

TOTALITARIANISM

POLITICAL TRIALS

1984

AUG — DEC.

CHE Tm 2/8/86

# Youths jailed for arson

331

Court Reporter

THREE 17-year-old youths were sentenced to eight years imprisonment each on two charges of sabotage for starting a fire which partially destroyed the Bloch shopping centre and Egg Board offices in Kraaifontein in June last year.

The three, who may not be named, appeared with David Charles Williams, 19, Jan Douries, 28, and John van der Westhuizen, 28, all of Scottsdale.

Williams was sentenced to 10 years imprisonment and Douries and Van der Westhuizen to 14 years each.

They were all convicted under section 54(3) of the Internal Security Act, sabotage and for causing damage of about R2-million.

The entire hearing was held in camera.

Mr A Burger was the magistrate. Mr D Luckhoff appeared for the State. Mr S Majiet, instructed by E Moosa and associates, appeared for the six.

# Necklacing Bail refused

CRK Times 2/8/86 331

PRETORIA. — A magistrate yesterday refused bail to a man who allegedly "necklaced" a black policeman.

Mr Henry Burt, 33, of Plot 47, Laezonia, near Pretoria, denied the policeman's blood had been found in his car and suggested it had been "planted".

The magistrate said that in view of the seriousness of the murder charge, which carried a possible death sentence, and because Mr Burt's co-accused, Mr Roger North, had already fled the country, it was not in the interest of justice to grant him bail.

Mr Burt is being charged for the death of Sergeant Johannes Boetie Ndimande.

He allegedly hit the policeman over the head and "necklaced" him on the evening of June 6.

Mr North said in a statement to the police Mr Burt came to his house late one evening and told him he had

picked up a "drunken policeman".

He said the policeman was dead and that he did not know what to do. When Mr North suggested Mr Burt telephone the police, he said he could not as he had killed the policeman.

## 'Black'

Mr Burt suggested they burn the body and make it look like a "black killing", said Mr North. There was a tyre nearby and Mr Burt suggested they burn the body and get rid of the evidence.

Mr North fled the country the day after he made the statement.

Mr North said he gave Mr Burt petrol and they put the tyre in the boot and drove off. He said he helped pull the body out of the car. They then set the body alight.

Mr Burt said he was at a civil defence meeting that evening. He had later given a policeman a lift and dropped him off.

— Sapa

## Night in SA costs ANC man 10 years in jail

By MARTIN NTSOELENGSE

JEFFREY Thamsanqa Radebe was this week jailed 10 years for being a member of the African National Congress and furthering its aims during July 1982 and April 1986.

Radebe, 32, of KwaMashu in Durban, had pleaded not guilty in the Johannesburg Regional Court to charges of "terrorism".

Radebe was arrested in April in Soweto. He said he had been merely passing through SA - where he planned to spend one night - and then go to Swaziland.

Radebe earlier told the court he worked with a legal firm in Durban after obtaining his B Juris degree.

He resigned and went to Swaziland, where a teacher told him he should go to Tanzania if he wanted a scholarship to continue his studies.

Radebe said he joined the ANC in Tanzania, after he was told scholarships were for ANC members only.

He was sent to East Germany where he obtained his masters degree in international law.

In 1981 he went to Zambia and later Lesotho where he was ordered to undergo military training in Angola.

"I was not keen to go for military training" he said.

At the time of his arrest Radebe was working for a legal firm in Lesotho.

## In Duncan Village

tinually disrupted and acceptable academic standard not maintained, writes Sol Morathi.

The warning, contained in a statement, comes after repeated disruptions during the academic year and students' failure to resume lectures at the beginning of the second semester.

Students boycotted

classes for three days last week in protest against the detention of some students under the emergency regulations.

The council said the statement was not meant as a show of strength but "as an expression of genuine concern for the academic interest of both the university and students".

problems.

More than 300 participants from both local and overseas organisations are expected to attend the conference, which will also include workshops on issues like education, family life, employment and inflation.

Black Housewives' League president Sally Motlana, one of the organisers, said the conference would be "a meeting ground for mothers in SA to plan and act jointly in preparing for the future".

The conference ends on Sunday.

## Ex-Cosas man fights sentence

By STAN MHLONGO

FORMER Vaal Congress of SA Students member Emmanuel Nteso's appeal against a two-and-a-half year sentence for possessing banned literature will be heard in the Pretoria Supreme Court today.

Nteso was arrested in September 1984 for possessing a cassette with a speech by ANC president Oliver Tambo and literature belonging to the outlawed SA Students' Organisation.

Nteso was granted bail of R500, pending his appeal against his sentence.

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A SECURITY policeman told the Delmas Circuit Court on Friday how he registered at the University of the Witwatersrand and operated as an undercover agent.

The court was also told that political activists, among them, Mr Vincent Tshabalala, an alleged member of the Congress of South African Students (Cosas), took refuge in the house of the police agent.

Appearing before Mr Justice K van Dijkhorst and two assessors on two charges of high treason, alternatively subversions, terrorism and murder are 22 men, among them leading members of the United Democratic Front, the Azanian People's Organisation, the Vaal Civic Association and the Azanian National Youth Unity.

## Unrest

The charges arise from the unrest that broke out in the Vaal Triangle in September 1984.

Leading evidence for

## By MANDLA NDLAZI

the State is Mr P B Jacobs and Advocate George Bizos SC appears for the defence.

Mr Robert Whitecross told the court that he was a member of the Security Police at John Vorster Square.

During 1983, he said, he registered as a student at the University of the Witwatersrand. He became a member of Nusas and the SRC.

He said late in that year he threw a "house warming party" and people he had invited were detained. He said he had invited people with "progressive political ideas and who were

against the government".

Among those who attended were Cosas members like Mr Obed Bopela and Mr Paul Matshitela, both of Alexandra township. Mr Whitecross said his hobby was photography and he took pictures of people who attended the party.

## Fearful

He said he occupied the house with Mr Carl Niehaus and others, and among those present at the party were Mr Vincent Tshabalala and Mr Nico Motsai.

Mr Whitecross said in mid-July of that year, he met Mr Tshabalala again. He said Mr Tsha-

balala was in the company of two men and two women. They seemed fearful and told him they wanted a hiding place as police were looking for them.

He said they spent a night and day in his bedroom and gave instructions that if anybody knocked, that person should be told that the key was lost.

They were later driven to the Botswana border on their way to join the ANC. He said he never saw Mr Tshabalala again until 1985.

Another witness, Warrant Officer Johannes Hugo, of the Welkom Security Police said from July 1984 there was

trouble at all the schools in Thabong, and as a result they were closed for some time.

On August 1 of that year, he saw a group of about 400 pupils who chanted political slogans and sang freedom songs at Theto Senior Secondary School. Cosas secretary, Mr Billy Mabobo led them in song and action. He also saw Mr George Mamakgwe, who wore a UDF T-shirt.

## Roadblock

The group of pupils moved out of the school premises and when they were dispersed by police, ran to the township.

Later he saw vehicles burning and a liquor delivery truck that had been looted.

On August 11, he attended Mr Ephraim Loape's funeral service at the Phillip Smith Centre in Thabong. While there, he got a radio message that he should go to a roadblock, where he stopped UDF publicity secretary Mr Terror Lekota. He said he found documents in the boot of Mr Lekota's car.

He took Mr Lekota to the police station from where he was later released.

On September 5 of that year, a meeting was held at the Phillip Smith

Centre to resolve the school situation, but the meeting failed to take place after 500 people had gathered. Later the house of W/O John Morolong of the Welkom Security Police was petrol-bombed.

In his evidence, W/O Morolong said he attended the meeting as a parent and a member of the school committee. He said it was a meeting of parents and pupils, called to resolve the school situation.

## Rowdy

He said the meeting became rowdy and Mr Billy Mokobo threatened that his house would be petrol-bombed. Later the group of pupils, chanting political slogans and singing freedom songs scattered into the township and his house was petrol-bombed.

W/O Morolong said his house was reduced to ashes and damage was estimated at R30 000. He said repairs to his car were estimated at R3 170.

SWEETMAKING

Parties

Area

5/11/80

## 'ANC recruiting agent' in court

A 24-year-old man yesterday appeared in the Johannesburg Regional Court on charges of terrorism and illegal possession of firearms.

Mr Mswazi Victor Dlodlo, of no fixed address, is alleged to have been a member or active supporter of the African National Congress.

The State claims that between 1983 and December last year, Mr Dlodlo underwent military training in the Caculama camp in Eastern Angola, a camp in Russia and other camps unknown to the State.

In January this year, Mr Dlodlo, while in Botswana, allegedly received an AK47 rifle, four magazines with 120 rounds of ammunition, a false document and R1 000 from the ANC.

It was further alleged that Mr Dlodlo had in January this year, on the orders of the ANC, entered South Africa through Botswana and Bophuthatswana to:

- Recruit people to undergo training outside South Africa and become members of the ANC.
- Teach people how to use AK47 rifles, hand grenades and bombs.
- Commit violence to further the aims of the ANC.

The hearing continues tomorrow — Sapa.

# Four fined for anti-US protest

By Pat Devereaux

Four people were fined R250 each by a Johannesburg magistrate yesterday for attending a demonstration against the Libyan raid in April.

Terrence Phiri (24) of Meadowlands, Soweto, Gavin Modikoe (23), Aaron Ntswoa (19) both of Dobsonville, Soweto, and George Ngwenya (20) of Dlamini Ext, Soweto, all pleaded not guilty to the main charge of organising an illegal gathering. They pleaded guilty to an alternative charge of attending an il-

legal gathering.

The court heard that the four men had attended a demonstration on the corner of Eloff and Commissioner streets outside the American Embassy and that the gathering contravened the Internal Security Act.

## PEACEFUL

In mitigation of sentence their legal representative, Mr ND Pandya, said the demonstration had been peaceful and was not directed at the Government.

"It was a protest against the American

bombing of Libya on April 18 and was dispersed within 10 minutes," he said.

The four were not convicted on the main count but were convicted on the alternative count by magistrate Mr J van Wyk.

He said it had not been proved that Phiri's previous conviction of sabotage and this incident were linked.

"I do not need to remind you that in times like these a peaceful gathering may change into a high-risk event," he said.



*Cape Times 5/8/86 (321)*  
**Cape Times reporter in court**

**Court Reporter**

A CAPE TIMES reporter, Mr Peter Dennehy, appeared in the Magistrate's Court yesterday in connection with possessing a banned book.

Mr Dennehy, 28, of Oxford Road, Observatory, was not asked to plead and no charges were put to him.

The charge sheet indicates that he may be charged under the Publications Act.

The hearing was adjourned to August 27 for further investigation.

Mr M J C Tolken was the magistrate. Mr J M McEwan prosecuted. Mr Dennehy was not represented.

# 'Unity call to women'

WOMEN were told to welcome and assist guerillas when they returned to the country, a witness said in the Delmas Circuit Court yesterday.

A self-confessed member of the banned African National Congress gave this evidence in camera.

Appearing before Mr Justice K van Dijkhorst and two assessors on charges of high treason, alternatively subversion, terrorism and murder, are 22 men, among them leading members of the United Democratic Front, the Azanian People's Organisation, the Vaal Civic Association and the Azanian National Youth Unity.

The witness, who may not be identified, said during a June 16 commemoration service held in a black township in 1984, Mathilda Gazela, who was from Fort Hare University, was one of the speakers.

Gazela had called upon all women to unite so as to be able to welcome and assist guerillas when they returned to the country.

The witness said it was known that police planted their informers at such commemorations. He said Mr Popo

By **MANDLA**  
**NDLAZI**

Molefe, one of the accused, told the people at that commemoration that the aim of the one million signature campaign was to oppose the tri-cameral elections.

Cross-examined by Mr George Bizos for the defence, the witness said as a member of the ANC he was trained not to expose himself by openly discussing politics.

He said a decision to attack the Rev Sam Buti's house did not come from the ANC but from a meeting in Alexandra.

It was also decided at that meeting that all councillors' houses, as well as policemen, should be attacked. The witness said he took his ANC assignments seriously though he did not do some follow-ups.

He said he was in hospital when his house was set alight. He denied that he was attacked and his house burnt by people who suspected that he was an informer.

Proceeding.

*Sweper 5/8/86 (331)*

**FOCUS**

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# COURT TOLD OF SUICIDE SQUAD THREAT

By MANDLA NDLAZI

PAMPHLETS warning councillors to resign or face the wrath of the SA Suicide Squad were exhibited in the Delmas Circuit Court yesterday.

The pamphlets, signed SA Suicide Squad, read: "You are advised to resign from the community councils as soon as possible, or else you will be endangering your business, house and life as such."

In the dock were 22 men, among them leading members of the Azanian People's Organisation, the United Democratic Front, the Vaal Civic Association and the Azanian National Youth Unity.

They are appearing before Mr Justice K van Dijkhorst and two assessors charged with high treason, alternatively subversion, terrorism and murder. The charges arise from unrest that broke out in the Vaal Triangle on September 1984.

Detective Warrant Officer J H Krüger of the Pietersburg Security Police, told the court that the pamphlets were distributed on October 8, 1983 in Mankweng.

## Resign

He said there were to be elections of the councillors the following day. Among the councillors he went to was Mr S. Mohale, who showed him a letter warning him to resign.

W/O Krüger said as a result of the pamphlets, the councillors resigned. Another witness, Lieutenant Johannes van Dyk of the Pietersburg Security Police said on September 3, 1985 he went to Turfloop University and collected documents from the offices of the students' organisation in the campus.

The documents related to a message from the underground wing of the banned ANC and Azapo, and to education demands.

# 'Necklace' trial witness says his home was razed

Staff Reporter

A STATE witness in the Oudtshoorn "necklace" murder trial told the Supreme Court, Cape Town, his home was burnt down after community councillor Mr Patrick "Big Boy" Marenene was killed.

Mr Hendrik Japhta was testifying in the trial of Mr Patrick Manginda, Mr Desmond Majola, Mr Dickson Madikane, Mr Chwete Makay, Mr Jimmy Sitwayi, and youths aged 15, 16 and 17, all of Oudtshoorn.

They have pleaded not guilty to charges of murdering Mr. Marenene, a Bongulethu community councillor, in Muller Street, Bridgton, Oudtshoorn, on November 22, 1985, and to alternative charges of public violence.

The State alleges they chopped Mr Marenene with an axe, stoned, stabbed, hit and kicked him and set him alight using a tyre.

Alternatively, it is alleged they gathered with the intention of disturbing public order, peace and safety, and weakening the authority of the police by causing unrest and violence.

## Gambling

Mr Japhta said he was gambling with some of the accused when they heard shots and ran out to look.

In Muller Street they saw a man running with 100 to 120 people behind him.

The 17-year-old youth took hold of the man's arm, causing him to fall. The 15-year-old wrestled with the man on the ground and stabbed him.

Mr Japhta said that when the group caught up with the man, Mr Manginda threw a large rock at his head.

Mr Majola struck him with an axe and Mr Sitwayi stabbed him. The rest of the crowd threw stones at him.

He said Mr Majola then put a tyre around the man's neck. Members of the group went to nearby houses in search of petrol.

The tyre was lit and the group walked away.

Mr Japhta said that when a woman removed the tyre, Mr Majola turned back and replaced it. The police arrived.

During cross-examination by defence counsel Mr D Potgieter, Mr Japhta said his house had been burnt down since the killing.

He denied being a police informer. When Mr Potgieter said Sergeant Willie Bruiners said he was an informer, he again denied it.

He said he gave information to the police because he wished to "speak the truth" and not because he was "looking for money".

Another reason was that he had known Mr Marenene through playing rugby with him.

## Other cases

Asked whether he was a State witness in other cases, he said he testified in an arson case relating to the burning of a construction company's bakkie because he wished to prevent the driver from being blamed.

Mr Potgieter alleged Mr Japhta was covering up the facts and that he gave information to the police "not out of the goodness of your heart, but because you were paid for it".

Mr Japhta denied the allegations, saying he earned money from selling dagga.

(Proceeding)

Mr Justice Lategan is on the Bench, with Mr W Vivier and Mr H van Huyssteen as assessors. Mr C Viviers appears for the State. Mr Potgieter and Mr S Majiedt, instructed by E Moosa and Associates, appear for the defence.

# Leaders 'fled mob violence'

WINTERVELDT community leaders, Mrs Martha Lebopo and Mrs Joslyn Motsuenyane, wife of Nafcoc president Mr Sam Motsuenyane, fled when a mob threw stones at Bophuthatswana police on March 26.

Saying this under cross-examination by Advocate E van Graan in Ga-Rankuwa yesterday was Lieutenant-Colonel Diale Jerry Mokubane, Divisional Commissioner in the Odi-Moretele District.

He was testifying before the Smith Commission of Inquiry into the fatal shooting of 11 Winterveldt residents by members of his police force.

Col Mokubane told the commission that although his colleague, Brigadier Andrew Molope, had told Mrs Lebopo at the soccer field that day that he was "responsible for the safety and lives of people," he was unsuccessful in his attempt to disperse the crowd peacefully.

## Ordered

"Brig Molope subsequently ordered the police and soldiers to leave the scene. But as we tried to obey his instructions, part of the crowd forcefully followed us and some tried to surround us," Col Mokubane said.

"Tension grew when policemen attempted to arrest someone who was carrying a petrol bomb in his hand. As we realised that the act could have sparked off trouble, we decided to leave the person," he added.

Col Mokubane said trouble started when the mob hurled bottles and stones at policemen. He said then both Mrs Lebopo and Mrs Motsuenyane ran away.

Proceeding.



# 8 deny 'necklace' killing

FIVE men and three youths yesterday pleaded not guilty in the Supreme Court, Cape Town, to the "necklace" murder of community councillor Mr Patrick "Big Boy" Marenene in Oudtshoorn last November.

Mr Patrick Manginda (23), Mr Desmond Majola, Mr Dickson Madikane, Mr Chwete Makay (24), Mr Jimmy Sitwayi (26), and youths aged 15, 16 and 17, all of Oudtshoorn, were charged with murder, alternatively public violence.

The State alleges that on November 22 they chopped Mr Marenene with an axe, stoned, stabbed, hit and kicked him and set him alight

using a tyre.

Alternatively, it is alleged that they gathered with the intention of disturbing public order, peace and safety and weakening the authority of the police by causing unrest and violence.

The State alleges that they gathered with stones and other objects; and stoned, stabbed and set alight Mr Marenene and stoned Mr Lewin Solomons' car.

It is alleged that two days before the killing Mr Marenene and his wife, Ms Dorothy Fortuin, were at home when a large group gathered in the street outside.

The State alleges further:

Mr Makay addressed

the group and one of the youths peered in the windows of the house.

When Ms Fortuin asked what they wanted, the youth replied that they were looking for "Big Boy" because they "wanted his blood". The group took goods out of the house and burned them.

## Pursued

On November 22 Mr Marenene, armed with a revolver, returned to fetch belongings not destroyed. A large group of people began stoning him. He ran away and fired into the air.

Mr Maginda and Mr Majola were in the group which pursued him.

After passing three

people, he stumbled and fell and was stabbed by two of the three.

The group caught up with Mr Marenene. Mr Manginda dropped a large stone on his head. A youth and Mr Madikane threw stones at him. Mr Sitwayi stabbed him. Mr Majola struck Mr Marenene on the neck with an axe.

Someone produced a tyre, covered with plastic and grass. Mr Majola put it around Mr Marenene's neck. The tyre was set alight.

Meanwhile part of the crowd stoned Mr Solomons' bakkie because he would not provide petrol.

Soon after the police arrived, the crowd left.

It was found that Mr Marenene died from skull and neck fractures.

He also had 15 stab wounds and various burns.

Sergeant F W Bruiners told the court he was on patrol when he received radio instructions to go to Muller Street, Bridgton, where he found a man with a burning tyre around his neck.

7/8/86  
33/11  
Terror case adjourned

BUDNY EVEN NESSET  
MSWAZI Victor Dlodlo (24) pleaded guilty yesterday in the Johannesburg regional court to terrorism. The hearing was adjourned to September 5.

The court heard that Dlodlo underwent military training in the Cacumalo camp in Angola, and a camp near Moscow, and that in January he received an AK-47, four magazines with 120 rounds of ammunition, six grenades, a false reference book and R1 000 in cash from the ANC in Botswana.



# COURT HEARS OF BOMBINGS

**THE Delmas treason trial yesterday heard how beerhalls and the homes of mayors and policemen on the East Rand were petrol-bombed by angry crowds.**

A Springs security policeman, Detective Warrant Officer Zephania Nkosi, whose house was also petrol-bombed, was giving evidence before Mr Justice K van Dijkhorst and two assessors.

Twenty-two men, among them members of the Azanian People's Organisation, the United Democratic Front, the Vaal Civic Association and the Azanian National Youth

**By MANDLA  
NDLAZI**

Unity, are charged with treason, alternatively terrorism, subversion and murder.

The charges arise from the unrest that broke out in the Vaal Triangle on September 1984.

Warrant Officer Nkosi said on January 22 1984 he went to a meeting organised by the Congress of South African Students (Cosas) in KwaThema. He

was there as a parent. About 500 people, mainly youths, attended the meeting.

The meeting started at 2pm. He left after half an hour because he was not wanted by both parents and pupils who knew he was a policeman.

He said when he and colleagues left, the angry crowd called them "dogs".

Later two petrol bombs were thrown into his house. They exploded in his dining

room and injured his wife and child who were sleeping there.

Nkosi said the house of another policeman was also petrol-bombed.

This was on October 16 1984 when the house of the mayor in KwaThema was attacked at 12 noon, and again at 5pm that day.

After the funeral, policemen's houses, Tsakane mayor's house and beerhalls were set alight. Buses were also stoned.

*Chp. 7/18/8*  
**Writer and son acquitted**

*331*  
Court Reporter

POET and short-story writer Mr James Matthews and his son, Quinton, were yesterday acquitted by an Athlone magistrate on a charge of possessing banned literature.

Mr Matthews, 57, and his 30-year-old son, both of Sandam Street, Athlone, had pleaded not guilty to possessing a Human Rights Council Bulletin.

The magistrate, Mr P Engelbrecht, said the State had failed to prove

that Mr James Matthews had been negligent in ascertaining that the copy had been banned. At the time he had received it, it had not been banned.

Mr Engelbrecht said he had no reason to doubt Mr Quinton Matthews, who said all the books in the house belonged to his father and it was due to lack of space that some were in his room.

Mr A Basson prosecuted. Mr P Gamble, instructed by Mr K Amien of E Moosa and Associates, appeared for the Matthews.

# Court finds man guilty of terrorism

Mswazi Victor Dlodlo (24) was convicted of terrorism by a Johannesburg magistrate yesterday.

Dlodlo, address not given, pleaded guilty to the main charge of terrorism, of conspiring with a banned organisation, the African National Congress, with the intention of overthrowing or endangering State authority.

The magistrate, Mr S W J Visagie, found that between 1983 and the beginning of this year, Dlodlo had intended to perform one or more acts which were aimed at achieving or bringing about a constitutional, political, industrial, social or economic change in South Africa.

Dlodlo was not convicted on the alternative charges of recruiting people to join the ANC and undergo military training, teaching people how to use weapons and committing violence to further the aims of ANC.

The hearing was postponed for sentence to September 5.

Mr H van Heerden appeared for the State and Mr C R Mailer conducted Dlodlo's defence.

# 'Attack on SAAF planned'

JOHANNESBURG. — Three alleged ANC members reconnoitred Air Force bases in Pretoria with a view to shooting down aircraft by means of SAM 7 surface-to-air missiles, the Rand Supreme Court heard yesterday.

Mr Sibusiso Ngwenya, 32, and Mr Abraham Lentswane, 30, of Soweto, and Mr Guy Malamba, 25, of Durban, are appearing before Mr Justice Strydom charged with treason, alternatively terrorism.

The State alleges that the three men reconnoitred the South African Air Force bases at Swartkops and Waterkloof during December last year in anticipation of using SAM 7 missiles against military aircraft.

It was also alleged by the State that the three men carried out an unsuccessful mission to kill Durban-based Detective Sergeant Thabane Luthuli in November last year.

## Coal bin

The three men are also alleged to have smuggled three AK-47 rifles, 47 handgrenades and 10 limpet mines into South Africa via Botswana between July and December last year.

Lieutenant Charles Zielie, a security police-

man from John Vorster Square, told the court weapons and explosives found in a coal bin in a house in Soweto were all made in the Soviet Union.

Weapons like that, he said, were used in South Africa "by the African National Congress that carries out acts of terror in South Africa".

The arms were found after police, who had kept watch on the house, saw Mr Ngwenya drive away in a car and stopped him. They returned to search the premises.

Some of the items found at the house, said Lieutenant Zielie, an explosives specialist, could be used to make a car bomb.

The State claimed Mr Malamba and Mr Lentswane planned to construct a car bomb.

Cross-examined by Mr Denis Kuny, SC, defending, Lieutenant Zielie denied any knowledge of an alleged assault by a senior police officer on Mr Ngwenya on the night of his arrest — December 18 last year.

He personally had held the accused in an armlock, the lieutenant said.

Mr Justice J J Strydom adjourned the hearing to tomorrow. — Own Correspondent and Sapa



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## Political meetings secretly taped - evidence

BY MANDLA  
NDLAZI

WITNESSES described in the Delmas treason trial yesterday how political meetings in different centres were secretly taped by Security Police.

The tapes were closely guarded, even when security policemen went to the toilet.

Giving evidence before Mr Justice K van Dijkhorst and two assessors were security policemen from Durban, Vryburg in the Northern Cape and Johannesburg.

### Treason

Twenty-two men, among them members of the Azanian People's Organisation, the United Democratic Front, the Vaal Civic Association and the Azanian Youth Unity are charged with treason, alternatively terrorism, subversion and murder.

The charges arise from unrest that broke out in the Vaal Triangle in September 1984.

Major Benjamin of the Security Police in Durban, said he attended a commemoration service for Krish Rabillal at St Michael's Church in Durban on February 5, 1984.

### Charter

He said the commemoration was "more of an ANC-motivated meeting", where people were shouting "Viva ANC" and "Viva Mandela".

He said Mr M J Naidoo spoke of the 1960 events and the Freedom Charter. He remembered that Mr Paul David introduced to the audience people who were released from Robben Island.

Detective Warrant Officer Johannes Nell of the Cape Town Security Police said he attended a meeting in Claremont in November 1984. Among the speakers was Dr Allan Boesak and the Rev Frank Chikane. He taped the speeches that were transmitted to a machine in his car outside the hall from a colleague's machine inside the hall.

### Speeches

Warrant Officer J M Kok of the Vryburg Security Police in the Northern Cape said he and a colleague secretly set up wires to tape a meeting in a hall in Huhudi township in July 1984.

Cross-examined by Mr George Bizos W/O Kok said he had difficulty understanding speeches made in Tswana.

(Proceeding)



# Only 6 cops fired shots, inquiry told

By ALINAH DUBE

THERE was drama yesterday at the Smith Commission of Inquiry into the fatal shooting of 11 Winterveldt residents on March 26 when a senior Bophuthatswana police officer said only six policemen fired shots that day. 33/10/85

This claim was made by Lieutenant Colonel Jerry Mokubanye, a divisional commissioner in the Odi/Moretele district, on his second day of cross examination by Mr Hennie de Vos, a State prosecutor.

Colonel Mokubanye told the commission that his records showed 22 rounds of ammunition were fired by members of his force.

## Rifles

He said of the total figure, 10 were fired from R4 rifles, two from shotguns and another 10 from pistols.

He said only six policemen fired at the crowd at the soccer field.

Mr Justice E A T Smith told the witness that earlier evidence by medical practitioners was that 28 people were treated for gunshot wounds at the Ga-Rankuwa Hospital that day.

He said it was impossible for those people to have had shotgun pellets when only 22 rounds had been used. That, he said, also did not make sense when added to the 11 who died of R4 rifle shots.

## Postponed

"It is further surprising that of the 80 policemen said to have been at the soccer field, only six obeyed the commander's order to shoot," the judge said.

He then suspended discussion on the subject until later.

He said the witness should be able to tell the commission how many of his men were armed during the shooting.

Asked why it was possible for the army to launch an internal inquiry shortly after the killings took place yet the police had not done so, Colonel Mokubanye said: "It was because of pressure."

It was not possible, he said, to take such steps because they had a lot of work.

The inquiry was postponed until Wednesday.

# 'Trojan Horse' case: 13 freed

By REHANA ROSSOUW  
Staff Reporter

THIRTEEN people accused of public violence in the Trojan Horse trial were discharged today because of lack of evidence.

The trial in Wynberg Regional Court was a sequel to an incident in Athlone during unrest last October when police hidden in crates in the back of an unmarked lorry opened fire on a crowd and killed three youths.

Errol Susja, 20, of Athlone, Rodney Regter, 21, of Rondebosch East, Edward Peters, 24, of Kewtown, Mark Lawrence, 19, of Mountview, Arnold Reynolds, 27, of Lotus River, Roderich Crowley, 22, of Athlone, James Collison, 21, of Athlone, Brian Johnson, 33, of Athlone, Howard Papier, 21, of Athlone, Cedric Buxton, Geraldine Jacobs and two juveniles were arrested after the incident and charged with public violence.

When the State closed its case today Mr P Gamble, for Mr Susja and Mr Regter, applied for their acquittal.

"There is a pathetic void in the State's evidence," he said.

"The only reason my clients are on trial is because of a red-faced attempt by the police to cover up the horrific event in Athlone last year."

## OPPOSED

He said the only evidence the State had against his clients was a video-recording taken 20 minutes after the incident.

The other defence attorneys, Mr H Joshua, Mr A R Wilkinson, Mr M Parker and Mr Y Ebrahim, said they supported Mr Gamble.

Prosecutor Mr W King opposed the application and said there was enough evidence to continue the trial.

He said a number of the accused had been arrested at the scene soon after the incident. Three had been injured by police.

"I can only conclude that they were involved in the stoning," he said.

The magistrate, Mr R A Duran, said there was no evidence from the police to show where the accused were arrested.

The State had no evidence to show that any of the accused had been at the scene or that they had been involved in the stoning.

It was common in incidents such as these that groups of curious people gathered at the scene afterwards, but they had not necessarily taken part.

"It is my opinion that there is not sufficient evidence against the accused," he said.

"The accused are all discharged."

## Shot youths' parents may sue the police

Staff Reporter

PARENTS of the youths killed or wounded by police gunfire in the Trojan Horse incident in Athlone last year might press murder and attempted murder charges against the police, their attorney said today.

Mr Essa Moosa was speaking after 13 youths charged with public violence in the same incident were discharged in Wynberg Regional Court.

Mr Pat Gamble, counsel for the 13, said after the trial further legal action would depend on the outcome of inquests on three of the youths shot by police.

"The inquest court will decide if anyone was responsible for their death. Then the Attorney-General has to decide whether to prosecute anyone.

"If the Attorney-General refuses to prosecute I will advise the families to institute private prosecutions," he said.

# Court told of explosives find in Soweto

The Argus Correspondent

JOHANNESBURG. — Enough explosives to build two car-bombs was found at a Soweto house in December last year, the Rand Supreme Court has heard.

Lieutenant C A Zeelie, a police explosives expert, said he found 10 demolition charges each containing 6,07kg of high explosives, 10 mini-limpet mines, 26 hand-grenades, 27 hand-grenade detonators, mechanical and electrical detonators and time switches in a coal-bin.

Lieutenant Zeelie was giving evidence at the trial of Mr Sibusiso Ngwenya, 32, of Dube Village, Soweto; Mr Guy Malamba, 25, of Umlazi, Durban, and Mr Abraham Lentswane, 30, of Meadowlands, Soweto.

The men pleaded not guilty to charges of high treason and terrorism.

Lieutenant Zeelie said the coal-bin was locked. The owner of the house said the lock did not belong to him but gave permission to force it open.

Lieutenant Zeelie broke it open with an axe.

Lieutenant D F M Bosman of the security police said the lock was later opened with a key found in Mr Ngwenya's car.

Mr Ngwenya had been arrested earlier that evening, soon after leaving the premises where the explosives were found.

(Proceeding)



Mr Trips  
9/8/86

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# 13 freed in 'Trojan' case

By YVETTE VAN  
BRED A  
Court Reporter

THIRTEEN people arrested after the "Trojan horse" shooting incident in Athlone last year and charged with public violence, were yesterday acquitted in Wynberg Regional Court because of a lack of evidence.

Their appearance follows an incident in October last year when police entered Thornton Road hidden in crates on the back of a railways "ghost truck" and

opened fire on a crowd of about 200. Three youths were killed.

The 13 are Mr E Surja, Mr R Regter, Mr E Peters, Mr M Lawrence, Mr A Reynolds, Mr R Crowley, Mr J Collison, Mr B Johnson, Mr H Papier, Mr C Buckton, Miss G Jacobs and two minors.

Michael Miranda, 10, Jonathan Claasens, 15, and Shaun Magmoet, 16, were killed in the shooting at the corner of St Simon's and Thornton roads.

After the State closed

its case, Mr P Gamble, for two of the 13, applied for their acquittal.

He said "there is a pathetic void in the State's evidence". The only reason why the two were on trial was because "of a red-faced attempt by the police to cover up the horrific event".

"The only evidence against him (Mr Regter), is a video of him with a police reservist, on the pavement, taken twenty minutes after the event," Mr Gamble said.

The other defence attorneys, Mr H B Joshua, Mr A R Wilkinson, Mr Y Ebrahim and Mr M Parker, supported him.

The prosecutor, Mr W King, said there was enough evidence to continue the trial. He said the police had fired at people throwing stones and three of the 13 had been injured at the scene. He could only conclude they had been involved in the stone-throwing.

The magistrate, Mr R A Duraan, said there was no evidence to prove that any of the 13 had been at the scene or that they threw stones or formed part of the crowd.

## 'Curious'

He said there was no evidence showing where the 13 had been arrested. "It is common at such incidents that curious people gather but it does not necessarily mean they form part of the stone-throwers," Mr Duraan said.

He said it was his opinion that there was not sufficient evidence against the 13 and discharged them.

## Victims' parents take court action

Court Reporter

ACTION has been instituted in the Supreme Court in respect of two boys — Michael Miranda, 10, and Shaun Magmoet, 16 — who were killed in the "Trojan horse" incident in Athlone on October 15 last year.

An attorney, Mr Y Ebrahim, who appeared for two of 13 people who were acquitted yesterday on a charge of public violence, said the boys' parents had started the action. The hearing was in connection with an incident in which police opened fire on a crowd of about 200 people, killing three youths.

As the two boys were minors they were able to claim only for funeral expenses, he said. Their names originally appeared on the charge sheet with those of the 13 but the charges were withdrawn at the start of the hearing.

Parents or next of kin of those killed or injured in the incident may press charges of murder or attempted murder against the police, according to another attorney, Mr M Parker.

Mr Parker, who appeared for three of the 13 who were acquitted, said after the trial: "The parents are considering laying charges against those responsible for the deaths or injuries caused."

He said the charges would most likely be directed at Lieutenant D G P Vermeulen, who had been in charge of the nine-man task force who had hid in crates on the back of an unmarked "ghost truck".

Mr E Moosa, who instructed Mr P Gamble for two people, said he was considering private prosecution.

# Oudtshoorn witness' house burnt

CP Correspondent

THE Oudtshoorn home of a State witness in the town's "necklace" murder trial was burnt down after Bongulethu community councillor Patrick "Big Boy" Marenene was killed, the Cape Town Supreme Court heard this week.

Hendrik Japhta was testifying in the trial of Patrick Manginda, 23, Desmond Majola, Dickson Madikane, Chwete Makay, 24, Jimmy Sitwayi, 26, and three youths aged 15, 16 and 17 - all of Oudtshoorn.

They have pleaded not guilty to killing Marenene in November 1985 and to an alternative charge of public violence.

The State alleges that they chopped Marenene with an axe, stoned, stabbed, hit and kicked him before "necklacing" him.

Alternatively, it is alleged that they gathered with the intention of disturbing public order, peace and safety and weakening the authority of the police by causing unrest and violence.

Japhta said he was gambling with some of the accused when they heard shots and ran out to look.

They saw a man running, with about 100 people behind him. The 17-year-old youth took hold of the man's arm, and the man fell. The 15-year-old stabbed him, he said.

Japhta said that when the group caught up with the

man, Manginda threw a large rock on his head. Majola struck him with an axe and Sitwayi stabbed him while the crowd stoned him.

He said Majola then put a tyre around the man's neck. The tyre was lit and the group walked away.

Japhta said that when a woman removed the tyre, Majola turned back and replaced it.

During cross-examination by defence lawyer D Potgieter, Japhta said his house had been burnt down since the killing.

He denied being a police informer. Potgieter put it to him that Sergeant Willie Bruiners had said he was an informer, but he again denied it.

He said he gave information to the police because he wished to "speak the truth" and not because he was "looking for money". Another reason was that he had known Marenene.

Asked whether he was a State witness in other cases, he said he testified in an arson case relating to the burning of a construction company's bakkie because he wished to prevent the driver from being blamed.

Potgieter alleged that Japhta was covering up the facts and that he gave information to the police "not out of the goodness of your heart, but because you were paid for it".

Japhta denied the allegations - saying he earned money from selling dagga.



# Alleged Cosas 7 in court today

SEVEN alleged members of the banned Congress of South African Students, some of whom had their hands amputated after handgrenade attacks on the homes of councillors and policemen in the East Rand last year, will appear in the Pretoria Supreme Court today.

The accused are: Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Duduza, Nigel and Mr Hosea Lengosane (20), and Mr Cedric Diadla (19), of Tsakane, Brakpan.

They are facing charges under the Terrorism Act, five alternative counts of attempted murder and a charge of unlawful possession of handgrenades and a bomb. The State alleges that the accused established, together with other members, a terror group and conspired to commit specific premeditated acts of terror and sabotage

By MONK NKOMO

at predetermined targets in Duduza, Tsakane and KwaThema, Springs, at midnight during June 25 and 26 last year.

## Training Course

The State also alleges that the accused and other members of the group attended a training course in the vicinity of an old mine shaft near Tsakane on or about June 24. Instruction and specific training in the use of handgrenades was given by persons who are unknown to the State.

According to the charge sheet, the accused and other members of the group allegedly attacked the homes of former councillors, Steven and David Nnamane in Duduza, and the homes of Warant Officer Ben Baloyi and Sergeant Themba Ndaba in Tsakane and KwaThema, respectively.

Handgrenades were allegedly used during the attacks.

The State also alleges that the late Mr Cedric Mtsweni, together with other unknown persons, attacked the electric power sub-station in KwaThema with a bomb. The attacks occurred at midnight on June 25 and 26.

According to the State, the handgrenades which exploded at the scenes, as well as those that were later recovered, were not equipped with time delay mechanisms — they were designed to explode immediately upon release of the safety-lever fitted to the grenade.

The State alleges that because of the unexpected explosions, the following people were killed: Solomon Mashabane, Lincoln Lucky Mogodi, Osborne Dlamini, Mbowa Morthoa Mashiane, Jabulane Mahlangu, Kholahule Vincent Nokwindla, Petrus Modisane and Congress Mtsweni.

*Carl T. Jones*  
*12/8/82*  
**Grenade  
blasts:  
7 men  
in court**

Own Correspondent

JOHANNESBURG. — Seven men, five of them disabled with either amputated hands or fingers, appeared yesterday in the Supreme Court, Pretoria, on charges of terrorism.

They were all members of the banned Congress of South African Students (Cosas).

The State alleges that they were injured during the explosion of hand-grenades which they possessed in attempts to murder two former town councillors and several policeman on June 25 and 26 last year.

The incidents took place in Duduza, Tsakane and KwaThema, all on the East Rand.

Mr Joseph Mazibuko, 18, Mr John Mlangeni, 21, both with amputated right hands, Mr Samuel Lekatsa, 19, Mr Humphrey Tshabalala, 19, Mr Johannes Mazibuko, 18, Mr Hosea Lengosane, 20, and Mr Cedric Dladla, 19, pleaded not guilty to two charges of terrorism, alternatively five counts of attempted murder, the unlawful possession of hand-grenades and two counts of malicious damage to property.

The prosecutor, Mr J L Oberholtzer, said he would lead evidence to show that all accused used Soviet manufactured RGD-5 hand-grenades which were not fitted with a time-delay device.

He referred to them as a booby-trap type of hand-grenade designed to explode immediately upon release of the safety-lever fitted to them.

The State alleges that the accused — jointly or separately — attempted to kill Warrant-Officer Ben Baloyi, his wife and three children, in Brakpan, two former Duduza councillors — Mr David Namane and Mr Steven Namane, Sergeant E D Mazibuko and other policemen, by attacking their homes with hand-grenades.

Mr Solomon Mahabane, Mr Lincoln Mogodi, Mr Osborne Dlamini, Mr Mbowa Mashiane, Mr Jabulane Mahlangu, Mr Kholekule Nokwindla, Mr Petros Modisane and Mr Congree Mtsweni died in the incidents.

The case is before Mr Justice Strafford and two assessors.

# Cop slain: 23 in court

BY MZIKAYISE

EDOM 331

23/8/88  
Sowetan 12/8/88  
TWENTY-THREE

people, including a 13-year-old boy, yesterday made a brief appearance in the Benoni Magistrate Court on a charge of murder, following the death of a policeman.

Their appearance follows the death of Mr Edward Nkulu, a policeman, who was attacked and set alight with a tyre during unrest in Wattville, Benoni, on May 1 — May Day — this year. He died on the spot.

They appeared before Miss M Augustyn and have all pleaded not guilty.

The case was postponed to September 18. All were represented by Advocate Ismail Hussain.

All except two of the accused are out on R500 bail each. The 13-year-old is in his parents' custody.

The bail of one of the accused, Mrs Josephine Moloi, has been estreated as she failed to appear in court the last time.

She was remanded in custody. All those out on bail have to report to their nearest police station every day until the case is over.

# 'OUR CAR WAS BLOWN UP'

By MONK NKOMO

FOUR of the seven accused in the Duduza terrorism trial told a doctor that the injuries they sustained allegedly after handgrenade attacks on the homes of councillors and policemen were caused when the car they were travelling in exploded, the Pretoria Supreme Court heard yesterday.

Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Duduza, Nigel, and Mr Hosea Lengosane (20)

## Duduza terror trial

and Mr Cedric Dladla (19), of Tsakane appeared before Mr Justice Stafford and two assessors.

They are facing charges of terrorism, five alternative counts of attempted murder, two of malicious damage to property and a count of unlawful possession of handgrenades and a bomb.

All seven yesterday pleaded not guilty to all charges.

The State alleges they "conspired to commit premeditated acts of terror and sabotage at predetermined targets in Duduza, Tsakane and KwaThema, Springs at midnight during June 25 and 26 last year."

Dr Lucas van der Berg, told the court that four of the accused, Mr Tshabalala, Mr Veli Mazibuko, Mr Lekatsa and Mr Lengosane, were brought to the Polak Hospital in Springs on

the morning of June 26.

They had sustained shrapnel wounds. Three of them had some of their fingers amputated and their eardrums were perforated.

Dr van den Berg said he asked them what had happened and they replied that somebody had thrown "something" into the car they were travelling in, and "it had exploded".

Although in pain, they were not hysterical or in a state of shock, the doctor said.



By MZIKAYISE  
EDOM

ONE of the five men appearing in the Benoni Regional Court on a charge of culpable homicide following the death of an East Rand businessman and former mayor of Daveyton, Benoni, was yesterday fined R500 or six months' jail.

Daniel Zwane was also sentenced by Mr J. Coetzer to a further one year imprisonment, suspended for five years on the same charge. Three of his co-accused, Jerry Zwane (his younger brother), Michael Mdakane and David Mkhize

## 4 convicted for former mayor's killing

were all fined R200 or three months' jail each.

Mdakane was also

sentenced to a further one year's imprisonment, suspended for five years.

A fifth man, Mr Alpheus Zulu, was acquitted after the court found he played no role in killing Mr Joseph Tau on May 11 this year.

Mr Tau owned a bottle store, supermarket, a tavern, a restaurant and a taxi. He resigned from the Daveyton Town Council last year due to ill-health.

Evidence was that Mr Tau was attacked with fists and also kicked while on the ground.

The court was also told that Mr Tau was beaten until he lost consciousness. He died five days later at the Hillbrow (General) Hospital without regaining consciousness.

Daniel Zwane and Mdakane have previous convictions for theft and assault respectively.

# Man quizzed after fingers were amputated

A DOCTOR told the Pretoria Supreme Court yesterday that one of the seven accused in the Du-duza terrorism trial was so critically wounded he would not have allowed police to interrogate him 17 hours after he was operated upon.

Dr Lucas van den Berg was testifying at the trial of Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Du-duza, and Mr Hosea Lengosane (20) and Mr Cedric Dladla.

They have pleaded not guilty before Mr Justice Stafford, sitting with two assessors, to charges of terrorism, unlawful possession of handgrenades and a bomb, and alternative counts of attempted murder and malicious damage to property.

Their appearance follows attacks on the

By MONK NKOMO

homes of councillors and policemen in Du-duza, Springs, and Tsakane in Brakpan in June last year.

Defence council, Mr Eric Dane, yesterday submitted that one of the seven, Mr Tshabalala was interrogated by police 17 hours after his finger were amputated at a hospital.

## Wait

Mr Tshabalala, Mr Dane said, suffered traumatic effects, shock, loss of blood and at one stage had difficulty in speaking.

Asked if he would have allowed Mr Tshabalala to be interrogated by the police, Dr van den Berg replied: "I would have asked them to wait".

Dr Philippos Synillides, yesterday testified that Mr Joseph Mazibuko and Mr Mlangeni were brought to the Natalspruit Hospital during the early hours on June 26 last year.

Both had multiple injuries and their right hands were completely mutilated and later amputated.

Dr Synillides said Mr Mlangeni had told him the injuries were sustained during a grenade explosion.

Dr Douglas Baden, a district surgeon, said he conducted a post mortem on the bodies of Mr Petrus Modisane and Mr Congress Mtsweni in July last year.

Mr Mtsweni, he said, died from fragmentation of the body caused by a number of handgrenades or a powerful explosive device.

Proceeding

# WITNESS KNEW TAPED VOICES

A STATE witness in the Delmas treason trial yesterday said he found it strange that he was given police tapes of political meetings from which he had to identify voices of speakers whose names were already written on the tape covers.

Mr X, who was giving evidence in camera, said although some of the tapes had the speakers' names on their covers, he could recognise the voices because he knew some of them personally.

He said that he could identify the voices of Mr Terror Lekota, Mr Popo Molefe, Mr Samson Ndou and Dr Alan Boesak from a tape of the UDF launch in Mitchells Plain in Cape Town on August 20 1983.

Asked by Mr George Bizos, SC, for the de-



HELEN Joseph  
visitor.

fence, whether he had heard the speakers' voices on the tapes be-

fore, Mr X said he had not, but due to his political involvement he had no difficulty in identifying the speakers' voices.

He had attended the UDF launch in Cape Town as a delegate. The court also heard that Mr X was a member of the banned Congress of South African Students.

• The UDF's secretary, Mr Terror Lekota, celebrated his 38th birthday yesterday.

He is among the 22 men who are facing charges of treason, alternatively subversion, terrorism and murder. They are appearing before Mr Justice K. van Dijkhorst and two assessors.

Among the handful

people who attended yesterday's proceedings was veteran anti-apartheid activist, Mrs Helen Joseph.

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Research group says 6-million involved

# Boycott rents loss now put at R30m a month

RENT boycotts in the largest townships in the PWV and Eastern Cape now affect up to 6-million people and costs government at least R30m a month, according to updated calculations of the Community Research Group (CRG).

A report yesterday by the CRG says that in the PWV area the State has lost R188m. In Vaal townships, where the refusal to pay rent has been going on since September 1984, it has lost R150m.

The further loss of R38m has been incurred this year in Soweto, Pretoria, Alexandra (Sandton) and the East Rand townships of Duduza and Tsakane.

The boycott has spread to 38 townships and more than R250m has been lost countrywide.

The report says at least 300 000 households in the PWV and Eastern Cape townships are not paying rent, and 11 of the 16 zones in Mdantsane in the Ciskei, are also now affected.

Government's response — evictions — will not successfully put an end to the boycotts because such action only serves to increase confrontation.

This is because the boycotts are sustained in the midst of well-organised

THELMA TUCH

communities intent on voicing political grievances.

In some areas the demand for the release of community leaders has become a major community demand as a precondition for negotiations to end the boycotts which have intensified in many of the areas worst hit by detentions. These areas include Soweto, Port Elizabeth, Alexandra, Duncan Village and Huhudi.

Some community leaders, initially held under the state of emergency, have recently been moved to detention under Section 29 of the Internal Security Act — a move viewed by the CRG as an attempt to block their possible release should the courts challenge the validity of their original detention.

It says such action manifests black people's rejection of the black local authorities and their refusal to pay for repression.

The UDF referred to the Joint Management Committee plan to break the rent boycotts as an indication of government's desperation after its failure to crush the boycott through SADF and police raids and "sweet and sour" letters to residents.



# Sparg for trial on treason charges

16/2/84  
93/1

**JOHANNESBURG —** A former East London woman, Miss Marion Sparg, 28 appeared in the magistrate's court here yesterday on charges of treason and arson.

The treason charge arises from Miss Sparg's alleged involvement in a series of explosions, including one at the Cambridge police station in East London.

In a separate hearing, a Transkei resident, Mr. Stephen Johannes Marais, appeared on a charge of terrorism in connection with underground military training.

Mr Marais, 29, a rural development worker from Herschel, and Miss Sparg, of Hillbrow, Johannesburg, were arrested within hours of each other shortly after an abortive bombing of the Hillbrow police station and both have spent five months in detention under the Internal Security Act.

They were not asked to plead and were remanded by Mr R. E. Laue until August 29 when they will again appear in the magistrate's court. They were allowed to apply for bail.

Miss Sparg will be tried in the Rand Supreme Court and Mr Marais will be tried in the regional court.

The treason charge Miss Sparg faces relates to an explosion in a toilet at the Cambridge police station on February 19 last year, an explosion in a toilet at John Vorster Square on March 4, and the abortive Hillbrow police station incident on March 7.

The arson charge is in connection with attempts to burn PFP offices in Norwood and Illovo in Johannesburg in 1981.

Miss Sparg was represented in court yesterday by Mr Norman Manheim, who was granted permission to see her for 10 minutes before she was taken back to Diepkloof prison.

Her parents, Mr Wrexford and Mrs Esther Sparg, of East London, and her sister Debbie, who was also briefly detained earlier this year, appeared at the court case.



Mr Wrexford Sparg and his wife Esther outside the Johannesburg magistrates' court where their daughter Marion appeared on treason and arson charges yesterday.

Miss Sparg waved to them briefly before she was led down to the cells.

Mr Marais was allowed to consult his lawyer, Miss Kathleen Satchwell, for ten minutes. — DDC-Sapa



# Motor firm union in clash

A FORMER Duduza community councillor was among a vigilante group that attacked activists and were responsible for the death of Mr Alexander Pailane who was abducted and tortured before he died, the Pretoria Supreme Court was told yesterday.

Mr Nick de Vos, defence advocate in the Duduza terrorism trial, put it to Mr Steven Namane, former councillor and businessman, that a certain Billy Dlamini confessed last year that he was employed by Mr Namane and his brother, David, and that they had abducted and tortured Mr Pailane at a mine dump near Tsakane and later dumped him outside his house in June last year. Mr Pailane died in hospital the next day, the court heard.

Mr Namane denied involvement in the vigilante group. He was testifying against Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18) all of Duduza and Mr Hosea Lengosane (20) and Mr Cedric Dladla (19) of Tsakane.

They are facing charges of terrorism, attempted murder, possession of hand grenades and a bomb and of malicious damage to property.

They have all pleaded not guilty before Mr Justice Stafford and two assessors.

Mr Namane told the court yesterday that councillors in Duduza stopped working following threats that they should resign.

(Proceeding)

15/8/86  
Senofan

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# Journalist on high treason charge

W/E ARGKS 16/8/86 (331)  
JOHANNESBURG. — Journalist Miss Marion Sparg, 28, has been charged in the Johannesburg Magistrate's Court with high treason and arson in connection with a limpet mine explosion in John Vorster Square,

an unsuccessful bombing of a Hillbrow police station and the attempted burning of Progressive Federal Party offices.

In a separate appearance, Transkeian resident Mr Stephen Johannes Marais, 29, was

yesterday charged with terrorism in connection with undergoing military training.

Miss Sparg, of Emberton Court, Hillbrow, and Mr Marais, of Herschel, Transkei, were not asked to plead and were remanded until August 29-Sapa.



## Necklace bail appeal is postponed

Pretoria Correspondent

A man who has been charged with "necklacing" a black policeman to death had a bail appeal postponed in the Pretoria Supreme Court yesterday to allow his attorneys time to gather new evidence.

Mr Henry George Burt (33), of Laezonia, was refused bail in the Magistrate's Court 18 days ago because of the seriousness of the murder charge and because his co-accused, Mr. Roger North, had fled the country.

Mr L. Nowosenetz, advocate for Mr Burt, applied for a postponement of the bail appeal hearing.

# SHOW ME THE JETS

**ANC trial told of heat seeking missiles**



Mr MKHABELA and his wife, Bongl, soon after he was released yesterday.

## Mkhabela freed

FORMER Azanian People's Organisation president, Mr Ishmael Mkhabela was yesterday released after spending 79 days in prison under the emergency regulations.

He said: "I thought it was a prison joke when other prisoners said I must pack up and go home. It was only when a warder came and told me to collect all my belongings and go home, that I knew I was being released."

"Although I am released, a portion of me is still in jail as long as

**SOWETAN Reporter**

others are still there."

His wife, Bongl, who is expecting their second child in October, said their three-year-old child, Ntsaka, was the one who was most upset and confused about her father's detention.

Mr Mkhabela, who was president of Azapo last year, has spent several stints in jail since 1976. He was also served with a five year banning order in 1979 which was revoked in 1981.

Mr Mkhabela is a

project co-ordinator at the Wilgespruit Fellowship Centre in Roo-depoort.

His feeling was that an injustice is being done to many like him who are being incarcerated. A bigger injustice is also being done against the community in general, whose leaders are in jail, he said.

He said what the state of emergency has done was to bring political activists, children, old pensioners and people of all shades of opinion together in prison.

A WITNESS told the Rand Supreme Court yesterday that one of the three alleged African National Congress members on trial asked him to show them the Swartkop Military Air Base as he had a "heat-seeking missile" to shoot down South African Air Force aircraft.

The State witness, who may not be identified, said this in the trial of Mr Sibusiso Ngwenya (32), of Dube, Soweto; Mr Guy Malamba (25), of Umlazi in Durban; and Mr Abraham Lentswane (30), of Meadowlands in Soweto.

They are appearing before Mr Justice J J Strydom on charges of high treason, alternatively terrorism. They have pleaded not guilty to all charges.

The witness said Mr Abraham Lentswane introduced himself as "Samson". He said Mr Lentswane told him he wanted a station wagon vehicle to carry the missile.

### Killed

The witness said Mr Ngwenya told him they had a "list of members of the South African Police to be killed."

One of those was allegedly Detective Sergeant Thabane Fortune Luthuli, of Umlazi.

Giving evidence on Monday, Sgt Luthuli said he grew up with Mr Ngwenya and Mr Malamba.

He said he did not know why they would want to kill him.

At yesterday's hearing a witness described to the court how the death of Sgt Luthuli was planned.

A grenade would be thrown at him and he would then be shot.

Mr Malamba left Johannesburg for the mission, but lost contact with Mr Ngwenya, the court heard Mr Malamba phoned the witness saying that without Mr Ngwenya he could not fulfil the mission.

The witness said he gave Mr Malamba and "Lesley" about R500 to run away after hearing that Mr Ngwenya had been arrested with explosives.

Under cross-examination by Advocate S C Kuny, SC, the witness conceded that he was not certain about dates, and that some of his evidence may not have been precise.

(Proceeding)



# Delmas trial takes break

THE marathon Delmas treason trial was yesterday adjourned until next week Monday.

This was after Mr Justice K van Dijkhorst, sitting with two assessors, rejected an application by the defence to have the trial adjourned until September 8.

The defence team led by Mr George Bizos, SC, said it needed time to start with the evidence given by Mr Cornelius Pruis, a senior lecturer at the University of Free State.

## Mao Tse Tung

Mr Pruis had given evidence on different types of revolutionary methods quoting from, among others, Mao Tse Tung and Che Guevara.

Mr Bizos argued that it was in his clients' interests to have the evidence translated from Afrikaans into English to enable them to understand it.

He added that if it took the State two years to find an expert witness it should not be surprising for the defence to request an 18-day adjournment.

SOVIET 20/8/88  
12C



**Supreme Court Reporter**

FOUR men accused of murdering a Zolani community councillor pleaded not guilty yesterday after the Supreme Court dismissed a defence application for an order declaring proceedings void because the prosecutor had "hijacked and tampered with" witnesses.

Mr Samuel Mangcola, 29, Mr Charles Msoki, 45, Mr Timothy Tyhahlisu, 39, and Mr Lemi Mhlomi, 25, also pleaded not guilty to charges of public violence (alternatively malicious damage to property) and robbery with aggravating circumstances.

The charges arise from incidents of unrest in the Ashton township of Zolani on the night of April 25. It is alleged that the accused stoned and set alight a number

# Zolani case: Defence plea fails

*Call Times*  
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*331*

of cars and stoned a house.

It is also alleged that they used an axe and "sharp objects" to attack community councillor Mr Ndakutini Douglas Zweni, who was temporarily employed as a guard by the Western Cape Development Board, robbing him of a .22 revolver and ammunition. Mr Zweni died of multiple injuries.

Last week, Mr J R Whitehead, appearing

with Mr I J Muller for the accused, asked the judge to end the trial because investigating officer Sergeant Lang, with the consent of prosecutor Mr J H Theron, had taken a statement from a witness sub-poenaed by the defence.

In addition, Mr Theron had improperly obtained knowledge of defence consultations with another witness in detention.

Yesterday Mr Justice D M Williamson said the

submission of defence counsel that a fair trial was not possible was "exaggerated out of all proportion".

The judge said the reluctance of defence counsel to have Sergeant Lang called to give evidence "casts a shadow over the entire application".

He also refused an alternative application that the prosecutor be ordered to abide by the rules of professional etiquette. Mr Theron was certainly now aware of the rules of etiquette if he had not been before and the judge would "be surprised if there were any further difficulties in this regard".

The trial continues.

Mr Justice D M Williamson presided with Mr D O de la Hunt and Mr G Titterton as assessors. Mr J H Theron prosecuted. Mr J R Whitehead and Mr I J Muller, instructed by Y Ebrahim and Co, appeared for the four.

28/8/86  
WILSON  
POLICE  
called  
meeting  
— evidence

THE meeting at which 11 people were shot dead in Winterveldt early this year was organised by the Bophuthatswana police, the commission of inquiry into the deaths of 11 people heard for the second time yesterday.

This was said by a resident, Mr Sonnyboy Motshepi (67), who was being cross-examined by Mr Hugo, appearing for the police.

He said residents were told that the organisers of the March 26 meeting were senior Bophuthatswana officials. He added that although he did not have any intention of going to the soccer field that day, he was keen to know what the officers — in their capacity as government representatives — had in store for the local community.

**Sickly**

"As a sickly person, I would not have gone to the meeting had it not been for a group of people who told me that all residents had to attend. One stressed that every person in the area had gone to the soccer field and as a result I had no reason to stay behind," the witness said.

Mr. Timb 20/8/16

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# No charges against pupils

~~12/11/16~~ Court Reporter

CHARGES against 23 Cape Flats high school pupils of contravening the emergency regulations were yesterday dropped in the Goodwood Magistrate's Court.

They had been arrested on July 14 for failing to be on school premises during school hours at Uitsig, Belhar Number 2, Symphony, Florida and Ravensmead high schools.

Mr M De Klerk was the magistrate. Mr L Muller prosecuted. Mr P Sonn appeared for the pupils.



# Big ANC presence at EL — witness

live not 21/8/86 (33)

EAST LONDON — The ANC had many operatives in Mdantsane near East London and their was widespread fear of them, the East London Supreme Court was told yesterday.

A security policeman, Det Const N Sizani, said under cross-examination that the operatives were harboured by residents of the township.

He was giving evidence in the trial of Mr Khaya Libazi, 25, and Mr Andile Hewukile, 25, both of Mdantsane.

They have pleaded not guilty to charges of murder, attempted murder, possession of ammunition and the placing of

limpet mines at the East London City Hall, the Kings Hotel and at a service station in June last year.

Describing the ANC as "animals", Det Const Sizani said:

"The ANC people do anything when they want to, they don't even care if there are children involved."

In his evidence, Det Const Sizani told how he was shot in the buttocks by an alleged ANC insurgent while he was walking towards a vehicle that was stopped at a roadblock.

A shootout between security police and the insurgents took place. A

security policeman, Det Const Lungisile Bhekiso, and two alleged insurgents were killed.

The accused were arrested at the scene of the shooting.

An inspector of explosives and a member of the security police, Warrant Officer M Kruger, told the court that a handgrenade of Soviet origin had been found in Mr Hewukile's underpants.

He said no weapons of any kind were found on the other men, but handguns were found on the bodies of the two dead men.

The trial continues today. — Sapa

~~Cape Times 21/11/86 (2/86) 331~~  
**Arrested 4 turn State witness**

**Own Correspondent**

**JOHANNESBURG.** — Four people arrested in connection with the "necklacing" of Mr Pieter Willem Grobler, 33, in Zuurbekom, near Soweto, on June 15 will not be charged for murder but will instead be used as State witnesses.

A police spokesman at the Brixton Murder and Robbery Squad said the two women and two men could not be named "for fear of their safety".

The spokesman said the four would "help the police trace the culprits who are still at large".

The four people were "involved before and after the murder". They were arrested on August 18 and then pointed out a spot where the remains of Mr Grobler's charred body were found.

Some of Mr Grobler's possessions were found with the four people who were arrested.

# Witness refuses to give evidence

By MOJALEFA MOSEKI

A STATE witness refused to testify in the trial of three alleged African National Congress members in the Rand Supreme Court yesterday.

The witness, who may not be identified, declined to give reasons for her refusal. Miss X said her family has secured the services of an advocate to represent her. The advocate would give the reasons. A witness who gave evidence in camera on Tuesday said Miss X was with one of the accused, Mr Ngwenya, in December last year.

Appearing before Mr Justice M J Strydom are Mr

Sibusiso Ngwenya (32), of Dube in Soweto; Mr Guy Malamba (25), of Umlazi in Durban; and Mr Abraham Lentswane (30), of Meadowlands in Soweto. They are charged with high treason, alternatively terrorism. They have pleaded not guilty to the charges.

Another State witness who gave evidence in camera yesterday said Mr Ngwenya told him he was asked by a man called "Oupa" to help with the transport of ANC members and articles. The witness said he understood those articles to mean "weapons".

## **Eliminate**

The witness said Mr Ngwenya told him he would be part of a mission to "eliminate a policeman who testified in political trials in Umlazi, Durban".

Mr Ngwenya had said that he would remain in the car while the policeman was "killed" and would drive those responsible away. Mr X said when Mr Ngwenya returned from Durban he said the trip had been "unsuccessful" because the policeman was not at work.

Under cross-examination from defence advocate Mr S C Kuny, SC, the witness conceded that he did "not have a clear recollection" of the events because he never thought he would give evidence in court.

(Proceeding).



# 500 000 new homes needed by year 2000

By Frank Jeans

The number of blacks living in South Africa's cities is expected to virtually double to 13 million by the year 2000.

And, in order to cope with the additional inflow in the wake of sweeping away of influx control, some 500 000 new homes will be required.

This massive residential component, according to the latest issue of *The Property Economist*, will in itself provide big opportunities for the building industry which has taken a beating in these recession years.

Metropolitan population volumes which are expected to rise by a further six million blacks up to the year 2 000, indicate that 100 new townships averaging 5 000 stands each will be needed apart from the present throughput of houses to meet the current backlog.

While recognising the threat of growing urbanisation, insofar as increased unemployment and crime is concerned, the journal also sees the advantages in the creation of many opportunities for entrepreneurs and developers.

"The abolition of influx control means more people in the city areas and, therefore, an increased demand for space," says the PE.

The cycle of residential development will start with the squatter shack and later this will be upgraded as funds become available.

It is clear that the private sector will be heavily involved in this great urban renewal not only in the provision of homes but in commercial and industrial development so as to create jobs.

And with health care a prime consideration, more clinics and hospitals will all be part of the infrastructure — again giving further impetus to the construction and building fields.

In the near term, though, with contractors cutting margins to the bone, the PE suggests that these companies should look at another major cost of erecting a building — financing costs.

"If the construction company could reduce the finance holding costs of the developer during construction and the initial period of a building's life, then many a developer would re-enter the market on the basis that it is cheaper to build today than tomorrow.

Developers could then afford to offer a few months rent free to induce tenants into their buildings and all parties could keep their doors open in these times."

This interest cost subsidy could come from a variety of sources. A loan

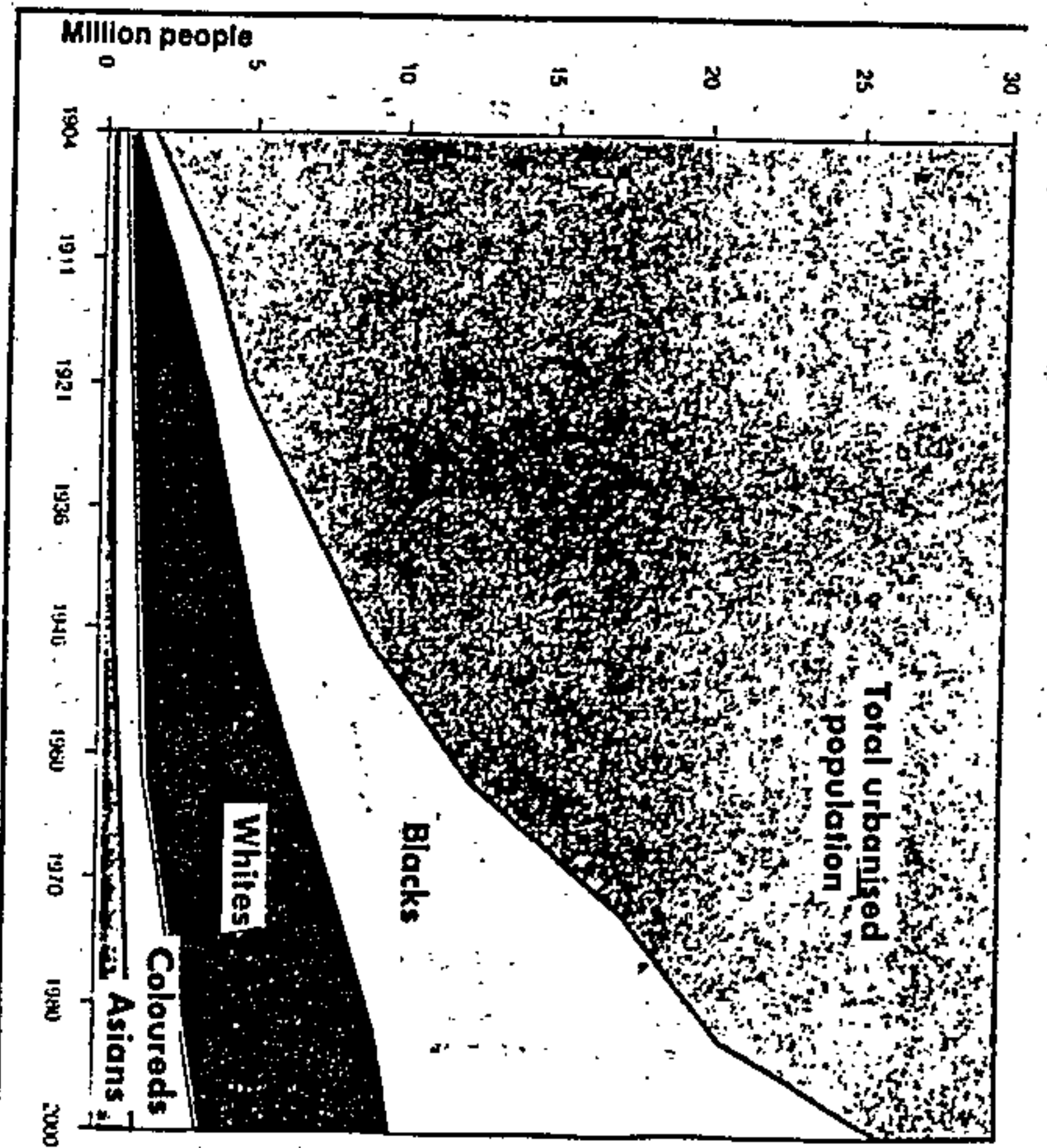
negotiated by a construction company directly with the mortgagee or provider of finance could be onpassed to the developer at a few percentage points below the cost of finance.

Alternatively, the construction company might agree to subsidise interest payments made to the provider of finance by the developer.

"Obviously, each project would have to be costed out accurately to ensure that the profit on the negotiated contract would be sufficient to offset the cost of the interest subsidy. The contractor may even take an equity stake in the project as payment for the interest rate subsidy.

"We caution contractors, however, not to offer fixed interest rate subsidies as an upward moving interest rate pattern will be detrimental to their financial health," says the journal.

Growth of urban population



Cape Times 22/8/86

## 'Necklace':

### Boy jailed

PORT ELIZABETH. — A 16-year-old boy was convicted of murder with extenuating circumstances on Wednesday for holding the feet of a burning man as he lay on the ground during a "necklace" murder.

The boy was sentenced to an effective 12 years' imprisonment by the Supreme Court for the murder of Hilton Heacock, 18, at Swartkops last year. He had pleaded not guilty.

Mr Justice R A Solomon said the boy's youth had saved him from the gallows. — Sapa

# Mxenge: Court told of cop connection

A MEMBER of the South African Police was linked to the death of Durban civic rights lawyer, Mrs Victoria Mxenge, by a witness during the trial of three alleged African National Congress members in the Rand Supreme Court yesterday.

The witness, who may not be identified, was testifying at the trial of Mr Sibusiso Ngwenya (32) and Mr Abraham Lentswane (30) of Soweto; and Mr Guy Malamba (25) of Umlazi.

They are appearing before Mr Justice M J Strydom on charges of high treason, alternatively terrorism. They have pleaded not guilty to the charges.

The witness said Mr Malamba asked him if he knew who had killed

Mrs Mxenge when they met in November last year.

He said he did not know and Mr Malamba told him: "Detective-Sergeant Thabane Luthuli was there during the killing of Mrs Mxenge".

The witness also said Mr Malamba had a pistol and a handgrenade when they met.

He agreed that he was the first to raise Sgt Luthuli's name during discussion with Mr Malamba because the policeman had "sold him out" at one stage.

Under cross-examination he conceded he could not remember parts of his conversation with Mr Malamba because he "panicked". (Proceeding).



# Press lawyers harassed during trial

22/8/86

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JOHANNESBURG — Two Johannesburg attorneys who have been extensively involved in the application brought by the English-language newspaper groups in Maritzburg against the State President and others have been receiving strange telephone calls.

Mr Peter Leon, son of Mr Justice Leon, the presiding judge in the application, and Mr Paul Jenkins, both of Webber Wentzel, the Argus company's attorneys, said they had received abusive and threatening calls.

Mr Leon said that on Sunday, August 10, the night before the application was due to start in Maritzburg, someone left an extremely abusive message on his telephone answering machine.

While Mr Jenkins was

in Maritzburg his wife received a telephone call, purportedly from a Warrant Officer Brown of the Hillbrow Police Station. He claimed that their car has been stolen and recovered.

Mrs Jenkins was asked to confirm both the registration number and her identity number. She refused and was told a policeman would visit her.

After the call it was established that the car was exactly where it had been left the night before and, on inquiring, Mrs Jenkins was told that there was no warrant Officer Brown at Hillbrow Police Station.

On August 19 a message was left at a hotel in Maritzburg for Mr Leon. It said Mrs Leon had been hurt in a car accident in Johannesburg, but was "all right".

Mr Leon is single. — Sapa

# Arms were of Soviet origin EL court is told

EAST LONDON — The Supreme Court here was told yesterday that explosives and ammunition found at various places in the city last year were all of Soviet origin.

Extensive damage was caused by explosions at the EL City Hall and at Swans Motors in Amalinda on June 21 last year.

Two limpet mines, together containing nearly 2kg of TNT, or a mixture, were found in Kings Hotel early on June 16 last year.

Two Mdantsane men, Mr Kaya Libazi, 25, and Mr Andile Hewukile, 25, have pleaded not guilty of murdering Detective Constable Lungisile Bhekiso and attempting to kill five others in a shootout on July 31 last year.

Two alleged terrorists, Mr Mzwandile Mcata and Mr Nkululeko Njongwe, died in the shootout.

An explosives expert, Warrant Officer G Viljoen, told the court he "grew cold" at the thought of what could have happened had the

mines at the hotel exploded. They would have killed within a 10-metre radius.

He described how the mines and hand grenades worked. He found limpet mines, with their detonating mechanisms in them, ready for use in the back of the bakkie in which the men had been stopped by the security police.

The chief of the EL murder and robbery squad, Lt C Landman, said that when he arrived at the scene of the police shootout he found a spent cartridge in the back of the bakkie.

He took possession of various items of Soviet ammunition, as well as "many" pairs of woollen gloves, which were found in the bakkie.

Under cross-examination by defence counsel Mr Roy Allaway, he said that when he arrived, a car, which had stopped behind the bakkie, was no longer there.

The trial continues today. — Sapa

# Officer: accused were going to sub-station

Dispatch Reporter

EAST LONDON — The investigating officer in the bomb trial in the Supreme Court here said yesterday both accused, while lying wounded at the scene of a shootout with security police in July last year, had said they were on their way to electrical sub-stations in Wilsonia and West Bank.

Various weapons, ammunition and explosives of Russian origin were found in the vehicle in which they were travelling.

Detective-Sergeant Chris Engelbrecht of the security police, said that as far as he knew there were no armed guards on 24-hour duty at the two sub-stations.

He was giving evidence in the trial of Mr Khaya Libazi, and Mr Andile Hewukile, both 25 and of Mdantsane, who are appearing on one charge of murder, five counts of attempted murder and various terrorism-related offences, including placing limpet mines at the Kings Hotel on June 14 last year and causing limpet mine explosions at the East London City Hall and Swans Motors in Amalinda on June 21 last year.

The blasts at the City Hall and Swans Motors caused extensive damage and the two limpet mines placed in the backyard of the Kings Hotel were defused by a security police explosives expert.

A security policeman, Detective Constable Lungisile Bhekiso, and two men, Mr Mzwandile Mcata and Mr Nkululeko Njongwe, were killed during the shootout on July 31.

Yesterday the defence advocate, Mr R. Allaway, SC, told the court Mr Mcata and Mr Njongwe had been trained members of the military wing of the African National Congress.

Det-Sgt Engelbrecht said Mr Libazi and Mr Hewukile had both been seriously wounded but were able to speak and had given him their names and addresses.

He said he had knelt down next to

them and when he asked them where they were going, they had answered they were on their way to the two sub-stations.

He said two forged "dompas books" belonging to the guerrillas who were shot dead were found later.

The books were made out in different names and he had established later that they were forged.

The two accused told him at the scene of the shootout that one man was known as Bra-L and the other as Lucas.

He said it had also been established that the owner of the vehicle in which the accused were stopped lived in Mdantsane, but the man had disappeared and could not be traced.

Det-Sgt Engelbrecht told the court that when he arrived on the scene a private vehicle which had come to a halt behind the accused's vehicle was still parked there.

Neither the identity of the occupants of this vehicle, nor the registration number, were established.

When the explosives, including limpet mines and handgrenades, were found in the back of the bakkie in which the accused were travelling, all other people were told to leave the scene.

Under cross-examination by Mr Allaway, Det-Sgt Engelbrecht denied the driver of the accused's bakkie had been a police informer and was therefore allowed to "escape".

Mr Allaway put it to Det-Sgt Engelbrecht that the reason the identities of the occupants of the other vehicle had not been established was that "too many cooks spoil the broth".

Det-Sgt Engelbrecht replied: "Definitely not in this case."

The case will continue on Monday.

The Judge President of the Eastern Cape, Mr Justice Cloete, and two assessors, Mr H. F. Redpath and Mr D. B. Muir, were on the bench. Mr Allaway was assisted by Mr P. Langa. They were instructed by Magqabi and Partners.



**'Limpet miners' in court**

CP Correspondent

TWO Mdantsane men have been charged with planting three limpet mines in East London and killing a security cop.

Khaya Libaze, 25, and Andile Hewukile, 25, pleaded not guilty in the Supreme Court to murder, "terrorism" and attempted murder.

They're alleged to have planted limpet mines at a city hotel on June 15 last year, at East London City Hall and at a garage in the city.

The murder charge relates to a shootout with police on July 31 last year in which Security Police Constable Lungisile Bhekiso died.

The two have pleaded not guilty - saying they had "gone along" with two other men - known as Bra-L and Lucas - because they were afraid they would be killed if they didn't.

Bra-L and Lucas - real names Mzwandile Mcata and Nkululeko Njongwe, according to the State - died in the shootout.

# Link between police vigilantes investigated

By Jo-Anne Richards

A police investigation is being carried out into the relationship between the notorious "A-team" vigilantes in Thabong township, near Welkom, and local police.

The Police Directorate of Public Relations in Pretoria confirmed a departmental inquiry was being conducted into what arrangements existed between the vigilantes and police.

The inquiry will apparently also cover the failure of the police to give any form of medical care to three men seriously sjambokked — apparently by the A-team — over the 16 hours they were held in the police station.

The trial of seven A-team members for murder and attempted murder in Welkom last week followed the fatal sjambokking of one man and assaults on two others.

Mr Pule Mabenyane, who died in hospital after the assault, was handed over to police with Mr Lefulebe Rakometsi, who was sjambokked 200 times and Mr Paulus Mohabane, who was sjambokked 146 times.

## NOT QUESTIONED

The vigilantes were apparently not questioned by the police, in spite of the serious nature of the injuries to the three men.

One of the questions raised during the trial — an area to be dealt with in the police investigation, according to State advocate, Mr N Taljaard — occurred during the evidence of a Thabong policeman, a Constable Golele.

He told the court he had been at the scene of the assault. But, as he was called away to the site of an accident, he had told the vigilantes to take the men to the police station.

The seven men were acquitted by circuit court judge, Mr Justice M T Steyn, last week, following a trial in which he said: "The truth has been just as cruelly injured as the three men who were beaten with sjamboks".

He added that the "haystack of untruths" built up by State witnesses had made it impossible for the State to ask for a conviction.

He called it "unforgiveable" and "incomprehensible" that the three men were held at the police station for 16 hours without medical care.

# Witness links ANC and ELYCO in trial

By Dispatch Reporter

EAST LONDON — The African National Congress (ANC) and the East London Youth Congress were linked in evidence before the Supreme Court here yesterday when the state closed its case in the East London bomb blasts trial.

A state witness, Detective-Sergeant Chris Engelbrecht of the security police, told the court that the two accused, Mr Khaya Libazi, 25, and Mr Andile Hewukile, 25, both of Mdantsane, had told him they were members of the East London Youth Congress (ELYCO).

The two men have pleaded not guilty to a charge of murder, five counts of attempted murder, and various terrorism-related charges in connection with limpet mine explosions at the East London City Hall and at Swans Motors, Amalinda, on June 21 last year, and the placing of two limpet mines in the backyard of the King's Hotel on June 14.

The men are alleged to have killed a security policeman, Detective-Constable Lungisile Bhekiso, at a roadblock on July 31 last year.

Yesterday, the head of

the local division of the security police that deals with the investigation of terrorist attacks, Captain C. van Wyk, said he had been involved in investigating the ANC and its aims since 1977.

He said the basic aims of the organisation were to change the current form of government with force, to put a new form of government in control by means of violent military attacks against South Africa, and to use as its targets national key positions like power stations, police stations, policemen and their homes, as well as the general public.

Captain Van Wyk said examples of this would be the Amamzimtoti bombing last year, as well as various other bombings in the Eastern and Northern Transvaal.

He said the ANC found allies in many people in the country. Before a trained ANC guerilla was sent to South Africa, he was told which "contacts" he could see and who held sympathetic views of the ANC and its aims.

Captain Van Wyk said he did not know the aims and purposes of the ELYCO, but said this organisation was originally formed with the youth in mind, to keep

them off the streets and away from criminal activities.

"Today, however, I have no doubt that it is being manipulated by the ANC," he said.

He said several members of the ELYCO had been arrested in the past and at least half the people who left this region to join the ANC were members or former members of the ELYCO.

Meetings of the organisation were characterised by the singing of freedom songs, the main aim of which was to boost morale and to make people aware of the existence of various anti-government political organisations.

Cross-examined by counsel for the defence, Mr P. Langa, Captain Van Wyk said he had never attended an ELYCO meeting, but had been in the vicinity of the building while meetings were in progress.

He said he did not know Xhosa, but was always accompanied by either a black member of his staff, or a person who could speak Xhosa fluently.

He could also distinguish the names of Oliver Tambo and Nelson Mandela in the songs.

He said many of the so-called freedom messages, as well as many freedom songs, were being spread by the ANC on cassette.

The Ciskei police officer in charge of security in Mdantsane, Colonel L. Nonhohno, told the court that most of those involved in ANC activities in the township were former Robben Island prisoners.

He said he related the ELYCO to the ANC because the ANC always became involved with small organisations in which young people were encouraged to flee the country and become involved in politics.

He said many members of organisations such as Cosas and the ELYCO had been found in possession of ANC pamphlets and documents.

He said he had never heard of the ANC using threats to enlist members.

The defence will open its case today.

The Judge President of the Eastern Cape, Mr Justice Cloete, and two assessors, Mr H. F. Redpath and Mr D. B. Muir were on the bench. Mr Langa and Mr R. Allaway, SC, were instructed by Magabi and Partners.



# ANC men forced us accused

EAST LONDON One of the accused in the East London bombings trial said in the East London Supreme Court today that he had been threatened by two trained members of the military wing of the ANC and had driven them to places where they set mines.

Mr Andile Hewukile (25) who is appearing with Mr Kaya Libazi (25), is charged with murdering a security policeman, Detective Sergeant Lungisile Hekiso, and with attempting to murder five other security policemen on July 31 after the police stopped them.

During an ensuing shoot-out, the two ANC men, Mzwandile Mcata and Nkululeko Njongwe, also known as Bra-L and Lucas, were killed.

The accused also face charges of illegally possessing firearms, explosives and ammunition, placing limpet mines at the King's Hotel on June 14, and causing limpet mine explosions at the East London City Hall and an Amalinda garage.

The hearing continues.

— Sapa.

# Accused says he was forced to help ANC

**Dispatch Reporter**  
EAST LONDON — An accused in the East London bombing trial told the Supreme Court here yesterday that he had not been influenced in any way by the Freedom Charter of the African National Congress (ANC).

Mr Andile Hewukile, 25, who was in the wit-

ness box the whole of yesterday, told the court he had never had any desire to become a member of a political party. He said he been well treated by the police while he was in detention.

Mr Hewukile and Mr Khaya Libazi, 25, both of Mdantsane, are charged with murdering a security policeman and attempting to murder five others on July 31 after police stopped them at a road block.

They are also charged with placing limpet mines at the Kings Hotel on June 14 or 15, and causing limpet mine explosions at the East London City Hall and at Swans Motors, Amalinda, on June 21.

Further charges relate to the illegal possession of weapons, ammunition and explosives.

During his lengthy cross-examination by the prosecutor, Mr W. Kingsley, Mr Hewukile said although he had contemplated telephoning the police after being forced to help two members of the ANC military wing, he was scared of doing so, as one of the men had told him he was being "watched".

The two alleged ANC operatives, Mr Mzwan-

dile Mcata and Mr Nkululeko Njongwe, known as Bra-L and Lucas, were killed in a shoot-out with police on July 31.

Mr Hewukile said yesterday he was too scared to make an anonymous phone call to warn the people who were in the city hall on June 21 as Lucas was in the car with him all the time.

"You knew that many people could lose their lives in that explosion," Mr Kingsley said.

Mr Hewukile replied that he knew it could happen.

When asked by Mr Kingsley why he had not told the magistrate to whom he had made a statement that his life had been threatened, Mr Hewukile replied that he thought he would explain the matter in court.

He said he was too scared to flee after being threatened, as he was sure members of his family would be killed instead.

Asked by the Judge, President of the Eastern Cape, Mr Justice Cloete, why he had not sought means to extricate himself from the situation, Mr Hewukile said he had not thought of sending an anonymous letter to the police.

"My mind was not working well," he said.

In reply to a question by Mr Kingsley, Mr Hewukile said he did not tell Mr Welile Salman, the man who had introduced him to Lucas and Bra-L, that he was afraid of the two men, as he found that Mr Salman was in agreement with them.

Mr Kingsley put it to him that he had not acted under compulsion at any stage, but had been working with the two ANC men willingly.

"You were influenced by them and made common cause with them in all their actions. Although you did not personally kill Constable Bhekiso, you were aware that he might be killed during a shooting," Mr Kingsley said.

Mr Hewukile admitted he had been aware that Constable Bhekiso and the other members of the security police on the scene could be killed that night, but denied he had had "common cause" with the ANC men during the bombings and the shoot-out.

The trial continues today.

Justice Cloete was assisted by Mr H. F. Redpath and Mr D. B. Muir. Mr R. Allaway, SC, and Mr P. Langa, both instructed by Maggabi and Partners, appeared for the accused.



# I threw notes away - witness

A FORENSIC expert attached to the police yesterday told the Delmas treason trial that he threw away some of the notes he had made while analysing police tapes of political meetings.

Colonel Jansen said this during cross-examination in the trial of 22 men facing charges of treason, alternatively subversion, murder and terrorism.

Asked by the defence if the purpose of making notes was not to record what he could forget in two or three days time, Col. Jansen said he did have some of the notes, but he threw others away.

The tapes included the United Democratic Front launch in Mitchell's Plain in Cape Town, the Albert Luthuli memorial and a Huhudi Civic Association meeting.

Col Jansen was asked if he consulted the police about problems he encountered on the tapes. He agreed, adding that he also made contact with the police photographer who shot some of the tapes.



20wefm 29/8/80

# MTSHALI MYSTERY

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**MYSTERY** surrounds reports that Mr Wellington Mtshali, a prominent personality in banking and law who acted as an assessor at a major Maritzburg treason trial, has emigrated to the United States.

A former magistrate

Mr Mtshali is known to have resigned from his senior banking post in Durban as from last Friday and the Zulu newspaper *Ilanga* reported yesterday that he had left South Africa on Saturday and was thought to be settling in America permanently. He flew out of Durban on Saturday morning for Johannesburg.

However, his former wife, Mrs Celestine Mtshali of Umlazi, insisted earlier this week that he was still staying at home and had said nothing about emigrating. She also said that Mr Mtshali (55) had married a white woman in the United States some years ago and had made a number of trips to the US.

The *Sowetan's* Durban correspondent visited the Mtshali home on Tuesday, but was unable to make contact with Mr Mtshali.

Mrs Mtshali said on Tuesday: "He was at home this morning and he has not told me or his children that he is going overseas. He did not want anyone to know he

was divorced and that he had married a white American girl, who is overseas".

She said that when he was asked why he had quit his job at a time when he was approaching retirement, he said that he was getting another job in Johannesburg.

Mrs Mtshali was not available yesterday to comment on the *Ilanga* report.

The paper said it was not clear whether threats had been made to Mr Mtshali's life because of his involvement in the treason trial.

# Bomb accused denies ANC influence

EAST LONDON — An accused in the East London bomb trial told the Supreme Court here he had not been influenced in any way by the Freedom Charter of the African National Congress.

Mr Andile Hewukile (25), of Mdantsane, who was in the witness box, told the court he had never had any desire to become a member of a political party.

Mr Hewukile is appearing with Mr Khaya Libazi, (25), also from Mdantsane, on charges of attempting to murder five policemen at a roadblock near Mount Ruth Station on July 31 last year; of murdering Detective-Constable Lungisile Bhekiso in a shootout at the roadblock; of causing bombs to explode at the East London City Hall and at Swans Motors, Amalinda, on June 21 last year, causing extensive damage to both; and of placing two limpet mines at the Kings Hotel on June 14 or 15.

During his lengthy cross-examination by the prosecutor, Mr W Kingsley, Mr Hewukile said although he had contemplated telephoning the police after being forced to help two members of the ANC military wing, he was scared of doing so.

Mr Hewukile said yesterday he was too scared to make an anonymous phone call to warn the people who were in the city hall on June 21 as "Lucas" was in the car with him all the time.

When asked by Mr Kingsley why he had not told the magistrate to whom he had made a statement that his life had been threatened, Mr Hewukile replied that he thought he would explain the matter in court.

He said he was too scared to flee after being threatened as he was sure members of his family would be killed instead.

In reply to a question by Mr Kingsley, Mr Hewukile said he did not tell the man who had introduced him to "Lucas" and "Bra-I", Mr Welile Salman, that he was afraid of the two men, as he found that Mr Salman was in agreement with them.

Mr Kingsley put it to him that he had not acted under compulsion at any stage, but had been working with the two ANC men willingly.

The hearing continues tomorrow. Mr Justice Cloete was assisted by Mr H F Redpath and Mr D B Muir. — Sapa.

# 'Accused drugged'

THE drugs given to some of the accused in the Duduza terrorism trial affected the nervous system and it was unethical to have allowed them to make statements while drugged, an anaesthetist said in the Pretoria Supreme Court yesterday.

Professor Donald Moyes, deputy Dean of the Faculty of Medicine at the University of the Witwatersrand said if he was in charge at the hospital where the five ac-

By MONK NKOMO

cused were held after the alleged attacks, he would not have allowed the police to take them away and make statements hours after they had undergone operations. The drugs given to some of them, the court heard were "morphine equivalents" and the effects included "mental clouding".

Professor Moyes said it was unethical to have allowed five of the ac-

cused to make statements because they were still suffering from the shock of having their hands mutilated and amputated.

The drugs administered after the operation also affected the nervous system and at the time the five made statements to a magistrate they had not fully recovered — they could not have made a valued judgment, Professor Moyes said.

He was testifying for the defence in the trial

of Mr Joseph Titus Mazibuko, Mr John Mlangeni, Mr Samuel Lekatsa, Humphry Tshabalala, Johannes Veli Mazibuki, Hosea Lengosane and Cedric Dladla.

They have all not pleaded guilty to charges of terrorism, attempted murder, possession of handgrenades and a bomb, and of malicious damage to property.



CAT Tint  
29/8/86

## Subpoenas 'vague'

Own Correspondent

GRAHAMSTOWN. — Subpoenas served on four Port Elizabeth newsmen to provide the police with information were yesterday criticized by three judges of the Supreme Court here as being vague and failing to specify any offence.

The judges, hearing an appeal against an earlier finding by a Port Elizabeth magistrate that the subpoenas were valid, also questioned the government notice prohibiting gatherings, in terms of which the subpoenas were served.

Mr Justice Eksteen, Mr Justice Mullins and Mr

Justice Olivier presided over an application to review and set aside a decision by the magistrate that the subpoenas and the government notice under which they were served were valid.

The applicants were Mr J C Viviers and Mr Andre Erasmus of the EP Herald, and Mr Trevor Bisseker and Mr Clifford Foster of the Evening Post.

The respondents were the magistrate, Mr P Rothman, and the Attorney-General of the East Cape Division, Mr J A d'Oliveira.

Judgment was reserved.

## Healing

★Cap

A SOWETO school-teacher who refused to give evidence in the trial of three alleged African National Congress members was yesterday jailed in the Rand Supreme Court for 30 months.

A further six months were suspended.

Passing sentence on Bongiwe Mhlongo (28), Mr Justice M J Strydom said that he set aside six months of the sentence in view of the dignified conduct and composure of the witness.

Mhlongo taught at Phefeni High School until her arrest and detention on December 28 last year.

The judge said he had to go against the accepted principle that a sentence for refusing to testify should not be

# TEACHER IS JAILED

By MOJALEFA  
MOSEKI

aimed at inducing evidence from an unwilling witness but should punish her. He gave Mhlongo the option of giving evidence before the State closes its case next week.

Mhlongo was supposed to give evidence in the trial of Mr Sibusiso Ngwenya (32) of

Dube, Soweto and Mr Guy Malamba (25) of Umlazi, Durban and Mr Abraham Dentsoane (30) of Meadowlands, Soweto.

They are charged with high treason, alternatively terrorism. They have pleaded not guilty to all charges.

Another State Witness, Ms Zandile Mkhize, a nurse in Durban, who has refused to tes-

tify will appear before the court on Monday.  
(Proceeding)

# Sparg case: leg-irons are

## removed

By Inga Molzen

At the request of their legal representatives, the trials of alleged African National Congress supporters, Mr Stephen Johannes Marais (29) and former journalist, Miss Marion Monica Sparg (28), were briefly adjourned in the Johannesburg Magistrate's Court yesterday so their leg-irons and chains could be removed.

Bearded and wearing hiking boots, Mr Marais, a former rural development community worker in Transkei, thanked his legal representative when he appeared unfettered in the dock. He is charged with terrorism.

With Miss Sparg, Mr Marais is alleged to have transported limpet mines, smuggled into the country from Lesotho, to blow up the Cambridge Police Station in East London, in February this year.

Alternatively, Mr Marais faces a charge of participating in the activities of the African National Congress between 1984 and March this year.

In April, he allegedly had three banned publications in his possession.

The Attorney-General has authorised that he be tried — for alleged contraventions of the Internal Security Act — in the regional court.

He was not asked to plead and the case was remanded to October 20.

## Court told of police station bombings

In a separate appearance, Miss Sparg, of Emberton Court, Hillbrow, was indicted to appear in the Rand Supreme Court on a charge of treason, attempted arson and arson.

Miss Sparg has been held in custody for more than five months under Section 29 of the Internal Security Act.

The State alleged that with Mr Arnold Geyer and Mr Damian de Lange, she petrol-bombed three Progressive Federal Party offices during the Republic Day celebrations five years ago.

She allegedly left the country between May and June 1981, joined the ANC and underwent military training in Angola.

Formerly a trained journalist based in Johannesburg, Miss Sparg was allegedly employed in Lusaka, Zambia and worked for an ANC media department. In 1984, the State alleged, she was as-

signed to the "special operations" section of the ANC's military wing, Umkhonto we Sizwe, and, allegedly supplied with a false passport, she returned to South Africa on numerous occasions.

When arrested in a Hillbrow flat on March 7 this year, Miss Sparg was allegedly in possession of three Russian limpet mines, mechanical detonators, timing fuses and instruction pamphlets for the fuses.

From a base within the country, Miss Sparg allegedly reconnoitered places for storing weapons or explosives and targets for sabotage.

In September last year, she allegedly reconnoitered the South African Air Force base in Pietersburg, in the northern Transvaal.

In February and March this year, she allegedly detonated limpet mines at the Cambridge and John Vorster Square police stations, causing extensive damage. A limpet mine, allegedly placed in the Hillbrow Police Station toilets by her, was located by police before it could be detonated.

She was not asked to plead to the charges and will be held in custody.

The hearing was postponed to November 3 in the Rand Supreme Court.

In further details before the court, Mr Marais allegedly underwent military training with the ANC and during 1984 and 1985, he allegedly acted as a courier for the ANC.

He allegedly furthered the aims of the ANC by:

- Providing maps.
- Helping alleged ANC member Mr Johnson Thabo to enter the country illegally.
- Recruiting or attempting to recruit Ms Patricia Henderson and Miss Doris Sipos as ANC members.
- Disseminating copies of a banned publication.
- Inciting Mr Michael Landau Vermeulen to infiltrate the South African Defence Force and to distribute pamphlets.



# Whites on treason, terrorism charges

TWO alleged members of the African National Congress, both white, appeared in the Johannesburg Magistrate's Court on Friday charged with terrorism, treason, arson and attempted arson.

They are: Miss Marion Monica Sparg (28), a former journalist and Mr Stephen Johannes Marais (29), a former rural development community worker in Transkei.

Miss Sparg is charged with treason, arson and attempted arson. Mr Marais is appearing on a charge of terrorism.

The Attorney-General has authorised that Miss Sparg be tried in the Rand Supreme Court and Mr Marais in the Johannesburg Regional Court.

With Miss Sparg, Mr Marais is alleged to have transported limpet mines, smuggled into the country from Lesotho, for the purpose of blowing up Cambridge Police Station in East London, in February this year.

He was not asked to plead and the case was postponed to October 20.

The State alleges Miss Sparg petrol-bombed three PFP offices five years ago and that she joined the ANC and underwent military training in Angola.

She will appear in the Rand Supreme Court on November 3.

## Expert quizzed at Delmas trial

THE defence in the Delmas treason trial will continue with its cross-examination on a forensic expert attached to the Pretoria police headquarters today.

Colonel Jansen has been in the witness box since last Wednesday and being cross-examined by Mr Zac Yacoob, one of the advocates representing the 22 men appearing on charges of treason, alternatively subversion, terrorism and murder.

All the accused have pleaded not guilty before Mr Justice van Dijkhorst, who is sitting with two assessors.

One of the accused, Mr Lazarus More (25) of Sebokeng, did not attend the trial on Friday as a result of an illness.

He was rushed to a doctor on Thursday after he had complained of stomach pains.

The trial is a sequel to the unrest which broke out in the Vaal Triangle townships on September 3, 1984.

# Issel 'lost interest' in Mandela book 331

Court Reporter *ARLUS 2/19/86*  
JUDGMENT has been reserved in Wynberg Magistrate's Court in the case in which community worker Mrs Shahieda Issel is charged with possessing banned literature.

Mrs Issel is facing a charge under the Internal Security Act of possessing five documents produced by banned organisations or supporting them. One of the documents listed is a copy of *The Struggle is my Life* by Nelson Mandela.

Mrs Issel said three documents were found in a box in a room

rented to a boarder who was absent at the time.

Mandela's book, she said, was given to her as a birthday present about four years ago and she had read three-quarters of it before losing interest and putting it aside. She was not aware it was banned.

She said Security Police knocked on her door late at night and she refused to open the door because of the aggressive nature of their approach and tone.

Many of her friends had been taken into detention and she was worried about what might happen to her.

Mr P Gamble, for Mrs Issel, said the Mandela book was nothing more than the autobiography of a man and his personal philosophy. The book did not further the aims of the ANC or the PAC and was published by an international agency.

Another document arrived in the post and Mrs Issel looked at it and put it back in the envelope and forgot about it.

The magistrate, Mr P D Theron, reserved judgment and the hearing was postponed.

Mr J Loots appeared for the State. Mr Gamble was instructed by E Moosa and Associates.

Kirstenbosch



CAPE TOWN 2/9/86  
**Students  
pay fines**

Staff Reporter

FIVE university students have paid admission-of-guilt fines after demonstrating outside the American Cultural Centre in Cape Town in May this year.

Charges in connection with the illegal demonstration were dropped from yesterday's Magistrate's Court roll after they were allowed to pay the fines of R75 each, an amount fixed by the Attorney-General.

They are Andrew David Brown of Claremont, Langley Scott of the University Men's Hostel, Ronelle McCarthy and Collette Solomons, both of the University Women's Hostel, and Nicole Dale Robins of Newlands.

The demonstration was held to protest against America's air-attack on Libya.

Mr M J C Tolken was the magistrate. Mr C Gavin appeared for the State. Miss A Durbach appeared for the five.

## 'BENDS ON POLICE TAPE'

AN expert witness admitted yesterday that one of the police tapes had bends on it, the Delmas treason trial heard.

An expert witness, who is attached to the Pretoria Police Headquarters, said this during cross-examination by Mr Zak Yacoob for the defence.

The expert witness, Col Jansen, had given technical evidence on several police tapes which were made secretly at various centres countrywide.

The tapes include those made at the launch of the UDF in 1983, the Luthuli Memorial meeting and the Huhudi Civic Association meeting.

Col Jansen has been in the witness box since last Wednesday. He was called by the State to give expert evidence in the trial of men who are facing charges of treason, alternatively subversion, terrorism and murder.

All the men have pleaded not guilty before Mr Justice van Dijkhorst.

(Proceeding)

# Children jailed for public violence

CAPE TOWN  
3/9/86

331

By TONY WEAVER

**THIRTY-TWO** residents of Zolani Township, Ashton, including 14 children aged 13 to 17, were yesterday sentenced to a total of 258 years in jail for public violence.

A 15-year-old boy, who was convicted with them, was sentenced to seven cuts with a light cane.

The sentences were handed down by Mr A J van Wyk in the Worcester Regional Court.

Three adults were sentenced to 10 years, four children were sentenced to seven years and the remaining 25 were jailed for eight years each.

## Appeal

The defence team acting for the 33 said after the trial they would lodge an immediate appeal.

Two of those sentenced to eight years in jail are a 39-year-old unmarried mother and her 16-year-old son. The woman has another child of 13, but may not be identified.

The 33 were found guilty on Monday of partially burning the homes of Mr Khaiuse Ndabeni and Mr Stanford Matroos, and of stoning and partially burning a vehicle belonging to Mr Fanie Klaas on November 20 last year.

Earlier in the hearing, the three victims were named as being leading members of the "amasolomzi" vigilante group in Zolani.

## Curfew

In March this year, Mr Klaas, Mr Matroos and Mr Ndabeni were named in Cape Town Supreme Court papers, along with 13 other men, as being vigilantes who imposed a curfew on the township

and assaulted boycotting schoolchildren.

The Supreme Court then granted an order restraining them from acting as vigilantes and from imposing a curfew.

In yesterday's hearing Mr Van Wyk said in his hour-long passing of sentence that a national state of emergency had been imposed as "the result of actions of people like the accused".

The trial was held in camera because 14 of the accused were children. Their mothers had to produce the birth certificates of their children before being allowed to attend the trial.

## Blash Sash

Parents of those over 18 were ordered from the court, as was a Black Sash court monitoring team which tried to attend Monday's proceedings.

When Mr Van Wyk pronounced sentence, the mothers tried to comfort some of the sobbing children, who were led to the cells by court orderlies.

The local riot police squad, most armed with shotguns and side-arms, kept watch inside and outside the court after police evidence on Monday that "a township gang" intended storming the court and freeing the 33.

There were originally 80 accused in the case, but 47, including nine children, were acquitted on Monday.

## 'Traitors'

In passing sentence, Mr Van Wyk said the motive for the attacks on the homes was "apparently" that the three men were regarded as "traitors" because they were "opposed to the unrest in Zolani".

"From many cases in this region, it is clear that Zolani, the black township in Robertson and the black township in Worcester have been trapped in a plague of violence.

"It is also clear that this violence has spread throughout the region and nationwide, to the point where it has become necessary to declare a state of emergency.

"That is the result of actions of people like the accused who have no respect for the possessions of others, or for their physical integrity."

Mr Van Wyk said that for the purposes of sentence, all 33 were first offenders with no previous convictions and

pathy with the accused, particularly with the children, those who have children, with their parents and with their next of kin.

"But justice has nothing in common with maudlin sympathy.

"A whole community has been disrupted because a small group decided they wanted to punish another group in the community" who as "good citizens" opposed unrest and gave evidence as State witnesses.

"If we allow this, the whole legal system in South Africa will fall back into the Dark Ages, every person will walk around armed to protect property and when one person throws a stone, the next will fire a gun, and the other will throw a hand grenade."

Mr Darryl Newton, for the 33, asked the court to impose at most cuts and suspended sentences on the younger accused, as the youths formed the backbone of "an entire generation in the community".

The children sentenced to seven years in jail are a boy of 14, a boy of 17, a boy of 16 and a girl aged 16.

## Eight years

Those sentenced to eight years jail are:

A boy of 13; three boys aged 15; three boys aged 16; one boy aged 17; a girl aged 17; Shadrack Tokwe, 24; Melton Matroos, 18; Siphiwo Jantjies, 18; Thozamile Jasta, 18; Siphiwo Sindile, 20; Fikele Mana, 21; James Mabombo, 23; Lizo Jantjies, 19; Mathews Fante, 31; David Dywile, 20; the 39-year-old woman who may not be identified; Regina Matroos, 26; Amelia Memani, 22; Rita Motasi, 23; Jacqueline Manxeny, 18; and Wilson Finiza, 20.

The three men who were sentenced to 10 years each are Michael Ngxukama, 18; Mathews Tokwe, 19; and John Mangeola, 22.

Evidence led was that the three between them procured the petrol necessary for burning the homes, sprinkled it on furniture and lit the petrol.

Mr W Rouwer appeared for the State. Mr Newton was instructed by Mr Evan Theys of Abercrombie, Sonn and Mias.



CAF 11415  
3/9/86

## Priest's case is referred to trial

PRETORIA. — The Supreme Court case here involving Father Smangaliso Mkhathshwa, who alleged that he had been tortured while in detention, resulting in a counter-allegation by the Minister of Law and Order that the priest had trained youths to make petrol bombs, was referred to trial by a Pretoria judge yesterday.

Mr Justice Louis Esselen referred the case to trial when Mr Denis Kuny, SC, who said he would apply to have Father Mkhathshwa's detention declared unlawful, said he wished to present evidence in answer to points raised by Mr J D M Swart, SC, who appeared for Mr Louis le Grange and the Hercules police station commander.

Mr Le Grange said in an affidavit that members of the SA Police had disclosed confidential information to him that Father Mkhathshwa, general secretary of the Southern African Catholic Bishops' Conference, had on numerous occasions trained youthful black activists in the manufacturing of petrol bombs.

Mr Le Grange made these allegations in an answering affidavit following the lodging of an urgent application last week to stop the "further assaulting" of Father Mkhathshwa, and to have his detention declared unlawful if it was confirmed that he had been assaulted. — Sapa

# Graphs used as evidence

A FORENSIC expert submitted several graphs during his cross examinations in the Delmas treason trial yesterday.

The graphs, according to Colonel Jansen, show a portion where sound disappeared and where it is heard again on one of several police tapes which have been handed in as evidence in the trial of 22 men.

The tapes were secretly made by police at several meetings country-wide.

The 22 men on trial include leading members of the UDF, the Sharpeville Civic Association, Azapo and Azanyu. They have all pleaded not guilty before Mr Justice van Dijkhorst who is sitting with two assessors.

Cape Times 4/9/86

# Jailing of children, a 'travesty of justice'

By CLARE HARPER

CHILD welfare societies and the Black Sash yesterday expressed "the strongest possible protest" against the lengthy prison sentences imposed on children by the Worcester Regional Court on Tuesday.

The Child Welfare Society, Cape Town, yesterday telexed the Minister of Justice, Mr Kobie Coetsee, recording their protest.

The Black Sash described the "harsh" sentencing of 33 residents of Zolani Township, Ashton, as "a travesty of justice".

And attorneys acting for the children said the Department of Health and Welfare had made inquiries about the case.

The residents, according to the charge sheet, included 13 children aged 13 to 17 and seven men and women aged 18 and 19 who received sentences of between seven and ten years in jail for public violence.

A 14th child was sentenced to seven cuts with a light cane.

The Director of the Child Welfare Society, Cape Town, Mrs Helen Starke, said the society was "appalled" at the sentences.

She said it was a matter of principle that when children were involved in court cases, a probation officer's report was called for.

A director of the National Institute for Crime Prevention and the Rehabilitation of Offenders (NICRO), Miss Linda Christiansen, said: "We are opposed to any form of institutionalization as we do not believe it has much merit and is definitely not good for children."

## Magistrate 'openly partisan'

The regional chairman of the Black Sash in the Western Cape, Mrs Jenny de Tolly, said the magistrate, Mr A J van Wyk, had been openly "partisan".

"He was openly partisan by describing Messrs Klaas, Matroos and Ndabeni as good citizens ... when these same three men were named in court papers as being vigilantes who assaulted some of the accused schoolchildren and imposed a brutal curfew on the township."

She said the sentences handed down to the 14 children were "indefensible according to Western democratic standards".



copy 7/12/86  
4/9/86

## '80 pc 331 out of work' in Zolani

By TONY WEAVER

INSIGHTS into life in Zolani township, Ashton, emerged in Tuesday's hearing in the Worcester Regional Court.

In the court 32 Zolani residents, including 13 children, were sentenced to a total of 258 years' jail for public violence.

It emerged from evidence that many of those appearing were either unemployed or could get work only as seasonal labourers. None had completed high school.

Zolani township has been described by community workers as "desperate". It has an adult unemployment level estimated at more than 80 percent.

Vigilante action in the area has been a cause of friction in the community. The Supreme Court granted an interdict in March restraining the vigilantes from imposing a curfew and from assaulting schoolchildren.

### Circumstances

An Ashton policeman, Warrant Officer Leon Hansen, described the vigilantes as being "a small group who acted against the accused, who were not scared of intimidation and threats, they are blacks from the community who on their own came forward when the unrest began".

Some of the circumstances of the accused described to the court included:

● Mr Fikele Mana, 21, the oldest of nine children who has Std 7, lives with his parents and both he and his father are seasonal labourers supporting the family of 11. He spent 10 months in detention before being brought to trial and was sentenced to eight years' jail.

● A boy of 17 with a Std 6 education who has nine brothers and sisters, his mother is a pensioner, his father is dead. He does casual work to help support the family and has been sentenced to seven years' jail.

● Mr Mathews Fante, 31, sentenced to eight years' jail, has no formal education. His wife is an awaiting-trial prisoner held at Pollsmoor Prison and they have a child of two years. A labourer at Langeberg, he has been in jail for the past 10 months awaiting trial.

● Mrs Amelia Memani, 22, was sentenced to eight years' jail. She had her first child when she was 14 and has two children, now aged three and eight. Her husband does seasonal work and the couple look after the three children of her dead stepfather.

4/9/86 STAR

# Unrest: 22 sentenced to up to 15 years

331

Pretoria Bureau

In the past month 22 people — many of them under the age of 18 — have been sentenced to terms of jail of up to 15 years for crimes of public violence, assault, murder and possession of explosives.

Yesterday the Bureau for Information released a number of details

- Three youths, two aged 15 and one 16, were convicted of assault with intent to do grievous bodily harm. Their sentence was suspended.

The charges arose from an incident on October 19 last year when a man was abducted by a group of youths. He was stabbed and petrol poured over him.

- On August 2 this year, Banzi Caike (37) of Walmer was sentenced to six years' imprisonment, of which two years were suspended, for the possession of a petrol bomb.

- Another 16-year-old

## Still unrest in some areas

Stability and peace had still not returned to parts of South Africa, particularly Soweto and the Eastern Cape, said Dr Kobus Neethling of the Bureau for Information yesterday. The number of deaths dropped from 102 to 79 in August.

This figure includes the 21 people killed in Soweto last week. Dr Neethling categorised the riots in Soweto a week ago as a "terror attack" because the incident was sparked by the throwing of a hand grenade.

However, although countrywide unrest had abated, there were still some areas in the country where law and order had not fully returned, there was no meaningful education, no effective third-level government, rents were being boycotted and other important elements were not functioning, said Dr Neethling.

youth was convicted of being in possession of a petrol bomb on June 16 this year after the petrol bombing of a police Casspir in New Brighton.

- A 27-year-old man, Joseph Swarts, was jailed for ten years on a charge of public violence following an attack on a supermarket in Grahamstown.

- Ten men, including two youths, were convicted of public violence and jailed following the stoning of

the house of the chairman of the Hope Town School committee in February last year.

- After the death of a teacher from Cookhouse in April last year, two youths aged 17 and 16 were jailed for 15 and 10 years respectively for murder. Mzunkulu Zunwabo (21) and Butsi Male-di (19) have also been convicted of the murder and will be sentenced shortly.

QAL: TIMES  
4/9/86

## Bureau details unrest sentences

PRETORIA. — The Bureau for Information reported that there were no unrest-related deaths in the 24-hour period ending at 6am yesterday. In Soweto only two incidents were reported. Stones were thrown at a train, causing R15 damage, and R1 200 damage was caused when a private vehicle was robbed. The Eastern Province and the West Rand reported the most incidents, five in each area. The bureau also yesterday released details of the sentences given to people convicted of public violence.

● Banzi Caike, 37, of Walmer, Port Elizabeth, was jailed for an effective four years after he was found with a petrol bomb at the time of an attack on a patrol vehicle in March this year.

● Following the murder of a Cookhouse teacher, Miss Aneneli Myalatya, 24, a youth of 17 was jailed for 15 years, and a 16-year-old youth for 10 years.

● Joseph Swarts, 20, was sentenced to 10 years' jail after youths set alight a Kimberley supermarket counter after pouring petrol on it in September last year, causing R1 000 damage.

Two men were effectively jailed for six years and two for three years after a number of huts were burnt in the Soto township near East London around the same time.

Sentences of five years, and four years, were given to a number of men found guilty of stoning the home of Hope Town school committee chairman Mr Matthews Gonzi — Sapa



# EL bombings case: judgment postponed

877  
331

## Dispatch Reporter

**GRAHAMSTOWN** — The advocates for the state and defence in the East London bombings trial, which was previously adjourned to the Grahamstown Supreme Court, yesterday put forward their arguments.

The arguments lasted the whole day.

The two accused, Mr Khaya Libazi and Mr Andile Hewukile, both 25, from Mdantsane, pleaded not guilty to various terrorism related charges, as well as to a charge of murder and five of attempted murder.

They were alleged to have murdered Detective-Constable Lungisile Bhekiso and to have attempted to murder five other members of the security police when the bakkie in which they were travelling was stopped by the security police at a T-junction near Mount Ruth on July 31, and a shoot-out took place.

During this shoot-out, two trained terrorists, Mr Mzwandile Mcata and Mr Nkululeko Njongwe, known by the aliases of Bra-L and Lucas, were shot dead by the police.

Further allegations against the men are:

- That they placed a limpet mine at the King's Hotel on June 14 or 15;

- That a limpet mine placed by them at the East London City Hall on June 21 last year, causing R12 500 damage to the city hall, R660 damage to the library, R8 000 damage to the Allied Building Society and about R3 000 damage to vehicles that were parked outside;

- That they placed a 158 mini limpet mine at Swans Motors on the same evening, which, when it exploded, caused R13 700 damage to the garage and R3 000 damage to vehicles at the garage at the time.

A further six limpet mines, together with two

AK47 rifles, three hand-grenades, two Makarov self-loading pistols and about 200 rounds of ammunition were allegedly found in the men's possession.

An explanation of plea was given to court earlier in which the men stated that they had been forced by Bra-L and Lucas to take part in the proceedings, as they were threatened.

They did not foresee that the men would start shooting at police in an attempt to kill, and they themselves took no action during the shootout, the advocate for the defence, Mr P. Langa, previously told the court.

Yesterday, the advocate for the state, Mr W. Kingsley, asked that the two men be convicted on all the charges against them.

Mr Kingsley submitted that both accused knew that Lucas and Bra-L were trained terrorists and thus knew

that they possessed certain weaponry and also knew that they were engaged upon a "mission to cause serious damage and/or loss of life to both hard and soft targets in the East London area, and would not hesitate to use any or all the means at their disposal if confronted by members of the police.

He said it was common cause that the two accused had assisted Bra-L and Lucas in placing the bombs at the various places, and said their defence of compulsion must be confined within strict and narrow limits because of the danger of allowing it to excuse criminal acts.

He said the accused knew the targets to which they were on their way on July 31, namely two sub-power stations in East London.

SC for the defence, Mr R. Allaway, said in respect of Mr Libazi, his evidence was satisfac-

tory with regard to the shoot-out, and said his actions during the time showed that he had had no intention to harm a member of the police force.

He said Mr Hewukile had admitted that he knew his compatriots would fire at the police should they be stopped, but said the fact that he had not used the hand-grenade which was found in his underpants by police later, showed that he had no intention of carrying out Bra-L's orders — to throw the grenade at police when necessary, Mr Allaway said.

The Judge President of the Eastern Cape, Mr Justice Cloete, the presiding officer in the case, said as there were a number of aspects which the court would have to deal with, it would need time to consider the issue.

He provisionally postponed the case to September 15 for judgment.

Cape Times 4/9/86

## Ages of jailed minors: A correction

THE Cape Times believes it is imperative in fairness to all concerned to draw prominent attention to the fact that a seriously misleading impression was given by a report on the front page of the newspaper on September 3 headed "Children jailed for public violence", which said that 32 residents of Zolani township, Ashton, including 14 children aged 13 to 17, were sentenced to terms of imprisonment totalling 258 years for public violence.

As reported yesterday, the factual position is that only five of the accused were minors, one of them a 16-year-old who was sentenced to seven cuts with a light cane, and four 17-year-olds who were sentenced to seven years in jail each.

### Accused

The error in the report, as noted yesterday, was due to the fact that the ages of the accused as given on the charge sheet before the court were incorrect. The charge sheet is invariably used by the press as the source of information about the accused and the charges before the court.

It has been brought to the attention of the Cape Times, however, that the correct ages of the accused were admitted by the defence in the course of the court proceedings, which evidence was unfortunately missed by the Cape Times reporter. The ages were not amended on the charge sheet.

The Cape Times, while noting that the question of jailing 17-year-olds remains highly controversial, recognizes that front-page prominence was given to the original report suggesting that 14 children aged from 13 to 17 were sentenced to terms of imprisonment and that the report has aroused widespread reaction and so hastens to put the record straight with appropriate prominence.

Swetay 7/9/86 (351)

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## A new turn at Delmas trial

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THE Delmas treason trial took a dramatic turn yesterday when the defence was allowed to call its expert witness to give evidence in the hearing.

Judge van Dijkhorst granted the defence permission to call in its witness, although the State has not yet closed its case.

This comes after eight days of cross-examination by the defence of Colonel Len Jansen, who is attached to the Pretoria Police Headquarters. Col Jansen's evidence is in connection with police tapes which were secretly made at various centres around the country.

The witness, Mr Timothy Atkinson, holds a BSc in electrical engineering, and is presently engaged in the production of television material besides building his own tape recorders.

Mr Atkinson told the court that he conducted a preliminary investigation on the tapes because of the limited time that was available to him.

He however, submitted to the court a report he made on the police tapes.

The State will cross-examine him today.

(Proceeding)



*Cape Times 9/9/86*  
**Necklace  
murder: 2  
men jailed**

331

**Own Correspondent**

**PORT ELIZABETH.** — Two young men convicted of the "necklace" murder of a Cookhouse teacher were sentenced to 14 years' imprisonment each by the Supreme Court yesterday.

Mzimkulu Simama, 18, and Butisi Damani Malleti, 21, were among 14 people charged with the murder of Mr Anele Mnyalatyo at Cookhouse on April 30 last year.

Nine of the accused were acquitted. Two, aged 17 and 15, were convicted of murder with extenuating circumstances and sentenced to 10 and 12 years. A youth, aged 16, broke bail and absconded last week.

# 'Toti bomber among 6 hanged

The Argus Correspondent

PRETORIA. — Six men, including three members of the African National Congress, were hanged here today.

The ANC men were Andrew Sibusiso Zondo, Sipho Bridget Xulu and Clarence Lucky Payi.

Zondo was sentenced to death for planting the limpet mine in the Amanzimtoti shopping centre last December.

Five people died and many were injured.

Xulu and Payi were hanged for gunning down Mr Benjamin Langa of Georgetown near Maritzburg in 1984. According to evidence at their trial they were told by the ANC to kill Mr Langa.

The other three men executed were:

- Toto Swapi, convicted of murder by the East London Supreme Court in February 1983;

- Ernest Tapiyiana, convicted of murder by the Springs Circuit Court in February 1984; and

- Joseph Junior Basa, convicted of murder by the Maritzburg Supreme Court on October 16 1985.

The ANC men were visited by their families at the Pretoria Central Prison yesterday afternoon.

The three had decided not to seek a last-minute stay of execution as they were "not fighting a legal battle, but a political one", relatives said.

The Department of Justice said in a statement there was no justification in commuting the sentences for the "horrendous murders".

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CIVIL 1, 1, 15 10/9/86

## Three murderers hanged in Pretoria

JOHANNESBURG. — Three convicted members of the African National Congress who refused to plead for clemency were hanged early yesterday.

The convicted men were hanged at 7am with three other condemned murderers, at Pretoria's Central Prison, after the government turned down pleas to spare their lives from Amnesty International and local opposition groups.

Andrew Zondo, 19, was convicted for planting a bomb that exploded in an Amanzimtoti shopping mall, killing five people two days before Christmas last year.

Sipho Xulu, 25, and Lucky Payi, 20, were sentenced to hang for killing an ANC member they suspected was a police informer. — Sapa



# Squatter chief acquitted, <sup>Cmt- Tinf</sup> co-accused <sup>10/9/86</sup> imprisoned <sup>331</sup>

Court Reporter

THE leader of the now-devastated Portland Cement Works Squatter Camp, Mr Christopher Toise, was yesterday acquitted on charges of attempted murder, pointing a firearm and possessing a firearm and ammunition.

His co-accused, Thabo Memani, 35, of Section 89, Crossroads, was jailed for four years for attempted murder, one year for possessing a gun and one year for having ammunition on January 26. The sentences are to run concurrently.

Memani had been convicted of attempting to murder Mr Majeke Gumsha by shooting at him, and of possessing a weapon and ammunition.

At a previous hearing, Mr Gumsha said Mr Toise, 51, and Memani had fired a shot at him as he came out of a house in Lansdowne Road.

Mr Gumsha said he had run to the headquarters of the leader of the Nyanga Bush camp, Mr Melford Yamile.

He had then run to the house of the leader of Extension 3, Nyanga, Mr Alfred Sipheke, where he had hoped to receive help. He had passed out and regained consciousness at Conradie Hospital.

Mr Sipheke told the court on Monday that he was upset that his area had been burnt down. "Witdoeke are responsible. They are with the police," he said.

The magistrate, Mr A S McCarthy, said there was not sufficient evidence to convict Mr Toise. "However, Memani was evasive in his evidence, conduct which the court does not expect from an honest witness.

"Anyone who fires a shot at another person must see the possibility of causing death," Mr McCarthy said.

Mr Toise was also acquitted of pointing a .38 Welsley revolver at Mr Phumile Khetelo on January 6.

Memani paid an appeal bail amount of R4 000.

Mr M Brooksma prosecuted. Mr P Gamble, instructed by Mr D Adam, appeared for the two.

*Cape Times*  
10/9/86  
es, Wednesday, Septem

## 4 found guilty of 'necklace' murder

Supreme Court Reporter

THREE men and a 16-year-old youth were found guilty in the Supreme Court on Monday of the "necklace" murder of Oudtshoorn community councillor Mr Patrick "Big Boy" Maranene. Mr Maranene was axed, stoned, stabbed, had a rock dropped on his head and was set alight with a tyre around his neck on November 22 last year.

### Pleas

Patrick Manginda, 23, Desmond Majola, 27, Dickson Madikane, 26, and the youth were charged with Mr Chweke Makay, 24, Mr Jimmy Sitwayi, 26, and two other youths — aged 15 and 17. All pleaded not guilty.

Mr Makay and Mr Sitwayi were acquitted. The two other youths were found guilty of robbery. Sentence will be passed on September 19.

Mr Justice A J Lategan presided with two assessors, Mr W Vivier and Mr H van Huyssteen. Mr C Viviers appeared for the State. Mr D Potgieter and Mr S Majiedt, instructed by E Moosa and Associates, appeared for the eight.

## Accused 'under stress'

FIVE of the accused in the Duduza terror trial were in a state of emotional stress when they made statements to a magistrate, the Pretoria Supreme Court was told yesterday. (33)

Dr Arthur Fine, a psychiatrist, said he interviewed Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19) and Mr Johannes Veli Mazibuko (18) at the Pretoria Central Prison on August 8 this year.

He then compiled a report in which he submits that their decision-making capabilities were impaired at the time they made the statements.

The five together with Mr Hosea Lengosane (20) and Mr Cedric Dladla (19) have pleaded not guilty before Mr Justice Stafford and two assessors to charges of terrorism, attempted murder, possession of handgrenades and a bomb and of malicious damage to property.

(Proceeding).

*Fine  
19/9/88*



# Ex-ANC man gives evidence

SOVENW 11/9/86 331

A FORMER member of the ANC yesterday gave evidence in camera in the treason trial of 22 men in the Delmas Circuit Court.

Mr X, who cannot be named, told the court that he was arrested this year in Krugersdorp after coming back from Botswana on a mission to infiltrate South Africa.

The court heard that he joined the ANC in Angola in 1978 and also

received tuition in Russia on intelligence and security, tactics, topography and that he specialised in engineering and anti-aircraft weapons.

The 22 men have all pleaded not guilty. They include the UDF publicity secretary Mr Terror Lekota, the UDF general secretary Mr Popo Molefe, an Anglican Priest, Rev Tebogo Moselane and an Azanyo member Patric Baleka.

(Proceeding)

OWETAN, Thursday, September 11, 1986

By MONK NKOMO

# Cop 'slapped accused'

A 21-YEAR-OLD man, accused of terrorism was slapped in the face by a policeman while fast asleep shortly after undergoing an operation to amputate his right hand, the Pretoria Supreme Court heard yesterday.

Mr John Mlangeni was injured during alleged hand grenade attacks on the houses of councillors and policemen in Duduza. He said that after the explosions, at about midnight on June 25 last year, he realised that his right hand was seriously injured.

"I noticed some veins hanging from my hand," Mr Mlangeni said together with another accused, Mr Joseph Titus Mazibuko, they were rushed to hospital where he underwent an operation.

Mr Mlangeni said he was taken from the theatre on a stretcher and placed in a passage. He said he was awakened by a policeman who slapped him in the face. A number of white policemen stood by. "I was dizzy and wanted to sleep".

He was then taken into a ward, he said. The two accused together with five others have pleaded not guilty to charges of terrorism, attempted murder and possession of handgrenades and a bomb.

Five of the accused started to testify yesterday during a trial within a trial on the admissibility of statements they made.

Mr Mazibuko yesterday told the court that after the explosion he was brought to the hospital and later established that his right hand had been amputated.

A magistrate, accompanied by a warrant officer Van Dyk and an interpreter visited him the following day to obtain a statement but he refused.

He said the magistrate came again and he agreed to make a statement despite the fact that he was in a serious condition and could not walk.

Mr Mazibuko said he made the statement while in bed.

Under cross-examination by Mr John Oberholzer, the state prosecutor, Mr Mazibuko said he made the statement "to get rid" of the magistrate who, he added, was teasing him.

He conceded that he was mentally alert when the statement was made.

He could not however remember some of the questions and answers he gave to the magistrate when he made the statement.

## Pleaded

WEEKLY MAIL  
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r 5 to September 11, 1986

## Armoured cars transport Cape 'necklace' court

WEEKLY MAIL REPORTER

A MASSIVE security operation was mounted by the Northern Cape division of the circuit court in Victoria West on Tuesday to conduct an inspection *in loco* in a case involving 55 people accused of murder, attempted murder and public violence arising from a necklace murder last December.

The operation involved the moving of the accused — 27 of whom are in custody — and numerous armoured vehicles were brought in to move the court and court officials as well.

The exodus arose as a result of a dispute between the defence and a state witness who claimed his home overlooked the scene of the crime. The defence alleged the witness did not live where he claimed, but at a place further down the road.

The 55 accused are charged with the murder of Geelbooi Tshemene, father of an administration board policeman. Ten juveniles are among the accused.

The state alleges the necklacing occurred after Tshemene's son, Simon, shot and killed Sophie Jantjie. In retaliation the 55 allegedly attacked the Tshemene home, killing Tshemene in the process.

Numerous state witnesses, most from the Tshemene family, have already given evidence. Under cross-examination, Angelina Tshemene admitted a list of names of people she claimed to have seen during the incident was drawn up by members of her family. She also admitted that although she claimed during her evidence in chief that one of the accused had poured petrol over the victim, she had only seen him throwing stones.

Another state witness, May Tshemene, admitted under cross-examination that she had been instructed to report regularly to the Phillipstown police station to "learn off" her statement.

AR 64 12/9/86 331

## Unrest death: Warrant of arrest for witness

### Tygerberg Bureau

A WARRANT of arrest has been issued in a Bellville inquest court for a witness to the shooting of Mr Clive Christopher Cupido, 19, during unrest in Bellville South in August last year.

Magistrate Mr A N E Louw ordered the arrest of Mr Lawrence Daniels when he failed to appear at the inquest on Mr Cupido yesterday.

At the hearing events leading to Mr Cupido's death were described by a police officer and a Bellville South resident.

Sergeant J J Kinnear said that on August 29 last year he and Warrant Officer Gerhard Cloete investigated a burning tyre barricade near Blue Moon flats in Modderdam Road.

They chased people into the block of flats and Sergeant Kinnear was attacked on the roof by a man he later heard was Clive Christopher Cupido.

### THREW HIM

Sergeant Kinnear said he could not fire shots because he had lost his gun in the chase. Mr Cupido grabbed him and threw him off the roof, two storeys down.

Mr Errol van Rensburg, of De Wet Street, Bellville South, said he was in Modderdam Road at 10.40pm with Mr Lawrence Davids and about 60 others, setting alight a tyre barricade.

He denied Mr Cupido was among them.

He went to the flats to wash his hands at 10.45pm and heard two shots fired outside.

Mr Davids and Mr Cupido ran towards him shouting: "Sout — dit is die boere" (Run — it's the police).

Mr van Rensburg went with Mr Davids and Mr Cupido to the roof, where a shot went off.

### SURRENDER

Sergeant Kinnear then arrived on the roof and ordered the three to surrender. At that point the sergeant pulled out a gun, Mr van Rensburg said.

He insisted during cross-examination that it was Mr Davids, not Mr Cupido, who grabbed and fought with Sergeant Kinnear.

While the two men grappled, Mr Cupido and Mr van Rensburg climbed to the lower roof of a nearby shop, he said.

At this stage Mr van Rensburg heard the sergeant shout to his colleague: "Knoppies — my gun is lost."

He and Mr Cupido jumped to the street, where Mr van Rensburg surrendered to police and Mr Cupido fled. He saw Mr Cupido jumping across a wall behind a shop.

The inquest continues on October 7.





Mrs NOMHLE Moselane with her sons (left) Mmoloki (14), Boitumelo (12) and Neo outside the Delmas Circuit Court after they had visited their father, Rev Tebogo Moselane.

Pics: MOFFAT ZUNGU

# The weekly trip to Delmas

IT has become a weekly ritual for the families, friends and relatives of the 22 accused in the Delmas treason trial to attend the hearing.

The distance to the sleepy town in the eastern Transvaal (Delmas is about 90 kilometres from Johannesburg) has not dampened their spirits. For the trip is worth it. Some of the men on trial have been in detention for close on two years.

Said Mrs Martha Chikane, the wife of Mr Moss Chikane, who is one of the accused: "This place is far. But we do not have an option. We've got to come and see them. I come twice every week. I cannot do otherwise".

Her sentiments are shared by Mrs Nomhle Moselane, wife of Anglican priest Rev Tebogo Moselane, who is accused number three. She said: "My husband will be finishing two years in detention next month. We all miss him badly and the only way we can have some time with him is during breaks in the trial. We have no other way."

By ALI MPHAKA

dents and families of the accused sit outside the court and only get the opportunity of seeing the accused during lunch or tea breaks. This, however, they take in their stride.

The trial has been going on since January this year. The accused men have been refused bail twice.

## Treason

They are facing charges of treason, alternatively subversion, terrorism and murder. Their charges arise from the violence which broke out in the Vaal Triangle townships on September 3, 1984.

The 22 men have all pleaded not guilty.

The trial has drawn much attention. It has been visited by the Most Rev Desmond Tutu, the Bishop of Canterbury's special envoy, Terry Waite, the British La

bour MP and shadow Foreign Secretary Denis Healey and South African author, Nardine Gordimer. More than 180 state witnesses have been called.

## Married

On June 19, one of the accused, Mr Lazarus More, married his sweetheart in the same courtroom he is facing charges in.

Their marriage was blessed by one of the accused, Rev Moselane.

The courtroom resembled a typical township scene as songs and ululations dominated the ceremony.

Experts, councillors, priests, policemen, a journalist and ordinary citizens have given evidence.

The presiding judge is Mr Justice van Dijkhorst who is sitting with two assessors. The trial is proceeding.



Mrs ANGELINA Hlanyane and son, Jeffrey. They had visited Mr Jacob Hlanyane, one of the accused in the Delmas treason trial.

## Bus

A bus which has been organised by the South African Council of Churches ferries Vaal residents to the trial once a week.

At times, when the trial is in camera, resi-



# Witness quizzed on freedom songs

199/8 A FORMER member of the African National Congress said he does not know of the Sharpeville massacre of March 21, 1961, during cross-examination in the Delmas treason trial on Friday.

The witness, who may not be named said March 21 in the South African calendar did not mean anything to him and he did not know whether commemorations were being held every year on that day.

He was cross-examined by Mr George Bizos, SC, the counsel for the 22 men who are facing charges of treason, alternatively subversion, murder and terrorism in the Delmas Circuit Court.

The men have pleaded not guilty. Their charges arise from the violence which broke out in the Vaal Triangle townships on September 3, 1984.

The witness told the court that he skipped the country in 1977 and joined the ANC in Swaziland. He was 18 years of age then.

He told the court that he moved from one ANC camp to another and was in Moscow and Angola, where he received training on, among others, intelligence and security, tactics and topography.

The court heard that he came back into South Africa early this year through Botswana and was arrested in Krugersdorp.

He was also questioned on freedoms songs.

Mr Bizos: "When did you become aware of the song 'Senzeni na'?"

Mr X: "It was during the 1976 uprisings".

Mr Bizos: "I am going to put it to you that this is a very popular song and is to be found in the Anglican Xhosa hymn book. Did you know about that?"

Mr X: "I did not know".

The trial continues today.

# Officer tells of arms search

Court Reporter

A POLICE officer today told the Port Elizabeth Magistrate's Court how he took part in raids on two houses in Port Elizabeth's black townships earlier this year.

Lt Gideon Johannes Niewoudt was giving evidence at the trial of two alleged members of the banned African National Congress, Mr. Vuyani Knowledge Motang and Mr. S A Khiwo Christopher Sokutu, of Kwazakele.

The State alleged that between April, 1985, and February, 1986, they committed acts of terrorism,

furthered the aims of the ANC, tried to bring about constitutional, political and economic change in South Africa and unlawfully possessed firearms, ammunition and handgrenades.

Lt Niewoudt said he and colleagues went to a house in Soweto on February 17.

"While I was in the street behind the house there was an explosion in the kitchen and a series of shots," he said.

Later a policeman and a woman were brought from

the house.

He entered the house and found three primed handgrenades wrapped in newspapers, 25 pistol with a loaded magazine and five rounds of ammunition.

They then went to a New Brighton house where they found a handgrenade, an AK 47 rifle, a bayonet, sheath and ammunition bags.

Inside a travel bag there were three keps on that contained papers which caused the collapse. The gun and the papers were found in the bag.

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# MR X quizzed on slogans

By ALI MPHAKI

THE defence in the Delmas treason trial yesterday wound up its cross-examination of a former African National Congress member who gave evidence in the lengthy hearing.

The cross-examination by Mr George Bizos, SC, was based on "freedom songs" and the black power salute which the witness said belonged to the ANC.

The witness, who cannot be named, told the court that several freedom songs and the famous black power salute belonged to the ANC "because that's what I was taught when I was still a member."

Asked whether he had started following soccer in South Africa since his return, the witness said he had been watching it on TV.

Mr Bizos: "Do you know what the emblem of Frasers Celtic looks like?"

Mr X: "I don't know."

Mr Bizos: "It has a clenched fist."

Mr X: "No, I don't know."

Mr Bizos: "Would you agree with me that you've been completely out of touch with the South African reality from 1975 until 1985?"

Mr X: "No, I knew very little about what was going on in South Africa."

The witness was also asked if he knew the slogan: "An injury to one is an injury to all."

He told the court that this was a South African Congress of Trade Unions slogan and it is also used by the ANC.

Mr Bizos quoted from Corinthians 12 verse 26, in the Bible where he read the same slogan.

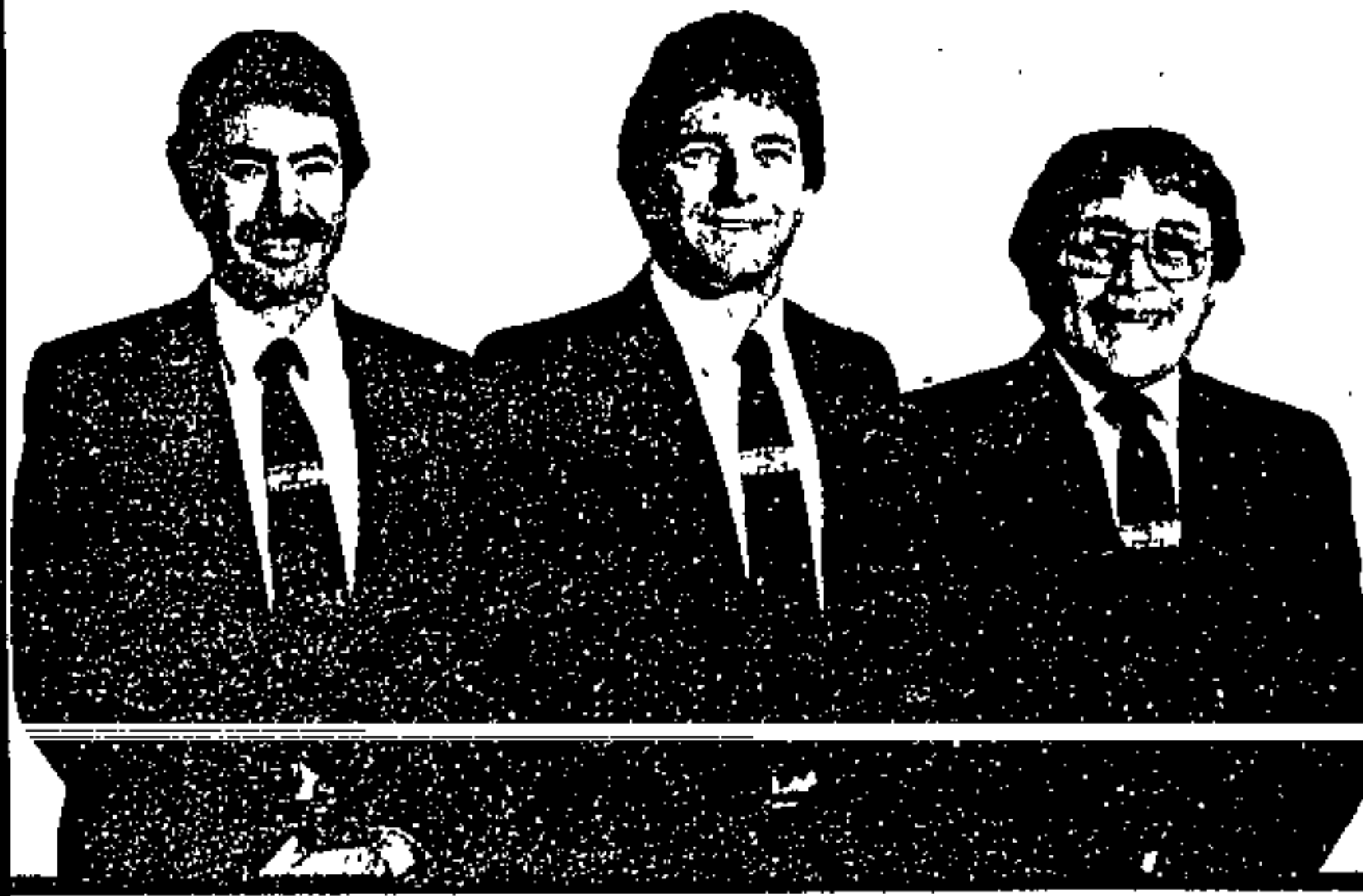
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# FRASERS 'N FRASERS FURNITURE SHOWROOM

# GRAND OPENING

TO CELEBRATE THE OPENING  
OF OUR NEW STORE IN  
**RUSTENBURG**  
ALL OUR STORES ARE  
HAVING A SALE!

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### 3 PIECE KAREN BEDROOM SUITE

This 3 piece suite consists of 152cm diamond quilted Dralon headboard, dressing table with single mirror and matching stool.

Well constructed and polished to an Imbuia finish.

Matching robe available.

Bedding extra

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Why we tre



# 'Kangaroo court' flogging: Six guilty, 26 acquitted

Court Reporter

SIX people were yesterday convicted in the Wynberg Regional court of assaulting two women by lashing them 60 times each with a sjambok, after a "kangaroo court" hearing in Nyanga on November 13, last year.

Thobeka Hanoyi, Mziwakhe Mdimba, Simon Pasiya, Lawrence Sidlayiya, Ndimpine Kweza and Sid Jack, all of Nyanga, pleaded guilty to two counts of assault and were acquitted on three.

Twenty-six others, five of whom were minors and one of whom is dead, had originally been charged with them, but were acquitted on all the charges.

In a statement handed in to the court, Hanoyi said she had laid charges of assault against Ms Nompumelelo Sogiba and Ms Nompendule Nginingini at the "people's court" at the Art Centre in Nyanga.

She said she did not witness the lashing.

Pasiya said in his statement: "I was a member of the People's Court convened to punish people on a charge laid by Hanoyi. I am therefore an accomplice. Amongst others, I inflicted ten lashes to the women."

The hearing continues today.

Mr M Marais was the magistrate. Mr W A King appeared for the State. Mr Majiet was instructed by E Moosa and Associates.

ARGUS 18/9/86

## Men who planted mines convicted

The Argus  
Correspondent

331

EAST LONDON. Two men who planted three limpet mines here last year have been convicted of terrorism.

The mines were placed at the King's Hotel, the City Hall and a service station in the suburb of Amalinda. No one was injured.

Khaya Libazi and Andile Hewukile of Mdantsane, both 25, were found guilty in the Supreme Court, Grahamstown, of terrorism and one count of possessing explosives.

### AMMUNITION

They were acquitted of murder, five counts of attempted murder and three counts involving arms and ammunition.

These charges arose from a shootout at a roadblock near Mdantsane on July 31 last year, during which Detective-Constable Lungisile Bhekiso and two ANC guerrillas were shot dead. The accused were injured.

The Judge-President of the Eastern Cape, Mr Justice Cloete, said they took part in heinous crimes with potentially disastrous consequences.

In mitigation Mr Pius Langa said the men had been seriously injured and had played a minimal role in the events.

Sentence will be passed tomorrow.

ARGUS 18/9/86

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Sentence will be passed tomorrow.

1998 (33) 52  
Cosas in court  
to test banning

THE ban on the Congress of South African Students (Cosas) will be tested in the Natal Supreme Court on Monday.

According to Cosas and its national secretary, Gabriel Goldstone, the order banning the organisation should be invalidated because it did not comply with Internal Security Act provisions for the banning of organisations.

Goldstone submits that no advance warning was given prior to the banning, and Cosas was not given a chance to put information before the Minister of Law and Order, Louis le Grange.

Le Grange submits that according to the constitution of Cosas the only people who can bring action on behalf of the organisation are its president and the vice president.

He also submits that he complied with the Act before banning Cosas.



Wesley 19/9/85

PEACE KEEPERS OF

# In the dock: Dozens of half-clad accused

By MOIRA LEVY

IT was a bitterly cold morning when 121 residents of the township of Zolani filed into the dock in nearby Montagu in various stages of undress. Many women wore only their bras and panties or nighties and some of the men had only their underpants.

The accused, all arrested during midnight raids two days before, had not been given a chance to wash or grab their clothing before being taken away to the nearest police cells.

One woman stood before the magistrate wearing only a torn half-slip. It had been ripped when she had been dragged along the ground to the waiting pickup van.

The accused filled the dock; some were still spotted with dry blood from beatings they claimed were meted out by the vigilante members of "homeguards" who had arrested them.

Many had black eyes; others were covered in bandages. Two had their arms in plaster.

The court hearing was brief. The magistrate, MPH Stander, announced only that the case was postponed. He made no comment about the condition that most of the accused were in.

This was the scene described in one of the affidavits collected by the Ashton Legal Advice office. "Besides the cold, we all felt terribly humiliated (*vernedered*) to be standing like that in the open," said Nobantu Gertrude Magoqoza of Zolani.

She was one of the approximately 300 people arrested by the "homeguards" and police in raids on May 24 and 25.

By this week, in their latest court appearance, charges against all but 30 of the accused were withdrawn; some had spent up to two months in the cells awaiting bail.

Defence lawyers were granted a further postponement of the trial because the state had not supplied the charge sheet or statements by the accused. The trial of the remaining 30, who face charges of public violence, will be held at the end of



● The Directorate of Justice this week said: "On May 26, Mr Stander, a district court magistrate, remanded a case in Montagu wherein a large number of persons were involved. The court proceedings were held in camera due to the fact that minors were involved.

"When the magistrate entered the court, the accused were already present and due to the large number of person present and the brevity of the proceedings — a mere formal reprimand — the magistrate could not and did not notice the particular apparel of each individual. The magistrate's attention was furthermore not directed to any injuries by any of the accused persons appearing before him.

"At the next court appearance on June 2, most of the accused were legally represented. They were properly attired and no mention of any assault was made.

"In the circumstances it cannot be said the magistrate 'ignored their appearance' or that it was apparent that some of them had been assaulted," it said.

A woman stands guard near her Soweto home after fierce clashes at the weekend.  
Picture: JUDA NGWENYA, REUTER



WEEKLY MAIL 19/9/86  
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# 'A-Team' case crashes as key witness arrested

WEEKLY MAIL REPORTERS  
Durban

A MAJOR court case involving allegations of collusion between the Security Forces and the "A team" vigilante group collapsed this week after police arrested one important witness and the others failed to turn up in court.

The application — made in December last year by Chesterville residents Ollina Nxumalo and Thandi memela — was to restrain "A team" members from assaulting, molesting or interfering with them or damaging their homes.

Since then the two women who launched the application have fled the township following threats to their lives and attacks on their homes. Nxumalo's son-in-law was killed in one of the incidents.

According to lawyers, the Chesterville community is swiftly degenerating into a battlefield with continuing clashes between the "comrades" and the "A team".

The case has focused attention on the ongoing violence in the township.

By mid-year, the level of violence escalated to such an extent that residents made pleas for assistance to members of parliament and to Archbishop Denis Hurley.

A delegation of lawyers also asked the judge president of Natal to intervene.

The lawyers handling the application, Yunus Mahomed and Associates, have documented reports of events in the township since the beginning of the year. They told Weekly Mail they were hoping not only to reveal that the respondents are "A team" members, but also to bring to the public eye the activities and origin of the "A team" and prevalent conditions in the township.

Among the papers before the court is a report on the killing of Basil Mazibuko in February this year.

According to reports he was sitting outside a house with several other youths when armed men shot at them.

An eyewitness alleges that he later saw police dragging Mazibuko by his legs, with his head "pointing to the ground". One of the policemen kept kicking him in the neck.

"The policeman dragged him under a street light and took a photograph of him. At this stage Mazibuko was still alive," the witness said.

"The one, Ben Tsantse, a police warrant officer, asked Basil why he was not dying and then throttled him to death and left him lying on the street."

After the first hearing of the application for a restraining order, police urged residents to lodge formal complaints at Chesterville police station.

Lawyers claim that numerous affidavits pertaining to atrocities of the "A team" and containing ample evidence for prosecution were subsequently handed to a Lieutenant Dutton. However, according to the lawyers, no follow-up investigations or prosecutions have been effected.

Residents also reported that Dutton arrested complainants on the pretext of requiring further statements from them.

Among one of the first residents to lodge a complaint with Dutton this year was 19-year-old Arnold Siphwe Ngcobo.

He was recently shot and killed while in police custody.

This week, on the eve of the court hearing, police raided homes in Chesterville, arresting three youths.

One was an important witness in the case. The other two had supplied affidavits.

As a result, none of the other witnesses came to court the next day. A lawyer representing the applicants said they were just too scared of exposing themselves to further harassment.

"Even the applicants themselves were reluctant to go into court," she said. — Concord News

# Charge Boesak now, urges counsel

AKG:s 19/9/86

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## Charge Boesak now, <sup>AKG:s 19/9/86</sup> urges defence counsel (331)

(Cont. from Page 1)

Mr Viljoen said that even if the State told Dr Boesak today of the charges against him, there was no guarantee that the case would have started in any case.

Yesterday he had suggested to Mr S Desai, counsel for Dr Boesak, that the case be postponed to October 31. However, after talking to the Attorney-General it was clear that it was very likely that the case would not open on that date.

This morning he had suggested to Mr Kentridge that the matter be postponed until December 8.

Mr Viljoen offered to withdraw all charges if the State had not made any progress with their investigations by then. He said his offer was fair and reasonable.

### BOYCOTTS

However, he later said if the case was dismissed the State could continue its investigations and recharge Dr Boesak at another stage.

Addressing Dr Boesak's R20 000 bail conditions, he said they required that Dr Boesak not advocate school boycotts, interfere with State witnesses, or propound consumer and other boycotts.

Replying, Mr Viljoen said that there had been no negligence on the part of the Attorney-General.

He said the draft charge sheet referred to specific speeches Dr Boesak had made. Transcripts of these speeches had been made and examined to ensure that there would be no errors.

He said if the case was dismissed the State could continue its investigations and recharge Dr Boesak at another stage.

He asked the court for the conditions to apply until December 8.

Mr Kentridge said Dr Boesak was committed to travelling abroad while the case was hanging over him.

He had lawfully travelled abroad and had always returned to South Africa. He said the State wanted more time and was asking the court to act as a rubber stamp.

It was important for the im-

age of justice that the application be refused. The State should not use the procedure of the court to harass an accused person for as long as it liked.

He said it was known that Dr Boesak was at odds with the Government. This made it vital that he be charged swiftly.

Mr Kentridge said the prosecution was asking for an indulgence and the proper thing to do was for the magistrate to dismiss the application.

The State could always continue with its investigations and charge Dr Boesak later.

In his experience the Supreme Court had lots of work and there was no certainty that Dr Boesak would be tried in the Supreme Court next year.

Dr Boesak could not be expected to go about his daily duties with the charges still hanging over his head.

Referring to Mr Viljoen's offer he said: "This is not a game of forfeits. The question is, can you ask for another postponement not on the basis that you need it to be ready for another trial, but you need it to make up your mind. There may be other charges. I have never heard of a case where after a full year a postponement has been given on this basis."

From DENNIS CRUYWAGEN, Staff Reporter  
MALMESBURY. — Dr Allan Boesak's counsel today strenuously opposed a State application to again postpone the "subversion" case which has been pending for a year, labelling it an abuse of court procedure.

Dr Boesak has been provisionally charged with subversion, for allegedly advocating a school and consumer boycott and disinvestment.

Mr W Viljoen of the Attorney General's office told the Malmesbury Magistrate's Court today that the State wanted to postpone the case until December 8 for further investigation.

Opposing the application Mr Sydney Kentridge, SC, said it was abuse of court procedure.

"This charge has been hanging over Dr Boesak's head for a year and we do not even know if there will be a charge against him. We are told that between now and December 8 the Attorney-General will make up his mind and what it will be.

"The fact that he has not made up his mind cannot be a reason for leaving the accused in this state."

### Serious

Mr Kentridge said subversion was one of the most serious offences on the statute books. Someone found guilty could be imprisoned for up to 20 years.

"The State may not regard this as serious. But we do. We



Argus

19/9/86

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escape conviction if he is guilty. On the contrary, he has asked the State to put the charges to him.

Mr. Viljoen conceded that Dr. Boesak could have expected that there would be more clarity on the charges against him.

Mr. Viljoen said the investigations into the charges and possible other charges were in progress. The investigating team had worked late into the night during the past three weeks.

The case was enormous and dossiers could fill an office and a vault.

### **Police**

The dossier had to be examined before the Attorney-General would decide how many charges to lay against Dr. Boesak.

Additional information concerning the charges against Dr. Boesak and other charges had been discovered in the past few days. This had to be investigated.

Mr. Viljoen could not say how long these investigations would last. He added that they could benefit Dr. Boesak.

He said the Attorney-General was not "sitting" on the dossier.

The State had a draft charge sheet which would serve as a mere introduction to the formal charge sheet.

### **"Complex"**

The draft charge sheet would give Dr. Boesak no indication of the charges against him. The charge sheet would be bulky and he was unable to say how many pages it would contain.

"This is a complex case," he said.

The eventual case against Dr. Boesak would not be heard in the Malmesbury. It could either be referred to the Supreme Court or a Regional Court.

In both instances, Dr. Boesak would probably be tried next year.

(Turn to Page 3, Col 1)



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## **Judge rejects defence bid**

AN APPLICATION by the defence counsel in the Delmas treason trial to recall a state witness was yesterday refused by Mr Justice van Dijkhorst, sitting with two assessors.

Mr Justice van Dijkhorst said the recall of the witness would lead to an "endless" and "fruitless debate resulting in chaos".

He said however this refusal did not hinder the defence counsel from making another application.

The application, which the judge referred to as "unusual" was based on an allegation that there were discrepancies in the witness evidence-in-chief compared to the evidence he gave in another trial in Pretoria.

On trial are 22 men facing charges of treason, alternatively subversion, terrorism and murder. They all pleaded not guilty. The trial was adjourned until Monday.

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# Boesak in court over 'subversion'

By ANDRE KOOPMAN

THE State had either "trumped up" charges against the president of the World Alliance of Reform Churches, Dr Allan Boesak, because it had no case at all, or it was "frantically scrabbling around" to find a real charge, Mr Sidney Kentridge, SC, told a Malmesbury magistrate yesterday.

Mr Kentridge was appearing for Dr Boesak.

Dr Boesak is facing charges of subversion and attending an illegal gathering in terms of the Internal Security Act.

He was opposing an application by the State to adjourn the case until December 8.

There was a strong riot police presence at the court. The street in front of the court was cordoned off.

The court was packed with supporters of Dr Boesak and the hearing also attracted a large press contingent, including several television crews.

Mr Kentridge said Dr Boesak had been arrested a year ago. There was still no rational explanation for the State's delay in bringing charges against him.

The State had resorted to "generalities" in requesting a postponement. It had been guilty of negligence "so gross" that it appeared as if the State intended to harass his client.

The magistrate, Mr A P Dippenaar, granted the adjournment un-



Mr Sidney Kentridge, SC, one of South Africa's most eminent advocates, with his client Dr Allan Boesak.

til November 28 but ordered that on that date the final date for the trial would have to be given and a

complete charge sheet produced.

Mr Dippenaar said it was a clear principle of the law that an accused had the right to a speedy resolution of his case without being subjected to unnecessarily long postponements.

Mr W C Viljoen, of the Attorney-General's office who appeared for the State, said in requesting a postponement that investigations into the charges and other charges were in progress.

He said the case was massive and documents on it could fill a vault. The dossier had to be examined by the Attorney-General before the State would decide how it would proceed against Dr Boesak.

## 'Late into the night'

Additional information relating to the matter at hand, as well as additional charges, had been discovered in the past few days.

The State had not been negligent; the investigating team had worked late into the night during the past three weeks.

He said the hearing would either be transferred to the Regional Court or the Supreme Court.

Dr Boesak's bail of R20 000 was extended. He may not communicate with State witnesses, propagate boycotts, disinvestment or visit schools.

Mr Kentridge was assisted by Mr Seraj Desai and instructed by Mr Essa Moosa, of E Moosa and Associates.

# UCT prof tells 'necklace trial of mob' psychology

By SHAUNA WESTCOTT  
Supreme Court Reporter

22/09/86

THE individual's responsibility for his actions is diminished when he is part of a mob, a professor of psychology told the Oudtshoorn "necklace trial" on Friday.

Professor Peter du Preez of the University of Cape Town was giving evidence in mitigation after three men and a 16-year-old youth were found guilty of the "necklace" murder of Bongoletu community councillor Mr Patrick "Big Boy" Maranene.

The men are Patrick Manginda, 23, Desmond Majola, 27, and Dickson Madibane, 26. Professor Du Preez drew on psychological experiments and sociological theory to support his view.

Firstly, sociological theory holds that there are identifiable stages in the development of aggressive behaviour by crowds.

The first stage involves social conditions such as poverty, repression, inequality and unemployment which are felt as grievances and form the basis of crowd action.

"Structural strain" follows, often produced by a reform process which raises expectations, and visible in episodes of violence, riots and discontent with the establishment.

Generalized beliefs, such as that revolution is around the corner or that collaborators should be "summarily dealt with", develop along with norms associated with these beliefs. Recourse to people's courts and consultations with alternative powers like the ANC

are examples of these norms in action.

Mobilization for action follows and even those not directly involved become aware of it and are increasingly compelled to take a stand, particularly in small communities where people are all known to each other.

In this context a series of events occur — an incident of stoning, conflict with police, an arrest, a rumour, the firing of a gun — which may trigger behaviour for which a norm has come to exist. Football riots or the necklacing of informers are examples.

Finally, social controls which might counteract aggressive behaviour collapse. Rigidly segregated communities become "immune to outside voices". New controls, which may encourage violence, replace the old.

On the psychological front research shows that:

● Groups polarize and shift to extreme positions more readily than individuals. The attitudes and behaviour of individuals become more extreme after group interactions.

● Isolation from opposing opinions will often lead to extreme decisions and the syndrome of "group-think", characterized by an illusion of invulnerability and morality.

● A high percentage of people — including the highly educated — comply with the unanimous judgments of others, even when these judgments are absurd.

The court will rule tomorrow on the existence of extenuating circumstances.

## ANC supporters are convicted of treason

Three men connected with the banned African National Congress, were yesterday convicted of treason by a Rand Supreme Court judge.

Sibusiso Peter Paul Ngwenya (32) and Abraham Lentswane (30), both of Soweto, and Guy Malamba (25) of Umlazi, Durban, were found guilty on a main charge of treason.

The three had pleaded not guilty to treason, and to alternative charges under the Terrorism Act and the Internal Security Act.

In a lengthy judgment by Mr Justice M J Strydom the men were found guilty of, among other things, conspiring to kill a Durban policeman, Detective Sergeant Thabane Luthuli, and of conspiring to shoot down South African Defence Force aircraft by using surface-to-air missiles.

The court found that Ngwenya was a supporter of the ANC while Malamba and Lentswane were members of the organisation.

Evidence in mitigation is expected to be heard today.



## Judgment reserved in Cosas bid to reverse its banning

DURBAN — Judgment was reserved by Mr Justice Leon in the Supreme Court yesterday over an application by the Congress of South African Students (Cosas) to have its banning order reversed. The organisation was banned by the Minister of Law and Order in August last year.

A second applicant against the Minister was Mr Glen Gabriel Goldstone, former Cosas national treasurer and regional chairman and a member of the national executive committee.

In an affidavit, Mr Goldstone said the organisation was dedicated to attaining a society where free and compulsory education would cease to be a privilege and become a right.

He said no office bearer had been convicted of unlawful activity. Certain members, acting as individuals, had fallen foul of the law.

Mr Gladstone said no advance warning of the action was given and neither Cosas nor its office bearers had a chance to put information to the Minister before the banning order.

He claimed Cosas had not received written notice from an advisory committee as required.

He said Cosas had been openly carrying on its activities for several years. — Sapa.

## Man (26) accused of aiding ANC in court

A 26-year-old Braamfontein man arrested in April this year in connection with charges of furthering the aims of the African National Congress (ANC) appeared in the Johannesburg Magistrate's Court yesterday.

It was the first appearance of Mr Rocklyn Mark Williams since his arrest in his Braamfontein flat in April this year.

He is facing charges under the Internal Security Act.

The main charge relates to his allegedly being a member of the ANC from January 1979 to February this year.

It is also alleged that he participated in activi-

ties in the interests of the banned organisation, or alternatively encouraged its aims and objects, between January 1979 and February this year.

An application for bail was made by his legal representative, Mr N Manoim. This was opposed by the State on the grounds that the magistrate, Mr T J La Grange, is precluded from granting bail pending the decision of the Attorney-General.

The hearing was postponed to September 29 to enable the defence to make representations to the Attorney-General.

Mr H van Heerden appeared for the State.

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## Soweto youth jailed for stoning truck

The conviction and sentence by a Soweto magistrate of a 16-year-old boy on a charge of public violence has been confirmed in the Rand Supreme Court.

An appeal on behalf of the boy, who may not be identified, was dismissed yesterday.

The youth was sentenced to 12 months' imprisonment after being found guilty of public violence.

The charge arose from the stoning of a delivery truck in White City, Soweto, by a group of youths on November 14 last year.

# 3 guilty of high treason

THREE men were yesterday found guilty of high treason by the Rand Supreme Court.

Mr Justice M J Strydom found Sibusiso Ngwenya (32) of Soweto, Guy Malamba (25) of Umlazi, and Abram Lentswane (30) of Soweto, guilty of treason and terrorism charges.

The State had proved both charges to the satisfaction of the court, he said.

In a lengthy judgment Mr Justice Strydom said Ngwenya knew the aims and objectives of the ANC and that he received military

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3 found guilty

From Page 1

training of some sort regarding the use of explosives and handgrenades. However, the judge pointed out that the State failed to prove that Ngwenya was a member of ANC.

He found that Ngwenya had travelled to Botswana to establish contact with the ANC and that the State has proved his case in that regard. But the State failed to prove its case regarding Ngwenya receiving military training and the use of car bombs. The judge also found that Ngwenya transported Malamba and Lentswane from Soweto to Garankuwa knowing that they were members of ANC and had entered South Africa in a clandestine manner.

The judge found that Malamba and Lentswane admitted receiving military training during the period 1981 to 1985. He also found that they came illegally into the country with the intention of organising small units for the ANC with the aim of starting a revolution.

Mr D Kuny, SC, for defence, asked the court for an adjournment until today to lead evidence in mitigation. The State counsel Mr B Ferreira, did not object.



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## Death for three 'necklace' killers

Supreme Court Reporter

THREE Oudtshoorn men were yesterday sentenced to death for the "necklace" murder of a community councillor after the Supreme Court rejected the argument that mitigating circumstances existed in mob psychology operating at the time.

The court found that Patrick Manginda, 23, Desmond Majola, 27, and Dickson Madikane, 26, played a leading role in the mob pursuit and killing of Mr Patrick "Big Boy" Maranene in November last year.

Mr Justice A J Lategan noted that none of the accused had chosen to give evidence on their mental condition at the time of the crime. "We were left totally in the dark about whether these individuals were swept along by group psychosis," he said.

He also noted that the expert defence witness, UCT psychology professor Peter du Preez, had conceded that individuals did have a free choice about joining a group and taking part in its actions.

Manginda had thrown a heavy stone so hard at the man's head "as he lay in the dust that it fractured his skull and did deadly damage to his brain".

Majola had described himself as "a soldier of the ANC" and was "a known so-called comrade". Not only did he chop at the victim's neck with an axe, he put the burning tyre round his neck.

Madikane had stabbed the victim more than once and had handled the tyre at one stage.

Sentencing of a 16-year-old youth also found guilty of murder was postponed to October 14 for a probation officer's report.

Two youths, aged 15 and 17, who robbed Mr Maranene of his gun, were sentenced to two years. One pushed him down and the other stabbed him.

Mr Justice A J Lategan presided with two assessors, Mr W Vivier and Mr H van Huyssteen. Mr C Viviers prosecuted. Mr D Potgieter and Mr S Majiedt, instructed by E Moosa and Associates, appeared for the six.

## 3 to die for 'necklace' murder

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OUTDSHOORN — Three Oudtshoorn men were yesterday sentenced to death for the "necklace" murder of a community councillor after the Supreme Court rejected the argument that mitigating circumstances existed in mob psychology at the time.

The court found Patrick Manginda (23), Desmond Majola (27), and Dickson Madikane (26), played a leading role in a mob attack and killing of Mr Patrick "Big Boy" Maranene in November last year.

On the day of the killing, Mr Maranene went to his house where large group began to stone him. He fled, firing shots into the air, but stumbled and fell and was stabbed. A burning tyre was then put around his neck.

Two youths, aged 15 and 17, who robbed Mr Maranene of his gun were sentenced to two years' imprisonment.

All the condemned men have a number of previous convictions including assault with intent to cause grievous bodily harm. — Sapa.

24/4/86. STAR

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A member of the African National Congress who has been convicted of treason said even though he would probably be jailed, he would not change his beliefs.

Abraham Lentswane (30) of Soweto described in Rand Supreme Court yesterday how he left South Africa in 1976 and joined the ANC.

On Monday, Mr Justice M J Strydom found Lentswane, Sibusiso Peter Paul Ngwenya (32) of Soweto and Guy Malamba (25) of Umlazi, Durban, guilty of treason.

They pleaded not guilty to treason, and to alternative charges under the Terrorism and Internal Security acts.

Lentswane said he went to

## My beliefs firm, says ANC man

Botswana in August or September 1976 for educational reasons. Once there, he joined the ANC.

He said he joined the banned organisation's military wing (Umkhonto we Sizwe) "to acquire knowledge so I could come back to fight for a democratic society".

He said the policy was to attack Government installa-

tions, the army and police, not civilians.

He returned to South Africa in November 1985 with Malamba and another person.

The defendants were found guilty of, among other things, conspiring to kill a Durban policeman, Detective Sergeant Thabane Luthuli, and conspiring to shoot down South African Defence Force aircraft with ground-to-air missiles.

This was denied by Lentswane.

Sentence is expected on Friday.

Appearances: Mr CB Ferreira appeared for the State. Mr D Kuny SC appeared for the three men.



# Two guilty of terrorism, illicit firearm possession

By DEBBIE BOOYSEN  
TWO men were convicted in the Regional Court today on charges of terrorism, illegal possession of firearms and ammunition and importation or possession of handgrenades, an AK47 rifle and detonating devices.

The case followed a shootout in New Brighton and Zwide on February 17 this year in which two ANC-trained terrorists were killed and two policemen injured.

Vuyani Knowledge Motaung, 22, and Sakiwo

Christopher Sokutu, 26, were convicted of terrorism for their assistance to and involvement with the two terrorists from whom they received training in the use of handgrenades.

They were also convicted of being in possession of firearms and ammunition at the time of their arrest.

The court also found them guilty of the importation or possession of seven handgrenades, an AK47 rifle and detonators due to their involvement and conspiracy with the terrorists and knowledge

of the presence of the weapons.

Because they had been convicted of terrorism they were discharged on the count of furthering or participating in the aims of the ANC.

The defence had admitted that the two men killed had been ANC-trained and admitted the unlawfulness of the organisation's aims.

Statements by Motaung and Sokutu showed that they were involved in organising safe hide-outs for the two terrorists who had infiltrated from

Lesotho with weaponry. They received training in the use of handgrenades from them and had pointed out weapons to the police after their arrest in possession of firearms.

Mr G Steyn found:

- That the ANC-trained terrorists infiltrated the PE townships in furtherance of the aims and objectives of the ANC.

- That they possessed grenades, an AK47 rifle and other weapons.

- That when found they carried out, in ac-

cord with their assignment, an armed assault on the police, assisted by Motaung and Sokutu.

- That Motaung and Sokutu provided transport and accommodation for the terrorists and that they received training in how to use the grenades, one of which was found in Motaung's possession.

The two pointed out weapons to the police.

Sentence will be passed today.

Mr H van der Walt appeared for the State and Mr P Langa (instructed by T Majodina and company) appeared for the defence.

# Policeman says he did not swear at detainee

## Staff Reporter

A SECURITY policeman has denied he swore at and threatened a detainee, forcing him to divulge information necessary in a pending terrorism trial.

Lieutenant W R Liebenberg was giving evidence in the Cape Town Regional Court in the trial of six men and a youth charged under the Internal Security Act on two counts of terrorism.

One of them, Mr Andile Gusha, alleged he was coerced by policemen into making a statement to a magistrate.

During a trial within a trial yesterday to establish the admissibility of the alleged statement as evidence, Lieutenant Liebenberg, who interrogated Mr Gusha for two hours in January, said he had told him once that he was not telling the truth, but he had not needed to swear at him because they were conversing in a friendly mood.

He said part of the two hours had been taken up by telephone calls and paperwork.

Lieutenant Liebenberg and three other policemen had earlier brought four of the accused, including Mr Gusha, to Cape Town from East London in a van.

## High bridge

It has also been alleged that during the journey the policemen took one of the men to the side of a bridge and threatened to throw him down if he did not speak the truth.

Lieutenant Liebenberg said the reason for making the three-minute stop on the Blaauwkrans bridge was to show the other policemen the impressive structure.

"I asked the four detainees if they would like to get out to have a look, but they said it was too high."

The State alleges Mr Mzweandile Mciteka, 25, Mr Gusha, 23, Mr Donald Mxutu, 66, Mr Simon Mayholewene, 64, all of Guguletu, Mr Bathemba Lulgulwana, 33, of Langa, Mr Taelo Ntlaba, 19, and a 17-year-old youth from Paarl furthered the aims of the Pan Africanist Congress and the Azanian Youth Unity in the Peninsula, Mbekweni in Paarl, and Lady Frere near Umtata between January 1983 and January 1986.

They have pleaded not guilty.  
(Proceeding)

Mr J M Lemmer is on the Bench and Mr A A Duminy appears for the State. Mr F Bunting, instructed by Syfret, Godlonton, Fuller, Moore Inc and Mr P Hazel, instructed by R Vassen and Co, appear for the defence.

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## Clash over Duduza seven

SOME of the accused in the Duduza terrorism trial made statements to a magistrate because they believed evidence against them was so heavy it would not have made any difference if they had refused to do so, a psychiatrist told the Pretoria Supreme Court yesterday.

Professor Jan Adriaan Plomp, testifying for the State said it was unlikely that their ability to make choices was affected by emotional instability.

Professor Plomp told the court that to determine if the accused made the statements freely and voluntarily, the contents of the statement should be made available to him to assess their psychiatric state of mind at the time.

He was giving evidence in the trial of seven alleged members of the banned Congress of South African Students from Duduza and Tsakane who have pleaded not guilty before Mr Justice Stafford and two assessors to charges to terrorism, attempted murder, possession of handgrenade, and a bomb and malicious damage to property.

The case continues tomorrow.

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# Third white to face ANC charges

By JO-ANN BEKKER  
ROCKLYN WILLIAMS, a 26-year-old teacher who has been in detention for five months, appeared in the Johannesburg Magistrate's Court on Monday charged with being a member of the African National Congress and recruiting others to the banned organisation.

Williams, who was arrested in his flat in Braamfontein, Johannesburg, on April 24, is the latest in a series of young whites to face charges related to ANC activities.

Steven Marais, who is mentioned in Williams' charge sheet as an ANC member, is currently facing charges of terrorism. The state has also linked Marais with Marion Sparg, who is facing charges of treason for allegedly bombing several police stations.

Mike Vermeulen, whom the state claims Williams tried to recruit, is presently detained under Section 29 of the Internal Security Act, which allows for interrogation.

The state claims that during a meeting with the two men early last year, Williams gave Marais a document he had compiled outlining the prospects of recruiting white workers to the ANC.

At the same meeting, Williams allegedly suggested "the ANC should bomb the military police stations and thereby gain sympathy for the ANC". According to the charge sheet, Williams subsequently went to Harare where he received instructions from the ANC. On his return he trained Vermeulen in counter-surveillance and establishing meetings with other ANC members.

He also allegedly gave Vermeulen instructions to try to obtain a copy of a sensitive computer programme written for the SA Defence Force by Vermeulen's brother.

Williams is charged with participating in ANC activities from January 1979 to February this year. Alternately, he is charged with advocating, advising or defending the achievement of ANC objects or acts.

According to the charge sheet, Williams met ANC members Manus and Jeannette Schoon in Botswana in March 1979. (Jeannette Schoon and her child were subsequently killed in a parcel bomb explosion in Angola.) He accepted ANC instructions to investigate and encourage anti-conscription feeling in the SADF and to distribute a publication called "Resister".

In 1983 Williams allegedly accepted ANC instructions to observe and document the extent of anti-conscription feeling in the army, gather information about people sympathetic to the ANC, and "further the anti-conscription campaign on behalf of the ANC". The state claims in 1984 he prepared a document on the conditions and morale of South African soldiers and handed it to the ANC.

The hearing was postponed.

12/11/86

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26/10/86

# Cop denies threatening suspect

## PAC trial

**SOWETAN  
Correspondent**

A SECURITY policeman has denied that he swore at and threatened a detainee, forcing him to divulge information necessary in a pending terrorism trial.

Lieutenant W R Liebenberg was giving evidence in the Cape Town Regional Court this week in the trial of six men and a youth charged with two counts of terrorism under the Internal Security Act.

One of the accused, Mr Andile Gusha, has alleged that he was coerced by policemen into making a statement to a magistrate.

During a trial within a trial to establish the admissibility of the alleged statement as evidence, Lieutenant Liebenberg, who interrogated Mr Gusha for two hours in January, said he had told Mr Gusha once that he was not telling the truth, but he had not

needed to swear at him because they were conversing in a friendly mood.

He said part of the two hours had been taken up by telephone calls and paperwork.

"My usual manner is not to take up a threatening attitude," he added.

Lieutenant Liebenberg and three other policemen had earlier brought four of the accused, including Mr Gusha, to Cape Town from East London in a van.

It has also been alleged that during the journey the policemen took one of the men to the side of a bridge and threatened to throw him down if he did not speak the truth.

Lieutenant Liebenberg said the reason for

making the three-minute stop on the Blaauwkrans Bridge was to show the other policemen the impressive structure.

"The bridge is a wonderwork. It's the best in the southern hemisphere.

"I asked the four detainees if they would like to get out to have a look, but they said it was too high."

Mr F Bunting, for the defence: Is it possible they thought you might throw them down?

Lieutenant Liebenberg: We had not given them any indication that we might do something like that.

The State alleges that Mr Mzwandile Mciteka (25), Mr Gusha (23), Mr Donald Mxutu (66), Mr Simon Mayholewene (64), all of Guguletu, Mr Bathemba Lugulwana (33) of Langa, Mr Taelo Ntlaba (19) and a 17-year-old youth from Paarl furthered the aims of the Pan-Africanist Congress and the Azanian Youth Unity (Aza-nyu) in the Peninsula, Mbekweni in Paarl and Lady Frere near Umtata between January 1983 and January 1986.

They have pleaded not guilty.

26/9/86  
WEEKLY MAIL

## Third white to face ANC charges

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Williams, who was arrested in his flat in Braamfontein, Johannesburg, on April 24, is the latest in a series of young whites to face charges related to ANC activities.

Steven Marais, who is mentioned in Williams' charge sheet as an ANC member, is currently facing charges of terrorism. The state has also linked Marais with Marion Sparg, who is facing charges of treason for allegedly bombing several police stations.

Mike Vermeulen, whom the state claims Williams tried to recruit, is presently detained under Section 29 of the Internal Security Act, which allows for interrogation.

The state claims that during a meeting with the two men early last year, Williams gave Marais a document he had compiled outlining the prospects of recruiting white workers to the ANC.

At the same meeting, Williams allegedly suggested "the ANC should bomb the military police stations and thereby gain sympathy for the ANC".

According to the charge sheet, Williams subsequently went to Harare where he received instructions from the ANC. On his return he trained Vermeulen in counter-surveillance and establishing meetings with other ANC members.

He also allegedly gave Vermeulen instructions to try to obtain a copy of a sensitive computer programme written for the SA Defence Force by Vermeulen's brother.

Williams is charged with participating in ANC activities from January 1979 to February this year. Alternately, he is charged with advocating, advising or defending the achievement of ANC objects or acts.

According to the charge sheet, Williams met ANC members Marius and Jeannette Schoon in Botswana in March 1979. (Jeannette Schoon and her child were subsequently killed in a parcel bomb explosion in Angola.)

He accepted ANC instructions to investigate and encourage anti-conscription feeling in the SADF and to distribute a publication called "Resister".

In 1983 Williams allegedly accepted ANC instructions to observe and document the extent of anti-conscription feeling in the army, gather information about people sympathetic to the ANC, and "further the anti-conscription campaign on behalf of the ANC". The state claims in 1984 he prepared a document on the conditions and morale of South African soldiers and handed it to the ANC.

The hearing was postponed.



# A rare peep inside the banning machinery

A court case in which the outlawed student organisation Cosas is contesting its banning order, has provided a rare glimpse of the elaborate process by which the state monitors and bans organisations. JO-ANN BEKKER reports

DETAILS of how the government monitors political organisations and sets about banning them were revealed in papers before the Natal Supreme Court this week, when the Congress of South African Students (Cosas) contested its banning.

Cosas, which was banned on August 28 last year, is the first organisation in South African history to fight a banning order.

Its national treasurer Glen Gabriel Goldstone, who brought the application, said Cosas "was dedicated to attaining a society where free and compulsory education would cease to be a privilege but would be a right". Its aims were pursued peacefully, and no office bearer had been convicted of any unlawful activity in his or her official capacity, he added.

The respondent, Law and Order Minister Louis le Grange, said in papers before the court that Cosas had been involved in boycotts, intimidation and violent acts which endangered public security and threatened the lives of individuals.

Le Grange revealed that, since its formation in 1979, Cosas had been monitored by the SA Police's Security Branch, the National Intelligence Service, Military Intelligence, "the information sections of government departments" and the Security Branch of the SA Railways Police.

He said "a point was reached during November 1984" when he asked the Minister of Justice to request the State President to form an advisory committee to investigate whether Cosas should be declared a banned organisation — a procedure required by the Internal Security Act.

The three-person committee was chaired by a former president of the Industrial Court and Northern Transvaal regional magistrate, Benjamin Parsons. Its other members were M E Tucker, SC, former Attorney General of the Orange Free State, and J A Venter, a Northern Transvaal magistrate.

After 84 day-long sessions which began on February 20, 1985 and ended on August 12, the committee recommended that Cosas be banned.

A major point of dispute in the application hinges on the fact that Cosas was not informed that the investigation was under way, nor was it given an opportunity to put its case to the committee.

Goldstone claims this omission invalidates the committee's findings and thus the banning order.

Parsons, in his affidavit, says the decision was taken in the public interest after careful thought. And Le Grange states that he had already come to an independent decision to ban Cosas, when he received the advisory committee's 224-page report.

In his affidavit, Le Grange states Cosas was one of three groups which called a meeting in the Vaal Triangle on September 3, 1984, the day the current wave of unrest began. At this meeting, he said, a section of the audience, "where people wearing Cosas T-shirts were sitting", called out that community councillors should be killed and their property burnt.

In his replying affidavit, Goldstone said these allegations were among the most serious made by Le Grange. Although these claims overlapped with the substance of the Delmas treason trial, where the accused are charged with instigating the Vaal unrest, not one member of Cosas was among the 22 accused or had even been charged.

Justice Leon will also have to rule on two ouster clauses. The State argues that the applicants should have contested their banning within 14 days, and that no court may challenge an advisory committee.

Goldstone contests the 14-day deadline and argues that only the functions of the advisory council cannot be challenged, not its decision to keep its investigation into Cosas from the organisation itself.

Judgement was reserved.

## Pro-ANC chants after 3 are sentenced

SHOUTS of "Viva Umkhonto weSizwe", "Viva ANC" reverberated at the Rand Supreme Court on Friday after three men who were convicted of high treason, were sentenced to 15 years imprisonment each.

Immediately after Mr Justice M J Strydom announced the sentence at the packed court, Mr D Kuny, SC, for defence, noted an application for leave to appeal against the sentence.

Mr Justice Strydom, said, a new date will be set down for an appeal.

The judge also announced two vehicles and R340 in cash found in possession of Sibusiso Ngwenya (32), Guy Malamba (25) and Abram Lentsoane (30) will be forfeited by the state.

Also a state witness, known as "Baz" during the trial, will be acquitted on all charges as he was found to be a reliable witness.

Ngwenya, Malamba and Lentsoane were escorted down to the prison cells by security and uniformed police amid shouts of "Amandla" and "Viva ANC" from the well-wishers who had packed the court.

The security police had difficulty in ordering the freedom song-chanting public out of the court.

Before passing sentence, the judge pointed out that the three had aligned themselves with the aims of the ANC.

RANDS

## Court told of stress

A NUMBER of patients suffering from post-traumatic stress disorder complained of impaired memory, the Pretoria Supreme Court heard yesterday.

Professor Jan Adriaan Plomp, a psychiatrist, also conceded under cross-examination by defence counsel, Mr Eric Dane that patients with post-traumatic disorder may develop a variety of associated features including decreased sex drive and crying spells.

### Mutilated

He was testifying for the State against seven alleged members of the banned Congress of South African Students, some of whom have had their hands amputated and mutilated during alleged hand grenade attacks on certain targets in Duduza and Springs in June last year.

The accused have all pleaded not guilty to charges of terrorism, attempted murder, possession of handgrenades and a bomb and of malicious damage to property.

Professor Plomp was giving evidence during a trial within a trial on the admissibility of the statements made by five of the accused.

Proceeding.



# Boy (15) denies leading killer mob

A 15-year-old boy who allegedly led a mob of knife-wielding schoolchildren to the Meadowlands home of a suspected killer to avenge the death of a schoolmate, pleaded not guilty in the Rand Supreme Court yesterday to murder.

The Soweto boy, who may not be named, has been charged with the murder of Fanyane Mpashe — also known as "Teenage" — on August 5 last year.

Yesterday he denied any involvement, saying he was sick at home at the time the incident occurred.

According to the State, the boy was one of a group of pupils at a Soweto high school who decided to avenge the death of fellow pupil, Solomon Sekhu, killed on the weekend of August 2.

It was rumoured that two boys — "Teenage" and "Zero" — had murdered him.

The group, led by the 15-year-old, set out to find "Teenage" and caught him in his Meadowlands home, the State alleges.

The case continues today.

# Man appears on charge of subversion

By Abel Mabelane  
East Rand Bureau

A Daveyton man, Mr. Abiot Hansy Motswege (34), pleaded not guilty to a charge of subversion when he appeared in Benoni Magistrate's Court yesterday.

The charge relates to the distribution of pamphlets on the East Rand calling for a consumer boycott of white shops in East Rand towns.

The State alleges that by distributing the pamphlets the accused intended "to cripple, prejudice or interrupt industry or undertakings in Alberton, Benoni, Brakpan, Boksburg, Springs, Germiston, Kempton Park, Nigel and Delmas".

The boycott was intended to have started on May 19.

The main State witness, Lieutenant H.H.J. Hansen of the Eastern Cape, told the court that in areas where there were consumer boycotts, there was usually unrest, violence and intimidation. He saw this happen in Oudtshoorn and Beaufort West, he said.

The hearing continues.

# Alleged ANC member's trial is postponed

The hearing of Mr Rocklyn Williams, a 26-year-old teacher who is charged with furthering the aims of the African National Congress and recruiting others for the banned organisation, was postponed by a Johannesburg magistrate yesterday.

Mr Williams, who has been in custody since he was arrested in his Braamfontein flat on April 24, will be held during the trial as the Attorney-General has procluded him from being granted bail under provisions in the Internal Security Act.

Between January 1979 and February 1986, Mr Williams allegedly became an ANC member and participated in its activities.

Mr Mike Vermeulen, whom the State alleged Mr Williams tried to recruit, is presently detained under section 29 of the Internal Security Act, which allows for interrogation.

Mr Williams is also alleged to have asked Mr Vermeulen to try to obtain a copy of a sensitive computer programme which was written for the SADF by Mr Vermeulen's brother.

## ANTI-CONSCRIPTION

Mr Williams allegedly received instructions to investigate and encourage anti-conscription feeling in the SADF and "to further the campaign on behalf of the ANC". The State claims he distributed a publication called "The Resister" in 1979.

In 1983 Mr Williams allegedly accepted ANC instructions to document the extent of anti-conscription feeling in the army, and prepared a document relating to conditions and morale of soldiers.

He allegedly met ANC members on numerous occasions in Botswana and Swaziland in 1983. In Botswana he allegedly discussed the publication of a literary magazine giving prominence to argument raised at a culture and resistance conference — under the auspices of the ANC.

He is also alleged to have suggested to Mr Vermeulen and another alleged ANC member, Mr Steven Marais, that the ANC should bomb military police stations to gain sympathy for the ANC.



# **'Necklacing' trial again postponed**

A Johannesburg magistrate yesterday postponed the hearing of a 25-year-old Soweto man, who is charged with murdering a woman by "necklacing" her, for further investigation.

Although Mr Lucas Hlatwayo of Zola 3 was granted bail of R400 at a previous hearing he has still not paid bail.

He was arrested on August 14 in connection with a murder charge related to allegations that he murdered a woman by putting a tyre around her neck and setting it alight.

The prosecutor, Mr J R Davidowitz, requested that the matter be postponed to October 17. It was granted by Mr P H Bredenkamp.

11/01/86  
S.M.K.

## Boycott pamphlets 'part of onslaught'

East Rand Bureau

The Benoni Regional Court was yesterday told that consumer boycott pamphlets, intended for distribution in the East Rand townships in May, were typical of the "total onslaught against the country".

This was said by a State witness, Brigadier Thomas Erasmus of Pretoria, who told the court he had been involved in state security for the past 20 years.

Mr Abiot Hansy Motswege of Daveyton has pleaded not guilty on a charge of subversion after he was found in possession of the consumer boycott pamphlets before they were distributed.

Brigadier Erasmus told the court the "total onslaught" was caused by organisations which did not want democratic change.

Brigadier Erasmus said residents who did not respond to the pamphlets' call for a consumer boycott were in danger of losing their lives through the "necklace method".

Under cross-examination by Mr D P de Villier for the defence, Brigadier Erasmus conceded that the demand did not constitute a crime unless accompanied by force and intimidation.

Arbus 3/10/86 (322) 331

# Accused 'showed stress' after being in solitary

## Court Reporter

A MAN charged with terrorism showed psychological stress after being in solitary confinement for six weeks, a district surgeon told Cape Town Regional Court.

Dr Ruben Kay was giving evidence in a trial-within-a-trial to test the validity of a statement made by Mr Andile Gusha, 23, one of seven men facing charges of terrorism.

Mr Gusha alleges he was coerced by policemen into making a statement before a magistrate on January 28.

He was detained on January 24 under Section 29 of the Internal Security Act and was

seen by Dr Kay on February 13 and 21.

Dr Kay said Mr Gusha complained of anxiety symptoms and was given tablets.

Mr Gusha also alleged he felt intimidated when — on the way to make the statement to the magistrate — Captain A Trollip told Warrant Officer P Theron, who was taking him there, to "telephone if anything went wrong".

Accused with Mr Gusha are Mr Bathemba Lugulwana, 33, of Langa; Mr Mzwandile Mchiteka, 25, Mr Donald Mxutu, 66, Mr Simon Mayholewena, 64, all of Guguletu; and Mr Taelo Ntlaba, 19, and a 17-year-old youth, both from Paarl.

They are charged with furthering the aims of the Pan Africanist Congress and the Azanian Youth Unity in the Peninsula, Mbekweni in Paarl and Lady Frere near Umtata between January 1983 and January 1986.

They have pleaded not guilty.

The trial continues today.

Mr J M Lemmer is on the Bench. The accused are represented by Mr F Bunting, instructed by Syfret, Godlonton, Fuller, Moore Inc, and Mr P Hazel, instructed by R Vassen and Co.

## Three killed in collision

### Staff Reporter

TWO men and a woman were killed and a 15-year-old youth was injured in a collision on the expressway from Kuils River to Swartklip and Mitchell's Plain.

They have not yet been identified. The youth was taken to Tygerberg Hospital.

The accident happened about 11 last night at the turn-off to the Old Faure Road.



CAPE TIMES 3/10/89

# Court dismisses media application

331 ~~127~~ 203 Own Correspondent

PORT ELIZABETH. — The Grahamstown Supreme Court yesterday dismissed with costs an application to review and set aside a decision by a local magistrate that subpoenas served on four newsmen and the government notice under which they were served were valid.

The applicants were the editor of the Eastern Province Herald and editor-in-chief of the Herald and Evening Post, Mr J C Viviers, the Herald's news editor, Mr Andre Erasmus, the Post's deputy editor, Mr Trevor Bisseker, and its news editor, Mr Clifford Foster.

The respondents were magistrate Mr P Rothman and the Attorney-General of the East Cape Division, Mr J A d'Oliveira.

The hearing arose out of an inquiry held when the four newsmen were called on to appear before Mr Rothman to give material evidence concerning an offence allegedly committed by Mr Mkhusele Jack and others, and to testify and declare all they knew concerning the offence.

The newsmen were required to produce photographic material taken by freelance photographers Mr Brian Sokutu and Mr Elijah Jokazi. They also had to produce notes taken by Mr Sokutu at a meeting at Zwide's Dan Qeqe Stadium on March 31.



# Consumer boycotts non-violent protests, court told

210  
331

The Argus Correspondent

JOHANNESBURG. — Consumer boycott organisers are generally against intimidation because it is counter-productive and gives them "a bad name".

This was said yesterday by Dr Tom Lodge, senior lecturer in political studies at the University of the Witwatersrand at the trial in the Benoni Magistrate's Court of Mr Abiot Motswege of Daveyton on charges of subversion.

Mr Motswege is the first person to be prosecuted for organising a consumer boycott. Legal experts see his trial as a vital test case which will determine whether consumer boycotts are a lawful method of protest.

## SUCCESSFUL BOYCOTT

In evidence for the defence Dr Lodge said boycott committees took trouble to prevent or speak out against violence and made it clear intimidation was used on a "wildcat basis" by politically-excitabile youths.

Boycotts were "something of a tradition" in South Africa, he said. They were widely used through history by many organisations — in 1947 an Afrikaner nationalist group concerned with Afrikaner upliftment organised a successful boycott of Indian shops.

"And I wouldn't exactly call that a leftwing group," Dr Lodge added.

Boycotts had generally been seen as a legal, non-violent means of change. Recent ones were aimed at persuading white retailers — who had greater access to the Government — to use their influence to change policies.

Eastern Cape boycotts in the 1980s had been successful. Four shops with a mainly black clientele reporting a 90 percent downturn.

"It brought about, for the first time, negotiations between the boycott committee and the white community and certain reforms were agreed on."

## NOT SUBVERSIVE

The demands contained in the boycott pamphlet distributed by Mr Motswege in May — withdrawal of troops from the township, low rents, resignation of councillors, the unbanning of the ANC and the Congress of South African Students — could not necessarily be seen as subversive or a recipe for unrest.

Mr W McBain-Charles, Southern Transvaal president of the National African Federated Chambers of Commerce (Nafcoc), said the demands were consistent with Nafcoc's aims.

Mr Motswege is charged with "an attempt to cripple, prejudice or interrupt" the supply of goods on the East Rand and intending to destroy or undermine the State's authority to bring about constitutional or political change, and/or intimidate members of the public.

The hearing was adjourned to December 2.

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award on 23



## 'Drop Boesak charges'

By DENNIS CRUYWAGEN  
Weekend Argus Reporter

THE synod of the Ned Geref Sendingkerk has adopted a motion "urgently requesting" the Attorney-General to drop the charges of subversion against its Moderator, Dr Allan Boesak.

The synod noted that Dr Boesak first appeared in court a year ago after he had been detained under Section 29 of the Internal Security Act.

He made three more court appearances but the case was postponed each time.

Dr Boesak is on bail of R20 000.

Bail conditions restricted Dr Boesak and prevented him from serving his congregation fully, said a report from the synod's temporary law commission.

The synod invited SABC-TV to give Dr Boesak an opportunity to explain the Belhar Confession, which enshrines their declaration of apartheid as a heresy.

The Sendingkerk accepted a proposal that it investigate the possibility of broadcasting services on Radio Freedom, the African National Congress radio.

A delegate asked if the SABC would broadcast a sermon in which apartheid was declared a sin and heresy.

The Rev Francois Theron, head of religious planning (Radio South Africa) replied that the sermon would be broadcast if it could be substantiated with Biblical references.



7/10/86 (33)

## Charges dropped

THE case against a Cape Times reporter, Mr Peter Dennehy, who had been arrested for possessing a banned book, was withdrawn in the Magistrate's Court yesterday. Mr Dennehy, 28, of Oxford Road, Observatory, was arrested in August.

Mr M J C Tolken was the magistrate. Mr C Gavin prosecuted. Mr Dennehy was not represented.

GRAHAMSTOWN. — Five people accused of killing Mr Lodewyk George Vlooh — the first white victim of a "necklace" murder — appeared in the Supreme Court here yesterday.

The accused — Mr Henry Swarts, 36, his common-law wife Miss Pamela Lewis, 28, Miss Marie Lewis, 19, Mr Bernard Lewis, 18, and Mr David Lewis, 21 — have pleaded not guilty.

On June 14 Mr Vlooh, 40, was allegedly hacked, stoned, robbed of his clothing and R6

## Five plead not guilty to E Cape 'necklacing'

Cape Times 15/10/86 (225) (331)

in cash and then set alight.

The deputy attorney-general for the East Cape Division, Mr P J Strauss, SC, said he would submit medical evidence saying Mr Vlooh had died from the "effects of third-degree burns" and "trauma to the head".

He would also submit evi-

dence that Mr Vlooh had left his home on the morning of June 14 with R10 in his possession, that he had taken a R4 bet at an off-course tote, but had not returned home.

His wife reported him missing on June 16. His body was found two days later in KwaNobuhle, Uitenhage. — Sapa

*Call Times 8/10/46*

## 12 on Durban bomb charges

*33*  
Own Correspondent

MARITZBURG. —

Twelve people, including two Durban doctors, will appear in the Supreme Court here on November 3 to face a total of 22 charges relating to bomb blasts in the Durban area last year which culminated in the Amanzimtoti bomb on December 23 which killed five people.

The accused are: Dr Sibongiseni Dlomo, 26, Dr Vejaynana Indurith Ramlakan, 28, Mr Mapiki Dlomo, 32, Mrs Duduzile Buthelezi, 32, Mr Jude Francis, 21, Mr Ordway Msomi, 20, Mr Sipho Bhila, 31, Mr Phumezo Nxiweni, 20, Mr Bafo Nguqu, 30, Mr Malusi Majola, 20, Mr Vusumuzi Mahlobo, 27, and Mr Sibusiso Ndlanzi, 29.



# Namibian human rights 'milestone'

From BRIAN JONES

WINDHOEK. — A "draconian" section of the Terrorism Act was axed in the Supreme Court here yesterday in a judgment described by a Namibian attorney as a milestone for human rights in Namibia.

Mr Justice Harold Levy found that Section 2 (1)(a) of the Terrorism Act, which places the onus on the accused to prove his innocence of sabotage, was in conflict with the Namibian Bill of Rights.

Article 4 of the Bill provides that "everyone charged with a offence has the right to be presumed innocent until proven guilty according to law".

The Bill of Rights is contained in the South Africa State President's Proclamation R101 of June 17, 1985, which empowers the Namibian Transitional Government.

Mr Justice Levy found that Section 2 (1)(a) of the Terrorism Act which human-rights

activists have called "draconian", had been repealed by Proclamation R101.

He was giving judgment on an objection to the charge sheet by eight men charged with 187 offences under the Terrorism Act.

He said the alleged offences included acts in connection with the use of firearms, explosives, incitement to commit acts of violence, acts of violence involving the death of certain people and the destruction of property.

Mr Justice Levy ruled that the alleged offences set out in the charge sheet as having been committed after June 17 last year "are not longer offences for which the accused can be prosecuted".

He said that whether the Attorney General of Namibia intended to prosecute further appeared to be a question of policy and not of law.

He gave the State until Mon-

day to amend the charge sheet against the eight accused.

Mr Justice Levy said the court had the power to test the Terrorism Act against the Bill of Rights despite an amendment by the SA State President to Proclamation R101.

The amendment, promulgated on September 5 this year, prevents the courts from pronouncing on the validity of South African legislation.

Mr Justice Levy said the case against the eight had already been pending when the amendments were made. They had not been asked to plead.

Mr Justice Levy's ruling that Section 2 (1)(a) of the Terrorism Act had been repealed was decried by defence attorney Mr David Smuts as "an extremely important milestone judgment for the protection of human rights in Namibia".

The ruling overturned an earlier finding by the Windhoek Supreme Court that the

Terrorism Act had not been amended by proclamation R101.

Mr Justice Levy emphasized the primacy of the proclamation over existing legislation and said it had been enacted as "a stepping stone to independence".

"The National Assembly is given wide powers which include the power to repeal acts of the Parliament of South Africa and for the first time in the legislative history of Namibia, the fundamental rights of the inhabitants are spelt out and entrenched.

"This is the existing constitution of Namibia . . .," Mr Justice Levy said.

□ The accused were: Mr Andreas Johnny Haita, 22, Mr Salomo Paulus, 27, Mr Andreas Gideon Tongeni, 23, Mr Gabriel Mathews, 23, Mr Martin Akweenda, 23, Mr Johannes Nangolo, 33, Mr Petrus Kakede Nangombe, 33, and Mr Sagaria Shipanga Balakius Namwandi, 18.

337 7/10/86

# Youths were in 'severe pain'

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## Documents

She also told the court she was shown certain documents relating to the case while at the Springs police station. Mrs Maseko conceded under cross examination that drugs administered to the three accused had certain effects that included drowsiness and confusion.

Another witness, Sergeant Johannes Kruger of the security branch in Springs, said he was instructed by a Lt Oberholzer to get explanations from the three accused immediately after the handgrenade attacks during the morning of June 27 last year.

The accused, after he had warned them, explained to him what had happened but he did not make any written notes of what they said.

THREE of the accused in the Duduza terrorism trial were still in severe pain a few hours after making settlements before a magistrate in hospital, a nursing sister told the Pretoria Supreme Court yesterday.

Mrs Annete Maseko, a nursing sister at the Far East Rand Hospital in Springs, said although the condition of Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), and Mr Veli Mazibuko (18), was "quite fair" their general appearance showed they were in severe pain.

## Hospital

The three accused were admitted to the hospital shortly after handgrenade attacks on certain targets in Kwa-Thema and Duduza on June 26 and 27 last year.

Mrs Maseko, who was testifying for the State told the court that one of the accused, Mr Tshabalala could not speak properly because of a swelling on the right side of the neck.

"But he spoke in a logical manner", she said under cross examination by the prosecutor, Mr John Oberholzer. All three accused, she added complained of pains and certain drugs were administered to them.

Mrs Maseko was testifying in the case of seven alleged members of the outlawed Congress of South African Students who have pleaded not guilty to charges of terrorism, attempted murder, possession of handgrenades and a bomb and of malicious damage to property.

Replying to defence counsel Mr Nick de Vos, the nursing sister said she was only told by the police last Thursday to come and give evidence for the State.

# Comrades 'instructed' murder accused

Supreme Court Reporter

THE mayor of Zolani, Ashton, told the Supreme Court yesterday that a woman accused of attempting to murder an alleged informer told him "the comrades" had instructed her "to take it all on herself".

Mr George Jonas was giving evidence in the trial of Mrs Phyllis Fante, Mr Andile Tyemela and six minors — all of Zolani.

It is alleged that on the night of April 8 this year they attacked Mrs Aletta Matroos, stabbing her more than 50 times, pouring paraffin over her and setting her alight.

The alleged attack followed Mrs Matroos's appearance as a State witness in the trial of Mrs Fante's husband on charges of arson.

All have pleaded not guilty.

Mr Jonas said Mrs Fante wept when he questioned her after the attack, admitting her role and saying that the comrades had instructed her "to take it all on herself".

"What are the comrades? I've heard the name but what do they do?" the Bench inquired.

"They say they are fighting for their rights," Mr Jonas replied.

"Do the comrades have women members too?" the Bench wanted to know.

"Many," said Mr Jonas.

Cross-examined by Mr A M Omar, Mr Jonas conceded that community councillors were unpopular and regarded as puppets by at least some sections of the community.

"Whose puppets are you supposed to be?" asked the Bench.

"We are Botha's puppets," said Mr Jonas.

He said men in Zolani revived a group called Amasolomzi (eye of the community) on November 4 last year after clashes with boycotting pupils. The vigilante group protected buses and commuters, and enforced a 9pm curfew until the Supreme Court upheld community objections.

The trial continues.

Mr Justice P W E Baker presided with Mr J J Basson and Mr A J Powell as assessors. Mr C Cilliers prosecuted. Mr A M Omar and Mr S Desai, instructed by Mallinck Ress Richman and Closenbergh, appeared for the accused.



**'Cop did not ask if they were in pain because it was not important'**

33/

**BY MONK  
NKOMO**

He also watched from the door leading to the theatre as an Indian doctor was busy amputating Mr Mázibuko's right hand.

He also heard the

After being given a choice to either make a statement before him or a magistrate, he preferred to make it before a magistrate who came

Both accused made statements freely and voluntarily, Mr van Dyk said.

the third occasion "to get rid of the magistrate who was teasing me".

**(Proceeding).**

"He never complained of pain," he added.

## Magistrate tells Duduza trial

# MAN WAS IN SEVERE PAIN

THREE of the seven accused in the Duduza terrorism trial made their statements inside a bathroom at the Far East Rand Hospital in Springs, a magistrate told the Pretoria Supreme Court yesterday.

Mr Barend Nicholas Fourie said the accused — Mr Samuel Lekatha (19), Mr Humphrey Tshabalala (19) and Mr Johannes Veli Mazibuko (18), were able to walk and others were on wheelchairs when he obtained statements from them inside a bathroom at the hospital on June 27 last year.

Questioned by Mr John Oberholzer, the prosecutor, Mr Fourie said he observed at the time that Mr Mazibuko was in severe pain when he made the statement.

Mr Fourie said he took the statement because the patient was otherwise normal and never complained.

Another State witness, Mr Petrus Johannes Theron, Chief Mag-

By MONK  
NKOMO

istrate in Benoni, submitted a statement made by another accused, Mr Cedric Dladla (19), on July 1 last year.

The defence is not contesting that he made the statement freely and voluntarily. In his statement Mr Dladla said he was informed by a group of youths on a Monday that he would be fetched from school that day.

Together with Hosea and Frank they were collected by two men identified as Mike and James in a kombi. Other youths were also collected in Duduza and Tsakane and were made to write their names and addresses on a piece of paper.

Later they went to a mine dump in Tsakane where James taught them how to use hand grenades. Mike and James then asked them to choose the house of a policeman to be attacked the following day.

One of the youths chose the house of Mr Baloyi who was "worrying" people in the township.

Warrant Officer Baloyi's house was then attacked at midnight after five of them were each

given a hand grenade. Two of his colleagues were killed when the hand grenade exploded near where they stood.

Mr Boy William Mabena, an interpreter at Alberton, yesterday testified that two of the ac-

cused, Mr Joseph Titus Mazibuko and Mr John Mlangeni were normal when statements were obtained from them at the Natalspruit Hospital on June 26 and 28.

He said it was a lie that Mr Mazibuko twice

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SOWETA  
refused to make a statement because he was too sick.  
Instead, Mr Mabena said, Mr Mazibuko was seriously ill during those two days and could not speak.  
(Proceeding)



STAK 23/10/86

# Treason trial defence to call for discharge

By Estelle Trengove

Lawyers defending the Delmas treason accused are preparing to launch an application for the discharge of the 22 men.

Counsel for the State yesterday closed its case in the marathon trial which has been running in Delmas only three weeks short of a year.

The 22 men on trial include prominent members of the United Democratic Front (UDF) such as publicity secretary Mr Terror Lekota and general secretary Mr Popo Molefe, and members of Azapo and the Vaal Civic Association. They pleaded not guilty to a charge of high treason and charges under the Internal Security Act.

## TOWNSHIP UNREST

The State alleges that they conspired with the banned African National Congress (ANC) to overthrow the Government and promoted township unrest which led to riots in the Vaal triangle.

Mr A Chaskalson SC, for the defence, yesterday asked for an adjournment of a week to enable the defence to prepare for launching an application for the discharge of the treason trialists.

The defence in a trial can launch such an application if it believes that, even on the State's evi-

dence, the accused cannot be convicted or if the evidence presented by the State is so poor that no reasonable court can believe it.

Yesterday the courtroom was packed with family, friends and supporters when the trial was resumed after a month-long adjournment. The trialists received parcels of food and clothing from their visitors.

The hearing was postponed until October 29.

Those on trial are: UDF publicity secretary Mr Patrick "Terror" Lekota (37), of Claremont, Durban; UDF general secretary Mr Popo Simon Molefe (33), of Soweto; Anglican priest and Azapo member, the Rev Tebogo Geofrey Moselane (39) of Sharpeville; former UDF secretary for the Transvaal Mr Moses Chikane (37), of Mamelodi; Mr Patrick Mabuya Baleka (25), of Soweto; Azapo member Mr Oupa Hlomoka (32), of Sebokeng; Mr Mohapi Lazarus More (25) of Sebokeng; Vaal Information Service member and Rhodes Black Student Society member Mr Thabiso Andrew Ratsomo (27), of Sebokeng; Vaal Civic Association member Mr Geinunuzi Petrus Malindi (25), of Sebokeng; secretary of the Evaton Ratepayers Association Mr Petrus Mokoena (47), of Evaton; executive member of the Vaal Civic Association Mr Tsietse David Mphuthi (48), of Sebokeng; Mr Naphtali Mbuti Mkopane (40), of Sebokeng; Mr Tebello Ephraim Ramakula (35) of Sebokeng; educator with the Urban Training Project Mr Bavumile Herbert Vilakazi (30), of Sebokeng; Vaal Civic Association executive member Mr Sekwati John Mokoena (33), of Boipatong, Vanderbijlpark; Congress of South African Students (Cosas) member Mr Mkhambi Amos Malindi (20), of Sebokeng; former Cosas leader and now Institute of Race Relations worker Mr Simon Tseko Nkodi (25), of Sebokeng; Mr Pelamotse Jerry Tlhopane (27), of Sebokeng; Mr Serame Jacob Hlanyane (37), of Sebokeng; Soweto Civic Association member and worker for the South African Council of Churches, Mr Thomas Madikwe Manthata (45) of Soweto; Vaal Civic Association executive member Mr Hlabeng Sam Matlole (61) of Sebokeng; and Mr Maxala Simon Vilakazi (24) of Sebokeng.



*Cape Times 23/10/86*

# Tears, songs as detainees enter court

By YVETTE VAN BREDa  
Court Reporter

TWELVE men who have been in detention under Section 29 of the Internal Security Act for four to six months, were greeted with shouts of "Viva" and "Amandla" when they entered a Cape Town magistrate's court yesterday in leg irons.

As they arrived at the court singing freedom songs, they were hailed by continuous shouts of "Viva" from about 60 of their family members, who wept and reached out to them. Clenched fists were raised and the shouting became deafening.

The prosecutor, Mr B C Viljoen, told the court that the 12 would be tried on charges of high treason, terrorism and furthering the aims of the African National Congress.

## Certificate against bail

The men were not asked to plead and were not formally charged. They are Mr Lizo Ngqungwana, 26, address unknown; Mr Themikosi Mzukwa, 26, Mr Joseph Ngoma, 28, Mr Joseph Mkhuhlwa, 31, Mr Anderson Ncivata, 34, and Mr Reed Macozama, 26, all of Langa; Mr Themba Tshibika, 33, and Mr Sazi Veldsman, 29, both of Nyanga; Mr Douglas Myamya, 35, of Guguletu; Mr Quentin Michaels, 27, of Mandalay; Mr Cecil Esau, 31, of Wynberg, and Mr Neville van der Rheede, 31, of Mitchells Plain.

Mr R Vassen and Mr E Moosa, for the men, applied for bail. Mr Viljoen informed the court that he would refer the case to the Attorney-General for a certificate against bail.

The magistrate, Mr M J C Tolken, said that if the Attorney-General refused to grant the certificate, there would be a formal bail application at the Malmesbury Regional Court on November 12, when the hearing would continue.

## Labour Reporter

According to the statement, she went to the Paarl police station on May Day when she heard that 20 children, including her adopted 14-year-old daughter, had been detained for throwing stones.

The magistrate was Mr G B van Biljon. The prosecutor was Ms C Visser and Ms Phike was represented by Mr Michael Donen, instructed by Mr Ramesh Jassen.

Mr. Barend Nicholas Fourie, a magistrate at Springs, said he did not have a reason why he hated taking down confessions.

of the seven alleged members of the banned Congress of South African Students who have been charged with terrorism, attempted murder, possession of hand grenades and a bomb

They have pleaded not guilty before Mr Jus-

sabotage at predetermined targets in Duzduza, Tsakane and Kwatha. The attack on the Tema at midnight during June 25 and 26 last year.

Mr Fourie yesterday told the court that the accused, Mr Samuel Lekato (19), Mr Humphrey Tshabalala (19) and Mr Johannes Vel Mazibuko (18) were in severe pain "but re-

All the accused, he said, never complained of pain and they were

able to give their statements freely. "They were not hysterical", Murre Fourie said.

Another State witness, Mr Johannesburg Mhlabathi, an interpreter from Springs yesterday under cross-examination by defence counsel, Mr Nick de

he told me or not." Mr.

**Pain**

he observed that all three accused were sick and in severe pain. He conceded that it was possible the accused had complained of pain and that he had interpreted

that to the magistrate  
who never noted it  
down.

Mr Mhlabathi also

said he could not dispute Mr Mazibuko's evidence in chief that he told the interpreter he was sick and in pain but never heard the message being conveyed to the magistrates. "I don't know if he told me or not." Mr

Mhlabathi replied.

The interpreter said he accompanied Mr Fourie to the hospital on June 26 last year. Only Mr Fourie and a policeman went into the ward where the three accused were kept while he waited outside.

They later left but came back the following day. Mr Fourie, he added, went to the three accused inside the ward and asked if they were prepared to make a statement. They all agreed.

Mr Justice Stafford yesterday postponed the case to next Thursday, October 30 to allow both the State and the defence time to prepare argument.

The defence have submitted that statements made by Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Lekatsa, Mr Tshabalala and Mr Veli Mazibukko were inadmissible in court. The State contends that the statements were made freely and voluntarily.



CASE TALKS 24/10/86 (331)

## **'Bombers' linked to Durban explosions**

DURBAN. — Two suspected bombers arrested here have been linked to explosions at the home of the chairman of the Ministers' Council in the House of Delegates, Mr Amichand Rajbansi, and at Chatsworth Magistrate's Court.

Brigadier Johann van Niekerk, head of Durban's security police, confirmed that two suspected "locally-trained terrorists" were arrested in the city this week.

He said the two men were being held in connection with an explosion at the Chatsworth home of Mr Rajbansi on August 4 last year and a blast at the Chatsworth court on December 13.

The suspected bombers were expected to join 12 others, including two doctors, who are already facing 22 charges relating to a series of bomb blasts in the Durban area last year. They are to appear in the Maritzburg Supreme Court on November 3.

The 22 charges include terrorism, possession of publications disseminated by or on behalf of an unlawful organization, possession of a machine-gun, possession of grenades and or bombs and possession of ammunition. — Sapa

# Man to hang for 'gruesome' E Cape killing

GRAHAMSTOWN. — The Judge President of the East Cape Division, Mr Justice Cloete, yesterday ordered Henry Swarts, 36, to hang for the "gruesome and barbaric" murder of Mr Lodewyk George Vlooh on June 14 in Uitenhage.

Swarts was also convicted of robbery with aggravating circumstances. He was acquitted on a charge of "violation to a dead body". This charge arose in connection with the burning of Mr Vlooh's body.

Evidence was that Mr Vlooh, 40, was hacked with stones and robbed of his clothing before being set alight. His body was found in KwaNobuhle, Uitenhage, four days later.

There are four other accused in the trial, all of whom are siblings. They are Pamela Lewis, 28, the common-law wife of Swarts, Marie Lewis, 19, Bernard Lewis, 18, and David Lewis, 25.

The two sisters were acquitted on the charge of murder. Marie Lewis was convicted of robbery with aggravating circumstances. Pamela Lewis was convicted of taking part in the robbery. Evidence was that she had taken an active role in the sale of Mr Vlooh's jacket and bought liquor with the proceeds.

The brothers David and Bernard were convicted as accessories to murder "after the fact".

Sentence is to be delivered on the Lewises today. — Sapa

# Ten are charged with 'necklace' murders

GRAHAMSTOWN — Ten people appeared in the East Cape Supreme Court yesterday on three counts of murder by "necklacing".

They are alleged to have murdered three people. Two of them, Mr Buyile Patrick Peter (21) and Mr Mncedisi Eric Stengile (19) were said to have been former members of the "Comrades". The third, Mr Aubrey Jacobs, was described as a former policeman.

The State alleges that Mr Peter and Mr Stengile were brought before a

"people's court" on April 18 last year for having robbed and murdered two people.

They received the death sentence, and were assaulted and set alight with the "necklace" method near the salt pans outside Port Elizabeth.

Mr Jacobs, the State alleges, was taken from his bed on the evening of April 28 last year, judged by the "court" in a similar fashion, and set alight while still alive.

It has also been alleged by the State that all the accused except one are members of the "Comrades".

They are Mr Sandi Ntlanki, Mr Tobile Lloyd, Mr Siphiso Lande, Mr Sithembiso Basie Nda-bangaye, Mr Mzwabantu Mzimba Zangqa, Mr Tamsanqa Magaba, Mr Mbulelo Tou, Mr Velile Williams, Mr Tatise Mesami and Mr Mtunzi Tshibo.

Yesterday a girlfriend of one of the accused testified in camera as a State witness. She said six of the accused were present at a meeting at which it was decided to execute Mr Peter and Mr Stengile.

In cross-examination she admitted that Mr Magaba was with her at the time of the murders, and that they had been some distance from the scene.

It also emerged that he was with her at the time of the third murder. They were again watching the incident from a distance.

The hearing continues.  
— Sapa.



# ANC courier found guilty of terrorism

28/10/83 MR 331

By Inga Molzen

Stephen Johannes Marais (29), convicted yesterday of terrorism after admitting support for the African National Congress, will be sentenced next Wednesday.

In mitigation of sentence, Johannesburg magistrate Mr T J la Grange heard that since 1981, Marais — a field worker for the Environmental and Development Agency (EDA) — was a committed worker who had been faced with harsh conditions of poverty.

## ARMS IN HIRED CAR

Mr D Cooper, of the EDA, said having been faced with these conditions, Marais would have strongly wanted to participate in changing them.

Marais admitted travelling from Lesotho with Miss Marion Sparg in a hired car in which arms were concealed. He stored six limpet mines at his home in Transkei and accompanied Miss Sparg to East London in February.

## Marais could not talk to family

Police and security branch officials would not allow Marais to talk to family members during court proceedings.

A court orderly stood as if on guard behind the witness box from where Marais yesterday sketched for the court his background and ideals.

Other policemen stood at the back of the dock while Mr H van Heerden, for the State, asked that a long term of imprisonment be imposed in the interests of the community.

## MARAIS'S MOTHER

Marais's mother, who lives in Stellenbosch, was asked to sit at the back of the court by a security branch captain, who told her: "No conversation!" ("Geen geselskap nie!").

Travelling together, they could pose as a couple on holiday and not be stopped at roadblocks.

He assumed that a limpet mine which exploded at a police station there had been placed by her, but had no confirmation of this.

Marais was instructed in the use of an AK-47, a pistol, grenades and limpet mines but had "never handled them". He conceded these were "weapons of war which may result in death or serious injury".

Marais admitted posting two letters and transporting an ANC member on behalf of the ANC.

He said he had a deep-seated belief that the South African Defence Force existed to maintain white domination in South Africa and that the present situation was upheld by violence.

He had avoided student politics because of "reactionary notions that they could not change things in South Africa", he said. He became inward-looking and religious.

According to Marais the South Africa Voluntary Service (SAVS), which he joined, was his only alternative to national service. He left university in 1978 after receiving his final call-up for national service and joined SAVS.

He assisted rural villagers in Lesotho and later in Transkei to plant trees and grow vegetables.

Through ANC members in Lesotho, Marais became convinced that the banned organisation was "the most important organisation fighting for changes away from the apartheid system".

Ms K Satchwell, who assisted Mr Denis Kuny SC for defence, sat with Marais and offered him water to drink shortly before the hearing started.

Also present in court were Mrs Helen Joseph, friends, colleagues and his fiancée, Khetiwe.

A University of the North student, Khetiwe last saw Marais briefly when she was admitted to the psychiatric ward of Johannesburg Hospital, the court heard.

She was taken into preventive detention on October last year, interrogated in January and released shortly after his arrest in March.

Marais said he was deeply distressed by her detention, because he felt it was unwarranted.

## 10 accused of <sup>21</sup> three necklaced <sup>33</sup> 'executions'

GRAHAMSTOWN. — Ten people in their 20s are on trial in the East Cape Division of the Supreme Court here for murder by "necklacing".

The 10 are alleged to have murdered three people, two of whom — Mr Buyile Patrick Peter, 21, and Mr Mncedisi Eric Stengile, 19, — were said to be former "comrades".

The third, Mr Aubrey Jacobs, was described as a former policeman.

The state alleges that Mr Peter and Mr Stengile were brought before a "people's court" on April 18 last year for robbing and killing two people.

### DEATH SENTENCE

They received the death sentence, were assaulted and set alight near the salt pans outside Port Elizabeth.

Mr Jacobs was allegedly taken from his bed on April 28 last year, judged and set alight.

The 10 accused are Mr Sandi Ntlanki, Mr Tobile Lloyd, Mr Siphiwo Lande, Mr Sithembiso Basie Ndabangaye, Mr Mzwabantu Mzimba Zangqa, Mr Tamsanqa Magaba, Mr Mbulelo Tou, Mr Velile Williams, Mr Tatise Mesami and Mr Mtunzi Tshibo.

The trial continues today. — Sapa.

29/10/86 BUSDAY (331)

# Man up for economic subversion

SOUTHERN Transvaal African Chamber of Commerce president William Arthur McBain Charles yesterday gave evidence in the case of UDF East Rand organiser Abiot Motsegwe, who is facing charges of economic subversion under the Internal Security Act in the Benoni Regional Court.

Motsegwe, 34, has been charged for his role in advocating a consumer boycott. He is believed to be the first person to appear on economic subversion charges in the Transvaal.

McBain Charles told the court he had been appointed by the chamber — a Nafcoc affiliate — to investigate whether the services offered by the existing tradesmen in East Rand black townships were sufficient to meet consumers' needs.

## SOPHIE TEMA

He said Nafcoc once initiated a boycott in the form of the "Buy at Home Campaign". These types of boycotts were seen as a method of securing political change for black businessmen.

McBain Charles said a campaign was organised in 1979 in which Nafcoc called on the black community to support black business and tradesmen in the townships.

Nafcoc had never regarded the boycotts as unlawful. Such campaigns or boycotts were not politically motivated but were regarded as a means by which the community envisaged a solution to their problems.

They re-emphasised the need for

the restructure of laws which had confined black businessmen and tradesmen to certain group areas.

He said: "Black businesses were restricted according to the general policy of the country and Nafcoc had to avail itself to address and assist the black businessman to strive for full participation in SA's economic structure.

"In the event of a boycott, the organisers need to appeal publicly to the people to exercise restraint and caution and traders would have to secure enough stock from distribution organisations to last the campaign.

"If there is insufficient stock available during the boycott, businessmen will not make their profit and the consumers will not be inclined to support the boycott."



# Discharge of treason trialists to be sought

THELMA TUCH

AN application will be made today for the discharge of the 22 men — most of them linked to the UDF — who have been facing charges of treason in the Delmas circuit court for more than nine months.

The state closed its case last Wednesday after leading the evidence of 170 witnesses, which has been documented into close on 8 000 pages.

In addition, about 13 000 pages of documentary evidence have been presented to the court.

Senior counsel for the accused, Arthur Chaskalson, will be making today's application for the discharge. Argument is expected to last for three days.

It is the procedure in criminal trials for the defence to ask for the discharge of the accused if, at the end of the state's case, there is no evidence upon which a reasonable person could convict the accused.

If this is the case, then the accused are entitled to be acquitted before the defence leads its case.

The marathon trial, believed to be the longest since the 1956 treason trial, began on January 20.

Among the accused are prominent UDF leaders — publicity secretary Patrick Lekota, general secretary Pope Molefe and former Transvaal secretary Moss Chikane.

The charges arise from unrest in the Vaal Triangle in September 1984. The state alleged that all 22 were responsible for inciting residents to attack and kill members of town councils.

It further alleged that the UDF had allied itself with the ANC and the SA Communist Party to overthrow the government.

# Woman witness tells of 'necklace' execution

29/10/86  
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STK

GRAHAMSTOWN — A young woman told the Grahamstown Supreme Court yesterday how she escaped with her life after witnessing the "necklace" execution of a former Port Elizabeth policeman.

The woman, who may not be identified, was testifying against 10 people, aged between 21 and 27, before the Judge President of the East Cape Division, Mr Justice D Cloete.

They are alleged to have murdered three people, two of whom were apparently former members of a group known as the "Comrades".

They were Mr Buyile Patrick Peter (21) and Mr Mncedisi Eric Stengile (19). The third deceased, Mr Aubrey Jacobs, was apparently a former policeman.

The State has alleged that Mr Peter and Mr Stengile were brought before a "people's court" on April 18 last year for having allegedly robbed and murdered two people.

They received the death sentence, and were assaulted and set alight in the "necklace" method near the salt pans outside Port Elizabeth.

Mr Jacobs, the State alleged, was taken

from his bed on the evening of April 28 last year, judged by the "court" in a similar fashion and set alight while still alive.

It was alleged that all the accused, except one, were members of the "Comrades".

They are Mr Sandi Ntlanki, Mr Tobile Lloyd, Mr Siphiwo Lande, Mr Sithembiso Basie Ndabangaye, Mr Mzwabantu Mzimba Zangqa, Mr Tamsanqa Magaba, Mr Mbulelo Tou, Mr Velile Williams and Mr Tatise Mesi.

The other accused, Mr Mtunzi Tshibo, is, according to the State, a family member of the people allegedly killed by Mr Peter and Mr Stengile.

## Shot in the leg

In court yesterday, the woman witness said Mr Jacobs was taken from his bed on April 28 to be questioned by a group of people, some of whom were armed.

He was shot in the leg when he tried to rise from the bed, she added.

During questioning at a house in Soweto, Port Elizabeth, she said, Mr Jacobs had been accused of assaulting a man who was

a member of the group during his service in the police force.

Mr Jacobs admitted this and apologised to them, she said. The woman said she then saw Mr Jacobs being led out of the house, accompanied by a number of people. They carried four car tyres.

One of the accused, Mr Zangqa, poured a can of petrol over Mr Jacobs, the woman claimed.

She said she saw Mr Jacobs's body go up in flames, although she could not see who lit a match.

The woman identified six of the accused as having been present at the time.

Mr Jacobs was killed alongside a "danger" sign, she said. This was later identified as a sign at the electricity sub-station in Soweto.

She also said the accused had planned to murder her in the same fashion but it seemed that they decided against it because she was pregnant at the time.

She reported the incident to the police when she returned to work a few days later.

The remainder of her evidence may not be reported for fear of identifying her.

The hearing continues. — Sapa.

ARBUS 29/10/86 (275) (44) 331

# I escaped necklacing, says woman

GRAHAMSTOWN. — A young woman has told the Supreme Court, Grahamstown, how she escaped with her life after witnessing the "necklace" execution of a former Port Elizabeth policeman.

The woman, who may not be identified, was testifying against 10 people, aged between 21 and 27, before the Judge President of the Eastern Cape Division, Mr Justice Cloete.

They are alleged to have murdered three people, two of whom were apparently former members of a group known as the "Comrades".

The victims were Mr Buyile Patrick Peter, 21, Mr Mncedisi Eric Stengile, 19, and Mr Aubrey Jacobs, who was apparently a former policeman.

The State has alleged that Mr Peter and Mr Stengile were brought before a "peoples' court" on April 18 last year for having robbed and murdered two people.

They received the death sentence and were assaulted and set alight by the "necklace" method near the salt pans outside Port Elizabeth.

## Still alive

Mr Jacobs, the State alleged, was taken from his bed on the evening of April 28 last year, judged by the "court" in a similar fashion and set alight while still alive.

The witness alleged that she was to have been murdered in the same fashion. From her evidence it appears that this was decided against because she was pregnant.

It was also alleged that two of the accused were former members of the "Comrades".

The 10 facing trial are Mr Sandi Ntlanki, Mr Tobile Lloyd, Mr Siphiwo Lande, Mr Sithembiso Basie Ndabangaye, Mr Mzwabantu Mzimba Zangqa, Mr Tamsanqa Magaba, Mr Mbulelo Tou, Mr Velile Williams and Mr Tatisa Mesami.

The other accused, Mr Mtunzi Tshibo, is, according to the State, a family member of one of the people allegedly murdered by Mr Peter and Mr Stengile.

In court today the woman said that Mr Jacobs was taken from his bed on April 28 for questioning by a group of people, some of whom were armed.

Mr Jacobs was shot in the leg when he tried to rise from the bed, she said.

During questioning at a house in Soweto (Port Elizabeth), she said, Mr Jacobs was accused of assaulting a man who was a member of the group during his service in the police force.

Mr Jacobs admitted this and apologised to them, she said.

The woman said she saw Mr Jacobs being led from the house, accompanied by a number of people who carried four car tyres out of the house.

One of the accused, Mr Zangqa, poured a can of petrol over Mr Jacobs, the woman claimed.

She said she saw Mr Jacobs's body go up in flames but could not see who lit a match.

The woman identified six of the accused as having been present.

She reported the incident to the police when she returned to work a few days later. — Sapa.

(Proceeding).



# 'UDF has no link with ANC'

ARGUMENT for the discharge of the 22 men appearing in the Delmas treason trial began in the Circuit Court yesterday.

The defence counsel, led by Mr Arthur Chaskalson, SC, submitted that there was no evidence which proved beyond reasonable doubt that the United Democratic Front was a creation of the banned ANC.

The State alleges that the UDF conspired with the ANC to overthrow the system by violent means. It is alleged that the UDF and its affiliates had conspired with the ANC to make South Africa ungovernable.

## Argument

In his argument Mr Chaskalson said despite the evidence of former ANC members that in the ANC camp they were extolling the virtues of the UDF, that fact did not mean the UDF's goal was to overthrow the State by violent means.

He said although the ANC saw progressive organisations inside the country as sources, and instructed its members to endeavour to make contact with people in these organisations, there was no direct evidence suggesting that the UDF and its affiliates had agreed to pursue the goals of the ANC.

## Treason

The 22 men have pleaded not guilty on charges of treason, alternatively terrorism, murder and subversion. The trial is a sequel to the violence which broke out in the Vaal Triangle townships on September 3, 1984.

"We submit that the evidence by former ANC members is destructive rather than supportive," Mr Chaskalson said.

He quoted evidence by Rev Lord McCamel on the Vaal Civic Association which said it was formed to get the com-

To Page 2

## 'UDF, ANC not linked'

From Page 1  
munity to discuss their grievances.

Mr Chaskalson said the VCA was formed after assistance was obtained from the UDF and the Soweto Civic Association.

There is no evidence to suggest that the VCA would be anything other than a bona fide community organisation.

"The State's case is pure speculation," Mr Chaskalson said. (Proceeding).

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# State case in Delmas trial 'too weak'

By Estelle Trengove

The State failed to show that the United Democratic Front (UDF) could be linked to episodes of violence which broke out in the Vaal Triangle in 1984, defence counsel in the Delmas treason trial said yesterday.

Mr Arthur Chaskalson SC, appearing for the defence, is applying for the discharge of all 22 treason trialists on the grounds that the evidence presented by the State was not sufficient to prove the allegations against them.

The State alleged the accused had acted with common purpose, taking part in a grand conspiracy conceived by the UDF on its

own, or in co-operation with the African National Congress (ANC), to overthrow the Government through violence.

## UDF MEMBERS

Among the accused are several prominent members of the UDF.

"The State must show the 22 accused conspired with the intention of overthrowing the Government. We submit that this has not been shown," Mr Chaskalson said.

The State contended that the UDF was formed after the ANC called on democratic forces to unite and form one front for national liberation.

Mr Chaskalson said even the evidence of for-

mer ANC members was destructive for the State's case. Reports of gossip in ANC camps on how the UDF came into existence took the State case no further.

"The ANC cannot proscribe political action inside South Africa by what it says outside," he said.

## LOW PROFILE

In their evidence, the former ANC members told the court that ANC cadres sent back into South Africa would act clandestinely. Politically, they kept a low profile to avoid attracting the attention of the police.

The witnesses said the ANC capitalised on events such as bus boycotts or any protest which had pop-

ular support — if it was successful, they would sometimes even take the credit.

The violence in the Vaal Triangle could have been the result of agitation by such low-profile ANC cadres, Mr Chaskalson said.

"There is no way a reasonable person can conclude that the UDF was behind the acts of violence," he said.

The violent outbursts could even have been the result of local grievances, of agitation by other political groups or organisations or it could have been a sign of the difficult times the people were living in.

The hearing continues today.

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THELMA TUCH

THE State had provided no evidence that the UDF or its affiliates conspired with the ANC to overthrow the government with violence by making the country ungovernable, senior counsel Arthur Chaskalson said yesterday.

He was arguing for the discharge of the 22 men — most linked to

the UDF — facing charges of treason in the Delmas circuit court in a trial that began in January.

Among the accused are UDF publicity secretary Patrick Lekota, general secretary Pope Molefe and former Transvaal secretary Moss Chikane.

The charges arose from unrest in the Vaal Triangle in September 1984, with the State alleging all 22 incited residents to attack and kill town councillors.

The State alleged all the accused had acted with common purpose as part of a grand conspiracy to make the country ungovernable. The conspiracy, it alleged, was conceived by the UDF or in co-operation with the ANC.

Chaskalson said yesterday the UDF and its affiliates were *prima facie* lawful organisations.

There was no evidence that people who joined these organisations were told the organisations' stated goals were not their true goals, and that there was a secret agenda to overthrow the State by violence.

There was no evidence the UDF had masterminded various acts of violence and destruction. These acts could have been the result of township hardships, local grievances, agitation at local level by groups or individuals or agitation by the ANC or other political groups.

The documents produced by the State did not support its case that the UDF was established by the ANC to pursue its policies.

Chaskalson challenged the State's suggestion that the boycott of town council elections had been planned to bring about chaos.

## Delmas trial hears denial of UDF plot



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## Delmas trial hears denial of UDF plot

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## 'Necklacing': Validity of confessions to be tested

PORT ELIZABETH. — The validity of confessions made by some of the accused in the Port Elizabeth "necklace" murder trial is to be tested in the Grahamstown Supreme Court today.

There are believed to be eight confessions. The accused have alleged they were assaulted by police before confessing.

Ten people, all in their twenties, appeared yesterday before the Judge-President of the East Cape Division, Mr Justice J D Cloete, on three counts of murder.

They are alleged to have murdered three people, two of whom were apparently former "comrades".

The dead were Mr Buyile Patrick Peter, 21, Mr Mncedisi Eric Stengile, 19, and Mr Aubrey Jacobs, who was apparently a former policeman.

The State alleged that Mr Peter and Mr Stengile were brought before a "people's court" on April 18 last year for allegedly having robbed and murdered two people.

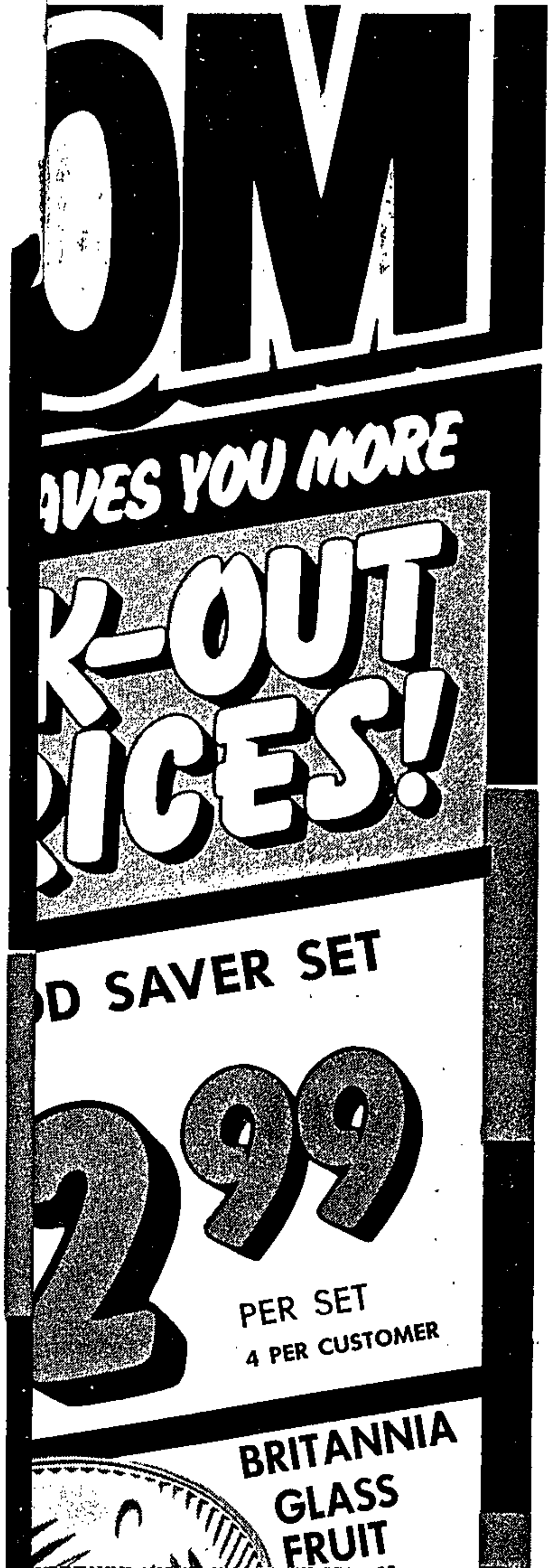
They received the death sentence and were assaulted and necklaced near the salt pans outside Port Elizabeth.

Mr Jacobs, the State alleged, was taken from his bed on the evening of April 28 last year, judged by the people's court and set alight while still alive.

The accused alleged to be "comrades" are: Mr Sandi Ntlanki, Mr Tobile Lloyd, Mr Siphiwo Lande, Mr Sithembiso Basie Ndabangaye, Mr Mzwabantu Mzimba Zangqa, Mr Tamsanqa Magaba, Mr Mbulelo Tou, Mr Velile Williams and Mr Tatise Mesami.

The other accused is Mr Mtunzi Tshibo. — Sapa.

Men found



**DM**

**AVES YOU MORE**

**K-OUT PRICES!**

**SAVER SET**

**299**

**PER SET**  
**4 PER CUSTOMER**

**BRITANNIA**  
**GLASS**  
**FRUIT**

FOR SUBSCRIPTION ENQUIRIES — TELEPHONE

# Delmas trial state's evidence is under attack

Dispatch Correspondent  
JOHANNESBURG

The state had provided no evidence the United Democratic Front (UDF) or any of its affiliates conspired with the African National Congress (ANC) to overthrow the government with violence by making the country ungovernable, senior counsel, Mr Arthur Chaskalson, said yesterday.

He was arguing for the discharge of the 22 men — most linked to the UDF — who have been facing charges of treason in the Delmas circuit court in a marathon trial which began in January this year.

Among them are the UDF publicity secretary, Mr Patrick Lekota, the general secretary, Mr Pope Molefe, and the former Transvaal secretary, Mr Moss Chikane.

The charges arise from unrest in the Vaal Triangle in September 1984, with the state alleging all 22 incited residents to attack and kill town councillors.

The state alleges all accused acted with common purpose as part of a grand conspiracy to make the country ungovernable. The conspiracy,

it alleges, was conceived of by the UDF or in co-operation with the ANC.

Mr Chaskalson said yesterday the UDF and its affiliates were *prima facie* lawful organisations.

There was no evidence, he said, that people who joined these organisations were told their stated goals were not their true goals and that there was a secret agenda to overthrow the state by violence.

He said there was no evidence the UDF had masterminded various acts of violence and destruction. These acts, he said, could have been the result of township hardships, local grievances, agitation at local level by groups or individuals or agitation by the ANC or other political groups.

The documents produced by the state did not support the state's case the UDF was established by the ANC to pursue its policies, he said.

There was no evidence to establish the state's case.

"This case has lasted a year and there is no reason for it to last another year."



# 'No proof' that UDF conspired to topple Govt

Mercury Correspondent

JOHANNESBURG—The State has provided no evidence that the UDF or any of its affiliates conspired with the ANC to overthrow the Government with violence by making the country ungovernable, senior counsel Mr Arthur Chaskalson, said yesterday.

He was arguing for the discharge of the 22 men — most linked to the UDF — who have been facing charges of treason in the Delmas Circuit Court in a marathon trial which began in January this year.

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affiliates were prima facie lawful organisations.

There was no evidence, he said, that people who joined these organisations were told that the organisations' stated goals were not their true goals and that there was a secret agenda to overthrow the State.

He said there was no evidence that the UDF had masterminded various acts of violence and destruction.

The documents produced by the State did not support the State's case that the UDF was established by the ANC to pursue its policies, he said.

## Chaos

Mr Chaskalson challenged the State's suggestion that the boycott of town council elections was planned to bring about chaos.

He said that if the elections were boycotted the Black Local Authorities Act made provision for an administrator in the township and this would prevent such chaos.

3/10/86

WEEKLY MAIL 331

WEEKLY MAIL, October 31 to November 6, 1986

3

# Treason court hears of 'forgotten' accused

By JO-ANN BEKKER

MORE than a year has elapsed since Maxala Simon Vilakazi and his 21 fellow trialists were formally charged with high treason. But, according to defence lawyer Arthur Chaskalson SC, not one word of state evidence referred to 25-year-old Vilakazi, a former dispatch clerk for the SA Committee for Higher Education (Sached).

Applying for the discharge of all 22 accused, at the end of the state's case in the Delmas treason trial this week, Chaskalson said many of the trialists had been "simply forgotten" in the months of evidence during which scores of State witnesses were called. The record of the hearing, which began in January, is already 8 000 pages long.

"After all this time our submission is the evidence is not sufficient to make out a *prima facie* (sufficient to support the bringing of a charge) case against the accused," he added. "A mass of information, evidence and documentation has been put before the court but the relevance of a particular piece of evidence to a particular accused person has been lost sight of."

For example, he said the only evidence concerning Vilikazi was that two invitations had been found at his home. "There was no evidence that he attended the meetings, nor would it have been a crime to have done so. He admitted he was a member of the Vaal Action Committee and for that he's had to sit here for a year, refused bail."

Chaskalson said the "very complicated indictment" charged the 22 Delmas trialists with being party to an alleged conspiracy by the African National Congress (ANC) and the United Democratic Front (UDF), or the UDF alone, to overthrow the South African government by violence or threats of violence. They are charged with a main count of treason, alternately with three charges of terrorism, two of subversion and five of murder — most relating to the Vaal uprising of September 1984 which sparked a continuous wave of civil unrest.

"What is significant is that no direct evidence has been produced to suggest the UDF or any of its affiliates ever agreed to pursue such an aim (to overthrow the government by violence) or ever publicly or even covertly professed that this was their aim," he said.

The UDF and its affiliates were lawful organisations, conducting their affairs openly, holding public meetings and inviting membership from the public at large, Chaskalson added.

"There is no evidence that people joining an affiliate of the UDF or holding office in the UDF were told there was a secret agenda which could not be disclosed to anybody other than members, to overthrow the State by violence."

He said while it was possible individuals associated with the UDF or its affiliates were secret members of the ANC — "indeed having regard to the evidence of the way the ANC operates it would be surprising if this were not so" — it was not the State's case that the accused were members of the ANC and no such evidence had been led.

Chaskalson said while the State had tried to link the UDF to unrest in 22 areas, in most cases the evidence went no further than to show damage occurred during a period when UDF affiliates were active in the areas.

"There is no direct evidence as to what was said at the meetings called by the affiliates, nor what the precise nature of the activities of the affiliates were," he said. The State made no attempt to analyse the cause of the violent outbursts, nor to determine the local issues which gave rise to the conflict, Chaskalson added.

"There is in the circumstances no basis for inferring the UDF was the mastermind behind the various acts of violence and destruction. They could have been the result of local grievances expressing themselves at a time of economic hardship, which is the usual cause for such actions."

The case is proceeding.

# Delmas counsel denies conspiracy

THERE was no evidence to link any of the 22 men facing charges of treason in the Delmas circuit court to the deaths of town councillors in the Vaal Triangle on September 3 1984, senior counsel Arthur Chaskalson said yesterday.

He was arguing for the discharge of the 22, on trial since January. Among the accused are prominent UDF leaders — publicity secretary Terror Lekota, general secretary Pope Molefe and former Transvaal secretary Moss Chikane.

Chaskalson said evidence showed the events of August and September 1984 arose from the decision of the Lekoa

town council to increase rents, rather than a joint conspiracy of the accused to violently overthrow the State.

The events occurred against a background of severe economic pressure on Vaal Triangle residents, such as retrenchments in the surrounding industries and unemployment.

Further, he said, there was a widespread perception in the community that councillors were the instruments of administering government policy.

BUSDPAT 3/10/84  
THELMA TUCH 331



# ● Magistrate 'contradicted' his evidence

A SPRINGS magistrate who obtained statements from three terrorism suspects while they were in severe pain was yesterday described in the Pretoria Supreme Court as an "unsatisfactory witness who gave contradictory evidence under oath".

Defence counsel, Mr Nick de Vos, arguing during a trial-within-a-trial on the admissibility of the statements made by five of the seven people accused of terrorism, said the magistrate, Mr Nicholas Fourie had failed to investigate circumstances that led to two of the accused making Duduza and KwaThema in June last year.

## Defence argument in 'handgrenade trial'

Mr de Vos submitted that both Mr Samuel Lekatsa (19) and Mr Johannes Veli Mazibuko (18), were tired and in severe pain at the time the statements were made inside a bathroom at the Far East Rand Hospital on June 27 last year.

### Pain

Mr Fourie had noted that at the time the accused made the statement, they were in severe pain. He however told the court that both accused were relaxed and were not hysterical.

Mr de Vos argued yesterday that because of the injuries they sustained and the medication administered, both

accused could not remember having told police to summon a magistrate to take down their statements.

The statements, he said, were unfairly obtained. He also submitted that the timing of the interview with the accused by the police hours after they were given morphine equivalent drugs, was "inopportune".

### Warnings

Mr de Vos argued that Mr Fourie had erred in not completing in writing the warnings he gave to Mr Mazibuko and Mr Lekatsa. Some of the questions on the warning sheet were not

answered.

The defence council submitted that the magistrate failed in his duties to investigate from the accused circumstances that led to their making statements before him.

The magistrate, Mr de Vos added, was an unsatisfactory witness who also gave contradictory evidence under oath.

Mr de Vos also submitted that another accused, Mr Joseph Titus Mazibuko (18), who had his right hand amputated could not recall an interview with the police and telling them to summon the magistrate so that he could make a statement.

CH 7/10/84 331  
**Sedition charges dropped**

CHARGES in connection with sedition were yesterday withdrawn in the Wynberg Regional Court against the leader of Old Crossroads, Mr Johnson Ngxobongwana, 42, and four of his followers. The four are Mr Mostert Ngozi, 35, Mr William Nsala, 41, Ms Thandeka Mkhefa, 28, and Ms Zimasa Mninzi, 24.

Baruch Hashem

**NEWMAN**  
To Lois (nee Thomson) and Ron, a daughter born 30 October 1986. Grateful thanks to Doctor and staff of Parklane Clinic.

**SMITH**  
Sean. To Scott and Selvia a son born 16 October. Thanks to Doctor and Staff of Marlfont Maternity Home.

**amitzvah**  
**amitzvah**

**ADLER**  
Brett Mark, eldest son of Michael and Beulah, will read a Portion of the Law on Sunday, 2nd November at Pine Street Shul.

**DOVE**  
David Raphael younger son of Jack and Bunny will celebrate his Bar mitzvah at the Cyril-dene-Observatory Synagogue on Saturday 1st November.

**Engagements**

**BROUWER**  
**HALTMAN**  
CORKY and Margaret are delighted to announce the engagement of Joanne to Warren second son of Wendy and Tony.

**MAIR-COETZER**  
Clarrie and Norma Maier have pleasure in announcing the engagement of their daughter Heather to Bradley, son of Annette and Joe Coetzer.

**WYKES-DE LANGE**  
Gerry and Vivienne Wykes are pleased to announce the Engagement of their Daughter Sally to Tom, son of George De Lange of Carltonville and Jean De Lange of Sunninghill Park, Tvl.

**Deaths**

**CAPLAN**  
passed away peacefully.

**MODA**  
Guido passed away peacefully 28th October. Sadly missed and always remembered by your brother-in-law B. manno, Lia and family.

**MORGAN**  
William John (Bill) passed away 29/10/86. To a wonderful dad and grandpa, you have left us but you are now with Mommy and God. Safe hands, always together. You were the best and kindest father. We will miss you much, but we hold wonderful memories of you and will never forget you. Mildred, John, Wendy and Helen.

**MORGAN**  
William John (Bill) passed away after a long illness bravely borne. To us you were the greatest father and grandfather. You were always there in times of need. Your courage and wisdom will always lead. Your wonderful sense of humour, we will sadly miss and no word can express our love. You are now resting and we are sorry we couldn't be there to say goodbye. Cecilia, John, Lisa, Dino and Nicole.

**MUSSON**  
Phyllis Helen sadly passed away 29/10/86. You touched our lives with love. Will miss Mom, Ernie, Rosemary and Mavis.

**MUSSON**  
Phyllis Helen died 29/10/86. Goodbye m. pal. Lily, Peter and family.

**PEAVER**  
Geoffrey, on October, the 25th, 1986, suddenly in London Commanded Richard Geoffrey John Peaver. RN. Retired much loved Husband of Diana, Father of Richard, Grandfather of Louisa.

**RICHARDSON**  
Allan. In loving memory of our darling Dad and grandpa. We miss you so much. Marnie, Hilary, Nicholas, Justin and Rose.

On September 3 1984, violence erupt- might have

## Suspended sentence for banned literature

Strike Michael Ralegoma (28) was sentenced by a Johannesburg magistrate yesterday to 18 months' jail, suspended for five years, for possessing banned literature.

The magistrate, Mr T J la Grange, said he had found Ralegoma guilty of possessing banned literature disseminated on behalf of the African National Congress, and literature for which a permit was required from the Minister of Law and Order.

The sentence was conditionally suspended on the grounds that Ralegoma is not again convicted of either possessing or distributing banned literature.

Ralegoma, a dispatch department clerk for an outfitting firm, pleaded guilty to possessing the literature at his home in Dube, Soweto, on October 7.

### COPIES OF FREEDOM CHARTER

Police seized two copies of the Freedom Charter, possession of which is made illegal by a line at the bottom which noted that it was published on behalf of the ANC; two copies of a message delivered by the ANC president, Mr Oliver Tambo, to the national executive committee of the ANC on January 8 this year; and an untitled booklet containing resolutions taken by the ANC at a national consultative conference in Lusaka in June last year.

The court heard that Ralegoma was a first offender, employed in a responsible position and was needed by his employer to get out orders for the Christmas season.

He is one of nine children and helps to support two of his younger family members.

He said he kept the material not to distribute to others but out of an educational interest and an interest in history.



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# No case against treason accused, argues defence

331 31/10/86 STAP

By Estelle Trengove

None of the 22 Delmas treason trialists could be linked to the killing of four community councillors during the September 1984 riots in the Vaal triangle, their defence counsel argued yesterday.

The defence is arguing for the discharge of all 22 accused.

## CONSPIRACY

They include three prominent members of the United Democratic Front (UDF), Azapo members, an Anglican priest and a South African Council of Churches worker.

The State has alleged the 22 men took part in a UDF conspiracy to make the townships ungovernable and to eventually overthrow the Government through violence.

On September 3 1984, violence erupt-

ed and four community councillors were killed in Sebokeng. On the same day, a march took place to protest against increased rents. The march was organised by people associated with the UDF and the State alleged it led to the violence which claimed five lives.

The 22 accused were charged with murdering the councillors, but the State had failed to produce any evidence to link any of them or any other marchers to the deaths that occurred on that day, said counsel for the defence, Mr Arthur Chaskalson SC.

From the evidence of State witnesses, it was clear the attack on the house of the first councillor who was killed, started before the march. When the march passed close by the scene of the murder, some of the marchers might have gone to look out of

curiosity, but there was no evidence they had taken part in the killing.

The State claimed that at that time, meetings were being held in the Vaal to incite the "black masses" so that the country would become ungovernable, leading to a violent revolution.

Mr Chaskalson said evidence on the planning of meetings and marches made it clear they were intended as peaceful protests against rent increases. The Vaal riots erupted following the Lekoa Town Council's decision to increase rents.

The decision was taken at a time when the community was experiencing severe economic difficulties, partly due to retrenchments and unemployment.

There had also been dissatisfaction for some time over the community councillors. They were seen as having no real power and doing nothing for the people while using their positions to enrich themselves.

Against this background, it was decided that a peaceful mass meeting should be held.

The hearing continues.

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331 31/10/86

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He is one of nine children and helps to support two of his younger family members.

He said he kept the material not to distribute to others but out of an educational interest and an interest in history.

## Sparg treason trial on Monday

THE treason trial of Marion Sparg, 29, the first white woman to be charged with undergoing military training for the outlawed African National Congress, is scheduled to begin in the Rand Supreme Court on Monday.

Stephen Marais, 29, who was found to have assisted Sparg in smuggling arms into the country, was sentenced to 10 years' imprisonment by a Johannesburg magistrate this week.

Sparg, a former Sunday Times journalist who was held in solitary confinement for five months after her arrest in March, faces charges of treason and arson.

The state alleges she planted the limpet mines which exploded in Johannesburg's John Vorster Square police headquarters and East London's Cambridge Police Station last year. She is also charged with having assisted two former Johannesburg journalists, Arnold Geyer and Damian da Langa, in petrol bombing the offices of the Progressive Federal Party in 1981.

Sapa reports that Marais, a field worker involved in rural development in the "homelands", pleaded guilty to terrorism and admitted supporting the aims of the ANC.

He said he was influenced by the harsh living conditions of the villagers among whom he worked.

The magistrate, TJ la Grange, said there was no evidence of any remorse, only Marais' justification for his actions.



# Jaffer tells of struggle with officer

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By YVETTE VAN BRED

**CLOTHING Workers' Union** organizer Ms Zubeida Jaffer told a Wynberg Regional Court yesterday that she had grabbed the lapels of a security policeman to prevent him from shooting and killing her husband, Mr Johnny Issel.

Ms Jaffer, 28, of Ottery Road, Wynberg, is charged with interfering with Lieutenant Frans Mostert in the execution of his duties by grabbing his arm and clothing.

Ms Jaffer said that outside her mother's house on September 3 a vehicle arrived and blocked the van in which her husband and brother were driving off.

Her husband jumped out of the van and ran past her into the house. As he did so, Lt Mostert, who was in the car, "went for his gun".

Thinking he was going to shoot Mr Issel, she "jumped in and grabbed at him". She said she had no intention of preventing Lt Mostert from arresting Mr Issel. "My reaction was instinctive be-



Ms Zubeida Jaffer

cause I feared for his life."

Lt Mostert ordered another policeman to "take me away" and with her baby in her arms, she was dragged across the street, by her arm. Ignoring her promise to walk alongside him, "he persisted in dragging me in front of scores of concerned neighbours", she said.

Ms Jaffer explained to the court why she had no doubt that Lt Mostert would "shoot my husband and shoot to kill".

In September last year Lt Mostert had visited the offices of the CLOWU and warned the administrative secretary that the union

would not be allowed to continue its work for long.

He made mention of a vigilante action group which he said she should "watch out for". Two weeks later a fire destroyed the offices and responsibility was claimed by a group called the Vigilante Action Group.

"It was then that I began to understand what a dangerous man Lt Mostert was."

On December 16, last year, Lt Mostert arrested Mr Issel and Ms Jaffer, who was pregnant. She was held in solitary confinement for six weeks.

"In an attempt to force me to give him information about other people, he was extremely abusive towards me and threatened to assault me. He not only ignored the fact that I was an expectant mother, he used my condition to terrorize me.

"In the presence of a security policewoman he threatened to give me a chemical to drink to harm my baby. He threatened to choke me and reminded me that he had already choked other women.

To Page 2

From Page 1

"He later informed me that he would not see my husband alive again. He did not have evidence to bring my husband to court but believed he (her husband) must be doing something."

"He said he had started a process which would result in my husband hanging himself in his cell by means of pillow cases. He then said he would personally come and inform me of his death. He told me not to think he was joking and said he had already assaulted two women, June Esau and Shahieda Issel."

"He knew that I knew that he had stood on Ms Esau in his drunken state and beat her to such an extent that she was interned in hospital. He told me that despite these assaults and whatever charges I prefer to lay, he knew that he would still retain his job and that nothing would happen to him."

She said Mr Issel, who was released after seven weeks in detention, had told her that Lt Mostert had made similar death threats to him and told him that a decision had been taken to "eliminate" him.

Lt Mostert told the court he had gone to Ms Jaffer's home after seeing a woman, whom he knew was wanted by the Security Police, running in the direction of the Jaffer home.

After calling for reinforcements, he had gone around the back of the house where he saw a vehicle leaving. He had pulled up behind the van and stopped it from leaving.

He said Mr Issel had jumped out of the van. He knew the Security Police had been looking for him for about three to four months in connection with contravening section 54 of the Internal Security Act.

He refused to expound on the charges Mr Issel would face "as the press is present and for other reasons".

He tried to follow Mr Issel but Ms Jaffer had grabbed him by the lapels of his jacket. He warned her that she was hindering him in the execution of his duties. "She said she would not allow me to arrest Johnny."

"She knew we were looking for him and hung on to me in desperation. I did not want to use force, so I warned her again. By that time Johnny was out of sight. The reason why I did not want to use force against her was because I've known her for a number of years and I've been in similar situations which led to negative publicity."

Lt Mostert said he had drawn his gun inside the house after a colleague had told him that Mr Issel was sitting behind a couch.

Ms Jaffer said she had not told him she would not allow him to arrest Johnny, but "I will not allow you to do that" (shoot him).

The hearing was adjourned to November 12. Mr S K E Liebenberg was the magistrate. Ms H van der Merwe prosecuted. Ms Jaffer was not represented.



# 'Free the Delmas 22 - there's no conspiracy'

By MARTIN NTSOELENGOE

THE defence in the Delmas treason trial this week asked for the acquittal of the 22 accused - saying the State's case is construed around alleged conspiracies involving the African National Congress and the United Democratic Front.

Defence counsel made this final argument as the marathon trial drew to its close.

The 22 men face charges of high treason, alternatively sedition, or planning to overthrow the government by using violence.

Vaal Civic Association members and other ac-

cused were detained and later charged after violence broke out in the Vaal over rent increases in September 1984.

Advocate Arthur Chaskalson, assisted by G Bizos and G Magrus, argued that the State had failed to prove that the UDF and the VCA acted on behalf of the ANC.

"Even if it was assumed that the ANC had contacts or even members in the UDF or affiliates, the State has still failed to prove that the UDF or the VCA were members or acted on behalf of the ANC to overthrow the government by vio-

lence," Chaskalson said.

"Evidence of the ANC members in this court is destructive to the State's case rather than supportive. The ANC would act clandestinely and not openly.

"Indeed the ANC's job was to seek to influence individuals in a way that would leave other ANC members unaware of the organisation's involvement," he argued.

The defence submitted that if a conspiracy with the ANC or a common purpose is not proved, the State was trying to hold each accused liable in their personal capacities for their own acts.

There was no direct evidence suggesting that the UDF or VCA had agreed to pursue a goal to overthrow the State by means of violence.

Chaskalson also said that the "secret agenda" - that the UDF leadership is in constant contact with the ANC mission abroad with the motive to overthrow the State by means of violence - should be dismissed.

The defence further argued that when the VCA was formed, it was not for the purpose of overthrowing the government - but because of grievances in the Vaal Triangle, such as high rents.

Chaskalson added that people at the first meeting held in the area were not told to use violence. All that was said was that residents should not vote for the community councillors as they were "puppets".

"Though there was violence in 31 areas around the country, there was no proof that the UDF masterminded the acts of violence.

"It could be other political organisations responsible for the agitation of the people," he said.

"Nowhere in the evidence will you find that the VCA acted in lines drawn by the ANC."

He added: "The State also alleges that the UDF had distributed T-shirts with its logo on them."

"The mere fact that documents were distributed which had the UDF logo does not in itself prove or mean that it comes from the UDF."

## 17 NUM members appear in court

By DAN DEHAMINI

SEVENTEEN National Union of Mineworkers members - eight of them women - face charges of attempted murder, attempted rape and robbery.

The hearing in the Oendaaarsrus Magistrate's Court follows an incident on September 16 at Welkom's Geduld Gold Mine when the accused allegedly attacked a "sellout" female supervisor.

No further details were given. The accused were not asked to plead.

## Life of fear for Cosatu secretary

By MONO BADELA

CONGRESS of SA Trade Unions Northern Transvaal region secretary Donsie Khumalo is living in fear - after two hooded men armed with revolvers tried to get into his Mamelodi home in the early hours of Wednesday morning.

Khumalo was detained in terms of the emergency regulations and spent 92 days in detention.

He was banned on release from detention and is not allowed to speak to the Press.

A Cosatu statement this week said: "The Mamelodi incident follows the

arson attack and gutting of our East London office, the theft of a computer from our education and printing unit, and anonymous bomb threats received by phone at our head office.

"Cosatu is engaged in a dignified struggle to defend the rights of the most oppressed and exploited people in the country.

"Our struggle is being waged in a democratic fashion, and we have pursued all avenues to convince the government and the bosses that repression will not solve their problems, but only raise the level of conflict," the statement said.

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# Limpet mine courier jailed for ten years

By MARTIN NTSOENGO

FAMILY members and friends sat quietly in the Johannesburg regional court this week as an African National Congress courier was sentenced to 10 years' imprisonment under the Internal Security Act.

Steven Johannes Marais, 29, of Herschel in the Transkei, had pleaded guilty before magistrate TJ le Grange.

Marais, an Environmental and Development Agency fieldworker, admitted posting two letters and transporting an ANC member on behalf of the ANC.

## Religious

Earlier, Marais told the court he had avoided student politics because of "reactionary motions that they could not change things in SA".

He said he then became inward-looking and religious.

According to Marais, two incidents during late 1985 made him become more militant.

His fiancée and former University of the North student, Khetwe, was detained and friends of his in Lesotho were killed in December during a raid which, at one stage, was blamed on either the SA Defence Force or the SA police.

## Maseru

Marais said he had seen friends in Maseru the day before the incident.

He was horrified when three of his friends and two acquaintances were killed, he said.

In February this year, he was recruited by the ANC for transport means – allegedly by Marion Sparg, who is awaiting trial on charges of high treason.

Marais told the court that when stopped at roadblocks, he and Sparg often posed as a couple going on holiday.

He said they had transported limpet mines to East London.

Sparg left him for a while – and shortly afterwards, he said, he heard the news of a limpet mine blast at an East London police station.

They returned to the Transkei where he handed over six limpet mines.

He did not see Sparg again, he said.



## **'ANC flag' case: 331** *CNC Trials 3/12/86* **Accused acquitted**

TWO people accused of furthering the aims of the African National Congress by making ANC flags were yesterday acquitted by a Wynberg Regional magistrate because it could not be proved the flags were "only ANC flags".

Mr Siraj Desai, for Clothing Workers Union Organizers Ms Elizabeth Erasmus, 26, and Mr Mogamat Carlie, 45, applied for the discharge of his clients on Monday when the State concluded the case.

The prosecutor, Mr M Sher, conceded that the State had not proved the two were office bearers or members of the ANC, or alternately that they had encouraged the objectives of the ANC.

Ms Erasmus and Mr Carlie were arrested at a clothing factory in Simons Road, Athlone Industria. Police confiscated rolls of black, green and yellow cloth.

The magistrate, Mr M Marais, said the court had heard the flags could be ANC flags but other evidence had shown that other legal organizations used similar flags.

He said there was no evidence that the activities of the two were activities of the ANC.

Mr Desai, assisted by Mr S C Kirk-Cohen, instructed by Mr E Moosa, appeared for Ms Erasmus. Mr Desai, instructed by Mr M Elmes, appeared for Mr Carlie.



11/6/85 3/11/86  
**Marion Sparg found  
guilty of treason** (331)

JOHANNESBURG. — Marion Monica Sparg was found guilty today of treason and arson by the Rand Supreme Court. She had pleaded guilty.

Sparg, 28, admitted planting limpet mines at John Voster Square and the Hillbrow Police Station in Johannesburg and at the Cambridge Police Station in East London.

Sparg said she was a member of Umkontho we Sizwe, the military arm of the African National Congress, and had planted the mines and planned the petrol-bombing of three Progressive Federal Party offices in Johannesburg.

The former journalist said she joined the ANC after becoming a member of a Marxist reading group with Mr Arnold Geyer and Mr Damian de Lange, who were also journalists.

The case continues. — Sapa.

# Muslim protest: 10 in court

## Court Reporter

NINE men and a juvenile, who were arrested on Saturday during a Muslim protest on the Grand Parade, appeared briefly in the Cape Town Magistrate's Court today. They were warned to appear again on November 21 to plead.

The men are Mr Moegsien Vallie, 40, of Peddie Street, Mount View, Mr Dawood Schloss, 18, of Vaal River Road, Mitchell's Plain, Mr Arrien Arnold, 33, of Vink Street, Rocklands, Mitchell's Plain, Mr Nazeem Essack, 19, of Bryant Street, Cape Town, Mr Suleiman Elnie, 34, of Avro Road, Rocklands, Mitchell's Plain, Mr Gesant Petersen, 43, of Ironside Street, Bonteheuwel, Mr Abdullah Sterras, 49, of Bonteheuwel Road, Bonteheuwel, Mr Mohammed Shahied Zoetenberg, 19, of 4th Street, Welcome Estate, and Mr Faizan Brown, 18, of Gladiolus Street, Lentegour, Mitchell's Plain.

The men, who spent the weekend in police cells, were warmly greeted by a crowd of relatives.

They are expected to be charged with attending an illegal gathering. A 17-year-old youth, who was also arrested during Saturday's protest, appeared in the juvenile court.

Mr M J Tolken was on the Bench, Mr E McEwan appeared for the State and the 10 accused were represented by Mr K Amien.

# State demands long sentence for 'revolutionary' Sparg

By Jenni Tennant

African National Congress member Marion Monida Sparg was a dedicated revolutionary, the State argued in the Rand Supreme Court yesterday when it asked for a long sentence to be imposed on the former journalist.

Sparg (28), address given as Emiberton Court, Hillbrow, Johannesburg, was convicted on

Monday of treason, two counts of arson and one of attempted arson after pleading guilty to the charges.

Sentence is expected tomorrow.

Yesterday, after evidence in mitigation of sentence had been led, the defence and the State concluded their arguments.

Mr J Browde SC, for Sparg, said that, in assessing an appropriate sentence, the court had to

take into consideration the particular facts as seen by Sparg which motivated her actions.

Sparg, who said she considered herself a patriot and not a traitor, did what she did because of her convictions, Mr Browde argued.

The deputy attorney-general, Mr K M Attwell, submitted that the sentence should be an extremely long period of imprisonment and recommended that the

court consider imposing life imprisonment. He said that rehabilitation would have no effect on Sparg as there had been no real hint of remorse for what she had done.

Earlier yesterday Sparg — a member of the military wing of the ANC, Umkhonto we Sizwe — told how she joined the banned organisation and described some of the influences which helped shape her political thinking.

She met leaders of the ANC and also studied its history.

"I consider it a privilege to have met people of the calibre of Oliver Tambo, Thabo Mbeki, Joe Slovo and others," she said.

"I believe my actions amount to patriotism, not treason."

Her motives for placing limpet mines in three police stations were that of a soldier, she said.



2 Cape Times, Wednesday, December 3, 1986

# Watson arson case: Brothers 'hampered' investigation

PORT ELIZABETH. — A forensic scientist hired by the Watson brothers to "investigate" the fire at their mother's house last October told the Regional Court here yesterday that his investigation was severely hampered by restrictions they placed on him.

Dr D J Klatzow was testifying at the trial in which Mr Valence, Michael Watson, 34, Mr Ronald James Watson, 36, and Mr Daniel John "Cheeky" Watson, 32, are appearing on charges of arson, fraud and attempted murder arising out of the destruction by fire of Mrs Elaine Claire Watson's home at 34 Park Road on October 19 last year.

Dr Klatzow said he was a member of the International Association of Arson Investigators and had investigated about 45 major fires for insurance companies.

On October 28 last year, he was rushed to Port Elizabeth by the Watson brothers to investigate the fire. After a preliminary examination of the house, he discussed the fire with two of the Watson brothers. He was told that the family had been away that weekend and that two trusted retainers were looking after the house.

The Watsons also informed him that the two had been knocked out by men disguised in balaclavas and that when they recovered the house was in flames.

When he inquired about the two, the scientist said, he was told they were in hospital.

He was also told the brothers suspected the "right-wing" was involved and that explosive devices were used.

The brothers told him to confine his investigations to the house and that he was not to interview any outsiders.

Cross-examined about his report, which was handed in to court, Dr Klatzow said he had clearly stated his reservations in it. He said he drew up the report to "get rid of an assignment he no longer wanted" as he was not allowed to make a proper investigation.

He could not exclude the possibility that explosive devices were used, but the powerful concussion, he said, could have been caused by petrol alone if enough was used. This was certainly not a "20-litre fire", he added.

The case continues. — Sapa

## Sparg trial due to start today

3/11/86

The trial of former journalist Miss Marion Monica Sparg in connection with several charges, including treason, is expected to begin in the Rand Supreme Court today.

Miss Sparg (28) is expected to face a charge of treason, two counts of arson and one count of attempted arson.

The charges relate to, among other things, explosions at the Cambridge and John Vorster Square police stations, the planting of a limpet mine at the Hillbrow police station earlier this year and the burning or attempted burning of three Progressive Federal Party offices in Johannesburg in 1981.

## *Ex-journalist <sup>33</sup>guilty of bombing police stations*

JOHANNESBURG—Former journalist Marion Monica Sparg was convicted yesterday by the Rand Supreme Court of treason.

Sparg, 28, pleaded guilty before Mr Justice van der Walt to planting limpet mines at three police stations and petrol-bombing PFP offices.

She admitted treason, two counts of arson and an arson attempt.

Evidence in mitigation of sentence will be led today.

Sparg left South Africa and joined the ANC in 1981 and underwent military training at two camps in Angola.

She returned to South Africa on a false passport and transported limpet mines for use in Johannesburg.

She and Stephen Marais,

who was last week convicted of terrorism, smuggled limpet mines across the border.

At the time of her arrest, several mines and fuses were found in her flat in Johannesburg.

A letter addressed to her mother was also found.

In it she said: 'Quite simply, there is no other life for me than the one I am living. The struggle to set this country free is my life now.'

'I love my people and I want them to be free. This war has to be fought to the bitter end, and it is going to be bitter.'

She told her mother she was prepared to die for her country.

'I know where I'm going and I know we'll reach there even if I personally don't make it,' she wrote.

Sparg was allowed to see her family after the Court adjourned. — (Sapa)

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# Tight security as bombing trial starts

Pietermaritzburg Bureau

TWELVE Durban people, including two doctors, pleaded not guilty yesterday when they appeared in the Supreme Court here charged with terrorism and other crimes relating to numerous bomb blasts which rocked the Durban area last year.

Security was tight, with police monitoring all vehicles and people entering the grounds.

The public gallery was packed with spectators, many of whom stood and saluted the 12 accused as they entered the glass-enclosed dock after adjournments, singing freedom songs, including a song dedicated to convicted Amanzimtoti bomber Andrew Zondo.

A large crowd of people who were unable to gain access to the courtroom waited outside the grounds for most of the day in the hope of obtaining a spare seat.

The accused are Mrs Duduzile Buthelezi, 32, of Umlazi; Dr Sibongiseni Dhlomo, 26, (Umbilo); Dr Vejaynand Ramlakan, 28, (Merebank); Sibusiso Ndlanzi, 29, (Kwa Mashu); Jude Francis, 21, (Shallcross); Ordway Msomi, 20, (Lamontville); Sipho Bhila, 31, (Lamontville); Phemuzo Nxiweni, 20, (Lamontville); Mapiki Dlomo, 32, (Lamontville); Bafo Nguqu, 30, (Lamontville); Malusi Majola, 20, (Chesterville); and Vusumuzi Mahlobo, 27, (Kwa Mashu).

Mr Justice Thirion and two assessors were told by counsel for the defence, Mr Alan Magid SC, that the accused would not make statements explaining the basis of their defence.

The charges relate to a total of 17 bomb blasts and attempted blasts in the Durban area, including the Amanzimtoti blast on December 23 last year, and an alleged mission to assassinate an Inkatha member.

The 22 charges include terrorism; possession of publica-

tions disseminated by or on behalf of an unlawful organisation; and contravening the Arms and Ammunitions Act.

It is alleged in the indictment, which runs to 94 pages, that one accused, Sibusiso Robert Ndlanzi, had instructed the Toti bomber, Andrew Zondo, to retaliate in response to an alleged raid by the SADF in Maseru on December 19.

A list of 80 State witnesses is included in the indictment, but it is understood that there are many more who cannot be named for their own protection.

Yesterday eight State witnesses testified in connection with explosions which damaged the Spar Foodliner at the Trust Bank Centre on April 18; the discovery of a bomb at the same supermarket on September 27; an explosion at the XL restaurant on the beachfront; and an explosion at the Natalia Development Board (NDB) headquarters in Lamontville in the early hours of June 16.

## Frightening scene

Sgt Nicholas Sikakane described a loud explosion coming from the NDB building on June 16. He described the scene as 'frightening' and said rubble flew 'everywhere'.

Mr Bastiaan Heilbron, manager of the Spar Foodliner at the Trust Bank Centre, said R29 000 damage was caused by an explosion at the store on April 18 last year.

Mr Heilbron said that on September 27 he found an object which looked like a black metal box inside a blue plastic container in between the rice on his shelves. He called the bomb squad and evacuated the public and staff.

The owner of the XL Restaurant, Mr Sotiris Spetsiotis, estimated damage after an explosion on June 14 to be between R6 000 and R7 000.

The hearing is continuing.

Mr Magid is assisted by Mr Pius Langa. Mr B Schonfeldt SC appears for the State, assisted by Mr C van Schalkwyk.

# No evidence against UDF — counsel

By Claire Robertson

Defence counsel in the Delmas treason trial has argued that there "is absolutely nothing" in the State's documentary evidence to link the United Democratic Front to the campaign against rent increases in the Vaal triangle.

The State alleges that the 22 accused in the marathon treason trial conspired with the banned ANC to overthrow the Government, and promoted township unrest — which led to the Vaal riots.

## PROMINENT MEMBERS

Among the accused are prominent UDF members Mr Terror Lekota, publicity secretary, and general secretary Mr Popo Molefe.

In his application, defence senior counsel Mr Arthur Chaskalson submitted that the campaign against the high rentals was a local issue. It was a project of the Vaal Civic Association (VCA), which was not pursuing any instruction from the UDF.

If violence had been promoted at Vaal meetings, it was not in accordance with UDF policy and there was no evidence that its policy changed at that time

from one of shaming black councillors into resigning, to one of violence, he argued.

"Evidence (submitted by the State) shows that the rent issue was a local issue (taken up) by anti-rent-increase groups and the VCA. This little 'sub-conspiracy' is not covered by the indictment, and certainly does not implicate the UDF," Mr Chaskalson said.

The defence last week launched an application for the discharge of the treason trialists. The defence can launch such an application if it believes that, on the State's evidence, the accused cannot be convicted.

The trial has lasted almost a year and the State has presented thousands of pages of evidence. Mr Chaskalson spent an average of less than 15 minutes on each of the accused's case before submitting:

"We submit that there is no *prima facie* evidence against (the accused) that he was party to the alleged conspiracy or conspiracies, nor that he committed any of the offences charged in the indictment, either in the execution of the alleged conspiracy or conspiracies, or in his personal capacity. So we make the submission that he be discharged on all counts."



## Former journalist admits planting mines in police stations

# Marion Sparg convicted of treason and arson charges

By Don Holliday  
and Jenni Tennant

It took less than an hour for former journalist Marion Monica Sparg to be convicted in the Rand Supreme Court yesterday of treason, two counts of arson and one of attempted arson.

Sparg (28), address given as Emberton Court, Hillbrow, pleaded guilty to the charges.

She confirmed in a clear, firm voice the contents of a statement she made to a magistrate after her arrest on March 7 this year, as well as of a letter to her mother.

In the statement, she said she joined the *Sunday Times* as a reporter in early 1980.

During the course of her work she met Mr Arnold Geyer and Mr Darnan de Lange. She accepted an invitation from them to join a Marxist reading group.

"De Lange, Geyer and myself ... decided to carry out petrol bomb attacks against three PRP (Progressive Federal Party) offices, which we did on the eve of the Republic Day celebrations in May 1981," she said.

They left South Africa for Botswana, where she was recruited by the ANC.

In early 1982 she underwent military training in Angola.

She worked for *Voice of Women*, an ANC publication, before joining the ANC's military wing Umkhonto we Sizwe in 1984.

In February 1985 she and Stephen Johannes Marais smuggled

eight limpet mines and detonators, hidden in the door panels of their hired car, into South Africa from Lesotho.

On February 19 she placed two limpet mines in the toilet of the Cambridge Police Station in East London. Both exploded.

On March 4 1986 she placed two limpet mines in the toilets at John Vorster Square and one in the toilets at the Hillbrow Police Station.

The mines at John Vorster Square exploded, but the mine at Hillbrow was discovered and detonated by police.

No one was injured in any of the explosions.

## Why Sparg rejected 'a normal life'

By Don Holliday

A letter written by Marion Sparg to her mother on March 3 this year was read in the Rand Supreme Court yesterday, minutes before she was convicted of treason, two counts of arson and one of attempted arson, to all of which she pleaded guilty.

In the letter Sparg explained her reasons for rejecting "a normal life" and joining the military wing of the African National Congress.

The letter said:

"I can understand that, in a way, you have cause to hate and resent me for bringing more pain and problems to a family that has already had more than its fair share of trouble.

"Quite simply, there is no other life for me except the one I'm living.

"I do not regret giving up my previous life. The struggle to set this country free, is my life now.

"My life has meaning now. I know where I'm

going and I know we'll reach there — even if I don't personally make it. I've never felt more fulfilled.

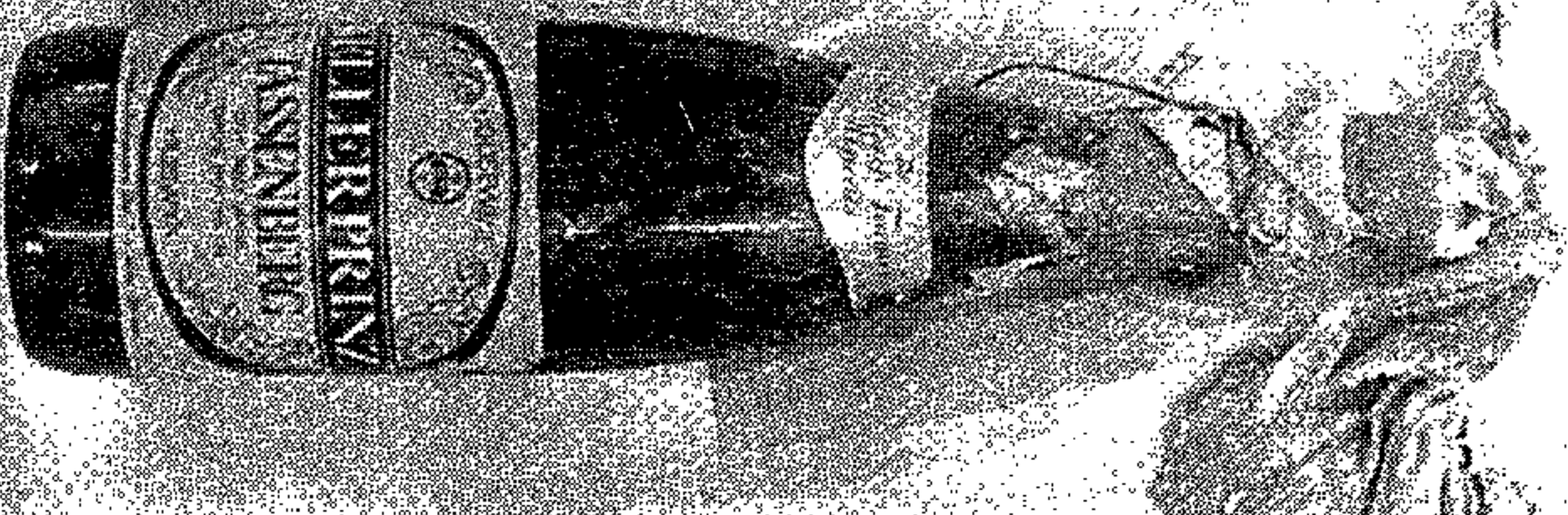
"In Alexandra last week more than 80 people were shot dead. Most were simply teenagers with nothing more than stones in their hands.

"But I can understand the fear of the white policemen and soldiers as they faced those children. I can understand their fear as they failed to understand that children with stones were prepared to take on armoured cars and sub-machine-guns.

"In a way I have made enemies of my family and some previous friends. For, if they are to defend apartheid, then I am their enemy for life.

"You see, there really is no going back for me. One can only move forward now. If it means my life, I'm quite prepared.

"This war has to be fought to the bitter end. And it is going to be bitter."



An unexploded petrol bomb hurled into Progressive Federal Party offices by Marion Sparg.



Part of the damage caused when petrol bombs were hurled into the offices of the Progressive Federal Party in Norwood, Johannesburg.



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# Charges against Boesak dropped

By ANDRÉ KOOPMAN

CHARGES of subversion against Dr Allan Boesak have been dropped.

This surprise move the State came yesterday almost a month before Dr Boesak was due to appear in the Malmesbury magistrate's court.

This means that all charges facing Dr Boesak, who was recently elected Moderator of the Ned Geref Sendingkerk, have now been withdrawn.

Dr Boesak said he had been "surprised" when he was told by his attorney, Mr Essa Moosa, that charges had been withdrawn — in absentia — more than a year after Dr Boesak had first appeared.

Dr Boesak, who is a patron of the United Democratic Front, faced four

charges of subversion for allegedly organizing a march to Pollsmoor to demand the release of the jailed ANC leader, Mr Nelson Mandela, and for allegedly advocating school and consumer boycotts and disinvestment.

The offence carries a maximum sentence of 20 years.

Mr Moosa said he had received a telephone call from the Attorney General's office yesterday informing him that charges would be withdrawn. Mr W C Viljoen, who had represented the State, said no reasons were given.

Commenting on the withdrawal, Dr Boesak said the government had tried to avert a major embarrassment on

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## Charges dropped

November 28. "They would have had to state publicly that they had no charges against me and this would have been too much for them to handle", he said.

He said the government had persistently tried to "to undermine the course of justice" and to "use the process of law for their own ends".

At the last hearing in September the State said it was investigating additional charges against Dr Boesak, and the court heard that a team of investigators had been working "late into the night" on the case. The court was also told that documents on the case "would fill a vault".

□ Mr Dave Dalling, Progressive Federal Party spokesman on justice, said that while the government had probably withdrawn the charges against Dr Boesak in order to avoid international acrimony, "I have always believed that the charges were ridiculous anyway and should never have been brought in the first place."

□ Mrs Mary Burton, national president of the Black Sash, said that the Black Sash rejoiced at the withdrawal of the charges but were concerned that the withdrawal of the charges could not undo the damage of "months of harassment and inconvenience".

□ A member of Dr Boesak's church council said last night a special service of thanksgiving would be held at Dr Boesak's church in Bellville South tomorrow night, and that Archbishop Desmond Tutu was expected to address the gathering.

# Tight security as Natal terrorism trial begins

MARITZBURG — The terrorism trial of 12 people, charged with responsibility for the wave of crimes that culminated in the Amanzimtoti bomb blast, began amid tight security at the Supreme Court in College Road yesterday.

The 12, including two doctors and a mother, are charged with a total of 22 counts resulting from a series of bomb blasts in the Durban area.

All 12 arrived at court yesterday chanting freedom songs about recently hanged Amanzimtoti bomber, Andrew Zondo, who was allegedly instructed by one of the them, Mr Sibusiso Robert Ndlanzi (29) of kwaMashu, to retaliate for the alleged SADF raid in Maru last year.



People attending the terrorism trial in the Maritzburg Supreme Court yesterday were searched and allowed into the courtroom in groups of five at a time.

Zondo was sentenced to death earlier this year for planting a bomb at an Amanzimtoti shopping centre. Five people were killed in the blast.

The blasts with which the 12 are alleged to be connected include:

- The bomb at Grosvenor Girls' School where two men were killed.
- A bomb at the home of Mr Amichand Rajbansi.
- Blasts at a number of supermarkets and a bakery allegedly in support of a boycott.

## ASSASSINATION ATTEMPT

- Blasts at a beachfront restaurant, at the Lamontville township administration office, and the Chatsworth courthouse.
- An attempted assassination of an Inkatha member.
- An attempt to blow up SADF vehicles.
- An abortive attempt to bomb the then Sarmcol rubber factory at Howick.

All 12 accused, whom the State alleges are members and/or supporters of the African National Congress, yesterday pleaded not guilty to the main charge of terrorism.

In addition some face alternate counts, to which they also pleaded not guilty. These include possession of publications disseminated by or on behalf of un-

lawful organisations and contravening the Arms and Ammunition Act.

People entering the courtroom were searched.

The accused, who included a mother, Mrs Duzile Charity Baby Buthelezi and who was allowed to hold her four-month-old infant in the dock, entered the court chanting.

The State alleges that the ANC, acting through its military wing, Umkhonto We Sizwe, was active in the Durban area and that a Durban group, of which the accused were part, was allegedly formed with the object of recruiting and training people in the use of arms, and to support all anti-Government activities in retaliation for alleged SADF activities.

The two doctors, Dr Sibongiseni Maxwell Dhlomo and Dr Vejaynand Indurjith Ramlakan allegedly concealed and treated a member of the ANC who was injured in a bomb blast at the Grosvenor Girls' School, and later smuggled him to Swaziland.

Mr Mapiki Aaron Dlomo faces more charges than any other of the accused. These include an accusation that he received military training at Dr Ramlakan's house, and that he helped establish arms caches.

Mrs Buthelezi allegedly arranged accommodation for ANC members in Durban.

The hearing continues. — Sapa.



# Campaign to save pupil from jail

By CLARE HARPER

A CAMPAIGN to save a Std 9 pupil from prison has been launched by a group of concerned teachers and students, who intend petitioning the Chief Justice for leave to appeal against his "harsh" sentence.

Support for the campaign has already been pledged by Archbishop Desmond Tutu, the campaign chairman, Mr Esham Palmer, said yesterday.

A similar campaign earlier this year in support of 18-year-old Bradley van Niekerk, a pupil at South Peninsula Senior Secondary School, was successful.

Gregory Arthur, a pupil at Steenberg Senior Secondary School, was convicted last year — when he was 19 — on public-

violence charges for throwing a stone at a policeman.

In October last year his four-year sentence was reduced on appeal to the Supreme Court to three years' imprisonment, of which 18 months were conditionally suspended.

He is currently on bail pending the outcome of the legal petition and will have to serve 18 months if his appeal is unsuccessful. Leave for further appeal has been refused.

Mr Palmer, chairman of the Save Gregory Arthur from Prison Committee, said Gregory was a conscientious pupil who wanted to become an electronics technician on completion of his matric. "A term of imprisonment would destroy any chances of Gregory fulfilling his ambition,

not to mention the psychological damage resulting from incarceration.

"Like thousands of his contemporaries he was caught up in an atmosphere of heightened political tension and frustration. A prison sentence will criminalize him, returning him embittered and badly affected by the real criminals inside."

His guidance teacher, Mr Andre Kraak, said yesterday that Gregory was a pupil with potential both in the academic and sporting fields. "It would be a tragedy if his academic career should be cut short by a period of imprisonment."

Mr Palmer said the committee intended highlighting Gregory's plight and said thousands of petition forms were being circulated in the Peninsula.



# Youths who burnt woman to be sentenced today

PORT ELIZABETH — Sentence will be passed today on three youths who pleaded guilty in the Port Elizabeth Supreme Court yesterday to the murder of a young woman who was doused with petrol and set alight.

Vuyisile Dabula (20), Monwabise Makeleni (19), and Zolani Rasayi (19), pleaded guilty to murder with extenuating circumstances arising out of the death of Miss Nomnikelo Monica Ngxonono, at Langa, Uitenhage, on September 24 last year.

## NECKLACE DEATH

Last week, Dabula was sentenced to an effective six years' imprisonment when he pleaded guilty to culpable homicide arising from the necklace death of Mr Eric Sipho Blouw, two weeks after Miss Ngxonono was killed.

Dabula told the court he had led her to a cemetery after a group of about 20 had decided she should be killed for reporting an assault case to the police.

He said he did not intend to kill her, but realised that death could result from his actions.

He said he had acted under group pressure. Whitey Dondashe had given the order for the girl to be killed.

Makeleni also said he was under pressure but admitted tying Miss Ngxonono's hands behind her back.

Rasayi said he poured petrol over her and set her alight after one Boyce had hit her over the head with a stone. He did not know whether she was alive or dead when he set her alight.

He admitted that he intended her

death, but said he was acting under pressure from Dondashe and a group of between 20 and 30 people.

The State accepted the pleas and the accused were convicted accordingly.

A medical doctor, Dr W E Verschuur, said he was unable to determine the cause of death. There was a gaping hole and an underlying fracture of the forehead, the right upper arm was partially amputated and both legs were amputated at the thighs.

About 40 percent of the body was charred and there were superficial burns over the rest.

He said it was probable that Miss Ngxonono was knocked unconscious by the blow to the head but unlikely that she had died from it.

Testifying before sentence, Detective Warrant Officer G S Oelofse, head of the police unrest investigation team in Uitenhage, said that in the last year there had been 17 unrest-related murders and four attempted murders in the area — two on white men.

The victims were usually police informers, peace makers or people who had been seen with police.

## HOUSES BURNT

During the period October 1984 to August 1986, 221 cars and 31 houses in the Uitenhage/Despatch area had been stoned and 100 houses and 78 vehicles, private and State, had been burnt.

Eighty one PE Tramways buses had been stoned and 63 burnt. The damage was estimated at between R3 million and R5 million. — Sapa.

Cape Times 4/12/86 (231)

# 'White heat' raised doubts as Watson home blazed

PORT ELIZABETH. — The intensity of the blaze and absence of furniture in the gutted home of the Watson family in Port Elizabeth struck a senior fireman as highly suspect.

Divisional Officer Donald W Miles told the Port Elizabeth Regional Court the house was burning fiercely when he arrived close to midnight and it took three hours to bring the blaze under control.

He was giving evidence at the trial before Mr G Steyn of Mr Valence Watson, 34, and his brothers Ronald, 36, and Dan, 32.

They have pleaded not guilty to charges of arson, attempted murder and fraud arising from a R573 000 insurance claim.

The State alleges the trio entered

into a conspiracy with other persons unknown to enlist the help of Mr Archie Mkele and Mr Geoffrey Nocanda in burning down the Park Drive house — owned by their mother, Mrs Elaine Claire Watson — on October 19 last year.

They are charged with attempting to murder Mr Mkele and Mr Nocanda by instructing them to set up the fire in such a manner that they would be trapped inside the house and killed.

The city's Assistant Chief Fire Officer, Mr Brian Conradie, and Mr Miles both told the court they found definite evidence of an explosion.

Mr Conradie, who has 18 years experience as a fireman, said the fire had burnt with intense "white heat"

only found in fires where an accelerant was used.

Shortly after arriving on the scene, he and Mr Miles went behind the house where they smelled an odour recognizable as that of burning flesh.

Earlier Mr Nocanda, a state witness, said he wrote from jail the brothers were innocent and he would not testify against them.

Pressed as to why he had maintained the Watsons were innocent, he said he wanted to show how important they were to him.

He said he admitted his part in setting the house on fire during July, when he was "tortured for three days" by the security police, but he had no intention of testifying then.

The hearing continues. — Own Correspondent and Sapa

# Bomber jailed for 18 months

Tygerberg Bureau

ARMS 4/11/86

A MAN who threw a calcium-chloride "bomb" at railway workers was jailed for 18 months by a Parow Regional Court magistrate.

Nicolaas Ruiters, 46, of Assegaa Road, Bonteheuwel, was found guilty of intimidation, possessing ammunition without a licence and possessing explosive chemicals with the intent to cause injury. A further two years' imprisonment was suspended for five years. Ruiters denied the charges.

He was arrested on April 30 for throwing the "bomb" at Mr Eunice Duma, Mr Simon de Vis and Mr Lantwenti Ngqoba, who were working on a railway line near his home, and threatening them if they did not stay away from work on May 1.

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The magistrate, Mr J D Huggett, found Ruiters not guilty of a fourth charge of possessing a firearm, a broken pellet pistol, without a licence.

## SET ALIGHT

Mr de Vis told the court Ruiters had first shouted at them from his home, saying they should stay away from work.

According to Mr de Vis, Ruiters handed them a United Democratic Front pamphlet and said they should stay away from work the next day, May Day, because "you never know what might happen to you".

He later came out of his home with a plastic container which he set alight and threw at the workers. The container fell short and exploded.



## Hurley, claims damages from ministers

JOHANNESBURG. — The Roman Catholic Archbishop of Durban, the Most Rev Denis Hurley, is claiming R124 047 damages from the Minister of Law and Order, the Minister of Justice and from the Attorney-General.

The claim, to be heard in the Pretoria Supreme Court, follows the Archbishop's prosecution after he had made statements about atrocities allegedly committed in SWA/Namibia by the counter-insurgency unit Koevoet.

On Tuesday the Deputy Judge President of the Transvaal Division of the Supreme Court, Mr Justice Eloff, postponed the case indefinitely.

As a result of the allegations, made by the Archbishop in February, he was prosecuted for unlawfully publishing false statements about Koevoet.

Archbishop Hurley had to appear in a Pretoria Regional Court twice and the second time the prosecutor told the court he had instructions from the Attorney-General to stop the prosecution. — Sapa

# Sparg convicted of treason

FORMER reporter Marion Sparg, 28, was convicted yesterday in the Rand Supreme Court of treason, for placing limpet mines in the toilets of three police stations in February and March.

She was also convicted on two counts of arson and one of attempted arson for petrol-bombing three Johannesburg premises belonging to the PFP in 1981.

She pleaded guilty before Mr Justice van der Walt to all the charges, submitting written admissions to the court — through her advocate Jules Browde, SC — acknowledging culpability for damage, estimated at R73 400, to the six premises.

Sparg was convicted of treason for detonating two mini-limpet mines at East London's Cambridge police station on February 19; detonating two such mines at John Vorster Square, Johan-

nesburg, on March 4; and, later on the same day, placing a limpet mine at Hill-brow police station.

She was convicted of arson and attempted arson for petrol-bombing — with two accomplices listed in court papers as Arnold Geyer and Damian de Lange — a Norwood home belonging to the PFP and two of its offices in Oxford Road and Jan Smuts Avenue, Parktown.

Sparg admitted, in a statement, joining the ANC in 1982, first as a member of its publicity department and, from March 1984, as a member of Umkhonto we Sizwe, the ANC's military wing.

She also admitted undergoing military training at ANC camps in Angola. The trial continues today.

LIAM EGAN

# UDF had no role in the violence - lawyer

By ALI MPHAKI

ARGUMENT on the role of the United Democratic Front in 31 areas around the country where it is alleged to have encouraged acts of violence and arson began in the Delmas Circuit Court yesterday.

The argument, led by Mr Arthur Chaskalson (SC), is that the State has failed to prove that damage to property which occurred in these areas was as a result of incitement by members of the UDF who are among the 22 on trial for treason.

Mr Chaskalson also argued that the evidence from the state was not relevant to the case and should be struck out.

He said the State's evidence failed to provide the basis upon which inference can be drawn that the persons who are responsible for the alleged violence were encouraged to do so by the UDF.

"If in some parts of South Africa there is a group of youths who stoned councillors' houses and beerhalls that cannot be brought home to the people who are standing trial. There is no foundation that any of the accused encouraged these acts and the evidence should be struck out," Mr Chaskalson said.

He said there was only one incident whereby the woman named as "Ma-General" who was seen in the company of the late Mr Matthews Goniwe incited people to burn beerhalls and councillors' homes. This was in Somerset East.

He further said the evidence to that effect was dubious having regards to the quality of the witness.

The 31 areas includes Tembisa, Ratanda, Thokoza, Katlehong, Tsakane, Somerset East, Cradock, Tumahole, KwaThema, Mankweng, Ekangala and Daveyton.

All the men on trial have pleaded not guilty to charges of treason alternatively terrorism, subversion and murder.

*Swehlan 5/11/86*

(331)



**MARION Monica**  
Sparg, convicted after pleading guilty to treason and arson, told the Rand Supreme Court yesterday that she did not regret having joined the ANC and Umkhonto we Sizwe.

A former journalist, Sparg left South Africa in 1981 to evade arrest after petrol-bombing the offices of the PFP.

She went to Botswana, where she joined the ANC and

# I don't owe Govt loyalty — Sparg

BY NAT  
DISEKO

later underwent military training in Angola.

Sparg told the court that the only regret she had was the suffering she had brought upon her family because of her political involvement.

On February 19, Sparg placed two small

limpet mines in the Cambridge Police Station in East London. In March, she placed two small limpet mines in the toilets at John Vorster Square. On the same day, she placed a mine in the Hillbrow Police Station.

The Hillbrow mine, which lay unexploded for several days, was

later discovered and detonated.

Giving evidence in mitigation, Sparg said her actions were directed at structures that symbolised apartheid.

She said she chose to bomb police stations because the SAP were defenders of apartheid.

Sparg (28) believed her actions amounted to patriotism and not treason.

She said: "I believe that even as a white South African, I do not owe any loyalty to a government that is clearly not based on the will of the people."

Sparg said she believed that when she carried out the bombings on the police stations,

she was acting on behalf of an organisation that not only represented the majority of black South Africans but an increasing number of white South Africans.

Before deciding to join Mkhonto, the armed wing of the ANC, Sparg worked as a journalist in the information section of the ANC. She

worked for the ANC publication "Voice of Woman" in Lusaka, Zambia.

She said she regarded it as a privilege to have met people of the calibre of Oliver Tambo, Thabo Mbeki, Jack Simons, Joe Slovo and many others. She said her colleagues in the information section tried to dissuade her from joining Mkhonto, but that she had made up her mind.

## 30 detainees' trial postponed

Staff Reporter

THE TRIAL of 30 emergency detainees at Victor Verster Prison accused of misconduct has been postponed to November 13.

A legal representative for the group said some of the detainees were writing examinations and others had to go to hospital yesterday when they were due to appear.

### UDF VICE-PRESIDENT

United Democratic Front vice-president Mr Wilfred Rhodes and University of the Western Cape Student Representative Council president Mr Leslie Maasdorp are in the group alleged to have refused to obey orders.

The others are Atlantis Residents' Association chairman Mr Noel Williams, Mr Russell McGregor, Mr A Williams, Mr G S Bola, Mr W Cloete, Mr R Telana, Mr P Presence, Mr N Daveti, Mr B Augustus, Mr R T Mahlate, Mr M T Ndzuze, Mr S M Yisaky, Mr V Mbenenge, Mr S M Tshali, Mr C K Nkwewe, Mr S S Maohloli, Mr N B Mhlom, Mr W T Shumi, Mr S F Tiyo, Mr T W Nqkashe, Mr A Meyer, Mr T Matthee, Mr S Matshoba, Mr P Mhobo, Mr M Marola, Mr M Mzola, Mr L Kabanyana and a detainee whose name is not known.

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F  
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# Argument in Duduza trial

331  
FIVE of the seven accused in the Duduza terrorism trial, who had their hands amputated and mutilated during alleged handgrenade attacks, were in their sound and sober senses when they made statements, State prosecutor, Mr John Oberholzer, told the Pretoria Supreme Court yesterday.

Defence advocates, Mr Nick de Vos and Mr Eric Dane, had earlier submitted that Mr Johannes Veli Mazibuko (18) together with Mr John Mlangeni (21), Mr Joseph Titus Mazibuko (19), Mr Humphrey Tshabalala (19) and Mr Samuel Lekatsa (19), were in pain and under significant emotional stress at the time they made statements. The defence counsel has conceded that another accused, Mr Cedric Dladla's statement was freely and voluntarily made. The other accused is Mr Hosea Lengosane (20).

The accused, all alleged members of the banned Congress of South African Students, have pleaded not guilty before Mr Justice Stafford, sitting with an assessor to charges of terrorism, attempted murder, possession of handgrenades and a bomb and of malicious damage to property.

(Proceeding).



LIAM EGAN

**SENTENCE** will be passed tomorrow on Marion Sparg, convicted on Monday in the Rand Supreme Court of treason for placing limpet mines in the toilets of three police stations during February and March.

The State yesterday asked Mr Justice van der Walt to impose a life sentence of 25 years on Sparg, who pleaded guilty to treason, arson and attempted arson.

Sparg, 28, was convicted of treason for detonating two mini-limpet-mines at East London's Cambridge Police Station on February 19; detonating two such mines at John Vorster Square, Johannesburg, on March 4; and, later on the

## Call for life sentence for treason trialist Sparg

same day placing a limpet mine at Hillbrow Police Station.

Sparg was convicted of arson and attempted arson for petrol bombing PFP premises in Norwood and Parktown on Republic Day, 1981.

Sparg said yesterday in testimony from the dock she was a committed member of the ANC, "fighting the apartheid evil — a threat to world peace — in the belief that SA belongs to all the peoples who live in it".

Sparg said she had attacked the premises of the PFP, together with accomplices Damien de Lange and Arnold Geyer, to reciprocate the PFP's refusal to boycott the Republic Day celebrations.

She said she attacked the police stations in accordance with a recent Umkhonto we Sizwe policy decision to "attack targets directly representative of the brutality of apartheid in broad daylight so as to pre-empt the routine suppression of information relating to acts of sabotage".

# Terrorism trial witnesses describe Natal bombings

MARITZBURG — A policeman who guarded the home of leader of the House of Delegates, Mr Amichand Rajbansi, last year, described in court yesterday how he heard a loud bang and, running to the front of the house, saw shattered glass and smoke.

Constable Lionel Peters was one of a long list of witnesses giving evidence at the College Road trial of 12 alleged ANC members. All 12 have pleaded not guilty to the main charge of terrorism.

## Spate of bombings

In addition, some of them face a total of 22 alternate counts, including contraventions of the Arms and Ammunition Act and possession of publications disseminated by banned organisations. They have also pleaded not guilty to these counts.

The 12, who include two doctors and a mother,

were allegedly part of a Durban group involved in a spate of bombings which rocked the city and its surroundings last year.

The blasts culminated in the Amanzimtoti blast in which five people died.

Bombings with which the 12 were allegedly linked include: the bomb at Mr Rajbansi's home; the blast at Grosvenor Girls' School in which two men died; blasts at supermarkets and a bakery and beachfront restaurant; and bombs at the Lamontville township administration offices and at the Chatsworth courthouse.

The production foreman of Umlazi Bakery described in the court yesterday how, in the early hours of July 4, he ran outside after hearing an explosion and saw one of the meal silos was loose from its foundations.

"The meal was burning and there was a fire at least 40 feet higher than the silo itself," the foreman,

Mr B Brandsma, said.

The managers of several stores in Durban's busy West Street, which were all bombed on September 27 last year, also gave evidence.

Mr David England, former store manager of Game, told the court he had just closed the store for the night and was on the third floor of the building when he heard a "very loud noise".

He investigated and found the crockery section.

The manager of central Checkers, Mr Michael Shadbolt and the assistant manager of central Spar, Mr Robert Suster said that in their stores there was an explosion in the pet food section, and "pet food was spattered all over the ceiling and floor".

The accused are: Mrs Duduzile Buthelezi, Dr Sibongiseni Dhlomo, Dr Velaynand Ramlakan and Messrs Sibusiso Ndlanzi, Jude Francis, Ordway Msomi, Sipho Bhila, Phumezo Nxiweni, Mapiki Dlomo, Bafu Nququ, Malusi Majola and Vusumuzi Mahlobo.

The hearing continues.  
— Sapa.

5/11/86 33 (S) S.M.K.

By Claire Robertson

Defence counsel in the Delmas treason trial has asked that a piece of State evidence be struck out as "not relevant".

Mr Arthur Chaskalson SC, appearing in an application for the withdrawal of charges against 22 men accused of charges under the Internal Security Act and of high treason, concluded yesterday's sitting by asking that evidence of the "31 regions" be struck out.

#### VIOLENCE

The State attempts to show that the United Democratic Front had organised in those areas to mobilise the masses to violence or intimidation.

The trial, which has

## Delmas defence says State evidence irrelevant in part

lasted almost a year, "is almost trial by T-shirt," said Mr Chaskalson, referring to "witnesses who ... always say: 'I saw a UDF T-shirt' (in the crowd at an incident of unrest)".

The State had failed to produce evidence on at least three of the regions mentioned, Mr Chaskalson said. The evidence presented mainly dealt with incidents alleged to have occurred in the remaining areas and one could not infer from the fact that damage done was the work of the UDF.

"It does not help to show that in 1983 or 1984 someone made a speech in Johannesburg, and a year or 18 months later in the Eastern Cape someone threw a stone at a policeman."

He said: "Children getting angry in Grahamstown have nothing to do with a plot to make the country ungovernable".

This is one of the charges levelled against the accused, who include the UDF general secretary Mr Terror Lekota and publicity secretary Mr Popo Molefe.

Defence counsel last week launched an application for the discharge of the treason trialists. The defence can launch such an application at the close of the State case if it believes that, on State evidence, the accused cannot be convicted.

In yesterday's hearing Mr Chaskalson reviewed the State's evidence on the 31 regions, submitting: "The evidence does not link the acts of violence that occurred to any UDF campaign."

Earlier he dealt with a

State witness whose evidence, heard in camera, had changed overnight.

In camera witness 17 originally did not mention the UDF having been at a certain meeting in Tumahole in July 1984, but returned to court the next day and "as an afterthought" said UDF members had been there, Mr Chaskalson said.

Other evidence contradicted this.

"What induced him to say that I do not know — but what we do know is that there was another witness who came to this court and said her whole evidence had been fabricated — and that she had been made to fabricate it," he said.

The hearing continues.



# REJECT STATEMENTS, JUDGE ASKED

**JUDGMENT on the admissibility of statements made by five of the accused in the Duduza terrorism trial will be heard in the Pretoria Supreme Court on Monday, November 10.**

The defence team led by Mr Nick de Vos and Mr Eric Dane yesterday submitted that the statements should be ruled inadmissible because at the time they were obtained, the accused were in pain and some of them had their hands amputated and mutilated.

Mr de Vos also submitted that the court must consider the traumatic experiences suffered by the accused as well as their youthfulness.

The court must also look into the timing when the statements were obtained, he added.

State prosecutor Mr John Oberholzer and

## BY MONK NKOMO

the defence, have, for the past eight weeks been locked in an argument relating to statements made by Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19)

and Mr Johannes Veli Mazibuko (18), all of Duduza in Nigel.

The five, together with Mr Hosea Lengosane (20) and Mr Cedric Diadla (19), were injured and some of their colleagues were killed during alleged handgrenade attacks on certain targets on the East Rand during midnight on June 25 and 26 last year.

They have all pleaded not guilty to charges that include terrorism, attempted murder and possession of handgrenades and a bomb.

Mr Justice Stafford, sitting with an assessor yesterday postponed the trial within a trial and said he would deliver judgment on the admissibility of the five statements on Monday.

THE Delmas treason trial judge, Mr. Justice van Dijkhorst yesterday

said if he has to discharge any of the 22 accused he would do so before the end of the month.

Mr. Justice van Dijkhorst gave this indication after the defence for the 22 men had wound up its application for their discharge. "If I have to discharge some

## 'Freedom of speech a right'

of the accused I would do so before the end of the month," the judge said.

In his argument for the accused, Mr. Arthur Chaskalson said the law of treason in modern times should not be used to sweep people into jail and that the desire to organise public opinion is

a fundamental right which was not treasonable.

The 22 men are facing charges of treason and alternatively terrorism, subversion and murder.

Arguing on the interpretation of speeches which were made by the accused and documents found in their posses-

sion, Mr Chaskalson said: "You may say the publications are in bad taste but that is not treason."

Freedom of speech is a facet of civilisation and a right which should not be abused, Mr Chaskalson said.

Yesterday's argument

after he had analysed their speeches and role of the UDF from 1983 to 1985.

About Mr Molefe, who is accused number 19, he said he attended six meetings of which the state submitted videos, but his actual participation at these meetings was slight, Mr Chaskalson said.

The trial was postponed to November 17.

# Call for release of Delmas trialists

THELMA TUCH

ALL 22 men who have been facing charges of treason in the Delmas Circuit Court for the past year were entitled to be acquitted, Senior Counsel Arthur Chaskalson said yesterday.

He was concluding his argument for the discharge of the 22, including UDF publicity secretary Patrick Lekota, general secretary Pope Molefe and former Transvaal secretary Moss Chikane. Most of the 22 have UDF links.

Chaskalson said the State had failed to produce prima facie evidence that the accused were part of a conspiracy to overthrow the government with violence.

According to the State's indictment, the conspiracy was formed before the UDF launch in the Western Cape on August 20, 1983. The State alleges the conspiracy originated from the UDF's links with the ANC, or alternatively was masterminded by the UDF alone.

Chaskalson said State evidence showed that only two of the accused — Molefe and Lekota — spoke at various mass meetings, and there was no indication that the rest of the accused knew what was said or done at the meetings.

Deputy Attorney-General P. Jacobs, SA, asked for a postponement to November 17 to give the State time to respond to the defence's argument.



# Marion Sparg sent to jail for 25 years

JOHANNESBURG —

There were tears in court today when treason trialist Marion Sparg, 28, was sentenced to an effective 25-year jail term.

Appearing in the Rand Supreme Court, Sparg was jailed for 20 years for treason, five years each on two counts of arson and three years for attempted arson.

The arson and attempted arson sentences are to run concurrently.

Sparg hugged and kissed her tearful parents and sisters as she was led to the cells after being sentenced.

Throughout the hearing she had mostly worn a black suit with a green shirt, but today she completed the yellow, green and gold of the ANC with a yellow ribbon.

At an earlier hearing, Sparg pleaded guilty to the charges, which related, among other things, to planting limpet mines at three police stations this year.

The mines exploded at the Cambridge Police Station in East London in February and at John

Vorster Square Police Station on March 4.

A third limpet mine at Hillbrow Police Station was found and detonated.

Sparg also admitted taking part in petrol bomb attacks on three Progressive Federal Party offices on the eve of Republic Day celebrations in 1981.

Mr Justice van der Walt described Sparg as a dedicated and unrepentant member of Umkhonto We Sizwe, the military wing of the African National Congress.

"The fact that, as a white South African, you chose to espouse the cause of revolution, I regard as an aggravating feature."

Treason could, in appropriate cases, be punished by death, but "I do not deem this such a case", Mr Justice Van der Walt said.

"Had lives been lost, you would have almost certainly have received the death sentence."

He said it was "providential" no one was killed as a result of her planting limpet mines she had smuggled into the country in police stations. — Sapa

Facsimile Mail  
Panafax, the world

## Bomb expert tells of OK blasts

MARITZBURG — A police explosives expert testified at the trial of 12 alleged ANC members yesterday that a few hours after he investigated an explosion at an OK Bazaars branch in Durban last September another bomb exploded in the same store.

Captain S J Weyers was giving evidence in the Supreme Court in Maritzburg against the 12 charged with terrorism and 22 other counts. They are allegedly linked to a spate of bombings in Durban last year, including blasts at a number of supermarkets, a school, a hotel and at the Aman-

gamboti shopping centre. Captain Weyers told the court that in the early evening of September 27 last year he was called to OK Bazaars in West Street, Durban where a mine had exploded on the crockery display shelf.

### HOTEL BOMB

He returned early the next morning to find that a similar explosion had occurred several shelves from the first blast.

On the same day as the first OK explosion a mini limpet mine exploded at Game, just across the road from OK, the captain said.

An explosion at the

Umlazi Executive Hotel two days later was probably caused by a bigger limpet mine, he said. It was placed under a wash-basin in the men's toilet and the explosion demolished three walls.

The accused are Mrs Duduzile Buthelezi, Dr Sibongiseni Dhlomo, Dr Vejaynand Ramlakan and Mr Sibusiso Ndlanzi, Mr Jude Francis, Mr Ordway Msomi, Mr Sipho Bhila, Mr Phumezo Nxiweni, Mr Mapiki Dlomo, Mr Bafo Nguqu, Mr Malusi Majola and Mr Vusumuzi Mahlobo.

The hearing continues.  
— Sapa.

# Snipers guard treason trial

WEEKLY MAIL REPORTER

SNIPERS, video cameras and a phalanx of uniformed police controlled the more than 400 singing people who greeted the terror trial accused as they arrived at the College Road Supreme Court in Pietermaritzburg on Monday.

Twelve Durban residents, including two doctors and the mother of a two-month-old baby, have pleaded not guilty to a main charge of terrorism and 22 alternative charges relating to the possession of banned literature, the training of ANC insurgents and charges under the Arms and Ammunition Act.

The 12 entered the court singing freedom songs — including a tribute to the recently executed ANC guerrilla, Andrew Zondo — and were greeted by a packed gallery who rose to the clenched fist salute.

A large crowd, unable to get access to the court, were kept beyond a four metre-high security fence erected around the court buildings after a bomb blast there last year.

All the accused have pleaded not guilty to the charges.

The state alleges the 12 were involved in 17 bombings in the Durban area between April 18 and

December 24 last year. They also claim that one of the trialists, Sibusiso Ndlanzi, instructed Zondo to blow up the Sanlam arcade in Amanzimtoti as revenge for the SA Defence Force attack on Maseru in 1985.

At least 80 witnesses will be called by the state. The names of some witnesses have not been listed, as the state's attorneys say this would prejudice their safety. Among those listed as a state witness is the executed Zondo.

The first three days have been filled by police officers and supermarket personnel describing the damage caused by the various blasts.

Justice Thirion is presiding.



FINMAN  
STATE OF EMERGENCY

## Patterns of unrest

In one of its blandest, most sanitised reports ever, the Bureau for Information described the events of Monday this week as follows: "Few unrest-related incidents were reported during the above-mentioned period. Only isolated incidents of stone-throwing and arson, causing little damage, occurred." This on a day when independent reports suggested general mayhem in Soweto with numerous attacks on Putco buses following a fare increase announced at the weekend.

An attempt to restrict the funeral of Rose Mpetha, wife of jailed trade unionist and United Democratic Front patron Oscar Mpetha, and a wildcat strike by Katlehong municipal policemen, were other sparks to continuing violent confrontation in a week that left two people dead.

This took the official death toll from political violence to 319 since the emergency was declared on June 12.

Lance Corporal Albertus Marthinus le Roux (20) died on Sunday when his horse detonated a landmine on a dirt track about 20 km from Barberton in the eastern Transvaal. The SADF said this was the fourteenth blast in the eastern border region this year. The SADF again blamed African National Congress insurgents operating from Mozambique.

A Mozambican government spokesman said the allegation was "a pretext for new aggression against Mozambique." The spokesman pointed out that the blast occurred 90 km from the Mozambican border, but just 20 km from the Swaziland border, yet Pretoria chose to blame Mozambique.

Detective Warrant Officer M R Sokela was killed after a grenade was thrown into his Umlazi home this week.

Putco's announcement of fare increases was, not surprisingly, met with protests in KwaNdebele. The embattled homeland is a nation of bus commuters; latest estimates put the number of people who commute daily to work in towns outside the homeland at over 30 000.

On Thursday, a crowd apprehended and stoned about 200 Putco buses on the Marble Hall-Pretoria road. The windows of at least 150 buses were smashed. Security force members were stoned when they arrived at the scene. Teargas was used to bring the crowd under control. Since then, reports indicate that people are back on the buses.

The number of bus commuters halved in Soweto as a result of the increases. And, according to a Putco spokesman, damage to buses in the area was extensive. One was destroyed, three were petrol bombed, and six others hijacked. Damage to others included the smashing of 100 windows and the slashing of 15 tyres. Details of Tuesday's events were not available as the *FM* went to press.

Teargas was also fired at the funeral of Rose Mpetha after restrictions imposed by the police were defied by mourners. Among the restrictions was an attempt to limit the numbers attending the funeral to 200. Several thousand in fact turned up. The funeral began at the family home in Nyanga, and later moved to the church in Guguletu. The ceremony went off smoothly until mourners moved to the cemetery. According to the bureau, about 1 000 mourners following the hearse were teargassed after refusing to disperse.

Bereaved husband Oscar (77), was refused permission to attend the funeral.

Municipal policemen were on the receiving end of the arm of the law after 115 were arrested in Katlehong by the SA Police. According to reports, about 300 council policemen stopped work and marched on the council offices where they started burning tyres and stoning Post Office vehicles. The men, who were mainly recruited in Gazankulu, Venda and KwaSulu, were demonstrating in support of wage increases.

Other unrest incidents reported by the Bureau during the week included intimidation at schools, a bomb in Mamelodi and attacks on security force members in Nyanga and KwaZekele.

At two illegal meetings involving coloureds in Cape Town, the security forces "were obliged" to disperse the group with quirts after they refused to move. ■

WEEKLY MAIL

# UDF takes 'affected' order ~~to~~ 330 to court 7/11/86

THE United Democratic Front's legal challenge to the government's action in declaring it an affected organisation comes to court in Durban next Thursday.

The UDF will be challenge the validity of the restriction which prevents it receiving foreign funds. The matter is likely to be postponed till February.

In papers before the Natal Supreme Court, the UDF, its national executive chairman Curnick Ndlovu, and its affiliates, the Durban Housing Action Committee and the Natal Organisation of Women, claims the state's declaration is of no force or effect in law.

The applicants are also demanding the State President give reasons for declaring the UDF an affected organisation.

According to the application, the UDF's current budget is R2-million, although it only received about R200 000 this year. In previous years its budget had been R800 000.

The organisation's funders included individuals and organisations abroad who were interesting in "encouraging a movement towards a non-racial, democratic and unfragmented dispensation" in South Africa. Principle funders were the Swedish labour movement and Novib, a Netherlands-based church organisation.

According to the application, the UDF used its funds for administrative expenses, made allocations to its more than 600 affiliated organisations for their respective sporting, cultural, religious and community objectives, and assisted families of people detained without trial.

The UDF said its affiliates consisted almost exclusively of disadvantaged persons in the country who did not have the economic resources to pursue their aims without substantial financial backing from abroad.

In a supporting affidavit Ndlovu claims that the Minister of Law and Order — and not the Minister of Justice, as required by law — appointed a committee of three magistrates to investigate the need to restrict the UDF. He claims the Minister of Law and Order, and not the Minister of Justice, considered the magistrate's report.

The UDF also claims an official statement released by the Bureau for Information when it was declared affected on October 9 clearly showed it was issued "on behalf of the Minister of Law and Order". Finally, the Front contends the proclamation was countersigned by the Law and Order Minister instead of Minister of Justice. — The Other Press Service

# Sparg jailed for 25 years for arson, bombings

**Mercury Correspondent**

JOHANNESBURG—No indication has yet been given by lawyers for Marion Sparg whether they will appeal against the effective 25-year prison sentence imposed on her in the Rand Supreme Court yesterday.

Her lawyers would only confirm yesterday that no decision had yet been made to apply to the Appellate Division against the sentence, although they emphasised there remained 14 days in which to lodge an appeal.

Sparg, 28, a member of the ANC, was yesterday sentenced to 20 years' imprisonment for treason, and to an effective five years' imprisonment for two counts of arson and one of attempted arson.

Sparg pleaded guilty and was convicted by Justice van der Walt for placing limpet mines in three police stations during February and March this year, and for petrol bombing three Johannesburg premises of the PFP during 1981.

During his 20 minute judgment yesterday Mr Justice van der Walt said it

was a tragedy, to herself personally and to her family, that Sparg had allowed herself to 'be misguided by persons like Joe Slovo'.

In acknowledging her, bedecked in the dock in the colours of the ANC, as presently a 'dedicated marxist and revolutionary', Mr Justice van der Walt then described her formative years as 'without any significant hardships'.

Describing her circumstance as a white South African 'an aggravating factor' in his consideration of sentence, Mr Justice van der Walt said he would 'understand, though not excuse, the actions if a black South African had perpetrated them.

He attributed her actions instead to a history of obesity, a condition which a defence witness had earlier described as negatively influencing her ability to relate socially.

He said that he hoped her sentence would act as a deterrent to 'all those against law and order in South Africa who chose to align themselves with an organisation dedicated to revolution and terror'.



# Sparg's lawyers tight-lipped on appeal against sentence

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RUSDAH 7/11/88

NO INDICATION has yet been given by lawyers for Marion Sparg whether they will appeal against the effective 25-year prison sentence imposed on her in the Rand Supreme Court yesterday.

Her lawyers would only confirm that no decision had yet been made to appeal to the Appellate Division against the sentence.

But they emphasised that 14 days remained in which to lodge an appeal.

ANC member Sparg, 28, was sentenced yesterday to 20 years imprisonment

LIAM EGAN

ment for treason, and to an effective five years imprisonment for two counts of arson and one of attempted arson.

She pleaded guilty to the charges and was convicted by Mr Justice Van der Walt for placing limpet mines in three police stations in February and March and for petrol-bombing three Johannesburg premises of the PFP in 1981.

During his 20-minute judgment yes-

terday, Mr Justice Van der Walt said it was a tragedy for Sparg and her family that she had allowed herself to "be misguided by persons like Joe Slovo".

In acknowledging Sparg, standing in the dock wearing ANC colours, as a "dedicated Marxist and revolutionary", the judge described her formative years as "without any significant hardships".

Describing her circumstance as a white South African as "an aggravating factor" in his consideration of sentence, he said he would "understand though not

excuse" the actions if a black South African had perpetrated them.

He attributed her actions instead to a history of obesity, a condition which a defence witness had earlier described as negatively influencing her ability to relate socially.

The judge said he hoped her sentence would act as a deterrent to "all those against law and order in SA who chose to align themselves with an organization dedicated to revolution and terror".

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7/11/86

FOR seven days the defence for 22 men — facing charges of treason in the Delmas circuit court since January this year — has argued that all the accused are entitled to be acquitted.

The accused — most of them linked to the UDF — include UDF publicity secretary Terror Lekota, general secretary Popo Molefe and former Transvaal secretary Moss Chikane.

The application for the discharge of the accused on Wednesday last week came after the State eventually closed its lengthy case last month.

For months it led evidence from about 171 witnesses and presented 8 000 pages of written and 13 000 pages of documentary evidence.

Although the trial began officially in January this year, many of the accused have been incarcerated for more than two years.

The time factor has become a critical issue. The case has tediously dragged on in the small town of Delmas, effectively isolated from the public eye.

Now, at the request of Deputy Attorney-General P Jacobs, appearing for the State, the case has been postponed to November 17 to enable the State to prepare its argument in response to the defence's application.

### Summarised

That is expected to last a few days and then the anxiously awaited judgment — spelling out the outcome of the application — should be given by Mr Justice Van Dijkhorst before the end of this month.

If the accused are not all discharged, the defence will have to present its case to the court, a process which could last several months.

On Wednesday, the defence concluded its application — summarised in 550 pages — after a week of argument by Arthur Chaskalson, SC.

Chaskalson challenged the State's allegation that all 22 had incited residents in the Vaal Triangle to murder town councillors in September 1984. Another allegation central to the case is that all 22 conspired to overthrow government with violence.

The conspiracy, according to the State, had its origin in the UDF, possibly in alliance with the ANC. It was finalised by August 20, when the UDF was officially launched in the Western Cape.

Chaskalson argued at length that there was no evidence to show that any of the accused or the UDF were part of such a conspiracy.

Any sub-conspiracy which might

# Delmas: the long, tortuous process of justice . . .

THELMA TUCH

have occurred after August 20 was not relevant to the case, as it had not been spelt out in the indictment, he said.

He said all 22 were entitled to be acquitted, as the State had not produced *prima facie* evidence of the conspiracy it had laid out in the indictment. He said that virtually no evidence had been led against some of the accused and argued for their immediate acquittal.

Charges of murder, he said, should be immediately dropped against UDF leaders Lekota, Molefe and Chikane as there was no evidence of any connection between them and the death of the five town councillors in the Vaal Triangle.

### Support

Further, he said there was no evidence to link the UDF with the campaign in the Vaal Triangle against rent increases, or the stayaway and march on September 4.

There was also nothing to indicate that UDF policy had been dictated by the ANC or that the UDF dictated policy to any of its affiliates.

The courtroom was packed to capacity on Wednesday last week when the defence submitted its application for their discharge. As the days went by fewer people arrived to offer their support.

Last Wednesday former Transvaal secretary of the UDF Moss Chikane (accused No 21) wrote out a birthday card for his son, who turned one year yesterday. He asked his co-accused to inscribe messages.

# No decision on appeal by jailed Sparg

JOHANNESBURG. — No indication has yet been given by lawyers for Marion Sparg whether they will appeal against the effective 25-year prison sentence imposed on her in the Rand Supreme Court yesterday.

Her lawyers would confirm only that no decision had yet been made to apply to the Appellate Division against the sentence. But they stressed that there were still 14 days in which to lodge an appeal.

Sparg, 28, an ANC member, was yesterday sentenced to 20 years' imprisonment for treason and to an effective five years on two counts of arson and one of attempted arson.

Sparg pleaded guilty and was convicted by Mr Justice Van der Walt for placing limpet mines in three police stations in February and March this year, and for petrol-bombing three Johannesburg premises of the Progressive Federal Party in 1981.

During his 20-minute judgment yesterday, the judge said it was a tragedy, to Sparg personally and to her family, that she had allowed herself to be "misguided by persons like Joe Slovo".

He acknowledged Sparg — bedecked in the dock in the colours of the ANC — as a "dedicated Marxist and revolutionary".

He said the fact that she was a white South African was "an aggravating factor" in his consideration of sentence.

He attributed her actions to a history of obesity, a condition which a defence witness had earlier described as negatively influencing her ability to relate socially.



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15/11/86

# Bomb trial told of body hurled 24 m

## Pietermaritzburg Bureau

THE terrorism trial at the College Road Supreme Court here yesterday heard of the discovery of the mutilated bodies of two black men following a bomb blast at the Grosvenor Girls' High School in October last year.

Giving evidence at the trial of 12 Durban people charged in connection with numerous explosions in the Durban area last year, Maj M C Botha, an inspector of explosives stationed at C R Swart Square, said that from the extensive damage caused to the school building he believed an SZ6 demolition charge was used.

This type of mine contained 6 kg of high explosive. The device had been placed under a staircase at the entrance.

Maj Botha said the body of a black man was found about 24 m from the point of the explosion where it had been hurled.

His arms and legs were missing and pieces of the body were found within a 70 m radius around the area.

There were blood marks on the wall of the school building as high up as the

first floor.

The second body lay about 4 m from the point of explosion underneath a large piece of concrete. The man's skull had been cracked open.

According to the indictment, the school had been designated as a polling station in a by-election at the time of the explosion.

It is alleged that a third man, Sibusiso Mazibuko, was injured in the blast but escaped and was concealed and treated by one of the accused, Dr Vejaynana Ramlakan.

## The accused

The hearing continues on Monday.

The accused are: Mrs Duduzile Buthelezi, 32, (Umlazi); Dr Sibongiseni Dhlomo, 26, (Umbilo); Dr Vejaynand Ramlakan, 28, (Merebank); Sibusiso Ndlanzi, 29, (Kwa Mashu); Jude Francis, 21, (Shallcross); Ordway Msomi, 20, (Lamontville); Sipho Bhila, 31, (Lamontville); Phumezo Nxiweni, 20, (Lamontville); Mapiki Dlomo, 32, (Lamontville); Bafu Nguqu, 30, (Lamontville); Malusi Majola, 20, (Chesterville) and Vusumuzi Mahlobo, 27, (Kwa Mashu).

# ANC 'soldier' Sparg's beauty 25 years

ATIN NTSOELONGOE

IER journalist Mar-arg - described in s a "dedicated an-un-nt member of Umk-veSizwe" - has been or 25 years.

g, 28, was sentenced ay by Judge PJ van it after being found if treason, arson and ted arson.

woman who de-herself as "an Afri-tional Congress sol-ad pleaded guilty to ges.

was jailed for 20 n the treason charge, us each on the arson and two years on the

attempted arson charge. All but the treason charges will run concurrently - so she will serve an effective 25 years.

The State had asked that she be jailed for life.

Sparg hugged and kissed her crying family before she was led to the cells after being sentenced.

A few of the 100 spectators in the Rand Supreme Court carried yellow flow-ers.

Passing sentence yesterday, Judge Van der Walt described Sparg as "a dedi-cated and unrepentant member" of MK.

"I regard it as an aggra-

vating factor that, as a white South African, you chose to espouse the cause of revolu-tion," he said.

During the trial, Sparg had admitted planting lim-pet mines at three police stations this year.

Two of the mines ex-ploded - at Cambridge po-lice station in East London, and at John Vorster Square. The third, planted at Hill-brow police station, was de-tonated before it could ex-plode.

Sparg also admitted pe-trobombing three Progres-sive Federal Party offices in 1981, during Republic Day protests.

● Sparg's defence advocate, Jules Browde, had argued during the trial that his cli-ent's case was "a difficult one".

He added: "It is inherent in our justice system that because of our troubled his-tory, with treason being committed for various politi-cal reasons and beliefs, judges should not mete out heavy sentences which may create martyrs."

Browde said Sparg's mo-tives were laudible - but the judge quickly answered that her motives were irrelevant and that she would be sen-tenced for her actions.

● During cross-examina-

tion, prosecutor Keith Atwell had asked Sparg whether she regarded her-self as a traitor.

She answered: "I regard myself as a patriot."

Atwell pointed out that Sparg was "educated, so-phisticated and intelligent".

"She does not come from a deprived family, nor has she endured hardships - or been part of people victi-mised by the system so as to prompt her extreme ac-tions," he said.

"She has shown no sign of remorse."

● In her own evidence, Sparg said her political in-volvement started when she

enrolled at Rhodes Univer-sity in 1979 to study for a degree in journalism.

She took part in an eight-day hunger strike in protest against Biko's treatment be-fore he died.

After completing her journalism course at Rhodes, she said, she joined the *Sunday Times* as a po-litical and labour reporter.

She said there was a lot of self-censorship at the *Sun-day Times*, and she there-fore had many clashes with the editor.

Sparg also took part in a one-day strike at the news-paper, but later decided she had had enough of "the so-

called liberal Press."

Sparg said she had be-come a journalist because she loved writing - but later thought she could help change society.

The judge than asked her if she rejected the idea of a journalist as an objective ob-server.

She answered that jour-nalists are part of society and have to take sides.

● Sparg also rejected an al-legations that the ANC trained people to commit murder.

She referred to her uncle, who was imprisoned by the Nazis during the last world war.

"Whites and blacks had fought the Nazis during the last world war were not mur-derers."

"Nazism was an evil crime against humanity and a threat to world peace."

"Apartheid is also a crime against humanity and a threat to world peace."

She said she had attacked police stations because it was MK policy to attack targets "directly representa-tive of the brutality of apart-heid".

This was done "in broad daylight so as to pre-empt the routine suppression of information relating to acts of sabotage".

# State drops 'subversion' case against Boesak

THE government has dropped the subversion charges against prominent anti-apartheid leader Reverend Allan Boesak, a prosecutor said on Tuesday.

World Alliance of Reformed Churches president Boesak said the withdrawal of the case showed the State had never had grounds to detain him and muzzle him through bail restrictions.

The SA Press Association quoted Boesak as saying that if the case had come to court, "they would have had to state publicly that they had no charges against me, and this would have been too much for them to handle."

Prosecutor Willem Viljoen confirmed on Tuesday he had notified the court and Boesak's lawyer that charges were formally dropped on Monday. Viljoen declined to give reasons for the decision.

Boesak was the driving force behind the creation of the United Democratic Front, which has grown into an umbrella group with over 800 member organisations countrywide. Claiming over two million members, the front is the largest anti-apartheid movement in the country. Last month the government banned it from receiving foreign funding.

Progressive Federal Party member Dave Dalling said the government withdrew Boesak's case to avoid foreign anger. He said: "I have always believed that the charges were ridiculous anyway and should never have been brought in the first place."

Black Sash president Mary Burton said the dropping of charges could not undo the damage of "months of harassment and inconvenience".

Boesak was elected president of the World Alliance of Reformed Churches in 1982, and persuaded the body to declare apartheid a heresy. In September, he was elected Moderator of the 800 000-member NG Sendingkerk.

- Sapa.



# Ex-security policemen charged with spying for the ANC

PRETORIA. — Two former security branch policemen who allegedly spied for the banned African National Congress, giving it information relating to State security, had been charged with terrorism and espionage, the Sowetan newspaper reported.

Mr Matshwenyego Daneil Mokgaabudi, 29, of Atteridgeville, and Mr Tshifhango Cedrick Rabuli, 33, of Soshanguve, near Pretoria, appeared before Mr W J van den Bergh in the Pretoria Regional Court on Friday on 10 charges of terrorism, furthering the aims of the ANC and of espionage.

They were not asked to plead and the hearing was postponed to January 6 next year. They were remanded in custody.

The State alleges that the accused were members or active supporters of the ANC and furthered its aims from 1980 to July 12 this year.

In their official duties, both allegedly had access to information concerning actions of the ANC in South Africa and how to combat these actions.

## SECRET FILES

The accused also had documents or duplicate copies of secret files relating to ANC activities. They were attached to the security branch in Pretoria at the time of their arrest early this year.

The documents the accused had access to also related to security and military matters and anticipated actions of the ANC and the Pan-Africanist Congress.

These documents, the State alleges, were given to members or active supporters of the ANC or a certain Malaza between June 16, 1982, and July 12 this year.

Lawyers acting for the police indicated to the magistrate on Friday that they had applied for a certificate from the Attorney-General prohibiting bail for the accused under a section of the Internal Security Act.

Defence counsel is expected to file replying affidavits within 14 days, challenging the application. — Sapa.

# Police major: Civil case 'part of total onslaught'

COPY TIMES 11/11/86  
Court Reporter

THE civil case between a man who was beaten on the head during unrest in the city centre last year and the Minister of Law and Order, was "part of the total onslaught", a police major told a city magistrate yesterday.

Major Adolf Odendal was giving evidence in the matter in which Mr Christopher Knight, of Wynberg, is suing the Minister of Law and Order and claiming damages of R2 544 for medical expenses, loss of dignity, pain and suffering.

Major Odendal and Sergeant Geoffrey McMaster told the court they had been called to the city centre on October 24 last year as some women were demonstrating in Adderley Street.

After the major had told people standing and shouting slogans to disperse they had seen vehicles overturned in St George's Street.

After warning people to leave Major Odendal had given orders to beat a group of youths on the corner of Ad-

derley Street and Shortmarket Street with batons and quirts.

Sergeant McMaster said he heard Mr Knight, who was part of the group, say: "It's about time you people f... off from the area, its you that's causing all the trouble."

The sergeant then hit Mr Knight who "ducked". The baton hit him on the side of his head. "I helped him up and gave him a final warning to leave the area," he said. "At no stage did I assault Mr Knight."

At a previous hearing, Mr Knight told the court he had been in Shortmarket Street when Major Odendal ordered people to "get out of the area".

He had said they should get out of the area, but had not used foul language. He had been beaten on the head and dragged roughly to his feet.

The hearing continues on Thursday. Mr W J P Marais was the magistrate. Mr N J Treurnicht, instructed by the State Attorney, represented the Minister of Law and Order. Mr J Shortt-Smith, instructed by the Legal Resources Centre, appeared for Mr Knight.

# Bomb trial told of arms cache finds

Pietermaritzburg Bureau

THE trial of 12 Durban people charged in connection with numerous bombings in Durban last year, was told yesterday of hidden arms caches pointed out to police by two accused in the trial.

Lt A P Robertshaw of the security branch in Durban said he and other members of the police had been led to caches in Lamontville and Umlazi in which arms, ammunition and explosives had been found.

They had also been led to the Alan Taylor Residence in Wentworth where ANC literature and other documents were discovered in a storeroom, together with a box containing a variety of chemicals.

The caches had been pointed out by accused Ordway Msomi and Sibongiseni Dhlomo, following their arrest in December last year.

Lt Robertshaw said Mr Msomi first took them to a spot near the Gijima sports fields where he pointed out a piece of asbestos in a disused building. Underneath, in a hole in the ground, they found an empty trunk.

The following day they went to the same sports fields and Mr Msomi showed them a place underneath some bushes.

## Documents

On instructions he dug in the ground and unearthed a plastic bag which was found to contain a She Petersen submachine-gun, three magazines, a total of 120 rounds of 9 mm ammunition, a battery charger and a strap for an S26 explosive device. He also uncovered a second bag containing a land-mine.

Lt Robertshaw said Mr Sibongiseni Dhlomo had pointed out various documents and a bag containing a large quantity of ANC literature in a storeroom at the Alan Taylor residence in Wentworth. A box with various chemicals was also found.

Later Mr Dhlomo also showed them an open piece of ground below the Executive Hotel in Umlazi where after a search they dug up a bag containing an AK-47 rifle and a number of rolls of cortex.

The hearing continues.

All twelve accused have pleaded not guilty before Mr Justice Thirion and two assessors to the charges they face.

The accused are Duduzile Buthelezi, 32, (Umlazi); Sibongiseni Dhlomo, 26, (Umbilo); Vejaynand Ramlakan, 28, (Merebank); Sibusiso Ndlanzi, 29, (KwaMashu); Jude Francis, 21, (Shallcross); Ordway Msomi, 20, (Lamontville); Sipho Bhila, 31, (Lamontville); Phumezo Nxiweni, 20, (Lamontville); Mapiki Dhlomo, 32, (Lamontville); Bafu Nguqu, 30, (Lamontville); Malusi Majola, 20, (Chesterville); and Vusumuzi Mahlobo, 27, (KwaMashu).



PRETORIA — Two former security branch policemen who allegedly spied for the banned African National Congress, giving them information relating to state security, had been charged with terrorism and espionage, the Sowetan newspaper reported.

Mr. Matshwenyego Daneil Mokgaabudi, 29, of Atteridgeville, and Mr Tshifhango Cedrick Rabuli, 33, of Soshanguve near Pretoria, appeared before Mr W. J. van den Bergh in the Pretoria Regional Court on Friday on 10 charges of terrorism, furthering the aims of the ANC and of espionage.

Both accused, who were represented by Mr Sakkie Mabua, were not asked to plead and the case was postponed to January 6 and 7 next year.

They were remanded in custody.

## Ex-policemen on spy charge over ANC link

The state alleges that the accused were members or active supporters of the ANC and furthered its aims from 1980 to July 12 this year.

In their official duties, both allegedly had access to information concerning actions of the ANC in the Republic and of how to combat these actions.

The accused also had documents or duplicate copies of secret files relating to ANC activities.

They were attached to the Security Branch in Pretoria at the time of

their arrest early this year.

The documents the accused had access to, also related to security and military matters and anticipated actions of the ANC and the Pan Africanist Congress.

These documents, the state alleges, were given to members or active supporters of the ANC, or a certain Malaza between June 16, 1982, and July 12 this year.

The state also alleges that the accused were compensated by the ANC for the contribution of the information and documents they de-

livered to the organisation.

The accused were also allegedly recruited by the ANC or Malaza to join the organisation.

According to the indictment, the accused neglected to report the sensitive information and or particulars relating to actions of the ANC or its supporters, to the police.

They also failed to report the involvement of Malaza in the activities of the ANC.

Lawyers acting for the police indicated to the magistrate on Friday that they had applied for a certificate from the Attorney-General prohibiting bail for the accused, under a section of the Internal Security Act.

Defence counsel is expected to file replying affidavits within 14 days, challenging the application. — Sapa

# Magistrate was an (33) 11/11/86 'untruthful witness'

THREE State witnesses, including a magistrate and a policeman, who testified at the Duduza treason trial were yesterday described as untruthful witnesses by a judge in the Pretoria Supreme Court.

Mr Justice Stafford said evidence led by Warrant Officer van Dyk was "false and a fabrication" and said the policeman had attempted to "get out of the firing line" of being cross-examined.

The policeman was involved together with the magistrate, Mr Peter Marx, and Mr Boy William Mabena, an interpreter, when a statement was obtained from Mr Joseph Titus Mazibuko in hospital on June 28 last year.

Mr Mazibuko told the court in his evidence-in-

chief that he twice refused to make a statement, but consented on the third day in order "to get rid of the magistrate".

The judge yesterday said that Mr Marx, and the other two officials gave false and contradictory evidence. Although the accused was ill the magistrate had attempted to impress upon the court that he was sleeping peacefully. The accused earlier testified that he twice told the magistrate that he could not make the statement because he was too sick.

During part of his judgment on the admissibility of statements made by five of the seven accused, Mr Justice Stafford also ruled that medical evidence led by State witnesses Professor Laubscher Walters and Professor Adriaan Plomp had been accepted by the court as being more comprehensive and logical than those of their counterparts — Profes-

sor Donald Moyers and Dr Dion Fine who testified for the defence.

Dr Fine earlier submitted that the decision-making capability of the five accused were impaired at the time they made statements to a magistrate.

The judge ruled that medical evidence had shown that the accused were in their sound and sober senses at the time they made statements. Expert evidence had also proved that their emotional disturbance was not gross. Professor Plomp's evidence, the judge added, was unbiased and impressive.

The judge said he appreciated that the five accused were not normal when they made the statements. They lost their hands or fingers and were operated upon and were in pain at various hospitals. Medical evidence, he added, had shown that the accused experienced only normal grief reaction.

(Proceeding)

# Supreme Court sets aside sentence after review

**Dispatch Reporter**  
EAST LONDON — The punishment meted out to a young Duncan Village man by a kangaroo court was so severe that the Supreme Court here has set aside a sentence of five strokes with a light cane imposed on him by the regional court.

Mthuthuzeli Ndebe, 20, of Boswe Street, had been sentenced to five cuts and 12 months' imprisonment, conditionally suspended for five years, when he was found guilty on October 7 of stealing out of a locked car.

However, a district surgeon who had examined Ndebe told the court he was "physically unable to bear any more punishment of that nature".

Ndebe had pleaded guilty before Mr N. R. Oosthuysen. He admitted breaking into a car in Caxton Street on August 29 and taking various items, including suitcases.

Ndebe was examined by a district surgeon, Dr H. P. Morrar, and a report was submitted in which Dr Morrar stated that the accused had extensive scars on his buttocks.

The case, in which Mr Oosthuysen asked that the sentence of five cuts be set aside, was then sent for review to the Supreme Court.

In his judgment on review, Mr Justice Eksteen ordered that the sentence be set aside in view of Dr Morrar's findings.

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# Judge says 3 State witnesses lied

Three State witnesses, including a magistrate and a policeman, who testified in the treason trial of seven Duda residents, were described yesterday as untruthful witnesses by a judge in the Pretoria Supreme Court.

Mr Justice Stafford said the evidence of the policeman, a Warrant Officer van Dyk, was false and said he had attempted to escape being cross-examined.

The policeman was involved with the magistrate, Mr Peter Marx, and an interpreter, Mr Boy William Mabena, when a statement was obtained from Mr Joseph Mazibuko in hospital on June 28 last year.

Mr Mazibuko told a court in his evidence-in-chief that he twice refused to make a statement but consented on the third day "in order to get rid of the magistrate".

The judge yesterday said Mr Marx and the two other officials gave false and contradictory evidence. Although the accused was ill the magistrate had attempted to impress upon the court that he was sleeping peacefully.

The accused earlier testified that he twice told the magistrate that he could not make the statement because he was too sick.

During part of his judgment on the admissibility of statements made by five of the seven accused, Mr Justice Stafford also ruled that medical evidence led by State witnesses Professor Laubscher Walters and Professor Adriaan Plomp had been accepted by the court as being more comprehensive and logical than those of their counterparts — Professor Donald Moyers and Dr Dion Fine who had testified for the defence.

The judge ruled that medical evidence had shown that the accused were in sound and sober senses at the time the statements were made.

Professor Plomp's evidence, the judge added, was unbiased and impressive.

The judge said he appreciated that the five accused were not normal when they made the statements. They had lost their hands or fingers and were operated upon and were in pain at various hospitals.

The trial is proceeding.

# Clenched fists, chants greet terror suspects

Staff Reporter

12/11/86

TWELVE Peninsula men charged with terrorism were greeted with chants of "viva", clenched fists and freedom songs when they appeared in the Regional Court, Malmesbury, today.

Mr Lizo Ngqungwana, Mr Themihosi Mzukwa, Mr Joseph Ngoma, Mr Themba Tshibika, Mr Sazi Veldtman, Mr Douglas Myanya, Mr Joseph Mkuhlwa, Mr Anderson Ncivata, Mr Reed Macozama, Mr Quentin Michels, Mr Cecil Esau and Mr Neville van der Rhee, who were in leg irons, were not asked to plead and the case was postponed to January 19 for further investigation.

The prosecutor, Mr W Viljoen of the Attorney-General's office, told the magistrate, Mr H Loubser, that the next hearing would take place in Hermanus and the case could be

referred to the Supreme Court for trial.

He said police were continuing their investigations and there was a possibility that more people would be arrested.

The prosecution would probably have a formal charge sheet ready at the next hearing.

Earlier a police officer told the packed courtroom that Mr Loubser would not tolerate chanting or singing during the trial.

He said Mr Loubser would permit relatives and friends to greet the accused when they entered the court.

There was rousing singing and chanting as the accused entered the court. They responded by shouting "viva" and giving salutes.

The court was cordoned off and people entering the building were searched.

## Security witness cross-examined

MARITZBURG — The terrorism trial of 12 people allegedly connected to a series of bomb blasts in Durban continued in the Supreme Court yesterday with the cross-examination of a security policeman.

Lieutenant A P Robertshaw was cross-examined by defence counsel

Mr A Magid on his evidence that one of the accused, Dr Sibongiseni Dhlomo, had taken policeman to Alan Taylor medical residence where, in a storeroom, they had found ANC literature and chemicals.

The lieutenant was also examined on his evidence that Dr Dhlomo

had taken the policeman to open ground opposite an Umlazi hotel where the police had found a bag containing an AK47.

Lieutenant Robertshaw said that police had searched the site for one to two hours before they found the weapon.

The hearing continues. — Sapa.



## Station case postponed

Argus 12/11/86  
The Argus Correspondent

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PRETORIA. — A group of men and one youth from Laudium appeared in the Pretoria Magistrate's Court in connection with an attack on the Laudium police station in October this year.

They face charges of public violence, malicious damage to property and possessing petrol bombs.

The case has been postponed to December 30 for further investigation. All the men, except a Mr Myager, have been granted bail.

7/E

# JUDGE RULES ON STATEMENTS

(231)  
Sawyer  
12/11/86

**By MONK NKOMO**

TWO men wearing glasses and balaclavas gave handgrenades to one of the accused in a terrorism trial and ordered him and others to go and blow up two houses belonging to a former Duduza community councillor and his brother, the Pretoria Supreme Court heard yesterday.

This evidence — shortly after Mr Justice Stafford ruled that only two of the statements of the five accused were inadmissible as evidence — emerged from a confession by Mr John Mlangeni (21). The judge ruled that the statements made by Mr Mlangeni, Mr Samuel Lekatsa (19) and Mr Humphrey Tshabalala (19) were admissible as evidence in court.

Statements made by Mr Joseph Titus Mazibuko (18) and Mr Johannes Veli Mazibuko (18), were not made freely and voluntarily and were therefore not admissible as evidence, the judge said.

Mr Mlangeni, in a statement he made to magistrate Mr Pieter Hendrick Marx, said he was approached by two men wearing balaclavas and glasses on June 24 last year. The men told him they were from Soweto and ordered him to go and blow up houses belonging to Mr Steven Namane, a former community councillor and that of his brother, Mr David Namane, a businessman. The two men

taught him and others how to use handgrenades and later ordered them to attack the house at midnight on June 25.

Mr Mlangeni said he and four others went to a house, "disconnected the handgrenades" and were about to throw them, "but I don't know what went wrong — the handgrenades exploded in our hands," the statement read.

## **Attack**

Another magistrate, Mr Barend Nicholas Fourie, read a statement he obtained from Mr Lekatsa. The accused said Veli had informed them of certain people who needed 10 of them. The said people had shown them how to use

handgrenades and also asked them which places they wished to attack. Veli chose the electricity power station and the administration board offices. They went to the offices armed with the handgrenades. He could not recall what happened later except that he and Humphrey remained on the scene — injured.

In his statements, Mr Tshabalala said he did not throw any handgrenade during an attack on the administration board office. His group got frightened when handgrenades started exploding. One of the handgrenades exploded in his hand. He added that they were given the handgrenades by Veli Mazibuko who got them from certain people.

# Terror trial judge accepts statements on grenade attacks

## Pretoria Correspondent

Statements made by three people charged with terrorism were admissible as evidence, Mr Justice Stafford ruled yesterday in the Pretoria Supreme Court.

This finding followed a lengthy trial-within-a-trial on the admissibility of statements taken by police or magistrates shortly after most of the seven men now standing trial in the court were injured, allegedly during attacks on various targets on June 25 last year.

During a judgment that lasted five hours, Mr Justice Stafford found that some of the State witnesses, including a magistrate and two policemen, were untruthful.

He ruled that statements made by two of the accused were not acceptable as evidence.

The seven accused, Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Duduza, Nigel, and Mr Hosea Lengosane (20) and Mr Cedric Dladla (19),

both of Tsakane, Brakpan, have pleaded not guilty to two charges of terrorism, a charge of illegal possession of hand grenades and a bomb, and several counts of attempted murder.

A statement made by Mr Dladla has already been accepted as evidence.

Mr Justice Stafford found that the statements made by Mr Joseph Mazibuko and Mr Veli Mazibuko were not obtained freely and voluntarily.

However, those made by Mr Mlangeni, Mr Lekatsa and Mr Tshabalala were read into the court record.

## Hand grenades

In their statements, Mr Mlangeni and Mr Lekatsa said they were taken to a piece of open ground and taught how to use hand grenades.

Mr Lekatsa said their instructor divided them into groups and told them to decide what targets to attack. On June 25 last year, they were given grenades and sent to bomb their targets.

In his statement, Mr Tshabalala denied throwing a grenade,

but said one fell to the ground and exploded. "I think mine exploded while it was still in my hand."

Mr Lekatsa, a member of another group, said: "Veli said we must get the hand grenades ready. I don't know what happened." There was an explosion and, in fright, the remaining members of the party threw their grenades to the ground, where they exploded.

Mr Mlangeni said: "I don't know what went wrong, but the hand grenades went off in our hands."

In his judgment Mr Justice Stafford said he found Mr Lekatsa an unreliable witness. He found that medication did not affect Mr Tshabalala when he decided to make a statement.

He said he did not ignore the evidence that Mr Mlangeni, Mr Lekatsa and Mr Tshabalala were in pain and grieving over having lost limbs when they made the statements. "But when one looks at the overall picture, we are satisfied that the men were in their sound and sober senses, and that they made the statements voluntarily."

The hearing continues.

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Mozambique bridge blasted

Fault delays trains



# Murders: Court told police stormed house

*CMB TmF 13/11/86* Own Correspondent *(331)*

PORT ELIZABETH. — Policemen searching for the murderers of an elderly Addo farm couple surrounded and stormed a house where, hours earlier, the alleged murderers had tried to obtain "muti" to help them evade arrest.

This evidence was heard in the Supreme Court in Humansdorp yesterday at the trial of eight members of the Addo Youth Congress (AYC) who are charged with the double murder of Mr Koos de Jager and his wife Louisa on the farm Enhoek on the night of July 17 last year.

On trial are Mr Zalisile George Tana, 20, Mr Mxolisi Sokiya, 19, Mr Michael Kona, 20, and Mr Makhezwana Menze, 40, all of Addo, Mr Mzukisi Christopher Mdayi, 25, of Kwanobuhle, Uitenhage, Mr Similo Lennox Wonci, 21, Mr Mziwoxolo Christopher Makeleni, 21, both of Port Elizabeth, and Mr Ndumiso Silo Siphenuka, 25, of Kirkwood.

It is alleged that the eight men attended a meeting before they allegedly travelled to Enhoek and murdered the De Jagers. They are also facing charges connected with robbery.

# GOPS BOMBED HOMES

By MONK NKOMO

not guilty.

WO Sibaca, a former Security Branch policeman, now attached to the CID in Dunnottar, said he was "surprised" to hear in court yesterday that three of his colleagues — Warrant Officer Richard Mapelela, a Sergeant Sithole and Mr Peter Mphahlele of the Security Branch — were allegedly involved in petrol bomb attacks on certain houses.

Mr de Vos put it to Mr Sibaca that WO Mapelela, who is attached to the Dunnottar Police Station, was a suspect in the murder of Sonto and Zane Thobela who died after their home was petrol-bombed in Duduza last year. Both were members of Cosas. Sonto was secretary of the local branch of the organisation.

## Surprised

WO Sibaca told the court that he was surprised by Mr de Vos's submission that two of his other colleagues were suspects in the petrol bomb attacks on Bishop Nkoane's house in KwaThema, Springs, last year.

Mr Justice Stafford yesterday ordered that a Warrant Officer Fourie bring along dockers today relating to the deaths of the Thobela sisters and that of Alexandra Pailane, who was abducted, tortured, and then killed by hired assassins.

WO Sibaca said he was involved in preliminary investigations in both cases but nobody was arrested until the time WO Fourie took over the investigations. The suspects involved could not be traced.

WO Sibaca said under cross-examination that he knew nothing about the vigilante group that was formed in Duduza. He was also unaware that police were allegedly involved in these groups. When shown newspaper cuttings of the *Sowetan* and *City Press* on these vigilante groups, including the serious allegations about the group, WO Sibaca said he was also not aware of these reports. He told the court: "I don't read *City Press* and *Sowetan*. I read *The Star*"

## in trial

## Lawyer makes allegations

## Unrest stories

THIS issue of the *Sowetan* has been produced under conditions that amount to censorship. Some stories that relate to unrest, the state of emergency and the activities of the security forces were supplied by the Bureau for Information established by the Government. Additional facts or information which we may have had relating to unrest had to be approved by the bureau or cannot be published.

THREE policemen have been accused of complicity in the murder of two sisters in Duduza — both members of a banned students organisation — as well as taking part in the petrol bomb attack on the house of the Anglican Bishop, Simeon Nkoane in Springs.

The allegation was made by the defence counsel, Mr Nick de Vos, while cross-examining Warrant Officer Templeton Sibaca during the terrorism trial of seven alleged members of the outlawed Congress of South African Students (Cosas). The seven are appearing before Mr Justice Stafford and an assessor in the Pretoria Supreme Court. They have all pleaded

## Minister pays Widow R27 000

THE outgoing Minister of Law and Order, Mr Louis le Grange, has paid R27 000 to the family of an East Rand man who died in detention.

The family of Mr Mphahlele, Abel Ngwenya, Mrs Norah Nombemba, received the money on Monday.

Mr Ngwenya died in police custody on November 21, 1984. He was 31 years old at the time of his death. His family sued Mr le Grange for R50 000.

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SOWETAN 3/11/86 (25)

# Sof'n Easy

## DRY HAIR?

TREATMENT FOR CURL PERMS

CURL CREAM

FOR EXTRA DRY HAIR

WITH TRIPLE ACTION



# Durban bomb blast: man and woman on 24 charges

The Argus Correspondent

DURBAN.—A man and woman, accused of murdering three women by bombing the beachfront Magoo's Bar in June, appeared in the Durban Magistrate's Court today on 24 charges.

It is alleged, also, they shot dead a Maritzburg hospital guard and wounded others while helping a suspected wounded terrorist to escape.

They are Mr Robert John McBride, 27, of 29 A Hardy Place, and girlfriend Miss Greta Margaret Apelgren, 30, of 20 Maria Crescent, both of Austerville.

They will stand trial in the Supreme Court, Maritzburg, next year.

Mr McBride is charged with four murders, five attempted murders, 12

AK 13/11/76 (33)

counts of terrorism, some arising out of Durban bombings this year, and one each of furthering the aims of the African National Congress, aiding suspected terrorist Gordon Webster to escape, and harbouring him.

Miss Apelgren is charged with similar offences except that she is charged with five counts of terrorism.

They were arrested in Nigel on July 27.

## LIMPET MINE

They are charged with the murder of Miss Angelique Pattenden, 23, Miss Marchelle Cheryl Goddard, 28, and Miss Julie Emily van der Linde, 28, by bombing the Parade Hotel on June 14.

They also face a charge of attempted murder in that they "at-

tempted to kill members of the general public who were at or near the Parade Hotel".

The State claims Mr McBride placed an explosive device and a limpet mine in the boot of a car which he and a person known as "C" drove to the hotel.

Miss Apelgren had parked her car outside the hotel and as Mr McBride drove up she left, allowing him to take her parking space.

Mr McBride, who activated the bombs, and C, left the vehicle and walked to Miss Apelgren who was waiting for them some distance away. They drove off.

The blast killed the three woman and wounded many people.

The indictment also alleges that Mr McBride, his brother, and C fired

at random at guards while helping a wounded, alleged terrorist Mr Gordon Webster escape from Edendale Hospital, Maritzburg, on May 4.

Webster was wheeled out of the hospital on a trolley to a vehicle and was smuggled into Botswana four days later.

The McBrides allegedly fired at random and killed Constable Mulungise Buthelezi. The other two guards were wounded.

In May, Mr McBride, Antonio du Preez and C established a cache of arms and explosives at Shongweni.

Mr McBride took the police to this spot after his arrest. The cache consisted of an RPG-7 rocket launcher, six rockets, three AK-47 rifles, grenades, landmines, cartridges and other devices.



# Court told of notes on mines, fuses

Pietermaritzburg Bureau

THE College Road terrorism trial was yesterday told of the discovery of a large quantity of literature and other documents, including an ANC diary, in a cellar on the property of Durban doctor Vejaynand Ramlakan, one of the accused in the trial.

Maj H S Miles of the security branch at C R Swart Square handed in pages of handwritten notes bearing headings such as 'Limpet Mines', 'Military', 'Fuses', 'Parcel Bombs', 'The History of our People's Resistance Against White Domination', 'The History of Our Resistance Against Oppression Starts' and 'The History of Our People's Resistance Against White Domination is Broadly Divided into Three Phases'.

## Travel documents

There were also volumes 1, 2 and 3 of a book entitled *Karl Marx*, and an *Introduction to Socialism*, as well as a diary with the inscription 'African National Congress' on the inside cover.

Maj Miles said he also discovered the torn remnants of two plans which were pieced together and mounted. They bore no title but Greyville Racecourse was marked on both and Game Discount World was also marked on the second plan.

He also found an NBS cash card and card holder, a learner's driving licence, reference book, address book, senior certificate and travel document bearing the name Mduduzi Alan Dlamini.

Maj Miles said the documents were found when he returned to Dr Ramlakan's home in Narbada Road in Merbank after Dr Ramlakan and another accused, Mr Sibusiso Ndlanzi, were arrested there on the night of December 23 last year. He walked around the house and spotted a garage about 4 m away which bore signs of occupation. Underneath it was a cellar.

In a corner behind the door lay a large pile of documents which consisted mainly of notes dealing with medical issues. A black refuse bag containing the documents referred to lay on top.

The accused have all pleaded not guilty. They are: Mrs Duduzile Buthelezi, 32, Dr Sibongiseni Dhlomo, 26, Dr Vejaynand Ramlakan, 28, Mr Sibusiso Ndlanzi, 29, Mr Jude Francis, 21, Mr Ordway Msomi, 20, Mr Sipho Bhila, 31, Mr Phumezo Nxiweni, 20, Mr Mapiki Dlomo, 32, Mr Bafo Nguqu, 30, Mr Malusi Majola, 20, and Mr Vusumuzi Mahlobó, 27.

for the state.

# Man's confession ruled admissible in terrorism trial

Court Reporter

MAGUS 3/11/80 331

A CAPE TOWN magistrate has ruled that a confession by a man on trial for terrorism is admissible.

The magistrate, Mr M J Lemmer, made the decision after a lengthy "trial within a trial" to determine the validity of a confession made by Mr Andile Gusha, 23, one of seven men facing charges of terrorism.

Mr Lemmer said that, if necessary, he would give his reasons for the ruling later.

Accused with Mr Gusha are Mr Bathemba Lugulwana, 33, of Langa, Mr Mzwandile Mchiteka, 25, Mr Donald Mxutu, 66, and Mr Simon Mayholewena, 64, all of Guguletu, Mr Taelo Ntlaba, 19, and a 17-year-old youth, both from Paarl.

Mr Gusha was detained on January 24 under Section 29 of the Internal Security Act after being brought from the Transkei.

## MILITARY TRAINING

The State alleges that the seven took part in the activities of the Pan-Africanist Congress, formed the Azanian Youth Union (Azanyu), invited people to sign for military training under the PAC and to join the Azanian People's Liberation Army, pledged loyalty to and saluted the PAC at a funeral in the Transkei in January, distributed a pamphlet entitled *Kill The Oppressor And Not The Oppressed*, and distributed T-shirts bearing pictures of Robert Sobukwe.

Three are alleged to have been involved in violence between Azanyu and the United Democratic Front in Paarl.

They have pleaded not guilty.

Mr Gusha remains in custody and bail of R200 for the other six was extended. The hearing was postponed to November 14.

Mr A A Duminy appeared for the State. The seven are represented by Mr P Hazel, instructed by Mr Ramesh Vassen, and Mr F Bunting, instructed by Mr Wallace Mgoqi of Syfret, Godlonton, Fuller, Moore Inc.

Court Reporter

TRADE unionist Zubeida Jaffer was yesterday fined R100 (or 50 days) in Wynberg Magistrate's Court for obstructing a security policeman from carrying out his duties by hanging on his arms and clothes.

Jaffer, 28, of Wynberg, was also sentenced to three months' imprisonment suspended for three years.

At a previous hearing she said she had hung on to Lieutenant Frans Mostert to prevent him from shooting and killing her husband, the four times banned Mr Johnny Issel.

Jaffer said a vehicle had arrived outside her mother's house on September 3 and blocked the way of the van in which her husband and brother were driving off.

Her husband jumped out of the van and ran

## Court fines Jaffer for obstructing security policeman

past her into the house. As he did so, Lieutenant Mostert, who was in the car, "went for his gun".

Thinking he was going to shoot Mr Issel, Jaffer said, she "jumped in and grabbed at him".

She had no intention of preventing the policeman from arresting Mr Issel. "My reaction was instinctive because I feared for his life."

Lieutenant Mostert said he had gone to the Jaffer home after seeing a woman, who he knew

was wanted by the security police, running that way.

He called for reinforcements and went around the back of the house. Here he saw a vehicle leaving. He pulled up behind the van and stopped it.

He said Mr Issel had jumped out of the van.

He tried to follow Mr Issel but Ms Jaffer grabbed him by the lapels of his jacket. "She said she would not allow me to arrest Johnny."

"She knew we were

looking for him and hung on to me in desperation. Johnny disappeared from sight. I did not want to use force because I've been in similar situations which have led to negative publicity."

The policeman said Mr Issel knew the security police had been looking for him for contravening Section 54 of the Internal Security Act.

He declined to explain the charges "as the press is present and for other reasons".

Jaffer said she had not told him she would not allow him to arrest Johnny, but "I will not allow you do that" (shoot him).

The magistrate, Mr S K E Liebenberg, accepted the evidence of Lt Mostert which was the "most likely version and very satisfactory". He rejected Jaffer's evidence.

H van der Merwe prosecuted. Ms Jaffer was not represented.



By ROGER WILLIAMS  
Chief Reporter

# Prof challenges 'unfair' charges on SA courts

CAPE TOWN

15/11/83

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A DUTCH advocate's statement to the International Commission of Jurists (ICJ) that no trial of a person accused of having infringed unfair "apartheid" laws can in itself ever be called fair was yesterday described by the Dean of the Faculty of Law at UCT, Professor R. Zimmermann, as "far too sweeping".

Mr Willem van Manen, a member of the Amsterdam Bar who attended the Passtoors treason trial in Johannesburg earlier this year as an observer, made the "unfair" accusation in a 160-page report on the trial to the ICJ and its Dutch section, the NJCM.

Ms Helene Passtoors, a 43-year-old

Dutch/Belgian national, formerly married to Mr Klaas de Jonge who took refuge in the Dutch Embassy in Pretoria, was sentenced to 10 years' imprisonment after being found guilty, among other things, of involvement in the establishment of an arms cache for the ANC.

Mr Van Manen says in his report to the ICJ that the way the law is administered and developed by the courts cannot be isolated from underlying politics and social circumstances.

"Thus, the Passtoors trial cannot be judged in isolation from its socio-political context. That context is apartheid.

"The system of apartheid is unfair. To maintain it naturally requires unfair laws and a judiciary willing to enforce these laws. No trial of a person accused of having infringed such laws can ever be called fair."

Mr Van Manen says white South Africans in general hold their judicial system and its traditions in high esteem.

"Prominent lawyers concede, however, that it is no use to argue before a South African court that by standards of international law the armed struggle against apartheid is lawful. The same applies to arguments refuting the doctrine of treason followed by

the South African courts.

"It would not seem to be a lawyer's prerogative to appreciate the irony in judgments finding that black people owe allegiance to the very same State that is denying them the most fundamental civil rights.

"However, such arguments are not advanced, as they could only irritate the court and therefore would not be in the interest of the accused."

● Reacting to Mr Van Manen's report, Professor Zimmermann said it was "far too sweeping" to suggest that a judiciary called on to enforce "unfair" laws was incapable of conducting fair trials.

SMK 14/11/86 331

# Hearing for UDF funding deferred

DURBAN — An application by the United Democratic Front to have rescinded a Government ruling, which lists the body as an affected organisation, was yesterday postponed in the Supreme Court, Durban until February 10.

The hearing was due to take place before Mr Justice D.L.L. Shearer, but when it was called the judge was told both parties had agreed to the adjournment.

The body was listed as an affected organisation last month. The listing means it cannot get funding from overseas sources.

Respondents in the application are the State President, the Government, the Minister of Law and Order, the Minister of Justice and the Registrar of Affected Companies.

Applying with the UDF are the Durban Housing and Action Committee, the Natal Organisation of Women, and Mr Curnick Ndlovu, chairman of the UDF's National Executive Committee.

In an affidavit Mr Ndlovu claimed the State President, as the first applicant, had no jurisdiction to ex-

ercise the power to list the UDF as an affected organisation unless the Minister of Justice appointed a committee consisting of three magistrates.

This committee would have to make a factual report and the Minister of Justice would then have to consider it.

He claimed the committee of magistrates was not appointed by the Minister of Justice, but by the Minister of Law and Order.

He added the Minister of Law and Order, and not the Minister of Justice, had given the required consideration to the report by the committee.

He said the applicant received funds from both outside and inside South Africa, which it distributed to various organisations affiliated to it — the bulk of the funding from abroad emanated from the Swedish labour movement and a church organisation based in the Netherlands.

He added the UDF was interested in encouraging a movement towards a non-racial, democratic and unfragmented dispensation in the country. Sapa.

500-1411/86

## Delmas accused asks to go to funeral

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By Mudini Maivha

Lawyers acting for the Delmas treason trialists have applied to the Prisons Department for one of the accused, Mr Ephraim Ramakgula, to be allowed to attend the funeral of his mother.

Mr Ramakgula's mother, Mrs Diana Clementina Ramakgula (55), died on Saturday from asthma at Sebokeng Hospital.

She will be buried tomorrow.

Before she died, she expressed a wish that her son be released to attend her funeral.

"My mother always asked from her hospital bed about the trial. She asked me to try to secure my brother's release so he could attend her funeral," said her other son, Mr Nathaniel Ramakgula.

Mr Ramakgula, a Vaal Civic Association (VCA) and United Democratic Front (UDF) member, is the second Delmas accused to lose a parent in the course of the trial. The first was VCA chairman Mr Petrus Mokoena.



# The 22 men in the dock

THE State is expected to respond to the application for the discharge of the 22 trialists in the Delmas treason trial when it resumes after a week-long adjournment today.

The defence team for the 22 men has argued that all of them be acquitted on the main charge of treason, three alternative charges of terrorism, two counts of subversion and five counts of murder.

Mr Arthur Chaskalson, SC, for the defence, argued that there was no *prima facie* evidence that the men have conspired with the banned African National Congress to overthrow the system by violence.

All the men have pleaded not guilty.

Their ages range from 21 years to 61 years and some of them have been in detention for more than two years.

The accused are:

- Thomas Madikwe Manthata (46), a former secretary of the Soweto Civic Association who worked as a field worker for the South African Council of Churches in the Justice and Society Division before his detention in February last year. He is married with three children ranging in age from two to nine years.
- Hlabang Sam Matole (61) of Sebokeng worked as an agent for a

dry cleaning firm before his detention in February last year. He is a member of the Vaal Civic Association. He has three children and a wife.

- Patrick Mabuya Bal-eka (26), is an unmarried Soweto man who worked as an insurance representative until his detention in September 1984. He is also a member of the Azanian National Youth Unity (Azanyu).

- Oupa John Hlonmuka (33) of Sebokeng, is an Azapo member who worked as an insurance consultant and salesman before his detention in September 1984. He is married and has two children aged six and three.

- Tebogo Geoffrey Moselane (40) is a priest in the Anglican church and has run the Sharpeville parish since 1980. He is married with three sons whose ages range from 12 to four years. He has been in detention since October 21, 1984.

- Mohapi Lazarus More (26) of Sebokeng, a former goalkeeper for Sharpeville Pirates Football Club, recently made history when he was allowed to marry his childhood sweetheart in the same courtroom and the 21 others are facing charges in. He worked for the Learn and Teach organisation

## ALI MPHAKI reports on the Delmas treason trial

until his detention in September 84. With his wife, Magauta, they've got a two-year-old child. He was shot on September 4, 1984, but the bullet was removed.

- Gcinumuzi Petrus Malindi (25) and his brother, Amos, also co-accused, worked as a clerk before his detention in September 1984. He was also a leader of the Evaton Baptist Church's Youth committee.

- Morake Petrus Mokoena (48), a former community councillor who resigned in 1983. He owns a cafe called "West End Cafe" in Evaton and is married with six children. He has been in detention since December 1984.

- Tsietsi David Mphuthi (47) is an unmarried Sebokeng man who earned his livelihood by selling wood and poultry. He was detained in October 1984.

- Naphali Mbuti Nkopane (41), was employed as a stock controller in a Vereeniging furniture company. He has been a member of

the Vaal Civic Association since its formation in 1983. He is married with three children aged from 13 to 17.

- Tebello Ephraim Ramakgula (36) was employed as an electrician before his detention in November 1984. He is married with four sons.

- Bavumile Herbert Vilakazi (30) of Sebokeng was employed by the Urban Training Project as an area educator in the Vaal Triangle. He has a wife and son.

- Sekwati John Mokoena of Boipatong is divorced and supports his parents and siblings. He was a member of the Boipatong Civic Association before his detention in November 1984.

- Mkhambi Amos Makhindi (21) is a brother of fellow trialist Petrus and is engaged to the mother of his baby and he lives in Sebokeng. He was secretary of the Vaal Youth Congress Steering Committee and worked at the Letabo Power Station as a time keeper until he was detained in November 23, 1984.

- Simon Tseko Nkoi

(27) is single and was employed as co-ordinator of the South African Institute of Race Relations' education project until his detention on September 23, 1984.

- Pelamotse Jerry Tlhopane (27) of Sebokeng worked as a part-time sales agent for a picture framer's firm.

- Serame Jacob Hlonnyane (38) was treasurer of Zone 3 area committee of the Vaal Civic Association. He lives in Sebokeng and was working as an electrician before he was detained on December 1984. He supports his wife, two children and three children from a previous marriage.

- Maxala Simon Vilakazi (25) a Sebokeng resident, was employed by the South African Committee for Higher Education (Sached) as a dispatch clerk until his detention in April 1985. He is engaged to the mother of his young child and supports his sickly mother and their extended family.

- Popo Simon Molefe (34) of Soweto is the national general secretary of the United Democratic Front. He is married with three children born shortly after his detention in April last year.

- Mosiuoa Gerard Patrick "Terror" Lekota (38), a former political prisoner, is the United Democratic Front's national publicity secretary. He is married with three children and a wife who live in Durban.

tended family.

- Thabiso Andrew Ratsoemo (27) was studying journalism at Rhodes University when he was detained in April last year. At the time he was president of the university's Black Students Movement. Between October 1983 and January 1984 he was treasurer of the Vaal Civic Association. He is not married.

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17/11/86  
SUNETAN

# UDF aims to overthrow Govt, treason trial told

By Rob Nuttall

The State submitted at the Delmas treason trial yesterday that the United Democratic Front was formed with the sole purpose of fighting the Government and government laws with the aim of overthrowing it.

Argument by Mr P B Jacobs SC, for the State, in opposing an application by the defence for the discharge of all 22 trialists, is expected to

last until the end of the week.

Mr Jacobs referred to a series of speeches and policy statements by leading members of the African National Congress.

He said these showed that the UDF was formed after the ANC had repeatedly stressed the need for the formation of an undercover and broadly based democratic front to tackle the Government

and its laws at grassroots level.

Asked whether the State alleged that the founding of the UDF was itself a conspiracy, Mr Jacobs said the State submitted that inherent in the aims of the UDF was its aim to overthrow the Government.

Mr Jacobs said that for an application for the discharge of the accused to be successful there had to be a great lack of credibility of the evidence.

He contended that evidence before the court showed a conspiracy to overthrow the Government existed between UDF officials and between the UDF and the ANC.

Among the accused are Mr Terror Lekota, publicity secretary of the UDF, Mr Popo Molefe, general secretary and Mr Moss Chikane, former Transvaal secretary.

The hearing continues.



18/11/86 331 STW

## Youth's 15-year sentence upheld

CAPE TOWN — The Supreme Court has found an effective 15-year sentence passed on an 18-year-old convicted of arson and malicious damage to property "perfectly reasonable under the circumstances".

This view was expressed yesterday by Mr Justice PWE Baker, with Mr Justice DM Williamson concurring, in refusing an appeal against sentence brought by Dumisane Christopher Mtlomelo of Zwelithemba, Worcester, in the Cape.

### PLEADED GUILTY

Mtlomelo pleaded guilty and was convicted in April of setting alight two houses, a vehicle and the Administration Board offices in the Robertson township of Nqubela during December last year. He was also convicted of destroying a telephone pole.

He was put in the witness box during his trial by his defending counsel, Mr FH Bunting, to give evidence in mitigation, and told the court he was 18, single, had passed matric in 1984 and had worked for eight months before his arrest, earning R168 a week.

What Mr Justice Baker described as "a very rude shock" had been in store for Mr Bunting when he

asked his client how he felt about his offences.

"I will put it like this," Mtlomelo had said. "I was satisfied and then at another stage I am not yet satisfied before I burn down the house of the magistrate, and then the house of the prosecutor."

Mtlomelo, in a black jacket with "ANC" embroidered on it, then told the prosecutor: "The ANC is an organisation I would die for. I like it and the ANC-service work of killing boere."

Passing sentence, the magistrate had said it was clear at first glance that Mtlomelo was "an arrogant, outspoken and fanatical person". But the court had also gained the impression of "a certain degree of youthful bravado".

He also noted that Mtlomelo had two previous convictions — one for housebreaking and theft of a firearm, and one for theft of clothes worth R433.

Mr Justice Baker said: "If the sentence was reduced, it would seem that this court was expressing approval of violent methods for changing the constitutional set-up in this country. That cannot be allowed." — Sapa.

# I wanted to scare him.



CHIEF 11/18/86  
331  
Wednesday, November 18 1986

# People 'mobilized towards violence'

Own Correspondent

JOHANNESBURG. — The Delmas treason trial resumed yesterday with the State's response to the defence's application for the discharge of the 22 men, most of whom are linked to the UDF.

The State advocate, Deputy Attorney-General Mr P B Jacobs, SC, told the court that there was evidence upon which a court might convict the accused.

He said the UDF was not only a movement formed in August 1983 to oppose the government's new constitution but it also mobilized people towards violence.

He said a speech made by the exiled ANC president, Mr Oliver Tambo, in Lusaka on January 3,

1983, had indicated the need for the formation of a democratic front. Pamphlets containing this speech had been brought into South Africa, he said.

Mr Jacobs suggested that at the UDF launch on August 20, 1983, a speaker had indicated to the people that they were involved in a revolutionary struggle and that they should be prepared to make sacrifices.

For the past 11 months the accused have been facing charges of treason, alternatively subversion, terrorism and murder.

It is alleged that they incited people to kill five town councillors in the Vaal Triangle in September 1984.

The State also alleges that the UDF aimed to overthrow the government with violence and is trying to link the organization to the ANC and the South African Communist Party.

Among the accused are Mr Terror Lekoto, publicity secretary of the United Democratic Front, Mr Popo Molefe, general secretary, and Mr Moss Chikane, former Transvaal secretary.

UDF president Mr Archie Gumede and former treasurers Mr Mewa Ramgobin and Mr Cassim Saloojee came from Durban to attend yesterday's proceedings.

Mr Justice K van Dijkhorst is on the Bench.

# UDF *Sowetan* chief 18/11/86 Gumede 331 at trial

THERE is enough evidence to convict the 22 men standing trial in Delmas.

This was said during the State's response to the application by defence counsel to have the 22 men discharged.

Mr P B Jacobs, deputy attorney general of the Transvaal, said the United Democratic Front and its affiliates have conspired with the African National Congress to make South Africa ungovernable.

Mr Jacobs quoted extensively from the ANC's newsletter *Sechaba*.

Among the people who crammed the courtroom yesterday were Mr Archie Gumede, president of the UDF, and two former national treasurers of the organisation Mr Cassim Saloojee and Mr Merwe Ramgobin. They exchanged greetings and had discussions with some of the accused during tea breaks.

(Proceeding)

BUD DAY 18/11/86

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**IN THE COURTS**

**Delmas trial told of UDF role**

THELMA TUCH

THE Delmas treason trial resumed yesterday with the State's response to the defence's application for the discharge of the 22 men — most of whom are linked to the UDF.

Deputy Attorney-General P B Jacobs said there was evidence upon which a court might convict the accused.

He said the UDF was not only a movement formed in August 1983 to oppose government's new constitution, but it also mobilised people towards violence.

For the past 11 months, the 22 men have been facing charges of treason, alternatively subversion, terrorism and murder. It is alleged that they incited people to kill five town councillors in the Vaal Triangle in September 1984.



CAPE TIMES 21 1984 331

# Guguletu man had grenades

Court Reporter

A GUGULETU man was jailed yesterday for five years by a Regional Magistrate for possessing two Russian hand-grenades.

Wiseman Ndodomzi Mdlalana, 25, of NY 49, had pleaded guilty to a charge of terrorism. He was sentenced to seven years, two of which were suspended for five years.

In a statement, Mdlalana admitted he had possessed a hand-grenade with the intention to "instil fear amongst certain persons in Guguletu".

In another statement he said that between February and April he had met a Mr Mzwandile Lucky Madubula, who said he belonged to Umkhonto we Sizwe, the military wing of the African National Congress.

Mr Madubula had showed him a hand-grenade and offered to teach him how to use it and an AK-47 rifle. Mdlalana said he had met a friend, Isaac, "who wanted help against the comrades".

One night Mdlalana and Mr Madubula had been drinking in a shebeen when "Lucky" put something in his pocket and told him to keep it. He later discovered it was a Russian-made hand-grenade.

A "very drunk" Mdlalana had left the shebeen with Mr Madubula and they had met Isaac. Soon after he and Isaac had been arrested. "Lucky ran away."

Passing sentence, the magistrate, Mr J D Beyers, took into account that Mdlalana did not belong to an organization.

Mr F Silbert prosecuted. Mr A Omar appeared for Mdlalana.

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SOWETAN, Wednesday, November 19, 1986

Page 3

THE Freedom Charter is a revolutionary document, the State submitted in the Delmas treason trial yesterday.

Deputy Attorney-General Mr P B Jacobs, said the document was used to mobilise the people for a revolutionary warfare.

This was during the State's response to the application for the discharge of the 22 trialists.

The 22 include members of the United Democratic Front, Azanian People's Organisation, the Azanian National Youth Unity and the Vaal Civic Association. They appear before Mr Justice van Dijkhorst.

They have all pleaded not guilty to charges of treason, alternatively terrorism, subversion and murder. Their appearance is a sequel to the violence which broke out in the Vaal Triangle on September 3, 1984.

Mr Jacobs said the Charter was not a revolutionary document per

# REVOLUTIONARY

## That's how a State lawyer describes Freedom Charter

By ALI MPHAKI

se, but if viewed in the context of the whole evidence heard in the trial, it was a revolutionary document.

He was asked by one of the assessors how he understood the term revolution and how he connected it with the Freedom Charter.

In his reply he said it was used the way it was used

showed that it was the basis on which the masses were organised, politicised and mobilised.

He added that the Charter demanded one man, one vote and that

it was also adopted by the ANC and several organisations.

"It should be borne in mind that the ANC is a revolutionary organisation," he said.

This was the second

day of the State's response to the application that the 22 men be discharged.

Mr Jacobs told the court that the UDF was using leaders of the ANC in order to condi-

tion the masses to associate with the banned organisation.

He also quoted a speech by Oliver Tambo from an ANC newsletter of 1983 where it is said that the masses should be mobilised, politicised and organised.

He also quoted a UDF speaker who said: "Comrades, time has come for the revolution is now beginning under the banner of the UDF".

(Proceeding)

# Protesters 'wanted' to confront policemen

CM Times 20/11/86

Court Reporter

A POLICEMAN told the Magistrate's Court yesterday that the crowd who marched to Parliament from St George's Cathedral in June aimed to have a confrontation with the police.

Captain H D Oosthuizen was giving evidence in the trial of Mr Anton Pierrie Roux, 24, of Ednan Road, Rondebosch, and Mr David Louis Borchers, 28, of Rosmead Avenue, Kenilworth.

They pleaded not guilty to contravening the Internal Security Act by attending an illegal gathering alternatively demonstrating in the open air near Parliament on June 10.

Capt Oosthuizen said he and 30 other policemen were called to the Cathedral, where they saw a group of about 150 people moving towards the Parliament buildings.

He gave them three minutes to dis-

perse as they were constituting an illegal gathering. After about 10 minutes, some of the crowd had moved and he had ordered his men to sjambok the rest.

Cross-examined by Mr J Murphy for the accused, Capt Oosthuizen said he had tried to stop the crowd from entering Parliament to deliver a petition to the State President. He conceded that a group of about six people had entered Parliament with the petition before the crowd arrived.

Capt Oosthuizen said police arrested only two men and a woman — although the group had "definitely" acted unlawfully.

The three had been holding a placard displaying Nelson Mandela's face, singing and making the "black power sign". The hearing was adjourned to November 28.

Mr G Rossouw was the magistrate. Mr C Gavin prosecuted.



# New turn in Duduza terror trial

SOWETAN  
19/11/86  
331

**THE Duduza terrorism trial took another dramatic turn yesterday when the State and the defence argued over statements, allegedly made by five of the accused while detained under Internal Security Laws.**

The argument, in the Pretoria Supreme Court, was sparked off when the State prosecutor, Mr John Oberholzer, called Captain Hendrick Jacobus Britz to testify about confessions allegedly made by Mr Joseph Titus Mazi-

**By MONK  
NKOMO**

buko (18), Mr John Mlangeni (21), and Mr Humphrey Tshabalala (19) while they were being held under Section 29 of the Internal Security Act.

The statements were allegedly made periodically from June 28 — two days after handgrenade attacks on certain targets in Duduza and KwaThema, Springs last year.

The seven accused are Mr Mazibuko, Mr Mlangeni, Mr Samuel Lekatsa, Mr Tshabalala,

Mr Veli Mazibuko, Mr Hosea Lengosane (20), and Mr Cedric Dladla. They have pleaded not guilty to charges of terrorism, attempted murder and possession of handgrenades and a bomb.

Mr Justice Stafford, sitting with an assessor, ruled that evidence already given by Captain Britz yesterday relating to an alleged confession by Mr Mazibuko, be struck from the record after the defence counsel, Mr Nick de Vos and Mr Eric Dane indicated that the statements were not made freely and voluntarily.

## **Evidence**

Mr Oberholzer also indicated to the court that they were going to lead evidence relating to statements made by Mr Johannes Veli Mazibuko (18) and Mr Cedric Dladla (19) to a Major Smith.

The judge ruled that a trial within a trial would probably resume this morning to determine whether the State has a right to preserve this evidence before court.

# Trial-within-a-trial poses challenge in terrorism case

MARITZBURG — A trial-within-a-trial began in the Supreme Court terrorism case yesterday after defence counsel contested the admissibility of a statement to a magistrate allegedly made by one of 12 accused.

The statement was allegedly made by Mr Vusumuzi Wesley Mahlobo (27), of kwaMashu, to magistrate Mr G H van Niekerk.

Mr Mahlobo, who the State alleges was a member of the African National Congress, is charged with terrorism along with 11 other Durban residents following a series of bomb blasts in Durban last year.

All 12 have pleaded not guilty to the charge and to a variety of alternate counts.

## FREELY AND VOLUNTARILY

Counsel for the defence Mr A Magid yesterday argued that the statement allegedly made by Mr Mahlobo was not admissible as it had not been freely and voluntarily made.

Mr Magid pointed to a section of Mr Mahlobo's alleged statement which read: "I am not sure I am making this statement in the right way."

This remark could be an indication that Mr Mahlobo had been "primed" to make the statement, Mr Magid argued.

Mr Justice P W Thirion, however, found that "on the face of it" this comment appeared to be no more than a passing remark. The onus rested on the defence to prove otherwise, he said.

He said the court would presume that the entire statement in question had been made freely and voluntarily unless "the evidence of the accused (gave) a different colour to the remark".

The hearing continues. — Sapa.





ZINZI Mandela... read her father's speech.

# Mandela speech read out at trial

EXTRACTS of a speech by imprisoned ANC leader Nelson Mandela were read in the treason trial of 22 men in the Delmas Circuit Court yesterday.

The extracts were taken from a speech which was read by Mandela's daughter Zinzi at a public meeting in the Jabulani Amphitheatre last year.

Deputy Attorney General Mr P B Jacobs read: "My father and his comrades at Pollsmoor are grateful to the UDF."

The speech also sent

greetings to the people who attended the meeting and it was also said that Mandela was speaking for all those in jail, exile, banishment and those who suffer from oppression and exploitation.

The State wants to prove that there was a conspiracy between the UDF, its affiliates and the ANC to make South Africa ungovernable and to overthrow the system by violence.

The State also argues that there is enough evidence for the conviction of the 22 men.

This was the third day the State had been re-

sponding to the application for the discharge of all the trialists. The defence counsels led by Mr Arthur Chaskalson SC argued that there was no prima facie evidence that the accused were part of the alleged conspiracy and that they should all be discharged.

Mr Jacobs said the fact that the UDF spread Mandela's message proved that they identified with him and the ANC. "It is important to note that the UDF has never dissociated itself from Mandela" he added.

The Deputy A-G also quoted Mr Oliver

Tambo where he was talking of the national democratic struggle, which he (Tambo) said rested on four pillars, undergirded by movement, united mass action, armed offensive spearheaded by Umkhonto We Sizwe and the international drive to isolate South Africa.

Mr Jacobs argued that the UDF was a revolutionary organisation and its leadership were also revolutionary.

He read a message from the Seshego Youth Congress which said: "The struggle is not a dinner party." Mr Justice van Dijkhorst is presiding.



# Duduza trial stands down

Pretoria Correspondent

SMK 20/11/86 (331)  
The Duduza terrorism trial in which seven men have pleaded not guilty to charges of terrorism, illegal possession of grenades, a bomb, several counts of attempted murder and other charges stood down in the Pretoria Supreme Court yesterday until today.

Mr Justice Stafford heard yesterday

that Mr J Oberholzer, for the State, was ill and could not appear in court.

The seven accused are Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Duduza, Nigel, Mr Hosea Lengosane (20) and Mr Cedric Dladla (19), both of Tsakane, Brakpan.

## Hearing of ANC accused to resume

The hearing of Mr Rocklyn Williams (26), of Braamfontein, accused of assisting the African National Congress in an anti-conscription effort, resumes in the Johannesburg Magistrate's Court today.

Yesterday's postponement of the hearing was by agreement of both the State and defence counsel.

Mr Williams, a teacher who has been held in custody since his arrest on April 4 this year for two alleged contraventions of the Internal Security Act, was not asked to plead.

The State alleges that between January 1979 and February this year he became a member of the ANC. Between November 1979 and February this year he allegedly furthered the aims of the banned organisation.

## 'Chequered flag' for sacked Checkers staff

CP Correspondent

THE dispute at Checkers stores in the East London region ended this week with the reinstatement of the 120 dismissed workers, and the union involved has hailed the development as a "victory".

A boycott of the stores had been called last weekend to force management to reinstate workers.

## I do, I do, she said

A 13-year-old Swazi orphan is officially married to two men.

The girl's deceased parents had arranged her marriage to a man when she was young.

However, her older sister's husband married her according to Swazi custom which allows a man to also marry his wife's younger sister.

The man who was supposed to marry her, "snatched" her away and also married her. - Sapa.

Commercial, Catering and Allied Workers Union regional organiser Bones Skulu said all the workers had been reinstated without loss of benefits.

The issue which led to the dispute concerned a change in shift times for shelf packers at the Mdantsane branch. The workers were unhappy with the change, which would have seen them working an hour later every day.

A placard protest was held in the store, and the entire workforce of about 86 was dismissed. All other Checkers branches in the area came out in support, and when workers at the Amalinda branch mounted a placard demonstration, they were also fired.

## State funeral tomorrow

By SOL MORATHI

KWANDEBELE Chief Minister Simon Skosana will be buried in a state funeral at Klippaatsdrift from 8am to 11am tomorrow.

A number of dignitaries from South Africa, Bophuthatswana, Venda, Transkei, and Ciskei have been invited to attend the funeral.

Skosana died of sugar diabetes at the Rand Clinic in Johannesburg on Monday.

With him died the dream of SA-styled "independence" for the homeland.

Skosana's proposal for independence from the SA government earlier this year, sparked much dissatisfaction among many KwaNdebele residents that manifested itself in boycotts, assassinations, murders, abductions and unrest.

Resistance against independence culminated in a four month war which claimed over 150 lives.

## 'I'll die for ANC'

CP Correspondent

A ZWELITHEMBA man appealing against a 15-year sentence for arson surprised the Cape Town Supreme Court this week when he said during cross-examination he was prepared to die for the ANC and he approved of its work "to kill the boere".

Mtomelo was sentenced in the Robertson Regional Court in April to 10 years' in jail for setting development board offices alight; seven years for arson for burning the house of Swanie Qhangiso and five years for arson for burning the house of Alfred Malewa, whom he claimed

were informers.

He was also given a two years sentence for malicious damage to property.

While testifying in mitigation of sentence, Mtomelo was asked how he felt about the offences.

"I was satisfied and then at another stage I am not yet satisfied before I burn down the house of the magistrate and the prosecutor."

Asked during cross-examination about an ANC badge on his jacket, he said he was prepared to die for the ANC and he approved of its work "to kill the boere".

He said that when he set

the development board offices alight, he had hoped a worker, "that dog Fourie", would be there.

Justice Baker said this week he was asked to reduce Mtomelo's sentence on the grounds that it was disturbingly inappropriate and the magistrate had been influenced by Mtomelo's statements.

Reducing the sentence would be "expressing approval of violent methods of changing the set-up in the country, which can't be allowed", said the judge.

The sentence was "perfectly reasonable", he said, dismissing the appeal.

Smith confirmed that nine workers had been

RIWAYI

THE dismissal of nine workers from the Renza

DOWN



## Duduza trial adjourns

THE Duduza terrorism trial was yesterday postponed in the Pretoria Supreme Court to next Tuesday, November 25.

Mr Justice Stafford, sitting with an assessor, postponed the case after the prosecutor, Mr John Oberholzer submitted that they needed time to determine whether to abandon or continue with the trial within a trial on the admissibility of confessions made by five of the seven accused while they were being held under Section 29 of the Internal Security Act.

The Judge has already rejected statements made by two of the accused to a magistrate, Mr Joseph Titus Mazibuko (18) and Mr Johannes Veli Mazibuko (18).

They have all charges of terrorism, attempted murder, possession of handgrenades and a bomb.

*See page 33*  
2/11/86

# Report not 'freely made'

A TRIAL-within-a-trial began in the Pietermaritzburg Supreme court this week after the defence counsel contested the admissability of a statement to a magistrate made by one of the 12 accused.

Defence counsel A Magid argued that the statement allegedly made by Vusumuzi Wesley Mahlobo, 27, of KwaMashu to magistrate GH. van Niekerk was not admissible as it had not been freely and voluntarily made.

Mahlobo - whom the State alleges is an African National Congress member - is charged, along with 11 other Durban residents, with terrorism following a series of bomb blasts in Durban last year.

All 12 have pleaded not guilty to the charge and to a variety of alternative counts.

Magid pointed out a section of Mahlobo's alleged statement which read: "I am not sure I am making this statement in the right way."

This remark could be an indication that Mahlobo had been "primed" to make the statement, Magid argued.

Judge PW Theron, however, found that "on the fact of it" this comment appeared to be more than a passing remark.

The onus rested on the defence to prove otherwise, he said.

He said the court would presume that the entire statement in question had been made freely and voluntarily unless "the evidence of the accused gave a different colour to the remark". - Sapa.

Political comment in this issue and newsbills by Percy Qoboza; headlines and subediting by Jon Swift, both of 204 Eloff Street Ext, Johannesburg.

# Hopes of release dashed

By MARTIN NTSOELENGOE

HOPES that the Delmas treason trialists would be acquitted this week, were dashed when the State said that it would still be pressing charges against the 22 men.

But spirits of the families were lifted this week by the unexpected arrival of three United Democratic Front members from Durban.

UDF president Archie Gumede, Cassim Saloojee and Mewa Ramgobin

paid a surprise visit to the court, but left at lunchtime.

Ironically, similar charges against the three men were dropped in the Pietermaritzburg court recently.

Observers believe the Durban trio made the surprise visit hoping that some of the Delmas tria-

lists would be freed – and that they would be able to share in their joy.

But PB Jacobs, for the State, said he is pressing ahead with the charges that the 22 men had conspired to overthrow the government by violent means and had also tried to make the townships ungovernable.

The men have pleaded not guilty to high treason, alternatively subversion under the Internal Security Act.

Earlier, Advocate Arthur Chaskalson, SC, assisted by George Bizos, SC, and G Tip, asked that the 22 men be acquitted as there was no evidence against them.

and that the State had failed to prove its case against them.

Jacobs said the Freedom Charter was a revolutionary document because it was adopted by the ANC, and the ANC was a banned organisation because it used violent means against the government.

He added that all organisations affiliated to the UDF did so because it is a directive from the ANC in Lusaka.

Jacobs also said the language spoken by the ANC, was similar to that used by the UDF.

He said UDF and the ANC were communist-orientated because they work hand-in-glove with the SA Communist Party, and everything the UDF did was from the ANC.



# Evidence dispute

23/11/86 CITY PRESS  
ARGUMENT as to whether a policeman could reveal that a man accused of terrorism had admitted being involved in the incident, was heard in the Pretoria Supreme Court this week.

331  
Before being stopped by an objection by defence counsel N de Vos, Captain Hendrik Brits of the security branch had begun giving evidence in the trial of Joseph Mazibuko, John Mlangeni, Samuel Lekatsa, Humphrey Tshabalala, Johannes Mazibuko, Hosea Lengosane, and Cedric Dladla.

They have pleaded not guilty to two charges of charge of illegal possession of hand grenades and several counts of attempted murder.

questioned Mazibuko on August 2 last year  
Internal Security Act.

Judge Stafford heard evidence as  
evidence was admissible. — Sapa.

# UK envoy at Delmas trial

IT WOULD be difficult for a person from the First World to understand the atmosphere, attitudes and feelings when people of the Third

By ALI MPHAKI

World come together, the defence counsel and the Delmas treason trial argued yesterday.

25/1/86 SOWETAN (33)  
Mr Arthur Chaskalson (SC) said it was important for the court to understand the language of black politics in South Africa.

"To say liberation means revolutionary warfare is to ignore how that will be understood by the black people," he submitted.

The defence for the 22 men is arguing that they all be discharged as there was no *prima facie* evidence that they have conspired with the banned African National Congress (ANC) to overthrow the State by violent means.

All the men have pleaded not guilty to

charges of treason, alternatively terrorism, subversion and murder.

Mr Chaskalson also said that the United Democratic Front (UDF) was not a display-window for some banned organisation.

Yesterday Sir Patrick Moberley, the British Ambassador to South Africa attended the hearing.

He was accompanied by two of his secretaries who greeted and exchanged messages with the accused during tea breaks.

Proceeding

INTERVIEWED THE FOLLOWING WITH A COMMUNIST  
Model 51-0693 o/h/s o.  
CMT TINTS 25/4/86 331

# Court hears of 'flags' being made

## Court Reporter

A POLICEMAN yesterday told a Wynberg Regional Court he arrested two people for making "ANC flags", although green, yellow and black — the colours used — also make up the Inkatha flag.

Lieutenant Frederick Frans Mostert was giving evidence in the trial of clothing workers unionist Ms Elizabeth Erasmus, 26, of Kimberley Street, Mitchells Plain, and Mr Fuad Carlie, 45, of Denchworth Road, Athlone.

## Factory arrest

The two were arrested at a clothing factory in Simons Road, Athlone Industria, and are charged with furthering the aims of the ANC.

Lt Mostert said that at 9pm on December 9 last year he went to the factory accompanied by 20 men from Manenberg police station.

They entered the factory and found a heap of black, green and yellow material, some of which was sewn together. He saw four women sitting at sewing machines, one of them Ms Erasmus, and another Mrs Veronica Simmers, whom he knew as a secretary at the UDF offices. He also saw Mr Carlie.

He asked Ms Erasmus what she was doing and she answered: "You can see what we're doing."

They were unable to give him "reasonable explanations" for their presence in the factory at night.

He said he thought black, yellow and green were the colours used by the ANC.

"At a rally where 10 000 people had been present, two people had run into their midst carrying such a flag and had evoked a great reaction from the crowd, who screamed 'Viva', 'Amandla' and 'Viva ANC'," he said.

Asked whether any of the accused were members of the ANC, Lt Mostert hesitated then said "if they were, they would have been arrested".

He said the flags had had "no seams for sticks to fit into", but after examining one of them he said he noticed "at the black side it was stitched closed".

He said he knew Inkatha's flag was also green, yellow and black; but the ANC's flag had black at the top and Inkatha's had yellow at the top.

During cross-examination Mr S Desai, for the two, holding up a flag with unstitched sides, asked Lt Mostert how he knew the flags were ANC flags and not Inkatha ones.

He emphasized that at the time of arrest some of the flags were still in the process of being made.

The hearing continues today.

Mr J Marais was the magistrate. Mr M Sher prosecuted. Mr Desai, assisted by Mr S C Kirk-Cohen, both instructed by E Moosa, appeared for Ms Erasmus. Mr Desai, instructed by M Elmes, appeared for Mr Carlie.

CMT TINTS 25/4/86



CAT Times 25/4/86 331

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in custody.

of Tracey and Rob

out of the water.

# Sergeant denies assaulting accused

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SMC  
25/1/86

MARITZBURG — A security policeman denied in the College Road Supreme Court yesterday that he assaulted one of 12 terrorism accused.

The 12 accused are charged on a main count of terrorism following a

series of bomb blasts in Durban last year.

Sergeant A Alberts yesterday gave evidence at a trial-within-a-trial being held after defence counsel contested the admissibility of a statement made to a magistrate by

one of the accused, Mr Vusumuzi Wesley Mahlobo (27) on the grounds that it was not freely and voluntarily made.

Mr Mahlobo has alleged that he only made the statement after the police, including Sergeant Alberts, showed him photographs of people who had been assaulted and photographs of dead people. He said he was also slapped and made to stand on his toes for prolonged periods.

Mr Mahlobo alleged he was not given any food or water for an entire day while he was interrogated, and was threatened with death if he did not co-operate.

Sergeant Alberts denied these allegations and said that Mr Mahlobo was "only questioned". He said that on June 20 last year he went to a Tongaat house where he found Mr Mahlobo hiding in a wardrobe.

Mr Mahlobo at first identified himself as Themba Madikizela, but later gave his real name.

Sergeant Alberts said he took Mr Mahlobo to his office for questioning, and later that morning Mr Mahlobo voluntarily guided police to two arms caches.

After this he and other policeman questioned Mr Mahlobo for about eight hours, but they gave him food and drink, the sergeant said.

The hearing continues. — Sapa.

## Man burnt children's hands on hot plate

A 28-year-old Roosevelt Park, Johannesburg, man was fined R1 000 (or 500 days) by a Johannesburg magistrate yesterday for burning three children's hands on an electric stove plate.

Half the sentence was conditionally suspended for five years.

His wife (22) was acquitted of the three charges of assault with intent to do grievous bodily harm.

They both pleaded not guilty.

The couple and the children may not be identified.

The court heard the man, a paramedic, was at home on August 16 with his wife's two daughters, aged three and five years, and his two sons from a previous marriage, aged four and six years.

He became angry when he found the children playing with his first-aid kit.

He said he wanted to give the children a fright and held their hands over the stove plate.

The plate was hot as a meal had just been prepared on it.

He said it was not his intention to hurt the children and he did not know the plate was hot.

His wife was at work when the children were burned.

The man treated the burns.

Only after the mother of the two boys arrived the next day and was told by one of her sons what had happened were the children given proper medical attention.

Some of the wounds had become infected.

One boy's injuries were considered superficial.

The man's evidence was described as "evasive".

CMB Trial.

November 26, 1986 3

## Surprise move in bomb <sup>331</sup> trial

MARITZBURG. — The State yesterday withdrew its application in the College Road Supreme Court to have a statement made by an accused in the trial of 12 people charged in connection with bombings in Durban, declared admissible as evidence.

The unexpected move follows three days of evidence by accused Mr Vusumuzi Mahlobo and a security policeman, Sergeant Andre Alberts, during a trial within a trial to decide on the admissibility of the statement before Mr Justice Thirion.

State prosecutor Mr Bennie Schonfeldt yesterday did not give reasons for withdrawing the application.

The trial was adjourned until tomorrow.

Mr Mahlobo alleged during his testimony that he had not made the statement to a magistrate freely and voluntarily but as a result of fear.

He claimed he had been assaulted and threatened during his detention by various policemen.

He alleged he had also been being shown photographs of dead and injured people by the investigating officers, Major Taylor and Sergeant Alberts, and was warned that the same could happen to him.

He claimed he was told more than once that he could be killed and no one would know about it. Sergeant Alberts also threatened to harass his family, he said.

Sergeant Alberts denied having assaulted or threatened Mr Mahlobo at any time.



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A PROMINENT businessman who, with two brothers, allegedly hired a killer to murder a Du-

# Duduza trial told of hired killer

duza activist last year, told the Pretoria Supreme Court yesterday that he did not brief his attorney on the allegation because he did not view it in a serious light.

Mr Henry Enos Mohohlo, popularly known as Tweba Moholo, of Tsakane, Brakpan, also told the court that another businessman, Mr David Namane, who is also implicated in the

killings, was worried about the allegations.

Mr Namane, however, dismissed the allegations as "rubbish".

Asked if Mr Namane had reported the matter to the police, Mr Mohohlo replied that he did not think he would "take nonsense to the police".

Mr Mohohlo, who sustained eight bullet wounds after being at-

tacked by an unknown person early this year, was testifying for the State in the trial of seven alleged members of the banned Congress of South African Students (Cosas).

## Pleaded

They have pleaded not guilty before Mr Justice Stafford and an assessor to charges of terrorism, attempted mur-

der, possession of hand-grenades and a bomb.

Mr Mohohlo and two brothers, Mr Namane and Mr Stephen Namane, who is also a businessman, are alleged to be members of a vigilante group and of having hired a certain Billy Dlamini to kill political

activist Mr Alexander Pailane in Duduza last year. The three men have

denied involvement in the matter. Mr Mohohlo yesterday said Mr David Namane "who is very sensitive" was worried but had told him that the three had been "framed" and that Mr Kebane Moloi was behind the move.

Mr Mohohlo told the court that he made a statement relating to Mr Pailane's death to a Warrant Officer Tolken

about four weeks ago.

Asked by Mr Justice Stafford why he did not brief his attorney about the serious allegations, Mr Mohohlo said he was not worried about the suspicion levelled against him although it briefly affected his reputation.

He added: "If you take such allegations to attorneys they also demand money". He stressed, however, that he

was innocent.

Mr Nick de Vos appeared for the defence.

He put it to Mr Mohohlo that he was an unequal witness and a vigilante who hired Billy Dlamini to kill Mr Pailane.

He also put it to the witness that he had associated with the Namane brothers, whose shops were damaged during the riots and sympathy

expressed with them in their plight during this act of (Proceeding)

*Carle Times 26/11/86*

# Flags said to be for sports club

*331*

Court Reporter

A MAN who allegedly made ANC flags in a factory in Athlone, told a policeman he was making the flags for a sports club, the Wynberg Regional Court heard yesterday.

This was said by Detective-Warrant-Officer Christiaan Geldenhuys during the trial of trade unionist Ms Elizabeth Erasmus, 26, of Kimberley Street, Mitchells Plain, and Mr Fuad Carlie, 45, of Denchworth Road, Athlone.

The two are charged with furthering the aims of the ANC by making black, green and yellow flags at Orion Fashions, in Simons Road, Athlone Industria.

DWO Geldenhuys said he had seen Mr Carlie through a window of the factory on December 9 last year and had asked him to open the door. Instead Mr Carlie moved back inside, he said.

After he entered, Mr Carlie told him the four women sitting at sewing machines were making flags for a sports club, DWO Geldenhuys said.

At a previous hearing, Lieutenant Frederick Frans Mostert said he had gone to the factory accompanied by 20 policemen and had found a heap of black, green and yellow material, some of which had been sewn together.

Yesterday Warrant-Officer Anita Meyer, of the Security Police Library in Pretoria, agreed that Inkatha had the same colours in their flag as the ANC.

A video recording taken on the night of the arrests will be shown this morning when the hearing resumes.

Mr J P Marais presided. M. Sher prosecuted. Mr S Desai, assisted by Mr S C Kirk-Cohen, both instructed by E Moosa and Associates, appeared for Ms Erasmus. Instructed by Mr M Elmes, Mr Desai appeared for Mr Carlie.

26/11/86  
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## Terror trial bid by State dropped

MARITZBURG — The State withdrew an application yesterday to have a statement by one of 12 terror accused handed in to the Maritzburg Supreme Court.

No reasons were given for the sudden withdrawal, which ended a trial-within-a-trial.

The 12 are charged with terrorism following a series of bomb blasts in Durban last year.

### CONTESTED

The trial-within-a-trial began after defence counsel contested the admissibility of a statement made to a magistrate by one of the accused, Mr Vusumuzi Westley Mahlobo (27), on the grounds that it was not freely and voluntarily made.

Mr Mahlobo said he had made the statement after police assaulted him and threatened to kill him. He was shown photographs of dead people and of others who had been assaulted, he alleged.

The hearing was adjourned until tomorrow.

—Sapa.



## Pupil, 17, gets three years for stone-throwing

Tygerberg Bureau

A 17-year-old matriculation pupil has been jailed for three years for his part in the stoning of vehicles at a school in Bonteheuwel.

Four other pupils, Erugaan Lee, Neil Bartlet, Faizel Meyer and Michael Paulsen, all 18, were acquitted in the Parow Regional Court of charges of public violence.

The court heard that a bakkie and a lorry were stoned at a Bonteheuwel school in April.

Five men were unloading fencing from the vehicles when they were attacked. One, Mr Gerald Williams, told the court he had seen the 17-year-old throw a half-brick.

The youth denied being among the rioters and throwing stones. He said he had watched.

Mr J Venter was on the Bench and Mr J Lückhoff appeared for the State.

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## **Ruling on <sup>33</sup> treason trial likely today**

Judgment is expected today on an application for the discharge of the 22 Delmas treason trialists.

The trial of the 22 men, including three prominent United Democratic Front leaders, an Anglican priest and a South African Council of Churches worker, has lasted for over a year.

The UDF men on trial are general secretary Mr Popo Molefe (34), publicity secretary Mr Patrick "Terror" Lekota (38) and Transvaal secretary Mr Moss Chikane.

They have pleaded not guilty to charges of conspiring to make the townships ungovernable and to overthrow the Government through violence.

When the State closed its case in October, the defence applied for the discharge of the accused.

# DELMAS 22 TO

## KNOW FATE TODAY

JUDGMENT on the application for the discharge of the 22 Delmas treason trialists will be given in the local Circuit Court today.

The local and international spotlight will be focused on the outcome of the trial — which has been going on for more than nine months.

Evidence before the court has been that the United Democratic Front and its affiliates have conspired with the outlawed African National Congress to make South Africa ungovernable and overthrow the system by violence.

It is also alleged that the UDF was engaged in mobilising the masses to rise up in bloody revolution against the State.

Three key UDF leaders are among the 22 accused, of whom the majority belong to the Vaal Civic Association.

The three UDF men are Mr Terror Lekota, the publicity secretary, Mr Popo Molefe, general secretary, and Mr Moss Chikane, former Transvaal secretary of the organisation.

The men are facing the main charge of treason, three alternative charges of terrorism, two counts of subversion and five counts of murder.

The trial is a sequel to the violence which broke out in the Vaal Triangle townships on September 3, 1984.

The defence led by two senior counsel, Mr Arthur Chaskalson and Mr George Bizos, has argued that there was no prima facie evidence that the men committed the alleged crimes and that they should all be discharged.

Mr Chaskalson has

argued that the law of treason in modern society should not be used to prohibit opposition, even mass opposition to the government of the day.

He cited examples like the consumer boycott.

Mr Chaskalson: "These are ways of demonstrating the strength of your feeling. If it becomes treason and no distinction is made ...

Judge: "No, no, no. One can take up stones and petrol bombs. It's a question of doing legal acts and working within the parameters of the law."

Mr Chaskalson: "Not all illegal acts amount to the overthrow of the State by violent means.

Judge: "In all these documents handed in court I find words like we should mobilise, politicise and organise. One does not move into action and stop in the air."

Mr Chaskalson: "Well, we all have Rubicons."

Judge: "Where was this Rubicon to be drawn?"

Mr Chaskalson argued that unless the accused cross the Rubicon and take up arms, they are not guilty of treason as charged. He said the case is surrounded by rhetoric from all sides and urged the judge to cut out that rhetoric.

"It is not an easy job but it is very important. The line has to be drawn," Mr Chaskalson said.

Four of the accused, Mr Patrick Baleka, Mr Oupa Hlomuka, Rev Geoffrey Moselane and Mr Tom Manthata, were said to belong to the black consciousness group Azapo.

The defence argued that there was nothing on the evidence to prove

that Azapo was party to the alleged UDF conspiracy.

The accused are: Mr Patrick Baleka (26) from Soweto, Mr Oupa Hlomuka (33) of Sebokeng, Rev Tebogo Geoffrey Moselane an Anglican priest from Sharpeville, Mr Lazarus More (25) from Sebokeng.

Mr Geinumuzi Petrus Malindi (25) from Evaton, Mr Morake Petrus Mokoena (48) of Evaton, Mr Tsietso David Mphuthi (47) of Sebokeng, Mr Naphtali Nkopane (41) of Sebokeng, Mr Tebello Ephraim Ramakgula (36) of Sebokeng, Mr Bavumile Herbert Vilakazi (30) of Sebokeng.

Mr Sekwati John Mokoena of Boipatong, Mr Mkhambi Amos Malindi (21) of Evaton, Mr Simon Tseko Nkoli (27) of Sebokeng, Mr Jacob Ephopane (27) of Sebokeng.

Mr Simon Popo Molefe of Soweto, Mr Mosioua Terror Lekota (38) of Claremont, Durban, Mr Moses Chikane of Mamelodi, Mr Thabiso Rasomo of Sebokeng.

Mr Thomas Madikwe Manthata of Soweto, Mr Sam Matlole (61) of Sebokeng, Mr Serame Jacob Hlonyane (38) of Sebokeng and Mr Simon Vilakazi (25) of Sebokeng.



# Inkatha and ANC 'have same flag colours'

## Staff Reporter

A POLICEWOMAN told the Wynberg Regional Court that Inkatha and the Release Mandela Campaign had the same colours — black, green and yellow — as the banned African National Congress.

Warrant Officer Anita Hester Meyer, a librarian at security branch headquarters in Pretoria, was giving evidence in the trial of Mr Mogamat Fuad Carlie, 45, of Denchworth Road, Athlone, and Ms Elizabeth Erasmus, 26, of Kimberley Street, Mitchell's Plain, who have pleaded not guilty to furthering the aims of the ANC by making ANC flags.

They were arrested at a clothing factory in Athlone Industria in December last year.

Completed and half-completed black, green and yellow flags and rolls of material of the same colours were confiscated.

## SAME COLOURS

Warrant Officer Meyer said: "The Release Mandela Campaign uses the same colours as the ANC in their publications. I don't know in which order they use the colours but I believe it is the same as the ANC."

She told the court earlier that there was no mention in the ANC constitution of the order in which the black, green and yellow should be used on the ANC flag.

However, she had come to understand that the black strip should be at the top, the green in the middle and the yellow at the bottom.

Warrant Officer Meyer said that Inkatha also had the same colours as the ANC but again she did not know in which order they were used.

Mrs Dolores Collier, a wholesaler, told the court that Mr Carlie bought 630 metres of cotton material from her in November 1985.

## PAID IN CASH

"I offered to have the material dyed black, green and yellow as he requested but he told me he would first have to check with his club members," she added.

"He came back later and said they had agreed. He paid me in cash and gave the name of Swifts Football Club, which I wrote on the invoice."

A 14-minute video tape was shown in court as evidence yesterday.

It showed four women sitting at sewing machines in a factory. Also visible were rolls of material, and finished and half-finished flags.

A section of road outside the court was briefly closed to traffic yesterday and sniffer dogs were used to check cars near the building.

## (Proceeding.)

Mr M Marais is on the Bench. Mr M Sher is the prosecutor. Mr S Desai, assisted by Mr S C Kirk-Cohen, instructed by E Moosa, appear for Ms Erasmus. Mr Desai, instructed by M Elmes, appears for Mr Carlie.

## Nine in court on ANC charges

GEORGE — Nine Oudtshoorn residents appeared in the George Regional Court yesterday on charges of furthering the aims of the African National Congress and/or the South African Communist Party.

Defence council Mr E Mohammed said it was the first time such charges had arisen out of a funeral where the ANC colours were displayed.

The charges follow the April funeral of schoolboy Nkosinathi Hlazo who was shot on his way to school in Bongolethu township during unrest.

Of the nine accused, the State alleges eight were funeral marshals.

The marshals allegedly wore khaki uniforms and the colours of the ANC

on their lapels.

A large part of yesterday's proceedings was taken up by a police video of the funeral. It showed some of the marshals allegedly furthering the aims of the two banned organisations by displaying a red flag with a hammer and sickle and an alleged ANC flag.

Five of the accused, Mr Zolile Mgozi, Mr Kenneth Grootboom, Mr April Mpondo and two youths, are out on R800 bail.

Mr Zola Matikiti was refused bail and Mr Zolile Jingqi, Mr Moses Dikgacwi and Mr Nombulelo Grootboom are being held under emergency regulations.

The hearing continues. — Sapa.

# ANC flags 9 charged

Staff Reporter

NINE Oudtshoorn residents appeared in the George Regional Court yesterday on charges of furthering the aims of the African National Congress (ANC) and/or the South African Communist Party (SACP).

The charges follow the April funeral of schoolboy Nkosinathi Hlazo who was shot on his way to school in Bhongolethu township during unrest.

Of the nine accused, the state alleges eight were funeral marshals.

The marshals allegedly wore khaki uniforms and the colours of the ANC on their lapels, while some of them allegedly furthered the aims of the ANC and/or the SACP by allegedly displaying the flags of the banned or-

ganizations.

A large part of yesterday's proceedings was taken up by a police video of the funeral. It showed a red flag with a hammer and sickle and an alleged ANC flag.

Five of the accused, Mr Zolile Mgo-  
lozi, Mr Kenneth Grootboom, Mr April  
Mpondo and two youths, are out on  
R800 bail.

Mr Zola Matikiti was refused bail and three others, a primary school teacher, Mr Zolile Jingqi, Mr Moses Dikgacwi and a journalist, Mr Nombulelo Grootboom, are being held under the emergency regulations. The trial continues today.

Mr Dullah Omar, instructed by Mr E Mo-  
hamed, appeared for the accused.

Money owing.



Art Times 28/11/86

# Boy, 15, helped burn down factory

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## Staff Reporter

A 15-YEAR-OLD boy who helped burn down a factory was convicted in Paarl Regional Court yesterday of sabotage.

He appeared with three men, who were also found guilty of sabotage. The four burnt down a plastics factory in Oudtshoorn in July.

The 15-year-old was sentenced to five years, suspended for five years, on condition that he is not found guilty of a similar offence or an offence involving the use of violence.

Donavan Saayman, 19, was sentenced to seven years, three of which were suspended for five years. The same conditions apply to his suspension.

Johannes Altau Boesak, 19, was sentenced to seven years and Michael Frans, 22, to eight years.

## ANC objectives

The four said they burnt the factory for political reasons because they were opposed to apartheid and supported the objectives of the African National Congress.

The magistrate, Mr A J Burger, heard that the four believed in violence to bring about change and that "industry is part of the oppressive structures in the country, and should be destroyed".

The youths said the only way to bring about change now was by violence.

They said they supported the Freedom Charter and Joe Slovo. They regarded Mr Nelson Mandela as their leader.

# Three acquitted, bail for six in Delmas trial

JOHANNESBURG — Three Delmas treason trialists were acquitted and six others were granted bail of R15 000 each in the Rand Circuit Court yesterday.

Family and friends gathered in the conservative enclave of Delmas in the vain hope that an application for the discharge of all 22 men would be successful.

Mr Simon Vilikazi, 30, Mr Mohapi More, 26, and Mr Mkhambi Malindi, 21, were acquitted and Mr Patrick Bakleka, Mr Morake Mokoena, Mr Tsietsi Mphuti, Mr Tebello Rmakgula, Mr Serame Hlonyane and Mr Thabiso Tatsomo were granted bail.

Three key members of the United Democratic Front (UDF) — Mr Popo

Molefe, Mr Patrick "Terror" Lekota and Mr Moss Chikane — and 16 others, mostly members of the Azanian People's Organisation and the Vaal Civic Association, are facing a main charge of treason, three alternative counts of terrorism, two counts of subversion and five counts of murder.

The trial follows violence that broke out in the Vaal Triangle on Sept 3, 1984.

The defence counsel argued that the court was obliged to discharge all 22.

Mr Justice Dijkhorst found that Mr Vilikazi, Mr More and Mr Malindi had no case to meet. He said the court had the discretion to discharge the men, but apart from the three acquitted, "I refuse to exercise my discretion in their favour".

The state case involved proof that the UDF and its affiliates were involved in a conspiracy to overthrow the government, he said.

Among those attending yesterday's proceedings were activist and UDF patron, Mrs Helen Joseph, and a UDF president, Mr Archie Gumede. The trial reopens on January 21. — Sapa

Picture P 21

NEWS 28/11/86 (331)

CITY

# Flag trial: 'I thought they were tablecloths'

Staff Reporter

WITNESSES told the Wynberg Regional Court they thought alleged African National Congress flags were doilies or tablecloths.

This was evidence in the trial of Elizabeth Erasmus, 26, of Kimberley Street, Mitchell's Plain, and Mogamat Fuad Carlie, 45, of Denchworth Road, Athlone, who are charged with furthering the aims of the ANC by making ANC flags.

They have pleaded not guilty.

Mr Rameez Joseph, manager of an Athlone Industria clothing factory, said Mr Carlie had asked him if he could make some items in the factory.

Pointing to rolls of green, black and yellow material — exhibits in court — Mr Joseph said he had helped to carry them into the factory.

## Drawing

"Mr Carlie had a drawing, with measurements, on a piece of paper. He told me that that was what the items were to look like.

"I thought they were tablecloths and on a later occasion I asked Mr Carlie, what they were, but he didn't hear me."

Under cross-examination by Mr Siraj Desai, for the defence, Mr Joseph said that apart from the fabric in court, the police had also confiscated some dresses, skirts and dungarees which were part of an order he was making for Cashworths.

Mr Joseph said the colours being used were similar to the green, black and yellow court exhibits.

"When I showed the investigating officer the contract, I got these items back."

Mrs Zubeida Harding, a machinist, said Mr Carlie had shown them how to sew the different colours together, "but I can't remember in what order.

"I thought we were making doilies. I didn't ask what the items were," she said.

(Proceeding)

Mr M Marais was on the Bench and Mr M Sher appeared for the State.



CME T.M.P. 28/11/86  
1180 331

# Three treason trialists acquitted, six on bail

JOHANNESBURG. — Three Delmas treason trialists were acquitted and six others were granted bail of R15 000 each in the Rand Circuit Court yesterday.

Family, friends and supporters gathered in the conservative enclave of Delmas in the vain hope that an application for the discharge of all 22 men would be successful.

Mr Simon Vilikazi, 30; Mr Mohapi More, 26, and Mr Mkhambi Malindi, 21, were acquitted and Mr Patrick Bakleka, Mr Morake Mokoena, Mr Tsietsi Mphuti, Mr Tebello Rmakgula, Mr Serame Hlonyane and Mr Thabiso Tatosomo were granted bail.

Three key members of the United Democratic Front — Mr Popo Molefe, Mr Patrick "Terror" Lekota and Mr Frank Chikane — and 16 others, mostly members of the Azanian People's Organization and the Vaal Civic Association, are facing a main charge of treason, three alternative counts of terrorism, two counts of subversion and five counts of murder.

The trial follows violence in the

Vaal Triangle in September 1984.

The defence counsel argued that the court was obliged to discharge all 22.

The judge, Mr Justice Dijkhorst, said the State case involved proof that the UDF and its affiliates were involved in a conspiracy to overthrow the government.

"There is evidence that the UDF and Azapo were working towards a common goal which might be part of a conspiracy."

This involved the management structures of all affiliates and the accused involved had a case to answer.

The murder charge "stands on its own foot" and "in my view accused who attended a meeting that propagated the murder of councillors and black local authorities and who did not object ... an explanation is required".

"I refuse to exercise my discretion in their favour as it is likely that they may be implicated in some of the councillors' murders," said the judge.

The trial reopens on January 21. Sapa



## Delmas Treason trial



ONE-YEAR-OLD Frank Chikane, son of Mr Moses Chikane, one of the accused who was refused bail, outside the court with a relative, Miss Malshi Mhlame. Frank was born when his father was on detention.



REV K EASON of the Anglican Church, Miss Ntokozo Mkhwebule of the SACC and Miss Busi Mahlobo brought food for the Delmas treason trialists yesterday.

# HUNDREDS IN SILENT VIGIL OUTSIDE COURT

THE tiny and sleepy Eastern Transvaal town of Delmas was the scene of jubilation tempered with sadness, when three treason trialists were freed and six others granted bail of R15 000 each.

The little town, famous only for maize growing, which has had the spotlight on it since the trial began, came alive when families of the accused and their friends started arriving from all over from as early as 7 am.

Hundreds could not get into the packed

By ALI  
MPHAKI  
and SY  
MAKARINGE

court and held silent vigil outside. Security was very tight and police used video cameras to film people who attended the trial. A battery of foreign and local photographers waited outside the court building.

The three freed men are Mr Lazarus More (25) of Sebokeng, Mr Amos Malindi (22) of

Evaton and Mr Simon Vilakazi (25) of Sebokeng.

The six who were granted bail are: Mr Patrick Baleka, Mr Petrus Mokoena, Mr David Mphuthi, Mr Ephraim Ramakgolwa, Mr Thibaiso Ratsomo and Mr Jacob Hloniyane.

Those granted bail are not expected to stay with their families or visit the Vaal Triangle townships until the end of the case. They have been given permission to stay in Soweto, Kathlehong and Tsakane, Brakpan. They are also expected to report to a police station between 6 am and 8 am and between 6 pm and 9 pm.

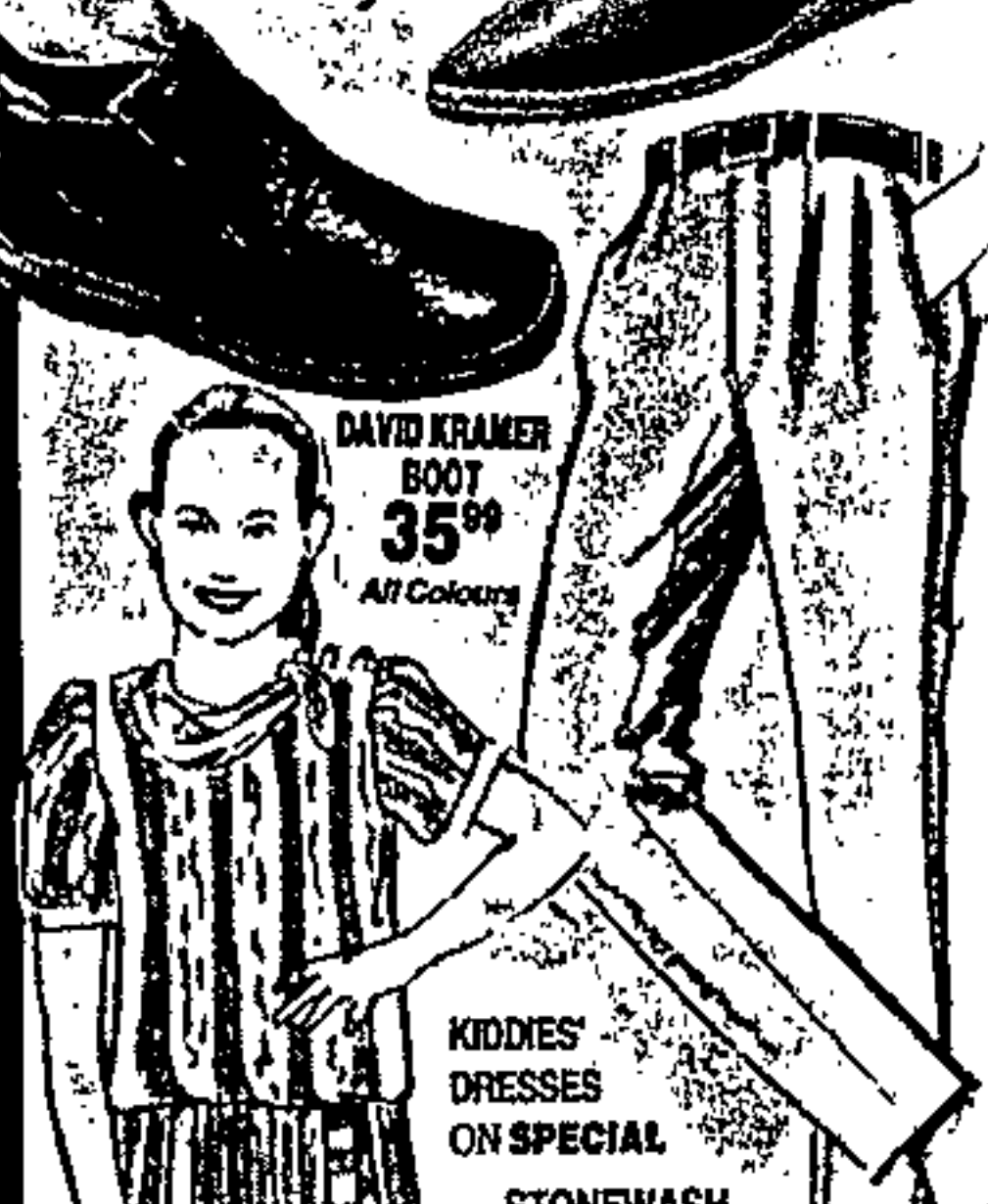
The other condition is that they should surrender their passports and should not apply for other travel documents. They should also report everyday at the trial from January 21. They are also restrained from attending any gatherings including funerals.

Among those who attended the trial were ambassadors from various countries and well-known members of the United Democratic Front (UDF).

As the three men emerged through the exit they were embraced and kissed by family and friends. The men said they were relieved to be released but were sad that they had to leave friends behind.

Mr Malindi said he did not know what he would do after his long stay in jail.

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REV LORD McCamel chatting to Rev Ben Photolo outside the Delmas Circuit Court yesterday. Mr McCamel gave evidence in the trial.

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Mrs Helen Joseph congratulates (from left) Mr Simon Vilakazi, Mr Mohapi More and Mr Mkhambi Malindi.

# Tears of joy at Delmas treason trial as 3 freed

By Estelle Trengove

Yesterday was a day of tears in the Delmas trial court — tears of joy for the three men who were acquitted and tears of disappointment for the remaining 19 men who must still face charges of high treason and terrorism.

Mr Justice K van Dijkhorst yesterday acquitted Mr Mohapi More (26), Mr Simon Vilakazi and Mr Mkhambi Malindi (21), saying that on the State's evidence they had no case to answer.

The minute the court adjourned, the three were surrounded by their co-accused, who hugged and congratulated them. Mr More's wife, Maguata, held onto his hand, so overcome that she could hardly speak.

As they left the courtroom — two of them had been in detention for more than two years — they were surrounded by dozens of photographers.

But amidst the joy, others were grieving. They had come to Delmas hoping that their loved ones would be released, but the appli-

cation for the discharge of the other 19 men was refused.

Those who still face charges of high treason and terrorism include United Democratic Front (UDF) leaders Mr Popo Molefe (34), Mr Patrick "Terror" Lekota (38) and Mr Moss Chikane, as well as Anglican priest Father Geoffrey Moselane and members of the Vaal Civic Association and Azapo.

The State's case is that they conspired to overthrow the Government with violence.

## REASONABLE MAN

Mr Justice van Dijkhorst said that, on the facts placed before the court by the State, a reasonable man might find the UDF could have been involved in a conspiracy aimed at overthrowing the Government.

He had said earlier that the State's evidence showed a certain pattern emerged in areas where there had been disturbances: attacks were launched on councillors and damage done to their property and the

property of the local authorities, schools, post offices, police vehicles and public transport.

In cases where the disturbances conformed to this pattern and a UDF presence was shown, Mr Justice van Dijkhorst said he was not prepared to find that there was no link between the damage done and the UDF.

On this basis, the judge said that evidence on the violence and disturbances in a number of areas was relevant to the rest of the trial.

He found, however, that the UDF and its affiliates could not be linked to the violence and disturbances in eight areas, including Witbank and Dunottar.

After two unsuccessful attempts to secure the release of all the accused, six of them were granted bail of R15 000 each. They are Mr Patrick Baleka, Mr Morake Mokoena, Mr Tsietsi Mphuti, Mr Tebello Ramakgula, Mr Serame Hlonyane and Mr Thabiso Ratsomo.



## Alleged accomplice refuses to testify

MARITZBURG — An alleged accomplice of 12 terror accused refused to give evidence against them in the Maritzburg Supreme Court yesterday.

Speaking in camera, the witness, a young man who may not be identified, admitted that he was a member of the ANC but refused to give evidence for the State.

After the trial was adjourned until today for the witness to consult his legal representatives, he shook hands

with several of the accused.

The 12 accused are charged on a main count of terrorism following a series of bomb blasts in Durban last year.

Earlier yesterday, a lengthy application from the State to have the witness give evidence in camera was granted by the presiding judge.

However, after the witness refused to give evidence, the public were briefly allowed into court. — Sapa.



# DAY OF JOY AND SADNESS

## Only three of the Delmas 22 are freed



LAZARUS More (25) was met by his wife, Magauta, when he was acquitted charges of treason at the Delmas Circuit Court yesterday. The couple got June 19, in the same courtroom where Mr More and 21 others appeared.

Pic: JOE MOLEFE

THREE of the Delmas treason trialists yesterday hailed the end of a long trial and nearly two years of incarceration when Mr Justice K van Dijkhorst acquitted and discharged them.

But for many others it was a day of tears and disappointment —dozens of people flocked to Delmas yesterday hoping that it would be their loved ones who would walk out free men when the judge gave his judgment in the defence application for the discharge of all 22 accused.

Mr Mohapi Lazarus More (26), Mr Simon Maxala Vilakazi (18) and Mr Mkhambi Malingi (21) were acquitted.

Mr Justice van Dijkhorst said that these three men had no case to meet in his view.

### Treason

The accused who remain to face charges of high treason include United Democratic Front leaders Mr Popo Molefe, Mr Patrick "Terror" Lekota and Mr Moss Chikane, as well as an Anglican priest and members of Azapo and the Vaal Civic Association (VCA).

Mr Justice van Dijkhorst said a reasonable man might find that on the facts placed before the court, the UDF had been involved in a conspiracy aimed at overthrowing the Government, as alleged by the State.

### Affiliates

That would also involve all affiliates represented on UDF management structures. The judge held, therefore, that the accused who were involved in the UDF or any of its affiliates such as the VCA, did have a case to answer on the charge of treason.

Concerning the murder charge, which relates to the death of community councillors in the Vaal Triangle, Mr

By ALI  
MPHAKI  
and SY  
MAKARINGE

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## Mshengu quits — P2



To page 5



## Delmas Treason trial

# JOY AS 3 GO FREE



SECOND from left ... Mr Lazarus More, Mr Simon Vilakazi and Mr Amos Malindi flanked by well wishers and relatives shortly after they were acquitted of treason at Delmas yesterday.

Pic: JOE MOLEFE

## Hearing of 19 is postponed

From Page 1

Justice van Dijkhorst said that any accused who had propagated violence or was in a leadership position at a meeting where violence was propagated and did nothing to repudiate it, could be expected to give the court an explanation.

On this criterion some of the accused could be implicated in that they should have foreseen that inciting people to actions against councillors could perhaps have led to their deaths.

As the three acquitted men left the court building, Mr Malindi said he would continue to fight for a free South Africa.

He said he did not know exactly what they would do now, but it would take some time for them to assess what was going on inside the

townships.

He said there was still a lot of hard work to be done to help those treason trialists who had been left behind.

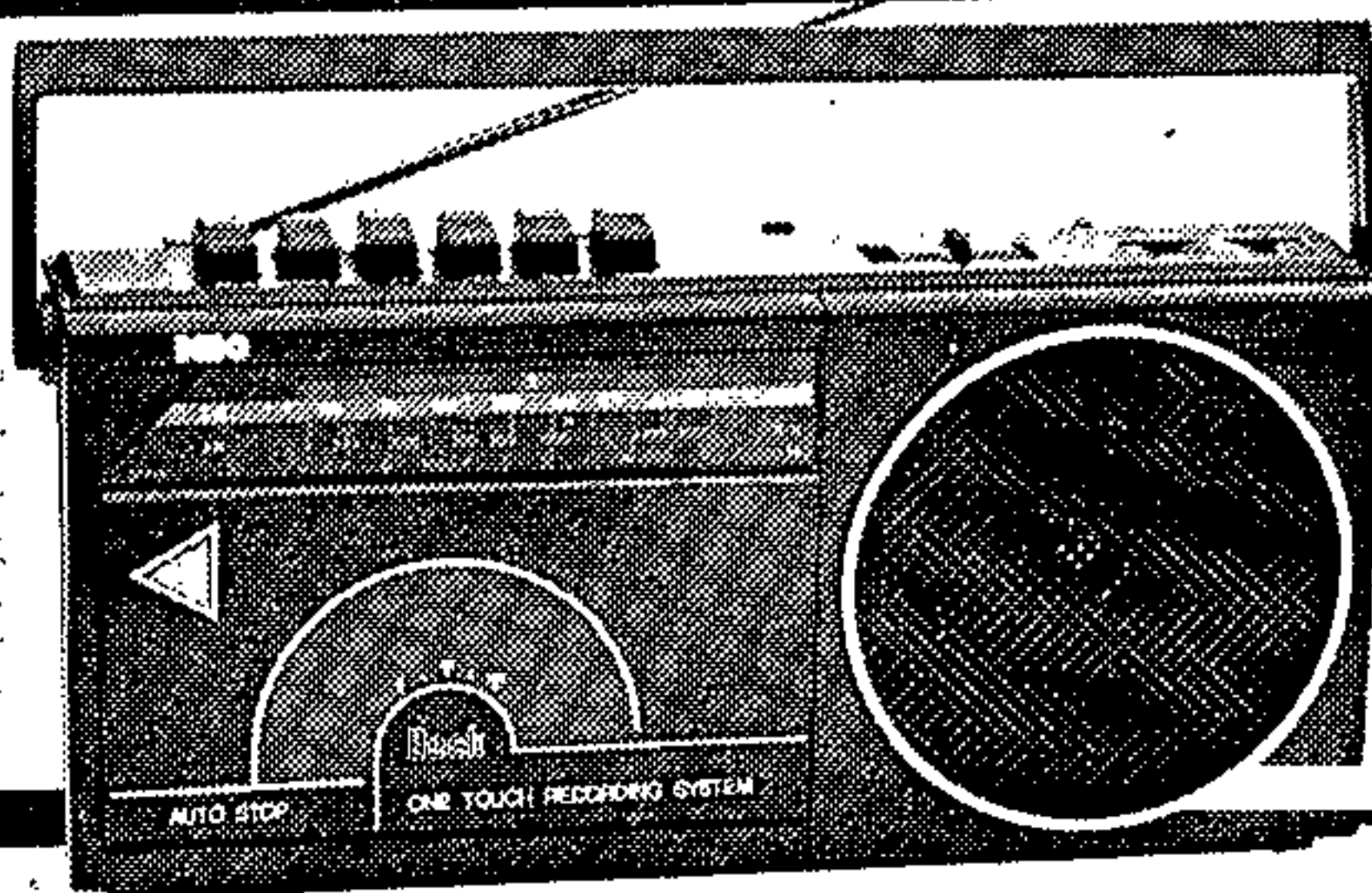
Mr Vilakazi said: "We thought that all of us would be discharged."

He said he believed that the people needed a lot of guidance and direction which ought to be given to them by their leaders (the UDF leaders still on trial).

Mr More was married in court to his wife, Maguata, during the treason trial. She was in court and clung to his hand tearfully after he had been discharged. She whispered something and he laughed, saying she had told him they could go on their honeymoon now.

The hearing against the remaining 19 men was postponed to January 21.

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**39**





CAPE TOWN 29/11/86 (331)  
**Sparg refused leave to appeal**

JOHANNESBURG. — The Rand Supreme Court yesterday refused African National Congress member Marion Monica Sparg, 28, leave to appeal against her 25-year jail sentence.

Mr Justice P J van der Walt said he did not believe another court would come to a different conclusion.

"She was sentenced for her lack of repentance and for what she did. Rehabilitation is out," Mr Justice Van der Walt said.

Earlier this month he sentenced Sparg to an effective 25 years in prison — 20 years for treason, five years each on two counts of arson and three years for attempted arson. The arson and attempted-arson sentences were to run concurrently. — Sapa

30/11/88. 11/11/88

30/11/86 21:17 P/155

## Nine in dock for funeral flags

33/

NINE Oudtshoorn residents appeared in the George regional court this week on charges of furthering the aims of the African National Congress and/or the South African Communist Party.

Defence counsel E Mohammed said it was the first time that such charges had arisen out of a funeral where the colours of the ANC were displayed.

The charges follow the April funeral of schoolboy Nkosinathi Hlazo, who was shot on his way to school in Bongoletu township during the unrest.

The State alleges that eight of the nine accused were funeral marshalls.

The marshalls allegedly

wore khaki uniforms and the colours of the ANC on their lapels, while some of them allegedly furthered the aims of the ANC and/or the SACP by allegedly displaying the flags of the banned organisations. A large part of the proceedings was filmed by the police. The video showed a red flag with a hammer and sickle and an alleged ANC flag.

Five of the accused, Zolile Mgolozi, Kenneth Grootboom, April Mpondo and two youths are out on R800 bail.

Zola Matikiti was refused bail and Zolile Jingqi, Moses Dikgacwi and Nombulelo Grootboom are being held under emergency regulations. - Sapa.



# Six did not kill

By STAN MHLONGO

SIX Vaal residents were acquitted this week of murdering Evaton Councillor Philemon Diphoko, who was stoned dead in 1984.

But two of the six — Simon Mira and Oupa Moremi — were sentenced to six months and nine months respectively, suspended for three years, for common assault and attempted theft.

Moremi Mira, Tom Nhlapo, Edward Mosebi, Ishamil Tsotetsi and William Sondi were acquitted on charges of subversion, murder and attempted murder.

Pretoria Supreme Court Judge Preiss, acquitting the six on the murder charges, said there had been conflicting evidence in which Delmas treason trialist Petrus Gcina Malindi had been "deliberately" mistaken for Edward Mosebi — one of the six accused.

The court heard this was done because of misleading evidence given by some of the state witnesses, which had been both contradictory and untrue.

The court took into account the evidence of a Dr Reitz, an orthopaedic surgeon who had treated Nhlapo for an ankle injury in 1978.

Reitz testified that it would have been very difficult for Nhlapo to run with the crowds when unrest broke out on September 3, 1984 — because his ankle had been injured at the time.

# No appeal for Sparg

By ANN PALMER

CONVICTED terrorist Marion Sparg was refused permission to appeal against an effective 25-year prison sentence this week.

Mr Justice P J van der Walt said it was regrettable, but he hoped that this would be the first and last time that a case of this nature appeared before the courts.

The decision has a special irony for the former journalist-turned-ANC-terrorist.

As a 16-year-old East London high school pupil, she once wrote in a poem:

No don't deprive me of clouds and storms and sunsets and seas.

for deprive me of these.

and you deprive me of life

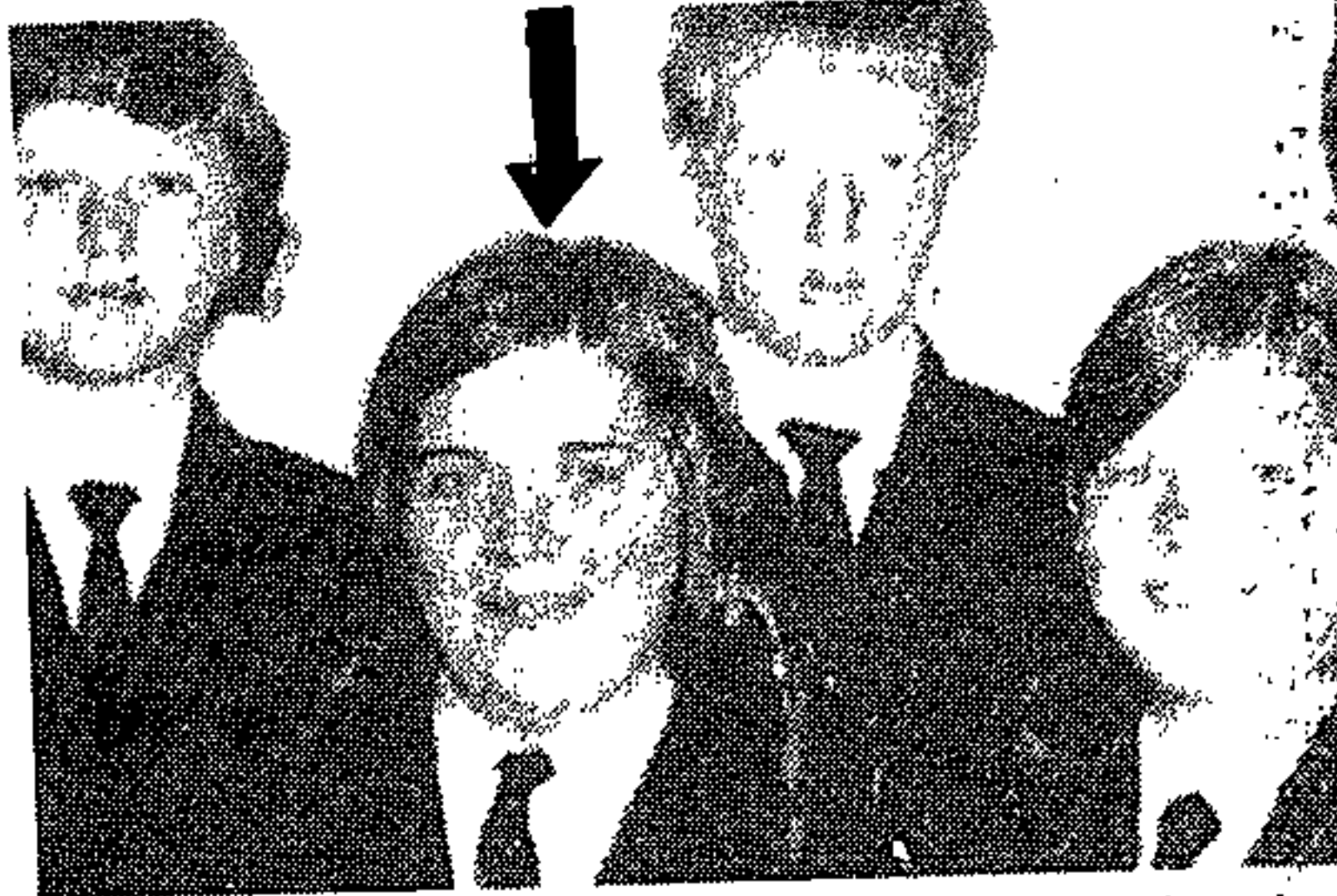
## Exceptional

In court this week the judge said Sparg's case could not be regarded as anything other than exceptional.

The defence claimed, in lodging an application for leave to appeal, that imposing a 20-year sentence was "disturbingly inappropriate and induced a sense of shock" because it meant that Sparg would serve an effective 25 years appropriate only in "very exceptional circumstances".

Earlier this month 28-

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*331*  
against  
jail term



Marion Sparg (arrowed) at school in East London

year-old Sparg was sentenced to 20 years' jail for treason and a further five years for arson.

The defence also claimed that the judge had misdirected himself, because he regarded Sparg's race as an aggravating factor.

In judgment, he said he would have understood, if not

condoned, her actions if she had been a black person.

Appearing for the State, Mr A G Berry said it was on Sparg's insistence, against the advice of friends, that she joined the military wing of the ANC, Umkhonto we Sizwe, "unlike a black person from the townships who could claim that he was duped by promises of education which he of great advantage to this type of person".

The only other course now available to Sparg is to petition the Chief Justice.

# Court hears of blast at Watson home

CAPL. Times 2/12/86  
231

Own Correspondent

PORT ELIZABETH. — Five witnesses yesterday described to the Regional Court here a massive explosion followed by flames higher than a block of flats when the Watson house in Park Drive was destroyed last October.

They were testifying at the trial of Mr Valence Michael Watson, 34, Mr Ronald James Watson, 36, and Mr Daniel John "Cheeky" Watson, 32, on charges of arson, fraud and attempted murder.

According to the charge sheet, the three brothers instructed Mr Archie Mkele and Mr Geoffrey Nocanda to burn down the house at 34 Park Drive, belonging to their mother, Mrs Elaine Claire Watson, on October 19 last year.

Subsequently they pretended to the police, SA Eagle Insurance and Mutual and Federal Insurance that the fire had been caused by the unlawful conduct of persons unknown, so as to induce the companies to pay out policies totalling R572 992.

The brothers are charged with attempted murder for allegedly instructing Mr Mkele and Mr Nocanda to set the fire in such a way that they would be trapped and killed inside the house.

The State alleges that the three accused and their brother, Mr Gavin Watson, were partners in a firm, Dan Watson American Imports, operating in PE, Uitenhage and East London and which was in financial difficulty.

Some R429 000 of the partnership's debts were secured on the house. It alleges that the three brothers conspired to burn down the house and use the insurance to pay off their debts.

All five witnesses — Dr Johan Olivier, Mr Ian Maitland, Mr J D Archer, Miss Alma Viviers and Mr V K Skelton — spoke of a tremendous explosion with flames leaping high into the air.

Dr Olivier and Miss Viviers said that seconds later they saw two men run from the house, across the lawn and into a nearby kloof.

Mr Maitland said he heard a series of lesser explosions or thuds after the first. The light from the blaze was so bright that he loaded his camera and took a series of photographs of the fire from his flat window.

Mr Archer said he had moved his car, endangered by the flames, further from the house.

Mr Skelton said he also moved his car out of danger.

Both spoke of a blazing cloth — a sheet or a curtain — near the front door of the house. Mr Skelton said he tried to stamp out the flames repeatedly but they just sprang up again.

The two men had also gone around the house to the servants' quarters with an ambulanceman, but they found the rooms empty.

None of the witnesses recalled seeing any vehicles or anybody besides the two running men leave the burning house immediately after the explosion.

Lieutenant J G Lourens, of the police forensic laboratory in Pretoria, testified that he had examined 33 exhibits sent to him after the fire.

He found traces of petrol on two pairs of shoes, in plastic cans and in several of the samples of burnt material, and expressed the opinion that, from the photographs and information he had received, the explosion and blaze had been caused by petrol.

Analysis of the shoes showed no trace of any explosive material.

If petrol was allowed to mix with air to a concentration of between 1,3 and six percent and was then exposed to naked flame, it would explode, he said. To obtain such an explosive mixture through the entire house would require about 138 litres.

The trial continues today.



# Terrorism trial's secret witness

## Pietermaritzburg Bureau

A DURBAN doctor, an accused in the trial of 12 Durban people on charges related to various explosions in Durban last year culminating in the Amanzimtoti bombing last December, trained two people in the use of explosives and told them when their training was complete they would strike at the police and at any Government property.

This was the evidence of a secret witness testifying

behind closed doors yesterday in the College Road Supreme Court here.

The witness, referred to as Witness A, may not be identified in any way.

Mr Justice Thirion and two assessors also heard that Witness A accompanied convicted Amanzimtoti bomber Andrew Zondo to the Sanlam Centre in Amanzimtoti last December 23, when he planted a limpet mine in a rubbish bin there.

It is alleged by the State in the indictment that ac-

cused Sibusiso Ndlanzi gave instructions to Andrew Zondo to retaliate in response to an alleged SADF raid in Lesotho on December 20 and that as a result of those instructions he planted the bomb at the Sanlam Centre in Amanzimtoti which killed five people and injured many others.

Witness A told the Court of receiving training in explosives, together with accused Mapiki Aaron Dlomo, at the hands of accused Dr Vejaynand Ramlakan at a centre in Durban.

Later, they were allegedly trained in the use of guns by a man they knew as 'Sakhile' or 'Zondo'.

Witness A said Dr Ramlakan told them when they had completed their training they would strike at police camps, police stations and any Government property.

Each of them had their own DLB (dead letter box) near their homes in which to store their weapons. Sakhile told them this way they would be within easy reach if they received instructions to fetch them, to launch an attack or to defend themselves.

Referring to the Amanzimtoti bomb, Witness A told the Court Andrew Zondo said before they went to the centre to plant the bomb that the purpose

was to retaliate for an SADF raid in Lesotho.

Witness A said Zondo was staying at the home of accused Mr Dlomo, in Lamontville at the time of the incident.

The witness told the Court of a discussion with Zondo at Mr Dlomo's home on the evening of the blast, in which Zondo wanted to know if the witness had 'heard of the events at Amanzimtoti'.

Witness A said he had read headlines in the newspaper which stated that four people had been killed.

## Raditsela's mother to give evidence at inquest today

The mother of trade unionist Mr Andries Raditsela is expected to give evidence today in the inquest in a Johannesburg magistrate's court into her son's death.

Mr Raditsela, who was a senior shop steward in the Chemical Workers' Industrial Union, was arrested at about 7 am on May 4 last year during an investigation into the burning of a bread delivery van.

He was held under the then emergency regulations at a temporary police station in Tsakane.

About 12 hours later he was admitted unconscious to the Far East Rand Hospital and was later transferred to Baragwanath Hospital, where he died on May 6.

He allegedly suffered fatal brain injuries in a fall from a Casspir vehicle.

Yesterday, Professor Nicolaas Scheepers, who had performed the post

mortem, said Mr Raditsela had suffered serious brain injury. The nature of the injury indicated he may have fallen and struck his head against a solid surface.

Earlier evidence in the inquest was that Mr Raditsela was under the influence of alcohol at the time of his arrest. Professor Scheepers said his injury may have caused him to behave in the manner of a drunk.

Even if he had immediately received the best medical treatment, it was unlikely he would have survived. However, someone should have realised after about four hours — when there was no improvement in his condition — that Mr Raditsela was not drunk and could be injured.

Mr Raditsela received medical treatment after about 12 hours, according to evidence.

The hearing continues.

SPAR

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## Raditsela inquest postponed

The inquest into the death of trade unionist Mr Andries Raditsela was yesterday postponed by a Johannesburg inquest magistrate to January 5.

The legal representatives of Mr Raditsela's family told the court on Tuesday that the family no longer wished to be represented at the hearing.

Yesterday, evidence was heard that the family members might wish to change their minds.

Their representatives asked for time to receive further instructions.

Mr Raditsela, a senior shop steward of the Chemical Workers' Industrial Union, was arrested on the morning of May 4 last year in Tsakane during an investigation into the burning of a delivery vehicle.

He was admitted unconscious to the Far East Rand Hospital 12 hours later and died in Baragwanath Hospital on May 6.

Evidence was heard that he had fallen from a Caspir vehicle and hit his head.

Medical evidence revealed he received serious brain damage that could have been the result of a fall.

Yesterday, Constable Leynette Janse van Rensburg, a police reservist who had been on duty in the charge office in Tsakane where Mr Raditsela was detained before being admitted to hospital, said she had seen him lying on the floor of the charge office.

She said she thought he was drunk and took little notice of him.

She saw no sign of injuries.

She saw him later lying outside. He awakened and asked to be helped to the toilet.

Afterwards she saw him tied to a fence, where he remained until he was taken to hospital.



ANC accused  
refused bail

A Johannesburg magistrate yesterday refused Rocklyn Mark Williams bail pending an appeal against a six-year jail sentence.

Williams (27), of Braamfontein, Johannesburg, was sentenced last week by Mr C C Butler to six years' imprisonment for furthering the aims of the African National Congress.

# ANC member tells of training in Durban

MARTIZBURG — A member of the African National Congress, who trained in Mozambique, Angola and East Germany, allegedly gave two treason accused lessons in the use of military weapons, the Supreme Court in Maritzburg heard yesterday.

The ANC member, who gave evidence in camera and may not be identified, implicated five of the 12 accused in ANC activities.

The witness allegedly met Mr Sibusiso Ndlanzi in Angola and Mozambique before crossing the border into South Africa with him in 1985 on an ANC mission and then gave Mr Ordway Msomi and Mr Vusumuzi Mahlobo military training near Durban.

The witness said the ANC party that entered South Africa was transported from the Swaziland border to Durban by Mr Sibongiseni Dhlomo and someone that resembled Dr Vejaynand Ramlakan.

In Durban the witness set up a training area and Mr Msomi and Mr Mahlobo were allegedly taught how to aim rifles and dismantle and assemble them and how to set time bombs. — Sapa.

# Court told of aim to train others in S A

Pietermaritzburg  
Bureau

4/12/81  
331  
N/104  
ANOTHER secret witness testifying at the terrorism trial of 12 people here on charges relating to bombings in Durban last year told the College Road Supreme Court yesterday of military training received outside South Africa and of illegally entering the country with other members of the ANC with instructions to train others.

The person, testifying in camera before Mr Justice Thirion and two assessors, will be referred to as Witness B.

Witness B told the Court of undergoing military training in other countries including East Germany, Angola and Mozambique before crossing the Swaziland border into South Africa with instructions to give military training to others.

Other members of the group included two accused in the trial, Sibongiseni Dhlomo and

Sibusiso Ndlanzi, as well as an Indian man who appeared similar to another accused, Dr Vejaynand Ramlakan. The group were taken to the Alan Taylor Residence in Durban.

Witness B told of being taken to Umgababa by a man known as 'Mr X' where a suitable spot was found to give military training.

Seven people in the district were trained in the use of explosives and firearms, he said. The trainees included accused Ordway Msomi and Vusumuzi Mahlobo.

All seven were sent there for training by 'Mr X'.

Mr Msomi and another man — the first group to receive training at Umgababa — brought a variety of weapons with them.

The hearing continues.



# Two in court on terrorism charges

Pietermaritzburg  
Bureau

TWO men appeared in the Pietermaritzburg Regional Court yesterday on charges of terrorism and attempted murder relating to hand grenade attacks on two homes in the Edendale area during May this year.

Funumazi Simon Gcabashe, 21, and Solomon Bhekinkosi Nyimbili, 27, both of Machabisa, appeared before Mr J H Loubser on two counts of terrorism and two alternative charges of wilfully causing an explosion, one count of attempted murder and one of illegal possession of hand grenades.

The two, who were arrested during September this year, were charged with contravening Section 54(1), read with Section 54(6), 69(5) and 69(6)(a) of the Internal Security Act in connection with attacks on a house in Edendale Road on

May 10 and a house in Nzimande Road on May 26.

A police constable who was guarding the house in Nzimande Road was wounded in the head by shrapnel in the grenade attack.

Alternative charges of contravening Section 27(1)(c) of the Explosives Act of 1956 by unlawfully and wilfully causing explosions were also laid against the two, as was a charge of attempted murder and of contravening Section 32(1)(b) read with Section 39(2)(a)(ii) of the Arms and Ammunition Act of 1969 by being in illegal possession of hand grenades.

The accused were not asked to plead and were remanded in custody until January 19 for trial.

Mr J W S de Villiers of the Attorney General's Office appeared for the State.

Mr P Thejpal appeared for the accused.

## Bomb trial told of military training

PIETERMARITZBURG — Another secret witness told the Supreme Court here yesterday of military training received outside South Africa and of illegally entering the country with an African National Congress (ANC) group to train others.

Testifying in-camera before Mr Justice Thirion and two assessors at the terrorism trial of twelve people on charges relating to bombings in Durban last year, Witness B told of training in East Germany, Angola and Mozambique before crossing over the Swazi border.

The group allegedly included accused Mr Sibongiseni Dhlomo and

Mr Sibusiso Ndlanzi and a man who looked "similar" to one of the accused, Dr Vejaynand Ramlakan.

Witness B said seven people were trained in the use of firearms and explosives in Umgababa, including accused Mr Ordway Msomi and Mr Vusumuzi Mahlobo.

Mr Msomi and another brought a variety of weapons with them, including two She-Petersen sub-machine guns, a TM57 landmine, a VZM fuse, a remote control device, 2 electronic timing devices, an electrical time device, a block of TNT, an electrical detonator and two books on the subject of home-made explosives.

The hearing continues. — DDC

# Witness tells of hiding 'Toti bomber'

Pietermaritzburg  
Bureau

THE College Road Supreme Court where 12 Durban people are facing charges of terrorism relating to bombs in Durban last year, including the Amanzimtoti bombing on December 23, heard yesterday how a secret witness, with the co-operation of some of the accused, had sheltered a man named 'Zondo' when 'things became hot' at his base in Lamontville.

State prosecutor Mr Bennie Schonfeldt SC told Mr Justice Thirion and two assessors that he intended leading evidence which would establish that Zondo was the convicted Amanzimtoti bomber. This followed an objection by the defence counsel, Mr Alan Magid SC, to evidence that was being led.

The secret witness, who will be referred to as Witness B, may not be identified.

Witness B admitted giving

ing military training to two accused, Mr Ordway Msomi and Mr Vusumuzi Mahlobo, as well as others, at a base at Umgababa in November last year and to giving Mr Mahlobo additional training at Tongaat later.

Witness B told the Court how a man who introduced himself as Zondo arrived at the Umgababa 'safe house' on December 26. 'He said he was sent to hide at my base because things were too hot at his base at Lamontville. The place was full of police hunting for people who had committed bombings.'

## Out of funds

Witness B said Zondo claimed he was sent there by accused Mr Sibusiso Ndlanzi. 'I asked him why he didn't go elsewhere to hide. He told me that he was out of funds.'

Witness B said the owner of the 'safe house' had become jittery and was panicking and he therefore

took them to Umlazi where they met another accused in the trial, Mr Malusi Majola, who needed accommodation.

Witness B said the group, including Zondo and Mr Majola, went to the home of accused Mr Mahlobo at Kwa Mashu on December 27 and requested his help in finding them accommodation. As a result of the meeting a friend of Mr Mahlobo, known as 'Frank', took them to Tongaat.

Witness B said, however, that Zondo did not wish to remain there since he was afraid of being recognised. For this reason they took him back to Kwa Mashu where Zondo remained with Frank.

'The following day I told Zondo that that very same day he must fend for himself and clear out of Natal.'

The day after that, Zondo had disappeared. The witness was later told that Zondo had been arrested.

The hearing continues.

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5/12/86  
SNR (331)

## Inquiry into disruption of O'Brien talks is adjourned

CAPE TOWN — The commission of inquiry into the disruption of lectures given by Irish academic Dr Conor Cruise O'Brien has completed its first sitting.

Much of the evidence heard during the three-day sitting came from University of Cape Town staff members, sources said yesterday.

The Azanian Students' Organisation (Azaso), which initiated the campaign against Dr O'Brien, and the National Union of Students (Nusas) have refused to testify.

They claim the university authorities failed to consult students on the commission's composition and mandate.

### NO COMMENT

The secretary of the commission, Mr M A Preston, said yesterday he could not comment on the proceedings.

The media has been barred from attending the inquiry at the request of the commissioners.

The members of the commission — Professor P du Plessis, former vice-chancellor of the University of the Witwatersrand, and advocates Mr Arthur Chaskalson and Mr Ismael Mohammed — would return home to examine the evidence, sources said.

No decision had yet been taken on whether or not the commission would hold a further sitting on December 8 and 9, as originally planned. — Sapa.

Friday, December 5, 1986

# 7 in court on PAC charges

*Sorelton*  
*5/12/86*  
*(331)*

SEVEN alleged members of the banned Pan Africanist Congress (PAC) including a priest, appeared in a Pretoria Magistrate Court this week on charges under the Internal Security Act.

The accused are Mr Mabatu Zulu (52), Mr

Siyabulela Gcanda (26), both of Transkei, Mr Achmed Cassim, an architect from Cape Town, Mr Vincent Mathunywa (29) of Springs, Mr Sidziba Moholo (29) of Johannesburg, Reverend Daniel Nkopdi (27) of Bophuthatswana and Mr Yussuf Patel (27).

They are all facing charges under the Internal Security Act and of participating in activities of the outlawed PAC. No formal charges were put to the accused. They were also not asked to plead and their case was postponed to February 2 next year.

The accused were

represented by Advocate T Bekkerling, instructed by Priscilla Jana and Associates. A spokesperson for the firm of lawyers defending the accused yesterday said their clients had not yet been issued with an indictment.

The seven were remanded in custody.

FIN MAIL 5/12/85

DELMAS TREASON TRIAL 331

## Case to answer

Most of the accused in SA's mammoth treason trial in the tranquil farming town of Delmas still have a case to answer on charges of treason and murder. That was the central finding by Mr Justice Klem van Dijkhorst in the last trial hearing before the Christmas recess late last week.

Judge Van Dijkhorst had earlier listened to argument for and against the withdrawal of charges against the 22 trialists. Counsel for the defence argued that the State had

failed to prove that the United Democratic Front (UDF) had been involved in a conspiracy with the banned African National Congress and SA Communist Party aimed at initiating a violent revolution.

Scores of people — family and friends of the accused, diplomats and journalists — converged on the court building. Many found their way blocked by riot police who cordoned off access to the courtroom once they judged that it was filled to capacity.

Judge Van Dijkhorst acquitted three of the 22 accused. However, he ruled that a reasonable man would support the view that the remaining 19 might have been involved in a conspiracy, and that they had a case to answer on charges of high treason.

On the murder charge (arising from the killing in the Vaal Triangle in September 1984 of four town councillors and one of their assistants) he found that anyone who propagated violence, or who did nothing to

oppose it, similarly had a case to answer. The 22 were not charged with killing the councillors, but the judge found that the accused must have known, or should have known, that threats against the councillors could have incited the mob to attack them.

The judge had earlier found that the State had failed to sustain its charge that the UDF had incited or tried to incite "the masses" in eight of 31 districts. Conversely, of course, defence counsel would have to reply to charges relating to violence in 23 districts.

The acquittal of three accused — Lazarus More (26) a literacy worker; Amos Amalindi (21) a time-keeper at a power-station; and Simon Vilikazi (25) a dispatch clerk — was greeted with cries of joy from well-wishers.

There was more joy later when bail was granted to six of the accused. It was the fourth bid in nearly 18 months by defence counsel to persuade the courts to grant bail.

Bail conditions included payment of R15 000 each, a prohibition on entering any of the five Vaal Triangle townships, and a commitment to report twice daily to the police.

Before returning to their homes, the trio of acquitted men released a statement expressing concern over the 19 still on trial.

A feature of the Delmas trial, the second largest treason trial in South African legal history, has been the relaxed atmosphere in the court room once the judge leaves for his chambers. Instead of being led away immediately to the cells for the long wait until late January when the trial resumes, the 13 (who were neither acquitted nor granted bail) were, as usual, given an opportunity to talk to well-wishers. "Please enjoy your Christmas," one of the 13, UDF national publicity secretary "Terror" Lekota, said. It will be his second Christmas as an awaiting-trial prisoner in the Delmas trial.



9/12/86  
SPARC

Own Correspondent

MARITZBURG — Dr Sibongiseni Maxwell Dhlomo, an accused in the terrorism trial here, trained a fellow-accused and a witness who cannot be identified in the use of bombs, detonators and grenades, Mr Justice Thirion was told in the Pietermaritzburg Supreme Court yesterday.

The witness, the third secret witness to give evidence, was testifying at the start of the fifth week of the trial.

The witness told of being trained in the use

## Dhlomo gave arms training, says witness

of a handgun by Dr Dhlomo.

The witness had been recruited to join the ANC and had been given an AK name of Khehla.

AK names were used when ANC members made contact with other members.

Mr Justice Thirion is hearing the case and a Deputy Attorney-General, Mr Bennie Schonfeldt,

and Mr Christo van Schalkwyk are prosecuting. Defence counsel are Mr Alan Magid, SC, and Mr Pius Langa.

The accused are: Mrs Duduzile Charity Baby Buthelezi (32) of Umlazi; Dr Sibongiseni Maxwell Dhlomo (26) of Doctors' Residence, Impala House, Umbilo; Dr Vejaynand Indurjith Raf of 2 Nardaba Road, Merebank; Mr

Sibusiso Robert Ndlanzi (29) of kwaMashu; Mr Jude Francis (21) of Shallcross; Mr Ordway Qonda Msomi (20) of Lamontville; Mr Sipho Stanley Bhila (31) of Lamontville; Mr Phumezo George James Nxiweni (20) of Alan Taylor Residence, Lamontville; Mr Mapiki Aaron Dhlomo (32) of Lamontville; Mr Bafo Bawana Nguqu (30) of Lamontville; Mr Malusi Israel Majola (20) of Chesterville; and Mr Vusumuzi Wesley Mahlobo (27) of kwaMashu.

The hearing continues.

# Witness says he housed bomber

Pietermaritzburg Bureau

A THIRD secret witness giving evidence at the College Road terrorism trial here yesterday testified to having sheltered Amanzimtoti bomber Andrew Zondo for one night without knowing who he was.

The witness, referred to as Witness C, may not be identified. He testified behind closed doors before Mr Justice Thirion and two assessors yesterday.

All 12 accused who are facing charges connected with various bomb blasts in Durban last year have pleaded not guilty.

## News broadcast

Witness C told the Court how, while in hiding with another accused in the trial, Malusi Majola, in Groutville in March this year, they heard a radio news broadcast relating to the Amanzimtoti bomb blast and to Andrew Zondo.

'It was said that the person who had planted the bomb was Andrew Zondo. I do not remember the rest,' Witness C said.

'I did not know who Andrew Zondo was,' the witness said.

Witness C said Mr Majola 'got a fright' when he heard Zondo's name and explained that Andrew Zondo was the same man who had gone to the witness's room at Tongaat a few months earlier. He had declined to stay there but later spent a night at the home of Witness C.

Witness C earlier told the Court of putting Zondo up for a

night at the request of another accused in the trial, Vusumuzi Mahlobo.

Witness C stated Mr Mahlobo had said that a former trainer of theirs, 'Stan', needed accommodation for someone. Witness C agreed and was introduced by 'Stan' to two people whose names were 'Sipho' and 'Zondo'. The witness identified 'Sipho' as accused, Mr Majola.

Witness C said Mr Majola agreed to stay at a room at Tongaat but Zondo declined and said he would prefer to stay at the witness's home, which he did for one night.

The next day Witness C left to visit 'Sipho' (Mr Majola) at Tongaat and never saw Zondo again, the Court heard. On returning home a day later Witness C was told that the police had been there. He immediately left and joined up with Mr Majola. The two of them stayed at a house at Hambanathi location for a few days before finding accommodation in Groutville.

Witness C told of contact with accused Mr Mahlobo who showed them how to use a remote control device at their hideout at Hambanathi and later obtained a She-petersen sub-machinegun for them while they were staying at Groutville.

Witness C testified earlier in the trial to having received training together with Mr Mahlobo in the history and objects of the ANC as well as in the use of weapons and explosives from various people including another accused, Sibusiso Ndlanzi.

The hearing continues.

# Witness says he took in 'Toti bomber'

Own Correspondent

MARITZBURG — A secret witness told the terrorism trial in the Supreme Court here yesterday of accommodating Amanzimtoti bomber Andrew Zondo, not knowing that he had planted the bomb.

The witness, "C" told of living in Groutville for several months this year with accused Mr Malusi Israel Majola after police had come to their homes in kwaMashu looking for them.

"C" said that when Mr Majola heard a radio broadcast about Zondo, he had got a fright. Mr Majola had then explained that Zondo was the person for whom "C" had arranged accommodation a few days after five people were killed in the Amanzimtoti bomb blast in December 1984.

"C" told of testing a machine-gun with Mr Majola at Groutville. Both had fired the weapon.

He also told of being brought a book of instructions on the making of bombs. The book was disguised in a cover with the name Ripley Underground.

He bought chemicals needed to make bombs and wanted to conduct experiments with grenades but had been arrested before being able to do so.

He said the machine-gun had not worked and they had told accused Mr Vusumuzi Mahlobo about it. Mr Majola, Mr Mahlobo and "C" cleaned it but the automatic mechanism had not worked.

The hearing continues.

The accused are: Mrs Duduzile Charity Baby Buthelezi (32) of Umlazi; Dr Sibongiseni Maxwell Dhlomo (26) of Doctors' Residence, Impala House, Umbilo; Dr Vejaynand Indurjith Ramlakan (28) of 2 Nardaba Road, Merebank; Mr Sibusiso Robert Ndlanzi (29) of Kwa Mashu; Mr Jude Francis (21) of Shallcross; Mr Ordway Qonda Msomi (20) of Lamontville; Mr Sipho Stanley Bhila (31) of Lamontville; Mr Phumezo George James Nxiweni (20) of Alan Taylor Residence, Lamontville; Mr Mapiki Aaron Dlomo (32) of Lamontville; Mr Bafu Bawana Nguqu (30) of Lamontville; Mr Malusi Israel Majola (20) of Chesterville and Mr Vusumuzi Wesley Mahlobo (27) of kwaMashu.



# Stofile refused bail in terror trial

DD  
13/12/78 (331)

Dispatch Reporter

EAST LONDON — The Border secretary-general of the United Democratic Front (UDF), the Reverend Makhenkesi Arnold Stofile, appeared briefly in the Mdantsane magistrate's court yesterday with five other people on allegations of terrorism and harbouring terrorists.

No evidence was led and Mr Stofile, 42, Mr Mzwakhe Nelson Ndlela, 32, Mr Linda Michael Stofile, 28, Mr Mveleli Gladwell Gqibithole, 28, Miss Noncedo

Miranda Ngwendu, 21, and Miss Nomvuyiso Stofile, 30, were not asked to plead.

The case was postponed to January 13 for regional court trial.

Miss Stofile was granted R500 bail but the other accused were refused bail after a certificate from the attorney-general disallowed bail in terms of section 29 of the Ciskei Security Act.

Mr B. A. M. Gabada was on the bench. Mr M. C. Pupa appeared for the state. Mr Ben Ntonga appeared for Miss Stofile and Mr Hipsa Siwisa for the other accused.

# PASSPORT IS REFUSED

15/12/88 JOVEN/ETAA

THE Government has refused to renew the passport of Mr Thami Mazwai, news editor of the *Sowetan* and an official of the International Federation of Journalists.

An official of the Department of Home Affairs informed him last week that "after consideration of the particulars furnished on your application, I do not see my way clear to authorise the issue of a passport to you".

He was advised that if he wanted his case reviewed he must provide additional information which should include the purpose of the journey, itinerary, why he must undertake the journey and who will finance it.

Mr Mazwai, who is also national treasurer of Mwasa, was elected to the executive of the IFJ in June this year. To travel to Denmark, where the congress was held, he was given a travel document valid for two weeks for Denmark only.

When he attended the first meeting of the executive in Brussels during October, he was given a South African passport valid for one month and for Belgium only.

As executive member of the IFJ Bureau representing Africa he was to travel to Lesotho last month on IFJ business but could not as he still waited for an extension to his passport.

ARGUS  
17/12/86

## Nine ECC members granted R150 bail

By ROBERT HOUWING  
Staff Reporter

NINE members of the End Conscription Campaign (ECC) appeared in Cape Town Magistrate's Court today.

No charges were put to the nine by the prosecutor, Mr W P Smith, and the hearing was postponed to January 14 for a decision by the Attorney-General.

They were released on bail of R150 each by the magistrate, Mr G Rossouw.

### COURT PACK

The nine are Western Cape chairwoman Paula Hathorn, former chairman Mike Evans, regional secretary-general Alistair Teeling-Smith, Crispian Olver, Andrew Orpen, Josie Grinrod, Matthew Blatchford, Felicity Wood and Mike Rautenbach.

The courtroom was packed with relatives and supporters and a delegation from the Progressive Federal Party's Unrest Monitoring and Action Committee (Umac), led by regional co-ordinator Mrs Val Rose-Christie.

There were cheers from the public gallery as the nine were led up from the cells at 9.30am and smiled and waved at supporters from the dock.

### CHARGE SHEET

Although the charge sheet did not detail charges, their attorney, Ms Andy Durbach, said afterwards that the investigating officer, a Warrant Officer Esterhuizen, told her they were to be charged under the Public Safety Act, Emergency Regulation 10(1) d, a clause relating to the "making and dissemination of subversive statements".

When the nine left the court building through the back entrance at 10.20am they were mobbed by friends and relatives.

Among them were the family of Felicity Wood, whose father, chartered accountant Mr Bob Wood, is a former president of the Cape Town Chamber of Commerce.



*4th Time 17/12/86 (254/229) 351*  
**ECC members to appear**

NINE End Conscription Campaign members will appear in the Cape Town Magistrate's Court today in connection with making and disseminating alleged subversive statements. The ECC press officer, Ms Tracy Clayton, said she had been informed by lawyers that the nine were to be charged under the Public Safety Act, Regulation 10(1)(d). As far as could be established, they are the first persons to be charged under the regulations since the institution of the state of emergency last year.

331

# Two cases open the state witness debate

Weekly Mail 19/12/86

Two prominent UDF leaders broke the activist 'taboo' against state evidence, renewing the debate over the value of blanket non-collaborationist policies. JO-ANN BEKKER reports

A SURPRISING development in political trials heard this year was the decision by two prominent United Democratic Front activists to give evidence as state witnesses.

For years it has been unspoken policy in extra-parliamentary organisations that testifying for the state is taboo — a stance in keeping with activists' "anti-collaborationist" stand, which effectively outlaws participation in government structures.

The two high-ranking officials, the UDF's eastern Cape vice-president Henry Fazzie and the founding chairperson of the UDF-affiliated Vaal Civic Association (VCA), the Reverend Lord Righteous McCamel, are not the first activists to have given evidence for the prosecution. Nor can their example be taken as an indication that the unspoken policy has altered.

But their actions have opened, once again, the debate about giving state testimony.

Often the basic question of whether evidence will favour or count against the accused is clouded by the black population's perception of the judicial system as being weighted in favour of the government.

It is further muddled by legislation which forces people to testify.

Hundreds of witnesses — ranging from priests to mothers of the accused — have been jailed over the years for refusing to give evidence. The maximum sentence for the offence has been increased steadily and today stands at five years.

The Internal Security Act makes special provision for the detention of potential state witnesses. The attorney general can order their imprisonment until court proceedings end or for six months, if the trial has not begun.

McCamel was detained for more than a year before he was called in February to give state evidence in the Delmas treason trial. Fazzie was subpoenaed in September, while he was held in terms of the Emergency regulations, to testify in the murder trial of the UDF's eastern Cape president Edgar Ngoyi.

The trials are still in progress, and while speculation on the effect of the men's evidence would be premature, the significance of their testimony is self-evident.

McCamel was listed as one of the 800 co-conspirators in the marathon Delmas hearing, in which the state claims the UDF, conspiring with the African National Congress, engineered the unrest which began in the Vaal Triangle in 1984 and spread throughout the country. The UDF's plan, it is alleged, was to overthrow the government by revolution.

But McCamel told the court the UDF and VCA had never discussed violence. Neither had residents been stirred up to commit violence at the meetings. The VCA's aims, the founding chairman said, were to tackle residents' problems of high rents, corrupt councillors and to oppose the government's new constitution, which excluded blacks.

Fazzie told the Port Elizabeth Supreme Court he went to fetch Edgar Ngoyi on the morning after the "necklace" murder with which Ngoyi and eight others are charged. The state's case is that Ngoyi presided at a "people's court" in which the death sentence was passed on the victim.

Fazzie, who agreed to give evidence only after he was allowed to consult with his lawyer, said he had come across a body lying near a burning heap on his way to fetch Ngoyi. The UDF president had asked him how "these bad things could be stopped". He seemed to have no knowledge of the murder and, Fazzie said, had



Rev. McCamel ... no ostracism

appeared shocked to hear of what had happened.

Fazzie said, like the UDF, Ngoyi had always condemned violence against any person and had expressed a desire for methods which would end violence.

A number of human rights lawyers have welcomed McCamel and Fazzie's decision.

"From a lawyers' point of view, this blanket attitude that you never give evidence is dangerous," a senior advocate noted. "Often you get the situation where evidence could be used to the advantage of the accused."

The UDF's acting publicity secretary, Murphy Morobe, said the Front had no fixed policy on giving state evidence.

But Morobe himself was sent to jail for six months in 1977 for refusing to testify against 12 people charged with furthering the aims of the ANC.

On his release he was charged with sedition, in one of many cases arising from the 1976 youth uprising. One of his closest student friends gave evidence against him.

"It is terrible when the one who's been with you through thick and thin is suddenly in the witness box."

Activists say McCamel has been reintegrated into the Vaal community. He has suffered none of the ostracism or threats of violence state witnesses cite when requesting to give evidence *in camera*.

When three of the original 22 Delmas trialists were released last month, he was among the first in line to give congratulatory hugs.

Fazzie is still in Emergency detention, but activists say it is unlikely his testimony will affect his political leadership.



IN BRIEF

24/12/86

**Case of 10 Vereeniging detainees is postponed**

AN application to have the detention of 10 Vereeniging residents in terms of the emergency regulations declared unlawful was adjourned in the Rand Supreme Court yesterday until December 29.

The application was brought before Mr Justice Margo against the Law and Order Minister and the Justice Minister on behalf of Masopeng Shai, Johannes Mabalane, Kuben Dasheka, Skujikile Ntshakaza, Howard Sibanya, Freddie Njemla, David Hadebe, Benjamin Motshele, Kode Simayile and Meshack Sibiya.

An application scheduled to have been heard in the Rand Supreme Court yesterday to have the detention of Verney Mathabathe in terms of Emergency Regulation 3 (1) and 3 (3) declared unlawful, failed to materialise.



# Treason

After 10 months in court,  
3 Delmas men released

## accused go free



Enjoying their first moments of freedom, from left, Lazarus More, Maxala

## Six more out on bail ... but 13 still in cells



An accused and a state witness: Reverend Lord McCamel, left, who was forced to give evidence in the Delmas trial, welcomes one of the accused, Lazarus More, acquitted yesterday.

Pictures: SANDY SMIT, Atrapix

By JO-ANN BEKKER

THREE of the 22 Delmas treason trialists were yesterday released when the judge found the state had not presented a case against them — after almost a year of court hearings and up to two years in custody.

Their release, and the granting of bail of R15 000 each to another six accused, was greeted by a large crowd of relatives and spectators at the East Rand court with a mixture of relief and disappointment.

The discharge came after three previous unsuccessful bail applications by the accused, whose charges arise from the Vaal uprising in September 1984. The other 13 trialists were again refused bail yesterday.

The freed men were congratulated by their co-accused, hugged tearfully by their families and mobbed by supporters outside the building.

The well-wishers included the Reverend Lord Righteous McCamel, a prominent Vaal civic leader who was called as a state witness after more than a year in detention. He testified that the United Democratic Front was a legal, non-violent organisation. Unlike many state witnesses, McCamel was not ostracised by township residents.

While the trialists who were refused bail and their families tried to show a brave face, the mood inside the courtroom was depressed.

For the first time throughout the year-long hearing, *Nkosi Sikelel' iAfrika* was sung, slowly and solemnly, by the accused and supporters in the gallery. It became something of a hymn of re-dedication and renewal for the 13 people who will remain in Modderbee Prison until the defence begins its case on January 21 — a case likely to last many more months.

At the end of the hymn one of the accused, the Reverend Geoffrey Moselane, pronounced the benediction. A voice from the gallery called: "Let justice be done."

Lazarus More, 26, a literacy teacher, Mkhambi Malindi, 21, who worked as a time-keeper at a power station and Maxala Vilakazi, 25, a clerk at the SA Committee for Higher Education (Sached), were discharged after Justice K van Dijkhorst delivered judgement in a defence application for the release of all the accused.

Van Dijkhorst said while there was not sufficient evidence against the three to justify

● To PAGE 2



WHEN lawyers began arguing for the release of the Delmas treason trialists, on the grounds that the state had failed to prove its case against the 22 men, the court overflowed with relatives and friends.

The public gallery gradually emptied as the application for discharge dragged on an entire month. Much of the defence's argument and the state's counter-argument involved a thorough dissection of the evidence of scores of state witnesses and of the 15 000 documents submitted by the state.

The following are aspects of the written argument submitted by the defence and state:

**THE DEFENCE:** Far from setting out to overthrow the South African government through violence, the United Democratic Front's initial view of "engaging the state" was to write to President PW Botha (then Prime Minister), to discuss meeting him and to apply for passports for UDF members, defence advocate Arthur Chaskalson SC told the court.

He said despite the state's contention that the UDF was formed in response to a call by the African National Congress, as a banned organisation its views were not heard in South Africa. The only evidence before court was that Dr Allan Boesak, president of the World Alliance of Reformed Churches, had made the first local call for a united front to oppose apartheid.

Similarly, Chaskalson said the state had failed to prove its central thesis:

# Delmas: The state and the defence cases



Dr Alan Boesak: Made the first call for united front

that the UDF and its affiliates were involved in a conspiracy — as were the ANC and South African Communist Party — to mobilise the masses to commit violence, make the country ungovernable and begin a violent revolution.

There was no evidence that the UDF or its affiliates, which operated openly and within the law in opposing the tricameral parliament and Black Local Authorities Act, had ever agreed to this conspiracy, he said. No link had been established between the UDF and ANC and although the court had heard evidence that ANC individuals had infiltrated the UDF, none of the accused were implicated.

Turning to whether the accused could be convicted for their actions as individuals, Chaskalson dealt separately with the high-profile political figures among the 22: Popo Molefe, general secretary of the UDF, Mosiuoa Lekota, the UDF's publicity secretary and Moss Chikane,

a Community Resource and Information Centre (Cric) official. He said because the UDF was a front of organisations, not an association of persons, and its affiliates all enjoyed complete independence, the UDF and its executive members could not be held responsible for the countrywide unrest in 1984 and 1985.

To prove the three men were responsible for the unrest, the state would have to prove that a UDF affiliate was behind the violence, the UDF had given its authority to the violence, and the three accused UDF leaders were aware of and had agreed with the actions.

Chaskalson also dealt separately with the state's claim that Patrick Baleka, Oupa Hlomoka and Rev Geoffrey Moselane, allegedly members of the Azanian People's Organisation (Azapo), were linked to a second conspiracy involving the UDF and Azapo.

He said state documents in fact

emphasised the ideological differences between the black consciousness Azapo and the non-racial UDF.

The remaining 18 accused were held liable for the conspiracy because of their support for the VCA. But Chaskalson dispute the allegation that the September 3, 1984 Vaal uprising, which ended in the death of five councillors, was in line with a carefully orchestrated campaign by the UDF against the black local authorities.

**THE STATE:** As an outlawed organisation, the African National Congress was restricted in its ability to mobilise the black masses to rise up in revolution, and needed an organ which could operate openly inside South Africa to politicise and organise the people, Deputy Attorney General PB Jacobs contended.

He said the first call for such a legal movement came from ANC President Oliver Tambo in January 1983 when

he said in order to counter a determined offensive by the "enemy", the South African government, "we must organise all democratic forces into one front for national liberation." Jacobs said Tambo's call to the ANC's National Executive Committee was reproduced on pamphlets which were smuggled into South Africa and distributed widely.

From the beginning the state had emphasised that all the 22 accused, and the 800 people named as co-conspirators, were part of the UDF/ANC conspiracy to overthrow the government by revolutionary war and bring in a government based on the principles of the ANC's Freedom Charter, he said.

As co-conspirators, Jacobs argued, each of the accused was liable for the actions of the others. This was true even for murder, because if a conspiracy envisaged that people could be killed in determining its goals, then co-conspirators could be held liable for the deaths, even though

The existence of a conspiracy could be proved by circumstantial evidence, the deeds of various accused, their correspondence, notes and documents which were relevant. The onus was on the defence to prove the documents were not relevant.

Jacobs said the state had placed the 15 000 documents before the court to prove the conspiracy was "not just talk" but that several facts were repeated in the various pamphlets, copies of minutes and speeches and were "energetically promoted around the country".

The documents showed, he said, how various grievances were systematically exposed to mobilise the masses, politicise and organise them against the state with the ultimate aim of undermining the state's authority and implementing the conspiracy.

The UDF's call for the release of Mandela and other political prisoners, the return of political exiles, and for a national convention had long been advocated by the ANC in its campaigns in South Africa and abroad, he said.

According to Jacobs, both the UDF and the ANC were not interested in merely acquiring full citizenship rights for black people, but in attaining power. "Obtaining their freedom through discussion with the government for power sharing is totally rejected."

At meetings organised by UDF affiliates people were called on to join the "struggle for freedom" and ANC flags were flown, freedom songs sung about "violence and terrorism", "terrorist weapons" were displayed, "terrorist organisations like the ANC and Umkhonto we Sizwe and also terrorist leaders like Oliver Tambo and Nelson Mandela" were popularised, Jacobs said.

## Treason accused: 13 still in cells

holding them any longer, the other 19 men had a "case to answer".

He said at the end of the state's case, and without having heard the defence argument, "a reasonable man might find that the United Democratic Front was involved in a conspiracy" to incite the masses to violent revolution. Thus the senior UDF officials among the accused — publicity secretary "Terror" Mosiuoa Lekota, general secretary Popo Molefe, and Moss Chikane, an official of the Community Resource and Information Centre (Cric) — had to present their defence.

He also found there was evidence that the UDF and Azanian People's Organisation (Azapo) had agreed to work towards a common goal and thus the accused with alleged Azapo links — Patrick Baleka, 26, an insurance representative, Oupa Hlomoka, 33, a salesman, and the Rev Geoffrey Moselane, 40, an Anglican priest — had a case to answer.

He dismissed the defence's argument that none of the accused should be found guilty of murdering the five Vaal councillors in September 1984. Any trialist who had propagated

violence or was in a position of authority at a meeting where violence was encouraged and did nothing to stop it should give the court an explanation, he said.

The judge also ruled that eight of the 31 areas in which the state alleged the UDF had "stirred up the masses" should be struck off the charge sheet because the state had produced insufficient evidence.

Shortly after his release, Lazarus More said he would dedicate himself towards healing the rift between Azapo and UDF. The 22 treason trialists had shared a cell for more than a year and had lived and worked in harmony, in spite of their ideological differences, he said.

While in prison More has had an operation to remove a bullet which had been lodged in him since he was shot during unrest on September 4, 1984, and another for a hernia.

Maxala Vilakazi said while he was relieved to be out of jail: "We aren't happy about our release, because we thought we would all be discharged today."

The three released a statement later yesterday calling for the acquittal of their co-trialists, expressing concern about the continuation of the State of Emergency and the detention of thousands and about the fact that "this country is deep in political decay and so many of our people and leaders are still incarcerated and in exile."

"In these circumstances we cannot even feel free. All of us together without families and friends have suffered great hardships, not only financially but emotionally for over two years. We feel distressed that our co-trialists face a further uncertain but long and bleak period."

"We know that this hardship is not unique to us and that over the years so many people have made such and greater sacrifices. We believe that any sacrifice is not in vain and that a change for the better must come."

Those released on bail were Baleka, Morake Mokoena, 48, an Evaton cafe owner, Tsietse Mphuthi, 47, who hawked wood and poultry in Sebokeng, Tebello Ramakgula, 36, a Putco electrician, Serame Hlanyane, 38, a Sebokeng electrician and

Thabiso Ratsomo, 27, a Rhodes university student and founding treasurer of the Vaal Civic Association.

They were released on bail on condition they attend and organise no meetings, do not go to the Vaal Triangle for any reason whatsoever, report to specified police stations every morning and every evening, surrender their passports and appear in court every day when the case resumes in January.

Those who remain in custody are: UDF leaders Molefe, Lekota and Chikane, Azapo members Hlomoka and Moselane and the following individuals: Petrus Malindi, 25, a clerk, Mbuti Nkopane, 41, a furniture stock controller, Bavumile Vilakazi, 30, an Urban Training Project educator, Sekwari Mokoena, secretary of the Boipatong Civic Association, Tseko Nkoli, 27, co-ordinator of the SA Institute of Race Relations education project, Jerry Tlhopane, 27, a sales agent, Madikwe Manthata, 46, a South African Council of Churches fieldworker and Hlabeng Malole, 61, a dry-cleaners' sales agent.

## Alleged ANC man to face trial

An alleged African National Congress member, Mr Vijaydave Naran Patel (41), will stand trial in the Johannesburg Regional Court on February 18 on five charges under the Internal Security Act and the Terrorism Act.

Mr Patel, whose address was given as Orient House, Becker Street, Ferreirastown, has not pleaded to the charges. He is in custody.

The State has alleged Mr Patel became a member of the ANC between 1968 and 1972.

Between 1974 and 1977, he allegedly

underwent training in Angola and East Germany "that could be of use to any person intending to endanger the maintenance of law and order".

On May 16 this year, he was allegedly found in possession of an ANC publication "No to Conscription into the SA Death Force! Yes to the People's Army — MK!"

Between February and December last year he took part in ANC activities and tried to recruit people to the organisation, according to the charge sheet.



# TOTALITARIANISM — POLITICAL TRIALS

1987

JANUARY — February

# Raditsela inquest resumes

THE inquest into the death of the late trade unionist leader, Mr Andries Raditsela, will resume today in the Johannesburg Magistrate's Court.

Mr Raditsela (29) of Tsakane Township, near Brakpan was a senior shop steward of the Chemical Workers Industrial Union (CWIU) at Dunlop, Benoni. He

was also vice-chairman of the now defunct Federation of South African Trade Unions (Fosatu).

He died at Baragwanath Hospital on May 6 1985 after being taken into police custody two days earlier at 9am. He had been held at a temporary police station at the local development board offices during an investigation into the

burning of a delivery vehicle.

Some of the evidence in court had been that on the day of his detention, Mr Raditsela's parents saw him at the board offices at lunch time. He could not talk properly or stand. He had been admitted to hospital unconscious and with serious head injuries.

The court has also been told that he had fallen from a Casspir vehicle and hit his head. Medical evidence revealed that he received serious brain damage which could have been the result of a fall.

## Family

Proceedings in the inquest were postponed to today on December 3 after the legal representatives of the Raditsela family asked the court for time to receive further instructions.

This was after the family had told their lawyers that it no longer wished to be represented at the hearing. The matter was then adjourned after the court was told that the family members might wish to change their minds.

Early last month, the CWIU announced that the Minister of Law and Order had agreed to pay the family of Mr Raditsela R33 800 in an out-of-court settlement.

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# NO BAIL FOR EX-COPS ON

## SPYING RAP

TWO former members of the security police were yesterday refused bail when they appeared before a Pretoria magistrate on charges of terrorism and espionage.

The State submitted a certificate from the Attorney-General of the Transvaal that barred the men from being granted bail.

Mr Matshwenyego Daniel Mkgabudi (29) of Atteridgeville and Mr Tshifango Cedric Ra-

buli (33) of Soshanguve near Pretoria, appeared before Mr W J Van den Bergh yesterday on 10 counts of terrorism, furthering the aims of the African National Congress and espionage.

The State alleges they were compensated by the ANC for the information or documents they delivered to the organisation between 1980 and July last year.

The State advocate Mr H J Prinsloo opposed an application by the defence counsel, Advocate Dikgang Mosenke for a postponement of the case.

Mr Mosenke told the court that he sought the

**By MONK NKOMO**

services of a senior counsel because of the seriousness of the charges.

Mr Prinsloo objected and said the defence team had had ample time to secure the services of a senior counsel since November 7 last year.

**Agreed**

The magistrate said the objection was not without merit and agreed with the State's submission. He conceded however that the charges were of a serious nature and the accused were entitled to secure legal representation of their choice.

He granted the application but added that the postponement was "offered with reluctance". The court, he added, was inconvenienced by the postponement, because the State was ready to proceed with the trial.

The accused were not asked to plead and the case was postponed to next Wednesday, January 14. Mr Prinsloo also informed the court that the Attorney-General had already issued certificates prohibiting the accused from being granted bail under a section of the Internal Security Act. Both were remanded in custody.



News in Brief

*ent trip 7/1/87 (33/)*

## Ex-policemen charged

PRETORIA. — Two former security policemen appeared in the Pretoria Magistrate's Court yesterday on charges of terrorism and breaches of the Protection of Information Act. Mr Matshwenyego Makgadudi, 29, and Mr Tshijhango Rabuli, 33, allegedly used their positions as members of the security police to make copies of secret documents for which they allegedly were paid by the African National Congress. They were remanded until January 14 without being asked to plead.

# Reporter to appear

CAPE TIMES reporter Mr Tony Weaver was yesterday summonsed to appear in the Cape Town Regional Court on February 9 on four charges under Section 27(b) of the Police Act.

The charges relate to reports in the Cape Times and an interview conducted by the BBC with Mr Weaver following the shooting dead by police of seven alleged ANC guerillas in Guguletu on March 3 last year. The State alleges the reports contained "untrue matter".

The summonses were served on Mr Weaver by the head of the Murder and Robbery Squad, Colonel Quinton Visser. If found guilty, Mr Weaver is liable to a maximum fine of R10 000 or a maximum sentence

of five years in prison — or both — on each of the four alleged offences.

Section 27(b) of the Police Act relates to the alleged "unlawful publishing" of "untrue matter" concerning actions by the South African Police or members of the force in relation to the performance of their duties.

The alleged untrue matter was that:

□ A Warrant Officer Callie Bothma interviewed and took a statement from Mr Cecil Msutu concerning the shootings.

□ Mrs Adelaide Mkanzuza, a receptionist at Mahlubi Funeral Services in Guguletu, alleged that a Mr Lane of the police demanded the bodies of the seven be buried five days earlier

than the scheduled funeral date or the funeral parlour would be in "serious trouble about their licence".

□ Mrs Nomvuyo Hamza, a receptionist at Mahlubi, alleged that Mr Lane had contacted her and asked her for the names and addresses of the dead men and their families and that she was told the bodies had to be buried "immediately".

□ In a BBC interview on March 4, Mr Weaver is alleged to have said the seven were "shot by members of the said force in cold blood and that members of the said force had then 'planted' weapons on the deceased claiming that they were guerillas to justify the fact that they had been shot".

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# Watson case 'bugging'

Own Correspondent

PORT ELIZABETH. — A transcript of a "bugged" bedside conversation allegedly conducted in hospital between one of the Watson brothers and an employee injured in the fire which destroyed the Watson family home, was handed in at the Regional Court here yesterday.

Before the court were Mr Valence Michael Watson, 34, Mr Ronald James Watson, 36, both of Villa d'Este, Park Drive, and Mr Daniel John "Cheeky" Watson, 32, of Cape Road.

They are charged with arson, fraud and attempted murder.

The counts arise from a fire on October 19, 1985, when a house in Park Drive belonging to their mother, Mrs Elaine Claire Watson, was destroyed.

Earlier the State disclosed that police had placed a radio transmitter in an attache case left near the bed in which the seriously injured Mr Archie Mkele was lying at Livingstone Hospital.

A tape recording of the conversation — in Xhosa — allegedly between Mr Archie Mkele and Mr Ronald Watson was translated into Afrikaans by the Department of Justice's Chief Interpreter for Port Elizabeth, Mr Timothy Xhamela.

The unexpected evidence of a "bugged" hospital bed conversation came at the start of the second session of the trial.

Constable Andre Jennett was the first to testify that a bugging device had been placed in the hospital room

on Monday, October 21, 1985. He said Warrant Officer Martinus Ras had instructed him to move an attache case from the foot of Mr Mkele's bed to the head.

Mr Jules Browde, SC, for the defence, reserved his right to cross-examine W/O Ras because, he said, the defence had not known the tape existed until it was introduced in court.

Earlier a policeman's widow, Mrs Wendy van Eyk, said that after seeing a police video and newspaper photographs, she identified Mr Ronald Watson as the man she met early on Sunday, October 20, 1985 while going to a house at Bushman's River Mouth to tell the Watson family their house was on fire.

She had been asked to do so by Mrs Janice Stephen, the wife of the Kenton on Sea police station commander.

Cross-examined, she said she was unable to say what the video contained and did not know what the police intended doing with it.

It is alleged that a conspiracy was entered into between the accused to get Mr Mkele and Mr Geoffrey Ncanda to destroy the house so insurance totalling R572 992 could be obtained. The companies in which the brothers are partners were heavily in debt.

The Regional Court President, Mr Gert Steyn was on the Bench. Mr H van der Walt appeared for the State. Mr Browde, with him Mr R G Buchanan, instructed by Rushmere, Noach and Partners, appeared for the defence.



# Reef boycott trial is postponed

East Rand Bureau

The trial of Mr Abiot Hansy Motswege, believed to be the first person to be prosecuted for allegedly attempting to organise a consumer boycott, was postponed in the Benoni Regional Court yesterday.

Judgment is expected to be delivered when the hearing resumes on February 13.

Legal argument ended yesterday.

Mr Motswege, of Daveyton, has been charged with subversion in terms of the Internal Security Act.

The State alleges that he planned the consumer boycott which started on May 19 last year in areas on the East Rand.

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## Police 'ignored' torture claim

### The Argus Bureau

PORT ELIZABETH. — The policeman who investigated the fire which destroyed the Watson family home said during the brothers' trial he did not investigate a claim by a witness that he was tortured by police.

Captain C A Prinsloo was giving evidence yesterday in the trial of Mr Ronnie Watson, Mr Dan "Cheeky" Watson and Mr Valence Watson, charged in the Port Elizabeth Regional Court with fraud, arson and attempted murder.

The State alleges that the brothers conspired to burn down the house in 1985 and use the insurance compensation to pay their business debts.

Asked by the brothers' counsel, Mr Jules Browde, SC, why he had not investigated an allegation by Mr Geoffrey Nocanda that he was tortured into making a statement to the police, Captain Prinsloo said he knew Mr Nocanda had not been assaulted because he had been in the next room.

### ARGUMENT

Mr Nocanda and Mr Archie Mkele, employees of the Watsons, were badly burnt in the blaze.

Captain Prinsloo told the court he had a heated argument with Mr Ronnie Watson outside the men's hospital ward the day after the fire.

He said Mr Watson objected to statements being taken from them.

After finally warning Mr Watson that he was obstructing a police officer in the execution of his duty, Captain Prinsloo said he allowed him to see Mr Nocanda and Mr Mkele in the presence of a police video team.

Mr Watson spoke to the men in Xhosa and they then declined to make statements.

(Proceeding)

UMTATA — A Transkei teacher who allegedly taught his pupils about liberation struggles and banned organisations appeared in the regional court here yesterday charged under the Public Security Act and Constitution Act.

Mr Luntu Mqingwana, 23, of Mpame Junior Secondary School pleaded not guilty before Mr R. Mickelsfield to the offences which were allegedly committed between April and November 1985.

The state alleged that Mr Mqingwana promoted the image of an unlawful organisation, the African National Congress, and persuaded scholars to accept ANC leaders as their true leaders.

Mr Mqingwana also allegedly tried to recruit the scholars as members, followers or supporters of the unlawful organisation.

It is also alleged that he took part in the activities of an unlawful organisation or carried out acts in the direct or indirect interests of the unlawful organisation.

On the charge relating to the Constitution Act, he allegedly committed acts calculated to violate the dignity of, or in-

# 'I'kei teacher charged under security act

jure the reputation of the State President.

This was done by telling scholars they were being oppressed by the president who was not their true leader, their leaders being those of the banned organisation.

He also allegedly wrote the words "Matanzima a traitor", "We want freedom" and "Viva ANC" on the windows and shutters of buildings in the vicinity of the school.

He is also alleged to have taught the students freedom songs.

A state witness, Mr Gcobani Mvalo, told the court that he was a student at the school where Mr Mqingwana taught history and geography.

During history lessons, Mr Mqingwana would talk about the liberation struggle and ask the boy students to join organisations which

fought for the freedom of the black man in South Africa.

He would teach the boys freedom songs outside the classroom behind the school tanks.

The songs were Lead us Tambo, Botha is Trembling because of Mandela and Where do Whites get the Courage of Taking our Land, Africa? the witness said.

Mr Mvalo said one day Mr Mqingwana led the boys to the beach

nearby, carrying a flag of the African National Congress and the group sang the freedom songs, raising clenched fists and shouting "Amandla, ngawethu", whenever they met with a white man on the beach.

Another witness, Mr Malizo Sinono, told the court that Mr Mqingwana threatened to assault the boys when they said their leader was Paramount Chief Kaiser Matanzima.

He told them they

selves if they thought they were free,

Once on the beach they met a local trader, Mr Rodney Webb, and Mr Daniel Geldenhys, and shouted "Amandla, Ngawethu" at them, raising clenched fists, Mr Sinono said.

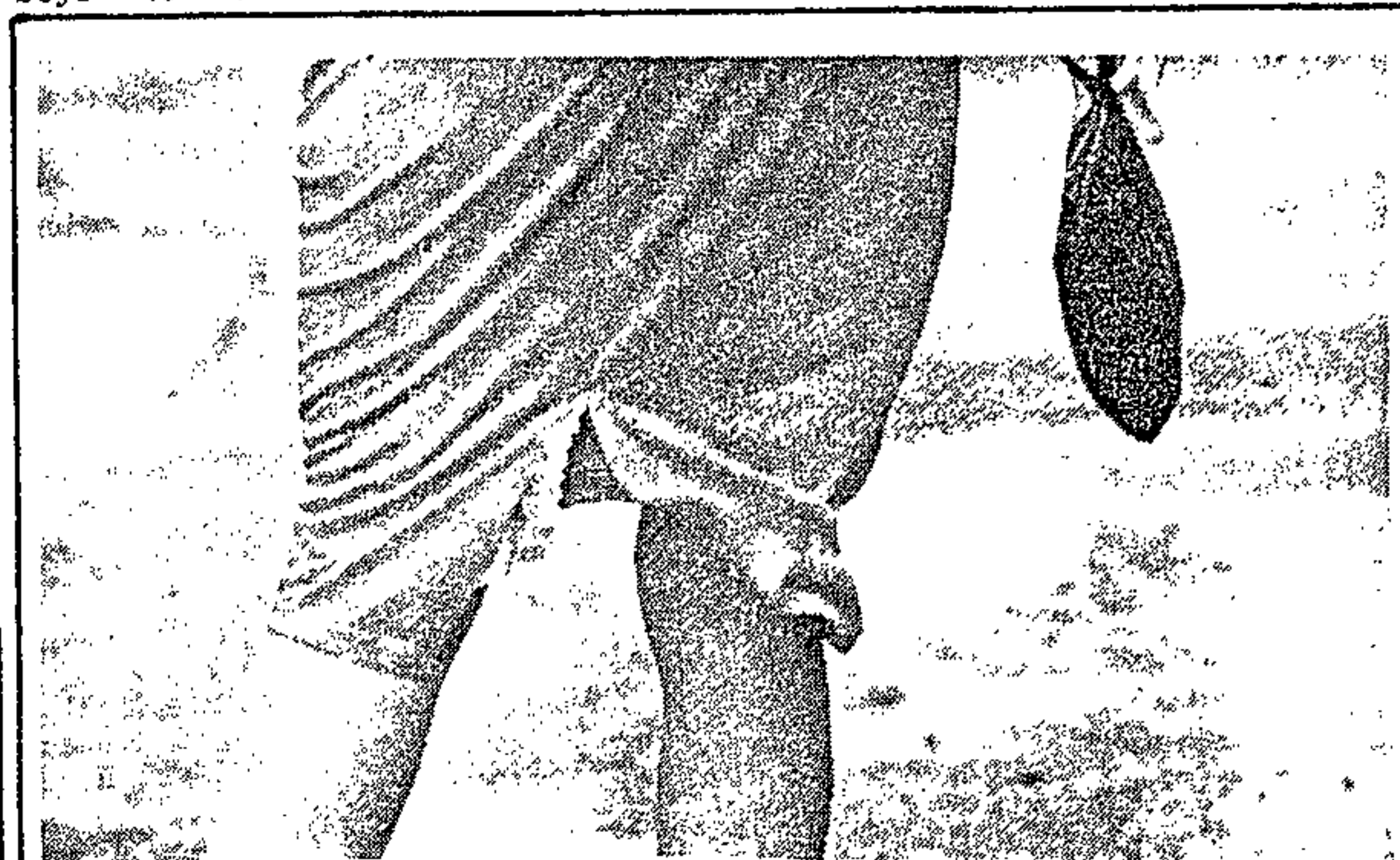
Both Mr Webb and Mr Geldenhys gave evidence confirming they had seen Mr Mqingwana together with pupils, doing exactly as Mr Sinono had said.

Mr Sinono said they were also told to follow the Inkatha leader, Chief Gatsha Buthelezi, as another true leader.

The hearing continues today.

Mr Mqingwana was released on bail.

Mr D. Sankey appeared for the state and Advocate Justice Poswa, instructed by the Sangoni Partnership, appeared for the defence.





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# Watsons: Case 'not proved'

The Argus Bureau

PORT ELIZABETH. — The State had failed to prove its case against the Watson brothers, who have been charged with arson, fraud and attempted murder, Mr Jules Browde, SC, for the brothers, told the Regional Court here.

Judgment was expected to be given today by the president of the Regional Court, Mr Gert Steyn, on an application by Mr Browde for the charges to be dropped.

The State alleges that Mr Valance Watson, 34, Mr Ronnie Watson, 36, and Mr Dan "Cheeky" Watson, 32, conspired to burn down their family mansion and use the insurance pay-out to settle the debts of their clothing business.

It is further alleged they tried to murder employees Mr Geoffrey Nocanda and Mr Archie Mkele by instructing them to set fire to the house. The instruction amounted to attempted murder. Mr Nocanda and Mr Mkele were badly burnt.

Mr Browde said the State had produced no material evidence connecting Mr Cheeky Watson with the alleged offence.

The evidence of the principal State witness, Mr Geoffrey Nocanda, excluded Mr Cheeky Watson from knowledge of an alleged plot to destroy the house.

Mr Cheeky Watson had not lived in the house and had submitted no insurance claim.

Captain C A Prinsloo, the investigating officer, had testified that Mr Cheeky Watson had been in a state of obvious shock at the scene of the fire.

Mr Browde said there was "not a tittle of evidence" against him on the attempted murder charge, adding that it was "unfair" that he remain in custody "even one day longer".

In the case of Mr Ronnie Watson the State had at best been able to establish prima facie circumstances of his conduct after the fire.

Mr Browde said there was no evidence that he was involved in any conspiracy, a fact borne out by Mr Nocanda.

He said the only evidence against Mr Valance Watson came from Mr Nocanda.

"I submit that his evidence is so manifestly unreliable that no court could convict anyone on it," Mr Browde said.

## Admitted perjury

He said Mr Nocanda was a self-confessed perjurer whose evidence was contradicted by the police in certain vital aspects.

Mr Nocanda testified that he had been tortured before making a statement but this was denied by Captain Prinsloo.

Mr Browde said the only person who could corroborate Mr Nocanda's evidence was Mr Mkele, who had been in custody as a State witness for almost six months, but the State had declined to call him.

Opposing the application the prosecutor, Mr H van der Walt, agreed that the State case was based on circumstantial evidence.

"But while each piece of circumstantial evidence might only have the weight of a feather, together they prove to be a heavy burden for the accused to carry."

*Cap Times 16/1/87*

## UK, US 'making a mistake'

NEW DELHI. — Dr Allan Boesak said yesterday that Britain and the United States were making a major mistake by supporting South Africa's government.

"The struggle will be fiercer and much more blood will flow... The South African government's time is up," Dr Boesak, a leader of the United Democratic Front (UDF), told a press conference.

"The Western governments, especially Britain and the United States, are making a fundamental mistake in supporting the Botha regime," he said.

Dr Boesak, who is attending an international seminar on apartheid, said the Indian Prime Minister, Mr Rajiv Gandhi, had assured him of full support for the UDF.

Dr Boesak said the UDF would have to change its strategy to cope with repression unleashed by the Botha government. He did not elaborate. — Sapa-Reuter

## Held UWC lecturer in court

*Court Reporter Cap Times 16/1/87*

A LECTURER at the University of the Western Cape, Dr Jack Lewis, appeared in the Magistrate's Court yesterday after eight days in detention.

Dr Lewis, 31, of Long Street, Cape Town, lectures in Economic History. He was held last Wednesday. He was not formally charged and was not asked to plead.

However, the charge sheet indicates he may be charged in connection with possessing literature of a banned organization.

Dr Lewis was released on R100 bail and the case was postponed to February 2 for the Attorney-General's decision.

Mr M J C Tolken was the magistrate. Mr C Gavin prosecuted. Mr R Vassen represented Dr Lewis.

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# Spy charges against cops

By JO-ANN BEKKER

THE first trial of security policemen charged with spying for the African National Congress has been set for March 12.

Matshwenyego Mkgabudi, 29, of Anteridgeville, and Tshiango Rabuli, 33, of Soshanguve near Pretoria, were allegedly recruited by the banned organisation in 1980. For six years, the state claims, they informed the ANC about police knowledge of anticipated ANC actions and the government's schemes to counter the guerrilla organisation's plans. In return they received a "contribution".

The two were not asked to plead to charges of terrorism, furthering the aims of the ANC and espionage when they appeared briefly before a Pretoria magistrate this week.



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## Own Correspondent

The application to discharge the three brothers was brought by Mr Jules Browde, SC, for the defence, after the State formally closed its case less than an hour after yesterday's proceedings began. It came after the announcement that Mr Archie Mkele, a former employee of the Watson's, had been released from custody.

Alleging inconsistencies in the version of events surrounding the fire at the Watson house, Mr. Browde contended in his application that the State had "no material evidence whatsoever" against Mr. Dan "Cheeky" Watson, who did not even have any insurance claim against the house or its contents.

There was also no evidence linking Mr Ronald Watson to any conspiracy to burn down the house. Mr Nocanda had admitted Mr Ronald Watson was not at the house when the instructions about setting the fire were allegedly given.

The evidence against the third brother, Mr Valance Watson, was so manifestly unreliable that no reasonable court could safely convict him upon it, Mr Browde said.

As to the other brothers, their behaviour subsequent to the fire was not consistent with that of innocent people.

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# SA's longest treason trial to resume this week

By Glenda Spiro

South Africa's longest running treason trial resumes next week in the small Eastern Transvaal town of Delmas with the defence beginning its case after a small triumph on the last court day in November.

Until then, 22 men had filled the two rows of wooden benches in the dock facing charges of high treason, terrorism and sabotage. After two unsuccessful bail attempts, three of the men were found not guilty and bail was granted to another six of the accused. The remainder spent their third Christmases in jail.

The charges relate to unrest in the Vaal Triangle townships which broke out in September 1984. The accused have all pleaded not guilty to the charges.

The State has alleged the accused took part in a conspiracy to make townships ungovernable and to eventually overthrow the

Government.

The defence has argued that the unrest resulted from the Lekoa Town Council's decision to increase rents at a time when the community was experiencing severe economic difficulties because of unemployment.

After 17 months the State's case was complete and this year the defence team, led by Mr George Bizos, will endeavour to answer the allegations contained in the 300-page indictment.

Every day Mr Justice van Dijkhorst has travelled from his Pretoria home to the court in Delmas to preside with his two assessors.

Before the case closed last year, the trialists had been in detention for more than two years, some in solitary confinement for several months. Their "home" since the case began in June 1985 has been the Modder Bee prison in Benoni.

The State has traditionally avoided holding big treason trials in

the major centres and before the trial started the Delmas court was new and relatively unused.

The courtroom has been a major attraction for visiting delegates from several countries who were usually in South Africa on fact-finding missions. Archbishop Desmond Tutu, Mrs Helen Joseph and Dr Beyers Naude were regular visitors.

One of the highlights of the trial last year was the wedding in court of one of the accused. Mr Lazarus More, one of the men acquitted in November, married his childhood sweetheart, Miss Golda Maphisa.

Mr Justice Van Dijkhorst has often brought cake for the trialists to celebrate a birthday or anniversary.

Among the accused are prominent UDF leaders, Mr Popo Molefe, Mr Patrick "Terror" Lekota and Mr Moss Chikane. Many of the accused belong to organisations affiliated to the UDF.



# Watson brothers released on R5 000 bail

Own Correspondent

**PORT ELIZABETH.** — The Watson brothers were released on bail of R5 000 each yesterday granted by the president of the Regional Court, Mr Gert Steyn, after he had turned down an application by Mr Jules Browde, SC, for the defence, for the charges of arson, fraud and attempted murder to be dismissed.

Mr Steyn said Mr Browde's "very well prepared argument" for dismissal submitted there was no material evidence against Mr Dan (Cheeky) Watson or Mr Ronald Watson, and the evidence against Mr Valence Watson — Mr Geoffrey Nocanda's implication of him — was manifestly unreliable and not worthy of being considered evidence.

The State had said the circumstantial evidence supported the evidence of Mr Nocanda and that the

inferences drawn from it corroborated Mr Nocanda.

Mr Steyn said he did not think there could be any doubt the circumstances were "rather unique". The issue was whether or not sufficient evidence existed on which a reasonable man might convict at this stage.

If the decision rested only on the credibility of Mr Nocanda, it would be "a simple matter", he said.

To come to a proper conclusion, the inferences to be drawn from proved facts would have to be carefully sorted from those not based on accepted facts. This was "not an easy task", he said.

He was satisfied that the credibility of Mr Nocanda's evidence was not as straightforward as either the State or defence argued and at this stage he could not find that it should be completely disregarded.

As a result of this, he said, the application was refused.

Then, as Mr Browde rose to ask for the case to be adjourned to enable him to prepare his case, Mr Steyn brought up the question of bail.

He said the accused had been in custody for "a considerable time" and asked the prosecutor, Mr H van der Walt, what the State's attitude would be to bail.

Mr Van der Walt said he had not prepared any argument.

Asked why the State had opposed bail before, Mr Van der Walt said it was to prevent witnesses from being interfered with or the accused leaving the country.

The first reason now fell away.

Mr Steyn said he was prepared to listen to an application for bail which, after a brief adjournment, Mr Steyn set at R5 000 each.

The brothers' passports were handed to the clerk of the court and they are required to report to the police twice daily.

The hearing was then postponed to Tuesday. All the counts arise from a fire on October 19, 1985, when a house in Park Drive belonging to their mother, Mrs Elaine Claire Watson, was destroyed.

The State alleges that the three accused and their brother, Mr Gavin Watson, were in partnership in Dan Watson American Imports, which had branches in Port Elizabeth, Uitenhage and East London. The firm allegedly was heavily in debt and the house was bonded to the extent of R429 000 as security for those debts.

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Mr Dan "Cheeky" Watson (left) and his brother Valence are chaired from the Port Elizabeth Regional Court after being released on R5 000 bail yesterday.

Picture: GUY TILIM of REUTERS



# It's back to court for Delmas 19

By MARTIN NTSOLENGOE

THE Delmas treason trial starts again next Wednesday and the defence will again press for more bail applications.

Thirteen of the original 22 trialists remained in detention last year when the marathon trial went into recess.

They had by then been in detention for 28 months.

Last year three of the original 22 trialists - Mohapi Lassie More, Simon Vilakazi and Makhamba Malindi - were acquitted, six given bail and the remaining 13 refused bail.

Patrick Baleka, 26, Morake Petrus Mokoena, 48, Tebello Ephraim Ramad, 47, 35, Serame Jacob Hlangane, 38, and Thabiso Andrew Ramiso, 27, were

conditionally released on R15 000 bail each.

They will now travel to the eastern Transvaal on Wednesday to rejoin the 13 left in detention for another run of the Delmas trial.

Though most are from the Vaal Triangle, they may not enter any township there without written permission.

Other bail conditions bar them from attending or arranging any meetings. They must report twice daily at the nearest police station and surrender their passports or travel documents.

The 13 who were refused bail and forced to spend their third Christmas behind bars are:

- Sharpeville Azanian People's Organisation chairman Oupa John Hlomoka, 33
- He was an insurance con-

sultant and salesman before his arrest in September 1984. Hlomoka is married with two kids, aged 6 and 3.

● Senior Anglican priest Tebogo Geoffrey Moselane, 40, who ran the Sharpeville parish since 1980. He is married with three sons, aged four to 12.

He has been in jail since October 21, 1984.

● Evaron Baptist Church Youth Committee leader Gcinumuzi Petrus Malindi, 25, who is a clerk.

His brother Amos was acquitted in the same trial last year.

● Vereeniging furniture store stock controller Naph-tali Mbuti Nkopane, 41, the sole breadwinner in his Se-bokeng family. He supports his wife, three kids aged between 13

Flashback to joy: Mohapi Lassie More, Simon Vilakazi and Makhamba Malindi on the day they were acquitted in the Delmas treason trial.



to 17 and other relatives. He has been a Vaal Civic Association member since its formation in 1983.

He has been in jail since October 1984.

● Bavumile Herbert Vilakazi, 30, of Sebokeng who supports his wife, son and mother.

Before his detention in 1984, he was an Urban Training Project area educator in the Vaal.

● Sekwati John Mokoena, 48, of Boipatong, who is divorced and supports his kids and mother. He was Boipatong Civic Association secretary when he was detained in November 1984.

He complains he is suffering headaches and stomach cramps. ● Simon Tsekoni, 27, of Sebokeng, who helped sup-

port his unemployed brother and two half-sisters. He was SA Institute of Race Relations education project coordinator until his detention on September 23, 1984.

While in jail, he has been twice hospitalised and treated for clinical depression.

● Pelamotse Jerry Thlopane, 27, of Sebokeng who supported his mother and two sisters as a part-time sales agent for a picture framer.

His matric studies with Damelin College were interrupted by his detention in October 1984.

● Thomas Madikwe Mantlata, 46, of Soweto, a fieldworker for the SA Council of Churches in the Justice and Social Division and Soweto Civic Associ-

ation secretary. He is married with three kids aged from two to 9.

Mantlata suffers from glaucoma, a build-up of pressure in the eyeballs.

Since his detention in February 1985, he has developed a skin ailment.

● Sebokeng Civic Association official Hlabeng Sam Matlole, 61, who was a dry-cleaner's agent before his detention in 1985.

He's the sole supporter of his wife and five kids aged between four and 15.

● United Democratic Front general secretary Popo Stimon Molefe, 34. Molefe, who is married with three kids, was detained in April 1985. His youngest child was born shortly afterwards. ● UDF national publicity secretary Patrick Terror Le-

kota, 37, a former political prisoner. He has played a leading role in the formation and development of the UDF. He was detained in April 1985.

His wife and three kids live in Durban. The nickname "Terror" is derived from Lekota's prowess on the soccer field.

● Moses Mabokela Chikane, 36, of Mamelodi, worked as an official at the Community Resource and Information Centre in Johannesburg, which trains community organisation officials.

Chikane, detained in August 1985, is married with two young kids and also supports his mother and their extended family. All of them have pledged

not guilty to charges of treason and subversion, alternatively terrorism and murder. Since their arrest they have been refused bail three times.

The original 22 were first refused bail in the Pretoria Magistrate's Court when they appeared before Magistrate JB Koekemoer.

A day after the six were arrested on June 11 1985, Transvaal Attorney General Donald Brunette issued signed certificates in court barring the accused from getting bail.

Lawyer Ismail Mahomed contested the validity of the certificates, referring to them as "pieces of paper expressing certain ambitions".

The case was postponed in February for the defence to study the 400-page indictment, and to be referred back to the AG for consideration of the withdrawal of the certificates.

In a letter to the instructing attorney on June 28 1985, Brunette said he "did not see his way clear to withdraw the certificates".

As a compromise, the State and defence agreed that the case be held in Delmas.

Bail application was again turned down by Judge Dijkhorst and two assessors when the case started in Delmas early last year.

Just before the closure of the case last year, the judge said in a 100-minute ruling that if any of the 19 claim they are innocent, they should prove that in the witness box.

Which means each of the 19 will have to testify and be questioned by both defence and State.



# TREASON TRIAL DUE TO RESUME

By SY MAKARINGE



FLASHBACK: Treason trialist Mr Petrus Mokoena shares a joyous moment with relatives after he was conditionally released on R15 000 bail on November 27 last year.

THE tiny Eastern Transvaal town of Delmas will come under the local and international spotlight again when the marathon Delmas treason trial resumes on Wednesday.

Nineteen men are still facing charges of treason, subversion and murder after three of their co-accused — Mr Mohapi Lazarus More (26), Mr Mkhambani Amos Malindi (21) and Mr Maxala Simon Vilakazi — were acquitted before the court went into recess towards the end of November last year.

Six of the trialists, Mr Patrick Mabuya Baleka (26), Mr Morake Petrus Mokoena (48), Mr Tsietso David Mphuthi (47), Mr Naphtalie Mbuti Nkopane (41), Mr Tebello Ephraim Ramakgola (36) and Mr Thabiso Andrew Ratsomo (27), were conditionally released on R15 000 bail each.

Bail applications for 13 accused who were remanded in custody when the court adjourned are expected to be made by their defence team when the trial resumes. The 13 men include United Democratic Front executives, Mr Mosiuoa Patrick "Terror" Lekota, Mr Moses Mabokela Chikane and Mr Simon Popo Molefe.

All the accused have pleaded not guilty to the charges.

They are:

- Mr Thomas Madikwe Manthata (46), former secretary of the Soweto Civic Association.
- Mr Hlabang Sam Matlole (61) of Sebokeng. He was a member of the Vaal Civic Association.
- Mr Baleka, of Soweto, worked as an insurance representative. He is a member of the Azanian National Youth Unity (Azanyu).
- Mr Oupa John Hlomuka (33), was a member of the Azanian People's Organisation.
- Mr Tebogo Geoffrey Moselane (40) is an Anglican Church priest in Sharpeville.
- Mr Gcinumuzi Petrus Malindi (25) worked as a clerk.
- Mr Mokoena (48), is a former community councillor. He resigned in 1983.
- Mr Mphuthi (47), of Sebokeng.
- Mr Nkopane (41) was employed as a stock controller.
- Mr Ramakgola (36) is an electrician.
- Mr Bavumile Herbert Vilakazi (30) of Sebokeng was employed by the Urban Training Project as an area educator.
- Mr Sekwati John Mokoena was a member of the Boipatong Civic Association before his detention.
- Mr Simon Tseko Nkoli (27) was employed as co-ordinator of the South African Institute of Race Relations' education project.
- Mr Pelamotse Jerry Tlhophane (27) of Sebokeng worked as a part-time agent for a picture framing firm.
- Mr Serame Jacob Hloonyane (38) was treasurer of Zone Three area committee of the Vaal Civic Association.
- Mr Popo Molefe (34) of Soweto was the national general secretary of the United Democratic Front at the time of his detention in April, 1985.
- Mr "Terror" Lekota (38) is a former political prisoner. He was UDF's national publicity secretary at the time of his detention.
- Mr Moses Chikane of Mamelodi is former UDF Transvaal secretary.
- Mr Ratsomo was studying journalism at Rhodes University.

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# Brief moments during year in the dock

By Kym Hamilton,  
Pretoria Bureau

A year in the dock of attentively listening to the testimony of almost 100 witnesses has passed, often dramatically, for the 22 Delmas treason trialists.

The daily tea and lunch adjournments were times of reunions and family gatherings, as each day a small knot of relatives took their turn in making the journey to the Eastern Transvaal town to see the men. They came bearing gifts of cakes, clean clothes and other items.

For some of the men, these few times were highly prized moments. Accused Mr Popo Molefe, who at the time of his detention was general secretary of the UDF, went into hid-

ing in April 1985 to avoid the Security Police net so that he could be with his wife, Pinda, for the birth of his daughter.

Soon after Albertina Molefe's birth, he was detained.

Since then the only time he has had with his daughter has been a few snatched moments from the dock during the tea and lunch breaks.

Many dignitaries, both local and from overseas, have visited the Delmas Magistrate's Court.

Among them have been the Anglican Archbishop of Cape Town, Archbishop Desmond Tutu, general secretary of the South African Council of Churches, Dr Beyers Naude, and many other local activists.

Representatives of foreign governments, including many

diplomats stationed in Pretoria, observers from legal associations, including the American Bar Association, the committee of international jurists and other organisations have spent time listening and watching the trial proceedings.

In June, the judge briefly surrendered his customary place on the Bench to one of the accused, Mr Lazarus Mohapi More and his betrothed, Miss Golda Magauta Maphisa for a wedding ceremony. The co-accused assumed their usual place in the dock, but each sported a red carnation. The public gallery was packed with well-wishers and the wedding had all the trappings, including a two-tier wedding cake, candles and brightly coloured streamers.

## Delmas treason trial defence to begin evidence

By Kym Hamilton, Pretoria Bureau

One of the most significant treason trials in decades resumes in Delmas tomorrow, more than 18 months after 22 men first appeared in Pretoria to plead not guilty to a charge of high treason.

After a year of testimony from State witnesses, 19 men remain on trial. They are all high-ranking members of the United Democratic Front, Azapo and local civic organisations. Most are spending their third year behind bars.

The State is trying to prove that the UDF conspired with the African National Congress (ANC) and the South African Communist Party (SACP) to overthrow the South African Government. As part of this alleged conspiracy plan, the UDF was supposedly actively involved in the events which led to the Vaal Triangle riots.

The indictment, which runs to more than 300 pages, contains a detailed account of the history of the UDF since its inception in August 1983. The State maintains the UDF is the internal wing of the ANC.

Much of the State's evidence has related to events before the eruption of violence in the Vaal Triangle in September 1984, which was followed by unrest round the country and hundreds of deaths.

Community councillors have testified how they saw angry mobs destroy and burn their homes and possessions, and some witnesses stated how they heard some of the accused call on Vaal Triangle residents to attack and kill local community councillors.

A number of secret witnesses, mainly captured ANC members, were called to testify on the nature of the alleged conspiracy. The court heard how some UDF members allegedly received crash training courses from the ANC.

### 'Bloody revolution'

Among other things, the men on trial are accused of furthering the aims of the ANC, inciting "bloody revolution" and causing the deaths of five community councillors in the Vaal Triangle townships. They have pleaded not guilty.

After the Vaal Triangle townships exploded into violence on September 3 1984, the 22 were detained under Section 29 of the Internal Security Act.

When the men appeared in court for the first time in June 1985, the Attorney-General issued certificates in terms of the Internal Security Act denying them the right to bail. Two attempts to secure bail for all 22 accused failed.

Last November the State closed its case and an application by the defence for the discharge of all 22 men was turned down by Mr Justice K

van Dijkhorst.

However, the court found that three of the accused — Mr Simon Vilakazi, Mr Mohapi More (26) and Mr Mkhambi Malindi (21) — had no case to answer and they were acquitted.

Six men were allowed bail of R15 000.

In his judgment on the application for release, Mr Justice van Dijkhorst said that on the facts placed before the court, a reasonable man might find the UDF could have been involved in a conspiracy to overthrow the Government.

The State's evidence showed that a certain pattern emerged in areas where there had been disturbances. Attacks were launched on councillors and damage done to their property, the property of local authorities, schools, post offices, police vehicles and public transport.

In cases where the disturbances conformed to this pattern, a UDF presence was shown. The judge said he was not prepared to find that there was no link between damage done and the UDF.

### Marathon trial

When the marathon trial resumes tomorrow the defence will address the court before calling witnesses.

According to the charge-sheet, the accused are UDF publicity secretary Mr Patrick "Terror" Lekota (37) of Durban; UDF general secretary Mr Popo Simon Molefe (33) of Soweto; Azapo member the Rev Tebogo Geoffrey Moselane (39) of Sharpeville; former UDF secretary for the Transvaal Mr Moses Chikane (37) of Mamelodi; Mr Patrick Mabuya Baleka (25) of Soweto; Azapo member Mr Oupa Hlomoka (32) of Sebokeng; Vaal Information Service member and Rhodes Black Student Society member Mr Thabiso Andrew Ratsomo (27) of Sebokeng; Vaal Civic Association member Mr Gcinunuzi Petrus Malindi (25) of Sebokeng; secretary of the Evaton Ratepayers' Association Mr Petrus Mokoena (47) of Evaton; executive member of the Vaal Civic Association Mr Tsietsi David Mphuthi (48) of Sebokeng; Mr Naphtali Mbuti Mkopane (40) of Sebokeng; Mr Tebello Ephraim Ramakula (35) of Sebokeng; educator with the Urban Training Project Mr Bavumile Herbert Vilakazi (30) of Sebokeng; Vaal Civic Association executive member Mr Sekwati John Mokoena (33) of Vanderbijlpark; former Cosas leader and now Institute of Race Relations worker Mr Simon Tseko Nkodi (25) of Sebokeng; Mr Pelamotse Jerry Tlhopane (27) of Sebokeng; Mr Serame Jacob Hlanyane (37) of Sebokeng; Soweto Civic Association member and worker for the South African Council of Churches Mr Thomas Madikwe Manthata (45) of Soweto; and Vaal Civic Association executive member Mr Hlabeng Sam Matlole (61) of Sebokeng.



20/1/87

CAPE TIMES

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4 Cape Times, Tuesday, January 20, 1987

Teacher  
won't be  
charged

# 15 treason accused, relatives sing in court

Court Reporter

A HIGH SCHOOL teacher who was detained for almost two months after literature containing allegedly subversive statements was found in his car, had a charge of possessing the publications withdrawn yesterday.

The Livingstone High School teacher, Mr Mohammed Rafiq Omar, 32, of Lady May Street, Athlone, appeared in Wynberg Magistrate's Court.

He had been charged with possessing "Advance! Education for Liberty" and "Wectu No 5" — a publication issued by the Western Cape Teachers Union.

Mr Omar was detained on June 13 last year when the literature was found in his car outside the school. He was released on August 6.

Mr P Theron was the magistrate. Mr P Botha prosecuted. Mr Y Ebrahim represented Mr Omar.

Staff Reporter

LARGE crowds gathered near the Regional Court in central Hermanus yesterday for the trial of 15 men charged with treason, terrorism and furthering the aims of the African National Congress.

By 8.30am the court was packed and only relatives of the accused were allowed in.

When the accused entered the courtroom, there was near-hysteria as relatives reached out to touch them, and court orderlies stood by as the accused and spectators sang "Nkosi Sikelel' iAfrika".

The court proceedings were over in less than five minutes, and the case

was postponed to February 2.

The accused are: Mr Cecil Esau, 31, Mr Joseph Malusi Ngoma, 28, Mr Quinton Michaels, 27, Mr Mtetho Douglas Myanya, 35, Mr Reed Zwelethu Macozoma, 26, Mr Neville Michael van der Rheede, 31, Mr Joseph Susele Mkhuhlwa, 31, Mr Themba Lucas Tshibiku, 33, Mr Sazi Livingstone Veldtman, 29, Mr Anderson Ncivata, 34, Mr Lizo Ngqungwana, 26, Mr Theophilus Thembimkosi Mzukwa, 26, Mr Gladwin Mthetheleli Mabengeza, 36, Mr Cyril Ntabeni, 30, and Mr Norman Macanda.

They are in custody.

Mr M J Langenhoven was the magistrate. Mr W C Viljoen appeared for the State. The accused were represented by Mr E Mohamed and Mr R Vassen.

## Bus drivers refuse to ferry pupils

Staff Reporter

CONTRACTED City Tramways bus drivers in Genadendal and Bredasdorp yesterday morning refused to drive pupils to schools in the Beldrand over pay grievances.

The acting chairman of the Tramway and Omnibus Workers' Union, Mr David Meyer, said yesterday that "an official told six workers they 'had sacked themselves' as a result of their actions.

However, a City Tramways director, Mr Francois Potgieter, said nobody had been dismissed. "The problem will be solved by the company and union around the table."

He said all shifts operated normally yesterday morning, using other drivers.

Mr Meyer said the men were unhappy about doing "one-man-operation" contract work at weekends.

## Laaiplek cafe violence: Three granted bail

Staff Reporter

TWO MEN and a youth appeared in Laaiplek Magistrate's Court yesterday on charges arising from a series of violent incidents which took place in the West Coast fishing village two weeks ago.

Mr Clive Liebenberg, 21, of Church Street, Laaiplek, Mr Stanford Don, 19, of St Christopher Street, Laaiplek, and a 16-year-

old youth appeared on a charge of assault with intent to do grievous bodily harm to Mr Gysbert Johannes van der Westhuizen in the Oasis Cafe on January 3.

Mr Liebenberg and Mr Don also appeared on arson charges; and Mr Liebenberg appeared on his own on two counts each of public violence, attending an illegal gathering and malicious damage to property.

Bail of R500 was granted to Mr Liebenberg while R300 bail for Mr Don and the youth was extended.

They were not asked to plead, no evidence was led and the hearing was postponed to March 3 for further investigation.

Mr V Erasmus was the magistrate. Warrant Officer N J A Laubscher prosecuted. Mr Dullah Omar, instructed by Mr E Daniels, appeared for the accused.

ARGUS 21/11/87

# Watsons sought boycott exemption

Argus Bureau

PORT ELIZABETH. — The Watson brothers met Eastern Cape consumer boycott leaders to try to have their shops exempted from the boycott and make "tremendous profits", the Regional Court here has been told.

Mr Valence Watson, 34, Mr Ronnie Watson, 34, and Mr Dan "Cheeky" Watson, 32, are appearing on charges of arson, fraud and attempted murder following the burning of their family mansion in 1985.

The State alleges they conspired to burn the house and use the insurance pay-out to rescue their debt-ridden chain of clothing stores.

Addressing the court yesterday, Mr Valence Watson said the meetings with the boycott leaders were aimed at gaining exemption from the boycott, which was crippling businesses in the area, and cornering the black clothing market.

"There were tremendous prospects of doing fantastic business if ours were the only stores exempted," he said.

The prosecutor, Mr H van der Walt, submitted that a major creditor threatened to foreclose on a bond on the house in the month of the fire.

The court also heard that the brothers had had an offer of R750 000 for the house, almost double their debts, but had not sold it because they hoped to get up to R1.5-million.

Mr van der Walt asked Mr Watson why he had not told the police on the night of the fire that Mr Archie Mkele and Mr Geoffrey Nocanda, who were employed by the brothers, were guarding the house.

He said he "did not like the police" and wanted "as little to do with them as possible".

He and his family had been victimised by police in the past, he added.

The trial continues today.

# Armed Watsons 'had to guard family home'

*Case time 21/1/87*

PORT ELIZABETH. — Mr Valence Michael Watson told the Regional Court here yesterday that his brothers and friends had on occasion armed themselves and sat guard over the family house in Park Drive.

He was testifying at the trial in which he, Mr Ronald James Watson, 36, and Mr Daniel John "Cheeky" Watson, 32, are charged with arson, fraud and attempted murder. The trial resumed yesterday.

After tracing his background, he told the court that in 1976 — when he was vice-captain of the Eastern Province rugby side — he and his brothers decided to join the non-racial rugby union, Kwaru.

Their advocacy of non-racial sport had led to animosity from whites, and threats were made against their home and businesses.

He said their parents and their five families — four brothers and a sister — had lived at 34 Park Drive with their children and had started Dan Watson

American Imports as a partnership in 1975.

The company had always been short of capital, but they coped by using extended credit — up to 240 days — from creditors as "a facility". The business had always had an overdraft.

Their mother agreed to suretyship bonds on their house.

Mr Ronald Watson was in East London during October, 1985, to negotiate with boycott leaders to exempt their business.

Mr Valence Watson had succeeded with Uitenhage boycott exemption, but was having problems in Port Elizabeth because the leaders were in jail.

His parents decided to visit friends in Uitenhage for a weekend, while he and Gavin's family were offered a house in the Kenton area.

On Saturday, October 19, he locked up the Uitenhage business and put the takings of R3 000 in a wall safe in the house.

Proceeding. — Sapa



## Defence of 19 Delmas treason trialists opens

By Kym Hamilton,  
Pretoria Bureau

The formation of, and the campaign by, the Vaal Civic Association (VCA) to oppose the increased rents in the Vaal Triangle in August and September 1984 was part of a local initiative and was not spearheaded or even co-ordinated by the United Democratic Front, it was claimed at the Delmas treason trial yesterday.

Mr Arthur Chaskalson (SC), appearing for the defence, added that the men involved in the VCA would also tell the court that they were not at any time acting according to a secret plan or agenda of the African National Congress to make South Africa ungovernable.

The accused would all deny that they called for, or supported, the violence which erupted on the Vaal on September 3 1984, he added.

The defence for the remaining 19 men still on trial on charges of high treason started in Delmas yesterday amid tight security. More than 200 family members and supporters packed the public gallery as Mr Chaskalson gave notice that a fresh attempt would be made to obtain bail for those accused now entering their third year in custody. It is not yet clear when the application will be heard.

Among those who were in court was Mrs Albertina Sisulu, a patron of the UDF.

### All accused have denied charges

The men have pleaded not guilty to the main charge of high treason and to the alternative charges which range from terrorism and subversion to murder. The State claims that they and the UDF conspired

# Vaal riots: 'no link with ANC or UDF'

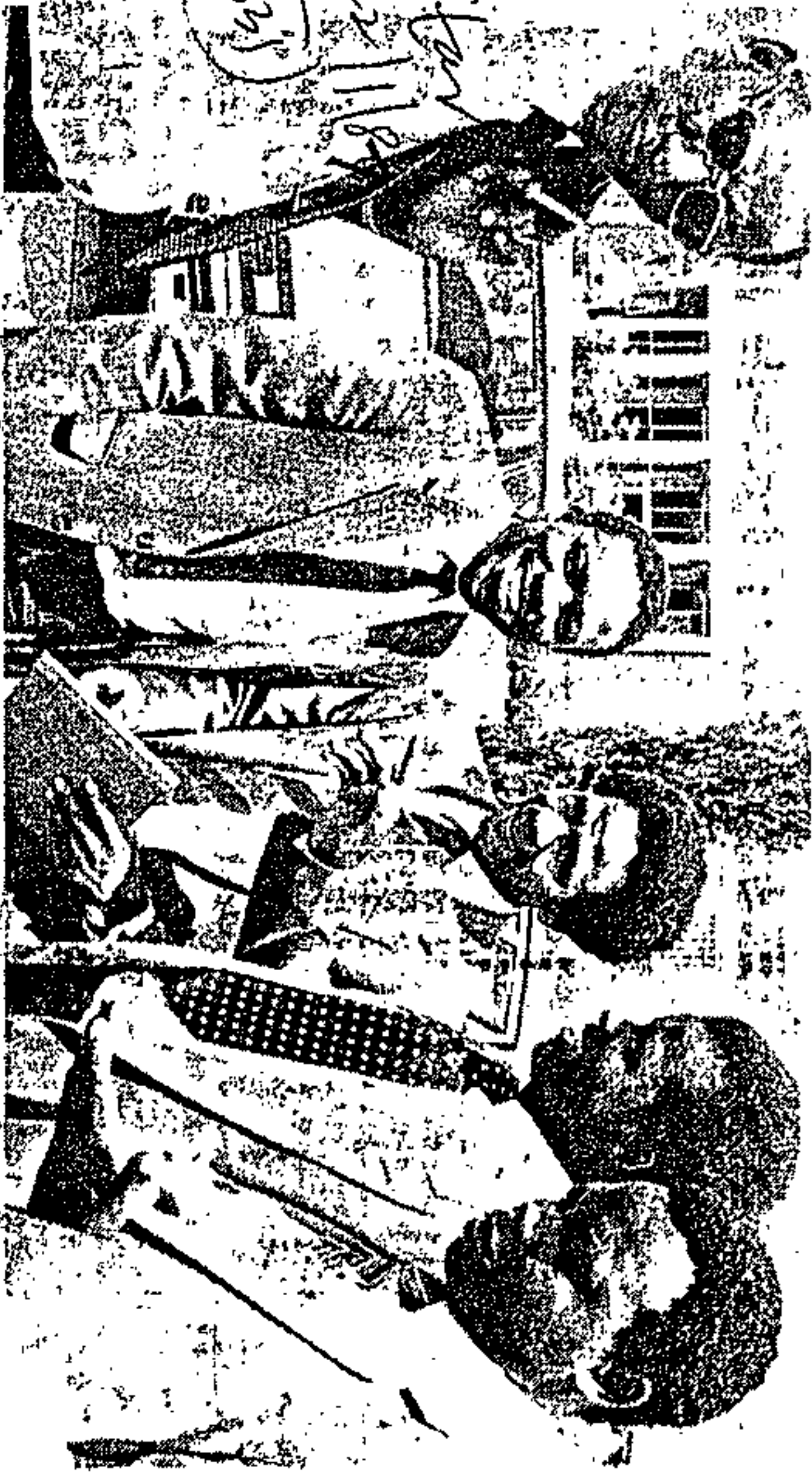
with the ANC and the South African Communist Party to bring about a "bloody revolution".

In his opening address, Mr Chaskalson said that the defence could not dispute the fact that the ANC welcomed the establishment of the UDF. But there was no link, either formal or informal, between the two organisations.

The idea of forming a broad united front was one which had been articulated locally long before the ANC had called for such a strategy.

After the formation of the UDF in August 1983, its office-bearers repeatedly called for non-violence and strongly denied any link between their organisation and any outlawed organisation.

The UDF spent most of its energies in opposing the Koornhof Bills and the plans for elections to the coloured and Indian Houses of Parliament and in getting the million-signature campaign under way.



More than 200 family members and supporters were at the court in Delmas yesterday for the resumption of the trial of 19 men on charges of high treason. ● Picture: Alf Kumalo.

In August 1984, the leaders of the UDF were detained and the whole organisation was disrupted. These men were still in jail at the time of the riots in the Vaal Triangle in 1984.

Mr Chaskalson also told the court that, at this stage, he could not say how long the defence's case would take but it could last at least another year.

The first witness, accused Mr Bavumile Herbert Viliakazi (3), took the witness stand during the afternoon session. His testimony centred on the Vaal Triangle and his role in the formation and activities of the Vaal Civic Association (VCA).

Mr Viliakazi denied that he was working on behalf of the ANC and said any activity in which he took part was in the steadfast belief that it was his duty as

a resident of the Vaal complex and a South African citizen not to keep quiet about the grievances of his people and their hardships.

At the time of his arrest, he said, he was working for the Urban Training Project as a trade union educator and was living in Sebokeng. He was detained on December 11 1984.

Earlier, Mr Chaskalson told the court that three of the UDF members on trial — Mr Popo Molefe, Mr Patrick "Terror" Lekota and Mr Moss Chikane — would testify that the events which led to the riots of September 3 1984 were the result of a local initiative and nothing to do with the UDF.

Although the VCA was affiliated to the UDF it was formed by local residents to oppose the elections of the Lekota Town Council and the increased rents.

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CITY/NA

## 'Panel van left scene of explosion'

Argus Bureau

PORT ELIZABETH. — Witnesses to the explosion and fire which destroyed the Watson home here told the Regional Court they saw a light-coloured panel van leaving the scene just after the explosion.

Three of the four Watson brothers, Valence, Ronnie and "Cheeky" Watson, are charged with fraud, arson and attempted murder in connection with the burning of the Watson family home in October 1985.

Yesterday Mrs Betty Jarvis and Mrs Joan Willis-Dixon, who live in block of flats, said that moments after the explosion they saw a white vehicle leaving the premises.

Mrs Willis-Dixon said that when she first saw the vehicle its lights were switched off, but they were switched on later.

State prosecutor Mr H van der Walt asked for an adjournment to hold an inspection in loco.

Afterwards he suggested to Mrs Willis-Dixon that large trees and the dark night might have restricted her vision.

She said the fire lit up the entire area.

Giving evidence for the defence, the managing director of a construction company, Mr Arthur Kotzen, said he and his partners offered the Watsons R700 000 in cash for the house a few months before it was destroyed.

The defence closed its case.

The hearing continues.



Cape Times 22/1/87

# Watson trial: Mystery car

Own Correspondent

PORT ELIZABETH. — While firemen were still fighting the blaze which destroyed the Watson family home in Park Drive here, policemen on the scene were told about a white panel van seen driving from the house seconds after the explosion.

This emerged in the evidence yesterday of a woman — subpoenaed as a State witness but never called by the State — who said she saw the vehicle from the balcony of her flat which overlooks the grounds.

Two women said they saw the car. Both live at Fernkloof, the flat block adjacent to the Watson house which burnt down on October 19, 1985.

## It had no lights on

Mrs Joan Willis-Dixon said she had sought out a policeman and reported it within 20 minutes of the explosion.

She had seen it leave the house immediately after the explosion which started the fire and was able to identify it as a white panel van. It had no lights on, not even tail lights.

Earlier, another State witness called by the defence, Mrs Betty Jarvis, also described seeing a "white or cream coloured car".

Earlier Mr Valence Watson completed his evidence which centred on the financial position of the partnership formed by the brothers.

Mr Watson said he had not been involved in the financial transactions of the firm and did "not even have a bank account" of his own.

Further details of the proposed development of the Park Drive property were provided by Mr Arthur Kotzen, managing director of MacDonald Construction and a director of two other Eastern Cape companies.



**Doctor  
recruited  
me, says**

**witness**

**Pietermaritzburg  
Bureau**

A SECRET witness at the terrorism trial here was recruited for the ANC by a Durban doctor, now an accused in the trial, after the witness's plans to petrol-bomb the homes of members of the House of Delegates became known.

The College Road Supreme Court heard this yesterday at the trial in which 12 people are facing charges relating to bombings in the Durban area in 1985.

Testifying before Mr Justice Thirion and two assessors behind closed doors, Witness D admitted to being a political activist and told of joining various political community organisations in the Durban area and later of becoming a member of the United Democratic Front (UDF).

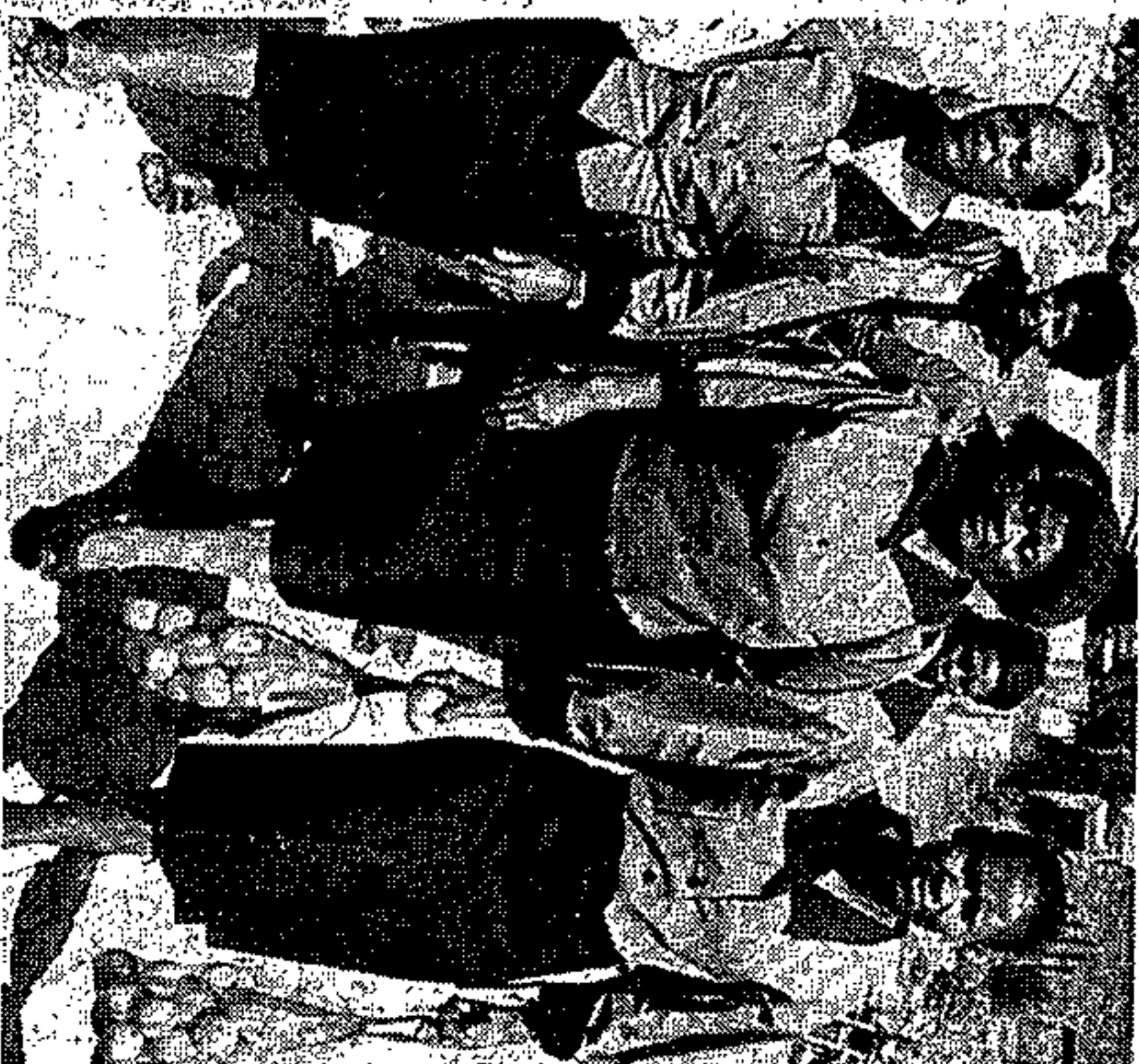
Witness D decided to petrol-bomb the homes of four members of the House of Delegates believing it to be a 'tool of the Government' and not truly representative of the people of this country, the Court heard.

One of the accused, Dr Vejaynand Ramlakan, approached the witness at a UDF rally and suggested a meeting.

Witness D told of various meetings with Dr Ramlakan who said he was a member of the underground structure of the ANC, Umkhonto We Sizwe.

The accused have pleaded not guilty to all charges against them.

The hearing continues today.



Mrs ALBERTINAH Sisulu (centre) with members of the South African Federation of Women at the Delmas Treason trial yesterday.

# The Delmas treason trial Community councillor accused of corruption

THE chairman of the

Vaal Triangle Community Council in 1981, Mr Knox Matjila was at one stage convicted for corruption and it was common knowledge in the townships that he ac-

cepted bribes.

This was said by the first witness called by the defence, Mr Herbert Bavumile Valakazi (33), at the Delmas Treason trial, which 19 high-ranking members of the UDF, the Azanian Peoples Organisation and

## SOWETAN Reporter

the Vaal Civic Association are appearing before Mr Justice K van Dijkhorst, and two assessors.

Mr Vliakazi said in 1981 Mr Matjila had tried to get him to stand for the Community Council elections. He had declined because he did not believe it had decision-making powers. He was then told by Mr Matjila's deputy to join the Mbumba opposition party for "status". By "status" he thought it was meant he would enjoy privileges like busi-

ness sites, residential sites and bribes from families who were desperately looking for houses.

He said Mr Matjila was at one stage convicted for corruption. It was also common knowledge that Mr Matjila accepted bribes.

Mr Vliakazi said his father had been a member of the Advisory Board but had resigned because he felt the body had no powers. He therefore believed the Community Council was similar to the defunct Advisory Boards.

The 19 accused are

facing charges relating to the events before the eruption of violence in the Vaal Triangle in September 1984. The indictment, which runs to 300 pages, contains detailed accounts of the history of the UDF since its inception in 1983.

The State maintains the UDF is the internal wing of the African National Congress.

Members of the Federation of South African Women in uniform, among them Mrs Albertina Sisulu were with spectators in the crowded gallery yesterday.

(Proceeding)

12/1/87  
Sowetan

# No mention of lying on tape <sup>(331) Sapa 23/11/87</sup> expert

PORT ELIZABETH — An expert in Xhosa yesterday claimed no reference was made to anybody lying during the "bugged" tape recording made by police at the hospital bed of a seriously injured employee of the Watson family.

He was giving evidence in the trial in the Port Elizabeth Regional Court of three Watson brothers on charges of arson, fraud and attempted murder, following the destruction of the family's Park Drive home in October, 1985.

Before the court were Mr Valence Michael Wat-

son (34), Mr Ronald James Watson (36), both of Villa d'Este, Park Drive; and Mr Daniel John "Cheeky" Watson (32) of Cape Road.

All the counts arise from a fire on October 19 1985, when a house in Park Drive belonging to their mother, Mrs Elaine Claire Watson, was destroyed.

The State alleges that the three accused and their brother, Mr Gavin Watson, were in partnership in Dan Watson American Imports, which had branches in Port Elizabeth, Uitenhage and East London.

The firm allegedly was heavily in debt and the house was bonded to the extent of R429 000 as security for those debts.

It is alleged that a conspiracy was entered into between the accused to get Mr Archie Mkele and Mr Geoffrey Nocanda to destroy the house so that insurance totalling R572 992 could be used to pay the debts.

The State alleges that Mr Mkele and Mr Nocanda were instructed to set the fire in such a way that they would be killed in the process — giving rise to the attempted murder charge.

Mr Ronald Endley, a lecturer in Xhosa at the University of Port Elizabeth, yesterday disputed the State interpretation which contained the phrase "He lies."

No mention, he told the court, was made anywhere in the tape to lies or lying.

Police secretly made the recording — allegedly of a conversation between Mr Ronald Watson and Mr Archie Mkele — at Livingston Hospital in October 1985, a few days after the fire which destroyed the Watson house.

Mr Endley, who has

more than 15 years' experience in teaching Xhosa, said the entire recording was about four minutes long.

He had listened to the tape about 30 times and found, in addition to the conversation between the two men, there were other background noises and conversations.

Mr Endley was the fifth and final witness for the defence and, after he gave evidence Mr Jules Browde SC closed his case.

The court resumes today for final argument. — Sapa.



# Doctor ordered blasts, Court told

Pietermaritzburg  
Bureau

LIMPET mines which exploded at the home of Mr Amichand Rajbansi and at the Chatsworth Magistrate's Court during 1985 were placed there on the instructions of a Durban doctor, now one of 12 accused facing terrorism charges here, a witness testifying behind closed doors at the College Road Supreme Court said yesterday.

Witness D told Mr Justice Thirion and two assessors of recruiting four others on the instructions of accused, Dr Vejaynand Ramlakan to form an ANC 'cell structure' in the Chatsworth area.

This group had been responsible for placing the bombs at the home of Mr Rajbansi, Chairman of the Ministers' Council in the House of Delegates, on August 4 and at the Chatsworth courthouse on December 13 that year, the Court heard.

Witness D said the explosives used had been obtained from Dr Ramlakan and a black man 'Lincoln' who was the ANC commander of the Natal region.

## Instruction

The witness also told of earlier having received 'theoretical' training, together with another accused in the trial, Jude Francis, in the use of explosives, DLB's, the use of code names, choosing targets, discipline and surveillance.

Later Lincoln gave them practical instruction in

using grenades, detonators, timing devices and both mini-limpet and limpet mines.

Witness D said Dr Ramlakan instructed the witness's 'cell' to reconnoitre the home of Mr Rajbansi and Mr Bandulalla, which they did. They decided that Mr Rajbansi's home would be the better target.

Having surveyed the house on several occasions, with the 'cell members' as well as with Dr Ramlakan, Lincoln and Jude Francis, the date for the bombing was set at August 4.

On that day Witness D met Dr Ramlakan and Lincoln and was given a mini-limpet mine, detonators, timing devices and masking tape, the Court heard. A limpet mine was also handed over to accused Jude Francis to keep.

## Heroes day

Witness D and another member of his 'cell', dressed in suit and tie and carrying bibles under their arms, went to the home of Mr Rajbansi about 8 30 p.m.

The mini-limpet mine had been camouflaged with grass and placed on top of a bible so that it was not visible. While two other 'cell' members distracted the attention of a policeman on guard with a ball, Witness D placed the limpet mine next to the wall surrounding Mr Rajbansi's house.

The next day they heard that the bomb had exploded.

The motive for the bombing was that Mr Rajbansi had not made a statement about the first state of emergency which was de-

clared at that time, Witness D said.

At a meeting some two months later Dr Ramlakan suggested they choose another target for around December 16 which was 'heroes day', the birth of Umkhonto we Sizwe, the witness said.

'He suggested the Queensburgh railway line, the Chatsworth offices of the House of Delegates or the Chatsworth courthouse,' the witness said.

Witness D said initially they decided the House of Delegates offices was to be the target but when they went there to place the bomb on December 13 there were too many people there. They then changed their plan and instead planted a limpet mine at the Chatsworth court after it had closed for the day.

They read in the newspaper the following day of the explosion there.

The hearing continues.

# Treason trial is told of corruption

(33)  
23/1/87  
Sowetan

**PRESSURE** put on black town councils by residents was a means of telling the Government these institutions were not acceptable to the community, the Delmas treason trial was told yesterday.

Mr Herbert Vilakazi, one of the accused in the marathon trial, was being examined by Mr George Bizos, SC, who is leading evidence for the defence.

Nineteen leaders from the United Democratic Front (UDF), Azanian Peoples Organisation (Azapo), the Vaal Civic Association and various community organisations are appearing on charges of treason.

In his evidence Mr Vilakazi said the Lekoa town councillors were corrupt and inefficient.

He said some had ac-

## Sowetan Reporter

quired bottle stores for free. It was a matter of producing a tender and the councillor was given the liquor outlet.

In another case, he said, the council was given stacks of blankets for pensioners. The councillors distributed these to pensioners who would vote for them.

He said Mr George Thabe had stated in newspapers when he resigned that the councils did not have decision-making powers and he had referred to himself and his colleagues as puppets.

He was not influenced by the African National Congress, the South African Communist Party or the UDF to be against the councils. He cited the collapse of the Soweto

Community Council when he said boycott action was appropriate for such Government-established bodies.

Mr Vilakazi said the rent increases in August 1980 in Sebokeng angered the residents, who later sent a memorandum to the council chairman, Mr Knox Matjila. In the memo, he said, the residents wished to know the reasons for the rent increases, but the council did not respond and the rents were increased.

(Proceeding)

3 to January 29, 1987

## Bomb blasts trial resumes

By JOHN GULTIG,  
Pietermaritzburg

THE terrorism trial linking 12 people to a wave of bombings in the Durban area in 1985 resumed in the Pietermaritzburg Supreme Court this week.

The 12, including two doctors and a mother who keeps her infant with her in the dock, are charged with terrorism and a number of alternate counts. They have pleaded not guilty.

The blasts some of the accused are linked to include: the Amanzimtoti blast, a bomb at Grosvenor girls' school in which two men died, blasts at supermarkets, a bakery and a restaurant, a blast at the Lamontville township administration office and a bomb at the Chatsworth courthouse.

Some of the 12 have just spent their second Christmas behind bars, and no end to the trial is in sight.

The state has a list of 80 witnesses, many of whom have already been called. In addition a number of self-confessed accomplices have given evidence behind closed doors. One of the witnesses was sentenced to four years imprisonment for refusing to testify against his comrades.

Morale among the 12 appears high, they are usually led in and out of the courtroom singing freedom songs.



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# A silenced UDF's last 'platform': the court

By JO-ANN BEKKER

THE Delmas treason trial this week emerged as one of the few platforms from which the United Democratic Front, silenced by a snarl of legislation and Emergency regulations, could still present its views.

Last year — the year the front was declared an affected organisation, new press curbs banned reports on its campaigns and thousands of its affiliates' members were detained under two Emergencies — the state set out its case that the UDF and the Azanian People's Organisation had whipped up unrest to advance the African National Congress's aims of overthrowing the government.

Much of this year, defence counsel for the 19 Delmas trialists indicated on Wednesday, would be devoted to presenting a detailed case to prove the UDF was an independent, legal, non-violent body, and that the trialists were therefore innocent of the charges of treason, subversion and murder.

A capacity crowd travelled to the East Rand town of Delmas on Wednesday to hear the start of the defence case. UDF president Albertina Sisulu led a delegation of women wearing the green and black uniforms of the Federation of South African Women.

Outlining the defence case, Arthur Chaskalson said it would strive to refute the state's claim that the UDF had been formed in response to a call by ANC president Oliver Tambo, and that the banned organisation had directed the front's campaigns.

Charging the state with using selective and inaccurate evidence, Chaskalson added that Tambo's call for the organisation of democratic forces into a united front was nothing new.

"There had been attempts previously to establish such fronts," he said, "and the theme of unity in opposition to apartheid has been a constant and recurring theme within the liberation movement in South Africa for many years."

Chaskalson said the defence would call witnesses to prove the UDF's formation sprang from a groundswell of widespread opposition to the government's proposed new constitution in 1982 and 1983. After Dr Allan Boesak, head of the World Alliance of Reformed Churches, called for a united front of opposition in January 1983, the embryo of the UDF was formed at a meeting organised by the Anti-SA Indian Council on January 22.

Chaskalson said the prominent UDF members among the 19 remaining trialists — general secretary Popo Molefe, publicity secretary Patrick Lekota and former Transvaal secretary Moss Chikane — would all describe how they came to take up positions in the organisation. None had had any knowledge of Tambo's statement.

Lekota, in fact, had initially been opposed to the idea of a front, believing there weren't sufficient opposition organisations to justify the step.

Chaskalson said the defence case's was that the UDF's policy of non-violent opposition to apartheid outlined at its national launch in Cape Town in August 1983 accurately reflected its aspirations and intentions. There was no "secret agenda" for the overthrow of the state by violence, as the state claimed.

The three young trialists who were released, for lack of evidence, after the state ended its case last year were present in the public gallery this week.

The state is considering a new bail application for the release of the 13 trialists who have been in custody for more than two years.

Cape Times 23/11/87

# Xhosa expert says state tape version wrong

PORT ELIZABETH. — An expert in Xhosa yesterday claimed no reference was made to anybody lying during the "bugged" tape recording made by police at the hospital bed of a seriously injured employee of the Watson family.

He was giving evidence in the trial in the PE Regional Court of three Watson brothers on charges of arson, fraud and attempted murder following the destruction of the family's Park Drive home in October, 1985.

Mr Ronald Endley, a lecturer in Xhosa at the University of Port Elizabeth, disputed the State interpretation which contained the phrase "he lies".

No mention was made anywhere in the tape to lies or lying, he said.

Police made the recording — allegedly of a conversation between Mr Ronald Watson and Mr Archie Mkele — at Livingston Hospital in October 1985, a few days after the fire which destroyed the Watson's Park Drive house.

## Background noises

Mr Endley, who has an MA in Xhosa and more than 15 year's experience in teaching the language, said the recording was about four minutes long.

He had listened to the tape about 30 times and found, in addition to the conversation between the two men, there were other background noises and conversations.

The conversation referred to by the State was conducted in "a subdued tone", he said.

After Mr Endley gave evidence, Mr Jules Browde, SC, closed his case.

The court resumes today for final argument.

The accused were Mr Valence Michael Watson, 34, Mr Ronald James Watson, 36, both of Villa d'Este, Park Drive, and Mr Daniel John "Cheeky" Watson, 32, of Cape Road.

They are charged with arson, fraud and attempted murder. All the counts arise from a fire on October 19, 1985, when a house in Park Drive belonging to their mother, Mrs Elaine Claire Watson, was destroyed.

# ECC member in court

Dispatch Correspondent

PORT ELIZABETH — An End Conscription Campaign member and former detainee, Mr. Dominique Souchon, appeared in the Port Elizabeth Magistrate's Court yesterday charged in terms of the Prisons Act.

Mr Souchon, 27, of Ivy Street, Central, was released on R100 bail after a brief appearance arising out of an alleged attempt to communicate with a prisoner without the proper authority.

The state did not put the charge, formulated in terms of the Prisons Act, No 8 of 1959, to Mr Souchon, who did not plead when he appeared before Mr S. van der Watt. The charge sheet did not indicate where the alleged offence was committed.

The case was postponed to February 18 for further investigation.

● A deportation order against Mr Souchon was withdrawn on instructions from the Minister of Home Affairs, Mr J. C. G. Botha, on January 12.

Formerly of East London, Mr Souchon was served with the order while in detention last year under the emergency regulations and was directed to leave South Africa by July 9 1986. No reasons were given for the deportation order or for the delay in its implementation.



# Meeting was about rent <sup>Star</sup> <sub>(33)</sub> accused <sub>24/11/84</sub>

By Sejamothopo Motau  
Pretoria Bureau

A mass meeting of Sebokeng residents held in Everton on August 26, 1984, was not called to further an alleged secret conspiracy between the United Democratic Front (UDF), the African National Congress (ANC) and the South African Communist Party, an accused in the Delmas treason trial said yesterday.

Mr Bavumile Herbert Vilakazi (31), one of the 19 accused facing a main charge of high treason, said the meeting was held to protest against rent

increases in townships under the Lekoa Town Council.

He said the meeting was also held to elect office bearers for an area committee for Zone 3, Sebokeng. He denied an allegation by the State that the meeting was organised to promote riots, revolt and violence in the townships in the Vaal complex.

Mr Vilakazi has been giving evidence for the defence since the lengthy trial was resumed last Wednesday.

He said he was the second speaker to address the meeting. He said he sang his favourite song, "Hlanganani

Basebenzi" (Workers Unite), as he walked to the podium.

Mr Vilakazi said he spoke about the coming rent increases and warned that they would aggravate problems in the black townships.

He said the time had come for the residents to demand a discussion of the hike with the town councillors. Should the councillors refuse, he said, the residents should demand that the councillors resign.

The accused said none of the speakers at the meeting had advocated violence against the person or property of any of the town councillors.

# State case against Watsons' poor

Own Correspondent

PORT ELIZABETH. — The Watson case had strong political overtones and people other than the accused could have had reason to burn down the family home.

This was submitted by Mr Jules Browde, SC, summing up for the defence in the Regional Court here yesterday.

A conspiracy, in law, meant that at least two people had been party to an agreement and this the State had not shown. The evidence showed the accuseds' innocence.

The State case against Mr Ronald Watson and Mr Daniel "Cheeky" Watson relied solely on circumstantial evidence. Even Mr Geoffrey Nocanda — who claimed he had been instructed to set the fire — said they had not known of the plan.

The same circumstantial evidence, combined with the testimony of Mr Nocanda, a self-confessed perjurer, was the basis for the case against Mr Valence Watson, he said.

Captain Prinsloo, the investigating officer, had told the

court Mr Archie Mkele and Mr Nocanda were in "the hands of the security police" for two or three days before he learnt of their detention, Mr Browde said.

To accept that the injured men had concocted a false story of an attack while running down Settlers Kloof with 40% burns was "grossly improbable" as was the suggestion that Mr Valence Watson had been so sure they would not survive the fire that he had not told them what story to tell should something go wrong with the plan.

Evidence by two defence witnesses that they saw a vehicle leaving the property seconds after the explosion was irreconcilable with Mr Nocanda's version and "entirely removes the substrata from the State's case".

Mr Browde said the quality of evidence put forward by the State was extremely poor and asked that the court reject it and find the accused not guilty.

Judgment was reserved until January 29.



Magis 27/11/87

COURTS

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# 'No freedom' cry, then eight arrested

Staff Reporter

A POLICEMAN has alleged that one of eight Muslim men accused of attending an illegal gathering on the Grand Parade in November shouted: "There is no freedom in this country. Kill the dogs (policemen)."

Captain Hendrik Oosthuizen attributed the words to Mr Moegsien Vallie of Mountview Estate in evidence in Cape Town Magistrate's Court yesterday.

Mr Vallie, 41, Mr Mogamat Shahied Zottenberg, 19, of Welcome Estate, Mr Nazeem Essack, 19, of Cape Town, Mr Abdullatief Sterras, 49, and Mr Gasant Petersen, 43, both of Bonteheuwel, Mr Armien Arnold, 33, Mr Sulaiman Elnie, 34, and Mr Dawood Schloss, 18, all of Mitchell's Plain, have pleaded not guilty to charges of attending or taking

part in an illegal gathering or demonstration, alternatively demonstrating illegally.

The charge follows an alleged protest by a group of Muslims against the Ned Geref Kerk synod resolution that Islam is a "false religion".

During cross-examination of Captain Oosthuizen, Mr David Kawalsky, for the defence, said Mr Vallie would say that his words were: "There is no freedom of religion in this country".

Captain Oosthuizen, who was in charge of about 35 men, said that on November 1 between 50 and 100 Muslims were singing on the Grand Parade.

He said they were given a three-minute warning to disperse and they moved away in a group.

"I gave my men the order to disperse them with sjamboks and

some members of the group were arrested.

"When we were taking these people back to the vans Mr Vallie shouted those words.

"As I was telling a warrant officer to arrest him, I was struck on the left ear by a stone. My ear was split open."

He said another policeman's face was cut by an object flung from the crowd.

Under cross-examination Captain Oosthuizen admitted the singing could have been Muslim prayers.

"But there was a group of people among the singers who were definitely unhappy about something.

"They moved about, punching the air with their fists — I know this as the black-power salute."

(Proceeding)

## R186 700 fraud: Arrest order issued

Tygerberg Bureau

A PAARL Regional Court magistrate has issued a warrant of arrest for Mr Ulf Werner Daniel, of Camps Bay, who failed to appear on charges of defrauding the Decentralisation Board of R186 700 between November 1984 and June 1985.

According to documents, the Decentralisation Board paid R224 040 to Mr Daniel's company for his factory's move from Elsie's River to Atlantis.

Other documents showed that a removal firm — contracted through Atlantis Management Services — had tendered and been paid R15 000 for the move.

The court heard that Mr Daniel's South African passport had

been returned to him on April 28 last year on condition he was back in South Africa to present himself for trial in Paarl on November 25.

He has failed to return and the magistrate, Mr A J Burger, issued an arrest warrant yesterday.

● The hearing on similar charges continued yesterday against Mr James Caldwell Aitken of Bellville and Mr Rudolf Walter Schmutz of Durbanville for allegedly defrauding the board of about R98 000. They have pleaded not guilty.

According to evidence, the two men had allegedly moved their

roofing materials business, Rulor Manufacturers, in Atlantis through the consulting agents, Atlantis Management Services.

Their defence counsel, Mr D F Irish, said it had now been accepted as fact by his clients that Atlantis Management Services had fraudulently overbilled the Government.

He said his clients did not know at the time that Atlantis Management Services had perpetrated such a fraud. They also denied they agreed to or co-operated in the fraud.

The magistrate, Mr A J Burger, postponed the trial to February 26. The R1 000 bail of the accused was extended.



CAPE TIMES 27/11/81

# 'Illegal gathering': Muslims in court

Court Reporter

EIGHT Muslims charged with attending an illegal gathering on the Parade soon after the Ned Geref Synod passed a motion declaring Islam to be a "false religion", appeared in the Magistrate's Court yesterday.

Mr Mogamat Shahied Zottenberg, 19, of Fourth Street, Heideveld, Mr Nazeem Essack, 19, of Bryant Street, Cape Town, Mr Abdullatief Sterras, 49, of Bonteheuvel Avenue, Bonteheuvel, Mr Armien Arnold, 33, of Vink Street, Mitchells Plain, Mr Sulaiman Ernie, 34, of Afro Road, Mitchells Plain, Mr Gasant Petersen, 43, of Ironwood Street, Bonteheuvel, Mr Dawood Schloss, 18, of Vaal River Road, Portlands, Mitchells Plain, and Mr Moegsien Vallie, 40, of Peddie Road, Lansdowne, pleaded not guilty to attending the gathering, alternatively demonstrating in the open air in a defined area.

Major H J Geldenhuys told the court that a group of about 20 to 30 people had gathered at the Parade on the steps of the statue opposite the City Hall on November 1 last year.

He said they had been singing in a language he did not understand and he had warned them to disperse. They had obeyed and moved towards the station, but minutes later they had regrouped into a crowd of 120 to 150 "unruly people". He had given the order to arrest the "ringleaders".

He said a total of 94 policemen had been at the scene. Some policemen had been hurt during the dispersal and a bottle had been thrown at one of them.

Captain H Oosthuizen said there had been 50 to 100 singing people on the steps. After Major Geldenhuys's warning, they moved, as a group, in the direction of the Golden Acre.

He had given an order "to two sections to disperse them by means of sjamboks. Mr Vallie had screamed: 'There's no freedom in this country, kill the dogs!'", he said. This scream was followed by a stone hitting his left ear.

After the second order to disperse he had ordered his entire platoon to sjambok the demonstrators.

"Some of them showed the black power sign and chanted in a complete different manner to the the singing," he said.

The hearing continues today.

Mr M J C Tolken was the magistrate. Mr M B de Vries prosecuted. Mr D Kawalski, instructed by E Moosa and Associates, appeared for the eight.

rubbish dump yesterday afternoon

## Union official in court

JOHANNESBURG. — Mr Moses Mawu, 38, general secretary of the Metal and Allied Workers' Union, and three members of the Alexander Action Committee appeared in Randburg Regional Court yesterday. About 100 Mawu and Congress of South African Trade Union members attended the hearing. No charges were put to the four men and they were remanded to February 9.

... fuel

*CAT Trials 27/10/87*  
**Schoolboy will be jailed** *27/10/87 331*

THE campaign to save Gregory Harold Arthur, 19, of Retreat, a former Std 9 pupil at Steenberg Senior Secondary School, from prison has failed after the Appeal Court in Bloemfontein refused leave to appeal against his conviction and sentence. He was convicted in 1985 on public violence charges for throwing a stone at a policeman. In November 1985 his four-year sentence was reduced on appeal to the Supreme Court to three years' imprisonment, of which 18 months were conditionally suspended.



# Lyrics show 'high regard for Mandela'

## Freedom songs under scrutiny in Delmas

28/1/87 Star 331

By Sejamothopo Motau, Pretoria Bureau

A freedom song was a song with a message of freedom, but these songs did not specify how that freedom was to be attained, an accused in the Delmas treason trial said yesterday.

Mr Bavumile Vilakazi (31), one of the 19 men charged with high treason and several alternative charges, also said under cross-examination by the State that to be free meant being governed by laws that enforced and encompassed a person's whole freedom.

Mr Vilakazi named "Inkululeko Siyoithola" (We Will Get Freedom) as an example of the freedom song. He said the song did not specify how this freedom would be attained or the kind of freedom sought.

### Different kinds of freedom

Freedom could refer to freedom of movement, association, speech or choice, he explained.

Mr Vilakazi said the lament, "Senzeni na?" could also be regarded as a freedom song. He gave the lyrics of the song as "Senzeni na — sibulalwa nje — sibotshwa nje" (What have we done? — to die like this — to be jailed like this).

He conceded under cross-examination that the following lyrics had also been used for the song: "Senzeni na? — aMabunu izinja — mayibuye iAfrika" (What have we done — Boers are dogs — Africa come back).

Mr Vilakazi said "Mandela wethu siyomlandela — noma si yabotshwa siyomlandela" (We will follow our Mandela — not withstanding our imprisonment, we will follow him) was another example of a freedom song.

He said while the song was not about freedom, it showed the high regard with which Nelson Mandela, the life-imprisoned leader of the African National Congress, was held in the black community.

Mr P B Jacobs, for the State, put it to Mr Vilakazi that Mandela was part of a revolutionary organisation, the ANC, that was engaged in a violent revolution against the South African Government.

The Bench wanted to know how such a man could be lauded.

Mr Vilakazi said while there were black people who did not agree with violence associated with Mandela, these same people held Mandela in high esteem for the good he had done for his people.

Earlier, Mr Jacobs had read a list of resolutions passed at a meeting of the Vaal Civic Association on October 9 1983. He referred to several "demands" passed as resolutions at that meeting. He said the meeting had resolved "to demand decent housing and security for all." He put it to Mr Vilakazi that the resolution was very similar to one of the provisions of the Freedom Charter.

Mr Vilakazi said the words in the resolution were not the same as those in the Freedom Charter. He said the "security" referred to meant the people

wanted to feel secure in their houses should illness or death strike.

Mr Jacobs put it to Mr Vilakazi that another demand was for rental which "we can afford". He asked to whom the demand was made.

To the Government, Mr Vilakazi answered. He said the rents should be low enough so that they would be affordable to all residents. In response to further questioning he said an amount of R30 a month had been suggested around the township.

The hearing continues.

UITENHAGE — A State heraldic expert who said the black, green, and yellow flag in which the coffin of Mr Matthew Goniwe was draped represented the African National Congress, agreed in the Uitenhage Regional Court yesterday that the flag was also representative of the Inkatha movement and the Jamaican national flag.

After watching a video film of the funeral, the witness, Mr Frederick Gordon Brownell, positively identified an enormous flag which was displayed behind Dr Allan Boesak, the main speaker at the funeral, as the

## ANC, Russian flags used at funeral, says expert

Russian flag.

Mr Brownell was giving evidence at the trial of Mr Temba Jimmy Basini (42), Mr Lwandile Nquru (21), Mr Mpumelelo David Fari (21), Mr Mthuthuzeli Shepherd Ntombela (29), Mr Vulindlela Victor Puwani (24), Mr Thami William Madolo (40), and a 16-year-old youth, all of Lingelihle, Cradock, Mr Johannes M Bopape (25), of Mamelodi East, Pretoria,

and Mr Obed Kopang Bapela (28), of Alexandra, Johannesburg.

They have all pleaded not guilty to furthering the aims of the banned South African Communist Party and the African National Congress formulated in terms of section 13 of the Internal Security Act.

The State alleges that they displayed SACP banners, a Russian flag, and flags and banners of

the ANC at the funeral of Mr Goniwe, Mr Fort Calata, Mr Sparrow Mkonto and Mr Sicelo Mhlawuli in Lingelihle township on July 20 1985.

Mr Brownell identified ANC flags in which the coffins of Mr Goniwe, Mr Mkonto and Mr Calata were draped. Mr Mhlawuli's coffin was draped in a red flag.

Replying to questions by Mr J Poswa, for the defence, Mr Brownell

conceded that the three flags he had identified as those of the ANC were also representative of the Jamaican flag.

Cross-examined by Mr J van der Riet, Mr Brownell agreed that the flags he had identified as ANC flags were also representative of the Inkatha movement.

Mr Brownell was adamant that the enormous flag he had seen on the screen was a Russian flag. He also identified another red flag which was mounted on poles as that of the SACP.

The hearing continues.  
— Sapa.

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# Housing demands explained to court

DELMAS. — Demands that the government provide adequate housing for all its citizens are not grounded in socialism, the treason trial here was told yesterday.

Mr Bavumile Herbert Vilakazi, 31, was speaking during cross-examination by Mr P B Jacobs for the State. Mr Vilakazi and 18 other officials of the United Democratic Front are charged with high treason and several alternative charges.

They have pleaded not guilty.

Mr Vilakazi said it was the responsibility of the government to provide adequate housing, health services and education without discrimination.

Describing a march to the Development Board offices in the Vaal Triangle area of Houtkop on September 3, 1984, in which four councillors were killed, he said the organizers had told residents to act in a disciplined and peaceful manner. — Sapa





CAPL. Times 28/11/87

## Muslims 'raised fists, sang' at protest

(321)

CLENCHED fists were raised, there was singing and the possible chanting of "Allah u Akbar" when Muslims gathered on the Grand Parade to protest against the Ned Geref Synod pronouncing Islam a "false religion", a magistrate said.

These scenes were depicted on a video recording of the arrest of four of eight men charged with attending an illegal gathering on the Parade on November 1 last year, the magistrate, Mr M J C Tolken, said. The tape showed various scenes from between 10.08am and about noon on that Saturday.

The eight are: Mr Mogamat Shahied Zottenberg, 19, of Heideveld, Mr Nazeem Essack, 19, of Cape Town, Mr Abdul-latief Sterras, 49, of Bonteheuvel, Mr Arrien Arnold, 33, of Mitchells Plain, Mr Sulaiman Ernie, 34, of Mitchells Plain, Mr Gasant Petersen, 43, of Bonteheuvel, Mr Dawood Schloss, 18, of Mitchells Plain, and Mr Moeegsien Vallie, 40, of Lansdowne. The four on the video are Mr Essack, Mr Ernie, Mr Vallie and Mr Petersen.

The hearing was adjourned to March 13.

28/11/87

# 'SEARCHING FOR UNITY'

THE Vaal Civic Association affiliated to the United Democratic Front in order to show those who are not in the UDF fold that through unity there can be a situation where many people would voice their dissatisfaction against apartheid, an accused in the Delmas treason trial said yesterday.

By SOWETAN  
Reporter

Mr Herbert Vumi Vilakazi, on his seventh day in the witness box, said the VCA affiliated to the UDF to show that the support of apartheid would ultimately diminish if people and different organisations came together and exchanged their experiences.

This was during cross examination by the counsel for the State, Deputy Attorney-General of the Transvaal, Mr P B J Jacobs.

The court heard that Mr Vilakazi proposed a resolution at a meeting of residents on October 9, 1983 condemning the Ciskeian Government for banning the South African Allied Workers Union in the homeland.

Asked by Mr Jacobs why he (Vilakazi) said the people of Ciskei are his people, Mr Vilakazi

in reply said many people who were staying in the Vaal's hostels were from Ciskei and hostels were not a separate entity.

"We saw them (hostel people) as part of our community", he said.

Mr Vilakazi said that the VCA was formed in order to strive for the betterment of the people of the Vaal. The organisation was to represent the people to Government structures, like the development boards.

He told the court that the Government and the Black Local Authorities were part of the apartheid system, whose laws divide people through colour, religion and deny black people political participation.

29/1/87  
**Sedition charge**

B/Day SUSAN RUSSELL

331

EIGHT Alexandra men are to stand trial in the Rand Supreme Court in April on charges of sedition, alternatively subversion, in the first of a series of cases arising out of the so-called "people's courts".

One of the accused is 17 years old.

The trial has been provisionally set for February 24, but will be postponed until April.

All eight appeared in the Randburg Magistrate's Court on Monday when the trial was adjourned for hearing in the Supreme Court.

Bail was refused when the State submitted a certificate disallowing an application.



ing by car on June 16 last year had stopped at a The Minister opposed the ap

# Delmas treason accused 'aspired to political rights'

By Sejamothopo Motau,  
Pretoria Bureau

An accused in the Delmas treason trial yesterday rejected a suggestion by the State that he told residents of Sebokeng that the Vaal Civic Association (VCA) was committed to fight for a one-man, one-vote political system in South Africa.

Mr Bavumile Herbert Vilakazi (31), one of 19 men charged with high treason and several alternative charges, told the court that he had told the residents that he and the VCA "aspired" to a one-man, one-vote system in the country.

He also said under

cross-examination by Mr P B Jacobs, for the State, that he had not told the people about aspirations for a fourth chamber for blacks in the tricameral parliament.

## PUPPET BODIES

Mr Vilakazi said he had supported a VCA resolution calling for the condemnation of community councils as puppet bodies and a boycott of the town council elections in November 1983 as nothing would be gained by voting.

Under further questioning, Mr Vilakazi agreed that he was "campaigning" for a boycott of

the elections. He said he had also told residents not to vote for "corrupt councillors".

He also rejected a suggestion that he had told the people he canvassed that the VCA was engaged in a liberation struggle against the Government under the instruction of the United Democratic Front (UDF).

He said he had never used the expression "liberation struggle" but the word "struggle". He said he had also told the residents that the VCA aspired for full political rights for black people in South Africa.

The hearing continues.

## RANDBURG TOWN COUNCIL

Cape Times 30/1/87

## Bullets: Woman acquitted

281

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Court Reporter

A POLICEMAN could possibly have "planted" two bullets on a Khayelitsha woman charged with illegal possession of ammunition, a Cape Town magistrate said yesterday.

Ms Eunice Poni, 25, of Site D, was acquitted of having a 7,6mm and a 7,9mm bullet in her possession when searched on Sir Lowry Road, Cape Town.

The magistrate, Mr M J C Tolken, said that Detective Constable Arnoldus Visser could have "planted" the bullets in the woman's bag, as she had alleged. D/C Visser had denied this.

Mr D J Brand prosecuted. Mr E S Davids appeared for Ms Poni.

30/11/87  
**Now the defence** (33)

The defence has begun to present its case in the mammoth Delmas treason trial, but there is still a long way to go.

"The defence may prove to be as long as the State's was," defence counsel Arthur Chaskalson SC warned in his opening address. The State case (*Current Affairs* February 14 1986) took a year.

Summing up the defence case, Chaskalson said the United Democratic Front (UDF) was not formed, as alleged by the State, in answer to a call from African National Congress (ANC) president Oliver Tambo on January 8 1983 for a united front of democratic forces.

Its roots lay in the demand in the black community in SA for unified but legal opposition to new policies, notably the tri-racial constitution "designed to incorporate the Indian and coloured communities into the parliamentary process, but to exclude the African population."

It was not, as charged by the State, part of a revolutionary conspiracy to overthrow the established order by violence. "On the contrary, the UDF saw itself as a lawful organisation pursuing lawful policies." It had no

"secret agenda."

Three of the original 22 people on trial were acquitted late last year. Two of the remaining 19 are executive members of the UDF: Popo Molefe, national secretary, and Terror Lekota, national publicity secretary.

Chaskalson said Molefe mooted the idea of a "broad united front against apartheid" in 1981, long before Tambo's 1983 call. He was not even aware of Tambo's call at the time it was made. Lekota was not at the meeting on January 23 1983 in Johannesburg when The Reverend Allan Boesak first mooted the formation of the UDF. "He (Lekota) expressed doubt about the establishment of a united front in 1983... he was of

the view that the time was not yet ripe for the formation of a front."

A third accused who held office in the UDF, Moss Chikane, former general secretary in the Transvaal, was similarly not aware of, or prompted by, Tambo's January call, Chaskalson said. "He first heard of (Boesak's) call for the formation of a united front in February or March 1983."

At least one of the accused, John Hlomaka, is a member of the Azanian Peoples' Organisation (Azapo). He was elected chairman of Azapo's Transvaal branch in 1983, and is alleged to be part of the purported UDF-ANC conspiracy. Chaskalson told the court, however, that the relationship at

national level between Azapo and the UDF was "always uneasy and at times hostile." In the Vaal Triangle — the scene of the September 1984 riots, for which the accused are charged with responsibility — there was "never agreement."

The Vaal Civic Association (VCA), a key force in the area, was launched "as a result of a local initiative," and not at the behest of the UDF to help carry out its alleged conspiracy. While the VCA did become a UDF affiliate, this occurred only after it was founded, Chaskalson said. "At no stage was there any talk about violent revolution, or making the country ungovernable, or supporting the ANC."



# Court told why leaders' names shouted

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DD 30/1/87

DELMAS — The repeated shouting of the ANC president, Mr Oliver Tambo's name at a "People's weekend" held by the UDF in 1983 was in recognition of his contribution not to the "liberation struggle", but for his desire for justice and democracy, the Delamas treason trial heard yesterday.

Mr Bavumile Herbert Vilakazi, one of the accused in the trial being held in the Delmas circuit court, said that Mr Tambo, as well as the jailed ANC leader, Nelson Mandela, were leaders of the black people although many did not agree with violence.

The accused and 18 other members of the UDF and its affiliates, are charged with high treason in attempting in conjunction with the ANC and the SACP to make black townships ungovernable.

The men have all pleaded not guilty to the charges with Mr Vilakazi continually repeating that his organisation, the Vaal Civic Association (VCA) and the UDF to which it is affiliated, wanted non violent change in South Africa.

Although Mr Tambo's name was repeatedly shouted in a hall in Lenasia where the UDF rally in October 1983 was being held, he did not agree with the methods that the ANC was employing at present.

The witness said he never regarded the shouting of names of black people who united the people as "popularising" them as the state had alleged.

Another "freedom song" sung at the UDF rally took up about 30 minutes of the court's time as the judge, Mr Justice Van Dijkhorst, became involved in the questioning. The song was about the burning of a supreme court buildings a few years ago.

The lyrics stated that the "boys have hit it".

Mr Vilakazi claimed

the words did not mean that the people were happy about the burning of the court buildings.

He said that perhaps the song was sung because people were shocked or surprised by it, but denied the UDF had taken part in the attack because it was part of the "system".

At the rally a member of the Transvaal executive of the UDF, Professor Ismail Mohammed, had talked about the need for "unity in the struggle".

Mr Vilakazi said he understood the statement to mean to join together to destroy apartheid, but not necessarily by violence.

Mr P. Jacobs, for the state, asked the witness if he believed ANC members hanged in South Africa for violent acts against the country were "heroes" in his eyes.

Mr Vilakazi replied that he regarded such people with respect as they did not give up their beliefs.

"Although I personally have opted free for a non-violence approach".

Another speaker at the UDF rally in Lenasia was Mr David Webster, a member of the Detainees Parents Support Committee, who had called the South African Government an "illegal and illegitimate regime".

Mr Vilakazi did not agree with the statement and believed that South Africa was "legal but not representative" of all people who lived in the land.

The witness was asked if the Soweto Civic Association and the Congress of South African Students were liberation movements to which he answered yes and then changed his answer to no.

Mr Justice van Dijkhorst will hear a further explanation of this point when the trial resumes today. — Sapa

# People's courts: 52 appear

Court Reporter

FIFTY-TWO people who have been in detention for almost eight months appeared in Mitchell's Plain Magistrate's Court yesterday on charges of sedition and assault as a result of allegedly attending or conducting "people's courts".

The detainees, whose ages range from 17 to 37, are from Guguletu, Nyanga Bush and KTC. They appeared in three groups and were not asked to plead.

One of the groups appeared in camera, as three of them were minors and only the parents of the 17-year-olds were allowed in-

side. The first group was: Moses Faku, Aubrey Matrose, Lulame Matabeni, Tlabo Mangeni, Mongezi Mavata, Vukile George, Shadrack Somo, Michael Mduzulwana, Patrick Ncapayi, Solomon Nuni, James Mngqibisi, Zangisele Myekiso, Patrick Eleke, Getwa Pheni, William Kompeni, Vuysile Mephi, Gerald Booi, Peter Menye, Bala Mfungusa, Gilbert Bala, Ngeba Godwana and three 17-year-olds.

The second group was: Khuselwa Vata, Mvusi Mhlanga, Nomasoni Jacobs, Philip Mnitshane, Layiso Ngqolo, Lizo Nquka, Bongile Siwahle, Lindile Jokwe, Nceba Chagne, Su-

minsene Zondo, Ntinbetle Sema, Tsusita Zihyithle, Headman Choldize, Mchezonzi Mpunzi, Zomseti Maweya, Kutwana Mtuzaheli, Muthazeli Madikane, Monde Felike, Zola Bljhina and Zinzaheli Tshanbe.

The third group was: Andile Sweni, Vuyisile Grotelo, Ntu Yakwe Daweti, Loyiso Ngqolo, Lutouba Zithouphite, Nuloseleli Mpunzi, Kutwana Mpayitheli and Nieba Chagwe.

The hearing was postponed to February 27.

Mr W B Monk was the magistrate. Mr S Duffett prosecuted. Mr B Waglay, Mr E Daniels and Mr L Padayachi appeared for the detainees.

# Govt not illegal, says *Star* accused

32/1/87  
(321)  
By Sejamothopo Motau,  
Pretoria Bureau

A suggestion by the State that it was part of the propaganda strategy of the United Democratic Front (UDF) to depict the South African Government as "illegal and illegitimate" was rejected at the Delmas treason trial yesterday.

Mr Bavumile Herbert Vilakazi (31), one of the 19 men charged with high treason and several alternative charges, said under cross examination by Mr P.B. Jacobs, for the State, that he could not describe the Government as illegal since it was duly constituted.

However, since the constitution did not include all the people of South Africa and participation in Parliament did not include all the citizens of the country, he regarded the Government as unrepresentative.

Mr Vilakazi was questioned at length about speeches made, songs sung and posters and banners displayed at a "people's weekend" rally he attended in Lenasia in October 1983.

Mr Vilakazi said he had joined in the singing of "Singamasoja ka Mandela" (We are Mandela's soldiers). He described "Mandela's soldiers" as people who believed in the principles of freedom, justice, peace and democracy for all people. These principles, he said, were advocated by Nelson Mandela.

## TAMBO HONOURED

If Umkhonto we Sizwe adhered to these principles, then its members were Mandela's soldiers, he said.

Mr Jacobs suggested that the people at the rally were honouring Mr Tambo, "a terrorist leader", as their father.

Mr Vilakazi said Mr Tambo was honoured for his efforts to bring peace and justice to the black community. The fact that Mr Tambo and Mandela had opted for violence would not erase from the minds of the black people the good they had done through peaceful means, he said.

Asked if he was part of a "national struggle for total liberation," Mr Vilakazi said as a person who wished to see a South Africa without apartheid, he saw himself as being in the struggle for liberation. He said "total liberation" meant a coming together of people in a united, democratic South Africa.

The Bench asked whether the Congress of South African Students and the Soweto Civic Association were liberation movements of the people. After an extended exchange between the Bench, the State and Mr Vilakazi, the accused said he did not regard youth organisations, including Cosas, and civic associations as liberation movements.

Nor could he identify any liberation movements as defined in the working principles.

The cross-examination continues today.



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# Watson trial: Valence guilty, others set free



A well-wisher raises aloft Ronnie Watson's arm after his acquittal at Port Elizabeth Regional Court yesterday. Immediately behind Ronnie is Valence Watson, who was found guilty of arson and fraud.

PORT ELIZABETH. — Valence Michael Watson, 34, was convicted in the Regional Court here yesterday of arson and fraud.

His brothers, Mr Ronald Watson and Mr Daniel John ("Cheeky") Watson, were acquitted.

The case has been adjourned until tomorrow for evidence in mitigation and sentence. Watson's bail was increased from R5 000 to R15 000.

The brothers emerged from the courthouse to a tumultuous welcome from a crowd of hundreds outside the court building.

All three originally faced charges of arson, fraud and attempted murder which arose from a fire which razed the Watsons' Park Drive home on October 19, 1985.

At the inception of his 35-minute summing-up, Mr Gert Steyn said the cornerstone of the State's case was the evidence of Mr Geoffrey Nocanda.

Because of the circumstances surrounding his evidence it had to be treated with "extreme circumspection and caution".

Dealing with the two defence witnesses who said they saw vehicles leaving before or after the explosion, he found that no vehicle had left the scene.

The house had been destroyed by fire caused by the ignition of a large amount of petrol.

Dealing with the transcript of the tape made of an alleged conversation between Mr Ronald Watson and Mr Archie Mkele at Livingstone Hospital two days after the fire, he accepted the version given by the defence expert, Mr R W Endley.

The Watsons' financial position did in fact provide a motive for setting the fire.

It was significant that although they had allegedly been receiving threats for a long time, the insurance cover for R483 225 for "politically motivated damage" had only been taken out shortly before the fire. If political motivation had been proved the policy would have been taken out at a very convenient time.

Mr Nocanda's evidence he found to be in "complete harmony" with all the proved circumstantial evidence.

Mr Nocanda had impressed as a careful and sincere witness and he found as a fact that Mr Nocanda and Mr Mkele had committed the acts described by Mr Nocanda.

He found there had been a crime of arson and that by submitting claims for insurance after it the offence of fraud had been committed.

He was not satisfied that the State had proved the attempted murder charge.

While evidence led to the conclusion that there had been a conspiracy between Valence Watson and others, the onus was on the State to prove an act of conspiracy on the part of each accused.

Although Valence Watson was guilty of fraud and arson, the court was not satisfied that the State had met the onus against the other two.

— Sapa

# Freedom Charter could be 'basis for SA constitution'

By Sejamothopo Motau

The Freedom Charter could be the basis for a nonracial, democratic constitution for South Africa, a Delmas treason trial accused said yesterday.

Mr Bavumile Herbert Vilakazi (31), one of 19 people charged with high treason, made the statement during cross examination by Mr P Jacobs, for the State.

Mr Vilakazi said some of the charter's provisions were similar to demands being made by the United Democratic Front (UDF) and its affiliates, for a united, democratic South Africa.

He said he aspired to a nonracial government that guaranteed equality before the law. A nonracial government that did not provide equality and justice for all would be as unacceptable as the present Government, he said.

Earlier Mr Vilakazi said the UDF was committed to negotiating with the Government. Mass action initiated by the UDF against apartheid, he

said, would take the form of peaceful protests within the confines of the law.

Mr Jacobs read portions of an address by UDF official Mr Aubrey Mokoena at a rally in Lenasia in October 1983. He asked why the speaker had expressed the view that jailed ANC leader Nelson Mandela was a symbol of the genuine liberation of black people.

Mr Vilakazi said he agreed with the concept of releasing Mandela from jail to negotiate between the Government and black leaders to find solutions to the political problems in the country. Like many other people, he also believed that without Mandela, there could be no meaningful political solution in the country.

He rejected a suggestion by the State that Mandela was "used as a symbol" by the UDF to mobilise the black people for the liberation struggle. He also rejected a similar suggestion about Mr Oliver Tambo, the exiled ANC leader.

The trial continues on Monday.

Cape Times 21/1/87

# Watson sentenced to 2½ years' jail

PORT ELIZABETH. — Valence Michael Watson, 34, was sentenced to a total of 10 years' imprisonment by the Regional Court yesterday after being convicted of arson and fraud.

He will serve an effective 2½ years, as parts of the sentences were suspended and the remainder will run concurrently.

He was granted bail of R15 000, and ordered to report twice daily at the Louis le Grange police station pending an appeal.

Watson was acquitted on a charge of attempted murder.

His brothers, Mr Ronald Watson and Mr Daniel ("Cheeky") Watson, were acquitted on all three counts.

Passing sentence, the President of the Regional Court, Mr Gert Steyn, said the house had been set on fire with the inten-

tion of defrauding insurance companies. Although the court found there were two offences, they flowed out of a single objective.

He said the burning of a house was an abhorrent crime, especially where the intention was to defraud.

The indirect result surely dealt severe blows to a number of other people.

The house was heavily bonded to creditors who had been exceedingly patient with the Watson brothers. As a result of the fire, they were left with less than half their surety.

The accomplices had been seriously injured and although the court had found this was not intentional, the action was so reckless the result should have been foreseen.

Watson was a first offender and the father of three young chil-

dren. This was tragic. He was certainly not the ordinary run-of-the-mill criminal, he said.

But in view of the seriousness of the crimes, the court would be failing in its duty if it did not impose a prison sentence.

Mr Steyn imposed five years for arson, of which 2½ years would be suspended conditionally for four years. He imposed the same sentence for the fraud. He ordered the two 2½-year terms to run concurrently.

Our correspondent reports that the pavement outside the court building was declared an "unrest area" yesterday and people were barred from the vicinity until the Watson family had departed.

Lieutenant-Colonel L. Strydom, head of the riot squad in the Eastern Cape, ordered photographers to clear the area, saying no photographs could be taken in terms of the emergency regulations. — Sapa



# Cosas trial resumes

THE terrorism trial of seven members of the banned Congress of South African Students will resume in the Pretoria Supreme Court today.

The accused are Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Duduza, Nigel, Mr Hosea Lengosane (20) and Mr Cedric Dladla (19), both of Tsakane, Brakpan.

The have pleaded not guilty before Mr Justice Stafford, sitting with an assessor, to charges of terrorism, attempted murder and of being in possession of handgrenades and a bomb.

man's Peak look out — not far shank might be dead.

*Can. Times 2/28/87 (A) 208/331*

## Pupils to accompany Arthur to Pollsmoor

ACCOMPANIED by fellow pupils and teachers, former Steenberg High School pupil Gregory Arthur will leave home for Pollsmoor Prison this morning to begin an 18-month sentence for throwing stones at police in 1985.

His imprisonment follows the failure of a petition signed by 25 000 people — including Archbishop Desmond Tutu — to stave off his sentence and a failed petition to the Appellate Division for leave to appeal.

Notice that he would have to start his jail term was received last week.

Gregory was 19-years-old at

the time of his conviction on public violence charges.

At the end of a Supreme Court appeal in October last year, his original four-year sentence was reduced to three years, 18 months of which were suspended.

Throughout the trial Gregory denied throwing stones.

The campaign co-ordinators were this week trying to prepare Gregory for jail and arranging for him to write matric in prison.

The campaigners hope to have him released in six months' time, when he becomes eligible for parole.

# 9th DAY IN THE DOCK

By ALI MPHAKI

Delmas treason trial

AN accused in the Delmas treason trial will enter the witness box for the ninth day today as the State continues cross-examining him.

Mr Herbert Vilakazi (31), a member of the Vaal Civic Association (VCA), has been in the witness box since the trial resumed on January 21.

Cross-examination has been revolving around freedom songs, speeches, meetings and activities of the VCA and the UDF.

Mr Vilakazi has denied a suggestion by the counsel for the State that the UDF was using the name of Nelson

Mandela in speeches to "catch the people and make them follow" the organisation.

Advocate Mr P B J Jacobs quoted a speech made by Mr Aubrey Mokoena at a UDF "Peoples' Weekend" rally in Lenasia where he said: "Mandela is a symbol which symbolises the genuine liberation of our people."

## Symbol

Mr Jacobs: "Do you know why a terrorist leader is used or propagated as a symbol of the struggle?"

Mr Vilakazi: "This is the feeling of the black majority in the country."

The State advocate also quoted speeches by Professor Ismael Mohammed and the Reverend Frank Chikane, about which he asked Mr Vilakazi several questions.

Mr Vilakazi was asked whether he would be satisfied if the government created a fourth chamber of Parliament.

He replied that he could not form any opinion about the fourth chamber as it is still foreign to him. "I cannot readily formulate an opinion about it," he said.

The court also heard that the Vaal Action Committee was instru-

mental in the formation of the VCA. Mr Vilakazi denied a suggestion by the State that civic associations were formed by the UDF.

The court also heard that the VCA rejected an application to affiliate to Azapo. The hearing continues today.

## Not guilty

The accused are facing charges of treason, alternatively subversion, terrorism and murder. They have all pleaded not guilty before Mr Justice van Dijkhorst, who is sitting with two assessors.

Mr George Bizos, SC, assisted by Mr Karel Tip represent the accused.



ONE of the accused in the Delmas treason trial, Mr Ephraim Ramakgola and his wife Paulina, enjoy lunch outside the Delmas Circuit Court last week. Mr Ramakgola and four others are out on bail of R15 000 each.

NO VIOLENCE



# Botswana, important for ANC terror

Own Correspondent

MARITZBURG. — Botswana was one of the most important bases from where the African National Congress co-ordinated its terror campaign in South Africa.

This was said in the Maritzburg Supreme Court by Brigadier H D Stadler, chief of intelligence in the security branch. He testified at the terrorism trial of a Durban couple who face 24 charges, including one of planting 11 explosive de-

vices in a car outside the Parade Hotel last June which killed three people and injured scores of others.

Mr Robert John McBride, 23, a student teacher, and his girlfriend, Miss Greta Margaret Apelgren, 30, a welfare worker, are also accused of snatching alleged ANC terrorist Gordon Webster, who had been under police guard at Edendale Hospital last May. A policeman, Mr Mlungisi Buthelezi, was shot dead, and four other people

were injured.

According to the indictment, Webster was hidden in Wentworth and Umlazi townships for five days before the accused took him to Botswana.

Brigadier Stadler said at the early stages of infiltration into this country, Botswana was used as a passage, and thereafter the ANC made use of Lesotho and Swaziland.

The couple pleaded not guilty before Mr Justice Shearer and two assessors to 12

counts of terrorism, four of murder, five of attempted murder, as well as harbouring or concealing a terrorist, aiding a prisoner to escape and furthering the ANC's aims.

There was a strong police presence in and around the court building, and brown paper covered all windows in the courtroom.

Members of the public were subjected to body searches in a room outside the courtroom before being allowed inside.

# I was not hired to kill accused

Sowetan Correspondent

A DUDUZA resident yesterday denied in the Pretoria Supreme Court he had been hired to kill activists in the township.

Mr "Joko" David Mofokeng was giving evidence in the trial of Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Duduza, Nigel, and Mr Hosea Lengosane (20) and Mr Cedric Dladla (19), both of Tsakane, Brakpan, who have been accused of terrorism.

The State alleges that the seven men attacked the houses of various township merchants or policemen on the night of June 25

and 26, 1985. Most of the men were mutilated when grenades they were throwing exploded before or shortly after they threw them.

## Corruption

The trial, during which allegations of police corruption and "vigilantes" — businessmen who banded together to kill activists — were made, resumed yesterday after a three-month break.

Yesterday Mr Mofokeng told Mr Justice Stafford that a Mr Billy Dlamini had implicated him as being one of the men hired by

a group of "vigilantes", to kill township activists.

Mr Mofokeng, who said this allegation was false, said he and businessman Mr David Namane, and another man identified as "Shorty" had been confronted with these allegations at an activist's home.

There they found Billy Dlamini on a bed with his hands tied. "He appeared to me to have been beaten up. His face was swollen".

Mr Mofokeng later left the house, and on seeing Billy Dlamini some time later, Mr Mofokeng asked him why he had falsely implicated him.

"Billy told me that he was scared and he did not know what to do."



# Gregory weeps at Pollsmoor

By CLARE HARPER

GREGORY ARTHUR, the former Steenberg High School pupil convicted of throwing stones at police in 1985, burst into tears when he arrived at the gates of Pollsmoor Prison yesterday to begin an 18-month sentence.

And a spokesperson for the Archbishop of Cape Town, the Most Rev Desmond Tutu, said the archbishop was "even more concerned than ever about Gregory and will visit

him in Pollsmoor at the first available opportunity".

"It is sad that despite the enormous community concern over his imprisonment, Gregory still has to go to jail," the spokesperson said.

Earlier at home, Gregory appeared subdued, but hopeful of an early release. He becomes eligible for parole in six months' time.

Notice that he would have to start his jail term was received last week, after his petition to the Appellate Division for leave to appeal failed.

Surrounded by weeping schoolfriends, teachers and members of the Manchester Rovers Soccer Club, of which Gregory was a popular player, he could not hold back his tears.

A schoolfriend, Albert Wesels, who accompanied Gregory to the prison gates, said: "This place is not for him. Everybody is going to miss him."

His mother, Mrs Margaret Burger, said she could not express herself, but was "very sad" the petition had failed.

His attorney, Mr Thaabit Al-

bertus, said Gregory had no previous convictions.

A teacher said Gregory's imprisonment was "a waste of at least six months of his life".

Mr Esham Palmer, one of the co-ordinators of the campaign to save Gregory from jail, said Gregory had received counselling from Nicro to prepare him psychologically for jail.

He said they hoped Gregory would be given a cell of his own, to help his studies. Mr Palmer said the committee would continue to support Gregory.



Former Steenberg High School pupil, Gregory Arthur (centre), outside Pollsmoor Prison with his mother, Mrs Margaret Burger, and cousin, Harry Arthur.

Picture: ANNE LAING



ARGUS 3/2/87 331

## ANC plans forestalled — security policeman

**The Argus Bureau**

MARITZBURG. — The African National Congress had planned "far more than a few newspaper advertisements" on its 75th anniversary last month, but had been prevented from carrying these out, Brigadier Herman Stadler, chief of intelligence of the security police, said here.

He was giving evidence yesterday during the murder and terrorism trial here of Durban couple Mr Robert John McBride, 23, and Miss Greta Margaret Apelgren, 30.

The two are charged with murdering four people — three young women during the June bombing of Magoo's Bar in Durban and a policeman gunned down during the "springing" of alleged terrorist Mr Gordon Webster from the Edendale Hospital in May.

### ATTEMPTED MURDER

Both face five attempted murder charges. Mr McBride also faces 12 counts of terrorism and Miss Apelgren five counts. They also face other charges.

Defence team leader Mr David Gordon, SC, said in cross-examining Brigadier Stadler that the ANC perceived the Government as a violent body as it begot violence.

Brigadier Stadler: "That is absurd. The State does not initiate violence, but reacts to violence. If people throw petrol bombs the police must act. The police do not act to terrorise, but try to protect people."

The case continues.

# Academic stood in way of police 'to defend daughter'

Tygerberg Bureau

DR Richard Stevens, head of the department of biblical studies at the University of the Western Cape, told a Goodwood magistrate he stood in the way of policemen to defend his daughter when he saw them hitting her.

Dr Stevens, 41, and Mr Steve Louw, 28, a Belhar teacher, are charged with convening or organising a demonstration within 500m of the Goodwood Magistrate's Court. They have pleaded not guilty.

The trial arises from an incident in May when about 150 pupils from a Belhar school went to the court for the appearance of a fellow pupil accused of arson, and were dispersed by the police.

Dr Stevens said he was inside the court building when he noticed police and "small, peaceful" groups of pupils from Belhar Senior Secondary School outside.

He had gone to the court to pay bail for the pupil, who he knew from his work in Elsies River.

His daughter, who attended the school, was among the pupils.

He said: "I saw my daughter inside and saw them hitting her and my words to the police were: 'I don't hit my daughter and neither will you.' I reacted as a father because I saw them beating up my child."

For this reason he stood in the way of the police.

He denied addressing the pupils or organising a demonstration.

## "UNNECESSARY BEATING"

He said: "I made hand movements towards the police when I was protecting my daughter."

He agreed that he sympathised with the children when they were running away from the police.

"The children were being beaten unnecessarily," he said.

"The pupils could not have provoked the police to such an extent that they needed a beating. That was not the way to disperse the pupils. They did not give the police reason to act that way."

Mr Louw said he accompanied the pupils to court as their supervisor and teacher and denied organising a demonstration with Dr Stevens.

They did not even know each other at the time.

Defence counsel Mr L Rose-Innes said the State would have to prove that the incident was a demonstration.

He said: "It is the fundamental right of any person to attend court proceedings and it would be a sad day if people were considered to be attending an illegal gathering when exercising that right."

The hearing was adjourned until Thursday.

# Research leads to trial

JOHANNESBURG — Three men are to appear in the Pretoria magistrate's court today on charges of fraud allegedly linked to classified research done 18 years ago.

The men are Professor Geoffrey Brundritt, 46, senior lecturer in applied mathematics with

the University of Cape Town, Raymond Vice, 61, of the CSIR's National Institute of Telecommunications Research and Francis John Hewitt, 67. Mr Hewitt, now retired, is a former CSIR employee.

The charges relate to research done in 1968 and 1969 by Dr Jan

Lochner at the University of Port Elizabeth.

Dr Lochner was former director of the National Institute for Defence, now Armscor.

The research was in regard to a system involving submarines and electromagnetic waves.

—DDC

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## Parole for Gregory after six months?

Staff Reporter

THE attorney acting for Gregory Arthur, the former Steenberg High School pupil who has begun his 18-month sentence for public violence, plans to apply for parole.

Mr Thaabit Albertus said today Gregory would be eligible for parole in six months.

Gregory, 21, was convicted of stoning police in 1985.

A petition to the Appellate Division for leave to appeal failed. He received a notice last week that he would have to serve his sentence.

He reported to Pollsmoor Prison yesterday. Relatives, friends, teachers, and members of Manchester Rovers Football Club, of which he was a member, accompanied him.

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# VCA did not decide on stayaway call — witness

By Adele Baleta

A meeting of the Vaal Civic Association (VCA) had not resolved to call for the massive work stayaway and the march which resulted in violence in Sebokeng on September 3 1984, the Delmas treason trial heard yesterday.

Mr Bavumile Vilakazi (31), one of the 19 men who have pleaded not guilty to the main charge of high treason and to alternative charges ranging from terrorism to murder, was giving evidence for the defence.

Mr Vilakazi said the VCA meeting on August 26 1984 in Evaton was held to protest against rent increases in town-

ships under the Lekoa Town Council and to elect an area committee for Zone 3, Sebokeng.

He denied an allegation it was organised to reject the black local authorities.

Mr Vilakazi said a call was made to boycott councillors' businesses, but that there was no call for their resignation as they had already been rejected by the people.

He agreed that issues raised at a workshop given by the United Democratic Front's education committee at St John Boscoe in Daleside between April 27 and 29 1984 were taken up by the VCA.

These included the transport

boycott, rent, electricity and water prices, the anti-community council campaign and the million-signature campaign.

He conceded that one of the points in the programme for the workshop — that the UDF's task would be to destroy the local black authorities — could suggest violence but he added that the methods of the UDF in rejecting the town council system were peaceful.

He said the Vaal people were opposed to black local authorities because they believed meaningful political rights were essential. They wanted equal representation at Government level, not limited to local repre-

sentation.

Earlier, Mr Vilakazi said the UDF's aim was to oppose apartheid and race division.

He said he did not know of any minimum demands required by the UDF before the organisation would be prepared to negotiate with the Government.

Mr Vilakazi said many people in South Africa would like a national convention where all people would agree on the constitution of the government.

He denied there was a call for a national convention at a conference of UDF affiliates in Port Elizabeth in 1983.

The hearing continues.

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## Detection of submarines: Three men in court

The Argus Correspondent

PRETORIA. — Three men have pleaded not guilty to charges of fraud concerning the detection of submarines.

They are Dr Geoffrey Brunditt, 46, of the University of Cape Town, Dr Raymond Vice, 61, director of the National Telecommunications Department of the CSIR, and Dr Francis Huwitt, 67, a former vice-president of the CSIR.

The three allegedly misrepresented to the Armaments Board and/or the Defence Force and/or the Council of the CSIR and/or the University of Port Elizabeth in 1968 that a formula to determine the variation in the magnetic field immediately below the surface of the sea was not valid.

A letter from the Minister of Defence, General Magnus Malan, was read to the court yesterday asking that the names of a military project and foreign companies and countries involved should not be named.

Dr Johannes Lochner, formally of the CSIR and the University of Port Elizabeth, said he had been relieved of his position at the CSIR and a post had been created at UPE.

### INVESTIGATION

He had previously uncovered corruption in a CSIR department concerning the purchase of useless equipment from a foreign country. He had approached General Hendrik van den Bergh, the then head of the security police, and he had launched an investigation.

Dr Lochner was later contracted to UPE to work on a project funded by the CSIR.

He had developed a system for detecting submarines through the magnetic field created by a cable. The system had worked and had complied with the pre-requisites in his instructions.

He said there had been a difference of opinion between him and the president of the CSIR, Dr Meiring Naude, Dr Vice and Dr Huwitt about whether the formula would work.

It was decided that Dr Brunditt would be shown the options so that he could give an independent opinion. Dr Brunditt found that the formula would not work.

The case continues today.



7 appear  
on counts  
of terror

PRETORIA. — Seven political activists, including alleged members of the banned Pan Africanist Congress (PAC), and a priest, have appeared in the magistrate's court here on 24 counts of terrorism and attempted murder.

The accused are Mr Mabatu Enoch Zulu, 52, and Mr Siyabulela Ndoda Gcanga, 26, both of Transkei; Mr Vincent Alson Mathunjwa, 29, of Springs; Mr Sestiba Paul Mohlolo, 29, of Johannesburg; the Rev Daniel Saul Nkopodi, 27, of Bophuthatswana; and Mr Achmad Cassiem and Mr Yusuf Patel, both of Cape Town.

They were not asked to plead and the hearing was postponed to March 30.

The State alleges that Mr Zulu, Mr Gcanga, Mr Mathunjwa and Mr Mohlolo joined the PAC and received military training in several countries.

SOWETAN, Thursday, February 5, 1987

# Court is told of confession

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6/2/87

A PROMINENT Duduza, Nigel businessman attacked and kicked an alleged hired assassin who confessed before a group of political activists that they were all involved in the killing of people in Duduza, the Pretoria Supreme Court was told yesterday.

Mr Jabulani Alfred Mkhuna, alias "Shorty" told the court that Mr David Namane, a businessman, reacted with dismay and disgust then Mr Billy Dlamini confessed at the house, belonging to a certain Edward that the three of them together with one Joko, went about killing people since 1981.

Mr Mkhuna said Mr Nam-

By MONK NKOMO

ane, on hearing that, confronted Mr Dlamini, accused him of lying and kicked him twice while he sat on the floor handcuffed.

Mr Mkhuna was giving evidence for the State against Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), Mr Hosea Lengosane (20) and Mr Cedric Dladla (19).

They have pleaded not guilty before Mr Justice Stafford, sitting with an assessor, to charges of terrorism, attempted murder and possession of handgrenades

and a bomb.

Cross-examined by Mr Nick de Vos, for the defence, Mr Mkhuna denied involvement in the killing of people and said he even asked Mr Dlamini where those they had killed were.

## Untruthful

The witness added that it was later wellknown in Duduza that the four of them, together with two other businessmen, Mr "Tweba Mohohlo and Mr Steven Namane were killing people."

Mr Mkhuna was described as an untruthful witness who told the court "a pack of lies" by another defence counsel, Mr Eric Dane.



# Inquest into journalist's death

By MATHATA TSEDU  
The inquest into the death in police detention of journalist Makompo Kutumela is due to be held on February 16; it was disclosed yesterday.

The inquest will be held at the Mahwelereng Magistrates Court, according to an official at the office. Mr Kutumela died on April 5 last year after being arrested

less than 24 hours earlier with six other people.

It was alleged at the time that he had been assaulted by the police.

The inquest will be the first to be held in Lebowa in connection with deaths that resulted from alleged police beating and shooting. There are at least six outstanding inquests.

• Isaac Mafokwane,

who died of bullet wounds after clashes with police at the University of the North on June 16, 1985.

• Ngwako Ramalepe, who died at Kgapane, near Duiwelskloof, on October 18, 1985 following alleged police beatings.

• Moss Magae, who died of bullet wounds allegedly caused by police at Mahwelereng on March 7 last year.

• Mavis Malatjie, who died of bullet wounds at Namagale, Phalaborwa, when police allegedly disrupted a

Sharpeville commemoration service on March 23 last year.

• Peter Nchabeleng, who died at the Schoonod police station on May 10 last year and

• Lawrence Kōdi Tseka, who died of bullet wounds in May last year at Hamasemola.



# Valence Watson guilty of arson

WEEKLY MAIL REPORTERS  
FOR the second time in three weeks, the Watson brothers were mobbed by happy supporters as they left the Port Elizabeth regional court.

But this time there were only two of them — 34-year-old Valence had to stay behind after being convicted on charges of arson and fraud yesterday.

His bail was increased from R5 000 to R15 000 after magistrate Gert Steyn found him guilty of arranging for two men to burn down his mother's home in October 1985, and then defrauding their insurance company.

At the time of going to press, it was not clear whether his family had been able to pay bail.

Valence was, however, acquitted on an attempted murder charge — as were brothers Ronald and Daniel (Cheeky), who left court to a tumultuous welcome after being acquitted on all charges.

Explaining his judgement against Valence, the only accused directly implicated during the trial, the magistrate said the totality of evidence "led to the irresistible conclusion that there had been a conspiracy between Valence Watson and others".

He could not say the same about Valence's brothers, however.

The magistrate also said he:

- Accepted state witness Geoffrey Nocanda's evidence that he and another witness, Archie Mkele, were told to set fire to the Watsons' house — even though this had to be treated with "extreme circumspect and caution".

- Accepted a transcript by defence witness RW Endley of a tape made of an alleged conversation between Ronald Watson and Mkele at Livingstone hospital two days after the fire.

- Said he was not satisfied with investigating officer Captain AC Prinsloo's explanation for not investigating Nocanda's allegation that he was assaulted while in custody.

He said there were no facts to justify a finding that Nocanda was lying when he alleged he had been assaulted

● To PAGE 2

The contents of this newspaper have been restricted in terms of the Emergency regulations

## Watson guilty

Referring specifically to Nocanda's evidence, he said it was "in total harmony" with all the proved circumstantial evidence and the inferences that could be drawn from it.

He said Nocanda was "a careful and sincere witness". Nocanda was then given indemnity from prosecution.

Steyn also discussed the Watsons' background, and found that they could have had a motive for setting fire to their house — their financial position. They were in debt, he said, and had only taken out insurance for "politically motivated damage" shortly before the fire.

Valence returns to the dock again this morning, when his counsel and the state will discuss evidence in mitigation and sentence.

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# Court is told of confession

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By MONK NKOMO

ane, on hearing that, confronted Mr Dlamini, accused him of lying and kicked him twice while he sat on the floor handcuffed.

Mr Mkhuna was giving evidence for the State against Mr Joseph Titus Mazibuko (18). Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), Mr Hosea Lengosane (20) and Mr Cedric Dladla (19).

They have pleaded not guilty before Mr Justice Stafford, sitting with an assessor, to charges of terrorism, attempted murder and possession of handgrenades

and a bomb.

Cross-examined by Mr Nick de Vos, for the defence, Mr Mkhuna denied involvement in the killing of people and said he even asked Mr Dlamini where those they had killed were.

## Untruthful

The witness added that it was later wellknown in Duduza that the four of them, together with two other businessmen, Mr Tweba Mohohlo and Mr Steven Namane were killing people.

Mr Mkhuna was described as an untruthful witness who told the court "a pack of lies" by another defence counsel, Mr Eric Dane.

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# UDF uses peaceful methods, court told

Star  
By Adele Baleta

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The United Democratic Front used peaceful methods to voice the aspirations of its affiliates, the Delmas treason trial heard yesterday.

Mr Bavumile Vilakazi (31) said it was through the UDF that member organisations could maintain unity in opposing the unjust laws of the country.

He is appearing with 18 other people on a main charge of treason and other alternative charges. All have pleaded not guilty.

Mr Vilakazi said he had heard nothing to suggest the UDF was not a peaceful organisation. He said he knew nothing of a pledge of financial assistance from the UDF to people arrested during the September 3 stayaway in Sebokeng.

He said the Vaal Civic Association (VCA) would raise the money for legal costs from members of the community. The lawyers would be paid through service organisations, such as the Council of Churches, he added.

On the autonomy of UDF affiliates, Mr Vilakazi said member organisations had independence. Affiliates could choose whether to take part in UDF campaigns, but their policies had to fit in with those of the UDF, he added.

5/2/87  
Mr Vilakazi denied that, at a meeting organised by the VCA at Evaton on August 26 1984, rents and other issues were used to mobilise and politicise the people against the black local authorities. He denied councillors' lives were threatened.

"At the meeting, a resolution was taken to hold a stayaway and march on September 3, but no one raised the possibility that the march could be illegal."

He agreed that fellow-accused Mr Gcinumuzi Malindi told the meeting public transport would be stopped on September 3, except for ambulance services. Mr Vilakazi said the meeting was told that the march would be peaceful.

He disagreed with a suggestion that the VCA was part of a committee that organised stayaways on November 5 and 6 1984.

Mr Vilakazi said the VCA was disorganised because some members, including the chairman, Reverend Lord Righteous McCamel, were in detention.

A UDF document, printed last year and submitted by the State as an exhibit, was rejected by Justice van Dijkhorst because it was issued after the period of indictment and after the accused were detained.

The hearing continues.



# Security dog foiled bid to bomb Durban sub-station

Own Correspondent

MARITZBURG — An African National Congress commander in Natal, Gordon Webster, had told Mr Robert McBride, an alleged Magoo's Bar bomber and an accomplice, that it would be "a piece of cake" to bomb an electricity sub-station at Mayville in Durban. The murder and terrorism trial in the Maritzburg Supreme Court was told this yesterday.

The attempt failed because a security guard set a dog on the attackers and sounded the alarm. They fled.

This evidence was given by witness identified as "Mr A", who was warned as an accomplice.

Earlier Mr Justice Shearer had ruled that four witnesses should give evidence in open court, but the first was not to be named in the Press and was to be known as Mr A.

Mr A said he was introduced to Webster by Mr McBride. Webster

gave him military training at York, near Maritzburg, under the auspices of the ANC.

Mr McBride, Webster and Mr A reconnoitred the Mayville sub-station and decided to bomb it.

Mr A said he and Webster went to the sub-station at night and Webster, who had three limpet mines with him, jumped up on to the wall and said there was an electrified fence and would need a ladder.

After this Mr McBride picked them up and took them home.

Later Mr McBride told Mr A that they had gone back to the sub-station.

Mr McBride said they got inside the complex and a security guard set a dog on them. Somebody grabbed the dog and threw it against the electric fence. They fled when an alarm went off.

Mr A said that in April 1986 Mr McBride said that as he

was doing nothing he, Mr A, and a Mr Sharpley should throw a handgrenade at the house of a Mr Klein.

"I agreed with him. Mr McBride told Sharpley and me that if we needed explosives, we could get them from him.

"Later Mr McBride said that he had given me a command, but I had been messing around and he had given the command to someone else who had immediately carried it out.

"Later McBride said that Webster had been shot and there had then been an opportunity to get him out.

"Later I met Mr McBride again, and he said that he had gone with another person through a fence and into the hospital carrying an AK-47, and had shot at a person in a passage.

"Webster had motioned to him that there was another person behind a curtain, and he had shot at him."

The hearing continues tomorrow.

# 'UDF a peaceful body'

THE United Democratic Front is a peaceful organisation, Mr Herbert Vilakazi, an accused in the Delmas treason trial, said yesterday.

Mr Vilakazi, on his 11th day in the witness box, said under cross examination that people who joined the UDF did so with the belief that they will manage

**By ALI MPHAKI**

through unity to oppose apartheid and unjust laws in the country.

He had never heard the UDF suggesting anything violent, and there was no report from the organisation's general council that it was not a peaceful organisation.

Earlier the judge, Mr Justice van Dijkhorst, commenting about the Congress of South African Students' (Cosas) invitation letter to various organisations for a meeting to discuss a stayaway scheduled for November 5 and 6, 1984, said it would appear that Cosas was one of the main participants in the struggle.

He asked Mr Vilakazi whether it did not strike him as strange that a students' organisation should invite the rest of the other organisations on such a matter.

"What is strange to

me is that all these organisations came along to that meeting at Khotso House on October 27, 1984," the judge said.

Counsel for the State, Mr P B J Jacobs, put it to Mr Vilakazi that the VCA received an invitation to the meeting and sent a delegation which was elected to the stayaway committee. Mr Vilakazi denied the suggestion.

He said it was the first time for him to hear of the meeting. Judge: "Well it seems you are singularly uninformed about the activities of the VCA".

The court was shown an exhibit of the meeting where names of several organisations who attended appeared. These included the VCA.

In reply Mr Vilakazi said he knew of the stayaway but was under the impression that it was confined to Johannesburg only. He said his committee didn't know of any VCA member who was sent as a delegate to that meeting.

**TO ONLY**

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February 5, 1987 3  
Witness: 331

## Charge awaited on death

PRETORIA. — A fraud case involving senior members of the CSIR and a weapons-development project took nearly 20 years to reach court because the complainant, a leading South African scientist, was waiting for the president of the CSIR to die.

Dr J Lochner said the case would never have reached court while Dr Meiring Naude, the president of the CSIR, was alive because he was a very influential man and a friend of a former prime minister, Mr John Vorster.

### Formula

Dr Lochner was testifying against Dr Geoffrey Brunditt, 46, a professor in applied mathematics at the University of Cape Town; Dr Raymond Vice, 61, Director of the CSIR National Telecommunications Department, and Dr Francis Huwitt, 67, a former CSIR vice-president, who allegedly misrepresented to the Armaments Board and/or the Defence Force and/or the Council of the CSIR and/or the University of Port Elizabeth that a formula to determine the variation in the magnetic field below the surface of the sea was not valid.

Dr Lochner said he was relieved of his post at the CSIR after he uncovered corruption there. He said he had asked his friend General Hendrik van den Bergh, then head of the security police, to investigate.

He said there was a dispute between him and the CSIR about whether a system for detecting submarines through the magnetic field created by a cable worked.

Dr Brunditt gave his independent opinion that it would not, and funds for the project were cut off.

Dr Lochner said he had repeatedly stated that the wrong type of cable was being used. — Sapa



# Meetings were held to talk about rents and not treason, court told

By Adele Baleta

Three meetings in Sebokeng in August 1984 were not part of a grand conspiracy by anti-apartheid organisations to overthrow the Government, an accused in the Delmas treason trial said yesterday.

Mr Naphtali Nkopane (42) is the second of 19 accused to take the witness stand in the reopened trial. All have pleaded not guilty to the main charge of high treason and alternative charges of terrorism, subversion and murder.

Mr Nkopane said the meetings were held on August 14, 16 and 21 at the home of fellow accused Mr Bavumile Vilakazi, who was the Vaal Civic Association (VCA) representative for Zone 3. The purpose was to discuss proposed rent increases and organise a mass meeting and an action committee.

## SPEARHEADED

He denied the State's allegation that the meetings were part of a plan spearheaded by the United Democratic Front, the African National Congress and the South African Communist Party to bring about a bloody revolution.

Mr Nkopane, who is married with three children, said he moved to his house in Sebokeng in 1977. In six years his rent had been increased by almost 200 percent. Promises to upgrade facilities had not been fulfilled.

He was supporting his wife who had high blood pressure and hypertension, his father-in-law who is partially paralysed and his three children who attend school.

In January 1982 he attended a meeting called by a community councillor who informed residents that rents were to be increased by R10.

At that time he was earning R330 and paying R57 rent.

"The councillor arrived armed with a gun and when he was challenged for not consulting residents about the rent hike before it was introduced he became abusive."

Mr Nkopane said the councillor shouted: "I am a 'tsotsi' and will fight anybody anywhere."

He said most of the people were dissatisfied but decided to pay the rents under protest. They believed the community councillors were powerless and operated with a "rubber stamp".

Mr Nkopane said he did not take part in the November 1984 election of black local authorities who were to replace the community councillors.

He said he became a member of the VCA at its launch.

Dr Nthato Motlana, chairman of the Soweto Civic Association, was one of several speakers at the occasion but none of the speakers was heard to advocate violence in an attempt to overthrow the government, he said.

He supported a call to boycott the elections for the Lekoa Town Council at the launch.

Earlier, Mr Bavumile Vilakazi, the first of the accused to give evidence, completed his testimony after 12 days in the witness stand.

Under cross-examination by counsel for the State, Mr P B Jacobs, he said apartheid was the enemy of the people and that to fight it the government had to be persuaded to open its membership to all groups.

The hearing continues.

# Key press trial starts this week

By MOIRA LEVY

A SIGNIFICANT press freedom case which will test the scope of legislation curtailing the right to report on any police action begins in the Cape Town Regional Court next week.

Cape Times journalist Tony Weaver faces four charges of contravening Section 27(b) of the Police Act during his coverage of a shootout in Guguletu last March, in which seven alleged African National Congress guerrillas were killed.

If found guilty of reporting "untrue matter" about security force actions, Weaver faces a maximum penalty of 20 years in jail and a fine of R40 000. The onus is on him to prove he took "reasonable steps" to ensure the information was true.

Weaver's trial is believed to be the third trial under Section 27 (b), and the first where a journalist is charged for material published overseas. His prosecution stems from an interview he gave to the BBC in which he reported the mothers of two Guguletu victims believed their sons were shot by the police. They believed the police then planted weapons on the men and claimed they were ANC guerrillas to justify the shooting.

Weaver told the BBC: "The families of both insist that neither of them have ever been involved in politics of any sort, and that both were on their way to try to find work — they were unemployed — and that both men had never been involved in any kind of ANC activity, and not even activity of any political grouping in South Africa.

Both sets of parents believe — they are obviously extremely bitter about what has happened — they believe that their sons were set up, the whole thing was a set up. This was their feeling and obviously we have no proof of that."

Weaver's case is significant in that his defence could hinge on how he could be expected to take reasonable steps to establish whether the feelings expressed by the parents of the victims were true or untrue.

In April last year Juliette Saunders, a reporter on the Eastern Province Herald was found guilty of contravening the act in a report giving eye witness accounts alleging members of the security forces had used sjamboks and fired teargas and rubber bullets at a funeral crowd.

She has lodged a notice of appeal against her conviction and sentence of R100 or 20 days' imprisonment. The Herald's editor, JC Viviers, was found not guilty.

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# The red flag rises in a courtroom

By MONO BADELA

THE hammer and sickle flag of the South African Communist Party has been hoisted in South Africa again — but this time in court.

The "hoisting" took place on videos shown in a magistrate's courtroom in Uitenhage, where nine men, including a youth, are on trial for furthering the aims of a banned organisation.

They are Temba Jimmy Basini, 24, Mpumelelo David Faxi, 21, a 16-year-old youth, Mtutuzeli Shepherd Ntombela, 29, Vulindlela Victor Puwani, 24, Thami Madolo, 40, Lwandile Nguru, 21, Johannes Maisher Bopape, 25, and Obed Kopeng Bapela, 28.

The nine are accused of helping to make two large red banners and displaying them at Kinglille Stadium near Cradock for the mass funeral of murdered community leaders Mathew Goniwe, Fort Calata, Sparrow Mkonto and Sicelo Mhlauuli on July 20, 1985. The banners allegedly represented the flags of the SA Communist Party and the Soviet Union.

The case has been postponed to June 8. If found guilty, the men face up to 10 years in prison.

The SACP flag became a common sight in the townships after it was first displayed at the Goniwe funeral.

Tom Lodge, a Witwatersrand University academic and an expert on the African National Congress, said in an interview that they had been increasingly conspicuous until last June, after the Cradock funeral, people expected the flags to be shown at major funerals. Even after those accused of hoisting the flags at Cradock were arrested in September 1985, the flags continued to appear at political funerals countrywide.

The red flag was there before countless thousands of mourners at unrest funerals in Port Elizabeth. It was there when 80 000 people buried 18 unrest victims in Duncan Village, near East London; it was there at Mlungisi township near Queenstown when 11 unrest victims were laid to rest before more than 20 000 mourners.

The red flag was also in Mamelodi when 60 000 mourners buried 13 marchers shot by the police on November 18, 1985 while protesting against the imposition of high rents in the township.

It was there when 60 000 mourners buried unrest victims after the six-day war in Alexandra township early last year. — TOPS



# Witness tells of Goniwe death

By MONO BADELA

A STATE witness in the Cradock "red flag" trial says he believes the police were responsible for the deaths of Cradock community leader Mathew Goniwe and his three colleagues.

Witness Bangilizwe Solo said in his evidence that one of those killed, Fort Calata, told him a month before his death that he had been threatened by the police.

Solo said in court: "I have a particular fear of the police since Fort died, and I have reason to believe they were responsible for the deaths."

The magistrate, A.W. Meiring, asked: "Why? You have placed that on record. I want to know why."

Solo replied that he had met Calata in Johannesburg during May 1985, and Calata told him he was worried about his safety. A Major Winter of the Cradock Security Police had said he would "end all Cradock's problems in one day — and that will be a big day."

Calata said he had been followed by police several times since the meeting with Winter.

Solo also pointed out to the court that no inquest had ever been held for Goniwe and the three Cradock community leaders killed with him, nor had there been any arrests.

The trial has been postponed until June 8. — TOPS

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killing one person and wounding four others.

Webster was allegedly wheeled out on a stretcher, loaded into a waiting car and driven to Durban where he was concealed by the pair. They later smuggled him into Botswana.

The trial continues today with the defence team's cross-examination of "Mr A".

## How fugitive was caught — and lost

By JOHN GULTIG, Maritzburg  
DRAMATIC details of the arrest — and escape — of alleged ANC member Gordon Webster were given to a Maritzburg inquest court this week.

One of the policemen involved in his capture, Sergeant M Nxumalo, gave the details during the inquest into the death of Webster's companion, Bheki Ngubane.

Webster was arrested at Sinathing outside Maritzburg on April 27 last year after police found a massive arms cache in the boot of his car.

"They had enough arms and ammunition in their boot to create havoc," said police explosives expert Warrant-Officer G Humphries.

Nxumalo said he and a constable Dorasamy had confronted the two men after stopping to examine their car.

The men were ordered to lie face down on the ground while Dorasamy radioed for help. According to Nxumalo, one of the suspects rolled towards him and tried to grab his legs while the other tried to attack Dorasamy.

"I jumped back, and as I did the suspects jumped up and ran off in different directions," said Nxumalo. They gave chase, and Ngubane was shot dead.

Webster was badly wounded and taken to hospital, but was freed soon afterwards in a daring raid on the hospital.

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# Weeping witness tells bomb case of 'just war'

THE trial of two young Durban residents facing a string of murder and terrorism charges had to be adjourned on Wednesday when a state witness broke down under cross-examination and wept.

He was giving evidence at the trial of 23-year-old teacher Robert McBride and his 30-year-old social worker girlfriend, Greia Apelgren.

The trial — one of three terrorism trials presently sitting in Maritzburg — opened at the city's new Supreme Court this week amid extremely tight security. People attending the trial were body searched, and the courtroom windows were papered over. Armed guards patrolled the building.

McBride and Apelgren have pleaded not guilty to four charges of murder, five of attempted murder, a string of terrorism charges, charges of furthering the aims of the ANC, and of concealing a guerrilla and helping him escape.

Three of the murder charges arise from the bombing of the Durban beachfront bar, Magoo's, on June 14,

last year.

The fourth murder charge stems from the alleged gunning down of a security guard at Edendale hospital during the rescue of an injured ANC combatant, Gordon Webster, last May.

This week a 20-year-old witness, who the press have been ordered to refer to as "Mr A", said that shortly before his arrest last year he had experienced great conflict over whether it was justified to use violence to overthrow "oppressive rulers".

"Mr A" belongs to a Muslim group he described as "extremist". Choked with emotion, he said: "According to my religion, I feel I have the right to take up arms and free myself from oppression."

A witness at the trial of a young couple accused of bombing a Durban beach bar explained his beliefs in terms of the Muslim concept of 'Jihad'. JOHN GULTIG reports

"But from within I could not bring myself to kill people."

"Mr A" is one of four witnesses the state intended to call in camera.

However, Justice Shearer turned down an application to this effect, saying it would not serve the intended purpose — as McBride and Apelgren knew their identities and had already had the opportunity to tell their families and friends.

He said the ANC would be aware of their identities, whether or not they

gave evidence behind closed doors. For this reason, he had decided to stick with the principle that justice should be seen to be done.

"Mr A" told the court he had received military training in South Africa from Gordon Webster, who was introduced to him by McBride. During 1986, he claimed, the three of them had tried to blow up the Mayville electric substation but had failed.

Later he was asked to bomb a Wentworth home, he claimed, and help rescue Webster, who had been captured by the police and was recovering from his wounds.

Although "Mr A" had agreed to both plans, he had done nothing because by this stage, he claimed, his

political beliefs had started to change. He told the court he initially believed political change could come about peacefully, but the government's intransigence and reports of the killing of Muslim children in Cape Town by police "hidden in boxes on a truck" had made him change his mind. He started thinking — largely due to the Islamic concept of Jihad — of taking up arms.

Considering the severity of the charges facing them, Apelgren and McBride looked composed in court and smiled as they greeted friends and relatives.

McBride is alleged to have mined a car and parked it outside the Parade Hotel, near Magoo's Bar. Apelgren had kept the space open by parking her own car there, the state says.

After activating the mines, McBride and an unnamed man walked from the car and met Apelgren, who drove away.

The mine subsequently went off, killing three people and wounding others.

It is also alleged that McBride, armed with an AK-47, and a Derrick McBride, carrying a Makarov pistol, broke into the ward in which Webster was being held at Edendale hospital, killing one person and wounding four others.

Webster was allegedly wheeled out on a stretcher, loaded into a waiting car and driven to Durban where he was concealed by the pair. They later smuggled him into Botswana.

The trial continues today with the defence team's cross-examination of "Mr A".

## How fugitive was caught — and lost

BY JOHN GULTIG, Maritzburg  
DRAMATIC details of the arrest —





## GRILLED FOR 12 DAYS

(331)  
Sutton 6/2/87

A WITNESS in the Delmas treason trial, Mr Herbert Vilakazi, yesterday denied a suggestion by the State that since 1983 the violence in the country has been initiated by the United Democratic Front and its affiliates.

Mr Vilakazi (31), in his 12th and last day in the witness box, also denied that the UDF was bent on making the country ungovernable by having the Black Local Authorities system destroyed.

He agreed that the objective of the UDF was to dismantle apartheid and replace it with a democratic system based on the Freedom Charter.

He also admitted that the masses are the makers of history and it is they who must participate in the struggle — without them there cannot be successful victory.

In reply to a question by counsel for the State, Mr P. B. J. Jacobs, that the UDF was against the South African Government because it was an apartheid government, Mr Vilakazi said the UDF was against apartheid and not the government.

The defence's second witness was Mr Naphthalie Nkopane (42), who was also a member of the Vaal Civic Association.

In his evidence in chief, Mr Nkopane said councillors were just rubber stamps. He said they did not consult with the community when increasing rent.

Each and every year they would say the rent hike is for the creation of facilities," he told the court.

# Treason trial told of tactics to win votes

DELMAS — The Delmas treason trial was told yesterday of town councillors who withheld blankets intended for distribution to pensioners during winter and then handed them out just before elections in summer.

The blankets were distributed by councillors eager to win support from voters, one of the 19 accused, Mr Bavumile Vilakazi, said.

Mr Vilakazi said a number of bottle stores in the Vaal complex area had been acquired by councillors and companies in which the councillors had shares.

The accused, all members of the UDF, face charges of attempting to overthrow the state, promoting the use of violence and of being party to the deaths of civic councillors in violence which broke out in the Vaal townships in 1984.

The Vaal Civic Association (VCA) had not

adopted the freedom charter up until the time of his arrest in 1984, Mr Vilakazi said.

During his evidence yesterday, Mr Vilakazi told the court apartheid divided people from one another and that apartheid was the enemy of everyone in South Africa.

"Revolution, when used in the context of the UDF, refers to total rapid change," Mr Vilakazi said, re-affirming his position that the UDF was opposed to the use of violent means to bring about political change.

The second defence witness, Mr Naphtali Nkopane, told the court yesterday about a Sebokeng meeting held in January, 1982, which was addressed by a councillor who carried a gun and became abusive when shouted down by the audience.

The trial continues today. — Sapa

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## Two acquitted of organizing court 'demo'

Court Reporter

A UNIVERSITY of the Western Cape lecturer and a Belhar teacher were yesterday acquitted of organizing a demonstration within 500 metres of Goodwood Magistrate's Court.

The magistrate, Mr M J van Graan, acquitted Dr Richard Stevens, 41, head of the department of biblical studies at UWC, and Mr Steve Louw, 28, a teacher at Belhar Senior Secondary School, on the grounds that the State had failed to prove that a demonstration had taken place outside the court.

The trial arose from an incident in May last year, when about 150 Belhar pupils went to the court for the appearance of a fellow pupil accused of arson. They were dispersed by police.

At a previous hearing, Dr Stevens said he had gone to court to pay bail for the pupil, whom he knew. His daughter, a Belhar pupil, was among other pupils from the school who were standing in "small, peaceful" groups outside the court.

Later "I saw my daughter inside and saw them hitting her and my words to the police were: 'I don't hit my daughter and neither will you'. I reacted as a father because I saw them beating up my child. The children were being beaten up unnecessarily.

"The pupils could not have provoked the police to such an extent that they needed a beating. That was not the way to disperse pupils," he said.

Mr Louw said he had accompanied the pupils to court as their supervisor and teacher and denied organizing a demonstration with Dr Stevens.

Ms C Steyn prosecuted. Mr Rose-Innes, instructed by E Moosa and Associates, appeared for the two men.



# Witness tells of request to help free Webster

Pietermaritzburg  
Bureau

A WITNESS at the murder and terrorism trial of Robert McBride, 23, and his girlfriend, Greta Apelgren, 30, was afraid to refuse when Mr McBride asked him to help spring alleged ANC terrorist Gordon Webster from Edendale Hospital last May, the Supreme Court here heard yesterday.

Mr A told Mr Justice Shearer and two assessors under cross-examination by defence counsel, Mr M T K Moerane, that he had agreed to go along with Mr McBride, but secretly he had no intention of doing so.

Mr McBride told him Mr Webster had been shot

and it might be their only chance to rescue him.

Mr A said he had deliberately avoided him that night.

A few days later he met Mr McBride, who said he had got Mr Webster out.

A Durban security guard, Mr Sipho Ngcobo, told the Court how he and a colleague had set a dog on two intruders at the Mayville electricity substation on January 6 last year while they radioed for help.

When the City Police arrived they found a hole in the fence.

Mr Ngcobo said in reply to questioning that he did not recognise Mr McBride.

It is alleged that Mr McBride and Mr Gordon Webster had gone to the Mayville electricity substation on January 6 last year armed with limpet mines.

Mr McBride and Miss Apelgren are also charged with having placed a car bomb outside the Parade Hotel on June 14.

The hearing continues.

# Witness feared blast accused court told

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PIETERMARITZBURG — A state witness pretended to "go along" with a number of terror plans because he was afraid of Magoo's blast accused, Mr Robert McBride, the Supreme Court in Pietermaritzburg heard yesterday.

This was said by witness A during cross-examination at the trial of Mr McBride, 23, and his girlfriend, Miss Greta Margaret Apelgren, 30, both of Austerville, Durban.

The couple face three counts of murder related to the bombing of the Magoo's bar and one count of murder related to the springing of the alleged terrorist, Mr Gordon Webster, from hospital.

They also face other

counts related to the springing, and a number of terrorism counts.

Witness A told the court that he was approached by Mr McBride last year, and agreed to bomb the home of a Labour Party member, a Mr Klein, because he had "a certain fear for the accused".

He had not carried out his promise, however, and had been accused by Mr McBride of "messing around".

According to the witness, Mr McBride said he had "given the command (to bomb the Klein's house) to someone else" who had carried it out "straight away".

Both Mr and Mrs Klein sustained serious injuries when a grenade detonated inside their bedroom on May 1 last

year.

The witness denied that he was trying to minimise his own role in events. He also denied that he had been hypocritical.

The court also heard evidence from a Durban security guard, Mr Siphon Ngcobo.

Mr Ngcobo was guarding the Mayville electricity substation when Mr McBride and Mr Gordon Webster allegedly tried to bomb it.

The hearing continues on Monday. — Sapa

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## State witnesses disappear

THE STATE has closed its case in the trial of Eastern Cape UDF president Edgar Ngoyi, his wife, Eunice, and seven others — because all the State witnesses have disappeared.

The witnesses failed to turn up in court this week and it is believed they decided not to give evidence against Ngoyi and had, therefore, gone underground. The case was postponed until later this month.

Numerous attempts to trace the witnesses had been futile, investigating officer Captain WS Dennis told the Port Elizabeth Supreme Court.

The nine accused are charged with the murder of alleged Azapo member Phaka-

misa Nogwaza on June 8, 1985.

Earlier, Judge Solomon granted a State application for a 24-hour postponement "with reluctance" after hearing that several State witnesses and a 17-year-old accused were missing.

Ngoyi was first arrested on June 10, 1985 and the trial started on September 16, 1986. Although released on bail of R500, Ngoyi was detained on June 18, 1986 under emergency regulations.

Appearing in court with Ngoyi and his wife were Steven Dzedze, Lulamile Mkalipi, Fumanekile Siyoni, Xolile Pete, a youth aged 17, and another aged 15. — East Cape News Agency.

337 C/Pres 8/2/87



## ANC 'informers'

THE ANC viewed witnesses for the State in terror trials as informers who should be destroyed, the trial of a young Durban couple, charged with terrorism and murder, heard this week.

8/2/8 (33) *Ches*  
This was evidence by Brigadier HD Stadler of SAP security headquarters in Pretoria who was testifying at an application before Justice DLL Shearer and two assessors to have the evidence of four State witnesses heard in camera. The application is being contested by the defence who argue that the public should be admitted as "justice should be seen to be done".

On trial are Robert McBride and Greta Apelgren, who face four counts of murder, three of them in connection with the bomb blast at Magoos Bar in Durban last year.

The fourth count is for the murder of Edendale Hospital guard Mlungisi Buthelezi while they were allegedly springing suspected terrorist Gordon Webster from hospital where he was recovering from police gunshot wounds.



ONE OF the accused, Mr Serame Jacob Hlanyane enjoying lunch with his wife, Erica (left) and Mrs Angela Vilakazi, wife of Mr Herbert Vilakazi, also an accused in the Delmas treason trial.

Pic: JOE MOLEFE

## TRIAL IN 14th DAY

THE Delmas treason trial enters its 14th day today since it resumed this year.

In the witness box is Mr Naphtali Nkopane (42), the second accused to take the stand.

The 19 men on trial have all pleaded not guilty to charges of treason and several alternatives.

In his evidence in chief, Mr Nkopane told the court that he was chairman of a rent meeting held on August 26, 1984, where a decision for a stay-away scheduled for September 3, 1984, was taken.

Mr Nkopane said among the speakers at the meeting were three of the accused, Mr Herbert Vilakazi, Mr Gcinumuzi Malindi and Mr Sam Matlole.

He denied an allegation that Mr Vilakazi incited the masses in his speech to do unlawful things.

### Elections

Mr Nkopane said Mr Vilakazi told the audience of more than 800 people, that the R5,90 rent increase was contrary to what was said by the councillors at the time they were campaigning for the elections.

The court heard that Mr Vilakazi also made a call for the councillors to resign.

Mr Nkopane also denied a suggestion that councillors were to be killed if they did not resign.

Mr Nkopane continues with his evidence in chief today.

Not Regis

Head Off

Founded:

331 Sametun 9/2/87



331 *Sanctum*  
9/2/87

## Mum 'afraid' to tell about son's death

A MOTHER whose son was brutally murdered, was afraid to report his death to the police in Duduza, Nigel even after she was told who the alleged killer was.

Mrs Fundile Pailane, whose son Alexander, a political activist, died on June 16, 1985 after allegedly being tortured, told the Pretoria Supreme Court on Friday that her brother had told her Billy Dlamini was accused of having killed her son.

Asked by defence counsel Mr Nick de Vos why she did not report this to the police, Mrs Pailane replied: "I was still grieving and I was confused. It was during that time and I was afraid to report this matter to the police because I did not know what to tell them."

### Wept.

Mrs Pailane, who broke down and wept in the witness stand as she related events that led to her son's death, was testifying in the trial of seven alleged members of the banned Congress of South African Students who are charged with terrorism, attempted murder and possession of handgrenades and a bomb.

They have pleaded not guilty before Mr Justice Stafford, sitting with an assessor.

Mrs Pailane said she last saw her son when he left home at about 8pm on June 7, 1985. She was awakened at about 6am the next day by Lucky Nhlapo who told her Alexander had been injured. She rushed to Ndaba Street where she found him lying unconscious. He was rushed to the Nigel Hospital.

"He was badly assaulted. He had a deep gash on the head as well as a cut on his left eye," said Mrs Pailane. Her son died on June 16.

She said the police fetched her from home to make a statement on August 7, 1985 after her former husband had reported the matter to the police.

Mrs Pailane said she had not made any other statement to the police since that day. Mrs Pailane said she has never been told by the police of any suspect who had been arrested in connection with her son's murder.



331 9/2/87

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# Journalist's death 'blow' to trialists

MORE than 500 mourners were told that the death of veteran journalist, Mr Ernest Nkabinde, had deprived the 19 Delmas treason trialists of an important witness the defence intended to call in the marathon court case.

Mr Nkabinde (54) and his brother, Mr Samuel Nkabinde (58), who both died last week, were buried together at the Sharpeville cemetery at the weekend.

At the funeral service held at the Nkabinde home a message from the trialists to Ernest's widow said: "We read in the newspapers about the death of your husband, Ernest and his brother. The death of Ernest, in particular, robbed us of a dear brother and an important witness in our trial. We had hoped to call him as a witness.

"But he was snatched away from us while we entertained good dreams. Indeed, death is like a thief. It comes when we least expected it. Ernest was one of the prolific and dedicated writers that Africa has produced," the message read.

It also said Ernest was among the best journalists in the world and his death was a loss to many newspaper readers. Although he was dead his spirit would continue to live among many blacks.

A journalist, Joshua Raboroko, said Ernest's death came at a time when the Press in South Africa was virtually under siege because of the gags which have been imposed on journalists in terms of the state of emergency.

Mr Ernest Nkabinde is survived by his wife Mildred and four children. He worked for several newspapers.

This man knows the advance a planned child enjoys.





# ENTS 'TOLD TO EXPEL POLICE'



...d a body to go with it — is Mphumi  
...e did not want to reveal more about  
...er name.

RESIDENTS in Duduza, Nigel, were urged to expel all members of the police force from the township because they were part and parcel of the system, a State witness told a Pretoria Supreme Court yesterday.

Mr X, who may not be identified following a ruling by the court, was testifying against seven alleged members of the banned Congress of South African Students who have pleaded not guilty before Mr Justice Stafford and an assessor to charges of terrorism, attempted murder and possession of hand-grenades and a bomb.

Mr X said he attended a meeting to launch the Duduza Civic Association on October 17, 1982. One of the speakers and a former chairman of the Association, Mr Alexandra Montoedi, the court heard, proposed that residents must fight and that students should boycott classes.

He also suggested that members of the police be expelled from the township because they were "part and parcel of the system". Mr Montoedi also suggested that a "people's court" be formed in the township.

## ces Doris Thinane

January 13 on a charge of  
eft.

The council has appointed Mr  
A Combrink as the acting  
wn clerk until Mrs Thinane's  
se is over. Mr Combrink, who  
as employed by the East Rand  
velopment Area, formerly  
e East Rand Development

Board, assumed his duties last  
week.

Mr Jacob Sekete, the acting  
mayor of Thokoza, yesterday  
also announced that the council  
appointed Mr J B Oostenbrink  
as acting treasurer following the  
resignation of Mr Willem Han-  
nekom.

Amongst those who  
attended the large meet-  
ing were some of the ac-  
cused — Mr John  
Mlangeni, Mr Samuel  
Lekatsa, Mr Humphrey  
Tshabalala and Mr Veli  
Mazibuko, Mr X said.

Other speakers pro-  
posed councillors resign.  
Mr X said.

(Proceeding)

# Cape Times 10/2/87 reporter in court

Staff Reporter 331

A CAPE TIMES reporter, Mr Tony Weaver, appeared briefly in Cape Town Magistrate's Court yesterday in connection with four charges under Section 27 (b) of the Police Act.

He was not asked to plead and no evidence was led. The hearing was postponed until April 21 when Mr Weaver, 30, will appear in the Regional Court.

Three of the charges arise from a report in the Cape Times on March 12 last year following the killing of seven alleged African National Congress guerillas by members of the SA Police in Guguletu.

The fourth charge arises from an interview Mr Weaver granted to the BBC's World Service on March 4 last year concerning the shootout.

According to the charge sheet, it is alleged that in the Cape Times article and the BBC interview Mr Weaver "unlawfully published . . . untrue matter" concerning the police.

Mr Gordon Rushton of Findlay and Tait Incorporated appeared for Mr Weaver. Mr MJ Langenhoven was the magistrate.



# Treason trial told of police opening fire on protest marchers

By Adele Baleta

DELMAS — Several people were wounded as police opened fire without warning on participants in the September 3 1984 march to Houtkop in Sebokeng, a Delmas treason trial judge heard yesterday.

Mr Naphtali Nkopane (42), one of the 19 accused, was giving evidence for the defence for the third day.

The 19 men have been charged with high treason and several alternative charges including terrorism, subversion and murder arising from unrest in the Vaal Triangle in September 1984.

## INCITING RESIDENTS

The State alleges the accused are responsible for inciting residents to attack and kill members of the town councils in the Vaal. It is also alleged the United Democratic Front allied itself with the banned African National Congress and the SA Communist Party to overthrow the Government.

Mr Nkopane, who was a march marshall on September 3, said police had formed a barricade across the road leading to the Development Board offices in Houtkop.

They fired rubber bullets and teargas before giving an order for the people to disperse. "The column of marchers was well behaved and I did

not see anyone lifting or throwing stones," he said.

"Several people were choking from the teargas and some people were wounded after being hit by rubber bullets."

Mr Nkopane said the people reacted angrily and several asked: "Why are these people being shot? They have done nothing wrong."

He said the march, organised by the Vaal community to protest against rent increases, was led by members of the Vaal Civic Association (VCA).

The purpose of the march was to deliver a memorandum to the Development Board at Houtkop informing it of the residents' grievances.

The memorandum said:

- The residents would not pay the increased rent as most people were either unemployed or retrenched.
- Residents of the Vaal had lost confidence in the councillors.
- Residents were dissatisfied about bribes they had to give to members of the Lekoa Town Council to obtain houses or business sites.
- Other demands mentioned in the memo were:
  - Pensioners should be exempted from paying rent, or alternatively they should pay a lower rent because of their meagre monthly pension.
  - Residents should not have to pay electrical switch-on fees.
  - The community organisations in the area should be allowed to obtain venues for meetings.

The memorandum was never delivered and was allegedly destroyed when the house of the VCA's vice-chairman, Mr Esau Raditsela, was set alight on September 4.

Mr Nkopane said that on September 3 he and fellow accused Mr Jacob Hlanyane made placards with slogans "Asinamali" (We have no money), "Away with rent hikes" and "Councillors must resign".

He denied a suggestion that one of the slogans on the cardboard placards read "Kill Mahlatsi and his brothers — away with councillors".

He also denied there was a call before the march on September 3 to kill councillors and destroy their property.

Mr Nkopane denied a "mob" including himself had broken away from the main stream of marchers and went along a lane leading to councillor Mr Caesar Motjeane's house.

Mr Motjeane was killed and his house was burnt down on the day of the march.

The hearing continues.



## Dead baby — parents in court

A Newlands couple who allegedly beat to death their 18-month-old son Friday, appeared briefly in Johannesburg Magistrate's Court yesterday. Mr Petrus Botha (25) and Mrs Anna van der Vyfer (25) of Italian Road, Newlands, were not asked to plead. The toddler, who had multiple head injuries and teeth missing, was dead for more than an hour before being admitted to hospital.

The hearing has been postponed to March 4. The couple were released on R800 bail each.

## Murder verdict today

Judgment is expected today in the Rand Supreme Court trial of a Hell's Angels member accused of murder.

Mr Lucas Olivier (27) of Booyens allegedly shot dead Miss Anna-Maria Marx (19) in the women's toilet at Club Cincinnati last year.

## New challenge to validity of Press curbs

MARITZBURG — The censorship of Press reporting on security force action was based on

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# Policeman hid as man freed from hospital 331

MARITZBURG — A policeman was shot in an arm and hid in a storeroom while alleged terrorist Mr Gordon Webster was sprung from Edendale Hospital, near Maritzburg, last year, the Supreme Court heard here yesterday.

Constable J H Visagie said he saw his attacker clearly as he burst into the intensive care ward where he was guarding Mr Webster. He later identified him as the man who allegedly bombed Magoo's bar near Durban's beachfront, Mr Robert McBride.

Constable Visagie was giving evidence against Mr McBride (23) and his girlfriend Miss Greta Margaret Apelgren (30), both of Austerville, Durban, who are facing four counts of murder, three of them related to the bombing of Magoo's and one to the springing of Mr Webster from hospital.

## HIT IN AN ARM Star 10/2/87

Constable Visagie had been on duty for only a few minutes when he heard shooting outside the ward and a coloured man burst into the room carrying what looked like an AK-47 rifle and shouting: "Keep quiet, keep quiet."

"The man then fired in my direction and hit me in an arm," said Constable Visagie, who then hid in a storeroom. When he came out Mr Webster had gone.

Captain S J Weyers of the SAP, Durban, earlier told the court a hand-grenade thrown into the Wentworth home of Mr Yuill Klein, headmaster of the Wentworth Primary School and a non-active member of the Labour Party, in May last year was of Soviet origin and could kill at up to 200 m.

He also described the finding of two arms caches on July 18 last year: the first in the ceiling of an address in Wentworth contained AK-47 rifles and ammunition, limpet mines, hand-grenades, a landmine and detonators, the second in Shongweni held an RPG-7 rocket launcher, six PG-7 boosters and rockets, AK-47 rifles, hand-grenades, a landmine, limpet mines, detonators and ammunition.

## Inquest told of family shooting

No one was to blame for the death of a man who shot himself after wounding his daughter, a Johannesburg inquest magistrate found yesterday.

Mrs Tersia Volschenk (27) of Greymont stated that her husband Pieter (30) came home late on November 20 and went to their bedroom, where their daughter Rozanne was sleeping.

He carried the little girl into her own room and shut the door. She said she heard shots and rushed in to find her husband.

Mr Klein said he was woken on the night of May 1 by glass breaking. Seconds later there was a deafening explosion. He was hit on the forehead by something and thrown from bed.

His wife was shouting: "They are attacking us." He said his skull was fractured by shrapnel and he was still paying for more than R5 000 damage to his house.

His wife Brenda said both her legs were severely injured and she would "never walk the same again" — Sana.

# ANC-tattooed man in court

Staff Reporter

*CANC Times 10/2/87 331*  
A FARMWORKER who was allegedly tattooed with ANC-related slogans while in prison, appeared in Stellenbosch Magistrate's Court yesterday charged with being a member of the ANC or furthering its aims.

Mr Benjamin de Bruin, 31, of Lingwenda farm, Stellenbosch, had pleaded guilty when he appeared previously on January 12, but a plea of not guilty was entered for him after questioning.

According to papers before the court, Mr De Bruin admitted having three tattoos on his head and chest. One was an obscenity relating to the

family of the State President, Mr P W Botha.

Another said "ANC" and the third slogan said: "God gave me freedom, the white man took it away, that is why I am ANC".

Asked where he had heard of the ANC, Mr De Bruin replied that he had read newspapers and watched television. He knew that Mr P W Botha was the State President, and said he "did not like him".

The matter was postponed to February 27, when a trial date for a Regional Court hearing will be set.

Mr G H C Booysen was the magistrate. Mr F Els prosecuted. Mr De Bruin was not represented.



# Policeman tells Court of hospital shooting

## Pietermaritzburg Bureau

A POLICEMAN who was wounded in the rescue last year of suspected ANC terrorist Gordon Webster from Edendale Hospital near Pietermaritzburg, yesterday identified Robert John McBride — one of two accused appearing in the Supreme Court in Pietermaritzburg on charges including terrorism and murder — as the man who shot him during the breakout.

Testifying at the trial of Greta Margaret Apelgren, 30 and Mr McBride, 23, Const Johannes Hendrik Visagie testified that he had been guarding Mr Webster in the hospital's intensive care unit along with Const E Ngcobo on Sunday May 4 when he had heard shooting from the passage outside.

Const Visagie told the Court that a 'coloured man', who he later identified as Mr McBride, armed with an AK-47 rifle had run into the ward and shouted 'keep

quiet' before shooting him in the right forearm.

He (Const Visagie) had run into a storeroom and fired once at his attacker, who returned the fire while retreating, firing at him twice through the closed door.

Const Visagie remained in the storeroom for a short while and when he returned to the ward discovered that Mr Webster had disappeared.

## Cache

Capt S J Weyers, an S A P explosives expert from Durban, told the Court that a major arms cache — which included four 7,62 mm calibre AKM assault rifles; SPM and 158 limpet mines; F1 grenades; a number of MUV timing mechanisms and an assortment of electrical and mechanical detonators — had been discovered by police in the ceiling of a rented workshop at 2 Factorama in Jacobs on July 18.

Later the same day he and other policemen had

gone to the Shongweni area in the company of Mr McBride and discovered another cache containing, among other weapons, one RPG 7 rocket launcher with six PG 7 rockets and PG 7 boosters; three 7,62mm calibre AKM assault rifles and ammunition; four F1 grenades and six RGD 5 grenades and 10 grenade detonators which were wrapped in a copy of the Swaziland Observer.

Mr Yuill Peter Klein, 49, a former police reservist and the headmaster of the Wentworth Primary School as well as a member of the Labour Party, described a grenade attack on his home in Ogle Road, Wentworth, on May 1 in which he and his wife Brenda were injured.

He said they were woken by the sound of their bedroom window being shattered and a loud explosion.

He and his wife were admitted to the intensive care unit at Addington Hospital.

The hearing continues today.

For single people above 65 but below 69, the threshold demands are: — (Sapa-Reuter) Stuart Campbell.

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Wednesday February 11 1987

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NATIONAL/INTERNATIO

# Man shot 5 times in hospital escape

## The Argus Correspondent

DURBAN.— A visitor was shot at least five times when gunmen sprung an alleged African National Congress commander, Mr Gordon Webster, from hospital, the Supreme Court heard today.

Mr Mlungisa Buthelezi, died of wounds to the brain and the lung, the district surgeon, Dr D Maney, told Mr Justice Shearer in the hearing of Mr Robert McBride, 23, and Miss Gretha Apelgren, 30, the alleged Mago's Bar bombers, who are facing charges which include four of

murder, five of attempted murder and terrorism.

The State alleges that Mr McBride, armed with an AK-47 rifle, and Mr Derrick McBride, armed with a Makarov pistol, entered the Edendale Hospital in Maritzburg about 8pm on May 4.

Outside the intensive care unit, where Mr Webster was being cared for under police guard, the McBrides fired at random, killing Mr Buthelezi and injuring four people.

Mr Webster was put on a hospital trolley and wheeled out to a vehicle. He is believed to be in Botswana.

Constable Edward Ngcobo, who had been guarding Mr Webster, said Mr Buthelezi had been waiting for him to go off duty.

The court was told yesterday how Mr McBride had twice fired through the door of a sluice room where two nurses and an injured policeman were taking refuge.

Constable J H Visagie said that he heard a burst of automatic fire and then Mr Robert McBride, wearing a doctor's coat, burst through the swing doors and shot him in the arm before he could draw his pistol.

(Proceeding)

## UDF leader denies control of 'Comrades'

PORT ELIZABETH — The regional president of the United Democratic Front for the Eastern Cape, Mr. Edgar Dumile Ngoyi (62), denied in the Port Elizabeth Supreme Court yesterday he had any control over the "Comrades" and that they were affiliated to the UDF.

He was testifying at the trial in which he, Mr Lulumile Mkalipi (22), Mr Fumanekile Siyoni (21), Mr Xolile Pete (20) and a 17-year-old youth are charged with the "necklace" murder of Mr Pakamisa Nogwaza (24), an alleged member of the Azanian Peoples Organisation (Azapo), in kwaZakhele, in June 1985.

All pleaded not guilty.

Mr Ngoyi recalled a bloody feud between the UDF and Azapo during which people were killed and homes, including his own, were petrol-bombed.

He said a group of youths who called themselves the "Comrades," asked him to allow them to guard his home.

He denied he had any control over them or that they were affiliated to the UDF.

Mr Ngoyi said on June 8 1985 Mr Nogwaza who was alleged to be a "spy" for Azapo, arrived at his home.

He left Mr Nogwaza in the house to answer a telephone call at a neighbour's house.

Later he and Mr Henry Fazzie drove to the UDF offices in town. On their way they had heard about a big fire with people around it.

When he returned home later that day, he was informed that Mr Nogwaza had been killed. — Sapa.



# Duduza terror trial defence asks for details of conspiracy charge

The defence team in the case of 12 Duduza residents facing charges of terrorism in the Heidelberg Circuit Court, yesterday made an application to be furnished with "better particulars".

Most of yesterday was spent with both the defence and the State arguing their cases.

After listening to their arguments, Mr Justice H Daniels, presiding, said he would give judgment on Thursday.

Mr R Selvan SC, for the defence, said that, to prepare their case, the accused had requested to be furnished with the particulars they had asked for.

They needed to know why they were alleged to be part of a conspiracy? What part they were alleged to have played in

the conspiracy? Where and on what dates the conspiracy is alleged to have taken place?

The accused face a charge of terrorism, alternatively subversion and public violence.

Advocate L van der Walt, for the State, said because there was a conspiracy, each accused was responsible for what the other did. The State was not obliged to say specifically what each of the accused did.

## THE ACCUSED

The accused are Mr Alexander Lebogene (36), Mr Joseph Thobela (54), Mr John Nhlanhla Buthelezi (23), Mr Simon Ngwenya (25), Mr Elias Sikhosana (20), Mr Victor Sibiya (22), Mr Richard Sibiya (21), Mr Me-

shack Mashinini (20), Mr Bona-kele Thuthu (26), Mr Vusimusi Jeremiah Mjali (22), Mr Mfanyana Robert Hlatshwayo (23) and Mr Archie Mbatha (22).

They face 36 charges, including charges of murder, attempted murder, arson and malicious damage to property.

Their appearance is a sequel to unrest in the Nigel township during April 1985. In one incident, Mrs Gertina Aletta de Lange died when her car was stoned and set alight.

In other incidents, homes of a policeman, councillors and businessmen were set alight.

The State is to call 76 witnesses, among them policemen.

Some are alleged members of either the Duduza Civic Association (DCA), the Duduza Parents Crisis Committee (DPCC) or the banned Congress of South African Students (Cosas).

The accused, held in custody since last year, were refused bail after the Attorney General had issued Section 30 certificates in terms of the Internal Security Act.

It was their third appearance. They were not asked to plead.

Most appeared cheerful, exchanging smiles with friends and relatives.

Strict security was maintained throughout the day. Men and women — including a Star reporter — were searched at the entrance to the court building and at the courtroom door. Bags and handbags were also searched.

● Advocates van der Walt and H J Prinsloo appeared for the State; Advocates R Selvan SC and L Lapidus, instructed by Krish Naidoo and Priscilla Jana and Associates, G D van Tonder, instructed by Bham, Reid and Hutton and N Liebowitz, instructed by A O Tayob, for the defence.

## Stole purse w

An unemployed Soweto man, who ing R50 while on parole from pri nesburg magistrate yesterday to 1

Philip Makhubela (31), of Zone stealing the purse from Mrs Jutta cember 20.

He had been unemployed since February after serving part of a fi



# The lion is dead

THE African National Congress has paid tribute to former Transvaal president and member of the national executive committee, Mr Gert Sibande, who died in Swaziland. He was 85.

Mr Sibande, one of the stalwarts of the organisation, was born in Ermelo where the conditions of near-slavery for farm workers forced him to join the liberation struggle.

During the 1930s he helped organise the farmworkers and tenant farmers in the Bethal district into an agricultural workers union.

From that time he was active in bringing the message of freedom to the hard-pressed rural communities of the eastern Transvaal where he earned himself the nickname of "The Lion of the East".

He was charged with treason together with 157 other people in 1956. In 1959 he was banished to the Komati-poort district in terms of the then Native Administration Act of 1927.

He later sought refuge in Swaziland where he lived until his death on January 30 this year.

## 'Aim was to burn houses of cops, councillors and informers'

# COURT HIT SQUAD



Service with a smile

GIRL with that warm smile is Miss Audrey Mosehla of Senaane in Soweto, who is a bank teller.

FOUR of the accused in the Duda terror trial were members of a hit squad whose aim was to burn houses that belonged to the police, councillors and informers, the Pretoria Supreme Court heard yesterday.

A State witness, who gave his evidence in camera and may not be identified, said one of the accused, Mr John Mlangeni, recruited him to join this hit squad "to maintain law and order" in Duda.

He was giving evidence at the trial of

BY MONK NKOMO

seven alleged members of the banned Congress of South African Students who have pleaded not guilty to charges of terrorism, attempted murder and possession of hand grenades and a bomb.

Mr X said the hit squad which consisted of about 10 people attacked and burned the house of Mr Vincent Makoloba a few days after the house of Mr Joseph Thobela was petrol-bombed.

The witness said members of the hit squad included the ac-

cused — Mr Mlangeni, Mr Veli Mazibuko, Mr Samuel Lekata and Mr Humphrey Tshabalala.

He told the court that he attended a night vigil in Duda on May 17, 1985 where Mr Thobela urged residents in Duda to boycott buses because of increased fares.

He also threatened to "necklace" those who did not heed the call.

Another speaker Mr Archie Mbatha, told the audience to attack school buses that transported white children, said Mr X.

Mr Mbatha also told them to fight Bantu

## A housing surplus

SURPLUS housing in white suburbs was sufficient to accommodate 300 000 blacks in "unaccustomed comfort" but this was not likely to solve the housing crisis facing the urban poor unless the Group Areas Act was scrapped soon.

This was said in a speech by Allied Building Society's managing director, Mr David Waugh, published in the lat-

est edition of Allied's publication *Housing*.

The report quoted Mr Waugh as saying the black housing shortage now stood at half a million units while an oversupply of between 25 000 to 30 000 housing units in white areas was being increased by poor economic conditions.

Education, the court heard.

The State witness said two men, who identified themselves as members of the ANC's military wing, Umkhonto we Sizwe, trained their hit squad in the usage of hand grenades at a mine dump near Tsakane on June 24, 1985 — a day before a number of targets were attacked in Duda and Springs.

The hit squad, which comprised three groups from Tsakane, Kwa-Thema and Duda, were each promised R10 000 if the attacks on power stations, councillors and policemen were successfully carried out, Mr X said.

Asked by the State advocate, Mr John Oberholzer why these targets were chosen, Mr X replied that it was because councillors and policemen were seen as supporters of "the oppressive system". (Proceeding)



REF: SOWETAN, Wednesday, February 11, 1987

331 Secret

# Trial told of VCA's launch

**A S P E C H b y D r Nthato Moutlana, president of the Soweto Civic Association, at the launch of the Vaal Civic Association, was recalled by a witness in the Delmas treason trial yesterday.**

Mr Naphthalie Nkopenane (42), under cross-examination, said Dr Moutlana had called for the boycott of the Black Local Authorities and urged people not to vote for the councillors. This was on October

9, 1984 — at the launch of the VCA.

The other speaker at that meeting was Mr Curtis Nkondo, who also called for people to boycott the local authority elections.

Earlier, the court was told that Mr Nkopenane never had contact with any UDF official nor had he obtained any UDF publications to

read before September 3, 1984.

The first UDF person Mr Nkopenane came across was the Rev Frank Chikane after September 3.

Mr Nkopenane also told the court that Vaal residents were satisfied with the Vaal Administration Board because rent was reasonable and was not increased too often.

He said when community councillors took over the running of the township in 1982 he realised that rent was being increased time and again and some of the things which had been repaired by the administration board free of charge were now being paid for under the councillors.

He said at first he had thought councillors were

doing a good job but as time went by he realised that they were doing nothing. He said councillors were elected by the community to serve it but they did everything without consulting the people.

He said councillors had increased rent without the people's consultation and "they did not even ask whether or not

we would be able to pay the increased rent."

He told the court that at the meeting called by councillors in 1979/ he had demanded that:

- Roads should be tarred;
  - Houses be electrified;
  - Lights be installed in the streets;
  - Recreation facilities should be built and creches should be available; and
  - Swimming pools be built.
- (Proceeding)



# Residents must be consulted — Delmas trialist

Star By Adele Baleta

11/2/87

(331)

DELMAS — Whites run the Orange Vaal Administration Board and do things without consulting township residents, a treason trialist testified in a Delmas court yesterday.

Mr Napthali Nkopane (42) is one of the 19 accused facing charges of high treason and alternative charges of murder, terrorism and subversion.

He said community councillors were supposedly elected in 1977 to serve the people of the Vaal community but, like the whites, they carried out resolutions without consulting residents. They were regarded as "rubber stamps" by the people as they raised rents without finding out if residents could afford them.

## CROSS-EXAMINATION

Under cross-examination by counsel for the State, Mr W Hane-kom, he said he was prepared to pay for the installation of electricity in the houses and streets of Sebokeng and the building of creches, recreation and sports facilities. But he added that the upgrading of the township had to be discussed with residents first in terms of the costs involved and the time it would take.

He said residents attending a meeting called by councillor Edwin Mofokeng in 1982 were well-behaved.

The councillor assured the people that improvements in township facilities would accompany rent increases but Mr Nkopane said no visible changes in the township had been made in two years.

Under cross-examination he said the people began shouting at the meeting because they were dissatisfied about the rent hikes and because no explanation for the increases were given.

He said the Vaal Civic Association (VCA) was launched on October 9 1983, because the people were dissatisfied with the community councillors who they said could not solve their grievances.

He told the court that he did not take part in the elections of the Lekoa Town Council which was to replace the community council system as he had lost confidence in the community councillors.

Mr Nkopane attended the VCA launch at a Catholic church in Zone 12, Sebokeng. Those who addressed the meeting included the vice-chairman, Mr Esau Raditsela, an executive member of the United Democratic Front, Mr Curtis Nkondo, and Soweto community leader, Dr Nthatho Motlana.

Mr Nkopane said Dr Motlana and Mr Nkondo told the gathering not to support the town council elections. He said that both men felt the black local authorities would not have power to change things as they would always need the permission of a Minister.

The case continues today.

# LAWYER FOR STATE TAKES ILL

A PROSECUTOR in the Delmas treason trial was yesterday rushed to a doctor after complaining that he was not feeling well.

Mr W Hanekom could not continue with his cross examination of defence witness Mr Naphtali Nkopane (42) after the morning tea break. Mr Justice van Dijkhorst, sitting with two assessors adjourned the trial for today.

Before the adjournment, cross examination was based on the launch of the Vaal Civic Association (VCA) on October 9, 1983.

Mr Nkopane told the court that one of the proposals at the launch was that the VCA affiliate to the United Democratic Front (UDF), but could not remember who made the proposal.

He denied a suggestion by Mr Hanekom that it was Dr Nthato Motlana, president of the Soweto Civic Association, who made the proposal.

## Feelings

Asked what were his personal feelings about affiliating to the UDF, Mr Nkopane said that through his reading about the UDF in newspapers, he realised that the UDF was an umbrella body where various organisations from different areas would come together and speak with one voice.

Mr Nkopane is one of the 19 men who are facing charges of treason, alternatively terrorism, subversion and murder. They have all pleaded not guilty.

(Proceeding)

(531)  
K/2/87 Sowetan



# IT TOLD LIES

## Mr X

A STATE witness in the Duduza terrorism trial yesterday admitted he was "a self-confessed perjurer" who had obtained a Supreme Court interdict against the police under false pretences.

Mr X, who may not be identified following a court ruling, also told the court under cross examination by defence counsel Mr Nick de Vos that he was prepared to tell lies "to save my skin".

He was giving evidence in the trial of seven alleged members of the banned Congress of South African Students who have pleaded not guilty before Mr Justice Stafford, sitting with an assessor to charges of terrorism, attempted murder and possession of handgrenades and a bomb.

### Interdict

The accused are: Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Duduza, Nigel, and Mr Hosea Lengosane (20) and Mr Cedric Dladla (19), both of Tsakane, Brakpan.

By MONK NKOMO

Mr X, who once obtained an interdict against the police stopping them from harassing him, said he gave an untruthful statement to his lawyer claiming among other things that he was a member of Cosas.

Asked by Mr Justice Stafford if that interdict was granted in a Supreme Court by the judge on the strength of his lies, Mr X replied, "yes".

Under cross examination he alleged that three lawyers had changed the "true" version of his statement to that which succeeded in the interdict being granted.

Mr X said he signed the affidavit knowing it contained untruths.

"I told untruths because I wanted to be protected and to get an interdict," said Mr X.

Earlier he told the court that he, together

Page 3

### 'I LIED'

From Page 1

with five of the accused were members of the "hit squad" who were trained by two ANC men in the usage of handgrenades.

Mr X told the court that he lied when he told his lawyers that he was a member of Cosas. Asked by Mr de Vos why he did not tell his lawyers that he was a member of the hit squad, the witness said it was well known in the township that Cosas members belonged to the hit squad.

Asked by Mr de Vos if he was a self-confessed perjurer who was prepared to tell lies to save his own skin, Mr X replied: "Yes — I told untruths to save my own skin".

(Proceeding)



SEVEN-year-old Gugu Siwela . . . cuts on the elbows and knees.

To Page 3



# Hand grenades statement retracted

Star

12/2/87  
Pretoria Correspondent

331

A State witness admitted in the Pretoria Supreme Court yesterday that he believed that "ANC" men who trained activists in the use of hand grenades were in fact policemen, or had been procured by policemen.

For this reason, he said, he believed that all the activists trained by the alleged members of the ANC were later killed, except for seven men who were maimed and are now facing terrorism charges.

Shortly after agreeing that he had believed the police were involved in training activists how to use hand grenades, the witness — who may not be identified — retracted his statement. He said the allegations, contained in an affidavit, were false and had been made up by an attorney.

The witness was giving evidence before Mr Justice Stafford in the trial of Mr Joseph Titus Mazibuko (18),

Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Duduza, Nigel; and Mr Hosea Lengosane (20) and Mr Cedric Dladla (19), of Brakpan.

The men allegedly attacked the houses of various township merchants or policemen on the night of June 25 1985 and were injured when the grenades they were using exploded before or shortly after they were thrown.

On Tuesday the witness said he had made an affidavit in 1985, but some of the facts in the statement had been changed to falsehoods by an attorney to ensure the witness succeeded in a case he intended launching. Although he knew the affidavit was untruthful, he signed it.

In answer to a question by Mr N de Vos, counsel for the defence, the witness agreed that he was "prepared to tell lies under oath" to save his skin.

The trial continues today.

bringing. — Sapa.

half of their daughters. — Sapa.

## Lawyer's headache halts Delmas hearing

By Adele Baleta

DELMAS — The Delmas treason trial, which started 18 months ago, was adjourned early yesterday because counsel for the State, Mr W Hane-kom was suffering from migraine.

The 19 accused — prominent members of the United Democratic Front (UDF), members of the Vaal Civic Association (VCA), various youth organisations and church leaders — are on trial for treason, murder, subversion and terrorism. They will appear again in court today.

Shortly before the adjournment Mr Naphtali Nkopane (42), one of accused, told the court that Vaal residents accepted two proposals put forward at the launch of the VCA in Zone 12 Sebokeng 1983.

One was that the VCA be formed to deal with township grievances and the other, which came from the a member of the audience, was that the organisation be affiliated to the UDF.

Mr Nkopane said he supported both proposals and felt that by being under the umbrella of the UDF the VCA would be able to discuss community problems with organisations countrywide.

### 'HANDLE GRIEVANCES'

"The UDF would, through its affiliates, handle the grievances of people in all areas," he said.

The Vaal Civic Association was formed as an alternative to the town council and community council system which did not have the confidence of the Vaal community.

Mr Nkopane said he attended the meeting as a Vaal resident and he did not have anything to do with the planning and preparation for the launch.

The State alleges that all the accused are responsible for inciting residents to attack and kill members of the town council in the Vaal. It is also alleged that the formation of the VCA was part of a conspiracy with the UDF, the banned African National Congress and the SA Communist Party to overthrow the government.

After the adjournment the accused greeted, chatted and laughed with friends and relatives who travel daily to Delmas to see them. They hug and play with the children that are passed across the dock barrier to them.

Six of the original accused "Delmas 22" are on bail and three have been discharged. Mr Simon Vilakazi, Mr Mohapi More and Mr Mkhambi Malindi were released by Justice K van Dijkhorst after he delivered judgment in an application for the release of all the accused.

Those on bail of R15 000 are Mr Patrick Baleka, Mr Tsietsi Mphuti, Mr Tebello Ramakgula, Mr Serame Hlanyane and Mr Thabiso Ratso-mo.

# 'I chaired meeting' says accused

331  
Sowetan  
13/2/83

An accused in the Delmas treason trial yesterday told the court that he chaired a Vaal Civic Association meeting on August 26, 1983.

Mr Nephtalie Nkopeni (42) was testifying at the trial in which he and 18 others appear on a charge of treason and several alternatives.

He told the court that among the speakers at the meeting were three of his co-accused, Mr Herbert Vilakazi, Mr Sam Matlole and Mr Gcinumuzi Malindi.  
(Proceeding)



# 'INSTRUCTORS GOULD HAVE BEEN POLICE'

THE two "ANC" men who allegedly trained a number of youths in the use of handgrenades shortly before some of them were killed and others maimed during attacks on certain targets in Duduza, could have been policemen, the Pretoria Supreme Court was told yesterday.

Mr X, who gave his evidence in camera, twice told the court that he believed the two men, who claimed to be from "Umkhonto we Sizwe" the military wing of the ANC, could have been policemen or persons procured by the police.

However, he later withdrew this submission and said this was in fact formulated by lawyers.

The two "ANC" men allegedly trained 10 members of a hit squad in the use of handgrenades a day before the attacks on certain targets in Duduza and KwaThema in Springs during the night of June 25-26 1985.

Evidence led earlier revealed that the handgrenades used during these attacks were not fitted with time-delaying mechanisms.

Mr X was testifying for the State in the trial of seven alleged members of the banned Congress of South African Students who have pleaded not guilty before Mr Justice Stafford, sitting with an assessor to charges of terrorism, attempted murder, possession of handgrenades and a bomb.

The accused are Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Veli Mazibuko (18), Mr Hosea Lengosane (20) and Mr Cedric Dladla (19).

Mr X told the court that he, together with Titus, John, Humphrey, Samuel and Veli were members of the "hit squad" who attacked and set alight several

houses including that of Warrant Officer Richard Mapeleba and Mr

*Southern (331)*  
13/2/87

## Duduza trial

Vincent Makoloba in 1985. Mr Makoloba's house was attacked three times.

Police evidence led earlier said that it was only attacked twice —

on February 2 and May 18. Mr X stressed yesterday that he was there when it was petrol bombed and furniture damaged on May 10 that year.

The witness said he ing to Mr X were to be

was recruited as a member of the "hit squad" in May 1985. At their first meeting on June 21 that year, one of the accused, Veli, complained about the vigilante groups and warned that these groups were killers.

Mr Billy Diamini and three businessmen — Mr Tweba Moholo and brothers David and Steven Namane. "I heard that they hired Billy and others to kill Alexandra Pailane. I also heard that they worked with the system," said Mr X.

He did not know who the vigilantes were or who they had killed.

Asked by defence counsel, Mr Nick de Vos why he joined the "hit squad", Mr X said he joined because there was a spirit of fighting in Duduza. "I did not like

what was happening. I was fighting against the bucket system. There were no streets and electricity — that is why we were fighting," he said.

Asked by Mr de Vos why he twice referred to accused No 1 (Mr Mazibuko) as Mr Humphrey Tshabalala during his evidence in chief and then later correctly identifying him after a day or two, Mr X replied: "It is a slip of the tongue. These people have grown up — they are bigger now. I just remembered his name."

# Duduza 12: State told to give more terror case facts

By Montshiwa Moroke

Presiding judge in the case of 12 Duduza residents facing terrorism charges in Heidelberg Circuit Court has ordered the State to give further particulars to the defence.

The case was postponed yesterday until next Wednesday to allow consultations with the accused on the information to be furnished.

Mr Justice H Daniels gave judgment following a defence application on Tuesday and ordered the State to furnish most the particulars requested.

The State has to supply specific details by 9 am on Monday on what it alleges each accused actually did to warrant trial.

If the State plans to rely on the accused men's alleged membership of certain organisations,

it must give details.

The State was not, however, ordered to furnish the names of people it alleges were incited by the accused.

Accused are Mr Alexander Lebogene Montoedi (36), Mr Joseph Thobela (54), Mr John Nhlanhla Buthelezi (23), Mr Simon Ngwenya (25) Mr Elias Sikhosana (20), Mr Victor Sibiya (22), Mr Richard Sibiya (21), Mr Meshack Mashinini (20), Mr Bonakele Thuthu (26), Mr Vusimusi Jeremiah Mjali (22), Mr Mfanyana Robert Hlatshwayo (23) and Mr Archie Mbatha (22).

They are charged with terrorism, alternatively subversion and public violence. They also face charges of murder, attempted murder, arson and malicious damage to property.

Their appearance is a sequel to unrest in the Nigel township in May 1985.

In one incident, a nurse, Mrs Gertina de Lange, died when her car was stoned and set alight.

In other incidents, homes of a policeman, councillors and businessmen were set alight.

The accused are alleged to be members of Duduza Civic Association (DCA), Duduza Parents Crisis Committee (DPCC) or the outlawed Congress of South African Students (Cosas).

It was their fourth appearance and they were not asked to plead. They are being held in custody.

## Suicide pact

plan to  
13/2/83  
plant bomb  
in hospital

### Pietermaritzburg Bureau

A MAN who received military training from alleged ANC terrorist Gordon Webster and later accompanied him on three missions to bomb electricity sub-stations revealed here yesterday that he had planned to plant a bomb in Edendale Hospital following Webster's arrest, in terms of a suicide pact they had made.

Mr B was testifying before Mr Justice Shearer and two assessors at the terrorism and murder trial of Robert McBride, 23, and his girlfriend, Greta Appelgren, 30.

He told the Court under cross examination by Mr David Gordon SC yesterday he had not intended to shoot Webster in the hospital but was going to plant a bomb there which would kill them both.

Mr B said he could not see any way of escaping from the hospital after killing Webster and for this reason he decided they should both die.

### Petrol bomb

In his evidence on Wednesday, Mr B said that before assisting in a plan to free Webster he had considered going to the hospital in order to kill him in terms of a pact they had made in the event of either falling into the hands of the police.

Mr B said he had been afraid of giving evidence in open court because he feared that he might be attacked. He said he particularly feared youth organisations who might decide to petrol bomb or stone his home.

He agreed that he wanted to keep his personal details hidden from the ANC.

He said Webster had told him about the ANC's practice of eliminating traitors.

The hearing will continue on Monday.



'Muti' used for immunity from bullets

# Security officer tells inquest of gold mine riot deaths

Court Reporter

Minutes after a clash near the Randfontein Estates Gold Mine in which two policemen and eight civilians were killed, a man boasted to an undercover security officer how he had "got the Boere", a Johannesburg inquest magistrate heard yesterday.

The security officer confirmed a statement he had made to police shortly after the clash on January 21 last year. The statement was read out yesterday during the inquest into the men's deaths.

In the statement, he said that, the day before the clash, he attended a meeting on the mine property. There was a large crowd of naked

miners and people were making small incisions on the men's faces and the right side of their bodies. "Muti" was rubbed into the incisions.

They were told this procedure would make their bodies stronger and resist police bullets.

The next afternoon, he attended another meeting on an open piece of ground between the mine property and Bekkersdal township.

Representatives of each faction, were chosen to approach the mine's management about grievances. The grievances were not discussed.

The crowd was told that the mine hostels would be burned down if their demands were not met.

A police vehicle approached and the two occupants told the crowd to disperse within 10 minutes.

The crowd remained and a further warning to disperse was issued. Leaders within the crowd said the policemen should be killed.

People were armed with pangas and "kieries".

The policemen fired teargas canisters into the crowd and one warning shot.

The security officer said he became frightened and ran away.

From a distance, he saw the crowd chopping at the policemen and their vehicle.

Shortly afterwards, a man came past him and said: "Look we have killed the policemen, look at my hands. I have got the 'Boere' on my own. Here is their blood."

The witness said he could identify several of the leaders of the crowd.

The hearing continues today.

# Hospital attack: Guard tells how he hid away

13/2/87 - 11/2/87 TW Mail

33

1 WHEN gunmen burst into Edendale Hospital last year to rescue wounded guerrilla Gordon Webster, one of the policemen on guard hid in a sluiceroom with nurses.

2 The other guard ran away.

3 This was revealed this week in the Pietermaritzburg Supreme Court during the terrorism and murder trial of 23-year-old teacher Robert McBride and his 30-year-old social worker girlfriend, Greta Apelgren.

4 McBride and Apelgren have pleaded not guilty to four counts of murder, a number of "terrorism" charges and one of assisting and concealing an ANC guerrilla.

5 Most of the evidence led this week recalled the dramatic events of May 4, when a group of armed men sprung Webster — who had been wounded by police during his arrest a few days earlier — from a ward at Edendale Hospital near Maritzburg.

6 The first guard, Constable Johannes Visagie, said that shortly after coming on duty he heard the sound of gunfire from the passage. A "coloured man" — whom he later identified as McBride — burst into the ward armed with an AK47.

7 McBride shouted "keep quiet, keep quiet," and then shot him in the arm, claimed Visagie.

8 Visagie then retreated into a

By JOHN GULTIG, Maritzburg

9 sluiceroom, and stayed there until the attack was over. When he returned to the ward, he found Webster had left, too.

10 The second guard, Constable Edward Ngcobo, said he had run away from the ward because he had been shot in the thumb by the attackers. He said there was little point in going back to the ward, as he couldn't use his gun.

11 For the same reason, said Ngcobo, he couldn't stop the two attackers as they wheeled out the trolley — even though he suspected Webster was on it.

12 Ngcobo said he had immediately phoned for police assistance.

13 Another witness, who may only be referred to as "Mr B", told the court of a meeting where, he said, Webster's rescue was planned.

14 "Mr B" said McBride had outlined a rescue plan in which he and his father, dressed as a priest, would retrieve Webster while two other men cut a hole in the fence through which the trolley could be wheeled.

15 On May 4, "Mr B" alleged, he and Apelgren waited outside Hulett's aluminium factory — about two kilometres from the hospital — while McBride, his father and two others went to the hospital.

# Loudhailer used to tell of mass meeting court hears

By Adele Baleta

DELMAS — A loudhailer and pamphlets were used to publicise a meeting to be held on August 26, 1984 in Evaton, where rent increases would be discussed, a one of the accused in the treason trial told the Delmas circuit court yesterday. Mr Naphtali Nkopane (42) was giving evidence for the defence for the sixth day.

He and another 18 men have pleaded not guilty to the main charge of high treason and several alternative charges. Mr Nkopane said early on August 26 he used a loudhailer to announce a meeting to be held by the Vaal Civic Association (VCA) at the Roman Catholic Small Farms Church in Evaton later in the day.

He invited residents of Zone 3, Sebokeng, to attend as their grievances concerning the proposed rent hikes (R5.90 as from September 1) would be discussed. It was also suggested the people turn out in large numbers as a committee representing Zone 3 would be elected. Fellow accused Mr Bavumile Vilakazi had distributed pamphlets the previous day, Mr Nkopane said.

He said the VCA vice chairman, Mr Esau Raditsela, asked him to chair the meeting and that another accused, Mr San Matlole, was to assist him. One of the speakers, Mr Vilakazi, minuted the meeting. Earlier Mr Nkopane said a number of house meetings were held to discuss rent grievances and to prepare for the mass meeting in Evaton.

At a meeting on August 16 those present were delegated to find a venue for the mass meeting and a resident known as "Lucas" volunteered to make pamphlets. On August 21 it was decided to hold the mass meeting on August 26 as a venue had been found. Mr Nkopane denied a suggestion that a rent petition committee was never selected because of suspicions surrounding a resident, Mr Jacob Selebalo. He said that Mr Selebalo had attended a town council meeting, suggested a petition against rent hikes be drafted and delivered to the Lekoa town council. The petition, he said, was scrapped as it was not drafted in time. At a meeting on August 23 the speakers for the mass meeting were discussed. They would include Pastor Eldorado McCamel, Mr Bavumile Vilakazi and Reverend Jacob Mahlatsi. The hearing continues today.



# Toti bomb trial set for a long grind

By JOHN GULTIG, Maritzburg  
A TRIAL which opened to banner headlines in the local press, with trialists chanting freedom songs, and heavily-armed police frisking the huge crowds, has fizzled out into a long, lethargic judicial grind.

More than three months have elapsed since the dramatic start of the case in November, when 12 Durban residents were first charged with a range of African National Congress activities, including the bombing of the Sanlam Centre in Amanzimtoti.

Fifty-three witnesses — including six secret witnesses — have been trundled through the court by the state, telling their versions of the various bombings in the Durban area between September 1983 and January 1986.

And Dudu Buthelezi's baby, born while she was in detention before the trial began and held by her throughout the trial, is now a bouncing seven-month-old child.

Now only the judges, the lawyers, the police and the accused attend the trial in the incongruously gracious Supreme Court building on the banks of the Umsinduzi River.

But the facade of tranquillity is interrupted by the fairly recent addition of a three-metre high grenade and rocket-proof fence surrounding the court. As the main venue for political trials in Maritzburg, the court has been the victim of a couple of attempted bombings in recent years.

The 12 accused — who include two doctors — have pleaded not guilty to a main charge of "terrorism" and 22 other counts under the Arms and Ammunition Act and the Publications Act. They are linked to 12 bomb blasts and the establishment of a number of arms caches in Natal.

Like most security trials, this one has had its trials within trials — for evidence to be led in camera, which was granted, and questioning the validity of statements made in detention.

Most of the police witnesses and explosives experts have told of the damage caused by the blasts, of the type of havoc the weapons could wreak, or the dubious origins of most of the weaponry allegedly used by the 12.

The state has alleged and set out to prove over the last few months that:

- As members of Umkhonto weSizwe the 12 recruited and trained local people to make armed attacks.

- They supported anti-government political activities by military means.

- They committed violence in retaliation for SA Defence Force attacks on neighbouring countries.

# Police murder trial told of poor training

W/Mail 331 13/2/19/2/87

THE first major Natal trial of police involved in township riot control is due to reach its climax next week.

Three policemen attached to the Durban West Anti-Riot Unit are appearing on charges of murder and attempted murder arising from the death of Ephraim Mgedezi, 17, and the injury of Delani Sithole, 18, last February.

All three have pleaded not guilty.

The case resumed in the Durban Supreme Court this week before Natal Judge President John Milne.

After hearing final argument by legal counsel and the prosecution, he postponed the case until Tuesday, when it will continue in Maritzburg.

First reports immediately after the incident, noted Mgedezi's death as caused by stabbing. The next day, police records said he died after being shot by an unknown gunman during a faction fight at KwaNdengezi.

After a complaint to the SAP by Sithole's father, the matter was investigated under the personal supervision of the then divisional criminal investigation officer for Port Natal, Brigadier J van der Westhuizen.

The State version is that the three policemen stopped their vehicle near a group of youths sitting at the side of the road. They asked if they were smoking dagga, searched the group and the immediate area and then told them to run away. The policemen then allegedly fired shots and teargas after them as they ran.

During the trial it emerged that none of the three had been given any proper training in riot control, and the second accused, Sergeant John Howard — who admits he fired the shots — had no idea birdshot could be fatal.

By CARMEL RICKARD,  
Durban

Their commanding officer, Lt G McEvilly, admitted issuing a written instruction ordering the use of lethal ammunition in response to stoning, without stipulating any qualifications (such as that the policeman's life should be in danger). His instruction read:

"If a person throws a stone at you or a petrol bomb, shoot with SSG (buckshot); keep two weapons per vehicle — one SSG and one birdshot; there are too many instances without police action."

In his evidence, McEvilly said that when he realised he had issued what amounted to an unqualified "licence to kill", he "spent a sleepless night". The order was issued by mistake because of the pressure he was under, he said.

However, he added that he had often warned his men it was "a dangerous thing to kill a person".

McEvilly also told that the court that the first accused, Warrant Officer Michael Turner, initially denied he was involved in the incident, and said only teargas was used.

McEvilly also revealed that the incident was not reported or recorded by the accused — there was no entry in the occurrence book.

The accused's evidence is that they came across a group of youths while on patrol. They saw two reaching into their jackets and throwing something onto the grass. They presumed it could have been a petrolbomb or something dangerous, so they stopped their vehicle. They searched the grass, and then saw that the youths, who had meanwhile run away, were throwing stones — some of which hit the vehicle. In response they fired teargas.

Howard's version is that he fired his Beretta semi-automatic shotgun because he had been instructed to do so when stoned, and because he felt his life and the lives of his colleagues were in danger.

CAL TIMES 14/2/87

# Zolani conflict: 4 found guilty

## Supreme Court Reporter

FOUR Zolani men were convicted in the Supreme Court yesterday of public violence after the judge found them "dishonest and lying witnesses".

The four — Samuel Mangcola, 29, Charles Msoki, 45, Timothy Tyhalisisu, 39, and Lemi Mhlomi, 25 — were found guilty of stoning the house and car of Mr Jim Calata, employed by the Development Board as a temporary guard; and of stoning and setting alight another car parked outside Mr Calata's house.

Mr Justice D M Williamson began his judgment with what he described as "probably a somewhat oversimplified thumb-nail sketch of the situation" in Zolani but "accurate enough".

The judge said unrest began in Zolani about November 1985 in connection with a school boycott favoured by "comrades" and opposed by parents.

"As a result there was dissension in the community and violence flared up on several occasions.

"An informal and unofficial home

guard seems to have developed among those opposed to the boycott. Out of this evolved, under the sanction of officialdom, an organized system of temporary guards."

The four originally faced murder and robbery charges in addition to the public violence charge.

They were accused of murdering community councillor Mr Ndakutini Zweni and robbing him of his .22 revolver and ammunition, but were acquitted during the trial.

The court accepted the evidence of Mr Calata and others which placed the accused at the scene in leading roles. He dismissed defence criticism of the State witnesses as "placing undue emphasis on the frailty of human observation and memory".

The trial was adjourned to March 3 for evidence on extenuation. Bail was extended.

Mr D O de la Hunt and Mr G Titterton were assessors. Mr J H Theron prosecuted. Mr J R Whitehead and Mr I J Muller, instructed by Y Ebrahim and Co, appeared for the four.

STATION TEARS



Cape Times 17/2/82

# Elation as AG drops ECC prosecutions

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Court Reporter

THE Attorney-General's decision not to prosecute nine End Conscription Campaign (ECC) members was greeted with relief and elation as they hugged and kissed each other in the corridor of Cape Town Magistrate's Court yesterday.

ECC attorney Ms Andy Durbach was previously informed that the government had intended to charge them under Section 10 (1)b of the emergency regulations dealing with the production and dissemination of "subversive literature".

Eight of the members kissed and hugged their relatives and friends, laughed and thanked Ms Durbach.

They are Western Cape chairman Ms Paula Hathorn; former chairman Mr Michael Evans; regional secretary-general, Mr Alistair Teeling-Smith; Mr Crispian Olver, Mr Mathew Blatchford, Mr Michael Rautenbach, Ms Felicity Wood, and Ms Josephine Grinrod.

Mr Andrew James Millerd Orpen, the ninth member, was killed in a motorcycle accident about a week ago.

The nine were detained for two weeks in December under the emergency regulations.

Asked how she felt, Ms Durbach said: "Fantastic... how about bursting! I knew about this earlier but I couldn't tell them, so you can imagine how I felt."

The ECC members were not formally charged and were not asked to plead and yesterday the prosecutor, Mr C Gavin, informed the court that the A-G had declined to prosecute.

Mr M J C Tolken was the magistrate.

Ms Tracy Clayton, press officer of the ECC, said in a statement that the ECC was "greatly relieved" as their members faced the prospect of a long and costly trial.

"This decision not to press charges effectively invalidates the two-week detention of our nine members."

"It is grossly unfair that the nine, all members of a legal organization, should have gone through this ordeal."



Michael Evans

# Bomb appeal is held over

Staff Reporter  
331  
AN appeal by Nehemiah Meyer, 23, convicted last year of possessing an unexploded petrol bomb found just outside the home of the Democratic Workers Party leader, Mr Dennis de la Cruz, was postponed yesterday post-poned in the Supreme Court.

Meyer, of Wattle Road, Parkwood Estate, was convicted by Mr A P Kotze in Wynberg Magistrate's Court in June last year of possessing an explosive substance in Grassy Park on September 5, the previous year, and was sentenced to four years' imprisonment, half of which was suspended.

## Fingerprints

He had been acquitted on a first charge of arson or malicious damage to property, which the State had tried to relate to another petrol bomb which landed on Mr De la Cruz's roof that night. In the Supreme Court yesterday, Mr Michael Doren, for Meyer, argued that his client should not have been convicted of being in possession, as the bomb on which his fingerprints were found in his possession when he was arrested.

Mr Justice D.M. Williamson told Mr W. Viljoen, for the State, that it seemed the State's case relating to the possession charge had gone down the drain. Mr Justice Williamson asked whether the court could instead make a finding on whether Meyer was guilty of attempting arson on account of the bottle found beside this house, or whether this matter could be referred back to the magistrate.

Mr Justice A.J. Latagan, who also presided over the appeal, remarked that there had not been an acquittal on this possible alternative. The matter was postponed sine die so that counsel for both parties could present arguments on whether the court could make such a finding. Meyer remains in custody. Mr M. Doren was instructed by R. Vassen and Co.

# Trial for officer's murder is delayed

## Court Reporter

THE trial of six people for the murder of a policeman at Swartkops on Christmas Day, 1985, has been postponed to March 10.

Before PE magistrate Mr E W Schon were Mr Ncedile Malinga, 19, Mr Benjamin Gxotiwe, 27, and two youths aged 17 and two aged 16, all of Soweto.

It is alleged that on December 25, 1985 they killed Constable Johan Gerhard van Vuuren, 26, by shooting him with a firearm.

They pleaded not guilty and will be held in custody until March 10 when they will appear in court, pending a decision by the Attorney-General.

(33) 17/2/87  
E Post



## DUDUZA TRIAL

THE trial of seven alleged members of the banned Congress of South African Students charged with terrorism, has been postponed until tomorrow.

The accused are Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Duduza, Nigel and Mr Hosea Lengosane (20) and Mr Cedric Dladla (19), both of Tsakane, Brakpan.

The have pleaded not guilty before Mr Justice Stafford, sitting with an assessor.

Mr Justice Stafford yesterday told the accused that their case was being postponed to tomorrow so that their defence counsel could brief them and the instructing attorneys on matters placed before him in chambers by the State prosecutor and the defence yesterday morning.



331

Stafford  
18/2/82

## Mandela stickers: Printer in court 331

Staff Reporter

ARBUS 18/2/87  
A PRINTER has pleaded not guilty to publishing or causing to be published stickers bearing a portrait of jailed African National Congress leader Nelson Mandela.

Mr Allie Parker, 45, trading as Allie's Printing Services in Lansdowne, is alleged to have printed stickers bearing the words: "Release Nelson Mandela" and a reproduction of a face, alleged to be that of Mr Mandela, in March last year.

Major W A Smit of the security police told the Wynberg Magistrate's Court it had been an offence to publish a picture of Nelson Mandela since he was jailed for life after his trial for treason in 1964.

### TURNED DOWN

Major Smit said he had last seen Mr Mandela in December last year and although he was a bit thinner than the figure on the sticker his face was the same.

Information on the sticker said it had been published by the United Democratic Front's Observatory area committee and printed by Allie's Printing Services.

An application by Mr J H de Lange for Mr Parker's discharge was turned down.

Mr de Lange said: "Would my client have printed his name on the sticker if he knew it was illegal? He could have been careless in printing this sticker."

The hearing was postponed to February 27.

## Coloured people back the ANC, witness tells court

MARITZBURG — Coloured people recognised the African National Congress as the only avenue by which their protest could be registered because the Labour Party had joined the tricameral parliament, the sister of one of the Magoo Bar blast accused told the Supreme Court here yesterday.

Miss Jeanette Apelgren (26) was giving evidence under cross-examination in the trial of Mr Robert McBride (23) and her sister, Miss Greta Apelgren (30), both of whom face three counts of murder relating to the Magoo blast, one count of murder relating to the freeing of Mr Gordon Webster from the Edendale Hospital, and various counts of terrorism.

Miss Jeanette Apelgren told Mr Justice D.L.L. Shearer she regarded herself as "a supporter of the goals of the ANC" for a non-racial, democratic South Africa, but she was opposed to violence.

Earlier she described how Mr McBride had gone with her in her car to the Pine Parkade on May 23 1986, where he took out a brown bag and placed it under a car in an adjacent parking bay.

She said: "I became suspicious and asked 'What's going on?' He just said 'Let's go' and didn't answer me."

The next day she went to her sister's home after hearing the news that there had been an explosion at the Pine Parkade.

The hearing continues today. — Sapa.



IN A surprise development in the trial of six men and a youth on charges of furthering the aims of the Pan African Congress and Azanian Youth Unity, a Cape Town Regional Court prosecutor told the court he planned to discredit his own witness.

Mr Bathemba Lugulwana, (33) and Mr Andile Gusha, of Langa, Mr Mzwandile Mciteka, (25) Mr Donald Mxuto, (66) Mr Simon Mayhilewena, (64) of Guguletu, Mr Taelo Ntlaba, (19) and a 17-year-old youth, both from Paarl, are

charged with furthering the aims of the PAC and Azanyu in the Peninsula and Mbekweni, Paarl between January 1983 and January 1986.

### **Discredit**

They have pleaded not guilty.

In a surprise turn,

prosecutor Mr A Duminy told the court he planned to discredit a State witness, Mr A Mayeza, by questioning him about a statement he had made to the police.

Earlier Mr Mayeza told the court the PAC and Azanyu had the

same objectives.

He said Azanyu was a youth organisation which co-ordinated and trained members for community work and youth leadership for the benefit of the Azanian people.

### **Counsel**

Later, under cross-examination by counsel for

the defence, Mr Fred Bunting, who read to him extracts from the PAC constitution, he said, he knew nothing about the PAC.

He told the court he had joined Azanyu early in 1985. He also said he knew nothing about the United Democratic Front or the African National Congress.

In his re-examination, Mr Duminy told the court he planned to discredit Mr Mayeza by questioning him on a statement he had made to police.

## **Surprise turn at Cape PAC trial**

### **SOWETAN Reporter**

## Son will miss burial

MR Richard Mokeki Mohohlo, father of an alleged PAC member presently facing charges of terrorism in the Pretoria Magistrates Court, will be buried at the Avalon cemetery on Saturday.

A service will be held at 11am at 2216 Moutaung Street, Rockville. The cortege leaves for the cemetery at 1pm.

Mr Mohohlo (84), who died at the General Hospital last Wednesday, had been ill for a long time and had undergone several operations, his widow, Mrs Caroline Mohohlo (68) said.

She added that because of her late husband's ill health, he had not been able to visit his detained son, who he last saw in 1976. She said that he had been very worried about him.

Asked if Paulos Mohohlo would be present at his father's funeral, the family said they had not applied for him to be permitted to do so.

*Southern*  
19/4/87 (31)

2 terror accused freed (331)

MARITZBURG. — Two of twelve Durban accused who have been facing charges of terrorism in the College Road Supreme Court here since November last year in connection with numerous bombs which exploded in the Durban area during 1985, were freed at the close of the State's case yesterday. They are Mr Sipho Stanley Bhila, 31, and Mr Phumezo George James Nxiweni, 20, both of Lamontville.

Reports by Sapa-Reuter-AP and staff reporters



# Court is told of march

THE Delmas treason trial judge, Mr Justice van Dijkhorst, yesterday said he did not know that Evaton had its own town council.

The judge made this remark during cross-examination by the State of one of the accused, Mr Naphtali Nkopane (42), who was in the witness box for the eighth day yesterday.

Events leading to the march by Vaal residents on September 3 were yesterday recalled.

Under cross-examination Mr Nkopane said that at a meeting to discuss the proposed R5.90

rent increase, a man known as Maruping suggested that a march to Houtkop be held.

The people's feeling at the meeting was that September 3 also be declared a stayaway.

Mr Nkopane added that those who wished to go to work were not prevented from doing so but it was the residents' decision to stay away from work on that day.

The court heard that doctors and nurses would be excused from the stayaway and emergency and essential services would not be tampered with.

The court also heard that Mr Esau Raditsela, the vice-chairman of the VCA, wrote letters to the taxi people and to the Vaal Transport Corporation requesting them not to operate on September 3.

## Rent

Mr Nkopane said the feeling among the people who attended the meeting was that those who went to work on September 3 showed that they could afford to pay rent.

Asked by the prosecutor why they did not leave buses and taxis to

operate on their own on September 3 so as to leave it to the people to decide whether to go to work or not, he said many people agreed and did not complain about the stayaway.

He said taxi and bus people were part of the community and some of them had attended their meeting to show their protest at the increased rent.

All the 19 accused have pleaded not guilty to the main charge of treason and several alternative charges.

The hearing continues.

331 Somerset 19/2/87.

# Two freed on charges linked to spate of Durban bombings

Pietermaritzburg Bureau

TWO of 12 Durban accused who have been facing terrorism charges in the College Road Supreme Court here in connection with numerous bombings in the Durban area, were freed at the close of the State's case yesterday.

Mr Sipho Stanley Bhila, 31, and Mr Phumezo George James Nxumweni, 20, both of Lamontville, walked from the court free men to the

cheers of their fellow accused after Mr Justice Thirion, sitting with two assessors, granted their discharge.

Both men had been in custody for more than a year.

The ruling followed an application by counsel for the defence, Mr Alan Magid, SC, that the two men be discharged on the grounds that the State had produced insufficient evidence against them.

All 12 accused, including two doctors, pleaded not guilty at the start of the trial to the 22 charges against them involving terrorism, possession of publications disseminated by or on behalf of an unlawful organisation and contravention of the Arms and Ammunitions Act.

It is alleged by the State that the accused were members of the ANC and that they were part of a group operating in Durban with

the specific objects of recruiting and training members of the local population for the purpose of executing armed attacks; to support all anti-Government political activities such as boycotts and strikes by military means and to commit acts of violence in retaliation for raids by the SADF into neighbouring territories.

The accused are alleged to be linked with 15 bombings or attempted bombings in-

cluding explosions at the Grosvenor Girls' High School, the Mobeni Post Office, Umlazi Bakery, the XL Restaurant on the beachfront, the Chatsworth Magistrate's Court, the home of Mr Amichand Rajbansi, a car bomb in Pine Street; bombs at Checkers, OK Bazaars and Spar Foodliner, as well as the Amanzimtoti bomb on December 23 last year, which killed five people.

The hearing was adjourned until Tuesday.

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# Delmas trialist denies march to Houtkop had promoted violence

By Adele Baleta

A Delmas treason trialist was questioned at length yesterday about why Sebokeng residents had gone ahead with the "September 3 march" despite knowledge of the Sharpeville riots in 1961 and the Soweto riots in 1976.

Mr. Napthali Nkopane (42), who gave evidence for the eighth day, is one of 19 men facing several charges related to the violence which erupted during a stayaway and march on September 3 1984 in the Vaal Triangle.

Mr. Justice K von Dijkhorst asked if the residents had forgotten Sharpeville and Soweto.

## PEOPLE SHOT DEAD

Mr. Nkopane said he didn't know if Sebokeng people know the details of those riots. "I only knew that people were shot dead."

The judge suggested Mr. Nkopane knew about a four-day riot in Tumahole (about 60 km from Sebokeng) that had taken place two months earlier.

"A butchery was burnt down, buildings and cars were stoned and the police were called in. Did it not occur to you that your march could end the same way?" the judge asked.

Mr. Nkopane said he didn't know much about the Tumahole riots and said he had not considered the Houtkop march might end in trouble.

The purpose of the march to the Administra-

tion Board in Houtkop was to deliver a memorandum listing the grievances of Vaal residents. These included dissatisfaction with the September 1 rent hikes and resident's lack of confidence in the town councillors.

In reply to a question from council for the State whether the people thought the police would arrive during the march Mr. Nkopane said, "There are police in Sebokeng, they are always there."

He said no-one had suggested at a meeting held in Evaton on September 2 asking police permission to go ahead with the march to Houtkop.

Under cross-examination, Mr. Nkopane said the people thought they would first be questioned by the police as to why they were marching.

At the Vaal Civic Association's August 26 meeting in Evaton he had instructed residents to maintain discipline throughout the march.

He did not know what would happen if people were attacked with rubber bullets and teargas. This had never happened in Sebokeng before. Nobody had been prepared for the possibility of being stopped from marching to Houtkop.

The judge asked if he did not think the town councillors would be frightened by the arrival of masses of people at Houtkop.

"We did not think of this. We thought that by arriving in large numbers they would be con-

vinced the residents were unhappy about the rent hikes."

The possibility of antagonism from the Administration Board had not been discussed. It had been hoped that the officials would speak to the delegation.

At the meeting the memorandum was discussed by the VCA vice-chairman Mr. Easu Raditsela, Mr. Nkopane and three other accused, Mr. David Mphuthi, Mr. Ephraim Ramakgula and Mr. John Mokoena.

A member of the Boipetong resident's committee, Mr. Ernest Sotso wrote the memorandum. It was signed by Mr. Nkopane, Mr. Sotso and Mr. Raditsela.

Mr. Nkopane denied that youths and adults had made placards at Small Farms church. He and co-accused Mr. Jacob Hlanyane had made them together with Mr. Raditsela.

The case is proceeding.



## Delmas accused tells of placards

AN accused in the Delmas treason trial yesterday said he and fellow-accused wrote the placards used when residents marched to Houtkop on September 3, 1984.

Mr Naphtalie Nkopane (42), said he and Mr Jacob Hlanyane had volunteered to write the placards.

"Jacob and I were writing while Esau Raditsela was tearing cardboard. There were two other people who were helping us," Mr Nkopane said under cross-examination.

He said the contents of the pamphlets were decided at a meeting held on September 2. He said he wrote about 20 pamphlets which he gave to youths.

He denied evidence given by a State witness in camera last year that there was a considerable number of people in Small Farms where placards were being made.

He told the court that a hand-written memorandum, which was to be submitted to the development board in Houtkop, was signed by Mr Ernest Sotso, Mr Esau Raditsela and himself (Nkopane).

The court heard that Mr Raditsela had the memorandum on the morning of September 3.

"I think it was on September 5 or 6 when Mr Raditsela disappeared and I became anxious that the memo was now missing," he said.

Mr Nkopane also told the court that the legality of the march was not considered and the issue of being confronted by the police was not raised.

# 'Duduza trial' is postponed

331 Sowetan 20/2/87

THE Duduza terrorism trial was yesterday postponed in the Pretoria Supreme Court amid speculation that the State might drop some of the charges against the accused.

Mr Justice Stafford, sitting with an assessor, said the case was being postponed "with the view of the State accepting certain pleas". Both the defence and state advocates held lengthy discussions behind closed doors yesterday morning.

The State prosecutor, Mr John Oberholzer, told the court that he was going to discuss the matter fully with the Attorney-General. He is expected to indicate in court this morning whether or not the State will close its case.

The accused in the trial are alleged members of the banned Congress of

South African Students who have pleaded not guilty to charges of terrorism, attempted murder and possession of handgrenades and a bomb.

The accused are Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Duduza, Nigel and Mr Hosea Lengosane (20) and Mr Cedric Dladla (19), both of Tsakane, Brakpan.

The State alleges that the accused, whose trial started in August last year, established, together with other members, a terror group and conspired to commit specific pre-meditated acts of terror and sabotage at pre-determined targets in Duduza, Tsakane and Kwa-Thema in Springs, at midnight during June 25 and 26, 1985.

# Duduza trial: 7 acquitted

The Duduza terrorism trial ended in the Pretoria Supreme Court yesterday with Mr Justice Stafford acquitting seven men of terrorism.

They were found guilty on alternative charges of unlawfully having seven hand grenades.

Judgment was handed down after the State accepted some pleas of guilty to possessing hand grenades from all the accused and a plea of guilty to attempted murder by two of the men. The five other accused pleaded guilty to of malicious damage to property.

Mr Joseph Titus Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekatsa (19), Mr Humphrey Tshabalala (19), Mr Johannes Veli Mazibuko (18), all of Duduza, and Mr Hosea Lengosane (20) and Mr Cedric Dladla (19) both of Tsakane, Brakpan, were convicted of illegally possessing hand grenades.

The men attacked the houses of township businessmen and policemen on June 25 1985 but were injured when their grenades exploded too soon.

Lengosane and Dladla were convicted for attempting to murder Mr Ben and Mrs Grace Baloyi and three minor children.

Lekatsa, Tshabalala and Lazi-buko were convicted for attempting to maliciously damage Mr Davis Namane's house and property and Joseph Mazibuko and Mlangeni were convicted for attempting to maliciously damage Mr Steven Namane's house on June 25 1985.

Mr Justice Stafford thanked the defence counsel for offering the pleas and the State for accepting.

The case has been postponed to February 24 for sentence.

They were all acquitted on two charges of terrorism, two charges of attempted murder and two charges of malicious damage to property.



# No demos at Durban terror trial

BOB FREAN

MARITZBURG — Drama unfolds quietly and slowly in the Supreme Court here, where Durban couple Mr Robert McBride (23) and Miss Greta Apelgren (30) are charged with four murders, five attempted murders, terrorism and other charges.

Unlike other terrorism trials, there have been no clenched-fist salutes, singing or defiant demonstrations.

The two accused are well-dressed and well-groomed. Mr McBride, a student teacher, is spectacled, tall and hefty and of serious mien.

Miss Apelgren, a social science graduate of the University of the Western Cape, works for the Durban Child Welfare Society.

The fifth of a family of 12 children, she is small and articulate and smiles easily. During breaks she has often put her arm over his shoulders.

Both are from hardworking families who set much store by education. Several family members are in court every day.

Mr McBride and Miss Apelgren are charged before Mr Justice Shearer with murdering four people: three young women during the bombing of Magoo's Bar in June and a man shot at least five times during the freeing of alleged ANC terrorist Mr Gordon Webster from an intensive care ward in Edendale Hospital in May last year.

Five attempted murder charges, arising from the wounding of four men during the springing of Mr Webster and of another in the Magoo's Bar bombing, are also levelled against them, as well as charges of helping a prisoner, Mr Webster, to escape, and of harbouring him.

The court has heard during the past two weeks that the bombings, murders and acts of terrorism blamed on them were conceived in an atmosphere of perceived political and racial oppression, economic disadvantage and police violence.

W/E. ARGUS 21/2/87

# Seven <sup>331</sup> acquitted in terror trial

Weekend Argus Correspondent

PRETORIA. — The six-month Duduza terrorism trial ended in the Pretoria Supreme Court with Mr Justice Stafford acquitting seven men on two charges of terrorism.

The men were found guilty on an alternative charge of unlawfully possessing seven hand-grenades.

Judgment was handed down after the State had accepted pleas of guilty to the charge of possession of hand-grenades from all the accused and a plea of guilty on a charge of attempted murder by two of the men. The five other accused pleaded guilty to charges of malicious damage to property.

Joseph Titus Mazibuko, 18, John Mlangeni, 21, Samuel Lekatsa, 19, Humphrey Tshabalala, 19, and Johannes Veli Mazibuko, 18, all of Duduza, and Hosea Lengosane, 20, and Cedric Dladla, 19, both of Tsakane, Brakpan, were convicted of illegally possessing hand-grenades.

The men allegedly attacked the houses of township businessmen and policemen on the night of June 25, 1985, and were injured when their hand-grenades exploded before or soon after they were thrown.

Lengosane and Dladla were convicted on charges of attempting to murder Mr Ben and Mrs Grace Baloyi and three children.

Mr Justice Stafford called a State witness, who may not be named, who was required to answer questions that might have established him as an accomplice.

Mr Justice Stafford said "I'm not satisfied that he answered the questions honestly and I'm not prepared to discharge him from prosecution."

The hearing has been postponed to February 24.

# New trial for bomb accused?

CP Correspondent

A CAPE TOWN man jailed for two years following a petrol bomb attack on the home of coloured MP Dennis de la Cruz may be retried.

Nehemia Meyer, 23, this week appealed in the Cape Town Supreme Court against his conviction of possessing an explosive substance.

Judge Williamson and Judge Lategan said that the appeal would succeed, but did not give judgment

but did not give judgment following a request by the State to refer the case back to the Wynberg Magistrate's Court for retrial.

M Donen, for Meyer, said the court did not have the authority to refer the matter back.

The hearing was postponed without date for further argument.

In May last year Meyer and a co-accused were charged in the Wynberg Magistrate's Court with arson, alternatively mali-

cious damage to property for throwing a petrol bomb at De La Cruz's Grassy Park home.

Evidence was that a petrol bomb exploded on the roof of the house late on September 5, 1985.

An unlit petrol bomb with Meyer's fingerprints on it was found on the doorstep of the house.

In June 1986 magistrate A P Kotze acquitted both men of arson, but convicted Meyer of possessing a petrol bomb and sentenced him to four years imprisonment with half the sentence suspended.

Donen said the conviction should be set aside because Meyer was not found in possession of the petrol bomb.

W Viljoen, for the State, asked the court to refer the matter back to the magistrate for trial on an attempted arson charge. Judge Williamson said: "The Magistrate has not considered whether the evidence placed before him justified a finding of guilty on a charge of attempted arson."

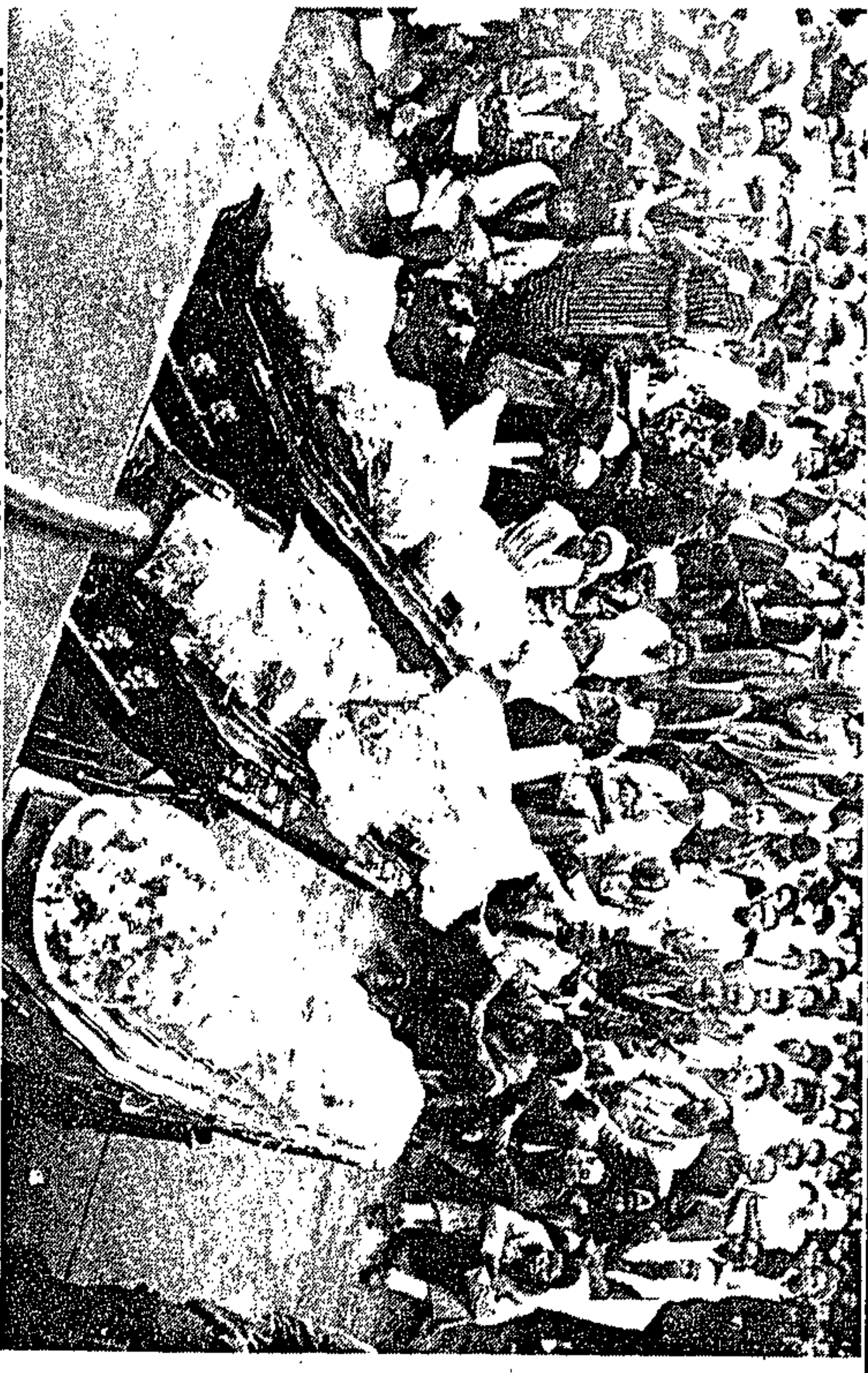
The judges said the appeal against the conviction would succeed, but they wished to hear further argument on whether the court had the power to refer the matter back to the Magistrate's Court for trial.

Judge Williamson said the court was not sure in what circumstances it was proper for a matter to be referred back to a lower court.



# COURTLIAR FACES CHARGES

(231)



MOURNERS at Saturday's funeral in Bophelong for four victims at last week's taxi-bus smash.

A STATE witness in the Du-duza terrorism trial, who admitted to being a self-confessed perjurer, has been refused indemnity from prosecution by the Pretoria Supreme Court.

Mr X, who gave evidence in camera and may not be identified, was described as an untruthful witness by Mr Justice Stafford, sitting with an assessor, on Friday.

The judge said the witness was warned to answer questions, some of which could have incriminated him in the terrorism trial. "I am not satisfied that he honestly and frankly answered questions and I am consequently not prepared to indemnify him from prosecution," the judge ruled.

Mr X, in terms of his

## Case goes

## to the A-G

By MONK NKOMO

own evidence, was a self-confessed perjurer, said Mr Justice Stafford.

He also abhorred the witness's false and "scurrilous accusation" against the defence counsel, Mr Nick de Vos, whom he accused of having briefed him and of having changed part of his statements.

The State prosecutor, Mr John Oberholzer later conceded that Mr X had lied and that Mr de Vos had never

briefed or changed part of the statement at a time when he sought an interdict against the police.

### Referred

Mr Justice Stafford referred the matter to the Attorney-General for his attention.

Mr X, in his earlier evidence, contradicted himself and at one stage admitted that he obtained a Supreme Court interdict against the police under false pretences.



**Trial of 7 ends dramatically**

# STATE DROPS

THE Duduza trial ended dramatically on Friday when the State dropped charges of terrorism against the seven accused in the Pretoria Supreme Court.

The trial, which started on August 11 last year came to an abrupt end after the prosecutor, Mr John Oberholzer, accepted a plea of not guilty by the accused on the charge of terrorism.

Joseph Titus Mazibuko (18) John Mlangeni (21) Samuel Lekatsa (19) Humphrey Tshabalala (19) Veli Mazibuko (18) Hosea Lengasane (20) and Cedric Dladla (19) had pleaded not guilty to charges of terrorism, attempted murder, possession of handgrenades and a bomb and malicious damage to property when the trial started.

They changed their pleas on Friday.

Mr Justice Stafford, sitting with an assessor, acquitted all of them on the main count of terrorism. He convicted each one of them on the charge of possessing a handgrenade.

# TERROR CHARGE

**Duduza trial**

**By MONK NKOMO**

Lengasane and Dladla were also found guilty of attempting to murder Warrant Officer Ben Baloyi, his wife Grace and children during midnight on June 25

or 26, 1985 in Duduza, Nigel.

Lekatsa, Veli Mazibuko and Tshabalala were found guilty of having maliciously attempted to damage the house of Mr David Namane, a businessman in Duduza. Titus Mazibuko and Mlangeni

were convicted for the attempted malicious damage to former community councillor Mr Steven Namane's house.

The seven were arrested after eight of their colleagues were killed and some of them (accused) had their right hands amputated after handgrenades in their possession exploded while trying to attack certain targets in Duduza.

331  
23/2/87  
Somerset

## The MINISTER OF LAW AND ORDER:

(3) Yes.

(1) Yes.

(a) 196.

(b) 35.

(c) 10.

(d) 8.

(2) Yes.

(a) 25.

(b) 2.

(c) 1.

(d) 2.

(b) (a) Assault common in respect of 21 members.

Assault with the intent to do grievous bodily harm in respect of 4 members.

(b) Assault common in respect of 1 member.

Assault with the intent to do grievous bodily harm in respect of 1 member.

(c) Assault with the intent to do grievous bodily harm.

(d) Assault with the intent to do grievous bodily harm in respect of 1 member.

Armed robbery in respect of one member. The member was charged with armed robbery, suspended from duty, convicted and sentenced. He was released on bail pending appeal against his conviction and sentence. Before the result of the appeal was known, he was charged with alleged murder, which murder charge is included in the above paragraph 1 (d).

## White Coloured Indian Black

(a) 2 5 — 7  
(b) 12 11 — 7

Note: Of the 30 members mentioned in paragraph (2) (a) 14 members were discharged from the Force. With regard to the remaining 16 members who were convicted of minor assaults and the remaining 189 first offenders, that is 205 members, to whom reference are made in paragraph 1, appropriate steps were taken in terms of the SA Police Regulations, inter alia—

(1) departmental trials

(2) voluntary purchasing of discharges after convening of boards of enquiry to ascertain suitability to remain in the Force

(3) decisions of boards of suitability postponed for indefinite periods

(4) serious reprimands of members

Of the 249 cases mentioned in paragraph (1), 107 cases resulted from police duties, while the remaining 142 cases were not related to police duties.

## Development boards

46. Mr P G SOAL asked the Minister of Constitutional Development and Planning:

(1) With reference to his reply to Question No 1067 on 19 June 1986, how many of the persons employed by each development board as at 1 May 1986 were (a) White, (b) Coloured, (c) Asian and (d) Black;

(2) whether any of these persons were made redundant in 1986; if so, how many in each race group;

(3) whether his Department keeps records of the capacities in which the remainder of these persons have been employed since the abolition of the development boards; if not, why not; if so, in what capacities?

Answer 23/2/87

## The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING:

(1)

Orange-Vaal.....  
Southern OFS.....  
Natalia.....  
West Rand.....  
East Rand.....  
Central Transvaal.....  
Northern Transvaal.....  
Eastern Transvaal.....  
Western Transvaal.....  
Highveld.....  
East Cape.....  
Northern Cape.....  
Western Cape.....

(2) Yes.....

(3) No, as the Provincial Administrations and other Government Departments to whom the functions have been allocated are maintaining these records.

## Letter by Chief of Defence Force

57. Mr D J DALLING asked the Minister of Defence:

(a) What was the total cost to his Department of the publication of a letter regarding national service written by the Chief of the Defence Force in January 1987, (b) in which publications was the letter published, (c) how many times did it appear in each such publication and (d) why was it published?

## The MINISTER OF DEFENCE:

(a) R130 857,40.

(b) *Sunday Times and Rapport.*

(c) Twice.

(d) From experience the SA Defence Force has become aware that the fear for the unknown is one of the biggest problems for some of those who have to perform national service and that

(a) Whites (b) Coloureds (c) Asians (d) Blacks

623 0 0 2 338  
441 0 0 604  
1 344 1 4 5 546  
1 088 0 0 2 245  
850 0 0 1 355  
449 0 0 497  
272 0 0 603  
209 0 0 982  
427 0 0 821  
307 1 0 1 315  
767 32 3 1 182  
259 0 0 583  
339 7 0 1 891

35 0 0 391

the best time to communicate with them is a few weeks before reporting. The Chief of the Defence Force therefore decided to approach future national servicemen through the Press, to reach the maximum number irrespective of where they might be.

## Riots

58. Mr E K MOORCROFT asked the Minister of Law and Order:

(1) (a) How many civilians were (i) killed and (ii) injured as a result of riots in the Republic in 1986 and (b) in which areas were they killed or injured in each case;

(2) how many such civilians were (a) killed and (b) injured as a result of gunshot wounds?

The MINISTER OF LAW AND ORDER:

(1) and (2) I refer the honourable member to my oral reply to question number 2 on 17 February 1987 and my reply to written questions numbers 25 and 74 which is suffice.



sentences for crimes against the security of the State as at the latest specified date for which figures are available?

The MINISTER OF JUSTICE:

On 31 January 1987 the figures were as follows:

(a) Whites.....	15
(b) Coloureds.....	8
(c) Asians.....	1
(d) Blacks.....	285

#### Awaiting-trial prisoners

150. Mr D J DALLING asked the Minister of Justice:

What was the average number of awaiting-trial prisoners in custody on the last day of each month in 1986?

The MINISTER OF JUSTICE:

The figures concerning awaiting-trial prisoners who were incarcerated in South African prisons on the last day of each month during 1986, were as follows:

31 January 1986.....	20 686
28 February 1986.....	20 187
31 March 1986.....	19 682
30 April 1986.....	20 293
31 May 1986.....	21 168
30 June 1986.....	19 712
31 July 1986.....	19 760
31 August 1986.....	19 774
30 September 1986.....	19 151
31 October 1986.....	19 193
30 November 1986.....	18 388
31 December 1986.....	20 584

#### Detainees

151. Mr D J DALLING asked the Minister of Justice:

Whether any persons were detained in 1986 in terms of section 185 of the Criminal Procedure Act, No 51 of 1977; if so, (a) how many, (b) for what period was

each of them detained and (c) in respect of what crime in each case?

The MINISTER OF JUSTICE:

Yes.

(a) 24.

(b) and (c):

Number of persons	Period	Crime
1	1 day	Murder
1	5 days	Murder
1	13 days	Murder; Robbery; Violating a dead body

1	20 days	Murder
6	1 month and 19 days	Murder; Robbery; Violating a dead body

1	2 months and 18 days	Murder
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2	2 months and 25 days	Murder; Robbery; Violating a dead body
---	----------------------	--

1	1/3 months and 20 days	Arson
---	------------------------	-------

1	4 months and 17 days	Arson
---	----------------------	-------

3	5 months and 9 days	Murder
---	---------------------	--------

1	6 months and 19 days	Murder
---	----------------------	--------

2	8 months and 16 days	Murder
---	----------------------	--------

3	10 months and 16 days	Murder
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#### Prisoners: unit cost

152. Mr D J DALLING asked the Minister of Justice:

What was the unit cost per prisoner per day in 1986?

The MINISTER OF JUSTICE:

As the 1986-87 financial year has not been closed, it is not possible to calculate an exact figure at this stage. At present the estimated cost per prisoner per day is R10,86.

#### Crimes against security of State

154. Mr D J DALLING asked the Minister of Justice:

(1) How many (a) males and (b) females serving sentences for offences against the security of the State were released in 1986;

(2) whether any of these persons were released as a result of the State President's offer of freedom to long-term prisoners on condition that they renounce violence; if so, (a) how many and (b) in respect of what date is this information furnished?

The MINISTER OF JUSTICE:

(1) (a) 56.

(b) 1.

(2) (a) Five of the persons who were released, renounced violence. The fact that they renounced violence was an important factor which was considered together with individual circumstances and all other relevant factors which are normally taken into account when the release of prisoners is considered.

#### Crimes against security of State

155. Mr D J DALLING asked the Minister of Justice:

How many (a) males and (b) females were serving sentences in 1986 for offences against the security of the State which exceeded (i) ten years, (ii) five years and (iii) two years?

The MINISTER OF JUSTICE:

(a) (i) 152.

(ii) 90.

(iii) 53.

(b) (i) 1.

(ii) 5.

(iii) 2.

#### Internal Security Act

156. Mr D J DALLING asked the Minister of Law and Order:

Whether any persons were (a) charged with and (b) convicted of contravening section 46 of the Internal Security Act, No 74 of 1982, in 1986; if so, (i) how many, and (ii) how many of these persons were under the age of 18 years, in each case?

The MINISTER OF LAW AND ORDER:

Yes.

(a) (i) 169 persons.

(ii) 36 persons.

(b) (i) 96 persons.

(ii) 17 persons.

#### Internal Security Act

158. Mr P C CRONJÉ asked the Minister of Law and Order:

(1) How many cases were referred to the



# Bomb victim tells of death and destruction

## Pietermaritzburg Bureau

A VICTIM of the bomb blast which ripped through Durban's Parade Hotel in June last year leaving three people dead, described in the Supreme Court here yesterday the scenes of death and destruction that followed the explosion.

Mr Brett Erasmus was giving evidence at the trial of Mr Robert McBride and Miss Greta Apelgren, charged with terrorism, murder and attempted murder in connection with the bombing as well as other incidents.

Mr Erasmus told the Court he was in the Why Not bar in the hotel with his girlfriend and a group of friends. They were discussing whether to go out and eat somewhere when there was a 'helluva bang' and the whole world collapsed.

'There was pandemonium. It was chaotic — people were falling about. I grabbed my girlfriend, Karen, and we fell to the floor. The ceiling collapsed on top of us. Then there was silence.'

Mr Erasmus said he lifted bits of the ceiling which were covering them and through the window he could see a burning car.

'Everything was all over the place. The room was totally destroyed.'

'Behind me I saw a woman lying very still with a lot of blood around the head. She was very seriously injured. As far as I was concerned she was dead.'

Mr Erasmus said his girlfriend could not walk and he picked her up. They left the building through what was left of the revolving door.

Outside he stepped around another two women who were sprawled on the ground very badly injured.

'They were moaning and groaning'.

### Ambulance

Mr Erasmus said both he and his girlfriend were covered in cuts. He left her in the car and returned to see if he could give assistance to others.

'I went straight back to where I saw the two women lying. One looked dead but the other was still alive. She was breathing and her eyes were jerking. Another person was giving her cardiac massage but it didn't help.'

Mr Erasmus said the ambulance crew arrived and tried to clear her mouth of blood.

'She passed away there,' he said.

He and his girlfriend then left for Addington

Hospital where they were treated.

He told the Court that before the blast he noticed a woman, whom he identified as Miss Apelgren, sitting in a Mazda 323 outside the hotel.

Mr Erasmus said he had been discussing the car and comparing it with a new Mazda 626 which was parked next to Miss Apelgren's car.

He suddenly realised that there was someone inside and his eyes caught Miss Apelgren's. He was embarrassed, feeling that he had been rude, and walked away.

Earlier yesterday a Johannesburg businessman, Mr Jannie Nel, told the Court that he saw Miss Apelgren sitting in a parked car outside the hotel shortly before the blast.

He and a friend, Mr Hentie Engelbrecht left the hotel about 30 minutes before the explosion when they noticed a woman in a car.

She appeared 'uptight' and nervous which drew their attention. When he looked through the window at her she jerked her head away.

He told the Court he had no doubt that Miss Apelgren was the person he had seen.

The hearing continues today.







# Court hears how bar bomb victim died

MARITZBURG — A Durban businessman described yesterday how he carried a friend through the shattered windows of a bombed Durban beachfront hotel and set her down outside where she died.

Mr. Rodger Shillaw (25), told the Maritzburg Supreme Court, he and the girl, Miss Angelique Pattenden, were talking and drinking at a table of 12 people in the Parade Hotel's Why Not bar.

There was an explosion, he said, and the group and other revelers were thrown to the ground, and "all went dark".

Mr. Shillaw was giving evidence in the trial of Mr. Robert John McBride (23) and Miss Greia Margaret Apeigren (30) of Durban.

The couple face four murder counts, three of them related to the June 14 bombings of the Parade Hotel, a string of terrorism counts and counts related to their alleged springing of a suspected terrorist, Mr. Gordon Webster, from Edendale Hospital near Pietermaritzburg.

Mr. Shillaw said after the blast there was a lot of screaming and shouting, and he saw two women try to jump through the shattered bar windows.

He said he picked up Miss Pattenden. As he was carrying her through the window she asked what happened. He told her that "everything is going to be all right". Minutes later she was dead.

Mr. Shillaw said he took a taxi to hospital as "all the ambulances were busy" and spent five days there. He still had a lot of glass embedded in his head which caused headaches. "Slowly and surely a piece comes out every now and again," he said.

The owner of the Parade Hotel, Mr. Russel Davidson, told the court both the Magoo's Bar and the Why Not Bar in the hotel were "choc-a-block" when the bomb exploded. The two bars held a total of about 450 people, he said.

The case continues today. — Saba.

'I did not hear any call to kill councillors'

# Sebokeng march was peaceful, says witness

331 star 25/2/87

By Mudini Maivha

A defendant in the Delmas treason trial told the court yesterday that Evaton and Sebokeng residents marched peacefully through the township on September 3 1984 until they were dispersed by police in Zone 7, Sebokeng.

The crowd, said Mr Tebello Ramakgula (37) in his evidence-in-chief, was singing "Siyaya e'Houtkop". The police station and the municipal administration offices are at Houtkop.

Mr Ramakgula, a member of the Vaal Civic Association (VCA), said that with Mr Modise Mthombeni and the Rev Jacob Mahlatsi, he was leading the march.

The participants had been told by another VCA member, Mr Esau Raditsela, that the march must be peaceful, said Mr Ramakgula. If the police appeared, the marchers were told, there would be people who would talk to them.

Mr Ramakgula said he did not hear any mention that councillors should be killed, their houses and property be destroyed, and that the (administration) board offices should be destroyed.

He said he heard no order to deviate from the march to destroy Mr Esau Mahlatsi's house. Although he saw smoke from his left hand side, he thought it was some township resident burning rubbish or property they did not want anymore

as is common in the township.

It became known later that the smoke came from the house of a councillor, Mr Caesar Motjeane.

He said the crowd did not leave obstructive objects in its trail. The numbers on the march increased.

As the residents marched past the Post Office and were near a garage in Zone 7, the police appeared. They blocked the way with their vehicles and pointed at the marchers.

Mr Ramakgula said his assessment of the situation was that things were bad.

The crowd stopped singing and slowed the pace of the march.

"What happened next, a helicopter appeared overhead flying low. Shots went off," said Mr Ramakgula.

He could not make out what had been fired. There was some smell in the air after the firing.

The marchers ran. He took cover between two walls in a nearby garage.

Later in the day, after receiving a report that a Mr Tshotsho's shop was being attacked, he went there to find youths breaking the windows. He and other people obtained a welding machine and welded in the bars.

The shopowner arrived later and was grateful for the job they had done.

The following day, the VCA held an emergency meeting attended by the Rev Frank Chikane. The meeting agreed that since something which the VCA had not planned had happened and things had been misdirected, there should be peace.

Mr Ramakgula told the court he only came to know many of the accused after they were arrested. He met them either at Diepkloof Prison or at the Pretoria cells where they first appeared in court.

Cross-examination by the State starts today.



# Bomb victim gives evidence in hotel explosion trial

PIETERMARITZBURG

— A Durban business broker, who was one of 98 people injured in the explosion which rocked the Parade Hotel last June, described in the Supreme Court here yesterday how he had carried an injured friend from the wreckage in the Why Not bar and tried to reassure her shortly before she died.

Mr Rodger Shillaw told the court Miss Angelique Pattenden wanted to know what was happening as he took her outside and he had replied that everything would be all right.

Shortly afterwards a policeman told him that she was dead.

Testifying at the trial of Mr Robert McBride and Miss Greta Apelgren who are charged with terrorism, murder and attempted murder in connection with the Parade Hotel blast and other incidents, Mr Shillaw said before entering the hotel he had noticed a light blue Ford Cortina parked in front of the building.

The explosion occurred about three or four minutes after he had joined a group of friends at the bar.

The force of the blast knocked him to the floor and as he stood up again he realised it was a bomb. The place was in darkness and there was chaos with people shouting and screaming. With the help of his brother he took Miss Pattenden outside.

He told Mr Justice Shearer and two assessors he was hit by flying shrapnel and glass which caused head, facial and back injuries.

A piece of glass had penetrated his rib-cage

and a piece of metal, believed to have been part of a car rim, had lodged in his back. Shrapnel had also entered his left shoulder and he was still hampered by the injury today.

Mr Shillaw said several pieces of glass were still lodged in his head and would come out "every now and again". These caused severe headaches.

He spent about four days in Addington Hospital.

The owner of the Parade Hotel, Mr Russel Davidson, said R200 000 damage was caused to the contents of the hotel by the blast and every single window, door and door frame had been destroyed.

He was in the foyer of the hotel talking to a manageress when the bomb went off. Mr Davidson said he saw a white flash and immediately realised what was happening so he dropped to the floor, pulling his companion down with him.

"The light turned yellow and dark and there were objects flying all over the place. When the noise settled you could hear people screaming and running around. It was chaos."

Mr Davidson said he was afraid there might be another bomb and he immediately began evacuating people. The ambulance arrived on the scene and began to tend to the injured.

At first he believed the bomb had gone off inside the hotel and only later when he saw the cars burning did he realise it had been inside a car.

He told the court that both the Magoos and

Why Not bars were crowded when the explosion occurred.

A 16-year-old flower seller said he had been crossing the road, intending to go to the Parade Hotel, when the bomb exploded.

He was thrown back by the blast but immediately got up and ran. A short distance away he fell as a result of his injuries which included stomach wounds and punctured lungs when he was struck by pieces of flying metal.

He regained consciousness after about 10 minutes and remained lying on the road until he was picked up by ambulance and taken to hospital.

An explosives inspector, Major M. Botha, also told the court how he had defused a bomb which discovered underneath a car at the Pine Street Parkade in May last year.

He said the device was unique in that it consisted of two SZ6 demolition charges and an SZ3 demolition charge, which were wired together and were attached to a handgrenade which was used to activate the device.

A 158 mini-limpet fuse was glued into the grenade and the safety pin had been removed. He could not tell what time the device was set to go off because it would have been very dangerous to interfere with the fuse.

He had called for a bomb trailer to remove the grenade and take it to C.R. Swart Square where it was destroyed. The bomb would have caused extensive damage had it exploded. — DDC



# Terrorism blasts: 4 of 10 accused ask for acquittal

331

**PIETERMARITZBURG** — Four of the 10 accused appearing in the College Road Supreme Court on charges of terrorism in connection with 15 bombs which exploded in the Durban area during 1985 yesterday applied for acquittal on a number of counts against them.

Mr Alan Magid, SC, made an application that 32-year-old Mrs Duduzile Buthelezi, of Umlazi, be acquitted on the main count of terrorism and an alternative count of possession of publications published by the ANC and SACP.

He also applied for the acquittal of Dr Sibongiseni Maxwell Dhlomo, 26, on alternative charges of possession of an AK-47 rifle, possession of limpet mines and grenades and possession of SACP and ANC publications, and for the acquittal of Dr Vejaynand Indurjith Ramlakan, 28, of Merebank, on an alternative charge of possession of handgrenades and mini limpet mines.

A fourth accused, Mr Ordway Qonda Msomi, 20, of Lamontville, applied for acquittal on an alternative charge of possession of a TM57 landmine and detonator and two limpet mines.

Mr Justice Thirion called an adjournment in order that judgment be passed on the applications on behalf of the first three accused this morning.

Judgment will be passed on the applica-

tion by Mr Msomi at a later date.

Last week two other accused, Mr Sipho Stanley Bhila, 31, of Lamontville and Mr Phumezo George James Nxeweni, 20, of Alan Taylor Residence, Wentworth, were acquitted on charges of terrorism, possession of grenades and possession of a machine gun and terrorism and possession of grenades respectively.

The state alleges that all 10 accused are linked with bombings and attempted bombings including the explosion at the Grosvenor Girls' High School; the Mobeni Post Office; the XL Restaurant at the beachfront; the Umlazi Bakery; the Chatsworth

Magistrates Court; the home of Mr Amichand Rajbansi; a car bomb in Pine Street; bombs at OK Bazaars, Checkers and a Spar Foodliner and the Amanzimtoti bomb blast on December 23 1985 in which five people were killed.

It is further alleged that they were members of the ANC and that they were part of a group operating in Durban with the specific objects of recruiting and training members of the local population to execute armed attacks; to support all anti-government political activities such as boycotts and strikes and to commit acts of violence in retaliation for raids by the SADF in neighbouring States. — DDC

Wednesday, February 25, 1987 9

## Verdict in PAC trial 33/ on Friday

### Court Reporter

VERDICT will be given in the Regional Court on Friday on six men and a youth charged with terrorism and furthering the aims of the banned Pan African Congress (PAC).

They are Mr Mzwandile Mciteka, 25, Mr Andile Gusha, 23, Mr Donald Mxutu, 66, and Mr Simon Mayholewene, all of Guguletu, Mr Bathemba Lugulwana, 33, of Langa, Mr Taelo Ntlaba, 19, and a 17-year-old youth, both from Paarl.

The seven have pleaded not guilty to charges of subverting the authority of the Republic and demoralizing the public between January 1983 and January 1986 in the Peninsula, at Mbekweni, Paarl, and Lady Frere, Transkei. They also pleaded not guilty to taking part in PAC activities, alternately furthering PAC aims.

The State also alleges that Mr Lugulwana and Mr Mciteka were involved in establishing the Azanian National Youth Unity (Azanyu), formed in Bonteheuvel in 1983.

The State alleges it was said at Azanyu meetings that PAC aims should be furthered. It was also allegedly said that the military wing of the PAC, the Azanian Peoples Liberation Army, was formed to subvert the authority of the State through violence.

Mr J M Lemmer was the magistrate. Mr A Duminy prosecuted. The seven were represented by Mr F Bunting, instructed by Mr Wallace Mgoqi of Syfret, Godlonton, Fuller, Moore Incorporated, and Mr P Hazell instructed by Mr Ramesh Vassen.

Sowetan

# WE WERE IN FRONT AT MARCH — ACCUSED

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25/2/87

AN accused in the lengthy Delmas treason trial volunteered to be right at the front during a march of residents to Houtkop on September 3, 1984.

Mr Tibello Ephraim Ramakgula (37), on his second day in the witness box, said he was with two other volunteers, Mr Modise Mthombeni and a Mr Mahlatsi.

Mr Ramakgula is one of the 19 men facing charges of treason, alternatively terrorism, subversion and murder in the Delmas Circuit Court.

He said the three were in the same row with people holding placards. "I would say there were between 15 and 20 placards," he said.

Before the march started from the Roman Catholic Church in Small Farms, placards

By ALI MPHAKI

were given to youths, Mr Ramakgula said.

The placards written on cardboard paper were designed by Mr Jacob Hlanyane and Mr Naphtalie Nkopane — both co-accused in the trial.

Mr Esau Raditsela, the vice-president of the Vaal Civic Association told the people to behave, so that the march could be peaceful.

## People

As the march proceeded more people joined it. The purpose was to make the administration board realise that residents were not satisfied with the R5,90 rent increase.

Mr Ramakgula said as the march approached Hunters Garage police blocked their way and a helicopter flew overhead. Shots were also fired.

"We scattered in all

directions. I ran into the garage where I hid between the fire-escape and an opening".

Later he went back to his Zone 7, Sebokeng, home. In the evening he went to see fellow-accused Mr Sam Matlole to find out what had happened.

After a short while there arrived a young man called Sithole. I then went to a shop — Tsotsotso. The shop had broken windows and we tried to put everything in order," he said.

Mr Ramakgula said he did not know why the shop was attacked, but he thought it was the work of a group of boys.

"While we were there soldiers drove past in a Hippo. We were quite many and they fired in the direction of the shop. We ran away and hid behind houses," he said.

The State will start cross-examining him today.



One has serious brain damage, others have hands amputated

# AGONY OF DUDUZA 7

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Sowetan  
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**They have severely punished themselves for life, judge told**

By MONK NKOMO

THE seven accused in the Duduza trial, one of whom suffered serious brain damage while others had their hands amputated after handgrenades detonated in their hands, had severely punished themselves for life, the Pretoria Supreme Court was told yesterday.

The seven former students convicted on Friday should be given suspended sentences the judge was told yesterday.

Arguing in mitigation of sentence, their defence counsel, Mr Nick de Vos and Mr Eric Dane, submitted that the attacks on the nights of June 25 and 26, 1985, were going to have an everlasting psychological effect on them.

The seven, all high school students before their arrest, were convicted of possession of handgrenades by Mr Justice Stafford, who is sitting with an assessor.

They are Joseph Titus Mazibuko, John Mlangeni, Samuel Lekatsa, Humphrey Tshabalala, Johannes Veli Mazibuko, Hosca Lengosane and Cedric Dladla.

Lengosane and Dladla were also found guilty of attempting to murder Warrant Officer Ben Baloyi and his family.

## Guilty

Lekatsa, Veli Mazibuko and Tshabalala were found guilty of having maliciously attempted to damage the house of Duduza businessman Mr David Namane.

Titus Mazibuko and Mlangeni were convicted for attempted malicious damage on Mr Steven Namane's house.

Mr de Vos yesterday submitted that the violence that erupted in

To Page 2

## Agony of Duduza 7

### From Page 1

Duduza was sparked off, among other things, by the death of three political activists, including two sisters, Sonto and Zanele Thobela, allegedly killed by policemen or a vigilante group.

He also cited the lack of electricity, tarred roads, shortage of houses and the use of the bucket system as the cause of violence that flared in the township in 1985.

Mr de Vos also submitted that the houses of both the Namane brothers were not damaged. Only two window panes were damaged at the warrant officer's house.

Some of the accused, he added required rehabilitative surgery after being in solitary confinement for the past 20 months.

"The accused were incited to commit this deliberate mass murder. They have punished themselves for life," Mr de Vos said.

He added that it was "a stupid, amateurish and schoolboy type" of retaliatory action by the accused to try and throw handgrenades at the three houses, one of which was already "a burnt-out shell" at the time.

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**EN "A."**  
OL FRESH

Mr de Vos submitted that the accused were youngsters on the threshold of life. They also did not have previous convictions. He asked the court to impose severe sentences but which must be suspended.

Mr Dane submitted that one of the accused, Lengosane, was the most physically handicapped of the seven. He had a seriously damaged brain and had no future.

He and Tshabalala had also suffered epileptic seizures while in detention and were presently receiving medical treatment.

Imposing prison sentences, Mr Dane said, would be "a sledgehammer".

Mr John Oberholzer, for the State, conceded that Lengosane had been "punished more than the court can punish him". But he asked the court not to impose suspended sentences but to hand down prison sentences because of the seriousness of the crimes.

Mr Justice Stafford will pass sentence on Friday.

## FORMER STAR 'CHIPPA' HAS HEART ATTACK

Sowetan Reporter

FORMER soccer star Percy "Chippa" Moloi, is in hospital following a heart attack on Sunday.

The once classy Moloi, who played his greatest games while a player for Orlando Pirates, has assured the soccer world that he will be out of hospital soon.

He is in a Johannesburg hospital and has asked us not to name it. "Doctors say I need a complete rest and have said I should not have any visitors save my immediate family," he said. According to him he was quite ill when admitted on Sunday.

"Doctors said I had a shortage of oxygen and now I must have an oxygen mask on all the time," he said.

Mr Moloi was admitted at Lenasia's Lenmed Clinic two weeks ago, where he was later discharged.

"I refute reports that I was taken to Lenasia after my club (Atamelang Tigers) was beaten by Grinaker Wanderers in a recent Cup Final. My heart started malfunctioning as early as December. My team's loss has nothing to do with my ailment," said Mr Moloi.



PERCY "Chippa" Moloi  
... soccer ace.

**Don't forget the Sowetan's ballot box**



CAPE TIMES

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## 'Auto-teller' man appears in court

By CLARE HARPER

THE Zwelethemba Youth Congress member who was detained after he tried to draw money from the Allied Building Society, appeared in Worcester Magistrate's Court yesterday.

Mr Christopher Tyawana, 24, has been in detention under Section 29 of the Internal Security Act for six months.

On August 27 he walked into a city branch of the building society. He tried to draw money but his card malfunctioned and he was referred to the manager.

The building society later apologized to Mr Tyawana and called on the government to release or charge him.

No charges were put to Mr Tyawana and the case was postponed until today to allow his attorney, Mr Essa Moosa, to prepare a bail application.

Mr Moosa said he understood that police were investigating five possible charges in terms of the Internal Security Act.

The charges relate to furthering the aims of a banned organization, possession of explosives and ammunition and being in possession of a publication of a banned organization.

Mr H P Botha was the magistrate. Mr C Kempff was the prosecutor.

# Accused wanted to see and hear car bomb, witness tells court

MARITZBURG — A Durban man described yesterday how he and alleged Magoo's Bar bomber Mr Robert McBride parked a car packed with 50 kg of TNT outside the Parade Hotel in the city and activated an explosive device.

The pair were then collected by Mr McBride's girlfriend, Miss Greta Apelgren, and went to wait just outside the city centre "because Robert said he wanted to hear the bang and see the flame of the car bomb".

The witness, whom Mr Justice D L L Shearer ordered be referred to as Witness C, was giving evidence in the Maritzburg Supreme Court against Mr McBride and Miss Apelgren, both of Austerville in Durban.

## FOUR MURDER COUNTS

The couple face four murder counts, three of them related to the June 14 Magoo's blast last year and a string of terrorism counts and counts related to their alleged springing of a suspected terrorist, Mr Gordon Webster, from Edendale Hospital near Maritzburg.

Witness C told the court he was approached by Mr McBride on June 14 and asked to accompany him "as he was going to park a car which he made into a bomb in town".

That evening, the court heard, the witness and Mr McBride drove into Durban in the car.

Mr McBride allegedly instructed Miss Apelgren to drive her car to the Marine Parade and look for a parking space.

She found a place outside the Parade Hotel, the court heard, and when Mr McBride and the witness arrived, she drove out, allowing them to park there.

Witness C said Mr McBride activated the explosive device in the parked car, which he set for 15 minutes later, and he and the witness left with Miss Apelgren.

The following day, Witness C read in a Sunday newspaper "that some people had died and a lot were injured and I felt sick".

He had realised, however, that 50 kg of explosives "could kill people".

In earlier evidence, Witness C admitted to also accompanying Mr McBride and his father, Mr Derrick McBride, to Edendale Hospital on May 4 where they sprung Mr Gordon Webster.

Witness C said that on Mr McBride's instructions, he cut a hole in the hospital fence while the two McBrides went into the hospital.

Mr Robert McBride was dressed as a doctor with an AK-47 under his coat. The witness said he heard gunshots and soon saw the McBrides "pushing a trolley towards me with someone on it".

The naked Mr Gordon Webster was put on the back of an open truck and driven back to Durban.

Witness C also admitted that he and a friend bombed the house of a Wentworth school headmaster on May 1 on the instructions of Mr McBride.

The trial continues today. — Sapa.



331 Sowetan 26/2/87

SOWETAN, Thursday, February

JUDGMENT will be given tomorrow in the Cape Town Regional Court trial of six men and a youth charged with terrorism and furthering the aims of the banned Pan-Africanist Congress (PAC).

Accused are Mr Mzwandile Mciteka (25), Mr Andile Gushe, (23), Mr Donald Mxutu (66) and Mr Simon Mayholewene, all of Guguletu; Mr Bathemba Lugulwana (33) of Langa, Mr Taelo Ntlaba (19) and a youth, both of Paarl.

The State alleges that

they took part in the activities of the PAC, formed the Azanian Youth Union (Azanyu) in 1983; invited people to sign for military training under the PAC and to join the Azanian People's Liberation Army, that they pledged loyalty to and saluted the PAC at a funeral in Transkei; distributed a pamphlet entitled *Kill The Oppressor And Not The Oppressed* and distrib-

## Judgment in terror trial tomorrow

uted T-shirts bearing pictures of former PAC leader Robert Sobukwe.

They have pleaded not guilty.

They were arrested in Umtata on January 20 last year. This week Mr F Buntting, for all the defence, argued that Mr Gushe should be acquitted because there

was not evidence that he had intended to leave South Africa specifically for military training.

"Mr Gushe said there had been fighting between Azanyu and the United Democratic Front in Mbekweni in 1985 and he feared for his life after threats,"

said Mr Buntting.

"He said in a statement that he approached an elderly man for advice on how to get to a safe place. He got as far as Umtata.

"Mr X, a State witness testified that there were no military camps in Lesotho, where Mr Gushe intended going."

Mr J M Lemmer is on the Bench and Mr A A Duminy appears for the State.

# Witness tells of VCA link with UDF

Star By Inga Molzen

331 26/2/87

An accused in the marathon Delmas treason trial testified yesterday he agreed with a resolution to affiliate the Vaal Civic Association (VCA) with the United Democratic Front at its launch in 1983, although he knew nothing about the organisation.

Most people at the meeting approved of the UDF and believed the affiliation would give the VCA credibility in the community, said Mr Tibello Ramakgula (37). He said he had no reason to doubt their words.

When the proposal to launch the VCA was approved by the audience, it was decided that it would work with other community organisations — which he understood to mean civic associations — to resolve problems.

## COMMUNITY COUNCIL SYSTEM

The VCA was an alternative to the town council and community council system which did not have the confidence of the Vaal community, he said.

Mr Ramakgula is one of 19 men charged with treason, alternatively terrorism, subversion and the murder of councillors during township violence in 1984.

He is the third defendant called to testify since cross-examination in the now 20-month old trial.

Mr Bavumi Vilikazi, who was absent from the dock yesterday afternoon after being admitted to an East Rand clinic for treatment, was questioned for 12 days and Mr Naphtali Nkopane spent 11 days in the witness box.

Mr Ramakgula denied that a speaker at the meeting, Mr Elliot Tshabangu, was introduced as a UDF member, but that he came from the Soweto Civic Association.

Mr Tshabangu had spoken of "the history of the struggle and the reason for the formation of the African National Congress" and not the history of the ANC as put to the witness by the State, submitted Mr George Bizos SC, for defence.

Mr Curtis Nkondo had also addressed the meeting in October 1983, but he was not introduced as a UDF executive member but as having dealings with education matters, said Mr Ramakgula.

But, Mr Ramakgula said he did not remember seeing another accused, the Rev Tebogo Geoffrey Moselane on the stage.

Proposals from the audience had been dealt with independently and people expressed their support with a show of clenched fists or raised hands.

One resolution that the VCA appoint a representative to the council elections was rejected.

Another organisation, launched to act for the community, had shown to have sided with the councillors and turned against them.

The community made it clear that they "wanted nothing to do with the councillors", said Mr Ramakgula.

## I turned to terrorism for money — witness

MARITZBURG — A Durban man who admitted accompanying Mr Robert McBride to bomb Magoo's bar and to free a man from Edendale Hospital told the Pietermaritzburg Supreme Court yesterday he turned to terrorism mainly for money.

Witness C, who may not be named, said his actions were "a bit to change the system", but he was mainly interested in money as he was unemployed, had a child to support and his girlfriend was in financial difficulties.

He said Mr McBride payed him R500 after the successful springing of Mr Gordon Webster from Edendale Hospital.

The witness was giving evidence against Mr

McBride (23) and Miss Greta Apelgren (30) from Austerville, Durban.

The couple face four murder counts, three related to the blast on June 14 at Magoo's Bar, and a string of terrorism counts and counts related to their alleged freeing of Mr Webster.

Witness C told the court he first met Mr McBride in 1985 when they met to discuss politics and listen to reggae music.

In April 1986 Mr McBride allegedly asked the witness if he "felt the same" as the previous year as "he had handgrenades and mini limpets (I) can use".

The hearing continues. — Sapa.

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Star 26/2/87



SEVEN youths, deformed by grenades which exploded in their hands in June 1985, may be able to sue for damages for possibly not obtaining correct treatment during their 20 months in jail, Mr Justice Stafford said yesterday.

Stafford said the accused — who have been facing terrorism charges in the Pretoria Supreme Court for the past six months — had not received artificial limbs during the 20 months they had spent in prison.

Medical evidence before the court had indicated it was probably too late for some of the accused to be fitted with prostheses because they had deadened nerve endings.

The State dropped the terrorism charges on Friday.

# 7 jailed youths may sue State

THELMA TUCH

The accused changed their pleas on the other charges to guilty of possessing hand-grenades and malicious damage to property. Two of them pleaded guilty to attempted murder.

Their charges arise from allegations the accused tried to hurl grenades at the homes of W/O Ben Baloyi, businessman David Namane and former community councillor Steven Namane in Duduza,

● To Page 2 ➡

## Jailed youths may sue State for damages

East Rand, on June 25 or 26, 1985. The grenades exploded in their hands.

Counsel for the accused, Nic de Vos, asked the judge to pass a suspended sentence because the seven had already spent 20 months in jail and suffered physically and psychologically as a result of their actions.

Three of the youths have been receiving anti-convulsive drugs for the treatment of epilepsy, one of them has suffered brain damage and hearing loss, and the others have had either their hands or fingers amputated.

Replying to a question from Stafford, counsel for the State, J Oberholtzer, said it would be appropriate for the accused to be sentenced to an additional four years' jail.

He said he would not object to the release of one of the accused, who had suffered brain damage, hearing loss and epilepsy, and was fit only for sheltered employment.

Sentence will be passed on Friday.

# Court hears of UDF affiliation

AN accused in the Delmas treason trial yesterday said he distributed pamphlets advertising the launch of an area committee in Zone 7, Sebokeng.

Mr Tibello Ramakgula (37) was testifying on his fourth day in the witness box. The court heard that he agreed with a resolution to have the Vaal Civic Association affiliate to the United Democratic Front after its launch in 1983.

On trial are 19 men charged with treason alternatively subversion, terrorism and murder.

The court also heard yesterday that Mr Ramakgula and others decided to go and plead for their children to be readmitted at the Sokwazi School in

Zone 8, Sebokeng.



331

27/2/87

# Report was not accurate, Delmas terror trial told

2/12/87  
331  
By Inga Molzen *Star*

An accused in the Delmas treason trial, where 19 men are appearing following the Vaal uprising of September 1984, yesterday disputed details of a report made to the Transvaal United Democratic general meeting earlier that year.

Under cross-examination, Mr Tibello Ramakgula (37) of Sebokeng denied that a parents' action committee, student representative council or area working committee existed for Zone 7 of the Vaal township at the beginning of January 1984.

The report, by the Reverend Lord Righteousness McCamel, founding chairman of the UDF-affiliated Vaal Civic Association (VCA), spoke of how parents from Zone 7 had looked into problems affecting Evaton and Sebokeng where pupils were turned away from schools.

Mr Ramakgula said the report, dated January 14 1984, was written after parents of Zone 7 approached Sokwazi School and had students readmitted. He said a parent's action committee was formed in the area a month later. He knew nothing about such committees in Bophelong and Boipatong.

## PRESSURE GROUP?

"I don't know where he got his information from. We (parents of Zone 7 who met at a house meeting) were never contacted by him," he said.

Mr Ramakgula, guardian of a 16-year-old scholar, said parents approached the headmaster on January 11 1984 not as "a pressure group" but as parents of students who had been turned away.

When they decided to approach the school, Mrs Edith Letlhake — a representative of their area — suggested they approach Mr Curtis Nkondo, an UDF executive member.

"Not because of any UDF involvement but for his knowledge of procedure to be adopted in school matters," said Mr Ramakgula.



# Duduza 7 are to be sentenced today

27/2/87 331

By Sejamothopo Motau, Pretoria Bureau

Mr Justice Stafford will pass sentence today in the Pretoria Supreme Court to close the six-month long "political" hearing that came to be known as the Duduza terrorism trial.

The seven accused were found guilty last Tuesday of the illegal possession of one hand grenade each.

They were all acquitted on the main charge of terrorism and four charges of attempted murder.

Facing sentence are Joseph Titus Mazibuko (18), John Mlangeni (21), Samuel Lekatsa (19), Humphrey Tshabalala (19) and Johannes Veli Mazibuko (18), all of Duduza, Nigel, and Hosea Lengosane (20) and Cedric Dladla, both of Tsakane, Brakpan.

Lengosane and Dladla were also found guilty of attempting to murder SAP Warrant Officer Ben Baloyi, his wife Grace and their three minor children.

Lekatsa, Veli Mazibuko and Tshabalala were found guilty of having maliciously attempted to damage the house of Mr David Namane, a businessman in Duduza.

Titus Mazibuko and Mlangeni were convicted for malicious attempting to damage to the home of Mr Steven Namane, also a businessman in the township.

They had all pleaded guilty to the charges on which they have been convicted.

Mr Justice Stafford thanked the defence for entering the pleas, and the State for accepting them, adding that it appeared the accused had pleaded guilty to charges that could have been sustained had the trial continued.

## Three youths killed

The trial was a sequel to events of the night of June 25/26 1985 during which the houses and other property of community councillors, businessmen and policemen in the township were attacked. Three youths were killed and several were maimed.

Joseph Mazibuko and Mlangeni lost their right hands when hand grenades exploded in their grasp. Lengosane, the most physically handicapped of the seven, suffered severe head injuries causing serious brain damage. He has sat passively throughout the trial.

On Tuesday Mr John Oberholtzer, for the State, argued that because of the seriousness of their crimes, the seven should be given prison sentences. He conceded that Lengosane had been punished more than the court could punish him.

In a plea in mitigation of sentence, Mr Nick de Vos and Mr Eric Dane, for the defence, asked the court to impose suspended sentences. They said the events of the night of June 25/26 1985 would have a lasting psychological impact on the seven young men.

"They have punished themselves for life," said Mr de Vos. He described their actions as stupid and amateurish.

Mr Dane submitted that Lengosane had no future because of his severely damaged brain. He and Tshabalala had suffered epileptic seizures while in detention and were receiving medical attention. Sending them to prison would destroy their chances of rehabilitation.

Mr de Vos submitted that the violence in Duduza had been triggered off, among other things, by the death of three political activists in the township, allegedly killed by policemen or a vigilante group.

He also referred to the general poor conditions in the township — the lack of electricity, tarred roads, shortage of houses, and the use of the bucket system — as among the causes of the violence that erupted in 1985.

A State witness, who could not be named, told the court how a "hit squad" of Duduza youths was trained by "two ANC men" in the use of hand grenades. The witness admitted under cross-examination that the "ANC men" who had trained the activists were policemen or men working for the police.

Cape Times 7/12/67  
**'No proof  
of illegal  
gathering'**

**Court Reporter**

TWO men were yesterday acquitted in the Cape Town Magistrate's Court of attending an illegal gathering near Parliament in June last year.

Mr Anton Roux, 24, of Ednan Road, Rondebosch, and Mr David Borchers, 28, of Rosmead Avenue, Kenilworth, were also acquitted of demonstrating in the open.

The magistrate, Mr G Rossouw, accepted the argument of Mr J Murphy for the two that to constitute an illegal gathering those assembled should have a common purpose.

The State had failed to prove this.

Previous evidence was that a crowd had marched from St George's Cathedral to Parliament.

Mr C Gavin prosecuted.

THE 11 people accused of the murder of Rosaline Maki Sikosana, 24, who was kicked, beaten and set alight at a Duduza funeral on July 20, 1985, are due to appear in the Pretoria Supreme Court on Monday.

Her gruesome death — filmed by Visnews — was screened on SABC TV that night — the eve of President P W Botha's announcement of the first state of emergency.

It was rumoured in the East Rand township of Duduza that Sikosana was a police informer. According to her family she was a member of the

# Duduza death hearing

THELMA TUCH

United Democratic Front (UDF).

The State alleges that all the accused murdered Sikosana. They allegedly formed a circle around her and jointly beat, kicked, stoned, jumped on her and then set her alight.

One of the accused, Linda Alexandra Hlophe, 26, allegedly kicked her body and neck several times, and dropped an enormous stone on her body and head.

331 8/Day 27/2/87  
A youth, who may not be named because he is under 18, is alleged to have covered her with objects used to set her alight. It is unknown to the State who set fire to Sikosana.

The accused are Elizabeth Motaung, 28, Sanna Twala, 23, Solomon Motsogae, 28, Linda Hlophe, 26, Lorraine Sobuzi, 33, Jacob Tshabalala, 22, Lydia Mokoena, 24, Phineas Maseko, 32, Daniel Mbokwane, a 15-year-old girl and a 17-year-old youth.



# Mr C 'relieved to be arrested' after Magoos Bar bomb

## Pietermaritzburg Bureau

AN ALLEGED accomplice to the Magoos Bar bombing in Durban last June told the Supreme Court here yesterday that he was relieved when he was finally arrested by the police because it would prevent him doing things he didn't want to do.

Mr C was testifying before Mr Justice Shearer and two assessors at the trial of Robert McBride, 23, and Greta Apelgren, 30.

He has given evidence that he accompanied the couple when Mr McBride planted a car-bomb outside the Parade Hotel on June 14 which exploded, killing three people and injuring many others.

He also testified to having participated in a hand-grenade attack on the home of former police reservist Mr Yuill Klein and his wife Brenda last May in which the couple were seriously injured, after obtaining grenades from Mr McBride.

Mr C has admitted having accompanied Mr McBride on several other missions to bomb installations, including oil pipelines in Wentworth; a chemical container; water pipes near the Westville freeway, and a bin outside the Copper

Shop, as well as in springing alleged ANC terrorist Gordon Webster from Edendale Hospital near Pietermaritzburg where he was being held under guard after being shot by police.

Mr C told the Court yesterday that he had assisted Mr McBride in concealing arms in a cache near Shongweni on two occasions.

### Arms

On the first he had assisted when Mr McBride buried a trunk at the spot. On the second occasion Mr McBride had taken him and a Mr Antonio du Preez to his father's (Mr Derrick McBride's) workshop in Wentworth.

He had been shown various items which were removed from the ceiling. They were wrapped in paper and plastic and Mr McBride had said there were three AK-47 rifles; a rocket launcher; six rockets; grenades and other explosives.

Mr C said they were driven to Shongweni by Miss Apelgren and he had assisted Mr McBride in burying the arms. During the drive he and Mr McBride had sat in the back, holding AK-47's which Mr McBride said they would use to shoot the police if stopped.

Questioned by defence

counsel Mr David Gordon, SC, Mr C, who has a Std 4 education, told the Court that although he was interested in politics and in fighting for a better system in this country, he was in fact opposed to violence.

He agreed that he had been involved in violence at the Fairvale School about the time he met Mr McBride and said it was possible that Mr McBride may have had the impression that he was in favour of violence.

Mr C said when he participated in the activities to which he had testified he had been partly motivated by his need for money, as well as his interest in political change.

He told the Court that before attacking Mr Klein's home he had asked Mr McBride for a loan of R500 which he needed to support his child and help his girlfriend.

He said Mr McBride had promised him the money, although there was no agreement that he would be paid for any of the activities in which he was involved.

After the Edendale incident Mr McBride had given him R500 and told him that he needn't repay it because money was 'no problem'.

The hearing continues today.

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*CASE Tim H 28/2/87 (284)*  
**DF 'spy' case in camera** **53**

PRETORIA. — SADF alleged spy Major Andre Pienaar was remanded to May 4 after a brief in-camera hearing in the Supreme Court here yesterday. Mr Justice W J Human ordered the hearing to be held in camera after Mr J D Visser, for the State, said the hearing should be held behind closed doors. The reasons could also not be made known. According to the charge sheet, Maj Pienaar will be charged with six offences, under the Protection of Information Act and the Defence Act.

CAPE TOWN 28/2/87

# Terror: One man convicted, 6 freed

## Court Reporter

A YOUTH and five men were yesterday acquitted in the Regional Court of terrorism and furthering the aims of the banned Pan African Congress.

A seventh man, Andile Gusha, 23, of Guguletu, who has been in detention for more than 13 months, was convicted on the charges.

The six acquitted are Mr Mzwandile Mciteka, 25, Mr Donald Mxutu, 66, Mr Simon Mayholewene, 64, all of Guguletu, Mr Bathemba Lugulwana, 33, of Langa, and Mr Taelo Ntlaba, 19, and a 17-year-old youth, both of Paarl.

In a confession handed in to the court, Gusha said he was member of the Azanian National Youth Unity (Azanyu) which was formed in Bonteheuwel in 1983.

He said he had gone to help in a fight between Azanyu and the UDF in Mbekweni and was threatened a number of times by UDF members when he returned.

Gusha decided that he had to leave South Africa for his safety and approached Mr Stanford Maliwa, a member of the PAC. Mr Maliwa had told him of PAC military camps in Lesotho.

He said Mr Maliwa was later burnt to death by members of the UDF. He had attended a funeral in Lady Frere, near Umtata, on January 19. After seeing a man in Transkei who informed them that the PAC had "enough soldiers" in the camp, they decided to return to Cape Town.

While stopping at a house to get money for their return, one of the men with Gusha told a man at the house that they had tried to get to Lesotho. "Unfortunately the man was a policeman" and they were arrested.

The magistrate, Mr J M Lemmer, said it was clear that Gusha intended to leave South Africa to attend a military camp for training.

Gusha had also attended a memorial service for Mr Maliwa where PAC pamphlets were "handed out".

He said the people at "these events were encouraged to act against the government". "But did Gusha associate himself with the actions of these people? It is clear, however, that he felt attracted to them."

Mr Lemmer said there was no evidence to link the other six to these activities. Sentence will be passed on April 10.

Mr A Duminy prosecuted. The seven were represented by Mr F Bunting, instructed by Syfret, Godlonton, Fuller, Moore Incorporated, and Mr P Hazell instructed by Mr Ramesh Vassen.



News in Brief

*Cape Times 28/2/87 748*  
**Paper: No prosecution** *331*

EAST LONDON. — The Attorney-General of the Cape has declined to prosecute the Daily Dispatch, its editor, Mr George Farr, and two former members of the newspaper's editorial staff. A possible prosecution had been considered in terms of Section 27b of the Police Act, following publication of a report in the Daily Dispatch on March 22, 1986.

**Court Reporter**

A LANSDOWNE printer was yesterday acquitted in Wynberg Magistrate's Court of publishing stickers bearing a sketch or photograph of Mr Nelson Mandela.

The State alleged that Mr Allie Parker, 45, trading as Allie's Printing Services, printed stickers bearing the words "Release Nelson Mandela" and a photograph-type reproduction of a face currently in dispute as to whether it is a drawing or photograph, alleged to be that of Mr

**'Mandela' sticker printer acquitted**

Mandela, in March last year.

At a previous hearing, a security policeman told the court that it was an offence to publish a photograph of Mr Mandela, since he had been jailed for life after a treason trial in 1964.

Information on the sticker said it had been published by the UDF

Observatory Area Committee and printed by Allie's Printing Services.

Mr J H de Lange, for Mr Parker, said: "Would my client have printed his name on the sticker if he knew it was illegal?"

Mr J G van Zyl was the magistrate. Mr P Botha prosecuted.

CAN TIMES 28/2/87 331

# Suspended sentence for grenade victim

PRETORIA. — A 21-year-old man from Tsakane, Brakpan, who suffered severe brain damage when a hand grenade exploded near him, was sentenced yesterday to 16 months' imprisonment, suspended for three years, at the end of the Duduza terrorism trial in the Supreme Court here.

Hosea Lengosane and six other men from Tsakane and Duduza, near Nigel, were found guilty this week of the illegal possession of grenades and attempted malicious damage to property.

The other six — Joseph Titus Mazibuko, 19, John Mlangeni, 22, Samuel Lekatsa, 20, Humphrey Tshabalala, 19, and Johannes Veli Mazibuko, 19, all of Duduza, and Ce-

dric Dladla, 19, of Tsakane — were each sentenced to 16 months' imprisonment by Mr Justice Stafford. The terms were not suspended.

Lengosane and Dladla were also found guilty of attempting to murder SAP Warrant Officer Ben Baloyi, his wife Grace and their three children.

Lekatsa, Veli Mazibuko and Tshabalala were found guilty of having maliciously attempted to damage the house of Mr David Namane, a businessman in Duduza.

Titus Mazibuko and Mlangeni were convicted of maliciously attempting to damage the home of Mr Steven Namane, also a businessman in the township.

They all pleaded guilty to the charges on which they were convicted.

In suspending the sentence of Lengosane, Mr Justice Stafford said he accepted a defence plea that no purpose would be served by putting him in prison.

Titus Mazibuko and Mlangeni each lost a right hand and part of the forearm when grenades exploded in their hands on the night of June 25 to 26 1985. The others lost fingers.

Mr Justice Stafford said he could find no evidence that the grenades used by the seven were provided by the police, as alleged in court, or by vigilantes. — Sapa