages. The State's argument runs to 439 typed pages while the defence's arguments run to about 500 pages, not all of which are typed.

EVIDENCE

When asked why the case was taking so long, Mr van Wyk declined to comment but pointed out that Captain van Wyk had been in the witness box for 18 court days during the trial-within-a-

trial, and that his evidence had totalled 795 pages.

"During most of that time he was being cross-examined," the magistrate said.

Mr G A Pillay, the instructing attorney, refused to give the the defence's total expenses thus far.

He said: "Last time I mentioned an amount, it was used in court as evidence."

R300

However, according to an informed source, Advocate J Poswa, who is appearing for the accused, receives R300 for a day in court.

The firm of Durban attorneys who are instructing Advocate Poswa, receive R2 000 a month as a fee.

Other costs, which include air tickets, hotel accommodation, meals and car hire have generally exceeded R3 000 a month.

From these figures it has been calculated that the cost of the defence since November last year would have been at least R22 500.

Since November 1, the trial has been in session for 21 days. These figures suggest that the trial has cost the defence a minimum of R284 000.

TS: What's your training schedule like?

Chuck: I have a gym at my house and my stuntmen come there to work out with me. I train three hours a day. When I'm not working out, I take my horse and ride into the mountains near my house, to relax.

Ts: How do you spend your time with your family?

Chuck: Oh yes!

TS: Is seafood your favourite kind of food and did your eating habits change after you were introduced to the martial arts?

Chuck: I like seafood. In my twenties, I used to eat everything except the kitchen sink. However, as one gets older, one's metabolism changes and one becomes more discreet about what you eat.

Mr. Photographer!



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DEATH

Negative

N. D. Dispaath
17/5/83
Terrorism:
two held

ZWELITSHA — Two people, charged with terrorism appeared briefly in the Ciskei regional court yesterday.

Mr Monwobisi Michael Mnikine and Mr Tembinkosi Matutu, both of Mdantsane, appeared before Mr J. Kotze. They are charged with contravening the Ciskei National Security Act.

They were not asked to plead and no evidence was led. The case was postponed to July 11 and both accused were remanded in custody. — SAPA.

Churchman in court

ZWELITSHA — A fieldworker of the Border Council of Churches, Mr Mzwandile Msoki, appeared briefly in the Ciskei regional court yesterday charged with contravening the Ciskei Publications Act.

The accused was asked not plead and no evidence was led.

The case was postponed until June 27 and bail of R200 was extended. — SAPA.

Ex-UWC
AK645 17/5/83
student
231
Ruling on
confession

Court Reporter

A PAARL Regional Court magistrate today ruled as admissable a confession made by a former UWC student, who is charged with being a member of the banned African National Congress and furthering its aims.

Mr Headley Moses King, 27, of Athlone, has pleaded not guilty to being a member of the ANC, to furthering the aims of the ANC and to a having studied literature containing the philosophy and aims of the ANC.

In his evidence yesterday, Mr King told the court that he was threatened by the Security Police to make the statement.

WARNED

A witness, Mr Michael Benjamin Coetzee, also a former UWC student, was warned before giving evidence today that he could be charged with Mr King should he fail to give satisfactory answers to questions put to him.

During questioning, Mr Coetzee told the court that he was forced to transcribe and sign a statement which a Sergeant Visser had written.

He denied that he had travelled with Mr King to Lesotho in September, 1982, to meet members of the ANC.

Mr Coetzee also denied that he knew Mr King or that he had had any dealings with him in the period mentioned in the charge sheet.

(Proceeding).

Treason accused 'held fatal gun'

331 17 MAY 1988

MARITZBURG — The State yesterday asked the Supreme Court here to find Mr Khaya Skweyiya (21) guilty of high treason.

Mr Skweyiya, of New Brighton, Port Elizabeth, is appearing on counts of high treason, terrorism, participation in terrorist activities, unlawful possession of arms, ammunition, grenades and explosives, and murder and attempted murder.

He has pleaded not guilty to all charges. It is alleged Mr Skweyiya attempted to murder Mr Clement Nkosi and murdered a Security Policeman, Sergeant Bekuyise Vitalis Makhaye, in October last year.

The State prosecutor, Mr G Roberts, said Mr Skweyiya had admitted being a member of the banned African National Congress and its military wing, Umkhonto We Sizwe.

He had also admitted that he had been sent to South Africa by Mr Joe Slovo, a high-ranking official of the ANC, on a mission to destroy the Mahlabatini power station in Natal.

Mr Roberts asked the court to find Mr Skweyiya guilty of high treason.

Although the accused maintained the mission to blow up the power station was abandoned, the State submitted that the accused had never intended to abandon the mission.

Referring to the murder charge, Mr Roberts said the probabilities showed overwhelmingly that Mr Skweyiya had handled the firearm that killed the policeman.

The hearing continues tomorrow. — Sapa.

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profits, but as
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~~testimony principle~~

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long period of
continue produce

Over a period of time, the firm may decide to increase its production, or change its manner of production, thus affecting the cost curve. ~~the long-run cost curve~~

This means that the firm produces where price is greater than ATC. The firm is therefore in a position to make super-normal profits, as shown by the area between AR curve and ATC curve. Because there are no barriers to entry, other firms will not be able to enter the market, and the monopolist firm is able to maintain output and price at this level and continue to make above normal profits. The price of the commodity can not be fixed down so that it is just below the ATC curve, as occurs under perfect competition.

State witness swears by Oliver Tambo

Cape Times 18/5/83

~~331~~ 331

By MARIANNE THAMM
A DETAINEE called to give evidence for the State in the Paarl Regional Court trial of Hendley King, who faces charges under the Internal Security Act, was discredited yesterday after he swore allegiance to Mr Oliver Tambo, president of the ANC, while taking the oath.

Mr Coetzee, who was detained in Port Elizabeth on January 24, was called by Mr R B Rorich, for the State, to give evidence against Mr King. He was recalled twice before the magistrate, Mr A J Burger, discredited him as an unreliable witness.

Mr King, 27, of Athlone, has been in detention under Section 29 of the Internal Security Act since February 7, and pleaded not guilty to three charges under sections of the act. The State alleged that

from September to December 1982, at or near Cape Town or Maseru, Lesotho, Mr King was or became a member of the ANC, a banned organization; had attended ANC meetings and tried to recruit members; and had ANC documents.

Earlier this week, Mr Rorich applied for a "confession" which Mr King had apparently made while in detention to be handed in as evidence.

Mr A M Omar, for Mr King, opposed the application. He said Mr King had made the confession while he was detained and under duress and had understood that he would not be released until he had made a confession, which satisfied the security police.

The magistrate yesterday ruled that Mr King's statement was admissible as evidence.

As Mr Coetzee took the witness stand yesterday, Mr Burger warned him that he could be charged as an accomplice if he did not answer questions satisfactorily.

Mr Coetzee, a former University of the Western Cape student, then took the oath, amid stunned silence as he reached his conclusion, "so help me, Oliver Tambo."

"I take it then you have undertaken to tell the truth under the name of a person unknown to the court," Mr Burger said. He then told Mr Rorich to start questioning Mr Coetzee, who denied having known Mr King.

After an adjournment, Lieutenant-Colonel Johannes Griebenaau, of the security police, then testified that Mr Coetzee had admitted knowing Mr King.

Mr Coetzee was recalled again. He took the oath and said he was prepared to give evidence.

Mr Rorich read a statement which Mr Coetzee had allegedly made to Colonel Griebenaau while in detention. Mr Coetzee said the statement had been written by the security police.

In the statement, Mr Coetzee said he knew Mr King and had accompanied him and other people on several visits to Maseru.

Mr Coetzee said he had been subjected to an all-night interrogation session after his arrest in Port Elizabeth.

Mr Rorich then asked the court to discredit him as an unreliable witness and asked that he should not be exempted from prosecution.

The hearing continues today. Mr King and Mr Coetzee were remanded.

Mr Omar is instructed by Mr R Vassen of Omar, Vassen, Abercrombie, Sonn and Co.

ANC trial: Court warns on 'amandla'

AKG's
18/5/83
331

Staff Reporter
SPECTATORS who packed a Paarl courtroom, waving clenched fists and shouting "amandla", were warned by the magistrate today they would be "thrown out of the court".

After the warning, about 10 uniformed policemen went to sit in the gallery.

Miss Zelda Holtzman was giving evidence at the trial of Mr Headley Moses King, 27, of Athlone, who is charged with being a member of the banned African National

Congress, furthering the ANC's aims and reading literature on the philosophy and ideology of the ANC. Mr King has pleaded not guilty to all charges.

After Miss Holtzman was absolved from being prosecuted on the same charges as Mr King, she waved a clenched fist and shouted "amandla" at the packed gallery.

Salute

People in the gallery responded by waving their clenched fists back at her and shouting "ngawethu".

The magistrate, Mr A J Burger, warned that if the salute were made again, he would "throw out" those responsible.

Before giving evidence, Miss Holtzman was warned she could be prosecuted under the same charges facing Mr King.

Miss Holtzman admitted she and Mr King visited Lesotho in January and September last year. She denied that they had met members of the ANC or attended any of their meetings.

She said she and Mr King were on holiday in Lesotho both times.

In his evidence, Mr King said that in January last year he and Miss Holtzman went to Maseru. They met Miss Liz Evert who introduced them to two men interested in what was taking place in Cape Town.

In September last year, Mr King and Miss Holtzman asked Mr Michael Coetzee to drive them to Lesotho.

Ingwavuma

Mr King said he had discussions with the Lesotho men on various subjects including the Ingwavuma episode.

Later, the two men had asked him to write down notes of what he had told them about activities in the Western Cape.

Mr King admitted receiving money from the two men. The money was only enough to meet their needs in Lesotho, he said.

The hearing was postponed to August 1. Mr King was remanded.

() 28643

Year	African	Asian and Coloured	White	Total
1970				146
1971				151
1972				149
1973		108		108
1974		92		92
1975		82		82
				71
				68
				71
				65
				60

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CAPE TIMES
17/5/83
331

Court told of Maseru 'talks'

Staff Reporter

IT was absurd to presume that an informal discussion with an alleged ANC member constituted a gathering, the attorney representing Mr Hedley Moses King, who faces charges under the Internal Security Act, said in the Paarl Regional Court yesterday.

Concluding the case for Mr King, Mr A M Omar said that the State had failed to prove its charges: that Mr King was a member of the banned ANC, that he had attended any ANC meeting or that he had studied documents advocating the ANC's philosophy between September and December 1982.

Mr King, 27, of Athlone, had previously pleaded not guilty to the charges.

Mr King, who has been in detention under Section 29 of the Internal Security Act since February 7, yesterday admitted visiting Maseru with two friends three times.

He said a friend, Miss Liz Everett had introduced him to two men.

The men had discussed the political situation in the Western Cape and had asked him to submit a report.

The men said nothing to suggest they were ANC members.

Literature

They had given him literature which he had returned before re-entering South Africa.

He also admitted visiting Maseru twice, in September and December 1982.

Earlier, another detainee, Miss Zelda Lynn Holtzmann, was called to give evidence for the State.

She took the oath but declined to repeat "so help me God" because, she said, "justice has been perverted in God's name".

She was allowed to testify and admitted knowing Mr King. She said that she had gone with him to Maseru on holiday.

'Amandla'

As she was led away, she clenched her fist and shouted: "Amandla" ("The power..."). Several people in the public gallery replied: "Ngawethu" (... is ours.).

The magistrate warned them that they would be "thrown out of the court".

The hearing was adjourned to August 1 for judgement. Mr King and Miss Holtzman were remanded.

Mr R B Rorich appeared for the State.

Man on ANC mission guilty of high treason

19/5/83

331

~~SA~~ Mercury

Pietermaritzburg Bureau

A YOUNG Port Elizabeth man who was sent by the banned African National Congress on a mission to blow up the Mahlabatini fuel pumping station last year was convicted of high treason in the Supreme Court, Pietermaritzburg, yesterday.

Khaya Skweyiya, 21, of New Brighton, had pleaded not guilty to 12 counts — including high treason, terrorism, possession of arms, ammunition, grenades and explosives, and murder and attempted murder.

Mr Justice Nienaber found him guilty of the main charge of high treason, and assault with intent to do grievous bodily harm, but acquitted him of murdering Sgt Bekuyise Vitalis Makhaye of the Security Branch in Nkandla last October.

The young Xhosa left South Africa illegally at the age of 15 and received extensive training in Angola, Mozambique and the Soviet Union before returning to this country.

He admitted he had been sent to South Africa by Joe Slovo, a high-ranking ANC official, on a mission to destroy the fuel station.

He and his friend and co-conspirator, Lucky Ntsele, who was subsequently killed in a shoot-out with police, had crossed the border armed with two Makarov pistols.

A cache of arms already inside the country, which was to be used in the attack, included limpet mines and four grenades.

Abandoned

The two abandoned their mission when people were seen moving about in the vicinity of the target. On the accused's evidence it was ANC policy not to injure innocent people.

In his judgment, Mr Justice Nienaber found this difficult to reconcile with the fact that the two had been issued with guns and a variety of offensive and defensive handgrenades.

Skweyiya was a South African citizen and owed

his allegiance to the country. He did not deny he was an active supporter of the ANC and its military wing, and identified with its aims and objectives.

Their target had been an obviously sensitive installation and Skweyiya had committed an overt act with hostile intent.

On the murder charge, Mr Justice Nienaber said the State had failed to prove its case against the accused and his version could not be rejected out of hand.

The only witness to the shooting, Skweyiya told the Court Ntsele had been responsible.

In mitigation, Mr Andrew Wilson, SC, for the defence, said Skweyiya had been 'thoroughly indoctrinated' in his four-and-a-half years with the ANC.

A 20-year jail sentence suggested by counsel for the State, Mr Harry Prinsloo, would be a 'cruel and brutal' one which would destroy him.

Sentence will be passed today.

ANC man is sentenced to 17 years for treason

SPUR 331
19/5/83

Maritzburg — A 21-year-old man, Khaya Skweyiya, was sentenced in the Pietermaritzburg Supreme Court today to 17 years' imprisonment after being found guilty of high treason and assault with intent to do grievous bodily harm.

He was acquitted on a charge of murdering a Security Branch policeman, Sergeant Bekuyise Vitalis Makhayi, during a shoot-out at Mahlabatini last October.

Skweyiya admitted that he had been sent to South Africa by the African National Congress on a mission to blow up

the Mahlabatini fuel pumping station last year.

After abandoning the mission, his co-conspirator, Mr Lucky Ntsele, and the policeman were killed in the shoot-out.

Mr Justice Nienaber considered the main charge of high treason particularly grave.

He said Skweyiya had supported the methods and aims of the ANC.

Mr Justice Nienaber had said in summing up that although Skweyiya was only 15 when he left the country in 1978 to be trained by the ANC, he was not politically naive. — Sapa

Not in English, magistrate ⁽³³¹⁾ tells trial lawyer

By SUE OLSWANG

A JOHANNESBURG magistrate refused permission yesterday for the defence to question a State witness in English at a hearing in which two Reggae musicians are charged with participating in acts aimed at furthering the aims of the banned African National Congress.

Mr W Aucamp refused permission for Mr G Dyson to question Mr Izak de Vries — a political science lecturer at the Rand Afrikaans University and an expert on the ANC and revolutionary theory — in English.

Mr Dyson then told Mr Aucamp that he would not question Mr De Vries.

The State alleges that Mr Joseph Charles and Mr Rufus Radebe — guitarist and drummer respectively of the band "Splash" — performed an ANC song and chanted slogans in an attempt to evoke sympathy for the ANC at a University of the Witwatersrand SRC Music Festival held at the Kloofendaal Amphitheatre, Roodepoort, on February 12.

At a previous hearing a security policeman, Constable H Nel, testified that he was at the concert and that the name "Mandela" was mentioned in a song.

He told the court that the

song called for "the freedom of Mandela, the ANC leader".

He said at the end of the song Mr Charles and Mr Radebe "started to chant various ANC slogans".

Mr Charles told the court yesterday that his father was Portuguese and his mother was black. He had spent much of his childhood in Mozambique.

He said his mother, brothers and sisters were killed by Frelimo "when the riots happened" and his father had brought him to South Africa.

He told the court he was a believer of Rasta and that the cult was called the movement of "Jah" — the Rasta term for God.

Reggae was part of the Rasta culture and they performed their songs "to Jah and our black brothers in the ghettos".

The Rasta movement was "for all races" and did not take part in organised politics.

He admitted that he and Mr Radebe chanted at the concert but said they had chanted the name of the song and "Jah Rastafaria, Selassie the First".

"We performed a song in the name of Mandela" because he (Mandela) has been in jail for a long time.

The trial continues today.



A group of Rastafarians outside the Johannesburg Magistrate's Court yesterday where two fellow Rastas — the guitarist and drummer of the reggae band "Splash" — are appearing on charges of furthering the aims of the African National Congress.

Picture: ABSALOM MNISI

KHAYA JAILED FOR 15 YEARS

See law
331
~~11/11~~
20/5/83

MR JUSTICE Nienaber said in the Supreme Court, Pietermaritzburg, yesterday that light or moderate sentences for high treason could strike at the very existence of law and order.

He was jailing a young man sent by the African National Congress from Swaziland to blow up a fuel pumping station in Kwazulu.

Khaya Skweyiya (21) of Port Elizabeth was jailed for 15 years for treason and two years for assault with intent to commit grievous bodily harm. The sentences are to run concurrently.

Mr Justice Nienaber

OWN CORRESPONDENT

said that the punishment had to be a real deterrent to other "youngsters" who might be tempted to follow Skweyiya's course of action.

The judge said Skweyiya had submitted to military training in foreign places with the express purpose of obtaining this training against his own country. Skweyiya had re-entered South Africa intent on committing sabotage as one of the steps to execute the aims of the ANC, of which he had been and was still a member.

This organisation was

dedicated to the subversion and overthrow of law and order by forcible and unconstitutional means. He had willingly and enthusiastically impressed his ideals and support both for the aims and the methods of the ANC.

No country or society intent upon the preservation of law and order would countenance such behaviour by its citizens.

The judge said that Skweyiya's counsel, Mr Andrew Wilson, SC, had asked for a sentence that would enable him to undergo a change of heart and to see the error of his ways.

The judge said he remained wholly unpersuaded that Skweyiya would undergo a change of heart. He said he was not persuaded that Skweyiya's designs were as peaceful as he had claimed.

Skweyiya and his companion had abandoned their mission to blow up a pumping station at Mahlabatini. They might not have had the resolution or determination or, as Skweyiya claimed, they

feared the loss of life.

They had been on the point of returning to Swaziland when they had been arrested. He took into account that Skweyiya had been a young man when he set about his mission of sabotage and when he had committed the assault.

Skweyiya was found guilty of assaulting Mr Muntukubani Clement Nkosi with intent to do grievous bodily harm.

He was acquitted on a charge of murdering a Security Branch policeman, Sergeant Bekuyise Vitalis Makhaye during a shooting at Mahlabatini in October last year.

In summing up Mr Justice Nienaber said in spite of the fact that Skweyiya was not yet 16 when he left the country in 1978 for training with the ANC, he was not politically naive.

"He told the court he bore a grudge against the State because he believed his brother had been falsely convicted after a riot. He was won over to the cause of the ANC and its aim of overthrowing the Government by force."

New jail terms for convicted ANC terrorists

By JOUBERT MALHERBE
Pretoria Bureau

THREE African National Congress members, serving life sentences for conviction on charges of high treason in 1980, were sentenced to a further 15 years yesterday for attempted murder and robbery with aggravating circumstances.

Neimbithi Johnson Lubisi, 30, Petrus Tsepo Hashigo, 22, and Naphtali Manana, 26, were sentenced to death for their part in the rifle and hand grenade attack on the Soekmekaar police station on January 4, 1980.

The State President commuted their death sentences to life imprisonment in June last year after worldwide appeals for clemency to the South African Government.

Yesterday the three men wore leg-irons and prison clothes as they were ushered into the dock at the Pretoria Supreme Court. They waved at friends in the public gallery.

Mr C R Mailer, defending, told Mr Justice Jaap de Villiers — who also presided at the 1980 treason trial — that the men had been held on Death Row for 19 months and

suffered intense mental agony.

"They were kept in isolation and were allowed five to 10 minutes exercise a day. They have heard people being taken manacled to the gallows and this has left a scar on their psyche," Mr Mailer said.

For attempting to murder Constable M E Mashapa and Const T M Mothibi, who were at the police station during the attack, the men were jailed for 10 years.

On the charge of stealing a light delivery van from Mr P E Montle to use in the attack, they were sentenced to five years.

Mr Justice de Villiers said he noted Mr Montle's evidence that the men told him they would not harm him.

At the 1980 trial, six other men who appeared with the three accused sentenced yesterday were given prison sentences of between 10 and 20 years.

The sentences Lubisi, Mashigo and Mana received yesterday will run concurrently with their sentences of life imprisonment.

Mr A F du Toit appeared for the State.

Shocked by a song about Mandela

By
TEBELLO
RADEBE

331 City Press
22/5/83

JO'BURG — A security policeman told the Regional Magistrate court here this week he was astonished to hear reggae band Splash singing about Nelson Mandela.

Constable H J Nel was testifying in the trial of two Rastafarians, Joseph Charles, 24, address unknown and Rufus Radebe, 19, of 13 4th Avenue, Alexandra, before Mr W Aucamp.

The two men pleaded not guilty to a charge of promoting the aims of a banned organisation by singing a song about imprisoned ANC leader Nelson Mandela and shouting "Amandla" and other alleged "ANC slogans."

Constable Nel said he did not expect a

band to boost the image of the ANC at an open pop festival before a crowd of 3 000 people at the Kloofendaal Amphitheatre in Roodepoort on February 12. He claimed the accused further went on to say:

"The music is revolutionary because reggae is revolution — if you listen to reggae then you must believe in violence and violence is the only way to free South Africa led by the ANC".

It is alleged that Mr Charles and Mr Radebe — the band's guitarist and drummer — performed a song titled A Tribute to Martyrs. Mr Charles had previously told the court that the song was titled "A Tribute to Mathis" and was freely available in record shops.

State witness Mr J de Vries, described as an expert on the ANC, told the court it was

the policy of the ANC to use culture as one of the battle fronts in their liberation struggle. Mr de Vries read a lengthy statement to the court on the policy of the ANC in Afrikaans.

The court was adjourned early yesterday morning when there was deadlock between the magistrate and the defence attorney, Mr Graham Dyson over whether Mr Dyson could cross examine Mr de Vries in English. The magistrate ruled that Mr de Vries had elected to give his evidence in Afrikaans.

Mr Dyson argued that Mr de Vries had in fact made his studies of the ANC from documents written in English only and could therefore answer questions in English. The matter was postponed until after lunch yesterday.



Defending attorney Graham Dyson (in glasses) speaks to the mixed group of fans who attended court to listen to the Rasta case.

Over 550 Turfloop students graduate

MORE than 550 degrees and diplomas were awarded at the University of the North's 22nd graduation ceremony at the weekend. The 564 awards were conferred by the Chancellor, Dr M J Madiba.

Among the highlights of the ceremony was the conferring of the degree of Doctor of Philosophy in Natural Sciences upon Dr Sevid Ntlogeleng Mashego. It was the first time the degree has been awarded to a black in South Africa.

Dr Mashego's thesis was on "A seasonal investigation of the Helminth parasites of Barbus fishes in water bodies in Lebowa and Venda, South Africa".

Dr Mashego, a senior lecturer in zoology, graduated with a BSc in botany and zoology at Turfloop in 1972. He obtained a BSc Honours degree in zoology in 1976 and a Msc degree *cum laude* the following year.

Honorary doctorates in education were posthumously conferred on the late Mr Herman Percy Madibane and Mr Godfrey Nakene for their contribution to education.

They were received by their families.

Mr Johannes Hermanus Pretorius, a senior Lebowa Department Corporation official, was awarded an honorary doctorate in commerce for his "comprehensive ability and creativity directed especially towards the benefit of the black peoples of South Africa".

Mr Stephen Mmola obtained a Master of Administration degree with "staffing practices in Lebowa" as his dissertation.

Turfloop students terrorism trial resumes in Pietersburg

By THOMAS LEKGOTHOANE

THE TERRORISM ACT trial involving three former Turfloop university students resumes today in the Pietersburg Regional Court.

Mr Peter Ramoshone Mokaba, 24, Mr Jerome Joseph Maake, 20, and Miss Portia Makhosazana Nhlapo, 24, are facing 32 charges under the Terrorism Act and Internal Security Act.

Mr Mokaba, who has alleged that he was assaulted by Security Police while he was being interrogated, is alleged to have joined the ANC during 1980 and to have received military training in Swaziland, Maputo and Luanda.

He allegedly brought a Makarov pistol and ammunition into South Africa and collected

information for the ANC while he was in Molepo and Lebowa Kgomo.

The State further alleges that Mr Mokaba recruited another man, Mr Masilo Jonas Selapelo, as a member of the ANC, possessed banned literature and used dead letter boxes for smuggling ANC messages, weapons and explosives.

Mr Maake is accused of being an ANC member, received military training outside the Republic and bringing two handgrenades into South Africa with the intention of committing terrorist acts.

Miss Nhlapo and Mr Maake have not yet given evidence. Earlier, Benedicta Monama was jailed for eight months for refusing to testify as a State witness against the three accused.

This video special is a 'must' for avid viewers

Mail Reporter

ALL you want to know about the video scene and the latest titles available is contained in a new eight-page pull-out tabloid supplement to be published for the first time by the Rand Daily Mail tomorrow.

The supplement — Current Video Attractions — will advise viewers and potential viewers of newly released titles, obviating the necessity to stand for hours on end in local video libraries in an effort to assess the movie and whether it is suitable for children or the faint-hearted.

All titles reviewed are supplied to the Mail by bona fide distributors and not the libraries. They are guaranteed new releases or, at the very least, recent releases, which have been viewed by a panel of eight senior staff members.

Apart from the reviews, Current Video Attractions will also feature up-to-the-minute news on the latest trends and innovations in the industry, be it the all-new



8mm camera/recorder being launched next year or the effect on four-wallers. All articles are backed up by the latest research figures.

In short, Current Video Attractions is destined to become the home video viewer's "Bible" — a publication he cannot wait to receive each month.

Video viewing in South Africa is becoming the country's number one pastime simply because South Africa has a very limited television service to serve the nation.

And that service is split into the two official languages (TV1) and a number of ethnic black languages (TV2 and 3) for an average viewing period of five hours an evening except Saturdays, when telecasting begins earlier solely to cover sport.

When this service is compared to the amount of chan-

nels in, say, New York alone (18 independent stations), it is not surprising South Africans are turning to videos.

Already there are almost 200 000 privately owned and 30 000 hired video cassette recorders in South African homes. If an average four viewers per VCR watch two films a week, nearly 2 000 000 films are shown on the VCR each week.

South Africa is essentially a playback country — in other words a country that tends to hire pre-recorded tapes rather than rely on off-air recording. Obviously, then, to keep the consumer happy a large number of titles is released every month.

This is where Current Video Attractions becomes your invaluable guide to better viewing.

So to be sure you, too, can benefit, don't forget your Mail tomorrow.

MATTER OF FACT

TO CORRECT specific errors of fact, write to the Editor at P O Box 1138, Johannesburg, or telephone the Editor's secretary at 710-9111 between 9am and 5pm on weekdays.

If you have broader complaints about the Rand Daily Mail these can be taken up with the Mail Ombudsman, James McClurg, c/o the Editor's secretary.

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pot for poker-faced Tom

Two relative newcomers to the poker world went through a face-off in the 14th annual tournament before Tom McKevooy about R550 000 in prize money at the weekend.

Rod Peate in the marauding win the first prize. McKevooy was down to his last R3 000 a week from a R300 000 deficit.

Three children, McKevooy, 38, a professional poker player for four months, his biggest win was that paid him about

But McKevooy, who sold shares in his potential winnings to enter the tournament, pocketed the R120 000 first prize in a hold 'em game with a R100 bet limit early in the month-long tournament, and used part of the money for his R10 000 entry fee into the no-limit hold 'em finals, which began last Monday.

Hold 'em is a form of poker in which each player is dealt two cards face down, then three cards face up, then two more cards face up. Each player may bet once after the first two cards are dealt, once again after the next three cards are dealt, and once after each of the last two cards is dealt. Each player then chooses five of the seven cards to be in play.

— Sapa.

ANC tape played ³³¹ court told

Two Soweto men appearing before a Johannesburg Regional Court magistrate yesterday denied taking part in African National Congress activities and playing a banned ANC tape recording.

The State alleges that Mr Peter Thabo Moloi (29) played the recording at his Diepkloof home and Mr Jacob Mashego (24) played it at the Diepkloof Hotel on November 8 last year.

One side of the tape contains a recording by former Soweto singer Miriam Makheba and American Harry Belafonte.

On the reverse there are music and slogans such as: "We will destroy Smith and Vorster with grenades and guns."

Mr Moloi denied possessing the tape. Mr Mashego admitted possession, but said he was not aware that it was prohibited or that it was produced by the ANC.

They both pleaded not guilty to taking part in ANC activities, or alternatively advocating its objects, between September 1 and November 8 1982.

The case continues.

Handwritten: 24/11/82

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Ciskei terror trial to resume today

D. D. D. D.
24/5/83

ZWELITSHA — The terrorism trial in the Ciskei Supreme Court here was postponed until this morning to enable the defence counsel to call its witnesses.

Jurgens.

Appearing with Mr Mayekiso is Mr William Mabone Duna, 31, Mr Dumisani Bizzett Maninjwa, 31, and Mr Bayi Keye, 52, all of Mdantsane.

The chief justice, Mr Justice D. S. de Wet, was deciding in a trial within a trial to determine the admissibility of statements allegedly made by the accused.

The four have pleaded not guilty to charges of engaging in terrorist activities, being members of the banned ANC, recruiting people to undergo military training in Lesotho and being in possession of banned publications. — SAPA.

Mr Luyanda Patrick Mayekiso, 23, was cross-examined briefly by the Ciskei Attorney-General, Mr W. F.



24/5/83
D. Dispatch

Student leader alive and well

JOHANNESBURG — Student leader Mr Auret van Heerden, who "disappeared" last December while police scoured the country for him, is alive and well and recently held a highly successful seminar on the University of the Witwatersrand campus.

Last night the man who became the focal point of a major high treason trial spoke to the Daily Dispatch's correspondent here.

~~scribble~~

Police launched their country-wide search for the former Nusas president and political detainee when it became clear that he would be needed as a key witness at the treason trial of Mr Cedric Mayson who later fled South Africa for Britain while on bail.

331

During Mr Mayson's trial Mr Justice Van der Walt ruled that a 29-page statement allegedly made by Mr Mayson while he was held in detention was inadmissible evidence.

He noted, "Perhaps it is now more important to hear Mr Van Heerden's evidence."

When Mr Van Heerden could not be found Mr Mayson was granted bail while the police searched. But Mr Mayson skipped bail and fled and later the warrant of arrest for Mr Van Heerden was withdrawn.

For the past fortnight Mr Van Heerden, who has initiated a civil action against the police alleging torture, has been openly carrying on the life of a normal student on the Wits campus.

His seminar on May 16 on the suggested political reforms in South Africa has been hailed by students as "the most successful of the year" and was packed by people keen to hear him.

Mr Van Heerden is writing a thesis in industrial sociology for a master's degree.

When he "went underground" it was to seek refuge from continuous harassment at his Johannesburg home, he said.

"Bricks were thrown through windows, a dead cat was delivered to my door, and there was a continual process of harassment.

"I was forced to lead the life of a fugitive, not telling people where I was sleeping."

He chose the alternative of moving to the Cape and working on his thesis in solitude.

"I never received a subpoena for the Mayson trial and I certainly wasn't aware that there was a warrant out for me," he said.

He returned to Johannesburg earlier this month. — DDC.

(331) (11) PDM 24/5/83

2 in court on ANC tape charge

Mail Reporter

TWO Diepkloof men appeared in the Johannesburg Magistrates' Court yesterday on charges of allegedly playing an African National Congress tape in a lounge at the Diepkloof Hotel in Soweto last year.

Mr Peter Thabo Moloi, 29, and Mr Jacob Mashego, 24, were also charged with taking part in the activities of a banned organisation — alternatively advocating and encouraging the achievements and objectives of the organisation.

They have pleaded not guilty to both charges.

Yesterday, Constable A Phenela, of the Security Police, told the court that he and two

other security policeman sat near the two accused in the Diepkloof Hotel on November 8 last year.

He said the men were playing a cassette tape with music and he had overheard mention of the ANC.

"We listened to the tape for about 15 minutes and heard music and speeches in connection with the ANC," he said.

A man's voice was heard to say: "We will destroy Smith and Vorster with grenades and guns," he said.

The trial continues today.

Mr I J Luther was on the Bench, Mr J Venter appeared for the State and Mr D Kuny for the defence.

3 on Terror
Act charges

PIETERSBURG — Three former Turfloop University students who have pleaded not guilty to charges under the Terrorism and Internal Security Act made a brief appearance in the Pietersburg Regional Court yesterday.

Mr Peter Mokaba, 24, Mr Jerome Maake, 20, and Mr Portia Nhlapo are also accused of being members of the banned African National Congress.

The case was postponed to May 30 — Sapa

Reggae (331)

2 'aided

ANC, RPH
24/5/83

By SUE OLSWANG

TWO musicians from the reggae band "Splash" appeared in the Johannesburg Magistrates' Court yesterday on charges of furthering the aims of the banned African National Congress.

The State alleges Mr Joseph Charles, 24, and Mr Rufus Radebe, 19, performed ANC songs and chanted slogans to evoke sympathy for the ANC at a University of Witwatersrand Student Representative Council music festival held at the Roodepoort Kloofendaal Amphitheatre on February 12.

The festival was attended by about 3 000 people.

At an earlier hearing Constable H Nel, a security policeman, said the two musicians had performed songs titled "A tribute to Martyrs" — which makes reference to the detention and death of Steve Biko — and "Freedom to Mandela".

Const Nel told the court that the two men shouted "Who killed Neil Aggett?"

He said some of the audience had replied: "The police, the police."

Mr Radebe told the court yesterday that he shouted "Who killed Nugget?" and said he was referring to the shoe polish.

He said he had chanted "Jah Ras Tafaria, ever living, ever faithful" together with Mr Charles, who is a Rastafarian and follower of the movement of Jah — the Rasta term for God.

The trial continues today.

Drummer: I lied about co-accused

331
25/5/83 Star
Reggae musician Mr Rufus Radebe, facing Internal Security Act charges, said in the Johannesburg Regional Court yesterday that he had lied to a magistrate to secure his release from police custody.

Mr Radebe (18), a drummer in the Reggae band Splash, said he had decided to lie about Mr Jose Charles (24), a guitarist of the group, because he thought the Security Police would release him from the Krugersdorp police cells, which they had promised to do. He had presumed that Mr Charles (with whom he is charged) would lie about him when he made a statement before a magistrate in Krugersdorp on May 5.

The two musicians, members of the Rastafarian cult, are alleged to have chanted pro-African National Congress slogans at a music festival in Roodepoort on February 12. They denied the charge.

Mr Radebe said he had testified falsely that Mr Charles had told him he had played a song, "Freedom to Mandela", in Mozambique, where he lived, and had killed people there.

Mr A R van Wyk, prosecuting, accused Mr Radebe of falsely alleging that he had been assaulted by police.

Mr Radebe replied: "How do you know? Are you a witchdoctor? I did not lie when I said the police tortured me. A policeman pressed me so hard behind my ears with his fingers until my ears ached and my hearing has since been impaired. I am a musician and do not kill people."

Mr G Dyson, appearing for both men, said the principles of the Rastafarian cult were that members should not take part in organised politics. Rastafarians believed in non-violence and the cult had no identifiable leader or organised structure.

The trial continues tomorrow.

Accused 'lied because of Security Police threats'

Mail Reporter

A RASTAFARIAN told the Johannesburg Magistrate's Court that he had lied when making a statement to a magistrate, because the police promised he would be released.

Mr Rufus Radebe, 19, appeared yesterday with Mr Joseph Charles, 24, on a charge of furthering the aims of the banned African National Congress.

The State alleges that Mr Radebe and Mr Charles, members of the reggae band "Splash", performed ANC songs and chanted ANC slogans to evoke sympathy for the ANC at a Wits Student Representative Council music festival at the Roodepoort Kloofendaal Amphitheatre on February 12.

The festival was attended by 3 000 people.

Mr Radebe said he had lied when he admitted singing ANC songs. He said he did this because he had been assaulted by the Security Police.

He said the Security Police had told him that, if he made the statement, he would be released.

However, Lieutenant J P O Kleynhans of the Security Police in Krugersdorp, who arrested Mr Radebe and Mr Charles, said the two men had not been threatened or assaulted in his presence.

"No influence was made on Mr Radebe to make a statement," he said.

He said no promise of release had been made to them.

However, under cross-ex-

amination he said he did not know if they had received breakfast on the morning they were arrested.

At an earlier hearing, Constable H Nel of the Security Police said the two musicians had performed songs entitled "A Tribute to Martyrs" and "Freedom to Mandela".

Mr G Dyson, who appeared for the accused, said Mr Radebe and Mr Charles were of the Rastafarian cult whose general principles included no participation in organised politics and non-violence. He said the cult had no organised structure or identifiable leader and the major method of expression was in reggae music.

The case will continue today.

Assault

caused

fits, says

witness

Star 25/5/83

ZWELITSHA — A State witness in a terrorism trial was assaulted by the Security Police until he fell down and developed epileptic fits, the Ciskei Supreme Court here heard yesterday.

Mr Siseko Vanyaza (25), of Mdantsane, told the court he was detained on August 1981 as a potential State witness.

He said he was taken to Cambridge police station where he was tortured.

"I was instructed to strip naked, a wet canvas bag was pulled over my head and I was throttled until I fell down," he said. "Cold water was poured over my body while I was lying down."

Mr Vanyaza was giving evidence as a defence witness in a trial within a trial to determine the admissibility of confessions allegedly made by the accused.

Appearing before Mr Justice DS de Wet are Mr William Dunu (31), Mr Dumisani Maninjwa (31), Mr Bayi Keye (52) and Mr Luyanda Mayekiso (23), all of Mdantsane. They have pleaded not guilty.

They are charged with engaging in terrorist activities, being members of the banned ANC, recruiting people to undergo military training in Lesotho and being in possession of banned publications.

Mr Vanyaza said that on the day he was tortured an East London district surgeon, Dr B Wingreem, had tried to revive him.

During his detention, he said, he had lodged a complaint with a Ciskei magistrate who had told him he was concerned about his presence in the cell and the type of food he was getting.

It was also alleged that Mr Monwabisi Mgiijima (25), of Mdantsane, and Mr Orie Ndingaye (31) were assaulted by the Security Police. — Sapa.

Court told ^{O. Aspitzer} ex-detainee ^{2 3/5/83} had epileptic fit ~~108~~ ~~109~~ ~~110~~ ~~111~~ ~~112~~ ~~113~~ ~~114~~ ~~115~~ ~~116~~ ~~117~~ ~~118~~ ~~119~~ ~~120~~ ~~121~~ ~~122~~ ~~123~~ ~~124~~ ~~125~~ ~~126~~ ~~127~~ ~~128~~ ~~129~~ ~~130~~ ~~131~~ ~~132~~ ~~133~~ ~~134~~ ~~135~~ ~~136~~ ~~137~~ ~~138~~ ~~139~~ ~~140~~ ~~141~~ ~~142~~ ~~143~~ ~~144~~ ~~145~~ ~~146~~ ~~147~~ ~~148~~ ~~149~~ ~~150~~ ~~151~~ ~~152~~ ~~153~~ ~~154~~ ~~155~~ ~~156~~ ~~157~~ ~~158~~ ~~159~~ ~~160~~ ~~161~~ ~~162~~ ~~163~~ ~~164~~ ~~165~~ ~~166~~ ~~167~~ ~~168~~ ~~169~~ ~~170~~ ~~171~~ ~~172~~ ~~173~~ ~~174~~ ~~175~~ ~~176~~ ~~177~~ ~~178~~ ~~179~~ ~~180~~ ~~181~~ ~~182~~ ~~183~~ ~~184~~ ~~185~~ ~~186~~ ~~187~~ ~~188~~ ~~189~~ ~~190~~ ~~191~~ ~~192~~ ~~193~~ ~~194~~ ~~195~~ ~~196~~ ~~197~~ ~~198~~ ~~199~~ ~~200~~ ~~201~~ ~~202~~ ~~203~~ ~~204~~ ~~205~~ ~~206~~ ~~207~~ ~~208~~ ~~209~~ ~~210~~ ~~211~~ ~~212~~ ~~213~~ ~~214~~ ~~215~~ ~~216~~ ~~217~~ ~~218~~ ~~219~~ ~~220~~ ~~221~~ ~~222~~ ~~223~~ ~~224~~ ~~225~~ 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ZWELITSHA — A former detainee who was at one time held as a potential state witness in the trial in which four Mdantsane men are appearing on Terrorism Act charges in the Ciskei Supreme Court here, alleged he had been assaulted by South African security police in Cambridge, East London until he had an epileptic fit.

Mr Siseko Vanyaza, 25, of Zone Nine, Mdantsane, made the allegation when he gave evidence in a trial within a trial to determine the admissibility of alleged confessions made by three of the four men — Mr William Mabone Duna, 31, Mr Bizette Dumisani Maninjwa, 31, and Mr Luyanda Patrick Mayekiso, 23. The alleged confessions were made to magistrates in 1981.

The three men and Mr Jeffrey Bayi Keye, 52, are appearing before the Ciskei Chief Justice Mr Justice J. de Wet on charges of being members of the banned ANC, participating in terrorist activities, recruiting others for military training in Lesotho and being in possession of banned publications.

They have pleaded not guilty to all the charges.

Giving evidence in the trial within a trial yesterday, Mr Vanyaza said he was arrested at the Mdantsane Post Office on August 20, 1981.

While held at Cambridge he was slapped

on the face by Captain Charles van Wyk, instructed to undress down to his vest and trousers, had a wet bag pulled over his face, making it hard for him to breathe, and throttled

Later he was hit with fists and while his head was covered with the wet bag he felt shock on his nipples as if it were an electric shock.

He was handcuffed to a chair with his arms behind him so that he could not move and whenever he fell down he was hit on his shoulders with a stick.

Mr Vanyaza said the ill-treatment went on for two weeks and it stopped when he had an epileptic fit. After that he was attended to by a district surgeon, Dr Basil Wingreen to whom he reported the assault.

He said that when he reported the assault to a magistrate, the magistrate had told him he had not come to hear the type of complaints he had raised. He said the magistrate had told him all he wanted to know was in connection with their stay in detention and the type of food provided for them.

Under cross-examination Mr Vanyaza said Dr Wingreen had shown interest on marks and burns on his body and limbs.

Two other witnesses — also former potential state witnesses in the trial — Mr Monwabisi Nelson Mgiijima, 25, and Mr Oria Zweliyaduma

Ndingaye, 28, both of Mdantsane, told stories of assault, torture, and being suspended between two tables by a stick between handcuffed arms and legs.

Mr Mgiijima said he was ill-treated on the day he was arrested, but Mr Ndingaye said assaults and torture went on for two weeks.

A security policeman at Cambridge, Sergeant Stoffel Johannes Els, said he was in the team that interrogated the president of the South African Allied Workers' Union (Saawu), Mr Thozamile Gqweta, who earlier gave evidence that he had been assaulted and had been interrogated by Captain Van Wyk.

Sergeant Els also denied Mr Gqweta had been interrogated by Mr Robey Keth and a Mr Elsdon. The only men in the team had been him, W/O Els, W/O Fourie and Lieutenant Schooling.

Under cross-examination Sergeant Els said he had started his interrogation on June 27 by asking Mr Gqweta about a trip he had made to Swaziland where he had made contact with ANC people.

Mr Gqweta had denied going to Swaziland but admitted this when he was confronted with an air ticket bearing his name. This had been found among documents taken at his place when he was detained.

The hearing continues today. — DDR.

'Killers posed as police', says witness

Mercury
331
25/7/83

Mercury Reporter

A GROUP of men, posing as policemen, burst into a Chatsworth home and hacked a man to death, it was alleged in the Durban Regional Court yesterday.

Miss Devinaigie Govender, sister of the dead man, Mr Danaseelan (Bushy) Govender, was giving evidence at the trial of 14 Chatsworth men charged with public violence.

A charge of murder had been amended by the Attorney-General.

Before Mr H A Steyn were Mr Veerasamy Govender, Mr Ellapen Nairansamy, Mr Yagambaram Govender, Mr Krishna Venugopal, Mr Morgan Moodley, Mr Kesval Naidoo, Mr Gonasaglen Ramsamy, Mr Thomandrun Naidu, Mr Kannie Govender, Mr Shunmugam Nairansamy, Mr Bobby Moodley, Mr Angamathu Govender, Mr Peeralan Nairansamy and Mr Rajavaloo Gounden. All denied the charge.

Miss Govender told the Court that shortly after 9.30 p.m. on March 5 last year she heard knocking on the window and on the front door of her home.

When she inquired who was knocking, a number of voices said they were police and asked her to open the door.

She opened it only to discover it was not police, but a group of men armed with a 'slasher', sticks and knives.

'They said they were looking for my brother.'

The men burst into the upstairs bedroom of her brother, ignoring her pleas to leave him alone. She ran to a neighbour's house and telephoned the police.

But by the time they arrived her brother was dead.

She pointed out six of the accused who, she said, had been among the group.

The hearing continues today.

Doctor tells court of bullets

A 52-year-old security policeman who was gunned down at the gate of his Mamelodi home last year, had high-velocity bullet wounds over his body, the Pretoria Supreme Court was told yesterday.

Professor J D Loubser, a State pathologist, said he had examined the body of Warrant Officer Phillipus Selepe on November 9 last year and established he had been shot eight times.

He was giving evidence before Mr Justice H van Dyk, sitting with two assessors against Mr Malesela Benjamin Moloise (28) of 220C Sonny Boy's Plot, Stinkwater, who yesterday pleaded not guilty to murdering WO Selepe on November 7 last year.

Warrant Officer Petrus Martinus Swart told the court that after receiving a report of a shooting incident in Mamelodi he went to the scene. He found WO Selepe already dead. The hearing continues.

'Security' prevents evidence

A SECURITY policeman yesterday refused to answer a question asked by the defence for security reasons and told a Johannesburg Regional magistrate that a reply would reveal how the security people are trained and operate.

Constable Brian Boy Elliot Ngqulunga was under cross examination by Mr D Kuny in the trial of two Soweto men charged with taking part in activities of the banned ANC.

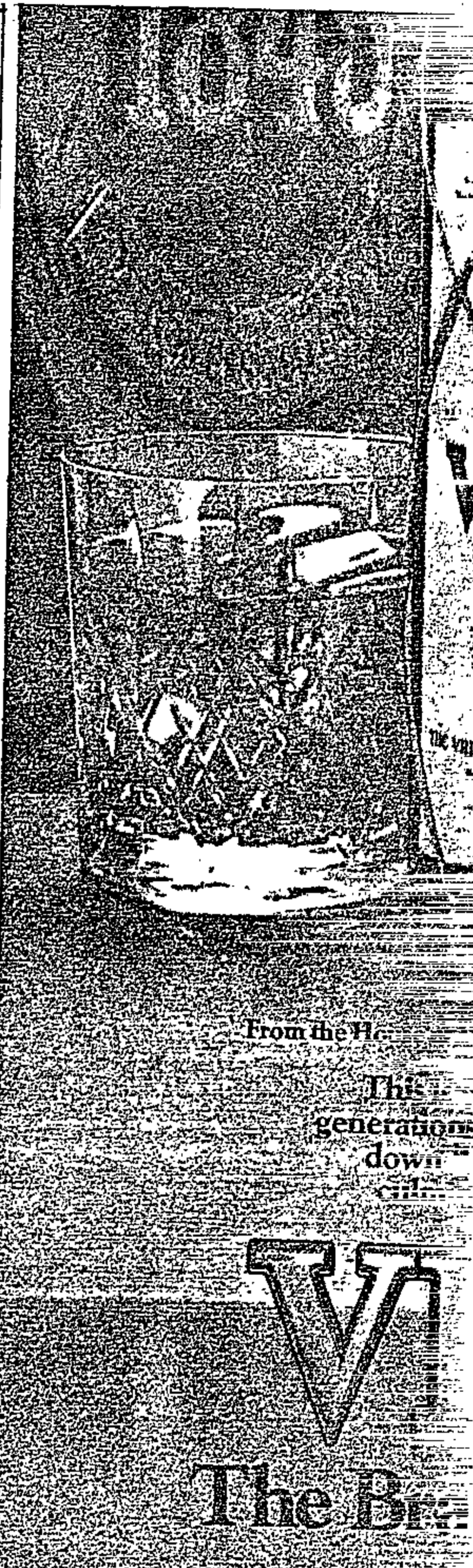
They are Mr Peter Thabo Moloji (29) and Mr Jacob Mashego, both of Diepkloof who have pleaded not guilty to playing ANC tapes at the Diepkloof Hotel on November 8 last year.

Const Ngqulunga said he recognised the music playing belonged to the ANC's political songs.

Questioned by the defence why the one song was an ANC song he said as a person trained by the South African Police he knew it was but was not prepared to go further for security reasons. 331

Hearing continues on July 4

Sowetan 25/5/83



d front

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RDM
25/5/83

I added to ANC' tape transcript SP officer

Mail Reporter

A SECURITY policeman admitted in the Johannesburg Magistrate's Court yesterday that he had added 19 lines into a transcript of an alleged African National Congress cassette when he translated the cassette.

Colonel A M Heysteck, a Security Policeman in Soweto made the admission under cross-examination in a court case in which he appeared as a State witness.

The case involves two Diepkloof men, Mr Peter Thabo Moloi, 29, and Mr Jacob Mashego, 24, who have pleaded not guilty to charges of taking part in the activities of a banned organisation — alternatively advocating or encouraging the objec-

tives of the organisation — and being in possession of ANC cassettes.

Col Heysteck, who claimed to be fluent in Zulu, Xhosa and Sotho, said his method of translation of the cassette was firstly to listen to the cassette and write down the translation, and then to have his written transcript typed out and to read it while listening to the cassette.

He said he could not explain the discrepancies in the transcript.

"I did this six months ago," he said.

Another State witness, Constable Brian Boy Elliot Gqulunga of the Soweto Security Police, said he entered the bar of a Diepkloof hotel on November 8 last year with two other policemen.

He said he heard the music from a tape recorder which was under the chair of Mr Mashego.

After listening for about 20 minutes he and his colleagues concluded the music was that of the ANC, a banned organisation.

They arrested Mr Mashego and three others who were sitting at the table, he said.

He recognised two songs on the cassette as ANC songs.

They were: "Here is a black man, Vorster" and "Let's fight for our country."

The magistrate, Mr I J J Luther, postponed the case to July 4 at the request of the State who said two State witnesses were not available at present.

Illegal ³³²

taxis in

Newly
majority

26/5/83
KLERKSDORP It seemed that there were an average of three illegal taxis to one legal taxi in South Africa's urban areas, Dr P J Welgemoed, chairman of the Commission of Inquiry into Transportation, said here yesterday.

Opening a new R3 200 000 Western Greyhound bus depot, Dr Welgemoed emphasised that this was his personal viewpoint. But he felt it was important in considering an efficient public transport industry in southern Africa. — (Sapa)

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Swapo man gets 11 years

CAPE TIMES 27/5/83

From TONY WEAVER

WINDHOEK. — A Swapo guerilla, Angula Mwaala, was yesterday sentenced in the Supreme Court here to an effective 11 years' imprisonment for murder, terrorism and robbery.

In a judgment legal sources believe could have far-reaching implications for future terror trials, Mr Justice Ken Bethune said he could not agree with Mr Hans Heyman, for the State, that the community demanded the death sentence.

"I am not convinced this is the attitude of the majority of the multi-racial population of our country," he said, "and even if it were, I could not allow myself to be guided by that."

Mwaala, 22, was convicted last week of being an accomplice to the murder on July 16 last year of a farm labourer who had killed one of

Mwaala's Swapo comrades with a rifle provided by the Defence Force.

The labourer, a member of the SWA Area Force, who may not be identified, received a reward of R2 000 from the authorities.

Mr Justice Bethune said yesterday that sentencing Mwaala to death would have a negative effect.

"Violence begets violence," he said.

If executed, Mwaala would be regarded as a martyr by those sympathetic to his cause, and this could lead to other acts of violence.

Mwaala was sentenced to 11 years on the terrorism charge, eight years for murder and two years for robbery, with the sentences running concurrently.

Mr Pio Teek, for Mwaala, immediately gave notice of intention to appeal against the murder and robbery convictions.

Warrant out on Motlana

Sowetan

27/5/83

A WARRANT of arrest for Mr Karabo Motlana, the 22-year-old son of Dr Nthato Motlana, chairman of Soweto's Committee of Ten, was issued in the Ermelo Regional court yesterday (331)

The warrant was issued after Mr Motlana failed to appear on charges of furthering the aims of banned organisations and possessing banned publications.

Mr Motlana, who was released conditionally on R500 bail at a previous hearing, failed to make his daily report to the Orlando Police Station on Wednesday.

The charges were withdrawn against co-accused Miss Ninki Malika, who was arrested with Mr Motlana at the Oshoek border post early in January. —Own Correspondent.

Prayer service cancelled

THE PRAYER service organised by the Dean of Johannesburg, Father M E Castel and the Ecumenical Prayer Group for the six ANC members who are presently in death row, will no longer be held tomorrow as was

originally planned. The service, which was to have started at 1.30pm at the St Mary's Cathedral in Hoek Street, Johannesburg, has been postponed to an unspecified later date.

A number of messages

of solidarity and petitions calling for the sentences of the six men to be commuted, have been coming into the country from various governments and political organisations all over the world.

Court hears of ANC songs

By NKOPANE MAKOBANE

A POLICE lieutenant told the court this week that after arresting two members of a musical group, Splash, they had admitted singing political songs at a festival but one had placed the blame on the other.

Lt J P Kleynhans was testifying at the trial of Mr Joseph Charles (24) and Mr Rufus Radebe (19) of Alexandra. They have both pleaded not guilty in the Johannesburg Regional Court to singing revolutionary songs advocating vio-

lence and thus creating support for the outlawed African National Congress.

The Lieutenant said Mr Charles had been surprised when arrested and told police were investigating allegations against his group of taking part in activities of the ANC. They allegedly chanted slogans that promoted the organisation's image at a festival in Roodepoort

attended by 3 000 people on February 12 this year.

He said it was not true that the two men had been threatened abusively or assaulted. Again, no influence had been made on them to make a statement before a magistrate. He also denied that the police had promised to release them if they made confessions.

Proceeding.

Confession all lies, Moloise tells court

Accused denies AK-47 killing

331
RDM
28/5/87

Pretoria Bureau
A STINKWATER man told the Pretoria Supreme Court yesterday that he falsely confessed to murdering a Mamelodi security policeman as he was afraid of the SP and the African National Congress.

Mr Malesela Benjamin Moloise, 28, pleaded not guilty before Mr Justice H P van Dyk and assessors to a charge of murdering Mr Philipus Selepe, 52, in Mamelodi on November 7 last year.

Mr Selepe, who was a Warrant-Officer in the SP, was shot eight times with an AK-47 rifle outside his home.

Mr Moloise, a qualified upholsterer, actor and poet, denied he was a member of the banned ANC or that he had left the country to undergo military training. He met Mr Selepe during the treason trial in Pretoria last year.

Mr Moloise, who denied shooting Mr Selepe, said he was on a visit to a friend in Cullinan when he heard that a Mamelodi policeman had been shot dead. He saw Mr Selepe's name in the newspapers the next day.

"I had nothing to do with the shooting. I have never handled or used an AK-47 rifle," he said.

He said the only firearm he had handled was a Makarov, which belonged to an ANC member who had stayed with him in Stinkwater.

He said he was arrested by the Bophuthatswana Police on February 14 and handed over to the SA Security Po-

lice two days later. On February 18, after questioning, he confessed to killing Mr Selepe.

"I said I had shot Selepe. I was afraid of the Security Police and on the other hand of the ANC people," he said.

"The confession is not true. I was not offered R500 by the ANC nor was I threatened that if I did not kill Selepe they would do something to me. The whole confession is something I made up."

Mr Moloise said the Security Police did not assault him, but they had threatened him on several occasions.

Earlier, Major Andries van der Merwe of the SP said he and Lieutenant Loots had taken Mr Moloise to a magistrate to make a statement. On the way from the SP offices to the magistrate's court building, passers-by greeted Mr Moloise as if he was a member of the Security Police.

"He found that comical and laughed, though he was handcuffed. Even in the offices of the magistrate he was laughing when he was offered the only chair in the office to sit on," Maj Van der Merwe said.

Maj F J P Nel, also of the SP, said when Mr Moloise was used as a State witness in the treason trial last year, he was convinced that Mr Moloise had never left the country for military training.

"But I started having suspicions after receiving certain uncorroborated evidence," Maj Nel said.

The hearing continues on Wednesday.



Zimbabwe Air Force officers charged in connection with the sabotage of Wing Commodore John Cox, left, Lieutenant Neville Weir, Air Commodore Harare High Court this week carrying their air force uniforms. The

Van Rooyen not guilty

Mall Correspondent

CAPE TOWN. — Mr Billy van Rooyen, 43, who was charged with killing a 16-year-old drug pedlar Debbie Dicks in Salt River on July 29 last year, was found not guilty of murder by the Cape Town Supreme Court yesterday.

Mr Justice de Kock said the State did not produce any eye-witnesses to the killing and had to rely on the evidence of Billy McCarthy, a convict who is serving a seven-year sentence in Pollsmoor Prison for culpable

homicide, and Miss Colleen Harper, a self-confessed drug addict.

The court found that McCarthy was a liar and an actor and to accept his evidence "would be a dangerous exercise".

In his evidence McCarthy told the court he had met Mr Van Rooyen in a Pollsmoor prison cell. He described how Mr Van Rooyen had boasted about his ability to mislead the court. Mr Van Rooyen was allegedly going to claim that he was too drunk to remember anything of the at-

tack on Debbie Harper. Turning to Miss Harper, Mr Justice de Kock said she had open cards with

her. She was a friend of the accused and a member of a "happy family" who used her evidence was not supported by other witnesses.

She had admitted that Van Rooyen had stabbed a young woman and she found it difficult to remember anything of the at-

The court

Mirages
really got
things
buzzing

Sex experts accused of twisting therapy results

WASHINGTON. — Ten years after publication of "Human Sexual Inadequacy", the pioneering work by sex researchers Masters and John

However, they acknowledged that the book was written in a seven-week period and some key elements, such as the criteria used to judge

They had never accepted a 50% failure rate for erections as evidence of successful therapy, they said.

Swazis
squatter

MBABANE. — A group of Swazi farmers living on undeveloped land belonging to an landlord have taken off the property and the High Court. Their shanty town is one of many in the area.

'Banned book' trial is delayed by bus query

Star 28/5/83
331

By Gavin Engelbrecht
West Rand Bureau

The trial of a woman charged with the possession of banned literature was resumed yesterday after it had been stopped by the defence when a security policeman refused to answer a question.

Mrs Lettie Nzima (48) of Kagiso pleaded not guilty at a previous hearing to possessing the book titled Biko, by Donald Woods, on March 4.

At that hearing, Warrant Officer H P Blignaut of the Krugersdorp security branch said he had searched Mrs Nzima's house and found the book in a cupboard.

When Advocate S L Joseph asked what else the police minibus had been used for after the raid, Mr Blignaut refused to answer, saying it was secret information.

Mr Joseph said he could not proceed unless the question was answered. He asked for, and received, the postponement.

Mr Blignaut said yesterday he had since established that he could divulge the information and said the bus was used to carry staff members.

Mr Blignaut also admitted he had searched the house of Mrs Nzima's sister. Asked why he now remembered this after twice denying it under oath at the previous hearing, Mr Blignaut said that a Captain Kruger of the security police had refreshed his memory.

When Mr Joseph asked why Captain Kruger had sat in on the trial at the last hearing when he had nothing to do with it, Mr Blignaut replied: "To evaluate my evidence."

The case was postponed to June 6. Mr W J le Roux prosecuted.

City Press
Rastas
29/5/83
refused
bail *(331)*

CP Reporter

JOHANNESBURG -
Rastafarians Joseph
Charles and Rufus
Radebe were refused
bail when their trial
under the Internal
Security Act was post-
poned to June 2 this
week.

The magistrate gave
no reasons for refusing
bail

Earlier, their defence
counsel submitted that
Mr Charles and Mr Ra-
debe be acquitted since
the State had failed to
prove that singing a song
about Nelson Mandela
makes it an ANC song.

31/983 (331) (2007) 12007

Recusal bid turned down in terror trial

Mail Correspondent

PIETERSBURG. — An application by the defence for the recusal of the magistrate in a terror trial in which three former University of the North (Turfloop) students are appearing was turned down by the Pietersburg Regional Court yesterday.

Mr G Farber, appearing for Mr Peter Mokaba, 24, Mr Jerome Maake, 20, and Miss Portia Nhlapo, 24, charged severally under the Terrorism and Internal Security Acts, said in his motion of recusal against the presiding magistrate, Mr W G M van Zyl, that affidavits before the court suggested that the functions of the magistrate had been confused with those of a public prosecutor.

The defence alleged that Mr Van Zyl talked to an attorney representing a witness in order that the witness, Benedicta Monama, 25, might be persuaded to change her mind and give evidence for the State.

Earlier during the trial, Monama, also a former Turfloop student, refused to give evidence and was sentenced to 18 months' imprisonment by Mr Van Zyl.

Mr Farber told the court that an irregularity had taken place and that that in itself constituted a ground for the recusal.

Turning down the application, Mr Van Zyl rejected the evidence in an affidavit of the attorney, a Mr Whitehead, that he was asked by Mr Van Zyl to persuade Monama to change her mind. "It is not my duty to call witnesses," Mr Van Zyl said.

He said he had told Mr Whitehead that he felt pity for Monama because 18 months was not a day. He had asked the attorney to explain to Monama the consequences of her action after realising that she was only 25, unmarried and under an illusion as regards her action.

The trial was postponed to July 11.

Trial of ³³¹ ^{E. Post} banned ^{2/6/83} ex-unionist postponed

Court Reporter

BAIL was extended today for a banned former trade unionist and ex-president of the Motor Assemblers and Component Workers Union of South Africa, after his case was postponed to obtain a more clearly demarcated map of black residential areas in Port Elizabeth.

Mr Dumile Dennis Makanda, 32, of Kwazakele, pleaded not guilty to contravening a restriction order by being at his brother's house in Zwide on October 8. He pleaded not guilty to possession of banned literature on October 8 and 12 last year.

Mr P Langa (for Mr Makanda) said he opposed the application for postponement until July 7 and 8.

"We stated at the outset of the trial that the basis of our plea of not guilty was that Kwazakele's boundaries were not clearly demarcated."

He said there had been enough time for the State to collect an accurate map and that another postponement meant further hardship for Mr Makanda because the case had been hanging over his head for many months.

The prosecutor, Mr J Nel, said they were "not busy with a chess game" and he thought the map they provided was sufficient.

A security policeman, Warrant Officer L C Hattingh, was cross-examined

by Mr Langa today and said repeatedly that Mr Makanda had acknowledged ownership of literature which security policeman Lieutenant W S Dennis had found at Mr Makanda's house in Kwazakele on October 12.

Mr Langa insisted that the conversation had never taken place and that Mr Makanda had not known which publication Lt Dennis had taken.

Mr Langa told the court yesterday that Lt Dennis had also removed photographs from Mr Makanda's cupboard of church notices bordered by what the lieutenant "had thought were ANC colours".

Mr Langa said the arrangement of colours bordering the notices were not in the order followed by the ANC.

Mr Langa said yesterday that Lt Dennis had also kept several of Mr Makanda's publications which were not banned without issuing a receipt for them.

Lt Dennis said he had wanted to submit them to the Publications Control Board, but had not done so although eight months had elapsed.

Lt Dennis did not reply when asked why a private person's books should be submitted to the Publications Control Board.

Mr J B Robinson was on the Bench.

Investigation into apprentice training

CAPE TOWN — A comprehensive investigation into the training of apprentices and artisans in South Africa was announced today by the Minister of Manpower, Mr Fanie

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Terror trial accused collapses in court

D. DISPATCH
2/6/83
331

ZWELITSHA — A man appearing with three others on charges including terrorism in the Ciskei Supreme Court here collapsed during the trial yesterday.

Mr Jeffrey Bayi Keye, 52, of Zone Eight, Mdantsane, was rushed to a doctor after he had collapsed soon after 11.30 am.

He was treated and returned to court but was taken to Mount Coke Hospital on the doctor's instructions.

When the court reconvened, Mr Chief Justice De Wet, who is presiding, said the court had had to adjourn when Mr Keye collapsed.

He added he had been seen by a doctor and both the state and defence counsels had seen him in chambers and agreed that since Mr Keye was not involved in the trial-within-a-trial to establish the admissibility of alleged confessions by others in the trial, he would not be prejudiced.

Appearing with Mr Keye are Mr William Mabone Duna, 31, Mr Dumisani Bizette Maninjwa, 31, and Mr Luyanda Patrick Mayekiso, 23, all of Mdantsane.

All four have pleaded not guilty to being members of the banned ANC, participating in terrorist activities, recruiting others for military training in Lesotho and being in possession of banned publications.

Giving evidence in the trial-within-a-trial yesterday, Warrant Officer J. Muller of the Security Police at Cambridge, East London, said he was attending a course in Pretoria when Mr Duna was arrested on

June 21, 1981 and only returned to duty on June 29.

He had joined the investigating team on his return but had not taken any part in the interrogation of Mr Duna.

He said Mr Duna was never assaulted, tortured or threatened in any way in his presence.

On September 11, 1981, he had seen Mr Duna and although he could not remember his exact words he had heard Captain Charles van Wyk, the investigating officer, say Mr Duna wanted to be taken to a magistrate to make a statement.

On September 14 he had accompanied Captain Van Wyk and Mr Duna to the magistrate's offices, East London, where Captain Van Wyk instructed one of their staff to remain with Mr Duna while waiting for the magistrate.

He had seen Mr Maninjwa for the first time on August 6 when he returned from an explosion that had occurred at Oxford Square, East London.

The following day they had gone to Butterworth with Mr Maninjwa to look for the residence of Mr Skhumbuzo Majeke. They did not find Mr Majeke but had been promised by a Captain Ngidi, of the Transkei Police, that he would go to arrest the man.

He had learnt later that Captain Ngidi and another policeman had been shot and killed when they went to the house.

W/O Muller said he saw Mr Mayekiso on August 17 in the security police offices at Cambridge. Mr Mayekiso had been there with Ciskei

Central Intelligence Services officers. He denied taking him from Mdantsane to Cambridge where W/O Mayekiso was assaulted.

Under cross-examination, W/O Muller denied the men had been ill-treated in any way. He said he had had no reason to be cross with Mr Maninjwa because he was making his statement freely.

"All I would do was to check with him on certain aspects which were not clear in what he wrote and then I would leave him to write on," he said.

He said it was normal procedure that detainees were handcuffed to a chair when writing out statements in the offices of the security police. This had been the case when they left Mr Duna in an office adjacent to that of the magistrate to whom he was to make a confession.

When asked whether his failure to remember many of the incidents alleged by the men during their detention was contrived, W/O Muller said this was not the case.

He said no member of the police had told the men in his presence that security police had the right to take a person's life as they had done with Steve Biko and that no one would question them because they were the government of the country.

He said that when they left for Butterworth with Mr Maninjwa at 4 am on August 7, 1981, Mr Maninjwa had his first sleep for the night on the way to Butterworth.

The hearing continues today. — DDR.

Music 'aided ANC' — band members jailed

Argus 3/6/83 (14) (331)
Argus Correspondent

JOHANNESBURG. — Two Rastafarian musicians have each been jailed for an effective four years for indirectly promoting the ideals of the African National Congress through their music.

The magistrate, Mr W Aucamp, rejected bail applications pending appeals against the sentence.

Former Mozambican Jose Charles, 24, and Rufus Radebe, of Alexandra Township, were each jailed yesterday for six years, of which two years were suspended for five years.

The two reggae musicians, of the band Splash, were found guilty under the Internal Security Act.



Jose Charles

REJECTED

Mr Aucamp rejected a submission by their counsel, Mr G Dyson, that they were non-violent because a basic principle of the Rastafarian cult was a belief in non-violence.

Mr Aucamp said they advocated a violent revolution led by the ANC through their stage act before 3 000 people — mainly students from the University of Pretoria, the Rand Afrikaans University and the University of the Witwatersrand. They chanted "Jah (God) Mandela, Jah Tambo, Jah Biko".

They also asked the crowd: "Who killed Neil Aggett?", to which the reply was, "It was the police".

He also regarded a song, Freedom To Man-

(Turn to Page 3, col 3)

Musicians jailed for 'promoting ANC'

(Contd from Page 1)

dela, which they entered at the concert, held at Kloofendal Amphitheatre, Roodeport, as an ANC song.

The musicians denied through Mr Dyson that they were pro-ANC. Mr Dyson said many organisations and individuals, world-wide, were advocating Nelson Mandela's release from prison. Singing the song did not necessarily mean they were promoting the ANC.

He said Rastafarians express their beliefs through reggae music and reading the Bible.

Mr A R van Wyk, for the State, said in opposing their first bail application that they were men of straw who had no fixed jobs or means to pay bail.

Charles was an alien of no fixed abode, illegally in South Africa. He had nothing to lose and was liable to leave the country and estreat bail.

Charles told the court he had no intention of leaving South Africa. He could not return to Mozambique because his family was killed during the 1974 Frelimo revolution.

He said his father was a white Portuguese and his mother was a black Mozambican. His father left for Portugal during the Frelimo revolution, and since the age of 18 he had lived as a musician in South Africa. He loved this country.

Both accused said they were prepared to go to jail if convicted, although they both felt they were innocent.

Refusing bail yesterday, Mr Aucamp said it would not serve the interests of justice to release them.

Reggae singers get 4 years' jail

Mall Reporter

TWO Rastafarians were each sentenced to an effective four years' jail yesterday after being convicted by the Johannesburg Regional Court of furthering the aims of the African National Congress.

Joseph Charles, 24, and Rufus Radebe, 18, were found guilty of singing ANC songs and chanting ANC slogans at a music festival in Roodepoort on February 12. They had pleaded not guilty.

In passing judgment, the magistrate, Mr W Aucamp, said Radebe and Charles were untruthful and "getting answers from them was like extracting wisdom teeth".

It was clear they had lied to the police and in court and had made untruthful statements to an assistant magistrate.

The version given by them of the events on that day was unacceptable, he said.

Referring to the State witnesses, Constable H Nel and Lieutenant J P O Kleynhans, Mr Aucamp said they were very impressive.

According to Const Nel, Radebe and Charles, who are members of the reggae band "Splash", had performed songs entitled "A Tribute to Martyrs" and "Freedom to Mandela" and had chanted "Jah Nelson Mandela", "Jah

Oliver Tambo" and "Amandla".

Lieut Kleynhans told the court Charles and Radebe had not been assaulted, as Radebe alleged. They had made statements to an assistant magistrate voluntarily and their release had not been promised, he said.

Mr Aucamp found Radebe and Charles guilty under Section 13 of the Internal Security Act.

Before sentence was passed, Mr G Dyson, for the defence, said that as members of the Rastafarian cult Radebe and Charles did not advocate violence.

"They don't seem to be people who would actively stir up support for a banned organisation. Anyone who did what they did is clearly not a calculated, cunning opponent to law and order," he said.

Mr Dyson pointed out that they had been found guilty of acting in the direct or indirect interests of the ANC and not for taking part in ANC activities.

They were sentenced to six years' jail, two of which were conditionally suspended for five years.

Mr Dyson has lodged an appeal against the conviction and sentence.

Application for bail was refused.

Rasta singers get six years

By NKOPANE MAKOBANE

TWO rastafarian musicians of the group Splash were convicted in the Johannesburg Regional Court yesterday and sentenced to six years each, with two years suspended for five years, for taking part in activities of the outlawed African National Congress (ANC).

Mr Joseph Charles (24) address unknown, and Mr Rufus Radebe (18) of Alexandra, who will each serve an effective four year jail term, were found guilty under the Internal Security Act. They had pleaded not guilty before Mr W Aucamp.

The court found that on February 12 this year at the university festival in Roodepoort they sang revolutionary songs advocating violence thereby creating support for the ANC. About 3 000 people were present at the concert.

Evidence in court was that during the concert they had chanted ANC slogans and sang four songs, one entitled Freedom to Mandela. They had also yelled to the

crowd: "Who killed Neil Aggett?" and the audience had responded, "The police".

The two men told the court that their cult was non-violent and did not take part in organised politics. Their movement was open to all races and expressed itself in reggae music. They denied that they had said revolution should come to South Africa to free their brothers.

Mr Charles said they sang about Mandela because he had been in jail for a long time. Mr Radebe said when they sang about Mandela he was not aware it was illegal and he did not regard the song as political.

Mr Radebe further told the court that he actually yelled "Who killed Nugget?" and was referring to a brand of shoe polish and not Doctor Aggett, the late trade unionist who died in detention. The reason for doing so he said, was

that he no longer saw the polish in shops or in advertisements, instead Kiwi polish, another brand, was the one easily available in shops today.

In his remarks before passing sentence, the magistrate said State evidence was satisfactory, credible and acceptable. The witnesses called had also made an exceptionally good impression before the court.

The court, he said, could not accept the defence's argument that one of the police witnesses had deliberately fabricated the evidence to suit the State's case.

He said the accused had been evasive when answering questions and had contradicted themselves. He said they were pathetic witnesses who told a pack of lies to distance themselves from the charge at all costs.

**Residents
to meet**

Judge rules out questioning

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Mr Moerane asked Mr De Wet whether he could ask W.O. Elsdon about his attitude to terrorism. The judge replied: "Only on that and nothing else outside what is involved in this trial."

When Mr Moerane questioned him on his border activities Mr De Wet asked if the cross-examination was relevant to the trial.

"I am not going to allow this interminable questioning which is no relevant the judge said.

"What has his border duties got to do with this case. I am not going to allow this."

Mr Moerane said W.O. Elsdon's border duties and dealing with terrorists were part of the basis for his attitude towards people charged with "so-called terrorism."

Judge: "My ruling is that his experience outside East London is irrelevant. I am not going to have you ask any further questions outside this"

detention in 1981.

The defence alleges that the confessions were obtained as a result of torture and assault on the men while the state holds that the statements resulting in the confessions were made freely and voluntarily.

Mr Keye, who collapsed in court and had to be admitted to hospital at Mount Coke on Wednesday, was not in court yesterday but is not involved in the trial within-a-trial.

Giving evidence yesterday, Warrant Officer D. R. Naudé of the Security Police in East London said he assisted only during the early stages of investigation in the case. He said Mr Duna and Mr Maninjwa had not been assaulted in his presence and he denied plucking Mr Duna's beard.

Warrant Officer Elsdon said he was in charge of the interrogating team in the case. Under cross-

position as defence counsel in the trial and to contact the chairman of his bar council in Natal to discuss his predicament.

The trial was then adjourned to 2 pm but before the court reconvened both the State and the defence counsel were informed by the court clerk that the matter had been postponed to 9 am today on the judge's instructions.

Four Mdantsane men — Mr William Mabone Duna, 31, Mr Dumisani Bizette Maninjwa, Mr Jeffrey Bayi Keye, 52, and Mr Luyanda Patrick Mayekiso, 23, have pleaded not guilty to being members of the banned ANC, participating in terrorist activities, recruiting others for military training in Lesotho and being in possession of banned publications.

The trial-within-a-trial involves the admissibility of confessions allegedly made by Mr Duna, Mr Maninjwa and Mr Mayekiso to magistrates while they were in

Uncertainty regarding Jackie's cage

EAST LONDON — The original plans for Jackie the Bear's cage have been scrapped but new plans have not yet been drawn up, the architect responsible for drawing up the plans said yesterday.

"We are not sure what the cage is going to look like yet. We are still negotiating with the contractor to see what the cage is finally going to cost.

"We are working on an oval shape enclosure, but that could change. The plans should be ready in about two weeks," he said.

The prices involved in building the cage would be submitted to the architect early next week, the contractor involved said.

"There have been substantial savings by way of materials donated.

"We have to establish what is being donated and then subtract the total from the prices," he said. Meanwhile Mr Donald

Card, chairman of the Jackie the Bear fund, and Mr Bill van den Doel, the zoo curator, emphasised the urgency of building the cage.

"We have to get going as soon as possible. I have received hundreds of letters from all over the country inquiring about the cage and I feel very embarrassed about not having got any further with the plans," Mr Card said.

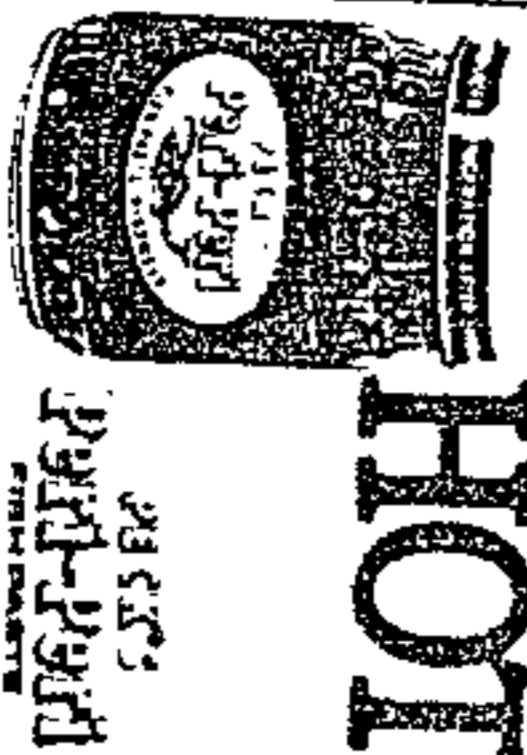
"The site has been cleared and is ready for building, it is now in the hands of the professionals," Mr Card said.

Commenting on the building of the enclosure, Mr Van den Doel said he had "no idea what was going on."

"I am tired of talking about the urgency of the cage," he said. — DDR

If your mother thinks your music is warped

SOME LIKE IT HOT



Parli-Pari

~~331~~
D. DISPATCH
4/6/83
~~331~~

Men not tortured — State

ZWELITSHA — A security policeman denied in the Ciskei Supreme Court here yesterday that the conditions under which people held under security legislation were detained gave a chance to all sorts of malpractices.

Warrant Officer A. D. Elsdon, of the East London security police was answering a question from Mr M. T. Moerane, the defending advocate in a trial in which four Mdantsane men are appearing on charges of being members of the banned ANC, participating in terrorist activities, recruiting others for military training in Lesotho and being in possession of banned publications.

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.

W/O Elsdon was being cross-examined in a trial-within-a trial to establish the admissibility of alleged confessions made by Mr Duna, Mr Maninjwa and Mr Mayekiso when they were detained in Cambridge, East London and Mdantsane in 1981.

The defence alleges that the statements were made as a result of assaults and torture by the security police while the state holds the statements were made freely and voluntarily.

Under cross-examination W/O Elsdon said the content of questions asked of security detainees was different from that of ordinary suspects but the approach was the same.

Asked whether the conditions under which they were held were different he said they were the same.

Mr Moerane then asked: "Is it not common knowledge that a security suspect is held incommunicado, with no access to a lawyer, family, doctor or religious minister of his choice while an ordinary suspect has all those rights?"

W/O Elsdon: That is correct.

Mr Moerane: More important, the security suspect is held under conditions in which he has no access to a court of law. No judicial officer can order his release.

At this stage the Attorney General of Ciskei, Mr W. F. Jurgens, who is prosecuting, protested that this was outside the issue of the trial-within-a-trial the court was handling.

Mr Chief Justice De Wet ruled that Mr Moerane was working around the issue and this cross-examination was relevant.



REAL Big Apples . . . New York fruit vendor Lucas.



lara, chief operator of Boland Passenger in Paarl.

225 days, 10 000 pages later, it's Judgment day in Mpetha hearing

w/6 ARGUS
4/6/83
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By BRUCE HOPWOOD, Weekend Argus Reporter

A CAPE Town judge begins his judgment on Monday in the marathon Mpetha trial which started more than two years ago and whose printed record is more easily measured in kilograms than pages.

The 18 accused have celebrated two or three birthdays in jail and a legal clerk involved in the proceedings is expecting her second child since the trial began.

More than two years of evidence, cross-examination and argument will climax next week for trade unionist Mr Oscar Mpetha and 17 others on trial for incidents during civil disturbances in 1980.

When Mr Justice Williamson begins judgment on Monday, it will be the 225th day of the trial. It is believed to be the longest hearing since the four-year trial which saw Nelson Mandela and several others acquitted of charges of treason in 1961.

Mr Mpetha, aged 73, and 18 other men — the charges against one were withdrawn — first appeared in the Wynberg Magistrate's Court in December 1980 when they pleaded not guilty to a charge of terrorism and two charges of murder.

All the men face the same charges but it is the veteran community leader who has attracted the most attention and given the hearing its title — the Mpetha Trial.

Banned

In the 1950s Mr Mpetha was president of the African National Congress in the Cape as well as general secretary of the African Food and Canning Workers' Union (AFCWU).

He was banned for three years in 1954 and for another five years in 1959.

The men were arrested soon after two motorists, Mr George Beeton and Mr Frederick Jansen, died after their vehicles had been stoned near Crossroads on August 11, 1980.

The court has heard how Mr Beeton, 59 a contract supervisor from Kenil-



Mr Oscar Mpetha

take several of his employees home just before the incident was overturned and had been set alight.

Mr Jansen died in Tygerberg Hospital the next day.

Evidence

The court record is more than 10 000 pages long and about half of these pages deal with a nine-month trial-within-a-trial regarding the admissibility of statements made by 15 of the accused.

Mr Mpetha, who turned 71 a week before his arrest on August 13, 1980, went on to celebrate his 72nd and 73rd birthdays in Pollsmoor prison. Today is his 1 025th day in prison as bail was refused to all the accused.

Hospital

Mr Mpetha, a diabetic, has been admitted to hospital twice, once to have an operation on his toe and the second time for a prostate gland operation.

Security arrangements at the Supreme Court were stepped up as large

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vendor Lucas.

Mpetha hearing

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He was banned for three years in 1954 and for another five years in 1959.

The men were arrested soon after two motorists, Mr George Beeton and Mr Frederick Jansen, died after their vehicles had been stoned near Crossroads on August 11, 1980.

The court has heard how Mr Beeton, 59, a contract supervisor from Kenilworth, was hit by a brick thrown at him while driving on Old Klipfontein Road at about 3.30 pm that day.

Car alight

A 17-year-old State witness said he saw a crowd of people drag Mr Beeton out of his car and beat him up while others set his car alight.

Constable J F Roussouw said he arrived at Klipfontein Road at 4 pm that day and found Mr Jansen lying on his back in a pool of water.

His head and face were bleeding and his whole body was badly burnt. Most of his clothes had been burnt and pieces of clothing stuck to his burnt body.

The bakkie which Mr Jansen, a Pine-lands building contractor, had used to



Mr Oscar Mpetha

take several of his employees home just before the incident was overturned and had been set alight.

Mr Jansen died in Tygerberg Hospital the next day.

Evidence

The court record is more than 10 000 pages long and about half of these pages deal with a nine-month trial-within-a-trial regarding the admissibility of statements made by 15 of the accused.

Mr Mpetha, who turned 71 a week before his arrest on August 13, 1980, went on to celebrate his 72nd and 73rd birthdays in Pollsmoor prison. Today is his 1 025th day in prison as bail was refused to all the accused.

Hospital

Mr Mpetha, a diabetic, has been admitted to hospital twice, once to have an operation on his toe and the second time for a prostate gland operation.

Security arrangements at the Supreme Court were stepped up as large crowds gathered when the case first opened and at one stage police dogs were used to disperse the crowd in Keerom Street.

Uncomfortable

After one recess Mr Justice Williamson announced that he had inspected the court and found that the benches in the accuseds' dock were far too uncomfortable for the long sessions and cushions were later provided.

Counsel for the defence say the costs involved are well into six figures.

The court record alone has so far cost more than R2 500 a copy and that is with a large discount negotiated at the start of the hearing. To make a photostat of the record costs more than R500.

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Oscar Mpetha ^{12/6/83} found guilty of terrorism ³³

~~2~~ Own Correspondent

CAPE TOWN — Oscar Mpetha (73) was today found guilty in the Cape Town Supreme Court of participating in terrorist activities during uprisings at black townships in August 1980.

The veteran trade unionist was found not guilty on two further charges of murder.

The finding drew no reaction from Mpetha in the dock or the crowded gallery.

Mr Justice Williamson said Mpetha's story of why he went to Reverend Wena the evening before the riots was improbable and unconvincing. He hid the real reason for his visit.

Mpetha had also lied about what led to the use of the church where a meeting was held on August 11.

In his evidence Mpetha had given an explanation for his movements that day which did not coincide with the violent events.

The judge said the whole thrust of his evidence was to distance himself from the happenings of that day.

(Proceeding)



Mpetha

Oscar Mpetha Guilty of Terrorism

ARBUS

6/6/83

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By CAROL GEY VAN PITTIUS
Supreme Court Reporter

OSCAR MPETHA, 73, was found guilty by a Supreme Court judge today of taking part in terrorist activities during uprisings at black townships.

The veteran trade unionist was found not guilty on two further charges of murder.

There was no reaction from Mpetha in the dock, or the crowded gallery after the court's findings.

Crowds of people packed court number one in the Supreme Court, Cape Town, today to listen to the judgment in the marathon trial which started more than two years ago.

Background

Several uniformed policemen, some with dogs, patrolled the surrounds. Two riot squad vehicles were stationed outside the main entrance of the building.

A well-behaved crowd of about 300 people listened intently as Mr Justice Williamson sketched the background to the trial — now in its 225th day.

He said Mpetha's story of why he went to Reverend Wena the evening before the riots was improbable and unconvincing. He hid the real reason for his visit.

Violent events

Mpetha had also lied about what led up to the use of the church — where a meeting was held on August 11.

In his evidence Mpetha had given an explanation for his movements that day which did not coincide with the violent events. The judge said the whole thrust of his evidence was to distance himself from the happenings of that day.

His evidence was unsatisfactory and unacceptable.

"A liar"

The court found it was improbable that a man of his standing in the community would have had no knowledge of the happenings of that day. "Sad as it is to disbelieve an old man in his position, we feel he is a liar and is not to be believed."

Mr Jan Theron, chairman of the Food and Canning Workers Union, had testified that Mpetha was a man of peace and to associate himself with this violence was contrary to what others believed he stood for.

However, the judge said "humanity unfortunately has many experiences of Jekyll and Hyde characters".

Black power

The court found that Mpetha stopped his vehicle next to the marching youths, gave the black power salute and asked them to sing his song, which they did.

Taken alone, the judge said these actions may not seem significant but they are seen against a background proved and seen as far more sinister.

The judge said Mpetha knew violence could
(Cont on Page 8, col 8)

Mpetha found guilty

(Contd from Page 1)

erupt that day and he intended to add fuel to the fire. The police had also informed him that cars were being stoned.

"It is clear that he lent his approval to what happened and that he encouraged it," the judge said.

On August 11, 1980, violence erupted in certain black areas in which two white motorists were killed near Crossroads. The following day more violence, not on the same scale, took place in which many cars were stoned and burnt and many people injured.

Major events

The judge said the major events were the gatherings and the march to Klipfontein Road and the events that took place there on August 11.

The case revolved around this and much of the evidence was not in dispute. The judge added, however, that in dispute was the character of the meetings and the involvement of each of the accused, many of whom had made statements which would have to be taken into account.

Eight of the accused did not give evidence and this would also have to be weighed up.

Soweto riots

To say the meetings, commemorating the June 1976 riots in Soweto, were purely of a religious nature would be a gross exaggeration, even on the defence's admission. Divine worship was not the purpose, the judge said.

He added the services were of a commemorative and quasi-political nature.

After the service at the Roman Catholic Church, three of the accused had gone to Klipfontein Road and attacked Mr Frederick Jansen and Mr George Beeton. The defence disputed this.

Similarly when another meeting was terminated at the Assembly of God Church, the crowds had marched towards the Administration Board offices.

Mr Justice Williamson said there was a dispute on whether veteran community leader Oscar Mpetha had given the crowds the black power salute and told them to sing his song — "There are guns in Angola, fetch them."

The judge said the marches consisted mainly of young people in their teens. When they reached Klipfontein Road they built a barricade. This, the judge added, was unchallenged evidence that the court accepted.

Vehicle stoned

Shortly before the attack on Mr Beeton, two vehicles had approached the barricade driven by a black and a coloured who were allowed to proceed.

It was not long after this, at about 3.15 pm, that Mr Beeton approached the barricade. He stopped about 75 m before the barricade and his vehicle was stoned, overturned and set alight.

He was dragged out of the car and left for dead in the road. The judge said it was clear from the evidence that he was stoned to death.

Injuries

After the attack on Mr Beeton the crowd moved along Klipfontein Road in the direction of Somerset West. There the attack took place on Mr Jansen who was driving along Klipfontein Road in his bakkie.

The bakkie was stoned, overturned and set on fire and Mr Jansen was dragged out of the bakkie and terrible injuries were inflicted on him, the Judge said.

The attack on Mr Jansen, who was found horribly burnt, lying on his back in a pool of water, was stopped when the riot squad arrived. In addition to burns Mr Jansen had numerous fractures of the skull and lower jaw.

Mr Justice Williamson said one of the major problems was to evaluate the evidence in this case.

The testimonies were not only to a single event

but a whole series of complex events where a large number of people had participated to a lesser or greater extent. This had caused confusion, forgetfulness and mistakes in their testimonies.

Many of the witnesses had been detained for long periods which had caused them a great deal of distress and the court would apply the cautionary rule in many of these cases.

Accomplices

Many of the State witnesses were accomplices who had played a leading role in the unlawful activities.

Mr Justice Williamson said great care was required in assessing the evidence of these accomplices who were in a good position to tell a story that sounded convincing and fitted in well with the other evidence.

Yet such witnesses could also incriminate or exaggerate his role in these criminal activities.

Dealing with the first of the State witnesses, the judge said that the main witness who involved all the accused had given a detailed description of the events, but his credibility had been destroyed during cross examination.

The judge said after careful reflection it was difficult to disentangle what was true or false and the witness's evidence had to be discarded.

The second witness had on the whole been reliable despite certain failings.

Young girls

But the most impressive of the witnesses were two young girls who cannot be identified because of their age.

The first girl was a remarkable witness who gave evidence 10 months after the events.

She had been in the witness box for eight days and undergone rigorous cross examination by the four counsel for the defence. Her candour and spontaneity was quite exceptional.

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Murder trial ruling today

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Pretoria Bureau

JUDGMENT in the trial of the Stinkwater karate instructor who allegedly shot dead a security policeman with an AK-47 rifle will be given in the Pretoria Supreme Court today.

Mr Malesela Benjamin Moloise, 28, has pleaded guilty before Mr Justice H P van Dyk to a charge of murdering Warrant-Officer Philipus Selepe, 52, in Mamelodi, Pretoria, on November 7 last year.

W/O Selepe was shot eight times inside his home.

Mr P B Jacobs, Deputy Attorney-General, asked the court to convict Mr Moloise. Mr Moloise in his confessions to the magistrate and the police revealed "intimate" knowledge only the killer could have known.

Mr Jacobs said that although Mr Moloise was not a member of the African National Congress he associated with members of the organisation and must have been a sympathiser of the ANC.

Mr R Selvan, SC, for Mr Moloise, said the confession by Mr Moloise to the magistrate was not corroborated by any other evidence. The confession had variations, contradictions and inconsistencies.

Mr Selvan argued that Mr Moloise, besides being a poor witness, was imaginative and unreliable and might have made the confession for dramatic effect.

When he made the confession to the magistrate on February 18, Mr Moloise said he killed Mr Selepe after he was promised he would be paid R500 by the ANC.

In court Mr Moloise said he made the confession after he had been threatened by the Security Police on the one hand and by the ANC on the other.

Police watch march

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Staff Reporter

A CROWD of about 50 people marched from the Supreme Court to the Cape Town railway station yesterday after judgment in the Oscar Mpetha trial had been adjourned for the day.

Uniformed police in at least five vans used their vehicles to block certain routes to the marchers so that traffic was not seriously disrupted.

The marchers sang "freedom songs" as they walked to the station along Adderley Street, Longmarket Street and through the bus terminal.

Police made no arrests but monitored the group from the time they left the Supreme Court until they reached the Longmarket Street intersection with Adderley Street.

The group was then stopped from walking in the direction of the Golden Acre and was diverted into side streets.

Earlier, at least 20 policemen — one armed with a sub-machine gun — had been in the vicinity of the court building. Two vans with dogs inside were parked nearby.

All members of the public entering the building were body-searched and policemen checked packages carried into the building.

The public gallery was packed throughout the day and some people were turned away.

Own Correspondent

CAPE TOWN — Crowds packed the Supreme Court in Cape Town today to listen to the judgment in the mara-thon Mpepha trial which started more than two years ago.

Several uniformed policemen, some with dogs, patrolled the area. Two riot squad vehicles were present.

A well behaved crowd of about 300 listened intently as Mr Justice Williamson sketched the background to the trial.

On August 11 1980 violence erupted in certain black areas and two white motorists were killed near Crossroads. The following day more violence took place and many cars were stoned and burnt and many people injured.

Mr Justice Williamson said the trial was of unusual length and had produced many legal problems.

The 130 witnesses in the trial had also created problems. Some had been brief and others had been lengthy in giving evi-

Climax for two-year Mpepha trial

dence.

The judge said major events were the gatherings and the march to Klipfontein Road and what took place there on August 11. The case revolved around this and much of the evidence was not in dispute.

The judge added, however, that in dispute were the character of the meetings and the involvement of each of the accused, many of whom had made statements which would have to be taken into account.

Eight of the accused did not give evidence and this would also have to be taken into account.

To say that the meetings commemorating the June 1978 riots in Soweto were purely religious would be a gross exaggeration, even on the defence's admission. The services were of a commemorative and quasi-political nature.

After the service at the Roman Catholic church was terminated, three of the accused had gone to Klipfontein Road and attacked Mr Frederick Jansen and Mr George Beeton. The defence disputed this.

Similarly, when another meeting was terminated at the Assembly of God church, the crowds had marched towards the Administration Board offices.

Mr Justice Williamson said there was a dispute as to whether the veteran community leader, Mr Oscar Mpepha, had given the crowds the black power salute and told them to sing the song "There are guns in Angola, fetch them."

The marchers were mainly in their teens. When they reached Klipfontein Road they built a barricade. This, the judge added, was unchallenged evidence.

Five cleared of terror deaths

Own Correspondent

CAPE TOWN — Five accused in the Oscar Mpepha trial were yesterday acquitted in the Supreme Court in Cape Town on two murder counts and on a charge of participating in terrorist activities. They are Mr Vusumuzi Mbehta, Mr Fumanekile Booi, Mr Vuyisile Wilson Mzaza, Mr Makawa Jabavu and Mr Joseph Pike.

The court found there was insufficient evidence. The men, who have been in custody for more than two years, were to be released from Pollsmoor Prison after the afternoon adjournment yesterday.

Their acquittals were greeted with overwhelming joy from the packed public gallery. Today Mr Justice Williamson will continue his judgment regarding the last six accused.

Shortly before the attack on Mr Beeton two vehicles driven by a black and a coloured person approached the barricade and were allowed to proceed.

It was not long after this that Mr Beeton approached the barricade. He stopped about 75 m from the barricade and

Morgan Makubala, Peter Kube and Johannes Hlalo were found guilty on all three charges. Mr Justice Williamson found the three men had participated in both attacks on Mr George Beeton and Mr Frederick Jansen, made petrol bombs and had assisted in the building of a barricade in Klipfontein Road.

Christopher Sparanyini and Alton Sabuwa were found guilty of participating in terrorist activities and of the murder of Mr George Beeton. They were acquitted of the murder of Mr Frederick Jansen through lack of evidence.

Aaron Tshangama was found guilty on the two murder charges, but acquitted on a charge of participating in terrorist activities.

West.

There an attack took place on Mr Jansen who was driving along Klipfontein Road in his bakkie. The bakkie was stoned, overturned and set on fire and Mr Jansen was dragged out of the car and lying on his back in a pool of water. The judge said it was clear from the evidence that he was stoned to death.

After the attack on Mr Beeton the crowd moved along Klipfontein Road in the direction of Somerset.

problems was to evaluate the evidence in this case, as the testimonies were not only to a single event but a whole series of complex events where a large number of people had participated to a lesser or greater extent.

This had caused confusion, forgetfulness and mistakes in their testimony.

Many of the witnesses had been detained for long periods which had caused them a great deal of distress and the court would apply the cautionary rule in many of these cases.

Many of the State witnesses were accomplices who had played a leading role in the unlawful activities.

Great care was required in assessing the evidence of these accomplices, who were in a good position to tell a story that sounded convincing and fitted in well

with the other evidence.

Yet such a witness could also incriminate or exaggerate his role in these criminal activities.

Dealing with the first of the State witnesses, the judge said he involved all the accused and had given a detailed description of the events, but his credibility had been destroyed during cross-examination.

After careful reflection it was difficult to disentangle the true from the false, and the witness's evidence had to be discarded.

The second witness had on the whole been reliable despite certain failings.

But the most impressive of the witnesses, said the judge, were two young girls who cannot be identified because of their age.

The first girl was a remarkable witness who gave evidence 10 months



Mr Oscar Mpepha charged with inciting crowds.

after the events. She has been in the witness box for eight days and undergone rigorous cross-examination by the four counsel for the defence.

Her candour and spontaneity were quite exceptional.

Although she had made mistakes the court was completely satisfied that she had told the whole truth.

The other girl had also been a good witness. The hearing continues.

Mpetha found guilty of terrorism

CAPE TIMES

7/6/83

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By JO-ANNE RICHARDS

TRADE UNIONIST Oscar Mpetha, 73, was found guilty in the Supreme Court yesterday of terrorism, but acquitted on two charges of murder, following events in Crossroads during August, 1980.

Mr Justice Williamson, who will continue giving judgment today, acquitted five of the other 17 accused on all charges. These men have spent nearly three years in jail awaiting trial and attending the hearing, which has lasted more than two years.

Three men were found guilty on two charges of murder and of terrorism.

Two men were found guilty on one count of murder and of terrorism. Another man was found guilty on two counts of murder, but not guilty of terrorism.

Neither the quiet crowd of about 300

people who packed the courtroom nor the accused showed any reaction during the judgment.

The terrorism charges, brought under the old Terrorism Act of 1967, followed certain actions committed "with intent to endanger law and order" between August 8 to 12, 1980. The murder charges follow the death of Mr George Beeton and Mr Frederick Jansen in Klipfontein Road on August 11.

Mr Justice Williamson said that although he suspected Mpetha of planning the violence, there was not sufficient evidence to find that he had been the brains behind the events.

'My song'

The court did find, however, that he had stopped his car near marching youths, given a black-power salute and told them to "sing my song". The crowd then sang: "There are guns in Angola, fetch them."

Mr Vusumzi Mbetha, Mr Fumanekile Booie, Mr Vuyisile Mzaza, Mr Makawa Jabavu and Mr Joseph Phike were acquitted.

Christopher Sparanyi, who was found guilty of terrorism and one charge of murder, had

Morgan Makubala, who was found guilty on all the charges, had been one of the planners, Mr Justice Williamson said. He had helped build the barricade and had suggested that Sparanyi stop cars.

He had thrown stones at both cars and had set Mr Beeton's car alight.

Aaron Tshangama, on his own admission, had taken part in both attacks. He had later boasted in a shebeen that he had helped "kill Europeans". He was found guilty of both murders, but not guilty of terrorism.

Peter Kube had helped build the barricade and had told people in the crowd to arm themselves with stones. He was one of the leaders. He had taken part in both murders and in committing terrorist activities.

Alton Sabuwa had helped build the barricade and had helped overturn Mr Beeton's car.

Johannes Hlapo had taken part in the attack on Mr Beeton and, on his own admission, had stoned Mr Jansen's car. He had addressed the crowd at the meeting and had helped build the barricade, the judge said. He was found



Relatives of the men acquitted in the Supreme Court during the hearing of Oscar Mpetha and 17 other

Found guilty of terrorism

7/6/83

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The court did find, however, that he had stopped his car near marching youths, given a black-power salute and told them to "sing my song". The crowd then sang: "There are guns in Angola, fetch them."

Mr Vusumzi Mbetha, Mr Fumanekile Boo, Mr Vuyisile Mzaza, Mr Makawa Jabavu and Mr Joseph Phike were acquitted.

Christopher Sparanyi, who was found guilty of terrorism and one charge of murder, had been a doorman at the meeting preceding the march.

The court found that when the crowd reached Klipfontein Road, he had stopped cars in front of a barricade built in the road. He had stopped Mr Beeton's car, knowing that people in the crowd would stone him.

Morgan Makubala, who was found guilty on all the charges, had been one of the planners, Mr Justice Williamson said. He had helped build the barricade and had suggested that Sparanyi stop cars.

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Johannes Hlapo had taken part in the attack on Mr Beeton and, on his own admission, had stoned Mr Jansen's car. He had addressed the crowd at the meeting and had helped build the barricade, the judge said. He was found guilty on all charges.

There are two assessors, Mr GH Titterton and Mr CH van Gend. Mr CJ van Wyk is appearing for the State. Mr I Farlam, SC, assisted by Mr J Whitehead, instructed by Frank, Bernad and Joffe, is appearing for Mr Mpetha. Mr TL Skweyiya and Mr Whitehead, instructed by AM Omar, Vassen and Company, are appearing for the other accused.



Relatives of the men acquitted in the Supreme Court at the hearing of Oscar Mpetha and 17 other accused.

ANC hangers: Govt takes final decision

By TOS WENTZEL
Political Correspondent

THE Government has made a final decision on whether to execute the three African National Congress men due to be hanged tomorrow. But it has not disclosed its decision.

The decision was taken today by the Executive Council of the Government, consisting of the Cabinet sitting with the State President.

There have been many appeals for clemency for the three men. Among them is a statement that the Seychelles Government would "probably" free six mercenaries involved in the abortive coup in 1981 in return for the lives of the ANC trio.

Seychelles Information Director Mr Antonio Beaudoin said today: "This is not official. It is just the feeling in high places here."

Referring to the appeals for clemency, a spokesman for the Executive Council said today "representations of this nature and similar content have already been considered by the Executive Council and a final decision has been taken".

He would not disclose the decision.

Protests against the decision to hang the three have come from the European Community of Ten Nations, the United Nations Security Council, American congressmen and senators and British MPs.

Three of the six condemned ANC prisoners were reprieved earlier this week.

Gain immeasurably

Thelle Simon Mogoerane, 23, Jerry Semano Mosololi, 25, and Marcus Thabo Motaung, 27, are due to hang tomorrow for their involvement in the attacks on the Wonderboompoort, Orlando and Moroka police stations, and the sabotage of the Capital Park power station and New Canada railway line.

Yesterday, the German Ambassador, Mr Carl Lahusen, delivered a petition signed by 10 European governments to the Director-General of Foreign Affairs, Mr Hans van Dalsen.

Mrs Helen Suzman, the Opposition's police spokesman, speaking in her personal capacity, said: "I am against the death penalty. I believe South Africa would gain immeasurably if the sentences were commuted. The men will not go without punishment. The alternative is life imprisonment."

From Washington, The Argus Foreign Service reports that more than 50 congressmen and senators, including three Democratic presidential candidates, have cabled Prime Minister P W Botha urging him to spare the men's lives.

Many senators and congressmen have also cabled Secretary of State George Shultz calling on the Reagan Administration to urge Mr Botha to stay the execution.

Cables to PM

Cables were sent by Senator Mondale, the leading contender for the Democratic Party presidential candidacy, and Senator Edward Kennedy.

And the Reagan government said in a statement the executions would not help in the search for peace in Southern Africa. A spokesman said the US had made its concern known to the SA Government.

A demonstration is also planned outside the White House tomorrow.

The United Nations Security Council has been urged to act to save the lives of three ANC members.

In London, last-minute efforts to save the three continued today.

A deputation from the British Council of Churches and the Anti-Apartheid Movement met Foreign Office officials to persuade the British Government to intervene.

A 24-hour vigil outside the SA Embassy began at 8.30 am today. Labour MP Mr Stanley Clinton-Davis, the party's spokesman on Southern Africa, will join the vigil in spite of tomorrow's general election. From Pretoria, it is reported that the three have jointly refused to apply for a stay of execution. The families of the men were due to visit them for the last time today.

High spirits

Their lawyer, Mr Krish Naidoo, said the men were in high spirits and had psychologically prepared themselves for death. Domestic pressure also mounted today as churchmen, lawyers and human rights activists urged clemency.

Archbishop Denis Hurley, president of the Southern African Catholic Bishops Conference, said it was tragic to see young men going to the gallows for actions, though in themselves reprehensible, which flowed from circumstances due to frustration, humiliation and desperation. Archbishop Philip Russell, head of the Church of the Province of South Africa, said he would be seeking an audience with the State President. His church deplored capital punishment.

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Trial postponed for EL doctor's evidence

ZWELITSHA — The terrorism trial in the Ciskei Supreme Court was postponed yesterday to tomorrow when the principal district surgeon in East London, Dr Basil Wingreen, will give evidence in a trial-within-a-trial to establish the admissibility of alleged confessions by three of four Mdantsane men appearing in the trial.

Involved in the trial-within-a-trial and alleging police assault and torture during detention are Mr William Mabone Duna, 31, Mr Bizette Dumisani Maninjwa, 31, and Mr Luyanda Patrick Mayekiso, 33.

Charged with them is Mr Jeffery Bayi Keye, 52.

All have pleaded not guilty to being members of the banned ANC, participating in terrorist activities, recruiting others for military training in Lesotho and being

in possession of banned publications.

During yesterday's hearing three security policemen from East London — Sergeant Mncedisi Matoti, Sergeant Nlonze and Sergeant Robey Keth — gave evidence denying having assaulted the men and other witnesses who had given evidence of assault and torture during the trial-within-a-trial.

Sgt Matoti said the only association he had with the men was when he was asked to take them to the toilet and to serve them food.

Sgt Nlonze said he had no knowledge of the investigation of the case. He said he had seen Mr Monwabisi Mgiijima — who had alleged in court that he had been assaulted by him — but had only asked him about his family back-

ground.

Sgt Keth said he questioned Mr Duna about banned books he had found in his house, funerals of ex-Robben Island prisoners he had attended and a stranger he had found in a cupboard in Mr Duna's house.

He said Mr Duna had co-operated with the police during investigations and when there was an issue in which they felt he had misled them he would clear it up without much trouble.

Sgt Keth denied assaulting the men and said he was still a junior in the security police when they were interrogated in 1981. His main duty had been fetching the men from prison in the morning and taking them back in the afternoon. — DDR.

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Mpetha trial: 10 guilty of murder

Staff Reporter
TEN young men convicted in the Supreme Court of murder during the trial of Oscar Mpetha and 17 others, had used the existing tension during August, 1980, to involve other youngsters in the planned killing of whites. Mr Justice Williamson said yesterday. Completing his two-day judgment in the trial, he acquitted a further two men, bringing the number acquitted on all charges to seven. Two men were found guilty of terrorism and two counts of murder, bringing the number convicted on all three charges to five. A further two men were found guilty of terrorism and of one count of murder, bringing the number to four. On Monday, the judge convicted 73-year-old

Mpetha of terrorism, but found him not guilty of murder. Another man was found guilty on two counts of murder, but not guilty of terrorism.

Cars stoned

Mr Justice Williamson said the convicted men had planned the events of August 11, 1980, when cars were stoned and burned in Klipfontein Road, and two men — Mr George Beeton and Mr Frederick Jansen — were killed.

They had used the prevailing tension and feelings of unrest to involve other youngsters, who would otherwise have "steered clear". They were exploiters, he said.

Peter Hendricks and Welile Mazotana were found not guilty yesterday because of lack of evidence. Richard

Mapondo and Phillip Nonygwana were both found guilty on all charges.

The court found that Mapondo had been the master of ceremonies at a meeting before the events. He had helped build a barricade in Klipfontein Road and had stoned Mr Beeton's car.

During the second attack, he had stabbed the "helpless and critically injured" Mr Jansen while he lay "terribly burnt" next to his car. Mr Jansen's wallet was later found in Mapondo's possession.

Nonygwana had attended the meeting, and had stoned both Mr Beeton's and Mr Jansen's cars. He had recklessly participated, knowing that death was a probability, he said.

Jeffrey Baardman and Vuysile Diba, who were both found guilty of terrorism and one count of murder, had both attended the meeting, helped build the barricade and stoned Mr Beeton — knowing that their actions could contribute to his death.

Of the men convicted, Baardman, Mapondo, Morgan Makubala, Peter Kube, Alton Sabuwa and Johannes Hlapo had chosen not to give evidence in their own defence, although they had formidable cases to meet. Mr Justice Williamson said.

'Liars'

Those who did — Mpetha, Diba, Mazotana, Nonygwana, Christopher Sparanyi and Aaron Tshangama — were all found by the court to be untruthful and unreliable witnesses. Mr Justice Williamson called every one of them a liar.

He said of Mpetha: "It is sad to have to disbelieve an elderly man in his position, but we would be failing in our duty if we did not state that he is a liar."

Pleas in mitigation will be heard on Tuesday.

There were two assessors. Mr G H Titterton and Mr C H van Gend. Mr C J van Wyk appeared for the State. Mr I Farlam, SC, assisted by Mr J Whitehead, instructed by Frank, Bernadt and Joffe, appeared for Mpetha. Mr T L Skweyiya and Mr Whitehead appeared for the other accused.

Appeal to save ANC men fails

Cape Times 9/6/83

Political Staff

A LAST-MINUTE appeal to save three condemned members of the African National Congress from the gallows failed last night and they are due to be hanged this morning.

Lawyers for the three men lodged an urgent application for a temporary stay of execution with Mr Justice Curlewis in his chambers at the Pretoria Supreme Court last night, but the application was turned down.

This comes after the government yesterday took a final decision on the fate of the ANC men following a rare demarché from the 10 governments of the European Economic Community appealing for clemency.

This was announced yesterday by a spokesman for the Executive Council — the State President sitting in council with certain cabinet ministers. The three are: Thelle Simon Moegerane, 23, Jerry Semano Mosololi, 25, and Marcus Thabe Motaung, 27.

11th-hour plea

Asked whether the government had considered the 11th-hour plea from the 10 nations, the spokesman said: "Representations of this nature and similar content have already been con-

sidered by the Executive Council and a final decision has been taken."

Asked whether this meant that the original decision announced on Monday still stood and that the men would hang today, the spokesman answered: "Yes."

Police search

Last night, dozens of police in camouflage uniform surrounded the Supreme Court in Pretoria as Mr Jack Unterhalter, SC, argued for a stay of execution only a few kilometres from where the men waited in their cells to hear of their fate.

The police scoured Church Square and searched neighbouring buildings and parked cars.

After about 45 minutes, the grim-faced lawyers emerged to say the application had been refused.

"We have done all we can. They will hang them in the morning," Mr Unterhalter said.

Mr Krish Naidoo, one of the instructing attorneys, said he doubted the result would change the attitudes of the men.

All-night vigil

Staff Reporter

ABOUT 150 attended an all-night vigil in St Mark's Church Hall, Athlone, last night to show solidarity with the three ANC terrorists condemned to hang this morning.

The meeting was organised by the Azanian Students Organisation, who said the meeting would end with a candlelight procession to a nearby church where a service would be held until dawn.

'High spirits'

"I saw them this morning and they are strong and in high spirits," he said.

The three were visited in the Pretoria Central Prison yesterday by their families and lawyers, who persuaded them to reverse an earlier decision not to try for a late application.

"It was also decided to bring the application in the light of recent de-

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velopments and international pressure," Mr Naidoo said.

The application was made on the grounds that one of the men, Motaung, has still to testify in two matters.

He has a R10 000 civil action pending against the Minister of Law and Order and a complaint against a District Surgeon due to come up before the SA Medical and Dental Council.

Motaung has charged that a South African Security Policeman wrongfully and intentionally shot him while arresting him in Bophuthatswana in May 1982.

Since it is the policy of the Prisons Service to execute men together when they were sentenced together, it is probable that a stay of execution would have been extended to the other two.

The civil action will automatically fall away after the execution, according to the lawyers.

A spokesman for the SA Medical and Dental Council said, however, that the complaint before them would go ahead if Motaung was executed, since it was unlikely he would be needed to testify.

The three have been on Death Row since August 1982 when Mr Justice Curlewis sentenced them for high treason for their parts in attacks on the Morija, Orlando and Wombourboom police stations and sabotage on the

Capital Park power stations and the New Canada railway line.

Four people died as a result of these incidents.

Mr Justice Curlewis 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).

Last-minute protests against the decision to hang the condemned ANC men also came from the United Nations Security Council, United States congressmen and senators and British MPs.

Diplomatic sources said yesterday the European Community's decision to make a further bid for clemency was in line with the European convention condemning capital punishment and in recognition of the fact that blacks in South Africa had no constitutional channels through which to express their political grievances.

The Seychelles Government has also held out a carrot that it would "probably" free

six mercenaries involved in the abortive coup in 1981 in return for the lives of the ANC trio.

Three other condemned ANC members were reprieved earlier this week when the Executive Council decided to commute their death sentences to life sentences after representations from various organizations and governments.

Three other ANC members, Anthony Tsotsobe, Johannes Shabangu and David Moise, also sentenced to death for high treason, had their sentences commuted to life imprisonment on Monday.

The National Union of South African Students (Nusas) has added its voice to the calls for clemency.

The State's decision to execute the three would contribute nothing towards a solution of the political problems confronting South Africa and would only serve "to fuel the anger and despair felt by millions of South Africans and to perpetuate the cycle of violence", the Nusas statement said.

SA troops can expect 'the same'

Own Correspondent

DURBAN. — If South Africa continues to hang ANC terrorists, it can expect the same treatment for captured SA soldiers, according to specialists in international law.

Professor John Dugard, director of legal studies at the University of Witwatersrand said: "In terms of the Geneva Convention of 1977, which South Africa did not sign but in terms of which the ANC has filed a declaration, the ANC is engaged in a war. If the South African authorities refuse to treat ANC members as POWs, there is a very real danger that SADF men abducted by the ANC will be treated the same way."

Mr Mike Cowling, a senior lecturer at the University of Natal who is writing a PhD thesis on the question of international legal regulations with specific reference to South Africa, said the cornerstone of international regulations for warfare was that participants be made prisoners of war.

Full-scale warfare

across international boundaries was governed by the Geneva Convention of 1949. On the other hand provision was made in the Geneva convention for armed conflict not of international character and since 1949 there had been a number of conflict situations within this category.

"If we are hanging ANC members what kind of stand are they going to take in respect of captives from our forces?"

Mr Cowling said in terms of South African law, ANC members were classified as terrorists whereas the ANC was a liberation movement in terms of international law.

"The South African Government cannot afford to be seen to treat these people as criminals. Not only from a humane point of view but from a politically pragmatic aspect.

"It is making the same mistake Ian Smith did in Rhodesia. He refused to accord any status to the guerillas so was never able to negotiate with them.

Martyrs

"If you hang these men there can be no amnesty and you create martyrs."

Mr Cowling said there had recently been a few cases where the courts had not imposed maximum sentences but they were the exception rather than the rule.

Mr Nico Steytler, a senior lecturer in criminal law said the government's decision must have been a "totally political one".

Cape Times 9/6/83

~~304/4~~ ~~304/4~~ (331)

Theft from heathens allowed — AWB man

Own Correspondent

PRETORIA. — A former member of the Afrikaner Weerstandsbeweging (AWB), who is on trial for terrorism and who has been described as a "devout Christian", yesterday told the Supreme Court here that the Bible did not condemn stealing from "heathens".

"Heathens are not my brothers and the Bible only says you may not steal from the faithful," said Mr Gert Jacobsz, 37, a miner and former policeman, when he was asked how he could justify stealing large amounts of explosives from the Impala Mine near Rustenburg.

Mr Jacobsz, from Rustenburg, and his co-accused Mr Daantjie Viljoen, 40, from Klerksdorp — also a former policeman and former member of the AWB — are facing alternative charges of possessing large amounts of explosives and weapons.

After the defence had closed its case yesterday,

the state prosecutor, Mr S A Engelbrecht, SC, described Mr Viljoen as an "utter liar" and said Mr Jacobsz had "strange religious views".

While Mr Jacobsz was still giving evidence Mr Justice T H van Reenen remarked: "You should go and read the Sermon on the Mount tonight."

Mr Jacobsz said he was "convinced" he and Mr A J Roets had been justified in taking explosives from the mine. Mr Roets is a former accomplice who has turned State witness.

Christian faith was one of the prerequisites for AWB membership, Mr Jacobsz said.

Commencing his argument, Mr Engelbrecht told the court Mr Viljoen would say "anything" to save his own skin and the reputation of the AWB.

He pointed out that Mr Viljoen had admitted in court that he had told the police certain untruths after he was arrested.

The only "positive" aspect about Mr Viljoen was that he wanted to protect the AWB.

Mr Viljoen had consistently denied that the movement's leadership had known of Mr Jacobsz' activities, Mr Engelbrecht said.

Mr Jacobsz was also prepared to "play" with the truth as long as it suited him, Mr Engelbrecht said.

The mere fact that the accused men had spoken about "blowing up" Sun City and other multi-racial hotels with the explosives taken from the mine, implied they were guilty on the main charge of terrorism, he said.

Mr Engelbrecht asked the judge to "totally reject" the explanation the men had given about their motives for collecting the explosives — that it had been done "for the future, once the government had capitulated and chaos reigned in South Africa".

The trial continues.



Sister Mary Bernard

Star
RC nun 14/6/83
in court 331

West Rand Bureau

A Roman Catholic nun appeared briefly in the Krugersdorp regional court yesterday charged with the possession of banned literature.

Sister Mary Bernard (48) of St Mary's Roman Catholic Convent, Kagiso, Krugersdorp, appeared before Mr C Eksteen.

She was not asked to plead to a charge of possessing banned literature on March 4.

The hearing was postponed to July 6 and bail of R300 was extended.

~~105~~ 331

O. Dispatch 14/6/83 DAILY

Court told trial defendants in 2nd week of hunger strike

ZWELITSHA — The four Mdantsane men appearing in a terrorism trial in the Ciskei Supreme Court here had been on a hunger strike since May 29, the defending advocate, Mr M. I. Moerane, told Mr Chief Justice De Wet yesterday.

Mr Moerane said the four men — Mr William Mabone Duna, 31, Mr Dumisani Bizette Maninjwa, 31, Mr Jeffrey Bayi Keye, 52, and Mr Luyanda Patrick Mayekiso, 23, — had several complaints leading to their decision to go without food.

He said these were in connection with food, bedding and the fact that

they were held in solitary confinement.

He added this had been taken up with the prison authorities and Mr Justice De Wet said it should be taken up at the highest level.

"There is a point in connection with accused-No 3 (Mr Keye) in that there was a recommendation from Dr Russell and Prof Ames of Cape Town that he should not be kept alone," Mr Moerane said.

This followed a period in which Mr Keye had fallen ill and been taken to Groote Schuur Hospital, Cape Town.

Mr Moerane said another ruling by doc-

tors at Mount Coke Hospital applicable to Mr Mayekiso that he should be provided with a mattress was not being adhered to. A mattress was provided for him at one stage but had since been withdrawn.

The Chief Justice said he thought it "most unwise" of the men to weaken themselves by refusing to eat. Earlier he said the matter was out of his hands and needed handling by the prison authorities.

The four men have pleaded not guilty to being members of the banned ANC, participating in terrorist activities, recruiting others for military training in

Lesotho and being in possession of banned publications.

The hearing yesterday, as in the past few weeks of the trial was taken up by a trial-within-a-trial to establish the admissibility of confessions allegedly made by Mr Duna, Mr Maninjwa and Mr Mayekiso.

The defence alleges that the confessions were made as a result of assaults and torture by police while the State holds that they were made freely and voluntarily.

Before the start of

yesterday's proceedings the Chief Justice said he believed Mr Moerane had problems getting the principal district surgeon of East London to give evidence in court. This was in connection with certain documents in the possession of the South African prison authorities.

Mr Moerane said Dr Wingreen had said he was not allowed to have notes or to disclose the contents of the documents unless he had the permission of the Minister of Law and Order.

"We are following this up with Pretoria," Mr Moerane said.

Sorrow anger as ANC 3 die

Cape Times 10/6/83

331

JOHANNESBURG. — The first ANC members to be hanged in South Africa in four years went to the gallows at dawn yesterday as bells tolled in sympathy throughout Soweto and world governments condemned South Africa's rejection of pleas for clemency.

Marcus Thabo Motaung, 27, Thelle Simon Mogoerane, 23, and Jerry Semano Mosololi, 25, were executed at Pretoria Central Prison at 7am in spite of a last-minute bid by lawyers for a stay of execution and an international appeal for mercy.

The ANC men were convicted of treason for attacks on police stations, a railway line and a power station in which four policemen were killed and a number of civilians injured.

With murderers

Two convicted murderers — Eric Marshall and Telele Kunene — were hanged alongside Mogoerane, Mosololi and Motaung.

In a statement from Lusaka the ANC denounced the execution of its members as a flagrant breach of international law, and vowed revenge.

Zimbabwe said South Africa was cheating by treating freedom fighters as criminals.

The executions were also sharply condemned by the governments of Sweden, France, West Germany, Belgium, the Netherlands and Italy.

The Soviet news agency, Tass, called the executions "murder in cold blood".

RICHARD WALKER reports from New York that a declaration of "deep sorrow and dismay" from the Security Council and an expression of shock and sad-

ness from Secretary-General Javier Perez de Cuellar capped United Nations reaction to yesterday's hangings.

Groups of protesters demonstrated in several cities, including New York, Los Angeles and Washington.

A last message said to have come from the men was circulated and broadcast on some black radio stations. It declared: "The struggle of all oppressed peoples throughout the world should continue until the world is a peaceful place for all."

There was no immediate comment from Britain or the United States.

In South Africa, news of the executions was met with demonstrations in Durban, Alice and the University of Zululand.

Reports in Pretoria yesterday said Mr Justice DJ Curlewis — who rejected a last-minute appeal for a stay of execution on Wednesday night — and the acting Judge President, Mr Justice J P O de Villiers, had been placed under police protection.

Strict security was enforced at the Central Prison yesterday while policemen in camouflage uniforms sealed off Church Square.

UK protest

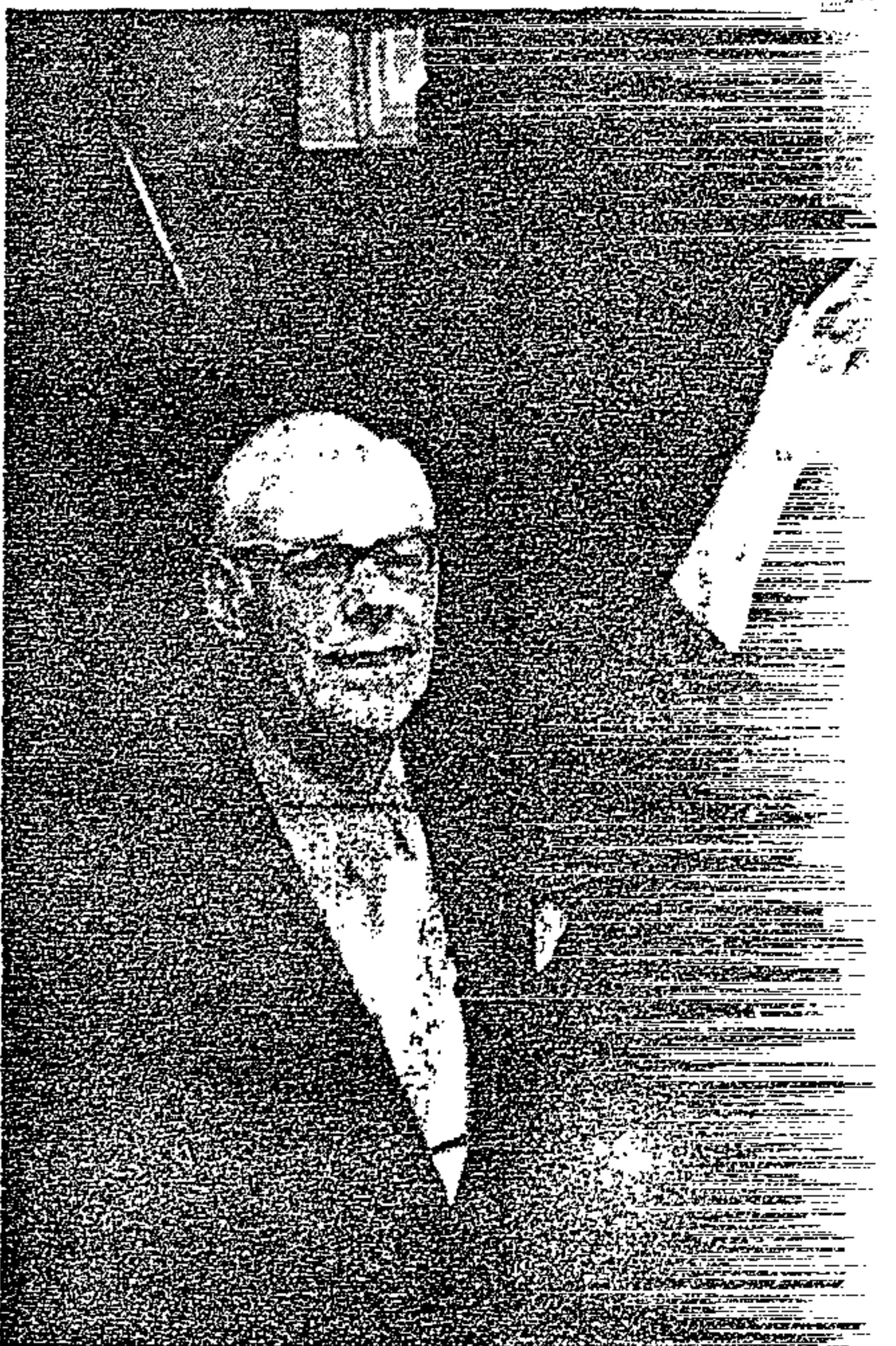
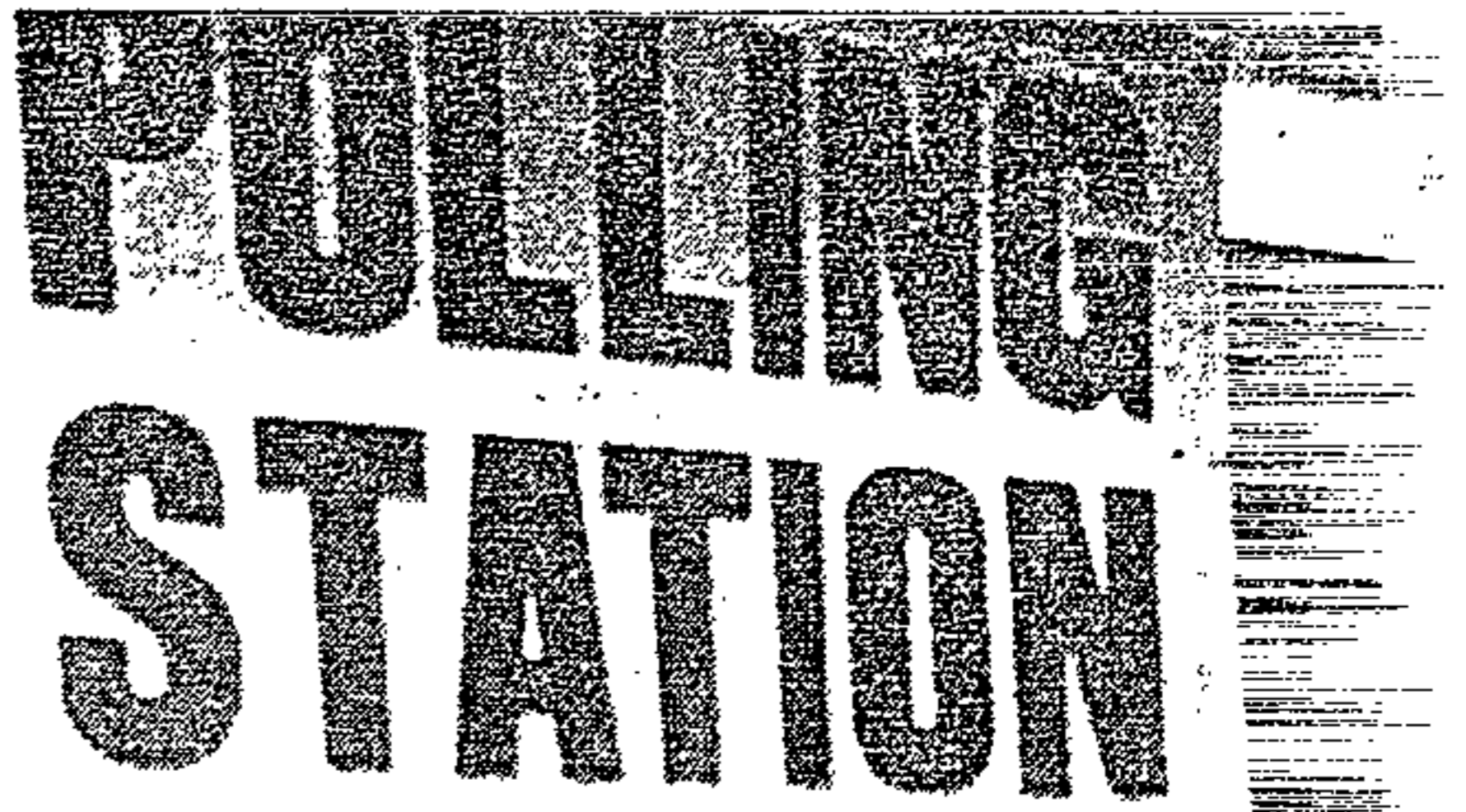
In London, nine people appeared before Bow Street magistrates following a 24-hour demonstration outside the South African Embassy on Wednesday.

Steve and Amandla Kitson, whose father David is serving a 20-year sentence for treason in Pretoria Central Prison, were among the group charged with obstructing police and using threatening behaviour. Their cases were remanded to June 30.

● An order was issued by the acting chief magistrate of Johannesburg last night banning under the Internal Security Act meetings of the Save the Six Committee until tomorrow. — Own Correspondent



The leader of the Conservative Party and Prime Minister Margaret Thatcher, and Mr Michael Foot, Lab.



Sowetan June 1983

Ciskei court hears of threats

THE Ciskei Supreme Court heard this week that the main object of the security police in their interrogation of one of the four accused facing terrorism charges, was to force him to implicate himself with African National Congress activities.

Appearing before Mr Justice D S de Wet are Mr William Duna (31), Mr Dumisani Maninjwe (31), Mr Bayi Keye

(52), and Mr Luyanda Mayekiso (23), all of Mdantsane township near East London.

The four have pleaded not guilty to charges of taking part in terrorist activities, being members of the banned ANC, recruiting people to undergo military training in Lesotho and being in possession of banned publications.

Advocate M T Moe-rane, for the accused, al-

leged that the security police had tried to extract certain information from all the accused by force.

Detective-sergeant Robby Keith of the East London Security Police denied that he had assaulted the detainees during their interrogation at Cambridge police station in East London.

The sergeant also denied that the police threw darts into a pic-

ture of Mr Steve Biko, the black consciousness leader who died in detention, which was pinned on to the wall of his office.

The sergeant admitted he "had asked Mr Duna a few questions." He described Mr Duna as a co-operative detainee who wrote statements freely and voluntarily.

The trial continues today. — Sapa.

331

Former AWPB men guilty of ter

Capl. Tines 14/6/83

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Own Correspondent
PRETORIA. — A Pretoria Supreme Court judge yesterday convicted two former members of the Afrikaner Weerstandsbeweging (AWB) on a terrorism charge under the Internal Security Act.

Mr Justice T. H. van Reenen said it was clear that Daanjie Viljoen, 40, of Klerksdorp, and Gert Jacobsz, 37, of Rustenburg, planned to be "ready" to resist a possible new political order in South Africa.

That was why they collected large amounts of explosives, arms and ammunition, the judge said. The two men, both former policemen, were guilty of wanting to bring about political or social change — "you planned to blow up multi-racial hotels", the judge said, adding "they were 'aggrieved' by certain government actions."

The judge also accepted evidence that Viljoen had talked about "eliminating people like Bishop Desmond Tutu and the Rev Allan Boesak".

The State prosecutor, Mr S. A. Engelbrecht, SC, asked the judge to impose sentences which reflected the gravity of charges of which the men had been convicted.

He said sentences should serve to "not only deter people on the left of our political spectrum, but also those on the right who wish to resort to such actions."

Mr Engelbrecht added that people in Pretoria had recently seen what happened when explosives were used for political purposes.

Summing up, Mr Justice van Reenen said he was inclined to accept the evidence of the chief State witness, Mr A. J. Roets — who was warned as an accomplice.

"It seems as if the two accused were deliberately intent to portray Roets as a liar. But he (Mr Roets) had a strong motive for telling the truth," the judge said.

Referring to Jacobsz, the judge said he had a warped concept of Christian virtues but he also had an "inborn acumen".

Jacobsz, who confessed to being a devout Christian, told the court the Bible did not condemn stealing from "heathens".

The judge said Jacobsz was not "joking" when the possible sabotage of Sun City was discussed or when the accused and Mr Roets spoke about in-

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AWB men guilty of terrorism

Capl. T. W. 14/6/83

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bring about political or social change — "you planned to blow up multi-racial hotels", the judge said, adding that they were "aggrieved" by certain government ac- tions. The judge also accept- ed evidence that Viljoen had talked about "eliminat- ing people like Bishop Desmond Tutu and

the right who wish to re- sort to such actions". Mr Engelbrecht added that people in Pretoria had recently seen what happened when explo- sives were used for po- litical purposes. Summing up, Mr Jus- tice van Reenen said he was inclined to accept the evidence of the chief State witness, Mr A J

Roets — who was warned as an accomplice. "It seems as if the two accused were deliberate- ly intent to portray Roets as a liar. But he (Mr Roets) had a strong mo- tive for telling the truth," the judge said. Referring to Jacobsz, the judge said he had a warped concept of Chris- tian virtues but he also had an "inborn acumen". Jacobsz, who confessed to being a devout Chris- tian, told the court the Bible did not condemn stealing from "heathens". The judge said Jacobsz was not "joking" when he said "joking" when Sun City was discussed or when the accused and Mr Roets spoke about in- fecting Sun City with syphilis germs. "The place is obviously a thorn in your flesh," the judge said. The fact that Jacobsz had told a mine captain at Impala Mine near Rustenburg after he had told Jacobsz he could not offer him another con- tract: "Then I will have to wait until June — that

is when the blood will flow" — showed he had a purpose for the explo- sives he had taken from the mine. The men, who both ad- mitted previous convic- tions, will be sentenced today. Mr Paul Barnard appears for Viljoen and Jacobsz and Mr Engelbrecht is assisted by Mr W. Hanekom.

Insinuation



Former AWB men convicted of planning to kill Tutu and Boesak

Terror: 2 guilty

351
June 1983

Argus Correspondent

PRETORIA. — Two former members of the Afrikaner Weerstandsbeweging were today convicted in the Pretoria Supreme Court of terrorism.

Jacob Daniel Viljoen, 41, and Hendrik Gerhardus Jacobsz, 37, were found guilty of attempting to overthrow the Government and endangering the law and order of the country.

They were found to have planned to sabotage multi-racial hotels and the President's Council's chambers; and the elimination of Bishop Desmond Tutu, general secretary of the South African Council of Churches and Dr Alan Boesak, president of the World Alliance of Reformed Churches.

Found guilty

The two men were also found guilty by Mr Justice T H van Reenen of collecting vast quantities of explosives, firearms and ammunition.

He found the men intended using the explosives either in the future against a black government or in preparation to oppose the handing over of South Africa to blacks.

Jacobsz was also convicted of threatening to blow up the road to Sun City with 40 kgs of explosives.

Mr Justice van Reenen found that all facets of the indictment had been proved by the State.

Both liars

During the 210-minute judgment, he told the men they were both liars. He said he accepted an accomplice, Mr Abraham Jacobus Roets's evidence and granted him indemnity from prosecution.

Mr Justice van Reenen will pass sentence tomorrow.

At the start of his judgment he said the AWB was not on trial before him and therefore it was unnecessary to make a finding as to whether the movement was involved in the charges or not.

He said it was clear the AWB was not registered as a political party and its aims and objectives were in darkness.

Conviction list

- The men have been convicted of:
- Conspiring to collect explosives.
 - Stealing explosives from the Impala mine near Rustenburg.
 - Possessing camouflage clothes, an AK-47 automatic rifle, 47 ammunition, a 0,22 Gecado revolver, 121 detonators, 200 explosives and three rolls of electrical wire and storing it in the house of Mr P E Streicher.
 - Making a silencer.
 - Throwing nails on the Sun City Road.
 - Making a projectile, about which Mr Justice van Reenen said it was "lucky it had not been put to test."
 - Possession of a homemade firearm, and sawn off shotgun.
 - On December 13 last year, Jacobsz threatened to blow up the road to Sun City.

Prisons Dept
buries ANC 3

Handwritten: ~~Handwritten~~
Cape Times 14/6/83 331

Own Correspondent

JOHANNESBURG. — The parents of the three ANC members hanged in Pretoria last week have been informed that their sons will be buried by the Department of Prison Services and they will be told the location of the graves "at a later stage".

A telegram from the Prison Services to lawyers for the families yesterday ended their uncertainty since the executions on Thursday.

The telegram said the parents had been given the option of attending a memorial service at Pretoria Central Prison shortly after the executions, according to Mr Krish Naidoo, one of the

attorneys.

The parents declined and asked for the bodies to be given to them for traditional burial.

The telegram said the department would bury the three and give full details of the graves to the families at an unspecified later date.

The three — Simon Mogoerane, Jerry Mosololi and Marcus Motaung — were executed for treason for their part in a number of attacks on police stations, a power station and a railway line.

The government banned a number of commemoration meetings for the three over the weekend, including a Requiem Mass at the Anglican Cathedral.

CAPE TOWN — A former Si-
 monstown naval dockyard com-
 mander and his wife are expect-
 ed to appear in court soon after
 their arrest in January in con-
 nection with allegations involv-
 ing spying for Russia.

The Minister of Law and
 Order, Mr Louis le Grange, con-
 firmed today that investigations
 which followed the arrests of
 Commodore Dieter Gerhardt, of
 the South African Navy, and his
 wife, Ruth, had reached an ad-
 vanced stage.

He said the police docket had
 been handed to the Cape Attor-
 ney-General and the matter was
 now in the hands of the Depart-
 ment of Justice.

Yesterday, Swiss authorities
 said that a third alleged spy —
 whose identity has not been dis-
 closed — was to appear in a
 Zurich court. He will be charged
 with military espionage for Rus-
 sia, forging documents — he en-
 tered Switzerland with false
 papers — and violation of laws
 governing aliens.

The man was arrested the day
 before the Prime Minister, Mr
 P W Botha, disclosed in January
 that Commodore Gerhardt, the
 officer commanding Simon-
 stown Naval Base, was thought
 to be a Russian spy.

Swiss authorities say the man
 to appear in court there was ar-
 rested in the Zurich Art Muse-
 um while allegedly waiting to
 meet another agent and receive
 microfilm of "secret South
 African documents pertaining to
 military matters".

He was allegedly waiting for
 Mrs Ruth Gerhardt. She has
 dual Swiss and South African
 nationality.

Mrs Gerhardt was arrested
 before the alleged meeting
 could take place — but was de-
 tained in secret so that the Rus-
 sians would not get wind of the
 action and call off the rendez-
 vous, Swiss Justice Ministry of-
 ficials said.

They added that legal pro-
 ceedings had been instituted
 against Commodore Gerhardt
 and his wife, and they would be
 arrested if they ever entered
 Switzerland.

Gerhardt
 may soon
 appear in court
 14/1/83
 By Peter Sullivan, Political Correspondent
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ex-AWB men jailed for 15 years

respondent had been convicted.

A. — Two members of the Weerstands-AWB) were sentenced in the Court here to 15 years' imprisonment after being convicted on terrorism.

Viljoen, 41, Jorp, and Gert 37, of Rusten- d. Mr Justice T eenen express on behalf of it the charges the two men

rested "in time".

"Dynamite respects no person and you wanted to use it. In an explosion victims are not chosen and innocent people also suffer," the judge said, pointing out that the men possessed a larger amount of explosives than was used in the recent Pretoria car-bomb.

Describing the two accused as "citizens who have the right and the privilege to vote", the judge said society "shoots down" those

with different beliefs who resort to violent tactics, adding that he had a duty to also do so in the case of the two men.

After their defence counsel, Mr Paul Barnard, had sketched the personal circumstances of the men — both have families — the judge said it was common that once people had been convicted, they "used" their personal circumstances behind which to shield. "If your families are

going to suffer, it is not because of the sentences imposed by the court — it is because of the crime you committed," he said.

Referring to Jacobsz's list of previous convictions, Mr Justice van Reenen said the criminal record could not be reconciled with his professed Christian beliefs. Throughout the trial, Jacobsz had claimed he was a devout Christian — and he described Sun City, which he threatened to blow up and in-

fect with syphilis germs, as "Satan's nest".

Jacobsz's previous convictions go back to 1973 and include convictions for possessing dagga, drunken driving and culpable homicide, as well as the illegal possession of a firearm. The court was told that in the culpable homicide case, Jacobsz was initially charged with murder, but was convicted of culpable homicide on the grounds that he had ex-

ceeded the bounds of "self-defence".

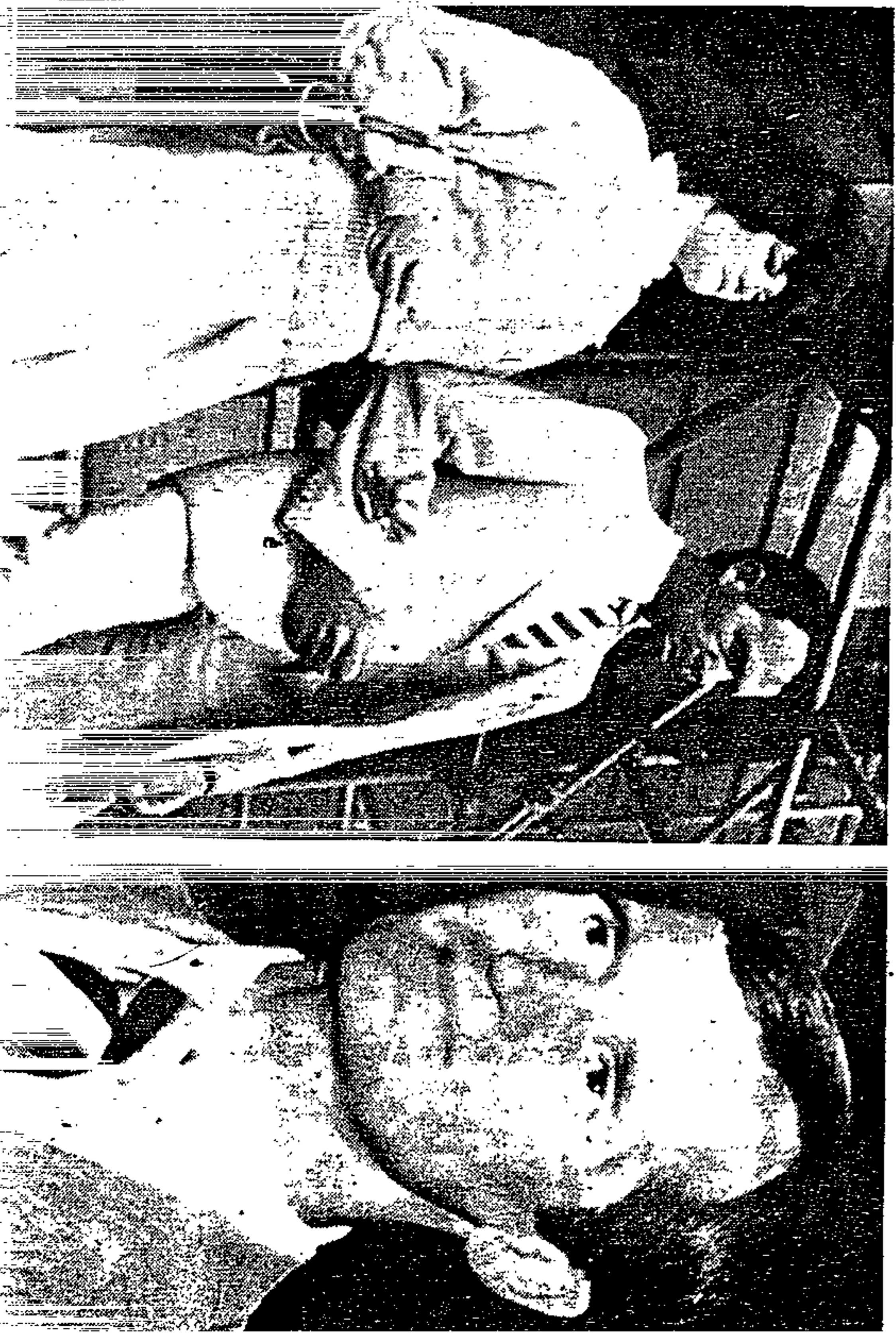
After the men had been sentenced, they stood around the front section of the courtroom, smoking and talking to friends. A female companion of Viljoen wept softly as she sat on the arm-rest of a defence counsel's bench.

Afterwards, the two men — Viljoen for the first time since the case started — climbed down the steps leading to the

Supreme Court cells.

The judge exempted from prosecution two State witnesses, Mr A Roets and Mr M J v Jaarsveld, who he had been warned as accomplices.

He also asked the State prosecutor, Mr S Engelbrecht, SC, Deputy Attorney-General, to convey to his superior the judge's "concern about the fact that the explosives in the case had been stolen with ease from a mine.



2 ex-AWB men jailed for 15 years

344 331

Own Correspondent

PRETORIA. — Two former members of the Afrikaner Weerstandsbeweging (AWB) were each sentenced in the Supreme Court here yesterday to 15 years' imprisonment after being convicted on charges of terrorism.

Daanjie Viljoen, 41, of Klerksdorp, and Gert Jacobsz, 37, of Rustenburg, heard Mr Justice T H C van Reenen express disgust "on behalf of society" at the charges on which the two men had been convicted.

The judge rejected an application for leave to appeal against both the conviction and sentence, and he refused to extend Viljoen's bail pending a petition to the Chief Justice. Bail for Jacobsz was withdrawn last week.

Reacting to a submission that the men had not done "any damage" with the large amount of explosives they had collected, the judge said this was only because the men had been arrested "in time".

"Dynamite respects no person and you wanted to use it. In an explosion victims are not chosen and innocent people also suffer," the judge said, pointing out that the men possessed a larger amount of explosives than was used in the recent Pretoria car-bomb.

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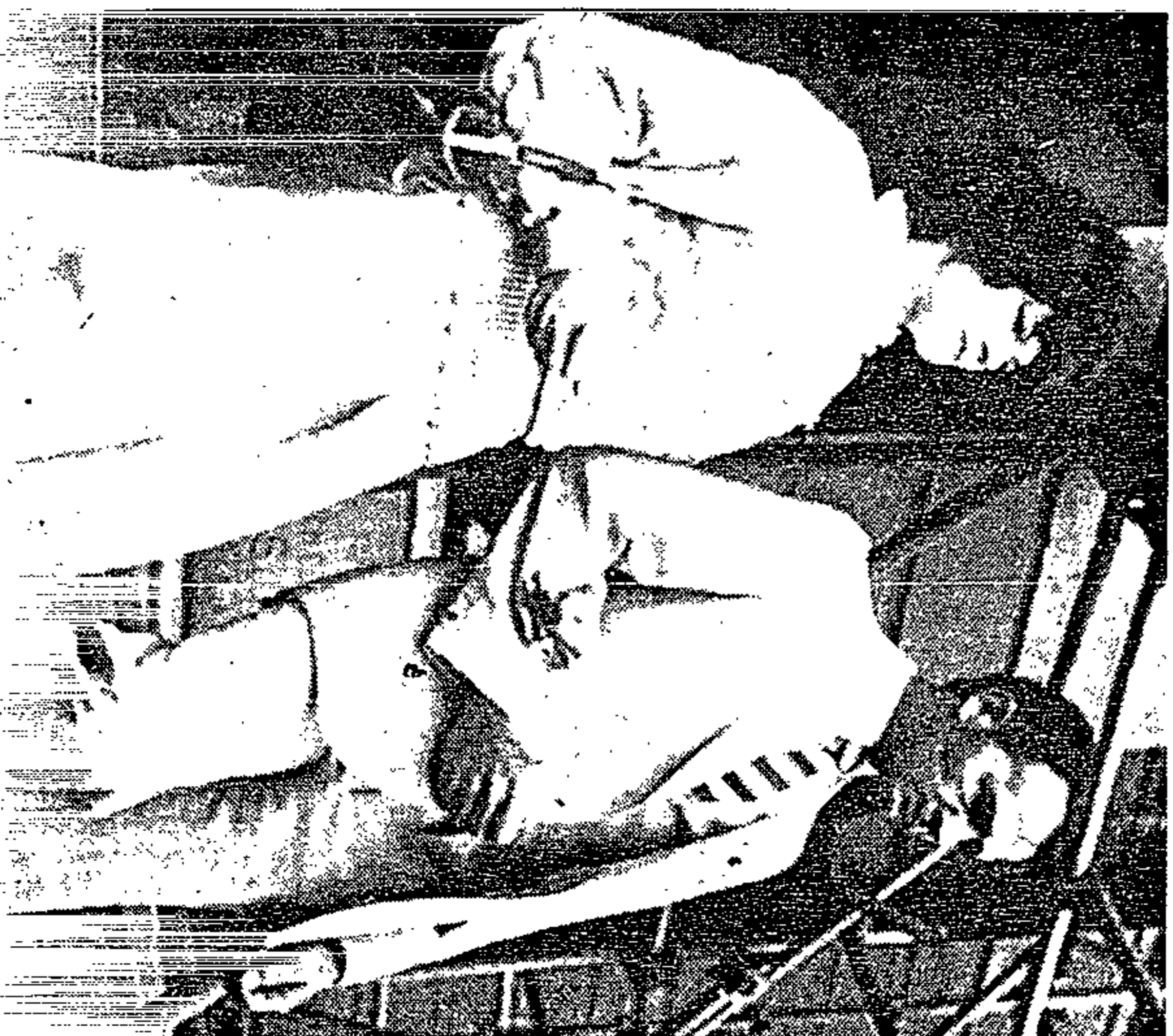
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Afterwards, the two men — Viljoen for the first time since the case started — climbed down the steps leading to the

Supreme Court from the State witness box. He also State prosecutor Engelbrek Attorney convey to the judge about the explosive had been ease from



Nun gives evidence in trial

531
Cape Times 15/6/83

By JO-ANNE RICHARDS

A DOMINICAN nun told the Supreme Court yesterday that the attitude of blacks towards whites changed during the "crisis" of August 1980 when "the suppressed anger they had to carry all the time" emerged.

Sister Aine Hardiman, who has worked as a teacher in the Cape townships for more than 10 years, was giving evidence in extenuation for 10 young men found guilty of murder following events in Crossroads in August 1980.

The charges followed the stoning and burning of cars and the death of two motorists.

The men were charged with murder and terrorism with 73-year-old trade unionist Oscar Mpetha and seven other men.

In the judgment last week, seven men were acquitted and Mpetha was found guilty of terrorism, but not guilty of murder. Nine of the young men convicted of murder were also found guilty of terrorism.

'Crisis'

Sister Hardiman said there was great evidence of a changed attitude towards whites in August 1980 because it was a time of crisis. August 11 was a day of commemoration for those who died in the 1976 unrest, while a bus and school boycott were in progress.

During that time, children who would normally greet her, adopted threatening attitudes when they saw her, she said.

The bus boycott created "a great deal of anger" in all the sections of the community that she was involved in — the church as well as people she met in the street.

Sister Hardiman took part in the boycott — walking each day from her convent in Elsie's River to St Mary's School in Nyanga, where she was working at the time.

There was general resentment at what the people felt was the police support for the bus company, she said. She once saw an incident in which a pirate taxi was stopped by another car. A young white man, who was not in uniform, leapt out and chased the passengers of the taxi, who had started to run away.

"It made a deep impression on me," she said.

Memorandum

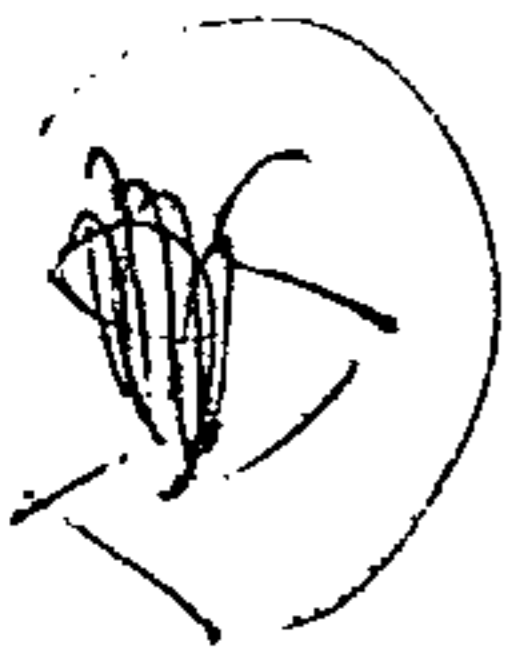
A memorandum compiled by the South African Institute of Race Relations to present to the then Minister of Transport, Mr Chris Heunis, during August 1980, was handed in to the court as evidence.

It stated: "The insensitive and provocative manner in which Road Transport regulations are being rigorously enforced has changed a patient, good-humoured protest against high fares into one of anger and resentment.

An incident in which riot police had "man-handled commuters" from taxis to empty buses "could well have contributed to the resentment behind the terrible violence which erupted that evening and the next day", it stated.

The hearing continues today.

Mr Justice Williamson sat with two assessors, Mr G H Titterton and Mr C H van Gend. Mr C J van Wyk appeared for the State. Mr I Farlam, SC, assisted by Mr J Whitehead, instructed by Frank, Bernadt and Joffe, appeared for Mpetha. Mr Whitehead and Mr T L Skweyiya appeared for the other men.



Tight security for Mpetha

Call Times 15/6/83

331 Staff Reporter

MORE than 20 policemen blocked traffic to Keerom Street yesterday afternoon while the prison van carrying Oscar Mpetha and the 10 young men convicted of murder and terrorism left the Supreme Court on its way to Pollsmoor Prison.

The van, which has travelled unaccompanied between Pollsmoor and the Supreme Court since March 1981 — when the trial began — was escorted by two traffic policemen on motor-cycles and a traffic car with blaring siren. A police van followed.

A large crowd lined the street and joined the convicted men in a "freedom song" as the van drove off. One of the men saluted the crowd through the mesh.

A group of about 50 people then marched from the court to the station, singing "freedom songs".

During the hearing, about 12 armed policemen stood outside the court building — one with a sub-machine gun. A further group of 12 or so stood in the entrance to the building and in court one, where the trial was held. A police car containing dogs was also parked outside.

Hundreds of people queued outside the building to get into the packed public gallery.

As they entered the court yesterday morning, the young men gave "black power" salutes while shouting "Power" in unison.

Danger suspected in Mayson's notes

Kangaroo 'tribunal' ordered him to flee

Pretoria Correspondent

Mr Cedric Radcliffe Mayson (55), who fled South Africa during his high treason trial in the Pretoria Supreme Court, was forced to leave by a "people's tribunal".

Reliable sources say the tribunal ordered the former clergyman to leave South Africa to protect people associated with "liberation politics".

Damaging evidence was believed to appear in notes Mr Mayson sent to South Africa addressed to a fictitious Denise Fogherty.

The notes dealt with an alleged meeting between Mr Mayson and a member of the ANC Revolutionary Council, Mr Tabu Mbeki, in London in 1981.

The names of more than 100 people were recorded in the cryptic notes on which an expert was to have been called to give his interpretation.

The tribunal is believed to have consisted of at least three people associated with white "liberals".

Mr Mayson allegedly came before a kangaroo court after leaving his Yeoville home on April 14 and before he crossed the border at dawn the following day.

In February this year Mr Mayson was granted bail of R1 000 when the case was postponed for two months after a key State witness, Mr Auret van Heerden, was thought to have disappeared.

On the eve of the resumption of his trial in the Pretoria Supreme Court Mr Mayson fled to London, leaving a personal letter addressed to the trial judge, Mr Justice P J van der Walt, explaining why he had left. The contents of the letter have not been disclosed.

NEWS CONFERENCE

On his arrival in London Mr Mayson told a news conference he did not leave South Africa because he was scared to face trial or was forced to leave.

He said he fled to prevent Dr Beyers Naude and other friends going to jail. It had been a firm principle in liberation circles that no one in any circumstances would give evidence for the State against a colleague.

The Deputy Attorney-General, Mr J A Swanepoel, leading the prosecution, told reporters Dr Naude had made a statement to the police and he understood the defence was prepared to admit certain aspects to save Dr Naude the embarrassment of being called as a State witness.

Other witnesses subpoenaed by the State included banned lawyer Mrs Priscilla Jana, former Nusas president Mr Auret van Heerden, his banned brother Mr Clive van Heerden and other members of white "liberation politics".



Mr Cedric Mayson

Mr Mayson's flight from South Africa left friends and family stunned. Mr Mayson, a former Methodist clergyman, had said repeatedly during his trial that he wanted to be brought to court to put his case.

He testified that when he realised the notes had been intercepted by the Security Police he knew he would be detained. Then he made his choice between exile and detention.

When he was granted bail Mr Mayson said he had every intention of seeing his trial through, according to a statement released by his family after his flight.

It was during these two months that the decision was taken to leave the country which had been his home for 30 years.

Observer attacks Muofhe findings

Sowetan 12/16/83
(331)

WASHINGTON — A Geneva-based international legal observer who attended the February trial of two Venda policemen accused of murdering a Terrorism Act detainee, Mr Isaac Muofhe, in 1981 has described their acquittals as "incredible" in light of the evidence.

The legal observer, Mr Ralston H Deffenbaugh, a lawyer with the Lutheran World Federation in Geneva, was asked by a Washington organisation, the Lawyers' Committee for Civil Rights Under the Law, to attend the trial in the Venda Supreme Court of Captain Muthuphei Ramaligela and Sergeant Phumula Mangaga, of the Venda Security Police.

Both had been accused of the murder of Mr Muofhe, a salesman and lay preacher of the Evangelical Lutheran Church, who had been detained in connection with an explosion at the police station in Sibasa in which two policemen died.

Mr Deffenbaugh's report to the Lawyers'

Committee was released in Washington this week.

According to the report, the case against the two policemen was that Mr Muofhe was uninjured and in good health when they took him from the Venda Central Prison on the morning of November

11, 1981. When he was returned to his cell that night, he had been badly injured and he died in his cell during the night.

"In a matter of alleged State security (in this case, the behaviour of the security police in detaining someone under the Terrorism Act), the benefit of any doubt is to be accorded to the Security Police."

Mr Deffenbaugh noted that after the acquittal, the two policemen ran down the steps from the dock to the cells below where they let out loud victory whoops, joined by other policemen.

"It was somewhat eerie," he said "... as though we were above the locker room of a winning football team."

— SFS.

Gerhardts' surprise court appearance

Star 17/6/83 (331)

Pretoria Correspondent

Two high-ranking security policeman accompanied Commodore Dieter Gerhardt (47), and his wife Ruth (41), when they made a surprise appearance in the Pretoria Magistrate's Court yesterday in connections with allegations of high treason. The couple will stand trial in the Cape Town Supreme Court on September 5.

The former Simonstown Naval Base Commander and his Swiss-born wife sat talking quietly in the corridor outside Court 20 — the Remand Court.

The couple were brought to the court during the lunch adjournment, when all members of the public are ordered to leave the court premises.

Their names were written into the court roll only seconds before their appearance at 2 pm yesterday.

In court they stood silently, two metres apart.

The only time they spoke was when Commodore Gerhardt told the magistrate, Mr CS van Loggerenberg that the proceedings should be in English for his wife's benefit.

The Magistrate informed them that the Cape Attorney-General had decided they would be charged with high treason and that they would not be granted bail until the case had been finalised.

Brigadier Koos Staedler, a well known authority on communism and terrorism and Colonel Hans Gloy took the couple directly to the court without following normal procedure of first booking them into the cells.

After the hearing, which lasted about fifteen minutes, the couple left the court buildings in the company of the two policeman.

The couple were not asked to plead and

Ruling on picture ban

The law forbids the publication of photographs of the alleged Soviet spies, the Gerhardts at this stage.

At least one newspaper published their pictures today, but did so after seeing photographs on SATV and then getting permission from the Police.

Technically, even though the Gerhardts had appeared in court, the media have no right to publish pictures. This is because the Police Act has been interpreted as stipulating that a trial does not start until the charge has been read to an accused and until such time as the accused has pleaded.

This ruling was given several years ago when Die Transvaler photographed an alleged murderer as he emerged in custody from court. Perskor took the matter to the Supreme Court but lost the appeal.

Two Acts of Parliament, the Police Act and the Prisons Act, lay down different stipulations concerning photographs of prisoners. The confusion has led to a number of newspapers being prosecuted in the past, including The Star.

no formal charges were read out in the court. They were not represented.

No decision had yet been taken on whether or not the trial will be held in camera when the Gerhardts are charged, the Attorney-General of the Cape, Mr DJ Rossouw, said today,

"In view of the confidential information which could be disclosed, this is certainly a possibility," he said.

Mr Rossouw — who will appear for the State in the September trial — said there was ample international precedent for this type of case to be held in camera.

"I am not, however, binding myself to a statement that the public and Press will be excluded, or that even parts of the case will be secret. This decision must still be taken."

Mr Rossouw said he was still busy preparing the case, and could give no indication of the number of witnesses who would be called.

He could not name the counsel who would be appearing for the Gerhardts.

CAPE Times 17/6/83

Security for trial of AWB men

Own Correspondent
JOHANNESBURG. — Armed police yesterday imposed strict security measures at the Klerksdorp law court complex at the start of the trial of members of the Afrikaner Weerstandsbeweging (AWB), including the organization's leader, Mr Eugene NeyTerre'Blanche, 39.

Mr Terre'Blanche, of 23 Roth Street, Ventersdorp, appeared with Mr Jacob Daniel Viljoen, 41, of 13 Kritzinger Street, Flamwood, Klerksdorp, on charges of being in illegal possession of an AK 47 automatic rifle, 362 rounds of ammunition and a .22 Gecado revolver.

'Arms planted'

Mr Andries Lodewyk Terre'Blanche, brother of the accused and also an AWB member, told the court that Mr Eugene Terre'Blanche had told him that "leftists" had planted arms and ammunition on him.

Mr Andries Terre'Blanche said that on March 6 last year he went to his parents' house on the farm Witrandjiesfontein where they all lived. His brother arrived about the same time and told him: "I'm in trouble. They've planted things on me."

In his evidence, Mr Andries Terre'Blanche said his brother then took him to his car saying: "I can't keep this. It has been planted by leftists."

Mr Andries Terre'Blanche told the court: "He told me that Danie (Viljoen) would come to fetch it because he would know what to do with it. We went to my house. We were both in a hurry. All I could see was part of a rifle's butt and a piece of a barrel sticking out."

"The goods stayed in my safe for a long time, possibly more than three months, before Viljoen arrived to fetch them."

"It was late and dark. Everything fell on the ground. There were bullets and a gun with a handgrip similar to the AK rifle handed in as an exhibit before the court."

Asked if he knew the

revolver before court, Mr Andries Terre'Blanche said he did. "It belongs to our family. It's just a toy. My mother used it sometimes to frighten people of other colour when they were difficult," he said.

Detective Warrant-Officer Thomas Wolmarans, of the SAP Forensic and Ballistics Department, told the court that he had tested all the exhibits and found them to be in working order. However, the revolver was "in bad shape".

Mr Johannes Herbst, of the farm Doornhoek in the Potgietersrus district, told the court that he had been a member of the AWB for about two years.

The day before an AWB meeting in Pietersburg, Viljoen had arrived at his house to stay for the night and to prepare the meeting.

"I had a .22 Mauser at the house. Viljoen asked me if he could have it. I didn't want to give it to him. Then Viljoen said that he had an AK 47 machine-gun and asked whether I was interested in it. He wanted R700 for it."

Warrant-Officer Philip Van der Walt of the Klerksdorp security police testified that on December 5 he had received a telephone call and had gone to the house of Mr J Streicher in Klerksdorp, where he was handed a bag containing camouflage clothes.

Ammunition box

"Mr Streicher told me he had received this from Viljoen. He took me to a bridge on the Ellaton road and pointed out a place in the water. I entered the water and found a box with ammunition. Mr Streicher then took me to another bridge on the Orkney/Bothaville road."

"In the water there I found a sawn-off Mauser, a .22 revolver, an AK 47 rifle, three R1 magazines, 84 bullets and plastic bags with explosives," he said.

The hearing continues today.

Mr E D Whythe was on the Bench. Mr Paul Fick appeared for the State.

CAPE TOWN 17/8/83

Problems of blacks 'caused violence'

By JO-ANNE RICHARDS

THE violence on August 11, 1980, which resulted in the death of two motorists was understandable when viewed in terms of the grievances of black people, Mr T L Skweyiya, defence counsel, said in the Supreme Court yesterday.

He was presenting his argument in extenuation for six of the 10 young men convicted of murder following events in Klipfontein Road during 1980 in which Mr George Beeton and Mr Frederick Jansen were killed.

The 10, with 73-year-old trade-unionist Oscar Mpetha and seven other men, were charged with murder and terrorism.

7 acquitted

Seven men were acquitted last week. Mpetha was found guilty of terrorism, but not guilty of murder. Nine of the young men convicted of murder were also found guilty of terrorism.

Mr Skweyiya submitted that the violence could not be viewed in isolation, but should be seen against a background of the plight of blacks. One of their difficulties was a lack of proper communication with the authorities.

Western Cape blacks were in a worse position than those in the rest of South Africa, because of the application of the laws, he said. There was great frustration among children who wanted to become professional people, but were unable to play a role in society.

"In these circumstances, what chance does an uneducated black youth have in Cape Town?" he asked.

Boycotts

Circumstances which should be taken into account were the on-going school boycott, red meat boycott and bus boycott. The situation had been summed

up by Sister Ae Hardiman when she said: "Black people have to live with constant suppressed anger."

The youth and standard of education of the men made them more susceptible to influence in a crowd, he said. The violence they carried out was of a general nature, and not aimed at a specific person.

Mr John Whitehead, arguing in extenuation for four of the young men, said the court should accept that in the circumstances they had specific difficulties in obeying the law. In a similar situation, a group of youngsters from Constantia would be far more morally blameworthy because of their different circumstances, he said.

The four men, whose ages presently ranged from 18 to 20, were immature and could not be expected to show the stability, restraint and responsibility of older men. The highest level of education between them was Standard 5, he said.

"They are all unsophisticated and don't qualify as standard political activists."

They had all been influenced, not only by their peers, but by the attitude of authority and whites in general. The court had found that none of the 10 men had the direct intention to kill.

Motive

Their motive was also not one of personal greed, but a political objective, which could not be ignored in a time of political strife.

The hearing continues today.

Mr Justice Williamson sat with two assessors, Mr G H Titterton and Mr C H van Gend. Mr C J van Wyk appeared for the State. Mr I Farlam, SC, assisted by J Whitehead, instructed by Frank, Bernadt and Joffe, appeared for Mpetha. Mr Whitehead and Mr T L Skweyiya, instructed by A M Omar, Vassen and company, appeared for the other men.

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Western Cape

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D. DISPATCH
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Jail for PAC man

18/6/33
UMTATA — The court had to beware of becoming involved in emotional arguments about banned organisations, the Chief Justice, Mr Justice Hefer, said yesterday when he sentenced a terror trial accused to an effective four years in prison.

Mr Lawrence Vumankosi Ntikinca, 25, was found guilty on the main count of having taken part directly or indirectly in the activities of the banned Pan Africanist Congress.

He was also found guilty on the alternate counts of possession of a firearm and 13 rounds of ammunition without a licence and of theft of nine blank Transkeian travel documents and two official stamps from the offices of the Butterworth district commissioner.

Granting leave to appeal, the chief justice said it was a difficult matter to consider as he had "to sit in judgment on my own judgment."

Mr Justice Hefer sentenced Mr Ntikinca to

four years on the count on the PAC and theft, six months for possession of the firearm and ammunition and 18 months on the count of theft of the Transkeian travel documents and stamps.

The chief justice said passing sentence in this type of case was difficult for several reasons.

Firstly the very act in terms of which the accused is charged and convicted contains a number of offences varying from petty to serious. To say a man participated in activities of an unlawful organisation does not exactly say what he did.

"Another reason it is not an easy matter is that these so-called political cases are in themselves emotional.

"The result is that there are people in Transkei clamouring for heavy sentences. Others are clamouring for lighter sentences and go to the extent of saying the unlawful organisations should be unbanned.

"The court must be careful not to become party to any emotional arguments and against siding with any party."

The court must take into account what the accused tried to do and the fact that he did not succeed.

It also had to be taken into account that what he did not reach the stage of violence.

Pleading in mitigation earlier, Mr Justice Poswa said Mr Ntikinca personal circumstances should be taken into account.

As a result of his eight months in detention, he had sustained injuries. The court could not be unmindful of his suffering.

During his arrest, he made no attempt to use the firearm.

Earlier Mr Justice Hefer said he felt it was unjustified to order an inquiry into the police assaults as there was a civil case pending.

"It is far better to let the civil action take its course," he said. — DDR

Twenty
~~276~~ 331
youths
remanded

18/6/83
Court Reporter

ALLEGATIONS of public violence against 10 black youths were withdrawn by the prosecutor, Mr V Kilby, when they appeared in the Durban Magistrate's Court yesterday before Mr B J Brummer.

A further 20 youths were remanded until July 4.

Their appearance follows the recent rioting in Chesterville.

Eight of the youths were released on bail of R100 and the rest released in the custody of their parents.

'Innocents victims of grievances'

CAR. Tracks 18/6/83

331

Staff Reporter

THE 10 young men convicted of murder after rioting in Crossroads in 1980 might have had real grievances but had directed their violence against innocent people, Mr CJ van Wyk, for the State, argued in the Supreme Court yesterday.

Mr Van Wyk was arguing that extenuating circumstances were not present. The murder charges followed the death of two men after the stoning and burning of cars in Klipfontein Road on August 11, 1980.

The men were charged with murder and terrorism with 73-year-old trade-unionist Oscar Mpetha and seven other men. In the judgment last week, seven men were acquitted. Mpetha was found guilty of terrorism but not guilty of murder. Nine of the young men convicted of murder were also found guilty of terrorism.

Mr Van Wyk said he accepted that the men probably had political grievances. However, these were not extenuating factors.

Their actions were not aimed at the authorities against whom they had grievances, but simply against white people whatever their possible political sympathies.

Possible police provocation

The possible provocation caused by police and road transport officials in their handling of the bus boycott could also not be accepted as extenuation, he said.

The violence had occurred on August 11 and while most of the police action had occurred on the same day, the court had found that the violence had been pre-planned.

The fact that the men had not directly intended to kill the motorists, was not *per se* an extenuating factor. Their actions had come too near to a direct intention to count in their favour.

He conceded that extenuating circumstances existed in the cases of Christopher Sparanyi, Jeffrey Baardman and Phillip Nonygwana, on the grounds of their extreme youth. However, the actions of the other young men — all leaders and planners — showed them to be mature men.

The hearing continues on Wednesday.

Mr Justice Williamson sat with two assessors, Mr G H Titterton and Mr C H van Gend. Mr I Farlam, SC, assisted by Mr J Whitehead, instructed by Frank Bernadt and Joffe, is appearing for Mpetha. Mr Whitehead and Mr T L Skweyiya, instructed by A M Omar, Vassen and Company, are appearing for the other men.

P.T.O.

Mpetha trial: Call for death sentence

Supreme Court Reporter THE State has asked for the death sentence to be imposed on six of the convicted men in the marathon Mpetha trial.

Mr C van Wyk said in the Supreme Court, Cape Town, that the community called for retribution and maximum protection, notwithstanding that the court had found extenuating circumstances.

Sentence will be passed on ailing, veteran trade unionist, Oscar

Mpetha, 74, and 10 other accused on Tuesday.

Mr van Wyk said the death sentence should be passed on Morgan Makubala, Aaron Tshangama, Peter Kube, Johannes Hlapo, Vuyisile Diba and Richard Maondo.

Their extreme actions during riots in the townships in August 1980, in which two motorists lost their lives, stood out above the rest of the accused, he said.

They had acted more unfeelingly than the oth-

ers and their comparative maturity also increased their moral blameworthiness

Hlapo was one of the leaders and had hit Mr Frederick Jansen, a motorist, with a brick, and had licked the blood off a knife used in the assault

They had killed men, regardless of their political convictions. This they had done in a cruel and inhuman manner, leaving the men to die.

On the terrorism charge, Mr van Wyk said

the old Terrorism Act, No 83 of 1967, which prescribed a sentence of not less than five years, was applicable in the present case.

Terrorism was an extremely serious offence and had recently become more prevalent in more serious forms.

Punishment should be severe to act as a deterrent.

He conceded Mpetha's age and poor health was a mitigating factor. But the seriousness of the

crime called for a long imprisonment.

Mpetha, a respected member of his community, had encouraged the young people to commit violence. The court had to keep in mind that there had been great loss and damage during the riots.

Mr Justice Williamson is sitting with two assessors, Mr CH van Gend and Mr GH Titterton. Mr IG Farlam, SC, with Mr John Whitehead represents Mpetha. Mr Whitehead and Mr TL Skweyiya appear for the other accused.

24/6/83

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The Star

Friday June 24 1983

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US move to renew grant for SA blacks

By Michael Tissong

The United States Congress has been asked to renew an annual grant of R3,6 million to finance a scholarship programme for black South Africans at American education institutions.

Mr Vusi Zwane of the US Information Service in Johannesburg said that the programme was part of President Ronald Reagan's policy of constructive engagement with South Africa.

The US Agency for International Development (AID) asked that the sum be continued.

"The boosting of education is a meaningful way to bring about political change in the country," Mr. Zwane said.

The US Government last year established a programme for South African blacks to study at

American universities and 119 students are doing various courses including chemistry, engineering, physics and law.

An additional 85 students are due to be placed at colleges and universities at graduate and undergraduate level. About 23 candidates have been placed already.

Students who get the scholarship go to America in August for orientation and begin studies in September. Major fields of study will be agriculture, business administration, chemistry, economics, engineering and physics.

The programme is run by the Educational Opportunities' Council, Khotso House, De Villiers Street, Johannesburg.

Court told of Dube shooting

331

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Mercury
25/6/83

341

Court Reporter

IN THE second and final day of the preliminary hearing of the alleged murder of Lamontville community leader Harrison Dube, three of the four accused had their pleas changed from guilty to not guilty.

Mr Moonlight Gasa, chairman of the Ningizimu Community Council, Mr Vakuphethwa Yalo and Mr Julius Ndodana are to plead not guilty to the murder charge.

Mr Ebenezer Mngadi retained a plea of guilty. In the hearing yesterday, before Mr B J C

Willemsse in the Durban Regional Court, the fourth accused, 70-year-old Mr Ndodana, told the Court of the killing.

Greeted

He said he and Mr Yalo were on three occasions instructed on the use of a handgun and often shown the home of Mr Dube.

On the evening of the killing they approached Mr Dube's house and saw him sitting drinking with two others on the verandah.

After the two visitors had left Mr Dube walked on to the lawn and stood there.

They approached him and Mr Yalo greeted him.

As Mr Dube returned the greeting Mr Yalo drew the gun.

Mr Dube began screaming and a shot was fired.

He fell to the ground and another shot was fired, Mr Ndodana told the Court.

He said they returned on foot to Mr Mngadi's home and told him the job had been done.

The two went back to Transkei, he said.

Sometime later Mr Ndodana returned to Durban and collected R700, which was part of their payment from Mr Mngadi.

Mr Ndodana said he and Mr Yalo were promised R1 600 to kill Mr Dube.

He said he had not known who the 'unwanted person' was and only learned of his identity in Court.

He said he did not approve of the killing but was afraid if he did not follow instructions he would be killed by the man who recruited both him and Mr Yalo. The recruiter was Mpondo, Mr Bangumhlaba Mdawula, he told the Court.

Arrested

Mr Ndodana said after he had received the R700 he returned to Transkei and shared it with Mr Yalo.

Later he went back to Durban and found Mr Mngadi had been arrested.

He and Mr Yalo were also arrested.

The case is to go before the Attorney-General.

It was postponed until July 8.

Cape Times 25/6/83

Psalm and sobs for AWB leader

Own Correspondent
KLERKSDORP.
There were emotional scenes at the Klerksdorp Regional Court yesterday when the leader of the Afrikaner Weerstandsbeweging, Eugene Terre'Blanche, received two suspended sentences and a fine of R300 for illegally possessing arms and ammunition.

After sentence had been passed, about 100 AWB supporters who had packed the public gallery for most of the day rose and applauded the magistrate, Mr E. D. Wythe, as he left the bench.

And when Terre'Blanche emerged from the advocates' rooms clutching his wife's hands, the crowd broke into song, rendering Psalm 146, "Prys die Heer" ("Praise the Lord").

Terre'Blanche swallowed and his eyes filled with tears before he gave an impromptu speech to his followers,



Mr Terre'Blanche most of them wearing the small swastika-like emblem of the organization.

'Thank God'

"I want to ask you all to say thanks to our Creator, the God of Blood River, who protects this small nation and will keep this movement of ours going, for God and fatherland," he said.

Several women fol-

lowers started sobbing and applause burst out again when Terre'Blanche ended his speech.

His elderly father, Mr Villebois Terre'Blanche, was one of the first to rush forward to the controversial politician after sentence had been passed.

Eugene Terre'Blanche wept as his father embraced and kissed him. "This is a great present as tomorrow is my 72nd birthday," Mr Terre'Blanche sen said.

Earlier, Terre'Blanche and his co-accused, Jacob Viljoen, had been found guilty of illegally possessing an AK 47 machine-gun, 362 rounds of ammunition and a .22 Gecado revolver.

The magistrate said the court had serious doubts about Terre'Blanche's claim that the items had been planted

♦♦♦♦
To page 2



Cape Times
25/6/83



From page 1

on him. "But nothing was said to counter this claim. Therefore, Terre'Blanche's evidence could be true.

"However, I find him guilty of possession because he did not report his find straight to the police," the magistrate said.

He sentenced Terre'Blanche to a year in jail, suspended for five years, for possessing the AK 74, six months' jail suspended for five years for possessing the ammunition and a fine of R300 (or three months) for possessing the revolver.

Viljoen was sentenced to 18 months on the first charge, nine months on the ammunition charge and a fine of R300 (or three months) for possessing the revolver.

The magistrate found that Viljoen had kept the items longer and wanted to keep them. The first two sentences will run concurrently with the 15 years viljoen is already serving for having been found guilty of terrorism in the Pretoria Supreme Court two weeks ago.

24/6/83



WPE 7
WEP

Inquiry into false evidence

S. Express
26/6/83
331

By ANDREW DONALDSON

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ALLEGATIONS that security police told State witnesses in the recent nine-month Kempton Park terror trial what to say in court in order to intimidate the accused are still being investigated.

The police investigation was ordered by Kempton Park Magistrate Mr I J J Luther at the close of the trial in February when the four accused were acquitted on charges under the Terrorism Act.

The East Rand District CID officer and the investigating officer, Lieutenant-Colonel A de la Rosa, this week told the Sunday Express that the investigation was still continuing, but could not disclose any details.

"When we've finished our report we'll hand it to the Attorney-General and only upon his instructions can we take the matter further," Colonel da la Rosa said.

Mr Luther — now at the Johannesburg magistrate's court — has not received from the police and details on the progress of the inquiry.

Mr Stanley Radebe, Mr Lebona Ernest Mohakala, Miss Nonkulueko Innocentia Mazibuko and Mr Mthuthuzeli Madalane were accused of furthering the aims of the banned South African Youth Revolutionary Council (Sayrco) and the outlawed Soweto Students' Representative Council (SSRC).

They pleaded not guilty to the charges and denied recruiting youths to undergo military training outside South Africa.

They were acquitted because Mr Luther found State witnesses had been forced to give false evidence by the security police.

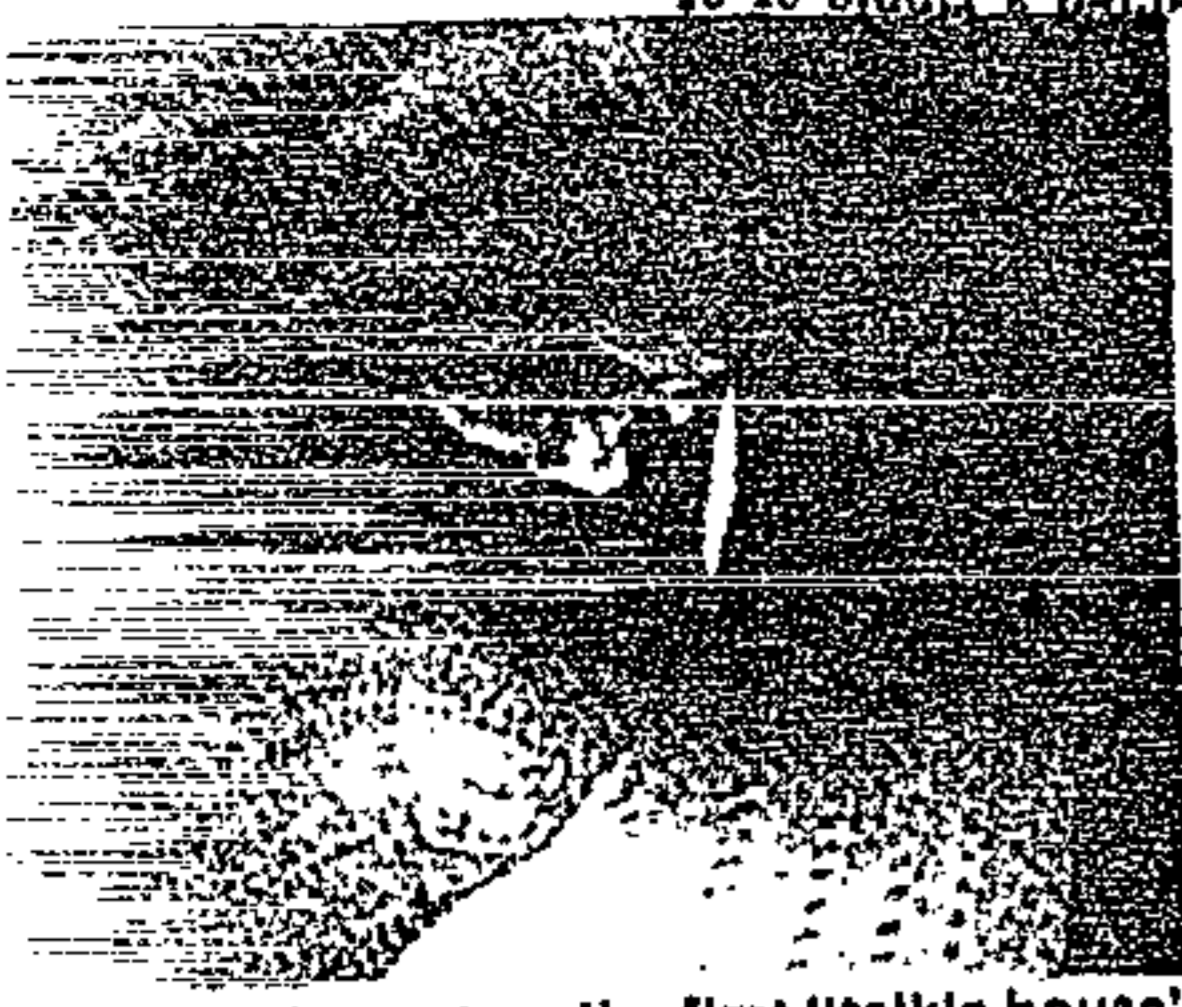
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where they set up the first "talkie house", Maxim's Bio-Cafe. Mrs Layne, who has four children, five grandchildren and four great-grandchildren, said she had had a happy but eventful past. She is shown with great-granddaughter Talla.
Picture: HERMANN PAINCZYK

Gerhardt trial likely to be in camera

By NEIL HOOPER

THE STATE will "almost certainly" apply to the Cape Supreme Court for a secret hearing of the entire treason trial against Commodore Dieter Gerhardt and his wife, Ruth.

This was disclosed this week by the Attorney-General of the Cape, Mr D Rossouw, who said the question of the court case being heard in camera was being seriously considered.

Commodore Gerhardt, formerly the superintendent of the Simonstown Naval Dock-

yard, and his wife, are due to appear in the Cape Supreme Court on charges of high treason on September 5.

Mr Rossouw said that in contrast to other treason trials, the Gerhardt trial involved State secrets.

"The other trials have involved the attempted overthrow of the Government and involvement of the banned ANC. The Gerhardt trial is completely different," he said this week.

Pretoria Magistrate's Court last week, they had not been asked to plead to charges of high treason because the court did not have the jurisdiction to try the case.

For this reason the couple had been remanded to the Cape Supreme Court.

Russia

Mr Rossouw said that in the Pretoria appearance the charges had been stated simply as high treason, that the full indictment was still being drawn up and when completed, would be served on the couple.

A decision would then have to be taken whether the indictment could be made public, or whether application would be made to the Supreme Court for the indictment to be kept secret.

Mr Rossouw said that contrary to Press reports, the indictment would not allege that the Gerhardts had carried out espionage on behalf of the Soviet KGB intelligence network, but would merely allege that they had spied for Russia.

s bring havoc to Cape

By MAUREEN BARNES

to result in up to 15 percent less crop hectare.

A temporary shortage of vegetables also expected to hit the Cape as farmers are unable to get into their water-logged fields to harvest produce including tomatoes, carrots, cabbages and potatoes.

Market gardeners close to Cape town have been suffered heavy losses one farmer has already written off 80 000 cauliflowers because of the rains.

The cloudburst which hit central Cape Town on Thursday caused considerable damage and insurance companies are busy coping with a rush of claims.

In one Rondebosch home flood waters rose 60cm in 10 minutes, ruining new carpets and damaging furniture.

The Franschoek pass was closed to heavy vehicles after a subsidence and will remain closed for at least a week.

But the weathermen have forecast a good weekend for snow-lovers.

"It has been snowing steadily in the Sutherland, Fraserburg and Calvinia and if it continues should provide a spectacular Sunday show".

Espionage

"This involves alleged espionage, and espionage wouldn't be necessary if the things that spies dealt with were public knowledge. Because State secrets are involved, obviously the question of the entire hearing being in camera will be seriously considered.

"I should say that almost certainly the State will apply to the court for the whole trial to be in camera."

Mr Rossouw said that when Commodore Gerhardt and his wife appeared in the

R26 A MONTH.

R31 A MONTH.

Watches - I T A D D T O C

MPETHA jailed

Accus 28/6/83

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By CAROL GEY VAN PITTIUS
Supreme Court Reporter

OSCAR MPETHA, 74, the ailing trade unionist and community leader, was sentenced in the Supreme Court, Cape Town, today to the mandatory minimum five years in jail on a charge of terrorism following violence in the black townships in August 1980.

Crowd sings anthem after court sentence

Staff Reporter

THE African anthem Nkosi Sikelele i'Afrika filtered from the Supreme Court through the streets of Cape Town today after Oscar Mpetha and 10 others were jailed on charges of murder and terrorism arising out of riots in 1980.

Police in vans watched as a singing and chanting crowd wound its way to bus stops and the railway station after leaving the court, which had been packed to capacity.

About an hour before sentence was passed, a

crowd queued outside the Supreme Court in Keerom Street.

At 9.15 am more police arrived, and people were searched before they were allowed into the building.

Inside the court, there was charged silence when the grey head of 74-year-old Mpetha appeared in the centre of the dock.

The other convicted men appeared, each in turn shouting "amandla". They were greeted with

(Turn to Page 3, col 10)

Passing sentence in the packed court, Mr Justice Williamson said he would not have jailed Mpetha if he had not been bound to do so by law.

"Mpetha is old and very ill. He is suffering from diabetes and its complications and is due to have a leg amputated.

"His life expectancy is limited and at best he has only a couple of years to live, even with the best medical treatment," the judge said.

"Justice does not require imprisonment, and because of Mpetha's very special circumstances compassion is the overriding consideration."

Obliged

The judge said he would have suspended the whole sentence if he was not obliged by law to enforce the minimum five-year jail sentence for terrorism.

The men convicted of terrorism with Mpetha and also sentenced to five years are:

Christopher Sparanyi, Morgan Makubala, Peter Kube, Alton Sabuwa, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mampondo and Phillip Nyongwana.

For the murder of Mr George Beeton, Sparanyi was sentenced to seven years imprisonment, Sabuwa to 12 years, Baardman to 10 years and Diba to 15 years.

Those convicted of the murders of both Mr Beeton and Mr Frederick Jansen were:

Makubala, who was sentenced to 15 years on each count; Kube, 18 years on each count; Hlapo, 20 years on each count; Mampondo, 20 years on each count, and Nyongwana, 10 years on each count.

Concurrent

Mr Justice Williamson ordered that sentences on the three charges should run concurrently.

When he began to pass sentence the judge said:

"That these crimes flowed from a sense of grievance was manifest in the surrounding circumstances and the build-up to the crime, as indicated clearly in my judgment earlier this month.

"We cannot but sympathise with people who suffer such grievance and frustration, but the court can only strongly condemn the manner in which the grievances were expressed."

On a point of law, Mr I G Farlam, SC, for Mpetha, had argued that with the repeal of the Terrorism Act and its replacement by the Internal Security Act, the court no longer needed to take note of the minimum sentence required by the old Act.

No discretion

But the judge concluded that he had no discretion and that he had to impose the five-year minimum sentence.

He said of the murder charges that murder was a serious crime — "More appalling was the fact that the unfortunate victims were in no way responsible for the grievances felt by the accused."

While the victims had gone about their lawful business, they were set upon and killed in the most horrible way. Stoning, sadly enough, was not an infrequent occurrence.

(Turn to Page 3, col 8)

Judgment in terrorism trial

(Contd from Page 1)

"Whatever the explanation for violence may be, and the view taken of the social conditions, no court can condone it and must make it plain that it will use maximum efforts to stop it."

Mr Justice Williamson said the actions of the accused were not of those of spontaneous violence,

but had been planned beforehand.

The court had carefully weighed the argument for the death sentence to be imposed in the case of six of the accused, and although they had showed no compassion the court found that it was not a case which deserved the extreme penalty.

Shortly after sentence was passed, defence counsel applied for leave to appeal.

Mr Justice Williamson will deliver his judgment on this point tomorrow.

Mr Justice Williamson sat with two assessors, Mr C H van Gend and Mr G H Titterton. Mr C van Wyk appeared for the State. Mr I G Farlam, SC, with Mr J Whitehead, appeared for Mpetha. Mr Whitehead and Mr T L Skweyiya appeared for the remainder of the accused.



Oscar Mpetha

ZWELITSHA — Judgment in the trial of a field worker of the Dependents' Conference, Mr Mzwandile Msoki, was reserved until today by Mr J. Kotze in the regional court here yesterday.

Mr Kotze said the trial had been lengthy and he needed time to look into the evidence and the argument of both the prosecution and defence.

Mr Msoki has pleaded not guilty to possession of banned publications and documents of the banned ANC and the South African Communist Party without the consent of the Commander-General of Ciskei State Security.

At the end of the cross-examination of Warrant Officer Litha Mbi by the defence counsel, Mr Pius Langa, the magistrate asked him why there were contradictions between his evidence and that of major Fumbalele Zozi.

Mr Langa said Major Zozi told the court that a book, Biko, had been dug up in the yard while he said he himself had found it in the bedroom. W/O Mbi said if he had a copy of the list of items taken from Mr Msoki's premises it could have guided him

Mr Kotze said the major had claimed that he took Mr Msoki from his house to Zwelitsha while W/O Mbi said he had driven.

Major Zozi had said he had to lean against a

Msoki trial judgment reserved till today

29/6/83 P. Dispatch

wall to get light from a window and the warrant officer said he sat next to the hole that was dug. Major Zozi had said he went into the garage twice, while W/O Mbi said he went there once.

He said W/O Mbi claimed Captain Potwana played a cassette by the ANC leader, Mr Oliver Tambo and the captain said he himself played it.

W/O Mbi said there could be contradictions because there were three policemen conducting the search at different places.

Mr Kotze said they were together when they were digging in the yard.

Major Zozi said they came across a piece of corrugated iron while digging and yet the officer said he did not see it. Major Zozi further said the documents found in the yard were wrapped in a T-shirt and others in a plastic bag yet W/O Mbi said they were loose in a bucket.

In his evidence in chief Mr Msoki told the court that after searching his house the police went to search in the garage before going to dig in the yard. He denied that from the house the police dug in the yard and then went to search in the garage.

In the garage Capt Pot-

wana opened a plastic bag that contained books and a cassette which the captain played.

A bucket which contained documents bundled in a white T-shirt was removed from the yard.

The documents pertained to the Black Consciousness movement and he had buried them himself after the banning of the movement, of which he was a member through the Black Peoples Convention. Although he did not know whether the documents had been banned or not, he thought they could have repercussions since the organisations they were about had been banned.

Mr Msoki said he bought the book on Biko from a bookshop in Transkei. He thought that since the book was not prohibited in Transkei it was not banned in Ciskei because both were "homelands."

The parcel found in the garage with the cassette and other documents belonged to a Mr Mzwandile Fazi. He did not know the exact contents.

He denied that Major Zozi wrote down the items found on his premises during the search.

During cross-examination by the pro-

secutor, Mr B. D. Nel, he said his work entailed looking after the families of political detainees and serving political prisoners. He was interested in their social well-being and had to ensure that they had food and were able to send their children to school.

Asked by Mr Nel how he felt about detention without trial, he said as he had experienced it he felt it was a bad thing.

At the end of both the state and defence case, Mr Nel said that although there were numerous contradictions by the state witness, neither tried to mislead the court. W/O Mbi was confused. The evidence of Major Zozi was corroborated by Mr Msoki on a number of issues.

Mr Nel said Mr Msoki admitted possession of the Biko book. Mr Msoki had agreed that different countries could have different laws pertaining to certain issues. As a student of politics and member of the BPC he had adequate background to the "Biko-Donald Woods" syndrome. He should have checked if the book was banned or not in Ciskei.

Mr Langa said the court was faced with two versions — that of the

police witnesses and Mr Msoki's version. The state had to prove its case beyond any reasonable doubt and if there was any doubt the accused must get the benefit of the doubt.

Mr Langa said the evidence of the two policemen regarding the compilation of items was suspect and the court should accept the version of Mr Msoki.

Mr Msoki had explained how there was a parcel in the garage of which he did not know the contents. The state had not disproved his version.

Mr Msoki's version about the Biko book was simple. He bought it in Transkei where it was sold openly. He brought it to Ciskei assuming it was acceptable here as well.

When looking at the Ciskei Constitution Act one found a Bill of Rights which was different from the laws of South Africa. One could not assume laws of the Republic of South Africa applied in Ciskei.

There was no evidence before court that the Ciskei Government had commented adversely on Biko and Woods. The attitude of Ciskei to the two men was therefore not known. The fact that Ciskei was different from South Africa made Mr Msoki's belief that the book was not banned in Ciskei tenable.

The book was a biography, not a book on the black consciousness movement. — DDR

200	Johannesburg Municipal Workers Union
200	Laundry, Dry Cleaning & Dyeing Workers Union of S.A.
200	Natal Sugar Industry Employees Union
200	Pretoria Vakbond vir die Kleinhandel Vleisbedryf
200	United African Motor & Allied Workers Union
200	Eastern Province Sweet, Food & Allied Workers Union
204	Tailoring Workers, Dressmaking and Furriers Industrial Union
205	Umogintwini Industrial Workers Union
218	Durban Municipal Professional Staff Association
222	Transport Workers Union (Coloured & Asian)
243	O.V.S. Provincial Werkersvereniging
250	Provinciale Huisdoudlike Personeelvereniging
257	



Crowds of people gather outside the Supreme Court yesterday before the prison van, bearing Oscar Mpetha, 74, and the murderers left after sentence was passed.

Mpetha jailed for five years

Street march after trial

CARE TIMES 29/6/83

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Staff Reporter

By JO-ANNE RICHARDS

OSCAR MPETHA, 74, was sentenced in the Supreme Court yesterday to five years in jail — the compulsory minimum — on a charge of terrorism.

The 10 young men convicted of murder in the trial, nine of whom were also found guilty of terrorism, were given sentences ranging from seven to 20 years in jail.

'Old, ill'

Mr Justice Williamson said that Mpetha was "old and very ill" and was suffering from diabetes and its complications. He was due to have his leg amputated because of gangrene.

"His life expectancy is limited and, at best, he only has a couple of years to live, even with the best medical treatment."

Justice did not require that he be sent to jail and he would have preferred to give him a totally suspended sentence. However, he was bound by the Terrorism Act.

Mr Justice Williamson said it was clear that



Oscar Mpetha, 74, jailed for five years yesterday for terrorism.

the crimes had flowed from a sense of grievance. The charges had involved the stoning and burning of cars or the incitement to commit these acts and the resultant death of Mr George Beeton and Mr Frederick Jansen on August 11, 1980.

"We cannot but sympathize with people who suffer such grievances and frustrations," he said. "But we have only the strongest condemnation for the manner in which these grievances were expressed."

The judge said he had taken into account their personal backgrounds, their youth, lack of previous convictions and deterrence. He was satisfied that the men saw themselves as heroes and were totally unremorseful.

He also took into account the three years the men had spent in jail before and during the marathon trial. The sentences on the different charges would run concurrently in every case, he said.

Aaron Tshangama, who was a "mature man", was sentenced to 15 years on both murder charges. He had been acquitted of terrorism. All nine of the other men were sentenced to

five years on the terrorism charge.

Christopher Sparanyi, who was a "cripple and easily influenced", was sentenced to seven years for murder. Morgan Makubala, who "played a leading role in the events", was sentenced to 15 years on both murder charges. Peter Kube, who told the crowd to arm themselves with stones, was sentenced to 18 years on both murder charges.

Alton Sabuwa, who played a less important role, was sentenced to 12 years on one murder charge. Johannes Hlapo, who had been "particularly cruel and callous" towards Mr Jansen, was sentenced to 20 years on two murder charges. Jeffrey Beardman, who was "easily influenced and immature", was sentenced to 10 years on one murder charge.

'Evil'

Vuysile Diba, a "natural leader of high intelligence", was sentenced to 15 years on one murder charge. Raymond Mapondo, an "evil young man" who had stabbed the "helpless" Mr Jansen, was sentenced to 20 years on two murder charges. Phillip Nonygwana, who was "vulnerable to emotional stress", was sentenced to 10 years on two murder charges.

Counsel for the defence applied for leave to appeal for all the men. Mr Justice Williamson will give judgment on this point today.

The two assessors were Mr CH van Gend and Mr GH Titterton. Mr I Farlam, SC, assisted by Mr J Whitehead, instructed by Frank, Bernadt and Joffe, appeared for Mpetha. Mr Whitehead and Mr TL Skweyiya, instructed by Omar, Vassen and Co., appeared for the other men.

A CROWD, at some stages several hundred strong, marched through the City centre yesterday after the Mpetha terror trial had ended.

The march, the fifth since the trial started, was closely monitored by many police who directed it but made no arrests.

A large crowd gathered outside the Supreme Court before the case was due to start at 10am. People entering were frisked in the presence of police. Dog Squad members were on duty outside.

The court was packed with about 200 people, who were quiet throughout the hour-long sentencing.

As the judge left court, the convicted men gave black power salutes and shouted.

The crowd sang freedom songs while the men filed out. Outside the court, many chanted and some began walking away singing but they were warned to disperse by a police officer using a loud-hailer.

They then gathered on the steps of the court building. About 20 minutes later, a van containing the sentenced men drove off. The men yelled out and their shouts were echoed by the crowd which then marched into Burg Street.

Police vans directed the march into Longmarket Street, and police closed roads so that the crowd could move unimpeded. The people marched to the railway station where they sang for some minutes before dispersing.

Sowetan 30/6/83

Man on inciting rap goes missing

By NKOPANE MAKOBANE

155

A JOHANNESBURG magistrate yesterday issued a warrant of arrest against a Soweto man who had been released on warning and who faces charges of inciting racial hatred between whites and blacks.

Mr Steven Mokoena (41) of Orlando East didn't appear for his court case yesterday at the Johannesburg Magistrate's Court.

He refused to plead in an earlier hearing, but the magistrate Mr L S du Toit entered a plea of not guilty for contraven-

ing the Black Administration Act. Mr Mokoena is alleged to have told a traffic officer that the Pretoria bomb blast was a good thing.

It is also alleged that he said a certain black man was going to be president of South Africa soon, that whites knew f . . . all, that all whites were attorneys and that magistrates, prosecutors and Ministers or any other whites were uneducated.

The offence is said to have taken place on May 25 this year in Commissioner Street, Johannesburg in front of a crowd of blacks.

CAPL Tent 30/6/83
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Mpetha, nine others given leave to appeal

Supreme Court Reporter OSCAR MPETHA, 74, who was recently convicted of terrorism, was yesterday granted leave to appeal against his five-year sentence by a Supreme Court judge and released on R1 bail.

Mr Justice Williamson also granted nine other young men leave to appeal against their five-year sentences on the same charge. They are Christopher Sparanyi, Morgan Makubala, Peter Kube, Alton Sabuwa, Johannes Hlapo, Jeffrey Baardman, Vuysile Diba, Raymond Mampondo and Phillip Nongwana.

A tenth convicted man, Aaron Tshangama, was acquitted of terrorism and was not affected.

Refused

Mr Justice Williamson refused leave to appeal against the convictions of all the men. He also refused leave to appeal against the sentences of the 10 young men convicted of murder. Their sentences on the murder charge are to run concurrently with those on the terrorism charge.

Granting leave to appeal against the sentence on the terrorism charge — which carries a five-year minimum sentence — Mr Justice

Williamson said he would have preferred to give Mpetha a wholly suspended sentence and the other young men sentences of three years.

He said it was possible that an Appeal Court might come to a different decision over whether the men should have been sentenced in terms of the Terrorism Act — now repealed — or the existing Internal Security Act, which did not carry a minimum sentence. The men were charged under the Terrorism Act.

This was a difficult legal argument in which Mr I Farlam, SC, had argued that the Internal Security Act was, in effect, an amendment of the repealed act and could therefore be used to sentence the men.

“This matter should be authoritatively settled by the highest court

Mr C J van Wyk, for the State, did not oppose Mpetha's bail application. Mr Justice Williamson said he was setting only a nominal amount as bail as there was “no question” of his running away.

Mr Farlam was assisted by Mr J Whitehead and instructed by Frank Bernadt and Joffe. Mr Whitehead and Mr T L Skweyiya, instructed by Omar, Vassen and Co., appeared for the other men.

2 tell court of ANC training

331 ~~Star~~ Pretoria Correspondent 30/6/83

The 1976 Soweto unrest led him to join the African National Congress (ANC) to receive military training, an alleged member of the movement told a Pretoria magistrate yesterday.

Mr Jacob Molefe (23) was appearing on a charge of high treason along with Mr Alpheus Zacharia Molotsi (28). Both men pleaded not guilty.

Magistrate Mr C S van Loggerenberg referred the case to the Pretoria Supreme Court, where Mr Molefe and Mr Molotsi will appear on September 19. They will remain in custody until then.

In explanation of plea Mr Molefe said he had

seen police shoot a nine-year-old boy between the eyes in 1976. He had then left the country to join the ANC. He admitted receiving military training in Angola between 1976 and 1982, and planning and preparing deeds of warfare against South Africa.

He denied knowledge of weapons such as bayonettes, AK-47 rifles, hand grenades and ammunition mentioned in the charge sheet.

Mr Molotsi said he had become dissatisfied with law and order in South Africa and had joined the ANC. He said he had received military training in the Soviet Union and Angola, but denied launching an armed attack on the South African Police on February 16 this year.

UC

Woman acquitted over banned book

By Gavin Engelbrecht,
West Rand Bureau

A Krugersdorp magistrate, acquitting a mother for the possession of banned literature, said yesterday that Security Police evidence was reliable despite allegations that it had been contradictory.

Mrs Lettie Nzima (34) of Kagiso, pleaded not guilty at a previous hearing to possessing the book "Biko" by Donald Woods.

The magistrate, Mr C Eksteen, said there was insufficient evidence to prove that she knew the book was banned and he acquitted her.

At another hearing, Warrant Officer H P Blignaut of the Krugersdorp Security Police said he and Sergeant CS

Heyneke had found the book in a cupboard in Mrs Nzima's bedroom.

Asked why he had remembered searching Mrs Nzima's sister's house after denying it twice under oath, he said a Captain Kruger of the Security Police had refreshed his memory.

Sergeant Heyneke said Mrs Nzima had admitted the book was hers but she did not know whether she had bought it or it had been given to her.

Asked why he had not mentioned this in his original statement, he said he thought Warrant Officer Blignaut would have mentioned it.

Mr S L Joseph, for Mrs Nzima, asked for an acquittal, saying the Security Police evidence was unreliable and contradictory.

Mrs Nzima said her children had told her a friend of theirs had left the book at the house.

She had not seen the book for a year and did not know it was banned. She denied having been questioned about the book by the two policemen.

Mr Eksteen said in passing judgment that Warrant Officer Blignaut's evidence had been severely criticised and had to be approached with caution.

He said that Warrant Officer Blignaut's forgetting a search was an inexcusable explanation, but added that he was subjected to a lengthy cross-examination and there was "a tendency for a play on words".

He mentioned a number of discrepancies in the evidence.

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Tears after release from jail

By JO-ANNE RICHARDS

OSCAR MPETHA, 74, broke into tears and expressed total disbelief when released from Pollsmoor Prison on R1 bail yesterday, after spending nearly three years in jail.

Mpetha was granted the nominal bail yesterday pending an appeal against his sentence of five years' jail on a charge of terrorism. He and 10 young men were sentenced on Tuesday.

"I can't believe it," Mpetha said, gazing at the bail receipt held by his attorney, Mr Brian Lutzno. "I have spent three years in jail and have been convicted and sentenced to five years, and now I get R1 bail."

Tears streamed down his face as he greeted the large crowd of family and friends who met him outside the gates of the prison.

"When they told me, I

thought they were fooling me," he said. "When I had fetched my parcels from the cell and started signing forms, then I began to believe that I was going home.

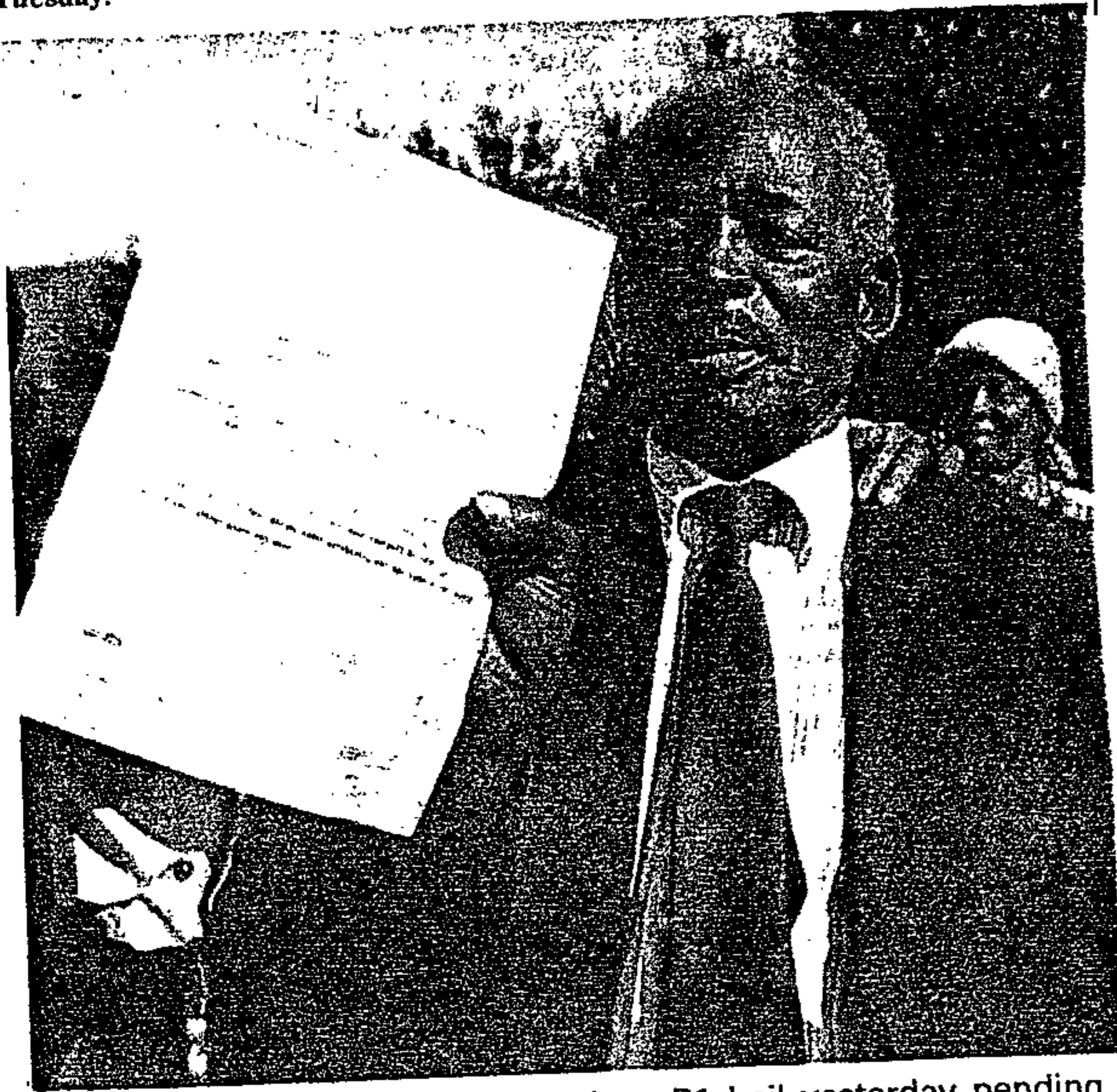
"I really thought they would give me bail of about R500 000 just to stop me getting out. Now, I'm really going home after three years."

When he finished speaking, the crowd broke into song. Mpetha gazed around at mem-

bers of the crowd and wiped the tears from his cheeks. "I have been wondering who would be here to meet me."

Mpetha, who has diabetes, will be admitted to hospital on Friday to have his left leg amputated.

As Mr Lutzno prepared to drive Mpetha home, a police car drove up at speed. A police captain asked the meaning of "this gathering" and told the people to disperse.



Oscar Mpetha, who was released on R1 bail yesterday pending an appeal against his five-year jail sentence, holds up his bail form outside Pollsmoor prison where he was greeted by friends and family. Cape Times Newscolour: Ivor Markman

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~~303~~

D. Dispatch

30/6/83

Ciskei field worker acquitted

ZWELITSHA — A field worker of the Dependants Conference, Mr Mzwandile Msoki, 40, of Mdantsane, was yesterday found not guilty by Mr J. Kotze in the regional court here on two counts of possession of banned

literature and publications of the banned ANC and South African Communist Party.

Mr Kotze said the State failed to prove beyond any reasonable doubt that the contents of the documents were

in contravention of the Ciskei Security Act. In terms of a section of the act the State had to prove that an accused found in possession of some documents was a member, office bearer or active supporter of a

banned organisation. There was no evidence before court relating to membership, office bearer or active supporter, Mr Kotze said.

For the State's case to succeed Mr Msoki should have been

charged with being a member, office bearer or active supporter of a banned organisation.

Were it not for this the court would have had no hesitation in finding Mr Msoki guilty on both counts. — DDR.

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30/6/83
D. Dispatch

Surgeon says accused told of an assault

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ZWELITSHA — An acting district surgeon told the Supreme Court yesterday that one of the accused persons in the terrorism act trial told him he had been assaulted when he examined him while he was a detainee.

Dr Leon Albert of East London was giving evidence in a trial-within-a-trial to determine the admissibility of alleged confessions.

Mr William Duna, Mr Dumisani Maninjwa, Mr Bayi Keye and Mr Luyanda Mayekiso, all of Mdantsane, have been charged with participating in terrorist activities, being members of the ANC, recruiting people to undergo military training and possession of banned literature.

They have pleaded not guilty before Mr Chief Justice De Wet.

Dr Albert said Mr Maninjwa told him he had been hit on the face with an open hand. He noted slightly swollen orbits on his eyes which were red.

Asked by the defence if the signs were consistent with being hit on the face, he said it was possible.

Under cross-examination by the Attorney General, Mr W. F. Jurgens, he said the red eyes could be related to lack of sleep. He would have seen a cut lip if there was any and would have noted it down.

He said he had examined Mr Duna several times but saw no assault marks nor did he complain of assault.

Mr M. I. K. Moerane, for the defence, told the court that he had not had time to consult fully on

the doctors' reports because the South African prison authorities had refused the defence access to the medical records.

The men were detained in East London during their interrogation.

The Chief Justice said he had no say on the refusal because the prison authorities belonged to another country.

Mr Moerane also placed it on record that it was common cause that Dr Wingreen had examined one of the defence witnesses, Mr Siseko Vanyaza, at the Cambridge offices of the security police and had compiled a report. That report was nowhere to be found.

Both counsel for the defence and the State will argue today on the admissibility of the statements. — DDR.

V A R I A B L E	RECORD NO.	ABL	ES	COLUMNS BEGIN	COLUMNS END	FIELD WIDTH	TYPE
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	1	1	27	15	27	7	F
	1	1	34	22	34	0	F
	1	1	40	28	40	7	F
	1	1	44	32	44	0	F
	1	1	48	34	48	4	F
	1	1	51	37	51	4	F
	1	1	55	41	55	4	F
	1	1	59	45	59	4	F
	1	1	63	49	63	4	F
	1	1	67	52	67	4	F
	1	1	71	56	71	4	F
	1	1	75	60	75	4	F
	1	1	79	64	79	4	F
	1	1	83	68	83	4	F
	1	1	87	72	87	4	F
	1	1	91	76	91	4	F
	2	1	95	80	95	1	F
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	2	1	103	88	103	1	F
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	2	1	111	96	111	1	F
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	2	1	131	116	131	1	F
	2	1	135	120	135	1	F
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	2	1	147	132	147	1	F
	2	1	151	136	151	1	F
	2	1	155	140	155	1	F
	2	1	159	144	159	1	F
	2	1	163	148	163	1	F
	2	1	167	152	167	1	F
	2	1	171	156	171	1	F
	2	1	175	160	175	1	F
	2	1	179	164	179	1	F
	2	1	183	168	183	1	F
	2	1	187	172	187	1	F
	2	1	191	176	191	1	F
	2	1	195	180	195	1	F
	2	1	199	184	199	1	F
	2	1	203	188	203	1	F
	2	1	207	192	207	1	F
	2	1	211	196	211	1	F
	2	1	215	200	215	1	F
	2	1	219	204	219	1	F
	2	1	223	208	223	1	F
	2	1	227	212	227	1	F
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	2	1	243	228	243	1	F
	2	1	247	232	247	1	F
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	2	1	259	244	259	1	F
	2	1	263	248	263	1	F
	2	1	267	252	267	1	F
	2	1	271	256	271	1	F
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	2	1	279	264	279	1	F
	2	1	283	268	283	1	F
	2	1	287	272	287	1	F
	2	1	291	276	291	1	F
	2	1	295	280	295	1	F
	2	1	299	284	299	1	F
	2	1	303	288	303	1	F
	2	1	307	292	307	1	F
	2	1	311	296	311	1	F
	2	1	315	300	315	1	F
	2	1	319	304	319	1	F
	2	1	323	308	323	1	F
	2	1	327	312	327	1	F
	2	1	331	316	331	1	F
	2	1	335	320	335	1	F
	2	1	339	324	339	1	F
	2	1	343	328	343	1	F
	2	1	347	332	347	1	F
	2	1	351	336	351	1	F
	2	1	355	340	355	1	F
	2	1	359	344	359	1	F
	2	1	363	348	363	1	F
	2	1	367	352	367	1	F
	2	1	371	356	371	1	F
	2	1	375	360	375	1	F
	2	1	379	364	379	1	F
	2	1	383	368	383	1	F
	2	1	387	372	387	1	F
	2	1	391	376	391	1	F
	2	1	395	380	395	1	F
	2	1	399	384	399	1	F
	2	1	403	388	403	1	F
	2	1	407	392	407	1	F
	2	1	411	396	411	1	F
	2	1	415	400	415	1	F
	2	1	419	404	419	1	F
	2	1	423	408	423	1	F
	2	1	427	412	427	1	F
	2	1	431	416	431	1	F
	2	1	435	420	435	1	F
	2	1	439	424	439	1	F
	2	1	443	428	443	1	F
	2	1	447	432	447	1	F
	2	1	451	436	451	1	F
	2	1	455	440	455	1	F
	2	1	459	444	459	1	F
	2	1	463	448	463	1	F
	2	1	467	452	467	1	F
	2	1	471	456	471	1	F
	2	1	475	460	475	1	F
	2	1	479	464	479	1	F
	2	1	483	468	483	1	F
	2	1	487	472	487	1	F
	2	1	491	476	491	1	F
	2	1	495	480	495	1	F
	2	1	499	484	499	1	F
	2	1	503	488	503	1	F
	2	1	507	492	507	1	F
	2	1	511	496	511	1	F
	2	1	515	500	515	1	F
	2	1	519	504	519	1	F
	2	1	523	508	523	1	F
	2	1	527	512	527	1	F
	2	1	531	516	531	1	F
	2	1	535	520	535	1	F
	2	1	539	524	539	1	F
	2	1	543	528	543	1	F
	2	1	547	532	547	1	F
	2	1	551	536	551	1	F
	2	1	555	540	555	1	F
	2	1	559	544	559	1	F
	2	1	563	548	563	1	F
	2	1	567	552	567	1	F
	2	1	571	556	571	1	F
	2	1	575	560	575	1	F
	2	1	579	564	579	1	F
	2	1	583	568	583	1	F
	2	1	587	572	587	1	F
	2	1	591	576	591	1	F
	2	1	595	580	595	1	F
	2	1	599	584	599	1	F
	2	1	603	588	603	1	F
	2	1	607	592	607	1	F
	2	1	611	596	611	1	F
	2	1	615	600	615	1	F
	2	1	619	604	619	1	F
	2	1	623	608	623	1	F
	2	1	627	612	627	1	F
	2	1	631	616	631	1	F
	2	1	635	620	635	1	F
	2	1	639	624	639	1	F
	2	1	643	628	643	1	F
	2	1	647	632	647	1	F
	2	1	651	636	651	1	F
	2	1	655	640	655	1	F
	2	1	659	644	659	1	F
	2	1	663	648	663	1	F
	2	1	667	652	667	1	F
	2	1	671	656	671	1	F
	2	1	675	660	675	1	F
	2	1	679	664	679	1	F
	2	1	683	668	683	1	F
	2	1	687	672	687	1	F
	2	1	691	676	691	1	F
	2	1	695	680	695	1	F
	2	1	699	684	699	1	F
	2	1	703	688	703	1	F
	2	1	707	692	707	1	F
	2	1	711	696	711	1	F
	2	1	715	700	715	1	F
	2	1	719	704	719	1	F
	2	1	723	708	723	1	F
	2	1	727	712	727	1	F
	2	1	731	716	731	1	F
	2	1	735	720	735	1	F
	2	1	739	724	739	1	F
	2	1	743	728	743	1	F
	2	1	747	732	747	1	F
	2	1	751	736	751	1	F
	2	1	755	740	755	1	F
	2	1	759	744	759	1	F
	2	1	763	748	763	1	F
	2	1	767	752	767	1	F
	2	1	771	756	771	1	F
	2	1	775	760	775	1	F
	2	1	779	764	779	1	F
	2	1	783	768	783	1	F
	2	1	787	772	787	1	F
	2	1	791	776	791	1	F
	2	1	795	780	795	1	F
	2	1	799	784	799	1	F
	2	1	803	788	803	1	F
	2	1	807	792	807	1	F
	2	1	811	796	811	1	F
	2	1	815	800	815	1	F
	2	1	819	804	819	1	F
	2	1	823	808	823	1	F
	2	1	827	812	827	1	F
	2	1	831	816	831	1	F
	2	1	835	820	835	1	F
	2	1	839	824	839	1	F
	2	1	843	828	843	1	F
	2	1	847	832	847	1	F
	2	1	851	836	851	1	F
	2	1	855	840	855	1	F
	2	1	859	844	859	1	F
	2	1	863	848	863	1	F
	2	1	867	852	867	1	F
	2	1	871	856	871	1	F
	2	1	875	860	875	1	F
	2	1	879	864	879	1	F
	2	1	883	868	883	1	F
	2	1	887	872	887	1	F
	2	1					

Statements made freely

D-Dispatch
1/7/83

ZWELITSHA — Statements made by three of the four people charged under the Terrorism Act trial were made freely and voluntarily, the Attorney-General, Advocate W. F. Jurgens, who is prosecuting, told the supreme court here yesterday.

Arguing for the admissibility of the alleged confessions, he said the accused's allegation of coercion, inducement and undue influence had been disproved beyond any reasonable doubt.

Mr Jurgens further said that Mr Mabone Duna and Mr Dumisani Maninjwa failed to prove upon a preponderance of probabilities that their statements were not made freely and voluntarily, even if their allegations were found to be reasonable and possibly true.

Mr Duna, Mr Maninjwa, Mr Bayi Keye and Mr Luyanda Mayekiso, all of Mdantsane, are being charged for participating in terrorist activities, being members of

the ANC, recruiting people to undergo military training and possession of banned publications.

They have pleaded not guilty before Chief Justice De Wet to all the charges.

At present there is a trial within a trial to determine the admissibility of the statements made by Mr Duna, Mr Maninjwa and Mr Mayekiso.

Mr Jurgens submitted that the fact that Mr Duna made his statement while detained under the Terrorism Act did not, in itself, render the statement inadmissible due to the statutory duty to answer questions.

The fact that Mr Maninjwa was detained under section 22 of the General Laws Amendment Act when he made the statement and Mr Mayekiso under proclamation R252, likewise did not render their statements inadmissible.

He said Mr Duna alleged that he was subjected to a series of assaults, torture and

threats which culminated in him being coerced to make a bogus confession to a magistrate.

These allegations had been denied by Capt Van Wyk and other witnesses who alleged that he was questioned on a number of days which culminated in him making a statement to police, and that he thereafter, of his own volition, asked to be taken to a magistrate to make a statement.

Mr Jurgens said that Warrant-Officer Muller had proved that he was attending a course at the time he was alleged to have taken part in Mr Duna's assault. This also applied to some days he claimed Capt Van Wyk participated in his questioning.

"The allegations of Mr Duna that the warning and certain of the preliminary questions to his confession were not put to him, and that certain of his answers were incorrectly recorded, were denied by both the

magistrate and the interpreter," he said.

"It is respectfully submitted that Mr Duna was not a good witness and that he was shifty and evasive under cross examination."

Of Mr Maninjwa, he said he invented a late lie during cross-examination in order to bolster his earlier evidence that he was deliberately kept from sleep for two days, when he alleged a serious assault in the mop room.

Mr Jurgens submitted that the real reason he decided to make a confession was to be found in his answer to the magistrate that he expected his "colleagues to be discharged", namely that, in remorse over the fact that others were arrested and detained as a result of his activities, he wanted to accept and confess liability so that those colleagues need no longer be detained.

He said Mr Mayekiso's pivotal allegation that he was interrogated at Cambridge for three weeks prior to making a

statement had been proved false.

The serious allegation that he completed his confession before a magistrate at the Cambridge security offices was not only denied by all concerned but conclusively disproved.

"It is submitted that Mr Mayekiso's evidence is riddled with improbabilities and far-fetched allegations."

Mr Jurgens argued that the alleged system of assaults and torture to obtain information from other persons detained in connection with the case were not proved at all because the evidence tendered could be relied on as true and the evidence, even if believed to establish a systematic course of conduct, could not swing the scales in favour of the defence in the light of the very strong case built up by the State against the individual accused as set out above.

Defence counsel, Advocate M. T. K. Moerane, will reply today. — DDR.

2/7/83 ~~329~~ ~~HA~~ 331 Court reserves statements ruling *D. Disputch*

ZWELITSHA — A ruling on the admissibility of statements made by the accused in Ciskei's first Terrorism Act trial was reserved until August 1 by Chief Justice De Wet in the Supreme Court here yesterday.

Four Mdantsane men, Mr Mabone Duna, Mr Dumisani Maninjwa, Mr Bayi Keye and Mr Luyanda Mayekiso, have pleaded not guilty to participating in terrorist activities, being members of the banned ANC, recruiting people to undergo military training and possession of banned literature.

In a trial-within-a-trial Mr Duna, Mr Maninjwa and Mr Mayekiso claimed that they did not make their statements freely and voluntarily.

The Attorney-General, Advocate W. F. Jurgens, who is prosecuting, has argued that they were made freely and should therefore be accepted by the court.

The defence counsel, Advocate M. T. K. Moerane, has contended

Czech's freeze Vatican ties

VATICAN CITY — The communist government in Czechoslovakia, nervous over the role of the Catholic Church in Poland, has frozen relations with the Vatican, Vatican sources said yesterday.

Ties between the Holy City and Czechoslovakian authorities have always been among the most difficult in the East Bloc, but the sources said they had recently worsened and dialogue had been broken off. — SAPA-RNS.

that the accused were forced and unduly influenced to make the statements, which should therefore be rejected by the court.

He argued that Section six of the Terrorism Act trial, Section 22 of the General Law Amendment Act and Proclamation R252 under which the accused were detained were gross departures from criminal law which gave a person the right to refuse to answer questions and entitled them to a legal defence.

A detainee under these laws was kept in solitary confinement with no access to his legal advisor and the psychological life support system. The purpose of this was to induce him to speak.

Mr Moerane said Section six was more stringent and drastic because a person was held incommunicado and removed from the jurisdiction of the court. Inherent in the section was pressure to induce a person to speak against his will and interest, in violation of the common law and fundamental right to remain silent.

Even the act of isolation acted as an inducement. That was why up to date it was unheard of for Section six statements to be found admissible by the Appellate Division.

In Ciskei rights of individuals were guaranteed in a chapter dealing with fundamental rights in the constitution.

The fact that the detainees' statements were made while detained under the various sections mentioned, made the statements inadmissible.

He said Mr Duna's statement was made after 40 days of intensive interrogation. Warrant-Officer Elsdon described the process whereby information was "extracted" from Mr Duna.

Mr Moerane said the officer knew English but chose the word "extract" as against a more neutral word than "question." He was trying to tell the court exactly what happened at the police station.

He said Mr Duna's statement that he wished his statement to be handed in court raised the proposition that benefit was expected.

Mr Maninjwa's statement that he expected his colleagues to be released when asked if he expected any benefits also raised the possibility of inducement.

Mr Moerane said the evidence of Brigadier Tamsanqa who took part of Mr Mayekiso's statement should be rejected.

Brigadier Tamsanqa could not take a statement although he was a brigadier.

He said promotions in Ciskei went by leaps and bounds and people were promoted at a phenomenal rate.

Mr Moerane said the calling of witnesses who were potential state witnesses proved the pattern of interrogation.

These people were held in solitary confinement and had no access to the accused.

They told the court they were assaulted by the police in more or less the same manner, same time and same place as the accused. — DDR.

Marchers hit the streets fo



330 City Press 3/7/83

A chanting, singing 200-strong crowd surges through the streets of Cape Town after the sentencing of Oscar Mpetha 74, and nine others on charges of murder and terrorism.

Mpetha, branch secretary of the African Food and Canning Workers Union, was sentenced to five years and was found guilty only of terrorism. Earlier, the Cape Town Supreme Court heard that Mpetha was suffering from severe diabetes and had gangrene in his left leg. The leg would have to be amputated and his life expectancy was one year. He was granted leave to appeal and released on R1 bail.

The nine other men were convicted of murdering Mr George Beeton and Mr Frederik Jansen during a riot in Klipfontein Road near Crossroads in 1980. They were sentenced to terms ranging from seven to 20 years.

ANC
clothes
found in
dawn raid

331
Star
17/83

West Rand Bureau

A man who was allegedly found in the possession of clothes bearing the colours of the banned African National Congress (ANC) appeared before a Krugersdorp magistrate yesterday charged with being a member of the organisation.

Mr Isaac Genu (30) of Kagisi, Krugersdorp, appeared before Mr T J la Grange. He also faces alternative charges of being in possession of clothes and a publication which indicated he was a member of the ANC, and with taking part in activities of the ANC.

He pleaded not guilty to all the charges.

Captain P A J Kruger said Mr Genu's house was searched at 4 am on March 4.

Police found a T-shirt depicting a woman with a gun and men carrying spears, a second shirt with the slogan "Mayi-buye", and another shirt with a map of Africa.

Also found were two children's shirts bearing the slogans "Viva Mandela" and "Aluta continua" (the struggle continues), and two head scarves.

All the items bore the colours green, yellow and black.

"The colours used and pictures depicted are used from time to time by the ANC in its propaganda war waged against this country," said Captain Kruger.

The case continues.

Court told of ANC

By NKOPANE
MAKOBANE

THE AFRICAN National Congress (ANC) has in recent years increased its actions against the South African Government by using strikes and demonstrations to achieve its goals, a Johannesburg Regional Court was told yesterday.

The outlawed organisation, the court heard, believed that an all-round offensive against the enemy means that

all possible avenues should be used such as trade unions, school children, religion and women.

EXPERT

Professor I D de Vries, a lecturer at the Rand Afrikaans University (RAU) and an expert on revolution in South Africa, was testifying before Mr I J J Luther in the trial of two Soweto men charged with taking part in activities of the ANC.

Mr Peter Thabo Moloji (29) and Mr Jacob

Mashego (24) both of Diepkloof, have pleaded not guilty to playing an ANC tape recording in a Diepkloof hotel lounge on November 8 last year or alternatively of advocating and encouraging its achievements and objectives.

STRUGGLE

Professor De Vries, in his lengthy evidence, quoted Mr Oliver Tambo, the ANC president, and the organisation's secretary, Mr Alfred Nzo, on what they

said about the movement and its struggle against the Government in the organisation's mouthpiece, Sechaba.

He said further the organisation was spreading its message through various ways. It told its members and supporters to give or pass on, to friends any of its publications like Sechaba, Dawn, and Voice of Women.

The case will continue on July 27.

33, 201, 202, 203
5/7/83
Typing error, says SP
man of 19 extra lines

A security policeman said yesterday that a typing error had resulted in his inserting 19 lines into a transcription of a tape recording which allegedly incited support for the African National Congress (ANC).

Colonel A M Heystek was testifying before a Johannesburg magistrate in the trial of Mr Peter Thabo Moloi (29) and Mr Jacob Mashego (24), both

of Diepkloof, Soweto.

They are charged with participating in the activities of the outlawed ANC and playing an ANC tape.

At a previous hearing Colonel Heystek admitted under cross-examination by Mr D Kuy, defending, that the 19 lines on the transcription were not on the tape.

The case was postponed until July 27.

Expert reviews ~~SA~~ sabotage claims

Staw *331* *5/7/83*
In 1979 the African National Congress accepted responsibility for 13 attacks on South African police stations by its military wing, Umkhonto We Sizwe, a Johannesburg regional magistrate was told yesterday.

Mr Izak de Vries, a lecturer in the department of State affairs at the Rand Afrikaans University and an expert on the ANC, was giving evidence for the State in the trial of two Soweto men charged with furthering the aims of the banned ANC.

Mr de Vries said the ANC in its official organ *Sechaba* in January 1983 contended that "the armed struggle against South Africa escalated" between January 1977 and October 1982.

During that period the ANC claimed attacks on 23 railway lines and 25 industrial establishments.

The ANC also accepted responsibility for 15 bombings in 30 places in South Africa during 1979.

Mr de Vries quoted one of several interviews with Mr Oliver Tambo, exiled president of the ANC, who said those inside the country who were against the ANC's revolutionary aims would be punished.

The people listed include policemen, former ANC members and those who testified for the State in ANC trials.

The accused are Mr Peter Thabo Moloi (29) and Mr Jacob Mashego (24) both of Soweto.

They have pleaded not guilty to taking part in ANC activities between September 1 and November 8 1982.

Mr Mashego admitted possession of a tape recording. He said he was not aware that the recording, which he played for friends at the Diepkloof Hotel, was prohibited.

The tape carried songs by exiled musician Miriam Makeba and American singer Harry Belafonte. On the other track were slogans and music.

The lines included: "We will destroy Smith and Vorster with grenades and guns."

'Typist error' led to added 19 lines

Mall Reporter

A SECURITY policeman said 19 additional lines in the transcript of an alleged African National Congress cassette were the result of an error made by a typist and not himself.

Colonel A M Heysteck said this under re-examination in the trial of two Diepkloof men charged with taking part in the activities of a banned organisation — alternatively advocating or encouraging the objectives of the organisation — and being in possession of ANC cassettes.

The State alleges that Mr Peter Thabo Moloi, 29, played the recording at his home while Mr Jacob Mashego, 24, played it at the Diepkloof Hotel. They have pleaded not guilty to the charges, which are alleged to have taken place between September 1 and November 8 last year.

The tape includes recordings of music and slogans such as: "We will destroy Smith and Vorster with grenades and guns."

During cross-examination at the previous hearing, Col Heysteck said he could not explain the additional 19 lines added to the

transcript that were not on the recording.

Yesterday he said after reading the first typed transcript he sent the transcript back to the typist to make certain changes, which included removing the 19 additional lines.

He said he did not read the transcript after sending it back to the typist.

Another State witness, Mr Izaac Daniel de Vries, a lecturer at the Rand Afrikaans University who has done a masters degree thesis on revolutionary parties in Southern Africa, said that from the official literature of the ANC, the ANC was at present engaged in an armed struggle aimed at the overthrow of the South African Government.

Quoting extensively from ANC literature and reports, he said the ANC engaged the enemy on all fronts, including strikes, school boycotts and struggle on the religious front. They avoided direct confrontation and hit at the weakest point, he said.

He said the struggle of the ANC was aimed at all people who upheld the present Government. He said even persons who testified against the ANC at inquiry commissions were regarded as the enemy.

The trial was postponed to July 27.

4 year 6 1/2 183
17 students
331
sentenced

Own Correspondent

EAST LONDON — Seventeen University of Fort Hare students and a field worker of the Border Council of Churches were each sentenced to 200 days' imprisonment, alternatively a fine of R400, when they were found guilty on charges of public violence.

The accused were found guilty of public violence after the stoning of the motorcade of the Ciskei President, Chief Lennox Sebe, and members of his Cabinet at the university's graduation ceremony on May 1 last year.

(331) (103) D. Dispatch
7/7/83

Ciskei court rules accused must appear

ZWELITSHA — A regional court magistrate here, Mr J. Kotze, yesterday ruled against an application that a security trial witness could not be tried for perjury in Ciskei because he had made a sworn statement in South Africa.

The application had been made at a previous hearing by Mr M. T. Moerane for Mr Phumezo Mene, 32, of Mgwali, near Stutterheim.

Mr Mene, who appeared as a state witness in a Ciskei security trial, is alleged to have given evidence which differed from a sworn statement made in South Africa.

Mr Moerane had argued that, since the first statement had been made in Lady Grey, it was not in keeping with the provision of the law that he should appear before a Ciskei court.

Mr Kotze ruled that there were two points involved in the matter and both had to be considered in arriving at a decision:

The first sworn state-

ment was made outside the country.

The second action occurred within the jurisdiction of a Ciskeian court and as such the court had jurisdiction over Mr Mene's action.

The trial, in which Mr Mene will appear on a charge of perjury was postponed to September 12. Bail of R200 was extended. — DDR

Fort students to appeal 331

Sowetan
SEVENTEEN Fort Hare University students, a Soweto scholar and a Border Council of Churches fieldworker are to appeal against their conviction on charges of public violence.

7/7/83
The students and fieldworker, Mr Alfred Metele, were sentenced to 200 days imprisonment, alternatively a R400 each fine, in the East London Regional Court.

7/7/83 (331)
Accused

'told lies'

Sowetan
THE five accused in a Kimberley terrorism trial had told lies, evasions, the magistrate, Mr A J van Wyk, said in the regional court this week.

He was evaluating the evidence given by the accused in the trial-within-a-trial in which accusations were made that statements had been obtained from the accused by using improper methods.

The accused have been charged with terrorism, arson, attempted arson and housebreaking. They are: Mr Sello Motlhabakwe (21), Mr Joey Kers (21), Mr Eugene Mokgoasi (22) and Mr Ben Fani (23).

They have all pleaded not guilty. — Sapa.

Man tells why he hid from police

E. Post
7/7/83
331

By CHRIS RENNIE

THE banned former president of the Motor Assemblers and Component Workers' Union of South Africa, Mr Dumile Dennis Makanda, told the Port Elizabeth Regional Court today that he hid from the security police because they had threatened to extend his restriction order to house arrest.

Mr Makanda, 32, is facing charges of contravening his banning order by being at his brother's house in Zwide on October 8 last year. He is also charged with being in possession of prohibited literature on October 8 and 12 last year. He pleaded not guilty on both counts.

When the State closed its case today Mr P Langa, appearing for the defence, applied for Mr Makanda's discharge on the first count.

He submitted that in order to prove Mr Makanda had contravened his restriction order by leaving Kwazakele, the State first had to prove what constituted Kwazakele.

None of the maps or documents before court defined Kwazakele.

Mr Langa said the map defining Zwide that was before court had also not been proved as an official map.

The application for discharge was refused.

Giving evidence, Mr Makanda said on October 8 he went to his brother's house to fetch some planks to build a shed.

His brother was not there, but he saw a youth named Msisi. He went into the house to telephone his brother.

While he was busy, Msisi came and told him that the police were outside.

Mr Makanda said he did not want the police to find him there because they had threatened to extend his restriction order to house arrest. He hid under a bed where he was later found by Lieutenant W S Dennis.

He agreed a book and pamphlets were taken from a bookshelf in the room. He denied he had said they belonged to him.

He agreed that Lt Dennis had searched his house on October 12 and more articles were taken.

He denied the stickers before court were among the items taken or that they belonged to him.

The photographs before court were his property. He denied the colours bordering the photographs were those of the ANC.

(Proceeding)

Mr J B Robinson was on the Bench. Mr H S Goosen appeared for the State. Mr Langa was instructed by S Nkanunu and Co.

331
Strikers
blocked
me
worker

EDM
8/7/83
Mail Reporter

A JOHANNESBURG magistrate heard yesterday how members of the Commercial, Catering and Allied Workers' Union of South Africa (CCAWUSA) had allegedly intimidated a worker in an attempt to stop him from returning to work at a Johannesburg factory.

Mr Jacob Rafapa, Mr Jack Mangwane, Mr Josiah Podile, Mrs Joyce Mokola and Mr Victor Damoied appeared in the Johannesburg Magistrate's Court yesterday on charges of assault and inciting people to strike.

The hearing follows a strike at the Teltron factory in Faraday Street, Johannesburg, on November 16 last year.

Yesterday Mr Christopher Hlongwane told the court Mr Mangwane, Mr Podile, Mrs Mokola, and other union members approached him at Faraday station on November 18 when he wanted to return to work.

He said they told him not to go back to work because there would be "a fight" if he did.

Mr Hlongwane said he was taken to work in a police van after asking a Railways policeman to escort him.

Mr Trevor Kieck, personnel manager at Teltron, told the court about 200 black workers had gathered outside the factory on November 16.

He said some employees had walked towards the factory but did not enter the building after they were approached and spoken to by other blacks — whom he could not positively identify.

The trial continues today.

Pupils blamed for violence

PROVOCATION for the events at the Abantu Bagan to stone the police (the Centre in Gale-shewe, Kimberley, on September 8, 1980, during the school boycotts, originated from the pupils and not from the police, the magistrate in the Kimberley terror trial said this week.

Teargas was first used by a Sergeant van Aswe-

gen after the pupils began to stone the police and members of the administration board, their vehicles, and buildings, the magistrate, Mr A J van Wyk, said.

He was continuing his judgment at the trial of five Galeshewe men who have pleaded not guilty in the Kimberley Regional Court to two

charges of taking part in terrorist activities. The alternative charges are housebreaking, arson and attempted arson.

They accused are: Mr Sello Motlhabakwe (21), Mr Joey Kers (21), Mr Eugene Mokgoasi (22), Mr Nelco Hlatshwayo (22), and Mr Ben Fani (23). — Sapa.

331
C. Herald
9/7/83

Court told of brawl at party

PETER Jones, 32, of Ma-
cassar, pleaded guilty
in the Strand Regional
Court last week of
breaking his banning
order by attending a
party in his office ear-
lier this year.

In a statement handed to
court Mr Jones, a for-
mer black conscious-
ness leader, said the
party had been raided
by security police who
took photographs and
tried to arrest him.

The party had turned
into a brawl when the
police burst in, Mr
Jones said.

He has pleaded not guilty
to charges of assault
and resisting arrest.

Mr Jones said he had
moved into a new of-
fice in Somerset West
earlier this year.

He wanted to treat the
people who renovated
the office and intro-
duce his staff to the
staff of a neighbouring
firm of attorneys
where he was to com-
plete his legal articles.

WORKING

On the night of the party,
he was working in his
office while the guests
were in another office.

He had left his office to
speak to a senior part-
ner in the firm of at-
torneys and decided to
join in the party.

"I wanted to return to
my office and did not
intend joining the par-
ty, but I found it im-
possible not to partake
in the food and drink,"
he said.

He was surprised when
security police, led by
Captain Marius Ger-
hard Retief, burst into
the office, took photo-
graphs of the party
and tried to arrest
him.

SLAPPED

Mr Jones said he did not
resist arrest and de-
nied assaulting Cap-
tain Retief by punch-
ing him in the face. He
said he only slapped
the Captain's hand off
his shoulder because
he did not know why
the policeman was
touching him.

Captain Retief said he
was obliged to touch
Mr Jones to make a
proper arrest. He said
Mr Jones had been ag-
gressive, but later will-
ingly accompanied him
to the police station.

Captain Retief said he
and other policemen,
including a police pho-
tographer, had
watched Mr Jones's of-
fice before going there
at about 9 pm.

The hearing was ad-
journed to August 26.

Lamontville killing: Court packed

Court Reporter

STRICT security measures were taken in the Durban Magistrate's Court yesterday when men and women packed a court and thronged in the hall outside for the appearance of four well-known members of the Lamontville community in connection with an allegation of murder.

Before Mr B J Willemse were Mr Moonlight Gasa, 54, chairman of the Ningizimu Community Council, Mr Ebenezer Mngadi, 59, Mr Vakuphethwa Yalo, 30, and Mr Julius Ndodana, 70.

Their appearance follows the death of Mr Harrison Dube, a Lamontville community leader, in April this year.

Pleas of not guilty have been entered for Mr Gasa, Mr Yalo and Mr Ndodana.

Mr Mngadi has retained his plea of guilty.

An application for bail was heard for Mr Mngadi. The application was refused when Mr Willemse said he was facing a very serious case which could carry the death penalty. He also said that the accused was likely to have his life endangered if he were granted bail.

It was in his own interests if he were not granted bail.

From early in the morning crowds gathered outside the court buildings.

When the courts were opened they surged in and immediately occupied all the space in E Court on the fourth floor. Others gathered outside the court in the adjoining foyer.

When the case was

called. Mr Willemse had to repeatedly call for silence outside the court.

Court orderlies were sent to keep them quiet.

Eventually the Court adjourned to a larger courtroom which was again packed.

Several policemen patrolled the corridors. Eventually an interpreter, speaking through a loud-hailer urged the crowds waiting outside the courtroom to disperse.

They left quietly escorted by policemen.

The hearing was adjourned until July 27.

331

Mercury

9/7/83

~~276~~

Tears, joy as Mpetha comes home

AILING Oscar Mpetha, 74, who was released on R1 bail last Wednesday, had an operation on his left foot on Friday and could not wait to get better to attend an important trade union meeting on Tuesday.

"I don't know if my appeal is going to be successful, so I have to make the most of the time I have," he said.

Mpetha, who was convicted of terrorism in a court sequel to the 1980 Cape Town unrest, received a warm welcome home from Nyanga residents last week.

The chairman of the Nyanga Residents Association, national organiser of the Food and Canning Workers' Union and former Cape president of the now banned African National Congress, said he could not believe he was home.

RELEASED

Last week he was released on R1 bail and given leave to appeal against the five year sentence imposed on him in the Cape Town Supreme Court trial which lasted more than two years.

Mpetha was at Pollsmoor Prison on Wednesday when he heard he would be allowed out on bail.

"I was wondering where the money would come from to pay for my bail when I heard it had been paid already.

"I could not believe my ears. I thought there had been some mistake. I expected bail of some-

thing like R5 000 or more, not R1," he said.

Mpetha burst into tears of joy when he realised he was free to go home for the first time in more than two years and his joy knew no bounds when about 150 people gave him a warm welcome at his Nyanga East home.

"I sat up till late on Wednesday night talking to family and friends. Everybody has been coming in here and I have had little chance to rest," he said.

Throughout the interview men and women, old and young, came into his small house to greet him with a handshake and sit down to listen to the veteran trade unionist.

POLITICS

Mpetha looked relaxed — not like someone who had spent two years in prison — as he spoke about his earlier experiences in the trade union movement and political organisations.

"I don't see the two as being separate. One cannot draw a line between politics and trade union work," he said.

The 74-year-old diabetic said he was made stronger by his imprisonment.

"All the time while I was in prison, I thought of my family, and of how I would like to see them again. I always knew I would see my home again."

"Many things went through my mind and I worried about my wife, Rose Constance, who has also been very sick. I also longed to see my four children and five grandchildren again," he said.

The eldest child is Esther, 40. The others are Carl, 29, Themba, 27, and Thembeke, 23.

Mpetha was born in Mount Fletcher on August 5, 1909, and came to Cape Town on February 3, 1935.

He became involved in the Food and Canning Workers Union in 1947. He joined the ANC in 1948 and became its Cape provincial president in 1958, two years before the organisation was banned in 1960.

He was also active in the South African Congress of Trade Unions, which now operates from exile.

Mpetha vividly remembers the campaigns of the 50s and earlier.

He said there was one event he felt bad about missing.

"I was banned for two years with Chief Albert Luthuli, the ANC's president, just before the Freedom Charter was drawn up in 1955, so I could not attend the historic Congress of the People at Kliptown on June 25 and 26," he said.

That was his first banning. He was banned again for five years in 1959.



● THEMBEKE Mpetha, 23, jokes with her father, Oscar Mpetha, 74, about the R1 bail he was granted after he had been found guilty of terrorism last week.

Handwritten notes:
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Dismissed Fort Hare students wait for judges

331 (H) (M)
2011 12/7/83

Mail Correspondent

KING WILLIAM'S TOWN. — Four former University of Fort Hare students whose application for reinstatement had been dismissed last September are still waiting for a full Bench of the Supreme Court to hear their appeal against the dismissal of their application.

Their instructing attorney, Mr T M Mdlanana, said the registrar of the Ciskei Supreme Court had told him that Chief Justice De Wet had advised that he was awaiting the appointment of the two judges from South Africa.

He said an application to the full Bench of the Ciskei Supreme Court had been noted, and notice of opposition had already been filed by the University of Fort Hare authorities.

As soon as the appointments were made the registrar would set the matter down for hearing, Mr Mdlanana said. At present Ciskei has two permanent judges,

Chief Justice De Wet and Mr Justice Pickard.

Chief Justice De Wet, who dismissed the application for reinstatement last September, said the general rules of the university stated that all students should attend lectures and were obliged to heed instructions.

"It was clear from the affidavits of the applicants that were handed in to court that the applicants had deliberately and without lawful excuse absented themselves from all lectures for at least two days, lectures which they could, without any difficulty whatsoever, have attended."

The four applicants, Mr Hazy Sibanyoni, Mr Sandile Nongxia, Mr Loyiso Stamper and Mr Simpiwe Mgoduso, filed an urgent application in August last year asking for an order to direct the university to allow them to return, restore their full rights as students, allow them to write those examinations which they had missed.

Youths jailed for 10 to 13 years for terrorism

331
AKG45 13/7/83

Argus Correspondent
KIMBERLEY. — Five youths found guilty of taking part in terrorist activities, were today sentenced by a regional court magistrate here to an effective 10 to 13 years imprisonment each.

The magistrate, Mr A J van Wyk, said the school boycott in September 1980 and the violence had disrupted law and order in Galeshewe and Vergenoeg.

He said the arson and attempted arson in which the youths had been involved was made even more serious by the fact that people, including women and children, had been in the houses at which petrol bombs were thrown.

The five were found guilty on a first charge under Section 21 (a) of the Terrorism Act No 83

of 1967, on events which occurred on September 8 1980. The second charge under the same Act, for which four of the youths were convicted, related to September 9 1980.

Two years

Mr van Wyk ruled that three years of the sentences for the second charge, run concurrently with the first charge.

The youths were arrested in February 1981. The trial has run for more than two years.

Neville Sollo Mthlabakwe, 21, was sentenced to eight years on each of the charges and will serve an effective 13 years.

Johannes Joey Kers, 21, was given seven year sentences on each charge and an effective 11 years in prison.

First charge

Eugene Mokgoasi, 22, was sentenced to seven years on the first charge and eight on the second, an effective 12-year sentence.

Nelco Zenzele Hlatwayo, 22, received eight years on the first charge and five on the second, an effective 10 years.

Ben Mlulami Fani, 23, was sentenced to 10 years on the first charge.

5 guilty of terror 13/1/83

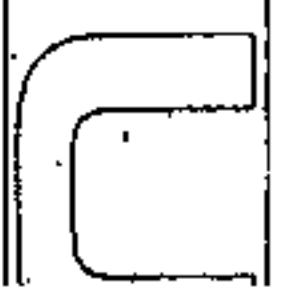
331 Sowetan

FIVE Kimberley men have been found guilty in the Kimberley Regional Court of taking part in terrorist activities.

imprisoned in February 1981 in connection with events during the school boycotts in Kimberley in September 1980.

The five accused, Sello Motlhabakwe (21), Joey Kers (21), Eugene Mokgoasi (22), Nelco Hlatswayo (22) and Ben Fani (23) were

Motlhabakwe, Kers, Mokgoasi and Hlatswayo were also found guilty on a second terrorism charge.



AWB men on terror charges

PRETORIA. — The leader of the Afrikaner Weerstandsbeweging (AWB), Eugene Terre'Blanche, and three associates will stand trial in the Supreme Court here on charges of terrorism, the Attorney-General of the Transvaal decided yesterday.

This follows Monday's surprise preliminary hearing in the Pretoria Regional Court.

After hearing evidence, the magistrate adjourned the hearing to August 5, pending the Attorney-General's decision.

The accused are or were prominent members of the AWB. They are Mr Terre'Blanche, the leader; Jan Groenewald, general secretary; Dawid Botes,

the organizing secretary and a member of Springs Town Council, and Jacob Daniel Viljoen, a founding member.

Mr Viljoen resigned in May this year, when the charges for which he is at present serving a sentence of 15 years' imprisonment became known. Till then he worked as a full-time organizer.

The men were all arrested in December last year, and all except Mr Viljoen were released on R1 000 bail each.

Communist arms

According to the indictment, they are accused of attempting or planning to overthrow the South African Government through violence.

They are also accused of possessing arms, ammunition and explosives of Russian, North Korean, Chinese, East German, Rumanian and Yugoslavian origin.

The weaponry was found in trunks buried on the farm of Mr Andries Terre'Blanche, the leader's brother.

At the preliminary hearing, warrants for the arrest of two State witnesses, Mrs C E Moes and her daughter, Miss C Moes, were issued. The court heard they had probably left the country.

Mr Viljoen appeared in court handcuffed, manacled and in prison dress. He was refused permission to talk to his co-accused and friends.

If convicted, the men face a minimum sentence of five years' imprisonment in terms of the Internal Security Act. — Sapa

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Worker on

~~331~~ ~~220~~
explosives

~~9/11~~ *Murray*
charge

16/7/83
Pietermaritzburg
Bureau

A SOUTH African Railways worker appeared in the Pietermaritzburg Regional Court yesterday on a charge of being in possession of explosives.

Mr Linos Ngubane, 19, who pleaded not guilty to the charge was found to have had 18 detonators in his possession.

Mr Ngubane told the Court he used the detonators in his work.

One evening his lift had not arrived and he had started walking home with the detonators on him. It had been his intention to hand the detonators to the driver of the truck which usually took the workers home.

Mr Ngubane was granted bail of R100 and the hearing was adjourned to August 29.

Motlana's son flees

331 Mercury Correspondent

Mercury
20/7/83

JOHANNESBURG—Mr Karabo Motlana, son of the chairman of the Soweto Committee of 10, Dr Nthato Motlana, has fled South Africa.

Mrs Sally Motlana said yesterday her law student son had disappeared from their Soweto home a few days before he was due to appear in court at Ermelo on May 26.

He had been charged with furthering the aims of a banned organisation and possessing banned literature. He was on R500 bail when he fled, apparently to a neighbouring country.

A warrant for his arrest has been issued.

Even Americans know now there is a place like Transkei

D. DISPATCH

2/1/83

32

Transkei's Washington-based ambassador-at-large, Leslie Masimini, does not quite fit the definition of a diplomat.

A lone voice in a world of non-recognition, he plods the portals of power trying to sell what he admits is a difficult commodity: Transkei.

Besides practising diplomacy in an unusual manner, Leslie Masimini is the embodiment of a strange converging of political ideologies:

- Pan Africanist Congress activist in the active days of black protest politics;
- Robben Island prisoner in 1960.

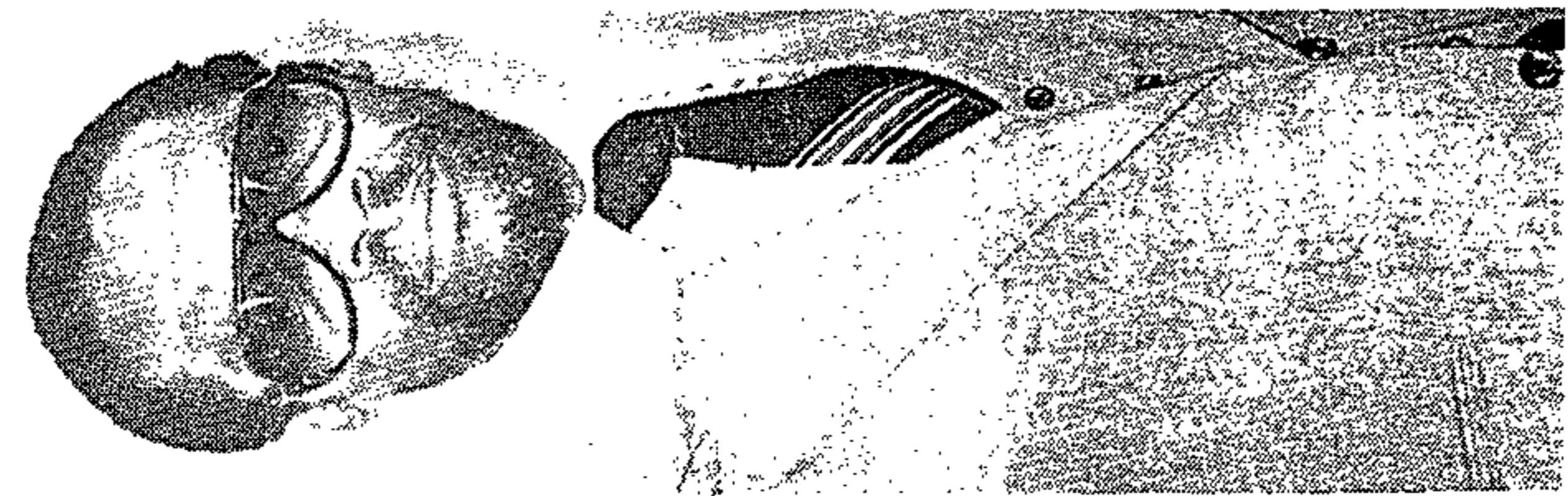
● An exile in 1963 tramping the capitals of the world preaching the PAC struggle; and Transkeian ambassador-at-large by 1976.

How did the parting of ways with the politics of confrontation come?

"There has not really been a parting of ways," says Mr Masimini. "And my friends in the liberation struggle will not challenge me on that.

"I have a record as a freedom fighter which cannot be disputed. I left South Africa as a political refugee and preached the PAC struggle in Botswana, Zambia, Tanzania, Algeria, Tunisia, Cairo and finally South America and the West Indies.

"The ANC and PAC



Mr Leslie Masimini, Transkei's Washington-based ambassador-at-large.

in politics and government) Leslie Masimini says he assaults the

are not my enemies. We have an understanding in the wide world. We have the same goals but our strategies differ. I joined Transkei to be an instrument in dissolving the system."

Asked about the ANC representative at the UN, Mr John Makatini, who launched a scathing attack last year on Transkei for not being part of the liberation struggle, Mr Masimini said: "I know John well. We were together in Algeria.

"I can point to the fact only that Chief Gatscha Buthelezi was also critical of us at one stage. Today he realises the value of black unity and sees a role for Transkei in the liberation struggle."

Preaching a philosophy now of Transkei's historical claim to independence, its integral part as an instrument in the liberation struggle and a resilience not to be daunted in the face of international rebuff, Leslie Masimini sees himself as a salesman.

From a downtown office in Washington with a staff of four, the father of five children (he met his clinical psychologist wife at the University of West Indies where he graduated

groups. They take decisions and fight your case for you. But it means getting where the action is and this costs money. It means flying to party conventions, attending seminars and business conferences and the different functions of the pressure groups to put your case.

"On an annual budget of R150 000 this cannot be done and I am considerably constrained. There is a lot I can do by quiet diplomacy, which I am sure will pay dividends."

Leslie Masimini has returned to his Washington base after consultation and report-back in Transkei armed with an instrument he said would make his job easier.

"The black federal concept gives me greater diplomatic manoeuvrability," he said. "A united black voice will go a long way in making the world realise and appreciate our position.

"I am excited about this as it will give us great mileage as opposed to South Africa's new dispensation, which is a futile attempt. The black man is the crux of the matter in South Africa and leaving him out of the dispensation was a way of making sure it never will work."

ululeko, which means freedom) entertained them and women from 88 other countries attended. It is also on occasions such as this that we are able to educate people about Transkei."

Journalists have also been Leslie Masimini's target, although he says lack of feedback from home keeps Transkei off the news media wires.

"This is one claim I can make," he said. "The press was hostile at independence but today I have many friends in the press. If you have journalists as friends in the hurly-burly world of international politics, you have few enemies."

Money is his greatest drawback in mounting a vigorous diplomatic offensive which he is certain will pay dividends.

"American politics is moulded by pressure groups," he said. "You have to inject your input into these pressure

By MATTHEW MOONIEYA, Daily Dispatch bureau, Umtata.

resolution on non-recognition."

But Leslie Masimini has hope. His diplomatic sales package revolves largely around the strategy that Transkei's independence is not complete until every black man is liberated in South Africa and that Transkei must be used in the total destruction of apartheid.

"I have had many opportunities to put over my case and I am in the fortunate position that my offices are in the same building as the National Press Club, of which I am a member," he said. "Anybody who is anybody always speaks at the press club and I am always there. Nobody can object because I am

re-named her Nonk-

a member. I have been able to put our case over in three official addresses and make friends in the diplomatic community to make our voice heard. I have made many friends here and although we do not have de jure recognition, we enjoy de facto recognition from many countries.

"Some of them voted on the non-recognition motion without knowing our case. Even Americans know now that somewhere there is a place like Transkei. They accept our country's passports and recently 12 women from Transkei attended a world women's conference.

"My wife, Barbara (I re-named her Nonk-

(15) (33) (15) (12) RDM 72/7/83

Court clears five union members

Mali Reporter
FIVE members of the Commercial Catering and Allied Workers' Union of South Africa (CCAWUSA) were acquitted in the Johannesburg Regional Court yesterday on three charges under the Intimidation Act of 1982.

After evidence of 12 State witnesses, Mr Jacob Rafapa, 31, Mr Josiah Rödile, 55, Mrs Joyce Mokola, 27, Mr Victor Damoied, 44, all of Soweto

and Mr Jack Mangwane, 45, of Alexandra, were acquitted on all charges.

The magistrate, Mr T Kleinhans, said the evidence was not acceptable to convict any of the accused.

The trial followed a strike involving 300 workers at the Teltron factory in Village Main, Johannesburg, in November last year.

The State alleged the accused forced several work-

ers of Teltron to take part in a strike on November 16 last year and threatened employees with assault.

They were also charged with two counts of forcing Mr Christiaan Sibisi and Mr Moses Mosia to join the strike. Both these counts had alternate charges of assault.

At a previous hearing, Mr Sibisi and Mr Mosia claimed they were assaulted by members of CCAWUSA on Decem-

ber 1 and 2 respectively, for not taking part.

At the end of the State's case, advocate J N de Vos applied for a discharge of the accused, arguing that the evidence was insufficient and unreliable to convict them.

A warrant for the arrest of a sixth CCAWUSA member, Mrs Stella Mashigo, 21, of Meadowlands, has been issued and she will be tried separately.

CAPE Times 22/7/83

Students³³¹ say 'no' to ministers

Staff Reporter

WHEN Nelson Mandela is allowed to speak at the University of Cape Town, then "Piet Botha and his men" can use the university as a forum, UCT students said at a mass campus meeting yesterday.

About 2 000 students and staff packed the meeting to listen to the head of Political Studies department, Professor Robert Schrire, and former Nusas president Mr Andrew Boraine clash verbally on whether or not cabinet ministers should be allowed on the campus.

After the debate, a motion was passed by a large majority not to invite members of the cabinet to talk at UCT, and demanding the right to protest if any were invited.

Publicity

Professor Schrire told the meeting that ministers should be encouraged to speak at his classes, but that it should not be an opportunity for them to use UCT to get publicity for their political views.

He stressed that he was opposed to politicking in the private educational process, but said there should be a distinction between a minister speaking to a university class and a public meeting.

"I am proud of UCT's tradition of protest and its stand against apartheid, but it is only by continuing to adopt an open-minded attitude

that we will have a role to play in the destiny of the political process in South Africa," he said. "I feel that debate and dialogue play a critical role on the path to democratic change."

Mr Boraine said the National Party's ministers should not be provided with a platform by the university.

"We stand in the midst of a battle," he said. "On one side is the nationalist state with its vast powers that seeks to crush all who oppose its rule, and on the other is the mass of the people, armed only with its united strength and its belief in a transformed South Africa."

There was no separation, he maintained, between a racially-divided society and a university constrained by a Quota Bill system.

'Clear choice'

"The choice is clear. We must decide on which side of the battle we stand, and not to invite cabinet ministers is part of that choice," he said. "We must seek ways of showing our opposition, and saying no to cabinet ministers on campus is one of these ways."

During the lively debate which followed, one speaker from the floor called for the university to throw its weight behind a call for a debate on a national level, including Nelson Mandela and others gagged by the government.

22/7/83
**Attorney
is cleared**

(331)
Court Reporter

A DURBAN attorney, Mr Shanderden Sewpersadh, 46, was yesterday found not guilty and acquitted on an allegation that he had contravened the terms of his Prohibition Order.

Mr Sewpersadh appeared before Mr B J Olivier in the Durban Magistrate's Court.

It had been alleged that he was at Blue Lagoon after 6 p m on January 4 this year, when according to the terms of his order he should have been at his home at Reservoir Hills.

The Court was told the prosecution had been stopped on the instructions of the Attorney-General.

d

ANC tape does not mean man is guilty — defence

Mail Reporter

DEFENCE counsel submitted in a Johannesburg Magistrate's Court yesterday that a cassette published by the African National Congress did belong to a Soweto man, who is charged with taking part in the activities of the ANC.

However, Mr D Kuny, SC, defending Mr Peter Thabo Moloi, 29, and Mr Jacob Mashego, 24, both of Soweto, said Mr Mashego was not guilty of taking part in the activities of the ANC or furthering its aims.

Both men are charged with taking part in the activities of the ANC, or alternatively, with furthering the aims of the ANC and possession of ANC publications.

They have pleaded not guilty to all charges. In his argument, Mr Kuny submitted that a cassette was found in Mr Mashego's possession at a bar in the Diepkloof Hotel on September 1, last year.

However, Mr Kuny said there was not enough evidence to say that people were listening closely to the cassette, while it was

played in a noisy and crowded bar. "By their merely playing the tape issued by the ANC cannot mean they were taking part in the activities of the ANC, especially if they were drunk," he said.

Mr Kuny asked for Mr Moloi to be acquitted on all charges.

Though the police said they found a cassette, alleged to have been published by the ANC, in Mr Moloi's room, this was denied by Mr Moloi, he said.

It was reasonably true that the cassette did not belong to Mr Moloi.

He said the police had given Mr Moloi's father a receipt for cassettes they took from him, but failed to give Mr Moloi a receipt when they later took cassettes from him.

The State asked for Mr Moloi to be convicted on the charge of possession of an ANC publication, and for Mr Mashego to be convicted of the same charge and for furthering the aims of the ANC.

The magistrate, Mr I J J Luther, reserved judgment until August 10.

more than 40%, to nearly R70 000 a year. MPs' pay would rise by about 23% to R38 000 a year, the source said. Ministers' earnings include a tax free R16 000, and MPs get R10 000 tax free.

the trade union. he added. "The Cabinet triggered off a wage and salary increase from the private sector, which could be disruptive," he

Exhibition commences waits on council

Mail Reporter

MIDRAND TOWN COUNCIL has delayed a decision on a planned R34-million industrial exhibition complex — Xibit Park — because it has been inundated with complaints from residents.

Yesterday Mr Francois Roux, co-ordinator of the private consortium undertaking the project, said: "The council were due to make a decision at this month's meeting, held on Tuesday, but they delayed considering the application because they have been inundated with complaints from residents."

Mr Roux said he was personally replying to 64 complaints, 59 of which seemed to be a petition.

He said the majority feared that soccer matches would be staged in the amphitheatre of the complex.

"These people have done us a favour. We have discarded an amphitheatre. This misconception has been decided in its place."

Mr Roux planned for an ideal because denied naturally.

"We have had suggestions from sectors of the time and slightly accepted suggestions," he said.

Mr Roux said the application approved by the council hoped to have by the end of August.

He added that special backers in the consortium identify themselves and make an office by August 17.



'EVE'

NOTHING matters but devotion to the cause... and the cause is Rudolf Nureyev. Read about the groupies of the grand jeté in EVE today.

Also in EVE: looking great in new fashion for Spring, picking your way through the paving slabs, cooking with Napoleon's own tippie, choosing the washing machine that's right for you... and more.

Cat owner is fined R200 over injuries

Mail Reporter

A KENSINGTON man was fined R200 or four months' jail in the Johannesburg Magistrate's Court yesterday for not providing veterinary treatment for his cat.

Basil Laurence Thompson, 56, pleaded not guilty to charges under the Animal Protection Act.

He said he was not aware his cat was injured, as he had not seen it for two days.

The black-and-white tom-cat was found in his front garden by inspectors of the Society for the Prevention of Cruelty to Animals. Its top and lower jaws were broken, it had lost its right eye, and there were several lacerations. Maggots were crawling around its head.

Dr L Lunn told the court that the cat could have had its jaws wired and the lacerations attended to.

Western labels offend Soviets

Mail Correspondent

MOSCOW. — For the Russian guardians of good taste and communist morality, "Adidas" is an offensive word.

So are "Marlboro", "Levis", "Philip Morris" and any of the other foreign brand-names, labels or stickers which young Russians love to display on almost everything they wear or own.

After last week's Press attack on a Moscow bar for having the word "Martini" in lights, another Press commentator has denounced similar manifestations of alien ideology.

"Bourgeois ideology is trying every way it

can to implant in the Soviet consciousness a cult of consumerism," said a reporter for the newspaper Socialist Industry.

He pointed to foreign designs on T-shirts, long a favourite target for Soviet moralists, foreign advertising stickers in the windows of Soviet cars, foreign pop songs and foreign labels on shoes and clothing.

The writer acknowledged that, because of Russian industry's failure to produce alternative designs, people were buying smuggled clothes or black-market items with imitation Western brand-names.

Every speculator who provided these goods was a "potential traitor", the article said.

I have contempt for royalty, court

WELLINGTON. — A Maori protester who bared his bottom at the Prince and Princess of Wales, told a court yesterday the heir to the British throne had only his family to set him apart from "millions of other upper class twits".

Mr Dun te Ringa Mangu Mihaka was appearing before Mr Justice Haddon Gilbert on a charge of disorderly behaviour following an incident in Wellington on April 20, when he lifted his grass skirt and flashed his naked backside at the Prince and Princess as they drove by.

Conducting his own defence, Mr Mihaka, 42, said he had contempt for royalty and the "horrible history of the House of Windsor".

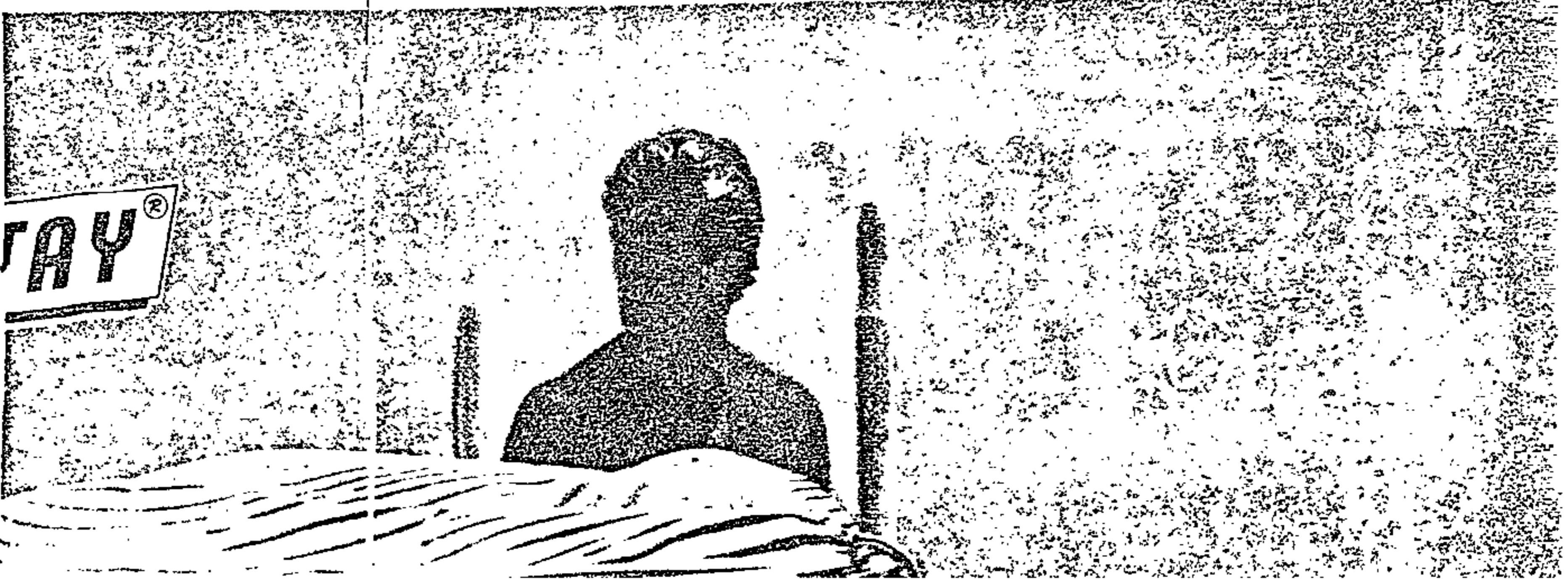
He added: "There seems to

be nothing special about me (Prince Charles) apart from my upper class background."

When he appeared in court the day after, Mr Mihaka pleaded guilty, saying he had been provoked by my backside. He said his behaviour had been provoked for royalty. He pleaded guilty.

Mr Mihaka himself as a Maori, subsequently entered a plea.

Maori protesters have been protesting against the monarchy since the 1970s. The protest at the university has continued.



Youths out on bail

THREE Mahlobo High School pupils, arrested after an outbreak of violence last week when a group of 40 students attacked a shebeen in Mofolo North, were remanded to August 10 when they appeared briefly in the Soweto Regional Court yesterday.

The three were not asked to plead to three

charges of robbery attempted arson and malicious damage to property and were allowed bail of R20 by the Magistrate T Veldman.

They are David Mzolo (19) of Zone 10 Meadowlands, Mr Johannes Phetoe (18) of 2021 B Zone 9 of Meadowlands and a 16-year-old youth of Zone 10, also of Meadowlands.

In another case relating to the same incident, a 17-year-old youth appeared with two other



men in a separate court. Their case was also remanded to August 10. The men are Temba Kambule (18) and Michael Mthembu (20) who are facing a charge of robbery. They were granted bail of R200 by the Magistrate Mr F Strydom. The youth was remanded in custody.

ANC trial put off



28/7/73 Soweto

JUDGMENT in the trial of two Soweto men charged with taking part in the African National Congress (ANC) activities was reserved until August 10 by a Johannesburg Regional Magistrate.

Appearing before Mr I J J Luther were Mr Peter Thabo Moloï (29) and Mr Jacob Mashigo (24) both of Diepkloof. They pleaded not guilty to playing an ANC tape in the Diepkloof hotel lounge on November 8 last year or alternatively advocating and encouraging its achievements and objectives.

The court has heard that on one side of the tape there is a recording by former Soweto singer Mirriam Makeba and the American singer Harry Belafonte. It also contained slogans such as: "We will destroy Smith and Vorster with grenades and guns."

Mr Moloï has denied possession of the tape in question and has told the court that it was not among those taken by police from his home. Mr Mashigo has admitted possession and that the tape contained ANC speeches.

Jan 28/7/73

Two face security charges

Pretoria Correspondent

Two Atteridgeville men appeared in a Pretoria Regional Court yesterday in connection with allegations of possessing prohibited publications in terms of the Internal Security Act.

Mr Gabriel Mokoka (27) of Ngolase Street, and Mr Raamano Gerald Dau (28) of Motau Street were not asked to plead and no formal charges were put to them.

LAWYER

It is alleged that the men possessed pamphlets published by the African National Congress (ANC).

Mr Mokoka told the court he had not been allowed to wash while in custody and wanted a lawyer and visitors.

The magistrate, Mr W J van der Bergh, said this would be arranged and the men were remanded in custody.

The case was postponed until August 15.

Detained unionists were due in court

Labour Correspondent

TWO members of the SA Allied Workers Union who were detained in Atteridgeville township, near Pretoria, on Sunday night, were due to appear in the Pretoria Magistrate's Court yesterday, according to a police spokesman.

He said they would be charged under the Criminal Procedure Act.

The two men, Mr Khotso Gabriel Makoka and Mr Gerald Ramaano Dau, were arrested at a party in Atteridgeville on Sunday night.

According to SAAWU, Mr Makoka, 26, is an ordinary union member who works at

Olympia International in Pretoria, and Mr Dau, 28, is a member at the electrical multinational Siemens.

The union alleges that, since the detentions, police have raided the two men's homes and confiscated union membership forms. It condemned the police action as "harassment".

In response to a telex requesting confirmation of the detentions, Major V Haynes, of the South African Police public relations division, said the men would appear in a Pretoria Magistrate's Court yesterday "on a charge or charges under the Criminal Procedure Act".

80 fined for ³³¹ prohibited ^{Mercury} demonstration ^{29/7/83}

Court Reporter

EIGHTY black men and women were each fined R90 (or 60 days), by Mr V Horak in the Durban Magistrate's Court yesterday, for taking part in a gathering prohibited under the Internal Security Act.

Thirteen juveniles who appeared with them were cautioned and discharged.

Their appearance arose from a demonstration in Umgeni Road on Wednesday.

The accused had all been attending a murder hearing, at which Mr Moonlight Gasa, 54, chair-

man of the Ningizimu Community Council, Mr Ebenezer Mngadi, 59, Mr Vakuphethwa Yalo, 30, and Mr Juilius Ndodana, 70, appeared.

Their appearance arose from the death of Mr Harrison Dube, a Lamontville community leader in April this year.

All were remanded until August 26.

The accused before Court yesterday were alleged to have marched and run down Umgeni Road singing and chanting and giving salutes after attending the hearing.

Mr J Costello appeared for the State.

MOONLIGHT TRIAL PACKS CROWDS IN

331 ~~278~~ City Press
A HUGE crowd spilled out of the Durban Magistrate's Court and blocked corridors at the murder trial of the 'mayor' of Lamontville, Mr Moonlight Gasa.

Mr Gasa, 54, and four others are charged with murdering community councillor Mr Harrison Dube.

Scores of spectators jostled for van-

tage positions in the corridors. 31/7/83

Spectators who couldn't get in sang songs on Mr Gasa and shouted ANC slogans in Umgeni Road on their way home.

The fifth accused, Mr Bangunhlaba Mbawula, 45, a well-known driver in Lamontville, appeared in court for the first time - and the packed court exploded with shouts when he appeared.

Mr Mbawula's and Mr Gasa's applications for bail were dismissed on the grounds that the court feared for their lives.

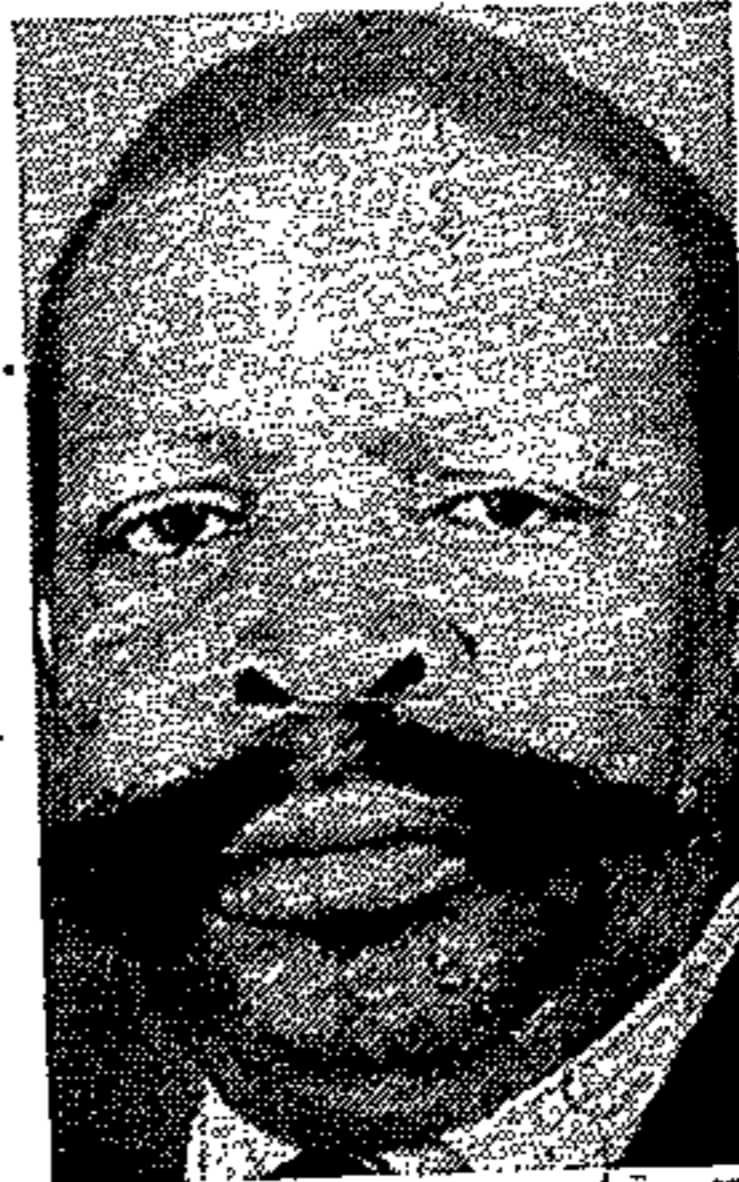
All five were remanded in custody until August 26.

The three others charged are Mr Ebenezer Mngadi, 59, Mr Vakuthethwa Yalo, 30, and Mr Julius Ntodana, 70.

Mr Dube was shot dead at his Lamontville home on April 25.



● Moonlight Gasa.



● Harrison Dube.