

TOTALITARIANISM

POLITICAL TRIALS

1986

APRIL - JULY

Treason trial takes a break

RENTAL on business sites in the Vaal Triangle had not been increased despite a shortfall of more than R50 000 on such premises, the Delmas Circuit Court was told last week.

This was said by Mr Hendrik Matthysen, treasurer of the Lekoa Town Council, under cross-examination by defence lawyer Mr George Bizos, SC, at the trial of 22 people charged with high treason, alternatively incitement to murder, subversion and terrorism.

They are appearing before Mr Justice K van Dijkhorst, sitting with two assessors. They have pleaded not guilty to all the charges.

In answer to a question as to why rental on business sites had not been increased when house rents were increased in the area, Mr Matthysen said "businessmen had been through difficult times."

He said: "The moral position is that there would be more jobless people if those businesses went under, that is why we decided not to increase rental on business sites."

"But the town council had indicated that business sites rents would be increased in future," Mr Matthysen said.

In his evidence-in-chief, Mr Matthysen had told the court the Lekoa Town Council had decided in June 1984 to increase rents by R5,90 and R5,50 a month, in an attempt to balance the council's 1984/5 budget.

The Right Reverend Desmond Mpilo Tutu, Anglican Bishop of Johannesburg and Anglican Bishop Suffragan for Johannesburg East, Bishop Simeon Nkoane, were among the dozen or more clerics who were at the trial on Thursday.

The case has been postponed to April 7.

1/4/88

331

SOWETO

Zondo guilty of murdering 5 in blast

Own Correspondent

DURBAN. — Andrew Sibiso Zondo was found guilty by Mr Justice Leon yesterday of murdering the five people who died in the bomb blast at the Sanlam shopping centre in Amanzimtoti on December 23 last year.

Giving evidence in mitigation in the Supreme Court here, the 19-year-old man said after planting the limpet mine in a bin in front of the SAA office, he tried to alert the shopping centre but failed to find an unoccupied telephone booth at a nearby post office.

After waiting 15 minutes he decided against making the call, fearing, he said, that if he called at that late stage more people would have been killed because they would have panicked and rushed through the arcade where the mine had been placed.

Zondo said he grew up in KwaMashu and in 1980 was in conflict with the police during a

school boycott. From that day he looked on the police as the enemy.

In 1981 he was recruited by the ANC.

The Freedom Charter appealed to him because it said South Africa belonged to all and not only to whites.

Zondo said he went to Swaziland in 1982 and spent two weeks with the ANC before returning to Durban.

He was arrested by the police in January 1983, but escaped after he was released on the pretence that he would help the police in arresting two of his friends.

Zondo said he believed police had found his autobiography during an SADF raid on an ANC base in Swaziland. This led to his arrest.

He was in Maputo in May 1983 when the SADF bombed several buildings, killing seven people, including children. He believed the raid was in retaliation for the bombing in Church Street, Pretoria.

After the attack he concluded violence was the only way to improve the lives of blacks.

He was sent to Durban in 1985, where he trained eight men and received instructions from a Luluma Tailman.

On December 20 Tailman told him that because of the SADF attack on Lesotho he should retaliate. He said he would have placed the bomb on the Saturday afternoon or Sunday while the centre was free of people, but he was unable to find his accomplice, "Mr X", to obtain the mine.

Asked by the judge why he had not gone to the centre at night, Zondo said Amanzimtoti was a white area and he would have been vulnerable to arrest.

Zondo said after the bombing he felt sorry for the people killed and injured and decided to stay in the country to face the consequences.

He told the court it was not ANC policy to hit civilian targets and his action had destroyed its reputation.

'I'm guilty'

He said the attack on him by prison warders and a victim's father had given him some relief.

"I am guilty and I have told my father that many people lost their lives in the Amanzimtoti blast and if he lost me he should not cry because I was the cause of the blast."

Mr Ross Stuart appeared for the State. Mr Denis Kuny SC appeared for Zondo. The trial continues today.



PICK-
OF-THE-CROP
SPECIALS

LARGE SWEET
MELONS

TAX FREE

49c

EACH

WATKINS & BLACK

'Toti blast: Zondo found guilty of murder

Own Correspondent

DURBAN — Andrew Sibiso Zondo (19), was found guilty by Mr Justice Leon yesterday of murdering the five people who died from their injuries in the bomb blast at the Sanlam shopping centre in Amanzimtoti on December 23 last year.

He was also convicted of attempting to murder members of the public who were there at the time.

Zondo had pleaded not guilty in the Supreme Court sitting in Scottburgh.

At the end of the State case yesterday, Mr D Kuny SC, appearing for Zondo, closed his client's case without leading any evidence. The State closed its case at the conclusion of Mr Kuny's cross-examination of Mr X, an accomplice of Zondo whose identity may not be revealed.

SHATTERED LIVES

In his judgment, Mr Justice Leon said what began for so many as a happy day ended in an appalling tragedy in which five people lost their lives and many others were injured, some seriously, physically and psychologically.

He said at about 11 am an explosion occurred in the crowded shopping centre which shattered glass in the near vicinity and shattered peoples' lives. It was two days before Christmas, he said, and no doubt many members of the public were doing their last-minute shopping.

From evidence before the court and from the admission it was established beyond any question that a limpet mine placed in a refuse bin caused the explosion.

EXPECTED TO KILL

Mr Justice Leon read from a statement which Zondo made to a magistrate. In the statement Zondo said he wanted to say that the person who planted the bomb at Amanzimtoti was himself.

The judge said that when Zondo appeared before a magistrate a second time, he elected to make a statement in which he said he planted the bomb in a bin in front of the SAA office in the centre and it was intended to blast the office and not kill people.

The judge said the court unanimously accepted the evidence given by Zondo's accomplice, Mr X, while at the same time being aware of the dangers of an accomplice as a witness.

He said the court thought that he had replied well to questions and his evidence had the ring of truth to it.

He had been cross-examined by someone of great competence and had emerged unscathed.

The judge said it was clear that Zondo had got the accomplice to obtain the limpet mine. It was taken to Sanlam Centre and placed in a refuse bin by Zondo and detonated by him expecting it to go off in a half-hour, which it duly did. It was expected to kill people.

Death for Zondo

CAC Tim F

31/4/86

331

Own Correspondent

DURBAN. — Amanzimtoti bomber Andrew Zondo gave the black power salute and shouted "Amandla" immediately after he was sentenced to death five times for five murders.

Zondo, 19, was also sentenced in the Scottburgh Supreme Court yesterday to 10 years' imprisonment for attempted murder.

Before Mr Justice Leon passed sentence on the attempted-murder charge, Zondo stormed out of the dock to the cells. This sentence was passed in his absence.

Asked by the judge if he had anything to say before sentence was passed, Zondo said: "To the people who lost their friends, children and family members in the blast, I am sorry."

He added that he also wished for South Africa to remain friendly with its neighbours.

An application by the defence for leave to appeal against the death sentence was refused.

Telephone

The court found that there were no extenuating circumstances.

Mr Justice Leon said Zondo's account of how he had gone to the post office to telephone the shopping centre so that it could be evacuated was preposterous.

He said the court accepted the evidence of

He said Zondo had told the court that he had not intended to kill civilians. However, his accomplice's version was that the murders had been premeditated because Zondo had expressed a sense of satisfaction after the bombing.

Mr Justice Leon said the court had given due regard to all the facts and he had found that Zondo had deliberately selected a spot in a crowded shopping centre to place the bomb two days before Christmas.

Background

He could have chosen another target or he could have gone to the shopping centre in the early morning or at night when there were no people, the judge said.

Mr Justice Leon said the court had to look at the broad background of society and of Zondo.

"We live in a divided and deeply troubled society and most of the power and privileges are in the hands of the whites while the black community is less powerful and less affluent," he said.

plied that he held a different view.

He said he no longer believed that violence was the only way to help black people in South Africa and to bring about change in the country.

Policemen

He said he joined the ANC of his own free will and even though his father had tried to talk him out of joining the organization he had left the country.

Zondo said he would not have hesitated in placing the bomb at the Sanlam Centre if it meant killing policemen.

He said ANC members were properly disciplined and those who defied instructions were punished. They were sent to camps and were not allowed to return to South Africa.

Professor Fatima Meer, a sociologist at Natal University, who gave evidence on behalf of Zondo, told the court that Zondo had grown up within the ambit of "Bantu" authorities and education which had been spelled out by a

Justice Leon passed sentence on the attempted-murder charge, Zondo stormed out of the dock to the cells. This sentence was passed in his absence.

Asked by the judge if he had anything to say before sentence was passed, Zondo said: "To the people who lost their friends, children and family members in the blast, I am sorry."

He added that he also wished for South Africa to remain friendly with its neighbours.

An application by the defence for leave to appeal against the death sentence was refused.

Telephone

The court found that there were no extenuating circumstances.

Mr Justice Leon said Zondo's account of how he had gone to the post office to telephone the shopping centre so that it could be evacuated was preposterous.

He said the court accepted the evidence of Zondo's accomplice as true and rejected that portion of Zondo's evidence where there was a conflict.

had been premeditated because Zondo had expressed a sense of satisfaction after the bombing.

Mr Justice Leon said the court had given due regard to all the facts and he had found that Zondo had deliberately selected a spot in a crowded shopping centre to place the bomb two days before Christmas.

Background

He could have chosen another target or he could have gone to the shopping centre in the early morning or at night when there were no people, the judge said.

Mr Justice Leon said the court had to look at the broad background of society and of Zondo.

"We live in a divided and deeply troubled society and most of the power and privileges are in the hands of the whites while the black community is less powerful and less affluent," he said.

Under cross-examination earlier by Mr Ross Stuart, for the State, on how he felt about violence now, Zondo re-

plied the only way to help black people in South Africa and to bring about change in the country.

Policemen

He said he joined the ANC of his own free will and even though his father had tried to talk him out of joining the organization he had left the country.

Zondo said he would not have hesitated in placing the bomb at the Sanlam Centre if it meant killing policemen.

He said ANC members were properly disciplined and those who defied instructions were punished. They were sent to camps and were not allowed to return to South Africa.

Professor Fatima Meer, a sociologist at Natal University, who gave evidence on behalf of Zondo, told the court that Zondo had grown up within the ambit of "Bantu" authorities and education which had been spelled out by a former South African prime minister, the late Dr Verwoerd, as being designed to keep blacks servile and to retain a state of subordination between black and white.

Exposed

She said that in the last 10 years the contradictions inherent in such a philosophy had been unfolding. On the one hand there was Bantu education and on the other blacks were exposed to modern aspirations with their increased expectations being caused by economic forces and the demands of an industrial society.

Professor Meer said the ANC organized scholarships all over the world and it had two well-rated academic schools, including one in Tanzania.

Mr Denis Kuny, SC, for Zondo, argued that a peculiar contradiction of this country was that every white youth was obliged to do military training while black youths who did so ended up in court and were sent to jail.

He said the bomb had not been planted out of greed or a search for personal gain at the expense of others. Zondo had rather been driven out of frustration, anger, bitterness and the conflicts he had been exposed to and grown up in.

Mr Justice Leon granted Zondo's accomplice, Mr X, indemnity from prosecution.

NO ONE ... BUT NO ONE
WILL EVER BEAT OUR PRICES OF
BRANDED MENSWEAR!
WE WILL GLADLY REFUND THE
DIFFERENCE IF YOU CAN DO
BETTER ANYWHERE ELSE

**OF ALL MEN'S
LEATHERS & SUEDES**

AT LESS

2/3



★ LOCAL & IMPORTED

EG:

★ MEN'S PIGSKIN BUNNY JACKETS
WERE R240 NOW LESS 2/3 ONLY

★ MEN'S LEATHER BUNNY JACKETS
WERE R450 NOW LESS 2/3 ONLY

★ MEN'S LEATHER BLAZERS &
SHIRTSYLE JACKETS
WERE R799.95 NOW LESS 2/3

★ MEN'S IMPORTED MILITARY COATS
IN GLOVE LEATHER
WERE R999.95 NOW LESS 2/3

★ MEN'S GENUINE SHEEPSKIN LINED
CAR COATS

R80.00

R150.00

R266.65

R333.30

re
SH
in
tha
I
rm
na
nn
ba
ath
at
ele
th
ist
if
bi
ed
we
b
ch
the
ad
a
v
e
d
la
a
th
po
ed
ce
imp
y
If
But
the
ord
pt
he
Gr
ach
str
ic
po
ay
olve
spa
the
ted
aid
t
th
ed
nm
by
th
bu
be
tic
wa
po
on
t
a

TE
A
W
go
ap
Se

Policeman's death 3 in court

CAPE TOWN 25 3/4/86
Court Reporter 331

THREE men yesterday appeared in Cape Town Magistrate's Court in connection with the death of a policeman at a funeral.

Mr Albert Alexander, 32, Mr Adenaan Bester, 23, and Mr Adenaan Bachelor, 30, all of Salt River, were not asked to plead and no charges were put to them.

Constable James Farmer was killed while monitoring the funeral in Salt River of an unrest victim on September 11 last year.

Mr Y Ebrahim, for the three, said Mr Bester's bail had been cancelled as he was sentenced yesterday to two years' imprisonment by the Regional Court for theft. Bail of R2 000 for the others was extended.

The hearing was adjourned to April 30.
Mr M J Tolken was the magistrate. Mr W P Smith was the prosecutor.

ANC salute as Toti bomber gets death

231

E. Post

3/4/82

Post Correspondent

DURBAN — Black detectives played a major part in the arrest of Andrew Zondo, 19, who was yesterday sentenced to death five times by the Scottburgh Circuit Court for the murder of five people. He placed a bomb in the Sanlam Centre, Amamzimtoti, on December 23, last year.

Just before being sentenced to death Zondo said he was sorry for killing the people in the bomb blast and was sorry for injuring others.

But after sentence was passed he gave the ANC

clenched fist salute and shouted "Amandla" (power to the nation).

Zondo was also sentenced to 10 years imprisonment for attempted murder.

Senior security police officers told the Evening Post during the trial that Zondo, who was arrested four days after the blast, was making arrangements to slip out of South Africa to Swaziland. He was intercepted by black detectives at Lamontville and put up a terrific struggle when the police confronted him.

In his lengthy judgment

Mr Justice Leon, who sat with two assessors, said that the court could find no extenuating circumstances. The court felt that Zondo was a liar, he was an evasive witness and told deliberate untruths.

There was no doubt in the court's mind that the bomb blast had been premeditated and that it was a "ghastly crime against society".

He said the bomb had been planted at a time when the shopping centre was crowded with people of all colours and numer-

ous children.

Mr Justice Leon also said the court took into full account that Zondo was a product of a "divided society" and he felt strongly about "injustices" against the black man in South Africa.

The defence had tried to say that Zondo because of his youth may have been immature. But the facts were that he had shown maturity from the age of 16 when he underwent training for the ANC in several foreign countries.

Zondo's father, the Rev A Zondo, of the African

Evangelical Church, was not in court when his son was sentenced to death yesterday afternoon.

But earlier in the trial, when he was called to give evidence on his son's behalf, he told the Evening Post: "This is a terrible heartbreak for us. We did our best to try and dissuade him from joining the ANC but it did not help.

"As Christians we are opposed to violence. Andrew was a bright boy and he could have obtained a bursary to go to university but he decided against it."

Treason trial accused feared police assault

331

A treason trial accused told a security policeman the police should not assault him because there was something he wanted to show them, it was alleged in the Rand Supreme Court yesterday.

Constable R J Masingi, of the Security Branch in Protea, said this was told to him by Mr Lumkile Happy Mkefa on the morning after his arrest.

Mr Mkefa (21) and four other men have pleaded not guilty to a charge of treason and charges under the Internal Security and Terrorism Acts. The other men are Mr Hamilton Mncedisi Dubasi (28), Mr Jongumuzi Sisulu (26), Mr David Matsose (24) and Mr Joseph Themba Maja (25).

CARTRIDGES

Constable Masingi told the court Mr Mkefa was arrested on August 17, 1984.

Police were watching a house in Zola and at about 5 am Mr Mkefa emerged from the bushes across the road and entered the house, the constable said.

He came out with a folded newspaper under his arm and when he saw the police he attempted to run away but was arrested, the constable said. Mr Mkefa threw the newspaper over a wall, he added.

4/4/85 STAK

At the police station he was searched and a package containing cartridges was found, the court heard.

Constable Masingi said while talking to him Mr Mkefa told him the police were not to assault him as he wanted to show them something.

Mr H Viljoen, SC, for the defence, submitted that according to Mr Mkefa he had pointed out certain places on the morning of his arrest because he was being threatened by the police.

Constable Masingi replied Mr Mkefa was not assaulted. He was present when the man was questioned and would have seen if he had been assaulted.

However, under cross-examination the constable said he was told to go outside the room and was not present during the interrogation.

The judge noted "the contemptuous way" in which the constable answered certain questions on estimating times during that day.

In reaction to the conflicting evidence by the constable, Mr Viljoen said he would argue that the constable was lying.

Proceeding.

Mr Justice A M van Niekerk, sitting with two assessors, is on the Bench. Mr J A Swanepoel, assisted by Mr A G Berry, appeared for the State. Mr H P Viljoen SC, assisted by Mr S L Joseph, appeared for the accused.

The spiral of blood that led to Toti

TWO SADF raids into neighbouring countries proved fatal turning points in the life of Andrew Sibusiso Zondo, sentenced to death for the Amanzimtoti bombing last Christmas.

At the end of a three-week trial, Judge Raymond Leon ruled on Wednesday there were no extenuating circumstances, and passed the death sentence for each of the five murder counts on which Zondo had been found guilty.

In evidence given by Zondo and Natal University sociology professor Fatima Meer, it emerged that several actions by South African security forces had been crucial in his development.

And in his summing up of the defence's argument that there were extenuating circumstances, Denis Kuny, SC, said the "tragic events" of December 23 encapsulated the "tragedy of South African society".

He said it was a reflection of South African society for a young man of Zondo's obvious intelligence to be driven to leaving the country and taking up arms against "the white regime of the country" and ultimately committing "this terrible act". But he stressed this was done "out of anger for what he perceived as unjust action by the SADF in Maputo and Maseru, which he saw as completely unjustifiable".

According to Zondo, one of his earliest political experiences had been an unprovoked police attack with teargas and batons on a prayer assembly at his KwaMashu school. "It made me ask myself why it had happened." From that day on, whenever I looked at police I would see them as an enemy.

He was later recruited into the ANC and in 1982 left the country hoping to finish his schooling at an ANC institution. He found the ANC in Swaziland had other plans and they sent him back, saying "there was work for (him) to do in South Africa".

Soon after he returned to South Africa police arrested him — they knew he was a member of the ANC from papers they had found in a raid on ANC bases in Swaziland — and they said they would release him only if he helped trap two fellow ANC members.

At first he refused, but after his parents were brought in to help pressurise him, he agreed. After his release he left the country again, deciding he could not betray his friends.

On his way to a school in Tanzania, he stopped in Maputo. There he experienced first-hand the effects of the 1983 SADF air raid on Matola.

This was a turning point and he decided to forget about completing his matric and instead to join the ANC's military wing Umkhonto we Sizwe.

From what had happened that day it seemed there was no chance to

The man sentenced to hang for the Toti bomb blast told the court of the incidents that changed his life. CARMEL RICKARD reports

improve the life of blacks in South Africa except through violence," he said. "This meant I had to fight against the South African government with arms. As far as I am concerned the people with whom I had to fight were soldiers, police and other people connected with the government."

After two years' military training in Angola he returned to South Africa late last year.

Soon after he arrived there was another SADF raid, this time on Maseru where nine people were killed.

His ANC handler brought this news and informed him he had "four days to retaliate". Two days before Christmas, Zondo dumped a limpet mine into a rubbish bin at the packed Toti Sanlam shopping centre. Five people were killed and scores more injured.

Zondo's was the first trial of a new kind of ANC guerrilla — so far only described by analysts and warned of by politicians — young people not prepared to obey the ANC principles of avoiding "soft targets".

Zondo said on several occasions that he knew this principle well and that he had been taught "rather to expose myself than to harm civilians".

Nevertheless, he chose a target in a busy shopping centre where civilians would be killed indiscriminately, and it was this, the judge said, which had weighed most heavily against him.

Zondo claimed he had planned to telephone the centre immediately after planting the mine, warning that the place should be evacuated. He had not done so because all the phone booths at the Post Office had been busy.

The judge rejected this evidence, saying the claim was "preposterous".

The judge said he had taken into account that Zondo was motivated by no baser reason such as greed or self-aggrandisement, but because it was the way to serve his people.

On several occasions Zondo spoke about his remorse and this was not questioned by the judge or prosecution.

He said that if he could find a way of giving part of his flesh to those who had suffered through the blast, he would do so. He also said when he realised what he had done, he "wanted to die".

Just before the judge passed the death sentence on him, Zondo made his last remarks. He said: "I wish to say this to the people who might have lost their friends, and kids and families. I say that I am sorry. Next thing I wish is that my country be friendly to its neighbouring countries."

CAPE TOWN 3/11/86
5 youths guilty of stoning

Own Correspondent **331**

PAARL. — Five youths from Guguletu found guilty of throwing stones at a Casspir were each sentenced to seven strokes by Mr A J F Louw in the Magistrate's Court here yesterday.

The stonethrowing occurred in November in Guguletu and the youths originally appeared before Mr Louw when he was relieving as magistrate in the Wynberg court. The case was transferred to Paarl as Mr Louw has returned to Paarl.

Mr Louw said that had the youths appeared in the Regional Court they might have gone to prison.

Mr J Koorts was the prosecutor and Mr A Mohamed appeared for the youths.

Security policeman questioned on arrest of treason trialist

Police brutality alleged

S/4/86 SNA
231

By Jenni Tennant

Police fired shots at and manhandled one of five men facing charges of treason in the Rand Supreme Court, it was alleged yesterday.

Evidence of force used by police on the five alleged members of the African National Congress would have an influence on the outcome of their trial, defence counsel Mr H Viljoen SC said.

Mr Viljoen told the court one of the five, Mr Lunkile Happy Mkefa, would testify that police had fired shots at him after he was arrested.

He would say the police had manhandled him and he had put up a struggle but was overpowered. He was placed in a car and sat on by policemen, Mr Viljoen said.

Mr Viljoen said this during a lengthy cross-examination of a security policeman who testified about the arrest of Mr Mkefa in Zola on August 17 1984.

Constable M S Ramashala said he disagreed with Mr Mkefa's version of the arrest.

The constable said Mr Mkefa was arrested at 8 am and was taken to the Protea Police Station, where he was handed to a warrant officer.

Mr Mkefa had given the police who arrested him a "tough time". He would not give himself up to the police.

Constable Ramashala said Mr Mkefa was held down by three policemen on the way to the police station and had continued to struggle until a warrant officer at the police station pointed a firearm at him.

The constable was cross-examined about the number of policemen involved in the arrest.

Mr Mkefa (21), Mr Hamilton Mncedisi Dubasi (28), Mr Jongunuzi Sisulu (26), Mr David Matsose (24) and Mr Joseph Themba Maja (25) have pleaded not guilty to a charge of treason and charges under the Internal Security and Terrorism Acts.

The hearing continues.

Appearances: Mr Justice A M van Niekerk, sitting with two assessors, is on the Bench. Mr J A Swanepoel, assisted by Mr A G Berry, appeared for the State. Mr Viljoen, assisted by Mr S L Joseph, appeared for Mr Dubasi, Mr Sisulu, Mr Mkefa, Mr Matsose and Mr Maja.

By SIBUSISO MNCADI

AMANZIMTOTI bomber Sibusiso Andrew Zondo's family - already distraught at the five death sentences the young man received this week - are now living in fear of a possible right-wing attack on their home.

The family received several threats during Zondo's trial.

Zondo, 20, was sentenced to death five times and also received ten years imprisonment.

Zondo was punched in the face by witness John Bothma's father in front of the judge last month.

His family stopped attending the hearing after the incident - and his father, Rev Aket Zondo of the African Evangelical Church, only went to court after being subpoenaed.

Zondo family members say the families of the victims of the blast were "arrogant and threatening" towards them during the trial. They say they overheard remarks such as "kill him and the whole family" during the trial.

The remark prompted Judge Leon to intervene -

The pain isn't over for the Zondo family

by threatening to throw out anyone who made such remarks.

During the hearing, Zondo told the judge he was assaulted by warders "for no reason".

But the Zondo family's problems did not end with the threats they received in court - they were told they would "pay" after the trial.

They said the area they lived in and their daily trip to the court made them vulnerable to attacks.

Family sources said they had decided to stop attending the trial after speaking to several people - including their lawyer, Beka Shezi.

They said their feeling of insecurity and their con-

stant fear of reprisal had made neighbours and local youths keep a constant watch on the churchyard in which they lived.

There are constant security patrols in the area.

When City Press visited the family this week Zondo's mother broke down. Family members said it was the second time she had broken down since the sentence was passed.

Friends of the family said Rev Zondo had to be excused from a service this week because he was too distraught to conduct it.

But youths in the area continued the service and prayed for Zondo, who was once a close friend of theirs.

Rev Zondo told City Press he was unable to speak to the Press as he and his wife had made an undertaking with their son that they would not do so.

After a last message of reconciliation to the families of his victims and to South Africa, Zondo heard the judge pass the death sentence on him five times.

The young ANC member had previously been found guilty of five counts of murder and one of attempted murder after he planted a newspaper-wrapped limpet mine in a bin in the Amanzimtoti Sanlam shopping centre.

Just before passing sentence the judge asked Zondo if he had anything to

say.

Zondo - who knew he was to be condemned to death because the judge had ruled there were no extenuating circumstances - then gave his last message.

Standing straight, and speaking clearly to the court, he said: "I wish to say this to the people who might have lost their friends, and kids and families. I say that I am sorry. Next thing I wish is that my country be friendly to its neighbouring countries."

The judge then repeated the fatal words five times and added: "And may God have mercy on you."

Zondo shouted "Amanda!" and immediately left the dock for the cells below court. He did not hear the judge go on to sentence him to a further ten years for the sixth count - attempted murder.

His lawyer asked for leave to appeal, but it was refused.

Before passing sentence the judge said he had taken everything into account before making up his mind.

★ See Page 2

Nyerere to head

P.W. Botha trial

The Star's Foreign
News Service

PARIS — Former Tanzanian President Mr Julius Nyerere is to preside at an international tribunal in June to "try" South African President Mr P.W. Botha for "crimes against humanity".

The "prosecutor" will ask for the death sentence for Mr Botha.

Four prominent South Africans will be invited to be among 10 "plaintiffs". They are Bishop Desmond Tutu, poet Mr Breyten Breytenbach, Mrs Winnie Mandela, wife of jailed ANC leader Nelson Mandela, and mining magnate Mr Harry Oppenheimer. Other plaintiffs will include ANC leader Mr Oliver Tambo and Swapo leader Mr Sam Nujoma.

The tribunal is being organised by the Association of African Jurists (AAJ).

An AAJ spokesman in Paris said: "The tribunal will be held on the island of Goree, off Dakar, which is infamous because it was used as the capital of West African slavery for several hundred years".

Parents angry as blast victims appear in court

The parents of seven youths injured in grenade blasts in the East Rand last year, are angry with the authorities after their children appeared in court at short notice and they could not attend the hearing last week.

The seven are being charged with six counts of attempted murder and two counts of terrorism.

They were detained in hospital minutes after the blasts on June 26 last year. They appeared in court for the first time on March 26.

According to a spokesman for the Duduza Students' Representative Council, police did not inform their parents and notified the youths' lawyers only three hours before they were to appear in court. As a result, their parents could not attend the hearing.

The spokesman condemned the police action, saying the parents could

have had a chance to see their children for the first time after months of detention.

Their lawyer, Mr Krish Naidoo, said only parents of one victim managed to attend the formal remand. The case has been postponed to April 9.

According to Mr Naidoo, the youths have been in detention since June last year and after the state of emergency was lifted, they became awaiting trial prisoners.

The seven, all of whom sustained serious injuries during last year's mysterious grenade blasts in Duduza (Nigel), Tsakane (Brakpan) and Kwa-Thema, are Mr Joseph Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekhatsa (18), Mr Humphrey Tshabalala (18) and a minor, all of Duduza, and Mr Hosea Lengosane (19) and Mr Cedric Dladla (18), of Tsakane near Brakpan.

Residents decide on buses

By MANDLA
NDLAZI

THOUSANDS of residents on the West Rand yesterday decided at a huge meeting to continue the boycott of Greyhound buses until their demands are met.

The decision was taken at a mass meeting held at the Kagiso Stadium. Residents instructed the Krugersdorp Residents Committee (KRC) to inform the bus company about issues that could end the boycott.

Residents have been on a boycott of Greyhound buses in the townships of Kagiso and Munsieville (Krugersdorp), Mohlakeng (Randfontein) and Bekkersdal. The meeting had people from all these areas. The boycott started in January.

Demands

The residents have made the following demands:

- That the company should erect decent bus shelters.
- Half price fare for the children.
- Pensioners should be given a free ride to pay-out points.
- Free buses for funerals of unrest victims and the needy.
- The company's mini-buses should be withdrawn from the townships.
- Streets to be tarred.
- The fleet of buses should compare well with those allocated for the use of white communities.
- Greyhound should not block applications by residents who intend operating taxis.
- Greyhound should make bursaries available to residents' children.
- Fare increases to be negotiated with KRO.
- Greyhound bus employees retrenched because of the boycott to be re-instated.
- Company to introduce monthly tickets.
- Greyhound to refund the taxi owners who were fined by traffic officers for overload and other mechanical defects.

The residents resolved that the boycott could end if these conditions were met by the company.



SOME of the people who attended yesterday's meeting in Kagiso.

CHC 71415
sday, April 8, 1986

Balaclavas make prisoners 'malleable'

JOHANNESBURG. — The security police use balaclavas to blindfold prisoners to prevent identification and for the psychological effect, the Rand Supreme Court heard yesterday.

Detective Warrant Officer P Greyling of the security police at Protea was giving evidence in the trial of Mr Hamilton Mncendise Dubasi, 28, Mr Jongumzi Sisulu, 26, Mr Lumkile Happy Mkefa, 21, Mr David Mat-

se, 24, and Mr Joseph Themba Maja, 25.

The five Soweto men have pleaded not guilty to treason and contraventions of the Terrorism and Internal Security Acts.

Warrant Officer Greyling said he was present during Mr Sisulu's interrogation on July 31, 1984.

He said when Mr Dubasi, Mr Sisulu and Mr Matse were brought to Protea from Magalies-

burg, they were all blindfolded with sticking plaster over their eyes.

Mr Sisulu also had a balaclava on backwards, he said.

Warrant Officer Greyling examined Mr Sisulu for any injuries and noticed a small lump on his forehead.

"I took the balaclava off at the start of questioning," he said.

"The plaster was only removed in the office

after he had pointed out a house to us," Warrant Officer Greyling said.

Mr Sisulu offered to take them to a house in Molap, Soweto. Police subsequently arrested Mr Nelson Ndinwa and Miss Miriam Sisulu there.

On August 17 Warrant Officer Greyling was present when Mr Mkefa arrived at the station after being arrested. One of the policemen said Mr Mkefa had a hand-gre-

nade in his possession.

"I told Mr Mkefa not to make a false move or I would shoot him. He stood with his hands in the air and said he would not do anything."

He felt something in Mr Mkefa's coat pocket but could tell it was not a hand-grenade.

"I put my pistol back in its holster and took the object out of the pocket. It was a cleaning mechanism for an AK-47 and a packet of 9mm bullets,"

he said.

Under cross-examination Warrant Officer Greyling said Mr Mkefa did not have a balaclava on when he was brought into Protea but he did see him wearing one later. He said balaclavas were used to prevent people recognizing the prisoner and were sometimes used during questioning.

In reply to a question from Mr H Viljoen SC, who appears for the men, said.

The trial resumes today. — Sapa

ARGUS 8/4/85 327 331

Le Grange's bans on meetings invalid — court

The Argus Correspondent

PRETORIA. — Notices issued in 1983 and 1984 banning outdoor gatherings have been declared invalid by the Pretoria Supreme Court.

Yesterday sentences imposed on 27 members of the Food and Beverage Workers' Union were set aside because earlier orders by Minister of Law and Order Mr Louis le Grange in terms of the Internal Security Act had been found to be invalid.

In August 1984 a Potchefstroom magistrate convicted the union's general secretary, Mr Boy Leonard Sikhakhane, of addressing an illegal meeting.

Mr Sikhakhane was fined R300 (or three months).

LOCKED OUT

The magistrate also found 26 members of the union guilty of attending an illegal meeting and fined them R100 (or one month).

Mr Sikhakhane said in evidence that on February 23 1984 he heard that union members had been locked out of the Chubby Chick factory in Potchefstroom.

He went to try to settle the dispute but while he was talking to a union member the police arrived.

Workers were ordered to disperse. Mr Sikhakhane said he was arrested when he went to explain what was happening.

EARLIER

This year a Full Bench of the Pretoria Supreme Court found the notice issued by the Minister of Law and Order on March 30 1984 was invalid.

Yesterday Mr Justice Strydom, with Mr Acting-Justice Human concurring, found that in the light of the earlier decision the notice issued by Mr le Grange on March 25 1983 was also invalid.

Mr Sikhakhane and the other union members could therefore not be convicted for contravening an invalid order.

● Orders banning outdoor meetings have been tightened to close loopholes disclosed by court judgments.



Mr Louis le Grange

But last September Mr le Grange issued a new order, renewed in March, which included the technicalities missing from previous orders.

Legal experts said the validity of the current order had yet to be challenged.

They also pointed out that rulings in the provincial divisions of the Supreme Court were binding only on those divisions, although judges in other divisions would take note of judgments.

For a judgment to be binding nationally it had to be handed down by the Appeal Court in Bloemfontein.

85 tons
to be t
from v

Shipping Repo

DIVERS have
to remove 85 t
tank under the

PRECISION

Last September a Full Bench of the Pretoria Supreme Court ruled against the State in an appeal against a Regional Court decision declaring invalid the notice banning outdoor meetings issued by Mr le Grange in March 1984.

The court ruled that the notice was not sufficiently lucid and that, as it would have been a simple matter for the Minister to have made his meaning clear, a fair degree of precision could be required.

On the same basis charges of attending an illegal gathering under the 1984 order against 22 University of Cape Town students in Wynberg Magistrate's Court were withdrawn last October.

Eye on Delmas trial

VAAL Triangle residents have not paid rent since violence broke out in the townships in September 1984, the Delmas treason trial was told yesterday.

Giving evidence under cross-examination Mr Nicholas Prinsloo Louw, the Lekoa Town Clerk, said the community has demanded that the Lekoa council lower rents to R30 a month.

Mr Louw said the council refused to reduce rents.

He said: "The council has tried many ways to persuade the community to pay rents but it has refused."

Mr Louw was testifying at the trial of 22 people charged with high treason, alternatively incitement to murder, subversion and terrorism.

They are appearing before Mr Justice K van Dijkhorst and two assessors in the Delmas Circuit Court.

They have pleaded not guilty to all charges.

Yesterday's hearing was attended by Mr David Brink, former president of the American Bar Association.

Mr Brink has been sent as an observer by the ABA with a membership of more than 300 000 lawyers.

Mr Louw said residents in the area had not objected to the council's proposal to increase rent

By MZIKAYISE
EDOM

by R5,90.

"I only read in the Press that thousands of people in Lekoa were against the increase but the council never received any objection from the community," Mr Louw said.

Mr George Bizos SC, put it to Mr Louw that according to a research conducted by the University of Port Elizabeth, residents in the Vaal Triangle were paying the highest rents in the country.

Mr Louw said he was not aware of this.

Mr Louw said he had heard residents in the area were earning more than people in other black areas.

(Proceeding).

UIF payout

HOUSE OF ASSEMBLY — The unemployment insurance fund paid out more than twice as much last year as it received in contributions, according to the Minister of Manpower, Mr Pietie du Plessis.

He was replying in writing yesterday to a question from Mr Peter Gastrow (PFP, Durban Central).

CAPE TOWN 9/14/86

US delegation members in City



Mr William Coleman

Political Correspondent 337

THE United States has sent a high-powered delegation to South Africa to advise the Reagan Administration on how US policy "can most effectively help end apartheid and achieve equal rights".

The first members of the 12-person Advisory Committee on South Africa arrived in Cape Town yesterday to start a two-week fact-finding tour that includes meetings with government officials and community leaders.

The Advisory Committee — the US equivalent of the Commonwealth Eminent Persons Group — was appointed

last December by US Secretary of State Mr George Schultz.

The committee will also attempt to establish how the US can work with private, as opposed to government, organizations in South Africa.

The delegation plans to adopt the same low-profile approach as the EPG on its recent visit to South Africa. No press conferences or press statements are likely to be issued.

The leader of the delegation, chosen to represent a wide spectrum of US opinion, is a prominent Washington lawyer, Mr William Coleman.

Pants (land) man in court

A STELLENBOSCH student, arrested for wearing a pair of camouflage trousers, appeared in the Stellenbosch Magistrate's Court yesterday.

Mr Dawid van der Merwe, a third-year industrial engineering student, was charged with "unlawfully wearing a fabric or other material that is in the Minister's judgment designed, provided with a pattern and coloured to blend in with the natural surroundings".

He was also charged with stealing the trousers and possession of an unlicensed weapon.

Mr Van der Merwe pleaded not guilty to all the charges. The case was postponed until April 24.

Mr J H Booysen was the magistrate. Mr G Claassen prosecuted. Mr Van der Merwe was not represented.

4 Ashton 'vigilantes' given extension

Staff Reporter

FOUR alleged vigilantes from Ashton, near Montagu, will tell the Supreme Court on April 23 why they should not be convicted of contempt of court and imprisoned, the court heard yesterday.

This was in response to an order by Mr Justice Berman last month after a series of affidavits was placed before the court detailing alleged breaches of an earlier restraining order.

Yesterday was the return date by which the four men — Mr Sizi William Klaas, Mr Thimba Kolase Ndabeni, Mr

Mlungisi Mkhetsu and Mr Kokoloyi Stanford Matroos — had to give reasons why they should not be convicted.

Mr L J Krige, appearing on behalf of Ashton residents who have made allegations of deliberate police inaction in the face of vigilante violence, told the court that the four alleged vigilantes had applied for an extension of Mr Justice Berman's ruling and an agreement had been reached between the two parties.

Mr Justice Williamson granted the extension. Mr Krige was instructed by Mr W Kerfoot of the Legal Resources Centre.

'Councillors gained from evictions'

A STATE witness yesterday told a Delmas judge that most members of the Lekoa Town Council had joined the council to promote their interests and not those of the community.

Mr Sebeho Petros Mohajane, a councillor in Zone 7, Sebokeng, said this at the trial of 22 people charged with high treason, alternatively incitement to murder, subversion and ter-

By MZIKAYISE
EDOM

rorism.

They are appearing before Mr Justice K van Dijkhorst, sitting with two assessors, in the Delmas Circuit Court. They have pleaded not guilty to all the charges.

Giving evidence under cross-examination, Mr Mohajane said certain councillors were working hand in hand with township managers

by evicting people from their houses and "making a profit out of these evictions".

He added that these houses were later given to people recommended by the councillors. On other occasions the houses were given to councillors' relatives.

Asked by defence advocate Mr Zac Yacoob whether residents in the area felt the same way as Mr Mohajane about the councillors' role, he replied "I would say that was their feeling".

Mr Mohajane also said if the board (Orange Vaal Administration Board) had not sold liquor outlets to individuals, mostly councillors, there would have been no need for the council to increase rent in the area because "profits derived from these outlets would have been used to finance new projects in the area".

- The mother of Mr Morake Peter Mokoena, one of the accused in the trial, died on Sunday after a short illness. She was Mrs Josephine Mokoena (72).

Mr George Bizos, SC, who is leading the defence team, yesterday told the *Sowetan* that he was still trying to get permission for Mr Mokoena to attend his mother's funeral at the weekend.

Man says Lekoa councillors looked after own interests

Pretoria Bureau

A Lekoa community councillor yesterday told the Delmas treason trial that his fellow councillors looked after their own interests at the expense of those of the community.

Mr Sebeho Petrus Mohajane, who represented Ward 16 in Sebokeng during 1984, said the failure by the Lekoa Town Council to increase the rents for business premises and their decision to sell the liquor outlets pointed to that.

And he said his attempt during the budget debate in June 1984 to protest against the decision not to increase rents for business sites was overruled by the mayor.

Mr Mohajane said he was also opposed to the council's decision to sell the liquor outlets to private individuals. Many of them were councillors. He said it would have been far more beneficial to the community to have

retained the liquor outlets and used the profits to provide facilities, instead of increasing rents.

He also told the court of his battle against illegal convictions. He said people were often unnecessarily evicted from their homes so that some councillors could obtain the premises for their families. Others accepted bribes to obtain accommodation.

DIED

In another development in the trial yesterday, one of the accused, Mr Morake Petrus Mokoena (47), of Evaton, applied for bail to attend his mother's funeral. His mother died at the weekend. Mr Mokoena has been behind bars for about 18 months.

Lekoa mayor Mr Esau Chaka Mahlatsi was the 23rd witness to be called by the State in the mammoth treason trial of 22 men, mostly members of the United Democratic Front.

All 22 have pleaded not guilty to the main charge of treason and alternative charges of terrorism, subversion and murder. Most of the charges relate to the unrest which broke out in the Vaal Triangle on September 3 1984.

Mr Mahlatsi told the court he was elected to the council in November 1983. He represented Ward 13 in Sebokeng.

Shortly after he was elected mayor, he addressed several meetings in the Vaal Triangle townships explaining the functions and powers of the council.

He said his constituents appeared happy with the news of the rent increases. The rents had gone up to meet the demands for facilities from the residents. They were originally expected to rise by R11 or more, but money was received from the development board. Rents were finally increased by R5,90.

The trial continues.

194865111
331

**I fired six shots but
no one ran away**

(831) SOWETAN 11/4/86

MAYOR TELLS OF NARROW ESCAPE

THE mayor of Lekoa (Vaal Triangle), Mr Esau Chaka Mahlatsi, yesterday described in the Delmas Circuit Court how he narrowly escaped death when violence broke out in the area on September 3, 1984.

He told the court that he was standing near his house when he saw a crowd of people, about 300 in number, marching towards him. He heard a voice from the crowd shout "That's him". "Some of the people in the crowd started throwing stones at me. I was hit once on the back," he said.

Mr Mahlatsi was giving evidence at the trial of 22 people charged with high treason, alternatively incitement to murder, subversion and terrorism.

They are appearing before Mr Justice K van Dijkhorst, sitting with two assessors. They have pleaded not guilty to all the charges.

Mr Mahlatsi said as the crowd advanced towards him, he pulled out his firearm and fired six

By MZIKAYISE EDOM

shots "in the air" in an effort to frighten them. But the people did not run away and instead continued attacking him with stones.

"I fired two more shots, this time aiming

at the crowd. No one was hit by the bullets. Realising that my life was in danger, I decided to run away," Mr Mahlatsi said.

While on his way to the police station he noticed that his house was on fire. It had been attacked by the crowd.

When he arrived back at his home, accompanied by police, he found his house was still on fire and one of his two cars, which were parked in the yard, was badly damaged. All its windows were smashed. He said the other car was missing and he only found it a few days later.

It was burnt. All his businesses in the area, Mr Mahlatsi said, were also destroyed during disturbances. Mr Mahlatsi who had



Mr ESAU Mahlatsi.

Mayoral quizzed on liquor shop sales

Staff Reporter

DELMAS — The Mayor of Lekoa, Mr Esau Mahlatsi, admitted during the Delmas treason trial yesterday that his council had agreed to sell six lucrative bottle stores to his family in July 1984 — at the time that the council decided it needed to increase household rents.

Mr George Bizos SC, appearing for the 22 Vaal Triangle leaders accused of treason, said during cross-examination of Mr Mahlatsi that the mayor-cum-businessman had thought out a scheme "which was of particular benefit to the Mahlatsi family".

CASH EARNERS

This involved the sale of six of the old development board's liquor outlets, which the council could have kept as revenue earners and which might have helped to avoid a rent rise, Mr Bizos said.

The unrest which followed the implementation of rent increases on September 1 1984 gave rise to the case against the 22, who also face charges of subversion, terrorism and murder.

All have pleaded not guilty.

OVERRULED

Mr Mahlatsi told the court yesterday that the council, which features a number of members of his family, voted on July 17 1984 to sell six of a total of 14 available liquor outlets to the Mahlatsis.

He admitted that he had overruled an opposing motion brought later by a resident, Mr A S Dhlamini, who had moved that the resolution to sell the liquor outlets be declared invalid because many of the councillors had vested interests.

Mr Bizos put it to Mr Mahlatsi that he had ruled that out of order because of a small error of wording.

67-331-123
11/4/86
**Prominent unionist's
sentence is set aside**

Own Correspondent — Johannesburg. — Mr Sikhakhane is the general secretary of the 30 000-strong Food Beverage Workers' Union (FBWU). He appealed against a conviction which followed his arrest, along with 27 other FBWU members, 18 months ago.

They had been charged under the Internal Security Act for holding the alleged meeting.

The Council of Unions of South Africa (CUSA) describes Mr Sikhakhane as a veteran unionist who started fighting for worker rights in 1960.

He was founder and first secretary of the Sweet Food and Allied Workers Union (SFAWU). He was also instrumental in launching the Transport and Allied Workers' Union, the SA Laundry, Dry Cleaning and Dyeing Workers' Union and the Building Construction and Allied Workers' Union (BCAWU).

Embassy demo in court

Cape Town 17/4/78
Court Reporter

FIVE people who were arrested outside the American Embassy for protesting against the United States's bombing of Libya appeared yesterday in Cape Town Magistrate's Court.

Mr Mogammet Ismail Fisher, 26, Mr Shamil Isaacs, 21, both of Bonte-heuwel, Mr Shamil Manie, 24, of Grassy Park, Ms Veronica Simmers, 34, of Mitchells Plain, and Mr George Rosenberg, 36, of Valhalla Park, were not asked to plead and no charges were put to them.

They were each granted bail of R50 although the prosecutor, Mr C Gavin, proposed an amount of R100.

The charge sheet indicates that they may be charged with an illegal demonstration. The hearing was adjourned to April 24 for plea.

Mr M J C Tolken was the magistrate. Mr S Desai, instructed by E Moosa and Associates, appeared for Mr Fisher, Mr Isaacs and Mr Manie. Mr B Malgreelt appeared for Ms Simmers and Mr Rosenberg.

Policeman denies smiling as people whipped

By Duncan Guy

DELMAS — Brigadier Gerrit Viljoen — who was in charge of police operations in unrest-torn Vaal Triangle townships in September 1984 — yesterday denied standing on top of a police vehicle, smiling, as his juniors sjambokked and arrested people leaving a funeral.

The allegation was put to him at the trial of 22 men, among them senior United Democratic

Front and Azanian Peoples' Organisation members — by Mr S Bizos, appearing for the men.

The 22 have pleaded not guilty to high treason, and alternatively subversion, incitement to murder and furthering the aims of banned organisations.

Other allegations put to Brigadier Viljoen were that on September 15, during the funeral of victims of police action, troops played cricket in a vacant part

of the Evaton cemetery.

Mr Bizos: "What do you expect were the feelings of the grandmother and mother at the funeral when the people they felt to be responsible for death of their child were playing cricket in the graveyard?"

Brigadier Viljoen: "I do not know what they would have felt."

He said he was not aware of the cricket game.

Handwritten: (circled) 447 (circled) 331
Dutch woman denies treason

Passtoors owns *Handwritten: BUS DAY 15/4/88 (331)* up to contact with the ANC

DUTCH citizen Helene Passtoors admitted yesterday she performed certain acts as a result of her association and support of the banned African National Congress.



● PASSTOORS

In a statement read to the Johannesburg Supreme Court by her legal representative, Denis Kuny, SC, Passtoors described how she had developed a relationship with an ANC member and helped him find a suitable escape route out of SA.

The 44-year-old Dutch mother of four pleaded not guilty to two charges of treason and alternative charges of terrorism. She pleaded not guilty to a second charge of terrorism, alternatively of participating in terroristic activities.

Klaas de Jonge, her former husband and co-accused in terms of the indictment, did not appear in court and is still under the diplomatic protection of the Netherlands embassy in Pretoria.

During argument yesterday, Witwatersrand Attorney-General Klaus von Lieres und Wilkau applied for a warrant to have De Jonge arrested. The application was later abandoned.

DOMINIQUE GILBERT

The court also heard that the serving of the indictment — destined for De Jonge — by a Foreign Affairs Department official on a representative of the Netherlands embassy was improper.

The judge found there was, in effect, no serving of an indictment on De Jonge.

After legal argument, Justice T T Spoelstra ordered that the trials be separated. De Jonge will be tried when the State is able to bring him to court.

Passtoors, who was an employee of the Dutch Foreign Affairs Department and a doctoral student in African linguistics at Witwatersrand University at the time of her arrest on June 28, said she met Ebrahim Ismail Ebrahim while living in Maputo. He was an SA refugee and ANC member.

She admitted that she communicated with the ANC, applied for post office boxes which facilitated communications for the ANC, learnt secret codes to communicate secretly with the ANC, and was in possession of two spanners designed for use on a limpet mine.

She also admitted she had knowledge of four ANC arms caches.

The hearing continues today.

Passtoors: Court hears of bug planted in room

Argus 15/4/86
The Argus Correspondent

JOHANNESBURG. — A security policeman told the Rand Supreme Court how he listened in to a conversation between Ms Helene Passtoors and an alleged member of the African National Congress on a listening device in a Durban hotel room.

Detective Sergeant H du M Pitout told the court that on June 17 last year he had placed a listening apparatus in the hotel where Ms Passtoors had booked a room.

The sergeant then kept watch at Louis Botha Airport. He saw a man — whom he knew as Mr Ismail Ebrahim — meet Ms Passtoors there about 1.20am.

The two drove to the beachfront hotel, he said.

HOW TO FLEE

"I listened to them talking on the apparatus."

The sergeant said Ms Passtoors explained to the man how to flee to Swaziland.

Tapes were made of the conversation, he said.

Ms Passtoors, 44, has pleaded not guilty to treason and terrorism and alternative charges of terrorism and participating in terrorist activities.

Earlier, the judge ordered that the trials of Ms Passtoors and her former husband, Mr Klaas de Jonge, 49, who are both Dutch citizens, be separated. Mr de Jonge's trial was postponed indefinitely.

Mr de Jonge has been holed up in the former Netherlands

Embassy building in Pretoria for the past nine months.

The trial was attended by representatives of the Netherlands and Belgian consulates and a representative of the International Commission of Jurists.

Sergeant Pitout said that on the evening of June 23 Ms Passtoors and Mr de Jonge drove to an open piece of land near Anne Road in Halfway House and later returned to Johannesburg.

Sergeant Pitout had watched them through binoculars and night-sights. "I realised there was something fishy," he said.

After they left the area about 11.30pm the sergeant found a buried black plastic bag. In it were demolition charges.

Earlier, a statement in which certain admissions were made by Ms Passtoors was handed into court by her legal representative.

She said she was a supporter of the ANC and that had she learnt secret ANC codes.

Ms Passtoors also reconnoitred an area in the Eastern Transvaal code-named "Mango" to find a suitable route for Mr Ismail Ebrahim to leave South Africa.

Mr Ebrahim did not leave the Republic using the route, she said.

She said she had pointed out ANC caches to the police after her detention.

Ms Passtoors denied she owed allegiance to the State by virtue of her residence in South Africa.

331

CMB Times

15/4/88

Passtoors says she supported aims of ANC

Own Correspondent

JOHANNESBURG. — Ms Helene Therese Judith Marie Passtoors, a Dutch citizen, yesterday described how she helped find a suitable escape route out of SA for an ANC member with whom she had formed an intimate relationship.

In a statement read to the Johannesburg Supreme Court by her legal representative, Mr Denis Kuny, SC, Ms Passtoors admitted she supported the aims and objectives of the banned African National Congress and had performed certain acts in support of the organization's aims.

The 44-year-old mother of four pleaded not guilty to charges of treason and alternative charges of terrorism, and not guilty to a second charge of terrorism, alternatively participating in terrorist activities.

Her former husband and co-accused, Mr Klaas de Jonge, did not appear and is still under diplomatic protection at the Netherlands Embassy.

After legal argument — during which an application for a warrant to have Mr De Jonge arrested was made but later abandoned — Mr Justice T T Spoelstra ordered that the trials be separated. Mr De Jonge will be tried when the State is able to bring him to court.

In her statement, Ms Passtoors, who was an employee of the Dutch Department of Foreign Affairs and a doctoral student in African linguistics at the University of the Witwatersrand at the time of her arrest on June 28 last year, said she had met Mr Ebrahim Ismail Ebrahim while she lived in Maputo where she was lecturing.

He was a South African refugee and a member of the ANC. They continued to see one another after she moved to SA and when Mr Ebrahim unlawfully returned to SA.

In 1985, Mr Ebrahim wished to leave SA and she agreed to assist him. But, she said, Mr Ebrahim later left the country by another route unknown to her.

In her statement, she further admitted that she communicated with the ANC, applied for post office boxes which facilitated communications for the ANC, learned secret codes and was in possession of two spanners designed to be used on a limpet mine.

She also admitted she had knowledge of arms caches which had been set up near Umfolozi and Amanzimtoti in Natal, and near Muldersdrift and Halfway House in the Transvaal.

The hearing continues today.

15/4/86
TUESDAY
Dutch woman denies treason

Passtoors owns up to contact with the ANC

DUTCH citizen Helene Passtoors admitted yesterday she performed certain acts as a result of her association and support of the banned African National Congress.



● PASSTOORS

In a statement read to the Johannesburg Supreme Court by her legal representative, Denis Kuny, SC, Passtoors described how she had developed a relationship with an ANC member and helped him find a suitable escape route out of SA.

The 44-year-old Dutch mother of four pleaded not guilty to two charges of treason and alternative charges of terrorism. She pleaded not guilty to a second charge of terrorism, alternatively of participating in terroristic activities.

Klaas de Jonge, her former husband and co-accused in terms of the indictment, did not appear in court and is still under the diplomatic protection of the Netherlands embassy in Pretoria.

During argument yesterday, Witwatersrand Attorney-General Klaus von Lieres und Wilkau applied for a warrant to have De Jonge arrested. The application was later abandoned.

DOMINIQUE GILBERT

The court also heard that the serving of the indictment — destined for De Jonge — by a Foreign Affairs Department official on a representative of the Netherlands embassy was improper.

The judge found there was, in effect, no serving of an indictment on De Jonge.

After legal argument, Justice T T Spoelstra ordered that the trials be separated. De Jonge will be tried when the State is able to bring him to court.

Passtoors, who was an employee of the Dutch Foreign Affairs Department and a doctoral student in African linguistics at Witwatersrand University at the time of her arrest on June 28, said she met Ebrahim Ismail Ebrahim while living in Maputo. He was an SA refugee and ANC member.

She admitted that she communicated with the ANC, applied for post office boxes which facilitated communications for the ANC, learnt secret codes to communicate secretly with the ANC, and was in possession of two spanners designed for use on a limpet mine.

She also admitted she had knowledge of four ANC arms caches.

The hearing continues today.

US lawyers' observer at SA treason trials

5/4/86 331
An observer from the American Bar Association (ABA), Mr David Brink, is in South Africa to observe the procedures at two treason trials.

Mr Brink, who attended the trial of 22 members of the Azanian People's Organisation, the United Democratic Front, the Azanian National Youth Unity and the Vaal Civic Association in Delmas yesterday, said he had also been asked to attend the treason trial in Maritzburg where four men are appearing.

CONCERN

He said the purposes of his visit were to obtain information about the conduct of the trials, the nature of the cases against the accused and the laws under which they were being tried.

He said he was also briefed to collect background information on the circumstances leading to the trials and to make known to the South African authorities and the public, the interest and concern of the American legal profession in the trials.

Bellville school pupils teargassed, charged

By ANDRE KOOPMAN

SJAMBOK-WIELDING riot policemen yesterday charged into a Bellville South high school after firing several salvoes of teargas at demonstrating pupils and teachers, in what was described as "an unnecessary show of kragdadigheid".

The police action took place about 10am at the Kasselsvlei Senior Secondary School when pupils demonstrated against the arrest of a matric pupil, Kenneth Erasmus.

Captain Ockert van Schalkwyk, of the Bellville Riot police, had earlier told the vice-principal of the school that police would not intervene if pupils remained on the schoolgrounds and the demonstration was peaceful.

About 9.30am pupils holding placards stood at the school fence.

They were watched by teachers who stood on the perimeter of the school, while police about a metre from pupils surrounded the grounds.

A police camera unit began filming pupils who then moved off chanting. Police, after saying the gathering was illegal, fired teargas past the heads of teachers narrowly missing them.

Police then brushed the teachers aside and ran on to the schoolgrounds chasing pupils who had scattered in all directions, some back into their

classrooms. Police then informed pupils that the school was "now closed".

Some teargas canisters landed on the border of a primary school next to the high school and clouds of teargas billowed over into the primary school grounds.

In a statement, the Kasselsvlei teachers and pupils condemned the latest detention of one of their pupils who was arrested on April 3 and charged with participating in public violence in August last year.

'Punitive action'

"The State first disrupted schooling this year by announcing (Minister of Education and Culture) Carter Ebrahim's abortive promotion plans, and they are now further disrupting schools by taking punitive action against teachers and pupils for deeds they were alleged to have committed last year," the statement read.

They further "condemned the harassment of 62 Wectu teachers, who are being charged with misconduct for refusing to administer last year's exams".

● Sapa reports that a police spokesman confirmed that "an illegal gathering at the Kasselsvlei Senior Secondary School in Bellville South was dispersed by police using sjamboks and teargas".

Treason accused had five passports, court told

Dutch Govt link with Passtoors is revealed

By Jenni Tennant

Five passports in the name of Miss Helene Passtoors — three Belgian and two Dutch — were handed into the Rand Supreme Court yesterday as evidence in her trial.

One was an official Dutch Government service passport and another was cancelled. Also handed to the court were financial statements and an employment agreement between Miss Passtoors and the Netherlands Department of International Co-Operation, dated December 1980.

The passports and other documents were taken from her Bellevue East home after her arrest.

Major C J A Victor, of the Johannesburg Security Police, said he had searched Ms Passtoors's Bellevue East residence after she was arrested on June 28 last year.

ARMS CACHE

He found financial records and statements in a box in the house, he said.

One bank account from Swaziland was in the name of K de Jonge, Major Victor told the court.

Debit notes in Miss Passtoors's name showing payments had been made to an organisation called "Boycott Outspan" Action and to an anti-apartheid movement in Amsterdam were also handed into court.

Major Victor was giving evidence in the trial of Miss Passtoors (44), who has pleaded not guilty to

charges of treason and terrorism.

Earlier Brigadier G N Erasmus, commanding officer of the Johannesburg security branch, described what was found in a hidden compartment in a car driven by Mr Klaas de Jonge, the former husband of Miss Passtoors, when he was arrested on June 23 last year.

Found in the compartment, which was behind the back seat, were a radio, three brown envelopes, a pistol and crumpled brown paper.

A document headed "Mango", which described a specific area, photographs and three topographical maps of Barberton, Mbabane and Vryheid was also found in the car, the brigadier said.

Personal documents and receipts of Mr de Jonge were found in a leather bag taken from the car. A brown wallet was also found in the bag.

In it were found handwritten notes and a sketch which showed the way to an arms cache at Halfway House, Brigadier Erasmus said.

Evidence was also given on forensic tests carried out by the police forensic department in Pretoria on some items removed from the car.

Lieutenant J B Laurens told how he found that the brown paper had been in contact with explosives, which were used in demolition.

Appearances: Mr Justice T T Spoelstra is on the Bench. Mr K von Lieres SC, assisted by Mr G Gertsch, appeared for the State. Mr D Kuny SC, assisted by Mr C Loxton and instructed by K Satchwell, appeared for Miss Passtoors.

CAP 112 B 16/4/85 33

'Untruths': Editor not guilty, reporter fined

Own Correspondent

PORT ELIZABETH.

The editor of the Eastern Province Herald, Mr J C Viviers, was yesterday found not guilty in the Magistrate's Court here of publishing untruths about police action, and a Grahamstown-based staff reporter, Miss Juliette Saunders, who was charged with him, was convicted and fined R100 (or 20 days).

Notice of appeal was lodged against Miss Saunders's conviction.

During the trial the State withdrew the charge against EP Newspapers Pty Ltd, which was cited as the third accused. Miss Jennifer Hyman, a former Herald reporter, who was originally charged with the same offence, paid an admission-of-guilt fine of R100 before the trial.

Mr Viviers and Miss Saunders were charged under Section 27(1) b of Act 7 of 1958 of the Police Act, which makes it an offence to publish untruths about police action, without having reasonable grounds for believing the information to be true.

Eye-witnesses

The hearing was a sequel to a report in the Herald on November 10, 1984, on events which took place during the funeral of an unrest victim in Grahamstown the previous day.

The statements which appeared in the Herald alleged that eye-witnesses had seen police using sjamboks, rubber bullets, teargas and a sneeze machine to disperse crowds, and confiscating Azapo and Azasm banners.

Mr Viviers and Miss Saunders had pleaded not guilty to the charge.

Handing down his verdict the magistrate, Mr J D E Moony, said the State witnesses were impressive witnesses who had not contradicted themselves. While they had been subjected to lengthy and penetrating cross-examination, they were not shaken.

The magistrate said Mr Viviers had outlined procedures followed on the newspaper to check on reports about police action. Because the edi-

tor could not be on duty all the time, it was inevitable that duties would be delegated.

The magistrate found that Mr Viviers, while claiming to be objective, had under cross-examination revealed prejudice against the police. He had been evasive at times and the court had not been impressed with his evidence.

He had, however, discharged the onus on him because he had testified and proved that he had not taken part in the publication of the report or that he could have prevented its publication.

Mr Moony said it was a fact that newspapers worked against deadlines and that it could not be possible to get confirmation on all the reports before deadlines. However, he found that expediency could not overrule the responsibility of journalists.

He said a tyrannical press was as bad as a tyrannical security force.

No message

Referring to evidence by a witness from the police directorate in Pretoria, the magistrate said the witness had said in evidence that he was not presented with the full text of the report when a reporter spoke to him on the telephone and that no telex message was sent to enable the police to answer all the allegations.

He said the court was satisfied that three allegations out of six alleged untruths in the report were patently untrue in the report. The untrue allegations were that:

- According to an eye-witness the crowd had just reached the turn-off to the cemetery when a police sneeze machine was used towards the tailend of the procession.

- Within minutes reporters saw police vehicles move down from the ridge and from different directions tears smoke was fired at the crowd.

- According to eye-witnesses police also fired bullets and bird-shot. One eye-witness said he then saw several youths pick up stones

and run towards Raglan Road.

Mr Moony found Miss Saunders guilty. He said the report had carried her name and that of Miss Hyman, and there was evidence before court that she was at the scene when the incidents took place. He said Miss Saunders had not given evidence at the trial.

He said the overall picture created by the report was false in that it gave one the impression that the police had acted without provocation.

Mr Moony said although the newspaper's intention had not been to mislead its readers, the actual result in the present case was different.

In mitigation of sentence, Mr Eric Leach, for the defence, said the agreement between the police and the Newspaper Press Union had been adhered to. He referred to the case as "a storm in a teacup".

He said comment on police action had been sought by the newspaper in accordance with the agreement between the police and the NPU. It was given and published.

'No outcry'

Mr Leach said there had been no immediate outcry from the police, had that been done there would have been some remonstrance by the authorities with the Herald and action taken against what the police objected to.

He said the police did not attempt to rectify the situation on the report. He submitted that the police were equally to blame for what had happened. Mr Leach said the police provided the court with three different versions. The court had found that a fourth version, that published by the Herald, had been wrong. He added that the court could have heard 100 versions on the matter.

He said the newspaper was not the judiciary, it was not in a position to make final decisions on whether all the reports were true. The overall picture of the report was that there had been trouble and clashes with the police and this was true.

Police commander tells how Vaal violence began

Michael Tisson

DELMAS — Brigadier Gerrit Viljoen, who was in charge of the police force in the Vaal Triangle on the day in 1984 when the five townships erupted in protest, told a Circuit Court yesterday that minutes before his vehicle was stoned a large group of youths chanted: "Oliver Tambo, Tambo, Tambo".

He also told the court, in which 22 men are facing charges of treason, that the youths raised their fists in Black Power salutes while chanting the name. (Oliver Tambo is president of the African National Congress.)

Brigadier Viljoen said he went to the Vaal Triangle after receiving a report about pending trouble. He mobilised riot squad units in Krugersdorp and Roodepoort.

A residents' meeting in the Vaal Triangle had called for a stayaway from work the next day.

Brigadier Viljoen said he was in charge of "a task force of 116 whites and 97 non-whites, and deployed them to the different townships.

"It was quiet during the night," he said, "but at about 6 am I got a report of stone-throwing at buses and police vehicles in Sebokeng. At 6.05 am I heard over the radio from Sharpeville that heavy attacks were taking place against police vehicles and buses. I was asked to get the buses out of the area.

"At about 6.20 am I heard a report that buses were being heavily attacked,

and policemen's lives were being threatened in another area.

"On arrival in Sharpeville, the main road, Seiso Street, was blocked with a variety of things. There were scrap cars, dirtbins, large stones and rubble strewn across the road.

"I noticed that other streets were blocked in a similar manner. I decided to handle the situation in Sharpeville myself, although I had earlier put an other policeman in charge there.

"I gave orders for the side streets to be patrolled. I saw groups of people further down Seiso Street. Some groups were 30 to 50 people, others were between 200 and 300.

STRUCK WITH STONES

"When I came closer I heard them shouting and making a noise. The Black Power fist salute was evident all over. The groups were shouting different things. While one group shouted 'Amandla', another answered 'Awethu'.

"As we came within striking distance we were hit with stones. There were only two of us in the police van at the time and we fired teargas and rubber bullets to disperse the crowds.

"Further down Seiso Street, I saw a police van which had also been attacked. Its windscreen was smashed out. I ordered the policemen to go the edge of the township and await further orders. By that time the bus service had been withdrawn."

The hearing continues.

Court told of explosives traces in De Jonge's car

16486 BUDAY 331
LIAM EGAN

A FORENSIC expert told the Rand Supreme Court yesterday that traces of explosive were found in a motor vehicle alleged to have belonged to Dutch fugitive, Klaas de Jonge.

Lieutenant Johannes Laurens told the court that a bundle of brown wrapping paper delivered to him at the SAP forensic laboratories in Pretoria last June was found to contain particles of RDX explosive.

He said in reply to a question from state prosecutor Klaus von Lieres und Wilkau that the type of explosive found on the brown wrapping paper was consistent with that used in a majority of demolition mines.

At Monday's hearing Helene Passtoors, 44,

pleaded not guilty before Mr Justice T T Spoelstra to charges of treason, or alternatively terrorism, as well as a second charge of terrorism, or alternatively participating in terroristic activities.

Her former husband and co-accused in terms of the indictment, Klaas de Jonge, remains under the diplomatic protection of the Netherlands embassy in Pretoria and has not appeared in court.

It transpired from yesterday's testimony of Johannesburg security policeman Detective Danie Joubert that the brown wrapping

paper was among the contents discovered in a brown Peugeot sedan driven by De Jonge at the time of his arrest.

A divisional head of the Security Police at John Vorster Square, Brigadier Gerhard Erasmus, testified at yesterday's hearing he had taken possession of the vehicle at Zeerust after De Jonge's arrest.

He told the court he believed hand-written notes found in the vehicle "clearly related to the Halfway House arms cache".

Evidence relating to the establishment of an arms cache near Halfway House by Passtoors and De Jonge was led at Monday's hearing.

The trial continues today.

Passtoors³⁷¹ trial told^{AKas 164/8} of map of arms cache

The Argus Correspondent

JOHANNESBURG. — Documents taken from the Bellevue East residence of Ms Helene Passtoors after her arrest included passports and an employment agreement between Ms Passtoors and the Netherlands Department of International Co-operation dated December 1980, the Rand Supreme Court has been told.

The court was also told of a map pinpointing an arms cache.

Ms Passtoors, 44, has pleaded not guilty to charges of treason and terrorism.

Major C J A Victor of the Johannesburg security police said he searched Ms Passtoors's Bellevue East residence after her arrest on June 28 last year.

Included in the items found were five passports in her name; three Belgian and two Dutch. One was an official Dutch Government service passport and another was cancelled.

BANK ACCOUNT

The major said he also found financial records and statements in a box in the house. A bank account from Swaziland was in the name of K de Jonge.

Debit notes in Ms Passtoors's name showed that payments had been made to an organisation called "Boycott Outspan Action" and to an anti-apartheid movement in Amsterdam. These were also handed in to court.

Earlier Brigadier G N Erasmus, commanding officer of the Johannesburg security branch, described items found in a hidden compartment in a car driven by Mr Klaas de Jonge, former husband of Ms Passtoors, when he was arrested on June 23 last year.

Included in the items were a radio, three brown envelopes, a pistol and crumpled brown paper.

Yesterday the brigadier continued identifying items taken from the car.

A brown wallet found in a bag in the car contained handwritten notes and a sketch showing the whereabouts of an arms cache at Halfway House, Brigadier Erasmus said.

There was also a document headed "Mango", which described a specific area, photographs and three topographical maps of Barberton, Mbabane and Vryheid.

Lieutenant J B Laurens told the court that he conducted tests on pieces of brown paper he had been given to analyse. He found that the paper had been in contact with explosives.

I tried to stop protest - mayor

50467AN
16/4/86

331

THE mayor of Lekoa, Mr Esau Chaka Mahlatsi, yesterday described in the Delmas Circuit Court how he had tried to stop rent protest meetings in Vaal townships.

Mr Mahlatsi said this at the trial of 22 people charged with high treason, alternatively incitement to murder, subversion and terrorism.

They are appearing before Mr Justice K van Dijkhorst and two assessors.

They have pleaded not guilty to all the charges.

Giving evidence under cross-examination, Mr Mahlatsi said that during August 1984 he and the Lekoa town clerk had tried to persuade two magistrates — one in Vereeniging and another in Vanderbijlpark — to prevent these meetings from taking place in the townships.

Failed

Mr Mahlatsi said he failed to have the meetings banned.

"Both magistrates told me and the town clerk that they could not prevent the meetings from taking place. We were told that the reasons we gave to have the meetings prohibited were insufficient," Mr Mahlatsi said.

In his evidence Mr Mahlatsi said he had told the magistrates that among other things to be discussed at the meetings were proposed rent increases and

By MZIKAYISE
EDOM

nounced by the council, the integrity of councillors and the way they were running the council.

He said the magistrates had said people should be allowed to hold meetings in the townships the way "they felt".

(Proceeding)

17/4/86 BUS DAY

331

BUSINESS DAY

Court told of coded message

THE Rand Supreme Court heard yesterday how a coded message, alleged to have been found in a vehicle driven by Dutch fugitive Klaas de Jonge, was decoded to reveal the names of two high-ranking members of the ANC.

The evidence was led at the trial of his former wife, Helene Passtoors, who faces a charge of treason, alternatively terrorism.

The head of the Intelligence branch of the security police, Brigadier H

LIAM EGAN

Stedler, said Satharan Ratha, alias Mac Maharaj, and Gedleyah Lekusa, alias Zuma, were referred to in the message as Mac and Zuma.

He added, in reply to a question from State prosecutor Klaus von Lieres, that Ratha and Lekusa were London-based members of the ANC executive committee who had fled SA after serving jail terms for subversive activities.

The message read to the court by Von Lieres was signed by Moosa Ahmed. It said Mac or Zuma should be informed that Zac and Y Mohamed would be in London from July 6 to 8.

Stedler said Ahmed was the alias for Ismail Ebrahim, a member of the ANC high command in London. Zac and Y Mohammed were identified as Zac Yacoub and Y Mohamed, two SA advocates who had defended treason trialists.

The hearing continues.

Treason case man attends mum's burial



Lawyers at the burial

Mr GEORGE Bizos, SC, and Mr T H Kamdar who were among the mourners at Mrs Josephine Mokoena's funeral in Evaton yesterday. She was the mother of Mr Petrus Mokoena one of the accused in the Delmas treason trial. Mr Bizos is the defence counsel and Mr Kamdar is the instructing attorney at the trial.

MR PETRUS Mokoena, a member of the Evaton Ratepayers' Association who is one of the accused in the Delmas treason trial involving 22 people, was given permission to attend his 70-year-old mother's funeral in Evaton yesterday.

Police in vans escorted hundreds of mourners who attended Mrs Josephine Mantoa Mokoena's funeral. She was a member of the Bantu Reformed Church Mothers' Union. She died at the Sebokeng Hospital after a long illness.

Mr Mokoena, who is charged with 21 other people, was met by family members and friends at the funeral.

He was escorted by members of the security police who later drove off with him after the service.

Mr George Bizos, who is representing Mr Mokoena and his co-accused, was among the mourners at the funeral.

Scores of chanting pupils were ordered from the funeral by the Rev Lord McCamel, of the Vaal Civic Association, who conducted the service. There was no political speeches made during the three-hour service held in Small Farms, Evaton. Police in hippos and other vehicles watched and took pictures of the proceedings.

Organisations represented at the funeral included the Vaal Ministers' Solidarity Group, the Vaal Civic Association, the Vaal Parents' Crisis Committee and the Azanian Peoples Organisation.

SAFETY OFFER WAS REFUSED

(331) SOWETAN 17/4/86

THE Delmas treason trial was yesterday told that 105 incidents of violence, including the death of a councillor, were reported on the first day when riots erupted in the Vaal Triangle on September 3, 1984.

A senior police officer, Brigadier Johannes

Delmas treason trial told

Viljoen of the Police College in Pretoria, said he was patrolling in Sharpeville on September 3 when he received a radio message that a house belonging to a Constable Radebe was being attacked by a mob.

He was giving evidence at the trial of 22 people charged with high treason, alternatively incitement to murder, subversion and terrorism.

They are appearing before Mr Justice K van Dijkhorst, sitting with two assessors. They have pleaded not guilty to all charges.

In flames

Brig Viljoen who was attached to the Krugersdorp riot squad at the time the disturbances erupted in the Vaal, told the court that he went to the policeman's house where he found about 100 people attacking it with stones.

He said he fired tear-gas and rubber bullets to disperse them.

While at the scene, he received another message that the property of a councillor, Mr Jacob Dlamini, deputy mayor

of the Lekoa Town Council, was on fire.

"I found the house and a car parked in the yard on fire. I also saw the body of Mr Dlamini lying next to the burning car. He was also in flames. I think Mr Dlamini was already dead at the time I arrived.

Brigadier Viljoen also told the court that earlier on the day before the attack on Mr Dlamini's property he had advised him to take his family to a place of safety.

"Mr Dlamini refused the offer," the policeman said.

(Proceeding)

'Accused defied funeral curbs

By Michael Tisong

DELMAS — Photographs showing treason accused Mr Patrick Mabuya Baleka in the forefront of a funeral procession which turned to violence, were handed in to a Circuit Court judge yesterday.

Brigadier Gerrit Viljoen, who was in charge of the police force in the Vaal Triangle when the five townships erupted in protest in 1984, said Mr Baleka featured prominently at the funeral.

Mr Baleka, a member of the Azanian National Youth Unity, is standing trial with 21 people on charges of treason and alternative charges of murder, subversion and terrorism. They have all pleaded not guilty.

Brigadier Viljoen said the funeral on September 23 1984 was restricted by a magistrate who said there should be no political slogans or songs, mourners should travel in vehicles and no banners should be displayed.

Brigadier Viljoen said he noticed Mr Baleka featured prominently in the gathering of people outside the church.

He said: "I told the priest of the restrictions, but the slogans, Black Power fists and singing went on.

"The mourners also walked to the graveside. At the graveside Mr Baleka and groups of other blacks were blatantly breaking all the restrictions imposed on the funeral.

RUBBER BULLETS

"I decided this noisy and unruly crowd could not be let loose on the community. I ordered the police to surround the people and make arrests.

"People ran in all directions and some climbed into buses while others stoned the police.

"Only the necessary violence was used to quell the crowd. We used rubber bullets, teargas and sjamboks and 570 people were arrested. Mr Baleka was among them."

Brigadier Viljoen also described how he ordered policemen to shoot people who were inciting others during demonstrations.

The hearing continues.

Coded note read at Passtoors trial

By Jenni Tennant

STAR 17/4/86

A note in code, said to have been found in the boot of a car owned by Mr Klaas de Jonge and allegedly containing the names of high-ranking African National Congress contacts, was read in the Rand Supreme Court trial of Miss Helene Passtoors yesterday.

Miss Passtoors (44), former wife of Mr de Jonge, has pleaded not guilty to a charge of treason and terrorism.

The note was alleged to be a transcript of a three-line typed report which was handed in to court earlier this week. The coded note was among the items allegedly found in Mr de Jonge's car when it was searched by Security Police after his arrest on June 23 last year.

The note read: "Inform Mac or Zuma: Zac and Y Mohamed will be in London two days July six to eight they must be seen by PHQ Ahmed."

Brigadier Hermanus N Stadler, head of the intelligence section of the Security Police, gave brief autobiographies of the names in the note.

The brigadier said that "Mac" referred to a person known as Mr Mac Maharaj who represented the ANC in Zimbabwe and was a member of the ANC's steering committee.

He said that "Zuma" was apparently Mr Gedleya Hlekisa who was also known as "Jacob".

"As far as I know, in 1985 he was the chief ANC representative in Maputo," the brigadier said.

"Zuma" was also allegedly linked to the ANC's department of information and propaganda and was a member of the steering committee, the court heard.

Brigadier Stadler said "Ahmed" was the Umkhonto we Sizwe name of someone he knew as Ebrahim Ismail.

The three men had been jailed at different times and had left South Africa unlawfully, the brigadier told the court.

When asked about the names "Zac" and "Y Mohamed" the brigadier told the court that the names were of an advocate and an attorney who were involved in the Maritzburg treason trial — Mr Zac Yacoob and Mr Y Mohamed.

PHQ stood for political headquarters, he said.

Mr D Kuny, SC, appearing for Miss Passtoors, asked that the cross-examination of Brigadier Stadler be postponed as time was needed to study his evidence.

The hearing continues.

Appearances. Mr Justice T T Spoelstra is on the Bench. Mr K von Lieres, SC, assisted by Mr G Gertsch, appeared for the State. Mr D Kuny, SC, assisted by Mr C Loxton and instructed by K Satchwell, appeared for Miss Passtoors.

16 in court over
'witdoek' deaths

Court Reporter

FOURTEEN people, including five from UDF-affiliated organizations in the New Crossroads area, appeared in the Athlone Magistrate's Court on Tuesday on charges of murder.

Yesterday two more appeared on the same charges. Nine were adults and each was granted bail of R100. The other seven, who were minors, were released into the custody of their parents.

Mr Alfred Madlavu, 47, Ms Mary Ngemntu, 45, Ms Regina Ntongana, 47, Ms Lillian Peter, 44, Ms Temba Nonjola, 19, Mr Kholekile Sokani, 18, Ms Thozamile Kondile, 23, Mr Winston Tukashe, 20, Ms Nomabango Mbeka, 18, and the minors are all of New Crossroads.

The State alleges that on March 21 in New Crossroads, they killed Mr Jackson Mbindini, Mr John Palama, Mr Zityele Mtsha, Mr Mzwandile Xeketwana, Mr Jack Mahlabedlu, Mr Zwelisha Matola, Mr Madoda Kuze, Mr James Nehlale and Mr Venfolo Sitway.

The charges follow battles between residents of New Crossroads and "witdoek" vigilantes from Old Crossroads in which seven "witdoeke" died, and the earlier death of two New Crossroads committee members.

The hearing was adjourned to May 20.

Mr G A Groenewald was the magistrate. Mr A Geerts appeared for the State on Tuesday and Mr P Basson yesterday. Mr E Moosa and Mr K Amien appeared for the 16.

Shuttlehunters find cocaine

Puzzle of national anthem on tape

MARITZBURG — A tape-recording of an anti-South African Indian Council meeting being used in the treason trial in Maritzburg contained an "odd feature" — the national anthem, "Die Stem" — which did not fit in with the nature of the meeting, defence advocate Mr Marino Moerane said yesterday.

He asked State expert Coloneel Leendert Jansen to explain this.

Colonel Jansen, who examined all the video and audio recordings being used as evidence, said of the playing of the national anthem: "This was an odd feature."

UNEDITED

He was being cross-examined by Mr Moerane on his assessment that all the video and audio tapes being used as evidence were original and unedited.

On trial are four South African Allied Workers' Union (SAAWU) leaders, Mr Thozamila Gqweta, Mr Sisa Njikelana, Mr Samuel Kikine and Mr Isaac Ngcobo.

With reference to another tape, Mr Moerane asked Colonel Jansen why he had said in his notes that there had been no recording on the first side of the tape when, in fact, it had a full recording.

Colonel Jansen said he was convinced he had not made a mistake about this fact in his original notes, but his new notes could have been incorrectly rewritten.

The hearing continues. — Sapa.

'Irresponsible officer' could not be traced, brigadier tells treason trial

By Duncan Guy

DELMAS — Attempts by a senior police officer to trace the identity of a junior who reportedly acted irresponsibly during Vaal Triangle unrest in 1984 were futile.

Brigadier Gerrit Viljoen said this in cross-examination yesterday by Mr G Bizos in the Circuit Court here, where 22 men face treason charges.

Allegations were put to him that re-inforcements from Pretoria had used

unnecessary violence

SCATTERED

The court further heard that police patrolling the township had chased and scattered groups of people at roadsides on the morning of September 2 when a work stayaway had been planned.

"The police, travelling around in vehicles, had no way of telling whether those whom they chased were people telling others to obey a

stayaway from work or those going to work — and many of their victims were in fact on their way to work," said Mr Bizos.

He also put it to Brigadier Viljoen that a victim of police action, Mr Thabo Twala, had, according to his family, not done anything to deserve being shot and later to die from a rubber bullet.

It was also heard that two other children died after police action.

The hearing continues.

Court told of limpet mines

THE Rand Supreme Court heard yesterday how Helene Passtoors had led police to concealed limpet mines in the Muldersdrift area, near Krugersdorp.

Lieutenant Albertus Smith said he had accompanied Passtoors last July to where an unspecified number of mines lay under a wrecked car.

A security policeman said that last October Passtoors, facing charges of high treason, alternatively terrorism, had shown him a type of spanner used exclusively to prime limpet mines.

Jacobus van der Merwe said Passtoors had produced two spanners from a filing cabinet stored with other of her possessions at John Vorster Square after her arrest.

LIAM EGAN

Passtoors' former husband, Klaas de Jonge, was alleged at yesterday's hearing to have revealed the presence of limpet mines at two locations to a security policeman last July.

De Jonge was indicted with Passtoors on the same charges, but remains under protection of the Dutch Embassy in Pretoria and has not appeared in court.

Captain Barend Dippenaar said that 26 limpet mines were uncovered in the presence of De Jonge near Muldersdrift and an unspecified number uncovered later on the same day near Bapsfontein.

The hearing continues.

Cleared of intimidation

Staff Reporter

MR Adenaan Batchelor of Salt River has been acquitted in Cape Town Regional Court of intimidation.

The State alleged that in September last year Mr Batchelor, 30, told a Salt River liquor store manager that if he did not close his doors when a funeral procession passed he would petrol-bomb the shop. Mr Batchelor said he had warned that children planned to bomb shops which stayed open.

The magistrate, Mr J C Lategan, found that it was possible Mr Batchelor warned the shopkeeper that others were planning to throw petrol bombs.

Pk

STIR 18/4/80

Passtoors admits learning ANC codes

By Jenni Tennant

Treason accused Miss Helene Passtoors was instructed by members of the African National Congress in the use of secret codes to be used when communicating with the organisation, the Rand Supreme Court heard yesterday.

This was one of several additional admissions in a statement handed into court on her behalf.

Miss Passtoors also admitted that several documents which were handed into court earlier this week were typed on a typewriter found in her Bellevue East residence after her arrest on June 28 last year.

Certain instructions

One of the documents apparently referred to was a typed note headed "Mango" which was allegedly found in a brown envelope in a hidden compartment in a car driven by Mr Klaas de Jonge when he was arrested on June 23 last year.

Miss Passtoors admitted she had typed on the typewriter certain further instructions in regard to "Mango" which were lifted by the police at her home from a piece of carbon paper.

On Monday Miss Passtoors admitted in a state-

ment that she had scouted an area in the Eastern Transvaal which she code-named "Mango" and prepared notes on it in code, which had been correctly decoded by the police.

In the statement Miss Passtoors said she had agreed to assist an ANC member in finding a suitable route to leave South Africa. He did not leave the country by the route described in the document, she said.

Miss Passtoors, the former wife of Mr de Jonge, has pleaded not guilty to treason and terrorism.

A policeman, Lieutenant A E Smith, told the court Miss Passtoors had pointed out certain places to him after her arrest.

This was not contested by Miss Passtoors. Earlier this week in a statement Miss Passtoors said she had knowledge of some arms caches and had pointed them out to the police.

Photographs were handed into court showing areas which were pointed out. These included two areas in Muldersdrif and in the Komatipoort district.

Yesterday Detective Warrant Officer J Raven told the court how he had decoded a series of numerical figures from documents he was given.

He received a map of Barber-ton and two typed sheets headed "Mango" which he managed to decode.

The decoded sheets allegedly referred to two possible routes out of South Africa.

Mr de Jonge also allegedly pointed out certain areas to the police after his arrest, the court heard yesterday.

These sites allegedly pointed out by Mr de Jonge included pumpstations at Quaggasnek, Schéepersnek and Mahlabatini, in Natal, and caches in the Transvaal.

The hearing continues.

THE IMP 17/4/45
Boys on intimidation charge

337
Court Reporter

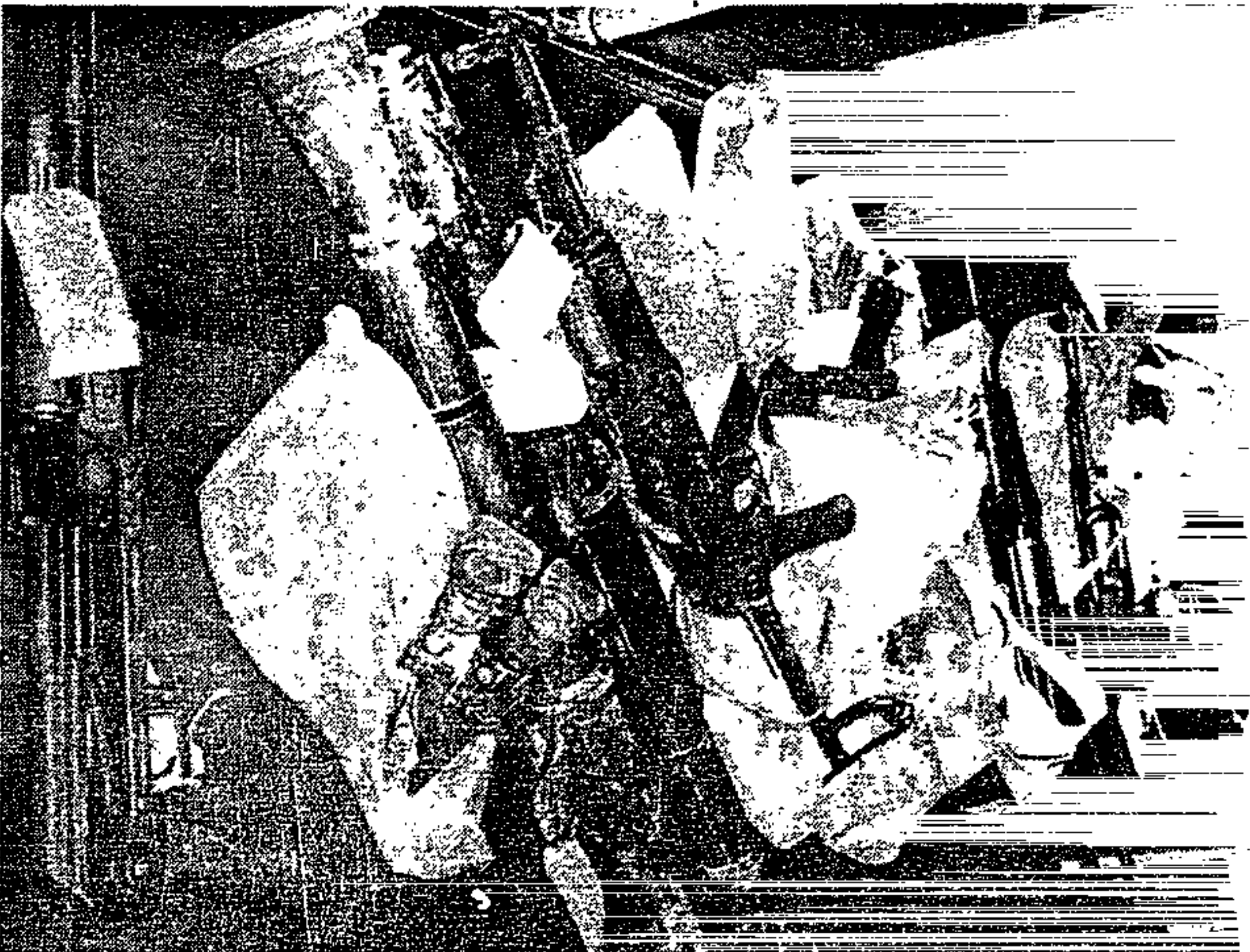
Four high-school boys, who have been in custody for about five weeks and were refused bail on April 1, appeared in the Worcester Magistrate's Court yesterday on a charge of intimidation.

Four 17-year-olds and a 15-year-old, who has been in custody for two weeks, are charged with instigating boycotts, not obeying the principal, damaging school property, assaulting teachers, and pulling other children out of their classrooms at the Bree River Senior Secondary School.

Bail was denied on the grounds they would start boycotts at the school again.

The hearing was adjourned to Monday in the Regional Court.

Mr P van Jaarsveld was the magistrate. Mr C Kemf appeared for the State.



Court exhibits in the treason and terrorism trial of Miss Helene Passtoors. The trial is being heard in the Rand Supreme Court.

Each morning it's a slow walk — to the dock

By Jenni Tennant

Every morning, just before 10 am, Helene Therese Judith Marie Passtoors walks slowly into the dock of Court No 2F from the cell block below the Rand Supreme Court, hugs her mother, and sits down to listen to evidence against her.

She was originally accused No 1 in the present treason trial, which is expected to last another two weeks. But after the non-appearance of her co-accused and former husband, Mr Klaas de Jonge — who is still taking refuge in the Dutch Embassy in Pretoria — she is now just "the accused".

Yesterday was a special day for Miss Passtoors. Three of her four children from her first marriage, which according to court documents ended in divorce shortly before she met Mr de Jonge, came to visit her.

The judge gave special permission for the children — Philippe (15), Fabrice (13) and 11-year-old Yves van Leynseele — to sit in the court to be near her.

According to documents handed in at the start of the trial, Miss Passtoors was born in Eindhoven, Holland, in 1942 and educated at a convent boarding school.

In 1964 she went to the United States, where she worked for two years. There she met her first husband, anthropology student Mr Pierre

van Leynseele. They married in 1966.

In 1967 they went to live in Zaire, where she studied at the National University of Zaire in Kinshasa. They lived there for about six years.

In 1975 she worked as an assistant in the department of African Linguistics of the University of Leiden, Holland, and continued studying. She later became a lecturer until 1980.

She was separated from her husband in 1979 and they were divorced a year later.

During 1979 she met Mr de Jonge, who was also working at the University of Leiden in the African Study Centre, and they married in 1980.

In 1981 Miss Passtoors took up a lecturing post at the Eduardo Mondlane University in Maputo. The couple separated in 1983 and were divorced in Holland on March 26 last year.

In 1984 she formed a relationship with a South African refugee whom, she admitted in the court documents, was a member of the African National Congress. In February 1985 she moved to Johannesburg, where she registered for a doctorate in African Linguistics at the University of the Witwatersrand.

"I don't think anyone in the world could question Miss Passtoors's credentials as a linguist," Professor M V Aldridge, head of the linguistics department at Wits, said in evidence this week.

But just four months after starting her studies she was arrested...

Radio was trigger for bomb, court told

A modified radio set, apparently capable of setting off a bomb, was one of the exhibits handed into the Rand Supreme Court yesterday at the trial of Miss Helene Passtoors who has pleaded not guilty to charges of treason and terrorism.

A technical expert, Captain T P McKellar, told the court that he was given certain items including the portable radio, a receiver, a battery charger and an antenna.

Captain McKellar said the radio was no longer a standard FM/AM radio. Inside was a transmitter.

After inspecting the apparatus,

us, he concluded that it had been specially assembled to set off explosives.

Lieutenant C A Zeelie, of the Johannesburg Security Branch, said that, on June 23 last year, he was called to Halfway House, near Chloorkop, where a black plastic bag was unearthed. The bag was replaced and he returned to the site on the next day.

Lieutenant Zeelie said that, in the black plastic bag, he found demolition charges of Russian origin, electric detonators, mechanical detonators, a portable radio, a radio signal receiver, a battery charger and a radio antenna.

The items were wrapped in aluminium foil and then in plastic.

Some of the items — including the radio and receiver — were eventually handed to Captain McKellar.

The lieutenant said that, in Bapsfontein, he found a black plastic bag in the ground. In it were two Russian-made limpet mines. Nearby, covered by leaves, he found a detonator.

On June 27 he found various items, including eight limpet mines, 18 mini-limpet mines and several limpet-mine detonators, at Muldersdrift, he said.

de Jonge pointed out the site. Mr Justice T T Spoelstra adjourned the hearing early to allow Miss Passtoors to see her children.

When the court was open after 2 pm, Miss Passtoors climbed the stairs to the dock and gave a cry of pleasure when she saw her three sons.

After an emotional reunion — the children arrived from the Netherlands yesterday afternoon — Mr D Kuny, SC, for Ms Passtoors, asked the court whether the children could remain in court to listen to the hearing. This was allowed.

The hearing continues.

CLIP

Judge lets accused bury mum

20/4/86

By STAN MHLONGO

THE attorney for the 22 UDF Delmas treason trialists took a break from court this week and went with one of the accused to bury his mother in Evaton.

George Bizos told *City Press* he had "come to an arrangement with the judge handling the Delmas treason case for the accused to be allowed to bury his mother".

The funeral of Peter Mokoena's mother, Josephine, was conducted under heavy police surveillance.

Cops nearly disrupted the proceedings when they dispersed scores of students who had come to the funeral.

The Vaal Parents' Crisis Committee, the Vaal Ministers' Solidarity Group and the Vaal Civic Association were represented at the funeral.

**Harassment
alleged**

Education Reporter

THE Heideveld Youth Movement has condemned the "continued harassment" of members, two of whom were detained on Friday while putting up posters.

Jeremy Abrahams, 19, of Zuurberg Road, was released on Sunday.

Shaun Petersen, 20, of Sentinel Road, appeared briefly in the Athlone Magistrate's Court yesterday and was released on R50 bail. His case was postponed to May 6 for the Attorney-General's decision.

● Sapa reports that a police spokesman in Pretoria last night denied the allegation.

"Certain procedures have to be followed if a person is arrested before he is taken to court. The public prosecutor or sometimes the Attorney-General decides on prosecution, not the police."

Boy, 15, on ANC charge

Staff Reporter

ARGUS 22/4/86 (331)

A 15-year-old Guguletu schoolboy appeared briefly in the Cape Town Regional Court today on charges of furthering the aims of the African National Congress.

He was not asked to plead, no evidence was led and bail of R200 was extended on condition he report to the Guguletu police every Sunday.

The charge sheet alleges that he had pamphlets and posters in his bedroom and wrote "so-called freedom songs". It alleges that he wrote the slogans "ANC Freedom Fighters", "Resistance Fighters" and "Revolution" on his school satchel.

The youth and three State witnesses who are members of his family were warned to appear on June 25.

Brigadier doesn't know if he kicked accused

By Michael Tissong

DELMAS — The policeman in charge of the riot units in the Vaal Triangle during the unrest in 1984, Brigadier G Viljoen, declined to deny in a Circuit Court that he kicked one of the men facing a treason charge.

Under cross-examination by Mr George Bizos, Brigadier Viljoen said Mr Patrick Baleka was exciting the people at a funeral in September 1984 and was arrested.

Brigadier Viljoen said Mr Baleka was "unruly at the church and at the graveyard."

Mr Baleka is standing trial with 21 other people on charges of high treason and alternative charges of murder, subversion and terrorism. They have all pleaded not guilty.

Mr Bizos put it to Brigadier Viljoen that he kicked Mr Baleka on the chest after Mr Baleka was arrested. Brigadier Viljoen replied: "I do not know that; I cannot remember."

RECOLLECTION

Mr Bizos said: "He was on his haunches at the time."

However, Brigadier Viljoen said: "I have no recollection of this."

Mr Bizos then replied: "I cannot understand that such an incident could have taken place and you are not sure. When I heard this from Mr Baleka, that you did this, I thought 'well...' and now you are doubtful about it. You are in no position to deny the evidence. If this took place, it took place in the presence of your juniors?"

Brigadier Viljoen agreed. Mr Bizos asked: "What example is this to them?"

Brigadier Viljoen said he didn't know whether the incident took place but Mr Bizos proposed he would have denied it immediately if it had not taken place.

Mr Bizos also told the court there were many cases of undisciplined behaviour by the police including an incident in which a Rastafarian's dreadlocks were cut off by a policeman with a knife as punishment. He was also stabbed.

Mr Bizos said many people were beaten up indiscriminately and many arrested for no apparent reason.

Brigadier Viljoen said there were cases of assault being investigated.

He said he had heard of a murder case in which a child was shot dead by a policeman.

Mr Bizos presented the Van der Walt Report on the 1984 Vaal Triangle unrest to the court and said some of Brigadier Viljoen's evidence contradicted the findings of the commission.

SATISFIED

He read a passage in which Professor Tjaart van der Walt said that no-one had a good word to say about the council's administration of the township.

When asked to comment on the paragraph, Brigadier Viljoen said there were people in the Lekoa area who were satisfied with the way the administration was being handled.

(Proceeding).

CAC Tink 22/4/86

ANC warns on 'crossfire'

MARITZBURG. — Nusas apartheid, before any leaders were told by an eight-member ANC delegation at a recent meeting of the two groups in Harare that its armed struggle for democracy in South Africa would continue.

At a report-back meeting yesterday at Natal University, Nusas president Mr Brendan Barry told a group of about 200 students the ANC had said that while they had not taken any decision to attack white civilians, they could not be held responsible for any anger which was carried into white areas. It was inevitable that some civilians would die in the crossfire.

It had planned its struggle for the "freedom of the oppressed masses" through boycotts and protests in white areas and armed attacks on armed units in white areas, which included farms.

It said it had resorted to an armed struggle after attempts to find peaceful solutions to apartheid had been met with brutality and violence.

The ANC told the students that when a new state was born it was obliged to fulfil the aspirations of the masses. The ANC would control the economy to serve the masses, taking control of the mines, banks and monopolies, which would be nationalized.

There would be a redistribution of land taken from monopolies, the Land Bank and absentee farmers, it added.

The ANC said a number of steps had to be taken by government to show it was serious about the dismantling of

negotiations could take place. These included the unbanning of the ANC and the unconditional release of all political prisoners, including Mr Nelson Mandela.

The Freedom Charter would be used as a basis for a new constitution, but it would not be forced on the people, it would be a democratic process where a one-man, one-vote system operated, the ANC said.

It said it was not opposed to a multi-party system but was opposed to the entrenchment of rights for any one group.

— Sapa

'Amandla' outside Bellville court

33/

AK64-

22/4/86

Tygerberg Bureau

TRADE unionist Miss Shirley Gunn, on trial for disorderly conduct, was escorted into court today by police who detained her outside the court building in Bellville after she shouted "Amandla".

She is appearing with 40 others on a charge of committing a nuisance or disorderly conduct at D.F. Malan airport on March 7 when the group bade farewell to Pastor Gottfried Kraatz, who was forced to leave the country when the Government refused to renew his residence permit.

There were many police around the Bellville Magistrate's Court building.

Relatives of the accused were questioned by police and railway police and only family of minors were allowed into the building.

Miss Gunn was detained while she was awaiting her turn to enter the building.

Captain Ockie van Schalkwyk of the Bellville riot police unit, ordered her detained during a brief scuffle when those present replied to Miss Gunn's shout of "Amandla" with clenched-fist salutes.

ARCUS 22/4/86

Treason witness afraid, court told

331

The Argus Correspondent

JOHANNESBURG — The Johannesburg courtroom in which treason accused Ms Helene Passtoors is appearing was cleared today to hear an application for a witness to testify in camera.

Mr K von Lieres, SC, for the State, brought an application for a witness "who feared bodily harm" if the evidence was given in open court to testify behind closed doors.

Ms Passtoors has pleaded not guilty in the Rand Supreme Court to charges of treason and terrorism.

The head of the security police intelligence section, Brigadier H D Stadler, would also testify in support of the application, the court was told.

Mr Justice T T Spoelstra ordered that the court be cleared of everyone except those whose presence was required in the hearing until the application was disposed of, or if the application was successful, until the witness had testified.

Representatives from the Netherlands and Belgian Consulates, who have been present in court daily since the start of Ms Passtoors's trial, sat outside the courtroom awaiting the outcome of the application.

ARG 22/4/86
331
Boy, 15, on ANC charge

Staff Reporter

A 15-year-old Guguletu schoolboy appeared briefly in the Cape Town Regional Court today on charges of furthering the aims of the African National Congress.

He was not asked to plead, no evidence was led and bail of R200 was extended on condition he report to the Guguletu police every Sunday.

The charge sheet alleges that he had pamphlets and posters in his bedroom and wrote "so-called freedom songs". It alleges that he wrote the slogans "ANC Freedom Fighters", "Resistance Fighters" and "Revolution" on his school satchel.

The youth and three State witnesses who are members of his family were warned to appear on June 25.

Man tells of being 'hung from building'

By YVETTE VAN BREDA
Court Reporter

A GUGULETU man who alleged that he was suspended by his feet from the fifth floor of the South African Police building in Paarl, yesterday pleaded not guilty in Cape Town Regional Court to a charge of harbouring terrorists.

Mr Ntozelizwe Thomas Talakumeni, 27, pleaded not guilty to contravening the Internal Security Act by harbouring trained terrorists between April 1 and June 19 last year. They have been connected with a grenade attack on the home of Mr Luwellyn Landers, Labour Party MP in the House of Representatives.

Mr Talakumeni told the court that he had been assaulted by police in a security police office and made to hang, head down, from the fifth floor of the building, while two policemen held his feet and told him they were "showing him Paarl for the last time".

He said he had been promised release if he made a statement to a magistrate but "had been told what to say to the magistrate". He had also "been told that he was a member of the African National Congress", although he denied it.

Mr Talakumeni's family had been arrested and when he went to inquire about them, he too had been arrested. He said he had been questioned from 10pm on June 19 to the next day.

He had been held in solitary confinement, under Section 29 of the Internal Security Act, and had had no legal representation until September 17, when he first appeared in court.

Two policemen, Colonel J L Griebenaauw and Warrant Officer S van der Merwe, denied all the allegations.

Placing of limpet mines

The State alleges that he harboured a man connected with a grenade attack on the Langa police station and the placing of limpet mines or further grenade attacks on the homes of Mr Luwellyn Landers, Mr Fred Peters, LP MP, and community councillors Mr John Bolise, Mrs Elfie Shwalane and Mr Roland Njoli, between April 1 and June 19 last year.

Mr Talakumeni is alleged to have unlawfully helped or harboured Joseph Majoli and Glenville George Peters, while he was aware that they intended to or had committed acts of subversion.

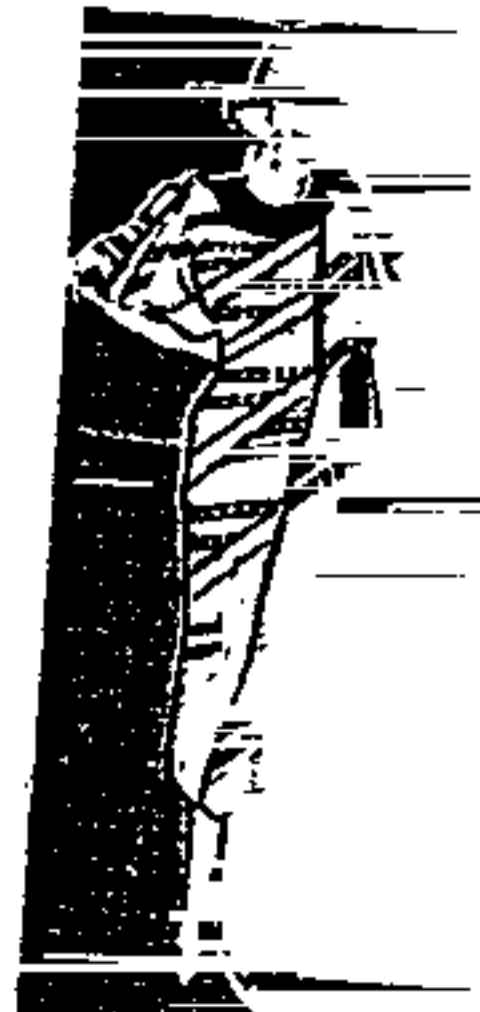
It is further alleged that he failed to report their presence, transported them, gave them food and allowed them free access to his home.

The State also alleged that he had been instructed in the operation of a weapon.

The hearing is proceeding and Mr Talakumeni was remanded.

Mr M J Langenhoven was the magistrate. Mr W Viljoen of the Attorney-General's office appeared for the State. Mr A M Omar instructed by Mr R Vassan represented Mr Talakumeni.

WH



Airport demo: 41 in court

CAL TAVIS 23/4/86 Staff Reporter 331

FORTY-ONE people appeared in Bellville Magistrate's Court yesterday charged with "committing a nuisance or disorderly conduct" at D F Malan Airport on March 7.

The people had staged a demonstration at the airport in support of Pastor Gottfried Kraatz, who was being deported.

The court appearance was their second, after the hearing was adjourned from March 11. The accused were not asked to plead yesterday and the hearing was adjourned to May 21.

The magistrate, Mr E Louw, ordered that the hearing be held in camera after the prosecutor, Mr W D Simpson, said there were minors among the 41 people.

The 41 are: Christina Kunz, Johnny Issel, Susan Burchfield, Ingrid Vienings, Lourens Miler, Robin Peterson, Charles Martin, Abdoesalaam Isaacs, Nicolas van Wyk, Nazeem Drumont, Elizabeth Erasmus, June Esau, Vivienne West, Shirley Gunn, Patricia Edwards, Susan Anderson, Veronica Simmers, Janet White, Anthony Dietrich, Na-deem Daniels, Ismail Otto, Brian Burchfield, Pierre van der Heever, Sulaiman Isaacs, Mark Jason, Dennis Jason, Cecil Esau, Andre Hendriks, Marlan Holtzman, Trevor Barron and 11 minors.

23/4/86

Inquiry involving PE pressmen suspended

PORT ELIZABETH — An application to stay proceedings of an inquiry in terms of section 205 of the Criminal Procedure Act involving the editors and news editors of two Port Elizabeth newspapers was granted yesterday pending a Supreme Court review.

This followed a submission by Mr P B Shaw (for the defence) that the very basis of an editor's position, and that of his newspaper, could be undermined by an inquiry of this nature, particularly concerning the reporters in the areas concerned.

SUBPOENAS

The inquiry arose out of subpoenas served on Mr J C Viviers, editor of the *Eastern Province Herald*; Mr Andre Erasmus, the deputy news editor; Mr Trevor Bisseker, acting editor of the *Evening Post*; and news editor Mr Cliff Foster.

The subpoenas served on Mr Viviers and Mr Erasmus by the Security Police called on them to "declare all they know" about an alleged contravention of section 57(1) of Act 74 of 1982 (the Internal Security Act) by consumer boycott leader Mr Mkhuseleli Jack and others.

The subpoenas served on Mr Bisseker and Mr Foster called on them "to give material evidence as to the sup-

posed offence of contravening section 57(1), read with section 46 of Act 74/1982, alleged to have been committed by Mkhuseleli Jack and others", and to testify and declare all they knew concerning the alleged offence.

When the inquiry resumed on April 14, Mr D A Dison, who appeared for the defence, challenged the validity of the government notice of September 27.

He submitted that the notice was invalid because it far exceeded the powers that the section had given the Minister.

He submitted the subpoenas were invalid because they were unreasonable, vague and embarrassing.

In his judgment, Mr P Rothman, the inquiry magistrate, said that although section 205 inquiries were usually held separately, he had agreed to hear these together in order to decide the preliminary point that affected them all.

He said it was common cause that all four subpoenas had been served properly.

Mr Rothman said the inquiry had no jurisdiction to set aside the subpoenas which were issued by another magistrate.

Referring to the Government order, Mr Rothman said it was not argued that the order was unreasonable.

The inquiry proceedings were stayed to May 13. — Sapa.

Shirley Gunn detained outside Bellville court

Staff Reporter

CLOTHING Workers' Union organizer Ms Shirley Gunn was detained outside Bellville Magistrate's Court and held for about half-an-hour yesterday.

Ms Gunn was due to appear with 40 other people on a charge of "committing a nuisance or disorderly conduct".

Mr E Mohammed, who is appearing for the 41, said Ms Gunn was released without being charged after he had made representations to a police captain.

He said the 41 accused and a number of sup-

porters had arrived at the court in a bus. Police had boarded the bus and said only the accused could alight. Ms Gunn had objected and had been taken into custody.

Ms Gunn could not be reached for comment.

● In terms of a letter from the Commissioner of Police to the Editor of the Cape Times dated April 1, police liaison officers and spokesmen may not give any information concerning police matters or action to any member of the Cape Times editorial staff.

Wife's bid to stop police assaults

April 1986

An application seeking to restrain Ciskei police from assaulting detained Fort Hare University lecturer, the Rev Makhenkesi Arnold Stofile, will be heard in the East London Supreme Court today.

Mr Stofile, general secretary of the United Democratic Front's border region, was recently mentioned by New Zealand Prime Minister, Mr David Lange, as having been instrumental in the cancellation of last year's All Blacks tour to South Africa.

Mr Stofile travelled to New Zealand last year to give evidence in a Supreme Court hearing in which an interdict was obtained against the tour taking place as it would breach the New Zealand Rugby Football Union's constitution.

INDEFINITE

Ciskei police have confirmed Mr Stofile was detained on March 12 under section 26 of the Ciskei Security Act. Security Police spokesman Lieutenant Morris Mavuso Ngwendu said he was not obliged to give reasons for the detention, although he confirmed the lecturer could be held "for an indefinite period".

The interdict filed by Mr Stofile's wife, Mrs Nambita Stofile, urges police to refrain from "unlawfully assaulting her husband in detention, interrogating him in an unlawful manner or exerting unlawful pressures to influence him to make a statement incriminating himself".

In affidavits submitted to the Supreme Court last week, three former detainees held with Mr Stofile claimed he had been tortured by police.

CMC
Tens
24/4/80

Charges 336

Withdrawn

Court Reporter

THE case against Cape Times political reporter Mr Ebrahim Moosa, 28, concerning a contravention of the emergency regulations, was yesterday withdrawn in Wynberg Magistrate's Court.

Mr Moosa had been detained after allegedly trespassing on the premises of Alexander Sinton School while covering the opening of coloured high schools in October last year.

The case was withdrawn in absentia following a decision by the Attorney-General.

Mr S F van Niekerk was the magistrate. Miss H van der Merwe prosecuted. Mr B Manca, instructed by Findlay and Tait, appeared for Mr Moosa.

Paarl men on terror charges

Courtesy 24/6/69
Court Reporter

THREE men appeared in Paarl Regional Court yesterday on charges of terrorism.

Mr Titus Hendricks, Mr Allen Anthony Paulse and Mr John Eugene Kearns, all of Paarl, have not been asked to plead.

The State alleges that Mr Hendricks went to Gaborone by train on October 19 last year, and received instructions and training from Patrick Ricketts, a member of the ANC.

It is further alleged that they held talks regarding the aims and objectives of the ANC, the politicizing of students, recruitment of new members and where to hide ammunition, and Mr Hendricks had to decide where he was going to do military training.

The State further alleges that between October 19 and November 25 last year, the three wanted to endanger the State and bring about change in South Africa, scare or demoralize the public or certain members of the public, and by doing so they had furthered the aims of the ANC.

The hearing was adjourned to June 23. The three were remanded.

Mr A J Loubscher was the magistrate. Mr P Steyn prosecuted. Mr R Vassen appeared for all three.

Cops tell how they dispersed crowds

By MZIKAYISE EDM

THE Delmas Treason Trial was yesterday told that on several occasions police had to use tearsmoke, rubber bullets and bird shot to disperse rampaging mobs when violence erupted in the Vaal Triangle on September 3, 1984.

This evidence was given by five State witnesses, all policemen, at the trial of 22 people charged with high treason, alternatively incitement to murder, subversion and terrorism. They are appearing before Mr Justice K van Dijkhorst sitting with two assessors. They have all pleaded not guilty to the charges.

All five policemen told the court that they were among other policemen who were patrolling in the area when disturbances started. They are Lieutenant Andries Bruyns, Warrant Officer Andries Vosser, Captain Daniel Keyter, Warrant Officer Stephanus Terblanche and Sergeant Pieter Prinsloo.

They told the court that on several occasions their vehicles were attacked with stones, bottles and other missiles while they were patrolling in the township.

"We fired tearsmoke, rubber bullets, bird shot and in some other instances live ammunition to disperse the rioting mobs," they said.

Captain Keyter told the court that he was patrolling in Sebokeng near the bus terminus when he saw youths barricading the main road next to the bus terminus. He said "three buses which were loaded with passengers next to the bus terminus were stoned by the youths. Some of the passengers had to escape through windows. My patrol car was also attacked with stones. I fired tearsmoke and rubber bullets to disperse the crowd".

Proceeding

30007AN
24/4/86
33

STMR 24/4/86

Policeman causes stir in Vaal treason trial ³³¹

By Michael Tisong

DELMAS — A policeman caused a stir in the Circuit Court here yesterday when he said he saw groups of rioting youths in the Vaal Triangle in 1984 wearing T-shirts with the word he pronounced as "koza".

Twenty-two men from various organisations in the Vaal Triangle, including Cosas (Congress of South African Students), face charges of high treason and alternative charges of murder, subversion and terrorism. They have all pleaded not guilty.

American citizens

After several policemen had told the court they saw people wearing Cosas T-shirts, Mr George Bizos, representing the men, asked Sergeant Pieter Prinsloo how to spell the word he saw on the youths' chests.

Sergeant Prinsloo replied: "It starts with an 'x' or a 'c'. I am not sure which."

Mr Bizos: "And what follows this 'x' or 'c'?"

Sergeant Prinsloo said he was not sure.

Laughter broke out when Mr Bizos asked where the "koza" people were from and Sergeant Prinsloo replied that they were from the Ciskei or Transkei.

Among the observers in the court were the former leader of the Opposition, Dr Van Zyl Slabbert, former *Rand Daily Mail* editor Mr Alistair Sparks, members of the Black Sash, a representative of the American Embassy and visiting American citizens.

Sergeant Prinsloo said there was widespread chaos in Sebokeng on the day the unrest broke out.

"There were large groups of people in the streets shouting 'Viva Mandela', 'Viva Africa' and 'SAP

honde'. I was driving a Mercedes Benz bus, but I could not travel down some of the barricaded streets.

"We were attacked with stones when we stopped.

"An object came flying through my window and struck me on my throat. My 'Adam's apple' was bent inwards and I had to later undergo an operation in hospital for the injury."

Captain Daniel Keyter told the court that he was attacked by a group of youths as he patrolled the township.

"It took place like a planned attack. We did not provoke them," he said.

An Orange Vaal Development Board inspector, Mr Cornelius Schlebush, said while he was riding in a bus, it was attacked by youths using stones and pieces of iron.

"I fired one shot over their heads with a shotgun, but they carried on attacking us.

"I shot at them and they scattered. I saw a man lying on the ground. The police later came and took him away."

● The men on trial are: Mr Patrick Mabuya Baleka, Mr Oupa Hlomuka, the Rev Teboho Geoffrey Moselane, Mr Mohapi Lazarus More, Mr Gcinumuzi Petrus Malindi, Mr Morake Petrus Mokoena, Mr Tsietsi David Mphuthi, Mr Naphtali Mbuti Nkopane, Mr Tebello Ephraim Ramakgula, Mr Bavumile Herbert Vilakazi, Mr Sekwati John Mokoena, Mr Mkhambi Amos Malindi, Mr Simon Tseko Nkoli, Mr Pelamotse Jerry Tlhopane, Mr Serame Jacob Hlanyane, Mr Thomas Madikwe Manthatha, Mr Hlabeng Sam Matlole, Mr Maxala Simon Vilakazi, Mr Popo Simon Molefe, Mr Mosiuoa Gerard Patrick Lekota, Mr Moses Mabokela Chikane and Mr Thabiso Andrew Ratsoma.

ARGES 24/4/86

No bail for 3 students: ANC training alleged

Staff Reporter

THREE University of the Western Cape students charged in the Paarl Magistrate's Court under the Internal Security Act have been refused bail "in the interest of the maintenance of law and order".

Mr Titus Hendricks, 25, Mr Allen Anthony Paulse, 20, and Mr John Eugene Kearns, 24, all of Paarl, have been in detention since December.

They were remanded yesterday until June 23.

The Attorney-General, Mr D J Rossouw, ordered that bail be refused.

They each received a copy of the charges against them and of Mr Rossouw's order.

Training

The State alleges that Mr Hendricks travelled by train to Gaborone on or about October 19 last year and received instructions and training from Patrick Ricketts, a member or representative of the African National Congress.

He was allegedly instructed to politicise students in South Africa, to recruit new ANC members and to scout for places where arms and ammunition caches could be buried.

The State alleges that Mr Paulse arranged Mr Hendricks's meeting with Ricketts and joined them in Botswana.

Mr Paulse allegedly returned to Cape Town and recruited Mr Kearns. They went to Gaborone by car on about November 25 last year to collect weapons and ammunition for use in acts of violence.

SPAK
day April 24 1986

3

Ex-ANC man tells of meeting Passtoors

By Jenni Tennant

A former member of the African National Congress — referred to as "Mr Z" — told the Rand Supreme Court yesterday that he had seen Miss Helene Passtoors, accused of treason, while he was with the organisation.

Testifying behind closed doors, he told the court he had also seen Miss Passtoors's former husband, Mr Klaas de Jonge — but both had used different names.

He had later identified the two from photographs shown to him by the police.

Mr Z, who deserted from the ANC, told the court how he became involved with the organisation and underwent training in Angola.

He also identified high-ranking members of the ANC from photographs shown to him in court.

He said he had been trained in the use of various weapons and explosives.

PSEUDONYM

Earlier yesterday Mr Justice T T Spoelstra ordered that Mr Z give evidence behind closed doors and that only those who authorised to remain in court could hear it.

The Attorney-General, Mr K von Lieres, SC, brought the application, saying the witness could not testify in open court because he feared for his safety.

Mr D Kuny, SC, for Miss Passtoors, opposed the application.

The judge also ruled that the witness could use a pseudonym in court and should not be identified in any way.

Accredited members of the media and two legal observers were permitted to remain in the courtroom while Mr Z gave evidence.

Later the judge allowed representatives from the Netherlands and Belgian consulates to attend the hearing.

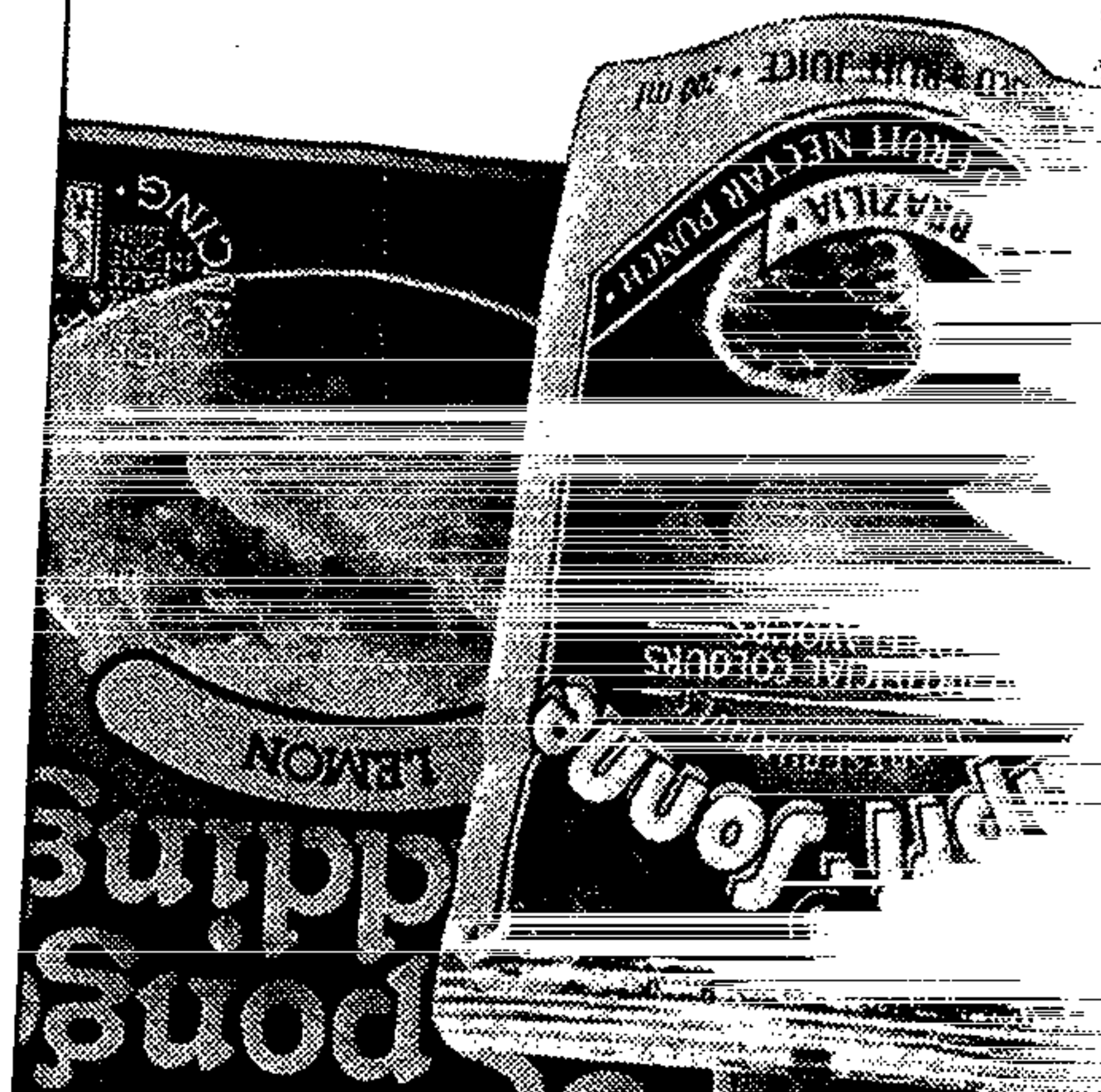
Miss Passtoors, who holds dual nationality, has pleaded not guilty to treason and terrorism.

Mr Justice Spoelstra ordered that evidence could be published provided it did not disclose Mr Z's identity.

The hearing continues.

THE MEET-UP YOUR STREET

okers



party abo

Three pupils in court

Cape Times
24/4/86 Court Reporter 351
THREE Rylands High School pupils appeared in Wynberg Magistrate's Court yesterday for allegedly intimidating teachers.

Mr Faizel Ernest, 18, of Angela Road, Rylands, and two other matric pupils, a boy and a girl aged 16 and 17, were not asked to plead.

Proceedings were held in camera.

The three, who allegedly intimidated new teachers who had come to replace those who had been dismissed, had their bail conditions changed.

They do not have to report to the Athlone police station every Saturday and they may attend political meetings, but may still not address them.

Bail of R50 was extended and the hearing adjourned to May 20.

Mr S K E Liebenberg was the magistrate. Mrs S Swart prosecuted. Mr M Parker appeared for Mr Ernest and the boy. Mr A Chohan appeared for the girl.

25/4/86
331
Assault
claim by
accused
rejected

Court Reporter

ALLEGATIONS by a man charged with harbouring terrorists that he was assaulted and hung from the fifth floor of a police building were rejected on Wednesday by a Cape Town Regional magistrate.

In a trial within a trial, Mr Ntozizwe Thomas Talakumeni, 27, of Guguletu, told the court he had made a statement under duress and had been hung by his feet from the police headquarters in Paarl. The magistrate, Mr M.J. Langenhoven, found that the statement had been made freely and voluntarily and dismissed the complaint of assault. He found substantial differences in what Mr Talakumeni had told the court and what was in a written complaint.

Mr Langenhoven also rejected allegations about promises of release made by the police and said that Mr Talakumeni's allegations were unfounded. He found Mr Talakumeni to be a very bad witness and not someone to be believed. He said that although there had been discrepancies in the evidence by two policemen, they had not been serious.

Guarded

Yesterday secrecy surrounded the evidence of a State witness who worked for the police and the magistrate ruled that his evidence be heard in camera.

The corridor in front of the court was closed off and guarded for the duration of his evidence. He was brought in through the cells and left the same way.

Another State witness, Mr Clifford Ntanetya, who lived with Mr Talakumeni, told the court that on four occasions he had seen two people, whom he did not know, with Mr Talakumeni and that one of them had slept at Mr Talakumeni's house one night. On two other occasions they had gone to shebeens. The State alleges that Mr Talakumeni helped or harboured Joseph Majoli and Glenville Peters while he was aware that they intended to or had committed acts of subversion.

Mr W Viljoen of the Attorney-General's office appeared for the State. Mr A.M. Omar instructed by Mr R. Assan represented Mr Talakumeni.

(321)

A display of weapons, a debate on the aims of the African National Congress and the appearance of a mystery witness distinguished the trial of Helen Passtoors this week in the Rand Supreme Court.

Fancy detective work at treason trial

By PAT SIDLEY

Passtoors, on trial for treason and terrorism, has denied the charges but has admitted to working for the ANC. She has also admitted knowledge of some of the arms caches uncovered by police and displayed in court, from Russian-made arms to rocket launchers.

Police evidence has shown some apparently thorough detective work. Traces of saliva on cigarette butts has been tested, hair brushes examined, cars turned inside out, telephones tapped, hotel rooms bugged and arms

caches uncovered virtually all around the country, according to the evidence. Little of the evidence has been contested. Police have testified they uncovered arms caches, covered them up again and were later taken to them by Passtoors' former husband, Klaas de Jonge, or by Passtoors, or by both. In other cases, they testified, Passtoors and De Jonge took them to caches they knew nothing about. Some were already emptied; some police emptied; and others police covered over. Some of the sites visited were caches; others were allegedly proposed targets for sabotage attacks.

Charges were originally formulated jointly against both Passtoors and De Jonge, but Judge JT Spoelstra ordered a separation of trials at the beginning of the case. He found that De Jonge, who is still in sanctuary in the Dutch Embassy in Pretoria, had not been properly served with his charges.

However, this week the state continued to display some of its evidence against De Jonge when presenting its case against Passtoors. Part of its case revolved around the aims and problems of the ANC. In a

lengthy session of cross-examination, defence counsel Dennis Kuny drew on last year's Cape Times interview of Oliver Tambo while cross-examining Brigadier Hermannus Stadler, who quoted extensively from banned publications like "Sechaba", an ANC magazine.

At one point, Stadler agreed with Kuny that sabotage had been used by the Ossewabrandwag in the war years; and that like the ANC, it had sought to hit only strategic targets, not people. "I think they had the same problem as the ANC," Stadler said.

Stadler laid emphasis on the military/violent role of the ANC,

tending to blur distinctions between the organisation's military and political functions; it appeared that Kuny sought to sharpen them.

The state also produced a "secret" witness, known only as "Mr Z". Although neither the press nor the defence team was told the witness' name, Kuny told the court the same witness had given evidence in the Delmas treason trial.

"Mr Z" told the court he was a former ANC member and had been present in Zimbabwe when arms were loaded into cars, one of which he said belonged to De Jonge and Passtoors, who he said were travelling with a child. He added he did not see the arms being loaded.

The case is continuing.

OTHER PEOPLE

Visit to a strange land to see a daughter on trial

Each day in the Johannesburg Supreme Court a white-haired lady sits directly behind the dock, watching her daughter stand trial for treason. PAT SIDLEY talks to Judith Passtoors

JUDITH PASSTOORS has come to South Africa from Holland to stand behind her daughter, Helene, on trial for treason and terrorism.

Every day as Helene arrives at the Rand Supreme Court from "Sun City" for her trial, her mother sees her in the cells at the court and sits directly behind her while the court is in session.

Before the trial began a fortnight ago, she used to visit Helene three times a week and complained at the time: "I can never get to ask her how things are in the prison: what is the food like, is she alone, how do they treat her. The time is so short and there are so many other things we talk about."

Much of what they spoke about then revolved around her four children and Helene's six-month-old grandchild.

Brigitte, Helene Passtoors' eldest child, has recently had a baby, making Helene a grandmother at 44. Brigitte and the baby normally live with 59-year-old Judith Passtoors in Haarlem.

Last week, Helene's three sons — Philippe, 15, Fabrice, 13, and Yves, 11 — arrived in South Africa to sit through the trial with their mother. But Brigitte was advised, apparently by the Belgians, not to apply for a visa as she was mentioned in the indictment.

As things have turned out, it seems likely she will arrive in South Africa this week.

It was Brigitte who stumbled on the possibility that her mother and Klaas de Jonge, her mother's former husband, had been detained. Brigitte, then six months pregnant, flew to Harare from Johannesburg the day before her mother's arrest in June last year. She spoke to her mother by telephone from Zimbabwe that night. When she called the next morning there was no reply. A second call was answered by a man who told her she had the wrong number.

In addition, De Jonge had disappeared. Shortly afterwards, she and her grandmother discovered through diplomatic channels that the pair had been arrested.

Helene was not entirely well for some time after being hospitalised for a depression, her mother said, but now seems to be quite well, chatting to her lawyers and family in court recesses but working hard on the notes she makes during the trial.

She spent almost a month in hospital in January after six months in solitary confinement. Shortly before this, she



Outside court: Judith Passtoors and Helene's attorney, Kathleen Satchwell

Picture: GIDEON MENDEL, AFP

born.

Judith glances regularly at a small diary she keeps with her, noting all the important dates in her daughter's life. She does not highlight the fact that her daughter was born during the war, a fact said by some to be quite influential in her later political development.

Helene has been described in the Dutch press as "fanatic" and she has faced some criticism of her attitude towards her family.

Police here have described her as "the big fish" and a "bigger catch" than De Jonge.

But others, including former husband De Jonge, speak admiringly of her, referring to her strength, her intellect and academic ability. The Professor of Linguistics at the University of the Witwatersrand, Mike Aldridge, testified in court as to her high academic qualifications and wondered how anybody "in the world" could question them.

In court she is demonstrably affectionate and warm to her mother and sons.

She was born into a large conservative Catholic family. Her mother, Judith, mentions that among the family's acquaintances was old man Philip, the founder of the vast multinational electronics company.

She was brought up, says her mother, to believe that one has to take responsibility for one's own life and decisions.

government, which is conservative.

"I love freedom," she says. "I'm a real Dutch girl."

"I educated my children in great freedom. I taught them they are responsible for their own deeds."

"They all left home after school. I don't like to have a student in the house ... Even the choice of husbands was their own decision. When the children turned 18, they were given the key to the door."

She and her husband were separated twice while Helene was growing up; the second separation was permanent. Helene was sent to boarding school.

Helene, according to her mother, was never interested in politics. She was a very intelligent girl, but "she was very modest about it."

"She just wanted to be a normal ordinary schoolgirl. But she liked to study and she studied very hard."

At 22 Helene left Holland to work as a secretary in the United States. In Los Angeles she met and married her first husband, Pierre van Leynseele, an anthropology student.

Helene's fascination with Africa began when she and Pierre went to Zaire. He had a job at the university there. Although she toyed with anthropology, she developed an interest in linguistics and, by other accounts, became interested in African politics during that time.

She was registered for a postgraduate degree in linguistics at the University of the Witwatersrand.

n/mail

28/4/84

331

was not well and could not get out of bed.

Months later, she still sometimes had some difficulty remembering things and concentrating, according to her mother, who believes part of the cause was anxiety over Brigitte, who took ill shortly after the baby was

"freedom", perhaps also a residue from the war years, a concept she must have passed down to her three children — she has a younger son and daughter as well.

Her view, though, is slightly conservative. She supports, although somewhat critically, the present Dutch

when she was arrested.

But that was far in the future. First came the children, three of them born in Zaire; the youngest was born after they moved to Belgium.

"Life was tough for them in Zaire," says Judith Passtoors, who visited them there. "They couldn't get the right food and the security situation was difficult."

After a move back to Belgium and then to Leiden in Holland, the marriage failed. Helene met Klaas de Jonge there and married him as she was leaving for a job at the university in Maputo, Mozambique.

The children accompanied them to Mozambique and two remained with her, while the other two returned to stay with their father.

She was known during her seven-month incarceration in solitary confinement for her strength and support to fellow detainees, but eventually the solitary took its toll, leading to her "breakdown".

She was finally charged with treason and terrorism, eight months after her arrest.

sunrise news

Pilot describes flight over troubled townships *SPAR*

I saw the world explode, major tells treason trial

By Kym Hamilton, Pretoria Bureau

A pilot who flew reconnaissance flights over the troubled Vaal Triangle townships on September 3 1984 described to the Delmas treason trial yesterday how he saw "the world explode" at about 8 am.

Major Johannes Adriaan Krause, of Sasolburg, testified he was called out on the morning of September 3 and immediately took off in a light aircraft.

He flew reconnaissance flights over the five townships until about 8.40 am. During that time he noticed many people were in the streets. He said several were throwing stones at houses and vehicles, including police vehicles.

As he flew from Boipatong to Evaton he gradually noticed the crowds increase in size until some in Sharpeville numbered between 500 to 600.

Major Krause said he reached Sharpeville at about 7.40 am and saw several burnt-out vehicles in the streets. In Sebokeng he saw two houses burning.

At about 8 am the unrest exploded, he said. This was indicated by the increased activity of the radio he was using to report back his observations to security forces on the ground. He also noticed large crowds moving through the streets towards the administration offices. He said it was then that everything blew up.

All 22 accused have pleaded not guilty to charges of high treason, murder, subversion and terrorism.

During cross-examination he said he had taken photographs during the flights and admitted none of those taken between 7 am and 8.30 am showed big crowds or any violence.

In reply to a question from Mr George Bizos (SC), for the defence, Major Krause said he was not confusing the days when he had told the court the administration building in Boipatong had been burnt down prior to his first flight on Monday September 3. Mr Bizos put it to him the building was set alight only after 10.30 am.

The trial continues on Monday.

IN THE COURTS 3 DAY

Loss of memory claimed

A FORMER ANC member told the Rand Supreme Court yesterday he could not remember whether a handgrenade or handgrenades were found in his possession at the time of his arrest.

The state witness, who may not be identified, was replying to cross-examination by advocate Denis Kuny, SC, for Helene Passtoors, 44, who has pleaded not guilty to charges of treason and terrorism.

His testimony to Mr Justice Van Dijkhoff earlier this year revealed

HARRY STREEK

that he was carrying handgrenades, an AK47 rifle and a pistol at the time of his arrest.

He claimed loss of memory when asked by Kuny why he had admitted during his testimony on Wednesday to carrying only a pistol in his luggage when arrested.

He admitted at yesterday's hearing, however, possessing "one handgrenade maybe", but denied that he was carrying an AK 47 rifle at the time of his arrest.

The hearing continues today.

Nchabeleng will be buried today

THE family of Peter Nchabeleng — the United Democratic Front leader who died while in detention in Lebowa recently — has decided against holding their own autopsy to determine the cause of his death.

Nchabeleng will be buried in Sekhukhuneland tomorrow.

A pathologist will be appointed by the Lebowa government to compile a reconstruction report on the remains of the 36 charred bodies found on mountains surrounding Phasha-Nkoana and Apel.

State witness 'could not have seen Passtoors'

Miss Helene Passtoors — on trial in the Rand Supreme Court for treason — was not in a foreign country at the time a former member of the African National Congress allegedly saw her there, it was claimed yesterday.

This was said by Mr D Kuny SC, appearing for Miss Passtoors, during cross-examination of a State witness, Mr Z.

Mr Z is protected from identification by a court order.

Asked by Mr Kuny whether he was sure he had seen Miss Passtoors with Mr Klaas de Jonge, Mr Z replied he had no doubt he had seen her.

Mr Kuny said Miss Passtoors had not been in the particular country at the time he was supposed to have seen her.

Earlier this week Mr Z told the court he had seen Miss Passtoors and her former husband Mr de Jonge — who had used different names — while he was still a member of the ANC.

The doors of the court were later opened to the public.

ITEMS TAKEN

Items taken by the police from Miss Passtoors's house after her arrest last year were identified by the investigating officer, Warrant Officer N J Deetlefs.

He said a Belgian passport used by Miss Passtoors had no corresponding entry and exit stamps from another country although there was a Swaziland exit stamp and later an entry stamp.

The hearing continues on Monday.

● Mr Justice T T Spoelstra is on the Bench. Mr K von Lieres SC, assisted by Mr G Gertsch, appeared for the State. Mr D Kuny SC, assisted by Mr C Loxton, appeared for Miss Passtoors.

Teacher
in court
Court Reporter 331

A TEACHER at Alexander Sinton High School appeared in Wynberg Magistrate's Court yesterday after police searched his home last week and took possession of photographs, pamphlets and books.

Mr Dehran Swart, 24, of Third Avenue, Fairways, was not asked to plead and no charges were put to him.

He may face charges under the Banned Publications Act.

He was granted R100 bail on condition that he hand in his passport and inform police of any address change within three days.

The hearing was adjourned to May 23 for the Attorney General's decision and further investigation.

Mr S.L. van der Walt was the magistrate. Mr W Downer prosecuted. Mr M Esau appeared for Mr Swart.

Passtoors wasn't there — lawyer

Weekend Argus
Correspondent

JOHANNESBURG. — Ms Helene Passtoors — on trial in the Rand Supreme Court for treason and terrorism — was not in the foreign country at the time a former member of the African National Congress allegedly saw her, it was claimed.

This was said by Mr D Kuny SC, appearing for Ms Passtoors, who was cross-examining a State witness known as Mr Z.

Mr Kuny asked Mr Z whether he was sure he had seen Ms Passtoors with Mr Klaas de Jonge. "I ask whether you say that without any shadow of doubt?"

Mr Z replied he had no doubt he had seen Miss Passtoors.

Mr Kuny said Ms Passtoors had not been in the particular country at the time he was supposed to have seen her.

Union to challenge funeral restriction

By Mike Siluma

The Metal and Allied Workers' Union (Mawu) was due to go to the Rand Supreme Court this morning to challenge restrictions placed on the funeral of a member, allegedly killed by police at a union rally two weeks ago.

A magistrate ruled at the weekend that the funeral service for Mr Mpumelelo Kortman, to be held in Tembisa today, could only be held indoors.

The use of the local Jan Lubbe Stadium was prohibited, as were political speeches and the display of posters and banners.

In addition, not more than 500 mourners may attend the funeral and the procession to the graveyard must follow an approved route. Mourners may not walk to the cemetery.

A Mawu spokesman has warned that the imposition of restrictions on the funeral and a heavy presence of police was likely to lead to a confrontation with mourners.

It had not been possible for the union to inform all members of the restriction on the number of mourners.

He said the union unsuccessfully attempted to have the application against the order heard yesterday and would try again today.

Youths force work stayaway

Groups of youths enforced a work stayaway in Tembisa, near Kempton Park, early today because of the funeral of trade unionist Mr Terrian Mpumelelo Kortman, who was shot by police in Katlehong about two weeks ago. Mr Kortman was a member of the Metal and Allied Workers' Union.

Youths stood guard at all the railway stations as early as 3 am and turned back commuters.

There were no taxis and buses in the township and people who tried to walk to the railway stations were ordered back home by groups of youths. Unconfirmed reports said police used teargas to disperse groups of people who gathered in Tembisa West streets.

M & H SALE

**MEN'S
WINTER
SOCKS
ONLY
89c**

**LADIES'
FASHION
BELTS
YELLOW, PURPLE,
ETC FROM
2,99**

**UNISEX FLEECY
TRACKSUITS
ONLY
15,99**

Excl GST

KOEBERG, MAITLAND, SANLAM CENTRE, GOLDEN ACRE,
SALT RIVER, RETREAT, MITCHELLS PLAIN, SOMERSET
WEST, STELLENBOSCH, WELLINGTON, HYPERMARKET,
BELLVILLE, SEA POINT, KENILWORTH CENTRE



**NEW
AUTO FOCUS
NIKON SLR!**

Bail for murder suspect

Court Reporter

A MAN charged with the murder of Constable Reinardt Spangenberg in Nyanga Bush was yesterday granted R1000 bail by an Athlone magistrate.

Mr Roseberg Maneli, 42, of 784 Crossroads, was not asked to plead.

He had been denied bail on April 10 on the grounds that he may burn down the house of a State witness, get rid of a weapon police were searching for, flee to Transkei or hide in the deeper recesses of Crossroads, and that for his own safety it would be better if he remained in custody.

There was no evidence as to why Mr Maneli was granted bail.

He has to report daily to the Guguletu police station between 8am and 6pm.

The hearing was adjourned to May 29 for further investigation.

Mr R Jager was the magistrate. Mr A Boswell prosecuted. Mr R Vassan appeared for Mr Maneli.

CASE TIME 29/4/86

Gunn tells court Mandela is leader

Court Reporter 331

AN organizer of the Clothing Workers' Union, Ms Shirley Gunn, yesterday told a Wynberg regional magistrate "Mandela is the leader of the peace-loving and oppressed people of South Africa".

Ms Gunn, 30, had appeared on a charge of possessing banned literature — two issues of "African Communist".

The magistrate, Mr A S McCarthy, asked Ms Gunn what was on a badge she was wearing, and she answered: "Free Mandela."

Mr McCarthy asked her what organization that was and Ms Gunn replied: "That is not relevant to the case."

Mr McCarthy asked her who Mandela is and she answered: "Mandela is our leader, who is serving a life-long prison sentence in Pollsmoor. Many people see him as their leader."

Sergeant Sharon Hendricks, and Lieutenant G Thomm told the court that they searched a house in Denchworth Road, Athlone, in August last year and had found two issues of "African Communist". They also said Ms Gunn had shouted "Amandla" to two of her friends on the stoep.

Ms Gunn said Sergeant Hendricks had taken the two books from a cupboard in her room in the house she shared with community leader Mr Johnny Issel and his wife Ms Zubeida Jaffer. The cupboard had been moved into her room after being used by others and had contained some of their belongings.

Ms Jaffer told the court that students had used the cupboard before Ms Gunn came to live with them and that she had sometimes shared her room with a reporter, Mr Aneez Salie.

Bail of R750 was extended on condition that Ms Gunn report to the police once a week. The hearing was adjourned to May 2.

Mr M A Broeksma appeared for the State. Mr A M Omar instructed by E Moosa and Associates appeared for Ms Gunn.

Court acquits one of five treason accused

One of five men accused of treason was found not guilty and discharged by a Rand Supreme Court judge yesterday.

Mr Justice A M van Niekerk and two assessors found there was no case against Mr David Matsose (24) of Tladi, Soweto. He had pleaded not guilty to treason and to charges under the Internal Security Act.

It was alleged Mr Matsose was found in a farm building in Boons, near Rustenburg, which contained certain articles which might have implicated him in respect of the charges.

Yesterday co-accused Mr Joseph Themba Maja admitted the items had been in his possession.

Mr Matsose appeared with Mr Hamilton Mncedisi Dubasi (28), Mr Jongumzi Sisulu (26), Mr Lumkile Happy Mkefa (21) and Mr Maja (24), all of Soweto.

ADMISSIONS

The other four men have also pleaded not guilty to treason and charges under the Internal Security Act.

Yesterday admissions by Mr Dubasi, Mr Sisulu, Mr Mkefa and Mr Maja were handed to the court by the defence before the State closed its case. The trial has lasted almost two months.

The admissions made by Mr Maja included that he received training abroad as a medical orderly under the auspices of the African National Congress, of which he was a member during 1984.

Mr Dubasi admitted he had received military training outside the country by instructors of the ANC.

The hearing was postponed to Thursday.

Mr J A Swanepoel, assisted by Mr A G Berry, prosecuted. Mr H P Viljoen SC, assisted by Mr S L Joseph, appeared for the accused.

They weren't mine ³³¹ Gunn

Staff Reporter

TRADE unionist Shirley Gunn has told the Wynberg Regional Court she admitted to interrogators that two issues of the periodical African Communist were hers in an attempt to secure her release from detention.

She pleaded not guilty yesterday to a charge of possessing literature issued by a banned organisation.

Miss Gunn, 30, an organiser for the Clothing Workers' Union, was arrested on August 23 last year at the house she shared with Mr Johnny Issel after two issues of the African Communist were allegedly found in a cupboard in her room.

Lieutenant Godfrey Thom of the security police told the court

Miss Gunn had said the literature was hers when he asked her.

Sergeant Sharon Hendrickz of the security branch said that on September 22 last year Miss Gunn said she received one of the books by post from Zimbabwe and had found the other in a box after a meeting while she was helping to clean up.

Sergeant Hendrickz said she found the books in Miss Gunn's cupboard.

Miss Gunn denied she said all the items taken from her room were hers and told the court she admitted receiving the two issues of the African Communist after being in detention for a month.

The hearing was postponed to Friday.

Miss Gunn is on R750 bail.



Argument today in Passtoors trial

The defence team in the Rand Supreme Court trial of Miss Helene Passtoors closed its case yesterday without leading any evidence.

Miss Passtoors has pleaded not guilty before Mr Justice T T Spoelstra to charges of treason and terrorism.

The State closed its case earlier yesterday.

The hearing continues today when argument will begin.

510
29/4/86

Tutu at Delmas treason trial

Staff Reporter

DELMAS — Anglican Archbishop-elect Desmond Tutu yesterday took a break from his punishing schedule to spend some time at the Delmas treason trial.

The 22 accused were delighted to see the bishop in the public gallery and during the tea adjournment, the court was buzzing as everyone caught up with the latest news on his appointment.

Mr Justice K van Dijkhorst refused an application by the State for the case to be adjourned to May 1 for witnesses still to be consulted.

Several State witnesses yesterday described events around September 3 1984.

Mrs Nomakhosanza Mgcina, wife of a community councillor, Mr John Mgcina, said that while her husband was at a meeting on August 29 1984, she heard a crowd of people approach her house in Boipalong. They were singing political songs and she and her children fled from her home. They hid behind a neighbour's chicken coop. She saw the crowd break the windows of her home and tear down the curtains.

STONES

Mr Michael Buti Sekobane, the brother of a councillor, described looking after his brother's family at their Sharpeville home on September 3 when he was woken at about 7 am by people throwing stones at the house.

He phoned the police twice before they arrived.

Mrs Gertrude Nkhiwani, wife of community councillor Mr Michael Nkhiwani, also told of the attack by youths on her home in Zone 7, Sebokeng. She said she fled with her children on September 3 when she saw the crowd approach. From her refuge in a neighbour's home she watched as they set her house alight.

All 22 men have pleaded not guilty to the main charge of conspiring to overthrow the State and alternative charges of murder, subversion and terrorism.

The hearing continues.

CHC Times 30/1/86

Guilt of Passtoors proved, 331 says A-G

Own Correspondent

JOHANNESBURG. — The Transvaal Attorney-General told the Rand Supreme Court yesterday the State had proved its case against Mrs Helene Passtoors beyond all reasonable doubt.

Mr Klaus von Lieres was arguing before Mr Justice T Spoelstra for the conviction of Mrs Passtoors, 44, on charges of treason and terrorism.

He asked the judge to hold against her any evidence it considered circumstantial because of her decision on Monday not to testify.

In alleging a conspiracy against the State by Mrs Passtoors and the ANC since 1981 Mr Von Lieres claimed that she had committed numerous treasonable acts.

Mr Von Lieres said the existence of a substantial quantity of arms and ammunition as revealed to the police by Mrs Passtoors proved that she was a "very important member of the ANC".

He listed the contents of six arms caches identified by her during police investigations as containing 75 limpet mines, 62 blocks of TNT, 11 AK-47 rifles and 2 RPG-7 rocket launchers.

Mr Von Lieres argued earlier that Mrs Passtoors had committed a "ruthlessly calculated act" in applying for a residence permit to complete a PhD degree.

He described as ironic her declared intention to obtain a doctorate from a university in a country she was "in reality plotting all the while to overthrow".

Mr Von Lieres said Mrs Passtoors could not claim she owed no allegiance to South Africa as a defence against treason since she had "demonstrably proved her intention to live in the country".

The trial continues.

THE Delmas treason trial was yesterday told that one of the accused had taught youths in Tumahole, Parys, how to manufacture petrol-bombs and make placards.

Yesterday's hearing was held in camera. The presiding judge, Mr Justice K. van Dijk-

horst, made a ruling that to as "X" and not Mr or the Press could listen to Mrs. The witness X told the evidence on condition the identity of the State witness was not revealed. He also said the witness must be referred UDF, had taught mem-

Youths taught to make petrol-bombs

Terror trial told

bers of the Tumahole Students Organisation (TSO) how to manufacture petrol-bombs and make placards.

"This was at a meeting held in the township late in 1984," the witness said.

Mr Lekota and 21 others are appearing before Mr Justice van Dijkhorst and two assessors on a charge of high treason, alternatively murder, subversion and terrorism.

They have pleaded not guilty to all the charges.

"Mr Lekota also told us that we could write

anything we wanted on the placards," X said.

The witness further told the court that in January 1984, "I was approached to join the TSO. At one meeting held by the organisation, a Mr Barnard, also a member of the TSO, told the members that to get Nelson Mandela out of prison, we had to fight the police and councillors."

To achieve the release of Mandela, the witness said, houses belonging to policemen (Proceeding).

"We also on the same day attacked houses belonging to policemen," the witness added.

STAR 30/4/86.

331

(S)

(S)

(S)

Passtoors 'made her home here'

By Jenni Tennant

Miss Helene Passtoors was an important cog in the wheel of the African National Congress, the State submitted in the Rand Supreme Court yesterday.

Miss Passtoors (44) has pleaded not guilty to treason and to alternative charges of terrorism. The State and defence closed their cases on Monday.

Witwatersrand Attorney-General Mr K von Lieres SC during argument yesterday dealt with the question of whether Miss Passtoors owed allegiance to South Africa.

PERMANENT RESIDENCE

"Miss Passtoors's decision to obtain residence in Johannesburg was a ruthlessly calculated one.

"She was a PhD student. Behind the scenes she would promote the policy of the ANC," he said.

Miss Passtoors had registered for a doctorate at the University of the Witwatersrand and she had declared her intention to apply for permanent residence.

It was clear she considered Johannesburg as her

base.

"There is little doubt she established her home here and from her writings, she foresaw her residence as being of some considerable length," said Mr von Lieres.

An adverse inference could be drawn from the fact that she chose not to testify, he argued.

Miss Passtoors had possessed knowledge of where numerous arms caches were to be found. She must have had a high security clearance with the ANC or had established the caches herself, the Attorney-General said.

She had pointed out six arms caches to the police after her arrest, containing items such as 35 demolition charges, 62 slabs of TNT, 53 detonators, 75 limpet mines and 11 firearms. Most of the items were of foreign origin.

The hearing continues.

Appearances: Mr Justice T T Spoelstra is on the Bench. Mr von Lieres is assisted by Mr G Gertsch. Mr D Kuny SC, assisted by Mr C Loxton, appears for Miss Passtoors.

I was forced to lie, says witness

SPAK 11/5/86 331

Staff Reporter

DELMAS — A State witness in a treason trial said yesterday she had been forced by police to make an untrue statement and had also given false evidence in court.

The witness, who cannot be identified, also claimed in February this year the Transvaal deputy attorney-general, Mr P B Jacobs, told her she would go to jail if she did not give evidence in accordance with her statement.

The State witness made allegations in the Delmas Circuit Court on Tuesday that UDF publicity secretary, Mr Patrick "Terror" Lekota, had taught her and fellow pupils how to make petrol bombs.

Yesterday she said these allegations were untrue and she had never seen Mr Lekota before this week's hearing.

When Mr George Bizos SC, for the defence, asked her how she managed to identify Mr Lekota in court, she said a police officer, Captain P Botes had told her Mr Lekota had a front tooth missing.

PHOTOGRAPHS

She said: "I saw Mr Lekota smiling when I entered court and noticed he had a front tooth missing".

Mr Lekota is among 22 men facing charges of treason and alternative charges of terrorism, subversion and murder pertaining to unrest since the Vaal Triangle riots in 1984.

The woman told the court she was arrested several times for public violence and on one occasion was shown photographs and asked to identify Mr Lekota. She said she did not know him.

She claimed she was beaten with sjamboks during interrogation. When she denied knowing Mr Lekota, she was told she would be hit if she did not "tell the truth".

She said: "I was forced to say things to protect myself from being hit".

She then signed a statement alleging Mr Lekota's involvement as well as her own participation in unrest incidents.

Yesterday she said all the information about Mr Lekota in the statement was false.

The hearing continues.

Pupils jailed for public violence

Court Reporter

NINE high school pupils were this week convicted in Wynberg Regional Court of public violence. One was jailed for

three years, seven were jailed for one year.

Wayne Jordan, Venetia de Klerk, Dee Dicks, all 18, and six other students aged between 14 and 17, all pupils or former pupils at Wynberg, South Peninsula, Livingstone and Alexander Sinton senior secondary schools, were arrested in a house in Batts Road, Wynberg, on October 15, after apparently fleeing from the police.

Jordan was sentenced to five years' imprisonment of which two years were suspended for five years. Seven of the students were sentenced to three years of which two years were suspended for five years while sentence on a minor girl was postponed for five years.

All were acquitted on a charge of possessing explosives.

Jordan was granted bail of R300 and the others R150 each pending an appeal.

Mr P M A Louw was the magistrate. Mr S Duffett prosecuted. Mr S A Majiedt, instructed by Nacerodien and Karriem, appeared for the nine.

WEEKLY
in court as
Passtoors
convicted
of treason

By PAT SIDLEY

HELENE PASSTOORS, convicted yesterday of treason, said she found it no less strange for a foreigner like herself to work for the African National Congress "than Americans or South Africans coming to liberate my parents in my country" in World War II.

Passtoors, wearing the green, black and gold colours of the ANC, was speaking in mitigation of sentence shortly after being found guilty of treason and not guilty of terrorism.

Her acquittal on the secondary charges was greeted favourably by Passtoors and her lawyers, one of whom told the judge it was "delightful".

Twice during the day — after judgement was pronounced and after her evidence in mitigation — spectators in the packed court broke spontaneously into ANC songs.

The Rand Supreme Court heard Passtoors describe her early years in Holland during the war, her experience of colonialism, poverty and corruption in Zaire and her arrival in Mozambique shortly after the SA Defence Force raid on Mafoia.

On her youth, she said that talk of Nazism and the resistance dominated her memory. "The point made by adults was that we should know and understand how we were liberated from the evil, we should know it should never, never happen again," she said.

On her life in Mozambique, she said: "We were living in a war situation where the threat was South Africa."

She had known exiled ANC members at Maputo University and when the ANC called on her to work for them she believed very strongly that it was her duty to do so.

Asked whether she had not considered her four young children, she said she had, but not in the obvious way. "I owed it to my children. My children were born here (in Africa). They saw the things I saw, the poverty, the inequality and they lived in a relatively privileged position. The time would come when they would say 'Mama, it's nice you say all this, but what have you actually done?'"

Earlier, Justice TT Spoelstra found that Passtoors was guilty of treason,

● To PAGE 2

Passtoors
is guilty

● From PAGE 1

even though she was not a South African citizen, because the nature of her residence in Johannesburg was such that she owed allegiance to South Africa.

Spoelstra dismissed the argument by the Attorney-General, Klaus von Lieres, that Passtoors was also guilty of the second terrorism charge even though some of her acts may have been committed outside the country or before she came to live here.

He said the law was ambiguous on this point, but to interpret it the way the attorney general wanted would lead to absurdities in which an act committed "a decade or a century ago" outside South Africa would suddenly become a crime because the person came to live in the Republic.

Spoelstra also ruled that he would "totally disregard" the evidence given by the secret state witness "Mr Z". It was dangerous to place any reliance on this witness.

Spoelstra said the state had proved its argument that Passtoors was a member of the ANC and not simply an associate and supporter, as she had claimed. It had not proven charges that she had undertaken reconnaissance of sites for sabotage. He inferred that the establishment of caches was done for the ANC, but said that he did not believe the evidence justified the state's claim that Passtoors had helped "smuggle, import or convey" weapons.

Evidence in mitigation continues today and sentencing is likely to take place early next week.

At the Ory
W. Mail 2/5/86

Red brick court in PMB

... Meanwhile in
Pietermaritzburg, the lonely
trial of four once-powerful
unionists continues.
continues. TONY
OOSTHUIZEN reports

FOUR leaders of a large trade union, who once led thousands of workers, have for months now met quietly every day at the old red brick Supreme Court in Pietermaritzburg.

Thozamile Gqweta, Sisa Njikelana, Samuel Kikine and Isaac Kgcobo, all of the SA Allied Workers Union, are facing charges of treason and two alternative charges of terrorism and of furthering the aims of an unlawful organisation.

Far from their homes in the Eastern Cape and Durban, and out on bail, the four have become dependent on supporters who put them up, feed them and provide them with their only company.

With them are their two lawyers, Clifford Mailer and Marino Moerane.

The College Road Supreme Court is not only the venue of a lengthy and technical legal tussle between the state and the four trade unionists. It has also become the venue of four men's lonely struggle against fading spirits in the face of diminishing public support as the trial continues day after day, week after week, month after month.

An empty gallery bears testimony to the lack of visible support for the men who once spoke for so many.

Occasional problems at the entrance to the court, where policemen have said they are under orders not to allow anybody to attend the open trial, also led to a number of unsuspecting supporters being turned away before the matter came to the attention of the defence advocates.

With the general lack of visible support, the lack of public interest and the scarcity of journalists, this treason trial has become another routine trial with countless expert and secret witnesses.

Before charges were withdrawn last year against 12 co-accused United Democratic Front leaders, countless supporters and interested members of the public were present every day. Now this buzzing atmosphere has been replaced with a hollow echo of abandonment.

Only one party has remained strongly represented in the daily routine at the red brick building: the security police.

The toll on the lives of the four accused has been heavy. One was abandoned by his wife and children because of the breakdown of family life. His car was retrieved by creditors who could not wait any longer.

But these four men manage, at least in public, to maintain high spirits. They are often seen joking and laughing — even with the men who brought them

The 22 in the dock: A who's who list

BY JO-ANN BEKKER

THE 22 men on trial in Delmas for treason range from a 21-year-old time-keeper to a 61-year-old dry-cleaning agent, a wood and poultry merchant, several community workers, an Anglican priest. Organisations in which they have held office include the United Democratic Front, the Azanian People's Organisation, civic groups and community councils. They are listed in the order in which they appear on the charge sheet.

PATRICK MABUYA BALEKA, 26, is an unmarried Soweto man who worked as an insurance representative until his detention in September 1984.

OUPA JON HLOMOKA, 33, of Sebokeng, is a member of the Azanian People's Organisation, and was employed as an insurance consultant and salesman before his detention in September 1984. He is married with two children, aged six and three, and says his extended family cannot make ends meet without his earnings.

TEBOGO GEOFFREY MOSELANE, 40, is a senior priest in the Anglican Church and has run the Sharpeville parish since 1980. He is married with three sons, ranging in age from 12 to four years. He has been in jail since October 21, 1984.

MOHAPI LAZARUS MORE, 26, of Sebokeng, worked as a literacy teacher for the Learn and Teach organisation until his detention in September 1984. He and his partner have a two-year-old child; he helps support his extended family.

Formerly a goalkeeper for Sharpeville's Pirates Football Club, More was shot on September 4, 1984. The bullet was recently removed.

GCINUMUZI PETRUS MALINDI, 25, a clerk, and his brother, **AMOS**, another of the Delmas trialists (see below), supported their Sebokeng family of nine until their incarceration in September 1984. Since their detention, their ailing father has been forced to find work.

Petrus Malindi is the leader of the Evaton Baptist Church's Youth Committee.

MORAKE PETRUS MOKOENA, 48, owner of an Evaton café called the "West End Restaurant", is married, with six children ranging in age from four to 19. He is the sole support of his 71-year-old mother and his large family.

He has been in detention since December 1984.

TSIETSI DAVID MPHUTHI, 47, an unmarried Sebokeng man, supports his 12-year-old daughter and his elderly mother by selling wood and poultry. He joined the Vaal Civic Association because of rent increases



The defence team's advocate George Bizos, SC ... state witness turned under cross-examination

in September 1984. He was detained in October 1984.

NAPHTALI MBUTI NKOPANE, 41, a stock controller in a Vereeniging furniture company, is the sole breadwinner in his Sebokeng family, supporting his wife, three children aged from 13 to 17, and other relatives. He has been a member of the Vaal Civic Association since its formation in 1983. He has been in jail since November 1984.

TEBELLO EPHRAIM RAMAKGULA, 36, of Sebokeng, was employed as an electrician by Putco Turffontein before his detention in November 1984. He is married with four sons and is the sole breadwinner in the extended family.

BAVUMILE HERBERT VILAKAZI, 30, lives in Sebokeng and supports his wife, their son, and his mother. Before he was detained in December 1984, Vilakazi was employed by the Urban Training Project as an area educator in the Vaal Triangle.

SEKWATI JOHN MOKOENA of Boipatong is divorced and supports his parents and siblings. He was secretary of the Boipatong Civic Association when he was detained in November 1984. He complains of headaches and stomach cramps in detention.

MKHAMBI AMOS MALINDI, 21, the brother of fellow trialist Petrus Malindi, is engaged to the mother of his baby and 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 NKOLI, 27, a single Sebokeng man, assists in supporting his unemployed brother and two half-sisters. He was the coordinator of the SA Institute of Race

'Relations' education project until his detention on September 23, 1984.

While in jail he has been hospitalised and treated for clinical depression on two occasions.

PELAMOTSE JERRY TLHOPANE, 27, of Sebokeng, supported his mother and two sisters by working as a part-time sales agent for a picture framer's firm. His attempts to pass his matric at Damelin College in Johannesburg were interrupted by his detention in October 1984.

SERAME JACOB HLANYANE, 38, is the treasurer of Zone 3 area committee of the Vaal Civic Association. A Sebokeng resident, he works as an electrician and supports his wife, two children aged eight and six, and three children from a previous marriage, ranging in age from seven to 15.

He was detained in December 1984 and has developed asthma in detention.

THOMAS MADIKWE MANTHATA, 46, of Soweto, is a field worker for the South African Council of Churches in the Justice and Society Division and a former secretary of the Soweto Civic Association. He is married with three children ranging in age from two to nine years.

Manthata suffers from glaucoma, a buildup of pressure inside the eyeballs. Since being detained in February last year, he has developed a skin ailment.

HLABENG SAM MATLOLE, 61, of Sebokeng, worked as an agent for a dry-cleaning firm before his detention in February 1985. He is the sole support of his wife and their five children who range in age from 15 to four years.

He is a committee member of one of the Vaal Civic Association's area committees.

MAXALA SIMON VILAKAZI, 25, was employed by the SA Committee for Higher Education (Sached) as a dispatch clerk until his detention in April 1985. A Sebokeng resident, Vilakazi is engaged to the mother of his young child and supports his sickly mother and their extended family.

POPO SIMON MOLEFE, 34, is the national general secretary of the United Democratic Front.

A Soweto resident who is married with three children, Molefe was detained in April last year. His youngest child was born shortly after his detention.

MOSIUOA GERARD PATRICK ("TERROR") LEKOTA, 37, a former political prisoner, is the UDF's national publicity secretary, and played a prominent role in the formation and development of the organisation. He was detained in April 1985.

His wife and three children live in Durban. The designation "Terror" is derived from Lekota's prowess on the soccer field.

MOSES MABOKELA CHIKANE, of Mamelodi, worked as an official at the Community Resource and Information Centre in Johannesburg, which trains officials of community organisations in administrative and other skills, until his detention last August. He is married with two young children and also supports his widowed mother and their extended family.

THABISO ANDREW RATSOMO, 27, an unmarried Sebokeng man, was studying journalism at Rhodes University when he was detained last April. 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.

Councillor denies running down children

331
2/5/86
STAR

Staff Reporter

DELMAS — A Huhudi councillor yesterday denied in the Circuit Court here that he had run over three children in his van when his house was being attacked by a mob, on June 16 last year.

Mr Stephen Matlhoko, vice-chairman of the Huhudi Community Council, is the 50th state witness to give evidence in the trial of 22 men charged with treason.

He said that, hearing that his home was being attacked, he drove a van to Huhudi, Northern Cape. He found a mob stoning the house.

Mr George Bizos SC, for the defence, ques-

tioned the witness about a report, made to the police at the time by a Mr Matlhoko, aged 27. It concerned the knocking down of three children.

Mr Stephen Matlhoko told the court he was not sure who could have made the report. His son and his brothers were all in their mid and late twenties, but he knew nothing of their involvement in the accident.

SERIOUS CONDITION

One of the youths injured was in a serious condition. The van which had knocked him down had belonged to Mr Stephen Matlhoko.

"I put to you that you were in a vehicle which,

if not deliberately, at least recklessly, you drove into the young people," Mr Bizos said.

"There is no truth in what you have put to me," Mr Matlhoko replied.

Mr Matlhoko was also questioned on UDF meetings held in the township, which was resisting being resettled in Pudimo in Bophuthatswana 52 km from Huhudi.

The group of accused, which includes high-ranking officials from the UDF and its affiliates, have all pleaded not guilty to treason and alternative charges of terrorism, subversion and murder relating mostly to unrest in the Vaal Triangle in 1984.

(22 10 337)
**Gunn acquitted
of ban charges**

Staff Reporter *AC4 2/1/66*

TRADE unionist Miss Shirley Gunn, 30, was today acquitted in Wynberg Regional Court of possessing banned literature.

The court found that the State had not provided enough evidence to prove that literature issued by a banned organisation, which was allegedly found in a cupboard in Miss Gunn's room, belonged to her.

Miss Gunn had been charged with possessing two issues of the periodical *African Communist*.

Mr A S McCarthy was on the Bench. Mr M A Broeksma appeared for the State and Miss Gunn was represented by Mr A Omar.

Squeals and grunts in the court

By PAT SIDLEY

THE SQUEALS and grunts of a baby shattered the formality of the Rand Supreme Court this week, leaving spectators as well as some policemen helpless with laughter.

It was laughter well needed to break through the pathos centred on the presence of the baby itself. Shona, aged seven months, is the child of Brigitte van Leynseele, the 18-year-old daughter of Helene Passtoors who is standing trial for treason and terrorism.

Earlier in the month, Passtoors' three young sons arrived to sit with their mother through the trial. But because the state named Brigitte in its indictment, there were fears Passtoors' daughter would be prosecuted.

Nevertheless, she arrived this week from Holland with her baby, after family and friends had been assured she would not be prosecuted.

It was the first time Passtoors had seen her daughter since she was arrested in June last year, and the first time she had seen her granddaughter,

who was born while Passtoors was in solitary confinement.

The news had been broken to her of the birth of her granddaughter by Detective Warrant Officer Nick Deetlefs, who asked in court to be able to see the baby at close quarters. The baby, tired from spending a day travelling from Europe, pulled away — causing Deetlefs, a Security Policeman, some visible discomfort.

No-one could have failed to have been moved by the sight of the four generations of women in court: Passtoors' mother, Judith; Passtoors, Brigitte and Shona, all in close communication and contact.

It contrasted sharply with the picture presented earlier in the week by attorney general Klaus von Lieres: that Passtoors was an important "cog in the ANC wheel" and that she was

"ruthlessly calculating" in her intention to commit treason.

Von Lieres' argument this week was short-lived; the court was forced to adjourn because the attorney general had contracted mumps.

But he had managed by the time he took ill to put to the court argument that Passtoors used her university career as a screen for her ANC activities; that as a foreigner who lived in the country and had asked for permanent residence, she could and had committed treason; that even the knowledge of arms caches was an act of treason, because she had not informed the authorities of them; and that her knowledge of the caches implied a high security clearance from the ANC — unless she had actually established them.

29 appear in
 Paarl court
 PAARL. Twenty-nine
 residents of nearby
 Mbekweni township ap-
 peared in the Paarl Mag-
 istrate's Court yesterday
 charged with attending
 an illegal gathering in
 the township on Thurs-
 day.
 More Mbekweni resi-
 dents are expected to
 appear in court next
 week following the gath-
 ering.
 No evidence was led
 and the hearing was ad-
 journed to a date still to
 be decided. — Sapa

BAKING AND CONFECTIONERY INDUSTRY (PRETORIA)	
Parties	Employer Organisation: Pretoria Master Bakers' Association
Area	Trade Union: Pretoria Bakerywerheids-vereniging & Pretoria Baking and Confectionary Employees' Union
Footnotes	
1. Overtime rates -	For work on Good Friday, Ascension Day, Day of the Vow, Christmas Day or New Year's Day, the rate is double plus one day off at full pay.
	- On other Public Holidays, the rate is double or one day off at full pay.
2. Additional Allowances -	Bicycle allowance
3. Annual Leave	- a) For employees earning less than R35 per week - 10 or 12 days. - b) For employees earning more than R35 per week - 10 or 12 days after the first 12 months, thereafter 15 or 18 days.

CAPE TIMES 3/5/86
18 years jail for
limpet mine blast

Own Correspondent

JOHANNESBURG. — A former SADF member was yesterday sentenced in the Rand Supreme Court to 18 years' imprisonment for exploding a limpet mine in Johannesburg's Nedbank City building last year.

Isaac Thulane Mabaso, 24, was earlier convicted of terrorism by Mr Justice S W McCreath after he had admitted in court to planting the Russian-made mine on June 28.

Mabaso had testified that although he was not a member of the African National Congress he had planted the mine on the instructions of three ANC members who had befriended him some weeks before.

The judge said it was the duty of the court to impose a long prison sentence on Mabaso for endangering many lives by his action and extensively damaging the building.

He added that sen-

tence had to be severe enough to reflect to the community the severity of the crime "the frequency of which in recent years has increased substantially".

While he accepted that Mabaso was under the influence of an older man when he planted the mine, Mr Justice McCreath said there was no evidence that Mabaso had been coerced.

The judge said he could not accept Mabaso's testimony that he had agreed to act as an accomplice to the crime only if the mine was planted away from the first storey.

"It is clear from the evidence before the court that in view of his SADF membership Mabaso knew he was needed by his accomplices to gain access to the first storey."

The first storey housed the offices of the SADF Medical Corps as well as a welfare and pensions department.

1607

TUESDAY, 6 MAY 1986

1608

ber of the Police Force; if so, (a) when and (b) what was the nature of the charges or complaint;

(2) whether this matter has been investigated by the police; if not, why not; if so, (a) what is the (i) name and (ii) rank of the policeman involved and (b) what progress has been made in this investigation;

(3) whether any departmental steps have been or are to be taken against the policeman concerned; if not, why not; if so, what steps;

(4) whether he will make a statement on the matter?

†The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) 9 April 1986.

(b) Alleged assault.

(2) Yes.

(a) (i) and (ii) I do not deem it in the interest of anyone to make known the name of the member, except to say that he is a detective sergeant.

(b) The investigation has not been completed yet.

(3) Before deciding on departmental steps, the criminal aspect must first be completed.

(4) No.

14/5/86 1607
Transmed
17. Mr D J N MALLINCO asked the Minister of Transport Affairs:

(1) Whether past employees of the South African Transport Services are required to have worked for the South African Transport Services and to have been members of Transmed for

a specific period in order to remain members of Transmed once they have left the employ of the South African Transport Services; if so, what is that period;

(2) whether, during the latest specified period of five years for which information is available, any South African Transport Services employees were allowed to continue as members of Transmed despite not having been employed by the South African Transport Services for the necessary qualifying period; if so, (a) how many, (b) what were the circumstances of each case and (c) who took the decision in this regard?

†The MINISTER OF TRANSPORT AFFAIRS:

(1) Only employees who retire on account of age limit, reduction in or re-organisation of staff, severe bodily injury, permanent ill-health or physical disability not occasioned by their own default, or are retired in terms of section 11 or 14 of the Conditions of Employees (South African Transport Services) Act, 1983 remain members of Transmed, provided they have completed at least 10 years' continuous service.

However, employees who (a) sustained 100 per cent permanent disablement in an accident arising out of and in the course of their employment and are retired on account thereof or (b) are retired on account of wounds or illness sustained in or as a result of military service in the South African Defence Force, provided they receive compensation in terms of any act regarding military pensions, will remain members of Transmed irrespective of their period of service.

(2) No. (a), (b) and (c) Fall away.

Sebokeng/Vereeniging: commuter line

*18. Mr G B D McINTOSH asked the Minister of Transport Affairs:

1609

TUESDAY, 6 MAY 1986

1610

(1) Whether the South African Transport Services are considering constructing a commuter line from Sebokeng via Vanderbijlpark and Sharpeville to Vereeniging; if so, when is it anticipated that this line will be completed; if not, why not;

(2) whether the South African Transport Services have conducted a survey of the numbers of commuters in this area and of potential users of this line; if not, why not; if so, (a) when and (b) what were the findings;

(3) whether he has received any representations regarding the construction of this line; if so, (a) from whom, (b) when and (c) what was his response?

†The MINISTER OF TRANSPORT AFFAIRS:

(1) and (2) No. No such requests have been received.

(2) (a) and (b) Fall away.

(3) No.

14/5/86 1609
SATV: photographs of Helene Passtoors
6/5/86 650 1609
19. Mr D J DALLING asked the Minister of Law and Order:

(1) Whether a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply, is being held by the South African Police during her trial; if so, (a) where is she being held and (b) what is her name;

(2) whether he has been informed that photographs of this person were televised by SATV on 14 and 15 April 1986; if so,

(3) whether he intends taking any steps in regard to this matter; if not, why not; if so, (a) what steps and (b) in terms of what statutory provisions?

†The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) Johannesburg Prison.

(b) Helene Passtoors.

(2) No.

(3) Falls away.

SATV: photographs of Helene Passtoors

*20. Mr D J DALLING asked the Minister of Justice:

(1) Whether a certain person, whose name has been furnished to the Minister's Department for the purpose of his reply, is being held in prison during her trial; if so, (a) in what prison and (b) what is her name;

(2) whether he has been informed that photographs of this person were televised by SATV on 14 and 15 April 1986; if so,

(3) whether he intends taking any steps in regard to this matter; if not, why not; if so, (a) what steps and (b) in terms of what statutory provisions?

†The MINISTER OF TRANSPORT AFFAIRS (for the Minister of Justice):

(1) Yes.

(a) Johannesburg Prison.

(b) Helene Passtoors.

(2) No, as no offence was committed in terms of the Prisons Act, Act 8 of 1959, as amended.

(3) Falls away.

That is a stupid question!

†The CHAIRMAN OF THE HOUSE: Order! With respect to the hon Minister, the

HoA

HoA

Ex-ANC member tells of propaganda

Staff Reporter
331

DELMAS — A former African National Congress member yesterday told the treason trial judge here that she had no authority from the United Democratic Front, the Federation of South African Women or the United Women's Organisation to issue a pamphlet designed to encourage women to join them.

The pamphlet, an exhibit in the trial, is alleged by the State to emanate from the United Women's Organisation.

The witness claimed she had been its author

while working "semi-underground" as a propagandist for the South African Congress of Trade Unions (Sactu).

The witness, who may not be identified, gave evidence for the State in the trial of 22 men facing charges of treason, subversion, murder and furthering the aims of a banned organisation.

The charges relate to the Vaal Triangle rent protests of September 1984.

The witness told Mr Justice K van Dijkhorst she had received military and political training in Angola and further political education in East

Germany. She had returned to Angola briefly in 1983 to work for the ANC's Radio Freedom, before joining Sactu and working for it in Lusaka, Maseru and South Africa.

She was detained while working for Sactu in South Africa, setting up a "propaganda unit" which, by the time of her detention in 1984, had issued a single pamphlet — the document used as an exhibit in court.

The witness said she had broadcast on at least five occasions for Radio Freedom, and two of these broadcasts had concerned the UDF.

During cross-examination by defence counsel, Mr George Bizos, SC, the witness said the broadcast she had made at the launch of the UDF in August 1983 had concerned the front's campaign for people and groups to attend the inaugural meeting.

Earlier, the witness said the radio staff decided to quote ANC president Mr Oliver Tambo in that broadcast, using (among other things) his call in January 1983 for "people and democratic organisations to form a united front".

The trial continues.

Launch of UDF biggest event - witness

THE Delmas treason trial was told yesterday that the launching of the United Democratic Front was the biggest achievement in South Africa since the African National Congress was banned. (33) P

This evidence was given by a former member of the ANC at the trial of 22 men charged with high treason, alternatively incitement to murder, subversion and terrorism. They have pleaded not guilty to all the charges. SOWET 6/5/86

Yesterday's hearing was held in camera and the presiding judge, Mr Justice J van Dijkhorst, ruled that the identity of the State witness should not be revealed.

The witness told the court that she joined the ANC in 1980.

She said in July 1983 she was appointed as one of the broadcasters for Radio Freedom which is controlled by the ANC and is based in Angola. She said the station broadcasts in Xhosa and English.

Between August 20 and 23, she said, Radio Freedom broadcasted about the launching of the UDF.

"Our listeners were mainly from South Africa," she said.

The people working for Radio Freedom felt that it was "an achievement on our side that people were getting more organised for the liberation," following the launching of the UDF, she said.

"In most of the broadcasts we made about the launching of the UDF, we mentioned that its formation was the biggest achievement in South Africa since the banning of the ANC because the last gathering we had in South Africa was the adoption of the Freedom Charter in Kliptown," she said.

Two men carried objects which looked like AK-47s witness

Staff Reporter

DELMAS — Two men carried "objects which looked like firearms" at the 1984 congress of the Azanian Students' Organ-

isation, while other students danced around the hall singing freedom songs, a witness testified in the marathon treason trial here yesterday.

He said: "I can't say if they were real weapons or toys, but they looked like AK-47s to me."

The witness was one of a string of "secret" witnesses called by the State to give evidence in camera.

Almost daily for the past three months, 22 men — including United Democratic Front publicity secretary, Mr Terror Lekota, and general secretary, Mr Popo Molefe — have sat in the Delmas dock, faced with charges of treason, subversion, murder and furthering the aims of a banned organisation.

AFFILIATES

Most of the accused are described in the indictment as being associated with the UDF or its affiliates but the group also includes churchmen.

The evidence of the secret witness, who took the stand yesterday afternoon was a preface to the screening of a video of part of the Azaso Conference — the women's programme.

CAC-Tim's

331

Wednesday, May 7, 1986

Witnesses' telephones tapped, judge told

JOHANNESBURG. — Telephones of members of the Krugersdorp Residents' Organization (KRO) who are giving evidence in a civil action against the ministers of Law and Order and of Defence were being tapped, the Rand Supreme Court heard yesterday.

Mr Jules Browde, SC, told Mr Justice R Goldstone that the tapping of witnesses' telephones "is ongoing, it is still being done at the moment".

He said it was the first time in his career that

during litigation respondents were eavesdropping on witnesses.

Mr Brian Berman, for the Minister of Law and Order, said the tapping "started long ago" but was being done "for other purposes".

The KRO made an urgent application to the Supreme Court in February for an order prohibiting the police and the SADF from committing unlawful acts in the townships of Kagiso I and II and Munsieville.

Questioned on the consumer boycott, the secretary of the KRO, Mr Laurence Ntlokoa, 28, denied that his organization had stopped people from buying where they wanted or that it had anything to do with petrol-bombing. He said the KRO was a non-violent organization.

Mr Ntlokoa said he had chaired a meeting at which the purpose of a consumer boycott was explained.

The crowd of about 700 people decided to hold a

boycott from December 6 and the Krugersdorp Boycott Committee was formed by delegates from six organizations, including the KRO.

The total population of the three townships is about 50 000.

In reply to a question from Mr Berman, Mr Ntlokoa asked: "Can 700 prevent 50 000 from buying in town if they wanted to?"

After receiving complaints from people who were harassed when they bought goods from white shops, the KRO had decided to go on a crime-prevention campaign, Mr Ntlokoa said.

A disciplinary committee, which was not part of the KRO, was formed in January at a mass meeting on the crime problem.

Parents of children who were caught harassing people were called in and the children were given lashes.

The hearing continues. — Sapa

Treason trial sees video tapes

Staff Reporter

DELMAS — The treason trial defence yesterday failed to persuade the court that background evidence about certain video tapes should be presented before the tapes were shown in court.

Lengthy argument was heard on the admissibility as evidence of a video on the 1984 congress of the Azanian Students' Organisation.

Defence counsel Mr Gilbert Marcus attempted to persuade Mr Justice K van Dijkhorst that evidence about the originality of the video and whether or not the tapes might have been tampered with, should be submitted before the tapes were screened.

To do otherwise, he and Mr George Bizos SC submitted, would be similar to making a witness read out a "confession" before it had even been established whether the statement was admissible as evidence.

WITNESS

The State told the court that its only intention in showing the video was to have a witness identify it as a visual recording of a meeting he said he had attended.

Mr van Dijkhorst ruled that the video could be shown for purposes of identification and that argument on the admissibility of the tapes could be heard after they had been seen.

He said he believed he and his assessors were 'mature enough to exclude material from their minds' should it later prove inadmissible.

More than 120 minutes of material were then screened, with frequent pauses for the witness to identify banners and T-shirts and to recount the words of freedom songs.

The State also asked the witness to explain who the people referred to in a certain poem were. And on learning from the witness that that the trio — Mosolodi, Motaung and Mogoerane — had been described in the Press as "terrorists of the African National Congress" who were sentenced to death, he was questioned about whether they had been hanged.

The 22 trialists face charges of treason, subversion, murder and furthering the aims of a banned organisation. The charges arise from the Vaal disturbances of September 1984.

TRIAL FOR TREASON. THIS WEEK, THE MARATHON TRIAL TOOK A DRAMATIC TURN



The first and only picture of all the Delmas treason trialists, taken this week after a lengthy battle for permission from the judge, the local chief magistrate and the district commissioner of police. Back row, left to right: Moses Chikane, Naphtali Nkopane, Thomas Manthata, Tsietsi Mphuthi, Geoffrey Moselane, Patrick Baleka, Petrus Mokoena, Lazarus More. Middle row: Sam Matlole, Bavumile Vilakazi, "Terror" Lekota, Gcinumuzi Malindi, Serame Hlanyane, Thabiso Ratsomo, Sekwati Mokoena. Front row: Jerry Tlhopane, Simon Vilakazi, Oupa Mlomo, Popo Molefe, Amos Malindi, Ephraim Ramakgula, Simon Nkoli. Picture: Gisela Wulfsohn, Afrapix

About-face from a key State witness

The little-publicised treason trial of 22 men at Delmas took a surprise turn this week when a young state witness said that she fabricated her evidence after being sjambokked in detention. JO-ANN BEKKER reports

THE evidence in camera of a key state witness in the Delmas treason trial was dismissed this week after the witness, a young woman, admitted she had invented it to satisfy interrogators who had assaulted her in detention.

The witness said she had been threatened on Monday with prolonged imprisonment if she departed from her written statement in court on the following day. Under cross-examination, she identified deputy attorney general PB Jacobs, who is heading the state's legal team in the Delmas trial, as the person who made the threat.

The dramatic event was the latest development in the marathon trial of 22 men accused of treason.

The court has examined video footage of police action during the September 1984 uprising in the Vaal Triangle; it has considered several bail applications; and the presiding judge, Justice K van Dijkhorst, sitting with two assessors, has even questioned the direction the state's case is taking.

Hundreds of office bearers in United Democratic Front affiliates have been listed as co-conspirators with the 22 treason trialists, accused of having conspired with the UDF, the African National Congress and SA Communist Party to bring about the downfall of black local government.

Before she retracted her evidence on Wednesday, the state witness — a young woman from Parys' Tumahole township who may not be identified — told the court that one of the accused, Patrick "Terror" Lekota, and others had taught a group of Tumahole residents how to make petrol bombs.

Under cross-examination, however, she said she had signed a statement containing this evidence only after being sjambokked and interrogated in

A JUDGE'S OWN NOTES ON POLICE ACTIVITIES

NOTES made by a judge while watching video footage shown by lawyers for the treason trialists in Delmas throw a remarkable light on police action during the September 1984 unrest.

Lawyers submitted the film to support their contention that violence after a mass funeral in Evaton was the result of police action.

What follows is presiding judge Justice J van Dijkhorst's record of the video footage:

A group of people are seen running to the side of the road — presumably trying to get away from their bus which has been stopped. One of the Hippos veers right to cut them off.

The cameraman then records the following incidents:

- Police sjambokking through windows — no obvious reason.
- The Brigadier (G Viljoen,

detention by nine policemen.

Lekota was not known to her, she said, when she was arrested in 1984.

"...They said they were going to hit me and that I must tell the truth about Terror Lekota. I repeated 'I do not know Terror Lekota' to which they said 'How does it happen you don't know him, being a comrade?' I said 'It doesn't help to make me say I know a person I do not know... I do not know this person... But on their forcing me to say things about Terror Lekota which are not true, in fact things I have said about Terror Lekota here are not true.'"

"I did not know Mr Lekota" at all yesterday before ... (they) described to me what he looks like, that he does not have one tooth in the front. That is all that was explained to me."

The witness said she identified Lekota in court solely on the basis of the missing front tooth.

"When I came in here I noticed Mr Lekota smiling," she said, "and I noticed that he has a tooth missing."

The trial is likely to drag on for

in charge of riot control in the Vaal during September 1984) is seen, his back facing the camera; he is waving his arms and presumably says something to the police sjambokking at the windows because they stop. He then turns and walks out of view, at which stage police continue sjambokking at the windows.

A person is then struck in the face by a policeman.

A policeman is seen sjambokking perhaps three people in the top of the bus. They talk to him and he stops. However, when he sees another policeman climbing up he suddenly starts sjambokking again.

You then see a person being kicked on the ground.

You then see a youth running away, jumping over a fence and being hauled back.

months as the state changes the focus of its attention from the Vaal Triangle to unrest in 31 other areas around the country.

You then see the aforesaid two policemen on top of the bus forcing a person off the top and taking a swipe at his hands with batons as he is about to drop.

You then see a person in grey pants and a white shirt in the custody of a policeman. A black policeman comes up and starts to assault him.

You then see the Colonel on the top of the Land Rover. His smile is questionable.

You again see the person in the grey pants and white shirt being taken to where a number of people have been grouped on the side of the road, seated. On his way you see him being struck on the head by the butt of the rifle. On reaching the group he is tripped and almost immediately thereafter he is again struck by a baton.

What did this poor fellow do to deserve all this attention?

At the same time, there appears to be little clarity as to what the hearing is about. Admissibility of evidence is a frequently-raised question.

Asked Judge van Dijkhorst at one point: "Where is this going?"

"I have listened to cross-examination on two funerals which took place after September 3 and I have admitted this because the state saw fit to place the evidence before the court. Why exactly I don't know."

"How far must we divert from September 3 and why?"

New evidence which could shake the state's case includes the following:

● The tabling of the official Van der Walt Commission's findings on the causes of the September 1984 uprising. The report found grievances against rent increases and corrupt councillors, and not "agitators", were responsible for the revolt. (See separate report.)

● Brigadier G Viljoen, the policeman in charge of the riot units in the Vaal during the uprising, conceded under cross-examination that he had received no briefing on the situation in the Vaal before taking control.

● Esau Mahlatsi, mayor of the Lekoa Town Council, seemed to give substance to allegations of corruption in the councils when he admitted that councillors had divided liquor outlets amongst themselves.

CAREWAYS CHILDREN'S CENTRE

requires

Full-time Director/ Assistant Director

- Youthful person 25-40 years
- Experienced in working with children and families
- Administrative skills
- Committed Christian and church member
- Professional training in related fields of social work, education, psychology or strong recommendation

Careways is an after-school care project of Civic Centre Methodist Church caring for children of the inner-city



UDF CALL TO WHITES Violence - Why?

SPEAKERS:

Father Albert Nolan
Gugile Nkwinti
(a Port Alfred community leader)
and
A Krugersdorp resident

8:00pm, Tuesday 6, at St Martins-in-the-Field
43 Goodwood Avenue, Port Alfred

APARTHEID BAROMETER

DETENTIONS (official figures)

From January 1 1985 to April 3 this year, detentions in terms of Section 29 (1) of the Internal Security Act numbered 354. Of that number, 466 were black, 50 coloured, 22 Asian and 16 white. As at April 3, 471 males and 83 females were being held in terms of this section.

POLITICAL PRISONERS (according to the latest DPSC report)

The following statistics were released in Parliament by the Minister of Justice regarding persons serving sentences for "crimes against the security of the State".

As at March/April 1985 the total was 337, of whom 39 were serving life sentences. Of these, 21 were Namibians and 17 of them were serving life.

As at 13 February 1986 the total was 314 of whom 12 are whites, five are coloureds, 296 are blacks and one is Asian.

TREASON TRIALS (According to DPSC)

There are 32 people facing charges of treason in four trials as follows:

Ongoing in Johannesburg:

Dubasi, James; Sisulu, Jongumsi; Mkhafa, Happy Lunkile; Matose, David; Maja, Joseph.

From April 14 in Johannesburg:

Passtoors, Helene Therese.

RESTRICTIONS

According to a recent statement by the Minister of Law and Order, Louis Le Grange, a total of 20 people were restricted under the Internal Security Act as at February 26 this year.

PRISONS AND PRISONERS

South African prisons are designed to accommodate 81 783 people. In December last year the daily average prison population was 113 792. These figures were released by Minister of Justice, Koble Coetsee, in answer to David Dalling (PFP Sandton).

In reply to a question from Helen Suzman (PFP Houghton), he said a total of 1 385 complaints of alleged assault by prison warders against prisoners were received and registered in 1985.

POLICE DISCHARGED

In a written reply to Peter Gastrow, (PFP Durban) Le Grange said only 62 of the 221 policemen convicted of common assault last year had been discharged. Another 43 were convicted of assault to do grievous bodily harm, 14 of culpable homicide and four of murder. Forty-four of the 221 had previous convictions, including drunken driving, assault with intent to cause grievous bodily harm, theft, negligent driving, crimes injuria, housebreaking and theft and assault.

UNREST STATISTICS

According to the yearly report of the Commissioner of Police which was released in Parliament for the year ended June 1985, there were 86 "acts of terrorism".

Public violence increased from 164 cases the previous year to 4 408 for this year.

The report lists the following figures as an indication of the proportions of the unrest: 617 petrol-bomb incidents; 1 156 arson incidents; 574 cases of fire damage; 343 incidents of looting; 29 hand-grenade incidents; 160 people killed; 661 people injured by others; 264 people killed by security forces; 1 004 people wounded by security forces; 15 people killed by development board officials; 23 injured by development board officials; seven members of security forces killed, with 256 injured and 21 280 arrests.

Total damage to property was estimated at R59 million. A total of 169 schools were either burnt down or damaged by fire and another 127 schools were damaged by stone-throwing or other means.

In a report on the effects of violence, Women For Peace stated that "One of the ravaging effects of violence is that thousands of people will have emerged seriously disabled. It has been estimated that for every serious injury there are 10 minor injuries. In the light of this 1:10 ratio, it can be estimated that at least 9 400 people have been seriously injured through violence in South Africa during the last two years."

TEACHERS' STATISTICS

A total of 126 blacks, coloureds, Indians and Chinese applied for admission to Teacher Training Colleges under the control of the white "Own Affairs" administration this year, but none were admitted, according to Minister of Education and Culture Piet Clase.

In a recent reply to a question in parliament, Dr Gerrit Viljoen, Minister of Education and Development Aid, said there was a shortage of 6 579 teachers in black schools last month. He said the worst shortage was in the Orange Vaal area, where 1 468 teachers were needed. Just over 21 percent of teachers in the Northern Transvaal and 18.68 percent on the Highveld were inadequately trained.

BANNED BOOKS, PUBLICATIONS AND OBJECTS (April 11-May 1)

In terms of section 14 (4) of the Publications Act, 1974, the undermentioned publications have been declared not undesirable: Stag vol 5, Mar 1986 (by Vicien Promotions); Descom Bulletin vol 8, May 1985 (issued by Durban Detainees Support Committee); For My People - Black Theology and The Black Church (by James H Cone).

The undermentioned publications have been declared not undesirable subject to certain conditions: The High Cost of Living (by Marge Piercy) may only be distributed by bookshops, lending libraries and bookdistributors; Stern no. 1, 23 December 1985 (by Gruner and Jahr AG & Co, Hamburg), may not be displayed in public for purposes of distribution; Woman Plus Woman: Attitudes towards lesbianism (by Dolores Klaich) has been declared not undesirable subject to the condition that the publication may not knowingly be sold, hired or lent out by lending libraries to persons under 18.

Publications or Objects which have been declared undesirable:

Comfortable Corner, A (by Vincent Virga); Mates (by Tom Wakefield); T-bemp me! T shirt with graffiti No "A" (not stated); The Catholic (by David Plante); Flower of Love (by Janet Louise Roberts); Black Experience in Black Theology (by Gobi Clement Mokoko); What is Dialectical Materialism (by V Krapivin); Ingxoxo Nekomanisi (by SACP).

PRISONER OF CONSCIENCE: DR VEJAY RAMLAKAN

Vejay Ramlakan, 29, was detained under Section 29 of the Internal Security Act on December 24 last year. He is a past president of Natal University Medical Students Council and at the time of his detention he was a surgery registrar and member of NAMDA. He is currently being held incommunicado in a prison in the Natal area and has had no access to lawyers or members of his family since his detention. His wife, Sandra Afrika, was detained with him but was released six weeks later because the couple have a young baby which needed caring for.

POLICE MERGE

In reply to a question from John Malcomess (PFP, PE) the Minister of Transport Affairs, Hendrik Schoeman, said that no date had been set for the proposed amalgamation of the Railway Police and the South African Police. Conditions and particulars of the move are still being investigated.

SATS PATROL TOWNSHIPS

The investigation into the use of a South African Transport Services vehicle by Security Forces for patrolling townships had been completed, the Minister of Law and Order, Louis le Grange, said in reply to a question by Reuben Sive (PFP, Bezuidenhout). Post mortem reports on those killed in a clash with members of the Security Forces had been submitted to the Attorney General for his decision.

SHORTAGE OF HOMES

There was an estimated shortage of more than 134 270 homes for blacks in the "national states" at the end of 1985, said the Minister of Education and Development Aid, Dr Gerrit Viljoen, in a written reply to a question by the leader of the PFP, Colin Eglin. An additional 14 948 homes were needed on other South African development trust land. The shortage ranges from 2 000 homes in Gazankulu to between 80 000 and 100 000 in KwaZulu.

Two in
contempt
of court

JOHANNESBURG. — Weekly Mail journalists Anton Harber, 27, and Jo-Ann Bekker, 25, were found guilty of contempt of court in the Delmas Court yesterday.

Mr Justice Kees van Dijkhorst, the judge presiding in the Delmas treason trial still in progress, accused Harber, the co-editor, and Bekker, a reporter, of publishing objectionable articles about the trial in last week's edition of the newspaper.

The judge said four sentences in particular were speculative and could have a bearing on the outcome of the trial.

Harber and Bekker admitted that they had mistakenly attributed a published set of notes to the judge. An attorney gave evidence that the notes were his own.

Harber was fined R750 (or three months) and Bekker R200 (or one month), suspended for two years.

Harber was instructed to publish an apology in terms approved by the judge.

Mr Dennis Kuny appeared for the accused.
— Sapa

11/5/86 217P 331

It's a long, cold wait at Delmas trial

By MARTIN NTSOELENGOE

FOR the past two weeks the Delmas treason trial has been held in camera - frustrating scores of people travelling there from all over the Vaal.

Both young and frail-looking old women, wearing their Manyano (Mother's Union) uniforms, braved the cool breeze outside court - waiting for lunchtime to greet and wish their loved ones good luck.

This week evidence for the State was given by an alleged former African National Congress member, who said she was trained as a freedom fighter and propagandist in Angola and East Germany.

She said she joined the ANC in 1980 and, later that year, went to East Germany for training in the use of AK47 rifles and for courses in Marxism-Leninism and ANC tactics.

On her return she was delegated to attend the Pan African National Youth Congress in Libya for two weeks, she said.

She worked as a typist for the SA Congress of Trade Unions before she returned to SA through the Transkei, she said.

She said she later joined Radio Freedom and made about five news broadcasts. Two broadcast were about the UDF, she said.

Case against Boesak postponed — bail extended

AK645 12/5/86 331
Staff Reporters

THE case against Dr Allan Boesak on four charges under the Internal Security Act was today postponed until September 19 for further investigation.

Dr Boesak's R20 000 bail was extended when he appeared in Malmesbury Magistrate's Court.

Dr Boesak's counsel, Mr S Desai, said he had not received a copy of the charge sheet.

"Hopefully we should have one before September 19."

The prosecutor, Mr P van der Merwe, replied he could not guar-

antee the defence would get a charge sheet before or on the date of the postponement.

Mr H van Houwelingen was on the Bench. Mr Desai was instructed by Mr Essa Moosa.

● Police with rifles manned a roadblock 12km outside Malmesbury on the Cape Town road and sealed off all roads to the court building.

The area surrounding the court was cordoned off with barrels, tape and no-entry signs.

A police minibus, several vans and provincial traffic department cars were parked near the court.

Dr Boesak arrived about 8.50am, accompanied by Mr Henry Bredenkamp, a history lecturer at the University of the Western Cape, Mr Bredenkamp's wife Florence and a family friend, Mr Piet Present.

Dr Boesak said he was stopped and had his car searched at the roadblock. His attorney, Mr Essa Moosa, who arrived soon afterwards, was also stopped.

Dr Boesak, whose passport was returned to him Saturday, leaves on Thursday for Geneva, where he will attend the 450th anniversary of the Reformation and re-

ceive an honorary degree from the University of Geneva.

"I applied for the return of my passport some time ago. I received an indication on Friday that it would be returned. Getting it back was a nice surprise," he said.

His bail conditions barred him from giving his views on consumer boycotts, peaceful marches and disinvestment.

"I am to speak at a Trans-Africa dinner in the United States within the next two weeks. Because of my bail conditions I must be careful of what I say, especially outside the country," Dr Boesak said.



Dr Allan Boesak arriving at court in Malmesbury today.

Defence counsel says treason trialist owed no allegiance to SA

13/5/86. SPAR
331

By Jenni Tennant

The defence counsel for Miss Helene Passtoors will today argue that she did not owe allegiance to South Africa and should not be found guilty of treason.

Mr D Kuny SC, for Miss Passtoors, who begins argument in the Rand Supreme Court today, said yesterday he would submit Miss Passtoors be found guilty of terrorism, (the alternative to the treason charge) "and then only in respect of a limited number of acts," and that she be acquitted on the second charge of terrorism.

The State ended its argument yesterday.

Miss Passtoors (44) has pleaded not guilty to a charge of treason and an alternative charge of terrorism and a charge of terrorism, alternatively participating in terroristic activities.

The Attorney-General for the Witwatersrand, Mr K von Lieres SC, said the evidence of the State in support of the allegations in the indictment were mainly unchallenged by the defence.

His submissions included:

- Miss Passtoors had established or assisted in establishing arms caches around the country.
- She had assisted the ANC in an attempt to help an alleged member of the ANC leave the country. The plan was called "Operation Mango".
- Miss Passtoors had used her enrolment as a student at the University of the Witwatersrand as a front while undertaking tasks for the ANC.

Miss Passtoors had pointed out the sites of various arms caches to the police. Considering the tight security of the ANC, he argued that anybody who knew their position had reconnoitred and established the sites or obtained the information from the ANC.

On June 22 last year Miss Passtoors met her former husband, Mr Klaas de Jonge, and travelled to a

site in Halfway House where they reconnoitred the area and, later that night, established an arms cache.

"Nor was she just a curious bystander. She had a spade and had been digging," Mr von Lieres said.

Miss Passtoors also had knowledge of military equipment and admitted possessing two spanners which had been used on limpet mines.

Mr von Lieres submitted that Miss Passtoors, in her participation in "Operation Mango", had committed acts of treason by furthering the aims of the ANC.

He referred to a transcript of a conversation which was taped in June last year at a Durban hotel between Miss Passtoors and an alleged member of the ANC, Mr Ismail Ebrahim.

There could be no doubt the conversation in the hotel had formed a crucial part in the preparations for "Operation Mango", Mr von Lieres said.

It had been indirectly suggested that Miss Passtoors had agreed to assist Mr Ebrahim because of a relationship between the two.

However, Mr von Lieres submitted: "Far from being a personal and romantic adventure completely outside the scope of the ANC's control, it was quite clearly a sophisticated and highly detailed plan devised by the ANC or under its auspices."

In transcripts of telephone conversations between Miss Passtoors and alleged ANC members, including Mr Ebrahim, it was clear that veiled language was extensively used. A logical inference was that it was used to conceal the true purposes of the speakers.

Mr von Lieres said the evidence of Miss Passtoors pointing out oil pipeline pumping stations in Natal was inconclusive and permitted other inferences than that she had conducted a reconnaissance to be drawn.

The hearing continues.

Appearances: Mr Justice T T Spoelstra is on the Bench. Mr K von Lieres SC, assisted by Mr G Gertsch, appeared for the State. Mr D Kuny SC, assisted by Mr C Loxton, appeared for Miss Passtoors.

13/5/86

STAR

331

Staff Reporter

Treason trialists pointed out in courtroom video

DELMAS — A witness at the treason trial here, who may not be identified, yesterday pointed out two of the accused as they appeared on video recordings of an Azaso Congress in 1984 and the launching of Soweto Youth Congress (Soyco) in 1983.

Of the 22 accused, the witness pointed out Mr Popo Molefe (United

Democratic Front general-secretary), and Mr Simon Nkoli on video. He also pointed out several other people.

They and their co-accused — some of whom are churchmen — have pleaded not guilty to high treason.

Mr Justice K van Dijkhorst ordered the men to stand in the dock when the witness mentioned their names.

The videos, which were screened in court, were presented as exhibits by the State.

The hearing was in

camera to protect the witness who also gave evidence about Soyco.

He explained that the congress was launched on July 31 1983 at the Dube YMCA Hall in Soweto, as a body to represent interests similar to those of the Congress of South

African Students (Cosas), but outside high schools.

He said the Azanian Students' Organisation (Azaso) was the equivalent movement representing students on university, teachers' training college and technikon campuses.

The court heard that all three organisations — Cosas, Azaso and Soyco — were United Democratic Front affiliates.

The hearing continues.

'Subversion': Boesak trial postponed

CAP TAP 13/5/86
331

By SHAUNA WESTCOTT

THE trial of Dr Allan Boesak on charges of subversion and "promoting an illegal gathering" was postponed yesterday until September 19 "for further investigation".

Dr Boesak's bail of R20 000 was extended at a brief appearance in Malmesbury Magistrate's Court which was surrounded by police and cordoned off with red-and-white tape. Armed police also manned a roadblock about 12km outside Malmesbury where vehicles, including Dr Boesak's, were stopped and searched.

Counsel for Dr Boesak, Mr S Desai, said they had yet to receive a copy of a formal charge sheet. Prosecutor Mr P van der Merwe said he could not guarantee that the defence would get a copy of the charge sheet before or on the postponement date.

'Surprise'

Outside the court Dr Boesak said his passport was returned to him on Saturday and that he would be leaving for Geneva on Thursday to attend the 450th anniversary of the Reformation and to receive an honorary degree from the University of Geneva. He would also be going to the United States.

The return of his passport was "a nice surprise", he said.

According to an informal charge sheet, the president of the World Alliance of Reformed Churches faces three charges of subversion and one of "promoting or convening a prohibited gathering, namely the

march to Pollsmoor Prison".

Dr Boesak was arrested on August 27 near the University of the Western Cape and flown to Pretoria where he was held in terms of the Internal Security Act.

He appeared in Malmesbury Magistrate's Court on September 20 and was released on bail of R20 000 with stringent conditions that were subsequently considerably eased on review by magistrate Mr W A de Klerk who found Dr Boesak "a man of high political morals and ideals".

Three bail conditions remain: Dr Boesak may not communicate with State witnesses, propagate boycotts or disinvestment or visit schools.

'Encouraging'

The first subversion charge arises out of alleged transgressions of Section 54 of the Internal Security Act on six occasions in August last year, mostly in churches, church halls and civic centres.

An alternative charge alleges encouraging people not to buy at certain establishments.

Encouraging teachers not to teach is the second charge and the third is promoting foreign disinvestment.

The maximum penalty for subversion is 20 years' imprisonment or 25 years if violence resulted and should have been foreseen as a reasonable possibility.

Mr H van Houwelingen was the magistrate. Mr Desai was instructed by E Moosa and Associates. Mr Van der Merwe was instructed by the State Attorney's Office.

BREWING INDUSTRY, WITWATERSRAND
Parties
Employer Organisation: South African Brewing Industry
Employers' Association
Trade Union: Witwatersrand Brewery Employee's Union
Area
Magisterial Districts of Alberton, Johannesburg,
Kempston Park* and Krugersdorp*.

CNF 71-14 13/5/86
(331)

State closes case against Passtoors

Own Correspondent

JOHANNESBURG. — The State closed its case against Helene Passtoors at the Rand Supreme Court yesterday, calling for her conviction on charges of treason and terrorism.

Although no argument was led in defence of Ms Passtoors at yesterday's hearing, advocate Mr Denis Kuny nevertheless told the court that he would ask for her acquittal on the charge of treason at today's hearing.

In asking Mr Justice Tjebbe Spoelstra for an early adjournment of yesterday's hearing, he said Ms Passtoors should be convicted only of participating in terroristic activities.

Ms Passtoors, 44, was indicted together with Dutch fugitive Mr Klaas de Jonge on charges of treason or alternatively terrorism and terrorism or alternatively participating in terroristic activities.

Mr De Jonge, her former husband, remains under the diplomatic protection of the Netherlands Embassy in Pretoria and has consequently not appeared in court to face the charges.

Mr Kuny said he would argue at today's hearing that by virtue of her nationality Ms Passtoors could not be convicted of treason since she owed the South African State no allegiance.

Promote aims

He said he would argue for Ms Passtoors's conviction only on limited counts of terrorism because the State "may have proved her knowledge of a conspiracy but had failed to prove that until February last year she had acted to conspire".

The State alleges that Ms Passtoors and Mr De Jonge acted to promote the aims and interests of the ANC from February 1981 until their arrest last June.

During his argument for the State, advocate Mr Klaus von Lieres said that Ms Passtoors did indeed owe allegiance to the South African State because she had been resident here at the time of her arrest.

He said there was sufficient cause to show that Ms Passtoors was a member of the ANC who had actively participated in establishing at least two arms caches in SA.

The hearing continues today.

13/5/82
BUS DAY (331) (S) (S) (S)
Passtoors' conviction urged

THE State closed its case against Helene Passtoors in the Rand Supreme Court, Johannesburg, yesterday, calling for her conviction on charges of treason and terrorism.

Defence counsel Denis Kuny told the court that he would ask for her acquittal on the charge of treason at today's hearing. He said Passtoors should be convicted only of participating in terrorist activities.

Passtoors (44) was indicted, together with Dutch fugitive Klaas de Jonge, on charges of treason, alternatively of terrorism, alternatively of participating in terrorist activities.

De Jonge, her former hus-

LIAM EGAN

band, remains under the protection of the Dutch embassy, Pretoria, and has not appeared in court.

Kuny said he would argue at today's hearing that by virtue of her nationality Passtoors could not be convicted of treason since she owed SA no allegiance.

He said he would argue for Passtoors' conviction only on limited counts of terrorism because the State "may have proved her knowledge of a conspiracy, but had failed to prove that until February last year she had acted to conspire".

The State alleges Passtoors,

and De Jonge acted to promote the aims and interests of the ANC from February 1981 until their arrest last June.

Prosecutor Klaus von Lieres argued Passtoors did owe allegiance to SA because she had been a resident at the time of her arrest.

He said there was sufficient cause to show she was a member of the ANC and had actively participated in establishing at least two arms caches.

He was referring to two arms caches near Krugersdorp, one of which security policemen had observed De Jonge and Passtoors establishing the evening before their arrest.

Cap Time 13/1/46
reduced 331

JOHANNESBURG. — Helen Joseph and three other people convicted of holding a demonstration in a court, had their sentences reduced in the Rand Supreme Court yesterday.

Joseph, 81, Heather Barclay, 20, Madakoe Mathate, 44, and Micheal Roussos, 21, were the first people tried under the Demonstrations in or Near Court Buildings Prohibition Act.

In February last year they were found guilty of holding a demonstration during a preliminary appearance of Carl Niehaus and Johanna Lourens on a charge of high treason.

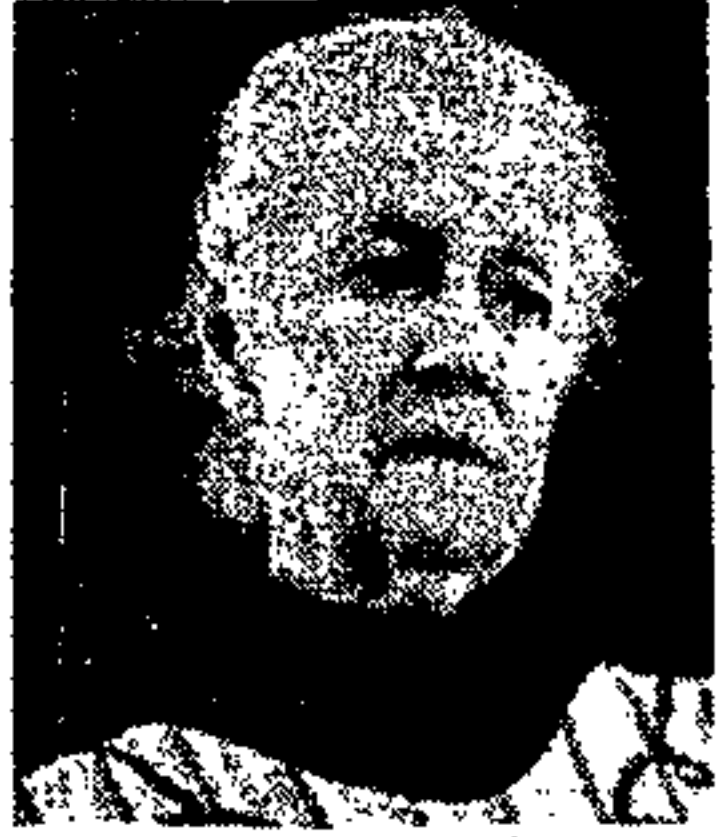
Yesterday the conviction was upheld but the sentence was reduced to R100 (or 100 days) from R400 or five months' imprisonment; all conditionally suspended for three years. — Sapa

13/5/83

314

Niehaus demonstrators lose appeal

331



Helen Joseph

An appeal by veteran activist Helen Joseph and three others against a conviction by a Johannesburg magistrate last year for demonstrating in court during the Niehaus/Lourens treason trial was dismissed in the Rand Supreme Court yesterday.

Helen Joseph of Norwood, Heather Lynn Barclay of Linksfield, Madikoe Thomas Mathate of Soweto and Michael Roussos of Berea had appealed to the Supreme Court after they were convicted and sentenced to R400 (or

five months) by magistrate Mr A J Visagie on February 11 last year.

An appeal against their sentence was, however, successful yesterday. It was replaced with R100 (or 100 days) suspended for three years.

The four were found guilty of demonstrating in the Johannesburg Magistrates Court on September 23 1983 when Carl Niehaus and Johanna Lourens appeared in connection with charges of high treason.

Accused attended Soyco meeting - witness

By MZIKAYISE EDOM

ONE of the treason trial accused took part in the launching of the Soweto Youth Congress, the Delmas Circuit Court heard yesterday.

Giving evidence in camera, a State witness who cannot be identified following a court ruling, said that Mr Popo Molefe (an accused), the United Democratic Front general secretary, was also one of the speakers on the day Soyco was launched in Dube, Soweto. (July 31, 1983).

The witness was testifying at the trial of 22 men charged with high treason, alternatively incitement to murder, subversion and terrorism.

They have pleaded not guilty to all the charges.

Other people who were actively involved in the formation of Soyco, the witness said, were the Reverend Frank Chikane and Mr Matosi Lephosa.

At the time Soyco was formed, Mr Molefe was a member of the Senaoane branch of the Soweto Civic Association. He, together with Mr Chikane and Mr Lephosa showed a great interest in the launching of Soyco, the witness said.

He added that on the day Soyco was formed, placards and a banner were displayed.

Sowetan 13/5/83

331

Passtoors

verdict
expected

tomorrow

The Argus
Correspondent

JOHANNESBURG. —
Judgment is expected
tomorrow in the Rand
Supreme Court trial of
Helene Passtoors, ac-
cused of treason and ter-
rorism.

Defence counsel Mr D
Kuny, SC, in his argu-
ment yesterday said she
should be acquitted of
treason.

He submitted that she
be convicted of terror-
ism (the alternative
charge to the main
count of treason).

This was as a result of
her involvement in the
establishing of an arms
cache at Halfway House
in June last year, he
said.

Argument in the trial
ended yesterday. Miss
Passtoors, 44, has plead-
ed not guilty to charges
of treason and terror-
ism.

"NOT PROVED"

Other submissions on
behalf of the defence in-
cluded:

- There was no evi-
dence that Miss Pas-
stoors took steps to ad-
vise anyone about the
arms caches, excluding
that in Halfway House.

- It had not been
proved that she helped
in establishing the arms
caches — other than the
one at Halfway House,
which she pointed out to
the police.

- It had not been
proved that Miss Pas-
stoors smuggled weap-
ons into the country.

- There was no proof
she received instructions
from the ANC about es-
tablishing arms caches.

Mr Kuny argued that
Miss Passtoors did not
owe allegiance to South
Africa. Her stay in the
country from February
to June 1985 was of such
a temporary and tran-
sient nature that it did
not give rise to alle-
giance, he said.

AREA B in all other areas
Municipal Area: Port El
Randfontein, Roodepoort,
Kimberley, Klerksdorp, K
Cape, Durban, Germiston
AREA A: Alberton, Bell
CEMENT MANUFACTURING IND

Passtoors judgment set for delivery tomorrow

BUDDA/ 14/5/86 331 29

JUDGMENT is to be delivered tomorrow in the case of Helen Passtoors, who has been charged with treason, alternatively terrorism, alternatively participating in terrorist activities.

In argument yesterday defence counsel said the state was expecting the court to infer too much from circumstantial evidence.

Passtoors, 44, has pleaded not guilty to the charges before Mr Justice Tjebbe Spoelstra in the Rand Supreme Court, Johannesburg.

At Monday's hearing, defence counsel Denis Kuny SC asked that Passtoors be convicted of terrorism, but acquitted on the main count of treason.

He said Passtoors could not be convicted of treason because as a

Business Day Reporter

temporary resident she owed SA no allegiance

Passtoors, a Dutch-Belgium national, was last year granted temporary residence to study for her PhD at the University of the Witwatersrand.

The state, Kuny said yesterday, appeared from the wording of the indictment to have made certain assumptions about her on the basis of circumstantial evidence.

Kuny said the state's view of Passtoors was one of a "political animal existing mainly to further the aims of the ANC".

He described her as a full student "incidentally dabbling in politics", rather than a full-time activist affiliated to the ANC.

Passtoors trial: defence argues against treason as judgment looms

B31
STMP
14/5/86

By Jenni Tennant

Judgment is expected tomorrow in the Rand Supreme Court trial of Miss Helene Passtoors, who is accused of treason and terrorism.

Defence counsel, Mr D Kuny SC, said in his argument yesterday that Miss Passtoors should be acquitted on the charge of treason.

He submitted that she be convicted of terrorism (the alternative charge to the main count of treason) as a result of her involvement in establishing an arms cache at Halfway House in June last year.

On a second count of terrorism, Mr Kuny submitted that nothing had been proved against Miss Passtoors.

Argument in Miss Passtoors's trial ended yesterday. Miss Passtoors (44) has pleaded not guilty to charges of treason and terrorism.

INFERENCES DRAWN

Mr Kuny submitted that inferences drawn by the State in a number of instances were not the only possible and reasonable inferences that could be drawn.

He referred to the State's submissions concerning her pointing out sites of arms caches to the police after her arrest.

Knowledge of the whereabouts of caches did not prove she had established the weapons' storage places, Mr Kuny said.

He also argued that there was no reason that Miss Passtoors's registration at the University of the Witwatersrand be regarded as merely a cover for ANC activities.

Instead, her PhD registration could be seen as genuine, he said. "She was

an academic and a linguist of stature."

Other submissions on behalf of the defence included:

- There was no evidence that Miss Passtoors had taken any steps to advise anyone about the arms caches, excluding that in Halfway House.
- It had not been proved that she had helped in establishing the arms caches — other than the one at Halfway House, which she had pointed out to the police.
- It had not been proved that Miss Passtoors had smuggled weapons into the country.
- There was no proof she had received instructions from the ANC about establishing arms caches.

Mr Kuny argued that Miss Passtoors did not owe allegiance to South Africa.

Her stay in the country from February to June 1985 was of such a temporary and transient nature that it did not give rise to allegiance, he said.

She was on leave of absence from her job in Mozambique and held foreign passports. Three of her children were overseas and her daughter was in South Africa temporarily.

"The only thing binding her to the Republic in any way was her registration as a PhD student at the University of the Witwatersrand," Mr Kuny said.

He submitted that if the court found Miss Passtoors owed allegiance, then the only overt acts which could be held against her were her actions connected to the Halfway House arms cache; establishing a means of a communication with the ANC; learning and using codes; preparing the document "Mango" and establishing a secret escape route from the country for an alleged ANC member.

The hearing is expected to resume tomorrow.

Security policeman attended union meeting, court told

14/5/86

Staff Reporter

STATE

DELMAS — A meeting to show solidarity with the South African Allied Workers' Union (SAAWU) and the people of Ciskei, held shortly after the union was banned in the homeland in 1983, was attended by a security policeman who yesterday gave evidence at the treason trial here.

The fourth video recording to be presented as an exhibit to the circuit court was taken at the meeting, which was held on September 22 1983.

It showed Constable Nadaraj Naidoo of John Vorster Square in the audience.

Constable Naidoo was instructed by State advocate, Mr P B Jacobs, to point out people he recognised.

Among them were Mr Popo Molefe, general-secretary of the UDF, who is one of 22 accused. They have all pleaded not guilty to high treason.

He was identified as the man who introduced speakers at the meeting.

Among the speakers identified were the Rev Frank Chikane, vice-president of the Transvaal UDF, Mr Piroshaw Camay, general-secretary of the Council of Trade Unions of South Africa and Mr Herbert Barnabas of SAAWU.

Constable Naidoo also pointed out a man, wearing a hat with the colours of the banned African National Congress, who stepped out of the audience to speak about conditions in Ciskei.

He also brought it to the court's attention that Mr Molefe and Mr Chikane announced that members of the audience should distribute pamphlets.

The meeting was held in Khotso House, which the court heard also housed the offices of the UDF.

Mr K S Tip, the advocate representing the 22 men, will start cross-examining Constable Naidoo today.

FESTIVALS, mass meetings, speeches and T-shirts were some of the methods to be used to popularise the United Democratic Front, the Delmas treason trial heard yesterday.

This was contained in a document which was presented in court by the State as an exhibit.

Giving evidence in camera, the State witness, who cannot be identified following a court ruling, said this document was drafted and approved at the fourth annual congress of the Soweto branch of

the Azanian Students Organisation (Azaso) held in July 1984.

Other methods to be used to popularise the UDF, the document stated, included fun runs, posters, banners, songs and speeches by UDF people.

Another State witness, Mr Nadaraj Nai-

doo, a security policeman at John Vorster Square in Johannesburg, testified that on September 22, 1983, he attended a meeting at Khotso House in Johannesburg which was called by the UDF "in solidarity with the South African Allied Workers' Union (Saawu)".

He told the court that Mr Popo Molefe, one of the accused, chaired the meeting which was addressed by the Reverend Frank Chikane, Mr Herbert Barnabas, Mr Piroshaw Camay and others.

"At the meeting freedom songs were sung and slogans chanted. After the meeting, both Mr Molefe and the Reverend Chikane told the audience that pamphlets would be issued at the door and that these pamphlets should be distributed at bus stops," the witness said.

(Proceeding)

Court told of Azaso meeting

SOWETO 14/8/84

424

Sup

ARE

Ger

Nig

Roo

Wes

Mun

ARE

Mur

ARI

Pie

ARI

Mu

an

AR

Mi

Fo

1.

Four Soweto men convicted of treason

By Jenni Tennant

Four Soweto men were yesterday convicted in the Rand Supreme Court of treason after they altered their pleas of not guilty and admitted certain acts.

The men amended their pleas from not guilty of treason, alternatively terrorism, to guilty of treason.

Admissions of undergoing military training outside South Africa, sabotage, membership of the banned African National Congress and knowledge of arms caches were included in statements handed in.

The men are: Hamilton Mncedisi Dubasi (28); Jongumuzi Sisulu (26); Lumkile Happy Mkefa (21) and Joseph Themba Maja (25).

A fifth man, Mr David Matsose (24), who originally appeared with the four, was found not guilty and discharged two weeks ago.

Mr Justice A M van Niekerk, and two assessors, found the men guilty in accordance with their pleas and on the admitted facts.

The judge found the four not guilty of the other charges, including terrorism.

All the men said they were aware that the aims of the ANC included the overthrow of the Government by violent means and that they had acted in furtherance of these aims.

Dubasi, in his statement, admitted that:

● He received military training by instructors of the ANC outside South Africa and became a member of the organisation in 1978.

● He was aware of and associated himself with the arms caches which he showed the police at Emdeni, Langlaagte and Kliptown/Dlamini.

● He took part in the sabotage of a Mamelodi pylon.

Included in Sisulu's statement was that:

● He conveyed ANC members to De Deur on March 11, 1984, to pick up people he assumed were also members of the ANC.

● He provided accommodation for Dubasi and Maja and also conveyed messages for Maja.

In his written statement, Mkefa said that:

● He pointed out places where he left four AK-47

rifles and other goods which were given to him by Joe Masilela (an alleged ANC member) for safe-keeping on August 16 1984.

● On the day of his arrest he was in possession of two hand grenades, an AK-47 cleaning kit, a packet of 9 mm cartridges, a length of safety fuse and the nose cap of an RPG7 projectile that had been given to him for safe-keeping.

● He knew of an arms cache in Emdeni.

● He planted limpet mines under the cars of two policemen in 1984. But he had set them to times when he knew the policemen would not be in them.

● He threw two hand grenades near a house in Naledi on May 20 1984.

RECEIVED TRAINING

Maja admitted:

● He received training as a medical orderly under the auspices of the ANC.

● He entered South Africa in May 1984 to act as a courier for the ANC.

● He was in control of literature, rifle and other armaments found in the car at the roadblock where Dubasi and Sisulu were arrested. This material had to be handed over to another member of the ANC.

Evidence in mitigation is expected to be led tomorrow

Appearances: Mr Justice A M van Niekerk, sitting with two assessors, is on the Bench. Mr J A Swanepoel, assisted by Mr A G Berry, appeared for the State. Mr H P Viljoen SC, assisted by Mr S L Joseph, appeared for Dubasi, Sisulu, Mkefa and Maja.



Dawid Matsose ... acquitted two weeks ago.

8 Cape Times, Thursday, May 15, 1986

Terrorism trial given confession

RUSTENBURG. — In a surprise development in the terrorism trial of a Botswana Government official in the Regional Court here, the defence yesterday closed its case without calling any witnesses.

Mr Clement Bogatsu, 47, a Housing Department employee, had pleaded not guilty to 10 counts under the old Terrorism Act and the Internal Security Act.

Prosecutor Mr J P Pretorius handed in Mr Bogatsu's confession as evidence before closing the case for the State.

In the sworn document, Mr Bogatsu admitted to having transported 20 people from Botswana to South Africa illegally on eight occasions.

The confession said three men named Keith, Jerry and Morake, who the accused knew were African National Congress members, instructed him to take the people to Dobsonville, Naledi and Pietersburg.

Mr Bogatsu met them in South Africa after they had crossed the border on foot and took them to their destinations.

The confession said that for the first journey he used a car he had bought in Johannesburg with money given to him by Keith. After that he was given money to hire Avis cars for the trips, with the exception of one occasion, when Jerry and Morake gave him one to use.

Mr Bogatsu was arrested on September 5 last year at the Thlokwenk border post after border officials questioned him about "a certain ANC member".

On this journey he was on an errand for his employer, said Mr Bogatsu.

The case continues today. — Sapa

AREA D: Heidelberg (TV1), Highveld Ridge and Witbank.

AREA C: Delmas, Klerksdorp, and Potchefstroom.

AREA B: Alberton, Benoni, Brakpan, Kempton Park, Krugersdorp, Nigel, Oberholzer, Randburg, (excluding the Municipal area of Sandton), Randfontein, Sasolburg, Vanderbijlpark, Vereeniging, and Westonaria.

AREA A: Boksburg, Germiston, Johannesburg, Pretoria, Roodepoort, Springs, and Wonderboom and the Municipal Area of Sandton.

Superseding w.d. no's: 231 & 373

415 - ROAD PASSENGER TRANSPORTATION TRADE, CERTAIN AREAS.

PW skit raises laughs at treason trial

STAR 155 DL By Glenda Spiro

331

DELMAS — The courtroom erupted into laughter during the treason trial here yesterday when a skit, mocking the State President, Mr P W Botha, was shown as part of a video recording from the UDF's first anniversary rally in 1984.

It was the fifth video tape presented as an exhibit to the circuit court, where 22 men from the UDF and its affiliates face charges of treason.

The tape featured a member of the Lenasia Youth League, who shook his finger and donned a black hat, imitating the State President. He made fun of the new constitution and the Presidents Council, which formed part of the UDF's anti-election campaign at that time.

The tape had the accused, defense counsel, and the prosecution in stitches. Even the judge, Mr Justice K van Dijkhorst, could not refrain from smiling.

During the rest of the tape, Sergeant Perm Basdeo of the Security Police pointed out speakers and post-

ers at the meeting, which was held at the Selbourne Hall, Johannesburg, in August 1984 to commemorate the first anniversary of the UDF.

The accused were not featured in the recording. Speakers at the rally included Mrs Albertina Sisulu, wife of imprisoned Walter Sisulu, the Reverend Frank Chikane and Chairman of the Transvaal Indian Congress, Mr Cassim Saloojee.

They all spoke of the success of the UDF and the political issues prevalent that year. The organisation's opposition to the formation of the tri-cameral parliament was displayed in posters.

The five-hour rally included dancers and singers and, although the capacity crowd chanted slogans and sang freedom songs, the meeting appeared peaceful.

The men have all pleaded not guilty to the high treason charge and the alternative charges of terrorism, subversion and murder. They have all been in custody for at least a year. The trial, which started late last year, is expected to be the longest treason trial ever held in South Africa.

DE JONGE'S EX-WIFE GUILTY OF TREASON

AK645
15/5/86
331

The Argus Correspondent

JOHANNESBURG. — Helene Passtoors was today convicted in the Rand Supreme Court of treason.

A crowded courtroom heard Mr Justice T T Spoelstra find the former wife of Dutch fugitive Mr Klaas de Jonge guilty of treason but not guilty of terrorism.

● Just over 50km away Mr Klaas de Jonge "celebrates" his 200th day of refuge in the old Netherlands Embassy in Pretoria.

He and Passtoors were originally jointly charged with treason, alternatively terrorism.

At the start of the trial the cases against Mr de Jonge and his ex-wife were split, with proceedings against him not proceeding at this stage.

Mr de Jonge was returned to the embassy by South Africa on July 19 last year as a diplomatic storm erupted between South Africa and the Netherlands after he was allegedly dragged out of the embassy.

Since then he has whiled away his days, listening to the radio, watching television, reading South African and Dutch newspapers and writing.

It will be through the radio that he will hear of Mr Justice Spoelstra's verdict.

Accused set up safe house, says ex-member

STAR (33) STAR
14/5/86 15/5/86
**'Refuge given to
armed ANC men'**

A former member of the African National Congress told the Rustenburg Supreme Court yesterday that a Botswana Government official, Mr Clement Bogatsu, smuggled members of the ANC's military wing into South Africa.

Mr Bogatsu (46) pleaded notilty to charges under the old Terrorism Act and the Internal Security Act.

The State claims Mr Bogatsu acted as a courier for about 20 armed ANC members and set up a

"safe house" for them.

The State witness, who testified in camera and cannot be identified, said he was an infiltration officer for the ANC in 1977.

He alleged Mr Bogatsu helped members of the ANC observe police patrols at the SA border.

The witness also told of a car with a false bottom used to smuggle arms into South Africa which, he said, belonged to Mr Bogatsu. He said he saw the registration documents which bore the accused's

name.

Another State witness, who is also a former member of the ANC, said Mr Bogatsu knew the men were carrying weapons. But he was not sure Mr Bogatsu knew they were ANC members.

A request by the State to present as evidence a statement made by the accused, was opposed by the defence attorney, Mr Conrad Weiss, on the grounds that Mr Bogatsu was unduly influenced into making the statement.

Activities

A trial-within-a-trial will be held today to determine the statement's admissability.

A senior member of the Security Police told the court of ANC activities in the Western Transvaal Division initiated from Botswana in the last three years.

Colonel Johannes Steyn said there were more than 90 incidents of terrorism in that period.

He said 44 terrorists were arrested, 14 shot dead, and 53 escaped.

Three South African policemen as well as two members of the public, were killed by ANC terrorists in the area in the past three years and 42 AK-47 rifles and 215 hand grenades were confiscated.

An in-camera dilemma: protection or disclosure

"MR Z", a secret witness at the treason trial of Helen Passtoors, testified that while training as an ANC guerrilla in Zimbabwe, he had helped load arms into cars, including the vehicle of Passtoors and Klaas de Jonge.

Had it not been for the fact that one of the Passtoors lawyers, Kathleen Satchwell, was also a defence lawyer in the Delmas treason trial, it may never have been known that "Mr Z" had given evidence in the Delmas case. And if not for this coincidence, "Mr Z" would not have been tested in cross-examination with the evidence he had given at Delmas.

In Delmas, only the senior defence lawyers are allowed to use the witness' name for investigation purposes. In the Passtoors case, none of the defence lawyers were allowed to know the secret witnesses' names.

Secret witnesses have also been used in the Pietermaritzburg treason trial, currently in progress. It is now emerging that some witnesses testify at more than one trial, their identities formally known to almost nobody but the state.

This raises the question of how a witness can be adequately cross-examined when his or her identity is not known, able to be disclosed or publicly heard so that information may be obtained to support or challenge what the witness has said.

Lawyers spoken to this week about the matter were deeply concerned about this issue, but would not allow themselves to be identified.

Jules Browde, a senior counsel in Johannesburg, spoke in his capacity as chairman of Lawyers for Human Rights, strongly criticising the use of secret witnesses.

"It seems to me to be contrary to the principles of justice. The system practically precludes an investigation into the witness' background to test his or her reliability. How can you examine credibility with no identity or background?"

"It opens the way to tremendous abuse. With witnesses giving evidence in more than one trial, there is no means of comparing the evidence."

"It could lead to a grave miscarriage of justice."

Browde said if the situation is so desperate that a witness' life is threatened, "the state should not call that person as a witness."

THE flow of mysterious "Mr Xs" and "Mrs Zs" at political trials has focused attention on the increasing use of secret state witnesses — and the serious questions it raises.

PAT SIDLEY reports

periods of time before being brought to testify. The accused, once charged, are allowed to see their families and lawyers, to communicate with one another and have specific privileges.

The defence lawyers interviewed were uniformly critical of the system of in camera witnesses, saying it opens the way to abuse.

"If a witness gives evidence which implicates other people," said one lawyer, "it is very difficult to get at the truth when you can't reveal their identity to others."

"It's like saying I landed on the moon with Neil Armstrong and the lawyer not being able to go to Neil Armstrong and say so-and-so said this, is it true?" he said.

"The irony of the system is that the secrecy sometimes inspires people to find out who the witness is, and they eventually get to know," said another

lawyer who believed that the "protection" put the witness at more risk.

Asked how witnesses should be protected, one lawyer said: "The protection of witnesses must be weighed against the guilt or innocence of the accused."

A lawyer who favours the use of in camera witnesses when absolutely necessary said: "It's a problem courts are faced with all over the world and I don't think any have solved the problem."

In Northern Ireland, for example, witnesses called to give evidence in trials against IRA members do not receive special protection, even though they may be at risk of assassination by the IRA.

An expert on Northern Ireland said this week that much of the cross-examination of "supergrasses", as they are called, hinges on their credibility which is established by investigating their backgrounds and seeking damning evidence against them.

The authorities appear to deal with their protection in a different way — by giving them new identities after the court hearing.

"When the situation is being weighed up (when a witness' evidence is important, but it may threaten his or her life) then it should be examined in favour of the accused who, after all, is presumed to be innocent."

The state's argument, on the other hand, is that a witness' life may be endangered by giving the evidence. There seems to be little doubt of this. According to evidence in the Passtoors trial, and to some of the defence lawyers, there is a basis to the argument that there will be violent retribution for those seen as "traitors".

Lawyers are generally critical of this approach to state witnesses. Little is said about the conditions under which the witnesses are kept. In the main, these are more severe than the conditions under which awaiting trial prisoners are held.

State witnesses are often held in prison in terms of Section 31 of the Internal Security Act. They are often held in solitary confinement for long

A letter to the doctor

WEEKLY 331 16/5/86
HELENE PASSTOORS
yesterday gave a detailed
description of her experiences
during eight months of detention
prior to her trial for treason.

She told the court how she had
eventually had a breakdown and
was admitted to hospital. She
gave the court a letter she had
written to her doctor when she
felt unable to speak.

"I have been detained for six
and a half months now and there
is no end in view," she wrote in
the letter.

"For all these months, there
hasn't been one moment in my
cell when I wasn't watched (on a
video monitor). I haven't once
gone to the toilet, done exercises
etc without feeling deeply
humiliated.

"I only have to look at the
window and I see Neil Aggett
hanging. I was lucky I was not
suicidal. My whole cell has been
equipped with so-called suicide
prevention measures: video
camera, perspex plates, casing
around the eating tubes, no
spoon to eat with," she wrote.
Police placed a microphone in
her cell so that every noise she
made awake or asleep was
recorded. Eventually, she told
the court, this meant she was so
inhibited that when she tried to
cry she could not because it
would be heard.

16/5/86. STAR

(331)

Treason trial shown videos of Lenasia UDF rallies

Staff Reporter

DELMAS — Video recordings of United Democratic Front rallies in Lenasia, one in 1983 and another in 1984, were shown at the treason trial here yesterday.

Seven video recordings have now been presented as evidence this week in the trial of 22 men from the UDF and its affiliates facing charges of high treason.

A witness, who testified in camera, pointed out UDF posters and identified speakers during the recording of a meeting in 1983. The meeting was addressed by Bishop Desmond Tutu, among others.

The witness could not identify one of the accused, Mr Popo Molefe, who is an executive member of the UDF, when he appeared on the tape speaking to a police officer.

But the witness identified himself in the audience

several times during the recording until Mr Justice K van Dijkhorst told him to stop interrupting the tape.

Cross-examined by defence counsel, Mr George Bizos SC, he said he went to the meeting because it was advertised. He denied he was there for any specific purpose.

Another State witness who appeared incognito, also identified posters and speakers at a UDF rally in 1984.

Besides the short appearance of Mr Molefe on the tape, the accused were not featured in the recordings.

They have all pleaded not guilty and have been in custody for between a year and 20 months, in what is expected to be the longest treason trial ever held in South Africa.

The hearing continues.

Passtoors found guilty of treason

By Jemal Tennant

Helene Passtoors, the former wife of Pretoria embassy fugitive, Klaas de Jonge, was yesterday found guilty of treason by a Rand Supreme Court judge.

Mr Justice T.J. Speelstra acquitted Passtoors on a second count of terrorism.

He said the State had failed to prove this charge.

Passtoors' mother, Mrs Judith Passtoors, sat behind her daughter as she has done since the trial began. Passtoors' four children — Brigitte (18), Philippe (15), Fabrice (13) and Yves (11) — were also present.

Helene Therese Judith Marie Passtoors (44) had pleaded not guilty to treason (alternatively terrorism) and to terrorism (alternatively taking part in terrorist activities) and in a statement denied she owed allegiance to the State.

Passtoors began giving evi-

dence in mitigation yesterday. After the lunch adjournment, a yellow scarf had been added to her outfit, which was green and black.

Mr Justice Speelstra found, although Passtoors was neither a citizen nor domiciled in the country, that she owed allegiance and could commit the crime of treason against South Africa.

ARMS CACHES

He said Passtoors owed allegiance to South Africa by reason of her residence here.

Several facts had been placed beyond dispute by admissions Passtoors made during the trial, which has lasted 17 days.

Included in the admissions were that she was a supporter of the African National Congress; that she learnt secret codes to communicate with the ANC and that she knew the location of some arms caches but

denied knowing their contents. Mr Justice Speelstra, however, totally disregarded the evidence of the secret State witness, known as Mr Z.

Mr Z testified that he had undergone training as a member of the ANC and had seen Passtoors while he was still a member of the organisation.

It was proven that she recruited a proposed escape route for alleged members of the African National Congress. Passtoors documented in code the route under the name "Mango", which she described to an ANC member.

Several allegations included in the indictment had not been proven against her, the judge found. These included claims that she set up a communications network, established five other arms caches in Natal and the Transvaal and smuggled or imported arms into the country. The hearing continues.



Helene Passtoors's children (from left): Brigitte van Leynseele (18), Fabrice van Leynseele (13), Yves van Leynseele (11) and Philippe van Leynseele (15) wait outside the Rand Supreme Court.

'I acted out of a human duty against racism and fascism'

Helene Passtoors, convicted of treason in the Rand Supreme Court yesterday, entered the witness box to explain how as a foreigner she became involved in the South African struggle.

She said in mitigation of sentence that she had acted out of a general human duty against racism and fascism.

Passtoors gave an outline of her family background. She told the court how she had lived with her first husband, anthropologist Mr Pierre van Leynseele, in Zaïre for seven years, where she studied linguistics.

She later married Mr Klaas de Jonge and in 1981 took up a post at the University in Maputo.

While in Mozambique she came into contact with South African refugees and she was welcomed to the university by Ruth First, who was director of the African Studies Centre there.

Later she was approached by the African National Congress and was asked if she was willing to undertake activities for the organisation. Asked where her sympathies lay, she replied: "Very clearly they could not be anywhere else than with the ANC."

"I was in Africa, my home was in Africa, my children were born in Africa and my allegiance was to Africa."

About her decision to contribute to the ANC, she said she felt strongly that it was a thing of duty. "I don't think I had a choice."

Her actions of investigating an escape route out of South Africa for an alleged member of the ANC, Mr Ismail Ebrahim, was done on a personal basis.

"I did not do it under any orders, although I did ask people for advice," she said.

Passtoors spoke of the effects of being in solitary detention for about eight months after her arrest on June 28 last year. She said she had suffered a nervous breakdown and was in hospital for four weeks. She still received medication.

Passtoors said her detention had strengthened her motivation. "It is a factory of witnesses or a factory of revolutionaries. You come out as one or the other, or you don't come out at all," she said.

Passtoors guilty of treason

APC Times
16/5/86
331

Own Correspondent

JOHANNESBURG. — Helene Passtoors — convicted of high treason in the Rand Supreme Court yesterday — said it was her duty as a human being and as a mother to contribute to the fight against colonialism, racism and exploitation.

Passtoors — dressed in the African National Congress colours of black, green and gold — spoke openly for two hours on the factors leading to her decision to assist the ANC.

Passtoors, 44, — an internationally recognized expert in African linguistics — said her experiences in post-war Europe, in America when the Vietnam war was at its height, in Zaire and in a colonially-devastated Mozambique threatened by South African attacks, had influenced her views.

When asked in Maputo to help the ANC she agreed. "My sympathies were very clear. As a human person it is very normal to say 'Yes, I will help you'. It was very strongly a question of duty. I did not think I had a choice."

She said she owed it to her children to do something so they wouldn't question the sincerity of her beliefs. Her four children and her mother were present in court to hear her story.

She said her terrible time in detention — she suffered a breakdown and had to be taken to hospital — had strengthened her commitment.

Passtoors was found to have conspired with the ANC to violently overthrow the state but was acquitted on a second count of terrorism.

Mr Justice T'Spoelstra found that although not a citizen of SA — she carries Belgium and Dutch passports — Passtoors owed allegiance to the State by virtue of her indefinite residence in the country. She lived in Johannesburg from February 14 last year until her arrest on June 28 but had planned a minimum stay of two years.

The judge found she only had knowledge, control and possession of five arms caches in Natal and the Transvaal but there was no evidence to prove she had established them.

However, he found she had actively assisted her former husband, fugitive Mr Klaas de Jonge in establishing a cache at Halfway House, had reconnoitred an escape route for ANC member Ebrahim Ismail and had communicated with the ANC.

The State, the judge said, had not proved that Passtoors reconnoitred sites for the purpose of sabotage or that she smuggled arms, ammunition and explosives into the country. The smuggling, the judge said, "seems on the evidence before me to have been in the province of De Jonge".

Her trial was separated from that of her former husband, who remains in the Dutch Embassy in Pretoria.

Bishop Ndwandwe in court

By DAN DHLAMINI

331 CITY PR - 18/5/86
Jouberton church leader.

JOHANNESBURG West Anglican Bishop Suffragan MS Ndwandwe appeared in the Klerksdorp Magistrate's Court this week on charges under the Internal Security Act.

The court was packed with more than 60 clergymen and parishioners, who flocked in support of the

Ndwandwe, 56, was not asked to plead and magistrate Dirk Redelinghuys postponed the case to May 28.

Ndwandwe was released on his own recognisance.

He was arrested on April 24 - a day after his home was petrolbombed by unknown attackers.

After the case, Ndwandwe - a firm favourite for the forthcoming election for the Johannesburg post left vacant by Bishop Desmond Tutu - was hugged and kissed by well-wishers.

According to an Anglican minister, they will hold a caucus meeting in Johannesburg soon to discuss the coming elections.

Priest to be charged on Monday

b/e ALB 17/5/86

331

Weekend Argus Correspondent

PRETORIA. — Father Smangalis Mkhathshwa is to appear in court on Monday charged with illegal possession of a firearm and ammunition, police said.

They said there was "no question" of foreign-made arms being found as had been believed earlier.

He is being held in terms of the Criminal Procedures Act and not under security legislation.

Lawyers acting for the Roman Catholic Church have still not been told of the charges against Father Mkhathshwa, secretary-general of the Southern African Bishops' Conference, who was arrested at his parish home on Thursday.

Handcuffed

The bishops have called for Father Mkhathshwa's immediate release or trial.

Father Mkhathshwa and another man were led handcuffed from his parish church house in Soshanguve, Pretoria, witnesses said.

The arrests follow a crime prevention swoop on the township in which many inhabitants were arrested.

A police spokesman confirmed that two men were arrested at the church.

A spokesman for the bishops' conference quoted a witness as saying that "the church and presbytery were swarming with policemen who searched the property. A woman who works at the church was not allowed near. She was warned that she would be arrested if she went into the church yard".

According to Father Mkhathshwa's legal advisers, police at the Soshanguve police station charge office said he was not being held there but had been handed over to security police.

"Not involved"

But a spokesman at the security police headquarters in Pretoria said they were not involved.

A Captain Coppenheimer of the Pretoria North CID said Father Mkhathshwa was being held at the Pretoria North police station.

He told Father Mkhathshwa's lawyers he could not give details because he was not in charge of the investigations, a conference spokesman said.

They were told a colonel was in charge but, as he had been "working all night", he was no longer on duty and would be available only on Monday morning.

The conference spokesman said: "Unfortunately the South African security forces have such a poor reputation already that even the arrest of a priest cannot make much difference."

Catholic priest held over guns

PRETORIA. — The secretary general of the Southern African Catholic Bishops' Conference, Father Smangalis Mkhathshwa, was arrested yesterday for illegally possessing arms and ammunition.

He and another man were led in handcuffs from his parish church house in Soshanguve near here by police. They are expected to appear in court on Monday.

The arrests follows a crime prevention swoop on the township on Thursday night, in which

several residents were arrested.

A police spokesman confirmed yesterday that "two men" had been arrested at the church.

Archbishop Denis Hurley, president of the SACBC, said lawyers were investigating Father Mkhathshwa's arrest. He was not in a position to comment further.

The SACBC said in a statement: "Father Smangalis Mkhathshwa is no stranger to arrest and detention. We deplore the police harassment of clergy and other church workers who accompany an oppressed people in their striving for freedom."

"We call for Father Mkhathshwa's immediate release or a proper trial preceded by release on bail." — Sapa

BUSINESS BRIEF

Gold (close)	\$343,50
Rand	\$0,4595/4605
FT index (close)	1289,50
BD 100	1285,40
Dow Jones	1 759,67

ANC man jailed

Own Correspondent

JOHANNESBURG. — A Botswana Government employee was yesterday sentenced to an effective 20 years' jail for his part in smuggling 14 African National Congress members from Botswana into the Transvaal.

Clement Bogatsu, 46, an ANC member, had pleaded not guilty in Rustenburg Regional Court to 10 charges under the old Terrorism Act and the Internal Security Act.

He was convicted on eight charges covering the years between September 1977 and September 1985 when he was arrested on the Botswana border.

He was acquitted on two charges of terrorism.

Earlier this week he admitted before the court that he had met up with three ANC members who had arranged for him to ferry people into South Africa.

Passing sentence, the magistrate, Mr B van Schalkwyk, said 90 "terror" incidents launched from Botswana by the ANC had occurred in the Western Transvaal since 1983. Bogatsu's crimes in transporting ANC members into this area had affected the whole community, he said.

CA 710-45 (331)
17/5/86

Passtoors: Counsel make pleas

Own Correspondent

JOHANNESBURG. — A sentence that would be an example to others, should be passed on Helene Passtoors, former wife of Dutch Embassy fugitive Klaas de Jonge, the counsel for the State told the Rand Supreme Court yesterday.

Mr Klaus von Lieres said it was time that the courts show "alien adventurers of whatever colour" that people like Passtoors would be severely dealt with.

Passtoors was found guilty of treason by Justice T T Spoelstra on Thursday. She was acquitted on a second count of terrorism.

"You are dealing with a 44-year-old mature woman who decided with open eyes to become involved with an unlawful assault on the State," Mr Von Lieres said.

"She has demonstrated continued support for the African National Congress and told the court her motivation had been strengthened following her detention. If she was released today she would continue working for the organization."

Counsel for the defence, Mr D Kuny, SC, told the court that there was no reason why Passtoors should be used as

an example.

"There is no basis for a call for an exemplary sentence," Mr Kuny said.

Earlier, he said that Passtoors had firm convictions and had become involved in a struggle which would result in her spending many years in prison.

"She did not seek out the ANC. The organization came to her through her work and her interest in South Africa. She got caught up in an atmosphere with the South African refugees in Mozambique."

'Arms'

Mr Kuny said that while Passtoors helped her former husband establish an arms cache in Muldersdrift it was unlikely that she would be able to use the equipment because she had not been trained to do so.

"There is no evidence to say that she was directly involved in violent activity."

Mr Kuny said it should also be taken into account that Passtoors had already spent almost 11 months in detention with more than eight months spent in solitary confinement.

The trial was adjourned until Monday when Passtoors will be sentenced.

sunrise courts

Passtoors 'act

237

The Star Saturday May 17 1986

7

principles'



Mr Klaas de Jonge . . . staying put in his sanctuary?

ed on her p

By Jenni Tennant

What Helene Passtoors did, she did knowingly and willingly and because of her principles, it was argued in the Rand Supreme Court yesterday.

This was said by Mr Denis Kuny SC, arguing in mitigation of sentence. Passtoors was convicted of treason on Thursday.

After yesterday's hearing a crowd of people, chanting and dancing, greeted Passtoors's family as they left the court building. Her youngest son, Yves (11), was lifted above the heads of the crowd, who included in their singing the words "Viva Passtoors, Viva de Jonge" (referring to the convicted woman and her ex-husband, Mr Klaas de Jonge).

Argument in mitigation of sentence ended yesterday. Sentence is expected on Monday.

Passtoors was convicted of treason, but acquitted on a second count of terrorism by Mr Justice T T Spoelstra.

In argument yesterday, Mr Kuny said Passtoors had gone into the witness box to explain why she became involved, and not to ask for pity. "She has not done anything for personal gain, and stands to lose everything."

Her own individual acts did not amount to a great deal, he submitted. They included her assistance in establishing an escape route with an alleged ANC member, Mr Ismail Ebrahim, with whom she had a relationship.

The court should sentence her for her association with the ANC and for the specific acts she performed pursuant to her association, he said. "It is not as if she sought out the ANC. She came to Mozambique because it was her work."

In Mozambique, he said, she was caught up in the atmosphere of South

African refugees and the hostilities then between Mozambique and South Africa.

He said there was no evidence that she was directly involved in violent activity.

The Witwatersrand Attorney-General, Mr Klaus von Lieres SC, submitted that the acts committed by Passtoors had to be seen against the nature and background of a conspiracy which she sought to promote. The establishing of arms caches were to assist others in committing violent deeds.

To argue that Passtoors was not directly involved in violence but far removed from acts that had the quality to place the State in jeopardy was to ignore the nature and purpose of conspiracy, he said. The time had arrived for the courts to signal to alien adventurers that they acted at their own peril and would be severely dealt with.

Clapping from gallery

Earlier yesterday Passtoors was asked about people killed in crossfire, and said that it happened. Asked about the role of Joe Slovo in the ANC, she said: "I don't think I should implicate any people in this way. I don't think I want to answer that question."

This was greeted by clapping from the public gallery.

She told the court that Mr Slovo had approached her in 1981 to contribute to the ANC. "I had never been approached to exercise my conscience before. I could only say yes."

Asked what her contributions were, Passtoors said she could only outline a few general activities, which included collating newspaper clippings.

Passtoors's mother, Mrs Judith Passtoors, sat behind her. Her four children — Brigitte (18), Philippe (15), Fabrice (13) and Yves (11) — were also present.

SA still wants de Jonge

Pretoria Bureau

The Department of Foreign Affairs yesterday said the position of Dutch fugitive Mr Klaas de Jonge was not affected by the treason conviction of his former wife, Helene Passtoors.

A spokesman said South Africa's case for Mr de Jonge's extradition from his sanctuary in Pretoria was as strong as when he first fled into the Dutch embassy building almost a year ago.

Soon after South African police violated the diplomatic immunity of the embassy and were forced to hand him back

to the Dutch authorities on July 19 last year, the embassy moved from Church Street to new premises in Arcadia.

The embassy has been forced to keep its old city centre offices open to provide a refuge for Mr de Jonge.

A Rand Supreme Court judge on Thursday found Passtoors had actively helped Mr de Jonge establish an arms cache at Halfway House. Mr Justice Spoelstra added the State had not proved Passtoors had smuggled arms, ammunition and explosives into the country. The smuggling appeared to be Mr de Jonge's province, he said.

Number of convictions 'has dropped'

By TONY WEAVER

A COMPARATIVE study of detentions in 1984 and 1985 has shown that the number of convictions of detainees put on trial has dropped dramatically, according to the Cape Town-based Repression Monitoring Group.

The RMG, using figures supplied in Parliament, found that in 1984, 505 people were detained, 179 (35 percent) were charged and 68 (13 percent) were convicted of an offence.

In 1985, 2 387 people were detained (an increase of 472 percent on 1984), 135 or six percent of the total were charged, and of the 2 387 people detained, only 30, or 1.2 percent of the total, were convicted.

Only one percent of detainees convicted

"The government would like the public to believe that people detained have been involved in 'illegal activities'. The fact that only one percent of the persons detained in 1985 were convicted of any offences proves unequivocally that no such association exists."

Meanwhile, in its April report, the Detainees Parents Support Committee (DPSC) says regulations gazetted in Parliament under the Defence Act and the Public Safety Amendment Bill have pushed South Africa towards being a country which has "all the elements of a permanent state of martial law".

At the same time, detentions throughout the country are "continuing at a frantic pace" with 377 people, 46 of them in the Western Cape, known to have been held under "security legislation" since the beginning of the year — more than double the 1985 figure of 161.

5 died in police custody in April

Five people died in police custody during April, "at least three of them in a political context", the DPSC said, adding that their records show that in total 61 people have died in detention in South Africa with a further 18 deaths taking place in custody in "politically related circumstances".

The DPSC said an amendment to the General Regulations of Section 87 of the Defence Act means SADF members will have the power to "detain, search, confiscate, man roadblocks, and prevent or disperse gatherings. Thus the role of the SADF as an instrument of the State in the suppression of political protest has been formalized".

The recently-gazetted Public Safety Amendment Bill, which gives the Minister of Law and Order the power to declare any part of South Africa an "unrest area", means that "the government wants the powers but not the consequences of a state of emergency", the DPSC said.

ONE TIMES 17/5/86
Ethiopia 3/1

Villagers on murder charges

SEKHUKHUNE, Lebowa. Murder and arson charges have been laid against more than 150 villagers in the Sekhukhune area, where more than 30 bodies were found by Lebowa police recently.

Fifty-six are facing three murder charges each, and 52 have each been charged with one murder.

In another case, 21 people appeared on four murder counts, and another 26 are facing murder and arson allegations. Some bodies are still unidentified and police investigations are continuing.

Many of the accused are under 18 years of age, and have been placed in the care of their parents until their next court appearance. The others have been released on bail ranging from R100 to R200 each.

Four accused failed to appear, and may face contempt of court charges. All the accused will appear in court again during the next two months. Sapa

— Sapa

Strokes for Paarl boys

PAARL — Three teenage boys were each sentenced to seven strokes by Mr A J F Louw in the Magistrate's Court here yesterday after being found guilty of stoning a police Casspir in Mbekweni township on May 1.

The crew of the Casspir told the court that the boys had stoned them. The boys were arrested soon after the stoning. — Sapa

On 7th 1975/86
**No 'foreign'
arms found**

JOHANNESBURG. — Pretoria police are holding Father Smangaliso Mkhathshwa on normal criminal charges.

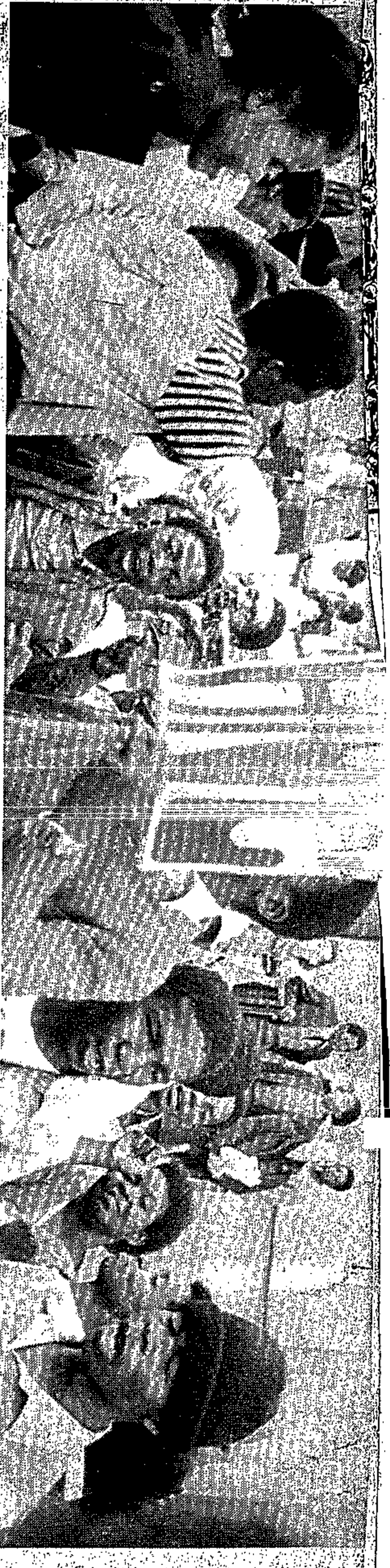
He was arrested at his house at the parish church in Soshanguve, near Pretoria, on Thursday and will appear in court today to face charges of illegal possession of a firearm and rounds of ammunition.

Police sources said yesterday there was "no question" of any foreign-made arms being found as was originally believed.

He is being held in terms of the Criminal Procedures Act and not security legislation.

The South African Catholic Bishops' Conference has condemned the arrest.

The SACBC has called for Father Mkhathshwa's immediate release or a proper trial preceded by his release on bail. — Sapa



CHANTING spectators in the Helenne Passtoors case outside the Rand Supreme Court during the lunch break on Friday.

19/5/86

Spiegel

SENTENCE TODAY ON PASSTOORS

SOWETAN REPORTER

HELENNE Passtoors, who was last week convicted on charges of treason, will be sentenced today in the Rand Supreme Court.

Holland-born Passtoors will be sentenced for treasonable acts during which she assisted an ANC fugitive to escape and assisted with gun running for the ANC.

She is the former wife of Mr Klaas de Jonge, who has taken refuge in the Dutch Embassy in Pretoria. Mr Justice Spoelstra acquitted her of terrorism charges.

One of the court findings was that Passtoors

had been responsible with de Jonge for an arms cache hidden at Halfway House between Johannesburg and Pretoria.

Scores of black spectators chanted ANC slogans when the case was postponed on Friday. They also carried

UDF posters demanding the unbanning of the ANC. They were joined in the singing by some of the children of Helenne Passtoors. Police took pictures.

This case has drawn national and international attention.

331

Passtoors granted leave to appeal

DUTCH citizen Helene Passtoors was yesterday granted leave to appeal by the Rand Supreme Court against her conviction for treason and sentence of 10 years' jail.

Sentencing the 44-year-old linguistics expert, Mr Justice T T Spoelstra said Passtoors knew she was acting unlawfully.

She had pleaded not guilty to treason and other charges.

He took into account that Passtoors had been in custody since her arrest on June 28.

Various acts of treason had been proved. He said these acts overlapped to a certain extent.

For the purposes of sentence, he approached the acts as manifesting continuing collaboration between herself and the ANC.

Passtoors admitted helping her former husband, Klaas de Jonge, a fugitive from the SA

authorities, to establish an arms cache at Halfway House, north of Johannesburg. The judge said her story that she had helped De Jonge as a personal favour was not credible.

"The proven facts show that you had some measure of control over the arms caches at Riverside, Muldersdrift and Halfway House."

The caches contained a "formidable array of arms and explosives", the judge said.

The judge granted a request by the defence for leave to appeal against his judgment.

His finding was that the Belgian/Dutch citizen owed allegiance to the State because she was resident in SA.

He said defence counsel Denis Kuny, SC, applied for leave to appeal on the grounds that another court might find she did not owe allegiance. — Sapa.

Passtoors: 33/

10 years for treason

JOHANNESBURG. — Helene Passtoors was yesterday sentenced in the Rand Supreme Court to 10 years' jail for treason.

Mr Justice T T Spoelstra granted a request by Mr Denis Kuny, SC, for Passtoors, for leave to appeal against his judgment last Thursday which found that Passtoors, 44, was guilty of treason.

The judge found the Belgian/Dutch citizen owed allegiance to the State because she was resident in the country.

The court also granted a State request that exhibits be forfeit to the State until after the trial of Passtoors's former husband, Mr Klaas de Jonge, who remains a fugitive in the Netherlands Embassy in Pretoria.

He was charged with terrorism with Passtoors but their trials were separated.

After the court adjourned, the spectators stood in silence as Passtoors hugged and kissed her children.

Brigitte, 19, Philippe, 15, Fabrice, 13, and Yves, 11, sat in court near their mother during the trial.

Passtoors pressed a yellow and green patterned bracelet she wore in court into the hand of her mother, Mrs Judith Passtoors, as she embraced her.

Passtoors walked into the dock from the cells below court yesterday morning and afternoon carrying her baby granddaughter, Shona.

Her daughter carried the baby downstairs with Passtoors to say goodbye.

During the lunch break, chanting spectators on the pavement held posters, some of which said: "Stop Le Grange's law" and "No to permanent emergency".

Passtoors admitted she supported the ANC, but denied being a member of the organization.

Dressed in ANC colours

She was dressed in the green and black colours of the ANC, with a yellow scarf.

Mr Justice Spoelstra said this did not count against her.

The fact that she appeared in the colours of the ANC proved her deep commitment to it, he said.

Passtoors pleaded not guilty to charges of treason and terrorism.

She was acquitted of terrorism.

Passtoors is believed to be the first foreigner in 80 years to be convicted of treason in South Africa. — Sapa

Accused spoke at NIC meeting, court is told

By MZIKAYISE
EDOM

ONE of the treason trial accused addressed a meeting held by the Natal Indian Congress in Ladysmith on August 1, 1984, the Delmas Circuit Court heard yesterday.

Warrant Officer Roishan Singh, of the Ladysmith Security Branch, told Mr Justice van Dijkhorst, sitting with two assessors, that Mr Patrick "Terror" Lekota (an accused), Professor Fatima Meer, Dr Alan Boesak and others spoke at the meeting.

The meeting was called to discuss the introduction of the tricameral Parliament.

Placards

Mr Lekota and 21 others are appearing on a charge of high treason, alternatively incitement to murder, subversion and terrorism. They have pleaded not guilty to all the charges.

Warrant Officer Singh told the court that he arrived at the hall 30 minutes before the meeting started. He said he saw placards displayed in the hall.

"While the meeting was on, I sat in another room at the back of the stage and I could hear all that was taking place inside the hall.

"Among the people who addressed the meeting, was Mr Lekota," he said.

A video recording of the meeting was shown in court last week. Before it was shown, Mr P B Jacobs, the prosecutor, told the policeman that if he saw anybody he recognised in the video, he should tell the court.

(Proceeding)

331
Sawet 20/5/84

Passtoors given leave to appeal

The Argus
Correspondent

JOHANNESBURG

Helene Passtoors has been given leave to appeal against her 10-year sentence for treason.

Passtoors was sentenced yesterday in the Rand Supreme Court. Mr Justice T T Spoelstra said the fact that she was a foreigner should not influence her sentence.

The judge granted a request by the defence counsel, Mr Denis Kuny SC, that another court might find, in law and on the evidence, that Passtoors did not owe allegiance to the State. Passtoors holds Dutch and Belgian passports.

Passtoors, 44, was convicted on a charge of treason last Thursday. She was acquitted on a charge of terrorism.

Passing sentence, Mr Justice Spoelstra said Passtoors had committed certain acts when she owed allegiance to the State. "She knew she was acting unlawfully."

The judge took into account that Passtoors had been imprisoned since her arrest in June last year and had been in solitary confinement for a considerable period.

STAR 20/5/86

331

Jailed Passtoors is given leave to appeal

By Jenni Tennant

Helene Passtoors, who was yesterday jailed for 10 years for treason, was given leave to appeal to the Appeal Court.

In the Rand Supreme Court, Mr Justice T T Spoelstra granted a request by defence counsel, Mr Denis Kuny, SC, that another court might find, in law and on the evidence, that Passtoors — who holds both Dutch and Belgian passports — did not owe allegiance to the State.

Passtoors (44) was convicted of treason last Thursday. She was acquitted on a charge of terrorism.

Acting unlawfully

Passing sentence, Mr Justice Spoelstra said Passtoors had committed certain acts when she owed allegiance to the State. "She knew she was acting unlawfully."

But the fact that she was a foreigner should not influence her sentence.

The judge took into account that Passtoors had been imprisoned since her arrest in June last year and had been in solitary confinement for a consider-

able period.

Mr Justice Spoelstra referred to the evidence Passtoors gave in mitigation.

"Acts of treason are not usually committed from an inner malice, but from firm political convictions which are not readily changed by an arrest," he said.

She was being punished, not for her convictions, but for the acts flowing from her convictions.

The relevant facts considered in sentencing Passtoors were her knowledge of the location of arms caches in Muldersdrift and Riverside Road in Amamzimtoti; her participation in establishing a weapons storage depot near Halfway House; and her failure to report these activities.

There was no evidence that the State or community suffered any direct harm. Passtoors owed this mitigating factor more to the alertness of the police than to any virtue of her own.

Passtoors became acquainted with Joe Slovo, Ruth First and other fugitives from South Africa while she was in Mozambique and it was not surprising that she became involved with the ANC. The evidence showed that she moved in the upper circles of the ANC structure, Mr Justice Spoelstra said.

Passtoors' family to leave for Holland

Staff Reporter

Helene Passtoors kissed her mother and her four children goodbye in the Rand Supreme Court yesterday before going down to the cells.

Her family members return to the Netherlands on Friday. Passtoors, who was yesterday sentenced to 10 years' jail for treason, remains in custody pending her appeal.

A huge crowd gathered outside the Supreme Court waiting for Helene Passtoors' family — her mother, Mrs Judith Passtoors, her children Brigitte (18), Philippe (15), Fabrice (13) and Yve (11) Leynseele, and her eleven-month-old grandchild, Shona, Brigitte's child.

They were watched by a large contingent of riot police.

Although they would not speak to the Press as they walked away from the court building, Mrs Passtoors and Brigitte turned to the crowd and waved.



Brigitte van Leynseele, Helene Passtoors's daughter, wheels away her daughter Shona, accompanied by her brother Yves, while their grandmother, Mrs Judith Passtoors, turns to wave to the crowd.

PASTOORS GIVEN A 10-YEAR SENTENCE



THIS WAS the scene outside the Rand Supreme Court yesterday after Helene Pastoors was sentenced to 10 years in jail for treason.

THERE was drama yesterday inside and outside the Rand Supreme Court building after Helene Pastoors was sentenced to 10 years' imprisonment for high treason.

An application for leave to appeal against the conviction and sentence was granted.

Holland-born Pastoors was convicted for treason last Friday by Mr Justice T T Spoelstra.

The court found she assisted an African National Congress fugitive to escape and also assisted with gun-running for the ANC.

At yesterday's proceedings, court number 2F was packed with Pastoor's relatives, friends and curious spectators. No sooner had the courtroom been filled, police locked the doors and many people were refused entry.

Just before 11am, scores of black spectators started singing freedom songs and chanted ANC slogans as they left the eastern wing of the second floor after the

BY NEOPANE
MAKOBANE

judge had pronounced sentence.

The chanting and singing, accompanied by clenched fists, continued in the street next to the court entrance. The crowd attending the trial was joined by onlookers. Some of the people in the crowd carried United Democratic Front posters demanding the unbanning of the ANC and that Mr Louis le Grange, the Minister of Law and Order, stop "permanent emergency".

While this was taking place, a contingent of black and white policemen with sjamboks, kept a close watch on the crowd. After about 10 minutes, a white police officer ordered the crowd to disperse.

The judge was to announce his decision on two applications made by the defence at 2pm. Immediately after the judge left the courtroom, Pastoors turned around and kissed her four children. As she was led down to the cells, she raised a clenched fist and shouted "Amandla" and the gallery responded "Awehu".

Join	0.00
0.00	
Curr	
Art A	0.00
0.00	
Curr	
Craft	59.20
109.43	
Curr	
Mster	0.00
0.00	
Currei	
Forem	0.00
0.00	
Curren	
MFG Wc	0.00 0
0.00	0
Current	

CAPE TOWN 20/5/86

Pupils outside court dispersed with quirts

23/5/86
Staff Reporter
POLICE used quirts to disperse about 150 pupils at Goodwood Magistrate's Court yesterday.

A police spokesman said about 80 pupils gathered at 10.30am in a show of solidarity with a Belhar pupil, Mr Neville Naidoo, who was due to appear.

The crowd grew to between 120 and 150 strong and police warned the pupils to disperse. The spokesman said police used quirts to disperse the pupils when they ignored the order.

Belhar pupils condemned the police action.

One pupil said pupils were told the court was already too full and they had then waited outside, but that their presence was not "provocative".

"However, a Casspir arrived and police starting whipping the students without any warning. They scattered in all directions," he said.

The pupils did not need medical treatment.

The police spokesman confirmed that two men aged 41 and 42 were arrested for questioning.

According to Belhar pupils, the men arrested by police were Dr Richard Stevens, Head of Bible Studies at the University of the Western Cape, and an accountancy teacher, Mr Steve Louw.

Hut burnt: Pupil in court

Court Reporter

A PUPIL at Belhar Senior Secondary School appeared in the Goodwood Magistrate's Court yesterday in connection with the burning of a security guard hut at the school.

Mr Neville Naidoo, 19, a matric pupil at the

school, was not asked to plead and no charges were put to him.

He was granted bail of R100 and the hearing was adjourned to June 4.

Mr D H Cronje was the magistrate. Mr S Laubscher appeared for the State. Mr Naidoo was not represented.

NEWS 21/8/86 (52) (288) (331)

Pupils get six cuts for intimidation

Staff Reporter

TWO pupils have been sentenced to six cuts each for intimidation.

Matric pupil Joshua Jackson, 18, and a 17-year-old youth, both of Elsies River, were found guilty in Goodwood Magistrate's Court yesterday of intimidation at a supermarket in Voortrekker Road on August 23 last year.

Six others were acquitted.

● Between 60 and 70 people gathered outside the court to hear the outcome.

Police warned them to disperse and the group chanted and moved to the driveway of the fire station next door.

CHARGED WITH QUIRTS

A policeman with a video-camera filmed the event and some people covered their faces with scarves.

Policemen with quirts charged and chased the crowd to Voortrekker Road and across the nearby railway line.

Earlier teargas was fired at 200 students from the University of the Western Cape and pupils from the Elsies River area as they waited outside St Monica's Catholic Church in Halt Road, Elsies River.

They had earlier been ordered to leave the precincts of the court.

CAN Limu 22/5/86.
**Four Sowetans
(331)
jailed for treason**

JOHANNESBURG. — Four Soweto men were yesterday given jail sentences ranging between five and 14 years for treason by a Rand Supreme Court judge.

Before the start of the hearing yesterday morning, the four men sang freedom songs as people filed into the courtroom.

Lumkile Mkefa, 21, was sentenced to 14 years, Hamilton Mncedis Dubasi, 30, to 12 years, Joseph Themba Maja to 10 years and Jongumuzi Sisulu to five.

An application for leave to appeal was lodged and will be heard later.

Pleas

The men were found guilty of treason last week after they amended their pleas from not guilty of treason, alternatively terrorism, to guilty of treason.

Admissions of undergoing military training outside South Africa and knowledge of arms caches were included in statements handed in to court.

Dubasi admitted taking part in sabotaging an

Escom pylon. Sisulu said he had provided transport and accommodation for ANC members. Mkefa admitted placing limpet mines under the cars of two policemen and Maja said he had been a courier for the ANC in South Africa.

Passing sentence, Mr Justice A M van Niekerk said he took into account their personal circumstances and facts relating to the acts they had performed.

Deprivation

He referred to the argument of the counsel for the defence, Mr H P Viljoen SC, concerning the circumstances prevailing in Soweto during 1976.

The judge said he accepted that all four had suffered deprivation and that their economic and social backgrounds had played a substantial role in the attitudes they had adopted to South Africa.

A fifth man, Mr David Matsose, 24, who originally appeared with the four, was found not guilty at the beginning of the month. — Sapa

FOUR Soweto men who were convicted of high treason in the Rand Supreme Court last week were yesterday sentenced to a total of 41 years in jail.

They are: Hamilton Mcedise Dubasi (28), Jongumuzi Sisulu (26), Lumkile Happy Mfeka (21) and Joseph Themba Maja (25).

They were found guilty by Mr Justice A M van Niekerk, sitting with two assessors, after they altered their pleas of not guilty to high treason, alternatively terrorism, to guilty of treason. They made certain admissions in terms of the Criminal Procedure Act.

The admissions included: Undergoing military training outside

ANC 4 given jail terms

South Africa, sabotage acts, membership of the African National Congress and knowledge of arms caches.

Dubasi was sentenced to 12 years' imprisonment; Sisulu, five; Mfeka, 14; and Maja, 10. A fifth man, Mr David Matsose (24) also of Soweto, who originally appeared with the four, was found not guilty and

discharged three weeks ago because of lack of evidence.

An application for leave to appeal on sentence will be heard at a date still to be arranged.

Before passing sentence, the judge told the four that he had taken into consideration the social and political backgrounds in which they were raised.

After sentence was passed a crowd of courtroom spectators marched towards Jeppe Post Office and police dispersed them. Further down, at a park near Rissik Street, police fired a tearsmoke canister to disperse a group chanting slogans and singing freedom songs.

331
Soweto 22/1/86

NE TION

ELEVEN FACE TERROR CASE

22/5/86 (331) Sowetan

A TERRORISM Act trial involving 11 alleged former members of the banned Congress of South African Students, started in the Bethal Regional Court this week.

The 11, all from Witbank, are also alleged to be members of the local youth congress. Among them is Mr Moses Mampuru (24), a third year

**By NKOANE
MAKOBANE**

Bachelor of Science student at the University of the North (Turfloop), at the time of his arrest last August.

His 10 co-accused who were also arrested last August are: Mr Moses Vusi Magagula (21), Mr Solomon Morroape (18), Mr Andries Mkhawane (18), Mr Alfred Masemola (20), Mr

Daniel Samuel Nkosi (18), Mr Abel Abraham Ntuli (19), Mr Elias Oupa Tshehla (19), Mr Nokwana Skhosana (18), Mr Siki Sydney Mokoena (20) and Mr Vusi Elkin Dlamini (18).

They have pleaded not guilty to charges under the Terrorism Act or alternatively public violence before Mr J van R Petersen. They are also facing a number of

charges relating to malicious damage to property.

Among allegations against them is that between June and September 1985; they held a number of meetings to promote Cosas and Wyco and influenced people to join the two organisations.

It is alleged they popularised the African National Congress and its military wing, Umkhonto we Sizwe, as well as current and former leaders of the ANC.

It is also alleged they convinced people that the ANC and its military wing would help and support them in the struggle for freedom to bring about democratic government of the masses.

The State further alleges that during that period, the Freedom Charter was discussed and members of the black community were politicised; indoctrinated and conditioned to accept the charter as the basis for the struggle for freedom.

Furthermore, during the same period, the accused through Cosas and Wyco moved the black masses to become dissatisfied and angry with the Government.

Passtoors: The spotlight shifts back to De Jonge

By PAT SIDLEY

THE end of Helene Passtoors' trial this week will shift the spotlight to the dimmer corners of international diplomacy.

Embassy-fugitive Klaas de Jonge's situation will come under discussion between the South African and Dutch governments, although little is likely to happen in the immediate future.

And it is also likely that moves will be made to have Passtoors — and De Jonge, if he is in prison by then — released and deported before their sentences are up.

There is a precedent for the early release and deportation of foreigners convicted of political offences in South Africa.

Three such convicts — Fabio Mariello, Mussimo Bollo and Eugenio Zoppis — who were sentenced in September 1981 to terms of imprisonment of between five and 10 years for various counts of sabotage, possession of stolen arms, theft of defence force weapons and participation in terrorist activities, were all released and deported during the past few months, just four years after their sentences began.

Bollo and Mariello were deported to Italy, while Zoppis was deported to Paraguay. They had all been part of an extreme rightwing group, the Witkommando.

Diplomatic intervention in the current case, however, will depend on the outcome of Passtoors' appeal, whether De Jonge comes to trial and the outcome of such a trial.



Helene Passtoors: precedent for early release of foreigners

Much of the evidence in Passtoors' trial suggests that De Jonge's situation will continue to be fraught with difficulties and not eased any by the conclusion of the trial. Early reports suggesting that Passtoors was the "big fish" and De Jonge not so important appears to have fallen by the wayside as some of the state's case about Passtoors and her role in the various arms caches was not proved.

And observers at the trial believe it is inevitable that De Jonge will now be cast in the role of the "big fish" in the case.

It had been suggested by various

sources close to De Jonge that he might have considered standing trial in terms of South Africa's security legislation if the penalties of the sections under which he would be tried would not be too severe and if Passtoors' sentence was low enough to allow him to believe he would get a similar sentence.

This would assume that the South Africans would be party to such a deal. At this stage, the chances of that seem slim.

Passtoors' 10-year sentence for treason, while lower than expected, is also considered by observers to be too high to tempt De Jonge out of hiding, assuming he would receive similar treatment.

The International Commission of Jurists observer at the trial, Willem van Manen, said after the trial that while he understood the sentence was low by South African standards, it was very high by Dutch standards.

Additionally there is the "wild card" factor: what De Jonge himself decides to do.

It is understood that some of the factors that may weigh in his mind would be what the advice of anti-apartheid groups (or elements of them) in Holland suggested, and presumably what the African National Congress felt about the situation.

Judge T T Spoelstra has given Passtoors leave to appeal against her conviction of treason on the basis that another court may decide she did not owe allegiance to South Africa at the time of her offences.

But he refused an application by the defence to have a higher court decide on whether the secrecy ruling on the state witness, "Mr Z", was irregular.

NUSAS PUBLIC MEETING

MINISTER, COPS LOSE APPEAL

THE appeal court in Bloemfontein yesterday dismissed with costs, including those of two counsel, an appeal by the Minister of Law and Order, the Commissioner of Police and the Divisional Commissioner for Port Natal in connection with the detention of Mr Gerald Patrick Kearney, director of Diakonia in Durban.

Mr Kearney was detained in his office under Section 29 (1) of the Internal Security Act on August 26, 1985. On September 11, 1985 the Acting Deputy Judge President of Natal, Mr Justice R N Leon, in the Durban and Coast Local Supreme Court granted an application by the Archbishop of Durban, Denis Eugene Hurley, and Miss Carmel Patricia Rickard, wife of Mr Kearney.

Mr Justice Leon declared the detention of Mr Kearney to be unlawful and of no force and effect. He ordered Mr Kearney's immediate release, the minister, commissioner and divisional commissioner were ordered, jointly and severally, to pay the

Sapa

costs of the application.

Mr Justice Leon found that while the Archbishop and Miss Rickard had given detailed reasons for their statements that no reasonable man could have cause to believe that Mr Kearney had committed an offence under Section 54 (1) of the act.

Video cut - witness

A STATE witness yesterday agreed in the Delmas Circuit Court that a video tape shown in court was not a complete recording of a June 16 commemoration service held in 1984.

The service was held at the Regina Mundi Church in Soweto.

The witness, who may not be identified, said this at the trial of 22 men appearing before Mr Justice K van

Dijkhorst, and two assessors. They are charged with high treason, murder, subversion and terrorism.

They have pleaded not guilty to all the charges.

Under cross-examination by Mr George Bizos, SC, for defence, the witness said some speeches by the speakers at the service were cut from the recording.

(Proceeding)

FATHER MKHATSHWA IN COURT

THE general secretary of the Southern African Catholic Bishops' Conference, Father Smangalis Mkhathshwa, and Mr Sam Mkhabela appeared briefly in the Pretoria Regional Court yesterday charged with illegally possessing a firearm.

Many spectators

packed the courtroom and others stood outside court 14 amid a heavy police presence in the corridors. Both accused were not asked to plead.

The magistrate, Mr J Carstens, postponed the hearing to June 16 pending further investigations.

Father Mkhathshwa

was carried shoulder-high by crowds of well-wishers immediately after both accused were released on warning.

A group of high-ranking Dutch, Italian, Belgian and German members of the European Parliament were among the prominent observers at the hearing.

Sowetan 23/5/86

Sowetan 23/5/86

'We are proud of our sons'

CP Reporter

"WE are proud of our sons. They haven't done anything disgraceful - all they did was fight for the freedom of their nation."

This was said by two mothers - Alice Sisulu and Thamsanqa Mfeka - after their sons, Jongumzi Sisulu and Lumkile Happy Mkefa, were sentenced on treason charges in the Rand Supreme Court this week.

Sisulu, nephew of jailed ANC leader Walter Sisulu, was sentenced to five years and Mkefa to 14.

Two other men who appeared with them, Hamilton Mncedisi Dubasi and Joseph Themba Maja, were sentenced to 12 and 10 years respectively.

Before passing sentence, Judge AM van der Merwe said the men had changed their pleas from not guilty to guilty on treason charges.

Dubasi, Mkefa and Maja left SA in 1977 and came back as trained members of the ANC, he said.

They left the country because they were deprived of many opportunities.

Although he could understand the three were brought up in poverty, there were also young men of stature who were prepared to negotiate rather than take up arms against the government, Van der Merwe said.

The arms found in Mkefa's possession were apparently used to kill a police-

man at Sizakancani Store in Soweto in 1984.

Another policeman was seriously injured in the attack, he said.

In affidavits before the court, the four earlier said they were frustrated by the introduction of Afrikaans as a medium of instruction in black schools.

Dubasi said that in 1976, he saw cops in camouflage uniform shoot two kids who had gone to buy food. One of his classmates also lost a leg after he was shot.

Mkefa - who was only 12 years old in 1976 - was arrested by security cops in 1981. He was held until 1982, without being charged. He spent five months in solitary confinement, he said.

331

By MARTIN NTSOENLGOE

JUDITH PASSTOORS, mother of jailed ANC activist Helene Passtoors, will leave SA a happy woman today.

"My daughter is with me and I am not lost," she said. She thanked the people in the Rand Supreme Court's public gallery.

Passtoors, 44, convicted of treason last week - was sentenced to 10 years imprisonment. She was granted leave to appeal.

Judge TT Spoelstra granted the request by defence counsel Denis Kuyi that another court might find, in law and on the evi-

dence, that Passtoors - who holds both Dutch and Belgian passports - did not owe allegiance to the State.

Before passing sentence, Spoelstra said Passtoors had committed certain acts when she owed allegiance to the State. She had not been acting unlawfully, he said.

He took into account that she had been imprisoned since her arrest last June and had been in solitary confinement for a considerable period.

Earlier, Passtoors told the court she arrived in Africa with her first husband, Pierre van Leyseele.

Judith Passtoors loses a daughter - but she's happy

CITY PR. 25/5/86

She studied linguistics in Zaire, she said.

After her divorce she married Klaas de Jonge, who is still holed up in Pretoria's Nedbank building.

She admitted helping De Jonge to establish an arms cache at Halfway House.

Passtoors also said she tried to find a route named

"Mango", by which her lover Ismail Abraham could leave the country. He had entered the country illegally, she said.

She also admitted being an activist, but refused to say who had trained her.

Passtoors said she came into contact with SA refugees in Mozambique. She



Comrades with posters outside the court.

was later approached by the ANC and asked if she was prepared to help them with their activities, she said.

Asked where her sympathies lay, she replied: "Very clearly, they could not be anywhere else but with the ANC."

GUIDED GUIDING

425

Sup

ARE

ARE

11 ACQUITTED OF TERRORISM

Sever/au
26/5/86
(331)

ELEVEN former members of the Witbank branch of the banned Congress of South African Students were last week acquitted on charges of terrorism in the Bethal Regional Court.

Three of the 11, Solomon Morape (19), Peter Mokhawane (19) and Alfred Masemola (21), were convicted and sentenced to

By NKOPANE MAKOBANE

30 months' jail on an alternative charge of malicious damage to property. Mr J V R Petersen suspended 10 months of the sentence conditionally.

The three, and their co-accused, who have all spent up to nine months in custody, were found not guilty on all other

charges — terrorism, arson and public violence.

The eight, who were found not guilty on both counts, are: Mr Moses Mampuru (25), Mr Moses Magagula (22), Mr Daniel Samuel Nkosi (19), Mr Abel Abraham Ntuli (20), Mr Elias Tshehla (20), Mr Nokwana Skhosana (19), Mr Siki Sydney Mokaena (21) and Mr Vusi Elkin Dlamini (19).

'ANC pamphlets given out'

AFRICAN National Congress pamphlets were distributed at a June 16 commemoration service held in Alexandra township, the Delmas treason trial heard on Friday.

The service was held on June 19, 1983.

A State witness, who may not be identified, was at the service.

ANC and Azapo pamphlets were distributed at the end of the

service. Some were distributed free and others were sold," the witness said.

The witness said pamphlets were distributed in the township a day or two before the service was held.

"They stated where the meeting was to be

held and the time it was going to start. The names of the ANC and Azapo organisations appeared on the pamphlets."

The case, involving 22 men charged with high treason, murder, subversion and terrorism continues today.

Soweto 26/5/83

Superceding w.d. nos : 350, 357, 375, 402, & 404

AREA A Bloemfontein, Highveld Ridge, Klerksdorp, Odendaalsrus, East London, Pietermaritzburg, Potchefstroom, Virginia, Welkom and Witbank. Municipal Area : Kimberley.

AREA B Balfour, Heidelberg (TVI), King Williamstown, Knysna, Lower Umfolozi, Middleburg (TVI), Port Shepstone, Queenstown, and Umzinto. Municipal Areas : Barberton, Bethlehem, Brits, Bronkshorstspuit, Delmas, Ermelo, Eshewe, Glencoe, George, Grahams town, Harding, Harris smith, Kroonstad, Ladysmith, Lichtenburg, Louis Trichardt, Malamesbury, Melmoth, Moeresburg, Mossel Bay, Mtubatuba, Nelspruit, Newcastle, Oudtshoorn, Phalaborwa, Pietersburg, Potgietersrus, Rustenburg, Standerton, Tzaneen, Uppington, Vryheid and Worcester

AREA C Municipal Areas: Aliwal North, Barkly West, Bethal, Delareyville, Estcourt, Fort Beaufort, Howick, Ladybrand, Naboomspruit, Nylstroom, Piet Retief, Robertson, Stutterheim, Vandrinsdorp, Volksrust, Warmbaths, White River. Town Council Area : Richmond.

AREA D Alberton, Benoni, Boksburg, Brakpan, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Oberholzer, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria. Municipal Areas : Sasolburg.

case told of tape

A SENIOR police officer refused to disclose in the Delmas Circuit Court yesterday how he obtained a copy of a video recording of a meeting held by the Natal Indian Congress on August 1, 1984.

In his evidence in chief, Lieutenant Hermanus Adendorff, of the Ladysmith security branch, said he received the tape the day after the meeting was held. The video tape was submitted by the State as an exhibit.

The tapes form part of the evidence against 22 men who are charged with high treason, murder, subversion and terrorism. They have pleaded not guilty to all the charges.

(Proceeding)

Swepan 27/5/86
(331)

321
**'AWB men'
in court**

ELLISRAS. — Four men alleged to be members of the Afrikaner Weerstandsbeweging yesterday appeared in the Magistrate's Court here on charges of holding an illegal gathering and trespassing.

This appearance followed incidents on Saturday during a public meeting here held by the Minister of Law and Order, Mr Louis le Grange.

Mr Dries Alberts, Mr C J Meyer, Mr I A Meyer and Mr J P Janse van Vuuren were not asked to plead. Their bail of R200 each was extended.

The hearing was postponed till July 1 at the request of the police. — Sapa

Minister prohibits video details

331
SPAR
27/5/86

Staff Reporter

The Minister of Law and Order has prohibited the disclosure of information on how the police obtained video recordings of political meetings screened at the Delmas treason trial.

A certificate issued by the Minister of Law and Order, Mr Louis le Grange, was yesterday handed to Mr Justice K van Dijkhorst in the Circuit Court in Delmas, where 22 men — including prominent members of the United Democratic Front (UDF), the Vaal Civic Association and Azapo — pleaded not guilty to charges of treason.

In the certificate, the Minister stated that it was "not in the public interest" to disclose how the police obtained or made video recordings of the meetings.

Lieutenant H S Adendorff, of the security branch in Ladysmith, Natal, yesterday told the court that in July 1984, he learned of a Natal Indian Congress (NIC) meeting that was to take place on August 1 that year. The speakers at the meeting were Professor Fatima Meer, Dr Alan Boesak and treason trialist and UDF publicity secretary, Mr Patrick "Terror" Lekota.

After the meeting, he "received" a video recording of it. He made a copy of the video and "gave the original back".

A Johannesburg security policeman, Captain A P van Niekerk, said that a number of the videos before court had been confiscated during a raid on Khotso House, Johannesburg, in October 1984.

Captain van Niekerk said he and other policemen searched the premises of Afrascope, Afrapix and Interchurch Media Programme.

In the Afrascope offices, they found and confiscated a number of videos, including several that had been handed in to the Delmas Circuit Court.

(Proceeding).

'Police seized video tapes'

SEVERAL articles, including video tapes and documents were confiscated by the security police when they raided offices belonging to the United Democratic Front and other organisations, the Delmas treason trial heard yesterday.

Other offices raided by the police, all situated at Khotso House in Johannesburg, included those of Afro-Scope, Afra Pix and Inter-Church Media Programme.

The raids were conducted on October 8, 1984, and February 19, 1985, by a team of policemen led by Captain Pieter van Niekerk of the Johannesburg security branch.

Capt van Niekerk who was testifying at the trial of 22 men charged with high treason, murder, subversion and terrorism, said most of the video tapes were confiscated from the offices of Afro Scope.

Some of the videos, hotly disputed by the defence, have been presented in court as exhibits.

Mr Gilbert Marcus, SC, for the defence, yesterday argued that there was no proof of originality and authenticity of the videos.

He also submitted that there was no evidence surrounding the "taking of the videos, type of cameras used and circumstances surrounding the development and editing of the films".

(Proceedings)



28/5/86

Swartz

331



Ex-councillor tells treason trial of hostility to higher rents

Staff Reporter

331
A former Vaal community councillor began giving evidence in camera yesterday at the Delmas treason trial.

The man, who may not be identified, said he was a community councillor until he resigned in 1984.

He is a State witness in the hearing of 22 men, including prominent members of the United Democratic Front, Azapo and the Vaal Civic Association. All have pleaded not

guilty to treason. The witness said that in the township where he served as a councillor, it was decided in 1984 to increase the tariffs by R10.

Meetings were held to inform the community that the new tariffs were to be implemented on July 1 1984.

Around that time, however, pamphlets were distributed in the township, calling on people not to pay their rent until it had been reduced.

During the same

29/5/84
period, a meeting was held in the community hall, because various organisations had asked to meet with the community council.

Representatives of these organisations, which included civic and student bodies, told the community council that unless the rent was reduced, the people would refuse to pay it, the former councillor said.

The council had tried to explain why the increases were necessary,

but they were told that the people in the township were workers and they could not afford the rentals.

During yesterday's hearing, a video of the funeral of Bongani Khumalo, secretary of the Soweto branch of Cosas, was screened in court. The funeral was held in the Regina Mundi church in Soweto on September 29 1984.

The video was confiscated from a German television crew. Police

Sergeant F B Mong told the court the Germans were filming the funeral for the purpose of "propaganda" abroad.

During cross-examination, defence counsel Mr George Bizos SC, asked if it could not perhaps be that the Germans wanted to show Germany a bit of the truth about South Africa.

"Is that not propaganda?" Sergeant Mong replied.

The hearing continues.

(sorry about this)

If the Rent control policy is successful it will result in a housing shortage, black market operations & people in dilapidated houses refusing to move.

Petition for pupil

Staff Reporter

THE "Save Bradley from Prison Committee", formed to focus on harsh sentences imposed on pupils convicted of public violence, was launched by a group of concerned parents, teachers and students at St George's Cathedral yesterday.

The chairman of the committee, Mr Thaabit Albertus, said the committee aimed to gain public support for Bradley van Niekerk, 18, a pupil at South Peninsula High School, who was sentenced to a year in jail for public violence after throwing a stone at a policeman in October last year.

The committee has drawn up a petition for the public to sign in support of Van Niekerk.

People convicted of public violence face sentences ranging from lashes to five years' imprisonment.

The committee fears that Van Niekerk's sentence could set a precedent for students facing similar charges which would "exacerbate the problems related to education and have serious repercussions".

An appeal to the Supreme Court against his conviction was dismissed and a subsequent application for leave to appeal to the Appellate Division was refused, but his attorneys also intend petitioning the Chief Justice for leave to appeal.

Church

If this petition fails, Van Niekerk will be imprisoned as a common criminal which would "blemish the character of a young man who has yet to embark on a career", Mr Albertus said.

"Bradley, a standard nine pupil, has never been convicted of a previous offence, is active in his church and was elected sportsman of the year by his baseball club," Mr Albertus said.

He said the committee was focusing on Van Niekerk's case because "it is the first of its kind to reach this advanced stage".

Bishop: Charges dropped

The Argus Correspondent *AKG 29/8/86*
JOHANNESBURG. — Charges of public violence have been withdrawn against the Bishop Suffragan of Johannesburg West, the Right Rev Mfasiseni Sigisbert Ndwandwe, 57, in Klerksdorp Magistrate's Court.

Bishop Ndwandwe was making a third appearance. He was charged under security legislation Section 54 (1) (D) (4) of Act 74 of 1982.

The prosecutor, Mr C M W de Kock, gave no reasons for yesterday's withdrawal of charges.

Summons served on editor

OWN Correspondent

EAST LONDON. — A summons has been served on the Editor of the Daily Dispatch, Mr George Farr, and the paper's crime reporter, Mrs Niki Kotze.

The summons, signed by a magistrate, orders them to testify in connection with a police investigation into allegations of subversion against the UDF and the Congress of South African Trade Unions, and certain of their representatives.

It orders Mr Farr and Mrs Kotze to give a sworn statement that Mr Farr or his representative was approached by three men from the UDF and Cosatu who issued a statement over a May Day stayaway.

Charges against bishop withdrawn

By Mudini Maivha

Charges of public violence were yesterday withdrawn against the Bishop Suffragan of Johannesburg West, the Right Rev Mfasiseni Sigisbert Ndwandwe (57), in the Klerksdorp Magistrate's Court.

Bishop Ndwandwe was making his third appearance in court.

The prosecutor, Mr C M W de Kock, gave no reasons for the withdrawal of charges.

"I am angry, not because the charge was withdrawn, but because it was withdrawn without any reason given," said the bishop.

MARCH

Bishop Ndwandwe was released without bail hours before priests, led by Anglican Archbishop-elect, Bishop Desmond Tutu, marched on the Klerksdorp Prison where he was kept.

Several priests from various congregations in the townships of Jouberton, Ikageng and Khuma were in court to give the bishop moral support.

The bishop said he viewed his arrest as a result of his role in the community affairs in the face of the present unrest situation.

The community recognised people of his calibre as leaders, which the authorities did not like, he said.

The bishop appeared before Mr S A le Roux.

Police seized funeral tape

A VIDEO film made by a German television crew was intended to be used for propaganda abroad, the Delmas treason trial heard yesterday.

By MZIKAYISE
EDOM

331
S. M. 24/1/84
The video recording of the funeral of Mr Bongani Khumalo, secretary of the Soweto branch of the now banned Congress of South African Students (Cosas), was yesterday presented as an exhibit by the State.

The funeral was held

on September 26, 1984.

Sergeant Frederick Bernard Mong, a security policeman, under cross examination, told the court that the film was confiscated by the police after the television crew members were arrested on the day of the funeral.

Asked by Mr George Bizos, SC, for the defence how Mr Khumalo was killed, Sgt Mong said he was shot dead by police when he threw a petrol bomb at a police vehicle.

Mr Bizos: "Could it not be that the TV crew members wanted to show Germany a bit of the truth about South Africa?"

Sgt Mong: "Is that not propaganda?"

The policeman told the court that he was not present when police fired teargas on mourners and that he could not say whether mourners were the first to throw stones or police were the first to fire teargas.

Secret witness tells Delmas treason trial...

PROMISES WERE NOT KEPT

PROMISES made by a community council to the community were never fulfilled despite several tariff increases introduced by the council, the Delmas treason trial heard yesterday.

A State witness, who may not be identified, said this at the trial of 22 men charged with high

treason.

Most of the evidence cannot be published as it would identify the witness.

The court has ruled that the witness should not be identified and that nothing should be published which will reveal his identity.

Yesterday's hearing was held in camera.

The witness, who was

under cross-examination, also said that during 1984, residents in the area had refused to pay proposed tariff increases.

These tariffs were to be increased from R26 to R36 a month.

The council in question falls under the jurisdiction of the Orange/Vaal Development Board..

osch, Uitenhage and Kuilsburg, Alberton, Benoni, Johannesburg, Kempton Park, Randfontein, Roodepoort, Westonaria and Randburg.

Student buses turned back from courthouse

Mercury Reporter

UNIVERSITY of Durban-Westville students in three buses were forced to return to the campus yesterday when they were refused permission by riot police to get off the vehicles outside the Durban Magistrate's Court.

A woman student was arrested soon after a policeman had warned that they would be arrested under the new internal security laws if they demonstrated or caused a disturbance.

Students had planned to attend the trial of three colleagues, Mr Vasu Gounden, chairman of the University's Students' Representative Council, Mr Michael Singh and Mr Bongani Gumede. The three were arrested in connection with alleged intimidation and a disturbance outside the M L Sultan Technikon on Thursday.

Earlier yesterday more than 2 000 UDW students held a protest on campus at the arrest.

Secret witness tells Delmas treason trial...

PROMISES WERE NOT KEPT

PROMISES made by a community council to the community were never fulfilled despite several tariff increases introduced by the council, the Delmas treason trial heard yesterday.

A State witness, who may not be identified, said this at the trial of 22 men charged with high

treason.

Most of the evidence cannot be published as it would identify the witness.

The court has ruled that the witness should not be identified and that nothing should be published which will reveal his identity.

Yesterday's hearing was held in camera.

The witness, who was

under cross-examination, also said that during 1984, residents in the area had refused to pay proposed tariff increases.

These tariffs were to be increased from R26 to R36 a month.

The council in question falls under the jurisdiction of the Orange/Vaal Development Board.

osch, Uitenhage and Kuilsburg, Alberton, Benoni, Johannesburg, Kempton Park, Randfontein, Roodepoort, Westonaria and Randburg.

Cape Times 2/6/86
331

10 charged with 13 Durban blasts

Own Correspondent

DURBAN. — Cries of "Viva Mandela" echoed through a crowded magistrate's courtroom on Friday when 10 alleged members of the ANC appeared in connection with 13 bomb blasts in Durban.

They appeared before Mr C J Laubser and were charged on 20 counts of contravening the Internal Security Act and the Arms and Ammunition Act.

They are alleged to have been instrumental in planting bombs at the XL Tearoom, Grosvenor Girls' High School, Chatsworth Magistrate's Court, Mobeni Post Office, the Executive Hotel in Umlazi, the Umlazi Bakery, OK Bazaars, Lamontville Township Office and the West Street Game.

Those charged were: Messrs Duduzile Charity Baby Buthelezi, Dr Sibongiseni Maxwell Dhlomo, Dr Vejaynand Indurjith Ramlakan, Sibusiso Robert Nzlanzi, Jude Francis, Ordway Qonda Msomi, Sipho Stanley Bhila, Phumezo George James Nxiweni, Mapiki Aaron Dlomo and Bafo Bawana Nguqu.

WETAN, Tuesday, June 3, 1986

BY MZIKAYISE
EDOM

MEMBERS of the Tumahole community council in Parys were

threatened with death if they did not resign from the council, the Delmas treason trial heard yesterday.

A State witness, who may not be identified, told the court that the councillors were also warned that their

'Threatened with death'

properties would be attacked and set alight if they continued serving on the council.

The witness was giving evidence at the trial of 22 men charged with high treason, murder, subversion and terrorism.

They have pleaded

not guilty to all the charges.

Yesterday's hearing was held in camera and the public was barred from attending.

The business premises of Mr Hialele, a councillor, were the first to be attacked and set alight, the witness

said. This was in July 1984.

She also told the court that just after July 1984 councillors were told at a meeting that they should resign from their posts because they were unable to perform their duties. The meeting be-

tween members of the council and a committee representing the residents was held in the township.

"At another meeting held between councillors and members of the Tumahole Students Organisation (TSO) during 1984, the

youths told councillors that they were against proposed rent increases which were supposed to be introduced on July 1, 1984.

The witness added that the council was also asked to lower rent from R26,25 to R18,50 a month and not increase it by R10 as the council had announced.
(Proceeding)

331
2 Cape Times, Tuesday, June 3, 1986

5 students in court after demonstration

FIVE university students appeared in the Cape Town Magistrate's Court yesterday in connection with an anti-Republic Day demonstration in the Golden Acre on Friday.

The charge sheet indicates that Mr Andrew David Brown, 19, of Monroe Road, Claremont, may be charged with attending an illegal gathering in a defined area, resisting arrest and obstructing the course of justice.

The charge sheet indicates that Mr Langley Scott, 22, of the Men's Hostel at the University of the Western Cape,

Miss Ronel McCarthy, 19, and Miss Collete Solomon, 20, both of New Ladies Hostel, UWC, Modderdam Road, Bellville, and Miss Nicola Dale Robins, 19, of Palmboom Close, Newlands, may all be charged with attending an illegal gathering in a defined area.

None of the five was asked to plead and bail of R50 was granted to each. The hearing was adjourned to July 14.

Mr MJC Tolken was the magistrate. Mr C Gavin appeared for the State. Mr M Parker represented Mr Scott and Miss McCarthy and Miss Solomon. Mr G Henneck appeared for Mr Brown and Miss Robins.

17/6/86 4/6/86
**Squatter head
at Valkenberg**

Star Reporter
MR Alfred Siphika, leader of
the Nyanga Extension squatter
group, has been referred to
Valkenberg Hospital for obser-
vation.

Mr Siphika, 47, appeared in
Langa Magistrate's Court on
Monday in connection with an
allegation of attempted mur-
der.

He told the magistrate, Mr D
Visagie, he was confused and
was referred to Valkenberg for
30 days' observation.

COUNCILLORS 'ACCUSED'

MEMBERS of the Leandra Community Council in the Eastern Transvaal were accused of collaborating with the "Boers" in the Delmas treason trial heard yesterday. 331

A State witness who may not be identified, told the court that this was said by Mr Abel Nkabinde, chairman of the Leandra Action Committee, at the meeting which was held during 1984.

The court has made a ruling that no evidence should be published which will identify the witness.

The witness said relations between members of the LAC and coun-

cillors started deteriorating after an article was published in a newspaper stating that some families in the area were to be removed and resettled in another area.

There were persistent rumours in the township that these families were to be resettled in KwaNdebele but this never happened, the witness said.

He also denied that Mr Nkabinde was kept out of the council when his nomination to stand for election was rejected so as to allow the new councillors to agree to the removal of people to KwaNdebele.

6/6/86
WEEKLY M.

Two Vaal murder accused set free

By PATRICK LAURENCE

A YOUNG man reached forward and kissed his lawyer's hand in gratitude at the end of a long and largely unnoticed trial last week.

Thami Zwane, 25, and seven co-accused, one a woman, had just been acquitted of murdering a Lekoa councillor, Caesar Motjeane, and his manager, Phineas Matibidi, in Sobokeng on September 3, 1984.

The murder of the two men was part of the wider revolt in the Vaal Triangle, which in turn marked the start of the rebellion in most black townships in South Africa.

The Vaal Triangle disturbances have had several legal sequels, one of which is the trial for treason of 22 men in the farming town of Delmas before Justice J van Dijkhorst.

Apart from treason, the 22 are charged with organising, mobilising and inciting the masses who marched through the Vaal Triangle on September 3 to murder five men, four of whom were town councillors.

While the 22 treason trialists are charged with inciting the crowds to attack and kill Motjeane and Matibidi, Zwane and his seven co-accused were charged with actually killing them.

One of Zwane's co-accused in the trial in Pretoria before Justice Piet van der Walt was 64-year-old Ratselisang Mashela. He admitted that he had dropped a rock on Motjeane's prostrate body but told the court he had only done so because five men had threatened to kill him if he did not.

Under cross examination by defence counsel David Soggo, a senior district surgeon admitted that he could not determine the precise cause of Motjeane's death — whether it was due to a blow from a rock or stone (several of which were thrown) or a stab wound to the heart.

It was common cause in testimony from both state and defence witnesses that Motjeane came under attack when scores of people broke away from a protest march through Sobokeng against rent increases to lay siege to his home. They were angered when they heard Motjeane had shot dead one of a gang of children who were stoning his home, the court heard.

After Motjeane, owner of a supermarket and a taxi business, was killed the enraged crowd entered his house, dragged his manager out into the street and killed him.

In acquitting the accused, Justice Van der Walt found that the evidence of the state witnesses was unsatisfactory, that there was a possibility of collusion between them and that, as their view of the murderous attack had been through a lace-curtained window from a neighbouring house, there was a risk of mistaken identification.

The evidence of the state witnesses was, as a whole, "tainted by untruth", the judge said.

While it would have been desirable to bring the culprits to book, the defence had presented very serious objections and it was impossible to conclude that the state had proved that the accused were guilty beyond reasonable doubt, he found.

● In another legal sequel to the Vaal Triangle upheaval, six people — five men and a woman — have been granted leave to appeal against the death sentence. The Sharpeville Six, as they have come to be known, were convicted of murdering Councillor Khuzwayo Jacob Dlamini in Sharpeville on September 3.

Treason judge rejects videos

By TONY OOSTHOZEN
Pietermaritzburg

THE Judge President of Natal ruled in the Pietermaritzburg treason trial yesterday that all the video and audio tape recordings the state sought to use as evidence against four trade unionists were inadmissible as evidence.

Justice John Milne also ruled that the state may re-open its case in the trial within a trial only to lead further evidence to determine the admissibility in respect of three of the recordings in question.

In a five-hour, 143-page judgement on the trial within a trial, Justice Milne said the evidence the state still sought to lead in this regard would not change the inadmissibility of any of the recordings and would apply only to the remaining three.

Counsel for the state, Andre Oberholzer, told the court the judgement had far-reaching implications for the state's case and they needed time for consultations. The trial was adjourned to Monday.

The tape recordings are alleged to be of meetings addressed or attended by the four accused, Thozamile Gqweta, Sisa Njikelana, Samuel Kikine and Isaac Ngcobo.

Judge rejects tapes as evidence

CHM Times 6/6/86
331

MARITZBURG. — The Judge President of Natal ruled in the Maritzburg treason trial yesterday that all video and audio tape-recordings the State sought to use as evidence against four trade unionist were inadmissible as evidence.

Mr Justice John Milne also ruled that the State may only reopen its case in the trial within a trial to lead further evidence to determine the admissibility of only three of the recordings in question.

He said in a five-hour judgment of 143 pages that the evidence the State still sought to lead would not change the admissibility of any of the recordings but the remaining three.

Counsel for the State, Mr André Oberholzer, told Mr Justice Milne the judgment had far-reaching implications for the State's case and they needed time for consultations.

The trial was adjourned to Monday.

The tape-recordings are allegedly of meetings addressed or attended by the four accused, Mr Thozamile Gqweta, Mr Sisa Njikelana, Mr Samuel Kikine and Mr Isaac Ngcobo.

Mr Justice Milne said at the conclusion of his judgment that because the recordings were not admissible did not mean that the tapes had been tampered with.

He said: "The prosecution in this case has made an error by regarding the tapes as witnesses.

"In my view it must also be proven that the tapes relate to the meetings they are purported to relate to, that they reflect faithfully what was said at the meetings and the speakers must be proven to be the accused through voice identification." — Sapa.

331

By CLARE HARPER

According to the Re-

**National Institute
for Crime Prevention**

Linna Christiansen, said that "incarceration does

The prison sentence

mensington pupil
Bradley van Niekerk, 18.

Bradley, a first offend-

A spokesman for the Prison Service **lieuten-**

"Although some juve-

On the one hand it is fair to protect them from

The Prisons Service
at all times endeavours

1

"Prisoners are not allowed to..."

special programmes.

1

lived as a priority and has progressed to such

such a need had also been identified in other

25 000 sign petition

Cape Times 7/6/66
Staff Reporter

(321)
last year during school unrest.

BETWEEN 25 000 and 30 000 signatures have been collected in support of Bradley van Niekerk, a Kensington High School pupil facing a 12-month jail term for public violence.

Although yesterday was the deadline for his attorneys to petition the Chief Justice for leave to appeal, delays in obtaining court records mean the petition will be lodged on Tuesday.

Van Niekerk was convicted of public violence after throwing stones at a policeman in October

An appeal to the Supreme Court against his conviction was dismissed and an application for leave to take the matter to the Appellate Division was refused.

The case of the 18-year-old offender sparked a campaign by the "Save Bradley from Prison Committee" and signatures in his support will be sent with the petition to the Chief Justice.

If his petition fails Van Niekerk will have to report to Pollsmoor Prison within 48 hours.

Funeral arrests: Man in court

Court Reporter

A MAN who was arrested on Saturday near a funeral in Nyanga appeared briefly in the Langa Court in connection with a charge of possessing ammunition.

Charges against a student from the United States who was also arrested at the funeral on Saturday were withdrawn in the Wynberg Magistrate's Court today.

Mr Lulama Gxoyiya, 22, of NY 65, Guguletu, was not asked to plead at the Langa hearing. The case was postponed to June 23 for further investigation.

A third man who was arrested for allegedly displaying an ANC flag has not yet appeared in court.

Today: 0404; 1629
Tomorrow: 0439; 1703

High water:

Today: 1013; 2231
Tomorrow: 1047; 2308

Low water:

WATER TEMPERATURES:

Sea Point:	
Sea	14 deg C
Pool	13,5 deg C
Muizenberg:	
Sea	14 deg C
Pool	15 deg C
Newlands:	Closed

D F MALAN climatological data for yesterday
June 8

(The figure in brackets shows the average for the month)

Maximum temperature	25,8 (18,0) deg C
Minimum temperature	3,6 (7,7) deg C
Mean temperature	14,7 (12,6) deg C
Maximum humidity	93 (97) %
Minimum humidity	25 (58) %
Mean humidity	63 (81) %
Mean atmospheric pressure	1018,3mb (1020,0)
Rainfall 8am - 8am	0,0mm
Progressive rainfall for the month	46,8mm (91,5mm)
Sunshine	9,3 hours (5,8)
Prevailing wind direction	NNE (NNW)
Maximum hourly velocity	NNE 4,2 (N 17,5 metres a second)
Maximum gust	NNE 7,2 (N 29,5 metres a second)

8am TEMPERATURES

Johannesburg	8 deg C
Cape Town (yesterday 2pm)	25,7 deg C
Cape Town (today 9am)	16 deg C

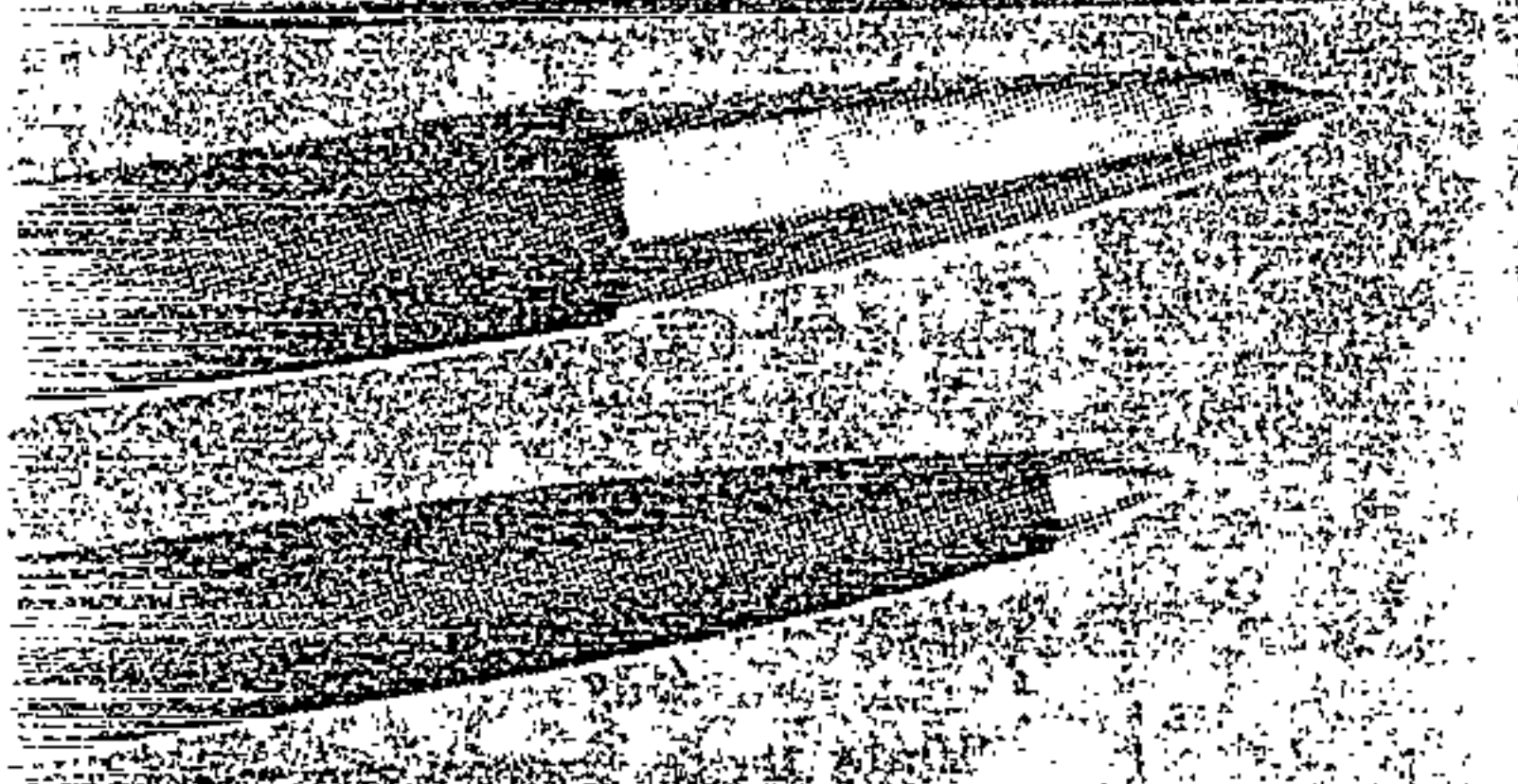
For the latest, up to the minute detailed weather information for today, phone 46 1261.

ier's Day

**SPILSAFE
LAP TRAY**

- Guaranteed "Dad-proof"
- Eating from a lap tray will never be the same again!

999



299
each

Pupils' quick trial set aside by judge

Staff Reporter
THE trial of 15 Riversdale pupils convicted of public violence has been set aside on review in the Supreme Court, Cape Town.

The application was unopposed yesterday for the proceedings, convictions and sentences to be set aside after the pupils' attorneys withdrew because the magistrate would not postpone the case for them to consult their clients.

In an affidavit the Attorney-General, Mr D J Rossouw, said he told the prosecutor to oppose postponements of the pupils' trial because "the quick trial of cases arising from unrest has an excellent deterring effect".

The magistrate, Mr G J Barnard, said he believed the legal representatives had enough time.

Mr Barnard found that on September 9 1985 at the Gerritt du Plessis High School the pupils stoned police and private vehicles, damaged school property and boycotted classes.

Ten were sentenced to a year's imprisonment. One was given a year in jail, postponed for five years. Four were sentenced to strokes with a light cane.

According to papers, 23 people were arrested on September 9 and charged with public violence on September 11. They were represented by two attorneys, Ms J Fleischer and Ms S M Pollard.

Ms Fleischer said in an affidavit she and Ms Pollard arrived in Riversdale on September 12 and spoke to eight pupils in police cells before they were called to court.

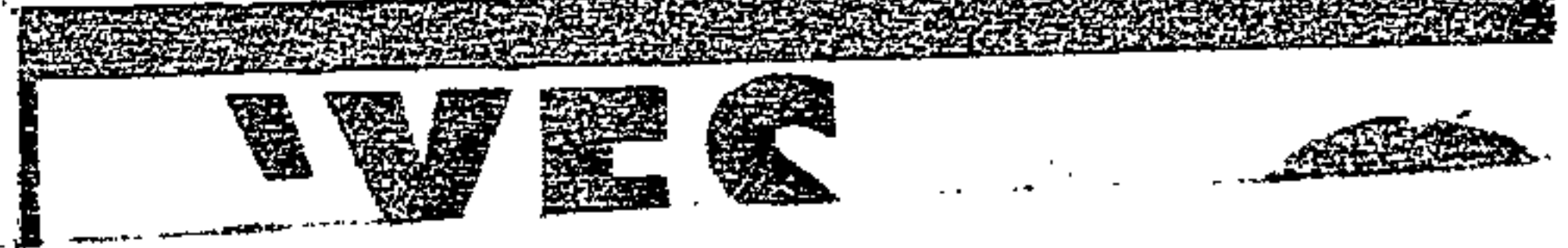
The prosecutor said the Attorney-General had instructed that the case should be completed as quickly as possible and any application for a remand was to be opposed.

Ms Fleischer applied for a postponement, but the magistrate refused. Ms Fleischer said it would be "highly prejudicial" for the accused to plead because they had not all instructed the attorneys.

The magistrate granted the attorneys' request that the case stand down until the following day. Ms Pollard and Ms Fleischer consulted parents and pupils until 10.45pm. By that stage they had spoken to only 16 of the accused.

The following morning they again asked for a postponement and also applied for bail.

The magistrate refused the application.



15 pupils' convictions set aside

Supreme Court Reporter

331

CONVICTIONS and sentences for public violence against 15 Riversdale school pupils were set aside by the Supreme Court yesterday in an action brought by the pupils against magistrate Mr G J Barnard and the Attorney-General.

The Gerrit du Plessis High School pupils, ranging in age from 13 to 21 but mostly under 18, were convicted of public violence by Mr Barnard in September last year.

Ten were sentenced to a year in jail, two to seven cuts with a light cane, two to four cuts with a light cane and one to a year in jail suspended for five years.

Details of the charge — that they allegedly threw stones at police and private vehicles and at windows, disrupted classes, sprayed fire-hoses into classrooms and damaged fire-extinguishers — were given only at 2.10pm on the day they appeared in court, September 12.

'Unable to consult accused'

The two City attorneys representing the pupils — originally 23 in number — applied for a postponement because they had been unable to consult with all the accused. They also applied for bail.

However, the Attorney-General, Mr D J Rossouw, instructed his representative to oppose the postponement and bail. He says in an affidavit that the reason for this was that experience in other centres showed that "swift processing of cases arising from unrest has an excellent deterrent value".

Bail and a postponement were duly refused and the attorneys then withdrew because they felt the pupils' case would be prejudiced since they had not had enough time to prepare.

The hearing went ahead, with the pupils refusing to plead or outline their defence without proper legal advice.

The pupils argued yesterday in their review application that the magistrate's refusal to postpone the hearing amounted to a miscarriage of justice. The magistrate had ignored the question of guilt and innocence and had regard only to what was convenient for the State.

Furthermore, the vagueness of the charge sheet inhibited the preparation of their defence by infringing their right to request further particulars.

Miss Justice L van den Heever and Mr Justice P W E Baker noted that the State had withdrawn its opposition to the pupils' application and duly granted an order setting aside convictions and sentences.

Mr M Donen, instructed by Buchanan Boyes, appeared for the applicants. Mr C T Viviers of the Attorney-General's office appeared for the respondents.

communally exerted in the interests of peace".

Ammunition: Man appears

6/1 3:15 10/16 12/28/86
A MAN who was arrested at a funeral in Nyanga on Saturday appeared in Langa Magistrate's Court yesterday in connection with a charge of possessing ammunition. Mr D Visagie was the magistrate. Mr N Erasmus appeared for the State.

331

10/6/86

Trial argument on tape recording

Pietermaritzburg
Bureau

THE treason trial of four trade unionists in the College Road Supreme Court here has been adjourned to Thursday to give the Attorney-General of Natal time to study a judgment handed down last week relating to the admissibility of tape and video recordings presented as evidence.

The Judge-President of Natal, Mr Justice Milne, found that none of the tapes was admissible but granted the prosecution the opportunity to lead further evidence on the admissibility of three tape recordings.

The State said the judgment had far-reaching implications for their case.

Yesterday Mr Justice Milne granted a further adjournment at the request of the prosecution, who said the Attorney-General had not had an opportunity to study the judgment.

Mr Justice Milne authorised a warrant of arrest for accused Thomazile Gqweta, who was not present at yesterday's proceedings, but ordered that the execution of the warrant be stayed until Thursday.

Defence counsel Mr Clifford Mailer said the reason for Mr Gqweta's absence was that he had missed his flight.

Mr Gqweta and co-accused Sisa Njikelane, Samuel Kikine and Isaac Ngobo have all pleaded not guilty to the charges against them.

2/11/86

33/1

10/6/86

Cut telephone lines — R500 bail for youths

Staff Reporter

THE Supreme Court, Cape Town, has overturned a Knysna magistrate's decision to refuse bail to two youths held in connection with allegations of sabotage.

The youths, aged 16 and 17, alleged to have cut two telephone lines outside Knysna on February 19, have been in custody since they were arrested on February 26 and 28.

BEING INVESTIGATED

During a bail application in Knysna Magistrate's Court in April the State opposed bail because the case was still being investigated, there was unrest in the area and the accused might become involved in similar offences or endanger the public safety. The magistrate refused bail.

Yesterday on appeal Miss Justice van den Heever and Mr Justice Baker granted bail. It was fixed in chambers at R500.

Mr John Whitehead, instructed by Y Ebrahim and Co, appeared for the youths. Mr A Stephen appeared for the State.

Sabotage: Youths get bail 23/

Supreme Court Reporter
A KNYSNA magistrate's refusal of bail to two youths accused of sabotage was overturned on appeal by the Supreme Court yesterday.

The two Knysna youths, aged 16 and 17, are accused of cutting two telephone cables carrying 50 lines between them outside Knysna on February 19. They were arrested on February 26 and 28 respectively and have since been in custody.

A bail application was heard in the Knysna Magistrate's Court on April 8, 9 and 10. The State opposed bail because the case was still being investigated, there was general unrest in the area and the accused might become involved in similar offences or endanger the public safety.

In the Supreme Court yesterday Miss Justice L van den Heever and Mr Justice P W E Baker said they had read the papers and were disposed to grant bail.

The State asked for a short recess for consultation with the Attorney-General's office and bail was subsequently fixed at R500 in chambers.

Mr John Whitehead, instructed by Y Ebrahim and Co appeared for the two youths. Mr A D R Stephen appeared for the State.

Dean King,
148 others
in court

Court Reporter

THE Dean of St George's Cathedral, the Very Rev E L King, has appeared in the Cape Town Magistrate's Court with 148 others, many of them mothers with babies and children.

Most were refugee women from Crossroads.

They were arrested yesterday outside Parliament.

The hearing late yesterday afternoon was held in camera because some of the accused are juveniles.

The group face a main and an alternative charge under the Internal Security Act and a second alternative charge under the Gatherings and Demonstrations Act.

Bail of R50 each was set and the hearing was postponed.

CHRG 7145 12/6/86 (275) (331)

Meeting condemns 'harsh' sentences

Staff Reporter

A MEETING of the Federation of Parent-Teacher-Student Associations this week condemned the harsh sentences meted out to students found guilty of public violence.

A resolution, passed unanimously at Tuesday's meeting in the Witteboom Civic Centre, demanded that all charges of "public violence" against students be dropped immediately and that sentences already imposed be withdrawn so that students could complete their schooling.

The meeting also de-

manded that the government stop its victimization and harassment of teachers, that charges of alleged misconduct against teachers be dropped unconditionally and that students be allowed to have disciplined demonstrations on school grounds.

A spokesman for the federation said the resolution read, in part: "We resolve that we shall work toward a democratic system of education in a democratic non-racial South Africa and that we as parents, teachers and students devote our energies to education for liberation."

AG asked to end Pmb trial

THE Attorney General of Natal, Michael Imber, is considering a request to abandon the prosecution of four trade unionists on trial for treason in the Pietermaritzburg Supreme Court.

Defence Advocate Ismail Mahommed, SC, told the court yesterday his team has made representations to Imber to halt prosecution following last week's judgement in which all the tape-recordings the state sought to use against the defendants were ruled inadmissible as evidence.

Mahommed, who has not been involved in the trial since 12 United Democratic Front leaders were acquitted in December last year, said

By TONY OOSTHUIZEN
Pietermaritzburg

at the brief sitting that Imber needed time to consider the matter. The trial was adjourned to June 23. 13/6/86

On trial are Thozamile Gqweta, Isaac Ngcobo, Sisa Njikelana and Samuel Kikine, all officials of the SA Allied Workers Union.

In a lengthy judgement, Justice John Milne said last Thursday that all the video and audio tape-recordings of meetings the state sought to use against the four trade unionists were inadmissible as evidence. He also ruled that the state may only lead new evidence to prove the admissibility of three of the recordings in question.

Tapes cause new turn in treason trial

Pietermaritzburg
Bureau

COUNSEL defending four trade unionists facing charges of treason in the College Road Supreme Court here have made representations to the Attorney-General of Natal which might result in the matter ending without further evidence being led.

The Judge President of Natal, Mr Justice Milne, adjourned the hearing until June 23 for the Attorney-General to study the implications of a judgment handed down last week in which the Judge ruled that all but three tapes presented as evidence in the trial were inadmissible.

He allowed the prosecution to lead further evidence on the admissibility of those three tapes only.

Mr Ismail Mahomed, SC, for the defence, told Mr Justice Milne yesterday that the judgment had had 'profound implications' for the future conduct of the prosecution in the case.

He said he had held discussions with the State advocates and the Attorney-General of Natal, Mr Mike Imber, and had made 'certain representations' which, if successful, would make it unnecessary for further evidence to be heard.

Mr Mahomed said the Attorney-General required further time to consider the full picture and 'consider

his own reactions' and had asked for a written report from the defence.

Mr Mahomed said the report would be made available to Mr Imber next week.

The four accused — Thomazile Gqweta, Sisa Njikelane, Samuel Kikine and Isaac Ngcobo — are part of a group of 16 people who were initially charged with treason.

During the course of the trial in December last year, the Attorney-General stopped proceedings against 12 of the accused.

CAPE TIMES 18/6/86 (243) (331)

Editor's case postponed

Court Reporter

THE trial of the Editor of the Cape Times, Mr A H Heard, was postponed in his absence in the Cape Town Magistrate's Court yesterday.

The postponement date, July 18, had previously been arranged between Mr Heard's representative, Mr Tim McIntosh, and Mr J Ree-

bein, for the State. Mr Heard was not required to appear in court.

Mr Heard has not been formally charged nor has he been asked to plead.

The case arises from the publication of an interview with the president of the African National Congress, Mr Oliver Tambo, in November last year and falls under Section 56(1)(P) of the Internal Security Act, which relates to quoting a banned person.

The magistrate was Mr M J C Tolken.

Cape Times 18/6/86 329 331

Priest detained, Charge withdrawn

PRETORIA. — A charge of illegal possession of a firearm against a Roman Catholic priest was withdrawn yesterday because he is being detained in terms of emergency regulations.

The secretary-general of the South African Catholic Bishops' Conference, Father Smangalis Mkhathshwa, was to have appeared in the Regional Court here with co-accused Mr Samuel Mkhabela, who was present.

Their lawyer, Mr Brian Currin, told the court that in view of the emergency regulations he had been unable to ascertain the whereabouts of Father Mkhathshwa.

He said he had been advised by a Colonel Ros on Thursday that Father Mkhathshwa had been detained in terms of Section 50. He was later advised that the priest had been detained in terms of the emergency regulations.

Mr Currin said that because he would not be able to determine when Father Mkhathshwa would be released "it would be rather silly to postpone the case to an unknown date".

He said it would prejudice Father Mkhathshwa financially should his lawyer have to appear without him again.

"The fairest thing to do would be to withdraw the charges against him and perhaps recharge him when he is released," Mr Currin said.

After a short adjournment, the magistrate, Mr J Carstens, said the charges would be withdrawn provisionally against both men. — Sapa

Charges against 635 under-20s dropped

Can Times Political Staff (331)
HOUSE OF ASSEMBLY. — Police dropped charges against more than half the 1 045 people under the age of 20 who were arrested in the Western Cape on charges of public violence during the second half of last year.

The Deputy Minister of Law and Order, Mr Adriaan Vlok, said in reply to a question from Mr Ken Andrew (PEP Gardens) that charges were withdrawn or not proceeded with against 635 people under 20, arrested on public violence charges between July 1 and December 31 last year.

Earlier this month, the Minister of Law and Order, Mr Louis le Grange, told Mr Andrew that 167 of the 1 045 people under 20 who were arrested in the last six months of 1985 had been convicted.

NRGUS 18/6/86 (M) (215)

Firebomb at ³³¹ MP's home — man sentenced to two years

Staff Reporter

A MAN arrested after an attack on the home of a Labour Party MP has been found guilty in Wynberg Regional Court of possessing a petrol bomb.

Nehemia Meyer, 23, a cabinet-maker of Wattle Road, Parkwood Estate, was sentenced yesterday to four years' imprisonment, two of which were suspended for four years.

Co-accused Mr Maurice Fookwue, 18, of Pelican Park Way, Grassy Park, was acquitted.

The men were charged with arson, alternatively malicious damage to property, and possessing a petrol bomb following an attack which slightly damaged the home of Mr Dennis de la Cruz.

According to evidence, Meyer was visiting Mr de la Cruz's neighbour, Mrs W Carelse, when police thought he was acting suspiciously and confronted him. He was identified by Mrs Carelse.

Fifteen minutes later a petrol bomb burst on a veranda roof of Mr de la Cruz's house.

Police again confronted Meyer in the street opposite Mrs Carelse's home and he was shot in the leg.

A second bomb with Meyer's fingerprints on it was found unlit against the back door of the house.

Doused a fire

The magistrate, Mr A P Kotze, said the court took into consideration that the bomb thrown on the veranda roof could not have come from Mrs Carelse's house because of a wall that would have prevented it landing where it did.

It could not have been thrown from the front of the house either, because it would have been seen by the policemen and the distance was too great.

He concluded that evidence did not provide enough proof that either Meyer or Mr Fookwue could have thrown the bomb.

Neither was there evidence that Mr Fookwue possessed a petrol bomb at any stage that night.

Meyer had explained that his fingerprints could have been left on the bomb after he doused a fire behind a nearby café with bottles of water. He said he left the bottles at the café.

Mr Kotze said it was unlikely anyone could have taken the bottle an hour earlier, filled it with petrol and planted it behind Mr de la Cruz's home without the fingerprints being obliterated.

Meyer is to appeal.

Mr Michael Donan, instructed by Mr R Vassen, appeared for Meyer and Mr Fookwue. Mr P Marais appeared for the State.

^{SOWETO} ^{19/6/86} Councillors lied about resignations

331
FOUR members of the Somerset East Town Council falsely told residents at a meeting that they had resigned from the council because they feared either being killed or injured, the Delmas treason trial heard yesterday.

Sergeant Mandla Mguba of the Somerset East police told the court that the four councillors continued to serve in the council, despite their announcement that they had quit the institution.

He was giving evidence at the trial of 22 men who are appearing before Mr Justice K van Dijkhorst on charges of high treason. They have pleaded not guilty.

The charges arise out of the unrest which broke out in the Vaal Triangle townships on September 1, 1984.

Sgt Mguba said during 1984 community organisations, including the Somerset East Residential Association, the Somerset East Youth Association and the banned Congress of South African Students, had called on all councillors to resign.

The four councillors earlier held a meeting with him and indicated they were willing to resign.

He said at a meeting called by the organisations, the councillors announced their resigna-

By ALI
MPHAKI

tions following declarations by speakers that they should do so.

After that meeting the four councillors still continued to serve in the council, but held their meetings outside the township because they feared to be either injured or killed by militants.

Sgt Mguba also told the court that between January and February 1985, a member of the United Democratic Front, the late Mr Matthew Goniwe, addressed meetings in Somerset East. Mr Goniwe encouraged residents to report their problems to officials of the organisations and not to the police, he said.

Proceeding.

Jubilation as treason trial four acquitted

MARITZBURG — The lengthy treason trial involving four of the national executive members of the South African Allied Workers' Union came to an abrupt end in the Maritzburg Supreme Court yesterday when all four were acquitted on all charges.

Family and friends in the gallery raised their right arms amid shouts of "Amandla" as

the judge, Mr Justice John Milne, the Natal Judge President, left the crowded court room.

Much jubilation continued outside the court building amid tight police security.

The unexpected turn came when Mr Michael Imber, SC, appearing for the State, announced he wished to stop the proceedings against the accused on all

charges, in terms of section 6 of the Criminal Procedure Act 51 of 1977.

Mr Justice Milne acquitted Mr Richard Gqweta, national president of Saawu; his general secretary, Mr Sisa Njikelana; the general secretary of the Durban branch, Mr Sam Kikine; and treasurer Mr Duze Isaac Ngcobo.

The men had been charged

with high treason and alternative charges under the Terrorism Act, and with furthering the aims of an unlawful organisation.

The allegations included plotting with the ANC to overthrow the South African Government between 1980 and 1985.

The trial began 13 months ago. Yesterday was the 86th court day.

Reporter subpoenaed over alleged SAP attacks

The Argus Correspondent

PRETORIA. — A reporter from the Sowetan newspaper, Mr Monk Nkomo, has appeared in court here after being subpoenaed to give information relating to alleged petrol-bombings by the police.

No evidence was led yesterday because Mr Nkomo's attorney, Mr Paul Jenkins, was not in court.

NAMES SOUGHT

The prosecutor, Mr A F du Toit, asked the magistrate, Mr M Boon, to postpone the hearing because Mr Jenkins had told him he would not be available.

Mr Nkomo, who was subpoenaed in accordance with sec-

tion 265 of Act 51 of 1977, is required to divulge names and addresses of people whose houses were allegedly attacked by the police.

The subpoena follows a report written by Mr Nkomo about the alleged attacks on Atteridgeville homes by police. The report appeared on April 1.

Mr Nkomo is expected to testify and state everything he knows about the alleged arson offence, failing which he may serve six months' imprisonment and a further jail sentence at the end of the first sentence.

The hearing was postponed to June 27.

Thursday June 19 1986

Sudden end to treason trial as charges are dropped

THE long treason trial of four national executive members of the SA Allied Workers' Union came to an abrupt end in the Supreme Court in Maritzburg yesterday.

All charges were dropped by the State.

There was much jubilation among family and friends of Saawu national president Thozamile Gqweta, general secretary Sisa Njikelana, Durban general secretary Sam Kikine and treasurer Duze Isaac

Ngcobo, as the 13-month trial came to a dramatic end. Yesterday was the 86th court day.

Right arms were raised in the gallery amid shouts of "Amandla!" as Natal Judge President Mr Justice John Milne left the crowded court room.

Prosecutor Michael Imber, SC, said he wished to stop the proceedings against the accused on all charges.

The men had been charged

CLAUDE PICKARD-CAMBRIDGE and Sapa

with high treason, alternatively charges under the Terrorism Act, and with furthering the aims of an unlawful organisation.

The allegations, in a 600-page indictment, included plotting with the ANC to overthrow government between 1980 and 1985.

Saawu welcomed withdrawal of charges.

A member at Saawu's Johannesburg head office, however, said he could not comment in the absence of top Saawu officials who had been in detention or in hiding since the declaration of the emergency.

Progressive Federal Party (PFP) law and order spokesman Helen Suzman said: "I think there is general alarm about the frequency with which trade unionists have been arrested and more particularly with their detentions under emergen-

cy regulations.

"It is difficult to accept Minister of Law and Order Louis Le Grange's statement that the detentions of these people have in every case had nothing to do with their trade union activities.

"I think it is too bad that when people are arrested, it takes such a long time before their cases are heard. If ultimately they are found not guilty, it means they spent many months in jail at great personal loss."

Necklace murder: 5 in court

OWN Correspondent

PORT ELIZABETH. — Three men and two women appeared briefly in Uitenhage Magistrate's Court yesterday in connection with the necklace murder of a Uitenhage man.

Mr Lodewyk Vlooh's charred corpse was found near KwaNobuhle, Uitenhage, last week after he had disappeared on June 14 while on his way to an off-course tote.

Those who appeared were Mr Henry Schwarts, 36, Mrs Pamela Lewis, 28, Miss Marie Lewis, 19, Mr Bernard Lewis, 25 and Mr David Lewis, 25.

They were not asked to plead and were remanded till July 23.

Envoy talks of 'failure' in SA

From MARGARET SMITH

LONDON — Mr Terry Waite, the Archbishop of Canterbury's special envoy, arrived back at Heathrow Airport yesterday from South Africa, speaking of a "massive failure of statesmanship".

He told a news conference that his visit had been a difficult and somewhat distasteful task because he had no desire to interfere or meddle in the affairs of another country. But he was sent there because his church was in the front line in a rapidly deteriorating situation.

Mr Waite said there was no way of knowing how many people had been detained or arrested, but it was a very considerable number.

He had brought back

with him a letter smuggled out of jail by one of the detainees. When he read it out he left out all references to any names in it.

Mr Waite said that many white people were also upset by what was going on. The last white person he had spoken to was in tears over what was happening.

He said he was sure that, in the South African Government, there were people who wanted to initiate reform.

During his visit he had spoken to black people about sanctions and had put to them the argument used in the UK, that sanctions would harm them. The reply was that they were suffering anyway.

Mr Waite now reports back to the Archbishop of Canterbury.

Address

Name

Number

Name of

cancelled

Please

I enclose

welcome

If you'd

about St

ces and

Plans

alt

SOWETAN

TUESDAY, JUNE 24, 1986

27c + 3c GST (PWV) Prices elsewhere on back page

SAAWU

4 GO

FREE

THE lengthy treason trial involving four of the national executive members of the South African Allied Workers' Union came to an abrupt end in the College Road, Supreme Court, Maritzburg yesterday morning when all four were acquitted on all charges.

Family and friends in the gallery raised their right arms amid shouts of "Amandla" as the judge, Mr Justice John Milne, the Natal Judge President, left the crowded courtroom.

Much jubilation continued outside the court building amid tight police security.

The unexpected turn came when Mr Michael Imber, SC, appearing for the state announced he

wished to stop the proceedings against the accused on all charges, in terms of Section 6 of the Criminal Procedure Act 51 of 1977.

Mr Justice Milne acquitted Mr Richard Gqweta, national president of Saawu, his general secretary, Mr Sisa Njikelana, the general secretary of the Durban branch, Mr Sam Kikine, and treasurer Mr Duze Isaac Ngcobo.

The men had been charged with high treason and alternative charges under the Terrorism Act and with furthering the aims of an unlawful organisation.

The allegations included plotting with the ANC to overthrow the South African Government between 1980 and 1985.

Acquitting the men, Mr Justice Milne congratulated both the defence and State teams. — Sapa.



SAM Kikine... one of the four trade unionists who were acquitted yesterday.

Minister talks to leaders

BUSINESS leaders met the Minister of Law and Order, Mr Louis le Grange, yesterday for talks on the detention of trade union leaders under the state of emergency.

The talks continued

By LANGA SKOSANA

Further meetings would be held today and he was hopeful that a result would be reached today.



MINISTER Louis le Grange.

which could only be resolved by their elected leaders.

At union offices yesterday those leaders who have not been detained were absent and said to be

"Damelin makes it easy!"

Mr J.P. Brummer, Principal, Damelin Correspondence College.



The Damelin Study Directorate under the Chairmanship of Damelin Principal Mr J.P. Brummer sees to it that every student receives personal attention before and after enrolling as a student. The other members of the Directorate are Mr Philip Pitse and Mr Anu hael Isaka the Chief Career Advisers, and Mr M.G. Andrew, the Director of studies. Here we see them hard at work.

"To get a good job and earn more money you must have a good education. And our results over the past 30 years prove that there is no finer way than a Damelin Correspondence Course. My many years in the educational field have enabled me to develop courses that will bring out the very best in you. You see, Damelin is a private institution with no restrictive rules or regulations to stand in the way of dynamic teaching methods. I can therefore personally guarantee the best teachers and the very best notes. But of course correspondence doesn't just mean notes. It means that your teachers are in constant touch with you to watch your progress. In fact I am so sure of our methods, that if you do fail, we will give you up to four years free education until you pass. Fill in the coupon below and we will send you our free brochure." Damelin is the official correspondence college of the African Teachers' Association and also of numerous official and business organisations.

COURSES OFFERED:

Bond rates down to 16pc

Dispatch Correspondent

JOHANNESBURG — Building societies have been persuaded by the monetary authorities to lower their mortgage rate to 16 per cent across-the-board in order to give added weight to the government's stimulatory package.

All major building societies have cut their interest rates for new home bonds to 16 per cent across-the-board with immediate effect.

The Natal Building Society and Saambou will reduce rates for all existing bonds from October 1, following the lead set by the UBS yesterday, while the Allied and the SA Perm have not yet announced when their reductions for existing bondholders will take effect.

On an average R43 000 bond, the one percentage point drop represents a monthly tax-free saving of R35 to R40. The UBS estimates that the drop in bond rates will inject an extra R300 million into the pockets of consumers and, therefore, probably boost consumer expenditure.

However, at least one building society chief disagrees with this view. The NBS's managing director, Mr John Bennett, says the reduction will only benefit the 30 per cent of all bondholders whose bonds are not subsidised.

Furthermore, the reduction in deposit rates will fur-

ther reduce the amount available for investors to spend.

The NBS and Saambou have also followed the UBS in reducing their retail deposit rates. The Allied reduced its fixed deposit rates yesterday, competing with the UBS in some of the larger categories.

The societies have reduced all their fixed deposit rates by one percentage point on average, with 12 month fixed deposits reduced to 12 per cent.

Furthermore, building societies and the Post Office were required to reduce interest rates on new tax-free and partially tax-free investments by between 0.5 per cent and 1.0 per cent yesterday, while rates on existing investments will take effect on October 1.

One society managing director says that while the movement's decision to reduce interest rates did follow recent discussions with the South African Reserve Bank, "there was no pressure on us to take this action".

~~11/10~~ 11 0 24/6/86 331

Capt Prins 2 4/6/86 (23)
Court grants pupils bail

Supreme Court Reporter
THE Supreme Court yesterday overturned a magistrate's refusal of bail to four Worcester pupils arrested in connection with allegations of intimidation.

The three boys and a girl, all under 18, were arrested on March 12. They have been expelled from Breërivier Secondary School.

Two pupils were released on their own recognizances. Bail was fixed at R500 for the other two.

Their trial has been set down for hearing on Thursday in Worcester.

Mr Justice G Friedman presided. Mr T Prins appeared for the State. Mr R D McClarty, instructed by Emver Daniels, appeared for the pupils.

2/11 24/6/86

331



Four freed in treason trial

Pietermaritzburg
Bureau

THERE was jubilation at the College Road Supreme Court yesterday when Natal's Attorney General, Mr Mike Imber SC, stopped the prosecution against four trade unionists charged with treason more than a year after the trial began.

The costs of the trial are believed to run into millions of rands, but a proper estimate of State and defence costs could not be obtained.

Mr Justice Milne with two assessors, Mr Wellington Mshali and Mr Ishwarbhai Amin (both of Durban), yesterday formally acquitted the accused: Mr Thomazile Gqweta, Mr Sisa Njikelane, Mr Samuel Kikine and Mr Isaac Ngcobo (all national executive members of the South African Allied Workers' Union), on all charges against them following Mr Imber's announcement in court.

A large crowd of supporters cheered and saluted the four men.

The four were released on bail of R15 000 each on May 3 last year subject to

certain conditions.

The granting of bail to the four accused, as well as 12 co-accused (all supporters of the United Democratic Front), followed a five-month legal battle after the Attorney General had refused them bail on the grounds that the security of the State would be threatened.

In December last year Mr Imber stopped the prosecution of the 12 other accused, but pressed charges against Mr Gqweta, Mr Njikelane, Mr Kikine and Mr Ngcobo.

The first inking that the case against the four men would be dropped came two weeks ago when defence counsel, Mr Ismail Mahomed SC, told Mr Justice Milne that he had made representations to the Attorney-General which could result in the end of the trial. He said the move followed a judgment in which Mr Justice Milne had ruled that all taped evidence (except for three specific tapes) presented by the State during the trial was inadmissible.

The four trade unionists said yesterday they were

'very happy' to be able to rejoin their families and friends, whom they have not seen for months at a time while the case was in progress, and they were planning a celebration.

They will all be returning to their former positions and are eager to continue their union work.

587 pages

In terms of their bail conditions they were unable to do so while the trial continued.

The legal costs and loss of earnings incurred by the 12 accused who were acquitted in December were estimated to be about R1 400 000 by an instructing attorney.

Yesterday the four former accused assisted their legal representatives in clearing their office of a mass of documents and books which were used in the trial.

The original indictment alone consisted of three volumes amounting to 587 pages.

Mr Ismail Mahomed SC, Mr Clifford Mailer and Mr Murumo Moerane appeared for the defence during the case. Mr Andre Oberholzer and Mr Christo Meinert appeared for the State.



Three of the acquitted trade unionists leave the Supreme Court building carrying some of the trial papers. From the left are Mr Thomazile Gqweta, Mr Isaac Ngcobo and Mr Sam Kikine.

State drops case against unionists

CAP Temp 24/6/86

331

Own Correspondent

MARITZBURG. — There was jubilation at the College Road Supreme Court yesterday when Natal's Attorney-General, Mr Mike Imber, SC, stopped the prosecution against four trade unionists charged with treason more than a year after the trial began.

The costs of the trial are believed to run into millions of rands, but a proper estimate of State and defence costs could not be obtained.

Strict bail conditions

Mr Justice Milne with two assessors, Mr Wellington Mtshali and Mr Ishwarbhai Amin, yesterday formally acquitted the accused — Mr Thomazile Gqweta, Mr Sisa Njikelane, Mr Samuel Kikine and Mr Isaac Ngcobo (all national executive members of the South African Allied Workers Union) — on all charges following Mr Imber's announcement in court.

A large crowd of supporters cheered and saluted the four men who were delighted to regain their freedom of movement after a year of strict bail conditions.

The four were released on bail of R15 000 each on May 3 last year on conditions which included reporting daily to the police, not leaving their magisterial area without written permission of the Attorney-General or his representative, surrendering their travel documents and not communicating with witnesses.

The granting of bail to the four as well as 12 co-accused (all supporters of the UDF), followed a five-month legal battle after the Attorney-

General had refused them bail on the grounds that the security of the State would be threatened.

In December last year Mr Imber stopped the prosecution of the 12 other accused, but pressed charges against Mr Gqweta, Mr Njikelane, Mr Kikine and Mr Ngcobo.

The first inkling that the case against the four men would be dropped came two weeks ago when defence counsel, Mr Ismail Mahomed, SC, told Mr Justice Milne that he had made representations to the Attorney-General which could result in the end of the trial.

He said the move followed a judgment in which Mr Justice Milne had ruled that all taped evidence (except for three tapes) presented by the State was inadmissible.

The four trade unionists said yesterday they were "very happy" to be able to rejoin their families and friends, and were planning a celebration.

Loss of earnings

They will all be returning to their former positions and are eager to resume their union work.

The legal costs and loss of earnings incurred by the 12 accused who were acquitted in December were estimated to be about R1 400 000 by an instructing attorney.

Yesterday the four former accused assisted their legal representatives in clearing their offices of a mass of documents and books used in the trial.

The original indictment, served on all 16 accused, consisted of three volumes amounting to 587 pages.

hibited.

Police actions
church but
not be pub-
lic time in
emergency

ated person-

ics ... 9

... 2

... 2

... 21

port ... 4

(newspaper)

DEK, Tel 82-111

DE

CAPE TOWN 25/6/86
**Terrorism: 6
years for man**

PAARL — A Paarl East man was found guilty by Mr J Lemmer in the Regional Court here yesterday of terrorism and sentenced to six years' imprisonment. Titus Hendricks, 25, pleaded guilty.

The State alleged that he was engaged in African National Congress activities between October 9 and November 25, 1985 with a view to placing the Republic of South Africa in danger.

— Sapa

RDEN EILAND, CP

TION

STOP CADOC

OVERLAY NEW STOC

Att Tink 26/6/86

33/

Charges against CBS cameraman dropped

Court Reporter

CHARGES against CBS cameraman Mr Wim de Vos, of obstructing police and resisting arrest, were withdrawn in the Magistrate's Court on Tuesday.

Mr De Vos, 38, a Dutch citizen resident in Johannesburg, was deported from South Africa last week.

The charges, withdrawn following a decision by the Attorney-General, arose out of incidents in Parliament Street on June 11.

Mr De Vos had paid R200 police bail.

Mr B J Viljoen was the magistrate. Mr G Malgas prosecuted. Mr B Surdlet had represented Mr De Vos but had been told it was not necessary to attend the hearing.

Cape Times 26/6/88
Whippings

sensitive

Political Reporter

THE number of people who have been whipped for public-violence charges are so many that the government is sensitive about disclosing the figures, Mr Helen Suzman (PFP Houghton) said yesterday.

She was commenting in an interview after the Minister of Justice, Mr Kobie Coetsee, said in reply to her question in the House of Assembly that information on the number of persons whipped was not readily available.

"It can only be obtained by examining the court records of all courts country-wide, which is not economically feasible," he said.

Mrs Suzman said she concluded that the number of people being whipped was so high the government realized it was sensitive to disclose the information.

She said earlier this year figures on whippings were made available after Mr Dave Dalling (PFP Sandton) tabled a question.

Ten in court in connection with 13 blasts

N/M 26/6/86 (33)

Mercury Reporter

THERE were shouts in the Durban Supreme Court yesterday when 10 people, appearing before Mr Justice Howard in connection with 13 bomb blasts, left the dock.

The packed court had earlier been quiet as the nine men and a pregnant woman entered, following a warning from a police officer that he would have anyone who sang or shouted removed.

The accused, who include two Indians, one of them a doctor, are charged with 20 counts of contravening the Internal Security Act and the Arms and Ammunition Act.

They are Duduzile Charity Baby Buthelezi, 32, Vejaynand Ramlakan, 28, Sibongiseni Maxwell Dhlomo, 26, Sibusiso Nzlanzi, 29, Jude Francis, 21, Ordway

Msomi, 20, Sipho Bhila, 31, Phumezo Nxiweni, 20, Mapiki Dlomo, 32, and Bafu Nguqu, 31.

By consent, Mr Justice Howard postponed the matter to July 3 so that the defence could make an application to set aside the Attorney-General's certificate barring the Court from granting bail.

The grounds for the application, and the application itself, would be heard on the same day.

According to the State, the accused are alleged to have been instrumental in planting bombs in various places in the Durban area between September 1983 and January this year.

They are also alleged to have played a part in the bomb blast at Amanzimtoti's Sanlam Centre

Mr L Gering appeared for the defence.

Lawyers appear in court — bail extended

Staff Reporter

CAPE Town advocate Mr Mohamed Anwar Albertus and Stellenbosch attorney Mr Trevor Vernon Gerald de Bruyn have appeared in Worcester Magistrate's Court.

They were not charged during the hearing yesterday, postponed to August 4. Bail of R500 each was extended.

Mr Albertus and Mr de Bruyn, members of a legal team defending 38 residents of Nkqubela township, Robertson, were detained at the Worcester court last Thursday and released on bail yesterday, hours before their wives applied for their release in the Supreme Court, Cape Town.

Mr J M Els was on the Bench. Mr A Omar appeared for Mr Albertus and Mr de Bruyn. Mr G D V Duncan appeared for the State.

Fund to aid bodies fined for sheltering refugees

Staff Reporter

A FUND for people, churches and relief organisations fined for harbouring Crossroads and KTC refugees has been set up by Groote Schuur MPC Mr Jan van Eck.

Mr van Eck of the Progressive Federal Party said about R1 500 would be needed for ad-

mission of guilty fines if they were paid before the July 11 deadline.

Many of the people and organisations are expected to go to court and legal costs will be involved.

They were charged under the now-repealed Black (Urban Areas) Consolidation Act.

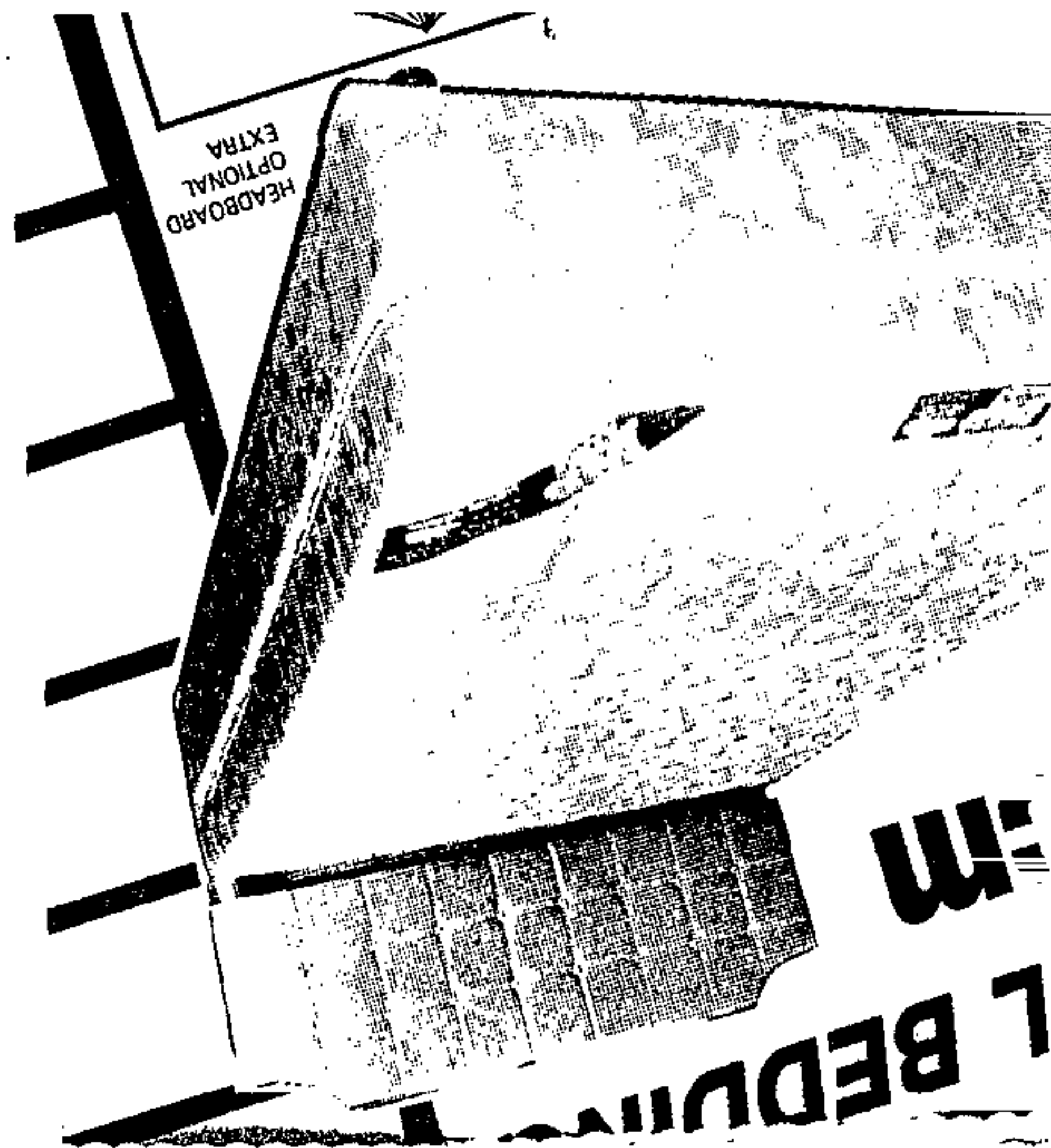
"The fund is being launched to show that the people of the southern suburbs do not object to harbouring people who are destitute and homeless, whether they are black, white or green," said Mr van Eck.

● How you can help, Page 16.

argain!
E ARM
E WITH
MATIC

New!

from Sher's



. Brandy



TURFLOOP MARCH RECALLED

THE march by students of the University of the North to the Mankweng Police Station on June 16 last year, was recalled at the Delmas treason trial yesterday.

This was during Captain Jacobus Vorster's evidence at the trial of 22 men who are appearing before Mr Justice K Dijkhorst, sitting with two assessors.

He told the court that on that day there were two meetings — one in Mankweng Lutheran Church which was organised by the local youth congress and another at the campus which was organised by Azaso.

He said about 5 pm students from Turfloop marched out of the campus and were joined by pupils from Mankweng in their march to the police sta-

"They were about 900 to 1 000 and were singing freedom songs and chanting slogans like, "viva ANC and viva Tambo", he said.

He told the court that the group then stoned the police station but were chased by the Lebowa police who were using sjamboks. One teargas canister was fired and many of the students fled back to the campus. Captain Vorster added that about 7.30pm the same day students invaded the university cafeteria. They looted and took some money from the till, he said.

He further said on June 26, 1985, pamphlets were distributed at Mankweng and more near the Turfloop SRC offices at Tiro Square.

Prosecutor: "Is Tiro Square the actual name of the place?"

Captain Vorster: "No. It was named by students after Tiro made a political speech at that place."

In his evidence, Captain Vorster also said that the Azanian Students Organisation manipulated students at Turfloop and took over the SRC in 1985.

Slogans

Prosecutor: "Before 1985 did SRC members not belong to any organisation?"

Captain Vorster: "The SRC was comprised of both Azanian Students Movement and Azaso members."

He added that in May last year, he saw slogans in Mankweng and Turfloop. Some read: "Oliver Tambo Save Us," "ANC leads".

Healey: solidarity at treason trial

DELMAS — The foreign affairs spokesman for Britain's opposition Labour Party, Mr Denis Healey, yesterday attended the treason trial of 22 men here.

"I came to this trial because I wanted to show solidarity with the accused," Mr Healey said. "They gave us a great welcome as we walked into court and I am very glad I was able to come."

Mr Healey, on a four-day trip to South Africa at the invitation of the South African Council of

Churches, travelled to Delmas with his deputy spokesman, Mr Donald Anderson.

Later in the day he hugged anti-apartheid activist Mrs Winnie Mandela in an emotional meeting at her lawyer's office.

Mr Healey said he met Mrs Mandela after the government refused him permission to visit her jailed husband, the leader of the African National Congress, Mr Nelson Mandela. — Sapa

The tough task of being an organiser

The struggle of the South African Allied Workers' Union (Saawu), whose leaders were this week acquitted of treason charges in Maritzburg, encapsulates the heavy odds faced by black unions in organising workers.

Charges against Saawu President Mr Thozamile Botha, secretary Mr Sisa Njikelana, treasurer Mr Isaac Ngcobo and Durban branch secretary Mr Sam Kikine were withdrawn by Mr Justice Milne after the State decided not to proceed with prosecution.

CHARGED

The four — with 12 United Democratic Front leaders — were initially variously charged with treason, terrorism and/or furthering the aims of the African National Congress. Proceedings against the other accused were dropped last December. All accused had been out on bail since May 1984.

The allegations against the four specifically referred to the period from 1981 — when Saawu was at its strongest — until 1985.

The union, formed in

The acquittal of four South African Allied Workers' Union (Saawu) leaders on treason charges this week has again focused attention on the union, which has had the constant attention of the authorities since its inception. MIKE SILUMA traces the union's history.

1978, was one of the most militant to organise black workers in the post-Wiehahn era. The fastest growing union at the time, Saawu soon called a national boycott of Wilson Rowntree products after its members were fired at the company's plant in East London.

The boycott call was followed by the formation of community and student support committees — giving further impetus to moves in some union circles for closer co-operation between unions and community groups. Such moves were rejected by other unionists.

Saawu's approach was not to lead to a union as strong on the factory floor as its founders would have liked, but it did play a part in the highly politicised Congress of SA Trade Unions-style unionism.

Saawu also to become a founder member of Cosatu.

Later Saawu played a leading role in the protracted Mdantsane, East London, bus boycott in 1983.

And when the UDF was established, Saawu was one of the first member unions.

While at the pinnacle of its strength, Saawu might have been a source of worry to many employers, it was perhaps its bold involvement in political issues which placed it on a collision course with both the Government and the homeland authorities.

And while life was made uncomfortable for independent unions for their opposition to the apartheid and the homelands, Saawu was the first union to be banned in the homelands — first in Ciskei and then in Transkei.

CAA Times
27/6/86 331

Charges dropped against 26

Court Reporter

CHARGES against 26 of the 54 people who were arrested at D F Malan Airport during a farewell to Pastor Gottfried Kraatz in March, were withdrawn in Bellville Magistrate's Court, on Wednesday.

They are: The Rev Susan Birchfield, Ms Ingrid Vienings, Mr Lourens Miller, the Rev Robin Peterson, the Rev Charles Martin, Mr Abdoesalaam Isaacs, Mr Nicholas van Wyk, Mr Ismail Gafieldien, Ms Vivian West, Ms Patricia Edwards, Ms Susan Anderson, Ms Jeanette White, Mr Jacques Adonis, the Rev Brian Birchfield, Mr Sulaiman Isaacs, Mr Dennis Jason, Mr Faried Connely, Mr Faried Salie, Mr Andrew Hendricks, Mr Martin Holtzman, Mr Ismail Otto and five minors.

All had been charged with committing a disturbance or disorderly conduct at the airport.

Warrants of arrest were issued for: Ms June Esau, Mr Johnny Issel, Mr Nazeem Drumont, Ms Elizabeth Erasmus, Mr Trevor Barron, Mr Anton Frans, Ms Shirley Gunn, Ms Veronica Simmers, Mr Charles Martin, Mr Andrew November, Mr Anthony Diedricks, and Mr Cecil Esau.

The others, who were warned to appear on July 28, are: Mr Andre Robertson, Ms Carol Bowman, Ms Levona Smith, Ms Henriette Abrahams, Ms Toegieda Simon, Mr Steven Fortuin, Mr Theodore Abel, Mr Christopher Rutledge, Mr Wayne Daniel, Ms Rene Lawrence, Ms Gillian Arendse, Mr Faizel Benjamin, Mr Deon Jaman and three minors.

The sixty seconds that ended a two-year court marathon



331 **Shoulder-high to freedom: Isaac Ngcobo and Thozamile Gqweta are carried from the courthouse**

Picture: AFP

WHEN the end came it took less than a minute — but the acquittal of the last of the Pietermaritzburg treason trialists this week represented an estimated R2-million in costs, two years of harassment and the financial ruin of many of the accused.

It was to have been a show case for the state to prove its theory of a grand revolutionary alliance between the African National Congress, the South African Communist Party and the South African Congress of Trade Unions, and to implicate the United Democratic Front and its affiliates in a plan for the violent overthrow of the state.

In the end, many of these original allegations were withdrawn by the state as the trial progressed. Not only were there no convictions but the trial itself had to be aborted when it became clear that the state's evidence could not stand up.

As far as the state's propaganda purposes are concerned, the trial scored about as highly as the 1956 mass treason trial, with the acquittal of all accused in both cases.

The run up to the trial began with widespread arrests at the time of the elections to the Indian and coloured parliamentary houses in August 1984. Some of those detained won a supreme court order setting aside their detention notices as unlawful, but they immediately went into hiding, anticipating the state would issue new detention notices. When the revised orders were signed, six detainees came out of hiding and began a sit-in in the Durban British Consulate with the aim of highlighting the South African government's practice of detention without trial.

The showcase treason trial at Pietermaritzburg, where the state aimed to prove links between the ANC, the Communist Party and the UDF, has ended much like the famous treason trial of the fifties: with the acquittal of all the accused

As they left the premises of the consulate many weeks later, five of the six were arrested on treason charges. A number of detainees from the Transvaal were brought to Natal to join the five, four unionists were also arrested and the grand total of 16 then began an ultimately successful fight for bail.

By December the defence had so undermined the state's evidence that charges were dropped against the first 12 accused, all members of the UDF or its affiliates. But the trial of the four unionists — all executive members of the South African Allied Workers Union — continued. They are Sisa Njikelana, Thozamile Gqweta, Isaac Ngcobo and Sam Kikine.

In the second part of the trial the state relied heavily on tape recordings and videos to prove its case against Saawu, claiming the unionists were guilty of treason, terrorism and furthering the aims of a banned organisation.

The defence team brought vital criticisms of the tapes, claiming their validity was 'in doubt', and in a landmark judgement, Judge President John Milne agreed, ruling the tapes inadmissible.

Finally, on Monday this week Natal Attorney-General Mike Imber admitted defeat, and the four Saawu

leaders were declared not guilty.

An important legal outcome of the trial was the judgement on the admissibility of tape recordings. Already it has been hailed as a landmark, and legal experts have predicted it will be widely used as a guideline.

Justice Milne referred to the relevant Canadian, English and American cases in reaching his decision and dealt with the highly technical problems highlighted by the conflicting evidence of two expert witnesses.

The judge also set an example, although not a precedent, when he appointed two black assessors to sit with him. This has not happened in a treason trial before, and on several occasions one of the assessors was able to point out mis-translations by the state.

For the unions, the case will also have long term significance in the details which were revealed of management/state/security police collaboration to crush Saawu.

Cross-examination also revealed, for example, an occasion on which the then Minister of Labour Fanie Botha attended a meeting of management in the Border area to discuss with them action to curb Saawu, a meeting called by the Border Chamber of Industries.

The ripple effects of these

revelations are still being felt in labour relations in the area.

For the newly freed Saawu leaders their acquittal has positive and negative implications, and the subdued mood outside the court after they were pronounced not guilty showed they were well aware of this.

They have gained their freedom and are no longer menaced by the threat of a capital offence.

But this also removes the immunity from detention and harassment which the trial provided. Now they are as vulnerable to detention as their 12 former co-accused, several of whom are believed to have been detained or to have gone into hiding to avoid being picked up.

And while they are now free to take up the administration of Saawu once again, they will also have to face the major split which developed in the union just before their arrest. The four represent the two top officials of the two opposing groups. Forbidden to engage in union activities while the trial was on, the four hope to work out some deal now they are free.

They also have to work out Saawu's relations to Cosatu, to Inkatha and to Uwusa, all issues their fellow unions have struggled through over the last year, during which time the Saawu executive were "in a political refrigerator" as Njikelana put it.

As to the costs in financial terms, estimates put the state's expenses as well over R1-million and the defence bill added to this pushes the total to R2-million.

With no convictions, and not even enough evidence to stay the course of a trial, the taxpayer might well ask what the whole exercise was all about.

WEEKLY MAIL REPORTER, Durban

The sixty seconds that ended a two-year court marathon



331 **Shoulder-high to freedom: Isaac Ngcobo and Thozamile Gqweta are carried from the courthouse**

Picture: A.P.

WHEN the end came it took less than a minute — but the acquittal of the last of the Pietermaritzburg treason trialists this week represented an estimated R2-million in costs, two years of harassment and the financial ruin of many of the accused.

It was to have been a show case for the state to prove its theory of a grand revolutionary alliance between the African National Congress, the South African Communist Party and the South African Congress of Trade Unions, and to implicate the United Democratic Front and its affiliates in a plan for the violent overthrow of the state.

In the end, many of these original allegations were withdrawn by the state as the trial progressed. Not only were there no convictions but the trial itself had to be aborted when it became clear that the state's evidence could not stand up.

As far as the state's propaganda purposes are concerned, the trial scored about as highly as the 1956 mass treason trial, with the acquittal of all accused in both cases.

The run up to the trial began with widespread arrests at the time of the elections to the Indian and coloured parliamentary houses in August 1984. Some of those detained won a supreme court order setting aside their detention notices as unlawful, but they immediately went into hiding, anticipating the state would issue new detention notices. When the revised orders were signed, six detainees came out of hiding and began a sit-in in the Durban British Consulate with the aim of highlighting the South African government's practice of detention without trial.

The showcase treason trial at Pietermaritzburg, where the state aimed to prove links between the ANC, the Communist Party and the UDF, has ended much like the famous treason trial of the fifties: with the acquittal of all the accused

As they left the premises of the consulate many weeks later, five of the six were arrested on treason charges. A number of detainees from the Transvaal were brought to Natal to join the five, four unionists were also arrested and the grand total of 16 then began an ultimately successful fight for bail.

By December the defence had so undermined the state's evidence that charges were dropped against the first 12 accused, all members of the UDF or its affiliates. But the trial of the four unionists — all executive members of the South African Allied Workers Union — continued. They are Sisa Njikelana, Thozamile Gqweta, Isaac Ngcobo and Sam Kikine.

In the second part of the trial the state relied heavily on tape recordings and videos to prove its case against Saawu, claiming the unionists were guilty of treason, terrorism and furthering the aims of a banned organisation.

The defence team brought vital criticisms of the tapes, claiming their validity was in doubt, and in a landmark judgement, Judge President John Milne agreed, ruling the tapes inadmissible.

Finally, on Monday this week Natal Attorney-General Mike Imber admitted defeat, and the four Saawu

leaders were declared not guilty.

An important legal outcome of the trial was the judgement on the admissibility of tape recordings. Already it has been hailed as a landmark, and legal experts have predicted it will be widely used as a guideline.

Justice Milne referred to the relevant Canadian, English and American cases in reaching his decision and dealt with the highly technical problems highlighted by the conflicting evidence of two expert witnesses.

The judge also set an example, although not a precedent, when he appointed two black assessors to sit with him. This has not happened in a treason trial before, and on several occasions one of the assessors was able to point out mis-translations by the state.

For the unions, the case will also have long term significance in the details which were revealed of management/state/security police collaboration to crush Saawu.

Cross-examination also revealed, for example, an occasion on which the then Minister of Labour Fanie Botha attended a meeting of management in the Border area to discuss with them action to curb Saawu, a meeting called by the Border Chamber of Industries.

The ripple effects of these

revelations are still being felt in labour relations in the area.

For the newly freed Saawu leaders their acquittal has positive and negative implications, and the subdued mood outside the court after they were pronounced not guilty showed they were well aware of this.

They have gained their freedom and are no longer menaced by the threat of a capital offence.

But this also removes the immunity from detention and harassment which the trial provided. Now they are as vulnerable to detention as their 12 former co-accused, several of whom are believed to have been detained or to have gone into hiding to avoid being picked up.

And while they are now free to take up the administration of Saawu once again, they will also have to face the major split which developed in the union just before their arrest. The four represent the two top officials of the two opposing groups. Forbidden to engage in union activities while the trial was on, the four hope to work out some deal now they are free.

They also have to work out Saawu's relations to Cosatu, to Inkatha and to Uwusa, all issues their fellow unions have struggled through over the last year, during which time the Saawu executive were "in a political refrigerator" as Njikelana put it.

As to the costs in financial terms, estimates put the state's expenses as well over R1-million and the defence bill added to this pushes the total to R2-million.

With no convictions, and not even enough evidence to stay the course of a trial, the taxpayer might well ask what the whole exercise was all about.

Press photos query in Delmas court trial

A JOHANNESBURG newspaper correspondent yesterday told the Delmas Circuit Court that he could not remember any of the speakers who addressed a one-million-signatures campaign meeting held in Thabong, Welkom, during 1984.

Mr Hendrick Molema Mochudi was giving evidence at the trial of 22 men facing charges of treason before Mr Justice K Dijkhorst sitting with two assessors.

Mr Mochudi told the court that in 1984 he was a freelance reporter for the defunct Bloemfontein-based newspaper, *The Friend Special*, and covered the meeting which was held at the Roman Catholic Church in Thabong.

"I do not know these people but I was told by the policeman who gave me the subpoena that one of the people was

Mr Terror Lekota," Mr Mochudi said.

He told the court that on that day he took eight photographs at the meeting and sent them all to his newspaper in Bloemfontein. Mr Mochudi was shown the pictures in court and asked by the prosecutor if he knew any of the people appearing in the photos.

Judge: Does it mean you took pictures of people you do not know?

Mr Mochudi: These people were not introduced. I do not know them.

Judge: How would your readers know who you are referring to in your story?

Mr Mochudi: All pictures had captions, but I do not remember who these people were.

Mr Mochudi added that he first refused to testify at the trial.

331

Journalist called in treason trial

Staff Reporter

DELMAS — A Welkom journalist briefly took the witness stand in the Delmas treason trial yesterday and said he was unable to identify any person who appeared in photographs he had taken at a United Democratic Front meeting.

Mr Hendrik Molema Mochudi, a *City Press* reporter, told Mr Justice K van Dijkhorst he had taken the photographs in early 1984 when he had been a free-

lance contributor to *The Friend Special Edition*.

The occasion was the local launch of the UDF's "One Million Signature Campaign" in the Welkom township of Thabong.

Asked to identify the people in the photographs, Mr Mochudi said: "I can't say I know anyone. But the person who delivered the subpoena for me to give evidence is the one who told me I could identify this man (pointing to a person in a photograph) as Terror Lekota."

Mr Lekota is one of the 22 accused in the marathon trial which arises from the Vaal rent protests and violence of September 1984.

Mr Mochudi said the man who delivered the subpoena last week was a Warrant Officer Hugo. He said the policeman had pointed out Mr Lekota in the pictures after he (Mr Mochudi) had insisted he "was not going to come to Delmas to testify because I was not going to testify against people I did not

know".
He said no further suggestions of this nature had been put to him in other discussions with the prosecuting team.

Mr Justice van Dijkhorst asked Mr Mochudi: "Does this mean that you took photos without knowing who you took photos of?"

He replied he had written his report at the time of the meeting and sent it off with the photos, each with a caption.

SMC
27/6/86
331

~~Carl Tritt 21/6/86~~
**Jodac
member
in court**

JOHANNESBURG. — A member of the Johannesburg Democratic Action Committee (Jodac), in detention under the emergency regulations, appeared briefly in Randburg Magistrate's Court yesterday on charges of contravening Section 27 of the Police Act last month.

The trial of Mr Stephen Sadie, 27, which had been postponed until yesterday, was postponed until July 31 in the absence of two State witnesses.

The prosecutor, Miss D B Roodt, said the witnesses were members of the SAP and were on special duties.

Mr Sadie's attorney, Mr Brian Currin, argued that the police would be on special duties "for some time".

Mr Currin said he had been refused permission to confer with Mr Sadie after he had applied for permission in writing. He said it had also been difficult to bring Mr Sadie to court as he is in detention. — Sapa

(Saawu) — who were consequently acquitted — was the State's final admission of failure in one of the most high profile treason trials in the last 25 years.

It follows the decision by the Attorney General Michael Imber, on December 9 last year, to drop the prosecution of the Saawu four's co-accused — 12 top leaders of the United Democratic Front (UDF).

The marathon trial came after security police swoops on activists in 1984 and 1985, court rulings that the detention of some of the accused was unlawful, and the British Consulate sit-in.

The prosecution set out to prove that the 16 original accused were involved — between 1980-1985 — in a revolutionary conspiracy with an African National Congress (ANC) led alliance to overthrow the government. The 587-page indictment accused the UDF of being an ANC front, while Saawu was charged with being a front for the ANC-dominated South African Congress of Trade Unions.

Much of the State's evidence consisted of video recordings of political meetings the accused had addressed or attended, and bugged tape recordings of their conversations. While the 16 formally admitted that they had made speeches expressing strong opposition to apartheid, they denied that this constituted treason, terrorism or furthering the aims of an unlawful organisation.

In the final analysis, the trial turned out to

145 27/6/86
TREASON TRIAL

State's case flops

The Natal Attorney General's decision in the Maritzburg Supreme Court this week to withdraw the prosecution of four officials of the South African Allied Workers' Union

be a classic example of the State finding itself hoisted on its own petard. Defence lawyers did not lead evidence, and instead the case against the 16 faltered because of deficiencies in evidence led by the prosecution.

The acquittal of the 12 UDF leaders came about directly as a result of the crumbling, under cross-examination, of the key State witness, Rand Afrikaans University political scientist Isaak de Vries. He admitted, among other things, that there were "fundamental mistakes" in his evidence, which could have misled the court.

The prosecution of the Saawu four — national president Thozamile Gqweta, general secretary Sisa Njikelana, Sam Kikine and Isaac Ngcobo — resumed in February. This part of the case concentrated on trade union activities and various strikes with which Saawu was associated. At one stage, the defence showed that former manpower minister Fanie Botha and members of the security police had conspired with certain factory managements in East London to smash Saawu. This, the defence said, came at a time when the government was proclaiming that its labour policy encompassed freedom of association, autonomy for trade unions, and minimum State interference in labour relations.

The collapse of the case occurred after June 5 when, in a trial-within-a-trial, Natal Judge President, Mr Justice John Milne,

ruled that evidence by the State — on the admissibility of tape and video recordings — was deficient. According to legal sources, Milne's judgment on this issue is not only "the most important ever delivered in SA, but also in the Anglo-Saxon world."

The collapse of the State's case is a triumph for a frequently tested defence in South African jurisprudence: that opposition to government policy does not necessarily constitute a subversive act, let alone a treasonable one, more so if such protest is overt.

The four acquitted men had all previously been detained — Gqweta at least eight times and Njikelana at least six. In every instance, nothing against them has been proved. ■

Toti bomber's plea fails

BLOEMFONTEIN. — Andrew Subusiso Zondo, the man convicted of five murders and of attempted murder as a result of the bomb blast in an Amanzimtoti shopping centre on December 23, 1985, has been refused leave by the Appeal Court to appeal against the finding that there were no extenuating circumstances in his favour.

Zondo was convicted in the Circuit Court at Scottburgh by Mr Justice R N Leon on April 1, 1986. As no extenuation circumstances were found he received a five-fold death penalty for the murders and a 10-year prison sentence for the attempted murder of members of the public at or near the shopping centre.

The murder victims were Mrs Anna Shearer, Mrs Irma Bencini, Sharon Bothma, Willem Arie van Wyk and Cornio Smit. — Sapa

Capt Tolken 27/6/8
Murder charges withdrawn

THE COURT REPORTER
CHARGES against three men allegedly connected with the death of a policeman at a funeral in Salt River on September 11 last year, were withdrawn in the Magistrate's Court yesterday. Charges of murder, alternatively culpable homicide, against Mr Albert Alexander, 32, Mr Adenaan Bester, 23, and Mr Adenaan Bachelor,

30, all of Salt River, were withdrawn on the instructions of the Attorney-General.

Constable James Farmer was killed while monitoring the funeral of an unrest victim in Salt River on September 11.

Mr M.J.C. Tolken was the magistrate. Mr C. Gavin appeared for the State. Mr Y. Ebrahim represented the three.

R1 000 bail granted to squatter leader

331 Court Reporter

BAIL of R1 000 was granted in the Langa Magistrate's Court yesterday to Nyanga Extension squatter camp leader Mr Alfred Siphika, who is charged with attempted murder.

Mr Siphika, 41, of New Crossroads, was granted bail on condition that he report to the Manenberg police station daily and notify the Guguletu police station if he changes his address or leaves the address given for more than 48 hours.

He may also not communicate with any State witnesses or go into the area known as Old Crossroads.

The State withdrew opposition to bail but insisted on these conditions. Mr Siphika's attorney, Mr Stephan Raubenheimer, agreed to the conditions.

At a previous hearing, Mr Siphika covered his face with his hands and said he was finding it difficult to answer questions.

He said he was becoming confused with dates and places. The proceedings were stopped and he was referred to a district surgeon.

Mr Siphika was arrested on May 26 and is charged with the attempted murder of a man alleged to be a "witdoek".

The hearing was adjourned to July 10.

Mr D. Visagie was the magistrate. Mr N Erasmus appeared for the State.

180 witnesses have given evidence

TREASON TRIAL TAKES BREAK

By ALI
MPHAKI

ABOUT 180 State witnesses gave evidence in the marathon Delmas treason trial which went on recess last Friday.

The witnesses included councillors, policemen, priests and a journalist.

On trial are 22 men who are charged with high treason, alternatively subversion, murder and terrorism. They are appearing before Mr Justice Kees van Dijkhorst sitting with two assessors, Professor W A Joubert of the University of South Africa and Mr W F Krussel.

The 22 men have all pleaded not guilty.

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

Relatives and friends have been cramming the courtroom where the 22 are appearing since the trial began.

Defence

History was made on June 19 when one of the accused, Mr Lazarus More, married his long-time sweetheart, Magauta Maphisa in court.

More than 200 well wishers including the Archbishop-elect of Cape Town, Bishop Desmond Tutu, and the Archbishop of Canterbury's envoy, Mr Terry Waite, attended the wedding.

The trial will resume on July 30. The 22 men will remain in custody at the Modderbee prison.

The defence team is led by Mr George Bizos, SC, assisted by Mr Karel Tip, while the prosecution is led by Transvaal Deputy Attorney-General, Mr P B Jacobs, assisted by Mr P H A Fick and Mr W J J Hanekom.

Argus 1/7/86 (AP) (P)
Firearm at rally: 33
Man, 24, in court

The Argus Correspondent

JOHANNESBURG. — A Durban man who was allegedly found with a firearm near the Jabulani Amphitheatre in Soweto where Chief Mangosuthu Buthelezi addressed a rally, has appeared in the Soweto Magistrate's Court.

Mr Gordon Zungu, 24, of N635 Umlazi, Durban, yesterday pleaded not guilty to possessing the firearm and three rounds of ammunition.

The case was postponed to July 15 and he was remanded in custody pending his payment of R200 bail.

CAL 70115 1/7/86

Boy, 15, sentenced

Court Reporter 331

A 15-YEAR-OLD boy was sentenced in the Regional Court yesterday to two years imprisonment suspended for five years for displaying slogans connected to the African National Congress on his school rucksack.

The Guguletu boy had pleaded not guilty to a charge of contravening the Internal Security Act on December 11 last year by displaying placards, pamphlets, poems and "freedom songs" regarding the ANC in his room and having slogans such as "ANC freedom fighters" and "Revolution" on his rucksack.

He was alternatively charged with possessing publications regarding the ANC.

The hearing was held in camera.

Mr J M Lemmer was the magistrate. Mr A J Crouse prosecuted. Mr S Desai instructed by Y Ebrahim and Co appeared for the youth.

PR 641 1/7/86
**Schoolboy, 15,
sentenced for
slogans, poems**

Court Reporter

A 15-YEAR-OLD Guguletu schoolboy has received a suspended jail sentence for furthering the aims of the ANC.

He was sentenced in Cape Town Regional Court yesterday to two years' imprisonment, suspended for five years, for writing slogans on his school satchel, writing freedom poems, displaying placards in his bedroom and possessing banned ANC literature.

He pleaded not guilty to a charge of contravening Section 13 of the Internal Security Act.

The hearing was held in camera.

Placards handed in as exhibits were handwritten in ballpoint pen on computer print-out paper.

Mr A L Laubscher was on the Bench, Mr A J Crouse appeared for the State and the boy was represented by Mr S Desai, instructed by Y Ebrahim and Co.

Emergency: Charges for 780 detained

CHE Times 3/7/86
331
PRETORIA. — The South African Police have prepared dossiers on 780 detainees held under the emergency regulations, the Bureau for Information said at its daily press briefing here yesterday.

Bureau spokeswoman Miss Ronelle Henning said the 780 detainees would face charges ranging from murder to arson and assault.

"When formally charged, the accused will have normal access to their legal representatives and the process of law will take its normal course," Mrs Henning said.

Visits

Emergency regulation 3 (5) provides for the interrogation of detainees by police. Lawyers may not visit detainees unless it is done with the permission of the Minister of Law and Order or the Commissioner of Police — and then they may visit a detainee only once.

Detainees being "insolent" or "disrespectful" towards a member of the

security forces — who may be interrogating them — would be guilty of contravening rules issued by the Minister of Justice in terms of the regulations, and face various forms of punishment, including, possibly, corporal punishment, solitary confinement and "dietary punishment".

The Progressive Federal Party (PFP) MP for Gardens, Mr Ken Andrew, said last night "all people held should be charged or released".

The Bureau for Information spokesperson also said that "three groups of people" had already been charged with attempted murder this week for using the "necklace-method".

She would not disclose the number of people charged but confirmed that further police dos-

siers were being prepared on detainees.

At its daily security briefing yesterday, the bureau noted for the second consecutive day a sharp drop in incidents of political violence.

Bomb blast

Asked whether tighter security measures would be taken after Tuesday's bomb blast in Johannesburg, she replied: "I have no information on this."

No unrest deaths were reported yesterday, which boasted the lowest number of incidents since the start of the emergency.

"It is beginning to create the circumstances in which the decent majority of the people in South Africa can go about the daily business of living without fear," Miss Henning said.

Warrants
for six in
UDF trial

Own Correspondent

PORT ELIZABETH —

Warrants for the arrests of the remaining six accused appearing with the Eastern Cape regional president of the United Democratic Front, Mr Edgar Dumile Ngoyi, 59, were issued by a magistrate when they failed to appear in the New Brighton Magistrate's Court yesterday.

Warrants for the arrest of Mr Ngoyi and a 17-year old youth were issued on March 18 when they failed to appear for the second time at a hearing in which they and seven others are charged with murdering a KwaZhakele man. At the hearing, however, the magistrate, Mr J W S Pienaar, delayed the signing of warrants after Mr Silas Nkanunu, for the defence, told the court that Mr Ngoyi had been arrested under the emergency regulations and the youth was in custody on another charge.

On Wednesday Mr Pienaar withdrew bail of R500 for Mr Ngoyi and R200 for the youth.

Yesterday the six other accused, Mr Lula-mile Mkalipi, 22, Mr Fumanekile Sinyoni, 24, Mr Xolisile Thetha, 20, Mr Stephen Dzedze, 30, and two youths aged 16 and 17, failed to appear in court.

Mr Pienaar issued warrants for their arrests and extended their bail.

The accused are alleged to have killed Mr Phakamisa Gerald Nogwaza in KwaZhakele on June 8 last year.

They pleaded not guilty to the charge.

CAPE TOWN 5/7/86
May 1 meeting: 57 in court

Own Correspondent
PAARL. — Fifty-seven men, women and children from Mbekweni appeared yesterday for the fifth time before Mr G J van Biljon in the Magistrate's Court on a charge of attending an illegal gathering on May 1.

About 600 people were allegedly present at a gathering inside and outside a church in the township, where there was allegedly singing and chanting of slogans.

One of the accused, a 15-year-old boy, was back in court yesterday after suffering an epileptic fit during the hearing on Thursday.

The hearing was adjourned to Monday and is expected to last all of next week.

Miss C Visser was the prosecutor.

● Another 29 residents of Mbekweni are appearing in a separate court on a similar charge.

CAPE TOWN 5/7/80

Court overturns refusal of bail

Supreme Court Reporter

A MAGISTRATE'S refusal of bail to two Langa youths pending appeal against eight-year sentences for public violence was overturned by the Supreme Court yesterday.

Mr Justice R Marais granted bail of R1 000 each to Mandala Bangani, 19, and Khaya Gciftshane, 18, on condition that they report twice daily to the Langa police station.

The two youths, with Lingisa Koko, 19 — who had no legal representative at the trial — were found guilty of public violence and sentenced on April 18.

The magistrate found that they had gathered unlawfully with about 50 people in Langa, "marched about and created a riot", and had damaged and set fire to a car.

The court also found they had assaulted a policeman, Warrant-Officer Charles Harding.

W/O Harding's evidence was that he had been "discussing things" with one Erick in Langa on January 27. Suddenly there was a loud bang

and stones began falling.

He radioed for help and dashed for a building but was hit on the back by an unidentified object and then by sjamboks and kieres. He fell to the ground and was assaulted further but then was left alone. He ran into the building, bolted the door, and saw from there the accused setting fire to his car.

Passing sentence, the magistrate said: "This crime of public violence has become very prevalent of late and it is disrupting society completely. It is therefore necessary that the sentence should act as a deterrent not only to you but also to others."

Finding no mitigating circumstances, the magistrate remarked that the youths were "old enough to know better".

"It is also unfortunately a well-known fact today that the youth in this country takes the lead in this type of crime and youth of itself can therefore not be an excuse."

Mr J C Swanepoel, instructed by Graham and Horak, appeared for the applicants. Mr A D R Stephen appeared for the State.

CALL TUNE 8/7/86

I was shot in chest — witness

331
Court Reporter

THE leader of the devastated Portland Cement Works squatter camp, Mr Christopher Toise, and another man appeared in Wynberg Regional Court yesterday on charges of attempted murder and possessing firearms and ammunition.

Mr Toise, 51, of Section 6, Crossroads, Nyanga, and Mr Thabo Memani, 35, of Section 89, Crossroads, both pleaded not guilty to all charges.

The State alleges that they attempted to murder Mr Majeke Gumsha by shooting at him, possessed a weapon and ammunition unknown to the State and pointed a .38 Welsley revolver at Mr Phumile Khetelo on January 26.

Mr Gumsha told the court that on Sunday, January 26, he had come out of his house, near Lansdowne Road, at 2am after hearing a noise. He saw Mr Toise and Mr Memani, who then shot him in the chest.

Mr Gumsha had run to "the headquarters of Mr Melford Yamile, the leader of Nyanga Bush". He said he wanted to go the house of Mr Alfred Sipheka, leader of Extension 3, Nyanga, where he hoped to receive help, but Mr Yamile's house was closer.

He had afterwards gone to Mr Sipheke's house, where he had passed out. He regained consciousness at Conradie Hospital.

The hearing continues today and each had bail of R500 extended.

Mr A S McCarthy was the magistrate. Mr M A Broeksma prosecuted. Mr P Gamble, instructed by Wilkinson, Joshua and Gihwala, represented both men.

Argus 8/7/86 (331) CAPE

Argus 8/7/86

'Missing' accused were in detention

The Argus Bureau

PORT ELIZABETH. — A Port Elizabeth magistrate who issued warrants for the arrest of eight men after they failed to appear on charges of murder has been told the missing men were in detention under emergency regulations.

This was revealed when the president of the United Democratic Front in the Eastern Cape, Mr Edgar Ngoyi, and seven others finally appeared before Mr JWS Pienaar in the New Brighton court.

But Mr Pienaar confirmed a previous order that bail of R500 in the case of Mr Ngoyi and R200 in the case of a youth be forfeit, as their lawyer did not appear to explain their absence.

Bail for the other six was extended after their lawyer, Mr S Nkanunu, argued that they had not appeared because they were also in detention.

The eight are accused of killing Mr Phakamisa Nogwaza on June 8 last year.

Vicar, nuns charged over placard protest

The Argus Correspondent

EAST LONDON. — The Roman Catholic vicar-general of East London, Father Hugh Magorrian, and five other people have been charged in terms of a municipal by-law with holding an illegal placard demonstration.

Father Magorrian's lawyer, Mr H Lalla, confirmed today that a summons had been issued.

According to the summons, Father Magorrian is alleged to have taken part in a procession, demonstration or gathering without the permission of the local authority.

An admission-of-guilt fine of R50 can be paid. If not, the six, including two nuns and a member of the Catholic Justice and Reconciliation Commission in the city, will have to appear in court on July 30.

France gives R70 000 to Crossroads

Staff Reporter

FRANCE has granted 200 000 francs (about R70 000) in aid to the refugees of Crossroads, the French Embassy in Pretoria has announced.

A spokesman for the embassy said the aid was "part of a series of measures France has decided to take bilaterally and within the European Economic Community in favour of the black community of South Africa".

● St John Ambulance is continuing to supply Crossroads refugees with food and clothing.

Spokesman Mrs Anne Botha said today most was in food and clothing parcels to families being housed by friends and relatives in Nyanga, Langa and Guguletu.

"CAN'T COPE"

"It's been a long time now and the supporting families cannot cope with all the additional people," she said.

A Philippi farmer who housed 200 refugees in out-buildings on his poultry farm soon after fighting broke out in the squatter camp appealed to St John Ambulance for help in feeding and clothing them.

They have since been rehoused in church halls and refugee shelters.

17 77 21

Pregnant bombing trialist granted bail

Court Reporter

A PREGNANT woman, Duduzile Charity Baby Buthelezi, 33, one of 10 people facing several charges resulting from bomb explosions in the Durban area between September 1983 and January this year, was granted bail of R6 000 in the Supreme Court, Durban, yesterday.

Appearing for the State, Mr BJ Schonfeldt told Mr Justice Didcott that Mrs Buthelezi was 37 weeks pregnant and was expecting her baby in two-and-a-half to three weeks.

He said it was the wom-



Duduzile Buthelezi

an's first child and the pregnancy was proceeding normally. But it had been felt for humanitarian reasons she should have her baby outside jail.

Conditions of bail were that she report twice daily between 7 a m and 9 a m and 5 p m and 8 p m at the Umlazi police station.

On the date of her removal to hospital for her confinement, her legal representative was to notify the investigating officer, Maj A R C Taylor, or his repre-

sentative, Lt H J P Botha, or the Attorney-General or his representative, of her removal to hospital and to furnish them with full details of her hospitalisation.

The bail order also stated that for the duration of her confinement she would not be required to report to the police.

However, immediately upon her discharge from hospital she must inform the investigating officer or his representative of the date of her discharge.

She must then resume her daily reporting to the police.

She must also refrain from leaving the Durban

magisterial area without the written permission of the Attorney-General or his representative or the investigating officer or his representative, surrender any passport or travel document to the police, must not communicate with any State witnesses and must not leave her home between the hours of 9 p m and 6 a m without the written permission of the investigating officer or his representative.

The order also stipulates that she refrain from taking part in any activity of the African National Congress, the United Democratic Front and the Medical Students' Representative Council at the University of Natal.

Capt. Tomy 10/7/86
May Day
charges: 331
55 cleared

Own Correspondent

PAARL. — Fifty-five black men, women and children appearing in the Magistrate's Court yesterday were found not guilty of attending an illegal gathering at Mbekweni township at Paarl on May Day (May 1).

It was their sixth appearance in court on the charge.

The court heard evidence from a riot policeman among others that 600 people were in the area at the time of the alleged offence.

The magistrate, Mr G. J. van Biljon, said the evidence against the accused was not conclusive and he had no option but to find them not guilty.

One of the accused was a 15-year-old boy who, during the fourth hearing last Thursday, suffered an epileptic fit. He was fully recovered yesterday.

Miss C Visser was the prosecutor. Mr C B Marlow appeared for 28 of the accused and Mr F Bunting for the remainder.

Detainees to stand trial

CAPE TOWN — A Goodwood magistrate has ordered the officer commanding Victor Verster Prison in Paarl to produce two emergency detainees to stand trial on August 12.

They are Dr Richard Stevens, 41, a lecturer in biblical studies at the University of the Western Cape, and Mr Steve Louw, 28, a teacher at Belhar Senior Secondary School No 1.

They are to face charges in connection with an allegedly illegal gathering on May 19.

The court heard that Dr Stevens and Mr Louw were in Victor Verster Prison under the emergency regulations. — Sapa



DD 14/7/86

ECC man to be deported
after 25 years in S A

Mercury Correspondent

EAST LONDON—A member of the Port Elizabeth branch of the End Conscription Campaign, Mr Dominique Souchon, 27, formerly of East London, has been served with a deportation order by the Department of Home Affairs.

Born in Vietnam, Mr Souchon has lived in South Africa for 25 years.

He is being held in police custody in Port Elizabeth pending the implementation of the deportation order, police liaison officer for the Eastern Cape Maj Eddie Everson confirmed at the weekend.

CAPE TIMES 15/7/66
334

Leave to appeal for schoolboy

Staff Reporter

A KENSINGTON schoolboy — arrested last year for throwing stones at a police vehicle — was yesterday granted leave by the Bloemfontein Appeal Court to appeal against his 12-month prison sentence.

The case of Bradley van Niekerk, 18, sparked a lawyers' campaign against sentences handed out to youths and children in unrest-related cases.

Initially Van Niekerk's appeal to the Supreme Court, Cape Town, was dismissed and a subsequent application for leave to take the matter to the Appellate Division was refused.

The Save Bradley from Prison Committee launched a signature campaign and his lawyer petitioned the Chief Justice for leave to appeal.

Chief Justice gives city pupil leave to appeal

News 15/7/86 262 331
Staff Reporter

THE Chief Justice, Mr Justice P J Rabie, has granted a Standard 9 pupil at South Peninsula High School leave to appeal against his prison sentence.

Bradley van Niekerk, 18, was sentenced in the Wynberg Magistrate's Court to a year's imprisonment for public violence.

He lost an appeal in the Supreme Court, Cape Town, and leave to appeal to the Appellate Division was refused.

Teachers, fellow-pupils and parents formed the Save Bradley from Prison Committee to petition for leave to appeal in the Appeal Court.

Campaign chairman Mr Thaabit Albertus said Mr Justice Rabie granted the appeal last Tuesday but confirmation was received only yesterday.

Dean, 115 ³³¹ women in court

CAPE TOWN 16/7/86

Court Reporter

THE Dean of Cape Town, the Very Rev Edward King, appeared in the Magistrate's Court yesterday in connection with a demonstration on June 12 outside Parliament in which 142 women were also arrested.

Dean King, 66, was not asked to plead and no charges were put to him. Bail of R50 was extended and the hearing was adjourned to August 26.

The magistrate was Mr G Rossouw. Mr J M McEwan appeared for the State. Mr N Muller appeared for Dean King.

● In a separate hearing yesterday, 115 women appeared in the Regional Court also in connection with the incident on June 12.

They were not asked to plead and no charges were put to them, but the charge sheet indicates that they may be charged under the Gatherings and Demonstrations Act.

Forfeit

Warrants for the arrest of 27 of the women who failed to attend the hearing were authorised but held over till the next hearing, also on August 26.

The magistrate, Mr M J C Tolken, ordered that their bail of R50 each be forfeited to the State. Bail was extended in respect of the other women.

Mr M B de Vries appeared for the State. Mr T Jamie, Mr P Volmink, Mr E Mohammed and Mr J Sandler appeared for the women.

the Bu-
ation,
been
the 24-
1 6am
official
is 138
Emer-
ced.

Police drop case against relief workers

By CHRIS BATEMAN

POLICE yesterday confirmed that charges against four relief workers sheltering refugees in the Peninsula's "white areas" are to be withdrawn.

In another move, the hundreds of rebuilt KTC homes were said to be "legal" by a police spokesman who added that the homes did not fall foul of the ban imposed by the divisional commissioner, Brigadier Christoffel Swart, prohibiting entry into KTC.

Police liaison officer Lieutenant Attie Laubscher confirmed that charges under the repealed Black (Urban Areas) Consolidation Act were to be withdrawn against two Anglican priests, an assistant imam and a social worker.

Father Geoff Quinlan (All Saints, Plumstead), Assistant Imam Yusuf Abdullah Latief, (Al Jamia Mosque, Claremont) and Mrs Retha Tait (co-ordinator at the Holy Cross Centre, Walmer Estate), are sheltering about 150 women and children.

On Friday they declined to pay admission of guilt fines of between R100 and R300 and were preparing to face court appearances later this month.

The fourth person charged, Father Robin Burnett (Kalk Bay), said the 40 refugees he had sheltered returned to Crossroads and KTC late last month to "rebuild and to be with their menfolk".

Meanwhile a spokesperson for St John Ambulance, Mrs Ann Botha, said yesterday that 2 444 people had rebuilt or were rebuilding their homes at KTC.

She said that in addition to providing food and clothing for these people, St John Ambulance was also looking after 1 000 refugees at five centres in Guguletu and Nyanga.

The Red cross and St John have spent R632 000 on feeding and clothing refugees.

Miss Botha said it cost about R2 a day to "maintain" refugees. Relief spending from July 1 to September 30 was expected to be close to a quarter-of-a-million rands, she added.

A cash crisis could be averted by other organizations following the American embassy's example in pledging to help with shortfalls, she said.

es

and
the
par-
ning
ject

B
Firms.
tas
rity
quire

own

TC
G

F
F
F

like to
point-
He's
bill and
e's in-
cent."

crossword 6 Radio 17 TV

AR 646 17/7/86
**US pastor
ordered
to leave
SA tonight**

Religion Reporter

WESTERN Cape Lutheran pastor the Rev Red Burchfield's appeal against his deportation order has been turned down.

He has been ordered to leave the country by midnight tonight.

Mr Burchfield said today two representatives from the Department of Home Affairs had brought a letter late yesterday.

NO PLANS

It said that after careful consideration Minister Mr Stoffel Botha had been unable to grant his request to be allowed to remain in South Africa.

Mr Burchfield said he had made no plans to leave the country at this stage and did not intend to make any.

He would contact his church today to hear their views.

"We came to make this our home and all that I can say is that we are devastated.

"SO QUICKLY"

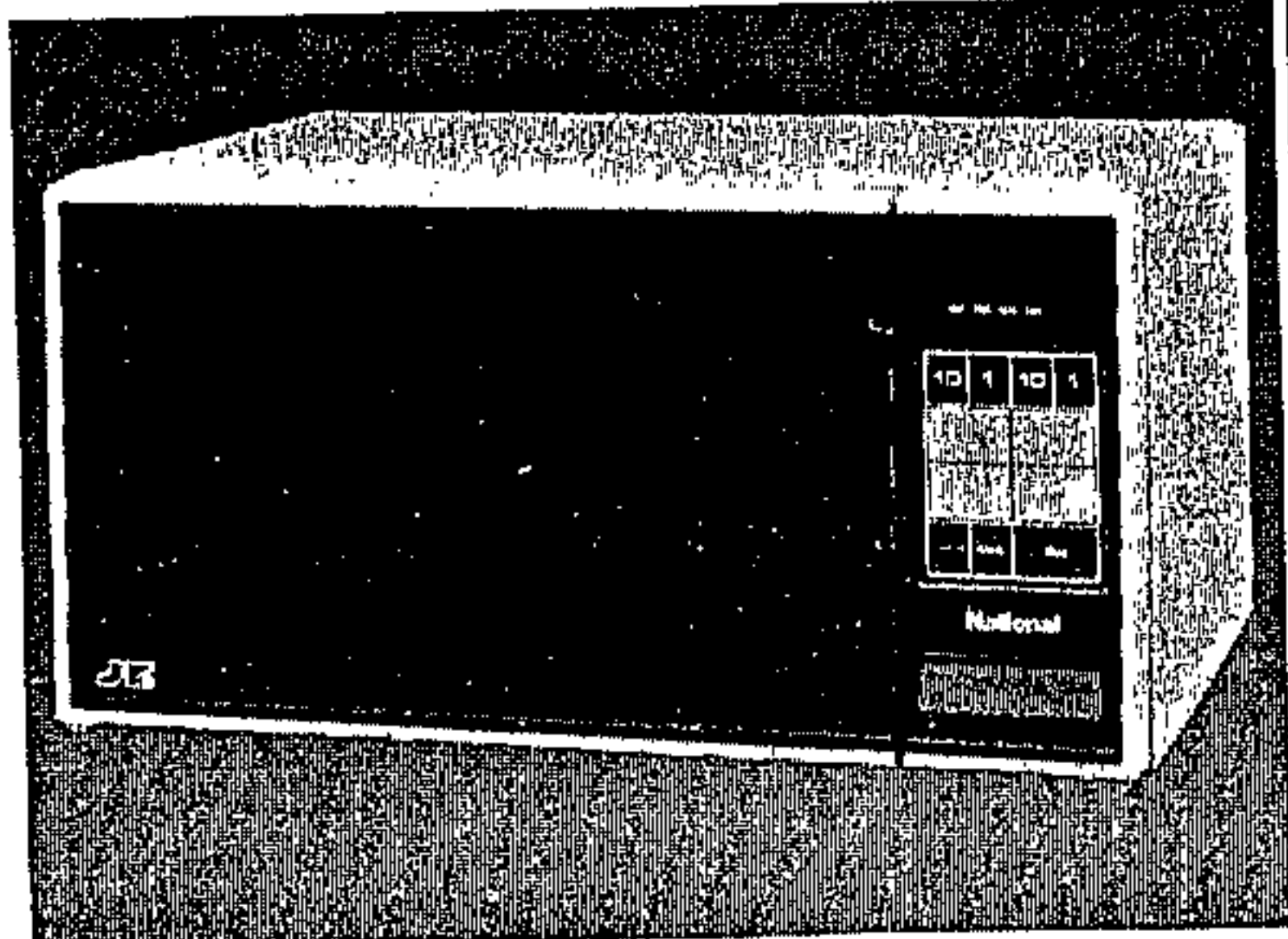
"I find it hard to accept that there was careful consideration of my representations because the response came so quickly."

Mr Burchfield, an American, was served with the expulsion order last Thursday. No reasons were given.

The Burchfields and their daughters Erin, 14, and Megan, 12, arrived in the Cape from the United States in January to serve in a parish stretching from Ravensmead to Atlantis with two additional preaching points in Vredenburg and Saldanha Bay.

Their 600 parishioners had waited four years for a pastor.

Well worth
a trip to
Parow or
Tyger Valley.



NATIONAL
5770
COMPACT
MICROWAVE
OVEN

41⁸²
per month
over
24 months

Touch Control, Dep. R79,00. Price R699,00
Defrost Function
Digital Display
and Variable
Power Levels

ALL VISA and MASTER
CARDS accepted



Parow 30 2430
Tyger Valley
Cape Town
1260

House

Mr. Tambo 17/11/86
Tambo
SAAN to
be charged

Staff Reporter

THE charge under the Internal Security Act against the Editor of the Cape Times, Mr A H Heard, for having quoted Mr Oliver Tambo in the newspaper, is to be withdrawn and the owner-company, South African Associated Newspapers, is to be prosecuted instead.

The Deputy Attorney-General, Mr F W Kahn, SC, yesterday informed Mr Heard's legal advisers that "Saan, being the owner and publisher of the Cape Times newspaper, will be prosecuted in terms of Section 56.(1) (p) (ii) of Act 74 of 1982 arising out of the publication of an interview with Mr Oliver Tambo in that newspaper on November 4, 1985, and that the charge against Mr A H Heard, in his personal capacity, has accordingly been withdrawn".

Mr Heard was to have appeared again in court tomorrow.

BUSINESS BRIEF

Gold (close) \$347,25
Rand \$0,3873/83
FT index (close) 1306,30
BD 100 1326,90



SALE

ET 1 SUPER



R375

APPLY TO:

Canon
MINOLTA
PUS

Charges against newsman dropped

46mb 18/7/86

Staff Reporter

CHARGES against ITN cameraman Keith Shaw, alleged to have assaulted a policeman outside Parliament on June 12, have been dropped.

The State alleged Mr Shaw obstructed Detective-Constable Francois Jordaan by grabbing and pushing him. It was also alleged that he stepped between Constable Jordaan and a suspect, preventing an arrest.

All the charges were withdrawn in Cape Town Magistrate's Court after a decision by the State Prosecutor.

(The figure in brackets shows the average for the month)

Maximum temperature.....	15,8 (17,3) deg C
Minimum temperature.....	10,7 (6,8) deg C
Mean temperature.....	13,3 (11,8) deg C
Maximum humidity.....	96 (98) %
Minimum humidity.....	73 (55) %
Mean humidity.....	85 (81) %
Mean atmospheric pressure.....	1018,0 mb (1021,2)
Rainfall 8am - 8am.....	16,5mm
Progressive rainfall for the month.....	78,3 mm (88,5mm)
Sunshine.....	0,1 hours (6,3)
Prevailing wind direction.....	NW (NNW)
Maximum hourly velocity.....	NW 12,7 (N 20,0m a second)
Maximum gust.....	NW 22,6 (NNW 34,0m a second)

8am TEMPERATURES

Johannesburg.....	4 deg C
Kimberley.....	0 deg C
Durban.....	15 deg C
East London.....	12 deg C
Port Elizabeth.....	11 deg C
George.....	15 deg C
Upington.....	3 deg C
Bloemfontein.....	-3 deg C
Windhoek.....	7 deg C
Pretoria.....	6 deg C
Cape Town (yesterday 2pm).....	14,0 deg C
Cape Town (today 9am).....	13,8 deg C

For the latest weather information 46 1261.

Officer tells why he shot man

By YVETTE
VAN BREDA
Court Reporter

A RAILWAY police lieutenant who hid in wooden crates on a truck in Athlone, last year, yesterday told a Wynberg Regional Court he had fired seven shots in quick succession at about 200 people to "prevent stone-throwers from escaping arrest".

Lieutenant D G P Vermeulen was giving evidence in the trial of 13 people who have pleaded not guilty to a charge of public violence.

3 dead

Mr Michael Miranda, Mr Shaun Magmoet and Mr Jonathan Claasens, were killed in the incident. Charges against them were withdrawn.

The accused are Mr E Susja, 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, Ms G Jacobs and two minors.

Lieutenant Vermeulen said he and eight other policemen — including three SAP members — had entered Athlone, on October 15 and had hidden in wooden crates on an orange seven-ton Railways truck.

He said they had orders to investigate unrest in the Athlone and Crossroads areas after reports of "stone-throwing, burning of tyres and so on".

Shotguns

Each of the policemen was armed with automatic side arms, shotguns, AAA ammunition (slightly heavier than birdshot), teargas canisters, birdshot and 9mm pistols.

The vehicle came to a halt on the corner of St

Simons and Thornton roads. He was not able to see outside but gathered that it was being stoned and stood up. He saw about 200 people throwing stones and bricks at the vehicle from the front and back.

A burning barricade was about four to five metres in front of the truck and people were standing on a café stoep, in the grounds of surrounding houses, in the road and on the pavements.

'Noise'

He was the first to open fire and after his seven shots gave an order for the police to stop firing. Although they had been shooting and there had been a "lot of noise, they obeyed".

He believed that their lives and the truck were in danger and had fired seven rounds of AAA from his shotgun "specifically at stone throwers" at short intervals with a pump action shotgun.

Lieutenant Vermeulen said he had fired from a distance of five metres with the AAA shot almost immediately after revealing himself. He thought an order for the crowd to disperse would not have been heard.

If they had entered the area in a normal police vehicle "people would just have run away". Two policemen had sat in the cab and seven had been in the wooden crates.

He agreed that some of the people were just innocent bystanders.

He could not identify anyone in the crowd of stone-throwers, except "a man in a green shirt" later identified as Shaun Magmoet.

Lieutenant Vermeu-

len said he saw a boy lying on the pavement in St Simons Road and a man lying on the pavement outside a house with a low wall. He called an ambulance and reinforcements and they later found Mr Magmoet dead inside a nearby house.

The prosecutor, Mr W A King, said the State did not have any evidence that any of the 13 people had burnt tyres and he could not tell exactly what each one had done.

'Public'

The magistrate, Mr R A Duraan, at the start of the hearing granted an application that it be held in public.

Asked by Mr P Gamble, for Mr Susja and Mr Regter, whether he had to shoot people to arrest them, Lieutenant Vermeulen replied: "Yes, if we had jumped off with quirts they would have escaped. We had to shoot to prevent them from escaping."

He could not identify any of the accused, he said.

Lieutenant Vermeulen said the truck had been unable to move because its path had been blocked by a burning barricade and people all around. He had told the other policemen to shoot if their lives were in danger and not to wait on him.

He said if he had not stood up his life would not have been in danger.

The hearing continues.

Mr Gamble is instructed by E Moosa and Associates. Mr M Parker, Mr Y Ebrahim, Mr H Joshua and Mr A R Wilkinson appear for the others.

Policemen 'not told to hide'

By YVETTE VAN
BRED
Court Reporter

A RAILWAYS policeman giving evidence in the "Trojan Horse" trial yesterday told a Wynberg Regional Magistrate he had fired "mainly at seven stone-throwers" from a wooden crate on a truck in which he had hidden, after entering riot-torn Athlone last year.

Lieutenant D G F Vermeulen was answering questions by attorneys representing 13 people who have pleaded not guilty to a charge of public violence.

They are Mr E Susja, 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, Ms G Jacobs and two minors.

3 boys killed

Three boys — Michael Miranda, 10, Shaun Magmoet and Jonathan Claasens — were killed during the incident.

Lieutenant Vermeulen had told the court on Thursday that he was

only five metres from the crowd of about 200 when he fired the shots.

Lieutenant Vermeulen was part of a seven-man task force in wooden crates on the back of a railways truck when it entered Thornton Road, Athlone, on October 15 last year.

He had not given the order for them to hide in the crates, which were already on the truck when he first saw the vehicle. He said the task force had been sent to arrest people who were causing trouble by "throwing stones and burning tyres" and had left from Manenberg police station.

At the corner of St Simon's and Thornton roads the truck had stopped and he could

To page 2

BUSINESS BRIEF

Gold (close) \$350,25
Rand \$0,3890/3900
FT index (close) 1295,40
BD 100 1338,80
Dow Jones 1777,98

feel it was being stoned.

He had stood up from the crate and fired seven shots in two minutes with a pump action shotgun using AAA ammunition, which the court found was about double the size of birdshot. He said he had fired only at people throwing bricks and stones.

He said a Major Ludloff had given him the orders. After the incident he had been summoned to the home of Brigadier C A Swart, Divisional Commissioner of Police in the Western Cape, with whom he had discussed the incident.

Answering Mr Y Ebrahim, for three of the accused, Lieutenant Vermeulen said the policemen had known they would be stoned, but he had not issued them with helmets. The only headgear they had worn were berets and caps. He had not regarded his actions as negligent in not taking helmets.

He denied that the truck had been sent to Athlone to ambush people or provoke them. He had not investigated who had shot the 10-year-old as this was the duty of the "investigating squad".

No one had asked him who shot the people and he emphasized that he had not discussed the matter with anyone, as it had just been a normal police task.

When questioned by Mr M Parker, for three of the accused, he denied that he had shot because

Continuing his evidence, Lieutenant Vermeulen said it was not standard procedure to hand in a written report.

A radio report from the scene was sufficient. He conceded, however, that under the circumstances, which were unpleasant and chaotic, he may have given an incorrect radio report.

He said he had stayed at the Athlone police station for one hour after the incident and personally answered queries about those who had been arrested.

He said that during and after the firing of seven shots the crowd continued to throw stones and bricks. He had shot at a man in a green shirt who had landed and been carried out of a nearby house. He had not climbed down from the truck to investigate.

Lieutenant Vermeulen denied that police had shot into the house, Number 102 Thornton Road, through the windows or through the locked door. He said the police may have kicked the door down.

The hearing was adjourned to Monday. The attorneys told the magistrate, Mr R A Duraan, they wanted to discuss whether the video films of the incident, shot by a BBC television crew, and another video filmed by a police cameraman, were admissible as evidence.

Mr P Gamble was instructed by E Moosa and Associates. Mr H Joshua and Mr A R Wilkinson also appeared for the accused.

CHL Times 19/7/86
331

Jail for wearing ANC shirt

PRETORIA — A Mabo-pane man has been found guilty in a Pretoria Magistrate's Court of furthering the aims of the ANC by wearing a T-shirt saying "Viva ANC." Andries Mkawanzi, 20, was sentenced to three years, of which 18 months was suspended for five years.

He was arrested while taking part in a funeral procession in Soshanguwe. He was wearing a T-shirt bearing writing including the words "Cry for our beloved country," "Amandla" and "Viva ANC."

The magistrate, Mr. B van Wyk, said Mkawanzi had been a poor witness. The fact that he had run away when police stopped the bakkie in which he was travelling showed that he was aware that it was wrong to wear the T-shirt.

Mkawanzi had not been pressured into buying the T-shirt and it was a "serious crime", Mr. Van Wyk said. — Sapa.

CHAT Times 19/7/86

331

Jail for assisting terrorist

Court Reporter

A GUGULETU man charged with harbouring an ANC terrorist was yesterday sentenced by a Regional Court magistrate to five years' imprisonment, of which two years was suspended for five years.

Ntozelizwe Thomas Talakumeni, 27, was convicted of contravening the Internal Security Act by harbouring trained terrorists between April 1 and June 19 last year.

His half-brother, Mr Titus Selepe, who gave evidence at the hearing saying that their brother in Lesotho had told them the "ANC wanted to free them from the white man's regime", was not exempted from prosecution, as his evidence was found to be unsatisfactory.

Grenade attack

Mr Selepe said he and Talakumeni had gone to Lesotho after receiving a very secretive letter from China, their younger brother.

Talakumeni had harboured terrorists who had been connected with the grenade attack on the home of Mr Luwellyn Landers, Labour Party MP, in the House of Representatives.

He had also harboured a man connected with the grenade attack on the Langa police station and the placing of limpet mines and further grenade attacks on the homes of Mr Landers, Mr Fred Peters, LP MP, and community councillors Mr John Bolise, Mrs Elfie Shwalane and Mr Roland Njoli.

He had unlawfully helped or harboured Joseph Majoli and Glenville Peters, while he

was aware that they had committed, or had intended to commit, acts of subversion.

He had failed to report their presence to the police, had transported them, had given them food and had allowed them free access to his home and had been instructed in the operation of a weapon.

Mr Selepe told the court that China and two friends, Sipho and Temba, had met them at a station in Lesotho, and had afterwards asked them if they wanted to join the ANC. They had refused.

The three had told them that they had received training in Angola and overseas but had not said what kind of training. Mr Selepe said he had not thought it was military training.

Arrested

He had seen Temba — who was with Mr Talakumeni and a third person, "John from Johannesburg" — in Cape Town almost a year after they had returned from Lesotho. Mr Selepe said they had never received instructions on how to use a gun while in Lesotho.

Mr Talakumeni and Mr Selepe had been arrested after going to inquire about their family's arrests. Mr Selepe said he had been detained for 22 days under Section 29 of the Internal Security Act and Mr Talakumeni had been in prison from June 19 to now.

Mr M J Langenhoven, the magistrate, said that while Temba had been in South Africa, hand-grenades had been thrown.

Mr W Viljoen prosecuted. Mr A Omar, instructed by Mr R Vassan, appeared for Mr Talakumeni.

commemorating Andrew and Sarah's great day. In The Argus tomorrow.

^{Argus 21/7/86} 'Trojan Horse': I saw no burning barricade on video — magistrate

By DENNIS CRUYWAGEN
Staff Reporter

A WYNBERG magistrate said today he could see no sign of burning barricades in front of the police lorry in the "Trojan Horse" incident in Athlone during the unrest last year.

Mr R A Duraan made this remark in Wynberg Regional Court after watching a police video-recording taken after police and Railways Police, hidden in wooden crates on the back of the unmarked lorry, opened fire and killed three youths, Shaun Magmoed, Jonathan Claasen and Michael Miranda.

In a sequel to the incident 13 people are appearing on a charge of public violence.

Last week Lieutenant D G P Vermeulen, the officer in charge of the task force sent to Athlone to arrest alleged stone-throwers, said the lorry stopped in Thornton Road because it could not get past a barricade.

When the trial resumed today defence lawyers agreed that video-recordings by the police video unit and CBS television network could be handed in as evidence.

HAD PROBLEMS

Mr P Gamble said the defence wanted the videos and the accompanying sound tracks to be handed in.

He said he had problems with the CBS recording because it had been edited. The cameraman who made the film, Mr Chris Everson, should be called to court to explain the circumstances under which he obtained the recording and the reasons for editing it.

The prosecutor, Mr W A King, noted that Mr Everson was in Port Elizabeth but said he would be called to court.

He said Mr John Rubython, a Cape Town-based freelance photographer who was on the scene, would also be called.

The police video was shot by Constable John Nomdoe, who operated the video machine in court today.

EX-COLLEAGUE

Constable Nomdoe said the commentary was supplied by a former colleague, Sergeant van Eck, who had since been transferred to Robertson.

Constable Nomdoe said he was stationed with the unrest unit and served in the video section.

He was trained as a video-camera operator in the police fingerprint section.

He made video-recordings at his own discretion and was not under the command of officers in control of unrest situations.

The recording had not been tampered with or edited. As far as he was concerned it was the original.

The video shown in court started with a picture of the stationary police lorry.

It showed a body, covered with a khaki overcoat, on a pavement in front of a house in St Simon's Road, Athlone, another body in the grounds of the house and a third body, covered with a white sheet, being carried to an ambulance.

Several people were shown seated, under police guard, in front of a house on the corner of Thornton and St Simon's roads.

(Turn to Page 2, column 7)

Policeman took video

^{Argus 21/7/86} (Cont. from Page 1)

Ambulance sirens could be heard in the background and two ambulances were visible.

Mr Everson, Mr Rubython and several local and foreign journalists were also photographed.

Policemen were heard shouting orders at people in St Athans Road.

The accused are Errol Surja, 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.

They have pleaded not guilty.

(Proceeding)

2 Cape Times Tuesday, July 22, 1986

Squatter leader in court

Staff Reporter

THE leader of Old Crossroads, Mr Johnson Ngxobongwana, was released on R100 bail after appearing briefly in Wynberg Regional Court yesterday in connection with a charge of sedition.

According to the charge sheet, Mr Ngxobongwana appeared with four other Old Crossroads residents: Mr Mostert Ngozi, 35, Mr William Nsala, 41, Mr Thandeka Mkhafa, 28, and Mr Zimas Mninz, 24. Mr Ngxobongwana was released on bail and the other men were remanded until their next appearance tomorrow.

Mr M Marais was the magistrate. Mr W Downer appeared for the State. Mr Brian Lutzno appeared for all five men.

PAC case: Youth held for 7 months

Staff Reporter

AN 18-year-old youth who has been in detention in the Sea Point police cells for seven months yesterday told a Cape Town regional magistrate "only God knows when I will be released from detention".

The youth, who may not be identified by order of the court, was giving evidence for the State in the trial of six men and a youth charged under the Internal Security Act with terrorism and furthering the aims of the banned Pan African Congress.

The men 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 public and the press were initially barred from the hearing but the court was later declared open after Mr F Bunting, for five of the seven, had applied for the trial to be heard in open court.

He said it was in the public interest for justice to be seen to be done.

The seven have pleaded not guilty to charges of subverting or endangering the authority of the Republic, demoralizing the general public of a defined area by instilling fear or prompting them to do or not to do something, between January 1983 and January 1986 in the Peninsula, at Mbekweni, Paarl and at Lady Frere near Umtata.

They also pleaded not guilty to participating in the activities of the PAC, alternately furthering the organization's aims.

The State also alleges that Mr Lugulwana and Mr Mciteka were in-

involved in the establishment of an organization called Azanian National Youth Unity (Azanyu) which was formed in Bonteheuwel in 1983.

The State alleges that it was stated at Azanyu meetings that the aims of the PAC 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.

The youth, who had been a member of Azanyu, said under cross-examination by Mr P Hazell, for two of the men, that he had been told he would be kept in custody while the matter was being investigated.

Mr Mxutu and Mr Mayholewene were granted bail of R200 each and the others were remanded. The hearing continues.

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.

4 NEW SHOWS
and our
BUNNY GIRL WAITRESSES
always with a smile to
serve you better

LM PRAWNS
PORTUGUESE, SPANISH
AND BRAZILIAN DISHES
ONLY R4,91

CESAR'S RESTAURANT, 94 Long St, 24 8520, 44 5893



337

Cape Times, Wednesday, July 23, 1986 3

Cameraman in court

Staff Reporter

WORLDWIDE Television News cameraman Mr Craig Matthew yesterday appeared in Athlone Magistrate's Court on charges of assaulting a policeman and resisting arrest.

The State alleges that Mr Matthew, of Gardens, resisted arrest or hindered a police constable

in the execution of his duties on June 9 last year at the Manenberg police station.

He was not asked to plead and the hearing was adjourned to August 22 for the Attorney-General's decision.

Mr J A B Nel was the magistrate. Miss Y. Murray appeared for the State. Mr B Manca appeared for Mr Matthew.

Witness is jailed

IN A surprise move in the Cape Town terrorism trial yesterday, a State witness who refused to give evidence against the seven accused was jailed for a year.

The witness, who is a detainee and who by order of the court may not be named, repeatedly asked to be joined with the accused.

After a short adjournment he was warned by the magistrate, Mr J. M. Lemmer, that in terms of the state of emergency regulations, he could be jailed for five years for his refusal to testify.

In answer to a question from Mr Lemmer as to why he would not testify for the State he replied that he did not know what was to hap-

pen to him.

"I don't know what reason, I don't know why, it's just my feeling. If I agree it's the same as selling them (out)."

Mr Lemmer told the witness that in terms of Section 189 of the Criminal Procedures Act he was sentenced to a year in prison.

Facing two charges of terrorism under the Internal Security Act are Mr Mzweandile 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 from Paarl.

They have pleaded not guilty. — Sowetan Correspondent.

Sowetan 23/7/86

331

331
**PAC trial:
 Witness for
 State jailed**

Staff Reporter

A STATE witness who refused to "sell" his "comrades" was yesterday jailed for a year after refusing to give evidence in the Regional Court against seven men accused of terrorism.

The man, who may not be identified, repeatedly asked to join the accused in the dock when he was called to give evidence for the State.

After a short recess the magistrate, Mr J M Lemmer, warned the man that he could be jailed for five years if he refused to give evidence.

The man again said: "I want to stand with them there (in the dock)."

Asked why he did not want to give evidence for the State the man said: "I don't know why. It's just my feeling. If I agree it will be the same as selling them."

He was then summarily sentenced to a year's imprisonment.

The seven on trial are Mr Mzwandile Mciteka, 25, Mr Andile Gusha, 23, Mr Donald Mxutu, 66, and Mr Simon Mayholewene, 64, all of Guguletu, Mr Bathemba Lugulwana, 33, of Langa, Mr Taelo Ntlaba, 19, and a 17-year-old youth, both from Paarl.

They have pleaded not guilty to terrorism and furthering the aims of the banned Pan African Congress, between January 1983 and 1986, in the Peninsula, at Mbekweni, Paarl, and at Lady Frere, Umtata.

At a previous hearing Mr P Hazell, for the de-

fence, said to another State witness who had been in detention for seven months: "I put it to you that if you do not give evidence to the satisfaction of the gentleman next to the prosecutor (a security policeman) he will see to it that you stay inside."

The youth denied this. The court had heard that the youth, who has been in a single cell since January, had been told by police that he would be freed if he gave the correct information in court.

The youth said he could not trust this.

'Salute'

The seven have pleaded not guilty to allegations of subverting or endangering the authority of the Republic, recruiting people for the Azanian People's Liberation Army, and pledging loyalty to the PAC and giving a PAC salute at a funeral in Transkei last year.

The State also alleges that three of the accused had been involved in violence between the Azanian National Youth Unity and the UDF in Paarl last year.

The hearing continues.

Mr Mxutu and Mr Mayholewene were each granted bail of R200. The others were remanded.

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.

Second 'Trojan Horse'

By YVETTE VAN
BRED A
Court Reporter

THE DRIVER of the "Trojan Horse" railways truck, in which seven policemen concealed in crates opened fire on a crowd of 200 in Athlone last year, yesterday told a Wynberg magistrate that the truck was again used in a similar operation in Guguletu where police had also shot from the vehicle.

Giving evidence in the trial of 13 people charged with public violence, Sergeant A M Smit, who had driven the truck on both occasions, said they had entered Guguletu undisguised some time after the Athlone incident — where they had worn dust coats so as not to be recognized as policemen.

Three youths — Shaun Magmoed, 16, Jonathan Claasens, 15, and Michael Miranda, 10 — were killed in the Athlone incident, on the corner of St Simons and Thornton roads on October 15 last year.

Barricades

Replying to Mr A R Wilkinson, for three of the accused, Sergeant Smit said he had not tried to prevent a confrontation between the police and the crowd.

Told by Mr Wilkinson that Lieutenant D G P Vermeulen, who had been in charge of the nine-man task force, had said there were burning barricades blocking their way in Thornton Road, Sergeant Smit said: "No, I don't agree. The lieutenant could not see the road," he said.

As he approached the corner he had a clear view of the crowd from a distance of 50m to 60m. A large part of the crowd had "stones and bricks in their hands", but he

did not think they would stone the truck.

Sergeant Smit had no instructions on what to do if the vehicle was in danger, he said.

Sergeant Smit said the crowd had blocked his path and he had stopped for fear of hitting them.

Splinters

He said the crowd had stoned the windscreen of the vehicle and he had fallen flat on to the seat, where he remained until the stone-throwing and the shooting stopped.

His face was bleeding and full of splinters, Sergeant Smit said.

Sergeant Smit said the first thing he had done on alighting from the truck was to cover the body of a dead 10-year-old on the pavement.

After the incident the task force had returned to the Manenberg police station, where only Lieutenant Vermeulen had verbally reported to Major Ludolff, whose idea it had been to enter the area in the "ghost truck" and in disguise, he said.

Sergeant Smit said he had written his own report and had handed it in at the Athlone police station. He was not embarrassed by his or his colleagues' actions. Even though three boys had been killed, it did not make him feel uneasy, he said.

The hearing was provisionally adjourned to August 8, when a date for the continuation of the trial would be set.

The 13 charged are: Mr E Surja, 20, Mr R Regter, 21, Mr E Peters, 24, Mr M Lawrence, 19, Mr A Reynolds, 27, Mr R Crowley, 22, Mr J Collison, 21, Mr B Johnson, 33, Mr H Papier, 21, Mr C Buxton, 20, Ms G Jacobs, 19, and two minors.

Mr R A Duraan presided. Mr W King prosecuted. Mr P Gamble was instructed by E Moosa and Associates. Messrs M Parker, Y Ebrahim, and H Joshua appeared for the remainder.

Magistrate adjourns 'Trojan Horse' trial

Staff Reporter

THE "Trojan Horse" trial in Wynberg Magistrate's Court in which 13 people are appearing on a charge of public violence has been adjourned.

The trial is a sequel to an incident last October when police hidden in wooden crates on the back of an unmarked lorry went to Athlone to arrest alleged stone-throwers. Three youths died when police opened fire.

Yesterday Sergeant Albertus Myburgh Smit, driver of the lorry, said under cross-examination that police used the "ghost truck" in a similar operation.

Asked to elaborate, he said the lorry was used in Guguletu and he was the driver.

However, police did not hide in crates or disguise themselves on that occasion.

"We went in openly and fired openly. Our aim was to arrest people," he said.

Referring to the Athlone incident, he said he did not fire his shotgun or arrest people.

A Sergeant Syer, who sat next to him, shot four times through his open window in the direction of St Simon's Road.

The trial was postponed provisionally to August 8.

The accused — Errol Surja, 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 — have pleaded not guilty.

Mr R A Duraan is on the Bench. Mr W A King appears for the State. Mr P Gamble, instructed by Essa Moosa and Associates, Mr H Joshua, Mr A R Wilkinson, Mr M Parker and Mr Y Ebrahim appear for the accused.

CHIEF NEWS 29/7/86
Bail for Crossroads men

Staff Reporter

BAIL of R100 was extended for the leader of Old Crossroads, Mr Johnson Ngxobongwana, yesterday while the same amount was fixed for four of his followers who appeared with him before a Wynberg magistrate in connection with charges of sedition.

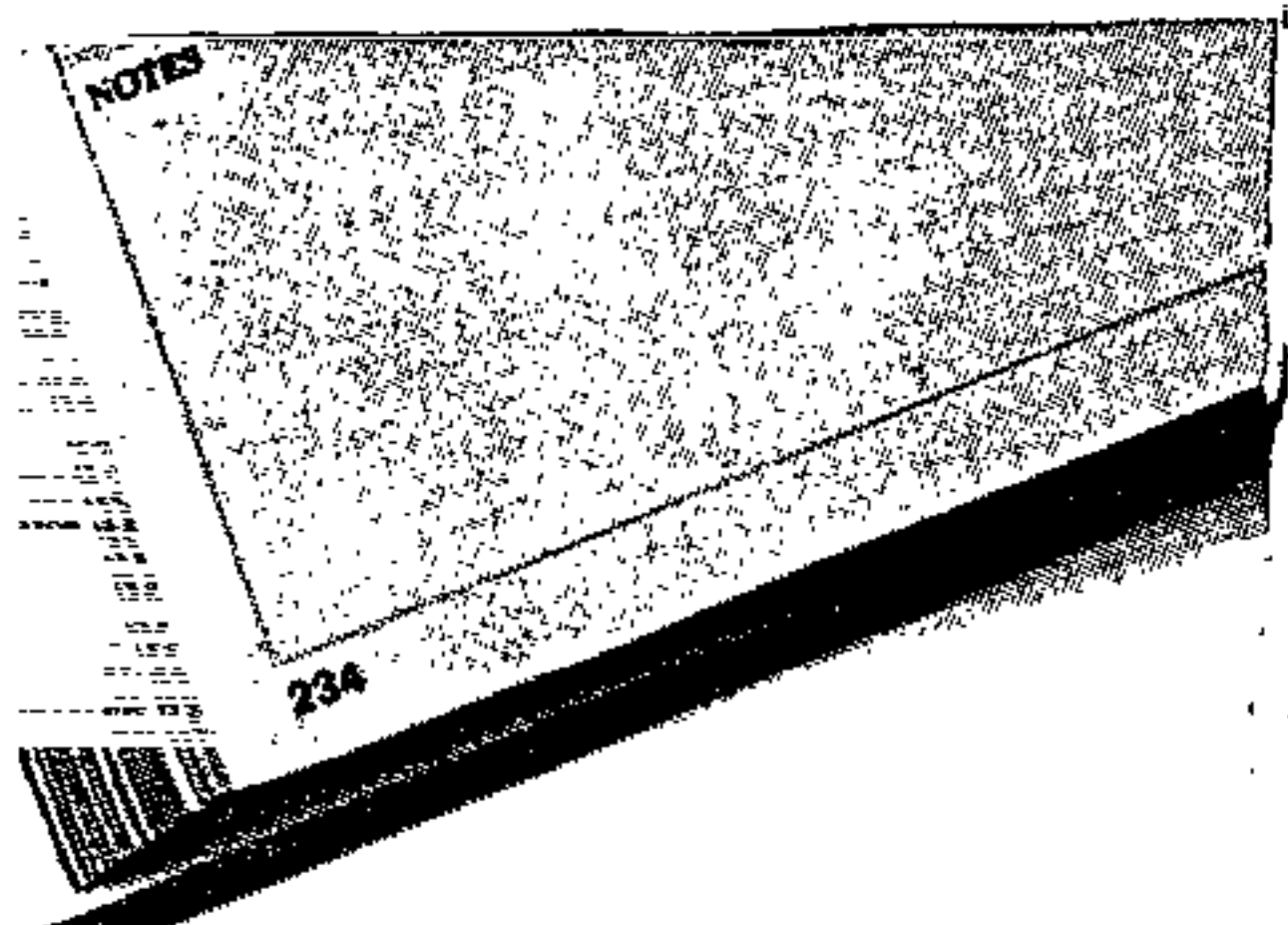
No evidence was led and the five were warned to appear on August 28.

The four followers were Mr Mostert Ngozi, 35, Mr William Nsala, 41, Mr Thandeka Mkhafa, 28, and Mr Zimas Mninz, 24.

The magistrate, Mr R A Duraan, warned them against interfering with State witnesses.



Mr Ngxobongwana



CAT Links
24/7/86 (331)

PAC accused 'feared for life'

By ANDRE KOOPMAN

A MAN on charges of terrorism yesterday told a Cape Town regional magistrate that he had been threatened by security police while in detention that they would make "another plan with you if you do not speak".

Mr Andile Gusha, 23, of Guguletu, who said he feared for his life while in detention, was giving evidence in a trial within a trial. His advocate, Mr F Bunting, was contesting the validity of a confession he had made while detained.

Mr Gusha is accused with six other men of terrorism and furthering the aims of the banned Pan African Congress.

The court heard that Mr Gusha and others had been arrested in Umtata on January 20 and that they were assaulted.

They were brought to Cape Town. On the way the kombi stopped on a bridge over a "ditch which was a terrible sight" between George and Knysna.

A security policeman took a "young guy" to the edge and "threatened to throw the young man down if he did not speak the truth". The young man

then said he would speak the truth.

Mr Gusha said he had spent three days in solitary confinement in the Table View police cells after he had been brought to Cape Town.

He was later taken to a Loop Street police office where his hands were handcuffed behind his back. He said he had been later taken to a "Captain Trollip, who interrogated me in front of Warrant Officer Steenkamp and Lieutenant Liebenberg".

The next day he was taken to a magistrate who heard his confession, while a policeman stood outside the door with "something" that could have been a tape recorder.

The seven have pleaded not guilty.

They are Mr Mzwandile Mciteka, 25, Mr Gusha, 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.

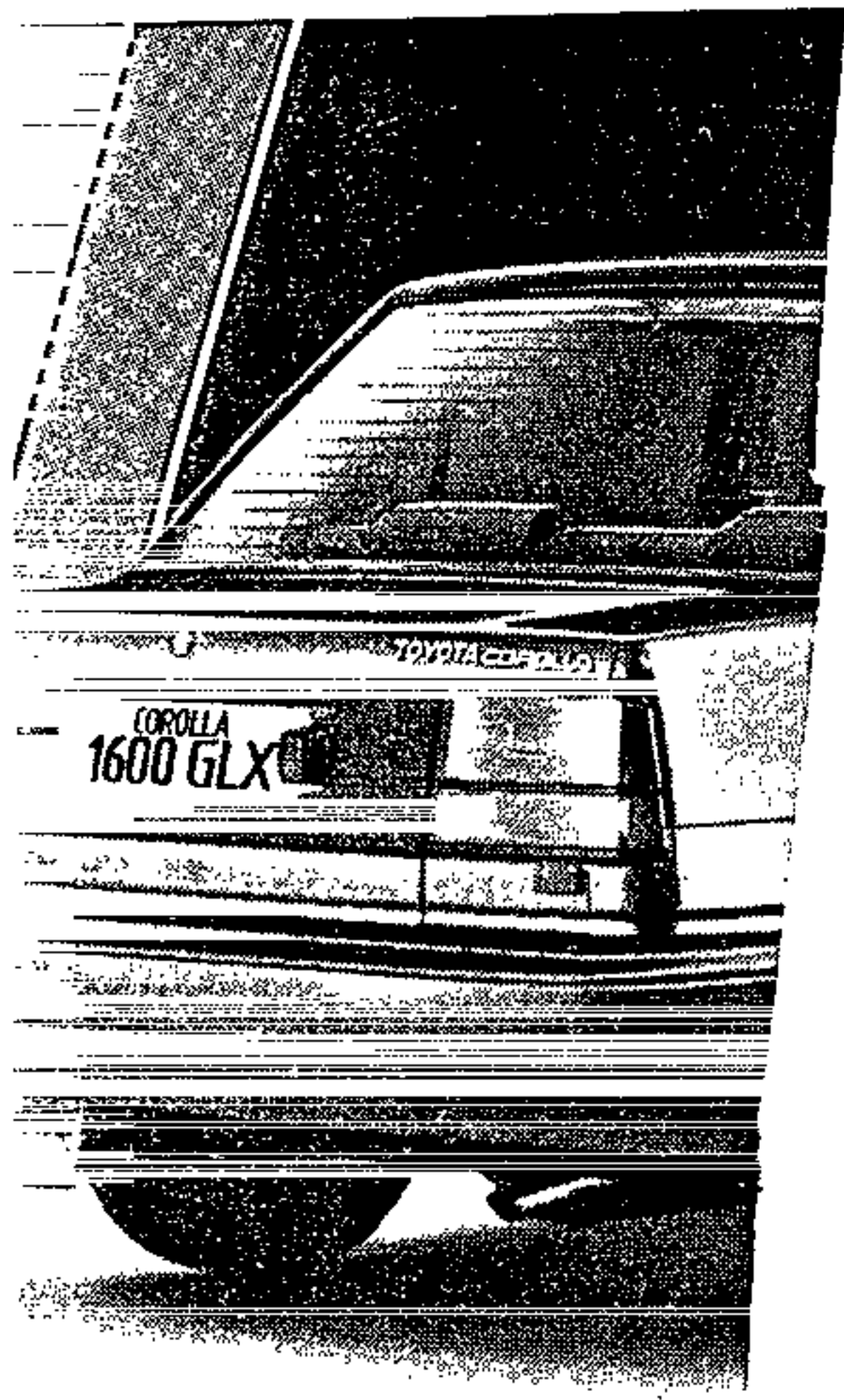
Mr Mxutu and Mr Mayholewene were granted bail of R200 each and the others were remanded. The hearing continues today.

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 Hazzell, instructed by Mr Ramesh Vassen.

Th
Ne
lun
Lei

ORO

ans neve



GLX, 1600 GL, 1300 GL, 1300 L

McCANN-ERICKSON 800987/1

THE

Jailed witness begged to join accused

By JEAN LE MAY

A STATE witness who refused to give evidence against his "comrades" in a Cape Town terrorism trial was jailed on Tuesday for a year.

The witness, who may not be named, was called to give evidence for the state in the "PAC" trial in the Cape Town Regional Court.

He repeatedly asked to join the accused in the dock. After adjourning the court for a short time, the magistrate, JM Lemmer, asked him why he did not want to give evidence for the state.

The man said: "I want to stand in the dock with them ... I don't know why. It's just my feeling. If I agree it will be the same as selling them."

He was summarily sentenced to a year's imprisonment.

Earlier this week P Hazell, for the defence, said to another state witness who had been in detention for seven months: "I put it to you that if you do not give evidence to the satisfaction of the gentleman next to the prosecutor (a Security Policeman) he will see to it that you stay inside."

The youth denied this.

The court had heard that the youth, who has been in a single cell since January, would be freed if he gave the correct evidence.

The seven on trial are Mzwandile Mciteka, 25; Andile Gusha, 23; Donald Mxutu, 66 and Simon Mayholewene (age not known), all of Guguletu; Bathemba Lugulwana, 33, of Langa, Taeol Ntlaba, 19, and a 17-year-old youth, both from Paarl.

They have pleaded not guilty to allegations of subverting or endangering the authority of the state, recruiting people for the Azanian People's Liberation Army, pledging loyalty to the Pan Africanist Congress and giving the PAC salute at a funeral in Transkei last year.

The state also alleges three of the accused were involved in violence between the Azanian National Youth Unity and the United Democratic Front in Paarl last year.

Kuzwayo wins award

ELLEN KUZWAYO became the first black author to be awarded the CNA prize this week when her book, "Call Me Woman", won the English section.

Winners of the annual literary award were announced at a ceremony in Johannesburg.

The Afrikaans award went to

25/7/86
30/11/86
33/11/86
34/11/86
35/11/86

'De Jonge must stand trial'

It was obvious that Dutch fugitive Mr Klaas de Jonge, who had been evading arrest by Security Police in the former Netherlands Embassy for over a year now, should appear in court, the leader of the Conservative Party, Dr Andries Treurnicht, said yesterday.

"If an embassy is misused to obstruct a country's law, consideration must be given to closing it," Dr Treurnicht said in a statement.

Mr de Jonge, a Dutch citizen, was arrested last year in connection with charges of smuggling arms and ammunition for the African National Congress, but evaded police and slipped into the then Netherlands Embassy in central Pretoria.

Police re-arrested him, but after an international protest he was handed back to the Netherlands Embassy on July 19 last year. — Sapa.

CAPE TIMES 25/7/86
331

PAC trial: 4 accused want bail

A YOUTH and three men on charges of terrorism and furthering the aims of the banned Pan African Congress may be granted bail in Cape Town Regional Court today after spending more than five months in detention.

This follows a bail application by Mr Fred Bunting, for the four, who have been in detention since January and February this year. If bail is not granted they will have to remain in custody until September 23 when the hearing will continue.

The four will appear today when bail may be set.

The prosecutor, Mr A Duminy, said he would not object to bail being granted for Mr Bathemba Lugulwana, 33, of Langa, Mr Mzwandile Mciteka, 25, of Guguletu, and Mr Taelo Ntlaba, 19, and a 17-year-old youth, both from Paarl.

Certificates had been issued by the Attorney-General, under Section 30 of the Internal Security Act, which prohibit the granting of bail on the grounds that it would be contrary to the interests of the security of the State.

The magistrate, Mr J M Lemmer, said certificates would have to be issued by the Attorney-General today cancelling the earlier ones.

'Confession may decide case'

Mr Duminy said the State was not, however, disposed towards granting bail to Mr Andile Gusha, 23, of Guguletu, since he had made a sworn statement to a magistrate. Mr Duminy said there was "a reasonable probability that the confession may decide the case in the State's favour".

The confession is being contested by the defence on the grounds that it was made while undue influence was placed on Mr Gusha.

At a previous hearing Mr Gusha said he had made the statement because he had feared for his life since security police had told him "we will make another plan with you if you do not speak".

Under re-examination by Mr Bunting, Mr Gusha said yesterday that a security policeman, a Lieutenant Liebenberg, had told him while interrogating him that he would be kept in detention until his birthday in January next year. Mr Gusha said the thought that he would be spending his next birthday in detention upset him.

'PAC salute at funeral'

He, the other four and Mr Donald Mxutu, 66, and Mr Simon Mayholewene, 64, both of Guguletu, have pleaded not guilty to charges of subverting or endangering the authority of the Republic, recruiting people for the Azanian People's Liberation Army, and pledging loyalty to the PAC and giving a PAC salute at a funeral, between January 1983 and 1986 in the Peninsula, at Mbekweni, Paarl, and at Lady Frere.

They also pleaded not guilty to participating in the activities of the PAC, alternately furthering the aims of the organization.

Mr Gusha was remanded. Mr Mxutu and Mr Mayholewene are free on bail of R200 each and were warned to appear on September 23.

The seven were represented by Mr Bunting, instructed by Mr Wallace Mgoqi of Syfret, Godlonton, Fuller, Moore Incorporated, and Mr P Hazell instructed by Mr Ramesh Vassen.

Y, JULY 26, 1986 + 7

Bail for three on terror charges

CAPE TOWN — A youth and three men on charges of terrorism were granted bail yesterday in the regional court here, after spending more than five months in detention.

The week-long trial ended happily when the hearing was adjourned yesterday. Scenes of jubilation were witnessed outside the court as mothers, with tears of joy, hugged their sons who had been released on bail.

The four who were granted bail are: Mr Bathemba Lugulwana, 33, of Langa, Mr Mzwandile Mcitēka, 25, of Guguletu, Mr Taelo Ntlaba, 19, and a 17-year-old youth both from Paarl.

They are charged with Mr Andile Gusha, 23, Mr Donald Mxutu, 66, and Mr Simon Mayholewene, all of Guguletu.

The seven have all pleaded not guilty to charges of subversion, between January 1983 and 1986 in the Peninsula; at Mbekweni, Paarl and at Lady Frere in Transkei.

They also pleaded not guilty to participating in the activities of the PAC, alternatively furthering the aims of the organization.

The state further alleges that they pledged loyalty to the PAC. Members of the Azanian National Youth Unity allegedly pledged loyalty to the PAC at the funeral of PAC stalwart Mr Melford Yamila, in Transkei, by forming a guard of honour and giving the PAC salute.

They also allegedly handed out pamphlets entitled "Kill the oppressor not the oppressed" and wore T-shirts imprinted with the picture of Mr Robert Sobukhwe, the deceased PAC leader.

The four were granted bail yesterday, after the Attorney-General of the Cape, Mr D. J. Rossouw, cancelled certificates he had previously issued prohibiting bail.

Mr A. Duminy, the prosecutor, previously told the court that the state was not disposed towards granting bail to Mr Gusha, since he had made a sworn statement while in custody. Mr Fred Bunting, for Mr Gusha, is contesting the submission of the confession as evidence, claiming that undue influence was placed on his client during detention.

Mr Andile Gusha, 23, who said he feared for his life while in detention, told the court that the security police had said: "We will make another plan with you if you do not speak".

The hearing was adjourned to September 23. The accused were released on bail of R200 each and Mr Gusha was remanded.

Cape Times 26/7/86 (331)

PAC trial: 4 accused given bail

Staff Reporter

A YOUTH and three men on charges of terrorism were yesterday granted bail in the Regional Court after spending more than five months in detention.

The four are Mr Bathemba Lugulwana, 33, of Langa, Mr Mzwandile Mciteka, 25, of Guguletu, Mr Taelo Ntlaba, 19, and a 17-year-old youth both from Paarl.

They are charged with Mr Andile Gusha, 23, Mr Donald Mxutu, 66, and Mr Simon Mayholewene all of Guguletu.

The seven have pleaded not guilty to charges of subverting or endangering the authority of the Republic, between January 1983 and 1986 in the Peninsula, at Mbekweni Paarl and at Lady Frere in Transkei.

They also pleaded not guilty to participating in the activities of the Pan African Congress, alternately furthering the aims of the organization.

The four were granted bail of R200 each.

The court heard that Mr Gusha and others had been arrested in Umtata on January 20 and that they were assaulted with

"clenched fists and were kicked". They were then brought to Cape Town and had been kept in a cell with criminals in Plettenberg Bay on the way.

The following day the vehicle stopped on a bridge over a ditch "which was a terrible sight" somewhere between George and Knysna.

'Threatened'

A security policeman took a "young guy" to the edge and "threatened to throw the young man down if he did not speak the truth". The young man then said he would speak the truth.

The hearing was adjourned to September 23. Mr Gusha was remanded. Mr Mxutu and Mr Mayholewene were granted bail of R200 each at a previous hearing.

Mr J. M. Lemmer was the magistrate. Mr A. Duminy appeared for the State. The seven were represented by Mr P. Hazell, instructed by Mr Ramesh Vassen, and Mr F. Bunting, instructed by Mr Wallace Mgoqi of Syfret, Godlonton, Fuller, Moore Incorporated.

Sweeper 3/17/86 (3315)

Delmas treason trial RADITSELA: COP QUIZZED

A SECURITY policeman yesterday told the Delmas treason trial he did not know that top unionist Mr Andries Raditsela was handcuffed unconscious to a fence before he died.

Sergeant D P Koetze, based in Springs, said this when he was cross-examined by Advocate George Bizos (SC) at the trial of 22 men in the Delmas Circuit Court.

The 22 men are appearing before Mr Justice K Dijkhorst charged with high treason, alternatively subversion, terrorism and murder.

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

Sgt Koetze had earlier told the court

that at the funeral of Mr Raditsela he saw banners of Cosas, UDF, Cosatu and a red flag with a hammer and sickle sign.

He also saw a banner that had a drawing of an AK-47 assault rifle and including placards with slogans "The People Shall Govern", and "Beirut".

Sgt Koetze said he was stationed in Brakpan in April where it was his job to know about the activities of organisations like Cosas and the Tsakane Youth Congress.

Sgt Koetze said he had picked up pamphlets in Tsakane denouncing councillors as puppets, and calling for the withdrawal of the SADF from the township.

Proceeding.