TOTALITARIANISM-POLITICAL TRIALS

1983

AUG. — DEC.

# Mpetha given hero's welcome

CAPE Times 1/8/85

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**Own Correspondent**

JOHANNESBURG. — Oscar Mpetha, the 81-year-old Cape Town community and trade union leader recently released on R1 bail after being sentenced for terrorism, was given a hero's welcome at a meeting in Soweto yesterday.



Oscar Mpetha, the 81-year-old Cape Town man who is on bail of R1 after being sentenced for terrorism, is welcomed by Ms Zinzi Mandela, daughter of jailed ANC leader Nelson Mandela, at a Soweto meeting yesterday.

The frail and sickly Mpetha, his left leg in bandages, was carried on to the stage in a wheelchair at the launching of the Soweto Youth Congress (Sayco) at the Dube YWCA.

The crowd of about 300 immediately interrupted the meeting to stand, sing and chant praises to Mpetha for at least 15 minutes.

Mpetha, who was given a five-year sentence for terrorism last month but was released on bail pending an appeal, told the crowd he had vowed not to die "before I see freedom in this country".

Mpetha is the president of the Cape Town United Democratic Front (UDF), a former regional president of the African National Congress and former general secretary of the Food and Canning Workers Union. He served a 10-year sentence on Robben Island in the 1960s.

He suffers from diabetes and according to evidence at his trial in Cape Town, has only a few years to live.

He flew to Johannesburg to attend a national meeting of UDF leaders.

# Prix bike crash

diately. Barry Sheene, Bionic Man" who sur- a similarly horrifying on the same circuit a ge and whose legs are held together by steel and plates, was equal- ly.

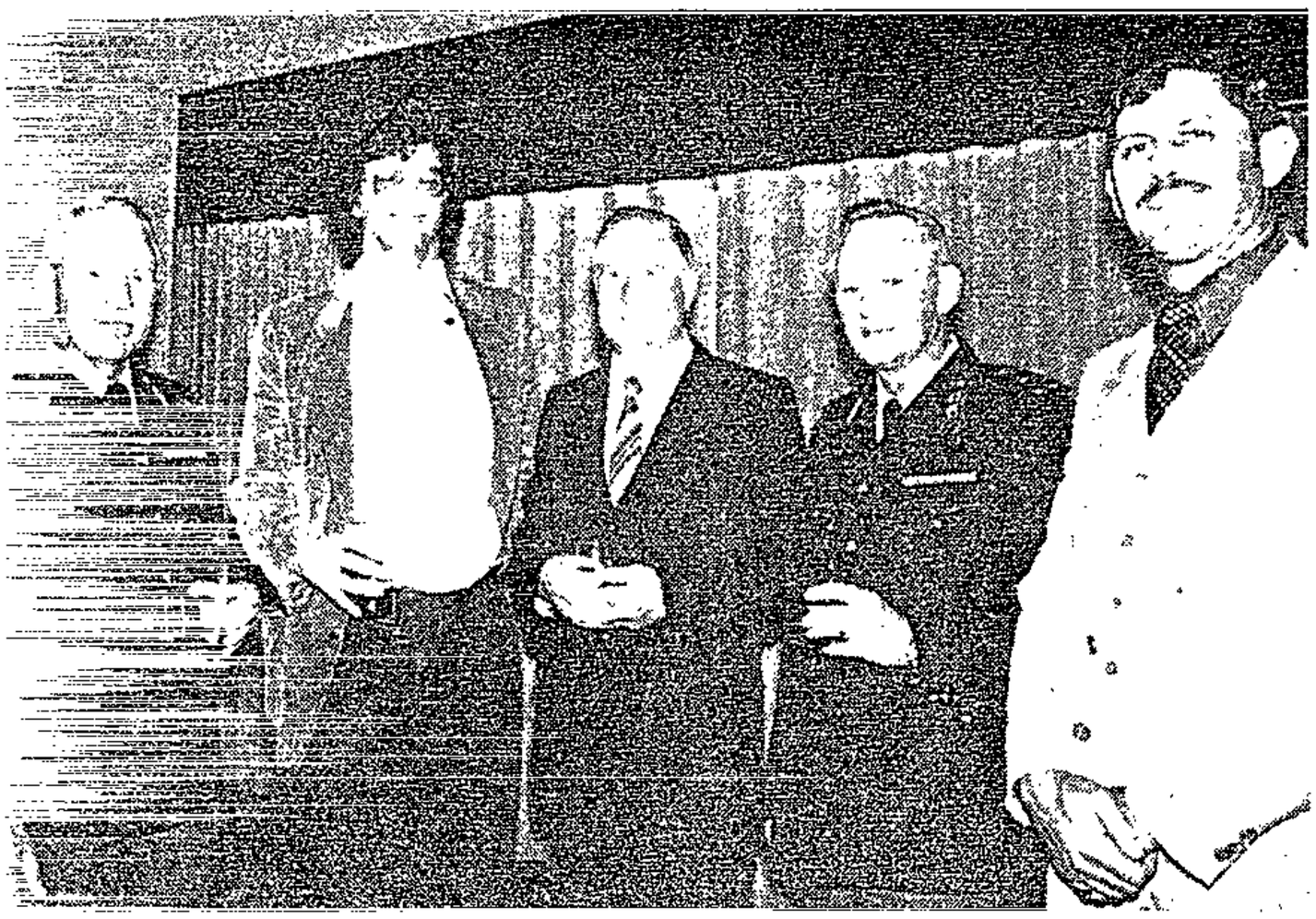
was among the riders lowed and voluntarily a halt to the race in fth lap.

e winner of the re- started 23-lap race, Kenny Roberts, said a "strange" yellow-and-red crossed flag none of the riders understood had been flown and had added to the confusion.

The race organizers have not yet explained why they did not halt the event more quickly — or announce the tragedy sooner.

Silverstone has a terrible reputation for motor-cycle accidents and there was a catalogue of serious crashes during practice for Saturday's Grand Prix.

There were six practice crashes which resulted in one rider suffering a fractured skull, another an amputated toe, broken wrist and foot, and another a seriously injured leg. Three other riders crashed without serious injury.



Stephen Wrottesley, centre, who has ended his career with the Cape n a farewell party yesterday by local policemen, with whom he worked n are, from left, Captain Gerhard van Rooyen, a police liaison officer for pe, Brigadier J G Odendaal, Western Cape Divisional Inspector for crime adier Dries van den Heever, Chief CI officer for the Western Cape, Briga- visional Inspector, and Captain Jan Calitz, also a liaison officer. Mr Wrot- e Cape Times in 1977 and was crime reporter for four years. He was strumental in highlighting police pay grievances in 1981.

# 'ANC idealist' tried to recruit

Staff Reporter

HEADLEY Moses King, an Internal Security Act detainee since February 7 this year, was yesterday convicted in the Paarl Regional Court on a charge of participating in the activities of the banned African National Congress.

Mr A J Burger found that King, 27, of Gross Road, Athlone, participated in the activities of the ANC by receiving documents and money, that he had submitted reports to the ANC about conditions in the Cape and that he had "introduced" a Mr Michael Benjamin Coetzee to the ANC.

The State alleged that from September to December 1982, at or near Cape Town or Maseru, Lesotho, King attended ANC meetings and tried to recruit members.

He had previously pleaded not guilty.

### 'Swept up'

Professor Jakes Gerwel, Professor in Afrikaans at the University of the Western Cape, said: "Mr King was swept up in the events of the seventies and was motivated by the highest idealism."

Questioned by the prosecutor, Mr R B Borich, Professor Gerwel said the Freedom Charter was discussed freely by students.

In mitigation of sentence Mr A M Omar, appearing for King, said King's idealism was directed by the boycotts and other events that occured in the 1970s. He had an unselfish desire to serve people and did not advocate violence.

Mr Omar said it was also not illegal for people to subscribe to the Freedom Charter. Students were bound to become involved in idealistic thoughts and because of this, the court should sentence King with caution, he said.

### 'We hate them'

Lieutenant-Colonel Johannes Griebenauw

# Baboon still has her dead baby

Environment Reporter

THE Cape Point baboon whose baby was hit by a car and killed on Thursday last week was seen still carrying its dead child on Sunday.

The Cape Times received several phone calls from people who witnessed the pitiful sight yesterday.

A photograph of the baboon carrying its bleeding child was published in the Cape Times on Friday.

Mr John Spence, curator of the Tygerberg Zoo, said yesterday that a baboon would either desert its dead child immediately or carry it around until it decomposed.

"In captivity, we usually take the dead away, but I am not sure what occurs in the wild," he said.

Mr Spence said it was quite usual behaviour for the baboon to pick at the child's hair. It was either cleaning it or looking for deposits of salt on the hair caused by perspiration.

# Names of bus smash victims

Staff Reporter

FOUR children under the age of 16 died with nine men and women in Saturday's horror smash when a fully-loaded bus of day-trippers collided with a derelict stationary lorry on the West Coast Road near Atlantis.

The names of 12 of the victims were released late yesterday. One per-

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...- has a terrible
for motor-cycle

ously injured leg. Three other riders crashed without serious injury.



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by local policemen, with whom he worked
...ard van Rooyen, a police liaison officer for
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# ...ouncil votes ...facilities

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Some councillors feared an adverse affect on tourism and warned that the government would intervene. Speaker after conservative speaker called for separate but equal facilities for all races in the city.

Councillors in favour of opening the facilities said the area in question, which includes the aquarium and the amusement park, were already de facto multi-... the South Afri-...

# Names of bus smash victims

**Staff Reporter**

FOUR children under the age of 16 died with nine men and women in Saturday's horror smash when a fully-loaded bus of day-trippers collided with a derelict stationary lorry on the West Coast Road near Atlantis.

The names of 12 of the victims were released late yesterday. One person has not yet been identified.

### Names

The names of the 12 are: Denzil Keating, 6, of Elsie's River; Christopher Steenveld, 14, of Matroosfontein; Farieda Andrews, 15, of Bonteheuwel; Joan Lawrence, 55, of Manenberg; Anthony Esterhuizen, 28, of Elsie's River; Johanna Ezel, 15, Albertus Faro, 40, Adam September, 49, Victor Veira, 54, all of Clarke's Estate, Elsie's River; Neville Godfrey Hartley, 39, of Bishop Lavis; David Booysen, 30, of Epping Forest and Sandra Lawrence, 20, of Elsie's River.

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### 'We hate them'

Lieutenant-Colonel Johannes Griebenauw of the security police said:

"It is very clear that the ANC's main aim is terror and sabotage in South Africa. At the time of King's visit to Maseru it was a melting pot for terrorist units.

"We hate them because they don't attack us — their enemy — openly, but harm innocent people in a cowardly fashion."

Sentence will be passed today and King was remanded.

Mr A J Burger is the magistrate. Mr R B Borich appears for the State. Mr Omar is instructed by Mr R Vassen of Omar, Vassen, Abercrombie, Sonn and Co.

the work of a food technologist.

**6.38:** **Platepraatjies.** Johan Stemmet chats to recording artists about their latest releases. Tonight: Veteran boeremusiekmaker Nico van Rensburg and his orchestra.

**6.53:** **Sportfokus.** Review of the WP Centenary rugby celebrations and an announcement on the Rapport cycle tour.

**7.30:** **Johannes Meintjes — Spel Met Maskers.** This programme looks at the influence of the environment of writer and painter Johannes Meintjes, who spent most of his life on the family farm, Groot Zeekoiegat, in the Stormberge.

**8.00:** **News**

**8.28:** **Weather**

**8.35:** **Newsfocus:** An in-depth analysis of important events in the news.

**8.49:** **Police File**

**9.04:** **Shogun.** Blackthorne struggles to understand Samurai etiquette while Mariko, his teacher, explains that he must be concerned only with the present. But the threat to the village continues to haunt him and when Yabu refuses to rescind his decree, Blackthorne attempts to commit suicide in the honoured Japanese tradition.

**9.53:** **Sergio Mendez.** World-famous band leader Sergio Mendez performs some of his greatest hits.

**10.44:** **News.**

**10.59:** **Epilogue.** The Rev Derek Stone of Kempton Park.

**TV2**

**6.32:** Umakho (Cuore di Mama).
**7.00:** Izindaba (News).
**7.10:** Jikelele (Magazine Programme).
**9.00:** Iindaba (News).
**9.27:** Imozulu (Weather).
**9.29:** Ezenkolo/Iphunga Elimnandi (Epilogue).

## ★Times Choice★

★ TONIGHT'S CHOICE — TV1 at 7.30pm: A look at the life and work of the painter and writer Johannes Meintjies.

## TV2 review

PROBABLY it will be quite some time before Monday offers the kind of excellently-balanced viewing expected from a general magazine programme.

Sometimes one fails to understand why are we so starved of such good programmes like the one that featured a profile on academic and lecturer Dr Dorothy Malaka.

However, the reference to the unassuming and amiable Dr Malaka as one of the few black women in South Africa to reach this high level of education, was, in my opinion, misleading. That statement alone shows that our people at Auckland Park are not doing their homework properly.

Masityelele was lively as usual. This item featured a unique occasion where old friends and fans of Letta Mbuli gathered in grand style to launch her new album in absentia. Host Bertha Khele even had time to speak to the Soweto International star via a long distance call to the United States.

JOE GUWA

# TeleViews

**CHOOSING a winner on "Follow that Star" can be tough when they're all lousy, said one televiewer last night. And after Saturday's film on the "Royal Romance", you can't blame one viewer for calling the Queen Mother "a plaas tannie" ...**

**Mrs L Hendricks of Greenhaven** agreed with Ronnie Wilson when he said it was tough to choose a winner on "Follow that Star". "Especially when they're all lousy," she said.

**Alison Massey of Claremont** chose Ricky and the Spitfires as winners of last night's "Follow that Star". "They're young and talented and Nel up against Professor Boshoff on Sunday night. "Again it has shown that Professor Boshoff's idea of an independent coloured and a similar white homeland is impossible in South Africa," he said. "The stance that Mr Nel took against Professor Boshoff needs to be complimented. I would also like to see consultation between Van Zyl Slabbert, Vause Raw and PW," said Mr Baynes, who thanked all those who wrote to him regarding the subject in an earlier Televiews.

**Mr Barry Clarke of Zeekoevlei** wished the SABC would have both Professor Boshoff and

tents of the house was about R750 000. — SAPA.

D. Dispatch

# Judgment delayed

2/8/83

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ZWELITSHA — Judgment on the admissibility of statements allegedly made by three of four people charged under the Terrorism Act was postponed yesterday until today because of a power failure in the government complex in Zone six here.

Chief Justice De Wet was to have given a ruling on the statements yesterday morning.

Four Mdantsane men, Mr William Duna, Mr Dumisani Maninjwa, Mr Bhayi Keye and Mr Luyanda Mayekiso, have pleaded not guilty to participating in terrorist activities, being members of the ANC, recruiting people to undergo

# ANC activist gets 1 year

CAPE Times 3/8/83

By RONALD MORRIS

HEADLEY Moses King was sentenced in the Paarl Regional Court yesterday to an effective 12 months' imprisonment for taking part in activities of the African National Congress.

Mr A J Burger sentenced King to 18 months, but suspended six months for four years on condition that he does not contravene Section 13 of the Internal Security Act again.

Mr Burger found that King, 27, of Gross Street, Athlone, participated in the activities of the ANC by receiving documents and money, submitting reports on the Cape to the ANC and "introducing" a Mr Michael Benjamin Coetzee to the ANC.

The State alleged that from September to December 1982, at or near Cape Town or Maseru, Lesotho, King attended ANC meetings and tried to recruit members.

He previously pleaded not guilty.

## 'Mercy'

Passing sentence in a courtroom packed with friends, relatives, and policemen, Mr Burger said: "It is not the aim of the courts to destroy a person, but to show mercy.

"His conduct should be seen in the atmosphere of youthful idealism. He is the product of the prevailing circumstances and the living conditions of other people.

"There has been evidence that his conduct was only the tip of an iceberg in the intricate machinery of the ANC. He played a minor role, but the end result could have been the horror — such as the Pretoria bomb blast — which hacks at the fibres of a civilized society.

"One must, however, guard against seeing the accused as the personification of the ANC's militancy."

Mr R B Rorich appeared for the State. Mr A M Omar instructed by Mr R Vassen, of Omar Vassen, Abercrombie, Sonn and Co appeared for King.

# Alleged terrorist denies training

**Pietermaritzburg Bureau**

AN ALLEGED terrorist said he had been to Tanzania, Angola and mozambique from 1977 to 1982 as a political refugee, but denied having undergone any type of training while away.

Mr Siphiwe Wilfred Makhathini, 26, yesterday denied 16 charges relating to terrorist activities put to him in the Supreme Court here, but admitted to having illegally posessed a gun and ammunition.

Mr Makhathini, a diminutive, bearded man from Kwa Mashu, is appearing before Mr Justice van Heerden and two assessors in the College Road Supreme Court.

Yesterday the public spent most of the day outside the court as evidence from the first two State witnesses was heard in camera.

Mr I Slabbert, for the State, said the lives of his witnesses could be in jeopardy if their identities were revealed.

# Statements valid in terrorism trial

ZWELITSHA. — Pre-trial statements by three accused in a terrorism case had been made voluntarily and were admissible as evidence, the Ciskei Supreme Court in Zwelitsha ruled yesterday.

Mr Justice D S de Wet gave the ruling after defence counsel claimed that the statements by Mr William Duna, 31, Mr Dumisani Maninjwa, 31, and Mr Luyanda Mayekiso, 33, had not been voluntary.

They and Mr Bayi Keye, 32, 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 literature.

Mr Justice De Wet said Mr Duna was evasive when questioned.

He denied that some questions were put to him by the magistrate during the taking down of the confessions. "Both magistrate and court interpreter gave evidence to this effect and I accept their evidence as true."

The judge said Mr Maninjwa's evidence was vague under cross-examination, and Mr Mayekiso was an unsatisfactory witness.

Judgement will be passed today. — Sapa.

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# Press barred from Natal terror trial

MARITZBURG — The terror trail in the College Road Supreme Court was conducted under a veil of secrecy yesterday when the judge ordered reporters to leave the courtroom while two State witnesses testified.

In an unusual step, Mr Justice van Heerden ordered that the court be cleared and the Press excluded from the proceedings while two State witnesses gave evidence in the trail of Mr Siphiwe Wilfred Makathini (26) on charges of taking part in terrorist activities.

Mr Makathini yesterday pleaded not guilty to charges of leaving the country for terrorist training, but admitted he had gone to Tanzania, Angola and Mozambique as a political refugee.

He also pleaded not guilty to causing explosions in Durban, Umlazi and Chesterville, but admitted he had been in unlawful possession of a pistol and ammunition.

The order to bar the Press from the proceedings was made after Mr Ian Slabbert applied on behalf of the State that the first State witness testify in camera. Mr Slabbert said the witness was now a police constable but had previously been involved in activities of a sensitive nature.

"His life would be in danger if his identity were to be revealed," Mr Slabbert said.

Before calling the second State witness Mr Slabbert again applied for the evidence to be heard in camera and for the Press to be excluded.

He applied in terms of section 153 of the Criminal Procedure Act. This enables proceedings to be held in camera if it appears an open hearing would not be in the interests of State security or there is any likelihood harm might be caused to a witness.

Mr P Skweyiya, an advocate for the Defence, said in his experience he had never known the Press to be excluded from hearing the evidence of a witness.

In previous hearings where a witness might have been in danger the court was cleared but the Press were allowed to remain on the understanding that the identity of the witness was not to be revealed.

Due to the Press ban it is not known when the trial will continue. — Sapa.

3/8/83 D. Dispatch

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# Chief Justice rules that evidence is admissible

ZWELITSHA — Statements made by three of the four accused in a Terrorism Act trial here were ruled admissible as evidence in court by the Chief Justice, Mr Justice De Wet, yesterday.

After a lengthy trial-within-a-trial lasting almost a year and 1 100 pages to determine the admissibility of the statement, Mr Justice De Wet said that after careful scrutiny of the evidence, he had come to the decision that they were made freely and voluntarily without any undue influence.

Four Mdantsane men, Mr William Duna, Mr Dumisani Maninjwa, Mr Bayi Keye and Mr Luyanda Mayekiso, have pleaded not guilty to participating in terrorist activities, recruiting people to undergo military training, being members of the ANC, and possessing and distributing banned literature.

The State wanted to submit statements made by Mr Duna, Mr Maninjwa and Mr Mayekiso as evidence but the defence contested their admissibility. The accused claimed that they were not made freely and that they had been assaulted by the police.

Mr Justice De Wet rejected claims of assaults and accepted the State version that they were made freely.

He said in his evidence Mr Duna had denied that certain preliminary questions were read to him by the magistrate. He accepted the evidence of the magistrate and the interpreter who testified that all the preliminary questions were asked.

He also said he was satisfied that Captain Van Wyk and a Mr Muller were away on certain days on which Mr Duna had claimed they had interrogated him.

On the allegation that Mr Duna was told by the police what to tell the magistrate, he said he could not accept that such a detailed statement given to the police was what the police had told Mr Duna and Mr Maninjwa to tell them. He said Mr Duna was an unreliable and untruthful witness.

Dealing with Mr Maninjwa's evidence, he said his description of an alleged assault was improbable. He rejected allegations of assault and said to his mind the statements were made freely and voluntarily. He found him an unsatisfactory witness.

Chief Justice De Wet rejected an allegation by Mr Mayekiso that a magistrate completed his statement at the Cambridge Police Station as far-fetched and improbable. He also found that his statement was made freely and voluntarily.

After the ruling, the Attorney-General, Mr W. F. Jurgens, who is prosecuting for the state told the court he wanted to call a handwriting expert, Colonel Fourie, to assess Mr Maninjwa's handwriting on a statement he wrote while in detention.

He conceded that the document was inadmissible but said the State only wanted to take out certain words and compare them with his handwriting.

The state's difficulty was that it did not have a proper specimen of Mr Maninjwa's handwriting, as he had refused to give a specimen and the state could not find any specimen prior to his arrest.

Mr M. T. K. Moerane, for the defence, objected, saying it was inadmissible. The court was dealing with a statement made to a police officer and not to a justice officer. Such statements had been rendered totally inadmissible. Portions of a statement that were totally inadmissible could not be used.

Chief Justice De Wet will give a ruling today. — DDR.

# 31 detainees face charges

THE 31 people detained on Monday in Huhudi, near Vryburg, yesterday appeared in the Vryburg Magistrate's Court charged with public violence. 331

The case was postponed to August 24 and they were released.

The 31 were held in connection with an incident on Friday when police clashed with pupils at Bophaganang High School. The school and a car belonging to a teacher were damaged.

A meeting of parents of pupils from the school is to be held this morning to decide whether the school should reopen. Rony

On Tuesday the headmaster warned that it would be closed indefinitely if pupils did not end their stayaway by this morning. 4/8/83

On the same day, police used teargas to disperse pupils who marched on the police station to demand the release of their colleagues.

# 31 pupils are released after unrest

Thirty-one pupils of the Bopaganang Secondary School in Vryburg, who were arrested on Monday, have been released.

Police are investigating charges of public violence against 23 of the students.

The charges relate to unrest at the school last week, when damage was caused to school property when police dispersed pupils with teargas.

The 23 appeared in the Vryburg Magistrate's Court yesterday.

No charges were put.

The case was postponed until August 24, a spokesman for the prosecutor's office said today.

Pupils younger than 18 were released to the custody of their parents.

The rest were released and warned to appear in court later this month.

The school committee has called a meeting of parents today at which the pupils will be given the opportunity to voice grievances.

# Press given synopsis of closed hearing

**Pietermaritzburg Bureau**

IN A surprise move yesterday, Pressmen at the trial of an alleged terrorist were given a synopsis of evidence given in camera by three State witnesses.

An order in terms of the Criminal Procedure Act has barred spectators and the Press from hearing any evidence in the trial of alleged terrorist, Mr Siphiwe Makhathini which started in the Supreme Court here this week.

Mr I Slabbert, the prosecutor, said the orders were made to protect the identities of his witnesses.

In making a formal application for the gist of the evidence to be released yesterday, defence counsel Gerald Alexander, SC, said: 'The Press is concerned about the lack of information from these proceedings. I have discussed this with Mr Slabbert and we ask you to change your ruling so that information can be given to the Press, respecting at all times the need to protect the identities of the witnesses.'

Mr Justice van Heerden authorised counsel to issue a written synopsis of the evidence, saying the intention of the in camera order had not been to place a veil of secrecy over the proceedings, but to protect the identities of the witnesses.

The statement read later to the Press said evidence had been led that the accused had arrived in Dar-es-Salaam in November 1977 as a member of the Pan African Congress. While there he had received instruction in dialectic materialism, historical materialism, and the works of Mao Tse-tung.

'After the split in the PAC which followed the death of its leader, Mr Robert Sobukwe, he left the PAC and joined the ANC.

'It was contended on behalf of the accused that he arrived in Tanzania and received no training.

'Evidence was also heard that the accused and an accomplice took up residence in a black township near Durban during April and May 1982.

'It was claimed the men posessed machineguns of Czechoslovakian origin and explosives, and that they admitted to being members of the ANC who had entered South Africa.

'According to evidence the accused and his accomplice were responsible for an explosion at the labour offices in Moodie Street in Pinetown in May 1982.

'The same day the accused left for Durban in possession of what was described as a "cheese-like substance".

'The following morning, a Saturday, there were reports in the Natal Mercury of two explosions the previous day — one of which was in Pinetown.

## Activities

'There was evidence to the effect that the bomb had been planted in Pinetown when the building was vacant.

'It was contended on behalf of the accused that he had no knowledge of his companion's plans or activities.'

Mr Makhathini, 26, from Kwa Mashu, is facing 18 counts relating to terrorist activities and three bomb blasts in the Durban area last year.

On Tuesday Mr Makhathini pleaded not guilty to 16 of these charges, but admitted having possessed a gun and ammunition without a permit.

He also admitted having been in Tanzania, Angola and Mozambique between 1977 and 1982, but said he had not undergone training of any sort.

The hearing resumes at 10 a m today.

DDR Pretoria 5/8/83

# Handwriting expert at terror trial

ZWELITSHA — Chief Justice De Wet ruled that the handwriting specimen from one of the accused in the terror trial can be chosen from an inadmissible statement.

The Attorney-General, Mr W. F. Jurgens, who is prosecuting, had told the court that he wanted to call a handwriting expert to assess Mr Dumisani Maninjwa's handwriting on the inadmissible statement made to the police because the state did not have a proper specimen of his handwriting, and that he had refused to give his specimen.

Mr M. T. K. Moerane for the defence objected on the grounds that portions of a totally inadmissible statement could not be used.

Mr Justice De Wet ruled that the state could take out certain words from the inadmissible statement and compare them with his handwriting.

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, possessing and distributing banned publications. They have pleaded not guilty to all the charges.

A former Mdantsane additional magistrate, Mr J. Stanford, who took Mr Mayekiso's statement, said he gave all the statutory warnings typed on the forms before taking down the statement from Mr Mayekiso, The deponent was satisfied with the statement after it had been read back to him.

Under cross-examination by Mr Moerane, he said when asked if he had been assaulted to induce him to make a statement, Mr Mayekiso had said he had been assaulted two weeks ago "for interrogation." He understood this to mean that he had been assaulted during interrogation, and this had nothing to do with the making of the statement.

Mr Stanford denied that Mr Mayekiso ever refused to continue making a statement unless he had recorded particulars of assault, and that he was slapped by police in his presence.

The court heard that the statement had been made partly in English, and partly in Xhosa, and a debate over whether the accused was fluent in English or not, and whether he told Mr Stanford he wanted an interpreter or not, ensued.

"I put it to you that the accused said he did not understand English," Mr Moerane said.

"Today you say the accused asked for the services of an interpreter, but in earlier evidence you were not sure," he added.

Mr Stanford: "At the start he said he wanted an interpreter, but he did not say how fluent he was in English."

Mr Stanford disputed a defence suggestion that the accused never said he understood English, adding that when an interpreter started translating when a statement was read back to him, he allegedly said the statement could simply be read back to him in English — prompting the interpreter to question why he had been called, Mr Stanford claimed.

In reply to other questions, Mr Stanford said he did not know the identity of the police who brought the accused to him. He said it was also possible that he might have been told that the case was in connection with the ANC, but could not recollect this.

Mr Jurgens then called a Colonel Fourie — a trained handwriting expert of 26 years' experience — to the witness stand.

He told the court that a specimen of the documents used in the state prosecution were found by his investigation to have been written by the same author.

He did not finish giving his evidence before Mr Justice De Wet adjourned the proceedings until this morning. — DDR.

# Unbanned Sisulu charged

6/8/83

Staff Reporters

Mrs Albertina Sisulu, the recently unbanned wife of the former secretary general of the African National Congress, is to appear in court on Monday on charges under the Criminal Procedures Act.

No details of the charges have been released but police confirmed that she is to appear in court with Mr Thami Mali. It is understood that they are to appear in a magistrate's court on the West Rand.

Three other people, Miss Amanda Kwadi, a social worker, the Rev Samuel Tsele, a Lutheran minister, and Mr George Moilwa appeared in court yesterday on similar charges.

# 2 guilty in ANC trial

Mail Correspondent

PIETERSBURG — Two former Turfloop students, Peter Mokaba, 24, and Jerome Joseph Maake, 20, have been convicted of offences under the Internal Security and Terrorism Acts and will be sentenced next Friday.

Mokaba was found guilty on five counts, including being an ANC member, receiving military training outside South Africa and setting up a dead letter box.

Maake was convicted on eight counts, including having a handgrenade and receiving military training.

A third accused, Miss Portia Nhlapo, was acquitted.

# Three in court on ANC charges

Mail Reporter

MISS AMANDA KWADI, an executive member of the Federation of South African Women, and two others appeared in the Johannesburg Magistrate's Court yesterday, charged with participating in the activities of the African National Congress.

The other two were Mr George Moilwa, 35, an executive member of the Mohlakeng Civic Association, and Mr Samuel Tsele, 31, of Krugersdorp.

They were not asked to plead and the case was postponed until August 31.

In terms of a certificate supplied by the Attorney-General, Mr T Nothling, the three are not eligible for bail.

They are charged with participating in ANC activities in terms of Section 13 (1) (a) (iv) of the 1982 Internal Security Act, and with an alternative charge under the same Act.

They were arrested yesterday morning. No further details were given.

The accused were represented by Mrs Priscilla Jana and Mr Graham Dison.

MISS Kwadi is a prominent Soweto leader and has been detained a number of times by Security Police.

She has been a key figure in organising meetings next week to commemorate National Women's Day and was due to speak at meetings in Soweto and at the University of the Witwatersrand.

# Man jailed for part in city blasts

Pietermaritzburg Bureau

A DURBAN man was jailed for 18 years in the Supreme Court here yesterday for his part in three Durban bomb blasts last year, undergoing unlawful political training, and the illegal posession of a gun and ammunition.

The case against Siphiwe Wilfred Makhathini, 26, took a turn yesterday when the accused changed four of his earlier pleas to plead guilty to one count under the Terrorism Act, and three of sabotage.

Makhathini had already pleaded guilty to two counts of posessing a gun and ammunition without a permit.

Twelve other charges against him were not pursued after yesterday's admissions.

And yesterday Mr Justice van Heerden and two assessors found Makhathini guilty of going to Tanzania, Angola, and Mozambique where he received political education in marxist doctrines, and found him party to bomb blasts which damaged two Durban water pipelines and a Hermitage Street building, and having a gun and ammunition illegally.

## 18 years

He was sentenced to seven years in prison for each of the counts of sabotage, seven years for contravening the Terrorism Act, and one year for the gun offence.

Mr Justice van Heerden said some of the sentences would run concurrently, and Makhathini would serve 18 years in prison.

Makhathini has been in detention since December 1982, and was arrested while leaving South Africa for Swaziland.

In summing up the case the Judge said he had considered mitigating evidence that the accused was only 19 when he left the country in 1977 because of dissatisfaction with the policies of the Government, and that he had been easily influenced by his tutors abroad.

## Indoctrinated

In a written statement to the Court, Makhathini said he left the country to get higher education from people who shared his political views.

'In Dar-es-Salaam I found education hard to come by unless I worked for either the ANC or PAC. I got the education, and was indoctrinated in marxist precepts which envisage a revolutionary war . . .

'Following ANC policy we set out to hit "soft" targets — Government offices concerned with non-white affairs, and water pipelines in remote areas near black townships . . .

'A trunk with explosives was sent by the ANC to Pinetown by train where a friend and I collected it.

## Map

'On April 25 1982 we blew up a pipeline near Lamontville.

'On May 21 1982 I carried explosives to a Hermitage Street building where my friends detonated a charge while I kept watch. The charge was set off in the evening when we believed the premises would be empty.

'I drew a map of another pipeline near Chesterville and put it into a "dead letter-box" under the shelf in a Gardiner Street telephone booth so other people could react on the information,' the statement read.

The Chesterville pipeline was damaged on May

# Judge explains decision to release summary

Pietermaritzburg Bureau

**A JUDGE of the Supreme Court in Natal yesterday explained his decision to make summaries of in-camera Court proceedings in a terrorism trial available to the Press.**

**Mr Justice van Heerden ordered that the summary of the evidence given by three State witnesses behind closed doors in the trial of Siphiwe Wilfred Makathini this week be jointly prepared by counsel for the prosecution and defence.**

**The Court was cleared in terms of the Criminal Procedure Act to protect the identities of the witnesses concerned, and the order to release the summary followed an application by defence counsel Mr Gerald Alexander SC.**

## Not sufficient

**The Mercury published the summary yesterday morning, but another morning paper, the Natal Witness, declined to do so saying it would not publish any evidence it had not recorded in court.**

**Approached by the Mercury, Mr Justice van Heerden indicated that an order to the Press not to reveal the identity of witnesses giving evidence in open court might not be sufficient to protect them from victimisation or assassination.**

**Witnesses could be identified on occasion through the evidence they gave and it was the Court's duty to protect them.**

**Asked if his ruling did not encroach on the principle of justice being dispensed in public, Judge van Heerden said this principle could go too far.**

## Still protected

**'Surely if you are a witness and you stand in danger of possibly being killed, what is your attitude going to be?'**

**By ensuring the summary was agreed to by lawyers from both sides the witnesses' identities could still be protected while presenting an overview of the proceedings.**

**The Judge said he had read the Mercury's report of the summary and felt it was 'a fairly good gist of what we have heard in court so far — so what's wrong with that?'**

**When it was put to him that the Press was concerned that the handing out of censored summaries could become an accepted alternative to the presence of reporters in court Judge van Heerden said his decision did not establish a general principle but had been decided from one witness to the**

In his summation Mr Justice van Heerden said damage from the explosions was relatively small, and the accused was fortunate there had been no deaths or injuries.

'But setting off an explosion — irrespective of the time — is always a calculated risk. Someone could be killed,' the Judge said.

D. Dispatch 6/8/83

# Detainee: order made final

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ZWELITSHA — The Ciskei Minister of Justice and the Commissioner of Police have agreed to an interim order granted last week restraining the Ciskei authorities from assaulting a detainee, Mr Moses Twebe of Dimbaza being made final.

The respondents have also agreed to pay the applicant's costs relating to the order.

The interim order was granted by Mr Justice Pickard in his home in King William's Town on Thursday night last week after Mr Twebe's wife, Mrs Mabel Twebe, had filed an urgent application calling for the police to be restrained from assaulting him.

The agreement was made without admission of any liability whatsoever on behalf of the respondents.

In her affidavit Mrs Twebe said that her detained husband had been seen at a doctor's surgery with assault marks and asked that the police should be restrained from assaulting him.

Mr Mzwandile Msoki, of Mdantsane, said in papers before court he had seen Mr Twebe with injuries to his face and Mr Twebe had told him he had been assaulted by police. He feared going back to Dimbaza police station where he was being held, because he might be assaulted again.

Granting the interim order Mr Justice Pickard said that at that stage one could not determine with any degree of accuracy whether the allegation and inferences were true or false.

However, in view of the fact that the court would not allow any person, whether in detention or otherwise to be unlawfully assaulted, where there might be the slightest risk of this occurring and whereas no person ever had the right to unlawfully assault another, no harm could be done in making an order prohibiting an assault.

Yesterday was the return date. — DDR.

# Magistrate refuses bail for Mrs Sisulu

Mrs Albertina Sisulu, wife of jailed African National Congress leader Walter Sisulu, appeared in the Johannesburg Magistrate's Court today charged with furthering the aims of a banned organisation.

She appeared with Mr Thami Mali before Mr H Van Heerden and bail for both accused was refused.

Her case was postponed to August 17 when a provisional trial date is to be set.

The case was to have been heard at the Krugersdorp Magistrate's Court today but the venue was changed at the last minute.

Mrs Sisulu, president of the Transvaal United Democratic Front and the Federation of South African Women, was arrested by police in Soweto on Friday.

Shortly after her arrest police in Pretoria said she was been held in terms of the Criminal Procedure Act.

# 2 students guilty

**TWO FORMER University of the North students were last week found guilty of charges under the Terrorism Act in the Pietersburg Regional Court.**

Appearing before Mr W G M van Zyl were Peter Ramushwane Mokaba (24) and Jerome Joseph Maake (20) who at the beginning of the trial in February, pleaded not guilty under the Terrorism and Internal Security Acts.

The third accused, Miss Portia Makhosazana Nhlapo, was last Monday acquitted at the end of the State case when it was found that evidence by State witnesses in no way incriminated her.

Maake was found not guilty under the second count of the contravention of section 54 of the Internal Security Act of 1982, and Mokaba was found not guilty because the court found that the Act was introduced after his arrest on June 5 last year.

# Mrs Sisulu charged

Mail Reporter

MRS ALBERTINA SISULU was charged in the Johannesburg Regional Court yesterday with taking part in African National Congress activites while she was banned.

Mrs Sisulu, 66, of Orlando West, Soweto, was charged with Mr Thami Mali, 25, of White City, Jabavu, Soweto, under section 3 (1) (a) (iv) of the old Supression fo Communism Act of 1950.

Section 3 of the 1950 Act is similar to section 13 (1) (a) (iv) of the new Internal Security Act of 1982, which replaced the 1950 Act.

In terms of a certificate signed by the Transvaal Attorney-General, Mr J E Nothling, on Friday last week, Mrs Sisulu and Mr Mali were not eligible for bail.

They will be held in custody until Wednesday next week, when they will appear again.

Mrs Sisulu is the wife of ANC leader Walter Sisulu, who is serving a life sentence.

# No bail for Sisulu

9/8/83 331 ~~HH~~

**By SAM MABE**

**MRS ALBERTINA Sisulu and a Soweto school teacher, Mr Thami Mali, made a brief appearance in the Johannesburg Magistrate's Court yesterday where they faced charges under the Suppression of Communism Act.**

The two, who are alleged to have engaged in activities of the banned African National Congress, were not asked to plead and the magistrate, Mr H S van Heerden, postponed their hearing to August 17 for the setting of a date of trial.

A certificate from the Attorney-General opposed the granting of bail and the two have been remanded in custody.

The hearing, originally scheduled for the Krugersdorp Magistrate's Court, was suddenly switched to Johannesburg yesterday morning, disappointing several spectators who had gone to Krugersdorp to attend the hearing.

Both Mrs Sisulu and Mr Mali were arrested on Friday at their respective places of employment.

Only about 24 hours after her arrest, Mrs Sisulu (66), who is an executive member of the Federation of South African Women (Fedsaw), was elected in absentia as Transvaal president of the United Democratic Front (UDF).

Mrs Sisulu's husband, former secretary general of the ANC, Mr Walter Sisulu, is currently serving a life imprisonment sentence.

Three other people — Ms Amanda Kwadi, a social worker and member of Fedsaw, the Rev Samuel Tsele of the Lutheran Church and Mr George Moilwa, a Kagiso civic leader — appeared at the Johannesburg Magistrate's Court on Friday last week.

The charges are also related to the ANC and their hearing was postponed to August 31 after they were refused bail.

maged by an anonymous body."

The Publications Appeal Board did not think it necessary to hear Mr Beckett's defence before finding that opinions expressed in an article "form part of the ongoing political debate on the future of South Africa".

"They form part of the right to express a view and it is therefore legal to express them. We do not feel the article will incite people and therefore find it not undesirable."

Last month, a committee found an article in the July edition, called "After the Bombs", had given publicity to the banned African National Congress.

Mr Beckett accused the committee of "sweeping generalisations" when it found the disputed article had justified ANC activities.

He said that if the article had given publicity to the ANC "then many other publications will have to be banned for the same reason".

# ANC clothes, colours, slogans lead to prison

By Gavin Engelbrecht,
West Rand Bureau

A man who was found in the possession of clothes bearing the colours of the banned African National Congress (ANC) was sentenced to an effective eight years' imprisonment by a Krugersdorp magistrate yesterday.

Isaac Genu (30) of Kagiso, Krugersdorp, was convicted of being a member of the ANC, taking part in the activities of the organisation and the possession of banned literature. He had pleaded not guilty before Mr G J la Grange to all the charges.

At a previous hearing the court heard that Security Police had searched Genu's house and found a shirt depicting a woman with a gun, men carrying spears and ANC slogans.

Also found were were a shirt with with a map of Africa, two childrens' shirts bearing the slogans "Viva Mandela" and "Aluta Continua" (the struggle continues) and two head scarves. All the items bore the ANC colours.

A political science lecturer, Mr I de Vries, said the colours, slogans and pictures were representative of the ANC, but added they could be used by other organisations.

Genu had told police that he was a member of Inkatha and the clothes were representative of this.

This was disputed by an local Inkhata representative.

Genu chose not to give evidence.

Mr S L Joseph, for the defence, said the "State's only case is that by wearing the garments Genu identified with the ANC. There is no evidence saying that he influenced anybody by wearing the clothes".

In passing judgment Mr la Grange said that on the evidence available, and without Genu's explanation, the only logical conclusion was that he was a member of the ANC.

He added there was no dipute that the colours, emblems and slogans were used to engender support for the ANC, and the wearing of these garments was done with the sole goal for getting support for the movement.

The prosecutor, Mr S van Rensburg, referred to the recent Pretoria bomb blast and called for the maximum sentence of 10 years.

He said that only about 15 percent of the "total onslaught is through violence.

In passing sentence Mr la Grange said no country could condone violent change and it had to be condemned.

# Struggle for gun ended in death

"I saw my friend being shot," a man told a Johannesburg Regional Court magistrate yesterday.

Mr Stan Contic was giving evidence at the trial of Mr Marijan Jelic (34), address given as First Avenue, Geduld, Springs, who is alleged to have shot and killed Mr Trifun "Ramon" Micovanovic in a fight in Hillbrow on December 19 last year.

Mr Jelic has pleaded not guilty before Mr J J F Booyens to a charge of culpable homicide.

Mr Contic said he saw Mr Jelic and Mr Micovanovic engaged in a struggle for Mr Jelic's revolver on the steps outside a restaurant.

"I saw my friend shot once in the lower body and once in the heart."

Mr Micovanovic was also shot in the leg.

The case continues.




# 3 years' jail for playing ANC tape

Mail Reporter

A DIEPKLOOF man convicted of participating in the activities of the African National Congress by playing a cassette recording of ANC songs and slogans, was jailed for three years yesterday by a Johannesburg regional magistrate.

In the same trial a qualified schoolteacher employed in the Anglican Church was jailed for one year after being convicted of possessing a cassette tape-recording of an interview with Oliver Tambo, president of the ANC.

Jacob Mashego, 25, of Diepkloof, Soweto, who was convicted under the Internal Security Act, was sentenced to five years, of which two were suspended for five years.

He was also jailed for one year, which will run concurrently with the other sentence, for possessing the tape-recording of ANC songs.

Peter Thabo Moloi, 29, of Dube, Soweto, was jailed for two years of which one year was suspended for five years for possessing an ANC cassette tape.

Moloi is employed as an assistant in the Johannesburg headquarters of the Anglican Church.

The magistrate, Mr I J J Luther, found that Mashego had played the cassette for three friends in the bar of the Diepkloof Hotel on November 8 last year.

He said by playing the cassette, which he said encouraged the violent overthrow of the Government in its songs and slogans, Mashego was participating in ANC activities because one of the aims of the ANC was to spread its ideology.

Moloi, on the other hand, had not played the cassette to anyone and so was convicted only for possession of an ANC publication.

Moloi and Mashego were released on R1 500 and R3 000 bail respectively pending an appeal against conviction and sentence.

DGL
er). The funer- for Cornelia late of Esse- Hillbrow will the Melville Church, 24, ...et, Melville, ...day morning 15th at 10.30 to interment ...ark Cemetery. DOVES. Tel:

...ERSON ...tion service ...t Frank late of ...t will be held ...bkirk Doves ...pel, 10 Joris- ...t, Braamfon- Friday 12.8.83. noon prior to ...ation which ...ivate. Suggest ...ns in lieu of ... Firlands Boys ...ourth Avenue, HOBKIRK Tel: 39-5967.

...ioriam

RYAN ...ed away 11th 82. Never forgot- most wonderful Will always be ...bered with love ...ughter Sharon, ...w Gary, grand- ... Dean and Ste-

SHAPER ...ied 14-4-1980. ... mourned and ...ssed by his lov- ... Sarah, children ...hirley, David, ... Cyril, Michael, ...ra, Roslyn and ...ildren.

...ENGLER ...d Robert. Our be- ...other and uncle ...s so suddenly ... God has you in ...ping. We have ... our hearts. Va- ...bert, Steven and ...

...ENGLER ...d Robert. Our be- ...son who departed ...us 11-08-82. You ... sadly missed my ... who loved you ...ver forget. Mom

TURNER ...our loving mother ...andmother left us ...rs ago. In our ... you will always ... to us night and Always remem- by Eleanor, Alan, ...le, Wayne and ...

TURNER In loving memory ... dear Mother and ...ny who passed 11th August, 1981. ... to be forgotten. ... everloving son ...my and daughter- ...w Linda and grand- ...avin and Stephen.

WITZ ...erished and ever- ...g memory of Ben- who passed away August, 1982. So ...ly missed by his ...e Sonia, children ...nie, Debra, Helen, ..., Roslyn, Phillip, ...celle, Malcolm, ... and grandchildren ...n and David.

WITZ ...nie, in loving memo- of my father who ...ed away 11th Au- ..., 1982. Very sadly ...ed by his daughter ...lyn and son-in-law ...nip.

WITZ ...nie, in memory of father who passed ... August 11th, 1982. ...ly missed by his son ...nie and daughter- ...law Debra.

WITZ ...nie, in loving and ...rished memory of ... dad who died ...8.82. Always in our ...oughts, Helen and ...vid.

WITZ ... loving memory of ...ennie who passed ...y on 11th August, ...82. So sadly missed ... Malcolm, Marcelle, ...len and David.

WOLMARANS ...ally, always remem- ...ed with love from ...lene and Carla.

boys who made off with the ketch Dulcimer, which has sunk, has agreed to make good the loss to the yacht's owner.

Dulcimer's owner, Mr Mike Bramford of Durban, has declined to prosecute the boys. He said he did not believe the two schoolboys were entirely responsible for the yacht's sinking after they abandoned it near the shark-nets off a Durban beach on Tuesday.

Mr Bramford said in an interview today that after talking to the 15-year-old boys, Claudius du Plessis and Marius Simpson, he believed they had closed the yacht's portholes and battened the main hatch before making their escape to the beach in a rubber dinghy.

"I could never understand how the yacht had received such severe damage while it was just floating about 20 m outside the shark nets and anchored to the seabed in a mild swell," he said.

Earlier reports described conditions inside the yacht before it was towed away as chaotic, with the hull holed, the generator systems upended and the cabins and galley in a mess.

Mr Bramford said he was keen to see photographs taken by divers yesterday after they had located the ketch, with her mast and sails intact, off North Beach.

He said the father of one of the boys, deputy headmaster Mr Theunis du Plessis, had signed an acknowledgment of debt stating that he will pay Mr Bramford the R39 000 loss by August 1 next year.

Mr du Plessis left Durban for home yesterday with the two boys.

# Bikers set off in the cold

HARRISMITH — With frost lying as thick as snow and temperatures way below freezing point, the first motorcyclists left Harrismith this morning on the first leg of the three-day 1 300 km second Total Motorcycle Economy Run.

First away of the 82 competitors — among them five women riders ... was former world

biased towards her. ... pertinent questions.

# Tapes get 2 men jail terms

By Themba Maseko

Two Soweto men were yesterday jailed by a Johannesburg magistrate after being convicted of charges related to the violent overthrow of the Government.

Jacob Mashego (25) of Diepkloof was sentenced to five years for promoting the aims of the African National Congress.

Two years were conditionally suspended for two years.

He was also sentenced to a year for possessing a cassettes of speeches of the ANC's president, Mr Oliver Tambo. The sentence will run concurrently with the effective three-year jail term.

Mashego had pleaded not guilty to furthering the aims of the ANC, but admitted possessing the cassette.

Peter Thabo Moloi (29), also of Diepkloof, was convicted of possessing a tape which advocated the overthrow of the Government through violent means, and was sentenced to two years.

One year was conditionally suspended for five years.

He was acquitted on a charge of furthering the ANC's aims.

Moloi had pleaded not guilty to both charges.

The two were granted bail after their defence had lodged an appeal against the convictions and sentences.

# Cause of death 'hard to pinpoint'

By Rashid Chopdat

A woman whose decomposed body was found in a cupboard could have been strangled or could have suffocated in the cupboard, a medical expert told a Rand Supreme Court judge today.

Professor N G Scheepers was giving evidence at the trial of Mr Johannes Jacob Hermann Erasmus (41), address given as Berea, Johannesburg, who has pleaded not guilty to a charge of murder.

Mr Erasmus, who was appearing before Mr Justice H Grosskopf and two assessors, is accused of murdering his lover, Miss Lynette Claasen, on April 2 last year at their flat.

He allegedly wrapped her up in blankets, put her in a built-in cupboard and sealed it up with putty. Her body was found on February 27 this year.

Professor Scheepers said he had conducted a post-mortem on Miss Claasen, whose body was in an advanced state of decomposition. He could not be dogmatic or definite about the cause of death.

During the examination he found that the hyoid bone high up on the right side of the throat was wobbly and decayed. It seemed it had been fractured.

"It is possible that the bone had been fractured and this could be consistent with strangulation," he said.

"The signs one expects to find for a strangulation had vanished because of decomposition."

The professor said the hyoid bone could also have been damaged after death if she had been dragged into the cupboard or when the body was removed from where it was found.

Mr Erasmus said yesterday that he last saw Miss Erasmus on April 2 last year. He admitted to putting her in the cupboard and sealing it with putty but denied murdering her.

The hearing continues.

# Safe way to scan baby's head

CAPE TOWN — The radiology department at the Red Cross Children's Hospital in Cape Town has developed a safe way of scanning a baby's brain for haemorrhage or other complications by using ultrasound.

The head of the department, Professor Brian Cremin, said the technique offered a simple way of detecting bleeding on the brain, blockages, holes or cysts by sending sound waves through the gap in the bone on the baby's head. The method can only be used with babies not older than a year. — Sapa.

# Shot man 'stood steady'

A Springs man told a Johannesburg court yesterday that he fired a revolver in a scuffle in Hillbrow.

The shot man "stood steady" and he fired several times until the man fell.

Mr Marijan Jelic (34) address given as Geduld, Springs, has pleaded not guilty to a charge of culpable homicide.

He said that last December 19 he went to a nightclub in Hillbrow. At the entrance steps he met Mr Trifun "Ramon" Micovanovic.

"When I was about to pass him he blocked my way and grabbed me by my jacket. He then thrust his hand into my jacket pocket and I struck him with a fist."

A fight followed, during which Mr Jelic's revolver fell to the ground. He tried to retrieve it but Mr Micovanovic continued hitting him.

"I produced my spray-gun and used it on him. I then retrieved my gun and tried to leave, but he followed me. He grabbed me from behind and the gun fell again," said Mr Jelic.

They both scrambled for it, but Mr Jelic said he reached it first.

He said he had been provoked many times by Mr Micovanovic.

The hearing continues on August 16.

A security policeman who defected from the African National Con-

# SP man acquitted

# Two jailed for banned tape

By NKOPANE MAKOBANE

**TWO Soweto men were yesterday jailed by a Johannesburg Regional Court magistrate after being convicted of furthering the aims of the African National Congress (ANC) activities.**

Jacob Mashigo (25) of Diepkloof was sentenced to five years, two of which are suspended for five years, for furthering the aims of the ANC. He was also jailed for another year for possession of a tape cassette of a song by exiled Miriam Makeba and American singer Harry Belafonte that supports and promotes the aims of the organisation. One year will run concurrently with the three years.

His co-accused, Peter Thabo Moloi (29) also of Diepkloof was sentenced to two years, one of which is suspended for five years, also for possession of a tape cassette that contained the message by Mr Oliver Tambo, the president of the ANC. Both men had pleaded not guilty.

At the end of the trial their defence counsel, Advocate G J Marcus successfully applied for bail pending appeal on conviction and sentence which was granted by Mr I J J Luther.

# I was involved in bus stoning — Cosas man

**Post Reporter**

THE chairman of the Port Elizabeth branch of the Congress of South African Students (Cosas), Mr Zola Mtatse, admitted yesterday that he was involved in the recent stoning of a bus in Port Elizabeth's black townships.

This emerged during a bail application in the Port Elizabeth Magistrate's Court brought by Mr D Chetty for Mr Mtatse and nine other men and two youths charged with public violence.

The bail application was refused by the magistrate, Mr J de Kock, on the grounds that there was an increased risk the men and youths would abscond.

The State alleged they had stoned buses during the bus boycott from July 31 to August 3 in Port Elizabeth this year.

The men and youths had pleaded not guilty to the charge.

They are Mr Bonsile Mbikanye, 22, Mr Wellyan Jawuka, 25, Mr Xola Makapela, a committee member of the Port Elizabeth Black Civic Organisation, Mr Fundile Mafongozi, 21, secretary of the Port Elizabeth branch of Cosas, Mr Phindile Nkanti, Mr Samuel Mapoza, 21, publishing secretary of Cosas, Mr Andile Williams, 21, Mr Zandisile Dayile, 18, Mr Mtatse, and two youths.

Charges against Mr Mzolisi Dyasi and a youth were withdrawn by the State prosecutor, Mr M le Roux.

Supporting the application, Mr Mtatse, 21, said he was a matric pupil at the Kwazakhele High School. He was due to write examinations in September and would like to be allowed bail so that he could prepare for them.

He said he did not intend leaving the country and would stand trial.

Mr Mtatse admitted he was involved in the stoning of a bus, but this was not connected to a call for a boycott.

He said that during discussion concerning bail with the investigating officer, Capt C Roelofse, he was told that if he, Mr Williams and Mr Makapela admitted guilt, the others would be released.

The hearing was postponed to September 13 in the Port Elizabeth Regional Court.

SIPHIWE MAGWAZA

# Court told that Sactu is ANC political front

**THE Ciskei Supreme Court heard this week in a terrorism trial that the South African Congress of Trade Union (Sactu) was a political front of the banned African National Congress (ANC).**

Under cross examination by defence counsel Mr M T K Moerane, expert witness Mr Daniel de Vries, of the RAU political science department, agreed that statements of the Sactu and the ANC were propagandist in nature. Mr de Vries qualified his claim that Sactu was a front by saying its members joined Umkhonto We Sizwe, the military wing of the ANC.

Appearing before Mr Justice D S de Wet and two assessors were Mr William Duna (31), Mr D Dumisani Maningjwa (31), Mr Bavi Keve (52), and Mr Luyande Mayekiso (23). They had previously pleaded not guilty to charges of being engaged in terrorist activities, being members of the ANC, recruiting people to undergo military training in Lesotho, and being in possession of banned publications.

PROCEEDING. — Sapa.

Sowetan 16/9/83 p3

# Postponement

**THE CASE against three Mahlobo State School students in Soweto who were arrested after 40 students attacked a shebeen in Mofolo North was yesterday postponed in the Soweto Regional Court.**

Appearing briefly before Mr T Veldsman were Mr David Mzolo (19), Mr Johannes Phetoe (18) and a 16-year-old youth, all of Meadowlands. They are to appear again in court on September 15, and have not been asked to plead to charges of robbery, attempted arson, and malicious damage to property.

# Saawu 2 on ANC charges

Sowetan 16/8/83 (331)

**TWO MEMBERS of the South African Allied Workers' Union (Saawu) made a brief appearance on charges of furthering the aims of the banned National African Congress and being in possession of banned literature in the Pretoria Magistrate's Court yesterday.**

Mr Gabriel Kgomotso Mokoka (27) of 45 Nqolase Street and Mr Gerald Ramano Dau (28) of 3 Motau Street, both of Atteridgeville, appeared before Mr H F Bosman. They were not asked to plead and their case was postponed to September 9.

Both men were granted bail of R500 each on condition they report to the Atteridgeville police station on Mondays and Fridays between 8 am and 8 pm.

The two men were arrested by three black and white security policemen in Atteridgeville on July 24 and appeared in court for the first time on July 27.

They were represented by Mr Eric Dane, instructed by the newly formed Pretoria firm of attorneys, Motlhe, Matlala, Mahlangu and Moabi.

Meanwhile an intensive search has been launched by police for three armed men who allegedly held a liquor store cashier at gunpoint and robbed him of R4 000 in cash in Atteridgeville at the weekend.

Brigadier H A du Plessis, chief CID officer for the northern Transvaal yesterday said Mr Peter Kekane (27), was robbed of R4 000 at the local administration board's Shibakabakeng Bottle Store in Masupha Street, Saulsville, on Friday at about 7.15 pm.

A toy gun was later found by police inside the garbage bin a few metres away from the scene of the crime.

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16/8/83

D. Dispatch

# Ex-ANC witness testifies in camera

ZWELITSHA — The Ciskei's terrorism act trial, which started in February last year, was heard in camera in the Ciskei Supreme Court here yesterday when the state called a 'Mr X.' into the witness box.

Mr Chief Justice De Wet ordered the press, and the other media and the public to leave the courtroom.

The Attorney General, Mr W. F. Jurgens, who is prosecuting, asked the court yesterday morning for the evidence of the witness the state wanted to call to be heard behind closed doors and that his identity should not be revealed and that he should be referred to as 'Mr X.'

Mr Jurgens said 'Mr X.' had been a member of the ANC and had been trained in Lesotho. He had since defected and feared for his life if he testified in public.

His evidence would deal with certain names in Lesotho and elsewhere.

The defence counsel, Mr M. T. K. Moerane, opposed the application saying it would be difficult for the defence to cross examine him if his identity was not known.

Chief Justice De Wet said the court was satisfied that the witness had cause to fear reprisals which could even be murder if his identity was revealed. He appreciated that the defence might be handicapped in cross examining him.

He ordered that the evidence be heard behind closed doors, the press and other media and the public be excluded and that his name or any pseudonym might not be used and that he should be sworn in and testify as 'Mr X.' — DDR.

# ANC defector will testify in camera

ZWELITSHA — The Ciskei Supreme Court ruled yesterday that an African National Congress defector, currently working for the South African security police, should give evidence *in camera* in a marathon terrorism trial.

The Attorney-General, Mr W F Jurgens, applied to the court for permission to call a witness whose identity should not be disclosed.

Mr Jurgens asked for an extension of an order given by Mr Justice D de Wet on May 10, 1982, that the trial be held *in camera*.

"He must be sworn in as Mr X and the place where he attended school and when he left the country should not be divulged to the public," Mr Jurgens said.

Major Hermanus du Plessis, of the Port Elizabeth security police, supporting the State application, told the court Mr X would be assassinated if his identity was revealed.

Mr M T Moerane, for the defence, had said it would not be able to cross-examine Mr X adequately if it could not identify him.

Mr William Duna, 31, Mr Dumisani Maninjwa, 31, Mr Bayi Keye, 52, and Mr Luyanda Mayekiso, 23, are charged with participating in terrorist activities, being members of the ANC, recruiting people to undergo military training in Lesotho, and being in possession of banned publications. They have pleaded not guilty to all counts. — Sapa

# 11 appear

Court Reporter

ELEVEN young blacks pleaded not guilty in the Regional Court yesterday to charges of public violence related to alleged attacks on three houses in Lamontville on May 3.

The accused, aged between 14 and 22, pleaded not guilty to setting fire to, stoning or otherwise damaging the homes of Mr Moonlight Gasa, chairman of the Ningizimu Community Council, Mr Walter Dladla and Mr Elliot Hadebe, prominent members of the Lamontville community. The trial is being held in camera.

D. Dispatch 331 17/8/83

# Terror trial: state closes case

ZWELITSHA — The state has closed its case after a man, who defected from the African National Congress (ANC) last year, gave evidence in camera as Mr X in the Ciskeian Supreme Court yesterday.

Mr Justice De Wet ruled the man's identity should not be disclosed for his own protection.

The trial has been proceeding for the past two years.

Appearing before Mr Justice De Wet and two assessors were Mr William Duna, 31, Mr Dumisani Maninjwa, 31, Mr Bayi Keye, 52, and Mr Luyanda Mayekiso, 23, all of Mdantsane.

The four have pleaded not guilty to charges of being engaged in terrorist activities, being members of the banned ANC, recruited to undergo military training in Lesotho and being in possession of banned literature.

The case has been adjourned until Monday, August 22. — SAPA.

Savimbi's statement

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# Ciskei 'terror' trial adjourns

ZWELITSHA — The State has closed its case after Mr X, who defected from the African National Congress last year, gave evidence in camera in the Ciskei Supreme Court.

Mr Justice D S de Wet ruled Mr X's identity could not be disclosed. The trial has been proceeding for two years.

The accused are Mr William Duna, 31, Mr Dumisani Maninjwa, 31, Mr Bayi Keye, 52, and Mr Luyanda Mayekiso, 23, all of Mdantsane.

They have pleaded not guilty to charges of terrorist activities, being members of the banned ANC, being recruited to undergo military training in Lesotho and being in possession of banned literature.

The trial was adjourned to August 22. — Sapa

August 1983
D. Dispatch DAILY DISP

# SP were allowed to open letter

ZWELITSHA — Security police were granted permission by the Eastern Cape Attorney-General to open a letter posted from Lesotho to the East London Post Office, the Ciskei Supreme Court heard yesterday.

The investigating officer in the Ciskei terrorism case, Captain Charles van Wyk, was giving evidence on how certain documents and letters were found in the possession of the accused.

He said the police acted on information received about a letter at the East London post office which was connected with their investigation.

The court overruled defence counsel, Mr M. T. K. Moerane's request to ascertain how the information was received and whether the security police had a right to peruse letters of the public.

Appearing before Mr Justice De Wet, are Mr William Duna, 31, Mr Dumisani Maninjwa, 31, Mr Bdayi Keye, 52 and Mr Luyande Mayekiso, 23, all of Mdantsane.

The four have pleaded not guilty to charges of being engaged in terrorist activities, being members of the banned African National Congress, recruiting people to undergo military training in Lesotho and being in possession of banned literature.

Capt Van Wyk revealed that while they were investigating they heard that Mr Duna recruited a man.

"That is why we applied in terms of the law for the access to that letter," he said.

During cross-examination, Mr Moerane said he considered that security police had no right to open letters without permission.

Capt Van Wyk said police found a booklet entitled Freedom Charter at Mr Keye's house and pamphlet entitled, Nelson Mandela Says Unite, Mobilise and Fight On, at Mr Maninjwa's house.

The court heard that the police found a plastic bag containing books in a hole in the ground at Mr Maninjwa's residence.

Mr Welcome Mtyongwe, a former court interpreter, gave evidence on how Mr Mayekiso made his confession statement. He agreed with the defence that the accused told the magistrate through him that he was assaulted by the police during interrogation.

According to Mr Mtyongwe, when the accused was asked why he decided to make a confession, Mr Mayekiso said: "I was furthering the aims of the African National Congress, and I felt guilty."

He could not be sure whether Mr Mayekiso told the magistrate that certain documents were found in his possession.

Mr Moerane: I put it to you that the accused was not asked why he was making the statement after he was assaulted, and at no stage was the said statement read back to him.

Mr Mtyongwe disputed the defence allegation.

The trial continues today. — SAPA.

# Jailed newsman sent to Robben Island

Veteran newsman Joe Thloloe of the Sowetan, who was jailed for 2½ years by a Johannesburg magistrate for possessing banned literature, has been transferred to Robben Island, his attorney, Mrs Priscilla Jana, said.

She said that since her client and three of his colleagues were convicted in April his wife, Mrs Joyce Thloloe, had not seen him.

"After meeting Thloloe on Robben Island last Tuesday I have made an application to the Prisons Department for his wife to be allowed to visit him as soon as possible."

Mrs Jana added that Thloloe's appeal against his sentence would be heard on September 27 in the Pretoria Supreme Court.

At the time of his conviction, Thloloe was banned in terms of the Internal Security Act and restricted to Johannesburg.

He was secretary-general of the Media Workers Association of South Africa and former president of the banned Union of Black Journalists.

# No bail for Mrs Sisulu

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18/8/83

Mrs Albertina Sisulu, alleged to have taken part in the activities of the African National Congress (ANC), will be tried in the Krugersdorp Magistrate's Court on October 17.

Mrs Sisulu (66) appeared before a Johannesburg magistrate yesterday with Mr Thami Mali (25), who faces the same charge.

They were not asked to plead. No evidence was led.

Immediately after entering the dock Mrs Sisulu embraced her grandchildren, who were in the well of the court.

She is the wife of former ANC secretary-general Walter Sisulu, who is serving a life sentence. Mrs Sisulu is an executive member of the Federation of South African Women.

Mrs Sisulu and Mr Mali were not granted bail.

# Genu jailed for eight years

331 Sowetan

By NKOPANE MAKOBANE

**THE CHAIRMAN of the Kagiso Residents' Organisation (KRO), Isaac Mosotho Genu (30), was sentenced to an effective eight years' imprisonment by a Krugersdorp regional magistrate yesterday after he was convicted on charges to do with the outlawed African National Congress (ANC).** 19/8/83

Mr T J le Grange jailed Genu for four years for membership of the organisation, another four years for taking part in activities of the ANC and six months for possession of an ANC publication, "Mayibuye". The six months will run concurrently with sentences on the main and second count. He had pleaded not guilty to all charges.

In passing sentence, the magistrate said the offences were of a serious nature and that is why even the legislature had introduced a minimum sentence of ten years each for membership of and taking part in the ANC activities.

He rejected the defence counsel's submission that a suspended sentence be imposed because it would in itself act as a deterrent not only during the period of suspension but for the rest of Genu's lifetime. He also rejected a plea that for the purpose of sentence, the offences be taken as one.

# 59 not guilty of assaulting police

MDANTSANE — Fifty-nine people charged with assaulting the police near Mount Ruth station on August 4 were found not guilty yesterday and discharged when they appeared before Mr G. M. Xamzaka in the magistrate's court here.

Their discharge came before the state closed its case. While the prosecutor, Mr T. Vanqa, called for the third police witness, Lieutenant W. Pantsi, Mr Xamxaka asked Mr Vanqa if he was not sportsman enough to declare.

"They are obviously not guilty," Mr Xamxaka said.

He added it was clear a group of people next to Mount Ruth station had terrorised or threatened to assault police but it was not clear whether all of those in court had been in that group.

"If this is not clear it follows they cannot identify those who mixed with the group that threatened to assault the police.

"You are therefore all found not guilty and discharged," Mr Xamxaka said.

The 59 had pleaded not guilty.

Evidence was given by Captain Z. Ngwanya and Warrant Officer H. J. Tsewu who said that on the morning of August 4 they were patrolling in Mdantsane. About 4.30 am they were at Mount Ruth station when a crowd attacked them with stones.

Both said a large crowd threw stones at the police, but no police vehicle was damaged and both witnesses were struck once by stones. They did not know of any other policemen who had been hit.

Under cross-examination, Captain Ngwanya said some people had run away when the police surrounded the crowd before arresting those in court.

W/O Tsewu said he did not see any people run away nor did he see any people who were not there when stones were thrown, mingling with the crowd.

One man, Mr Goodman Toko, was killed when the police fired at the crowd.

The police also denied any assaults on the crowd. They said warning shots were fired and when the crowd advanced throwing stones, the police fired back in defence.

Several people charged in court were called up by the defence to show injuries which the attorneys alleged were inflicted by the police in their endeavours to stop the people boarding buses at Mount Ruth station that morning.

The police denied they stopped any people boarding trains or entering Mount Ruth station.

"We were there to maintain law and order in terms of the emergency regulations," S/O Tsewu said. — DDR.

# 'I'll do it again,' says freed journalist



● Thami Mazwai

"I HAVE no regrets about refusing to give evidence in court and will do it again without hesitation."

This was said by the news editor of the Sowetan newspaper and former national secretary of the Media Workers Association of South Africa, Mr Thami Mazwai, who was released after 26 months in police custody and jail last week.

Mr Mazwai was released with four student leaders, Mr Thabo Ndabeni, national organiser of the Azanian Peoples' Organisation, Mr Carter Seleke, president of the Azanian National Youth Unity, Mr Solomon Selani and Mr Sipho Somacele, also of Azanyu.

The five men, and two women, were jailed in February last year for refusing to give evidence for the State in the trial of former student leaders, Khotso Seatlholo and Masabata Loate — charged under the Terrorism Act and later jailed for a total of 25 years.

Shortly after his release, Mr Mazwai was given a hero's welcome by about 20 journalists, mostly his former colleagues, at his Soweto home where he was reunited with his wife Belede and their two children Thandiswa, 7, and Nontsikelelo, 2.

Mr Mazwai said: "I shudder to think what kind of reception I would have had if I had given evidence.

"As a journalist, I could not divulge in court something that was said to me in confidence. It would have destroyed my credibility and my career completely.

"Before I was sentenced, I heard that somebody else who refused to give evidence in a political trial was sentenced to five years jail. It hung heavily over me, but I was resolute not to give evidence."

According to court records, the presiding magistrate Mr A H Barlow, turned down a bail application by the five men pending an appeal against their 18 months' sentences, because they were not ordinary offenders.

Mr Barlow said they "refused to testify because of their principles and moral obligations. The sentence does not instil fear amongst them and they have vowed to continue their political activities should they be allowed bail."

Mr Mazwai said: "When I was sentenced, the time in jail ahead of me was like a challenge and I am glad I saw it through without being hurt badly.

"The first month of the sentence was terrible. I had to make adjustments to my new environment and it was not easy.

**EXPERIENCE**

"But my stay in jail turned out to be quite an experience," said Mr Mazwai who looked healthy and happy.

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# 'I killed for Dube'

MR AMOS Ndwalane told a stunned Durban Magistrates' Court he had shot down a taxi operator in revenge for the killing of community leader Mr Harrison Dube.

Mr Dube was killed in April this year and Lamontville's "mayor", Mr Moonlight Gasa, is one of those standing trial for the killing.

Mr Ndwalane, 34, of Kwashube Place in Lamontville, admitted killing Mr Aubrey Mahlaba but denied he was guilty of murder.

He told the hushed court he had been extremely upset over the death of Mr Dube. He heard Mr Mahlaba's name being mentioned in connection with the killing and decided to get a revolver.

He went to the Lamontville bus terminus, walked up to the car, and shot Mr Mahlaba in the head, he said.

The case was adjourned to August 26.

# British concern over trial of Sisulu

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**LONDON — The British Foreign Office has replied in what is seen by the Anti-Apartheid Movement as "considerable and unusual length" to the movement's letter about the trial of Mrs Albertina Sisulu.**

The AAM wrote to Foreign Secretary Sir Geoffrey Howe earlier this month asking him to take action on behalf of Mrs Sisulu who is in Diepkloof Prison and facing a charge under the Suppression of Communism Act.

In the reply, released yesterday by the AAM, Mr Ray Whitney of the Foreign Office said that since Mrs Sisulu is not a British subject, "we have no formal diplomatic or consular standing to intervene in her case."

He went on to say that the Foreign Office would follow closely developments in Mrs Sisulu's case.

"We view with concern political trials and the system of banning, detention and imprisonment of people for their political beliefs in South Africa.

"The South African authorities are no doubt aware of the strong feelings of repugnance which these practices arouse in this country," he wrote.

An AAM spokesman said: "It is very unusual for the Foreign Office to bother to reply at this length to our letters."

# Mpetha appeal move rejected

Cape Times 23/8/83

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**Staff Reporter**

A REQUEST by Oscar Mpetha, a president of the newly-formed United Democratic Front, for leave to appeal against his conviction on a terrorism charge was turned down yesterday for the second time.

Mpetha, 74, whose leg was amputated in Groote Schuur Hospital last week, was refused leave to appeal against his conviction by the trial judge, Mr Justice Williamson, in Cape Town in June. However, he was granted leave to appeal against his five-year sentence.

Mpetha's attorney, Mr Brian Lutzno, said yesterday that a petition consisting of a 20-page document and hundreds of annexures had been sent to the Chief Justice in Bloemfontein asking for leave to appeal against the conviction.



Mr Oscar Mpetha

This was turned down yesterday.

Mpetha is out on R1 bail pending the appeal against his sentence.

Mr Lutzno said no date had been set for the appeal, as parts of the trial record had not been finalized yet.

The charge related to the period August 8-12, 1980 near the Crossroads squatter camp, with particular reference to August 11, 1980, when the violence in the area reached its peak and two motorists were attacked and killed in Klipfontein Road.

The sentence of five years was obligatory under the Terrorism Act of 1967, under which Mpetha was charged. However, the judge indicated that had he not been obliged to impose a minimum sentence, he would have totally suspended whatever sentence was imposed.

Meanwhile, the veteran trade union and community leader was in a satisfactory condition in Groote Schuur Hospital yesterday, a spokeswoman for the hospital confirmed.

She said he had declined to allow further details to be disclosed. A family friend said he was feeling fine.

## 'Great pain'

Mpetha was admitted to the hospital nine days ago suffering from pneumonia and in great pain, according to his son, Mr Thozi Mpetha.

The leg operation took place on Thursday.

He was unable to attend Saturday's national launch of the UDF in Mitchells Plain, but he sent a taped message of support in which he sounded extremely weak.

● The Cape Civic Association has distanced itself from the United Democratic Front "until the dust settles down".

The general secretary of the CCA, Mrs L Bam, said contrary to earlier reports, her organization had not aligned itself with the UDF.

CCA observers had attended a UDF meeting without reporting back to the organization.

The CCA had also decided not to affiliate with the Cape Action League.

# Former students jailed

Sowetan 15/8/83 24/8/83

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**TWO former University of the North (Turfloop) students were found guilty under the Terrorism Act and sentenced to an effective total of 14 years imprisonment in the Pietersburg Regional Magistrate's Court on Friday.**

Peter Ramoshwane Mokaba was sentenced to six years for taking part in terrorist activities.

Jerome Joseph Maake was sentenced to seven years under charges under the Internal Security Act and six years on charges of terrorism. Five of the six years would run concurrently with the seven years under the Internal Security Act. He will serve an effective eight years sentence.

Mokaba was acquitted on charges under the Internal Security Act, as it had been argued that at the time the Act was introduced, he was already in detention.

After handing down sentence the magistrate, Mr W G M van Zyl, called Bennedicta Monama, who, at the beginning of the trial, had been sentenced to 18 months imprisonment for refusing to give evidence.

**ILLUSIONS**

Mr van Zyl said that Monama, who had already served six months of her sentence, was living under an illusion and thought she was brave by not giving evidence while the people she was trying to please were now laughing at her.

The court had pity on her and decided that the six months she had already served was sufficient and acquitted her.

Another former student, Miss Portia Makhosazana Nhlapo, was acquitted at the end of the State's case because of insufficient evidence.

In mitigation for Maake, Mr Raymond Tucker asked the court to look at the actual acts committed by his client and see that the accused did not appear to have met his objectives.

Mr Tucker also submitted that the two charges should be treated as one for the purposes of the sentence, or that the sentences should run concurrently.

Mr Don Nkadimeng, for Mokaba, submitted that Mokaba had already spent 13 months in prison and as he had leadership potential, it would be in the interest of society to give him a short sentence.

Mokaba was also convicted of having collected data for the banned African National Congress and was to have promoted unity between organisations with similar aims as the ANC.

In mitigation, Mr Nkadimeng said the organisations were lawful and that it was sheer coincidence that their aims were similar to those of the ANC.

Mokaba was also convicted of being in possession of a Makarov Pistol and eight rounds of ammunition, "creating a dead letter box" and being in possession of the banned publications, Steve Biko's "I Write What I like" and the Freedom Charter — Sapa.

231 D.D. 24/8/83

# Witness says he gave false evidence

ZWELITSHA — A witness who testified for the state in Ciskei's terrorism trial told the Chief Justice, Mr Justice De Wet yesterday that he had perjured and given false evidence under oath last year.

He said he had lied when he told the court that two of the four accused in a Terrorism Act trial recruited him to undergo military training, and that he had read ANC literature and listened to tape recordings of the ANC.

The Attorney-General, Mr W. F. Jurgens, asked the court that the witness, who may not be named, be declared a hostile witness.

Mr Justice De Wet told the witness that he could not believe anything he said in court yesterday. He was a liar who had admitted that he was a perjurer.

Under cross-examination the witness admitted that after giving evidence he was shunned by his family. He denied that he asked Captain C. van Wyk for assistance but merely reported to him.

Mr Kessie Naidu, of Durban, held a watching brief for the witness.

Earlier the witness told the defence counsel, Mr M. T. K. Moerane, that he gave evidence in court for a number of days.

He was brought to court by Captain Van Wyk and a Warrant Officer Elsdon. They were in court every day he testified and when he went back to prison his evidence was discussed and he was shown his shortcomings.

Four Mdantsane men are facing charges of participating in terrorist activities, being members of the ANC, recruiting people to undergo military training, and being in possession of and distributing banned literature.

They are Mr Willian Duna, Mr Dumisani Maninjwa, Mr Bayi Keye and Mr Luyanda Mayekiso.

They have pleaded not guilty to all the charges.

Mr Duna told the court that he was never a member of the ANC nor did he take part in ANC activities.

He denied trying to influence anybody to become a member or to mobilise people during the school boycotts.

He claimed he was a member of Saawu which was a lawful organisation which had never engaged in any unlawful activities.

He said his statement to the magistrate was not basically true. Most of the contents were not true because he was assaulted to implicate himself in ANC activities.

He denied that he ever undertook a trip to Lesotho. The names of people he mentioned in his statement and the places he mentioned were obtained from the police.

Under cross-examination Mr Duna repeated his evidence in a trial within a trial that he was assaulted by two police officers on certain days when the officers claimed they were away attending courses.

His cross-examination continues today. — DDR.

# Police said they could take my life — detainee

ZWELITSHA — South African security police told a detainee that they were a government and could take his life as they had done with Steve Biko, the Ciskei Supreme Court heard yesterday during the trial of four Mdantsane men.

One of the trialists, Mr Dumisani Maninjwa, was telling the court of alleged assaults and ill-treatment by police during his detention.

Mr Maninjwa, Mr William Duna, Mr Bayi Keye and Mr Luyanda Mayekiso, have pleaded not guilty before Chief Justice de Wet and two assessors, on charges of participating in terrorist activities, being members of the ANC, recruiting people to undergo military training and being in possession of and distributing banned literature.

Giving defence evidence, Mr Maninjwa said most of his statement to the magistrate was not true. He had implicated himself on many aspects because of assaults. He said police threatened to further ill-treat him if, in his statement to the magistrate, he deviated from what he had written at the Cambridge security offices.

"I believed them because they said they were the government of this country and that nothing would happen to them even if something happened to me. They said they could take my life as they did to Steve Biko" he said.

Asked by the court what nature of assaults he received, he said he was slapped, hit with clenched fists on his face, suffocated with a canvas bag and kicked.

He said he was also threatened with guns.

Mr Maninjwa said he told the warders that he had been slapped when they asked why his face was swollen. He told a Dr Albert as well.

When asked by the state why he did not tell the doctor about other forms of assault, he said the warders who asked him about his swollen face told him to tell the doctor what he had told them. He had not told the warders about the other assaults because they had only asked him about his swollen face.

He said when he made his statement to the magistrate he was handcuffed. When he wrote his statement at the police offices his left hand was handcuffed to a chair.

He denied the evidence of a magistrate, an interpreter and the police who had testified that he was not handcuffed before the magistrate.

He said the magistrate had not warned him that he was not obliged to make a statement and that if he made one it would be written down and might be used as evidence against him.

If the magistrate had looked properly he could have seen the swollen face and red eyes he sustained during the assaults on him.

Mr Maninjwa said the police tried initially to implicate him in the hand grenade attack at the house of Mr Mfazwe, a member of the security police, and said he had harboured one of the attackers of the Fort Jackson police.

He agreed with the prosecutor that these were serious allegations although the police had not forced him to mention them in his statement.

The prosecutor asked him why the police did not press on these allegations but instead forced him to write about less serious allegations. He said the police should know better.

Mr Maninjwa denied that he ever engaged in ANC activities.

The case continues today. — DDR.

# Cosas man's appeal dismissed

Post Reporter

THE Port Elizabeth Supreme Court today dismissed an appeal by the local chairman of the Congress of South African Students (Cosas), Mr Zola Mtatse, charged with public violence, against a magistrate's refusal of bail.

In his judgment, Mr Justice Eksteen said the magistrate at a previous hearing had exercised his discretion correctly by refusing to grant bail.

Mr Mtatse, 21, eight other men and two youths are alleged to have stoned buses in Mahakana Street, Daku Street, Njola Street and Koyana Street during the bus boycott in the Port Elizabeth townships from July 31 to August 1.

Those being charged are: Mr Bonisile Mbikanye, 22; Mr Wellyan Jawuka, 25; Mr Xola Makapela, 24; a member of the Port Elizabeth Black Civic Organisation, Mr Fundile Mafongozi, 21; the secretary of the local branch of Cosas, Mr Phindile Nkanti (no age given); the publishing secretary of the local branch of Cosas, Mr Samuel Mapoza, 20; Mr Andile Williams, 21; Mr Zandisile Dayile, 18; and two youths.

They have all pleaded not guilty to the charge of public violence.

An application for bail for all accused had been refused twice.

Mr Mtatse testified that he would not abscond and would not interfere with State witnesses.

The judge said that evidence was that members of Cosas often fled the country. If this was so, he said Mr Mtatse would be persuaded to leave in order to undergo military training and to return to overthrow the State.

Also evidence was that State witnesses were often intimidated and killed to prevent them from testifying, the judge said.

Mr J Hiemstra appeared for the State. Mr D Chetty (instructed by Mr S Nkanunu) appeared for Mr Mtatse.

# Ciskei terror trial postponed

ZWELITSHA — The Ciskei Terrorism Act trial in the supreme court here was postponed yesterday morning until September 5 without any evidence being led.

Afterwards the Attorney-General, Mr W. F. Jurgens, who is prosecuting, said he was "busy with urgent things" when asked for reasons for the postponement. When asked what these were he said he was involved in the drafting of a request for the extradition of Major-General T. Minnaar.

Four Mdantsane men are charged with participating in terrorist activities, being members of the ANC, recruiting people to undergo military training, being in possession and the distribution of banned literature.

They have pleaded not guilty to all the charges before the chief justice, Mr Justice De Wet and two assessors. — DDR.

# Attack on SAP — two to die

**Court Reporter**

TWO men were sentenced to death by Mr Justice Booysen in the Supreme Court, Ladysmith, yesterday following an attack on a Northern Natal police station last year.

Bonga Mabaso, 41, and Mbhekiseni Ximba, 28, were given the death sentence for murder.

They also received 18 years' imprisonment for attempted murder and 15 years for armed robbery with aggravating circumstances.

The two men and three others allegedly attacked the Nqutu police station on May 16 last year and killed one policeman and wounded another.

On August 24 they were convicted of murder, attempted murder and robbery with aggravating circumstances.

## Prison terms

The other accused were given prison sentences.

Nqomfi Mtshali, 41, and Mbuzeni Kunene, 41, were both given 15 years.

Kunene was acquitted of a charge of armed robbery with aggravating circumstances.

Makhi Maqubane, 25, was sentenced to 12 years.

Passing sentence Mr Justice Booysen said the Court found no mitigating factors for Mabaso and Ximba.

Even if there were, he said, they would still have been sentenced to death for the serious crimes they had committed.

The seriousness of the crime lay in the fact that it was a police station they had attacked and the cold-blooded manner in which they had dealt with their victims.

They shot two policemen, killing one.

Mabaso and Mtshali face three other counts of murder.

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From mental hospital to security trial

# MYSTERY DETAINEE IDENTIFIED

City Press 28/8/83

**THE "mystery detainee" — sent to a mental hospital for observation last month — was identified in the Port Elizabeth Magistrates' court this week and declared fit to stand trial on charges of terrorism, murder and high treason.**

By KOOS COETZEE

He is Mr Rufus Nato Nzo, 30, of Umtata.

His attourney, Mr Silas Nkanunu, told City Press no details of the counts had been submitted by the State.

Mr Nzo was referred to an unnamed mental hospital after the court heard he had said he had no reason to live anymore. He also said he had been treated for multiple lacerations on his skull.

In a medical report submitted to the court this week two psychiatrists, Dr T Zabow and Dr J R Norton, said Mr Nzo was not certifiable and fit to stand trial.

Mr Nzo had the capacity to appreciate the wrongfulness of his alleged offence and to act in accordance with it, the doctors said.

He came from a disrupted and emotionally-deprived background, had little contact with his real mother and was brought up by his grandparents, they said.

He passed his matric but had not since been employed.

While he had no behavioural problems during childhood or adolescence, he was now depressed, the report said.

There was no evidence of psychosis or other major psychiatric illnesses.

A suicide attempt recently required intensive medical treatment, the court was told.

Mr Nzo was remanded to September 5.

# Mrs Mandela on assault charge

BRANDFORT — Mrs Winnie Mandela, wife of imprisoned African National Congress leader Nelson Mandela, was charged with assault in the Brandfort Magistrate's Court yesterday.

She allegedly assaulted Mr Andrew Pogisho on July 3.

The case was postponed until November 7. — Sapa.

# Terrorism charges dropped

ZWELITSHA — Terrorism charges were dropped against two Mdantsane men in the Ciskei Regional Court yesterday.

Mr Monwabisis Mnikina and Mr Thembenkosi Malutu, who had been held in detention since March 7, appeared briefly when charges of contravention of the Ciskei National Security Act were withdrawn.

They were not asked to plead and no evidence was led.

The Ciskei Attorney-General, Mr W F Jurgens, later confirmed the withdrawal of the charges, but declined to give reasons.

An unknown number of State witnesses have also been held in detention since March 7. — Sapa

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|---|---|
| AGRICULTURE - Maize | |
| AGRICULTURE - Meat | |
| AGRICULTURE - Miscellaneous | Includes Tobacco |
| AGRICULTURE - Subsistence | Includes peasants, tribalists |
| AGRICULTURE - Sugar | |
| AGRICULTURE - Tea | |
| AGRICULTURE - Vegetables | |
| AGRICULTURE - Wine | |
| AGRICULTURE - Wool | |
| AID - Food | |
| AID - Foreign | |
| Alcoholism | See HEALTH AND DISEASE - Alcoholism |
| Alternative Technology | See APPROPRIATE TECHNOLOGY |
| AMERICA - Central | See also CARIBBEAN |
| AMERICA - North | See also UNITED STATES OF AMERICA |
| AMERICA - South | |
| ANTHROPOLOGY | |
| Apartheid | See POLITICS - Apartheid<br>See also DISCRIMINATION |
| Apprentices | See MANPOWER - Training - Apprentices<br>See also EDUCATION - Technical |
| APPROPRIATE TECHNOLOGY | |
| Arbitration | See WAGE REGULATION - Others |


B.

# Ciskei plea refused in bail hearing

PRETORIA — A bail application in the Pretoria Magistrate's Court yesterday for Ciskei's former security adviser, Major-General Tailefer Minnaar, turned into a legal debate on whether the Ciskei Government might intervene in the proceedings.

After a three-hour hearing, the magistrate, Mr A. C. Klopper, ruled that lawyers representing the Ciskei Government could stay for the proceedings but could not intervene.

General Minnaar, 44, sat impassively in the dock during the hearing. He is being held at the Pretoria Central Prison.

His only comment during the bail application was part of a preparatory examination in terms of the Criminal Procedure Act. The examination forms part of an inquiry to determine whether General Minnaar should be extradited to Ciskei.

General Minnaar was provisionally arrested by the South African Police pending the extradition request by the Ciskei. His arrest last week followed only minutes after a Pretoria judge had ordered his release from a mental institution, where he had been taken by Ciskei police.

He faces nine charges under Ciskei's Arms and Ammunitions Act and Explosives Act.

Mr Erik Dane, appearing for General Minnaar, and public prosecutor Mr Johan de Jager had just opened proceedings in the bail application. — DDC.

The case has been set down for hearing on September 6, 8 and 9 when General Minnaar's lawyers will pursue the bail application.

Mr Klopper ruled that the proceedings were in terms of the Criminal Procedures Act and ordered that Ciskei's legal party were not allowed to intervene in the proceedings.

Mr Dane and Mr De Jager both opposed Mr Stafford's request.

He asked to be allowed to intervene, "as the interested party in the matter".

He was asked to be vened.

when Mr Eddie Stafford SC, for Ciskei, inter-

D.D. Sparks 30/8/83

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D.D. Dispatch

# Terrorism charges against 2 dropped

30/8/77

331

ZWELITSHA — Charges of terrorism against two Mdantsane men were withdrawn when they appeared in the Regional Court here yesterday.

The prosecutor, Mr B. D. Nel, said the men had been released after the withdrawal of the charges.

They are Mr Monwabisi Mnikina and Mr Thembinkosi Matutu.

Both were arrested earlier this year. They were making their third appearance yesterday. They had not pleaded and no evidence had been led.
— DDR.

# Judge enters not guilty plea

331 Mercury 1 9 8 3

**Pietermaritzburg Bureau**

A SUPREME Court Judge yesterday entered a plea of not guilty after an accused pleaded guilty to helping establish a cache of arms, ammunition, explosives and literature near Durban last year.

At the start of the trial, Mr Siphiwe Makhathini, charged with Mr Nthokozisi Shezi on five counts of terrorism, pleaded guilty to the main count against him and submitted a statement explaining his involvement in the alleged crimes.

But the State prosecutor, Mr I Slabbert, told Mr Acting Justice Viljoen that though he accepted Mr Makhathini's plea, he could not accept his statement because it gave the impression that Mr Shezi was innocent.

## Kwa Mashu

The Judge ruled that a conditional plea of guilty could not be accepted, and Mr Slabbert asked that a plea of not guilty be entered.

Mr Makhathini, 26, and Mr Shezi, 18, both of Kwa Mashu near Durban, face a charge under the Internal Security Act 74 of 1982, and four alternative charges of illegally possessing arms, grenades, ammunition and explosives.

After changing Mr Makhathini's plea, Mr Shezi's plea of not guilty to all five counts was entered.

Yesterday's proceedings were adjourned earlier to consider a technical situation that arose from the accused's initial pleas.

## In camera

Normally when two or more co-accused plead differently in a case, their trials are split and different judges hear evidence to ensure their cases are not prejudiced.

Yesterday the two counsels concurred that the two statements submitted by the accused did not conflict and the Judge ruled that the trial continue without separation.

The State then opened its case with an appeal that the Court be cleared of all spectators except the Press to hear *in camera* evidence from a witness.

Mr Slabbert said his witness's life could be in danger if identified.

In granting the order, the Judge told the Press to refrain from identifying the witness in any way.

The witness took the stand and told the Court of activities leading up to the discovery of arms and ammunition by the police in a room near Durban.

The witness said both the accused knew of the items and knew they were hidden in the room in September last year.

## ANC

In his statement handed in at the beginning of yesterday's proceedings, Mr Makhathini said he received political instruction while in Tanzania in 1977.

He had been sent to South Africa to advance the political aims of the African National Congress.

It was to be his task to distribute political literature, and someone he knew only as Mandla was to take care of the arms.

He said he knew of the cache and that Mandla had removed some items in a trunk and plastic bags which had been buried in Phoenix

He was instructed to expect a man called Bongani from Swaziland and to show him where the items were buried. But he had been recalled to Swaziland and had enlisted the co-accused, Mr Shezi, to give the message to Bongani.

Mr Makhathini said Mr Shezi — only a schoolboy — was not told what was in the hole.

In Mr Shezi's statement to the Court, he said he had been asked by Mr Makhathini to pass on the message, and denied any knowledge of the items in their possession.

# Turfloop students' case is postponed

**A PUBLIC violence case against 11 University of the North students was yesterday postponed to September 30 at the Mankweng Magistrate's Court near Pietersburg.**

The case is a sequel to disturbances on the campus on June 17. The students have been released on bail of R100 each.

They are Mr Samuel Shikwanbane (21), Mr Jacobs Rafapa (23), Miss Rose Luohondo (21), Miss Josephine Ramushu (22), Mr Malesela Rakumako (24), Miss Seboko Molaba (21), Miss Veronica Madisha (26), Mr Israel Mathupha (23), Mr Tsietsi Thandekiso (36), Mr Shihenya Nkondo (27) and Mr Alexis Quaake (22). — Sapa.

# Terror trial: Judge rejects 'guilty' plea

Cape Times 1/9/83 331

**Own Correspondent**

DURBAN. — A Supreme Court judge here yesterday entered a plea of not guilty after an accused terrorist pleaded guilty to helping establish a cache of arms, ammunition, explosives and literature near Durban last year.

At the start of the trial, Siphiwe Makhathini, charged with Nthokozisi Shezi on five counts of terrorism, pleaded guilty to the main count against him and submitted a statement explaining his involvement in the alleged crimes.

But the State prosecutor, Mr I Slabbert, told Mr Acting Justice Viljoen that though he accepted Mr Makhathini's plea, he could not accept his statement as this gave the impression that Shezi was innocent.

## Security Act

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Makhathini, 26, and Shezi, 18, both of Kwa Mashu near Durban, face a charge under the Internal Security Act 74 of 1982, and four alternative charges of illegally possessing arms, grenades, ammunition and explosives.

After changing Mr Makhathini's plea, Mr Shezi's plea of not guilty to all five counts was entered.

Earlier yesterday, the two counsels concurred that the two statements submitted by the accused did not conflict and the judge ruled that the trial continue without separation.

The State opened its case with an appeal that the court be cleared of all spectators except the press to hear in camera evidence.

Mr Slabbert said his witness's life could be in danger if the person's identity was disclosed. In granting the order, the judge ordered that the press refrain from identifying the person in any way.

The witness told the court of activities leading up to the discovery of arms and ammunition by the police in a room near Durban.

The witness said both the accused knew of the items and knew they were hidden in the room in September last year.

In his statement, handed in at the beginning of yesterday's proceedings, Mr Makhathini said he received political instruction while in Tanzania in 1977. He had been sent to South Africa to advance the political aims of the African National Congress.

## Literature

It was to be his task to distribute the political literature, and a person whom he knew only as Mandla was to take care of the arms.

He said he knew of the cache and that Mandla had removed some items in a trunk and plastic bags which had been buried in Phoenix near Durban.

He was instructed to expect a man called Bongani from Swaziland and to show him where the items were buried. But he had been recalled to Swaziland and had enlisted the co-accused, Mr Shezi, to give the message to Bongani.

Mr Makhathini said Shezi — only a schoolboy — was not told what was in the hole and played no part in his unlawful activities.

The trial continues.

# Court told of Red mine

**Pietermaritzburg Bureau**

A POLICE officer told the Supreme Court here he had not considered a suspected terrorist's ability to assemble a complex Soviet demolition mine to be a confession.

Capt A Taylor, a Durban security policeman, said he had been told of an experiment in which a man had assembled a mine, and that he had seen the man in a room with explosives in front of him, but had not considered putting this fact into the accused's statement.

Capt Taylor was giving evidence in the trial of two Kwa Mashu men, Mr Siphiwe Makhathini, 26, and Mr Nthoko Zisi Shezi, 18. Pleas of not guilty to five charges of terrorism have been entered for the men by Mr Acting Justice Viljoen.

They are alleged to have helped amass a cache of arms, ammunition, explosives and literature near Durban last year.

Under cross-examination by Mr G Alexander, SC, for the accused, Capt Taylor said he had been told of an 'experiment' a senior officer in the branch had carried out to test Mr Shezi's knowledge of explosives. Capt Taylor said he briefly entered a room in which Mr Shezi was seated at a table confronted by an array of explosives.

Earlier Maj R Welman, an explosvies expert, said Mr Shezi had put together a complex TG50 'Crocodile' mine in front of himself and other policemen at CR Swart Square Police Headquarters after his arrest last year.

## Buried

During the cross-examination, Capt Taylor agreed the alleged demonstration — if admitted in a statement by the accused — would have been strong evidence against him.

Mr Alexander put to Capt Taylor that the only evidence of any nature against Mr Shezi was that he pointed out to the police a spot where an arms cache was buried, and evidence by a State witness that Mr Shezi had known of Mr Makhathini's alleged unlawful activities.

'But was your allegation that Mr Shezi could assemble the mines not a damaging admission against him,' Mr Alexander asked Capt Taylor.

Capt Taylor agreed but said he had not considered this necessary.

Mr Alexander said Mr Shezi would say he had been in the office, that other policemen had been present, but would deny assembling the devices put in front of him.

The trial resumes on Monday.

# COPS BEAT ME — CRIPPLED WOMAN

City Press 4/9/83

**THREE women, one of them a cripple, were repeatedly kicked and slapped and later strangled by seven policemen who suspected them of gun trafficking.**

This startling evidence was heard in the Pietermaritzburg Regional Court during the trial of seven black policemen appearing on three counts of assault with intent to do greivous bodily harm.

One of the women, Mrs Nanna Mkize, told the court she was arrested in November last year on suspicion of having firearms.

Six policemen took her to a bush outside Northdale where they said: "We are going to force you to tell the truth," she told the court.

While four policemen drank beer and braaied meat, two detectives took her to a nearby tree where they tied a rubber tube around her face. As they tightened the tube she screamed and gasped for breath.

When she went to the Plessislaer Station to lay a complaint, she was told the police did not take any complaints of assault and she should leave.

Another witness, Sindile Mkize 19, who is crippled from the waist down, testified that three of the accused took her to the Umsindusi River where they threatened to drown her. During the taunts and shouting she was repeatedly slapped and hit on her legs.

A third witness told the court the accused hit and strangled her and kept accusing her of having information.

Among the accused are three detective sergeants – Thomas Mnguni, Masoka Zungu and Khumbulani Njilo.

The four constables are Thembinkosi Sindane, Mphateni Khanyile, Jabulani Masikane and Bonginkosi Duma.

All have pleaded not guilty.

The trial was adjourned to October 26.

## NEW TREASON TRIAL

331 City Press 4/9/83

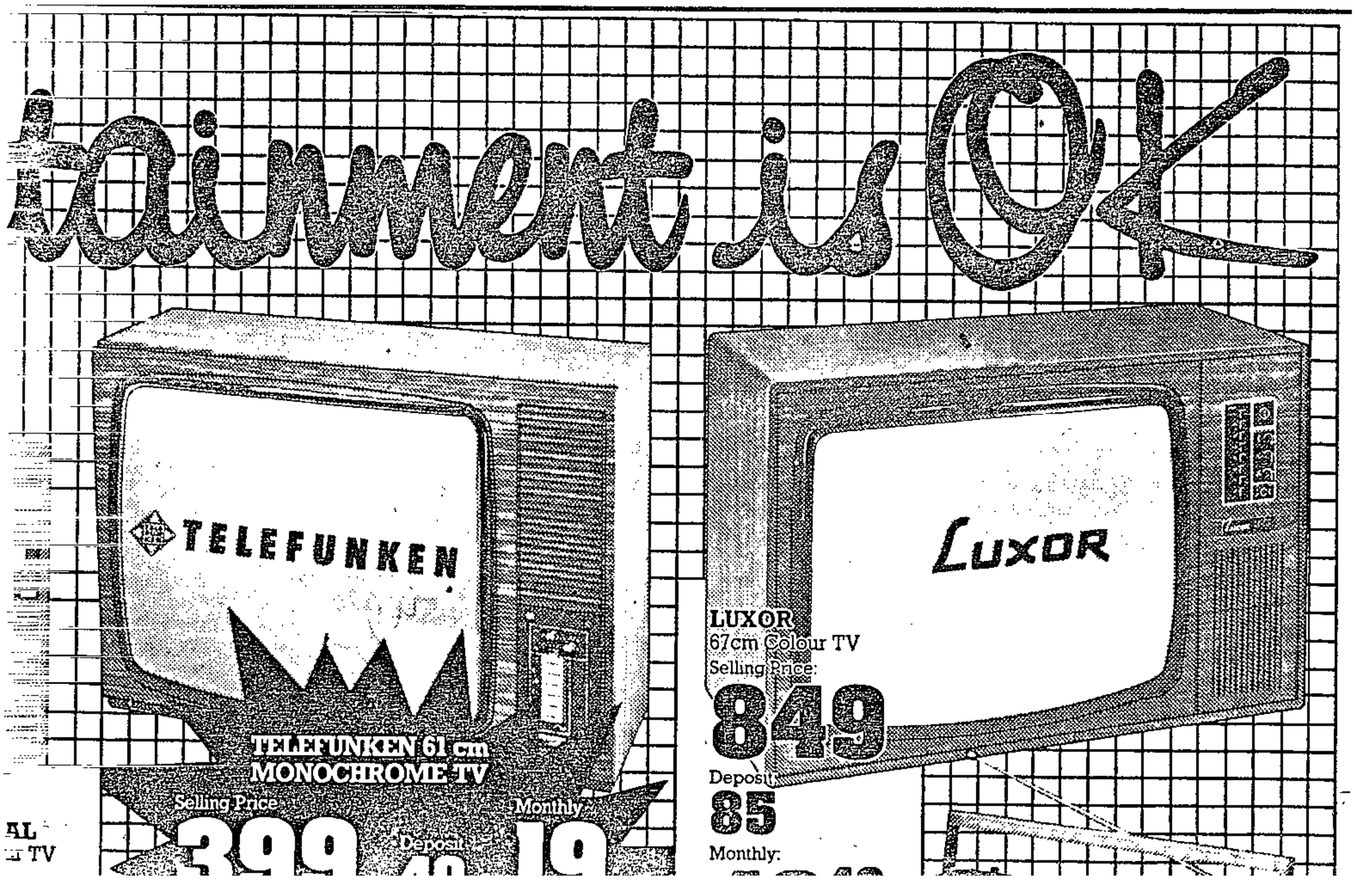
CP Reporter

A 25-year-old alleged Umkhonto we Sizwe guerilla is to appear in the Pretoria Supreme Court on Tuesday next week on high treason charges alleging he was part of the ANC's attempt to overthrow the Government.

Vronda Zeblon Banda faces alternative charges under the Internal Security Act.

He is alleged to have received military training in the Soviet Union, Angola, East Germany or Zambia.

Mr Dennis Kuny, SC, with Mr Clifford Mailer, instructed by Priscilla Jana and Associates, is appearing for Mr Banda.

# Gerhardt and wife on treason charges

Argus 5/9/83 331

Staff Reporter

ABOUT 30 policemen, some with two-way radios, patrolled the front of the Cape Town Supreme Court and restricted parking on Keerom Street early today before the court appearance of Commodore Dieter Gerhardt and his wife Ruth on charges of high treason.

Police dogs stirred restlessly in vans and cars as a motorcade, escorted by cars and motorcycles, swept past shortly before 9am, and drove straight through the gates to the Supreme Court.

The front car was believed to have contained Commodore Gerhardt, but this could not be confirmed.

Only a few people gathered at the court early, but more were expected later.

**More details will be carried in later editions of The Argus.**

The case has aroused international interest, and a large contingent of Pressmen waited outside the building.

The Attorney-General of the Cape, Mr D J Rossouw, SC, is to lead evidence for the State. Commodore Gerhardt is being represented by Mr G D van Schalkwyk, SC, with Mr W G Thring assisting.

His wife, Mrs Ruth Gerhardt, is being represented by Mr G R de M Hofmeyer, SC, with Mr A H Veldhuizen.

Argus 5/9/13

# Mpetha: 10 fail in bid to appeal

331

BLOEMFONTEIN. — Ten people convicted with the 74-year-old trade unionist and community leader, Oscar Mpetha, have been refused leave to appeal against their convictions and sentences.

Christopher Sidlayiya, Morgan Makubala, Peter Kube, Alton Sabuwa, Johannes Hlapo, Jeffrey Baardman, Vuyisile Diba, Richard Mapondo and Phillip Nyongwana were all convicted of taking part in terrorist activities.

### CROSSROADS VIOLENCE

Their convictions, for which they were each sentenced to five years' imprisonment, arose from the violence in the vicinity of the Crossroads squatter camp between August 8 and 12, 1980.

Johannes Hlapo had sought to appeal only against his sentence, while the others wished to appeal against conviction and sentence.

The nine, together with Aaron Tshangana, were sentenced to various terms of imprisonment on a charge of murdering Mr George Henry Beeton, who was attacked on the Klipfontein Road at Philippi on August 11, 1980.

### EXCEPTION

With the exception of Sidlayiya, who did not seek to appeal against his sentence of seven years on this count, all had wished to appeal against conviction and sentence.

Makubala, Tshangana, Kube, Hlapo, Mapondo and Nyongwana were convicted on a charge of murdering Mr Frederick Casper Jansen on Klipfontein Road on August 11, 1980,

They were refused leave to appeal against their convictions and sentences.

### CONCURRENTLY

On this count, the trial judge ordered that the sentences imposed should run concurrently with those for the murder of Mr Beeton.

Thus, the effective imprisonment on the murder charges was 15 years for Makubala and Tshangana, 18 years for Kube, 20 years for Hlapo and Mapondo and 10 years for Nyongwana.

Sabuwa received 12 years, Baardman 10 years and Diba 15 years for Mr Beeton's murder.

The Appeal Court in Bloemfontein recently refused Mpetha leave to appeal against his conviction. — Sapa.

# Rival Leb power as

BEIRUT. — The stage seems set for the final act in Lebanon's long-drawn-out tragedy as Israeli forces complete their withdrawal to the south of the country.

Artillery and mortar battles raged through the night in the hills round Beirut as Druze militiamen fought the Lebanese Army in a bid to seize positions vacated by the Israelis.

The regular boom of mortars or shells could be also be heard from central Beirut, apparently from fighting between Christian and Druze militias.

Columns of Israeli tanks and armoured vehicles jammed the roads of south Lebanon as fighters howled overhead, guarding against attack from the other invasion force which occupies large areas of the country — the Syrian army.

On the coast road, rival village communities looked on, mystified, as an army which had both conquered and protected them abandoned positions held since the high tide of the invasion 14 months ago.

In Christian Damour, where villagers were massacred by Palestinian guerrillas eight years ago, children threw flowers at the passing tanks.

## Lone view

The Israeli chief-of-staff, General Moshe Levy, said of the fighting which had been provoked by the Israeli departure: "The Christians and Muslims did not come to an agreement, although we tried our best to get one before we withdrew.

"But I am sure that they will reach one, even if we are not in the area."

He seemed the only person in Lebanon who thought so.

The Lebanese Army said last night it had captured the strategic Khalde junction, just south of Beirut Airport, from Druze militiamen after fierce fighting.

US marines at their base at the airport said the Lebanese Army was still firing heavy artillery late last night, apparently at Druze positions.

The Lebanese Army has said it will move into the mainly Druze Shouf mountains to replace the Israelis, who delayed their withdrawal for more than two weeks at the request of the US and Lebanese governments. — Argus Foreign Service, Sapa-Reuter.

# Bullets miss rally champion, hit boy

Argus Correspondent

JOHANNESBURG. — Members of Lesotho's paramilitary force allegedly fired on a vehicle driven by three-times Kenyan rally champion Rob Collinge near Maseru on Saturday, seriously injuring a child who was standing nearby.

"The ground in front of us exploded in dust in the first burst of machinegun fire, with a second burst apparently going over the vehicle's roof and into a hut where a boy of 10 or 11 was standing, Collinge said.

He and his companion, George Hudson, stopped and were confronted by five uniformed men.

"We were ordered at gunpoint to their commander, who was on top of a hill about a kilometre away, where there were about 30 other soldiers.

"We hadn't seen them before we were fired on, but they accused us of not stopping."

Appeals by the boy's parents to be allowed to take him to hospital were refused and he was loaded into in the back of an official vehicle.

### "BRAVE GUY"

"He was a very brave little guy and didn't even cry," said Collinge.

"He had been shot through the arm three times and was bleeding profusely. At the rate he was losing blood I reckon he had only a couple of hours to live if he wasn't taken to a hospital quickly."

The shooting took place on a minor road a few kilometres from Maseru.

Undaunted by what he believed was an isolated incident, Collinge said he would definitely competing in the Star Roof of Africa Rally through Lesotho on Friday and Saturday.

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# Man (25) to face charge of treason

**By MONK NKOMO**

**A 25-YEAR-OLD alleged member of the banned African National Congress (ANC) will appear in the Pretoria Supreme Court today on a charge of High Treason, and alternative charges under the Terrorism Act.**

Mr Vronda Zeblon Banda, pleaded not guilty to the main charge of High Treason and two alternative charges of participation in terrorist activities when he appeared in the local magistrate's court in June this year.

According to the charge sheet, Mr Banda is alleged to have joined the ANC in 1976 with the intention of endangering the maintenance of law and order in the Republic. He also allegedly received military training, training in warfare, subversion and/or sabotage in Angola, Russia, East Germany and Zambia during 1976 and 1981.

The State also alleges he acted as an instructor at an ANC training centre in Kamalundu in Angola during 1981 and 1982. He is alleged to have trained ANC members or supporters to enable them to infiltrate South Africa to commit acts of subversion, sabotage and warfare.

Mr Banda allegedly planned armed violence and warfare or sabotage against police stations, the public, railway lines, power stations, and fuel storage depots from an ANC base in Maputo during 1982.

D. Dispatch 6/9/83 (~~F~~) (331)

# Accused tells of assault injuries

BISHO — One of the accused in the Ciskei terrorism trial yesterday denied he had told a magistrate he was furthering the aims of the African National Congress.

Mr Luyanda Mayekiso, 23, told Mr Justice De Wet and two assessors that security police had assaulted him to make him admit to certain accusations.

He said he was interrogated about an attack on Fort Jackson police station, about the affairs of the Border Council of Churches, and about ANC stickers.

Appearing with Mr Mayekiso in the Ciskei Supreme Court are Mr William Duna, 31, Mr Dumisani Maninjwa, 31, and Mr Bayi Keye, 52.

The four Mdantsane men have pleaded not guilty to charges of being engaged in terrorist activities, being members of the banned ANC, having recruited people to undergo military training in Lesotho, and being in possession of banned literature.

Giving evidence in the defence case, Mr Mayekiso said that during his interrogation he was assaulted. He said the assaults had left his front teeth broken and his testicles and the left side of his face swollen.

Mr Mayekiso told the court he had reported the injuries to the King William's Town and Ciskei district surgeon, Dr G. M. Peer, who gave him pain tablets and injections.

Asked by Mr M. T. K. Moerane, defence counsel, what had happened when he saw a magistrate about making a confession, Mr Mayekiso said he had noticed the magistrate was not recording his answers.

Mr Mayekiso told the court he had indicated to the magistrate he was not willing to continue with his confession. "The magistrate immediately phoned the security police who assaulted me in his presence."

Mr Mayekiso denied that, when he was arrested on June 8, 1981, he was in possession of ANC and South African Communist Party documents. He also denied he was a member of the South African Allied Workers' Union.

Under cross-examination by Mr W. F. Jurgens, for the state, Mr Mayekiso said the police had forced him to make certain admissions about the ANC and told him they had arrested five people who said the Fort Jackson police station was attacked on his instructions.

The trial was adjourned shortly before lunch because of a problem with the recording machine in the new Ciskei Supreme Court complex which was used yesterday for the first time. It will continue today. — SAPA.

The Star Tuesday September 6 1983 3M

# Court told of big explosives cache in game reserve

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MARITZBURG — Three men facing charges of high treason, who appeared in the Supreme Court yesterday, are alleged to have established a huge cache of explosives at the Umfolozi game reserve in March this year.

The State alleges they intended to blow up the Vryheid-Richards Bay railway line, and also planned other crimes, including terrorism.

One of the men, Mr Lungile Wiseman Magxwalisa (27), of Port Elizabeth, faces a second count of high treason in that he allegedly placed explosives on a railway bridge near Upington.

He allegedly established a cache of explosives including six TG 50 demolition mines, six limpet mines, 12,5 kg plastic explosives and other items near the bridge.

Mr Magxwalisa, who is alleged to have undergone training in Angola, also faces two charges of attempted murder arising from the shooting of two policeman at Piet Retief.

His co-accused are Mr Siphiwo Wellington Dinca (23) of Port Elizabeth who allegedly underwent training in East Germany and Angola, and Mr Mzwakhe Hespro Cikozani (31) of Zwelitsha, who allegedly underwent training in Angola.

Mr A Findlay, SC, who is appearing for the men with Mr Pius Langa, asked for an adjourment to obtain further particulars. Mr Justice Page adjourned the case until today.

# Two PE men in court on charges of high treason

Post Correspondent

DURBAN — Two Port Elizabeth men and a man from Ciskei appeared briefly in the Maritzburg Supreme Court yesterday in connection with allegations of high treason, terrorism and unlawful possession of explosives.

Mr Lungile Wiseman Magxwalisa, 27, Mr Siphiwo Wellington Dinca, 23, both of Port Elizabeth, and Mr Nzwakhe Mespro Cikozini, 31, of Zwelitsha, appeared before Mr Justice Page after a number of incidents in various parts of the country.

No charges were put to the men and no evidence was led. Their trial will continue today.

A combined total of 21 counts ranging from high treason to attempted murder are listed in the 24-page indictment.

Mr Magxwalisa faces a main count of high treason following the placing of explosives at the Upington railway bridge in September last year.

The three men also face a charge of high treason in connection with an incident at the railway bridge across the White Umfolozi River, Zululand, in the Mahlabatini district between March and April this year.

The State claims in the indictment that the accused went to the bridge with detonators, knowing there were caches of explosives concealed nearby, with the intention of destroying or damaging the bridge and railway line.

Mr Magxwalisa, says the indictment, also allegedly attempted to kill two members of the SAP near the Piet Retief Hospital in November.

The State further alleges that the three men have been members or active supporters of the banned African National Congress.

Handed into court was a three-page list of explosives and other materials allegedly concealed in caches at Upington and at the Umfolozi Game Reserve.

(331) Star 6/9/83

# Gerhardt trial: State evidence to be in camera

Own Correspondent

CAPE TOWN — The Judge-President of the Cape, Mr Justice Munnik, has ordered that the Gerhardt treason trial be held in camera until the defence begins its case.

Commodore Dieter Gerhardt and his wife Ruth pleaded not guilty to the charges in the Cape Town Supreme Court yesterday.

Giving judgment on the application for the trial to be held in camera, the judge ordered that nothing of the proceedings held behind closed doors which identified witnesses might be published.

Mr Justice Munnik said that immediately before the opening of the defence case the Attorney-General of the Cape, Mr D J Rossouw, could apply for the evidence to be held behind closed doors.

The charge of high treason was put to the accused immediately after this judgment.

The State alleges that Commodore Gerhardt owed allegiance to the State by virtue of being a South African citizen by birth.

It is also alleged that Mrs Ruth Gerhardt owed allegiance to the State because she became a resident of South Africa from June 1969 and a citizen through naturalisation from January 1977.

The State alleges that between 1962 and January 20 this year Commodore Gerhardt had unlawfully and with hostile intent against the State tried to

Evidence to be heard in this application would entail classified information, he said.

Defence counsel for the couple did not oppose this application, but did oppose the main application for the trial to be heard in camera.

Granting the first application, Mr Justice Munnik said it was the most sensible way of approaching the matter.

In his opening address and before putting the charges to the couple, Mr Rossouw said the charge against them was one of high treason because they had, over some years, indulged in acts of espionage against the Republic of South Africa.

The subject matter of those acts "contained classified secret information which was of a highly sensitive nature".

"It is a trite fact that all countries have measures aimed at securing the safety of the State against attack. So also has South Africa.

"Although a trial is held in camera nothing is withheld from the accused or his legal representative, and the accused has every opportunity of presenting his defence as adequately as if the trial were held in open court.

"The fairness of the trial, so far as the accused is concerned, is therefore not affected by the fact that the trial is held in camera."

The Judge-President is sitting with two assessors, Mr W S O'Brien and Mr B L O'Leary.



His hand on her arm, Commodore Dieter Gerhardt (right) helps his smiling wife Ruth down the steps jus[t] outside the courtroom where both will face charges of high treas[on]. Two policemen follow them closely.

ernment of the State, or to disturb or impair or endanger the security of the State, and committed and or attempted to commit one or more acts of espionage.

The same allegations apply to Mrs Gerhardt for the period 1970 to January 20 this year.

Earlier, Mr Rossouw had asked that the application for the trial to be held in camera should also be held behind closed doors.

The judge granted this application and the court was cleared.

Mr Rossouw said he did not make that kind of application lightly but the State wished to call witnesses in support of the in-camera application.

# 'Secret network' for Reds, court hears

Own Correspondent

**CAPE TOWN — Commodore Dieter Gerhardt's opposition to the policies of the South African Government led to his decision to supply the Soviet Union with information to bring about a new social dispensation in this country, the State alleged at the treason trial in the Cape Town Supreme Court yesterday.**

**To achieve this, Commodore Gerhardt, who was an officer in the SA Navy, had got in touch with Soviet agents.**

**Commodore Gerhardt (47) and his wife Ruth (41) have pleaded not guilty to charges of high treason. The trial will be held in camera.**

**In the indictment it is alleged that during the period 1962 to January 20 this year Commodore Gerhardt maintained a secret communications network with Soviet agents.**

**He allegedly possessed the names and addresses of several foreign agents and obtained false travel documents.**

**Through his network he allegedly received requests from the Soviets to supply information about South Africa's security systems, armaments, and weapon systems.**

**It is alleged that he compiled reports on Southern Africa, including regional and domestic politics, the general attitudes of the population groups, South Africa's relations with other countries, the oil embargo, the arms embargo and the economic situation, which he forwarded to the Soviets.**

**The State alleges that he duplicated and photographed objects, including documents, letters and reports, and sent them to the Soviets.**

**At places unknown to it, the State alleges, he underwent training in espionage activities, including radio communication, secret writing, micro-dot reading, photography, Morse code, coding and decoding, counter-detection methods, and secret codewords or passwords.**

**He allegedly received money from the Soviets as a reward and to cover expenses for his activities.**

**The State alleges that his wife took part in maintaining the secret communications network and in several of the activities listed against Commodore Gerhardt.**

**The trial continues today.**

# Treason trialists face rail bomb count

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Mercury 6/9/83

**Pietermaritzburg Bureau**

THREE men appeared briefly in the Supreme Court in Pietermaritzburg yesterday in connection with allegations of high treason, terrorism and unlawful possession of explosives, following a number of incidents in various parts of the country.

Before Mr Justice Page and two assessors were Mr Lungile Wiseman Magxwalisa, 27, and Mr Siphiwo Wellington Dinca, 23, both of Port Elizabeth, and Mr Mzwakhe Mespro Cikozani, 31, of Zwelitsha.

No charges were put to the men and no evidence was led. Their trial was adjourned until today.

A total of 21 counts ranging from high treason to attempted murder are listed in the 24-page indictment.

Mr Magxwalisa faces a main count of high treason following the placing of explosives at the Upington railway bridge last September.

All three face a charge of high treason relating to an incident at the railway bridge across the White Umfolozi River in the Mahlabatini district between March and April this year.

The accused are alleged to have gone to the bridge with detonators and, knowing there were caches of explosives concealed nearby, with the intention of destroying or damaging the bridge and railway line.

Mr Magxwalisa is also alleged to have attempted to kill two members of the South African Police near the Piet Retief Hospital in November. The three men are alleged to have been members or active supporters of the banned African National Congress.

A three-page list of explosives and other material, allegedly concealed in caches at Upington, includes six TG 50 demolition mines, six limpet mines, plastic explosive and 15 detonators, and at the Umfolozi Game Reserve, 12 demolition mines, 62 blocks of TNT, 36 detonators and a timing device.

Mr J A Oberholzer is appearing for the State and Mr A Findlay, SC, and Mr Pius Langa for the three accused.

# Terrorism trial verdict

331 Merriam 6/9/83

**Pietermaritzburg Bureau**

TWO men accused of terroristic activities are expected to hear if they have been found guilty when they appear in the Supreme Court in Pietermaritzburg today.

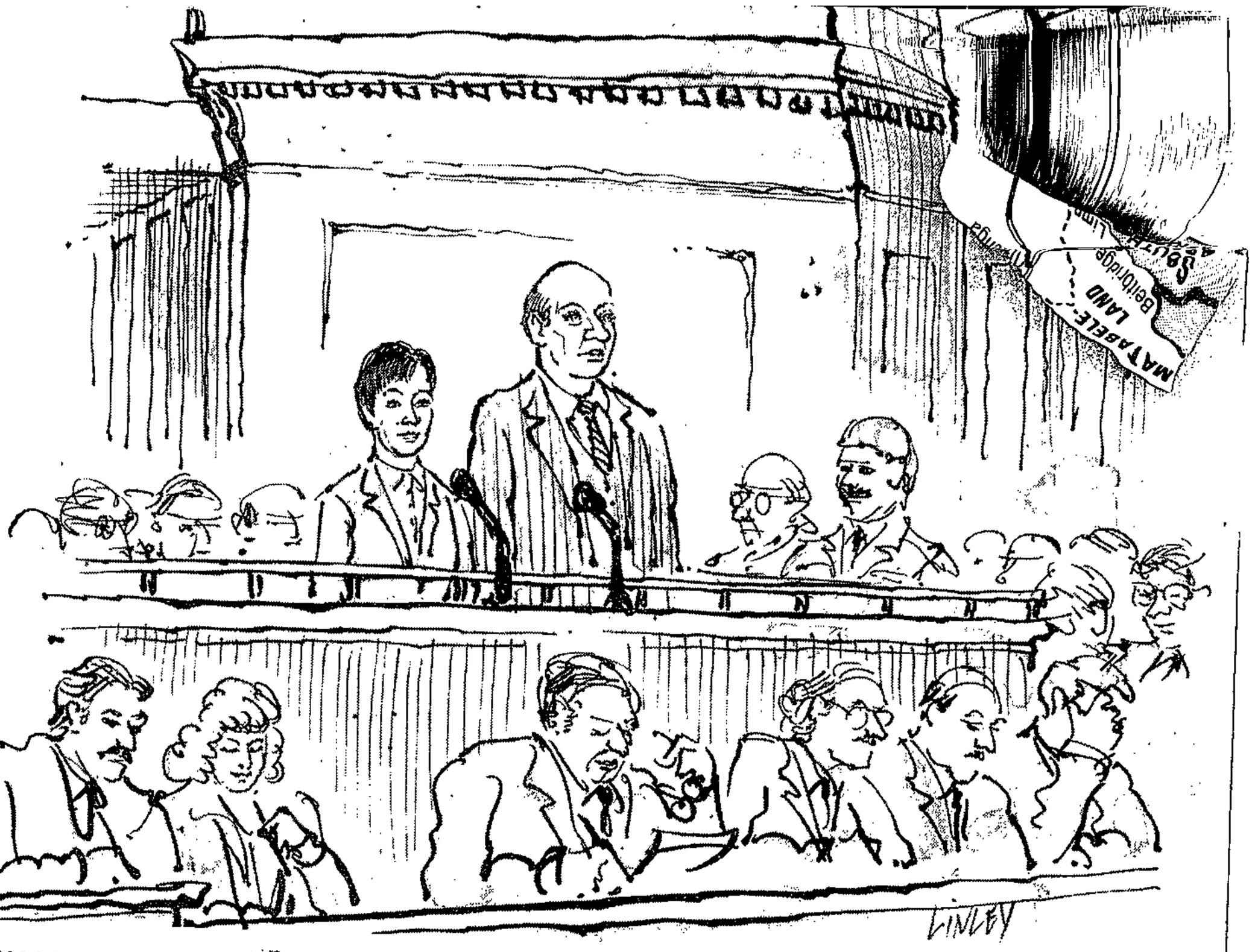
Yesterday Mr Acting Justice Viljoen heard argument by counsel for the State and the accused on the merit of evidence led in the trial of Mr Siphiwe Makhathini, 26, and Mr Nthokozisi Shezi, 18.

They are alleged to have helped amass a cache of arms, ammunition, explosives and pamphlets near Durban last year.

Pleas of not guilty to all five counts against the men were entered by the Judge when proceedings began last week.

Mr I Slabbert is appearing for the State, and Mr G Alexander, SC, is appearing for the accused.

Proceedings resume at the new Church Street Supreme Court today.




COMMODORE Dieter Felix Gerhardt and his wife, Ruth, before the Judge President, Mr Justice Munnik, at the start of the high treason trial at the Supreme Court in Cape Town. Holding his glasses, below the couple, is the instructing attorney Mr J van Niekerk of Silberbauers. The couple have pleaded not guilty to a charge of high treason.

# Security checks made on second day of treason trial



Dieter Gerhardt



Ruth Gerhardt

**Staff Reporter**

APART from more "no parking" signs outside, and policemen inside, there was little to suggest anything out of the ordinary at the Supreme Court, Cape Town today.

The Judge President of the Cape, Mr Justice Munnik, is hearing the second day's proceedings in the high treason trial in which Navy Commodore Dieter Gerhardt and his wife Ruth are accused of spying for the Russians.

The couple yesterday pleaded not guilty to charges of high treason put to them by the Attorney-General of the Cape, Mr D J Rossouw, SC.

Police ran security checks today, as they did yesterday, on all those entering the court, women through one door, men through another.

**"IN CAMERA"**

And the "in camera" sign was again prominently displayed on the locked doors of Court No 1.

The Commodore and his wife were seated in the dock sometime before the case was due to begin and they could be seen through the doors.

Commodore Gerhardt was wearing a light brown suit and his wife a maroon top with a long-sleeved grey jumper underneath and they were talking from the dock to the people in the court.

● The charges — Page 4

Argus 6/9/83 (331)

COUR

# Gerhardt 'sought new dispensation'

By CAROL GEY VAN PITTIUS
Supreme Court Reporter

COMMODORE Dieter Gerhardt's opposition to the policies of the South African Government led him to supply Russia with information to bring about a new social dispensation in this country, the State alleges.

The Supreme Court, Cape Town, was told yesterday that Commodore Gerhardt, who was an officer in the South African Navy, had contacted agents used by Russia.

Commodore Gerhardt, 47, and his wife, Ruth, 41, have pleaded not guilty to a charge of high treason.

The trial is being held in camera.

The indictment alleges that during the period 1962 to January 20, 1983, Commodore Gerhardt established and maintained a secret communications network with agents used by Russia.

This network included dead letter boxes and/or drops, radio transmissions, couriers and personal visits to foreign countries to communicate with the agents.

## Codes

For this purpose, he allegedly possessed the names and addresses of foreign agents who participated in the network, assumed a code-name, used secret codes and writing and films, and obtained false travel documents.

During the same period, it is alleged that he instructed, controlled and was assisted by an agent.

Through this network, he allegedly received requests or instructions from Russia to supply information pertaining to South Africa's security systems, armaments, weapons systems, and projects relating to the country's military.

It is also alleged that Commodore Gerhardt compiled reports on the situation in Southern Africa, including regional and domestic politics, general attitudes of the population groups, South Africa's relations with other countries, the oil embargo, the arms embargo and the economic situation, which he then forwarded to Russia through his communications network.

He also allegedly received radio messages from Russia and deciphered secret codes and micro-dot and Morse-code messages received from Russia.

The State alleges that he also duplicated and photographed objects, including documents, and composed letters and reports in secret writing to be sent to Russia.

The State also alleges that at places unknown to it, he underwent training in espionage activities, including radio communication, secret writing, micro-dot reading, photography, Morse code, coding and decoding, counter-detection methods, and secret codewords or passwords.

He allegedly received money from Russia as a reward and to cover expenses for his activities, and made suggestions regarding payment.

The State alleges that Mrs Ruth Gerhardt participated in maintaining the secret communications network, and that she participated in several of the alleged activities.

The case continues today.

# Father gets 12 years for stealing four cars

By Gavan O'Connor, West Rand Bureau

A Krugersdorp regional magistrate yesterday sent a Witpoortjie man to jail for 12 years for stealing four cars.

Cornelius Nortje (28), address given as Bertha Court, Progress Street, had pleaded guilty to stealing four cars on the West Rand in June and July this year. He was jailed for three years on each charge.

At the beginning of the trial Nortje's lawyer, Mr D Esterhuizen, read a statement of admission.

During questioning by the magistrate, Mr C J Eksteen, Nortje said he had a Standard Eight education, was recently divorced, had a child aged three, and planned to marry again soon.

He said he would give up drinking when he remarried.

He had been drinking each time he had stolen a car, he said.

Nortje said he had stolen the cars by using the key from his Ford Cortina, which fitted any other car of the same make.

He had taken spare parts from the cars and then abandoned them. He had been arrested while in the fourth car.

The owners of two of the stolen cars said in evidence that Nortje had damaged their cars. One intends sueing him.

Nortje admitted to several previous convictions, none involving car theft.

Mr C J le Roux prosecuted.

# Evidence of bombs expertise challenged

Own Correspondent

MARITZBURG — Defence counsel in the terror trial in the Maritzburg Supreme Court yesterday submitted that evidence was not admissible that one of the accused, Mr Nthokozisi Nobleman Shezi (18), had demonstrated expert abilities with bombs and mines.

Mr Shezi has pleaded not guilty to charges of terrorism and the unlawful possession of arms, ammunition, grenades and explosives.

His co-accused, Mr Siphiwe Wilfred Makhathini (26), admitted elements of the same alleged offences.

The defence counsel, Mr Gerald Alexander SC, said that Mr Shezi had not been warned by Major R L Welman that demonstrating how to connect the bombs and mines could be used as evidence against him.

He said that there was no evidence before the court that Mr Shezi had made any damaging admissions, and until Major Welman's evidence was brought the State had a weak case based on the evidence of an indifferent accomplice and nothing else

He asked why, if Captain A R C Taylor, the investigating officer in the case, had known about the demonstration he had not done anything about it.

Mr Alexander said that the police evidence about the events at C R Swart Square in Durban had not come out as an unblemished story.

In his argument State counsel, Mr Ian Slabbert, asked the court to reject the evidence of Mr Makhathini in which he attempted to exculpate Mr Shezi.

Mr Slabbert said that Mr Shezi was not as innocent as he would have the court believe

On the question of the admissibility of the demonstration, Mr Slabbert said that in terms of section 218 of the Criminal Procedure Act a fact discovered in the course of the demonstration was admissible evidence, but he said that there were apparently no cases with analogy on this point.

In his evidence yesterday Mr Shezi denied that he had performed the demonstration and denied seeing Major Welman at C R Swart Square on the day in question.

He did recall the incident where the mines and bombs were brought into the interrogation room, but he said that he had never seen them before.

Judgment will be handed down today.

# Swoop on currency syndicate

Own Correspondent

DURBAN — Durban police may have uncovered a massive currency smuggling syndicate after a swoop on Louis Botha Airport shortly before a Zimbabwe-bound plane was due to take off yesterday.

The head of the Commercial Branch in Durban, Major John Trickey, confirmed two men had been detained in the departure lounge. They had been booked on the 2.15 pm flight to Harare.

The men directed police to the Stanger home of a prominent Durban businessman.

He was arrested and is to face charges of contravening the exchange control regulations.

# Woman jailed for R27 000 fraud

By Themba Maseko

A 56-year-old woman was jailed for six years by a Johannesburg magistrate yesterday after being convicted on four fraud charges involving R27 000.

Gloria Joey Francis du Plessis, address given as Harrow Road and Denis Street, Berea, Johannesburg, pleaded guilty to all the charges.

Two years of the sentence were conditionally suspended for five years.

Du Plessis defrauded four people after telling them that she knew an insurance broker at the Johnnesburg Stock Exchange who would invest money exceeding R500 and that the investment would show a 100 percent profit within three months.

The offences were committed between June 1980 and August 1981.

Du Plessis said she was prepared to repay the money at R500 a month.

The magistrate, Mr T Kleinhans, said she would be unable to pay back the money as she had no fixed employment. He added that he was forced to pass a prison sentence because Du Plessis had committed the offences while under a suspended sentence.

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# Trial of three on charges of high treason adjourns

MARITZBURG. — The trial of three men on charges of high treason has been adjourned till tomorrow.

One is alleged to have attempted to bomb two railway bridges and murder two policemen, and the other two to have planned to bomb a bridge.

The hearing, before Mr Justice Page and two assessors, was adjourned for the second time yesterday to allow the defence counsel to consult the accused after being furnished with further particulars by the State.

Mr Lungile Wiseman Magxwalisa, 27, of Port Elizabeth faces 21 counts, including high treason, unlawful possession of explosives, terrorism, attempted murder and theft.

He is alleged to have placed explosives under a railway bridge at Upington on September 23 or 24 last year and tried to two murder police officers, Phutl Zebilon Boshomane and Junior Mashilwane at Piet Retief on November 13.

Mr Magxwalisa, Mr Sipho Wellington Dinca, 23, of Port Elizabeth and Mr Mzwhakhe Hespro Cikozani, 31, of Zwelitsha are alleged to have intended to bomb a bridge across the White Umfolozi River between March and April this year. — Sapa.

# State bid to re-open case

D.Dispatch 2/9/83

BISHO — The Ciskei Attorney-General, Mr W. F. Jurgens, yesterday applied to re-open the state's case in the terrorism trial here.

Mr Jurgens said he intended to call policemen, magistrates and court interpreters to give evidence on the alleged confessions made by three of the four accused. He said he could not reasonably have anticipated that calling the witnesses would become necessary.

The defence counsel, Mr M. T. K. Moerane, objected on the grounds that the state should have anticipated right from the beginning that the manner in which the confessions had been made would be questioned.

"The state purposely sought not to canvass this during its case." He told the court.

Mr Moerane said that if the application was granted, it might be necessary for the defence to re-open its case.

Mr Justice D. S. de Wet will give a ruling this morning.

Accused are Mr Luyanda Mayekiso, 23, Mr William Duna, 31, Mr Dumisani Maninjwa, 31, and Mr Bayi Keye, 52.

The state alleges they engaged in terrorist activities, became members of the banned ANC, recruited people to undergo military training in Lesotho and were in possession of banned literature. They have pleaded not guilty.

Mr Mayekiso told the court yesterday that, when Ciskei police took him to Dimbaza police cells, one policeman had grabbed him by the testicles and squeezed them.

He said he had been assaulted with an open hand and a clenched fist, was kicked and had a canvas bag pulled over his head.

Mr Jurgens said Mr Mayekiso's allegations were ridiculous. He denied that captain Charles van Wyk had taken part in the interrogation of Mr Mayekiso and said the reoccurrence book at Dimbaza police cells proved this. — SAPA.

# Two arms cache men get 10-year sentences for act of terrorism

Own Correspondent

MARITZBURG — The State must punish any attempt to overthrow its order no matter how oppressed a citizen might feel, a Supreme Court judge said here yesterday when sentencing two Kwamashu men to 10 years' imprisonment each for terrorism.

Mr Acting Justice Viljoen said, however, it was unpleasant to sentence people who were not "criminals" in the ordinary sense of the word.

Siphiwe Wilfred Makhathini (26) and Nthokosizi Nobleman Shezi (18) were found guilty under the Internal Security Act of taking part in subversive activities by establishing a cache of arms, ammunition and explosives in Phoenix near Durban.

The judge ordered that the 10-year sentence imposed on Makhathini run concurrently with an 18-year sentence he is already serving for terrorism. The judge said he did not wish to add to an already severe term of imprisonment.

Four years of the sentence passed on Shezi was also suspended and an application for appeal allowed. Shezi, the judge said, had only been about 15 or 16 at the time of the offences and had been heavily influenced by others.

"He probably admired his older brother — who had been sentenced to a long term of imprisonment for subversion — for his adherence to the cause of the ANC.

"When, however, you chose to walk down the path of violent resistance your choice removed you from the world of children to that of violent men where you are subject to the penalties that men must suffer."

The judge said the need to punish people who sought to overthrow the order by violent methods was particularly great.

He said it was clear the arms were destined for violent use in the furtherance of the aims of the African National Congress. — Sapa.

# Terrorists jailed

## Two guilty on arms charges

**Pietermaritzburg Bureau**

PASSING sentence was one of the more onerous responsibilities of a judicial officer, especially where the convicted were not criminals in the ordinary sense of the word, a Supreme Court Judge said yesterday.

Mr Acting Justice Viljoen said this in the Supreme Court in Pietermaritzburg yesterday in passing sentence on two convicted terrorists, Siphiwe Makhathini and Nthokozisi Shezi.

'The fact, however, is that no matter how oppressed an individual might feel, the State must wield a heavy hand against those who try to overturn it — and more so against those who use violent means to do so,' the Judge said.

### Admitted

He sentenced the two Kwa Mashu men for their part in helping amass a cache of arms, ammunition, explosives and pamphlets in a Clermont house last year.

Makhathini, 26, who admitted undergoing 'political training' in other African states, was sentenced to 10 years' imprisonment, to run concurrently with an 18-year term he is already serving for his part in three Durban bomb blasts last year.

Shezi, 18, who was a schoolboy at the time of his arrest, was sentenced to 10 years' imprisonment, four of which were conditionally suspended for six years.

After hearing an application by Mr G Alexander, SC, for the accused, the Judge ordered that Shezi would be allowed to appeal against his conviction.

It is expected that the appeal will be heard by the Appellate Division in Bloemfontein.

In summing up the case yesterday, Mr Acting Justice Viljoen accepted the evidence of a senior police explosives expert who told how Shezi had assembled complex Soviet mines when confronted with them at the C R Swart Square Police Station.

### Guilty

Even though Maj R Welman had not warned Shezi that 'he was not obliged to do anything' before confronting him with the mines, Shezi's demonstration had been made freely and voluntarily to the police, and was admissible as evidence against him, the Judge ruled.

Both men were guilty, the Judge said.

Two policemen battled to prevent people from the packed public gallery from shaking hands with the accused as they were led down the stairs from the central dock. Some of the spectators raised their fists and shouted slogans, and the crowd broke into song as they filed through the door.

## Treason trial told of weapons in grave

# COURT DRAMA

331

Sowetan 7/9/83

**AN ALLEGED member of the outlawed African National Congress (ANC) charged with high treason had planned to hide weapons and establish "dead letter boxes" inside graves at the Atteridgeville cemetery, the Pretoria Supreme Court heard yesterday.**

By MONK NKOMO

Mr Vronda Zeblon Banda (25), who pleaded not guilty before Mr Justice D J H le Roux to a charge of high treason and two alternative counts under the Terrorism Act, admitted in a statement read in court by his defence counsel Mr D Kuny, to having received military training in Angola.

Captain Abraham Grobbelaar, who is attached to the Security Police in Protea, testified that after receiving information on January 9 this year he went to Kliptown where he arrested Mr Banda, who tried to escape but stopped when he was warned with a firearm.

A reference book bearing his photograph but with a false name (Holane Phillip Jikalanga) was found in his possession.

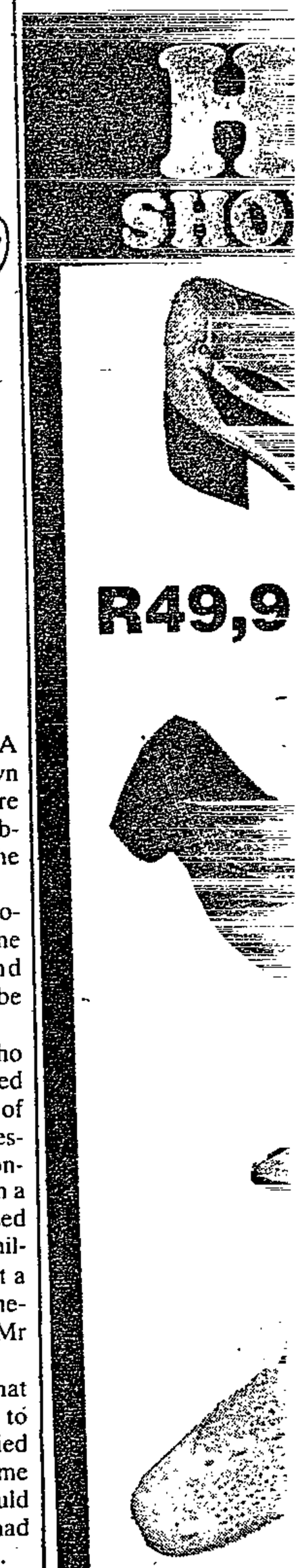
Capt Grobbelaar said Mr Banda confessed that he, together with a certain Kgabo Buti Moeketsi, was a leader of a group of terrorists. He took police to two houses — in Rockville and Orlando West — where police found a ,45 Colt pistol and a F1 hand grenade.

Capt Grobbelaar told the court that Mr Banda had also taken them to two houses in Atteridgeville where they found certain articles including a sleeping bag. From there he had taken them to the local cemetery where he and Buti had planned to hide weapons and establish "dead letter boxes" inside a grave marked 11519. A certain "Brixton" had also shown police grave number 5107 where Brixton and Buti went to establish "dead letter boxes", said the captain.

Mr Banda had also shown police places near Mabopane, the Boksburg police station and Saulsville where bases were to be erected, the captain testified.

Three State witnesses, who may not be identified, testified that Mr Banda had visited two of them with a firearm in his possession. Evidence was that he confessed to "Mr X" to having been a member of the ANC, confessed to "Mr Y" to having received military training in Russia, and left a plastic parcel containing "something like a pineapple" at "Mr B's" home.

He had also told "Mr Y" that his return to South Africa was to establish bases. "Mr Y" testified that Mr Banda had at one time asked if his mother's grave could be dug to hide weapons. He had refused. The hearing continues.




**Booze battle** — PAGE 3

**INSIDE TODAY**
**Ellis Park derby** — PAGE 16

**Birds fined** — PAGE 15

# Gun was for killing whites - court told

**A STATE witness yesterday told the Pretoria Supreme Court he had been terrified when an alleged member of the African National Congress (ANC) told him he was going to shoot whites with a ,45 Colt pistol found in his bag at a house in Atteridgeville in November last year.**

By MONK NKOMO

The witness may not be named, and was referred to as "Mr X".

He was warned by Mr Justice Le Roux that he may be charged as an accomplice in the trial of Mr Vronda Zeblon Banda (25) who has pleaded not guilty to a charge of high treason and two alternative counts under the Terrorism Act.

"Mr X", who was accused of "trying to save your own skin" by the defence counsel, Mr D Kuny, said under cross-examination that he had at the request of Mr Banda shown him a cave near Atteridgeville where Mr Banda wanted to stay alone.

Mr Banda also told him "he had received military training in Angola and Mozambique". He did not understand what it was all about and had rejected an offer by the accused to be trained in these countries "because I work and my children are still young".

**SCARED**

When he searched Mr Banda's bag in a house in Atteridgeville he had found a ,45 Colt pistol. He became scared when Mr Banda told him the weapon was to be used "to shoot white people". Mr Banda had given him the impression that he was a dangerous man.

Asked by the judge why Mr Banda had wanted to shoot whites, "Mr X" replied: "He told me he wanted to live a nice life."

"Mr X", parts of whose evidence were described as untrue by the defence counsel, said he had at one stage taken a friend of Mr Banda's, "Buti", to the local cemetery, where "Buti" had buried plastic containers in a grave.

"Mr X" had been detained by police for about four months, the court heard.

"Mr J", who was also warned as an accomplice and may not be identified, said he was drinking with Mr Banda and his brother Kelly at a house in Soweto, when they heard over the radio about a bomb explosion at the Magistrate's Courts near Westgate on December 31 last year.

Mr Banda, following the radio reports, told them it was an organisation outside the country that was responsible for the blast. Mr Banda had also told them that "the terrorist organisation" wanted to bomb Government buildings.

**MAPUTO**

Another witness, who may also not be identified, testified that Mr Banda had told him he had left the country in 1976, received military training outside South Africa, had been to Maputo and Lesotho and was a member of the ANC. Mr Banda had also encouraged him to become a member. He had refused because he was not interested. Mr Banda had promised to give him ANC pamphlets, which was never done.

Under cross-examination the witness, who was warned that he may be charged as an accomplice, admitted that he was testifying to secure his own safety. He also blamed Mr Banda for his three days in detention at the Protea police station. The case was adjourned until Monday.

# Priest jailed for refusing to make statement

By MIKE LOUW

A PRIEST was sentenced in the Johannesburg Magistrate's Court to six months' jail yesterday after being convicted for refusing to make a statement before a magistrate under the Internal Security Act.

Father Thomas "Timothy" Stanton, no age given, of St Peter's Priory, Rosettenville, appeared before Mr L S du Toit.

He appeared under the Internal Security Act which requires a person to make a sworn statement before a magistrate if police believe it could help them in their investigations.

He was expected to make a statement to help police investigations in connection with the alleged involvement in high treason by a student at the University of the Witwatersrand , Mr Carl Niehaus, who is being held in detention.

Father Stanton refused to take an oath and told the court: "To give evidence for the State against this young man would be a thing I would be deeply ashamed of for the rest of my life.

"I was told I would be given an imprisonment term if I failed to make a statement, but I would rather live in jail. I believe there are some people who could tell police what they want to know."

The magistrate read Romans Chapter 13 which says: "Everyone must submit himself to the governing authority."

Father Stanton refused to take an oath or make a statement even after the prosecutor, Mr B Groen, had later assured him he would be given an indemnity if he made a statement.

The magistrate said the priest's refusal to make a statement was due to his conscience which could not be described as reasonable.

He said high treason was a serious offence.

Father Stanton, clad in his religious attire, walked down to the cells from where he was to be taken to serve his sentence.

# e was had by all



Yesterday's entertain-an with a fete in the followed by a "Knees or Brown" sing-along tainers Gordon Mulhol-ard Haines, Lena Faru-Hamilton, Tim Plewan, y, Des and Dawn Lind-dre Hattingh, Dennis McLean and Fred Kuit.

The pictures, by GARTH LUMLEY capture some of the atmosphere. Above, a section of the audience shows its enjoyment, while below, from left, Ian Hamilton, Andre Hattingh, and Dennis McLean made sure there was never a dull moment.



# Fair cop ends fugitive's run

By MARSHALL WILSON

MELBOURNE. — A holidaying policeman from South Australia and his alert wife have claimed a R50 000 reward for their part in the arrest of rogue cop Colin Creed in Perth yesterday.

Creed had been on the run since 1981 and was Australia's most wanted criminal.

him until I got help."

He immediately curtailed his family shopping expedition with his wife Nola and four children in the middle of Perth's busiest arcade, and turned to follow Creed at a safe distance.

While he followed the man, his wife Nola phoned the police, who appeared within

# ANC man set to 'kill for soft life'

Pretoria Bureau

A SELF-confessed member of the banned African National Congress, who received military training in Angola, said he was armed with a pistol to shoot whites so he could lead a soft life, the Pretoria Supreme Court heard yesterday.

The evidence was given before Mr Justice D J H le Roux at the trial of a Soweto man, Mr Vronda Zeblon Banda.

Mr Banda, 25, pleaded not guilty to a charge of high treason and two alternative charges under the Terrorism Act and the Internal Security Act.

The State alleges Mr Banda left South Africa in 1976 and joined the ANC, then received military training in Angola, Russia, East Germany and Zambia.

Mr Banda returned to South Africa with the intention of overthrowing the State. He recruited members for the ANC and helped in establishing bases for ANC fighters inside the country, the State alleges.

An Atteridgeville man, who was warned as an accomplice and cannot be identified said he met Mr Banda last November.

The man said he found a .45 pistol inside Mr Banda's bag, and Mr Banda explained he was going to use it to shoot whites because he wanted to lead a soft life.

The witness said Mr Banda told him he had received training in Angola and Mozambique, and had suggested he also undergo such training.

The witness said he had been detained by the Security, during which time Mr Banda was brought to him.

Mr Banda told the witness to tell the "whole truth".

Two further witnesses, who were also warned as accomplices and who may not be identified, gave evidence for the State.

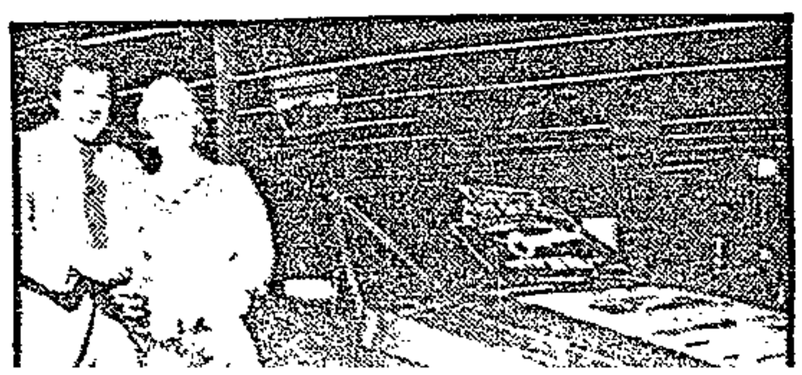
The first witness said he had helped Mr Banda's brother take an empty trunk to Mobopane in December last year. On their return they heard on the radio the Westgate Magistrate's Court had been bombed.

The witness said Mr Banda claimed the bombing had been committed by people from the "other side".

The second witness said Mr Banda had told him he was a member of the ANC and invited him to join the organisation.

The hearing continues on Monday.

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# Terror trial: state may reopen case

BISHO — The Ciskei Supreme Court yesterday granted a request by the Ciskei Attorney General, Mr W F. Jurgens, to reopen the state's case in a terrorism trial.

The Chief Justice, Mr Justice D. S. de Wet, said, having heard what was said by the accused, the state had a right to reopen its case.

He said the question of whether the statements were made "freely and voluntarily" was the matter to be raised and this had to be decided by a fully constituted court.

Mr William Duna, 31, Mr Dumisani Maninjwa, 31, Mr Bayi Keye, 52, and Mr Luyanda Mayekiso, 23, all of Mdantsane, have pleaded not guilty to charges of participating in terrorist activities.

They are charged with being members of the banned African National Congress, recruiting people to undergo military training in Lesotho and being in possession of banned literature.

The investigating officer in the case, Captain Charles van Wyk, has denied that the men were assaulted to induce them to make confessions.

However, he agreed with the defence counsel, Mr M. T. Moerane, that the purpose of detention under section 6 of the Terrorism Act was to obtain information from the detainees

But he disagreed with his colleague, Warrant Officer Elsdon, that the purpose of detention was to extract "certain information" from a detainee.

Mr Moerane told Captain Van Wyk that Warrant Officer Elsdon ahd testified that Mr Duna implicated himself on activities of the ANC which were not normal ANC strategies.

The court was told that when Mr Duna was questioned at Cambridge police station he had been handcuffed to a chair.

Asked the purpose of this practice, Captain Van Wyk said it was for the detainee's safety.

Mr Moerane: I suggest to you that the purpose of handcuffing detainees . . . is to induce them to make statements.

The judge then allowed the state to call witnesses about the alleged assault.

The trial continues today. — SAPA.

# Strong economy

UMTATA — Transkei enjoyed a strong economic policy in the hands of "aborigines" as against the South African policy of white monopoly, President Kaiser Matanzima said.

Opening a R425 000 Qumbu hotel, he said independence in Africa became meaningless because of white monopoly in commerce and industry.

But it was not in Transkei, a country with a clear-minded leadership.

He criticised the actions of those Transkeians who hired big cars and buses to make bulk purchases of goods in big South African cities, arguing that independ-

# Aussie marries Xhosa



# Songs from 170 accused

Staff Reporter

"FREEDOM songs" were sung by most of 170 Mbekweni township residents as they arrived in two busloads at the Paarl Magistrate's Court yesterday to face charges of constituting an illegal gathering and failing to disperse on a police officer's orders.

A uniformed policeman using a loud-hailer told the crowd to wait on the other side of the street opposite the court until their case was called.

Later, in two brief hearings, their trials were postponed to October 4 after attorneys representing them had informed the State they would need more time for consultation.

The State alleges that on September 1, in the Mbekweni black township, Paarl, the 170 failed to disperse when ordered to do so by Major Nico Slabber, alternatively that they had constituted an illegal gathering.

All have pleaded not guilty to both counts.

The accused residents were ordered by magistrates A J F Louw and N Voges to bring their identity documents to their trials next month.

Mr Louw warned the 98 appearing in his court that if they did not have identity documents they should "get one very quickly at the Administration Board — this will prevent problems for us all".

The remaining 72 appeared before Mr N Voges.

Bail of R30, granted at a previous hearing for 28 people with legal residential rights, and bail of R50 for the rest of the accused, was extended.

Processing of the 170's "residential" documentation in an attempt to determine bail amounts was stopped after defence counsel and counsel for the State had finally agreed on bail of R50.

Mr G Badenhorst prosecuted. Mr N M Arendse and Mr P Sonn appeared for 98 of the accused. Mr A K Cariem and Mr A P Siegers appeared for the other 72 accused.

# 3 appear on arson charge

Staff Reporter

TWO Mbekweni township residents and a Paarl East man who allegedly set fire to the Mbekweni municipal beerhall on Sunday night, appeared briefly before a Paarl magistrate yesterday.

Bail of R50 was set for Mr Eric Barnes, 25, of Springbok Residence, Paarl East, and Mr Mathews Moko, 35, and Mr David Moni, 19, both of Mbekweni.

They were not asked to plead and no evidence was led.

Mr A J F Louw adjourned the case till Monday.

Mr G J Badenhorst appeared for the State. Mr N M Arendse appeared for the men.

a/a/83



# ANC 3 admit bridge bomb plot

**Own Correspondent**

DURBAN — Three members of the African National Congress said in the Supreme Court here yesterday that they were in a conspiracy to blow up a railway bridge near the Umfolozi game reserve in March this year.

They have pleaded guilty to terrorism and other charges, but not guilty to treason.

The men said that they left Lesotho for Umfolozi on March 22, intending to damage the Umfolozi bridge.

Explosives, including 12 to 50 demolition (crocodile) mines and 62 blocks of TNT had been hidden at Umfolozi.

The men are Mr Lungile Wiseman Magxwalisa (27) and Mr Siphiwo Wellington Dinca (23), both of Port Elizabeth, and Mr Mzwakhe Hespro Cikozani (31) of Zwelitsha.

All three said they had undergone training in Angola and Mr Dinca had also been trained in East Germany.

Mr Magxwalisa, who also admitted being part of a conspiracy to blow up a railway bridge at Upington, pleaded not guilty to a second count of treason.

He said when he realised that an explosion on the bridge could kill or injure train passengers, he removed and made safe the explosives.

He pleaded not guilty to a charge of terrorism arising out of the wounding of two policemen at Piet Retief last year.

The case continues.

# ANC man says he put explosives on bridge

**Pietermaritzburg Bureau**

A SELF-CONFESSED member of the African National Congress yesterday said he placed explosives under an Upington railbridge, but had removed them after learning train passengers could be killed or injured.

Mr Lungile Magxwalisa, who is appearing in the Supreme Court here with two other ANC members, denied he acted with 'hostile intent' in placing the explosives, and pleaded not guilty to a charge of high treason.

Mr Magxwalisa, 27, with Mr Siphiwo Dinca, 23, and Mr Mzwakhe Cikozani, 31, did, however, plead guilty before Mr Justice Page to other charges of terrorism listed in a 32-page indictment before Court.

In a signed 23-page statement read to the Court by their counsel, Mr A Findlay, SC, the accused admitted knowing of arms caches discovered in South Africa, and to their intention to damage a bridge of the White Umfolosi River in Northern Natal.

## East Germany

Mr Magxwalisa also pleaded guilty to six other charges relating to the illegal possession of arms, ammunition and explosives.

Mr Dinca said he was trained in military science and the use of arms and explosives while in Angola and East Germany, and Mr Cikozani said he was trained in the use of arms and ammunition in Angola.

All three accused have pleaded not guilty to a charge of high treason stemming from their intended operation at the White Umfolosi River bridge.

Mr Magxwalisa also pleaded not guilty to charges of car theft and attempted murder, and the other two denied they had illegally possessed arms and ammunition.

The Judge is expected to announce his verdict on the counts to which the accused have pleaded guilty when the trial resumes in the College Road Supreme Court today.

According to the indictment, Mr Magxwalisa and Mr Dinca live in Port Elizabeth and Mr Cikozani is from Zwelitsha.

An interpreter who speaks Xhosa, Sotho, Zulu, English and Afrikaans will interpret for the Court.

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# State objects to terrorism trial defence

BISHO — The state yesterday objected to the defence cross-examination of a police witness about evidence led in a trial-within-a-trial in the Ciskei supreme court where four men are charged with acts of terrorism.

The Ciskei Attorney-General, Mr W. F. Jurgens, raised his objection strongly to the evidence given by two defence witnesses and a Warrant Officer Elsdon.

The Defence Counsel, Mr M. T. K. Moerane, cross-examined at length the investigating officer, Captain Charles van Wyk, who was in charge of the interrogation of the four accused.

Mr Justice D. S. de Wet, responding to the state objection,said: "I think the evidence given by witnesses in a trial-within-a-trial will be disallowed."

Appearing before Mr Justice De Wet and two assessors are Mr William Duna, 31, Mr Dumisani Maninjwa, 31, Mr Bayi Keye, 52, and Mr Luyanda Mayekiso, 23. The state alleges they participated in terroristic activities, joined the banned African National Congress, recruited people to undergo military training in Lesotho, and were in possession of banned literature.

Captain Van Wyk agreed that numerous allegations were levelled against him by the accused.

Mr Moerane: "I put it to you that, as from June 22, 1981, Mr Duna was subjected to a prolonged process of ill-treatment by you policemen. He was ordered to strip naked, was hooded with a moist canvas bag, assaulted with flat hands, kicked and suspended with handcuffs from a window bar."

Mr Moerane said Mr Duna was also subjected to all kinds of threats of indefinite detention until he made a satisfactory statement.

Captain Van Wyk denied this, but admitted he informed Mr Duna he was being held under Section 6 of the Terrorism Act. He also told the court he confronted Mr Duna about certain information he was given by other people.

"He tried to satisfy me after this."

Captain Van Wyk went on to tell the court Mr Maninjwa was taken to Butterworth in Transkei to point out a house of Mr Sikhumbuzo Majeke. He said that, on arrival at Mr Majeke's house in Butterworth, a passport was found by the police.

"I went back to the police station to warn Captain Ngidi to be careful because we were dealing with trained people."

Mr Moerane disputed that Mr Maninjwa had pointed out the house. The defence said that on August 8 in 1981 Warrant Officer Naude showed Mr Maninjwa a newspaper article about the death of Captain Ngidi.

Captain Van Wyk denied ever questioning any detainee who was making a statement.

The trial continues today. — SAPA

# Treason trial is told of explosives

**Mail Correspondent**

MARITZBURG. — A Railways policeman told the Supreme Court in Pietermaritzburg yesterday how he destroyed about 1,5m of railway line with plastic explosives.

Detective Sergeant Abraham van Lill, introduced to the court as an explosives inspector, told Mr Justice Page how he placed a kilogram of the explosives next to a six metre length of line near Upington, and detonated it.

The blast obliterated more than a metre of the rail, the sergeant said.

Sgt van Lill was giving evidence at the trial of three ANC members, Lungi Magxwalisa, Siphiwo Dinca, and Mzwakhe Cikozani, who have pleaded not guilty to charges of high treason.

At the start of yesterday's proceedings, the judge found the men guilty of participating in terrorist activities. This followed a statement by the men in which they admitted undergoing training in Angola. Dinca also said he had been trained in East Germany.

The judge also found Magxwalisa guilty on three counts of illegally possessing arms and ammunition, and one under the Explosives Act.

Mr J A. Oberholzer then opened the State's case, and called Sgt Van Lill as his first witness.

The sergeant told of finding two kilograms of plastic explosives, and a limpet mine. Other explosives had been found in a cache some metres from a bridge, he said.

"I rendered them safe and removed them from the bridge," he said.

It was after this, and while destroying some of the explosives that he blew up the length of line.

"In my opinion the explosives found on the bridge, if detonated, would have weakened the structure sufficiently to prevent a train from crossing it.

Charged with terrorism, Magxwalisa has pleaded guilty to subversion in placing the explosives on the Upington bridge, and helping establish an arms and ammunition cache in the area.

When asked to plead on the charge, he said though he placed the explosives, he had removed them after learning passengers could be hurt or killed. He denied his action had an element of hostile intent as alleged by the State.

According to the 32 page indictment before court, Magxwalisa, 27, and Dinca, 23, are from Port Elizabeth, and Cikozani, 31, is from Zwelitsha.

The trial resumes on Monday.

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# Sister to fight for silent prisoner

By ALLAN SOULE

THE jailing this week of an elderly Anglican priest is likely to be taken up abroad by his outspoken sister — herself detained and then deported from South Africa 23 years ago.

Father Thomas "Timothy" Stanton, 62, of St Peter's Priory, Rosettenville, chose imprisonment rather than make a statement to the police about a University of the Witwatersrand student, Mr Karl Niehaus.

The tight-lipped priest is now serving a six-month sentence at the Diepkloof prison.

Sources close to Father Timothy now believe that his sister, Hannah Stanton — a former missionary in South Africa — will react strongly to the news.

They believe she will try to launch a campaign to draw attention to her brother's imprisonment.

Miss Stanton first made headlines in 1960 when she was deported from South Africa after being detained in Pretoria Central Prison for 7½ weeks.



Hannah Stanton . . . to launch campaign?

## Holy

At the time of Miss Stanton's detention under the emergency regulations, she was Lady Warden of the Tumelong Anglican Mission outside Pretoria.

Miss Stanton is at present on a lecture tour in Uganda.

But, says Brother Barnabas, a close friend and colleague of the jailed priest, international attention is the last thing Father Timothy would have wanted.

He said: "I have yet to meet a less political figure. He is a very wise and holy man and all his decisions are made through prayer.

"He is also a man of deep conviction and that is why he was sent to jail."

Brother Barnabas also claims that before appearing in court on Tuesday, Father Timothy knew he would he would be jailed.

"Before he left he was fully aware of the consequences of his refusal to testify. He knew he would be jailed — he took his shaving kit with him."

Earlier, Father Timothy had refused to make a statement to police concerning Mr Karl Niehaus, a student detained under section 29 of the Internal Security Act.

He was later subpoenaed to appear in court.

At the hearing this week, Father Timothy refused to take the oath.

He told the court he would be deeply ashamed for the rest of his life if he were to give evidence for the State against Mr Niehaus.

He said: "I would rather spend the rest of my life in jail than make a statement. I am not in contempt of court nor do I wish to obstruct justice."

When questioned about Father Timothy's alleged involvement with Mr Niehaus, Brother Barnabas said:

"Father Timothy is but one of the 10 fathers and brothers who live together at the St Peter's Priory.

"We are a close-knit family who share everything. He was no friendlier with Mr Niehaus than any of the other members of the priory.

"We all have cordial contact with people from Wits, mainly through the Anglican Society and either groups or individuals often come to see us for spiritual guidance and advice."

He added that members of the priory did at times discuss injustices with visitors.

"As Christians we can do nothing elsethan disapprove of injustice, he said.

Brother Barnabas described Mr Nehaus as a dedicated youngnan with a deep sense of godness and with strong feelirs for both his country and is people.

Karl Niehas is a BA student who planed to become a minister in e NG Sendingkerk. He hasbeen in detention since Aunst 23.

In a statement issued this week, the Bisop of Johannesburg, the Fght Reverend Timothy Bavn, criticised Father Stanto's imprisonment.

"Father Staton has my admiration and ll support. I know that for hn it was an agonising decsion after prayer and consltation.

"While acknovledging the rightful authorty of the courts and the proer claims of the law, I blieve that some of the legislaion in our country places an mpossible burden on the consiences of Christians.

## Testify

"Therefore Father Santon is in my view not to b condemned for refusing t testify against a brother Christian in a 'political' trial

"I ask that both he and those responsible for maling and implementing our laws be kept in the prayers of the faithful."

A spokesman for the NG Sendingkerk said: "The last time our organisation was forced to make a stand on a similar issue, we decided that any minister of religion should not be forced by the law to violate the confidence entrusted in him.

"On the other hand, we do however feel that one should adhere to the laws of the country."

# Trial postponed

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Soweto
12/9/83

TWO members of the South African Allied Workers' Union (Saawu), charged with furthering the aims of the banned African National Congress (ANC) and being in possession of banned literature, had their case postponed to November 14 in the Pretoria Magistrate's Court on Friday.

Mr Gabriel Mokoka (27) of 45 Nqolase Street and Mr Gerald Dau (28) of 3 Motau Street, Atteridgeville, appeared separately before Mr E C Wilkens.

# 3 on arson charge

MDANTSANE — Three men appeared briefly in the regional court here yesterday on a charge of arson.

Mr Madoda Dlokweni, 34, Mr Bassie Skota, 32, and Mr Thembinkosi Kula, 28, were not asked to plead and no evidence was led.

The hearing was postponed to October 25 for further investigation. — DDR

# Court sees video of bridge blast

13/9/83 Mercury

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**Pietermaritzburg Bureau**

THREE convicted African National Congress terrorists yesterday left their caged dock and sat in the Press bench as the lights were dimmed and the Supreme Court in Pietermaritzburg prepared to watch a video of the effects of Soviet explosives on a disused railway bridge.

Brig G Z Erlank, assistant superintendent of counter-insurgency for the South African Police, explained how he had used explosives removed from an Upington railway bridge to carry out the recorded experiment.

Watching from the Press bench were Lungile Magxwalisa, Siphiwo Dinca and Mzwakhe Cikozani — self-confessed members of the ANC.

The men have all be found guilty of participating in terrorist activities and undergoing training in other countries.

They have pleaded not guilty before Mr Justice Page, however, to charges of high treason.

In earlier evidence against Magxwalisa, a police explosives inspector told how he had disarmed and removed explosives from the Upington bridge last year.

Other explosives had been found buried near the bridge, and near a rail bridge over the White Umfolozi River in Natal.

Brig Erlank, introduced to the Court as an explosives expert, said the charges, if correctly placed, would have badly damaged both bridges and put them out of action for some time. The video demonstrated the effect of a limpet mine, a TG-50 demolition mine and 6 kg of plastic explosives on an unused bridge near Johannesburg.

## Obliterated

Brig Erlank said the bridge was 'similar in construction' to the Upington bridge.

The film showed how the explosion had ripped out a supporting beam and obliterated some of the sleepers, leaving the rail without support. Another demonstration with a length of loose railway line showed how plastic explosives and a TG-50 mine had completely obliterated a section of the track, and caused the ends to melt.

The brigadier then explained in Afrikaans how a TG-50 mine had destroyed a car.

The trial, with Mr A Findlay, SC, appearing for the accused, and Mr J A Oberholzer, SC, appearing for the State, resumes at 9 30 a m in the College Road Court today.

# Secret 'spy' trial enters second week

CAPE TOWN — The Gerhardt "high treason" trial entered its second week in the Supreme Court here yesterday and apart from security checks adopted at the start of the trial, there was little activity in or outside the court.

The corridor through which Commodore Dieter Gerhardt and his wife, Ruth, enter the courtroom was devoid of reporters and photographers.

Commodore Gerhardt, wearing navy trousers, checked shirt and navy jersey, and carrying a briefcase, looked relaxed as he was led to the court by his police escort.

His wife followed, wearing a navy pinafore, beige polo neck jersey and also carrying a briefcase.

The couple, accused of spying for Russia, have pleaded not guilty to charges of high treason.

Police continue to run daily security checks on all those entering the court, women through one door, men through another.

The *in camera* sign is still prominently displayed on the locked doors of Court Number One.

There is a small contingent of policemen, some with two-way radios, in and outside the court building, and restricted parking on Keerom Street is still in force.

● From Durban it is learnt that Commodore Gerhardt's mother, Mrs Julia Gerhardt, died in Durban's St Augustine's hospital on Saturday. She was 79.

Mrs Marette Gerhardt, wife of Durban architect Mr Ranier Gerhardt, said her mother-in-law had developed pneumonia after falling.

After her son was detained in connection with allegations of spying for the Soviet Union, Mrs Gerhardt was reported to be "terribly upset and under sedation".

She leaves her three sons, Ranier, Dieter and Michael, and six grandchildren. — Sapa

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# Treason trial held in camera

By MONK NKOMO

**MEMBERS of the Press were barred from the Pretoria treason trial proceedings when "two rehabilitated terrorists" gave evidence in camera in the local Supreme Court yesterday.**

Mr Justic le Roux ordered the Press and members of the public to leave following a request by Mr J J Pelser, for the State, that the witnesses whom he referred to as Mr X one and Mr X two were "rehabilitated terrorists" whose identity should not be known.

He also notified the court that portions of the evidence in the treason trial of executed ANC members Thele Simon Mogoerane, Jerry Simano Mosololi and Thabo Marcus Motaung would be submitted as evidence against Mr Vronda Zeblon Banda (25) who has pleaded not guilty to a charge of high treason and two counts under the Terrorism Act.

Earlier a State witness, who may not be identified, told the court he had met Mr Banda in November last year. Together with two others they had gone to a Christmas party where Mr Banda told him he had attended school in Swaziland and had also received military training in Zambia. Mr Banda had asked him if he wanted to undergo military training. "I told him we would discuss that later," Mr X said.

Under cross-examination by the defence counsel, Mr D Kuny SC, the witness admitted that both he and Mr Banda were drunk that day. Mr Banda, he added, had never encouraged him to undergo military training.

Another witness, who was warned by the judge that he may be charged as an accomplice and may not be identified, said Mr Banda together with a friend, had come to his home in October last year.

Mr Banda had told him he had received military training in Angola and Russia and was a leader of a group. The two men had each produced a firearm. They later gave him the firearm and Mr Banda's friend also gave him R1 000 in cash for safe keeping. He held the weapons and the money for a few hours until both men demanded them that same night.

The witness said Mr Banda had told him he was going to prepare hiding places for their people from Angola. Mr Kuny submitted that Mr Banda knew nothing about the discussions and that the witness was not telling the truth. "You want to secure your indemnity," the defence counsel said.

The State closed its case yesterday and the hearing continues.

Mr Kuny SC assisted by Mr C Mailer instructed by Priscilla Jana and Associates are appearing for the accused.

D-Dispatch 13/9/83

# Officer denies assault

BISHO — The Chief Justice of Ciskei, Mr Justice De Wet, yesterday told the defence counsel in the Ciskei Supreme Court that he should have day-to-day facts of a marathon terrorism trial.

The defence counsel, Mr M. T. K. Moerane, was told this when he asked to take instructions from the accused during the proceedings of the trial. The defence was disputing that a security policeman, Warrant Officer A. J. Muller, attended a course on June 26 and 27, 1981, during an alleged intensive interrogation of the accused at Cambridge police station.

Appearing before Mr Justice De Wet and two assessors, were Mr William Duna, 31, Mr Dumisani Manimjwa, 31, Mr Bayi Keye, 52 and Mr Luyanda Mayekiso, 23.

The four Mdantsane men have pleaded not guilty to charges of participating in terrorist activities, being members of the banned African National Congress, recruiting people to undergo military training in Lesotho and being in possession of banned literature.

W/O Muller denied in evidence that he took part in the investigation of the case.

"What I did was to transport the accused and read their statements at times."

He told the court he did not interrogate the accused.

The Attorney-General, Mr W. F. Jurgens, said he intended to prove that W/O Muller had attended the course and submitted a copy of a letter.

W/O Muller told the court he accompanied the investigating officer, Captain Charles van Wyk, to the Fort Glamorgan Prison in East London.

"We went to the cell of Mr Duna, who told Captain Van Wyk that he wanted to make a confession."

He could not remember Mr Duna's exact words. W/O Muller further disputed that the accused was assaulted in his presence.

Mr Moerane pointed out that the police witness was contradicting the evidence he gave earlier in the trial-within-a-trial. The defence argued that on June 29, 1981, W/O Muller was actively involved in the questioning of the detainees, including the accused.

The trial was adjourned until today because of a power failure. — SAPA

# Detective hit by six shots during search, Court told

**Pietermaritzburg Bureau**

A DETECTIVE told the Supreme Court here yesterday he was shot six times after he and a colleague had stopped a vehicle between Piet Retief and Pongola and had begun searching the occupants.

Det-Sgt Phuti Boshomane was giving evidence at the trial of three men who have pleaded not guilty to high treason. They have already been convicted of terrorism. They are Lungile Magxwalisa, Siphiwo Dinca and Mzwakhe Cikozani.

The policeman told Mr Justice Page and two assessors that on the afternoon of November 13 he and Const Junior Mashilwane stopped a van near Piet Retief Hospital and asked the driver and his passengers to get out.

He started searching the first occupant and felt a gun under his armpit and called Const Mashilwane.

Shots were fired and the detective was hit in the wrist, through the upper arm, the left thigh and chest, in the stomach and the left side.

The shooting was so unexpected that Sgt Boshomane was unable to release the safety catch of his pistol concealed under his jacket.

He tried to make his way to hospital but fainted and came round in the hospital.

Sgt Boshomane told the Court he spent nearly seven months in hospital and was due to be operated on again this month.

Const Mashilwane said the two of them had asked to see reference books of the eight occupants of the vehicle before requesting them to get out.

He heard Sgt Boshomane say: 'Here is a gun.'

Const Mashilwane, who was unarmed, was hit just below the left eye. He rolled on the ground and felt another bullet hit him in the lower back.

'I got up and ran straight to the hospital. I lay down on a bed and became unconscious.'

He had had five operations.

Magxwalisa has pleaded not guilty to attempting to kill the policeman.

In a statement made by Magxwalisa to a Bethlehem magistrate in March this year and handed to the Court by Mr J A Oberholzer, SC, for the State, he said he was recruited into the South African Students' Movement at Cowan and was arrested while attending a meeting of the Port Elizabeth Students' Representative Council.

While in jail he heard about the African National Congress and about two to three weeks after his acquittal he decided to leave the country.

He and others left for Swaziland, Mozambique and then Angola by way of Zambia.

In January 1978 they were taken to the south of Angola where they received ANC and Cuban training in military science and how to handle explosives and firearms, among other things.

Mgxwalisa and seven others left for Moscow during April 1979 where they received similar but more detailed training until February 1980.

In Lesotho last November he received instructions about 'a target we were to destroy in South Africa'.

The trial continues today.

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Dispatch 14/9/83

# Witness: freeing SA is not main aim

BISHO — Total political liberation of South Africa is not the main item on the agenda of the South African Congress of Trade Unions, the Ciskei Supreme Court heard yesterday.

Mr Tom Lodge, a lecturer in political science at the University of the Witwatersrand, was giving evidence for the defence in a marathon terrorism trial. Mr Lodge differed with the state authority, Mr C. de Vries, in his analysis of the African National Congress and other organisations.

He said that Sactu had political as well as economic pre-occupations. "For this reason, from its inception, it worked closely with the ANC and was represented on the National Co-ordinating Committee of Congress Alliance."

Mr Lodge said that because of the "cross-membership" existing between Sactu, the ANC, and other members of Congress Alliance, Sactu was seriously weakened when its ANC-affiliated members were convicted.

Appearing before Mr Justice De Wet and two assessors were Mr William Dune, 31, Mr Dumisani Maninjwa, 31, Mr Bayi Keye, 52, and Mr Luyanda Mayekiso, 23.

The four Mdantsane men have pleaded not guilty to charges of participating in terrorist activities, being members of the banned ANC, recruiting people to undergo military training in Lesotho, and being in possession of banned literature.

Under cross-examination by Mr W. F. Jurgens, for the state, Mr Lodge differed with Mr De Vries' opinion that the ANC's sole purpose was to overthrow the South African Government by violent means.

Mr Lodge said the ANC disagreed with the present political situation in the country and the ANC military wing, Umkhonto we Sizwe, recruited people to undergo military training.

However, he said that the language use by the ANC in its publications was very "broad," and that the organisation subscribed to the Freedom Charter. "Academic" criticism of the ANC had no place in the court room, he said.

Mr De Vries said that Sactu members belonged to the revolutionary groups and that Sactu accepted the ANC's leadership. He cited Mr Moses Mabhida as being a member of Sactu, the ANC, and the South African Communist Party.

Asked by the defence counsel, Mr M. T. K. Moerane, to comment about the South African Allied Workers' Union (Saawu), Mr Lodge said it was a general workers' union, similar to Sactu, and that it used the same slogan as Sactu: "An Injury to One is an Injury to All."

In reply to a question, Mr Lodge said Sactu was not banned in South Africa because of its international connections.

Also giving evidence for the state was a magistrate, Mr E. Marais, who had taken confession statements from Mr Dune and Mr Maninjwa.

Mr Marais said the detainees were warned that they were not obliged to make confessions. He admitted that when he took down the confessions, the detainees wer handcuffed. He could not account for this action.

The magistrate said he was not aware under which security legislation the detainees were being held.

The trial continues today. — SAPA.

# 'Fear of ANC' kept him from surrendering

**Pretoria Bureau**

A SOWETO man who left the country during the 1976 Soweto uprisings for Angola — where he received military training for six years — told the Pretoria Supreme Court yesterday he fell out of favour with the banned African National Congress when he returned to South Africa.

Mr Vronda Zeblon Banda, 25, of Orlando West, told Mr Justice D J H le Roux that he was afraid to go to the police because he feared the ANC would kill him.

Mr Banda, a self-confessed ANC member, pleaded not guilty to high treason and two alternate charges of contravening the Terrorism Act and the Internal Security Act.

The State alleged he left the country in 1976 and underwent military training in Angola, Russia and East Germany between 1976 and 1981. He allegedly came back into the country to establish bases for ANC members.

Mr Banda, who was initially employed as a clerk with the Prisoners' Friend at the Johannesburg Magistrate's Court, said he left the country after the Mzimhlophe hostel incidents where Zulu hostel dwellers clashed and assaulted residents.

Mr Banda said he was persuaded by a man called Inch to leave the country. He was not told anything about the ANC. He and three others left for Swaziland.

"On our arrival, we were told that we were not safe from the South African whites. We were sent to Maputo and told we were the people to put the situation right in South Africa," Mr Banda said.

He said he had no alternative but to become a member of the ANC. He was taken to Angola where he received military training for six years. He did not want to become a soldier and was not allowed to write home.

Mr Banda said he left Mozambique in September 1982 for South Africa. He was given R500 in cash and was instructed to meet his contact man at the Pretoria Railway Station. The man would be dressed in a blue suit, with a handkerchief hanging from his jacket pocket.

Mr Banda said he left Swaziland with Boetie Moeketsi. They got a lift to Natalspruit.

"I was afraid to go home. Instead, I went to my uncle's home in Atteridgeville. The ANC had instructed us not to see our parents," Mr Banda said.

He said he co-operated with the police after being arrested on January 9. He assisted them in tracking down trained ANC guerrillas in the country. He was afraid to surrender himself to the police. He feared he would be a target for the ANC.

He denied he was an instructor in Angola.

Mr Banda said he met Mr Joe Slovo, who paid frequent visits to the ANC training camps in Angola. Mr Slovo told them to go back and fight the "Boers in South Africa".

Asked by Mr D Kuny SC, why he did not go to the police when he returned to the country, Mr Banda said he knew people like Leonard Nkosi who were killed after giving evidence against the ANC.

Mr Banda said he was warned he would be killed if he defected.

"The ANC is all over. If you surrender to the police you will be killed," Mr Banda said.

The hearing continues today.

Mr J J Pelser appeared for the State. Mr Kuny, with Mr C R Mailer (instructed by Priscilla Jana) appeared for Mr Banda.

# I was trained in Moscow, admits treason accused

Own Correspondent

DURBAN — A treason trialist, Mr Lungile Magxwalisa (27), confessed in the Supreme Court in Maritzburg yesterday he had military training in Angola and Moscow.

He said three of his companions were shot dead in a skirmish with police on November 14 last year, the day after two policemen were shot at Piet Retief.

Mr Magxwalisa is appearing with Mr Siphiwo Wellington Dinca (23) and Mr Mawakhe Hespro Cokoyani (31). They have pleaded not guilty to high treason.

Mr Magxwalisa said in a confession read to the court that he was arrested in a roadblock near Ficksburg. He went with police to show them explosives near the Umfolozi Game Reserve, but was unable to find the spot.

The explosives were to have been used to blow up a bridge at the White Umfolozi River.

Evidence was given earlier by two Piet Retief policemen that they were shot on November 13 last year when they stopped a Kombi to search its occupants.

Detective Sergeant Phuti Boshomane said he and Constable Junior Mashilwane stopped the vehicle after he had received certain information. He was investigating several burglaries. The information had nothing to do with terrorism.

He was shot six times. He was discharged from hospital after a number of operations.

Constable Mashilwane, describing the shooting, told the court he had searched the driver of the vehicle and was about to search another occupant of the vehicle when he heard Sergeant Boshomane say: "Here is a gun."

He identified Mr Magxwalisa as the man he was about to search. He said he saw Sergeant Boshomane struggling with the man he had been searching. He heard the man shout to the others: "You men defend."

A bullet struck his face.

"I just rolled. While I was rolling I felt another bullet hit me in the back. It went into my chest and stopped there. I felt my chest was closing and I began losing my strength. While I was rolling I could hear all the shots going off."

The trial continues today.

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Sigma, where Naawu is ...ecognised, he said the was studying the situa...fore deciding whether ... the loss of production ... the company.

# French minister hits at US

NEW YORK. — The French Foreign Trade Minister, Mrs Edith Cresson, leading a delegation of 250 French business leaders in New York, has accused the US of adopting a policy of "new protectionism".

Speaking at a meeting of the French-American Chamber of Commerce, she said: "A tendency we encounter more and more often is the belief that what is good for the United States is good for the rest of the world."

She said this belief in Washington had recently marred relations over the issues of East-West dealings, US grain sales to Egypt at what she called "dumping prices", and other trade issues.

Mrs Cresson linked her concept of "new protectionism" to high US interest rates and what she called an overvalued dollar.

She said the US bore a dual responsibility, domestic and international, for its monetary policies and that she believed the Reagan administration had not been paying much attention to the worldwide impact of its decisions. — Sapa-Reuter.

# Nicaragua hits out at US

NEW YORK. — Nicaragua told an urgent United Nations Security Council session on Tuesday the United States was seeking to "blindly destroy" liberation movements in Central America and warned the policy could ignite a "conflagration" in the region.

# Verdict today for man on treason charge

By J S MOJAPELO
Pretoria Bureau

JUDGMENT in the trial of a Soweto man appearing on a charge of high treason will be given by Mr Justice D J H Le Roux in the Pretoria Supreme Court today.

Mr Vronda Zeblon Banda, 25, of Orlando West, a self-confessed member of the banned African National Congress, has pleaded not guilty to high treason and two alternative charges of contravening the Terrorism Act and Internal Security Act.

The State alleged Mr Banda joined the ANC in Maputo after he left the country illegally in 1976. He allegedly received military training until 1981 in Angola, Russia, Zambia and East Germany and returned with a hand-grenade and a pistol. The State further alleged Mr Banda recruited three people to join the ANC and undergo military training.

The State prosecutor, Mr J J Pelser, said in his argument that from the start to the end of the State evidence, there was a "golden thread" which proved the guilt of Mr Banda.

But Mr Pelser admitted Mr Banda had not committed any violent acts on behalf of the ANC such as injuring or killing anybody. Mr Banda had been arrested while preparing for future acts.

Mr D Kuny SC, for Mr Banda, said Mr Banda was not a free agent or willing when he joined and participated in the activities of the ANC after he had left the country.

"He was a acting on compulsion and under duress ... The situation he found himself in negated the intention to commit treason," Mr Kuny said.

Mr Kuny argued that when Mr Banda left the country during the Soweto uprisings he had not intended to undergo military training or join the ANC. And when he returned to South Africa he proved he was defecting from the ANC by not carrying out their instructions.

The judge said he would have found Mr Banda's evidence acceptable if he had been "completely open" with the court when he gave evidence.

In reply Mr Kuny said Mr Banda would not have given himself up to the police when he returned to the country because he feared the ANC and on the other hand the police might not have believed him.

"If the police did not believe him he was at their mercy," Mr Kuny said.

Mr Kuny submitted that if the judge found Mr Banda guilty of treason, it should be on a "limited basis and time". The State had failed to prove any specific acts Mr Banda had committed.

Mr Pelser appeared for the State. Mr Kuny SC, with Mr C R Mailer (instructed by Priscilla Jana) appeared for Mr Banda.

# Russian violinist 'killed himself'

MADRID. — The mysterious death of a Russian violinist found hanged in his hotel bedroom in northern Spain last month was yesterday linked with the disappearance of a leading Soviet pianist, Alexander Toradze, who is now at a secret hideaway.

Boris Korsakov, the leader of the Radio Moscow Symphony Orchestra, was found hanged in the bathroom of his hotel room in Gijon on August 27, while the orchestra was touring Spain.

But the Madrid daily newspaper, El Pais, yesterday reported that Korsakov's death was connected with the disappearance of Toradze.

Toradze, who went missing during the same tour is now under police guard after being allowed to stay in Spain.

El Pais claimed that Korsakov had been in charge of the "security" of the musicians during the tour and preferred to take his life rather than answer for the absence of the pianist, who had disappeared two days earlier.

Meanwhile, the Russian theatrical director Yuri Lynbimov, 65, who has been given a Special Branch armed guard in London against kidnap attempts, has rejected Soviet bids to get him home.

The Russian embassy has twice tried to talk him out of defecting but he has responded by condemning the repression of artists.

# Witness tells of police cell talks

MARITZBURG. — A planned African National Congress bombing of a railway bridge at Upington would have been the "biggest sabotage in South Africa", a surprise witness said in the treason trial in the Pietermaritzburg Supreme Court yesterday.

Mr Dennis Khumalo said one of the accused had told him this during their detention together in police cells at Newcastle. Mr Khumalo has been in detention since April to give evidence.

He said the accused, Mr Lungile Wiseman Magxwalisa, 27, had told him the explosives that were to have been used to bomb the bridge were damaged, having been "moisturised" by the river.

He later denied under cross-examination that Mr Magxwalisa told him he had removed the explosives from the bridge, fearing that lives could be endangered.

Mr Magxwalisa, Mr Siphiwo Wellington Dinca, 23, and Mr Mzwakhe Hespro Cikozani, 31, have pleaded not guilty to charges of high treason relating to attempted bombings of railway bridges at Upington and the White Umfolozi.

Before giving evidence, Mr Khumalo was warned by Mr Justice N S Page that he might be required to give evidence that would incriminate him of offences under the Internal Security Act.

Mr Khumalo admitted harbouring Mr Magxwalisa and two others — known only as "Danny Boy" and "Jeff" — in his home at Nqutu, KwaZulu, for 10 days during October and November last year. He said he had driven Mr Magxwalisa to the Lesotho border for a sum of R100 and petrol money.

Mr Magxwalisa had shown him an article in the Natal Mercury about a shooting incident between police and guerrillas at Piet Retief. Mr Magxwalisa told Mr Khumalo he had been involved in the incident with three others, including "Danny Boy".

Mr Magxwalisa had described to Mr Khumalo how he and his colleagues attacked two policemen at a roadblock after the police found a gun on one of them.

They then ran into the bushes in different directions, but Mr Magxwalisa did not know what had happened to the others.

Mr Khumalo said Mr Magxwalisa told him that Mr Khumalo would find a hand grenade and a revolver at Paulpietersburg, if he should want them. Mr Magxwalsia had buried them after the shooting incident.

Mr Magxwalisa has pleaded not guilty to charges of attempting to murder Piet Retief policemen, Sergeant Phuti Boshomane and Constable Junior Mashilwane.

The hearing has been adjourned until September 19. — Sapa.


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MATTER OF FACT

# Hughes heirs get first

LAS VEGAS. — Distribution ... First Interstate Bank of ... othe...

# Guilty of treason

331 Stow 13/9/83

Pretoria Correspondent

A member of the banned African National Congress (ANC) was convicted in the Pretoria Supreme Court today of high treason.

Mr Justice le Roux found the accused, Vronda Zeblon Banda (25), an untruthful witness.

Although Banda had not carried out any illegal terrorist activities, it was sufficient that he had had the intent to do so, the judge said.

He had been arrested before he could commit these deeds.

The case continues.

# Officer absent, court hears

BISHO — The East London security police division commander, Colonel T. Muller, told the Ciskei Supreme Court yesterday that the investigating officer in a marathon terrorism trial, Captain Charles van Wyk, had been on a course when the accused were interrogated.

Colonel Muller was called by the Ciskei Attorney-General, Mr W. F. Jurgens, to dispute allegations by the accused that between July 21 and August 1, 1981, Captain Van Wyk participated in their interrogation.

Appearing before Mr Justice D. S. de Wet and two assessors were Mr William Duna, 31, Mr Dumisani Maninjwa, 31, Mr Bayi Keye, 52, and Mr Luyanda Mayekiso, 23.

The four Mdantsane men have pleaded not guilty to charges of participating in terrorist activities, being members of the banned African National Congress, recruiting people to undergo military training in Lesotho, and being in possession of banned literature.

Colonel Muller told the court that it was impossible for the investigating officer to have been in the security police offices as he had been attending a course on the protection of VIPs.

Defence counsel Mr M. T. K. Moerane objected to Colonel Muller's evidence on the grounds that it had nothing to do with the reliability of statements made by Mr Duna and Mr Maninjwa.

Mr Jurgens said Colonel Muller's evidence was relevant to allegations made by the two accused.

Mr Moerane said if the course was held in the same building where the men were interrogated "nothing could preclude Captain Van Wyk going to the security police offices." — SAPA.

# Surprise evidence at treason trial of shooting

(33) Mercury 5/9/83

**Pietermaritzburg Bureau**

A SURPRISE witness at the Supreme Court treason trial, Mr Dennis Khumalo, yesterday testified before Mr Justice Page and two assessors about the shooting of two policemen at a roadblock.

Mr Khumalo was giving evidence at the trial of Lungile Magxwalisa, 27, Siphiwo Dinca, 23, and Mzwakhe Cikozani, 31.

At the request of the prosecution, the Court granted indemnity to Mr Khumalo, a businessman, following his evidence, which included his harbouring of alleged terrorists and giving them direct and indirect assistance.

Mr Khumalo said that Mr Magxwalisa had shown him a report in the Natal Mercury about a shooting at a roadblock near Piet Retief.

He told him that he and three other men had decided to attack the police when a firearm was found in their possession.

While detained in Newcastle he had overheard the accused say that charges for the blowing up of the Orange River bridge were not detonated because Magxwalisa believed they had been made damp by the river.

The trial has been adjourned until Monday.

ived through ...

# 'Shock trooper' gets 12 years for treason

331

Pretoria Bureau

Star 16/9/83

A "shock trooper" of the banned African National Congress (ANC) has been jailed for 12 years for high treason.

Giving sentence in the Pretoria Supreme Court yesterday, Mr Justice le Roux said he was not convinced Vronda Zeblon Banda (25) was the reluctant soldier he had been made out to be by his counsel.

Being sent back to South Africa after five years of training by the ANC as the leading man of a new cell to be formed required a lot of courage and initiative.

He believed Banda and his comrade, Gabriel Boetie Moketsi, were the shock troops. The havoc and destruction which the operation they spearheaded could have caused depended on the thoroughness of their preparations, the judge said.

The only mitigating factor was Banda's youth at the time he joined the ANC. "His hot-headed decision to join the ANC must not be given undue weight," he said.

From the evidence before him, he found Banda had had everything to live for in his own environment before he left the country to join the ANC. He had a sympathetic boss, good job prospects and no interest in politics.

The fact that he led a reasonably normal life after returning to South Africa, fell in love and had a child by his girlfriend did not mean he had abandoned his ANC mission.

Although Banda had not completed his mission, the court found it sufficient that he had the intent to do so.

Banda's counsel, Mr D Kuny, appearing with Mr C R Mailer, enrolled, an application for leave to appeal, which is to be postponed to a mutually convenient date.

Mr J J Pelser appeared for the State.

Several huge trucks drew the attention of passers-by as they loaded bricks belonging to taxi owner and soft goods dealer Mr Jabu Mkwanazi of Orlando West. A Booysens police spokesman who came with the first truck told Mr Mkwanazi that he was investigating a case of theft. No arrests have been made but Mr Mkwanazi made a statement to the police in Booysens.

## Demolition action

THE Katlehomg Squatters' Support Committee has organised a meeting to rally the people of Katlehong against the demolishing of shacks in the area by the East Rand Administration Board (Erab).

The meeting will be held on Sunday at the AME Church, Shongweni Section, in Katlehong.

# ANC member gets 12 years for high treason

**A MEMBER of the banned African National Congress (ANC) was yesterday sentenced to 12 years' imprisonment after being convicted of high treason in the Pretoria Supreme Court.**

Vronda Zeblon

Banda (25) of Orlando West, Soweto, appeared before Mr Justice Le Roux. The judge said although he did not believe that Banda had left the country illegally to seek work, he did accept that when he left he was still young and immature.

His father, Mr Simon Banda, broke down and wept hysterically in the witness box earlier while giving evidence in mitigation. He told the court that he had been severely assaulted by police on two occasions at John Vorster Square police station. Police believed he had hidden his son. He did not know the whereabouts of his other son Kelly who had disappeared.

### Tragic

Mr D Kuny SC submitted in mitigation that tragic circumstances had befallen Banda, who stayed in Soweto when the area was in a chaotic and dangerous situation during the 1976 unrest.

Banda, Mr Kuny added, had acted in a confused and naive manner.

Banda, said Mr Kuny, had left South Africa in August 1976, being vulnerable and susceptible to influence. He had had no political consciousness but had been bombarded with propaganda by the ANC.

He added that Banda had shown remorse and had even volunteered to assist police in tracing other terrorists. Mr Kuny requested the court to "temper justice with mercy" and for the judge to impose a moderate sentence.

In his judgment Mr Justice Le Roux said there had been overwhelming evidence, which showed that Banda had been a leader and instructor of the ANC who had come to prepare bases for other trained terrorists. The plan would have caused havoc in South Africa had it succeeded, the judge said.

Before imposing the 12-year sentence the judge said he would have shown sympathy in delivering the sentence had Banda "played open cards" during his evidence-in-chief.

Instead he chose to lie, the judge said. Banda was also lucky that at the time of his arrest on January 9 this year nothing serious had already been done which he had planned.

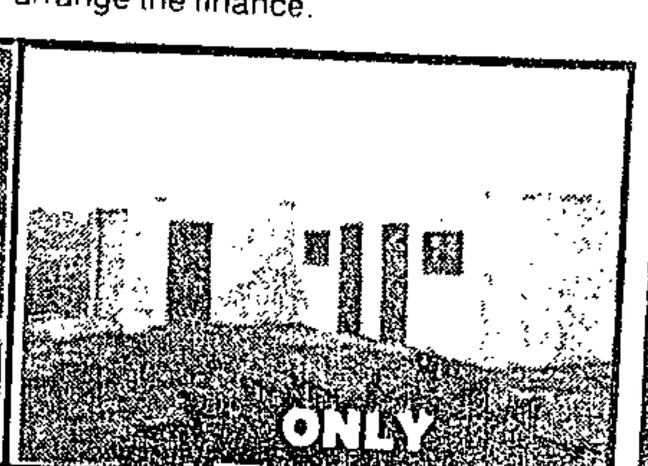

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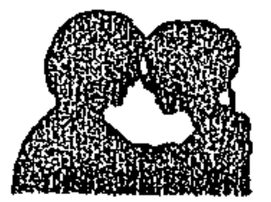
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# Stunned Banda gets 12 years for treason

**Pretoria Bureau**

A FORMER Soweto newspaper vendor, who left the country during the 1976 unrest and joined the banned African National Congress, was found guilty of high treason in the Pretoria Supreme Court yesterday and jailed for 12 years.

Vronda Zeblon Banda, 24, of Orlando West, looked stunned in the dock after Mr Justice D J H le Roux passed sentence in a courtroom deserted except for Banda's aged parents.

Banda's girlfriend, Miss Adolphina Mabalane, sat outside the court holding Banda's one-month-old baby, Themba (Hope).

Banda, a self-confessed member of the ANC, left the country in 1976 and joined the ANC while in Maputo. He received military training in Angola until 1982, when he crossed into South Africa from Swaziland on a mission to set up ANC bases.

The judge said Banda was an ANC "shock troop" to prepare the way for other ANC insurgents, and not a "reluctant" soldier.

"I have no clear evidence that the accused was a disaffected member of the community when he left the country. To the contrary, I haveevidence that he comes from a respectable home," the judge said.

Banda seemed to have been arrested while he was busy with "certain thorough acts of preparation for a much bigger operation".

Banda might be an idealist with the misconceived notion that he would assist his people in this way, but his acts were criminal acts.

The judge said the only mitigating factor he found was that Banda was a youth when he left Soweto during a chaotic period and that he had made a "hot-headed" decison to join the ANC.

But Banda did not show regret during the trial.

Mr Simon Banda, a bank security officer, testified his son had disappeared from home during the Soweto unrest.

The court was adjourned when Mr Banda broke down as he told the court how he searched for his missing son at police stations, hospitals and mortuaries.

"I even put a notice and his picture in the Rand Daily Mail while searching for him," Mr Banda said.

His son suddenly appeared at home in December last year, and said he wished to surrender himself to the police but was afraid of the ANC.

Mr Banda said he was arrested twice by the police after his son had visited him. He was assaulted and his left ear was injured. The police told him that he was assaulted because, they claimed, he had sheltered his son.

Mr D Kuny, SC, for Banda, said in mitigation that Banda found himself "unfortunate to be black in Soweto" in a situation which was chaotic and dangerous. Banda did not leave the country for political reasons, but wanted to make a better life elsewhere.

"He believed that if he went to another country he would be able to lead a normal life," Mr Kuny said.

Leave to appeal was granted.

If Mr. B. decreases the loudness of his music for some substitute the effect of the change in ~~the~~ diag. 1 ~~would~~ might (if changed in the same proportions) cause Mr A (diag. 2) to move up to a higher utility curve.

loudness. 30%

BISHO — The Ciskei Supreme Court ruled yesterday that a state witness who gave evidence in camera last year should be summoned to give evidence again when a marathon terrorism trial is resumed.

The Ciskei Attorney-General, Mr W. F. Jurgens, said he had told Mr X today that he would be required to give evidence in court.

"I tried to persuade him . . . He told me he feared for his life because there were people in Mdantsane who knew that he had given evidence in the trial."

Mr X told Mr Jurgens that he had seen a suspected police informer thrown through a window of a train and that if he were to be summoned he would flee to Duncan Village in South Africa.

Mr Justice De Wet said Mr X would give evidence in camera as Mr X again.

The trial will take place on November 7

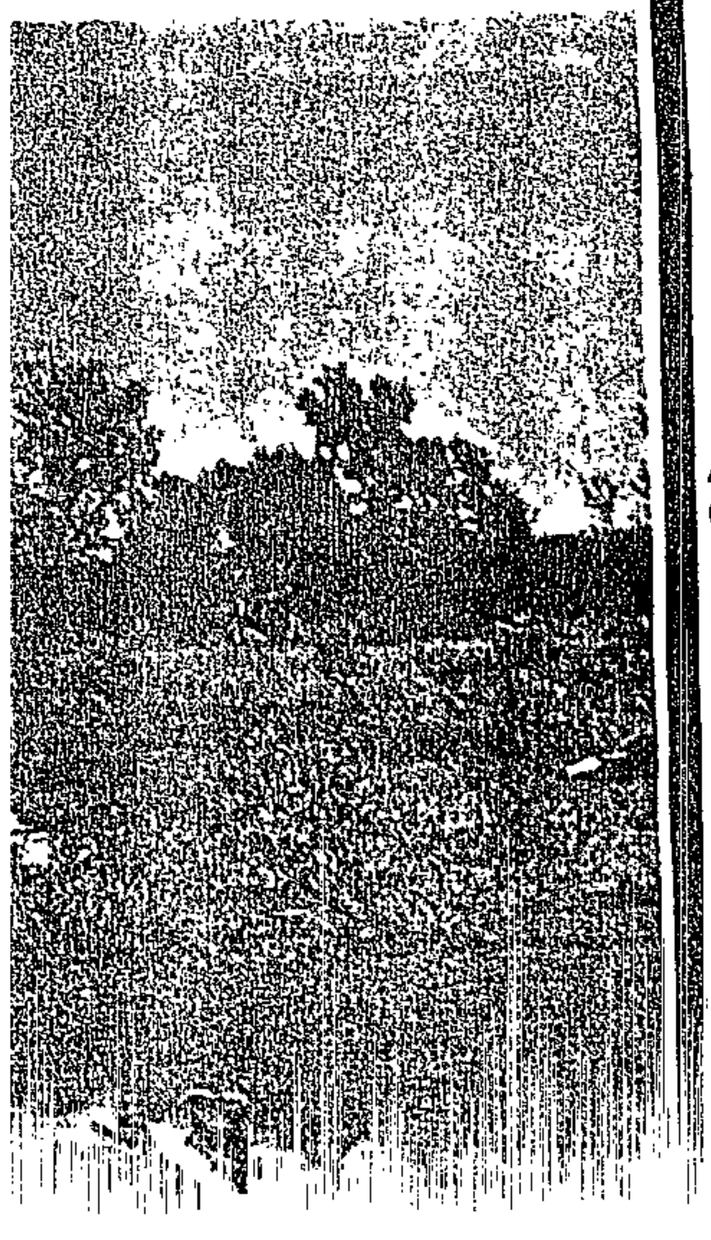
SAPA

# Mr X to give evidence again

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## COURT TOLD OF AMAZING ASSASSINATION PLOT

# 'MOONLIGHT'S MASSACRE' HERED



331 City Press
By BANCROFT HLATSHWAYO
18/9/83

**A STUNNED Durban Regional Court was told this week of an incredible plot hatched by Lamontville mayor Mr Moonlight Gasa to assassinate not only community leader Harrison Dube, but all his top lieutenants — including nine women.**

One of the alleged targets, a prominent priest, was to be gunned down while delivering a sermon. The others were to be eliminated with petrol bombs.

The amazing claims were made by Mr Bangumhlaba Mbawula at the preparatory examination into the death of Harrison Dube who was gunned down in April.

## ASSASSINATION TARGETS



# MOONLIGHT MASSACRE

## ASSASSINATION TARGET

By BANCROFT HLATSHWAYO

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One of the alleged targets, a prominent priest, was to be gunned down while delivering a sermon. The others were to be eliminated with petrol bombs.

The amazing claims were made by Mr Bangumhlaba Mbawula at the preparatory examination into the death of Harrison Dube who was gunned down in April.

Mr Mbawula told the court that the targets for annihilation were the Rev Mcedisi Xundu, Mr Daniel Shabalala, Mr Mlandelwa Kweshube and nine women members of Mr Dube's ward committee.

Mr Mbawula, Mr Gasa, Mr Ebeneezer Mngadi, Mr Vukuthethwa Yalo and Mr Julius Ndoda are all charged with murder. All except Mr Yalo have pleaded not guilty.

Rev Xundu, Anglican priest at St Simons in Lamontville, is deputy chairman of the Joint Rent Action Committee (Jorac), as well as a key member of the United Democratic Front (UDF) and the Release Mandela Committee.

Mr Shabalala is a member of Jorac and Mr Kweshube is a former councillor.

Mr Mbawula said that a few days after Mr Dube was killed, he and Mr Mngadi accompanied Mr Gasa to a remote place on the South Coast where the mayor introduced them to a Mozambican who was an expert in assembling petrol bombs.

Mr Mbawula said Mr Gasa had warned him to say nothing of their "adventure" and, brandishing a firearm, threatened to "remove my scalp" if anything went amiss.

Mr Gasa told them that he had already hired an Umlazi man to assassinate Rev Xundu who would be gunned down while delivering a sermon in church.

The other would be killed by petrol bombs which the Mozambican would teach them to use.

Mr Mbawula, was the first to be arrested by police and it appears he "spilt the beans" on his co-accused, who were arrested soon afterwards.

Mr Mbawula also told the court that when he first appeared in the dock on September 9, Mr Gasa told him to tell the magistrate that they had never met before.

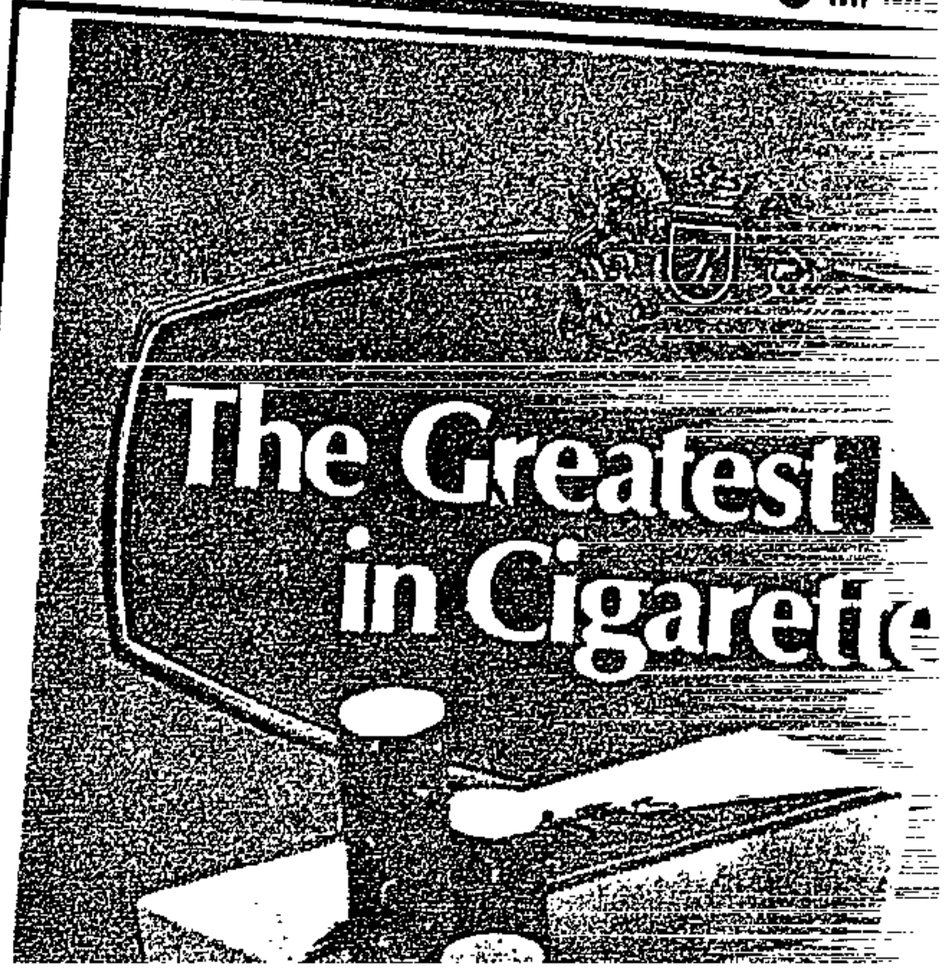
Mr J H B C Willemse postponed the case until next month.



● Rev Mcedisi Xundu

● Mr Daniel Shabalala

● Mr Ml...



# 'ANC' two in court today

(331) Sowetan 19/9/83

By MONK NKOMO

**TWO alleged members of the banned African National Congress (ANC) will appear in the Pretoria Supreme Court today on charges of high treason, two alternative counts under the Terrorism Act and attempted murder.**

Mr Alpheus Zachariah Molotsi (28) and Mr Jacob Molefe (23) pleaded not guilty when they appeared before Mr C S van Loggerenberg in the local magistrate's court in June this year.

Both men are alleged to have joined the ANC in 1976 and received military training, training in warfare and sabotage in Angola, Russia and Tanzania. The State alleges that Mr Molotsi eventually became a logistics commander at a training centre in Quibashe, Angola in 1978.

During 1980 and 1982 Mr Molotsi allegedly became company commander and later engineering instructor at Kamalundu in Angola where he trained members or active supporters of the ANC in the handling and usage of explosives and land mines.

During 1982 and 1983 both accused allegedly became members of the "Gebuza Machinery" in Maputo from where they organised and planned to enter the Republic to commit deeds of warfare and sabotage against the police stations, railway lines, power stations and fuel depots.

The two accused, the State alleges, entered South Africa during 1982-1983 and planned to erect hiding places and "deadletter-boxes" near Alberton from where trained "terrorists could launch sabotage attacks". During the same period the accused allegedly smuggled large amounts of firearms and ammunition into the Republic and hid them in a base near Alberton. These included five AK47 assault rifles, five AK47 bayonets, five RG42 hand grenades, eight FL hand grenades and 20 loaded AK47 magazines.

Mr Molotsi is also alleged to have lured and encouraged a certain person near Vosloorus, Boksburg to join the ANC and undergo military training during October and November 1982, together with an unknown member or active supporter of the ANC.

# Sacked workers will go to court

**Mercury Reporter**

DISMISSED Umhlanga municipal workers, charged with trespassing, decided at a meeting yesterday not to pay R20 admission-of-guilt fines but to appear in Verulam Magistrate's Court.

Mr Mandla Cele, a spokesman for the workers, said they also had decided not to go to the Chief Commissioner at Verulam to collect their pay as instructed by the Town Clerk of Umhlanga, Mr Brian Watson.

'As far as we are concerned we are still registered employees of the municipality and as such we have a right to be on the property,' he said, adding tnat they were still prepared to return to their jobs on condition that their original demand for an increase in pay and recognition of their union was met.

## Collection

They asked for their minimum pay of R42 a week be increased to R55 a week.

Mr Watson told the Mercury yesterday: 'It is their prerogative to decide whether to collect their discharge pay, pay the admission-of-guilt fines or appear in court.'

Asked how the town coped with its refuse removal service, Mr Watson said a skeleton crew had taken over the collection of household refuse and a private contractor had been engaged to collect bulk refuse.

Ninety-two of the 120 workers were charged with trespass after refusing to leave the Council's premises following a strike over pay last week. They were given an option to pay R20 admission-of-guilt fines by October 7 or appear in court.

# Trial held in camera

**STATE evidence at the treason trial of two alleged members of the banned African National Congress in Pretoria was given in camera yesterday.**

Mr Justice H H Moll barred the media and public from the court as the first two witnesses testified. The in-camera ruling was made after the prosecutor, Mr J J Pelser, said the State had reason to believe their lives would be endangered if their identities were disclosed.

Mr Alpheus Zacharia Molotsi (28) and Mr Jacob Molefe (23), pleaded not guilty to the main charge of high treason and to both alternative charges of participation in terrorist activities and attempted murder.

They allegedly shot at two policemen who confronted them near Bothashoop, while they were trying to smuggle arms and ammunition across the border into South Africa in February this year.

Five AK47 guns, 18 handgrenades, 10 kg of plastic explosives and twenty Ak47 magazines — each loaded with 30 cartridges — are among items that will be displayed in court.

Mr Molotsi was allegedly an ANC logistics commander at a training centre in Angola in 1978. According to the State, Mr Molefe was a company commander and later an instructor in the use and handling of explosives, land and limpet mines, sabotage and tactics. — Sapa.

# Accused 'owed no allegiance to S A'

331 Mercury 20/9/83

**Mercury Reporter**

AN APPLICATION was made yesterday for the discharge of one of the accused facing a charge of high treason in the terrorist trial in the Supreme Court, in Pietermarizburg, because he is a citizen of the Ciskei and owed no allegiance to South Africa.

Mr A Findlay, SC, who made the application at the end of the State case, said the accused, Mzwakhe Hespro Cikozani, 31, was a citizen and resident of Ciskei, an independant State. He therefore owed no allegiance to South Africa.

Cikozani has already been convicted with two others — Lungile Wiseman, 27, and Siphiwo Wellington Dinca, 23, — both of Port Elizabeth of terrorism. They have denied the main charge of high treason.

Mr Findlay, assisted by Mr Pius Langa, also made an application to the Court for the discharge of Magxwalisa in respect to charges of theft and unlawful possession of explosives, Dinca in respect to charges of possession of explosives, arms, ammunition and a grenade, and Cikozani on charges of high treason, possession of explosives, arms, ammunition and a grenade.

Earlier, Mr Izak de Vries, a lecturer in political science at the Rand Afrikaans University, outlined to the Court the aims and objects of the African National Congress, and the methods it used to bring about a radical change in the political system in South Africa.

He told the Court that the violent overthrow of South Aftica's 'fascist regime of Botha and his gang' had become the dominant aim of the ANC.

He said the organisation had claimed that its armed struggle would be directed at people who supported, worked and co-operated with fascists against the oppressed.

The hearing continues.

# Court to consider Ciskeian's acquittal bid

21/9/83
D.D Dispatch

PIETERMARITZBURG — The College Road treason trial has been adjourned until tomorrow while the judge considers a defence application for one accused to be acquitted of high treason on the grounds that he does not owe allegiance to South Africa.

There has also been an application for the discharge of all three accused on several other minor counts.

Mr Lungile Wiseman Magxmalisa, 27, Mr Siphiwo Wellington Dinca, 23, and Mr Mxwakhe Hespro Cikozani, 31, have pleaded not guilty to high treason before Mr Justice N. S. Page and two assessors, relating to attempted bombings of railway bridges at Upington and the White Umfolozi, and several related charges.

At the close of the state case this week, the defence counsel, Mr A. Findlay, said Mr Cikozani had become a citizen of Ciskei when it gained independence in December, 1981, and therefore no longer owed allegiance to South Africa and could not be convicted on the high treason charge.

Mr Cikozani and Mr Dinca have been charged with one count of high treason in relation to the White Umfolozi charge. Mr Magxwalisa has not been charged on both counts.

Mr J. A. Oberholzer, for the state, said when Mr Cikozani left the country in February, 1981, to undergo training in foreign countries, such as Angola and East Germany, he was a South African citizen and he did so for the specific purpose of committing acts of sabotage in this country.

Mr Oberholzer said although there was no evidence to show Mr Cikozani was resident in South Africa, there was no evidence either to show he had returned to Ciskei at any stage or regarded himself a citizen of Ciskei. — SAPA.

(331 RDM 21/9/83

# High treason trial goes on behind closed doors

**Pretoria Bureau**

THE trial of two alleged members of the banned African National Congress appearing on high treason continued in camera in the Pretoria Supreme Court yesterday. The trial has been heard behind closed doors since Monday when it started.

Mr Alpheus Zacharia Molotsi, 28, and Mr Jacob Molefe, 23, have pleaded not guilty before Mr Justice Moll to a charge of high treason and alternative charges of contravening the Terrorism Act and attempted murder.

Mr J M Pelser, the prosecutor, asked that the courtroom be cleared of the public and the Press when two State witnesses feared for their lives if they were to give their evidence in an open court. The judge cleared the court except for court officials.

Mr Molotsi and Mr Molefe are alleged to have received military training in Angola, Russia and Tanzania between 1976 and 1982. They allegedly joined the ANC during 1977. They are said to be members of an ANC hit-squad.

The hearing continues.

# Still in camera

Sunday 21/9/1933

THE high treason trial of two alleged African National Congress (ANC) members has proceeded in camera for the second day running.

Mr Justice Moll has ordered that the Press and the public would not be allowed to hear evidence of two witnesses, only known as Mr A1 and Mr X2, as their lives could be in danger if they were identified.

They are the first State witnesses to testify in the trial of Mr Alpheus Zacharia Molotsi and Mr Jacob Molefe, charged with high treason, or alternatively participation in terrorist activities and attempted murder. 331

Both men have pleaded not guilty on all the charges. Mr J J Pelser is prosecuting. Mr D Soggot, assisted by Mr M Basslion, is appearing for Mr Molotsi and Mr Molefe.

# Treason accused are not South African — defence

331

21/9/83

MARITZBURG — The College Road treason trial has been adjourned until Thursday for the judge to consider a defence application for one accused to be acquitted on the grounds that he does not owe allegiance to South Africa.

There has also been an application for the discharge of all three accused on several minor counts.

Mr Lungile Wiseman Magxmalisa (27), Mr Siphiwo Wellington Dinca (23) and Mr Mxwakhe Hespro Cikozani (31) have pleaded not guilty to high treason before Mr Justice N S Page and two assessors, relating to attempting bombings of railway bridges at Upington and the White Umfolozi, and several other charges.

At the close of the State case this week, defence counsel Mr A Findlay said Mr Cikozani had become a citizen of Ciskei when it gained independence in December 1981 and therefore no longer owed allegiance to South Africa.

Mr J A Oberholzer, for the State, said yesterday that when Mr Cikozani left in February 1981 to undergo training in foreign countries he was a South African citizen and he did so for the specific purpose of committing acts of sabotage in this country.

Although there was no evidence to show that Mr Cikozani was resident in South Africa, neither was there any evidence to show that he had returned to Ciskei at any stage or that he regarded himself a citizen of Ciskei.

The hearing continues on September 22. — Sapa.

# Terrorism trial decision tomorrow

(331) Mercury 21/9/83

**Mercury Reporter**

JUDGMENT in the defence application for the discharge of three men on some of the charges in the terrorism trial in the Supreme Court, in Pietermaritzburg, will be handed down tomorrow.

The men, Lungile Wiseman, 27, Siphiwo Wellington Dinca, 23, both of Port Elizabeth, and Mzwakhe Hespro Cikozani, 31, of the Ciskei, have been convicted of participating in terrorist activities and undergoing training in other countries.

However, they pleaded not guilty to the main charge of high treason.

Yesterday Mr A Findlay, SC, for the defence, applied for the discharge of Cikozani on the high treason charge on the basis that he had not severed links with the Ciskei.

Mr J A Oberholzer, SC, for the State, told the Court Cibozani had left the Ciskei for military training before the country's independence and therefore owed allegience to South Africa.

Mr Justiuce Page will also give judgment on the application for the discharge of Magxwalisa on charges of theft and unlawful possession of explosives, Dinca in respect to charges of possession of explosives, arms, ammunition and a grenade, and Cikozani on charges of high treason, possession of explosives, arms, ammunition and a grenade.

# Ciskeian not guilty of treason

Own Correspondent

MARITZBURG — A Ciskeian citizen, convicted here of being a member of the African National Congress and taking part in terrorist activities against South Africa, was today found not guilty of high treason.

Mr Justice Page said that at the time of his arrest the man was a citizen of the Ciskei and did not owe allegiance to South Africa.

The man, Mr Mzwakhe Hespro Cikozani (31), of Zwelitsha, and his co-accused, Mr Lungile Wiseman Magxwalisa (27) and Mr Siphiwo Wellington Dinca (23), both of Port Elizabeth, were also found not guilty of being in possession or control of explosives in circumstances giving rise to a reasonable suspicion that they intended to injure people or damage property.

Mr Magxwalisa still faces two charges of high treason and Mr Dinca one of high treason.

Mr Magxwalisa also faces a charge of car theft and attempted murder.

The case continues.

# Nun in court for banned literature

331

SPW 22/9/83

A Roman Catholic nun appeared in the Johannesburg Regional Court today charged with the illegal possession of two banned publications.

Sister Mary Bernard (48) of St Mary's Convent, Kagiso, pleaded not guilty to charges of possessing an excerpt from an ANC publication, "Sechaba", and a banned National Union of South African Students publication, "Total War in South Africa".

She was arrested on March 4 after security police raided the convent.

Constable H P Aucamp told the court he had confiscated several political pamphlets and books although he was not "absolutely certain any of them were banned".

Mr D Kuny, SC, handed in a statement signed by Sister Bernard in which she admitted possessing the publications but said she did not know they were illegal.

The case was postponed until December 1.



Sister Mary Bernard

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RDM
22/9/83

# Treason trial in camera for third day

**Pretoria Bureau**

THE high treason trial of two alleged members of the banned African National Congress in the Pretoria Supreme Court was heard in camera for the third day yesterday.

Mr Alpheus Zacharia Molotsi, 28, and Mr Jacob Molefe, 23, are appearing before Mr Justice H H Moll on a charge of high treason and two alternative charges of contravening the Terrorism Act and attempted murder.

When the trial started on Monday, the State prosecutor Mr J J Pelser asked that two State witnesses give evidence behind closed doors because they feared for their lives.

The State alleges that Mr Molefe and Mr Molotsi were members of the ANC hit-squad, "Gabuza Machinery". They had received military training in Tanzania, Russia, and Angola.

The hearing continues today.

# Ciskeian not a traitor — judge

PIETERMARITZBURG — A Ciskeian citizen, convicted in the Supreme Court here of being a member of the African National Congress and taking part in terrorist activities against South Africa, was found not guilty of high treason yesterday.

Mr Justice Page said at the time of his arrest the man was a citizen of Ciskei and he did not owe allegiance to the Republic of South Africa. Ciskei ceased to be part of South Africa on December 4, 1981.

The man is Mr Mzwakhe Hespro Cikozani, 31, of Zwelitsha.

He and his co-accused, Mr Lungile Wiseman Magxwalisa, 27, and Mr Siphiwo Wellington Dinca, 23, both of Port Elizabeth, were also found not guilty of being in possession or control of explosives in circumstances giving rise to a reasonable suspicion that they intended to injure people or damage property.

Mr Magxwalisa was acquitted in respect of caches of explosives found at the Upington and White Umfolozi railway bridges, while Mr Dinca and Mr Cikozani were charged only with being in possession of the caches found at White Umfolozi.

Mr Dinca and Mr Cikozani were also acquitted of being in possession of pistols, ammunition and grenades.

Giving evidence in chief, Mr Magxwalisa said that he was one of a group of men who travelled to Upington in September, 1982, to damage the Upington railway bridge.

After midnight on September 24, 1982, they went to a "dead letter box". This was a hole in the ground, about 120 metres from the bridge, in which they found a large cache of explosives and other items.

They were busy on the bridge until after 4am and realised it was almost time for trains to start running.

Their instructions had been that they should not cause the explosions to go off while trains were running and to avoid injuring people. In their hurry to remove the explosives, some of the items were left on the bridge and others fell underneath it.

The hearing continues today. — SAPA

# Train spared 'for sake of passengers'

331 23/9/83
E. Post

MARITZBURG — A convicted African National Congress terrorist said in the Maritzburg Supreme Court today that his mission to blow up the Upington railway bridge was aborted at the last moment because of concern for the safety of train passengers.

The man, who has also admitted being a member of Umkhonto we Sizwe, the ANC's military wing, is Lungile Wiseman Magxwalisa, 27.

He has pleaded guilty to charges of terrorism, but not guilty to two main counts of treason.

Appearing with him are Siphiwo Wellington Dinca, 23, who has pleaded not guilty to treason, but has admitted committing terrorism, and Ciskeian citizen, Mzwakhe Hespro Cikozani, 31, who has been acquitted of a charge of treason, but has been convicted of terrorism.

Magxwalisa said he and his task force did not decide to wait until the next night to complete their mission. He said they had been briefed in Swaziland by a person, Rashid, about the movement of passenger trains over the Upington railway bridge.

The prosecutor, Mr J A Oberholzer, said this information given by Magxwalisa did not make sense.

"You were given this knowledge in Swaziland, you carried it with you when you went through Piet Retief to Soweto and then Upington and when you carried explosives to the bridge and placed them on the bridge.

"At the last critical moment, you went soft."

Mr Oberholzer asked Magxwalisa why the explosives fixed to the bridge were camouflaged by spray paint, if they were to be detonated on the same night they were planted.

Magxwalisa said he could not answer that question.

Mr Oberholzer asked if the reason was not that the task force was to wait for a train carrying "sensitive" cargo to SWA/Namibia.

Magxwalisa said that SWA/Namibia was not mentioned during their briefing.

Magxwalisa said that the decision to abort the explosion was taken by the group's commander.

Mr Justice Page asked if their superiors would accept the failure of the mission.

Magxwalisa replied that they had accepted the situation.

(Proceeding) — Sapa

# Accused tells of bid to blow bridges

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Mercury
23.9.83

**Mercury Reporter**

A SELF-CONFESSED African National Congress member told the Supreme Court in Pietermaritzburg yesterday how he was trained in Russia to use firearms and explosives, in terrorist tactics and was later sent to South Africa to sabotage bridges.

Lungile Wiseman Magxwalisa, 27, made the admission in evidence in the terrorist trial in which he and two others — Sipho Wellington Dinca, 23, and Mzwakhe Hespro Cikozani, 31, are appearing before Mr Justice Page and two assessors on various charges, including terrorism.

At the start of yesterday's proceedings the judge acquitted Mr Cikozani, a Ciskeian citizen, of high treason and of being in possession of explosives, arms, ammunition and a grenade.

Mr Magxwalisa was found not guilty of being in possession of explosives, Dinca was acquitted on charges of being in possession of explosives, arms, ammunition and a grenade.

Mr Magxwalisa, whose application for a discharge on the charge of theft was refused, still faces two charges of high treason, two counts of attempted murder, terrorism and being in possession of a grenade. Mr Dinca faces a charge of high treason and terrorism while Mr Cikozani faces a charge of terrorism.

## Warfare

Under cross-examination by Mr A J Oberholzer, SC, for the State, Mr Magxwalisa said he left South Africa for Russia after joining as an ANC member in 1977. He returned the following year and then went to Angola where he was an instructor in tactics and guerilla warfare.

After Angola he went to Mozambique where he met a Mr Rashid who asked him to go to Swaziland where he would receive his instructions.

Mr Rashid had given them money and a car and had told them to go to the Uppington and Umfolozi River bridges where they would find material to blow up the bridges.

After receiving their instructions they had driven across the Swaziland border into South Africa by cutting a wire fence

## Explosives

He said he and the other men had found caches in a dead letter box which had been hidden near the bridge. They had placed the explosives on the bridge but later had taken them off because trains had been due to arrive.

Mr Magxwalisa said their instructions had been to remove the explosives if the bridges were not blown up before the trains had arrived. They were to avoid injury to people.

After the unsuccessful attempt they had gone to Piet Retief where there had been a confrontation with the police.

Mr Magxwalisa said he had managed to escape with some of the men and had made his way to Vryheid.

From there he had gone to Lesotho and had then embarked on a second mission to blow up the Umfolozi River bridge. He and his companions had been arrested by the police at Ficksburg in the Free State.

# I didn't know book was banned, nun tells court

By MIKE LOUW

ROMAN Catholic priests and nuns were among spectators at the trial of a nun on charges of possession of banned literature, in the Johannesburg Regional Court yesterday.

Sister Mary Bernard, 48, of St Mary's Convent, Kagiso, Krugersdorp, appeared before Mr I J J Luther.

The State alleges she was found in possession of the banned publications, "Total War in South Africa" and "Sechaba". It is also alleges she possessed a photostat copy of a speech made by Oliver Tambo, president of the African National Congress, which was earlier published in "Sechaba".

She pleaded not guilty to the offences, alleged to have been committed at St Mary's Convent on March 4 this year.

Sister Bernard told the court in a written statement that "Sechaba" was sent to her by an unknown person and "Total War in South Africa" was given to her at a conference at which everyone was supplied with a copy. She had no intention of possessing the documents and was not aware "Total War in South Africa" was banned.

The Divisional CID Chief, Colonel Martin Johannes Saunders, said he told Sister Bernard he was not a member of the Security Police. He said she replied that all members of the Police Force were the same.

Constable Herman Potgieter Aucamp said he and colleagues found the banned publications among other documents on a shelf of a hi-fi in a communal room at the convent.

Sister Mary Raphael Molokoane told the court Sister Bernard was employed by the Southern African Catholic Bishops' Conference.

She said Sister Barnard and two other nuns lived with her at the convent.

They left books and other documents on the shelf in their communal room, she said.

The prosecutor, Mr G Thiart, asked the court to postpone the trial because he had only received the docket on Wednesday and wanted certain aspects of the case to be investigated.

The trial will resume on December 1. R300 bail for Sister Bernard was extended.

# Conscience — and the priest who chose prison

331 23/9/83

**MANY people have been jailed for things they have said. Father Timothy Stanton has been jailed for things he would not say.**

Last week the quiet, 62-year-old Anglican priest was given a simple choice by a Johannesburg magistrate: answer questions about an acquaintance detained without trial or go to jail.

He did not know the questions and did not even know if he could provide the answers.

He refused to take the oath and have the questions put to him.

He told the court he did not even know the person involved very well and had no knowledge of what Mr Carl Niehaus was accused of doing.

Father Stanton even said he believed that the police already had the information they were asking him to give to the court.

But Father Stanton chose jail. He is now serving six-months in Diepkloof Prison under the Internal Security Act for refusing to answer questions in connection with a police investigation of a possible charge of high treason against Mr Niehaus.

Mr Niehaus was detained a month ago under Section 22 of the Internal Security Act. He has not been charged.

(Mr Niehaus was admitted to the Johannesburg Hospital after taking a drug overdose yesterday).

And not only is Father Stanton suffering for his silence, but he has chosen to suffer in silence.

He appeared in court without legal representation and has now chosen — as a matter of conscience — not to appeal against his conviction or sentence.



FATHER TIMOTHY STANTON . . . he chose silence

The Stanton family is not unaquainted with South African security legislation.

Father Stanton's sister is Miss Hannah Stanton, a former missionary who was deported from South Africa in 1960 after a long period of detention without trial.

Father Stanton is one of the people who in recent years have been jailed for what is in most cases evidently an act of conscience. Given the choice of prison or giving evidence in political trials, people have chosen prison on the basis.

They consider South Africa's security laws unnaceptable and would not assist the State in convicting people under these laws.

**By ANTON HARBER**

Some of them are well-known people. Philip Dhlamini, a trade unionist closely involved in the municipal strike that paralysed Johannesburg in 1980, is serving 18 months for refusing to give evidence.

Mr Thami Mazwai, a senior journalist, was recently released after spending a year in prison for his silence.

Many more are unknown, almost faceless people whose conscience did not permit them to give evidence for the State. Last year alone, more than 15 people were imprisoned for their silence, according to the Survey of Race Relations.

And the Race Relations researchers say they believe it is happening so often, and sometimes so quickly in obscure courtrooms, that it often goes unreported in the Press.

The result is that no one seems certain of just how many people have been jailed for this offence in previous years.

In some ways, Father Stanton got off lightly. In one case last year, a man who refused to give evidence was given a five-year sentence.

In other cases, the witnesses have gone to jail for their silence while the accused have been aquitted.

Mr Mordechai Tsatsa, for example, spent a year in Modderbee Prison because he would not give evidence. The accused was freed.

Finding out about Father Stanton is not easy. Although a popular priest, who gave spiritual guidance to a wide range of people, he seems to be a quiet man who kept very much to himself.

He has no family in South Africa and few close friends.

He lived for three years in the Community of the Resurrection at St Peter's Priory in Rosettenville, Johannesburg. One of his few close friends was Brother Barnabas, also of St Peter's, who has known Father Stanton since his days as a student and accompanied him to court.

"He was always very quiet and had never been involved in these sorts of things.

"Quite a few students come to the Priory, and Mr Niehaus was one of them. He found it a good, quiet place to study with a good library, and he used to come here every now and then.

"We all know him only in that way . . . as a keen student with a great concern and love for this country and a concern for injustice. Father Stanton knew him no better than all of us," Brother Barnabas said.

"We sat at the back of the court and talked about it. He had been given advice by all sorts of people.

"He said many people would consider him foolish, but his conscience simply did not allow him to do it.

"He is a quiet person who has a deep understanding of spirituality and was a source of guidance for a wide range of people. He was a very popular preacher," he said.

Father Stanton first came to South Africa to tutor at the old St Peter's College in Rosettenville in the early Fifties, after spending a number of years in parish life. He had been ordained in 1947 and had graduated from the College of Resurrection in Yorkshire.

He spent a few years teaching biology in Zimbabwe, before returning to Britain in about 1975. He returned in 1980 as a novice guardian and sub-prior at St Peter's.

Perhaps the best way to understand the motivation of such a man is to read the statement he made to the magistrate before being sentenced.

"I believe that to make a statement, or to give any evidence against Carl Niehaus, would violate my conscience.

"I can say that he is my friend, although in fact I don't know him very well. I have no idea what he has done or is supposed to have done to war-

# Silence and the law

**REFUSING to give evidence in a security trial involves a much higher prison sentence than refusing to give evidence in any other trial.**

Father Stanton was convicted under Section 205 of the Criminal Procedures Act, which allows a magistrate to call a witness to answer questions before any charges have been laid in the case.

This section — often called the "journalists' section" — allows for a maximum sentence of five years if the charges being investigated involve security laws.

It is called the "journalists' section" because it can be used to force journalists to reveal their sources of information.

Section 189 of the same Act makes it an offence to refuse to take the oath, give evidence, or answer any questions unless one has a "just excuse".

The maximum sentence is two years if a normal offence is involved, and five years for an offence under security laws.

The sentence is also more serious if the person refusing to give evidence has already made a sworn statement. This is considered common law perjury and involves sentences of up to five years.

This means that people who make statements while held in detention without trial could face much more serious charges if they then refuse to give evidence when called to court.

The only exception under these laws is for lawyers, doctors, priests or other professionals who say the information was given to them under the priveleged condition of an attorney-client or doctor-patient relationship.

"But I believe in him. I believe he is concerned to bring about a more just ordering of society than exists here at present.

"I would wish to support him in this. To give evidence for the State in their case against this young man would be a thing of which I would be deeply ashamed for the rest of my life.

"It seems to me it would be a form of betrayal and I cannot do it.

"I do not mean to be contemptuous of the court and I do not wish to impede the course of justice. I am told that I shall go to jail, and that going to jail will be an empty gesture . . . that it will do no good.

"Your worship, I would rather live in jail as a result of an empty gesture made in good faith, than outside it with a guilty conscience of having said or done anything to further the conviction of this young man," he told the court.

Passing sentence, Magistrate Mr L S du Toit said that high treason was a very serious offence. He said the refusal to give evidence was an act of conscience which could hardly be described as reasonable.

RDM 23/9/83

# Student, teacher to be charged with treason

331

Star 6/10/83

By Andrew Beattie

Witwatersrand University student Mr Carl Gerhardus Niehaus (23) gave a clenched fist salute yesterday after being told by a Johannesburg magistrate that he was to appear in the Supreme Court on November 7 charged with treason.

Mr Niehaus and his fiancee, Miss Johanna Lourens (23), a teacher, will be charged with treason and terrorism (under the Internal Security Act).

They will also be charged with being members of the banned African National Congress, with furthering the aims of that group and with alternative charges of terrorism.

The State alleges they formed a group called the Afrikaanse Sosialistiese Alliansie (ASA) for the purpose of supporting the ANC, the Communist Party of South Africa and South African Congress of Trade Unions (Sactu), among others.

They are also alleged to have distributed certain pamphlets, some of which called for a rejection of national military service.

An indictment alleges that they helped four people to leave the country with the object of joining the ANC.

The proceedings were attended by about 40 sympathisers who rose as the couple entered the court and remained standind during the proceedings.

Security Police were also present and police photographers took several pictures.

Miss K Satchwell appeared for the defence and Mr J C Swanepoel for the State.

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...NY WEAVER
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the Africa Bureau the dorp's square ...ay, half the popula... gathered before the ...dealer, in the rain, ... there smiling. ...ve had our seven ..., I pray to God this ...art of seven good ... year-old Mr Gert ... petrol pump atten... general handyman

...d that a picture be him standing in the ...st, rain pouring ... face, "to show my ...grandchildren, who are born, what rain looks just in case it is an... seven years of ..."

...ch tiny hamlet and ...g the road between ... and the Kalahari ... Park border with ... and SWA, little ... of people were gath... watching the massive clouds and praying ... not pass them by. ... Hotel Molopo, 5km ... Botswana border, ... toasts were being the pub "to the rain". owner, Mr Sarel ..., was delighted at ...s we brought — we ...ssed through nine cloudbursts on our the Kalahari. ...se let more of them this way," he said. ...he desert itself, mas... ...ls of water lay on the ... and visitors were ... to what must be one ...ica's rarest sights — a rainbow in the middle Kalahari Desert. ...haps the rarest sight of ... was vehicles passing the murky gloom with ... on and heaters go... full blast — at midday. in southern SWA, al... 3 500 head of livestock ...ready died as bitterly ...ather moved in over ...ntry.

sport ...
hard to believe.

He cited the old saying: "There are old pilots and bold pilots but no old, bold pilots."

In America, many accidents were caused by pilots forgetting to hook themselves to their crafts, Mr Williamson said.

They therefore hung from their control bars with only their hands. A few however, managed to land this way unscathed, he said.

The hang gliding division of the aero club is preparing to appeal to the authorities to implement recommendations by the Margo Commission that they be given official controlling powers, with the authority to invoke penalties against errant gliders.

"There are over 400 hang gliders in South Africa, with the average age of 28," Mr Williamson said.

When one totted up their total flight hours, hang gliding accidents were on par with any other form of aviation, he said.

"Still, we all go cold when there's a hang gliding accident," he said.

# Accused tried to recruit me, treason trial told

**Pretoria Bureau**

A WITNESS told the Pretoria Supreme Court yesterday one of the two men charged with high treason had attempted to recruit him to undergo military training outside South Africa so he could return and fight against whites.

The witness, who may not be identified, was testifying against Mr Alpheus Zacharia Molotsi, 28, and Mr Jacob Molefe, 23, who are facing charges of high treason, participating in terrorist activities and attempted murder.

The court proceedings were open to the public yesterday for the first time since the case started on Monday, but the court's ruling that witnesses should not be identified was still effective.

The two men, both from Soweto, are alleged to have joined the banned African National Congress in 1977 and to have received military training in Angola, Russia and Tanzania in order to overthrow the State by violent means.

They are also charged with attempting to murder two people in the Eastern Transvaal in February this year.

They have pleaded not guilty before Mr Justice H H Moll.

The witness, who was being cross-examined by defence counsel, Mr David Soggot, told the court Mr Molotsi visited him at his house last October and said he had come to fetch him.

"When I asked him why, he said he had come to recruit me to undergo training in Angola and Mozambique so we could fight against whites, because we were having hardships in the country," he said.

The witness said he had replied he could not go for military training because he had to support his wife and children, and had been living happily with them. If he were to leave the country, no-one would look after them, he said.

He told the court he had not seen Mr Molotsi since 1977 when he used to come to his house with a relative, and he was scared of him after he had made this suggestion.

He said Mr Molotsi had left a bag at his home after telling him he would first remove the bombs. He had promised to return to fetch the bag afterwards.

# US team at hand-over of air crash items

WASHINGTON. — The United States said it would send representatives to join a Japanese team that will retrieve from the Soviet Union "objects and documents" from the downed Korean airliner.

State Department officials said on Thursday representatives of the State Department, Defence Department, and perhaps other agencies would be present at the handing over in a fishing port on Sakhalin Island, the Soviet island near where KAL flight 007 was shot down.

The officials said they were still working out how the Americans would get to Sakhalin Island. The Japanese have already announced they are sending a boat that will leave Japan tomorrow.

The State Department urged the Soviet Union to hand over any other wreckage it found from the airliner to the International Civil Aviation Organisation.

The US has said any wreckage it recovers will be handed to the ICAO for its investigation into the crash.

The Korean and US governments both urged the Soviets to do the same with any evidence found by its searchers, including the "black box" flight information recorder "when and if recovered from the crash site". — UPI.

# Don't exploit the land for profit, farmers warned

GEORGE. — There was an alarming trend among farmers to reduce land to a commercial commodity the president of the SA Agricultural Union, Mr Jaap Wilkens, said last night.

He was speaking at Brak River, near Mossel Bay, at a function celebrating the 16th anniversary of the local farmers' association.

And in the process, he said, land was used to obtain through speculation or exploitational cropping.

"Land is a production factor used for farming, and as such the land and its quality are the farmer's most valuable possessions.

"For this reason I cannot understand why our farmers speculate with land, and that there are people who are prepared to pay ridiculous prices for arable land," he

...at by-elections.

The result is that whites w... tain a stranglehold on all decisi... national consequence. Coloured ... Indians have the shadow but n... substance of power-sharing. ... primary function is to lend res... ability to the over-riding decisi... white masters. It is a role that ... gain them few friends.

Paradoxically, the limited a... of the white voter to influence ... use of this power will diminish ... more. Partly because the cons... tion is unworkable, partly by des... it will make autocratic rule unav... able. It could pave the way to di... torship. The formula for break... deadlocks forces upon the St... President and his captive Presiden... Council the obligation to ta...

...rors 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

# Weather Mail

THE Weather Bureau's forecast for today:

**TRANSVAAL:** — Fine and cold but partly cloudy and mild over eastern Transvaal.

**FREE STATE and CAPE north of the ORANGE:** — Fine and cold.

**CAPE south of the ORANGE:** — Fine and cold but mild over western parts. Cloudy with showers over the southern and south-eastern coast and adjacent interior.

**NATAL:** — Partly cloudy and cold over the interior clearing from the west. Mainly cloudy and mild with showers along the coast in the morning, clearing from the south.

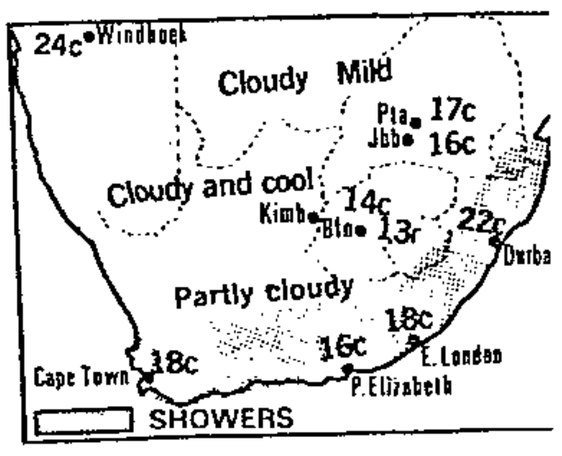
**SWA:** — Fine and mild to warm but cold in the south.

**BOTSWANA:** — Fine and warm to hot but cold in the south.

TEMPERATURES ARE CELSIUS MAXIMUMS EXPECTED FOR EACH CITY.

**Rand Daily Mail Weather Station**

FRIDAY
September 23, 1983
Temperatures:
09h00 14h00 21h00
10°C 16°C 11°C
Humidity:
47% 30% 40%
Max temp: 16°C
Min temp: 7°C
Rain 24 hours to 20h00:
Nil
Sunset today: 18h18
Sunrise tomorrow: 05h25




## SOUTH AFRICA YESTERDAY

Temperatures at 14h00

| | °C | | °C | | °C |
|---|---|---|---|---|---|
| Bloemfontein | 13 | Jan Smuts | 16 | Potchefstroom | 1[illegible] |
| Cape Town | 14 | Nelspruit | 29 | Pretoria | 1[illegible] |
| Durban | 22 | Pietersburg | 22 | Rustenburg | 2[illegible] |
| East London | 19 | Port Elizabeth | 14 | Standerton | 1[illegible] |

SOUTH AFRICA: Hottest at 14h00: Skukuza 32°C. Coldest at 08h00: Bospoort 0°C
TRANSVAAL: Hottest at 14h00: Skukuza 32°C. Coldest at 08h00: Bospoort 0°C

## THE WORLD YESTERDAY

# ...ock may c...

...ON. — An Anglican ...man, the Rev Leslie ... dissatisfied with his ...'s positions on divorce, ... priests and religious ...ity, wants to lead his ...egation of 40 into the ... Catholic Church.

... now unable to identi... ...self with the church of ...dination," Mr Hamlett yesterday.

# ...rmscor no ... missile ex...

**Mail Reporter**

...OKESMAN for Armscor yesterday the corpora... had no comment to make

went into production in 1979, the reports said.

"The export version, Kukri, is now available to se-

(331) Mercury 24/9/83

# 'Never thought of using a firearm'

**Pietermaritzburg Bureau**

A YOUNG Port Elizabeth man and African National Congress member on trial on charges of high treason and terrorism, Lungile Magxwalisa, told the Supreme Court in Pietermaritzburg yesterday that he had never thought of using a firearm against a person even though he had been instructed to bring weapons into the country.

Mr Magxwalisa, 27, said this under cross-examination in the terrorism trial in which he and two others, Siphiwo Dinca, 23, and Mzwakhe Cikozani, 31, are appearing before Mr Justice Page and two assessors.

Cross-examined by Mr A J Oberholzer, for the State, Mr Magxwalisa said 'it was like a rule' that whenever people entered South Africa they were given guns to bring across the border.

Mr Magxwalisa said he had not been instructed what to do if confronted by the police as the matter was left to the individual to decide.

The trial has been adjourned till Monday.

SABC placed a [illegible] lived ban on recordings by exiled South African Hugh Masekela apparently because of his participation in a birthday concert for imprisoned former ANC leader Nelson Mandela.

# ANC ATTACK ABORTED —'TO PROTECT INNOCENT'

C. Press 25/9/87

CONVICTED African National Congress guerilla Lungila Magxwalisa told the Maritzburg Supreme Court this week his mission to blow up the Upington railway bridge was aborted at the last moment – because of concern for the safety of train passengers.

Magxwalisa, 27, a member of Umkhoto we Sizwe, the ANC's military wing, has pleaded guilty to Internal Security Act charges, but not guilty to two main counts of treason.

Appearing with him are Siphiwo Wellington Dinca, 23, who has pleaded not guilty to treason, but has admitted Internal Security Act charges and Ciskei citizen, Mzwakhe Hespro Cikozani, 31, who has been acquitted of a charge of treason, but has been convicted under the Internal Security Act.

Earlier, a witness told the court the planned bombing of the bridge would have been "the biggest ever act of sabotage" in South Africa.

Magxwalisa said he and his task force did not decide to wait until the next night to complete their mission.

He said they had been briefed in Swaziland by a man called Rashid about the movement of passenger trains over the bridge.

Prosecutor Mr J A Oberholzer said this information given by Magxwalisa did not make sense. "You were given this knowledge in Swaziland, you carried it until you placed them on the bridge.

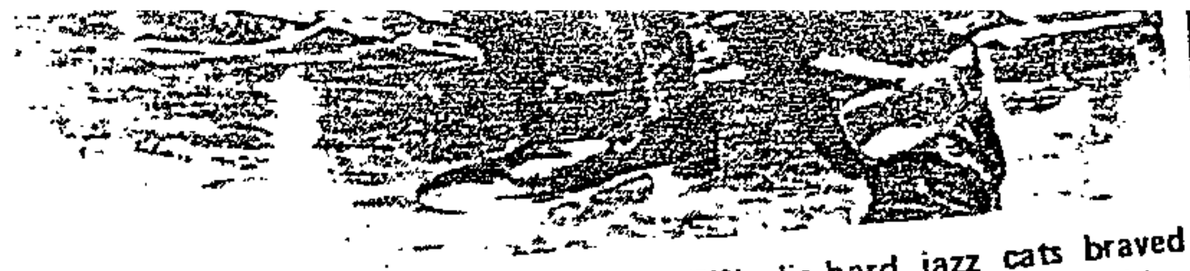
"But at the last critical moment, you went soft."

Mr Oberholzer asked if the reason was not that the task force was to wait for a train carrying "sensitive" cargo to Namibia – A claim Magxwalisa denied.

## BROTHERS 'INSANE'

THE trial of two brothers charged with the Pietersburg "train massacre" in which three people died, was postponed this week after evidence from a psychiatrist that the accused were insane.

Mr Pieter William De Beer and his brother Hendrik previously pleaded guilty to charges of murder and attempted murder.



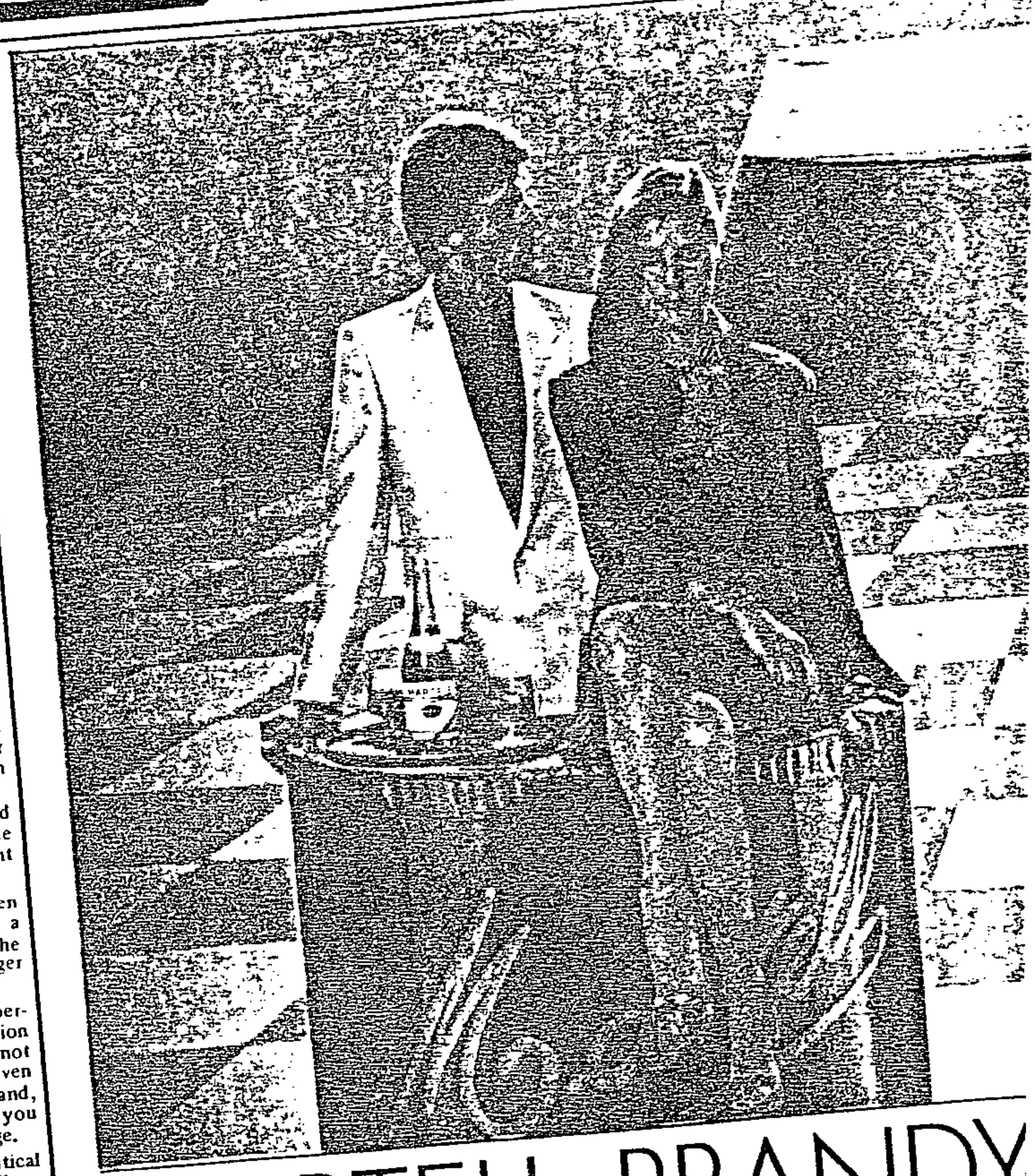
A FEW die-hard jazz cats braved the freak spring chill on Friday night for a share of the superb Mike Zwerinin quartet experience at the Orlando DOCC hall.

The Paris-based American group's charity concert gave the 400 jazzophiles a dose of genius that had the fans stomping their feet to the timely unison of John Thomas on guitar, Jack Gregg bass, Oliver Johnson drums and Zwerini himself on trombone (above). Next show will be on Wednesday at 7,30pm.

*Pic: EVANS MBOWENI*


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106 End St
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Kingwilliam


MARTELL BRANDY

# Treason trial resumes today

**THE Pretoria Supreme Court has heard how an alleged African National Congress (ANC) member charged with high treason, tried to recruit a man to be trained as a terrorist.**

A State witness, who may not be identified, said Alpheus Zacharia Molotsi told him he should go for training in Angola and Mozambique because the black people suffered such hardship in South Africa.

He had assumed Mr Molotsi meant training with weapons, defined as "terrorist training" in legal terms.

Mr Molotsi allegedly said after the training, he would come back and "fight the whites". When the witness told him he was not interested, he did not pursue the subject.

Mr Molotsi and Jacob Molefe have both pleaded not guilty to the main charge of high treason and the alternative charges of participating in terrorist activities and attempted murder.

Mr Justice Moll was on the Bench. Mr D Soggot appeared with Mr M Basslion for the two accused and Mr J J Pelser prosecuted.

Proceeds today.

# Thloloe appeal

331
Sowetan
26/9/83

THE appeal by veteran newsman Joe Thloloe, against his sentence for possessing banned literature will be heard in the Pretoria Supreme Court tomorrow.

Mr Thloloe was sentenced to 2½ years' imprisonment by a Johannesburg Regional Magistrate in April this year for being in possession of banned literature.

At the time of his conviction he was banned under the Internal Security Act and restricted to Johannesburg. The ban prevented him from continuing work as **The SOWETAN's** labour correspondent.

He was also a vice-president of the Media Workers' Association of South Africa (Mwasa).

# 'Police shown arms hideaway'

(3 31) Star 27/9/83

One of two alleged members of the ANC charged with high treason had volunteered to show the Security Police several bases where they were to hide and store their weapons, a Security Police officer told the Pretoria Supreme Court yesterday.

Captain George Frederick Combrinck was giving evidence against Mr Alpheus Zacharia Molotsi (28) and Mr Jacob Molefe (23) who are facing charges of high treason, taking part in terrorist activities and attempted murder.

The two men, both of Soweto, have pleaded not guilty before Mr Justice H H Moll.

The State claims they joined the African National Congress in 1977 and underwent military training in Angola, Russia and Tanzania to try and violently overthrow the State.

They are also charged with attempting to murder two people in the Eastern Transvaal in February this year.

Captain Combrinck told the court that soon after their arrest, Mr Molotsi had offered to point out what he had called "bases."

Mr Molotsi said these bases were underground tunnels where he and his colleagues were to stay. These had been found near Thokoza Hostel and Katlehong in the Germiston district.

Capt Combrinck said Mr Molotsi had also shown him dead-letter boxes, where he and others were to leave messages and diaries. He had also shown police where weapons were to be stored.

The places had been photographed by a police official, Captain Combrinck said.

The trial continues today. — Sapa.

# ANC member is 'against killing'

MARITZBURG — A self-confessed member of the banned African National Congress opposed the killing of people but not the destruction of their property, he told the Pietermaritzburg Supreme Court during cross-examination yesterday.

Mr Siphiwo Wellington Dinca (23), of Port Elizabeth — who received his training in East Germany — said he regarded his enemies as being the South African Army and the South African Police.

Mr Dinca told Mr Justice N S Page and two assessors that as part of his military training he had been taught to use firearms.

He left South Africa in 1978 and went to live in Lesotho as a refugee from apartheid, living off money given to refugees by the United Nations.

He was recruited by the ANC and sent to Angola, after which he was selected for further training in East Germany in 1980. On his return to Angola, he worked as a chef in a camp until being sent to join a sabotage mission with instructions to destroy the White Umfolosi bridge in South Africa.

Mr Dinca is appearing with Mr Lungile Wiseman Magxwalisa and Mr Mzwakhe Hespo Cikozani.

He is facing a charge of high treason relating to attempts to blow up the bridge. Mr Dinca has pleaded not guilty.

Mr Cikozani has declined to give evidence. Mr Magxwalisa gave evidence last week. — Sapa.

331

RSM

27/9/83

# I oppose killing, says terror accused

**Mail Correspondent**

MARITZBURG. — Convicted African National Congress member, Siphiwo Dinca, told the Maritzburg Supreme Court yesterday he opposed the killing of people, despite his training in the use of firearms and explosives.

However, he said he did not oppose the destruction of property.

Dinca, 23, said this in the terrorism trial in which he and two others, Lungile Magxwasa, 27, and Mzwakhe Cikozani, 31, are appearing before Mr Justice Page and two assessors.

Cross examined by Mr A J Oberholzer, for the State, Dinca said he saw the SA army and Police Force as his enemies.

He admitted he had been taught to use firearms against his "enemies" as part of his military training.

He described how he left SA in 1978 for Lesotho, where he stayed for a year, "doing nothing" and living off United Nations money.

When the ANC recruited him, he was sent to Angola for military training and was selected for further training in East Germany in 1980.

He worked as a chef in an Angolan camp and was then sent back to Lesotho — where he met his co-accused — for a sabotage mission into SA.

Mr Cikozani declined to give evidence. Mr Magxwalisa gave evidence last week.

The trial was adjourned until today.

# Crowd breaks into song during trial

About 40 people, most of them students from Witwatersrand University, crowded a Johannesburg court yesterday and sang a few bars of the freedom song, "The people must come together and stand together", in Zulu.

The incident occurred when two people, who were detained under Section 29 of the Internal Security Act on August 23 this year, appeared in the Johannesburg Regional Court.

They were Mr Carl Gerhardus Niehaus (23), a third-year Wits student, and his fiance, Miss Jansie Lourens (23), a mathematics teacher at C J Botha High School, Bosmont.

They were not asked to plead and the case was postponed until October 5. They were told they would face charges of high treason.

After the singing, the magistrate, Mr M J F Coetzee, immediately ordered the doors of the court to be closed. A short while later, the spectators were told to leave the court one by one and security policemen at the door took their names and addresses.

The prosecutor, Mr J A Swanepoel, handed in a certificate from the Attorney-General prohibiting bail for either of the accused.

An alternative charge under the Terrorism Act has also been drawn up by the State, but was not read out in court.

# 'I oppose killing' says ANC man

331
Mercury
27/9/83

**Pietermaritzburg Bureau**

EAST German-trained and convicted African National Congress member Siphiwo Dinca told the Supreme Court here yesterday that in spite of being trained in the use of firearms and explosives he opposed the killing of people but not the destruction of property.

Dinca, 23, said this under cross examination in the terrorism trial in which he and two others, Lungile Magxwalisa, 27, and Mzwakhe Cikozani, 31, are appearing before Mr Justice Page and two assessors.

Cross examined by Mr A J Oberholzer, for the state, Dinca said he saw his enemies as being the South African army and police force.

He admitted that as part of his military training he had been taught to use firearms against his 'enemies'.

He said he left South Africa in 1978 for Lesotho as a refugee from apartheid and on being recruited by the ANC he was sent to Angola for military training.

He had been selected for further training in East Germany in 1980 after which he returned to Lesotho, where he met his co-accused, for a sabotage mission into South Africa.

Mr Cikozani declined to give evidence. Mr Magxwalisa gave evidence last week.

The trial was adjourned until today when Mr Oberholzer is expected to sum up the prosecution's case.

# Reporter's appeal postponed

**Pretoria Correspondent**

The appeal of a senior reporter of the Sowetan against a conviction under the Internal Security Act has been postponed for further argument in the Pretoria Supreme Court.

The journalist, Joe Thloloe, and Sipho Ngcobo were both sentenced to 2½ years' jail for collecting literature published by the banned Pan Africanist Congress (PAC).

Both had pleaded guilty to a charge of contravening the Internal Security Act.

Collecting the documents did not, however, constitute active participation in the PAC's activities, but was a passive situation which should be mitigatory, their counsel, Mr C R Mailer, said yesterday.

Mr Justice Zulman, on the Bench with Mr Justice Margo, said the court did not know from the evidence for what purpose the documents were collected, the number involved or their nature.

...The trial continues.

# 'Bombs under bridges can cause deaths'

331 Mercury 28/9/83

**Pietermaritzburg Bureau**

ANYONE placing bombs under railway bridges must forsee the possibilty of loss of human life.

This point was made by Mr J A Oberholzer in his summing up of the prosecution's case in the terrorism trial of three convicted African National Congress members at the Supreme Court in Pietermaritzburg yesterday.

Mr Oberholzer told Mr Justice Page and two assessors that the two accused, Lungile Magxwalisa, 27, and Siphiwo Dinca, 23, should be found guilty of high treason in attempting to blow up the White Umfolozi Bridge.

Mzwakhe Cikozani, 31, the third accused on trial, was acquitted of high treason last week on the grounds that he was a Ciskeian citizen.

Mr A Findlay, SC, for the defence, argued that Magxwalisa was not guilty of an attempted murder charge of two policemen shot at a roadblock last year, as no shots had been fired from his pistol.

Mr Findlay said Magxwalisa and Dinca should not be found guilty of high treason but of terrorism as they took 'steps towards violence'.

The trial was adjourned until tomorrowwhen judgement is expected to be given.

# ANC bridge plot 'was high treason'

Own Correspondent

MARITZBURG — A self-confessed ANC terrorist was guilty of high treason in that his attempt to blow up a bridge at Upington was part of the ANC's strategy to overthrow the South African Government by force, it was argued in the Supreme Court yesterday.

Mr Lungile Wiseman Magxwalisa (27), who admitted being a member of Umkhonto we Sizwe, the ANC's military wing, has admitted charges of terrorism, but has pleaded not guilty to two main counts of high treason.

Appearing with him are Mr Siphiwo Wellington Dinca (23), who has pleaded not guilty to treason, but has admitted terrorism, and Ciskei citizen Mzwakhe Hespro Cikozani (31), who has been acquitted on a charge of treason, but has been convicted of terrorism.

The men are appearing before Mr Justice Page in the third week of their trial.

Mr J A Oberholzer, for the State, argued that Mr Magxwalisa was guilty of high treason and failing that, terrorism, for attempting to blow up the vital railway bridge at Upington.

He had associated himself with the ANC, whose primary object was to overthrow the South African Government by force.

He asked the court to reject the accused's account that he had abandoned the attempt to blow up the bridge when there was a danger that passenger trains might be derailed.

(Proceeding.)

# Accused admits training in Angola

**Pretoria Bureau**

ONE of two alleged members of the banned African National Congress, charged with high treason, admitted in the Pretoria Supreme Court yesterday that he left South Africa to receive military training in a foreign country.

Mr Jacob Molefe, 23, also admitted that one of the ANC's aims was to recruit people in South Africa to train them abroad.

Mr Molefe and Mr Alpheus Zacharia Molotsi, 28, both of Soweto, have pleaded not guilty before Mr Justice H H Moll to charges of high treason, participating in terrorist activities and attempted murder.

They are alleged to have left the country to join the ANC in 1977 and to have received military training in Russia, Angola and Tanzania in order to overthrow the State by violent means.

They are also charged with attempting to murder two people in the Eastern Transvaal in February this year.

In a statement which was handed in to court, Mr Molefe admitted that he was trained in Angola, and said Mr Molotsi had received training in Russia.

The hearing continues today.

# ANC man found guilty of treason

Own Correspondent

MARITZBURG — A self-confessed member of the African National Congress, Lungile Magxwalisa (27), was convicted in the Supreme Court here today of treason.

Magxwalisa, Siphiwo Dinca (23) and Mzwakhe Cikozani (31) had pleaded not guilty to treason but guilty to terrorism.

Cikozani, a Ciskeian, has already been found not guilty of treason, but guilty of terrorism.

Mr Justice Page found Magxwalisa had placed explosives on a railway bridge at Upington with the intention to overthrow or coerce the Government of South Africa.

"He must have known that the target was a lifeline of considerable strategic and economic importance.

"He not only intended to blow up the bridge during September last year, but also to a carry out the main aim of the ANC, to overthrow the State by violence."

Mr Justice Page found the evidence showed that Magxwalisa and his co-conspirators had placed explosives on the Upington bridge early on September 24 last year and had then abandoned the mission.

The court disbelieved Magxwalisa's version that he had abandoned the mission when it became apparent a passenger train could be derailed.

Mr Justice Page said he viewed all the evidence in the context of the ANC's aim to overthrow the Government of South Africa by violence.

Judgment continues.

# Thlobe hearing postponed

BY ALINAH DUBE

An application by The Sowetan's senior journalist Joe Thlobe and three others, was this week postponed in the Pretoria Supreme Court.

Mr Justice Malan, ordered that the matter be re-served by Acting Mr Justice Zulman until October the 4.

He said both the State and the appellants submitted written heads of argument.

Appealing against sentence are Thlobe, Siphiwe Ngcobo, Hlangabeni Sibanda and Sipho Mzolo. The first two were sentenced to three years' imprisonment by the Johannesburg Regional Court in April for being in possession of banned literature.

The second two were sentenced to two and a half years each.

Thlobe, Ngcobo and Sibanda were also fined R2 000 each or a further two years' imprisonment.

Mzolo was fined R1 000 or a further one year's imprisonment.

All four were released on bail pending the outcome of the appeal.

Mr Justice Malan ordered that the matter be heard by a full bench of the Transvaal Provincial Division.

Mr Thlobe is represented by Mr M Bassilan.

In its submission to the court, the defence said the appellants had been convicted on the basis of the common purpose doctrine.

"There is no evidence that the appellants, either of them intended that any violence or sabotage should be committed by the organisation.

"The appellants had no knowledge of the bomb which exploded in the Pretoria Supreme Court building on May 20 1983

# Two admit joining ANC

**Pretoria Correspondent**

Two men charged with high treason have confessed they were members of the African National Congress (ANC) and had undergone military training outside South Africa.

Mr Alpheus Zacharia Molotsi and Mr Jacob Molefe admitted joining the ANC in 1977, their counsel, Mr D Soggot, told the Pretoria Supreme Court yesterday.

They had undergone military training in Angola and Mr Molotsi had also been trained in Russia by the ANC. They admitted that reference books containing their photographs had been forged.

They have pleaded not guilty to the charge of high treason and alternative charges of participating in terrorist activities and attempted murder.

Mr Molotsi said the doctor's statement that he had had no injuries when he was examined after his arrest in February this year was correct.

(Proceeding).

# ANC men guilty of high treason

(331)

Mercury 20/9/83

Pietermaritzburg Bureau

TWO members of the African National Congress were convicted of high treason in the College Road Supreme Court here yesterday after a four-week trial.

A third accused, who was earlier acquitted of treason because he was a Ciskeian citizen, was found guilty on the alternate charge of terrorism.

Lungile Wiseman Magxwalisa, 27, of Port Elizabeth, was found guilty on two counts of high treason relating to attempts to blow up a railway bridge over the Orange River near Upington in September 1982 and another over the White Umfolosi in the Mahlabatini district of Natal in April this year.

He was also convicted on a third count of terrorism arising out of the shooting of two policemen at a roadblock near Piet Retief in November last year.

Siphiwo Wellington Dinca, 23, also of Port Elizabeth, was found guilty of treason for his association with the sabotage attempt on the Umfolosi bridge.

Mzwakehe Hespro Cikozani, 31, of Zwelitsha in the Ciskei, who was also involved in the attempt on the Umfolosi bridge, elected not to testify during the trial.

## Death penalty

However, it was clear from his own admission he had acquired knowlege of firearms and explosives and was prepared to use this knowlege to further one or more of the aims of the ANC, the judge said.

Shortly after Mr A Findlay, SC, had begun his submissions on sentence for the three men he was defending, Mr Justice Page indicated that he did not envisage the death penalty for any of the accused.

He said he might have held a different view had either of the police officers shot at the roadblock died.

Mr Findlay said the men had been motivated not by criminal considerations, but by moral conviction — even though it had to be conceded they had resorted to criminal means to achieve them.

None of the accused had any previous convictions.

Sentence will be passed today.

# ANC men guilty of high treason

Star 331
30/9/83

MARITZBURG — Two members of the banned African National Congress were found guilty of high treason yesterday.

They had set out to blow up two railway bridges of prime strategic and economic importance at Upington and the White Umfolozi with the intention of overthrowing the South African Government, said Mr Justice N S Page, sitting with two assessors at the College Road Supreme Court.

In a four-hour judgment the judge said the "violent and overt" acts had been committed regardless of whether trains might be derailed and people killed.

Wiseman Magxwalisa (27), of Port Elizabeth, was found guilty on two counts of high treason relating to attempted bombings of railway bridges at Upington and the White Umfolozi.

He was further found guilty of terrorism for an attack at a roadblock on November 13 last year in which two Piet Retief policemen were shot and severely wounded.

Mr Justice Page said that although the court did not find that Magxwalisa had fired any shots, he had acted in common purpose with his co-conspirators to shoot the policemen in order to continue their mission.

Magxwalisa was armed with a pistol and handgrenade on his own admission and it was clear that he had been trained to use them, although he claimed he had never contemplated shooting anyone.

Siphiwo Dinca (23), also of Port Elizabeth, was found guilty on one count of high treason in respect of the mission to blow up the White Umfolozi bridge in March/April this year.

Mzwakhe Cikozani (31), who was acquitted of high treason earlier in the trial because he is a Ciskeien citizen and therefore does not owe allegiance to South Africa, was found guilty of terrorism.

— Sapa.

# Bridge-bombs terrorist sentenced to 45 years' jail

Pietermaritzburg Bureau

AN ANC terrorist, who was involved in two attempts to blow up railway bridges and the shooting of two policemen at a roadblock, was sentenced in the Supreme Court here yesterday to a total of more than 45 years' imprisonment.

His two associates in the second sabotage operation were each sentenced to 20 years.

Lungile Wiseman Mgxwalisa, 27, of Port Elizabeth, faces an effective term of 24 years on Robben Island as a result of a 12 year sentence for high treason and another for terrorism.

Further sentences of 12 years, eight years and 18 months for high treason, participating in terroristic activities and for offences under the Arms and Ammunitions Act and Explosives Act are to run concurrently with the first two.

Siphiwo Wellington Dinca, 23, of Port Elizabeth received terms of 12 years for high treason and eight years, to run concurrently, for participation in terrorist activities.

Mzwakhe Hespro Cikozani, 31, of Zwelitsha in Ciskei, was sentenced to 12 years for terrorism as an alternate charge to treason, from which he was discharged as he was not a South African citizen. He was also sentenced to eight years, to run concurrently, for participation in terrorist activities.

## Firmness

Passing sentence at the end of the four-week trial, Mr Justice Page said that while the men's conviction of the justice of their cause, and their clean records, mitigated against their moral blameworthiness, it also led him to doubt that there was much hope of reformation arising out of punishment.

The firmness of their conviction also led him to believe the accused would do the same thing again, given the opportunity.

'Regretfully I have been driven to the conclusion that the only way to protect society is to ensure that you are not given that opportunity,' he said.

The three accused received their sentences impassively before turning to the small gathering in the public gallery and raising clenched fists before shouting 'Amandla awethu' in unison.

No notice of appeal was lodged.

# Terrorism accused released on bail

331 Pretoria Bureau 11/8/83

A 25-YEAR-OLD Pretoria man made a brief appearance in the Pretoria Regional Court yesterday on charges under the Terrorism Act.

Mr Thomson Ramanala, of Makaye Street, Saulsville, was not asked to plead when he appeared before Mr B J O van Schalkwyk.

No evidence was led and the case was postponed to November 28.

The State claims that he was a member of the banned African National Congress on August 16 this year, or that he had remained a member of the organisation after it was banned in 1960.

Alternative charges are that that he was found in possession of ANC literature on August 16, which showed he was connected with the organisation, and that he had furthered the aims of the ANC.

He was released from custody on R500 bail.

Mr S G Venter appeared for the State, and Mr M F Noorbhai appeared for Mr Ramanala.

# Treason: ANC men jailed

CAPE Times
1/10/83
331

MARITZBURG. — Three ANC terrorists convicted of high treason and terrorism were not criminals in the ordinary sense of the word as they were politically motivated, a Supreme Court judge said before passing sentence yesterday.

One man was jailed for 24 years and two others for 12 years by Mr Justice N S Page.

Lurgile Magxwalisa, 27, of Port Elizabeth was found guilty on two counts of treason relating to the attempted bombing of railway bridges at Upington and over the White Umfolozi River and other terrorism charges, including the shooting of two Piet Retief policemen in November last year.

He was sentenced to a total of 44 years but parts of the sentences will run concurrently.

Siphiwo Dinca, 23, also of Port Elizabeth, was convicted of high treason in the White Umfolozi incident, and Mzwakhe Cikozani, 31, of the Ciskei, was convicted of terrorism on the same count.

They were both found guilty on additional terrorism charges of undergoing military training in foreign countries, including Angola and East Germany.

## Aspirations

They were each sentenced to a total of 20 years with part of the sentences to run concurrently.

Mr Justice Page said the men were motivated by aspirations which they believed to be right and just. But such belief could not justify resorting to criminal methods to realize that cause.

Because of the firmness of their convictions he believed they would do the same thing if given the opportunity again. "I am regretfully driven to the conclusion that the only way to protect society is to ensure that you are not given that opportunity." — Sapa



Ex-Goon Spike Milligan delighted these children at D F M. gave them the small change he had i

# Phone booth flasher guilty

Staff Reporter

A DENTAL technician who exposed himself at a phone booth in Picbel Parkade suffered from a psycho-sexual disturbance which "flared up under emotional stress", a City magistrate heard yesterday.

This was said by a clinical psychologist, Dr Reyner van Zyl, who testified in mitigation of sentence for Heinz Dittrich, 41, of Bellville, who was convicted of criminal injuria.

Dittrich, the chief dental technician of the Dental Faculty of the University of the Western Cape, told Dr Van Zyl he exposed himself on August 12, shortly

The dental technician's problem had become worse because he had not sought help.

Dr Van Zyl recommended that Dittrich receive professional help for at least another year. To remove him from the community would mean dismissal from his job, further estrangement from his wife and children, and would "almost certainly" make him become a more introverted and tense individual.

An application for his name not to be published by the press was refused by the magistrate, Mr B Carrol.

Dittrich, who pleaded guilty, was warned to

# Father fined for flashing

Staff Reporter

A WYNBERG motorist who exposed himself to a 14-year-old schoolgirl was fined R180 (or 90 days) yesterday for criminal injuria, and given a prison sentence of four months, suspended for four years.

Lionel Groenewald, 22, of Castletown Road, Wynberg, exposed himself after calling the schoolgirl over to his vehicle and asking directions in Lympleigh Road, Plumstead, on May 8, a Wynberg Magis-

# Horoscope news by te

By ANDREW DONALDSON

"LOVE matters reach a fever pitch of enjoyment. Cancerians can help you out the most with their supportive assistance. Stick to your philosophical beliefs."

That piece of valuable information for Scorpios comes via a new telex service that offers anybody, anywhere around the world, the latest developments in the United States — provided you have a teleprinter, of course.

By calling Western Union International (WUI), in New York, you can receive — apart from the horoscope —

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# Witness tells of stones thrown at PE buses

331

E-Post 3/10/83

By CHRIS RENNIE

A WITNESS told the Port Elizabeth Regional Court today of a series of stone-throwing attacks on buses which were intended to persuade the bus company to reduce fares.

He was testifying at the trial of 11 young men on charges of public violence and malicious damage to property in Mahakana Street, Njoli Street, Koyana Street and Daku Street on the weekend of July 31 to August 1 this year.

Before the court were Mr Bonisile Mbikanye, 22, Mr Wellman Jawuka, 25, Mr Xola Makapela, 24, Mr Phindile Nkanti, 19, Mr Samuel Mapoza, 20, Mr Zola Mtatji, 21, Mr Andile Williams, 21, Mr Zandisile Dayile, 18, two 17-year-old youths and a 16-year-old youth. They all pleaded not guilty.

A request by the State to have the case heard in camera was opposed by the defence, who alleged that all the youths and their guardians wished the case to be heard in open court.

In a packed court, Mr Patrick Mncedisi Longwana told how he had attended a meeting of Pebco at the Catholic Church in Seyiso Street to discuss the bus question. It was decided that nobody would support the service until the fares were reduced.

The following day he and others went to a meeting of the Community Council in a school building in Makanda Street. He said the purpose was to see if any of the people from the Community Council used the buses.

At the meeting he saw Mr Jawuka, Mr Mapoza, Mr Dayile and the 16-year-old youth.

When they got there the meeting was already in progress and they decided to go to Kwazakele and collect a few friends. They returned with Mr Makapela, Mr Nkanti, Mr Mtatji and Mr Williams.

After the meeeting, members of the committee got into the bus. As it was moving towards the group up a hill they stoned it. He said all the accused except Mr Makapela and Mr Mbikanye threw stones at the bus. There were a lot of other people as well.

From there they went towards Njoli Street, where they divided into two groups.

They stoned buses in Seyesi Street and Nkoyana Street. When they got to Mabopa Street, the decided to scatter. He left with Mr Jawuka and on the way they stoned a bus in Veeplaas.

(Proceeding)

The President of the Regional Court, Mr G Steyn, was on the Bench. Mr H Goosen appeared for the State. Mr T J Skweyija (instructed by F Nkanunu and Co) appeared for the defence.

# I support ANC but not violence, says accused

331 2507 4/10/83

**Pretoria Bureau**

ONE of two Soweto men charged with high treason told a judge in the Pretoria Supreme Court yesterday that he subscribed to the ideals of the African National Congress but was against violence.

Mr Jacob Molefe, 23, also said he had been kept in solitary confinement by the Security Police. He hated this isolation and had cried and screamed during his confinement.

He and Mr Alpheus Zacharia Molotsi, 28, have pleaded not guilty before Mr Justice Moll to charges of high treason, participating in terrorist activities and attempted murder.

They are alleged to have left the country in 1977 to join the ANC to receive military training in Angola, Russia and Tanzania in order to overthrow the State by violent means.

The State also claims they tried to kill two people in the Eastern Transvaal in February.

Mr Molefe told the court that he had no specific attitude towards the ANC but supported their political ideals. Violence was "no good", but he would not criticise it.

"I think violence should wait for some time while negotiations are taking place. I would exclude violence and fight peacefully," he said.

The hearing continues today.

# Witness for State still in box after almost a day

By CHRIS RENNIE

THE first State witness in the trial of 11 young men on charges of public violence and malicious damage to property is still in the witness box of the Port Elizabeth Regional Court after nearly a day of cross-examination.

Before the court are Mr Bonisile Mbikanye, 22, Mr Wellman Jawuka, 25, Mr Xola Makapela, 24, Mr Phindile Nkanti, 19, Mr Samuel Mapoza, 20, Mr Zola Mtatji, 21, Mr Andile Williams, 21, Mr Zandisile Dayile, 18, two 17-year-old youths and a 16-year-old youth.

They all pleaded not guilty to stoning buses in Mahakana Street, Njoli Road, Koyana Street and Daku Road on the weekend of July 31-August 1 this year.

Yesterday Mr Patrick Mncedisi Dlongwana, who was warned as an accomplice, told how he and various of the accused stoned buses in various streets of the townships during that weekend.

Under cross-examination, he repeated that their purpose was to "pocket Mr Coetzee, head of the PE Tramsways, to make him reduce bus fares".

He said they also intended to disrupt a community council meeting because the council was composed of sell-outs.

When he was taken back over his evidence, he contradicted his previous testimony with regards to the alleged activities of two of the accused.

He also admitted he did not know the names of some of the accused, because they addressed each other as "Comrade".

He said he had identified those whose names he did not know by photographs.

After being arrested and detained for three days, he had made a statement and was then released.

He said he was not told he would have to testify until he was brought to court at the beginning of this trial.

He said although he and the others were told of community council meetings and Pebco gatherings, nobody specifically ordered them to disrupt the community councils or stone buses.

(Proceeding)

# SA advocates for Ciskei prosecutions

4/10/83 331 D. Ros/Parker

BISHO — The Ciskei Government has obtained the services of two advocates from the Johannesburg Bar to prosecute in the cases of police and army officers detained two months ago.

This was confirmed by the Attorney-General, Mr W. F. Jurgens, yesterday afternoon.

They are Mr P. C. Oosthuizen, SC, and Mr J. W. F. Jaarsveld.

Mr Jurgens said the two advocates would be added to his staff for the duration of the case or cases following the investigation.

He said they were independent advocates and were not from the office of the Transvaal Attorney-General.

Mr Jurgens said his office had received dockets and documents relating to police investigations and they had been handed over to the two advocates.

"We hope to be in a position within the next two weeks or so to decide whom to prosecute," he said.

More than 18 officers, including the former head of the disbanded state security department, Lieutenant-General Charles Sebe, were detained in July. — DDR.

# State says two guilty of treason

Pretoria Bureau

THE State Prosecutor asked the Pretoria Supreme Court yesterday to find two Soweto men guilty of high treason because there was sufficient evidence for their conviction.

Mr J J Pelser said during argument the court should also find one of them, Mr Jacob Molefe, 23, guilty of attempted murder.

Mr Molefe and Mr Alpheus Zacharia Molotsi, 28, have pleaded not guilty before Mr Justice H H Moll to high treason and taking part in terrorist activities and attempted murder but admitted to having received military training in Angola, Russia and Tanzania.

The State also claims that they attempted to kill two people in the Transvaal in February this year.

He said the two men had both admitted undergoing military training outside the country and joining the ANC.

Mr Molefe had fired at the members of the Security Police, and had a revengeful attitude towards them, he argued.

Earlier Mr Molefe said under cross-examination by the prosecution that if discharged he did believe he would again further the aims of the ANC because it would mean going to jail.

The trial continues today.

# Accused refutes admissions

331

Star 5.10.83

**Pretoria Correspondent**

An African National Congress member has refuted admissions he made earlier to a Pretoria magistrate.

Mr Jacob Molefe said in the Pretoria Supreme Court yesterday he had made the admissions for fear of being assaulted.

Mr Molefe and Mr Alpheus Zacharia Mólosti have pleaded not guilty to high treason, alternatively participation in terrorist activities, and attempted murder.

Mr Molefe denied entering South Africa in February this year to build and equip hiding places for firearms.

# Second man refuses to testify

E. Post 5/10/83 331

By CHRIS RENNIE

THE case against 11 men charged with public violence suffered a setback in the Port Elizabeth Regional Court today, when a second State witness refused to testify.

The 11 are facing charges of public violence and malicious damage to property arising from the stoning of buses in the townships on July 31 and August 1.

On Monday, Mr Patrick Mncedisi Dlongwana, who was warned as an accomplice, told the court how he and various of the accused had stoned buses during that weekend.

He said their motive was to hurt the bus company till it agreed to reduce fares.

Yesterday afternoon, the second witness called by the State, Mr Sakiwe Christopher Sokutu, refused to take the oath and testify.

He was warned that in terms of the Criminal Procedures Act, he could be sentenced up to a maximum of two years.

Mr P G Majodina appeared for him today, and asked that the inquiry be postponed to tomorrow to allow him to take proper instruction.

Immediately afterwards the third State witness, Mr Nugani Motaung, also refused to take the oath.

He said there was no reason for him to do so, as he was not going to give evidence.

(Proceeding)

Mr G Steyn, president of the Regional Court, was on the Bench. Mr H Goosen appeared for the State. Mr D J Skweyija, instructed by S Nkanunu and Co, appeared for the defence.

# Judgment soon in marathon treason trial

331
Star
6/10/83

**Pretoria Correspondent**

Judgment is expected on October 17 in the marathon high treason trial of two African National Congress members here.

Mr Alpheus Zacharia Molotsi and Mr Jacob Molefe pleaded not guilty to a charge of high treason, alternatively taking part in terrorist activities and attempted murder, although they admitted undergoing military training at ANC camps in Angola.

Mr Molefe testified that he still supported the ANC's political ideas.

The trial lasted much longer than originally expected, despite being cut short by certain admissions by Mr Molotsi and Mr Molefe.

Mr Justice Moll was on the Bench. Mr D Soggot appeared with Mr M Basslion for the two accused. Mr J J Pelser prosecuted.

# Silent witnesses get six-month sentences

6/10/83 331 DAM E-Post

By CHRIS RENNIE

TWO witnesses who refused to testify for the State in the trial of 11 young men on charges of public violence were each sentenced to six months' imprisonment by the Port Elizabeth Regional Court today.

Both Mr Sakiwe Sokutu and Mr Vuyani Mortaung refused to testify against the 11 men, who were alleged to have stoned buses in the townships during the weekend July 31/August 1.

Through their legal representative at the inquiry today, Mr P G Majodina, they said their refusal was based on two grounds — it was against their conscience to testify against the accused and they feared serious reprisals against themselves and their families if they did so.

The defence conceded that the court found this did not constitute "just cause" for refusl in terms of the Act.

When the trial of the 11 resumed, Captain C J Roelofse of the security branch was called to the witness box.

He said after receiving certain information he went to a school in Mahakana Street on the afternoon of July 31. There he saw a group of 20 to 25 people, including five of the accused, whom he knew.

While he was watching them a bus approached and the whole group surged forward and stoned it.

He said he knew the five men well from previous dealings with them. Sokutu was also among the group.

Mr D J Skweyija, for the defence, applied to the court for an inspection of the alleged scenes before he cross-examined Capt Roelofse.

(Proceeding)

Mr G Steyn, president of the Regional Court, is on the Bench. Mr H Goosen is appearing for the State. Mr Skweyija, instructed by S Nkanunu, is appearing for the rest of the accused.

# Clenched fist as students face treason charges

ARGUS 6/10/83

**Argus Correspondent**

JOHANNESBURG. — A Witwatersrand University student, Carl Gerhardus Niehaus, 23, waved a clenched fist after being told by a magistrate here that he is to appear in the Supreme Court on a treason charge on November 7.

Mr Niehaus and his fiancée, Miss Johanna Lourens, 23, a mathematics teacher at the C J Botha High School in Bosmont, will both be charged with treason, terrorism (under the Internal Security Act) and two other charges under the Internal Security Act.

They will be charged with being members of the banned African National Congress and with furthering the aims of this organisation, and with alternative charges of terrorism.

**PAMPHLETS**

The State alleges they formed an organisation called the Afrikaanse Sosialistiese Alliansie (ASA) for the purpose of supporting the ANC, the Communist Party of South Africa and the South African Congress of Trade Unions (Sactu), among others.

They are also alleged to have distributed pamphlets, some of which called for a rejection of military service.

An indictment for the Rand Supreme Court for the two alleges that they helped four people to leave the country with the object of joining the ANC, and "identified a gas factory of the Johannesburg City Council as a target of sabotage for the ANC".

**COPIES**

Several documents attached to the indictment are alleged to be copies of those distributed by the two.

These include a document entitled Stand up Against the Oppressors — Resist National Service, and A Luta Continua ! — a document published by the ASA.

# Intimidation: man fined 7/10/83

EAST LONDON — A Mdantsane man was convicted yesterday of intimidating commuters at a city bus terminus.

Mr Mandisi David Samana, 29, of NU 9, Mdantsane was fined R100 (or 50 days) and sentenced to nine months imprisonment suspended for five years when he appeared in the magistrate's court here.

Evidence before the court was that Mr Samana shouted at people, asking why they were using buses and not taxis at the Pontoon Road bus terminus on August 5. He also moved his hand over his throat, indicating that they would have their throats cut if they boarded the bus.

The court was asked to take into consideration that Mr Samana had been unemployed for eighteen months, that he had a crippled mother to look after and that his offence was committed at the time of a general bus boycott.

In passing sentence, Mr N. R. Oosthuysen said intimidation was a serious crime which could not be tolerated and that the interests of society must weigh more than the personal circumstances of the accused.

Mr D. van Lamp appeared for the State and Mr M. M. R. Jeram appeared for the defence. — DDR

# Journalists in court today

CAPE Times 351
7/10/83

**Own Correspondent**

JOHANNESBURG. — Twenty-three newspaper employees — 21 of them journalists — are to appear in the Johannesburg Magistrate's Court today after a placard demonstration was broken up by police at the Carlton Centre, Johannesburg, yesterday.

The demonstration — against an alleged attack earlier this week on squatters and journalists by officials of East Rand Administration Board — was staged by some journalists of English-language newspapers.

The arrested reporters are all members of the Southern African Society of Journalists (SASJ) and the other two are members of the Media Workers' Association of South Africa (Mwasa).

They are all to be charged in terms of Section 46 (3) of the Internal Security Act, which prohibits unauthorized gatherings.

Also taken into custody was a financial consultant, who is to be charged with obstructing police in the execution of their duties.

## TV crews

Uniformed and plainclothes policemen arrested the demonstrators as several foreign television crews were filming them.

The journalists had gathered at the Carlton Centre at noon with posters stating "Violence doesn't silence", "Broken bones don't make homes", and "Don't beat us, read us".

The journalists, the Mwasa members and the financial consultant were released after being warned that they had to appear in court today.

# Demo journalists' case postponed until 1984

The 23 newspaper employees who were expected to face charges under the Internal Security Act in the Johannesburg Magistrate's Court today did not appear as allegations against them were still to be investigated.

They were arrested during a placard demonstration outside the Carlton Centre yesterday.

Also arrested was insurance broker Mr Courtenay Harebottle. At the Magistrate's Court today allegations of obstructing police in the course of their duty were dropped against Mr Harebottle.

The 23 people, among whom were four employees of The Star and 18 of South African Associated Newspapers, were waiting outside the court at about 11 am when Mr D Dison, who was to appear for the SAAN employees, told them allegations against them had still to be investigated.

Mr Dison said he had talked to senior prosecutor Mr A de Vries this morning, and that it was revealed summonses against the 23 would be issued early next year.

A relieved Mr Harebottle said he was happy that it was all over but annoyed that it had happened in the first place.

"I was worried about the future of my wife and five-week-old daughter," he said.

The appearances of the 23, of whom 21 were journalists, followed their arrests during a peaceful demonstration to protest against the alleged beating up of squatters and journalists by officials of the East Rand Administration Board in Katlehong on Tuesday.

# r puny hike?

ng Cape Town Municipal Work- is conducting a comprehensive age negotiation machinery fol- age 12 percent pay hike last mbers found inadequate.

ting of ecently ic Cen- ntracted mem- "note" to es- mittee ittee has to pre-

sent a comprehensive report to the members on all aspects affecting remuneration.

This is a massive task, bearing in mind the hundreds of job categories, and the report is expected only early next year, according to Mr John Erentzen, general secretary of the union.

DEMANDS

# AINGN'T NA DEMAND P




B

**THE last of a the Strand, left in Mecca after allegedly been returned home.**

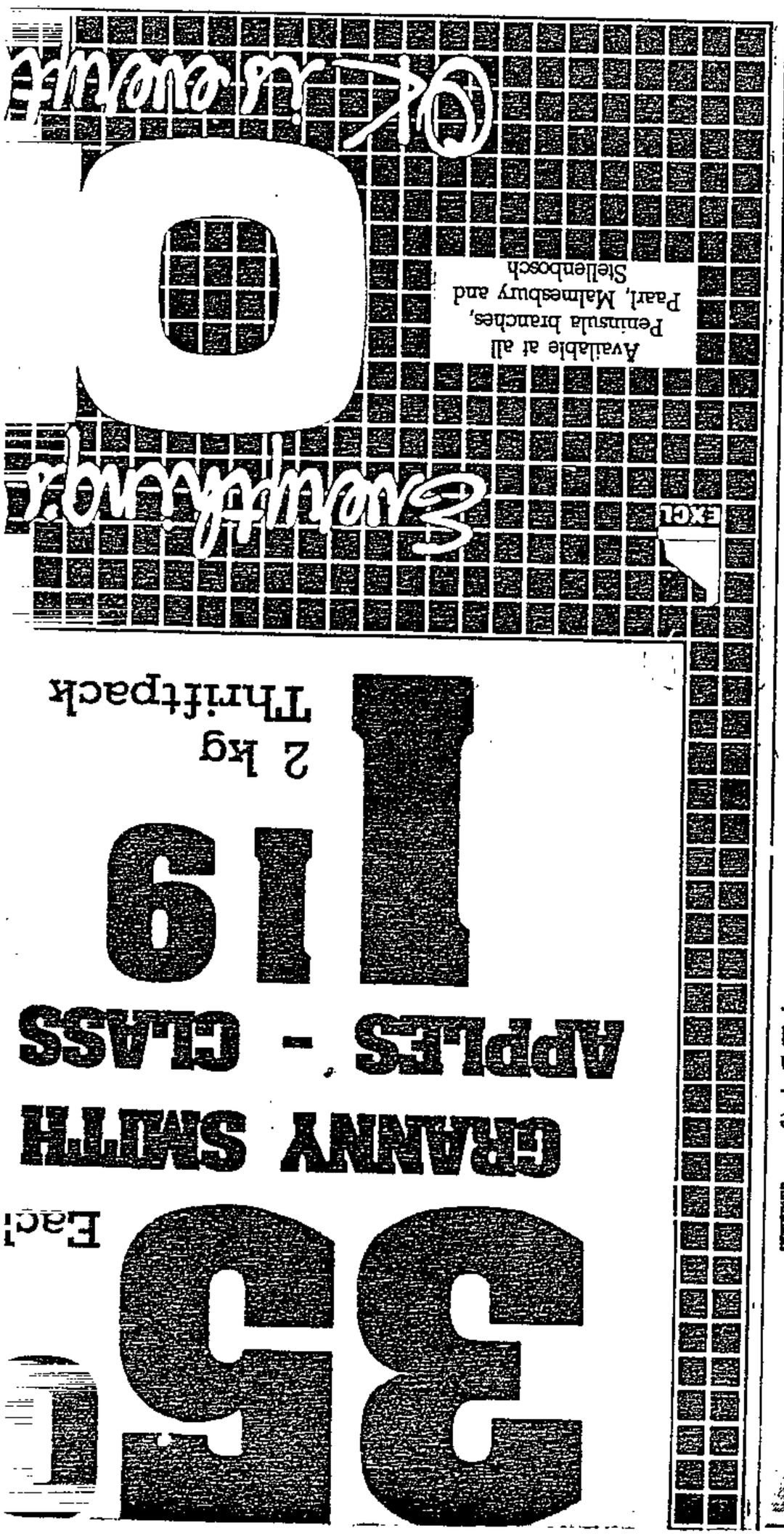
The relieved pilgrims said the matter will be referred to the religious


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Written heads of arguments are to be submitted by both parties by the end of this week. The judges would then prepare a judgement, unless they felt further oral argument was necessary, Mr Justice Margo said.

Mr M Bassion appeared with Mr Maiier. Mr F Du Toit appeared for the State.

Collecting the documents did not, however, constitute active participation in the banned organisation's activities, but was a passive situation which should be mitigatory, their counsel, Mr C R Maiier told the court last week.

Mr Justice Zulman, on the bench with Mr Justice Margo, said from the evidence, the court did not know for what purpose the documents had been collected or how many documents had been collected or what the nature of the documents was.

Both had pleaded guilty to a charge of contravening the Internal Security Act in that they possessed PAC literature.

Mr SM Ngcobo who was also sentenced to 30 months imprisonment on the same charge, has also appealed against his sentence.

**in the Pretoria Supreme Court, for further argument.**

# Banned literature trap: journalist's appeal postponed

THE Appeal of a senior Sowetan reporter, Joe Thloloe, against his 30-month sentence for collecting literature published by the banned Pan Africanist Congress (PAC), has been postponed in the Pretoria Supreme Court, for further argument.


Snowflake
EXCL
1 9
2 kg Thriftpack
35c Each
GRANNY SMITH APPLES - GLASS

8/10/83

# Probe ordered over 23 in Jo'burg placard protest

By MIKE LOUW

TWENTY-THREE people — mostly journalists — waiting to appear in the Johannesburg Regional Court yesterday, were told to leave because allegations against them were still to be investigated.

They had waited outside the court for about three hours when a member of the defence team, Mr David Dison, told them they could leave.

He said the senior public prosecutor, Mr Andre de Vries, had given instructions that allegations against them should be investigated by the police and they would be summoned to appear in court if they were to be prosecuted.

The 23 were arrested during a protest demonstration at which they displayed placards at the Carlton Centre, Johannesbureg, on Thursday. They were taken to John Vorster Square where they were warned to appear in court yesterday in connection with an allegation of holding an unauthorised gathering and procession.

They were protesting against an alleged attack on squatters and journalists by East Rand Administration Board (ERAB) police at Katlehong, near Germiston, on Tuesday.

Those arrested were 20 journalists and three other employees, all belonging to either the Southern African Society of Journalists (SASJ) or the Media Workers' Association of South Africa (Mwasa).

The journalists involved were Mrs Ethel Hazelhurst, Mr Wim Vanvolsem, Ms Jayne la Mont, Ms Pat Schwartz, Ms Sue Carroll, Mr Bryan Peazon, Ms Gail Irwin, Mr Jimmy Tloti, Ms Edwina Collier and Mr Jurgen Benzon, all of the Rand Daily Mail; Ms Berys Behr, Mr Ezra Mantini and Mr Dan Maivha, of the Sunday Times; Ms Stephanie Venter, Ms Sara Crowe and Mr Lucien Buckley, of the Sunday Express; Mr Jimmy Beaumont, Ms Ronit Loewenstern, Ms Carolyn Dempster and Mr Joe Openshaw, of the Star.

The others are Mr Aubrey Mazibuko, Mr Phillip Msibi and Mr David Mthetho, all messengers of South African Associated Newspapers.

An allegation of obstructing police in the execution of their duties against a financial consultant, Mr Courtenay Harebottle — also arrested during the demonstration — was withdrawn by the State Prosecutor.

Asked by the Rand Daily Mail how he felt while prosecution was pending against him, Mr Harebottle replied: "It was an uncomfortable feeling because I was worried about my wife and our only child, a daughter born five weeks ago.

"I now feel very much relieved, but I am angry that it happened."

The Editor of the Rand Daily Mail, Mr Rex Gibson, was among those who waited outside the court.

A Rand Daily Mail reporter, Mr Montshiwa Moroke, who sustained serious injuries when, it is alleged, he was assaulted by ERAB police while reporting on the removal of Katlehong squatters, is still in hospital.

# Gerhardt defence in camera

CAPE TIMES 12/10/83 331 279

**Chief Reporter**

THE defence case in the trial of Commodore Dieter Gerhardt and his wife Ruth, on a charge of high treason, opened in the Supreme Court, Cape Town, yesterday behind closed doors and amid the tight security that applied during the State case, which lasted more than three weeks.

Representatives of the news media were allowed into court for a few minutes only at the outset of yesterday's proceedings, while the Attorney-General of the Cape, Mr D J Rossouw, SC, made a fresh application for the rest of the trial to be conducted in camera.

## 'Justified'

Replying to the Judge-President, Mr Justice Munnik, the leaders of the *pro Deo* defence team, Mr G D van Schalkwyk, SC, for Commodore Gerhardt, and Mr G R de M Hofmeyr, SC, for Mrs Gerhardt, said that they did not intend opposing the application.

In giving his ruling that the proceedings continue in camera until the end of the trial, the Judge-President said evidence given so far had "amply justified" his original ruling that the case be heard behind closed doors.

Both Commodore Gerhardt, a former commanding officer of the SA Naval Dockyard at Simon's Town, and his Swiss-born wife have pleaded not guilty to the charge of high treason, and it is expected they will testify in their own defence.

● Commodore Gerhardt, who held an important post at Defence Headquarters in Pretoria before being put in command of the naval dockyard, is accused, in a seven-page indictment, of working with agents used by the Soviet Union over a period of 21 years, from 1962 to January 1983.

Mrs Gerhardt is accused of aiding her husband in his alleged espionage activities and, among other things, of acting as his courier over a period of 13 years, from 1970.

The State alleges that both Gerhardts received training for espionage activities and that they received periodic payments from the Soviet Union or from agents used by the USSR.

## Exhibits

● Exhibits at the "spy" trial — understood to be mostly documents — fill 17 large steel trunks, which have been part of the courtroom scene since the start of the case on September 5.

Mr E Pretorius is appearing, with the Attorney-General, for the State.

Mr W G Thring is appearing *pro Deo* with Mr Schalkwyk, and Mr A H Veldhuizen is appearing *pro Deo* with Mr Hofmeyr.

The defence-instructing attorney, appointed by the court, is Mr J F van Niekerk of Silberbauers, Cape Town.

The two assessors sitting with the Judge-President are Mr W S O'Brien and Mr B L O'Leary.

# Arms 'hidden on VIP game fa

CAPE Times 12/10/83 (331)

Own Correspondent

OHANNESBURG. — A ame farm near Pretoria here cabinet ministers nd VIPs are entertained egularly was allegedly sed by the Afrikaner Veerstandsbeweging AWB) to cache arms, including several AK-47 rifles, mine parts, a missile nd more than 4 000 rounds f ammunition.

The leader of the movement, Mr Eugene Terre'lanche, 38, of Ventersorp; a former member, Mr acob Viljoen, 37, of lerksdorp; the AWB secretary, Mr Jan Groenewald, 37, of Pretoria; and a prominent Springs town councillor, Mr Dawid Botes, 44, are appearing before Mr Justice H P van Dyk in the Pretoria Supreme Court on charges of terrorism under the Internal Security Act.

They also face several alternative charges of taking part in terrorist activities and unlawful possession of firearms and explosives.

They are alleged to have had arms, explosives and ammunition in their possession at the farms Shanandoah, Middelbult and Witrandjiesfontein in the districts of Cullinan, Delmas and Ventersdorp. The arms are all before the court as exhibits.

All four have pleaded not guilty to all charges.

The ranger and foreman of the game farm Shanandoah, Mr Kobus Erasmus, told the court that Mr Kees Moes, owner of Roodeplaat Dam Motors, had given him two locked steel trunks early last year which he had been asked to keep.

The next day Mr Moes and his son Herman had hidden the trunks under a tree on a koppie.

Two weeks later Mr Botes and Mr Groenewald had arrived with young Herman Moes and had taken the trunks with them. "A young man Botha, son of a well-known dignitary, was at the farm at that moment," said Mr Erasmus.

He said the farm belonged to a prominent Pretoria attorney, Mr W A Vermaas, who often entertained VIPs and cabinet ministers there.

Mr Erasmus admitted that he had lied to the court when he had said that there had been no ammunition box with the trunks.

He also admitted giving evidence to please the police. "I don't fear the accused. I only fear being prosecuted myself," he said.

A former member of the AWB Hoofraad, Mr Antonie Johannes du Plessis, who lives on the farm Middelbult near Delmas, told the court that early last year he had received a phone call from Mr Botes saying that he had to go to the Pretoria headquarters of the AWB "to pick up a photostat machine".

On arrival, however, he had been told to follow Mr Botes and Mr Groenewald. They had picked up a young boy and Mr Du Plessis had been told to wait at the roadside.

"When they returned they loaded two trunks into my car and told me to take it to my farm and keep quiet about it, as it was very important," he said.

Mr Botes had followed him to his house and there they had broken open one of the trunks and had found camouflage uniforn parts of a gun sticki Mr Du Plessis's b Joshua, who had do der duty, had identif gun as an AK-47 a pieced it together.

Mr Du Plessis ha told Mr Botes: "Yo take this away from don't want that rubl my house."

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# ns 'hidden on VIP game farm'

CAPE Times 12/10/83 (331)

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He also admitted giving evidence to please the police. "I don't fear the accused. I only fear being prosecuted myself," he said.

A former member of the AWB Hoofraad, Mr Antonie Johannes du Plessis, who lives on the farm Middelbult near Delmas, told the court that early last year he had received a phone call from Mr Botes saying that he had to go to the Pretoria headquarters of the AWB "to pick up a photostat machine".

On arrival, however, he had been told to follow Mr Botes and Mr Groenewald. They had picked up a young boy and Mr Du Plessis had been told to wait at the roadside.

"When they returned they loaded two trunks into my car and told me to take it to my farm and keep quiet about it, as it was very important," he said.

Mr Botes had followed him to his house and there they had broken open one of the trunks and had found camouflage uniforms and parts of a gun sticking out. Mr Du Plessis's brother Joshua, who had done border duty, had identified the gun as an AK-47 and had pieced it together.

Mr Du Plessis had then told Mr Botes: "You must take this away from here. I don't want that rubbish in my house."

A few weeks later, after an AWB meeting in Sundra, the four accused had stayed at his farm for the night.

"The next morning I heard Mr Terre'Blanche having a fierce argument with Mr Botes. I deduced they were talking about the trunks. Mr Terre'Blanche said that it was 'a cheek' to bring the goods there and ordered that they should be removed immediately," he said.

Mr Viljoen had then driven off with the trunk in the official AWB car. Mr Botes had told Mr Du Plessis later that "the goods had been destroyed and dumped in a river".

The hearing continues today.

# Student denies exam threats

ZWELITSHA — A Fort Hare student, Mr Cedric Mhlongo, 19, denied yesterday that he intimidated other students and prevented them from writing tests last month.

He has pleaded not guilty to a charge of intimidation before Mr J. Kotze in the regional court here.

At the request of the prosecutor, Mr B. D. Nel, the case was held in camera to safeguard witnesses. The press was allowed to remain but ordered not to reveal the names of the witnesses.

Mr Mhlongo said there was a call to students not to write tests last month. On September 15 he went to the lecture halls to find out if the majority of the students wrote tests or not.

While standing with a group of students, the complainant who may not be named, arrived on the scene with another group and accused him (Mhlongo) of intimidating students who wanted to write their tests. He said he denied this and an argument developed.

On the following day he was confronted by the complainant who accused him of double standards. He wanted to know why he had written his test when he had stopped others from doing so.

The complainant forced him to confess that he had intimidated students and that he had written his test.

He said the confession he had to write down was not made freely and voluntarily. He was threatened with assault if he did not write it.

Two state witnesses said they were prevented from writing their tests by Mr Mhlongo and other students. Later they learnt that he had written his test and when they confronted him on this, he admitted that he had written the test.

The complainant said that to protect himself from being accused of intimidation he told Mr Mhlongo to write a statement.

The case continues on Monday. — DDR.

Cape Herald, 15/10/83

# Video used in rents demo trial

A VIDEO tape of a rents protest in September was used as evidence in the Paarl Magistrate's court last week in the trial of 98 Mbekweni people appearing on charges of holding an illegal gathering or failing to disperse on the instructions of a police officer.

The residents were part of a group of 171 people who were appearing in two separate courts last week in a sequel to a rents protest march held in Mbekweni on September 1.

The video cassette recording was made by a member of the police and showed the placard-bearing residents being told to disperse by Major Nic Slabber of the Paarl police.

The 98 residents appeared in A court and were told by the magistrate, Mr A F J Louw, that the film was treated as an inspection in loco.

"This is not circus entertainment," he said.

According to scenes on film, the residents held banners demanding electricity and lower rents, better houses and rejecting "dummy community councils" and the township's superintendent, Mr Marius Steyn.

They were confronted by the police and some of them were loaded into police vans while others sang and clapped.

The magistrate postponed the trial, which ran for two days last week, to November 8 at the request of the group of defence attorneys from Omar, Vassen, Sonn and Abercrombe.

Advocate A M Omar, representing 24 of the accused, told the magistrate, Mr P le Riche at the start of the trial on Tuesday morning that the residents had gone to the offices of the Western Cape Administration Board when they received notices of rent increases because they had no alternative.

Mr M J Steyn, the WCAB general manager of Mbekweni, said the proposed rent increases were first discussed with the community council in 1981. He did not know residents were upset until he saw about 300 residents outside his offices on September 1.

One of the accused could not attend the hearing as she was sick in hospital.

Mr Omar led the defence in B court, with Mr E Daniels and Mr M S Nacerodien. Mr P Sonn led defence in A court.

Proceedings in both courts took some time to get underway on Tuesday morning and started after 10.30 only.

Mr Omar asked for a postponement to give him more time for proper consultations with his clients. He feared that his lack of knowledge of the concrete details of the incident could prejudice the case against the accused.

In A court, the proceedings were disrupted twice in just over five minutes on Tuesday morning when the magistrate, Mr Louw, refused to start the proceedings because the accused, spilling over into the public gallery, were not quiet were not numbered.

# 11 appear on charges of treason and murder

By CHRIS RENNIE

STRINGENT security measures were enforced when 11 men appeared in the Port Elizabeth Magistrate's Court today on charges ranging from high treason to murder and fraud.

They are Mr Rufus Nato Nzo, 34, Mr Douglas Mnyisile Tyutyu, 48, Mr Sipho Fielden Hina, 44, Mr James Ngqondela, 54, Mr Mzayifani William Khame, 57, Mr Mzimkulu Temi Kameh, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Vukele Gumenge, 29, and Mr Nceba Christopher Faku, 27.

They were charged with:

- High treason, alternatively contraventions of the Terrorism Act, alternatively sabotage.
- Illegal possession of prohibited publications.
- Illegal possession of machineguns and hand grenades.
- Illegal possession of ammunition.
- Illegal possession of explosives.
- Murder.
- Nine counts of malicious damage to property.
- Four counts of attempted murder.

Mr Tyutyu was also charged with leaving the country without a passport and Mr Nzo with fraud.

On instructions from the Attorney-General they were not asked to plead, but were referred for summary trial in the Supreme Court in Grahamstown on February 1.

The case is set down for hearing by the Judge-President, Mr Justice Cloete.

The accused were formally served with a notice of trial, the indictment, a summary of substantial facts and a list of State witnesses. They said they would arrange for their own legal representation and witnesses.

Mr W de Vaal Lubbe was on the Bench. Mr P J Strauss, Deputy Attorney-General, appeared for the State. Mr T T Majodina and Mr S Nkanunu appeared for the defence.

# Sisulu pleads not guilty

**A POLICE film was shown to court officials in the Krugersdorp Regional Court yesterday at the start of the much-awaited trial of Mrs Albertina Sisulu who is facing charges of furthering the aims of the banned ANC.**

By NKOPANE MAKOBANE

Security was tight inside and outside the courtroom where Mrs Sisulu (66) is appearing with Mr Thami Mali (25), a Soweto school teacher. Both pleaded not guilty before Mr T J le Grange.

The appearance of the two is a sequel to the funeral service of Mrs Rose Mbele, a former member of the Federation of South African Women, who was buried in January last year.

A number of press cuttings from **The SOWETAN** on the funeral were handed in as exhibits.

According to the charge sheet, Mrs Sisulu and Mr Mali allegedly sang ANC songs during the funeral service, praised the organisation, distributed ANC pamphlets and stickers, displayed its flag and draped Mrs Mbele's coffin with the ANC flag.

The two are also alleged to have distributed pieces of paper with ANC colours on them and to have been wearing mourning ribbons in the ANC colours.

During yesterday's proceedings, the court adjourned for more than half-an-hour while court officials viewed a film of Mrs Mbele's funeral procession. When the proceedings resumed, Mr George Bizos, SC, said the two admitted to having been on a horse-drawn cart which carried Mrs Mbele's coffin.

He also said it was obvious from the film that someone had handed out papers to people arriving at the church where the service was held, but that they had not been handed out indiscriminately.

Apr 18/89

# ANC case: witness, 33, for life

By Terry Friend, West Rand Bureau

A prosecutor's request that the evidence of a witness be heard because he feared for his life, was granted in the Krugersdorp Regional Court today.

Mrs Albertina Sisulu and Mr Thami Mali (66) have pleaded not guilty to charges of furthering the aims of the National Congress.

The case arises from incidents at a funeral in Orlando West on January 16 last year.

The State alleged that flags were carried, songs and slogans were sung and banners displayed.

ANC colours were distributed, and Mbeki was praised.

Mr Sisulu, 67, was in court in black skirt, green and yellow, black beret, and a beret coloured like the ANC colours that Mrs Mbeki was wearing.

Mr Mali, 27, was in court in black skirt, green and yellow, black beret, and a beret coloured like the ANC colours that Mrs Mbeki was wearing

# Mrs Sisulu on ANC charges

AKGUS 18/10/83

331

KRUGERSDORP. — A request by a prosecutor for the evidence of a Soweto witness to be heard in camera because the witness feared for her life, was granted in a Terrorism Act trial in the regional court here today.

Mrs Albertina Sisulu, 66, and Mr Thami Mali, 27, a teacher, have pleaded not guilty to furthering the aims of the banned African National Congress (ANC).

The case arises from incidents at a funeral in Orlando West on January 16 last year.

## ANC flag

The State alleges that ANC flags were displayed, the coffin of Mrs Rose Mbele was draped in ANC colours, ribbons in ANC colours were worn, pamphlets and stickers were distributed, and songs praising the ANC and its leaders were sung.

The prosecutor, Mr A R van Wyk, applied for further evidence to be heard in camera because the witnesses to be called feared for their lives. Mr Jack le Grange granted the application.

The hearing resumed an hour late today as the defence and the prosecution considered matters from a tape recording made at the funeral, and transcriptions of the tape.

## Inkatha colours

Among the spectators in the heavily-guarded courtroom was a woman in what the defence says is the Inkatha uniform of black skirt, khaki shirt, epaulettes in black, green and yellow, black beret, and a beret flash in the same colours as the epaulettes.

Mr George Bizos, SC, for the defence is contending that the three colours are not exclusive to the ANC.

During a recess today, Mrs Sisulu, dressed in red, laughed and joked with several friends, among them Mrs Helen Joseph, for many years a banned person. — Sapa.

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...negotiators would not recom-...e or rejection of the offer, but "highly unlikely" that workers

... had amended its wage offer ...om 8% to 9%.

...phosa said, a "more serious" been created by a revised cham-...ervice increments for workers. demanded that workers receive ... of their pay for every year they at the refinery.

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...ted this, demanding that the ... calculated from the day work-ed.

...hosa said the chamber had now offer and was offering a R1,20 a for each year of service — but ...vided that no worker would re-than R30.

...ans men with 25 years' service ...tually nothing, and I cannot see ...s accepting this," Mr Ramaphosa

...eting rejected the offer, NUM inform the Department of Man-the conciliation board had failed ... dispute, he said.

Mr Ramaphosa pointed out, the ... not call a legal strike at the ...il another 30 days had elapsed.

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...on ... mon strategy.

In its statement, Dunlop said it had offered the 1 100 operatives at the plant a 40c per hour rise over a 15-month period, whereas the union wanted 31c per hour over 12 months.

It said it was willing to negotiate "at all times" on this. It said it understood that the union had "limited re-sources to meet an extended negotiation" and implied this was why it had declared a dispute.

Dunlop said it could not agree to MAWU's demand that its production incentive bonus be changed to an annual bonus regardless of worker output.

The incentive scheme had "operated successfully for over 25 years" and was in line with similar schemes overseas "even in socialistic countries".

# Group to attend unity talks

**Labour Correspondent**

THE Federation of SA Trade Unions is likely to attend the next round of emerging union unity talks in November — despite earlier suggestions that it would quit the present talks.

This emerged yesterday after a meeting of FOSATU's central committee at the weekend discussed whether to remain part of the current unity initiative.

FOSATU is the biggest of the emerging union groups.

Its president, Mr Chris Dlamini, said yesterday that the central committee had taken no firm decision on the unity issue, although he confirmed that the issue had been discussed.

Asked whether this meant FOSATU would attend the November meeting, Mr Dlamini said: "It seems we will be there."

Union sources have reported "growing frustration" within FOSATU's ranks on the progress of the unity talks, which aim to weld emerging unions representing more than 250 000 workers into a powerful new federation.

As a result of this, FOSATU convened a seminar late last week to discuss the unity issue and its recommendations were conveyed to the central committee at its weekend meeting.

Although there have been differences of opinion between FOSATU and the Food and Canning Workers Union at previous unity talks, the key source of the federation's "frustration" appears to be continuing differences between the older and newer emerging unions.

Older unions like those in FOSATU charge that the newer unions are unwilling to discuss details of the new federation and have instead engaged in "rhetoric" at unity meetings.

They allege that this has led to "little progress" being made.

The newer unions, however, deny suggestions that they are not fully committed to launching a new federation.

# SP video shown as Sisulu's wife, teacher in court

By SOPHIE TEMA

A VIDEO TAPE made at a funeral attended by Mrs Albertina Sisulu and a Soweto teacher, Mr Thami Mali, early this year was shown to counsel and court officials in the Krugersdorp Magistrate's Court yesterday.

A hearing, at which Mrs Sisulu and Mr Mali face charges for allegedly taking part in activities of the African National Congress, started yesterday before Mr T J le Grange.

Both Mrs Sisula and Mr Mali are being held in custody.

The State alleges that on January 16 this year, at the funeral of Mrs Rose Mbele in the Holy Cross Church, Orlando West, Mrs Sisulu and Mr Mali sang songs praising the aims of the ANC, its activities and leaders. The State further alleges that they;

- Distributed pamphlets or stickers;
- Displayed ANC flags;
- Draped the coffin of the deceased with an ANC flag;
- Distributed pieces of paper in the ANC colours and wore the same as mourning ribbons;
- Praised the deceased for furthering the aims and objectives of the ANC;
- Created sympathy and support for the ANC, its leaders, officials or members; and
- Conspired with each other and with other persons to commit, bring about or perform any of the above mentioned.

Warrant-Officer Johann Petra Cecil Steyn, of the Soweto Security Police, told the court he and a Major Schoeman were on duty at the Holy Cross Church on January 16 this year.

He said he used a video camera to film activities before and after the service at the church and later at the graveyard.

The magistrate said the video clearly showed a woman in front of the church holding a plastic bag and distributing something to people entering the church.

Next to her stood a man with a raised, clenched fist.

When the procession left the church, a flag of black and green was seen at the head of the procession and the coffin, carried in relays to the graveyard, was draped with a flag of black, green and gold.

The hearing is proceeding.

# Zwi welcomes reappointment

By HELENE ZAMPETAKIS

PROFESSOR Saul Zwi's reappointment as dean of the University of the Witwatersrand Medical School was an expression of confidence in his ability and a recognition that he had not done anything wrong in the first place, he said yesterday.

Prof Zwi was referring to the uproar earlier this year when a Sunday newspaper revealed that several highly-placed medical officials had accepted "sweeteners" from pharmaceutical companies.

The report disclosed that Prof Zwi had accepted credit card payments from a drug company eight years ago and a further payment amounting to almost R400.

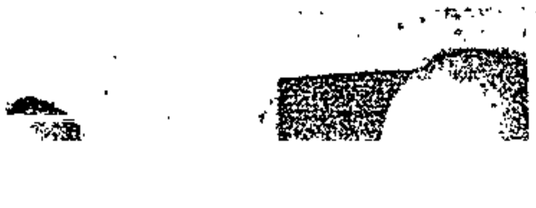
Prof Zwi resigned as Dean of the Medical Faculty two months after his appointment, despite a widespread outcry from medical students and university staff.

Sources at the Wits medical school said Prof Philip Tobias, the faculty's previous Dean, was "largely instrumental in his reappointment".

The University Council agreed to reappoint Prof Zwi in September, but decided to have the executive committee of the Transvaal Provincial Administration review the appointment.

However, Prof Zwi will remain in office only until December. Prof Maurice McGregor, from McGill University in Montreal, accepted the post of Dean several months before Prof Zwi resigned.

When Prof Zwi agreed to take the post, he decided not to accept the deanship for longer than a year because it intefered with his clinical work, he said.



# Defence gets delay ... trial

# Remember ... to vote, says

# Part of Sisulu hearing in camera

331 Sowetan 19/1/87

**By NKOPANE MAKOBANE**

**PART OF the proceedings in the trial of Mrs Albertina Sisulu (66), who is charged with furthering the aims of the African National Congress (ANC), was heard in camera in the Krugersdorp Regional Court yesterday after the State made an application to the court.**

The magistrate, Mr T J le Grange, ruled that the court be cleared after the prosecutor, Mr A R van Zyl, said that the witness was a young man who had been shot and paralysed last year and as a result feared for his life.

The defence did not oppose the application.

Mrs Sisulu, the Transvaal president of the United Democratic Front (UDF), is appearing together with Mr Thami Mali (25), a Soweto school teacher. They have both pleaded not guilty to the charge.

Their appearance arises from a funeral service of Mrs Rose Mbele, a former member of the Federation of South African Women (Fedsaw).

Star 19/10/83

# State evidence irrelevant — defence

By Terry Friend,
West Rand Bureau

Most of what a State expert witness had to say in analysing a police tape of a funeral was irrelevant, defence counsel argued yesterday in the Krugersdorp Magistrate's Court during the trial of two people charged with furthering the aims of the African National Congress.

Mr George Bizos SC gave notice at yesterday's hearing that he would challenge the relevance of "90 percent" of the evidence led by Rand Afrikaans University political science lecturer Mr Isak de Vries.

Mr de Vries was called as an expert witness for the State in the trial of Mrs Albertina Sisulu (66) and Mr Thami Mali (27).

Mr de Vries said this was the 13th trial in which he had testified since February last year. He described himself as "a student of revolution".

## DEFINITIONS

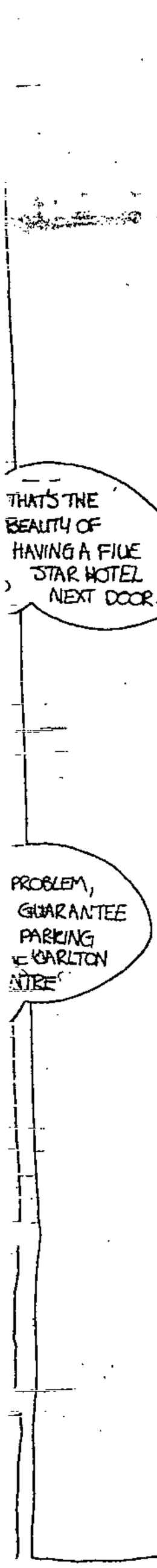
Reading from a prepared analysis of a tape recording made at the funeral of Mrs Rose Mbele in Soweto last year, Mr de Vries gave definitions of aspects of terrorism and sketched the modus operandi of the ANC.

Mr Bizos, during Mr de Vries's evidence, pointed out to the magistrate, Mr Jack le Grange, that the silence of the defence during the reading of "so much generalisation" did not mean he was conceding all that was being said.

Mr de Vries said the ANC had adopted the colours black, green and yellow, and that flags, songs and heores were an important means of drumming up support. He said Mrs Mbele had been a member of the ANC and the Federation of SA Women, which had close ties with the ANC.

At the funeral she had been described as "one of our heroes".

The case continues.




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# Sisulu trial is held in camera

**Mail Reporter**

EVIDENCE from a State witness in the case in which Mrs Albertina Sisulu and Mr Thami Mali are facing charges for allegedly taking part in activities of the African National Congress was heard in camera yesterday.

The prosecutor, Mr A R van Wyk, asked that the court be cleared when the State witness gave evidence because the witness feared for his life. Mr Van Wyk said the witness was shot last year and is now paralysed.

After a ruling by the magistrate, Mr T J la Grange, the public and the Press were barred from the hearing.

Dressed in a deep pink two-piece suit, Mrs Sisulu appeared cheerful and greeted friends and relatives from the dock.

Since the hearing started on Monday, police dressed in camouflage uniforms have been stationed at the main entrance to the courts, and inside and outside the courtroom.

Spectators attending the hearing are questioned and searched before entering the courtroom each day.

The hearing continues today.

# Renault 'may fire Prost'

PARIS. — Alain Prost, pipped at the post for the world driver's championship, could leave the Renault Formula One team, the daily L'Equipe reported yesterday.

The paper noted that Renault said after last Saturday's South African Grand Prix, in which Brazilian Nelson Piquet whipped the world title from Prost's grasp, that the French driver would stay with the team.

But under the headline "Renault: will heads roll?", L'Equipe said tensions within the team could mean the departure of Prost, who had a 14 point lead in the world championship two months ago, only to be overhauled by Piquet in the final race of the season.

"According to our information, no definitive contract has been signed between the driver and the company," L'Equipe said of Prost and Renault. "Therefore, a surprise in this area is not necessarily to be ruled out."

There was no comment from Renault. — UPI.

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# 2 ANC men guilty of high treason

Argus 19/10/83 331

**Argus Correspondent**

PRETORIA. — Two African National Congress members, involved in a shooting with police this year, have been found guilty of high treason.

Giving judgment in the Supreme Court here yesterday, Mr Justice Moll said he rejected Jacob Molefe's evidence on the vital question of whether he fired a shot at the two policemen, who may not be identified.

Molefe and Alpheus Zacharia Molotsi pleaded not guilty of high treason and to alternative charges of taking part in terrorist activities and attempted murder.

They were confronted by policemen in February after entering South Africa from Swaziland.

It had to be accepted that they entered the country with the aim of committing sabotage, the judge said.

Evidence in mitigation will be led today.

331 Star

# ANC men guilty of treason

19/10/83

**Pretoria Correspondent**

Two African National Congress members, who were involved in a shooting incident with police earlier this year, have been found guilty of high treason.

Jacob Molefe and Alpheus Zacharia Molotsi had pleaded not guilty to high treason and, alternatively, participating in terrorist activities and attempted murder.

Giving judgment in the Pretoria Supreme Court yesterday, Mr Justice Moll said he rejected Molefe's evidence on the vital question of whether he had fired a shot at two policemen, who may not be identified.

Molefe and Molotsi were confronted by policemen in February this year after crossing into South Africa from Swaziland.

It had to be accepted that they entered the country with the aim of committing sabotage, the judge said.

Evidence in mitigation will be led today.

Mr D Soggot and Mr M Basslion are appearing for Molotsi and Molefe. Mr J J Pelser is prosecuting.

# Policeman hits at T-shirt slogan

Star 19/10/83

331

A T-shirt which carried the slogan "Halt All Apartheid Tours" would cause further isolation of South African sportsmen, a security police officer told a Johannesburg magistrate yesterday.

Captain Pieter Jacobus Botes was giving evidence in the trial of two people charged under the Publications Act.

Miss Caroline Marjorie Cullinan (27), address given as 8 th Avenue, Mayfair, Johannesburg, and Mr Haroon Mohamed Behra (21), address given as Agapantis Avenue, Lenasia, had pleaded not guilty to charges of producing and distributing 370 sloganed T-shirts which were later declared undesirable in terms of the Publications Board regulations.

The magistrate, Mr L S du Toit, acquitted Mr Behra, saying there was "evidence which proved he was not involved in the production and distribution of the shirts."

On the front of the T-shirt, exhibited in court, was a picture of cricketers playing the game on the chest of a black man tied to stakes on the ground and the words "Halt! All Apartheid Tours."

"The T-shirts were designed by one of the organisations which wanted to keep South Africa isolated from international sports. The release of the shirts was planned to coincide with the recent West Indian cricket tour," Captain Botes said.

He said he believed the displaying of the T-shirts could bring about chaos and create conflict between sports organisation which supported multiracial sports and those that wanted to keep the country further isolated.

The case was postponed until November 23 and Miss Cullinan was released on warning.

# Terror has claimed 47 lives in past eight years

Pretoria Correspondent

**Security Police statistics on loss of life and damage caused by terrorist attacks in South Africa the past eight years have been revealed in a Pretoria Supreme Court.**

Captain Jan Coetzee told the court yesterday that 47 people had died during the course of 197 deeds or attempted deeds of terrorism.

He was giving evidence in the trial of Alpheus Zacharia Molotsi and Jacob Molefe, who have been convicted of high treason and are now awaiting sentence.

Damage caused by terrorist attacks could not be calculated.

The damage caused by the explosion at Koeberg alone ran into millions of rands, he said.

However, he could not say with certainty for how many of the attacks the African National Congress (ANC) had claimed responsibility.

## Sympathisers

He described a report according to which about half of the country's blacks were sympathisers of the ANC as "excessive".

He agreed with the counsel, for Molotsi and Molefe, Mr David Soggot, that youngsters who fled following the riots (like the accused), would be "easy meat for propaganda indoctrination".

Professor B Helm, a professor of applied sociology at the University of Cape Town, described the effect of the 1976 Soweto riots, which led the accused to a critical point in their lives.

The riots destroyed the normal fabric of their lives as they were in constant fear of their own safety, she testified.

Jacob Molefe had described himself as "mesmerised with anger" after witnessing two people being shot close to where he was standing.

## Many fled

He had described his life as a "horror" to her in an interwiew.

Molotsi had told her he had been "physically afraid" of being either killed or arrested from day to day. Many of his friends had already fled the country.

Argument in mitigation for the two will be heard tomorrow.

Mr Justice Moll was on the Bench. Mr M Basslion is appearing for Molotsi and Molefe with Mr Soggot. Mr J J Pelser is prosecuting.

# 'Expert' on ANC at trial of Mrs Sisulu

**Mail Reporter**

EVIDENCE on the drawing up of the Freedom Charter in 1955 and its adoption by the African National Congress in 1956 was given in the Krugersdorp Regional Court yesterday by Mr Isak Daniel de Vries, a lecturer in political science at the Rand Afrikaans University called in as an expert witness for the State.

Mr De Vries was testifying in the trial in which Mrs Albertina Sisulu, 66, and Mr Thami Mali, 27, are facing charges of allegedly taking part in activities of the ANC.

Their appearance is a sequel to a funeral filmed in Soweto early this year with a video camera by a member of the Security Police where they are alleged to have been present.

The funeral was that of Mrs Rose Mbele on January 16.

Asked to explain the relevance to the ANC of several names appearing in a document handed into court, Mr De Vries said:

- Duma Nokwe was general secretary of the ANC as from 1958.
- Moses Kotane was general secretary of the Communist Party of South Africa.
- Albert Luthuli was president general of the ANC from 1952.
- Walter Sisulu was also secretary general of the ANC
- Lilian Ngoyi was the first president of the ANC Women's League.
- Oliver Tambo, living in exile in London, is the present leader of the ANC and Nelson Mandela, now serving a life sentence on Robben Island, was the first leader of the ANC's revolutionary wing, Umkhonto we Sizwe.

Mr Solomon Mahlangu, whom Mr De Vries said was involved in the Goch Street shooting, is alleged to have been mentioned in a speech made at Mrs Mbele's funeral.

The case was provisionally postponed to October 26.

# ANC trial evidence to stand

West Rand Bureau

After failing in a bid to have parts of an expert's evidence struck from the record in the Krugersdorp "ANC trial" today, the defence asked for an adjournment to prepare cross-examination.

Regional magistrate, Mr Jack le Grange, adjourned the trial of Mrs Albertina Sisulu (66) and Mr Thami Mali (27), until October 26. Both plead not guilty to charges of furthering the aims of the banned African National Congress.

Defence advocate, Mr George Bizos, SC, described some of the evidence of a Rand Afrikaans University academic, Mr Izak de Vries, as "irregular, prejudicial and not permissible," it "rolled questions of fact and of law into one, and came to a conclusion for the court."

The magistrate ruled in favour of the State and the evidence stands in full.

# ANC men get heavy sentences

**Pretoria Correspondent**

Shouting "Amandla" and "Forward with the people's government", two African National Congress members were led out of the Pretoria Supreme Court after being sentenced today.

Alpheus Zacharia Molotsi and Jacob Molefe were found guilty of high treason and sentenced to 18 and 15 years imprisonment respectively.

Mr Justice Moll said they entered South Africa on February 16 to sabotage various installations, prepare bases and do more reconnaissance.

"I must keep in mind that if they had succeeded in their aims, it would not only have led to the destruction of installations, but human lives would have been endangered," he said.

Molotsi and Molefe had not shown any change of attitude and were still members of the ANC's military wing.

An application for leave to appeal was postponed.

Mr David Sogget appeared with Mr M Basslion for the two men. Mr J J Pelser appeared for the State.

October 1983

# ANC court drama

Soweto

By MONK NKOMO

**THE TWO members of the banned African National Congress convicted of high treason led horrible lives during the 1976 student riots with one of them not knowing whether he was going to be killed or arrested by the police, the Pretoria Supreme Court heard yesterday.**

Professor B Helm of the University of Cape Town was giving evidence in mitigation for Alpheos Zacharia Molotsi (28) and Jacob Molefe (23) who were found guilty of high treason by Mr Justice Moll on Tuesday.

One of the accused, Molotsi, who was not attending school by then but had school-going friends, said he was forced to stay away from work because transport was disrupted, workers were intimidated and he was very afraid of the police who "appeared to be shooting at random".

Molotsi, Professor Helm said, had also told her how he saw his cousin, a young boy, shot in the shoulder during the riots. He had also seen his neighbour, a small girl, shot dead by police while she was standing inside her home.

He could not sleep and had led a "horrible life" the court heard.

Professor Helm told the court that the government's introduction of Afrikaans as a medium of instruction in black schools had precipitated the wide-scale student unrest which resulted in 208 killed by the police in Soweto and 54 fatally wounded in private fights.

Molefe had told her that he was not able to sleep regularly at home for fear of the police, had no food regularly and was emotionally disturbed. He had also seen two people — one of whom was Hector Peterson — being shot by police a few metres away from where he was standing.

Under cross-examination by Mr D Soggot for the accused, Captain J Coetzee, who is attached to the Security Branch in Pretoria, told the court that the damage caused by the ANC in the country since 1979 amounted to millions of rand.

Argument and sentence will be given today.

# Tragedy of 2 ANC men

**By MONK NKOMO**

**THE TWO convicted members of the banned African National Congress (ANC) should be viewed as victims of a unique tragic episode who were subjected to indoctrination and persuasion after illegally leaving the country during the 1976 students' unrest, their defence counsel told the Pretoria Supreme Court yesterday.**

Pleading in mitigation in the trial of Alpheus Zacharia Molotsi (28) and Jacob Molefe (23) who have been found guilty of high treason, Mr D Soggot submitted that both had left the country in a fit of anger and had found themselves "easy meat" for propaganda when they were told there was no regime as repressive and as "heinous" as the one they were fighting against—South Africa.

Molotsi and Molofe, Mr Soggot said, were victims of history and circumstances which led to the widespread national conspiracy to fight the South African Government. Both men were immature when they left the country with no idea of coming into confrontation with the law, the court heard.

Mr Molotsi, who left school in Standard Five was 23-years-old in 1976 and Molefe, whom Mr Soggot described as "the eye of the hurricane" was only 16 years of age and a student. Both were ardent sportsmen, the court heard.

Mr J J Pelser for the State called for a stiff and severe sentence to be meted out against both, whose intentions, he said, were to kill and launch sabotage attacks inside the country and to eventually overthrow the government.

He also submitted that there had been evidence that both had been leaders within the banned organisation whose aim was to launch terror acts in South Africa.

The most serious crime they had committed Mr Pelser submitted, was when Molefe shot at members of the South African police when they confronted them near Piet Retief early this year.

Mr Soggot pleaded that the accused be dealt with accordingly because the crimes committed were not as wicked as the State made them to be. It was true that Molefe had fired at the police, he said, "but the firing was done in the heat of the moment and only one shot was fired."

# Ft Hare student refused bail

ZWELITSHA — Judgment was reserved in the Ciskei Regional Court trial yesterday of a Fort Hare student charged with intimidation.

Mr Cedric Lunga Mhlongo, 19, appearing before Mr J. Kotze, pleaded not guilty to a charge of intimidation, following events during tests at the University of Fort Hare campus on the night of October 15.

Mr Mhlongo denied an accusation by a fellow-student that he was a leader of the boycott group.

Mr Mhlongo was refused bail and judgment was reserved to October 25. — SAPA

# Student on intimidation charge

331 54 E. Post 22/10/83

ZWELITSHA — Judgment was reserved in the Ciskei Regional Court trial yesterday of a Fort Hare student charged with intimidation.

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—Sapa

UNLESS otherwise stated, political comment and posters in this issue are by N Woudberg and T Bisseker; headlines and subediting by A Colley, all of 19 Baakens Street, Port Elizabeth.

# ANC pair show their relief

**Pretoria Bureau**

TWO self-confessed members of the banned African National Congress, who were convicted of high treason on Tuesday, sighed with relief, raised a Black Power salute and shouted "Amandla" when they were jailed for a total of 33 years by the Pretoria Supreme Court yesterday.

Alpheus Zacharia Molotsi, 28, was jailed for 18 years, while Jacob Molefe, 23, who was charged with him, was jailed for 15 years.

Mr Justice H H Moll found there were extenuating circumstances.

Counsel for the two men, Mr David Soggot — he was assisted by Mr M Basslian — said he had been instructed to apply for leave to appeal, but the judge said this would be done at a later stage when the defence had prepared its argument on the issue.

The two men, both of Soweto, stood tensely in the dock while the judge summed up before sentence was pronounced.

They appeared relieved on hearing the sentence. The maximum sentence they faced was the death penalty.

The two men had pleaded not guilty to charges of high treason, taking part in terrorist activities and attempted murder.

The court found that they left the country to join the ANC and to undergo military training in Angola, Russia and Tanzania in order to overthrow the State.

A further court finding was that they had acted in concert in trying to kill two people in the Eastern Transvaal last February.

The judge said he had taken into consideration that social conflict had existed in Soweto in 1976 which culminated in a tense crisis.

# 11 ON TREASON CHARGE

**RUFUS NATO NZO the "mystery detainee" who was recently referred to a mental institution, went on trial with ten other men this week on charges ranging from high treason, to murder.**

By KOOS COETZEE

The case against the eleven men was referred to the Grahamstown Supreme Court for trial on February 1.

The men are charged with High Treason, alternatively contravening the Internal Security Act, alternatively sabotage.

The accused are Mr Nzo, Mr Douglas Mnyisile Tyutyu 48, Mr Sipho Fielden Hina, 44, Mr James Ngqondela, 54, Mr Mzayifani William Khame, 57, Mr Mzimkulu Temi Khame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Ishiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Vukile Gumenge, 29, and Mr Nceba Christopher Faku, 27.

RICARDO
Plain bottom TROUSERS

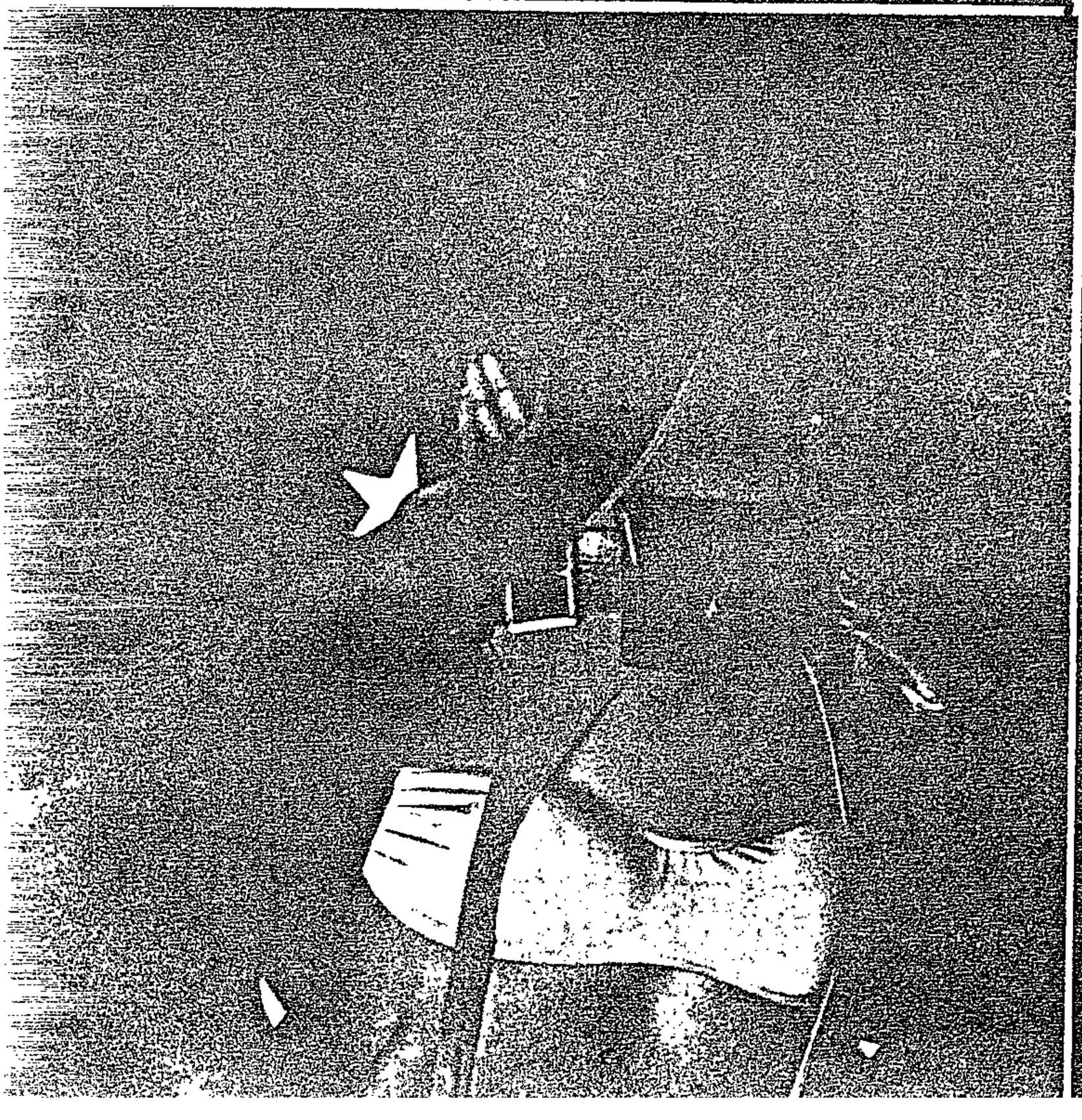
Political comment and posters by B Cohen, headlines and sub-editing by D Niddrie, both of 62 Eloff St Ext., Johannesburg.

& BLAKE OK40341/A00465/E

# MAINSTAY SET FOR FIGHTING FIRM

Shootout that never wa

BACK OF THE MOON . . . and here's what's on the other side — lovely Springs legionnaire Betty Mazabuka, all dressed up in the latest disco gear and ready to step out with a neighbouring Mardian. So next time you look up at the moon, don't forget what's on the other side . . .



Cape Times
24/10/83
331



# 1976 charge: Man in court

Staff Reporter

A MITCHELLS Plain man was charged on Friday in the Simon's Town Magistrate Court seven years after he had allegedly committed acts of public violence and arson at Ocean View.

Mr John Vivian Kiel, 31, of Oranjekloof Avenue, Tafelsig, pleaded not guilty to the charges.

The State alleges that on September 7, 1976, Mr Kiel gathered with persons unknown to the State with the intention of disturbing public peace and order and violating the rights of members of the public.

The State also alleges that Mr Kiel and others intended provoking the authority of police and others responsible for keeping law and order.

He allegedly caused violent fighting and rioting by inciting pupils and other people to "riot against all whites" and to stone vehicles.

It is also alleged that Mr Kiel had personally — and in the company of other persons unknown to the State — produced petrol-bombs and thrown them at buildings and police.

He allegedly broke windows of the public library and housing offices of the Divisional Council.

The State also alleged that on the same date Mr Kiel had set fire to the housing office and damaged it with the intention of prejudicing the Divisional Council's in its abilities.

## 1983 arrest

Mr Kiel's date of arrest was given in the charge sheet as June 15, 1983.

The hearing was adjourned to January 30, 1984, for a Regional Court trial date and Mr Kiel was warned to appear.

Mr H A J Swart was the magistrate. Mr M van Wyngaardt prosecuted. Mr J F Bestbier appeared for Mr Kiel.

# Cries of 'Amandla'

24/10/83

**TWO members of the banned African National Congress (ANC) convicted of high treason gave black power salutes and shouted: "Amandla" and "Forward with the people's government" after being sentenced to a total of 33 years' imprisonment in the Pretoria Supreme Court on Friday.**

Both Alpheus Zacharia Molotsi (28) and Jacob Molefe (23), who received military training in Angola, had shown no change of attitude and still held the views of faithful supporters and members of the military wing of the outlawed organisation, Mr Justice H H Moll said.

He sentenced Molotsi to 18 years and Molefe to 15 years' imprisonment.

Both accused, Mr Justice Moll said, had entered the country on February 16 this year to do further reconnaisance and to prepare bases from where terror attacks could be launched against South Africa. Their aim, the court heard, was to sabotage electricity power stations, fuel depots, police stations and sewerage systems.

The judge, however, found there were extenuating circumstances following evidence by Professor B Helm, a lecturer in Applied Psychology at the University of Cape Town. She had testified that both men were afraid of the police and had led "horrible lives" during the 1976 students' unrest.

An application by the defence counsel, Mr David Soggot, for leave to appeal was postponed.

An amount of R1 160 found in the possession of the accused during their arrest was declared "ANC money" by the judge and forfeited to the State.

# Ex-union leader broke order

331 ~~338~~ E. Post 6/10/83

By CHRIS RENNIE

A FORMER trade unionist, Dumile Dennis Makanda, 32, was convicted in the Port Elizabeth Regional Court today of contravening an order preventing him from visiting any black residential area except Kwazakele.

He was acquitted on a second charge of being in possession of prohibited publications.

Evidence was that he had been found hiding under a bed in his brother's house in First Street, Zwide, on November 8 last year.

In mitigation, Mr P N Langa, who appeared for the defence, submitted that the restriction order was very stringent and caused hardship to Makanda and his family. Makanda had been unable to find work as a result.

He argued that although the Minister might be satisfied that Makanda may have committed some offence, Makanda had never had the benefit of recourse to the courts.

The magistrate, Mr J B Robinson, took into consideration Makanda's personal circumstances, clean record and the fact that nothing sinister had been proved about the visit. He imposed a sentence of 14 days, suspended for three years on certain conditions.

Mr H Goosen appeared for the State. Mr Langa was instructed by S Nkanunu and Co.

331 RDM

# Trial of ANC suspects postponed

27/10/83

**Mail Reporter**

THE case in which Mrs Albertina Sisulu and Mr Thami Mali are facing charges of allegedly having taken part in ANC activities has been postponed to the middle of January next year.

Mr T J le Grange, before whom Mrs Sisulu, 66, and Mr Mali, 24, appeared in the Krugersdorp Regional Court yesterday, postponed the case to January 23, 1984.

Mrs Sisulu and Mr Mali were both remanded in custody.

CAPE TIMES 29/10/83

(331)

# 'Spy' trial continues in camera

Chief Reporter

THE "spy" trial of Commodore Dieter Gerhardt and his Swiss-born wife Ruth, both of whom are charged with high treason, has now been in progress behind closed doors in the Supreme Court, Cape Town, for nearly two months.

Latest estimates, based on present progress, are that the defence case which opened three weeks ago is likely to continue for another fortnight.

With legal argument still to be heard by the court, the trial — the first military espionage case to come before the Supreme Court since World War II — is not expected to be brought to a conclusion much before the end of November.

Commodore Gerhardt, who until he was detained under the Internal Security Act in January was officer commanding the South African Naval Dockyard at Simon's Town, and his wife continue to be brought to court each day under escort in separate police cars, from the place at which they are being held.

Both Gerhardts have pleaded not guilty.

The only occasions on which they are allowed to be together are when they meet, on each sitting day, in the large dock of the courtroom in which the trial is taking place. The couple are allowed to remain seated during the proceedings.

Commodore Gerhardt usually carries a large briefcase into the dock with him.

The 17 large metal trunks containing exhibits are brought into court each sitting day, and are again removed for safe-keeping after the day's hearing.

The State case, in which the Gerhardts are accused of working with agents used by the Soviet Union — Commodore Gerhardt over a period of 21 years and his wife for 13 years — was presented by the Attorney-General of the Cape, Mr D J Rossouw, SC, assisted by Mr E Pretorius.

The trial is before the Judge-President of the Cape, Mr Justice Munnik, sitting with two assessors, Mr W S O'Brien and Mr B L O'Leary. The defence team at the trial has been appointed pro Deo. Commodore Gerhardt is represented by Mr G D van Schalkwyk, SC, with Mr W G Thring, and Mrs Gerhardt is represented by Mr G R de M Hofmeyr, SC, with Mr A H Veldhuizen. The instructing defence attorney, appointed by the court, is Mr J F van Niekerk of Silberbauers, Cape Town.

# Gasa attacks fellow accused

**POLICE were called in this week to subdue giant Lamontville "Mayor" Mr Moonlight Gasa after he man-handled co-accused Mr Bangumhlaba "Mpondo" Mbawula in the Durban regional court.**

By BANCROFT HLATSHWAYO

Mr Gasa is appearing with four others in a preparatory examination in connection with the death of Lamontville community councillor Harrison Msizi Dube, who was gunned down at his home on April 25.

Mr Gasa had to be restrained by police when he confronted pint-sized Mr Mbawula after Magistrate J C Willemse postponed the trial to November 15.

Appearing with Mr Gasa are Mr Ebenezer "Mahlafuna" Mngadi, 59, who allegedly planned the killing with Mr Gasa – Mr Bangumhlaba Mbawula, 36 – who allegedly recruited the killers – Mr Julius Juja Ndodana, 70, and Mr Vakuthethwa Yalo from Bizana in Transkei – who allegedly killed Mr Dube.



HARRISON DUBE . . . scuffle at the trial of his alleged killers.

Both Mr Mngadi and Mr Gasa were immaculately dressed in suits and clean shaven, although they did not wear ties. Mr Yalo wore a brown corduroy suit while Mr Ndodana sported a grey goatie beard. All except Mr Mbawula – who appeared pale and drawn in a black coat and brown trousers – looked in good spirits.

All except Mr Mbawula are being kept at C R Swart Square, pending the attorney-general's decision. Mr Mbawula is in custody at Durban North police station.

rk Doves West
1, 10 Jorissen
Braamfontein on
5th November
a.m. prior to the
which will
lace privately.
& WILMOT. Tel:
7.

M
Progressive
Congregation of
will con-
cremation for
late of Bellevue
Braamfontein
torium, Graf
Braamfontein on
day November
11.00 a.m. THOM
& CO. (Funeral
tors). Tel:
6.

POPOFF
emorial Service
va George late of
burg will be
ed at the home
Ruth Collins, 30
h Avenue, San-
Jhb on Tues-
st November at
m Friends kindly
this intimation.
& WILMOT, Tel:
7.

PRISCHL
al service for
Friedrich late of
alley, Jhb will be
the Roman Cath-
urch, Bez Valley
h of the Holy
) 32 Kitchener
, Kensington,
on Wednesday
November 2nd
a.m. prior to in-
at West Park
ery. HOBKIRK
Tel: 339-5967.

RODGERS
emation service
seph late of Ver-
Park, Alberton
place at Leslie
Chapel, 18 Joris-
treet, Braamfon-
Wednesday No-
2nd at 3.00 p.m.
wers by request,
ons in lieu to Del-
Lodge, Del-
Germiston.
S & BERRANGE,
-8138.

ROODE
emation service
argaret Elizabeth
Alberton will be
at the Doves and
West Chapel, 10
Street, Braam-
n on Wednesday
ovember at 1.00
to the crema-
which will be pri-
DOVES & WIL-
Tel: 339-5967.

RUDOLPH
remation service
dney Derrick late
monde Township,
ll be held at the
irk Doves West
l, 10 Jorissen
Braamfontein on
day morning No-
3rd at 11.00 a.m.
to the cremation
will be private.
wers by request,
donations in
of flowers to Ma-
Old Age Home,
.O.Box 2919, Jhb.
S & WILMOT. Tel:
7.

SCOTT
cremation service
late of Hillbrow
held at the Thom
Chapel, 29 Solo-
Street, cnr 10th
, Braamfontein
on Thursday No-
3rd, 1983 at 3.00
prior to the crema-
which will be pri-
No flowers by re-
at, suggest
in lieu there-
The Child Welfare
y, P.O.Box 2539,
THOM KIGHT &
Funeral Directors).
-8176.

STANLEY
funeral service for
ick Edward late
rtsham, Jhb will
at the Hobkirk
East Chapel, 10
Street, Braam-
n on Wednesday
noon November
at 2.30 p.m. prior to
ment at West Park
tery. HOBKIRK
S. Tel: 339-5967.

STEENKAMP
cremation service
ria Susanna late
toria will be held
N.G.Kerk, Fon-
Rabie Street,
burg tomorrow
nesday morning
.83, at 10.30 a.m.
to the cremation
will be private.
owers by request.
ES & WILMOT. Tel:
5967.

SWART
United Progressive
Congregation of
meeting will con-
the cremation of
Gertrude Swart
of Yeoville at the
mfontein Crema-

which the matter was debated, the council was locked at six for and six against, but the mayor decided then not to use his casting vote.

The item was referred back to the management committee.

At the council's monthly meeting, Mr W A [illegible] known about it. However he is self-employed and was honest enough to come to us. There are already five black attorneys practising here," he said.

"We have said the blacks must qualify themselves and be more [illegible] need for a black attorney in the town and he was a local man with nowhere else to go.

"If we do not help him then we are sitting with a frustrated professional man. That is the sort of thing that bedevils race relations," he said.

His mother, Mrs Katrina van Wyk, stated she put the boy to bed at about 7.30 pm on July 26, covering him with blankets.

The next morning she found he had stopped breathing and appeared to be dead.



**Life has its ups. . . its downs**

Going, going, gone! One of the contestants in the showjumping competition at the South African Police College in Pretoria at the weekend came a cropper on the A-grade course. Horse sense apparently led to the mount's decision that discretion was the better part of valour at this obstacle. The unidentified competitor managed, however, to finish the course. Many of the country's top showjumpers, including Gonda Betrix, took part.

# 3 in court charged with ANC activities

By Gavin Engelbrecht, West Rand Bureau

Two men and a woman, who allegedly arranged a meeting to commemorate National Women's Day last year, yesterday appeared before a Krugersdorp magistrate charged with taking part in activities of the African National Congress.

Mr George Moiloa (29) address given as Kagiso, Krugersdorp; Miss Amanda Kwadi (31) address given as Orlando East, Soweto; and Mr Molefe Tsele (27) address given as the Lutheran Church, Munsieville, Krugersdorp, appeared before Mr W Aucamp.

It is alleged they took part in activities of the ANC and that they arranged a commemoration service for National Women's Day, celebrated the Day and that they created support for the ANC at the celebration on August 8 last year.

## NOT GUILTY PLEA

The three pleaded not guilty to the main charge as well as to an alternate charge of unlawfully advocating, defending and encouraging the objectives of the ANC.

The court heard that they had applied to the St Peter's Roman Catholic Church in Kagiso for the use of the hall and had documents printed advertising the meeting.

Captain P A J Kruger of the Security Police said he went to Mr Moiloa's house on August 5 last year and told him he had grounds to believe the meeting being organised constituted a contravention of the security laws.

He said he found documents pertaining to Women's Day there.

The prosecutor, Mr A R van Wyk, refused to give The Star the charge sheet. The case continues

# No threats, ANC trial is told

By STAN HLOPHE

A SENIOR security officer yesterday denied threatening a Kagiso community leader with a lengthy period of detention if he refused to make a statement.

Captain P A J Kruger, giving evidence for the State, told the Krugersdorp Regional Court that Mr George Moiloa, 29, secretary of the Kagiso Residents' Committee, made the statement voluntarily.

Mr Moiloa, Miss Amanda Kwadi, 31, an executive member of the Federation of South African Women, and the Rev Samuel Tsele, 27, of the Lutheran Church, are accused of taking part in ANC activities on August 8 last year.

They are also charged with conspiring with a group of people to support the ANC, and of planning to take part in the celebration of Women's Day.

The main alternative charge is that they conspired to overthrow the Government. They have pleaded not guilty to all charges.

Capt Kruger, under-cross examination by Mr D Soggot, SC, said it was up to the individual to make a statement without any coercion or force being used.

He admitted that it was hard to extract a statement from a person who held different views.

Mr Soggot pointed out to him that before he answered some questions he smiled and was evasive. Capt Kruger said this was because the questions were unexpected.

The court adjourned for 20 minutes to allow State and defence counsel to refer to the police register at the local police station to ascertain the date of Mr Moiloa's arrest.

This was after Capt Kruger had said he could not recall whether Mr Moiloa was arrested on August 5 or 7.

When the court resumed the defence pointed out to him that it was recorded that Mr Moiloa was arrested on August 5 and released on August 7.

Capt Kruger admitted that he had recorded that, but said he could not remember very well.

When asked why the accused was detained and two days later released, he said it was done to allow police to continue their investigations.

It was put to him that in his evidence-in-chief he told the court that the accused in his statement referred to some people he was about as "terrorists", not as "freedom fighters" as they were often referred to in the black community.

He said the accused insisted that the people he was asked about were "terrorists", not "freedom fighters", and that he did so without being intimidated.

The trial continues on Friday.

# Defence alleges threats by police

**West Rand Bureau**

A Security Police captain has denied a defence allegation in the Krugersdorp Regional Court that he had threatened to lock up a suspect for a lengthy period if he did not make a statement.

Captain P A J Kruger was giving evidence at the trial of three people charged with furthering ANC activities by arranging a meeting on National Women's Day last year.

Mr George Moiloa (29), address given as Kagiso, Krugersdorp, Miss Amanda Kwadi (31), address given as Orlando East, Soweto, and Mr Molefe Tsele (27), address given as the Lutheran Church, Munzeville, Krugersdorp, pleaded not guilty to the charge.

The magistrate, Mr W Aucamp, heard that they had applied to the St Peter's Roman Catholic Church in Kagiso for the use of the hall, and had advertised the meeting.

Captain Kruger said Mr Moiloa had been evasive when questioned about the connection between the ANC and Women's Day, and had refused to make a statement.

Mr D Soggot, for the defence, said Mr Moiloa would say he had been threatened with lengthy detention if he did not make a statement.

Captain Kruger denied this, together with a claim that he had said locking up a person in solitary confinement would "help" him make a statement.

The three were remanded until Friday.

Star 5/11/83

# 'Terrorist' in fear of his life

West Rand Bureau

A "trained ANC terrorist" gave evidence in the Krugersdorp Regional Court yesterday at the trial of three people charged with taking part in the activities of the banned organisation.

Mr George Moiloa (29), address given as Kagiso, Krugersdorp, Mrs Amanda Kwadi (31), address given as Orlando East, Soweto and Mr Molefe Tsele (27), address given as the Lutheran Church, Munzeville, Krugersdrop, appeared before Mr W Aucamp.

They were charged with taking part in the activities of the ANC. The State alleges that they organised a celebration of National Women's Day on August 8 last year and created support for the ANC at the meeting.

They pleaded not guilty to the charge as well as to an alternate charge of advocating the objects of the ANC.

The prosecutor, Mr A R van Wyk, asked that evidence of a State witness referred to as "Mr X" be held in camera as he feared for his life.

Mr D Soggot, for the defence, asked that reasons for the application be heard as "justice must be seen to be done".

Captain P A J Kruger of the Security Police said Mr X was an ANC member who had had military training in Angola.

The magistrate ruled that the man could not be identified. His evidence was heard in camera.

# Good friend misled AWB trio — judge

CAPE TIMES 5/11/88 3?

PRETORIA — The leader of the Afrikaner Weerstandsbeweging was yesterday given a suspended jail term for being an accomplice in illegal possession of arms, including four Russian AK47 assault rifles.

Mr Justice H P van Dyk in the Pretoria Supreme Court sentenced Eugene Terre'Blanche, 38, of Ventersdorp, to two years imprisonment, suspended for five years.

The secretary of the AWB, Jan Jurgens Groenewald, 37, of Pretoria, was given a three-year jail term, suspended for five years.

A former member of the organization, Jacob Daniel Viljoen, 37, of Klerksdorp, was sentenced to four years imprisonment, suspended for five years.

The fourth accused, Mr Dawid Frederik Botes, 44, of Springs, was acquitted last week.

The men were misled into getting involved with the two trunks of arms and ammunition by a good friend and acquaintance, Mr Kees Moes, the judge said.

He added that the charges had nothing to do with the fact that they were all members of the AWB.

Mr Justice Van Dyk found that Terre'Blanche had known the trunks contained AK47 machine-guns, a Makarov pistol and a large amount of ammunition, which neither he nor any of the other accused were authorized to possess.

Yet, he still helped them bury the trunks on his brother's farm near Ventersdorp.

The judge said Viljoen had "physically possessed the trunk" and wanted to look after the contents so that Mr Moes could collect them at a later stage.

The judge granted them leave to appeal against their convictions and sentences. — Sapa

# Terror plot against SABC claimed

By NEIL HOOPER

CHARGES involving alleged plans to sabotage Johannesburg's Auckland Park SATV studios, as well as the municipal gas works at Cottesloe, are among those facing a University of the Witwatersrand theology student and his fiancée who are due to appear in the Rand Supreme Court tomorrow.

The couple, Mr Carl Gerhardus Niehaus, 23, and Miss Jansie Lourens, 23, have been charged with high treason, or alternatively of taking part in terrorist activities or the contravention of various sections of the Internal Security Act.

It is alleged that they worked for the banned African National Congress.

The indictment in the case mentions the alleged use of "dead-letter boxes" in the grounds of the Johannesburg Art Gallery and the Wits sports grounds, secret codes, and contact with ANC officials in Botswana — among them Marius Schoon, Patrick Fitzgerald and someone identified as "Billy".

## Other aspects

Mr Niehaus is a former Rand Afrikaans University student who was expelled after putting up a "Free Mandela" poster on the campus.

He is a deacon in the NG Kerk congregation of the Rev Sam Buti in Alexandra township.

In September the Detainees' Parents Support Committee claimed that Mr Niehaus had attempted to commit suicide while in detention. Colonel L Malan, chief of the security police on the Witwatersrand, confirmed that he had been taken to hospital.

The trial of the two was highlighted on the eve of polling in the referendum. Mrs Lucienne Hunter, mother of another detained Wits student, Catherine Hunter, 23, asked the Prime Minister, Mr P W Botha, at his final meeting — in the Johannesburg City Hall — why her daughter was being held.

The lengthy indictment shows that Miss Hunter, a B Ed student who has been in detention since September 7, is listed as a witness, and appears in other aspects of the case.

It is alleged that she helped Mr Niehaus compile and distribute a pamphlet, "Why the Pretoria bomb was necessary", and that this was to promote the aims of the banned ANC.

## Inspection

According to annexures to the main indictment either Mr Niehaus and/or Miss Lourens are also alleged to have:

- Tried to obtain a plan of the SABC television studio block at Auckland Park, as well as information about the security system at the SABC, for a possible ANC sabotage attempt on the building.
- Identified the Johannesburg municipality's gas works in Cottesloe as a target for ANC sabotage, had photographs taken of it and, after an inspection on foot, drew a map of the gasworks (in Mr Niehaus's office at the Interchurch Media Programme).
- Tried to obtain a plan of the Rand Afrikaans University office of lecturer Mr Ian de Vries so that they could plan to blow up the office.

(Mr de Vries, according to the indictment, had on several occasions appeared in court as an expert State witness on the ANC and other revolutionary organisations.)

- Received information from Mr Gerhardus Kleinhans, a Parktown post office employee who gained access to an official letter, that a person identified in the indictment only as "X" was supplying material to the police about the ANC: this they passed on to the ANC, saying that "X" should be eliminated.

□ To Page 2

# Security tight at treason hearing

Tight security measures at the Rand Supreme Court today marked the beginning of the high treason trial of Mr Carl Niehaus (23) and Miss Johanna Lourens (23).

Security policemen using a metal detector screened all members of the public who packed the courtroom. Some people were searched.

Security policemen also guarded the entrances to the court as Mr Niehaus and Miss Lourens, his girlfriend, pleaded not guilty to high treason and charges under the Internal Security Act.

There was a subdued atmosphere among the multiracial crowd in the courtroom.

Miss Lourens smiled at some friends and relatives. Her voice was barely audible when she pleaded not guilty.

Mr Niehaus pleaded not guilty in a strong but unemotional tone.

When the judge, Mr Justice A P Myburgh, adjourned the trial for tea, Mr Niehaus left the court rapidly without looking back at the crowd.

Miss Lourens stayed behind for a while, speaking in a relaxed mood to her defence team.

● See Page 2 of the Metro section.

2M
The Star Monday November 7 1983

# Court hears of plot to blow up SABC network

Two alleged members of the outlawed African National Congress (ANC) plotted to blow up the SABC communications network and the Johannesburg City Council gasworks and gave instructions by the ANC to oppose the Government's constitutional plans, the State claimed today in the Rand Supreme Court.

Mr Carl Gerhardus Niehaus (23) and his girlfriend, Miss Johanna Lourens (23), both of Berea, Johannesburg, appeared before Mr Justice A P Myburgh. They pleaded not guilty to charges of high treason and to four charges under the Internal Security Act.

In a statement handed to the judge, Mr Niehaus admitted learning a secret ANC code.

He also admitted that he had attempted to recruit Miss Catherine Hunter to assist him with activities on behalf of the ANC.

He said that on May 23, 1982, he had placed a "pamphlet bomb" in front of the recruiting office of the SA Defence Force. The 500 pamphlets urged the rejection of national service.

Mr Niehaus also said in the statement that he had inspected the gasworks in Cottesloe and, with the help of Mr Robert Whitecross, had taken photographs of the gasworks.

## SECRET CODE

Mr Niehaus said that in June 1983 he was helped by Miss Hunter in drawing up a pamphlet titled "Why the Pretoria bomb was necessary", which he reproduced and distributed in Johannesburg.

The prosecutor, Mr J A Swanepoel, alleged they became members and/or active supporters of the ANC, learnt a secret ANC code and carried out orders to further the aims of the organisation.

The State alleged that in March 1983 they received instructions to:

- Oppose the Government's constitutional plans and to promote the Freedom Charter.
- Start a campaign against the Draft Bill of the Orderly Movement and Settlement of Black Persons Act and to dub it the "Genocide Bill".
- Oppose the Ingwavuma/kaNgwane land deals and to continue campaigning against army duty.
- Distribute pamphlets furthering all these aims and to recruit a person to improve communications between themselves and the ANC.

## INSTRUCTIONS

The State claimed that Mr Niehaus reported to the ANC regularly and Miss Lourens assisted him in compiling, decoding and transmitting these reports.

They allegedly received coded instructions from the ANC by telephone, post and couriers, and also through "dead" letterboxes set up on the sports grounds of the University of the Witwatersrand and at the Johannesburg Art Museum.

Other messages were received during meetings with ANC leaders and/or supporters when visiting Botswana. Security Police allegedly found some coded messages in their flat.

Mr Niehaus allegedly formed the Afrikaans-speaking Socialists' Alliance (ASA), or gave out that it existed, to further the aims of the military wing of the ANC, the South African Congress of Trade Unions and the SA Communist Party.

Other allegations were that Mr Niehaus had also selected the premises of the South African Broadcasting Corporation for sabotage purposes.

He had requested a plan of the Piet Meyer Building and some information about its security measures from an SABC employee, Miss Roelie Kuikstra. She did not give him the plan.

He told Mr Gerhardus Kleinhans, a former student of the Rand Afrikaans University, that he wanted to blow up the office of Mr I de Vries, a lecturer at the university's department of revolutionary studies, because the academic had given expert evidence for the State in trials against ANC members.

He asked Mr Kleinhans to draw a plan of Mr de Vries's office, but this was not done.

Mr Niehaus and Miss Lourens allegedly received information from Mr Kleinhans, who works at the Parktown Post Office, that a certain person — whom the State referred to as "X" — in Alexandra Township was spying for the Security Police. They passed on these details to the ANC so that the spy could be eliminated.

## ILLEGAL EXIT

In April 1982 Miss Lourens and Mr Niehaus allegedly helped Mr Nicolas Motsai, Mr Bertha Letsatsi, Mr Vincent Tshabalala and Mr Dipuo Mvelase to leave South Africa illegally for training by the ANC.

Mr Lionel Murcott allegedly helped Mr Niehaus in April 1982 to distribute the following pamphlets at the Rand Show, in Johannesburg: "Verklaring uitgereik tydens loodsvergadering van ASA"; "Stand up against the oppressors — reject national service" (in English and Afrikaans) and "No collaboration with the South African Defence Force".

These were allegedly compiled and printed by Mr Niehaus and Miss Lourens.

# Mr X switches sides in Ciskei terrorism trial

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8/11/83

BISHO. — A witness in the marathon terrorism trial in Bisho yesterday told the Ciskei Supreme Court he was being regarded as a traitor after giving evidence for the defence.

The man, identified only as Mr X, who previously testified as a State witness, was called by the defence counsel, Mr M T K Moerane, to give evidence about a trip to Transkei with members of the South African Security Police.

Appearing before Mr Justice D S de Wet are Mr Dumisane Maninjwe, 31, Mr William Duna, 31, Mr Bayi Keye, 52, and Mr Luyanda Mayekiso, 23, all of Mdantsane.

The men, accused of taking part in terrorist activities, being members of the banned African National Congress, recruiting people to undergo military training in Lesotho, and being in possesion of banned publications, have pleaded not guilty.

While giving his second version in camera, Mr X told Mr Justice De Wet that he had been intimidated by the Security Police into giving false evidence.

The court heard for the first time of an assault on Mr X by Security Police while they were trying to persuade him to implicate one of the accused, Mr Maninjwe.

He said what he had told the court before was not "a real truth", but he said what he did because he was at the mercy of the Security Police and kept in custody.

Trial continues today. — Sapa

★ The Cape

# ANC trial hears of gasworks plot

CAPE TIMES 8/11/83 331

Own Correspondent

JOHANNESBURG. Treason trial accused Mr Carl Gerhardus Niehaus had plans and photographs of the R56-million Johannesburg Municipal Gas Works on which installations that would cost R21-million to replace had been pinpointed with arrows.

He also planted a pamphlet bomb containing petrol and gas cylinders outside a SA Defence Force recruiting office in the Carlton Centre.

These were two of a number of admissions made by Mr Niehaus at the start of the trial in the Rand Supreme Court yesterday.

Mr Niehaus and his girlfriend, Miss Johanna Lourens, a teacher, are charged with high treason and other counts under the Internal Security Act.

Both pleaded not guilty to all charges.

Evidence was that the pinpointed targets were insured for a replacement value of R21-million.

The gasworks manager, Mr John McGlashan, said that while the destruction of the gas storage tanks would only have caused a minor disruption to consumers, damage could have resulted in a secondary gas explosion.

After lunch several counts against Miss Lourens were withdrawn by the State after Mr Niehaus's lawyers handed the judge a signed list of admissions.

There was strict security at the court, with plainclothes and uniformed policemen conducting body searches and using a metal detector.

Among Mr Niehaus' admissions were:

● That on May 23, 1982 he placed a pamphlet bomb in front of the recruiting office of the SA Defence Force in the Carlton Centre. The pamphlets were entitled Stand up against the Oppressors — Reject National Service.

● That he had written and distributed a pamphlet titled Why the Pretoria Bomb was Necessary.

● That he had inspected, photographed, and prepared plans of the R56-million Johannesburg Municipal Gas Works.

● That he had learnt a secret book code and had decoded various documents for the police while in detention.

● That he had visited Botswana twice in January 1982.

● That he had been in possession of a document addressed "Dear Comrade."

● That he had attempted to create the impression that an organisation known as "Afrikaanssprekende Sosialistiese Assosiasie" (Afrikaans Speaking Socialist Association) existed when, in fact, there was no such organisation.

● That he attempted to recruit Miss Catherine Hunter in October or November 1982, to assist with activities on behalf of the ANC.

## SABC

The State alleged that the couple had plotted to blow up the SABC communications network and had been given instructions by the ANC to oppose the government's constitutional plans.

Miss Lourens also handed in an admission stating, among other things that she knew the ANC and Umkhonto we Sizwe were unlawful; that she had learnt and used a secret book code; and that documents in code had been found at her home.

Captain Cornelius van Wyk (of the Security police) said that on August 23 this year he had led a search of the house the couple shared with two other people in Louis Botha Avenue and had found 50 documents and 67 photographs.

## Cellar

He found a battered suitcase in the cellar. In it were documents, including an application for a phone from someone designated as "Mr X" by the State.

It is alleged that Mr Niehaus and Miss Lourens passed on to the ANC information that "Mr X" was a Security Police spy.

Mr Justice Myburgh to adjourned the trial early so that witnesses could consult legal advisors before giving evidence today.

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# Court told of request to join ANC

By Rashid Chopdat

A man told a Rand Supreme Court judge today that he had been asked by an alleged member of the outlawed African National Congress to become a courier for the organisation.

Mr Lionel Murcott was giving evidence at the trial of Mr Carl Niehaus (23) and his financee, Miss Johanna Lourens (23), of Berea, Johannesburg, who have both pleaded not guilty to charges of high treason and charges under the Internal Security Act.

Mr J A Swanepoel, prosecuting, alleged that Mr Murcott had contravened the Internal Security Act and the Defence Act and asked the judge to warn him to answer all questions honestly and frankly, even if they incriminated him.

Mr Justice A P Myburgh told Mr Murcott that he would decide later whether he would be granted immunity from prosecution.

Mr Murcott said he met Mr Niehaus during 1980. The meeting came about through Miss Lourens, who was a student at the Johannesburg Art Foundation where he was also studying.

Mr Murcott said he agreed to accept a parcel from Botswana at his Parktown West home on behalf of Mr Niehaus.

Later, a parcel arrived containing posters of Medu, an arts group in Botswana, and some books and booklets which were not forbidden publications.

After moving to Highlands North, Mr Murcott allowed Mr Niehaus to use his new address. However, only one letter arrived addressed to Miss Lourens which Mr Murcott said he delivered without opening.

Mr Murcott said in April 1982 he helped Mr Niehaus to hand out three different pamphlets at the Rand Show, Milner Park. One of the pamphlets called on whites to resist military service.

A week later Mr Niehaus asked him to join the ANC as a courier. Mr Niehaus had emphasised to him the danger, difficulty and pressure involved in working for the ANC, said Mr Murcott.

He decided not to join the ANC because he felt he could not cope under pressure.

In January 1983, Mr Murcott accompanied Miss Lourens to Zeerust in the Transvaal because she was afraid to drive alone. He said she told him she was on her way to Botswana. Mr Murcott returned to Johannesburg alone by train.

During yesterday's proceedings, Mr Swanepoel informed Mr Justice Myburgh that he had abandoned some allegations against Miss Lourens in the wake of certain admissions made by Mr Niehaus.

The allegations abandoned were that Miss Lourens had received certain instructions from the ANC and tried to carry them out; that she was party to forming the Afrikaans-speaking Socialists Alliance (ASA); that she drew up and distributed a pamphlet "A luta continua"; and that she had placed a pamphlet bomb at the recruiting office of the SA Defence Force.

In a statement handed to the judge, Mr Niehaus and Miss Lourens admitted learning a secret ANC code. They said they had decoded certain documents for the police during their detention, thereby demonstrating their knowledge of the code.

Mr Niehaus also admitted that he had:

- Tried to recruit Miss Catherine Hunter to assist him with activities on behalf of the ANC.
- Placed a "pamphlet bomb" in front of the recruiting office of the SA Defence Force on May 23 last year. The 500 pamphlets urged the rejection of national service.
- Inspected the gas works in Cottesloe and, with the assistance of Mr Whitecross, photographs of the gas works were taken.
- Prepared a plan of the gas works and its surroundings in conjunction with Mr Robert Whitecross.
- Prepared a pamphlet entitled "Why the Pretoria bomb was necessary" with the assistance of Miss Hunter and that he reproduced and distributed them.

Mr Swanepoel and Mr W J van der Merwe appeared for the State. Mr D Kuny SC and Mr L Bowman, instructed by Miss K Satchwell, appeared for Mr Niehaus and Miss Lourens.

Tuesday, November 8, 1983

# Niehaus admits planting pamphlet bomb

By GEOFFREY ALLEN

TREASON trial accused Mr Carl Gerhardus Niehaus has admitted planting a pamphlet bomb and drawing up plans and taking photographs of the R56-million Johannesburg Municipal Gas Works.

On these plans installations which would cost R21-million to replace had been pinpointed with arrows.

He planted the pamphlet bomb containing petrol and gas cylinders outside a South African Defence Force recruiting office in the Carlton Centre, Johannesburg.

These were two of a series of admissions made by Mr Niehaus at the start of the trial in the Rand Supreme Court yesterday in which he and his schoolteacher girlfriend, Miss Johanna Lourens, are charged with high treason and other counts under the Internal Security Act.

Both pleaded not guilty to all charges.

Expert evidence was that the pinpointed targets were insured for a replacement value of R21-million.

The gas works manager, Mr John McGlashan, said that while the destruction of the pinpointed gas storage tanks would only have caused a minor disruption to consumers, damage to the tanks could have resulted in a secondary gas explosion.



Counsel for the defence Mr Dennis Kuny, SC, right, discusses a point with his junior, Mr L Bowman, as they leave the Niehaus-Lourens treason trial.



MRS LUCIENNE HUNTER
Daughter is in detention

It was not possible to estimate the extent of any resulting damage.

After lunch several counts against Miss Lourens were withdrawn by the State after Mr Niehaus' lawyers handed the judge a signed list of admissions.

The counts abandoned against Miss Lourens related to the preparation of a pamphlet, the planting of a pamphlet bomb in the Carlton Centre, and the carrying out of certain instructions from the ANC.

There was strict security at the court with plainclothes and uniformed policemen conducting body searches.

In his admissions, handed to the court by Mr Dennis Kuny, SC, (acting for Mr Niehaus and Miss Lourens) Mr Niehaus admitted:

- That on May 23, 1982, he placed a pamphlet bomb (containing a bottle of petrol, gas cylinders and 500 pamphlets) in front of the recruiting office of the SADF in the Carlton Centre. The bomb was found before it went off.
- The pamphlets were entitled: "Stand Up Against The Oppressors — Reject National Service."
- That he accepted that a number of people had been killed in the Pretoria bomb blast and had written and distributed a pamphlet entitled: "Why The Pretoria Bomb Was Necessary".
- That he had inspected, photographed, and prepared plans of, the R56-million Johannesburg Municipal Gas Works.
- That he had learnt a secret book code and had decoded various documents for the police while in detention.
- That he had visited Botswana twice in January 1982.
- That he had been in possession of a document addressed "Dear Comrade".
- That he had attempted to create the impression that an organisation known as "Afrikaanssprekende Sosialistiese Assosiasie" (Afrikaans-speaking Socialist Association) existed when, in fact, there was no such organisation.
- That he had compiled various documents in the name of the organisation.
- That he had attempted to recruit Miss Catherine Hunter in October or November, 1982, to assist with activities on behalf of the ANC.
- He had compiled a document entitled: "A Luta Continua".
- That he knew the ANC and its military wing Umkhonto we Sizwe were unlawful organisations.

In a similar statement Miss Lourens admitted knowing that the ANC and Umkhonto we Sizwe were unlawful; that she had learnt and used a secret book code; and that documents in code had been found at her home in Louis Botha Avenue.

Most of the day was taken up by the admission into the court record of documents and photographs found at the house where Mr Niehaus and Miss Lourens lived together with two other people.

Captain Cornelius van Wyk (of the Security Police) said he had led a search of the house at 5am on August 23 this year and had found 50 documents and 67 photographs.

A police officer had been sent to the school where Miss Lourens taught and she had been brought to her house about 8am.

Among the documents found was an application for a phone from someone designated as Mr "X" by the State.

It is alleged Mr Niehaus and Miss Lourens told the ANC Mr "X" was a Security Police spy operating in a black township in Johannesburg.

One of the documents contained a list of code names for people in Botswana.

● See Page 10

# Frozen smiles, frozen chicken

By GEOFFREY ALLEN

CARL NIEHAUS and Johanna Lourens came up at a measured pace from the cells below the Supreme Court in Johannesburg yesterday to face a charge that can carry the ultimate sentence — death.

They looked like any rather intense, academic couple. He has a full beard, fashionably cut, shoulder length hair, and gold-rimmed glasses. She has enormous brown eyesand a face-splitting smile.

Only Mr Niehaus's three-piece pin-striped suit, his spanking new black shoes, and the tense, nervous gestures they both made in the dock, gave the clue to the seriousness.

Photographs handed in to the court portrayed it more eloquently. A politcally aware Wits student and a young lady teacher, partying with bottles of wine on a bare table and vaguely Bohemian friends sitting cross-legged on the floor talking and gesticulating.

Yesterday's gallery started full, with a multi- public craning to ... sight of the pair, but t... was half empty, and ... emptier at the start ... afternoon session.

In the front row of the public gallery sat Mrs Lu... Hunter, whose daughter Catherine is named in the indictment and who charged the Prime Minister, Mr P W Botha at a public meeting in Johannesburg last week.

While the legal procedures ground on, Carl Niehaus and Johanna Lourens sat whispering exchanges and studying the files they carried.

Instructing lawyer Miss Kathy Satchwell brought them carrier bags with chicken for supper. "It's been frozen since Thursday so it'll be fine, I ate the salad the other night," she quipped.

They laughed.

Even from two metres away it wasn't hard to spot that the laughter died along their lips. Their attention, behind the smiles and small talk, is riveted on the proceedings which will decide their fates over the coming fortnight.

# Court is told of a link to four-part ANC plan

**ACCORDING to the indictment drawn up by the State, Mr Carl Niehaus and Miss Johanna Lourens were alleged to have been furthering the aims of the banned African National Congress.**

**The indictment alleges they became members and/or active supporters of the outlawed African National Congress at a date unknown to the State; learnt a secret ANC code; and carried out orders to further its aims.**

**In March 1983 they received instructions to:**

- **Oppose the Government's constitutional plans and to promote the ANC Freedom Charter.**
- **Start a campaign against the draft Bill of the Orderly Movement and Settlement of Black Persons Act and to dub it the "Genocide Bill".**
- **Oppose the Ingwavuma/kaNgwane land deals and to continue campaigning against army duty.**
- **Distribute pamphlets furthering all these aims and recruit a person to improve communication between them and the ANC.**

**The indictment further alleges that Mr Niehaus reported to the ANC regularly and that Miss Lourens had assisted him in compiling, decoding and transmitting these reports.**

**They allegedly received coded instructions from the ANC by telephone, post and couriers and through "dead letter" boxes (pre-arranged places where messages could be left and collected) set-up on the sports grounds of the University of the Witwatersrand and at the Johannes-**

**By GEOFFREY ALLEN**

burg Art Museum.

Other messages were received during meetings with ANC leaders and/or supporters during visits the couple made to Botswana. The Security Police, it is alledged, found some coded messages in their home when it was raided in August this year.

Mr Niehaus allegedly formed the Afrikaans-speaking Socialists Association (ASA), or made out that it existed to further the aim of the military wing of the ANC, the South African Congress of Trade Unions and the SA Communist Party.

They had identified the Johannesburg City Council's gasworks in Cottesloe as a sabotage target. The ANC ordered photographs of the gasworks.

Mr Niehaus, it is alleged, had persuaded Mr Robert Whitecross, a lodger in his home to assist with this project in July 1983. In August he and Mr Whitecross inspected the site and took more photographs.

Mr Niehaus later wrote details on the photographs, which were to be sent to the ANC. Security Police, it is alleged, found the photographs and some drawings at his workplace.

On May 23, 1983, Mr Niehaus placed a pamphlet bomb (which was found and defused) at the front door of the army's recruiting office in the Carlton Centre, Johannesburg. The 500 pamphlets urged the rejection of national service. (This count was abandoned yesterday against Miss Lourens in view of an admission made by Mr Niehaus.)

Mr Niehaus had also selected as a sabotage target the South African Broadcasting Corporation. He allegedly requested a plan of the Piet Meyer Building and some information about its security measures from an SABC employee, Miss Roelie Reikstra. She did not give him the plan.

He allegedly told Mr Gerhardus Kleinhans, a former student of the Rand Afrikaans University that he wanted to blow up the office of Mr Ian de Vries, a lecturer at the university's Department of Revolutionary Studies, because the academic had given expert evidence for the State in trials against ANC members.

He asked Mr Kleinhans to draw a plan of Mr De Vries's office. This was not done.

Mr Niehaus and Miss Lourens allegedly received information from Mr Kleinhans, who works at the Parktown Post Office, that a certain person (whom the State referred to as Mr "X") in Alexandra Township was spying for the Security Police. They allegedly passed on these details to the ANC so that the spy could be eliminated.

They reproduced and handed out two pamphlets which they had received from the ANC. These were "No to the Genocide Bill" and "No to the Oppressors (President's) Council" (This count was also abandoned against Miss Lourens.)

In April 1982, Miss Lourens and Mr Niehaus allegedly helped Mr Nicholas Motsai, Mr Bertha Letsatsi, Mr Vincent Tshabalala and Mr Dipuo Mvelase to leave South Africa illegally for training by the ANC.

Mr Niehaus had asked Miss Catherine Hunter during February 1982 if she would help him with ANC matters. Miss Hunter refused. (Mr Niehaus claimed in court that the approach had been made in October or November 1982.)

It was alleged that in May 1983 she helped him compile a pamphlet "Why the Pretoria Bomb was necessary" which he distributed in Johannesburg.

Mr Lionel Murcott helped Mr Niehaus in April 1982 to distribute the following pamphlets at the Rand Show, Milner Park, Johannesburg: "Verklaring uitgereik tydens loodsvergadering van ASA"; "Stand up against the oppressors — reject national service" (in English and Afrikaans); and "No colloboration with the SADF" (South African Defence Force).

These were allegedly compiled and printed by Mr Niehaus and Miss Lourens. Later they allegedly produced and distributed another pamphlet 'Aluta Continua' (the struggle continues).

However, Mr Niehaus had failed to recruit Mr Murcott for the ANC.

In March 1982 he persuaded Mr Vusi Vilakazi to distribute three sets of pamphlets in Alexandra Township, Mr Niehaus and Miss Lourens tried to teach him the secret code. Mr Vilakazi refused to become a courier.

# NIEHAUS MADE MANY TRIPS TO BOTSWANA, WITNESSES TELL COURT

□ From Page 1

ed that he was not temperamentally suited to the pressures of acting clandestinely and secretly, and felt that doing so would adversely affect his painting and poetry.

"I don't stand up to stress very well and so I decided I was not the right sort of person . . . I can't afford to have that hidden sort of content in my life," Mr Murcott said.

He said he had travelled with Miss Lourens and her father to an arts festival in Gaborone, Botswana, in July last year and had heard ANC members Marius Schoon and Patrick Fitzgerald address the large open gatherings.

In June this year he had driven as far as Zeerust with Miss Lourens and returned to Johannesburg by train to keep an appointment while she continued to Botswana.

Mr Murcott said the pressure of Mr Niehaus's dominant personality and political activities had placed a huge strain on Miss Lourens, who was predominantly interested in her painting and poetry.

At an Easter camping holiday in the Waterberg, Miss Lourens had told him and his wife that she felt severely pressurised by these twin factors.

Another witness, Mr Chalmers Nolte, said he had gone to Botswana with Mr Niehaus but could think of no specific reason why they had gone there as they had talked together for much of the time.

He said that his girlfriend, Miss Robyn Gordon, had agreed to receive mail and that he had passed an envelope to Miss Lourens in Hillbrow from his car. She wrapped it in a newspaper and taken it to the flat she then shared with Mr Niehaus.

Miss Gordon told the court she had gone to Botswana on another trip with Mr Niehaus to see her close friend 'Diane' whose surname she did not know and that she had stayed there for two days in the home of a woman whose name she could not remember.

"I'm very bad at names," she told Mr Justice Myburgh.

She said she and Mr Niehaus had been met at the Holiday Inn in Gaborone by a Mr Damian de Lange who had taken them to the house where they stayed.

On the Saturday night of their stay she had been told by Mr Niehaus that he was busy "writing my life story which must be finished by tomorrow". She had surmised that he had spent most of the night writing.

On the trip home he told her he was pleased with the trip and had "made good contact".

Later she received a parcel from Botswana bearing the words "children's (jigsaw) puzzle". Inside was a letter addressed to Mr Niehaus and she passed it to him via Mr Nolte.

RAU politics honours graduate, Mr Gerhardus Kleinhans, gave evidence dressed in a double-breasted dinner jacket, white trousers, tackies and pink tie.

The bearded graduate, who is a clerk in the Parktown Post Office, said he had known Mr Niehaus since they met at RAU in 1980 before Mr Niehaus was asked to leave following an incident on the campus.

During a conversation Mr Niehaus had said of lecturer Mr Ian de Vries, and said "but the man should be blown up!" (Die man behoort om opteblaas to word"), because he had given evidence in a Supreme Court political trial.

Mr De Vries is a lecturer in the Department of Revolutionary Studies at RAU.

Mr Niehaus later asked Mr Kleinhans to get a plan of Mr De Vries's offices at RAU but he had not made the plan nor had he connected the remark to the request for the plan.

He said that while working at the post office he had received a request written on the letterhead of the divisional head of the Security Police at John Vorster Square instructing the post office to instal a phone at the home of a Mrs "X" in Alexandra Township as she was to act as a police informer on the ANC.

He had shown a photostat to several friends and handed it to Miss Lourens to give to Mr Niehaus who later said that action had been taken against the woman and her house had been burned down.

Subsequently he was told that that was untrue.

Mr Kleinhans and his girlfriend, SABC employee Miss Roelie Kuikstra, agreed that Mr Niehaus had been fascinated by a plan he had been given of part of the main tower block at the SABC and had asked for a copy.

She did not give it to him.

"It went through my brain that I worked there and so did many other people and that he might have intended something violent," Miss Kuikstra said in her evidence.

Miss Karen du Plooy, a former lodger at the Niehaus/Lourens residence at 40A Louis Botha Avenue, said she recalled a group of blacks staying at the house during July 1983, but did not know whether they were the people Mr Niehaus is alleged by the State to have helped cross the South African border into Botswana.

She had allowed him to use her car one night while the men were there but had no idea where he had gone.

The trial continues today.

## Detained teacher released

By ANTON HARBER
Political Reporter

MISS Catherine Hunter, the detainee whose mother tackled the Prime Minister at a public meeting last week, was released by the Security Police late yesterday afternoon.

Miss Hunter, a 23-year-old schoolteacher, had been held incommunicado for nine weeks.

On her release yesterday, her mother, Mrs Lucienne Hunter, said her daughter was "extremely well" and "talking continually".

She was being held as a potential State witness in the treason trial of Mr Carl Niehaus and Miss Jansie Lourens, currently taking place in the Rand Supreme Court.

On Monday Mr Niehaus made certain admissions which are believed to have made it no longer necessary for Miss Hunter to be called as a witness.

He admitted, among other things, that he had attempted to recruit Miss Hunter for the banned African National Congress.

Her mother shot into prominence a week ago when she rose to confront the Prime Minister, Mr P W Botha, over her detention during question time at a referendum meeting at the Johannesburg City Hall.



This picture of Mr Carl Niehaus at a party was handed in as evidence by the State in the Rand Supreme Court yesterday where he is standing trial with his fiancee, Miss Johanna Lourens, on a charge of high treason.

## Winks from the dock

THERE is a strange camaraderie between the Security Police investigators in the Niehaus-Lourens treason trial and the young engaged couple they have put in the dock.

Throughout yesterday the two main police investigators, sitting alongside the prosecutor, Mr J A Swanepoel, exchanged winks and smiles with the couple as they listened to their friends giving evidence for the State.

It became clear that they shared "insider" jokes about some details of the evidence and often both Miss Lourens and Mr Niehaus laughed openly at remarks made during breaks in the trial by the security men.

After artist Mr Lionel Murcott had given evidence of his involvement in some of Mr Niehaus' alleged schemes, the trio chatted and laughed amiably together — the accused standing in the dock facing their friends in the gallery and Mr Murcott reaching out to hold hands with Miss Lourens whom he had described as a dedicated artist and poet.

Mr Murcott said that in her recent poetry her resentment of Mr Niehaus' dominant personality and obsession with leftist politics had shown through clearly.

The couple looked far more relaxed than on the first day of the trial and Miss Lourens frequently flashed her broad smile at friends and relatives.

Throughout the day uniformed and plainclothes policemen herded away photographers from the passages outside the courtroom, and, apparently acting on instructions from the Judge President, insisted that cameras be left in the Press room.

Star (331)

# Police spy shocks treason trial pair

By Rashid Chopdat

Two alleged African National Congress members were stunned when their friend and housemate disclosed before Mr Justice A P Myburgh in the Rand Supreme Court today that he was an undercover Security Policeman.

Warrant Officer Robert Whitecross was giving evidence against theology student Mr Carl Niehaus (23) and his fiancee, Miss Johanna Lourens (23), of Berea, Johannesburg, who have pleaded not guilty to charges of high treason and contravening the Internal Security Act.

Warrant Oficer Whitecross told the court that he moved into a commune with the accused in February 1982 and that he helped Mr Niehaus to take photographs of the Johannesburg City Council gasworks which had been chosen as a sabotage target by Mr Niehaus.

The officer said that, on May 28 this year, he was asked by Mr Niehaus to take photographs of the gasworks in Cottesloe.

"He didn't tell me why he wanted them. Nobody was present when he requested this and he told me not to mention it to anyone else," said Warrant Officer Whitecross.

"I told him I couldn't give him my answer at the time. I contacted my handler who instructed me to acknowledge the request. I told Mr Niehaus that I would help him to take the photographs.

"Mr Niehaus told me there was a level of urgency for the photographs and that he had been under pressure for the past six months to take them.

"He said the deadline for the photographs was the end of June 1983.

"I said it would be extremely risky two weeks after the Pretoria bomb blast and also because June 16 was near.

"Mr Niehaus said he would leave a note requesting an extension of the deadline. I didn't understand this and I queried it. Mr Niehaus said there was nothing to fear and that he did not use dead-letter boxes.

"Mr Niehaus said that Mr Robby Adam (an ANC member convicted of high treason two years ago) had used dead-letter boxes which were intercepted by the Security Police and he was caught and convicted," said Warrant Officer Whitecross.

Mr Niehaus said that they should not use a car belonging to any of the members of the commune because the Security Police might identify them, Warrant Officer Whitecross said.

He said that his handler provided him with a van.

In July, Warrant Officer Whitecross and Mr Niehaus took photographs of the gasworks.

Warrant Officer Whitecross said that Mr Niehaus suggested that the film could be developed in the darkroom of the South African Council of Churches.

The policeman did not do this but handed them to his handler to be developed.

Mr Niehaus and the policeman went back some weeks later to take more photographs because the first batch was not comprehensive.

Warrant Officer Whitecross said Mr Niehaus told him to take pictures of holes in the fence on the southern perimeter of the gasworks. Mr Niehaus commented how easily a saboteur could enter.

At this stage the State handed in an album of photographs taken by members of the Security Police. These allegedly showed Mr Niehaus and Warrant Officer Whitecross taking photographs at the gasworks.

Warrant Officer Whitecross said he also took pictures at a house-warming party at the commune.

Warrant Officer Whitecross also told the court that when alleged ANC member Mr Carel Niehaus heard of the car bomb explosion in Bloemfontein earlier this year, he jumped up with both hands in the air and shouted: "Hallelujah. How many people were killed?"

He said he heard of the bomb explosion on the radio news and told Mr Niehaus. It was then that Mr Niehaus allegedly jumped up and shouted.

The trial continues.

## Fake 'post offices' part of the plan

# Treason trial told of 'sabotage'

By GERALD REILLY

GOOD planting rains have fallen over most of the M- Triangle and the season is to a great start.

But agricultural author warn that another dry s- mid-season could ruin thous- of farmers already deep in because of the drought.

Farmers, it was stated, start the new season with debt burdens and rea- crops this year were vital to survival of thousands of fa-

The National Maize Pro- Organisation's chief ec- Dr Kit le Clus, confirmed coming season would be cri- for thousands of farmers.

"Their carry-over debts to co-operatives and the Land B- have climbed to more t R2 000-million and it will t more than one good sea- eliminate them, or even r- them significantly.

"But if this season is a- disaster, then the situation l- ly bears thinking about."

Nampo, he said, had ap- to farmers to plant only t-

By GEOFFREY ALLEN

**A PROCESSION of young students who have turned State witnesses against treason trialists Mr Carl Niehaus and Miss Johanna Lourens told yesterday how they had helped the couple by acting as "post offices" for suspect international mail.**

Several witnesses said they had also discussed with Mr Niehaus various alleged plots to blow up public buildings.

The Rand Supreme Court was told that none of the witnesses took seriously Mr Niehaus's alleged threats to blow up Rand Afrikaans University lecturer Mr Ian de Vries (or his office), and they had only surmised that he intended some sort of attack on the SABC headquarters building in Auckland Park.

Both Mr Niehaus and Miss Lourens have pleaded not guilty to the main charge of high treason and to alternative charges under the Internal Security Act.

The second day of the trial opened amid rigid security with a dozen plain clothes members of the Security Police on duty inside and outside the court and several uniformed policemen sitting in the corridors and in the court.

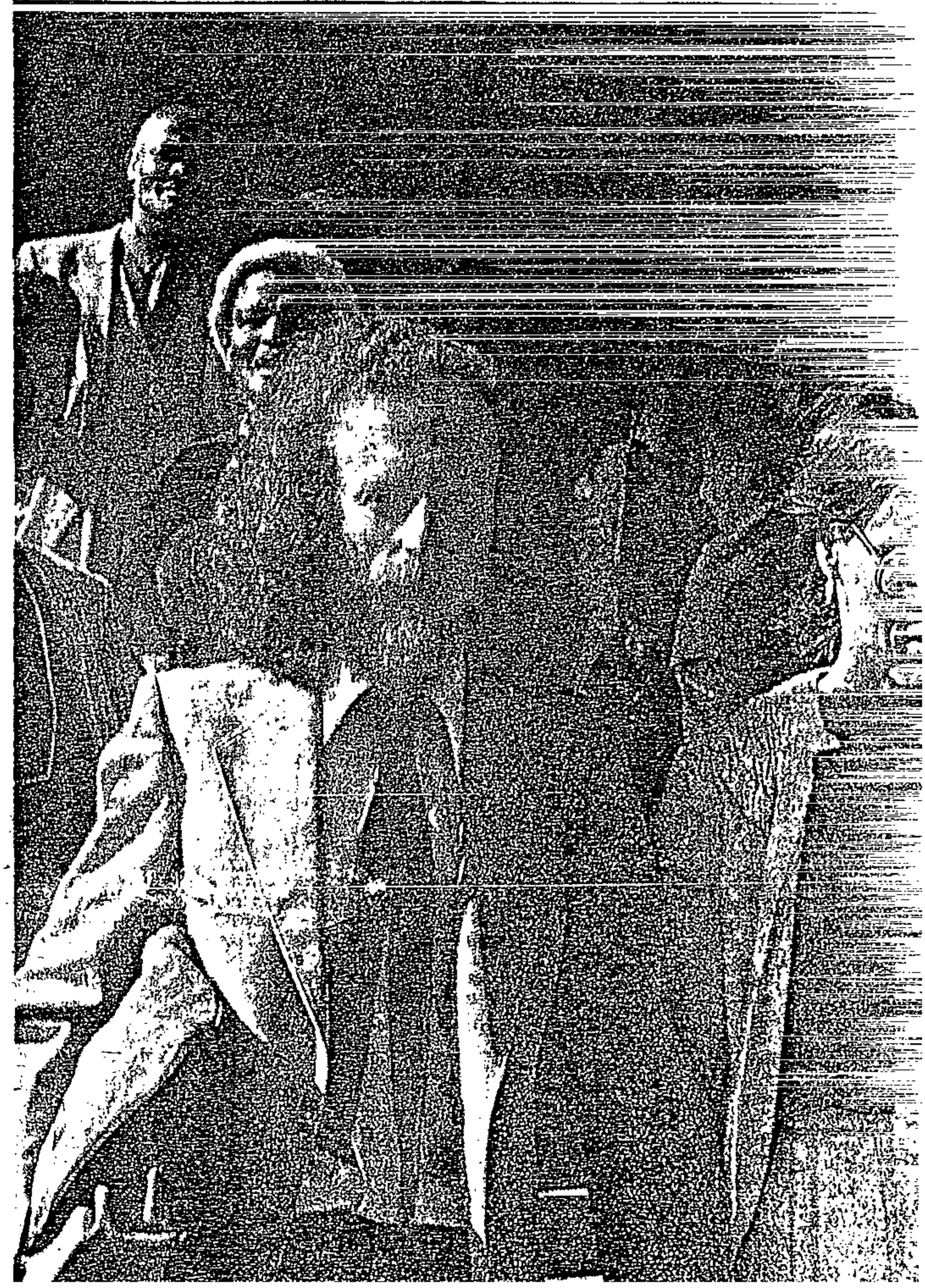
Yesterday's leading witness was Mr Lionel Murcott, an artist who was warned he would have to answer questions which would incriminate him, in exchange for an indemnity against prosecution.

Wearing a shoulder-length 'Yoko Ono' style haircut, neat grey suit, and speaking firmly in accentless English, he told of his role in helping Mr Niehaus in his allegedly treasonable activities.

He said he had first met Miss Johanna "Jansie" Lourens when she was an art student and had subsequently met Mr Carl "Carel" Niehaus, who had asked him to accept mail coming from Botswana.

A parcel had arrived in 1981 addressed to him and he had opened it to find a booklet on Marxist theory and several posters and pamphlets. These he had passed on to Mr Niehaus.

"Carel had had some trouble over a banned book and he presumed that his post might be watched and so he decided that my address would be safer," Mr Murcott



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"Carel had had some trouble over a banned book and he presumed that his post might be watched and so he decided that my address would be safer," Mr Murcott said.

He had again agreed to receive mail in April or May of this year and again a parcel had arrived from Botswana.

One night in April last year, Mr Niehaus had gone to Mr Murcott's home in Rhodes Avenue, Johannesburg, and said he would be distributing controversial pamphlets and might have trouble with the police.

"He simply wanted someone to know where he would be. He showed me a pamphlet entitled 'Stand up against the Oppressors', and said that they had been drawn up by the ASSA (Afrikaans Speaking Socialists Alliance, an organisation Mr Niehaus claimed to have formed) and said he felt it was commendable and exciting for Afrikaners to become involved in political activities.

"At this stage I was only asked to keep tabs (track) of his movements in case anything happened," Mr Murcott said.

Eventually he had helped put the pamphlets under car windscreen wipers in the parking lot of the Rand Easter Show.

Later Mr Niehaus, an NGK deacon, had suggested that Mr Murcott join the ANC and had asked him to think about it.

"We discussed it and noted that there were christians in the organisation ... men such as Oliver Tambo (acting head of the ANC) who is a practising Anglican and Father Michael Lapsly," Mr Murcott said.

Eventually he had decid-



Mr Lionel Murcott leaves the Supreme Court with his wife yesterday after he gave evidence for th against his friends "Jansie" Lourens and "Carel" Niehaus.

# Nine die in battle

**Mail Reporter**

NINE people were killed and 17 injured in a faction fight near Greytown in the Natal Midlands, police reported.

The fight occurred in the Msinga district between members of the Bomvu and Mngeni tribes. Police said last night that they were investigating the incident and confirmed that a number of guns and assegais had been confiscated.

No arrests have been made.

**Breakfast Quip**




# Court orders TAP aircraft be attached

**By TONI REYNEKE**
**Court Reporter**

THE Rand Supreme Court yesterday granted an order to attach an aircraft owned by the Portuguese airline, TAP, to found jurisdiction for a R2 000 damages claim.

A Cape Town businessman, Mr Ronald Bruce Black of Helianthos, Victoria Road, Clifton, Cape Town, said in papers TAP owed him R2 049,28 for breach of contract.

He told Mr Justice D Vermooten he and his wife had reserved plane tickets from Joahnnesburg to Lisbon leaving on August 28, 1981 and on the return flight on September 6. The dates were later changed to August 30, 1981, returning September 8. Mr Black said he had paid TAP R1 818,80 for the seats.

However, TAP failed to fly them back to South Africa on aircraft, a Lockheed L15, should be attached to find jurisdiction. The judge directed Mr Black to institute court proceedings by way of edictal citation within one month and permitted TAP to enter an appearance.

Mr Antonio Seita, general sales manager of TAP, said last night he had still to learn the details of the case from TAP lawyers, so was unable to comment.

He added however, that the Lockheed L15 would not be retained.

However it is understood that by yesterday afternoon TAP had put up R2 000 security to enable the plane to leave on its scheduled flight from Jan Smuts Airport to Lisbon, Portugal.

At Jan Smuts Airport last night, passengers boarded the plane uneventfully in the drizzle and the aircraft took off at 7.30pm on schedule.

# Killer socc fan gets lif

**London Bureau**

LONDON. — A soccer fanatic who his girlfriend because she switched Cup Final replay on TV was jailed Nottingham Crown Court yesterda

Stan Dingley, 43, stabbed m Christine Worley, seven times in after she pulled the plug on the tween Manchester United and B May.

After the killing, Dingley left th Gornal, in the West Midlands, a the rest of the game at a local

The jury took two hours to r mous guilty verdict on Dingley.

# A Rio trunk c

RIO DE JANEIRO. — Thieves Janeiro's famous beaches have ging swimmers to take their

A newspaper quoted a lifeguard male swimmers in expensive approached in waist-high water swap their suits with the mugger accomplices standing by.

The paper said the practice was mon along the fashionable Co Ipanema beaches. — Sapa-AP.

MIDWEEK Home Fin

## What Niehaus allegedly said about lecturer . . .

# 'He must be blasted'

By NKOPANE MAKOBANE

**A STATE witness told a Rand Supreme Court judge yesterday that a treason trial accused had once told him that a state expert witness in political trials ought to be blown up.**

Mr Gerhardus Kleinhans, a former Rand Afrikaans University (RAU) student was testifying at the trial of Mr Carl Gerhardus Niehaus (23), a University of the Witwatersrand student and his girlfriend, Miss Johanna Lourens (23), a mathematics teacher at the C J Botha High School in Bosmont.

They have pleaded not guilty to a charge of high treason or alternatively taking part in terrorist activities under the Internal Security Act before Mr Justice A P Myburgh.

Questioned by Mr D Kuny, SC, for the defence, Mr Kleinhans said when Mr Niehaus said Mr I de Vries, a lecturer at RAU's Department of Revolutionary Studies, "behoort om op te blaas te word" (ought to be blown up) he had taken it not to be a statement of intent but an exclamation.

He said the utterance had emanated from a discussion about Mr de Vries after he had again given expert evidence in a trial involving ANC members.

Earlier another witness, Ms Rolyn Gordon, told the court that one weekend in January last year she went to Botswana with Mr Niehaus. She had asked him for a lift and he had not told her the purpose of his visit. While there on a Saturday she saw Mr Niehaus writing something which took him almost the whole night.

**(Proceeding)**

DDispatch 9/11/83

331

# Validity of SA laws contested in Ciskei trial

EAST LONDON — The validity of the South African Terrorism and Publications Acts in Ciskei were contested in the Ciskei Supreme Court in Bisho yesterday.

Mr M. T. K. Moerane argued before the Chief Justice of Ciskei, Mr Justice De Wet, and two assessors that the Terrorism Act was in conflict with the spirit of the Ciskei constitution as it contained a number of drastic and draconian provisions. The act was implicitly repealed by the Ciskei Constitution Act he said.

Appearing before the court were Mr Mabone William Duna, 31, Mr Dumisani Bizette Maninjwa, 31, Mr Jeffrey Bayi Keye, 52, and Mr Luyanda Patric Mayekiso, 23.

The four Mdantsane men pleaded not guilty to charges of participating in terrorist activities, being members of the ANC, recruiting people to undergo military training in Lesotho and being in possession of banned literature.

Mr Moerane said the Publications Act recognised the upholding of the Christian view of life. This was too narrow for Ciskei. There was also no mechanism by which the act could be applied in Ciskei. He also did not believe that the declared undesirability of a publication under the provisions of the act in South Africa was ipso facto applicable to Ciskei.

Mr Justice De Wet told Mr Moerane that the Ciskei Constitution Act stated that acts of the Republic of South Africa should apply in Ciskei unless otherwise stated.

The Ciskei Attorney-General, Mr W. F. Jurgens, wound up the State's case yesterday. He said that although three statements used as evidence before the court had during the trial been loosely referrad to as "confessions" he submitted that they did not comply with the requirements of confessions to any of the offences alleged in the charge sheet and that each of the three statements was merely a series of admissions.

Mr Jurgens told the court that it was proved that Mr Duna conducted meetings to indoctrinate people in favour of the ANC, distributed propaganda material of the ANC, went to Lesotho to receive training and instruction to further promote the ANC and that he obtained information about the South African Allied Workers' Union (SAAWU) and gave it to the South African Congress of Trade Unions (SACTU) to be used by SACTU and the ANC.

Mr Jurgens also submitted that there was direct evidence that Mr Duna saw and intended his actions to promote the revolutionary aims of the ANC.

He also contended that Mr Maninjwa distributed ANC propaganda material, went to Lesotho to receive training and instruction to further promote the ANC and obtained information about SAAWU and transmitted it.

Mr Jurgens asked the court to convict Mr Keye of taking part in the activities of the ANC or of carrying on activities in the interest of the ANC by his involvement in meetings.

Against Mr Mayekiso only one type of activity was proved, namely the distribution of ANC propaganda material, Mr Jurgens said.

The case continues today. — DDR

## Treason trial in fifth week

CAPE TOWN — The trial of Commodore Dieter Gerhardt and his wife, Ruth, on charges of high treason, has entered its fifth week behind closed doors in the Supreme Court here.

According to the Attorney-General of the Cape, Mr D. J. Rossouw, SC, evidence may be concluded in about a week. — SAPA.

# Students tell of aiding accused

CAPE TIMES 9/11/83 331

**Own Correspondent**

JOHANNESBURG.— A procession of young students who have turned State witnesses against treason trialists Carl Niehaus and Johanna Lourens told the Rand Supreme Court yesterday that they had helped the couple by acting as "post offices" for suspect mail.

Several witnesses said they had also discussed with Mr Niehaus various plots to blow up public buildings.

## Pamphlet

Both accused have pleaded not guilty to the main charge of high treason and lesser charges under the Internal Security Act.

Witness Mr Lionel Murcott, an artist with shoulder-length hair, was warned that he would have to answer questions which could incriminate him, in exchange for an indemnity against prosecution.

He said he had first met Miss Lourens when she was an art student and had subsequently met Mr Niehaus, who had asked him to accept mail from Botswana.

One night in April 1982, Mr Niehaus had gone to Mr Murcott's home in Rhodes Avenue, Johannesburg, and said he would be distributing controversial pamphlets and might have trouble with the police.

"He showed me a pamphlet entitled 'Stand up against the Oppressors', and said they had been drawn up by the ASA (Afrikaans-Speaking Socialists' Alliance, an organization Mr Niehaus claimed to have formed).

Eventually he had helped put the pamphlets under car windscreen wipers in the parking lot at the Rand Easter Show.

Later Mr Niehaus, a Ned Geref Church deacon, had suggested that Mr Murcott should join the ANC.

"We discussed it and noted that there were Christians in the organization ... men such as Oliver Tambo (acting head of the ANC), who is a practising Anglican, and Father Michael Lapsly," Mr Murcott said.

## 'Huge strain'

Eventually he had decided that he was not temperamentally suited to the pressures of acting secretly, and felt that doing so would adversely affect his painting and poetry.

Mr Murcott said the pressure of Mr Niehaus's dominant personality and political activities had placed a huge strain on Miss Lourens, who was predomi..antly interested i.. ..er painting and poetry.

A Rand Afrikaans University politics honours graduate, Mr Gerhardus Kleinhans, who works as a clerk in the Parktown post office, gave evidence dressed in a double-breasted dinner jacket, white trousers, tackies and pink tie.

He said he had known Mr Niehaus since they met at RAU in 1980.

During one conversation Mr Niehaus had said of lecturer Mr Ian de Vries "but the man should be blown up", because he had given evidence in a political trial.

Mr De Vries is a lecturer in the Department of Revolutionary Studies at RAU.

Later Mr Niehaus had asked Mr Kleinhans to get a plan of Mr De Vries's offices at RAU, but he had not made the plan, nor had he connected the remark to the request for the plan.

He said that while working at the post office he had received a request, written on the letterhead of the divisional head of the security police at John Vorster Square, instructing the post office to instal a phone at the home of a Mrs "X" in Alexandra township, as she was to act as a police informer.

He had shown a photostat to several friends and had handed it to Miss Lourens to give to Mr Niehaus who later said that action had been taken against the woman.

Subsequently he was told that that was untrue.

Mr Kleinhans and his girlfriend, SABC employee Miss Roelie Kuikstra, agreed that Mr Niehaus had been fascinated by a plan she had been given of part of the main tower block at the SABC and had asked for a copy.

The trial continues today.



In this case it's a matter of "; can't lose any". A St George' out this ingenious method o an outing in the City yesterd hold o

## town topics

The original community noticeboard.
Phone Olenka Brink at 24-2233 9am to 12.30pm
(only Mondays to Fridays)

**PINELANDS ATHLETIC CLUB** will hold a **BARN DANCE** at the Roman Catholic Church Hall in Pinelands on Saturday. Tickets are R8 a couple. For more information contact Jenny Weers at ☎ 53-4882.

□□□

**A SOCIAL CLUB FOR THE OVER-40s** has get-togethers every Thursday from 8 to 10pm in the Rondebosch Scout Hall (under the bridge). Entry fee is 50c a person. Inquiries ☎ 44-6433 between 6 and 7pm.

□□□

**SA COMMERCIAL TRAVELLERS' ASSOCIATION** is holding a games evening on Friday. Prizes to be won include a TV set. For further details ☎ 53-5632

# 'Cunning thief' hunted

**Crime Reporter**

FRAUD Squad detectives have launched a search for a "cunning thief" who used stolen cheques to pay for 20 gold Kruger coins worth about R15 000.

The thief telephoned the Coin and Jewellery Exchange on Friday, November 4 and ordered the coins. He said he was Mr J L Patel and

# Council ... for Wyn... Park sch...

**Municipal Reporter**

THE City Council will be selling off two plots of public land adjoining Wynberg Park to help finance a major redevelopment programme for the park.

The public land, on

ed that be und... five-yea...

Mr B... access park s... lourful posts ... bounda...

# 'Letter' warned of security police

ARGUS 10/11/83 (331)

**Argus Correspondent**

JOHANNESBURG. — An alleged member of the African National Congress, Mr Carl Niehaus, warned his fiancée in a letter he wrote while he was in hiding to watch out for security police activities.

Mr Niehaus went into hiding at a Johannesburg priory for a week because he heard the security police were to take action against him.

This was said in the trial of Mr Niehaus and his fiancée, Miss Johanna Lourens, both 23, at the Rand Supreme Court yesterday.

The couple, of Berea, Johannesburg, have pleaded not guilty to charges of high treason and charges under the Internal Security Act.

During his week in hiding Mr Niehaus received visits from Miss Lourens and Warrant Officer Robert Whitecross, a security police spy working undercover who lived with the two in a commune.

Warrant Officer Whitecross said Mr Niehaus asked him to take him to meetings and examinations while he was in hiding.

Mr Niehaus, he said, handed him a letter to pass on to Miss Lourens. Mr Whitecross did so but not before taking a photocopy of it.

## ANC flag

In the letter, which was handed in as evidence, Mr Niehaus asked his fiancée to complete arrangements for the delivery of a coffin and an ANC flag to the Dutch Reformed Church of Afrika in Alexandra.

They were to be used in a June 16 service and a commemorative service for three executed members of the ANC.

He also asked Miss Lourens to send a report he had prepared to the ANC. The report was in the cellar of their home with "other sensitive documents". She was requested to make photocopies of original pamphlets the ANC had sent them.

Several times in the letter Mr Niehaus warned her against the security police.

"Make sure you are not followed," he wrote.

He also asked her to find out what the security police were doing and whether they were "bothering any other members of our small group".

## Shock

He included telephone numbers of people she might need to contact. Among them were the telephone numbers of the Rev Sam Buti and Dr Beyers Naude, the banned former director of the Christian Institute.

Mr Niehaus concluded: "My darling, I love and need you very much. Keep calm and remember we will soon be together again."

Shock reverberated through the courtroom yesterday when Mr Whitecross disclosed that he had been recruited by security police Major Craig Williamson in April 1980 while a student at the University of the Witwatersrand.

He was told to look out for ANC and South African Communist Party activities on campus.

"I met Mr Niehaus the weekend after Dr Neil Aggett committed suicide," the policeman said.

Soon after that he moved into a commune where Mr Niehaus, Miss Lourens and two others lived.

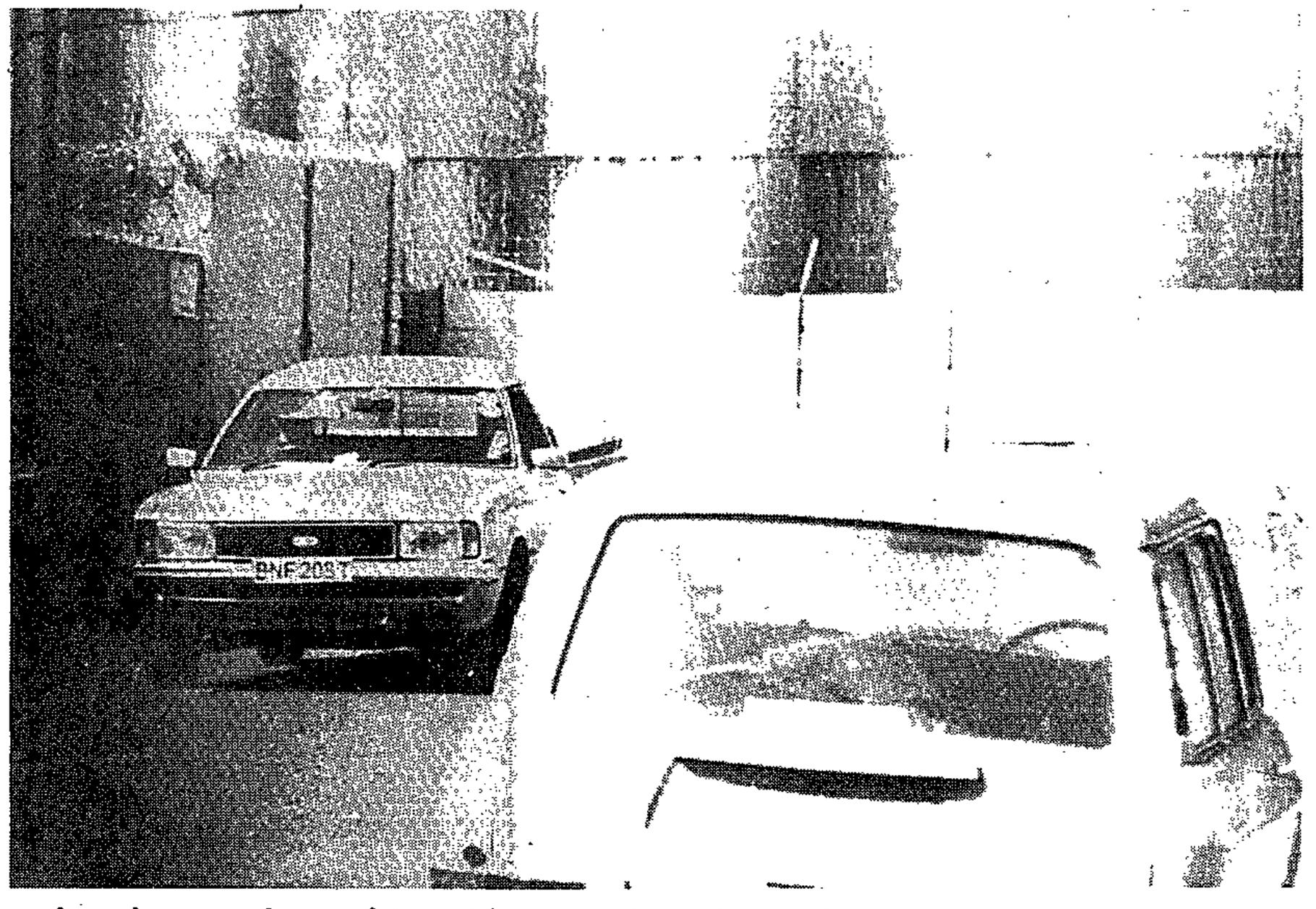
## Target

On May 28 1983 Mr Niehaus asked him to take photographs of the Johannesburg City Council's gasworks in Cottesloe, which had been chosen as a sabotage target.

Mr Niehaus wanted to develop the film in the darkroom at the offices of the South African Council of Churches, but Mr Whitecross handed it to his superiors for processing. When he gave the photographs to Mr Niehaus, Mr Niehaus remarked on their good quality.

Warrant Officer Whitecross also testified that when he told Mr Niehaus of the car-bomb explosion in Bloemfontein Mr Niehaus jumped up with both hands in the air and shouted: "Hallelujah. How many people were killed?"

The trial continues today.




**This photograph, used in evidence in the Johannesburg treason trial, shows the bakkie allegedly used by one of the accused, Mr Carl Niehaus, and the chief State witness and undercover security police spy, Warrant Officer Robert Whitecross.**

POLITICS

# Accused's friend was police spy

CAPE TIMES 10/11/83 331

**Own Correspondent JOHANNESBURG. — For 18 months the security police manipulated the allegedly treasonable activities of Mr Carl Niehaus and his fiancée Miss Johanna Lourens through a spy planted in their commune.**

Mr Niehaus and Miss Lourens have pleaded not guilty to treason and contravening the Internal Security Act.

There was a deafening silence in the Rand Supreme Court when Mr Whitecross announced from the witness box yesterday morning that he was a detective warrant officer attached to security police headquarters in Pretoria.

### Shaken

Mr Niehaus and Miss Lourens were visibly shaken.

Mr Whitecross told the court he had been recruited as an informer by Major Craig Williamson while at the University of the Witwatersrand in 1980. He had joined the South African Police in June 1981.

"I had instructions to investigate and report suspected ANC and SA Communist Party activities on the campus. I was told to look and act like these people and agree with the political views they put to me.

"I frequently handed written reports to my handler and spoke to him verbally.

### Commune

"I met Mr Niehaus the weekend after Dr Neil Aggett committed suicide (in February 1982).

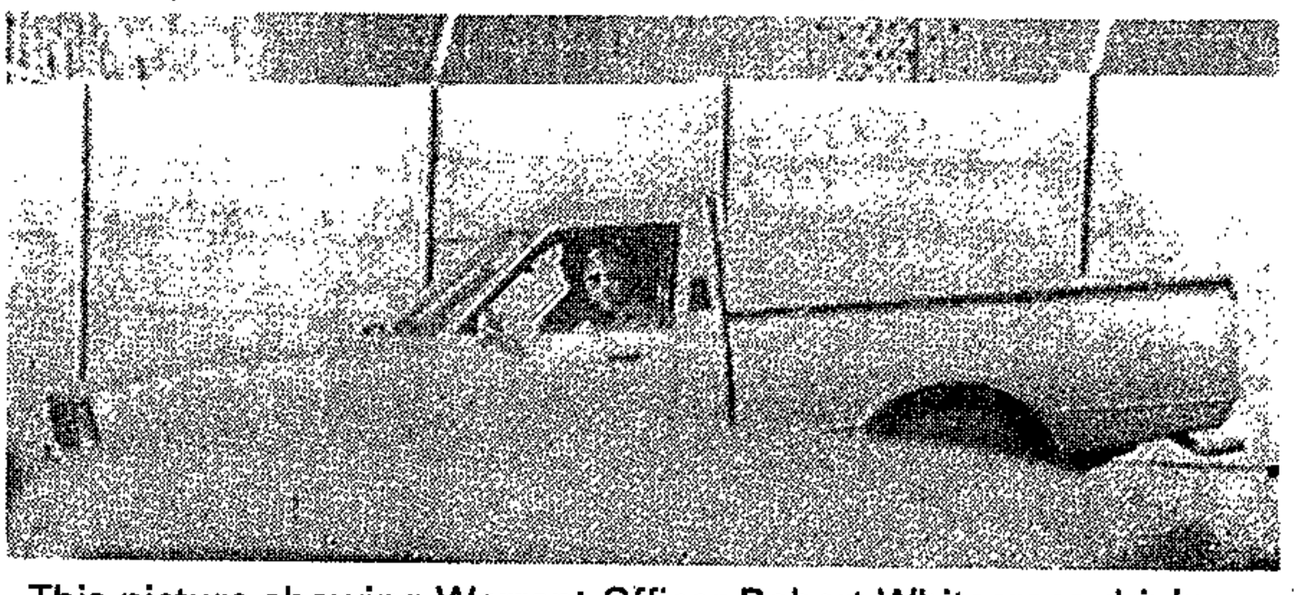
"In February 1983 I moved into the commune with Mr Niehaus and Miss Lourens.

"Mr Niehaus asked me to find hiding places in the house for banned publications in his possession.

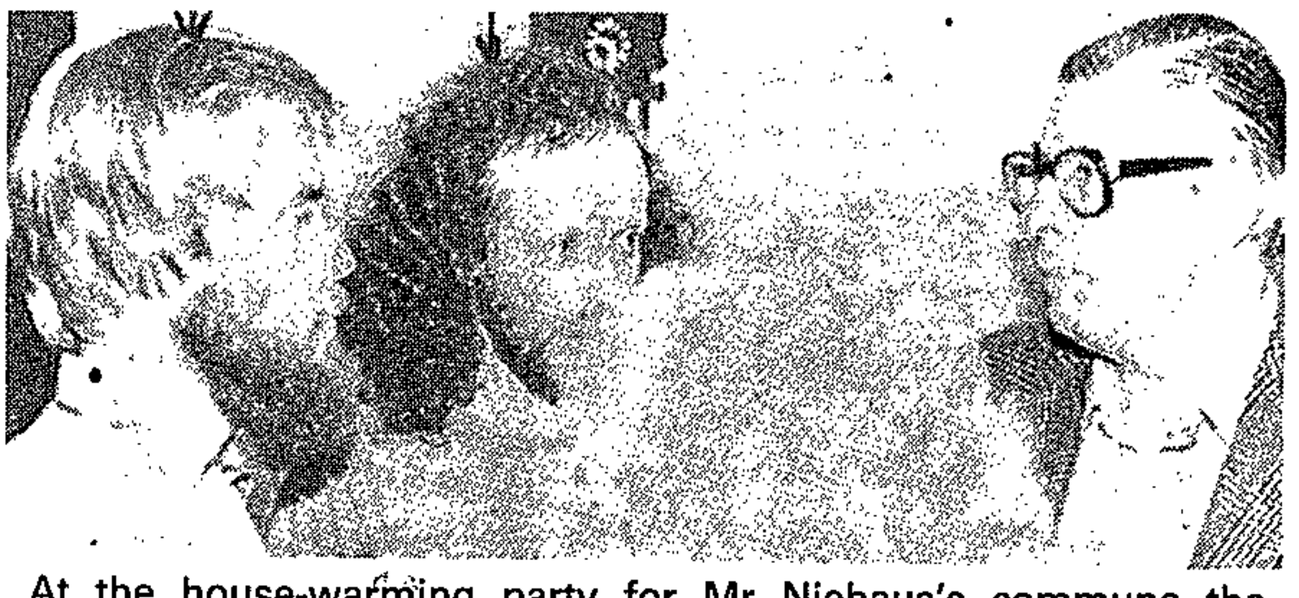
"We each (the five inmates of the commune) paid R100 a month in rent and a church paid another R100 on condition that we accommodated visitors from overseas referred to us by the church.

Mr Whitecross said each person in the house had had a private bedroom except the accused who had used one room as a study.

"I knew Carl frequently went to Alexandra township and in April 1983 he asked me to go with him. We went to a house there and I waited in the car until he came back with a black man called Vusi. Two weeks later we went back to the house and met three black men, Obed, Nico and Vincent.



This picture showing Warrant Officer Robert Whitecross driving a bakkie while Mr Carl Niehaus photographs the Johannesburg Municipal Gas Works was taken by concealed security police. It is an exhibit in the trial.



At the house-warming party for Mr Niehaus's commune the banned Rev Beyers Naude talks to Mr Lionel Murcott, centre, and Carl Niehaus.

"Niehaus knew the Rev Beyers Naude and a Dr Kistner and they were both at a housewarming party at the commune at number 40A Louis Botha Avenue.

"On May 29, 1983, Mr Niehaus asked me to take pictures for him. Ten minutes later he said that these were to be of the municipal gasworks.

"I told him that I would think about it and contacted my handler who instructed me to say that I would help him. Niehaus said that there was a level of urgency and that he had been pressured for six months to take the photographs. The deadline was the end of June 1983.

"I said that it would be extremely risky at that time as the ANC car bomb in Pretoria had gone off and June 16 was only two weeks away."

### Police car

Later Mr Whitecross set Monday July 11 as a firm date for the expedition.

Mr Niehaus asked if he could find a car which would not be traced back to the commune by the security police as he feared that they might be followed.

"I asked my handler to provide me with a car

➡➡➡➡ To page 2 (A)

Cape Times 10/11/83 A **** From page 1 331

and he gave me a Ford bakkie."

Mr Whitecross had already told his handler where and when the surveillance work would be carried out, and he and Mr Niehaus took a set of photographs.

"Mr Niehaus told me later that the first set of photographs were not sufficient and that we must take more.

"Niehaus asked me to go to the SA Council of Churches building with him and in his office there he started drawing a plan of the gasworks. We had some of the photographs with us to help in this. I knew he wanted to send this and the pictures out of the country, and August 26 was the date set. He told me he had someone leaving for Botswana who would take them."

Mr Whitecross said that Mr Niehaus had been active in arranging "a prayer service for six hanged ANC terrorists", and that he had helped by making a life-size coffin for which Miss Lourens had made an ANC flag.

"At the height of the 'Save the six campaign' (before the men were hanged) Mr Niehaus feared security police action and went into hiding for a week. He asked me, through Miss Lourens, to visit his hiding place in St Peter's Priory, Rosettenville, and he asked me there if I would transport him to meetings and to examinations.

"He also gave me a letter to give to Miss Lourens and this I photocopied before giving it to her.

"Niehaus told me that four blacks were fleeing to Botswana to join the ANC, and asked if I could find a safe address.

"I said that I thought I could and passed this information to my handler.

"My handler gave me the address of a person we suspected was harbouring terrorists. Niehaus thanked me for the address."

## Objection

At this point Mr Dennis Kuny, SC, for the defence, objected that the evidence amounted to a confession to a policeman who was not a commissioned officer.

Mr Justice Myburgh ruled that he would hear further argument later from Mr Kuny and the prosecutor, on the admissibility of the evidence.

The trial continues today.

# testifies

# Smiles fade as housemate

Cape Times 10/11/83 331

**Own Correspondent**

JOHANNESBURG. — It was a low-key start to the court hearing yesterday morning when Carl Niehaus and Johanna "Jansie" Lourens walked up to the dock to face the third day of their trial on charges of high treason and offences under the Internal Security Act.

A friend attracted their attention and handed them each a bunch of yellow flowers — there was laughter, and there were handshakes and smiles for friends and relatives.

The atmosphere was relaxed, unlike that on the the preceeding days.

Jansie Lourens broke off one of the flowers and put it in the pocket of her white blouse, and her grin broadened.

Carl moved across to speak to Mrs Lucienne Hunter whose daughter, Katherine, was released from three months of detention on Tuesday.

"How's Kathy?" he asked across the wooden rail that separates the dock from the public.

"She's talking, talking, talking, and so overjoyed to be home again," Mrs Hunter assured him.

"She wanted to be here today, but she must first ask the lawyer if it's all right. As soon as he says so she will be here," Mrs Hunter assured him.

The first witness reeled off a list of photographs taken during the investigation. It was dull stuff, and the evidence of the accused couple's friend, Mr Robert Whitecross, promised to be as dull.

Prosecutor Mr J A Swanepoel paused before introducing the next witness to the judge.

"I now call Detective Warrant Officer Robert Whitecross. . .he will give his evidence in English," he said simply.

You could feel the kick in the stomach that gave Carl and Jansie — and the defence team.

The smiles faded. The tension sparked across the court. A small gallery swelled to capacity as word spread.

Each revelation seemed more incredible than the last as it became clear the Security Police had not only kept tabs on the young couple, but had materially helped them along — and in the case of photographic equipment and developing, actually paid for it.

Major Craig Williamson, ace-spy and spy-master, was there to savour what he clearly thought was a triumph and security police colleagues were almost helpless with laughter in the corridors of the court building.

D. Dispatch 10/11/87

# ANC meetings not proved, judge hears

331

BISHO — Attending a meeting in connection with the ANC did not mean it was a meeting of the ANC, the Ciskei Supreme Court was told yesterday by Mr M. T. K. Moerane. He is defence counsel for four Mdantsane men who face charges in terms of the Terrorism and the Publications Acts.

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

The men face charges of participating in terrorist activities, being members of the ANC, recruiting people to undergo military training in Lesotho and being in possession of banned literature.

Mr Moerane argued that for a meeting to be a meeting of the ANC it would have to be convened by, on behalf of, or at the instance of the ANC. The State failed to prove such meetings.

He contended that the fact that Mr Duna and Mr Maninjwa may have travelled to Lesotho did not mean they promoted the goals of the ANC.

Mr Moerane said attending certain meetings, travelling to Lesotho, distributing pamphlets or obtaining information that had allegedly been passed on to the ANC were not likely to affect the objects of furthering the revolutionary aims of the ANC. This should be proved by the State.

Such activities were likely to cause resistance to the government, but the State had not proved it, Mr Moerane said.

He argued that two key State witnesses colluded to tell an identical untruth and that there were certain inherent improbabilities in their evidence. They had also learnt their statements by rote.

Mr Moerane submitted that the court should place no reliance on a confession of Mr Duna because it was the end product of extensive interrogation over a long period under conditions of solitary confinement. The same applied to the confessions of Mr Maninjwa and Mr Mayekiso.

He also argued that if it was found that Mr Maninjwa distributed or helped to distribute ANC propaganda, such conduct had not been proved to be done with intent to endanger law and order in Ciskei. More than 95 per cent of the documents found by the police asked for a boycott of the twentieth anniversary celebrations of the Republic of South Africa.

It was common cause that many different organisations joined in the protest against such celebrations, Mr Moerane said.

Mr Justice De Wet commented that mere disagreement in temperate language did not render a statement subversion of the State. — DDR

# Photographic dossier of a hidden spy . . .



Handcuffed Mr Carl Niehaus points out "dead letter drop" under a flower box at the entrance to the Johannesburg Art Museum

AFTER their arrests on August 23 this year Mr Carl Niehaus and his fiancee were taken seperately by police photographers to point out various crucial spots in their alleged activity as agents of the African National Congress (ANC).

Both voluntarily showed the police where they used to leave messages for other agents and places where they stored pamphlets in their house, as well as some of the sites they had earmarked for detailed plans, which they allegedly intended passing to the ANC.

The most dramatic pictures, however, were taken by hidden Security Policemen, who photographed Mr Niehaus as he was chauffeured in a police bakkie to the Johannesburg Municipal Gas Works to take pictures of possible targets and security points.




Robert Whitecross drives a police bakkie, while passenger Mr Carl Niehaus photographs the Johannesburg Municipal Gas Works. The picture was taken by hidden Security Police



Mr Carl Niehaus, in a police bakkie, looks straight at a concealed Security Police cameraman outside the Johannesburg Municipal Gas Works. Driving the bakkie is spy Robert Whitecross

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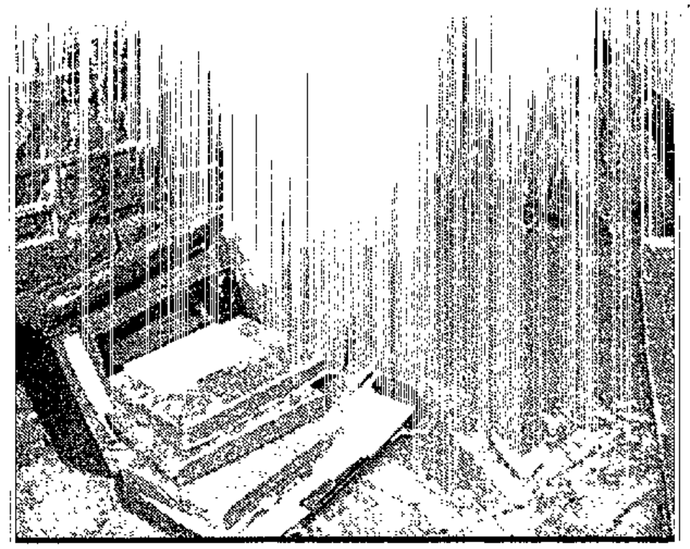
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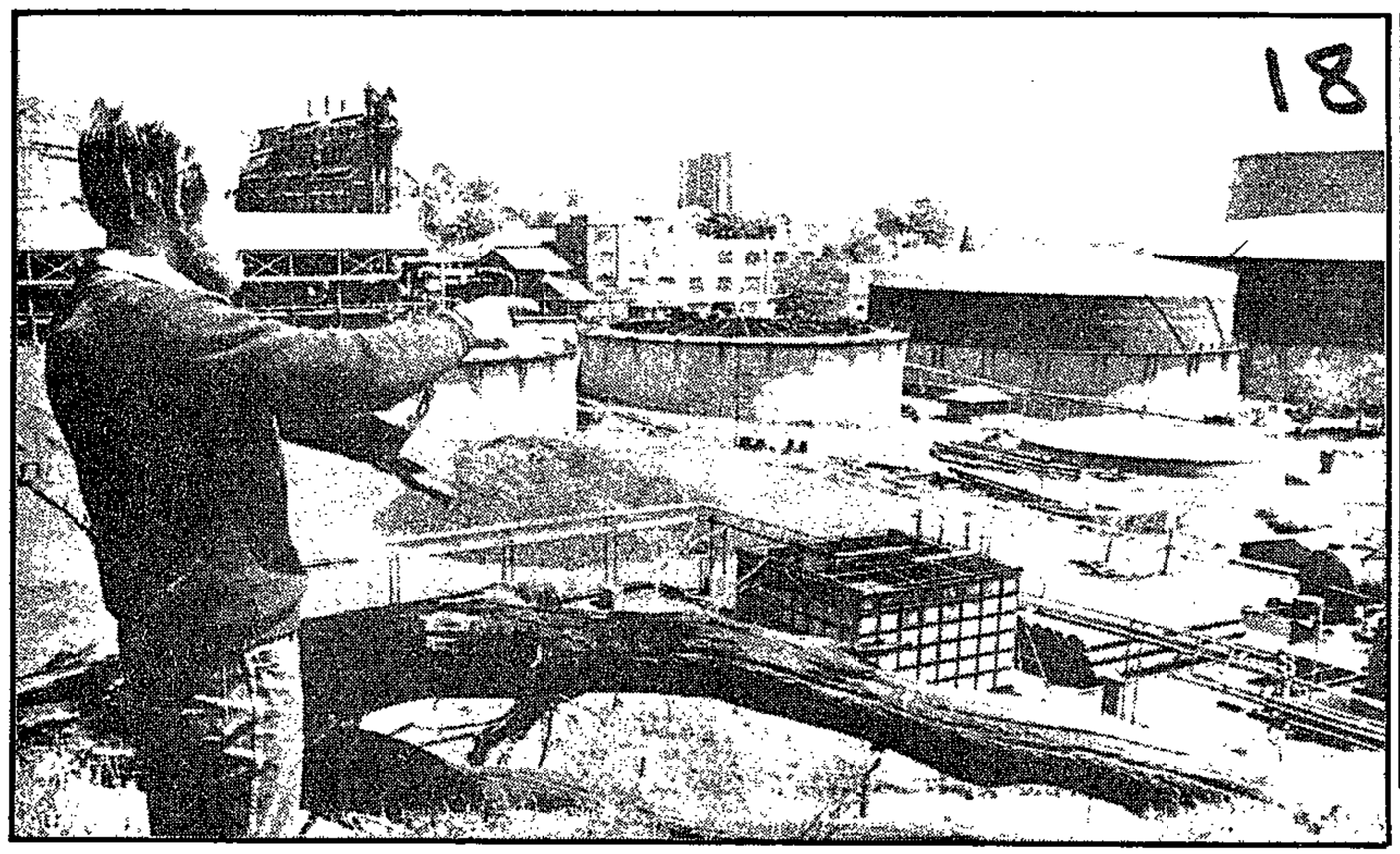
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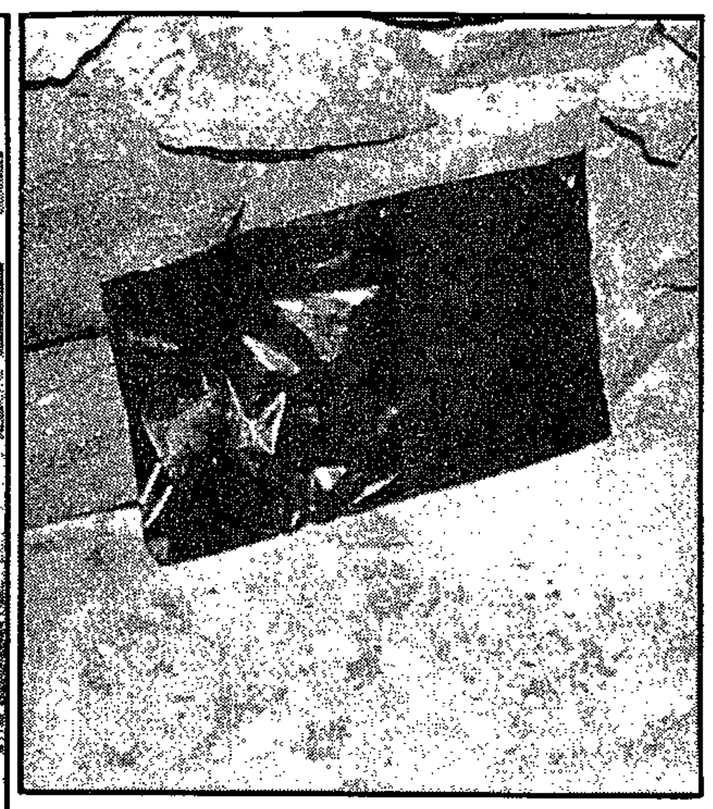
A battered suitcase in a small cellar beneath Mr Niehaus's Louis Botha Avenue commune contains ANC pamphlets and other documents




At the house-warming for Mr Niehaus's commune, the banned Reverend Beyers Naude talks to State witness Mr Lionel Murcott (centre) and Mr Carl Niehaus



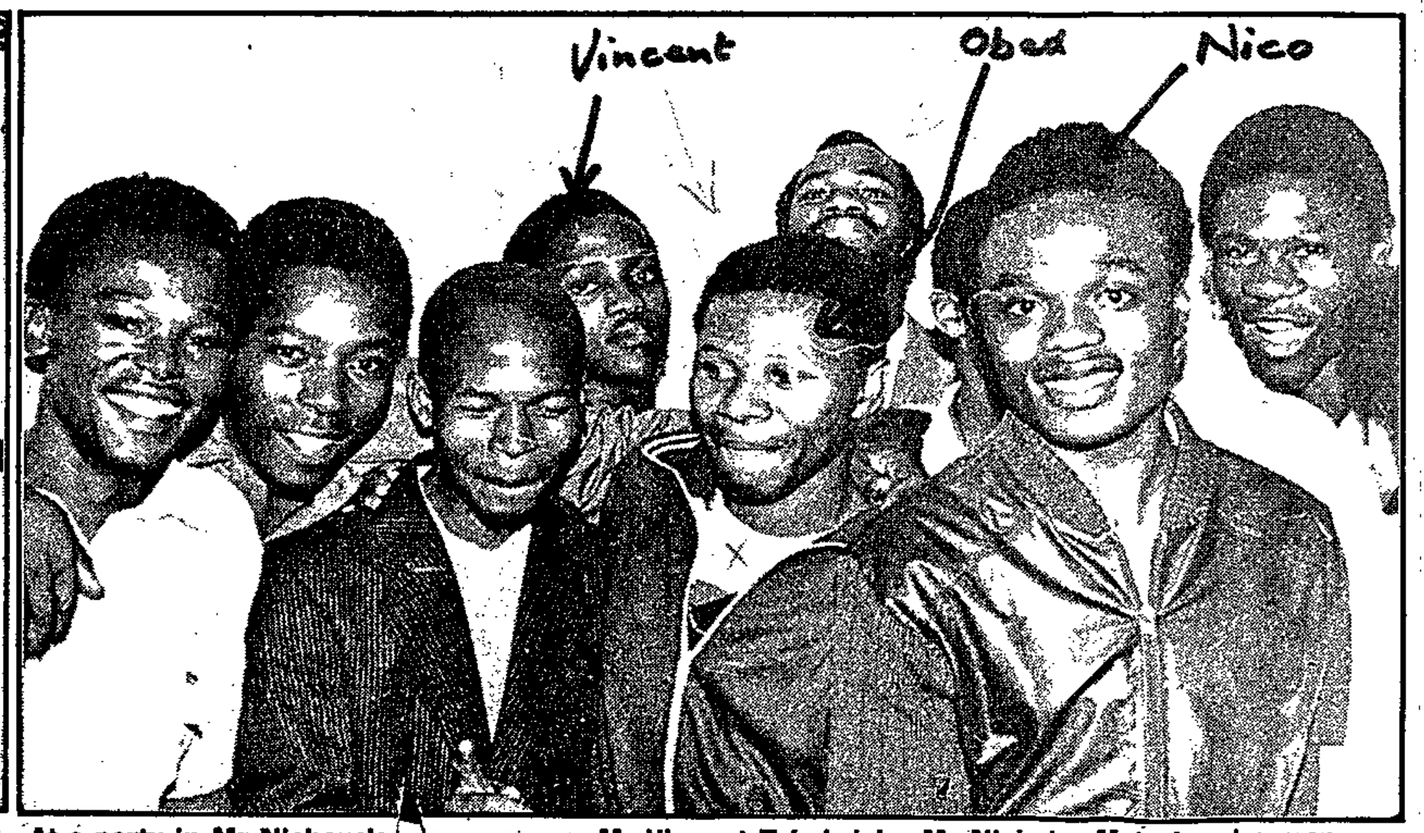

A handcuffed Mr Niehaus points out a part of the Gas Works to the Security Police



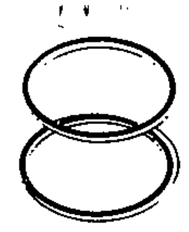
A plastic bag in the cellar beneath Mr Niehaus's Louis Botha Avenue commune contains a typewriter "golfball" used for typing secret documents



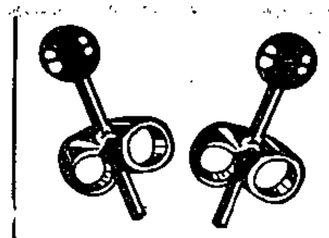

Mr Niehaus and Mr Vincent Tshabalala, who wanted to flee to Botswana to join the ANC



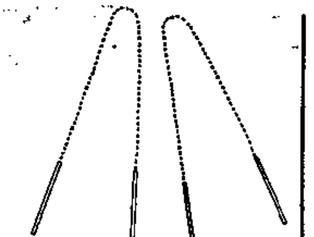

At a party in Mr Niehaus's commune are Mr Vincent Tshabalala, Mr Nicholas Motsai and a man known as Obed

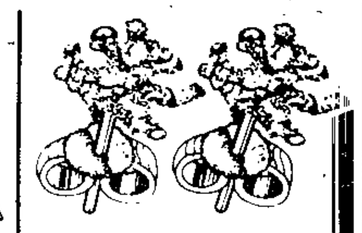
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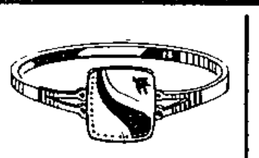
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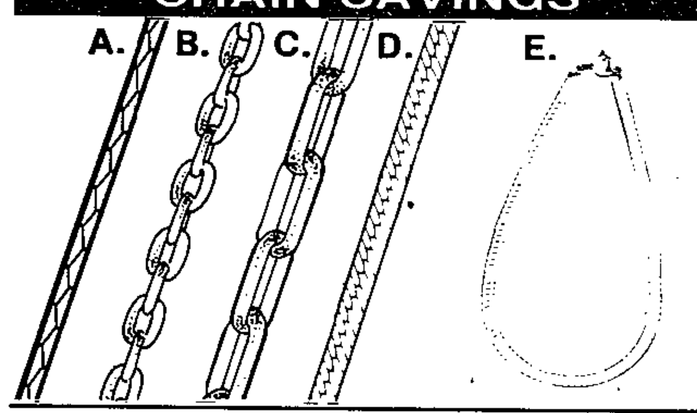


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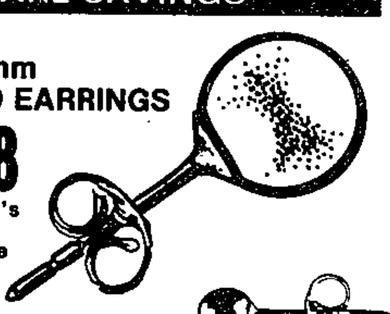
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# Gun was hidden in rubbish heap

**Pretoria Bureau**

A PISTOL used in the robbery and murder of a Pretoria cafe owner was found hidden in a rubbish heap in Soweto, a witness told the Pretoria Supreme Court yesterday.

Mr Gabriel Setlhalogile, 23, Mr Joseph Vusi Tsotetsi, 23, Mr Alfred Ndlovu, 26, and Mr Oupa Lucas Sello, 25, all of Soweto, pleaded not guilty before Mr Justice F C Kirk-Cohen and assessors on two counts of murder, robbery with aggravating circumstances, attempted robbery with aggravating circumstances, assault with intent to do grevious bodily harm, and possession of unlicensed firearms and ammunition.

The four are alleged to have murdered Mr Manuel Jesus de Sousa in March 1981. Mr de Sousa, the owner of a Randfontein supermarket, died of a fractured skull on March 25. He was robbed of a 6,35mm pistol.

The State alleged that the pistol was used in the robbery and murder of Mr Francisco Ponte Lirra on April 22, 1981. Mr Lira, a cafe owner at Hartbeespoort Dam, was shot in the neck and chest by four armed robbersin front of his wife and children.

Mr Abel Vuyisile Masia, of Soweto, said he could not remember telling the poice that he visited Mr Sello at the Randfontein police cells and Mr Sello telling him to fetch a pistol from a Soweto sangoma.

Mr Masia testified that the police, accompanied By Mr Sello, visited him in Soweto during November 1981.

Mr Sello told him to give the police "that thing" and he asked his mother to give the police the plastic-wrapped gun which had been hidden in a rubbish heap.

# ANC's Sechaba is spreading lies, trio's defence tells trial

**By STAN HLOPHE**

THE Krugersdorp Magistrate's Court was told yesterday that the ANC, in its mouthpiece "Sechaba", had accused the South African Press and the Government of being involved in a conspiracy to distort the historical events of this country.

Mr D Soggot, SC, the defence counsel for Mr George Moiloa, 29, Ms Amanda Kwadi, 31, and the Rev Molefe Ntsele, 27, all accused of taking part in ANC activities, told the court that the ANC claimed the Press and the Government were playing down the ANC's popularity by attributing the clenched fist salute and slogan "Amandla Ngawethu" to Black Power organisations.

The accused have pleaded not guilty to all charges and to the main alternative charge of trying to overthrow the Government by unlawful means.

Mr Soggot, cross-examining Professor I D de Vries, of Rand Afrikaans University, said in "Sechaba" the ANC claimed that it first conceived the black power salute and the slogan "Amandla Ngawethu".

The ANC accused the Government and the Press of trying to discredit it in the black community, Mr Soggot said. He then asked Prof De Vries if he had ever heard such a claim before.

Prof De Vries, after a lengthy explanation about his studies of revolution, said he had never heard of that before.

Mr Soggot pointed out to him that what it actually meant was that "Sechaba" was spreading lies and propaganda which people should not rely on.

"What in fact is ANC saying and describing is fantasy because it is impossible for every black man in this country to actively take part in ANC activities."

He then accused Prof De Vries of being evasive.

The prosecutor, Mr A van Wyk, interjected and said it seemed there was a misunderstanding between Mr Soggot and Prof De Vries.

The court had to adjourn for 20 minutes when the magistrate asked the court interpreter to help Prof De Vries in translating Mr Soggot's questions into Afrikaans.

After the adjournment the defence showed the court several Press cuttings which related commemoration of the Woman's Day and Heroes Day and pointed out to Prof De Vries that they had nothing to do with the ANC but were historical events.

# R200 000 in gems stolen

**Mail Correspondent**

CAPE TOWN — A former diamond-mine security official received an effective two-year jail sentence yesterday for his part in the theft of an estimated R100 000 to R200 000-worth of uncut diamonds from the Consolidated Diamond Mine plant near Oranjemund.

Arnoldus Burger Otto, 31, of Delmas, Transvaal, was sentenced in the Supreme Court to five years' imprisonment, three years of which was conditionally suspended for a further five years.

Otto had removed three matchboxes of uncut gemstone diamonds from the CDM premises.

They formed part of the theft of 27 matchboxes of diamonds from the plant.

Leave to appeal was granted and Otto was released on R100 bail.



Mr Basil Kobrin, who appeared in the Benoni Regional Court yesterday charged with rape, or alternatively of having sex with a minor.

Picture: PAUL VELASCO

# 'Niehaus was pleased

From Page 1

place behind a sliding door where Mr Niehaus kept a satchel and a box of photographs (of the Municipal Gas Works).

"On May 29, 1983, Mr Niehaus asked me to take pictures for him. Ten minutes later he said that these were to be of the municipal gas works.

"I told him that I would think about it and contacted my handler who instructed me to say that I would help him. He (Niehaus) said that there was a level of urgency and that he had been pressured for six months to take the photographs. The deadline was the end of June 1983 that the first set of photographs were not sufficient and that we must take more which we did. I asked him to arrange a vehicle this time.

"Niehaus asked me to go to the SA Council of Churches building with him and in his office there he started drawing a plan of the gas works. We had some of the photographs with us to help in this. I knew he wanted to send this and the pictures out of the country and August 26 was the date set. He told me he had someone leaving for Botswana who would take them."

Mr Whitecross said that Mr Niehaus had been active in arranging a prayer service for six hanged ANC terrorists and that he had helped by

"I said that I thought I could and passed this information to my handler.

"My handler gave me the address of a person we suspected was harbouring terrorists. Niehaus thanked me for the address. He said that he had contacted Botswana and arranged for a lift for the people."

At this point Mr Dennis Kuny SC (for the defence) objected that the evidence amounted to a confession to a policeman who was not a commissioned officer and Mr Justice Myburgh ruled that he would hear further argument later from Mr Kuny and the prosecutor, Mr J A Swanepoel, on the admissibility of the evidence.

At 2.15 Mr Swanepoel fin-

CURTAINS & DRESS F
D
cost
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STORE, WYN

## 'Accomplice' was SP officer spying on 2 accused

# Spy's dramatic court evidence

331 RDM 10/11/83

### HANDCUFFED AT GAS WORKS

By GEOFFREY ALLEN

**FOR 18 months the South African Security Police controlled and manipulated the allegedly treasonable activities of Mr Carl Niehaus and his fiancee Miss Johanna Lourens through a deep-cover spy planted in their commune.**

While they believed that Mr Robert Whitecross was a trusted accomplice, he was in fact a Security Police spy who kept a detailed record of their every move and made photocopies of many of their most intimate — and allegedly damning — documents.

Through him the Security Police laid on vehicles, photographic equipment and developing facilities, a "safe address" for four blacks fleeing South Africa to join the ANC, and even pointed out to Mr Niehaus secret hiding holes where he could stash documents in his own home.

The Security Police also drove Mr Niehaus to political meetings while he was in hiding from them, fearing that he might be arrested over a protest campaign he was masterminding.

Mr Whitecross had been recruited to the Security Police while at the University of the Witwatersrand by ace-spy Major Craig Williamson.

The allegation in the Rand Supreme Court at the continuation of the treason trial in which Mr Niehaus and Miss Lourens are co-accused, is that Mr Niehaus had intended passing on plans and photographs of the Johannesburg Municipal Gas Works to the ANC in Botswana.

Mr Whitecross not only chauffeured Mr Niehaus to and from the gas works during three surveillance missions (two photographic and one to check the security lighting), but arranged through his SP "handler (controller) that the police would be concealed at the right time and day to photograph their activities.

The film used to take the pictures allegedly intended for the ANC were developed by the SP at Mr Niehaus's cost.

"He was very pleased with the results ... he said that I would be re-imbursed for all the film and photographic paper used," Mr Whitecross said.

The pictures, and a hand-drawn plan of the works were never passed on because three days before August 26 this year, when they were to be taken to Botswana by courier, Mr Niehaus was arrested.

There was a deafening silence in the Rand Supreme Court when Mr Whitecross quietly announced from the witness box yesterday morning that he was a Detective Warrant Officer attached to the Security Police headquarters in Pretoria.

The announcement came calmly when he was asked to state his full name before being sworn in.

Pressmen and the public had heard Mr Whitecross's name in earlier evidence and had thought they were to hear an accomplice giving evidence as had happened on previous occasions during the trial.

Mr Niehaus and Miss Lourens, who are charged with high treason and secondary charges under the Internal Security Act, were visibly shattered when Mr Whitecross revealed his true identity and role.

During the tea break, instructing lawyer Miss Kathy Satchwell, said to Mr Niehaus: "You were right!" (an apparent reference to Mr Niehaus's suspicion that Mr Whitecross might be a double agent).

"Bloody right!" Mr Niehaus snapped as he stormed down the cement stairs to the cells below the court.

Mr Whitecross told a devastating tale in his evidence.

"In February 1980 I was at the University of the Witwatersrand and in April that year I was recruited by Major Craig Williamson as an informer and I joined the South African Police in June 1981.

"Until then I had worked with a limited number of security men.

"I had instructions to investigate and report suspected ANC and SA Communist Party activities on the campus at Wits. I was told to look and act like these people and agree with the political views they put to me.

"I frequently handed written reports to my 'handler' and spoke to him verbally.

"I met Mr Niehaus the weekend after Dr Neil Aggett committed suicide (in February 1982).

"In February 1983 I moved into the commune with Mr Niehaus and Miss Lourens.

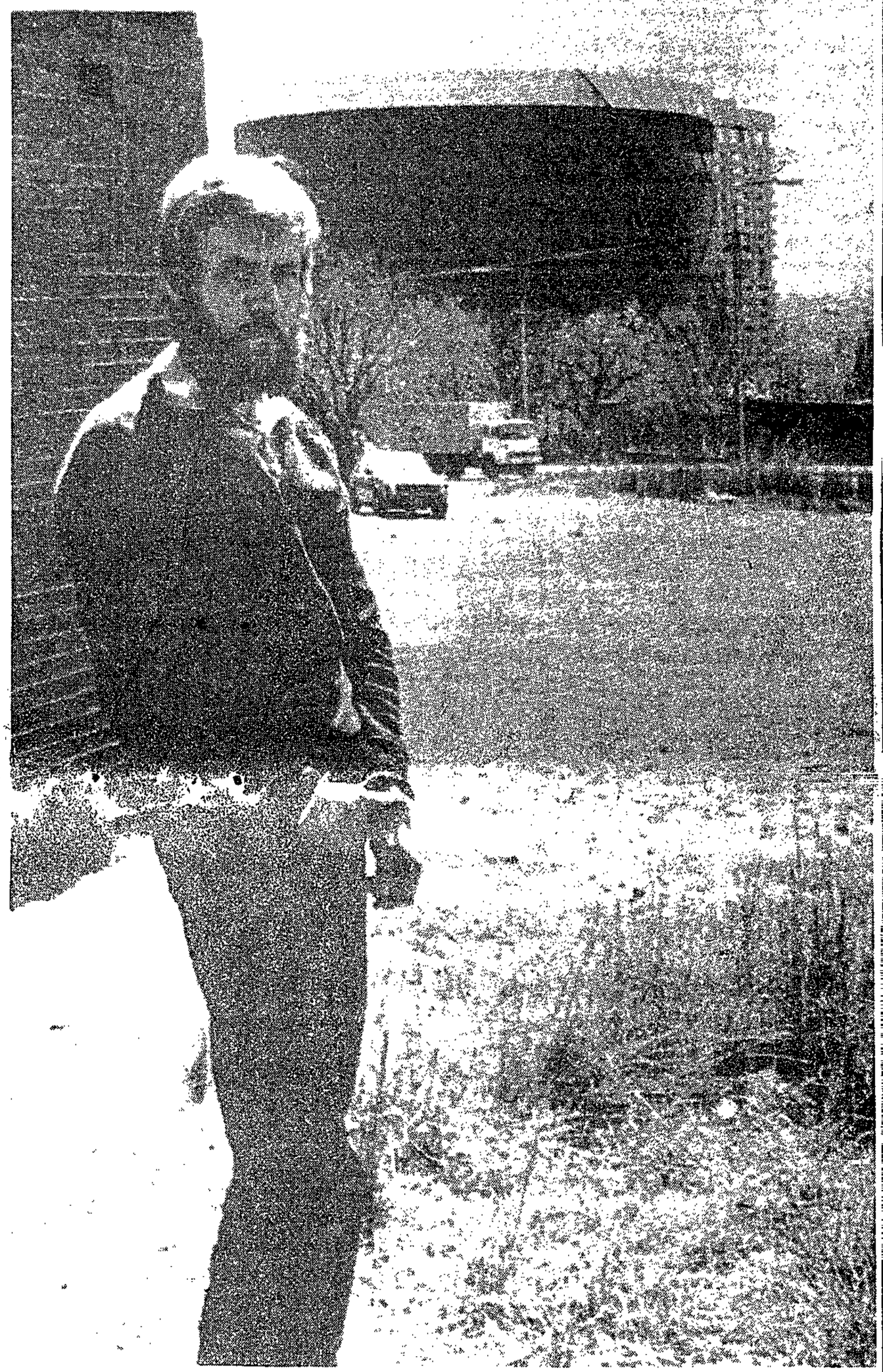
"Mr Niehaus asked me to find hiding places in the house for banned publications in his possession.

"We each (the five inmates of the commune) paid R100 a month in rent and a church paid another R100 on condition that we accommodated visitors from overseas referred to us by the church.

"Everyone had their own bedroom except the accused who transformed one bedroom into a study for Mr Niehaus and turned the dining room into their bedroom.

"There was one hiding

To Page 2



**Mr Carl Niehaus pictured near the Johannesburg Municipal Gas Works. The photograph was taken after his arrest by a Security Police photographer.**

# Niehaus hid from SP in

STAR 10/11/83 (331)

By Zenaide Vendeiro

At the height of the "Save the Six" campaign Mr Carl Niehaus, an alleged member of the banned African National Congress, went into hiding at a priory in Rosettenville for a week.

He had heard the Security Police were going to take action against him.

This was said at the trial of Mr Niehaus and his fiancee, Miss Johanna Lourens, both aged 23, at the Rand Supreme Court yesterday. The couple, of Berea, Johannesburg, has pleaded not guilty to charges of high treason and charges under the Internal Security Act.

During his week in hiding Mr Niehaus received visits from Miss Lourens and Warrant Officer Robert Whitecross, a Security Police officer working undercover who befriended them.

Warrant Officer Whitecross told the court Mr Niehaus had asked him to drive him to meetings and examinations while he was in hiding.

Mr Niehaus, he said, handed him a letter to pass on to Miss Lourens. Mr Whitecross did so after making a photocopy.

In the letter, which was handed in as evidence, Mr Niehaus asked his fiancee to finalise arrangements for the delivery of a coffin and an ANC flag to the Dutch Reformed Church of Africa in Alexandra.

They were to be used in a June 16 service and a commemorative service for three executed members of the ANC.

He also asked Miss Lourens to send a report he had prepared to the ANC. The report was in the cellar of their home with "other sensitive documents".

She was requested to make photocopies of pamphlets the ANC had sent them.

Several times in the letter Mr Niehaus warned her against the Security Police. "Make sure you are not followed," he wrote.

He also asked her to find out what the Security Police were doing and whether they were "bothering any other members of our small group".

He included telephone numbers of people she might need to contact. Among them were the Rev Sam Buti and Dr Beyers Naude, the banned former director of the Christian Insitute.

Mr Niehaus concluded: "My darling, I love and need you very much. Keep calm and remember we will soon be together again."

Shock reverberated through the courtroom yesterday when Mr Whitecross disclosed that he had been recruited by Security Police Major Craig Williamson in April 1980 while a student at the University of the Witwatersrand.

He was told to look out for ANC and South African Communist Party activities on campus.

"I met Mr Niehaus the weekend after Dr Neil Aggett committed suicide," the policeman said.

Shortly after that he moved into a commune where Mr Niehaus, Miss Lourens and two others lived.

On May 28 1983 Mr Niehaus asked him to take photographs of the Johannesburg City Council's gasworks in Cottesloe. Mr Whitecross dis-




A picture taken at a housewarming party by Warrant Officer Robert Whitecross of (from left) Mr Carl Niehaus, Mr Lionel Murcott and the Rev Beyers Naude, former director of the Christian Institute.

# Secret letter written while he w

**This is a translation of a letter photocopied by Warrant Officer Robert Whitecross. It was written by Mr Carel Niehaus to his fiancee and co-accused, Miss Johanna Lourens, while he was in hiding. He asked Mr Whitecross to pass it on:**

Darling,

Thank you very much for last night's visit — it was wonderful to hold you close to me once again.

I forgot to ask you if you were definitely going to the art gallery this week (if it is at all possible you should go — I hope all these problems do not keep you from going).

There are a couple of things which must be done urgently. I will be pleased if you can see to them as soon as possible.

1) Have you phoned Sam Buti yet? If not, please do it today. If he is not there, phone Uncle Jacob or Uncle Phil. If you cannot get hold of them, contact Beyers and find out who should be contacted. (Please give the message I gave you last night to Sam or one of the others).

2) My report to the ANC must be sent away as soon as possible (within the next two days!) Please get it in the cellar. It is packed away with the other sensitive documents. When you go into the cellar you will find a small wooden door on your left; it is hidden behind there. It must be in one of the plastic bags on top ... (page cut off) ... and you will have to work out the order of the pages from the text. Copy it out in a condensed but clear form. Use the golfball which should also be in one of the plastic bags but do not the typewriter at the moment! (Send the report not later than Thursday by express mail — it is not necessary to say anything about my present problems.)

3) In the black plastic bag which should also be at the top of the box you will find the original pamphlets the ANC sent us. Take the one about the "Genocide Bill", as well as the one about the President's Council (No to Oppression) and go to Dr Kestner's (sic) home. (It is in Carlow Street. If you don't know the full address look it up in the telephone directory); ask if you can use his photocopy machine — but please, under no circumstances, allow him to see what you are photocopying. (So take a handbag or small case in which you can pack them). And make 500 copies of each. Place R15 in the box next to the machine for photocopying money. Make sure you don't leave a single pamphlet behind. Then see that these pamphlets (tightly packed) get delivered to Vusi's house — I think Rob knows where it is in Alex. If you cannot do it, Rob should bring it tomorrow morning when he comes to fetch me. (NB).

Complete this. Also make sure that the coffin is already painted and dry. On Thursday at 1 pm there is a June 16 service (and a memorial service for the three at the Dutch Reformed Church of Africa in Alex. I will arrange for Desmond to pick up the coffin in his bakkie tomorrow morning and to deliver it in the lane between the fence and the back wall of the church. If one of you,

The flag, with the pamp... Vusi's house (early toni... morning). Please don't go ... you will run into roadblocks. ...cel with the flag in which ... must be draped over the co... in the lane behind the chur... and that it is for Thursday's ...

If you take it tonight, p... for Vusi that I will defini... arranged place at about 17h1...

5) Have you finalised a... your visit to Botswana y... go. It is absolutely vital!

6) If you have any probl... tioned, go to Catherine for h... bly can and is extremely i... ... can you please do it. A... many copies as possible. (N...

This must be done before ... also delivered to Vusi's ho... If she cannot do it before ... think Obed and them will ...

7) Make sure that you a... careful note of all messag... follow them up. Above all, ... Police are doing and if they ... other members of our small ...

8) Tell everybody at the ... with the exams, especiall... — I hope things go well.

# ...m SP in priory — W O

...e had prepared to the ...NC. The report was in ...e cellar of their home ... "other sensitive doc...ments".

She was requested to ...ake photocopies of ...amphlets the ANC had ...n them.

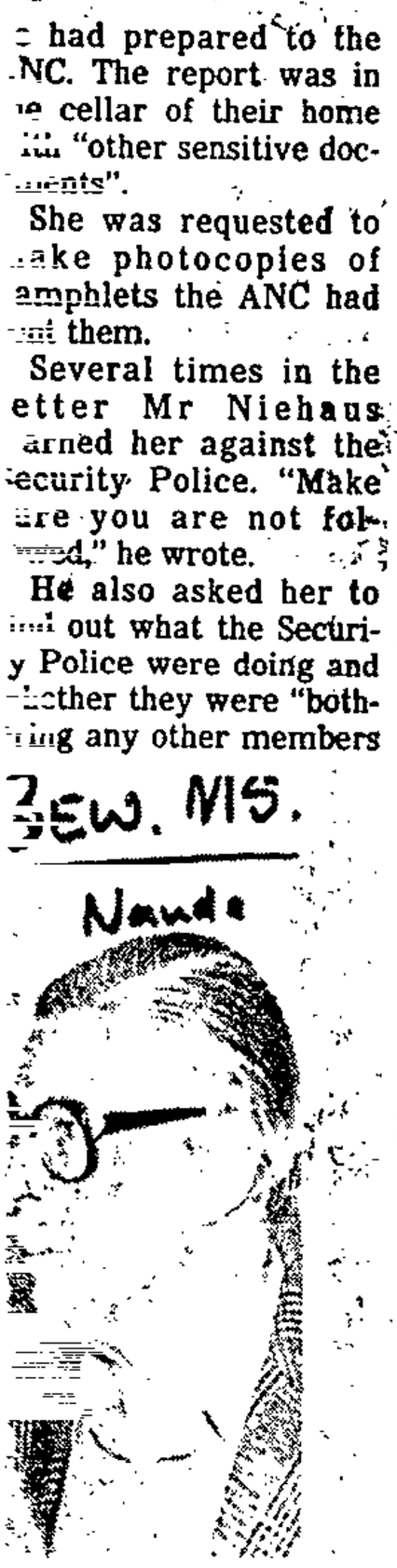
Several times in the ...etter Mr Niehaus ...arned her against the ...ecurity Police. "Make ...re you are not fol...wed," he wrote.

He also asked her to ...nd out what the Securi...y Police were doing and ...ether they were "both...ing any other members of our small group".

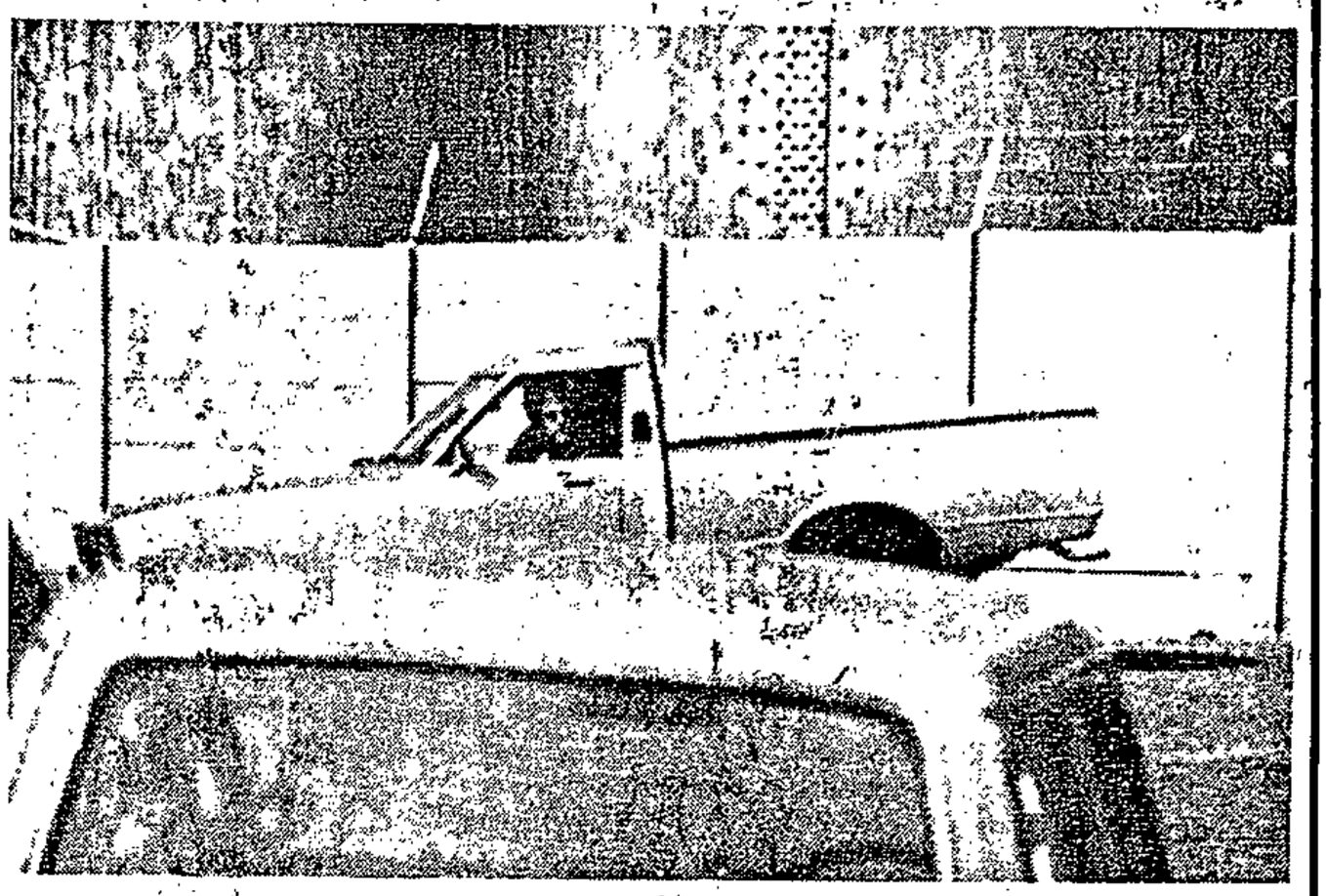
He included telephone numbers of people she might need to contact. Among them were the Rev Sam Buti and Dr Beyers Naude, the banned former director of the Christian Insitute.

Mr Niehaus concluded: "My darling, I love and need you very much. Keep calm and remember we will soon be together again."

Shock reverberated through the courtroom yesterday when Mr Whitecross disclosed that he had been recruited by Security Police Major Craig Williamson in April 1980 while a student at the University of the Witwatersrand.




...and the Rev Beyers ...Christian Institute.



A Security Police photographer's picture of Mr Carl Niehaus inspecting the municipal gas works in a police bakkie driven by Warrant Officer Robert Whitecross.

He was told to look out for ANC and South African Communist Party activities on campus.

"I met Mr Niehaus the weekend after Dr Neil Aggett committed suicide," the policeman said.

Shortly after that he moved into a commune where Mr Niehaus, Miss Lourens and two others lived.

On May 28 1983 Mr Niehaus asked him to take photographs of the Johannesburg City Council's gasworks in Cottesloe. Mr Whitecross discussed this with his "handler" and was told to agree.

He visited the gasworks three times with Mr Niehaus in a vehicle provided by the policeman's handler.

During the second visit, Mr Niehaus told him to photograph holes in the southern perimeter fence of the gasworks. Mr Niehaus commented on how easily a saboteur could enter.

Mr Niehaus wanted to develop the film in the darkroom at the offices of the South African Council of Churches but Mr Whitecross handed it to his superiors for processing. When he gave the photographs to Mr Niehaus, Mr Niehaus remarked on their good quality.

Mr Niehaus and Mr Whitecross were also photographed by the Security Police while taking photographs of the gasworks.

An album of these photographs was handed in

"I knew he wanted to send the photographs out of South Africa to the ANC," the policeman said. "He told me someone was leaving for Botswana and would take them."

Warrant Officer Whitecross also testified that when he informed Mr Niehaus of the car bomb explosion in Bloemfontein, Mr Niehaus jumped up with both hands in the air and shouted: "Hallelujah, how many people were killed?"

# ...en while he was in hiding . . .

...(Send the report not ...ress mail — it is not ...bout my present prob...

...which should also be ... will find the original ... Take the one about ... as the one about the Oppression) and go to ... is in Carlow Street. ...dress look it up in the ... you can use his pho...se, under no circumstances what you are photocosmall case in which you ... copies of each. Place ...chine for photocopying leave a single pamphlet ...c pamphlets (tightly ...'s house — I think Rob ... you cannot do it, Rob ...ning when he comes to ...

...e sure that the coffin ... On Thursday at 1 pm (and a memorial ser...ch Reformed Church ...range for Desmond to ...kkie tomorrow morn...lane between the fence church. If one of you, ...good

The flag, with the pamphlets, must be delivered to Vusi's house (early tonight or early tommorrow morning). Please don't go to Alex later than 22h00; you will run into roadblocks. Place a note in the parcel with the flag in which you explain that the flag must be draped over the coffin, and that the coffin is in the lane behind the church. Say also that I sent it and that it is for Thursday's service.

If you take it tonight, please leave a message for Vusi that I will definitely still meet him at the arranged place at about 17h15 (5.15pm).

5) Have you finalised all the arrangements for your visit to Botswana yet? Make sure that you go. It is absolutely vital!

6) If you have any problems with the above-mentioned, go to Catherine for help. She will if she possibly can and is extremely trustworthy . . .(page cut off) . . . can you please do it. Ask her if she can make as many copies as possible. (Next sentence illegible.)

This must be done before Wednesday evening and also delivered to Vusi's house for the COSAS people. If she cannot do it before then, then just leave it. (I think Obed and them will understand)

7) Make sure that you are not followed, and make careful note of all messages and visits so that I can follow them up. Above all, find out what the Security Police are doing and if they are bothering any of the other members of our small group.

8) Tell everybody at the house I wish them luck with the exams, especially Daryl with his thesis — I hope things go well.

...your father's car.

My darling, I love and need you very much. Keep calm and remember we will soon be together again.

Lots and lots of love, Carl.

P.S. Here are all the telephone numbers you might need. Write them in your diary and burn this letter (today!)

(First name cut off.)
Oom Jacob (h) 786-1823 (w) 786-2711.
Beyers Naude 646-4141.
Obed Bapela (h) 443-1863 (8-10 pm)
Just leave a message that he must come and see you, nothing more!

Last request: (a) Go to IMP (Bernard Spong) and explain why I cannot come to work. (Say I will try to come more after the 24th — sorry.) Also find out whether the Security Police went there to look for me.

(b) Contact Judy Maller (Daryl has her telephone number and home address) and give my apologies as I will not be able to attend her Sotho class tomorrow.
(Thank you very much once again, darling.)

Oh yes, ask Catherine to please write my name in the book for people interested in going to the July-festival — and also to please get me all the particulars about the Militarisation Conference in Durban immediately after that.

The last thing! Can you please have my watch

D. Dispatch 11/11/83

# ANC uses varied methods, court told

EAST LONDON — It was common cause that the ANC operated at various levels. It employed lawful and unlawful means, committing acts of violence as well as using a strategy of peaceful demonstrations.

This was put to the Chief Justice of Ciskei, Mr Justice De Wet, by Mr M. T. K. Moerane, defense counsel for four Mdantsane men facing charges in terms of the Terrorism and Publication Acts in the Ciskei Supreme Court in Bisho, yesterday.

Mr Mabone William Duna, 31, Mr Dumisani Bizette Maninjwa, 31, Mr Jeffrey Bayi Keye, 52, and Mr Luyanda Patric Mayekiso, 23, pleaded not guilty on charges of participating in terrorist activities, being members of the ANC, recruiting people to undergo military training in Lesotho and being in possession of banned literature.

Mr Moerane said he disagreed with the AttorneyGeneral, Mr J. F. Jurgens, that the distribution of material of the South African congress of Trade Union s (SACTU) must be taken as activities to promote the aims and objects of the ANC merely because Mr Duna said in a statement he regarded the ANC and SACTU as different parts of the same revolutionary movement. The State did not submit direct proof.

Mr Moerane argued proof of intent regarding the charges against Mr Duna in terms of the Terrorism Act. It was also not proved that he reached any of the goals of the ANC. The acts Mr Duna was charged with did not in themselves endanger law and order.

If Mr Duna admitted that he liked the ANC it could appear that he approved of the ANC Freedom Charter which was no different to chapter 3 of the Ciskei constitution.

Mr Moerane said that if Mr Duna furthermore admitted that he wanted to work for the ANC, get involved in the military wing and played a song on a cassette player which had the words "kill the Boer" it still had to be proved that he was involved or intended getting involved in the ANC. This was not done.

Regarding the charge against Mr Maninjwa that he possessed subversive documents, Mr Moerane said it still had to be proved that he was likely to commit a subversive offence.

Mr Jurgens told the court that he contested Mr Moerane's arguments that the Terrorism and Publications Acts of the Republic of South Africa did not have validity in the Re public of Ciskei.

Even if they did not apply after the independence of Ciskei they did apply before December 4, 1981 and the offences the four accused were on trial for were all committed prior to that date.

The Publications Act had been in operation in Ciskei since 1975 and did not only uphold the Christian view of life, therefore being too narrow for the country, as Mr Moerane had argued.

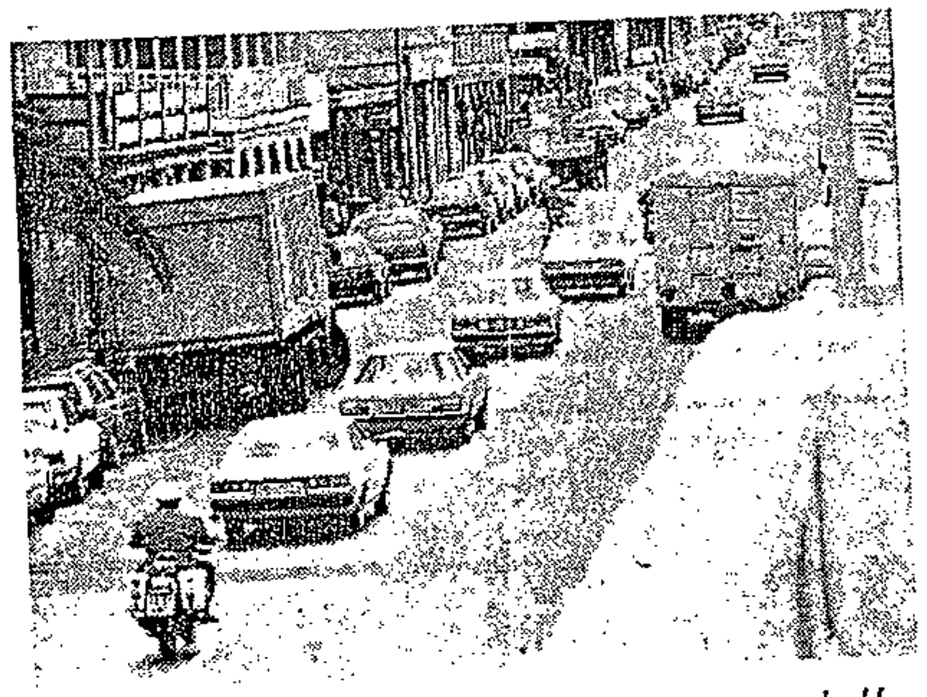
Mr Jurgens said the Publications Act was aimed against statements that were blasphemous to the religious feelings of any section of the inhabitants of the country. It in fact advocates religious tolerance.

Mr Moerane's argu-vent that the act could not apply because there was no machinery in Ciskei to enforce it did not render it invalid in a court of law, Mr Jurgens said.

The case was postponed till December 5. — DDR

Cape Times 11/11/83 337

# Treason testimony ending



The four-car "Gerhardt motorcade", which has become a feature of the daily traffic scene over the past two months, leaves the Supreme Court, Cape Town, at the end of yesterday's sitting of the court.

**Chief Reporter**

THE HEARING of evidence at the trial of Commodore Dieter Gerhardt and his wife Ruth, on a charge of high treason, is expected to be concluded early next week — more than two months after the case started behind closed doors in the Supreme Court, Cape Town.

Evidence, first for the State and then for the defence, has been heard by the court, presided over by the Judge-President of the Cape, Mr Justice Munnik, on a total of nearly 40 sitting days since September 5.

The State case was closed on September 28, more than three weeks after it had started, and the defence case opened on October 11 after a two-week recess.

The Gerhardts' defence, which is being conducted by counsel appointed pro Deo, is now in its fifth week. Both Gerhardts have pleaded not guilty.

Commodore Gerhardt, former commanding officer of the SA Naval Dockyard at Simon's Town, is accused of working with Soviet agents over a period of 21 years, and his Swiss-born wife is accused of helping him in his alleged espionage activities since 1970.

● The probable course of events after the hearing of evidence ends next week is that a further adjournment will be applied for, to enable counsel on both sides to prepare argument, which is likely to start towards the end of November and to last four or five sitting days.

Judgment is now not expected before the first week in December. This may be given either partly or fully in open court.

The Judge-President's ruling at the outset of the trial — and reaffirmed at the start of the defence case — that the hearing be held in camera applies only to evidence, which the Attorney-General, Mr D J Rossouw SC, said was expected to deal with "highly sensitive" matters affecting the security of the State.

● Meanwhile the daily top-security "Gerhardt motorcade" has become a regular feature of the traffic scene in the Cape Peninsula.

This siren-heralded motorcade, comprising motorcycle outriders and police vehicles, two of which carry the Gerhardts — each with an armed escort — makes its way through the suburbs by varying routes, between the place of detention and the Supreme Court, on each sitting day of the trial.

# Treason trial couple give no evidence

CAPE TIMES 11/11/83

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**Own Correspondent**

JOHANNESBURG.— The defence case in the Niehaus-Lourens treason trial lasted 58 seconds yesterday when Mr Dennis Kuny SC rose to tell a Rand Supreme Court judge that he was closing his case without leading any evidence.

Following his statement, made at 11.10am, the trial was adjourned until Tuesday to allow the prosecution and defence time to prepare for the final stages of the trial.

Mr Kuny said he anticipated that the case would be completed by the end of next week.

Both Mr Carl Niehaus and his fiancée, Miss Johanna "Jansie" Lourens, have pleaded not guilty to high treason and alternative charges under the Internal Security Act.

## Pamphlet bomb

A packed court heard a security police captain, who is an expert on explosives, tell how a pamphlet bomb allegedly planted in the Carlton Centre by Mr Carl Niehaus would almost certainly have caused a fire because of a bottle of petrol included in the package which was left outside an army recruiting office in the centre.

After a lengthy technical description of the bomb Mr Justice Myburgh asked Mr Kuny: "Do you understand how the thing works?"

"No Milord," Mr Kuny replied.

"Neither do I," said the judge with a smile.

Warrant Officer Pieter Syfert told the court that there were houses 150 metres from the main tank at the Johannesburg Municipal Gas Works which Mr Niehaus had photographed, allegedly with a view to passing the pictures and plans to parties in Botswana.

## Admissions

The prosecutor, Mr J A Swanepoel, said that various admissions had been conceded by the accused. Mr Niehaus had agreed that in March 1983 he had asked Vusi Vilakazi to distribute pamphlets and whether he would work for the ANC.

"Vusi was asked to act as a courier with the ANC in Botswana and he was willing to be a courier.

"Miss Lourens taught Vusi the code," Mr Swanepoel said.

He said that the accused had each decoded a number of messages for the police investigators. In two cases the decoded messages were slightly different.

Miss Lourens had written in one case: "Arranged to leave SA through Sam Ndaba (Grass — a code name). He didn't come. Position critical."

In Mr Niehaus's version the message read: "Arranged to leave SAT (Saturday) through Sam Ndaba (Grass). He didn't come. Position critical."

Mr Swanepoel then formally closed his case and Mr Kuny rose to close the case for the defence.




Warrant Officer Robert Whitecross sits at the back of a meeting on the Wits campus in December last year.

# A quiet Witsie spy who was kept in the cold



W/O ROBERT WHITECROSS
Security Police spy

By ANTON HARBER
Political Reporter

ROBERT Whitecross was a quiet man who sat at the back of every possible meeting of Left-wing organisations or committees at the University of the Witwatersrand.

According to student leaders, he never said anything and never did any work for them, although he often took photographs.

Because of this other students became suspicious. He was considered "dicey" and was elbowed out of student politics.

But the people he lived with did not share this suspicion.

And because they were taken in by him, he was able to stand up in court this week and give evidence against two of them, Mr Carl Niehaus and Miss Jansie Lourens.

On Wednesday, he stood up in the Rand Supreme Court where they are facing charges of high treason and said he was a warrant officer who had systematically spied on them since 1980.

An investigation has revealed a picture of a quiet man who kept very much to himself and who showed more interest in adventure than politics, more concerned with motorbikes than people.

According to evidence in court, he started a BComm degree at Wits in 1980 and was recruited shortly afterwards by Major Craig Williamson.

Student leaders said this week that he had been a member of the Commerce Students Council (CSC), a notably conservative body.

He often told Leftwing leaders that he was trying to "get the Rightwing out" of the CSC.

He became peripherally involved in the SRC Projects Committee and the Economic Research Commission. He attended at least one Nusas congress and a Nusas weekend seminar at Katberg.

He is even rumoured to have tried to work his way into the Wilson-Rowntree Boycott Committee, which featured in the recent treason trial of Barbara Hogan.

But he showed no real passion for politics and did very little work on these committees.

He approached a senior SRC member, saying he wanted to stand for the SRC on a Leftwing ticket. But, according to the SRC member, he was blocked because he was not trusted.

"We ditched him a long time ago because he was too dicey," said the SRC leader, who asked not to be named.

But W/O Whitecross managed to fool the people he lived with in Louis Botha Avenue, Berea.

Miss Karen du Plooy, for example, was yesterday still shaken by the news of what he had been doing. She had become quite friendly with him but had never suspected him of spying.

Most people in the house had "gone their own way" and there had not been much contact between them, she said.

But restrospectively she has realised that he was never in the house on weekends or brought friends round.

The defence case lasted 58 seconds yesterday when Mr Dennis Kuny SC rose to tell a Rand Supreme Court judge that he was closing his case without leading any evidence.

Both Mr Niehaus and his fiancee, Miss Lourens, have pleaded not guilty to high treason and alternative charges under the Internal Security Act.

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# Discharge refused in ANC trial

331

Sted 11/11/83

West Rand Bureau

A Krugersdorp magistrate yesterday refused an application for the discharge of three people charged with taking part in the activities of the African National Congress (ANC).

Mr D Soggot SC, for the defence, said there was no evidence to convict Mr George Moiloa (29), Mrs Amanda Kwadi (31), and the Rev Molefe Ntsele (27), on the main charge or on an alternative charge of advocating the aims of the ANC.

All three have pleaded not guilty to the charges.

The State alleges that they organised a meeting to commemorate National Women's Day on August 8 last year and that they created support for the ANC at the meeting.

Mr Soggot said that Women's Day and Heroes' Day were historical events and had nothing to do with the ANC.

He said the State's case rested solely on the fact that the three had organised the commemoration. He added that the celebrations were held countrywide.

The State prosecutor, Mr A R van Wyk, opposed the application.

The magistrate, Mr W Aucamp, turned down the application and the case continues.



Miss Johanna Lourens in a photograph taken by a security policeman during a search of her home after she was arrested.

# Niehaus to contest value of evidence

The value as evidence of certain photographs and documents handed in by the State at the trial of two alleged African National Congress members is to be argued in the Rand Supreme Court on November 15 by prosecution and defence councils.

Mr Carl Niehaus (23) and his fiancee, Miss Johanna Lourens (23), both of Berea, Johannesburg, yesterday closed their cases and did not give evidence on the merits of the case.

They had pleaded not guilty before Mr Justice A P Myburgh to charges of high treason and to charges under the Internal Security Act.

According to evidence, Mr Niehaus played a leading role in alleged subversive activities and Miss Lourens was his accomplice.

Mr Niehaus is accused of taking photographs of the Johannesburg City Council's gasworks in Cottesloe and of drawing a plan of the premises for despatch to the ANC as a possible target for sabotage.

The evidence was that Mr Niehaus was helped by an undercover security police agent, Warrant Officer Robert Whitecross, who had lived in the commune with Mr Niehaus.

## ADMISSIONS

Mr Justice A P Myburgh heard that Security Police took photographs of Mr Niehaus and Warrant Officer Whitecross allegedly photograping the gasworks.

In the closing stages of the trial, Mr Niehaus, a deacon in the NG Kerk, made further dramatic admissions which were read out in court by the prosecutor, Mr J A Swanepoel.

Mr Niehaus admitted writing a five-page letter to Miss Lourens. According to evidence, he wrote it in a priory in Rosettenville, Johannesburg, while in hiding from the Security Police. In the letter he mentioned a report of his which had to be passed on to the ANC.

He also admitted approaching Mr Vusi Vilakazi of Alexandra Township (who is in protective custody as a State witness) to help him distribute pamphlets; that he invited Mr Vilakazi to become a courier for the ANC; and that he tried to teach him a secret code.

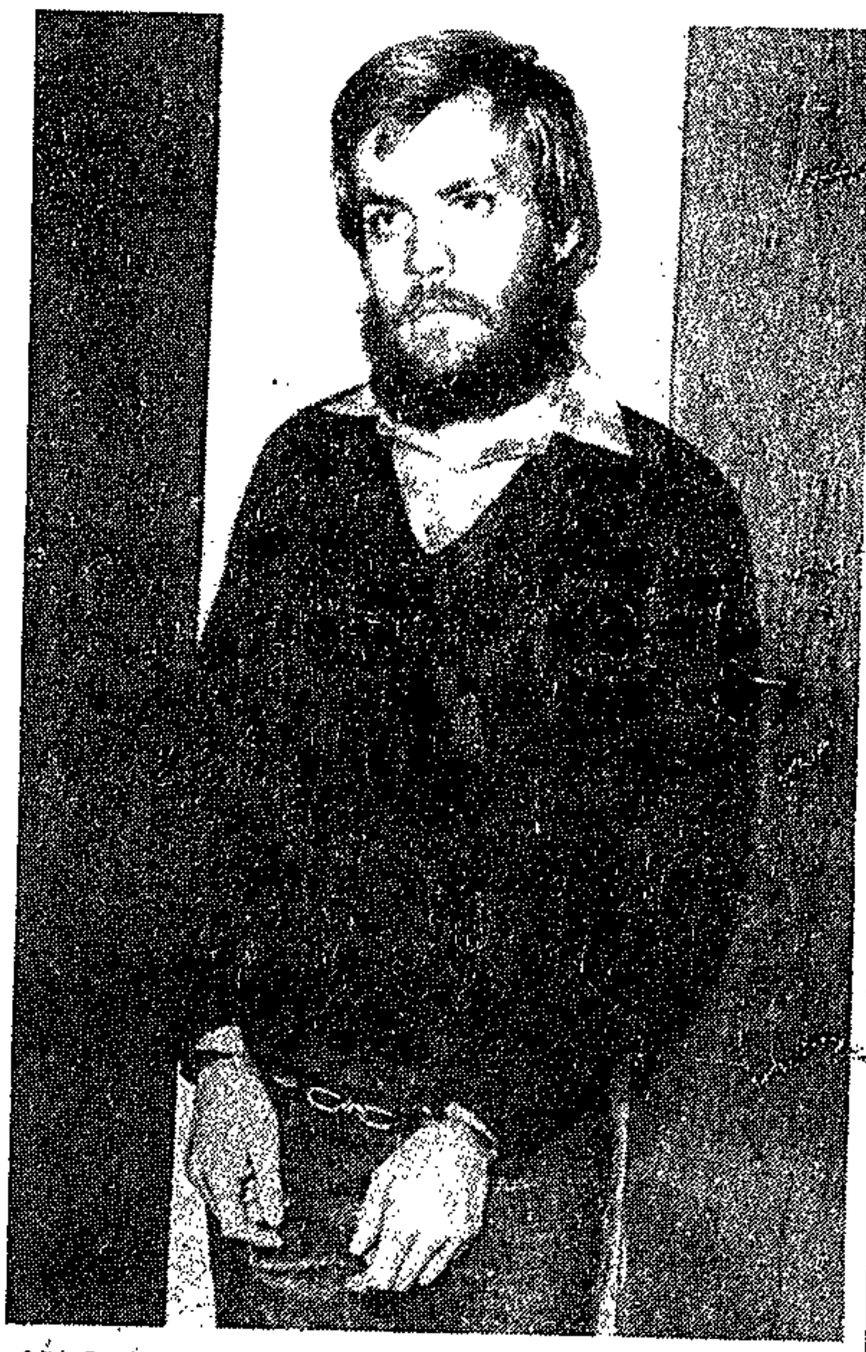
Mr Niehaus also admitted telling Mr Vilakazi that two men by the names of Nico and Vilakazi had arrived safely in Botswana.

According to the indictment, Miss Lourens and Mr Niehaus had helped Nicholas Motsai, Vincent Shabalala, Bertha Letsatsi and Dipuo Mvelase to leave South Africa to receive training in Botswana by the ANC.

During the trial the prosecutor handed in two albums of photographs taken by the Security Police. They were of Mr Niehaus and Miss Lourens pointing out certain places and spots in Johannesburg.

Among the places and spots pointed out by Mr Niehaus was a flower plot in the grounds of the Johannesburg Art Museum, a video shop, a room in the Hotel Moulin Rouge, a public telephone booth in the hotel and a public parking garage. Miss Lourens pointed out similar places.

The State handed in more than 40 documents — publications, books and pamphlets — allegedly found in the commune where Mr Niehaus and his fiance lived.



Mr Carl Niehaus stands handcuffed after his arrest by Security Police.

Mr Swanpoel and Mr W J van der Merwe appeared for the State. Mr D Kuny SC and Mr L Bowman, instructed by Miss K Satchwell, appeared for Miss Lourens and Mr Niehaus.

# Joy as three leave court

By STAN HLOPHE

THERE was joy and relief in the Krugersdorp Magistrate's Court yesterday when three people walked to freedom after being acquitted of participating in the activities of the African National Congress.

The three accused — who had been in detention for three months — hugged and kissed friends and relatives who packed the small court for the verdict yesterday.

The accused were: Mr George Moiloa, 29, of Kagiso, organiser of the Young Christian Workers, Miss Amanda Kwadi, 31, of Orlando East, an executive member of the Federation of South African Women, and the Rev Molefe Tsele, 27, of the Munsieville Lutheran Church.

The magistrate, Mr W Aucamp, said there was no evidence that the arrangements the accused had made for a commemoration service would be profitable to the ANC or furthered its aims.

Earlier Mr D Soggot, SC, defending, told the court they had decided not to call the accused to give evidence.

He asked the court to acquit them as there was no evidence to suggest that holding a Women's Day celebration furthered the aims of the ANC.

He said the charges were not clear and the whole case rested on allegations that the accused, by virtue of holding the commemoration service, furthered the ANC's aims.

He said the celebration was an annual event.

Mr A van Wyk, for the State, did not call for the conviction of the accused.

# 'ANC' three are released

**THREE people, among them a Soweto social worker and political activist, Ms Amanda Kwadi, were acquitted after appearing in the Krugersdorp Regional Magistrate's Court where they were charged with furthering the aims of the ANC.**

Mr George Moiloa (29), of Kagiso, Krugersdorp, Ms Kwadi (31) of Orlando East and the Rev Molefe Ntsele (27) of the Lutheran Church, Munsieville, Krugersdorp had appeared before Mr W Aucamp.

The trio had been charged with taking part in activities of the ANC by arranging a commemoration meeting of Women's Day on August 8 this year.

Ms Kwadi, an executive member of the Federation of South African Women (Fedsaw) was billed as one of the speakers at the meeting. Mr D Soggot, who represented the trio, said Women's Day was an historical event which had nothing to do with the ANC.

When they were discharged on Friday, Mr Aucamp found that the State had not proved its case beyond reasonable doubt.

Ms Kwadi, who in 1979 was detained for 190 days, said she was happy to be free but was thinking of her colleagues in Fedsaw, Mrs Albertina Sisulu, who is presently awaiting trial on charges of furthering the aims of the ANC.

"I will obviously take a short rest, but will be starting from where I left off because apartheid is still intact and my people are still oppressed. Being away for three months, especially when just sitting behind bars and doing nothing, can be a waste of time," she said.



**Ms Kwadi (centre), with well-wisher, Siphiwe Thusi and her attorney, Mrs Priscilla Jana.**

# 3 acquitted of aiding the ANC

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12/11/83

By Gavin Engelbrecht
West Rand Bureau

Three people were acquitted in the Krugersdorp Regional Court yesterday of taking part in the activities of the African National Congress (ANC).

Mr George Moiloa (29), address given as Kagiso, Krugersdorp, Mrs Amanda Kwadi (31), address given as Orlando East, Soweto, and the Rev Molefe Ntsele (27), address given as the Lutheran Church, Munsieville, Krugersdorp, appeared before Mr W Aucamp.

All had pleaded not guilty to the main charge and to an alternate charge of advocating the objects of the ANC.

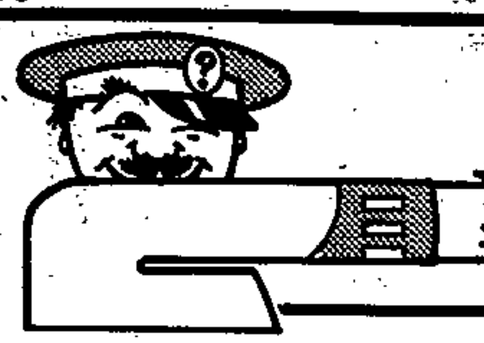
The State alleged they had organised a meeting to commemmorate National Womens' Day on August 8 last year, and that they had created support for the ANC at the meeting.

Mr D Soggot, SC, for the defence, said Womens' Day and Heroes' Day were historical events and had nothing to do with the ANC.

A previous application for their discharge had been refused by Mr Aucamp.

The prosecutor, Mr A R van Wyk, did not oppose the defence's request for an acquittal.

Mr Aucamp said the State had not proved its case beyond reasonable doubt.



# WHAT'S ON!

WRITE TO WHAT'S ON, SUNDAY TRIBUNE, BOX 1491, DURBAN.

## Sport



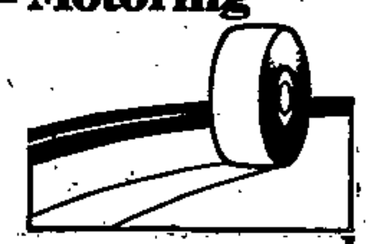
Windsurfing: Midmar, Albert Falls, and Hazelmere Dams and Umhlanga lagoon. Instruction available at "Waterfun" — phone 224059. Boards can be hired from Wind and Surf, phone 371583 or Surf Classics 848333.

Centre, Lower Berea Road, the Disc Bowl complex in Brickhill road, La Lucia

## Motoring

### AA REPORT

Repair work continues on the Pmb bypass and motorists should observe signs to minimize traffic delays. Heavy duty drivers are requsted to keep left when ascending and descending Fields Hill.



This road is not recommended for caravans and trailers. Mo-

## Exhibitions



African Art Centre: Ex
tion of Zulu and conte
rary dolls.
Art Alfresco: Display a

# Treason



■ Jansie Lourens's parents, Dr a
Lorens, leave the Rand Supreme Co

**By Charlene Smith**

**A LETTER and a trusted friend who was in fact a Security Police spy caused a shock for two young, committed Christians who stood trial for treason in Johannesburg this week.**

Robert Whitecross, a gangly young man with brown hair and a trimmed beard befriended Carl Niehaus (23) and his fiance, Jansie Lourens (23) after the death of Neil Aggett last year.

Early this year he moved into their commune in Berea.

Lourens and Niehaus, thought of him as a friend and close confidante, a part he played well, duly instructed by his Security Police "handler" Major Craig Williamson — who in his time successfully infiltrated the ANC and the International University Exchange Fund in Geneva.

It was for the first time this week, that Niehaus and Lourens and a stunned courtroom were told that Whitecross was in fact a warrant officer in the Security Police. He attained this position after first being recruited as an informer in April, 1980 — two months after he enrolled at the University of the Witwatersrand.

He joined the South African Police in June 1981.

The court heard how Mr Niehaus and Jansie Lourens came to trust him. He seemed the ideal helper, which he was with the aid of the Security Police.

He took photographs on three occasions of the Johannesburg gas works with Carl Niehaus. For these forays he arranged transport by courtesy of the Security Police, plus a camera and film, the court was told.

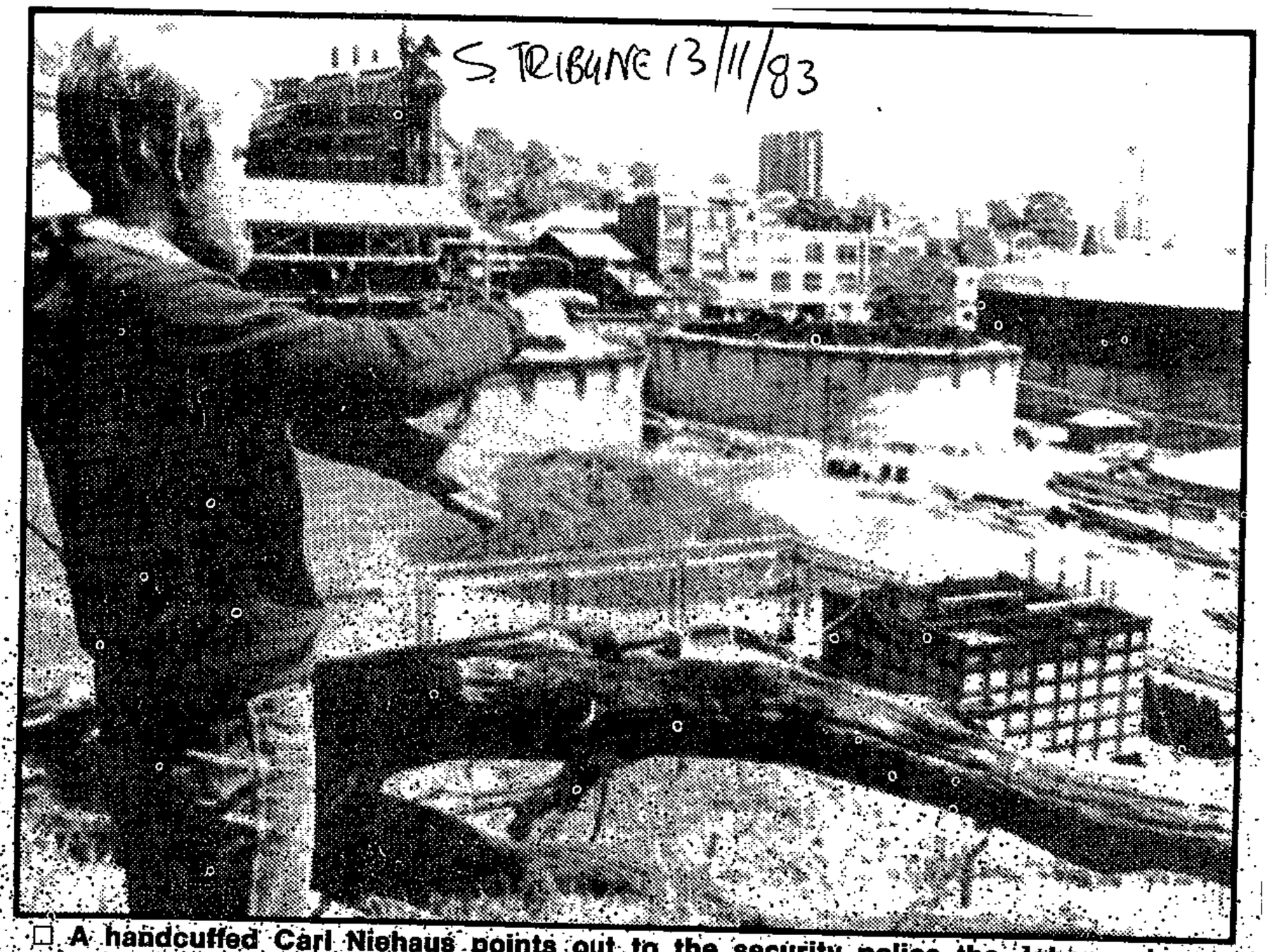
The Security Police then developed the film for him, giving him a set to pass onto Mr Niehaus and compiling two albums for their own.

Whitecross then went with Mr Niehaus to compile maps of the site, and it is his labels and notations that appear on the map.

W/O Whitecross also manufactured a coffin in- for use at a prayer meeting following the Pretoria of three ANC members, the

to meetings, lectures and them.

Voting warrant officer, who




□ **A handcuffed Carl Niehaus points out to the security police the Johannesburg Gasworks which he photographed for the ANC**

was protected by a Security Police guard while he gave evidence and who was spirited out of the court through a side entrance, was taking notes of their activities, photocoping their letters, photographing them and their friends, spying 24 hours a day.

In one letter which was addressed to Miss Lourens during the middle of this year, and in Mr Niehaus' handwriting while he was in hiding at a priory in Rosettenville, Johannesburg, he gives details of a report he wanted delivered to the ANC, final details for a prayer service for the executed ANC members, and contacts for Miss Lourens.

Before W/O Whitecross gave the letter to Miss Lourens he photocopied it and delivered it to his Security Police colleagues. The letter gave clear details of where the ANC report was (in the cellar) and how it should be typed (with a special golfball typewriter kept for that purpose).

He instructed her to take pamphlets the ANC had sent them and to photocopy them at the home of a South African Council of Churches official, "but under no circumsances let him see what you're copy-ing". She [illegible] a friend in Alexandra.

He gave her further details about other projects she was to complete.

W/O Whitecross said at one stage Mr Niehaus

and Miss Lourens said they had been given a letter by a post office employee, who was a friend, asking for a telephone to be installed at the home of a SAP agent in Alexandra so she could report on ANC activities.

W/O Whitecross asked to see the letter but was refused. He later found it in Mr Niehaus' briefcase and photocopied it.

Miss Rolie Kuikstra an employee of the SABC told the court she handed a plan of the fifth floor of the SABC-TV building to Mr Niehaus. She had no idea why he was interested in it.

She also said Mr Niehaus had considered a TV programme, Die Rooi Kômplot, as Government propaganda and had asked her if she would be able to obtain the tapes, or failing that, to be able to wipe the programme out.

On Monday, the day the trial started, Mr Niehaus handed the court a signed list of admissions after the lunch break, which led to several counts against Miss Lourens being withdrawn.

Mr Niehaus admitted that:

- On May 23, 1982 he placed a pamphlet bomb (containing a bottle of petrol, gas cylinders and 500 pamphlets), in front of the recruiting office of the SADF in the Carlton Centre. It was found before it went off. The pamphlets were entitled: "Stand up against the Oppressors — Reject National Service".
- He had written and distributed a pamphlet titled: "Why the Pretoria Bomb was necessary".
- He had inspected, photographed and prepared plans of the R56 million Johannesburg Municipal Gas Works.
- He had learned a secret book code and decoded various documents for the police while in detention.
- He visited Botswana twice in January 1982 and he had been in possession of a document addressed, "Dear Comrade".
- He admitted that he attempted to create the impression that there was an organisation known as the Afrikaans Socialist Association when in fact there was no such organisation and that he compiled various documents in the name of the organisation.
- That he had attempted to recruit Miss Catherin Hunter in October or November 1982 to assist with activities on behalf of the ANC.
- He compiled a document called: "Aluta Continua".
- He knew the ANC and its military wing, Umkhonto we Sizwe, were unlawful organisations.

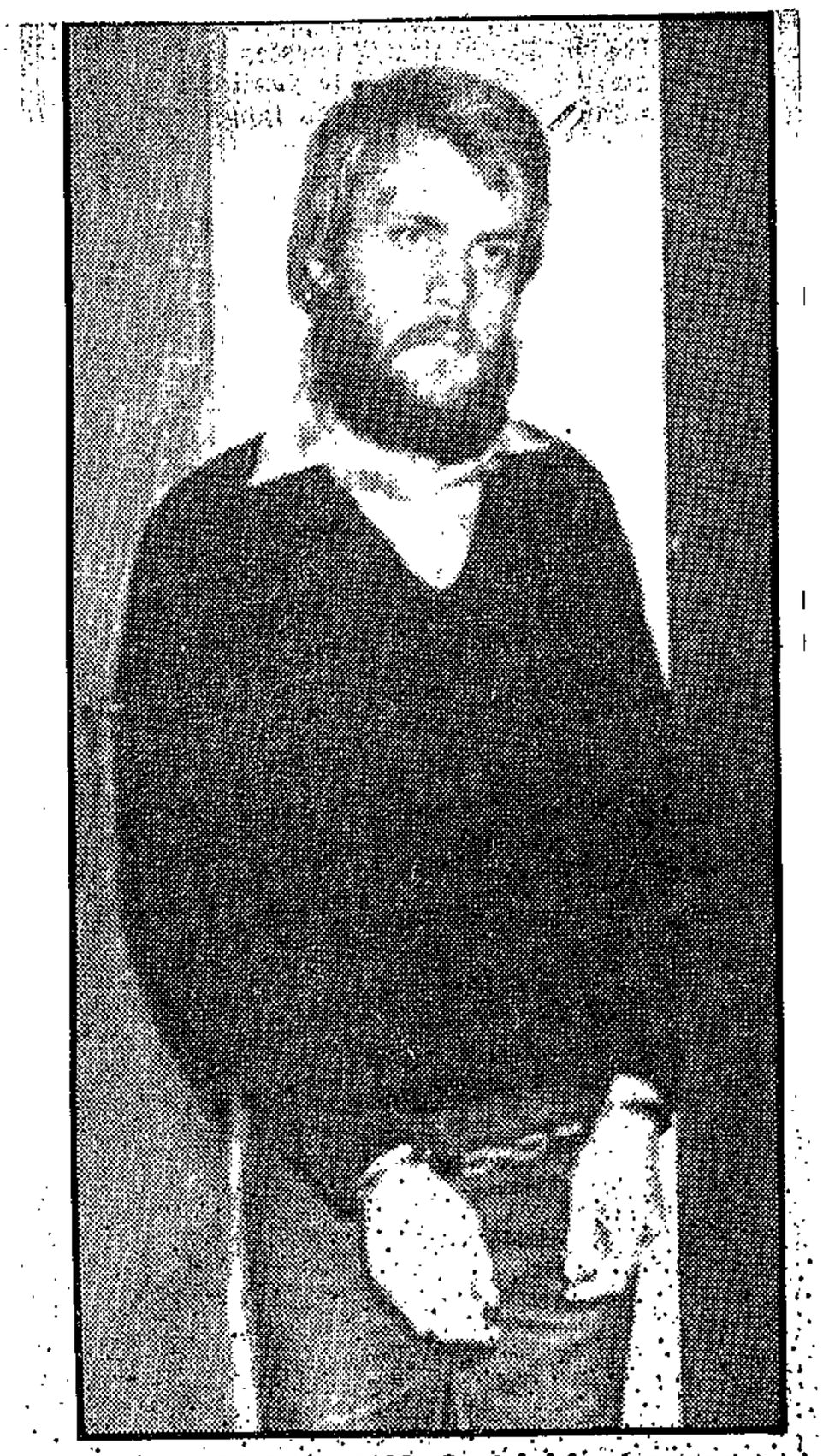
Miss Lourens admitted knowing the unlawfulness of the ANC and Umkhonto we Sizwe, that she had learnt and used a book code, and that documents in code had been found at her home in Louis Botha Avenue, Berea.

The State closed its case on Thursday after Mr Niehaus admitted trying to recruit Mr Vusi Vilikazi into the ANC and of giving him pamphlets to distribute in Alexandra township.

Mr Vilikazi, who is in detention, declined to be recruited.

The defence team called no witnesses and the accused declined to appear on the witness stand. The trial will proceed on Tuesday after the defence and prosecution spend this weekend preparing their argument.

Mr Justice A.P. Myburgh was on the Bench while Mr J.A. Swanepoel prosecuted, assisted by Mr W.J. van der Merwe. Mr Kuny, SC, and Mr L. Bowman instructed by Miss K. Satchwell appeared for Mr Niehaus and Miss Lourens.



□ CARL NIEHAUS: On trial for treason.

# Whitecross joins a long list of campus spies

SUN TRIBUNE 13/11/83

From BARRY STREEK in Cape Town.

**DETECTIVE Warrant Officer Robert Whitecross, who was revealed as a police informer on students this week, joins a long list of campus spies.**

**The most famous of them all was Craig Williamson, the former Nusas leader who recruited Warrant Officer Whitecross.**

**His close collaborator was Carl 'Zach' Edwards, another former Nusas leader who also turned out to be a police spy.**

**At one stage Mr Edwards received R99 000 for an environmental project, half of which ended up in a company, Development Consultants SA, of which Mr Edwards was the sole director.**

**After Major Wiliamson's activities in Europe were exposed, his handler, Brigadier Johan Coetzee, then head of the security police but now Commissioner of Police, said Ingrid Williamson, and his sister, Lisa-Jane Williamson, his sister, a former Rhodes University student, had both spied.**

**In 1976 when four former Nusas leaders — Charles Nupen, Karel Tip, Glen Moss and Cedric de Beer — and a lecturer, Dr Eddie Webster, were charged, and later acquitted, under the old Supression of Communism Act, three informers were revealed: Sergeant G. Horak, a former University of the Witwatersrand student, Mr H Reyneke, a former University of Natal student at Pietermaritzburg, and Lieutenant Derek Brune.**

**Lieut Brune had been on the Wits SRC Executive at the same time as Major Williamson and Arthur McGiven, a Boss agent, who later fled overseas with numerous documents which were exposed in the London Observer.**

**Another student, Ivan Himmelhoch, who was at the University of Cape Town, followed a similar path in August 1980, he disclosed that he had been Boss informer and named two South African embassy officials as heading intelligence operations in England.**

**Others who confessed their double role include the University of Natal (Pietermaritzburg) student, Ekkie Eckhardt, and the former SRC president at the University of Natal in Durban, Mr Dan Matthee.**

**Others have been caught out by accident. Michael Morris, who was active at the University of Cape Town in the 1960s was caught out after a lecturer noticed his photograph in a police magazine.**

**In March 1981 a University of Cape Town employee, Jerome Marshall, was exposed through an administrative mix-up with his civil service pension.**

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# THE 'MR FIXIT' SPY

*Student spy Robert Whitecross: The loner who loved bikes and always fixed things round the house*

By LAUREN GOWER

**ROBERT Whitecross was the nice guy who "always fixed things" in the communal house in Louis Botha Avenue, Berea, which he shared with treason trialists Carl Niehaus and Jansie Lourens, among others.**

Now the young people who lived together in the Berea commune are trying to adjust to the shock of learning that Robert Whitecross was also a security police warrant officer.

One of those who lived in the house was Wits student Karen du Plooy, who was in court when W/O Whitecross made his shattering disclosure.

"I almost couldn't face it while he was talking. Now I am doubting everything. I don't know what was really true of my experiences and what wasn't," she said.

She spoke of her anguish when her four housemates, including W/O Whitecross, were detained earlier this year.

Miss du Plooy described W/O Whitecross as a "typical white South African male with a streak of adventure".

"But the one thing I will always remember him for," she said, speaking of him as of someone who had died recently, "was his practicality.

"He was always fixing things. If something needed doing in the house of a practical nature he was the one who would do it," Miss du Plooy said.

Household things were not the only things fixed by W/O Whitecross. He was also passionate about his 750cc motorcycle which he spent hours working on.

"Most people thought his only interest in life was motorbikes," said Miss du Plooy.

She said that when W/O Whitecross came out of 'detention' he lost no time in contacting her and went round to the house she had moved to three weeks before her former housemates were detained.

late one night," she said.

"He is quite a macho kind of person and he seemed to revel in the idea that he was detained," she said.

Speaking of the cautious lifestyle led by W/O Whitecross, Miss du Plooy said it where "everybody went their own way".

"He didn't seem to have any friends and I don't think he ever had a girlfriend.

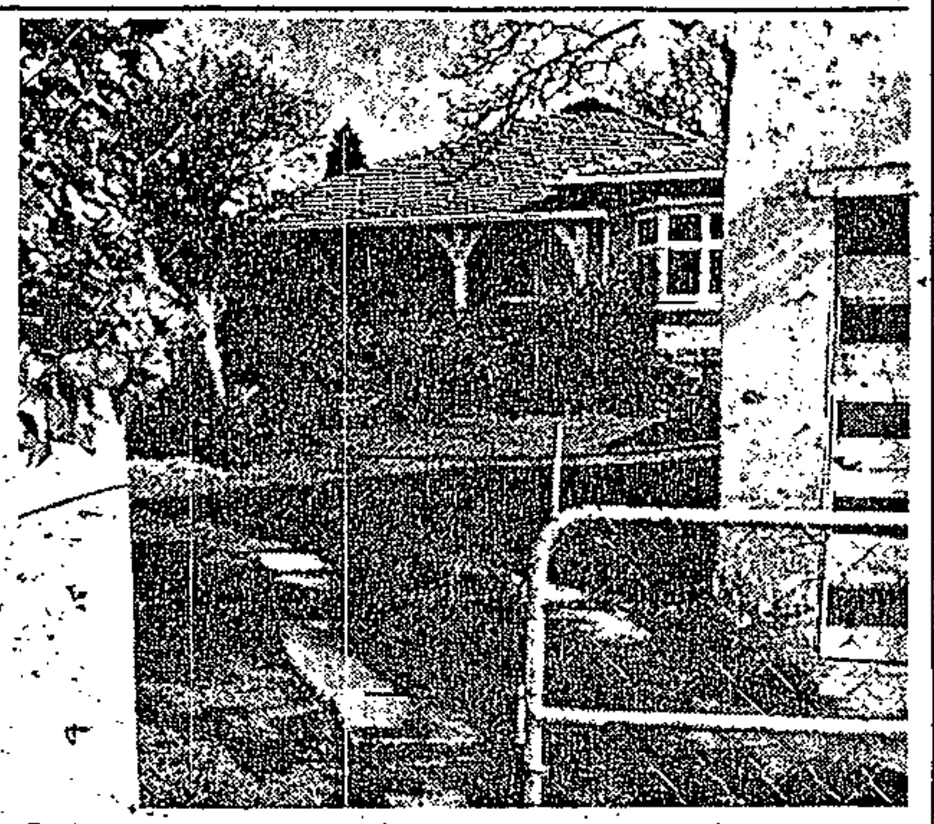
"I always thought that he didn't seem a very happy person. He seemed to be about politics.

"There was always lots of stimulating political discussion particularly between Carl and Rob.

"But I didn't think he was politically very sophisticated. I never thought he was a



● Schooldays . . . Robert Whitecross (third from right at back) in the Germiston High first hockey team



● House to let — the Berea commune stands empty

## In 58 seconds: Defence case opens and closes

By LAUREN GOWER

**CARL NIEHAUS and Jansie Lourens listened calmly as their defence against charges of high treason opened and closed in just 58 seconds in the Rand Supreme Court this week.**

**For Mr Niehaus and his fiancée, Miss Lourens, the shock had come earlier — when Robert Whitecross, a friend and housemate in their Berea commune, told the court he was a security police warrant officer.**

**Mr Niehaus, accused of furthering the aims of the African National Congress by selecting sabotage targets and of various other activities, had used W/O Whitecross as a courier when he went into hiding, the court heard.**

**He had also used him to gather intelligence in his alleged plot to pass plans of the Johannesburg municipal gasworks to the ANC.**

**As W/O Whitecross told Mr Justice A P Myburgh of his double role, he glanced from time to time at his two 'friends', but appeared to see right through them.**

**Miss Lourens was visibly shattered by W/O Whitcross' evidence, which seemed to confirm suspicions harboured by Mr Niehaus.**

**As the court adjourned, instructing defence lawyer, Miss Kathie Satchwell, said to Mr Niehaus: "So, you were right."**

**"Bloody right," retorted Mr Niehaus.**

**The man Mr Niehaus and Miss Lourens had known as Rob — a trusted friend who had shared their house since February — told the court he was recruited by Major Craig Williamson in April 1980.**

**Speaking calmly, W/O Whitecross said Mr Niehaus had approached him to "find hiding places in the house for banned publications in his possession".**

**He said he accompanied Mr Niehaus on three trips to the Johannesburg municipal gasworks.**

**He and Mr Niehaus had taken photographs of the gasworks on July 11, using a Ford bakkie provided by his security police "handler", he said.**

**W/O Whitecross had organised that security police would photograph their clandestine mission.**

**Security police later processed and printed the photographs before they were handed to Mr Niehaus.**

**Further evidence by W/O Whitecross concerned Mr Niehaus's activities in arranging a prayer meeting for six ANC terrorists facing death sentences. He said he had helped make a life-size coffin, which Miss Lourens draped with an ANC flag.**

**He also gave evidence about a letter he intercepted when Mr Niehaus, fearing security police action, went into hiding at St Peter's Priory in Rosettenville. The letter was photocopied before being passed on.**

**The case has been adjourned until Tuesday when argument will be heard.**

## ● CARL NIEHAUS

■ LIKE the banned Afrikaner theologian Dr Beyers Naude, whom he admires, treason trialist Mr Carl Niehaus was quoted in newspapers as saying that black theology was "far more open to the community

Party.

Mr Niehaus attended political meetings while at Rand Afrikaans University —

Plooy.

She said that when W/O Whitecross came out of 'detention' he lost no time in contacting her and went round to the house she had moved to three weeks before her former housemates were detained.

"He swopped detention stories with somebody in my house. He told me how he had been interrogated from early morning until very late one night," she said.

"He is quite a macho kind of person and he seemed to revel in the idea that he was detained," she said.

Speaking of the cautious lifestyle led by W/O Whitecross, Miss du Plooy said it did not seem strange that he was hardly ever at their communal home on weekends and that he spent very few nights at the house where "everybody went their own way".

"He didn't seem to have any friends and I don't think he ever had a girlfriend.

"I always thought that he didn't seem a very happy person. He seemed to be quite lonely and I got the impression that he didn't really care too much about anything except his bike — that he wasn't very serious about politics.

"There was always lots of stimulating political discussion particularly between Carl and Rob.

"But I didn't think he was politically very sophisticated. I never thought he was a person who would be politically committed," she said ruefully.

"The strange thing was that Rob didn't seem to care for Carl. I got the impression that he didn't think that much of Carl as a person, but he did quite a lot with him. I always found that surprising," she said.

Jansie Lourens, said Miss du Plooy, was quieter. "She was tense a lot of the time.

"But she was very concerned about her schoolwork.

"She was a maths teacher and would go through pupils' papers very carefully because she was always afraid that she would miss something and fail somebody by mistake."

## THE CHARGES

■ MR CARL Niehaus and Miss Jansie Lourens are charged with high treason and furthering the aims of the banned African National Congress.

The charge sheet alleges they became members of the ANC and learnt a secret code.

It is also alleged that on March 3 this year they received the following instructions:

- To start a campaign against the Orderly Movement and Settlement of Black Persons Bill and to call it 'the Genocide Bill'.
- To oppose the Ingwavuma/Kangwane land deals and campaign against military call-up.
- To distribute pamphlets furthering these aims and to recruit someone to improve communication between them and the ANC.

It is alleged they supported the use of violence, attempted to find sites for sabotage, alternatively to attempt sabotage, and were helpful in efforts to disrupt communications systems and fuel supply in South Africa.

They allegedly placed a pamphlet bomb at the Carlton Centre on May 23 this year.

It is alleged that Mr Niehaus attempted to persuade an SABC employee to provide a plan of the headquarters in Auckland Park or of SABC security with a view to possible sabotage.

He is also alleged to have drawn up a pamphlet, 'Why the Pretoria bomb was necessary'.

Mr Niehaus and Miss Lourens allegedly passed on information so a security police spy in Alexandra township could be "eliminated".

## CARL N...

■ LIKE the banned Afrikaner theologian Dr Beyers Naude, whom he admires, treason trialist Mr Carl Niehaus quit the white Dutch Reformed Church in protest against its "apartheid" religion and was ostracised by Afrikaners for doing so.

At the age of 20, Mr Niehaus became one of the first two white deacons in a black DRC congregation — that of the Reverend Sam Buti in Alexandra.

When Mr Niehaus left the white DRC he was was quoted in newspapers as saying that black theology was "far more open to the community and what Christianity means for the people here and now".

"They concentrate on change and how they can free the society."

His views are in stark contrast to those of his father, who was born in Zeerust in 1959 — on Christmas Day — the son of conservative Afrikaner parents. His father is a member of the Conservative Party.

Mr Niehaus attended political meetings while at Rand Afrikaans University — more often than not addressed by 'verligte' Afrikaners — and is said to have frequently challenged them about their views.

He was suspended from RAU in 1980 for launching a 'Free Mandela' campaign there and calling for equality in South Africa.

**Angela Gilchrist**

## JANSIE LOURENS

■ JANSIE Lourens, the 23-year-old fiancée of Mr Carl Niehaus, left an Afrikaans environment at the age of ten for the deep south of the United States where half her schoolmates and most of her teachers were black.

According to her mother, Jansie "adapted with quiet ease" to the move that had come about because her father, a doctor of psychology, wanted to study clinical psychology in America.

"Jansie was loved by everybody and obtained 'A' grades in all her subjects, despite being moved from standard two to the equivalent of standard three in America," said her mother.

"She attended a Presbyterian church with older neighbours and became very religious."

The family returned to South Africa in 1974 and Miss Lourens attended Randburg Hoërskool where she was made a prefect and obtained 'A' grades in all her subjects. She matriculated from Florida Hoërskool with five distinctions.

Mrs Lourens explained that her daughter had met Mr Niehaus during her first week at Rand Afrikaans University and became engaged to him on her 20th birthday in 1980.

Miss Lourens taught briefly at King David School in Linksfield and was teaching maths at C J Botha school in the coloured township of Bosmont when arrested on August 23 — six days before her 23rd birthday.

"She is a cheerful, happy child, well-behaved and easily managed, although she is a bit lonely at times, being an introvert," said her mother.

**Angela Gilchrist**

# ANC trial postponed

THE case of two members of the South African Allied Workers' Union, who are charged with furthering the aims of the banned African National Congress and possessingbanned literature, was postponed by Mr E Wilkins in the Pretoria Regional Court yesterday.

They were not asked to plead.

Mr Gerald Rami Dau, 28, of Motau St, Atteridgeville, and Mr Gabriel Comboy Mokoka, 27, of Nqolafe St, Atteridgeville, were detained in August and appeared before Mr E Wilkins in the Pretoria Regional Court. They were released on R500 bail each.

Their bail was extended. They will appear again on January 30. — Sapa.

# Top security as treason trial resumes

By Zenaide Vendeiro

The treason trial of Mr Carl Niehaus and Miss Johanna Lourens resumed in the Rand Supreme Court today amid tight security.

There were more than 10 security and uniformed policemen in the crowded court room. People stood at the back of the court and sat on the steps in the aisle.

When Mr Niehaus and Miss Lourens were brought into the dock, Miss Catherine Hunter (23), a student at the University of the Witwatersrand, stretched across the Press bench to embrace Mr Niehaus.

She spoke to him for a few minutes and then sat down again between Mrs Helen Joseph and her mother, Mrs Lucienne Hunter. Miss Hunter sobbed quietly.

She is a friend of Mr Niehaus and was recently released from detention.

After the tea break, Mrs Joseph presented each accused with one white rose wrapped in tin foil.

● See Page 4, Metro section.

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# Defence closes case in Gerhardt trial

CAPE TIMES 15/11/83

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**Chief Reporter**

EVIDENCE at the trial of Commodore Dieter Gerhardt and his wife Ruth, both of whom are charged with high treason, was completed in the Supreme Court, Cape Town, yesterday.

The hearing was adjourned to November 22, to enable counsel on both sides to prepare argument.

The date on which the Judge-President of the Cape, Mr Justice Munnik, will deliver his judgment in the case, the entire evidence at which — both for the State and for the defence — has been given in camera, is unlikely to be set till the end of legal argument, which is expected to last about a week.

The Judge-President has been sitting with two assessors, Mr W S O'Brien and Mr B L O'Leary.

The trial started behind closed doors on September 5, and the State case was closed three weeks later, on September 28. The defence case opened on October 11, and closed yesterday.

Both Commodore Gerhardt, a former officer commanding the SA Naval Dockyard at Simon's Town, and his Swiss-born wife have pleaded not guilty.

No witnesses at the trial may in any way be identified, in terms of the Judge-President's ruling at the outset — on an application by the Attorney-General, Mr D J Rossouw, SC — that evidence be heard in camera because of the "highly sensitive" nature of testimony to be given.

The trial is not expected to go into open court till judgment is given.

Both Gerhardts are being defended pro Deo.

Commodore Gerhardt is represented by Mr G D van Schalkwyk, SC, with Mr W G Thring, and Mrs Gerhardt is represented by Mr Gys Hofmeyr, SC, with A H Veldhuizen.

The instructing defence attorney, appointed by the court, is Mr John van Niekerk of Silberbauers, Cape Town.

The Attorney-General has been assisted by Mr E Pretorius.



Commodore Dieter Gerhardt and his wife Ruth leave the courtroom under escort, after a day's hearing of evidence at their trial on a charge of high treason.

## Fuel for the festive

RESTRICTIONS on petrol sales will be relaxed to allow motorists to fill up till 9pm during the festive season from December 1 to January 23.

The R5 levy will still apply to sales on Sundays and after 9pm during the week.

The extension is aimed at alleviating traffic congestion, according to a spokesman for the Motor Industry Federation.

Mr B C Mostert, area manager of the Western Cape division of the Automobile Association, welcomed the measure.

"We have continually requested a relaxation of petrol-selling restrictions in the past but the government has indicated that this is not possible."

He said the extension would help spread the traffic load.

# Educated blacks 'more radical'

**Own Correspondent**

PRETORIA. — The younger and better-educated black worker tends to have a more radical and militant approach to labour issues, a Human Sciences Research Council survey has shown.

Socio-economic as well as political awareness was heightened as educational levels increased, and as the educational level of the labour force was increasing rapidly "a hardening of attitudes can be expected", the survey said.

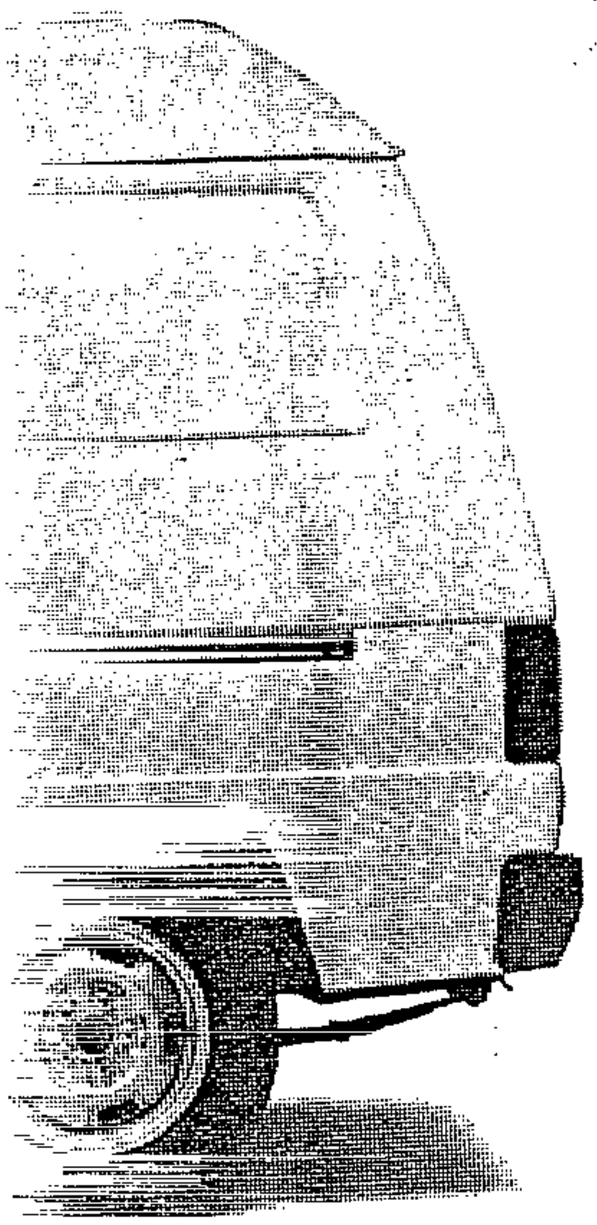
If this should happen, the survey found that the psychological environment in which the individual firm would have to operate "is going to become more complex and difficult".

The number of unions and union membership would continue to increase at a fast pace. Unions, however, would have to be careful not to overplay their hands, because 50 percent of non-union workers said they had no desire to join a union.

The survey included interviews with people responsible for handling strikes in 120 firms which had strikes during 1980-81. Major findings of the survey included:

- Management did not have a favourable image of black unions and union leaders.
- Workers had little opportunity of communicating with management.
- Management style in many cases was paternalistic or autocratic.

# Sexual-harassment campa



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# Niehaus hostile to State: advocate

By Rashid Chopdat

Mr Carl Niehaus' activities were hostile to the State and he believed that bomb attacks and sabotage by the African National Congress were justified and necessary, the State advocate said in the Rand Supreme Court today.

Mr J A Swanepoel was submitting legal argument before Mr Justice A P Myburgh at the trial of Mr Niehaus (23) and his fiancee, Miss Johanna Lourens (23) of Berea, Johannesburg, who have pleaded not guilty to a charge of high treason and to charges under the Internal Security Act.

Mr Swanepoel said evidence of Mr Niehaus' belief in violence was to be found in a pamphlet "A luta continua" (The struggle continues) produced and distributed by him. Mr Niehaus had also accepted violence by joining the ANC.

## OPT FOR NON-VIOLENCE

Mr Niehaus had told a State witness, Mr Lionel Murcott, that the SA Defence Force and the ANC used violence but he (Mr Niehaus) would opt for non-violence if given the choice.

Mr Swanepoel alleged the activities of Mr Niehaus, who had worked for the ANC, suggested a hostile intent towards the State.

He argued that Mr Niehaus did not only have to commit violent acts to be convicted for high treason.

It had been found in previous court cases that supplying information and carrying out propaganda for the enemy, belonging to an anti-Government organisation and taking part in unconstitutional acts to further a banned group's aims was, in law, treason.

Mr Swanepoel said the ANC was an enemy of the State and that its grand object was to overthrow the State by violence and by means of economic and political instability. Mr Niehaus' actions contributed towards that grand scheme.

The State advocate said that any act, apparently innocent in itself, may clearly be an overt act of treason if proved to have been done with hostile intent to injure the State or the Supreme Government.

South African law said that swearing allegiance with the enemy or taking a blood oath amounted to high treason.

Among the decided court cases quoted were that of convicted ANC members Barbara Hogan (found guilty of high treason) and Robert Adam (found guilty under the Internal Security Act and of taking part in terrorist activities).

Mr Swanepoel said Mr Niehaus and Miss Lourens had failed to give evidence and asked the court to draw an adverse inference in their failure to rebut the presented State prima facie evidence.

The court should find that Miss Lourens had associated herself with the ANC's aims and had carried out instructions.

Mr Swanepoel asked the court to find that Mr Niehaus and Miss Lourens swore allegiance to the ANC or its supporters and had carried out its instructions.

He said one of the documents found in Mr Niehaus's possession contained coded instructions from the ANC.



Dr and Mrs Pieter Lourens, the parents of treason trialist Miss Johanna Lourens, outside the Rand Supreme Court today.

Among the reasons given for the submission was that it had been hidden with other ANC material, that it was in code and that it dealt with four aspects considered by the ANC to be important.

## FOUR ASPECTS

The four aspects were that Mr Niehaus and Miss Lourens should start a campaign to oppose the proposed new constitutional plans, oppose the Ingwvuma/KaNgwane land deals by the SA Government, oppose the Orderly Movement and Settlement of Black Persons Bill (dubbed the Genocide Bill by the ANC) and to start a campaign against whites doing army duty.

The trial continues.



Some of the 44 alleged demonstrators, mostly Natal Indian Congress members, outside the Court yesterday.

# 43 in court after demo at P W talk

**Court Reporter**

FORTY-THREE people appeared before Mr C J Laubscher in the Durban Magistrate's Court yesterday in connection with an allegation of contravening the Internal Security Act.

Their appearance followed a picketing of the Prime Minister's meeting at the Durban City Hall on Monday, November 14. Mr P W Botha was addressing more than 3 000 Indians on the country's new constitution.

## Illegal

The accused were arrested by police after they had held up placards outside the City Hall and later released on bail of R200 each.

It is alleged they contravened the Act by holding an illegal gathering.

No charge was put to them and no further details of the allegation were given. Their bail, which was reduced by the Court to R50, was extended, and they were remanded until January 26.

Before the Court were Mewa Ramgobin, Ebrahim Goga, Rabikaram Bugwanden, Yumus Mohamed, Pravin Gordham, Fatima Meer, Radhakrishna Padayachee, Lily Naicker, Adhir Maharaj, Ramlall Ramesar, Farouk Meer, Muthal Naidoo, Yabusevan Gounden, Neerasen Mudlay, Sitamna Parasuramen, Devi Yacoob, Marion Ramsden, Ansuyah Naidoo, Charmaine Pillay, Shareeth Pillay, Shareeth Viymarain, Ela Ramgobin, Ranjith Choonilall, Poobalan Ramsamy, Murugiah Naidoo, Ayalamo Govender, Pat Naidoo, Amand Jayrath, Bala Mudaly, Sundajeegaran, George Sewpersad, Shamsingh, Mothilall Maharaj, Swami Nathan Naicker, Vidhur Mothilall, Goolam Ismail, Manogran Dass, Rajah Naicker, Santosa Singh, Ramsamy Naidu, Abdul Randeree, Nathan Gounden and Banarathan Pillay.

Another accused, Zacharia Yacoob, an advocate, was remanded in absentia until January 26. He was also granted bail of R50.

Mr D K Singh, who appeared for Mr Yacoob told the Court that the advocate had been unable to appear in Court because he was appearing at the Ladysmith Supreme Court.

He said Mr Yacoob, after his arrest, informed the police of his problem.

A warrant for his arrest was issued by the Court but it was agreed by the Magistrate that it should be stayed until January 26. His bail was also provisionally estreated.

Mr B Hitchings appeared for the State.

JRTS ARGUS 16/11/83 331

# No evidence plan, photos needed for sabotage — defence

JOHANNESBURG. — There was no evidence that the plan and photographs of Johannesburg City Council's gasworks were required for sabotage, defence counsel in the high-treason trial submitted today in the Rand Supreme Court.

Mr D Kuny SC was continuing legal argument before Mr Justice A P Myburgh at the trial of Mr Carl Niehaus, 23, and Miss Johanna Lourens, 23, both of Berea, Johannesburg, who have pleaded not guilty to charges of high treason and charges under the Internal Security Act.

During the trial Mr Niehaus admitted taking photographs of the gasworks and drawing a plan with Mr Robert Whitecross, who later turned out to be an undercover security policeman.

**NOT CHALLENGED**

Mr Kuny said Mr Niehaus did not challenge any of the evidence given by Warrant Officer Whitecross regarding the photographs and the plan.

He said it should be noticed that at no stage in his evidence did Warrant Officer Whitecross testify why Mr Niehaus required the photographs and a plan of the gasworks.

He argued there was no evidence, beyond reasonable doubt, that Mr Niehaus acquired this information for the purpose of sabotage to be committed by him or by the African National Congress (ANC).

**DISCUSSION**

Mr Kuny said the evidence regarding Mr Niehaus's request for a plan of the SABC's security arrangements, allegedly for sabotage purposes, was unsatisfactory, inconclusive and nebulous.

Miss Roelie Kuikstra, an SABC employee, had gratuitously mentioned the existence of such a plan in December 1982 during a discussion, said Mr Kuny.

It was only after she had raised this matter that Mr Niehaus had asked for the plan, which she did not have with her. Mr Niehaus raised the matter with her nine months later.

Mr Kuny said it turned out that the plan was that of a fire-prevention system on the fifth floor of the SABC. He argued it had not been proved the plan was required for sabotage.

There was no evidence in court that four black persons had left South Africa or for what purpose and that they were helped by the accused.

(Proceeding)

# Sabotage intent not proved, defence says

(331)

STAR 6/11/13

By Rashid Chopdat

There was no evidence that the photographs taken at the Johannesburg City Council's gasworks and the plan drawn of it were required for sabotage purposes, defence counsel in the high treason trial submitted today in the Rand Supreme Court.

Mr D Kuny SC was continuing legal argument before Mr Justice A P Myburgh at the trial of Mr Carl Niehaus (23) and Miss Johanna Lourens (23), both of Berea, Johannesburg, who have pleaded not guilty to charges of high treason and to charges under the Internal Security Act.

## CHALLENGE

During the trial, Mr Niehaus admitted taking photographs of the gasworks and of drawing a plan with Mr Robert Whitecross, who turned out to be an undercover security policeman with the rank of Warrant Officer.

Mr Kuny said that Mr Niehaus did not challenge any of the evidence given by Warrant Officer Whitecross regarding the photographs and the plan.

He said it should be noticed that at no stage in his evidence did Warrant Officer Whitecross testify why Mr Niehaus required the photographs and a plan of the gasworks.

He argued there was no evidence beyond reasonable doubt that Mr Niehaus acquired this information for the purpose of sabotage to be committed by himself or by the African National Congress (ANC).

Mr Kuny said the evidence regarding Mr Niehaus's request of a plan of the security arrangements of the SABC allegedly for sabotage purposes was unsatisfactory, inconclusive and nebulous.

Miss Roelie Kuikstra, an employee of the SABC, had gratuously mentioned the existence of such a plan in December 1982 during a discussion, said Mr Kuny.

It was only after she had raised this matter that Mr Niehaus had asked for the plan, which she did not have with her. Mr Niehaus raised the matter with her nine months later.

Mr Kuny said it turned out that the plan was that of a fire prevention system on the fifth floor of the SABC. He argued it had not been proved the plan was required for sabotage purposes.

He said there were allegations that four black people were helped out of the country (according to the indictment they went out to join and receive training by the ANC).

There had been evidence that four black people visited Mr Niehaus and slept at his house for a few nights and that they had not been seen in the house after they were taken away by Miss Lourens in a car she borrowed from a housemate, Miss Karen du Plooy.

## EVIDENCE

There was no evidence in court that the four peo ple had left South Africa or for what purpose and that they were helped by the accused.

Mr Kuny said it was alleged that Mr Niehaus had obtained information about a police informer living in Alexandra Township to enable the ANC to get rid of her.

The evidence was not consistent with the allegations, argued Mr Kuny.

He said it was Mr Gerhardus Kleinhans, a Post Office employee who took the initiative in showing a letter containing the informer's name and address to Mr Niehaus and Miss Lourens.

Mr Niehaus told Mr Kleinhans steps would be taken to burn the informer's house. In fact no such steps were taken and Mr Niehaus could have said this with bravado, submitted Mr Kuny.

Mr Kuny said much had been said about Mr Niehaus' utterance to blow up the office of Mr Ian de Vries, a lecturer at the Rand Afrikaans University.

## ARGUED

He argued the utterance amounted to "nothing".

He submitted it was an exclamation made in anger during a conversation.

Later, the judge inquired whether the situation had not been clouded by the pamphlets Mr Niehaus had written; for example the one on "Why the Pretoria Bomb was Necessary" and if this did not show Mr Niehaus' state of mind and that he wanted to do something.

## PAMPHLETS

Mr Kuny replied Mr Niehaus' pamphlets could not be ignored when considering the evidence as a whole. It was possible that Mr Niehaus' writing showed his state of mind.

Mr Kuny argued there was no substance in the submission by the State that Miss Lourens should be found guilty of treason because she had failed to report Mr Niehaus' treasonable activities to the authorities.

The case continues.

Appearances: Mr J A Swanepoel and Mr W J van der Merwe appeared for the State. Mr D Kuny SC and Mr L Bowman, instructed by Mr K Satchwell, appeared for Mr Lourens and Miss Niehaus.

cussing the matter with his Soutpansberg constituency council.

Mr Botha, 61, was elected as MP for Soutpansberg in 1958. He held the portfolios of Water Affairs and Forestry before being appointed Minister of Mines and Labour. The portfolio was later split to become the Ministry of Manpower.

Mr Botha was regarded as the father of labour reforms in South Africa.

The Progressive Federal Party spokesman on Manpower, Dr Alex Boraine, said last night it was important that in the interests of clean administration as promised by the Prime Minister, that the reasons for Mr Botha's resignation be made known.

Dr Boraine said it was tragic that Mr Botha, who was one of the few Ministers who had been involved in "genuine reform measures" should have to resign under such "unfortunate" circumstances.

Mr Botha's resignation immediately sparked speculation in political circles as to who would succeed him. Names mentioned included the Minister of Industries, Commerce and Tourism, Dr Dawie de Villiers, and the Minister of Mineral and Energy Affairs, Mr Pietie du Plessis.

However, there was also speculation that Mr Botha might be replaced by a labour expert from outside Parliament.

It was revealed at the weekend that former Korean War pilot Brigadier Johann "Jan" Blaauw had demanded payment from Mr Botha of R250 000 allegedly owed on promissory notes, and that Brig Blaauw had written to the Government demanding the handover of two major diamond concessions he claims Mr Botha had promised him.

Brig Blaauw claims that he is entitled to two concessions on the west coast.

# It's high treason, admits Carl Niehaus' defence

By GEOFFREY ALLEN

LAWYERS for Mr Carl Niehaus conceded at the resumption of his trial yesterday that he had committed high treason against the State by furthering the aims of the banned African National Congress.

A packed, hushed, Rand Supreme Court heard Mr Dennis Kuny, SC, tell the judge his client had "the requiste hostile intent to overthrow the state... he may be presumed to be a member of the ANC."

"M'Lord, it sounds as if I am advocating the State's case... But we don't say that the State has proved all of it's arguments against Mr Niehaus," Mr Kuny said.

"We have been compelled to concede high treason in the case of Mr Niehaus... Your lordship will now have to look at the extent of that treason, of those acts."

Behind Mr Kuny, Mr Niehaus sat beside his fiancee and co-accused, Miss Johanna Lourens.

Mr Kuny repeatedly emphasised that in her case nothing had been proved by the State.

"The State has failed to prove any offence whatsoever against her. The facts proved are very slender indeed," he said.

Mr Niehaus and Miss Lourens sat holding hands and whispering to each other, two freshly-cut white roses on the dock bench beside them.

Mr Kuny continued "We have been compelled to concede to the main charge of treason.

"We do this with reference to the documentation (produced by the State in connection with certain of the charges) all of which indicate an association with the ANC which has the stated aim of overthrowing the Government. All that constituted treason.

"You will have to look at the nature of the acts to see how far this treason goes," Mr Kuny said.

Listing the acts which constituted treason committed by Mr Niehaus, the defence said he had:

- Produced pamphlets which carried ANC-style messages and had distributed them;
- Had advocated that people join the ANC and had tried to recruit people for the organisation;
- Had produced documents in support of the ANC;
- And tried to establish an organisation, (the ASA — Afrikaans Speaking Socialist Alliance) for which he had produced a newsletter.

Mr Kuny said that while both accused had pleaded not guilty to the treason charges and the alternate charges under the Internal Security Act, they had each made a series of admissions at the outset of the trial last Monday.

"They have been absolutely frank with your lordship as to what they were prepared to admit and what was in dispute.

"Even before Warrant Officer Whitecross (who confessed in the witness box that he was a police spy planted to watch the political activities of Mr Niehaus and others) gave evidence which may have caused some sensation, much of what he said was already common cause because of the admissions."

At the start of the day the prosecutor, Mr J A Swanepoel, asked that both accused be found guilty on the high treason charges and the alternatives.

In a 168-minute argument running to 45-typed pages, Mr Swanepoel argued that it was clear Mr Niehaus accepted and believed in the aims of the ANC and accepted that sabotage was necessary to further those aims.

"In evidence it was said that he had weighed up that both the ANC and the State were killing people and that he had sided with the ANC.

"... It is also clear that the ANC new of his decision and his acts on its behalf," Mr Swanepoel said.

● See Page 3

TODAY the Rand Daily Mail introduces an exciting new service for holidaymakers — Holiday Homefinder. This weekly supplement — inside today — is ideal for people buying or selling a holiday home. In today's eight-page supplement there is a unique selection of holiday homes advertised — plus the latest holiday property news.

# Matric maths p

Mail Reporter

POLICE and officials of the Department of Education and Training are investigating the possibility of a nation-wide matric mathematics examination paper "leak" which was first spotted in Soweto.



J Newton

# l call indaba blacks

f Reporter

going president pe Chamber of s (CCI), Mr J R expressed the week that the nt would con- industry and e "in an endea- arrive at an the question ns are so avoiding",

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ed that in the new constitu- th house, for ould go a long mpering oppo- the proposed em expressed bers of the and Indian ies.

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# Murder trial: 'I began kicking her'

By CHRIS BATEMAN

A PLUMSTEAD mother told a Supreme Court judge yesterday how her blood-spattered and "wild-looking" brother-in-law, on trial for the murder of a 58-year-old woman, arrived at her home to tell of a girl he had just assaulted behind the 3 Arts theatre.

Mrs Erna Blake quoted 18-year-old Stephen Blake as saying soon after his arrival: "I felt her chest and there was nothing there".

Mr Blake, of Spektra Street, Retreat, has pleaded not guilty to murdering Mrs Beryl Maude Gadsby on September 15 last year.

### 'She shouted'

Mrs Blake said Mr Blake had told her and her husband, George, that "he'd got her from the Constantiaberg Drop Inn. He had sex with her and the second time he wanted to have sex she shouted. He said he had kicked her in the side".

The three had driven to an area behind the 3 Arts theatre where, after a search along a footpath, they found a body covered with twigs and pieces of concrete.

Mrs Blake said she had been "too scared" to go near the body and she and her husband had left the scene, taking the accused to another brother's home in Retreat and picking up Mr Blake's sister, a nurse.

When the nurse was faced with the body, she also was too frightened to check for signs of life.

"That was when we went to the police."

In a statement handed to the court, Mr Blake said he had met a woman in the ladies' bar at the Constantiaberg Drop Inn where he had unsuccessfully been trying to get her into the discotheque.

Later, when he met her again in the hotel car park, she had agreed to walk home with him.

### 'Became panicky'

"We walked along Mimosa Street and came out by a large area of veld near the 3 Arts. I stopped and asked her if I could have sex with her and she did not refuse. I then spoke to her a while and asked if I could have sex again.

"I became panicky as there were houses close by and I hit her with my fist. She fell and carried on screaming and I began kicking her. When I looked again she was still and I went to tell my brother what had happened."

A government pathologist testified that the woman died of multiple injuries.

The trial continues today.

Mr Justice Rose-Innes, assisted by two assessors, presided. Mr John Reebein appeared for the State and Mr Richard Horn appeared pro Deo for Mr Blake.

# Defence 'concedes treason'

331

CAPE TIMES 16/11/83

Own Correspondent

JOHANNESBURG. — Lawyers for Carl Niehaus conceded at the resumption of his trial yesterday that he had committed high treason against the State by furthering the aims of the banned African National Congress.

A packed, hushed Rand Supreme Court heard Mr Dennis Kuny, SC, tell the judge that his client had "the requisite hostile intent to overthrow the State" and "may be presumed to be a member of the ANC".

### 'Trepidation'

"M'Lord, it sounds as if I am advocating the State's case, but we don't say that the State has proved all of its arguments against Mr Niehaus," he said.

"We say this with trepidation. We have been compelled to concede high treason in the case of Mr Niehaus. Your lordship will now have to look at the extent of that treason, of those acts," Mr Kuny said.

Behind him Mr Niehaus sat next to his fiancée and co-accused, Johanna Lourens.

Mr Kuny repeatedly emphasized that nothing had been proved against her by the State.

"The State has failed to prove any offence whatsoever against her. The facts proved are very slender indeed," he said.

Mr Niehaus and Miss Lourens sat holding hands. Two white roses lay on the dock bench beside them.

Mr Kuny said the defence had "been compelled" to concede the main charge of treason "with reference to the documentation" produced by the State, which "indicates an association with the ANC which has the stated aim of overthrowing the government".

### Acts listed

Listing the acts which constituted treason committed by Mr Niehaus, the defence said he had:

- Produced and distributed pamphlets which carried ANC-style messages;
- Advocated that people should join the ANC and tried to recruit people;
- Produced documents in support of the ANC;
- Tried to establish an organization (ASA — Afrikaans-Speaking Socialist Alliance) for which he had produced a newsletter.

Mr Kuny said that while both accused had pleaded not guilty to the treason charges and the alternate charges under the Internal Security Act, they had each made a series of admissions at the outset of the trial.

"They have been absolutely frank as to what they were prepared to admit and what was in dispute."

Mr Kuny said that much of the evidence given by Warrant Officer Robert Whitecross, who had stated in the witness box that he was a police spy, was "already common cause because of the admissions".

Earlier, the prosecutor, Mr J A Swanepoel, asked that both accused be found guilty of high treason and the alternative charges.

He said the only reasonable conclusions which could be drawn from all the evidence was that:

- They had conspired between themselves, and with the ANC, to further the aims of the ANC;
- The deeds carried out by them were a result of the conspiracy;
- The fact that they committed these deeds indicated their acceptance of the aims of the ANC;
- Every deed undertaken by them was aimed at furthering the overthrow of the State.

### Sabotage

Mr Swanepoel argued that it was clear that Mr Niehaus believed in the aims of the ANC and accepted that sabotage was necessary to further those aims.

"In evidence it was said that he had weighed up that both the ANC and the State were killing people and that he had sided with the ANC."

The trial continues




November 16, 1983

# Gifts from Helen Joseph

By GEOFFREY ALLEN

TWO cold-white roses individually wrapped in celophane: two bars of Turkish Delight .... an incongruous gift for two people facing trial for high treason, yet a gift which brought obvious joy to Carl Niehaus and Jansie Lourens yesterday.

As they came up the steps from the cells below the court, veteran political activist Mrs Helen Joseph rose from the seat she had been helped to on crutches, and passed over the gifts.

The roses lay on the hard wooden bench of the dock as the couple, who intend to marry, sat listening to the prosecutor tell the court why they should be found guilty of a charge which can carry the death sentence.

Composed, they took the flowers and sweets with gratitude and smiles, and sat to face the court.

They became flushed with excitement when, from a seat just along from Mrs Joseph, came a call of "hello" from Catherine Hunter, the woman who is said to have helped Mr Niehaus draw up a pamphlet on why the Pretoria car bomb was necessary, and who herself was held in detention for three months by the Security Police.

Both the 23-year-old accused rushed to the end of the dock and held her hands as they exchanged greetings for the first time since they all heard the metallic slam of cell doors shut behind them in August, after a police raid.

Diffident as he has been throughout the trial when talking to friends, Mr Niehaus blushed as he softly told Catherine in a voice packed with feeling, "Sorry about all this trouble."

Even court reporters hardened to the fate of people paraded before them daily turned away to allow them a moment of quiet intimacy before they sat to hear the stark agruments for and against them.

(331) Sats 17/11/83

# Treason trial ends, judgment on Monday

Judgment in the high treason trial of Mr Carl Niehaus (23) and his fiancee, Miss Johanna Lourens (23), will be given in the Rand Supreme Court on Monday by Mr Justice A P Myburgh.

Mr Niehaus, a deacon in the NGK, and schoolteacher Miss Lourens, address of both given as Berea, Johannesburg, had pleaded not guilty to charges of high treason and to charges under the Internal Security Act.

In concluding his legal argument, Mr J A Swanepoel, prosecuting, urged the court to convict Miss Lourens of high treason because she had not reported Mr Niehaus' alleged treasonable acts to the authorities.

Mr Swanepoel argued that Mr Niehaus and Miss Lourens had had an intimate relationship and had shared confidences. He asked the court to infer that she must have known his activities were linked with the African National Congress.

Mr Niehaus had told her in a letter to encode a report and send it to the ANC. She had also made an ANC flag. This showed she was associated with Mr Niehaus' activities and/or the ANC, argued Mr Swanepoel.

### IMPLIED

He said Mr Niehaus' letter did not give the address where his report should be sent to. Mr Swanepoel argued this implied that she knew where to send it.

He asked the judge to convict her of being a member of the ANC or of being a supporter.

Mr D Kuny SC, defending, argued the only evidence against Miss Lourens related to Mr Niehaus' letter brought to her by the undercover policeman, Warrant Officer Robert Whitecross.

"The fact that Mr Niehaus requested her to reduce his report to code and send it to the ANC does not establish that she had prior knowledge the code would be used for this purpose," said Mr Kuny. He submitted the State had failed to prove any conspiracy between her and Mr Niehaus to perform any act on behalf of the ANC.

Although she had learned a secret code at Mr Niehaus' request, she had not been told by Mr Niehaus or Mr Vusi Vilakazi that it was to be used to communicate with the ANC.

Mr Kuny argued there was no substance in the the State's submission that she should be convicted of treason because of her failure to report the alleged treasonable activities. He asked the judge to acquit her on all the charges.

Mr Kuny said Mr Niehaus did not challenge the evidence given by the security policeman on the photographs and plan of the gasworks.

He said it should be noticed that at no stage in his evidence did Warrant Officer Whitecross testify why Mr Niehaus required photographs and plan.

He argued there was no evidence beyond reasonable doubt that Mr Niehaus acquired this information for sabotage to be committed by himself or by the ANC.

Mr Kuny said the evidence regarding Mr Niehaus' request of a plan of the security arrangements at the SABC, allegedly for sabotage purposes, was both inconclusive and nebulous.

It later turned out the plan was that of a fire prevention system. Mr Kuny argued it had not been proved that the plan was needed for sabotage.

There had been evidence four black people visited Mr Niehaus, slept at his house for a few nights and that they had not been seen there after they were taken away by Miss Lourens in a car.

But there was no evidence the four had left South Africa or for what purpose and that they were helped by the accused, said Mr Kuny.

### INFORMER

It was alleged Mr Niehaus had obtained information about a police informer living in Alexandra Township to enable the ANC to get rid of her, but the evidence was not consistent with the State's allegations.

Mr Kuny submitted Mr Niehaus' utterance that Mr Ian de Vries, a lecturer at Rand Afrikaans University, should be "blown up" was an exclamation made in anger and not a statement of intent.

The judge inquired whether the situation had not been clouded by Mr Niehaus' pamphlets.

The judge used the example of the pamphlet "Why the Pretoria bomb was necessary" and put it to Mr Kuny if this did not show Mr Niehaus' state of mind and that he wanted to do something.

Mr Kuny replied Mr Niehaus's pamphlets could not be ignored when considering the evidence as a whole. It was possible that his writing showed his state of mind.

Appearances: Mr J A Swanepoel and Mr W J van der Merwe appeared for the State. Mr D Kuny SC and Mr L Bowman, instructed by Mr K Satchwell, appeared for Mr Lourens and Miss Niehaus.

## Lourens should have told police — State

# Treason accused 'a part of conspiracy'

By GEOFFREY ALLEN

BY NOT reporting her fiance to the police for his African National Congress sympathies and activities, Miss Johanna Lourens became part of a treasonable conspiracy to further the aims of the ANC, the Rand Supreme Court was told yesterday.

During legal argument yesterday at the treason trial of Miss Lourens and Mr Carl Niehaus, Mr Jan Swanepoel, for the State, submitted that Miss Lourens had two options: to report her lover to the police, or to become part of a consipracy with him and the ANC and thereby open herself to charges of high treason.

Making his submission on the last day of legal argument at the trial, Mr Swanepoel said: "The Barbara Hogan treason trial established the ratio — anything one does to further the aims of the ANC (including failure to report others involved in ANC activities) undermines the State.

"There is nothing in between."

The trial was postponed to Monday when Mr Justice Myburgh will deliver his judgment.

Mr Swanepoel said that apart from other evidence which he said supported a conviction on the main charge of high treason, Miss Lourens must have been aware of Mr Niehaus's links with the ANC at least from June 14, 1983, when he wrote to her detailing assignments he wished her to carry out, including encoding a report he had compiled for the ANC and making an ANC flag for a meeting.

Mr Swanepoel said: "He does not supply an address for the ANC, which implies that she knows where the report must be sent. We submit that the code (Miss Lourens has admitted to knowing a book-code for messages) was an ANC code because she was required to send Niehaus's report in that code.

"From that letter alone she knows that he is working for the ANC and any ordinary person in this country knows that that is illegal.

"When she read that letter she should have seen that there were moves being made against the State on behalf of the ANC.

"She should have reported it.

"We say that there was a conspiracy between Miss Lourens and Mr Niehaus and the ANC.

"Whether she had contact with the ANC or not, she knew that some part of the conspiracy involved the ANC."

Earlier Mr Justice Myburgh had raised the question of the June 14 letter with Mr Dennis Kuny, SC, for Mr Niehaus and Miss Lourens, and later he commented: "It (the case against Miss Lourens on the high treason charge) all boils down in the end to this letter."

The judge said the words in the letter, "my report to the ANC must be sent in the next two days", implied that Miss Lourens knew all about the ANC.

Mr Kuny submitted that the largest part of the State case against Miss Lourens was built on inferences drawn from the mass of evidence and not on specific evidence against her.

He said even self-confessed campus spy Mr Robert Whitecross, who had lived in the same house as Mr Niehaus and Miss Lourens, had failed to find any hard evidence against Miss Lourens during his stay.

Mr Justice Myburgh: "The fact that she did not give evidence (neither accused was put in the witness box) — can't the State say that there was evidence that called for a denial. The fact that an accused doesn't give evidence doesn't prove anything, but isn't there evidence here which requires a denial?"

Mr Kuny: "If there are a number of inferences, and she fails to give evidence, this does not leave open only the sinister inferences which may be drawn."

Earlier Mr Kuny had argued that Mr Niehaus had not been serious when he exclaimed that a Rand Afrikaans University lecturer, Mr Ian de Vries, or his offices at the university, should be blown up.

Mr Justice Myburgh said this aspect of the case was clouded by the pamphlets of which Mr Niehaus admitted he was the author, and which advocated violence and the use of bombs, and in particular one entitled "Why the Pretoria Bomb Blast was Necessary".

Mr Justice Myburgh: "We must try and determine what sort of man we are dealing with. Distributing a pamphlet is one thing, but it does not give a particular meaning to what he intended.

"If a person of his state of mind, reflected in what he has written, is saying 'let's blow up De Vries', you must take that in conjunction with what he has written. I certainly can't ignore what he has written, that is certain. Do his actions accord with his state of mind? is what we must establish.

"Whether he feels morally justified is another matter."

# Treason trial: 'Stark choice for Lourens

331

Cape Times 17/10/83

Own Correspondent

JOHANNESBURG. — By not reporting her fiancee to the police for his ANC sympathies and activities, Johanna Lourens became part of a treasonable conspiracy to further the aims of the banned African National Congress, it was stated here yesterday.

At the conclusion of legal argument in the treason trial of Miss Lourens and Carl Niehaus, the prosecutor, Mr Jan Swanepoel, submitted that Miss Lourens had a stark choice: To report her lover to the police, or to become part of a consipracy with him and the ANC and thereby open herself to charges of high treason.

## 'Ratio established'

Making his submission in the trial at the Rand Supreme Court, Mr Swanepoel said: "The Barbara Hogan treason trial established the ratio: Anything one does to further the aims of the ANC... undermines the State. There is nothing in between."

The trial has been adjourned till Monday when Mr Justice Myburgh will deliver judgment.

Before the early adjournment, Mr Justice Myburgh told defence counsel Mr Dennis Kuny SC: "I have a lot of homework to do ... Don't think that because you have conceded that the State has proved a case of high treason against Mr Niehaus that I am just going to say that he is guilty. I have to satisfy myself on that."

## June 14 letter

Mr Swanepoel said that apart from other evidence which, he argued, supported a conviction on the main charge of high treason, Miss Lourens must have been aware of Mr Niehaus's links with the ANC at least from June 14, 1983, when he wrote to her detailing chores he wished her to carry out including encoding a report he had compiled for the ANC and making an ANC flag for a meeting.

Earlier Mr Justice Myburgh had raised the question of the June 14 letter with Mr Kuny, and later he commented: "It (the case against Miss Lourens on the high treason charge) all boils down to this letter."

The judge said that the words in the letter — "My report to the ANC must be sent in the next two days" — implied that Miss Lourens knew all about the ANC.

## No 'hard evidence'

Mr Kuny submitted that the largest part of the State case against Miss Lourens was built on inferences drawn from the mass of evidence and not on specific, hard evidence against her.

He said that even self-confessed campus spy Mr Robert Whitecross, who had lived in the same house as the accused, had failed to find any hard evidence during his stay against Miss Lourens.

Earlier Mr Kuny had argued that Mr Niehaus had not been serious when he exclaimed that a Rand Afrikaans University lecturer, Mr Ian de Vries, or his offices at the University should be blown up.

The judge said this aspect of the case was clouded by the pamphlets of which Mr Niehaus admitted he was the author and which advocated violence and the use of bombs.

## 'Determine'

Mr Justice Myburgh: "We must try and determine what sort of man we are dealing with. Distributing a pamphlet is one thing, but it does not give a particular meaning to what he intended.

"If a person of his state of mind, reflected in what he has written, is saying 'Let's blow up De Vries', you must take that in conjunction with what he has written. I certainly can't ignore what he has written, that is certain. Do his actions accord with his state of mind is what we must establish.

"Whether he feels morally justified is another matter."

The hearing continues.

# Words on mug 'aid ANC cause'

By Terry Friend,
West Rand Bureau

Words on a canteen mug which led to charges of furthering the aims of the African National Congress were in fact not exclusive to that organisation, an expert witness for the State admitted yesterday.

Mr Matthews Thabane Ntshiwa (23), of Dobsonville, Soweto, has pleaded not guilty in the Krugersdorp Regional Court to charges under the Internal Security Act.

The State alleges that certain words on a mug used by him furthered the aims of the ANC between February 1 and August 1 this year.

Mr Ntshiwa has been in custody since August 1.

In explaining his plea he denied that he had engraved the words on the mug, and said this had been done by someone else while he was away from the factory at which he worked as a diesel mechanic.

Mr Izak de Vries, a lecturer in political science at Rand Afrikaans University, read a lengthy dissertation on the activities and modus operandi of the ANC as part of his evidence for the State.

He said the ANC had not only mounted a military campaign against South Africa, but also a campaign to disseminate ideas. Challenged by Mr N Basslian, for the defence, on whether or not the words "Amandla Ngawethu" (power to our people) were exclusive to the ANC, Mr de Vries conceded that they were not.

Among the words on the mug are: "P W we want our land. Release N Mandela. Amandla ngawethu. Remember our leaders."

Mr W Aucamp adjourned the case until tomorrow.

Mr S Jvan Rensburg appeared for the State.

# Mug case statement disputed

Staff Reporter

A SECURITY police captain used his own words when taking a statement from a man accused of participating in the activities of the banned African National Congress.

Captain P E J Kruger, of the Krugersdorp security police told a Krugersdorp regional court magistrate, Mr W Aucamp, on Friday that he used his own words in parts of a statement he took from Mr Mathews Thabane Ntshiwa (23) of Dobsonville.

He said he had not changed the meaning of the statement.

Capt Kruger also told the court he had deleted from the official warning the words "ask for remand" and "say nothing at this stage" only on Friday morning because he had forgotten to do so when the accused signed the statement.

Capt Kruger was giving evidence in a trial within a trial in which Mr M Basslian, (instructed by Priscilla Jana and Associates), for the defence, argued that the statements made and signed by the accused were not admissible as evidence.

Mr Ntshiwa was arrested on August 1 after a security officer at the Vorms factory where he works as a diesel mechanic saw him with a tin mug with allegedly pro-ANC inscriptions scratched on it.

The officer reported him to the security police.

Mr Ntshiwa has pleaded not guilty. He told the court at a previous hearing that someone else must have engraved the mug while he was away.

The hearing was adjourned until Wednesday.

Sun. Tribune 20/11/83 (331)

# REACHING OUT ACROSS THE GREAT DIVIDE

## Verkrampte father stands by son in Niehaus ANC treason trial

By Charlene Smith

THIS week an estranged father and son reached across the great divide of their radically opposing political beliefs and clasped hands before listening to a life and death argument on behalf of the son.

The father, a man of deep-rooted Afrikaner stock and a Conservative Party supporter, clutched the hand of his son, an NGK deacon and alleged member of the African National Congress, across the bench that separates the public gallery from the dock in the Rand Supreme Court.

It was a deeply moving moment as father and son silently expressed their love before Carl Niehaus' defence counsel, Mr Denis Kuny SC, tried to whittle down the State case against the 23-year-old student and committed Christian.

Tomorrow Mr Justice A P Myburgh will give judgment in the treason trial of Mr Niehaus and his equally young fiancee, Jansie Lourens, a mathematics teacher. Treason, if proved, can carry the death sentence.

Earlier, Mr Kuny conceded that the State had proved a charge of high treason against Mr Niehaus, but argued there was no evidence that he was a member of the outlawed ANC.

On Wednesday, the final day of the trial, Mr Justice Myburgh heard defence argument.

The day before, Mr Kuny told a packed, hushed court that it had been established beyond reasonable doubt that the pale, blonde, bespectacled and bearded Mr Niehaus had carried out various overt acts and performed certain activities.

As the two accused held hands in the dock, with two white roses at their side, given to them by veteran treason trialist and activist, Mrs Helen Joseph, Mr Kuny elaborated. He said the activities included: Typing and distributing ANC pamphlets, advocating membership of the ANC and Umkhonto we Sizwe (the military wing of the ANC) and calling upon people to support these organisations, producing documents supporting the ANC and Umkhonto we Sizwe, trying to make a report to the ANC, writing and then distributing a pamphlet explaining why the Pretoria bomb was necessary, attempting to recruit persons for the ANC or soliciting their assistance for and on behalf of the ANC, and purporting to have established the Afrikaansprekende Sosialistiese Alliansie (ASA) to solicit the support of Afrikaans-speaking South Africans for the ANC.



■ Carl Niehaus . . . faces death sentence

But, he said, there was no evidence Mr Niehaus had conspired with members or active supporters of the ANC — particularly with Patrick Fitzgerald, Marius Schoon or a person known as Billy — or that he was a member of the ANC.

During argument on Wednesday, defence counsel said Miss Lourens should be acquitted on all charges. "If she had knowledge of her fiance's activities it was minimal."

However, deputy attorney-general Mr J A Swanepoel for the State said that when Miss Lourens read a letter referring to the ANC which Mr Niehaus wrote her — and which their purported friend and betrayer Robert Whitecross, an undercover security police officer, gave to his superiors — she should have reported him to the authorities. Her failure to do so was treasonable, Mr Swanepoel said.

During defence argument for the acquittal of Miss Lourens, Mr Justice Myburgh referred to a hand-written pamphlet, "Mourn death of heroes", and to which no author had been attributed.

Mr Justice Myburgh pointed out to Mr Kuny the document was in "slanting hand writing — and don't woman usually write with slanting handwriting?"

Mr Kuny replied that presumably if the State had believed the pamphlet was the work of Miss Lourens a handwriting expert could have been produced, but none was.

In argument by defence counsel for Mr Niehaus, Mr Justice Myburgh interrupted at one stage to say: "Driving from Pretoria today (Wednesday) to court I thought about this case . . . isn't the whole situation clouded by the pamphlet he (Mr Niehaus) wrote about the bomb blast in Pretoria?. Doesn't that complicate what sort of person he is and his state of mind when he talks about blowing up or bombing an office . . ."

Mr Niehaus allegedly wrote a pamphlet, "Why the Pretoria bomb was necessary". Mr Kuny maintained that the pamphlet in fact explained how the situation in South Africa could lead to something like the Pretoria bomb.

With regard to Mr Niehaus' alleged exclamation that "someone should put a bomb in the office" of Rand Afrikaans University lecturer, Mr I de Vries who is frequently a State witness at security trials, Mr Kuny said this was said in the heat of the moment.

He said Mr Niehaus possibly asked for directions to Mr de Vries' office, with a potential view to obtaining files on himself he allegedly believed the lecturer kept.

Similarly, on the charge of Mr Niehaus allegedly conspiring to blow up the SABC in Auckland park, Mr Kuny said Mr Niehaus twice expressed interest in seeing fire escape routes on the fifth floor that a friend Ms Roelie Kuikstra, an SABC employee, had told him about. He pointed out that it was Ms Kuikstra who had told Mr Niehaus about the plan and he had never pressed her for the plan, which Mr Niehaus never received.

Regarding a pamphlet bomb that Mr Niehaus allegedly placed outside an SADF recruiting office in the Carlton Centre, Mr Kuny said a security police expert who gave evidence said the bomb was "very amateurish" and could not have exploded because the fuse had not been lit.

Arguing a charge that Mr Niehaus had plotted to blow up the Johannesburg Gasworks, defence counsel said no evidence was given that pictures taken by the accused could be "deduced to mean that he wanted to commit sabotage".

He also said a letter in Mr Niehaus' possession, addressed to "Dear comrade" and signed "Amandla", was not necessarily from the ANC. Issues discussed in the letter were issues frequently debated in public and the Press, he said, citing examples.

In answer to a question by Mr Justice Myburgh on whether "amandla" was an ANC slogan, Mr Kuny said it was used by a variety of organisations.

After arguments closed the case was adjourned for judgment tomorrow.

# Countdown to judgment

**TREASON triallists Mr Carl Niehaus and his fiancée Miss Jansie Lourens are spending an anxious and lonely weekend in their prison cells awaiting judgment which will be delivered by Justice A P Myburgh in the Rand Supreme Court tomorrow morning.**

Mr Niehaus's lawyers conceded during argument in court this week that he had committed treason against the state by furthering the aims of the banned African National Congress.

## Lonely, anxious wait for treason triallists Niehaus and Lourens

By LAUREN GOWER

A love letter which featured prominently as evidence, formed part of the state's case against Mr Niehaus, 23, who is a deacon in the NGK of Africa, and Miss Jansie Lourens, also 23, who is a schoolteacher.

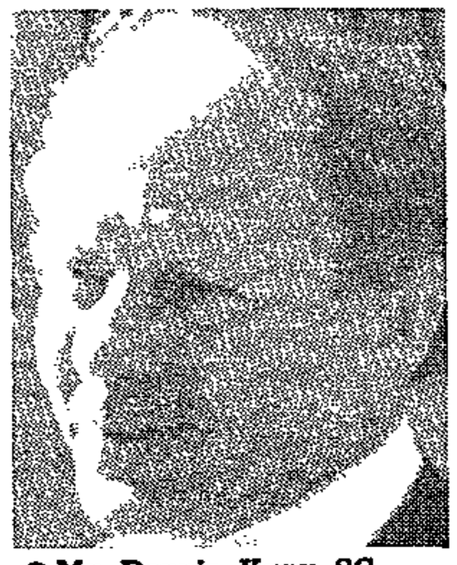
Mr Dennis Kuny SC, for the couple, told the packed court that Mr Niehaus had made honest submissions about his activities including information gathering missions to the Johannesburg gasworks.

Mr Kuny said it had already been conceded that Mr Niehaus had:

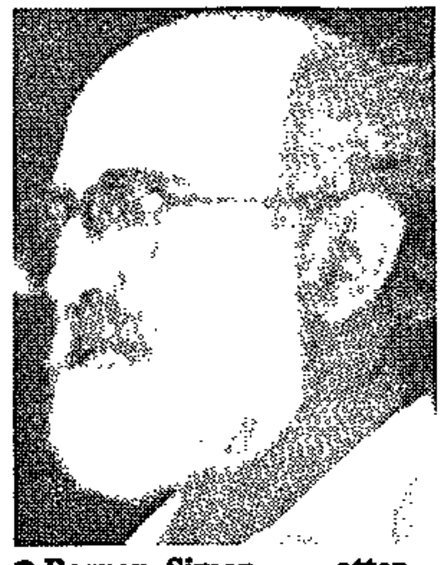
- Typed and distributed certain ANC pamphlets.
- Advocated membership of the ANC and Umkhonto we Sizwe.
- Produced documents supporting the objectives of the ANC and Umkhonto we Sizwe.
- Attempted to make a report to the ANC.
- Written and distributed a pamphlet explaining why the Pretoria bomb was necessary.
- Attempted to recruit people for the ANC.
- Purported to establish an organisation known as the Afrikaanssprekende Sosialistiese Alliansie (ASA) in order to solicit the support of Afrikaans-speaking South Africans for the ANC.



● Catherine Hunter ... swopped detention stories



● My Dennis Kuny SC ... "state has proved charge"



● Barney Simon ... attended the trial

In the letter, which Mr Niehaus wrote to Miss Lourens while he was in hiding in June this year, he thanked her for her visit to him the previous night saying: "It was wonderful once again to hold you tightly to me."

The letter continued: "There are a few little things which have to be done urgently. I would appreciate it if you could do them as promptly as possible."

He then requested her to send off his ANC report "as soon as possible (in the next two days!)".

"Please get it down in the cellar. It is hidden away together with other sensitive documents".

Mr Niehaus also asked his fiancée to photocopy two pamphlets and to deliver them to a friend's house in Alexandra township.

The letter containing the 'shopping list' of tasks was carried by a 'fake friend' of the couple who now stand accused of treason, terrorism and charges under the Internal Security Act.

In a dramatic court appearance last week the 'friend' — Warrant Officer Robert Whitecross — gave evidence against Miss Lourens and Mr Niehaus, after telling the court how he had been recruited by security police spy Major Craig Williamson in 1980.

In his evidence, W/O Whitecross said Mr Niehaus had asked him to carry the letter to Miss Lourens — which he did — after photocopying it.

Mr Kuny told Mr Justice Myburgh that "the state has proved the main charge of treason against Mr Niehaus".

He then called for the scrapping of the two alternative charges (under the Terrorism and Internal Security Acts) against Mr Niehaus "because they form part of the larger charge of treason".

Mr Kuny argued that the state had failed to prove that Miss Lourens "was guilty of treason or terrorism or that she carried on any of the activities alleged and proved against her as a member of the ANC".

He pointed out that while W/O Whitecross's evidence "may create a suspicion" it did not go far enough in showing that Miss Lourens carried out any of the tasks.

However, Mr J A Swanepoel, for the state, submitted that by not reporting Mr Niehaus's activities to the police, she had entered into a conspiracy which furthered the aims of the banned African National Congress.

"From the letter alone she knows that he (Mr Niehaus) is working for the ANC and any ordinary person in this country knows that that is illegal," he said.

Mr Swanepoel said that Miss Lourens, on reading the letter, "should have seen that there were moves being made against the state on behalf of the ANC" and that "she should have reported it".

## The private pain and confusion of a father

DURING an adjournment in the treason trial proceedings at the Rand Supreme Court this week, Mr G Niehaus, father of Mr Carl Niehaus, stood close to a group of about 10 security policemen.

He looked straight ahead.

Mr Niehaus senior, a member of the Conservative Party, did not appear to identify with the security policemen who had worked on the investigation which led to his son facing charges of treason.

His face was like a rigid mask, belying the pain and confusion of having a son who chose a direction so alien to his own.

While the accused's parents have shown restraint in the courtroom, other friends have spoken to the couple in the dock.

One friend approached Mr Carl Niehaus and with a warm handshake and smile told him to "keep courage".

On another occasion, Miss Catherine Hunter, who was released from detention last week and who has been named in the trial, swopped detention stories and reassured the couple.

Among those in court this week was Mrs Helen Joseph, human rights activist, who was once a treason trialist. She handed the young couple chocolates and chatted with them.

Stage director and playwright Barney Simon was also among the people who packed the court gallery.

# Sparks trial soon

Mail Reporter

MR ALLISTER SPARKS — Foreign Press Correspondent and former Editor of the Rand Daily Mail — has been charged under the Internal Security Act and the Police Act and will appear in court on November 29.

His lawyer, Mr Raymond Tucker, told the Rand Daily Mail yesterday that Mr Sparks had been charged under the Internal Security Act in connection with an article he was alleged to have written for the Observer and a Dutch newspaper, in which, it is alleged, he quoted a banned person.

He added that Mr Sparks was also being charged under the Police Act because of an article published in a foreign publication in which he was alleged to have quoted an American Congressional lobby who claimed that the Security Police maintained an assassination unit.

Mr Sparks would not comment yesterday.

● Mrs Susan Sparks, Mr Spark's wife, and a freelance foreign correspondent Mr Bernard Simon, have been charged with attempting to defeat the ends of justice and are due to appear in court on March 12.

# Haig to visit South Africa

Mail Reporter

GENERAL Alexander Haig, formerly United States Secretary of State, will visit South Africa in February as a guest of the Manpower and Management Foundation (MMF) of SA.

General Haig, who was regarded as the initiator of the Reagan administration's "constructive engagement" policy towards South Africa, will deliver lectures in Cape Town and Johannesburg.

According to Dr John Burns, executive director of the MMF, General Haig's topics have not yet been finalised.

The general is due to meet several prominent businessmen and political leaders.

"As former president of United Technologies, General Haig has a great deal of business experience and expertise," Dr Burns said. "Accordingly, he is well qualified to discuss the economic and political aspect of South Africa's relations with the Western world.

"General Haig is also intimately familiar with the European scene as a result of his past close association with the NATO countries."

General Haig will visit South Africa around the middle of February for aabout eight days before returning to the United States. During his visit he will address the Israel United Appeal.

General Haig was Supreme Allied Commander of the North Atlantic Treaty Organisation (NATO) between 1974 and 1979 before retiring from the army. In 1980 he became Secretary of State, resigning last July.

He is currently a senior fellow with the Hudson Institute — an institute for "policy research in the public interest" — and is chairman of the United Technologies European Advisory Council.

## Gunmen rob

TURIN. — Three gunmen held up robbed some 100 diners wallets and jewels, and cleared out the till of Da Ciacci in a Saturday night raid on the crowded restaurant, police in Turin reported yesterday. — UPI.






# First fligi

Mail Reporter

SOME people take anniversaries more seriously than others.

Today is the bicentenary of human flight, marking the safe, triumphant landing of Pilatre de Rozier and the Marquis de Allandes after a 25-minute flight over Paris in a hot-air balloon built by the Montgolfier brothers.

Doubtless the masters of NASA are today reverently pondering the stupendous historical and philosophical significance of this event — when they are not lurching from bicentennial breakfast to bicentennial luncheon to bicentennial dinner.

In the Transvaal this sublime moment was celebrated in a wet field, hard by Lanséria Airport, and the occa-

# Gunslingers say: Where is Naas?

Mail Correspondent

NEW YORK.— Where is Naas Botha? That's what the San Antonio Gunslingers would like to know.

"He tried out with us, we were impressed, we made him an offer and the offer still stands," said a spokesman for the brand-new United States (gridir' Football League team t'. will not play its first gu for another four months.

"But so far, we've heard nothing from him."

Botha does not have to report for training until January, but the spokesman stressed that unless he turned up to sign a contract soon — he's been "missing" for seven weeks — the offer could be withdrawn.

# Pamphlets were highly inflammatory says judge

By Rashid Chopdat and Joe Openshaw

331 21/11/83

A packed public gallery today heard Mr Justice A P Myburgh begin passing judgment on treason trialists Mr Carl Niehaus and Miss Johanna Lourens in the Rand Supreme Court today.

Among the multiracial crowd were the parents of both the accused.

Mr Niehaus and Miss Lourens both seemed relaxed and often smiled at each other.

Mr Niehaus (23), a deacon in the NGK of Africa, and his financee, schoolteacher Miss Lourens (23), of Berea, Johannesburg, have pleaded not guilty to charges of high treason and to charges under the Internatal Security Act.

The State alleged they became members or were active supporters of the outlawed African National Congress (ANC) and its military wing, the Umkhonto we Sizwe.

In his opening remarks today, the judge said some of the pamphlets found in the commune where Mr Niehaus had lived were highly inflammatory.

The couple allegedly passed on information to the ANC, spread ANC propaganda, tried to recruit people, and photograxthe Johannesburg City Council's gasworks after identifying it as a sabotage target.

During their trial, Mr Niehaus and Miss Lourens admitted learning a secret ANC code.

Mr Niehaus also admitted

● To Page 2

# Treason trial judge says pamphlets were highly inflammatory

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● From Page 1

photographing the gasworks with the assistance of housemate, Mr Robert Whitecross, who later turned out to be an undercover security policeman with the rank of Warrant Officer.

Mr Justice Myburgh said the State had led evidence which gave the impression that Mr Niehaus hid sensitive documents, some of them allegedly emanating from the ANC, in his bedroom, in a steel cabinet and in a cellar at the commune.

Some of the documents, which were handed in as evidence, were highly inflammatory, said the judge.

The State had also handed in 113 pamphlets and photocopies of material extracted from ANC publications and had asked the court to make presumptions from these documents.

The judge said witnesses who gave evidence included seven policemen, six friends of the accused, the manager of the gasworks, a security officer from the Carlton Centre and Warrant Officer Whitecross whom the judge described as a "friend" and "enemy of the accused".

Mr Niehaus and Miss Lourens both chose not to give evidence.

The judge said he had had to consider whether Miss Lourens chose not to testify so as not to implicate Mr Niehaus and whether this decision of hers had prejudiced her in any way.

He said he would deal with this aspect later.

Mr Justice Myburg said the attempt to let off a pamphlet bomb outside the offices of the SADF in the Carlton Centre had been "unsuccessful and amateurish".

Referring to the evidence of Mr Lionel Murcott, he said the witness met Mr Niehaus through Miss Lourens and she had asked Mr Murcott, on instructions from Mr Niehaus, whether he would receive parcels and letters from Botswana. Mr Murcott agreed to do this.

The court heard that a letter posted in Botswana and addressed to Mr Niehaus, arrived at Mr Murcott's address. It contained pamphlets.

The court had heard evidence that in April and May of last year, Mr Niehaus told Mr Murcott that he was going to distribute pamphlets at the showgrounds. Mr Niehaus had wanted Mr Murcott to know where he was in case something happened to him because he realised he could get into trouble with the police over the nature of the pamphlets.

Mr Niehaus told Mr Murcott he was excited about the pamphlets because "they were from the Afrikaans-speaking Socialist Alliance (ASA) and urged Afrikaners to take part in political activies."

Afrikaners were urged to support the Freedom Charter and take part in the freedom fight and lend help to the Umthonto we Sizwe under the leadership ofthe ANC.

The pamphlet, addressed to national servicemen, urged them to stand up against "the oppressor" and reject national service.

"Reject the white Republic. Reject the army of the white Republic and join the ANC", the pamphlet said.

Mr Justice Myburgh said Mr Niehaus had urged Mr Murcott to join the ANC but Mr Murcott had decided not to.

The trial continues.

# Couple guilty of treason

COURTS

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**Argus Correspondent**

JOHANNESBURG. — Church deacon Carl Niehaus, 23, and his fiancée, schoolteacher Johanna Lourens, 23, have been found guilty in the Rand Supreme Court of high treason.

Niehaus was also convicted on two charges under the Internal Security Act of becoming a member of the outlawed African National Congress and of remaining a member of an unlawful organisation.

Mr Justice A P Myburgh also found Lourens was an active supporter of the ANC. He found although she knew of Niehaus's treasonable activities, she had failed to report him to the authorities.

## Acquitted

She was acquitted on two charges under the Internal Security Act of becoming a member of the ANC and of remaining a member.

State witness Mr Lionel Murcott, who allowed the ANC in Botswana to send letters addressed to Niehaus and Lourens to his home address in Johannesburg, was granted immunity from prosecution by the judge.

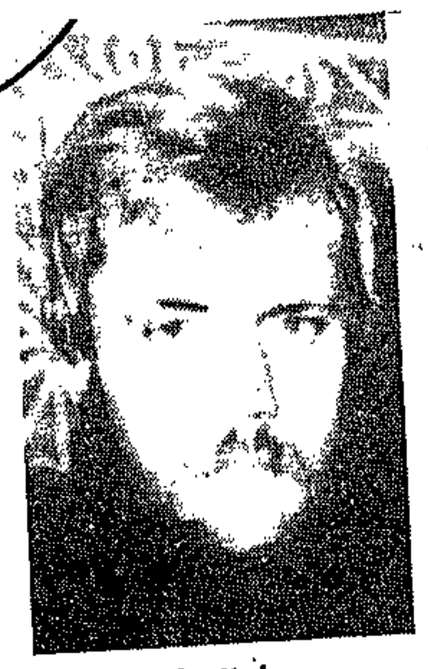
Niehaus, a deacon in the Ned Geref Kerk of Africa, and Lourens, both of Berea, Johannesburg, had pleaded not guilty to the charges and neither were called to give evidence.

## ANC aim

The judge found both knew the aim of the ANC was to overthrow the State and to endanger law and order in South Africa. They had carried out their activities to further the aims of the ANC.

The State had proved beyond all reasonable doubt that their actions had the necessary hostile intent to commit treason.

The evidence proved Niehaus received and carried out most of the following instructions from the ANC:



Carl Niehaus

● To oppose the Government's new constitution plan and to promote the Freedom Charter as an alternative.

● To start a campaign against the Orderly Movement and Settlement of Black Persons Bill and to dub it the "Genocide Bill."

● To start a campaign against the Ingwavuma/Kangwane land transaction.

● To continue the campaign against national service.

● To distribute ANC pamphlets, to find a person to improve his communications with the ANC and to report to the ANC in which way its instructions and aims could be futhered.

## Code

Mr Justice Myburgh found Niehaus and Lourens had learnt a secret code to communicate with the ANC.

Lourens carried out certain instructions given to Niehaus and because she failed to give evidence to dispute her involvement, there was nothing to make the court disbelieve she carried out other instructions.

Niehaus admitted he attempted to create the Afrikaansprekende Socialistiese Alliansie (ASA), although no such organisation existed.

The judge found he compiled and distributed pamphlets purporting to come from the ASA and the contents furthered the ANC's aims.

The judge said Niehaus tried to recruit Miss Catherine Hunter, Mr Vusi Vilakazi and Mr Murcott to join the ANC.

Niehaus admitted placing a pamphlet bomb outside the door of the army's recruitng office in the Carlton Centre, containg 500 pamphlet urging people to reject national service.

There was evidence Niehaus asked Miss Roelie Kuikstra, an SABC employee, for a security plan of the SABC in Auckland Park with a view to sabotaging the building.

The judge agreed with Mr D Kuny SC, defending, that this was no more than a conversation between two people and did not constitute a purpose to carry out a plan.

Niehaus admitted he got Mr Vilakazi to distribute three pamphlets in Alexandra township which the court found were sent to him by the ANC. They were: No to the Genocide Bill, No to Oppressors' Council and No to Collaboration with the SADF.

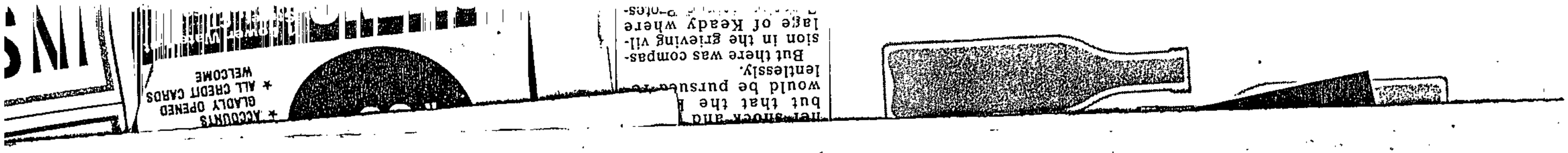
## Pamphlets

The judge found Lourens had reproduced the first two pamphlets on instructions from Niehaus while he was hiding in a priory in Rosettenville, Johannesburg.

Niehaus admitted taking photographs and drawing plans of the R56-million municipal gasworks in Johannesburg to identify it as a target for ANC saboteurs. The judge said Lourens must have known about this whole episode.

"She lived in the same house as Niehaus and their relationship was an intimate one. She would have had to walk around with blinkers and earmuffs not to be aware of what he was doing," said Mr Justice Myburgh.

Evidence in mitigation will be heard today.




# ne Cape Times

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CAPE TIMES 22/11/83 331

# Couple guilty of high treason

Own Correspondent

JOHANNESBURG. — Church warden Carl Niehaus and his fiancee Johanna "Jansie" Lourens were found guilty in the Rand Supreme Court of high treason yesterday.

In an exhaustive four-hour judgment Mr Justice Myburgh, while finding them guilty, said the alternative charges under the Internal Security Act should fall away.

Without fuss, Niehaus and Lourens were led away down to the cells from which they will rise tomorrow after lunch to hear their lawyers argue in mitigation of sentence.

Mr Justice Myburgh's judgment encompassed a review of the evidence given by 17 witnesses — most of them policemen.

At the start of judgment he told the accused he would take several hours to read out the written verdict, and told them they could sit if they became tired.

The judge declared that both were guilty of high treason and that Niehaus was a member of the banned African National Congress.

Tomorrow Mr Dennis Kuny, SC (for the defence) will argue in mitigation of sentence of both accused. Sentence is expected to be passed on Thursday.

At the start of yesterday's hearing two well-wishers brought a brace of red roses and a large bouquet of yellow flowers for the couple.

Security men cordoned off one of the doors.

Reading slowly, at times inaudibly, Mr Justice Myburgh spelt out the evidence and read extensively from the documents submitted in support of the prosecution.

Before he began his judgment he asked the prosecutor, Mr Jan Swanepoel, if he would agree that if the main charge of treason was proved the lesser charges under the Internal Security Act would fall away.

Mr Swanepoel agreed.

The public gallery of the court was packed as Niehaus and Lourens entered the dock.

The judge said that in the case of treason there were factors which, in other types of crime, would not be found to be overt criminal acts.

"What would have been mere preparation in another crime could be an overt act in the case of treason.

"The necessary overt act of treason may take the form of writing down, or speaking, words which in another sort of crime would be regarded as preparation for a crime.

"A man is entitled to write down his thoughts on paper providing that he does not have hostile intent and provided that he does not intend to spread those thoughts but merely keep them, for instance, in his desk," Mr Justice Myburgh said.

## State witness Murcott granted immunity

# Niehaus and Lourens are convicted of high treason

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Star

22/11/83

By Rashid Chopdat and Joe Openshaw

Church deacon Carl Niehaus (23) and his fiancee, schoolteacher Johanna Lourens (23), were found guilty of high treason in the Rand Supreme Court yesterday.

Niehaus was also convicted on two charges under the Internal Security Act of joining the outlawed African National Congress and of remaining a member of an unlawful organisation.

Mr Justice A P Myburgh also found Lourens was an active supporter of the ANC. He found that although she knew of Niehaus's treasonable activities, she had failed to report him to the authorities.

She was acquitted on two charges under the Internal Security Act of joining the ANC and of remaining a member.

State witness Mr Lionel Murcott, who allowed the ANC in Botswana to send letters addressed to Niehaus and Lourens to his home address in Johannesburg, was granted immunity from prosecution by the judge.

Niehaus, a deacon in the NG Kerk of Africa, and Lourens, both of Berea, Johannesburg, had pleaded not guilty to the charges and neither was called to give evidence.

Evidence in mitigation is to be heard today and sentence is expected to be passed on Thursday.

In his judgment, Mr Justice Myburgh said both accused knew the aim of the ANC was to overthrow the State and to endanger law and order in South Africa. The two accused had carried out their activities to further the aims of the ANC, he said.

The State had proved beyond all reasonable doubt that their actions had the necessary hostile intent to commit treason.

The evidence proved Niehaus had received and carried out most of the following instructions from the ANC:

- To oppose the Government's new constitution plan and to promote the Freedom Charter as an alternative.
- To start a campaign against the Orderly Movement and Settlement of Black Persons Bill and to dub it the "Genocide Bill".
- To start a campaign against the Ingwavuma/kaNgwane land transaction.
- To continue the campaign against national service.
- To distribute ANC pamphlets, to find a person to improve his communications with the ANC and to report to the ANC in which way its instructions and aims could be furthered.

Mr Justice Myburgh found Niehaus and Lourens had learnt a secret code to communicate with the ANC.

Lourens carried out certain instructions given to Niehaus and because she failed to give evidence to dispute her involvement, there was no evidence to make the court disbelieve she carried out other instructions.

Niehaus admitted he attempted to create the Afrikaansprekende Socialistiese Aliansie (ASA) although no such organisation existed. The judge found he compiled and distributed pamphlets purporting to come from the ASA and the contents furthered the ANC's aims.

The judge said Niehaus tried to recruit Miss Catherine Hunter, Mr Vusi Vilakazi and Mr Murcott to join the ANC.

Niehaus admitted placing a pamphlet bomb outside the door of the army's recruiting office in the Carlton Centre, containing 500 pamphlets urging people to reject national service.

The judge said Niehaus had asked for a security plan of the SABC headquarters in Auckland Park from Miss Roelie Kuikstra, an SABC employee, during a conversation with her. There was evidence that this had been done with a view to sabotaging the building, the judge said.

Niehaus admitted he got Mr Vilakazi to distribute three pamphlets in Alexandra Township which the court found were sent to him (Niehaus) by the ANC. They were titled: "No to the Genocide Bill", "No to Oppressors Council" and "No to collaboration with the SADF (South African Defence Force)".

The judge found Lourens had reproduced the first two pamphlets on instructions from Niehaus while he was hiding in a priory in Rosettenville, Johannesburg.

In June 1983 Miss Hunter helped Niehaus to compile a pamphlet titled "Why the Pretoria bomb was necessary" which was reproduced and distributed in Johannesburg.

This gave an insight into the thinking and intentions of a man who shouted "Hallelujah" when he (Niehaus) was given the news of the Bloemfontein explosion, said the judge.

There was an "overwhelming possibility" Niehaus and Lourens had smuggled out four blacks to Botswana to join the ANC for training.

"If they did not leave the country in a natural way but for an unlawful and sinister purpose, why the secrecy about their departure?" asked the judge.

Niehaus admitted taking photographs and drawing plans of the R56 million municipal gasworks in Johannesburg in order to identify it as a target for ANC saboteurs. The judge said Lourens must have known about this whole episode.

"She lived in the same house as Niehaus and their relationship was an intimate one. She would have had to walk around with blinkers and earmuffs not to be aware of what he was doing," said Mr Justice Myburgh.

The judge said Niehaus had a personal vendetta againt Mr Ian de Vries, a lecturer at Rand Afrikaans University's institute of revolutionary studies. Niehaus probably wanted a plan of the lecturer's office, not for sabotage but to remove files and conduct a personal vendetta, he said.

● See Page 11, World section



State witness Mr Lionel Murcott leaves court after being granted immunity against prosecution by the Judge.

# Judge finds both Niehaus and Lourens guilty of high treason

Sowetan 22/11/83

By NKOPANE MAKOBANE (331)

**CARL Gerhardus Niehaus (23) and his fiancee, Johanna Lourens (23) were yesterday found guilty in the Rand Supreme Court of high treason.**

Mr Justice A P Myburgh also found Niehaus guilty on the second and third counts under the Internal Security Act that he was and remains a member of the African National Congress.

## ANC

The judge also found Lourens was an active supporter of the ANC in that although she knew of the treasonable activities by Niehaus, she had failed to report him to the authorities. He, however, acquitted her on two charges under the Internal Security Act of becoming an ANC member and remaining one.

Both Niehaus, a Wits University student and deacon at the Alexandra NGK of Africa, and Lourens, a schoolteacher at the C J Botha High School in Bosmont, had at the start of the trial pleaded not guilty to the charges.

During the proceedings, the two made certain admissions to the court and Niehaus' defence counsel during legal argument conceded that the State had proved the treason charge against him.

Both had admitted during the trial that they had learnt a secret code and the court found that the code was used to communicate with the ANC.

Earlier in his summary, Mr Myburgh said some of the pamphlets found in the house where Niehaus lived were highly inflammatory.

According to evidence led, the couple had passed information to the ANC, spread its propaganda and Niehaus had tried to recruit people and taken photographs of the Johannesburg City Council's gasworks after identifying it as a possible sabotage target.

He said both had elected not to give evidence and as for Lourens' decision not to testify, it could be that she had not wanted to implicate her fiancee.

He said the attempt to explode a pamphlet bomb outside the offices of the SA Defence Force in the Carlton Centre had been unsuccessful and amateurish.

Mitigation in sentence for the two accused will start this afternoon.

# Niehaus — the road to treason

By Zenaide Vendeiro

(331) Star 22/11/83

Carl Niehaus, who was convicted of high treason in the Rand Supreme Court yesterday, was the product of a conservative Afrikaner upbringing.

He grew up as a member of the Dutch Reformed Church in a Nationalist household. At the Hoerskool Die Adelaar in Roodepoort, he was a "normal Afrikaner", he told The Star in an interview two years ago.

"Family, teacher and peer pressure made sure of that," he said.

But his true feelings — founded not in political ideology but in Christianity — soon came to the fore.

He went to the Rand Afrikaans University to study theology.

"At first he was a pretty ordinary student and not really interested in politics," said a student who lived in the same residence.

"He didn't fit in with the rest of the men in the residence. He kept a low profile and was not very sociable. He didn't take part in sports or any of the residence activities.

"We called him a 'groot Afrikaner' because of the way he spoke the language.

"He was teased about this."

Niehaus then began taking part in political activities on campus and even stood for the Students' Representative Council although he was not elected, according to the student, who did not want to be identified.

The student said his impression of Niehaus was that he was immature and emotionally unstable.

"I believe he did well academically and wrote poetry.

"He was already going out with Jansie Lourens and they seemed to be very much in love — they were inseparable."

Johanna Lourens (23), who was also convicted of high treason, was a mathematics teacher at the C J Botha High School in Bosmont, a coloured township, before being detained.

A witness at the trial, artist Mr Lionel Murcott, said he met "Jansie" when she was an art student. He told the court the pressure of Niehaus's dominant personality and political activities had placed a huge strain on her. She was predominantly interested in her painting and poetry.

Niehaus was expelled from RAU in his third year because he put up posters on campus attacking the "racially unfair education system" and supporting coloured school boycotters and the campaign to free Nelson Mandela.

At about the same time he left the white NGK and joined the black NGK in Africa. He became a deacon in the NGK in Alexandra with another white, Mr Andre van Heerden.

He did not see this move as a break from Afrikanerdom but as "freedom from the shackles of apartheid".

White theology justified apartheid, he said, but black theology strove for an open community and a free society.

He made headlines again when he supported the call by Bishop Desmond Tutu to excommunicate anyone who practised apartheid.

His studies at the University of South Africa ended when RAU refused to issue a good conduct certificate.

He was allowed to resume his studies at the University of the Witwatersrand, where he studied industrial sociology, African politics and biblical studies.

A member of the Wits SRC said Niehaus kept very much to himself and was not outspoken.

Niehaus also worked part-time for the South African Council of Churches' inter-media programme, sorting slides in their library.

It was there that he was alleged to have drawn a map of the Johannesburg City Council's gasworks at Cottesloe.

"It is boring and tedious work and the people who do such work must be committed to it," a spokesman for the programme said.

Niehaus was detained on August 23 and held under section 22 of the Internal Security Act.

## Sentence likely to be passed on Thursday

# Niehaus, Lourens guilty of treason

(331) RDM 22/11/83

By GEOFFREY ALLEN

CHURCH warden Carl Niehaus and his finacee Johanna "Jansie" Lourens were both found guilty of high treason in the Rand Supreme Court yesterday.

In a four-hour judgment, Mr Justice Myburgh found that since they had been found guilty of high treason the alternative charges under the Internal Security Act should fall away.

Niehaus and Lourens were led away down to the cells. Tomorrow their lawyers will argue in mitigation.

Mr Justice Myburgh's judgment covered evidence put to him by 17 witnesses — most of them policemen.

At the start of his judgment he told Niehaus and Lourens that he would take several hours to read out the written verdict, and told them they could sit if they felt tired.

At first both stood, staring rigidly ahead at the judge as he gave his judgment. They decided to sit down after the morning tea-break.

At 2.44pm Mr Justice Myburgh found them guilty of high treason and Niehaus of being was a member of the banned African National Congress.

At 2pm tomorrow Mr Dennis Kuny SC (for Niahaus and Lourens) will argue in mitigation. Sentence is expected to be passed on Thursday.

At the start of yesterday's hearing two well-wishers brought a bunch of red roses and a large bouquet of yellow flowers for the couple and at the morning tea-break Niehaus was handed a can of cooldrink by his father.

Reading slowly, at times inaudibly, Mr Justice Myburgh, spelt out the evidence of the 17 witnesses and read extensively from the documents which had been handed in to court.

Before he began his judgment he asked the prosecutor, Mr Jan Swanepoel, if he would agree that if the main charge of treason was proved, the lesser charges under the Internal Security Act would fall away.

Mr Swanepoel said he agreed.

The public gallery was packed as Niehaus and Lourens entered the dock, preceeded by instructing lawyer, Ms Cathy Satchwell, who had gone down to the cells to consult with them.

Security policemen cordoned off one of the entrance doors by placing a row of chairs across it.

Mr Myburgh said that in the case of treason there were factors which, in other types of crime, would not be found to be overt criminal acts.

"What would have been mere preparation in another crime could be an overt act in the case of treason.

"The necessary overt act of treason may take the form of writing down, or speaking, words, which in another sort of crime would be regarded as preparation for a crime.

"A man is entitled to write down his thoughts on paper providing that he does not have hostile intent and provided that he does not intend to spread those thoughts but merely keep them, for instance, in his desk," Mr Justice Myburgh said.



State witness Mr Lionel Murcott who gave evidence against his friends.



Miss Catherine Hunter leaves the court after her friends were found guilty.

Referring to various witnesses the judge said art student Mr Lionel Murcott, a close friend of Niehaus and Lourens, had said he was an artist, "and, if I may say so, he looked like an artist, with long curly hair down to his shoulders.

"He gave excellent evidence in sophisticated English."

Of Mr Gherhadus Kleinhans, a BA honours graduate in politics, Mr Justice Myburgh said: "He was dressed in a double breasted jacket with dirty white trousers and said that despite his academic qualifications the best job he could get was as a clerk at the Post Office ... perhaps his looks had something to do with that."

In another instance he referred to a young female witness as a "slaapmeisie" — sleep-in lover.

# Niehaus: ANC bombings necessary

Cape Times 23/11/83

331

**Own Correspondent**

**JOHANNESBURG. — Convicted traitor Carl Niehaus told the Rand Supreme Court yesterday that violence, the deaths of innocents and even the assassination of the Prime Minister, were options which were necessary and understandable in the pursuance of the ANC fight to overthrow apartheid.**

Giving evidence in mitigation, Niehaus, who was convicted on Monday with his fiancee Johanna Lourens of high treason, said that bombings such as the Pretoria car bomb which killed 18 people, were necessary, and civilian deaths inevitable.

He said that he would continue to believe in the inevitability of an armed fight against the government, and the inevitable deaths that it would bring, even if he were released.

"After 20 years it is only now...recently that the ANC has started with campaigns that also involve the loss of human life.

"It is important to see an element of retaliation in the ANC attacks after the South African attacks on ANC targets in Maputo and Lesotho which have been proven in the international news media to have been attacks on civilian targets," Niehaus said.

During cross-examination by the prosecutor, Mr Jan Swanepoel, spectators in the gallery applauded one of Niehaus's replies prompting Mr Justice Myburgh to order that anyone offending the dignity of the court would be thrown into the cells and "severely punished."

Explaining his belief that violence was a necessary part of the ANC's activities, Niehaus said:

"Initially I was very concerned about the use of violence. On one side there is the violence which is institutionalised in South African society, on the other side there is the kind of violence employed by the ANC. The ANC line also happens to agree with my Christian principles.

**Nazis**

"I would like to draw a parallel with Nazi Germany where the churches very lamely went along with the system. A small number of people in the church disagreed and there were people, like Dietrich Bonhoeffer who wanted to assassinate Hitler.

Mr Swanepoel: "Would you go along with the assassination of the head of the South African Government?"

Niehaus: "I wouldn't have done it."

Swanepoel: "Is there a line. Can they (the ANC) kill innocent people in the streets of Pretoria, but not the Prime Minister?"

Niehaus: "I think the line is drawn by innocent people dying in the homelands.

"...I would understand it (killing Mr P W Botha) if, and I repeat, if, it is going to bring an end to the horror of this system...it may be an option. It is important to distinguish between the Pretoria bomb and saying that the assassination of the Prime Minister would bring about political change."

Referring to his fiancée Niehaus said that she was a supporter but not a member of the ANC. "She would be favourably inclined to the ANC but she has many problems with the violent side of the ANC."

He said that he had asked her to drive him to the Carlton Centre in Johannesburg so that he could plant a pamphlet bomb but had not told her what the parcel contained.

Outlining his life Niehaus said he had be-

➡➡➡➡ To page 2

Cape Times 23/11/83

From page 1

331

come politically active while studying at the Rand Afrikaans University where he had stood for membership of the Students Representative Council and met Lourens during his second year.

He had helped organise a "Free Mandela" (Nelson Mandela the jailed leader of the ANC) campaign on the campus and had put up notices about it without permission from the SRC.

Subsequently he was called before a disciplinary committee.

He left and had become alienated and rejected from students and parents alike.

His life in disarray and no prospect of returning to university until the 1981 term he had gone to live in a commune and become a worker first for a church in Alexandra and subsequently as an unpaid worker for the Black Sash Advice Office dealing mostly with pass offences.

Niehaus said that the country was faced with civil war in which those who joined the ranks of dissident groups such as the ANC were seen as the enemy.

The trial continues today.

# Niehaus: Blacks hold key to change

ARGUS 23/11/83

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Argus Correspondent

JOHANNESBURG. — In its 20 years the Opposition Progressive Federal Party had been unable to bring about effective change in South Africa, Carl Niehaus said in the Rand Supreme Court today.

He said only co-operation with the black majority could lead to change and the Political Interference Act made it impossible for whites and blacks to participate together in politics.

"Fundamental change is needed and this cannot be brought about by the minority, the 4,5-million whites. Change has to be brought about by the majority in South Africa, the blacks and the workers," Niehaus said.

A new political party based on the minority could be ineffectual.

Niehaus continued giving evidence in mitigation today before Mr Justice A P Myburgh, who convicted him and his fiancée, Johanna Lourens of high treason.

The judge found Niehaus to be a member of the outlawed African National Congress and that Lourens was a supporter of the ANC.

At the start of the trial today and before the prosecutor, Mr J A Swanepoel, continued cross-examination, Niehaus objected to an SABC broadcast on the 6pm and 7pm news bulletins last night in which he was quoted as saying the killing of the Prime Minister would bring about necessary change.

"This is not what I said in evidence yesterday," Niehaus told the judge.

Mr Justice Myburgh instructed the prosecutor to convey this to the SABC authorities for them to make a correction.

## Treason

Niehaus said the only role of the whites should be for them to join the struggle with the blacks.

He mentioned a survey published in The Star yesterday which showed the majority of blacks rejected the Community Councils and supported the ANC.

"Can I understand your evidence is that apartheid is so institutionalised and historically entrenched that the white electorate or a new political party has no hope of succeeding within the framework of the present system?" the judge asked Niehaus.

"That would be a correct summary," said Niehaus.

Niehaus said he believed there should be black majority rule and that he would like to see a system of socialism in South Africa.

He had been influenced by Marxism but would not call himself a Marxist.

Niehaus said he would translate publications of the South African Congress of Trade Unions and the South African Communist Party "obviously with a view of bringing about political change".

Mr Swanepoel then questioned Niehaus if it was ANC policy to conduct retaliatory attacks following SADF raids on ANC people living in neighbouring countries.

Niehaus said the ANC had adopted a non-violent policy until the Sharpeville killings in 1961. The ANC continued attacks on military targets and later resorted to retaliatory attacks, such as the bomb blast in Pretoria.

Niehaus also said that it was not possible to avoid civilian casualties as the situation escalated.

"I believe we are in a war situation in South Africa. Although the ANC policy is to attack military targets, it is inevitable that some of those (ANC) people who get involved will also attack civilians. I don't think it can be said it is ANC policy to attack civilians," said Niehaus.

Niehaus said if he had not been arrested he would have continued supporting the ANC. He would also identify sabotage targets if instructed by the ANC.

It was his decision to conduct a reconnaisance of the Johannesburg City Council's gasworks and to send photographs and information to the ANC. He did not know what the ANC would have done with the information.

He had been arrested before he had the chance to send the information to the ANC.

Niehaus blamed Warrant Officer Robert Whitecross, the undercover security policeman who lived at the commune with Niehaus, for persuading him to write details about the security measures at the gasworks and to take photographs of the security measures.

Niehaus's mother testified in mitigation that the family's experience had been "like hell on earth".

Mrs M H Niehaus, dressed in a grey woollen suit, asked the judge, Mr Justice A P Myburgh, for mercy for her son.

She said he had always been a wonderful child — competent, honest and Christian and had always had the greatest respect for his parents.

Niehaus had left home after his expulsion from the Rand Afrikaans University. His views and thoughts had become different to his family's and she no longer knew his friends and the people he mixed with — he had been "influenced" by them.

LY MAIL

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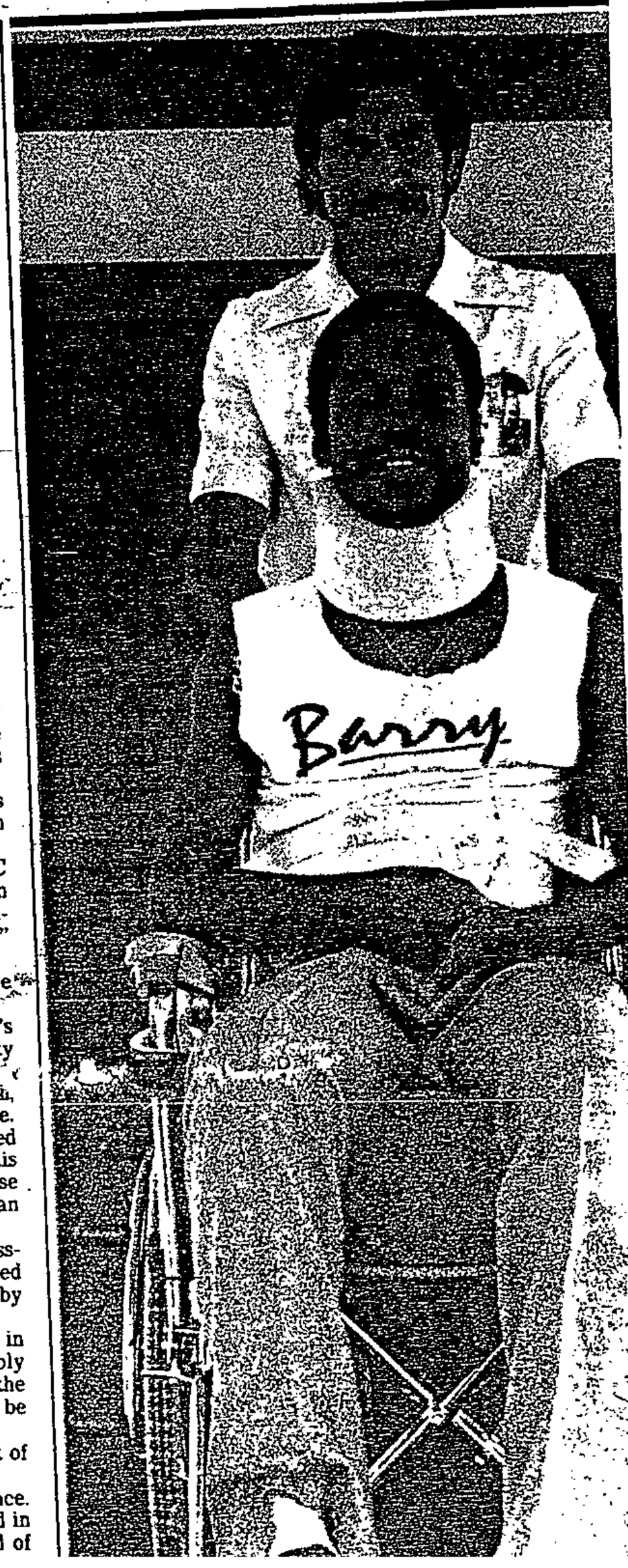
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...E 8

# Killing the PM 'may be an option'

# Violence is necessary

# Niehaus




By GEOFFREY ALLEN

**JUST a hint of emotion choked Carl Niehaus's voice as he stood before a judge in the Rand Supreme Court yesterday to say firmly and calmly that violence, the death of innocent people, even the assassination of the Prime Minister, were options which were necessary and understandable in the pursuance of the African National Congress fight to overthrow apartheid.**

Under oath, the former church deacon said that bombings such as the Pretoria car bomb were necessary, and civilian deaths inevitable.

His concern at hearing of a second car bomb in Bloemfontein, he said, was that if there had been more deaths the public reaction would have been unfavourable. The bomb itself was justifiable.

He said he would continue to believe in the inevitability of an armed fight against the Government, and the inevitable deaths that would bring, even were he to be released this morning.

"After 20 years it is only ... recently that the ANC has started with campaigns that also involve the loss of human life.

"It is important to see an element of retaliation in the ANC attacks after the South African attacks on ANC targets in Maputo and Lesotho which have been proven in the international news media to have been attacks on civilian targets," Niehaus said.

Both he and his fiancee, Johanna "Jansie" Lourens, have been convicted of high treason.

They were to have been married on August 29, Jansie's birthday. Six days earlier they were arrested in a Security ...olice raid on the ...mmune where they lived.

Today, as they were reminded by Mr Justice A P Myburgh, they are convicted on charges which carry the death sentence.

Niehaus, a prize-winning university orator, commanded attention as he led the court through the development of his reasoning to the stage where he said that he supported the use of bombs and violence to achieve change in the South African political order.

At 2.54pm prosecutor Mr Jan Swanepoel rose to cross-examine the bespectacled Niehaus who frequently looked across at his fiancee where she sat in the dock surrounded by flowers and presents.

Their clash was at times so heated that their voices rose in tones of violent argument, and at one point Niehaus' reply brought applause from the gallery and an order from the judge that anyone offending the dignity of the court would be thrown into the cells and "severely punished".

Explaining his belief that violence was a necessary part of the ANC's activities, Niehaus said:

"Initially I was very concerned about the use of violence. On one side there is the violence which is institutionalised in ... society, on the other side there is the kind of

heavy pressure on diamonds to regain its grip on the world market as the gems start to sparkle [illegible]
— PAGE 4

## Picfoods to sell

PICFOODS is likely to sell all or part of its Kanhym stake to Gencor by the end of December.
— PAGE 20

## Tripoli ceasefire

RIVAL Palestinian factions observed a ceasefire yesterday while diplomats and politicians struggled to patch together a more permanent peace.
— PAGE 8

# Inside Mail

## Last great railway

THE Last Great Railway Line is about to be drawn — initially perhaps as a dotted line with the legend "projected railway" — on the map of Africa.
— PAGE 13

# Property Mail

## Meyerton expands

MEYERTON, 45km south of Johannesburg on the Vereeniging road, could become a dormitory town and, in the long term, the Reef's major overspill development area for moderately priced white housing.
— PAGE 29

# Flair

## Now, kosher Chinese

TWO years ago an energetic lady walked past a tiny shop for rent in Yeoville. She needed an office, not a shop, for the first shipments — a few packets of sweets — for her import business.
— PAGE 9

# Sports Mail

## Boks looking better

THE Springboks' prospects in the forthcoming Test series against the West Indian XI took a turn for the better at the weekend — and Clive Rice added weight to his claim for a place in the team.
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**HOMEFRONT**
You must plan before you plan!
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"Initially I was very concerned about the use of violence. On one side there is the violence which is institutionalised in South African society, on the other side there is the kind of violence employed by the ANC. The ANC line also happens to agree with my Christian principles.

"I would like to draw a parallel with Nazi Germany where the churches very lamely went along with the system. A small number of people in the church diagreed and there were people, like Dietrich Bonhoeffer, who wanted to assassinate Hitler.

"I think that we can favourably compare the position in South African churches to those in Germany at that time."

Mr Swanepoel: "Would you go along with the assassination of the head of the South African Government?"

Niehaus: "I wouldn't have done it."

Swanepoel: "Is there a line? Can they (the ANC) kill innocent people in the streets of Pretoria, but not the Prime Minister?"

Niehaus: "I think the line is drawn by innocent people dying in the homelands.

"... I would understand it (killing Mr P W Botha) if, and I repeat, if, it is going to bring an end to the horror of this system ... it may be an option. It is important to distinguish between the Pretoria bomb and saying that the assassination of the Prime Minister would bring about political change."

Mr Swanepoel: "Let's not beat about the bush. Why is it not necessary to kill the head of state?"

Niehaus: "If the Prime Minister of this country wants to continue to the same position as Nazi Germany then it will be necessary."

At this point Mr Niehaus's voice broke slightly as he continued with bowed head, looking occasionally at the judge. "As long as it is possible not to kill people, you shouldn't. When it becomes necessary, then it has to be done.

"It is necessary to continue with the armed struggle and that inevitably means that people will be killed.

"It is not that the ANC enjoys exploding bombs, it has been forced to it by the South African Government, and as long as the situation goes on, bombs will continue to explode ... (softly) I am convinced of it."

Swanepoel: "So you are not concerned about the loss of life ... you think it is necessary?"

Niehaus: "I don't think it is always necessary for people to die. I was concerned about the emotional reaction to more deaths if people had been killed there." (In the Bloemfontein blast, after the Pretoria bombing).

Mr Swanepoel: "If you

□ To Page 2

# Lynch d

# Bombings will continue

From Page 1

everything about what we are doing because it could be dangerous."

Mr Swanepoel: "That's correct, the less you know the less you can tell."

Outlining his career to Mr Denis Kuny, SC, (defending) Niehaus said that he had become politically active while studying at the Rand Afrikaans University where he had stood for membership of the Students Representative Council.

He had helped organise a "Free Mandela" campaign on the campus and had put up notices about it without permission from the SRC.

Subsequently he was called before a disciplinary committee and told that either he could apologise for his actions or leave the university.

He left, and had become alienated from students and parents alike.

her what the parcel contained.

Mr Swanepoel: "Why did you ask her to drive you there ... Why?"

Niehaus: "Because she had to drive."

Mr Swanepoel: "I'll give you the answer. Because if one member of the ANC is going to carry out an action another member is likely to help. She was an active supporter at least, as this court has found ... if you have no answer, I'll go on."

Niehaus: "I took her so that if I didn't come back she would know."

Mr Swanepoel: "So you expected that you might be killed by this contraption?"

Niehaus: "No I could have been arrested. We have a policy between ourselves that we don't tell each other

walk out of jail your attitude will be exactly the same regarding the use of violence?"

Niehaus: "I will continue to believe that it is inevitable because there is a violence in the system that continues and my attitude is coloured by the policies of this Government.

"So long as this Government continues, my attitude will remain the same."

Referring to his fiancee, Niehaus said that she was a supporter but not a member of the ANC. "She would be favourably inclined to the ANC but she has many problems with the violent side of the ANC."

He said that he had asked her to drive him to the Carlton Centre in Johannesburg so that he could plant a pamphlet bomb but had not told




"They try to sell anything these days!"

# Niehaus trial: State asks for 15 years

Staff Reporters

The prosecutor in the Niehaus high treason trial submitted today in the Rand Supreme Court that the offences committted by Carl Niehaus did not call for the death sentence and he asked the judge to impose prison sentences on both Niehaus and Johanna Lourens.

The prosecutor, Mr J A Swanepoel, called for a jail sentence of 15 years for Niehaus and five years — half the term imposed on Barbara Hogan — for Lourens for high treason.

Earlier, testifying in mitigation, Niehaus's mother said the experience the family had been through had been "hell on earth".

Niehaus and his fiancee, Johanna Lourens, have been convicted of high treason.

Mrs M H Niehaus asked the judge, Mr Justice A P Myburgh, for mercy for her son.

She said he had always been a wonderful child, competent, honest and Christian and had always had the greatest respect for his parents.

After his expulsion fron Rand Afrikaans University her son left home, she said. His views and thoughts had become different from those of his family and, although she did not know his friends or the people with whom he mixed, he had been influenced by them.

Her son's detention and conviction for high treason had affected the whole family. They had kept his trial a secret from his 90-year-old grandmother who was very ill. His sister, who was studying at RAU, had been forced to write examinations during this "sorrowful experience", Mrs Niehaus said.

Dr Petrus Daniel Johannes Lourens, testifying in mitigation for his daughter, said she was brought up in a traditional Afrikaans household.

She spent four years at an integrated school in

● To Page 2

(331) Star 23/11/83

# Apartheid policy is heresy, Niehaus tells packed court

By Zenaide Vendeiro and Rashid Chopdat

Carl Niehaus, the 23-year-old church deacon convicted of high treason, told the Rand Supreme Court yesterday he believed the apartheid policy was a heresy.

He said he got involved with the activities of the banned African National Congress because its policies tallied with his Christian beliefs and he compared the South African system to the regime in Nazi Germany.

Niehaus was testifying in mitigation of sentence. He and his fiancee, Johanna Lourens (23) — who was also found guilty of treason — previously declined to give evidence on the merits of the case.

Niehaus said he became involved with the activities of the ANC after "quite a lot of turmoil in my soul" and after being exposed to "the realities of the South African situation.

"I believe the policies it (the ANC) is striving for — policies contained in the Freedom Charter — are those of non-racialism and fighting against racial and economic exploitation.

"We are faced in South Africa not only with a system of sporadic activities of violence but we are faced with a situation of civil war," he told a packed courtroom.

"The present political system in South Africa — including pass raids, influx control, the tragedy of migrant labour resulting in families being divided, the tragedy of the Bantustan policy in which people are forced to leave areas in South Africa where they can make a living to move to rural areas where there is overcrowding, drought and no hope of occupation — cannot be put on par with Christian beliefs."

These activities were, he said, of a violent nature.

"The violence is not that someone is put in front of a gun and shot. The violence is that these people are moved out of places where they can make a living and put in places where many of them die because of famine, hunger and malnutrition. The violence is of a structural nature.

"The apartheid policy is a heresy and I believe the church should move towards a state of confession and no longer participate in this Government, its policies or its military wing, the South African Defence Force," he told the court.

He said he was not willing to fight against people who were forced to leave South Africa to join organisations like Umkhonto we Sizwe (the ANC's military wing). "They are sons and daughters of this country. I would prefer it if there was no conscription."

The ANC had tried to persuade the Government to change its policies by making use of non-violence but was faced with repression, banning and imprisonment of its leaders, he said.

"It was forced to continue with a violent campaign against South Africa only after many years of trying to bring about change with non-violence."

Then for 20 years the ANC tried to attack strategic and military targets, avoiding the loss of human life. Only recently had the organisation started a campaign involving also the loss of human lives.

Niehaus admitted participating in the drawing up of a pamphlet entitled "Why the Pretoria bomb blast was necessary" and said the blast could not be seen in a vacuum.

"There was an element of retaliation and the bombing was only planned after the SADF attacked targets in Lesotho and Maseru which have been proved by the international media to have been civilian targets."

The outcry following the Pretoria bombing, he said, was largely of an emotional nature.

Niehaus was asked to clarify the statement he made when he heard of the bomb blast in Bloemfontein. That statement was: "Hallelujah. How many people were killed?"

"I saw it as part of the civil war in South Africa. I was glad the ANC was able to respond to the SADF attack on Maputo but I did not rejoice at the possibility of deaths. I was concerned for the loss of human life."

He compared the South African system to the system of Nazi Germany. During this regime, he said, the church knowingly went along with the State's policy.

The prosecutor, Mr J Swanepoel, asked Niehaus if he would be prepared to assassinate the head of state of South Africa. Niehaus said he would not do so.

"Oh, it's all right to kill innocent people in Pretoria but not to kill the Prime Minister," said Mr Swanepoel. "Where do you draw the line?"

Niehaus said that he would draw the line at the innocent children who die in South Africa. At this stage Niehaus was applauded by some spectators in the public gallery.

Mr Justice A P Myburgh reprimanded them, saying they were not in a circus but in a Supreme Court. "This man is here defending his life," said the judge.

Mr Swanepoel said Niehaus had stated the Pretoria bomb was necessary. He asked Niehaus whether, if the Prime Minister of South Africa were killed, that would also be necessary.

Niehaus said that if it was going to bring about an end to the horror of the system, "it may be an option".

Asked what his attitude would be if he was freed or released from jail one day, Niehaus said he would continue to find the South African system "abhorrent.

"My attitude would remain exactly the same," he said.

Niehaus said he had been aware of the risk of arrest when he joined the ANC. He knew that if caught he could be charged with treason and could get the death sentence.

24/11/83 (33) 1000 M

# Terror trial court rules on statement

By THELMA TUCH

A MAGISTRATE ruled yesterday that the statement by a factory worker who allegedly engraved pro-African National Congress inscriptions on his mug was to be admitted as evidence to the Krugersdorp Regional court.

This concluded the trial within a trial during which the defence counsel, Mr M Basslian, instructed by Priscilla Jana and Associates, submitted that the State had not proved beyond reasonable doubt that the statement made by Mr Mathews Thabane Ntshiwa had been made voluntarily.

Mr Ntshiwa, 23, of Mmutle Street, Dobsonville, allegedly engraved on the tea mug he used at the Vorms Fabrick factory in Florida, the following words: "Amandla Gowethu" (sic), "Release Nelson Mandela", "Remember our leader", "Those who were trying to destroy apartheid in our land", "Umkhodo we siswe" (sic) and "PW we want our land back".

He has been charged under the Internal Security Act and has pleaded not guilty to participating in the activities of the banned ANC, alternatively furthering the aims of the ANC, between February and August this year.

Mr Basslian argued yesterday that the State's case — concerning the admissibility of Mr Ntshiwa's statement — had relied on the single evidence of security policeman Captain P E J Kruger, who had admitted to the court that he had crossed out certain words of the warning statement after it had been signed by Mr Ntshiwa.

The words he put his pen through on Friday while he was in court were: "Ask for a remand" and "say nothing at this stage".

"How dare he delete portions of a signed statement and then seek to rely on it. Once those portions were deleted by Captain Kruger it ceased to be the statement of the accused," Mr Basslian said.

Mr Basslian said before Cpt Kruger took Mr Ntshiwa's statement he had failed to ask him whether he was in sound and sober senses or if anybody had assaulted or threatened him, and did not inform him he was not obliged to make a statement and had the right to consult an attorney.

However, the magistrate, Mr Aucamp, ruled the admissibility of the statement which he assessed had been voluntarily made. He said all the circumstances surrounding the statement would be weighed up when he considered the merits of the statement.

Cpt Kruger then read Mr Ntshiwa's statement to the court. According to the statement Mr Ntshiwa said it was a co-worker, Mr Arnold Sithole, who was responsible for the slogans on the mug.

The case continues.

ARGUS 24/11/83 (331)

# Treason trial plea to avert long sentences

**Argus Correspondent**

JOHANNESBURG. — Defence counsel has argued that the sentences suggested by the State for Carl Niehaus and his fiancée, Johanna Lourens, are excessive.

Niehaus, 23, a church deacon, and Lourens, 23, have been found guilty in the Rand Supreme Court of high treason. Niehaus has been found guilty of being a member of the African National Congress and Lourens has been found guilty of being an active ANC supporter.

They had pleaded not guilty to the charges.

Mr J A Swanepoel, prosecuting, has asked Mr Justice Myburgh to jail Niehaus for 15 years and Lourens for five.

## "Idealistic"

Mr D Kuny SC said yesterday they were young and idealistic. He asked the court not to place emphasis on Niehaus's thinking, but to consider what he had done.

The judge interposed that Niehaus was the typical young bravado type who was full of importance, leader of his group, had a strong personality and was a good orator. His actions gave him the satisfaction of being the hero for the moment.

Mr Kuny said ANC member Barbara Hogan had been sentenced to 10 years for high treason. Her sentence was "excessively high".

## "More serious"

Dr R Christie, a scientist, had passed technical information to the ANC and been jailed for an effective 10 years on five counts under the Terrorism Act. His crime was more serious than those proved against Niehaus.

Mr Kuny conceded that Niehaus had shown no remorse, but submitted that he had made admissions and been "brutally frank".

He had not come to the court to apologise, to lie or to cover up. He took his political stand on principle and had explained his views in court, much to his det-riment.

Lourens's actions were peripheral. She was in love with Niehaus and was loyal to him. He asked the judge to consider suspending any jail sentence he intended giving her.

## Hardened

Mr Swanepoel said the attitude of the courts had hardened towards the offence of high treason and sentences had be-come more severe.

"Niehaus went a great deal further than Hogan, who was not involved in the field of sabotage. He condoned violence, approved of it and urged it, and tried to get other people to join the ANC and support its policy of violent change.

"Niehaus identified the Johannesburg gasworks as a target for sabotage and provided the ANC with this information. He later took photographs and made a drawing of the gasworks with a view to sending it to the ANC."

Mr Swanepoel said Lourens failed to testify. "If she had given evidence and said she was opposed to the use of violence, she could have argued she did not associate herself with the ANC's policy of violence."

The hearing continues today.

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# Niehaus blamed for role of 'tim

CAPE TIMES 24/11/83

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Own Correspondent

JOHANNESBURG. — Carl Niehaus had dragged his "timid, young girlfriend" into his ANC activities and would have to bear that responsibility and "take the rap", Mr Justice A P Myburgh said in a hushed Rand Supreme Court yesterday.

He adjourned the Niehaus-Lourens treason trial till 2pm today for sentence, after the prosecutor had asked that Niehaus be sent to jail for 15 years and Lourens for five.

The judge said he could not sentence Niehaus to a period in jail that was too light, nor should the sentence be so long that it would "break him forever".

He said that if he decided there was no possibility of rehabilitation for Niehaus, he would be obliged to pass the death sentence.

Mr Justice Myburgh also raised the possibility that Johanna Lourens could get a suspended sentence even though she had been convicted of treason. "I have toyed with that idea, but she is not a first offender," he said.

Lourens was given a suspended sentence in 1980 for having a book written by jailed ANC leader Nelson Mandela.

During argument in the afternoon, Mr Justice Myburgh described Niehaus as "a young man, immature, full of bravado, full of his own importance, relishing the role of a hero in the witness box, and having the gift of the gab".

The judge told counsel for the State and for Niehaus and Lourens that they should confine themselves in argument to what had been proved in court.

"Niehaus has admitted to much more than he has been found guilty of," he said.

Lourens's father, psychiatrist Dr Petrus Lourens, told the court that in March this year his daughter had been assaulted and since then had changed noticeably in her appearance and attitudes.

His evidence caused a stir when the judge asked him to expand.

"It was an assault of a very sensitive nature," Dr Lourens said.

The court adjourned while he wrote out the details for the judge and lawyers.

As he gave his evidence, his daughter sat red-faced and weeping in the dock, dabbing her eyes with a handkerchief. At the lunch break she and Niehaus held hands as they walked down to the cells.

Calling for a severe sentence for Niehaus, Mr Jan Swanepoel, for the State, said that he had declared that he stood by his beliefs would continue to ac support the ANC on came out of jail.

In reply, Mr Dennis conceded that his clien been found guilty of ve rious crimes involving t curity of the State and bly people's lives.

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# Five ministers to control

CAPE TIMES 24/11/83

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# Calypso cricket



# he Cape Times

Carfinder Inside

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# med for role of 'timid girlfriend'

CAPE TIMES 24/11/83 (331)

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Calling for a severe sentence for Niehaus, Mr Jan Swanepoel, for the State, said that he had declared that he stood by his beliefs and would continue to actively support the ANC once he came out of jail.

In reply, Mr Dennis Kuny conceded that his clients had been found guilty of very serious crimes involving the security of the State and possibly people's lives.

"On the other hand, you have two people who are young, idealistic, committed to a course of conduct by which they stand to gain nothing and lose everything. Indeed, their very lives hang in the balance."

He emphasized that what should be remembered were not Niehaus's thoughts as stated in court but his actions as proved on the evidence.

"What do his actions really amount to — except for the photographs and plan of the Johannesburg gas works?"

Mr Justice Myburgh said of Johanna Lourens: "If one has the impression that Lourens is a timid little girl and he is using her for his own ends, isn't he to blame for the embarrassment she is in?

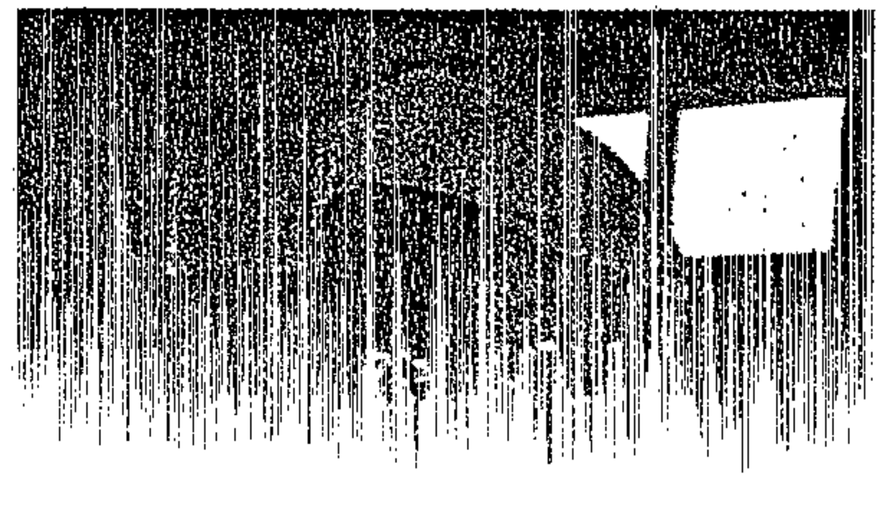
"Isn't he to take the blame for having dragged her along so that her guilt morally is attributable to him. I don't know if she would ever have engaged with the ANC."

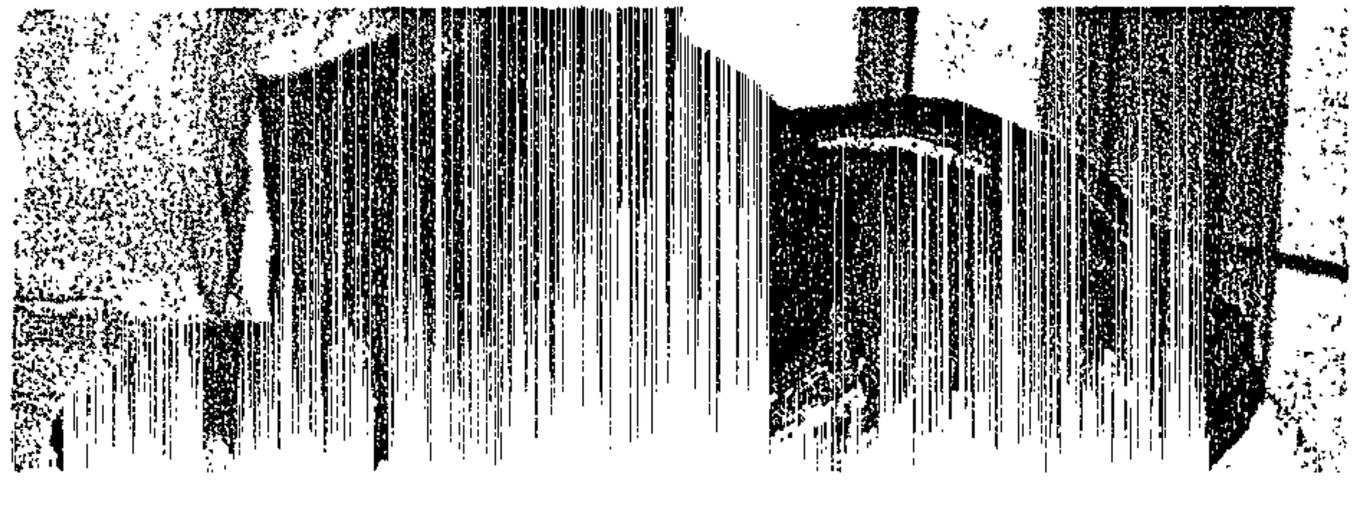
The prosecutor argued that Lourens had not done anything to show that she was opposed to Niehaus's activities.

Both the judge and Mr Kuny pointed out that she had not performed a single act which had not been at Niehaus's behest.

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# Calypso cricketers rock up





Staff Reporter

**THE "rebel" West Indian cricket team arrived in Cape Town yesterday morning — wired to the gills with sound equipment.**

**Everton Mattis bounced through the arrival gate with his usual "walk-man" headphones strapped securely to his ears,**



# Niehaus blamed for Lourens' treason

By GEOFFREY ALLEN

THE treason trialist, Carl Niehaus, had dragged his "timid young girlfriend" into his ANC activities and would have to bear that responsibility and "take the rap," Mr Justice A P Myburgh said in a hushed Rand Supreme Court yesterday.

He adjourned the Niehaus-Lourens treason trial until 2pm today for sentence, after the prosecutor had asked that Niehaus be sent to jail for 15 years and Lourens for five.

The judge said that he could not sentence Niehaus to a period in jail that was too light, nor should the sentence be so long that it would "break him forever".

He said that if he decided that there was no possibility of rehabilitation for Niehaus, then he would be obliged to pass the death sentence.

Mr Justice Myburgh told defence counsel, Mr Dennis Kuny SC, that he had toyed with the possibility of giving Lourens a suspended sentence, alhough she had been convicted of treason and was not a first offender.

Lourens was given a suspended sentence in 1980 for having a book by the jailed ANC leader, Nelson Mandela.

During argument in the afternoon, Mr Justice Myburgh branded Niehaus as "a young man, immature, full of bravado, full of his own importance, relishing the role of a hero in the witness box, and having the gift of the gab."

Lourens' father, Dr Petrus Lourens, a psychiatrist, told the court that in March this year his daughter had undergone an assault of "a very sensitive nature" and since then had changed noticeably in appearance and attitude.

The court adjourned while he wrote out the details for the judge and lawyers.

Calling for a severe sentence for Niehaus the prosecutor, Mr Jan Swanepoel, said that he had declared that he stood by his beliefs and would continue to actively support the ANC once he came out of jail.

In reply Mr Kuny conceded that his clients had been found guilty of very serious crimes involving the security of the State and possibly people's lives.

"On the other hand you have two people who are young, idealistic, committed to a course of conduct by which they stand to gain nothing and lose everything...indeed their very lives hang in the balance," Mr Kuny said.

"What do his actions really amount to...except for the photographs and plan of the Johannesburg gas works?" he asked.

Discussing Niehaus's demeanour in court, the judge said: "It gave him a great deal feeling of satisfaction when he gave evidence and he was the hero of the moment...I don't know whether he did it for the benefit of his friends who were listening? I'm not sure that he didn't overstate his case.

During the discussion of his character, Niehaus sat with his shoulder turned on his fiancee and became puce-faced as his bold statements of the previous day were branded as the immature bravado of a man keen to impress the audience made up largely of his friends.

At the end of the day's hearing he uncharacteristically rushed down to the cells. On previous days he has stayed in the dock waving to friends and shaking hands.

Mr Justice Myburgh said of Johanna Lourens: "If one has the impression that Lourens is a timid little girl and he is using her for his own ends isn't he to blame for the embarrassment she finds herself in?

"That seems to be the truth behind the words. On that basis he is the man responsible for ruining this girl's life."

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Rand 24/11/83

# Niehaus 'will pay penalty for ruining fiancee's life'

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By Rashid Chopdat and Joe Openshaw

The State and defence counsel yesterday argued about what an appropriate sentence would be for church deacon Carl Niehaus and his fiancee Johanna Lourens, who have been found guilty of high treason.

The sentences urged by the State were excessive, defence counsel argued yesterday in the Rand Supreme Court.

Niehaus was found guilty of being a member of the banned African National Congress and Lourens was found to be an active suppporter of the ANC.

Mr J A Swanepoel, prosecuting, had asked the judge to impose a 15-year jail sentence for Niehaus and five years for Lourens.

Mr D Kuny SC argued these sentences were excessive.

Mr Kuny said Niehaus and Lourens were young and idealistic people who were committed to a certain course of conduct and who now stood to lose everything.

He asked the court not to place emphasis on Niehaus's thinking but to consider what he had done.

Mr Kuny compared sentences handed out in similar cases. He referred to the 10-year jail sentence imposed on ANC member Barbara Hogan after conviction on a charge of high treason. He said Hogan went to Swaziland to join the ANC and sent them information. Hogan's sentence was "excessively high", he said.

Dr R Christie, a scientist who passed on technical information to the ANC, was jailed for an effective 10 years after a conviction on five counts under the Terrorism Act. Mr Kuny said the gravity of Christie's crime was more serious than those proved against Niehaus.



Dr Petrus Daniel Johannes Lourens leaving court yesterday after he had testified on behalf of his daughter, Jansie Lourens. He is seen with Mrs Lucienne Hunter, mother of Miss Catherine Hunter who was freed after being detained as a potential State witness.

● Picture by Joe Openshaw.

Mr Kuny conceded Niehaus had not shown any remorse but submitted that Niehaus had made admissions and had been "brutally frank" to the judge. Niehaus had not come to the court to apologise, to lie or to cover up.

Later the judge interposed and asked if Niehaus should not take the blame for using a "young and timid" Lourens, for ruining her life, and for the embarrassment she had found herself in.

The judge said Niehaus would have to pay the penalty for this.

Mr Kuny argued that Lourens's actions were of a peripheral nature. There had been evidence of Niehaus's strong personality. She was in love with Niehaus and was loyal to him.

He asked the judge to consider suspending any jail sentence he intended giving her.

Mr Swanepoel said the attitute of the South African courts had hardened towards the offence of high treason.

"Niehaus went a great deal further than Hogan who was not involved in the field of sabotage, but restricted her activities on behalf of the ANC to labour issues," said Mr Swanepoel.

"In Niehaus's case, he condoned violence, approved of it, urged it and tried to get other people to join the ANC and support its policy of violent change.

"Niehaus identified the Johannesburg gasworks as a target for sabotage and provided the ANC with this information. He later took photographs and made a drawing of the gasworks with a view to sending it to the ANC.

"He was the first link in the chain of sobotage and the sabotage could not take place without his efforts," said Mr Swanepoel.

He said Niehaus had aligned himself with the use of violence to change the system in this country to one of socialism.

Mr Swanepoel: "On his own evidence, Niehaus cannot be rehabilitated. He told this court if he were allowed to go free today, he would go ahead with his plans for violent change."

The judge: "If he cannot be rehabilitated, I must impose the death sentence."

Mr Swanepoel: "The State does not call for the death sentence in this instance."

Mr Swanepoel added Lourens had failed to testify and it appeared she had played a large role in Niehaus's efforts and had associated herself with the aims of the ANC.

"If she had given evidence and said she was opposed to the use of violence she could have argued she did not associate herself with the ANC's policy of violence," said Mr Swanepoel.

"They knew the risks they were taking and Lourens had been warned Niehaus was dangerous," he said.

Mr J Swanepoel and Mr W J van der Merwe appeared for the State. Mr D Kuny SC and Mr L Bowman, instructed by Miss K Satchwell, appeared for Niehaus and Lourens.

# Protest legitimate, court told

By Themba Molefe

The widely publicised protest by various groups against the West Indian cricket tour earlier this year was legitimate criticism which could not necessarily harm race relations in South Africa, a defence lawyer told a Johannesburg magistrate yesterday.

Mr D Dison, counsel for Miss Caroline Marjorie Cullinan who is charged under the Publictions Act, said it was difficult to determine the unlawfulness or harmfulness of a publication.

He was presenting argument on behalf of Miss Cullinan (30) of Eighth Avenue, Mayfair. She has pleaded not guilty to producing and distributing 370 printed T-shirts which were declared undesirable in terms of the Publications Act.

The front of the T-shirts depicted the slogan "Halt! All Apartheid Tours", and a drawing of white cricket players on the chest of a black man tied to wooden stakes on the ground.

Miss Cullinan, a graphic artist, admitted designing the T-shirt and said she did it on behalf of the Sports Action Committee. She said she obtained the image from a publication, "Politics in Sport".

The publication is still freely obtainable and has not been declared undesirable in terms of the Act, she said.

Mr R Laue, prosecuting, said Miss Cullinan had failed to acquaint herself with the Publications Act to determine the undesirability of the graphic image before she produced the T-shirt, and called for her conviction.

Mr Dison said the image on the T-shirt was a legitimate criticism of the West Indian tour and had expressed the opinion that such tours could not be allowed while the black man was oppressed.

"Legitimate and reasonable criticism might eventually heal relationships among the different population groups in the country," Mr Dison. He added that the State had not proved that Miss Cullinan had the intention of violating the Publications Act.

The magistrate, Mr L S du Toit, reserved judgment and told Miss Cullinan to appear again in court on December 12.



Holding hands, Dr Petrus and Mrs Anna Lourens leave the Rand Supreme Court after hearing their daughter sentenced to four years in jail. With them is Mrs Lucienne Hunter whose daughter was detained after Johanna Lourens' arrest.

# Cry of 'Amandla' as treason gets Niehaus 15 years

By GEOFFREY ALLEN

AT 2.59pm yesterday Carl Niehaus bellowed "Amandla", snatched up a crude bouquet of flowers and stormed down the stone staircase which took him to the first night of a 15-year stretch in jail for high treason.

Red-faced, but smiling to friends in the gallery, walked his fiancee Johanna Lourens, who was sentenced to four years on the main charge of high treason for her active support of the banned African National Congress.

As they descended to the holding cells, the judge's words buzzed in court — a repeated murmur on a hundred lips of friends and well-wishers.

A solitary, drooping, yellow daisy remained hanging over the back of the bench in the dock of the Rand Supreme Court.

Over it Mrs Anna Lourens wept bitterly.

In the well of the court, it was handshakes, laughter and back-slapping for the phalanx of security policemen and staff from the Attorney-General's office who had assembled to hear the sentences.

Those were the last images of freedom for self-confessed ANC member Carl Niehaus and his frail, angelic-faced, live-in fiancee, Johanna Lourens.

Outside the court building and in the corridors a multi-racial crowd, many wearing flowers in their hair, stood debating the sentences.

But the crowd soon dispersed and did not see Niehaus and Lourens as they were driven at high speed from the court basement.

Before he faced the judge to hear sentence passed, Niehaus talked with veteran political activist Mrs Helen Joseph, who had been helped into court on crutches.

Before passing sentence, Mr Justice A P Myburgh said he was faced with a tripartite set of considerations to weigh in the balance: "On the one hand, there is a young man full of bravado who has committed serious deeds and one must think of a sentence that will rehabilitate him; on the other hand, I do not want to break him forever, nor would too light a sentence be suitable to prevent him doing this sort of thing again; there is also the question of the safety of the community.

"The scale must be balanced.

"To right this ... a proper sentence is 15 years with two concurrent sentences of three years each on two counts under the Internal Security Act.

"Accused number two is sentenced to jail for four years."

As he spoke the final syllable an orderly shouted, "Silence in court," and the judge swept out.

In the dock Niehaus grabbed the bouquet which lay beside him and shouted "Amandla".

In the public gallery most people stood and shouted the traditional reply, "Ngwethu".

Before sentencing started fire-escapes and glass doors

☐ To Page 2

# Lourens jailed for 4 years

☐ From Page 1

leading to the court were locked with armed policemen patrolling and monitoring the growing crowd.

In the court, at least 11 security policemen sat watching the faces in the gallery, while several officials of the Attorney-General's office took up seats behind the dock.

At 2.01pm a policeman told a colleague: "Ja, bring them up."

Spontaneously at 2.03pm the gallery rose as the two prisoners came into court. Lourens wore a long blue skirt and flower embroidered blouse, Niehaus the three piece suit he has worn throughout the trial.

Three minutes later they were ordered to stand as the judge began sentence.

He first read from several previous judgments and pointed out that violence in South Africa had, according to Niehaus, escalated from terrorism to a civil war.

Assessing Niehaus, Mr Justice Myburgh said: "He wanted to have a socialist state in South Africa, he is not only against apartheid but capitalism.

"In the light of everything he said he was not a formal member of the ANC, if such a thing exists, but he regarded himself as a member and I believe his evidence on that.

"He says that it was his Christian duty to do what he did.

"He half mumbled the names of his ANC colleagues, Patrick Fitzgerald and another woman living in Botswana as if he was ashamed to expose his ANC friends. This indicates his real personality.

"If he sits in jail for a long time, he will remember his mother's words in mitigation, that she had warned him not to keep company with the people he was mixing with and that she had begged him not to live together with Lourens while they were not married.

"He will remember her words and the trouble he has caused her by being found guilty of treason.

"He was warned in a nice manner by her against his activities and he was warned when he was fined and given a suspended sentence for possessing banned literature.

"The suspended sentence meant nothing to him.

"If he is unrehabilitatable then the death sentence would be obligatory, but I think that with the passing of time he will grow out this phase."

Turning to Johanna Lourens, the judge said: "Her father warned her that she was mixing with a young man with a strong and violent personality and told her that she should not live with him until they were married."

"Niehaus had a strong influence over her and she did what he asked, but it would be a mistake to put his influence too high.

"She also was found guilty of possessing banned literature and was given a six month sentence suspended for five years," the judge said.

PROFILE

# Niehaus 'kept to himself'

**Argus Correspondent**

JOHANNESBURG — Carl Niehaus, convicted of high treason, was the product of a conservative Afrikaner upbringing.

He grew up as a member of the white Dutch Reformed Church in a Nationalist household. At the Hoerskool Die Adelaar in Roodepoort, he was a "normal Afrikaner", he said in an interview two years ago.

He went to the Rand Afrikaans University to study theology. "At first he was a pretty ordinary student and not really interested in politics," said a student who stayed in the same residence.

"He didn't fit in with the rest of the men in the residence. He kept a low profile and was not very sociable. He didn't take part in sport or any of the res activities.

## Politics

Carl Niehaus then began taking part in political activities on campus and even stood for the students' representative council, although he was not elected, according to the student.

The student said his impression of Niehaus was that he was immature and emotionally unstable.

"He was going out with Jansie Lourens and they seemed to be very much in love — they were inseparable."

Johanna Lourens (23), who was also convicted of high treason, was a mathematics teacher at the C J Botha High School in Bosmont, a coloured township, before being detained.

Niehaus was expelled from RAU in his third year because he put up posters on campus attacking the "racially unfair education system" and supporting coloured school boycotters and the campaign to free Nelson Mandela.

About the same time he left the white NGK and joined the black NGK in Africa. He became a deacon in the NGK in Alexandra with another white, Mr Andre van Heerden.

## 'Freedom'

He did not see this move as a break from Afrikanerdom but as "freedom from the shackles of apartheid."

His studies at the University of South Africa came to an end when RAU refused to issue a good conduct certificate.

He was allowed to resume his studies at Wits University, where he studied Industrial Sociology, African Politics and Biblical Studies.

A member of the Wits SRC said Niehaus kept very much to himself and was not outspoken.

Niehaus also worked part-time for the South African Council of Churches' Inter-Media Programme, sorting slides in their library.

He was detained on August 23 and held under Section 22 of the Internal Security Act.

COL

# Judge says SA in a 'civil war'

ARGUS 25/11/83

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Argus Correspondent

JOHANNESBURG. — Acts of terrorism had escalated into civil war, Mr Acting Justice A P Myburgh said in a packed Rand Supreme Court when he jailed Carl Niehaus for 15 years at the close of the high-treason trial.

Niehaus's schoolteacher fiancée, Johanna Lourens, 23, was jailed for four years.

Niehaus, 23, was yesterday convicted of high treason and of being a member of the banned ANC. Lourens was convicted of high treason and of actively supporting the ANC.

## Concurrent

Niehaus was sentenced to an additional three years for joining the ANC and to three years for recruiting for the ANC, both sentences to run concurrently with the 15-year sentence.

A hushed court came to life as sentence was passed with a shout of "Amandla" from Niehaus. The parents of both accused wept.

Mr Acting Justice Myburgh said Niehaus had not shown he was repentant and had testified he would follow the same course of action if freed or released from jail.

"Niehaus is a young man of 23 and full of bravado. I do not intend giving him the death sentence, in spite of the argument by the State that he cannot be rehabilitated," he said.

"I must give him a term of imprisonment long enough for his rehabilitation because I believe he can be rehabilitated.

"The sentence must not be too long so as to break him forever and not too light as not to act as a deterrent to others."

The judge said he accepted that Lourens was influenced by Niehaus.

Leading up to sentence, he said that since the Chief Justice had laid guidelines in 1980 for sentencing terrorists, the situation in South Africa, as Niehaus testified, had changed.

"As Niehaus testified, the situation in this country has escalated, and it is no longer a matter of terrorism but of civil war," the judge said.

## Abhorrent

Niehaus favoured socialism and wanted to see the system introduced in South Africa in the event of the Government being overthrown.

"Niehaus showed no repentance and described apartheid as an abhorrent system.

"He was not just against the problems caused by apartheid but was opposed to the capitalist system, which he said should be replaced by socialism."

Niehaus had tried to recruit others and was the leader of the group he associated with.

"His mother (Mrs Magdalena Niehaus) testified on his behalf and said he was troublesome, and she warned him against his friends and reasoned with him to no avail," the judge said.

"She had objected to his relationship with Lourens (their living together) but she could not convince him it was wrong.

"Niehaus was a good orator and a leader and was capable of making his own decisions. His mother will go to her grave knowing the son she loved so much had been convicted of high treason."

Lourens's father (Dr Petrus Lourens) told the court she was a loyal person and consequently loyal to Niehaus whom she loved.

"She had been warned (by her father) against the ANC and Niehaus and was advised to leave him.

"I am under the impression Niehaus had a tremendous influence over her and she followed him slavishly and worked for the ANC."

During the 10-day trial in which spectators packed the court daily, the State produced a surprise witness, Warrant Officer Robert Whitecross, a security police agent, who befriended Niehaus to gather evidence against him.

Mr J A Swanepoel appeared for the State and Mr D Kuny for Niehaus and Lourens.

● See Page 25

## Yellow flowers, slogans, and parents in tears

Argus Correspondent

JOHANNESBURG. — First flowers, then slogans and then tears... that was the scene at the Supreme Court here as Carl Niehaus and his fiancée Johanna Lourens were sentenced to 15 years' and four years' imprisonment respectively for high treason.

Before descending into the cells below the courtroom, Niehaus raised his fist and shouted "Amandla" (power) and sympathisers and friends responded with a single "Awethu" (ours).

Some people in the public gallery, including the couple's parents, burst into tears.

Lourens's father, Dr Daniel Johannes Lourens, said they had expected a lighter sentence. "We were optimistic, but it could have been much worse. We have stood by Jansie throughout the trial and will continue to do so. We will face the future together."

His wife, who was being comforted by friends, declined to comment and only said: "We love our daughter very much."

Mr and Mrs Carl Niehaus could not be reached for comment. They did not emerge from the courtroom and more than an hour after sentence was passed, a large crowd outside the courts was still waiting for them.

There were twice as many people at the court yesterday than at any day during the trial. Spectators stood in the aisles of the courtroom and reporters were forced to sit on the floor in front of the dock.

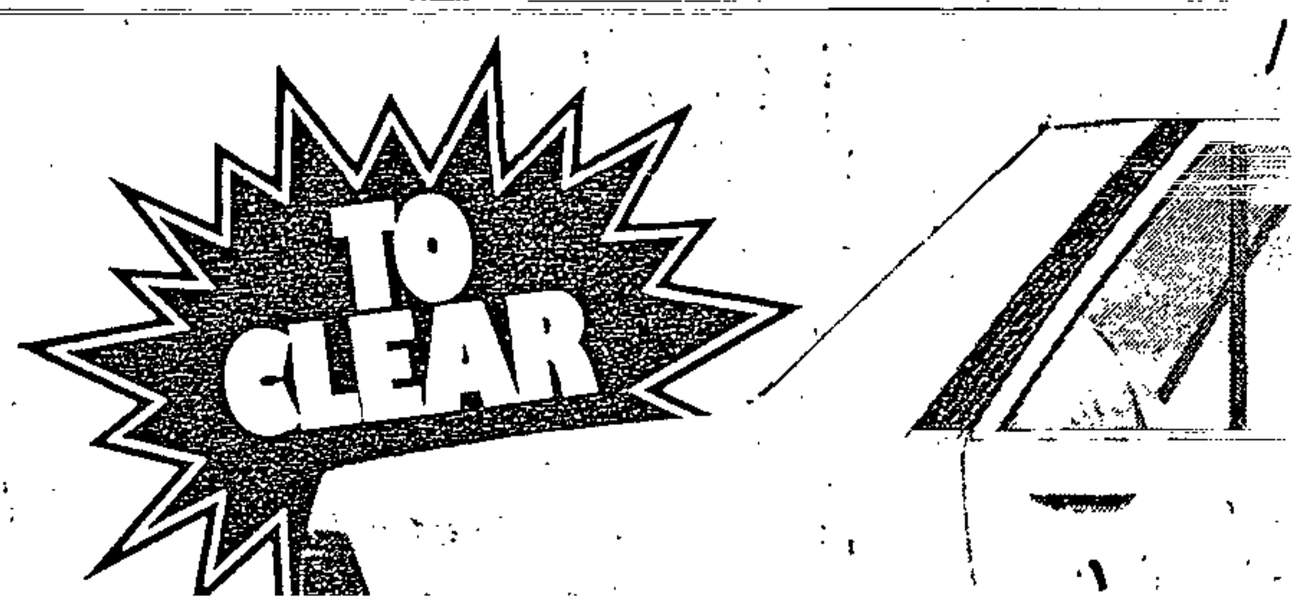
People in the corridors outside the courtroom struggled to hear the sentence through open doors. More than a dozen security policemen continuously scanned the public gallery.

Flowers abounded. People clutched yellow chrysanthemums and wore them on their lapels and in their hair. Several bouquets of flowers were given to Niehaus and Lourens before the passing of sentence.

# Death of family: 'Bus driver said he ran people over'

PRETORIA. — A witness told a Pretoria North Magistrate's Court how a shocked bus driver allegedly jumped from his cab and remarked: "Oh, I have run the people deplaat Dam road on September 17.

Shane died at H F Verwoerd Hospital a month after the accident. His parents and sister were killed instantly.



# Niehaus: Why I joined ANC

331 23/11/83

By NKOPANE MAKOBANE

**CONVICTED Carl Niehaus (23), who faces a possible death sentence for a conviction on a high treason charge, yesterday stunned a packed Rand Supreme Court gallery when he justified his belonging to the African National Congress (ANC).**

Niehaus, found guilty on a treason charge this week, together with his fiancee, Johanna Lourens (23), by Mr Justice A P Myburgh, was giving evidence under oath on the first day of the defence plea in mitigation of sentence.

Led by his defence counsel, Mr D Kuny SC, he told the judge that his involvement with the ANC came about in 1982 when he was approached by a Mr Patrick Fitzgerald in Botswana to do work for the organisation.

He said what led him to accepting the request was turmoil he had experienced in his life. He had been expelled from the Rand Afrikaans University in 1980 after he refused to apologise for putting up Free Mandela Campaign posters as well as supporting the coloured school boycotters.

In the following months he had been increasingly exposed to the realities of the situation in South Africa. He had earlier told the court that after his expulsion his life became disarranged.

It was during this period that he left the white NGK because of its stand on apartheid to join the black one in Alexandra.

His experiences in Alexandra had had an impact on his life. He was shocked by the conditions there.

He told the court that he saw violence not only in the form of a gun but in the system of apartheid. It was of a structural nature in South Africa in the form of the migrant labour system and forceful removals to rural areas.

The ANC, he said, would continue exploding bombs if the policy of the country continues to remain as it is. It was his Christian belief that the country's system of apartheid was unjust

He had undertaken to do the ANC's activities being aware of the consequences that may follow — even a death sentence. "However, I believe that one should act in terms of one's convictions," he said.

(Proceeding)


THE No. 1

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# NIEHAUS JAILED

**CARL Gerhardus Niehaus (23) was yesterday sentenced to an effective 15 years' imprisonment in the Rand Supreme Court for high treason.**

His fiancee, Johanna Lourens (23), also convicted of treason, was sentenced to four years



**By NKOPANE MAKOBANE**

for actively supporting the banned African National Congress (ANC).

Mr Justice A P Myburgh also gave Niehaus a three-year sentence on two charges under the Internal Security Act for being an ANC member. This sentence will run concurrently with the 15 years.

Immediately after the judge pronounced sentence, Niehaus, before going down to the cells, turned to the gallery and shouted "Amandla" while raising a clenched fist. Some of the spectators responded "Awethu".

Long before the trial started at 2 pm scores of people waited impatiently outside the courtroom to be let in. Vigilance by both uniformed and plainclothed policemen was evident and many Press people who had come to cover the trial had difficulty in finding seats.

When the two accused came up from the cells, some friends and relatives stood up to give them bouquets of flowers. They smiled and chatted.

As Mr Justice Myburgh went through his notes before passing sentence, the two looked calm but serious. They stood closely together and listened attentively to the judge.

In his remarks, Mr Justice Myburgh said Niehaus was a young, strong-looking person full of bravado but with time he would rehabilitate despite the fact he had shown no repentance in court.

He said although the charge of which Niehaus had been convicted carried the death penalty, he had considered an appropriate sentence that would not break him.

Niehaus, he said, was an intelligent and sophisticated person who used other people. His fiancee had been strongly influenced by him and she had followed him loyally, believing and acting on instructions he gave her.

He also said the two had disregarded the warning they received. Both had been convicted for being in possession of banned literature and given suspended sentences which were still valid.

# Police tried to 'calm'

**A BANK robbery suspect died at Brixton Murder and Robbery Squad headquarters on**

331 Star 25/11/13

# Parents weep as sentence is passed on treason couple



Miss Catherine Hunter . . . freed after being detained as a potential State witness.



Mrs Anna Lourens, mother of Jansie Lourens, leaves the court.

By Joe Openshaw

"Acts of terrorism have escalated into civil war," Mr Acting Justice A P Myburgh said in a packed Rand Supreme Court at the close of the high treason trial yesterday when he jailed Carl Niehaus (23) for 15 years.

Church deacon Niehaus's schoolteacher fiancee, Johanna Lourens (23), was sent to jail for four years.

Niehaus was convicted of high treason and being a member of the banned ANC and Lourens was convicted of high treason and actively supporting the ANC.

Niehaus was sentenced to an additional three years' jail for joining the ANC and three years' jail for recruiting for the ANC, both sentences to run concurrently with the 15-year sentence.

A hushed court came to life as sentence was passed with a shout of "Amandla" from Niehaus. The parents of both accused wept.

Mr Acting Justice Myburgh said Niehaus had not shown he was repentant and had testified he would follow the same course of action if freed or released from jail.

"Niehaus is a young man of 23 and full of bravado.

"I do not intend giving him the death sentence in spite of the argument by the State that he cannot be rehabilitated.

"I must give him a term of imprisonment long enough for his rehabilitation because I believe he can be rehabilitated.

"The sentence must not be too long so as to break him forever and not too light as not to act as a deterrent to others," the judge said.

Mr Acting Justice Myburgh said he accepted Lourens had been influenced by Niehaus.

Leading up to sentence the judge said that since the Chief Justice had laid guidelines in 1980 for sentencing of terrorists, the situation in South Africa, as Niehaus had testified, had changed.

"The situation in this country has escalated and it is no longer a matter of terrorism but of civil war," the judge said.

Niehaus favoured socialism and wanted to see the system introduced in South Africa in the event of the Government being overthrown.

"Niehaus showed no repentance in his testimony and described apartheid as an abhorrent system.

"He was not just against the problems caused by apartheid but opposed to the capitalist system which he said should be replaced by socialism," Mr Acting Justice Myburgh said.

Niehaus had tried to recruit others and was the leader of the group of people he associated with.

"His mother (Mrs Magdalena Niehaus) testified on his behalf and said he was troublesome. She warned him against his friends and reasoned with him to no avail.

"She had objected to his relationship with Lourens (their living together) but she could not convince him it was wrong.

"Niehaus was a good orator and a leader and was capable of making his own decisions.

"His mother will go to her grave knowing the son she loved so much has been convicted of high treason."

The judge said Lourens's father (Dr Petrus Lourens) told the court she was a loyal person and consequently loyal to Niehaus whom she loved.

"She had been warned (by her father) against the ANC and Niehaus and been advised to leave him.

"I am under the impression Niehaus had a tremendous influences over her and she followed him slavishly and worked for the ANC."

Niehaus and Lourens decided not to give evidence on the merits of the case but Niehaus gave evidence in mitigation during which he said if he were freed or released from jail, his political attitude would remain the same.

# The couple with high treason in common

By GEOFFREY ALLEN

CARL NIEHAUS and Jansie Lourens emerged as a sort of lion and mouse couple from the evidence given during their trial.

They came from similar backgrounds

- Both were born to Afrikaner families with strong beliefs in the solidarity of Afrikanerdom.
- Both had strong religious upbringings to which they still adhered.
- Both went to the Rand Afrikaans University.
- Both rebelled at university against their strict up-bringing and became friends with a largely English-speaking crowd of students.
- They "shacked up" together (lived as man and wife) in open defiance of their parents' explicit wishes.

For the next four years they share a common future — in jail for high treason.

There the similarities appear to end.

From the evidence of their parents and lawyers, and from the deductions and observations of the judge, they differed markedly in character.

JANSIE LOURENS

Throughout the trial the petite woman sat diffidently listening to the hours of evidence, sometimes shaking her cascade of brown curls, sometimes laughing, frequently whispering to her lover.

Sometimes when friends press close to her.

Born in Zeerust she spent a childhood falling in the wake of her father's progression up the academic spiral that took him to Cape Town, the United States and eventually back to Johannesburg.

His daughter, Dr Lourens said, is "a dreamer, impractical, difficult to get to know."

She is naive, trusts people easily and is critical of political propaganda ... When she was being held in detention, her main concern was for a friend who was ill and not her own situation."

Her father asked her to break off the relationship with Niehaus because he had been told that Niehaus had a strong, violent personality.

He believed his daughter had once tried to broach the subject of the ANC with him.

"As I think back on it now, I think she once tried to talk to me about it."

A close friend, Lionel Murcott, said that Jansie was an excellent artist and poet who resented Carl Niehaus's strong influence over her and was increasingly concerned at his growing political involvement.

CARL NIEHAUS

Niehaus plays the bravura role in the grand manner.

Slightly dishevelled, with fashionably long hair, a full beard and gold-rimmed glasses, he shakes hands, plays to the gallery and thanks people for coming to his trial like a playwright at his first night.

His mother, Margaretha Niehaus, a frail, immaculate woman, gave evidence on her son's behalf in a whisper almost impossible to hear.

Clearly she resented the people her son had fallen among.

Born in Zeerust, he had done well at school, was deeply religious and a model son, until he went to the theological school at the Rand Afrikaans University.

Then he had changed.

In particular he had offended the family by living with Jansie.

Niehaus found some favour with the judge as a sophisticated and intelligent person.

But that was counter-poised against a description of him as a jingoistic "hero for a moment", who relished his moment of glory, playing to the crowd when he gave evidence in mitigation.

# Research continues on education needs

By HELENE ZAMPETAKIS

THE Human Sciences Research Council education research programme, which led to the De Lange Commission, is now moving into its second phase of advising the Government on issues which were unresolved in its first report.

The committee, still chaired by Prof P J de Lange, met yesterday in Pretoria to discuss the Government's White Paper on education.

Dr S W H Engelbrecht, co-ordinator of the committee, said yesterday he was "quite satisfied" with the Government's new educational dispensation.

He believed that the major recommendations — and especially the educational recommendations — of the De Lange Commission had been implemented, or had at least been referred to the Research Committee on Education Structures, or alternatively, to the South African Council for Education.

In the meantime, the committee was investigating topics which it identified as problems in the first phase, but had been unable to resolve as yet.

These included non-formal education, rural education and the implementation of research, for example computer education, training teachers, training and the training of artisans.

Separate groups would probe the upgrading of teacher qualification, the curriculum in black primary schools and third language education.

New members of the committee include Dr Robin Lee of the Urban Foundation, Mr J Terreblanche of the Transvaal Education Department and Mr M Moratele of the Soweto Teachers' Training College.

# Railways cuts show there's plenty of fat

By GERALD REILLY
Pretoria Bureau

THE staff cuts made by the SA Transport Services demonstrated the extent of staff excesses in the public sector, economists said yesterday.

The Minister of Transport Affairs, Mr Hendrik Schoeman, announced recently that the administration had been able to reduce staff from 279 000 in June last year to 245 000 in August this year.

A further reduction of 8 000 employees would be achieved by next March, he said.

This means 42 000 workers will have been slashed from the railways' payroll in just over 20 months.

Economists pointed out that excessive and flabby staffing applied to the public service, the saving to the taxpayer would be enormous, an economist said.

According to the latest figures, the number of people employed in State departments is 360 000, with about 240 000 in Provincial Administration offices.

"If these over-padded establishments were given the same drastic treatment as the railways have applied, the savings would be counted in tens of millions of rands," the economist said.

Mr Schoeman claims the big staff reductions are being achieved without sacrificing service to the economy or public.

He is backed by the chairman of the federal council of

## ENTERTAINMENT

# The magic was missing

### TV REVIEW

JOHN MICHELE

THE best news on Wednesday evening was that "Nobody's Perfect", that awful attempt at English wit seen through American eyes, is over.

It won't be missed, and we sincerely hope that it doesn't come back.

The second debut of Wilna Snyman in "Wilna Variete", first of a three-part cabaret series featuring local stars and the sort of budget that would keep you and me in clover for a year, was a let-down.

The talent, alas, does not match its pretentions and this follow-up to "Die Lewe is ..." can be notched up as yet another little disaster for SABC.

I do not think my disappointment stems from the fact that my expectations were too high.

True, I had hoped for a dazzling show and was a little miffed when it didn't appear.

But is it wrong to expect too much from SABC-TV? Or is it worse to be patronising and say it was a jolly good try, that South Africa's TV still has a lot to learn, and that one of these days everything will be all right?

Knowing that Wilna Snyman has the potential to sparkle on television, given a cast of top stage performers and an orchestra that could hold its own anywhere in the world, why was there no magic in the show?

The opportunity was certainly there, but the inspiration, the glitter and the magic wasn't.

The viewers probably don't care too much for lavish costumes and opulent sets.

What we want is that indefinable spark which turns a musical production into an unforgettable experience, whether it is done in grand studios or the local school hall.

Merwede van der Merwe, the producer, had all the right ideas. When it came to the nitty-gritty, however, her performers looked as though they were too confident of success and were so wrapped up in style that the human factor was missing.

"Wilna Variete" might have worked on stage, but on television it just didn't make the grade.

Full weekend television programmes are in WEEKEND FUNFINDER today.




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# Cops detain 3 children of SACC vice-president

**THE THREE children of the vice-president of the South African Council of Churches have been detained, their father, Dr Simon Gqubule, confirmed in Johannesburg yesterday.**

In a statement issued to SAPA yesterday by the General Secretary of the SACC, Bishop Desmond Tutu, the SACC said it protested "vehemently" against the detentions.

"Detention without trial is totally unacceptable and unjust but it is particularly reprehensible just at this time when children are busy with exams.

"The security of South Africa will not be assured by such actions which undermine the rule of law," the statement said — Sapa.

Dr Gqubule's 18-year-old son, Duma, was detained at 5.45 am on Wednesday under Section 29 of the Internal Security Act.

The other children, Thandi (17), and Phumla (15) were detained yesterday afternoon in terms of Section 50 of the Criminal Procedures Act.

Duma is a first year B.Comm student at the University of Transkei. Thandi is writing matric and Phumla is in standard nine.

# Niehaus jailed for 15 years

CAPE TIMES 25/11/83 331

**Own Correspondent**

JOHANNESBURG. — Carl Niehaus, 23, raised a clenched fist and shouted "Amandla" (power) in the dock of the Rand Supreme Court yesterday after he was jailed for 15 years for high treason.

Mr Acting Justice Myburgh also sentenced him to three years on each of two counts under the Internal Security Act. He ordered that these sentences run concurrently with the 15 years on the main charge.

Niehaus's 23-year-old fiancée, Johanna Lourens, who was convicted of treason with him, was jailed for four years.

Among admissions Niehaus made to the court were:

## Gasworks

● That he had placed a pamphlet bomb in front of the recruiting office of the South African Defence Force in the Carlton Centre entitled "Stand up Against the Oppressors — Reject National Service".

● He had inspected, photographed and prepared plans of the R56-million Johannesburg Gas Works.

● That he had written and distributed a pamphlet entitled "Why the Pretoria Bomb was Necessary".

As the judge finished speaking an orderly shouted "Silence in court" and in the dock Niehaus grabbed a bouquet of flowers and shouted "Amandla".

In the public gallery people stood and shouted the traditional reply, "Awethu".

Proceedings began at 2.30pm yesterday and Mr Justice Myburgh first read from several previous judgments and pointed out that violence in South Africa had, according to Niehaus, escalated from terrorism to a civil war.

Assessing Niehaus, Mr Justice Myburgh said: "He wanted to have a socialist state in South Africa, he is not only against apartheid but also against capitalism.

"He talked of the abhorrent system of apartheid and confirmed what I found in my judgment — that he had planned the deeds alleged by the State.

"In the light of everything he said he was not a formal member of the ANC, if such a thing exists, but he regarded himself as a member and I believe his evidence on that ...

"He says that it was his Christian duty to do what he did ...

"He half-mumbled the names of his ANC colleagues, Patrick Fitzgerald and another woman

➡➡➡➡ A To page 2

CAPE TIMES 25/11/83 331

A From page 1

living in Botswana, as if he was ashamed to expose his ANC friends. This indicates his real personality ...

"If he sits in jail for a long time he will remember his mother's words in mitigation, that she had warned him not to keep company with the people he was mixing with and that she had begged him not to live together with Lourens while they were not married.

"He will remember her words and the trouble he has caused her by being found guilty of treason.

"He was warned in a nice manner by her against his activities and he was warned when he was fined and given a suspended sentence for possessing banned literature.

"The suspended sentence meant nothing to him.

"If he is unrehabilitatable then the death sentence would be obligatory, but I think that with the passing of time he will grow out of this phase."

Turning to Johanna Lourens, the judge said: "Her father warned her that she was mixing with a young man with a strong and violent personality and told her that she should not live with him until they were married."

Referring to an assault "of an extremely sensitive nature" which she had experienced in March this year, the judge said he could find no connection between that and anything she had done subsequently on behalf of the ANC.

"Niehaus had a strong influence over her and she did what he asked, but it would be a mistake to put his influence too high.

"She also was found guilty of possessing banned literature and was given a six-month sentence suspended for five years," the judge said.

He said the community had a right to live free from the sort of terror Niehaus and the ANC planned.

# Zululand students appear in court

Mercury
331
7
26/11/83

**Mercury Reporter**

ELEVEN University of Zululand students made a brief appearance before Mr J Best in the Mtunzini Magistrate's Court yesterday on charges of public violence and holding an illegal meeting at the university last month.

They were not asked to plead and the prosecutor Miss M N Bekker asked the Court to postpone the matter to January 27 next year.

Miss Bekker told the Court that although investigations had been completed the matter was being referred to the Attorney-General of Natal for his decision on whether the trial should be heard in a Regional Court.

The student's appearance arose from disturbances at the university a day before Chief Gatsha Buthelezi, Chief Minister of KwaZulu, was to have addressed an Inkatha rally on campus.

# ANC man in bid for clemency

331

By ANTON HARBER
Political Reporter

THE Chief Justice has turned down an application for an appeal against the death sentence by an ANC member Benjamin Moloise, leaving him only an appeal for clemency to the State President as his last resort to avoid the gallows.

Lawyers for Moloise said yesterday they have asked for a stay of execution pending an appeal to the State President.

Two applications for an appeal against his sentence have been turned down — by Mr Justice E van Dyk in the Rand Supreme Court and by the Chief Justice, Mr Justice B J Rable.

This leaves only an appeal to the State President. His lawyers, Priscilla Jana and Associates, are awaiting a reply to their application for a stay of execution to allow this last appeal.

If granted, this should give him at least a brief respite, since it will take a month or two to collect new evidence and present it to the State President.

Moloise, 28, was sentenced in June this year for killing Warrant-Officer Phillipus Selepe.

WO Selepe had given evidence for the State during the trial of three ANC insurgents executed earlier this year.



Carl Niehaus near the Johannesburg gasworks.

## Niehaus rejected Conservative Party-supporting parents for ANC

# Afrikaner outcast

W/G ARGUS 26/11/83 (331)

**Weekend Argus Correspondent**

DURBAN. — Carl Niehaus and his fiancée, Jansie Lourens, both 23, were "young, idealistic people who stood to gain nothing but to lose everything, including possibly their lives", according to their defence counsel.

That is the description Mr Denis Kuny SC put before the Rand Supreme Court, Johannesburg, this week. The two were jailed for 15 and four years respectively for high treason.

Or were they both victims of the "wrong sort of friends", as claimed by Niehaus's mother, Mrs Petronella Niehaus?

Mr Justice A P Myburgh described Niehaus's occasionally heated evidence in mitigation this week as "typical of the bravado of a young man, a leader in his group with a gift of the tongue".

### Timid girl

He accused Niehaus of "taking this young timid little girl (Jansie) along with him".

This accorded with the submission of Transvaal deputy Attorney-General and State prosecutor Mr Jan Swanepoel, who said although both were "no longer children and were intelligent people capable of using their own discretion, Miss Lourens was influenced by Niehaus's strong personality and strong beliefs".

Or was he the man, in the view of an old black man who sat in court during Niehaus's testimony and later asked a reporter: "Are you sure this man is an Afrikaner? It is a very strange thing this, for an Afrikaner to want to help the black man, to join the ANC."

Carl Niehaus is a little bit of all those things — a man who not only rejected the right-wing outlook of his Conservative Party-supporting Afrikaner parents, but went further than most white liberals or left-wingers to prove his commitment to radical change — "the elimination of apartheid and majority rule".

He doubled his energies at proving his commitment to the ANC and non-racialism. In the process he alienated his family.

His parents have still not told his ailing grandmother, 90, of his arrest, charges or trial.

He became a pariah in the conventional world of Afrikanerdom. The young blond man who matriculated in Krugersdorp was forced to leave the Rand Afrikaans University after refusing to apologise for posting "Free Mandela" posters around the conservative campus three years ago.

His desire to become a dominee should have made him the pride of his conservative parents' lives. But instead their only son and eldest child drifted further from them. They did not know his friends; they did not know his views. He was a stranger.

Mrs Niehaus, his soft-spoken, prim mother, placed the blame on the "dangerous friends" he made. "Because he was a good speaker and intelligent, they forced him to the forefront.

"His friends here can't wash their hands of the guilt — they are free and Carl isn't," she told the court.

Her son was not "a person of violence" and had great compassion for "white or black".

He had been a respectful, wonderful child. Deeply religious, he had taught at Sunday school during his matric year, before studying theology first at RAU and then at Wits.

He also gave up his Saturday's to teach Afrikaans to black children in Alexandra township near Johannesburg.

He grew up in a protected environment with his sister, a student at RAU, she said.

Mrs Niehaus said Carl and his fiancée Jansie had kept the fact that they were living together a secret. They met when both were 19 and studying at RAU. They were due to marry on August 29 but both were detained.

### Highly respected

She and her husband were very distressed when they found out, but the two could not be dissuaded from their living arrangement, she said.

Jansie adored him against the wishes of her father, Dr Pieter Lourens, who believed Niehaus to be "violent".

Treasurer of a teachers' organisation, she was highly respected by her students at Bosmont High School, a Rand coloured township.

Her father produced a petition signed by 600 schoolchildren in support of her. He also read a letter from her art teacher praising her as a girl "every parent could be proud of".

# 'ANC' cup man explains

**Mail Reporter**

A FACTORY worker told the Krugersdorp Regional Court this week it had never occurred to him that he was taking part in the activities of an unlawful organisation by drinking from an engraved cup.

Mr Mathews Thabane Ntshiwa, 23, of Mmutle Street, Dobsonville, has been charged under the Internal Security Act for allegedly engraving pro-ANC inscriptions on his tea mug.

He allegedly engraved "Amandla Gowethu" (sic), "Release Nelson Mandela", "Remember our leader", "Those who were trying to destroy apartheid in our land", "Umkhodo we siswe" (sic) and "P W we want our land back" on the mug.

Mr Ntshiwa has pleaded not guilty to participating in the activities of the ANC, alternatively furthering its aims.

Mr M Basslian, for the defence, submitted an application to the magistrate, Mr W Aucamp, for the discharge of Mr Ntshiwa.

He said the State's expert witness, Mr I D De Vries, had conceded that none of the slogans except "umkhodo we siswe", had it been correctly spelt, had any connection with the ANC.

Mr Aucamp refused the application.

27/11/83



SUNDAY EXPRESS

# A final tussle for the soul of Carl Niehaus



● Carl Niehaus — 15-year sentence

**THIS week's Niehaus treason trial turned into a struggle for the soul of the 23-year-old church deacon and student.**

On one side was his 'old' conservative Roodepoort family, spearheaded by the matriarch, Mrs Magrieta Petronella Niehaus.

The opposition was self-confessed ANC member Carl Niehaus's 'new family' — politicised students and churchmen who turned out in support of the Wits student who was convicted and sentenced to 15 years' jail for high treason this week.

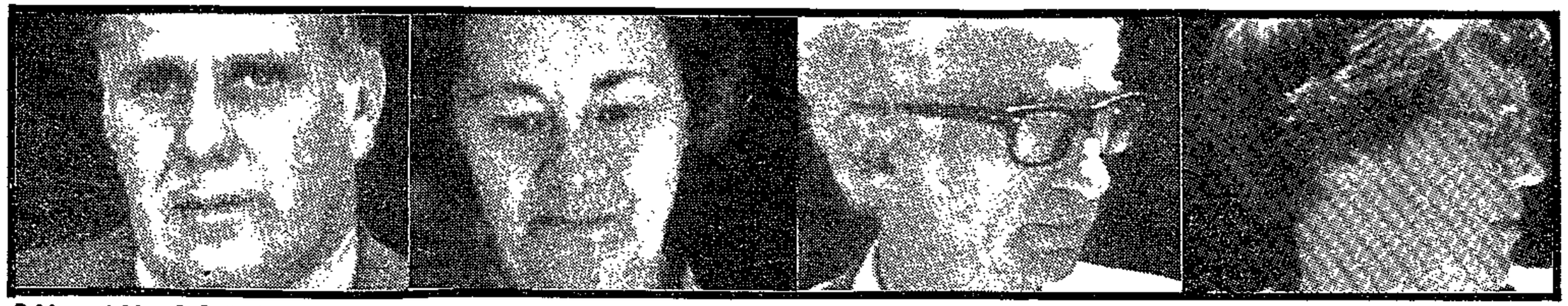
Pleading in mitigation for her son, the grey-haired and soft-spoken Mrs Niehaus told the Rand Supreme Court that her son had had a "very good Christian upbringing and a protected home".

He had left home after being expelled from the Rand Afrikaans University for involvement in the 'Free Mandela' campaign and "went into a world of other influences".

"You can see for yourself," she told the judge, Mr Justice A P Myburgh.

Staring accusingly at the crowd in the gallery she said she could not point out or could not say "precisely everybody who was his friend and who thought like him".

"I am sure many of the people that are here today, had an influence on Carl," she said.



● Mr and Mrs C G Niehaus — gave their son "a Christian upbringing"

● Dr and Mrs Piet Lourens — warm support for their daughter

The gallery's response came on Thursday. When the deacon was sentenced he gave a clenched fist salute and shouted: "Amandla (power)." The gallery answered with the salute and the traditional reply of "Ngwethu (is ours)".

During the three-week trial of Niehaus and his fiancée, schoolteacher Jansie Lourens, 23 — sentenced to four years' jail for high treason — students, churchmen, civil rights campaigners, congregants from the NGK in Africa in Alexandra and representatives from anti-apartheid organisations, were in court to support them.

These people formed his 'new family' — a political grouping far afield from his "God-fearing" mother and father, who are supporters of the Conservative Party.

They brought Niehaus and Lourens flowers, gifts, cards and letters and conversed with them during breaks in court proceedings.

Some applauded when Niehaus was in the witness box giving evidence in mitigation and referred to "innocent people dying in homelands".

Other friends appeared in the courtroom during the trial, but these had turned state witnesses.

Chief among them was Robert Whitecross, a housemate and 'collaborator' who also turned out to be a warrant officer in the security police and gave damning evidence.

After Niehaus and Lourens descended to the cells, a friend told of the Niehaus family's inability to accept that the path their son had chosen was of his own making.

"His mother needs to believe that he was led astray and cannot accept his stand.

in mitigation after he was found guilty of high treason.

In that capacity he spoke clearly and articulately about the events that had led him to further the aims of the banned African National Congress.

He said he had involved himself wth the ANC "after a lot of turmoil in my soul".

He explained that the violence in South African was of a structural nature and that the ANC had only embarked on a violent campaign after many years of "trying to

"She was never able to accept his lifestyle and thought that his living with Jansie in a commune was a sin against God."

The friend commented that the judge had said Mrs Niehaus was an exemplary mother "and I think she loves him very much and that she tried to be a good parent.

"Carl's friends filled the gap created by his family's inability to understand his ideals.

"I think this must have hurt his parents very much, but he cared so much about them and really wanted them to see his point of view," the friend said.

Mr Justice Myburgh described Niehaus as a "young



● Catherine Hunter — held

immature man, full of his own bravado" and Lourens as "a timid little girl".

The judge said he had had to think of a sentence that would rehabilitate Niehaus but that "would not break him forever".

He also sentenced Niehaus to a further two concurrent sentences of three years each on charges under the Internal Security Act and the Terrorism Act, to run concurrently with the 15-year sentence.

The scene in the court was the climax of three weeks of emotion-charged hearings, packed with surprises.

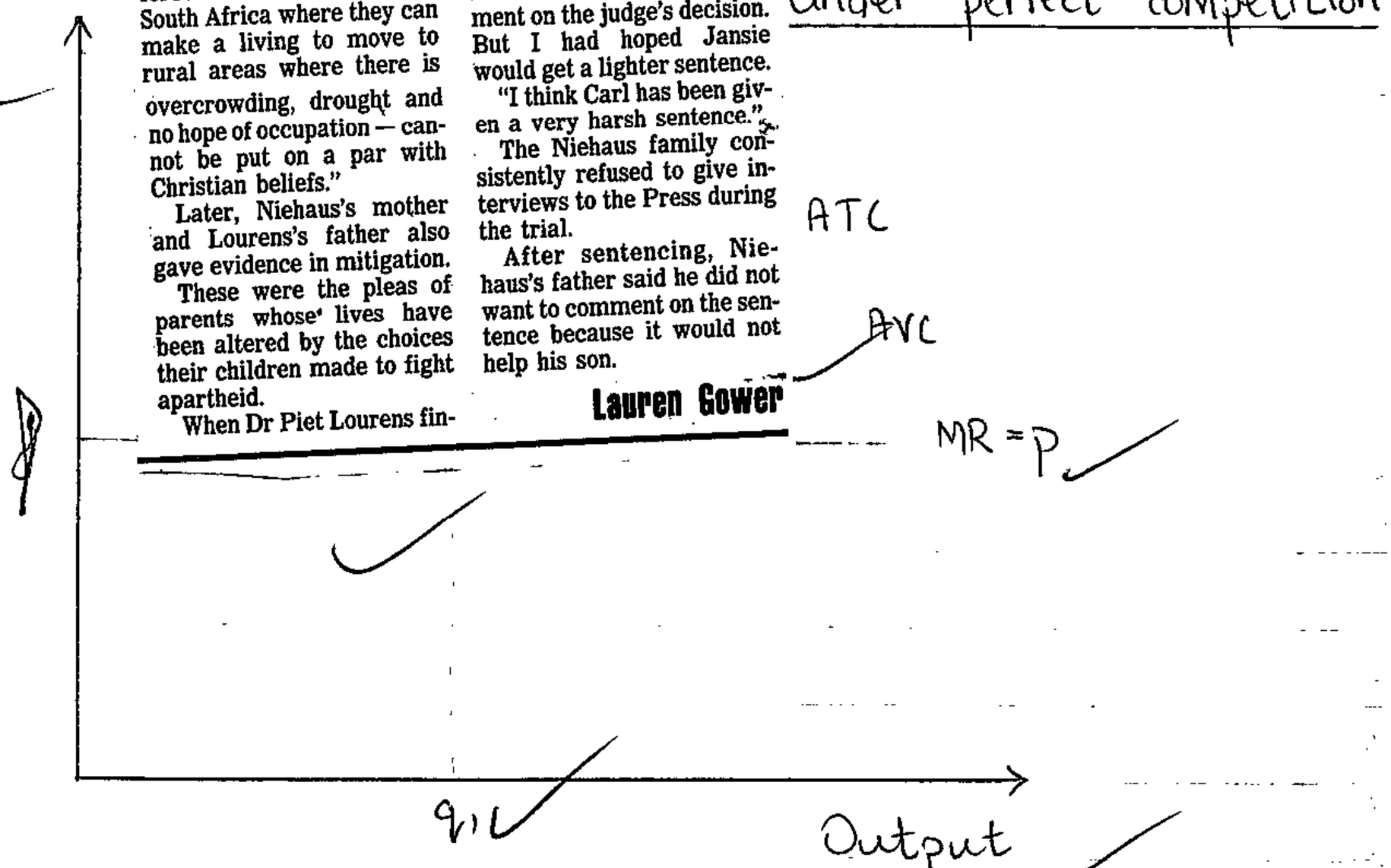
The first had been when Warrant Officer Whitecross took the stand to identify himself as a security policeman.

A second was when Niehaus himself entered the witness box to give evidence

## Question 3.b.ii

In perfect compe… firm will always produce the out… e marginal revenue (MR) = mar… (MC). Under perfect competition … revenue is equal to … the firm would … put whose price is equal to … as long as the price … than the average variable …

under perfect competition




The firm operating under perfect competition will produce output $q_1$. At this output MC = P.

A monopolist would also produce the output where marginal revenue equals marginal cost. Whereas under perfect competition marginal revenue equals price, for a monopolist this is not so. The output under monopoly is where MR = MC


ovember 27, 1983 28

ished his testimony, which included a written statement about "an assault of a very sensitive nature" which had happened to his daughter in March this year, he walked over to Jansie, grasped her hands and kissed her.

After sentence the two mothers were distraught. Mrs Lourens broke down and wept. She was consoled by Mrs Lucienne Hunter, mother of Miss Catherine Hunter, who had been detained with Niehaus and Lourens.

While friends, among them veteran human rights activist and treason trialist, Mrs Helen Joseph, consoled the parents, there were looks of triumph and back-slapping among the 30-odd security policemen and women who attended the sentencing.

Dr Lourens, who gave stirring, love-filled testimony in mitigation for his daughter, said: "It is not for me to comment on the judge's decision. But I had hoped Jansie would get a lighter sentence.

"I think Carl has been given a very harsh sentence."

The Niehaus family consistently refused to give interviews to the Press during the trial.

After sentencing, Niehaus's father said he did not want to comment on the sentence because it would not help his son.

**Lauren Gower**

…ing about change with non-violence".

This, he said, had been unsuccessful and had been quelled by means of repression.

"The present political system in South Africa — including pass raids, influx control, the tragedy of migrant labour resulting in families being divided, the tragedy of the bantustan policy in which people are forced to leave areas in South Africa where they can make a living to move to rural areas where there is overcrowding, drought and no hope of occupation — cannot be put on a par with Christian beliefs."

Later, Niehaus's mother and Lourens's father also gave evidence in mitigation.

These were the pleas of parents whose lives have been altered by the choices their children made to fight apartheid.

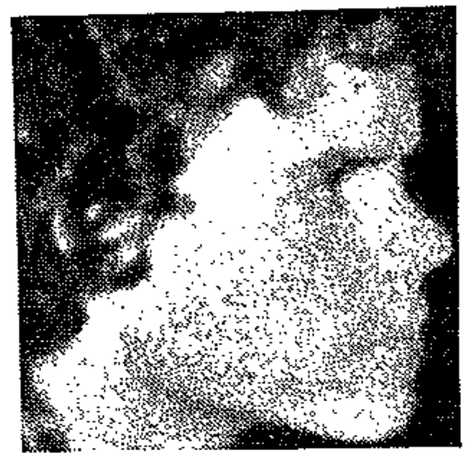
When Dr Piet Lourens fin-

ESS November … …ocence …uilty

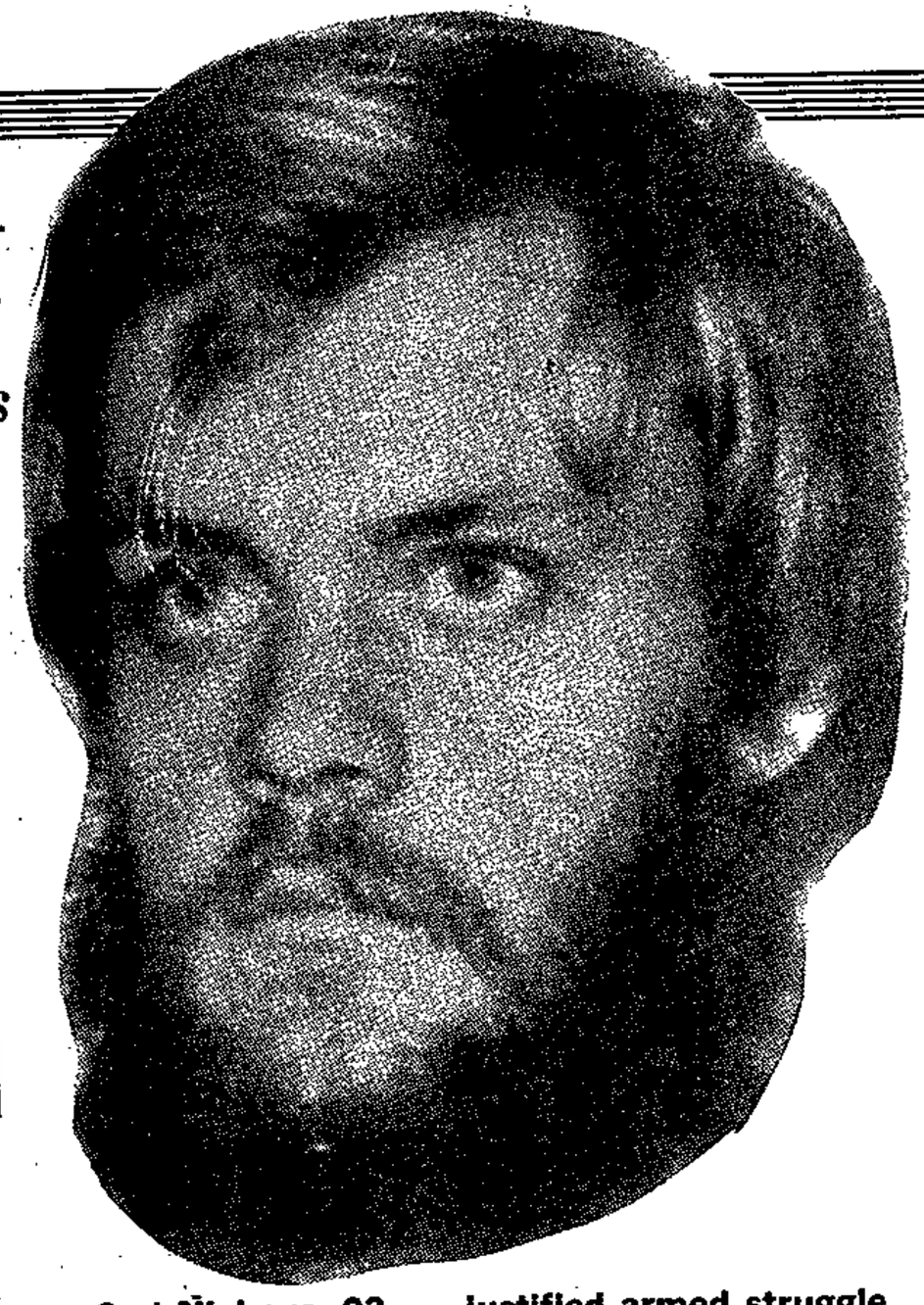
*Both are Afrikaans-speaking. Both are from middle-class, white families. Both were born into privilege. Both were inducted into an Afrikaans church and social milieu. Yet both came to identify themselves with the banned African National Congress . . .*

# YOUNG PEOPLE IN A DEADLY DIVIDE

**BRUCE LOUDON reports on the climax of the Niehaus treason trial**



JANSIE LOURENS



Carl Niehaus, 23 . . . justified armed struggle

THE small, bearded man in the grey business suit gives a clenched fist salute and roars the revolutionary cry, "Amandla" ("Power").

Back from the packed public gallery of court 2F at the Rand Supreme Court comes the response "Awetu" ("Is Ours").

In what feels like a split second, Carl Niehaus, 23, convicted of treason, is gone from the great, wooden dock where he has sat throughout his trial.

Behind him, with a shy smile, goes his pretty fiance and companion in what the State sees as treachery, Johanna (Jansie) Lourens, also 23.

Their footsteps echo eerily down the stark stone steps that lead to the cells deep beneath the court . . . down to begin serving, in his case, a sentence of 15 years' imprisonment, and, in her case, four.

Justice has been done. Unusually, the red-robed Mr Justice Myburgh has spent more than an hour quietly explaining in open court his thinking behind the sentences.

His court is packed. Everyone listens with rapt attention.

## Loathing

Then he is gone, and the two young people are gone, and what remains is a curiously emotive, hugely meaningful scene:

In the gallery, are those who so eagerly joined in the cry of "Awetu" — mostly young, mostly long-haired, mostly white, mostly students, mostly, in the case of the women, in garish Jaipur print skirts; and, in the case of the men, obviously uncomfortable in ties and jackets.

But not everyone in the court is like that: there are 30, maybe 40, Security Branchmen and other State employees. They, too, are mostly young.

But they're vastly different. They wear neat, three-piece suits with white shirts, sober ties and polished leather shoes. Their hair is short.

The two "sides" glower at each other with mutual loathing — the ragtag "gallery people", their sympathy overwhelmingly for Niehaus and Lourens, against what they see as the "apparatus of the State".

"Don't worry, Carl, Jansie and you will be out before long," says one weeping young girl to no one in particular. "Things won't stay the way they are."

Exclaims another, angrily: "Today's traitors are tomorrow's heroes."

A broad-shouldered security man looks on contemptuously.

"Go home and wash and cry there," he huffs, just audibly. "You're all a joke."

Between these two positions, one senses something of a South African tragedy.

## Tears

For suddenly, as the two "sides" mill about the panelled courtroom and outside in the corridor, rubbing hostile shoulder with hostile shoulder, there seems to be a microcosm of the great divide that exists between those who govern, and those who would sympathise with the violent views expressed by Niehaus.

Normally, the divide does not intrude. But on the floodtide of emotions following sentence, it is suddenly omnipresent.

Judge Myburgh, before delivering sentence, speaks of Niehaus's "bravado."

He expresses the view that Lourens was heavily influenced by him.

It is clear that even by the unusual standards set by treason trials, their case is exceptional: both are Afrikaans-speaking.

Both are from middle-class, white families. Both were born into privilege. Both were inducted into an Afrikaans church and social milieu.

Yet both came to identify themselves with the banned African National Congress (ANC).

And Niehaus, a Christian and NGK deacon, was able to stand before Judge Myburgh and justify the armed struggle designed to overthrow white rule.

In the courtroom, Jansie's mother weeps uncontrollably, her husband, choking back tears, embracing her. Friends crowd around to console them.

The "pro-Niehaus" people all carry bunches of yellow chrysanthemums. The little flowers suddenly become political symbols.

Niehaus's family looks stunned. They're loyal to him, but apparently feel little for his political views.

Judge Myburgh admonishes both Niehaus and Lourens for the pain that he says they have caused their parents.

But, even after sentence is imposed, both look unrepentant.

The same defiance that characterised Niehaus's earlier appearance in the witness box is apparent as, nuzzling close to Lourens, he stands listening to Judge Myburgh.

If it was necessary to kill the Prime Minister to end apartheid, then so be it, he had said earlier.

Niehaus leaves defiantly — just as he was defiant throughout the two-week trial.

When he is brought up from the cells for sentence, he appears excited. The gallery stands to acknowledge him.

"How're things in Alex?" he calls out cheerily to someone.

"I'm truly proud of you, Carl," whispers an elderly and long-serving political militant.

Judge Myburgh is at pains to point out that for the crimes against the State for which Niehaus and Lourens have been convicted, they could be sentenced to death.

But such a sentence, he explains, could be imposed only if, in Niehaus's case, the court considered him to be "unrehabilitable".

The judge says he believes that, in time, Niehaus will change.

Fifteen years ... a long time. But even if he serves his full term, Niehaus will be only 38 when he comes out.

That great divide between the "gallery people" and the State officials intrudes again.

There is the impeccable background of the young couple.

And no observer caught up in the events in Court 2F can fail to wonder how many more Niehauses may still pass through our courts ... and ponder what the South Africa to which Carl Niehaus returns will be like.

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## Cry of 'Amandla' from treason trialist Niehaus

# Defiant deacon jailed



VIGIL: Niehaus in April keeping night vigil with Kliptown squatters at the Chicken Farm. On his right is the Rev Cecil Begbie of the Witwatersrand Council of Churches.

**OWN CORRESPONDENT**

IN a packed courtroom, the air heavily scented with the mass of yellow chrysanthemums brought in by well-wishers, Carl Niehaus raised a clenched fist and shouted: "Amandla".

Then the 23-year-old church deacon quickly gathered his crude bouquets and rushed to the cells below.

It would be the last time the clear voice that cut the stunned silence will be publicly heard for 15 years.

Convicted of high treason for his involvement in African National Congress activities, Niehaus was described as an "intelligent, sophisticated" person who had been singled out as a leader for his eloquence.

"Your good Christian upbringing has come to nothing," said Rand Supreme Court judge, Mr Justice A P Myburgh, in passing sentence on Niehaus this week.

Niehaus was sentenced to a further three years on a charge of being a member of the ANC. The sentences are to run concurrently.

His fiancee, Jansie Lourens, was sentenced to four years. After Barbara Hogan, she is the second woman in South Africa to be convicted of high treason.

The couple, who entered the courtroom to numerous greetings from friends were inundated with flowers. They exchanged whispers with supporters who demonstrated their sympathy with the ANC by wearing yellow flowers.

Apparently unperturbed by the impending proceedings which were to determine his fate, Niehaus chatted to friends and clasped hands with veteran political activist Helen Joseph.

Smiling, he gave a thumbs up sign shortly before the judge entered.

In contrast to his confidence, Lourens — described by the judge as a "timid little girl" — was smiling but subdued.

The pair were to have been married in August; but they were together for the last time for many years as they were swept away at high speed in the back of a police car after judgement.

The judge said he agreed with Niehaus that violence in South Africa was escalating to a stage where it could no longer be called terrorism but "civil war".

"Such attacks transform latent hostility into open mass confrontation and convince the struggling people that victory is certain," he said.

Niehaus was convicted and sentenced for:

- Writing, duplicating and distributing ANC pamphlets;
- placing a pamphlet bomb outside the SADF offices in the Carlton Centre;
- helping people to escape to Botswana where they were trained as ANC fighters;
- trying to recruit members for the ANC;
- taking photographs of the Johannesburg gas works which was to be identified as an ANC target.

Referring to Lourens, the judge said he had gained the impression that she was considerably influenced by her fiance, but one could not put too much emphasis on this influence as she was an "intelligent girl, with her own thoughts".

He said it had come as a shock to him to learn after she had been convicted that she had been Niehaus' only courier between himself and the ANC.

Further, he had been unaware that she had actually been the driver of the car that took Niehaus to the Carlton Centre when he planted the pamphlet bomb.

At the time of sentence he had also been unaware that the "friend" she had stayed with in Botswana had proved to be Niehaus' contact with the ANC.

Lourens was found to be actively involved in the ANC, helping with post and learning the code used to transmit messages.

The couple showed no reaction to their sentences; as they left the courtroom the traditional reply of "Zgawethu" came from spectators in response to Niehaus' cry of "Amandla".

As the large multi-racial crowd dispersed there were many who could not contain their emotions; friends left in tears or offered sympathy to the convicted couple's weeping mothers.

Her head bent over the back of the dock bench where her daughter had just been sentenced to four years, Mrs Anna Lourens wept bitterly.

Niehaus' mother, her body wracked with sobs, was helped from court by her husband and a nursing sister.

Meanwhile, among a crowd of security police there was much hand shaking and back-slapping.

The court "vultures", too, had their own judgement to pass.

"Maybe he will learn to become a better Christian in jail," said one woman.



LEAVING COURT: Mrs Helen Joseph, a veteran politician, leaving the Rand Supreme Court. Next to her is Mr Aubrey Mokoena, an executive member of the United Democratic Front.

# Songs as ~~150~~ 331 workers ~~1810~~ ~~1104~~ freed

20M 28/11/83

By Mail Reporter

WORKERS at the Kew factory of Barlows Manufacturing burst into song when they learnt on Friday that nine of their fellow workers had been acquitted on charges of assault and public violence.

The Metal and Allied Workers' Union said in a statement issued yesterday that it hailed the workers' acquittal as a "vindication of the union and the members' belief in the innocence of those charged".

Charges were laid in June after a work stoppage at the factory. Twelve workers were arrested but charges against three were later dropped.

All 12 were dismissed by Barlows — with another worker — on the grounds there was enough evidence against them, said the statement.

MAWU claimed the workers' evidence was never heard and charged the company with an unfair labour practice and applied for a reinstatement order.

The Industrial Court turned down a request by Barlows Manufacturing to refer the matter to the Appeal Court.

"After protracted negotiations the company last week agreed to pay wages to the 13 workers for the period from their dismissal until January, with a possible extention until the case is heard in the Industrial Court," said the statement.

Following the workers' acquittal, their fellow workers at the Kew factory have indicated they will ask management to reinstate the men as soon as possible.

# Azasm organiser in court

Mr Pule Monama, the national organiser of the Azanian Students' Movement (Azasm), yesterday appeared before a Johannesburg Regional Court magistrate on allegations of possession of banned and undesirable literature.

Mr Monama (28) was not asked to plead and no evidence was led.

The magistrate, Mr J J F Booyens, fixed bail at R750 and postponed the case until December 25.

Mr Monama's appearance followed a Security Police raid on his home in Soweto last week.

# Six students in court

ZWELITSHA — Six students appeared in the Zwelitsha magistrate's court yesterday charged with intimidation.

They are Mr Mcebisi Bata, 19, Mr Luntu Bobo, 19, Mr Andile Sishuba, 20, Mr Zamile Mtama, 19, Mr Malinga Gqeba, 18 and Mr Bonginkosi Mgabadeli, 21.

The accused were not asked to plead and no evidence was led.

Mr Sishuba and Mr Mgabedeli were remanded in custody on instruction of the Ciskei Attorney-General, Mr W. F. Jurgens. The others are out on warning.

The case was postponed to December 12. — SAPA.

# 97 Mbekweni residents fined

Cape Times 29/11/85

**Staff Reporter**

A PAARL magistrate yesterday found 97 Mbekweni residents guilty of failing to disperse on a police officer's orders outside the Paarl offices of the Western Cape Administration Board (WCAB) on September 1.

The residents, who were amoung a group of 171 arrested by police outside the WCAB offices, were fined R30 (or 30 days) with the exception of two youths, who were sentenced to four cuts each. The magistrate, Mr A J F Louw, also issued a warrant for the arrest of a resident who failed to appear.

At previous hearings, the 171 residents pleaded not guilty to constituting an illegal gathering and failing to disperse on a police officer's orders.

The other 73 are being tried separately and will appear again on December 13.

Mr G Badenhorst appeared for the State. Mr R Siegers appeared for 27 residents, Mr T du Bruin for 34 and Mr P Sonn for 35.

AKGWS 29/11/83

# Security Act ~~charge~~ 331. against SA journalist

**Argus Correspondent**

JOHANNESBURG. — Whether reports by correspondents in South Africa published abroad are subject to provisions of the Internal Security and Police Acts has been the subject of representation to higher authority, a Johannesburg magistrate heard today.

Mr Sydney Kentridge SC told the magistrate these representations were being discussed by higher authorities and counsel for Mr Allister Sparks, former editor of the Rand Daily Mail, who is charged in terms of the Internal Security and Police Acts.

**BANNED PERSON**

Mr Sparks, of Driefontein Road, Rivonia, appeared today at what was to be the beginning of a three day trial.

It is alleged that Mr Sparks, as correspondent for The Observer, quoted a banned person, Mrs Winnie Mandela, and the American Congressional Lobby which described the existence of a Security Police assassination squad, in reports which he sent and were published overseas.

The magistrate set the trial down for April 25 to April 30.

# PE man in jail for 3 years freed by A-G

E. Post 331 29/11/83

**Court Reporter**

A PORT ELIZABETH man who has been in jail for more than three years while on trial under the old Terrorism Act of 1967 had proceedings against him in a Port Elizabeth Regional Court today stopped by instruction of the Attorney-General for humanitarian reasons.

Mr Themba Samuel Mtselu pleaded not guilty to leaving the country in July, 1980, to undergo military training. He was arrested in Bophuthatswana on July 30, 1980.

The magistrate, Mr A W Meiring, said the court had been disturbed by the length of time Mr Mtselu was held.

"The Attorney-General has decided to stop the proceedings for humanitarian reasons in what I feel is a very fair decision," Mr Meiring said.

He told Mr Mtselu he was free to go.

Mr Mtselu was sent to Komani Hospital, Queenstown, for observation in March, 1981, where it was found that he was fit to stand trial.

But when the case resumed in September, 1981, the court decided on evidence heard that Mr Mtselu should become a State President's patient.

Mr Mtselu's defence appealed against the decision and the appeal was only heard in May this year. The appeal was upheld and it was ordered that the trial continue.

But representation was made to the Attorney-General to stop the proceedings by Mr Mtselu's defence yesterday.

"This representation was fruitful," said Mr N T K Moerane, Mr Mtselu's advocate, today.

Mr A W Meiring was on the Bench. Mr H S Goosen appeared for the State. Mr M T K Moerane (instructed by Mr S Nkanunu) appeared for the defence.

# Sparks trial postponed

CAPE TIMES 30/11/83

331

**Own Correspondent**

JOHANNESBURG. — A large crowd gathered in the Johannesburg Magistrate's Court yesterday to hear the case against Allister Sparks, a foreign correspondent and former editor of the Rand Daily Mail, be postponed to allow for "further negotiations with higher authorities".

As the trial opened, Mr Sydney Kentridge, SC, appearing for Mr Sparks, rose to say that because the case involved an important principle, "certain discussions with higher authorities" had been taking place.

The principle involved was whether correspondents writing in South Africa for publications abroad were subject to the provisions of the Internal Security and Police Acts under which Mr Sparks had been charged.

The magistrate, Mr A le Grange, postponed the case till April 25 and set aside five days for the trial.

Mr Sparks is facing charges under Section 11(g) of the Internal Security Act with quoting a banned person, Mrs Winnie Mandela, in four separate reports in The Observer and the NRC Handelsblad.

He is also charged under Section 27b(i) of the Police Act with publishing alleged untruths in The Observer.

According to the charge sheet, this involved a report that a Washington lobby group claimed that the security police had formed an assassination squad aimed at ANC leaders.

Mr Kentridge is assisted by Mr Brian Doctor and instructed by Mr Raymond Tucker.

# Man freed after 3 years' detention

CAPE TIMES 30/11/83 (331)

Own Correspondent

PORT ELIZABETH. — A Kwazakele man held under the old Terrorism Act was acquitted by the Port Elizabeth Regional Court yesterday.

Proceedings against Mr Themba Samuel Mtselu, who was arrested in Bophuthatswana in July 1980 and subsequently detained for three years, were stopped "for humanitarian reasons" on instruction from the Attorney-General.

It had been alleged that Mr Mtselu had left the country to undergo military training. He pleaded not guilty and was found not guilty and acquitted by the magistrate, Mr A W Meiring.

In March 1981 he was admitted to a Queenstown hospital for observation and was found fit to stand trial.

However, on the basis of psychiatric evidence led after the trial resumed, Mr Mtselu was declared a State President's patient.

A successful appeal against this decision was heard in May this year, and the trial ordered to continue.

When the trial resumed yesterday the prosecutor, Mr H S Goosen, read a notice from the Attorney-General instructing the court to stop the proceedings which were being conducted under the old 1967 Terrorism Act.

The magistrate, Mr Meiring, said that the court had been disturbed by the accused's long period of detention and agreed that the Attorney-General's instruction was "valid".

Mr Mtselu's defence advocate, Mr M T K Moerane, said he had made the representation to the Attorney-General on Monday.

30/11/13
Sowetan
334

# Journalist charged

**A CISKEI freelance journalist and another man appeared briefly in the Zwelitsha Magistrate's Court yesterday charged under the National Security Act.**

Mr Stanley Kaba, 52, and Mr Nelson Dazela 32, were detained three weeks ago by Ciskei security police and held under Section 26 of the Ciskei National Security Act.

The two men were not asked to plead and no evidence was led. Their case was postponed to December 13. Both men were remanded in custody.

# Large crowd at Sparks trial

By ANTON HARBER
Political Reporter

A LARGE crowd gathered in the Johannesburg Magistrate's Court yesterday to hear the case against Mr Allister Sparks, a foreign correspondent and former Editor of the Rand Daily Mail, postponed to allow for "further negotiations with higher authorities".

As the trial opened, Mr Sydney Kentridge, SC, appearing for Mr Sparks, rose to say that because the case involved an important principle "certain discussions with higher authorities" had been taking place.

The principle involved was whether correspondents writing in South Africa for publications abroad were subject to the provisions of the Internal Security and Police Acts under which Mr Sparks had been charged.

Mr Kentridge said these discussions had not yet been completed.

The magistrate, Mr A le Grange, postponed the case to April 25 and set aside five days for the trial.

Mr Sparks is facing charges under Section 11(g) of the Internal Security Act for quoting a banned person, Mrs Winnie Mandela, in four separate reports in the Observer and the NRC Handelsblad.

He is also charged under Section 27b(i) of the Police Act for publishing alleged untruths in the Observer.

According to the charge sheet, this involved a report that a Washington lobby group had claimed that the Security Police had formed a special assassination squad aimed at ANC leaders.

The crowd in court yesterday included Mr Boisfeuillet Jones, a vice-president of the Washington Post newspaper, which now employs Mr Sparks.

Also present was Mr Joel Mervis, former Editor of the Sunday Times and an official of the International Press Institute, and numerous foreign correspondents.

A telex operator, Mr S J Esterhuizen, was warned to appear as a State witness.

Mr Kentridge is assisted by Mr Brian Doctor and instructed by Mr Raymond Tucker.

CAPE Times 1/12/83

331

# Detainee sent to mental hospital

Own Correspondent

PORT ELIZABETH. — A young Ciskeian detainee has been committed to a psychiatric hospital a month after his mother failed to secure a Ciskeian Supreme Court interdict to restrain the police from unlawfully interrogating him or impairing his mental or physical health.

Attorneys acting for the youth's mother noted, as as a matter of urgency, an appeal against Mr Justice Pickard's refusal to grant her application, which was accompanied by affidavits alleging that her son had been assaulted after his arrest.

The judge gave as one reason for his decision the danger of the Ciskeian Supreme Court being inundated with similar urgent applications, brought on the false premise that all security police detainees were assaulted.

## Schizophrenic

The attorneys were told that the appeal could not be heard before next year, the soonest a full Ciskeian Supreme Court bench could be instituted.

Meanwhile, 19-year-old Daluxolo Gasa has been diagnosed a schizophrenic and committed to Tower Psychiatric Hospital in Fort Beaufort.

His mother, Mrs Busisiwe Gasa, insists he was "quite normal" before he was detained.

Interviewed at her home in Zwelitsha, she described her son as a withdrawn, sensitive person. He matriculated with a distinction in mathematics last year, and had hoped to register for a pharmacy degree in February.

Mrs Gasa confirmed Daluxolo's involvement with the Council of South African Students, believed to be a reason for his arrest on September 29.

Two friends arrested with Daluxolo, but released the same day, claim in affidavits that they saw a man slap Daluxolo's face at the Zwelitsha security police offices.

They said they later heard him screaming for about 10 minutes in a room nextdoor.

According to the affidavits, the screams "became weaker as they continued" and were accompanied by the "sound of a struggle".

The Supreme Court application, brought the day after Daluxolo's arrest, sought a rule nisi calling on Ciskei's Minister of Justice and Commissioner of Police to show why an order should not be made restraining the police from harming him.

## Interview

Alternatively, Mrs Gasa applied unsuccessfully for the appointment of a magistrate to interview her son about the conditions of his detention, and for a medical report from the district surgeon.

About a month after his arrest, the police instructed Mrs Gasa to go to the surgery of the Zwelitsha district surgeon, Dr G M Peer, in King William's Town.

"The mental image of what my son looked like will never leave me because it shocked me so," she said.

"He was mad, a zombie. He was also filthy, riddled with lice and had lost a lot of weight.

"He couldn't walk, so I carried him on my back from the police van to the surgery, but Dr Peer wasn't there. One of the policemen told me my son was pretending to be mad because he didn't want to go back to the cells in Dimbaza."

Later that day, Dr Peer and a Ciskeian Government hospital doctor certified Daluxolo.

"His committal came as such a relief," said Mrs Gasa. "I would have feared for his life otherwise."

She said policemen had told her at Dr Peer's surgery that her son displayed signs of abnormality three days after he was detained.

"They said he shouted and cried in his cell, lost control of his bowels, became violent and had not eaten for the last four days."

Mrs Gasa said Daluxolo had a record of epilepsy as a young child, but had completely responded to medication.

Dr Peer confirmed that he had prescribed pills for Daluxolo's condition, but could not say whether the prison authorities had administered them.

Dr Peer said he had visited Daluxulo in his cell.

## 'Throttled'

"Initially he was well-oriented, then he started behaving strangely and I recommmended he be sent to a mental hospital. This was done within a week. The delay was because police were trying to contact the parents. They can't be blamed for that."

Interviewed at Tower Psychiatric Hospital, Daluxolo said he remembered screaming as he was "throttled, kicked and punched all over the body" soon after his arrest. He could not recall events after that.

The head of security police in Ciskei, Colonel Z Makuzeni, and the Commissioner of Police, Brigadier L B Madolo, could not be reached for comment yesterday.

# Nun had to strip naked

2/12/83 331 Sowetan

By NKOPANE MAKOBANE

**A ROMAN Catholic nun was made to strip naked by a Security policewoman when police came to search her place of residence for banned publications, a court heard yesterday.**

Sister Mary Bernard Ncube (48) of St Mary's Convent in Kagiso, was testifying at her trial in which she is charged with illegal possession of two banned publications.

She pleaded not guilty before Mr I J J Luther in the Johannesburg Regional Court to allegations of possessing an excerpt from the African National Congress (ANC) publication "Sechaba", and a banned National Union of South African Students (Nusas) publication titled "Total War in South Africa."

Sister Ncube told the court that she was employed by the South African Catholic Bishops Conference as a field worker.

Her country-wide work required her to make research in economic, political, social and religious spheres within the country. She obtained material for her analysis work from various resource centres.

On March 4 this year, Security Police arrived at the convent at about 3 am and she refused to let them in, as it was too early. At about 6 am, three policemen and a policewoman arrived with a search warrant.

The policewoman then took her to her room where she conducted a body search after ordering her to undress. In the meantime the policemen searched the communal room.

The court heard that a publication, "Let us Rise to the Occasion," by Oliver Tambo, president of the ANC, had been received by her through the post from an anonymous source.

As for the seven copies of the Nusas publication, she had obtained these at the workshop of the Witwatersrand University to discuss militarisation. The copies had been openly lying around and were freely picked up by those attending.

Questioned by Mr G Phiart for the State, Sister Ncube said the situation in South Africa had to change according to Christian values.

In argument Mr Phiart said Sister Ncube had admitted knowledge of the banned ANC when she received the excerpt of Mr Tambo's speech. A person of her knowledge would have known that the document was distributed on behalf of the ANC.

He also said that, although he did not ask for her conviction on the Nusas publication, Sister Ncube had told the court a blatant lie that she had not read the copy but its summary, and later put it away with other books.

Mr D Kuny, SC, defending said his client should be acquitted on the main count of possessing an excerpt from "Sechaba". The document had been sent to her by an anonymous person and she had read it and thereafter had nothing to do with it.

He also submitted that although the document was a well-documented article, it was such that one may not presume it can be prohibited. It should also be considered whether she had the mental element of possession when it was found.

As for the Nusas publication, he submitted that the State had failed to prove she possessed the copy with the knowledge it was banned. He argued that this count did not warrant a conviction because there had been no proof that she was negligent in possessing it.

Judgment will be given next Thursday.

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# Police ordered nun to strip — claim

JOHANNESBURG — A nun was ordered to strip naked by a policewoman searching for banned publications, a Johannesburg Regional Court magistrate was told yesterday.

Sister Mary Benard Ncube, 48, of Saint Mary's Convent, Kagiso, in Krugersdorp, pleaded not guilty before Mr I J Luther on charges of possession of banned publications on March 4.

The State alleges she was found in possession of the banned publications "Total War in South Afirca" and "Sechaba". It was also alleged that she possessed a photostat copy of a speech made by Oliver Tambo, president of the African National Congress, which was earlier published in "Sechaba".

Sister Ncube told the court she worked for the South Africa Bishop's Conference as a field worker at a national level. She said her duty included making an analysis of the the political, economic, social and religous situation in South Africa.

She said police knocked at the convent door about 3am on March 4 and she told them she would not open the door at that time of the morning.

Three policemen and a policewoman then arrived about 6am.

She said the policewoman took her into a room where she ordered her to strip naked, which she did.

She said the police later searched a communal hall and found documents she had placed on the shelf of a radio. She did not know some of the publications were banned, she said.

Sister Ncube said the publication "Let Us Rise to the Occasion", posted to her by an unknown person, was also found during the search.

She said she possessed seven copies of "Total War in South Africa" after getting them at a seminar where they were freely available.

The trial will resume on December 8.

Bail of R300 was extended.

— Sapa

# Shots at Pityi home: 3 charged

BISHO — Three Ciskei men are to appear in court on February 13 in connection with the shooting incident at the home of the Minister of Foreign Affairs, Mr Ntandazo Pityi, in July.



Corporal Khambashe Sebe, son of the detained former Commander-in-Chief of Ciskei State Security, Lieutenant-General Charles Sebe, Lieutenant Mbulelo Xaba, son of the Vice-President, the Reverend W. M. Xaba, and a Major Mlotana of the disbanded Ciskei Central Intelligence Services will face charges under the National Security Act, the Director-General for Justice, Mr D. M. Jali, announced yesterday.

Both Corporal Sebe and Lt Xaba were members of Ciskei's anti-terror squad, Ikrele Lesizwe (Sword of the Nation).

The three men were arrested in July shortly after shots were fired at Mr Pityi's official residence. — DDR.

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and then handed him a a toe and told him to put it in the bag too.

One of the men then cut off the dead woman's breasts and added them to the plastic bag. Her stomach was then cut open and they removed her liver.

She said when they had finished cutting up the body they put it in a plastic bag and buried it. Ms Ntobela then "took the head myself and placed it in the toilet where I was employed."

The next day, they decided to throw the human parts away "because they were smelling" – except for a finger and the private parts "because Mr Mbutho said he wanted to wear a strap around his wrist . . . a strap of the human parts."

Ms Ntombela said she wanted to "get fat from the deceased's body" so she put the human parts on a tin lid and heated them.

"The parts were burnt, and shrunk into a small piece. There were no ashes and we placed the small left-over piece on top of the toilet."

The case was postponed to January 5.

City Press 4/12/83

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## EX-ANC MAN IN CISKEI COURT

By BENITO PHILLIPS

FREELANCE journalist and former ANC Robben Isalnd prisoner, Mr Stanley Bob Kaba, 52, and Mr Mthetheleli Nelson Dazela, 32, appeared briefly in court at Zwelitsha charged under Ciskei's National Security Act.

They are charged with encouraging people to undergo military training and attempting to commit an act of violence.

# DETAINEE FREE AFTER 3 YRS

By KOOS COETZEE

ZAKHELE was held old Ter- for three acquitted the Port Regional instruc- the At- al to roceedings "for hu- reasons". mba Sam- , in his , was de- July 1980 ntatswana, declared a dent's pa- his de- alleged that country military Mr Mtselu ted to a

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Queenstown hospital in March 1981 for observation and declared fit to stand trail.

But on the basis of evidence led during the trial, he was declared a State President's patient.

His advocate, Mr M T K Moerane, appealed against the decision and the trial was ordered to continue. When the trial resumed this week the prosecutor read out a statement form the Attorney-Genenral instructing the court to stop preceedings.

The magistrate said the court had been disturbed by the accused's long period of detention and the Attorney-General's instruction was the "valid thing to do".

● Meanwhile a 19-year-old Ciskeian detainee, Mr Daluxolo Gasa, has been diagnosed schizophrenic and is an inmate of a psychiatric hospital in Fort Beaufort.

Mr Gasa is a member of the Congress of South African Students.

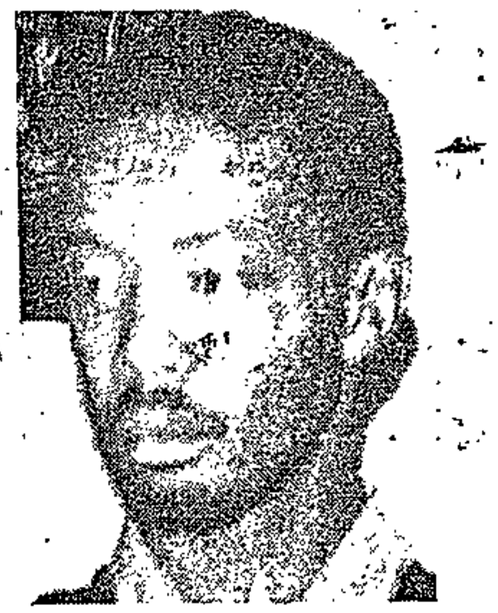
According to his mother, Mrs Busisiwe Gasa, he was "quite normal" before he was detained but when she first saw him at the hospital "he was a zombie. He was also filthy."

She failed to secure a Ciskeian Supreme Court interdict to restrain the police from unlawfully interrogating him or imparing his metal and physical health because, according to Mr Justice Pickard, the Supreme Court could be inundated with similar urgent applications brought on the false premise that all Security Police detainees were assaulted.

## MOHLAKENG SOCIALITE FOUND MURDERED

MOHLAKENG socialite Nicholas "Bizza" Rapesioa was found lying dead in a pool of blood after being murdered last Sunday.

His fiancee, Ms Shiela Buthelezi, one of the last people to have seen him alive, said Bizza came to see her late that night and dashed off because he had "a serious matter to attend to".



● "BIZZA" RAPESIOA murdered

A distraught Ms Buthelezi, Natalspruit Hospital dental therapist, said her fiancee "gave me a kiss and bade me goodnight – little did I know I was seeing him for the last time".

# Ruling awaited in UDF case

Cape Times 3
7/12/82
331

Staff Reporter

THE case against 14 members of the United Democratic Front (UDF) alleged to have convened or attended an illegal gathering at Athlone was postponed in the Wynberg Magistrate's Court yesterday pending a decision by the Attorney-General.

The State alleges that on October 29 at Athlone the 14 contravened section 57 (1) (a) of Act 74 of 1982 which states: "Any person who after the prohibition of a gathering convenes it or encourages, promotes or by means of threats causes it to be attended, or presides there or addresses it shall be guilty of an offence."

The prosecutor, Mr A J Basson, informed the court that the purpose of the postponement was to establish whether the Attorney-General would fix an admission of guilt fine.

The 14 are:

Jonathan Shapiro, 25, of Rondebosch, Amanda Wood, 21, of Muizenberg, Peta Mees, 19, Newlands, Joseph John Marks, 20, Brendaline Marks, 19, Andhor Marks, 18, all three of Retreat, Patrick Solomons, 22, of Lavender Hill, Zain Davids, 24, Retreat, Mervin Lewin, 33, Retreat, Joseph Boysen, 18, Retreat, Ruth Lewin, 24, Retreat, Marcella Anne Naidoo, 24, Retreat, Zubeida Brey, 33, Wynberg, and Janice van Wyk, 22, Retreat.

Mr P D Theron was the magistrate. Mr M Parker appeared for the 14.

# Pebco man denies stoning buses

Court Reporter

A 24-YEAR-OLD man admitted he had attended a meeting to discuss the bus boycotts, but denied having stoned buses.

Mr Zola Makapela, 24, an executive member of the Port Elizabeth Black Civic Organisation (Pebco), who appeared in the Port Elizabeth Regional Court today, pleaded not guilty to a charge of public violence.

The State alleged that he, seven other men and three youths disrupted the bus service from July 31 to August 3 by stoning buses during the township bus boycotts. They have all pleaded not guilty.

Under cross-examination, Mr Makapela said he attended a Pebco meeting to discuss the boycotts and was asked to get people to distribute pamphlets. He did this.

When questioned by his counsel, Mr T Skweyiya, he said that several organisations had been worried about unreasonable bus fare increases and had twice voiced their concern to authorities.

They reported back to the township people at a public meeting called under the wing of Pebco.

The other accused are: Mr Zola Mtatse, 21, Mr Bonsile Mbikanye, 22, Mr Weyllyan Jawuka, 25, Mr Phindile Nkanti, 19, Mr Samuel Mapoza, 20, Mr Andile Williams, 21, Mr Zandisile Dayile, 18, two 17-year-old youths and a 16-year-old youth.

Mr Makapela said that when he was arrested he shared a police prison cell with Mr Mtatse, Mr Williams and Mr Dayile. They all said they knew nothing about the stone-throwing.

He said that Mr Mtatse was a member of the Pebco action committee for reduced bus tariffs.

Mr G Steyn, president of the Regional Court, was on the Bench. Mr H Goosen appeared for the State. Mr T Skweyiya (instructed by S Nkanunu and Co) appeared for the defence.

# Pro-ANC words on tea mug lead to conviction

331 Star 8/12/83

West Rand Bureau

A young Roodepoort diesel mechanic who engraved pro-ANC words on a tea mug was found guilty in the Krugersdorp Regional Court yesterday of an offence under the Internal Security Act.

Mr W Aucamp found Matthews Thabane Ntshiwa (23) not guilty of the main charge of taking part in the activities of the banned African National Congress.

But he found Ntshiwa guilty on the alternative charge which makes it an offence to "advocate, advise, defend or encourage the achievement of any of the objects of an unlawful organisation, or perform any other act of whatever nature which is calculated to further the achievement of any such object".

Ntshiwa claimed that another man had engraved the words in his absence.

Mr Aucamp rejected his evidence as false, and said Ntshiwa contradicted himself many times and evaded questions.

Mr N Basslian, defending, said in mitigation that his client had been in custody for more than four months and had lost his job.

The wording on the mug did not call on anyone to join the ANC or commit acts of violence. The harm had been minimal.

Ntshiwa was remanded until December 9 for sentence.

He admitted a conviction for culpable homicide, for which he had been sentenced to a suspended jail term of three years.

# ANC works case: 1 freed

Mail Reporter

AN ALLEGATION of possessing publications of the African National Congress resulted in two men appearing in the Johannesburg Regional Court yesterday.

Mr Solomon Mabitsela, 30, and Mr Sidney Oupa Malabi, 27, no addresses given, appeared before Mr J J F Booysens.

The allegation against Mr Malabi was withdrawn but Mr Mabitsela was freed on R500 bail and will appear for trial on March 21.

# 'Advocated' ANC on mug

**Own Correspondent**

JOHANNESBURG. — A factory worker was convicted yesterday under the Internal Security Act for engraving African National Congress (ANC) "propaganda" on his tea mug at work.

Matthews Thabane Ntshiwa, 23, of Mmutle Street, Dobsonville, was found guilty of advocating, advising, defending or encouraging the achievement of the objects of the banned ANC, or of objects similar to the objects of the ANC.

In the Krugersdorp Regional Court yesterday the magistrate, Mr W Aucamp, rejected Ntshiwa's evidence that another worker — Mr Arnold Sithole — had engraved the mug.

## 'Amandla'

He accepted Mr Sithole's evidence that Ntshiwa had engraved "Amandla gowethu" (sic), "Release Nelson Mandela", "Remember our leader", "Those who were trying to destroy apartheid in our land", "Umkhodo we siswe" (sic) and "P W we want our land back" on the mug.

For the defence Mr M Basslian, instructed by Priscilla Jana and Associates, argued that no evidence had been heard that Ntshiwa had participated directly or indirectly in the interests of the ANC. He added that Ntshiwa had said he did not regard the words on his mug as unlawful.

He also submitted that Mr I D de Vries, whom the State had called as an expert witness on the ANC, "fell short" of being an expert witness and was not qualified to give the evidence he had given.

## Cupboard

However, Mr Aucamp said he accepted Mr De Vries's evidence that some of the words written on the mug were meaningless in isolation but could be seen to constitute ANC propaganda if they were regarded in their context.

Mr Aucamp quoted Mr De Vries's example that if the accused had locked his mug up in a cupboard he would not have been guilty but his co-workers had seen what had been written on the mug because the accused had drunk tea from it in front of them.

"Although it was put by the defence to Mr De Vries that the words cannot be read so easily, it is also true that it is possible to read them."

In mitigation, Mr Basslian said the words on the mug did not urge anyone to join the ANC or to commit acts of violence.

He said the harm done by Ntshiwa was negligible and asked for a suspended sentence adding that Ntshiwa had already been in custody for four months.

Sentence will be passed tomorrow.

course, the ambulance medical assistants course and the senior ambulance...

# Search for girl hiker bitten by rabid dog

MARITZBURG — An urgent, nationwide search is under way for a young Australian hitch-hiker who was bitten by a rabid dog in Eshowe last week.

Miss Kim Hare, a former Rotary exchange student and now on a hitch-hiking tour of the country, was bitten by a four-month-old pet doberman during her stay with friends.

The Department of Veterinary Services in Natal has received confirmation from Onderstepoort that the puppy was rabid.

Dr Gwen Geregerson, deputy director of the State Health Department, said she was confident Miss Hare, who is in her early 20s, would be found today.

Dr Gregerson said the family of four with whom Miss Hare had stayed would be treated for the disease as they had all come into contact with the dog.

A Mandini veterinarian said the puppy belonged to neighbours of the Eshowe family.

The owners, who were away when it bit Miss Hare, noticed their pet behaving strangely when they arrived home at the weekend. — Sapa

# Blast in OFS delays trains

BLOEMFONTEIN — An explosion on the main railway line outside Bloemfontein last night derailed a goods train locomotive and two trucks and delayed services. No one was injured.

The blast at midnight hurled the train's engine, a coal tender and a truck off the rails at Hamilton Station about two kilometres south of Bloemfontein station.

Sections of the rails were ripped from the sleepers, causing a 70-minute delay in the service between Johannesburg and East London and Bloemfontein and De Aar.

The damaged line was expected to be repaired today.

The blast, exactly a year after the South African Defence Force raid on Maseru, was the fifth explosion in the Bloemfontein area in the past 11 months. — Sapa

# 'Brother was asleep during bus stoning'

331

E. Post

9/12/85

Post Reporter

A 17-YEAR-OLD youth told the Port Elizabeth Regional Court today his brother was at home on the morning he was alleged to have stoned buses.

He was testifying at the hearing of eight men and three youths charged with public violence.

They are alleged to have stoned buses between July 31 and August 1 during the Port Elizabeth township bus boycott. They have all pleaded not guilty.

The youth, a brother of one of the accused, said he and his brother were asleep in the same room. At 6am his mother woke them to get ready for school.

He did not, however, deny the possibility that his brother could have left the house at 5am while he was asleep.

Mrs H Goosen, for the State, accused the youth of trying to protect his brother and lying on his behalf.

The accused are Mr Zola Mtatse, 21, Mr Bonsile Mbikanye, 22, Mr Wellyan Jawuka, 25, Mr Zola Makapela, 24, Mr Phindile Nkanti, 19, Mr Samuel Mapoza, 20, Mr Andile Williams, 21, Mr Zandisile Dayile, 18, two 17-year-old youths and a 16-year-old.

Mr P Skweyiya (for the defence) handed a clock card and roster in as evidence that Mr Jawuka was at work at 6.32am on August 1, when he was alleged to have stoned buses.

Mr Skweyiya also made an application that the evidence of one of the 17-year-old youths, who was ill, be heard in the prison hospital on Monday.

A decision is pending.

The case will continue on Monday.

Mr G Steyn, President of the Regional Court, was on the Bench. Mr Skweyiya was instructed by S Nkanunu and Company.

# Fined for rape bid and having pornography

Post Reporter

A FORMER police reservist, Brian Arthur Morris, was yesterday fined R500 (or five months), with a further 15 months suspended for three years, for the attempted rape of a 21-year-old married woman.

Morris, 34, of Salcombe Crescent, Algoa Park, who appeared in the Port Elizabeth Regional Court, was also fined R200 (or two months) for possessing pornographic material.

He was found not guilty of possessing pornographic video tapes.

On August 16, Morris took the woman to his home where he played a video.

He asked her if it turned her on. When she said it did not, he said he would show her how "it was done". He then attempted to rape her and only stopped after she screamed.

The magistrate, Mr P J Botha, said that although there was no evidence of any serious injury to the woman and no real evidence of premeditation on Morris's part, the crime he had committed was a serious one.

He said it was important that Morris had asked for forgiveness after the attempt and had apologised to the woman. But, he said, it would have been better if Morris had been honest with the court.

Mr P J Botha was on the Bench. Mr C Meiring appeared for the State. Mr H van der Linde (instructed by Harding, Pretorius and Partners) appeared for Morris.

# Weather

FORECAST for the coastal belt from Plettenberg Bay to Port Alfred for the period ending 6pm tomorrow:

**CONDITIONS:** Cloudy to partly cloudy and mild.

**WIND:** Moderate south-westerly to south-easterly. Fresh south-westerly later tomorrow.

**EXPECTED TEMPERATURES**

| | |
|---|---|
| Maximum | 23C |
| Minimum | 18C |

**TODAY'S CONDITIONS (1pm)**

| | |
|---|---|
| Sea Temperature | 22C |
| Temperature | 22,8C |
| Pressure | 1 014,6mbar |
| Humidity | 57% |
| Wind | SW 28km/h |

**THE MOON**

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| First Quarter | December 12 |
| Full Moon | December 20 |
| Last Quarter | December 26 |
| New Moon | January 3 |

**THE SUN**

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|---|---|
| Sets today | 7.19pm |
| Rises tomorrow | 4.59am |

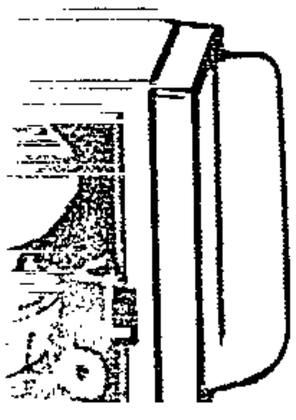
**THE TIDES**

| | | |
|---|---|---|
| **High Water** | | |
| Today | | 6.12pm |
| Tomorrow | 6.57am | 6.55pm |
| **Low Water** | | |
| Today | | — — |
| Tomorrow | 12.28am | 1.00pm |

## THE WORLD

| | Min C | Max C | Weather |
|---|---|---|---|
| London | 5 | 11 | rain |
| New York | 2 | 5 | cloudy |
| Paris | -1 | 6 | cloudy |
| Rome | -1 | 12 | clear |
| Sydney | 13 | 21 | cloudy |
| Tokyo | 6 | 14 | clear |
| Amsterdam | -3 | 4 | clear |
| Athens | 8 | 13 | cloudy |
| Berlin | -4 | 3 | cloudy |


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# Popular EL sportsman

# Paper to appear

# ANC 'mug' slogans: man imprisoned

By Terry Friend, West Rand Bureau

A man who was found guilty of engraving pro-ANC slogans on a tea mug was sentenced to three years' jail after being charged under the Internal Security Act.

Eighteen months of the sentence imposed on Matthews Thabane Ntshiwa (23) in the Krugersdorp Regional Court today were suspended for five years.

He was convicted of having engraved the slogans on a mug used at the factory where he had worked for six years. Ntshiwa pleaded not guilty to the charge.

The magistrate, Mr W Aucamp, said that imprisonment was the only punishment provided for by the Act, although the maximum sentence of 10 years was for more serious offences.

## FIRST OFFENDER

He said he had taken into account the fact that Ntshiwa had already spent more than four months in prison, that he had lost his job, and that he was a first offender. A previous conviction for culpable homicide was unrelated, he said.

Mr N Basslian, for Ntshiwa, said his client would appeal against conviction and sentence.

Mr Aucamp granted bail of R3 000 after the prosecutor, Mr S P van Rensburg, had asked for the amount to be set at R5 000. Mr Basslian submitted that R1 000 would be more realistic for a man earning R85 a week.

In his judgment Mr Aucamp said no minimum punishment was prescribed under the conditions of the Act, and this was entirely at the discretion of the court.

Although this was a less serious transgression of the Act, the fact that the mug had been used in a factory where a lot of workers could easily have been incited had to be taken into account, he said.

# UDF man in court

MARITZBURG — The national treasurer of the United Democratic Front appeared in the Magistrate's Court here yesterday charged with entering a black area without a permit.

Mr Mewe Ramgobin, also a member of the Natal Indian Congress, was not asked to plead and his case was adjourned until February 15.

Mr Ramgobin's charge relates to an incident in September when he addressed a memorial meeting in the Sobantu community hall. — Sapa.

# NUN JAILED FOR SPEECH BOMB

## Sister Mncube jailed for 4 months

By MANDLA NDLAZI

**A KAGISO nun was sentenced to an effective four months in jail yesterday after being found guilty of being in possession of a speech by African National Congress president Oliver Tambo.**

Sister Mary Bernard Mncube, 48, of St Mary's Convent in Kagiso, remained calm and smiled when Magistrate I J J Luther passed sentence.



SISTER MNCUBE: Jailed for four months.

Her advocate immediately lodged an appeal against her sentence.

She was acquitted on the second count of possessing a book by Steve Biko.

The magistrate said the speech, an extract from Sechaba, the ANC's official publication, called "Let us rise to the occasion", was of a radical nature and discredited the present Government.

He also said the court could not accept Sister Mncube's submission that she did not know of the ban on such a publication.

Mr Luther said such an offence warranted a minimum of three years' imprisonment, but he would take into account that Sister Mncube was a first offender.

The magistrate noted the appeal and granted Sister Mncube an extension on her bail of R300.

The conditions of her bail are that she reports at the Kagiso Police Station every Saturday.

Sister Mncube was sentenced yesterday to 12 months' imprisonment, of which eight were suspended for five years on condition she was not found guilty of the same offence during that period.

She had earlier pleaded not guilty to the charges.

The majority of the spectators at court yesterday were priests and nuns.

# Nun gets jail term

331 Soweton

9/12/83

By NKOPANE MAKOBANE

**SISTER Mary Bernard Ncube (48), was yesterday sentenced to 12 months imprisonment in the Johannesburg Regional Court for possession of a publication published by the outlawed African National Congress (ANC). Eight months of the sentence was suspended for five years.**

Mr I J J Luther acquitted her on the second count of possessing a prohibited publication entitled, Total War in South Africa, by the National Union of South African Students (Nusas).

After her defence counsel, Mr D Kuny SC, informed the court that they intended to appeal, the magistrate extended her R300 bail pending the outcome of the appeal.

Sister Ncube of St Mary's Convent in Kagiso, Krugersdorp, had pleaded not guilty to both charges.

In sentencing Sister Ncube on the main count of possessing an excerpt from the ANC mouthpiece, Sechaba, by its president, Oliver Tambo, in January 1980 during the 68th anniversary of the organisation. Mr Luther said it was clear that the speech advocated violence.



**SENTENCED: Sister Mary Bernard Ncube.**

He said it was known that the ANC wanted mass action to fight the Government on all fronts and issues. He said although there was a three year minimum sentence on this charge, the court could use its discretion to suspend the sentence.

But because the ANC wanted to overthrow the Government by unlawful means, coupled with the recent escalation of ANC activities, a suspended sentence would be inappropriate.

# Security case charges outlined

13/12/83

331

D. Dispatch

ZWELITSHA — Three members of the disbanded Combined Forces appeared briefly in the magistrate's court here yesterday on charges under the Ciskei National Security Act.

They are Major Ntobeko Mlotana, Corporal Khambashe Sebe and Lieutenant Mbulelo Xaba.

They were not asked to plead and no evidence was led. They were remanded in custody until February 13 for a summary trial in the Supreme Court at Bisho.

According to the indictment, Major Mlotana is alleged to have incited members of the police and Defence Force to release Brigadier N. Tamsanqa by force from detention.

Corporal Sebe and Lt Xaba are accused of taking part in a shooting incident at the house of the Minister of Foreign Affairs, Mr Ntandazo Pityi, at Zwelitsha in July. They are alleged to have driven a government vehicle without due authority and to have been in possession of handgrenades which were later found on the farm of the detained former Minister of Transport, Mr Namba Sebe.

Corporal Sebe is also charged with possession of unauthorised firearms and ammunition. Among the unauthorised firearms was an AK 47 automatic carbine, according to the indictment.

The state counsel, Mr P. C. Oosthuizen, submitted a certificate from the Attorney-General ordering that bail should not be granted.

The defence attorney, Mr Denis Kirk, asked that his clients be kept at the Mdantsane prison and this was granted.

He said he had not been able to consult with them and could not say whether they were going to appoint their own counsel or ask for pro Deo counsel.

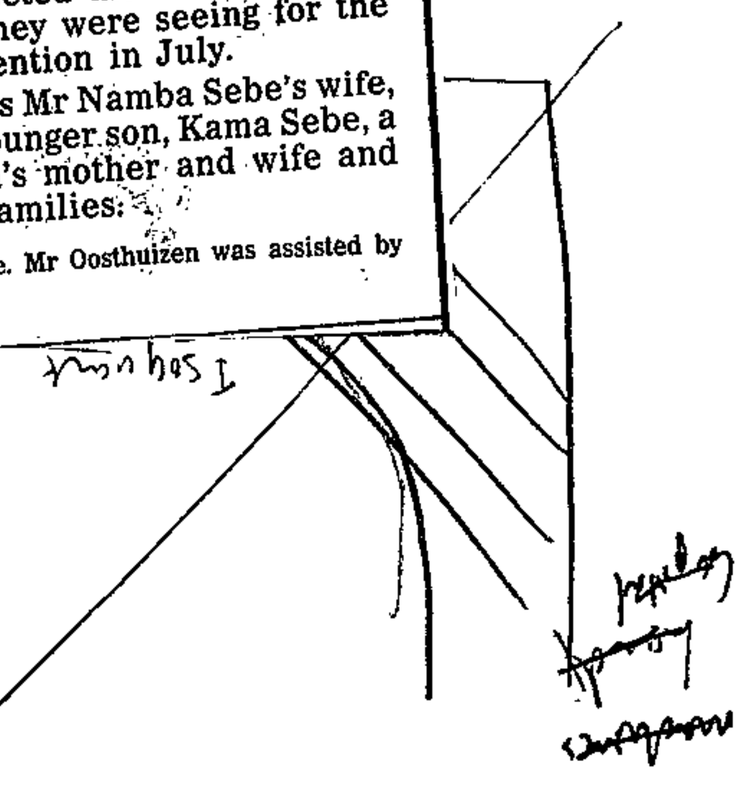
Major Mlotana was a member of the disbanded Ciskei Central Intelligence, Services. Corporal Sebe is the son of the detained former Chief of State Security, Lieutenant-General X. C. Sebe, and Lt Xaba is the son of the Vice-President, the Rev W. M. Xaba. Both are members of a special unit of the Defence Force, Ikrele Lesizwe (Sword of the Nation), an anti-terrorist squad.

The men cheerfully greeted members of their families, some of whom they were seeing for the first time since their detention in July.

Among those in court was Mr Namba Sebe's wife, Mrs Nobambo Sebe, her younger son, Kama Sebe, a former detainee, Lt Xaba's mother and wife and some members of their families.

Mr M. Z. Ngoqo is the magistrate. Mr Oosthuizen was assisted by Advocate J. W. F. van Jaarsveldt.
— DDR.

Rough Notes



# Policeman: A-G to get evidence

331

Star 13/12/83

The evidence of a Security Policeman which differed from a statement he made must be referred to the Attorney-General for review, a Johannesburg magistrate said yesterday.

Mr L S du Toit, presiding, made the ruling in the trial of Mrs Doris Ndoli Setlhoke (25), address given as Zone 1, Meadowlands, Soweto.

She pleaded not guilty to possessing undesirable cloth articles — a dress and handbag — with the words "Amandla", "Power", and "Matla" on them.

Warrant Officer Andries Ocker Groenling said in evidence that on August 5 he found the dress at Mrs Setlhoke's home. A policewoman later found the handbag.

In a written statement on September 12 he said he found both articles.

Mr du Toit also ruled a statement by Mrs Setlhoke was inadmissible as evidence.

The case was adjourned until January 30. Bail of R1 000 was extended.

# Security cops 'beat us up'

By KOOS COETZEE

THREE Port Elizabeth men facing charges of public violence this week accused members of the Security Police of assaulting them.

Eleven men – members of the Congress of South African Students, the Motor Assemblers' and Component Workers' Union (MACWUSA) and the PE Black Civic Organisation – appeared in connection with the alleged stoning of buses in August.

A 17-year-old youth told the Port Elizabeth regional court that Captain C J Roelofse and a Mr Marx said they did not believe him when he denied any involvement in the stonings

They demanded a statement admitting his participation, and when he refused, he said he was punched in the chest – once by Capt Roelofse and twice by Mr Marx.

He said that on the day in question he had gone to a soccer match and only returned after the alleged stonnings took place.

Cosas member Mr Bonisile Mbikanye, 22, told the court Capt Roelofse and Lt D Niewoudt had punched him when he was arrested, telling him to "admit his involvement in the stonings".

Another accused, Mr Weliman Jawuka, 25, said he was slapped in the face when he denied involvement in the stonings, and forced to make a written statement admitting his involvement.

# UDF KNOCKS ON PW'S DOOR — AGAIN

By MONO BADELA

THE UNITED Democratic Front

Manuel

# Banned books: R300 fine

(14/12/83) Star 531

The saxophonist of a Johannesburg band was yesterday fined R300 or six months' imprisonment for possession of banned books, one of which was written by the jailed African National Congress leader, Nelson Mandela.

The sentence included illegal possession of ammunition and a rifle magazine.

Harvey Wilson Roberts (29), of Tudhope Avenue, Berea, had pleaded guilty to the charges before Mr L S du Toit.

Roberts, a musician with a group called The Dynamics, admitted the unlawful possession of the books, entitled "The struggle is my life", by Mandela, and "The rise of the South Arican Reich", by Brian Bunting. Both the books and the ammunition were found by police at his home on September 7.

Mr Itzy Blumberg, defending, said in mitigation that Roberts was not a political activist as was shown by the two books which propagated diverse political beliefs.

# ANC man admits blame for 6 bombs

331 Star 15/12/83

**Own Correspondent**

MARITZBURG — Mr Thembinkosi Paulson Ngcobo (23), of Imbali township, said in court here today he had caused six bombs to explode in Maritzburg this year, acting under the instructions of a member of the African National Congress in Swaziland.

He had also received instructions from the same source to bomb the city hall here while Prime Minister, Mr P W Botha, was addressing a referendum meeting. He said he was acting alone during these bombings.

He told the magistrate, Mr D Du Toit Marais, that the instructions were telephoned to him at work.

He acknowledged bombings were acts of violence.

He made these statements on the second day of his hearing here. At the start of the proceedings he was asked if he wanted the hearing to go ahead without him having legal representation. He replied that he wanted the matter to continue.

Mr Ncgobo has pleaded guilty to seven counts of terrorism. The first five relate to the bombings here, and the sixth to the city hall bombing which he called off. The seventh count relates to establishment of caches of explosive and materials.

Asked by Mr Marais what the ANC was, he said it was grounded in South Africa and its aims were to fight for the achievement of rights for the people.

Mr Ngcobo admitted that he had no lawful reason for establishing or concealing caches of explosives, nor did he have a lawful reason for acquiring knowledge about the explosives.

In reply to Mr Marais, Mr Ngcobo said that by taking explosives to new caches and concealing caches, he performed acts which aimed at causing violence or threats of violence. But, he said, he did not commit these acts to overthrow or endanger the State authority.

Mr Marais asked Mr Ngcobo if he was influenced, induced, threatened or assaulted by anyone, including the police, to plead guilty. He said he had not been.

Mr Marais then said he would enter pleas of not guilty for Mr Ngcobo.

Mr H G Klem, Natal's Deputy Attorney-General, said that because Mr Ngcobo had pleaded guilty to charges of establishing or concealing caches of explosives, he would withdraw an alternative charge of unlawfully possessing explosives.

The case is continuing.

ARGUS 15/12/83 331

# ANC ordered Natal bombing, court told

**Argus Correspondent**

MARITZBURG. — Mr Thembinkosi Ngcobo, 23, of Imbali township, said today he caused six bombs to explode in Maritzburg this year on the instructions of the African National Congress in Swaziland.

He also received instructions from the same source to bomb the city hall while the Prime Minister, Mr P W Botha, was addressing a referendum meeting. He said he acted alone during these bombings.

He told the magistrate, Mr D du Toit Marais, that the instructions were telephoned to him at his work, and he acknowledged the bombings were acts of violence.

He made these statements on the second day of his hearing here.

At the start of the proceedings today he was asked if he wanted the hearing to go ahead without legal representation. He replied that he wished the matter to continue.

Mr Ncgobo has pleaded guilty to seven counts of terrorism. The first five relating to the bombings here and the sixth to the city hall bombing which he called off. The seventh count relates to the establishment of caches of explosives and materials here and in KwaMashu, Durban.

Mr Ngcobo said he had intended to bomb a fountain next to the city hall while the Prime Minister was addressing a referendum meeting on October 27.

## Saw crowds

He said he was on his way to the city hall with a demolition mine but changed his mind when he saw crowds heading for the hall. He had not wished to injure people and only wanted to let them know that "the African National Congress was present".

He was arrested still carrying the mine as he was walking away from the city hall.

He said he bombed the College Road Supreme Court building here on January 30, the offices of the Drakensberg Administration Board in Sobantu village on February 11, and Escom pylons at Ashdown township on August 15 and October 14 and in Prestbury on October 14.

## Explosives

He bombed the Supreme Court building and the administration buildings at Sobantu B village with explosives he collected from a "dead-letter box" in KwaMashu, and he was told about another cache. He also established a dead-letter box.

The State alleges he possessed, or had control over, 17 blocks of TNT, 10 TNT boosters, detonators, electronic time delay switches and other devices in the cache.

The Deputy Attorney-General, Mr Hendrik Klem, SC, appeared for the State.

## 'I turned back to spare lives'

# PW bomb man tells of orders

331 ROM

15/12/03

Mail Correspondent
MARITZBURG.

**BECAUSE he realised many people could be killed, a man carrying a bomb decided against placing it at the Maritzburg City Hall — where the Prime Minister was addressing a referendum meeting — the Maritzburg Magistrate's Court heard yesterday.**

Mr Thembinkosi Paulson Ngcobo, 23, of Imbali, outside Maritzburg, said he had been instructed by an "ANC person in Swaziland" to place the bomb near the city hall on October 27, the day of Mr P W Botha's meeting.

"The bomb was to make the presence of the ANC felt in South Africa," Mr Ncgobo told the court.

"I was told to detonate the bomb near the city hall, but to make sure it did not injure people," he said.

"When I got to Commercial Road I saw many people at the city hall and realised that it would not be safe because if it exploded these people would be injured.

"I turned and went back."

He said the bomb was to have been placed under rubbish bins between the public library and the city hall.

Mr Ngcobo pleaded guilty to all seven charges of terrorism under the Internal Security Act listed in a 20-page indictment before the magistrate, Mr D du Toit Marais.

He admitted his actions had been "acts of violence" but denied trying to overthrow the government or bring about changes in the country.

He also denied his actions were aimed at "putting fear into or demoralising the public or a particular population group or the inhabitants of a particular area in the Republic".

But pleas of not guilty were entered by the magistrate to six of the charges dealt with yesterday as the accused had not admitted to all the elements of the offences.

The State alleges Mr Ngcobo detonated five bombs between January 30 and October 14 this year before being arrested near the city hall.

The magistrate has still to consider Mr Ngcobo's guilty plea to the seventh charge which relates to the unlawful possession of arms and links Mr Ngcobo to caches of arms



## Windies t... Saturday TV sport

By J MANUEL CORR
TV Correspondent

THE Transvaal vs Indies match at the derers on Saturday ... ceive extensive ... on "Sport '83".

Transmission opens at ... and other items dur... afternoon are:

- Motocross: The C... International Challe...
- Horseracing: R50 000 Johannes... Summer Handicap at ... fontein.
- The Stannic Inte... al Motor Rally.
- Boxing: The Junior ... terweight fight be... Brian Baronet and ... Brazier of the Un... States.

...bush, outside Maritzburg, said he had been instructed by an "ANC person in Swaziland" to place the bomb near the city hall on October 27, the day of Mr P W Botha's meeting.

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The State alleges Mr Ngcobo detonated five bombs between January 30 and October 14 this year before being arrested near the city hall.

The magistrate has still to consider Mr Ngcobo's guilty plea to the seventh charge which relates to the unlawful possession of arms and links Mr Ngcobo to caches of arms discovered in and around Maritzburg and Durban this year.

The indictment links the accused man to the bomb blasts which damaged the Maritzburg Supreme Court in College Road on January 30, the Drakensburg Administration Board offices near Sobantu Village on February 11, and three Escom pylons near Ashdown Township and Prestbury on August 15 and October 14.

The sixth charge alleges Mr Ngcobo attempted "to cause damage to the city hall, Maritzburg, when at the time the Prime Minister of South Africa was addressing a public meeting".

Under cross-examination by the magistrate yesterday Mr Ngcobo admitted the bomb would have caused "extensive damage" to the city hall.

He said anyone who happened to be in the vicinity of the exploding bomb could have been killed or maimed.

Mr Ngcobo said at the time of his arrest, when he was walking away from the city hall, the battery needed to activate the 15-minute timing mechanism of his bomb was in his jacket pocket.

"When I showed the plain-clothes policeman who stopped me what I had, he got a fright, put it down, and asked me if it was timed.

"I said it was not timed. He then called a traffic officer and they both arrested me."

Mr H G Klem, the Deputy Attorney-General of Natal, handed to the court a document signed by the Attorney-General of Natal which prevented bail being granted to Mr Ngcobo.

Mr Klem, who is assisted by Mr D Sharp, is appearing for the State. Mr Ncgobo was not represented. The case resumes in 'B' Court at 8 30am today.



Mr Farouk Mogalia, 37, shows some remains of jewellery left in his shop af... watches, rings and diamonds worth over R50 000 during a hold-up in ...

## First strike

LONDON. — An insurance claim has been made by a man saying his nuclear bomb shelter was destroyed

Insurance broker Mr Stewart Wrightson received a letter saying: "I regret to inform you my bomb-proof, reinforced nuclear shelter has been wrecked by vandals." — UPI.

**Breakfast Quip**



"Help, I've been defrauded!"

# Search launched for missing boy

Crime Reporter

A FIVE-YEAR-OLD boy has been missing from a Johannesburg children's home for 10 days and police have now put out a major alert to find him.

Danie Matthee, who is in the care of the AGS Childrens' Home in Lyndhurst, was separated from his brother Hannes, 4, on December 4 during visiting hours.

His desperate foster mother, Mrs Ria Lewis, yesterday appealed to the public to help find Danie.

"Hannes has become totally despondent. We had a very special Christmas with lots of presents planned for the two boys," she said.

Norwood police said yesterday they are keen to contact Mr Daniel Stephanus Matthee to help them with the search.



DANIE MATTHEE
missing for 10 days

Anyone who can help is asked to telephone Detective Warrant Officer Visser at 728-3644 (office) or 786-8788 (home).

## St... gr...

FIVE ... worth ... from a ... after ...

One ... the men ... Swiss ... 8.40am,

"I was ... after ... suddenly ... a gun. I ...

"Five ... knives, ... ened the ... assistant ... safe.

"They ... looted the ... diamonds, ... es, other ... rings and ...

The rob... jewellery ... Brixton ...

CAPE Times 16/12/83

# Gerhardts — judgment delay

**Chief Reporter**

JUDGMENT is to be delivered in the Supreme Court, Cape Town, on Wednesday — not Monday, as originally decided — in the "spy" trial of Commodore Dieter Gerhardt, former commanding officer of the SA Naval Dockyard at Simon's Town, and his wife Ruth.

The two-day postponement of the judgment date was confirmed yesterday by the Attorney-General of the Cape, Mr D J Rossouw, SC, who has been appearing for the State at the trial.

The Gerhardts, both in their forties, were detained in January under the Internal Security Act.

Their trial on a charge of high treason started on September 5, behind closed doors. The allegations against them are understood to have wide international implications.

The Judge-President of the Cape, Mr Justice Munnik, who has been sitting with two assessors, has intimated that he will deliver his judgment in camera, but that he may also deliver an "edited version" of it in open court.

It is believed the judgment could take as long as two days to deliver.

Commodore Gerhardt and his Swiss-born wife, both of whom have pleaded not guilty, have each been defended by counsel appointed pro Deo.

Evidence at the trial was completed on November 14, and legal argument was concluded on November 30.



Commodore Dieter Gerhardt and his wife Ruth leaving the Supreme Court recently.

## 'Secret network'

Commodore Gerhardt is accused of acts of espionage over a period of 21 years, from 1962 to January 20 this year, and his wife is accused of helping him for 13 years from 1970 to maintain a "secret communications network" established by her husband.

Among other things, Mrs Gerhardt is alleged to have acted as her husband's courier during this period.

● At the outset of the trial, the Judge-President, in a brief period in open court, said it had become common cause among counsel taking part in the trial that as much of the evidence would deal with sensitive matters affecting the security of the State, the trial should take place behind closed doors.

# City hall bomb man 'acted alone'

331

Mummy

16/12/87

**Pietermaritzburg Bureau**

A MAN arrested carrying a bomb near the city hall while the Prime Minister was speaking at a referendum meeting here told a Pietermaritzburg Court yesterday that he had acted alone, but under the instructions of the ANC.

Mr Thembinkosi Paulson Ngcobo, 23, of Imbali near Pietermaritzburg, had his pleas of guilty to seven counts of terrorism changed to not guilty by the Magistrate, Mr D du Toit Marais.

The Magistrate said that Mr Ngcobo had not admitted to all the elements of the offences with which he had been charged.

Under cross-examination by Mr du Toit Marais, Mr Ngcobo said he had acted alone 'and had got instructions from the ANC gang in Swaziland'.

'I merely performed as I was instructed.'

The State alleges that he had also detonated bombs at the Supreme Court in College Road on January 30, at the Drakensberg Administration Board offices near Sobantu village on February 11, and at three Escom tower pylons near Ashburton township and Prestbury on August 14 and 15.

Referring to the bomb blasts and his arrest near the city hall with a bomb under his arm, Mr Ngcobo admitted at Wednesday's proceeding that his actions had been 'acts of violence'.

But at yesterday's hearing he denied that he had acted with violence on the seventh charge relating to the possession and handling of explosives.

During the proceeding the Magistrate asked Mr Ngcobo if he had been coerced 'by anyone, including the police, to plead guilty or make any admissions'.

Mr Ngcobo said he had not.

The hearing was postponed until January 25.

# Arrest orders out for UDF five

Cape Times 22/12/83 (W) (331)

**Staff Reporter**

WARRANTS have been issued for the arrest of five United Democratic Front supporters who yesterday failed to appear in the Magistrate's Court on a charge of attending an illegal gathering.

The five are Shirley Berger, 20, Jonathan Michael Kaplan, 22, Catherine Aaron, 24, Merle Jawitz, 25, and Maureen Robertson, 27.

The warrants were issued at the request of Mr H P M Steyn, for the State.

Twenty-one other people, facing similar charges, appeared yesterday, but were not asked to plead.

## Postponed

No evidence was led and the hearing was postponed to January 31. Bail was extended.

The case is a sequel to UDF motor cavalcades in which the accused allegedly took part on October 29.

Those who appeared were Michael Abrams, 27, Astrid Wicht, 28, Peter Dunckley, 26, Marlene Winburg, 27, Naseech Jaffer, 25, Nieshaam Sampson, 22, Derrick Nigel Fine, 24, Judith Emily Cornwell, 33, Michael Bally, 27, Richard Goode, 22, Joan Alberts, 25, Mark Patrick, 23, Nicola Illing, 22, Gillian Kincaid-Smith, 31, Lian Kathleen Swift, 43, Linda Adele Abramsohn, 30, Anne Victoria Mayne, 43, James Davidson, 32, Catherine Kell, 25, Deborah Bradshaw, 29, and Fiona Wallace, 26.

## Confiscated

Ten cars were confiscated when the arrests were made.

An application by Mr D C Luyt, for the defence, for the release of the cars was turned down at a previous hearing.

Mr R A Duraan was the ...istrate.

# Call for release of treason trial priest

Cape Times 22/12/83

331

Own Correspondent

JOHANNESBURG. — Mr Jules Browde, chairman of Lawyers for Human Rights, said yesterday he hoped the authorities would see their way clear to granting remission to Father Timothy Stanton.

Mr Browde believed Father Stanton's evidence was not needed to convict Carl Niehaus, who was sentenced to 15 years imprisonment for treason.

Father Stanton, 61, of St Peter's Priory in Rosettenville, is serving a six-month sentence, received for refusing to answer police questions in connection with the Niehaus high treason trial.

Mr Browde said that while there may be a need to have laws to force people to give evidence, it was unnecessarily harsh to keep Father Stanton in prison when his evidence was no longer needed.

Father Stanton declined to appeal against his sentence as a matter of principle. His colleagues have decided not to encourage appeals for remission of his sentence out of respect for this.

## THE GERHARDT TRIAL

# Verdict expecti



Commodore Gerhardt and his smiling wife are ushered by their police guards into the main criminal court of the Supreme Court yesterday afternoon for the pronouncement of judgment at their trial on a charge of high treason

# ted today

Cape Times 29/12/83 Chief Reporter

**COMMODORE Dieter Felix Gerhardt, former officer commanding the SA Naval Dockyard at Simon's Town, and his Swiss-born wife Ruth will probably know today whether or not they stand convicted of high treason.**

High treason is a capital offence in South Africa.

Both Gerhardts have pleaded not guilty to the charge, which has evoked wide international interest.

The Judge-President of the Cape, Mr Justice Munnik, started delivering his judgment, the date for which had twice been deferred, at 2.15pm yesterday, after a further delay of several hours.

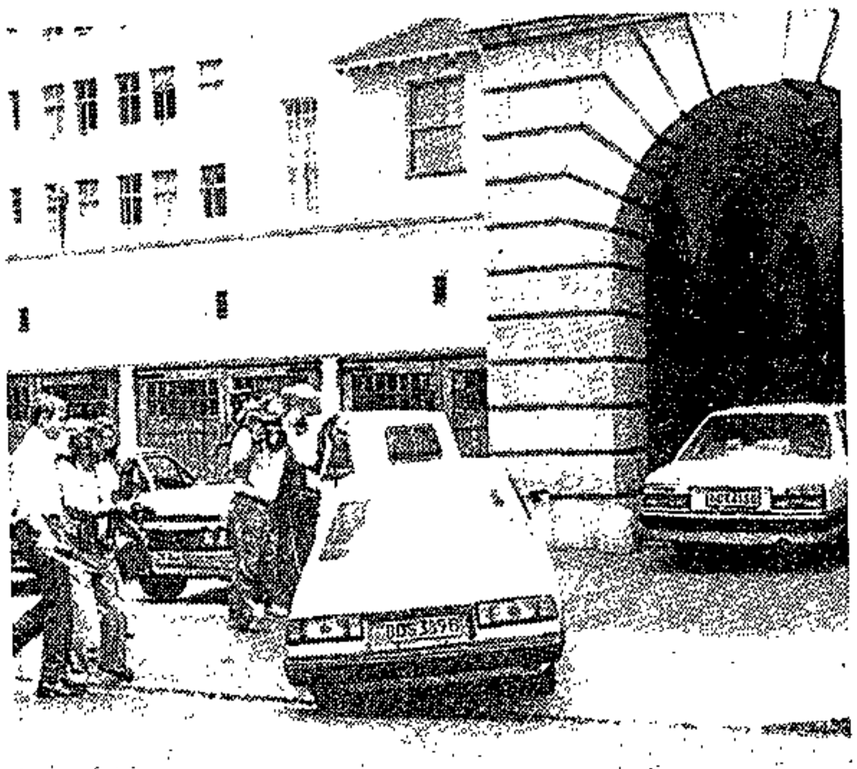
## Closed doors

He is to resume at 9am today, and it appears likely that the Gerhardts will know by this evening whether or not they are to be convicted of espionage.

In a lengthy indictment, they are accused, among other things, of passing on to the Soviet Union defence and other information concerning the security of the State.

Judgment is being pronounced behind closed doors, but the Judge-President may afterwards also deliver an edited version in open court.

Representatives of news media throughout South Africa and also of television and newspaper interests overseas had to wait outside the main criminal court in the Supreme Court building in Cape Town, where the entire trial, which started on September 5, has taken place in camera.



Commodore Dieter Gerhardt and his wife Ruth arrive at the Supreme Court yesterday in a motorcade of four police cars.

cade — four police cars escorted by motor-cycle outriders — arrived at the Supreme Court amid tight security about 9am, but it was not until shortly before 2.15pm that Commodore Gerhardt and his wife were ushered by police guards into the dock in No 1 Court.

## Ready smile

Commodore Gerhardt wore a dark suit with a striped blue tie, and Mrs Gerhardt, who always has a ready smile, wore a plain beige skirt. One of her ankles was bandaged.

The commodore, a South African citizen by birth, is charged with conducting espionage activities against the Republic over a period of 21 years, from 1962 to January 20 this year. His wife, a South African citizen by naturalization, is alleged to have helped him in these activities for 13 years, from 1970.

The couple have been defended by counsel appointed *pro Deo*, all of whom were in court yesterday. Mr G D van Schalkwyk, SC, with Mr W G Thring, is appearing for Commodore Gerhardt, and Mr Gys Hofmeyr, SC, with Mr A H Veldhuizen, for Mrs Gerhardt.

The defence instructing attorney, appointed by the court, is Mr J F van Niekerk, of Silberbauers.

The State is represented at the trial by the Attorney-General of the Cape, Mr D J Rossouw, SC, with Mr E Pretorius.

The Judge-President is sitting with two assessors, Mr W S O'Brien and Mr B L O'Leary.

# Warrants for arrest held over

(331) 1. Dec 1983

**Staff Reporter**

WARRANTS authorized for the arrest of five United Democratic Front supporters who failed to appear in the Magistrate's Court on Wednesday on a charge of attending an illegal gathering, have been held over until January 31.

The five are Shirley Berger, 20, Jonathan Michael Kaplan, 22, Catherine Aaron, 24, Merle Jawitz, 25, and Maureen Robertson, 27.

The warrants were authorized by agreement between the State and the legal representative of the accused, Mr D C Luyt, .

Twenty-one other people, facing similar charges, appeared, but were not asked to plead.

The hearing was postponed to January 31. Bail of R200 for each of the accused was extended.

The case is a sequel to UDF motor cavalcades in which the accused allegedly took part on October 29.

Ten cars were confiscated when the arrests were made, but have been returned.

The 21 who were not asked to plead are: Michael Abrams, 27, Astrid Wicht, 28, Peter Dunckley, 26, Marlene Winburg, 27, Naseech Jaffer, 25, Nieshaam, Sampson, 22, Derrick Nigel Fine, 24, Judith Emily Cornwell, 33, Michael Bally, 27, Richard Goode, 22, Joan Alberts, 25, Mark Patrick, 23, Nicola Illing, 22, Gillian Kincaid-Smith, 31, Lian Kathleen Smith 31, Linda Adele Abramsohn, 30, Anne Victoria Mayne, 43, James Davidson, 32, Catherine Kell, 25, Deborah Bradshaw, 29, and Fiona Wallace, 26.

Mr H P M Steyn appeared for the State and the presiding magistrate was Mr R A Duraan.

● In the Cape Times yesterday it was incorrectly reported that warrants were issued for the arrest of the five people concerned. The Cape Times regrets the error and apologizes for any inconvenience that may have been caused.



Mrs Ruth Gerhardt and Commodore Dieter Gerhardt at the Supreme Court, Cape Town, today.

# Treason trialist's left shin heavily strapped after bite

Argus 29/12/83

Staff Reporters

MRS RUTH Gerhardt faces judgment on a high treason charge today with the added discomfort of a badly infected insect bite on her left leg.

She was taken to hospital recently to have the infection drained and her left leg below the knee was heavily strapped when she entered Court One at the Supreme Court, Cape Town, today.

Proceedings began at 9 am as the Judge-President, Mr Justice Munnik, resumed his judgment which began yesterday afternoon. No verdict had been delivered by lunchtime today.

He is expected to give his verdict later today on Mrs Gerhardt and her husband, Commodore Dieter Gerhardt, former officer commanding the SA Navy Dockyard at Simon's Town, who is facing a similar high treason charge.

The entire trial has been in camera to prevent the publication of sensitive security information, but Mr Justice Munnik is expected to release an edited version of the judgment.

Should the verdict be guilty, argument on sentence could begin tomorrow and lawyers hope to sit as late as Saturday to complete the case.

The motor convoy carrying the Gerhardts in separate cars flashed into the courtyard at the Supreme Court 15 minutes before the resumed hearing began.

But this time journalists waiting for a rare glimpse of the couple were caught unawares as the motorcycle outrider did not sound his siren as usual.

Yesterday, the court convened at 2.15 pm — after being postponed from 10 am — and rose two-and-a-half hours later, at 4.45 pm.

At the adjournment yesterday, the couple were escorted by security police to waiting cars parked inside the court confines.

Several other police cars and vans, some carrying police dogs, also lined Keerom Street.

**OVERTHROW STATE**

Passers-by stopped to watch the four-car convoy, led by two motorcycles and folowed by another, leave the court building at about 5 pm.

Commodore Gerhardt, travelling in a separate car, was seated between two warders, while his wife, Ruth, in another car, sat next to a policewoman.

The two have been accused of trying to overthrow or coerce the government of the State, or of disturbing or impairing or endangering the security of the State, and of committing or attempting to commit one or more acts of espionage.

Commodore Gerhardt is a South African citizen by birth while the State alleges Mrs Gerhardt owes allegiance as she became a resident of South Africa in June 1969 and was naturalised in 1977.

The Judge-President, Mr Justice Munnik is sitting with two assessors, Mr W S O'Brien and Mr B L O'Leary. Mr D J Rossouw, SC, Attorney-General of the Cape, with Mr E Pretorius, appears for the State. Mr G D van Schalkwyk, SC, with Mr W G Thring, represents Commodore Gerhardt. Mr G R Hofmeyr, SC, with Mr A H Veldhuizen, represents Mrs Gerhardt. They appear pro Deo. The instructing attorney, appointed by the court, is Mr John van Niekerk of Silberbauers.

# Sentence today?

Cape Times 30/12/83

331

# Gerhardt, wife guilty

By ROGER WILLIAMS
Chief Reporter

**THE Judge-President of the Cape, Mr Justice Munnik, yesterday found both Commodore Dieter Felix Gerhardt, 48, former officer commanding the SA Naval Dockyard at Simon's Town, and his Swiss-born wife Ruth, 41, guilty of high treason.**

After convicting first Commodore Gerhardt before the lunch-break, and then Mrs Gerhardt several hours later, the Judge-President said in a statement read in open court to members of the news media that the court would hear evidence in mitigation of sentence today — "if counsel wishes to lead such evidence".

The court would then pronounce sentence.

The Judge-President said that in finding the Gerhardts guilty as charged, the court had rejected Commodore Gerhardt's defence that he had acted as a double-agent on behalf of an unnamed country "not hostile to South Africa".

The court had also rejected Mrs Gerhardt's story that she had helped her husband in the belief that he was working for South African counter-intelligence.

In the brief statement read to media representatives late yesterday, the Judge-President said he was "taking this somewhat unusual step" because the case had been heard in camera, and because he believed it was in the interest of the administration of justice that the public be informed as soon as possible — to the extent they could be informed — of what had taken place.

"Normally a judgment is given in open court and the press makes its own arrangements, but obviously this has not been possible in this case.

"The two accused, Commodore Gerhardt and his wife Ruth, appeared in this court on September 5 of this year, on a charge of high treason. Certain details were given to the press on the first day of the hearing, and thereafter the trial was held in camera."

The Judge-President said an application by the Attorney-General that the trial take place in camera was granted in terms of Section 153 of the Criminal Code.

## Military secrets

"The State case against Commodore Gerhardt, shorn of its trimmings, was that from 1962 to January 1983 he was engaged in espionage on behalf of the USSR, transmitting by various means South African military secrets to that country, for which he received payment.

"The case against Mrs Gerhardt was that she assisted her husband by acting as a courier, carrying information in film form to various



Commodore Dieter Gerhardt leaves the courtroom just before the lunch-break, after being convicted of high treason.



At 4.15pm Mrs Ruth Gerhardt is escorted from the courtroom, after being convicted of high treason — as her husband was earlier in the day.

Cape Times Newscolour: Dan Bosman

on one occasion, to Tananarive, Madagascar, at which places she met representatives of the USSR and delivered such films.

## 'Secret writing'

"And on some occasions she received fresh film and sums of money.

"It was also alleged that she assisted her husband by typing letters for him in the form known as secret writing."

The Judge-President said both Gerhardts had been arrested on January 20 this year, and that at their home "a large variety of equipment, admittedly associated with the conduct of espionage activities", had been found.

This equipment had included miniature and other cameras, and specially-adapted film.

In his defence, Commodore Gerhardt had admitted he was engaged in espionage activities from 1961, but he had stated he had worked for "a country the name of which he would not disclose to the court, but which he said was not hostile to South Africa".

This country had instructed him to offer his services as a spy to the USSR in order that the country in question

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CAPE TIMES 20/12/83

LIFE

# FOR SPY

W/L ARGUS 31/12/83

# Wife gets 10 331 years in jail

By CAROL GEY VAN PITTIUS
Supreme Court Reporter



Today's picture of Dieter and Ruth Gerhardt arriving at the Supreme Court in Cape Town to await the Judge-President's sentence.

DIETER Felix Gerhardt, former officer commanding the South African naval dockyard at Simon's Town, was sentenced today by the Judge-President of the Cape, Mr Justice Munnik to life imprisonment for high treason. His wife Ruth received 10 years — also for high treason.

Application for leave to appeal has been noted.

Soon after sentence was passed the Attorney-General of the Cape, Mr D J Rossouw SC, who represented the State during the 45-day trial addressed a group of local and overseas journalists.

"I have been deputised by the judge to give only the sentence passed this morning upon Dieter Gerhardt and his wife Ruth. In the case of Dieter Gerhardt the sentence imposed is one of life imprisonment and in the case of Ruth Gerhardt the sentence imposed is one of 10 years."

Mr John van Niekerk, the instructing attorney who was appointed by the court to assist defence counsel, said an application had been made for leave to appeal on behalf of both accused against conviction and sentence.

## To prison

Mr van Niekerk said the application would be argued at a date to be arranged by Mr Justice Munnik and once a transcript of the judgment had been made available.

The couple, who had been escorted along the usual corridor throughout the trial to the criminal court, were today taken down to the cells immediately after the court adjourned.




An hour after they were sentenced the cars taking the couple to Pollsmoor Prison, and escorted by three motorcycle outriders with sirens blaring, screeched out from behind the large court doors.

About 20 foreign newsmen and photographers, and a small group of passers-by hoping to catch a glimpse of the couple, flanked Keerom Street.

There were about 15 uniformed policemen, some with sub-machine-guns, lining the driveway to the court doors, and traffic travelling down the street was re-routed by police.

Ruth Gerhardt smiled as she entered the building, but her husband, Dieter, wearing a dark pinstripe suit, looked stern, and drawn.

Mrs Gerhardt wore a light green suit and carried a handbag and a small bunch of flowers.

She stopped in the passageway for television cameramen and photographers, then hurried on as the escort urged the couple towards the court.

*Turn to Page 2.*

331 Star 31/12/83

# Treason trials of whites grab the public's interest

By Jean Hey

A number of treason trials made headlines over the year — in the past two months alone three white South Africans have been convicted of high treason.

The sentences given ranged from four years to death.

Barbara Anne Hogan (31) hit the front pages this year by becoming the first white woman in South Africa to be convicted of this crime.

She was convicted in the Rand Supreme Court of being a member of the ANC and of agreeing to commit acts that would lead to the ultimate overthrow of law and order.

Her 10-year jail term shocked lawyers and academics, who argued that her actions had not involved violence and did not warrant such a heavy sentence.

But Hogan's sentence is one of the lightest imposed for high treason in South Africa.

Treason trials of whites have commanded far more public interest than those of blacks, with the names of Hogan and Niehaus becoming household names where Tsotsobe and Moise are almost unknown.

A young Afrikaner couple, Carl Niehaus and Jansie Lourens, followed Hogan in the list of white treason convictions.

Niehaus was jailed for 15 years and Lourens for four.

Although the crime of high treason carries the death penalty, this has only been imposed four times in the last three years. And three of these four were later commuted to life.

Studies of recent treason convictions suggest the death penalty is given only in cases where the defendant has killed, or intended to kill.

The Sasol-Booysens treason trial of 1981 captured international attention when its three convicts — Bobby Tsotsobe, Johannes Shabangu and David Moise — appealed against their death sentences.

They were convicted of bombing the Secunda Sasol 2 petrol processing plant and of attacking the Booysens police station.

After a concerted international campaign, the death sentence was commuted to life imprisonment for all three men.

In June this year three other ANC members were hanged for high treason. Thelle Mogoerane, Jerry Mosololi and Marcus Motaung were found guilty of attacking several police stations between 1979 and 1981.

There were several deaths during these attacks.

South Africa now waits for the sentences at the end of yet another treason trial — that of senior naval officer Commodore Dieter Gerhardt and his wife Ruth.

The trial revealed a hitherto unknown level of international espionage. The couple have been found guilty of high treason.