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JANUARY — April

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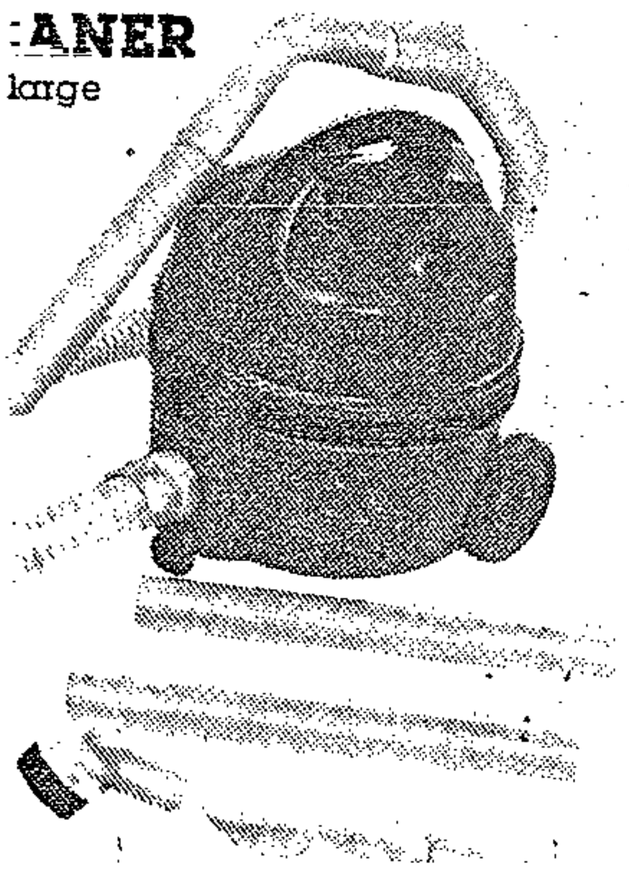

Gerhardts a 'mystery couple' in Simon's Town

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By MARK STANSFIELD
and
MELISSA LANGERMAN
Staff Reporters

TO the business community and residents of Simon's Town, Dieter Gerhardt and his wife Ruth were a mystery couple.

She is remembered for her casual shopping with a little boy in tow; he for the ever-present black poodle which tailed him.

None of the people approached by The Argus after the couple were sentenced for high treason wanted their names or the names of their businesses published, "just in case there is any trouble".

Much discussion

Several said they feared that if they said anything they would be drawn into the rumours and mystery which have surrounded the couple since they were arrested early last year.

Although there has been much discussion among friends, nobody wants to get involved publicly. Many shopkeepers said they did not know him, but they referred reporters to other businessmen who, they believed, had had dealings with the Gerhardts. When these people were approached they denied anything more than a casual association.

A young man who lives in Simon's Town voiced the feeling of several people when he said: "People are scared to say anything for fear they may be victimised and they're scared that if there are other agents in the town they'll crack down on them."

"Capitalistic"

Controversy even exists about the couple's personalities.

The owner of a café close the security gates of the naval dockyard said the couple had been "extremely capitalistic" as they had three expensive German cars and he had been surprised at rumours that they had been spying for the communists.

They had struck him as an extremely talkative couple with liberal political leanings and he remembered Mrs Gerhardt because she was "more friendly than most of the other high-ranking officers' wives".

Few friends

Residents said Mrs Gerhardt was more active than her husband and was seen more often in the town. However, most of the activities she was involved in took place in buildings controlled by the navy and she had few personal friends in the town.

A professional man said he had talked to several people who had worked under Gerhardt and the general feeling had been that most people found him very difficult to work for.

A civilian who worked in the dockyard described Gerhardt as a "strict disciplinarian who, without the slightest hesitation, would fire a man for a minor infringement".

He said Gerhardt was extremely interested in all that went on in the yard and would often ask questions about maintenance projects and progress.

A person closely connected with the dockyard said: "He did a hell of a lot to build up the dockyard.

"I believe many people still respect him in spite of what he did because of the work he put into building up the dockyard. Many people will not discuss what he did because they believe he could not have worked alone."

Another woman who knew them said people had not been "heartbroken" to hear that the couple had been found guilty of treason. Many felt their efforts for South Africa had been betrayed and were very glad about the verdict.

But, if a profile of the couple is hard to get from the people of Simon's Town, feelings on the issue run high and patriotism reigns.

A hotel frequented by naval personnel rings with the sound of opinions on how the navy should tighten security and what penalties people found guilty of high treason should receive.

US pilot to be freed

DAMASCUS. — American black civil rights leader Rev Jesse Jackson said that Syria would release captured US airman Lieutenant Robert Goodman today.

Syrian officials said

Russian contact jailed

Chief Reporter

A COURT in Zurich, Switzerland, last Thursday sentenced a Soviet citizen who gave his name as Michail Vasilyevich Nikolayev, 49, to three years' imprisonment after he had been found guilty of spying in Switzerland against South Africa.

The trial of the man, described as a translator, and whose KGB codename was "Nora", was held in camera.

Nikolayev, whose true identity the court said was "unknown", was arrested outside the Zurich Kunsthaus (art gallery) last January, where he was allegedly to be waiting near a sculptured frieze by Rodin known as "Hell's Gate", on the museum's south wall, to receive secret South African documents, on microfilm, from Mrs Ruth Gerhardt.

He was unaware that Mrs Gerhardt had been arrested in South Africa two days earlier.

Last week a Swiss court spokesman said after "Nikolayev's" conviction that the court had also confiscated 125 000 Swiss francs (about R68 000) from the Russian. The money was intended as payment for Mrs Gerhardt, court officials said.

Swiss newspaper reports have said the filmed documents "Nikolayev" was awaiting contained details of South Africa's nuclear strategy.

● Dieter Felix Gerhardt, 48, who on Saturday was sentenced in the Supreme Court, Cape Town, to life imprisonment for high treason, will almost certainly, in terms of Section 83 of the Defence Act, be stripped of his naval commission and dismissed in disgrace from the SA Defence Force as a traitor.

It is not yet clear whether this action will be taken immediately or whether the outcome of a proposed appeal by Gerhardt will be awaited by the SA Defence authorities.

Had Gerhardt been sentenced to death, his commission would, in terms of the Act, have been withdrawn automatically, but where a prison sentence has been imposed, the law provides that the State President may withdraw an officer's commission after the officer has been notified of such intention.

Notice of an application for leave to appeal against conviction and sentence has been lodged on behalf of himself and of his Swiss-born wife Ruth, who on Saturday was given a prison sentence of ... years on the same charge by the Judge-President of the Cape, Mr Justice George Munnik.

Gerhardt, with the rank of commodore — just one rank below rear-admiral — was in command of the SA Naval Dockyard at Simon's Town when he was arrested last January under the Internal Security Act on allegations of spying for the Soviet Union over a period of 21 years.

His wife was convicted of assisting him in his espionage activities, over a period of 13 years.

The Swiss authorities are reported to have "frozen" a large amount of money — said to be about R500 000 — deposited by the Gerhardts in a Swiss bank.

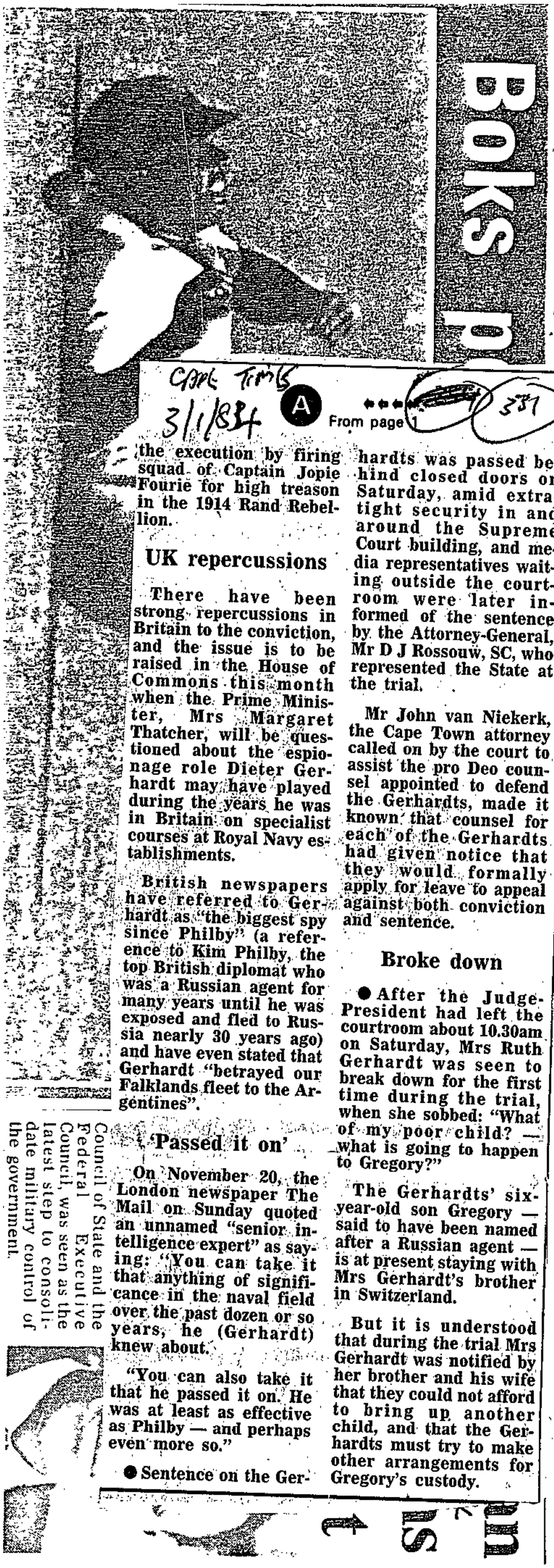
Under Swiss law it is forbidden to bank monies acquired through espionage activities in the country's banks — and it is likely the Gerhardts' "spy" payouts will have to be forfeited to the Swiss State.

Dieter Gerhardt's conviction for high treason is the most significant case of its kind involving a serving officer in the SA Defence Force since

To page 2

Dieter Felix Gerhardt's

Gerhardt jailed



From page 1

the execution by firing squad of Captain Jopie Fourie for high treason in the 1914 Rand Rebellion.

UK repercussions

There have been strong repercussions in Britain to the conviction, and the issue is to be raised in the House of Commons this month when the Prime Minister, Mrs Margaret Thatcher, will be questioned about the espionage role Dieter Gerhardt may have played during the years he was in Britain on specialist courses at Royal Navy establishments.

British newspapers have referred to Gerhardt as "the biggest spy since Philby" (a reference to Kim Philby, the top British diplomat who was a Russian agent for many years until he was exposed and fled to Russia nearly 30 years ago) and have even stated that Gerhardt "betrayed our Falklands fleet to the Argentines".

'Passed it on'

On November 20, the London newspaper The Mail on Sunday quoted an unnamed "senior intelligence expert" as saying: "You can take it that anything of significance in the naval field over the past dozen or so years, he (Gerhardt) knew about.

"You can also take it that he passed it on. He was at least as effective as Philby — and perhaps even more so."

● Sentence on the Gerhardts was passed behind closed doors on Saturday, amid extra-tight security in and around the Supreme Court building, and media representatives waiting outside the courtroom were later informed of the sentence by the Attorney-General, Mr D J Rossouw, SC, who represented the State at the trial.

Mr John van Niekerk, the Cape Town attorney called on by the court to assist the pro Deo counsel appointed to defend the Gerhardts, made it known that counsel for each of the Gerhardts had given notice that they would formally apply for leave to appeal against both conviction and sentence.

Broke down

● After the Judge-President had left the courtroom about 10.30am on Saturday, Mrs Ruth Gerhardt was seen to break down for the first time during the trial, when she sobbed: "What of my poor child? — what is going to happen to Gregory?"

The Gerhardts' six-year-old son Gregory — said to have been named after a Russian agent — is at present staying with Mrs Gerhardt's brother in Switzerland.

But it is understood that during the trial Mrs Gerhardt was notified by her brother and his wife that they could not afford to bring up another child, and that the Gerhardts must try to make other arrangements for Gregory's custody.

Council of State and the Federal Executive Council, was seen as the latest step to consolidate military control of the government.

CAPE Times ★ 331

Tuesday, January 3, 1984

Gerhardt first arrested by FBI

Chief Reporter

ALTHOUGH Dieter Gerhardt was formally arrested by South African security police a year ago — at Jan Smuts Airport, Johannesburg, on arrival under escort from the United States — he was first apprehended in the US, by the FBI while on an advanced maths course at Syracuse University, in the state of New York.

A London newspaper, The Mail on Sunday, which recently devoted six pages to the Gerhardt saga headed "The Spy Who Knew it All"— the result of an investigation by a team of journalists led by South African award-winning reporter Mervyn Rees — published a dramatic account of the arrest.

"His (Gerhardt's) treachery finally came to an end in a New York hotel room on January 8," it said.

"It was a bitterly cold evening in New York. The snow was turning into black ice on the pavements of Ninth Avenue when Gerhardt arrived for an evening's drinking at the Holiday Inn.

"He had gone to the United States for a six-month advanced maths course at Syracuse University, and his companion for the evening was a fellow student.

"Or so he thought. For unknown to Gerhardt, a Soviet defector had betrayed him to the West and the 'student' was in fact an undercover FBI agent.

"As the two men sat drinking Scotch on the rocks in a bedroom, the door burst open. In came the CIA, the FBI and one member of the British Intelligence, an MI5 man who gave only his first name, Ian.

"A small army of armed back-up men were outside in case Gerhardt was foolish enough to make a break. But he just sat in the armchair, too numbed even to talk.

"That night he was flown to Washington by private plane for 11 days of interrogation, in a CIA safe house."

The Mail on Sunday feature went on to say the American concern with Gerhardt was two-fold.

"First and foremost, they wanted to discover what Gerhardt had been up to in the States. They grilled him closely about Western naval strategic planning in the event of a confrontation or war with the Soviets — the kind of detail that is known only to the most high-ranking officers.

"Gerhardt confessed, to the growing horror of his interrogators, that he had leaked everything which came within his knowledge. It was not a pleasant session, our Washington sources have told us.

"He made a full statement while wired up to a lie-detector. That confession, immediately flashed across the Atlantic to London, set the alarm bells ringing in Whitehall.

"For Gerhardt had been in charge of a South African recruitment programme in Britain in 1968. The South African Navy had openly advertised for RN and civilian technicians to join their fledgling submarine service.

"For several months Gerhardt interviewed hundreds of potential recruits in the Strand Palace Hotel, opposite the Savoy in London.

"Unknown to anyone, he was also keeping an eye open for likely candidates to become Russian spies . . ."

Biko week: two men appear

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Court Reporter

A SECURITY police officer alleged in the Port Elizabeth Magistrate's Court today that two men attended a meeting during Biko commemoration week in the Port Elizabeth black township without a permit.

Detective-Warrant Officer Johan Fourie, attached to the security branch of the South African Police, was testifying at a hearing of Mr Alan Zinn, 27, of Parkside, Gelvandale, and Mr Ihron Rensburg, 23, of Peddie Road, Korsten.

Mr Zinn, a teacher, who is also publication secretary of the South African Council of Sport (Sacos) and local secretary of the Eastern Province Council of Sport (Epcos), and Mr Rensburg, a pharmacist and also president of the South African Cycling Board and vice-president of Epcos, are charged with entering or remaining in Njoli Road, Kwazakele, without a permit on September 10 last year.

They have pleaded not guilty.

Mr Y Ebrahim (for the defence) said the two men denied having entered or remained in Kwazakele on the day in question.

They further did not admit the boundaries of the location.

He said his clients would say they were arrested in Struan Way, which borders on the industrial area.

WO Fourie said he was on observation duty outside Daku Hall, Kwazakele, while a meeting during Biko commemoration week was held there.

He saw Mr Zinn and Mr Rensburg entering the hall where, he said, Mr Rensburg addressed an audience.

When they left, he and a sergeant followed them and managed to force them off the road and found they were not in possession of a permit.

A statement made to the Evening Post by Mr Rensburg on September 12, 1983, was handed as an exhibit to the court.

(Proceeding)

Mr I S van der Merwe was on the Bench. Mr R O'Brien appeared for the State.

Journalist in court

ZWELITSHA — Two local men appeared briefly in the magistrate's court yesterday on charges under the Ciskei National Security Act.

Mr Stanley Kaba, a former member of the banned African National Congress, and Mr Mthetheleli Dazela are charged with persuading people to undergo military training and with attempting to commit acts of violence.

Mr Kaba, a freelance journalist, previously served five years on Robben Island.

The case has been postponed until January 24 for further police investigation. Bail of R150 was extended for both men. — SAPA.

Peace offer takes SWA officials by surprise and sparks flurry of activity

Swapo sets date

WINDHOEK. — Swapo has called on South Africa to immediately set a date for the start of direct talks for a ceasefire.

In a statement obtained in Windhoek today Swapo said arrangements for the ceasefire had to be made through the office of the United Nations Secretary-General, Dr Javier Perez de Cuellar.

According to reports from the UN, Dr Perez de Cuellar is due to release a report on progress made in implementing a UN Security Council resolution calling for an unconditional withdrawal of South African forces from Angola.

In Pretoria South African officials are awaiting the text of Swapo's statement and until they have studied this they will not comment.

Flurry

And in Windhoek Swapo's statement has sparked a flurry of activity among administration officials who have been taken by surprise by the peace offer.

Today the office of the Administrator-General, Dr Willie van Niekerk, was still studying the statement and its possible implications and appeared to be reluctant to commit themselves.

Earlier this week Dr van Niekerk issued a statement in which he said he would be prepared to talk to Swapo.

Previously Swapo has rejected discussions with the Administrator-General and has insisted instead that it speak directly with the South African Government.

Mandate

By conceding on this issue, however, observers believe Swapo will not only test whether the Administrator-General has a mandate to negotiate a ceasefire but whether South African authorities are sincere in their efforts towards SWA independence.

In its statement Swapo said South Africa had been saying since the weekend that it was ready to have direct talks with Swapo, "something which Pretoria has consistently refused to do hitherto".

The South African Minister of Foreign Affairs, Mr Pik Botha, said at the weekend that his Government would not oppose direct truce negotiations between Swapo and a delegation headed by the Administrator-General.

"Charade"

Swapo said in its statement that it "hopes that Pretoria is now serious" and that its announcement that the Administrator-General would meet Swapo for direct talks "is genuine".

The statement expressed the hope that the proposed discussions would not be a repeat of the abortive January 1981 all-party conference.

South Africa had turned the Geneva conference "into a public-relations charade, by instigating its Namibian puppets to hurl insults and abuse at Swapo, the UN and independent Africa".

Swapo would not interfere with the composition of the South African delegation to the proposed meeting, which the statement said should confine itself strictly to the issue of a ceasefire.

Arena

"The identity and responsibility of political organisations are provided for in UN Security Council Resolution 435 (on SWA/Namibian independence), to whose implementation the ceasefire must lead."

The arena for the exchange of views among SWA/Namibia's political parties would be in the election campaign period specified in Resolution 435, Swapo said.

"Swapo hopes that no issues unrelated to the proposed ceasefire should be injected into the proposed talks to which Swapo has agreed." — Argus Correspondent and Sapa.

Students to face charges

PIETERSBURG. — Five University of the North students are to face charges of arson, public violence and housebreaking in the Pietersburg Regional Court on Monday.

They are Mr Ian Peje, 21, who is on bail of R200; Mr Mangalani Hlongwane, 22; Mr George Kgobe, 23; Mr Rhulani Mahlaba, 22, and Mr Eric Hlabahlara, 22, who are out on warning.

The charges follow the burning of the campus book shop in May 1982, after a commemoration service for Mr Abraham Tiro.

The late Mr Tiro, a former president of Turfloop's Students' Representative Council, was expelled from the university after delivering a speech during a graduation ceremony on behalf of the students.

He died while exiled in Botswana after receiving a parcel bomb. — Sapa.

Security Act: 9 boys convicted

GRAHAMSTOWN — Nine Grahamstown schoolboys were yesterday sentenced to fines of R100 or 100 days suspended for four years on one of two charges in terms of the Internal Security Act.

On a second charge in terms of the same Act, three were found guilty and received sentences postponed for four years.

The boys were allowed to leave the court with no effective sentence imposed, with provisos in each case that they are not in future found guilty of offences under the Act.

The case was held in camera in terms of the Childrens Act.

The boys ages varied from 14 to 19 years at the time of the offences.

They were charged with attending an illegal gathering on November 3, 1982. Three were charged with malicious damage to property at the Community Hall in Middle Terrace here.

The boys were judged to have contravened Section 57/1/c of the Act read with article 46 (3) and 73 as gazetted in the Government Gazette 8125, government notice 557 of March 26, 1982.

Mr J. A. Terblanche was on the bench, Mr D. G. Robinson prosecutor appeared for the state, Mr David de la Harpe and Mr Y. Ebrahim, of Cape Town, appeared for the defence. — DDC

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UN calls on SA to spare Moloise

From RICHARD WALKER

NEW YORK. — The United Nations Security Council yesterday issued a call to South Africa to commute the death sentence imposed on Benjamin Moloise.

Hanging Moloise — sentenced for gunning down a security policeman with an AK-47 rifle — would "further aggravate the situation in South Africa," the council concluded in a resolution adopted in a three-minute meeting without debate.

But in earlier closed-door consultations, it toned down the draft text urged by African members, who wanted the council to demand South Africa's compliance.

Also deleted was a paragraph which would have accused South Africa of ignoring similar clemency pleas in the past. All reference to Maloise as a member of the African National Congress was also removed.

Condemned

Western council members had questioned the condemned man's status and other aspects of the case, but agreed to the revised formula after a 48-hour study, believed to have been conducted through the United States Embassy in Pretoria.

South Africa protested the council taking up the cause of Moloise, who had confessed to "the common law crime of murder", it asserted in a formal complaint.

The case is linked to a previous one in which the Security Council pleaded for the lives of three ANC combatants.

The policeman, Philipus Selepe, was involved in the arrest of the three, and Moloise was originally detained in connection with their trial.

Bullets

The ANC claimed responsibility for killing the policeman, who died in a hail of bullets at the front gate of his Mamelodi home, but has denied Moloise was involved.

It contends that he is being victimized for refusing to testify against the three men.

Moloise was sentenced to death on June 7 last year — the same day that the Security Council appealed on behalf of the ANC three.

The men were executed two days later.

The series of appeals, beginning with the case of Solomon Mahlanghu in 1979, is unique in Security Council annals.

In no other situation has it tried to intercede in such a manner.

The ANC strenuously argues for the right of captured members of its military wing to be treated as prisoners-of-war.

As part of this effort, in 1980 it declared itself party to the Geneva war conventions.

JSE COLLEGE

Thloloe and 3 others freed

By MONK NKOMO

THE conviction and sentences imposed on a senior Sowetan journalist and three men were invalid because the charges against them were in terms of the Internal Security Act which had not come into force at the time of their conviction, the Pretoria Supreme Court ruled on Friday.

Mr Justice C S Margo with Mr Acting Justice R H Zulman concurring, set aside both the conviction and sentences against Mr Joseph Nong Tholoe (41) Mr Sipho Moffat Ngcobo (29) both of Soweto, Mr Nhlanaganiso Sibanda (27) of Alexandra, and Mr Steven Sipho Mzolo (23) of Tembisa.

JOE THLOLOE (left) is all smiles with Mrs Lucy Ngcobo, mother to Sipho Ngcobo on the right.

The four men appealed only against their sentences after being convicted for distributing literature about the outlawed Pan Africanist Congress between February 1981 and June 1982. Mr Tholoe and Mr Ngcobo were each sentenced to 30 months imprisonment. Mr Sibanda and Mr Mzolo were each jailed for three years.

JUDGMENT

In his judgment, Mr Justice Margo said: "When this appeal was heard it appeared that the events upon which the conviction was based had occurred before Act No 74 of 1982 came into force and that the convictions and therefore the sentences were invalid."

The ground for setting aside the conviction and sentences the judge said, was that the charge sheet disclosed no offence in respect of the charge upon which the appellants were convicted and the convictions were in respect of a non-existent offence.

He added: "In the present case the validity of the convictions is in issue in so far as such affects the validity of the sentences. It is true that the validity of the convictions was not raised by the appellants but they have appealed against the sentences and since the sentences depend on the existence of the convictions, we are constrained to exercise the court's inherent powers of review to set aside both convictions and sentences.

The judges also ruled that although the magistrate had erred in imposing the sentences, it would serve no purpose to ask him reasons for that decision. They warned, however, that the State might bring fresh charges against the four men.

(331) D. Dispatch January 1984

Sebe on terrorism charge

EAST LONDON — The former Commander-in-Chief of the Ciskei Combined Forces, Lieutenant-General Charles Xhanti Sebe, 48, is to appear in the Zwelitsha magistrate's court today on a charge of terrorism.

This was confirmed yesterday by the Ciskei Attorney-General, Mr W. F. Jurgens, who said the former military and security leader will face several charges but the main count will be that of terrorism.

Mr Jurgens declined to outline the full charge sheet.

General Sebe has been in detention since he was arrested in July 19 last year.

General Sebe is the younger brother of Ciskei's President, Chief Lennox Sebe. — DDR.

Mwasa man's sentence set aside

Mr Joe Thloloe

By Phil Mtimkulu

The conviction and sentence of Mr Joe Thloloe, an executive member of the Media Workers' Association of South Africa (Mwasa), and three other men on charges of being in possession of banned literature have been set aside by the Pretoria Supreme Court. They are now free men.

This has been confirmed by Mr Solly Makenna, the instructing attorney for one of four appellants, Mr Nhlanganiso Sibanda.

Mr Tlholoe arrived at Jan Smuts Airport from Cape Town at 11 pm on Friday. There to meet him were his wife Joyce and children.

Mr Makenna said he was informed of the outcome of the appeal on Thursday, but was not yet acquainted with the full judgment.

Mr Thloloe, Mr Sibanda, Mr Sipho Mzolo and Mr Sipho Ngcobo were found guilty of being in possession of banned literature by Mr T Kleinhans in the Johannesburg Magistrate's Court in April last year.

They had pleaded not guilty to a charge under the Internal Security Act but guilty to a charge of possessing banned literature.

Mr Thloloe and Mr Ngcobo were each sentenced to two-and-a half years' imprisonment while Mr Mzolo and Mr Sibanda were each sentenced to three years.

Mr Thloloe's father, Mr J Thloloe, said he was informed of the success of the appeal by his son's colleagues on Thursday.

"We are absolutely delighted about the outcome. We are happy that they are free," Mr Thloloe said.

Angry scenes as Sebe goes to court

ZWELITSHA. — There were angry scenes outside the Zwelitsha Magistrate's Court yesterday following the appearance of the man who was once the country's most powerful policeman.

The former Commander in Chief of State Security in Ciskei, Lieutenant-General Charles Sebe, appeared on several charges under the Ciskei National Security Act.

He was not asked to plead and no evidence was led in the packed court room.

The case was postponed to February 10, and bail was refused.

After the hearing, Gen Sebe was about to greet his mother and his wife, when two security policemen confronted him and forced him down to the cells.

The huge crowd shouted angrily during the heated exchange of words between Gen Sebe and the policemen, who were previously his underlings in the Ciskei Central Intelligence Service.

Meanwhile, the tyrannical rule of President-for-life Lennox Sebe of Ciskei had made the "homeland" an embarrassment even to its South African creators, the United States magazine, Time, says this week.

Headlined "The mouse that snarled" the magazine's story reports on the Ciskei government's repressive steps against political opponents and the detention of prominent figures, including President Sebe's brother, Charles.

Despite these internal problems, says Time, President Sebe has worked hard to hatch his "golden egg of development".

Ciskei had developed some substantial business ties, with private interests in Israel and recently Italy. — Sapa.

Scuffle as Charles Sebe tries to greet mother

Argus 17/11/84

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From BARBARA HART
Argus Bureau

EAST LONDON. — A scuffle broke out in the Zwelitsha Magistrate's Court when Ciskei's former head of security, Lieutenant-General Charles Sebe, tried to greet his mother but was bundled out of the courtroom by policemen.

General Sebe, immaculately dressed in a fawn suit and chocolate-brown wide-brimmed hat, was forced down steps to the cells below the court as the crowd surged forward while he tried to greet his mother, Mrs Maggie Sebe.

The former all-powerful head of state security and younger brother of President Lennox Sebe swept off his hat in greeting to his wife Nomafakathi and waved to the crowd as he entered the courtroom.

OVERSEAS TRIP

He appeared on charges under the National Security Act, but no formal charges were put to him. The case was postponed to February 10.

General Sebe, with other high-ranking security officers, was detained last July when Chief Sebe cut short an overseas trip amid rumours of political upheaval in the territory.

After the brief hearing General Sebe greeted his older brother and former Minister of Transport, Mr Namba Sebe, who is on R10 000 bail and is facing charges of fraud and corruption.

HELD BACK

He then tried to greet his mother but was held back by policemen. "That is enough," one policeman said.

"I'm only trying to greet my mother," General Sebe replied but was hastily bundled down the stairs to the cells as the crowd surged closer to the dock.

People began gathering at the magistrate's court at 9am yesterday and packed the courtroom for the afternoon hearing. Many plainclothes and uniformed policemen were in the court during the hearing.

Mrs Sebe vows she'll stay away from hearing

ZWELITSHA — Mrs Maggie Sebe, mother of the former Commander-in-Chief of State Security in Ciskei, Lieutenant-General Charles Sebe, has vowed never to go to court again when her son appears.

"I do not think I can survive trauma similar to that one I went through on Monday," 87-year-old Mrs Sebe said.

She was referring to an incident on Monday, when General Sebe, who appeared for a formal remand pending the formulation of charges under the National Security Act, was involved in a scuffle with security policemen who stopped him from shaking hands with her.

Mrs Sebe said her hand was hit away just as she was about to grasp her son's.

"I was dumbfounded by the whole incident," she said.

"I had never thought anyone would throw my hand off when I wanted to greet my child I had not seen for six months." She said she had told the officer involved that all she wanted was to "shake hands with my son . . . to feel it."

"But the policeman had replied: 'This person is fooling around with us' and pushed Charlie down the steps."

As a Xhosa woman she had been taught to respect others and expected the same in return, especially from young people.

"Our basic teaching is mutual respect for all and more respect for the elderly," she said.

She could not say much to stop the incident and even after it she could not do much because she has no power, Mrs Sebe said.

"I watched as they pushed him down the steps in an unbecoming manner.

"I could hardly believe what I saw. Charlie has not been convicted. Even the prosecutor said charges against him were to be formulated."

Mrs Sebe said her heart was sore that in her old age she should find shame in her home.

"All my life I have lived peacefully. No one was ever arrested."

She added this was perhaps destiny but it was hard to face it in the last days of her life.

"I can only pray to God to guide me through all this, but I find it hard to get proper sleep at night." — DDR.

MRS SEBE

Mkhatshwa in court today

EAST LONDON — The secretary-general of the Southern African Catholic Bishop's Conference, Father Smangaliso Mkhatshwa, who is being held in detention in Ciskei, will appear in court today.

According to Major Avery Ngaki, the Ciskei police press liaison officer, Father Mkhatshwa will appear in the Alice magistrate's court at 10 am.

Major Ngaki did not say on what charges he would appear.

Father Mkhatshwa was detained after a prayer meeting at Fort Hare University in Alice on October 30, 1983. Despite numerous requests during his detention, his whereabouts was not revealed.

Father Mkhatshwa's detention has drawn protests from all over the world. The president of the Southern African Bishop's Conference, Bishop Denis Hurley, filed an unsuccessful application with the Ciskei Supreme Court for an order to release Father Mkhatshwa.

Numerous placard demonstrations have also taken place as well as the signing of petitions. — DDR

Namba Sebe may lose bail

ZWELITSHA — The State intended applying for the withdrawal of the R10 000 bail granted to former Ciskei Minister of Transport, Mr Namba Sebe, a prosecutor, Mr P. C. Oosthuizen, told a magistrate's court here yesterday.

Mr Oosthuizen made the application when Mr Sebe appeared for a formal remand on charges of fraud and corruption.

Mr Oosthuizen said the application would be made because the State believed Mr Sebe had not complied with the bail conditions laid down by the court when he was released.

He said Mr Sebe — who was arrested on Tuesday — was now being held under Section 26 of the National Security Act.

He added the defence had been informed of the State's intentions.

Mr D. Kirk, who appeared for Mr Sebe, confirmed he had been informed of the State's intention to apply for the cancellation of bail.

"I want to investigate the matter because I believe the accused is alleged to have visited his farm (at Frankfort) twice," Mr Kirk said.

"I am aware of the fact that he visited his farm on Tuesday last week," he added.

He said he could not oppose the application to have Mr Sebe kept in custody until the next appearance on Monday, January 23, because he was being held under Section 26 of the National Security Act.

This section excludes any court from giving any ruling on the continued detention of anyone.

Mr M. Z. Ngoqo, the presiding magistrate, said the matter was being set down for hearing at 11.45 am on Monday.

He said Mr Kirk had informed him he intended briefing Senior Counsel on the matter. — DDR

Editor to appear in court

The Editor of The Star, Mr Harvey Tyson, is due to appear in court in three different capacities on Monday to face a charge under a section of the Internal Security Act that provides for imprisonment — but no option of a fine.

The alleged offence is that The Star published a quote by a banned person who may not be quoted.

The report arose out of a move by SABC-TV to interview Mr Oliver Tambo, the president of the ANC in London, and his refusal to be quoted.

A report was received from London giving Mr Tambo's explanation for refusing to be interviewed. The report was published in the first edition of The Star on September 6 last year.

As a result of this report the Editor is being charged in his personal capacity, as editor of the newspaper and as representative of the company.

The case has major significance for all newspapers.

Charged men require counsel

ZWELITSHA — Five men charged in connection with an incident in which shots were fired at the official residence of the Ciskei Minister of Foreign Affairs, Mr B. N. Pityi, on July 15, 1983, would require pro deo counsel when they appear in the Supreme Court on February 13.

This was said in the magistrate's court yesterday by Mr D. Kirk, an attorney for Major Ntobeko Mlotana, 32, Corporal Khambashe Sebe, 19, Lieutenant Mbulelo Xaba, 21, Lieutenant Colin Sebe, 22, and Lieutenant Toni Sebe, 23.

The magistrate, Mr M. Z. Ngoqo, said arrangements would be made to have pro deo counsel available for them.

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

Father Mkhatshwa strides into court in Alice yesterday.

Mkhatshwa bail plea refused

ALICE — An application for bail was refused when the secretary-general of the Southern African Catholic Bishops' Conference, Father Smangaliso Mkhatshwa, appeared in the magistraate's court here yesterday on a charge of terrorism.

No details of the charge were given and Father Mkhatshwa was remanded until February 10.

The refusal came after the state had handed in a certificate issued by the Ciskei Attorney-General, Mr W. F. Jurgens, in terms of Section 29 of the National Security Act.

In turning down the application, the presiding magistrate, Mr A. S. Nkuhlu, said that after reading the certificate the court had come to the conclusion that it was not necessary for Father Mkhatshwa to be given a chance to state reasons for his application.

"Once there is a certificate issued by the Attorney General in terms of Section 29 (1) of the National Security Act, the court has no jurisdiction unless the certificate is rescinded by the Attorney General," Mr Nkuhlu said.

The application was therefore refused and Father Mkhatshwa would be kept in custody in the Mdantsane police cells until his next appearance on February 10.

Mr M. J. Anderson, who appeared for Father Mkhatshwa, said he was doing so on instruction from the Archbishop of the Catholic Church, Archbishop Denis Hurley, of Durban.

It was important to consider whether he was likely to exert influence on witnesses.

He said Father Mkhatshwa was a Catholic priest in charge of the Shangule parish near Pretoria.

"In the interests of the whole Catholic Church it is essential that he should be released."

Penniless Gen Sebe calls for Amnesty legal aid

By NEIL HOOPER

LIEUTENANT-General Charles Sebe, detained former security boss of the Ciskei, has appealed to Amnesty International for help in his defence.

General Sebe, brother of Ciskei's President, made the request to the London-based Amnesty International.

His attorney claimed that General Sebe is virtually penniless after being detained for more than six months.

General Sebe appeared in the Zwelitsha Magistrate's Court last Monday on charges under the state's National Security Act.

He was not asked to plead and the case was postponed to February 10.

Friends of General Sebe believe his legal costs could amount to more than R150 000.

Fair trial

A spokesman for Amnesty, Mr M Smart, said the organisation would consider General Sebe's appeal. But he pointed out that Amnesty did not normally pay legal costs in political trials.

"We don't have the funds for this type of thing, but in a desperate situation we may find a way to assist," he said.

Mr Smart said he had contacted General Sebe's attorney in East London, Mr Dennis Kirk, and informed him of this.

He said Amnesty could be expected to take a close interest in General Sebe's trial.

"It is possible that we may send an international observer .... not somebody who works for us, but a lawyer from a country other than where the trial is taking place.

"General Sebe's case is interesting to us — Charles Sebe was the official in the Ciskei who in the past had the authority to detain people. This is a factor we have to take into consideration.

"However, whether or not he was involved to some degree in the previous detention of people in the Ciskei, he should still have a fair trial."

Luxury car

We have made a number of representations to Ciskei about detentions there. We have made it clear to the Ciskei that those detained should either be released or be given a fair trial," he said.

Mr Kirk said his client was in a "terrible financial position". General Sebe had not been paid since he was suspended more than six months ago as head of Ciskei's security forces.

Friends of the general said he might have to sell his luxury Mercedes Benz car. His wife, Mrs Nomafakathi Sebe, had already been forced to sell cows from the family herd to raise funds for legal costs.

General Sebe and his closest aide, Major-General Taileffer Minnaar, were detained in the Ciskei on July 19 last year.

The following month the general's brother, President Lennox Sebe, announced that a plot to assassinate him had been uncovered. President Sebe claimed that the plot had been organised by the Ciskeian security forces.

Churchman in court after mission raid

A LUTHERAN churchman – freed last year on charges of furthering the aims of the ANC – appeared in court again this week, apparently in connection with banned literature.

By MARTIN NTSOELENGOE

The Rev Molefe Tsele's appearance is a sequal to a Security Police raid on his Munsieville mission last year.

He was not asked to plead when he appeared in the Krugersdorp Regional Court, and the case was postponed to January 26. Rev Tsele was let out on his own recognisance.

The churchman made headlines last year when he appeared on charges of promoting the ANC. He was acquitted, as were his fellow-accused, social worker Ms Amanda Kwadi and Mr George Moiloa, a field-worker with the Young Christian Movement.

Star editor tells court of 'maze of statutes'

CAPE TIMES 24/1/84 331

JOHANNESBURG. — Newsmen had to keep abreast of a veritable maze of statutes prohibiting the publication of classified information, the Editor of The Star, Mr Harvey Tyson, told a Johannesburg magistrate yesterday.

Mr Tyson, who is charged in terms of the Internal Security Act, is alleged to have quoted the president of the African National Congress, a banned person, on September 6 without the permission of the Minister.

Mr Tyson is charged in three capacities: As a representative of the Argus Printing and Publishing Company; as Editor of The Star, and in his personal capacity.

He pleaded not guilty.

The magistrate, Mr F Strydom, was handed a statement by Mr Tyson in which he admitted Mr Oliver Tambo was quoted in The Star on September 6.

Banned person

Mr Tyson also admitted he was aware Mr Tambo was a banned person and could not be quoted.

He told the court he did not know of the report before it came in and before it appeared in the newspaper.

The report in The Star emanated from Amsterdam and was sent to The Star from its London bureau.

The volume of news received by The Star from its news services and its bureaux was amongst the largest in the world.

"The Star has the largest newsroom in the country, a number of foreign bureaux that must be among the largest in the world and lifting rights from 14 major international publications.

"In addition to this, in this country there was a news service from the Argus newspapers in Durban, Cape Town, Pretoria, Kimberley and Bloemfontein as well as a Sapa news service," he said.

An average of three-quarters of a million words were processed daily, which amounted to ten average novels.

Although The Star had an elaborate system of checks to see that nothing illegal was published, it was impossible for the chief sub-editor, the managing editor and the editor to read every bit of news that went into the newspaper.

"We do not require our reporters in the field to censor themselves and to make judgments which should be made by the newspaper in regard to prohibited material," said Mr Tyson.

"We don't see how any newspaper can operate without being able to select its news.

"We don't see how we can oblige the code of conduct as stipulated by the Media Council to publish fair and balanced news without having access to all the news.

"The Star specifically requires all news, whether censored or not, be sent," he said.

Ethics

Mr Tyson said The Star's code of ethics to its readers was that it would publish all the news and notify the reader whether it had to censor any item of news because of the statutes.

There were over 100 laws prohibiting publication of classified information and journalists on The Star were constantly instructed about these laws.

A handbook containing all the major laws affecting journalists was circulated and extraordinary measures were taken to keep the list of persons who could not be quoted up to date.

A report considered sensitive was usually marked for the "editor's attention".

The route such a report would take was that it would first go to the copytaster, then to the chief sub-editor, the managing editor and then the editor.

"It would be exceptional to refer sensitive material to myself. This report was not referred to me and I would not have expected it to be referred to me."

Mr Tyson said he was proud to admit that it was the first time in his knowledge that The Star was charged with contravening the Internal Security Act, but he was "surprised at this clean record because the law is so difficult."

He had not requested the article and only became aware that it was published when somebody mentioned it at a meeting that afternoon.

"There was nothing I could have done to prevent publication of that article in the first edition.

"There was an extraordinary shortage of production staff that day, with seven people either ill or on leave, and we were under extreme pressure to produce the newspaper," he said.

Mr Tyson said that he had subsequently seen an SATV programme in which the same subject was covered at great length. Various ANC representatives were quoted in the programme and the pictures of some of their leaders, including Mr Tambo, were shown.

Cross-examined by Mr B D Groen, Mr Tyson said the report published that day was withdrawn because it broke the law.

"No one person could check everything that goes into a newspaper. We do not have time," he said.

Re-examined by Mr Cilliers, Mr Tyson said the people in the line from the copytaster to himself on that day, were competent to do the job.

As Editor he was reponsible for the newspaper as a whole. It was not possible for him to edit the whole newspaper. He was responsible for the quality and standard of the newspaper and its direction.

"There are no grounds for believing it was a deliberate mistake."

Questioned by the Magistrate, Mr Tyson said had he seen the story there would have been no direct quotes by Oliver Tambo and nothing attributed to a banned person.

"The information in the report could have been published without quoting Oliver Tambo."

The case was adjourned to January 31. — Sapa

Rugby 'black power' salutes shown to court

331 #4 Star 24/1/84

West Rand Bureau

Press pictures of the Western Province rugby team giving a "black power" salute, and a team of young women giving a "thumbs up" sign as they campaigned for a "yes" vote in the referendum, were submitted by the defence at the Krugersdorp internal security trial yesterday.

Mr George Bizos SC said the pictures proved that the signs were not exclusive to the African National Congress.

He is defending Mrs Albertina Sisulu (66) and Mr Thami Mali (27), who have pleaded not guilty to furthering the aims of the ANC at Mrs Rose Mblele's funeral in Orlando West on January 16 last year.

The State alleges they eulogised Mrs Mblele, said by it to have been a former ANC member.

State witness Mr Izak de Vries, called as an expert on revolution in South Africa, said under cross-examination that he could not dispute a submission that the song Nkosi Sikelele Afrika was in the Methodist Hymn Book, or that the song was sung in various parts of Africa at religious worship.

Mr de Vries conceded that, in isolation, the song could not be identified as an ANC symbol, and that it was part of black cultural life.

He accepted that the colours black, yellow and green were used by organisations other than the ANC, some even bitterly opposed to that body, such as the Diepkloof Community Council.

He did say the ANC could benefit from a display of the colours.

Earlier in the day, the trial was delayed for about six hours by a dispute over whether the defence would be allowed to cross-examine in English, with an interpreter translating into Afrikaans, or whether the witness had to be questioned in Afrikaans.

The case was adjourned last October 21 to allow the defence to prepare cross-examination. When the case resumed yesterday, Mr Bizos began cross-examining in English. Mr de Vries said he preferred Afrikaans. Mr Bizos then asked for the questions to be in English and the answers in Afrikaans.

He said all his sources had been in English, and an expert advising him at the trial, Mr Tom Lodge, lecturer in political studies at Witwatersrand University, could not understand Afrikaans.

Mr de Vries then asked for an interpreter, as it was his right "under the constitution" to speak the language of his choice.

The prosecutor said an interpreter could not be found at such short notice thus delaying the trial. Then Mr de Vries agreed to be questioned in English.

The magistrate also warned spectators to stand up more quickly when he entered or left the courtroom, as a delay showed "a certain measure of disrespect".

Mr Jack le Grange said he also would not tolerate people passing remarks to one another, as he found it most distracting during difficult technical evidence.

The trial was adjourned until today.

'Chiefs colours same'

IWISA Kaizer Chiefs used the same colours — black, green and gold — as those adopted by the African National Congress, a Krugersdorp regional court magistrate heard yesterday.

Mr Thami Mali (25), a Soweto teacher at Anchor High School before his arrest, also told the court that the three colours regarded as national colours, had also been adopted by the AME Church and other churches too.

He was testifying in the Internal Security trial in which he and Mrs Albertina Sisulù (66) are charged with furthering the aims of the ANC. They have both pleaded not guilty before Mr T J le Grange.

He told the court that he had joined the Soweto Civic Association in 1980 and during the same year he had been made chairman of the welfare sub-committee. Mrs Rose Mbele, a former member of the Federation of South African Women (Fedsaw), from whose funeral on January 16, 1982 their charges arise, had been one of the welfare committee members.

His association and Fedsaw had been responsible for some of the funeral arrangements. Among the speakers lined up had been Mrs Sisulu and he (Mr Mali) was to be the Master of Ceremonies.

During the arrangements, he told the court, no mention had been made of the ANC. There had also been no discussion about the distribution of pamphlets or songs to be sung on the funeral day.

Sisulu case resumes

THE trial in which Mrs Albertina Sisulu (66) and a Soweto school teacher, Mr Thami Mali (27), have pleaded not guilty to furthering the aims of the banned African National Congress (ANC) resumed in the Krugersdorp Regional Court yesterday before Mr T J le Grange.

The trial was delayed for several hours before it got underway while an interpreter was being sought to interpret in the cross-examination of an expert witness, Mr Izak de Vries, a Rand Afrikaans Univesity lecturer in political science.

This followed an indication by Mr De Vries when Mr George Bizos, SC, for the defence, was about to start questioning him on his evidence for the State that he would prefer to be cross-examined in Afrikaans.

Mr Bizos said he wanted to put his questions in English. He argued that Mr De Vries had been cross-examined in English in previous trials and had been willing. Further, he said, his sources of information as an expert witness.

SOWETAN Reporter

was in English.

When the trial resumed at about 2.45 pm the court was informed that no interpreter was available and Mr Bizos proceeded to ask his questions in English while Mr De Vries replied in Afrikaans.

In reply to questions put to him, Mr De Vries agreed that the colours, black, green and gold were not exclusively used by the ANC, but other groups as well.

He also agreed that Nkosi Sikeleli Afrika was contained in a Methodist Church hymn book. He said he did not have an experience of township life and could not tell if an average resident regarded the black, green and gold colours to be of Azapo, Inkatha, or as national colours.

(Proceeding)

Namba Sebe harassed — claim

By KEITH ROSS

KING WILLIAM'S TOWN — A claim that Ciskei's former Minister of Transport, Mr Namba Sebe, was unnecessarily harassed by the security police was made in the Zwelitsha Magistrate's Court today.

The claim was made by Mr Sebe's advocate, Mr J M Froneman, who was cross-examining a witness during an application by the State for the estreatment of Mr Sebe's R10 000 bail.

The bail was granted last month when Mr Sebe appeared on charges of theft, corruption and fraud but the State claimed he did not observe the bail conditions.

Mr Froneman said Mr Sebe had been harassed by the security police since his release. Mr Sebe had phoned his attorney, Mr Denis Kirk, on January 12 about the harassment.

Mr Kirk wrote a letter complaining of the actions of the security police to President Lennox Sebe.

Mr Froneman said every time Mr Sebe left his house his car was stopped and searched. "Almost every night cars would go to his home late at night and shine their lights on his house. He was followed in a most conspicious manner, so that he could notice he was being followed."

Mr Froneman said Mr Sebe's niece was arrested in a house next door to him on January 11.

His son, Khama, had been arrested on the same day.

Mr Froneman said Mr Sebe's wife had being dismissed from her work as a nurse and had also been detained.

He asked a State witness, Warrant Officer Buttercup April, of the security police if he was aware of trouble within the Sebe family. WO April said he had read reports of the arrests of Lieutenant-General Charles Sebe and Mr Namba Sebe.

When Mr Froneman asked WO April if he knew of problems between President Lennox Sebe and Mr Namba Sebe, WO April said he knew of no problems.

(Proceeding)

Mr M Ngoqo was on the Bench. Mr P Oosthuizen appeared for the State.

Court hears about burials

POLITICAL funerals in black townships are often taken over by certain groups and it becomes impossible for a master of ceremonies or a member of the family concerned to exercise control over the funeral, a court heard yesterday.

Mr Izak de Vries, a Rand Afrikaans University lecturer in political studies, who has been described as an expert on revolution in South Africa, agreed with this statement by Mr George Bizos, SC, for the defence, during cross-examination in the Internal Security trial of Mrs Albertina Sisulu (66) and Mr Thami Mali (25), both of Soweto.

They have pleaded not guilty to furthering the aims of the banned African National Congress (ANC) before Mr T J le Grange in the Krugersdorp Regional Court.

Their appearance in court is a sequel to the funeral service of Mrs Rose Mbele, a former member of the Federation of South African Women (Fedsaw) who was buried on January 16, 1982.

The State alleges that the two among other things, sang ANC songs during the service, praised the organisation, distributed ANC pamphlets and stickers, displayed its flag and draped the coffin of Mrs Mbele, former ANC member, with the organisation's flag.

In response to a question, Mr de Vries said because he did not have knowledge of township life, he could not dispute that it was traditional that in funeral of public figures like Mrs Mbele, a green, black and gold flag was displayed, people wore mourning ribbons and speeches were delivered.

(Proceeding)

Botha bomb: man on terrorism charges

26/1/84 - Dispatch

331

PIETERMARITZBURG — A man who admitted causing five explosions in the city, including an attempt to cause an explosion near the city hall, when the Prime Minister, Mr P. W. Botha, was addressing a meeting in October last year, appeared briefly in the Pietermaritzburg magistrate's court yesterday.

No evidence was led and Mr Tembinkosi Paulson Ngcobo, 23, of Imbali, Pietermaritzburg, was informed by the magistrate that his trial would be held on March 8 in the Supreme Court.

Mr Ngcobo originally pleaded guilty to seven acts of terrorism, when he first appeared in court on December 14. However the magistrate, Mr D. Du Toit-Marais, entered pleas of not guilty as he said he was not satisfied that the accused had admitted the necessary intent to commit the acts.

Charges against Mr Ngcobo include placing bombs outside the Pietermaritzburg supreme court, the Drakensberg Administration Board's office at Sobantu Village, and against three electricity ylons.

He is also charged ith establishing caches f mines and explosives or subersion.

Mr Ngcobo had told the magistrates that he was arrested outside a city hotel on October 27 last year when he was carrying a mine which had been primed to go off in 15 minutes.

He said he had planned to leave the mine in a rubbish bin near the library behind the city hall where the Prime Minister was speaking. However he changed his mind as there was a large crowd outside the hall. As he was walking away he was stopped by a policeman.

At his previous hearing Mr Ngcobo told the magistrate he would require pro deo council.

However at yesterday's hearing he was represented by advocate Mr T. K. Moerane who said the accused's family had engaged his services.

Mr Moerane told the magistrate that on December 15 last year when the accused appeared, his relatives had arranged for him to be represented by a lawyer after having learnt through the media that he had been in court the previous day.

He said that the fact had been communicated to the state on the morning of December 15, but somehow "for reasons I do not know, this information was not passed on to the court."

He added that he was placing this matter on record at this stage as it might be of relevance at a later date. — SAPA.

Durban demo: 43 in court

DURBAN — Forty-three people apppeared in the Durban trate's Court today on an allegation of contravening the Internal Security Act.

Their appearance followed the picketing of the meeting at the Durban City Hall on November 14 when the Prime Minister, Mr P W Botha, addressed more that 3 000 Indians on the new constitution.

The accused are alleged to have contravened the Act by holding an illegal gathering.

They were not asked to plead.

The case was ajourned to March 1 and bail of R50 each was extended. — Own Correspondent.

Teacher tells of ANC role

Sowetan Star Post 331 27/1/84

ONE of the accused in the Krugersdorp Internal Security Act trial yesterday told a court that although he respected and regarded Nelson Mandela as the leader he disagreed with him on his organisation's strategy of violence.

SOWETAN Reporter

Mr Thami Mali (25), a Soweto school teacher, told the court that although he was opposed to violence, this did not mean that he condemned people resorting to this action.

He was under cross-examination at the trial in which he is charged together with Mrs Albertina Sisulu (66) for allegedly furthering the aims of the African National Congress. They have both pleaded not guilty.

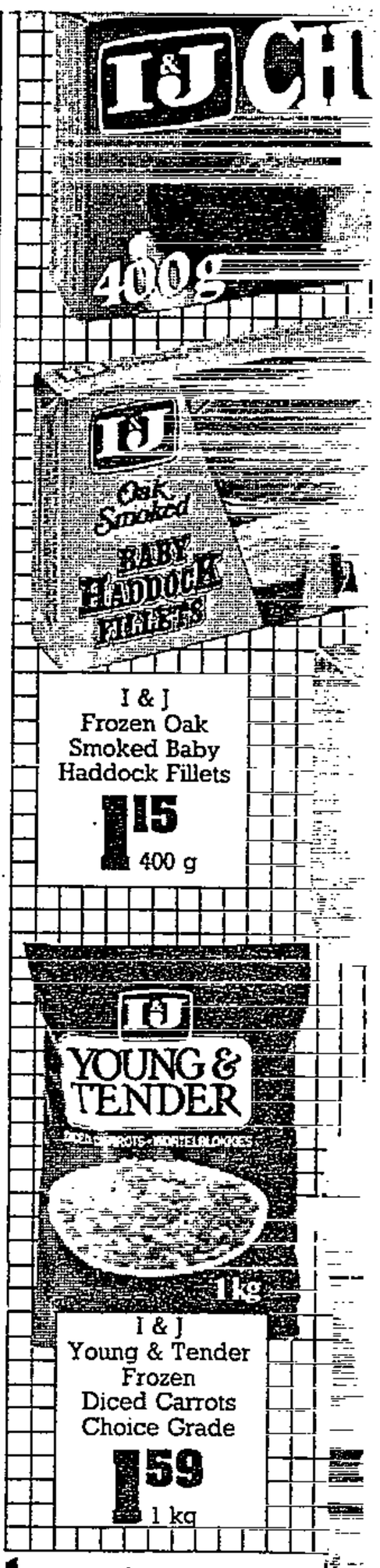
Mr Mali told the court that the ANC was a liberation movement whose aim was to overthrow the Government through violent means. It had resorted to its military stance in 1961 after years of trying to negotiate with the Government peacefully, but became frustrated when it was ignored.

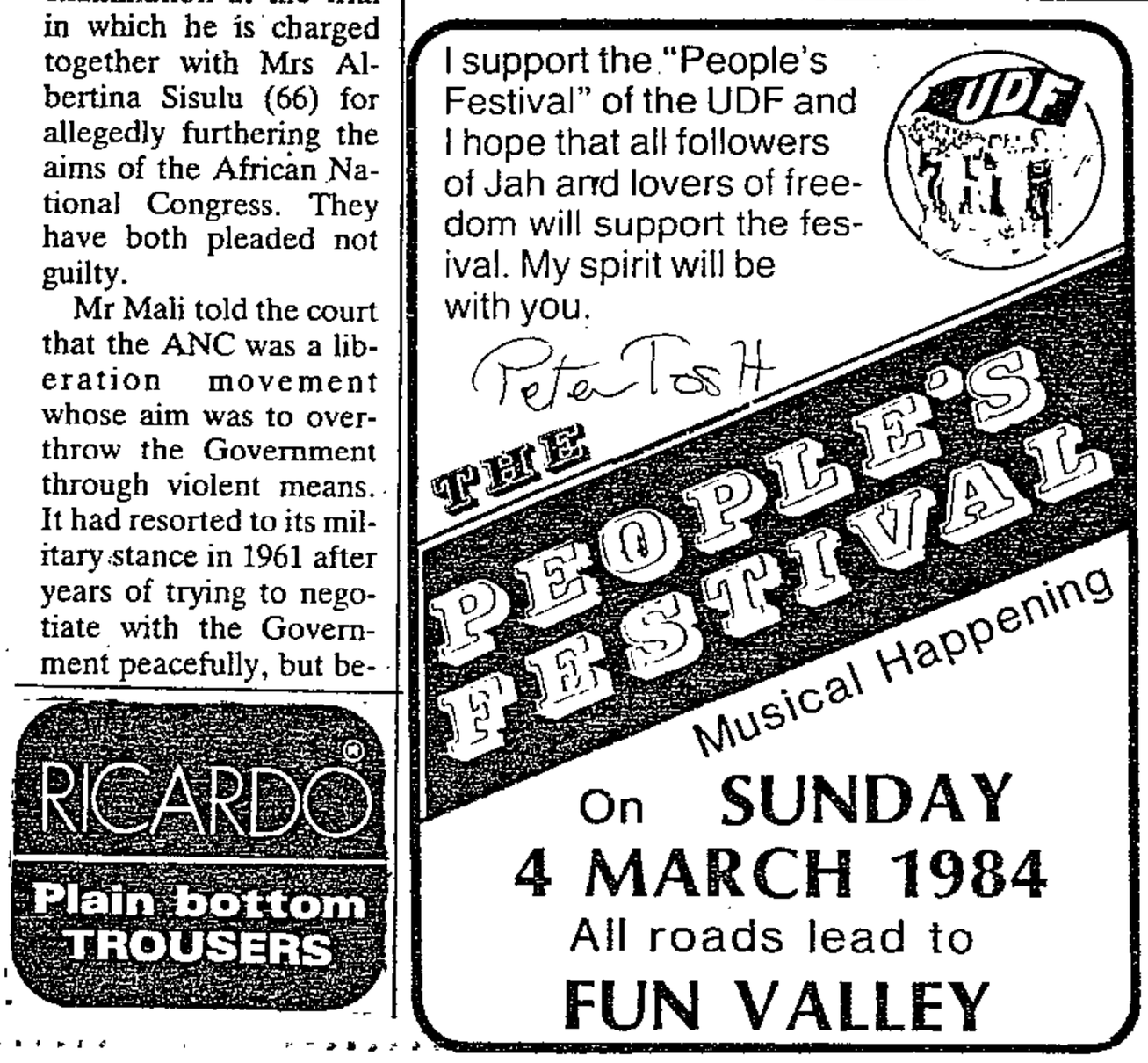
He said although the ANC has not achieved much in the last 70 years it had meant something for blacks by fighting some of the oppressive laws.

He would support the ANC if it abandoned its stand of violence because he aligned himself with some of Mandela's ideals of change and the upliftment of the black man.

He said the manner in which the ANC was going to achieve its goals rested with the Government in whether it was prepared to release and talk to Mandela.

(Proceeding)





pers, will absorb the increase for a year.

K-Mart operations director Ian Melass told a

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THE ANC's colours were also being used by the Venda homeland and several churches, the president of the SA Council of Churches told the Krugersdorp Regional Court this week.

Lutheran Bishop Manas Buthelezi told Magistrate TJ le Grange the colours black, gold and green were used throughout Africa.

ress "horrific increase in sales tax has affected the lives of millions of blacks, and Forum.

Mr Melass pointed

Black, green 'n gold

Everyone's using them, says the bishop

He was giving evidence in the trial of Mrs Albertina Sisulu, 66, — wife of the jailed secretary of the banned ANC, Walter Sisulu — and Mr Thami Mali, 25, a Soweto teacher. They have both pleaded not guilty to furthering the aims of the ANC.

Their appearance is a sequel to the funeral service of Mrs Rose Mbele, a former member of the Federation of SA Women, in January 1982.

example to South African retailers."

☆ ☆ ☆ ☆ ☆ ☆ ☆

C. Press
29/1/84

(33) The State alleges that the two sang ANC songs during the service, praised the organisation, distributed pamphlets, stickers and arm-bands, and draped Mrs Mbele's coffin with the organisation's flag.

Bishop Buthelezi told the court many black organisations and independent churches used the colours black, yellow and green. Black symbolised black people throughout the continent, yellow symbolised wealth, and green the fertility of the land.

Asked by defence advocate George Bizos why many Africans wore items with a spear and a shield, he replied:

"In the olden days, Africans used the spear and the shield during war. But today they symbolise the culture of African people."

The trial continues.

Bedroom drama — man shot dead

FORMER Robben Island prisoner Bertie Gonsalves, 25, was shot dead in Cape Town this week after a bedroom drama.

Police said a man, who gave himself up minutes after the killing, returned home to find a man in his bedroom.

The intruder fled and the resident chased him — and soon afterwards a shot was fired through Gonsalves' open bedroom window and hit him in the back.

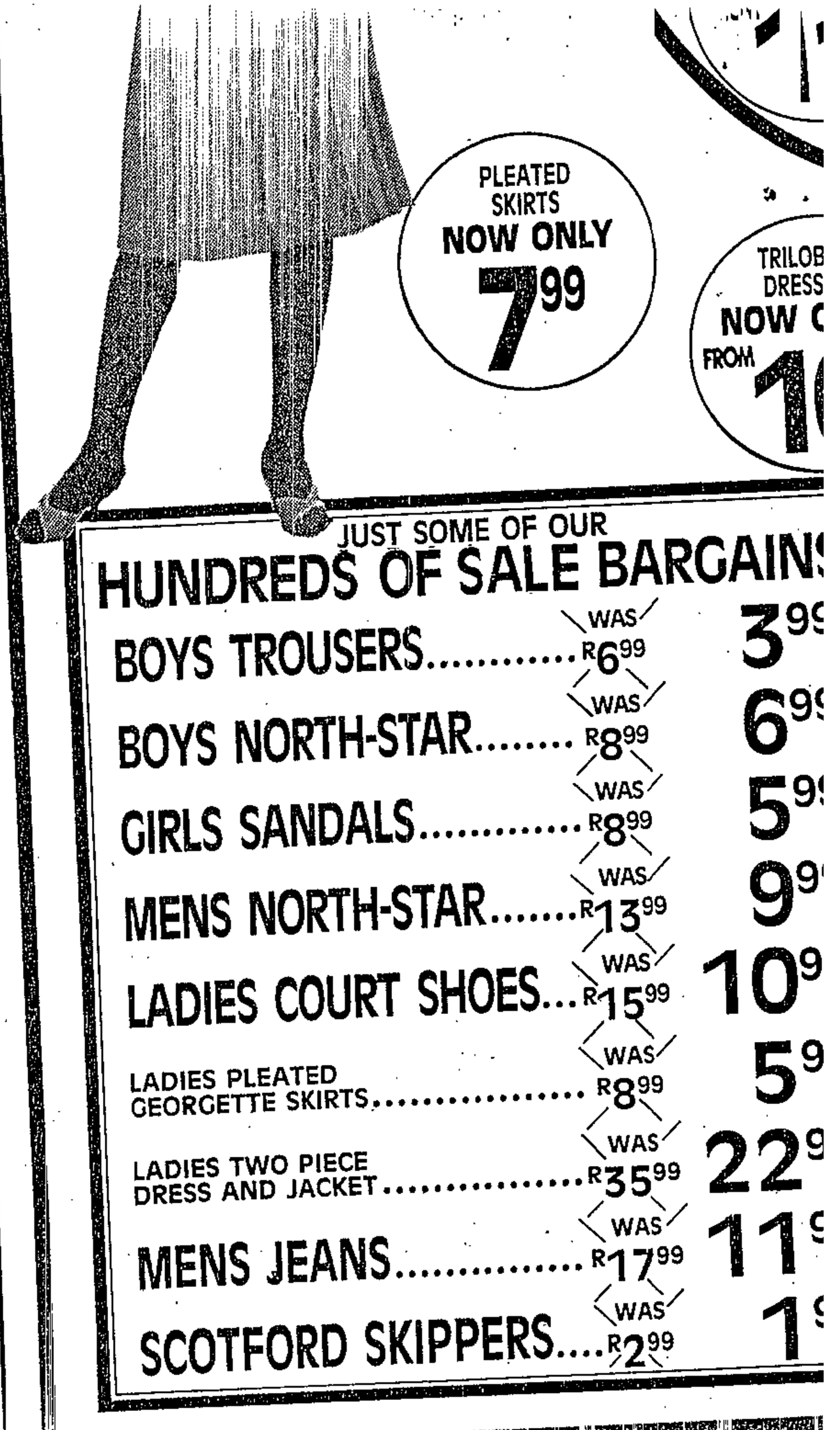
Mr Gonsalves was an ex-Cape Youth Congress executive member.

He married Jennifer Mackay last year after his release in November 1982.

Both Mr Gonsalves and his wife were members of Azaso.

She is five months pregnant.

Priest gets off



service to commemorate the death in detention of Samuel Tshikudo, to be held in the Lutheran Church in Mankweng, near Turfloop today.

The service, organised by the Mankweng Youth Congress (Mayco), starts at 2pm.

Mr Tshikudo, who died last Friday while being held under security laws in Venda, is the 56th person to die in detention.

He was detained on last November with Mr Petrus Mudzielwana.

CP Reporter

Mr Robert Ratshitanga, Mr Alfred Denga, Mr Samuel Radamba, Mr Samuel Mahamu and Mr Wilson Sinyegwa, were held in a subsequent raid.

According to doctors who attended Mr Tshikudo's post mortem, he was probably "dreadfully ill for days and days" before his death.

And Mr Tshikudo's lawyer Ismail Ayob, is now considering an urgent Supreme Court application for the release of the other six Venda detainees.

This follows confusion over a statement telexed to Mr Ayob by Venda National Force head Brigadier TR Malaudzi saying Mr Tshikudo had been suffering from typhoid or diabetes.

But Mr Ayob was later told by the Venda police: "The information was not meant for you. It was sent to you by mistake."

Mr Ayob telexed back to say he did not accept the withdrawal of the telex, saying a Dr Labuschagne at Tshilidzini Hospital had excluded diabetes in his medical report.

Mr Ayob also told reporters that two doctors who attended the post mortem "are certain . . . that he was dreadfully ill for days".

Mr Tshikudo is the second person to die in Venda police custody. Mr Isaac Moufhe died in November 1981 while being detained under security legislation.

the detainees are not in a fit state to see their family," the DPSC said in a statement.

The Mankweng Youth Congress and the SA Allied Workers' Union have, meanwhile, condemned the Venda Government for what happened to Mr Tshikhodu.

Freeway sex charge cops are suspended

TWO Durban traffic cops — one black and one white — have been suspended after they appeared in the Durban Magistrate's court on allegations that they raped a black 39-year-old married woman at gunpoint on a freeway.

Mr Samson Msibi of Umlazi and Mr Steven Watkins of Durban were not asked to plead and bail was fixed at R200.

They are required to report at the police station on Sundays and Fridays. They will appear in court again on February 2.

A public relations

By BANCROFT HLATSWAYO

spokesman for the Traffic Department confirmed that the two constables have been suspended pending the outcome of their trial. He added that Mr Watkins recently got married.

Lennox.

Speaking this week for the first time about her son's clashes, Mrs Sebe told City Press: "My son Lennox has brought shame on our family.

"He has driven a wedge into our family which can never be healed . . . . there will never be peace."

The 87-year-old mother told City Press it was "hard to face such trauma" caused by her son, Ciskei President Lennox Sebe.

"Although he lives a stone's throw away from me, he doesn't seem to care about me or where my next meal comes from. He does not know how I live and does not

President Lennox

By BENITO

even greet me when he drives past.

"He has become so involved in Ciskei politics that he has completely forgotten he still has a living mother. I am not a healthy woman any more, but I can only pray

SAAWU TWO FACE ANC CHARGES

TWO members of the South African Allied Workers Union (SAAWU) charged with furthering the aims of the banned ANC and possession of banned literature, will appear for the third time in the Pretoria Regional court tomorrow.

Mr Gerald Ramidau, 28, of 3 Motau Street, and Gabriel Kgomotso Mokoka, 27, of 45 Ngolase Street, both of Atteridgevill, were detained last August and appeared briefly before Mr E C Wilkens before they were released on R500 bail each.

They appeared for the second time in the same court in November last

By CEDRIC KEKANA

year where no evidence was led and their bail was extended.

The two are facing charges of furthering the aims of the ANC and possession of banned literature.

Among documents confiscated by police were SAAWU membership forms.

. . . a has to

INTERNATIONAL human rights organisation Amnesty International is bound by its constitution to help detained former Ciskei human rights violator Charles Sebe receive a prompt and fair trial.

Amnesty told City Press this week that it is aware that while Gen Sebe headed Ciskei se-

Alex leaders granted bail

29/1/84 C. Press 331

BAIL of R500 each was this week fixed for four men arrested in connection with the Putco bus boycott in Alexandra township.

By MANDLA NDLAZI

They are Mr Mike Beea, 41, chairman of the Alexandra Commutter's Committee (ACC), his deputy, Mr Mack Lekota, 55, and two executives of the Alexandra Youth Congress, Mr Paul Mashatile, 22, and Mr Nesto Kgope, 21.

They made the bail application when they appeared briefly before Magistrate W Aucamp in the Johannesburg Regional Court, charged under the Intimidation Act.

They were not asked to plead and the case was remanded to February 10.

Cops release three others

Their appearance is a sequel to the Putco bus boycott which started in Alexandra township last Monday, shortly after the announcement of a 12,5 percent fare hike.

Meanwhile, three more people — the Reverend Abel Moleleke, Miss Constance Hlatshwayo and Mr Michael Vilakazi — have been detained by Security Police in connection with the boycott.

Their arrests were confirmed by Major HV Haynes of the public relations division of the SAP, who said the three were being held under Section 50 of the Criminal Procedures Act.

things, on the following:

Review of the year's activities with particular reference tothe anti-community council elections rallies.

Over-view of the recent annual congress with reference to policy decisions adopted.

Consolidation of the branch.

Elections will be held.

Mr Obed Bapela, Mr Patrick Banda and Miss Naomi River have been released after a brief spell in detention, according to an ACC spokesperson.

The United Democratic Front this week expressed concern at the fate of those still in detention.

The front demanded the release of the detainees, saying the police were "increasing tension" in the township.

Food for 600 000

OPERATION Hunger, faced with the huge task of feeding over 600 000 people this year in the drought-ravaged areas of the country, has launched a food bank in its efforts to intensify

Don't invest in SA — Jackson

29/1/84 C. Press

CP CORRESPONDENT: WASHINGTON

THE UNITED States should strive to develop "a first-class relationship" with the countries of Africa, a Democratic nominee for the Presidency, the Re-

ding that it should re-examine import barriers and meet African leaders in Africa.

"Why has the USA not made a great impact on Africa?" he asked.

"Why is our influence limited?" he asked, in view of the fact that the United States extends direct aid and technical as-

The mayor's office also serves as home for Mr Tshabalala's Sofasonke Party

I SAY

by OBED MUSI

pensioners would travel mahala on Putco buses, more schools would be built, better roads would be the order-of-the-day and so forth.

Obviously we all know that Pretoria won't even countenance such notions.

They may well be allowed to issue their own dog licences and the like but rents? Haikhona.

As somebody said: at one time under the old Act they were virtually toothless bulldogs.

Now they have been given false teeth. And as anybody knows it's not wise to inflict a bite with dentures.

The teeth won't sink in. Especially into the thick skins of our rulers.

Story: KHOLO SIBIYA

11 face treason charges

29/1/84 City Press

331

PE men in court after bomb attacks

ONE OF the biggest treason trials in years starts in Grahamstown next week when eleven people appear on charges ranging from high treason to murder.

By MONO BADELA

Stringent security measures were enforced when the men appeared in the Port Elizabeth Magistrates' Court last October.

According to the charge sheet, the men now face four charges of murder, and charges of treason, alternatively sabotage. They are also charged with illegal possession of prohibited publications and of a mini-arsenal of arms and ammunition.

The murder charges are in connection with the death of Mrs Nonkosi Tshiwula in Kwazakhele last May.

Other charges relate to bomb blasts at the Port Elizabeth Community Council offices in January 1983, at Constantia shopping centre in PE during 1981 and 1982, and on a railway line near Swartkops.

The arms include five rifles, a machine gun, 14 hand-grenades, about 500 rounds of ammunition, six kg of plastic explosives, two kg of TNT, two limpet mines, 52 detonators and a blasting cartridge.

The men who will appear before Mr Justice Cloete on February 1 are Mr Rufus Nzo, 34, Mr Douglas Qyuqyu, 48, Mr Siphio Hina, 44, Mr James Ngqondela, 54, Mr William Khame, 57, Mr Zikhulu Khame, 22, Mr Sipho Sondawo, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekase, 27, Mr Wellington Gumenge, 29, and Mr Mceba Faku, 27.

Football loses brilliant Baptist

TREVOR "Cheesa" Baptist, the brilliant left-winger of relegated African Wanderers soccer club, who has been hospitalised at Addington Hospital since December after complaining of pains in the back, died on Wednesday morning.

He died of cancer of the spleen.

Before joining Wanderers, he played for Leeds in the South African Soccer Federation.

His last game was against Swallows Limited in the semi-finals of the Mainstay Cup last year.

with SIPHO JACOBS

25 students on violence charge

ZWELITSHA — Twenty-five Fort Hare University students appeared briefly in the regional court on charges of public violence.

Three failed to appear.

Charges against five others were withdrawn in their absence.

The prosecutor told the court that he had intended asking for the forfeiture of bail and the issue of a warrant of arrest against the three who failed to appear. It later emerged that the case was postponed at their last appearance in Alice. It was possible that the absentees had turned up at Alice.

The defence counsel said letters had been written to the clients by the instructing attorney informing them of the venue and postponement date. It appeared that wrong addresses were used because some letters were returned unclaimed.

The case is a sequel to disturbances at the university last October.

The case was postponed until today and bail was extended.

Mr J. Kotze was on the bench. Mr B. D. Nel appeared for the state. Advocate V. E. M. Tshabalala, instructed by B. B. Ntongo and Co, appeared for the accused. — DDR

Dress does not put SA in peril, court finds

By Themba Molefe

Miss Doris Ndoli Setlhoke was all smiles yesterday when a Johannesburg magistrate found the State had not proved that her green, black and gold dress and a matching bag endangered South Africa's security.

Miss Setlhoke (26) of Zone 1, Meadowlands, Soweto, had pleaded not guilty under the Publications Act. She was charged with possessing the dress, which had the words "Amandla, Power, Matla", on it.

The dress, which the State alleged was undesirable in terms of the Act published in the Government Gazette of June 4 1982, was found to be promoting the banned African National Congress.

Miss Setlhoke said she had got the material in Botswana when she went to visit her exiled common-law husband early last year. She had made the dress and a matching handbag and was not aware that the material had been declared undesirable or that the green, black and gold colours were those used by the ANC.

The magistrate said in passing judgment that the State had not proved beyond reasonable doubt that Miss Setlhoke, a bank clerk, had intended to violate the Act. Nor had she aimed at endangering the State's security.

LEKOTA IN COURT

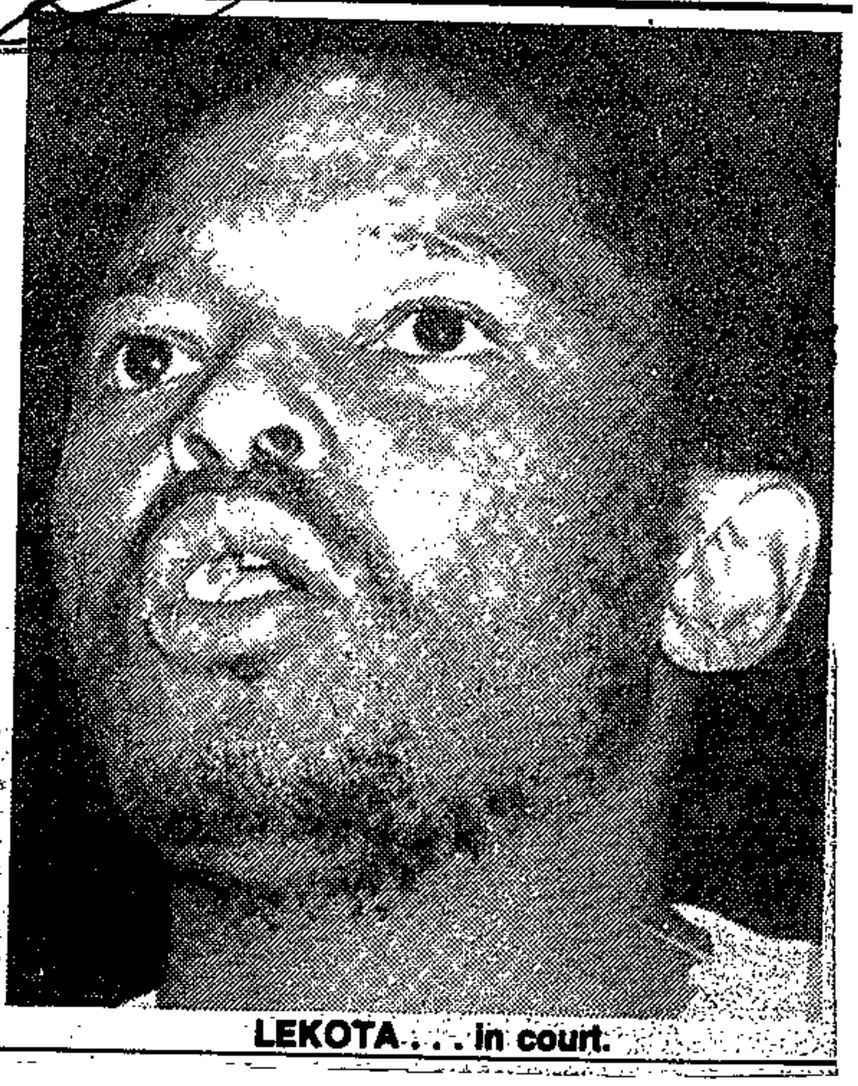
THE publicity secretary of the United Democratic Front (UDF), Mr Mosinoa Gerard Patrick Lekota (36), appeared in the Welkom Magistrate's Court last Thursday facing a charge of possessing a banned publication.

Mr Lekota of 1211 20th Avenue, Clermont, Durban, was not asked to plead to the charge.

It is alleged that on January 25 Mr Lekota had in his possession an abridged version of "The Night Keeps Winking" by Mongane Serote.

Mr Lekota was granted R100 bail and the case was postponed until February 17 for the Attorney-General's decision.

Mr J Nightingale was on the bench and Miss M Jackson appeared for the State. Mr Lekota was not represented.



LEKOTA . . . in court.

Accused of having pictures of ANC men

Pretoria Bureau

A 25-YEAR-OLD Saulsville man pleaded guilty in the Pretoria Regional Court yesterday to four counts of being in possession of banned publications connected with the banned African National Congress.

Thomson Ramanala, of Makaye Street, was acquitted on charges of being a member of the ANC and furthering its aims.

He was charged with being in possession of a picture postcard of the president of ANC, Mr Oliver Tambo, and its former vice chairman, Dr Yusuf Dadoo, and two of their speeches, at Saulsville, Pretoria, on August 16 last year.

He was also charged with being in possession of a pamphlet with Dr Dadoo's photograph, marking his 70th birthday, three posters with with the photograph of Chief Bambatha with Zulu warriors, and another pamphlet commemorating the centenary of the Battle of Isandlwana — the Zulu-British confrontation in 1879.

Major F J P Nel, of the Security Police, told the court that he had been involved in many terrorism and high treason cases as an investigating officer for the past 14 years.

He said Isandlwana was used by the ANC as propaganda.

The hearing continues today.

Editor not personally negligent, State says

By Joe Openshaw

The State did not press for a conviction of the editor of The Star in his personal capacity for quoting banned Mr Oliver Tambo, a Johannesburg magistrate was told yesterday.

The prosecutor, Mr B Groen, said this in an address during the resumed trial in which the editor, Mr Harvey Tyson, is charged in three capacities under a law which allows no option of a fine.

He is charged under the Internal Security Act in his capacity as representative of the Argus Printing and Publishing Company, as Editor of The Star and in his personal capacity for quoting Mr Tambo, president of the banned African National Congress, on September 6.

Mr Groen said Mr Tyson had discharged the onus of proving he had not been negligent.

The prosecutor told the court he would press for a conviction of the Argus Company which had published, or helped publish, the article on September 6.

The report, handed into court, quoted Mr Tambo as saying: "The interview would not be live. They would censor it and distort the information."

The quotes were in response to reports that SABC-TV intended approaching Mr Tambo for an interview.

Mr Tambo was also quoted as saying it was "extraordinary" he was asked for an interview because he was a banned person and could not be quoted.

Mr Groen said Mr Tyson had admitted there had been a "slip up" in publishing the report, which indicated there had been negligence on the part of a person "unknown to the State".

This was because several senior staff members were on leave, the managing editor had suffered a heart attack and two other senior members of staff had also been off ill.

"The first accused is well known as the Argus Printing and Publishing Company.

"The unknown persons referred to in the charge sheet are merely puppets of the company," said Mr Groen.

The prosecutor rejected the defence argument that the charge was one that could be recognised in law as being of "extreme triviality". Precedents showed this did not hold water, said the prosecutor and he called for a conviction of the Argus Company.

Mr S A Cilliers SC, for the defence, thanked Mr Groen for the correct and proper manner in which he had not pressed for a conviction of Mr Tyson in his personal capacity, and for conceding that Mr Tyson had discharged the onus of liability in his personal capacity and in his vicarious capacity as editor.

The case was postponed until February 13 for judgment by Mr F Strydom on all three issues.

Mr S A Cilliers SC and Mr Brian Doctor, instructed by Mr Peter Reynolds of Webber Wentzel, appeared for Mr Tyson. Mr B Groen appeared for the State and Mr F Strydom presided.

CAPE TIMES 1/2/84 531

The Cape Time

Judgment on 'slip up' soon

JOHANNESBURG. — The State did not press in the Johannesburg Magistrate's Court yesterday for the conviction of the editor of the Star newspaper in his personal capacity for quoting the leader of the banned African National Congress, Mr Oliver Tambo.

The prosecutor, Mr B Groen, said this in an address during the resumed trial in which Mr Harvey Tyson is charged in three capacities under a law which allows no option of a fine.

He is charged under the Internal Security Act in his capacity as representative of the Argus Printing and Publishing Company, as Editor of the Star, and in his personal capacity, for quoting Mr Tambo, president of the ANC, on September 6.

Mr Groen said Mr Tyson had discharged the onus of proving he had not been negligent.

The prosecutor told the court he would press for a conviction of the Argus Printing and Publishing Company which had published, or helped publish, the article.

Mr Groen said Mr Tyson had admitted there had been a "slip-up" in publishing the report, which indicated that there had been negligence on the part of a person "unknown to the State".

"The unknown persons referred to in the charge sheet are merely puppets of the company," said Mr Groen.

The hearing was adjourned to February 13 for judgment by Mr Justice F Strydom on all three issues. — Sapa

Clerk jailed for banned pamphlets

Pretoria Bureaau

A TEMBISA Hospital clerk was yesterday jailed for six months by the Pretoria Regional Court for possessing banned publications, with a further 18 months suspended for five years.

Thomson Ramanala, 25, of Makaye Street, Saulsville, had pleaded guilty.

He was found not guilty of being a member of the ANC and of furthering its aims.

On August 11 last year, Ramanala was found in possession of pictures of ANC president Mr Oliver Tambo and ANC vice-chairman Dr Yusuf Dadoo, two of their speeches, and a pamphlet commemmorating the centenary of the Battle of Isandhlwana.

He was also found to be in possession of a pamphlet marking Dr Dadoo's 70th birthday, and three posters with the photograph of Chief Bambatha with Zulu warriors.

Mr M F Noorbhai, for Ramanala, said his client was a religious person with no previous convictions. He had been suspended from his job, but his ambition was to become a teacher.

The magistrate, Mr W J van den Bergh, said he had taken into consideration the fact that Ramanala had not distributed the publications, and that the literature was old.

But he said a poem written by Ramanala "clearly manifests your aims with the ANC".

The magistrate said furthering the aims of the ANC was a serious crime, since ANC-trained terrorists could kill even innocent people.

Fort Hare students plead not guilty

ZWELITSHA — Twenty five Fort Hare students pleaded not guilty to public violence charges in the regional court yesterday.

They are alleged to have assembled on the campus in September with a common purpose of forcibly and seriously disturbing the peace and security of the public or invading the rights of other people by marching at the campus and creating a riot, damaging windows with sticks and stones, carrying placards and singing freedom songs and stoning the police.

The university's security officer, Mr F. Geyer, told the court that on September 11 he noticed student groups around the male hostels. Later a large group marched to the girls' hostels singing freedom songs. They stoned his van and he had to retreat. At the women's hostels he heard glass breaking and he called the police. When police arrived the students ran in all directions with the police hot on their heels.

He said the police did not fire any shots. He tried to take a photograph of the students carrying placards but they did not come out.

Captain Malizo Ntswahlana said that on receiving a report on the disturbances he went to the campus with about 60 men. They found the students singing freedom songs and carrying placards. When they saw the police they threw stones at them and called them dogs.

Four shots were fired into the air and some students ran into the hostels and others sat down. He ordered their arrest.

He said no policemen had reported being hit by the stones.

The investigating officer, Captain Abysinia told the court that he arrived at the campus after the unrest. He found stones, sticks, shoes and clothing on the ground. Windows in some hotels were broken.

He said that two women were admitted to hospital for injuries. Miss Nomsa Mkize told him she was injured on her head, shoulder and mouth during a stampede. He denied that she told him she had been hit with a truncheon and a fist.

The case continues today.

Mr J. Kotze was on the bench. Mr B. D. Nel appeared for the state. Mr V. E. M. Tshabalala, instructed by B. B. Ntonga and Co, appeared for the defence. — DDR.

3 names removed from charge sheet

ZWELITSHA — The names of three Fort Hare students who failed to appear in court on Monday and yesterday morning were removed from the charge sheet yesterday.

Mr Jerry Rekhotso, Mr Selabe Ramtsoela and Miss Pumela Baartman were to appear in the regional court here with 25 others on charges of public violence following disturbances at the university campus in September.

The prosecutor told the court that warrants of arrest were issued when they failed to appear at the Alice magistrate's court where the case had been postponed.

Miss Baartman arrived later and was charged separately. Her case was postponed to Friday and her bail was extended. — DDR.

Judge's appointment delays treason trial

331 Dispatch 2/2/84

GRAHAMSTOWN — The appointment of a judge in Natal resulted in the postponement of a trial in the Grahamstown Supreme Court yesterday.

Under strict security precautions, 11 men appeared for what is expected to be a lengthy trial concerning charges ranging from high treason to fraud.

At the start of the trial the leader of the defence team, Mr Gerald Alexander, SC, applied to the court for a postponement.

He explained that the former leader of the defence, now Mr Justice Wilson of the Natal bench, had only become aware of his appointment as a judge last Friday.

Mr Alexander said this was the last in a series of setbacks the defence had experienced, and it had been impossible for him to prepare himself in time to proceed with the trial today.

The accused are: Mr Rufus Nzo, 34, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr Mzayifani Khame, 57, Mr Mzimkulu Kameh, 22, Mr Sipho Nodlwu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Nceba Fuku, 27.

They have not yet pleaded to the charges which concern high treason, participation in acts of terrorism, sabotage, undergoing military training, possession of explosives, possession of unlawful literature, possession of machine-guns, hand grenades and ammunition and leaving the country without a passport.

There is also a murder charge, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

The deputy attorney-general for the Eastern Cape, Mr P. G. Strauss, SC, said yesterday: "Justice delayed is justice denied."

He pointed out that the accused had been arrested in May last year and held under the Internal Security Act until July 11, when they appeared in the Port Elizabeth magistrate's court.

They were indicted on August 13, and the trial date was set for October 17.

The defence had asked for a postponement to November 13, and in order to give them adequate time, the Judge President had decided on February 1 as a final trial date.

In his judgment on the application yesterday, Mr Justice Cloete said he would reluctantly agree to a postponement to Febuary 15, because of the special circumstances resulting from Mr Justice Wilson's appointment.

He expressed his displeasure at this delay, saying the case was a serious one and the indictment intricate, involving many issues of fact and law.

There was also a long list of witnesses, some of whom were in custody. Further delay would seriously prejudice both the accused and the stae, Mr Justice Coete added. — SAPA.

SABC charged with 'illegal publication'

The editor of SABC-TV news appeared in the Johannesburg Regional Magistrate's Court yesterday charged with illegally publishing a photograph of treason convicts Dieter Felix Gerhardt and his wife Ruth.

Mr Izak Schalk Willem Burger pleaded not guilty to the charge, both in his personal capacity and as a representative of the SABC.

Mr Manie Roode, appearing for the SABC, admitted that the photographs had been transmitted during a news bulletin on June 16 last year, but said this did not amount to publication in terms of prohibitive legislation.

Mr Burger also admitted that permission to "publish" the photograph had not been obtained from the necessary authorities.

Colonel L P C Jansen of the police forensic laboratory gave lengthy technical evidence on how images or photographs are transmitted by TV. He said that in his opinion the transmission of images of Commodore Gerhardt and his wife amounted to publication.

The prosecutor, Mr B D Groen, said the State clearly had a case for a conviction of Mr Burger and the SABC in the light of Mr Burger's admission that the images had been transmitted. An admission of "transmission" amounted to an admission of publication, he said.

The case was postponed until February 20.

Mr L S du Toit was on the Bench.

Police queried on evidence

ZWELITSHA — Police witnesses at the Fort Hare trial in the regional court here were questioned at length yesterday by the defence about the contradictions in their evidence.

Twenty-five Fort Hare students have pleaded not guilty to charges of public violence.

Warrant-Officer Manelisa Nkomane told the court that when police arrived at the campus on September 11 the students were throwing stones at the windows in the girls' hostels. They were carrying placards and were chanting freedom songs.

With clenched fists they chanted that "Mandela was going to come back" and shouted that they were commemorating the death of Steve Biko.

Students threw stones at the police when they saw them. He said he fired three warning shots and they all dispersed.

When police arrived, W/O Nkomane said, students had assembled in front of the dining hall. When told that Capt Ntswahlana had told the court they were between Elukhanyisweni hostels, he said he found them in front of the dining hall.

The defence pointed out that Capt Ntswahlana, who was in charge of the police unit at the campus, had told court that when police arrived students were hitting dustbins with stones and were not throwing stones. The captain had ordered that four warning shots be fired into the air. After the shots, some of the students carrying placards sat down while others remained standing.

W/O Nkomane said he saw the students hitting dustbins with iron rods. When told that only one rod was produced as an exhibit and that it had been picked up somewhere else, he said he had thought it was the iron rod which had been used.

Sgt Mzoli Magenuka told the court that he arrested Miss Grace Galeboe. When asked to point her out, he pointed out Miss Nomsa Mkize.

The trial continues today. — DDR.

331 3321

6 Cosas members in court

D. Dispatch 3/2/84

ZWELITSHA — Six members of the Congress of Students of South Africa (Cosas) appeared briefly in the magistrate's court here yesterday on charges of intimidation.

They are Mr Mcebisi Bata, Mr Luntu Bobo, Mr Andile Sishuba, Mr Malinga Gqaba, Mr Zamile Mtana and Mr Banginkosi Mgabadeli.

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

Mr Sishuba and Mr Mgabadeli were remanded and the bail of the others was extened.

The prosecutor told the court that the attorney general would decide in two weeks time whether to prosecute. — DDR.

Police witnesses disagree

ZWELITSHA — Defence counsel for one of the Fort Hare trialists said yesterday the court would be told that the rector of the university had taken a picture of one of the students while he was being taken to a police van after the disturbances at the campus in September.

He said this during his cross examination of one of the policemen who gave evidence.

He said that Mr Ntokozo Gumede, one of the 25 accused, would tell the court that when he was being taken to the van he met the rector and the registrar. The registrar shone a torch on his face and the rector took a picture of him.

Constable Willem Madolo, who claimed to have arrested him, said he knew nothing about this.

The students have pleaded not guilty to public violence.

The state alleges that they created a riot on September 11 at the campus. They are alleged to have stoned buildings, carried placards, chanted freedom songs and insulted and thrown stones at the police.

Constable Madolo denied under cross examination that Mr Gumede was arrested by W/O Nkomane and not by him.

He also denied that W/O Nkomane gave him three students he has apprehended. W/O Nkomane told court on Wednesday that he handed over three students to constable Madolo.

Constable Ndoyisile Mkise who claimed to have arrested one of the students was questioned about an entry in his book of the particulars of the person he allegedly arrested.

The magistrate pointed out that three ballpoint pens were used. Constable Ngonyama told court that one pen was taken while still writing, the other did not write. He wrote down a correction about the attire of the accused on the following day.

Sergeant Thobile Sjadu denied that two students he had claimed to have arrested were arrested by the university security guard.

W/O Mzoli Charlie told court that when shots were fired into the air, some students ran away and others lay on their stomachs to avoid being hit. When police arrived at the campus students were singing and doing nothing else.

They wanted to be violent but never threw stones in the direction of his group.

Sgt Toto Mapeyi said he did not see any stone throwing on their arrival at the campus.

Sgt Mapeyi said that the students ran immediately they saw the police. By the time shots were fired they were already running. He never saw any students sitting or lying on the ground after the shots as claimed by other policemen.

Asked by the magistrate why shots were fired if students were running away, he said he did not know.

The trial was postponed yesterday to March 19 because some of the students are due to write their examinations today and also to enable two whose father died at the weekend to travel home to Pretoria to attend the funeral.

Mr J. Kotze was on the bench and Mr B. D. Nel appeared for the state. Mr V. E. M. Tshabalala, instructed by B. B. Ntonga and Co, appeared for the students. — DDR

Sebe questioned in bail hearing

ZWELITSHA — The former Minister of Transport, Mr Namba Sebe, was cross-examined by the state for more than three hours about his movements after his release on bail in December.

The state has applied for the withdrawal of his R10 000 bail for allegedly breaking his bail conditions.

He was granted bail when he appeared on charges of corruption, theft and fraud and was arrested last month for allegedly breaking bail conditions.

He has denied breaking the conditions and has further applied to be allowed to enter King William's Town and to travel on the East London/King William's Town national road as far as Mdantsane.

Yesterday's cross-examination was mainly about his movements, the times he left home to report at the police station, times he went to his farm and back and the route he allegedly used to his farm.

At the end of the cross-examination, an inspection in loco of the route he claimed he took to his farm was conducted.

The case continues today. — DDR.

Spy suspects: Link with Niehaus trial

Cape Times 3/2/84

Political Staff

THE three people named yesterday in the lastest Defence spy case were detained as a direct result of investigations into Carl Niehaus, who was convicted of high treason last year.

General Magnus Malan, the Minister of Defence, announced on Wednesday that another alleged spy had been detained since the Dieter Gerhardt case.

However, yesterday Mr Louis le Grange, Minister of Law and Order, announced that three people, including a national serviceman attached to Defence Headquarters in Pretoria, had been detained for questioning.

He said the serviceman was 25-year-old Mr Ronald Hunter.

The others who are being held in connection with the same case are two civilians, Mrs Patricia Murray, 25, and Mr Derek Hanekom, 30.

Mr Hunter was detained on December 13 and the other two on December 15.

Mr Le Grange said they were being detained for questioning in terms of the Internal Security Act.

"A charge of alleged high treason and/or contravention of the Internal Security Act is being investigated by the police and will be submitted to the Attorney-General," said Mr Le Grange.

Miss Hunter was held as a potential witness in the treason trial of Carl Niehaus and Jansie Lourens, who were subsequently sentenced to 15 years' and five years' imprisonment respectively.

She was never called as a witness and was released during the trial.

ARGUS 3/2/84

Niehaus trial led to 3 arrests

Political Correspondent

THE Niehaus treason trial last year led to the arrests of three people being held on allegations of treason or offences under the Internal Security Act.

Five people were initially arrested in December.

This was confirmed today by a police spokesman.

Information

He pointed out that the arrests were first announced by the head of the Security Police, General Frans Steenkamp, shortly before Christmas.

The general said at the time the arrests had followed information obtained from the Niehaus trial.

The three being detained are a national serviceman, Ronald Hunter, and two civilians, Patricia Murray and Derek Hanekom.

According to the original announcement, some people were arrested on a farm in the Magaliesberg.

In a statement issued last night, the Minister of Law and Order, Mr Louis le Grange, said the three were being held in terms of Section 29 of the Internal Security Act.

Attorney-General

Allegations of treason and/or offences under the Internal Security Act were being investigated by the police. After completion of the investigation the matter would be referred to the Attorney-General for his decision.

The arrests were mentioned in Parliament this week by the Minister of Defence, General Magnus Malan.

The initial impression was that the arrests were the result of follow-up security checks in the Defence Force following the Gerhardt incident.

Released

The three were detained between December 13 and 15.

Mr Hunter's sister, Miss Catherine Hunter, was detained together with Carl Niehaus and Johanna Lourens last year.

She was held as a potential State witness but was released before the trial started.

Niehaus was sentenced to an effective 15 years and Lourens to four years.

Mr Philip Myburgh, the Opposition's chief spokesman on defence, said today that General Malan's statement had merely been a "cheap trick" to give Parliament and South Africa the impression of his efficiency.

It appeared as if the activities of the detained had nothing to do with the Gerhardt affair, over which the Minister had been severely criticised.

The investigations and arrests were apparently conducted by the police, and the detainees' names were first announced in December.

Police out in force at treason trial

331 City Press

5/2/84

THE HIGH Street Supreme Court in Grahamstown was cordoned off from the public as part of stringent measures enforced when 11 Port Elizabeth men appeared this week in one of the biggest treason trials in years.

By MONO BADELA

The men face charges including high treason, murder and fraud.

Armed police were outside the building and at the main entrace of the court.

Everyone entering the building was searched thoroughly. The court room was packed with family members and friends of the accused.

They are Mr Rufus Nzo, 34, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngdondela, 54, Mr Mzayifani Khame, 54, Mr Mzimkhulu Khame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekane, 27, Mr Wellington Gumenge, 29, and Mr Nceba Faka, 27.

They have not pleaded on the charges of high treason, alternatively participating in acts of terrorism and sabotage, undergoing military training, possession of explosives, harbouring persons, participating in the activities of an unlawful organisation, possession of unlawful literature, possession of machine guns, hand grenades and ammunition, and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property, and a charge of fraud.

Defence team leader Mr Gerald Alexander, SC, applied for a postponement. He said the former leader of the defence, who is now a judge of the Natal bench, had only become aware of his appointment last Friday.

Mr Alexander said it was impossible for him to prepare himself in time for the trial.

Mr Justice Cloete agreed to postpone the trial to February 15.

Case postponed to April

(331) D. Dispatch 8/2/84

BISHO — Mitigating evidence in the Terrorism Act trial of four Mdantsane men will be heard on April 13.

Mr Justice Pickard told Mr William Duna, Mr Dumisani Maninjwa, Mr Bayi Keye and Mr Luyanda Mayekiso that their case had been erroneously postponed to August 13 instead of April 13.

He said the Chief Justice, Mr Justice De Wet who had postponed the case after finding them guilty would preside, but was away at present.

The men were found guilty under the Terrorism Act on Monday after a lengthy trial which started in February 1982.

Defence counsel indicated on Monday that they intended calling witnesses during the hearing of mitigation. They said it could take four to five days. — DDR

Charles Sebe trial on May 1

By KEITH ROSS

ZWELITSHA — The former head of Ciskei's combined forces, Mr Charles Sebe, will be brought to trial on unspecified charges under the National Security Act on May 1.

This was disclosed today when Mr Sebe, formerly lieutenant-general, appeared briefly in the Zwelitsha Magistrate's Court.

His attorney, Mr J Oosthuizen, insisted that a trial date be given after the State had asked for another postponement.

He said Mr Sebe had been in custody for seven months and was anxious that charges be heard.

The prosecutor, Mr P C Oosthuizen, said that when the indictment was ready it would be served on him.

"With respect," said Mr J Oosthuizen, "that may be next year this time."

Today's hearing was preceded by drama when police moved Sebe family members from the front benches to the back.

They included Mr Sebe's wife, Nomafakathi, and his sister-in-law, Nobambo.

Last month when Mr Sebe appeared for remand a scuffle broke out as guards tried to stop him from reaching his wife and mother.

Today's hearing took place amid tight security.

Police mounted roadblocks at the entrances to Zwelitsha and all vehicles were searched. Hundreds of people were stopped from entering the court.

Mr M Ngoqo was on the Bench.

He was back on the field minutes later, and

hospital

eekend Post
LICE BEAT

FS Mr CHRISTIE LOOCK.

Ciskei police seek journalist

331 ~~295~~ ~~105~~ 11/2/84

Weekend Post Correspondent E. Post

EAST LONDON — Mr Goodwin Makongolo, the Ciskeian journalist deported by the Transkeian Government this week, is being sought by the Ciskeian police who hold a warrant for his arrest in connection with failure to appear in court on January 11 and 25 on two charges of assault with intent to do grievous bodily harm.

Mr Makongolo, who worked for a Xhosa weekly newspaper in King William's Town before he moved to Transkei early last month, was released from detention in Ciskei in December.

He was then charged in connection with alleged assaults on residents at the Sisa Dukashe Stadium, Mdantsane, at the height of the disturbances there during the bus boycott last year.

Early in January Mr Makongolo was questioned by Ciskei security police and left for Port Elizabeth and Transkei shortly afterwards.

Police in Mdantsane confirmed this week they had a warrant for Mr Makongolo's arrest but said they had not established where he was.

Mr Makongolo worked for the Xhosa newspaper for some time. He resigned in 1982 to join the Ciskeian Department of Transport.

He was employed there when he was allegedly involved in the activities at the stadium.

Weather Forecast

FORECAST for the coastal belt from Plettenberg Bay to Port Alfred for the period ending 6pm tomorrow.

CONDITIONS: Warm at first, becoming cloudy to partly cloudy and mild.

WIND: Fresh south-westerly, becoming south-easterly later on.

EXPECTED TEMPERATURES	
Maximum	24C
Minimum	19C
TODAY'S CONDITIONS (4pm)	
Sea Temperature	23C
Temperature	25C
Pressure	1 1014mbar
Humidity	78%
Wind	SW 50km/h
THE MOON	
Full Moon	February 17
Last Quarter	February 23
New Moon	March 2
First Quarter	March 10
THE SUN	
Sets today	7.14pm
Rises tomorrow	5.49am
THE TIDES	
High Water	
Today	11.03pm
Tomorrow	11.42am
Low Water	
Today	4.45pm
Tomorrow	5.18am 6.41pm

PORT ALFRED TO PORT EDWARD: Fine to hot, becoming cloudy to partly cloudy and mild.

BORDER, TRANSKEI AND INTERIOR: Fine and hot, becoming cloudy later on.

R90 prize for winner of Postword 1 082

THE R90 prize for solving Postword No 1 082 has been won by B Gregory, 13 Folen Court, Elton Street, Southernwood, East London.

The prize for No 1 083 reverts to R50.

The solution to No 1 082 is: Great — occupying much space; Debunk — expose falseness of; Inexorable — relentless; Sublime — of the most exalted kind; Dreadnought — thick coat for stormy weather; Bizarre — grotesque; Urbane — suave; Demon — evil spirit; Fritter — piece of fried batter often containing meat, fruit etc; Exacerbate — aggravate; Nasty — obscene; Matey — familiar and friendly; Farce — absurdly futile proceedings.

This week's competition is on Page 8 in Family Post.

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attend one meeting.

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y our written guarantee.

BirGitta
FROM SWEDEN
SINGS
GOSPEL

AT THE KEYBOARDS
SWANTE

WORLD FAMOUS
SINGER
will minister in song at the
REVIVAL CENTRE
53 THIRD AVENUE, NEWTON PARK
SUNDAY at 9.30 am and 7 pm
Pastor Crompton will also minister and

ST JOHN'S
METHODIST
CHURCH
HAVELOCK STREET

We invite you to
worship with us
on SUNDAY,
FEBRUARY 12

8.00 am Sacrament of Holy Baptism.

10.00 am Rev G. Irvine with international cricketing stars Brian Booth and Trevor Goddard.

6.00 pm Rev G. Irvine

Acquitted Star Editor criticises the Press laws

The Editor of The Star, Mr Harvey Tyson, was acquitted today in the Johannesburg Magistrate's Court on a charge under the Internal Security Act for quoting banned ANC leader Mr Oliver Tambo in The Star on September 6 1983.

The Argus Printing and Publishing Company, owners of The Star, was fined R100.

After the case, Mr Tyson issued the following statement:

"This case illustrates again that it is impossible to edit an honest newspaper in this country without coming into conflict with one of the many draconian Press laws.

"That is why numbers of law-abiding newspaper editors, including those of Afrikaans newspapers supporting the Government, have criminal records. It is a situation that demonstrates just how bad some of our laws are.

"The law under which I was prosecuted today is perhaps the worst of them all. It directly conflicts with any effort to publish the truth and to ensure balanced reporting.

"Thus an editor has to choose: either he consciously risks — daily — infringing a law that demands a prison sentence without the option of a fine, or he risks — daily — breaking the Code of Conduct of the SA Media Council which many editors have pledged to support.

"For The Star there is no choice. In addition to any other pledge, we have undertaken publicly, through The Star's own Code of Ethics, to inform our readers every time we are forced by law to censor a valid news report. (We are not interested in propaganda from any source).

"We believe the public has an unqualified right to know whether news is being censored or whether reports are one-sided and unbalanced by reason of censorship.

"To ensure that right, The Star has instructed every reporter in every part of the world NOT to censor reports, but to send them to this newspaper for the Editor or his deputies to judge and to monitor.

"We deal with a constant stream of such reports, and with long lists of names of banned people, some of them unknown to the public and to most Pressmen. Some people are banned even in death, and may not be reported. Some are banned under one section of the law, others under separate more obscure regulations.

"Sometimes the Government condones, even encourages publication. Sometimes the authorities themselves are unaware that a certain individual is in fact banned. Sometimes there is a petty (or is it vindictive and threatening?) prosecution.

"It is in this mare's nest that the Press must operate. It is a dangerous situation, not merely for those newspapers that are intent on guarding their integrity — it is dangerous for the public, and it is harmful to the reputation of the Law."

● See Page 4, World section.

Editor is acquitted, Argus Co fined R100

By Joe Openshaw and Andrew Beattie

Mr Harvey Tyson, Editor of The Star, was today acquitted by a Johannesburg magistrate of contravening the Internal Security Act. He had been charged with publishing a statement by banned ANC leader Mr Oliver Tambo on September 6 1983.

The report quoted Mr Tambo as saying he was banned and could not be quoted.

Although as an individual and as Editor, Mr Tyson was found not guilty, as a representative of the Argus Company he was fined R100. The company was deemed vicariously responsible for the illegally published report.

The law allows for a jail sentence only, but as a company cannot be jailed a fine becomes permissible.

The magistrate in his judgment conceded the Internal Security Act cast "a very wide net" and was difficult to comply with in the running of a daily newspaper.

Mr Ferreira Strydom said Mr Tyson had shown the court he had not been negligent.

"Mr Tyson, on the available evidence, did not take part in the offence.

"It was a workshop situation where responsible people had to edit a large volume of overnight articles."

Mr Strydom said Mr Tyson had given evidence that there was a shortage of staff on that day because of illness and leave.

Mr Tyson had replaced the absentee staff with people who were responsible and qualified and had recalled a senior staff member from leave. He had said in evidence that these people had brought out a good paper.

"The court agrees the report was not of an inflammatory nature," Mr Strydom held.

Arguing in mitigation, Mr S A Cillier SC, for the Argus Company, said the newspaper worked in a "veritable minefield" to stay within the provisions of the Act. There were about 100 other laws effecting publication.

The newspaper knew the law extremely well. The question was: What was within the law? The newspaper had to be on guard against so many kinds of transgressions, that in producing three editions daily, the task of staying within all these laws "borders on the impossible".

The newspaper's record was extremely good and it was almost unbelievable that there had not been a single previous conviction against it in this regard.

Mr Cillier said there was a training programme, experienced people with years of journalistic experience were employed and precautions were taken against mistakes coming in from the cold.

"There was nothing in the report that could in any way endanger the security of the State.

"The item appeared on Page 2, not tucked away but necessarily prominent.

"It appeared in the first edition but was taken out of two later editions and this reflected on the diligence of the staff," he said.

Mr Cillier said the background to the publication of the report was a suggestion over the radio that the SABC was trying to interview Mr Tambo, obviously with permission.

The reporter must have anticipated that permission would be granted by the Minister (of Law and Order) to quote Mr Tambo.

"What fortified his report was that it was subsequently published with permission of the Minister in a screened interview with Mr Tambo by SABC-TV, and thus given the widest possible exposure.

Mr Cillier suggested the company be cautioned and discharged.

Mr B Groen, the prosecutor, said he could not agree the report was trivial.

"Mr Tambo has a following and if a report of this type appears in a daily newspaper, they would say: 'Poor Mr Tambo, he cannot be quoted'.

"This could create a lot of difficulty," he said. "This report was despicable."

Passing sentence, Mr Strydom said the Act provided for a minimum prison sentence for offenders.

The Argus, however, was a company and could not be jailed so he imposed a fine.

Argus Co fined R100 for quoting Tambo

Cape Times 14/2/84

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JOHANNESBURG. — The editor of the Star, Mr Harvey Tyson, was acquitted in the Magistrate's Court here yesterday of contravening the Internal Security Act by publishing a statement by the banned ANC leader, Mr Oliver Tambo, on September 6.

He was fined R100 as a representative of the Argus Company which was found vicariously responsible for the illegally published report.

The law allows only a jail sentence, but as a company cannot be jailed, a fine becomes permissible.

'Wide net'

The magistrate, Mr F Strydom, said in his judgment that the Internal Security Act cast "a very wide net" and was difficult to comply with in the running of a daily newspaper.

He said Mr Tyson had shown the court he had not been negligent.

"Mr Tyson, on the available evidence, did not take part in the offence. It was a workshop situation where responsible people had to edit a large volume of overnight articles."

Mr Strydom said Mr Tyson had given evidence that there had been a shortage of staff on that day because of illness and leave.

Mr Tyson had replaced the absentee staff with people who were responsible and qualified and had recalled a senior staff member from leave. He had said in evidence that these people had brought out a good paper.

"The court agrees the report was not of an inflammatory nature," Mr Strydom said.

'Minefield'

Arguing in mitigation, Mr S A Cillier, SC, for the Argus Company, said the newspaper worked in a "veritable minefield" to stay within the provisions of the act. There were about 100 other laws affecting publication.

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SATV

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"Mr Tambo has a following and if a report of this type appears in a daily newspaper, they would say 'poor Mr Tambo, he cannot be quoted'."

"This could create a lot of difficulty," he said. "This report was despicable." — Sapa

RDM 14/2/84

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Four convicted for ANC links

BISHO. — Four Mdantsane men were yesterday found guilty in the Ciskei Supreme Court of being members of and of furthering the aims of the banned African National Congress (ANC).

Appearing before Mr Justice D S De Wet and two assessors on terrorist charges were William Duna, 31, Dumisane Maninjwa, 31; Bayi Kaye, 52, and Luyanda Mayekifo, 33.

Mr Justice de Wet found Duna guilty on the main charge of participating in terrorist activities, being a member of the ANC, taking part in meetings and distributing propaganda material of the organisation and going to Lesotho.

Maninjwa was found guilty of participating in terrorist activities, gathering information about the South African Allied Workhouse Union for the ANC, being a member of the organisation, possessing prohibited material and going to Lesotho.

Kaye was found guilty of being a member of and taking part in the activities of the ANC.

Mayekifo was found guilty of being a member of and distributing propaganda material for the ANC.

Sentence has still to be passed. — Sapa.

Newspaper company fined over ANC quote

Mercury 14/2/84

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Mercury Correspondent

JOHANNESBURG—The editor of The Star newspaper was acquitted in the Johannesburg Magistrate's Court yesterday on a charge of quoting a banned person while the newspaper owners, the Argus Printing and Publishing Company, were convicted and fined R100.

The Star was charged under the Internal Security Act for having quoted the president of the banned African National Congress, Mr Oliver Tambo, on September 6 last year.

Mr Harvey Tyson appeared in court as the Argus's representative and also in his capacity as the editor of The Star and in his personal capacity. He had pleaded not guilty.

The Magistrate, Mr S Strydom, said in his judgment that the Internal Security Act had a wide net which was difficult to comply with. He said Mr Tyson had shown the Court Mr Tambo had not been quoted because of his negligence and he had not taken part in the publication of a report quoting Mr Tambo.

Mr Tyson had told the court at a previous hearing that the report quoting Mr Tambo had come from his group's bureau in London and he had not made a request for the report.

Not seen

He had not seen the report before it had been published.

The report had appeared in the newspaper's first edition on the day of the incident, but it had not been published in other editions.

Mr Tyson had also said he was proud of the fact that his newspaper had not been charged under the Internal Security Act previously for quoting a banned person.

Unbelievable

Mr S A Cilliers, for the defence, said in mitigation yesterday that the Argus Company worked in a veritable minefield to stay within the provisions of the Act.

He said the record of the company in this regard was extremely good and it was unbelievable that it did not have a previous conviction.

Earlier, Mr Tyson said in reply to a question by prosecutor Mr B Groen that the freedom of the Press in South Africa was 'in jeopardy'.

He said in a written statement after the trial: 'This case illustrates again that it is impossible to edit an honest newspaper in this country without coming into conflict with one of the many draconian Press laws.

'That is why numbers of law abiding newspaper editors have criminal records. It is a situation that reflects badly on bad law.'

5 appear on terrorism charges

14/2/89
331
D-Dispatch

BISHO — Five former members of the disbanded Ciskei combined forces appeared briefly in the Supreme Court here on charges of terrorism, intimidation and attempted murder.

They are Mr Ntobeko Mlotana, Mr Khambashe Sebe, Mr Mbulelo Xaba, Mr Colin Sebe and Mr Toni Sebe.

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

The case was postponed until today at the request of their pro deo counsel who said they had not consulted fully with their clients.

Mr Justice Erasmus, in granting the application, said the accused were facing serious charges and that in the interest of justice they should consult fully.

Mr Mlotana is alleged to have incited officers of the police and defence force on July 14 to release by force Mr H. N. Tamsanqa, who was then a member of the Ciskei Central Intelligence services and who had been detained under the National Security Act on the orders of the Commissioner of Police and not on orders of the former head of state security, the former Lt-General X. C. Sebe.

The other four are facing charges connected with shots fired at the official residence of the Minister of Foreign Affairs, Mr B. N. Pityz. Mr Kambashe Sebe and Mr Xaba are further accused of unlawful possession of explosives and Mr K. Sebe is further charged with possession of an AK 47 automatic carbine and ammunition.

According to a summary of substantial facts in the indictment, Mr Pityi had all along been opposed to Mr X. C. Sebe's extensive powers and had advocated that they should be curtailed.

At the beginning of July last year President Sebe directed that the prisons, traffic and police departments should be taken away from the control of Mr X. C. Sebe and be placed under the control of the Minister of Justice.

On July 13 Mr Tamsanqa was detained without reference to Mr Sebe. On the following day, the state alleges, Mr X. C. Sebe ordered the withdrawal of the president's guards from their guard posts at Zone 6 in Zwelitsha as well as from Bisho and from President Sebe's farm. They were put on standby at the Jongumsobomvu army base.

Mr X. C. Sebe is also alleged to have gathered at his office at Zwelitsha a number of police officers and members of the defence force. He allegedly addressed them, among other things, on the detention of Mr Tamsanqa. At this meeting Mr Mlotana allegedly advocated that Mr Tamsanqa should be released by force from detention.

Due to intervention by, and at the insistence of, Brigadier Nell, Mr Sebe was persuaded to return to his house at Tshatshu.

The state alleges that after Mr Sebe had left, Mr Mlotana decided to go to Mr Sebe's house for permission to release Mr Tamsanqa by force. The officers dispersed late in the evening.

A group of people including the other four accused, it is alleged, went to Mdantsane and on their way back to Zwelitsha discussed shooting at Mr Pityi's house.

Mr Khambashe Sebe is alleged to have fired several shots into the house. The car was allegedly driven to Mr Pityi's house by Mr Xaba.

Mr P. C. Oosthuizen appeared for the state. Mr Dayalin Chetty and Mr Roger Kriel appeared pro deo for the defence. — DDR

Court told of wide search for counsel

331 E. Post 15/2/84

By CHRIS RENNIE

GRAHAMSTOWN — About 38 senior counsel were approached in the last 10 days in an effort to find somebody to lead the defence of 11 men facing a plethora of charges ranging from treason to fraud, the Grahamstown Supreme Court was told today.

Mr Gerald Alexander, SC, was making application for further postponement to March 1, after the Judge President, Mr Justice Cloete, had already expressed the court's extreme displeasure at the delays before granting the previous postponement on February 1.

Mr Alexander said considerable progress had been made on crystallising the issues and streamlining a maze of particulars to the charge, but senior counsel obtained would only be available from March 1.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr Mzayifani Khame, 57, Mr Mzimkulu Kameh, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29 and Mr Ncepa Faku, 27.

They face charges including high treason, alternately participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

Because the accused have not yet pleaded, details of the charges cannot be published.

The Deputy Attorney General, Mr P J Strauss, SC, who appeared with Mr W Kingsley for the State, opposed the application for postponement.

He submitted that the defence had many months to prepare their case and obtain counsel.

He said that further delays would cause considerable prejudice to the State.

In the first place the necessary security arrangements meant bringing in police officers from other areas, at great inconvenience and expense.

The Attorney-General's staff had been hard pressed to complete the indictment and then meet a 74-page request for further particulars in time for the trial date. But it had done so, apparently to no purpose.

He asked that if the court considered granting the postponement, the accused at least be instructed to record their pleas and explanations of defence today. This would save some days' further delay.

Mr Alexander objected to this suggestion on the grounds that extensive consultation would be required before the accused could be properly advised on their pleas. He felt this would be better done by the counsel who was to conduct the trial defence.

Mr Justice Cloete said the court had to draw a fine balance between the interests of the State on one hand and the interests of the accused on the other.

It had on a previous occasion expressed its serious displeasure at the delays. But it would appear that considerable effort had been made since the last postponement.

Apparently appreciable progress had been made towards shortening the duration of the trial by clarifying the issues.

It was also abundantly clear that the issues of fact and the issues of law involved were complicated and difficult. The charges were of a most serious nature.

This must tip the balance in favour of the defence application.

But, he intended to postpone the case for only one week, to February 22, and then to require the defence to record pleas and preliminary procedures.

Any further postponements would be considered after this had been done.

Mr Alexander was assisted by Mr P N Langa and Mr A Jappie, instructed by T Madjodina and Co.

Court told of 'terror activities in Ciskei intelligence'

Staff Reporter

KING WILLIAM'S TOWN. — Action was taken against the Ciskei's Central Intelligence Services last year after suspicions of "terrorist activities" involving a high-ranking officer.

This was said in the Supreme Court, Bisho yesterday by Ciskei's Commissioner of Police, Brigadier L B Madolo, at the trial of Mr Ntobeko Mlotana, Mr Khambashe Sebe, Mr Mbulelo Xaba, Mr Colin Sebe and Mr Toni Sebe.

Brigadier Madolo said he detained Brigadier Tamsanqa, the deputy commander-in-chief of the armed forces, on July 13 because he suspected him of taking part in terrorist activities.

Earlier, Brigadier Madolo said he believed the Commander-in-Chief of the armed forces, Mr Charles Sebe, was the leader of the "unlawful activities".

He had, therefore, not told Mr Sebe of the detention, though required to do so under the National Security Act.

He was at the time considering arresting Mr Sebe, who was eventually detained six days later.

Brigadier Madolo said he gave instructions on July 15 that all members of the Central Intelligence Service hand over their firearms and State vehicles.

"FAMILY FEUD"

President Sebe was in Israel at the time.

Mr Roger Kriel, for the defence, asked Brigadier Madolo if he were aware of rumours that President Sebe was not a full brother of Mr Sebe and the former Minister of Justice, Mr Namba Sebe.

Questioned by Mr Justice B W Erasmus, Mr Kriel said he was trying to establish the existence of a family feud between the brothers.

Brigadier Madolo said he had not heard of such a feud.

The hearing continues today.

NIC man on illegal entry rap

Own Correspondent

MARITZBURG — Mr Mewa Ramgobin (51), of Verulam, an executive member of the Natal Indian Congress, pleaded not guilty when he appeared in the Pietermaritzburg Magistrate's Court yesterday on a charge of entering Sobantu township without a permit.

Warrant Officer T R O'Connell said he was on duty at Sobantu on September 29. He and a Sergeant Sunker identified themselves to Mr Ramgobin and asked if he had a permit to enter a black residential area. He said he had not.

The case continues.

UDF leader pleads against permit charge

PIETERMARITZBURG — The national co-treasurer for the United Democratic Front and executive member of the Natal Indian Congress, Mr Mewa Ramgobin, pleaded not guilty in the magistrates court here to entering a black township without a permit last year.

Mr Ramgobin, 51, who is the grand-son-in-law of Mahatma Gandhi, said that he did not feel he needed permission to enter Sobantu Village, near Pietermaritzburg, because he felt that "such laws had been relaxed in the last few years."

"It appears to be the norm in the new South African situation to show non-racial gathering and politicians like the Prime Minister in so-called Black townships on TV."

"Besides I was only aware that I was in a black area when the police informed me of the fact.

"Mr Ramgobin was charged for illegally entering Sobantu Village to address a memorial meeting in the community hall on the anniversary of the death of "Hero" Graham Radebe.

Graham Radebe, a Sobantu youth, was allegedly shot by a policeman during unrest in the township in 1982.

Warrant Officer Thomas O'Connel told the court that Mr Ramgobin said that he knew he was in a prohibited area but that he was "invited by the people."

The policeman then left the hall when Mr Ramgobin refused to leave with him in order "to avoid an unpleasant incident."

The presiding magistrate, Mr L. G. Vermaak, postponed the case until May 8. — DDC

(331) Star

17/2/84

Lenin book: man on charge

The national organiser of the Azanian Students' Movement, Mr Pule Monama, who was originally charged with possessing several banned publications, will appear before a Johannesburg magistrate in April for allegedly possessing one banned book.

Mr Monama (28), of Moletsane, Soweto, was granted R750 bail at a previous hearing. His appearance was a sequel to his arrest at his home last November 25 when Security Police confiscated several publications and tapes.

The charges were dropped yesterday and now Mr Monama will face one charge under the Publications Act.

He allegedly possessed one book, "Lenin for beginners" (second revised edition), which is banned in terms of section 8 of the Publications Act.

Yesterday his bail was reduced to R250.

He will appear before Mr L S du Toit on April 3.

Treason trial 10 to plead next week

331

Mail Correspondent

PORT ELIZABETH. — A preliminary hearing will be held at the Supreme Court in Grahamstown on Wednesday to enable 10 men, most of them from Port Elizabeth, to plead to charges ranging from high treason to fraud.

This was said yesterday by Mr Justice Cloete, Judge President of the Eastern Cape, when he granted a postponement requested by the defence team.

The case will he heard from March 1.

This new development in the trial arose from an application for a postponement by Mr G Alexander, SC, leader of the defence team, who said his team had finally managed to secure the services of a senior counsel who would take his place.

The men — Mr Rufus Nzo, 34, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr Mizayifani Khame, 57, Mr Mzimkhulu Kame, 22, Mr Sipho Ndlovu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Gumenge, 29, and Mr Nceba Faku, 27 — were arrested in May last year.

They were held under the Internal Security Act until July 11, when they appeared in the Port Elizabeth Magistrate's Court.

They face main charges of high treason, murder, nine counts of malicious damage to property, four counts of attempted murder and (Mr Nzo only) fraud.

Alternative charges are participation in terrorist activities, sabotage, undergoing military training, possession of explosives, harbouring of persons, participation in activities of unlawful organisations, unlawful possession of certain publications, unlawful possession of machineguns and hand grenades, unlawful possession of ammunition and (Mr Tyutyu only) leaving the country without a passport.

The Deputy Attorney-General, Mr P J Strauss, SC, opposed the application, saying the defence had had ample time to prepare its case. Elaborate steps had been taken to step up security at the building and this entailed bringing in police officers from outside Grahamstown at great expense.

Mr Justice Cloete said he was satisfied the defence had made appreciable efforts in its attempts to bring the case to a trial stage.

The indictment showed the charges against the accused were of a serious nature, and this, among other things, tipped the balance in favour of the defence application.

A further postponement would be considered after pleas had been recorded and preliminary procedures undertaken on Wednesday, Mr Justice Cloete said.

Heavy armed guard for PE treason trial

Army tents pitched at judge's home

(331)

City Pres 19/2/84

THE Grahamstown home of Mr Justice Cloete has been placed under a heavy police guard as part of stringent security measures enforced when 11 Port Elizabeth men appeared this week in one of the biggest treason trials in years.

By MONO BADELA

A huge army tent has been pitched in the judges' premises and a big caravan is in his yard.

City Press counted two police trucks parked in his premises, this is in addition to several other police vehicles, some manned by armed police stationed outside his yard.

Two other police vehicles were parked strategically in side streets adjoining the Supreme Court building where the case of the 11 men was heard on Wednesday.

The area was also cordoned off for the public and parking for cars was not allowed.

At least three vans and several police cars were stationed in front of the Supreme Court building.

The strict security measures seemed to have puzzled many as a large contingent of armed police kept surveilance over the building.

No-one without a tie was allowed into the court building, and people entering the court were frisked with metal detectors, and hand bags were searched by uniformed police women.

The sitting was the second in two weeks of the trial of the 11 men facing charges ranging from high treason, murder to fraud.

Although the trial was opened to the public, journalists were required to produce evidence of their bona fides.

According to the head of the security police in the Eastern Cape, Colonel Harold Snyman, heavy security measures imposed at the trial were the result of arrangements made between the Cape Judge President Judge Cloete and the security police.

Mr Gerald Alexander SC, who led the defence team, applied for postponement to March 1 because senior counsel would only be available from them.

The application was opposed by the Deputy Attorney General, Mr P J Strauss SC who appeared with Mr W Kingsley for the State.

He said further delays would cause considerable prejudice to the State.

He said in the first place the necessary security arrangements meant bringing in police officers from other areas, at great inconvenience and expense.

After a short adjournment Judge Cloete said the case was of a most serious nature and complicated, but he postponed the matter for only one week to February 22 to allow the defence to record pleas and preliminary procedures.

The 11 men are: Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr Mzayifani Khame, 57, Mr Mzimkhulu Khame, 22, Mr Sipho Nodlawu 35, Mr Vukile Tshiwula, 43, Mr Linda Mbelekane, 27, Mr Wellington Gumenge, 29 and Mr Ncebe Faku 27.

'Bloodshed feared if detainee released'

Staff Reporter

KING WILLIAM'S TOWN. — South Africa's Commissioner of Police, General Johan Coetzee, allegedly advised members of the Ciskeian armed forces not to try and release one of their fellow officers from detention, as it could have led to bloodshed.

This was said in evidence at the Bisho Supreme Court trial of five former members of the Ciskeian armed forces, facing charges of terrorism.

They are Mr Ntobeko Mlotana, Mr Khambashe Sebe, Mr Mbelelo Xaba, Mr Colin Sebe, and Mr Toni Sebe.

AT HOME

They were at the home of Lieutenant-General Charles Sebe, former commander of Ciskei's combined forces on the night of July 14, a former Lieutenant-Colonel and second-in-command of the defence force, Mr N Nkani told the court.

He added that the officers had gathered to discuss the detention of Brigadier H Tamsanqa, who was second-in-command to General Sebe.

Mr Nkani said he had heard General Sebe speaking on the telephone to somebody he addressed as "general". General Sebe then told the officers present that General Coetzee had advised them not to try and release Brigadier Tamsanqa, as this could lead to bloodshed.

General Sebe was advised by General Coetzee to go to Johannesburg. General Sebe had appointed Colonel Pakade, Colonel Tele, Colonel Nonono, Lieutenant Xaba, and his son, Corporal Khambase Sebe, to travel with him.

(Proceeding.)

Colonel tells of pre-dawn SP raid

331 Star 21/2/84

By Themba Molefe

A 32-year-old Soweto man denied charges in the Johannesburg Regional Court yesterday of possessing African National Congress (ANC) and South African Communist Party (SACP) publications.

Mr Stanley Mokaiwa, of Zone 1, Meadowlands, is alleged to have been in possession of two copies of "Mayibüye", an ANC publication, and one of "African Communist".

Lieutenant-Colonel W J Loots, of the Potchefstroom Security Police, told the magistrate, Mr W G Rosch, that he found the books at Mr Mokaiwa's home during a pre-dawn raid on August 2.

He and other members of the Security Police had gone there after "the discovery by the police of a certain written message to Mr Mokaiwa from the ANC" and had "incidentally found the books".

He said several publications, including a book by jailed ANC leader Nelson Mandela, were confiscated from Mr Mokaiwa's home.

Cross-examined by Mr M Basslian, defending, he denied he had hit Mr Mokaiwa in the ribs with a fist.

"I did not hit him and I do not assault people," he said.

The hearing continues.

Ex-Nusas chief sues policemen

Cape Times 21/2/84 331

PRETORIA. — Mr Auret Dennis van Heerden, a former president of the National Union of South African Students, yesterday sued 10 security policemen for R113 000 damages for allegedly torturing him in detention.

He brought an action in the Pretoria Supreme Court against Major Arthur Benoni Cronwright, Major S J P Abrie, Major Johannes N Visser, Major P P Olivier, Warrant-Officer L C P Rice, Lieutenant H C J Pitout, Lieutenant P Botes, a Warrant-Officer Fourie, Captain A A Struwig and Lieutenant J van Aswegen, who is no longer a policeman.

Mr Van Heerden, of Kensington, Johannesburg, was detained for 289 days in 1981 and 1982 before being released without being charged.

'Assaulted'

Giving evidence yesterday, he told Mr Justice C F Eloff that he was detained by four security policemen at the South African Army offices in Pretoria on September 24, 1981, and was released at John Vorster Square police headquarters, Johannesburg, on July 9, 1982.

He alleged that while detained at Sandton, Pretoria Central Prison,

Mr Auret van Heerden

John Vorster Square and the Benoni police station, he was assaulted and tortured during interrogation by the security policemen.

He was questioned about his connection with the African National Congress, said Mr Van Heerden.

He said he had started his national service in the middle of 1980. He was attached to the Chief of Personnel when he was detained by four security policemen and taken to John Vorster Square.

"Major Cronwright told me I was detained in connection with Barbara Hogan, and I had to explain my relationship with her," Mr Van Heerden said.

He alleged he was always in leg-irons during interrogation.

After detention at the Fort prison in Johannesburg, he was transferred to Pretoria Central Prison on September 30 and placed in an isolation cell.

Mr Van Heerden said he was questioned about three or four times a week by security police. He was not allowed to sit down during the interrogations.

'Slapped'

He said that in one incident Warrant-Officer Fourie had assaulted him by slapping him twice on the face and giving him two karate-chops on the shoulders.

He said he was threatened with "third-degree" interrogation methods by Lieutenant Botes while in detention at the Sandton police station from October 23 till November 17.

The interrogations lasted for four to six hours a day. He was not physically assaulted at this stage.

Earlier Mr S W Kentridge, SC, for Mr Van Heerden, said interrogation had occurred in three phases.

"It was during the second phase from November 17 when most of the serious assaults took place and Mr Van Heerden was systematically tortured," Mr Kentridge said.

21, 1984 ★

Cape Times 21/2/84 331

High treason appeal bid by Gerhardts fails

Chief Reporter

DIETER GERHARDT, former commanding officer of the SA Naval Dockyard at Simon's Town, and his wife Ruth were yesterday, in their absence, refused leave to appeal against their conviction and sentences for high treason.

In the Supreme Court, Cape Town, last December the Judge-President of the Cape, Mr Justice Munnik, sentenced Dieter Gerhardt, 48, to life imprisonment. His 41-year-old wife, who is Swiss-born, was given a 10-year jail sentence.

Formal application for leave to appeal was made to the Judge-President behind closed doors last week, by the Gerhardts' *pro Deo* counsel.

The judge's decision, which took an hour to deliver yesterday, was also given in camera.

The Attorney-General of the Cape, Mr D J Rossouw, SC, who appeared for the State, said afterwards that the applications on behalf of both Gerhardts had been refused, in respect of both conviction and sentence.

Mr W G Thring, representing Dieter Gerhardt, said consideration would now be given to whether, in terms of the Criminal Procedure Act, the Chief Justice of South Africa should be petitioned direct for leave to appeal.

"We have 21 days in which to take such action, and we shall now have to await instructions," he added.

● A legal authority explained yesterday that the test to be applied by a trial judge in considering an application for leave to appeal against his own judgment, was whether there was a reasonable prospect of another court coming to a different conclusion.

The inference to be drawn from the Judge-President's refusal of the Gerhardts' application was, therefore, that he could see no prospect of an appeal succeeding in their case.

At the trial last year, which was held entirely in camera, Dieter Gerhardt was represented by Mr G D van Schalkwyk, SC, with Mr W G Thring, and Mrs Gerhardt was represented by Mr Gys Hofmeyr, SC, with Mr A H Veldhuizen.

The defence instructing attorney, appointed by the court, was Mr J F van Niekerk of Silberbauers.

Mr E Pretorius appeared with the Attorney-General for the State.

Officers moved in handcuffs, leg-irons

ARGUS 22/2/84 (331)

Argus Correspondent

KING WILLIAM'S TOWN. — Two Ciskeian army officers, both members of the Sebe family, were removed from their base in handcuffs and leg-irons, the Supreme Court in Bisho was told.

Lieutenant-Colonel Dennis Shone, seconded from the South African Defence Force as officer commanding 1 Ciskei Battalion, was giving evidence at the trial yesterday of five former members of the Ciskeian armed forces who are appearing on charges of terrorism.

They are Mr Ntobeko Mlotana, Mr Khambashe Sebe, Mr Mbelelo Xaba, Mr Colin Sebe and Mr Toni Sebe.

Colonel Shone said he witnessed the arrest in July last year of Mr Colin Sebe and Mr Toni Sebe, who were then lieutenants in the army.

He said one pair of handcuffs was used and one of the men was in leg-irons.

Counsel for the two men, Mr Roger Kriel, said evidence would be given later that the officer in command of the Ciskeian army, Brigadier A Nell, remarked at the time that this was no way to treat the two accused as they were still officers.

Earlier, Colonel Shone had said presidential guards would normally be removed from their posts only on the orders of Brigadier Nell.

Colonel Shone said that on the night of July 14 last year he had given no orders for the guards to be removed.

The next day he had heard of shooting at the home of the Minister of Foreign Affairs, Mr B N Pityi, and went to investigate.

Colonel Shone said he found in the occurence book that the presidential guards had been withdrawn from their posts the previous evening.

He said the book showed they had been withdrawn on the orders of Lieutenant Toni Sebe.

(Proceeding.)

Mr Justice B N Erasmus was on the Bench. Mr P C Oosthuizen appeared for the State. Mr Roger Kriel and Mr D Chetty appeared for the defence.

331 Stan

Confession questioned

22/8/84

The Internal Security Act trial of Mr Stanley Mokaiwa yesterday halted when Johannesburg Regional Court magistrate Mr W G Rosch called on the prosecutor to prove the validity of an alleged confession.

Mr Mokaiwa (32), of Zone 1, Meadowlands, Soweto, has pleaded not guilty to charges under section 56 of the Act.

The trial resumes on April 24. Bail of R1 000 was extended. Mr A van Wyk appeared for the State. — Staff Reporter.

11 face wide range of charges at Grahamstown treason trial

By CHRIS RENNIE

GRAHAMSTOWN — Charges covering five Eastern Cape bombings, a murder, injury of seven people and damage amounting to more than R194 000 were put to the 11 accused in the treason trial in the Supreme Court here today.

All the accused pleaded not guilty to the main and all alternate counts.

The 11 men are Mr Rufus Nato Nzo, 24, Mr Douglas Mnyisile Tyutyu, 48, Mr Sipho Fielden Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Wiliam Khame, 57, Mr Mzimkulu Temi Kameh, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Vukile Gumenge, 29, and Mr Ncepa Chirstopher Faku, 27.

They are charged with high treason by conspiring with each other and other parties to further the aims of the Alliance (between the South African Communist Party and the African National Congress).

Secondly, they are charged that they jointly or individually committed or attempted to commit certain acts. These were:

● The unlawful importation to South Africa from or via Lesotho two AK47 and three AKM assault rifles and magazines, a SHE Peterson sub-machine gun, ammunition, 14 hand grenades, two limpet mines, 6,7 kilograms of plastic explosives and 52 detonators, and that they conveyed, distributed and concealed them.

● The unlawful introduction of banned Marxist, Communist or ANC literature, its concealment and distribution.

● Unlawfully bringing into the Republic from Lesotho funds amounting to R4 500 between January, 1982, and April, 1983, and the unlawful utilisation of such funds to further the aims of the South African Communist Party, the ANC or the Alliance.

● The recruitment of persons in the Port Elizabeth area for the ANC, the training of such persons in warfare, sabotage and subversion in the Port Elizabeth district, Lesotho and Angola.

● The formation of ANC cells and recruiting, and recruiting for them.

● The accommodation of such persons.

● Organising arms and explosives caches.

● Liaison and communication with the ANC hierarchy in Lesotho, and in particular with Joseph Mpongoshe and Khaya Myoli.

● The commission of various other acts.

These acts included:

● The preparing, placing and triggering of an explosive device at the Constantia Centre, Port Elizabeth, on August 8, 1981.

● The preparing and placing of an explosive device at Constantia Centre, Port Elizabeth, on May 29, 1982.

● The preparing, placing and triggering of an explosive device at the New Law Courts, Port Elizabeth, on July 28, 1982, and a similar action at the offices of the East Cape Administration Board, New Brighton, on January 26, 1983 (and which resulted in the death of Mr Petros Bokala).

● A similar action on the railway line between Port Elizabeth and Uitenhage, near Swartkops, on April 6, 1983.

● The "execution" of a black woman, Ms Nkosi Tshiwula, at Kwazakele, on May 8, 1983.

The alternative counts arise out of the substance of the main charge. They include, under sabotage, damage to the Constantia building amounting to R80 000, to a motor car of R1 500 and to another of R980, R6 289 damage to the Magistrate's Court building, R5 000 damage to Dions, R97 000 damage to the Port Elizabeth Community Council housing offices in New Brighton and R800 damage to the railway line.

The sabotage charge also included the injury of Mrs Hester Aletta Van Onselen, Mrs Irene Estelle Brass, Mrs Nomazwi Florence Bashman, Mrs Nomondi Letitia Nyeli, Mrs Nthahiseng Cecelia Toloana, Mrs Maiona Maria Estevesand and Mr Phakamisa Aron Cyril Makanjana.

The murder charge covers the killing of Mrs Nkosi Tshiwula, who died from injuries inflicted by machine-gun fire and a hand grenade explosion at Kwazakele on May 8, 1983.

The defence submitted written statement of admissions

The Judge President, Mr Justice Cloete, was on the Bench with Mr B P Loots and Mr J Logie as assessors. The Deputy Attorney-General, Mr P J Strauss, SC, and Mr W Kingsley appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, appeared for the defence.

CAPE Times 22/2/84

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Gerhardts in new appeal bid

Chief Reporter

THE Chief Justice of South Africa would be petitioned "in due course" on behalf of Dieter Gerhardt and his wife Ruth for leave to appeal against their conviction and sentences for high treason, a legal representative of the couple said yesterday.

In the Cape Town Supreme Court on Monday, the Judge-President of the Cape, Mr Justice Munnik, refused a similar application by counsel who had appeared pro Deo for the couple at their trial last year.

In December Mr Justice Munnik sentenced Dieter Gerhardt, former commanding officer of the SA Naval Dockyard at Simon's Town, to life imprisonment and his Swiss-born wife to a 10-year jail term after finding them guilty of spying for the Soviet Union — he over a period of 21 years and she for 13 years.

21 days

Petitioning of the Chief Justice is provided for in the Criminal Procedure Act, within 21 days of an application for leave to appeal being refused by a trial judge.

Leave to appeal is refused by a trial judge when he considers there is no chance of another court coming to a different judgment from his own. Mr John van Niekerk, of Silberbauers, appointed by the court last year to act as the defence instructing attorney at the Gerhardt trial, said yesterday it had been decided that the petitioning procedure would be followed in the case of the Gerhardts, whom he intended consulting in prison in the Transvaal early next week.

He could not at this stage say when the petition would be presented to the Chief Justice in Bloemfontein.

● Meanwhile, Dieter Gerhardt is technically still a commodore in the SA Navy. He has not yet been stripped of either his rank or commission although his salary may have been frozen pending a decision on the action the defence authorities eventually take against him.

Commission

An SADF spokesman said from Pretoria yesterday that such action would be considered only after "all legal processes" in the Gerhardt case had been completed.

In terms of the Military Discipline Code (MDC), an officer in the SADF holds a commission "at the pleasure of the State President", who can at any time withdraw a commission after the officer concerned has been notified of his intention to do so.

If Gerhardt's salary as a commodore has been frozen, this step would probably have been taken under a section of the MDC which provides for action to be taken against any officer who absents himself from duty without leave, or who fails to perform the duties of his appointment, for a period of three months or more.

23/2/84

331

Treason trial: defence application is refused

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — The Judge President of the Eastern Cape, Mr Justice Cloete, today refused a defence application for an order compelling the State to furnish it with statements made by seven of the 11 men facing charges of high treason.

The 11 accused, who appeared in the Grahamstown Supreme Court today in one of the biggest treason trials in years, are: Mr Rufus Nato Nzo, 24, Mr Douglas Mnyisile Tuytyu, 48, Mr Sipho Fielden Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani William Khame, 57, Mr Mzimkulu Temi Kameh, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Vukile Gumenge, 29, and Mr Ncepa Christopher Faku, 27.

They have pleaded not guilty to all charges.

Mr Justice Cloete said the court could not grant the application because persons held under the provision of Section 29 of the Internal Security Act were deprived of the right to copies of any statements made in detention.

This provision nullified the rights given to the accused under the Criminal Procedures Act, he said.

The defence, led by Mr R L Selvan, SC, made the application yesterday saying they needed the copies of statements made by seven of the accused to police and magistrates in order to prepare their case.

The State alleges the accused prepared and detonated explosive devices at the Constantia Centre in Port Elizabeth in 1981 and 1982, at the New Law Courts, Port Elizabeth, in 1982, at the offices of the East Cape Administration Board building, New Brighton, in 1983, and the railway line between Port Elizabeth and Uitenhage in 1983.

The damage is estimated at more than R193 000.

They are also charged with executing Mrs Nonkosi Tshiwula in Kwazakele on May 8, 1983.

The men are charged with unlawfully importing arms, ammunition and explosives from or via Lesotho and introducing banned literature into South Africa.

This literature includes *The Communist Manifesto, What is to be done (Lennon)* and *Strategy and Tactics of the ANC.*

They are also accused of recruiting people in Port Elizabeth for involvement in political or military matters relating to the ANC, harbouring of persons they knew to be terrorists, the establishment of cell structures and liaison with ANC members in Lesotho.

Mr P Langa, appearing for the defence, applied for a postponement today, saying the newly-acquired senior counsel had been called away on a serious family matter.

The defence was not sufficiently prepared to continue with the trial because Mr Selvan had only just started consultation with the accused.

Conditions for the defence had been difficult because the hours of consultation at the Grahamstown Prison, where the accused are being held, were limited.

Mr Justice Cloete granted the postponement but warned that it would be the last one before the trial was resumed on March 1. Thereafter the trial would continue uninterrupted until its completion, he said.

Mr Justice Cloete was on the Bench with two assessors, Mr B P Loots and Mr J Logie. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appered for the State. Mr Langa and Mr A Jappie, instructed by T Majodina and Co, appeared for the defence.

Table with grenades, mines used as evidence

Post Reporter

GRAHAMSTOWN — A homemade table with a concealed compartment containing limpet mines, explosives, timing mechanisms, detonators and hand grenades, is being used as evidence against 11 men charged with high treason.

This was revealed in a summarised list of findings, attached to the indictment against the accused who appeared in the Grahamstown Supreme Court today.

The homemade table was discovered by the State at 9160 Site and Service, Port Elizabeth, and other items, including a suitcase containing an assault rifle, four magazines with ammunition and a hand grenade, at 34 Ximaya Street, New Brighton.

The State alleges that fingerprints lifted from one of the containers listed matched that of one of the accused, Mr Rufus Nzo, 24.

Fingerprints were also found on the explosive device found at Constantia Centre, which matched those of persons known only as "James" and "Walk Tall".

"As far as can be ascertained the person known as James died during the explosion at the Community Centre on January 26, 1983, whilst the persons known as Walk Tall and Mavimbela were killed during the military operation in Lesotho in early December, 1982," the summary said.

Other items include a brown carrybag containing explosives, detonators and battery connections found at Stone Hill, Veeplaas, and a hand grenade and Marxist literature at 11878 Site and Service, Port Elizabeth.

AK47 assault rifles and magazines were found in New Brighton, Port Elizabeth, and in the bushes near the main Missionvale Road, Port Elizabeth.

A travelling bag containing firearms and ammunition was found at Soweto, Port Elizabeth, and a magazine with cartridges near the scene of an explosion on the Swartkops railway line on April 6, 1983.

The arms, ammunition and explosives referred to were concealed in several motor vehicles and brought into the country from Lesotho, the summary says.

PE blasts: 11 face treason, arms charges

GRAHAMSTOWN — Details of several charges, listed in a 25-page indictment and ranging from high treason to fraud, were made public in the Supreme Court here yesterday when 11 men were asked to plead.

The state alleges that Mr Rufus Nzo, 34, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr Mizayifani Khame, 57, Mr Mzimkhulu Kame, 22, Mr Sipho Ndlovu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Gumenege, 29, and Mr Nceba Faku, 27 conspired with each other between August 1, 1981 and June 30, 1983 to overthrow the state.

They are alleged to have prepared, placed and triggered off explosive devices at the Constantia Centre in Port Elizabeth in 1981 and 1982, in the new law courts in the city in 1982, at the offices of the community council in New Brighton in 1983 and on a railway line between Port Elizabeth and Uitenhage last year, causing damage estimated at more than R190 000 in total.

The state has also charged them with the "execution" of Mrs Nonkosi Tshiwula at Kwazakele last year.

The men have pleaded not guilty to all the charges.

The state also alleges that the accused imported unlawfully or brought into the country limpet mines, hand grenades, detonators, plastic explosives, AK 47 and AKM assault rifles as well as ammunition for these weapons which, according to the indictment, where required or could be used for the commission of acts of war, sabotage or subversion.

Among banned literature which the accused are alleged to have introduced into the country are Strategy and Tactics of the ANC, Unite, Fight and Reverse, Fundamentals of Political Knowledge, Lenin on Trade Unions, The Crisis of Captalism and the Condition of the Working People, and Fifty Fighting years by a Lerumo.

The men, who the state alleges liaised and communicated with the Anc hierarchy and/or command elements in Lesotho, are also charged with undergoing or attempting to undergo military training in, among other places, Lesotho and Angola.

They are also charged with terrorism in that they, according to the indictment, committed or attempted to commit acts of violence with the intent to, among other allegations, achieve, bring about or promote any constitutional, political, industrial, social or economic aim or change in South Africa.

An alternative charge faced by all the men except Mr Nzo is the harbouring of persons they allegedly had reason to believe were terrorists.

Mr Tyutyu is facing an additional charge of leaving the country without a passport, allegedly for the purpose of proceeding to Lesotho.

A charge of fraud had also been proferred against Mr Nzo alone in that he allegedly presented himself to a policeman at Aliwal North on an invalid Transkei travel document.

After the formal recording of pleas, council for the defence handed to the court admissions made by the 11 men.

The Judge-President of the Eastern Cape, Mr Justice Cloete was on the bench with two assessors, Mr P. Loots and Mr J. Logie. The deputy attorney-general, Mr P. J. Strauss, SC, assisted by Mr W. Kingsley appeared for the state. Mr R. L. Selvan, SC, assisted by Mr P. N. Langa and Mr A. Jappie and instructed by Thole Mojodina and Company, appeared for the 11 men. — DDC.

ANC activities: Sisulu jailed

By Terry Friend, West Rand Bureau

The wife of the general secretary of the African National Congress, Albertina Sisulu (66), and a young Soweto science teacher, Thandi Mali (26), were both found guilty yesterday of taking part in the activities of the ANC.

Krugersdorp Regional Court magistrate Mr Jack la Grange sentenced Mali to five years imprisonment and Sisulu to four years, two of which were suspended for five years.

Both had pleaded not guilty to the charges, but Mr la Grange found them guilty of furthering the aims of the ANC by displaying the green, black and gold flag at the funeral of Mrs Rose Mbele on January 16 1982, allowing pamphlets to be distributed, delivering eulogies to ANC leaders, draping the coffin in ANC colours, creating sympathy for the banned organisation, singing pro-ANC songs and, in the case of Mali, wearing a shirt with ANC colours and symbols.

The defence, led by Mr George Bizos, SC, gave notice of appeal against conviction and sentence and also for an urgent application for bail in Supreme Court Chambers this weekend.

Mr Bizos said the case had strange features, as the offence was committed in the presence of several police officers of the rank of major downwards. Almost 18 months after the offence an arrest was made, and there had been unchallenged evidence that similar funerals had taken place in the past without police action.

Neither of the accused knew an offence was being committed, and if the police had been satisfied that their actions constituted an offence they would have arrested the pair immediately.

Sisulu had been called in as a speaker at a late stage and knew little of the funeral arrangements.

start for today's Iron Man Rand who is also rearing to compete ... during last year's triathlon ...drill used in the mines.

Picture: DANIE COETZER

Iron Men

The cooler, damp conditions should ... the Natal competitors — and it will ...move some of the advantage enjoyed ...y Transvaalers, who have conditioned ...emselves to perform in the baking hot, ...weather of the past two months.

A living hell for 2 fliers

A FORTNIGHT ago pilot John Wight and diamond dealer Dave Marais were freed after seven years in jail in the Malagasy Republic. Now they have told their dramatic account of their living hell.

It is an unforgettable story — and the Mail is to publish it.

The Afrikaans Sunday newspaper Rapport, which has obtained exclusive rights, launches this three-part serialisation this Sunday.

By special arrangement, the Mail will carry major extracts from it in English on Monday — together with some of Rapport's exclusive pictures.

This week's report tells of the fateful flight to Madagascar in January, 1977, their arrest, and the living hell of imprisonment in the dank cells of a Madagascar jail.

Don't miss it.

● Pictures — Page 3

Sisulu, Mali sent to prison

RDM 25/2/84 331

By MONTSHIWA MOROKE

ALBERTINA SISULU, president of the United Democratic Front and the Federation of South African Women (Fedsaw), was yesterday sentenced to an effective two years' imprisonment for furthering the aims of the banned African National Congress.

Sisulu, 66, wife of the imprisoned former ANC secretary-general, Walter Sisulu, was sentenced to four years imprisonment at the Krugersdorp Regional Court. Two years of which were suspended for five years.

Appearing with Sisulu was Thami Mali, 25, a Soweto schoolteacher, who was sentenced to five years imprisonment.

Both had pleaded not guilty before Mr T J le Grange.

A large number of policemen in camouflage uniform stood outside the court building.

Soon after sentence was passed, Mr G Bizos SC, for the defence, made known his intention to file notice of appeal on conviction and sentence.

The magistrate refused to hear an application for bail, which had been made by Mr Mr Bizos "as a matter of urgency".

The case arose from the funeral of Mrs Rose Mbele, a formerly of Fedsaw, in Soweto in 1982.

Sisulu and Mali were charged with singing ANC songs during the funeral service, distributing pamplets and stickers, displaying the ANC flag, praising the organisation and draping the deceased's coffin with the ANC flag.

The magistrate said Sisulu was an elderly woman and a grandmother who had spent many lonely years because of her husband's incarceration.

However, he said, it was the court's opinion that the ANC had escalated its activities and the offences had been part of the ANC strategy.

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Men fined for having 837 illegal crayfish

Staff Reporter

THE skipper of a St Helena Bay-based fishing vessel was fined a total of R1 000 (or 275 days) in the Magistrate's Court yesterday on four counts of contravening the Sea Fisheries Act in November last year.

Armin Blaauw, no age or address given, was fined R400 (or 100 days) for possessing 837 crayfish without a permit, R150 (or 50 days) for failing to deliver the crayfish to a factory, R150 (or 50 days) for failing to weigh the crayfish, and R300 (or 75 days) for possessing 116 crayfish tails.

Another crewman, Alexander Groenemeyer, 49, of Cypress Way, Mitchells Plain, was fined a total of R400 (or 100 days), conditionally suspended for five years, on charges of not weighing or delivering the crayfish.

Both pleaded guilty to the charges.

Mr R A Duraan was the magistrate. Mr J G van Zyl prosecuted.

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Mrs Sisulu jailed on ANC charges

CAPE TIMES 25/2/86

331

Own Correspondent

JOHANNESBURG. — The president of the Federation of South African Women (Fedsaw), Albertina Sisulu, was yesterday convicted in the Krugersdorp Regional Court of furthering the aims of the banned African National Congress.

Sisulu, 66, wife of the imprisoned former ANC secretary-general, Walter Sisulu, was sentenced to four years' imprisonment, two of which were suspended for five years.

Appearing with Sisulu was Thami Mali, 25, a schoolteacher, who was sentenced to five years' imprisonment. Both had pleaded not guilty before Mr T J le Grange.

Soon after sentence had been passed, Mr G Bizos SC, for the defence, made known his intention to file notice of appeal on conviction and sentence.

The hearing arose from a funeral of Mrs Rose Mbele, a former member of Fedsaw, on January 16, 1982.

Sisulu and Mali were charged with singing ANC songs during the service; distributing pamplets; displaying the ANC flag; praising the organization; draping the coffin with the ANC flag; distributing pieces of paper in the ANC colours and wearing the same as mourning ribbons.

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TV ban a mystery

Staff Reporter

MYSTERY still surrounds the suspension of permits for television crews — among them SATV — to enter the black areas in the Peninsula.

The permits were suspended from February 15 until tomorrow. In spite of intensive inquiries, no reasons for the move have yet been given by the authorities.

Questions put in Parliament by Mrs Helen Suzman, Progressive Federal Party MP for Houghton, this week also failed to elicit an explanation.

In reply, Dr Piet Koornhof, Minister of Co-operation and Development, confirmed that the Western Cape Adminstration Board had suspended the permits of six TV crews, among them SATV, from February 15 until February 26.

Intensive press inquiries have also failed to clear up the mystery.

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28/2/84

P. Mapatla

Inspection in loco held in terror trial

Mr Roger Kriel, Mr Dayalin Chetty, for the defence, Mr P. C. Oosthuizen SC, for the state and Mr Justice Erasmus at the inspection in loco at Zwelitsha yesterday.

BISHO — An inspection in loco of the scenes in Zwelitsha and Tshatshu village that feature in the terrorism trial of five former members of state security was conducted yesterday afternoon by court officials and counsel for the prosecution and the defence.

Mr Ntobeko Mlotana, 32, Mr Khambashe Sebe, 20, Mr Mbulelo Xaba, 21, Mr Colin Sebe, 21 and Mr Toni Sebe, 22, have pleaded not guilty to charges of terrorism, intimidation and attempted murder.

The first place to be visited was the farm of the former Minister of Transport, Mr Namba Sebe, at Frankfort where arms; ammunition and handgrenades were allegedly dug out by the police.

The farm gate was locked and the entourage waited for 40 minutes while the police sent for the keys from the farm workers.

The keys could not be obtained and Mr Justice Erasmus asked the investigating officer, Lieutanant-Colonel Zozi to obtain the keys for today's inspection.

From there the officials went to Zwelitsha to the scene of the shooting of the house formerly occupied by the Minister of Foreign Affairs, Mr B. N. Pityi and also for a view of the government and ministerial complex in Zone 6.

The officials then travelled to the house of the former Commanding General of State Security, Mr X. C. Sebe, to the place where ammunition is alleged to have been found in a septic tank.

Col Fumabele Zozi had told the court earlier that the Sebe cousins co-operated with the police in their investigation of the case. He said they made their statements freely and voluntarily.

He said Mr Khambashe Sebe pointed out to the police where arms, ammunition and handgrenades were allegedly dug out.

Defence counsel objected to the leading of evidence on what the accused told the police because the admissibility of their statements was at issue. The objection was upheld.

Sisulu, Mali get bail

CAPE TIMES 28/2/80 (331)

Own Correspondent

PRETORIA. — The wife of the jailed leader of the banned African National Congress and a Soweto school teacher, jailed last week by a Krugersdorp magistrate for taking part in ANC activites, were granted bail by the Pretoria Supreme Court yesterday.

Albertina Sisulu, 66, and Thabo Mali, 25, were granted R1 000 and R2 000 bail respectively by Mr Justice Preiss.

Sisulu, a mother of five, from Orlando West, was sentenced to four years' jail, of which two were conditionally suspended for five years.

Mali, a computer science teacher, was sentenced to five years' jail.

Sisulu and Mali were convicted by Mr T J le Grange. They had been charged with contravening the Internal Security Act in that they propagated ANC activities during the funeral of Mrs Rose Mbele in Soweto on January 16 last year.

Mr Le Grange refused the pair bail after passing sentence.

He said he had been precluded from granting bail on the certificate issued by the Transvaal Attorney-General, Mr J E Nothling, on August 5, last year.

Sisulu, Mali get bail

CAPE TIMES 28/2/80 (4MS) (331)

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Argus 29/2/84 COURTS 331

Ciskei policeman denies death threat

Argus Correspondent

KING WILLIAM'S TOWN. — A Ciskei policeman has denied telling Mr K H Ambashe Sebe that he had instructions from President Lennox Sebe to kill him if he did not admit to a shooting incident.

Lieutenant-Colonel F Zozi also denied in the Supreme Court here yesterday that a rubber tube had been twisted over Mr Sebe's head during interrogation to make him admit complicity in the shooting.

Colonel Zozi was testifying in a trial within a trial to judge the admissability of statements made by three members of the Sebe family.

Mr K Sebe (son of Mr Charles Sebe), Mr Toni Sebe, Mr Colin Sebe, Mr Mbulelo Xaba and Mr Ntobeko Mlotana have pleaded not guilty to charges of terrorism, attempted murder and intimidation.

It is alleged they were involved in a shooting affray at the home of the Minister of Foreign Affairs, Mr Brown Pityi, on July 14 last year.

Mr Dayalin Chetty, pro Deo defence counsel, said Mr K Sebe would say that he was taken from the Mdantsane police cells to an open plot where he was assaulted and interrogated by police officers.

He would testify that a rubber tube was repeatedly put over his head and twisted at the back to make him admit involvement in the shooting.

Mr Sebe would also say that Colonel Zozi had told him that he had instructions from President Sebe to kill him (Mr Sebe) if he did not admit complicity.

Colonel Zozi denied the allegations.

(Proceeding)

 Argus 29/2/84

State concedes Sebe relative was asked to testify

Argus Bureau

EAST LONDON. — Senior State counsel admitted in the Supreme Court, Bisho, today that the chief investigating officer had been aware that a Sebe family member had been asked to be a State witness.

Lieutenant-Colonel F Zozi told Mr Justice Erasmus that he had not known that Mr Toni Sebe had been asked to give evidence for the State.

The first he had heard of this was in court, Colonel Zozi said.

HE WAS ASKED

Mr P Oosthuizen, SC, (for the State) told Mr Justice Erasmus that he and Colonel Zozi had arranged for Mr Toni Sebe to be taken to Security Police offices. He was asked to be a State witness.

Mr Sebe had refused.

Mr Toni Sebe, Mr Khambashe Sebe, Mr Colin Sebe, Mr Mbulelo Xaba and Mr Ntobeko Mlotana have pleaded not guilty to charges of terrorism, attempted murder and intimidation.

The trial is a sequel to a shooting affray at the house of the Minister of Foreign Affairs, Mr Brown Pityi, last year.

Asked by the judge why he denied knowledge of Mr Toni Sebe being asked to be a State witness, Colonel Zozi said: "I did not see them."

Colonel Zozi also denied defence allegations that Mr Colin Sebe and Mr Toni Sebe were threatened with assault if they did not admit to involvement.

Mr Roger Kriel, for the defence, said Mr Colin Sebe would testify that he wastortured.

Colonel Zozi denied this.

Mr J van Jaarsveld is appearing for the State and Mr D Chetty and Mr R Kriel, pro Deo, for the defence.

(Proceeding.)

Judge, assessor withdraw from G'town treason trial

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — The Judge President of the Eastern Cape, Mr Justice Cloete, and one of his assessors, Mr B P Loots, both withdrew today from the trial in the Grahamstown Supreme Court of 11 men facing charges of high treason.

The 11 accused who are involved in one of the biggest treason trials in years are: Mr Rufus Nato Nzo, 24, Mr Douglas Mnyisile Tuytyu, 48, Mr Sipho Fieldon Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani William Khame, 57, Mr Mzimkulu Temi Kameh, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Vukile Tumenge, 29, and Mr Nceba Christopher Faku, 27.

They have pleaded not guilty to all charges.

Mr Justice Cloete told the crowded court he had decided to withdraw from the trial because of personal considerations unrelated to the case.

He said the case had been postponed to Monday, March 5, to enable him to assign another judge to preside over the matter.

He said two of the accused had informed him through their counsel that they had been tried in separate cases in 1964 by Mr Loots, who was then a regional magistrate.

Mr Justice Cloete said he did not know who the accused were, or the details of the old cases.

He had discussed the matter with Mr Loots who informed him he had "no recollection" of either the identity of the accused, the details of the cases, the verdicts, or the places where they were tried.

"Mr Loots has very fairly conceded that the accused should have no suspicion that they are not having a fair trial and he has asked that he withdraw."

Mr Justice Cloete said he had consequently granted an order allowing Mr Loots to withdraw from the trial.

The State alleges that the 11 accused prepared and detonated explosive devices at the Constantia Centre, Port Elizabeth in 1981 and 1982, at the New Law Courts, Port Elizabeth, in 1981, at the offices of the East Cape Administration Board building, New Brighton, in 1983, and the railway line between Port Elizabeth and Uitenhage in 1983. The damage is estimated at more than R193 000.

a car worth R9 000
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(244)
S, (140A)

By MONO BADELA

Treason trial judge and assessor step down

(331)
City Press
4/3/84

THE PRESIDING judge in Port Elizabeth's biggest treason trial, Mr Justice Cloete has recused himself from the proceedings — one of his assessors has also been forced to do so.

The defence team successfully applied that one of the assessors recuse himself this week in the Grahamstown Supreme Court where 11 men are facing charges of high treason.

The defence, led by Mr R L Selvan SC asked that Mr Loots an ex-magistrate recuse himself from the bench as he had sent two of the men to jail in 1964.

The hearing lasted for only 30 minutes and has been postponed to Monday March 5.

And in another surprise move the Cape Judge President recused himself from the bench, stating that his stepping down had nothing to do with the case.

The charges facing the men covers five Eastern Cape bombings, a murder, injuries to seven people and damages to property amounting to more than R191 000.

Further covers the killing of Mrs Nonkosi Tshiwula who died from injuries inflicted by machine gun fire and a hand grenade explosion.

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TO: THE DAMELIN CORRESPONDENCE COLLEGE

Accused forced to admit shooting — claim

BISHO — Mr Khambashe Sebe, son of the former Commander General of State Security, Mr X. C. Sebe, described in court yesterday how he was arrested in King William's Town in July by the Ciskei police.

He said a Ciskei police car blocked his way while he was trying to park near the bus rank. A Warrant-Officer Sigabi told him the commissioner of police wanted to see him at the then Zwelitsha police headquarters. He told him he was busy and would see him later.

Mr Sebe said W/O Sigabi grabbed his car keys, told him to get into the police car and said he would drive Mr Sebe's car to Zwelitsha himself.

Mr Sebe was giving evidence in a trial within a trial to determine statements allegedly made by him and his two cousins, Mr Colin Sebe and Mr Toni Sebe.

The cousins have been charged, together with Mr Mbulelo Xaba, and Mr Ntobeko Mlotana, with terrorism, intimidation and attempted murder. They have pleaded not guilty to all the charges.

Mr Sebe said on the way to Mdantsane he asked what was happening and Major Zandisile Ngwanya told him they were detaining him on the instructions of President Sebe.

The following morning he was fetched from the cells by W/O Tsewu and Major Fikile Zibi and taken to a busy area in Zone 7 where he said he was suffocated to admit that he shot at the house of the Minister of Foreign Affairs, Mr B. N. Pityi, and that he had been instructed by someone to do so. He was also asked why he had assaulted the late, younger son of President Lennox Sebe, Mr Lolo Sebe.

He was then taken to Mr Namba Sebe's farm to a hole where Colonel F. Zozi told him it was the place where they had hidden weapons. Nothing was taken from the hole.

Mr Sebe said from the farm he was taken to the Keiskamahoek police cells. His face was swollen. On the following morning he reported to the station commander that he had been assaulted and wanted to see a doctor.

The station commander told him that his instructions from Col Zozi and the Commissioner of Police, Major General Lulama Madolo, were that he should not be taken to a doctor and that he should not be seen by anyone.

Earlier, W/O Tsewu told the court that according to his knowledge, no detainees were ever tortured in Ciskei. He had never heard of the torture of detainees except reading in newspapers about alleged tortures in places like Port Elizabeth.

He denied that he took part in the alleged torture of Mr Khambashe Sebe and Mr Colin Sebe. He said he did not force or induce them to make statements. — DDR.

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Pause in Ciskei terror trial

(331) Own Correspondent Star 6/3/84

KING WILLIAM'S TOWN — A Ciskei Supreme Court judge abruptly adjourned the terror trial here for 20 minutes while Mr Khambashe Sebe, son of Mr Charles Sebe, was giving evidence.

Mr D Chetty, pro deo defence counsel, had repeatedly asked Mr Sebe to speak more slowly to enable his evidence to be recorded.

Mr Khambashe Sebe was the first defence witness in a trial within a trial to judge the admissibility of statements made by him, Mr Toni Sebe and Mr Colin Sebe. All face charges of terrorism, intimidation and attempted murder, and have pleaded not guilty.

It is alleged they were involved in a shooting incident at the home of the Minister of Foreign Affairs, Mr Brown Pityi, last July. Mr Khambashe Sebe today alleged that the chief investigating officer had said he should admit being involved in the shooting incident.

The case continues.

Muslim rioters routed in Nigeria

LAGOS — The Nigerian leader, Major-General Mohammed Buhari, said today Muslim fundamentalist rioters in Yola had been routed.

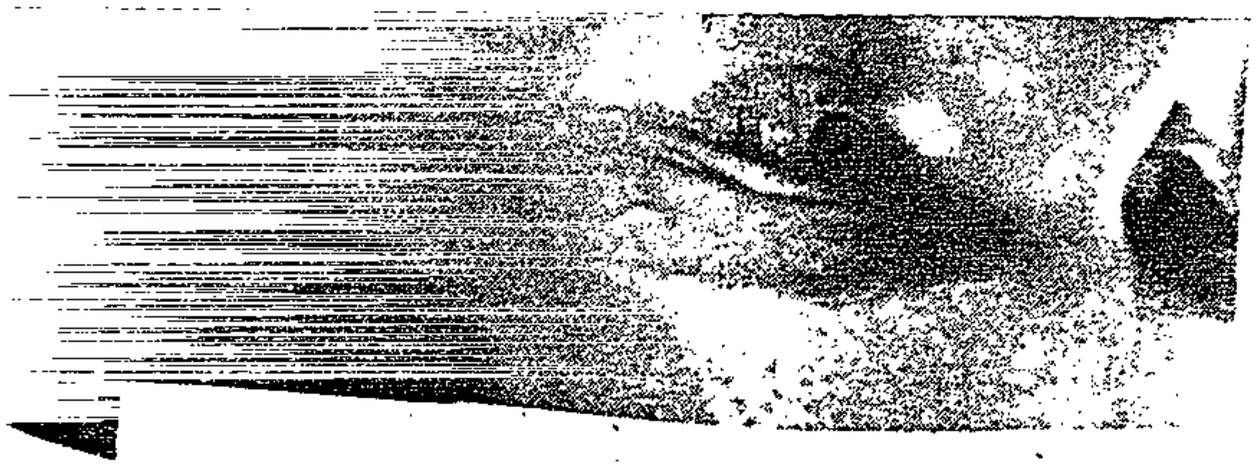
The Yola riots in the predominantly Islamic north started when police moved against Muslim fundamentalists, an official statement said last week, adding that they were the followers of M: Muhammadu Marwa Maitatsi... killed in riots he fomented in Kano more than three years ... Sapa-Reuter.

Swazi royals for treason trial

The Star's Foreign News Service

MBABANE — Three members of Swaziland's royal family and eight others will be tried for high treason in Mbabane in May, the director of public prosecutions, Mr Absalom Thwala, has announced.

It is alleged that they conspired to overthrow the Liqoqo, the Supreme State council, and the Prime Minister, Prince Bhekimpi Dlamini.



Institutions reluctant to fund black local authorities

Financial Staff

Increasing resistance is being experienced among institutional investors to support new issues of development boards and to fund the development of black local authorities.

Senbank, in its Capital Market Report, says this is mainly the result of the reservations regarding the continued economic abilities of black local authorities.

These, in due course, will have to take over the responsibility towards the investor as the final borrowers.

"At present, an unrealistic increase in the margins above the South Africa rates is being experienced without an acceptable increase in investor participation.

"This trend entails a potential funding danger for borrowers, not only in respect of the adequate availability of capital but also in respect of the high interest rates for the funds that are available."

The report says alternative sources of income and State aid for the development boards and black local authorities appear unavoidable.

Excessive pressure on the Local Loans Fund, which is now being adapted to make greater aid available to smaller local authorities, will have the effect of changing the future role of the fund.

In the present circumstances, a gap exists between the need for development of black local authorities as an instrument for the socio-economic and -political improvement of urban blacks, and the capital required to realise that development.

Even if institutional investors were prepared to invest more than they are now, the funds would still be insufficient, the report says.

Catholic priest charged with subversion

Argus Bureau

ZWELITSHA — The Rev Smangaliso Mkhatshwa, general secretary of the Southern African Catholic Bishops' Conference, appeared in the Regional Court here today on charges of subversion, incitement to public violence and addressing an unlawful gathering.

Security was tight in the crowded courtroom, with about 20 police inside and armed men on guard outside.

At least 20 members of the clergy attended the hearing, including an observer for the German Justice and Peace Commission and the International Movement of Catholic Jurists and Pax Romana.

Father Mkhatshwa, whose detention at Fort Hare University on October 30 last year led to international protest, appeared relaxed and well. He was dressed in a grey suit. He pleaded not guilty to the charges.

CAMPUS MEETING

It is alleged that Father Mkhatshwa intended to overthrow or endanger the authority of the State at a meeting on the university's campus on October 30 last year.

It is further alleged that he intended to bring about or promote constitutional, political, social or economic change in Ciskei.

It is alleged that Father Mkhatshwa caused, encouraged or fermented hostility between different population groups and incited the meeting to commit acts to promote disorder.

Count 2 alleges that Father Mkhatshwa's speech at the meeting could have resulted in public violence.

Count 3 alleges that Father Mkhatshwa addressed an unlawful gathering of more than 20 people.

(Proceeding)

NATIONAL/CITY

Train narrowly missed blast

GRAHAMSTOWN. — A goods train manned by three people moved over a section of the main railway line between Swartkops and Redhouse only five minutes before the tracks were blown up on April 6 1983, a Railway Police explosives inspector told the Grahamstown Supreme Court.

Lieutenant Andries Petrus Burger was testifying at the trial of 11 men alleged to have conspired to overthrow the State.

They are Mr Rufus Nato Nzo, 24, Mr Douglas Mnyisile Tuytyu, 48, Mr Sipho Fielden Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani William Khame, 57, Mr Mzimkulu Temi Kameh, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Vukile Gumenge, 29, and Mr Nceba Christopher Faku, 27.

Harbouring terrorists

The men have pleaded not guilty to charges including high treason, terrorism, sabotage, murder, undergoing military training, harbouring terrorists and possession of banned literature.

Lieutenant Burger said he was called to the scene in the early hours of the morning after the explosion.

Damage to the line was estimated at R824.

He said he believed the explosives had been powerful and that a train would have been derailed if it had travelled over the damaged track at its normal speed of 69km/h.

"Very dangerous"

"It could also have been very dangerous if a train was derailed there because there is a busy road adjacent to the railway line."

The tracks were patrolled daily but chances of spotting an explosive device were slight because they were usually buried under the line, Lieutenant Burger said.

Warrant Officer R P Campher said he was the first investigating officer at the scene, at 1,15am. After an all-night search he had found a magazine filled with ammunition about 6m from the line.

This had been handed to the security police.

Document's real owner

Major Spalding Dengane, of the Transkei security police, said he had known the real owner of the travel document used by one of the accused, Mr Rufus Nzo.

Mr Nzo was alleged to have used a Transkei travel document belonging to Mr Ndima Saliwa on May 8 1983.

Major Dengane said Mr Saliwa had left Transkei in 1981 and was thought to be "somewhere in Lesotho".

The photograph on the document had been removed and replaced with one of Mr Nzo.

(Proceeding)

Mr Justice Howie is on the Bench with Mr R P Barnes and Mr J Logie as assessors. Mr P J Strauss SC, assisted by Mr W Kingsley, appears for the State. Mr R Selvan SC, Mr P N Langa and Mr A Jappie, instructed by Thole Majodina and Co, appear for the defence.

Argus Bureau

Meadowlands.

Man jailed for high treason

A Venda citizen, Petrus Mudzielwana, was found guilty in the Venda Supreme Court yesterday on a charge of high treason.

He was sentenced to five years's imprisonment, of which four years and four months was suspended for five years.

The court found that Mudzielwana helped recruit terrorists, provided them with food and failed to report their presence. — Northern Transvaal Bureau.

Some treason trial witnesses will testify in camera

331
E-Post
7/3/84

By CLAIRE PICKARD CAMBRIDGE

GRAHAMSTOWN — Mr Justice Howie ruled today that the evidence of certain State witnesses should be heard in camera to afford them some protection in the trial of 11 men charged in the Grahamstown Supreme Court with high treason.

This follows an application yesterday by the Deputy Attorney-General, Mr P J Strauss, SC, for the State, for an order that evidence of certain accomplices and innocent bystanders who witnessed events be heard behind closed doors.

The chief investigating officer in the case, Major Hermanus Barend du Plessis, of the security branch of the South African Police in Port Elizabeth, yesterday led evidence in support of the State application, saying the ANC had publicly issued death threats against those who betrayed the organisation or gave evidence against it.

Major Du Plessis said he had learnt that the ANC ordered the "elimination" of such people and he quoted warnings from Sechaba, the official mouthpiece of the ANC, to back this up.

He named three people who had already been murdered after giving evidence against the organisation as Mr Halubi Tsapi and two former ANC members, Mr Leonard Nkosi and Mr A Mtembu.

Major Du Plessis said he believed that some State witnesses in this case were reluctant to testify because they were frightened.

Opposing the application, Mr P N Langa, for the defence, said there was no direct evidence that witnesses had been threatened.

He submitted that the reluctance to testify referred to by Major Du Plessis was a "reluctance to face the accused in court", whether their evidence was true or not.

He said the identity of witnesses could not effectively be kept secret.

Evidence heard in camera was also to the detriment of the defence's cases because a public hearing was a sanction against exaggeration and untruths by witnesses.

Mr Justice Howie said Major Du Plessis's evidence was enough to suggest that harm to the witness was a reasonable possibility. The Press would be allowed to remain while the court was in camera, but the identity of witnesses could not be revealed in any way.

The 11 men facing charges ranging from high treason to murder are: Mr Rufus Nato Nzo, 24; Mr Douglas Tuytyu, 48; Mr Sipho Fielden Hina, 44; Mr James Nqgondela, 54; Mr Mzayifana William Khame, 57; Mr Mzimkulu Temi Kameh, 22; Mr Sipho Nodlewu, 35; Mr Vukile Tshiwula, 43; Mr Lindile Patrick Mbelekana, 27; Mr Wellington Vukile Gumenge, 29, and Mr Nceba Christopher Faku, 27.

They have pleaded not guilty to all charges.

The State alleges that the accused prepared and detonated explosive devices at the Constantia Centre, Port Elizabeth in 1981 and 1982, at the New Law Courts, Port Elizabeth, in 1982, at the offices of the East Cape Aministration Board building, New Brighton, in 1983, and on the railway line between Port Elizabeth and Uitenhage in 1983.

Dr Benjamin Tucker, the principal district surgeon in Port Elizabeth, told the court today he had conducted a post-mortem on the body of Mrs Nkosi Tshiwula, on May 11, 1983. The 11 are charged with executing Mrs Tshiwula in Kwazakele on May 8, 1983.

Dr Tucker said the cause of death could be attributed to several firearm wounds, possibly caused by 9mm calibre bullets.

He had also conducted a post-mortem on the body of an unidentified male on January 27, 1983. The death had been due to multiple injury following an explosion at the Ecab buildings.

Mr Justice Howie was on the Bench with two assessors, Mr J Logie and Mr Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Company, appeared for the defence.

Court told of bomb in bag of fruit

(331) Disputed 7/3/84

GRAHAMSTOWN — A cleaner at the new law courts in Port Elizabeth held a ticking bomb close to his ear and placed it on a counter at the charge office, before finally taking it outside, where it exploded only minutes later, the Supreme Court here was told yesterday.

In a separate incident, a security guard, employed at the Constantia centre, fiddled with an explosive device despite the insistence of a colleague that he leave it alone, the court heard.

The bomb, which was in a bag and had fruit on top of it, exploded shortly after two security guards had been told by the manager of the shopping complex, Mr J. Lutz, to run for cover.

This was part of evidence led yesterday by state witnesses at the treason trial in Grahamstown.

Eleven men — Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr Mizayisani Kame, 57, Mr Mzimkhulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwla, 43, and Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, Mr Nceba Saku, 27 — are facing charges ranging from terrorism to possession of banned literature. They have pleaded not guilty.

Mr Edward Engelbrecht, a cleaner at the law courts, said he was given a parcel by a security guard at the building, Mr K. le Roux, in July 1982.

On examining its contents he said he found a watch with two wires sticking out of it. He heard it was ticking when he held it to his ear. On the advice of Mr Le Roux he took it to the new law courts charge office.

Having placed it on the charge office's counter, Mr Engelbrecht said he was told by a police sergeant to take it outside. It exploded a few minutes later.

Mr Lutz told the court he rushed to the Constantia centre on August 8, 1981, after receiving a call at his home that a bomb had been discovered at the complex.

On arrival he said he found two security guards with a parcel. Having interviewed them about it, he immediately advised them to run. The bomb went off shortly afterwards, he said.

A goods train travelled over a section of the main railway line between Swartkops and Redhouse, only five minutes before the tracks were blown up on April 6 last year, an explosives inspector of the South African Transport Services, Lieutenant Andries Burger told the court.

The damage to the line was estimated at about R824.

He said he believed the explosives used had been powerful enough to derail a train if it had travelled over the damaged track at its normal speed of 69 km/h.

Warrant Officer, R. P. Campher, of the SA Transport Services police, told the court he had been the first investigating officer at the scene at 1.15 am and after an all-night search had found a magazine filled with ammunition about 6 m from the railway line. — DDC.

Evidence: judgment today

PORT ELIZABETH — Judgment will be passed this morning on an application by the state to have some of the evidence in the Grahamstown treason trial heard in camera.

Making the application, Mr P. J. Strauss, SC, said among the witnesses the state intended calling were accomplices who were held in custody.

He said that because these people were going to give evidence for the state, there were fears of reprisals and it was advisable that their identities be withheld.

He called Major H. B. du Plessis, of the Port Elizabeth branch of the security police, who gave the court names of three men whom he said were killed by the African National Congress for giving evidence for the state in trials heard in 1977 and 1978.

Major Du Plessis said the ANC had written in its official mouthpiece, Sechaba, that the death of Mr Leonard Nkosi, one of the three state witnesses, was "a lesson to those who betray the people's cause".

The application was opposed by Mr P. N. Langa, for the defence, who submitted that a blanket ruling should not be applied to all cases just because they had to deal with the ANC. — DDC.

Train just missed blast, court told

331 Stan 7/3/84

Own Correspondent

GRAHAMSTOWN — A goods train manned by three people was driven over a section of the main railway line between Swartkops and Redhouse only five minutes before the tracks were blown up on April 6 1983, a railway police explosives inspector told the Grahamstown Supreme Court.

He was giving evidence in the trial of 11 men alleged to have conspired in an attempt to overthrow the State.

The inspector, Lieutenant Andries Petrus Burger, said he had been called to the scene in the early morning after the explosion was reported by people living nearby.

The damage to the line was estimated at R824.

He said he believed the explosives had been powerful and a train travelling over the damaged track at its normal speed of 69 km an hour would have been derailed.

The railway tracks were patrolled daily, but chances of spotting an explosive device were slight because these were normally buried under the line, Lieutenant Burger said.

Warrant Officer R P Campher of the Railway Police told the court he had been the first investigating officer at the scene, at 1,15 am, and after an all-night search he had trodden on a magazine filled with ammunition about 6 metres from the railway line.

Major Spalding Dengane of the Transkei Security Police told the court he had known the real owner of the travel document used by one of the accused, Mr Rufus Nzo, "very well".

The accused are Mr Rufus Nato Nzo (24), Mr Douglas Mnyisile Tuytyu (48), Mr Sipho Fielden Hina (44), Mr James Nqgondela (54), Mr Mzayifani William Khame (57), Mr Mzimkulu Temi Kameh (22), Mr Sipho Nodlewu (35), Mr Vukile Tshiwula (430, Mr Lindile Patrick Mbelekana (270, Mr Wellington Vukile Gumenge (29), and Mr Nceba Christopher Faku (27).

The men have pleaded not guilty to charges including high treason, terrorism, sabatoge, murder, undergoing military training, harbouring terrorists and possessing banned literature.

The case continues.

Police detain witness in priest's trial

ZWELITSHA — A State witness in the trial in Zwelitsha Regional Court, of Father Smangaliso Mkhatswha, secretary of the Southern African Catholic Bishops Conference, was detained yesterday after changing his stand and giving evidence favourable to the defence.

Mr Nako Mosala told the court that — contrary to the charge he faced of inciting students to public violence — Father Mkhatshwa had appealed to students of the University of Fort Hare to be calm following the death of five students at the University of Zululand.

Immediately after the case was adjourned security police bundled Mr Mosala, a former student at the University of Fort Hare, into a police car.

The senior defence counsel, Mr Dennis Kuny SC, asked the police where they were taking Mr Mosala and if they had a warrant for his arrest, but the police apparently insinuated that they (the defence) were preventing his arrest.

It is alleged by the State that Pretoria-based Father Mkhatshwa, 48, had incited the students of Fort Hare to violence while speaking at a church service on October 30 last year, held in sympathy with the families of the students who died after being assaulted by members of Inkatha.

Father Mkhatshwa also faces a charge of addressing an unlawful gathering.

He has pleaded not guilty.

Mr Mosala told the magistrate, Mr J Kotze, that Father Mkhatshwa had been in Ciskei on church business and had been his guest on the campus. Neither of them had known about the church service until they were approached by a Mr Khumalo, one of the students who organized the service, who requested Father Mkhatshwa to take part.

Mr Mosala said Father Mkhatshwa, as a man of peace, had appealed to the students to remain calm and not to resort to violence even if they were threatened by violence.

The service had been interrupted by university authorities who pointed out it was illegal. It had then ended and Father Mkhatshwa had been detained.

Mr Mosala asked the court to disregard a statement he had made previously as it had been made while he was under extreme duress.

He was detained with Father Mkhatshwa in October, but was released the next day after making the statement.

Earlier, the magistrate ruled that a statement allegedly made by Father Mkhatshwa, which had not been signed, was inadmissable.

Application for bail was refused and the case continues today.

The head of the Security Police in Ciskei, Colonel Fumbalele Zozi, could not be reached for comment on Mr Mosala's detention. — Sapa

Priest's trial told of meeting

331 D - Dispatch 8/3/84

ZWELITSHA — Father Smangaliso Mkhatshwa, the secretary general of the Southern African Catholic Bishops Conference, appeared in the regional court here yesterday.

He is charged with subversion, incitement and addressing an unlawful gathering at the University of Fort Hare in October last year.

He has pleaded not guilty to the charges.

In a statement handed in by the defence counsel, he admitted addressing students on October 30.

The trial is a sequel to a memorial service held at the campus in sympathy with the families of Ngoye University students in KwaZulu who died or were wounded as a result of a clash with Inkatha supporters.

The investigating officer, Warrant Officer, Manelisa Nkomane, told the court that after hearing there was going to be a meeting at the Catholic church in Alice, the police applied to the chief magistrate for the banning of the meeting.

He said he arrested Mr Mkhatshwa at the gates of the university. At the pollce office he asked him to make a statement but Mr Mkhatshwa refused.

After insisting, Mr Mkhatshwa agreed and wrote a statement in his cell. When a typed copy was brought to him to sign he refused to sign it in the absence of his legal representative.

Mr Denis Kuny, appearing for the defence, objected to the document being handed in. He said it was not signed.

Under cross-examination by the defence, W/O Nkomane said he ordered the typist to tear up the original handwritten copy after Mr Mkhatshwa had read the typed copy.

Asked why he ordered the original to be torn up when Mr Mkhatshwa had refused to sign the typed statement, he said there was nothing he was going to do with it because Mr Mkhatshwa had agreed it was a correct transcript.

Counsel told him the handwritten copy was his best evidence and yet an experienced officer who had worked in Transkei and South Africa had let it slip.

The magistrate, Mr J. Kotze, ruled the document inadmissible.

Mr F. Geyer, the chief control officer in charge of security at the university, told the court that on October 30, three students gave him a letter in which they asked the rector for permission to hold a memorial service. The rector agreed provided it was held during the normal evening church service. A short prayer could be said during the service to be conducted by the Reverend Williams. He said the service should not be turned into a student meeting.

While observing the meeting from the entrance he heard a speaker say that the black man was undergoing the struggle of apartheid and students should keep up the struggle.

He said the meeting was very rowdy and there was rowdy singing.

While he was speaking to a student, Mr Kunene, he heard students shouting to him: "You dogs what do you want Kunene for" and they started throwing stones at him and a watchman, Mr Vuyani Jonga. They ran for cover and were not hit.

The case continues today. — DDR

Mr J. Kotze was on the bench. Mr B. D. Nel appeared for the state. Mr Denis Kuny, SC, and Mr H. J. Fabricius, instructed by Mr Brian Currin appeared for the defence.

More reports, picture, Page 2.

Priest who refused to give evidence released from jail

An elderly Johannesburg Anglican priest was yesterday released from prison after serving a six-month sentence for refusing to make a statement about Carl Niehaus for a police high treason investigation.

A spokesman for the St Peter's Priory in Rosettenville said Father Timothy Stanton (62) was well but did not want to speak to the Press.

"He is resting and at this stage wants to be alone," the spokesman said.

Father Stanton was sentenced on September 7 after telling a Johannesburg magistrate he could not give evidence against Nieuhaus because that would violate his conscience.

"To give evidence for the State in its case against this young man would be a thing I would be deeply ashamed of for the rest of my life," he said at the time.

Father Stanton appeared in court under section 205 of Act 51 of 1977 which provides for people refusing to make statements to the police to be brought before a magistrate.

Carl Nieuhaus was later convicted of treason and sentenced to 10 years in jail.

(331) D - Dispatch

Court told how ANC arms ferried into SA

2/3/84

GRAHAMSTOWN — A man who said he was trained by African National Congress agents in Maseru gave the Supreme Court here a detailed account yesterday of four trips he made from Lesotho into South Africa in 1982 transporting arms, ammunition and explosives.

The arms, which came into the country via Transkei, were destined for Port Elizabeth and were offloaded at a house in Kwazakele, the court heard.

Following an application by counsel for the state that the identities of some state witnesses be withheld out of fear of reprisals, Mr Justice Howie, has ruled that some of the evidence be heard in camera.

The public gallery was cleared yesterday morning before Mr X. and alleged accomplice, went into the witness box. The press has been allowed to attend the hearings, but may not reveal the identities of the state witnesses.

Eleven men — Mr Rufus Nzo, 24, Mr Douglas tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqodela, 54, Mr Mizayisani Kame, 57, Mr Mzimkhulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwla, 43, Mr Lindile Mgelekana, 27, Mr Wellington Gumenge, 29, and Mr Nceba Saku, 27 — are appearing on charges ranging from high treason to fraud.

They have pleaded not guilty.

Mr X told the court yesterday of nights he spent at the home of Mr Thozamile Botha in Maseru, lectures he received on the aims and objectives of the ANC, the handling of arms and explosives and contact he had with some of the accused while acting as carrier for the banned organisation.

Mr X told the court of instructions he received, and of a number of trips to South Africa.

Mr X said on one such trip, his car was loaded with plastic explosives, detonators, an AK 47 rifle, hand grenades and R1 300 in cash.

In Port Elizabeth he said he met Mr Vukile Gumenge who took him to Mr Douglas Tyutyu, then known to him as "the old man".

The three of them drove to a house in Kwazakele where the rifle and explosives were offloaded. He said he gave Mr Tyutyu the AK 47 and R1 000. The rest of the money he kept for expenses.

The trial continues today. — DDC.

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World attention on trial

ZWELITHSA — The trial of the Secretary General of the Southern African Catholic Bishops Conference, Father Smangaliso Mkhatshwa, in the regional court here yesterday attracted international attention.

The court was packed with clergy and nuns.

The International Commission of Jurists of Geneva was represented by Mr Anthony McNulty from London.

Advocate Johannes Wilpert of West Germany was the observer for the German Justice and Peace Commission and the International Movement of Catholic Jurists.

Bishop Jan van Cauwelaert, was observer for the bishops of the Netherlands and Belgium,

Other bishops present were Bishop J. P. Murphy, of Port Elizabeth, Bishop W. Napier, of Kokstad and Bishop A. Z. Brook, of Umtata. — DDR.

Father Smangaliso Mkhatshwa talks to his defence counsel, Mr H. J. Fabricius (left) and Mr D. Kuny, at the Zwelitsha regional court yesterday.

331 10 D. Dispatch 8/3/84

State witness discredited

ZWELITSHA — A state witness was discredited by the prosecutor after he had given evidence in the regional court here.

When the court adjourned, he was taken away in a car by Ciskei security men.

Mr Nabo Masala, of Pretoria, a former Fort Hare University student, told the court he signed a police statement under duress. He signed it naked, after standing for five hours.

He said the statement had been manufactured by someone and brought to him to sign.

He was giving evidence in the trial of the secretary-general of the Southern African Catholic Bishops Conference, Father Smangaliso Mkhatshwa.

Mr Masala told the court that he did not agree with what was contained in the three-page statement he signed.

After handing in the statement allegedly made by Mr Masala the prosecutor said the witness should be discredited.

Mr Masala said that on the day in question he fetched Mr Mkhatshwa from the East London airport, Mr Mkhatshwa was coming to King Williams' Town in connection with a monthly Catholic magazine that was going to be launched.

After addressing a meeting in King William's Town he asked Mr Mkhatshwa to accompany him to Fort Hare. At the university they learnt for the first time that there was going to be a memorial service.

Mr Mkhatshwa was asked to address the congregation but refused at first. He eventually agreed to assist the Reverend Mr Williams.

Mr Masala said the purpose of the service was to calm down the students after the Ngoye incident because in the past if there was unrest at one university it spread to other universities.

He said Mr Mkhatshwa successfully appealed for calm because after the meeting there was no violence and students wrote their examinations.

Mr Mkhatshwa had spoken for three mi-

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331 ~~405~~ D. Dispatch 8/3/84

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He said Mr Mkhatshwa successfully appealed for calm because after the meeting there was no violence and students wrote their examinations.

Mr Mkhatshwa had spoken for three minutes when the meeting was disturbed by the registrar, Mr De Goede, who called a student through a loud hailer.

At the meeting he did not hear any criticism of apartheid, injustice or the Ciskei regime. Violence was condemned.

Mr Masala said Mr Mkhatshwa was introduced to the congregation by Mr Williams who told them he was going to assist him. — DDR.

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PE hotel may be razed

Municipal Reporter

A REZONING application to allow the demolition of the Hollywood Hotel on Port Elizabeth's beachfront and development of flats on the site will be considered by the City Council's Administration and General Purposes Committee today.

The Town Clerk, Mr P K Botha, has recommended that the application be granted.

The applicant has argued that the present hotel business on the property is not viable.

The City Engineer, Mr Arthur Clayton, has reported that the proposed development will blend in with its surroundings.

Doctor was 'worried about detainees'

E. Post 331 8/3/84

Court Reporter

BISHO — A doctor told the Supreme Court here today that he examined a detained member of the Sebe family thoroughly last July because he was worried about what was happening to prisoners at the time.

Dr Ian Michael Harris, senior medical superintendent of the Cecilia Makiwane Hospital, in Mdantsane, was giving evidence on his medical consultation with Mr Colin Sebe, while he was detained at the Mdantsane police station on July 21, 1983.

Mr Sebe is the son of Ciskei's jailed former Minister of Transport, Mr Namba Sebe, and was formely a lieutenant in the Ciskeian Army.

He and four other former members of the Ciskeian Army, Mr Kambashe Sebe, Mr Toni Sebe, Mr Mbelelo Xaba and Mr Ntombeko Mlotana, are appearing on charges of terrorism, attempted murder and intimidation.

They have pleaded not guilty.

Mr Colin Sebe said earlier that police had forced him to admit involvement in a shooting incident at the house of the Minister of Foreign Affairs, Mr Brown Pityi, on July 14, last year.

Dr Harris said during the consultation, Mr Sebe complained he had a rubber tube pulled over his face, was kicked in his chest and had bruises and a swollen face.

He examined Mr Sebe carefully "because I was worried about what was happening to prisoners at the time and because of complaints I had received before".

He said he had received similar complaints from four detainees

During the examination, he did not find any abnormalities.

He said under cross-examination by the defence that as it was the first time he had met Mr Sebe, it would have been difficult for him to detect facial swelling because of the accused's dark skin.

(Proceeding)

Mr Justice Erasmus was on the Bench. Mr P Oosthuizen, SC, and Mr J van Jaarveld are appearing for the State, Mr D Chetty and Mr R Kriel appeared for the defence.

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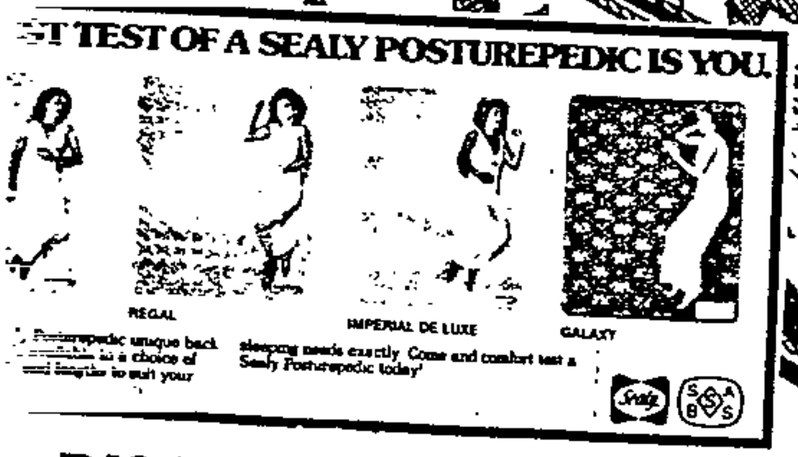

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I was kept naked - student

A STATE witness in the trial of the Reverend Smangaliso Mkatshwa said yesterday he had signed a police statement after being made to stand naked for five hours.

Mr Napho Masala, a former Fort Hare University student, completely rejected a statement he had signed on October 30 last year at the Alice police station.

The statement had not been written by him and he had signed it under duress, he said.

Advocate B Nel, prosecuting, said the State wished to discredit the witness.

Father Mkatshwa, general secretary of the Southern African Catholic Bishops' Conference, had pleaded not guilty to charges of subversion, incitement to public violence and holding an unlawful meeting.

The State has alleged that Fr Mkatshwa addressed an illegal meeting at Fore Hare University on October 30 last year and unlawfully intended to overthrow or endanger the state of authority in Ciskei.

It is further alleged that he intended to promote or bring about political, social, constitutional and economic change in Ciskei and that his speech could have resulted in public violence.

Mr Masala said he had invited Fr Mkatshwa, who was visiting the area to discuss the establishment of a Catholic newspaper with various clergymen, to accompany him to

COP-

ROB

A BANK ROBBER used his pregnant aunt as a [illegible] a shootout with members of the Soweto and East [illegible] der and Robbery squads yesterday.

The robbery suspect, Mr James Olifant (25) of Map[illegible] dead and the woman, Mrs Sarah Mokoto, who is in an ad[illegible] pregnancy, was taken to hospital for shock. Her dramatic [illegible] the tearsmoke-filled house is still a miracle witnesses said y[illegible]

Police had used tearsmoke to try and overpower the desperate [illegible]

Mr James Olifant, who allegedly took part in last month's R15 guard robbery near the Zola branch of the Blackchain, was stopped bid by a police bullet. He died at his home's front door.

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The door [illegible] James came ing his aunt him. He was the time and turned his [illegible] the bullets h[illegible] police car [illegible] shot down could break dom. Furi[illegible]

Kept naked - student

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Mr Masala said he had invited Fr Mkatshwa, who was visiting the area to discuss the establishment of a Catholic newspaper with various clergymen, to accompany him to Alice.

They had called at Fore Hare University to visit a Mr Kumalo, a catholic friend of Father Mkatshwa.

COPS ROBB

A BANK ROBBER used his pregnant aunt as a shield during a shootout with members of the Soweto and East Rand Murder and Robbery squads yesterday.

The robbery suspect, Mr James Olifant (25) of Mapetla, was shot dead and the woman, Mrs Sarah Mokoto, who is in an advanced state of pregnancy, was taken to hospital for shock. Her dramatic escape from the tearsmoke-filled house is still a miracle witnesses said yesterday.

Police had used tearsmoke to try and overpower the desperate gunman.

Mr James Olifant, who allegedly took part in last month's R15 000 security guard robbery near the Zola branch of the Blackchain, was stopped in his escape bid by a police bullet. He died at his home's front door.

THE MOTHER: Mrs Martha Olifant showing the broken door yesterday.

Pic. ROBERT MAGWAZA

The dead man, with three others, allegedly shot and seriously wounded two security guards who came to collect the daily takings at the shopping centre. Another suspect was shot three weeks ago and another one was arrested yesterday. The fourth suspect is missing.

A witness, who refused to be named, said black and white policemen in plainclothes arrived at the house at about 10 am and immediately surrounded it. James, who was inside the house with his aunt, Mrs Mokoto, bolted the doors of the house and refused to open.

Police broke windows and threw gas canisters to force him out. They also broke the door and shot more tearsmoke inside.

The door opened and James came out, pushing his aunt in front of him. He was shooting at the time and police returned his fire. One of the bullets he fired hit a police car and he was shot down before he could break for freedom. Furniture in the house was partly damaged.

Soweto CID chief, Brigadier J J Viktor, confirmed the story. He said the search was on for the fourth suspect.

Man admits bid to bomb city hall as PW spoke

Argus Correspondent

DURBAN. — A man pleaded guilty in Maritzburg Supreme Court today to attempting to bomb Maritzburg City Hall while the Prime Minister, Mr P W Botha, was speaking there.

Mr Thembinkosi Paulson Ncgobo, 23, of Imbali township, also pleaded guilty to five charges of bombings between January and October last year, as well as to charges of concealing mines and explosives and possessing the explosives.

Mr Ncgobo, who is appearing in the College Road Supreme Court building — which he admitted bombing — was arrested while carrying a demolition mine two blocks from where Mr Botha was addressing a referendum meeting.

BOMBING BUILDINGS

He also admitted bombing Drakensberg Administration Board buildings at Sobantu and three Escom pylons.

Mr Ncgobo admitted that before his arrest he visited Swaziland for training in the use of explosives.

Through his instructors in Swaziland he learnt about and gained access to caches of mines, explosives and other items in the Maritzburg and Durban areas.

After his arrest he pointed out caches of explosives.

Mr Ncgobo's counsel, Mr Ernie Wentzel SC, and State counsel Mr Hendrik Klem SC, clashed over the fact that Mr Ncgobo was not represented when brought before a magis-

(Turn to Page 5, col 4)

Man admits city hall bombing bid

(From Page 1)

trate here on December 12 and 13.

Mr Wentzel said that while the fact that he had not had representation would not affect his plea, it was disquieting that he was not represented while his family had in fact wanted him to be represented.

NO EXPLANATION

Mr Wentzel said it was disquieting that Mr Ncgobo was brought straight from security detention and that the charges were put to him without explanation by a lawyer of their consequences.

Mr Wentzel said he was not told that the charges carried the death penalty.

Mr Wentzel said that Mr Ncgobo had then been lawfully questioned by the magistrate. He said legal representation from the start of a major trial was the very heart and essence of South Africa's legal system.

It was important to ensure that at the very least the accused should know that his friends and relatives wanted him to have legal representation.

COMPLICATED

The laws under which Mr Ncgobo was charged contained most complicated presumptions when admissions were made.

Mr Klem objected to these remarks, saying that Mr Ncgobo had not been prejudiced and that the proceedings were entirely regular.

Mr Klem said: "I object to him using this forum for making public statements."

He said Mr Ncgobo was told the nature of the indictment before he appeared in court. Time was taken over it and an interpreter was used.

The magistrate also twice asked Mr Ncgobo whether he wanted to proceed with the case without legal representation. Mr Ncgobo replied "Yes" both times. Mr Klem said Mr Ncgobo chose not to be represented.

ARRESTED

Warrant Officer Vicus Botha of the police reaction unit said he arrested Mr Ngcobo at the Capital Towers Hotel about 140m from the city hall.

Mr Ngcobo was walking away from the city hall towards him. He said he stopped Mr Ngcobo because he had a nervous look on his face, was behaving suspiciously and was carrying a parcel wrapped in newspaper.

Warrant Officer Botha said he identified himself and asked Mr Ngcobo what he was carrying. Mr Ngcobo did not respond. He opened a corner of the newspaper and recognised it as a "crocodile" (TG 50 demolition mine).

He asked a traffic officer to hold Mr Ngcobo and he took the parcel from him and carried it to an open spot where he opened it and put it down. He then called the bomb demolition squad.

(Proceeding)

Court hears witness tell why he helped ANC

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A State witness who acted as an ANC agent bringing banned literature, arms and explosives from Lesotho to Port Elizabeth during 1982 said today he had become keen on the banned organisation "because things like apartheid existed".

Giving evidence in the Grahamstown Supreme Court treason trial, Mr X, who cannot be identified because the hearing is *in camera*, said he had been prepared to take part in killing people, although the ANC did not specify that people should be killed.

Under cross-examination by Mr R C Selvan, SC, for the defence, he conceded it was possible that people could be killed in carrying out the aims of the ANC although, he said, it would be accidental.

He told the court he was still a keen adherent of the ANC since his first meeting with two students in Maseru, in January, 1982, and that his views had not changed.

But replying to Mr Selvan, Mr X, an accomplice of the accused, said he was giving evidence for the State because he had been the last of the group to be arrested and believed the others must have incriminated him.

The 11 who are facing charges ranging from high treason to murder are: Mr Rufus Nato Nzo, 24, Mr Douglas Mnyisile Tyutyu, 48, Mr Sipho Fielden Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani William Khame, 57, Mr Mzimkulu Temi Kameh, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Vugkile Gumenge, 29, and Mr Nceba Christopher Faku, 27.

They have pleaded not guilty to all charges.

The State alleges they prepared and detonated explosive devices at the Constantia Centre, Port Elizabeth, in 1981 and 1982, at the New Law Court, Port Elizabeth, in 1982, at the offices of the East Cape Administration Board building, New Brighton, in 1983, and on the railway line between Port Elizabeth and Uitenhage in 1983.

Mr X denied he had been induced by the security police to give evidence but had given a statement to the chief investigating officer in the case, Major H B du Plessis, on the day he was released from detention under Section 29 of the Internal Security Act.

Mr X told the court he had been arrested on May 26, 1983, in Ciskei, and brought to Port Elizabeth on May 27.

He had brought a man called "Walk Tall" to the Lesotho border from Ciskei and had been arrested in connection with the matter.

He said Major Du Plessis had told him he would be charged if he did not give evidence and that if he did give evidence "the court would decide what to do with him".

Mr X told the court he had taught in Lesotho about the formation of ANC cells and had later recruited people for the organiation near his own home. (The home cannot be mentioned.)

He told the court yesterday of four trips to Maseru where he had been trained by two students in what he called "politics" and the use of explosives and the assembling and dismantling of an AK-47 rifle.

He said the people from whom he had received training in Lesotho "knew what they were doing" but one day a mistake had occurred and a detonator had gone off.

He said a Mr Mavimbela had arranged for him, on the third occasion, to bring two sub-machine guns and R1 600 back to South Africa.

Of this, R1 000 had been for Mr Sipho Hina and the goods had been delivered to Mr Hina and another accused, Mr Tyutyu.

On the fourth occasion he had brought back three AK-47 rifles, two Limpet mines, TNT, detonators, plastic explosives, a hand grenade, literature and a considerable sum of money.

(Proceeding)

Mr Justice Howie was on the Bench with two assessors, Mr F A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Company, appeared for the defence.

DAILY MAIL, Friday, March 9, 1984

331

ANC man pleads guilty

MARITZBURG. — A 23-year-old Imbali man, who is a member of the banned African National Congress, appeared in the College Road Supreme Court, Maritzburg, yesterday on seven charges of terrorism and an eighth of unlawful possession of explosives.

The charges relate to five explosions in the city last year.

Mr Thembinkosi Paulson Ngcobo pleaded guilty to all charges against him before Mr Justice Jacobs (of the North-Eastern Cape Division) and two assessors, and has admitted all the allegations contained in the indictment.

These include causing explosions at the College Road Supreme Court on January 30 last year, at the offices of the Drakensberg Administration Board at Sobantu Village on February 11 last year, at electricity pylons at Ashdown Township on August 15 and October 14, and at an Escom electricity pylon at Morcom Road Extension, Maritzburg, on October 14.

The indictment alleges that at all times Mr Ngcobo was acting in concert and in furtherance of a common purpose with members of the ANC with the intention of overthrowing or endangering the State, achieving or promoting constitutional, political, industrial, social or economic aims or changes in South Africa, and putting in fear or demoralising the public in South Africa.

Counsel for Mr Ngcobo, Mr Ernest Wentzel, SC, said at the beginning of the trial it was "disquieting" that his client had earlier been asked to plead to the charges in the Maritzburg Magistrate's Court after coming "straight from detention", without being given the opportunity to consult friends or family or legal representatives.

Mr Wentzel said it was an undesirable practice that a person should be asked to plead in these circumstances, when he may not be aware of the gravity or consequences of the charge.

In this case, the charge carries the death penalty and could result in prejudice to the subsequent trial of an accused person.

His client had obtained legal representation only after his family had read of his first court appearance.

Mr Wentzel said he was satisfied that in this instance his client had not suffered prejudice and was content with what he had told the magistrate.

Mr Hendrik Klem, for the State, said he objected to Mr Wentzel "making this a forum to make a public statement of this nature" and denied it was correct.

He also objected to Mr Wentzel making such a statement while admitting that proceedings in the magistrate's court were completely regular and that his client was not prejudiced.

Mr Klem said time was taken before the accused appeared in court to explain the nature of the indictment to him and he was asked during the trial whether he wished the matter to proceed without obtaining legal representation. — Sapa.

No marks on detainee — doctor

BISHO — The superintendent of Cecilia Makiwane Hospital in Mdantsane, Dr Ian Harris, told the Supreme Court here yesterday that he found no visible marks of assault on the body of a detainee.

Dr Harris was giving evidence in the trial within a trial to test the admissibility of statements allegedly made by Mr Colin Sebe, Mr Khambashe Sebe and Mr Toni Sebe.

They have been charged together with Mr Ntobeko Mlotana and Mr Mbulelo Xaba with terrorism, intimidation and attempted murder. They have pleaded not guilty to all the charges.

Dr Harris said he examined detainees at the Mdantsane police station last year.

He said he found nothing wrong with Mr Colin Sebe's health. He saw only a small bruise on his right ankle. He said he found no marks of leg irons on his legs. There were no marks on his body.

Dr Harris said that Mr Colin Sebe had complained of police assault. He said he had chest and body pains.

He said he drew a list of people he had examined and specified his findings. He sent the list to the director general of the Department of Justice, together with the detainee's complaints.

Dr Harris said he was instructed by the director general to send assault complains to the attorneh-general. After sending the attorney general the list of complaints he (Dr Harris) received a copy sent by the attorney-geenral to the commissioner of police, instructing him to open dockets. Among the people mentioned in the letter was Mr K. Sebe.

Mr Toni Sebe told the court that he was never assaulted by the police. He said he signed a statement because he was afraid of the police. He said he signed the statement without reading it because when he asked to read it, the police told him it was not necessary.

Mr Toni Sebe said that at one stage he was taken from his cell, at the Middledrift police station, to Bisho police headquarters where the senior prosecution counsel, Mr P. C. Oosthuizen, asked him to become a state witness. He said he refused.

The trial continues today.

MD's donation

Mkhatshwa acquitted on all charges

ZWELITSHA — The secretary-general of the Southern African Bishops Conference, Father Smangaliso Mkhatshwa,, was found not guilty of subversion, incitement to public violence and addressing an unlawful gathering at the University of Fort Hare last October.

The magistrate, Mr J. Kotze, said the state had failed to prove a prima facie case against the accused on the three counts and said no reasonable person could convict him on the evidence before court.

This was after Mr Denis Kuny, who appeared for Mr Mkhatshwa, had applied for the discharge of Mr Mkhatshwa at the close of the state case.

The defence did not call Mr Mkhatshwa to give evidence.

Arguing for his discharge on all counts, Mr Kuny said the test to apply was whether there was any reasonable prospect of conviction on the state evidence before court.

He said to prove the charges of subversion and incitement to public violence the state had to prove that what Mr Mkhatshwa did was intended to overthrow, endanger the state authority in Ciskei and to bring about or promote any constitutional, political, social or economic change in Ciskei. One would have expected the state to bring witnesses to show incitement and instigation, he said.

Evidence before court tended to suggest a call for calm and responsibility by Mr Mkhatshwa when he addressed the students rather than an attempt incite them

He said the evidence of the Rev Maxwell Lungu, who heard the address, was that Mr Mkhatshwa had appealed for calm and proof of this was that there was no trouble at the campus when students dispersed.

There had been evidence of stone throwing at the campus security guards but this had nothing to do with the address. The stones were thrown after a student had been called out of the meeting.

On the charge of attending an unlawful meeting, he said there was no proof that the memorial service held to sympathise with the students of Ngoye University who had died or been injured in a clash with Inkatha members was a banned meeting. It was regarded as a church service or prayer meeting so the nature of the gathering was a religious one. He said the state had failed to show it was an unlawful meeting.

The prosecutor, Mr B. O. Nel, opposed the application. Although there was evidence that Mr Mkhatshwa had mentioned calm, it was just in passing and not the general tenor of his address.

There was evidence of the reaction of the students when he took over from Rev David Williams who was conducting the normal church service.

There was excitement and stones were thrown at the security guards.

In his judgment, Mr Kotze said certain facts were never in dispute . Mr Mkhatshwa never denied attending the meeting and he also admitted addressing it.

On the charge of subversion, he said that if the court looked at the words Mr Mkhatshwa allegedly uttered at the meeting, it could not find anything that showed he advised students to endanger or overthrow the state.

On the count of incitement to public violence, Mr Kotze said if the court looked at the evidence, it had to find out if there was any response to the address. He said according to the evidence of the chief security officer at the university, the throwing of stones at them was unrelated to Mr Mkhatshwa's address.

He said according to the evidence of Mr Lungu the students were actually calmed when Mr Mkhatshwa addressed them.

Dealing with the charge of addressing an unlawful gathering, he said Mr Mkhatshwa was not charged with convening the meeting. It would appear that three students convened it. The court must consider if the accused would have known the circumstances surrounding the convening of the meeting.

Mr Lungu and Mr Williams thought the meeting was normal and that was why Mr Williams announced that there would be another service. As a person not coming from Ciskei, Mr Mkhatshwa could not have known that the meeting had been banned.

On the evidence before the court it could not find that a reasonable person might convict the accused and he granted the application for the discharge of Mr Mkhatshwa.

Mr T. Kotze was on the bench. Mr Nel appeared for the state. Mr D. Kuny, SC, and Mr H. J. Fabricius, instructed by Mr Malcom Anderson, of King William's Town, appeared for the defence.

Jubilant members of the crowd congratulate Father Smangaliso Mkhwatshwa after he had been found not guilty.

Matter of fact

EAST LONDON — It was incorrectly stated in yesterday's Daily Dispatch report that Mr D. Kuny, SC, and Mr H. J. Fabricius, the advocates appearing for Father Smangaliso Mkhatshwa, were instructed by Mr Brian Currin.

In fact, they were instructed by Mr Malcolm Anderson of Hutton and Cook as is stated in today's report.

The Daily Dispatch apologises for yesterday's error. — DDR

Treason trial postponed: man refuses to testify

(331) E. Post 9/3/84

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A Supreme Court hearing was postponed till Monday to allow a potential State witness to secure legal representation after he told the court today he was not prepared to give evidence against 11 men charged with high treason.

Counsel for the State opposed the postponement, saying the man was holding up the trial and should have indicated his intention beforehand to refuse to testify.

The man told the court he had considered refusing to testify before today, but had been in custody as a witness and could not see an attorney.

The man, who is thought to be an accomplice of the accused, cannot be named because the hearing is in camera.

Earlier today he said he was arrested because "he knew some people" and had been accused of keeping firearms.

He said he knew nothing about a statement which had been made by him and a Captain Mulder.

Mr Justice Howie said the man was obliged to give evidence, even if he incriminated himself, in accordance with the terms of the Criminal Procedure Act.

"In terms of information available to the State, I am aware that if you give evidence you will very possibly incriminate yourself," he said.

Mr Justice Howie gave the man till 11am to reconsider his position or to seek legal representation because he would now be classified as an accused.

The judge said the court was empowered to investigate a witness's refusal and if he did not have a just excuse for such a refusal, the court could sentence him to five years' imprisonment.

"But if you answer all questions frankly and honestly you will be discharged," he told the man.

The 11 accused, facing charges ranging from high treason to murder are Mr Rufus Nato Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Fielden Hina, 44, Mr James Nqgondela, 54, Mr Mzayifana William Khame, 57, Mr Mzimkulu Temi Khame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Y Mbelekana , 27, Mr Wellington Gumenge, 29, and Mr Nceba Christopher Faku, 27.

They have pleaded not guilty to all charges.

The State alleges they prepared and detonated explosive devices in various places in Port Elizabeth.

The first State witness, Mr X, who acted as an ANC agent bringing banned literature, arms and explosives from Lesotho to Port Elizabeth during 1982, told the court yesterday that two of the accused, Mr Hina and Mr Tyutyu, had assisted him (Mr X) and two others to transfer explosives from his car to a garage in Port Elizabeth.

Mr E A Logie and Mr R P Harries sat as assessors. Mr P J Strauss, SC, Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R Selvan, SC, Mr P N Langa and Mr A Jappie (instructed by Mr T Majodina) appeared for the defence.

Maritzburg bomb trial: Ngcobo found guilty on eight counts

Own Correspondent

MARITZBURG —Thembinkosi Poulsen Ngcobo (23) of Imbali was convicted of seven counts of terrorism and one count of unlawful possession of explosives by Mr Justice J Jacobs in the Supreme Court here today.

Ngcobo, who was arrested carrying a TG 50 demolition mine about 140 metres from where Prime Minister Mr P W Botha was addressing a referendum meeting in the city hall here on October 27, admitted all the charges.

He has been appearing in the College Road Supreme Court which he admitted bombing on January 30 1983. He also admitted bombing the Drakensberg Administration Board buildings at Sobantu and three Escom electrical pylons here.

Mr Justice Jacobs said that the charges against Ngcobo had been proved.

Speaking in mitigation of sentence, the Reverend Mcebisi Xundu, Anglican rector of Lamontville, said that young black people who were politically and socially aware had got to the point of desperation due to their inability to change conditions.

For instance there were the lack of job opportunities and unemployment even for the educated. There was no role for them to take in the decision making of the "country proper".

These factors had led to ordinary law abiding, sometimes christian, people to take part in activities which Ngcobo stood convicted of.

Mr Xundu said that the imposition of the death sentence in this case would lead to ultimate frustration for many.

It would harden attitudes and there could then be no reconciliation between white and black.

Asked by State counsel Mr Hendrik Klem whether he condoned the placing of bombs, Mr Xundu said he did not.

Mr Klem said that Ngcobo was matriculated and had been able to upgrade his qualification to enrol at a university.

The lack of schooling facilities would not have been a factor effecting Ngcobo personally.

Mr Xundu replied that Ngcobo did not live in isolation and he had not been able to enrol at a university of his choice.

Mr Klem said Ngcobo was in the permanent employ at Nestles in Maritzburg and that the lack of job opportunities did not affect him personally.

Mr Ernie Wentzel SC, counsel for Ngcobo, said that Ngcobo had obtained his matric through private studies.

Proceeding.

Broadcast

RDM 9/3/84

(331)

Silent priest is released

By ANTON HARBER
Political Reporter

FATHER TIMOTHY STANTON, released this week after serving a six month jail sentence, said yesterday he had no regrets about refusing to answer questions in the investigation of Carl Niehaus.

"I would do the same again if I had to," he said.

Father Stanton was jailed for refusing to answer the questions about Niehaus, an acquaintance of his. Niehaus and his girlfriend, Jansie Lourens, have since been jailed for high treason.

Speaking from his home in St Peter's Priory, Johannesburg, Father Stanton said he had heard about Niehaus' sentence while in prison.

He said he had not been shocked, but had been surprised by the length of the 15-year sentence.

"I think he got rather a long sentence. I hope he does not have to serve it all," he said.

However, he had not heard that his sister, Mrs Hannah Stanton, had been refused permission to visit him.

Mrs Stanton was deported from South Africa in 1960 after a long period of detention. She was due to meet her brother in Zimbabwe shortly after he was jailed last year.

Father Stanton said he was healthy and had been treated well in prison.

Man denies police induced evidence

GRAHAMSTOWN — A man who claimed to have ferried ANC arms and ammunition to South Africa from Lesotho in 1982, denied in the supreme court here yesterday that he had been induced by the security police to give evidence for the state.

Cross-examined by Mr R. L. Selvan, SC, for the defence, the state witness also denied that he had been told by a magistrate that he could be sentenced to a jail term no shorter than 15 years if convicted.

The man may not be identified following a court ruling.

"All I know is that I'm guilty because I brought weapons into the country," Mr X said when Mr Selvan pressed him further for reasons as to why he was giving evidence against men he claimed to have collaborated with.

He said he was testifying for the state because he believed the accused were incriminating him.

Eleven men — Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr Mizayisani Kame, 57, Mr Mzimkhulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwla, 43, Mr Lindele Mbelekana, 27, Mr Wellington Gumenge, 29 and Mr Nceba Saku, 27 — have pleaded not guilty to charges ranging from high treason to murder.

Part of the trial is being heard in camera.

Mr X said in reply to a question by Mr Selvan, that he did not resist when he was recruited into the ranks of the ANC in 1982 because of the existence of "things like apartheid."

He said that he became a keen adherent of the ANC and helped to further its aims although he realised that people could be killed in the process of the operation.

In his evidence earlier, Mr X had told the court he had gone to Lesotho at the invitation of a church minister who said he was attending a conference.

He had understood that the request for company, to mean the priest wanted someone to help him drive to Lesotho and so he accompanied him Mr X said.

On arrival he had instead been lectured to on the ANC's stand against aparthsid.

Asked by the judge, Mr Justice Howie, if it had mattered to him when he realised in Lesotho that the purpose of the visit was no longer religious, Mr X said it did.

Asked if he objected he said: "No, because I was already there."

The trial continues today. — DDC.

Bomber guilty on seven counts of terrorism

ARGUS 9/3/84

331

Argus Correspondent

MARITZBURG. — Thembinkosi Poulsen Ngcobo, 23, of Imbali, was convicted by Mr Justice J Jacobs in the Supreme Court today of seven counts of terrorism and one count of unlawful possession of explosives.

Ngcobo, who was arrested carrying a TG 50 demolition mine about 140 metres from where the Prime Minister, Mr P W Botha, was addressing a referendum meeting in the city hall here on October 27, admitted all the charges.

He has been appearing in the College Road Supreme Court which he admitted bombing on January 30 1983. He also admitted bombing the Drakensberg Administration Board buildings at Sobantu and three Escom electrical pylons.

Mr Justice Jacobs said that the charges against Ngcobo had been proved.

In mitigation of sentence, the Reverend Mcebisi Xundu, Anglican rector of Lamontville, said that "young black people who were politically and socially aware had got to the point of desperation due to their inability to change conditions".

There was the lack of job opportunities and unemployment even for the educated. There was no role for them to take in the decision making of the "country proper".

"NO RECONCILIATION"

These factors had led to ordinary law-abiding, sometimes Christian, people to take part in activities which Ngcobo stood convicted of.

Mr Xundu said that the imposition of the death sentence in this case would lead to ultimate frustration for many.

It would harden attitudes and there could then be "no reconciliation between white and black".

Asked by State Counsel Mr Hendrik Klem whether he condoned the placing of bombs Mr Xundu said he did not.

Mr Klem said that Ngcobo was matriculated and had been able to upgrade his qualification to enrol at a university.

The lack of schooling facilities would not have been a factor affecting Ngcobo personally.

Mr Xundu replied that Ngcobo did not live in isolation and he had not been able to enrol at a university of his choice.

Mr Ernie Wentzel SC, counsel for Ngcobo, said that Ngcobo had obtained his matric through private studies.

Proceeding.

COURTS

Cheers in court as priest freed

ARGUS 9/3/84

East London Bureau

ZWELITSHA. — The Rev Smangaliso Mkhatshwa has been acquitted in the Regional Court here on charges of subversion, incitement to public violence and addressing an illegal gathering.

Father Mkhatshwa, general secretary of the Southern African Catholic Bishops' Conference had been in detention in Ciskei since his arrest at Fort Hare University on October 30 last year.

The magistrate, Mr J Kotze, discharged Father Mkhatshwa yesterday after finding that the State had failed to prove its case on any of the three charges.

Jubilant members of the public and clergy clapped and cheered as the magistrate left the courtroom.

Prayer meeting

The State alleged that Father Mkhatshwa had intended to overthrow the State or endanger its authority when he addressed a prayer meeting at the University of Fort Hare.

The meeting was a memorial service for students who died in rioting at Ongoye University in Natal during an Inkatha rally.

The State also alleged that Father Mkhatshwa uttered words which could have resulted in public violence, and had addressed an illegal gathering.

Mr Kotze found there was nothing in Father Mkhatshwa's address that advised students to overthrow the State or endanger its authority.

According to evidence before the court, Father Mkhatshwa had also said nothing to incite the students, Mr Kotze said.

Quietened down

Had Father Mkhatshwa wished to incite the students he could have done so as they were in the "right mood".

Mr Kotze said a State witness testified that the students had been shouting before Father Mkhatshwa's address but had then quietened down.

The court further found it difficult to accept that Father Mkhatshwa had known the gathering was illegal.

Two witnesses who lived in Alice and attended the service had not known it was illegal, Mr Kotze said.

Mr Denis Kuny, SC, and Mr H Fabricius appeared for Father Mkhatshwa and Mr B Nel for the State.

Three charged with court bombings

Own Correspondent

MARITZBURG — Three men, one of them the son of a leading Methodist minister, appeared in the Maritzburg magistrate's court yesterday on charges of high treason and other charges relating to the bombings of two Supreme Court buildings, the harbouring of arms caches and activities in support of the African National Congress.

Mr Duma Gqubule (19) of Imbali, the son of the Reverend Simon Gqubule, president of the Federal Theological Seminary at Imbali, Mr Sithabiso Edgar Mahlobo (25) of Estcourt, and Mr Benedict Anthony Duke Martins (27) of Edendale, were not asked to plead to 11 counts and were remanded in custody until May 2.

The state's indictment alleges that they had committed treason through acts aimed at overthrowing the government and had committed terrorism through acts of violence.

It charges they took part in the unlawful activities of the ANC and caused the explosions on March 21 last year at the new Supreme Court buildings in Pietermaritz Street and on April 21 at the old Supreme Court in Commercial Road.

The three are charged with having had possession of two AK-47 assault rifles with ammunition.

Mr Mahlobo is also charged with illegal possession of a 9 mm pistol and ammunition.

By Sheryl Raine,
Pretoria Bureau

Van Heerden's argument concluded after third week

The trial in which a former Security Police detainee, Mr Auret van Heerden, is claiming R113 000 from 10 security policemen for alleged torture, yesterday completed its third week in the Pretoria Supreme Court.

The trial has once again focused attention on detention without trial.

Yesterday, counsel for Mr van Heerden concluded its case.

Mr van Heerden has given evidence that during 289 days of detention, from September 24 1981 to July 9 1982, he was brutally tortured at the Benoni Police Station.

He told the court his most terrifying experience was being given electric shocks to various parts of his body while a wet canvas bag was pulled tight over his head.

His parents, Mrs Roma van Heerden and Mr Dennis van Heerden, told Mr Justice C F Eloff of their concern during their son's detention. They found him a changed person on his release.

Dr Louis West, psychiatrist and chairman of the Department of Psychiatry and Behavioural Sciences at the Medical School of the University of California, this week gave detailed evidence on Mr van Heerden's mental health and psychiatric symptoms.

He said he had personally examined over 100 trauma victims suffering the after-effects of torture, and had studied more than 1 000 other cases second-hand, involving physical, man-made trauma — including 400 cases from South American countries.

Dr West diagnosed Mr van Heerden as suffering from an acute and chronic post traumatic stress disorder, and said he would need at least 200 hours of intensive psychotheraphy. In spite of therapy he might never rid himself of nightmares about detention.

Mr van Heerden's symptoms included:

- Recurrent nightmares, night terrors and intrusive recollections of events at Benoni.
- Psychic numbing and the inability to experience and express the normal range of human emotions.
- Impaired ability to engage in meaningful interpersonal relationships on any level.
- Impaired ability to concentrate.
- An anorexic obsession with food, exercise and physical well being.
- Fear of being attacked, physically harmed and killed by security police.
- Tension, depression, brooding, irritability.

"It would have taken a severe trauma to produce the reaction that I have found in Mr van Heerden," said Dr West.

"I don't believe he would have any symptoms if he had not been physically abused."

It was unusual, he said, for chronic symptoms of a post traumatic stress disorder to persist for such a long time after the trauma, unless the person concerned had suffered severely at the hands of others.

Mr H Z Slomowitz, appearing for the 10 security policemen, put it to the court that Mr Van Heerden was a police spy working for Major Craig Williamson.

He suggested that, given Mr van Heerden's personality, evidence that he had a peptic ulcer and was feeling physically seedy when detained, the strain of indefinite detention and being held incommunicado in solitary confinement was enough to traumatise him.

Dr West criticised findings of a South African psychologist and psychiatrist who said Mr van Heerden had an inadequate and immature personality.

The case continues on Tuesday.

The 10 security policemen are: Lt-Col A B Cronwright, Major S Abrie, Major J N Visser, Major P P Olivier, Warrant Officer L Prins, Warrant Officer D J Fourie, Captain P Botes, Captain A Struwig, Lt H Pitout and Lt J van Aswegen, who is no longer a policeman.

'He stops himself sleeping soundly'

Quotes from the trial this week:

- **"Mr van Heerden has evolved a repertoire of mechanisms to stop his nightmares. He drinks vast amounts of coffee to stop himself from sleeping too soundly. He wants to be woken after about 60 minutes to avoid the nightmares and dreams which usually occur in people after the first 90 minutes of sleep," — Dr Louis West giving evidence about Mr van Heerden's psychological disturbances.**
- **"Observed in and around the court Mr van Heerden appears to show warm, appropriate responses particularly to his friends — not the kind of responses one would associate with psychic numbing," — Mr H Z Slomowitz, defence counsel for the security police.**
- **"Even if nobody threatened him (Mr van Heerden) with physical harm, torture or death in the first months of detention, and he believed it could happen to him because 56 people had already died in detention, could that not induce a sense of dread in him?" — Mr Slomowitz exploring the exact causes of Mr van Heerden's mental illness.**
- **"I don't believe he (Mr van Heerden) would have any symptoms (of mental illness) if he had not been physically abused," — Dr West.**

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On inspection of the kettle, green lumps that looked like pellets were found at the bottom. It was believed then that the lumps were green, poison pellets used by pest exterminators to control rats.

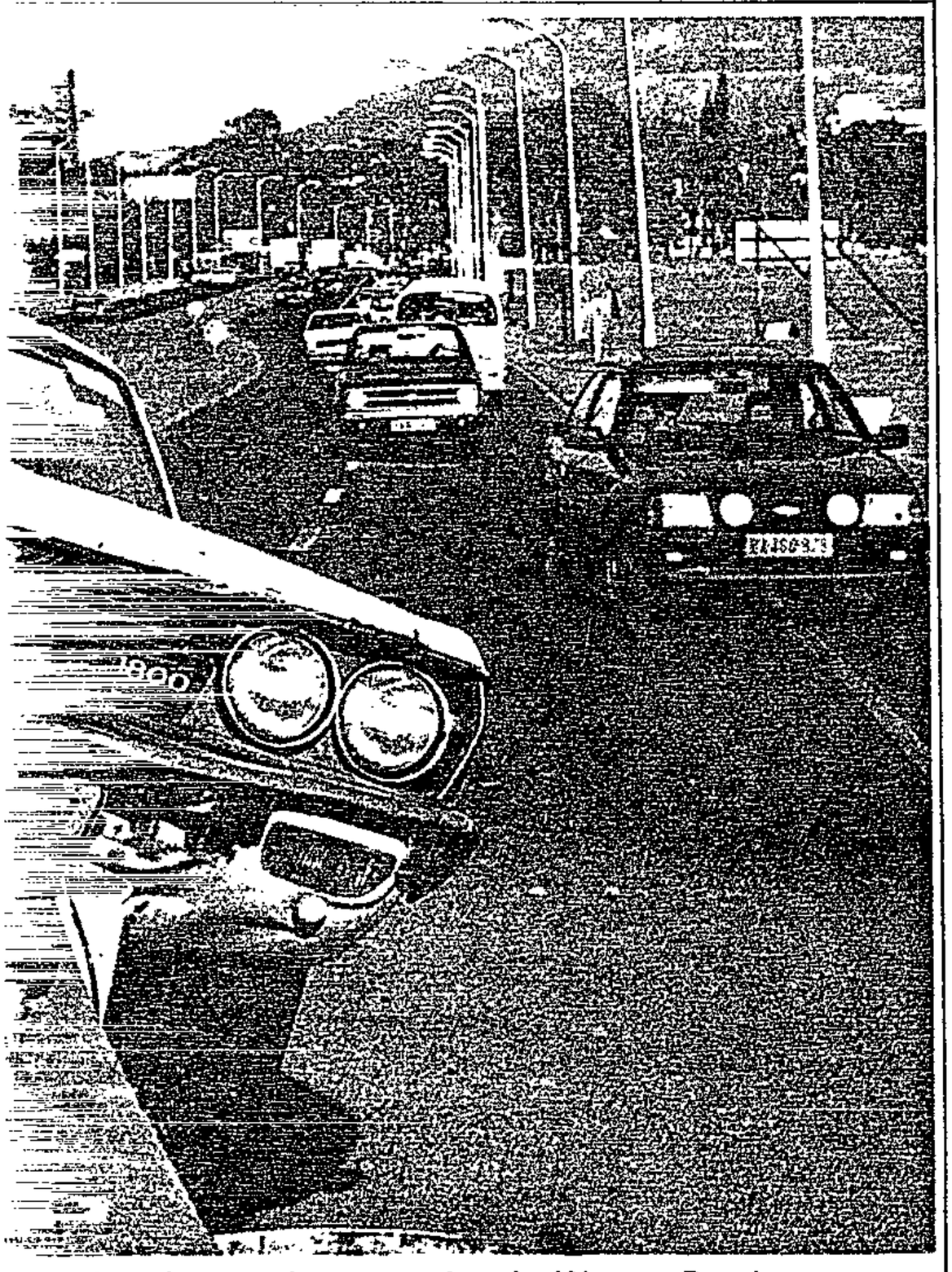
There are several boxes of the poison at the theatre.

A spokesman for a pest control company said a rat poison made of wholewheat, coated with poison and dyed either green or red, was available at supermarkets.

"A child weighing 25kg would have to eat 1kg of the rat poison for it to be fatal," he said. "But smaller doses could cause internal bleeding."

"The Hollow" opened at the theatre on January 28 and was previously staged in Cape Town. The play is due to finish its local run in two weeks.

The cast of 11 also includes Janet du Plessis, Paul Bosman, Dennis Folbigge, Ken Baker, Ashleigh Sendin and Andre Jacobs.



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THE series of interviews with a former commissioner of police, General Mike Geldenhuys, is concluded on page 13 today.

State wants bomber to hang

MARITZBURG. — An African National Congress terrorist convicted yesterday of causing five bomb explosions in and around Maritzburg last year should face the death penalty, a State prosecutor submitted to the Supreme Court here yesterday.

Mr Hendrik Klem SC, asked Mr Justice Jacobs to seriously consider passing the death penalty on 23-year-old Thembinkosi Paulson Ngcobo of Imbali in sentencing him on March 15.

Ngcobo was found guilty on seven charges of terrorism to which he had pleaded guilty at a preliminary hearing in the Maritzburg Magistrate's Court and in the College Road Supreme Court earlier this week.

Ngcobo was arrested while carrying a Russian-manufactured TG 50 demolition mine outside the Capital Towers Hotel near the City Hall where the Prime Minister, Mr P W Botha, was holding a referendum meeting on October 27 last year.

Warrant-Officer Charles Frederick Cary — divisional inspector for explosives in Natal — and a member of the Maritzburg Security Branch said he had "defused" the bomb on the pavement outside the Capital Towers Hotel.

Warrant-Officer Cary said the City Hall had been packed to capacity with over 2 000 people and there were many pedestrians and motorists in the vicinity.

If Ngcobo had carried out what he had admitted was his original intention, to place the bomb in a rubbish bin behind the City Hall in Church Street, many people would have been seriously injured or killed.

In asking that the death penalty be passed

To page 2

From page 1

on Ngcobo, Mr Klem said although Ngcobo was not a highly-trained ANC terrorist his was not a single act of terrorism but acts which had been committed over a period of 10 months while he had had the opportunity to reflect.

Mr Ernie Wentzel, appearing for Ngcobo, asked the court to see the crimes "not as an act of moral baseness" but rather to view them with compassion.

Mr Wentzel said while he did not in any way condone the activities of his client, they should be viewed against the background of "division and difficulties" in this country.

He said he did not submit that imprisonment would not be appropriate, but he urged the court not to consider the death penalty. — Sapa

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Another big political trial for Maritzburg

Weekend Post Correspondent

MARITZBURG — The historic College Road Supreme Court in Maritzburg will be the scene of another major political trial when three African men appear there on May 2 on charges of high treason and other charges relating to the bombing of two Supreme Court buildings, the possession of arms and activities in support of the African National Congress.

The three men — Mr Duma Gqubule, 19, of Imbali, Maritzburg; Mr Sithabiso Mahlobo, 25, of Escourt, Natal, and Mr Benedict Anthony Martins, 27, of Edendale, Maritzburg, appeared briefly in the Maritzburg Magistrates Court yesterday.

The men were not asked to plead to 11 counts and were remanded in custody until May 2 when they will appear in the College Road Supreme Court.

The State alleges that they committed treason aimed at overthrowing the Government and that they committed terrorism and acts of violence.

The indictment says that they took part in the unlawful activities of the ANC and caused the explosions on March 21 last year at the new Supreme Court building in Maritzburg and on April 21 at the old Supreme Court in Commercial Road.

In a summary of substantial facts, the State alleges that Mr Mahlubo allegedly became a member of the ANC in about 1980 while the other two allegedly became involved before January last year.

The State alleges that Mr Mahlubo left South Africa in January, 1980, to undergo military training with the ANC in Angola and other places. When he returned to Maritzburg in about February last year he allegedly made contact with Mr Gqubule, the son of a Methodist minister.

The State claims that Mr Mahlubo spent the night at Mr Gqubule's home in Imbali.

Mr Duma Gqubule is alleged to have helped load a trunk containing arms and explosives into a car which Mr Martins apparently borrowed later.

The indictment alleges that Mr Martins concealed arms and explosives in a trunk in a block of flats at Edendale.

Mr Mahlubo is alleged to have concealed arms and explosives near the Georgetown High School, Edendale, Maritzburg, between February and April.

Mr Mahlubo and Mr Martins allegedly removed certain of the equipment from the trunk at the flat and this was allegedly used by Mr Mahlubo to detonate an explosive device at the new Supreme Court building on March 21.

The State alleges that they carried out a similar operation on April 21 at the old Supreme Court building.

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Govt drops case against Sparks

Mr Allister Sparks

JOHANNESBURG. — The South African Government has dropped charges of violating the country's press laws made against Mr Allister Sparks, South African-based correspondent for the Washington Post and the London Observer.

Mr Sparks said yesterday that State prosecutors had told his lawyers that related charges made against his wife Suzanne and another foreign correspondent, Mr Bernard Simon, had also been dropped.

Mr Sparks was charged with quoting a banned person in his overseas dispatches and of violating the Police Act by writing "untrue material" about the police.

The first charge arose from his quoting Mrs Winnie Mandela, wife of ANC leader Nelson Mandela who is serving a life term in prison.

Mrs Mandela has been banned by the government and as such may not be publicly quoted. Banned people are, however, routinely quoted in overseas publications.

The second charge arose from him quoting a black political lobbyist in Washington DC, who had said the South African Police had formed a special assassination squad to kill ANC figures.

Mr Sparks was the second foreign correspondent charged under the press laws. The charges against the previous person were also dropped before the case came to trial.

Mrs Sparks and Mr Simon were charged with attempting to defeat the ends of justice in connection with the case.

Police had accused Mrs Sparks of asking Mr Simon to remove documents from Mr Sparks's office while security police were making a surprise search of his suburban Johannesburg home, sources close to the case said.

Mr Sparks, 50, was charged last November, eight months after his home and office had been raided by security police.

Neither Mr Sparks's lawyers nor the government would say why the charges had been dropped.

Mr Sparks is a former editor of the Rand Daily Mail. — Sapa-Reuter

Case against AP reporter will also not go to court

Sparks charges dropped

NEWS

Charges brought against former editor Mr Allister Sparks for violating the country's Press laws have been dropped.

Mr Sparks, former editor of the Rand Daily Mail and currently South African-based correspondent for the Washington Post and the London Observer, told reporters that State prosecutors had told his lawyers that related charges made against his wife, Suzanne, and another foreign correspondent, Mr Bernard Simon, had also been dropped.

Mr Simon reports for the Associated Press-Dow Jones Financial News service, the London Financial Times and other publications.

Mr Sparks was charged with quoting a "banned person" in his overseas dispatches and of violating the Police Act by writing "untrue material" about the police.

The first charge arose from his quoting Mrs Winnie Mandela, wife of African National Congress leader, Nelson Mandela, who is serving a life term in prison.

Mrs Mandela has been banned by the Government and, as such, may not be publicly quoted. Banned people are, however, routinely quoted in overseas publications.

The second charge was made after he quoted a black political lobby in Washington DC which said the South African Police had formed a special assassination squad to kill ANC figures.

SECOND TIME

It was only the second time a foreign correspondent had been charged under the country's strict Press laws. The previous case was also dropped before it came to trial.

Mrs Sparks and Mr Simon were charged with attempting to defeat the ends of justice in connection with the case.

Police had accused her of asking Mr Simon to remove documents from Mr Sparks's office while authorities were making a surprise search of his suburban Johannesburg home, sources close to the case said.

Mr Sparks (50) was charged last November, eight months after his home and office were raided by security police.

Neither Mr Sparks' lawyers nor the Government would say why the charges were dropped. Both sides had been involved in lengthy negotiations that included complaints from the US Government.

Man warned for refusing to testify in treason trial

GRAHAMSTOWN — A man who refused to testify yesterday against 11 men charged with treason in the Supreme Court has been given until Monday morning to seek legal representation.

The man, who was called yesterday to give evidence for the state, may not be identified because the trial is held in camera.

He said he knew nothing about "this matter" and was not prepared to give evidence against the accused. He said he was held in detention after being arrested and accused of keeping arms.

The man was warned by the presiding judge, Mr Justice Howie, that in terms of the Criminal Procedures Act he was obliged to give evidence and answer all questions put to him by counsel for the state even if such answers incriminated him.

The judge said another section of the act stipulated that if anyone called to give evidence refused to be sworn in or to testify, the court was empowered to investigate the refusal.

If it was found that there was no just excuse for such a refusal, the judge continued, the court was empowered to sentence such a person to up to five years in jail.

If, on the other hand, he answered all questions put to him honestly and frankly, he would be set free, the judge said.

After a 90-minute adjournment during which the man was asked to reconsider his position, the judge decided to postpone the case until Monday when the man said he intended seeking legal representation.

Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr Mizayifani Kame, 57, Mr Mzimkhulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Vukile Gumenge, 29 and Mr Nceba Faku, 27, are facing, among others, charges of high treason, murder and participation in the activities of a banned organisation.

Mr E. A. Logie and Mr R. P. Barnes sat as assessors. Mr P. J. Strauss assisted by Mr W. Kingsley appeared for the state. Mr R.L. Selvan, SC, Mr P. N. Langa and Mr A. Jappie appeared for the 11 men. They are instructed by Thole Majodina and Company of Port Elizabeth and N. N. Dullabh and Company of Grahamstown. — DDC.

Club Show held at the weekend.

Witness jailed 2½ years for refusing to testify

(331) 11/A E. Post 12/3/84

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A 27-year-old man who refused to give evidence against 11 men charged with high treason was jailed for 2½ years today after a summary trial in the Grahamstown Supreme Court.

His name may not be released because the hearing was held in camera.

Mr W Kingsley, for the State, said the man's refusal to testify was particularly serious because they were dealing with conspiracy and all links had a bearing on the high treason count.

He submitted that the maximum sentence of five years should be imposed because the ramifications of the case were so wide.

Mr Ronnie Pillay, appearing for the defence, said the man was refusing to testify on "moral grounds and out of a sense of loyalty to his friends".

Giving evidence in mitigation of sentence, Mr Pillay said the man was a first offender and loyalty was "paramount in his make-up".

He asked the court to suspend a portion of the sentence, saying the man had been in custody for 10 months and had an unemployed wife, a seven-month-old child and three other dependants.

He had been in continuous employment at various places until his arrest on May 10, 1983.

The man said he had "some other reasons for refusing to give evidence, but did not intend telling them to the court".

The 11 men charged with high treason are: Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifane William Khame, 57, Mr Mzimkulu Kameh, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Gumenge, 29, amd Mr Nceba Christopher Faku, 27.

The State alleges that they prepared and detonated explosives at various places in Port Elizabeth.

Mr Justice Howie said he accepted that loyalty to friends had been the man's paramount consideration for refusing to give evidence, "but his counsel rightly concedes he had no just excuse for this".

However understandable his reasons, they were not defensible in the interests of society generally, he said.

Mr Justice Howie was on the Bench with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, Deputy Attorney-General, and Mr W Kingsley, appeared for the State. Mr Ronnie Pillay, instructed by S Nkanunu and Co of Port Elizabeth, appeared for the defence.

Court told of PE strikes' 'usefulness to the ANC'

GRAHAMSTOWN — A State witness in the Grahamstown treason trial alleged today that one of the accused, Mr Douglas Mnyisile Tyutyu, 48, had lectured at a house meeting about the usefulness of the 1981 Ford and Firestone strikes to the ANC, because they could cripple both the economy and the Government.

Mr Y, who cannot be named because the hearing is in camera, said he had been introduced to Mr Tyutyu by two other accused, Mr Sipho Nodlawu and Mr Lindile Patrick Mbelekana, when he wanted to know more about a Ford strike in 1979.

He said Mr Tyutyu had arranged to have meetings at his (Mr Y's) house every Sunday to explain union issues.

He had spoken about Macwusa (Motor and Component Workers Union for South Africa) and Sactu (South African Congress of Trade Unions) and explained that Sactu had long since been banned. He had said its leaders had left the country and united with ANC people because there was only one struggle, that of the black people.

Mr Tyutyu had also told him that the ANC stood for unity and equal salaries and had encouraged Mr Y, Mr Nodlawu and Mr Mbelekana to form cells.

They were told to recruit three members a cell, but these were not to know the members in each of the others.

Mr Y said he did not form a cell because he was too shy to tell Mr Tyutyu he could not remember everything he read from the books that he was told to read.

During November, 1981, Mr Tyutyu asked him to accommodate two young men who were coming from Transkei. He agreed and the two men were driven to his house by another accused, Mr James Ngqondela.

(Proceeding)

Mr R Selvan, SC, Mr P N Lanag and Mr A Jappie, instructed by T Majodina and Co, appeared for the defence.

Crowded bakkie overturns in PE — ten injured

Post Reporter

TEN people were injured, two of them seriously, when a crowded bakkie left the road and overturned in Weinronk Drive, Bluewater Bay, Port Elizabeth, yesterday.

Seven people were taken to the Livingstone Hospital.

In another accident two people were injured when two cars collided in wet weather at the intersection of the William Moffett Expressway and Cape Road.

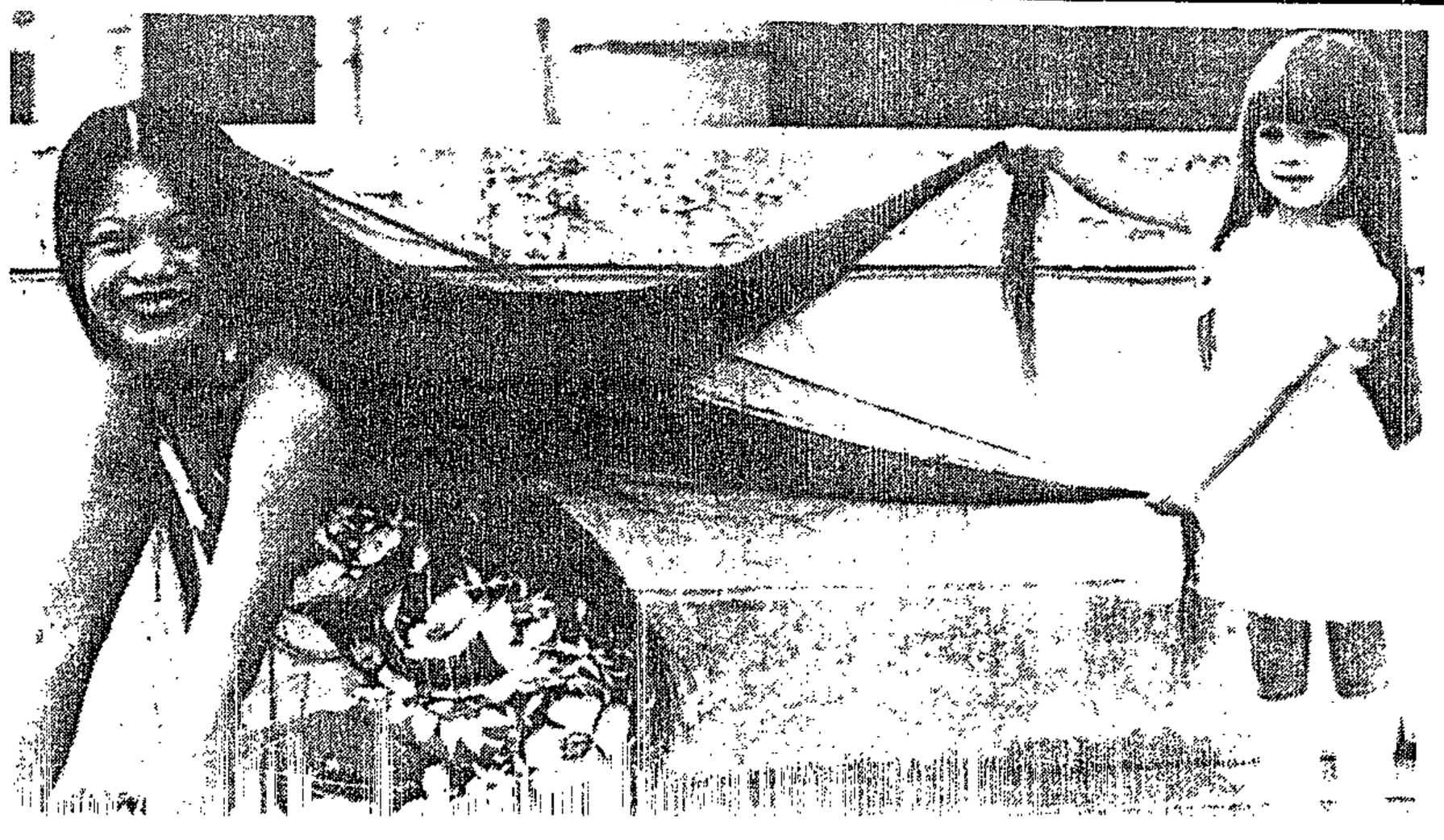
They were released after treatment.

A man was rescued from drowning by friends in the Swartkops River yesterday.

He is Mr Simon Eastoe, of Garden Court, Walmer.

Mr Eastoe is in an unsatisfactory condition in the Provincial Hospital.

The Cape Ambulance Rescue Service had a total of 908 calls at the weekend. They attended to 282 assaults, 47 motor accident cases and 20 miscellaneous accidents. The balance of



Lucy's locks win prize

LUCY SALAZAR shows off the locks that won first prize in a long-hair contest in London. Holding out her hair is SARAH BENNELICK, 3, who was runner-up in the under-14 section for the child with the

Guerilla had PE hideout, court told

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A State witness in the trial of 11 men charged with high treason told the Grahamstown Supreme Court yesterday that one of the accused had introduced him to a guerilla in Port Elizabeth who had undergone training in East Germany, Angola and Mozambique.

Mr Y, who cannot be named because the hearing is in camera, said Mr Douglas Mnyisile Tyutyu had introduced him to the young guerilla, known as Joe, in April, 1983.

Mr Y said he had seen Joe again three weeks later.

Joe told him he was going underground because a woman had been informing on him and the security police were looking for him.

Joe then took Mr Y to a house in Veeplaas and gave him a suitcase filled with firearms to be delivered to one of the accused, Mr Lindile Patrick Mbelekana. But he heard that night that Mr Tyutyu and Mr Mbelekana had been arrested.

He arranged for his sister-in-law to keep the suitcase.

After Mr Y's arrest, the suitcase was opened by the police in Mr Y's presence.

The 11 accused are: Mr Rufus Nato Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Fielden Hina, 44, Mr James Nqgondela, 54, Mr Mzayifana William Khame, 57, Mr Mzimkulu Temi Khame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Nceba Christopher Faku, 27.

They have pleaded not guilty to all charges.

The charges include preparing and detonating explosives at various places in Port Elizabeth.

Mr Y said that during November, 1981, Mr Tyutyu had asked him to accommodate two young men, Mongese and James, who were coming from Transkei.

He became fearful of accommodating them when he learnt that they had undergone military training in Lesotho.

The two young men left his home about four months before the bomb blast at the East Cape Administration Board building on January 26, 1983.

He heard that James had died in the blast and that Mongese had been killed in an SADF raid on ANC bases in Lesotho.

(Proceeding)

Mr Justice Howie was on the Bench with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, Deputy Attorney General and Mr W Kingsley appeared for the State. Mr R Selvan, SC, Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

CM&G Times 13/3/84

Witness tells of 'guerillas'

Own Correspondent

PORT ELIZABETH. — A State witness claimed in the Grahamstown Supreme Court that he had accommodated in his house in Port Elizabeth two East German-trained guerillas.

He said one was killed in a SADF raid on ANC bases in Maseru and the other in a bomb explosion at the Port Elizabeth Community Council offices last year.

High treason

A third guerilla left in his custody a suitcase containing arms before "going underground" because an unidentified woman was giving information to the Security Police, claimed "Mr Y" — who cannot be named because the trial is in camera.

At the outset of the proceedings yesterday another witness was sentenced to 2½ years' imprisonment for refusing to give evidence against 11 men — most of them from Port Elizabeth — who are facing numerous charges ranging from high treason to murder.

The witness, who also cannot be named, said before Mr Justice Howie passed sentence that his refusal to testify was based on moral grounds and out of a sense of loyalty to his friends.

He said he had other reasons for refusing to give evidence but was not prepared to divulge them to the court.

The 11 men — Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Nceba Faku, 27 — have pleaded not guilty to all the charges, which include possesion of arms and participating in the activities of banned organizations.

Strike

Mr Y told the court yesterday that he became involved with some of the accused after a strike at Ford Motor Company when they met regularly at his house on Sundays to discuss matters pertaining to trade unions.

The gatherings, adressed by Mr Tyutyu, later took to different subjects like relations between the ANC and the South African Congress of Trade Unions (Sactu). Ideologies like capitalism, Marxism and communism were also discussed, Mr Y said.

He said that at one meeting Mr Tyutyu gave him a copy of the "Freedom Charter" and a batch of photographs with the inscription: "These are the heroes of the Silverton Siege. Pick up their guns and follow."

The gatherings, Mr Y continued, were attended regularly by Mr Nodlawu and Mr Mbelekana.

He said that after Mr Tyutyu had asked him to accommodate two young men he said were from Transkei, he learned from Mr Nodlawu that the two had left the country after the 1976 riots and had received military training in East Germany.

This information frightened him, he said, and he pressured Mr Tyutyu to find them alternative accommodation. He even suggested building them a shack in Soweto.

The trial continues today.

Three 'asked to recruit for ANC'

Argus Correspondent

GRAHAMSTOWN. — One of 11 men charged with high treason allegedly told three men that the ANC would be able to work from within South Africa and induce the Government to negotiate if trade unions served as a labour wing of the banned organisation.

A State witness claimed in the Supreme Court here yesterday that Mr Douglas Mnyisile Tyutyu, 48, had told the men they should each recruit three others and teach them about trade unions, Marxism and communism.

Strikes

The witness, who cannot be named in terms of a court ruling, said Mr Tyutyu had told them each group of recruits should fall under a trade union. These could serve as a labour wing of the ANC so that if enough factories were mobilised by trade unions, strikes could cut off the supply of clothes and shoes for soldiers.

Under re-examination by Mr W Kingsley, for the State, the witness said one of the accused, Mr Sipho Nodlawu, 35, had frequently told him there was no way they could be helped unless they "skipped the country". He had specifically suggested this to the witness when Mr Tyutyu and another accused, Mr Lindile Patrick Mbelekana, had been arrested in May 1983.

Mr P N Langa, for the defence, said the witness had not only been confusing dates but incidents as well.

Photographs

Mr Langa said Mr Tyutyu denied exhibiting any photographs to the witness or introducing him to any terrorists who had undergone miltary training.

Mr Tyutyu also denied speaking to the witness about the disappearance of a young guerrilla, called James, following the blast at the ECAB buildings, Port Elizabeth, during January 1983.

The other accused are: Mr Rufus Nato Nzo, 24, Mr Sipho Fielden Hina, 44, Mr James Nqgondela, 54, Mr Mzayifana William Khame, 57, Mr Mzimkulu Temi Kameh, 22, Mr Vukile Tshiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Vukile Gumenge, 29, and Mr Nceba Christopher Faku, 27. They have pleaded not guilty to all charges.

The State alleges they prepared and detonated explosives in Port Elizabeth.

Witness: man gave lectures on labour

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D. Rafferty
14/3/84

PORT ELIZABETH — One of 11 men charged with high treason allegedly lectured a group on how to mobilise all South African workers into a movement which would constitute the ANC's labour wing, it was claimed in the Grahamstown supreme court yesterday.

Mr Y, a state witness who may not be identified because the trial is in camera, claimed that Mr Douglas Tyutyu had told a house meeting that the establishment of such a labour movement would give the ANC a stronghold within the Republic. This would place the banned organisation in a position to force the South African Government to negotiate with its leadership.

Asked by the judge, Mr Justice Howie, to elaborate on what transpired at meetings held at his house on Sundays and allegedly addressed by Mr Tyutyu, Mr Y said he and two of the accused were lectured on the formation of cells. Each one would recruit three others who would initially be taught about labour matters, and then Marxism and communism.

Cross-examined further by Mr Langa, for the defense, on the movements of the two East German-trained guerillas he claimed to have accommodated at the request of Mr Tyutyu, Mr Y said the two young men played football in front of his house when they had nothing to do, attended trade union meetings with him and were sometimes taken out by Mr Sipho Nodlawu and Mr Lindile Mbelakana.

Asked by Mr Langa why he did not object when Mr Tyutyu introduced him to a third guerilla named Joe if, as he had testified earlier, he got a fright when he learnt that the other two guerillas were trained in East Germany, Mr Y said:

"I was happy to meet and converse with a guerilla because I wanted to find out how they live."

Mr Langa said Mr Tyutyu would deny introducing Joe to Mr Y and discussing with him the disappearance of James — a guerilla who was thought to have died in the bomb explosion at the offices of the Port Elizabeth Community Council last year.

The eleven men — most of them from Port Elizabeth — have pleaded not guilty to numerous charges including murder, fraud and participating in the activities of banned organisations. — DDC

Witness tells of ANC labour wing strategy

14/3/84

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — One of 11 men charged with high treason allegedly told a group that the ANC would be able to work from within South Africa and induce the Government to negotiate with them if trade unions served as a labour wing of the banned organisation.

A State witness claimed in the Grahamstown Supreme Court yesterday that Mr Douglas Mnyisile Tyutyu, 48, had told three men they should each recruit three others and teach them about trade unions, marxism and communism.

Mr Y, who cannot be named because the hearing is in camera, said Mr Tyutyu had told them each group of recruits should fall under a trade union. These could serve as a labour wing of the ANC so that if enough factories were mobilised by trade unions, strikes could cut off the supply of clothes and shoes for soldiers.

Under re-examination by Mr W Kingsley, for the State, Mr Y said one of the acucused, Mr Sipho Nodlawu, had frequently told him there was no way they could be helped unless they "skipped the country". He had specifically suggested this to Mr Y when Mr Tyutyu and another accused, Mr Lindile Patrick Mbelekana, had been arrested in May, 1983.

Mr P N Langa, for the defence, said Mr Y had not only been confusing dates, but incidents as well.

Mr Langa said Mr Tyutyu denied exhibiting any photographs to Mr Y or introducing Mr Y to any terrorists who had undergone miltary training.

Mr Tyutyu also denied speaking to Mr Y about the disappearance of a young guerilla, called James, after the blast at the East Cape Administration Board buildings, Port Elizabeth, during January, 1983.

The accused are: Mr Rufus Nato Nzo, 24, Mr Douglas Tyuytu, 48, Mr Sipho Fielden Hina, 44, Mr James Nqgondela, 54, Mr Mzayifana Khame, 57, Mr Mzimkulu Temi Kameh, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Vukile Gumenge, 29, and Mr Nceba Christopher Faku, 27.

They have pleaded not guilty to all charges.

The State alleges they prepared and detonated explosives at various places in Port Elizabeth.

(Proceeding)

Mr Justice Howie was on the Bench with two assessors, Mr E A Logie and Mr R P Barnes. Mr P K Strauss, SC, Deputy Attorney-General and Mr W Kingsley appeared for the State. Mr R L Selvan, SC, and Mr P N Langa, instructed by S Majodina and Company, and Mr Dullabh, of Grahamstown, appeared for the defence.

Union official in court

An official of the Paper, Wood and Allied Workers' Union (Pwawu), Mr Jeremy Baskin, made a brief appearance in a Johannesburg Regional Court yesterday charged with convening an illegal gathering.

His appearance follows a strike on Monday at an Amalgam factory, Transporly, over union recognition.

Eighty-five workers are on strike.

Mr Baskin was not asked to plead and the case was postponed to April 11.

Ms Murray-Hicks

Dynamic success

AMERICAN businesswoman Ms Margo Murray-Hicks has built a dynamic and successful career on the work of other people — but not in the way you might imagine.

As a management consultant her job is to ensure other people's work is effective and successful.

For Ms Murray-Hicks, who is visiting South Africa, the highlights of her seven-day-a-week work are when she sees other executives shoot to fortune through her efforts.

● See Page 9.

Johan Fourie

Treat for big crowd

THE largest crowd to watch an athletics meeting in South Africa last night crammed into Pretoria's Pilditch Stadium — and hometown hero Johan Fourie did not disappoint them.

● See Pages 18 and 20.

Proof on record

THREE popular names in South African music — the Soft Shoes, Pierre de Charmoy and Gene Rockwell — sold more than 100 000 records between them last year.

It's an incredible feat, proving that South African performers *can* sell records.

● See Pages 1 and 22, Tonight!

ANC bomber will serve 20 years in prison

Own Correspondent

MARITZBURG — Convicted African National Congress bomber Thembinkosi Paulson Ngcobo (23) today received prison sentences totalling 100 years — of which he will serve an effective 20 years — for a series of bombings and other crimes committed last year.

Mr Justice Jacobs, Judge President of the Northern Cape divison of the Supreme Court, said he was imposing three 20-year sentences for crimes involving the use of Russian TG-50 demolition mines.

These were the bombing of the College Road Supreme Court and the Drakensberg Administration buildings in Sobantu and the incident in which Ngcobo was arrested near Maritzburg's city hall while the Prime Minister, Mr P W Botha, was making a speech.

The bombings in which other explosives were used and the establishment of caches of explosives drew four sentences of 10 years each.

The judge ordered that all the sentences were to run concurrently.

He said he accepted that Ngcobo thought that, by committing the crimes, he was helping the cause of his fellow blacks.

INNOCENT VICTIMS

But the tragedy was that "innocent people, including the very people terrorists are fighting for", were the victims of the attacks.

Terrorists allowed themselves to become tools in the hands of the ANC, members of which were not prepared to do their own dirty work.

Mr Justice Jacobs said he had considered all the circumstances of the case and had decided not to impose the death sentence.

But the interests of society demanded that he should impose a long prison sentence.

Dealing with the College Road and Sobantu bombings, the judge said he accepted that they were set to go off when people were not likely to be present.

He also accepted, in Ngcobo's favour, that he had no direct intention of injuring people. But the bombs could have killed or injured innocent passers-by.

Referring to the Maritzburg city hall incident, the judge said that the mine Ngcobo was carrying when arrested might have been activated by stray electricity and the results could have been disastrous.

The judge said he accepted that Ngcobo had decided not to place the bomb because many people would have been injured.

Shark attacks surfer

Own Correspondent

DURBAN — An Amanzimtoti surfer escaped severe injury and possible death yesterday when he was attacked by what he believes was a shark.

Mr Mark Benedick (23) said he was surfing at Amanzimtoti beach when he was bumped hard from underneath.

The "shark" then came at him again. "It bumped me about six or seven times within three seconds and was very fast," Mr Benedick said today.

He said the "shark" then bit a piece out of his surfboard.

Mr Benedick said he had been surfing for about 17 years and had also been a diver in the navy. He was sure it was a shark.

Mr Graeme Charter, assistant director of the Natal Anti-shark Measures Board, said the surfboard was being examined.

South African junior cha... Riviera (15) show the fo... room Championships. The last year's competition. T... achieved this standard. They hope to better this by winning first prize in the Latin and ballroom sections in this year's competition in London later this month. They will dance against 130 other couples from seven countries, including France, Sweden, Denmark and Norway. Kim and Craig, who have been dancing together for a year, will unfortunately not be entitled to any of the prizes because of their amateur status.

Mrs Hazel Kuper, of Randpark Ridge, who designs and makes Kim's dresses, said yesterday: "The prize they will be working towards is the prestige of winning the event and being among the top six junior dancers in the world. School attendance prevents them from accepting holidays in France, part of the prize which their overseas counterparts are able to accept."

Kim is a Standard 6 pupil at Hill High and Craig is in Standard 8 at Mondeor High.

● Picture by Dale Yudelman.

Shop robbed 4 times

Crime Reporter

The fourth smash-and-grab robbery at the same shop in four months occurred at about 2.15 am at Malco Jewellers, 35 Pritchard Street, Johannesburg.

Thieves lugged a brick through a window and snatched watches to the value of nearly R5 000, according to owner Mr Amien Malek.

"I am really distressed. My shop was ransacked twice in December and once in January," he said.

Police are investigating.

Cabbage Patch Kids set to invade

By Jean Waite

It stares fixedly from glazed painted eyes tucked into a dimpled, doughy face. Short pudgy arms reach out floppily from a colourful cardboard cradle.

It stands only 40 cm high, a raggedy miniature of limp limbs and cupid-bow mouth but, in less than a year, this tiny scrap of cloth and its fellows have caused near riots in department stores the length and breadth of America. They've started stampedes in supermarkets and tug o' wars in toyshops. Distraught mothers have fought for them. Doting fathers have crossed oceans to buy them.

They are the Cabbage Patch Kids and yesterday I came face to face with one of them, forerunner of the flood expected to engulf mini-South Africans when the first batch of the official Triang-Pedigree rag dolls arrives at the end of the month.

This kid was sitting alone on a stand at The Star Homes Festival. He or she — the gender is optional — is to be joined by a batch of brothers and sisters on Saturday; by way of an advance party for the rest of the gang.

They come, it seems, in all races, colours and designs from Yoko Ono yellow to Kojak bald.

This lone ranger, far from her birthplace in Georgia's Blue Ridge Mountains, looks surprisingly unremarkable for one who has turned traditional toyland on its ear.

A tangled spaghetti of red woollen hair tumbles over puffy foam cheeks. Squat podgy knees and stitched feet stick out from a conventional pretty pink dress. Forlorn foam-filled arms reach out appealingly towards a pile of ornate "adoption" forms ready and waiting on the stand.

This weekend an "Adoption Centre" at the Lonehill exhibition will be taking orders in anticipation of the arrival of the multimillion-dollar orphans. For most Johannesburgers it will be their first sight of the little creatures from Cabbage Land that have become the hottest property in toytown since yoyos

Witness tells of terrorists in her home

331 E. Post
16/3/84

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A State witness said in the Grahamstown terrorist trial yesterday that she could identify the clothes of a guerilla who died in a bomb blast in New Brighton last year because he had a habit of wearing a shorty pyjama bottom beneath his clothes.

Mrs Z, who cannot be named because the hearing is in camera, said she could also identify the shirt because she has washed and ironed it at the home of her employer in one of Port Elizabeth's white suburbs.

Mrs Z said the clothes shown to her by the security police belonged to a young guerilla called James who had stayed at her house during 1982. James used to call her "Granny", while one of the accused, Mr Rufus Nzo, 24, who also stayed with her, called her "Mamma".

Another guerilla, Joe, whom she accommodated until February, 1983, used to call her "Sisi". The court heard earlier that Joe died in a South African Defence Force raid on ANC bases in Lesotho last year.

Describing Joes's temperament to Mr Justice Howie, Mrs Z said Joe was a "person who seldom got cross".

The 11 accused on charges including sabotage, high treason and murder, are Mr Rufus Nzo, Mr Douglas Tyutyu, Mr Sipho Fielden Hina, Mr James Ngqondela, Mr Mzayifani Khame, Mr Mzimkulu Temi Kameh, Mr Sipho Nodlawu, Mr Vukile Tshiwula, Mr Lindile Patrck Mbelekana, Mr Wellington Vukile Gumenge and Mr Nceba Christopher Faku.

They have pleaded not guilty to all charges.

The trial continues today.

Giant shark caught

Own Correspondent

DURBAN. — A massive 3,3m, 430kg, Great White shark was caught in the shark nets off the popular Leisure Bay beach on the lower South Coast yesterday.

The monster killer — a female — had to be towed inshore by a Natal Anti-Sharks Board ski-boat skippered by a meshing officer, Paul McMullen.

It was the biggest Great White caught off the Natal coast in the past six months, said Mr Graham Charter, assistant director of the Sharks Board.

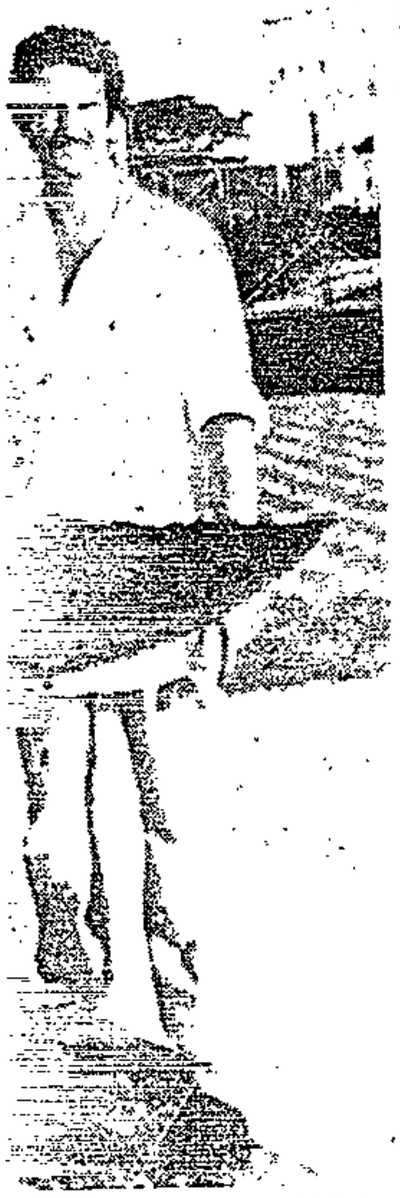
He confirmed that she was a Great White because of her pointed nose, big eyes and triangular, symmetrical teeth, described the shark as a "beautiful specimen".

A crane was needed to lift her head to expose the awesome jaws with row upon row of razor-sharp teeth.

● Meanwhile Maritzburg surfer Mark Benvick, who escaped injury and possible death in a shark attack at Amanzimtoti, said yesterday that he would be back in the waves once the murky water had cleared.

The 25-year-old surfer also said he would still continue surfing early in the mornings and late evenings in spte of warnings that it was a known time for sharks to move closer inshore.

"But that's the time when offshore winds are blowing and the surf is at its best," Mr Benvick said. — Sapa and Own Correspondent



ıe 3,3m Great White
ch yesterday.

20 years' jail for Ngcobo

Cape Times 16/3/84 351

Own Correspondent

MARITZBURG. — A young Imbali man smiled in the Supreme Court here yesterday as he heard he would serve an effective 20 years in prison for terrorism.

Thembinkosi Paulson Ngcobo, 23, was arrested by police last October while carrying a powerful Russian-made demolition mine 100 metres from the Maritzburg City Hall where the Prime Minister Mr P W Botha was addressing a packed referendum meeting.

Ngcobo pleaded guilty to seven charges relating to three explosions, three attempted bombings and the establishment of caches of explosives near the capital.

The blasts took place last year at the College Road Supreme Court (where he appeared yesterday), at the Administration Board offices in Sobantu Village, and at an electricity pylon in the city suburbs.

Throughout yesterday's procedings, Ngcobo, dressed in a white "mandarin" style tunic, stood leaning on the railing in front of him with his chin cupped in his hand.

In his judgment, the Judge-President of the Northern Cape Division, Mr Justice R P Jacobs, said the total cost of the bombings was more than R17 000.

In mitigation the court accepted the defence claim that Ngcobo had no direct intention to injure anyone, and said it was the accused's good fortune that no innocent passers-by had been hurt in any of the blasts.

Although Ngcobo had not given evidence, and so could not be tested by cross-examination, the fact that he had been moving away from the City Hall when he was caught tended to support this claim.

However, evidence had been led that the powerful bomb could have gone off unintentionally — in which case the results could have been catastrophic.

As for the other blasts, it seemed overwhelmingly probable that were it not for the accused pointing out the places where they had occurred, the police would have had difficulty connecting him with these crimes.

For each of the blasts at Sobantu and the Supreme Court buildings, and for the attempted act of terrorism on the night he was arrested, Ngcobo was sentenced to 20 years' imprisonment, while for each of the three charges relating to electricity pylons and the charge relating to explosives caches he was sentenced to 10 years.

The court ruled that all seven sentences were to run concurrently.

7pc rise tariffs

thority.

● Sporting bodies, school sportsfields and swimming pools: Up from 22,5c to 26c a kilolitre.

● Domestic consumers: From 27,8c a kilolitre to 30c for the first 30 kilolitres, from 38,1c to 40,8c for the next 100 kilolitres and from 47,1c to 50,4c for all over 130 kilolitres.

Smash: Bellville pupil dies

By YAZEED FAKIER

A BELLVILLE pupil died on the way to Groote Schuur Hospital last night after a head-on collision near Moorreesburg in which her classmate, a teacher and the driver of the other car were injured.

Julia Slabbert, 17, of Park Street, sustained

Press ordered to leave treason trial

(351 E. Post 20/3/84)

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — Press representatives were today ordered to leave the courtroom in the Grahamstown treason trial, pending the judge's decision on whether evidence led by a senior SADF officer in support of an *in-camera* hearing could be published.

The officer is expected to tell the court why the State believes evidence on the SADF raid on alleged ANC bases in Maseru in December, 1982, should be heard *in camera*.

Mr Justice Howie said the order for Press representatives to leave was based on a section of the Criminal Procedure Act that permission to publish what had happened in their absence would depend on the court's final decision about the nature of evidence led in support of an *in-camera* hearing.

This follows an application today by Mr P J Strauss, SC, Deputy Attorney-General, for the State, that the officer's reasons be heard *in camera* and a ban be imposed on its publication because of "the nature of his evidence".

Mr R L Selvan, SC, for the defence, said they had no opposition to offer to an application for an *in-camera* hearing, but requested that a decision on the publication of the officer's evidence be deferred.

The 11 accused face charges ranging from high treason to murder are: Mr Rufus Nato Nzo, 24, Mr Douglas Tyuytu, 48, Mr Sipho Fielden Hina, 44, Mr James Nqgondela, 54, Mr Mzayifana William Khame, 57, Mr Mzimkulu Temi Kameh, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Patrick Mbelekana, 27, Mr Wellington Vukile Gumenge, 29, and Mr Nceba Christopher Faku, 27.

They have pleaded not guilty to all charges.

The State alleges they prepared and detonated explosives at various places in Port Elizabeth.

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D. Dispatch 20/3/84

Wrong accused identified

ZWELITSHA — Mr V. E. M. Tshabalala, appearing for 25 Fort Hare University students charged with public violence applied for their discharge at the close of the state case yesterday.

He said the state witnessesses who testified were unable to point out the accused and the evidence of those who did, was highly unsatisfactory.

The prosecutor, Mr B. D. Nel, opposed the application although he conceded there were certain identification problems. He said there was evidence which most of the accused had to meet.

The students are alleged to have unlawfully assembled at the university campus in September last year with a common purpose of forcibly and seriously disturbing the peace and security of the public.

It is alleged they marched on the university campus creating a riot, damaging windows with sticks and stones, carrying placards, singing and shouting freedom songs and throwing stones in an indiscriminate manner and shouting insults at the Ciskei police.

They have pleaded not guilty to all the charges.

Mr Tshalabalala argued that some police witnesses pointed out wrong persons they claimed they had arrested at the campus.

He also submitted that the state had failed to prove common purpose. No common purpose had been established even among those students pointed out. He said there had been evidence before court that female students had been driven out of their hostels by students throwing stones.

He said that of the 25 students only 13 had been positively identified and the rest had not been identified.

Mr Nel submitted that there was a gathering, trouble and damage to windows at the campus on that day.

He submitted that the police witnesses were honest as every witness described events as he saw them and this strengthened the state case.

He conceded that some policemen could not identify persons they had arrested. However others had positively identified the people they had arrested.

He argued that the activities of the group that had gathered on the campus as a whole amounted to public violence as mentioned in the charge sheet.

Judgment on the application will be given today.

Earlier Constable Mzwabantu Mbopi told the court that on September 11, when police arrived at the campus, they found many students singing freedom songs and carrying placards. When they saw the police they said "here are these dogs."

He said he arrested Miss Nomsa Mkhiza who was throwing stones at the police.

Const Mbopi pointed out Miss Bajabulile Mkize as Miss Nomsa Mkhize.

Under cross-examination he conceded that he had pointed out the wrong person.

The magistrate, Mr J. Kotze, asked Miss Nomsa Mkhiza to stand up and asked Const Mbopi if he saw that they did not look alike. Const Mbopi admitted they did not look alike. He did not reply when asked how he could make a mistake like that.

Sergeant Zoyisile Mangali told the court that when police arrived at the campus, students were singing freedom songs. One of the songs said: 'Baleka Sebe Nanku Umandela' (Run Sebe here comes Mandela).

He said students threw stones at the police. After warning shots had been fired the students ran away. He arrested Miss Bonakele Mkhize who was running away.

He also arrested two male students. One was under a bed and the other inside a wardrobe in the women's hostel.

Under cross-examination he denied that Miss Mkhize was hit with a police baton.

Counsel said Miss Mkhize would tell the court that she together with Miss Maya and Miss Nomsa Mkhiza were assaulted with batons by the police and that the other two were seriously injured and that she was not arrested by him.

Sgt Mangali said he had arrested her and that he had not assaulted her. — DDR

Court told Transkeians got R700 after killing

DURBAN — A 70-year-old Transkei man on trial in the Supreme Court here, for the murder of a Lamontville community leader, Mr Harrison Dube, last April, said that after Mr Dube's death he and another man received R700 from a man who was later shot and killed.

A statement by Mr Julius Ndodana of Bizana, made to Colonel D. J. van Wyk on June 22 last year, was handed into court yesterday after the policeman had given evidence. The admissibility of the statement was not contested.

Mr Ndodana and four other men, Mr Moonlight Gasa, 54, and Mr Ebenezer Mapamulo Mngadi, 59, of Lamontville, Mr Vakuthethwa Yalo, 30, of Bizana, and Mr Bangumhlaba Mbawala, 36, of Amaoti, have all pleaded not guilty to murdering Mr Dube at his home on April 25.

Col van Wyk said when he took the statement Mr Ndodana told him he wanted to tell what happened. He said he was at home when he was called to Mr Mbawala's place and told that everything was ready.

They left for Lamontville with Mr Mbawala carrying a gun. He did not know the name of the man they were going to shoot but he was shown the house where he lived.

They walked to the victim's house and before they got there they tied shirts around their faces. They waited in a dark place and saw three men drinking on the verandah.

After a time the owner came near to the place where they were and urinated. One of his companions waiting in the bushes with him walked up to the owner and greeted him. The man asked who they were. The third person then pulled out a gun and fired two shots.

They then went to the home of a man referred to only as Uhlangulele and said they had shot the man. The following day they were given R5 each for their busfare back to Transkei.

At a later stage they returned to Lamontville where they were given R700 by Uhlangulele to divide between them. the Trial continues today. — DDC.

EVENING POST, WEDNESDAY, MARCH 21, 1984

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Documents seized in raid read at trial

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — Letters and documents seized during the South African Defence Force raid on ANC bases in Maseru in 1982, were read in the Supreme Court during the treason trial yesterday as the State sought to prove that the 11 accused were guilty of liaising with ANC hierarchy in Lesotho.

Mr P J Strauss, SC, the Deputy Attorney-General, said he believed the documents were very important in proving the accused had communicated with command elements or supporters of the ANC.

Lieutenant-Colonel J H Buchner, of security police headquarters in Pretoria, read a biographical note allegedly written by a Mr Rufus Mrashiya Nzo, describing his reasons for wanting to join the ANC's military wing, Umkhonto we Sizwe.

Lt-Col Buchner said the security police had gained biographies of people serving the ANC's military wing. Members had to produce their personal details when they moved from camp to camp, or participated in missions to South Africa.

He said the note was a personal account of Mr Nzo's childhood and it explained that he found his mind "gradually growing in politics", particularly when his grandfather used to tell him about their removal from the fertile farms of Mzwazwa by the white man.

He was born in Benoni in 1959. He had not known his father but took his grandfather as a father in accordance with African custom.

When he was seven, his grandfather took him to a farm called Mzwazwa, near Elliot, where they stayed until the "boers ordered all people in the area to leave".

According to the note, Mr Nzo then moved to Transkei, where he attended school in Umtata.

"In 1973, my grandfather defied the laws by going back to Mzwazwa and said he would never leave his family's graves. He was arrested and his arrest moved me because I knew he was full of love for that place, Mzwazwa."

When Transkei became independent in 1976, Mr Nzo's grandfather told him it was not true independence, the only independence being that fought for by Mandela and his comrades.

"I became an active member of the DPP Youth League in Umtata and with the aid of books which I smuggled secretly I found myself in a position to preach ANC aims and objectives.

"I became frustrated with the oppression foisted upon us by the fascist regime of Botha and I have decided to be fully engaged in the black man's cause . . . I now want to join Umkhonto we Sizwe because to me it is the answer".

Lt-Col Buchner also read another note, dated November 27, 1982, which said armed propaganda should be stepped up in "our region" and that Kaiser be eliminated.

Lt-Col Buchner said he believed that they were referring to the Transkei's president, Chief Kaiser Matanzima.

Earlier, two members of the SADF involved in an attack on alleged ANC bases in Maseru on the night of December 8, 1982, told the court their targets had been specific residential homes and their instructions were to kill the occupants, photographing and seizing all documents and weapons they found.

The men, who cannot be named because the hearing at that stage was in camera, were given two different targets.

The first witness said the shooting had taken place while the house was in darkness and three men and two women were killed.

One woman was caught in the crossfire and another was involved in the shooting, he said. He found an AK47 assault rifle lying on the floor next to her after she had been killed.

He went through the house and found two firearms and documents which he handed over to Lt-Col Buchner early the next morning at a rendezvous on the Lesotho/Free State border.

The other witness said four men were killed in an attack he was involved in. He could not find any firearms in the house, but placed a mass of documents and books in a bag which he handed over to Lt-Col Buchner.

The trial was then opened to the public and Lt-Col Buchner confirmed that he had received the bags with documents and weapons.

One bag, with the code name Bravo, had publications which included Inkululeko — Freedom, and Voice of Women.

(Proceeding)

Press ban in treason hearing

C. Times 21/3/84

Own Correspondent

PORT ELIZABETH. — The Grahamstown treason trial took a dramatic turn yesterday when representatives of the press were ordered to leave the Supreme Court, two soldiers who participated in the December 1982 SA Defence Force raid on Maseru recounted briefly the cross-border strike and African National Congress documents seized during the incursion were read before the court.

Members of the press ordered to leave the court at the start of proceedings, were told afterwards by counsel for the State that the court had placed a ban on the publication of evidence led by a senior SADF officer.

The unidentified officer was called to testify in support of an application by the State that evidence by two soldiers who were in the unit which raided Maseru not be published. The application was granted.

Soldiers' roles

After the press was allowed in, the two soldiers — code-named Bravo and November — gave brief recounts of their respective roles during the raid.

The Minister of Defence, General Magnus Malan, has placed a general embargo on certain aspects of the raid and a draft affidavit from him to this effect has been made available to counsel for the defence.

Soldier Bravo told the court that his specific target during the raid was a residential house. His task was to gain entry to destroy "the enemy" and seize weapons and literature. He said the occupants of the house were killed in the attack.

He said he later recovered an AK47 assault rifle and a machine-gun, as well as documents and literature, all of which he handed to the security police on his return to South Africa.

Questioned by Mr R L Selvan, SC, for the defence, the soldier said five people had died during the attack on the house.

Soldier November said there were males in the house he was ordered to attack. No weapons were found but there was ANC literature and some documents.

Lieutenant-Colonel J H Buchner, of the security police headquarters in Pretoria, told the court that literature he received from the two soldiers included issues of the ANC official mouthpiece "Fechaba", the South African Communist Party publication "Nkululeko" (Freedom), exerpts from an interview with ANC leader Oliver Tambo, and correspondence between ANC command elements in Maputo, Maseru and Lusaka.

'Propaganda'

Among the documents was a note dated November 27, 1982. Colonel Buchner said the note suggested that propaganda be stepped up "in our region", and that Bambilanga and Kaiser be eliminated.

He said he took "Kaiser" to be the Transkei President, Chief Matanzima.

There were also notes on the Transkei First Battalion, describing the guard system, personnel and daily routine. Colonel Buchner said it appeared that the battalion was also a target for an attack.

Colonel Buchner said the ANC was made up of the political structure, whose task it is to represent the ANC abroad, the military wing represented by Umkhonto Wesizwe, and the labour movement.

The 11 accused face charges ranging from high treason to murder. They have pleaded not guilty to all charges.

The State alleges that they prepared and detonated explosives at various places in Port Elizabeth.

The trial continues today.

Soldiers testify on raid action

21/3/87

(331)

D. Dispatch

GRAHAMSTOWN — Two soldiers who participated in the December 1982 SADF raid on Maseru briefly recounted the cross border strike, and ANC documents seized during the incursion were read in the Supreme Court here yesterday.

Representatives of the press, who were ordered at the start of yesterday's proceedings to leave the court room, were told by counsel for the state afterwards that the court had placed a ban on the publication of evidence led by a senior SADF officer after the press had been ejected.

The unidentified officer was called to testify in support of an application by the state that evidence by two soldiers who were in the unit which raided Maseru be heard in camera.

The application was granted.

After the press was allowed in, the soldiers — code named Bravo and November — gave brief recounts of their respective roles during the raid.

The Minister of Defence, General Magnus Malan, has placed a general embargo on certain aspects of the raid and a draft affidavit from him to this effect has been made available by the state to counsel for the defence. The soldiers could not be cross-examined on the embargoed aspects.

Soldier Bravo told the court that his specific target during the raid was a residential house. His task was to gain entry to destroy "the enemy" and seize weapons and literature.

He said in the course of the attack the occupants of the house were killed and he took photographs of the dead bodies.

He said he later switched on lights in the house and took away an AK47 assault rifle, a machine gun as well as a quantity of documents and literature.

These he placed in a plastic bag which he handed over to the security police when he returned to South Africa, he said.

Cross-examined by Mr R. L. Selvan, SC, for the defence, he said five people died during the attack on the house — three men and two women.

Lieutenant-Colonel J. H. Buchner, of the security police headquarters in Pretoria, told the court that he received the plastic containers from the two soldiers on the morning of December 9, 1982 in the Free State.

The literature included issues of the ANC official mouthpiece, Sechaba, the South African Communist Party publication, Nkululeko (Freedom), excerpts from an interview with the ANC leader, Oliver Tambo, and correspondence between ANC command elements in Maputo, Maseru and Lusaka.

Among the documents was a note dated November 27, 1982. Col Buchner said the note suggested that armed propaganda be stepped up "in our region", and that Bambilanga and Kaiser be eliminated.

He said he took the Kaiser to be the same as the Transkei President Paramount Chief Matanzima.

There were also three pages of notes on the Transkei First Battalion, describing the guarding system at their base, personnel and daily routine. Col Buchner said it appeared that the battalion was also a target for an attack.

In a lengthy account of the formation of the ANC, Col Buchner said the organisation was made up of a tri-lateral structure — the political structure whose task it is to represent the ANC abroad and propogate its ideology, the military wing represented by Umkhonto Wesizwe, and the labour movement which is embodied in the South African Congress of Trade Unions (Sactu).

The trial continues today. — DDC.

GRAHAMSTOWN — A biographic note perportedly written by Mr Rufus Mrashiya Nzo on his reasons for wanting to join the ANC's military wing, Umkhonto Wesizwe, was read in the Grahamstown supreme court yesterday as one of the documents which were seized by the SADF when they raided Maseru in 1982.

The handwritten note describes in the first person how Mr Nzo's interest in politics grew from the time Transkei gained independence in 1976 until he became "frustrated by the fascist regime of Botha (and) decided to be fully engaged in the black man's cause".

According to the note Mr Nzo was born in Benoni in 1959. When he was seven years old his grandfather took him to a farm called Mzwazwa near Elliot to help look after an elderly relative.

"We stayed there until the ultimatum from the Boers ordered all people on Mzwazwa farms to leave".

The note says Mr Nzo then moved to Cala in Transkei where he stayed with a relative. He attened a high school in Umtata.

"When I was in Umtata I observed my mind growing gradually in politics. My grandfather used to tell me about our removal from those fertile farms of Mzwazwa by the white man.

"I remember in 1973 my grandfather defied the laws by going back to Mzwazwa and said that he would never leave his family's grave. He was arrested. His arrest moved me because I know that he was full of love for that place Mzwazwa."

When Transkei became independent Mr Nzo's grandfather told him that the only independence was that which Mandela and his comrades fought for, the note continued.

"My political mind grew until January 29, 1980 when the DPP Youth League in Umtata was launched. I became a fully active member and spread its aims. With the aid of books I smuggled I found myself in a position to teach even the ANC aims and objective".

The note says Mr Nzo decided that talking to "the regime of Botha" would not help. The armed struggle was the only solution.

"I now want to join the military wing Umkhonto Wesizwe of the ANC because it is the answer." — DDC.

Maseru note read in court

Court told accused spoke of spray gun

331 D Dispatch 22/3/82

GRAHAMSTOWN — A 22-year-old Port Elizabeth man who with his father and nine others are appearing in the Grahamstown treason trial allegedly told a woman friend that he had a "spray gun" in a mysterious tennis racket cover when she demanded to know its contents after having kept it in her house.

Miss C, a witness who may not be identified because the trial is in camera, said Mr Ntemi Kame had brought to her house in April last year a man called Thabo carrying a bag, suitcase and a racket cover.

Thabo, presented to her as a family relative from Lesotho, stayed at her house and was visited by Mr Kame and his sister, the witness continued.

She said on a Friday in May last year Mr Kame came to fetch Thabo who was said to be going home to Lesotho.

After Thabo had departed she realised he had left behind his racket cover, she said. She showed the bag to Mr Kame's sister who said its contents frightened her but refused to say what they were.

Miss C said she also became frightened but did not look inside the bag. She said she demanded to know from Mr Kame what was in the cover when he came to fetch it and he said it was a spray gun.

Under cross-examination Miss C denied knowing that the bag contained a firearm.

A juvenile witness who also may not be identified told the court of a number of behind-closed-doors consultations at her home in Port Elizabeth between Mr Rufus Nzo, Mr Douglas Tyutyu, Mr Vukile Tshiwula and one James who the court heard earlier was killed in a bomb blast at the offices of the Port Elizabeth Community Council on January 26 last year.

The witness said on the day of the explosion Mr Nzo and James had met in the bedroom at her home for about two hours before leaving together.

She said she read in the press the following day that there had been a bomb explosion in New Brighton. — DDC.

List of journals handed in

GRAHAMSTOWN — A December 1981 issue of The Journalist, journal of the South African Society of Journalists; a copy of Kwasa, a publication of the Media Workers' Association of South Africa, and a May 1981 national executive report of the South African Allied Workers' Union were among a large quantity of documents and literature allegedly seized by an SADF unit which raided Maseru in 1982.

A 160-item list detailing the confiscated documents drawn up by the Security Police was handed to the Grahamstown Supreme Court this week by Lieutenant-Colonel J. H. Buchner of the branch's Pretoria headquarters.

The hand written, typed and printed material ranges from a Swapo war communique to a letter addressed to an unidentified "loving father".

Other items listed are a letter from the ANC to the United Nations Commissioner on Refugees and sketches of railway workshops in Bloemfontein. — DDC.

ANC/SACTU work together, court is told

Own Correspondent

GRAHAMSTOWN — A state witness in a treason trial told the Supreme Court here that the Security Police had found considerable documentation revealing a close alliance between the ANC, the South African Communist Party (SACP) and the South African Congress of Trade Unions (SACTU).

Lieutenant-Colonel J H Buchner, of Security Police headquarters in Pretoria, told the court yesterday that SACTU was the trade union wing of the ANC.

In response to a question from Mr P J Strauss SC, for the State, Colonel Buchner said he did not know whether a relationship existed between SACTU and the Motor and Component Workers' Union of South Africa (MACWUSA).

Cross-examined by Mr R L Selvan, SC, for the defence, Colonel Buchner said SACTU was under the guidance of the ANC and was involved in recruiting workers at the industrial points of production for military training by Umkhonto we Sizwe, the military wing of the ANC.

He said SACTU members were often members of the ANC.

Two policemen with weapons which were exhibited yesterday during the treason trial in the Supreme Court in Grahamstown.

Witness tells court of hidden parcel

GRAHAMSTOWN — A state witness described during the treason trial here yesterday how he hid at his uncle's house a parcel he had found in the ceiling in the bedroom of one of the eleven men who are appearing in the trial.

Mr E, who may not be identified because the trial is in camera, said he learnt when he visited Mr Lindile Mbelekana's home in Norongo Street New Brighton in May last year, that the man had been detained.

He said he immediately scoured Mr Mbelekana's bedroom for offensive articles. He noticed that although the rest of the ceiling was solid a portion of it was held in place by what appeared to be freshly applied masking tape.

Having removed it, Mr E said, he found in the space between the ceiling and the roof a parcel wrapped in plastic and bound with sticky tape.

He said he took the parcel without opening it to his uncle's house in Masangwana Street where he buried it in a hole in the yard.

On returning to Mr Mbelekana's house 12 days later, he found the accused with police officers in the house, he said.

After Mr Mbelekana had asked him where the parcel was Mr E said he asked him what it contained. Mr Mbelekana said it had a machine gun in it.

Mr E said he took the police to the house in Masangwana Street where he had hidden the parcel. He found out later when it was unwrapped at the Algoa Park police station that it contained a firearm and three other objects.

Mr A. Jappie, for the defence, said Mr Mbelekana would deny having told the state witness what was in the parcel.

"What he said was police are looking for a gun," Mr Jappie said.

Another state witness related to Mr Vukile Tshiwula, one of the accused and his wife, who was allegedly executed by the 11 accused last year. He testified on his relations with two young men — James and 'Walk Tall' — who he said were introduced to him by Mr Tshiwula.

The State alleges James died during the explosion at the offices of the Port Elizabeth Community Council last year while Walk Tall was killed in the 1982 SADF raid on Maseru.

The witness will continue his evidence this morning.

The 11 accused are Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumnege, 29, and Mr Nceba Faku.

It is alleged that they conspired in an attempt to overthrow the state and that they took part in the activities of banned organisations. They have also pleaded not guilty to numerous other charges, including murder, fraud and possession of firearms.

They are appearing before Mr Justice Howie. With him on the bench as assessors are Mr R. P. Barnes and Mr E. A. Logie. Mr P. J. Strauss, SC, assisted by Mr W. Kingsley, is appearing for the state. Mr R. L. Selvan, SC, Mr P. Langa and Mr A. Jappie, appearing for the accused, were instructed by Thole Majodina and Company of Port Elizabeth and N. N. Dullabh of Grahamstown. — DDC.

Arms exhibits on display

GRAHAMSTOWN — Arms and ammunition, some of which have already been handed in as exhibits in the treason trial here were displayed for the first time at a press conference yesterday morning.

In a summary of facts annexed to the case's 25-page indictment the state charges that:

- A home-made table with a secured concealed compartment containing a quantity of explosives, timing mechanisms, hand-grenades and detonators was found at a house in Kwazakele.
- A brown carry bag containing explosives, timing mechanisms and detonators was found at a house in Veeplaas.
- A suitcase containing an assault rifle, four magazines containing ammunition and a hand-grenade was discovered at an address in New Brighton.
- An AK-47 assault rifle was found at Masangwana Street, New Brighton.
- A travelling bag containing two AKs and one VZ-25 (she) firearms with magazines and ammunition were discovered in Soweto, Port Elizabeth and
- A magazine containing 9 mm cartridges was also found in the vicnity of the scene of an explosion on the Swartkops railway line. — DDC.

23/3/84

Witness tells of wrapped rifle magazine

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By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A witness described today how one of the accused in the Grahamstown treason trial, Mr James Ngqondela, 54, had asked him to keep a travel bag containing a rifle magazine in January 1983, and arrived late one night a few month's later saying he was being chased by the police.

Mr E, who cannot be named, said Mr Ngqondela and another accused, Mr Douglas Tyutyu, had arrived at his Port Elizabeth home with a bag and Mr Ngqondela had unwrapped "a curved black article which looked like a rifle magazine".

Mr E said the bag had been heavy and he had kept it in a trunk in his room from about February to May, last year.

He had become afraid in May when Mr Ngqondela sent a message saying he should remove the bag and he had taken it to a friend in Veeplaas, where it was hidden in a hole in the ground.

The police had arrested Mr Ngqondela at Mr E's house on May 16, and returned the following day with Mr Ngqondela to fetch the bag.

Mr P N Langa, for the defence, said there were no firearms in the bag when it was handed over to the police and suggested the witness had merely assumed there were firearms in it after hearing the charges against Mr Ngqondela.

The witness alleged today he had been made to sit on the floor all night in an office at the Algoa Park Police Station and became frightened when he saw a fellow detainee being hit by a balaclava-clad man on the night of May 8, 1983.

Under cross-questioning by Mr P N Langa, for the defence, the witness said he had been held along with a group which included one of the accused, Mr Wellington Vukile Gumenge, 29, and they had not been allowed to stand up from 1am to 6am.

They had then been lined up in twos and had been made to "march like soldiers" to another place on the premises.

Under re-examination by Mr P J Strauss, SC, for the State, the witness said he had been detained for 1½ days, but did not think he personally had been badly treated by the security police.

Yesterday a witness said that a Mrs Nonkosi Tshiwula had found a handgrenade in her home in November, 1982. This happened while she was accommodating an alleged guerilla called James, who had been brought home by her husband, Mr Vukile Tshiwula.

Eleven men are charged with high treason and the murder of Mrs Tshiwula, who was machine-gunned to death on May 8, 1983, at her home in Kwazakele.

James is thought to have died in a New Brighton bomb blast on January 26, 1983.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Khame, 57, Mr Mzimkulu Kameh, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine-guns, handgrenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

The witness said Mrs Tshiwula had not done anything at the time of finding the grenade.

He said the relationship between Mrs Tshiwula and her estranged husband, a former driver of PE Tramways, had been a bad one because he had been having an affair with another woman.

The witness said James was brought to their house in July, 1982, by Mr Tshiwula. He described James as a short person who walked with a limp.

Another State witness described in court yesterday how he had found a one-metre long parcel in the ceiling of the room of one of the accused, Mr Mbelekana, when he heard Mr Mbelekana had been arrested in May last year.

He buried it in the ground outside but fetched it when Mr Mbelekana asked for it on his return with the police.

(proceeding)

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Arms on display

The cache of arms found by police in the Port Elizabeth townships of Kwazakele, Veeplaas, Bethelsdorp, Soweto and New Brighton in May and June, 1983, were on display at the Grahamstown Supreme Court library yesterday.

Included in the array was a handmade table with a concealed bottom storing magazines, detonators and explosives.

Other unusual items included a tube of toothpaste with two letters inside, a tennis racket cover with a fold-up rifle and two magazines inside it, and limpet mines.

An SHE Peterson sub-machinegun and an AK47 assault rifle found after the raid on African National Congress bases in Maseru in 1982 were also on display.

Sebe trial: 3 accused describe shooting

East London Bureau

BISHO. — Mr Khambashe Sebe, the son of Ciskei's former head of security, Mr Charles Sebe, allegedly fired on the house of the state's Minister of Foreign Affairs last year.

In statements submitted to the Ciskei Supreme Court, Mr Khambashe Sebe, Mr Colin Sebe and Mr Toni Sebe described their involvement in the shooting incident at Mr Brown Pityi's house on July 14 last year.

In a statement allegedly made to a police officer, Mr Khambashe Sebe said he had fired several shots with an AK47 rifle at Mr Pityi's house.

WEAPONS

The three Sebe cousins, Mr Mbulelo Xaba and Mr Ntobeko Mlotana, have pleaded not guilty to charges of terrorism, attempted murder and intimidation.

Mr Khambashe Sebe, a former member of the anti-terrorist unit, Sword of the Nation, said in the statement that he had gone to his father's home on the evening of July 14.,

He was carrying a variety of weapons, including an R4 rifle, hand-grenades and teargas.

ARRESTED

At his father's home Mr Sebe heard that the deputy head of security, Brigadier Harvey Tamsanqa, had been arrested.

Later that night Mr K Sebe, Mr C Sebe, Mr T Sebe and Mr M Xaba allegedly went to Mr Pityi's house. Mr K Sebe fired shots with an AK47 rifle at the house, the statement said.

In statements allegedly made to police by Mr C Sebe and Mr T Sebe, the two men said they had accompanied Mr K Sebe and Mr M Xaba to Mr Pityi's house.

Mr K Sebe had allegedly fired at Mr Pityi's house, the statements said.

(Proceeding.)

RDM 24/3/84 (331)

Treason trial told of night in custody

Mail Correspondent

GRAHAMSTOWN. — A State witness in the Grahamstown treason trial told the court he was made to sit all night on a police station floor, was forced to "march like a soldier" and saw someone else being slapped.

The witness is related to one of the 11 accused and may not be identified.

He was asked by Mr P N Langa, for the defence, to recount events after his arrest on the night a relative, Mrs Nonkosi Tshiwula, was allegedly executed by the 11 accused.

The witness said he was taken to the Algoa Park Police Station. He and many others were made to sit on a floor in a room at the police station.

He said one of the accused, Mr Vukile Gumenge, was in the group.

He said he saw someone being slapped in the same room by a person wearing a balaclava. He thought this person was a policeman. The same man later ordered him and the others in his group to close their eyes.

They sat on the floor until about 6am with a white man keeping guard, the witness said. They were then lined up in pairs and made to "march like soldiers" towards another section of the building.

When they arrived back at the same room, they were made to stand facing a wall. The witness said he stood there until Mr Tshiwula came into the room and pointed him out to the police.

Cross-examined by Mr P J Strauss, SC, for the defence, the witness said he was held for 1½ hours at the police station. He, personally, was not ill-treated by the Security Police.

The 11 accused are Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumnege, 29, and Mr Nceba Faku.

It is alleged that they conspired in an attempt to overthrow the State and that they took part in the activities of banned organisations. They have also pleaded not guilty to numerous other charges, including murder, fraud and possession of firearms.

imprisonment Q.601-762
331 Hansard 27/3/84

669. Mrs H SUZMAN asked the Minister of Justice:

(a) What is the longest period in each case for which any two convicted prisoners have been in prison in South Africa for crimes against the security of the State, (b) what are the names of the prisoners concerned and (c) what was the (i) nature of the conviction and (ii) length of the sentence imposed in each case?

The MINISTER OF JUSTICE:

(a) On 4 March 1984, 21 years, 3 months and 27 days and 21 years respectively.

(b) It is not in the interest of prisoners in general, or of their families, or other relatives that the names of prisoners should be released for general information.

(c) (i) The prisoners concerned were respectively sentenced for the following crimes:

(1) Instigation to infringe existing laws.

Sabotage.

The furthering of the aims of a prohibited organization.

Left the Republic without a passport.

(2) Instigation to infringe existing laws.

Sabotage.

The furthering of the aims of a prohibited organization.

Member of a prohibited organization.

Public violence.

(ii) The prisoners were sentenced as follows:

(1) Five years imprisonment and imprisonment for life.

(2) Six years imprisonment and imprisonment for life.

State witness discredited over denial

GRAHAMSTOWN — A state witness was discredited in the treason trial here yesterday for deviating from a statement he made last year to the security police.

The Deputy Attorney-General, Mr P. J. Strauss, SC, who was leading the witness as he gave his evidence-in-chief, informed the court shortly after commencement of the cross-examination, that the witness was contradicting certain aspects of a statement he had made to the police.

At that point Mr Strauss had put to the witness, who may not be identified because the trial is being heard in camera, that he had been approached in May last year by one of the accused, Mr Sipho Nodlawu, and Mr Y, a state witness who testified earlier. The two had asked him to take custody of a suitcase they intended delivering to him later.

The witness denied asking Mr Y. the reason as to why he had to keep the suitcase and what it would contain.

In reply to a question by Mr Strauss, the witness said he was satisfied with the thumb-printed and signed statement he made to Detective-Sergeant Bezuidenhout in June last year.

When the contents of the statement were put to him, the witness admitted telling Det-Sgt Bezuidenhout that Mr Y. had told him the suitcase contained firearms. However, he denied saying to the police that he was afraid to keep the suitcase in his house.

Another witness, who also may not be identified, told the court that one of the accused, Mr Vukile Gumenge, left a suitcase at the witness's house, 1982. He said it would be fetched by someone else.

The witness said he did not examine the contents of the suitcase. He had no reason to be suspicious because it was not the first time Mr Gumenge had left his belongings at his house for safe-keeping.

He said he was shocked and upset when he opened the suitcase later and found that it contained "a big firearm."

He said on that occasion Mr Sipho Hina, also an accused, had come to fetch the suitcase as arranged with Mr Gumenge.

Another state witness said he was asked by an accused, Mr Douglas Tyutyu, to keep a table containing tools for him as he wanted to work on his house.

The witness said he was suspicious when a wooden table with a sealed compartment and no drawers was delivered to his house by two strangers after he had agreed to keep Mr Tyutyu's table.

The state alleges that a home-made table with a secured concealed compartment was found at a house in Kwazakele. It contained among other things, explosives, timing mechanisms, detonators and hand-grenades.

The trial continues today.

The 11 accused are Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumnege, 29, and Mr Ncedba Faku. — DDC.

Treason trial: court told of arms caches

331
Star
28/3/84

GRAHAMSTOWN — One of the 11 men in the treason trial here and another man separately showed a Security Police captain arms caches in Port Elizabeth and Soweto, it was claimed yesterday.

Captain D Mulder, a security policeman, told the court that Mr Ntemi Kame had pointed out to him in May last year a place near the Missionvale Road where an AK-47 rifle in a tennis racket case and literature were found.

He said the case was hidden under prickly pear branches in thick bush about 100 m from the road on the Port Elizabeth-Uitenhage route. The bag also contained a rifle cleaning apparatus and two magazines.

Captain Mulder said Mr Kame pointed out another place about three metres further into the bush where three books were found in a plastic container.

He said Mr Kame pointed out the caches after he had interrogated him at Algoa Park Police Station and taken him to a co-accused, Mr James Ngqondela, who was then held at Alexandria.

WITNESS

Captain Mulder said Mr Y, a State witness who testified at an earlier stage of the trial, also took him to a house in Soweto where a suitcae containing an AKM assault rifle, an AK-47, a She-Peterson sub-machine gun, magazines and ammunition were found.

He said the suitcase, wrapped in a sheet, was contained in a big travel bag and was found under a bed at the house.

He said Mr Y pointed out the house to him after he interrogated him.

Mr R J Scholtz, chief executive officer of the Kayamnandi town council, testified that he was swept off his feet by an explosion at his council's offices in New Brighton in January last year.

After the explosion, which caused R97 000 damage, staff had to use other premises for six months while the building was repaired, he said.

The trial continues today.

The 11 accused are: Mr Rufus Nzo (24), Mr Douglas Tyutyu (48), Mr Sipho Hina (44), Mr James Ngqondela (54), Mr William Kame (57), Mr Mzimkulu Kame (22), Mr Sipho Nodlawu (35), Mr Vukile Tshiwula (43), Mr Lindile Mbelekana (27), Mr Wellington Gumnege (29), and Mr Nceba Faku.

It is alleged that they conspired in an attempt to overthrow the government and that they took part in the activities of banned organisations.

They have also pleaded not guilty to numerous other charges, including murder, fraud and possession of firearms.

They appeared before Mr Justice Howie. With him on the Bench as assessors are Mr R P Barnes and Mr E A Logie. — Sapa.

Court hears of caches

28/3/84 (331) D. Dispatch

PORT ELIZABETH — One of the 11 men who are appearing in the Grahamstown treason trial and a state witness pointed out to a security police captain, on separate occasions, caches in Port Elizabeth where three AK 47 rifles, a submachine gun, ammunition, and literature were found, it was claimed yesterday.

A police witness also decribed the scene in a Port Elizabeth house where a woman was allegedly executed. A senior Kayamnandi Town Council official related his experience during a bomb explosion last year, before a power failure brought yesterday's proceedings to an abrupt halt.

Captain D. Mulder, a security policeman and a member of the investigating team, told the court that Mr Ntemi Kame had pointed out to him in May last year a place near the Missionvale road where an AK. 47 rifle, in a tennis racket holder, and literature were found.

He said the racket holder was hidden under prickly pear branches in thick bush about 100 m from the road on the Port Elizabeth-Uitenhage route. In the bag there was also a cleaning apparatus for the rifle and two magazines.

Captain Mulder said Mr Kame pointed out another spot about three metres farther into the bush where three books were found in a plastic container.

He said Mr Kame showed them the spots after he had been interrogated at Algoa Park Police Station and taken to co-accused, Mr James Ngqondela, who was then held at Alexandria.

Captain Mulder, said mr Y, a state witness who testified at an earlier stage of the trial, also took him to a house in Soweto where a suitcase containing an AKM assault rifle, an AK 47, a She-Peterson submachine gun, magazines and ammunition were found.

He said the suitcase, wrapped in a sheet, was itself contained in a big travelling bag and was found under a bed at the house.

He said Mr Y pointed out the house to him after he had interrogated him.

Detective-Sergeant M. Damane, of the New Brighton CID said he proceeded to a house in Kwazakele on a Sunday night in May last year after receiving a message by radio.

He said a number of onlookers had gathered near the house when he arrived. He met the deceased's brother who showed him into the kitchen.

Det-Sgt Damane said there was a body lying in a pool of blood. Immediately noticeable were injuries to the legs. Windows were shattered and a section of a refrigerator which stood in the kitchen was riddled with holes.

He said he picked up seven cartridge shells scattered in the kitchen and outside and called an ambulance.

Mr R. J. Scholtz, chief executive officer of the Kayamnandi Town Council, described how he was swept off his feet by an explosion which occurred at his council's offices in New Brighton in January last year.

He said he was on his way from an accountant's office to his own on the building's upper floor when the bomb went off.

He said he landed on his knee in the passage. Debris was falling all over. He shouted to other members of the staff to evacuate the building.

After the explosion some of the staff had to make use of other premises for six months while repairs to the building were being undertaken, he said.

He said the council had employed no security officers at the time. There were two guards who manned an outside gate and several uniformed constables who ushered visitors to the various offices.

Mr Scholtz said that security had since been stepped up. Visitors carrying parcels where subject to scrutiny and a permit system had been introduced.

According to the indictment, damage to the building was estimated at R97 000.

The trial continues today. — DDC.

KDM 29/3/84 331

Appeals rejected of five who refused to testify

BLOEMFONTEIN. — The appeals against sentence by five men who refused to testify in a treason trial in the Natal Supreme Court were dismissed by the Appeal Court in Bloemfontein yesterday.

The court, however, reduced the sentence of a man who refused to take the oath at a trial in the Ciskei Supreme Court.

The unsuccessful appellants are Litha Jolobe, a student at the University of Swaziland; Bulelani Ngcuka, a Durban attorney; Nbulelo Hongo, an articled clerk of Durban; Mpilo Taho, a former student at Fort Hare University; and Luyanda Mpahlwa of Umtata, a student at the Durban Technikon.

Jolobe and those convicted wih him had refused to testify in the trial of Patrick Ntobeko Maqubela and two others in the Supreme Court in Maritzburg in August 1982.

Mr Justice J A van Heerden found they had no "just excuse" for their refusal. Jolobe and Mpahlwa were jailed for four years, Ngcuka and Hongo for three years and Taho for five years.

The successful appellant, Malusi Kunene of Mdantsane, had his sentence of 2½ years for refusing to take the oath in the trial of Mabone William Duna and three others, reduced to one year and nine months.

Kunene was sentenced by the Chief Justice of Ciskei, Mr Justice D S de Wet, after a summary inquiry in terms of the Criminal Procedure Act on July 19, 1982.

Yesterday's judgments were given by Mr Justice Howard (acting judge of appeal), with the concurrence of the Chief Justice Mr Justice Rabie and Mr Justice Galgut (acting judge of appeal).

Mr Justice Howard said none of the appellants in the Jolobe appeal contended that the trial judge had erred when he found that they had no "just excuse" for refusing to give evidence.

Their appeals were against sentence only, but their reasons for refusing to testify were nevertheless relevant to the question of sentence.

Also relevant were their personal circumstances and matters such as the nature of the case against them and the significance of the evidence which each was required, but refused to give.

Mr I Mahomed, for the appellants, had submitted that the trial judge misdirected himself in failing to attach sufficient weight to the cumulative effect of various factors relevant to the assessment of appropriate sentences.

These included their loyalty to the accused, their fear of ostracism, opprobrium and reprisals if they did testify, the fact they had been detained in effective isolation for long periods, and what he called their comparative immaturity.

Mr Justice Howard said he was not convinced the trial judge had overlooked or failed to give due consideration to any relevant factor. — Sapa.

Accused wrote notes on Marxism, court told

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E. Post

29/3/84

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A security policeman alleged in the Grahamstown Supreme Court today that an accused, Mr Douglas Tyutyu, had confessed to writing the notes on Marxist-Communist doctrine which were found with a hand grenade and other literature in a false-bottomed wardrobe at Mr Tyutyu's Kwazakele home on May 10, last year.

Lieutenant William Samuel Dennis said Mr Tyutyu had told him this while he was being held at Jeffreys Bay under Section 29 of the Internal Security Act.

Lt Dennis was testifying at the trial of Mr Tyutyu, 48, Mr Rufus Nzo, 54, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

The 11 men face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

Mr P N Langa, for the defence, said Mr Tyutyu claimed to have been assaulted by Lt Dennis and a Lt Smuts, at both the Walmer and Jeffreys Bay police stations before giving this information.

Lt Dennis denied this.

Lt Dennis told the court yesterday he had been in charge of a detachment of police who had undertaken a search of Mr Tyutyu's house in the presence of his wife, Dorris.

He said a piece of hardboard in the bottom of the wardrobe had lifted as they tilted the wardrobe and a quantity of notes, including sections entitled "Consipracy" and "No compromise in Southern Africa" had also been revealed.

Mrs Tyutyu had been surprised, he said.

Among the notes were some entitled "The parasitic classes, political upheavals in Southern Africa", "Resist total strategy" and "SACP (South Africa Communist Party) called to action".

He said there were enough Press cuttings of a political nature to fill a suitcase, as well as a Transkeian passport bearing a photo of Mr Tyutyu under another name.

Lt Dennis said a book entitled *Murder without the Icing* was found. It appeared quite innocent, but the content changed and instructions on the handling of explosives were found.

A security policeman, Lt G C F Smuts, told the court today of an identity parade of policemen on June 8, 1983, after an accused, Mr Nceba Christopher Faku, laid a complaint of assault against him.

Lt Smuts said Mr Faku told the head investigating officer in the case, Major H B du Plessis, that Lt Smuts had assaulted him at his home in Ximiya Street, New Brighton, on June 1.

Lt Smuts said he had been at Mr Faku's house with a group of policemen from the security police and the reaction unit and denied assaulting Mr Faku.

He said Mr Faku had pointed out Warrant Officer G van Greunen at the identity parade as the one alleged to have assaulted him. He did not believe WO Van Greunen had been with them when they went Mr Faku's house.

The case was postponed to Monday.

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

D. Distribute

331

Ciskei oath sentence reduced

27/3/84

BLOEMFONTEIN — The Appeal Court in Bloemfontein yesterday dismissed the appeals against sentence by five men who refused to testify in a security trial in the Natal Supreme Court.

However, it reduced the sentence of a man who refused to take the oath at a trial in the Ciskei Supreme Court.

The unsuccessful appellants are Litha Jolobe, a student at the University of Swaziland, Bulelani Ngcuka, a Durban attorney, Nbulelo Hongo, an articled clerk of Durban, Mpilo Taho, a former student at Fort Hare University and Luyanda Mpahlwa, a student at the Durban Technikon from Umtata.

Jolobe and those convicted with him had refused to testify in the trial of Patrick Ntobeko Maqubela and two others in the Supreme Court in Pietemaritzburg in August 1982.

The successful appellant, Malusi Kunene, of Mdantsane, had his sentence of two-and-a-half years for refusing to take the oath in the trial of Mabone William Duna and three others, reduced to one year and nine months.

Mr Justice Howard said, while it had not been shown that the inquiry into Mr Kunene's refusal to testify was irregular or inadequate, there could be no doubt that in sentencing him without affording him the opportunity of saying anything in mitigation, the trial court committed a gross irregularity which vitiated its decision on sentence. — SAPA.

Assault claims to be heard

GRAHAMSTOWN — The treason trial here has been postponed until Monday when a trial-within-a-trial, to contest the admissibility of confessions and statements allegedly made by the 11 accused to magistrates and police officers, is expected to commence.

Counsel for the 11 men have already placed before court, allegations of police assault, and cross-examination of a security policeman who allegedly witnessed an assault on one of the accused, was reserved yesterday until commencement of next week's hearing.

Lieutenant C. Smuts, of the Port Elizabeth security police, told the court yesterday that an identification parade was held in June last year after one of the accused, Mr Nceba Faku, had complained that police had assaulted him on the day of his arrest.

Evidence before the court earlier was that Mr Faku had denied knowledge when asked by the police at his home to produce a suitcase containing an AK47 rifle which was said to be in his possession.

When the police took him to a co-accused, Mr Sipho Hina, who was outside in a police car, Mr Faku then produced the suitcase which was kept at a neighbour's house.

Another assault allegation was made by Mr Douglas Tyutyu, one of the accused, who said he admitted that handwriting in marxist notes found in his house was his when police assaulted him while he was in detention at a police station in Jeffrey's Bay.

The allegation was denied by Lt W. Dennis who interrogated Mr Tyutyu about the notes. — DDC.

Bail: political inmates can apply — rules judge

JOHANNESBURG — In a precedent-setting decision, a Rand Supreme Court judge held yesterday that a political prisoner could apply for bail after conviction.

In his judgment, Mr Acting Justice Conradie said that an Attorney-General's order to prevent the release on bail of prisoners who might endanger the safety of the state or the maintenance of law and order, did not apply to a convicted prisoner.

The judgment follows an appeal by Isaac Genu against a refusal by a Krugersdorp regional court magistrate to consider the merits of the bail application.

Genu is expected to re-apply to the magistrate for bail.

Genu was convicted last year of being a member of the outlawed African National Congress, of taking part in its activities and of possessing banned literature.

He is serving an eight-year sentence on Robben Island.

His advocate, Mr S. L. Joseph, appealed against the magistrate's decision that it was competent for the Attorney-General to have exercised his powers in terms of Section 30 of the Internal Security Act.

This states that when any person has been arrested for committing an offence against the state, the Attorney-General may, if he considers it necessary, in the interests of the state and the maintenance of law and order, issue an order that such persons shall not be released on bail or on warning as contemplated in the Criminal Procedures Act.

As a result of this section, presiding officers in courts had automatically refused to hear bail applications.

In yesterday's judgment, Mr Justice Conradie said: "A convicted person cannot to my mind be described as an arrested person. No one would refer to him as being under arrest. His state of arrest ceases on his conviction.

"If the section had been intended to deal with convicted persons, the section would, surely, have commenced with the words 'whenever any person has been arrested or convicted of a charge . . .'."

The judge also said he was enjoined by high authority (in law) to interpret the provision affecting the liberty of the subject in a way which would make the least inroad upon that precious right. — SAPA.

'SP beatings burst my ears'

By KHULU SIBIYA

SECURITY Police interrogators beat up a man until both his ear-drums burst and he could not hear for two weeks.

The man, Mandla Ndlovu, made this claim in his evidence in the trial of Mr Victor Knox Simelane, 22, a fourth-year University of Zululand student facing charges of furthering the aims of the banned African National Congress.

Ndlovu told Magistrate J D Jaquire in Ermelo this week that two members of the Security Police, Sgt Johannes de Witt and Sgt Lisaphi Ngwenya, who are stationed at Ermelo, beat him up soon after he was arrested on November 11 last year.

"During the interrogation, four guns were placed in front of me and I was told to implicate my friend Knox because he is a university student and I was not educated.

"But even after the beatings, I did not say that Knox sprayed ANC slogans on walls," said Ndlovu.

Mr Simelane is alleged to have sprayed ANC slogans which read: "Apartheid Divides (sic) – ANC unites" and "Join ANC-Umkhonto We Sizwe" and "Long Live Mandala (Sic) – ANC".

Under defence cross-examination led by Advocate E D Moseneke, Sgt De Witt denied that he beat Mr Ndlovu, but said beating up detainees during interrogation was an old song – "so old that it has been sung before".

He also denied beating up Mr Simelane.

He said Mr Simelane voluntarily pointed out walls he allegedly sprayed.

"The accused was even given an option of making a statement to the Security Police or the magistrate. He opted to confess to the magistrate," said Sgt De Witt.

Mr Simelane said he made a statement to the magistate, because he was assured by Sgt Ngwenya that his case was not serious and he would be sentenced to 30 days in prison or fined R30 at worst.

Judgment will be passed today.

Ngoye student's ANC trial told of assaults

Sebe steps in to save bus drivers

CISKEI President Lennox Sebe has saved 240 bus company workers from dismissal.

The workers were due to be dismissed today – to join 300 colleagues laid off last year because of the increasing effects of the Mdantsane bus boycott.

But, President Sebe asked CTC officials to postpone the retrenchments for a month "on humanitarian grounds".

Although this will cost CTC R500 000 – they have already lost about R5-million in the boycott – the company has decided to comply with the request.

CTC managing director Hans Kaiser told City Press he was not sure how much longer the boycott would continue. Company officials are presently negotiating with the commuters' Committee of Ten.

Confessions: treason trial postponed till ruling

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — The treason trial was today postponed until tomorrow when argument will be heard on whether confessions made by the accused in detention can be used by the State without submitting them to the defence.

Mr Justice Howie will be called upon to make a ruling after argument.

Only then can the trial within a trial — in which the defence will contest the admissibility of the confessions — begin.

The chief investigating officer in the case, Major H B du Plessis, told the court today that an accused, Mr Rufus Nzo, had pointed out several places to him while he was in detention in May, 1983.

Mr Nzo had shown him the house of "Old Man" — a fellow acccused, Mr Douglas Tyutyu — at No 11878, Site and Service.

They found Mr Tyutyu leaving work at the Ford plant in Neave Township and Major Du Plessis took Mr Tyutyu to the police station.

Major Du Plessis said another accused, Mr James Ngqondela, had also pointed out a home at Stonehill, Veeplaas, belonging to one of the State witnesses who cannot be named.

They had dug in the backyard and discovered a brown travel bag containing two limpet mines and AK47 rifle magazines.

The 11 men accused are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring wanted persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machineguns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Treason trial application turned down

331
E. Post
3/4/84

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A defence counsel application to prevent statements made by the accused when they were in detention being put before the court was refused by Justice Howie in the Grahamstown treason trial today.

Mr Justice Howie said he accepted that the statements in issue constituted information for the State and ruled that the State could divulge them and seek to prove their admissibility in a "trial within a trial", which would consequently follow.

"If the argument for the accused was that the State can't produce what was revealed under interrogation, then it is in conflict with the object of the Internal Security Act," he said.

The context of Section 29 of the Act had to be considered and, according to the Act's preamble, its aim was to provide for the security of the State, to maintain law and order and matters connected therewith.

He said counsel for the defence had indicated that the admissibility of the statements made by the accused would be contested with regard to whether they were made voluntarily or not, and the trial within a trial would now be necessary to decide this.

The trial was postponed to later this afternoon to allow for discussions between the defence and the State on the procedure the trial within a trial would take.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

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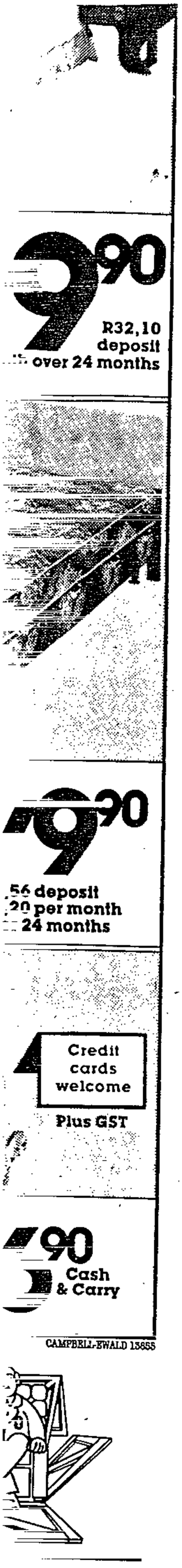

Council man to 'go on serving'

Municipal Reporter

A PORT ELIZABETH Ward 7 city councillor, Mr Elwyn Harlech-Jones, who announced last night that he would not be available for re-election in the September municipal election, does not discount the possibility of standing for council in the future.

Mr Harlech-Jones, who has served on the council for the past four years, said he was standing down for personal and business reasons.

However, he said he would continue to serve the community in his professional capacity and also on the many organisations where he was actively involved.

He said civic affairs were in his blood.

"I will definitely continue to be active in ratepayers' affairs and if I feel the need I may stand for council again," he said.

Before being elected to council, Mr Harlech-Jones was chairman of the Central Executive of Port Elizabeth Ratepayers' Associations for three years.

Epcos man says he was not at Biko meeting

Court Reporter

A PORT ELIZABETH man, Mr Ihron Rensburg, told a Port Elizabeth magistrate today that he had not attended a meeting in the Daku Hall.

Mr Rensburg, 23, vice-president of the Eastern Province Council on Sport, (Epcos) and Mr Allan Zinn, 27, the secretary of Epcos, were charged with being in a black area without a permit.

Both pleaded not guilty at an earlier hearing to being in Njoli Road, Kwazakele, without permits on September 10.

Mr Rensburg, a pharmacist, told the court he had handed over a paper he had prepared to a man on the corner of Struandale and Daku Roads, that afternoon.

The paper was to be read at a meeting commemorating Steve Biko, organised by the Azanian Peoples Organisation at the Daku Hall.

Mr Rensburg said that at no time was he or Mr Zinn at the hall. He said he was not aware that Struandale Road was in New Brighton.

He said in his capacity as vice-president of the Kwazakele Soccer Board he had been in the township on many occasions.

He had recently heard that it had been reported in newspapers that permits were no longer necessary to enter townships for sport.

He said his brother, who had used Struandale Road to get to work for the past four years, had never been stopped.

He said he had been harassed by security policemen in the past and that the policemen were being untruthful in saying they had seen him and Mr Zinn leave the premises of the Daku Hall.

Mr Zinn, a teacher, said as far as their sports bodies were concerned they played wherever and whenever they could. It was absurd to go to all the trouble of securing permits for the whole team, he said.

(Proceeding)

Mr I S Van der Merwe was on the bench. Mr R O'Brien appeared for the State. Mr Y Ebrahim appeared for the defence.

Sullivan nominated candidate

Municipal Reporter

MR PETER SULLIVAN was last night nominated the official Ward 3 Civic Association candidate in the forthcoming Port Elizabeth City Council elections in September.

He was nominated unanimously despite a proposal by a former city councillor, Mr Abraham Karstaedt, that the nomination should be postponed to July.

Mr Karstaedt said to spring a nomination meeting suddenly in April made it look as if the association was "grooming an individual for the position".

He said the prestige of the association would be enhanced if the nomination was postponed to give other people the opportunity to stand.

Opposing Mr Karstaedt, the other ward councillor, Mr Aubrey Braude, said nomination in April would not prejudice any other candidate.

He said early nomination was useful because an election took a great deal of preparation.

The ratepayers' association should become involved at an early stage to assist the nominated candidate, he said.

Mr Sullivan, who has served the ward for eight years, was proposed by Mr Bruce Mann and seconded by Mr Braude.

● The association also decided to write to the council requesting that the Horse Memorial be left in lower Cape Road.

Identity of body sought

Crime Reporter

RAILWAYS police need help in identifying the body of a young man which was found on the railway line between New Brighton and

Poland gets more Bibles than ever

Post Reporter

ABOUT 450 000 Bibles, most of them printed in Poland on paper from Western Bible societies by the Polish Bible Society, were distributed in Poland during the past four years.

This represented a dramatic increase in the number of scripture portions circulated in Poland, according to the Bible Society of South Africa.

Two youths arrested in Cradock

331 E. Post 3/4/84

Post Reporter

TWO 14-year-old youths have been arrested in Cradock on charges of intimidation arising from the schools boycott and are expected to appear in the Cradock Magistrate's Court tomorrow.

Two women, aged 36 and 46, who were detained for questioning on a charge of public violence and were expected to appear in court today, have been released and a man who was arrested at the same time, Mr Thiswe Mqgabuzana, 18, appeared briefly in the Cradock Magistrate's Court today on a charge of public violence.

He was remanded in custody until April 11.

Mr Roy Calata, 27, appeared in the Cradock Magistrate's Court today on a charge of public violence and was remanded in custody until April 11.

This brings the number of people being held for public violence stemming from a brief flare-up in the township last weekend and intimidation to 18.

This is in addition to four people who were detained on Friday under Section 28 of the Internal Security Act.

They are Mr Matthew Goniwe, the dismissed former secondary school vice-principal and the chairman of the Cradock Residents' Association (Cradora), Mr Mbulelo Terrence Goniwe, organiser of Cradora and publicity liaison officer of the Cradock Youth Association (Cradoya), Mr Fort Calata, chairman of Cradoya and treasurer of Cradora, and Mr Madoda Jacob, former headboy of the newly-opened Linglihle Secondary School.

Attendance at the seven schools in the township today was slightly better than yesterday with an attendance of about 90 — compared with about 60 yesterday.

Police have given the assurance that all pupils wishing to return to school would be afforded every protection and that intimidation of pupils would be firmly dealt with.

G'town treason trial adjourns for 2 weeks

GRAHAMSTOWN — An internal hearing which was supposed to have started yesterday in the treason trial here was delayed when the Supreme Court decided to take a midweek two-week recess a day before the scheduled time.

This new development came after Mr Justice Howie had refused an application by counsel for the 11 men for a ruling preventing the submission before court of confessions made by the accused while they were in detention in terms of Section 29 of the Internal Security Act.

Applying for an early adjournment, the deputy attorney-general, Mr P. J. Strauss, SC, said he needed time to consult with the defence on what procedure the trial-within-a-trial would take.

Mr Strauss indicated at an earlier stage of the trial that the prosecution intended making use of the confessions in furthering its case, and he added yesterday that copies would be available for the defence.

It was part of the arrangement with the defence, Mr Strauss continued, that counsel would take today — which would have been the last day before the recess — off to compile a list of police officers who would be involved during the internal hearing.

On Monday, April 16, the state will lead evidence in an endeavour to prove that the confessions are admissible while the defence will contend that they were not made voluntarily and are therefore inadmissible.

The 11 accused are Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumnege, 29, and Mr Nceba Faku.

It is alleged that they conspired in an attempt to overthrow the state and that they took part in the activities of banned organisations. They have also pleaded not guilty to numerous other charges, including murder, fraud and possession of firearms. — DDC

Treason trial pair trained by ANC

LOUIS TRICHARDT — Two men charged with high treason yesterday told the Louis Trichardt Circuit Court about the training they received for the military wing of the ANC.

They are Mr Phillemon Morake and Mr Frans Ranoto, both 28 years old, who have pleaded not guilty to high treason, terrorism and attempted murder before Mr Justice W V McCreath.

After the State had closed its case, Mr Morake admitted having left the country illegally for Lesotho in 1978.

Later he was moved to the Quibaxe camp in Luanda where he received basic training in the handling of firearms, topography, drill, politics, tactics and physical training.

He was later selected with a group of 30 ANC trainees to go to East Germany for specialist training.

Mr Ranoto told the court that before he left the country in 1977 he had witnessed two girls being shot, one fatally, by the police in Soweto during the June 1976 uprisings. The pupils were peacefully demonstrating against Afrikaans being a medium of instruction when they were shot, he said.

He left South Africa for Swaziland and later received training in Russia. — Sapa.

Argus 5/4/84

Son of Sebe not an honest witness'

Staff Reporter

BISHO. — Defence counsel conceded in a terrorism trial here that Mr Khambashe Sebe, son of the former security chief Mr Charles Sebe, was not an honest witness.

Mr Dayalin Chetty said he had "great difficulty" arguing Mr Sebe's case. He could not argue against the main charge of terrorism, as a statement in which Mr Sebe had admitted to shooting at a Cabinet minister's house last year had been accepted as admissible court evidence.

He did not dispute charges of unlawful possession of firearms. Mr Chetty, who said "he could not say" that Mr Sebe had been an honest witness, argued against charges of illegal possession of explosives and driving an official car unlawfully.

COUSINS

It is alleged that Mr Sebe, his cousins Mr Colin Sebe and Mr Toni Sebe, and Mr Mbulelo Xaba, drove to the minister's house on the night of July 14 last year and that Mr Khambashe Sebe fired several shots.

Mr Piet Oosthuizen SC, for the State, called for the conviction of Mr Xaba on charges of terrorism and using an official car unlawfully. He said Mr Xaba had driven the men to the house.

Mr Colin Sebe and Mr Toni Sebe should be convicted for failing to report the incident and for using the vehicle illegally.

Three jailed for theft of liquor

Court Reporter

A POLICEMAN who with two men robbed a Factreton woman of liquor worth R29 was sentenced

Stop u

CITY

Caroline hopes to be

Caroline Cardew, Miss Stuttafords, s

Outsider for treason trial

NEXT month's high treason trial in Pietermaritzburg is to be presided over by an Eastern Cape judge, Donald Kannemeyer, because charges include the bombing of the city's supreme court.

Three young men, Duma Gqubule, 19, Sithabiso Mahlobo, 25, and Benedict Anthony Martins, 27, face a number of counts including terrorism and high treason at a trial starting on May 2.

Natal's Judge President, Judge John Milne, confirmed that Judge Kannemeyer would preside, adding that it was necessary for people to see that justice was impartial

11/4/84 (331) D. Dingstone

ANC members guilty

LOUIS TRICHARDT — Two ANC members, Phillemon Modisagarekoe Morake and Frans Madumetsa Ranoto, both 28, were found guilty yestrerday in the Circuit Court here of high treason and attempted murder.

They pleaded not guilty of high treason, terrorism and attempted murder.

Before passing judgment, Mr Justice McCreagh said that although the accused had pleaded not guilty, it became apparent after certain admissions during the trial that they were in fact guilty.

He found that from 1976 to 1979 the accused were members and active supporters of the ANC.

He found there was a conspiracy between the accused and the ANC to further the aims of the organisation.

Both Morake and Ranoto had received military training outside the border of South Africa.

In 1979 Morake was in Mozambique and Angola where he became a member of the ANC military wing, Umkhonto We Sizwe.

Ranoto became a member of ANC's military wing in 1977 and received instructions under Cuban instructors in Angola. He also received training in the handling of firearms and explosives and received his specialised training in Russia, Mr Justice McCreagh said.

Finding the two guilty of attempted murder, Mr Justice McCreagh said that on or about June 10 last year Ranoto fired at members of the police and by so doing he foresaw the possibility that by his actions he could have caused the deaths of one or two people.

The judge rejected Ranoto's efidence that during the confrontation he fired shots above the heads of the police to give members of his band a chance to flee. — SAPA.

ANC men guilty on treason charges

RDM 10/4/84 (331)

LOUIS TRICHARDT. — Two ANC members, Phillemon Modisagarekoe Morake and Frans Madumetsa Ranoto, both 28, were yesterday found guilty in the Louis Trichardt Circuit Court of high treason and attempted murder.

They had pleaded not guilty.

Mr Justice W C McCreagh found that from 1976 to 1979 the accused were members and active supporters of the ANC.

He also found that the two, before becoming members of the ANC, were aware of the organisation's objectives and that there was a conspiracy between the accused and the ANC to further the aims of the organisation.

In 1979 Morake was in Mozambique and Angola where he joined the ANC's military wing, Umkhonto We Sizwe and received training in the handling of firearms, topography, drill, politics and tactics.

He was later selected, together with about 30 ANC trainees, for specialist training in East Germany.

Ranota became a member of ANC's military wing in 1977 and received training under Cuban instructors in Angola.

He was also trained in the handling of firearms and explosives and received specialised training in Russia.

In 1978 Ranota went to a Zipra camp in Zambia with elements of Joshua Nkomo's forces and was later selected to go to Zimbabwe where, with other ANC members, he was supplied with Zipra uniforms and weapons.

Finding the two guilty of attempted murder, Mr Justice McCreagh said that on or about June 10 last year Ranoto fired at policemen and by doing so foresaw the possibility his actions could have caused deaths.

The judge rejected Ranoto's evidence that during the confrontration he fired shots above the policemen's heads.

Mr Justice McCreagh said the two infiltrated the Republic from Zimbabwe on a mission to recruit members, study South Africa and establish ammunition caches. — Sapa.

2 ANC men get 12 years in jail

LOUIS TRICHARDT. — Two members of the African National Congress were convicted of high treason and sentenced to 12 years' imprisonment by the Louis Trichardt Circuit Court yesterday.

Phillemon Modisa Garekoe Morake and Frans Madumetsa Ranoto, both 28, had pleaded not guilty to high treason as well as to charges of terrorism and attempted murder before Mr Justice W C McCreath.

A ruling on leave to appeal against their sentences was reserved by the judge.

Both had admitted joining the ANC and leaving the country illegally to receive military training.

The judge said the court should bear in mind the extent of the crime committed and the public interest.

He was also prepared to look at the personal circumstances of the two men.

Morake was in Bloemfontein during the political upheaval of June 1976 and 1977. Though not involved in the burning of buildings, he was made to sign an undertaking by the police not to involve himself with the disturbances. He left the country after more buildings burnt, fearing arrest.

Ranoto, born in Nylstroom, later moved to Johannesburg and was told about the ANC by a Mr Mallele.

He saw police shoot students and thought they were to blame for the disturbances of 1976.

He then heard that Mr Mallele had died in police custody and, when told police were "after" him, fled the country. — Sapa.

ANC men get 12 years for high treason

331
12/4/84 Star

LOUIS TRICHARDT — Two members of the banned African National Congress were convicted of high treason by the Louis Trichardt Circuit Court yesterday and sentenced to 12 years' jail.

Phillemon Modisa Garekoe Morake and Frans Madumetsa Ranoto (both 28) had pleaded not guilty to the main charge of high treason and charges of terrorism and attempted murder.

Both admitted joining the ANC and leaving South Africa illegally to receive military training.

Morake, who left in 1978, received training in Angola and East Germany, where he was taught to use firearms — particularly the AK-47 assault rifle.

The judge said Morake was under the impression that it would not be long before the ANC liberated his people.

Ranoto, who left in 1977, became a member of the ANC militay wing and received training under Cuban instruction in Angola. He was also trained in the handling of firearms and explosives, and later received specialised training in Russia.

In 1978 he went to a Zipra camp in Zambia with elements of Mr Joshua Nkomo's forces, and was later selected to go to Zimbabwe where, with other ANC members, he was supplied with Zipra uniforms and weapons.

Before sentencing the two men, the judge said the court should bear in mind the extent of the crime committed and the public interest.

Mr Justice McCreath said high treason was a serious crime and the death sentence could be passed on people found guilty.

The purpose of the two men's mission to South Africa was to study the terrain, recruit for the ANC, and establish an arms cache. — Sapa.

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Police disperse crowd of 1 000

CAPE TIMES 12/4/84 331

Own Correspondent

PORT ELIZABETH. — Trouble flared at the Cradock township of Ilingelihle yesterday where a 1 000-strong singing and chanting crowd was dispersed with tearsmoke.

There were reports last night that a shopkeeper's house was stoned and two youths — aged 14 and 15 — were picked up by the police during the disturbance.

According to Lieutenant-Colonel Gerrie van Rooyen, police liaison officer for the Eastern Cape, nearly 1 000 people stormed and stoned police after they were warned to disperse, following a march through the township.

He said the trouble started when about 25 people returning from the trial of Mrs Sheila Calata, wife of one of the men detained in recent Cradock unrest, Mr Ford Calata, gathered in a group outside the township.

He said the crowd tried unsuccessfully to get pupils to leave schools, following the conviction of Mrs Calata, who was sentenced for wearing an illegal T-shirt.

Mrs Calata, who appeared in the Cradock Magistrate's Court yesterday morning for wearing a "Free Mandela" T-shirt, was found guilty and fined R250 (or three months) with a further three months conditionally suspended for three years.

Too late for classification

DEATHS

CLOETE. — Fanie, past District Governor (1967-68) Lions International District 410A, passed away peacefully April 9, 1984. Deeply mourned and always remembered for his outstanding service to the underprivileged by all his fellow Lions. Sincere condolences to Salome and all his family.

DE GRUCHY. — Constance Havergal, passed away peacefully on Wednesday, April 11, 1984. Deeply mourned by Leslie, Rosemary, Susan, Allan and Richard. Funeral service to be held at Holy Redeemer Church, Sea Point, on Friday, April 13, at 10.30am. Cremation private. Donations may be sent to Holy Redeemer Church Fund.

WERTH. — Erich, passed away suddenly on April 11, 1984. Deeply mourned and sadly missed by his sister Frieda, Kosie and family.

A 'different' art exhibition

Staff Reporter

AN ART exhibition with a difference opened in Cape Town yesterday, in the building which used to house the People's Space theatre.

Set to run till Saturday April 14, the object of the exhibition is to show local artists and craftsmen in action, with various Cape Town artists keeping demonstration tables in the formerly derelict building.

The exhibition has been organized by the South African National Gallery, the SA Association of Arts and the Cape Art Dealers' Society. On view are a puppet theatre, silk screening, pottery, glass-blowing, weaving, lacework, terracotta sculpture, quilt-making and icabana.

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crack of dawn

"Name? . . . Age? . . . Father's nationality? . . . Time over the 1 500 metres?"

Zola Budd e

LONDON. — The International Amateur Athletics Federation yesterday declared that Zola Budd was eligible to run in the Los Angeles Olympics in August.

The IAAF statement came as the row over her new British status continued with fresh criticism coming from both Tory MP Mr Nicholas Fairbairn and a Church of England group.

They joined the opposition Labour Party in condemning the special treatment which the British Government accorded Zola in giving her United Kingdom citizenship in just 10 days when other people have to wait years.

Mr Fairbairn said: "It is totally outrageous. There are plenty of people — for example white Rhodesians who fled from the trouble there to South Africa — with the same qualifications as this wretched girl, but who don't happen to be athletes."

He expressed disquiet at the contrast between the treatment of Zola and that of many more desperate applicants for British citizenship.

"The speed with which Zola Budd's case has been dealt with will not help to convince people of the fairness and justice of the law," the A[illegible]

...ut ANC

But Swazi sources said about eight ANC men were believed to have got away and about seven were held by police.

Unconfirmed reports said one man was wounded in the fierce exchange of fire, but his identity was not known.

According to another unconfirmed report circulation in Mbabane, about 30 refugees were being held in Swazi police custody.

Why does Pretoria love Savimbi?

— Page 4

'GED'

ATTLE

AFTER THE FIRE— SAAWU VOWS TO PUSH FOR UNITY

— Page 4

Ciskei puts first Saawu ban 'victim' in the dock

A 24-year-old King Williams's Town man made history this week — he is the first person ever to be charged in the country with being a member of a trade union.

By BRUCE COHEN

Mr Albert Whittles, 24, a factory worker, made a brief appearance in the Zwelitsha Magistrate's court this week charged with being a member of the SA Allied Workers' Union (SAAWU).

Mr Whittles, who neither lives or works in Ciskei was detained by Ciskei Security Police in Dimbaza two weeks ago.

Last year SAAWU was outlawed by the Sebe government soon after the launch of the Mdantsane bus boycott.

Ciskei claimed the union was a danger to national secutiy and public peace.

Mr Whittles is the first court victim of the SAAWU ban which prohibits membership of the union, posession of documents or membership-cards — and even SAAWU T-shirts.

He was remanded in custody until April 17.

Labour experts yesterday warned that the trial could have far reaching consequences in the area as the East Cape is a SAAWU stronghold.

Thousands of SAAWU members live in Ciskei but work in SA, where the union is not outlawed, and a clampdown on union members by Ciskei authorities could have serious industrial relations effects.

They'll have to drag us into hell . . .

— Page 7

Top Inkatha man in court — Page 3

Home Press

Sex and you

Have you seen what Sis Zodwa has to say about sexual problems?

You can read all about it in Home Press . . .

The Queen's Life Guards. London's most senior regiment.

RDM 16/4/84 (331)

Buthelezi takes lid off events leading to trial

By PATRICK LAURENCE
Political Editor

CHIEF Gatsha Buthelezi, president of Inkatha and Chief Minister of KwaZulu, has spoken publicly for the first time of the events which led him to give evidence for the State in a major security trial 15 years ago.

One of the accused in the trial, Ms Dorothy Nyembe, 54, was released from prison last month after serving 15 years for harbouring members of the African National Congress.

The co-accused in the trial of Ms Nyembe and 10 men included the imprisoned African National Congress leaders, Nelson Mandela and Walter Sisulu, as well as the present president of the ANC, Mr Oliver Tambo.

In his account, in a speech in Soweto on Sunday, of the events which led to him being subpoenaed to give evidence for the State, Chief Buthelezi referred to Ms Nyembe as a "patriot" — but one whose understanding of the struggle was beyond her "limited comprehension".

Ms Nyembe came to see him in 1968 at his home "with the first insurgents of the external mission of the ANC", not knowing that one of the men who came with her was "already in cohoots with the Security Police", Chief Buthelezi said.

He did not report the visit as required by law, he added, and, as a consequence, the Security Police wanted to arrest him but were instructed not to do so by the former Prime Minister Mr John Vorster.

Mr Vorster advised the Security Police to interrogate him instead.

During the subsequent interrogation, Chief Buthelezi discovered the Security Police "knew just about every word we discussed with Dorothy Nyembe and her companions".

Ms Nyembe had herself been arrested in the meantime and had talked about the visit to him, Chief Buthelezi said, adding that he did not blame her for doing so because of the "severity and callousness" of the Security Police.

Chief Buthelezi said: "In these circumstances I was subpoenaed to give evidence of what the police had already been told by their informer and Dorothy Nyembe."

Referring to a later meeting with members of the "External Mission of the ANC", Chief Buthelezi said: "They were appalled to learn of what Dorothy Nyembe did in bringing insurgents to my home at KwaPhindangene.

"It has always been the policy of the ANC that my hereditary position (as a senior Zulu chief) was too important in the struggle and that it should not under any circumstances be jeopardised," he said.

His decision to "narrate in detail" what had happened was to prevent young people from being confused by the "distortions of certain political pipsqueaks", he said.

Court told of police threat to accused

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A man thought to be part of a group which planned to blow up a Port Elizabeth oil depot, alleged at the Grahamstown treason trial today that a security policeman warned him he would find out who killed Steve Biko, the black consciousness leader who died in dentention.

Mr P N Langa, for the defence, said the accused, Mr Rufus Nzo, 24, maintained that Lieutenant-Colonel N J Janse van Rensburg, of the security police in Port Elizabeth, said this to him after his arrest on May 8, 1983.

The court heard during the commencement of a trial within a trial yesterday that Mr Nzo had exhibited detailed knowledge of the explosions in Port Elizabeth between 1981 and 1983, and confessed to having undergone military training.

The court heard that he had sketched on a piece of paper the devices used in two explosions in Port Elizabeth. He is also said to have told police that the BP Oil Company's Port Elizabeth depot was the "next target".

Mr Langa told the court today Mr Nzo would say he was handcuffed and placed in leg irons while undergoing interrogation in Aliwal North, on May 8.

Mr Nzo would also say he was questioned and assaulted by Captain Roelofse and Lt-C Janse van Rensburg when he was sitting in the back of the car which they wre taking him back to Port Elizabeth.

Mr Langa said Mr Nzo's nose was bleeding when he reached the Sanlam Building in Port Elizabeth.

Lt-Col Janse van Rensburg told the court during cross-questioning by Mr Langa that Mr Nzo had been quite calm after questioning in Aliwal North and had not complained of any mistreatment.

Lt-Col Janse van Rensburg denied that Mr Nzo had ever been placed in leg irons during questioning or that any of them had assaulted him in Aliwal North or on the way to Port Elizabeth.

He said it was quite untrue that he had made any references to Steve Biko.

The 11 accused are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Oil depot in PE was target, court told

GRAHAMSTOWN — A Port Elizabeth oil depot was allegedly earmarked as a target by a group which caused last year's bomb explosions at the offices of the Port Elizabeth Community Council and the Swartkops railway line.

This was alleged in the Grahamstown treason trial yesterday.

Lieutenant W J de Lange, Security Police branch commander at Aliwal North, said he thought Mr Rufus Nzo, one of the accused was playing the fool when, without pressure being brought to bear on him, he showed detailed knowledge of the explosions in Port Elizabeth and admitted having received military training.

ACCUSED

The 11 accused are Mr Nzo (24), Mr Douglas Tyutyu (48), Mr Sipho Hina (44), Mr James Ngqondela (54), Mr William Kame (57), Mr Mzimkulu Kame (22), Mr Sipho Nodlawu (35), Mr Vukile Tshiwula (43), Mr Lindile Mbelekana (27), Mr Wellington Gumnege (29) and Mr Nceba Faku.

They have pleaded not guilty to conspiring to overthrow the State and taking part in the activities of banned organisations. They have also pleaded not guilty to numerous other charges, including murder, fraud and possession of firearms.

Mr Nzo alleges that the Security Police cursed and kicked him during interrogation and that his hands were handcuffed behind his back and his legs placed in irons.

A hearing to examine the admissability of confessions allegedly made by 10 of the accused while in detention started yesterday after a two-week recess.

Lieutenant de Lange, the first witness called by the State yesterday, said he was on patrol in Aliwal North in May last year when he stopped a minibus to examine the passengers' travel documents.

He said that Mr Nzo, who was sitting at the back of the bus, appeared nervous. He found that the picture on Mr Nzo's travel document had been tampered with and the document was issued in the name of a man he knew to have left the country unlawfully.

He asked Mr Nzo to accompany him to Security Police offices to examine his travel documents further. The other passengers were allowed to go.

On the way to the office, Lieutenant de Lange continued, Mr Nzo said he wanted to tell the truth about having undergone military training and about being responsible for one of the explosions in Port Elizabeth.

Lieutenant de Lange said that when they got to the office Mr Nzo told him that a friend known as James died in the New Brighton explosion and he lost a machine gun magazine in the railway line explosion.

The lieutenant said Mr Nzo sketched on a piece of paper the devices used in the two explosions. He also wrote "BP" and said the oil company's Port Elizabeth depot was the next target.

Lieutenant de Lange said Mr Nzo was given a Security Police album containing pictures of more than 2 000 people who had fled the country. Mr Nzo pointed out 31 he knew and gave names of 25 places outside South Africa where he said he had met them.

ANC LEADER

Among those pointed out were Mr Oliver Tambo, president of the African National Congress, and Mr Thozamile Botha, an exiled Port Elizabeth civic leader.

Lieutenant de Lange said Mr Nzo provided the information voluntarily and was under no duress.

Mr P N Langa, defending, said Lieutenant de Lange's story that Mr Nzo had given information spontaneously was improbable.

He said Mr Nzo would deny writing "BP" on a piece of paper and saying it was the next target. Mr Nzo would say he was threatened by Warrant Officer Bezuidenhout who was with Lieutenant de Lange.

The trial continues. — Sapa.

Court told PE oil depot next target

331
D. Dispatch
17/4/84

PORT ELIZABETH — A local oil depot was earmarked as a target by a group which had allegedly engineered last year's bomb explosions at the offices of the Port Elizabeth community council and the Swartkop's railway line, it was claimed in the Grahamstown treason trial yesterday.

Lieutenant W. J. de Lange, security police branch commander at Aliwal North, said he thought Mr Rufus Nzo, one of the 11 men appearing in the trial, was "playing the fool" when he exhibited detailed knowledge of the explosions in Port Elizabeth and confessed to having received military training without pressure being brought to bear upon him.

Mr Nzo alleges that the security police cussed and kicked him during interrogation. He further alleges that his hands were handcuffed behind his back and his legs were placed in irons.

A trial-within-a-trial to contest the admissibility of confessions made by ten of the accused while in detention started yesterday after a two week recess.

Lt De Lange, the first witness called by the state to testify in the internal hearing, said he was on patrol in Aliwal North in May last year when he stopped a micro bus and asked to examine the passengers' travel documents.

He said his attention was drawn to Mr Nzo who sat in the back and appeared nervous. He found that the picture on Mr Nzo's travel document had been tampered with and it was issued in the name of a man he knew to have left the country unlawfully.

He said he asked Mr Nzo to accompany him to security police offices to examine his travel documents further. The other passengers were allowed to go.

On the way to the office, Lt De Lange continued, he asked Mr Nzo to comment on the validity of his travel document and it was then the accused said he wanted to tell the truth — about having undergone military training and about being responsible for one of the explosions in Port Elizabeth.

Lt De Lange said when they got to the office, Mr Nzo told him a friend known as James died in the New Brighton explosion while he (Mr Nzo) lost a She-Peterson machine gun magazine on the railway line explosion.

He said Mr Nzo sketched on a piece of paper the devices used in the two explosions. He also wrote the letters BP and said the oil company's PE depot was the "next target."

Lt De Lange went on to tell the court that Mr Nzo was given a security police album with more than 2 000 pictures of people who had fled the country. Mr Nzo pointed out 31 he knew and gave names of 25 places outside South Africa where he had met them, he said.

Among those pointed out was Mr Oliver Tambo, leader of the ANC, and Mr Thozamile Botha, exiled former Port Elizabeth civic leader.

Lt De Lange said Mr Nzo provided the information voluntarily and was placed under no duress. He was handed over to the Port Elizabeth security police that same night.

Cross examined by Mr P. N. Langa for the defence, Lt De Lange said Mr Nzo was first handcuffed when he was handed to Colonel Van Rensburg, who had driven from Port Elizabeth with two others to fetch Mr Nzo. Up to that point Mr Nzo had been at ease, he said.

Mr Langa said Lt De Lange's story that Mr Nzo had given information spontaneously was improbable.

He said Mr Nzo would deny writing the letters BP on a piece of paper, saying it was the next target. Mr Nzo would say he was threatened by Warrant-Officer Bezuidenhout who was in Lt De Lange's company.

To Lt De Lange's testimony that the three of them (De Lange, Bezuidenout and Nzo) had sat around eating and smoking, between 3.30 pm and 9.15 pm, while waiting for police from Port Elizabeth to fetch Mr Nzo, Mr Langa said: "I put to you that it is improbable you would have spent the afternoon in such a boring way. Mr Nzo will say it was a very busy afternoon. You were interrogating and beating him up".

The trial continues today. The 11 accused are Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipha Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumnege, 29, and Mr Nceba Faku.

It is alleged that they conspired in an attempt to overthrow the state and that they took part in the activities of banned organisations. They have also pleaded not guilty to numerous other charges, including murder, fraud and possession of firearms.

They are appearing before Mr Justice Howie. With him on the bench as assessors are Mr R. P. Barnes and Mr E. A. Logie. Mr P. J. Strauss, SC, assisted by Mr W. Kingsley, is appearing for the state. Mr R. L. Selvan, SC, Mr P. Langa and Mr A. Jappie, appearing for the accused, were instructed by Thole Majodina and Company of Port Elizabeth and N. N. Dullabh of Grahamstown.

COURTS

Ciskei terrorists get total of more than 48 years

Argus Bureau

EAST LONDON. — Four Mdantsane men have been jailed for a total of 48 years and six months following a two-year terrorism trial in the Ciskei Supreme Court in Bisho.

Mr William Duna, Mr Bayi Keye and Mr Luyanda Mayekiso will serve effective three-year sentences, while Mr Dumisani Maninjwa will serve a 3½-year term.

At the end of the hearing yesterday Mr M T K Moerane, for the defence, said he intended petitioning the Chief Justice of South Africa for leave to appeal against the conviction and sentences and to allow a special entry of alleged irregularities in the trial.

REFUSED

Chief Justice de Wet refused leave to appeal and the special entry.

The four men, who have been in custody for almost three years, were found guilty of terrorism charges, participating in ANC activities, being members of the ANC and possessing banned literature.

They were sentenced to two six-year imprisonment terms which will run concurrently. Mr Maninjwa was sentenced to a further six months for possession of banned literature.

Three years of each of the two six-year sentences were conditionally suspended for five years.

IRREGULARITIES

After Mr Justice de Wet turned down an application for leave to appeal against the conviction and sentences, Mr Moerane applied to make a special entry.

He submitted there had been five irregularities in the trial: investigating officers had transported certain State witnesses to and from the trial; a ruling that no evidence that would reveal the identity of a witness be allowed; a decision on the admissibility of confessions was made by the full court and not by the judge alone; and a ruling had allowed certain evidence from an inadmissable statement.

Mr Justice de Wet refused the applications.

PE colonel's trip explained

(331) D-Dispatch 18/4/64

PORT ELIZABETH — A high-ranking Port Elizabeth security policeman took a ten-hour round trip to Aliwal North to fetch one of 11 men appearing in the Grahamstown treason trial, and arranged from the North East Cape town for a pre-dawn interrogation session, the Supreme Court heard here yesterday.

Colonel N. J. J. van Rensburg, now second in command of the Security Police in the Eastern Cape, said he went personally to fetch Mr Rufus Nzo from Aliwal North because a message he had received about his detention via the chief investigating officer, Major H. B. du Plessis, was vague.

He denied that during the five-hour drive back to Port Elizabeth Mr Nzo was subject to sporadic questioning interspersed with assaults. He said a Captain Roelofse had asked Mr Nzo a few questions after they had left Aliwal North but he had ordered that this be stopped because Mr Nzo was speaking so softly they could hardly hear him.

They arrived in Port Elizabeth at about 4 am and found Major Du Plessis waiting for them, he said.

He took no further part in the investigation of the case but visited some of the accused during their detention to see if they had any complaints to lodge about their treatment.

Mr P. Langa for the defence, put it to the witness that Mr Nzo would say he was assaulted by Captain Roelofse on the way to Port Elizabeth.

He was asked, the defence counsel continued, if he knew who had killed Steve Biko, the former black consciousness leader, and told that he would find out when they got to the Security Police offices in Port Elizabeth.

Mr Langa also put it to Col Van Rensburg that before the three security policeman (Van Rensburg, Roelofse and Du Plessis) arrived at their office, Mr Nzo's head was covered with his own jacket, making it difficult for him to breathe.

He was assaulted further in a lift when they got to the building, and the jacket was only removed from his head in an office on the building's upper floor, Mr Langa said.

The trial continues today.

The 11 accused are Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumnege, 29, and Mr Nceba Faku.

It is alleged that they conspired in an attempt to overthrow the state and that they took part in the activities of banned organisations. — DDC

ANC 4 jailed after a 2-year trial

FOUR Mdantsane men were sentenced to a total of 48 years' and six months' imprisonment at the end of a two-year terrorism trial in the Ciskei Supreme Court in Bisho.

Mr William Duna, Mr Bayi Keye and Mr Luyanda Mayekiso will serve an effective three-year sentence, while Mr Dumisani Maninjwa will serve a three-and-a-half-year prison term.

At the end of the hearing on Tuesday, Mr M T K Moerane, for the defence, said he intended petitioning the Chief Justice of South Africa for leave to appeal against the conviction and sentence and to allow a special entry of alleged irregularities in the trial.

SOWETAN Correspondent

Chief Justice de Wet refused leave to appeal and the special entry.

The four men, who have been in custody for almost three years, were found guilty of various terrorism charges, participating in ANC activities, being members of the ANC and possessing banned literature.

Salutes

They were sentenced to two six-year imprisonment terms which will run concurrently. Mr Maninjwa was sentenced to a further six months for possession of banned literature.

Three years of each of the two six-year sentences were conditionally suspended for five years.

After the judge left the courtroom a crowd of family and friends broke into song and gave black power salutes as the men were led away to the cells.

After Mr Justice de Wet turned down an application for leave to appeal against the conviction and sentence, Mr Moerane applied to make a special entry.

Mr Justice de Wet refused the applications.

Court told of explosives hidden in special table

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A Port Elizabeth security policeman who questioned almost all the accused in the Grahamstown treason trial, described to the court today a dark night on May 9 when the reaction unit entered two houses in Uitenhage and Zwide which had been pointed out by one of the accused, Mr Rufus Nzo.

Lieutenant G C F Smuts told the court Mr Nzo had co-operated with the police and their search had led him to question another accused, Mr Douglas Tyutyu, about the contents of a home-made table that had been found that night.

The court heard earlier that the table, with a concealed compartment containing explosives, detonators, limpet mines and hand greandes, had been found in the Port Elizabeth townships.

Lieutenant Smuts said Mr Tyutyu had agreed during questioning to take him to the house of another accused, Mr Sipho Hina, at Malakana Street, New Brighton.

Mr Hina was getting up to go to work at 5am and agreed to take him to the White Location to the house of a man who may not be named, because he appeared as a witness when the hearing was in camera.

Mr Hina had told Lt Smith of a case of firearms he had received from Mr Tyutyu and then handed over to the man in White Location.

Lt Smuts said under cross-examination by Mr R Selvan, SC, for the defence, that he had not pressurised, assaulted or hurt any of the accused. He said Mr Hina had seen Dr B Tucker, Port ELizabeth' principal district surgeon, after he had made his confession.

Lt Smuts said he could not give proof of when he questioned detainees because there was no system in the security police branch whereby their movements were recorded.

Lt Smuts said he had warned Mr Hina while he was making his confession that he could choose whether he wanted to make a statement or not and he could choose whether he wanted to make it to a magistrate or the police.

But, he conceded he had not given the others the same warnings when they made confessions because he did not think the information would be used in court.

Mr Selvan said Mr Hina would say Lt Smuts had told him he had to make a statement and that the new security legislation entitled the police to detain him indefinitely if he did not do so.

The trial within a trial in which the admissibility of the confessions made by the accused will be determined, is to continue on Tuesday, next week.

The 11 accused are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, handgrenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Company, of Port Elizabeth, appeared for the defence.

Accused helped police, court told

331
D. Rispeth
20/4/89

GRAHAMSTOWN — A security policeman discribed yesterday how one of the accused in the treason trial here had voluntarily pointed out the house of one of his co-accused.

Lieutenant C. Smuts told the court yesterday that he went out on a night in May last year with Mr Rufus Nzo and another member of the police force to the Uitenhage black township and Zwide, where Mr Nzo pointed out certain houses.

He said Mr Nzo was not induced or threatened by the police. He pointed out the houses voluntarily.

Lt Smuts said he later interrogated Mr Douglas Tyutyu who took him to the house of Mr Sipho Hina in New Brighton. They arrived at Mr Hina's house at about 5 am as the accused was preparing to go to work.

He said he told Mr Hina that he was looking for firearms which, according to his information, were in Mr Hina's custody.

Mr Hina then took them to a house in White Location and pointed out the witness who was sentenced as the man wo whom he had given a suitcase containing AK rifles for safe-keeping.

The man, who may not be identified because the trial was in camera when he was sentenced, was then arrested.

Lt Smuts said he was sitting in a car at a parking lot in Algoa Park police station after that night of arrests when Mr Hina made a statement to him.

Realising that the statement amounted to a confession, Lt Smuts said he advised Mr Hina that he had a choice of making the statement to him, a senior police officer or a magistrate. It would be reduced to writing and would probably be used against him. He said Mr Hina opted to speak to a magistrate.

The trial continues on Tuesday. — DDC.

4 jailed in Ciskei ANC trial

331 City Pres 22/4/84

CP Correspondent: BISHO

FOUR Mdantsane men were yesterday each jailed for an effective three years after a marathon security trial in the Ciskei Supreme Court.

William Duna, 31, Dumisani Maninjwa, 31, Bayi Keye, 52, and Luyanda Mayekiso, 24, were sentenced to 12 years each – for "terrorist activities", and another six years for belonging to the African National Congress.

But the sentences will run concurrently and three years on each count was suspended for three years.

Mr Maninjwa was also given a six-month sentence by Ciskei Chief Justice D S de Wet for participating in ANC activities.

Defence attorney M T K Moerane applied for leave to appeal, but this was refused.

Mr Moerane then applied for a special entry to appeal because of the "irregularities" he said the court had committed.

These included:

- Detained State witnesses were taken to and from the trial by car by the SA Security Police.
- The court ruling with regard to evidence by "Mr X" that no questions should be asked which would disclose his identity.
- The court ruled certain words could be extracted from Mr Maninjwa's "confession".
- A decision regarding the admissibility of "confessions" was made by a full court instead of by the judge alone.

But this application was also refused

Instructing attorney Hintsa Siwisa said later the defence intended to petition the SA Chief Justice for leave to appeal and a special entry.

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SOWETAN, Tuesday, April 24, 1984

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Nyembe rejects claims

A FORMER leading member of the banned African National Congress, Mrs Dorothy Nyembe, has rejected claims made by Chief Gatsha Buthelezi, the Chief Minister of KwaZulu and president of Inkatha, about events leading to her arrest and conviction.

Chief Buthelezi said Mrs Nyembe brought an informer along when she went to see him in 1968, accompanied by trained guerillas of the ANC.

"That is completely untrue. If there was an informer among the people who went to see Chief Buthelezi, who and where is that informer because all of us ended up with jail terms? An informer could not have been jailed," Mrs Nyembe retorted.

Prisoner

Mrs Nyembe (54) was released from jail three weeks ago after 15 years — making her the longest serving woman political prisoner in South Africa. Chief Buthelezi testified against her in her trial.

Chief Buthelezi told several thousand supporters of Inkatha at a Soweto meeting held at the weekend that Mrs Nyembe, accompanied by a number of ANC insurgents, went to his home in July 1968 and "the Security Police almost trapped me."

Mrs Nyembe has rejected Chief Buthelezi's allegations.

Speaking from her home in Mtuzuma township, Durban, she said since her release from jail she had never mentioned the chief's name at any time. She was surprised that he had decided to talk about his role in her arrest and conviction after all the years of silence.

331 D. Dispatch 27/4/82

Court told accused tortured

GRAHAMSTOWN — One of the 11 men appearing in the Grahamstown treason trial did not mention the name of the security policeman who had allegedly assaulted him in his statement because his assailant had asked him not to as it would jeopardise his career, it was claimed yesterday.

As a result of the alleged request by Lieutenant C. Smuts, a member of the security police investigating team, Mr Nceba Faku, also did not point out the security policeman during an identification parade held after Mr Faku had complained about being assaulted on the night of his arrest last year.

Cross-examining Lt Smuts, Mr R. L. Selvan, SC for the defence, said Mr Faku was punched in the face by the witness and was hit with the flat side of a spade by another police officer.

Mr Selvan further alleged that Lt Smuts later requested Mr Faku not to mention his name when he made a statement to the magistrate as it would place his young career in the police force in jeopardy.

Putting several allegations of security police assault and torture to the witness, Mr Selvan said Lt Smuts had also asked Mr Faku to understand that he was working under pressure and had to be on duty for long hours.

Lt Smuts denied ever making such a request to Mr Faku. As more allegations were put to him, he said he had no knowledge of any of the accused being assaulted by the security police in his presence.

Lt Smuts is one of a number of security policemen who have so far been called by the state to testify in a trial-within-a-trial to prove the admissibility of confessions made by the accused while in detention under Section 29 of the Internal Security Act.

Mr Douglas Tyutyu alleges that he was handcuffed behind his back by Captain Du Plessis in the presence of Lt Smuts. He was made to raise his arms behind his back to the level of his shoulders.

He says he was pulled by the beard, hit in the face and his head was banged against a wall. He was also transported to the security police headquarters in Port Elizabeth in the boot of a car.

At a later stage his head was covered in a black canvas bag which was pulled tight. He was told to tap his feet when he was ready to talk.

Lt Smuts said his specific task was to interrogate Mr Tyutyu about the whereabouts of AK rifles after police had found AK magazines in a wooden table in Kwazakele. The trial continues today. — DDC

Accused says policeman set up mock trial

331

E Post 25/4/84

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — Laughter rippled through the courtroom during the Grahamstown treason case today when a mock trial was described at which an accused claimed a Port Elizabeth security policeman had set himself up as a magistrate.

Mr R L Selvan, SC, for the defence, said the accused, Mr Mzayifani William Kame, 57, claimed he had been held under Section 29 of the Internal Security Act when the policeman, Warrant Officer F V Coetzee, took him out of the cells at the Kinkelbos police station to the small courtroom behind it.

He alleged WO Coetzee had set himself up as a magistrate with another security policeman, a WO Ndiyane, acting as interpreter on May 18, 1983.

He said WO Coetzeee had tried to force him to make a confession and had told him not to tell the real magistrate that he had been "coached with his statement" or that he had been ordered to make a statement.

He said Mr Kame also alleged that another security policeman, Lieutenant W S Dennis, had told him he could tear a strip of blanket and hang himself in his cell if he did not want to make a statement.

WO Coetzee acknowledged under cross-examination that he had questioned Mr Kame in the empty courtroom, but denied ever pretending to be a magistrate. He said it was "quite untrue" that Mr Kame had been mistreated or induced in any way to make a statement.

WO Coetzee confirmed that another accused, Mr Rufus Nzo, had been manacled to a bed to prevent him escaping from the Jeffreys Bay police station when he was brought there for questioning on May 9, 1983.

He said Mr Nzo had not been assaulted and said he had been very relaxed, enjoying a braai with them at which he drank two beers.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Sebe cousins found guilty of terrorism

ARGUS 26/4/84 331

East London Bureau

BISHO — Three Sebe cousins and a former Ciskeian security policeman have been found guilty in the Supreme Court here of terrorism.

Mr Mbulelo Xaba, son of Ciskeian Vice-President the Rev Willie Xaba, has been acquitted.

Mr Justice Erasmus found Khambashe Sebe, Colin Sebe, Toni Sebe and Ntobeko Mlotana guilty of terrorism.

Khambashe is the son of former security chief Mr Charles Sebe, Colin is the son of former Transport Minister Mr Namba Sebe and Toni is a nephew of Mr Namba Sebe.

Fired shots

The Sebes, Mr Xaba and Mlotana had pleaded not guilty to charges of terrorism, attempted murder and intimidation.

Mr Justice Erasmus found Khambashe fired shots with an AK-47 rifle into the house of the Minister of Foreign Affairs, Mr Brown Pityi, on July 15 last year.

He also found him guilty of illegally possessing hand-grenades, arms and ammunition and of using an official vehicle unlawfully.

Colin and Toni, who admitted in statements to having been with Khambashe when the shooting happened, were found guilty of failing to report the incident to the police.

Failed to prove

They were also found guilty of illegally using an official vehicle to travel to Mr Pityi's house.

Mr Piet Oosthuizen SC, for the State, had alleged that Mr Xaba had been with the others during the shooting.

The judge found that the State had failed to prove that Mr Xaba had taken part in the shooting.

Mlotana was found guilty of endangering the security of the State by inciting police and army officers to release the former deputy-security chief, Brigadier Harvey Tamsanqa, from detention in Mdantsane by force.

Rejected

Mr Justice Erasmus described the Sebes as "strangers to the truth" who were prepared to perjure themselves and fabricate evidence.

He rejected the defence claim that the ANC had been responsible and the five were being made scapegoats because of a family feud between President Lennox Sebe and Mr Charles Sebe and Mr Namba Sebe, as "bogus and a lie".

The defence will argue in mitigation of sentence today. Sentence is expected tomorrow.

Court told of ANC style of communication

GRAHAMSTOWN — A security policeman claimed in the Grahamstown treason trial yesterday that one of the 11 accused told the police of a "toothpaste technique" whereby ANC elements in South Africa communicated with their counterparts in Lesotho.

Cross-examined by Mr R. L. Selvan, SC for the defence, Warrant Officer F. V. Coetzee told the court that Mr Rufus Nzo was being questioned by the chief investigating officer, Major H. B. du Plessis when he described the scheme whereby written messages destined for Lesotho were stuffed into toothpaste tubes.

He said a letter written to a girlfriend by a wanted "freedom fighter", Joe, and two messages to ANC elements were discovered when a toothpaste tube found in Mr Nzo's baggage was cut open.

W/O Coetzee further claimed that another of the accused, Mr Mizayifani Kame, had admitted accommodating Joe and digging a hole in his backyard to hide his weapons.

Mr Kame, W/O Coetzee continued, had told him he accommodated Joe at the request of Mr Douglas Tyutyu, Mr Sipho Hina and Mr James Nuqondela, who said Joe was a "freedom fighter."

Concerning the "toothpaste" claim, W/O Coetzee said he drove from Port Elizabeth to Jeffreys Bay with Major Du Plessis and Mr Nzo at about 4.30 am on May 9 last year.

Evidence before the court earlier was that Col N. J. J. van Rensburg now second in command of the security police in the Eastern Cape, had undertaken a 10 hour round trip to Aliwal North the day before. This was after he had received information that a man (Mr Nzo), who was held in Aliwal North, had allegedly volunteered inside information about last year's explosions in Port Elizabeth.

From Aliwal North, Col van Rensburg contacted Major Du Plessis and asked him to get together some members of the investigating team and await his arrival with Mr Nzo in Port Elizabeth at about 4 am, the court heard.

W/O Coetzee said he and the major were lying on beds in a room at the Jeffreys Bay police station when Mr Nzo was asked how he communicated with ANC in Lesotho.

Mr Nzo was lying on a mat and was manacled to one of the beds so he could not escape, he said. Mr Nzo was relaxed and calm throughout the time he was in his company. He even ate and drank with them when the police enjoyed a braai and beers later in the day.

Mr Selvan said Mr Nzo would say his legs were placed in irons and he was told he would get a light sentence if he spoke freely.

The trial continues today. — DDC

Accused says police preyed on his family

27/4/84
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E. Post

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — An accused in the Grahamstown trial who took six weeks to make a confession has alleged that security police pressured him into doing so by threatening to ill-treat his family.

Mr P Langa, for the defence, said Mr Sipho Hina, 44, would say security police had brought his wife to him at the Algoa Park Police Station at 5am one morning to prove she was being ill-treated.

Mr Langa said Mr Hina's wife had been brought to the police station for questioning so frequently that she had eventually lost her job.

Mr Langa said Mr Hina also alleged that a security policeman, Captain I P Du Plessis, had pressured him by asking if he knew the names of Neil Aggett and Steve Biko, who had died in detention.

It is alleged that Captain Du Plessis asked Mr Hina if he would like to be buried at Zwide cemetery and that if he did not tell the truth in his statement he would be shot.

Capt Du Plessis denied pressuring Mr Hina in any way during questioning last year.

Mr W Kingsley, for the State, objected to Mr Langa's use of the word "torture" while cross-examining Capt Du Plessis.

Mr Kingsley said he was not used to hearing such a strong word in court and felt it had medieval associations with devices like the thumb screw.

Mr Justice Howie ruled that the word could be used in the context of persistent ill-treatment.

Mr Langa said an example of what he meant by torture was the allegation by an accused, Mr Rufus Nzo, that Capt Du Plessis had put soap on his face and tied a wet towel round his face which had the affect of suffocating him.

He said Mr Nzo had fallen down several times and on each occasion his arms had been wrenched up behind his back in what was known as the "arm exercise".

Captain Du Plessis denied the allegation. He also denied the allegation yesterday that he had told another accused, Mr Sipho Nodlawu, that he would be thrown off Van Stadens River bridge if he did not co-operate during questioning.

The 11 accused are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machineguns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Sebe's son to serve 26 years

East London Bureau

BISHO. — The son of the former Ciskean security chief, Mr Charles Sebe, was today sentenced to 34 years' imprisonment in the Supreme Court here after firing shots into the house of the Minister of Foreign Affairs in July last year.

Khambashe Sebe, 20, will serve an effective 26 years of the sentence.

His co-accused, Colin Sebe, son of the detained Minister of Transport, Mr Namba Sebe, and a cousin, Toni Sebe, were sentenced to 10 years imprisonment. Ntobeko Mlotana, a former intelligence officer was sentenced to 15 years.

Khambashe Sebe was found guilty of terrorism, illegal possession of hand grenades, arms and ammunition and using an official vehicle illegally.

AK47 RIFLE

Mr Justice Erasmus found that he had fired shots with an AK47 rifle into the house of the Minister of Foreign Affairs, Mr Brown Pityi, on July 15 last year.

Sentencing Sebe, the judge said he must have forseen that someone could have been hurt or killed but had acted with "callous disregard".

Sebe had been influenced by the fact that some of his father's powers, which Mr Pityi had opposed, were to be reduced and as a loyal son had resented this.

The two cousins were found guilty of failing to report the shooting to the police and for using an official vehicle illegally.

"MEAGRE EXCUSE"

Both, who were present during the shooting, knew where their duties lay. It was a "meagre excuse" that they had not reported the incident because of loyalty to their cousin, Mr Justice Erasmus said.

Ntobeko Mlotana, was found guilty of inciting army and police officers to free the detained former deputy security chief, Brigadier Harvey Tamsanqa.

Mr Justice Erasmus said he "shuddered to think" of what would have happened if the attempt to free Brigadier Tamsanqa had been made. It could have led to bloodshed and a possible civil war, he said.

CAPE TIMES 28/4/84

Ciskeian officers are jailed for terrorism

BISHO — Three members of the Ciskei Defence Force and a former major in the Security Police were yesterday sentenced in the Ciskei Supreme Court in Bisho to a total of 67 years in jail.

The four were charged with terrorism, intimidation and attempted murder, in a sequel to a shooting incident at the house of the Ciskei Minister of Foreign Affairs, Mr Brown Pityi, in July last year, and subsequent "unlawful meetings" of police officers.

Former corporal, Khambashe Sebe, the son of a former commander of security in Ciskei, Charles Sebe, was sentenced to a total of 32 years and will serve 26 years.

He got 20 years for terrorism, five years for possession of grenades, two years for possession of an AK47, one year for possession of a firearm without a licence and four years for possession of ammunition.

Former major, Ntontobeko Mloltana, 32, was sentenced to 15 years for endangering the security of the state by inciting Ciskei police to release a detained senior police officer.

Former lieutenants, Colin Sebe, 21, and Toni Sebe, 22, were each sentenced to 10 years imprisonment for failing to report a shooting incident at which they were present. — Sapa

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TOOTHPASTE TELEGRAMS

THE AFRICAN National Congress is using toothpaste tubes to send messages from South Africa to Lesotho, a Security Police officer told the Grahamstown Supreme Court this week.

Warrant Officer F V Coetzee — giving evidence in the treason trial against 11 East Cape men — said he had found three messages in the baggage of one of the accused, Mr Rufus Nzo.

He said a letter written to a girlfriend by a wanted "freedom fighter" called Joe, and two messages to "ANC elements" were discovered stuffed into a toothpaste tube found in Mr Nzo's baggage.

W/O Coetzee also claimed another of the accused, Mr Mizayifani Kame, had admitted putting up "Joe" and burying his weapons in his back garden.

W/O Coetzee said Mr Kame had told him he put up Joe at the request of three of the accused — Mr Douglas Tyutyu, Mr Sipho Hina and Mr James Ngqondela, who said Joe was a "freedom fighter".

The court heard Mr Nzo was arrested in Aliwal North last May and, according to security policeman Colonel N J van Rensburg, volunteered inside information on bomb blasts in Port Elizabeth.

Col Van Rensburg said he had contacted Major H B du Plessis in PE and asked him to get together some members of the investigating team.

The trial continues today.

The 11 accused are Mr Nzo, 24, Mr Tyutyu, 48, Mr Hina, 44, Mr Ngqondela, 54, Mr William Kame, 57, Mr Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekane, 27, Mr Wellington Gumnege, 29, and Mr Nceba Faku.

They are alleged to have conspired in an attempt to overthrow the State and taken part in the activities of banned organisations.

TOTALITARIANSM — POLITICAL TRIALS

1984

1 MAY —— DEC.

Treason trial hears of 'torture on beach'

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A lonely, wind-swept stretch of beach at St George's Strand, near Port Elizabeth, provided the scenario in the Grahamstown treason trial today for the latest allegation of security police torture.

Mr P Langa, for the defence, said while cross-examining Warrant Officer P J Nel, of the Port Elizabeth murder and robbery squad, that an accused, Mr Ntemi Kame, 22, would say he was driven to St George's Strand a short while after his arrest on May 19, 1983.

He said Mr Kame claimed he had intially been taken to the Algoa Park police station where two security policemen, Captain I P du Plessis and Sergeant M A Tungata, had beaten him and twisted his arms, demanding to know the whereabouts of a guerilla called "Joe".

Mr Kame would say that during the assault his lip had burst open and he had lost consciousness when he was kicked on the head.

When he came to he was being driven to a deserted part of St George's Strand with Lieutenant W S Dennis and WO G P Bezuidenhout, of the security police, and WO Nel, of the murder and robbery squad.

Mr Langa said Mr Kame alleged that when they got to St George's Strand, WO Nel said to him: "Look my boy, you are going to get hurt. These chaps are going to bury you."

Mr Kame also claimed that WO Bezuidenhout and Lt Dennis had each taken one of his arms and twisted them until he fell on his face in the sand.

He said Mr Kame alleged WO Nel had told him he would "rot in detention" if he did not make a statement and that he should "go to a magistrate and cleanse his heart because he had done wrong".

WO Nel denied all the allegations and said he had never gone to St George's Strand with Mr Kame.

He said he had "nothing against any of the accused" and would not have pressured them in any way.

He said Mr Kame had stopped denying the charges against him when he met another accused, Mr James Ngqondela, at the Alexandria police station, on May 20.

He said Mr Kame had then changed his mind.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machineguns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

RDM 1/5/86 (331)

Treason trials are now a common factor

HIGH treason, usually considered to be the ultimate political crime, is becoming a common offence in South Africa.

This is the only conclusion one can come to if one considers recent political trials.

It is only four months into the year and already 16 people have been charged with treason in at least four separate trials in South Africa and the "independent homelands".

Venda saw its first treason conviction when a 46-year-old subsistance farmer, Petrus Mudzielwana, was jailed for giving food to insurgents of the African National Congress.

He said they had threatened to kill him, his wife and and children if he did not do so.

He was given an effective sentence of eight months.

A major treason trial is underway in Grahamstown, where 11 men have been accused of five bombings, a murder, injuring seven people and causing damage amounting to R191 000.

They are also accused of being members of the ANC and the South African Communist Party.

They are Mr Alfred Nzo, Mr Douglas Tyutyu, Mr Sipho Hina, Mr James Nqgondela, Mr Mzayifani Khame, Mr Mzimkulu Kameh, Mr Sipho Nodlewu, Mr Vukile Tshiwule, Mr Lindile Mbelekana, Mr Wellington Gumenge and Mr Ncxepa Faku.

All have pleaded not guilty.

In Pietermaritzburg, three men have appeared on charges of treason involving membership of the ANC and causing two explosions last year.

They are Mr Duma Gqubule, Mr Benedict Martins and Mr Sithole Mahlobo. They are due to appear in court again this week.

Two alleged ANC members have been charged with treason in Louis Trichardt. Mr Phillemon Morake and Mr Frans Ranoto pleaded not guilty and the case was remanded.

This flood of treason trials reflects a pattern that has developed over the past five years.

In the 24 years between World War Two and 1979, there was only one such trial — the famous Treason Trial of 1956-61, in which everyone was acquitted.

But from 1979 the pattern began to change when 12 ANC members were convicted of high treason in a Pietermaritzburg trial.

In 1980 there were nine people tried for treason in a single trial and in 1981 there were three, also in one trial.

In 1982, there were 15 people charged for treason in eight different trials. Two had their charges dropped

ANTON HARBER
Political Reporter

before they were asked to plead.

In 1983, there were five treason trials involving 10 people.

The number of treason trials in recent years clearly reflects an intensification of violent conflict in South Africa.

In part, however, it also reflects a change in the way the State is handling such cases.

It has charged people with treason for actions that previously would have led to them being charged with terrorism, sabotage, furthering the aims of a banned organisation or a similiar offence.

The significance of this is underlined when one realises that ANC leaders like Nelson Mandela and Walter Sisulu were jailed for sabotage rather than treason.

Lesser ANC figures, some of whom had not been involved in any acts of violence, have since been jailed for treason.

The precedent for this was set by Barbara Hogan, who was found guilty of high treason for being a member of the ANC, sending them information and taking part in a number of boycott campaigns on their behalf.

However, the sentences in recent trials do not always match the historical seriousness of a treason conviction.

Mudzielwana will serve an effective eight months in prison for a charge that is theoretically more serious than that for which Mandela and Sisulu received life sentences.

Last year, Hogan received an effective 10-year sentence for treason — and that was described in the Press as one of the lowest sentences ever imposed for this crime in this country.

Late last year, Jansie Lourens received a four-year sentence for treason.

These sentences appear to reflect a decrease in the seriousness of treason.

On the other hand, Thembinkosi Ngcobo was last month jailed for 20 years on a terrorism charge involving a number of bomb blasts, a plan to bomb a meeting to be addressed by the Prime Minister and illegal possession of arms.

Ngcobo was found to have been trained by his brother in Swaziland.

His must have been one of the quickest ever terrorism trials — he was convicted halfway through the second day of the hearing.

All of the recent treason trials have involved members of the ANC, reflecting this organisation's apparent dominance of underground activity.

A striking feature of the trials has been the youthfulness of most of those involved. Many of the ANC members involved are still "graduates of 76". They left the country for military training after the 1976 Soweto uprising.

Ngcobo, for example, was 23. Seven of this year's 16 treason trialists were under 25 and most of the others were under 30.

Most of the other security trials — generally under the 1982 Internal Security Act — have involved symbolic identification with the ANC or the possession of banned literature.

The sentences in some of these have been high.

Mrs Albertina Sisulu and Mr Thami Mali, for example, were sentenced to an effective two years and five years respectively for furthering the aims of the ANC during a funeral service that had occurred 18 months previously.

They were found to have flown the ANC flag and led the singing of ANC songs and slogans.

They are currently on bail pending an appeal.

Thomoson Ramanala was sentenced to an effective six months' imprisonment for possession of undesirable literature.

At least eight others — including Mr Patrick "Terror" Lekota, Mr Elliot Shabangu and Mr Sello Seripe — have trials pending under the same charges.

It has already been a busy year for the courts as far as political trials go and, if the list of people awaiting trial is any sign, it is likely to become busier.

Court told of policeman's tea with accused

GRAHAMSTOWN — The Supreme Court here was told yesterday that a policeman investigating a murder unwittingly had tea with one of the accused, then arrested him later.

This emerged in evidence by a member of the Port Elizabeth Murder and Robbery Squad during the trial of 11 men appearing on charges ranging from high treason to murder.

Warrant Officer P. J. Nel, the officer investigating Mr Nonkosi Tshiwula's alleged murder on May 8 last year, admitted that he had had tea with one of the accused, Mr James Ngqondela, in a house pointed out by another accused, Mr Rufus Nato Nzo, while unaware that Mr Ngqondela was wanted by the police.

W/O Nel said he had even thanked Mr Ngqondela for doing him a favour — referring to an incident earlier that day when he had asked Mr Ngqondela to take a police officer to the Kwazakele police station so that they could phone Major H. B. du Plessis of the Security Police as they were without transport.

He realised that he had been speaking to the accused only when they entered Mr Ngqondela's house later that day and saw his photograph in his reference book.

The court heard that W/O Nel was present when a wooden table with a concealed compartment containing explosives, timing mechanisms, detonators, limpet mines, a number of magazines containing ammunition and hand grenades, was found.

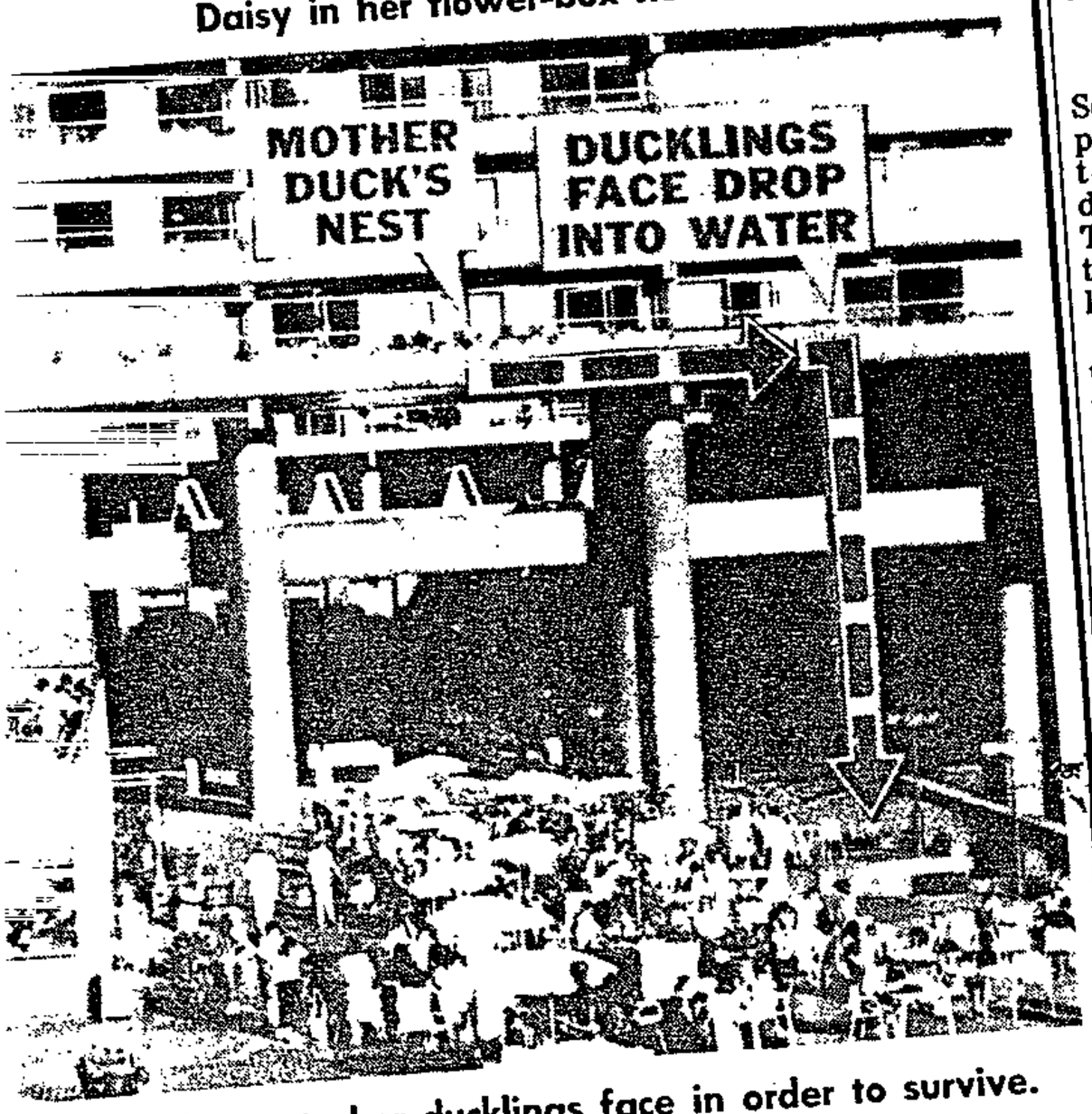
He was also present during several interrogations, and denied any knowledge of threats or assaults against any of the accused.

Another witness, Warrant Officer G. P. Bezuidenhout, denied all allegations put to him by Mr A. Jappie, for the defence.

W/O Bezuidenhout denied that Mr Ngqondela was made to lie on the floor face downwards, that an act referred to as "the arm exercise" was carried out twice and that the accused was also assaulted by three black policemen in his presence.

He also denied any knowledge of Captain I. P. du Plessis entering the room and saying: "Please chaps, no blood." — DDC.

Daisy in her flower-box home . . .



. . . and the route her ducklings face in order to survive.

Nine may go out for a duck

Argus Foreign Service

LONDON. — Daisy the cloody mallard duck with the high-flying instinct is expected to pop out any day now — and when she does the new-born ducklings will go with her.

It will be downhill all the way — from the flower box where the daffy duck is nesting to a pool of bright water nearly 20 metres below.

to put a feather in her cap.

Mallards usually keep their feet closer to the ground when they are expecting, and residents in London's Barbican fear that Daisy may not have all the answers to her dilemma.

Dave Price, warden of the Wildfowl Trust in Gloucestershire, said: "It is pushing it a bit for the ducklings to sur-

make it if they land on the water."

He suggests the best way to save Daisy's bacon is for residents to form a sort of Flying Ducktor Service.

"Maybe they can ferry the duck and ducklings to the lake," he said.

Charles Sebe pleads not guilty

Argus Bureau

EAST LONDON. — Mr Charles Sebe, Ciskei's former security chief, pleaded not guilty in the Supreme Court, Bisho today to charges of terrorism.

Mr Sebe, younger brother of President Lennox Sebe, remained calm and subdued during the brief hearing which was postponed to Monday.

After pleading, Mr Sebe said he would make no admissions and that the onus to prove guilt lay with the State.

Relatives and members of the public crowded the small courtroom to see the former lieutenant-general who was detained in July last year.

INCITEMENT

It is alleged that Mr Sebe incited a group of police and army officers to release his former deputy, Brigadier Harvey Tamsanqa, from detention by force on July 14 last year.

It is further alleged that Mr Sebe ordered the withdrawal of the President's guards from the ministerial complex and summoned the special anti-terrorist unit Sword of the Nation to Zwelitsha on July 14.

Mr Justice Pickard is on the Bench. Mr Piet Oosthuizen, SC, and Mr Jan van Jaarsveld appear for the State. Mr Paul Avenant appears for Mr Sebe.

9 million visitors

PEKING. — More than nine million people visited China last year as tourists or on business, bringing in R1 101-million in foreign exchange, according to the State Statistical Bureau. — Sapa-Reuter.

Educationist dies

Argus Correspondent

DURBAN . — Retired educationist Mr Maurice "Buzz" Pennington, who captained Natal at hockey and cricket and played rugby for the province, has died here.

RENOWN F

Court hears of accused's document on Lesotho trip

Court Reporter

GRAHAMSTOWN — An accused in the Grahamstown treason trial, Mr Douglas Tyutyu, wrote a 5½-page document while he was in detention about a trip he had made to Lesotho, a security policeman told the court today.

Lieutenant S Dennis said under cross-examination by Mr R Selvan, SC, for the defence that Mr Tyutyu had written a document in a police cell in Jeffreys Bay on July 12 and 13 after he had been questioned briefly about the trip to Lesotho.

The document is now a court exhibit.

Lt Dennis said Mr Tyutyu had been transferred to the Algoa Park Police Station after that and he had questioned him on several occasions about other documents found in his house.

He said he had not threatened or induced any of the accused or their families to assist him in his investigation. It was alleged earlier that Lt Dennis was one of the policeman who brought Mr Hina's wife to his cell at the Algoa Park Police Station at 5am one day to prove his family were being ill-treated because he would not write a statement.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

...town. He told them to come Cape Town.

Claim of SP torture on the beach

from 21/5/84

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GRAHAMSTOWN. — A stretch of beach at St George's Strand near Port Elizabeth provided the scenario in the Grahamstown treason trial yesterday for the most recent allegation of Security Police torture.

Mr P Langa, appearing for the defence, said while cross-examining Warrant Officer P J Nel, of the Port Elizabeth Murder and Robbery Squad, that an accused, Mr Ntemi Kame, 22, has said that he had been driven to St George's Strand a short while after his arrest on May 19, 1983.

He said Mr Kame had claimed that he had initially been taken to the Algoa Park Police Station where two security policemen, Captain I P du Plessis and Sergeant M A Tungata, had beaten him and twisted his arms, demanding to know the whereabouts of a guerrilla called "Joe".

Mr Kame said that during the assault his lip had burst open and he had lost consciousness after being kicked on the head. When he regained consciousness he was being driven to a deserted part of St George's Strand with Lieutenant W S Dennis and W/O G P Bezuidenhout, of the Security Branch and W/O Nel, of the Murder and Robbery Squad.

Mr Langa said Mr Kame alleged that when they got to St George's Strand, W/O Nel said to him: "Look my boy, you are going to get hurt. These chaps are going to bury you.

Mr Kame also claimed that W/O Bezuidenhout and Lieut Dennis had each taken one of his arms and twisted them until he fell on his face in the sand.

Mr Langa said Mr Kame claimed the torture had continued for some time until he admitted knowing Joe.

He said Mr Kame alleged W/O Nel had told him he would "rot in detention" if he did not make a statement.

W/O Nel denied all the allegations of ill-treatment and said he had never gone to St George's Strand with Mr Kame.

Police describe vehicle stoning

EAST LONDON — Two Mdantsane men appeared in the regional court here yesterday on a charge of public violence following the stoning of a police vehicle and a bus at Horseshoe station earlier this year.

Mr Cornelius Namzi, 24, of Zone 3 and Mr Dennis Ntsomi, 19, of Zone 11, pleaded not guilty to the charge.

Three police officers, who were involved in the incident, appeared as witnesses .

Sergeant Desmond Pike, of the dog squad unit, said that at 7 am on January 25 he and his colleague, Sergeant Roy Roberson, were patrolling the Wilsonia area as a result of the bus boycott disturbances.

"A train coming from the direction of Mdantsane stopped at Wilsonia Station.

"It was there I saw a handful of youths alight from the last carriage of the train and pick up stones lying alongside the railway track," he said.

Sergeant Pike said Sergeant Anthony Roberson (Sergeant Roy Roberson's brother) and Sergeant H. Neveling were there at the time, representing the riot squad.

Sergeant Pike said the youths were clenching their fists "in a black power sign", chanting and singing Xhosa songs and shouting "stone the buses" in English.

Sergeant Pike said he and Sergeant Roberson followed the train to Horse Shoe Station where "about ten" youths led by the accused jumped from the train and began stoning the police vehicle used by Sergeants A Roberson and Neveling.

Stones were thrown at the four officers , who were not in their vehicles at the time , he said.

"We ducked and dived behind the ticket office at the station to protect ourselves from a hail of stones being thrown at us by the youths," he said.

Sergeant Pike said a bus carrying commuters to Mdantsane passed and the youths threw stones at it as well.

Under questioning by Mr M Moerane, who was conducting the defence, Sergeant Pike said that although a stone hit the wire meshing of the riot unit's vehicle, there was no damage and no one was struck by a stone or injured.

The two other witnesses told the court that they recognised Mr Namzi and Mr Ntsomi as "ring leaders" of the stone throwing.

The two vehicles followed the train to East London Station. The three witnesses said they had kept an eye on the two accused most of the way.

"They were leaning out of the window raising their clenched fists in the air, so it was easy to spot them," Sergeant A. Robertson said.

At East London station Sergeant Pike and Sergeant Roberson arrested Mr Namzi and Mr Ntsomi.

Under questioning by Mr Moerane, all three witnesses said they arrested the two accused because they seemed to be the "main agitators encouraging other members of the group to join in the stone throwing".

The witnesses said there were between six and eight members in the group. They could identify Mr Nomzi and Mr Ntsomi by the bright clothes they were wearing and the fact that they were the ones leading the gang.

The hearing was postponed until May 17 and Mr Namzi and Mr Ntsomi's bail has been extended .

Mr P. Sauermann. Mr R. Esterhuyse appeared for the state — DDR

Three men charged with treason

Two blasts 'could have hurt many'

MARITZBURG — Several people were fortunate to escape serious injury in bomb blasts at two Supreme Court buildings here in March and April last year, it was said in court yesterday.

The State was leading evidence at the trial of three men charged with high treason.

The accused are Mr Sithabiso Edgar Mahlobo (25), of Estcourt, Mr Benedict Anthony Duke Martins (27), of Edendale, and Mr Duma Gqubule (19), of Imbali.

They have pleaded not guilty before Mr Justice D V Kannemeyer of the Eastern Cape Division and two assessors in the College Road Supreme Court.

ACTIVITIES

The charges include high treason, terrorism, taking part in ANC activities, wilfully causing explosions, and possession of arms and ammunition.

Mr Pratesh Maharaj, who was on guard duty at the Old Supreme Court building on the evening of April 21, suffered a serious arm injury in one blast when he was hit by flying shrapnel.

He underwent two operations and spent two months in hospital.

He still does not have the full use of his right hand.

Mr Maharaj was the person who first pointed out the parcel containing the bomb to a dog squad policeman.

He was only metres away when the bomb went off.

Warrant Officer W J Fourie of the Mountain Rise Dog Squad said he had opened the parcel and found a TG-50 demolition mine.

He cleared the area of people and had just returned to his car when the device exploded.

Extensive damage was caused to the police vehicle, but neither he nor the dog was injured.

The court heard that many people had been in the vicinity at the time as a concert had been scheduled in the city hall that night, across the street from the court building.

They had been herded into the hall by the caretaker when the bomb was discovered.

A bomb expert, Warrant Officer G Brand, believed the device had contained more than 6 kg of explosives.

He said anyone within a 200 m radius of such a blast would have been in danger of being seriously injured by flying glass, debris and shrapnel. — Sapa.

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Court told how dog was used to find explosives in table

By CLAIRE PICKARD-CAMBRIDGE

A SNIFFER dog was used by the Port Elizabeth reaction unit to detect explosives found in a false-bottomed home-made table in a Kwazekele home last year, a policeman told the Grahamstown Supreme Court today.

Captain Roelof Federick Berg, head of the reaction unit, described to the court how the unit had moved swiftly to surround and penetrate the house where they found the table, in the early hours of May 9, 1983.

He said the element of surprise had played an important role in the operation and members had scaled the high fence surrounding the house, forced open the door and found the table.

Firearms could also be heard rattling inside the false bottom of the table, he said.

From there the unit had gone to a home of two of the accused, Mr Mzayifani Kame and Mr Ntemi Kame, in Veeplaas and surrounded it in their search for firearms or explosives.

But they had not found any there and had gone on to surround the home of another accused, Mr James Ntqondela. He said everyone in the house, including the children were taken away by the police.

Warrant Officer Philip J Nel, of the Port Elizabeth murder and robbery squad, denied earlier that the children in the home, including a five-year-old child were taken away to the police station.

Capt Berg denied the allegation that he had assaulted an accused, Mr D Tyutyu, during questioning about the table.

Capt Berg conceded that policemen got excited when they were investigating a possible treason case and tension was inevitable.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Guard tells of kicking bomb in bag

Pietermaritzburg Bureau

A SECURITY guard stationed at the Old Supreme Court here during April last year described yesterday how he had kicked a carrier bag he had found on the steps of the courthouse in the early evening.

The contents of the bag had exploded a few minutes later, injuring him and causing extensive damage to the court and the City Hall over the road, where a concert had been scheduled to begin half an hour later.

Mr Pratesh Maharaj was giving evidence in the Supreme Court here in the trial of three men charged with high treason, terrorism, taking part in ANC activities and causing explosions and with the possession of arms, ammunitions and explosives.

The three accused are Mr Sithabiso Mahlabo, 25, of Mhubeni Township, Estcourt, Mr Benedict Martins of Edendale and Mr Duma Gqubule of Imbali.

The charges against them relate to a blast at the site of the New Supreme Court in Pietermaritz Street on March 21, and at the Old Supreme Court a month later.

Two caches of weapons and other equipment were later allegedly found in the Edendale area.

Mr Maharaj told Mr Justice D Kannemeyer, sitting with two assessors, that he had 'happened to kick' the bag after he had found it next to the steps at the front of the old court building.

'I thought it was someone's ordinary parcel,' he said, adding that he had 'found it quite hard' when he had kicked it.

On looking into the bag he had found a black box with electric cords, and had crossed the road to the City Hall where he had notified the caretaker, who had contacted the police.

The caretaker of the City Hall, Mr D C Patterson, described how he had been walking away from the parcel, having pointed it out to W/O W J Fourie, when the bomb had gone off.

'It was a ghastly experience,' he said.

'All I can remember was being pushed forward with a black mass of dirt, dust and a lot of debris coming past me,' he added.

Mr Patterson and W/O Fourie, as well as the policeman's dog, escaped injury, but Mr Maharaj's arm was injured and he spent two months in Northdale Hospital undergoing two operations on his wrist, and he demonstrated to the Court how he was still unable to move the fingers of his right hand fully.

The old courthouse cost R18 400 to repair, while damage at the new Supreme Court was estimated by a witness from the Department of Community Development to cost R46 000.

The Court also heard a security policeman, W/O J R O'Connell, describe how he and three other members of the SAP had arrested Mr Mahlobo, and had found a Luger pistol, ammunition, a Transkeian passport with his picture in the name of Sithembiso Mavana, and a note with what appeared to be a code written on it.

Among the items on the list were 'wish you luck in your exams', which was linked to 'safe arrival', and 'application for enrolment is considered' which appeared next to 'need material'.

The trial has attracted considerable interest within the Edendale and Imbali communities and there were several ministers of religion in the gallery.

The father of Mr Gqubule is the Rev Dr Simon Gqubule, a former president of the Methodist Conference of South Africa, and Mr Mahlobo is alleged to have been given accommodation at the Federal Theological Seminary at Imbali.

About half of the crowd which turned up yesterday was unable to enter the public gallery, and the accused were warned by policemen that the gallery would be cleared if they did not stop leading spectators in song each time they entered the dock.

Mr Harold Levy, SC, appears for Mr Mahlobo and Mr Martins, while Mr Lewis Skweyiya appears for Mr Gcqubule. Mr Les Roberts appears for the State, assisted by Mr Johan du Toit. The assessors are Prof J A Mare and Mr W O H Menge.

The hearing continues today.

ANC sabotage acts listed in treason trial

MARITZBURG — The banned African National Congress was responsible for 225 acts of sabotage in South Africa from 1976, according to a senior member of the South African Police Security Branch in Pretoria.

Brigadier H Stadler was giving evidence yesterday in the College Road Supreme Court at the trial of three alleged members of the ANC.

The accused include two Edendale youth leaders, Mr Benedict Anthony Duke Martins (27), of Edendale, and Mr Duma Gqubule (19), of Imbali; and Mr Sithabiso Edgar Mahlobo (25), of Escourt.

The charges against them include those of high treason in connection with bomb blasts at Supreme Court buildings in Maritzburg on March 21 and April 21 last year.

They have pleaded not guilty before Mr Justice D V V Kannemeyer to 11 counts of high treason and charges of terrorism, taking part in ANC activities, wilfully causing an explosion and possession of automatic weapons.

Mr Mahlobo is facing two further counts of possession of ammunition and possession of a firearm.

In his evidence, Brigadier Stadler said acts of sabotage committed by the ANC in the Republic increased from four in 1976 to 55 in 1983.

The targets for attack could be placed into three categories — military, political and economic.

'SELL-OUTS'

Political targets included courts, administrative offices and staff and all those working "within the system".

State witnesses were frequently murdered after being branded as "sell-outs", Brigadier Stadler said.

Major R A Webb, of the SAP CID division in Maritzburg, told the court that on two separate occasions he was taken to a flat in Edendale and to the Ecumenical Lay Centre in Macabisa Location by Mr Martins, where the accused pointed out a trunk and a box of books. — Sapa.

(Proceeding).

ANC writings: Man sentenced

Staff Reporter

A UNIVERSITY student was yesterday sentenced in the Regional Court to three months' imprisonment, suspended for three years, for possessing literature of the African National Congress and the South African Communist Party.

Michael Abrahams, 24, of Rue Robert, Glenhaven, Bellville, a part-time student at the University of the Western Cape, was convicted under the Internal Security Act for possessing literature of unlawful organizations.

The court found that on October 23, 1982 he had been in possession of five issues of the African Communist — a publication of the SACP, and a copy of Unity In Action, A History of the ANC, 1912-1982 — issued and distributed by the ANC.

Abrahams pleaded guilty and in a statement admitted that he had been in possession of the documents and that he knew they were banned.

He told the court he had received the five issues of the African Communist through the post without requesting them. He had received the Unity In Action document at UWC and had made himself a copy.

No other evidence was led.

In mitigation of sentence, Mr A M Omar, for Abrahams, said his client was a part-time student and asked the court to impose a suspended sentence, referring to an Eastern Cape Supreme Court case in which it had been found that students should get special consideration because they engaged in advanced thought.

Abrahams had been charged under the Internal Security Act which did not allow for the option of a fine.

Mr A J Botha was the magistrate. Mr F L Badenhorst prosecuted. Mr Omar was instructed by Omar, Vassen, Sonn and Abercrombie.

Officer tells court police used force

GRAHAMSTOWN — The head of the South African Police reaction unit in Port Elizabeth yesterday conceded during cross-examination in the Grahamstown Supreme Court treason trial that members of his unit had become excited during an investigation of alleged high treason and that a tense atmosphere had prevailed.

Captain Roelof F. Berg also admitted during cross-examination by Mr A. Jappie for the defence, that an element of surprise and speed were essential for the penetration group of the reaction unit to enter premises.

He conceded that in this haste "niceties" were left behind. Force was sometimes used, he said.

Captain Berg described how a sniffer dog was used by the reaction unit to detect explosives found in a false-bottomed home-made table in a Kwazekele home on May, last year.

He said surprise had played an important role in the operation and members had scaled a high fence surrounding the house, forced open the door and found the table.

Firearms could also be heard rattling inside the false bottom of the table, he said.

The unit had then gone to the home of two of the accused, Mr Mzayifani Kame and Mr Ntemi Kame in Veeplaas, where they searched for firearms or explosives.

They had not found any there and had gone to the home of another accused, Mr James Ntqondela. Capt Berg said everyone in the house, including the children had been taken away by the police.

At a previous hearing, Warrant Officer P. J. Nel, of the Port Elizabeth murder and robbery squad, denied that the children had been present and that they had been taken for questioning. He said only young women had been at Mr Ngqondela's house.

Warrant Officer Willem Johannes van Lotterenberg who led the penetration group during the investigation, yesterday said an allegation that he had hit Mr Nceba Faku, another of the accused, on the head with the flat side of a spade a number of times and that he had used a bright red bolt cutter to inimidate Mr Faku by "snapping" it in front of his face was both laughable and an outrageous lie.

The trial continues today. — DDC-SAPA.

End the secrecy, says treason trial lawyer

Mercury 5/5/84 (33)

Pietermaritzburg Bureau

A CALL was made yesterday for 'the cloak of secrecy' surrounding terrorism trials to be 'ripped off' in the interests of justice.

The plea was made in the Supreme Court, Pietermaritzburg, by Mr Harold Levy, SC, who was opposing a State application to hear some evidence behind closed doors in the trial of three men accused of high treason and terrorism.

Mr Levy said the principle that justice was not only done, but seen to be done, was a feature of Western democracy.

So important was the principle that legislators had provided for it in the country's laws. These should be strictly interpreted to prevent that principle from being 'white-anted away', said Mr Levy.

The section of the Criminal Procedure Act which the State was relying on for its application, provided for the protection of the identity of witnesses where it was likely they would come to harm through giving evidence.

However, it was not necessarily in witnesses' interests that they gave evidence in camera — particularly as the names of those to be called in this case appeared in the indictment and were well known to the community.

Mr Levy said an example where secret hearings might have exactly the opposite effect to that intended would be where a witness gave evidence behind closed doors in favour of an accused — but if the accused lost his case, it might be wrongly assumed it was due to that person's evidence.

On the other hand, witnesses might be restrained from giving false evidence by the realisation that it was in open court.

Referring to evidence given on Thursday by a top-ranking member of the security police, Mr Levy said the police witness had agreed that the ANC only resorted to violence after it was banned in 1960.

Fanciful

'I submit that it is only by secrecy that we create an atmosphere of violence,' said the lawyer.

Mr Levy then moved on to an allegation that State witnesses were harassed by the ANC. He said the police evidence was that only four witnesses had been attacked out of the thousands who must have given evidence at terrorism trials over the years. He felt that was a very good record.

Also, the fact that the community was well aware of who was in detention — the law provides for State witnesses in security cases to be held in detention — and that the accused could pass on the nature of their evidence when they met their families, meant that any notion of secrecy was fanciful.

Mr Les Roberts, SC, for the State, had told Mr Justice Kannemeyer and two assessors earlier that the witnesses whose evidence should be heard behind closed doors were mainly young people from the Pietermaritzburg area who moved in the same circles as the accused.

In addition there was to be evidence from people who had been out of the country on military training.

Even if there was no likelihood of harm coming to these witnesses, they faced the prospect of being regarded as traitors and sell-outs within their communities.

Referring to the Press, Mr Roberts said that even if it was ordered not to publish the names of the witnesses, its presence might inhibit the witnesses and unwittingly reveal clues which would give away their identities.

The accused are Mr Sithabiso Mahlobo, 25, of Mhubeni, Estcourt; Mr Benedict Martins, 27, of Edendale; and Mr Duma Gqubule, 19, of Imbali.

The trial continues on Monday.

SACC man's son in treason trial

331
City Press
6/5/84

THE SON of SACC vice-president Rev Simon Gqubule is one of the three men charged with high treason by the Maritzburg Supreme Court this week.

Duma Gqubule, 19, Ben Martins, 27, and Sithabiso Mahlobo, 25, are also facing charges of "terrorism" and the illegal possession of arms and ammunition.

The State alleges that Mr Mahlobo is responsible for two bomb blasts in Maritzburg, and that he tried to

CP Correspondent

make Maritzburg the centre of his planned ANC operations after receiving military training in Angola.

A security guard at the Commercial Road Supreme Court told the court how he had kicked what later turned out to be a bomb.

He had opened the parcel, realised it was an explosive device, and then tried to warn people queueing outside the City Hall across the road who were waiting for a concert to start.

He phoned the police and was only metres away from the bomb when it exploded, injuring his right arm.

About 100 people stood outside the court this week, waiting for a chance to get in. Some of them joined in with the people singing "freedom songs" inside while waiting for the judge to arrive.

Police threatened to clear the court unless the singing and chanting of "Amandla" stopped.

Among the hundreds of people who attended the hearings were prominent clergy and many theological students.

So far the public gallery has been packed every day.

Treason trial opens to ANC chants

S. Tribune
6/5/84
331

By Carol Thompson

THE trial of three allegedly ANC guerillas in Pietermaritzburg's College Road Supreme Court started opened this week with a roar of "Amandla Awethu" (Power is Ours) — the traditional chant of the ANC.

The chant was led by Sthabiso Edgar Mahlobo, 25, accused number one in the trial. His co-accused, Benedict Anthony Duke Martin, 27, and Duma Gqubule, 19, grinned and waved clenched fists.

The packed gallery, fists held high in the Black Power salute, roared back a reply to the three men in the dock.

Mahlobo grinned defiantly before bursting out with the chant.

He was joined by Martin and Gqubule, who stood singing with the gallery, their fists raised in salute to the man with whom they are accused of high treason, terrorism, taking part in ANC activities and wilfully causing two explosions.

A policeman demanded the singing cease, and slowly the crowd sank to their seats.

Outside those people who could not squeeze themselves into the already overcrowded gallery, carried on the singing and chanting, and it was sometime before order was restored.

The rest of the court proceedings have carried on in orderly manner — the only time the Amandla chant is heard is at adjournments — and then it is the crowd outside the court who do the singing.

Identity of witnesses protected

Part of treason trial in camera

331 Star 7/5/84

Own Correspondent

MARITZBURG — Part of the treason trial here is to be held in camera, but the Press will not be excluded and will be allowed to report the testimony without identifying certain witnesses.

This ruling was made today by Mr Justice Kannemeyer, who was asked last week that some witnesses be allowed to give evidence in camera.

Granting the application, the judge said it was not necessary for threats to have been made to witnesses.

This is the fourth day of the trial in which Mr Duma Gqubule (19), of the Federal Theological Seminary, Mr Benedict Anthony Duke Martins (27), of Edendale, and Mr Sithabiso Edgar Mahlobo (25), of Estcourt, are appearing on charges of high treason, terrorism, taking part in African National Congress activities, possession of arms and other charges arising out of the bombing of two Supreme Court buildings here last year.

The judge said there had been allegations of military training in other countries. It was unlikely that those involved in such training would not be ruthless to the people they regarded as traitors.

MURDERED

Attempts to intimidate witnesses had been made in other trials. The judge said Brigadier Herman Stadler, head of the intelligence section of the Security Branch, testified that people who gave evidence in similar trials were murdered and others attacked.

The first witness to give evidence in camera said he knew Mr Mahlobo and Mr Gqubule. Last year he found Mr Mahlobo waiting for him in his room.

Mr Mahlobo told him he was looking for a school to finish his matriculation, but later pulled out a gun.

The witness said Mr Mahlobo wanted a trunk hidden under rugs in a storage space. The follownng day they went to Edendale Hospital to find a friend who, Mr Mahlobo hoped, would provide transport.

The second witness refused to take the oath, saying that he would not give evidence.

The judge told him he was obliged to testify and then, at the request of prosecutor Mr Les Roberts SC, the judge warned the man he could be held as an accomplice.

He adjourned the case to allow advocate Mr M T K Moerane to advise the man.

(Proceeding.)

Body find baffles police

West Rand Bureau

Police are trying to unravel the mystery surrounding the discovery of a young woman's body in a Krugersdorp stormwater canal.

A spokesman said the body, aged about 30, was found in the canal in the Quelerie Road area at 8 am on Saturday.

The body was dressed in long blue trousers, green socks, black sandals, a checked shirt, a blue-checked lady's blouse and a thin grey V-neck sweater.

The woman's hair is dark and she is about 1,70 m tall.

Anyone with information

Mountaineers rescue navy man

Own Correspondent

CAPE TOWN — A naval leadership survival course turned into an endurance marathon for a Bishop Lavis man who he spent the night on a storm-lashed Hout Bay mountain racked with pain from a dislocated shoulder.

Petty Officer Absalom Hamilton Mafeking (29) was brought down yesterday — nearly 24 hours after his accident — by 24 Mountain Club members.

A club spokesman said Petty Officer Mafeking and a dozen SA Navy colleagues were climbing Karbonkelberg about 500 m above the sea on Saturday.

PO Mafeking slipped and dislocated a shoulder as he grabbed an overhead branch.

The survival party radioed the navy's Apostle Battery, which notified the Metro rescue service.

Two Metro members tried to reach Petty Officer Mafeking, but failed in the dark.

Naval liaison officer Commander Dirk Visser said course leader Lieutenant-Commander Peter Brown and a colleague managed to reach the party from Apostle Battery.

The group decided to stay put until morning. Members of the Mountain Club said later that even they would have hesitated to venture over the rocky, steep ground in the pouring rain, howling wind and dark.

Yesterday the Mountain Club was called in and

Elegant Afghan Ysman, in his
a top-type dog, is never likely to
the Animal Anti-Cruelty League.
sands of his fellows that do,
and an equally elegant Kathy

Govt invites ev
on pension pro

CAPE TOWN — The Select C
benefits has invited interested
tions to submit written evidence to

The committee was appointed
March 19 to inquire into and report

Allegations of assaults by police are denied

331
E. Post
7/5/84

By CLAIRE PICKARD-CAMBRIDGE

A CAPTAIN of the Ciskeian police, a Captain Genda, and a Port Elizabeth security policeman, Sergeant M A Tungata, are alleged to have jointly interrogated one of the Grahamstown treason trialists at Jeffreys Bay, the Grahamstown Supreme Court heard today.

Mr P Langa, for the defence, was cross-questioning Sgt Tungata, when he said an accused, Mr Douglas Tyutyu, would say this interrogation took place in May last year.

This was denied by Sgt Tungata, who said he didn't remember such an event and claimed he had never interrogated any of the accused.

Mr Langa said another accused, Mr James Ngqondela, claimed that while Sgt Tungata was assaulting him on May 17, 1983, he boasted that he was "Lookout Masuku", a commander of Zipra, the former military wing of Zapu.

Sgt Tungata denied both allegations.

Mr Langa said Mr Ngqondela would also say Sgt Tungata was assaulting him one day when a security policeman, Lieutenant G C F Smuts, had entered and said: "Please chaps, I want no blood."

Mr Ngqondela also claimed that during this incident another security policeman, WO S Mene, had pinched his stomach so often that the skin had later peeled and he had been sent to see a doctor.

Sgt Tungata denied this.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

3 years' jail for refusal to testify

Own Correspondent

MARITZBURG — Edendale Hospital medical practitioner Mvuyo Ernest Tom (31) was today jailed for three years for refusing to give evidence against the accused in the treason trial here.

He exchanged clenched fist salutes with spectators when he entered the witness box.

Tom was summarily convicted yesterday after Mr Justice Kannemeyer was told by Tom's counsel, Mr M T K Moerane, that he believed he would be a traitor to his friends and to the cause of African liberation if he testified against them.

Mr Moerane said: "He would not be able to live with his conscience if he were to testify in a case like this. He believes he belongs to a section of the South African community which is denied political rights."

Mr Justice Kannemeyer said that the suggestion that Tom was not obliged to testify because he has no political rights was legally a bad submission.

He said that if it were held as a just excuse, it would frustrate the process of justice and make proceedings impossible in many political and terrorism trials.

N. Mercury 8/8/84 (331)

Doctor faces jail rather than testify

Pietermaritzburg Bureau

AN EDENDALE doctor faces up to five years in jail after refusing to give evidence for the State in the trial in the College Road Supreme Court here yesterday of three men for high treason.

Dr Mvuyo Ernest Tom, who was a medical officer at the black hospital in the sprawling township outside the capital until his arrest by the security police six months ago, declined to take the oath when he was called to give evidence against Mr Sithabiso Mahlobo, Mr Benedict Martins and Mr Duma Gqubule.

Outlining the evidence he expected Dr Tom to give, in support of an application that he be heard behind closed doors, State counsel Mr Les Roberts SC said the witness had gone several times to Lesotho with Mr Martins for the purpose of receiving ANC indoctrination.

Testify

Later, Dr Tom allegedly provided transport for the accused men and, on occasion, a trunk-load of arms and/or ammunition, and lent his car to Mr Martins on the afternoon of the bomb-blast at the old Supreme Court in the capital, which the three accused are charged with causing.

The in-camera application was granted for the protection of Dr Tom's identity, but the Court opened to the public after he refused to testify.

At the State's request, Mr Justice Kannemeyer warned Dr Tom as an accomplice, adding that if he were to give evidence frankly and honestly he would be absolved from prosecution.

The witness remained adamant that he would not testify.

Mr M T K Moerane, who appeared on behalf of Dr Tom, said the 31-year-old doctor had refused for reasons of principle as 'he would not be able to live with his conscience if he were to testify against the accused' — particularly against Mr Martins, who was a close friend.

Traitors

His client felt that he did not owe allegiance to a State which did not confer political rights on his section of the community, nor had his people played a part in defining the crimes with which his friends were charged.

The doctor also agreed with the evidence given by a senior security policeman, Brigadier H D Stadler, that State witnesses were regarded by the black community as traitors to the cause of liberation, Mr Moerane said.

'The witness finds himself in a position where it would be humanly impossible for him to give evidence in this case,' he concluded.

Mr Roberts told the Judge, sitting with two assessors, that the principles which were held by Dr Tom did not accord with those recognised by South African society in general, and it would be an intolerable situation if persons could take the law into their own hands by deciding not to give evidence in cases of this kind.

Excuse

Passing judgment in the 'trial within a trial', Mr Justice Kannemeyer said the problem was whether the 'just excuse' specified in the Criminal Procedures Act as a valid reason for refusing to testify, amounted to the same as a legal excuse, or whether it should be given a broader definition. No legal reasons had been advanced to excuse the witness' failure to testify.

'There's no case which has been quoted to me in which an excuse which has been not held to be a legal excuse has been accepted,' he said, adding that it was possible examples of these had yet to be found.

However, the Judge concluded that sympathy with an accused person did not amount to 'just cause', and said the argument that a person with no political rights owed no loyalty to the State was a 'bad submission'.

Conscience

'The fundamental purpose of the Courts is to administer justice, and the importance of this must be balanced against the wishes of persons not to give evidence. In the present case I am satisfied that the reasons advanced do not constitute just cause,' the Judge concluded.

Arguing in mitigation of sentence, Mr Moerane said Dr Tom was aware of his responsibility to his wife and 15-month old child, but had to prove to himself he was a man and had to be able to live with his conscience.

He added that there was a crying need for doctors within the black community, and the interests of society in this case did not demand a lengthy jail term.

The lawyer also asked the Court to take into account that his client had been held in detention by the police since November 24.

He handed the Judge a copy of the judgment against four witnesses who refused to give evidence in a treason trial before Mr Justice Auret van Heerden in the College Road court in August 1982, where sentences of between three and five years were handed down for failure to testify.

Sentence is to be passed on Dr Tom at 9.30 a.m today.

RDM 8/5/84 (331)

Doctor faces jail for his silence

Mail Correspondent

MARITZBURG. — An Edendale doctor faces up to five years in jail after refusing to give evidence for the State yesterday at the trial in the College Road Supreme Court, Maritzburg, of three men charged with high treason.

Dr Mvuyo Ernest Tom, 31, who was a medical officer at the hospital in the township outside the capital, until his arrest six months ago, declined to take the oath when he was called to give evidence against Mr Sithabiso Mahlobo, Mr Benedict Martins and Mr Duma Gqubule.

Outlining the evidence he expected Dr Tom to give in support of an application that he be heard behind closed doors, the State counsel, Mr Les Roberts, SC, said the witness had gone several times to Lesotho with Mr Martins for the purpose of receiving ANC indoctrination.

Later, Dr Tom allegedly provided transport for the accused men and, on occasion, a trunk-load of arms and/or ammunition, and lent his car to Mr Martins on the afternoon of the bomb-blast at the Old Supreme Court in the capital, with which the three accused are charged.

Mr M T K Moerane, who appeared on behalf of Dr Tom, said he had refused for reasons of principle as "he would not be able to live with his conscience if he were to testify against the accused".

His client felt that he did not owe allegiance to a State which did not confer political rights on his section of the community, nor had his people played a part in defining the crimes with which his friends were charged.

The judge, Mr Justice Kanemeyer, said the argument that a person with no political rights owed no loyalty to the state was a "bad submission", and concluded that: "The fundamental purpose of the courts is to administer justice, and the importance of this must be balanced against the wishes of persons not to give evidence. In the present case I am satisfied that the reasons advanced do not constitute just cause."

Sentence is to be passed on Dr Tom this morning.

UDF cavalcade 'inflammatory'

Cape Times 8/5/84 p 33

Staff Reporter

TWENTY-SIX United Democratic Front supporters who took part in a motor cavalcade last year, were arrested by police and charged in terms of the Internal Security Act because of the "volatile and explosive atmosphere" surrounding the referendum, the Cape Town Regional Court heard yesterday.

The supporters, arrested on October 29 — a Saturday morning — in Mill Street, Gardens, have all pleaded not guilty. It is alleged the cavalcade which was part of the UDF's Peoples' Weekend celebrations, constituted an illegal gathering.

Major Godfrey Biccare, of the South African police, told the court that after the cavalcade stopped, he informed the motorists and their passengers that they had been acting unlawfully.

Charged

He ordered them to drive to Caledon Square police station where they were formally charged and photographed.

"All the cars were decked with placards of a political nature, concerning opposition to apartheid," he said. "There was one of an inflammatory nature which depicted a group of people marching under a banner."

One of the characters depicted on this poster had a clenched fist raised in the air, he said. "It was apparent to me that they were trying to belittle the referendum."

Under cross-examination, Major Biccare said: "The atmosphere just before the referendum throughout the country was an explosive situation. There were people opposing it and people for it."

Mr A M Omar, for the accused, asked him what had made that "explosive".

"The tension which could have led to confrontation between individuals and groups," Major Biccare replied.

Prime Minister

"Do you know that on November 2 there was a procession of vehicles in George, led by the Prime Minister? This was also political not so?" Mr Omar asked.

Major Biccare said that he had had nothing against "that sort" of procession.

After the State had closed its case, Mr Omar asked that the accused be discharged as there had been no evidence that the cavalcade had constituted a "gathering" as defined in the Act.

"Even if it was a 'gathering', it was not the kind of gathering the legislature contemplated dealing with," he said.

The magistrate, Mr K M Lemmer, dismissed the application, saying that the State did have a *prima facie* case.

A City attorney, Mr Essa Moosa, told the court that one of the accused had approached him for advice before the cavalcade was due to have begun.

'Not illegal'

"I informed him that such a cavalcade — provided it observed Municipal and traffic regulations — could not be illegal," he said.

The hearing will continue today. Bail of R200 for each of the accused was extended.

The 26 are: Michael Abrams, 27; Astrid Wicht, 28; Peter Dunckley, 26; Marlene Winburg, 27; Naseech Jaffer, 25; Nieshaam Sampson, 22; Derrick Fine, 24; Judith Cornell, 33; Michael Bally, 27; Richard Goode, 22; Joan Alberts, 25; Mark Patrick, 23; Nicola Illing, 22; Shirley Berger, 20; Jonathan Kaplan, 22; Catherine Aaron, 24; Gillian Kincaid-Smith, 31, Liane Kathleen Swift, 43; Leah Abramsohn, 30; Anne Mayne, 43; James Davidson, 32; Catherine Kell, 25; Deborah Bradshaw, 29; Maureen Robertson, 27; Merle Jawitz, 25; and Fiona Wallace, 26.

Mrs M Voges appeared for the State. Mr Omar was instructed by Mr Clifford Luyt, of Frank, Bernadt and Joffe.

RDM 8/5/84 (331) (143A/84)

Unionist freed of ANC charge

By SAM MASEKO
Pretoria Bureau

AN ATTERIDGEVILLE trade unionist was acquitted in the Pretoria Regional Court yesterday of being a member of the African National Congress.

Mr Gabriel Mokoka, 27, a member of the SA Allied Workers Union (Saawu), was also found not guilty of being in possession of banned publications and furthering the aims of the ANC.

Mr Mokoka had pleaded not guilty before Mr J H Bekker.

The State alleged that he was a member of the ANC, and that he was found in possession of the ANC publications: "Sechaba, Mayibuye, Dawn," and "The Freedom Charter" on July 25 last year. He was also charged with furthering the aims of the ANC.

Mr Mokoka's defence counsel, Mr Eric Dane, successfully applied for his client's acquittal.

Cape Times 9/5/84

26 of UDF fined after motorcade

Staff Reporter

TWENTY-SIX supporters of the United Democratic Front (UDF) who took part in a motor cavalcade in the City last year, were yesterday convicted in the Regional Court of attending an illegal gathering and each fined R50 (or 25 days).

They were arrested on October 29 last year — a Saturday morning — in Mill Street, Gardens, and charged in terms of the Internal Security Act after the motorcade — which was part of the UDF's People's Weekend celebrations — had been stopped by police.

All 26 pleaded not guilty to the main charge of encouraging or convening an illegal gathering and also to the alternative charge of attending an illegal gathering.

Placards

Major Godfrey Biccare of the South African Police testified that "all the cars were decked with placards of a political nature, concerning opposition to apartheid. There was one of an inflammatory nature which depicted a group of people marching under a banner".

One of the characters depicted on the posters had a clenched fist raised in the air. It was apparent that they were trying to belittle the referendum campaign, he said.

Under cross-examination, Major Biccare said: "The atmosphrere just before the referendum throughout the country was an explosive situation. There were people opposing it and people for it."

Passing judgment, the magistrate, Mr J M Lemmer, said the motorcade in which the 26 were arrested was an illegal gathering "as contemplated in the act. The placards displayed on the 10 cars were politically inclined and of the nature that the minister had intended to be unlawful".

Mr Lemmer also found that the 26 had had a common purpose. He said this could be deduced from the fact that the placards displayed on the cars were similar.

Evidence that they had sought legal advice made it quite clear that they realized they could be breaking the law, Mr Lemmer said.

In mitigation of sentence, Mr A M Omar, for the 26, said his clients had "acted not because they were intent on breaking the law, but as a result of ideals and commitments to a cause".

The 26 were: Michael Abrams, 27, Astrid Wicht, 28, Peter Dunckley, 26, Marlene Winberg, 27, Naseegh Jaffer, 25, Niezhaam Sampson, 22, Derrick Fine, 24, Judith Cornell, 33, Michael Bailey, 27, Richard Goode, 22, Joan Alberts, 25, Mark Patrick, 23, Shirley Berger, 20, Jonathan Kaplan, 22, Catherine Aaron, 24, Gillian Kincaid-Smith, 31, Liane Kathleen Swift, 43, Linda Abramsohn, 30, Anne Mayne, 43, James Davidson, 32, Catherine Kell, 25, Deborah Bradshaw, 29, Maureen Robinson, 27, Merle Jawitz, 25, and Fiona Wallace, 26, and Nicola Illing, 22.

Mrs M Voges appeared for the State. Mr A M Omar was instructed by Mr Clifford Luyt of Frank, Bernardt and Joffe.

The Cape vulture — an endangered specie birds were found dead near Barkly :

Picture: Cape Department of Nature and

Thatcher tops US poll

Own Correspondent

LONDON. — Mrs Margaret Thatcher has been picked by influential Americans as the most skillful foreign leader for the third year running in a poll published by the magazine, US News and World Report.

More than 60 percent of Americans picked Mrs Thatcher.

Jail for refusal to testify

MARITZBURG. — A doctor at Edendale Hospital near Maritzburg has been sentenced to three years' imprisonment for refusing to give evidence in the trial of three men charged with high treason.

The trial is a sequel to bomb blasts in the Natal capital last year in which the new Supreme Court building and the old Supreme Court building were damaged.

When Dr M E Tom was called as a witness yesterday, he refused to take the oath as he was not prepared to give evidence.

His lawyer said Tom was a close friend of one of the accused and he would not be able to live with his conscience if he were to give evidence against him.

The main trial continues today in camera. — Sapa

Man s shop b

Crime Reporter

A 20-YEAR-OLD messenger is under police guard at Groote Schuur Hospital after he was shot in the neck and leg while allegedly trying to flee from two Stuttafords security guards who had found him in a storeroom on Monday night.

According to police the security guards, Mr A J Everett and Mr C N Phillips, went to investigate after an alarm had sounded in the Adderley Street shop about 6.45pm.

They discovered that a front window of the shop had been smashed and went to a storeroom where they found the man.

Captain Gerhard van Rooyen, a police liaison officer, said the man had grappled with the guards before trying to flee.

Three shots were

You come up with the Car we'll

the facts

TWO pictures were inadvertently transposed in yesterday's edition of

Stolen-c Shot ma

Doc jailed for his silence

Sowetan 9/5/84 (331)

A DOCTOR from the Edenvale Hospital near Pietermaritzburg has been sentenced to three years' imprisonment for refusing to give evidence in the trial of three men charged with High Treason.

The trial is a sequel to bomb blasts in Pietermaritzburg last year in which the new Supreme Court building in Pietermaritz Street and the old Supreme Court building in Commercial Road were damaged.

When Dr M E Tom was first called as a witness on Monday, he refused to take the oath, saying he was not prepared to give evidence.

His lawyer said Tom was a close friend of one of the accused and he would not be able to live with his conscience if he were to give evidence against him.

Passing sentence in terms of the Criminal Procedures Act, Mr Justice D D V Kannemeyer, of the Eastern Cape Division, said Tom was an educated man who had been given plenty of opportunities to reconsider his stand.

Bearing in mind the gravity of the charges against the three accused and the personal circumstances of the witness, he had decided the sentence was appropriate, the judge said.

The main trial continued yesterday in camera.—Sapa.

Trial told of ANC military training

N Mercury 9/5/1984 331

Pietermaritzburg Bureau

A MAN told a judge here yesterday that he had slipped across the Swaziland border three years ago looking for a job, and had ended up joining the ANC and undergoing military training in Mozambique and Angola.

The man, who may not be identified in terms of a Court ruling, was testifying at the trial in the College Road Supreme Court of three men accused of high treason, terrorism and taking part in ANC activities.

The hearing is a sequel to two blasts in the capital last year, which damaged the new Supreme Court building in Pietermaritz Street and the old Supreme Court in Commercial Road.

Border

Damage to the two buildings and others nearby has been estimated by witnesses at more than R80 000.

The accused are Mr Sithabiso Mahlobo, 25, of Estcourt, Mr Benedict Martins, 27, of Edendale, and Mr Duma Gqubule, 19, of Imbali.

The witness told Mr Justice Kannemeyer, sitting with two assessors, that he had crossed the Swazi border without a passport in January 1980. He had joined the ANC because he thought it would enable him to live by providing him with work.

He said he had met one of the accused, Mr Mahlobo, while he was waiting to be sent to Mozambique, and they had been together for a time in that country, after which they were flown to Angola.

In Angola they had gone to a transit camp named 'Vienna', where they were made to write their biographies, perform physical excercises and attend political classes.

After a time they went to another camp called 'Panco' where they were trained in the use of firearms, explosives and in military tactics.

Towards the end of 1980 Mr Mahlobo was selected as part of a group which was to go to East Germany for training, the witness said, adding that he next saw Mahlobo at the Vienna camp in June 1981.

Arrivals

He said Mr Mahlobo was a member of the staff of that camp, attending to new arrivals, and was still there when the witness left in August 1982 to go to another camp in preparation for his return to South Africa.

The witness said he was thereafter sent to Mozambique, where he was in charge of a camp at Napula.

Towards the end of June 1983, Mr Mahlobo arrived with a message from the ANC high command in Maputo that they were to select a group of four men to go with the witness to South Africa, he said.

After a time in Maputo, where he and Mr Mahlobo were issued with pistols, hand grenades and false passports, they went to Swaziland, where they were briefed by the 'commanders' whom the witness named as Ralph, Douglas, Magagula and Thami Zulu.

Mr Mahlobo's role was to introduce the witness to people in the Pietermaritzburg area, after which the witness should blast power stations, military bases and the police, 'if they intervened where people were striking'.

Explosives

He told the Court he was meant to use explosives, guns, hand grenades, artillery mortars and the SPG 9 — which he described as a sort of cannon — which were to be sent from Swaziland.

He was given R1 400 by one of the commanders, and he and Mr Mahlobo were given a lift across the border, after which they made their way to Pietermaritzburg, arriving on the evening of November 18.

Mr Mahlobo allegedly took him to a place which the witness identified as 'the school of theology', where he was introduced to another of the accused, Mr Gqubule.

In answer to a question from the Judge, the witness said he was introduced by Mr Mahlobo saying to Mr Gqubule 'if you see this one, it is just the same as seeing me'.

They spent the night with Mr Gqubule after other arrangments for accommodation fell through, and the next day were given a lift by a friend of Mr Gqubule's to a kraal, where Mr Mahlobo was received as an old friend.

The following afternoon Mr Mahlobo left the witness there, saying he was going to look for other accommodation for them as it was not safe at the kraal.

Arrested

Suddenly the witness found himself surrounded by police, who searched him and his luggage, finding the money and the weapons, after which he was arrested.

The witness will be cross-examined this morning.

Earlier in yesterday's hearing, an Edendale doctor, Dr Mvuyo Ernest Tom, was sentenced to three years' imprisonment for refusing to give evidence in the trial.

Passing sentence on Tom, Mr Justice Kannemeyer said he had been given plenty of opportunity to reconsider his stand, but had remained adamant.

The Judge said a factor which had led him to consider a shorter term than the maximum five-year period was that fewer explosions, and fewer injuries, had resulted from the case under consideration than in another matter where the witnesses had received five years.

Two further witnesses appeared during the day, but the Court ordered that neither should be identified and the courtroom was cleared.

Their evidence concerned the movements of the accused, and the storage of a trunk allegedly containing a cache of arms and explosives, last year.

RAND DAILY MAIL, Thursday, May 10, 1984

331

'Treason accused listed 12 targets'

Mail Correspondent

MARITZBURG. — An accused in the treason trial in the College Road Supreme Court, Maritzburg, listed 12 targets in Maritzburg and Estcourt in a document he admitted writing last year.

The seven-page document, headed "Year of United Action Report" was written by Mr Sithabiso Mahlobo, 25, on May 4 1983, and, according to State evidence, handed to Major P de Kock of the Security Police by a "sensitively-placed source".

The handwritten document was handed in as an exhibit and formed one of a number of admissions made by Mr Mahlobo, according to the State advocate, Mr L Roberts, SC, yesterday.

Mr Mahlobo, Mr Benedict Martins, 27, of Edendale, and Mr Duma Gqubule, 19, of Imbali are accused of high treason, terrorism and taking part in ANC activities.

The Maritzburg targets, according to the document, were Huletts Aluminium Multinational, Plessislaer Police Station, administration buildings, Alexandra Police Station, Loop Street Police Station, a substation, a group of sell-outs and the Trust Bank.

The Estcourt targets were the Escom plant near Bergville, Mshini Police Station at Ntabamhlope, the new police station and administration buildings next to the bus rank in the town, and a substation.

In another document handed in yesterday, Mr Mahlobo wrote that he had been assaulted while being questioned in detention.

The allegations were made in a letter written on November 24 and addressed to the Divisional Commissioner of Police in Natal.

Mr Mahlobo asked to know about his rights as a "prisoner" under the status quo. He said he was told by the investigating officer he had been arrested under Section 29 of the Internal Security Act and would have to stay in detention for six months without being visited by anyone except "officials entitled to deal with my case".

"And as I am being questioned I am experiencing all kinds of assault, from physical mishandling to psychological. I've reported all my cases of assault."

The trial of the three follows two blasts in Maritzburg last year which damaged the new Supreme Court building in Pietermaritz Street, and the old Supreme Court in Commercial Road.

The case is proceeding.

Drunk ANC man lost gun, 2 grenades

Own Correspondent

MARITZBURG. — A trained African National Congress insurgent told the College Road Supreme Court yesterday he got drunk on his way from Piet Retief to Durban and was robbed of his firearm and lost two hand grenades during the trip.

The witness, who may not be identified in terms of a ruling by the presiding judge, Mr Justice Kannemeyer, is refered to as Mr F. He gave his evidence in camera at the prosecutor's request.

He told the court his mission on returning to South Africa from Swaziland was to bomb four places in Durban — the Corporation bus depot, a railway line, the labour offices and the offices that "cater for the Xhosa Bantustans".

Mr F said he left South Africa for Swaziland where he was trained as "a soldier for the Umkhonto (spear) of the ANC". He then went to Mozambique and Tanzania and from there to the Soviet Union, where he underwent a 10-month commander's course and training in guerilla activities.

Armed with a pistol and two grenades he arrived in South Africa from Swaziland and caught a train for Durban, but got drunk and debarked instead at Maritzburg where he was arrested.

the B-degree includes at least one course in chemistry. (Only the B-degree is recognised for category purposes as M-degrees are obtained at Oxford University without any further study).

(b) Scale: R7 833 × 621—10 317 × 780—13 437. Notch: R7 833 plus a 12% pensionable allowance of R942 payable as from 1 January 1984.

(iii) (a) Category D.

(b) Scale: R7 833 × 621—10 317 × 780—13 437. Notch: R7 833 plus a 12% pensionable allowance of R942 payable as from 1 January 1984.

(iv) (a) Category D.

(b) Scale: R9075 × 621—10 317 × 780—14 997. Notch: R10 317 plus a 12% pensionable allowance of R1 239 payable as from 1 January 1984.

Hansard 11/5/84 Q.01. 1231

Sabotage

876. Mrs H SUZMAN asked the Minister of Law and Order:

(a) How many persons were charged with offences relating to sabotage in 1982, (b) how many of them were (i) acquitted, (ii) convicted of sabotage, (iii) convicted of lesser offences and (iv) still awaiting trial at the end of 1983 and (c) for what period was each of these persons detained before being charged?

The MINISTER OF LAW AND ORDER:

(a) One.

(b) (i) None.

(ii) One.

(iii) and (iv) Fall away.

(c) 233 days.

Hansard Q.01.1232 11/5/84

Armscor: office building

899. Mr B B GOODALL asked the Minister of Defence:

(1) Whether Armscor intends to construct or acquire a new office building; if so, (a) where, (b) when is it anticipated that it will be completed or acquired, (c) what will be the total cost involved and (d) how many (i) offices will be provided and (ii) employees will be accommodated in this building;

(2) whether there will be any surplus office space in this building; if so, what will be done with this space?

The MINISTER OF DEFENCE:

(1) Yes.

(a) On the site known as Portion 81 of the farm WATERKLOOF 378-JR and Portion 329 (a portion of Portion 17) of the farm GARSTFONTEIN 374-JR and ERASMUSHUIS, situated on the Eastern side of Pretoria.

(b), (c) and (d) The project is still in the initial planning stage and the date of completion, total cost and exact number of offices have not yet been determined. Approximately 1 500 employees will be accommodated in the building.

(2) No.

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Star 11/5/84 (3)

Bomb case witness 'fears SP'

MARITZBURG — A youth group was sent from Maritzburg to Maseru for a church youth conference last year which turned out to be an African National Congress training programme, the College Road Supreme Court heard yesterday.

Giving evidence in camera, a witness who will be called Mr G said that on its arrival in Maseru the group was briefed on the aims, methods and history of the ANC.

Included in the briefing was a tape recording of a speech by the leader of the ANC, Mr Oliver Tambo.

Mr G told Mr Justice Kannemeyer and two assessors that the trip had been arranged by one of the accused, Mr Benedict Martins, who was a youth worker at the Lay Ecumenical Centre in Edendale.

Mr Martins, Mr Mithabiso Mahlobo and Mr Duma Gqubule are facing charges including high treason in connection with bomb attacks on two Supreme Court buildings in Maritzburg last year.

A second in camera witness, Mr H, said he had been part of the same group.

He had not completed his evidence before the court adjourned yesterday.

Under cross-examination by defence counsel, Mr H W Levy SC, Mr G said he had been in detention since his arrest in November last year by members of the Security Police.

He said throughout his detention he had been repeatedly questioned.

He had made written statements, but the security policemen had not always been happy with them and had made him repeat them until they had been satisfied.

He alleged he had received "slaps" on occasions.

He said he was afraid of the Security Police and said it was "not the type of fear I can explain".

He had been told that if he did not give evidence according to his statement, he would get into trouble.

He said he felt fear that the Security Police would not be happy with his evidence.

Mr G was given an assurance against possible prosecution at the start of his testimony, provided that he answered questions honestly and frankly.

The hearing continues. — Sapa.

E. Post 11/5/84 331

Examinations on trialists are described

By SHIRLEY PRESSLY

GRAHAMSTOWN — The principal district surgeon for Port Elizabeth, Dr Benjamin Tucker, today gave details in the Grahamstown Supreme Court of medical examinations he had made of most of the treason trialists when they were detainees.

According to his evidence he visited one of the then-detainees, Mr Sipho Hina, 11 times.

He said the first examination of each detainee was from "head to toe" and they were stripped to their underpants.

On follow-up visits, a physical examination was made only when the detainee made a specific complaint.

Dr Tucker said he regarded the relationship between himself and the detainee as a "normal doctor-patient relationship", and did not consider it his duty "to look into every orifice to see if there was an injury".

He said he had specifically asked each detainee if they had sustained injuries caused by the police.

He saw Mr Nzo for the first time on June 19, after a telephone call from the district surgeon of Humansdorp, where Mr Nzo was in detention.

He saw Mr Nzo at the Humansdorp hospital that afternoon and arranged for his transfer to the Provincial Hospital in Port Elizabeth.

He saw Mr Nzo again on May 27, two days after his discharge from hospital. Mr Nzo's headwounds were still scabbed, but there was no septecaemia.

Mr Nzo communicated only in monosyllables when questioned and walked normally.

Mr Kingsley, appearing for the State, in reply to a question by Mr Justice Howie as to the origin of Mr Nzo's injuries, said it did not appear to have anything to do with the proceedings.

Dr Tucker said Mr Douglas Tyutyu complained of nose-bleeds when he examined him for the first time on May 13. There were no injuries visible on his body.

Mr Sipho Hina was visited 11 times in all, according to evidence given by Dr Tucker. Mr Hina asked for his remaining teeth to be removed and dentures fitted. This was done.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

ARGUS 11/5/84

Ciskei officer feared detention, court is told

East London Bureau

BISHO. — A Ciskei intelligence officer feared that Mr Charles Sebe would detain him if he did not agree that Brigadier Harvey Tamsanqa be released from detention.

Colonel Louis Nonhonho, former divisional commander of the intelligence service, told the Supreme Court here yesterday he had agreed that Mr Sebe's former deputy be released because he had not known what would happen to him if he did not.

He was testifying at the trial of Mr Sebe, former Commander General of State Security, who has pleaded not guilty to charges of terrorism.

"Mr Sebe was my superior and he is also physically strong. I thought I might be detained if I disagreed."

Colonel Nonhonho said that all the police, army and intelligence officers Mr Sebe had called to his office on July 14 last year to discuss the detention agreed that Brigadier Tamsanqa should be freed.

Brigadier Tamsanqa was detained on July 13 without Mr Sebe being informed.

Colonel Nonhonho said he had not known whether Mr Sebe had the authority to order Brigadier Tamsanqa's release because some of Mr Sebe's powers had been cut.

"It was difficult to ask Mr Sebe questions. You didn't ask him questions. He gave orders and the person carried them out," Colonel Nonhonho said.

"INCITEMENT"

It is alleged that Mr Sebe endangered the security of the State by inciting a group of security officers to free Brigadier Tamsanqa by force from detention in Mdantsane.

The alleged plan to free Brigadier Tamsanqa was dropped after Brigadier A Nell, Commander of the Ciskei Defence Force, and General Johan Coetzee, the South African Commissioner of Police, urged Mr Sebe not to proceed with it, Colonel Nonhonho said.

Mr Justice Pickard is on the bench. Mr Piet Oosthuizen, SC, and Mr Jan van Jaarsveld appear for the State. Mr Paul Avenant appears for Mr Sebe.

(Proceeding)

Jailed doctor is no Uncle Tom

Wife stands by her man

C. Press 13/5/84

THE wife of an Edendale doctor, jailed for three years this week for refusing to testify in the Maritzburg high treason trial, says she is "very proud" of her husband.

CP Correspondent (331)

Mrs Nosipho Tom told City Press after her husband had been sentenced that she knew now, more than ever, that her husband was a man of high principles.

"I am so proud that he managed to keep his principles during the six months he spent in the cells. Sometimes people change, when they have a long time just sitting there, waiting, but he did not.

"I would have been terribly disappointed if he did not take this stand. To the last he proved himself a man of intergrity."

The Toms have a 17-month-old baby, Malibuye.

Dr Tom was called to give evidence in the trial for high treason, of Sithabiso Mahlobo, Ben Martins and Duma Gqubule.

The State said, before calling Dr Tom, that he was being called to give evidence concerning visits he had made to Lesotho with one of the accused, for the purpose of "ANC indoctrination". He was also to have given evidence about claims that he had allowed one of the accused to store a trunk filled with explosives in the boot of his car.

Although Dr Tom was promised immunity from presecution if he gave evidence, he refused to do so, saying that he would not be able to live with his conscience if he did.

Before he was convicted he was asked once again by the judge whether he had considered the matter fully.

He was resolute in refusing to testify.

Dr Tom's lawyer said that his client would feel he was a traitor to his friends and the cause of African liberation if he gave evidence against them.

The judge said that the lack of political rights for black people may be a reason for someone not to wish to give evidence, but in law, it did not constitute a "just excuse".

RDM 14/5/84 (331)

Hopes for release of more prisoners

I feel like Rip Van Winkle, says Kitson

Mail Correspondent

LONDON. — Mr David Kitson, who was released from prison in South Africa last week after spending almost 20 years behind bars, said yesterday he felt like Rip Van Winkle being free again — "I believe he was a bit dazed when he woke up".

Speaking on BBC Radio, Mr Kitson declined to make any political comment, but he said he hoped his release — seven months before he was due to leave prison — would herald the release of other political prisoners in South Africa.

Asked by the interviewer if he meant "people like Nelson Mandela", Mr Kitson replied he had been in prison with Dennis Goldberg — who is also serving a life sentence — and added: "I think he should also be released."

Mr Kitson said he hoped Nelson Mandela would be released. He said: "Nelson Mandela is still considered a spokesman of the people in this country."

Life in prison had an impact on him and his fellow prisoners, but they also had an impact on the prison services "and conditions gradually improved over the years".

"Things change in every country and in this country things change fast. There are also changes in the Prisons Department."

Mr Kitson said the authorities were "quite good" with regard to allowing them access to study material and books. In the latter years they were also allowed newspapers which were not censored.

In the past five years they had remained in touch with everything and they remained keenly interested in what was going on.

Mr kitson's family in London believe his release was designed as a "public relations excercise" to coincide with the visit to Britain next month by the South African Prime Minister Mr P W Botha.

Speaking on LBC Radio, Mr Kitson's son Steven, who was held in South Africa in 1982 when he was visiting his father in jail, said the British people should not be fooled by the attempt to present Mr Botha in a "liberal" light.

He said the South African Government remained "barbarous and fascist", and while acknowledging that his father was free again after almost 20 years, Mr Kitson asked: "What about the other political prisoners and the 24-million (black) people who suffer the brutalities of apartheid every day."

He and his family, including his father, would only be truly happy once all political prisoners were freed and they would be "jubilant when South Africa is free and we can go back and live in a just South Africa", Mr Kitson said.

Mr Steven Kitson, his mother Norma, and his sister Amandla, have been active in the Anti-Apartheid Movement since coming to Britain.

They have organised pickets and meetings in London in support of the liberation struggle in South Africa.

Cape Times
17/5/84 331

Court told of secret letters

Own Correspondent

PORT ELIZABETH. — The Grahamstown Supreme Court yesterday heard that one of the 11 accused appearing in the treason trial, Rufus Nato Nzo, had shown a security policeman a toothpaste tube which contained three letters, which he had allegedly received from a terrorist known only as Joe.

Major H B du Plessis, the security policeman, who also led the team which investigated the case, yesterday said Mr Nzo, whose MK name (the military wing of the African National Congress) is apparently Gandric, had spoken of the communications methods used by trained terrorists in Port Elizabeth and senior officials of the ANC in Lesotho.

One of the letters was addressed to Cader Lucas (Cader is believed to be a title for trained terrorists). He said Lucas was believed to be a unit commissioner also known as Booi Njongo.

The letter, written in Xhosa, was translated into English by an interpreter.

Girlfriend

The other letter was apparently written by Joe, to be sent to his girlfriend in Lesotho, wherein he says he is fine in that he is still alive.

Major Du Plessis said the third letter was written in a code he could not decipher.

The District Surgeon for Humansdorp, Dr P D Delport, yesterday said he saw Mr Nzo on May 19, after being telephoned by a policeman at Jeffreys Bay, where Mr Nzo was detained.

Dr Delport said Mr Nzo had sustained head injuries and was suffering from severe shock. He set up an intravenous drip to give Mr Nzo three pints of blood, and stitched up his scalp.

An X-ray showed that Mr Nzo had not sustained any fractures or brain damage.

Dr Delport said Mr Nzo told him, and some of the hospital person-

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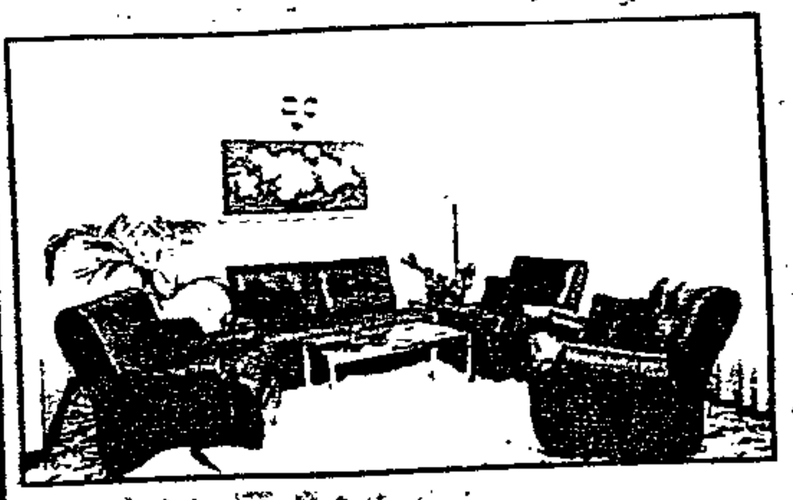

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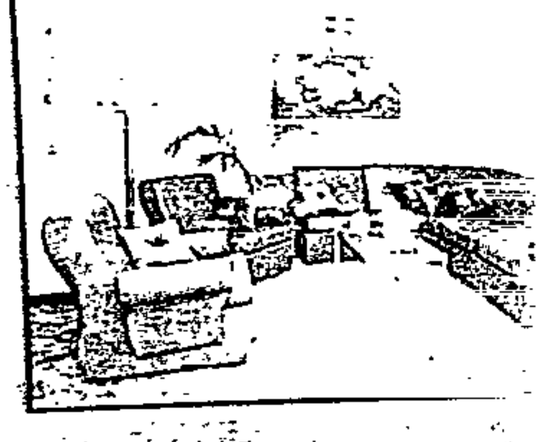

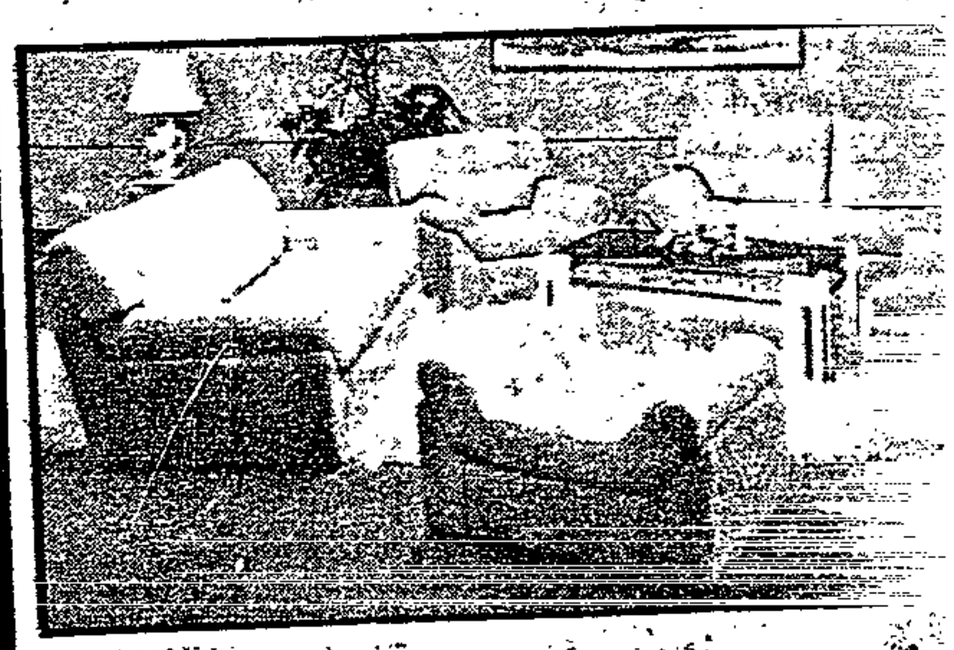

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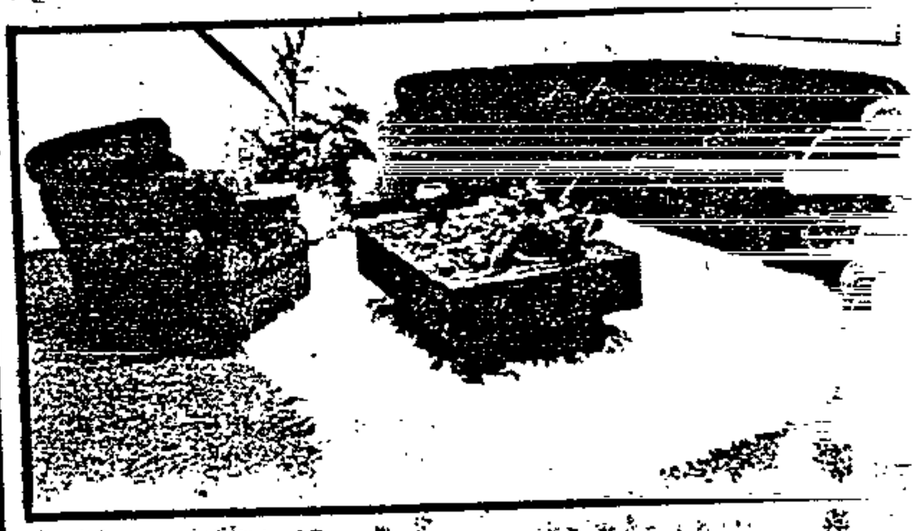

Many other designs on

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An X-ray showed that Mr Nzo had not sustained any fractures or brain damage.

Dr Delport said Mr Nzo told him, and some of the hospital personnel as well as police officers, he was tired of life and wanted to end it. Mr Nzo said he had not been assaulted, the court heard.

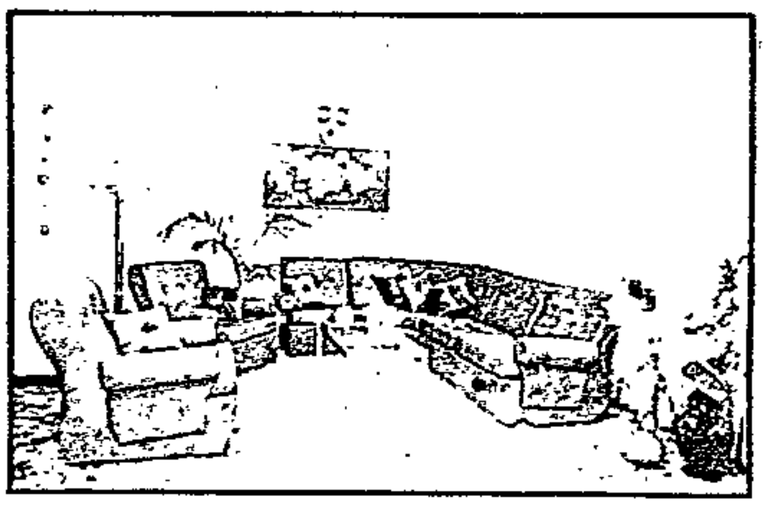
Later that day, Dr Delport visited the cell Mr Nzo was detained in. He found the floor covered in blood, and two iron pipes protruding from the wall, both of which were covered in blood.

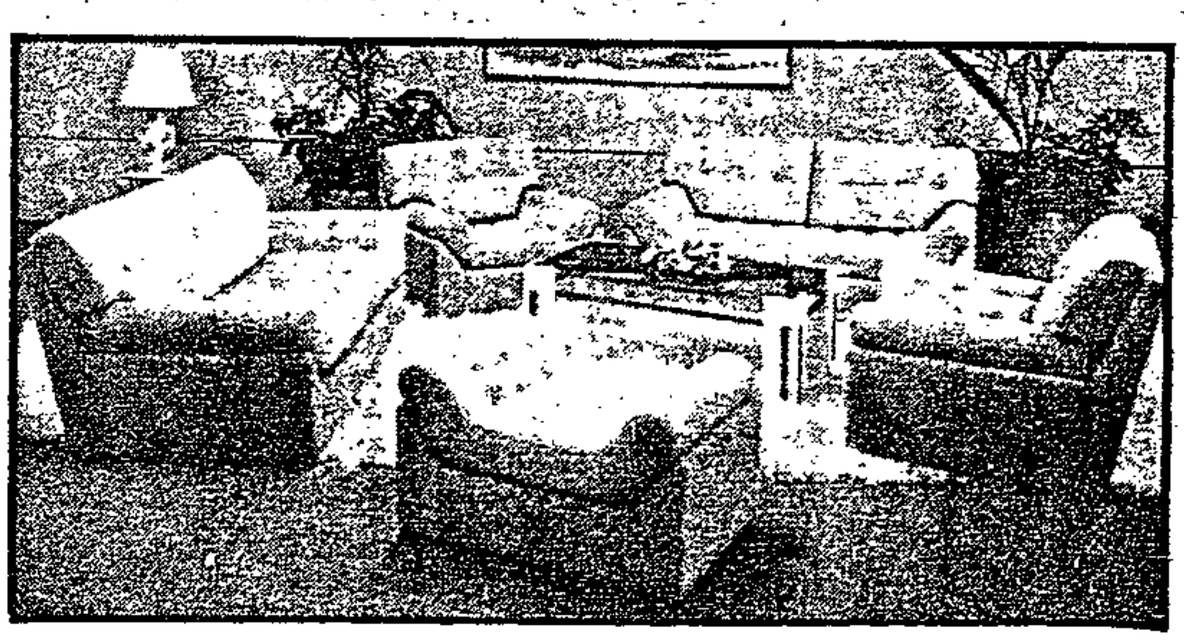
Dr Delport said these were the objects with which he had inflicted the injuries on himself.

The trial continues today.

FACTORY

Our Budget Range from **R289**





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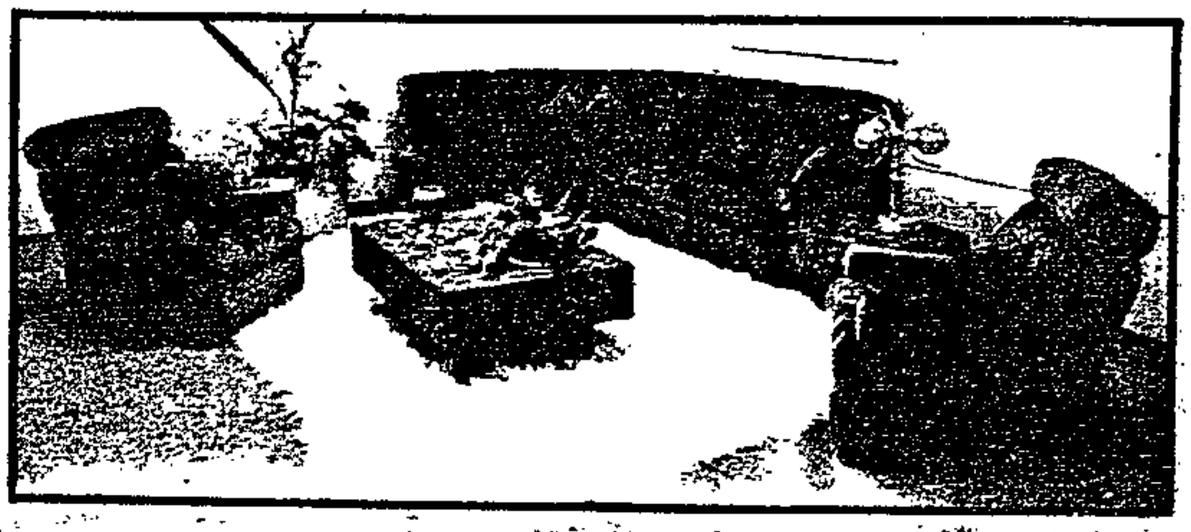
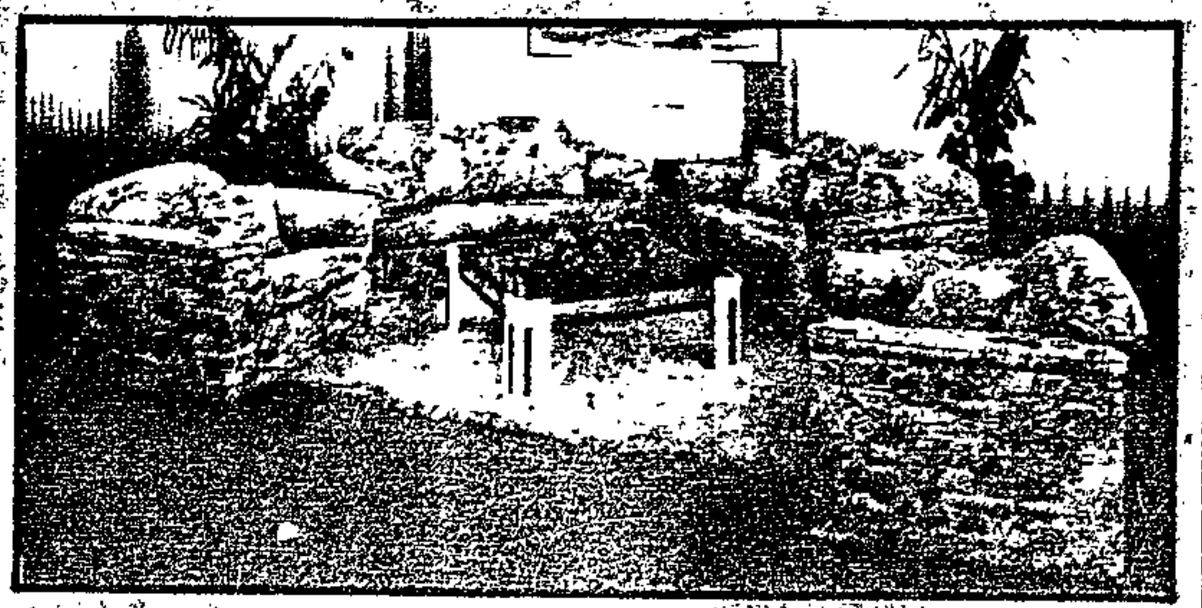


Many other designs on display



Large range of fabrics including wool.

Mercury 22/5/84 (331)

Three guilty on terror charges

Pietermaritzburg Bureau

A 25-YEAR-OLD Estcourt man was yesterday found guilty in the Supreme Court in Pietermaritzburg of placing two bombs outside Supreme Court buildings in the capital last year.

Another two men were found guilty on charges involving terrorism and taking part in the activities of the banned African National Congress.

Judgment was delivered before a packed court. Later, two people in a chanting, singing crowd outside the court were detained by police.

A police spokesman said the names of the two, a black man and a white woman, would not be available until today.

Training

Sithabiso Edgar Mahlobo, 25, of Estcourt was found guilty in the College Road court of high treason for joining the ANC, undergoing military training outside the country and returning to commit acts of warfare, subversion and violence against the Republic.

Counsel for the State asked the Court to give serious consideration to imposing the death sentence.

Also convicted yesterday were Benedict Anthony Duke Martins, 27, of Edendale, who was found guilty on an alternative charge of terrorism, and Duma Gqubule, 19, who was convicted of a lesser charge of taking part in ANC activities.

Report

The trial is a sequel to two blasts which rocked Pietermaritzburg last year when bombs were placed outside the new Supreme Court buildings in Pietermaritz Street on March 21, and the old Supreme Court in Commercial Road on April 21.

A nightwatchman was hospitalised for two months and lost the use of a hand. The two buildings and the City Hall were damaged to the extent of R74 000.

Mr Les Roberts, SC for the State, said it was mere luck that the bombs had not gone off when people were close to them.

Referring to the 'flock of sellouts' listed as possible targets, he said there could only be one conclusion as to what Mahlobo's intention was regarding these people.

While not specifically asking for the ultimate penalty in Mahlobo's case, Mr Roberts asked the Court to give the death sentence very serious consideration.

In Martins's case a strong deterrent to others was called for and the defence suggestion that a suspended or lighter sentence be imposed was not appropriate.

Mr Roberts conceded that Gqubule's was a lesser offence, although still serious.

Sentence is to be handed down at 11 a m today.

Passing judgment yesterday, Mr Justice Kannemeyer accepted that a report in Mahlobo's handwriting, found by police and handed to the Court, had been proved to accurately reflect Mahlobo's involvement in the bombings.

Supporter

The document gave the location of an arms cache in Edendale and suggested a number of targets in the Pietermaritzburg and Estcourt areas, including power plants, police stations and 'a flock of sellouts'.

The Judge said Martins's part in the concealment of two trunks containing weapons and explosives, had been proved beyond reasonable doubt.

The Court had been led to the 'inescapable conclusion' that Martins was at least a supporter of the ANC and had sent a group of five members of an Edendale youth league to Lesotho for ANC indoctrination.

Gqubule's involvement had been mainly supported by evidence of a witness, identified only as 'Mr E', having given evidence behind closed doors, but who had 'impressed the Court very much indeed', the Judge said.

Spiral

Mr E had testified that he and Mahlobo had been given accommodation by Gqubule on the night of their arrival in Pietermaritzburg from Swaziland, from where they had been sent to blow up various targets.

Called to give evidence in mitigation of sentence, the head of the Methodist Church in southern Africa, the Rev Fremont Louw, told the Court that the situation in South Africa was delicately poised between a future of escalating violence or peaceful co-existence.

He said the country was caught up in a 'spiral of violence' which had to be broken, and that sentences 'as lenient as the law permits' in cases such as the one being heard would contribute to short-circuiting the spiral.

He referred to peace initiatives between South Africa and her neighbours and said every effort should be made to create a climate in which those efforts could reach fruition.

Enthusiasm

Mr Harold Levy, SC, appearing for two of the accused, said Mahlobo had been only 21 or 22 years old when he was caught up in the enthusiasm of the liberation movement, but he had been a small cog in a big machine.

Evidence had also suggested that Mahlobo had no intention to kill when he planted the bombs, he said.

Judge Kannemeyer said that, contrary to Mr Levy's argument, planting a bomb in a city on a main street opposite the City Hall showed a callous disregard for the possibility of resultant deaths.

Mr Levy said Martins was a young man whose soul held no vice or malice. He was a poet and artist who occupied an important place in his community.

Judge Kannemeyer put it to Mr Levy that Martins had abused his position as a youth worker by sending youngsters for ANC indoctrination.

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Natal bomber is sent to jail for 20 years

Own Correspondent

MARITZBURG — Sithabiso Edgar Mahlobo (25) was today jailed for 20 years for high treason, Benedict Anthony Duke Martins (27) for 10 years for terrorism and Duma Gqubule (19) was given a suspended sentence of 30 months for taking part in ANC activities.

In sentencing Mahlobo, Mr Justice Kannemeyer said that he would have considered imposing the death sentence if it had been found that either of the bombings of the Supreme Court buildings here last year had caused death or serious injuries.

He said that no state could maintain order if acts of anarchical violence were not appropriately punished. Mahlobo had shown a reckless disregard for other people's safety.

He would have the court cleared if he saw any more gestures from spectators.

The judge said that the Rev F C Louw, president of the Methodist Church of Southern Africa, had pleaded for mercy for the accused and mercy had long played a part in the determination of sentences.

Mercy should not, however, be confused with maudlin sympathy.

The leader of the ANC, Oliver Tambo, had said that there would be no respite until the present political structure was brought to its knees.

The judge said that Martins had abused his position of trust in persuading members of the DCO Matiwane Youth League to go to Lesotho for ANC indoctrination.

The sentence had to show society's disapproval of Martins's baleful influence over the young people.

Mr Justice Kannemeyer said that Gqubule's membership of the youth league probably led him into his present troubles.

Mr T L Skweyiya was refused leave to appeal against Gqubule's conviction.

Apartheid signs to be exhibited

The Star Bureau

LONDON — An exhibition of 38 apartheid signs smuggled out of South Africa will open here a day before the South African Prime Minister, Mr P W Botha, arrives in London.

They include "whites only" signs found on buses, trains, beaches and elsewhere.

They will be accompanied by photographs of Crossroads and similar areas, with a commentary by Mr Donald Woods, the former East London editor.

"It was a warm, tropical night and there among the scented flowers, we made love," model Vicki Hodge (above) told a London newspaper of her meeting with Prince Andrew.

● See Page 3, World section.

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In an ... no regret ... fighters ... which came ...

Prisoner exchange

The Star's Foreign News Service

NGIVA (Southern Angola) — The first stage of a South African-Angolan prisoner exchange — one Namibian soldier for 30 Angolans and a Cuban — is expected to go ahead on the outskirts of this war-racked village later today.

The swop was to have begun yesterday when 15 of the Angolan prisoners were flown to Ngiva from the top-security internment camp near the Namibian town of Mariental.

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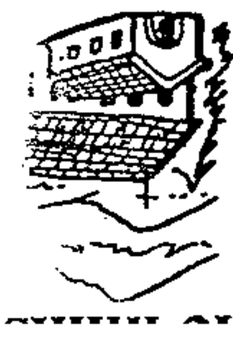

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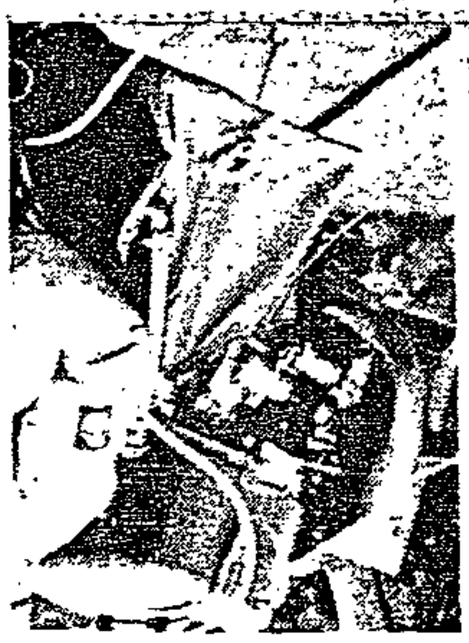

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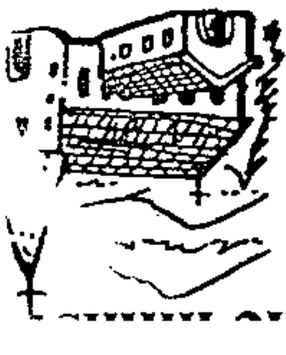

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Bomber guilty of high treason

MARITZBURG. — One of three men accused of bombing the Maritzburg Supreme Court buildings was yesterday found guilty of high treason.

Mr Justice D D V Kannemeyer, sitting with two assessors, found that Sithabiso Mahlobo had been responsible for the two explosions at the new and old Supreme Courts in Maritzburg on March 21 and April 21 last year.

He convicted Benedict Martins of terrorism after finding he was a supporter of the ANC, and found Duma Gqubule guilty of ANC activities.

In his judgment, Mr Justice Kannemeyer said Mahlobo had admitted he wrote a report dated May 4, 1983, which detailed his activities in the Republic from March 1981.

He found that Mahlobo was a member of the ANC and that he had left the Republic in January 1980 for military training and later returned to South Africa with the intention of committing violent acts.

Mr Justice Kannemeyer found that Martins was directly linked to two arms caches which were found by police at the Georgetown High School and a flat in Edendale.

He said there was no evidence Martins ever left the country for military training and he did not find that he was a member of the ANC. It was clear, however, that he was an ANC supporter.

Mr Justice Kannemeyer found Gqubule had been well aware that Mahlobo and a witness, Mr E, were ANC members when he "hid" them for a night in November last year and arranged transport for them the following day.

Sentence will be handed down at 11 am today. — Sapa

'Tragic error' — Savimbi

From SIMON BARBER

WASHINGTON. — Permitting the United Nations to administer Namibian independence before the Cubans were out of Angola would be a "tragic error", according to Unita leader Dr Jonas Savimbi.

At the same, the guerilla leader believes there are many in the Luanda regime who are prepared to negotiate an end to the nine-year-old civil war.

In an interview published in yesterday's Washington Times, Dr Savimbi said Mr P W Botha had left him "with no doubt whatsoever that South Africa is fully prepared to give up Namibia".

But, he warned, "Namibia cannot be left in the lurch at the mercy of the Cubans".

"It would be a tragic error for the South Africans to simply abandon Namibia to UN-supervised elections and just walk away from it, leaving Swapo in sole charge."

The interview took place as Swapo, the Multi-Party Conference and the SWA Administrator-General were meeting in Lusaka.

'MPLA increasingly split'

According to the meeting's sponsor, Zambian President Kenneth Kaunda, the participants came very close to abandoning the "linkage" between implementation of UN Resolution 435 and Cuban withdrawal from Angola.

Meanwhile, the Unita leader claimed that the ruling MPLA in Angola was increasingly split, and that a substantial faction "are fed up with the Cubans and have become silent anti-Marxists.

"Many of them are ready for a deal (with Unita)," he said. "National reconciliation would not be much of a problem as long as the hard-line Marxists are pushed out of the picture."

The rebel chieftain said that with the Cubans out, his forces would be in Luanda within three months. But even if the Cubans remained, victory could be achieved within 18 months.

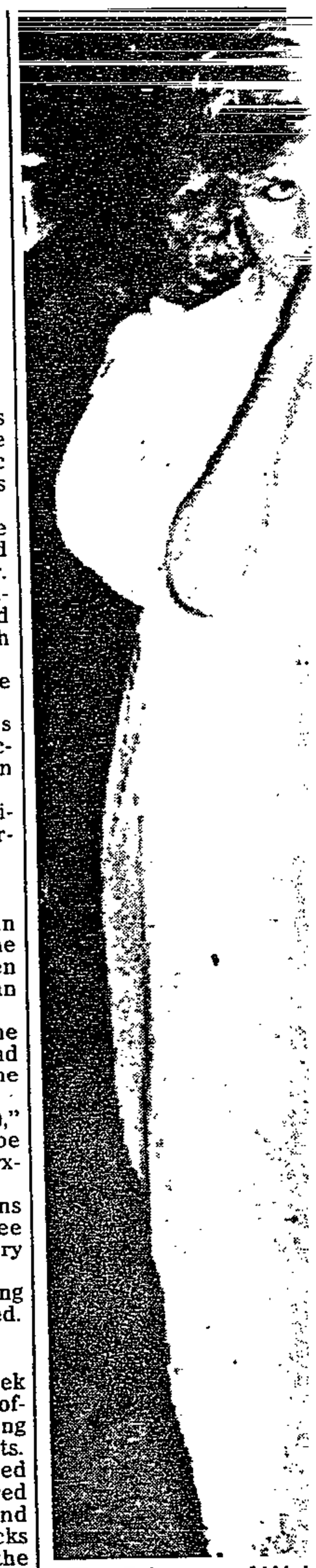
Newly-arrived Soviet equipment was preventing Unita from pressing home its attacks, he conceded.

Four military aircraft downed

Meanwhile, in a related development, Newsweek magazine reported yesterday that senior Fapla officers "are increasingly unhappy" with the training and material they are receiving from the Soviets.

● UPI reports from Lisbon that Unita claimed yesterday that its forces had killed or captured almost 450 soldiers, including 45 Cubans, and downed four military aircraft in counter-attacks against a six-week-old government offensive in the east.

Angola's President Jose Eduardo dos Santos had committed 18 500 men to the operation, the statement said. The government has not announced any major offensive in the sparsely-populated east.



The Princess of Wa
the Royal Opera Ho
day night. She is
child in Se

Candlesticks stolen from St Mary's altar

Crime Reporter

TWO priceless 150-year-old candlesticks were stolen from the altar of

"carrying something heavy in black rubbish bags" had apparently left the cathedral about

WCA
139 St

Staff Reporter

WESTERN Cape De
opment Board officia

Parson is happy over son's release

Post Correspondent

DURBAN — A former president of the Methodist Church of South Africa, the Rev Simon Gqubule, told the Evening Post outside the Maritzburg Supreme Court yesterday he was happy that his 19-year-old son, Duma, had got a suspended sentence for furthering the aims of the banned African National Congress.

Mr Gqubule, who attended the trial of his son every day since May 2 in the Maritzburg Supreme Court, said the arrest of Duma had come as a great blow to the family. The family had always been a close-knit unit.

He was disappointed that the appeal against conviction did not succeed.

When his son was released Mr Ggubule embraced him and said that the top priority was to reestablish the family links.

In his judgment Mr Justice Kannemeyer said he hoped that Duma would return to a normal life, rehabilitate himself and continue with his studies.

Meanwhile, Sithabiso Mahlobo, 25, was sentenced to 20 years' imprisonment for high treason by the Maritzburg Supreme Court yesterday after being found guilty.

His fellow accused, Benedict Martins, 27, was sentenced to 10 years' imprisonment for contravening the Terrorism Act.

In his lengthy judgment, Mr Justice Kannemeyer said that Mahlobo was guilty of a most serious crime.

He had given much thought to imposing the death sentence. It was fortunate for Mahlobo that nobody was injured during the two bomb attacks in the Maritzburg area, last year.

However, this type of crime could not be tolerated in South Africa. A too lenient sentence could lead to the public taking the law into their own hands.

Law and order had to be preserved at all times and no state could tolerate acts of violence.

Turning to Martins, he said he abused his position as a youth worker in Maritzburg to influence people to become indoctrinated by the ANC.

He was also involved with Mahlobo in that his fingerprints had been found on two arms caches in the Maritzburg area last year.

Martins had "totally abused his position of trust". It was in his favour that there was no evidence that he went overseas to undergo training.

Immediately after the sentences had been handed down, Mr T L Sikyiyi gave notice of appeal.

The judge said he would consider the appeal.

Police torture claims by treason trialist

(329) (331) E-fost 24/5/89

Court Reporter

GRAHAMSTOWN — One of the accused in the treason trial here, Mr Mzayisami William Kame, 57, today described to the Grahamstown Supreme Court how he had been forced to hold a chair above his head for a long time, struck across the face, slapped on the buttocks, and pinched by members of the security police.

Mr Kame, who was the first witness called by the defence in the trial-within-a-trial, said he was arrested at his home on May 10 last year. He was taken to the Algoa Park Police Station and questioned.

Mr Kame said he was struck with the open hand several times, bumping his head against the wall. "At times I was struck with a fist on my stomach. They made me sit as if I was sitting on a chair and put a tool box on my thighs."

On May 12 he was questioned about a hole and where "Joe" was, he said.

Later, he was made to hold a chair above his head for a long time. A Warrant Officer Coetzee stuck a ballpoint pen up his nose.

After lunch he was told to go and was kicked in the back by WO Coetzee.

He was arrested again on May 17.

He was later told to face a wall and close his eyes and ears. A man was brought to him and he was asked if this was Joe. Two men disguised in balaclavas then pinched him.

A Warrant Office Bezuident hit him with his fist in his stomach and also slapped him with an open hand, he said.

On May 19, he was taken to Algoa Park and again questioned about the hole.

"I said I dug it for compost."

He was then taken to Dr B Tucker (the district surgeon) for an examination, but said nothing to Dr Tucker about the assaults.

Mr Kame said on June 3, WO Coetzee arrived and told him that he was to make a statement that day.

Mr Kame said he was told that if he did not make a statement additional charges would be brought against him. He was also told that all the other people had made statements.

Mr Kame said he was made to recite a statement three times which was written by WO Coetzee.

He was then brought before a magistrate where he repeated the statement.

In reply to a question by Mr A Jappie, for the defence, as to why he made the statement, Mr Kame replied: "I knew I would be in more trouble if I did not make a statement."

Mr Kame said he later complained to the inspector of detainees, because he had realised it was wrong that he had been forced to make a statement.

"I did it because I was afraid of the enemy outside," he said.

The 11 accused are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Freed Kitson waits for permit to go to UK

LONDON — David Kitson expects formalities to be completed in South Africa within the next few days so that he can return to Britain.

Mr Kitson, who was recently released after nearly 20 years in jail, cannot leave South Africa until the authorities give him an exit permit.

He is still savouring the wonder of freedom, he told Michael Hornsby of The Times in an interview at the home of friends in Johannesburg.

"It's extraordinary — there are so many things to do, so much to take in," he said. "The choice is almost more than I can cope with.

Wife

"I gave my wife a divorce while I was in prison so she could live her own life. She did set up with another man, but it didn't last. Now she is waiting for me," he added quietly.

OWN CORRESPONDENT

approved list of correspondents. The contents were subject to scrutiny. Local newspapers were first permitted in 1980 and were uncensored. Foreign magazines were sometimes censored.

For most of the last part of his imprisonment, Mr Kitson shared a section with a small group of other whites, consisting of single cells with a common eating and reading room and a small games room with a ping-pong table.

He said he kept his sanity by study. He earned several degrees by correspondence, including mathematics and applied mathematics, political science and economics.

He started a course in Russian, but it was stopped. "The problems of censoring my Russian essays proved insurmountable," he commented wryly.

Communist

Mr Kitson, who admits to having been a communist and a member of the High Command of the African National Congress, wore what looked like prison-issue blue serge trousers and solid black boots for the interview. He insisted that it be conducted in the garden in the sunshine as if this was still to be censored.

Mr Kitson, bespectacled and white-haired, looked fit.

The Prisons Department this week said:

Unconditionally

Mr Kitson was released unconditionally and his present movements are his own affair and cannot be commented upon by the SA Prisons Service.

As far as his reference to visiting privileges is concerned, it needs to be pointed out that visits, as is the case with all privileges, are determined by the prisoner's classification. Visiting privileges may vary from 18 visits per annum of 30 minutes each by 1 person, up to 30 visits per annum of 40 minutes each by two persons simultaneously.

Mr Kitson said he could only speak for white prisoners about prison conditions. These had been "grim and primitive" 20 years ago, but they had greatly improved, bringing less Spartan cells, less bullying by warders, and more recreational and study opportunities.

The worst time, he recalled, was when he and a group of other white prisoners in the Pretoria complex spent two years and nine months in the same block as those, nearly all black, who were condemned to hang.

Letters

By the end, Mr Kitson said, he was allowed one newspaper a day and 30 visits a year by two people at a time, each lasting for three-quarters of an hour. This contrasted with one visitor only once every six months when he started his sentence.

He could also send 40 letters a year to, and receive as many from, an

D. Dispatch 337
29/5/87

Accused told not to mention police assault court hears

GRAHAMSTOWN — A security policeman allegedly asked one of the 11 accused in the treason trial being heard in the Supreme Court here not to mention that he had been assaulted at his arrest as this would jeopardise his career.

Mr Neeba Christopher Faku, 27, testified yesterday that Lieutenant G. C. F. Smuts, of the security police told him that as people who worked at night they were tired, under pressure and angry with him.

In reply to a question by Mr A. Jappie, for the defence, Mr Faku said he told Lt Smuts this was "a difficult request" because he would then not be telling the truth.

Mr Faku alleged that on June 1 last year, while being arrested, he was slapped by Lt Smuts and struck on his forehead with a fist so that he bumped his head on a wall. Lt Smuts apparently told him he was assaulting him because he was "a black man". Mr Faku said the police had been searching his house for an AK assault rifle.

He said a policeman wearing a camouflage uniform struck him on his head with the flat side of a spade and that another policeman held an instrument similar to a pair of pliers and clipped it in front of his face.

Mr Faku said the police took him to a car outisde his house where he spoke to another of the accused, Mr Sipho Hina, who told him to give the police a suitcase which he had asked Mr Faku to keep as the AK was inside.

Mr Faku said he then took the police to the house where the suitcase was kept, where he was again assaulted by a policeman wearing a camouflage uniform. He said the policeman slapped him on the jaw, after which he felt dizzy and sat down. He further said he heard one of them say "Slowly, slowly," when he saw Mr Faku sit down.

His evidence-in-chief will continue today.

Another of the accused, Mr Vukile Tshiwula testified that he was promised by the police that he would be a state witness for this case during his detention, but that when he did not wish to implicate Mr Douglas Tyutyu, an accused, he was told he must go because he would release "all these people in court" and was therefore useless.

In reply to a question by Mr Justice Howie who is on the Bench, Mr Tshiwula said he made a statement before a magistrate, of which some was true and some not, because he was threatened by a policeman that he would join his wife who was shot last year, if he did not co-operate.

The trial continues today. — DDC.

Court told of alleged police threats

By SHIRLEY PRESSLY

GRAHAMSTOWN — One of the 11 accused in the treason trial being heard by the Grahamstown Supreme Court, Mr Sipho Fielden Hina, 45, today alleged that security police had threatened to detain his pregnant wife and other family members unless he implicated himself.

Mr Hina was the fourth witness to give evidence for the defence in a trial within a trial. He said he was arrested at his home on May 10, last year.

He said Mr Douglas Mnyizile Tyutyu, 48, one of the accused, was brought into his house by the police. He was handcuffed, crying, and appeared to have been assaulted. Mr Tyutyu told him "help me with that stuff. The one I gave you".

From there they went to the house of Mr Tolli Bobo.

"They just kicked open the door and went straight into the bedroom where Mr Bobo and his wife were sleeping. They pulled the mattress off the bed and threw Mr Bobo and his pregnant wife on the floor.

"They assaulted Mr Bobo and a young boy sleeping on a couch had a rifle pressed against his neck by a policeman."

"I realised there would be very bad treatment for me and that I would be questioned and would not be let sleep. In 1977 I experienced such a thing. It was very bad. I was assaulted," Mr Hina said.

He said he was told on May 12, that he was being detained under Section 29. He complained that his blankets were stinking, full of lice and that the sleeping mats smelt of urine. His diet had been cold coffee and a quarter loaf of bread for the previous three days.

"I was sleeping badly and was nervous. In solitary confinement if you are a person with a weak nervous system you can even get mad in that cell."

Mr Hina said that in the first week of June he was threatened by security police that his wife and family would be taken and pressure put on them until he spoke and admitted that the things the police asked him about were so.

A week later he saw his wife being interrogated.

Mr Hina said a security policeman had told him: "Look here, if the police say a thing then they mean it. Security police are above the law. South Africa is surviving because of security. We are going to take your wife again".

Mr Hina said at a later date his wife was brought to his cell and he was told by Lt Smuts, "through your silence we have decide to pick up your wife. We are going to lock her up".

He complained to a magistrate and asked for protection for himself and his family from the police.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Pro-ANC book 'not prohibited'

3331
Star
6/6/84

By Andrew Beattie

If the Government wished to prohibit all organisations which worked "in the interests of the banned African National Congress (ANC)", it would have to prohibit the parliamentary opposition and the Press.

This was said yesterday by defence counsel, Mr Gilbert Marcus, at the trial of a young Sowetan woman appearing on a charge of possessing illegal literature.

The woman, Miss Emily Melk (19), no address given, admitted that she had been in possession of "Island in Chains" — a Penguin Publication — but denied that she knew it was illegal.

Mr Marcus said the parliamentary opposition and other organisations had certain beliefs in common with the ANC.

To prohibit such organisations was not the intention of the the legislature.

Mr Marcus said the law did prohibit publications published or disseminated by the ANC — and "Island in Chains" did not fall into this category.

The magistrate, Mr P J du Plessis, postponed the case until June 20 for judgment.

s, Wednesday, June 6, 1984 ★

Placards, songs led to arrests

Staff Reporter

SIXTEEN members of the Student Union for Christian Action (Suca) had displayed placards, sung and performed street theatre before being arrested for attending an illegal gathering, a Wynberg Regional magistrate heard yesterday.

This was said by various policemen who gave evidence in the trial of the 16, who are charged with contravening the Internal Security Act by attending an illegal gathering at Cavendish Square, Claremont, on August 13 last year.

A former sergeant in the SAP riot police, Mr Willem Le Roux, testified that he had patrolled the area between Main Road and Dreyer Street and had seen placard-bearing students distributing pamphlets. He had also heard singing but had not been able to hear what was being sung.

The students had given a performance and one of them had given a "black-power salute". A photograph showing a student with his fist in the air was handed to the court.

Asked by Mr A H Veldhuizen, appearing for 11 of the accused, whether he knew what a black-power salute was, Mr Le Roux said it was an outstretched arm with a clenched fist.

Asked whether he had seen the "Sha-Na-Na Show" featuring a character called Bowser, and whether the "salute" he had seen was not in fact "more like what Bowser did", Mr Le Roux said that according to his observation it had been a black-power salute.

Other policemen testified that students had been arrested with placards on sandwich boards and after they had distributed pamphlets to members of the public.

The hearing continues today and bail of R100 each was extended to the 16.

The students are: Steven de Gruchy, 21, of Rosebank, Verity Frampton, 20, of Mowbray, Joan de Smidt, 26, of Rondebosch, Neil Anderson, 23, of Rondebosch, Anton Krone, 20, of Kenilworth, Willem van der Westhuizen, 22, of Veeeniging, Isak Theunissen, 23, of Ceres, Debora Patta, 18, of Rondebosch, Nathaniel Johnstone, 22, of Athlone, Jacobus Klopper, 22, of Bergvliet, Calvin Smith, 21, of Graaff Reinet, Robert Purvis, 22, of Rosebank, Richard Gosnell, of Smuts Hall, UCT, Michael van Graan, 23, of Athlone, Susan Uys, 21, of Rondebosch, and Catherine Brookes, 22, of Rondebosch. They have all pleaded not guilty.

Mr J D Huggett was the magistrate. Mr J Vermeulen appeared for the State. Mr L R Dison, SC, with Mr A H Veldhuizen, instructed by Swanepoel, Uys and Rushton appears for 11 of the accused. The other five are not represented.

i Times 7/6/84.

ma denies invitation'

gime has invited Swapo to Windhoek to have talks again," he said. "But irrespective (of that), my answer is that Swapo is willing to talk genuinely with the South African regime on the question of handing over power to the Namibian people through Swapo.

"First, the shooting, and all the hostilities must stop.

"Secondly, Namibian refugees must be allowed to return to Namibia as in United Nations Security Council Resolution 435."

He also demanded that South Africa stop linking SWA/Namibia's independence with withdrawal of Cuban troops from Angola.

But he said the major goal of Swapo was simply to free SWA/Namibia.

Mr Nujoma denied reports that Swapo and Mr Botha had any plans for direct contacts during their respective European tours, calling the Lusaka meeting in May "a South African propaganda trip".

"We have many third-party channels of contact with the Botha regime," he said.

'Fiasco'

"The Lusaka meeting was a fiasco as a result of continuing questions of the South Africa regime and their refusal to sign a ceasefire with Swapo.

"South Africa was not in a position to negotiate, except to sell publicity."

Mr Nujoma was on an unannounced two-day visit to Sweden for talks with Swedish Foreign Minister Mr Lennart Bodstrom, Cabinet Secretary Mr Pierre Schori and the Board of Swedish International Development Agency.

Swapo and the African National Congress are the major recipients of Swedish aid in Southern Africa.

Praise

The Swapo president praised the Swedish Government for its "expression of solidarity and support for the people of Namibia and South Africa fighting against the oppression of the white minority".

Mr Nujoma said he had flown into Sweden directly from Luanda for the visit, but would not disclose his next stop on his European tour.

"We are still making plans."

Cape Times 7/6/84

Criticism is not criminal, court told

Staff Reporter

THE FACT that some young people were critical of some of our policies should not make us brand them criminals, it was argued in the Wynberg Regional Court yesterday in the trial of 16 students charged with attending an illegal gathering.

Mr L R Dison was appearing for 11 of 16 Student Union for Christian Action (Suca) students charged with contravening the Internal Security Act by attending a gathering at Cavendish Square, Claremont, on August 13 last year.

Demonstration

Mr Dison submitted that the students' handing out of pamphlets, waving placards, asking the public to sign a petition and taking part in a street play did not consitute an illegal gathering but was a demonstration against "certain policies".

There was legislation — the Gatherings and Demonstrations Act and a similar act prohibiting demonstrations in the vicinity of court buildings — which forbade demonstrations in certain circumstances.

"By the present charge the State is attempting to extend the ambits of these statutes by alleging that the demonstration was a gathering.

"To call these demonstrations a gathering is an abuse of language because a gathering cannot take place over a large area stretching from Cavendish Square to the Main Road and down to Werdmuller Centre. It is absurd to refer to what took place as a gathering.

"The Internal Security Act was not intended as a general prohibition of anything not liked but not prohibited.

"It is important to remember that we in this country have considerable freedoms which even although not enshrined in a bill of rights nonetheless are part of our heritage. Although these freedoms can be taken away by substantive law they must clearly be taken away and not by inference or a side wind.

The hearing was adjourned to June 13 for verdict and bail of R100 each was extended for the 16.

Accused

The students are: Steven de Gruchy, 21, of Rosebank, Verity Frampton, 20, of Mowbray, Joan de Smidt, 26, of Rondebosch, Neil Anderson, 23, of Rondebosch, Anton Krone, 20, of Kenilworth, Willem van der Westhuizen, 22, of Vereeniging, Isak Theunissen, 23, of Ceres, Debora Patta, 18, of Rondebosch, Nathaniel Johnstone, 22, of Athlone, Jacobus Klopper, 22, of Bergvliet, Calvin Smith, 21, of Graaff-Reinet, Robert Purvis, 22, of Rosebank, Richard Gosnell, of Smuts Hall, UCT, Michael van Graan, 23, of Athlone, Susan Uys, 21, of Rondebosch and Catherine Brookes, 22, of Rondebosch. They have all pleaded not guilty.

Mr J D Huggett was the magistrate. Mr J Vermeulen prosecuted. Mr Dison, with Mr A H Veldhuizen, is instructed by Swanepoel, Uys and Rushton. Five students were not represented.

Teachers: housing loans/subsidies

*17. Mr S S VAN DER MERWE asked the Minister of Internal Affairs:

(1) Whether, with reference to his reply to Question No 5 on 30 May 1984, unmarried White teachers employed at Coloured and Indian schools qualify for housing (a) loans and (b) subsidies; if not, why not;

(2) whether he will take steps to rectify this matter; if not, why not; if so, (a) what steps and (b) when?

The MINISTER OF INTERNAL AFFAIRS:

(1) (a) and (b) Yes, a condition being that unmarried teachers employed in a temporary capacity qualify only if they have dependants.

(2) Falls away.

Sales tax

*18. Mr S S VAN DER MERWE asked the Minister of Finance:

Whether he will consider exempting (a) samp, (b) soya-bean meat substitutes, (c) dried kidney beans, (d) soup powder, (e) rooibos tea and (f) milk powder from general sales tax; if not, why not?

†The DEPUTY MINISTER OF FINANCE:

Urgent consideration is being given to the definitions of the exempted items and an announcement will be made within a few days.

Policeman: shooting incident

*19. Mr P H P GASTROW asked the Minister of Law and Order:

(1) Whether a policeman stationed at the Grassy Park police station was involved in a shooting incident on or about 31 May 1984; if so, what were the circumstances surrounding the incident;

(2) whether an investigation has been held into the matter; if not, why not; if so, what were the findings;

(3) whether any steps are being taken as a result of the (a) incident and (b) findings; if not, why not; if so, what steps;

(4) whether he will make a statement on the matter?

The MINISTER OF JUSTICE (for the Minister of Law and Order):

(1) Yes. As the policeman concerned leaned forward to talk to the driver of a car which had just stopped in front of the police station, a shot from the automatic hand carbine with which he was armed for duty purposes went off, causing the driver to be hit in his right shoulder.

(2) Yes. A case of attempted murder is being investigated.

(3) No. Whether or not steps are to be taken will depend on the outcome of the investigation.

(4) No.

Hansard Q. Col. 1536

Athlone Training College: boycott

8/6/84

*20. Mr R M BURROWS asked the Minister of Internal Affairs:

(1) Whether hostel students at the Athlone Training College in Paarl are staging or recently staged a boycott; if so, (a) what are the grievances of these students, (b) how many students are involved and (c) what is or was the duration of the boycott;

(2) whether any steps have been taken in respect of these grievances; if not, why not; if so, (a) what steps and (b) with what results?

†The DEPUTY MINISTER OF INTERNAL AFFAIRS:

(1) Yes, the students are boycotting meals at the hostel.

(a) The students allege that the quality and preparation of the food are unsatisfactory and that foodstuffs are stored in unhygienic conditions;
the facilities for the washing of clothes are inadequate;
the toilet facilities are unsatisfactory;
certain internal staff problems are reflecting adversely on the treatment of the students.

(b) 76

(c) Approximately three weeks.

(2) Yes.

(a) The grievances were discussed with students and arrangements have been made for better laundry facilities, for improved food preparation and for building repairs and alterations to be carried out and the staff problems are being attended to.

(b) It is expected that the problems will soon be resolved and that the boycott will come to an end in accordance with an agreement reached with the students.

Passports

*21. Mr P R C ROGERS asked the Minister of Foreign Affairs:

How many countries do not grant entry to holders of South African passports?

The MINISTER OF INTERNAL AFFAIRS (for the Minister of Foreign Affairs):

To the Department's knowledge there are 74 countries which at one stage or another in the past have advised that they would not allow the entry of South African passport holders in all circumstances. It is known, however, that many of these countries do allow the entry of South African passport holders, *inter alia* for congresses, symposia, tourist and trade purposes.

Hansard (531)

Attorney-General: dockets of certain persons

Q. Col. 1538 8/6/84

*22. Mr P A MYBURGH asked the Minister of Justice:

(1) Whether, with reference to the reply of the Minister of Law and Order to Question No 13 on 21 March 1984, the Attorney-General has reached a decision concerning the seven persons in respect of whom dockets were referred to him; if not, when is it anticipated that a decision will be reached; if so, what is the nature of the decision;

(2) whether these persons are to appear in court; if so, when;

(3) whether he will furnish their names to the House; if not, why not; if so, when?

†The MINISTER OF JUSTICE:

(1) Yes. The Attorney-General, Johannesburg has decided to prosecute four of them on a charge of high

treason, alternatively contravention of section 54(1) of the Internal Security Act, 1982 (Act 74 of 1982), alternatively contravention of section 2(1) of the Terrorism Act, 1967 (Act 83 of 1967).

The Attorney-General, Pretoria has decided to prosecute the other three of them on a main charge of high treason with several alternative charges.

(2) Yes. Preparations in connection with the trial of the four are at present being conducted but it is not possible to indicate when they will appear in court. The other three persons appeared in court on 26 April 1984 and the date of trial has been fixed for 1 August 1984.

(3) Yes, in respect of the persons who have already appeared in court. The names are as follows: R M Hunter, D A Hanekom and T E Hanekom née Murray.

The names of the other persons cannot be made known as they have not yet appeared in court.

Hansard Q.61. 1539
8/6/84

Barberton Prison Farm

*23. Mr B W B PAGE asked the Minister of Justice:

(1) Whether any officials were discharged from the Prisons Service consequent upon the findings of the inquiry into the circumstances surrounding the deaths of certain inmates of prisons on the Barberton Prison Farm; if so,

(2) whether any such officials have since been (a) re-employed by and/or (b) re-instated in the Prison Service; if so, (i) in what capacities, (ii) with effect from what dates and (iii) what are their names?

The MINISTER OF JUSTICE: (Reply laid upon the Table with leave of House):

The incidents at the prisons in and around Barberton gave rise to several Departmental inquiries, Police investigations, an appointed committee of inquiry and various criminal cases.

Some of these processes have not been finalized, but in order to give a complete picture, all information as available to date is supplied, namely:

(a) Results of the criminal charges arising from the incident at the Pretorius dam: 29 December 1982:

(1) Yes, the following persons were discharged from the South African Prisons Service in terms of Section 13(1) of the Prisons Act, 1959 (Act No 8 of 1959) as a result of their convictions and sentences of imprisonment imposed on 28 September 1983:

Ex Warrant-officer G L J Smit	8 years effective imprisonment.
Ex Sergeant W Kobyane	3 years and 6 months effective imprisonment.
Ex Warder C J W Horn	5 years effective imprisonment.
Ex Warder J C Stoltz	3 years effective imprisonment.
Ex Warder B van Dyk	2 years effective imprisonment.
Ex Warder J Z Madonsela	1 year effective imprisonment. He has served half of his sentence and was released conditionally on 28 March 1984 according to standing policy.

(2) (a) and (b) No. Ex members who were discharged on account of assault on prisoners are in terms of Section 14 of the Prisons Act, not allowed to be reappointed as members of the Prisons Service.

(i), (ii) and (iii) Fall away.

(b) Actions against Lieutenant J W Niemand regarding his part in the incident mentioned at "A":

The officer was found guilty on a charge of ordinary assault on 3 April 1984 and was sentenced to a fine of R900 or 360 days imprisonment, as well as a further two (2) years imprisonment, conditionally suspended for four (4) years. The officer has paid the fine in the meantime. A Board of inquiry was appointed in terms of Section 55(1) of the Prisons Act to make recommendations regarding further Departmental steps against the officer. The Board may make the following recommendations:

— That no further action be taken in the matter;
— That the officer concerned be cautioned or reprimanded;
— That a fine not exceeding R100 be imposed;
— That the matter be referred to the State President, who may thereupon take any steps provided for in Section 4(2) of the Prisons Act, which includes discharge, retirement or reduction in rank.

The Board has not yet concluded its obligations in this regard and recommendations are therefore not known at this stage.

(1) and (2)(a) and (b) and (i), (ii) and (iii) Fall away.

(c) Alleged assault of members on prisoners with their arrival at Barberton:

With reference to chapter 2, paragraph 2.8.1 of the report of the committee of inquiry, the Attorney-general has decided that the following members/ex members should be prosecuted on a charge of assault:

Ex Sergeant M van der Westhuizen; Warder A H Dique; Lieutenant J W Niemand; Warrant Officer F Welmans; Warder J C Janse van Rensburg; Warrant Officer G P Underhay; Warder J A Bruwer; Warrant Officer E Ferreira; Warrant Officer M M Neveling; Sergeant J J van den Berg; Warrant Officer P Jordaan.

The results of the criminal cases will determine whether Departmental steps will be considered in terms of Section 55(1) of the Prisons Act and/or Prisons Regulation 77(1).

(1) and (2)(a) and (b) and (i) (ii) and (iii) Fall away.

(d) Alleged practise at Barberton regarding assault on admission to the relevant prison:

The matter mentioned in chapter 2 paragraph 2.8.1 of the report of the committee of inquiry was handed over to the South African Police for investigation as already reported by the Commissioner of Prisons in his comments on the said report which was released to the press. The result of this investigations is not yet known. It will also determine whether possible further departmental steps will be considered in terms of Section 53 and 55 of the Prisons Act and/or Prisons Regulation 77(1).

Court told of assault

331

D. Dispatch 8/6/84

GRAHAMSTOWN — One of 11 accused in the treason trial being heard in the Supreme Court here said yesterday he had made a statement at the Alexandria magistrate's court because he did not believe he was before a magistrate.

He claimed he thought it was "a police trick" and was afraid of further assault if he did not cooperate by making a statement.

Mr James Ngqondela, 54, who worked in Port Elizabeth as a messenger, said he did not realise he was before a magistrate as he had been taken to an office where a man later entered and introduced himself as a magistrate, although he was not wearing his robes.

Mr Ngqondela said he would not have made a statement implicating himself had he known he was appearing before a magistrate.

He also alleged that he was assaulted by police in such a way that he believed they wanted him to die. He said the police had kicked him on every part of his body except his head, had used his stomach as a "punch bag" and had pinched his stomach to such an extent that he had blood spots on the T-shirt he was wearing at the time.

Mr Ngqondela said his heart was "very sore" when he saw his wife, four children and other members of his family, still in their night clothes, being taken from his house in a police van.

He later saw his wife and daughters walking towards New Brighton. He said they had had to walk from the Algoa Park police station, in daylight, in their night dresses in order to get home.

Mr Ngqondela denied that Dr Benjamin Tucker, the principal district surgeon for Port Elizabeth had given him a thorough medical examination and said that Dr Tucker had "sucked" the contents of a medical report he had written "out of his thumb" and was "the biggest liar".

The trial continues today. — DDC.

I lied to magistrate, says treason accused

Court Reporter

GRAHAMSTOWN — A man accused of treason said today he had lied to a magistrate in saying he injured himself trying to escape arrest.

Mr James Ngqondela, 54, a messenger at a company in Port Elizabeth, was testifying at the trial-within-a-trial in the Supreme Court here where 11 men are charged with treason.

Cross-examined by Mr W Kingsley for the State, he said he had lied to an Alexandria magistrate, Mr D O Kramer, in saying he injured himself when climbing a fence to avoid arrest.

Mr Ngqondela said he had been told by Warrant Officer F V Coetzee, the day before he made the statement, to tell the magistrate everything in which he had been involved.

Mr Kingsley put it to Mr Mgqondela that he told the magistrate only what "he knew" and not what "he had lied about".

When parts of his statement to Mr Kramer were read to him Mr Ngqondela denied fetching weapons on several occasions on behalf of Mr Douglas Tyutyu, 48, one of the accused, and also denied transporting a trained terrorist known as Joe to the home of Mr William Kame in Zwide.

He said he had transported a relative who had been hurt in a building accident and not Joe.

He admitted to warning a neighbour, in whose home a home-made table containing explosive devices was being stored, not to place hot objects on the table because it was dangerous.

Mr Ngqondela, replying to a question from Mr Justice Howie, said he made a statement because "something was pressing him from behind".

Asked if it was a fear of assault Mr Ngqondela replied: "Yes."

The other nine accused are Mr Rufus Nzo, 54, Mr Sipho Hina, 44, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

Among the charges they face are sabotage, undergoing military training, possession of military explosives, machine guns, hand grenades and ammunition.

They also face a charge of murder and four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr E A Logie and Mr R P Barnes are assessors. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the Defence.

Freedom songs at treason trial — 4 in court

By Joe Openshaw

Four people, alleged to have sung freedom songs and given the black power salute in court when Carl Niehaus and Johanna Lourens were indicted for high treason, appeared in the Johannesburg Magistrate's Court today.

The four are among eight people, including Mrs Helen Joseph, charged with contravening the Demonstation In or Near Court Buildings Prohibitions Act. They were not asked to plead.

They are: Mr Madikoe Mathate, of Orland West, Mr Michael Roussos and Miss Maria Povlicenic, both of Olivia Road, Berea, and Miss Kerry Shepherd, of 10th Avenue, Mayfair.

Miss Bella Rollnick, of Webb Street, Yeoville, was in court on May 24.

The prosecutor, Miss B O'Brien, said the remaining three accused, Mrs Joseph, of Kerry Avenue, Norwood, Miss Heather Barclay, of Tregoning Street, Linksfield, and Miss Vivienne Hunter, of Torwood Road, Forest Town, had not been subpoenaed.

Magistrate Mr S J Badenhorst postponed the case to August 20.

Four face treason trial

331 Star By Andrew Beattie 9/6/84

Four Soweto men were told by a Johannesburg Regional Court yesterday that they would appear in the Rand Supreme Court on August 2 on charges of high treason for alleged ANC activities.

Mr Norman Mhlanzi (25), Mr Enoch Vusi Nthombeni (22), Mr Samuel Mtlantla Myeni (27), and Mr Jabulani Makhubu (28), were not asked to plead.

They were told by magistrate Mr L S du Toit that the Attorney-General opposed granting them bail and that they would be held at Diepkloof Prison until they appear in the Supreme Court.

Mr Mhlanzi has been in detention since December 6 last year, Mr Nthombeni since December 15, Mr Myeni since December 7, and Mr Makhubu since December 8.

Relatives brought the men packages of food. Mrs Priscilla Jana appeared for Mr Mhlanzi and Mr Makhubu, and Mr Sello Monyatsi for Mr Nthombeni and Mr Myeni.

Trialist 'told not to report assaults'

11/6/84 E. Post

By JOHN CLARK

GRAHAMSTOWN — A 29-year-old New Brighton man said in the Supreme Court in Grahamstown today that he was told by security police officers to keep quiet about being assaulted during questioning.

Mr Wellington Vukile Gumenge was testifying at the trial within a trial in the Grahamstown Supreme Court where 11 men are appearing on charges of treason.

On May 20, last year, Mr Gumenge was visited by the inspector of detainees while he was in detention at the Jeffreys Bay Police Station.

He said he was told by Captain I P du Plessis, of the security branch, not to complain of his assault to the inspector.

Mr Gumenge said he told the inspector only of a headache as he was afraid of further assaults.

Mr Gumenge earlier testified that he had been tripped, his arms twisted and a security policeman had stood with both feet on his back on several occasions during questioning.

He also said that on May 16, the day of his arrest, he and four others had been forced to remain awake and silent for several hours while sitting under a table at the Algoa Park Police Station.

He was later asked to make a statement to a magistrate. When he refused, Major H B du Plessis, of the security branch, said Mr Gumenge would "rot in prison", but "if you make a good statement, you will not be charged".

He was also told not to mention his assault to the magistrate or he would "sit for a long time while they investigated the case".

Mr Gumenge said he was told if he made a statement "they would help me out of the mess I was in".

When he decided to make a statement he was told by Major Du Plessis what the magistrate would ask him and how to answer.

He said he had made the statement to the magistrate because of "the promises, the threats, assaults, Section 29, solitary confinement, the way in which we were staying in the cells and being deprived of sleep".

The other 1o men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

13/6/84 (331) D. Dispatch

Accused tells court of police assault

PORT ELIZABETH — One of the 11 accused in the treason trial being heard in the Grahamstown Supreme Court, Mr Mzinkulu Ntemi Kame, told the court yesterday that a policeman had laughed, clapped his hands and said they would have a braai after he had read a statement which Mr Kame had made before a magistrate.

Mr Kame, who was in standard 9 at the time of his arrest, said Warrant Officer P. J. Nel had then shown the confession statement, which he had been forced to make, to another policeman.

Mr Kame further alleged that he had been told his family would be "taken" if he did not make a statement, and as his father had been arrested too, this would involve his mother and sister. He said he was told he would "rot" in detention if he did not make the statement.

He alleged he was also told what he should say before the magistrate, and should not forget to mention that he had known Joe, who is a trained terrorist, that Joe had arrived at his house and that it was Joe who had told him to dig the hole in his back yard.

Mr Kame also said he was told to tell the magistrate that he had wanted to make a statement to "cleanse" his heart because he had taken "a wrong step".

"I was very much afraid of the investigating team. I did everything they said I must do."

Mr Kame told the court he had been assaulted at Missionvale after a security policeman, Sergeant M. A. Tungata, had told him he was ugly and had pulled the hat he was wearing over his face.

He said he was made to lie on his back, and added that someone had put his hand over his nose and mouth and punched him in his stomach. He said someone had been sitting on his legs and he was pricked with something like a needle between his thighs and on his private parts. He said he did not know who these people were because he was still wearing the hat over his face.

Mr Kame also spoke of further police assault. He alleged that W. O. Nel said: "You must speak the truth. These men are going to bury you now," adding: "My young man, I am leaving you now. If you are not speaking the truth they are going to injure you."

Mr Kame is to be cross-examined today.

The 11 accused are Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumnege, 29, and Mr Nceba Faku.

It is alleged that they conspired in an attempt to overthrow the state and that they took part in the activities of banned organisations. They have also pleaded not guilty to numerous other charges, including murder, fraud and possession of firearms.

They are appearing before Mr Justice Howie. — DDC.

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Accused offers to demonstrate assault

By JOHN CLARK

A 22-YEAR-OLD New Brighton man yesterday asked the Grahamstown Supreme Court if there could be a demonstration of how he was assaulted when the prosecutor seemed not to believe his explanation.

Mr Mzimkulu Nteni Kame, 22, was testifying at the "trial within a trial" on the admissability of confessions, in the case in which 11 men are appearing on charges of high treason.

Mr Kame told the court yesterday that he was told to lie down on the floor. His hands were handcuffed behind his back and his arms lifted up behind him by a security policeman.

He said he tried to relieve the pain by raising the lower part of his body from the floor.

The policeman allegedly placed a foot in the small of his back and pushed his body down on the floor again.

The prosecutor, Mr W Kingsley, who was questioning Mr Kame, asked if such an action, executed as quickly as it was, could not have resulted in an entanglement of the policeman's leg and the accused's hands.

He said there was no space for a foot to be placed on Mr Kame's back, because his secured hands were in the way.

There were smiles in court when Mr Kame suggested that the action be demonstrated because "I can see the prosecutor does not believe me".

Mr Justice Howie suggested that if counsel thought such a demonstration would help it could be staged and a report brought to the court.

Mr Kame said he lost consciousness when he was kicked on the side of the head during the assault.

Although there was no swelling on the skin, he said he later suffered from headaches. He had not told a doctor of the headaches because he would then have been asked for the cause. He was afraid of the consequences of saying he had been kicked by a security police officer.

Asked by Mr Kingsley if he suffered from loss of memory as a result of the kick, Mr Kame answered that he did not remember.

The 11 accused are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzaylfani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

The Cape Times, Thursday, June 14, 1984

Christian students fined for demonstratin

Staff Reporter

[XTEEN members of the Stu-nt Union for Christian Action uca) who displayed placards, ng and performed street eatre in Claremont to draw at-ntion to the plight of squatters the KTC squatter camp, were sterday convicted in the Wyn-rg Regional Court of attending illegal gathering.

They were each fined R100 (or ree months) with a further ree months conditionally sus-nded for four years.

The students all pleaded not ilty to the charge.

Evidence by various policemen as that the students had been rested at Cavendish Square, Claremont, on August 13 last year, after they had performed street theatre, handled a petition, distributed pamphlets to the public and moved around with placards on sandwich boards.

In his verdict, the magistrate, Mr J D Huggett, said the students had gone to the area as a group with a strong common purpose and that the only reasonable inference that could be drawn was that they had founded and attended a gathering as defined in the Act.

In mitigation of sentence, the Rev Douglas Bax, a Presbyterian minister, said there were two basic approaches open to the students — to "regard the State and the law as the absolute authority or to disobey the State if it takes a line contrary to Divine law.

"The first approach was the attitude taken by Adolf Hitler who said the organized lie (the church) must be broken so that the State can be the absolute law.

"There is a law above the law which is understood to be the law of God. There are many places in the Bible which state that the State is not to be obeyed if it takes a line contrary to Divine law."

To a question by Mr J Vermeulen, the prosecutor, Mr Bax said the accused had been acting in accordance with established Christian traditions.

Mr Huggett then asked Mr Bax whether he meant that if a person disagreed with a law he could break it because: "That seems to be what you preach to your people."

When Mr Bax replied in the affirmative, Mr Huggett replied: "You're wrong. I've listened to your evidence where you said that your church performed marriages to people of mixed race. That is contrary to the law and your church is an instigator. How can you instigate people?"

Mr Bax then referred to nazi Germany and Mr Huggett replied: "We are not in nazi Germany, we are in South Africa, a civilized country."

The Rev Robin Petersen, a Congregational minister, the Rev Des Adendorf, a Methodist minister, the Rev Colin Jones, an Anglican minister, the Rev Ellis Andre, a Baptist minister, and the Rev Jan de Waal, a Ned Geref Sendingkerk minister, were then called to testify about their respective denominations' declarations on apartheid.

Miss Z du Toit, for 11 of the students, asked that the minimum sentence be imposed. The students had felt compelled to "do something to alleviate the suffering at the KTC camp".

Passing sentence, Mr Huggett said the law was to be obeyed whether one agreed with it or not. The fact that the Church disagreed with a law did not give anyone the right violate it.

The students are Steven de Gruchy, 21, of Rosebank, Verity Frampton, 20, of Mowbray, Joan de Smidt, 26, of Rondebosch, Neil Anderson, 23, of Rondebosch, Anton Krone, 20, of Kenilworth, Willem van der Westhuizen, 22, of Vereeniging, Isak Theunissen, 23, of Ceres, Debora Patta, 18, of Rondebosch, Nathaniel Johnstone, 22, of Athlone, Jacobus Klopper, 22, of Bergvliet, Calvin Smith, 21, of Graaff Reinet, Robert Purvis, 22, of Rosebank, Richard Gosnell, of Smuts Hall, UCT, Michael van Graan, 23, of Athlone, Susan Uys, 21, of Rondebosch, and Catherine Brokkes, 22, of Rondebosch.

Five students were not represented.

JUP NO 5
rroo and Namaqualand
Pirski (37)
ntzel (38)

2

331 D. Dispatch 14/6/84

Policeman fictitious—state

GRAHAMSTOWN — A state prosecutor in the treason trial in the Supreme Court here yesterday suggested to one of the 11 accused that an unknown policeman he claimed to have seen on about three occasions did not exist.

He said this was why details of this person were so vague.

Mr Mzimkulu Ntemi Kame, the accused, described the policeman, whom he believed to be from the security police, as a tall, strongly built man who was neither thin, clean fat nor shaven and liked to wear a black lumber-jacket.

He did not know his name but said he could point him out to the defence team if he saw him.

Mr W. Kingsley, for the state, said that to his knowledge, no policeman in the security police offices in Port Elizabeth matched the description given by Mr Kame.

Mr Kame later said he could not reply to a suggestion by Mr Kingsley, to the effect that he had been treated very well by a security policeman who had given him either a tissue or a piece of toilet paper to stop his lip from bleeding.

Mr Kame said he did not know why two security policemen had stopped assaulting him on May 20 last year, nor if they were just tired of "playing" with him, as suggested by Mr Kingsley.

The trial continues today.

The 11 accused are Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumnega, 29, and Mr Nceba Faku.

It is alleged that they conspired in an attempt to overthrow the state and that they took part in the activities of banned organisations. They have also pleaded not guilty to numerous other charges, including murder, fraud and the possession of firearms. — DDC.

CAPE Times 16/6/84

No leave to appeal for Sebe

1/A/81 331

Own Correspondent

PORT ELIZABETH. — The Ciskei Supreme Court yesterday refused Charles Sebe, former Commander-General of State Security in Ciskei, leave to appeal against his sentence.

Earlier in the day he had been sentenced to 12 years' imprisonment after being convicted of terrorism.

The court found that he had, with intent to endanger the authority of the State, "instigated and encouraged" a group of Ciskei policemen, defence force members and intelligence officers to commit an act of violence — that is to release his former deputy, Brigadier Harvey Tamsanqa, from detention by force on July 14 last year.

He was found not guilty on the main charge — that of intending to overthrow the State.

Rejecting the application by Mr Paul Avenant for Sebe, Mr Justice Pickard, acting Chief Justice of the Ciskei, said he was satisfied that another court would not come to a different finding.

In his judgment he said the court had found Sebe to be extremely evasive when in difficulty under cross-examination. At times he fabricated evidence which had not previously been part of his case.

"He left an unfavourable impression of untruthfulness."

The judge said the withdrawal on July 14 of guards from among other places President Lennox Sebe's farm, — which Sebe admitted to have ordered — suggested clearly that a fighting unit was needed that evening.

His reason for this move — that he needed a force to command since he lost control of the police — was not accepted by the court.

The calling out of Ikrele Lesizwe, a special task force, was said by Sebe to be a "co-operation exercise" with South African security police, with whom his men were to carry out a joint anti-ANC operation at Mdantsane that night, the judge said.

However, he found it inconceivable that Sebe would have sent his best unit on such an exercise when he said he anticipated mass unrest or an upheaval in Ciskei during that period.

A SOUTH AFRICAN A.

MANDELA for FREEDOM

Winnie Mandela (left) outside court during the Rivonia trial in 1964.

Rivonia — 20

IT'S 20 years since the African National Congress leadership was jailed — and still the cries for their release persist.

Those cries have received new impetus in the past few years, and this week's 20th anniversary of their imprisonment is likely to mark another highlight in that campaign.

The Release Mandela Committee has arranged special services throughout the country this week at which they will demand the release of ANC leader Nelson Mandela and the rest of the Congress leadership, according to RMC publicity secretary Aubrey Mokoena.

By MONO BADELA

"It's time they were released," Mokoena told City Press. "In terms of international legal practice, when a person has served 20 years of a prison sentence he or she should be released — and that is why we are renewing the call for the release of Mandela and others like him."

Mr Mokoena said Mandela and his comrades jailed during the Rivonia trial had made a "decision of conscience" — to oppose laws which they felt were unjust and intolerable — and devoted their lives to the emancipation of their people.

The people in question — Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Raymond Mahlaba, Elias Motsoaledi and Andrew Mlangeni — were jailed for life by Transvaal Judge President Quartus de Wet after being found guilty on four counts of sabotage.

Another a[ccused] Kathrada, was two counts accused, Lion[el] acquitted — arrested befo[re] court.

The day bef[ore] accused were [sen]president Alb[ert] pealed to wo[rld] and "people [of] impose sanc[tions] South Africa

NNIVERSARY...

years after

...used, Ahmed ... found guilty on ... and the ninth ...! Bernstein, was ... only to be re... ...e he could leave ...

...fore the Rivonia ... sentenced, ANC ...ert Luthuli ap... ...ld governments ... every level" to ...ctions against ... "to bring the necessary change, and avert a catastrophe".

Luthuli also appealed to the judge to spare the men's lives, saying they represented "the highest morality and ethics in the political struggle"

Since then numerous governments have backed calls for the release of the ANC leadership, particularly Mandela, who was already in jail at the time of the Rivonia trial and has now been behind bars for 22 years.

Churches, trade unions and other bodies have also backed the call, and a British band called the The Special AKA has even released a record called "Free Nelson Mandela" which made it to number seven in the British charts.

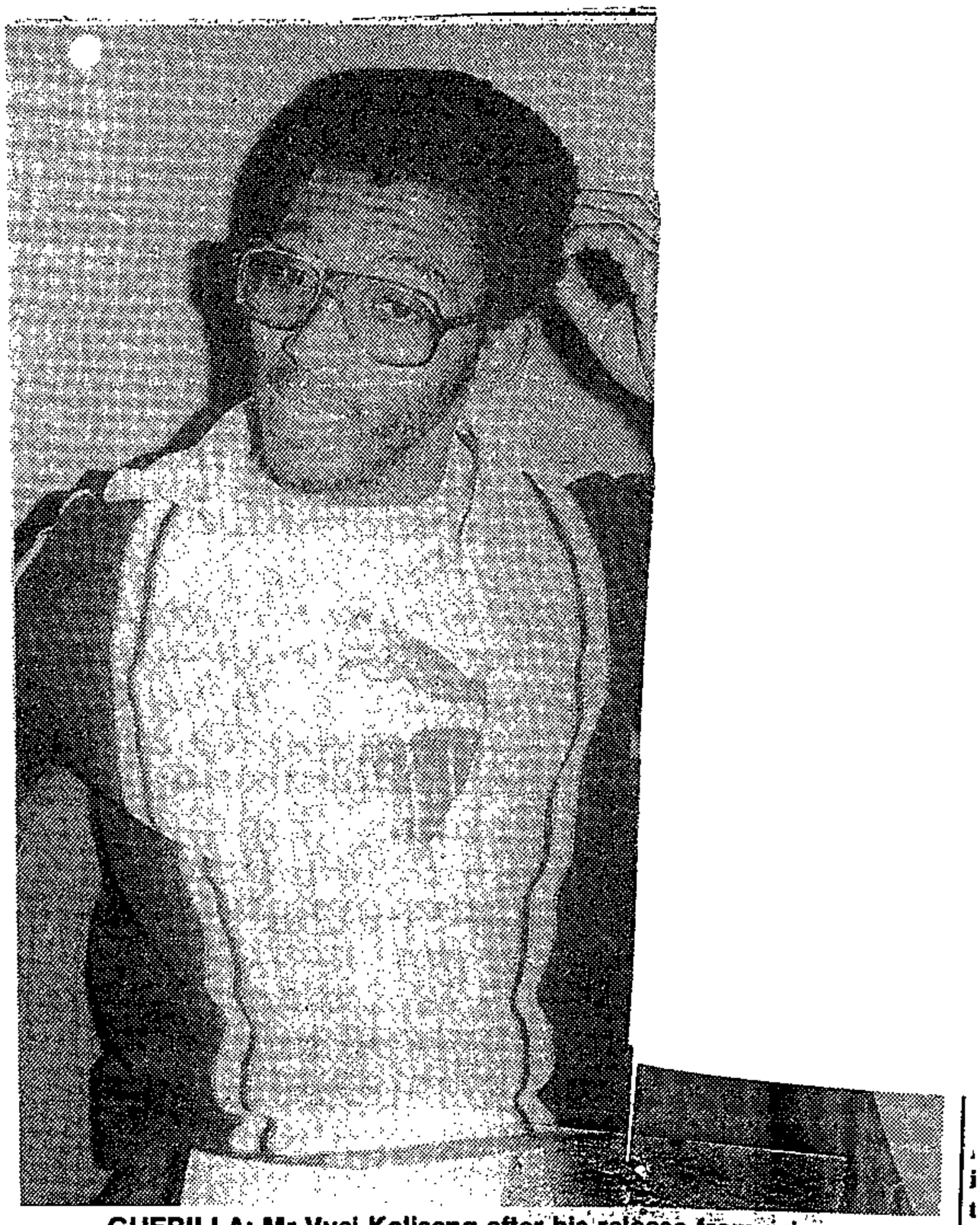
At home, the calls for Mandela's release have also increased. The latest pleas was made a the burial in Port Elizabeth to two ANC guerillas shot dead after last month's raid on a Durban oil refinery.

One of the speakers, former Robben Islander Henry Fazzie — who spent 21 years in jail with Mandela — told mourners: "I hear from the distance the footsteps of Mandela, walking tall in the streets of Langa and New Brighton as a free person.

"The doors of Robben Island will one day be flung open — God is on our side."

He concluded: "Time is on our side. History is on our side — and numbers are on our side."

PAC man free again



GUERILLA: Mr Vusi Kolisang after his release from prison.

By SAM MABE

A LYBIAN-trained former PAC guerilla who was convicted at the end of the marathon Bethal trial in 1979, Mr Vusi Jerome Kolisang, has been released after completing five years in jail.

Mr Kolisang (33) was among 17 people who appeared before Mr Justice Curlewis on charges under the Terrorism Act in a trial that lasted for 18 months in the Bethal Circuit Court.

In an interview with **The SOWETAN,** Mr Kolisang said when he left South Africa for Botswana in 1975, it was after he had experienced problems of employment for four years.

The experience enhanced his political consciousness to such an extent that he felt it necessary to leave the country. When passing sentence on him in June 1979, Mr Justice Curlewis said Mr Kolisang received training in Lybia so that he could come back and "shoot the whites."

Mr Kolisang said he was arrested at Witkleigat near Zeerust in 1977 where he had stayed for one month. He was kept under Section Six of the Terrorism Act for six months before he was charged.

He was tried together with Mr Zephania Mothopeng, former PAC member who was jailed for 15 years. In their trial, the 17 men were said to have revived the banned PAC and engaged in "terroristic" ac-

...an in sword ...urder jailed ...r 12 years

By CHRIS RENNIE

...N who stabbed his ex-girlfriend to death with a ... because she helped the victim of a gang attack, was ...ailed for 12 years after being convicted of murder ...tenuating circumstances.

... du Preez, 19, pleaded guilty in the Port Eliza... ...preme Court to murdering Miss Daphne Rosen..., at Gelvandale, on November 12.

...Preez told Mr Justice Jennet that he had been ... and smoking dagga when the trouble arose.

... he and his friends attacked a man who sought ... in a nearby house belonging to Miss Rosenberg.

... he saw her arranging for an ambulance to take ... to hospital, and remembering her infidelities ... their relationship, he became enraged and stabbed ...

... he was 18 at the time and inflamed by liquor, ... not meant to kill her.

...-mortem report handed in showed Miss Rosen... been stabbed in the neck, shoulder and almost the chest.

... admitted previous convictions, including rape assault with intent to do grievous bodily harm in ... culpable homicide arising out of a knife assault.

... heard that he was serving a five-year sen... rape and assault committed after the murder.

... ordered that three of the 12 years run concur... ...th the five years he is already serving.

Pohl and Mr E Addison sat as assessors. Mr T Fourie for the State. Mr J P Hoorn appeared for the defence.

Court told of repeated assaults on PE man, 40

By JOHN CLARK

GRAHAMSTOWN — A 40-year-old Port Elizabeth man today told the Grahamstown Supreme Court of how he was repeatedly assaulted by security policemen during questioning for 24 hours after his arrest in May last year.

Mr Mnyisile Douglas Tyutyu, 48, was testifying at the trial within a trial where 11 men are appearing on charges of treason.

Mr Tyutyu said he was arrested when coming from his place of employment on May 9 last year.

He was taken to the Algoa Park Police Station where he was told by a security police officer: "I want all the weapons you keep for Sipho," referring to Mr Rufus Nzo, an accused.

During questioning, Mr Tyutyu was taken to a window and shown someone in the yard. Although he could see it was Mr Nzo, he denied knowing him.

Mr Tyutyu said he was taken and beaten. He said his head was bumped against a wall and he was slapped and punched.

He was taken out on two occasions to see Mr Nzo in the yard. Both times he denied knowing him. Each time he was taken back inside and beaten.

Mr Tyutyu said he was then taken in the boot of a car to the Sanlam Building in Strand Street where he was questioned.

When he refused to acknowledge that he knew Mr Nzo, a plastic bag was pulled over his face and he was suffocated.

He finally agreed to reveal the location of a table containing explosives after repeated applications of the plastic bag, he said.

On the way to the house where the table was being kept, he was told to inform the police which house it was 100 metres away so that policemen in other vehicles would go ahead and enter the house. Mr Tyutyu said he failed to do so and was beaten.

Mr Tyutyu said he was allowed to urinate and given food for the first time since his arrest while being transported to Kinkelbos Police Station at about sunset on May 10.

The 11 men appearing are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face numerous charges, including high treason and murder.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co. of Port Elizabeth, appeared for the defence.

Rescue bid almost cost him his life

Treason trial court told statement was torn up

2. Post 20/6/84

331

By JOHN CLARK

GRAHAMSTOWN — A 48-year-old Port Elizabeth man told the Grahamstown Supreme Court yesterday how he had made a second statement to a magistrate on May 12 last year after the first had been torn up by a security police officer.

Mr Douglas Tyutyu was testifying in the trial within a trial, in which he and 10 other men are appearing on charges of high treason.

Mr Tyutyu said he had agreed to make a statement to a magistrate when he realised he would be assaulted again while at the Sanlam building in Port Elizabeth.

He said he told the magistrate that he had been assaulted, forced to make a statement and had not followed the briefing of the security police.

He said the statement was torn up by Major H B du Plessis, of the security police, who said: "The sun will not go down before you have made that right."

Mr Tyutyu said he was returned to the magistrate's office, where he made a second statement, according to the security police briefing, "because I saw I was in danger".

The previous day, Major Du Plessis allegedly told Mr Tyutyu not to say he had been assaulted by the security police.

According to Mr Tyutyu, Major Du Plessis said the security police headed everything in South Africa. He could tell his policemen to kill Mr Tyutyu if he liked.

Mr Tyutyu said he was told he would die like Steve Biko, Neil Aggett and others if he kept on arguing.

He was told nobody could do anything to the security police. Those people had died and nothing had been done about them.

Mr Tyutyu told the court he had "given up" and made three statements to the magistrate because of "fear of assault, being told I would die like Biko and because my house was deserted and thieves could do anything".

Mr Tyutyu said in reply to a question by Mr P N Langa, for the defence, that his name was not Mnyisele as stated on the charge sheet, but Moyisele.

He said a security police officer, Lieutenant W S Dennis, had threatened to "make your wife excrete as we have made you excrete", and had called him Mnyisele.

In Xhosa this word meant "we have made you excrete".

Mr Tyutyu said he made another statement to a magistrate on July 13 last year.

He told the court that he feared assault, he was being confined in solitary at Jeffreys Bay police station, was being exposed to cold because his cell door was left open and because of the ill-treatment by the commanding officer of the station.

He said he had also been promised by Major Du Plessis that his wife and daughter would be released.

The other 10 men are Mr Rufus Nzo, 54, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machineguns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Accused questions honesty of some security officers

By JOHN CLARK

GRAHAMSTOWN — A 48-year-old Port Elizabeth man, who was told that the security policemen he said were present when he was "suffocated" had denied their involvement, yesterday said he could commend very few security policemen for their honesty.

Mr Douglas Tyutu, one of the 11 accused appearing in the Grahamstown Supreme Court on charges of high treason, was being cross-examined by Mr P J Strauss, SC, Deputy Attorney-General of the Eastern Cape.

Mr Tyutu had told the court that Captain I P du Plessis, Lieutenant G C Smuts, Warrant Officer P Nel and Sergeant Duke Mjikeliso were present when he was interrogated at the Sanlam building in Strand Street, Port Elizabeth, on May 9 last year.

He said Sgt Mjikeliso had, on orders from WO Nel, drawn a bag over his head and pulled it tight across his face. He was unable to breathe.

Mr Strauss asked Mr Tyutu if he felt like dying when the bag was pulled tight across his face.

Mr Tyutu replied "Yes. That's when I tapped my foot" — the signal that he could no longer endure the discomfort.

When the procedure was repeated, Mr Tyutu said he agreed to show the police the location of a home-made table containing explosive devices at a home in Kwazakele.

Mr Strauss told Mr Tyutu that all the police officers had denied "doing the bag" when they were cross-examined by the defence counsel earlier in the case.

Asked to comment, Mr Tyutu said: "I can commend very few of the security police for their honesty."

Under cross-examination, Mr Tyutu said that Lt W S Dennis of the security police had said his name would no longer be Mnoyisele, but Mnyisele and that his wife "would also be made to excrete".

In Xhosa, Mnyisele means "we have made you excrete".

Referring to the use of the word Mnyisele on the charge sheet, Mr Strauss told the court the word had been misspelt because of a typing error and was not done intentionally.

The other 10 accused are Mr Rufus Nzo, 54, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

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Four youths granted bail in violence case

331 E. Post 22/6/84

Post Reporter

GRAHAMSTOWN — Four youths charged with public violence during the Cradock schools boycott this year were granted bail by the Grahamstown Supreme Court when they successfully appealed against a decision by a Cradock magistrate rejecting their application for bail.

The youths were among the 31 accused facing charges of public violence and inciting public violence arising out of the Cradock schools boycott.

The four youths were released on bail of R50 on condition that they report daily to the police and refrain from associating with pupils from the schools involved, or any person whose name appears on a list they will be given.

The appeals of eight other youths also appearing on the same charge were yesterday dismissed by Mr Justice Kannemeyer.

A second appeal, against the magistrate's decision to refuse bail to three youths charged with attempted arson, was yesterday dismissed by Mr Justice Van Rensburg.

According to police evidence, the "knowhow" to make a petrol bomb thrown into the home of a Standard 9 pupil at a Cradock high school had come directly from the three youths.

Mr Justice van Rensburg said he felt there was a strong likelihood that the three would abscond and not stand trial and that they would intimidate State witnesses in the trial.

Mr M Marais appeared for the State. Mr H K Naidoo, of Durban, instructed by Mr G M Nettleton and Mr H K V Siwisa and Company, appeared for the youths.

Inspector 'couldn't be told of assault'

By JOHN CLARK

GRAHAMSTOWN — A 48-year-old Port Elizabeth man today said he refused to tell the Inspector of Detainees he experienced back and shoulder pains and weakening eyesight as a result of security police assaults because he "had been appointed by the Minister of Police".

Mr Douglas Tyutyu, 48, was testifying at the trial within a trial in the Grahamstwon Supreme Court, where 11 men are appearing on charges of high treason.

Mr Tyutyu, under cross-examination by Mr P J Strauss, SC, for the State, said that Mr H Van Huyssteen, the Inspector of Detainees who visited him at the Jeffreys Bay police station, had said he was appointed by the Minister of Police.

Mr Strauss read from the record that Mr Van Huyssteen had told the detainees he was appointed by the Minister of Justice.

Mr Tyutyu admitted telling Mr Van Huysteen he suffered from headaches and backaches, but did not give a reason.

Mr Tyutyu said the pain came from maltreatment by the police.

Mr Strauss read from the record that the district surgeon who examined Mr Tyutyu at the time said the back pain was "such as one gets when one assumes a bad posture".

Mr Strauss told the court that during May and June, 1982, Mr Tyutyu was booked off work by a doctor.

Certificates read to the court showed Mr Tyutyu had suffered lumbar strain and viral conjunctivitis (pink eye).

The other 10 men are Mr Rufus Nzo, 54, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

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(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr Strauss,the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Doctor gives views on trial accused's bruises

By JOHN CLARK

GRAHAMSTOWN — A Port Elizabeth doctor today told the Grahamstown Supreme Court that, in his opinion, the injuries found on one of the accused appearing in the treason trial were more likely to have been caused by pinching and twisting of the skin on his abdomen and chest than by his falling from a fence.

Dr A G Blackburn, a general practitioner, was testifying in the trial-within a trial being heard here, where 11 men are appearing on charges of high treason.

He was called to give evidence in the case of Mr James Ncqondela, 54, one of the accused, who is alleged to have evaded arrest on May 10, last year.

It is further alleged that he fell from a fence when running from police, sustaining bruises.

He was arrested on May 19, and examined by Dr B Tucker, the Port Elizabeth District Surgeon, on May 25, last year.

He was found to have semi-circular bruises on chest and abdomen, along with scabs where the skin had been broken.

Dr Tucker told the court it was possible that the injuries were received when he fell.

Asked by Mr P Langa, for the defence, what he would look for if he was asked to examine a person in similar circumstances, Dr Blackburn said he would look for other injuries.

He found it strange that someone would find injuries only in the abdominal and chest area.

He said he expected to find injuries on the hands, face and head, shoulders and knees.

He said it took 10 to 14 days to reabsorb the blood which coloured the area of bruising. It was more difficult to discern a bruise in its later stages on a pigmented skin.

Dr Blackburn said it was possible that the injuries were sustained by pinching during Mr Ncqondela's period of detention.

He said under cross-examination by Mr W Kingsley, for the State, that it was highly unlikely the bruises would still have been so circumscribed when he had been examined on May 19, had Mr Ncqondela been injured on May 10.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr Nqgondela, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

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Treason accused unmarked, asserts policeman

By JOHN CLARK

GRAHAMSTOWN — A warrant officer today denied seeing any signs of assault on any of the Grahamstown treason trial accused while they were detained in cells at the Jeffreys Bay Police Station.

WO J P Jonker, the station commander at Jeffreys Bay during May and June 1983, told the Supreme Court that although he had often interrupted interrogation sessions conducted by security policemen in order to tell them that detainees had visitors, he had never seen any being badly treated or assaulted.

He had not seen Mr Wellington Gumenge, one of the accused, being "exercised" during questioning.

He said the prisoners were housed in comfortable, newly constructed cells, and were given the same food as the unmarried policemen serving at the station.

WO Jonker said he inspected the detainees twice a day and had attended promptly to their requests.

Cross-esamined by Mr A Jappie, for the defence, WO Jonker said the detainees had to sleep opposite the grille door of the cell so that the guard could see them clearly.

The ordinary solid door which separated the cell from an open exercise yard was always kept open.

When asked if the detainees then had to sleep in a draught in both hot and cold weather, day and night, he said this was regulated by the detainees who simply closed a window.

He said it was true that a Constable Strydom had been returned to his unit for lending reading matter to one of the detainees.

His district commandent had ordered the policeman's return to the unit because he had broken the regulation which stated that only a commissioner of police and head of the security police could authorise the detainee's reading matter.

He said his attitude toward the constable was not abnormal and he denied telling one of the prisoners of the incident.

WO Jonker told the court that detainees in fact were better treated than normal prisoners, receiving better food and were given other privileges.

WO Jonker explained that the handles to the toilets in the cells were removed because of an incident involving one of the detainees.

He said the detainees had suffered no discomfort because the toilets were flushed from outside the cells by a guard on request.

Const J P Strydom testified he had given a detainee two magazines and a story book to read for "humanitarian reasons", knowing he was breaking the rules.

The regulations forbade any weapons in the cell block, bar that of the guard.

He said he had seen no weapons at all in the cell block during the time he was there.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

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. . . while another family rejoices

DUMA GQUBULE talks to a well-wisher outside the Supreme Court last week.

(331) C. Press 27/5/04

The man who walked free

THE release of treason trialist Duma Gqubule this week at the end of the Supreme Court trial in Pietermaritzburg came as a total surprise to his parents — and they are overjoyed to have him home.

Gqubule, 19, was convicted of participating in ANC activities and was given 30 months, suspended for five years. The two others in the trial were Sithabiso Mahlobo who was xonviceted of High Treason and given 20 years and Ben Martins, found guilty of terrorism for assisting Mahlobo, who was sentenced for 10 years.

Gqubule's father, SACC Vice President, the Rev Simon Gqubule, said that the had tried not to hold out too much hope once his son had been found guilty.

"Some people told me they thought he might get a suspended sentence, but I didn't want to be dissappointed.

"The rest of the family are very happy indeed.

"The last six months, since he was detained in November, have been a terrible time for us. When you have your only son charged for high treason, it does shake you."

Duma himself was reluctant to comment on his release.

He told City Press that he was not yet sure what plans he had for the rest of this year, but that he hoped to return to university next year to continue his B. Comm degree.

The mother of Duma's co-accused, Ben Martins, said that she was a sickly person and that she and her family completely relied on Ben, a youth worker, for income.

Asked how she would manage with him in jail for 10 years, she said that she believed in God and would have to pray for a miracle.

A sister of Sithabiso Mahlobo said that their family would ask the SACC for assistance.

"I was not surprised at the sentence my brother received". She said. "We had heard that he could get hanged or life imprisonment. Now 20 years is nothing. It is just a waste of their lives."

Passing sentence on the three, Mr Justice Kannemeyer said that he would have considered imposing the death penalty if Mahlobo's bombs had killed or seriously injured anyone.

The two bombs planted by Mahlobo went off at two different Supreme Court buildings in Maritzbur early last year.

'Enemies' hovered around Ben Langa

BEN Langa, founder member of the South African Student's Organisation, celebrated poet and political activist, who was gunned down at his home in Pietermaritzburg on Sunday night, was a close friend of convicted ANC member Ben Martins.

Langa died instantly when three shots were fired at him as he was studying in his flat shortly before midnight on Sunday. One bullet went into his chest and another into his cheek, killing him instantly.

POET AND ACTIVIST DIES IN A HAIL OF BULLETS

CP Correspondents

Family and friends have dismissed as "malicious gossip", speculation that Langa was murdered because he had given evidence in the Pietermaritzburg trial for High Treason of Ben Martins, Sithabisho Mahlobo and Duma Gqubule.

Instructing attorney for the three convicted Victoria Mxenge, told City Press that it was a completely unfounded lie to say that he had been implicated in the trial in any way.

"His name was never mentioned in the indictment. He did not give evidence and his name was never even mentioned by any of the witnesses during the trial".

She said that the three accused had in fact sent a message of deep sympathy to the dead man's family, in which there was not even a suggestion of suspicion from them.

According to Ben's brother, Durban Advocate, Pius Langa, Ben, 39, was among the first group of Fort Hare students banned during the early 1970's. He was a co-founder of Saso, along with Steve Biko and Barney Pityana, and later became its secretary-general. He had been detained on a number of occasions.

Mr Langa said that his brother had gradually moved away from militant Black Consciousness and had later become a worker for the United Democratic Front. He was a key figure in the D.C.O. Matiwane Youth League, the organisation in which treason trailist Ben Martins had featured prominently in his capacity as youth programme director at the Edendale Lay Ecumenical Centre.

Several records belonging to Martins were found in Ben Langa's flat by his brothers when they were going through his effects.

Ben Langa was a respected poet, and co-founded the Malopoets group. Mr Langa

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Several records belonging to Martins were found in Ben Langa's flat by his brothers when they were going through his effects.

Ben Langa was a respected poet, and co-founded the Malopoets group. Mr Langa said his brother and Ben Martins had enjoyed the same kind of music and had been very close. He had also known Duma Gqubule well.

Members of his family believe that Ben's death was potically motivated. His older brother, Mr Sam Langa, said that they were "aware of enemies who were hovering around" Ben.

"There was nothing missing from his room, so we have to eliminate the possibility of robbery as a motive," Mr Pius Langa said. "That leaves political murder as they only alternative," he said.

Ben Langa was a registered law student at the University of Natal in Pietermaritzburg.

Police are investigating but have not yet made any arrests.

Langa's funeral will be held at the Apostolic Church, H Section, Kwamashu, tomorrow at 10am.

He was unmarried,

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Banned books: nurse guilty

A 19-year-old student nurse at Baragwanath Hospital was yesterday jailed for an effective six months by a Johannesburg Regional Court for possessing a publication found to be in the interests of the banned African National Congress.

Emily Elizabeth Melk, of Soweto, pleaded not guilty to possessing Island In Chains between August and September last year.

The book was found to be an account of prison life on Robben Island including insights into ANC activities and personalities.

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day in Managua, Nicaragua, that Mr Castro would provide a plane to fly both sets of prisoners to the United States if the US State Department granted visas to the 26 Cubans and ground clearance in Washington was given.

The civil rights leader said no names of the Cubans would be made available until today, but that all of their names appeared on Amnesty International's list of political prisoners.

"Castro has already given the list to Mr John Ferch (head of the office in Havana that handles American affairs in the absence of an embassy). Now the ball is in the court of our State Department," he said. — Sapa-Reuter

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7 die from deadly SA flu virus

PRETORIA — The deadly flu virus that is sweeping the country has claimed the lives of at least seven people, and health authorities have warned sufferers not to underestimate the seriousness of the disease.

Although winter is always a potentially dangerous time for the elderly, who tend to suffer more from bronchitis and pneumonia than younger people, the present epidemic has killed at least seven people, including a 17-year-old boy and two young women, one aged 22 and the other 27.

Doctors have warned that rest is the best cure for flu, and patients who took medicines that suppressed the symptoms of flu and continued with daily activities, refusing to go to bed, were placing themselves at great risk. — Sapa

Warders charged with murder attempt

JOHANNESBURG — Seven warders at the Leeukop Prison appeared in the Johannesburg Regional Court yesterday on a charge of attempted murder.

They allegedly attempted to murder an inmate by hitting him with truncheons and their fists.

The complainant, Mr John Dladla, gave evidence from a wheelchair after being brought to court by ambulance.

The seven accused are: Mr Johannes Lodewikus de Ath, 21; Mr Elphas Mbatha, 28; Mr Amos Nkoyana, 40; Mr Isaac Modupi, 51; Mr David Marumo, 31; Mr Cyprian Kumalo, 38; and Mr Petrus Ntuli, 32.

Mr Dladla said his "knees were injured" in the alleged attack on July 22, 1982.

In evidence he told the court he remembered carrying a mail bag just prior to the attack.

The complainant denied that he was in possession of a blade and precipitated the attack.

Defence counsel, Mr L Burger, yesterday informed the court that Mr De Ath, of the Leeukop single quarters, would admit hitting Mr Dladla — who was in prison for robbery — once across the back.

This was in an attempt to separate the complainant and another warder, Mr Petrus Ntuli. — Sapa

Magistrate denies he took two statements

E. Post 331
28/6/84

By JOHN CLARK

GRAHAMSTOWN — The Chief Magistrate of Port Elizabeth today denied he had taken a second statement from one of the accused appearing in the Grahamstown Supreme Court on charges of high treason when the first statement was allegedly torn up.

Mr J A Coetzee was recalled by the court after the State closed its case in the trial within a trial examining whether statements and an admission made by the 11 accused were admissible as evidence.

Mr Coetzee, responding to a question by Mr Justice Howie, denied he had taken two statements from Mr Douglas Tyutyu, one of the accused on May 12 last year.

Mr Coetzee said he was requested by Major H B du Plessis, of the security branch, to take a statement as he could find no other magistrate to do so.

Mr Coetzee denied taking any statement from Mr Tyutyu before the interpreter arrived.

Asked if he had seen a swelling on Mr Tyutyu's forehead, he replied that he had not.

He said he would have made a note of the swelling and not taken a statement because it would not have been made freely and voluntarily. Mr Coetzee said the statement had taken 4½ hours to complete.

In a formal admission to the court made on behalf of Mr Tyutyu, it was recorded that he admitted the entries made in the occurrence book at the Kinkelbos police station were in fact correct and that among other things he had arrived at Kinkelbos earlier than he had testified.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

The court today adjourned until August 13, to enable both the State and defence teams to prepare argument on the merits of the trial within the trial.

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Law on gatherings questioned

DURBAN — Defence lawyers yesterday told a magistrate here that the Internal Security Act was vague and invalid.

Speaking at the trial of 46 men and women charged with contravening the Act, Mr Ismail Mahomed SC and Mr Hassan Mall SC told Mr T N Kruger that the charge had not disclosed an offence.

They said the Minister of Law and Order, Mr Louis le Grange, in framing the regulations on the prohibition of gatherings, had exceeded the powers given him by Parliament.

The appearance of the 46, most of whom are Natal Indian Congress members, follows the picketing of the Prime Minister's meeting at the Durban City Hall on November 14 last year.

Mr P W Botha was addressing more than 3 000 Indians on the country's new Constitution. — Sapa.

Meeting charge trial takes dramatic turn

Mercury Reporter

THE trial of 46 men and women, mostly Natal Indian Congress members, in the Durban Magistrate's Court on a charge of contravening the Internal Security Act, took a dramatic turn yesterday when the defence objected to the charge claiming that it did not disclose an offence.

The appearance of the 46 follows the picketing of the Prime Minister's meeting at the Durban City Hall on November 14 last year. Mr P W Botha was addressing more than 3 000 Indians on the country's new constitution.

Placards

The accused, who appeared before Mr T N Kruger on allegations of holding an illegal gathering, were arrested by police after they had held up placards outside the City Hall.

Before the Court were Mewa Ramgobin, Ebrahim Goga, Fatima Meer, Rabbi Bugwandeen, Yunus Mahomed, Praveen Gordham, Radhakrishna Padyachee, Lilly Naicker, Adhir Maharaj, Ramlal Ramesar, Farouk Meer, Muthal Naidoo, Yabusevan Gounden, Zacharia Yacoob, Neerasen Mudalay, Sitamna Parasuraman, Devi Yacoob, Marion Ramsden, Ansuyah Naidoo, Charmaine Pillay, Sheereth Pillay, Ela Ramgobin, Ranjith Choonilal, Poobalan Ramsamy, Murugiah Naidoo, Ayalamo Govender, Pat Naidoo, Anand Jayrath, Bala Mudalay, Sunda Jeegaran, George Sewpersadh, Sham Singh, Mothilal Maharaj, Swami Nathan Naicker, Vidhur Mothilall, Sheereth Viymarain, Goolam Ismail, Monogran Dass, Rajah Naicker, Santosa Singh, Ramsamy Naidu, Abdul Randree, Nathan Gounden, Balarathan Pillay Meena Essa and Sham Maharaj.

'Vague'

Mr Ismail Mahomed, SC, and Mr Hassan Mall, SC, who appeared for the accused, told the Court that the charge had not disclosed an offence.

They said the Minister of Law and Order, Mr Louis le Grange, in framing the regulations regarding the prohibition of gatherings, had exceeded powers given to him by Parliament.

Mr Mahomed argued that the Government notice in relation to the prohibition of gatherings was ultra vires because it purported to prohibit all gatherings whether they had a common purpose or not.

The notice was invalid, he said. It was not clear whether the prohibition referred to gatherings which had a common purpose only or to all gatherings with or without a common purpose.

The notice was also unreasonable and interfered with the rights of those subject to them. It constituted partiality and inequality in its operation between different classes, Mr Mahomed told the Court.

Mr Mahomed said the notice tended to prohibit everyday gatherings and was vague because the ordinary citizen was unable to determine what kind of gatherings were prohibited.

The trial was adjourned to October 2 and the accused were released on warning. The Court ordered their bail of R50 each be handed back.

Workers strike

Mercury Correspondent

JOHANNESBURG — About 5 000 workers brought production to a halt at the Nissan motor plant and two sister plants, Magnis and Motoware, in Rosslyn near Pretoria yesterday when they went out on strike demanding higher wages.

Mystery of robbery victim

Pietermaritzburg Bureau

POLICE here have appealed to a mystery robbery victim to come forward and make a statement before they have to release the suspected robber.

The missing man was allegedly robbed of an unspecified sum of money and keys to his motorcycle by a black man here on Wednesday night.

According to police, the man then appealed to a cafe owner Mr Antonio Cares for help. Mr Cares took a gun and, after three shots had been fired, a black man was arrested.

The suspect was not wounded and no money or keys were found.

Unless charges are pressed within 48 hours of his arrest, police are obliged to release the man.

The missing victim has been asked to contact Lt-Col O C Jonker at (0331) 21318 (work) or 43273 (home) as soon as possible.

complain?

Then in *Newsfokus* the outgoing Minister was more serious. He said his successor will have to satisfy many quarters and the portfolio will be a great challenge for him. However, Mr Horwood did lay a very solid foundation and South Africa did not get involved in any 'hair-brained' schemes.

Next week's screening of *Jasper le Feuvre* should prove to be spellbinding, but last night's certainly wasn't. The bar brawl reminded me of a typical Terence Hill and Bud Spencer movie — violent punishment in which anyone would be felled instantly by any of those blows, but they all got up for more punishment.

In *Uit en Tuis* we travelled around South Africa and South West Africa at lightning speed. The glass-blowing in South West was interesting but I do think the Italians could teach them a 'blow' or two.

Then we saw some ostrich racing in Oudtshoorn — well filmed, but I thought the history behind mampoer, that potent brew distilled nowadays by only a handful of Cape farmers was quality stuff. It all started years ago when a tribe in the Transvaal created much strife for the early settlers. When Chief Mampoer was laid to rest his loyal followers went on a lengthy binge.

JOHN VAN DER MEER

FACTORY SALES

PH. 317731 OR 317814

Two years' jail for stoning Putco bus

By Janine Simon

A 27-year-old man who stoned a Putco bus during the Alexandra bus boycott in January was yesterday jailed for two years by a Johannesburg regional magistrate.

His attorneys will appeal against the sentence.

Khanda Michael Vilakazi, of Alexandra, pleaded not guilty to maliciously injuring Putco property by smashing three windows of a bus on January 18.

The bus driver, Mr Joseph Mtshali, testified that his bus had been stoned twice on the night of January 18. Both incidents occurred at the intersection of Ninth Avenue and Selbourne Street in Alexandra.

He reported the first stoning to the terminus and was then accompanied by an unmarked police car to report the matter to the depot.

While crossing the intersection a second time Mr Mtshali said he saw three people throwing stones at the bus.

Three of the bus windows were smashed but Mr Mtshali could not say whether this had been during the first or second incident.

Vilakazi said he was walking down Ninth Avenue at about 8.15 pm and saw two youths standing at the intersection.

They stoned the bus and then ran away.

Vilakazi said he was chased and arrested by police who were following the bus.

Passing sentence, the magistrate, Mr C C Butler, said stone-throwing was a serious offence because buses were there for the convenience of the public.

Vilakazi is a first offender and is married with one child. He is unemployed.

IN COURT

Move to release Stan residents postponed

29/9/84

An urgent application for the release of Vaal residents who were refused bail after being arrested at a banned funeral last weekend was postponed indefinitely in the Rand Supreme Court yesterday.

The action was brought by five of the 598 people who appeared in the Sebokeng Regional Court on Wednesday and were refused bail by magistrate Mr James Johnson in terms of section 30 of the Internal Security Act.

CONTENTS

Legal representatives for the respondents, who include the Minister of Law and Order, the Minister of Justice and the Commissioner of Prisons, yesterday asked Mr Justice P van der Walt that the contents of the file not be disclosed.

The judge granted this and postponed the hearing sine die.

The outcome of the case will have implications for all 598 held. Evidence was led in the earlier bail application that several children under the age of 12 were among those held.

There were also some breast-feeding mothers in custody who had been separated from their babies.

331 D. Dispatch 29/9/87

Evidence ruled inadmissible

EAST LONDON — A statement made by a woman accused of possessing banned literature was ruled inadmissible evidence in the regional court yesterday because it had not been made freely and willingly.

The court found that the state had failed to prove beyond reasonable doubt that the statement made by Miss Zoleka Branda Badela, 20, of New Brighton, was made willingly.

Miss Badela told the court she had been slapped and sworn at by the policeman, Warrant Officer N. A. Jordaan, who had taken her statement.

She said she was not told by the police that she was not obliged to answer questions or make a statement.

Mr P. Pretorius, for the state, told the court Miss Badela had not denied that the prohibited document, Nelson Mandela, the People's Leader, was found in her possession.

A reasonable person should have realised that the document could have been banned and Miss Badela should have taken care to ensure that it was not in her possession, he said.

Mr M. Moerane, for the defence, said the state witnesses had admitted it was not possible to know which documents were banned for distribution and which were banned for possession.

The publication was not "so politically radical" that it might suggest to the average reader that its possession might be banned, he said.

The magistrate, Mr S. Van Zyl, postponed judgment to December 14.

Miss Badela's bail of R350 was extended, — DDR

Accused decide not to give evidence in treason trial

Court Reporter

GRAHAMSTOWN — The treason trial at the Grahamstown Supreme Court, in which 11 men are facing charges including treason and murder, took a dramatic turn today when the defence unexpectedly closed its case.

The defence counsel, Mr P N Langa and Mr A Jappie, were not present in court today. Mr N N Dullabh, the attorney representing the defence, was present.

Mr P J Strauss, SC, for the State, said the accused would not be giving evidence, would not be calling any witnesses and were closing their case.

He asked that the case be remanded to October 15.

Mr Justice Howie said the non-appearance of the defence counsel was excused. He had been notified beforehand that they would not be present today.

He said a postponement was needed to enable counsel to prepare for argument.

Mr Howie postponed the trial to October 15 when he would ask counsel for the defence for ratification that the defence case was closed, for purposes of the court record.

The 11 men on trial are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, are appearing for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, are appearing for the defence.

Surprise move at treason trial

2/10/84 (331) C. Times

Own Correspondent

PORT ELIZABETH. — In a surprise move, defence counsel for the 11 accused appearing in the Grahamstown treason trial closed their case yesterday without leading evidence.

Mr P J Strauss, SC, for the State, said he had been asked by Mr P Langa, for the defence, to inform the court of the defence counsel's decision.

Mr N N Dullabh, the Grahamstown legal representative for the accused, was in court to confirm that the defence would not be calling witnesses or the accused to give evidence, Mr Strauss said.

Mr Justice Howie, the presiding judge, adjourned the hearing to October 15.

The 11 accused are Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44; Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumnege, 29, and Mr Nceba Faku.

It is alleged that they conspired in an attempt to overthrow the state and that they took part in the activities of banned organizations. They have also pleaded not guilty to numerous other charges — including murder, fraud and possession of firearms.

High treason trial: sentence postponed

331 Star By Diane Stuart 3/10/84

The trial of four Soweto men — two of whom have been convicted of high treason and two of furthering the aims of the African National Congress — reopened amid tight security in the Rand Supreme Court today — only to be postponed to October 16.

Defence counsel Mr D H Soggot, who was due to begin leading evidence in mitigation of sentence, applied for the postponement on the grounds that expert witnesses were not available.

Last Wednesday Mr Acting Justice S C Steyn found Norman Mhlanzi (26) and Enoch Nthonbeni (22) guilty of high treason.

Samuel Nyemi (28) and Jabulani Makhubu (27) were convicted of furthering the aims of the ANC.

The judge and his two assessors based their finding on statements handed in by the four men in which they pleaded guilty to the charges.

In their statement, Mhlanzi and Nthonbeni claimed they had been pressurised into joining the ANC after leaving South Africa in 1977 to continue their education in Swaziland.

The pair said they had acted under ANC instructions when they attempted to sabotage distribution plants at Princess, Roodepoort, and Ennerdale, Vereeniging, in 1982, but they denied blowing up an electrical installation in Lenasia last December.

PAC man gets 2 years

331
E. Post 4/10/84

JOHANNESBURG — A Soweto man was sentenced to two years imprisonment for taking part in activities of the outlawed Pan Africanist Congress by a Johannesburg regional magistrates' court yesterday.

Harold Nykanezi Twala, 25, of White City, Soweto, pleaded guilty on Monday to recruiting members for the PAC.

He also pleaded guilty to having left the Republic illegally and to assisting others to leave South Africa illegally. He was sentenced to three months on each of these charges to run concurrently with his two years.

The prosecution submitted evidence yesterday to show the aims of the PAC in included the development of "armed struggle".

In sentencing Twala, the magistrate, Mr H J Brandt, took into account that it had not been proved he was a member of the PAC, and that he had shown remorse in pleading guilty. — Sapa

VIEW FROM NATAL

BY MICHAEL GREEN

Justice and the law in SA

THOSE who read the detail of newspaper reports have been given an unpleasant demonstration of the difference that sometimes exists in South Africa between justice and the law.

Part of the case brought by Auret van Heerden, former detainee, against the Security Police was dismissed in Pretoria last week because the judge ruled that it was "time-barred" in terms of the law. Had it not been for the time factor, the judge said, he would have awarded Mr van Heerden R5 000 damages for excessive interrogation by the polce.

The Police Act states that any civil action brought against the State and involving the police must be initiated within six months of the cause of action.

Mr van Heerden was in custody for seven months and it was physically impossible for him to bring legal action against his captors within the prescribed period. Nevertheless he has now been told the relevant claim cannot be upheld because it is "time-barred".

This is a situation from George Orwell or Franz Kafka. It would be difficult to think of anything more iniquitous. In theory the police could make themselves immune to the ordinary laws of the land by keeping a complainant under lock and key for more than six months.

Ah, you might say, this is an isolated anomaly. No, it is not. Two years ago a senior Natal judge did his best to do justice by someone else in the same situation. He failed in the end.

In that case Mrs Mavis Magubane of Maritzburg alleged she was assaulted while in the custody of the Security Police. She spent 14 months in detention before being released (she was not charged with any offence) and five months later she instituted civil action against the Minister of Law and Order, claiming damages of R2 400.

The Minister responded by saying the claim was invalid because it had not been initiated within six months of the alleged assaults.

The matter went to the Natal Supreme Court and Mr Justice R N Leon said that to deny Mrs Magubane the right to sue was an affront to his sense of justice. He said this would mean the police could deliberately lock up a man for six months to prevent him from suing — an "alarming proposition".

Mr Justice Leon ruled that Mrs Magubane was entitled to sue because the Prescription Act (prescribing the periods in which various cases must be brought) had a clause covering claimants who had been prevented by *vis major* ("a superior force") from serving summons.

Subsequently, however, the Appellate Division ruled in favour of the Minister of Police in a similar case involving the prescribed six months and the Chief Justice, Mr Justice Rabie, indicated he could not agree with Mr Justice Leon's interpretation.

Mrs Magubane, not surprisingly, abandoned her claim. To have pursued it would have been a waste of money.

The point, however, is that in his judgment Mr Justice Leon added: "If I am wrong in my interpretation of the Prescription Act, what is urgently required is for the Police Act and similar statutory limitations to be amended".

That was 18 months ago, and at the time I wrote: "It will be interesting to see whether any action will be taken. I wouldn't bet on it".

I'm afraid my cynicism has been fully justified. A blatantly unfair law not only still exists but is being deliberately used by the State as a defence against complainants, many of them humble citizens, who seek redress in the courts.

We hear a lot from the Government about law and order, and the need to maintain it. But what about correcting injustice too?

● The death of the American jogger and author Jim Fixx and of two road runners in Johannesburg has inevitaby reopened arguments about whether jogging is good or bad for you. Some American authorities say that Jim Fixx would have been alive if he hadn't run so much, others aver that he wouldn't have lived as long as he did (he was 52) without running.

I don't know. One doesn't want to overdo things, not jogging anyway, and I'm reminded of the wise words of the portly G K Chesterton, who said the only exercise he ever took was walking at the funerals of his more energetic friends. □ — *Michael Green is Editor of The Daily News.*

Eight UWC students fined

331
6/10/89 Two 34

Staff Reporter

EIGHT University of the Western Cape students were yesterday fined R75 (or 25 days) each in the Bellville Regional Court after being found guilty of attending an illegal gathering.

Posters reading "To hell with Botha", "Beware — Apartheid destroys" and "Labour Party go to hell" were among 18 posters confiscated from students by police in Fransie van Zyl Drive, Parow, on May 29 this year.

Evidence was that a police patrol had confronted 11 students, who were standing about 25 metres away from each other, during rush-hour traffic and had taken them to Parow police station.

Nine of the students pleaded not guilty to a charge of attending an illegal gathering. One of the students, Mr Benjamin Schereka, 23, of Ravensmead, was acquitted because of insufficient evidence.

The charge was withdrawn against Mr Trevor Wentzel, 24, of Ravensmead, and a warrant for the arrest of Mr Dimitri Lennert, 19, of Ravensmead, was issued when he failed to appear.

Mr A M Omar, for all the students, asked that the court accept that there had been a distance between the students.

Passing judgment, the magistrate, Mr J M Lemmer, said that although the students had been some distance from each other they had acted in concert and had a common purpose.

Those who were convicted and fined were: Frederick Franse, 21, of Mitchells Plain, Willem Basson, 23, of Atlantis, Moegamat Fredericks, 20, of Bonteheuwel, Vernatt van der Westhuizen, 24, Desmond Links, 20, Richard Martin, 19, Marcellus Muthien, 21, Andrew Crow, 22, all of Ravensmead.

Mr W B Badenhorst appeared for the State. Mr Omar was instructed by R Vassen, Abercrombie and Sonn.

ITN stringer charged under Prisons Act

Staff Reporter

A CAPE TOWN-BASED International Television News (ITN) stringer-cameraman, pleaded not guilty in the Magistrate's Court yesterday to two charges of contravening the Prisons Act by filming Pollsmoor Prison and Robben Island.

The State alleged that Clifford Noël Bestall, 36, of Gordon Street, Gardens, had filmed the prison and island without authority from the Commissioner of Prisons.

The court had an in loco visit to the SABC in Green Point yesterday to view the films.

Mr Bestall told the court in evidence that after returning from filming the Berg River Canoe Marathon on July 16 last year, he had gone to Signal Hill to film Robben Island and then to the top of Ou Kaapse Weg to film Pollsmoor Prison.

He was acting on a request from the ITN agency in Johannesburg to get film of Robben Island and Pollsmoor Prison for footage to be used in an ITN news broadcast in London to commemorate the imprisoned Nelson Mandela's birthday.

Immediately after filming the prisons he had gone to D F Malan Airport and airfreighted the two films to the ITN agency in Johannesburg.

The following day, a Sunday, they had been sent to the SABC for processing and transfer on to video.

The SABC had alerted the police, who had confiscated the films.

Mr Bestall said in evidence that he had known permission had to be granted by the Prisons Department, but had presumed this was the ITN agency's responsibility.

He had used his own discretion in deciding what to film and had filmed Robben Island and Pollsmoor in relation to its residential surroundings, leaving it up to the editors of the film to choose what they had wanted to use.

The Southern Africa correspondent for ITN, Mr Peter Sharp, who is based in Johannesburg, said in evidence that he had informed Mr Bestall of the London office's request for film of the prisons two weeks before the time when the film would be needed, but said he would confirm this and give Mr Bestall the go-ahead closer to the time.

Mr Sharpsaid that unfortunately a few days before confirming with Mr Bestall that he should go ahead with the filming, he himself had had to travel to Zimbabwe to report on a "big story which was breaking in Matabeleland".

He had handed over the running of the agency to Mr Michael Hanna, who had been employed with the agency for only a short time, briefly telling him about the Mandela story but neglecting to remind him to get permission for the filming.

Judgment will be delivered on October 26 and Mr Bestall was warned to appear.

Mr D A Duraan was the magistrate. Mr W C Viljoen prosecuted. Mr D Kuny, SC, assisted by Mr D Uys of Bell, Dewar and Hall of Johannesburg, represented Mr Bestall.

Mr Clifford Bestall outside the Magistrate's Court yesterday.

ANC at war with SA, trial hears

331 E. Post 15/10/84

By SHIRLEY PRESSLY

GRAHAMSTOWN — The African National Congress was at war with South Africa, the Supreme Court was told today when argument began in the case in which 11 men are appearing on several charges, including treason.

Mr P J Strauss, SC, said the accused were the only ones who could have given the court a full explanation of their actions, but they had chosen not to do so.

The 11 are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They are charged with high treason (alternatively participation in acts of terrorism), sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

Mr Strauss submitted that all the accused saw the ANC as an alternative form of Government and that the Government must be overthrown on different levels, for example, strikes to cripple the economy.

He said the ANC was known for its public exhortation to arms, bloodshed and revolution and the systematic demolition of the State and overthrowing of the State.

The ANC was at war with South Africa, he said.

Anyone who was aware of high treason was obliged to report it or also be guilty of it.

In treason there were no accessories — whether as leaders or followers all were guilty of treason — as long as a conspiracy remained constant in regard to its aims.

Mr Strauss said allegiance was required of a resident alien where his departure from the country was of a temporary nature with the intent to return.

While residing in South Africa one owed South Africa allegiance.

Mr Strauss admitted that Mr Nzo should be regarded as someone who owed an allegiance to South Africa.

Mr Strauss said the motives for treason were irrelevant.

Treason might be committed with a view to some other purpose — it might be the advancement of some political theory.

None of this was relevant to an inquiry of whether treason had been committed or not.

It did not mean that an accused had to have been animated by feelings of hostility and hatred towards the State.

Mr W Kingsley, who is assisting Mr Strauss, submitted that a common purpose linked all the accused.

There was a common design which made the act of a principal offender the act of all.

An accused did not have to be physically present, but could still be held responsible.

Mr Strauss said that a State witness, Mr X, had clandestinely brought letters, goods, money and even people from Lesotho to Port Elizabeth.

He had acted as a courier and smuggled in weapons and explosives.

Mr X had dealings with Mr Nzo, Mr Douglas Tyutyu, Mr Sipho Hina and Mr Wellington Gumenge and with terrorists Joe and Kingdom, whom he had brought to South Africa as well as Mr Nzo.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

11 treason trial men 'had a common intent'

By SHIRLEY PRESSLY

GRAHAMSTOWN — It was part of the complicity of the gang that as soon as a mission or an identity was in danger of being exposed then the person exposing it had to be exterminated.

This was said in the Grahamstown Supreme Court by Mr W Kingsley (for the State) during argument for the State in the trial in which 11 men are facing several charges including high treason.

He described the 11 as a gang with a common purpose to further the aims of the African National Congress (ANC).

He said three of the men, Mr Rufus Nzo, Mr Douglas Tyutyu and Mr Vukile Tshiwula, must have known that Mrs Nonkosi Tshiwula was to be executed for planning to be an informer *(mpimpi)*.

"They should have done something to distance themselves from the happening," said Mr Kingsley.

It was part of the ANC training and doctrine that an *mpimpi* had to be exterminated.

He asked that the three men be found guilty of the murder of Mrs Tshiwula, "seeing they were closer", but that the other accused be implicated on the wider aspect of a common purpose.

He asked that all the men be found guilty on counts of malicious damage to property charges arising from bomb blasts on the grounds that they were accomplices, or well disposed toward the ANC in the common cause or complicity.

He asked that Mr Nzo be linked as an accomplice to blasts at the East Cape Administration Board offices and a railway line at Redhouse because he had helped with the building and placing of the explosive devices.

Mr Kingsley asked that the accused also be found guilty of attempted murder because they had been aware of the terror of the explosions and failed to do anything.

He referred to the failure of the accused to give evidence.

Mr Pius Langa (for the defence) said in his argument that courts had been careful in their approach so that things said by one conspirator did not create a damaging effect against others.

"I do submit that if you seek to draw an inference it must be consistent with all the facts," he said.

Mr Langa said he had been unable to find a judgment where the accused was found guilty of treason on the grounds that he was a member of the ANC.

Mr Langa said the courts had not readily convicted people of high treason.

The courts had thought to distinguish between the aim or perpetration of an act. He said this distinction would be important in this case.

Mr Langa said there were 11 accused covered in a blanket of conspiracy which seemed to cover all the accused.

Mr Langa submitted that mere membership of the ANC did not amount to treason nor did mere support of the ANC amount to treason.

The 11 men on trial are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

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Treason acquittal sought for 'Transkei citizen'

331

E. Post

17/10/84

By SHIRLEY PRESSLY

GRAHAMSTOWN — Because one of the accused was a Transkei citizen he should not be convicted of high treason, defence counsel submitted yesterday in the Supreme Court treason trial here of 11 men.

Mr Pius Langa, for the defence, argued that on the evidence it appeared that Mr Rufus Nzo was a person who did not owe allegiance to the State. Nor had the State proved that he owed allegiance.

According to Mr Nzo's biography, handed to court as an exhibit, he was born in South Africa in 1959 and left Benoni for Elliot when he was seven.

He moved to the Transkei were he stayed with a relative and was domiciled in Transkei where he remained until he escaped to Lesotho where he applied to join the ANC.

In 1982 he came to Port Elizabeth.

Mr Langa submitted that when Mr Nzo returned to South Africa in November 1982 he was coming back on a definite mission.

He was not coming to be a resident of Port Elizabeth.

Mr Langa quoted from various Natal Law Reports published soon after the turn of the century with the following texts: "A foreigner can be punished as an enemy but not as a traitor," and: "A test for allegiance was fixed and permanent domicile".

Mr Langa submitted that the finding on Mr Nzo's citizenship should be resolved to his favour and he should not be convicted of treason.

Mr Langa argued that if the submissions regarding allegiance did not meet with agreement then he made an alternative submission that one had to be shown to have done what one did with a hostile intent.

Mr Langa said one did not know what sort of conspiracy there was between the ANC and the accused and there was no indication when Mr Nzo became involved in the acts of terrorism.

The 11 men are Mr Nzo, 24, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(The trial continues today).

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

ANC men get 12 years for high treason

331 Star 18/10/89

By Diane Stuart

After being sentenced to 12 years' imprisonment for high treason, two members of the African National Congress burst out singing "Nkosi Sikelel' iAfrika" and shouted slogans as they were led out of the dock in the Rand Supreme Court this morning.

Mr Acting Justice F S Steyn described Norman Mhlanzi (26) and Enoch Nthombeni (22), both of Soweto, as "irreconcilable revolutionaries who were unable to change their views when they were beyond the compelling influence of the ANC".

The packed gallery heard that the men returned to South Africa in 1982 and had on two occasions initiated contact with the ANC to receive instructions and explosives.

WHIRLPOOL

"I accept that they were swept away in a whirlpool of history (when they left South Africa after the 1976 disturbances) but they remain irreversible enemies of South Africa," the judge said.

He found in their favour that they attacked inanimate targets, including power stations and no one was injured.

Their co-accused, Samuel Myeni (28) and Jabulani Makhubu (27) — convicted of furthering the aims of the ANC — were sentenced to seven years' imprisonment, 5½ years of which was suspended for five years.

The judge said that support of the ANC meant supporting acts of violence.

Miner jailed for letter to ANC

331

Star 22/10/84

A Roodepoort mine-worker who wrote to the banned African National Congress asking to become one of its soldiers was today jailed for three years by a Johannesburg Regional Court magistrate.

Frank Sipho Shongwe (24), of Hostel 6, Roodepoort-Durban Deep mine, initially said in court the letter was a plan he had devised to get employment through the ANC.

He later admitted the contents of the letter, which was written on a page of pink lined paper. It was addressed to the Transvaal Committee of the ANC.

Shobgwe, who has a wife and two children, was jailed for contravening section 74 of the Internal Security Act of 1982 by attempting to become a member of a banned organisation.

Cape Times, Tuesday, October 23, 1984

Banned Johnny Issel jailed for six month

Staff Reporter

COMMUNITY leader Johnny Issel, 36, was yesterday jailed for six months by a Wynberg regional magistrate for breaking the conditions of his banning order.

Issel pleaded not guilty to a charge of leaving the Wynberg magisterial district, to which he was confined in terms of his banning order, between December 26 last year and January 1 this year.

The magistrate, Mr A Kotze, sentenced Issel to a year, half of which was suspended for two years.

Mr H van Wyk, Acting Chief Magistrate of Wynberg at the time of the incident, said in evidence that no application for exemption from Issel's banning order had been received at the time.

Issel, conducting his own defence, admitted having entered Transkei on December 26 without permission to leave the Wynberg magisterial district.

Asked by the prosecutor, Mr J Bezuidenhoud, why he had pleaded not guilty, he replied: "I am not guilty of any offence. I went on holiday."

Citing an example, Issel said permission had in the past been refused when he had wanted to visit his late mother who had been ill at the time. He had therefore not seen that permission would have been granted for him to go on holiday, he said.

Asked whether he wanted peaceful change in this country, he said he had no record of being involved in violence.

He had "chosen my own path in the struggle for the liberation of South Africans" but police had prevented him from working in church organizations and on community newspapers.

He said his banning order, effective until July 31, 1986, was "the State's banning order, not mine. It is an erosion of my dignity. I believe that we must challenge the State. No person can live under a banning order."

Mr Bezuidenhoud: "Can I take it you will do it again?"

Issel: "I don't know. It is quite possible."

Issel said that even when he was not under a banning order, he had been harassed by the security police.

Banning orders were an integral part of the laws of oppression.

He had spent a total of 19½ months in detention — sometimes being subjected to electric shocks — without being brought to court.

When Issel, whose attorneys withdrew at a previous hearing at his request, told the magistrate that "we must fight this evil system", a cry of "Amandla Ngawethu" came from the public gallery.

In his judgment, Mr Kotze said that Issel had not only left the Wynberg magisterial d had also "left the cou was a serious offence fo provision was made for for which the maximu was three years.

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The court did not know on the basis of which facts the banning order had been issued but there had to be "very good reasons" for such an order.

Mr Kotze said Issel had shown no remorse. "You have to realise that one simply has to obey the laws of the country whether you agree with them or not."

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Minister rejects fugitives' terms

Own Correspondent

JOHANNESBURG. — The Minister of Law and Order, Mr Louis Le Grange, yesterday rejected the conditions laid down by the three fugitives in the British Consulate in Durban for their voluntary departure from the consulate offices.

The Natal Indian Congress attacked Mr Le Grange's decision as "ludicrous" and charged him with exacerbating the situation by his failure to "display a measure of reasonableness".

In a memorandum released last week the three fugitives agreed to leave the consulate if the government accepted any one of three pre-conditions. They were:

- The withdrawal of all detention orders under section 28 of the Internal Security Act.
- The exclusion of section 28 detainees' names from the consolidated list of people who may not be quoted and the suspension of the provision barring section 28 ex-detainees from practicising as lawyers.
- The granting of passports to the three — together with a guaranteed right to return to South Africa — to put their case before the Special Committee on Apartheid at

effect to the demands of the three".

The statement added: "The Minister of Law and Order can act only in accordance with the provisions of the relevant legislation. To do otherwise would be to act in *ultra vires* of the powers conferred on him by that legislation."

On the passport demand, Mr Le Grange said: "The issue of a passport cannot be considered until applications are received in the form prescribed by regulation."

The existence of detention orders against an applicant would "no doubt" be considered as a relevant circumstance,

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Black schools situation worsens

PRETORIA. — The situation at the six Atteridgeville/Saulsville black secondary schools which reopened on October 11 after being closed because of boycotts and unrest since May this year, deteriorated sharply again yesterday after a "very promising" improvement by last Friday.

"Schooling continued normally at three of the schools but education was disrupted at the other three, where low attendance was reduced to zero by outsiders," a spokesman for the Department of Education

A minute to get a record as criminal

By Michael Tissong

Some people arrested in a raid on Sebokeng township early yesterday took less than one minute to earn criminal records when they appeared before Vanderbijlpark magistrates.

Hundreds of people aged between about 19 and 55 faced various charges including failing to produce passes and possession of dangerous weapons.

Some hearings where people pleaded guilty lasted 57 or 59 seconds. They were fined R30 (or 15 days) for pass law offences and R40 (or 20 days) for possession of dangerous weapons. They were all taken to the cells and it appeared that none had money for the fines.

Where the accused pleaded not guilty the hearings lasted about three minutes and were postponed to various dates.

The cases went something like this:

Prosecutor: On the morning of October 23 1984 you failed to produce your pass. Do you plead guilty or not guilty?

Interpreter repeats the question in the vernacular.

Accused: I was sleeping. I did not have my pass with me. I guess I am guilty.

Interpreter: I plead guilty, Your Honour.

Magistrate: I find you guilty as charged. Do you have anything to say in mitigation of sentence?

Accused: I will try to get a pass.

Magistrate: Anything else?

Accused: No.

Magistrate: You are fined R30 or 15 days' jail.

Total time: less than one minute.

Sash condemns SADF 'on glorified pass raid'

Star 24/10/84

331

Staff Reporters

The Black Sash has launched a stinging attack on the Defence Force for Operation Palmiet, accusing it of taking part in a "glorified pass raid".

Sash national president Mrs Sheena Duncan said yesterday: "We trust the fathers of the young servicemen used in this operation in the townships will raise their voices that their children were put into a civil war situation against the men and women who work with and for them."

The United Democratic Front (UDF) has observed that the charges brought against people held in the exercise were not of a political nature, but were criminal charges and pass law infringements.

"They won't find 'agitators' because what the Government is having to contend with in the Vaal is popular resistance based on real grievances," said UDF treasurer, Mr Cassim Saloojee.

The massive police and Defence Force swoop on the Vaal Triangle came to an end last night with a further 10 arrests in Sharpeville and neighbouring Boipathong as a reduced force completed the intensive sweep.

TOWNSHIPS QUIET

Police spokesman Lieutenant Henry Beck said Sebokeng, Sharpeville and Boipathong were very quiet this morning and no incidents of unrest had been reported.

The 10 arrests in Sharpeville and Boipathong were mainly for pass offences.

Operation Palmiet in Sebokeng, in which about 350 people were arrested, was extended to nearby Sharpeville and Boipathong at 3.20 pm.

Police said the decision to extend the swoop was made on the spur of the moment after the Sebokeng operation finished early.

Rain and muddy conditions hampered progress, but by 7 pm the second sweep had been completed.

Two incidents of unrest in Sharpeville earlier yesterday made the extended sweep desirable, police said.

The earlier incidents in Sharpeville resulted in police firing rubber bullets to disperse crowds. Five people, including two priests, were arrested in terms of the Riotous Assemblies Act.

The Commissioner of Police, General Johann Coetzee, and several other senior officers flew into Sebokeng by helicopter early in the afternoon to inspect the progress of the operation. Later a group of MPs was briefed.

Vaal school boycott is still on

By Chris More

The Vaal school boycott is continuing despite efforts yesterday by the police and the South African Defence Force to urge pupils to return to classes.

A pamphlet was issued stating the reasons for the "occupation" of Sebokeng, Sharpeville and Bolpatong yesterday. One of the reasons was "to promote continued education".

Pupils have been boycotting school since a protest was called against rent increases on September 3.

The Department of Education and Training has given all matric candidates a deadline of October 26 to decide if they want to sit the examinations in November or next May.

This morning a teacher accused the police and SADF of aggravating the situation by their "occupation" of the townships.

She said: "The soldiers have scared the children. I doubt if they will return to school this year."

She said it was foolhardy for the authorities to try to use force to make the children return to school as "it will only make them stubborn".

A parent said her children would not go to school until she was sure they would be safe. The township was teeming with police and confrontations were likely because of the volatile situation.

She said: "I am sure the police and soldiers cannot be trusted now as they must be exhausted. The slightest provocation could have ugly results."

Appeal: Issel gets R100 bail

Staff Reporter

BANNED community leader Johnny Issel was granted R100 bail in the Wynberg Regional Court on Thursday after giving notice of appeal against his conviction and sentence for breaking the conditions of his banning order.

Issel, 36, previously pleaded not guilty to the charge on the grounds that he placed the banning order itself in contention. He was convicted on October 22 and sentenced to 12 months' imprisonment, of which six months were conditionally suspended for two years.

In documents handed to the court the grounds of appeal were:

- That the banning order served on him was invalid because the Minister of Law and Order "has failed to give reasons for having satisfied himself that Issel had engaged in activities which could endanger or be calculated to endanger the security of the State or the maintenance of law and order".
- That the Minister had failed to specify "those activities".
- That the magistrate had "erred" in finding that Issel had the necessary mens rea (intention to commit the offence).

Mr A P Kotze was the magistrate. Mr J Vermeulen appeared for the State. Mr E Moosa appeared for Issel.

Prisons Act: Man fined R300

Staff Reporter

A CAPE TOWN-based Independent Television News (ITN) producer was yesterday fined R300 (or 100 days) in the Magistrate's Court on two counts of contravening the Prisons Act by filming Pollsmoor Prison and Robben Island.

Clifford Noel Bestall, 36, of Gordon Street, Gardens, previously pleaded not guilty to two charges of filming the prisons without authority from the Commissioner of Prisons.

Bestall, a stringer-cameraman at the time, said that after he had returned from filming the Berg River Canoe Marathon on July 16 last year, he had gone to Signal Hill to film Robben Island and then to the top of Ou Kaapse Weg to film Pollsmoor Prison.

He had acted on a request of the ITN agency in Johannesburg to get film of Robben Island and Pollsmoor Prison for footage to be used in an ITN broadcast in London to commemorate Nelson Mandela's birthday.

He had acted on the assumption that the agency's Southern African correspondent, Mr Peter Sharp, had obtained the necessary clearance.

Immediately after filming the prisons he had airfreighted the two films to the agency in Johannesburg who had sent the the film to the SABC for processing and transfer on to video. The SABC alerted the police, who confiscated the films.

The magistrate, Mr R A Duraan, said Bestall had not acted as a reasonable man and the State had proved his negligence beyond reasonable doubt.

In mitigation of sentence, Mr D Kuny, SC, for Bestall, said his client had filmed from public places and there had been no question of subterfuge or secrecy or actions of an underhand nature. The conviction was of a highly technical nature and should be attached to the agency.

The prosecutor, Mr W C Viljoen asked that the court impose a "stiff fine".

"The intention of this film was not personal, but it was intended to be broadcast. Secondly it was of a political nature. A stiff sentence in this case would make other pressmen aware that they must be more careful."

Passing sentence, Mr Duraan said it was clear that the legislature had put the duty on the person filming to obtain the necessary permission.

He ordered that the films be forfeited to the State.

Mr Kuny, assisted by Mr D Uijs, instructed by Bell, Dewar and Hall of Johannesburg, appeared for Bestall.

D. Dispatch 25/10/84

Ciskei court told of station shooting

331

MDANTSANE — The regional court here was told yesterday that no order had been given to police to shoot at a crowd at Egerton siding on August 4 last year.

Major Fikile Zibi and Captain Lunga Mbi were giving evidence in the trial of 10 people charged with public violence.

The accused were Mr William Matshikiza, Mr Vuyisile Njokweni, Mr Jackson Ndaba, Mr John Dolosi, Miss Windiwe Primrose Pepa, Mr Tiki James, Mr Dickson Mhleli Mlanda, Miss Cynthia Ntombizandile Kolisi, Mr Pokolo Zenzile and Mr Sydwell Mnyamfu.

The court was told that Mr Matshikiza, Miss Pepa and Mr Mlanda were not present in the court.

The magistrate, Mr J. A. Dracatos, said he would await an explanation from their defence counsel before considering action.

The seven remaining accused pleaded not guilty to the charge.

The trial is a sequel to disturbances following the start of the bus boycott last year.

Capt Mbi told the court that he was a member of a police contingent that went to Zone 9 to guard against people who intimidated others boarding buses and against those who caused damage to the buses.

He said he arrived on the scene about 4.30 am. He saw a group of about 12 people, which grew in numbers to become a mob.

The group was singing, and Major Zibihad called on the crowd through a loudhailer to disperse, Capt Mbi said.

At first the crowd dispersed but later regrouped and refused to disperse when ordered to do so.

He said the police were armed with pistols.

Capt Mbi said there were members of the Ciskei army present.

The crowd advanced on the police and a shot was fired from the crowd, he said. The army and the police returned the fire.

Maj Zibi told the court he was in charge of the group of policemen.

He said he told the crowd to disperse because they were breaking curfew regulations.

There were about 400 to 500 people in the mob which advanced on the police and he asked the lieutenant in charge of the army to make available four soldiers who would shoot on the ground to discourage the advancing mob.

The soldiers fired the shots but the crowd continued to come forward and the police retreated.

When the mob came closer, they pelted the police with stones, while shouting that the police were not shooting at them, he said.

A sound of gunfire rang from the direction of the crowd. The police and soldiers retaliated by shooting at the mob, Maj Zibi said. He had not given the police or the soldiers any order to open fire but did not feel offended as their lives were in danger.

He said he did not fire any shots. One policeman had fired one shot and another had fired two shots. The remaining 18 policemen did not fire.

He shouted a ceasefire order when he saw that more people could be injured.

There were no police injuries. Four people lay dead on the ground and three others died later in hospital, he said.

When the police opened fire, the crowd ran in all directions.

The case continues today. — DDR.

7 acquitted of public violence

MDANTSANE — There was nothing in the evidence given by the state witnesses that implicated the accused with the charge of public violence, a regional court magistrate, Mr J. A. Dracatos said when he acquitted seven people here yesterday.

The seven were Mr Vuyisile Njokweni, Mr Jackson Ndaba, Mr John Dolosi, Mr Tiki James, Miss Cynthia Ntombizandile Kolisi, Mr Pololo Zenzile and Mr Sydwell Mnyamfa.

Three other accused who did not appear, had their charges withdrawn by the prosecution.

They were Mr William Matshikiza Miss Windiwe Primrose Pepa and Mr Dickson Mhleli Mlanda.

The state had alleged that the seven were part of a group that had assembled near Egerton railway station with the intention to unlawfully disturb the peace on August 4 last year.

Mr Dracatos said there were clear contradictions between Captain Mbi and Major Zibi.

Captain Mbi said Major Zibi had ordered the police to fire warning shots in the air while Major Zibi said he ordered the soldiers to fire warning shots into the ground to discourage the crowd who were advancing on the police.

Warrant Officer Manelisi Nkomana gave a different story to those given by Captain Mbi and Major Zibi. Captain Mbi gave the impression that he was present throughout the operation whereas W/O Nkomana said he had patrolled with him in his car.

Captain Mbi and Major Zibi could not identify the accused in court, Mr Dracatos said.

W/O Nkomana had not seen any of the accused commiting any crime on that particular day. He did not arrest, he merely assisted in the arrest, Mr Dracatos said.

At the charge office he noted down the names of the accused. The entries were made in the middle of his notebook and about 60 pages of the notebook were left blank before the entry was made. There was nothing entered in the book after the names of the accused had been taken down.

Mr Dracatos said the court found it strange that such a thing could happen.

The list of the people whom he said he had arrested contained only eight of those originally charged. The list excluded Miss Windiwe Primrose Pepa who was one of the people charged and whose charge had been withdrawn by the state.

W/O Nkomana was unable to identify the accused in court, Mr Dracatos said.

He said he found that there was nothing in the evidence led in court that implicated the accused in having committed the crime and he therefore found them not guilty and discharged them.

Mr J. A. Dracatos was on the bench, Mr J. Kristafor appeared for the state and Mr P. N. Langa, instructed by B. Ntonga appeared for the defence. — DDR.

Youths on public violence charge

331

E'Post 9/10/84

Post Reporter

TWO 16-year-old girls and a 15-year-old youth were among a group who appeared in the New Brighton Magistrate's Court yesterday on a charge of public violence.

The magistrate, Mr E L De Kock, postponed the case to November 15.

The 15-year-old boy was granted bail of R100 and his mother promised to pay the money today.

The girls and Mr Johnson Ndumiso Jekeqa, 18, Mr Ernest Ntobeko Mphehlo, 18, and three 16-year-old youths were remanded.

The girls and one of the 16-year-old youths were arrested after an incident in Spondo Street, Zwide, on October 26.

No other details were given.

Mr J Scott, appeared for the State. Mr S Nkanunu appeared for the two girls and one of the 16-year-old boys.

Mwasa man charged

ZWELITSHA — The president of the Media Workers Association of South Africa (Mwasa), Mr Mxolisi Fuzile, has been charged with possessing banned literature.

He appeared in the Mdantsane magistrates court on November 8, was granted bail of R50 and remanded to November 30. — DDR.

Court told ANC and UDF have same aims

STAR 14/11/84 331

By Dirk Nel,
Northern
Transvaal Bureau

TZANEEN — The banned African National Congress (ANC) and the United Democratic Front (UDF) had the same goals, a State witness told Regional Magistrate Mr W N van Zyl here yesterday.

Mr Isaac Makelane (27), who said he had been detained under the Terrorism Act since April this year, was testifying during the trial of Mrs Regan Ntombi Shope who is facing numerous charges under the Act.

Mr Makelane, a former student at the University of the North, said he met Mrs Shope at a Sharpeville memorial service.

She had spoken about the "liberation struggle" and said her father, who had left South Africa, was a member of the ANC.

Mr Makelane said the accused mentioned the ANC, UDF and the General Allied Workers' Union, Congress of South African Students and Azanian Students' Organisation "in the same breath" when describing the so-called liberation struggle.

When asked whether Mrs Shope had mentioned any direct link between the ANC and UDF, Mr Makelane replied: "From my conversations with her, I gained the impression that they had the same aims."

He said Mrs Shope instructed him to deliver a message to an ANC contact in Swaziland in December 1983.

An ANC leader, Mr Archie Abrahams, allegedly asked him to urge Mrs Shope to promote various women's organisations in South Africa.

Mr Makelane said the accused advised him to undergo training outside South Africa.

A poster honouring the late Mr Yusuf Dadoo, printed by the Transvaal Indian Congress, and a publication relating to "the reconstruction of Zimbabwe" which Mr Makelane allegedly received from the accused, were handed in as court exhibits.

The witness added that Mrs Shope had described the function of a "dead letter box" to him as a place where books, leaflets and explosives could be secretly hidden.

When cross-examining the witness, defence advocate Mr E D Moseneke contested the allegation that Mrs Shope had mentioned the ANC and UDF in the same breath.

He said she would deny promoting the ANC in any way.

The case continues.

Witness refuses to testify

TZANEEN — A State witness who refused to give evidence in the Tzaneen Regional Court yesterday was warned by the magistrate to reconsider her decision.

Miss Emma Ntimpana, 28, of Nkowakowa, near Tzaneen, was called as a State witness in a case against Miss Regan Ntomibi Shophe, 34, also of Nkowakowa, who is charged with being a member of the banned African National Congress, alternatively of being in possession of ANC literature and of recruiting people to join the ANC.

The consequences of her refusal to give evidence, which included possible imprisonment, were explained to Miss Ntimpana and she was told to give her decision "thorough thought." She will be called again at a later date.

Another witness, Mrs Constance Mbewe, 34, said that Miss Ntimpana had attempted to recruit her as a member of the ANC and the United Democratic Front.

Sactu a front for the ANC, witness says

STAR 15/11/84 331

By Dirk Nel, Northern Transvaal Bureau

TZANEEN — A senior Security Police officer alleged in the Tzaneen Regional Court yesterday that the South African Congress of Trade Unions (Sactu) was a front organisation for the banned African National Congress (ANC).

Colonel J Buchner was testifying during the trial of Mrs Regan Ntombi Shope who is charged with furthering the aims of the ANC, threatening the security of the State and distributing banned literature.

Colonel Buchner traced the history and strategy of the ANC since 1912 and claimed some of the present leaders of Sactu were militarily trained members of the ANC.

WINGS OF THE ANC

He told the magistrate, Mr W N van Zyl, that the ANC had military, political and trade union wings. Literature smuggled into South Africa was printed in Dar es Salaam.

But he agreed, under cross-examination by the defence, that membership of organisations such as the Congress of South African Students and the Azanian Students' Organisation did not imply automatic membership of the ANC.

Drama spreads outside the court

By Dirk Nel, Northern Transvaal Bureau

TZANEEN — This week's terrorism trial has also resulted in drama outsidef the Tzaneen courtroom.

On Tuesday the prosecutor, Mr Frans Roets, alleged the mother of the accused had intimidated State witnesses, and magistrate Mr W N van Zyl warned that police would not hestitate to take action.

Then defence advocate Mr Ernest Moseneke was allegedly punched at his hotel by a man who apparently told him: "Kaffirs are not allowed here." Witnesses said a man was arrested, but no confirmation could be obtained.

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Terrorism trial witness: I will not testify

STAR 16/11/84

331

By Dirk Nel, Northern Transvaal Bureau

TZANEEN — A State witness, Miss Emma Ntimbana, refused to testify in the Tzaneen terrorism trial yesterday, saying she was committed to the black liberation struggle in South Africa and had no intention of betraying others who are involved.

She said she is a cousin of the accused, Mrs Regan Ntombi Shope, and could not testify "against a blood relative". Her children's schooling was sponsored bya liberation fund and she feared they could be victimised.

Miss Ntimbana alleged that police had forced her to make statements and any evidence to the contrary in court would expose her to a possible charge of perjury.

"The police said if I didn't speak the truth they would murder me as they did with Steve Biko," she claimed.

The defence advocate, Mr E D Moseneke, objected to some of the prosecution's questions, claiming these were aimed at eliciting evidence from the witness. One of his objections was upheld by the magistrate, Mr W N van Zyl.

The prosecutor, Mr Frans Roets, contended that none of the reasons given by the witness for her refusal to testify was valid. The magistrate is to give his judgment on this later.

Mrs Shope is accused of promoting the aims of the African National Congress (ANC), threatening State security by enlisting new members for the ANC and unlawfully distributing banned literature. She pleaded not guilty.

The court adjourned until January 28 1985. Mrs Shope will remain in custody.

Bomb attack 'unexpected', MP tells court

Court Reporter

A MEMBER of the House of Representatives yesterday told the Simon's Town Regional Court that he "loved everyone" and had not been expecting trouble on election day when two petrol bombs thrown at his house set fire to his study.

Mr John "Hansie" Christiaans, Labour Party MP for Ravensmead, was giving evidence in the trial of Mr Trevor Wentzel, 24, of Third Avenue, Ravensmead.

The State alleges Mr Wentzel had attempted to instil fear in Ravensmead residents to get them to abstain from voting in the elections on August 22 by burning tyres in a public road, making and distributing petrol bombs and damaging the property of Mr Christiaans by throwing petrol bombs at his house.

Altervatively, he is accused of instructing other persons to do so. A second alternative is one of arson.

A school pupil, Mr Peter May, who has appealed against a five-year sentence for arson after being convicted of throwing a petrol bomb at Mr Christiaans's house, told the court he had thrown a bomb "just to be part of the action".

Made the bombs

After meeting at Mr Wentzel's house, he and five others had driven to a half-built house where a Mr Dimitri Lennert had made the bombs.

They had then gone to Mr Christiaans's house where he, Mr Lennert and a Mr Oswald Afrika had each thrown a bomb at the house. He then ran home.

Mr A M Omar, appearing for Mr Wentzel, said he would admit being at the half-built house but that he had been "completely against any sort of bombing and did not handle any bombs".

Before giving evidence, a State witness, Mr Donovan Mateman, was informed by the court of the Criminal Procedures Act which protected him from incriminating himself provided that he gave satisfactory evidence.

Mr Mateman told the court that he and Messrs Wentzel, May, Afrika, Lennert and Richard Martin went to the half-built house and made six bombs with bottles, sand and petrol. Messrs Afrika, May and Lennert had thrown the bombs at the house.

The hearing continues today. Mr Wentzel was remanded.

Mr J van Dam was the magistrate. Mr E Schrock prosecuted. Mr Omar is instructed by Mr R Vassen.

331 D. Dispatch 22/11/84

Accused led others in freedom songs court told

EAST LONDON — A security policeman, Sgt Z. Makhapela, told the regional court here yesterday that he arrested Mr Goodman Matati, at the East London station after he had led people in freedom songs during a train journey from Berlin to the city.

Sgt Z. Makhapela was testifying in the trial of Mr Matati who has been charged with promoting the aims of the banned African National Congress.

The state alleges that Mr Matati induced other people to sing freedom songs in the train on February 14 this year.

Sgt Makhapela told the court that he had been in the police force for 21 years. He had six years experience as a security policeman.

He said on February 14, he boarded a train from Berlin to East London.

Between Fort Jackson and Egerton station, people on the train began to sing union songs. He saw the accused leading others in freedom songs which, he said were revolutionary.

Sgt Makhapela gave the court the list of songs he said were sung in the train.

He said Mr Matati also made a speech to other passengers claiming there were informers on the train who should be killed.

Sgt Makhapela said the accused dismbarked at the Dawn station where he arrested him.

Mr S. van Zyl was on the bench, Mr J. du Plessis appeared for the State, and Mr G. Naidoo, instructed by Mr H. K. V. Siwise, appeared for the Defence. — DDR.

Youths 'made petrol bombs'

Court Reporter

A RAVENSMEAD youth leader, Trevor Wentzel, yesterday admitted in the Simon's Town Regional Court to burning tyres on a road in Ravensmead "to signify the end of the anti-election campaign".

The State alleges Mr Wentzel, 24, of Third Avenue, had attempted to instil fear in Ravensmead residents to get them to abstain from voting in the elections on August 22 by burning tyres in a public road, making and distributing petrol bombs, and damaging the property of Labour Party candidate Mr John Christiaans by throwing petrol bombs at his house.

Alternatively, he is accused of instructing other persons to do so. A second alternative is one of arson. He has pleaded not guilty to all the charges.

As a member of the Anti-Election Group, Wentzel had gone from door to door on August 21 "explaining to people why they should not vote".

"We knew it was our democratic right to go out and tell residents of Ravensmead, and South Africa, what was wrong," he said.

"We did not put fear in any people."

That night, he had allegedly bought petrol and gone to meet five youths at a half-built house and found them making petrol bombs.

"I am totally opposed to violence and tried to persuade them not to do it," he said.

Mr Wentzel is also charged with attending an illegal gathering in De la Rey Road, Parow, on May 29, this year.

He said he was "the coordinator at the demonstration" which was intended to launch a campaign against the new tri-cameral parliament. He denied having displayed a placard.

He was remanded. The hearing continues.

Mr J van Dam was the magistrate. Mr E Schrock prosecuted. Mr A M Omar is instructed by Mr R Vassen.

Accused said bombings 'political suicide' — witness

Argus 22/11/84

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Staff Reporter

RAVENSMEAD youth leader Mr Trevor James Wentzel had said that petrol bombing a Labour Party candidate's house would be political suicide, a witness told Simon's Town Regional Court.

Mr Donovan Mateman was giving evidence at the trial of Mr Wentzel, 24, of Third Avenue, Ravensmead. He is the chairman of the Ravensmead Youth and Student Organisation (Rayso).

Mr Wentzel has pleaded not guilty to charges of contravening Section 57 and Section 54 of the Internal Security Act.

The State alleges that on May 29 Mr Wentzel illegally attended a gathering which had been prohibited in terms of the Act.

ABSTAIN

It is also alleged that on August 21 and 22 Mr Wentzel, alone or with Mr Peter May, Mr Aswald Africa, Mr Donovan Mateman, Mr Richard Martin and Mr D'Matri Lennert, tried to induce the coloured population to abstain from voting during elections for the House of Representatives.

The State alleges that Mr Wentzel and his colleagues did this by burning tyres in Ravensmead, making and distributing petrol bombs and by throwing petrol bombs through the windows and on to the roof of a house belonging to Mr John Christiaans, a candidate for the Labour Party.

Mr Mateman said that on the dates mentioned he, Mr Wentzel and the others mentioned on the charge sheet had arranged to burn tyres in Ravensmead to show their objection to the elections.

After this he and the others made petrol bombs.

The bombs would have been used to attack three houses belonging to election candidates.

"Mr Wentzel became hesitant about going ahead with the idea and later, when we were in a field opposite Mr Christiaans's house, Mr Wentzel became firm and said that destroying Mr Christiaans's house would be political suicide," said Mr Mateman.

He, Mr Wentzel and Mr Richard Martin left the others.

Mr Wentzel, giving evidence, said he had been politically and morally opposed to the bombing of Mr Christiaans's house from the time he saw colleagues pouring sand into bottles.

The hearing continues today.

Mr J van Dam is on the Bench. Mr S Shrock appears for the State and Mr A M Omar for Mr Wentzel.

UWC students appear in court

Court Reporter

A POLICEMAN yesterday told a Bellville magistrate that students of the University of the Western Cape sang "PW is a terrorist" at a demonstration on August 27.

Eleven students are charged with attending an illegal gathering at the entrance to the university on August 27. All pleaded not guilty. They are: Richard Flores, 22, Lloyd Abrahams, 19, John Johnson, 20, Manuel Heyn, 22, Noel da Silva, 18, Estelle Pitt, 28, Rose Samuel, 18, Lilian Buckton, 24, Gail Reagon, 18, Nishani Harry, 19, and Brenda Lakay, 22.

Manuel Heyn did not appear. A warrant of arrest has been held over until December 7 after E Mohammed has explained his absence.

State witness Captain C A J Odendal said he had seen 300 to 400 students "singing, giving black power salutes and dancing."

He had instructed a team of policemen in unmarked cars to drive past the students to identify them. They had then driven up and "jumped out of the cars and arrested the demonstrating students".

"The rest ran into the UWC grounds and threw stones at the police," he said.

The hearing will continue on February 19 next year. Bail of R50 each was extended.

Mr A G du Plessis was the magistrate. Mr W Welgemoed prosecuted. Mr E Moosa, Mr E Mohammed and Mr A Adams appeared for the students.

Youths threw stones at me, says Mayor of Kayamnandi

Court Reporter

THREE youths accused of throwing stones at the Mayor of Kayamnandi's house on October 23 appeared before a Regional Court Magistrate today.

One of the youths charged with public violence is 12 years old. The other two are 15.

The Mayor, Mr Norman Kaulele, said he was coming out of an outhouse toilet when he saw a crowd of between 200 and 300 people moving towards his house.

As he came out of the toilet stones were thrown at him, he said. He ran into his house.

He said the crowd of youths, aged between 14 and 22, threw more than 10 stones at his house.

His children told him to run away because the crowd was going to kill him. He ran and hid in a back room, he said.

Later, his children told him the crowd had gone.

He said his car was damaged, a back window was knocked out and five window panes in his house were smashed.

An insurance company paid for the damage, estimated at between R500 and R600, he said.

When asked by the prosecutor why the youths threw stones at his house, he said he did not know.

He said he did not know what the atmosphere was like in the township that day.

Mr Kaulele said that whenever there were meetings people came to his house and called out, "Kaulele, Kaulele".

He did not know any of the accused, he said.

Lt Fredrick Barlow of the Port ELizabeth Reaction Unit said he received information that there was an incident in Tsewu Street.

He went to the address and when he got there a group of about 300 youths scattered in all directions.

There were 11 other incidents of unrest on October 23, he said.

The father of one of the accused asked Lt Barlow if he had seen the three accused in the crowd. He could not remember, Lt Barlow said.

The three youths were arrested by the New Brighton police on the day of the incident, Lt Barlow said.

On October 26 the youths pleaded not guilty.

They have been released into their parents' custody and the case has been postponed until tomorrow.

Mr P P J van der Merwe was on the Bench. Mr M L Le Roux appeared for the State.

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5 convicted of high treason

Own Correspondent

GRAHAMSTOWN. — In the treason trial at the Supreme Court here, five of the accused were yesterday convicted of high treason, while three other accused were found guilty of terrorism. Mr Justice Howie yesterday convicted eight of the 11 accused. His judgment continues today.

He found that one of the accused, Rufus Nzo, 24, was a member of a group of African National Congress (ANC) terrorists who committed acts of sabotage in Port Elizabeth from 1981 to 1983.

He said Nzo was a member of the military wing of the ANC, Umkhonto we Sizwe, and a self-confessed terrorist who had trained abroad.

He was guilty of high treason, the judge said.

Another of the accused, Douglas Tyutyu, 48, was a "key local figure" involved in setting up and furthering the ANC campaign in Port Elizabeth. Tyutyu was found guilty of high treason.

Mr Justice Howie said Sipho Hina, 44, was also guilty of high treason as he was involved in the receipt and distribution of weapons which he must have known came from the ANC in Lesotho.

With respect to James Ngqondela, 54, the judge ruled that the only reasonable inference the court could make was that he knowingly assisted terrorists in the execution of ANC aims. Ngqondela was found guilty of high treason.

Mr Justice Howie found that Sipho Nodlawu, 35, had learnt about ANC activities from Tyutyu and had frequently visited two trained terrorists who he knew had committed acts of sabotage. He found that Nodlawu had committed high treason by carrying out certain overt acts.

Mzayifani William Kame, 54, was convicted of terrorism under certain sections of the Internal Security Act.

Hole

The judge found that Kame was guilty of harbouring a terrorist, known as Joe/Zola Colin Velabayi, for a month last year, and of digging a hole in his garden at Joe's request. He must have foreseen that Joe wished to hide equipment which would be used in acts of violence.

Mzimkulu Kame, 22, was found guilty of terrorism for helping Joe leave the country, for his involvement in digging the hole in his father's garden and for storing a firearm Joe had given him.

Vukile Tshiwula, 43, must have had the foresight to realize that the terrorist he had accommodated in his home would prepare explosive devices with a view to using them for acts of violence. He was found guilty of terrorism.

Direct to Press

EVENING POST, WEDNESDAY, NOVEMBER 28, 1984

Murder of accused's wife: 2 treason trialists convicted

By SHIRLEY PRESSLY

GRAHAMSTOWN — Two of the 11 accused in the treason trial in the Grahamstown Supreme Court were yesterday convicted by Mr Justice Howie as accomplices to the murder of the wife of another accused.

Both men, Rufus Nzo, described earlier in the trial as a trained terrorist, and Douglas Tyutyu, who was described as "a key figure" in the ANC operation in Port Elizabeth, were convicted of the murder of Mrs Nonkosi Tshiwula, wife of Vukile Tshiwula, although they were not present at the killing.

Mrs Tshiwula was killed by sub-machinegun fire.

The 11 men appearing are Nzo, 54, Tyutyu, 48, Tshiwula, 43, Sipho Hina, 44, James Nqgondela, 54, Mzayifani Kame, 57, Mzimkulu Kame, 22, Sipho Nodlewu, 35, Lindile Mbelekana, 27, Wellington Gumenge, 29, and Ncepa Faku, 27.

They faced charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

In passing judgment on the murder count Mr Howie said there was no doubt murder had been proved and it was committed by a terrorist, Joe, who had since left the country.

Mr Justice Howie said that Nzo, Tyutyu and Tshiwula were all aware of Joe's utterances about killing Mrs Tshiwula and the reasons.

He said the accused could not be convicted of conspiracy to commit murder and it was also not contended that any accused was an accessory after the fact.

The judge said that to be liable as an accomplice an accused must do more than be present at or approve the commission of a crime.

"There is no evidence any of the accused were present at the crime or did anything at the act of killing," he said.

"All are liable for a crime which is committed by one of them for the common purpose. Common purpose is not in itself a legal formula for criminal liability.

"Murder may be committed in the prosecution of the common purpose.

"There is no evidence of common purpose to kill or attack and injure, whether aimed at the deceased or anyone else. What did exist was common purpose on the part of the accused and some terrorists to commit acts of sabotage."

Mr Justice Howie said the possibility of certain types of fatalities must have been foreseen and were foreseen.

He said beyond reasonable doubt Nzo and Tyutyu must have realised there was only one effective silencing method and if Mrs Tshiwula reported the presence of terrorists to the police she would be killed.

It was irrelevant that when the murder was committed Nzo was in custody.

The judge said it was beyond reasonable doubt that Tyutyu must have foreseen the possibility that Mrs Tshiwula might make a report to the police and he must have contemplated that a fatality could or would result.

Three of the accused — Tyutyu, Nodlawu and Gumenge — were found by the judge to have known that the terrorists were in Port Elizabeth to commit sabotage and already associated in common purpose at the time of the explosion at the new Law Courts in Port Elizabeth on July 28, 1982.

Mr Justice Howie found six of the accused guilty of attempted murder arising from the bomb blast at the community council offices in New Brighton. They are Nzo, Tyutyu, Hina, Nodlawu, Tshiwula and Gumenge.

Two of the accused — Tyutyu and Mzimkulu Kame — were found guilty of possessing banned publications.

Judgment will resume on Monday.

Mr Justice Howie was on the Bench with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

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7 convicted of treason

SEVEN of 11 men appearing in the long-running treason trial in the Grahamstown Supreme Court have been convicted of high treason while the others have been convicted of terrorism.

Those convicted of treason are: Rufus Nzo (54), Douglas Tyutyu (48), Sipho Hina (44), James Nqgondelo (54), Sipho Nodlewu (35), Lindile Mbelekana (27) and Wellington Gumenge (29).

The men convicted of terrorism are: Mzayifani Kame (57), Mzimkulu Kame (22), Vukile Tshiwula (43) and Ncepo Faku (27).

They faced charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without passports.

They were also charged with murder, attempted murder, malicious damage to property and fraud.

Found guilty

On Tuesday Mr Justice Howie found Nzo and Tyutyu guilty of murdering Mrs Nonkosi Tshiwula, wife of co-accused Tshiwula, although Nzo was in police custody when the murder was committed.

Mrs Tshiwula was machine gunned to death in 1982.

Mr Justice Howie said that while there was no doubt the murder had been committed by a man named Joe, Nzo and Tyutyu must have foreseen her death because of threats made by Joe and "all are liable for a crime which is committed by one of them for a common purpose."

Earlier he had found Tshiwula not guilty of having been an accomplice to the murder of his wife.

Mr Justice Howie found Nzo, Tyutyu, Hina, Nodlawu, Tshiwula and Gumenge guilty of attempted murder arising from a bomb blast at the New Brighton Community Council offices in 1982.

Tyutyu and Mzimkulu Kame were convicted of possessing banned publications.

Judgment will continue on December 3.

Demos told to g

STAR 30/11/84 (331)

Staff Reporters

Thirty-five anti-detention demonstrators who had been told to be at the Hillbrow Magistrate's Court this morning were asked to leave without appearing before a magistrate.

The protesters were called in by the prosecutor at about 11.30 am and told that charges would be pressed when the police had completed their investigations.

The accused, who arrived at the court as early as 8.30, had been told earlier to wait for a decision by the senior public prosecutor.

After leaving the court, the demonstrators went to the Hillbrow Police Station charge office intenting to retrieve their confiscated placards and continue their protest. The police refused to return the placards.

Violence

The police swoop on 36 scattered picketers protesting against detention has been criticised by legal experts, who warned that suppression of peaceful protest was likely to breed violent responses.

Among those held yesterday were University of the Witwatersrand law expert Professor John Dugard, Detainees' Parents Support Committee member Dr Max Coleman and leading South African Council of Churches staffer Dr W Kistner.

Sixteen students, including Wits SRC president Mr Grant Rex, were also charged.

"The action taken by the police in arresting prominent and respected citizens represents a new level of suppression of the right to protest," said the national chairman of Lawyers for Human Rights, Mr Jules Browde. "It would now appear that the State is unable to tolerate even solitary protest."

Wits University law expert Professor John Dugard (left) and some of the students wait for ... students were arrested yesterday while picketing on Jan Smuts Avenue outside the ...

Grievances

At the time of their arrest, the picketers were spaced widely in various suburbs.

Mr Browde noted: "The right to protest peacefully is a fundamental right recognised by all civilised countries. When that right is curtailed, or eliminated altogether, the danger exists that those with grievances will seek violent alternatives to vent their anger."

Most picketers were detained outside the university. A lone picketer in Bree Street in central Johannesburg was arrested and charged with holding an illegal gathering.

A Security Police spokesman confirmed that a total of 19 white women, 16 white men and a coloured woman had been arrested.

They were to be charged with contravening section 57 1(c) of the Internal Security Act, which relates to the holding of illegal open-air meetings.

As rush-hour traffic began to

● To Page 3, Col 2

No court appearance for poster protesters

STAR 30/11/84 (331)

● From Page 1

leave Johannesburg and move towards the northern suburbs, demonstrators lined Jan Smuts Avenue holding placards.

The police, moving up from Empire Road, arrested the demonstrators one at a time and confiscated their placards.

Eight other students, including Mr Rex, went off to make more posters and returned.

After a few minutes some, including Mr Rex, were arrested again.

Two young men dressed in typical student outfits watched the events, and at one point were invited to join in.

But later some students became suspicious and questioned the men. Asked if they were policemen, they did not answer. They said they were not students, but would not say why they were there. The Press had not been told in advance of the protest.

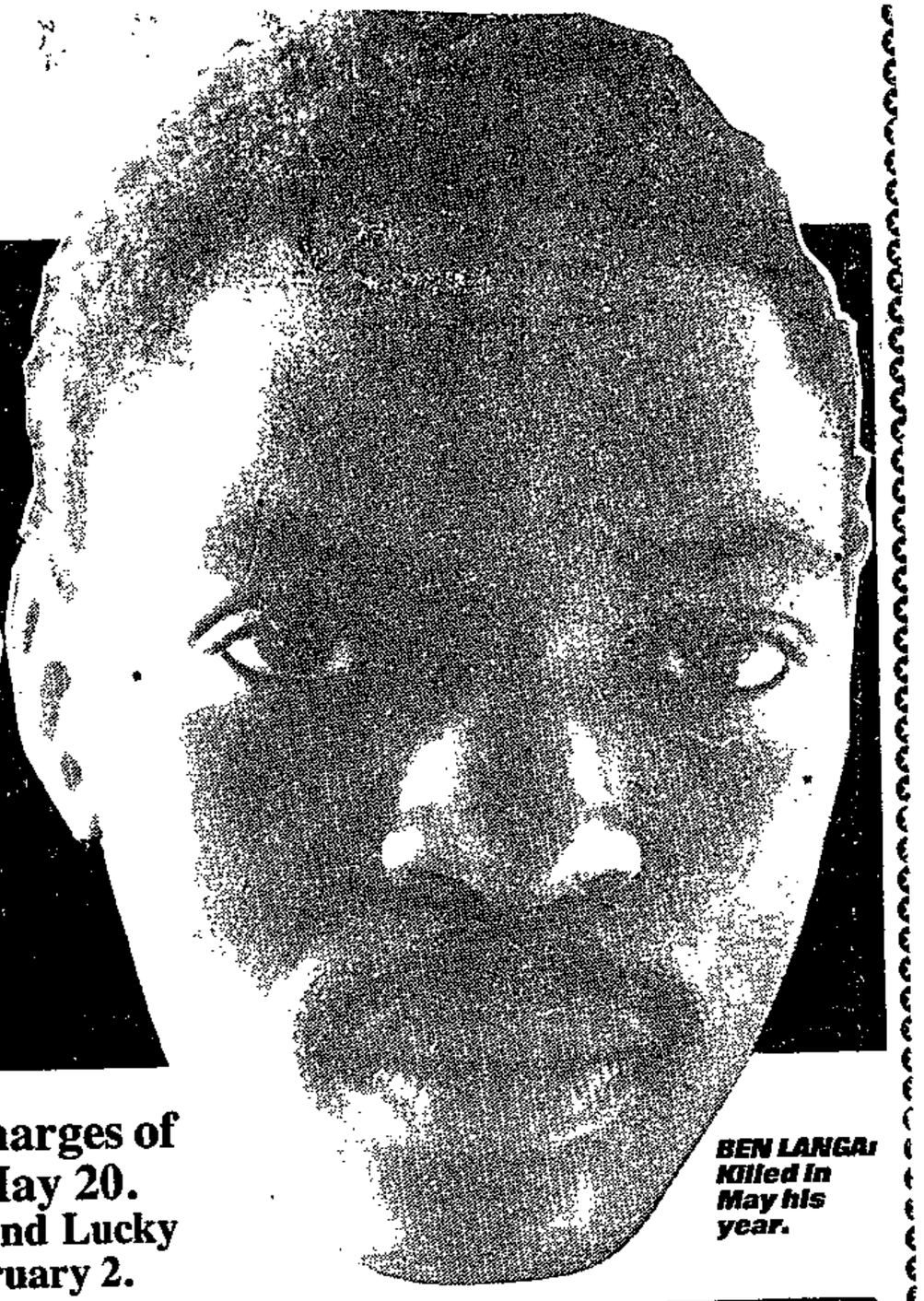
The swoop on picketers has been described as "astonishing" by Black Sash national president Mrs Sheena Duncan.

"The Black Sash has been demonstrating in this manner (individual pickets) for eight years — since the ban on outdoor gatherings in 1976."

● A two-man UPITN television crew was also detained, but released

Two to stand trial for murder next year

ANC men shot Langa — State



BEN LANGA: Killed in May his year.

(#4) (331) C. Press 2/12/84

TWO ALLEGED ANC members will appear in court next year on charges of murdering political activist Ben Langa in his Maritzburg home on May 20.

In what could be a sensational trial, Sipho Machina Xulu, 25, of Sobantu and Lucky Phayi, 20, of KwaMashu will appear in the Maritzburg Supreme Court on February 2.

They are charged with murder, conspiracy to murder, terrorism and three counts of being in possession of illegal arms, ammunition and grenades.

Mr Langa was widely believed to have been a victim of a right-wing attack, and news of the impending trial is likely to send shock waves through his wide circle of friends.

The two accused, who have been in detention since June 7, appeared briefly in the Maritzburg Magistrate's Court on Wednesday afternoon.

Among other claims in the indictment, the State alleges cops found a coded notebook under a bed in the room where the two accused were staying.

With the notebook — which belongs to Mr Xulu — was a paperback book, Hellbreak Country, which was used by police to decode the notebook.

It is claimed that the decoded notebook contained records of Mr Langa's killing, as well as other activities of the two after their arrival in Maritzburg on May 15.

The State also claims that:

- Mr Payi left South Africa in 1981 for ANC training in Angola and East Germany and possibly elsewhere. Mr Xulu left in January 1983 for the same purpose.
- The two returned to Maritzburg on May 15 with a specific mission to kill Mr Langa "and others regarded as being hostile to the ANC".
- They also planned to recruit and train new members and to set up a communications network with the ANC outside the country.
- They recruited George Martins and Dennis Hadebe and then conspired with them to kill Mr Langa and Dr Faith Matlaopane for "acting against the interests of the ANC".
- They drove to Dr Matloapane's home to kill him with pistols but were unable to get in. They then drove to Mr Langa's flat, where they shot and killed him.

Mr Langa's body was found pumped with bullets the night before his close friend Ben Martins was convicted of terrorism.

The dead man was a founder member of the now-banned South African Students' Organisation and a co-founder of the Malopoets.

Widely regarded as one of the most promising poets in Natal, he also had a long history of political activity.

He was banned and detained while a student at Fort Hare University and was a senior member of the UDF-affiliated DCO Matiwane Youth League.

At the time of his death, he was studying law at the University of Natal.

CP Correspondent: DURBAN

Red hunter backs Mandela

Sowetan 3/12/84 (331)

IN 1963 A SQUAD OF SECURITY policemen raided Rivonia and arrested leading members of the African National Congress and South African Communist Party. The trial that followed was known as the Rivonia Trial and resulted in Nelson Mandela, Walter Sisulu and other leading politicians of the day being sentenced to life imprisonment. Brigadier Willie van Wyk, the policeman who led the raid, recounts the events that led to the swoop. Brigadier van Wyk is about to retire.

ARCH Communist hunter of the Sixties, Brigadier Willie "Rivonia" van Wyk, who put most of the top left wing leaders behind bars, says he would work under Nelson Mandela if he became Prime Minister.

"But I don't guarantee I'd work under whoever took over from him eventually.

"I'm not going to commit myself on whether or not Mandela should be let out of prison. That's a matter for politicians not policemen but I respect Mandela, he's no ordinary criminal. He is an imposing figure and a highly intelligent and sophisticated man.

"Those people I arrested had their views, and I respect that. They believed deeply in their cause. But they were breaking the law by inciting violence and it was my job to find them and stop them."

back when we drove up to the farm.

"We didn't know if anyone was at home — if we raided and there was nobody there, we would have given the whole game away and would have had to start again.

"We were met at the farm by a black man and we pretended to be lost and asked for a nearby hotel. He gave us directions, then we asked if there was anyone else at the house because we were trying to expand our dry cleaning business and wanted to build up our clientel. But the man was no fool, and it was obvious he suspected something. He said there was no one else at home.

"I knew he was lying and that's when I decided to move."

The raid was an unprecedented success for the Security Police. Walter Sisulu, who had jumped bail on a previous charge of incitement was arrested, along with 16 other top members of the ANC and Communist Party.

"We found out they had called a meeting for that day and that was why so many of them were together. It was sheer luck."

The raid also led to the arrest of Nelson Mandela after a false passport with his photograph and his diary were found.

The diary gave details of his activities, including how he was being trained to use a submachine gun.

At the time Mandela was serving a three-year sentence for incitement to riot. He was tried as a number one defendant and head of the ANC.

Eight of the men tried are still serving life sentences, including Mandela.

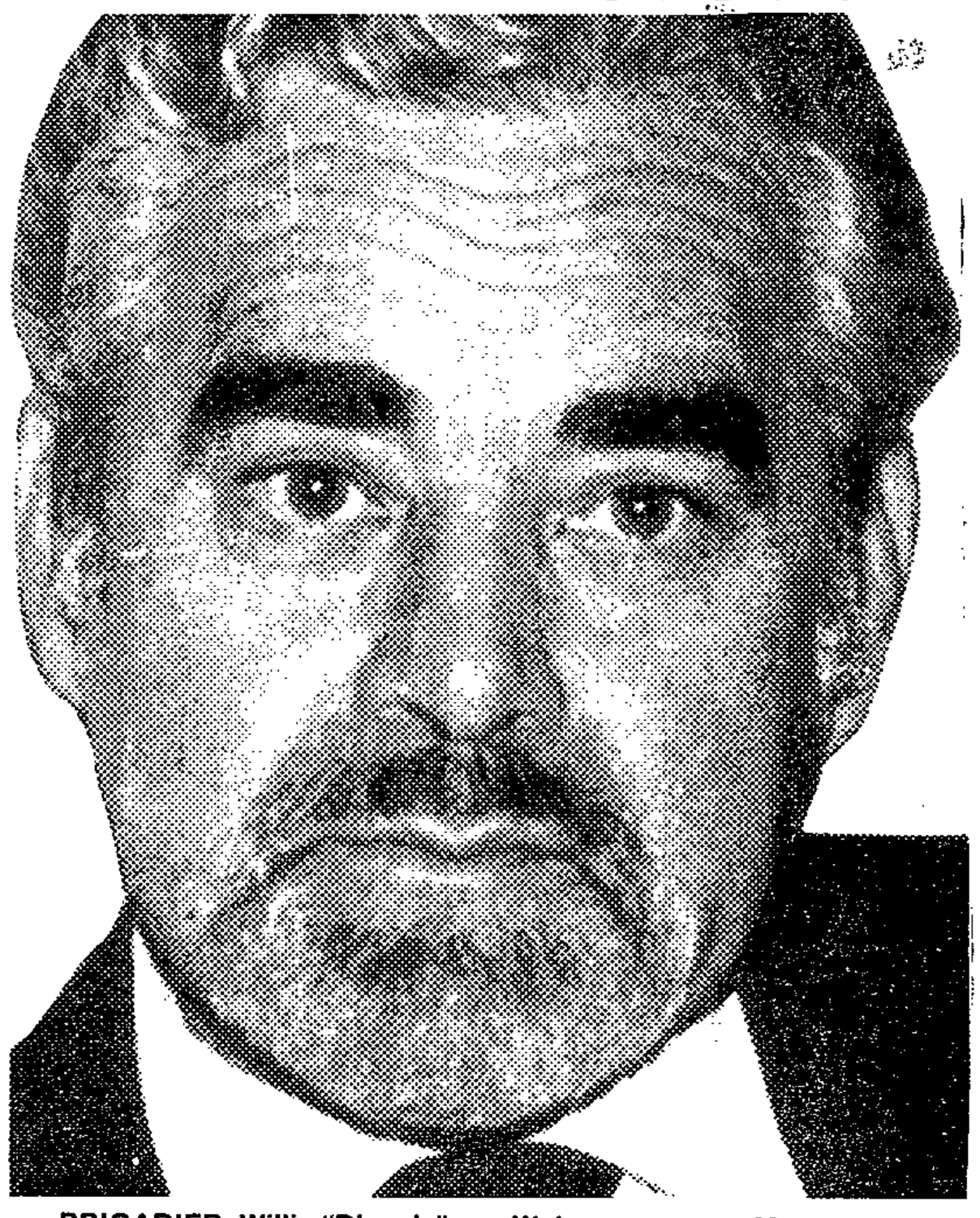
Brigadier Van Wyk also has more than a passing admiration for Mrs Winnie Mandela.

"She was always kind and courteous to me. She is a very capable woman."

Chief of the Security Police at the time was General Hendrik van den Berg, of Info Scandal fame, and it is obvious that Brigadier van Wyk has little time for his former boss.

"He took all the credit and lapped up the publicity when there were a lot of people who all worked hard and got no credit," he said tersely when I asked him what sort of a man General van den Berg had been to work for.

Besides his normal detective duties in the Security Branch, Brigadier van Wyk spent four years working undercover.



BRIGADIER: Willie "Rivonia" van Wyk . . . respects Mandela.

Humour

One would expect an air of McCarthy fanaticism about South Africa's most famous hunter of communists. But beneath jet black brows his eyes twinkle with humour, and he has more of the kindly uncle in his countenence than the deadly manhunter.

"I always got on very well with the people I arrested. I tried to treat them fairly and kindly. I often felt sorry for them. They were very different from other criminals I had dealt with before."

Thinking back on the famous Rivonia case, Brigadier van Wyk recalled he had more than his fair share of luck in finding so many of the leading ANC and Communist Party chiefs at the farm on the day he decided to raid the place.

"I was just an ordinary Chief Constable, as Warrant Officers were called then. I was asked to report to Security and given the job of tracking down the ANC and Communist Party leaders who had formed the Congress Alliance and gone underground.

"At first I was terrified of the Security Branch, I thought they were like the Gestapo. A lot of people still think so.

"Extensive investigations led us to Rivonia. We borrowed a dry cleaning van and had 16 men and a dog in the

Court hears how youth was shot

(331) ~~275~~ Post Reporter E-Post 4/12/84

A POLICE Warrant Officer described in the New Brighton Regional Court today how he shot a man during a stone-throwing incident in a Site and Service, Kwazakele, street.

WO Johan Lombard was giving evidence before Mr P P J van der Merwe during the trial of Mr Mcedeleli Martin Dyani, 18, a Standard 8 pupil, and Mr Siyabulelo Gcali, 18, a Standard 9 pupil, who are charged with public violence. Both pleaded not guilty.

The State alleged that Mr Dyani and Mr Gcali took part in a stone-throwing incident during the unrest in Site and Service on October 29.

A beige windbreaker, containing dozens of tiny holes which Mr Gcali allegedly wore on the night of the incident, was exhibited in court. Mr Gcali also showed the court several tiny marks on his back.

WO Lombard said he saw a man at a stop sign in Njoli Street, throwing stones at his vehicle on October 29.

Other people in the vicinity were also throwing stones in his direction.

WO Lombard said he fired a shot and saw a person, who was hit, stagger near the stop sign.

"He was between 10 metres and 15 metres from me when I fired the shot. After I fired no more stones were thrown in my direction," he said.

WO Lombard told the court that he later saw Mr Gcali in hospital.

(Proceeding)

Mr L Venter, appeared for the State. Mr S Nkanunu appeared for Mr Dyali and Mr Gcali.

Trial within a trial in state's favour

PORT ELIZABETH — The team of policemen who investigated the case against the 11 accused in the Grahamstown treason trial would, "generally speaking", not take the risk of assaulting the accused to gain information, the presiding judge, Mr Justice Howie, said yesterday.

Mr Justice Howie assessed the credibility of witnessess who testified during the trial-within-a-trial held earlier this year to determine the admissibility of certain confessions.

He added that members of the investigating team "must have been well aware" that, having committed assault, it might become known to senior police officials, magistrates, inspectors of detainees or doctors.

The court was well aware that there are "bad eggs in every basket" and that there are assaults during investigations, but had to look at all the evidence before it to determine whether there had been an assault, he said.

He accepted the state's evidence for the trial within a trial and rejected that of the defence team's.

He said the then principal district surgeon, Dr Benjamin Tucker, appeared to have given evidence "fairly and frankly".

"Bearing in mind the past history to which he was so sensitive we can find that there was nothing untoward or unsatisfactory in his evidence."

He found that the evidence given by seven of the accused, Sipho Hina, William Kame, Mzimkulu Kame, Sipho Nodlawu, Lindile Mbelekana, Wellington Gumenge and Nceba Faku, had "unsatisfactory features" and could be rejected as false.

James Ngqondela was "a rank bad witness" who became somewhat truculent, argumentative, evasive and contradictory under cross-examination.

Evidence from Mr Ngqondela that he saw his wife and children walking home from a police station in their night clothes on May 17 last year was "almost bizarre".

Vukile Tshiwula was not an impressive witness due to emotional distress when he gave evidence, as submitted by the defence.

Mr Justice Howie said there was a reasonable possibility that Mr Faku had been assaulted on the day of his arrest, which was borne out by his "thrift and persistent" reports of assault at the time.

However, his credibilty was affected because he exaggerated "a minor assault out of all proportion" when he gave evidence before the court", he said.

The trial proceeds. — DDC.

EVENING POST, TUESDAY, DECEMBER 4, 1984

Blacks want political change, court told

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By SHIRLEY PRESSLY

GRAHAMSTOWN — The former Archbishop of Cape Town, Bishop Robert Selby-Taylor, told the Grahamstown Supreme Court today that blacks were saying there must be fundemental political change in the country.

Bishop Selby-Taylor, who was giving evidence in mitigation for the defence in the treason trial of 11 men, said it was unjust that up to 80% of the population should have no voice in how the country was controlled.

He said they objected to being moved about like puppets by some unknown authority in Pretoria and wanted change. The question was how?

Some were for peaceful change, he said, and believed that there was sufficent goodwill to enable that change to be gone through peacefully.

Mr A Jappie, for the defence, asked Bishop Selby-Taylor what the attitude of the black people was to high treason.

Bishop Selby-Taylor said that he thought the black people in South Africa were beginning to say that they had tried to tell the Government they wanted change and their appeals had fallen on deaf ears.

In cross-examination Mr P J Strauss, SC, for the State, asked Bishop Selby-Taylor if the views expressed were his own views or if they reflected the views of the church. Bishop Selby-Taylor replied that many of the views came from the black community and broadly speaking coincided with the views of the Anglican Church.

When asked if he really meant his views reflected the views of all blacks in South Africa, the bishop said:

"I expect there are some black people who would not identify themselves with what I said, but generally speaking they are the views of the black people."

The 11 men are Rufus Nzo, 54, Douglas Tyutyu, 48, Sipho Hina, 44, James Nqgondela, 54, Mzayifani Kame, 57, Mzimkulu Kame, 22, Sipho Nodlewu, 35, Vukile Tshiwula, 43, Lindile Mbelekana, 27, Wellington Gumenge, 29, and Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Post 7/12/84 (331)

Judge warns: sabotage can lead to gallows

By SHIRLEY PRESSLY

GRAHAMSTOWN — A strong warning was yesterday given to anyone considering following in the footsteps of the 11 men convicted in the Grahamstown treason trial that they risked ending their days on the gallows.

Mr Justice Howie issued the warning before sentencing two of the 11 to an effective 25 years' imprisonment each and the rest of the accused to effective prison terms ranging from two years to 14 years.

Rufus Nzo, 25, a trained terrorist, was sentenced to a total of 64 years and four months imprisonment, of which he will serve 25 years. Douglas Tyutyu, 49, described by Mr Justice Howie as "being at the centre of the organisation of this campaign" was sentenced to a total of 75 years and six months imprisonment, of which he will serve an effective 25 years.

The judge said high treason was a most serious offence and covered a wide spectrum of unlawful acts ranging from very serious to relatively minor offences. The involvement of each offender might differ widely from his co-accused, he said.

"That those accused found guilty of treason wanted to change the Government is clear," the judge said.

"They have not been on trial for their political sentiments, but for acts of violence committed to give expression to their political views.

"Every man is entitled to strive for the betterment of his life, family, community or country, but he must do so within the framework of law and order."

Mr Justice Howie said the accused, with the expection of Vukile Tshiwula, knew that what they were doing favoured the aims of the ANC.

He said it was a matter of intense relief that no fatalities resulted from explosions in this case.

Mr Justice Howie offered a word of advice to any member of the public who considered emulating the conduct of Nzo and Tyutyu.

"To be a party to such conduct could result in the death of an innocent member of the public and you run the risk of ending your days on the gallows," he said.

Mr Justice Howie said that the accused did not seem to be men of poor education or poverty. Six were employees of Ford, one was a messenger for an insurance company, one worked for a bus company, one was at school and one was not employed at the time of the offences. Nzo was a full-time member of the ANC military wing.

The judge said Nzo was actively responsible for two explosions, namely at the New Brighton Community Council Offices and the Swartkops Railway line.

Although Tyutyu was not the man who perpetrated these acts, he took a leading role in organising them.

Treason trial: 11 jailed

GRAHAMSTOWN — Two of the accused in the treason trial in the Supreme Court here, Rufus Nzo, 25, and Douglas Tyutyu, were sentenced to 15 years' each as accomplices to the murder of Mrs Nonkosi Tshiwula, wife of one of the accused, who was gunned down by a terrorist, Joe, on May 8, 1983.

The judge ruled that 10 years of the 15-year prison sentences would run concurrently with their prison term for high treason.

Nzo was convicted of the following offences, with the prison sentences in brackets:

High treason (20 years), possession of unlawful arms and ammunition (six years), possession of explosives (seven years), murder of Nonkosi Tshiwula (15 years), attempted murder arising from the bomb blast at New Brighton (eight years), attempted murder arising from the bomb blast at the railway line at Swartkops (eight years), fraud by producing a false travel document (four months.) Nzo will serve an effective 25 years.

Douglas Tyutyu: high treason (20 years), possession of unlawful publications (18 months), possession of unlawful arms and ammunition (seven years), possession of explosives (seven years), leaving the country without a passport (one year), murder of Nonkosi Tshiwula (15 years), three attempted murder counts arising from the bomb blasts at New Brighton, New Law Courts and Swartkops (eight years on each count). Tyutyu will serve an effective 25 years.

Sipho Fielden Hina, 45: high treason (14 years), possession of unlawful arms and ammunition (three years), attempted murder arising from the bomb blasts at New Brighton and Swartkops (six years on each count).

James Ngqondela, 55: high treason (13 years), possession of unlawful arms and ammunition (five years), possession of explosives (five years).

William Kame, 58: terrorism (five years' imprisonment, three years suspended for five years).

His son, Themi Kame, 23: terrorism (six years), possession of unlawful publications (six months), possession of unlawful arms and ammunition (three years).

Sipho Nodlawu, 38: high treason (nine years), possession of unlawful arms and ammunition (two years), three counts of attempted murder arising from the bomb blasts at New Law Courts (three years), New Brighton (five years) and Swartkops (five years).

Vukile Tshiwula: terrorism (seven years), possession of unlawful arms (two years), attempted murder arising from the bomb blast at New Brighton (four years).

Lindile Mbelekana: high treason (nine years), possession of unlawful arms and ammunition (four years).

Wellington Gumenge: high treason (10 years), possession of unlawful arms and ammunition (three years), attempted murder arising from the bomb blasts at New Law Courts, New Brighton and Swartkops (five years on each count).

Christopher Faku: terrorism (10 years), possession of unlawful arms and ammunition (four years).

The sentences for the other offences, with the exception of the murder count, will run concurrently with their sentences on the main count.

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25 years for 2 treason trialists

Own Correspondent

PORT ELIZABETH. — Two of the 11 appearing at the treason trial in the Supreme Court, Grahamstown, were each sentenced to an effective 25 years' imprisonment yesterday.

Other sentences ranged from two to 14 years.

After sentence had been passed the accused and people in the public gallery chanted "freedom songs", danced and raised clenched fists, at the end of a trial which started in February.

Rufus Nato Nzo, 25, found by the court to be a self-confessed terrorist, led the orderly singing and dancing after the court had adjourned. He was sentenced to an effective 25 years' imprisonment.

Nzo was sentenced to 20 years for high treason and an effective five years as an accomplice in the murder of Mrs Nonkosi Tshiwula, wife of one of the accused, who was shot by a terrorist known as Joe in 1982.

Douglas Tyutyu, 49, was sentenced to 20 years for high treason. Tyutyu, described as the link-man for the ANC in Port Elizabeth, was also sentenced to 15 years as an accomplice in the murder of Mrs Tshiwula. Ten years of this sentence will run concurrently with the other.

Nceba Christopher Faku, 28, sentenced to an effective 10 years imprisonment, left the courtroom last with a wave and farewell kiss.

There was a heavy police presence inside and outside the Supreme Court building.

The presiding judge, Mr Justice Howie, said earlier that high treason was the most serious offence against a state and its authorities.

He said every man was entitled to strive for the betterment of his life, family, community and country provided he did so within the framework of peace and order.

He warned members of the public who wished to emulate the accused that they ran the risk of ending their days on the gallows and that their actions could result in the death of innocent people.

Sipho Hina, 45, will serve an effective 14 years in prison.

James Ngqondela, 55, received an effective 13-year sentence, while Wellington Gumenge, 30, received an effective 10 years.

Sipho Nodlawu, 36, and Lindile Mbelekana, 28, were sentenced to nine-years.

Vukile Tshiwula, 44, was sentenced to an effective seven years' imprisonment, while Mzimkulu Kame, 23, received an effective six-year sentence.

Oldest

His father, Mzayifani William Kame, 58, oldest of the accused, was sentenced to an effective two years' imprisonment. Three years of his sentence were conditionally suspended for five years.

Seven of the accused — Nzo, Tyutyu, Hina, Ngqondela, Nodlawu, Mbelekana and Gumenge — were convicted of high treason. Four — William Kame, Mzimkulu Kame, Tshiwula and Faku — were convicted of terrorism.

Some of the accused were also convicted on a number of other counts, including unlawful possession of machine-guns and grenades, ammunition, explosives, unlawful publications and attempted murder.

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Stayaway: Five appear in court

Own Correspondent

JOHANNESBURG. — In a sequel to last month's stayaway, five men, including the full Transvaal Regional Stayaway Committee (TRSC), were charged yesterday with subversion.

After a brief appearance in the Johannesburg Magistrate's Court, the men were warned to appear again on January 31 and granted bail of R2 000 each.

The four members of the TRSC who appeared in court were Mr Thami Mali, 26, chairman of the Soweto Area Committee of the United Democratic Front, Mr Mayekiso, 36, of the Metal and Allied Workers' Union, Mr Themba Montlantlane, 30, of the Municipal and General Workers' Union of SA, and Mr Oupa Monareng, 26, of the Soweto Youth Congress.

Appearing with them was Mr Peter Makgoba, 21, of the Congress of SA Students.

Detention

All have been in detention since the week of the stayaway.

They were charged with subversion in terms of Section 54 (2) of the Internal Security Act, in connection with activities during October and November in the Transvaal.

Among other things, Section 54 deems it illegal to cripple, prejudice or interrupt any industry or undertaking or the production, supply or distribution of commodities or foodstuffs for political ends.

Conditions

The maximum sentence is 20 years, or 25 years if the crime led to violence.

Mr J C Oberholzer, appearing for the State, did not oppose the granting of bail, but ordered the five men to report weekly to their nearest police station, not to leave their magisterial districts without permission and to surrender all travel documents.

The magistrate was Mr D J du Plessis van der Walt.

Hang treason four — State

(531) C. Press 9/12/84

THE State has called for the death penalty for four of the 11 accused convicted of treason in the Grahamstown Supreme Court this week.

They are Rufus Nzo, 24, Douglas Tyutyu, 48, Sipho Hina, 44, and James Ngqondela, 54, who were found guilty of high treason.

Also found guilty of high treason were Sipho Ndlawu, 35, Lindile Mbelekana, 27 and Wellington Gumenge, 29

Four other co-accused were found guilty of terrorism. They are Mzimkulu Kameh, 22, his father, Mzayifani Kameh, 57, Vukile Tsiwula, 43 and Nceba Faku, 27.

The trial arose from a number of bomb explosions in and around Port Elizabeth during 1982 and 1983.

State prosecutor P J Strauss said Nzo did not deserve the court's mercy because he was a trained terrorist and had to be removed from society

Tyutyu was an even bigger danger to the community, he said – he was a hardened Marxist and a link-man for the banned ANC.

Mr Strauss said Hina and Ngqondela were of the "same calibre" as Tyutyu

Although William Kame had previous convictions under security legislation, Mr Strauss urged the court to suspend part of his sentence because – at 58 – he is the oldest of the 11

The hearing continues for the defence argument before sentence is passed.

6 UDF men face trial for treason

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JOHANNESBURG. — All 11 detainees held under Section 28 of the Internal Security Act were released from prison yesterday, but six of them — all key members of the United Democratic Front — were immediately arrested and charged with treason.

At the same time, detention orders issued against three UDF leaders holed up in the British Consulate in Durban were cancelled and Britain last night called on the three to leave the consulate at once.

But the three fugitives did not leave the consulate immediately, preferring to consult their legal adviser, Mr Zac Yacoob, first.

A police spokesman in Pretoria was unable to say whether the three faced similar charges to those who had appeared in court.

Three of the six men charged with treason yesterday were among the original six who sought refugee in the British Consultate on September 13. The expectation yesterday was that the three remaining men would be charged with treason the moment they left the consulate.

The six men who appeared in the Durban Magistrate's Court yesterday yesterday on charges of treason were:

- The three Natal Section 28 detainees — Mr Mewa Ramgobin, Mr George Sewpersadh and Mr M J Naidoo, all of the Natal Indian Congress, a key affiliate organization of the UDF.
- Three of the Transvaal Section 28 detainees — Dr Essop Jassat, of the Transvaal Indian Congress, and Mr Aubrey Mokoena and Mr Curtis Nkondo, both Transvaal UDF vice-presidents.

Mr Ramgobin, Mr Sewpersadh and Mr Naidoo were among the six men who originally sought refuge in the British Consulate. When they left the consulate on October 6, they were immediately detained under the Internal Security Act.

Rearrested

In Johannesburg yesterday, Dr Jassat, Mr Mokoena and Mr Nkondo were re-arrested immediately after being released from detention and driven to Durban to join the other three to face charges of treason.

The six treason trialists were remanded in custody pending a bail hearing on December 21. Apart from high treason, they faced alternative charges under the Internal Security Act of furthering the aims of a banned organization and of subversion.

The three men who were still locked in discussions with their lawyers last night in the consulate are Mr Archie Gumede, a UDF president, Mr Billy Nair, of the NIC, and Mr Paul David, of the Natal Release Mandela Committee.

A British Foreign Office statement released in London yesterday welcomed the lifting of the detention orders on the three, but made it clear that they now expected them to leave the building immediately.

A statement said the three men had made it clear from the outset that the reason they had sought refuge in the consulate was because they were facing detention without trial.

'Leave at once'

However, the statement added, the situation had now "changed fundamentally and we expect the three to leave at once".

They were not contemplating evicting the men at this stage.

The five men who were released from detention yesterday without being charged included three top members of the UDF — Mr Mosiuoa Lekota, national publicity secretary, Mr Popo Molefe, national secretary, and Mr Rashid Saloojee, a UDF vice-president.

The two remaining detainees who were released without being charged were Mr Muntu Myeza, publicity secretary of the Azanian People's Organisation, and Mr Haroon Patel, an Azapo branch chairman.

All 11 detainees who were released yesterday were originally detained under Section 28 of the Internal Security Act soon after the August elections for the coloured and Indian chambers of the new tri-racial Parliament.

No reasons were given for yesterday's surprise decision by the Ministry of Law and Order.

But observers saw it as a further response to United States pressure to charge or release political leaders held in August.

Last Friday 11 trade union and community leaders detained in connection with the stayaway strike last month were released, while five men alleged to have organized the strike were charged with subversion. President Ronald Reagan claimed credit for these developments.

The Office of the State President last night referred all requests for comment to the Departments of Foreign Affairs and Law and Order. The Minister of Law and Order, Mr Louis Le Grange, was not available and the request for comment was under consideration by the Department of Foreign Affairs.

After his release yesterday, Mr Lekota issued a statement on behalf of the released UDF leaders, claiming the release was timed to give credibility to the Reagan administration's policy of "constructive engagement" with South Africa, and pledging to continue the struggle against apartheid until it was eradicated completely.

"Recent developments have revealed an increasing and direct control by the US Government of the Southern African region via the (SA) Nationalist government," he said.

Mr Lekota said it was significant that the government had released detainees yesterday, the International Day of Human Rights.

"This has been done to show that South Africa is doing its bit as far as human rights go, but until such time that all the laws that perpetuate repression are abolished, we (the UDF) cannot see peace in this country."

The names of the 11 people freed last week were released yesterday for the first time as well. They are: Mr Phiroshaw Camay, Mr Chris Dlamini, Mr Khanyelani J Dlalisa, Mr Bangilizwe Solo, Mr Guy Berger, Mr Jerome Kodisang, Mr Vusi Siluma, Mr Kopeng Obed Bopela, Mr Joseph Tshiki Mashimbye, Mr Victor Kgobe and Mr Ernest Ndlovu.

- Meanwhile four detained members of the Port Elizabeth branch of the Congress of South African Students (Cosas), and an executive member of the Port Elizabeth Women's Organization (Pewo), were released at the weekend.

Mr Siseko Lutywantsi, secretary of the Eastern Cape region, Mr Sandi Sokutu, an executive member, Mr Mpumelelo Veto and Mr Andile Mntushe and Miss Thandiswa Maqungu, Pewo's secretary-general, said they were released on Friday night.

The release of the five was confirmed yesterday by Colonel N J van Rensburg of the Eastern Cape security police.

Meanwhile, 11 other Cosas members and Port Elizabeth journalist Mr Mono Badela are still detained under Section 29 of the Internal Security Act. — Own Correspondents and Sapa

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Detention orders against 14 cancelled, then...

6 UDF treason charged with

Detained

ALL 11 detainees held under Section 28 of the Internal Security Act were released from prison yesterday and six of them — all key members of the United Democratic Front (UDF) — were immediately arrested and charged with treason in the Durban Magistrate's Court.

At the same time, detention orders issued against three UDF leaders taking refuge in the British Consulate in Durban were cancelled.

The three fugitives did not, however, leave the consulate immediately, preferring to consult with their legal adviser, Mr Zac Yacoob, first.

Three of the six men charged with treason yesterday were among the original six who sought refugee in the British Consultate on September 13.

It was therefore expected yesterday that the three men remaining in the consulate would be charged with treason the moment they left the building.

The six men who appeared in court yesterday on charges of treason were:

- The three Section 28 detainees from Natal — Mr Mewa Ramgobin, Mr George Sewpersadh and Mr M[illegible] Naidoo, all of the Natal Indian Congress, a key affiliate organisation of the UDF and;
- Three of the Transvaal Section 28 detainees — Dr Essop Jassat of the Transvaal Indian Congress (another UDF affiliate), and Mr Aubrey Mokoena and Mr Curtis Nkondo, both Transvaal vice-presidents of the UDF.

Mr Ramgobin, Mr Sewpersadh and Mr Naidoo were among the six men who originally sought refuge in the British Consulate. When they left the consulate on October 6 they were immediately detained under the Internal Security Act.

In Johannesburg yesterday, Dr Jassat, Mr Mokoena and Mr Nkondo were re-arrested immediately after being released from detention. They were driven to Durban to join the other three to face charges of treason.

The six treason trialists were remanded in custody pending a bail hearing on December 21.

Apart from high treason, they faced alternative charges under the Internal Security Act — furthering the aims of a banned organisation and subversion.

Their court appearance is expected to lead to a lengthy and complex treason trial. Legal observers anticipate that dozens of people will be summoned to give evidence for the State.

The three men who were still locked in discussions with their lawyers last night in the British Consulate were Mr Archie Gumede, a UDF president; Mr Billy Nair of the Natal Indian Congress; and Mr Paul David of the Natal Release Mandela Committee.

British authorities have reportedly urged them to leave and, if necessary, stand trial in open court now that detention orders against them have been cancelled.

The five men who were released from detention yesterday without being charged included three top members of the UDF — Mr Mosiuoa Lekota, national publicity secretary; Mr Popo Molefe, national secretary; and Mr Rashid Saloojee, a UDF vice-president.

The two other detainees who were released without being charged were Mr Muntu Myeza, publicity secretary of the Azanian People's Organisation (Azapo), and Mr Haroon Patel, an Azapo branch chairman.

All eleven detainees who were released yesterday

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were originally detained under Section 28 of the Internal Security Act soon after the August elections for the coloured and Indian chambers of the new tricameral Parliament.

Three were among the five who were released on the orders of a Natal judge. New detention orders were issued but could not be served on them immediately because they were "inaccessible" in the British Consulate.

No reasons were given for yesterday's surprise decision by the Ministry of Law and Order.

Observers, however, saw it as a further response to American pressure on SA to charge or release political leaders held in the wake of the August elections.

Last Friday, 11 trade union and community leaders detained in connection with the stayaway strike last month were released, while five men alleged to have organised the strike were charged with subversion.

Mr Ronald Reagan, President of the United Stated, has claimed credit for these developments.

The Office of the State President last night referred the Rand Daily Mail to the departments of Foreign Affairs and Law and Order for comment. The Minister of Law and Order, Mr Louis Le Grange, was not available.

A request for comment was under consideration by the Department of Foreign Affairs.

It was not clear yesterday whether withdrawal of the 11 Section 28 detention orders meant their names would no longer be added to the consolidated list of people who may not be quoted.

The Act states that the names of people under detention orders shall be "listed".

The legal question that remains is whether withdrawal of the orders means that, for legal purposes, they were never issued.

Couple fined for document 'theft'

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Staff Reporter

A BROTHER and sister, Francois and Christina Blaauw, were fined R1 000 and R400 respectively in the Supreme Court yesterday on charges arising from the removal of classified documents from the Department of Foreign Affairs.

Francois Blaauw, 29, was fined R1 000 (or 12 months) and Christina, 23, R400 (or six months) on charges of contravening the Protection of Information Act, in a hearing held behind closed doors in the Cape Town Supreme Court.

Both had pleaded guilty.

A similar charge against a third accused, Mr Pietie Victor, was provisionally withdrawn in the Cape Town Magistrate's Court at the instruction of the Attorney-General.

Christina Blaauw had allegedly obtained official documents while working as a secretary for the Deputy Minister of Foreign Affairs in Cape Town from May to July this year.

Both Christina, of Eland Street, Kathu, and Francois, of Westbrooke, Voortrekker Street, Somerset West, were employees of the Department of Foreign Affairs. Mr Victor, 48, of Wynberg, is a mission worker.

All three had earlier been released on bail.

The Judge-President, Mr Justice Munnik, presided. The Attorney-General, Mr D J Rossouw, prosecuted. A City advocate, Mr H N Carstens, appeared for the Blaauws.

In the other hearing, Mr R H Peckham was the magistrate and Mr S C Murphy appeared for the State.

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High treason charges go back a long time

By ANTON HARBER
Political Reporter

THE high treason charges against six prominent members of the United Democratic Front relate to activities that date back to before the formation of the UDF.

Although no detailed charge sheet was presented when the six appeared in court on Monday, it was stated that the charges related to activities between 1981 and 1984.

Since the UDF was only formed in 1983, this implies that the charges also relate to their activities in the Anti-South African Indian Council (Anti-SAIC) campaign in 1981 and in the Release Mandela Campaign.

It is understood that the trial is expected to last between 12 and 18 months and the State intends calling more than 150 witnesses.

This sets the scene for a long and complicated trial with the State attempting to paint a detailed and diverse picture of treason.

Of the six accused, at least four played key roles in the Anti-SAIC campaign. These were Dr Essop Jassat, president of the Transvaal Indian Congress, Mr George Sewpersadh, president of the Natal Indian Congress (NIC), Mr Mewa Ramgobin, NIC vice-president, and Mr M J Naidoo, also of the NIC.

The other two — Mr Curtis Nkondo and Mr Aubrey Mokoena — are respectively the chairman and publicity secretary of the Release Mandela Committee in the Transvaal.

All six have also been prominent in the UDF in the past year.

Apart from high treason, they are facing alternative charges of subversion and furthering the aims of a banned organisation.

This follows the pattern of the last few years, when political activists have generally faced trial under ordinary criminal law — for treason or murder — with alternative charges under the Internal Security Act.

This trial is one of a huge spate of political trials scheduled for the next few months.

According to the Detainees Parents Support Committee (DPSC), more than 30 political trials involving 160 people are scheduled for this month.

Another 19 trials involving about 104 people have already been scheduled for January, and nine trials involving 93 people are scheduled for February.

Most arise from the recent unrest and stayaway, and involve charges of public violence, attending illegal gatherings, possessing banned literature or subversion.

● The TIC said yesterday the only crime committed by the six opposition leaders charged with high treason this week was that they had "unwaveringly resisted the crime of apartheid".

The TIC welcomed the release of their vice-president, Dr Saloojee, and others, but deplored the treason charges laid against their president, Dr Jassat, and five others.

The TIC has called a public protest meeting in Fordsburg on tomorrow night.

"In the eyes of our people these leaders are innocent. We call for their immediate and unconditional release," it said.

The TIC statement also said that it did not consider the release from detention of Dr Saloojee and others as an act of good faith by the Government.

"On the contrary, it is our contention that they should not have been detained in the first place," it said.

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Treason charges date to pre-UDF days

Own Correspondent

JOHANNESBURG. — The high treason charges against six prominent members of the United Democratic Front relate to activities that date back to before the formation of the UDF.

Although no detailed charge sheet was presented when the six appeared in court on Monday, it was stated that the charges related to activities between 1981 and 1984.

Since the UDF was only formed in 1983, this implies that the charges also relate to their activities in the Anti-South African Indian Council (Anti-SAIC) campaign in 1981 and in the Release Mandela Campaign.

It is understood that the trial is expected to last between 12 and 18 months and the State intends calling over 150 witnesses.

Of the six accused, at least four played key roles in the Anti-SAIC campaign. These were Dr Essop Jassat, president of the Transvaal Indian Congress, Mr George Sewpersadh, president of the Natal Indian Congress (NIC), Mr Mewa Ramgobin, NIC vice-president, and Mr M J Naidoo, also of the NIC.

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Another 19 trials involving some 104 people have already been scheduled for January, and nine trials involving 93 people scheduled for February.

Most arise from the recent unrest and stayaway, and involve charges of public violence, attending illegal gatherings, possessing banned literature or subversion.

Union action solves stoppage

Cape Times 12/12/84 Own Correspondent

EAST LONDON. — Swift union action at the car distributors' assembly plant here yesterday solved a 90-minute work stoppage over the proposed retrenchment of 280 workers.

This was confirmed yesterday by the Port Elizabeth-based regional secretary for the 21 000-strong National Automobile and Allied Workers' Union (NAAWU), Mr Les Kettledas, and a spokesman for Mercedes Benz South Africa, Mr Richerd Wagner.

The brief stoppage by about 500 day-shift workers took place during negotiations between the management and the union yesterday following the retrenchments on Friday.

They reached a compromise agreement that the 280 retrenchments will not be final. The workers will be laid off for two months and if there is an improvement for the badly-hurt motor industry following the severe hire-purchase restrictions and the new fringe-benefit tax, the workers will be re-hired.

Mr Wagner said tough conditions in the economy had led directly to the proposed retrenchments.

ROSEBANK HOUSE COLLEGE

REGISTERED WITH THE DEPARTMENT OF EDUCATION

APPLICATIONS FOR 1985

Rajbansi opposes cabinet

Cape Times 12/12/84

By ANTHONY JOHNSON
Political Correspondent

THE sole Indian member of the cabinet, Mr Amichand Rajbansi, leader of the National People's Party, has spoken out against the government's policy of detention without trial.

Mr Rajbansi said that all remaining detainees in South African prisons should either be charged or released.

He was reacting to the government's decision this week to release detainees under Section 28 of the Internal Security Act.

Mr Rajbansi is a member of the cabinet by virtue of his chairmanship first person of colour in the cabinet to differ openly with government policy on a significant issue.

The leader of the Labour Party, the Rev Allan Hendrickse, who is also a cabinet minister, has not been available for comment on this issue for the past two days.

He and Mr Rajbansi have been criticized recently for their "deafening silence" on controversial issues like forced removals and detentions, which significantly affect their communities.

Although strongly critical of the government in the run-up to the

Congressman Mickey Leland (left), a Texas Democrat, and Bishop Adam DeBaugh, a local religious leader, were arrested in Washington yesterday for protesting at the South African Embassy. Speaking against the South African apartheid policy, Mr Leland said: "Black people have never had the right to be treated as human beings in South Africa."

Picture: UPI

Sadie

The moneyed are

Cape Times 12/12/84 263

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Social worker on ANC charges

Mercury Correspondent

JOHANNESBURG—Detained social worker Maxine Hart, 25, appeared yesterday in the Johannesburg Magistrate's Court in connection with allegations that she took part in activities of the outlawed African National Congress.

She was not asked to plead, but charges allege that Miss Hart 'unlawfully and intentionally took part in an activity of an unlawful organisation,' namely the ANC.

Lengthy details of charges included allegations that Miss Hart brought an ANC propaganda tape recording from Botswana to South Africa, distributed pamphlets in Eldorado Park advocating a boycott of the coloured and Indian elections, tried to obtain maps of parts of South Africa, and sent reports to the ANC in Botswana.

Miss Hart, of Webb Street, Yeoville, Johannesburg, has been in detention since September 11.

Bail was refused by the Attorney-General in term of Section 30 (1) of the Internal Security Act.

The hearing was postponed to January 3 1985, for trial.

The magistrate was Mr J Pretorius, Mr B Coetzer prosecuted and Mrs K Satchwell defended.

argus 13/12/84 COURTS 8029 331

Detained social worker to stand trial in January

Argus Correspondent

JOHANNESBURG. — A social worker who was detained in September will be tried under the Internal Security Act in a Johannesburg Regional Magistrate's Court on January 3.

Family and friends packed the court for Miss Maxine Sandra Hart's brief appearance yesterday for her case to be postponed. Miss Hart, 25, of Yeoville, was refused bail at the instruction of the Attorney-General when she first appeared in court on November 7.

Alleged ANC member

No charges were put but a 12-page annexure detailing her alleged offences under Section 13(1)(a)(iv) of the Act have been formulated.

It will be alleged that Miss Hart was a member or active supporter of the banned African National Congress and took part in its activities between December 1983 and September 1984 in Johannesburg and Botswana.

Miss Hart also allegedly contacted, received and carried out instructions from other members of the ANC in South Africa and Botswana. The members are listed as Mr David Johnson, Zwelakhe (Zweli), George and a woman, Pat.

Activities and acts which allegedly contravened the Act are listed. They claim she:

- Went to Botswana in December 1983 to meet Mr David Johnson, Zwelakhe and George and received tapes of ANC propaganda which she brought into the country.
- Helped George enter the Republic and later handed him a copy of the tape when they met at the University of the Witwatersrand.
- Received a parcel in July containing two typed wax stencils on which the ANC advocated boycotting the August Indian and coloured parliamentary elections.
- Distributed the finished pamphlets, Down with Traitors and Burn Registration Certificates, at an Eldorado Park bus stop on July 26.
- Compiled and sent four reports of the activities of the Johannesburg Democratic Action Committee (Jodac) between December 1983 and August 1984, to Zwelakhe in Botswana.

Treason trial accused total now rises to 44

By PATRICK LAURENCE
Political Editor

THE appearance in court yesterday on charges of treason of the Durban consulate fugitives, Mr Archie Gumede and Mr Paul David, brings to 44 the total number of people accused of treason in 1984.

The trials of 20 are proceeding.

They are the eight United Democratic Front men on trial in Durban and 12 Soweto men facing treason charges in Johannesburg.

The Durban eight consist of the six detainees who were charged with treason on Monday, soon after their release from detention, and Mr Gumede and Mr David who joined them as co-accused yesterday.

The Soweto 12 coincidentally appeared in court in Johannesburg on the day the Durban consulate saga ended — Wednesday.

Of the 44 accused, 11 have been found guilty.

They include five of the 11 accused in the Grahamstown treason trial, a Venda farmer, two African National Congress fighters sentenced in Louis Trichardt, two Soweto men sentenced in Johannesburg and a man jailed in Maritzburg.

Sentences have varied from two to 25 years.

The rest of the accused have either been acquitted or had charges against them withdrawn.

Among those whose treason charges were withdrawn were Roland Hunter and Derek and Patricia Hanekom.

Hunter, however, was found guilty under the Defence Act and the Hanekoms under the Internal Security and Publications Acts.

Between the end of the Second World War and 1979, there was only one treason trial.

It lasted from 1956 to 1961 and involved key leaders of the Congress Alliance.

THE SIT-IN SIX

WELCOME BACK TO S.A...

C Pers 331 16/12/84

THIS week's dramatic end to the Durban Consulate sit-in brought with it a massive new treason trial.

And although relations between Britain and South Africa will ease now that it's over, there's no end in sight to international criticism of the Pretoria Government and its policies.

As the sit-in trio stepped out of the lift on the ground floor of the consulate, two of them were arrested by waiting security police, who told them they were being charged with high treason.

As their children wept and their wives watched anxiously, the two were bundled out of the building through a backdoor to avoid the crowd.

Now Mr Gumede and eight other UDF members are on trial for their lives.

The trial, scheduled for March next year, is likely to draw fullscale local and international attention.

It's set to be a massive case, involving the activities of the eight accused during the period 1981-1984.

And the State has indicated to defence lawyers that it intends calling many witnesses, and the trial could be a very lengthy one.

For UDF leader Archie Gumede, this is the second treason trial.

"No treason trial will stop the struggle for freedom in this country."

Mr Nair, who was given a hero's welcome, was carried shoulder-high through Durban's streets.

He said he thought the Consulate protest had achieved a major victory by bringing South Africa's detention-without-trial policy to the attention of the international cummunity.

Before they left the British Consulate offices, Mr Gumede, Paul David and Billy Nair indicated that they were fully aware of the possibility that they would be arrested and charged for treason.

Moments later, Mr Gumede and Natal Indian Congress member Paul David were served with warrants of arrest.

When Mr Nair, the only member of the original consulate six allowed to go free, appeared before the crowd, he also referred to the pending trial.

"I am free, but my colleagues are in jail," he told the people.

"I am going to do everything possible, together with the UDF and its allies, to continue with the fight until South Africa is free."

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Judges criticize magistrate

Own Correspondent

GRAHAMSTOWN. — A Cradock magistrate, Mr A Meintjies, was criticized yesterday by two Grahamstown judges for not conducting a fair trial in the case of a woman he convicted and sentenced for wearing a T-shirt with the slogan "Free Mandela".

Mrs Sheila Liza Calata was fined R250 (or three months) last April after Mr Meintjies had found she had "distributed" the T-shirt, which was an undesirable object. She appealed successfully against both conviction and sentence in the Grahamstown Supreme Court last month.

The acting Judge-President of the Eastern Cape, Mr Justice J P G Eksteen, and Mr Justice N W Zietsman, yesterday gave their reasons for upholding Mrs Calata's appeal and said justice had not been seen to be done in her case.

A reasonable person observing the proceedings in her trial "could not have been blamed if he had gone away gone away saying: 'The magistrate was biased'," the judges added.

They emphasized that they were not required to decide whether the magistrate had in fact been partial and biased towards the prosecution. It was sufficient that reasonable people might think he had favoured one side unfairly.

On several occasions when Mr Meintjies had spoken during the trial, his choice of words had been "unfortunate and distinctly partisan", they said.

When he had approved an erroneous submission by the prosecutor concerning an amendment to the charge sheet, he had given a "strong indication that he was making common cause with the prosecution".

In their view, the magistrate had improperly embarked on the amendment to the charge sheet, changing the venue of the alleged offence from Cradock Provincial Hospital to Michausdal, a township near Cradock.

The judges said the magistrate ought not to have been aware of prospective evidence and therefore should not have been in a positiion to decide that the State could only hope to prove that Mrs Calata displayed the offending T-shirt on a bus at Michausdal, and not at the hospital where she worked.

The magistrate was also criticized for approving of the "indefensible attitude" of the prosecutor, who had refused to tell Mrs Calata and her counsel what the relevance was of evidence he had led concerning Mrs Calata's late father-in-law, the Rev James Arthur Calata, who had been general secretary of the African National Congress before it was declared an unlawful organization.

This contravened the most elementary principles of justice, which demanded that a party brought to court should be fully apprised of the case he was called upon to meet, the judges said.

refusal

Judgment reserved in schoolboy's appeal against bail

By CHRIS RENNIE

JUDGMENT was reserved to tomorrow in an appeal in the Supreme Court against a magistrate's refusal to grant bail to an 18-year-old schoolboy charged with public violence.

On November 2 Mr E L de Kock refused bail to Mr Sindile Zonke, pending his trial with seven others on charges of public violence. The trial had been set down for December 13.

Mr M H Claassens (for Mr Zonke) said he could not quarrel with the magistrate's findings in general, but said he had erred in applying them to this specific case.

Mr Zonke lived at home with his mother and aged grandfather. He was described as a studious and industrious pupil who wanted to write his examinations. He had attended classes as long as he possibly could.

At his application for bail, Mr Zonke told the court that he had been arrested while returning from the shop where he had been sent to buy oranges.

Against this was the evidence of an SA Police officer — who had not even been present at the incident — who alleged that Mr Zonke had been arrested in the act of throwing stones.

Mr Justice Jennett pointed out that the officer also said that because of the prevailing unrest, it had not been possible to investigate fully. There were also allegations that Mr Zonke was "far more involved" than he would have the court believe.

Mr Claassens argued that these allegations were so vague that they did not even give Mr Zonke an opportunity to refute them.

A security branch captain had alleged that Mr Zonke attended Cosas meetings, but even he conceded that this did not mean Mr Zonke was a member.

Mr Justice Jennett asked whether the matter should not be viewed against the unrest prevailing in the townships when allegations were made that Mr Zonke would stir up more if freed.

Mr Claassens argued that Mr Zonke was charged with a particular offence, and there was no acceptable evidence that he had previously, or would in future, be involved in any other offence.

Mr Justice Jennett said he could understand that argument if this had been an isolated incident. But there had been evidence that more than 150 incidents of public violence had taken place over the past weeks. There was also the allegation that Mr Zonke was involved in student organisations.

Mr Claassens said Mr Zonke was charged with throwing stones. Nothing else had been substantiated. If the general unrest was considered, it would mean that before Mr Zonke could get bail he would virtually have to prove his innocence.

Mr J Scott (for the State) said it was highly improbable that Mr Zonke's knowledge of the unrest was confined to what he read in the Press, as he claimed. It was also unlikely that the police would arrest an innocent shopper.

Treason trialists' case postponed

STAR 22/12/86

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Own Correspondent

DURBAN — The hearing of an application for bail in the case of eight men charged with treason was yesterday postponed to January 15 by a Durban Regional Court magistrate.

This followed a request by the prosecutor, Mr R Suhr, who said he required time to answer the legal argument advanced by Mr I Mohamed (SC), for the defence. Mr Mohamed did not oppose the application. Earlier Mr Suhr had asked for the men to be remanded in custody to March 29. Mr Mohamed opposed the application and applied for bail.

Mr Mohamed said the men before court were all leaders in the community. They included doctors, lawyers and trade union officials. If they were held in custody for a long time, their careers would suffer.

They were all South African citizens with deep roots in the country.

The men charged with reason are: Mr Archie Gumede (70), who was not present because he was ill in hospital; Mr Mawalal Ramgobin (52), Mr Chanderdo Sewpershad (43), Mr Mooroogih Jayahajapathy Naidoo (53), Dr Essop Essack Jassat (52), Mr Dundubela Aubrey Mokoena (35), Mr Ephraim Curtis Mkondo (56) and Mr Devadas Paul David (40). — Sapa.

Appeal against appeal decision not allowed

23/12/84

By CHRIS RENNIE

A SCHOOLBOY charged with public violence was today refused leave to appeal against a decision not to allow an appeal against a magistrate's refusal to grant him bail.

Mr Justice Jennett said yesterday he had not been persuaded that the magistrate erred when refusing bail to Mr Sindile Zonke on November 6.

Mr Zonke and seven others was awaiting trial on charges of public violence.

After the judge's decision, Mr M H Claassens, who appeared for Mr Zonke, applied for leave to appeal against it. There was some uncertainty as to whether such an appeal was permissible, and if so, to what court.

Today Mr Claassens renewed his application in terms of the Supreme Court Act. The application was opposed by the State.

In his judgment, Mr Justice Jennett said he proposed to assume that such an appeal would be permissible where leave was given.

He would apply the test applicable to any appeal application — whether there was a reasonable possibility that another court would reach a different decision.

He said he had considered the magistrate's reasons for refusing bail and could not find that the magistrate had erred. No new facts had come to light during the appeal and he was satisfied that another court would not reach a different conclusion. He dismissed the application.

Mr J Scott appeared for the State. Mr Claassens was instructed by Thole, Majodina and Co.

331 C. Press 23/12/84

Cops at MPC's trial

Molly Blackburn and Di Bishop outside court with members of Cradora this week.

THERE was a very strong police presence outside the Cradock Magistrate's Court this week where Progressive Federal Party members Molly Blackburn and Di Bishop were tried for entering Lingelihle township without a permit.

The police used dogs to move residents away from the court.

The two PFP members pleaded not guilty, but Magistrate A Groenewald found them guilty, cautioned and discharged them.

The court heard that Mrs Blackburn and Mrs Bishop gave former detainees and community leaders Mathews Goniwe and

By MONO BADELA

Mbulelo Goniwe a lift to their homes after attending the trial of a Cradock resident in Sommerset East on October 24.

The magistrate said as MPCs the two women knew the law and were not exempted from getting permits to enter African townships.

He found them to be negligent.

Initially, the police refused to allow residents into the court.

About 50 of them were eventually allowed in, but about 70 more were driven away by the police, who used dogs.

Police also used video cameras to take pictures of people outside the court.

At least six landrovers and a big police truck were stationed outside the court yard.

According to Cradock Residents' Association chairperson Monwabisi Makhawula, police used teargas later in the afternoon to disperse youths who threw stones at the beerhall, which is being boycotted by the Lingelihle residents.

were woken up by a primed limpet mine out on their lawn.

Judge convicts 3 of high treason

26/12/84 (331) E. Post

By SHIRLEY PRESSLY

GRAHAMSTOWN — A trained terrorist and two other men were today convicted of high treason by Mr Justice Howie in the Grahamstown Supreme Court.

They are 54-year-old Rufus Nzo, Douglas Tyutyu, 48, and Sipho Hina, 44, three of 11 accused appearing before Mr Justice Howie on a number of charges, including treason.

The other accused are Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges of high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

Judgment is expected to last two days.

Security at the court was tight today, as it has been since the trial started in February. Spectators were subjected to two body searches before entering the court room where the trial is being held.

Tyutyu was described by Mr Howie as "a key local figure in setting up and furtherance of the ANC campaign in Port Elizabeth".

Hina was described by Mr Howie as "not merely a go-between. In standing, if he was not equal to accused No 2, Mr Tyutyu, then he was not much subordinate".

Mr Howie said Hina was involved in the supply and distribution of arms and explosives in Port Elizabeth and must have known these came from the ANC in Lesotho.

He must have known the plan was to use them in Port Elizabeth in furthering the aims of that organisation and that it involved sabotage because explosives were involved.

Referring to Nzo, whom the defence had said was a Transkei citizen and thus did not owe allegiance to the State, Mr Howie said the prosecution had proved that Nzo owed allegiance to the South African State at all relevant times.

Mr Howie, in starting judgment, said sometime in 1981, until May 1983, a group of military-trained members of the ANC was active in Port Elizabeth.

At various times during that period members of the groups committed acts of sabotage in and around the city.

They were sent on this mission of subversion by senior officials of the ANC in Lesotho, and were equipped with automatic firearms, mines, grenades and explosives of communist origin.

Mr Howie said this case concerned the activities of this group and the extent of their involvment.

Mr Howie said Nzo was a member of the group from November, 1982.

He said all accused had pleaded not guilty on all counts.

He said on the merits the State case stood uncontradicted by defending evidence.

Neither did the defence make any attack on the credibility or reliablity of State witnesses.

"We have reached the conclusion the State evidence is of satisfactory quality and the risk of false incrimination has been eliminated effectively and by the absence of any evidence by and on behalf of the accused," said Mr Justice Howie.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

5 guilty of treason: judgment continues

331 E. Post 27/12/84

By SHIRLEY PRESSLY

GRAHAMSTOWN — Judgment continues today in the Grahamstown Supreme Court where 11 men are appearing before Mr Justice Howie on several charges including high treason.

So far, he has convicted five of the eight accused he has dealt with on the main count of high treason.

Today he will give judgment on the remaining three men.

The 11 men are Rufus Nzo, 54, Douglas Tyutyu, 48, Sipho Hina, 44, James Nqgondela, 54, Mzayifani Kame, 57, Mzimkulu Kame, 22, Sipho Nodlewu, 35, Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, or alternatively, participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

Those found guilty of high treason were:

● Nzo, a trained terrorist.

● Tyutyu, who was described by Mr Justice Howie as a "key figure in the setting up and furtherance of the campaign in Port Elizabeth, and in the receipt and storage of arms and ammunition and the person chiefly responsible for finding the terrorist's accommodation".

● Hina, who was described as "not merely a go-between and if not equal to Tyutyu then not much subordinate".

● Ngqondela, who was described as having "hostile intent in either the acutal or legal form".

● Nodlawu, found guilty of high treason. The court found he had participated knowingly in furthering the aims of the ANC.

Those found guilty of terrorism were: William Kame, 57, his son Ntemi Kame, 22, and Tshiwula, 43, whose wife was killed by sub-machine gun fire by a terrorist named Joe.

Mr Justice Howie said William Kame had given terrorist Joe accommodation for a month until May 9, 1983.

"In all the circumstances he must have realised Joe came to Port Elizabeth on behalf, and in the interest, of the ANC," said Mr Justice Howie.

He said Ntemi Kame had read in the newspapers that Joe was being sought by the police and helped Joe to leave for Lesotho.

He had also helped dig the arms cache, and the only inference was that he stored it in furtherance of the ANC.

He said Tshiwula, who let a terrorist named James stay in his house, must clearly have had foresight that James might prepare explosive devices in his home — which if used would amount to serious acts of violence.

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Arrest of reporter ordered

28/12/84

Post Reporter

EAST LONDON — An arrest warrant was issued by Mr P S Sauerman in the Magistrate's Court here today after a freelance journalist, Mr Charles Ngakula, failed to appear.

Return date was set as December 12.

Mr Ngakula, a Ciskeian citizen, was to appear on a charge of being a prohibited immigrant. He appeared first on September 27.

His bail of R200 was provisionally estreated today.

His attorney, Mr Hingsa Siwisa, said he had received a message that Mr Ngakula was indisposed, but later visited his home to find nobody knew his whereabouts.

Unrest accused in court

More than 100 people including two newspapermen and four minors appeared in the Sebokeng Regional Court yesterday on various charges including public violence, arson, theft and attending an illegal meeting.

The charges follow the outbreak of violence in the Vaal Triangle townships over the past 10 days. One of those charged was a 9-year-old boy.

Mr Len Kumalo (44), a photographer with *The Sowetan* and Mr Thabo Makaba (32), a freelance reporter, both of Evaton, were charged with public violence and attending an illegal gathering.

Their appearance follows the banning of a meeting which had been scheduled for September 9 at the Sebokeng Roman Catholic Church.

A number of people were arrested after police and residents clashed.

The accused appeared before Mr James Johnston. They were not asked to plead and the case was postponed to September 18.

Bail of R200 was fixed for each of the accused while the four minors were released into the custody of their parents.

High treason trial postponed a third time

(331) 13/9/84 C. Times

Own Correspondent

PRETORIA. — The high-treason trial of three alleged white members of the banned African National Congress (ANC) was postponed for the third time in the Supreme Court here yesterday without evidence being led.

Roland Mark Hunter, 25, of Torwood Road, Forest Town, Johannesburg, Derek Andre Hanekom, 31, of Vaalbank, Magaliesberg, and his wife, Patricia Elizabeth Hanekom, 27, appeared for about two minutes before Mr Justice Curlewis, who remanded them to September 17.

Mr E Wentzel SC, who appeared for the accused, said that by agreement with the State it had been decided that the trial be postponed to next Monday when it was hoped it might be concluded.

Mr D Brunette SC, the Attorney-General, added that the case against the three might be concluded next week.

This was the third appearance of the three. They have not pleaded to the 22-page indictment.

The three were jovial and happy and chatted and laughed with friends, family members and their lawyers before the court started.

Mr Hunter was wearing a black suit, Mr Hanekom a brown suit and his wife a mauve dress.

The three are alleged to be members or supporters of the banned ANC.

They are facing main charges of treason and alternative counts of contravention of the Protection of Information Act (three counts), contravention of the Internal Security Act (two counts) and contravening the Publications Act.

The second charge is contravention of the Riotous Assemblies Act and alternative charges under the Protection of Information Act.

The acts of treason are alleged to have been committed on Vaalbank Farm at Magaliesberg and in Johannesburg, Pretoria and Gaborone, Botswana. The case mainly has to do with the alleged theft of secret and classified documents from the military.

Mr Hunter, who was a clerk at the office where he was doing his military service, is alleged to have asked a librarian to steal the secret documents for him.

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Treason trial put off again

Pretoria bureau

THE high treason trial of three alleged members of the banned African National Congress was postponed for the third time in the Pretoria Supreme Court yesterday without evidence being led.

Mr Roland Mark Hunter, 25, of Torwood Road, Forest Town, Johannesburg, and Mr Derek Andre Hanekom, 31, and his wife, Mrs Patricia Elizabeth Hanekom, 27, of Vaalbank, Magaliesburg, appeared for about two minutes before Mr Justice D J Curlewis before the trial was postponed to September 17.

Mr E Wentzel, SC, who appeared for the accused, said that by agreement with the State it had been decided the trial would be postponed to next Monday.

Mr D Brunette, SC, Attorney-General of the Transvaal, said the case against the three might be concluded next week.

This was the third appearance by the three, who have not yet pleaded to the 22-page indictment.

They appeared to be jovial and happy when they appeared in court yesterday. Minutes before the proceedings started they chatted and laughed with friends, family members and their lawyers.

Mr Hunter wore a black suit, Mr Hanekom a brown suit and his wife a mauve-coloured dress.

They are alleged to be members or supporters of the banned ANC and are facing main charges of treason, alternatively three counts of contravening the Protection of Information Act, two counts of contravening the Internal Security Act and one of contravening the Publications Act.

The second charge is that they contravened the Riotous Assemblies Act with alternative charges under the Protection of Information Act.

The acts of treason are alleged to have been committed on Vaalbank Farm in Magaliesberg, Johannesburg, Pretoria and Gaborone in Botswana. The case has mainly to do with the alleged theft of secret and classified documents from offices of the military intelligence unit of the South African Defence Force.

Mr Hunter, who was a clerk at an office where he was undergoing military service, is alleged to have asked a librarian to steal a secret document for him.

Mr D Brunette, SC, and Dr Jan D'Oliviera appeared for the State. Mr E Wentzel, SC, with Mr N de Vos and Mr G Marcus appeared for the accused.

Ciskei terror trial postponed

MDA — Five men appeared briefly in the magistrate's court here yesterday on charges of terrorism, subversion and belonging to prohibited organisations.

The trial was postponed to October 9.

The accused were Mr Mzwandile Mampunya, Mr Mlamli Faku, Mr Mtutuzeli Sibewu, Mr Fikile Slotile and Mr Pumelele Dumezweni.

The state has alleged that the five committed the offences during the period from July 1983.

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

They were remanded. — DDR.

Mr F. Erasmus was on the bench. Mr A. F. Maxham appeared for the state and Mr H. K. V. Siwisa for the defence.

PAC member's appeal rejected

By STAN MZIMBA

SELF-CONFESSED PAC member Lawrence Vumankosi Ntikinca's appeal against his four year jail sentence was turned down by the Transkei appeal court this week under Transkei's public security laws.

When originally sentenced, the State had found that in October last year, he had taken part in PAC activities in Butterworth and Umtata.

He was found to have been in possession of a firearm and ammunition without licence.

He was also found guilty of stealing nine Transkei travel documents, an official date stamp and two official stamps of Transkei's Department of Interior.

Mr Ntikinca, a former clerk in the department, told the court he had obtained the official stamps, including travel documents, from a woman called "Nontandazo".

However, he had pleaded guilty to possessing a firearm and ammunition without a licence.

The court had also heard how Mr Ntikinca had persuaded a man called Mr Mayosi to join the PAC.

The appeal court found that his actions – obtaining travel documents and stamps – was clearly in the interest of the PAC.

Peyco leader is not guilty

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E. Post 17/9/84

THE president of the Port Elizabeth Youth Congress (Peyco) was today acquitted by the Port Elizabeth Regional Court of charges of intimidation and assault.

Mr Mkhuseli Jack, of Fumba Street, Zwide, was charged with intimidation by threatening to burn down the houses and physically hurting members of the Miluzi Adult Choir if they sang at a function attended by the wife of Bophuthatswana's President Lucas Mangope on January 22 at the War Memorial Hall in New Brighton.

The magistrate, Mr P Crous, said that because there was too much doubt in his mind as to what Mr Jack actually said on the day, Mr Jack was entitled to the benefit of that doubt and was accordingly acquitted.

Mr Crous said it was apparent that the three complainants were reluctant to give evidence against Mr Jack and when they did it deviated from their initial statements.

Mr H S Goosen appeared for the State. Mr F Nkanunu appeared for Mr Jack.

Dead in car

331 D. Dispatch DAILY DISP/

Captain: songs used for revolutionary aims

18/9/84.

EAST LONDON — The African National Congress used freedom songs and slogans at all social and public gatherings in order to instil a revolutionary feeling among people, a South African security policeman told the regional court here yesterday.

Captain C. E. van Wyk was testifying in the trial of Mr G. Mtati, of Mdantsane, who has been charged with promoting the aims of the ANC.

The state alleges that he induced other people to sing freedom songs on a train.

Captain Van Wyk said he had read many books on the ANC and had been attached to the police force for more than 13 years.

Constable V. S. Mncono, of the Railway security police, said he and other railway policemen boarded a train at Berlin. Their aim was to arrest people who promoted the aims of the ANC.

He said when the train reached Fort Jackson station commuters started singing.

At Egerton station the singing increased and the train filled to capacity. The number of commuters on the train decreased as the train approached the city.

He noticed that Mr Mtati was leading the singers.

A Sergeant Makapela, his superior, signalled to him so that they could arrest Mr Mtati. They were in plainclothes, Const Mncono said.

When they reached East London station, people were still singing and at one stage Mr Mtati delivered a short speech.

Sgt Makapela arrested Mr Mtati, Const Mncono said.

The case was postponed to November 21.

Mr S. van Zyl was on the bench. Mr D. Charteros appeared for the state. Mr G. Naidoo, instructed by Mr H. K. V. Siwasa, appeared for the defence. — DDR.

18/9/87 (331) D. Dispatch

Defence: no proof of intimidation

EAST LONDON — State witnesses had contradicted each other and there was no evidence that Mr David Poqi had intimidated bus commuters, his defence counsel told the regional court here yesterday.

Mr Poqi appeared on a charge of intimidation. It is alleged that he stoned a CTC bus in Jabavu Street in Duncan Village earlier this year and that his act was calculated to frighten away passengers from using buses.

Mr G. Naidoo, counsel for the defence, said the evidence of state witnesses could not be relied on.

The case was postponed to November 21 for judgment.

Mr D. S. van Zyl was on the bench. Mr D. Charteris appeared for the state. — DDR.

8 Everite workers are acquitted after unrest

Staff Reporter

EIGHT General Workers' Union shop stewards were acquitted yesterday of charges brought against them by their employers, Everite Asbestos Products in Brackenfell.

The workers, who were arrested in July after a hostel manager's office had been broken into and the contents damaged, were acquitted without the defence having to lead any evidence, according to a witness's report from the GWU secretary-general, Mr David Lewis.

The acquittal comes after months of unrest at the plant, including two strikes, stemming from dissatisfaction with the conduct of the hostel manager and the hostel supervisor, Mr Donald Diniso.

Management at the asbestos company has consistently refused to remove either Mr Diniso or the manager from their positions.

In his judgment in the Kuils River Magistrate's Court yesterday, the magistrate said the evidence of the prosecution, which used Mr Diniso as its main witness, was so unreliable as to justify acquittal.

According to Mr Lewis, the magistrate said he did not believe either Mr Diniso or the other State witnesses could possibly have identified the accused, and that by identifying the eight shop stewards, the witnesses had effectively drawn their own conclusions regarding responsibility for the alleged offence.

"The magistrate also said he had gained the impression that Mr Diniso had collaborated with the second witness in the preparation of his statement," Mr Lewis said. "We will not let the matter rest here and our attorneys are already investigating claims of damages."

Petrol bombing: 2c guilty

Staff Reporter

A 20-YEAR-OLD man and a 17-year-old youth were yesterday convicted in the Magistrate's Court of arson following the petrol-bomb attack last month on the home of one of the House of Representatives candidates, Mr John "Hansie" Christiaans.

A main charge of terrorism was withdrawn by the prosecutor.

Before they were asked to plead, the magistrate, Mr W J P Marais, ordered that the court be cleared because one of the accused was under the age of 18.

In a statement handed to the court, Mr Peter May, 20, of Marion Crescent, Ravensmead, and the youth, who may not be identified, pleaded guilty to the alternative charge of arson.

They said they had gone to the house of Mr Christiaans in the early hours of August 22 and had "unlawfully and deliberately" set fire to the house by throwing two petrol-bombs into it.

They further admitted that damage amounting to R2 000 had been caused.

The hearing was adjourned to September 27 for sentence in the Regional Court and the two were remanded.

In a letter attached to the charge sheet, the Attorney-General said it was "in the interest of law and order" that they be kept in custody and that no bail be granted until sentence had been passed.

Mr S Shrock appeared for the State. Mr P Sonn appeared for Mr May and the youth.

irm for Ci

woman for the company said such matters were not for the public.

In a statement, the Department of Public Affairs in Bisho, Ciskei, said the decision had been taken "after careful deliberation by the cabinet". On the issue of finance involved, it said that "to quote fees and expenses without the full and in-depth knowledge

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D. Dispatch

Court rules statements to police inadmissible

GRAHAMSTOWN — In the judgment yesterday for the trial within the treason trial being heard in the Supreme Court here it was ruled that all the statements made before magistrates by some of the 11 accused were admissible and could be used against them in court.

After a two-week adjournment, Mr Justice Howie was delivering judgment in a court filled with family and friends of the accused, as well as members of the public.

He further ruled that, with the exception of one of the accused, all the statements and admissions made to the police during their detention were inadmissible.

The judge ruled that Mr Rufus Nato Nzo, one of the accused, had made certain admissions to the police spontaneously. Mr Nzo had declined on two occasions to make a statement before a magistrate, which indicated that he enjoyed freedom of choice.

However, he ruled that a statement made by Mr Nzo on August 6 last year was inadmissible as he had not been warned according to the judge's rules.

He further said that Mr Nzo had made statements after returning from Cape Town where he received medical treatment, which "by inference must have been a deeply distressed period" for him, so making a statement which was unequal to the situation.

Mr Nzo was asked to write "the story of his life" to give the police a sample of his handwriting. His injuries were self-inflicted.

In the case for Mr Douglas Tyutyu, it was ruled that his two statements before a magistrate were admissible, while certain disclosures and a handwritten statement made to the police were inadmissible.

A statement made by Mr Sipho Hina to a magistrate was ruled admissible, while a statement he made to the police was ruled inadmissible.

Mr Justice Howie further said that the state had discharged an allegation by Mr Hina that he and his wife were pressurised by the police.

In the case of Mr N. W. Kane, 57, he said he had failed to discharge the onus on him and ruled a statement made by Mr Kane before a magistrate on June 3 last year as admissible.

A demonstration, a pointing out and the admissions made at that time by Mr N. N. Kane, the youngest of the accused were inadmissible, however, the statement made by Mr Kane before a magistrate was ruled admissible.

Mr Justice Howie said a statement made by Mr Vukile Tshiwula before a magistrate during seven weeks of detention was admissible as there was nothing to support claims that detention had had a debilitating effect on him at the time,

In the case of Mr Lindile Patric Nbelekana it was ruled that the evidence against him was inadmissible, although the court was satisfied that the state version was more acceptable.

The main trial will resume today. — DDC.

EVENING POST, THURSDAY, SEPTEMBER 20, 1984

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Packed Supreme Court hears ruling on statements

By SHIRLEY PRESSLY

GRAHAMSTOWN — A packed Supreme Court yesterday heard the presiding judge in a trial in which 11 men are facing several charges including treason, rule all statements to magistrates given by the accused while they were detainees admissable as evidence.

Mr Justice Howie was delivering his judgment in the trial within a trial on the admissibility of statements and admissions made to magistrates and police by the 11 accused.

However, with the exception of one, all statements made to police were ruled inadmissible by Mr Justice Howie.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face numerous charges including high treason, alternatively participation in acts of terrorism, murder, sabotage, undergoing military training, possession of military explosives, harbouring persons, and participating in the activities of unlawful organisations.

Referring to Mr Nzo, Mr Justice Howie found that what he said and did followed on his own spontaneous disclosure and was not induced by any extraneous factor.

The evidence of earlier contacts with the police had shown Mr Nzo to be prone to easy and ready communication.

His silence and failure to take the witness stand tended to strengthen the State's evidence.

But for the story of his life which he had been asked by police to write out as a handwriting sample, the State had succeeded in proving beyond reasonable doubt that statements to police by Mr Nzo and admissions by conduct were made freely and without undue influence.

Mr Justice Howie ruled that disclosures made to a police officer by Mr Douglas Tyutyu were inadmissible but his statement to a magistrate was ruled admissible as was his second confession to a magistrate.

His handwritten statement to police was ruled inadmissible. Excercise books of notes allegedly in his handwriting found at Mr Tyutyu's home "remain standing and open to challenge in the main case".

Statements made by him to an unidentified State witness while in detention were allowed to stand provisionally.

Mr Justice Howie ruled that statements made to a magistrate by Mr Hina was admissible and a statement to police was ruled inadmissible.

Refering to allegations of assault by police on Mr Ngqondla, Mr Justice Howie found that the State had disproved the allegations beyond all doubt.

A statement to a magistrate by Mr William Kame who had testified that he was induced by physical and mental pressures by police was ruled admissible by Howie.

Mr Justice Howie said that having weighed the evidence he found the State had beyond reasonable doubt disproved the accused's allegations of police brutality.

Mr Kame had testified that his various statements were prompted by assault and threats by police and unreasonable treatment during detention.

Mr Justice Howie ruled as inadmissible the disclosures made to police by Mr Kame on May 20 last year.

A demonstration of how to dismantle a rifle given by Mr Kame to a police officer was ruled inadmissible by Mr Howie.

Mr Justice Howie rejected evidence by Mr Nodlewu that he had made a statement to a magistrate because of police threats and assaults.

He ruled that a statement made to a magistrate by Mr Tshiwula after seven weeks in detention was admissible.

The trial continues today.

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Mdantsane murder accused not guilty

22/9/84 D. Dispatch 331

BISHO — Two Mdantsane men, Dr Menzeleli "Dubs" Msauli and Mr Zola Matlapeng, were found not guilty of murder and theft in the Supreme Court here yesterday.

Both had pleaded not guilty. The state alleged that they shot a member of the Ciskei Defence Force, Mr Sipho Fumanisa, who was guarding the Mzomhle High School in Mdantsane in August last year, and stole his G3 rifle.

Mr Chief Justice De Wet said the state had failed to prove its case beyond reasonable doubt.

He said he and two assessors found that a former member of the Ciskei Defence Force, Mr Livingstone Bangani, who was on guard duty with Mr Fumanisa, was an unmitigated liar and the court rejected his evidence.

Mr Bangani told the court yesterday that on the day in question while on guard duty he and Mr Fumanisa went to buy liquor at a shebeen. While they were drinking, Dr Msauli's car went past twice. On the next occasion they stopped it and searched it but found nothing.

Dr Msauli drove to a nearby house. They saw two girls jiving in the yard. The girls called them. Mr Fumanisa went there but he remained behind.

Mr Bangani said he saw Dr Msauli, Mr Fumanisa and others leaving in Dr Msauli's car. Later a woman came to him and told him that Mr Fumanisa was inviting him to come to drink where the others were. He did not go because he still had some liquor.

After some time the car went past him and stopped about 200 metres away. All the doors were opened and the occupants emerged. He heard two shots and saw Mr Fumanisa fall. The car drove off and he fired nine shots at it.

Under cross-examination he denied there was any confrontation with Dr Msauli during the car search. There were no threats and no abusive language was used.

Dr Msauli told the court that the soldiers who arrived at the house in which he was, demanded liquor and tobacco. They were drunk, rowdy and one kicked at the door and threatened to shoot.

In order to defuse the situation and calm the soldiers, he offered to take them to a shebeen so that they could buy their liquor. At the shebeen the soldier who was with them short-paid and he paid the balance.

Leaving the shebeen, he dropped the soldier and Mr Luvuyo Bali at a spot were the soldier had asked to be dropped off. Mr Bali was also dropped off. From there he went to his home to sleep.

On the following morning Mr Bali brought his pistol which he had kept in the car. He reprimanded him for having taken it and told him about the grave consequences of his actions.

He only realised that the firearm had been used when the police questioned him about the shooting incident.

The court was told that Mr Bali had not been traced.

Mr Chief Justice De Wet was on the Bench with two assessors, Mr Z. Qaba and Mr J. F. van der Riet. Mr M. P. Manentsa appeared for the state. Mr Justice Poswa, instructed by Mr Hintsa Siwisa of Mdantsane, appeared for the defence. — DDR.

Inebriated witness warned by judge

BISHO — The murder trial of a Mdantsane doctor and another man was yesterday postponed before lunch in the Supreme Court here because, the court was told, a member of the Ciskei Defence Force who was to have testified for the state was under the influence of liquor.

The court was told that Mr Livingstone Mbanga had been interviewed by both state and defence counsel and it was found that he was not in a position to testify. He had told counsel that he was not aware that he was going to give evidence yesterday and had drunk liquor in the morning.

Mr Mbanga was called by Mr Chief Justice De Wet and warned not to consume liquor that would make him incapable of testifying today.

Dr Memnzeleleli "Dubs" Msauli and Mr Zola Clive Matlapeng, both of Mdantsane have pleaded not guilty to murder and theft.

The state alleges that they shot a member of the Ciskei Defence Force who was guarding the Mzomhle High School in Mdantsane and stole his G3 rifle last year.

The incident took place during the state of emergency in the township last year.

Miss Fanisiwe Bokwe told the court that on August 26 last year two soldiers searched Dr Msauli's car near her home. One soldier began swearing and shouting at Dr Msauli saying he liked his job and threatened to shoot him. The second soldier said he should not shoot.

She said she and other passengers went into her home. As they entered the house one soldier shouted at Dr Msauli: "Do not go to Mzomhle and burn that school. We are going to look for liquor now."

She said shortly after a soldier knocked at the door. He said they wanted liquor and tobacco. When told that none were sold in the house he demanded that they open the door and that he be taken to where liquor could be bought. He swore at the people in the house.

The other soldier who had stood outside the yard called his friend and told him to get out of other people's yards. He refused to leave saying he wanted liquor and tobacco.

Miss Bokwe said they eventually accompanied one soldier to a shebeen. The other remained behind. At the shebeen house the soldier did not have enough money but he insisted that he wanted liquor and tobacco although he did not have enough money.

Dr Msauli counted out some money and bought what he wanted.

On the way back she was dropped at a spot and told to call the other soldier to come and drink.

She said she went to sleep and after a short while she heard three shots.

Miss Bokwe said both soldiers had had a lot to drink.

East London's principal district surgeon, Dr B. Wingreen, told the court that Mr Sipho Fumanisa, the dead member of the Ciskei Defence Force, died of a bullet wound in the abdomen.

He said Mr Fumanisa's body had a .24 alcohol content which meant he was moderately to strongly drunk.

Major Bob Ndevu told the court he found empty cartridges on the spot where Mr Fumanisa's body had been found.

During his investigation he went to Dr Msauli's house where he found him and Mr Matlapeng. He took away Dr Msauli's pistol which was licenced. He noted that it had been recently used because it had gunpowder on the muzzle.

The case continues today.

Chief Justice De Wet was on the bench with two assessors, Mr Z. Qaba and Mr J. F. van der Riet. Mr D. B. Hutchings appeared for the state. Mr Justice Poswa, instructed by Mr Hintsa Siwisa, appeared for the defence. — DDR.

Lecturer defines revolution for court

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E. Post

21/9/84

By SHIRLEY PRESSLY

GRAHAMSTOWN — Violence and radical change were both components of revolutionary change and one could not have a revolution without both components.

This was said today in the Grahamstown Supreme Court by a State witness, Mr Izak de Vries, a lecturer in political science at the Rand Afrikaans University, during cross-examination by Mr P Langa, for the defence, in a trial in which 11 men are apearing on several charges, including treason.

Mr De Vries said organisations like the Progressive Federal Party advocated radical change, but he could not find any reference to violence in these organisations so they were not revolutionary.

The South African Congress of Trade Unions (Sactu), the Pan-African Congress, the African National Congress and the South African Communist Party were revolutionary.

The ANC adopted a policy of violence only after 1960, and initially it concentrated on acts of sabotage.

Mr De Vries said Sactu was a revolutionary society, but also a trade union. It coupled political change with the economy and went one further by advocating violence.

Mr P J Strauss, SC, for the State, put it to Mr De Vries that Sactu was a labour relations arm of the ANC.

"There is an alliance, but they have their own power bases," said Mr De Vries.

He said there was co-operation in the breaking of the bourgeosie and overlapping of membership, but to say Sactu was the labour wing of the ANC was a subjective interpretation. Sactu was not established by the ANC.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

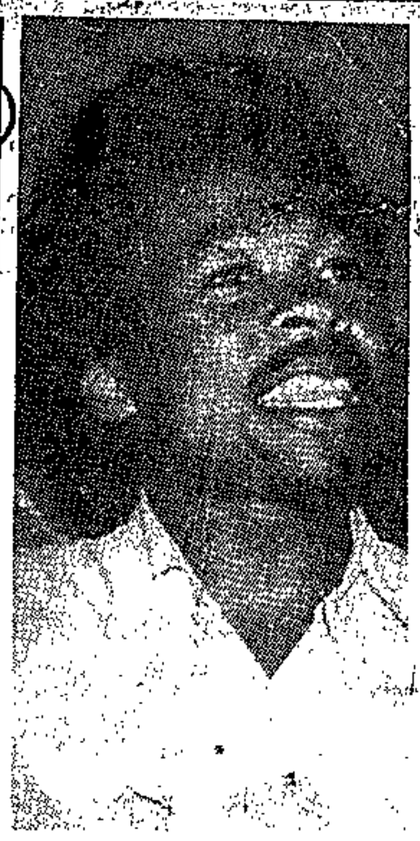
They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Peyco man goes free



MKHUSELI JACK: Acquitted.

PORT ELIZABETH Youth Congress leader Mkhuseli Jack was acquitted by the PE Regional Court this week on charges of intimidation and assault.

Mr Jack, 25, was alleged to have tried to persuade members of the Milonji choir not to sing at a function in honour of Bophuthatswana President Lucas Mangope's wife Lydia.

Mrs Mangope was guest of honour at a ceremony at the New Brighton war memorial, and the State claimed Mr Jack tried to disrupt the function.

The State said he told some of the singers their houses would be burnt down if they sang. It also claimed he assaulted three members of the choir — Gertrude Hato, Edith Lechoano and Sylvia Sidiki.

Magistrate P Crous ruled that the women had given conflicting evidence, and rejected it. He added that even if he accepted their evidence, it was quite apparent that they had not been threatened.

105 Ciskei mourners in court

CP Reporter

THE 105 men arrested by Ciskei cops on their way to the funeral of an SA Allied Workers' Union member appeared briefly in the Middeldrift Magistrate's Court this week for failing to produce proof of payment of Ciskei development tax.

The men were not asked to plead and no evidence was led.

Saawu is banned in Ciskei in terms of the National Security Act.

The State applied to the court that a warrant of arrest be issued against Mr Andile Shosha, 19, who failed to attend Monday's court proceedings.

Drama in trial as man refuses to testify

(331)

E. Post 24/9/84

By SHIRLEY PRESSLY

GRAHAMSTOWN — The trial in which 11 men are appearing on several charges, including treason and murder, took a dramatic turn today when a witness called by the prosecution refused to testify in the Grahamstown Supreme Court.

The witness may not be identified at this stage and was not given a code name for purposes of identification on the court record.

Mr Justice Howie warned the witness of the implications in terms of Section 204 of the Criminal Procedure Act and when the witness refused to be sworn in, he also warned him in terms in Section 189 of the Act.

"I have been informed by counsel for the State that he has called you to give evidence on behalf of the prosecution. He anticipates that some of your answers may incriminate you in matters relating to the charge sheet which the accused face. In terms of the Criminal Procedures Act you are obliged to give evidence," Mr Justice Howie told the witness.

The judge went on to explain that if anyone was required to give evidence in a criminal trial and refused to be sworn in, or having been sworn in refused to answer questions, the court could inquire into the refusal.

Unless there was a just excuse for the refusal, the court was empowered to sentence the person, and it could be as high as five years, depending on the charges before court.

"I'm not going to give evidence and I do not consent to be sworn in," said the witness.

Mr Justice Howie asked the witness whether he needed time to consider his decison in terms of a possible inquiry.

"I need no time. I have been thinking this over during 14 months in custody," said the witness.

When asked his reason for refusing to be sworn in, the witness said: "My reason is that I would not be different from Judas Iscariot who sold Jesus Christ and thereafter, Judas committed suicide and I do not want to be in that position.

"There is nothing more I need to think about and I do not need a legal advisor."

Mr Justice Howie then adjourned the court for the tea break to give the witness time to consider.

After the brief adjournment, the judge again asked the witness if he wanted legal representation. The witness asked for assistance in obtaining legal representation because he was in custody.

Mr Justice Howie said it would be best if the witness stood down until after the lunch recess while he (Mr Justice Howie) inquired from both counsel what could be done.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Four Sowetans appear on high treason charges

Four alleged African National Congress members, who are charged with high treason, appeared briefly in the Rand Supreme Court this morning.

The case was postponed till tomorrow pending further negotiations to expedite the matter.

The men are Mr Norman Nhlanzi (26), Mr Enoch Bibi Busi Nthombeni (22), Mr Samuel Vulindlela Myeni (28) and Mr Jabulanr Bartholomeu Makhubu (27), all of Soweto.

They are facing alternative charges of contravening sections of the Internal Security Act and the Terrorism Act.

It is alleged that during the period 1977 to 1983, the men underwent military training outside South Africa and attempted to sabotage power plants in Roodepoort, Vereeniging and Lenasia.

Appearances: Mr Acting Justice S S Steyn was on the Bench and Mr D H Foggot, assisted by Mr C Mailer and Mr E Dane appeared for the accused.

Secrets case: three accused convicted in closed court

Pretoria Correspondent

A former military intelligence clerk on trial at a closed hearing in the Pretoria Supreme Court has been convicted in terms of the Defence Act.

Roland Mark Hunter (25) of Torwood Road, Forest Town, Johannesburg, is on trial with Derek Andre Hanekom (31) and his wife Patricia Elizabeth, both of the farm Vaalbank near Magaliesburg. The Hanekoms were convicted of contravening the Internal Security and Publications Acts.

All three accused were charged with high treason in the original indictment.

The couple allegedly introduced Hunter to members of the banned African National Congress (ANC) and helped him communicate to the ANC information to which he had access as a military intelligence clerk.

They were never formally charged or asked to plead in open court. Mr Justice Curlewis ordered that the trial be held in complete secrecy.

When the court adjourned at tea-time today the Deputy Attorney-General, Dr Jan d'Oliveira, gave the Press a handwritten statement which merely said that Hunter was convicted of contravening the Defence Act and that both Hanekoms were convicted of contravening the Internal Security and Publications Acts.

The hearing continues behind closed doors as the State and defence teams are expected to argue about sentence.

Treason trial is again postponed

25/9/84 (3 3/)

By Fiona Macleod

The treason trial of four alleged members of the ANC was again postponed in the Rand Supreme Court today.

Defence advocate Mr D Soggot asked for the trial to be postponed until tomorrow as negotiations with the State were continuing and should be "settled in the course of the day".

The four Soweto men, accused of high treason and alternative charges under the Internal Security and Terrorism Acts, were due to stand trial yesterday.

About 68 witnesses were listed to testify in the trial. The court gallery has been packed with plainclothes policemen and security has been tight with uniformed police screening observers with metal detectors.

INDICTMENT

Among the allegations listed in the indictment against Mr Norman Mhlanzi (26), Mr Samuel Myeni (28), Mr Jabulani Makhubu (27), and Mr Enoch Nthombeni (22), are that they underwent military training outside South Africa to further the aims of the ANC.

It is alleged that between 1977 and 1983 they blew up offices in the Roodepoort City Centre building, two electricity distribution plants in Vereeniging and Lenasia, and attempted to sabotage a Roodepoort distribution plant.

On December 6 1983, Mr Mhlanzi was apprehended in Soweto with various explosives and firearms allegedly in his possession.

Sowetan 26/9/84 (331 (###)

The struggle continues, say released four

"A LUTA CONTINUA . . . the struggle continues." These were the words of four ex-Robben Island prisoners who were released from the Diepkloof Prison yesterday after serving five-year terms.

By SELLO RABOTHATA and SIBUSISO MABASO

The four are Martin Tebogo "Spencer" Mohau of Mofolo Village, Bontshi Lebeloane (24) of Dube Village, Johannes "Shuffle" Maruomo (24) of Zone 13, Sebokeng and Terrence "Tallman" Phiri (23) of Meadowlands.

There were scenes of jubilation at the homes of the four as they were reunited with their families, whom they last saw when they were about 16 and 17 years old. All four expressed joy at being released, although they were still concerned about those still left behind in prison.

The three ex-Soweto Student League (SSL) leaders, who were convicted of sabotage by a Vereeniging regional magistrate in 1979, said they are still dedicated to the struggle of the people in South Africa. The jail terms they served would not deter them from continuing with the struggle for a total change of the status quo in the country. And they vowed to join forces with the Azanian People's Organisation (Azapo).

They all had high praise for the progress made by trade unions, black organisations and others who are involved in the struggle for liberation. All four said they would carry on where they left off, even if it means detention or rearrest.

Puppet

Martin Mohau said: "We are happy that people who have been outside, have put more zeal in the struggle."

Bontshi Lebeloane said: "The stayaway that took place during the recent puppet elections must be commended."

All of them said although they are not as yet acclimatised to their "new" environment, nothing seems to have changed much in the five years that they have been in prison.

The four said they had no definite plans for their future as they still had to consult their parents and relatives. Marumo said he would have to seek a job because his brother, Petros, who was the breadwinner at home died while he was in prison.

26/9/89

Two guilty of treason

Two of the four Soweto men facing charges of high treason were today found guilty by a Rand Supreme Court judge.

Norman Mhlanzi (26) and Enoch Nthombeni (22), both of Soweto, submitted statements in which they pleaded guilty to the main charge of high treason.

In their statements, they confessed to being members of the African National Congress and to attempting to sabotage distribution plants at Princess in Roodepoort and Ennerdale in Vereeniging in 1982.

They denied blowing up an electricity plant in Lenasia on Christmas Day in 1982.

Mhlanzi further denied sabotaging offices in the city centre building in Luttig Street, Roodepoort, on June 28 1983.

The co-accused, Samuel Myeni (28) and Jabulani Makhubu (27), pleaded guilty to a third alternative count of contravening the Internal Security Act.

Mr Justice F S Steyn said the court would take cognisance of the admission when sentencing them.

Sentence was postponed to October 3.

Issel pleads not guilty

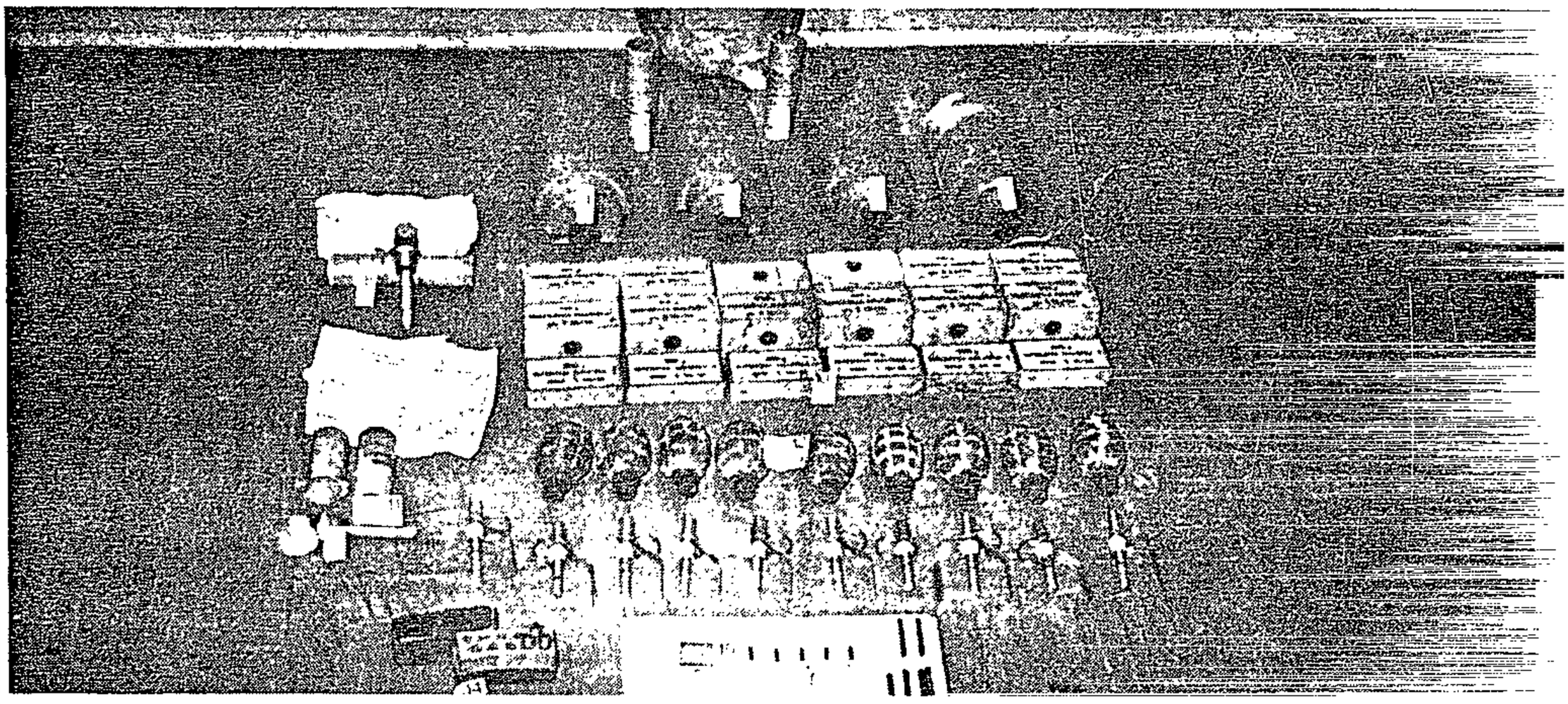
Times Staff Reporter

COMMUNITY leader John James Issel, 36, yesterday pleaded not guilty in Wynberg Regional Court to breaking the conditions of his banning order — restricting him to the Wynberg magisterial district — by leaving the area without magisterial permission.

The State alleges that Mr Issel, of Belgravia, Athlone, left Wynberg between December 26 last year and January 1, 1984 without permission. Mr Issel declined to disclose the basis of his defence.

The hearing was adjourned to October 22 and Mr Issel's bail of R50 was extended.

Mr A P Kotze was the magistrate. Mr J Bezuidenhout appeared for the State. Mr Issel was not represented.



Part of the munitions seized after the arrest of the four men: four limpet mines with boosters and detonators, 12 400g blocks of TNT, six 200g blocks of TNT, nine type F-1 handgrenades, 10 grenade detonators, safety fuse, 10 copper detonators and six delay strips.

Four Soweto men admit working for ANC

By NICOLA BEKKER

AFTER a trial lasting less than 45 minutes, two young Soweto men were yesterday convicted of high treason and two others found guilty of furthering the aims of the African National Congress by a Rand Supreme Court judge.

There were no black power salutes or defiant cries after the verdict was passed and the men turned calmly as policemen stepped forward to lead them to the cells.

Norman Mhlanzi, 26, Enoch Nthombeni, 22, Samuel Myeni, 28, and 27-year-old Jabulani Makhubu all admitted being actively involved in the ANC between 1977 and 1983.

The men were accused of several acts of sabotage, including the blasting of an electricity plant in Ennerdale, Vereeniging, on December 15 1982, the blowing up of an electricity plant in Lenasia on Christmas Day of the same year, and bombing the offices of the City Centre Building in Roodepoort on June 28 last year.

Mhlanzi and Nthombeni pleaded guilty to high treason, while Myeni and Makhubu pleaded guilty to contravening Section 13 (1) (4) and (5) of the Internal Security Act — or furthering the aims of the ANC.

Mhlanzi and Nthombeni admitted responsibility for the Ennerdale blast and admitted attempting to sabotage an electricity plant in Princess, Roodepoort.

However, both Mhlanzi and Nthombeni denied knowledge of the Lenasia explosion. Mhlanzi also pleaded not guilty to bombing the offices of the Roodepoort City Centre Building.

Mr Acting Justice F S Steyn convicted all four men according to their plea.

Sentence will be passed next Wednesday after an application for a postponment was heard by Mr David Soggot, who is leading the defence.

Mr Soggot asked for the postponment because, he said, he needed time to prepare evidence on mitigation.

Statements from all four men were submitted to court and admitted by the accused.

In the statements, it was said that Mhlanzi and Nthombeni fled to Swaziland in 1977 to "further their education", following the closure of schools in Soweto after the 1976 uprisings.

The two men came [illegible] contact with the ANC, [illegible] sent them to Mozambique for military training.

In September 1982, they were instructed to carry out sabotage missions on the West Rand and to look for "dead letter boxes" which apparently contained explosions.

Myeni, according to the statement, was contacted by Nthombeni, his cousin, who asked him to organise transport for himself and Mhlanzi.

Myeni and Makhubu transported their two co-accused on their various sabotage missions.

Services' cooks vie for top trophy and holiday prize

By CLARE HARPER

EXERCISE Thundersun is a military manoeuvre with a difference.

This time the South African Defence Force intends to improve catering by running a chefs' competition involving the Army, Navy, Air Force and Medical Services.

Yesterday five judges and members of the Press reported for special duty at the Chefs Brigade Unit at the Elandsfontein Catering School.

After a prompt briefing by the mission leader, Southern Sun's marketing director, Mr Jurgen Burmeister, an inspection of the catering school and sampling of SADF bush cooking took place.

Judges sampling the SADF's wares were two television personalities — Dorianne Berry and Rita Van Der Heever — a radio presenter, Wendy Gilmore, deputy-editor and food tester of the Sunday Times, Leslie Sellers, Colonel P Moolman, senior staff officer Funds and Institutions, and Billy Gallagher Southern Sun's executive chef.

Later next month the Army, Air Force, Navy and Medical Services will compete for the Best Chef of the Year award in Cape Town.

Each of the finalists will cook for 50 guests on a field kitchen.

The menus will include three courses — mixed hors d'oevres, a beef main course with vegetables and a baked dessert.

The winner will receive the Southern Sun Floating Trophy and a week's holiday at a hotel for two and a cheque of R1 000.

All four will win individual trophies for being the best chef in [illegible] arm of the service and runners will receive a weekend for two and a cheque for R500.

"Exercise Thundersun" was a gesture on behalf of the SADF to [illegible] the Press and guests just how meals are prepared in the bush, from baking bread in ant hills to creating refrigeration faciliites.

At the moment competitions are going on to choose the best chefs in units throughout the country to select eight contestants for the semi-finals

MUNDEL & BL
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28
In the

stayaway as schools reopen

By THELMA TUCH
Education Reporter

MORE than 110 000 pupils in the Vaal Triangle and on the East Rand continued to boycott classes yesterday when schools re-opened after the extended school holida[illegible] [illegible] 000 St[illegible] weto pupils [illegible]

with a directive from the DET to dismiss pupils at 10am due to the "climate" in the township.

There was an attendance ranging from 60% to 90% at Soweto schools yesterday, and the decision to dismiss pupils early "was not taken lightly", a DET regional director, Mr Philip Engelbrecht, said.

[illegible] Triangle, about

'Freedom' song as man leaves court

331 E.Post 27/9/84

CAPE TOWN — Supporters quietly sang a "freedom" song while leaving Wynberg Regional Court yesterday after the appearance of community leader Mr John "Johnny" James Issel, 36, who appeared on a charge of breaking the conditions of his banning order.

Mr Issel, of Athlone, pleaded not guilty to a charge that he had left the Wynberg magisterial district — to which he was confined in terms of his banning order — between December 26 last year and January 1, 1984, without the permission of the Wynberg magistrate. He declined to disclose the basis of his defence.

Captain F M du Preez, of the Cape Town security police, said he had served the banning order on Mr Issel on July 21 last year and it was effective until July 31, 1986.

Captain du Preez, who on a question from Mr Issel had difficulty defining the borders of the Wynberg magisterial district, conceded that when applications were received from banned persons to leave their magisterial districts, the security police were sometimes consulted to assist the magistrates concerned in determining whether the application was warranted.

Mr Issel put it to Capt du Preez that security police were "not much loved" among members of the public and there was laughter in the public gallery when Capt Du Preez replied that he had a "good relationship" with the public.

Mr Edward Turner, a former passport control officer at Kei Bridge border post, said he had processed and issued an emergency travel document in the name of Mr Issel in the early hours of December 26 last year.

Lieutenant W R Liebenberg, of the security police, said he had collected specimen signatures from Mr Issel after he had appeared in court previously and had forwarded them to the South African Criminal Bureau in Pretoria for analysis.

The hearing was adjourned to October 22 and Mr Issel's bail of R50 was extended. — Sapa

Men guilty of treason, ANC involvement

(331)
E. Post
27/9/85

JOHANNESBURG — After a trial lasting less than 45 minutes, two young Soweto men were yesterday convicted of high treason and two others were found guilty of furthering the aims of the African National Congress.

Norman Mhlanzi, 26, Enoch Nthombeni, 22, Samuel Myeni, 28, and 27-year-old Jabulani Makhubu all admitted in the Rand Supreme Court being actively involved in the ANC between 1977 and 1983.

The men were accused of several acts of sabotage, including a bomb attack on an electrical installation in Ennerdale, Vereeniging, on December 15, 1982, the blowing up of an electrical installation in Lenasia on Christmas Day of the same year and the bombing of the offices of the city centre building in Roodepoort on June 28 last year.

Mhlanzi and Nthombeni pleaded guilty to high treason. Myeni and Makhubu pleaded guilty to contravening Section 13 (1) (4) and (5) of the Internal Security Act, or furthering the aims of the ANC.

Mhlanzi and Nthombeni admitted responsibility for the Ennerdale blast and confessed that they attempted to sabotage an electrical installation in Princess, Roodepoort.

However, both Mhlanzi and Nthombeni denied knowledge of the Lenasia explosion. Mhlanzi also pleaded not guilty to bombing the offices of the Roodepoort city centre building. Sentence will be passed next Wednesday after an application by defence counsel for a postponement to prepare evidence in mitigation.

In statements submitted to court, Mhlanzi and Nthombeni said they came into contact with the ANC after going to Swaziland in 1977 to "further their education" after the closure of schools in Soweto.

The two were sent to Mozambique for military training by the ANC. — Sapa

Three are jailed for security law offences

331

Star

27/9/84

By Andrew Beattie

A former South African Defence Force clerk and a Magaliesburg couple were sentenced behind closed doors in the Pretoria Supreme Court today for contraventions of security legislation.

Roland Mark Hunter (25), of Forest Town, Johannesburg, a former national serviceman, was jailed for five years by Mr Justice D J Curlewis.

PUBLICATIONS

He was convicted on Tuesday in terms of section 118 (4) of the Defence Act for disclosing "sensitive military information".

Derek Andre Hanekom (31), of Vaalbank, Magaliesburg, was jailed for 24 months for possessing banned publications and breaching a clause of the Internal Security Act prohibiting possession or dissemination of publications produced by a banned organisation.

Hanekom's wife, Patricia Elizabeth (27), was jailed for 38 months for possessing banned publications and reproducing material produced by people restricted under the Internal Security Act.

No further details of the judgment or reasons for the convictions were made public.

The three were originally charged with having close links with the banned African National Congress and of furthering the organisation's interests.

Mr Justice Curlewis ordered the court to be cleared on Monday after it had been agreed by the State and defence legal teams that proceedings should be in camera.

Appearances: Mr Ernie Wentzel SC, assisted by Mr Nick de Vos and Mr Gilbert Marcus, appeared for the trio, instructed by Ms Kathy Satchwell.

The Attorney-General of the Transvaal, Mr Don Brunette SC, assisted by Dr John D'Oliviera, appeared for the State.

Labour trial: police role questioned

16/8/84 331 Star

By Don Holliday

Police intervention in labour disputes should be seen as a last resort, Professor Nicolas Wiehahn, professor of law at the University of South Africa, told a Potchefstroom regional magistrate yesterday.

Professor Wiehahn was giving evidence in the trial of the general secretary of the Food and Beverage Workers' Union (FBWU), Mr Leonard Sikhakane.

Mr Sikhakane and 26 workers have been charged under the Internal Security Act.

Mr Sikhakane is alleged to have illegally convened and addressed a crowd of workers on February 23.

The workers were allegedly dismissed from the Chubby Chicks Poultry Farm for announcing their intention to join the FBWU.

A proclamation in the March 25 1983 issue of the Government Gazette prohibited gatherings of any kind — except bona fide sports meetings, meetings taking place between four walls and those given written consent by the local authority — during the period April 1 1983 to March 31 1984 in terms of the Internal Security Act of 1982.

The 26 workers are charged with having attended an illegal gathering.

Professor Wiehahn said the Act was intended to prohibit meetings which could lead to the overthrow of the Government. This meeting was a result of an internal dispute between employer and employees.

"Mr Sikhakane's role in the dispute was an accepted mode of action," he said.

The hearing continues.

Cradock statements disputed

(531) D. Dispatch 17/8/64

SOMERSET EAST — A trial within a trial, to determine the admissibility of statements taken from two 14-year-old boys, began in the regional court here yesterday.

The boys are among 29 Cradock pupils who have pleaded not guilty to five charges involving public violence, assault, intimidation and malicious damage to property.

Six policemen were called by the state yesterday after Mr H. K. Naidu, for the defence objected to the admissibility of certain statements, claiming they were not given freely or voluntarily.

Captain Johan van Zyl, said he had arrested about seven youths, including a 14-year-old boy, between 3 and 5 am on May 1.

He said the children had been taken to police headquarters and he had questioned the 14-year-old first.

He had explained to the boy that he was not obliged to reply to any questions and the youth had made a statement admitting being involved in the incidents.

Mr Naidu said the boy had denied involvement in the events, and had made a statement only after he had been physically assaulted.

Capt Van Zyl denied he had assaulted the boy.

Sergeant Matthew Mpokeli, who acted as interpreter for Capt Van Zyl, said he was called to assist Capt Van Zyl in questioning the 14-year-old boy.

He said the youth had spoken freely and was not assaulted in his presence.

Major Petrus Botes told the court he had taken a statement from the other 14-year-old on May 9. He said Warrant Officer Vosloo de Beer had brought the child to him at 10.40 am, explaining he wished to make a statement. Sergeant Sindile Oyiya had acted as interpreter.

Maj Botes said the boy had understood the legal implications of making a statement. He had seemed relaxed and denied being assaulted or forced to make a statement.

Mr Naidu said the boy would say he had been assaulted in the gymnasium by two policemen in the presence of Sgt Oyiya and that Sgt Oyiya had asked the boy to carry weights in his hands and instructed him not to put them down until he was prepared to answer his questions. Sgt Oyiya denied these claims.

The hearing continues today. — DDC.

UDF supporters appear in court

Staff Reporter

ELEVEN members of the United Democratic Front appeared briefly in the Wynberg Magistrate's Court yesterday in separate cases of public violence, attending illegal gatherings and malicious damage to property.

In the first case, the State alleged that Ms Theresa Solomon, 39, of Orpheus Crescent, Mitchells Plain, Mr Logan Wort, 20, of Chiat Road, Rocklands, Ms Lucille Meyer, 23, of Bellingham Road, Westridge, Mr Trevor Manuel, 28, of Seventh Street, Kensington, Mr Vivian Petersen, 26, of Capricorn Road, Rocklands and Mr Marcus Solomon, 45, of Orpheus Crescent, Woodlands, with about 60 other people, had assembled with a common intent to disrupt a public meeting of the People's Congress Party (PCP).

The State further alleged that they had assaulted Mr Marc Matebe, Ms Charlotte Delacruz and Mr Peter Marais.

In the second case the State alleged that Ms Shahieda Issel, 28, of Kraai Road, Rocklands, Ms Sharon Davids, 20, of Envoy Crescent, Rocklands, Mr Faiek Rhode, 21, of Orpheus Crescent, Woodlands, Mr Peter Martin Mentoor, 26, of Kransduinen Road, Westridge, Ms Theresa Solomon, Ms Lucille Meyer and Mr Logan Wort had contravened the Internal Security Act by attending an illegal gathering.

In the third case the State alleged that Ms Belinda Newman, 18, of Sapphire Road, Rocklands, Mr Basil Mashappi, 21, of Mitchells Avenue, Woodlands, Ms Theresa Solomon, Ms Lucille Meyer, Ms Sharon Davids and Mr Faiek Rhode had contravened the Internal Security Act on July 6 by attending an illegal gathering at Mitchells Plain.

In the fourth case the State alleged that Ms Lucille Meyer and Ms Theresa Solomon had maliciously damaged property.

None of the accused was asked to plead to any of the charges and all the hearings were adjourned to September 6.

Mr D J Visagie was the magistrate. Mrs P J Atkinson appeared for the State. Mr E Moosa and Mr R Vassen appeared for all the accused.

Peyco president acquitted

331 IIIA

C. Press 19/8/84

PORT Elizabeth Youth Congress president Mkhuseli Jack and Simon Dyaneli were found not guilty of attempted murder by a New Brighton magistrate this week.

Both Mr Jack and Mr Dyaneli had pleaded not guilty of attempting to murder Patrick Dlongwana in Zwide on March 23.

Mr Dlongwana — the only witness in the case — alleged that they were part of a group which threw stones at him, shot and robbed him in Koyana Street on the evening of March 23.

He claimed that when he fell, he saw Mr Dyaneli standing behind him and heard Mr Jack saying all informers must be killed.

on of judges to hear political trials

— raised the subject in University of the Witsrand.

The allocation of Judges in political trials is a sensitive subect. JOHN DUGARD, professor of law and director of the Centre for Applied Legal Studies, Witwatersrand University, examines the situation in an editorial which appeared in the latest issue of Lawyers for Human Rights Bulletin.

chargers who spilt dragon's blood all over Europe in the Dark Ages.

What happens when Charley Brown lays his successes at his beloved's feet? As a modern feminist, she either doesn't even notice his existence or alternatively goes out there on the plate and hits a home run just to show how easy it is.

In her ears are the cheers of her "fellows", all acclaiming the goal of overthrowing male dominance while unconsciously neutering their own gender.

True, Ms Greer has since explained her excesses by pointing out that you can't make an omelette without breaking a few eggs. Everybody makes mistakes in a trial and error situation, and where nobody had gone before it was to be expected that some would lose the trail.

I believe that few achievements of humankind are unrelated to sexual dynamics. Every fullblooded male has his little red-haired girl; and every

"The responsibility must lie somewhere else. The matter requires investigation, not merely an awkward silence."

Later that year I spoke on the same subject at a conference on Detention and Security Legislation in Durban. I said: ". . . I have made a study of security trials held in the Transvaal reported in the Press. Although I do not claim complete accuracy for my figures, I am satisfied that they are reliable insofar as they provide evidence of a pattern in relation to 'political trials'.

"From this study it appears that from 1978 to 1982 (inclusive) there were 25 trials in the Transvaal of persons charged with treason, terrorism, sabotage or serious offences under the Internal Security Act . . . before the Supreme Court.

"These cases were tried by 12 judges of the 45 judges and acting judges who sat on the Transvaal Provincial Division during the period 1978-1982. Moreover, eight judges heard 21 of these cases.

"In effect this means that about 17 per cent of the Transvaal judiciary (including acting judges) heard 84 per cent of the cases in question. One can break this figure down still further: 13 of the cases were heard by four judges — that is, less than 10 per cent of the judges tried 52 per cent of the cases."

It continued: ". . . it is vitally important that the general public should have confidence that our courts will maintain absolute impartiality at all times and especially in cases involving subject and State. Judges should guard against a belief that those somewhat exalted notions regarding the administration of justice which they themselves may cherish are shared by the general public.

"The latter, as the evidence before this Commission repeatedly showed, often regard the administration of justice with a jaundiced and even a cynical eye. Confidence in the law is a fragile plant. Any noticeable tendency for only certain judges to be assigned to preside at criminal trials involving the security of the State would run counter to the proud tradition of our administration of justice; it would debase the judicial office; and inevitably breed suspicion and disquiet.

"That the satisfactory manning of the courts of the overworked Transvaal Bench gives rise to troublesome administrative problems and calls for much ingenuity and resource, need hardly be said.

"Making full allowance, therefore, the Commission is however of the opinion that, in the assignment of judges to preside at sensitive criminal trials, it is in the interests of the proper administration of justice that, so far as may be

For a start it would seem obvious that those judges who have recently tried persons on charges of treason in cases that have received widespread national and international publicity, should be excused from presiding over treason trials and serious charges under the Internal Security Act until their brethren on the bench have also had an opportunity of trying such cases.

In this way only will public confidence be restored. This accords with the view of the Hoexter Commission that the interests of justice would best be served by the "even distribution of such work among all the available judges".

This problem was considered by the Hoexter Commission in the context of the appointment of judges to hear political trials in the Transvaal.

It might, therefore, be helpful to those responsible for the appointment of judges in future political trials to identify the main trials during the past few years and the judges who have presided over such trials, so that these judges are exempted from allocation to political trials until a wider range of judges has presided over such trials.

The trials and judges which have received the most attention in recent years are:

- State v Lubisi and others. Trial judge, Mr Justice J. P. O. de Villiers.
- State v Tsotsobe and others. Trial judge, Mr Justice C. D. J. Theron.
- State v Hogan. Trial judge, Mr Justice H. P. van Dyk.
- State v Mogoerane and others. Trial judge, Mr Justice D. J. Curlewis.

Three of these cases, the first two and the last, were debated in both the Security Council and the General Assembly of the United Nations and resulted in resolutions

comments made by Mr Justice Curlewis in passing sentences of death.

The remarks of Mr Justice Curlewis, which liken the activities of the ANC to those of the PLO, have been widely publicised.

For instance, an article in the British International and Comparative Law Quarterly, castigates Mr Justice Curlewis' comments and concludes that his judgment simply bolsters the growing criticism that the South African judiciary "is merely part of repressive, racist machinery".

Judges who have become closely identified with the hearing of political trials as a result of publicity, find themselves, in the wake of the Hoexter Commission report, exposed to applications for recusal.

The law on the subject of recusal is notoriously uncertain, but there can be no doubt that some of the broader tests enunciated would support an argument that a judge should recuse himself when he is perceived by those sections of the public sympathetic to the accused in a political trial, to have been chosen to hear the case by reason of his handling of earlier political trials.

The test that immediately comes to mind is that contained in an obiter dictum (in Britain) by Lord Esher in Eckersley v Mersey Docks and Harbour Board:

"Not only must (judges) not be biased, but . . . even though it be demonstrated that they would not be biased, they ought not to act as judges in a matter where the circumstances are such that people — not necessarily reasonable people, but many people — would suspect them of being biased."

Although applications of this kind might fail, they would cause considerable harm to the reputation of our system of justice among many sections of the population because they would lend support to the suspicion that those in authority are determined to permit only a small number of carefully chosen judges to hear

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The allocation of Judg is a sensitive subject professor of law and for Applied Legal St University, examines editorial which app issue of Lawyers for lei

For several years there has been concern by lawyers and informed laymen about the allocation of judges to hear political trials. Until 1982 the subject was deemed to be too sensitive to raise publicly.

However, in 1982 Advocate Sydney Kentridge, SC, raised the matter in an address at the University of the Witwatersrand.

In this address Mr Kentridge said: "There is another development in our judicial system which I find even more disturbing, and which has too long got by without public comment, although well known in the legal profession.

"Over the past several years a certain pattern has become apparent in relation to trials for serious political offences. I know that whenever anyone talks of political offences some minister or policeman says there is no such thing. People in this country are charged only for ordinary crimes.

"But in fact no one really has any doubt about what is meant by a political offence. By political offences I mean offences committed with political motives — such as offences under the Internal Security Act or high treason.

"In certain parts of the country, at least, it has become obvious that trials of persons charged with these offences are usually heard not at random by all or any of the available members of the Supreme Court bench, but only by a section of the members of that bench.

"Time and again the same few judges seem to sit in these cases. Many senior judges, who have been 10 years or more on the bench, have never found themselves presiding over such a trial. Why this should be so it is impossible to discern.

"One does not know either . . . on what basis the prosecuting authorities set down the cases for hearing. But the pattern has been too clear, at least in some divisions of the Supreme Court, to allow it to be dismissed as coincidence.

"This is disturbing, because there ought never to be the slightest suspicion that the courts are being manipulated. The judges themselves, I am certain, are not, and could not be, parties to this selectivity.

Mr Sydney Kentridge — raised the subject in an address at the University of the Witwatersrand.

"The responsibility must lie somewhere else. The matter requires investigation, not merely an awkward silence."

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Feminists neutering their own gender

There was a time in my life when I thought that a feminist was a particularly female female.

That was when I was struggling to learn a second language and long before Ms Greer took her skin off to let the public have a look inside.

I still relate feminism to femaleness, even though it has been shoved down my throat often enough that one is an attribute of power politics and the other an attribute of sex.

Now that I'm older and know a bit more about women, I realise that I don't have enough information to form an opinion. The reason for this is that the average feminist, who insists that she represents all women, doesn't know what she wants.

The Chris Barnard column

dren over for a holiday — the feminists were barnstorming every political platform they could reach.

Those were the days of lurid posters showing clenched fists thrust out of female crotches and rear view shots of a very leggy woman standing in

continue with the vote. The theory is that once enough heads have rolled, the voters will get the message.

The trouble with the feminist guillotine was that it emasculated more than male chauvinism; it negated the very potency that made the target an attractive exercise.

Little boys worldwide have always been brought up on the principle that the top of the heap is worth attaining and that the citadel is worth the storming. They aren't doing it for themselves alone. At the back of their minds is always a little girl they are trying to impress.

As adult males they hold the unshakable view that girls are desirable. If something is thought desirable, it follows that it is desired. Hence the widening of

chargers who spilt dragon's blood all over Europe in the Dark Ages.

What happens when Charley Brown lays his successes at his beloved's feet? As a modern feminist, she either doesn't even notice his existence or alternatively goes out there on the plate and hits a home run just to show how easy it is.

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high treason. this selectivity. watersrand.

Feminists neutering their own gender

There was a time in my life when I thought that a feminist was a particularly female female.

That was when I was struggling to learn a second language and long before Ms Greer took her skin off to let the public have a look inside.

I still relate feminism to femaleness, even though it has been shoved down my throat often enough that one is an attribute of power politics and the other an attribute of sex.

Now that I'm older and know a bit more about women, I realise that I don't have enough information to form an opinion. The reason for this is that the average feminist, who insists that she represents all women, doesn't know what she wants.

If feminists, and by implication all women, don't know what they want, how can the average male ever be able to supply it?

I spent my life thinking that women were just people. To a male they are obviously nicer people than other males, but still people with all the wants and desires of ordinary beings.

Around about the time that I was shovelling snow off sidewalks in an American city — trying to earn a few bucks to bring my wife and children over for a holiday — the feminists were barnstorming every political platform they could reach.

The Chris Barnard column

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Suddenly women everywhere were burning bras and hurling lipsticks into the wastebasket. In Europe they added their shaving razors, which produced some contradictory stances — such as a whole generation of photographic models with underarm hair.

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The trouble with the feminist guillotine was that it emasculated more than male chauvinism; it negated the very potency that made the target an attractive exercise.

Little boys worldwide have always been brought up on the principle that the top of the heap is worth attaining and that the citadel is worth the storming. They aren't doing it for themselves alone. At the back of their minds is always a little girl they are trying to impress.

As adult males they hold the unshakable view that girls are desirable. If something is thought desirable, it follows that it is desired. Hence the widening of male eyes at the sight of a passing female.

But the feminists, beating a simplistic kind of drum, call this attitude "predatory" and talk about "sexual harassment".

Charley Brown's ideal had red hair. He went through hell and high water for her. He never engaged in anything more strenuous than a local baseball game, but essentially his world wasn't any different from the one inhabited by the knights on white chargers who spilt dragon's blood all over Europe in the Dark Ages.

What happens when Charley Brown lays his successes at his beloved's feet? As a modern feminist, she either doesn't even notice his existence or alternatively goes out there on the plate and hits a home run just to show how easy it is.

In her ears are the cheers of her "fellows", all acclaiming the goal of overthrowing male dominance while unconsciously neutering their own gender.

True, Ms Greer has since explained her excesses by pointing out that you can't make an omelette without breaking a few eggs. Everybody makes mistakes in a trial and error situation, and where nobody had gone before it was to be expected that some would lose the trail.

I believe that few achievements of humankind are unrelated to sexual dynamics. Every fullblooded male has his little redhaired girl; and every feminine female her knight on a white charger.

You don't have to be a Freud to understand why Napoleon plundered Europe, how Helen caused the destruction of Troy, or even what drove Neil Armstrong to take one giant step for "mankind".

Perhaps it is high time the feminists took a look at the theory that if there is a wrist to be slapped, perhaps it belongs to the hand that rocks the cradle.

accuracy for my figures, I am satisfied that they are reliable insofar as they provide evidence of a pattern in relation to 'political trials'.

"From this study it appears that from 1978 to 1982 (inclusive) there were 25 trials in the Transvaal of persons charged with treason, terrorism, sabotage or serious offences under the Internal Security Act . . . before the Supreme Court.

"These cases were tried by 12 judges of the 45 judges and acting judges who sat on the Transvaal Provincial Division during the period 1978-1982. Moreover, eight judges heard 21 of these cases.

"In effect this means that about 17 per cent of the Transvaal judiciary (including acting judges) heard 84 per cent of the cases in question. One can break this figure down still further: 13 of the cases were heard by four judges — that is, less than 10 per cent of the judges tried 52 per cent of the cases."

This matter was considered by the Commission of Enquiry into the Structure and Functioning of the Courts under the chairmanship of Mr Justice G. G. Hoexter in its fifth and final report.

In this report the Commission considered the addresses I've mentioned and concluded that it was not able to "arrive at any final finding" on this subject. The Commission then went on to state that this "does not entirely dispose of the matter".

shared by the general public.

"The latter, as the evidence before this Commission repeatedly showed, often regard the administration of justice with a jaundiced and even a cynical eye. Confidence in the law is a fragile plant. Any noticeable tendency for only certain judges to be assigned to preside at criminal trials involving the security of the State would run counter to the proud tradition of our administration of justice; it would debase the judicial office; and inevitably breed suspicion and disquiet.

"That the satisfactory manning of the courts of the overworked Transvaal Bench gives rise to troublesome administrative problems and calls for much ingenuity and resource, need hardly be said.

"Making full allowance, therefore, the Commission is however of the opinion that, in the assignment of judges to preside at sensitive criminal trials, it is in the interests of the proper administration of justice that, so far as may be practicable, an attempt should be made to achieve an even distribution of such work among all the available judges."

Now that a judicial commission of enquiry has raised this issue directly, it is important that those responsible for the allocation of judges to preside over political trials should be particularly sensitive to public perceptions in the making of such appointments.

... might, therefore, be helpful to those responsible for the appointment of judges in future political trials to identify the main trials during the past few years and the judges who have presided over such trials, so that these judges are exempted from allocation to political trials until a wider range of judges has presided over such trials.

The trials and judges which have received the most attention in recent years are:

- State v Lubisi and others. Trial judge, Mr Justice J. P. O. de Villiers.
- State v Tsotsobe and others. Trial judge, Mr Justice C. D. J. Theron.
- State v Hogan. Trial judge, Mr Justice H. P. van Dyk.
- State v Mogoerane and others. Trial judge, Mr Justice D. J. Curlewis.

Three of these cases, the first two and the last, were debated in both the Security Council and the General Assembly of the United Nations and resulted in resolutions from these bodies calling upon the South African Government not to execute those sentenced to death.

All four cases received considerable attention nationally largely on account of the severity of the sentences imposed.

The State v Mogoerane and others probably received the most attention, first, because the three men sentenced to death were subsequently executed and, secondly, on account of the

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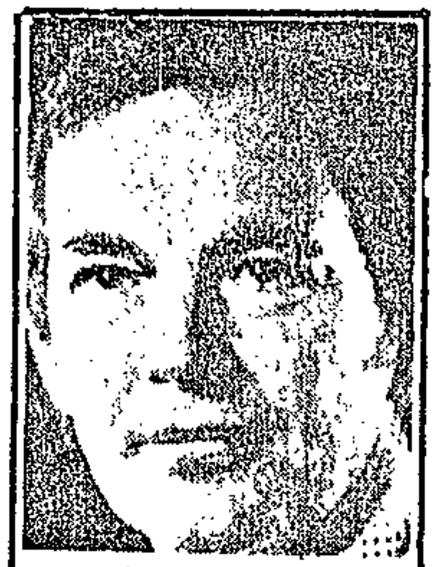

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The test that immediately comes to mind is that contained in an obiter dictum (in Britain) by Lord Esher in Eckersley v Mersey Docks and Harbour Board:

"Not only must (judges) not be biased, but . . . even though it be demonstrated that they would not be biased, they ought not to act as judges in a matter where the circumstances are such that people — not necessarily reasonable people, but many people — would suspect them of being biased."

Although applications of this kind might fail, they would cause considerable harm to the reputation of our system of justice among many sections of the population because they would lend support to the suspicion that those in authority are determined to permit only a small number of carefully chosen judges to hear political trials.

"Confidence in the law is a fragile plant," said the Hoexter Commission. If this confidence is to be maintained or, perhaps restored, it is essential that the subject of the allocation of judges to hear political trials be defused.

It will not be defused by the continuation of a practice described by the Hoexter Commission as one that debases the judicial office and breeds suspicion and disquiet.

Demo in court: 7 charged

By Janine Simon

Mrs Helen Joseph (78) and six others appeared before a Johannesburg Regional Court magistrate today charged with singing songs and giving black power salutes at a preliminary hearing of a case involving Carl Niehaus and Johanna Lourens — who were later indicted of high treason in the Supreme Court.

All seven pleaded not guilty to demonstrating in court, and alternatively to taking part in demonstrations and contempt of court.

They are Mrs Joseph, of Norwood; Miss Heather Lynn Barclay (19), of Linksfield; Mr Madikve Thomas Mathate (43), of Orlando West; Mr Michael Roussos (28), of Berea; Miss Maria Benita Pavlicevic (27), of Berea; Mrs Beile Reise Rollnick (58), of Yeoville; Miss Kerrie Frances Shepard (25), of Mayfair.

Mr Valiant Raditse, the interpreter at the Niehaus and Lourens hearing, said today he had heard one line in Zulu sung three times from the public gallery. The line "Abuntu wozani nonte ncbambhaue ngezondle" means "People come together and stand together".

He said the basement court had been full and denied that the magistrate had already remanded the case when the singing was heard.

Brigadier Lourens Malan of the Security Police said the case had already been remanded when there were shouts of "Amandla", singing and black power signs from the public gallery. "It was spontaneous and came like a bolt out of the blue," he said.

The magistrate then ordered the court doors to be locked and left the room, the brigadier said. After a few minutes the brigadier gave orders for police to take names and addresses of people leaving the court, he said.

The hearing continues.

'Lessons' land 7 in court

Sowetan 23/5/84 (331)

A young Lamontville man who tried to leave South Africa to join the banned African National Congress and learn about guns told the Durban Regional Court how his attempt failed when he was deported from Lesotho.

The man, who cannot be identified, was giving evidence before Mr G B Smit at the trial of Mr Thembinkosi Wellington Marrand, Mr Ephraim Thamsanqa Mthethwa, Mr Sibusiso Richard Mathebula, Mr Phelelani Petros Mshengu, Mr Lucky Welcome Maphumulo, Mr Frederick Sipho Themba Msomi and Mr Aleck Chirwa.

They have all pleaded not guilty to a charge of contravening the Internal Security Act.

Mr Mshengu has also pleaded not guilty to a charge of contravening the Internal Security Act.

Book

Mr Mshengu has also pleaded not guilty to a charge of possession a document which indicated he was an office bearer or associated with the ANC and with possessing a banned book written by Nelson Mandela.

The witness told the court that during November last year he and Mr Chirwa and another man discussed joining the ANC and learning about guns.

They first contacted Mr Mathebula, then later Mr Mthethwa before meeting Mr Marrand.

Eventually arrangements were made and they went by train to Matatiele and by bus into the Transkei.

They then went by van and on foot into Lesotho.

While they were in Lesotho they were contacted by the police and put across the border back into the Transkei.

They were later arrested.

The trial continues.

7 appear in court over Electoral Act

Staff Reporter

SEVEN people made separate appearances in the Wynberg Magistrate's Court yesterday in connection with the contravention of the Electoral Act on August 22.

They were: Mrs Shahieda Issel, 28, of Kraai Weg, Rocklands, Mitchells Plain; Mr Clive Dowman, 19, of Mayfair Close, Portlands; Mr Henry Capes, 23, of Cupido Street, Bellville South; Mr Lionel Slammet, 25, of Bouer Street, Mandalay; Miss Lucille Meyer, 23, of Bellingham Crescent, Westridge; Mr William Simmers, 44, of Chat Street, Rocklands, Mitchells Plain, and Mrs Theresa Solomons, 39, of Orpheus Crescent, Woodlands, Mitchells Plain.

They were not asked to plead to contravening section 131 (1) of the Electoral Act and no evidence was led.

The hearings were adjourned to September 6 and all seven accused were warned to appear.

Mr D J Visagie was the magistrate. Mr C McGillewie appeared for the State. Mr E Moosa appeared for all seven accused.

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the facts

IN a report yesterday on the drowning of Mr Louis Loock, 37-year-old son of a former senator, Dr Jack Loock, the surname was inadvertently spelt as Lock.

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That's askii too much, Oliver . . .

By DIANE CASSERE

IT SEEMS that Oliver Twist's problems are not over yet, in spite of the happy ending to the Dickens story.

This time it's the staging of the musical based on his life that is causing the problem. Pinelands High School staged it at the school in June and Capab had offered to give the play three nights and a matinee at the Nico Malan Theatre from September 27 to 29.

But the Baxter Theatre holds the sole performing rights for "Oliver" in South Africa till January 1986, and the Nico staging has had to be cancelled.

The Baxter management knew of the school production and it had no objection — till Capab offered it a venue on the professional stage.

While Capab's management says that the Pinelands High production could not prejudice that of the Baxter, the management of the other theatre feels that it has had to make a business, and not an emotional, decision.

Mr Mike Cloete, planning director for Capab, yesterday issued a statement in conjunction with the headmaster fo the school, Mr Colin Thomson:

"When Capab officials saw the production, they were so impressed that they offered to host the school for three days in September.

"Unbeknown to either Capab or the school, the Baxter Theatre had purchased the sole performing rights for this play until January 1986.

"The London agents were prepared to release the rights only if the Baxter Theatre agreed, but pleas from Capab and the school have not been successful.

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Treason trial accused trapped by his own words, court told

By JOHN CLARK

GRAHAMSTOWN — One of the accused in the treason trial being heard in the Grahamstown Supreme Court was said to have been "trapped by his own words" when he alleged he was influenced to make a statement described to him by security policemen as a "death warrant".

This was said today by Mr P J Strauss, SC, for the State, during the prosecution's argument in the trial within a trial.

The 11 men on trial are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine-guns, hand-grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

Mr Strauss said Mr Tshiwula had told a magistrate he had chosen to make a statement.

He also told a magistrate that nothing out of the ordinary had caused him to make this decision.

He had also spoken of being a State witness.

When giving evidence, Mr Tshiwula had said he had been told to make a statement to a magistrate, what to say and that it was his "death warrant".

Mr Strauss said Mr Tshiwula had been trapped by his own words. He said it was highly improbable and unacceptable that he would have made such a statement knowing it would seal his fate.

Mr Strauss said Mr Tshiwula had contradicted himself when describing to the court the influences which made him give the statement.

Doctors who examined him found no sign of injuries allegedly inflicted on him by the police.

Mr W Kingsley, for the State, said Mr William Kame, 57, had freely and voluntarily made a statement to a magistrate on June 3, last year.

He said Mr Kame's version of the influences relating to his making a statement were disputed by the evidence of State witnesses.

He said Mr Kame was an extremely unsatisfactory witness who was evasive and contradicted himself and statements made on his behalf by the defence counsel.

Mr Kame had blamed his counsel for omissions and contradictions in his evidence.

He had fabricated a story of police beatings in his version of the events leading up to his second detention.

Mr Kame said he had not told his employer of beatings he had received from police when held the first time.

Mr Kingsley said this was highly improbable when one considered the severity of the alleged beatings.

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co. of Port Elizabeth, appeared for the defence.

Court rejects man's claim in treason trial

331 E. Post

29/8/84

By JOHN CLARKE

GRAHAMSTOWN — The prosecution today rejected a claim by an accused appearing in the Grahamstown Supreme Court on charges of high treason that police had harassed his wife to cause her to lose her job so as to influence him to make a statement to the police.

Mr P J Strauss, for the State, said Mr Sipho Hina, 44, had fabricated this evidence.

The State had called Mr Hina's wife employer who said that Mrs Hina had left his employ before Mr Hina was arrested.

Mr Hina had clearly lied when he said he was so concerned with police harassment of his wife that he made a statement because he had been promised a discharge.

State witnesses had also denied they had pressured his wife or that they had said they did not care if she had a miscarriage.

Mr Hina had, in fact, taken several weeks to complete the handwritten statement for the police.

Earlier, Mr Strauss read from a written statement that the onus lay on the State to prove the statements made by Mr Hina were freely made.

Mr Strauss said Mr Hina had said he was also threatened that the police could detain him longer and make things difficult for him if he did not co-operate.

Mr Hina had said he was compelled to make a statement to a magistrate.

However, the magistrate had observed no abnormal behaviour in Mr Hina.

Mr Hina had told the magistrate he was making the statement of his own choice and that he had experienced no pressure influences, threats of violence or actual violence.

Mr Strauss said the State had proved the statements were freely and voluntarily made and were admissible as evidence.

Mr W Kingsley, for the State, said the statement made to a magistrate by Mr Sipho Nodlewu, 36, was made freely.

He said Mr Nodlewu had failed to prove he had been influenced by alleged assaults, threats and that the making of a statement could help him.

He said Mr Nodlewu had made a poor impression as a witness and was contradictory, glib, evasive, vague and had fabricated evidence.

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D. Dispatch 331

Union members in court on tax charges

31/8/84

EAST LONDON — The magistrate at Middledrift, Mr M. Mtebele, has confirmed that a group of 106 people appeared in court on Tuesday charged with failure to prove payment on Ciskei development tax.

No evidence was led and they were released on R20 bail, each he said.

The case had been postponed to September 18, Mr Mtebele said.

The 106 were mourners and members of various trade unions, the president of South African Workers Union, Mr Thozamile Gqweta, said yesterday.

Mr Gqweta said the mourners were on their way to the funeral of a union member, Mr Zongezile Xoza, in Middledrift on Sunday. They were arrested together with two railway bus drivers who were driving them to the funeral service.

The bus drivers were later released on Sunday night, he said.

The deputy commanding officer, of SA Railway Police in East London, Major J. F. van Wyk, said the two Sats drivers had been "prosecuted because of a misunderstanding by junior officials.

"The case has been withdrawn. These drivers had clearances not to carry their permits, which are kept at their office base and produced on request if necessary.

"The Ciskeian police were not conversant with these regulations. But the two drivers were treated well, there were no incidents and everything has been cleared."

The police liaison officer in Ciskei, Col Avery Ngaki, said he could not comment on the case as the matter was in hands of the Department of Justice. — DDR.

Statement 'the product of assaults, intimidation'

By JOHN CLARK

GRAHAMSTOWN — The statement made to a magistrate by one of the accused appearing in the Grahamstown Supreme Court on charges of high treason was said by the defence counsel to have been "the end product of a number of interrogations".

Mr P Langa, for the defence, said at the trial within a trial that Mr Mzimkulu Kame, 22, had been influenced to make a statement to a magistrate by repeated assaults, threats, intimidation and fear of continued detention.

Mr Langa said Mr Kame had discharged the onus of proof on him to show, on the balance of probabilities, that he was influenced by the police.

Mr Kame was not told he need not answer questions or make admissions. Mr Langa said Mr Kame was interrogated with "ruthless disregard for the rights, privileges or convenience of the accused".

He said evidence of assaults — a swollen lip, which he was told to say had been incurred during a rugby game — was seen by the district surgeon and a defence witness.

The same signs were not seen by "observant police officers" who had questioned him.

Mr Langa also told the court that security branch policemen did not use pocket books or record detainees movements after their arrest.

The first entries were made in registers when the detainees were put into police cells — sometimes 48 hours after arrest.

Mr Langa said "a veil of secrecy" descended around detainess after their arrest.

In the absence of pocket book and other records, neither the State nor defence could prove whether police officers were present or not at interrogations.

Mr Langa said the lack of records was "not a desirable practice" for detainees during the first vital 48 hours before they were warned under Section 29 of the Internal Security Act.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Treason trial is postponed again

Star 3/9/84

331

By Sue Leeman,
Pretoria Bureau

The trial of Mr Roland Mark Hunter (25), Mr Derek Andre Hanekom (31) and Mrs Patricia Elizabeth Hanekom (27) for high treason was again postponed today.

The postponement was intended to allow the defence the opportunity to study additional details of the indictment.

The three accused made a brief appearance before Mr Justice J Curlewis in the Pretoria Supreme Court this morning.

No charges were read and they were not asked to plead.

All three were taken into custody until September 12 when the trial will resume.

When they first appeared on August 1 the defence requested further details of the lengthy indictment.

Mr Justice Curlewis ruled that none of this extra information might be published as the State contends it is of a highly sensitive nature.

It is alleged that the three spied for the banned African National Congress and that Mr Hunter used his position as a clerk in military intelligence to steal sensitive military documents.

Committee of 10 members on terror charges

Post Correspondent

EAST LONDON — Five members of the Committee of 10 which has been spearheading the year-old Mdantsane bus boycott have appeared in court on charges of terrorism.

Mr A F Maxham, a prosecutor at the Mdantsane Magistrate's Court, confirmed today that the five appeared in court on Thursday.

They are Mr Mzwandile Mampuhye, the chairman of the committe, Mr Newell Faku, the secretary, Mr Norman Sibewu, Mr Phillip Slotile and Mr Shepherd Dumezweni.

Mr Maxham said they were being charged with terrorism, membership of a banned organisation and subversion. A detailed charge sheet is not yet available.

Bail was fixed at R1 000 each and the case was postponed until September 14. However, a spokesman for lawyers representing the five said they remained in custody while attempts were made to raise the bail money.

A sixth member, Miss Priscilla Maxongo, is still being held in detention under Section 26 of Ciskei's National Security Act.

Lieutenant Colonel Avery Ngaki, the Ciskeian police public relations officer, said today that "certain investigations" were still continuing.

Five of the six detained committee members were picked up on July 26. Mr Dumezweni was detained some time later.

uncle

'Two of accused made statements

By JOHN CLARK

GRAHAMSTOWN — Persistent interrogation using "unlawful methods" and security police "ill-treatment" of female family members allegedly influenced two of the accused appearing on charges of high treason to make statements to magistrates, the Grahamstown Supreme Court heard today.

Mr P Langa, for the defence, said Mr Douglas Tyutyu, 48, had made two statements to magistrates because of the pressure brought to bear upon him.

While the first confession bore the words "there was no influence — I decided to make a statement," answers to other questions by the magistrate indicated that he wanted to put a stop to the persistent interrogation.

Mr Tyutyu, Mr Langa said, was without toilet facilities, food and water, and sleep — from the time of his arrest at 10.25pm on May 9, to 4pm on May 10.

He made the confession on May 11.

Mr Langa submitted that State witnesses had resorted to denials and did not account for the time Mr Tyutyu was in their hands.

After "persistent questioning" he "eventually" submitted to the will of the security police officers.

Mr Tyutyu's account that the first statement he gave to the magistrate was torn up by a police officer and that he was sent back to make another, was left to the court to judge.

After further questioning Mr Tyutyu made a second confession on July 13 and 14.

Mr Langa said the confession was a direct result of a statement he had just completed for the police.

Mr J Ngqondela made a confession to a magistrate on May 25 last year.

Mr Langa said Mr Ngqondela had not wanted to make a statement to a magistrate but rather to an attorney.

When confronted with the magistrate he thought it was a police trick and the official was a policeman.

Seeing his wife, daughter and niece in the hands of the police caused him anxiety which added to the influences. It confirmed to him the type of people with whom he was dealing.

Mr Langa said the State relied heavily on the evidence of doctors and inspectors of detainees to substantiate their version of events.

He said the wounds allegedly received by Mr Ngqondela from being pinched had been examined by the district surgeon.

He said the district surgeon's evidence had not stood up to cross-examination and he submitted to the court that the security police had communicated certain information to the doctor even before he examined Mr Ngqondela.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

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Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

under pressure

EVENING POST, TUESDAY, SEPTEMBER 4, 1984

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Treason trial: Harare people show solidarity

(334) Star 4/9/84

The Star Bureau

HARARE — One hundred people attended a meeting in Harare last night to express their solidarity with Mr Roland Hunter, Mr Derrick Hanekom and Mrs Patricia Hanekom, who are facing treason charges in the Pretoria Supreme Court.

Patricia Hanekom is a Zimbabwean citizen, according to the organisers of the meeting. They called on sympathisers to appeal to the Zimbabwean Minister of Foreign Affairs to campaign for an open trial. Speakers included the secretary-general of the Catholic Bishops' Conference in Zimbabwe, Bishop Mutume, and an official of the ANC's department of information and publicity, Mr Kingsley Xuma.

Treason trial adjourns after defence closes its case in 'trial within trial'

By JOHN CLARK

GRAHAMSTOWN — The Supreme Court adjourned until September 18 yesterday after the defence closed its case in the "trial within a trial".

It is being held to decide whether admissions and confessions made to magistrates and police officers by the 11 men appearing on charges of high treason and other charges are admissible as evidence.

Yesterday, Mr P Langa said Mr D Tyutyu, 48, had made two statements to magistrates as a "direct result of interrogation, which included unlawful interrogation methods".

Mr Langa said the statement made no indication that Mr Tyutyu had any desire simply to confess.

He was under severe pressure, feared reprisals from "a certain organisation" and faced persistent police questioning on the other.

While Mr Tyutyu's evidence was not without flaws, Mr Langa said, it would have been quite remarkable if his evidence had been flawless.

Mr Langa submitted that the police had denied Mr Tyutyu's allegations, but did not account for the time he was in their hands.

When Mr J Ngqondela, 54, made a statement on May 25 last year, he thought it was a police trick and that the official was a police officer.

He had twice seen his wife, daughter and niece in the hands of the SA security police and this confirmed to him the kind of people working with him.

Mr Langa said this was part of a pattern of conduct on the part of the police to pressure the accused by harassing the family.

The State relied heavily on the evidence of the doctors and inspectors of detainess to substantiate their version.

He said the evidence of Dr Benjamin Tucker, the principal district surgeon, was very unsatisfactory and he submitted that the security police had communicated certain information to the doctor before he examined Mr Ngqondela.

Mr A Jappie, for the defence, said Mr V Tshiwula was not an impressive witness.

He submitted that this was because he was emotionally upset at the time. However, he was not evasive, did not exaggerate or needlessly blame the police and had taken pains to correct wrong impressions made during cross-examination of the police.

In the case of Mr L Mbelekana, Mr Jappie said that on the balance of probabilities it was unlikely that he would have readily agreed to demonstrate making a bomb if he was not assaulted or if undue pressure was not brought to bear upon him.

Mr N Faku had mentioned in his statement to a magistrate, made only a few hours after his arrest, that he had been assaulted by a security police officer.

He had complained at every opportunity about the assault.

Mr Jappie said the evidence of the State amounted to a bare denial, and asked the court to decide, on the quality of the evidence of both sides, what had happened.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Nqgondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

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Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

331) D. Rafapa

Ciskei 5 on terror charge

5/9/84

MDANTSANE — Five men were granted R1 000 bail each when they made a brief appearance in the magistrate's court here on charges of terrorism, subversion and of being members of a prohibited organisation.

They were Mr Mzwandile Mampunye, 32, Mr Newell Faku, 38, Mr Norman Sibewu, 34, Mr Phillip Slotile, 34, and Mr Shepherd Dumezweni, 30.

They were not asked to plead and no evidence was led. The matter was postponed to September 14.

Mr Mampunye, Mr Sibewu, Mr Faku and Mr Slotile have been in detention in terms of the Ciskei National Security Act since July, while Mr Dumezweni has been held since August.

Mr F. Erasmus was on the bench and Mr A. Maxam appeared for the State. The accused were not represented. — DDR

UWC students in court after demo

Staff Reporter

TEN students and one staff member of the University of the Western Cape (UWC) appeared briefly in the Bellville Magistrate's Court yesterday following a demonstration near the university last month.

Miss Estelle Pitt, 28, Mr Lloyd Abrahams, Mr John Johnson, 29, Miss Rose Feroza Samuel, 18, all of Belhar, Mr Manuel Hein, 22, Mr Noel Desmond da Silva, 18, and Mr Richard Floris, 22, all of the UWC Men's Hostel, Miss Lilian Vanessa Buckton, 24, of Sonata Street, Steenberg, Miss Gail Regon, 18, of Erie Street, Mitchells Plain, Mr Nishani Harry, 19, of Walmer Street, Woodstock, and Miss Brenda Lakay, 22, of Avante Street, Elsie's River, were not asked to plead to a charge of contravening the Internal Security Act and no evidence was led.

The hearing was adjourned to October 18 and they were warned to appear.

DETENTION SPOTLIGHT

BUS BOYCOTT LEADERS IN COURT

331

9/9/84 C. Press

FIVE MEMBERS of Mdantsane's pro-bus boycott Committee of Ten appeared briefly in the township's magistrates' court this week on charges under Ciskei's Terrorism Act.

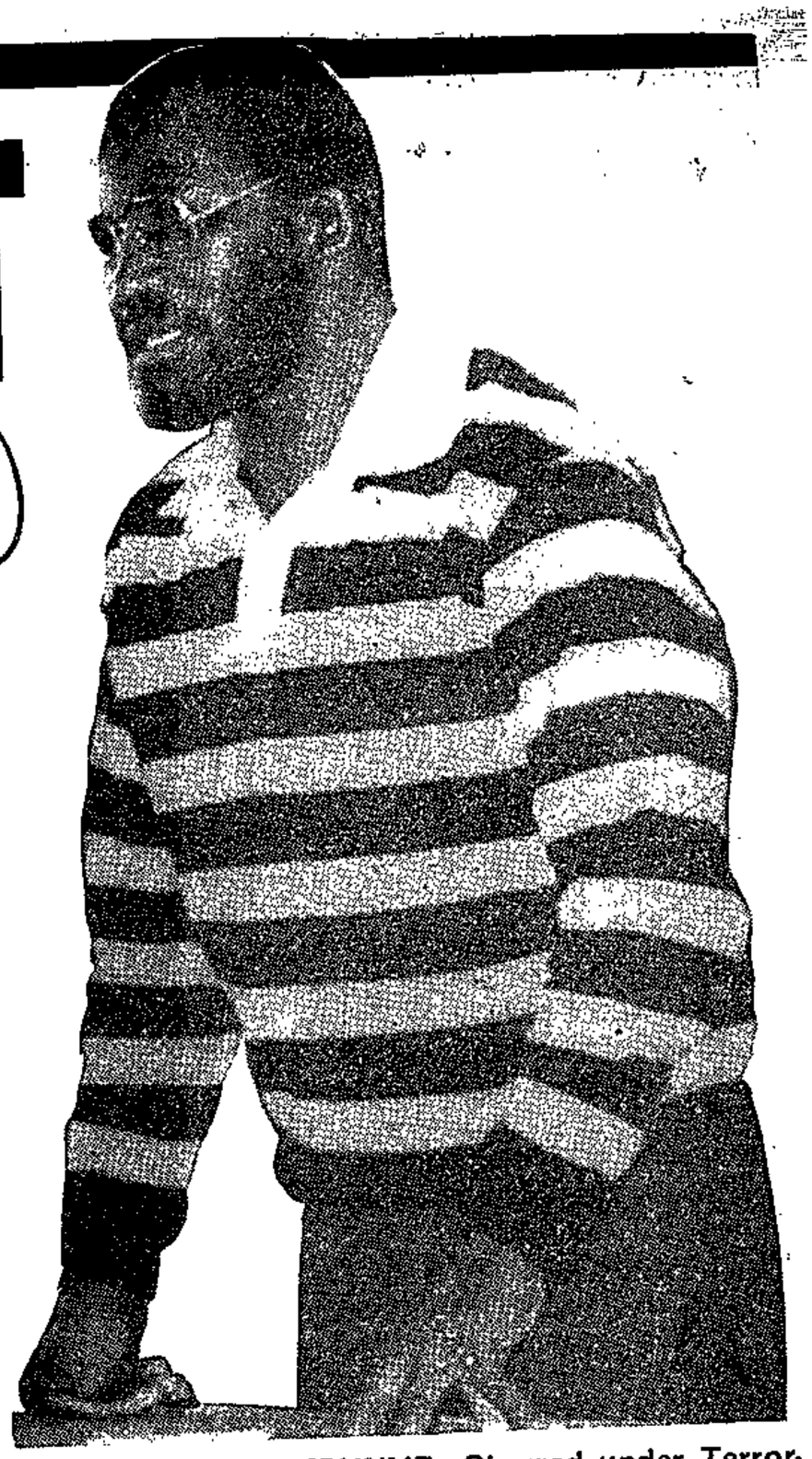
By BENITO PHILLIPS

The five — chairman Mzwandile Mampunye, secretary Newell Faku, Norman Sibewu, Sheperd Dumezweni and Phillip Slotile — made a brief appearance in which they were not asked to plead.

They are charged with promoting the aims of a prohibited organisation, although the organisation was not specified.

They were also charged with "terrorism" and "subversion".

The trial was postponed to September 14.



MZWANDILE MAMPUNYE: Charged under Terrorism Act.

THE 106 members of various trade unions detained by Ciskei police at the funeral of union member Zongezile Xoza in Middledrift two weeks ago, have now been charged with failing to prove payment of Ciskei development tax.

All have been released on R20 bail. They will appear in Middledrift's magistrate's court on September 18.

Saawu's national president Thozamile Gqweta said the workers had gone to Middledrift to pay their last respects to Mr Xoza, who worked for the East London municipality.

Two SATS bus drivers who drove them to the funeral were also arrested, but later released the same night.

Deputy commanding officer of the SA Railway Police in East London, Major J F van Wyk, said the drivers were detained because of a misunderstanding by junior police officers.

The case against the two drivers has since been withdrawn, he said.

CISKEI ATTORNEY DETAINED

MDANTSANE attorney Joe Tutani has been detained — shortly after his return from a 10-day trip overseas where he was a delegate to a four-day international law seminar in Lagos, Nigeria.

The seminar was also organised to seek legal and political action against South Africa.

Others detained with Mr Tutani were Mr Godfrey Shiba, a former East London branch chairman of the South African Allied Workers' Union, Mr Malcomess Mgabela, a former Robben Island political prisoner, and Mr Joe Maxegwana.

Mr Tutani was taken from his home after a search was conducted by security police, who also took some documents with them.

According to Mr Tutani's assistant Hutchinson Skelenge, it has not been possible to establish where he is being held.

Three high treason suspects in court

(33) Star 12/9/84

By Sue Leeman,
Pretoria Bureau

A former national serviceman and two other people made a third brief appearance in the Pretoria Supreme Court today in connection with charges of high treason.

Former military intelligence clerk Mr Roland Mark Hunter (25) appeared with Mr Derek Andre Hanekom (31) and his wife, Mrs Patricia Elizabeth Hanekom (27).

No charges were put and they were not asked to plead.

All three were remanded in custody until Monday, when the trial will resume.

Mr Ernie Wentzel SC, for the accused, told the judge the trial was expected to be completed on Monday.

It is understood the State may make an application for proceedings to be heard in camera due to the sensitive nature of documents allegedly stolen by one of the three.

The high treason charges are said to be in connection with their alleged membership of the banned African National Congress.

They are alleged to have spied for the organisation on several occasions.

The trial has been postponed on two previous occasions to allow the Attorney-General to provide the defence with further indictment details.

Mr Justice D J Curlewis has put a ban on publication of this information.

The Attorney-General of the Transvaal, Mr Don Brunette SC, is leading the case for the State.

Man acquitted on ANC charge

A 21-year-old Soweto man, charged with the possession of two documents allegedly published by the banned ANC, was yesterday acquitted in the Johannesburg Regional Magistrate's Court.

The State failed to prove that Mr George Sello Seripe, of 553 Central Western Jabavu, actually possessed the documents or that they were published by the ANC.

Soweto recalls Rivonia trial

MISS Dorothy Nyembe, recently released after 15 years in prison, will be one of the main speakers at a rally to commemorate the 20th anniversary of the famous Rivonia Trial to be held in Soweto on Sunday.

The rally starts at 12 noon at Regina Mundi Church and will also commemorate the 29th anniversary of the Freedom Charter, a document making minimum demands for a democratic society in South Africa.

Also on the list of speakers is one of the UDF's national presidents, Mrs Albertina Sisulu, Mr Tiego Moseneke, president of the Azanian Students' Organisation (Azaso), Mr Aubrey Mokoena and Mr Oupa Monareng, both of the Release Mandela Committee.

The Rivonia Trial is the case at which Nelson Mandela, Govan Mbeki, Walter Sisulu and other prominent former members of the now banned African National Congress were convicted.

Cubans and S still a problem

THE Minister of Foreign Affairs, Mr Pik Botha, has returned from Lusaka satisfied and will brief the Cabinet on his recent round of southern African shuttle diplomacy.

Two main issues were on the agenda for his meeting with the Angolans in Lusaka and both have been sorted out.

The first was a long-standing request by the South Africans to join the Joint Monitoring Commission (JMC) into a permanent security body which will patrol the border after a final South African withdrawal, and the second was the impasse between the two sides on the date for this withdrawal.

The Angolan delegation indicated in Lusaka it was now more amenable to the idea of converting the JMC to a permanent peace-keeping force and South Africa reciprocated with a more flexible approach to the rigid pre-conditions originally set down for it finally withdrawing

PIK BOTHA: Shuttle diplomacy.

its troops from southern Angola.

There has been a considerable delay on the timetable laid down for final withdrawal with the JMC being stuck at the border town of Ngiva for some weeks.

Altogether 21 violations were reported to the JMC while it was at

Angola and SA agree o 2 issues

Ngiva, violations activity by either S African or Swa forces.

It is clear there is a Swapo presence in area which is why S Africa has refused implement the fi withdrawal.

After the discu at Lusaka, it a that Angola is not to fully control S activities and this now be taken i count in deciding final troop withdra

Customs

In Swaziland Mr tha discussed the toms violation cas the Swazi deman incorporating K wane and Ingwa In Maputo he dis the Nkomati A and problems ass with its impleme In Lusaka he dis the agreement Angola.

Mr Botha was panied by the M of Defence, Ge Magnus Malan; A ministrator Ge Namibia, Dr Wi Niekerk; the he National Intel Service, Dr N nard; the head itary Intelligence eral P W van de huizen and oth cials.

Two problem which still app solved are the of Cuban with from Angola a meeting betwe dent Dos Santo gola and the U leader, Dr Jo vimbi.

Rowena gets a fine of R150

A well known Soweto woman, Ms Rowena Ngcebetsha, was yesterday fined R150 (or 150 days) after she was convicted on a charge of assault with intent to do grievous bodily harm.

Ngcebetsha (40) of Rockville had pleaded not guilty before Mr M E Muller in the Soweto Magistrate's Court to slapping and kicking Mr Salinda Biyana on May 20 this year.

Murder toll sets record

THE decomposed body of an unknown woman found in the open veld between Extensions 9 and 10, Lenasia, was one of the six murder victims reported to the police since the weekend.

Brigadier J J Viktor, Soweto CID chief, said the six killings brought the murder toll to 31. The 25 people killed at the month end made one of the highest recorded murders for a weekend, he said.

Other people reported killed were a 24-year-old man from Mofolo, a 27-year-old man from Meadowlands, a 34-year-old man found stabbed in Orlando West, a 27-year-old man from Jabulani and an unknown man found stabbed in Lenasia.

Other offences reported were two attempted murders in Diepkloof and Pimville, 14 robberies, nine rapes, 18 thefts, three car thefts and two housebreakings at business premises.

KEEP YOUR HOME AND FAMILY SAFE!

Security Fencing

Q'town man not guilty

331
D. Daily News
12/7/84

EAST LONDON — A Queenstown man was found not guilty of possession and distribution of banned publications in the Regional Court here yesterday.

A police investigation had revealed that Mr Mncedisi Frans Mbilini had copies of the National Forum and a list of names and money received from sales in his possession during April this year.

Distribution of the National Forum was banned from January 20 and possession of copies was declared undesirable in the Government Gazette.

Mr T. L. Skweyiya, the advocate who acted in defence for Mr Mbilini, said Mr Mbilini was a member of Azapo (Azanian People's Organisation) and had attended their annual congress in Johannesburg on January 8 and January 9. He received copies of the publication there for distribution in Queenstown, in aid of fundraising for the organisation.

Mr Skweyiya said there were many political activities in black communities and there were various black consciousness groups, of which the Azapo group was a legal political body. He said Mr Mbilini was secretary of the Queenstown branch.

As secretary Mr Mbilini had to keep all publications relative to the party, he said.

In acquitting him, the magistrate, Mr S. van Zyl, said there was no evidence of further distribution of copies by Mr Mbilini after January 20.

He said the onus was on the state to prove that Mr Mbili ni kept the publications for future distribution, but in the capacity of secretary he had to keep the copies.

He said it was not necessarily kept for future distribution. — DDR

It's smiles all round as unionist Phillip Dlamini is reunited with his wife, Phindile, and kids Mathapelo and Tebogo. Pic: MIKE MZILENI

No regrets over refusal to testify

15/7/84

AFTER 18 months in prison for refusing to testify for the State, SA Black Municipal and Allied Workers' Union general secretary Phillip Dlamini says he'd do it all over again.

By KHULU SIBIYA

There was jubilation and excitement outside the Johannesburg Prison when Mr Dlamini was met by fellow unionists, his wife, Phindile, and their kids Mathapelo, 7, and Tebogo, 5, this week.

Looking fit and radiant, the 32-year-old unionist said he was in high spirits and happy to be back so he could continue his work.

Mr Dlamini was jailed last January for refusing to give evidence in the Terrorism Act trial of Lillian Keagile of Molapo, Soweto. Keagile was later jailed for six years.

He told City Press after his release that his spirits had been kept high by people who stood by him when he was in prison.

"The letters and cards I received kept me going. I really want to thank those people. It showed that they appreciated the stand I took a – and that's why I will do it all over again."

While in prison, Mr Dlamini was also called to appear with eight members of the Azanian National Youth Unity (Azanyu). The case was withdrawn against him.

"I want to make it clear that I was never a member of Azanyu," Mr Dlamini said this week. "I was made a member by the police, who fabricated a story against me. I was only detained for union matters."

Mr Dlamini spent most of his sentence at Heldestroop Prison in Calendo, but was later transferred to Leeukop.

He said he intended taking legal action against a prison doctor who refused to examine him after he had complained of ulcers and flu.

331

Pass

SADF clerk for court

(331) Star 16/7/84

Mr Roland Hunter, a former clerk in the department of the Chief of Staff (Intelligence) of the SADF, will appear with two others in the Pretoria Supreme Court on August 1.

Police have not specified charges against Mr Hunter (25) of Forest Town, Johannesburg, and Mr Derek Andre Hanekom (31) and his wife Patricia Elizabeth (17) of Vaalbank, Magaliesberg.

They were detained in December last year and refused bail at a recent court appearance.

Mr Hunter is alleged to have stolen, copied and removed intelligence documents on military structures, personnel and operations.

Mr and Mrs Hanekom are accused of making contact in 1981 with Mr Marius Schoon and his wife Jeanette in Botswana. Mrs Schoon was recently killed by a parcel bomb in Angola. Mr Hanekom is alleged to have recruited Mr Hunter in February 1982.

Massive spy case rocks Army HQ

S. Express 15/7/84 331

By GRAHAM WATTS

A FORMER clerk in South African military intelligence is to appear in court next month charged with spying for the African National Congress.

Mr Roland Mark Hunter, 25, a national serviceman employed in the office of the Chief of Staff Intelligence of the SA Defence Force last year, is due to appear in the Supreme Court in Pretoria on August 1 charged with high treason.

Mr Derek André Hanekom, 31, and his wife, Mrs Patricia Elizabeth Hanekom, 27, are to appear with Mr Hunter, also charged with high treason.

They are accused of being members of, conspiring with, and furthering the aims of the ANC.

The three were detained in December last year.

Mr Hunter is alleged during 1983 to have stolen, copied and removed "a large variety of documents and items pertaining to intelligence on military structures, personnel and operations". (See report on Page 2.)

The documents listed in the indictment include "planning notes on military operation", National Intelligence Service (NIS) and military intelligence (MI) "source reports", "photograph of DST members and others taken at Special Task Base", SADF personnel name and address lists and a military code book.

The items listed include a Baretta fireram and an AK bayonet and sheath.

Mr Hanekom is accused of recruiting Mr Hunter in February, 1983, when Mr Hunter

City man hits back over A-G's criticism

JOHANNESBURG businessman Mr Tald Xenopoulos has reacted sharply to the Advocate-General's criticism of him in the latest development on the simmering oil-scandal.

Mr Xenopoulos, locked in a R85-million court battle with Mr Marino Chiarelli, was accused by the Advocate-General, Mr Justice P J van der Walt, of attempting to place the Italian oil millionaire in a bad light.

In a statement issued yesterday by his lawyers, Mr Xenopolous claims the Advocate-General failed to conduct a full and proper inquiry into all aspects of the secret oil deals.

● See PAGE 3

Vaal mauled

Vaal a

● Three-year-old Kate Loughlin of Parktown North was the envy of all the other [illegible] SPCA's 'Mini Farm' at Hyde Park Corner, Johannesburg, yesterday.

INSIDE TODAY

SLAYING DEMONS IN SUBURBIA

● Every night, some of the nicest, staidest, people get together round coffee tables to battle dragons and evil dwarves

PAGE 5

A town called alles

● The cheapest, cleanest, quietest, prettiest, friendliest places to stay on the Reef

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Spy case rocks Army Headquarters

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was a national service clerk in the office of the Chief of Staff Intelligence of the SADF: Directorate Special Operations or Tasks (DSO or DST).

The indictment accuses Mr and Mrs Hanekom (who retained her maiden name, Murray) of having made contact in Botswana in 1981 with Mr Marius Schoon and his wife, Mrs Jeanette Schoon. (Mrs Schoon died with her six-year-old daughter Katryn in a letter bomb explosion in Angola last month.)

Mr and Mrs Hanekom are accused of having learned a code from a Mr Patrick Fitzgerald, a member or active supporter of the ANC in Botswana, and of maintaining communication with him by code, telephone and visits from 1981.

In the indictment, Mr Hunter, of Forest Town, Johannesburg, is accused of being "handed over" at the Rotunda air terminal in central Johannesburg in April last year to "one Jane, a member and or active supporter of the ANC".

Mr and Mrs Hanekom, of Vaalbank, Magaliesburg, are accused of arranging the meeting between Mr Hunter and "Jane".

Mr Hunter is alleged on "Jane's" instructions to have handed on some of the documents and items to the ANC in Botswana.

MANY MILITARY DOCUMENTS LISTED IN HIGH TREASON INDICTMENT

THE indictment on charges of high treason against Mr Roland Hunter, Mr Derek Hanekom and Mrs Patricia Hanekom lists documents and items alleged to have been stolen, copied or removed by Mr Hunter while he worked for the SADF's Directorate of Special Tasks (DST).

Some of the documents are alleged to have been sent to the African National Congress in Botswana.

Others are alleged to have been hidden at Mr Hunter's home, in a bank safe deposit and on the Hanekoms' farm.

The documents and items listed are:

- Planning notes on military operation.
- National Intelligence Service source report.
- SADF: Military Intelligence source report.
- Intelligence source report.
- Photograph of DST members and others taken at special task base (April 1982).
- SADF: personnel name and address list.
- Photograph of DST officer and others (September 1983).
- Admission control form and card used by DST officer.
- Flimsy sheets of transparencies of SADF Military Intelligence organisation.
- Military vehicle manual (SAMIL 100).
- Three x SADF vehicle trip authority books with fuel and oil records.
- AK bayonet and sheath.
- Beretta firearm.
- Military code book and intelligence on the command network concerned.
- SADF: DST standing working procedures manual.
- SADF: DST name and address list.
- Particulars of vehicle used by SADF: DST divided according to function/operation.
- List of vehicles observed on three consecutive days.
- SADF military operation: progress report (June 1983).
- SADF military operation: order (Aug) — air supply.
- SADF military operation: order (Sep) — air supply.
- SADF military operation: control list (Aug).
- SADF military operation: record of discussions.
- SADF: DST flow of training chart 1983-1984.
- Notes on composition of code books.
- Draft paylists (names) — linked to DST base.
- Cuttings from paylist (names) from DST clerk's file.
- Photocopy of identity documents of two persons involved in operations.
- Photocopy of photograph in DST possession.
- SADF: HQ Special Forces: Foreign Intelligence source report parts one to six.
- Printout of telex message sent by DST office.
- Copy of signal sent by DST officer.
- SADF Military Intelligence: source report.
- Source report: Foreign Reconnaissance Organisation.
- Appendix to a source report: layout of foreign brigade.
- Copy of extracted page from evaluation of military threat.
- Copy of extracted page from Security Police information query to DST.
- (Copy of) extracted page from SADF Military Intelligence evaluation.
- Copy of intelligence telex report.
- Copy of matercopies of transparencies for DST briefing of superiors.
- Copies of 29 intercepted radio messages dealt with by DST.
- Passport particulars of three persons handled by DST.
- Passport particulars of two persons handled by DST.
- Visa application (copy) handled by DST.
- Photocopies of passport photographs of persons involved in inter alia DST operation.
- Photocopy of pages of a passport in possession of DST.

The other documents and items are alleged to have been hidden at his home, in a safe deposit box in a Braamfontein bank and on the Hanekom farm.

The three are also to be charged under the Protection of Information Act.

They are accused of conspiring, inciting, requesting or encouraging Mr Noel Francis Stott, a national serviceman employed as a librarian in military intelligence, to obtain secret information from a computer.

The indictment alleges that Mr Stott disclosed to the accused the contents of a computer printout with personal particulars relating to Mr Hunter's sister, Miss Catherine Hunter. (Miss Hunter was detained last year during investigations into the activities of Carl Niehaus, now serving 15 years for high treason.)

Mr Hunter and Mr and Mrs Hanekom are also to be charged under the Internal Security Act and the Publications Act for allegedly being in possession of and publishing and disseminating ANC publications. (See accompanying story.)

Alternatives to the high treason charge are charges under the Protection of Information Act, the Internal Security Act and the Publications Act.

'ILLEGAL' PUBLICATIONS LISTED

MR ROLAND Hunter, Mr Derek Hanekom and Mrs Patricia Hanekom, who are to appear in court next month on charges of high treason, are alleged to have been unlawfully in possession of the following publications:

- 1983: The Year of United Action (pamphlet) — African National Congress.
- Act Now! To Free our Leaders (pamphlet) — ANC.
- Mayibuye No. 10, 1982 — ANC.
- Pamphlet (concerning SADF) — ANC.
- Mayibuye No. 6 (1981) — ANC.
- Sechaba, June 1981 — ANC.
- Total War in South Africa (seven copies) — National Union of South African Students.
- Massacre at Kassinga — Swapo.
- Remember Kassinga — International Defence and Aid Fund, London.
- The Workers of Namibia — Gillian and Suzanne Cronje.
- African Socialism or Socialist Africa? — A M Badu.
- Marching Orders — not stated.
- Marx's Kapital for Beginners — David Smith and Phil Evans.
- Inqaba ya Basebenzi, No. 2, July 1981 — Cambridge Heath Press Ltd, London.
- Inqaba ya Basebenzi, supplement No. 3 — Cambridge Heath Press Ltd, London.
- The Struggle Continues: Freedom Charter, June 26, 25th Anniversary (poster) — Transvaal Free Mandela Committee.
- Manifesto of the Communist Party — Karl Marx and F Engels.
- Lenin for Beginners (second revised edition) — Richard Appignanesi and Oscar Zarate.

Rescue ship on way back with Clarke

THE naval hydrographic survey vessel, SAS Protea, sent to Marion Island to bring back a critically ill member of the South African expedition team, Mr Graham Clarke, left Marion Island yesterday, according to a naval spokesman.

SABC's Olympics offer turned down

had been rejected because of the "sensitivity" of South Africa's position, and said that after lengthy discussions with the IOC, it had been decided not to grant TV rights because of political implications.

SABC officials were told during discussions in the US that the IOC and the LAOOC had been rejected because of the "sensitivity" of South Africa's position, and said that after lengthy discussions with the IOC, it had been decided not to grant TV rights because of political implications.

Later it resubmitted a higher offer to the LAOOC, but did not know that a company in the US, Classic Productions, had made a substantially higher counter-offer for the rights.

Since the LAOOC is a private undertaking, the SABC, then still negotiating with the LAOOC, was told to ac-

From Page 1

The LAOOC withdrew the rights from the company after its option expired, but also because Classic Productions had been unable to meet certain financial commitments in terms of its contract with the LAOOC.

sions with Mr O'Hara, was left with the firm impression that the acquisition of the rights would be a mere formality, despite Mr O'Hara's making it clear the IOC would have to approve the final contract.

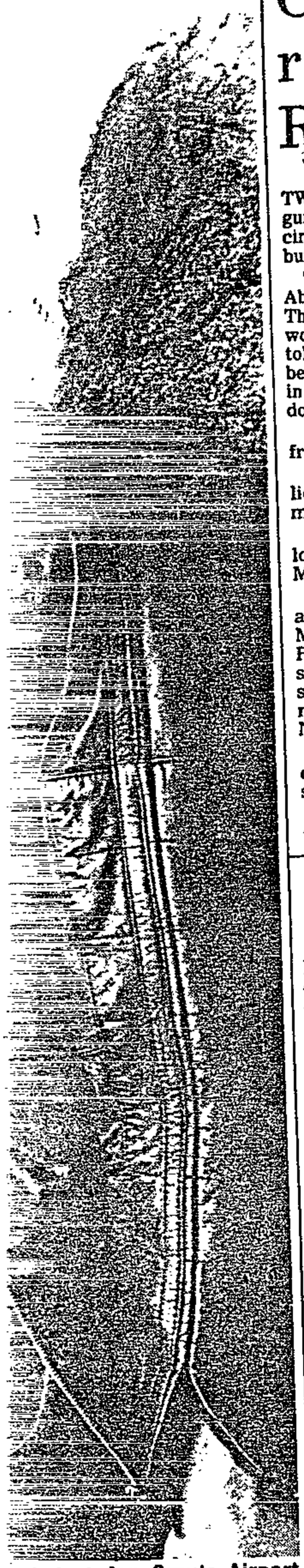
Mr O'Hara had indicated the offer was acceptable and thanked the SABC for the blow is the recognition that while South Africa is banned from competing at the Olympics, athletics has perhaps done more than any other sport in breaking down racial barriers.

- The SABC will screen Olympic snippets on all daily newscasts, including Sundays, and will also broadcast commentaries and results on radio.

In addition, an SABC television and radio team will be sent to Los Angeles to help make up for losing the LAOOC contract.

Since Bophuthatswana is not recognised internationally, Bop-TV will suffer the same fate as the SABC.

His star rose again only after La- ... of voters against 26% for Sir Robert ...



...nded at Jan Smuts Airport
... his group and the Bellamy
...n, Rea will visit a shopping
... Sunday comperes a major

Cinema robbed of R3 000

Crime Reporter

TWO robbers armed with a gun snatched R3 028 from a cinema manager in Randburg late on Saturday night.

The victim, Mr Joseph Abrahams, 36, of the Metro Theatre in Hendrik Verwoerd Avenue, Randburg, told Brixton murder and robbery squad detectives he was in his office when he heard a door open.

Suddenly a man stood in front of him with a gun.

The robber ordered him to lie on the ground and demanded the safe keys.

He and his companion then looted the safe of its takings, Mr Abrahams said.

Three gunmen also robbed another businessman, Mr Mohammed Jowley, 40, of R6 500 in business takings shortly after he closed his shop, the Continental Supermarket in Russell Street, Newclare, on Saturday night.

Mr Jowley said he was confronted by the men as he started up his car.

Police are searching for the robbers in both hold-ups.

3 detainees to appear

RIOT 16/7/84 331

By NORMAN CHANDLER

POLICE confirmed yesterday that three people are to appear in the Pretoria Supreme Court on August 1 in connection with unspecified charges against the State.

It is not clear yet whether Mr Roland Mark Hunter, 25, Mr Derek Andre Hanekom, 31, and his wife Patricia Elizabeth, 27, will be charged with high treason. Mr Hunter is a former clerk in the office of the Chief of Staff Intelligence of the South African Defence Force.

The trio were detained in December last year, and after a recent court appearance were refused bail.

Colonel Jaap Venter, head of the police public relations directorate, said yesterday that the three would be appearing in court but that he could not confirm as yet that the charge would be high treason.

It is alleged that last year Mr Hunter, of Forest Town, Johannesburg, stole, copied and removed documents and items relating to intelligence on military structures, personnel and operations.

Mr Hanekom is accused of recruiting Mr Hunter in February 1983.

Mr and Mrs Hanekom, of Vaalbank, Magaliesburg, are also accused of having made contact with exiled activists Mr Marius Schoon and his wife Jeanette in Botswana in 1981. Mrs Schoon was killed by an alleged parcel bomb in Angola several weeks ago.

Snakes alive! — in schoolgirl's pockets

London Bureau

LONDON. — Security staff at Heathrow Airport got the shock of their lives when they carried out a routine check on a 16-year-old schoolgirl yesterday and found two live snakes in the pockets of her jacket.

The snakes were discovered as Nadia Fairchild went through controls in Heathrow's Terminal 3 to board a British Airways flight to Los Angeles. Her jacket was put through an X-ray machine and the guard who monitored it thought he saw "bracelets" in the pockets.

He passed the jacket to another security officer — who peeped inside and found a one-metre boa constrictor and a python.

The terrified guards immediately alerted experts from Heathrow's animal quaranteen centre.

Nadia lives with her parents in Los Angeles, although she was born in England. The boa, called Alice, and her companion, a one-metre python named Kaya, are both about eight months old.

Weapons for Mugabe

HARARE. — Zimbabwe's Prime Minister, Mr Robert Mugabe, yesterday commissioned into service an unspecified number of Brazilian-made armoured cars, saying they comprised the biggest single Defence Ministry purchase since his country's independence from Britain four years ago.

Ziana reported that the Cascavel armoured cars, which go to the army's armoured regiment, were commissioned at a ceremony addressed by the Prime Minister.

Ziana, quoting a report from the official Zimbabwe Broadcasting Corporation, said Mr Mugabe, who is also Defence Minister, told soldiers at their Alphida base at Domoshawa, near Harare, the Cascavels would be used to "gain" (sic) the enemy's strength, disposition and weaponry.

Zimbabwe is fighting anti-government rebels loyal to the opposition leader Mr Joshua Nkomo in Matabeleland province. The government also claims that South Africa is waging a war of destabilisation against it.

Mr Mugabe said the armoured cars had a 6km firing range. — Sapa-AP.

A feast of motocross magic

Mail Correspondent

PORT ELIZABETH. — Impressive motocross displays by Californian Brian Myerscough, Gary Bergstrom and young Michael Swanepoel marked the fifth round of the Camel South African motocross championships in Port Elizabeth yesterday.

Myerscough, making his debut for the Blue Stratos Yashica squad, quickly showed his potential by finishing third overall in the highly competitive 250 class. The Californian came in behind fellow Americans Jim Tarantino (Lindsay Saker Suzuki) and "Rocket" Rex Staten (Marlboro Yamaha), and looks like being a force to be reckoned with over the rest of the season.

In the 500 class Springbok Bergstrom continued his total domination. He won both heats on the Marlboro Yamaha, and has not dropped a point throughout the season. His teammate Swanepoel also continued his domination of the 100 class, and this young star of the future also has not dropped a point this season.

Another young star of the future, Brett Redman (Marlboro Yamaha), took a firm grip on the 125 championship with wins in both heats. He was chased all the way by Russell Campbell on the BP Kawasaki, with former champion David Dijkman in third place on the Shell Suzuki.

The 125 junior class saw a slight upset with heavily favoured Robert Herring failing to find a place in the top five. The overall win went to his Blue Stratos Kawasaki teammate Colin Dugmore with Stephen Hills (Honda) and Gary Galway (Yamaha) second and third.

In the Yamaha minicross championship, overall victory went to Paul Cooper (Yamaha) with Stephen Glissman (Kawasaki) and Brendon Crookes (Marlboro Yamaha) in the minor placings. Pre-race favourite Ryan Hunt (Kawasaki) was going well until forced out with a seized engine.

Swazi schools ban Rasta dress

MBABANE. — Swaziland's Ministry of Education has announced a ban on the practice of the Rasta cult in all schools.

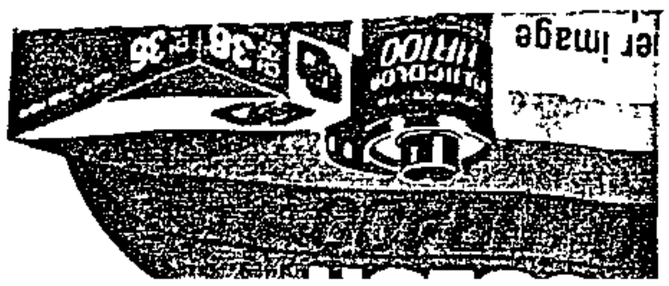
According to the Principal Secretary for Education, Mr Musa Nsibandzi, the ban applies to teachers and students.

Since musician Peter Tosh, an exponent of the Rasta cult, toured Swaziland with his group last Christmas, a growing number of young Swazis have taken to the cult. They have begun wearing the multi-coloured red, yellow and green scarves, hats and other clothing which marks the Rastafarians.

Mr Nsibandzi said the Rastafarian cult practised by Peter Tosh fans "is not acceptable in the educational system of this country".

Teachers should use Western attire, a necktie and a formal jacket, or Swazi traditional dress (Emahiya), he said. Teachers and students should also groom their hair and maintain a neat and clean appearance.

The Ministry has also attacked a recent report in a local newspaper which claimed a "ghost teacher" had been collecting the salary of a teacher who had died many years ago at a school in northern Swaziland. — Sapa.



Rand

Ft Hare students sentenced

ZWELITSHA — Nineteen Fort Hare students were found guilty of public violence in the regional court here yesterday.

The case was a sequel to unrest at the university campus on September 11 last year.

Bonakele Busika, Simpiwe Gqamlana, William Bhila, Spencer Malongete, Melvin Khambule, Harold Letigaloa Mamosebo, Sekhonyela Pholo, Khaya Maholwana, Mpumelelo Zondi, Elizabeth Mabe, Sandra Khambule, Ntokozo Gumede, Bajabulile Mkhize, Nomsa Mkhiza, Bonakele Mkhize, Basetsana Lebepe, Prince Sukude, Mphumzile Mathe and Nana Madikizela were each sentenced to a fine of R200 (or 100 days) with a further 200 days suspended for 3 years.

They were given until July 31 to pay their fines.

Miss Grace Galeboe, 21, Mr Nkosinathi Mathenjwa, 24, and Mr Vusumzi Khumalo, 19, were aquitted due to lack of evidence.

In passing sentence the magistrate, Mr J. Kotze, said the crime of public violence was always treated as a serious crime. Society would not like to see this type of crime condoned by courts.

The crime was too serious to impose a wholly suspended sentence and he had to impose a sentence that would act as a deterent to others. The court was aware that these disturbances occurred sporadically at the university and they must be stopped.

Damage to property and interference with those who wanted to study were viewed seriously, he said.

The court must also look at the circumstances surrounding the crime. The court did not know what part each individual had taken. There was no evidence that any one of them had been a ringleader.

Evidence had been led that people were called out of their hostels and that there was some degree of compulsion.

The accused were first offenders, except for Miss Nana Madikizela, who was convicted of public violence last year but the case was pending on appeal.

Mr Kotze said that her position posed a problem for the court as it did not know what the outcome of her appeal would be. For the purpose of sentence he would not take her previous conviction into account.

In mitigation, counsel for the defence said the court should take into account the amount of damage done. There had been evidence that there had been a stampede when the police chased the students and doors were broken.

The court should also take into account that in a situation like what had happened at the university some people were associated through compulsion. None of the accused could be said to be ring leaders and there was no question of injury to anyone except the students themselves.

Apart from stone throwing at the police there was no actual confrontation or challenge to the police and the students had run away after shots had been fired.

The prosecutor said that there had been recurring violence at the university. Last year, three similar cases came before the regional courts and of those two had been finalised.

— DDR.

Mr Barry Nel appeared for the state. Advocate V. E. M. Tshabalala, instructed by Mr Ben Ntonga, appeared for the defence.

(331) D-Dispatch 18/7/84

Banned book: woman charged

EAST LONDON — A New Brighton woman, Miss Zoleka Brenda Badela, appeared in the regional court here yesterday on a charge of being in possession of banned literature.

Miss Badela, who pleaded not guilty, is alleged to have been found with a document called Nelson Mandela, the People's Leader.

Warrant Officer J. Nel, of the Queenstown security branch, said he found the document in one of Miss Bandela's bags while she was on a bus in Queenstown.

He said Miss Badela was asked to unpack her own luggage.

The prosecutor, Mr J. du Plessis, asked that the case be adjourned, because a potential state witness was not available.

The magistrate, Mr S. van Zyl , postponed the case until August 17 and bail of R350 was extended. — DDR.

Accused didn't associate pamphlets with PAC

By Janine Simon

A reasonable man could not be expected to check who published every "unsolicited and unordered" document he received, the defence for Mr Sipho Radebe (28), who is charged with possessing banned literature, argued in a Johannesburg Regional Magistrate's Court yesterday.

Mr Radebe, an organiser of the Council of Trade Unions of SA, is charged under Internal Security Act of 1974, which prohibits possessing a document published or disseminated by a banned organisation.

Earlier, Mr Radebe of Mofolo South, Soweto, told the court he received two pamphlets anonymously in his mail on November 4 1983.

The pamphlets, "Pokela—Leader of the PAC" and "Speeches of Mangaliso Sobukwe", were confiscated in a police roadblock the same day.

Mr Radebe said he knew the Pan Africanist Congress was banned but did not associate the pamphlets with it.

The Internal Security Act, unlike the Publications Act, did not provide for a list of banned publications, Mr G J Marcus, for Mr Radebe, argued. To find him negligent for not checking the publishers would place "unreasonable expectations on the public".

Judgment will be passed on July 27.

Unionist on banned papers charge

By NICOLA BEKKER

AN ORGANISER of the Council of Unions of South Africa (Cusa) has pleaded not guilty to possessing pamphlets published by the banned Pan-Africanist Congress.

The pamphlets were found in his car during a police roadblock.

"Pokela: Leader of the PAC" and "Speeches of Mangaliso Sobukwe" — published by PAC headquarters in New York — were discovered in 28-year-old Mr Sipho Radebe's possession on November 4 last year.

Mr Radebe has claimed he had no idea that the pamphlets were banned.

If he had, he said, he would either have taken them to the police or destroyed them.

The Cusa organiser received two envelopes on his desk on November 4.

One was a letter from a Mr Edwards, a British friend of his.

The other was a large unsigned envelope. Both had been sent from England.

"I opened the envelope and glanced at the pamphlet which was on top.

"It read 'Pokela: Leader of the PAC'.

"But I did not read it, nor did I look to see what else was in the envelope.

"I was late for a meeting and was in a hurry to get there.

"I took the pamphlets out of the envelope and placed them in my briefcase.

"I always read my mail when I get home.

"After the meeting, I went to Soweto. I noticed a roadblock, but did nothing to avoid it — I've been through them many times before."

A policeman found the publications in Mr Radebe's briefcase.

"Because neither of the men were sure the pamphlets were banned, the officer confiscated the papers and gave Mr Radebe a receipt for them.

"The next day, I went through the Government Gazette at the office, but could not find whether they were banned or not," Mr Radebe said.

"I had not read the pamphlets at all, and did not know they were prohibited.

"It was the first time I had been sent such publications through the post."

Mr G J Marais, counsel for Mr Radebe, said during argument that his client had no way of knowing the pamphlets were banned.

"All he did was glance at the title — which says nothing about the pamphlet being published by the PAC.

"The accused had no way of knowing what the publication entailed.

"It could even have been a smear pamphlet published by the National Party to discredit Pokela in the eyes of the people.

"It need not necessarily have contained subversive material.

"If a pamphlet entitled 'P W Botha: Leader of the National Party' is published, it does not have to mean it is issued by the NP.

"It could be published by the Oppposition in an attempt to discredit the Prime Minister."

The hearing was postponed to July 27 for judgment.

Illegal meeting: 38 youths in court

MDANTSANE — Thirty-eight members of the East London Youth Congress appeared before a magistrate here yesterday on charges of holding an illegal meeting.

They have been charged under Section 43 of the Ciskei Security Act. The youth congress members were arrested at midday on Sunday at St Aiden Catholic Church. Ciskei security police took them to the police station, where they were detained.

They were not asked to plead yesterday and no evidence was led. The case was postponed to August 20, and they were granted bail of R200 each.

The magistrate was Mr M. M. Ngoma. — DDR

31/7/84 The Star Tuesday Jul

Major treason trial begins in Pretoria tomorrow

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Pretoria Bureau

A major treason trial begins in the Pretoria Supreme Court tomorrow.

A former South African military intelligence clerk, Mr Ronald Mark Hunter, and two others face a variety of charges including high treason and allegations of contravening the Internal Security Act.

Mr Hunter (25), who was doing his national service last year, Mr Derek Andre Hanekom (31), and his wife, Mrs Patricia Elizabeth Hanekom (27), will also face alternative charges of contravening the Protection of Information Act and the Publications Act.

It is alleged the three spied for the ANC and that Mr Hunter copied and/or removed large quantities of highly sensitive military material, including names and addresses of personnel and details about the planning of military operations.

Earlier this year a Pretoria magistrate referred the three to the Supreme Court for summary trial.

They were not formally charged or asked to plead.

No bail was granted, in accordance with orders from the Attorney-General, Mr Don Brunette, who will appear for the State.

Mr Hunter now lives in Forest Town, Johannesburg, and the Hanekoms in Vaalbank, Magaliesburg.

Treason trial judge imposes indictment ban

By Sue Leeman,
Pretoria Bureau

A blanket ban has been placed on the publication of further indictment particulars requested by the defence in the run-up to the high treason trial of Mr Roland Mark Hunter (25), Mr Derek Andre Hanekom (31) and his wife Mrs Patricia Elizabeth Hanekom (27).

The ruling, was made in the Pretoria Supreme Court today by Mr Justice D J Curlewis, who said further bans on sensitive information might be imposed.

The three appeared briefly this morning and the case was postponed to September 3 to allow the Attorney-General to provide further details requested by the defence.

No charges were read and the accused were not asked to plead. All three were remanded in custody.

The Attorney-General of the Transvaal, Mr Don Brunette, appearing for the State, said additional information provided by him would relate to sensitive military intelligence documents allegedly found in the accuseds' possession.

The three looked tense but composed, only allowing themselves to smile after the adjournment, when they waved to friends and relatives before descending to the cells.

Mr Hunter and the bearded Mr Hanekom towered over the slightly-built Mrs Hanekom.

The State alleges the three spied for the ANC on various occasions and that Mr Hunter used his position as a clerk in the office of the Defence Force's Chief of Staff Intelligence to copy and remove sensitive military documents, including lists of Defence Force personnel and details of planned military manoeuvres.

The first charge is high treason, alternatively contravention of the Protection of Information Act, the Internal Security Act and the Publications Act.

The second main charge involves an alleged contravention of the Riotous Assemblies Act.

Mr Brunette is assisted by Dr John D'Oliviera. Mr J N de Vos, assisted by Mr Gilbert Marcus, will appear for the accused.

Sisulu's wife gives details of her 'unlawful arrest'

3/8/84

Star

Mrs Albertina Sisulu (66) alleged in the Rand Supreme Court yesterday that she was unlawfully arrested at a commemoration service.

She was giving evidence at a hearing in which she and two other members of the Federation of South African Women are each suing the Minister of Law and Order for R5 000 for alleged unlawful arrest.

Mrs Sisulu was among those who were arrested on June 13 1982 in Soweto at a commemoration service for trade union leader, Mr Joseph Mavi, who died in a car accident, and Mr Petrus Nzima and his wife, who were killed in a bomb blast in Swaziland.

Mrs Sisulu told Mr Justice le Roux that she had read about the commemoration service in a daily newspaper.

She arrived at the service late. A security policeman walked to the platform and announced that the meeting was unlawful and that they were all under arrest.

She was released about 12 hours later after she had been bodily searched, photographed and had her fingerprints taken.

Mrs Sisulu said that while she and other women were at Protea police station in Soweto, black policemen refused them permission to use the toilet.

BANNED

Mrs Sisulu is the wife of Mr Walter Sisulu, the former general secretary of the banned African National Congress who is serving a life sentence.

Mrs Sisulu had been banned for 17 years.

In defence, the Minister alleged that the gathering was intended to further the aims of the ANC, and that police found ANC literature outside the hall, the Freedom Charter was distributed and one person wore ANC colours.

The hearing continues today.

'Slogan' conviction set aside

RDM 4/8/84

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By JOHN MOJAPELO
Pretoria Bureau

THE conviction and sentence of a Kagiso Township man jailed for eight years for being a member of the banned African National Congress (ANC) was set aside by the Pretoria Supreme Court yesterday.

The successful appeal is expected to have far-reaching implications for the laws on being a member or supporter of a banned organisation in South Africa.

Mr Mosotho Isaac Genu, 31, of 3156 Kagiso Location, near Krugersdorp was originally found to be a member or supporter of the ANC because he was found in possession of clothing with words or slogans associated with the ANC.

Shirts and women's headgear, with the colours of the ANC, were found in Mr Genu's home during a raid by the security police on March 4, last year.

Mr Genu was found guilty on three counts under the Internal Security Act in the Krugersdorp Regional Court in March last year and was jailed.

Captain P Kruger, of the Krugersdorp security police, found a green, yellow and black shirt with words "power matla" and "amandla power", a yellow shirt with a map of Africa, a shirt with the words "mayebuye" and "back to God".

Mr Isak de Vries, a lecturer at the Randse Afrikaanse Universiteit, testified on behalf of the State that the words, colour of the clothing and the slogans suggested that these were connected with the ANC.

But Mr Justice T T Spolestra, with Mr Justice P Schabort concurring, said the magistrate had erred when he said it could be inferred from the words and the slogans that Mr Gune was a member or supporter of the ANC.

"That was not the only reasonable and probable inference to be drawn from the words and the slogans," Judge Spoelstra said.

The judge said it was well-known today that people wore shirts with words and slogans.

It was not correct that a person who had a shirt with a slogan supported a particular slogan.

"Before such inference could be drawn, more conclusive evidence would be required. Such additional evidence was absent in this case," Judge Spoelstra said.

The judges said there was no evidence that Mr Genu had participated or supported the ANC directly or indirectly.

Roland Hunter's parents, Brian and Mrs Lucienne Hunter, at the Pretoria Supreme Court this week — Picture: ANDREW GILLINGHAM

Secret info to ANC is alleged

5/8/84 S. Times 331

DETAILS of how a national serviceman working as a clerk in the intelligence section of the SADF allegedly passed on top-secret information to the ANC were disclosed in the Pretoria Supreme Court this week.

It is also alleged that the man discovered that a secret computer at the Military Intelligence Division (MID) in Pretoria contained personal particulars about his sister, which he extracted with the help of a temporary librarian at the MID.

By WIM VANVOLSEM

The accused, Mr Roland Mark Hunter, 25, of Forest Town, Johannesburg, and Mr Derek Andre Hanekom, 31, and his wife, Patricia, 27, both of the farm Vaalbank, near Magaliesburg, were not asked to plead.

The hearing was postponed to September 3. No bail was granted and the three will be kept in custody.

They have been charged with high treason and under several sections of the Protection of Information Act, Riotous Assemblies Act and the Publications Act, and under the Official Secrets Act.

Mystery agent

Sensitive documents allegedly removed by Mr Hunter included planning notes on military operations, national as well as foreign military intelligence reports, details on military structures, photographs of a special task-force base, and personnel and other top-secret military information.

A safe-deposit box in the Standard Bank in Braamfontein, Johannesburg, and a mystery agent known as Jane were part of the modus operandi.

The accused's defence team asked for further particulars of the charges, but were unable to hand the request in until the day before this week's proceedings began "due to the complexity of the indictment".

Mr Justice D J Curlewis orderd that details of the request and the furnishing of them by the Transvaal Attorney-General, Mr Don Brunette, could not be published.

The indictment states that Mr Hunter was doing his national service as a clerk attached to the SADF Intelligence Directorate of Special Tasks in Pretoria during 1983.

He worked for Colonel Cornelius van Niekerk, for whom he carried out duties which had been entrusted in confidence to him.

It is alleged that during 1981 Mr and Mrs Hanekom went to Botswana and made contact with alleged members or active supporters of the ANC, Marius and Jeanette Schoon and Patrick Fitzgerald.

Jeanette Schoon and her six-year-old daughter, Kathryn, were killed in a letter-bomb explosion in Angola last month.

Recruited

They kept contact with Fitzgerald by a code communications system. At the beginning of last year they recruited Mr Hunter to pass on intelligence information from the Directorate of Special Tasks and Operations to the ANC.

In April last year Mrs Hanekom allegedly "handed Jane over" to Mr Hunter at the SAA Rotunda terminal in Johannesburg.

Jane provided Mr Hunter with the address of a James Pilane of the ANC to whom he had to transmit by code South African intelligence material.

Mr Hunter then proceeded, the States alleges, to steal and/or copy the large variety of documents and items pertaining to intelligence on military structures, personnel and operations.

It is also alleged that Mr Hunter conspired with another national serviceman, Mr Noel Francis Stott, who worked as a temporary librarian at the MID, to obtain secret information stored in a computer at intelligence headquarters.

The information related to his (Mr Hunter's) sister, Catherine.

Miss Catherine Hunter was held by security police prior to the Niehaus trial earlier this year.

In camera

Carl Niehaus and his girlfriend, Jansie Lourens, were jailed after being found guilty under the Internal Security Act for, inter alia, providing information to the ANC to blow up the Johannesburg gasworks.

Miss Hunter was later released without being called and is now believed to have settled in Swaziland.

Mr Stott is described in the indictment to have unlawfully provided Mr Hunter with the relevant information from the computer, but has not been charged.

It is expected he will appear as a state witness in the trial, parts of which it is believed will be held in camera.

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331.

darling Joe.

SCHRECKLE
fondly remem- by Adore and fam-

SMITH
Charles (Smithy). Sad silent thoughts of 3 years ago. You are so sadly missed my love. But God knew best. Happy and loving memories will always remain. Rest in peace. Your wife May.

SOLARSH
Harry, who left us on the 8th August 1981. Most beloved brother of Joyce and darling uncle of Michael and Sandy Aigner, Carolyn and Michael Wilkov (Dallas, USA). Deep in our hearts your memory is kept, we who loved you will never forget.

SOLARSH
Harry, our beloved brother and uncle, left us 8/08/81. God has you in his keeping, we have you in our hearts. Adeline, Sydney, Roy and Stanley Suttner.

SOLARSH
Harry. In cherished memory of our dearly beloved Dad. Who passed away 8.8.81. Always remembered with love. By daughters Brenda, Marion and Jenni. R.I.P.

Memorial Serv.

CRETCHLEY
A memorial service for Kenneth, Hinton late of Fontainbleau, Randburg will be held at the Dove and Wilmot Funeral Home chapel, Hans Strydom Drive, Strydom Park, Randburg on Friday afternoon at 15h00 pm. No flowers by request, suggest donations in lieu of to the Cancer Association. p.o. box 2000, Jhb, 2000. Arrangements by Doves and Wilmot Funeral Home. Telephone: 793-3575/6.

Consecrations

KOPINSKY
The unveiling of the tombstone in loving memory of Maisie, beloved wife of Sam, mother of Brian and Sarina, Joel, and Mervyn and Bobba of Liron will be held on Sunday August 12th at 10.45am at Westpark Cemetery. Will relatives and friends kindly accept this intimation.

MILLER
The Consecration of the tombstone of the late Hymie Miller former Mayor of Johannesburg and Member of Parliament will take place at Westpark Cemetery on Sunday August 12th 1984 at 11.45 am. Will relatives and friends kindly accept this intimation.

The Star
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633-2600

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Classified 633-2600

Court victory 'sets a precedent'

The three Soweto women who yesterday successfully sued the Minister of Law and Order for wrongful arrest said they were happy that a precedent had been set by their case.

Mrs Nontsikelelo Sisulu (66), Mrs Greta Ncapai (72) and Miss Amanda Kgwadi (33), all members of the Federation of South African Women (Fedsaw), were awarded a total of R1 500 in the Rand Supreme Court by Mr Justice D J H le Roux.

The case followed their arrest at a memorial service of the late trade unionist, Mr Joseph Mavi, on June 13 1982 at the Dube YWCA.

In a joint statement the three said their victory over the Minister of Law and Order was a giant leap for justice in this country.

"The case boosted not only our own morale, but that of the black community as a whole. It will teach the police not to take the law in their own hands. Black people are human beings and therefore are entitled to justice and protection by the law.

"The State had no case against us and our counsel was good. We are not interested in the money but are happy that the police will not just burst in at gatherings and arrest people without consideration for the rule of law."

Kontak to hold workshop

Kontak, the Afrikaans women's organisation working to improve relations between different cultural and colour groups in South Africa, will hold a workshop on Friday on selfhelp activities.

The public is invited to join in the programme of talks and discussion of the concept.

Projects include growing vegetables for profit; providing low-cost burials; and handwork.

Registration is at 8 am at the Aasvoëlkop NGK church hall in Hockey Avenue, Northcliff. The fee is R10, which includes lunch and tea. For information telephone 29-8996 or 29-8990.

2 500 enter dog show

A record entry for any dog show in Southern Africa has been received for the Dogmor Dog of the Year Show on August 25 and 26.

More than 2 500 dogs have been entered for the show at Gillooly's Farm, Bedfordview. Most entries are for the beauty and breed category.

Nine international judges are to be flown in for the event.

The show will include obedience and work trials, the Transvaal Dog Jumping Championship and the Southern African Working Dogs Invitation Stakes which pits a local team against a visiting United States team.

Rapist pleads not guilty to murder of victim

A 72-year-old bedridden woman died two weeks after she had been seriously assaulted and raped in her home by an 18-year-old man, the State alleged in the Rand Supreme Court yesterday.

Ronald Solomon, address given as Mayfair, Johannesburg, pleaded guilty before Mr Justice A M van Niekerk and two assessors to a charge of rape with extenuating circumstances and was convicted accordingly.

However, he pleaded not guilty to a charge of murder. Solomon disputes that the alleged assaults caused the death of Mrs Johanna Katherina Sandenbergh on March 1.

According to the postmortem report, the cause of Mrs Sandenbergh's death was broncho-pneumonia, cerebral softening and a history of assaults.

Dr A Wessels, a locum district surgeon, said he was called to the J G Strijdom Hospital at about 1 am on February 12 to examine Mrs Sandenbergh.

He found she had been seriously assaulted. He recorded that she had wounds on her face, neck, left hand, chest and right eye, and she had been raped.

He said Mrs Sandenbergh was confused and he had to discontinue his examination.

The hearing continues today.

oppose call-up

By Jo-Anne Collinge

Nearly two-thirds of Witwatersrand University students surveyed recently are opposed to compulsory conscription into the South African Defence Force (SADF).

The survey was conducted by the official

● Few students — 11,2 percent — saw the SADF as politically neutral.

● 55,8 percent felt present defence spending was too high, while 10,2 percent viewed it as too low. One-fifth of respondents felt spending was adequate while the remain-

ment.

"Comments reflect the polarity of opinion on our campus," the paper said. It quoted several examples, including the following:

● "The SADF serves as the military wing of the Nationalist Party in up-

EVENING POST, THURSDAY, AUGUST 9, 1984

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Policeman in intimidation trial says man seemed the leader

A SECURITY policeman who gave evidence at the trial of a 25-year-old Zwide man charged with intimidation and asssault told the Port Elizabeth Regional Court today that he could not hear what the accused had told a group of people, but that he seemed to be the leader of the group.

Mr Mkhuseli Jack, of Fuma Street, New Brighton, pleaded not guilty, on July 2, to a charge of intimidating Gertrude Hato, Edith Lechoani, Sylvia Sidiki and members of the Mihonji Adult Choir.

Mr Jack allegedly forced them not to sing at a function at the War Memorial Hall in New Brighton on January 22, 1984, by telling them they would be hurt and that their houses would be burnt.

He also pleaded not guilty to assaulting Edith Lechoani by grabbing her by the arm and pulling her.

Sergeant Freddie van Wyk, of the security police, said he was at the War Memorial Hall with other members of the security police to ensure "that everything was in order".

Sgt Van Wyk said he sat in a vehicle behind the hall outside the gate.

Mr Jack and five other people arrived before the choir and mixed with the people there.

When the choir arrived Mr Jack walked over to them, started talking to them and then went through the gates of the premises with them.

He said Warrant Officer Christoper Nani (also of the security police), walked over to the group to see what was happening.

A little later Mr Jack took one of the choir members by the arm, turned around and pointed in the direction of the vehicle, said Sgt Van Wyk.

They continued talking for a while and then all the choir members walked away from the premises and the function was abandoned shortly afterwards.

Sgt Van Wyk said he could see them clearly, but he could not hear what was said.

Mr Jack seemed to be the leader of the group because, he said: "I could see that people stopped when he came and he was the one who pointed in our direction."

Asked by Mr S Nkanunu, for Mr Jack, whether he kept his eyes on Mr Jack all the time, Sgt Van Wyk said: "Basically the whole time."

Mr Nkanunu put it to Sgt Van Wyk that Mr Jack was going to the house next to where he was parked.

Sgt Van Wyk replied that Mr Jack had moved to the direction of the choir members.

Mr Nkanunu said Mr Jack denied being delayed at the gate, taking a woman by the arm or pointing in the direction of Sgt Van Wyk's vehicle.

The case was postponed to August 30.

Mr P Crous was on the Bench. Mr H S Goosen appeared for the State.

Man freed on bus stoning charges

EAST LONDON — A 27-year-old Mdantsane man was acquitted on charges arising out of a bus stoning incident.

Mr Gladman Phamzile Monkomo was charged with intimidating commuters by throwing stones at a bus, inciting public violence and malicious damage to the property of the CTC bus company.

The incident happened on the morning of May 23 at Wilsonia station. Mr Monkomo pleaded not guilty.

A Cambridge policeman, Constable C. Sizani, said he had seen Mr Monkomo stone the bus.

Sergeant Mansfield John Hartley said he had heard stones being thrown at the bus, but had not seen the incident.

There could have been 200 people at the station, alighting from the train, he said. He had been keeping a watch on the whole area at the time, and not just the station.

Sgt Hartley said Const Sizani had pointed out a man who had his back turned towards them, and had then arrested the man after a struggle.

Mr Monkomo told the court he had alighted from the train at Wilsonia station and was on his way to work. He had not thrown stones at the bus, and had not noticed anybody else doing so, he said.

There were many people at the station and he did not know why Const Sizani had picked on him.

Mr Kessie Naidu, for the defence, said the honesty of Const Sizani could not be doubted. However, the circumstances had not made a reliable identification of the person who stoned the bus possible.

The magistrate, Mr N. R. Oosthuysen said there was no doubt that the bus was stoned, but that there was a dispute as to whether the state had proved that Mr Monkomo was the one responsible.

Const Sizani had been the only witness, he said, and the court was not satisfied that Mr Monkomo had been correctly identified.

It was possible some other person had thrown stones at the bus, the magistrate found.

The prosecutor was Mr E. Lotz. — DDR

(331) D. Dispatch 10/8/84

Freedom songs: man in court

EAST LONDON — An Mdantsane man appeared briefly in the Regional Court yesterday on charges of furthering the aims of the African National Congress.

Mr Goodman Mtati is charged with furthering the aims and objects of the ANC and participating in ANC activities by organising the singing of freedom songs.

Mr Mtati is also charged with encouraging and fomenting feelings of hostility between different population groups.

Mr Kessie Naidu, for the defence, said that neither the State nor the defence was in a position to proceed with the case.

He said that the defence needed further particulars from the State.

The Magistrate, Mr N. R. Oosthuysen, postponed the case until September 17.

Mr Mtati was remanded and bail of R150 was extended. — DDR

Boxer jailed for aiding ANC aims

Northern Transvaal Bureau

PIETERSBURG — A promising boxing career was cut short in the Pietersburg Regional Court yesterday when Moses Sithebe, a member of a well-known Soweto boxing family, was jailed for furthering the aims of the banned African National Congress (ANC).

The magistrate suspended half of the three-year sentence for five years. Sithebe (23) was found guilty on two charges and two alternative charges under the Internal Security Act.

He pleaded guilty.

The court found that he unlawfully became a member of the organisation between December 1983 and March this year. He was also found guilty of attempting to bring literature and a cassette furthering ANC aims into South Africa.

Sithebe was also found to have been in possession of other publications banned under the Internal Security Act.

The accused's mother, Mrs Kate Sithebe, his wife Nombuleleo and his brother Johannes testified in mitigation saying the accused was a young boxer with a promising future which represented a considerable percentage of his income.

Sithebe's attorney said he would not appeal.

Which Judges hear what? (331) RDM 15/8/84

Judges on trial when

The allocation of judges in political trials is a sensitive subject. JOHN DUGARD, professor of law and director of the Centre for Applied Legal Studies, Witwatersrand University, examines the situation in an editorial which appears in the latest issue of Lawyers for Human Rights Bulletin

FOR several years there has been concern on the part of lawyers and informed laymen about the allocation of judges to hear political trials. Until 1982 this subject was deemed to be too sensitive to raise publicly.

However, in 1982 this matter was raised by Advocate Sydney Kentridge SC in an address at the University of the Witwatersrand.

In this address Advocate Kentridge stated:

"There is another development in our judicial system which I find even more disturbing, and which has too long got by without public comment, although this, too, is well known in the legal profession.

"Over the past several years a certain pattern has become apparent in relation to trials for serious political offences. I know that whenever anyone talks of political offences some minister or policeman says there is no such thing; people in this country are charged only for ordinary crimes.

"But in fact no one really has any doubt about what is meant by a political offence. By political offences I mean offences committed with political motives — such as offences under the Internal Security Act or high treason.

"In certain parts of the country, at least, it has become obvious that trials of persons charged with these offences are usually heard not at random by all or any of the available members of the Supreme Court Bench, but only by a section of the members of that Bench.

"Time and again the same few judges seem to sit in these cases. Many senior judges, who have been 10 years or more on the Bench, have never found themselves presiding over such a trial. Why this should be so it is impossible to discern.

"One does not know either how the prosecuting authorities to these cases or on what basis the prosecuting authorities set down the cases for hearing. But the pattern has been too clear, at least in some divisions of the Supreme Court, to allow it to be dismissed as coincidence.

"This is disturbing because there ought never to be the slightest suspicion that the courts are being manipulated. The judges themselves, I am certain, are not and could not be parties to this selectivity.

"The responsibility must lie somewhere else. The matter requires investigation, not merely an awkward silence."

Later that year I spoke on the same subject at a conference on "Detention and Security Legislation" in Durban. On that occasion I stated:

" ... I have made a study of security trials held in the Transvaal reported in the Press. Although I do not claim complete accuracy for my figures, I am satisfied that they are reliable insofar as they provide evidence of a pattern in relation to 'political trials'.

"From this study it appears that from 1978 to 1982 (inclusive) there were 25 trials in the Transvaal of persons charged with treason, terrorism, sabotage or serious offences under the Internal Security Act 44 of 1950 before the Supreme Court.

"These cases were tried by twelve judges of the 45 judges and acting judges who sat on the Transvaal Provincial Division during the period 1978-1982. Moreover, eight judges heard 21 of these cases.

"In effect this means that about 17% of the Transvaal judiciary (including acting judges) heard 84% of the cases in question. One can break this figure down still further — 13 of the cases were heard by four judges — that is, less than 10% of the judges tried 52% of the cases."

This matter was considered by the Commission of Enquiry into the Structure and Functioning of the Courts under the chairmanship of Mr Justice G G Hoexter in its Fifth and Final Report.

PROF JOHN DUGARD
Sensitive subject

In this report the Commission considered the above addresses and concluded that it was not able to "arrive at any final finding" on this subject. The Commission then went on to state that this "does not entirely dispose of the matter".

It continued: " ... It is vitally important that the general public should have confidence that our courts will maintain absolute impartiality at all times and especially in cases involving subject and State. Judges should guard against a belief that those somewhat exalted notions regarding the administration of justice which they themselves may cherish are shared by the general public.

"The latter, as the evidence before this Commission repeatedly showed, often regard the administration of justice with a jaundiced and even a cynical eye. Confidence in the law is a fragile plant. Any noticeable tendency for only certain judges to be assigned to preside at criminal trials involving the security of the State would run counter to the proud tradition of our administration of justice; it would debase the judicial office; and inevitably breed suspicion and disquiet.

"That the satisfactory manning of the courts of the overworked Transvaal Bench gives rise to troublesome administrative problems and calls for much ingenuity and resource need hardly be said.

"Making full allowance therefore, the Commission is however of the opinion that, in the assignment of judges to preside at sensitive criminal trials, it is in the interests of the proper administration of justice that, so far as may be practicable, an attempt should be made to achieve an even distribution of such work among all the available judges."

Now that a judical commission of enquiry has raised this issue directly, it is important that those responsible for the allocation of judges to preside over political trials should be particularly sensitive to public perceptions in the making of such appointments.

For a start it would seem obvious that those judges who have recently tried persons on charges of treason in cases that have received widespread national and international publicity should be excused from presiding over treason trials and serious charges under the Internal Security Act until their brethren on the Bench have also had an opportunity of trying such cases.

In this way only will public confidence be restored. This accords with the view of the Hoexter Commission that the interests of justice would best be served by the "even distribution of such work among all the available judges".

This problem was considered by the Hoexter Commission in the context of the appointment of judges to hear political trials in the Transvaal.

It might, therefore, be helpful to those responsible for the appointment of judges in future political trials to identify the main trials during the past few years and the judges who have presided over such trials so that these judges are exempted from allocation to political trials until a wider range of judges have presided over such trials.

The trials and judges which have received the most attention in recent years are:

1) State v Lubisi and others. Trial judge: The Hon Mr Justice J P O de Villiers.
2) State v Tsotsobe and others. Trial judge: The Hon Mr Justice C D J Theron.
3) State v Hogan. Trial judge: The Hon Mr Justice H P van Dyk.
4) State v Mogoerane and others. Trial judge: The Hon Mr Justice D J Curlewis.

Three of the above cases were debated in both the Security Council and the General Assembly of the United Nations and resulted in resolutions from these bodies calling upon the South African Government not to execute those sentenced to death.

All four cases received considerable attention nationally, largely on account of the severity of the sentences imposed.

The State v Mogoerane and others probably received the most attention, firstly, on account of the fact that the three men sentenced to death in that case were subsequently executed and, secondly, on account of the comments made by Mr Justice Curlewis in passing sentences of death.

The remarks of Curlewis J, which liken the activities of the ANC to those of the PLO, have been widely publicised.

For instance, an article in the British International and Comparative Law Quarterly castigates Mr Justice Curlewis' comments and concludes that his judgment simply bolsters the growing criticism that the South African judiciary "is merely part of repressive, racist machinery".

Judges who have become closely identified with the hearing of political trials as a result of publicity of the kind described above may, in the wake of the Hoexter Commission Report, find themselves exposed to applications for recusal.

The law on the subject of recusal is notoriously uncertain, but there can be no doubt that some of the broader tests enunciated would support an argument that a judge should recuse himself when he is perceived by those sections of the public sympathetic to the accused in a political trial to have been chosen to hear the case by reason of his handling of earlier political trials.

The test that immediately comes to mind is that contained in an *obiter dictum* (in Britain) by Lord Esher Mr in Eckersley v Mersey Docks and Harbour Board:

"Not only must (judges) not be biased, but ... even though it be demonstrated that they would not be biased, they ought not to act as judges in a matter where the circumstances are such that people — not necessarily reasonable people, but many people — would suspect them of being biased."

Although applications of this kind might fail, they would cause considerable harm to the reputation of our system of justice among many sections of the population because they would lend support to the suspicion that those in authority are determined to permit only a small number of carefully chosen judges to hear political trials.

"Confidence in the law is a fragile plant," said the Hoexter Commission. If this confidence is to be maintained or, perhaps restored, it is essential that the subject of the allocation of judges to hear political trials be defused.

It will not be defused by the continuation of a practice described by the Hoexter Commission as one that debases the judical office and breeds suspicion and disquiet.