

TOTALITARIANISM - POLITICAL TRIALS

1987

JULY → ~~OCTOBER~~ DECEMBER.

Alex seven appear

331
Sweptan
5/8/87

A MAN was ordered to report to the "people's court" in Alexandra after a cassette and a building society card were taken from him, the Rand Supreme Court heard yesterday.

Appearing before Mr Justice Grosskopf were six men and a youth on charges of treason, sedition and subversion. The State alleges they committed the offences

during the outbreak of unrest in Alexandra between February and July last year. The case is being heard in camera and they have all pleaded not guilty.

Fled

The witness, who may not be identified, said he was standing at a gate with his girlfriend one night in June last year, when a group of young

men walking along 15th Avenue approached them. His girlfriend fled.

He said the men suspected him to be a police informer and searched him. He said they found a cassette and a building society card in one of his pockets. They took both items and ordered him to report at the "people's court" on a Monday.

(Proceeding)

'Terror' aid claim

By STAN MZIMBA

SEVEN people facing charges under the Public Safety Act were this week accused of harbouring and helping Enoch Mabathu Zulu and Siyabulela Gcanga, both of whom are facing terrorism charges in Pretoria for allegedly being involved in PAC activities.

They are: Leo Kantolo, 53, Salakatya Simuku, 52, Sgqibo Mpendulo, 47, Synod Madlebe, 66, Nomthandazo Lusizi, 35, Victor Zamele, 34 and Vivian Swartbooi, 49.

The trial took a dramatic turn this week when a State witness, Christina Nyebe, broke down and wept while giving evidence.

More drama followed when Mongameli Ngokwana refused to take the oath and indicated that he was not prepared to give evidence against his friends.

After the magistrate had read him his obligations according to law, he stood by his refusal, saying that if he gave evidence it would haunt him for life.

The trial is continuing.

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JANET CHERRY

ECC PORT ELIZABETH LEADER

**Detained under Emergency
Regulations
August 22 1986
Redetained June 12
No Charge**

Join us in expressing concern.

**Write to: The Minister of Law and Order
Mr Adriaan Vlok
Private Bag X9080
Cape Town 8000**

Issued by ECC, Khotso House, 42 De Villiers Street, Johannesburg

15/9/86
(2)

detention for almost three years was hailed by defence lawyers as a significant victory.

Two previous bail applications had failed. In the first, in November 1984, a full bench of the Transvaal Supreme Court dismissed the application because of the then-current political turmoil which had resulted in the imposition of a State of Emergency. In the second, brought before Judge Van Dijkhorst in Delmas in March 1986, after the 1985 Emergency had been lifted, the court found there had been no material change in the country's security situation.

However, after an agreement between the defence and the state, six trialists were released on bail at the end of the prosecution's case last November. Three of the original 22 accused were acquitted for lack of evidence.

Defence lawyers initially launched the bail application heard this week in January. The matter was delayed to give the judge a chance to assess the accused called to testify, and to give the state time to file replying papers.

Broadly, the defence argued the accused could not be held responsible for the security situation which led to the imposition of the 1986 or 1987 States of Emergency, nor could their

George Bizos SC said the trialists had been arrested and charged long before alternate structures such as people's courts were set up.

The defence listed over 100 people named as co-conspirators in the trial — including UDF President Archie Gumede — who were functioning freely.

In addition, the six released on bail at the end of last year proved that the state's claim that the ANC had a plan to help them skip the country had no foundation. The defence also quoted extensively from television and press interviews with senior cabinet ministers, where they claimed the level of unrest had subsided markedly.

In an affidavit by University of the Witwatersrand political science lecturer Dr Tom Lodge, SABC claims that the ANC's Radio Freedom had publicly admitted for the first time the ANC had formed the UDF were refuted. Lodge said the ANC used the terms "we" and "our" loosely to express its identification with the "oppressed masses". In addition, the ANC spokesman had not been named and thus might not have reflected the official view.

The prosecution, in turn, argued that the ANC in 1986 had called for an intensification of mass action and

NO BIG NAMES HERE, BUT THE

THE tens of thousands of township residents who participated in street committees and other alternative structures could face charges of high treason if the Rand Supreme Court convicts eight young Alexandra residents on these charges.

The Alexandra "people's court" treason trial, which adjourned this week for the five-week winter recess, is thus potentially one of the most significant political cases of the day.

Not one of the eight alleged members of the Alexandra Youth Congress has been proved to hold an executive position in Ayco. And only one of the accused has been detained previously.

The position is substantially different in the marathon Delmas treason trial, where the 19 men charged with

orchestrating nationwide unrest in 1984 and 1985 include senior United Democratic Front executive members Popo Molefe and Patrick "Terror" Lekota.

The eight Rand Supreme Court trialists — who range in age from 17 to 28 — were among 20 to 30 people detained on July 7 last year when police raided a house in 15th street, Alexandra, while a people's court was allegedly in progress.

Initially, the eight were charged with sedition, alternately subversion. Defence lawyers launched an application challenging the validity of this charge, arguing sedition required some degree of insurrection and tumult, and that the state had made no such claims.

Judge Grosskopf dismissed the d

Delmas returns to quiet anonymity

For eighteen months a small reef town has been the focal point of world attention, something of a pilgrimage point for scores of political activists, journalists, dignitaries and jurists. The reason: a mammoth treason trial, named not after the accused, but after the town: the Delmas Trial. But this week the case bid farewell to Delmas.

JO-ANN BEKKER reports

3-9/7/87

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THE international spotlight focused on the Eastern Transvaal town of Delmas for the last time this week, when all but three of the remaining accused in the treason trial held there for the past 18 months were released on bail.

The Delmas trial, as such, is over. When the hearing reopens on August 3 after the winter recess, the court will sit in Pretoria.

After key activists Patrick "Terror" Lekota, Popo Molefe and Moss Chikane left the small town in police vehicles, while the other 16 trialists left with friends and relatives, Delmas once again became the property of chicken and maize farmers — and the

town's doctor who won the Iron Man triathlon. It was generally understood that the trial was held in the small Eastern Transvaal town 70km from Johannesburg to avoid the huge attendance political trials involving key figures usually attract. But, said presiding Judge K van Dijkhorst, "We initially began in Delmas because certain renovations made it unsafe to hold this case there (Pretoria)." Now, he said, the renovations had been completed. In addition, the move was "imperative" in view of his assessor's "administrative difficulties". Without its unique geographical set-

ting, the trial of the 19 men is difficult to classify.

To call it the United Democratic Front case would be to ignore the charges against alleged Azanian People's Organisation (Azapo) members.

Although usually seen as ideological rivals, the UDF and Azapo are alleged by the state to have conspired with each other and the African National Congress and South African Communist Party in fanning the nationwide unrest which flared in the Vaal triangle in September 1984.

It would similarly be incorrect to refer to it as the Vaal uprising hearing, even though 17 of the original 22 ac-

cused are from the region — because the trialists are also accused of conspiring to plan violent resistance in 23 other areas in the East and West Rand, Transvaal and Eastern Cape during 1984 and 1985.

Even to refer to it as the treason trial stemming from unrest in 1984 and 1985 would be misleading. During the latest bail application, the state has added piles of affidavits and documents to the voluminous court records, already 20 000 pages long, which update the state's claims of an ANC-UDF conspiracy to the middle of this year.

The granting of bail this week for

The joy of reunion after three years of separation — Above: trialist Bavumile Vilakazi embraces his wife. Above right: Vilakazi, centre, and Tebogo Moselane, with spectators, surrounded by well-wishers. Far right: Naphtali Nkowane kisses from his wife. Below right: A still unbowed Moss Chikane, one of the three denied bail, photographed leaving the court

Pictures: ANNA ZIEMINSKI, Alrapix



creation of "people's power" to be co-ordinated by the UDF and coupled with armed struggle.

In allegations similar to those raised in the Alexandra "people's court" trial in the Rand Supreme Court, the state claimed UDF publications had propagated street committees, no-go areas for the security forces, people's courts and people's education. The formation of the South African Na-

IMPLICATIONS ARE FAR-REACHING

fence application, ruling the weight of legal authority "only requires a gathering in defiance of the authorities and for an unlawful purpose to constitute the crime of sedition".

However, several days later the state introduced an amended indictment which altered the main charge to one of treason.

At the same time, the Congress of South African Trade Unions was added to the list of organisations — including the UDF and African National Congress — with which the accused allegedly conspired to undermine the state's authority.

They are charged with arranging or attending meetings at which the state's authority — specifically to administer justice, institute prosecutions and maintain law and order — was

individually. While regarding the overall security situation — which he said had improved but was "still not satisfactory ... (with) evidence of much underground subversive activity" — he had to assess whether the individual accused would have an adverse affect on it, if released on stringent bail conditions.

The judge said he had seen "many of the accused in the witness box and heard state evidence against them. I have a fair view of their personalities, political inclinations, health, status and age."

He said he was convinced granting bail to some of the 13 bail applicants would not endanger state security. But, "in the case of the other accused I am not convinced their release will not endanger state security."

Judge van Dijkhorst said the case was not a "normal criminal case" — but one with "deep political undertones". It had to be considered whether an accused would stand trial even if his prospects for acquittal became nil. "Any accused who decides to abscond would with little difficulty be able to leave South Africa for some of the neighbouring countries, where he would not be subject to extradition."

The police officer investigating the case had stated he had information that the ANC planned to help the ac-

easily lead them to justify abscondment if it was to their advantage." The fact that accused in other trials, and the six released on bail last November did not do so did not preclude such a decision. "One should not expect flight till the shoe pinches," he said "This would make the close of the case the period of greatest risk."

For the 19 remaining trialists and their families, the last day in Delmas was a bitter-sweet occasion. Men who had been behind bars for more than 1 000 days left the courtroom arm-in-arm with wives and friends, carrying babies while children hung on to the hems of their suit jackets.

Lekota's wife Cynthia and Chikane's wife Martha left the court with wet eyes. Lekota and her children had travelled from Durban for the bail application.

While those granted bail were being released one by one, Chikane suddenly appeared in their midst, with a policeman on either side. He was steered hurriedly through the throng of well-wishers and photographers into an awaiting police car and gave the clenched fist salute as the vehicle sped away. Molefe and Lekota were driven back to Modderbee Prison on the East Rand in the huge prison bus which had ferried first 22 trialists, then 13, to and from Delmas.

3-9/7/770-ANN BEKKER reports on the Alexandra trial

forces.

They are also charged with re-naming streets in the township with names such as Grenade, AK47, Bazooka and Winnie Mandela, and re-naming schools Tanbo High, Oscar Mphela and Solomon Mahlangu.

The state claims the accused were office-bearers, officials, members or active supporters of Ayco, and/or the Alexandra Action Committee, the Anti Crime Campaign, the Alexandra Crisis Committee and "the organisation or association known as the comrades".

The indictment, more than 70 pages long, includes alleged minutes of Ayco meetings which include items on defence committees, re-naming streets, and the anti-crime campaign. The trial, which began on April 27,

has taken place largely behind closed doors, following the state's unopposed application for Alexandra residents, accomplice witnesses, and policemen employed in the township to testify *in camera*.

The defence asked for permission for the parents and relatives of the accused to be present, but the judge upheld the state's objection to this, in the interests of state witnesses who "are residing within the same confined area as the parents of the accused" and feared reprisal.

"I do not think it is improbable that the parents may be intimidated to reveal information about witnesses who are in any event regarded as traitors by those people (the comrades)," Judge Grosskopf said.

an alleged youth committee member, and the following alleged Vaal Civic Association members: Naphtali Mbuti Mkopane, 42, a furniture stock controller, Bavumile Vilakazi, 32, an Urban Training Project educator, and Hlabeng Madole, 63, a dry-cleaners' sales agent.

Also released were Sekwati Mokoe-na, secretary of the Boipatong Civic Association, Simon Tseko Nkoli, 27, an employee of the South African Institute of Race Relations, Pelamotse Tlhopane, 28, a Sebokeng sales agent, and Thomas Mantlatha, 48, former secretary of the Soweto Civic Association and a South African Council of Churches fieldworker.

In terms of the stringent bail conditions, the 10 may not attend or organise any meeting, except *bona fide* church services. They are barred from the Vaal Triangle's black townships and may enter only with the permission of one of the policemen investigating the trial. They may not participate in any political activity, make any political statements, or participate in the activities of the Soweto Civic Association.

Each of the 10 must report to a designated police station between 6am and 8am and between 6pm and 9pm. They must surrender passports or travel documents, and must attend court daily.

He said "the accused may be young people, but in my view they cannot be regarded as children anymore".

Accredited journalists are allowed to attend the hearing, but they are not permitted to identify the *in-camera* witnesses, whose names are conveyed to the judge and defence lawyers on slips of paper.

The first of the 13 *in-camera* witnesses called so far refused to testify and, after a defence application, was permitted to stand down to enable him to seek legal advice.

The state's case, which already runs to more than 1 500 pages of evidence, is expected to continue until August or September, and the defence's case is estimated to last at least two months.

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10 Delmas accused released on bail

By Adele Baleta

DELMAS — Mrs Cynthia Lekota watched with mixed feelings yesterday as 10 of the Delmas treason trial accused rejoiced after being granted bail, because her husband, prominent United Democratic Front (UDF) leader Mr Patrick "Terror" Lekota, learnt he would be returning to his Modderbee cell in Springs.

Mrs Lekota, a teacher, has travelled between her Durban home and the Reef for more than two years to visit her husband.

The 10, released on bail totalling R150 000 after spending three years in custody and sitting through court hearings for more than two years, were swamped by jubilant friends and relatives.

But former Transvaal UDF secretary Mr Moses Mabokela Chikane, Mr Popo Simon Molefe, the national general secretary of the UDF and Mr Lekota, the UDF's national publicity secretary, were denied bail on the grounds that they were a threat to State security.

Of the original 22 men who pleaded not guilty to treason, murder, subversion and terrorism, three were acquitted and six were granted conditional

3 still held on charges of treason

bail of R15 000 each at the close of the State's case last year.

The charges relate to the Vaal Triangle uprising over rent increases in September 1984.

The court went into recess yesterday and will be resumed on August 3 in the Pretoria Supreme Court.

The granting of bail to 10 of the accused comes after two previous unsuccessful applications since the beginning of a marathon trial in June 1985.

The judge, Mr Justice van Dijkhorst, said yesterday that he took into account the national security situation and whether the accused would have an adverse effect on State security if released on bail.

"I am convinced that some of the accused won't endanger State security if released with conditions. In the case of others, I am not convinced... the attitude of the Attorney-General in the first bail application takes prevalence — and the full Bench decision remains in force.

"This is not a normal criminal case. It has deep political under-

tones," he said.

The judge said the accused denied knowledge of ANC plans to help them escape if granted bail and they said they would not avail themselves of help as they wanted to stand trial to prove their innocence.

"This must be seen against a background of previous affidavits in which the accused stated they did not believe in the impartiality of the court. Such mistrust may lead to their abscondment..."

The 10 who were granted bail yesterday showed mixed reaction to Mr Justice van Dijkhorst's finding saying they were "happy" to be out of prison but regretted that their three co-accused were not.

They said the conditions of bail were particularly stringent. They are not allowed to attend or organise political meetings; they may not enter residential areas of townships in the Vaal Triangle; they have to report to a police station twice a day and have to surrender travel documents to the investigating office.

Those released on conditional bail yesterday were: Oupa John Hlomuka; Tebogo Moselane; Geimumuzi Malindi; Naphali Mkopane; Bavumile Vilakazi; Sekwati Mokoena; Simon Nkoti; Pelamotse Tihopane; Thomas Manhata and Hlabeng Matlole.



Mr Bavumile Vilakazi (centre) is surrounded by jubilant friends and relatives after being granted bail in the Delmas treason trial yesterday.

Picture by Herbert Mabuza.

Officer denies knowing

By Jo-Anne Collinge

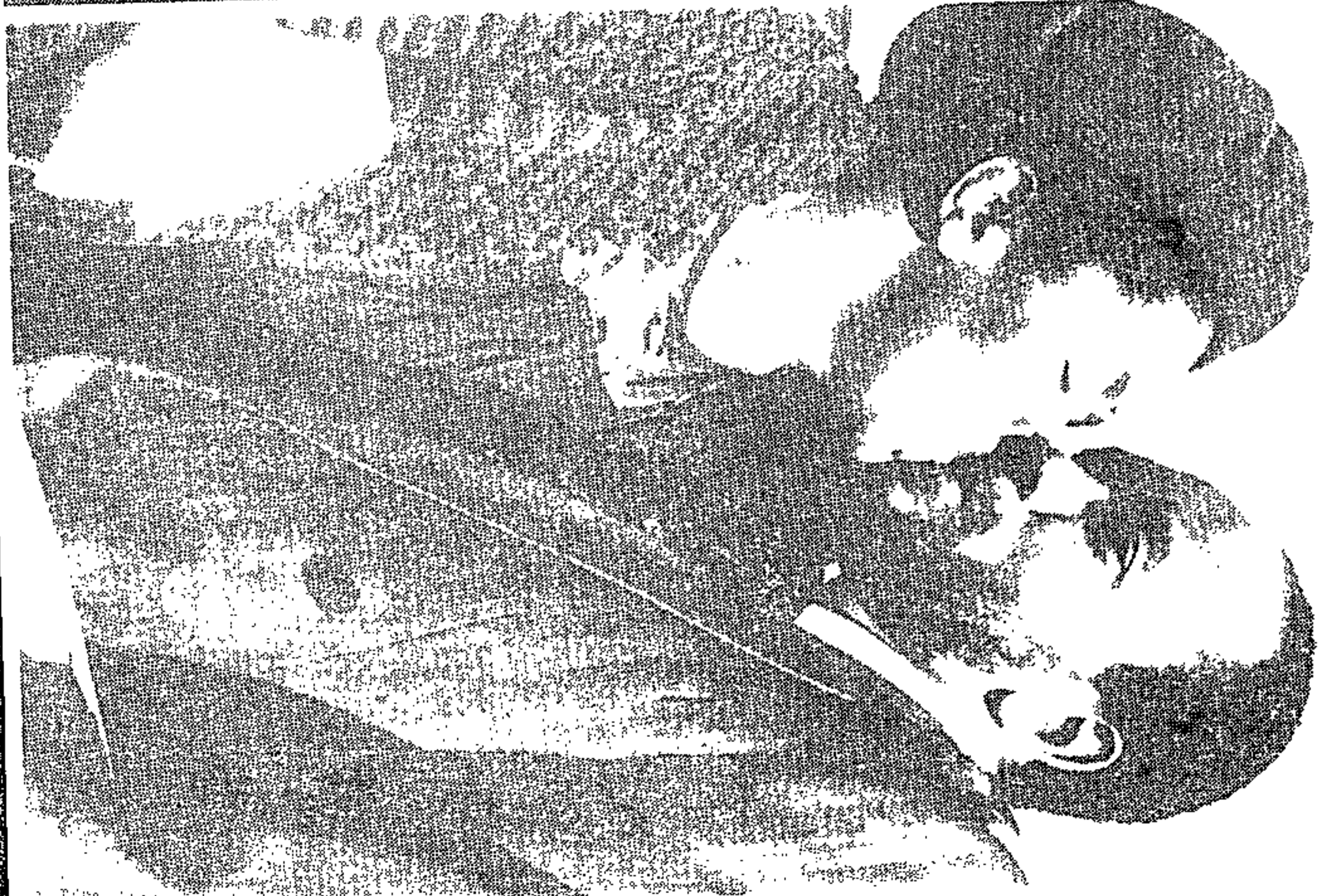
SESHOGO — A police officer in command of the Lebowa riot squad has denied he was informed that nine of his men were suspects in the investigation into the murder of United Democratic Front leader Mr Peter Nchabeleng, who died in police custody last year.

Captain A Moloto yesterday

gave evidence in the Seshogo Magistrate's Court at the inquest into Mr Nchabeleng's death.

Counsel for the Nchabeleng family, Mr Bob Nugent, asked Captain Moloto: "No one told you to this day that your men are suspected (of bringing about Mr Nchabeleng's death)?"

"Yes," answered Captain Mo-



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who have been in detention at least since April 1985, denied they had any part in the recent strategy of the UDF. The UDF's national treasurer submitted an affidavit denying UDF policy was to make the country ungovernable or to establish people's power.

Judge van Dijkhorst said the defence argument that freedom afforded co-conspirators should be extended to the trialists as well was "a cogent argument". But, he said, it was not conclusive, as "the same position applied when the full bench gave its judgement".

He had to assess each trialist's case.

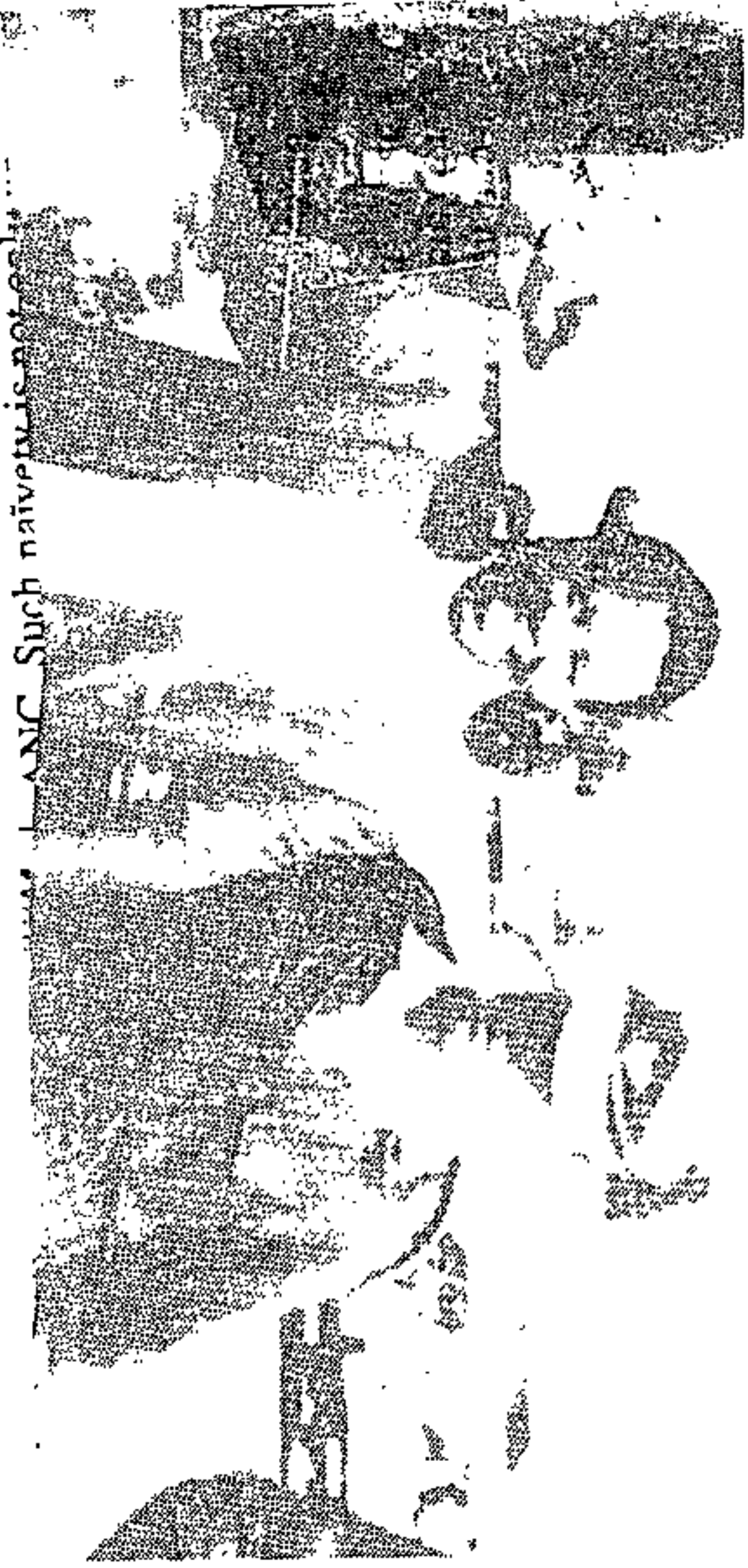
used to escape as soon as some were released on bail, the judge said. The accused had said they had no knowledge of such a scheme and wished to stand trial to show their innocence.

But, referring to the defence's failed application for the judge to rescuse himself recently — following his dismissal of assessor Dr Willem Joubert — the judge said the accused's assurance should be seen against their statement "that they had no belief in the impartiality of this court".

"Such a statement is a statement of a court".

Lawyers said the "UDF three", as Lekota, Mofe and Chikane are known (although Chikane, an official of the Community Resource and Information Centre, was not re-elected to the UDF executive in 1985) will probably be transferred from Modderbe Prison to Pretoria Prison in the near future.

Those released on conditional bail of R15 000 each on Tuesday were: Oupa John Hlomuka, 34, an insurance salesman and alleged member of Azapo; the Rev Geoffrey Tebogo Moselane, 41, an Anglican priest;





**with
loved
ones**

A BITTER sweet atmosphere prevailed at the Delmas Circuit Court yesterday after 10 of the 13 accused in the marathon treason trial were granted bail totalling R150 000. In the picture are some of those who were granted bail together with their friends, children and loved ones. Second from right is Mr Gcinumuzi Malindi and Mr Herbert Vilakazi (next to him).

Delmas treason trial

HAPPY DAY

**For 10 on
bail after
three years**

AFTER three years in custody, 10 of the Delmas treason trialists were yesterday granted bail, leaving only three of the accused still in custody.

Bail was set at R15 000 each and stringent conditions were imposed.

The court went into recess yesterday and will be resumed on August 3 in the Pretoria Supreme Court.

Relatives and well-wishers in court were jubilant when Mr Justice K van Dijkhorst gave his finding.

It was the third time that the defence had applied for bail in the Delmas Circuit Court. On Monday the court heard a bail application for 13 of the accused.

Of the original 22 Delmas treason trialists, six were given conditional bail of R15 000 at the close of the State's case last year and three were acquitted.

Those who were

**By ALI MPHAKI
and SAPA**

denied bail yesterday on the grounds that they were a threat to State security - hold high positions in the United Democratic Front.

They are Moses Mabokela Chikane, UDF Transvaal secretary, Popo Simon Molefe, national general secretary of the UDF, and Mosiuoa Gerard Patrick "Terror" Lekota, UDF national publicity secretary.

Those released on conditional bail yesterday are: Oupa John Hlomuka, an Azapo

member; Tebogo Mose-lane, an Anglican priest; Gcinumuzi Malindi, a youth committee leader; Naphthali Mkopane, member of Vaal Civic Association; Babumile Vilakazi, VCA member; Sekwati Mokoena, member of Boipatong Civic Association; Simon Nkoli, co-ordinator of South African Race Relations Institute; Pelamotse Tlhopane of Sebokeng; Thomas Manthata, former secretary of the Soweto Civic Association and Hlabeng Matlole, mem-

ber of the VCA.

All the trialists have pleaded not guilty to charges of treason, subversion, murder, furthering the aims of the ANC and terrorism which arose from the unrest in the Vaal Triangle in September 1984.

After bail was granted, Mr George Bizos SC, for the defence, said that the accused were concerned about the statement broadcast on SABC-TV on June 18 which said that the African National Congress had admitted for the first time that it was behind the formation of the UDF.

Denial

The accused, who are avid radio listeners, had heard the denial by the ANC of these claims, but had never heard these denials broadcast on SABC-TV.

Mr Justice van Dijkhorst replied: "This case will not be decided by SABC-TV, newspaper or by any wild

10 out on bail

From Page 1
statements made outside, but by the bench of this court."

The conditions under which Mr Justice van Dijkhorst granted bail

are that the accused may not attend any political meeting or participate in organising such meeting except bona fide church services.

They may not enter the residential area of Sebokeng, Evaton, Boipatong, Bophelong or Sharpeville, without written permission of the investigating officer.

They may not participate in any political activity or make any political statements.

The judge said that Mr Manthata must not participate in any activities of the Soweto Civic Association.

They must report daily to designated police stations and must hand in their travel documents.

**But 3 top UDF
men stay inside**

by SABC-TV, newspaper or by any wild
To Page 2

Treason accused get bail

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DELMAS — After three years in custody, 10 of the Delmas treason trialists were granted bail yesterday, leaving only three of the accused still in custody.

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The court went into recess and the case will be resumed on August 3, in the Pretoria Supreme Court.

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It was the third time that the defence had applied for bail in the Delmas Circuit Court.

Of the original 22 Delmas treason trialists, six were given conditional bail of

R15 000 at the close of the state's case last year, and three were acquitted.

Those who were denied bail yesterday, on the grounds that they were a threat to state security, held high positions in the United Democratic Front.

They are the UDF Transvaal Secretary, Moses Mabokela Chikane, the National General Secretary of the UDF, Popo Simon Molefe and the UDF National Publicity Secretary, Mosinwa Gerard Patrick "Teror" Lekota.

Those released on conditional bail are: an Azapo member, Oupa John Hlomuka; an Anglican priest, Tebogo Moselane; a youth committee

member, Geinunuzi Maimdi; three members of the Vaal Civic Association, Naphtali Mokopane, Hlabeng Matole and Babumile Vilakazi; a member of Bopalong Civic Association, Sekwati Mokoena; the co-ordinator of South African Race Relations Institute, Simon Nkoli; Pelamotse Tlhopane, of Sebokeng and the former secretary of the Soweto Civic Association, Thomas Mantata.

All pleaded not guilty to charges of treason, subversion, murder, furthering the aims of the ANC and terrorism.

The state's case was that the accused were unlikely to stand trial if released and they would be a danger to the maintenance of law and order.

After bail was granted, Mr George Bizos SC, for the defence, said that he had received information from the state that several people in the UDF who were charged in 1985 and 1986, broke bail conditions, left South Africa and joined the ANC in Botswana. The conditions



DELMAS — Some of the ten jubilant treason trialists released on bail of R15 000 each outside court surrounded by relatives and friends.

under which Mr Justice van Dijkhorst granted bail are that the accused may not attend any political meeting or participate in organising such meetings, except bona fide church services.

They may not enter the residential area of Sebokeng, Evaton,

Boipatong, Bophelong or Sharpsville, without written permission of the investigating officer. They may not participate in any political activity or make any political statements.

They must report daily to designated police stations and

must hand in their travel documents.

Summarising the argument on the bail application, the judge said the case for the accused was that there was material change in the security of the state since 1985, when the first application for bail was re-

fused.

Attention was drawn to co-conspirators who had never been detained and were free to carry out their own personal affairs. There was also no logical basis to distinguish their position from the six already released on bail — Sapa

Bail for 10 more in Delmas trial

SOPHIE TEMA

TEN Delmas Treason trialists were released on bail of R15 000 each yesterday, after having been on trial for 18 months — but only one of them may return to his family.

The rest are to stay with relatives outside the Vaal area as part of the stringent conditions placed on their release.

Only Tom Manthata, former executive member of the Soweto Civic Association, who originally came from Soweto, will be allowed to live with his family at their Orlando West home.

The 10 are to report to the police twice a day. Their passports must be surrendered.

Three others, Popo Molefe, Terror Lekota and Moss Chikane — all executive members of the United Democratic Front (UDF) — were refused bail and will remain in custody.

Mr Justice van Dijkhorst said that the three would not be granted bail as they posed a threat to the security of the State.

Excited

Six others were released on total bail of R90 000 last November. Most of the the accuseds' relatives said they were excited at their release, but were not happy that the other three had to remain in custody.

A woman teacher, whose husband was among the 10 released, said: "Since my husband has been on trial I have had to stay away from school almost every Thursday to visit him in prison.

"I had to travel from the Vaal, which is a long way from here.

"Although he will not be staying with us it is consoling to know that he is out of the prison cells and I and the children can see him at any time with no restrictions from anyone."

NINE-YEAR-OLD PUSO MOLEFE raised his clenched fist in a black power salute and shouted "Amandla!" to a crowd of journalists and TV cameras outside the Delmas Circuit Court.

Puso, with his two-year-old sister, Albertina, were among the few unhappy ones who could not rejoin their father in celebrating his release in the marathon Delmas treason trial this week.

Their father, Popo Molefe, general-secretary of the United Democratic Front, Patrick "Terror" Lekota, UDF publicity secretary and Moss Chikane, national executive member of the UDF, were refused bail on Tuesday by Judge Van Dijkhorst.

As if oblivious to what was happening inside the court before his father and the two others were refused bail, Puso laughed and joked with members of the public, telling them how much he loved his father and the UDF.

His father has been in jail since April 1985. Molefe, Lekota and Chikane were arrested at almost the same time while planning a meeting of a union in Port Elizabeth. He was arrested just when he was about to board a plane at Jan Smuts Airport, while Lekota was picked up at DF Malan Airport.

The three had played a vital role in the formation of the UDF almost four years ago. They are regarded as "big fishes" who cannot be released while the case is still going on, because they "are a threat to the security of the State".

One of the defence councils in the case, Priscilla Jana, said she was disappointed that the accused had had to wait for almost two years to be granted bail.

"This is a tragedy. We are not happy at all," she said.

She said she expected the trial to drag on even longer.

The three are regarded as the kingpins in the trial, which is now two years and two weeks old, because of their standing in the UDF.

The 10 accused, who were granted bail of R15 000 each, had mixed feelings about their conditional release. And they all expressed disappointment at leaving behind their three colleagues.

Their bail conditions do not allow them to come anywhere near the Vaal complex, attend any political gatherings or participate in organising

such meetings, or make any political speeches.

They are also required to report twice daily to their local police stations.

One of the accused, Sekwati Mokoena, 34, said that, while he was happy to be free again after three years in jail, "I'm not happy to have left behind our three friends". Mokoena has been in jail since November 1984.

An Azanian People's Organisation chairman in the Vaal, Oupa Hlomuka, 34, who has been in jail since September 1984, said he was not entirely happy "until my innocence is proved by the court, but I'm not happy to leave the three behind". He is married with two children.

Tom Manthatha, 46, of Soweto, who 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, said it would have been a great day had ev-

erybody been released.

"It leaves a bitter taste to leave other people behind in jail.

"But we can only hope and pray that they will be comforted by the fact that when the case resumes we will still be with them," said Manthatha.

Nomhle Moselane, wife of one of the accused, Rev Tebogo Moselane, said she felt good to be reunited with her husband once more "but because his bail condition does not allow him to come home to Sharpeville it is very hard on the family".

This means she has to travel daily to Natalspuit on the East Rand to meet him. Moselane will be staying with relatives.

The court is in recess and the case will resume on August 3 in the Pretoria Supreme Court.

All the 19 accused have pleaded not guilty to charges of treason, subversion, murder and terrorism.



After three long years, Sam Matole is reunited with his wife and family.



KHULU SIBIYA



Tom Manthatha ... able to kiss his wife again after paying bail of R15 000.



Herbert Vilikazi ... surrounded by his wife and loved ones at long last.

5/7/87

(331)



Outside the Delmas court young Puso raises his clenched fist and shouts 'Amandia!' while inside the court his father, PoMolefe, is refused bail.

BITTERSWEET BAIL

(331)

ONE/10

Terror trialist knew of border 'corridor'

CAPE TIMES 9/7/87 331

PRETORIA. — The Magistrate's Court was yesterday told how one of the accused in a terror trial had shown the police a cave near the border between Swaziland and South Africa, but that nothing was found in it.

Lieutenant G S Schoon, a member of the SAP's security branch, told the court that Mr Mabatane Enoch Zulu, 52, a suspected Pan Africanist Congress member and one of the accused in the trial, had identified to police a "corridor" on the border between Swaziland and South Africa in the Ingwavuma district.

Lt Schoon said several arms caches were found during 1984 and 1985 in the Ingwavuma district.

Mr Zulu, Mr Siyabulela Ndoda Gcanga, 26, Mr Vincent Alson Mathunjwa, 29, Mr Sestibe Paul Mahohlo, 29, and Mr Daniel Saul Nkopodi, 27, face a total of 19 charges under the Terrorism Act and the Internal Security Act.

They were allegedly active members of the PAC.

Two other men, Mr Achmad Cassiem and Mr Yusyf Patel, who were allegedly members of the Muslim organization Qibla, each face four counts of terrorism and a charge of defeating the ends of justice.

Earlier, the court heard evidence by Colonel Jacobus Buchner, a security policeman who is an expert on PAC activities, about the history of the PAC.

He testified that the PAC was founded in 1959, after a group of leaders were kicked out of the African National Congress.

He said the ANC and PAC were banned in South Africa in April 1960, and that the PAC then went underground and founded its military arm, Poqo.

Col Buchner said Poqo had been involved in attacks on several police stations in South Africa.

The PAC, he said, was Chinese-backed, while the ANC received help from the Soviet Union.

He said that PAC members underwent military as well as academic training.

Under cross-examination, Col Buchner said the PAC accepted the principles of socialism.

He admitted that some of the aims of the PAC and the PFP were the same, but said that the main difference between the two groups was that the PAC was committed to violence.

The trial will continue. — Sapa

they said.

PRESIDENT Samora Machel.

Drama in PAC trial

THE PAN Africanist Congress terrorism trial took a dramatic turn yesterday when the magistrate withdrew his own ruling that compelled a State witness to answer questions, including those that incriminated him.

Mr J H Bekker withdrew the warning in a Pretoria Regional Court after the defence counsel, Mr Dikgang Mosenke, submitted that the warning was issued against the law because the witness had already been indemnified in a similar trial a few years ago.

The witness, who may not be identified following a court order yesterday, gave evidence shortly after the end of a lengthy application by the

prosecutor, Mr J P Pretorius, to have his evidence be held in camera.

Mr Bekker ruled that he was satisfied that the witness could be harmed if he was identified.

Mr X gave evidence in the trial of seven alleged members of the banned PAC who have pleaded not guilty to 24 counts of terrorism and defeating the ends of justice.

The accused are Mr Mabatu Enoch Zulu, Mr Siyabulela Ndoda Gcanga, Mr Vincent Mathunjwa, Setsiba Mohohlo, Reverend Daniel Nkopodi, Mr Achmad Cassiem and Mr Yusuf Patel.

(Proceeding)

10/7/87
(537) *over*

Cassiem trial

9-14/7/87
THE trial of Cape Town Muslim leader Achmad Cassiem and six others continued in the Pretoria Regional Court this week with security policemen giving evidence.

The men, who pleaded not guilty to all charges with Cassiem are Mr Yusuf Patel, 35, Mabutu Enoch Zulu, 52, Siyabulela Ndoda Gcanga, 26, Vincent Alson Mathujawa, 34, Sestiba Paul Mohlolo, 29, and the Rev Daniel Saul Nkopodi, 27.

The charges against them include terrorism, attempted murder, possession of six AK-rifles, pistols, hand-grenades and bullets.

The trial continues.

(331)

Sauter

Police expert agrees: PAC's aims not illegal

A SENIOR police officer conceded in the Pretoria Regional Court this week that people could popularise the aims of the banned African National Congress and Pan Africanist Congress without contravening any law.

Colonel Jacobus Hendrik Buchner, an expert on ANC and PAC activities, was testifying in a trial involving seven alleged members of the PAC and Qibla.

Qibla, according to the charge sheet is a Moslem organisation aimed at mobilising, stimulating, activating and motivating Moslems in South Africa to become more socially, politically and economically aware to bring about the new "social order of Islam".

Mabatu Enoch Zulu, 53, Siyabulela Ndoda Gcanga, 28, both from the Transkei, Vincent Alson Mathunjwa, 29, from Springs, Letsiba Paul Mohohlo, 29, from Soweto, and Daniel Saul Nkopodi, 29, from Lobatse, are charged with conspiring with the PAC to recruit people in South Africa to support or join the organisation.

Achmad Cassiem, 42, the alleged Qibla leader from Cape Town, and Yusuf Patel, 35, from Paarl, are alleged to have been members or active supporters of Qibla since 1981.

The charge sheet describes Qibla as "an organisation which actually set itself the goal of overthrowing the government wrongfully".

These two are also charged with defeating the ends of justice by helping Hanief Sayed, accused of murder, to leave the country during November or December 1985.

The 24-count charge sheet alleges that the five accused participated in terrorist activities and the activities of a banned organisation, smuggled and supplied arms and indoctrinated, politicised and mobilised people to familiarise them with the aims of the PAC.

It alleges that between 1960 and 1982 Zulu, Gcanga, Mathunjwa and Mohohlo joined the PAC and received military training in Egypt, Yugoslavia, Tanzania, Guinea Conakry and Zimbabwe. They are also alleged to have entered the country carrying automatic rifles and hand-grenades. Zulu is alleged to have trained people in the Ingwavuma area of KwaZulu.

Qibla and the PAC, it is alleged, met in November 1985 at Lobatse, June 1986 in Harare and in Cape Town in February 1986. They agreed that Qibla would help the PAC inside South Africa while the PAC would help Qibla with the training of its members.

Under cross-examination by Advocate Dikgang Moseneke, Buchner agreed that after 75 years the aims of the ANC had not changed.

Moseneke: "Do you agree that the basic aims of these organisations were not transformed although the methods of attaining them changed?" — "Yes".

"Do you agree that supporting the

WEEKLY MAIL REPORTER

aims of these organisations does not *per se* qualify you as a person who would use the methods the organisation employ?" — "Being a member might be illegal".

"There are people who do not subscribe to the violent methods of the PAC to achieve the same aims?" — "Yes".

"And that a person can join the PAC not for the purpose of engaging in its military activities?" — "Yes".

"It follows that you can continue to popularise the aims of these organisations without contravening any law?" — Yes

Advocate Dullar Omar, for the defence, put to Buchner that the ANC and PAC's military wings only opted for "armed struggle" after the whites-only referendum of 1961 which gauged the attitude of whites towards the establishment of a republic.

"The feeling of a large number of people was that there was no way that they could bring change by constitutional means," Omar said.

Omar: "Would you agree that 1976 was another watershed year in the history of South Africa and that a large number of people left the country?" — "Yes, but not all of them joined the armed struggle".

Buchner disagreed with Omar's suggestion that the "armed struggle" was becoming "more and more attractive" and the ANC and PAC were growing.

Buchner, however, conceded that some of the trained people he spoke to did not see themselves as being involved in violence for violence's sake. They were people with high ideals who wanted a better life, Omar said.

Earlier Captain Johannes Smith of the security police testified that Zulu, Gcanga, Mathunjwa, Mohohlo and one Chauke were handed to him in April last year by a member of the intelligence unit of the security police. They were handcuffed when they were transported from Odi, in Bophuthatswana, to De Wildt, in the Transvaal.

Smith said he did not know whether there was any written order authorising their transference from Bophuthatswana. He said in cases involving serious crimes, South African suspects were handed to the SA Police, who at times operated in Bophuthatswana.

Moseneke: "Do you mean that a South African policeman can just get into Bophuthatswana?" — "Yes".

"What happened to their independence?" — "I cannot answer that question, my Lord."

Several allegations of assault by the police were made by the accused. These included being tied to an ant-infested tree.

Lieutenant Hendrik Prinsloo denied the allegation under cross-examination.

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W/male 10-16/7/87 (331)

Two years for 'prisoner' Klaas

It is two years yesterday since anthropologist Klaas De Jonge, charged with smuggling arms to the ANC, fled a police car in downtown Pretoria and sought refuge in the Dutch embassy. Pretoria has repeatedly called for De Jonge's surrender for trial. But the Netherlands, whose laws ban extradition of its nationals, has refused. Meanwhile, the official stamp of approval was given this week for the ANC to open an information office in the Dutch capital, Amsterdam

Picture: WENDY SCHWEGMANN, Reuter

Case 71-1213 11/7/87

PAC-trial magistrate overrules own ruling

351

JOHANNESBURG. — The Pan Africanist Congress terrorism trial took a dramatic turn this week when the magistrate withdrew his own ruling that compelled a State witness to answer questions, including those that incriminated him.

Mr J G Bekker withdrew the warning in a Pretoria Regional Court after the defence counsel, Mr Dikgang Moseneke, submitted that the warning was issued against the law because the witness had already been indemnified in a similar trial a few years ago.

The witness, who may not be identified following a court order yesterday, gave evidence soon after the end of a lengthy application by the prosecutor, Mr J P Pretorius, to have his evidence heard in camera.

Mr Bekker ruled that he was satisfied that the witness could be harmed if he was identified.

Mr X gave evidence in the trial of seven alleged members of the banned PAC who have pleaded not guilty to 24 counts of terrorism and defeating the ends of justice.

The accused are: Mr Mabatu Enock Zulu, Mr Siyabulela Ndoda Gcanga, Mr Vincent Mathunjwa, Set-siba Mohlohlo, the Rev Daniel Nkopodi, Mr Achmad Cassiem and Mr Yusuf Patel.

The case continues. — Sapa

FCI.

CAL 7, 11/7/87 (8/11/87)

Arms smuggler jailed 331

DURBAN. — A Soweto man, Gerald Sandile Sizani, 28, who smuggled caches of arms, ammunition and explosives into the country, was jailed for eight years on terrorism charges in the Regional Court here yesterday.

Open 12/187 (331)

Demands on Mandela are too much - court told

By STAN MZIMBA

PEOPLE are demanding more than necessary from the jailed African National Congress leader, Nelson Mandela, a State witness in a terrorism trial in the Umtata Regional Court said this week.

Appearing before Magistrate R Micklefield are Leo Rubusana Kantolo, 53, Salakanya Villiers Simuku, 52, both of Centani, Sgqibo Agreement Mpendulo, 47, of Umtata, Synod Madlebe, 66, of Tsomo, Nonthandazo Lusizi, 35, of Butterworth, Victor Ntsokolo Zamele, 34, of Idutywa, and Vivian Mzimkulu Swaartbooi, 49, of Sterkspruit.

They are facing nine counts under the Public Security Act of Transkei. The counts are related to harbouring terrorists, furthering aims of the Pan Africanist Congress and recruiting people into the organisation.

Advocate Poswa, for the defence, entered a plea of not guilty on all counts. He is assisted by advocate Tally and both are instructed by Sangoni and Partners.

The offences are alleged to have taken place between November 1985 and March 1986 in various Transkei towns.

Zandisile Stephen, a part-time Unitra student, told the court he was coerced by Kantolo to join the PAC.

"I attended four meetings at Lusizi's place where most of the accused were present. Zamele offered me a note book to have a look at, which I later established contained notes, among others, on Pan Africanism.

"I gathered that I had read similar notes from a matric history text book, but those from the note-book handed to me were more comprehensive," said Stephen.

Stephen also told the court he was urged by Kantolo to attend political funerals.

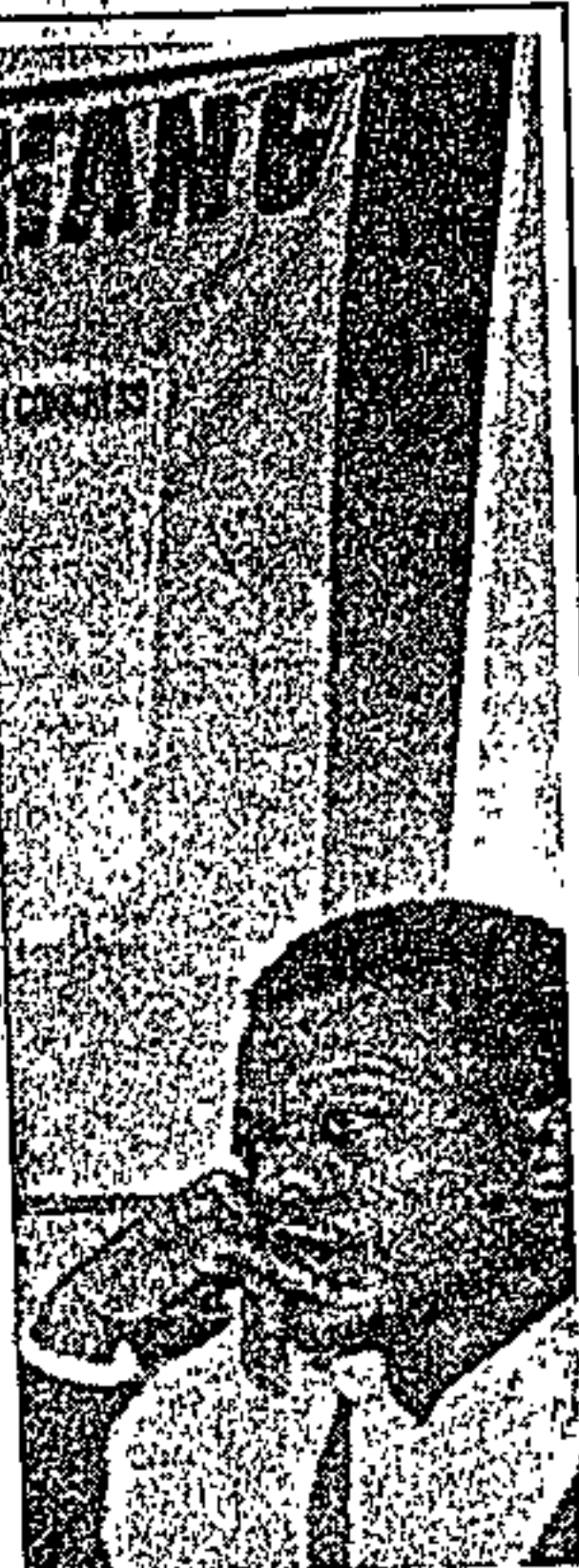
Under cross-examination by Poswa, Stephen said he saw nothing wrong in attending such meetings and that there was nothing new he was taught because he had already read about Pan Africanism.

He said if there was anything illegal about attending such meetings he would have stopped doing so.

Stephen said there was nobody in particular who chaired the meetings. He said one of the people attending the meeting raised a question as to why Mandela was still in detention, to which Zamele replied that people seemed to be demanding more than necessary from him.

Earlier, a Butterworth clerk, Pumeza Joyi, who was also called as a State witness, said she also attended such meetings and that topics such as "neck-lacing", "Inkatha" and "colonialism" cropped up at random and anyone was free to air his or her views.

She also told the court that she attended a meeting at Mdantsane where a new party called the Patriotic National Front was to be launched.



(UM); Rapulane Molekane

YCO



Simon Ntombela

year-old former Soweto student Phillip Bekisizwe Ngidi, sentenced last week by the Rand Supreme Court for his role in the killing of a Soweto police sergeant in April last year.

'WE WERE TRAINED TO

KILL

BOERS'

A STATE witness told a Pretoria Regional Court on Friday that one of the accused in the Pan Africanist Congress terrorist trial trained them to attack and kill "the boers."

Mr X, who may not be identified following a court order, said he and others were trained by Mr Enoch Zulu and three other men at a place called Mkhahlane in 1975.

Mr X said the four men: Mr Zulu, Mr Tembe, Mr Gumede and Mr Nxumalo told them "to shoot and kill the boers." They trained thrice a week between 6am and 12 noon.

He was testifying in the trial of seven alleged account they received members of the banned training only twice a PAC who have pleaded, week between 8am and not guilty to 24 charges of terrorism.

By MONK
NKOMO

The accused are Mr Zulu, Mr Siyabulela Ganga, Mr Vincent Mathunjwa, Mr Setsiba Mohohlo, Rev Daniel Nkopodi, Mr Achmad Cassiem and Mr Yusuf Patel.

Mr Dikgang Moseneke, the defence counsel, put it to Mr X that Mr Y, another witness, who may also not be identified, had told the trial of seven alleged account they received members of the banned training only twice a PAC who have pleaded, week between 8am and 10am.

(Proceeding)

tickets over a 16-month period.

Two refuse to testify

MARITZBURG. — A 16-year-old witness in a terrorism trial in the Regional Court here was yesterday jailed for two years for refusing to give evidence because he feared for his life. Mr F M Moola, who appeared on behalf of the youth, said the lives of his client's family would be in danger if he testified against the accused. His client also believed the accused were fighting for the rights of the black people and sympathized with their cause. A second State witness, Mr Lungisani Kunene, also refused to testify. He is to be sentenced today.

Reports by Staff Reporter, Own Correspondent, Sapa-Reuters-AP and UPI.

COPIES
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BE
MAINTAINED

CAP TMS 14/7/82

PAC witness tells of military training

PRETORIA. — A top member of the Pan Africanist Congress told the Regional Court here yesterday that he had received military training in Tanzania, Libya and Lebanon.

The 35-year-old man, who may not be identified for fear of reprisals, identified one of the accused in the trial, Mr Mabatu Enoch Zulu, 52, as one of the leaders of the PAC whom he met in a Tanzanian transit camp.

At this camp, where the witness stayed with about 400 other "PAC militants", he said he also played scrabble with the second accused in the trial, Mr Siyabulela Ndoda, 26.

The witness, who was told that he could be exempted from prosecution "if he answered openly and honestly", said he received his schooling in Soweto and always wanted to become a teacher.

He left South Africa in 1977 after he was shot without any reason by police at a funeral.

Beirut

He went to Swaziland, where he sought asylum. He said he wanted to train to become a teacher in Swaziland, but was told that "nobody can go to school without being a member of the PAC", so he joined the PAC.

In May 1977 he was taken to Tanzania with 70 others where he attended several PAC meetings.

In 1978 the witness went to Libya, where he and 95 others received military training in Tripoli.

After his training he went to Tanzania, where he stayed in a PAC camp.

The witness also told the court about a refresher course he and 30 others received in Beirut.

According to the witness, the people who trained them were at loggerheads with the Amal Militia in Beirut, and we were always terrified that we would be killed.

Mr Zulu and four others face several charges of terrorism. Two others, who were allegedly members of the Muslim Qibla organization, are also on trial on charges of terrorism. The trial continues today.

on view at the Shell Gallery Cape Town from
August 1.

PAC trial witness 'feared reprisals'

PRETORIA. — One of seven men charged with terrorism in the "PAC trial" told the Pretoria Regional Court that he feared reprisals because he was giving evidence for the State.

The man said he was a "leader without portfolio" of the Pan African Congress (PAC). He was giving evidence in camera and may not be identified.

When questioned by the defence he agreed that he would be regarded as a traitor by the PAC, although, "I don't regard myself as a traitor".

He feared that he or his family would be harmed if it became known that he had been a State witness in the trial.

The witness said that in 1981 he was introduced to Mr Mabutu Enoch Zulu and other PAC leaders in Tanzania.

Mr Zulu, 53, Mr Siyabulela Ndoda Gcanga, 26, Mr Vincent Alson Mathunjwa, 29, Mr Sestiba Paul Mocholo, 29, the Rev Daniel Saul Nkopodi, 27, Mr Achmad Cassiem, 41, and Mr Yusuf Patel, 27, have pleaded not guilty to charges including terrorism and belonging to banned organizations.

The witness told the court he had also played scrabble with Mr Gcanga while in a PAC transit camp in Tanzania.

The witness had left South Africa in 1977 and joined the PAC. He said he underwent training in Libya and Beirut.

Earlier in the proceedings the magistrate, Mr J H Bekker, asked another witness: "Why do you keep on beating about the bush?"

The man agreed that he had made two statements, but said he had not signed one of them. — Sapa

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Terror witness tells court police bombing a bad thing

8/17/67
331

UMTATA — The bombing of the Umtata Police Station in July last year was "a bad thing", a witness told the terrorism trial here yesterday.

Mr Pumzile Gesi, a University of Transkei student who was warned as an accomplice, was giving evidence in the trial of seven people charged under the Public Security Act.

They are Mr Leo Kan-

tolo, Mr Salakatya Simuku, Mr Sigqibo Mpendulo, Mr Synod Madlebe, Miss Nomthandazo Lusizi, Mr Mzimkulu Swaartbooi and Mr Victor Zamela.

They have all pleaded not guilty.

Mr Gesi, of Centane, said he did not know that he had committed any offence but had admitted in a statement he made to the police that

he was guilty.

"It is probable that I admitted some of the things in the statement because of fear of policemen and it was not my intention to admit untruths".

The hearing continues today.

The seven were remanded in custody.

Mr R. Mickelsfield presided.

Treatment too harsh — witness

UMTATA — A witness in the trial of seven alleged members of the Pan African Congress (PAC) told the regional court here yesterday that both the public prosecutor and the defence counsel were being "harsh" with him.

Mr Pumzile Gesi was replying to questions by the prosecutor, Mr D. Sankey, in the trial of Mr Leo Kantolo, Mr Salakaty Simuku, Mr Siggibo Mpendulo, Mr Synod Madlebe, Miss Nomthandazo Lusizi, Mr Mzimkulu Swaartbooi and Mr Victor Zamela.

The seven pleaded not guilty to charges under the Public Security Act.

Mr Gesi had told the court he had no knowledge of politics and had no political involvement.

He admitted that he liked to see people free but did not know what political freedom meant.

Asked why he read so many books which he had received from Mr Stephens, Mr Gesi said he had read merely for pleasure.

He knew the African National Congress, United Democratic Front and the PAC as organisations fighting for human rights but did not know their differences, he said.

Asked what he discussed with Mr Stephens, he said they discussed sport, school life, girlfriends and lives of Africans in general but not politics.

Mr Gesi said he did not think he was more enlightened about any particular political organisation as a result of his conversations with Mr Stephens.

The accused were remanded and the trial continues today.

CPH Times 18-7-81 (2029) 331

PAC man tells of fears in detention

PRETORIA. — A former top Pan African Congress member yesterday told the Regional Court here that a detainee felt like "a lone person among strangers".

The State witness, who may not be identified, told the court during his second day of cross-examination that he suffered from anxiety and feared a physical attack during his three months in detention after his arrest in April last year.

He agreed that he had nightmares "during the first days" about his arrest, detention and interrogation.

The witness told the court that the evidence he had given about the first four accused in the PAC trial — Mr Mabatu Enoch Zulu, Mr Siyabulela Ndoda Gcanga, Mr Vincent Alson Muthanjwa and Mr Sestiba Paul Mahohle — was "the whole truth".

The witness earlier told the court that he had met the four men — whom he described as PAC members, "not terrorists" — during his stay in Zimbabwe.

He also told the court how he crossed the border from Botswana

to Bophuthatswana with the help of the fifth accused in the case, Mr Daniel Saul Nkopodi. He said they crossed the border at a "legal border gate", though he used a false travel document.

The five men on trial face a total of 19 charges under the Terrorism Act and the Internal Security Act. Two other men, Mr Achmad Casiem and Mr Yusuf Patel, who were allegedly members of the Muslim organization Qibla, also face charges of terrorism. — Sapa

CARL TINS 187185

Trade unionists in court 331

PIETERSBURG. — Two trade unionists appeared in the Magistrate's Court here yesterday on charges of subversion. Mr Theophilus Ramalula, 32, and Mr Moses Mphahlele, 30, are alleged to have instigated boycotts of businesses in contravention of state of emergency regulations.

Aftermath of landmine attacks

Special courts for string of terror trials

331
Sme
21/1/87

By Chris van Gass, Pretoria Bureau

Special sittings of the Supreme Court are to be held in the Transvaal to hear a number of terrorism-related trials.

They include one in which two men are charged with laying 12 landmines in the Northern Transvaal, which resulted in the death of eight people, and two in the Eastern Transvaal and Lowveld. Each involved four landmine incidents.

The special sittings are part of a renewed emphasis by the Attorney-General of the Transvaal, Mr Don Brunette, of the principle that cases be tried in areas where crimes are committed.

Police killed

● A case in which two alleged terrorists and others laid 12 landmines on three farms in the Northern Transvaal, killing eight people. The case will also involve the alleged killing of two policemen. The two accused will face 10 murder charges, a number of attempted murder charges, and numerous charges relating to allegations of terrorism and the possession of illegal arms. It is expected that about 100 witnesses will be called.

● A terrorism trial now under way in the Potchefstroom Regional Court involving alleged members of the Pan Africanist Congress (PAC) who were allegedly trained in Libya. Further allegations are involvement with a Muslim terror group known as the Quibla.

● A case in Nelspruit which involved four landmine incidents. Three alleged terrorists have been charged.

● A case in Piet Retief also involving four landmine incidents in the Ermelo and Volksrust areas.

"The interest of the public in the trial in a particular area is paramount," said Mr Brunette.

"Normally we would place the cases on the ordinary Circuit Court roll, but because of the possible length of such cases, and to prevent disruption of the Circuit Court roles, we requested the special sittings."

The significance of these special sittings indicated successful breakthroughs by the South African Police in terrorism-related crimes, he added.

Places at which the sittings are to be held include Ermelo, Messina, Piet Retief, Witbank and Potchefstroom.

They are expected to arouse intense public interest and include:

CHIEF CLERK 21/7/67 (82) (25) (33)

Man acquitted of bomb-scare call

Court Reporter

A MAN was acquitted yesterday in Wynberg Regional Court of making an anonymous telephone call in which he threatened to blow up a block of flats housing mostly policemen.

Mr Darryl William Ackerman, 29, of Lentegur, was charged with making a bomb threat by way of an anonymous call to Detective Constable L Aspeling at Servamus Flats, Wynberg, in July last year, alternatively, making a false statement regarding an explosion.

Earlier the magistrate, Mr F Botes, ruled as inadmissible an alleged confession made by Mr Ackerman after his arrest.

Mr Ackerman said he was arrested and told to make a statement. He refused and was "pushed around" by Lieutenant Abraham van der Westhuizen.

His hands were handcuffed tightly behind his back and Lieutenant Van der Westhuizen kned and punched him.

He said "something wet" was tied over his head and he felt as if he was suffocating.

He was thrown to the ground and assaulted.

Later he was released and asked to sign a "fingerprint form" but was not in a fit state to read the form. He said he was made to sign the statement under false pretences and denied making a

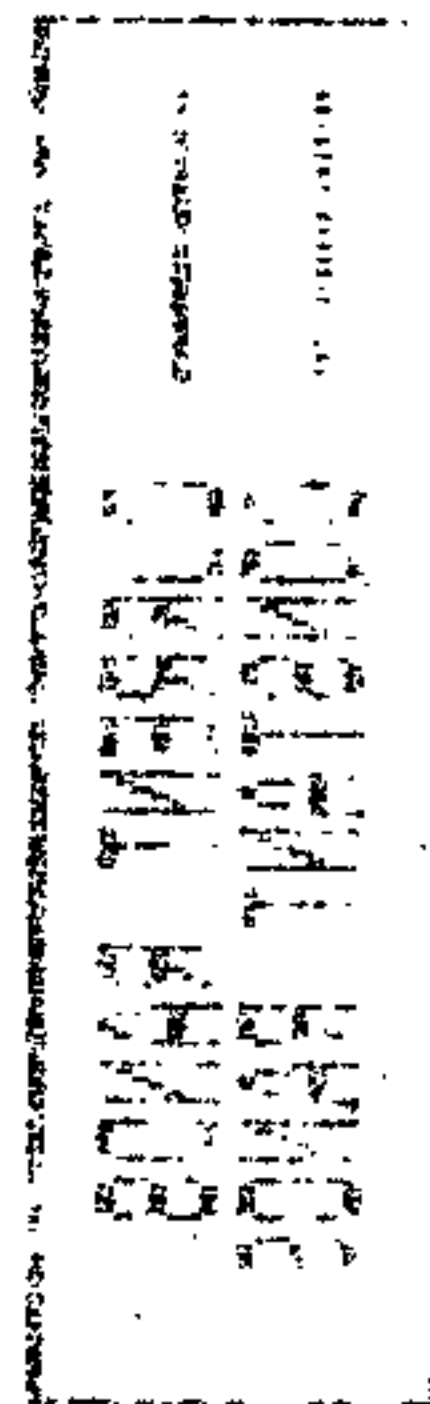
confession.

Mr Botes said the State had failed to prove that the statement was made voluntarily and fairly.

Detective Constable Aspeling said he had had previous encounters with Mr Ackerman. When he received the call he recognized Mr Ackerman's voice, as he had a speech defect.

Mr Botes said: "The fact that he knew the accused was not enough. Although he speaks with a slight lisp, it is not a peculiarity that sets his voice apart from others."

Mr N Erasmus prosecuted. Mr M Albertus appeared for Mr Ackerman.



CAP Times 2/7/82
Funeral: TV man in court

Court Reporter **331**

WORLD Television News cameraman Craig Matthew yesterday pleaded not guilty in the Magistrate's Court to resisting arrest at the funeral of Mr Ashley Kriel on Saturday.

The State alleges that Mr Matthew, 29, of Camp Street, Gardens, wrongfully resisted Sergeant Ignatius Rademeyer at the Woltemade cemetery or wilfully hindered him in the execution of his powers.

It is further alleged that he tried to escape the police and would not stay under their powers.

Mr Matthew did not disclose the basis of his defence.

The hearing will continue on August 4.

Mr W P Smith was the magistrate. Miss H C Norval prosecuted. Mr Matthew was not represented.

COMMERCIAL BANK
OF SOUTH AFRICA
LIMITED
JOHANNESBURG

(331)

(11X)

Gun was for self-defence

A FORMER top-ranking official of the Pan Africanist Congress yesterday told a Pretoria Regional Court that firearms he and one of the accused in a terrorism trial had in their possession were not meant to overthrow a government.

Mr Z, who had been in the witness box since last Monday giving evidence

for the State, said the two 9 mm Star pistols found on him and on one of the seven accused, Mr Vincent Mathunjwa, during their arrest in Bophuthatswana in April last year, were only meant "to defend" themselves.

Cross-examined by Mr Dikgang Moseneke, for the defence, Mr Z added that the firearms were not meant to attack

Mr Z tells PAC trial

anybody or disturb the maintenance of law and order. "How can such a small firearm overthrow the government?" asked Mr Z.

He was testifying in the trial of seven suspected members of the PAC including two alleged members of Qibla, a

Moslem organisation, who have pleaded not guilty before Mr J H Bekker to 24 counts of terrorism and defeating the ends of justice.

The accused are Mr Mabatu Enoch Zulu, Mr Ndoda Gcanga, Mr Mathunjwa, Mr Setsiba Mohohlo, the Reverend

Daniel Nkopodi, Mr Achmad Cassim and Mr Yusuf Patel.

Mr Z, cross-examined by Mr Moseneke, conceded that not all PAC missions into the country were for military purposes. Some of the assignments were to politicise the people, he

added. Mr Z also admitted that he had no instructions about the AK47 assault rifles and handgrenades that were allegedly found by the police inside a house in Bophuthatswana at the time of their arrest.

Mr Moseneke put it to the witness that he had agreed to "sneaky suggestions and lies" by his captors that incriminated five of the accused.

Mr Z replied: "I am not here to speak for the Government but to tell the truth".

Asked if he was part of a police trap to arrest a businessman named Mr Shabir, the witness told the court that he had been asked the same question repeatedly and added: "It seems I am being oppressed and I am not going to allow that". (Proceeding)

LABOUR UPDATE

had been handed his

Ch. Time 21/7/87

Three men appear on charge of terrorism

Court Reporter

331

THREE men appeared in the Regional Court yesterday charged with terrorism.

Mr Mbuyiselo Samuel Hans, 28, of New Crossroads, Mr Zandisile Bettywell Mayile, 29, of Guguletu, and Mr Sekelezile Pindani, 33, of Kuils River, were not asked to plead.

They are charged with terrorism, alternatively furthering the aims of the ANC. The State alleges that they intended to overthrow the State's authority and were involved in acts of violence.

They are alternatively charged with performing acts as office-bearers or members of the ANC.

They are charged with a second alternative count:

☐ Being recruited as members of the ANC by one Lungile, a member of the military wing of the ANC.

☐ Receiving further instruction in the aims of the ANC and military training in the use weapons.

☐ Mr Mayile allegedly also assisted Lungile by providing him with accommodation and transport.

☐ Being aware at all times that Lungile was a person who intended to commit terrorism.

Mr P M A Louw was the magistrate. Mr M Stowe of the Attorney-General's office prosecuted. Mr S Desai, instructed by E Moosa and Associates, appeared for the three.

UR SERVICE

Jailed for failing to inform police

Cape Times 22/7/87 331
Court Reporter

THREE fathers, who spent almost three months in detention, were yesterday jailed by the Regional Court for a year for failing to report the presence of a trained member of the African National Congress to the police.

Mbuyiselo Samuel-Hans, 28, of New Crossroads, Mr Zandisile Mayile, 29, of Guguletu, and Mr Sekelezile Pindani, 33, of Kuils River, were sentenced to three years' imprisonment of which two years were suspended for five years.

The three, who all work at a quarry as drivers of earth-moving machinery, pleaded guilty to Section 54 (4) (c) of the Internal Security Act.

In a statement, Hans said that in September last year he arranged accommodation at his house in New Crossroads for a man called Lungile from Transkei.

"Lungile attempted to rape my sisters and was often drunk.

"Then my sisters told me Lungile had a gun. When I confronted him, he said it was a toy gun.

"He later told me he had received training from the ANC and if I told the police, my life would be in danger.

"Shortly thereafter he was arrested."

Mayile said he met Lungile at Hans's house. On one occasion he told him he was a trained member of the ANC. "This terrified me and I avoided him."

Not wanting to become involved, he failed to report Lungile.

Pindani said that on the second occasion he met Lungile, he was drunk and "told me he wanted to train me. He said he was a trained member of the ANC. I said I was afraid and went back into the house."

Mr S Desai, for the three, said: "They washed their hands of Lungile and everything he stood for."

The magistrate was Mr M J Lagerhøven. Mr M Stowe of the Attorney-General's office prosecuted. Mr Desai was instructed by F Moosa and Associates.

ARGUS 22/7/87 331

NATIONAL/INTERNATIONAL

Three jailed for not reporting a terrorist

Court Reporter

THREE quarry workers who failed to report the presence of a terrorist in New Crossroads last year to the police have been jailed for a year by a Cape Town Regional Court magistrate.

Mbuyiselo Samuel Hans, 28, of Yania Street, New Crossroads, Zandisile Bethwell Mayile, 29, of NY 22-23, Guguletu, and Sekelezila Pindani, 33, of Mfuleni, Kuils River, pleaded guilty to charges under section 54(4) of the Internal Security Act of failing to report the presence of an ANC terrorist

called Lungile who has now turned police informer.

In sentencing the men to three years' imprisonment, of which two years were conditionally suspended for five years, the magistrate, Mr M J Langenhoven, said: "People are killed and property is destroyed, for which the ANC accepts responsibility.

"You didn't contribute directly towards this, but did so indirectly by failing to report the presence of an ANC terrorist.

"The court also takes into consideration the fact that you refused to become members of the ANC ... and that you were

influenced by fear to refrain from reporting him to the police."

Mr Langenhoven said a sentence had to be imposed which would deter others who decided not to report terrorists.

In mitigation of sentence the men's counsel, Mr S Desai, argued that they were the innocent victims of a "reformed terrorist" who was now working for the State.

Mr Desai said the men were all "good hard-working people with families to support and with no record of anti-social behaviour". Their employer had agreed to take them back once the case had finished.

He said they had already spent almost three months in jail under Section 29.

Mr Desai was instructed by Mr E Mohamed of E Moosa and Associates.

Airlifted coma girl satisfactory

The Argus Bureau

PORT ELIZABETH. — A teenage girl is in a satisfactory condition after being flown to Port Elizabeth from the Eastern Cape town of Bedford by an Air Force helicopter.

(N) 201 N

mandatory sanctions against South Africa

Capit Times 23/7/87

No charges put

JOHANNESBURG. — No charges were put to 15 journalists, detained at Jan Smuts Airport on Tuesday, when they appeared in Kempton Park Magistrate's Court yesterday. The reporters, photographers and television crewmen were arrested after police charged a crowd.

PAC trial: 'Forgive me'

PRETORIA. — A plea for forgiveness was made yesterday in the Regional Court here by a State witness in the Pan Africanist Congress and Muslim Qibla terror trial.

The witness, who may not be identified, said his tongue had slipped when he had said that Mr. Sello Mogale was a PAC member.

This was after defence counsel Mr. Gerald van Tonder — who is appearing for one of the accused, the Rev Daniel Saul Nkopodi — asked him to clarify a point he made in court yesterday.

He had previously said that he would be lying if he said that one of the men he met in Botswana in 1985 — Mr. Mogale — was a PAC member.

The witness asked for forgiveness. — Sapa

(431)

A PRETORIA magistrate yesterday rejected the introductory parts of statements made by two of the seven accused in a terrorism trial because the magistrates involved in the taking down of the alleged confessions had failed to comply with the legal provisions.

Mr J H Bekker ruled that the introductory parts of statements made by Mr Setsiba Paul Mokoena and the Reverend Daniel Nko-

INADMISSIBLE

Parts of accuseds' statements struck off record

pod were inadmissible.

The decision followed a submission by the defence lawyers, Mr Dikgang Mosenke and Mr Gerald van Tonder, that magistrates involved in the taking down of these statements had acted "improperly".

The opposing lawyers were yesterday arguing on the admissibility of the introductory parts of statements made by three other accused — Mr Mabutu Enoch Zulu, Mr Ndoda Gcanga and Mr Vincent Mathunjwa.

In his statement Mr Mathunjwa had told the magistrate about his

the three accused had injuries and had also their statements taken about 7.10pm. "This leaves a lot of suspicion because magistrates don't work during those hours," Mr Mosenke said.

He added that Mr Mathunjwa had told the magistrate about his injuries and had also his thumb imprinted on the statement.

Mr Mosenke submitted that the magistrate failed to comply with the legal provisions of asking detainees about the injuries they had sustained.

Mr Zulu told the magistrate about his injuries but the official never ascertained if the injuries had any bearing on the ultimate making of a statement, argued Mr Mosenke.

The five alleged members of the PAC and two suspected members of Qibla — Mr Achmad Cassiem and Mr Yusuf Patel — have pleaded not guilty to 24 counts of terrorism and defeating the ends of justice (Proceeding)

Cape Times 24/7/87 (44) 331

Police correct Seme info 'error'

By CHRIS STEYN

POLICE yesterday claimed their confirmation that former African National Congress top agent Mr Lucas Seme was in custody, was an "administrative error" — although the confirmation came directly from security police headquarters.

According to information received by the Cape Times, however, the capture — and probable "turning" — of Mr Seme, who was kidnapped by unidentified people in Swaziland last year, is believed to have provided information used in the intensive crack-down on ANC members in various countries.

On Wednesday the Cape Times received a telex from the Police Public Relations Division which stated: "Your telex was referred to Security Police headquarters for attention. We

confirm that Lucas Seme is in police custody."

But yesterday another telex was received which said: "The confirmation yesterday of the detention of one Lucas Seme, occurred due to administrative error."

"In clarification of our statement re Lucas Seme, referred to by you as one 'September', we wish to state that September is not in police custody and Lucas Seme is not on record as having been detained by the SA Police."

But, according to information received by the Cape Times from well-placed sources, Mr Seme allegedly "turned" after being kidnapped.

A group of unidentified armed men kidnapped Mr Seme in August last year from the Bhunya police station cells, where he was awaiting trial on charges of illegal possession of arms and ammunition.

Court told of PAF

PLANS were underway to form a new political party to resuscitate the banned Pan Africanist Congress, a State witness told a trial of seven Transkeians charged with terrorism.

Appearing before R Miesfield are Leo Kantolo and Sasakatya Simuku, both of Centane, Sgqibo Mpendulo, of Umata, Synod Madlebe, of Tsomo, Nomthandazo Lusizi, of Idutywa, Vivian Swaartbooi, of Sterkspruit, and Victor Zamela, of Butterworth.

The State alleges that between November 1985 and March 1986 the accused furthered the aims of the PAC, recruited people to join the PAC and harboured terrorists.

All have pleaded not guilty.

Balekile Nowalala told the court that Simuji invited him to a meeting at the house of Lusizi at Butterworth where a new party to be known as the Patriotic African Front was to be launched.

THE UNIVERSITY OF CHICAGO

631 Sonnet 22/7/87

PAC trial cops 'lied'

TWO security branch policemen who took an alleged member of the banned Pan Africanist Congress to make a statement before a magistrate at night, gave contradictory evidence in a Pretoria Regional Court yesterday.

Sergeant Johannes Pretorius told the court that the accused, Mr Mabatu Enoch Zulu was "friendly, happy and smiled and greeted" them while his legs were in chains and handcuffed at the Stilfontein Police station on April 23 last year.

He said Mr Zulu responded with "good evening" when he was introduced to the police before being taken to a magistrate in Klerksdorp at about 7pm that day.

The policeman said after taking down the statement at about 8.40pm Mr Zulu was escorted out of the magistrate's building.

Bandage

Sergeant George Hattingh who accompanied Sergeant Pretorius that day, however, gave a contradictory version of the events on April 23. He denied that Mr Zulu said "good evening" and said the accused never spoke to them.

The policeman also told the court that Sergeant Pretorius had asked Mr Zulu, who had a bandage on his head, if he had any complaints. The accused did not reply. Sergeant Pretorius, in his evidence in chief never said this.

Asked by Mr Dikgang Moseneke, for the defence, why his colleague gave a different version, Sergeant Hattingh told the court he would not comment on somebody else's evidence. Mr Moseneke also put it to both policemen that their evidence that Mr Zulu was friendly and smiled was untrue.

The two policemen were testifying during a trial within a trial to determine the admissibility of statements made by five of the seven alleged members of the PAC, including two suspected members of Qibla, a Moslem organisation.

They have pleaded not guilty before Mr J H Bekker to 24 counts of terrorism and defeating the ends of justice.

The accused are Mr Zulu, Mr Ndoda Gcanga, Mr Vincent Mathunjwa, Mr Setsiba Paul Mohohlo, the Reverend Daniel Nkopodi, Mr Achmad Cassiem and Mr Yusuf Patel.

(Proceeding)

331 Sonnet 22/7/87

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(Proceeding)

A SENIOR magistrate who took down a statement from Mr. Mabatu Enoch Zulu, who is charged with terrorism, yesterday told a Pretoria Regional Court that it was the "business" of a detainee if he was assaulted or pressurised before he made a statement.

Accused looked healthy

Mr Vlok said if a detainee was assaulted and pressurised or promised certain things before he made a statement to a magistrate "it is his business".

Mr Moseneke put it to Mr Vlok that if Mr Zulu wanted to make a confession freely and voluntarily he would have made it during office hours between 8am and 4.30pm.

Mr Vlok said he suspected nothing because Mr Zulu was calm. He could also determine that the accused was not threatened or forced to make a statement.

Another witness, Captain Johannes Smith, a security branch

policeman, testified yesterday that although Mr Zulu and another accused, Mr Vincent Mathunjwa had complained about chest pains the day they were transferred from Bophuthatswana on April 23 last year, he did not view

the pains as being serious. Asked by Mr Moseneke how he determined the seriousness of the pains because he was not a doctor, the policeman then replied: "I just looked at them. I saw that they were healthy".

He was testifying in the trial of seven alleged members of the Pan Africanist Congress including two suspected members of Qibla who have pleaded not guilty before Mr J.H. Bekker to 24 counts of terrorism and defeating the ends of justice.

last year.

Cross-examined by defence counsel, Mr Dikgang Moseneke, the magistrate said it was not necessary to inquire. Mr Vlok also told the court that he did not ask if the injuries on Mr Zulu's head and ear had influenced him to make a statement.

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CAPE TOWN
s, Wednesday, June 6, 1984

Placards, songs led to arrests

Staff Reporter

SIXTEEN members of the Student Union for Christian Action (Suca) had displayed placards, sung and performed street theatre before being arrested for attending an illegal gathering, a Wynberg Regional magistrate heard yesterday.

This was said by various policemen who gave evidence in the trial of the 16, who are charged with contravening the Internal Security Act by attending an illegal gathering at

Cavendish Square, Claremont, on August 13 last year.

A former sergeant in the SAP riot police, Mr Willem Le Roux, testified that he had patrolled the area between Main Road and Dreyer Street and had seen placard-bearing students distributing pamphlets. He had also heard singing but had not been able to hear what was being sung.

The students had given a performance and one of them had given a "black-power salute". A photograph showing a

student with his fist in the air was handed to the court.

Asked by Mr A H Veldhuizen, appearing for 11 of the accused, whether he knew what a black-power salute was, Mr Le Roux said it was an outstretched arm with a clenched fist.

Asked whether he had seen the "Sha-Na-Na Show" featuring a character called Bowser, and whether the "salute" he had seen was not in fact "more like what Bowser did", Mr Le Roux said that according to

his observation it had been a black-power salute.

Other policemen testified that students had been arrested with placards on sandwich boards and after they had distributed pamphlets to members of the public.

The hearing continues today and bail of R100 each was extended to the 16.

The students are: Steven de Gruchy, 21, of Rosebank, Verity Frampton, 20, of Mowbray, Jean de Smidt, 26, of Rondebosch, Neil Anderson, 23, of Rondebosch, Anton Krone, 20, of Kenilworth, Willem van der Westhuizen, 22, of Ver-

ceniging, Isak Theunissen, 23, of Ceres, Debora Patta, 18, of Rondebosch, Nathaniel Johnstone, 22, of Athlone, Jacobus Kloppe, 22, of Bergville, Calvin Smith, 21, of Graaff Reinet, Robert Purvis, 22, of Rosebank, Richard Gosnell, of Smuts Hall, UCT, Michael van Graan, 23, of Athlone, Susan Uys, 21, of Rondebosch, and Catherine Brookes, 22, of Rondebosch. They have all pleaded not guilty.

Mr J D Huggett was the magistrate. Mr J Vermeulen appeared for the State. Mr L R Dixon, SC, with Mr A H Veldhuizen, instructed by Swanepoel Uys and Rushdon appears for 11 of the accused. The other five are not represented.

~~Car Fare 1987~~
**Bus fares
to rise if
application
succeeds** 332

Staff Reporter

CITY TRAMWAYS is expecting its application for a 14% fare increase to be heard by the Local Road Transportation Board soon.

Should the application succeed, a further increase may be added if an application for a fuel subsidy — which was abolished after the government rationalized the fuel levy structure — is unsuccessful.

In a letter to "opinion makers" and community leaders, Mr N Cronje, managing director of City Tramways, said the last bus fare increase became effective in October last year.

If the application was approved, he said, bus fares would not go up by more than 15% and in many cases cash fares would not go up at all. The company has also applied to the Department of Transport for relief on clipcard fees.

Mr Cronje said further that licence fees for its 800 buses had increased by nearly 60%, wage increases had been given to all its staff and the weak rand had increased costs.

Delmas a 'dorp' again as trial goes to Pretoria

By REVELATION NTOLU

THE tiny Eastern Transvaal town of Delmas which, for eight months until beginning of last month, enjoyed international attention because of the much publicised Delmas trial, will return to its normal "dorp" self when the trial resumes in Pretoria on Monday.

Gone will be the brisk business resulting from the almost daily presence of friends and relatives of the Delmas treason trialists who had become a landmark of the town.

Also gone will be the town's honour of hosting some international figures and diplomats who occasionally attended one of South Africa's top political trials. Those facing various charges ranging from murder to terrorism - some of which carry the death penalty - are:

• UDF general-secretary Popo Molefe

• UDF publicity secretary Terror Lekota.
• South African Council of Churches field worker Tom Manthata.
• Vaal Civic Association member Sam Matlole.

• Azanian National Youth Unity member Patrick Baleka.
• Azanian Peoples Organisation member Oupa Hlomuka.

• Anglican priest Tebogo Moselane.
• Evaton Baptist Church Youth Committee member Petrus Malindi.
• Vereeniging shop stock controller Nephthalie Nkomo.

• Former Urban Training instructor Herbert Vilakazi.
• Former Boipatong Civic Association secretary John Mokoena.
• Former South African Institute of Race Relations co-ordinator Simon Nkomo.
• Former part-time picture framer's agent Jerry Tlhapane.

• Sebokeng Civic Association official Sam Matlole.
• Johannesburg Community Resource and Information Centre official Moses Chikane.

Of the original 22 trialists who pleaded not guilty to treason, murder, subversion and terrorism, three were acquitted and six were granted conditional bail of R15 000 each at the

close of the State's case last year.

A further 10 were granted R15 000 bail each last month, while applications for Chikane, Molefe and Lekota were turned down by presiding Judge Van Dijkhorst.

In rejecting the bail application for the trio, Van Dijkhorst said the case was not a normal criminal one but had deep political undertones.

Included in bail conditions for the 10 released last month was the stipulation that they may not visit the Vaal area where most of them have their families.

They also may not change their places of residence without a variation of the bail condition.

The condition not to visit the Vaal has, among other things, prevented trialists like Moselane from visiting his family and parish in Sharpeville.

He and others have been living in Tokoza since bail was granted.

JANSENVILLE, the "plaasdorp" near Port Elizabeth, is at war with its law and order officials. The 6 000-strong community claim they are being harassed and terrorised by municipal police - commonly known in these parts as the "Greenflies". The residents claim that the law and order officials have been running amok since last year. They took over the job of maintaining the law in the area after security personnel and the army pulled out.

And now the "Greenflies" are doing the work of the army and the police their own way.

Already three people, Pieter Rapudi, 23, Vuyani Douws, 19, and Themba Grootboom, 39, were allegedly shot and killed by the "Greenflies".

The township manager, G Nel, who is in charge of the "Greenflies", responding to questions put to him by *City Press*, said that he did not know the people making these statements and that the municipal police had to keep law and order, adding that he had nothing further to say on the matter.

This week, the inquest into the shooting of Themba Grootboom in October last year, took place at the Jansenville Magistrates' Court amidst keen township interest.

Residents were called into the courtroom separately to bear witness to the shooting incident which ended Grootboom's life.

Some of the residents remained outside holding a silent vigil, lending support to Themba's mother, Nellie Magee, who has allegedly experienced increasing harassment by the "Greenflies" since her son's death.

Residents interviewed outside the courtroom and in the township said their lives were being made a misery because of the "Greenflies" who operated at their discretion and seemed unaccountable to anyone.

The township is now under the jurisdiction of the administration board as the community council disbanded in 1985 when council houses were burnt down.

The little Karoo town, 200km north-west of Port Elizabeth and famous for its biltong, boasts a mere 6 000 residents.

The 5 000 black residents live in a largely integrated African and coloured community in the township, which is divided into the Bricksfield, Holland and Draai locations.

Perched on top of the hill, the picturesque stone houses belie the poverty and hunger that is the daily experience of most residents.

In Bricksfield, there are only three outside taps for 70 houses and the monthly rent at R17,41 has put many in arrears.

Daniel Grootboom, 70, an ex-community councillor, who spent three months in detention last year, said the only employment opportunities in Jansenville was government work and badly paid jobs on the surrounding sheep and goat farms.

Old men and women can be seen breaking rocks with pickaxes and manually removing the stones to prepare the roads and furrows for outside taps. They are paid 50 cents an hour. The residents have refused the offer of indoor water because they cannot afford the rent.

Grootboom said besides the hunger and unemployment facing residents, the community has suffered enormous repression under the state of emergency.

In June last year, over 120 residents from the Jansenville Civic and the Jansenville Youth Congress were detained.

"When I came out of detention in September, there were no more troops in the townships, they were replaced by the 'Greenflies'." "Since their arrival, there have been many cases of beatings and kicking of people - and some shootings."

"They can do whatever they want. We can't complain because

the superintendent seems to be on their side," said Grootboom.

More than five residents said they had been arrested for drunkenness by the "Greenflies" and taken to the police station where they were given a R5 fine.

The "Greenflies" are said to accuse residents of being drunk even when they aren't.

Hans Williams, 42, showed us his hand which had one thumb missing. "A group of 'Greenflies' caught me

and put me in a van. They accused me of being drunk although I wasn't."

"One of the Greenflies slammed the door on my hand and they took me to the police station, where they said I must go to hospital. I spent three months in hospital and my thumb was amputated."

Eunice Spogter said that Norman Yantola, a member of the municipal police, told her that if he saw her in town he would catch her.

"I am too scared to go to town and when I

have money to buy food, I send one of the children."

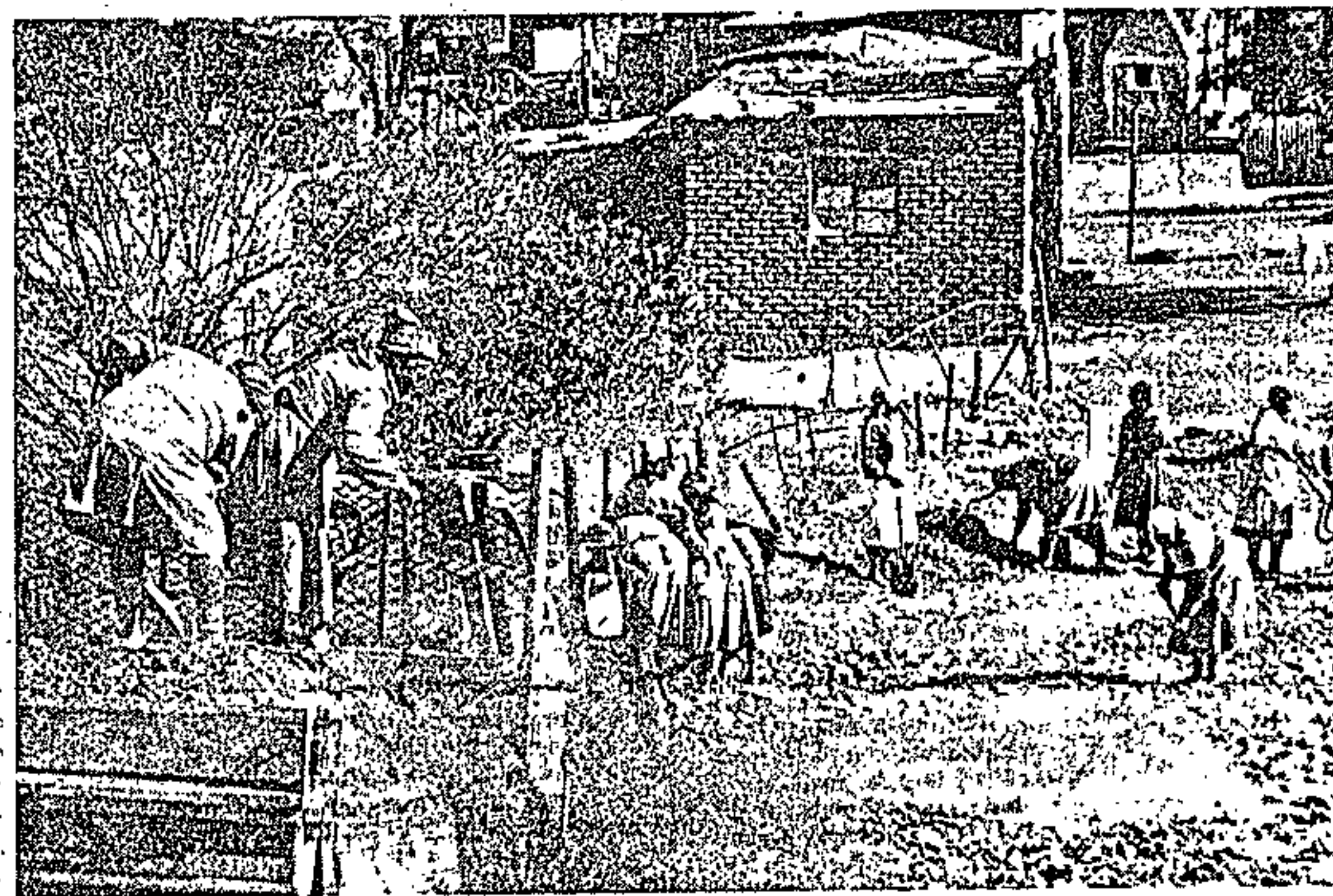
Legal Resources Centre in Port Elizabeth sent a letter to Yantola warning him that he would be under investigation in the event of Kebe being hurt.

Grootboom said there were no residents in detention at present, but there were few youths left because most of them left Jansenville when they came out of detention and others are outside the country.



A group of elderly woman working for 50 cents a day in Bricksfield, building roads and drains for outside water taps.

'Flies' a big plague



A group of old men and women busy offloading sand for new roads to be built in Bricksfield.

Woman faints during inquest

CP Correspondent

THE inquest into the death of Themba Grootboom at the Jansenville Magistrates' Court this week ended abruptly when the mother of the deceased, Nellie Magee, fainted under cross-examination.

In a statement read to the court, Magee, 68, of Bricksfield location in Jansenville, told how her son, Themba Grootboom, was shot to death by a municipal policeman.

On the afternoon of October 11, 1986, Themba, 39, and some children were playing soccer in the road next to a church across the way from the Grootboom house.

A van driven by Johan Nel, the township manager, and four municipal policemen — "greenflies" — drove by and they told the players to remove the stones they used as goalposts from the road.

The greenflies then attempted to drag Katie Heers, Grootboom's sister-in-law, into the van and Magee attempted to help her. Themba came round the corner of the house and told them "she has done nothing wrong, you can't put her in the van".

Themba's father, Otto Grootboom, 72, told Themba to come into the house. When Themba was about to go to the house, one of the greenflies, Norman Yantola, ran after him, grabbed a gun from a fellow-policeman and shouted, "Ek skiet nou."

Themba then turned round and was shot in the head. Yantola then held the

gun to Magee's head and said: "Ek skiet jou nou, ou vrou." Magee replied: "Skiet, want jy het klaar geskiet."

When Yantola saw Otto Grootboom he asked him if he had anything to say and threatened to shoot him and held the gun to his head. Grootboom said: "Skiet, jy het al klaar my seun geskiet."

Yantola then left and they drove off with the body of Temba Grootboom in the back of the van accompanied by the other policemen and Nel.

Evidence given in court during the week by Katie Heers, Katie Grootboom and Julia Maduna, among others, contradicted allegations by the greenflies that stones were thrown and the onlookers on the street were rowdy.

Advocate for the Cape Provincial Administration, C Jooste, apparently confused Magee when she asked her where she was standing when Yantola drew the gun and whether the gun was drawn from the left or the right side.

Magee faltered and froze, swayed and collapsed. A Black Sash worker, Shelagh Hurley, rushed across to the witness stand and cradled Magee in her arms until she revived.

The inquest has been postponed to August 27, when the evidence of the four municipal policemen will be heard.

Advocate D Chetty, instructed by Vanessa Brereton, appeared for the family. C Jooste appeared for the greenflies and Magistrate Henry Ferreira presided.

Necklace aquittal

33)
CA Correspondent

AN Eastern Cape riot police sergeant clasped his burning hands between his legs while another policeman hastily smothered the flames engulfing a youth's jersey during an alleged "necklace" attempt in a Grahamstown charge office.

These were details of evidence heard in the Grahamstown Magistrates' Court this week.

On trial was Siphiwo Haas, 18, of Nonzube Street, Grahamstown, charged with pouring petrol over a policeman and setting him alight.

Haas was acquitted after Magistrate Stefaan Van Zyl Stander found his version to be "reasonable, possibly true".

However, Van Zyl Stander took into account that Sergeant Johannes Smit had burnt his hands in the incident, a feat he could not have achieved by himself.

Testifying about the incident in the charge office of the Rini Police Station on May 21 last year, Haas said that Smit "threw the petrol against my chest, and the policeman who was busy writing behind the desk took a cigarette lighter, lit it and held the flame against the petrol".

Earlier, Haas told the court he was arrested that morning, taken to the Rini head office and questioned about arms.

Haas said Smit had banged him on the head, then fetched a bottle filled with fuel from a cupboard and set him alight.

In his evidence, Smit said he happened upon a black bottle in a cupboard in the office.

While holding it, Haas grabbed it and fuel spilt over them. Haas then took a cigarette lighter and ignited the fuel, he said.

Smit said he had to clasp his hands between his legs to smother the flames.

18/8/77
331

GOP TELLS OF CONFESSION

Statement read
under lamppost

By MONK NKOMO

A SECURITY policeman who allegedly threatened an accused before he made a confession, read the accused's statement under a lamppost on a pavement shortly after it was made, a Pretoria Regional Court heard on Friday.

Captain Pieter du Plessis also conceded during cross-examination by defence counsel Mr Dikgang Moseneke and magistrate Mr J H Bekker that the accused, Mr Mabatu Enoch Zulu, could have been examined by Dr Johannes Steyn after he had made a statement in Klerksdorp on the night of April 23 last year.

Captain du Plessis, who admitted that there were a number of discrepancies including wrong entries in their daily occurrence book at the Stilfontein police station, later changed his evidence and said Mr Zulu was only seen by a doctor on April 24 and not April 23.

"I confused the dates," the policeman said.

Mr Moseneke told Captain du Plessis that he had already conceded more than twice that Mr Zulu was seen by a doctor on April 23. "You won't get away with that," Mr Moseneke said.

Mr Zulu has already testified that he was forced to make a statement by the police before being taken to a doctor on April 23.

Captain du Plessis was testifying in the trial of seven suspected members of the banned Pan Africanist Congress, including two members of Qibla, a Muslim organisation, who have pleaded not guilty to 24 counts of terrorism and defeating the ends of justice.

Captain du Plessis said Mr Zulu was handed to him by two policemen outside the magistrate's offices in Klerksdorp after he had made a statement at about 8.35pm on April 23. The two policemen also gave him Mr Zulu's statement which he read for about 20 minutes "on a pavement and under a lamppost near the magistrate's offices," the policemen told the court.

Asked by Mr Moseneke what was the urgency of reading the statement there and not in his office, Captain du Plessis replied: "I am used to that. I was anxious to read the statement and see if he had told the magistrate what he had told me."

Captain du Plessis also told the court that both Mr Zulu and another accused, Mr Ndoda Gcanga, could not have been examined by Dr Steyn on April 26 — as alleged by the district surgeon — because they were not booked out in the police register that day.

The trial has been postponed to November 2.

The seven accused are Mr Mabatu Enoch Zulu, Mr Ndoda Gcanga, Mr Vincent Mathunjwa, Mr Setsiba Mohohlolo, the Rev Nkopodi, Mr Achmad Cassim and Mr Yusuf Patel.

AR645 3/8/87

Messina landmine blasts

two face 40 charges

824 351
MESSINA — The trial of two men facing 40 charges, including terrorism, murder and attempted murder, was postponed to October 19 in the Messina Circuit Court today.

Mr Mthetheleli Zephania Mncube, 27, of Diepkloof, Soweto, and Mr Mzondeleli Euclid Nondula, 24, of Queenstown, are facing the charges following several landmine explosions in the Messina area in 1985 and last year.

Both are facing eight charges of murder and Mr Mncube is facing an additional two charges of murder following the deaths of two security policemen during an alleged escape.

Mr Brian Spilg, for the accused, told Mr Justice J P L de Villiers that although they were arrested early this year, they had been held under Section 29 of the Internal Security Act and were brought before a magistrate only on July 2 and 3.

He said Mr Mncube had from the outset refused the services of pro Deo counsel and had called them "Government lawyers".

Mr Spilg said pro Deo counsel had been in consultation for only an hour-and-a-half with the accused before today and most of that time was spent "breaking down barriers to allay fears in the minds of the accused".

Mr Nondula, when he was before a magistrate, said he had no money and therefore would have to accept pro Deo defence but he had subsequently received aid and would engage private counsel. — Sapa.

OUR cartoonist who does the daily political drawings is in Britain. He will resume his drawings when he returns.

THE TRIAL



LUCKY ONE... Mr Sekwati Mokoena is joined by friends and relatives outside the court just after he was freed on bail.

that has been dragging on and on

- 22 originally accused
- 3 still inside

WHAT has become known as the Delmas Trial resumes in the Pretoria Supreme Court today.

Nineteen men, among them high ranking officials of the United Democratic Front (UDF) and the Azanian Peoples Organisation (Azapo) are the accused in a trial which has been going on for more than two years.

Of 22 men who pleaded not guilty to treason, murder, subversion and terrorism at the beginning of the trial on June 11, 1985, three were acquitted and six were granted conditional bail of R15 000 each at the close of the State's case last year.

When the court went into recess on June 30 this year, 10 of the accused were released on bail totalling R150 000 after spending three years in custody and sitting through hearings for more than two years.

Only three of the accused, Mr Terror Lekota, the UDF's national publicity secretary, Mr Popo Molefe, the general secretary of the UDF, and Mr Moses Chikane, former Transvaal UDF secretary, were refused bail on the grounds that they were a threat to State security.

The three are kept at the Modderbee Prison in Springs. Since their detention, their wives had held fort at home.

Mrs. Cynthia Lekota



on the Delmas treason trial

has had to travel from Clermont in Durban to Delmas.

This meant staying with her friends or relatives on the Reef for at least a week before going back to Clermont where she is employed as a teacher.

She usually visited her husband during school holidays and also had time to talk to him during

She has the burden of raising four of their children alone, an experience she describes as "extremely difficult".

Miss

"One gets used to it. But there cannot be a substitute for a father. I miss Terror and the children miss him as well. I have to assure them each time that one day he will be home with all of us," Mrs Lekota said.

Mr Lekota is the only trialist from outside Transvaal. The others come from the Vaal, Soweto and Pretoria.

The trial has attracted a number of overseas and local dignitaries including the Archbishop of Canterbury's envoy, Mr Terry Waite. The Anglican Bishop of Cape Town, Archbishop Desmond Tutu, has also visited the trialists.

Bus

Vaal Triangle residents have organised a bus which takes them to the trial twice a week.

The residents usually bring the trialists food and keep them informed on township affairs.

Already 11 of the accused have given evidence. One of the accused, Mr Herbert Bavuma Vilakazi, took the stand for more than two weeks.

The trial is a sequel to the violence which broke out in the Vaal Triangle townships on September 3, 1984, where four councillors were killed.

The State alleges that the accused planned and

co-ordinated the march which culminated in the death of the councillors and they were engaged in a conspiracy with the banned African National Congress and the South African Communist Party to overthrow the existing order by violence.

The accused come from different political organisations — the United Democratic Front, the Azanian Peoples Organisation, the Azanian National Youth Unity and the Vaal Civic Association which is an affiliate of the UDF.

The accused are: Mr Patrick Baleka, Mr Oupa Hlomuka, the Reverend Jeff Moselane, Mr Gcinumuzi Malindi, Mr Naphthali Nkopeni, Mr Herbert Vilakazi, Mr Sekwati Mokoena, Mr Simon Nkoli, Mr Thomas Mantlata, Mr Sam Matlale, Mr Pelamotse Tlhophane, Mr Terror Lekota, Mr Popo Molefe, Mr Moses Chikane, Mr Ephraim Ramakgula, Mr David Mphuthi, Mr Thabiso Ratsomo, Mr Petrus Mokoena and Mr Serame Hloniyane.

Police shot guerillas at close range, court told

By YVETTE VAN BREDA
Court Reporter

SIX of seven alleged African National Congress guerillas killed by police in a shoot-out in Guguletu were shot at "very close range", the Parow Regional Court heard yesterday.

Dr Johan van der Spuy and Dr David Klatzow were giving evidence in the trial of the Cape Times deputy news editor, Mr Tony Weaver, who has pleaded not guilty to a charge of making false statements to the BBC in connection with the shoot-out on March 3 last year.

Dr Van der Spuy, a general, orthopaedic and neuro-surgeon, is head of the trauma unit at Groote Schuur and a senior lecturer in surgery at the UCT Medical School. Dr Klatzow is a forensic specialist.

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eye-witnesses to the killings of three of the men more credible than that of the police evidence delivered earlier.

Mr J Gauntlett, for Mr Weaver, said there had been evidence that Mr Godfrey Jabulani Miya was shot by Sergeant W Bellingham and Sergeant A Grobbelaar. They said he had a hand-grenade and that a number of policemen fired at him. He dropped under a tree and some policemen kept on firing at him.

Dr Van der Spuy said: "Clearly there was a through and through shot of the left buttock. A fairly long elongated injury which to all intents and purposes looks like a burn, stretching over 15 to 20cm. The post mortem said it was a burn injury and not a bruise.

"It looks like a flash burn injury. When the blast escapes from the barrel, there is a blast of hot gases. That would burn tissue or material close to the barrel.

"As to the proximity of the barrel, I would say this was a contact or virtually a contact shot."

Dr Klatzow said he had experimented on pig's heads because their skin was similar to human skin and one did not have to remove fur. He fired at it from about 10cm away and the pig sustained a burn from the flash protector, a perforated sleeve covering the muzzle of the gun.

It was similar to the one sustained by Mr Miya and showed the same "tracks and greyish colour" expected from a flash protector at close range.

Hiram Abrahams

meet fellow teenagers from different arship as "a nice opportunity" and geographical and social back-grounds".

Jenny Smith

broadcast, newspapers said yesterday. — Sapa-AP

From page 1

Mr Gauntlett said there was also evidence that Mr Christopher Piet was running through the intersection at NY 1 and NY 111 holding an AK-47.

Warrant Officer J Sterrenberg said he fired seven shots at him at a distance of about 20 to 30 metres. The deceased did not turn around, he looked back once, but never turned "full face".

W/O Sterrenberg agreed that he probably inflicted a chin wound. There were no injuries on the deceased's left side, although he was being fired at from the left.

A witness would say he saw Mr Piet lying prone on the ground and that someone walked up to him with a "long gun" and fired at him from a close distance, Mr Gauntlett said.

Dr Van der Spuy said that according to the post mortem report, Mr Piet sustained 16 wounds. There were no indications of injuries on the left profile, the side he was presenting to W/O Sterrenberg.

"It is difficult to visualise how the left profile did not sustain any wounds. He had an injury on the right hand side of his temple and face.

"From the photos in the post mortem report I must assume that this was a more or less vertically directed injury to the temple and right cheek.

"If the policeman was standing upright, he would have to have been shooting up at a platform, or from below. I would have to reject that evidence.

Mr Gauntlett: "There was no suggestion that the policemen were in trees or holes in the ground."

Dr Van der Spuy: "The only suggestion left is that he sustained this shot while lying down. His other injuries also seemed to have been vertical."

"I would find the eye witness account more probable than Sterrenberg's account because if at that stage the victim was lying on the ground, it tallies with the pictures and the post mortem report.

"The chin shot was not necessarily one that would put you down and keep you down. The shot to the

back of the head — definitely a fatal shot."

Mr Gauntlett said Sergeant W Bellingan had shot at Mr Zambonke Konile from two to four metres. Two other witnesses in a bus said they saw a policeman stand over him and shoot.

Dr Van der Spuy said there was one shot behind the ear, exiting from the eye and one shot behind the right ear, into the base of the left brain.

"Either of these shots would have put him down and kept him there."

As Sgt Bellingan said he had not shot frontally the only possibility was that the man had turned his head very "grossly".

"Either of the shots could have been fatal in the short term, if not immediately so. Shot one was probably more fatal.

"I can find nothing of the witnesses Belling and Smith which would make their version improbable; it is totally possible, but I have difficulties with the evidence of Bellingan," said Dr Van der Spuy.

More acceptable

Mr Gauntlett said evidence was that Mr Themba Mfili had been fired at by Constable T Mbelo, who said he fired five shots at the man from the rear of a vehicle. Two witnesses said the man had his hands in the air, was shot at and then dropped. There was also a second shot.

Mr Mfili had a stomach wound entry exiting just below the head. He sustained a second shot through the left cheek exiting at the back of the head. Dr Van der Spuy: "One explanation could be that the (victim) was standing well above the shotlist, or lying down and shot at from a few yards away.

"The (head) shot was a fatal shot, it would have pole-axed him and killed him. It would have been virtually instantaneously fatal."

He said it was more acceptable that Mr Mfili was shot at with a rifle but did not rule out the possibility of a 9mm pistol being used. It was probable that the head shot was the first shot and probably fatal.

"This is significant in that it means the second shot (to the stomach) was either just before or after death."

"The eye-witness accounts are certainly more compatible with the medical evidence than the police accounts."

Mr Gauntlett said further evidence was that Mr Zanitsile Zenith Mjobo and Mr Mandla Simon Mxinwa had been shot at by W/O Barnard who said he chased the two men into the thick bush.

Mr Mjobo turned around and fired at W/O Barnard and he fired two shots with a shotgun from the hip. He was six to seven metres away.

Dr Van der Spuy said a felt wad was left in the brain which indicated that the shot was fired from a maximum distance of two metres into the jaw. The shot to the left side of the brain was absolutely fatal.

W/O Barnard also said Mr Mxinwa had swung around with a hand-grenade and that he had fired at him three times from about six metres away. He said Mr Mxinwa was in an erect position.

Dr Van der Spuy said Mr Mxinwa could have been on his knees or prone, but not erect to have received the wound to his shoulder. He could not visualize him sustaining such a shot if both people were standing upright on level ground.

Asked to comment on the fact that several of the men were shot behind the ears, Dr Van der Spuy, who is also a shotlist, said: "This is remarkably good shooting on moving targets."

Asked by Mr S Shrook, for the State, if it was possible that Mr Mxinwa was running with his upper body hunched over and head tucked in firing an AK 47, Dr Van der Spuy replied: "This is on the outer borders of reality."

Major S Brits said shrapnel and bullets found in the seven victims could not be analysed by experts as they were destroyed by police after the inquest even though police knew of the charges Mr Weaver was facing.

The hearing continues today. Mr J M Lemmer was the magistrate. Mr Gauntlett was instructed by Findlay and Tait.

11.35: Evening Prayer. Rev N Abraham

11.40: Transmission Ends

TV2

4.50: Masidale. What happens to se been planted.

5.00: Khaya Labatwana. Different typ plants produce them.

5.10: Moving on. Get Up and Go (English believe young clubs are for "a and are run by "high-and-might

5.30: The Lone Ranger (simulcast, Ranger helps a father and daught danger of being taken away fr

6.00: Transmission Ends

M-NET

6.00: Hawaii 5'0. Once Upon a Time. A t she is healing McGarrett's sister but he ails more and more. N investigate the healer.

TV2

7.00: Public Affairs

7.28: News

7.57: Cothoza Mfana. Traditional Mb

8.14: Ezemidlalo

8.57: Epilogue

10.15: Sport: Rugby: Sara v Stellaland. championships.

TV4

9.04: Music. Rewind. Cat Stevens, S hood of Man, Manhattans, Blac

Jennifer Rush, Madonna, Blac Ballet, David Foster, A-Ha, Tai

9.57: The Borrower. The story of a bank accountant with compu funds. "Borrowed" money real

11.31: Mother-in-Law. Who's Afraid of enjoying an Elizabeth Taylor r asks Roger whether, given half

11.58: Transmission Ends

Editor keeps punch

LONDON. — The British magaz for its satirical commentaries on politics, yesterday announced the 40, would replace Mr Alan Cor January. Mr Coren, 49, who has for 25 years and has been editor he was "tired of being famous,

Schoolboy on

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I called for a united front in 1981, Molefe tells court

4/8/87 Star 331

By Adele Baleta

He had called for the formation of a united front in 1981, Mr Simon Popo Molefe (35), national general secretary of the United Democratic Front (UDF) and one of the 19 accused in the Pretoria treason trial, said in court yesterday.

Mr Molefe mentioned his call in response to the State's allegation that the UDF was formed after a similar call made by the African National Congress (ANC) president Mr Oliver Tambo in 1983.

Mr Molefe was giving evidence for the first time in the trial which began in June 1985 in Delmas and was moved to Pretoria after 18 months. The trial resumed in the Pretoria Supreme Court yesterday after a five-week winter recess.

All 19 men have pleaded not guilty to charges of treason, murder, subversion and terrorism arising from the unrest in the Vaal Triangle in 1984.

Mr Molefe was arrested in 1984 and is one of three accused who are still in custody.

He said that in the speech delivered on May 4 1981 at the annual conference of the South African Council of Churches, he

stated that "a united front is imperative to meet the demands of our time".

Mr Molefe said he had also read about a call for the formation of a united front by western Cape educationist and political activist Mr Neville Alexander, who called for 1982 to be "the year of the united front".

Bloody revolution

The State alleges the UDF aligned itself with the ANC and SA Communist Party in a conspiracy to overthrow the Government by bloody revolution and that those organisations worked overtly through the UDF to achieve their aims.

"I was never aware of Oliver

Tambo's call for the formation of a united front at the time," Mr Molefe said.

He said at a meeting of the Anti-South Africa India Council (ASAIC) in 1983 Dr Allan Boesak made a similar call and a resolution was taken.

After the (ASAIC) meeting he was invited to discuss the setting up of a united democratic front in the Transvaal. He said he "agreed to be part of the initiative".

A burning issue in 1982 was the new Constitutional proposals and the Koornhof Bills.

"For years both blacks, Indians and coloureds had struggled together. The proposals were seeking to divide us by accepting all except blacks into

the tricameral Parliament.

"At the same time the Koornhof Bills were seen as decisive with the introduction of the black local authorities through which the interests of the blacks were to be articulated. This was presented as a substitute for a meaningful vote," he said.

A meeting was held with representatives from the Transvaal, Natal and the western Cape in 1983 to discuss the affect of the Constitution on a national basis and to decide how to express opposition.

"It was decided to launch the UDF in Cape Town on August 20 1983. I was appointed as general secretary on August 6 1983," Mr Molefe said.

The trial continues today.

Touching moment



IT WAS a touching moment when Mrs Chikane, wife of one of the Delmas treason trialists, Mr Moses Chikane, met Mr Herbert Vil Delmas also an accused in the marathon trial, when it resumed in the Pretoria Supreme Court yesterday. Mr Chikane is among three high-ranking officials of the UDF who were refused bail.

Sawefan

331

4/8/87

Pic: ROBERT MAG

331

Court halves Zolani residents' sentences

By ANDREW DONALDSON

PRISON sentences for public violence imposed on 32 residents of Zolani, near Ashton, by a Worcester magistrate last year and totalling 258 years were yesterday cut by more than half by the Supreme Court.

The residents — including youths and five children — had all appealed against their convictions and subsequent "heavy" sentences by the Regional Court magistrate, Mr A J van Wyk.

A 33rd resident, a youth, was sentenced to seven cuts with a light cane — and did not appeal against his sentence.

They were convicted of partly burning the homes of Mr Khaluse Ndabeni and Mr Stanford Matroos, and of stoning and partly burning a vehicle belonging to a Mr Fanie Klaas on November 20, 1985.

All three were leading members of the vigilante group "amasalomzi" — which, the court heard yesterday, appeared to enjoy SAP support.

The appeal against their sentence was dismissed.

However, lodged with their appeal was an application for further evidence to be placed before the court. This evidence, contained in affidavits and unopposed by the state, related to socio-political circumstances at the township at the time of the burnings.

In his judgment — and referring specifically to this fresh evidence, Mr Acting Justice Thring said Zolani was a poor, isolated, overcrowded community with a high unemployment rate.

"African youths have become to feel trapped in these small places. Violence erupts easily in these places," the judge said.

Coupled to this was the emergence of the vigilantes. "It does seem that a section of the community did become resentful, as it did appear they (the vigilantes) enjoyed the tacit approval of the SAP," the judge said. He said subsequent interdicts against the vigilantes at Zolani by residents there and granted by the court did indicate the "amasalomzi"

infringed "upon the rights of others".

These affidavits had been submitted to Mr Van Wyk for his comments, which were also before the court.

"(But) the magistrate was not impressed," said the judge, adding Mr Van Wyk had declared it would not have affected the severe sentences he imposed.

Despite this, the judge said a "substantial portion of the sentence should be suspended" in line with other sentences for public violence elsewhere in the country during the last two years.

Three of the residents who had been previously sentenced to 10 years' imprisonment each now had half their sentences suspended conditionally for five years.

The 29 others — who had all received sentences of seven and eight years — were now ordered to serve six years, three of which were conditionally suspended for three years.

Mr Justice Lategan concurred. Mr M. Donen, instructed by Mallinck, Ress, Richman and Closenbergh, appeared for the appellants. Mr B Rörich appeared for the state.

Alleged ANC man says his abduction makes trial illegal

The Argus Correspondent

PIET RETIEF. — A State, which performed "an act of international delinquency" by invading a neighbouring country and capturing somebody there, could set matters right only by returning the kidnapped person.

This was argued by Mr Ismail Mahomed SC in a bid to get a court order preventing a South African court from trying Mr Ebrahim Ismail Ebrahim, who was kidnapped in Swaziland last year and detained by the security police in Pretoria.

Mr Ebrahim is alleged to be a key figure in regional underground structures of the African National Congress. He and three others stand accused of treason in a trial set to be heard in the Circuit Court at Piet Retief.

Mr Ebrahim's evidence in the application preceding the trial is that he was abducted by the South African Police or an agent of the State.

He has contended that no South African court has jurisdiction to try him as he was arrested unlawfully in terms of both South African and international common law.

In an affidavit before the court, Mr Ebrahim said gunmen bound and gagged him before taking him from his home near Mbabane.

Mr Mahomed said a chain of events pointed to the involvement of State agents.

He referred to his client's testimony that:

- Rifles, handcuffs, leg irons and vehicles equipped with radio communication were used;

- He had been interrogated on the way on matters of State security;

- They had passed unhindered through a military roadblock in South Africa;

- Police gave him a receipt for items removed from his home in Swaziland;

- One of his police interrogators told him that cross-border abductions "was something that was allowed".

The State had at no point argued that those who abducted Mr Ebrahim were not in the employ or service of the State. It had only said that no member of the police force had been authorised to do so, said Mr Mahomed.

The hearing continues.

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Queenstown man in terror trial

MESSINA — The trial of two men facing 40 charges, including terrorism, murder and attempted murder, was postponed to October 19 in the Circuit Court here yesterday.

Mr Mthetheleli Zephania Mncube, 27, of Diepkloof, Soweto, and Mr Mzondeleli Euclid Nondula, 24, of Queens-town, are facing the charges following a spate of landmine blasts in the Messina area in 1985 and last year.

Both are facing eight charges of murder and Mr Mncube is facing an additional two charges of murder following the deaths of two security

policemen during an alleged escape.

Mr Brian Spilg, for the accused, told Mr Justice J. P. L. de Villiers that although the accused were arrested early this year, they had been held under Section 29 of the Internal Security Act and were only brought before a magistrate on July 2 and 3.

He said MR Mncube had from the outset refused the services of pro deo counsel and had called them "government lawyers".

Mr Spilg said pro deo counsel had been in consultation with the accused for only an hour and a half prior to yes-

terday — and most of that time was spent "breaking down barriers to allay fears in the minds of the accused".

Mr Nondula, when he appeared before a magistrate, said he had no money and therefore would have to accept pro deo defence, but he has subsequently received aid and is to engage private counsel.

Security around the magistrate's court here, where the special sitting was held, was extremely tight with the roads closed off and people entering the court being thoroughly body-searched.

The judge also acceded to a defence request for both accused to be housed in the same prison, as they had been detained in separate facilities.

Mr Justice De Villiers said the men would be transferred to the prison at Pietersburg, which was even nearer to Johannesburg than where they had been. — Sapa

Touching moment



IT WAS a touching moment when Mrs Chikane, wife of one of the 19 Delmas treason trialists, Mr Moses Chikane, met Mr Herbert Vllakazi, also an accused in the marathon trial, when it resumed in the Pretoria Supreme Court yesterday. Mr Chikane is among three high-ranking officials of the UDF who were refused bail.

Sawefun

(331)

4/8/87

Pic: ROBERT MAGWAZA

Men shot at close range, say experts

Tygerberg Bureau

TWO experts have testified that some of the seven men who died in a shootout with police in Guguletu in March last year were shot at close range while lying on the ground.

The evidence was submitted yesterday during the trial of Cape Times reporter Tony Weaver, who is charged in the Parow Regional Court under Section 27b of the Police Act.

The State alleges that Mr Weaver made untrue reports about police action in connection with the death of the seven men on March 3 last year.

He allegedly said in an interview with the BBC that the men had been shot in cold blood and that police later planted weapons on their bodies.

Three charges against Mr Weaver have been dropped. He has pleaded not guilty to a fourth charge.

Defence witness Dr Johan van der Spuy, a trauma expert, said the shots fired at Zanisile Zenith Mjobo, which police claimed were from about 6m away, must have been so close as to have been "in virtual body contact".

Similar evidence was submitted by Dr David Joseph Klatzow, a forensic consultant in private practice in Johannesburg and a specialist on firearms and medical biochemistry.

Prone state

He said he ran ballistic tests with weapons and ammunition similar to those used by the police.

One of Mr Mjobo's wounds could have been caused only by "a close-contact shot".

It had a very distinctive burn pattern similar to one he had duplicated at his test range on the head of a dead pig with an R1 rifle shot from about 10cm away.

He and Dr van der Spuy also testified that Mr Christopher Piet, allegedly shot various times by police from 6m or more, had an injury which seemed to indicate that he had been in a prone state and shot from much closer range.

Defence counsel Mr J J Gauntlett said witnesses at the nearby Dairybelle Hostel told Mr Weaver they had seen a man lying on the ground being shot in the head by another man from only a few metres away.

Dr van der Spuy said the witnesses' account "could easily have been entirely correct".

Dr van der Spuy said wounds behind Mr Zambonke John Konile's right ear must have been the result of good shooting "to hit a running target behind the ear with both shots".

The trial continues today.

Mr J M Lemmer is on the Bench and Mr S Shrock is appearing for the State. Mr Gauntlett is instructed by Findlay and Tait.

2 ACCUSED OF 10 MURDERS

TWO alleged African National Congress guerillas appeared briefly in a special Supreme Court sitting in Messina yesterday charged with ten counts of murder, 24 counts of attempted murder and one count of terrorism.

Mr Mthetheleli Zephania Mncube (27) of 8391 Zone 6, Diepkloof, Soweto and Mr Msondeleli Euclide Nondula (24) of Queenstown also face five counts related to possession of military weapons including handgrenades, landmines and anti-personnel mines.

Mr Mncube also faces two charges of killing two white policemen from behind the back of a police van which was taking him to the police

Alleged ANC men in court

By MATHATHA
TSEDU

station after his arrest.

Mr Acting Justice J P O de Villiers postponed the case to October 19 at the request of the defence lawyer.

According to the lengthy indictment, Mr Mncube left South Africa in 1981 via Swaziland

before proceeding to Maputo and Tanzania for training. He also allegedly underwent an intensive course in Angola in the use of weapons and "how to kill people."

He went to Zambia and Zimbabwe during 1985 and 1986 and underwent further

training in the latter country. He returned to South Africa in 1986 with others to plant landmines. The others were killed and he was arrested. He shot dead two policemen before escaping. He was re-arrested later, the indictment continued.

The indictment states that Mr Nondula left South Africa on an

unknown date. He went to Lesotho, Mozambique, Angola and East Germany and was at one time an instructor in political education.

He went to Tanzania and Zimbabwe in 1985 and later entered South Africa with unknown people to plant landmines. The group later returned to Zimbabwe,

the indictment continued.

It is alleged that in 1986 Mr Nondula received instructions in Lusaka to return to South Africa to form political and military groups and to contact people. He was arrested on January 2, this year, while returning to this country, the indictment said.

Security was tight at the magistrate's office with police posted at all entrances around the building. The road leading to the offices was closed to traffic.



THE REV George Tebogo Moselane (with glasses), one of the accused in the Delmas treason trial, with his wife Nomhle, and the Rev Frank Chikane, general secretary of the South African Council of Churches at the trial yesterday. This court is now sitting in Pretoria.

4/8/87 (331)

UDF against violence court told

By **MONK
NKOMO**

ALLEGATIONS by the State that the United Democratic Front was linked to the banned African National Congress to overthrow the Government by violent means were devoid of truth, the Pretoria Supreme Court heard yesterday.

Mr Popo Simon Molefe, general secretary of the UDF, also denied during cross-examination by defence counsel Mr Arthur Chaskalson SC that his organisation had planned to make the country ungovernable.

"I have never been a member of the ANC or the South African Communist Party and I have no dealings with these organisations. The UDF never contemplated violence and a violent revolution was not part of our policy. The UDF was conceived as a peaceful organisation which wanted to achieve its objectives peacefully", Mr Molefe said.

Treason

He was testifying in the trial of 19 men who include senior officials of the UDF and the Azanian People's Organisation who have pleaded not guilty before Mr Justice van Dijkhorst and an assessor on charges of treason, murder, subversion and terrorism.

Mr Molefe told the court how he was brought up in Sophiatown, Johannesburg, under conditions which he described as "of extreme material deprivations" and of "considerable poverty".

The fourth of eight children, Mr Molefe said he later went to stay with his aunt where at times he went to school hungry because there was nothing to eat in the house.

Hungry

One day while in standard 3 he went to school being hungry. "I became dizzy on the way and went to lean on a fence. I collapsed and fainted because of hunger", he said. He told the court that he was a practising Christian influenced by the principle of "love for one's neighbour and for one's fellow man".

He said that various organisations and trade unions were also opposed to the Black Local Authorities Act and the tricameral parliament proposals in 1982 before the launching of the UDF.

(Proceeding) 5

AKGGS 5/8/87

331

CITY/NATIONAL

Alleged ANC man 'lawfully arrested'

The Argus Correspondent

JOHANNESBURG. — An alleged key figure in the African National Congress, who says he was abducted from Swaziland by agents of the South African Government, was lawfully arrested when handed over in Pretoria and he should therefore stand trial for treason, the State has argued.

Mr W Prinsloo, for the State, said the complicity of the South African Police in the kidnapping of Mr Ebrahim Ismail Ebrahim in Swaziland last December had been denied properly.

Therefore Mr Ebrahim's arrest in Pretoria, his subsequent detention under security laws and his appearance in a court of law were all quite lawful, Mr Prinsloo submitted.

Mr Prinsloo was responding yesterday to submissions made earlier to the Circuit Court in Piet Retief where Mr Ebrahim is applying for an order preventing any South African court from trying him.

Mr Ebrahim is one of four accused of treason. Should his application fail he will stand trial in Piet Retief before Mr Justice W Daniels along with Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Vusumuzi Vivian Nene.

Judgment on his application will be given tomorrow.

Counsel for Mr Ebrahim, Mr Ismail Mahomed SC, has argued that the facts of his client's abduction point to involvement of the SAP or some other agent of the South African Government.

Kidnapping was always an offence and, in this case, also a breach of international law because it threatened good relations with neighbouring states, Mr Mahomed submitted.

Because Mr Ebrahim was being held unlawfully at the time the police arrested him in Pretoria. The arrest itself was not valid and neither were any acts flowing from this arrest.

"You cannot benefit from the fruits of a poisoned tree," Mr Mahomed argued.

He argued that it was the State's responsibility to prove the arrest was lawful, stating that the "philosophical temper of a society governed by the rule of law" was that "whoever takes away a man's freedom must justify it".

ARGUS 5/8/87

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ANC objectives legal — security police colonel

Supreme Court Reporter

A SECURITY police colonel called as a "knowledgeable witness" on the African National Congress and the South African Communist Party has told the Supreme Court that the ANC's aims and objectives are perfectly legal.

Colonel Johannes Griebenaauw, head of the Border security police, was giving evidence yesterday at the resumption of the trial of 13 men convicted under the Internal Security Act of terrorism or aiding terrorists.

He said in cross-examination by Mr Denis Kuny, SC, for the defence that the methods used by the ANC in reaching these goals presented a problem.

TEACHING ROLE

Colonel Griebenaauw, who described himself as knowledgeable on ANC and SACP affairs and not an expert, said his knowledge was based on experience gained during many investigations and from studying newsletters and pamphlets apparently published and distributed by the organisations.

He read into the record a 40-page history of the ANC he had prepared. A collection of books, pamphlets and magazines confiscated from Cecil Esau, one of the accused, was handed in as an exhibit.

In reply to a question by Mr W Viljoen, for the State, Colonel Griebenaauw said:

"I would say that someone who had so much literature was probably teaching people about joining the ANC or SACP."

Mr Kuny: A number of books were handed in. Have you read any of them?

Colonel Griebenaauw: No. I haven't read those before court, but I have read others which may be the same.

Colonel Griebenaauw said he had not read *Why Revolutionaries Need Marxism, Lenin (on the Paris Commune)* or a book by Amilcar Cabral which were handed in as evidence.

He denied a suggestion by Mr Kuny that he had earlier advised Mr Viljoen how to cross-examine Professor Colin Bundy, who gave evidence on the ANC for the defence.

Mr Kuny: Professor Bundy made the point that the ANC and SACP were totally separate organisations with different aims.

Colonel Griebenaauw: I would agree, but it is a general occurrence that there is dual membership of the organisations.

Mr Kuny: Is it possible to be a high-ranking member of the ANC and not be a member of the SACP?

Colonel Griebenaauw: Yes, I have admitted that.

The hearing continues.



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(AGA18146)

Man shot with 'long gun' at close range

Tygerberg Bureau

THREE witnesses to a shootout, in which seven alleged ANC members died in Guguletu on March 3 last year, told the Parow Regional Court how they saw shots fired at close range at unarmed men lying on the ground.

The evidence was given during the trial yesterday of Cape Times journalist Mr Tony Weaver who is charged under section 27b of the Police Act.

The three men were residents of the Dairybelle Hostel near the intersection of NY1 and NY111 in Guguletu where the shooting took place soon after 7am on March 3 last year.

Statement changed

Mr Bowers Vumazonke, 29, a cleaner at the hostels, described seeing a white man "in a grey uniform" shoot a black man who was lying prone on the ground with a "long gun".

The shot was fired from about 1m away, Mr Vumazonke said.

During cross-examination by the State prosecutor, Mr S Shrock, Mr Vumazonke said he had made a truthful verbal statement to the police about two days after the shooting, but that the later typed version in Afrikaans of this verbal statement had been changed by the police and had been read back to him incorrectly.

This typed statement had been read back to him in Xhosa by a translator as he could not read the Afrikaans version, he told the court.

The second witness, Mr Cecil Msutu, 61, said he was awakened by shots that morning and went outside where a black man, with his hands in the air, was shot by a white man in police uniform.

The shot man fell backwards on to the ground, with his hands spread above his head. He was then shot a second time by the same policeman with a "long gun" pointed downwards and at very close range to the victim's body.

Mr Msutu said he had told police later that he had "seen nothing" as he feared being arrested and he also did not want to co-operate with police as he did not want to be used as a State witness.

When the investigating officer, Major Stephanus Brits, approached him a second time for another written statement, Mr Msutu had refused any fur-

ther co-operation and told the major to arrest him instead.

The third witness, Mr General Sebakha, 41, said he saw a white policeman in riot uniform approach a black man who had his hands in the air.

The policeman took a handgun from this man's belt, and then another policeman shouted from the NY1-NY111 intersection: "Skiet hom" (Shoot him). The black man was then forced down to the ground on his back and a policeman shot him three times with a "long gun" at close range.

Mr Shrock accused all three witnesses of not having seen the shootings as they had described them.

He pointed out that the evidence-in-chief of both Mr Vumazonke and Mr Msutu differed radically from their statements given to police a few days after the shooting.

The defence counsel, Mr J J Gauntlett, closed his case yesterday.

"In cold blood"

The State has alleged that Mr Weaver, in a BBC interview on March 4 last year, had reported that people killed in the incident at NY1 in Guguletu on March 3 had been shot by the police in cold blood and that weapons had been "planted" on them to justify the killings.

Mr Weaver has denied that the statement made to the BBC was untrue. He told the court at a previous hearing that he had reported the opinions of parents and associates of two of the victims and had no reason to believe that their opinions and feelings had been untrue.

Argument is expected to be heard today in the Cape Town Regional Court.

Mr J M Lemmer is on the Bench, Mr S Shrock appears for the State and Mr J J Gauntlett, instructed by Findlay and Tait, appears for Mr Weaver.

Suspended sentence for R457 dole fraud

Court Reporter

A TRAINEE slaughterer who drew unemployment benefits for three months after finding work has been given a six-month suspended sentence.

AKGAS 5/8/87

NATIONAL/INTERNATIONAL

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Intimidation case: '3 just questioned'

Staff Reporter

THREE Khayelitsha women who told police they narrowly escaped being necklaced after refusing to denounce a community leader, had merely been questioned about their support for a deposed leader who had stolen residents' funds, a Mitchell's Plain magistrate heard.

Mr J Krige, who appears for six of 10 men charged with intimidating the women, told the court the women had been questioned about secret meetings they had held against the wishes of leaders who replaced the ousted official.

Earlier in the trial, a Mrs Luzy Mazula said she and two other women were about to be necklaced when their attackers were disturbed by a group of youths playing soccer.

The State alleged that the men, who have pleaded not guilty, threatened the women with assault, injury and necklacing if they refused to denounce a Crossroads leader, a Mr Maqula who had moved to Khayelitsha. The alleged incident took place on Easter Sunday.

The accused, all of A Section, Khayelitsha are: Mr Thomas

Ngwane, 35, Mr William Moleleki, 38, Mr Ndakuziva Bokova, 31, Mr Alfred Matunzi, 43, Mr Bonisile Jonga, 52, Mr James Bumile, 42, Mr Shadrack Nontaza, 34, Mr Nelson Konana, 41, Mr Jackson Jack, 49, and Mr Dickson Makemene, 45.

The defence said evidence would be produced to show that Mr Maqula had been deposed as leader of Khayelitsha's A section after he had stolen money belonging to the committee elected by residents.

After this, Mr Thomas Ngwane had been elected as leader and the women had continued to back Mr Maqula. This had given rise to the April 19 meeting which had been convened to question the women about their support for the ousted leader and not to threaten them with injury.

Mrs Mazula said that on the morning of April 19 she, Ms Daisy Nomfulana and Ms Beauty Noyokela were summoned to a meeting on an open field in the A section where they were questioned about their support for Mr Maqula.

They replied that they wanted Mr Maqula, who had often negotiated with the authorities, to acquire a creche.

Mrs Mazula said Mr Ngwane had told her that his group did not work with Mr Maqula because he had worked with "white people". Mr Ngwane had said that his group worked with the UDF.

Mrs Mazula said she and the other women were then called witches and one of the accused, Mr Konana, said "these people should be murdered". Mr Konana brought a tyre and another man produced a can of petrol, she said.

The trial was postponed to October 5.

Tankers move in spite of 'Martyrdom' threat

ABU DHABI. — Oil tankers continued to move — although cautiously — in the Persian Gulf today in spite of heightened rhetoric in Iran's war of words with its US-backed neighbours and its warning to shipping to keep its distance.

Shipping sources said two loaded Japanese tankers sailed out of the Gulf overnight through the tense Strait of Hormuz where vessels were keeping as far away as possible from the Iranian coast.

Iran's Revolutionary Guards yesterday launched a three-day naval exercise in the the Gulf, the strait and the Gulf of Oman amid repeated warnings they would confront any ships which entered their territorial waters.

The manoeuvres, code-named Martyrdom, have been widely portrayed in Iran as proof of the country's readiness to confront its enemies.

They come in the wake of Friday's Mecca violence in which hundreds died in clashes between pro and anti-Iranian pilgrims and police which Iran has blamed on the United States and Saudi Arabia. The Saudis blamed the violence on Iranian pilgrims.

Two American warships which sailed out of the Gulf yesterday escorting the Kuwaiti tanker Gas Prince, sailing under the American flag, have anchored off the United Arab Emirates port of Khor Fakkan, ready to make the return passage with more re-flagged Kuwaiti tankers.

The Iranian manoeuvres had not produced any incidents so far, although Washington reported yesterday that US aircraft jammed Iranian radar across the Gulf in a false alarm about an Iranian missile attack, shipping sources said. — Sapa-Reuter.

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Schools empty as pupils attend Manenberg rally

Education Reporter

SEVERAL Athlone high schools were empty yesterday as thousands of pupils attended a rally at Silverstream High School in Manenberg in support of treason trialist Mr Quinton Michaels.

Mr Michaels, a Silverstream teacher, had been in detention for over a year. He is being charged with 12 others in the Supreme Court in a trial that reconvened yesterday.

Schools which participated in the rally yesterday were Bonteheuvel (renamed Ashley Kriel High by pu-

pils), Arcadia and Modderdam high schools in Bonteheuvel, and Sinton, Belgravia, Rylands and Spes Bona high schools in Athlone.

And at Langa High School yesterday students attended classes, but conducted their own education programmes in protest at the lack of stationery and text books.

A National Education Crisis Committee executive member said last night schooling had been "abnormal" in Bonteheuvel, Athlone, Mitchells Plain, Elsie's River, Bellville, the southern suburbs of Retreat and

Grassy Park, and at Vista and Trafalgar High Schools in Cape Town, since the death of ANC member, Ashley Kriel, on July 9.

He said schools in the Mbekweni township of Paarl and the "coloured" Paarl township had also been hit by stayaways.

Stayaways at various Cape Flats schools have also resulted from a spate of suspensions and expulsions at Vista High, Bridgetown, Ned Doman and Portlands, in Mitchells Plain. At Spine Road and Glendale High Schools pupils have not been attending classes.

Cross-examined by the not contained 5/18/81 33/245

prosecutor, Mr S Shrock, Mr Vumazonke said he saw no weapons on the man on the ground who was lying still. He had not seen the man fire any shots.

He said he saw the profile of the policeman who fired once and then turned and walked away.

Two days later police took him to Bishop Lavis police station where he made a statement. The statement had been handwritten by a "white policeman" helped by a "black policeman", who interpreted.

The statement had later been typed in Afrikaans, which he could not read. When it was read to him yesterday, he said there were certain "additions" his original statement had

The only parts of the statement he was aware of were those the interpreter told him.

Mr Msutu, 61, an assistant mechanic who has been employed by Dairy-belle for 24 years, said he was sleeping in the hostel when he he was woken by shots.

He went outside and saw a man with his hands raised on either side of his head being shot by a policeman. The man had fallen on to his back after the shot was fired and the policeman had shot him again.

He said the policeman was about two metres from the man when the shot was fired.

He then went back inside and from his window saw police drag a man from the bush with

He said he had also spoken to Mr Bateman.

When police asked him to make a statement he had failed to tell them of the shooting.

"They said if I say another thing about that they would take me into custody," he said.

"When they came to ask me for a second statement, I did not make one because those who were shot are my brothers and I decided they must arrest me rather than make me give another statement."

Cross-examined he agreed that he had lied to the police because he was afraid. He said he was not prepared to be a state witness. He explained that what he meant by "brothers" was "black people".

Mr Sibaca, who works at Dairybelle as a packer, said he was preparing for work when he heard a noise "like two cars crashing".

Looking out of his ground-floor window he saw two minibuses at the intersection. He saw "black men running towards the bush. Police were shooting at them from the combi".

"The men running towards the bush were firing back and one of the bullets hit my window and broke it," he said.

He went to tell the watchmen at the gate of the shooting and on returning to his room he saw one of the policemen call one of the black men.

The man came towards the policeman with his hands raised and the

policeman removed a gun from the man's belt.

Another policeman then grabbed the man by the back of the neck, kicked him in the small of his back and pulled him down causing him to land on his back on the ground.

"A policeman stationed in NY1 shouted 'shoot him' and then the policeman shot him with a long gun. He was pointing the gun downwards."

He said he had spoken to Mr Bateman and told him what he had seen.

All three men said they had no reason to lie about what they had seen, they were not in trouble with the police and were not involved in politics.

Previous evidence was that police had set up a

counter-attack after receiving information that a police vehicle which passed a certain corner in Guguletu each day between 7pm and 7.30pm would be attacked.

Yesterday Dr Johan van der Spuy and Dr David Klatzow said six of seven killed were shot at "very close range".

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eyewitnesses to the killings more credible than that of the police evidence delivered earlier.

The hearing continues today in the Cape Town Regional Court.

Mr J M Lemmer was the magistrate. Mr J Gaundlett instructed by Findlay and Tait appeared for Mr Weaver.

Police killing of 'ANC 7' described in court

By YVETTE VAN BREDA
Court Reporter

THREE men who saw a shootout in Guguletu from a hostel overlooking the scene told the Parow Regional Court yesterday that police shot a man on the ground and another who had his hands raised in surrender.

Mr Bowers Vumazonke, Mr General Sibaca and Mr Cecil Msutu were giving evidence in the trial of the deputy news editor of the Cape Times, Mr Tony Weaver, who is charged under section 27 (b) of the Police Act.

The charge arises from an interview he had with the BBC Africa Service on March 4 last year concerning the March 3 shootout in Guguletu when seven alleged ANC guerrillas were shot dead by police.

The state alleges that Mr Weaver unlawfully published untrue matter by claiming that the men had been shot in cold blood.

Mr Vumazonke, a cleaner at the

Dairybelle hostel, which overlooks the scene of the shooting, said he was working at the hostel when he heard a "noise which sounded like two cars colliding".

He looked out of the window and saw a person lying face down under a tree near the intersection of NY1 and NY111.

"I saw a policeman shoot him while he was lying there. He shot him with a long gun pointing down at the ground," said Mr Vumazonke.

He went outside and saw a minibus parked at the intersection and two other men lying in the road. While he stood there a policeman approached him and told him to leave the scene.

He later spoke to Cape Times reporter Mr Chris Bateman and told him what he had seen. He said Mr Bateman spoke in fluent Zulu and he had no problem understanding him.

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P.T.O.

SOWETAN, Wednesday, August 5, 1987

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BLACKS constituted the majority of the population in South Africa but were only confined to about 13 percent of the land and denied the right to vote in their own country, Mr. P. P. Simon Molefe, general secretary of the United Democratic Front, told the Pretoria Supreme Court yesterday.

The UDF, he said, was committed to non-violent means of persuading the Government to end all forms of oppression and exploitation. The policy of the UDF was for all racial

LAND SHARED UNEQUALLY

COURT IS TOLD

Groups to live in a united South Africa — not a country polarised or divided into homelands — and ruled by a government chosen by all of the People, Mr. Molefe added.

He told the court that although blacks constituted the largest majority in this country "they are not part of the Government." Whites, he said, enjoyed better privileges and occupied about 87 percent of the land despite the fact that their population was lower than that of blacks.

Mr. Molefe and 18 others, including high-ranking officials of the UDF and the Azanian People's Organisation, have pleaded not guilty before Mr. Justice Van Dijkhorst, sitting with an assessor, to charges of treason, murder, subversion and terrorism.

Cross-examined by Mr. Arthur Chaskalson, SC, for the defence, Mr. Molefe told the court what he described as "anomalies" created by the Group Areas Act which forbids blacks from staying in certain areas despite the critical housing shortage experienced in the townships.

Mr. Molefe said he recently read in the press that there were about 30 000 unoccupied houses in white areas in South Africa, while there was a massive shortage of about half a million houses in black townships. He added that the Group Areas Act also laid a basis for people to pray in church separately and yet those in authority are dedicated for non-violence.

"The methods we are using to oppose the State", Mr. Molefe added, "also differ fundamentally. The ANC uses violence — we are dedicated for non-violence." (Proceeding)

Labour Update

ANC trial: Counsel asks for five not to be sent to jail

Supreme Court Reporter

COUNSEL for 13 African National Congress supporters convicted under the Internal Security Act has asked the Supreme Court not to send five of the men to jail.

Mr Denis Kuny, SC, was addressing the Supreme Court on sentence yesterday.

In June Mthetho Douglas Myamya, 37, Gladwin Mthethihi Mabengeza, 35, Cyril Moyisi Ntabeni, 31, Joseph Susele Mkhulwa, 31, Anderson Zingisele Ncivita, 34, Reed Zwelethu Macozoma, 27, and Norman Siseko Macanda, 29, were convicted of harbouring or aiding terrorists.

FREEDOM CHARTER

Joseph Malusi Ngoma, 28, Lizo Bright Ngqungwana, 27, Theminkosi Theophilus Mzukwa, 26, Sazi Livingston Veldtman, 29, Quentin Deon Michaels, 27, and Cecil Esau, 31, were convicted of terrorism.

Mr Kuny said Ntabeni, Mkhulwa, Ncivita, Macozoma and Macanda should not be jailed because of the months they had already been in prison. If sentences were imposed, they should be suspended.

He said the aims and principles of the Freedom Charter which ran "like a golden thread" through the accuseds'

statements to the court were commendable and desirable "in anybody's language".

"Maybe it is regarded in somewhat Utopian terms... but to people discriminated against, deprived and who feel society has not been fair and just, the principles of the Freedom Charter must appear as a shining light."

While Mabengeza admitted taking Lizo Ngqungwana to Lesotho and bringing ANC members "Thabo" and "Lucky" to Cape Town, he had nothing to do with arms and was really performing errands for Ngqungwana, Lucky and Thabo.

"He is a man of principles and convictions and he doesn't apologise to the court for what he did. He is asking for his motivations to be understood."

Mr Kuny submitted that his participation was not so great that he should be jailed for a long time and asked that most of his sentence be suspended.

Douglas Myamya had faced the tremendous pressure of deciding whether to assist the "opposition forces" in the township.

"Myamya had long planned to take his family on holiday to Botswana and he was asked by co-accused Sazi Veldtman to take a letter there."

Mr Kuny suggested that some people from the accuseds' own community would not look as harshly on their acts as would whites.

He asked the court not to allow the deterrence aspect to predominate since sending people to jail did not necessarily deter them or others from committing crimes.

Heed had to be paid to the state of the society from which they came and the discontent within it, Mr Kuny said.

VICTIMS

"Perhaps we have to look elsewhere (than this court) for a solution to these problems."

"These people were not actuated by personal motives, personal aggrandisement or to satisfy some personal need."

"They were to an extent unfortunate victims of political dissension and were clearly unfortunate to have grown up when and where and in the circumstances they did."

He referred to a 1982 judgment in Natal in which Mr Justice Didcott remarked that black people had real and legitimate grievances.

In that case the accused had military training outside South Africa and brought back arms and were each jailed for an effective seven years.

The hearing continues.

SOWETAN, Wednesday, August 5, 1987

331

BLACKS constituted the majority of the population in South Africa but were only confined to about 13 percent of the land and denied the right to vote in their own country, Mr Popo Simon Molefe, general secretary of the United Democratic Front, told the Pretoria Supreme Court yesterday.

The UDF, he said, was committed to non-violent means of persuading the Government to end all forms of oppression and exploitation. The policy of the UDF was for all racial

groups to live in a united South Africa — not a country polarised or divided into homelands — and ruled by a government chosen by all of the people, Mr Molefe added.

He told the court that although blacks constituted the largest majority in this country "they are not part of the Government." Whites, he said, enjoyed better privileges and occupied about 87 percent of the land despite the fact that their population was lower than that of blacks.

Mr Molefe and 18 others, including high-ranking officials of the UDF and the Azanian People's Organisation, have pleaded not guilty before Mr Justice Van Dijkhorst, sitting with an assessor, to charges of treason, murder, subversion and terrorism.

Cross-examined by Mr Arthur Chaskalson, SC, for the defence, Mr Molefe told the court what he described as "anomalies" created by the Group Areas Act which forbids blacks from staying in certain areas despite the critical housing shortage experienced in the townships.

Mr Molefe said he recently read in the press that there were about 30 000 unoccupied houses in white areas in South Africa, while there was a massive shortage of about half a million houses in black townships. He added that the Group Areas Act also laid a basis for people to pray in church separately and yet those in authority believed in one God.

The accused also told the court that it was true the UDF and the African National Congress were groups opposed to apartheid in South Africa.

"But we must say categorically that we have no relationship with the ANC and do not envisage one because we are operating legally and it is banned," the accused said.

"The methods we are using to oppose the State", Mr Molefe added, "also differ fundamentally. The ANC uses violence — we are dedicated to non-violence."

(Proceeding)

LAND SHARED UNEQUALLY

COURT IS TOLD

Labour Update

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Cape Times, Thursday, August 6, 1987 3

ANC trial 'tragic' — defence counsel

Supreme Court Reporter

THE trial of 13 ANC activists and sympathizers was "tragic", defence counsel told the Cape Town Supreme Court yesterday, because the 13 were not criminals but "people of integrity, intelligence and principle".

Mr Denis Kuny SC, leader of the defence team, was addressing the court on sentence in what he described as "perhaps the most critical stage of a long, difficult and at times painful trial".

He said sentencing was always a difficult task for a judge but was an "awesome" task in this case not only because it involved "matters very fundamental to our country and the present political strife", but because the accused were "not criminals in the usual sense of the word".

"Your Lordship may well have gained the impression," Mr Kuny said, "that each one of the accused is a person of some quality. They are people of integrity, people of intelligence, people of principle."

"And that's what makes this trial such a tragic one and your task such a difficult one."

Mr Kuny said the 13 were not asking the court for mercy, had specifically stated that they were not doing this.

What they were asking for was the court's understanding of the considerations and concerns at work in their decision to act as they did.

He emphasized that they had not acted from personal motives of gain, revenge or self-aggrandizement. Nor had they robbed, raped, stolen or killed.

In fact, Mr Kuny said, they had placed themselves in jeopardy.

Mr Justice H C Nel presided with Mr L P Francis and Mr W R Vivier as assessors. Mr W C Viljoen appeared for the state with Mr M Stowe. Mr Kuny appeared for the defence with Mr J R Whitehead and Mr A M Omar, instructed by E Moosa and Associates and R Vassen and Co.

GHT Times 6/8/87 (33)

Police action in shooting questioned

By YVETTE VAN BREDA
Court Reporter

POLICE conduct and the validity of an inquest concerning a shoot-out in Guguletu, where seven alleged ANC guerillas were shot dead by police, should be brought to the attention of the Attorney-General, the Regional Court was told yesterday.

Mr J J Gauntlett, the advocate representing the Cape Times deputy news editor, Mr Tony Weaver, said this in his four-hour address to the court.

Mr Weaver is charged under section 27 (b) of the Police Act, arising from an interview he had with the BBC's Africa Service on March 4 last year concerning the March 3 shootout.

Mr Gauntlett said: "It must be shown that (1) publication of (2) 'matter', (3) with intent, (4) which is untrue, took place."

The burden was on the state to establish all four elements, and onus itself was the normal criminal standard — beyond a reasonable doubt.

"If this onus is discharged in all four respects by the state, the accused is put on his defence in relation to 'without reasonable grounds', at which stage it must be shown that the accused had reasonable grounds for believing in the truth of the published 'matter'."

In the recognized Press Law authority dealing with Section 27 (b) of the Police Act, it was expressly stated ... "where sources are being relied upon for the information, it must be made clear that the statements of persons relating to the 'alleged actions of the police are being reported'."

'Both sides of story'

Mr Gauntlett quoted from amendments to the minutes of the joint Newspaper Press Union and the SA Police Liaison Committee, held in July, 1983.

He said that in the minutes it was stated by a Mr Gibson "that it was difficult to decide where the truth lay when covering township disturbances. This was particularly difficult for the press who had to publish as soon as possible. The press normally published both the allegation and the official reply thereto."

"He (the chairman) said that the minister had some years ago indicated to the NPU that the Police Act would not be applied where this was done, ie if both sides of the story were published."

Quoting further, he said: "Mr Gibson said that some of the reports referred to by the chairman in his discussion did in fact present both sides of the story."

"Replying to a question from Mr Gibson, the chairman said that the minister's undertaking still stood."

"Mr Gibson read an undertaking given by General Zietsman, in terms of which section 27 (b) of the Act would not be applied where a newspaper had contacted the SAP for comment, comment had been refused, and the

fact had been published with the news report in question."

In respect of "untrue matter" Mr Gauntlett submitted that there were three principal sources of evidence, the medico-forensic evidence, the evidence of police witnesses and the evidence of two sets of eyewitnesses who testified on behalf of the defence (the three people in the school bus and three hostel inhabitants).

Earlier forensic experts Dr Johan van der Spuy and Dr David Klatzow said six of the seven killed were shot "at very close range".

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eyewitnesses to the killings of three of the men more credible than that of the police evidence delivered earlier.

Also in earlier evidence, Mr Bowers Vumazonke, Mr General Sibaca and Mr Cecil Msutu, who witnessed the shootout from the Dairybelle hostel overlooking the scene, claimed police shot a man on the ground and another who had his hands raised in surrender.

Mr Gauntlett said Mr Weaver had no reason to doubt the accuracy of Cape Times reporter Mr Chris Bateman, who interviewed the men on the day of the shooting.

Mr Bateman was a senior reporter and crime reporter at the time and Mr Weaver had granted the interview to the BBC based on what Mr Bateman had told him.

Mr Weaver had said that it was the feelings of the mothers of the deceased that the police had "planted" the weapons on their sons and "set them up". Mr Weaver had also said that he had no proof of this and that police had denied it.

Reliable investigation

Also during earlier evidence, Major S Brits, investigating officer in the inquest of the deceased, told the court that shrapnel and bullets found in the seven victims could not be analysed by experts as they were destroyed by police after the inquest — though police knew of the charges Mr Weaver was facing.

The prosecutor, Mr S Shrock, said the state had proved beyond a reasonable doubt that no weapons had been planted or concealed on the deceased.

He said the source of Mr Bateman's report, the three witnesses, was unsatisfactory and Mr Bateman had done "very little to verify what he had been told".

He said Mr Weaver was dealing with "a very serious matter" to allege that the people had been shot and "set up" by the police, specially considering the political situation in this country.

He said if the magistrate, Mr J M Lemmer, acquitted Mr Weaver, he would have "to come to the conclusion that there was a conspiracy among the police to eliminate every terrorist".

The hearing was adjourned to September 17 for judgment.

Mr Gauntlett was instructed by Findlay and Tait.

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Major 'chose not to believe witness'

Court Reporter

ACTIONS of certain policemen during and after the killing of seven alleged terrorists in Guguletu in March should be referred to the Attorney-General, the Cape Town Regional Court was told.

During legal argument yesterday in the trial of Cape Times journalist Tony Weaver, defence counsel Mr J J Gauntlett submitted that had the investigating officer, Major Fanie Brits, put the truth about the incident to the police information centre in Pretoria at

the time, the trial might not have been necessary.

Mr Gauntlett submitted that Major Brits interviewed a witness who told a story he chose not to believe "because he was amazed to hear what his colleagues had done".

This, the fact that certain evidence was destroyed before the trial, that an addition was made to a police record after the trial started and the numerous contradictions in police evidence should be investigated by the Attorney-General, Mr Gauntlett said.

Referring to the evidence of Warrant Officer H J Barnard,

Mr Gauntlett submitted that he had "grievously lied" from beginning to end.

Mr Weaver has pleaded not guilty to a charge under section 27 (b) of the Police Act.

The State alleges that in an interview with the BBC, he published untrue matter about police action by saying that weapons were "planted" on certain men shot dead by the police in Guguletu on March 3.

Mr Gauntlett said the State had not proved beyond reasonable doubt that Mr Weaver had intended to give false information or that the facts were not possibly true.

Approval by editor

"Mr Weaver was entitled to believe that Mr Chris Bate-man's (crime reporter) report was true. It had already been through all the checks and balances in his own newspaper and had the approval of his editor. What else could Mr Weaver have done?"

Earlier, Mr Selwyn Shrock, for the State, submitted that the State had proved beyond reasonable doubt that no weapons were planted or concealed on the bodies and that no man was "set up" to create the impression he was a terrorist.

The hearing was provisionally postponed to September 17 for judgment.

Mr J M Lemmer was on the Bench. Mr Gauntlett was instructed by Findlay and Tait.

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Zandvoort — De Jonge — Du Toit swop:

Prisoner exchange deal in jeopardy

By David Braun,
Political Correspondent

Cape Town
Negotiations for a three-way swop of security prisoners between South Africa, Ciskei and Angola may have been jeopardised by a premature announcement from the Ciskei.

The Ciskei Government announcement that Frenchman Pierre-Andre Albertini was to be released in an exchange deal that involved South Africa's Captain Wynand du Toit and Hollander Mr Klaas de Jonge, may have upset the delicate bargaining, which was understood to be at an advanced stage.

It was not clear whether the swop would go ahead within the next few days, as has been speculated, or whether the deal was off.

A spokesman for the Ciskei government said at the weekend the swop was off because of the lack of co-ordination and the difficult nature of negotiations involving the release of the three prisoners.

South African Foreign Minister Mr Pik Botha today confirmed in a statement that exploratory exchanges on this matter could be expected to have been taking place for some time among the various interested parties.

Mr Botha said the Ciskei Government had confirmed that its statement on the matter was based on a misunderstanding.

Implications

The release of Captain du Toit, Mr de Jonge and Albertini from their respective countries of incarceration would have several political spin-offs.

Captain Wynand du Toit, of Langebaan, was taken prisoner in Angola after being wounded while on a secret military mission in that country.

President Botha once linked his release to that of Nelson Mandela, saying that if two Soviet dissidents and Captain du Toit could be freed on humanitarian grounds he could consider the release of the ANC leader on similar grounds.

Since then the two Russians named by Mr Botha have been released.

Mr Klaas de Jonge has been taking refuge in the Netherlands Embassy in Pretoria since 1985 when he eluded South African Police while pretending show them where ANC weapons were hidden.

Albertini has been Ciskei for refusing to give evidence in a security trial allegedly agreeing to turn witness in return for immunity from prosecution on charges of arms smuggling.

President Mitterrand of France has refused to accept the credentials of South Africa's new ambassador to Paris. Albertini remains in jail.

UDF not ANC's internal wing, Molefe tells court

Pretoria Correspondent

Blacks saw the African National Congress (ANC) as aimed at "freeing the oppressed people", while whites saw it as a terrorist organisation, general secretary of the United Democratic Front (UDF), Mr Popo Simon Molefe (35), said in the Pretoria Supreme Court yesterday.

Mr Molefe was testifying in the trial in which he and 18 other high-ranking members of the UDF, Azapo and local civic organisations face charges of high treason, terrorism, subversion and murder.

Mr Molefe denied the UDF was the internal wing of the ANC or conspired with the ANC and South African Communist Party (SACP) to overthrow the Government.

He said at present he found it "difficult to condemn organisations that use violence to effect

change in this country." He added that "the cause of conflict in the country is the Government and their policy of apartheid".

The current bombings in the country "sadden" and "worry" him.

The UDF was in favour of sports boycotts, he said, because the largest section of the white population was preoccupied with sports.

The UDF regarded whites as very important because they "have the vote and the power" and would perhaps influence the people they voted for to change their policy of apartheid.

The UDF tried to reach whites and others through the media, although "the opponents of apartheid are often not given an opportunity" to present themselves to the public.

The UDF was dedicated to non-violent change, he said.

The case continues today.

'Black power not our policy'

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THE United Demo-
cratic Front is not
contemplating a black
majority government
and would not care
what race or colour
South Africa's leader
was, as long as he was
elected by all popula-
tion groups, the

Pretoria Supreme
Court heard yesterday.
Mr. P. P. Simon
Molefe, general secretary
of the UDF, who has
been in the witness box
since Monday, told the
court that the present
State President, P. W.
Botha, could be elected.
"We are not calling for a

By MONK NKOMO

black prime minister or
state president. We are
not working towards a
black majority govern-
ment," Mr. Molefe said.
What is needed, Mr.
Molefe said, was equal
rights for all people and
that the wealth of this
country be shared by all

racial groups "because
we all sacrificed to build
this country. Why should
the wealth be claimed by
only one racial group —
the whites?" Mr. Molefe
asked.

He told the court that a
national convention was
on the cards where all
races would meet and
discuss the real future of
this country. "The
process is a bit slow but it
is going to happen. And
there will be peace
thereafter," said Mr.
Molefe.

He and 18 others who
include top-ranking
officials of the UDF, the
Azanian People's Orga-
nisation and the Vaal
Civic Association, have
pleaded not guilty before
Mr. Justice van Dijk-
horst, sitting with an

assessor to charges of
murder, treason, subver-
sion and terrorism.
Mr. Molefe told the
court that the UDF,
perturbed by the chaotic
situation in the country,
sent two letters to the
then Prime Minister, Mr.
P. W. Botha, in 1983
warning him not to
implement the Constitu-
tion Act and not to enact
the "Koorhof Bills".
Examined by the
defence counsel, Mr.
Arthur Chaskalon, SC,
Mr. Molefe said Mr. Botha
never replied to the
letters.

SOUTH AFRICA'S biggest treason trial entered a critical phase this week when Popo Simon Molefe, general secretary of the United Democratic Front, began to give evidence for the defence.

Dressed in a grey striped suit, Molefe, one of eight children born to a domestic servant and her manual labourer husband, was watched keenly by his 18 co-accused, who were sitting in one long row in the dock.

The fate of the UDF — South Africa's largest extra-parliamentary opposition movement — and that of Molefe and the watching men in the dock hinges on the outcome of the trial.

The evidence of Molefe, as a pivotal office holder in the UDF — or, in the state's view, as a central figure in an alleged conspiracy to topple the government — is obviously critical to the outcome.

The trial of the 19 men resumed on Monday after a month-long winter recess, switching from the circuit court in Delmas to Court C in Pretoria's Palace of Justice.

Court C, with its high ceiling and mosaic windows, is redolent with history. It was there that African National Congress leader Nelson Mandela and seven co-members of the ANC were jailed for life for sabotage in the Rivonia trial of 1963-64.

Court C is coincidentally the same court where nine men sat more than a decade ago in the "black consciousness trial" of 1976-77.

There is a living link between the two trials: Patrick "Terror" Lekota, UDF publicity secretary and one of the 19 treason trialists, was also one of the nine men who sat in the same dock more than a decade ago. At the time Lekota was the permanent organiser of the pro-black consciousness South African Students Organisation.

Central to the treason charge against the 19 men is the allegation that they conspired with the outlawed ANC and South African Communist Party to overthrow the government.

The 19 face a further capital charge: of murder. It arises from the killing of five black town councillors by enraged mobs during the outbreak of violence in the Vaal Triangle in September 1984.

The state's charge of treason rests in large measure on the contention that the UDF was formed in response to a call on January 8, 1983, by the ANC president, Oliver Tambo, for the formation of a united front.

But Molefe told the court he had called for a united front in May 1981, more than 18 months before Tambo's call. He did so in an address to the South African Council of Churches. At that time he was the chairman of the Soweto branch of Azapo.

A copy of the speech was handed in to the court as an exhibit, defence counsel Arthur Chaskalson having first read relevant extracts into the court record.

A key passage from the speech read: "Having experienced an unfortunate and sordid chapter in our history ... a chapter characterised by treachery and betrayal, greed, hypocrisy and blunder, a united front be-

The Delmas trial has moved on, to a courtroom in Pretoria haunted by the ghosts of famous bygone trials: Rivonia '64, Soweto '76. PATRICK LAURENCE reports.



Molefe speaks at last

comes an imperative in our chief endeavours to meet the demands of our time."

Later in 1982, Molefe received a pamphlet through the post, written by Neville Alexander of the Cape Action League, calling for a united front.

Alexander's pamphlet, written under the pen name "Stuurman", said in part: "Let us make 1982 into the year of the united front and raise our struggle for liberation from apartheid and capitalism on to a higher level."

The idea of a united front was discussed before Tambo's call of Janu-

ary 8, 1983, Molefe told Judge Kees van Dijkhorst.

The actual call in South Africa which led to the formation of the UDF was made by Allan Boesak, president of the World Alliance of Reformed Churches, in an address to a conference in Johannesburg organised by the Anti-South African Indian Council on the weekend of January 21 to 23, 1983.

Molefe specifically and repeatedly denied that the UDF was a front for the ANC, secretly working to fulfil its aims.

"I have never been a member of the ANC and the South African Communist Party," he said. "I have had no dealings with those organisations." Nor did he have access to their publications, he added.

Molefe told the court of the birth of the UDF nearly four years ago in Cape Town, of its adoption of a declaration committing itself to the establishment of "a united, democratic South Africa based on the will of the people".

Its immediate aim was to oppose the new tri-cameral constitution for whites, coloureds and Indians. Associated with that aim was a campaign for the release of political prisoners, an amnesty for exiles and the holding

of a national convention to draw up an alternative constitution acceptable to all South Africans.

But, Molefe insisted, the UDF was firmly committed to the use of non-violent means, including the holding of rallies and the use of the media, to achieve its ends. Any affiliated organisation — there were more than 500 affiliates by the end of 1983 — which used violent methods contravened UDF policy, he said.

Molefe told of a letter, dated October 25, 1983, sent to President (then Prime Minister) PW Botha, protesting at the arbitrary banning of its meetings and calling on him to release political prisoners, lift restriction orders and authorise the return of exiles.

"The chosen leaders of all our country's people can then sit together in an atmosphere free of fear and suspicion to work out a constitution based on the will of the people (and) acceptable to all," the letter said. It was signed by Molefe on behalf of two of the UDF's three presidents, Oscar Mpe-
tha and Archie Gumede.

Neither that letter, nor another letter sent in December 1983, elicited a reply from Botha, Molefe said, nor was receipt acknowledged.

Molefe was asked by Chaskalson to tell the judge about black attitudes to the Rivonia trialists and whether they were seen as terrorists.

"That is not how the black community perceives them," he said. "They perceive them as people fighting for freedom."

Recalling that the UDF was neither the only nor even the first black-dominated organisation to call for the release of Mandela, Molefe said: "They (blacks) look at him as a symbol of hope and freedom. He is a highly respected figure."

While regretting the use of violence by the ANC, saying it gave him no pleasure, Molefe was not prepared to condemn it. He contended that the government and its apartheid policy — which he defined widely to include relocations, bannings, detentions and deaths in detention — was the primary cause of violence.

To end violence, apartheid has to be abolished and the country's wealth shared fairly, he said.

Delmas goes to Pretoria - and the past goes with

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'Forced into army'

Sowetan
SOUTH Africans were conscripted to the army to fight their fellow men who had been forced to leave this country because of its racial policies, the Pretoria Supreme Court heard yesterday.

Mr Popo Simon Molefe, general secretary of the United Demo-

cratic Front said their organisation was opposed to the conscription policy and urged the Government not to force people to go to the army. Anybody should be given a chance to decide on his own if he wants to join the army or not, he said.

Mr Molefe and 18 others have pleaded not guilty before Mr Justice K van Dijkhorst sitting with an assessor to charges of murder, treason, subversion and terrorism. (331)

Mr Molefe also told the court that the UDF abhorred the system of detentions without trial and regarded them as unacceptable.

...the two men tied his hands behind his back and searched his house in Pine Valley, in the district of Mbabane. They removed R4 500, a cassette player, a lady's handbag and other items. He was blindfolded, gagged, made to lie down on the back seat of his car and driven away.

Shortly before a border post he was taken out of the car, his blindfold was removed and he was made to cross three or four fences. "I could see the bright lights of the border post," Ebrahim said. "I was now on the South African side of the border against my will."

His abductor, who said he lived in Soweto, told him he would have nothing to fear "if I co-operated with the police and that they would even furnish me with a passport to go to Zambia as an agent of the South African Police."

He told Ebrahim he had picked up his trail the previous week when a number of raids had been made into Swaziland. Ebrahim recalled that a Swiss couple had been abducted in those raids, allegedly made by the South African Police, and later returned after the intervention of South Africa's Department of Foreign Affairs.

Several hours later, Ebrahim was led towards two cars parked a short distance from each other. "As we approached the cars, I saw some white men closing in on me and they were armed with rifles. As I got to the cars, one white person put leg irons on my legs, my hands were untied and I was then handcuffed."

The metal container with the items removed from his house was put in the boot of the car.

Ebrahim was forced into one of the cars and both vehicles then drove away. The car he was in had a built-in radio and the two vehicles were in constant radio communication with each other. "It appeared to be some kind of official car and a code was used between the occupants of the two cars in contacting each other," he said. "As we began to travel, dawn was breaking and my interrogation

without stopping. Nobody asked us a single question."

Ebrahim finally arrived in Pretoria. The white men radioed someone else and the vehicle parked beside a big building. A car then drew up behind them.

Ebrahim was transferred to this car, still in leg irons and handcuffs, and driven to a building in the city centre on which the words "Police Museum" were inscribed. "I have since discovered that these are the offices of the security police in Pretoria," he said.

He and his two escorts passed through strict security checks at the entrance of the building unhindered. He was then taken into a large office and introduced to a Brigadier Schoon and a Captain Britz.

On the same evening of December 16, a Captain Naude and Warrant Officer Savage said they were going to be his interrogators. "I complained to the captain that I had been abducted from Swaziland. He stated that this was something that was allowed."

Ebrahim was informed he was being detained in terms of Section 29 of the Internal Security Act. Naude then brought in the metal container, asked Ebrahim to identify the contents and compiled a list of the items.

Ebrahim's lawyer, Ismail Mahomed SC, asserted there was "an unbroken chain leading Ebrahim from the border of Swaziland right inside the headquarters of the Security Police in Pretoria". He said either the South African Police or agents of the state

— acting within the scope of their professional duties — were responsible for the abduction.

The "circumstantial evidence suggesting official involvement throughout the journey in the form of facilitating passage through roadblocks, the use of radio links, the possession of rifles, the employment of leg irons and handcuffs and the suggestion that the abductors were interested in the type of information which would be the subject matter of police interrogation is also not disputed," Mahomed said.

Advocate Harry Prinsloo of the attorney general's office said police had refuted Ebrahim's specific allegations, as well as general allegations of police involvement which were

at the police office. The police, however, subsequently claimed Ebrahim was not wearing the handcuffs when they saw him.

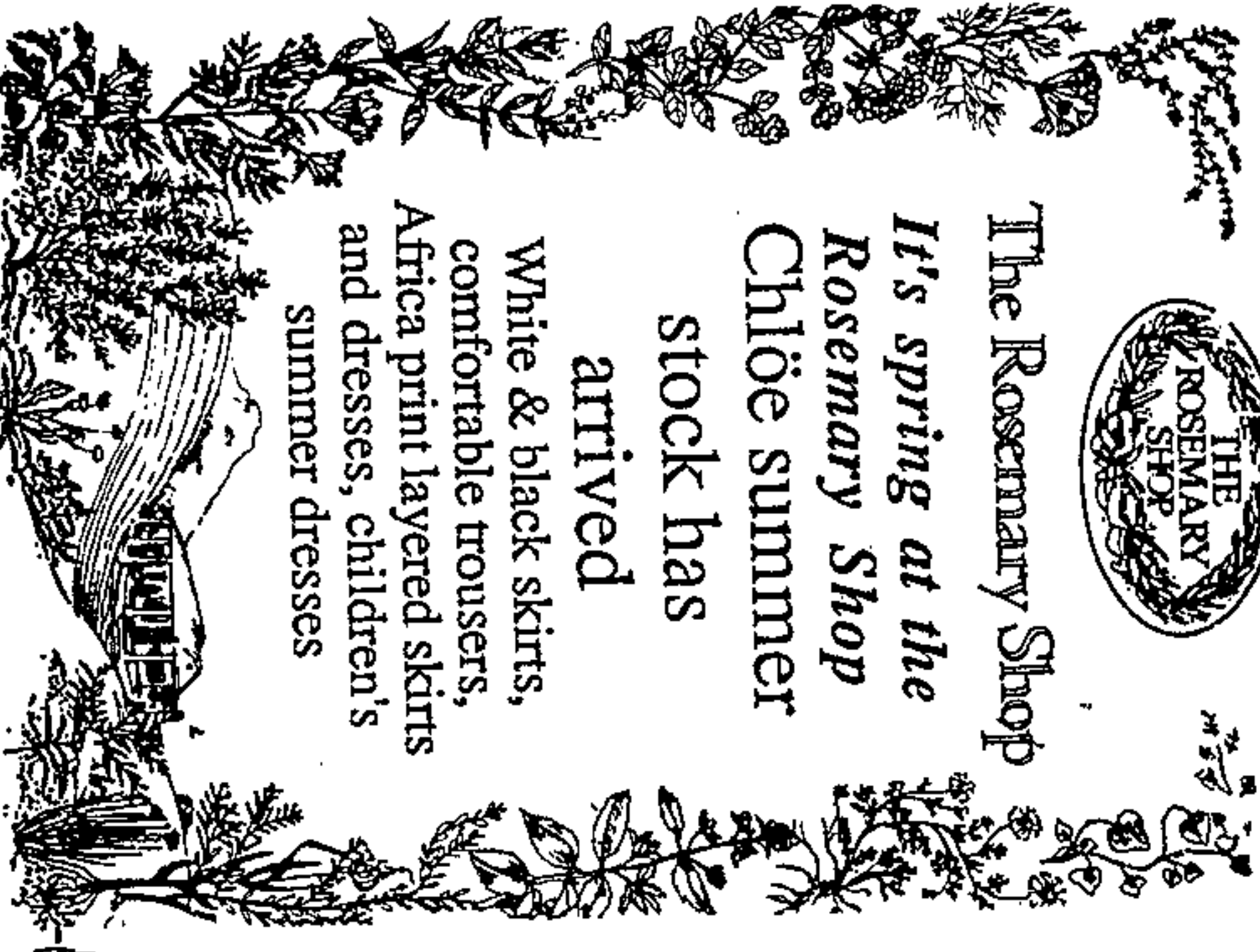
Prinsloo insisted Ebrahim's Section 29 detention and subsequent arrest on charges of treason and imprisonment as an awaiting trial prisoner were illegal.

Mahomed, however, said once an illegal abduction had been committed by agents of the South African state, it was not possible for this act to be legally sanctified by the same agents. Judge H Daniels questioned whether the application should have been served on the attorney general's office, if Ebrahim intended charging the state with involvement in his kidnapping through its highest decision-making body, the cabinet.

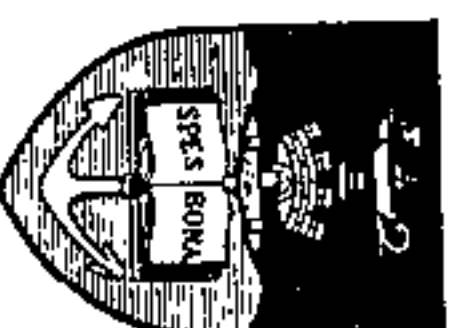


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Application forms and further information should be obtained from...

7/08/87
(230)

WHICH is the more serious crime: high treason committed by an alleged ANC official, or his kidnapping from Swaziland by alleged South African agents?

This was a key question raised in an application brought by Ebrahim Ismail Ebrahim in a bid to prevent a South African court trying him following his illegal abduction from Swaziland last year.

Ebrahim, who has served 15 years on Robben Island for sabotage, has been charged with high treason. He was, according to the indictment, in charge of the ANC's Regional Political Military Committee, based in Swaziland, which co-ordinated the ANC's machinery in the Transvaal and Natal from 1984. This would make him the most senior ANC official to stand trial since Nelson Mandela and the other Rivonia trialists in the early 1960s.

According to the indictment, Ebra-

Is kidnap more serious than treason?

By JO-ANN BEKKER
in Piet Retief

him gave the instructions for ANC cadres operating in South Africa to plant landmines on farms in the Eastern Transvaal last year.

Ebrahim's advocate, Ismail Mahomed SC, argued that the law required a balance of public interests. "To break the bonds of international peace and good neighbourliness is far greater than the harm and prejudice to the community of a particular offender," he said.

Mahomed asserted that the court could not look at a particular accused and say in this case international obligations were peripheral. "The court must come to a scientific answer otherwise we will not have law but *ad hoc* justice."

However, Harry Prinsloo, who is appearing with Louiza van der Walt

for the attorney general, said Ebrahim was being charged with "the most serious crime a person can be charged with — high treason".

He said the court would have to weigh up the implications for South African-Swaziland relations — when Swaziland had not even protested at Ebrahim's abduction — and the implications for South African security if a person facing charges of treason could "walk free back to Swaziland". He asked for the court to find against Ebrahim.

Mahomed quoted legal precedents to support his assertion that if the country from which a person is illegally abducted does not complain to

the captive country, the individual still has the right to complain.

He added that, had Swaziland complained, the matter would have been heard not before a Supreme Court but before an international tribunal.

The crucial distinction in legal precedents, Mahomed said, was that an individual kidnapped by private citizens in another country had no right to complain to a court. But the victim of a state-sanctioned kidnapping had this right.

Arguing that Ebrahim's abduction was a clear case of the latter, Mahomed said: "To compel an accused to undergo trial in circumstances where his appearance is preceded by the criminal act of kidnapping is to sanctify international delinquency."

The court would be saying: Kidnapping has taken place but we condone it.

"If officials of the state were allowed to maraud the territory of other states, not only would the law be contravened, but it would have the gravest consequences for peace. What we do to our neighbours today, some of them may do to us tomorrow."

Prinsloo quoted legal precedents which effectively said "the alleged involvement of the South African government makes no difference. The applicant is before the court and he must be tried."

Mahomed argued that where there were contradictory interpretations of the same law, the court must abide by the one which favours the accused.

Mahomed was assisted by Shaun Naidoo and instructed by Priscilla Jana and Associates.

From a Swazi garden to the 'police museum'

EBRAHIM Ismail Ebrahim was called to the door by his gardener. Two people wanted to borrow a wheel spanner as their car had broken down. He fetched his keys and went to his car outside.

As he was about to open his boot the men drew firearms and threatened to kill him if he made a noise. They said they were the South African Police.

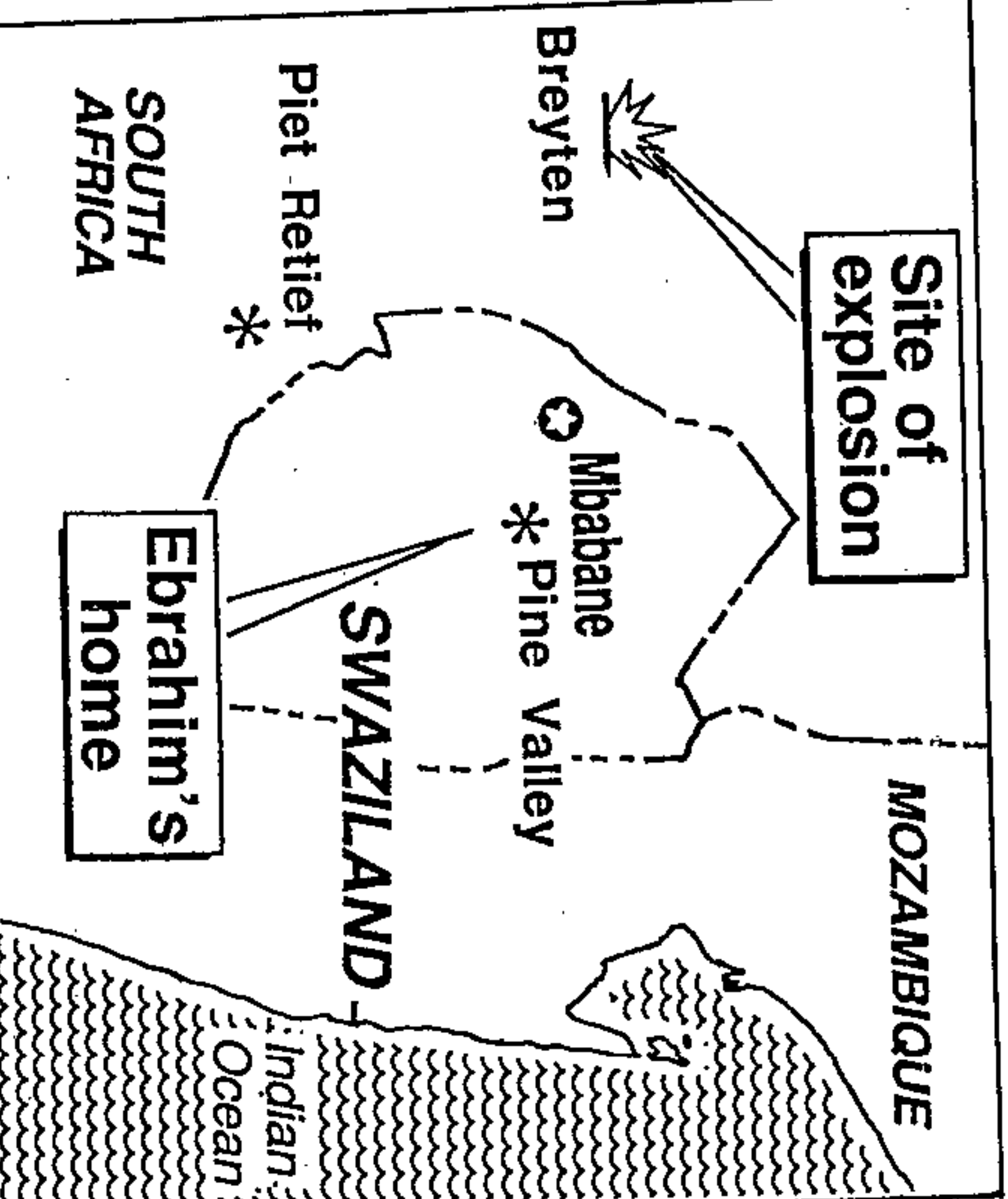
These events on Monday evening, December 15, 1986 were the opening episode in a tale of how the most senior African National Congress official to be brought to trial since the Rivonia trialists in 1964, came to appear before the Piet Retief Circuit Court this week.

Ebrahim's alleged illegal kidnapping by men he claims were South African police or agents of the South African state also formed the crux of his application for discharge on the grounds that the court has no jurisdic-

In a remote town, the treason trial of a man accused of being a senior ANC official began this week. But the question of treason was not yet the issue. The court had first to deliberate on the strange route Ebrahim Ismail Ebrahim took to the court house. JO-ANN BEKKER reports from Piet Retief

From the interrogation it appeared to me that these were security policemen."

When they approached an army roadblock, the escort car in front stopped at the roadblock and the car Ebrahim was in halted a short distance behind. "The driver of the escort car spoke to one of the soldiers. He then moved off and we were al-



"blatant speculation".

The police version is that two unknown men who had no connection with the South African Police brought Ebrahim to the offices of the security police in Pretoria and handed him over.

Earlier this year, when Ebrahim's brother brought an application to have his detention under Section 29 declared unlawful, attorneys for the Minister of Law and Order and Commissioner of Police arrived at a settlement with Ebrahim's lawyers, where by Ebrahim would be released from detention and formally charged with treason, and the respondents would pay costs.

The presiding judge, Justice van Zyl, found unacceptable that the police had not told the court who the two men who brought Ebrahim to them in Pretoria were. He also questioned how the police were able to unlock the handcuffs and leg irons

ANC 13 to be sentenced on Wednesday

Supreme Court Reporter

THE 13 African National Congress supporters convicted of terrorism and related charges under the Internal Security Act will be sentenced on Wednesday.

Yesterday Mr W Viljoen, for the State, concluded his address to the court on sentence by saying that short terms of imprisonment would benefit nobody except the accused.

"They will then be out again to repeat the deeds they have been convicted of," Mr Viljoen said.

"The court should view the preventive aspect of sentence as the most important."

Earlier he emphasised the "arrogance" of the accused, who had showed "no sense of remorse".

Mr Viljoen described Thembinkosi Mzukwa, 26, and Joseph Ngoma, 28, as "highly dangerous" and suggested that the court jail each of them for 20 years.

Mzukwa was convicted of placing a limpet mine at the Langa police station and throwing handgrenades at the building and at a police Casspir in 1985. Ngoma was found guilty of placing a limpet mine which destroyed a toilet at the Mowbray railway station on April 30 last year.

Mr Viljoen asked the court to jail for life Lizo Ngqungwana, the self-confessed commander of the ANC's armed wing in the Western Cape.

"I am tempted to ask for life imprisonment for these two men too."

Summing up, he said: "The accused are not being punished for their ideological convictions, but for violence — violence which will not be accepted by the community."

Ngoma, Ngqungwana, Mzukwa, Sazi Livingston Veldtman, 29, Quentin Deon Michaels, 27, and Cecil Esau, 31, have been convicted of terrorism.

Mthetho Douglas Myamya, 37, Gladwin Mthethehihi Mabengeza, 35, Cyril Moyisi Ntabeni, 31, Joseph Susele Mkhulwa, 31, Anderson Zingisele Ncivita, 34, Reed Zwelethu Macozoma, 27, and Norman Siseko Macanda, 29, have been convicted of harbouring or assisting terrorists.

Mr Justice Nel is sitting with Mr L P Francis and Mr W R Vivier as assessors. Mr W C Viljoen, assisted by Mr M Stowe, appears for the State and Mr D Kuny SC, Mr A Omar and Mr J Whitehead for the defence.

Claims of 'tampered records' at journalist's trial

THE trial in which *Cape Times* deputy news editor Tony Weaver is accused of contravening the Police Act could result in the police themselves entering the dock.

The magistrate presiding over Weaver's case was this week asked to bring to the attention of the attorney general.

The conduct of police involved in the Guguletu shoot-out on March 3 last year around which the case revolves

The fact that material evidence was destroyed and police records allegedly tampered with, and

The possibility of re-opening the inquest into the deaths of the seven alleged African National guerrillas who died in the gun-battle.

The request came from defence counsel Jeremy Gauntlett SC at the close of his argument that Weaver should be acquitted of contravening section 27(b) of the Act.

The state alleges Weaver stated falsely in a BBC interview that some of the men were shot in cold blood and that police planted Russian-made weapons on their bodies to imply they were guerrillas.

Weaver has pleaded not guilty. Three similar charges against him, relating to *Cape Times* reports on the same incident, were withdrawn.

When the trial resumed this week, the court heard medico-legal evidence that six of the seven men were shot at close range. Trauma expert Dr Johan van der Spuy testified that accounts by witnesses brought by the defence were "more compatible" with the medical evidence than police accounts of what took place.

One victim had no wounds on his left side, although a policeman who said he shot him testified this was the side the man presented as he ran. In addition, one of the man's wounds was vertical, indicating he was shot

By GAYE DAVIS, Cape Town

while lying on the ground. A witness said he saw the man shot with "a long gun" at close-range.

Another victim had a flash-burn, indicating a virtually point-blank shot, although police testified he was shot from some distance away.

Two of the men were shot behind the ears, which Van der Spuy, himself a shotist, said was "remarkably good shooting on moving targets".

Prosecutor Selwyn Schrock maintained the wounds were consistent with the police account of what took place. Dismissing three witnesses as "unsatisfactory" he said if the magistrate accepted the accounts of other defence witnesses, "you would still have to come to the conclusion that there was a conspiracy between the police to eliminate every terrorist — and it's my contention that this in no way can be proved".

Weaver's BBC interview was partly based on information from another reporter, Chris Bateman, who interviewed witnesses for the *Cape Times*, and partly on interviews Weaver conducted with families of the dead men, who said they felt the weapons had been planted.

Schrock said Weaver had done nothing to establish the facts of Bateman's information and could not escape the Act by saying he had only conveyed the "feelings" of the family.

Rebutting this, Gauntlett argued that section 27(b) was aimed at preventing the publication, as truth, of unsubstantiated allegations. Weaver made a clear distinction between fact and opinion in the interview. Gauntlett further argued that the state had failed to establish beyond reasonable doubt that the events did not happen as reported by Weaver.

Arguing that the medical evidence — unchallenged by the state — was "decisive", Gauntlett said: "These people could not have been shot in the way police described. Whether it was done by men acting under high stress or in a conspiracy we'll never know. But something is happening on a large scale when six of the seven are shot in a way that is incompatible with the evidence."

Gauntlett said the explanation given for the destruction of shrapnel and bullets found in the men's bodies — destroyed by police after the inquest, even though they knew Weaver faced charges — was unsatisfactory.

In addition, a police record referring to the bullets had been amended "at a later stage" by a different hand.

He asked that this, as well as the conduct of the police in the matter and the question of whether the inquest should be re-opened, be referred to the attorney general.

Judgement is on September 17.

Molefe: UDF rejects brainchild of apartheid

The UDF opposed the homeland policy because it is a brainchild of the apartheid system, the general secretary of the United Democratic Front (UDF), said this week in the Pretoria Supreme Court.

Mr Popo Simon Molefe (35) was testifying at the trial in which he and 18 members of the UDF, Azapo and local civic organisations, are facing charges of high treason, terrorism, subversion and murder.

Mr Molefe denied that the UDF was the internal wing of the ANC or conspired with the ANC and the South African Communist Party (SACP) to overthrow the

South African Government.

The question of Namibia was very relevant to the UDF, he said. When the Namibian question was resolved it would mean that conscription could end and military service could be voluntary. He said the UDF was opposed to conscription, but the matter was never taken up in its policy and the UDF had not organised any end conscription campaign. The End Conscription Campaign was not founded by nor affiliated to the UDF.

The case continues.

● See "Personality" on Page 4. 8/8/87

...were found in four people.
Cape Times 8/19/87 331
Terror trial 2 guilty

JOHANNESBURG. — Two high-ranking members of the ANC were yesterday found guilty by a Johannesburg magistrate on two charges of terrorism and one charge under the Internal Security Act. Solomon Moloi Makape, 34, and Theodore Vusimuzi Zwane, 36, changed their pleas of not guilty to guilty after a former ANC trainee, now working for the security police, said they had held high ranks in military training camps in Angola.

331. 2/Press 9/8/87

Impassioned plea for ANC triallists

THE trial of 13 African National Congress activists and sympathisers was "tragic", defence counsel told the Cape Town Supreme Court because they were not criminals, but "people of integrity, intelligence and principle".

Denis Kuny, SC, leader of the defence team, was addressing the court in mitigation of sentence in what he described as "perhaps the most critical stage of a long, difficult and at times painful trial".

He said sentencing was always a difficult task for a judge, but was an "awesome" task in this case, not only because it involved "matters very fundamental to our country and the present political strife", but because the accused were "not criminals in the usual sense of the world".

"Each one of the accused is a person of some quality.

"And that's what makes this trial such a tragic one and your task such a difficult one."

Kuny said the 13 were not asking the court for mercy, but were asking for the court's understanding of the considerations and concerns at work in their decision to act as they did.

They had not raped, stolen or killed.

When considering the interests of society, Kuny said, one had to look at the society in which the accused lived.

"I venture to suggest that there are many people in this society who would not look as harshly or unkindly on their acts as white society would, and that's the society that has to be considered," he said.

At the start of the proceedings, Judge HC Nel and his assessors took the unusual step of entering court before the accused.

After the 13 came up from the cells, the judge warned family and friends in the public gallery that they would not be allowed into court if they repeated their "tendency to create disturbances when the court adjourns or when the accused are brought up from the cells".

The trial continues - Sapa.

The changing face of single men's hostels

9/8/87 C/Pers

CP Correspondent

SOME Durban men's hostels have taken a new image — men no longer have to rush home from work to cook or arrive late at work as they have to do the cleaning in the morning.

Instead, they now have spouses to do all the housework.

A weekend tour of at least three men's hostels at Glebe, Umlazi and Kwa-Mashu will not only show you that these are no longer strictly men's hostels, but you will also learn that

at least one of them, Glebe, attracts women of all races.

But, all this, of course, is not officially allowed. The men, together with their female visitors, risk prosecution and heavy fines. Many have already been fined but that does not deter men from bringing in their sweethearts to the hostels.

Some argue that there couldn't be another way out of the bachelor life they have been forced to lead by the migratory labour system.

City Press took a closer look at life in Glebe hostel and unearthed some interesting information.

Glebe hostel is situated between Lamontville and Umlazi and houses about 10 500 tenants. The hostel comprises of face-brick 4-storey blocks and the rooms vary in sizes — some house two people and others four.

The hostel was built by the defunct Natalia Administration Board and is now under the Natal Provincial Administration.

When we entered one block we were greeted by young women who were either cooking, sweeping or washing their men's clothes while the men had gone to work.

After a chat with some of the men who work night-shift, we set about taking pictures and most of the women seemed happy after learning that we were from *City Press*. They were looking forward to seeing their pictures in the newspaper.

The hostel has become a

haven for prostitute. Even schoolchildren and married women have become constant visitors in this hostel where they are certain to making themselves a quick buck.

Some of the women who live in the hostel double-cross their men.

They usually have more than one lover. They sleep with dayshift workers immediately their nightshift partners leave for work at night. Very often men fight, and even kill each other when the other affair gets exposed. In some cases this even leads to faction-fighting.

As a result of indiscriminate sex in the hostels many babies have been born and as they grow up, have learnt to live with shame. As you tour you will not be surprised to see more than a dozen napkins in every block.

Lionel Hooper, who is in charge of townships and hostels in the community service department, told *City Press* that prosecutions have not stopped at Glebe, but admitted that it was not easy to keep regular checks.

Mandela is 'a symbol of freedom'

9/8/87 C/Pers 331

IMPRISONED leader of the African National Congress Nelson Mandela was still a highly respected figure in the black community and would be welcomed as a leader by a vast majority of blacks, the general-secretary of the United Democratic Front said this week.

Popo Simon Molefe, 35, was testifying in the Pretoria Supreme Court, where he is standing trial with a 18 other high-ranking members of the UDF, Azapo and other local civic organisations.

The men have pleaded not guilty to the main charge of high treason and the alternative charges ranging from terrorism and subversion to murder.

Molefe denied that the UDF was dedicated to violent change. He said it was true that both the UDF and the ANC opposed apartheid but the UDF was also opposed to violence and was not trying to recreate the ANC.

The UDF also called for the release of Mandela and all other political prisoners and, among others, made him and "all political prisoners serv-

ing life sentences" prisoners of the UDF.

He said Mandela was a "symbol of hope and freedom to many blacks".

He said the UDF was one of many prominent organisations who made a call for a national convention, believing it could bring an end to apartheid.

The national convention had to include all groups and individuals, including those banned and imprisoned, he said.

The trial is continuing. — Sapa.

ANC LESSONS DENIED

Delmas trial told of 'crash courses'

ALLEGATIONS that certain high-ranking officials of the United Democratic Front had received crash courses from the outlawed African National Congress in Lesotho were false, Mr. Popo Simon Molefe told the Pretoria Supreme Court on Friday.

He also told the court that the UDF had never given the Archbishop of Cape Town, Desmond Tutu, a mandate to speak to the ANC in Lusaka. Bishop Tutu was the respected patron of the UDF but not involved in the policy-making structures of the organisation, Mr Molefe said.

By MONK NKOMO

He said Bishop Tutu publicly announced his meetings with the ANC and he was not meeting the ANC on behalf of the UDF.

Archbishop Tutu could speak for the UDF but only after he had been officially asked to do so by the organisation, Mr Molefe said.

It was untrue, Mr Molefe said, that senior members of the UDF had received crash courses from the ANC in Lesotho in 1984. If they did, the court heard, they had not received any

mandate from the UDF to do so.

Mr Molefe and 18 others who include top-ranking officials of the UDF, the Azanian People's Organisation and the Vaal Civic Association have pleaded not guilty before Mr Justice K van Dijkhorst, who is sitting with an assessor, to charges of murder, treason, subversion and terrorism.

Examined by Mr Arthur Chaskalson, SC, for the defence, Mr Molefe, who has been in the witness box since last Monday, said the UDF's involvement in the liberation

struggle was not against individuals or to attack people and their properties because they did not agree with their policy.

He denied allegations by a State witness, "Mr I C 17" that the UDF was involved in the unrest that occurred in Tumahole.

Mr Molefe and another accused, Mr Patrick "Terror" Lekota, the UDF's national publicity secretary, met the witness with his family in Bishop Tutu's office at Khotso House in 1984. The witness, Mr Molefe said had complained that his property had

been destroyed.

Bishop Tutu, the court heard "expressed pity at the fact that the situation had developed where black people were now fighting among themselves because of the Government's policy.

The UDF never incited people to commit acts of violence or urged students to disrupt or boycott classes.

Mr Molefe said he, Mr Lekota, and another accused, Mr Moss Chikane, former Transvaal UDF secretary, met with parents, teachers, students and other organisations in Artengdeville, Pretoria to resolve the school crisis there about three years ago.

(Proceeding)

Delmas accused rejects State allegations

UDF, AZAPO HAD NO 'SECRET DEAL'

By MONK NKOMO



THE general secretary of the United Democratic Front, Mr Popo Simon Molefe, yesterday rejected allegations by the State that the UDF conspired with the Azanian People's Organisation to overthrow the Government by violent means.

Examined by defence lawyer Mr George Bizos SC, Mr Molefe, who is in the witness box for the second week now, said: "The allegations are without truth".

He also denied under cross-examination by Mr P B Jacobs SC, for the State, that the UDF and Azapo held high-level discussions where a "secret agreement" was reached. He conceded, however, that a "loose" agreement was reached with Azapo during 1984 but the agreement was vague as no specific issues were laid out.

Mr Molefe also told the court of the problems they encountered with Azapo. A UDF delegation twice met officials of Azapo in 1984 to iron out the differences and to persuade them to co-operate with the UDF which did not want conflict with other organisations, the court heard.

Mr Molefe and 18 others, including high-ranking officials of the UDF and Azapo, have pleaded not guilty before Mr Justice van Dijkhorst to charges of murder, treason, subversion and terrorism.

Cross-examined by Mr Jacobs, Mr Molefe rejected a suggestion that the UDF played an active role during the unrest and violence that gripped the Vaal Triangle in 1984. He reiterated the UDF's policy of non-violence and said the protests in the Vaal Triangle were triggered off by increased rents in the area.

Boxer loses R5 000

A LESOTHO government spokesman said yesterday that no attempt would be made to get boxer Sakkie Enslin back to Lesotho to stand trial on a string of charges because there is no extradition treaty between Lesotho and South Africa.

Sakkie Enslin, a former South African lightweight boxing champion, forfeited bail of R5 000 last Friday when he fled the

country.

Among the charges he was facing was one of attempted murder following a shoot-out with police in northern Lesotho in June.

Enslin was granted bail with several conditions by the Lesotho High Court including the surrender of his passport and that he should be confined to Maseru and report daily to the police.— Sapa.



Judgment reserved in sabotage trial appeal

Supreme Court Reporter *AK6W 9/8/87* 331

JUDGMENT has been reserved in the Supreme Court appeal by six men against their conviction for sabotage and sentences ranging from eight to 14 years.

Jan Douries, 29, of Scottsdale, and Chrisjan Horne, 18, of Watsonia Park, were jailed for 14 years for their part in petrol-bomb attacks on Bloch's Supermarket and the Egg Board premises in Kraaifontein in October 1985.

Andries Carelse, 18, of Kraaifontein, and Pieter Cyster, 18, and John van der Westhuizen, 28, both of Scottsdale, were jailed for eight years and David Williams, 20, of Watsonia Park, for 10 years.

Evidence was that damage of more than R1,5-million was caused. All six men were convicted on two counts of sabotage.

Horne, Cyster and Carelse were youths when sentence was passed in August last year.

Mr J Reebein, for the State, argued that the correct sentences had been imposed on the men by the Parow Regional Court.

He said: "Prison sentences have to shock or surprise or they will lose their deterrent effect."

Mr Justice Burger and Mr Justice Conradie were on the Bench. Mr D Delahunt appeared for all the accused except Van der Westhuizen, who was represented by Mr R Tainton.

Makape volunteered to join military wing

I wanted to be a doctor — ANC man

By Duncan Guy

A former high-ranking officer in an African National Congress (ANC) camp in Angola yesterday told a Johannesburg magistrate he believed he was on his way to study medicine in the United States when he flew out of Maputo in 1976 and landed in Dar-es-Salaam.

Solomon Moloi Makape (34) was giving evidence in mitigation after he and his comrade, Theodore Vusimuzi Zwane (36) were convicted on three terrorism charges and one under the Internal Security Act.

Changed plea to 'guilty'

The two pleaded guilty and admitted they held high ranks in ANC camps in Angola — Makape as "Chief of Defence" and Zwane as "Chief of Ordinance".

They were arrested in Bophutatswana last October with weapons, including hand grenades and AK-47 rifles and ammunition.

Earlier in the trial they pleaded not guilty but changed their plea after a former ANC trainee, now working as a security policeman, told the court he recognised them from his days in Angola. The witness may not be identified.

Makape told the court that while on holiday in Swaziland he met someone who said he could organise finance for medical studies in America.

"I went back to South Africa to collect my certificates and returned to Swaziland, from where I was escorted to Maputo, then flown to Dar-es-Salaam."

There, he said, ANC members told him about the organisation and its aims and he voluntarily decided to join its military wing, Umkhonto we Sizwe.

He then trained in the Soviet Union and was later based at camps in Angola. One was in the south of the country. It was attacked by South African military aircraft in 1979 and three people were killed.

Makape said he was born in Sophiatown and brought up in Lesotho by his grandfather. He said he could not study beyond Std 3 for financial reasons, and left school at 14.

"I worked as a farm labourer near Ladybrand where my monthly wage of one pound, ten shillings (R3) was kept by another worker who acted as my

'guardian'. The white farmer blamed it on me that his lambs were dying during winter and threatened me. I wanted to leave and when I told him my guardian would not give me my money; he said he had no time for kaffirs."

Makape said he met his mother for the first time when he returned to Lesotho. She took him to Zola, Soweto, where he completed Std 6. He went on to a high school in QwaQwa, but had to leave after form one, again for financial reasons. He said he was told if he wanted to carry on studying he should not ask questions about Nelson Mandela.

He then worked on the mines where he was employed as an athlete for a mine team, earning R18 a month, but later he became a storeman.

"I started correspondence studying through Union College to better myself and later became a trainee assistant nurse," Makape said.

He had seen people struggling to survive — "like children picking food from rubbish bins".

The living conditions in mine compounds were awful and there was no such thing as privacy.

"And when I wanted to bring a girl home to Soweto, again there was no privacy."

Because his girlfriend did not come from Soweto, he could not take her there legally and "blackjacks" (municipal police) were always harassing people for their reference books.

Hospital work

"Women were not even allowed near the mine hostels. There was also no accommodation for visiting family members," Makape said.

After working in the hospital and writing Std 8 examinations, he decided to become a doctor.

Of his Umkhonto we Sizwe mission into South Africa with his co-accused, Makape said it involved looking at places where ANC members could be accommodated.

A third accomplice, Viva Mkhondo, left the two at Bokfontein and went to see his sister who lived between Thabazimbi and Pietersburg, but he never returned to their rendezvous, he said.

The hearing continues.

Sentencing of ANC supporters postponed

Court Reporter *AK645 12/1987 331*
SENTENCING of 13 African National Congress supporters on charges under the Internal Security Act was postponed for two hours today.

Mr Justice Nel last week adjourned the Supreme Court trial to 10am today but attorneys were told the hearing would resume only at noon.

COURT GALLERY PACKED

Relatives and supporters of the men, convicted of terrorism or aiding terrorists, gathered outside the court. At 8.55am they were told it was full.

There were many policemen outside the building and dogs were used to move about 100 people away from the entrance. The gallery of Court No 1 was packed.

Cm Timp 12/8/87 (331)

Sentence in marathon ANC trial due today

Supreme Court Reporter

THE marathon trial of 13 young ANC members and sympathizers will end today when Mr Justice H C Nel imposes sentence.

The trial, described as "tragic" by defence team leader Mr Denis Kuny SC because the 13 "are not criminals but people of integrity, intelligence and principle", began on April 21.

Most of the 13 have been in jail for over a year. The state has asked the judge to sentence Umkhonto we Sizwe (MK) commander Lizo Ngqungwana to life imprisonment and has urged 20-year terms for MK cadres Theophilus Mzukwa and Joseph Ngoma, and heavy sentences for the others.

They are: Sazi Veldtman, Douglas Myanya, Joseph Mkhulhwa, Anderson Ncivita, Reed Macozoma, Quentin Michels, Cecil Esau, Gladwin Mabengeza, Cyril Ntabeni and Norman Macanda.

Sazi Veldtman, Quentin Michels and Cecil Esau pleaded guilty and were convicted — with Lizo Ngqungwana, Joseph Ngoma and Theophilus Mzukwa — under a section of the Internal Security Act defining the actions they admitted as "terrorism".

Continues. The hearing resumes

Umkhonto men 'tied to instructions'

Star
12/8/87
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By Duncan Guy

African National Congress (ANC) members on missions in South Africa are unable to act on initiative and are dependent on instructions from leadership reaching them.

This was revealed in the Johannesburg Magistrate's Court yesterday when two members of Umkhonto we Sizwe, the ANC's military wing, were cross-examined by State prosecutor Mr J A C van Eck.

Mr Theodore Vuzimusi Bigboy Zwane (36) told the court he did not know details of his mission to South Africa when he was told to observe houses in the Northern Transvaal that could accommodate ANC members.

TERRORISM

Zwane, with his comrade Solomon Moloi Makape (34), has been found guilty on two terrorism charges and one count under the Internal Security Act. Both have admitted being high-ranking officers at ANC camps in Angola.

Zwane said that a third comrade, Viva Mkhondo, had come with them from Botswana but went off alone to look at the houses. He had not returned.

"I had to wait for further instructions from the ANC leadership in Botswana. I could not simply act on my own initiative," said Zwane. But before instructions came, he and Makape were arrested in Bophuthatswana last October.

Mr van Eck asked the two men why they entered South Africa with automatic weapons, hand grenades and ammunition.

SELF-DEFENCE

Zwane told the court the ANC's "secondary role" of violence was "to bring the Government to its senses" — not to overthrow it but to force negotiations to take place.

They said they would only have used the weapons in self-defence — to frighten off South African security forces if they were confronted by them. Zwane said he would, however, shoot to kill if he was cornered.

"They would corner us to kill us. And if they did not, I know that people are killed in South African prisons."

Mr van Eck told him that was not substantiated by facts but Mr Zwane replied that politically active people in South Africa who used only their mouths — not weapons — were killed after being arrested.

"Because we were armed it would have been worse," he said.

The hearing continues tomorrow.

ANC member was arrested

ANC AND PAC CAN STOP WAR

331

BOTH the African National Congress and the Pan Africanist Congress will abandon their armed struggle against the Government if they are unbanned and allowed to air their views publicly, Mr Simon Popo Molefe, general secretary of the United Democratic Front, told the Pretoria Supreme Court yesterday.

He said that there would be no people or organisation carrying

UDF man tells court

By MONK NKOMO

weapons to overthrow the Government if all political prisoners, including Nelson Mandela, were released, organisations unbanned and exiles allowed to return home.

Mr Molefe, cross-examined by Mr P B Jacobs SC, for the State, said the call by the UDF to protest against apartheid was not the

first as there had been many such calls even before the UDF was launched.

"It is not something new for blacks to wage the struggle against apartheid and fight for freedom," he said.

"Suffering is not a new thing to us. We have gone through pain, deprivation, illiteracy and working for low wages," said Mr Molefe.

He told the court that

all oppressed people in this country believed that apartheid should go and a new democratic and non-racial government formed where all the people would be equally represented in Parliament.

Asked by Mr Jacobs if the UDF would accept the introduction of a fourth chamber for blacks in Parliament, Mr Molefe replied: "We will reject it. We don't want a chamber that will keep

blacks confined to 13 percent of the land, subjected to the Group Areas Act and with no power to propose or make laws. We want a government where all the people will have a meaningful say in the decision-making process."

Mr Molefe and 18 others, who include senior officials of the UDF and the Azanian People's Organisation, have pleaded not guilty before Mr Justice van Dijkhorst to charges of murder, treason, subversion and terrorism.

Umkhonto man gets life sentence for terrorism

Own Correspondent

CAPE TOWN — Lizo Bright Ngqungwana (27), Western Cape commander of Umkhonto we Sizwe, the military wing of the African National Congress, was yesterday jailed for life.

Theminkosi Theophilus Mzukwa (26), who activated a limpet mine outside an inquiries office at the Langa police station and threw a handgrenade at the charge office and a patrolling Caspir, was jailed for 25 years by Mr Justice H C Nel at the end of a marathon trial in the Supreme Court.

LIMPET MINES

Joseph Ngoma (28), who detonated two limpet mines at the Mowbray railway station, was also sentenced to 25 years' imprisonment.

They were among 13 ANC supporters convicted of terrorism or assisting terrorists.

Mr Justice Nel said Ngqungwana, Mzukwa and Ngoma were trained terrorists who embarked on a campaign of terrorist activities in the Western Cape.

"Ngqungwana was the leader and Mzukwa and Ngoma, while professing to have embarked on

a so-called military campaign against the South African Government, placed the lives of innocent civilians, black and white, in jeopardy," the judge said.

"If any civilian had been in the vicinity of the Langa police station at the time of Mzukwa's activities, the chances are it would have been a black person.

"And even if it is accepted as true that Ngoma had timed the explosion of the mines at the railway station so that there would not be a train there, it is obvious that he took no steps to avoid injury to any person who might have decided to use the toilet or waiting room at midnight that night."

Mr Justice Nel said that, having had reason to suspect that Zwandile ("Lucky") was a terrorist, Gladwin Mabengeza (35) Cyril Moyiri Ntabeni (31) and Norman Siseko Macanda (29) failed to report him to the police.

Ntabeni and Macanda were given three-year jail terms and Mabengeza, who also provided "Lucky" with transport on occasion, was jailed for eight years.

"These accused are terrorists, not only as defined in the rele-

vant statute, but in the ordinary sense of the word.

"Society should be protected from them. Exemplary sentences should be imposed.

Mr Justice Nel said Sazi Veldtman (29), Quentin Michaels (31) and Cecil Essau (34) had played an important role, ranging from the importation to the concealment of arms.

Veldtman was jailed for 15 years and Michaels and Essau for 12 years each.

Mthetho Douglas Myanya (37), who failed to report the presence of Ngqungwana and Veldtman to the police and retained an AK-47 rifle for three weeks, was jailed for eight years.

Joseph Mkhulhwa (31), Anderson Nelvata (34) and Reed Macozoma (27), who accepted and secured safe storage for a limpet mine, were each imprisoned for five years.

ANC 13 in appeal bid

By SAHM VENTER and VUYO BAVUMA

LEGAL counsel for the 13 ANC men jailed for between three years and life this week will apply for leave to appeal against the sentences.

After a tense and emotional day when the men received heavy sentences for offences under the Internal Security Act, defence counsel Dullah Omar told SOUTH that an application for leave to appeal would be made soon.

Shortly after noon on Wednesday, the 13 men dressed in green, gold and black tracksuits - the colours of the ANC - climbed the steps from the Cape Town Supreme Court cells into the packed court with fists clenched in salute.

They turned to face family and friends in the top gallery, who rose and returned the salutes.

Those who had taken their seats in the top gallery had been waiting for more than three hours to see their loved ones and friends being sentenced. Earlier more than 100 people, including relatives of the trialists were dispersed from the court building by police with dogs.

Before sentencing began, J Whitehead, for the defence, asked Mr Justice H C Nel if the bottom public gallery could be used by the public as police had refused some family and friends entry.

Nel refused but allowed some family members to enter the top gallery.

The bottom gallery was filled with police and prison officials. There were more than 30 police in the court.

Mrs Maria Esau, mother of one of the trialists Cecil Esau, left Worcester at 4 am to get a seat in the public gallery. Mrs Esau who is recovering from a stroke and finds it difficult to walk unaided, arrived at the court at 6.15 am.

The 13 men stood, sometimes straining to hear as Nel handed down the sentences. There were gasps from the gallery as each man was sentenced.

Lizo Ngqungwana, 27, looked stern as he was sentenced to life imprisonment. Joseph Them-binkosi Mzukwa, 27, and Joseph Malusi Ngoma, 31, both from Langa, chuckled when they heard their sentences of 25 years each.

Sazi Veldman, 32, a Nyanga post office clerk and second-year Unisa BA student was jailed for 15 years. Mthetho Douglas Myanya, 35, a Guguletu social worker and part-time UCT student was jailed for eight years.



Mrs Maria Esau is helped from the Cape Town Supreme Court after her son Cecil was sentenced to 12 years

Joseph Susele Mkhuhlw, 34, a ther of seven, was sentenced to former railway worker was sentenced to five years. Anderson Cyril Moyisi Ntabeni, 31, of Zingisele Ncivata, 34, and Reed Khayelitsha and Norman Siseko Zwelethu Macozoma, 27, both Macanda, 29, of Langa were each sentenced to three years each.

Quentin Deon Michels, 24, of Mandalay, a Silverstream Senior Secondary School teacher and Cecil Esau, 31, a UWC student and former UDF rural organiser, were jailed for 12 years each. Gladwin Mthethelili Mabengeza, 35, a Guguletu fa-

The shocked silence after sentencing was broken by the loud cry of "Amandla" and the singing of a freedom song. Family members waved and blew kisses at the smiling men, who were jostled by police towards the stairs to the cells.

ANC FIGHTERS 'NOT TERROS'

331

AFRICAN National Congress members convicted and executed for their activities in South Africa were regarded as freedom fighters by the black community and not as terrorists, the Pretoria Supreme Court was told yesterday.

Mr Simon Popo Molefe, general secretary of the United Democratic Front, also told the court that blacks respected ANC members such as Nelson Mandela and Govan Mbeki, both serving life sentences, and executed ANC cadres. Thele

By MONK NKOMO

Mogoerane and Solomon Mahlangu.

"The black community has respect for them because they have taken serious risks and sacrificed the comfort of being with their families, their education and are dying to end apartheid in this country," Mr Molefe said.

"The Government sees them as terrorists but the black community regard them as freedom fighters seeking to liberate them," he said.

Mr Molefe denied during

cross examination by the prosecutor, Mr P B Jacobs, SC, that the UDF regarded the Government as being illegal. Mr Jacobs caused a stir and giggles in court when he suggested to Mr Molefe that the meaning of the term illegal and illegitimate were the same.

"No", interrupted Mr Justice van Dijkhorst, "go and look it up in the dictionary".

Mr Molefe has been in the witness box for eight days now. He and 18 other people who include high-ranking officials of the UDF, the Azanian People's Organisation and the

Respect
for men
such as
Nelson
Mandela
- Molefe

Vaal Civic Association have pleaded not guilty to charges of murder, treason, subversion and terrorism.

(Proceeding)

13 ANC

'terrorists' jailed

By SHAUNA WESTCOTT
Supreme Court Reporter

THIRTEEN ANC members and sympathizers were sentenced by the Supreme Court yesterday to jail terms ranging from life to three years.

Earlier, many people — including family of the 13 — struggled in vain against police refusals to allow them into court, after queuing in the rain outside from 6.30am.

Several people who took up seats in the public gallery at 9am, waiting until proceedings started at 12.15, gave up their places to relatives of the 13. Nine relatives finally got into court only after defence counsel made formal application for their admission.

People who could not get into court were driven away from the building and prevented from congregating on nearby street corners by policemen with dogs who also drove crowds away after the court adjourned.

Minutes after noon, the whole public gallery rose

CAE Tuis 13/08/77 231 Judge imposes 'exemplary' terms

in silence for the entrance of the 13, dressed in individually styled track-suits in the green, black and gold colours of the ANC.

Mr Justice H C Nel, after briefly summing up the course of the trial, including the admissions made by the 13, said those convicted in terms of section 54 (1) of the Internal Security Act were "terrorists not only as defined in the relevant statute, but in the ordinary sense of the word" and should have "exemplary" sentences imposed on them.

He sentenced 27-year-old Umkhonto we Sizwe (MK) commander Lizo Ngungwana to life imprisonment and MK cadres Theminkosi Mzukwa, 26, and Joseph Ngoma, 28, to 25 years.

Fellow MK cadre Sazi Veldman, a 29-year-old

post office worker, was sentenced to 15 years and 12-year terms were imposed on 34-year-old UWC law student Cecil Essau and 27-year-old teacher Quentin Michels.

The rest of the 13 were convicted in terms of section 54 (4) of the same act, which makes it an offence to harbour or help or fail to report to police any person "there is reason to suspect" may have committed or be planning terrorism, subversion or sabotage as defined by the act.

Social worker Douglas Myanya, 37, was sentenced to eight years, as was 35-year-old scooter-driver Gladwin Mabengeza.

SATS labourer and former migrant mine worker Joseph Mkhulhwa, 31, was sentenced to five years, as were 34-year-old Anderson Ncivata and 27-year-old Reed Macozoma.

Three-year jail terms were imposed on 31-year-old Cyril Ntabeni and 29-year-old Norman Macanda. Mr L P Francis and Mr W R Vivier were assessors. Mr W C Viljoen appeared for the state with Mr M. Stowe, Mr D A Kuny SC, with Mr J R Whitehead, Mr A M Omar and Mr S Desai and instructed by E. Moosa and Associates and R Vassen and Co, appeared for the 13.



COURT SCENE... Police with dogs at the entrance of the Supreme Court yesterday.
Picture: ADIL BRADLOW

'Made false statement after police death threat'

AN accused at a terrorism trial in East London this week told the court he made a false statement about a bomb blast in Queenstown after a security policeman assaulted him.

Mr Fikile Owen Gwadana of Queensdale, near Queenstown, and Mr Mzwabantu Errol Dapula are facing 16 counts of sabotage, unlawful possession of ammunition and harbouring a man believed to be a terrorist.

They have pleaded not guilty to all the counts.

They were arrested on July 13 1986 following a bomb blast at the Fred Pettit Centre in Queenstown.

They are also alleged to have harboured Mr Luvuyo Leruma whom they knew to be a trained ANC guerilla. Mr Leruma died with three others in a shooting incident with the South African Police near Port Jackson, East London in July last year.

Assaulted by police

Giving evidence today, Gwadana said after his arrest he was assaulted by the security police.

'What I told the police and the magistrate was lies because I thought that would save my life as the police had threatened to kill me if I would not admit to having planted the bomb,' he said.

When the police asked him whether he knew anything about the limpet mines, Gwadana said he told them he saw only two hand grenades in Lerume's possession.

'They asked me about the bomb blast at Fred Pettit Centre. I said I knew nothing of the bomb blast.

Gwadana said after he had denied knowledge of the bomb blast a Major Venter and Jordaan assaulted him with fists, pushing him against the wall and also throttled him.

'For fear that I was going to die I admitted that I knew something about the bomb blast,' he said.

The trial continues. - Elnews

331 South
13-17/8/87

THE SOUTH African Government was undemocratic because it entrenched the policy of apartheid and denied the majority of its people the right to vote in their own country, Mr P. P. Simon Molefe, general secretary of the United Democratic Front, told the Pretoria Supreme Court yesterday.

Mr Molefe, who has been in the witness box for nine days, said they referred to the Government and its institutions as "enemies" because it furthered the policy of apartheid.

He told the court that the UDF was opposed to those who entrenched the policy of apartheid and sold it to the white electorate.

The UDF has white members who rejected this policy despite having the right to vote. The UDF was not against whites in general but only against those who made the laws, Mr Molefe said.

In reply to Mr P. B. Jacobs, S.C., for the State, Mr Molefe said that the UDF's aim was to have a government elected by all its people — black and white — adding that the UDF was not using its white members "for sinister goals".

Mr Molefe and 18 others, who include senior officials of the UDF and the Azanian People's Organisation, have pleaded not guilty before Mr Justice van

THE GOOD AND told of UDF's policy on SA whites

Dijkhorst to charges of murder, treason, subversion and terrorism.

Mr Molefe agreed that the UDF referred to the South African Government as an "imperialist" state and said Russia could also be labelled an imperialist government if it took control of another country.

Mr Molefe said the UDF did not adopt the Freedom Charter because of the different views shared by its affiliates. "We did not reject it. We still view it as a significant document," Mr Molefe said.

He rejected a suggestion by Mr Jacobs that the UDF sought to take over control of the Government. "It is our policy that all the people of this country should have a right to vote for a non-racial and democratic government," he said. (Proceeding)

14-20 18/07 331 w/Haul

Stiff sentences for ANC 13

SENTENCES described as "savage" by family and as "exemplary" by the presiding judge were imposed on 13 African National Congress members and sympathisers in the Cape Town Supreme Court this week.

Judge HC Nel sentenced Umkhonto weSizwe commander in the Western Cape, Lizo Bright Ngqungwana, 27, to life imprisonment and imposed 25-year terms on MK cadres Joseph Ngoma, 28 and Thembinkosi Mzukwa, 26.

Fellow MK cadre Sazi Veldtman, 29, received 15 years and 34-year-old University of the Western Cape law student Cecil Esau and teacher Quentin Michels, 27, each got 12 years.

These six, convicted in terms of section 54(1) of the Internal Security Act, were "terrorists not only as defined in the relevant statute but in the

By SHAUNA WESTCOTT,
Cape Town

ordinary sense of the word", said the judge.

The other seven men were convicted in terms of section 54 (4) of the same Act, which makes it an offence to harbour or help or fail to report to police any person "there is reason to suspect" may have committed or be planning terrorism, subversion or sabotage as defined by the Act.

Social worker Douglas Myamya, 37, was sentenced to eight years as was scooter driver Gladwin Mabengeza, 35. South African Transport Services labourer and former migrant mine-worker Joseph Mkhulhwa, 31, was sentenced to five years as were Anderson Ncivata, 34, and Reed Macozoma, 27.

Three-year jail terms were imposed on Cyril Ntabeni, 31, and Norman Macanda, 29.

Security force presence, which has been heavy throughout the trial, which began in April, was large on Wednesday. At least 40 policemen were in court and a helicopter, *kits-konstables*, riot police, traffic police, street barricades and dogs were deployed outside the court building from early morning until after the 13 were whisked away minutes after sentence was passed.

The 13 entered court in tracksuits in the green, black and gold colours of the ANC. Mzukwa and Ngoma laughed as they were sentenced. Families were equally resolute. "We'll cry at home, but here we'll show no tears," they said.

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Expert witness gives evidence at terror trial

ANC attractive in '70s — Lodge

By Duncan Guy

The banned African National Congress (ANC) had been attractive to many black people in the 1970s because of a lack of constitutional outlets for their political and social aspirations and the effects of the 1976 Soweto uprisings, a Johannesburg magistrate heard yesterday.

Expert evidence on the ANC was given yesterday by a Witwatersrand University political scientist, Dr Tom Lodge, during evidence in mitigation for two members of the organisation's military wing, Umkhonto we Sizwe, who have been convicted on two terrorism charges and one under the Internal Security Act.

Dr Lodge said Theodore Vuzimusi Bigboy Zwane (36) and Solomon Moloi Makape (34), unlike the generation ahead of them, were typical of ANC recruits when they left South Africa in 1976.

After 1973, when the economy had stopped growing, the cost of goods in black households rose by 40 percent.

"They expected more from their lives and, at the time, job reservation for whites had the impact of making it difficult for blacks to use their skills," Dr Lodge said.

The two men were literate, but they were only able to find work as labourers and, in Makape's case, influx control was another obstacle to finding employment.

"Although the education crisis at the time of the Soweto riots did not affect them directly, widespread rioting came to Zwane's township, Katlehong, where the Government's Cilliers' Commission of Inquiry recorded ten incidents."

Zwane, however, found Afrikaans a hindrance.

The hearing continues.

Change in SA is inevitable - UDF's Molefe

By SOL MORATHI

THE South African government's system of apartheid was denying black people most of their right to the country's wealth and provided the minority white group with extraordinary privileges, the Pretoria Supreme Court heard this week.

United Democratic Front general secretary Popo Molefe said this under cross-examination by prosecutor PB Jacobs.

Molefe also said South Africa had reached the cross-roads, and that those who still wanted to keep the present political order, lived in a dream world.

"Change must occur which will protect the interests of everybody in this country," he said.

"In today's world, elements like conversion, negotiations and agreement are a necessity. This forms part of the constitution of the United Democratic Front.

"And any party that wants to avoid these realities is guilty of ignoring the facts," said Molefe.

Molefe added that the UDF was not attempting to recreate the African National Congress.

"It is true that both the UDF and the

ANC are groups opposed to apartheid in South Africa. But we must say categorically that we have no relationship with the ANC and we don't envisage to have one because we are operating legally and the ANC is banned.

"The methods we are using to oppose the State also differs fundamentally. The ANC uses violence, while we are dedicated to non-violence."

He told the court that white manpower was overstrained and that it was necessary to give non-whites a place in the country's

economy to ensure economic growth and prevent social unrest.

Molefe, who has been in the witness box for 10 days, was giving evidence in the trial of 18 people - including high-ranking UDF, Azapo, and civic organisation leaders - who are facing charges of high treason and, alternatively, charges ranging from terrorism to subversion and murder.

Molefe is one of the accused.

All the accused pleaded not guilty to all the charges.

The case is proceeding.

10/8/87 CRR

(235)

Martha Mahlangu,

A second bomb scare

CP Correspondent

STANDARD Bank staff in Church Street, Grahamstown, evacuated their building on Wednesday after a bomb threat.

The evacuation was the second in a week, both at midday.

A security guard at the bank said the threat was made on the phone at about 12.15am.

The bank manager refused to comment and the police also did not have any comment on the matter. — Albany News Agency.

be expected to ask their communities to sign the petition forms and send them to Botha to plead with him to spare the lives of our compatriots," said Lek-horo.

Albertina Sisulu said it would be a first degree murder should the 32 compatriots hang.

"The Geneva Convention says no political prisoner should be sentenced to death and if Pretoria turns a blind eye to that clause, this would be murder," she said.

She said no parent would venture to kill his or her child even though the child had caused serious embarrassment to the family.

188 strikers get the sack

CP Correspondent

CONFUSION reigned at East London's Mercedes-Benz plant on Tuesday when management announced that 188 workers had been dismissed.

However, National Union of Metalworkers of South Africa officials said they had not been informed of the dismissals.

The company had issued an ultimatum for the workers to end their strike, which had started on Monday, and return to work by Tuesday morning or face dis-

missal.

The workers ignored the ultimatum and the company then announced it had dismissed 188 workers.

A company spokesperson, Delene MacFarlane, said it had been decided to dismiss the 188 workers because they were considered responsible for the strike.

The company had "no choice but to expel them", she said, adding that it was hoped the other workers would return to work. There are an estimated 2 800 workers at the plant.

However, yesterday morning workers at the plant were again refusing to return to work. Instead, they were waiting for management to approach their representatives for talks.

MacFarlane could not say whether management would initiate talks with Numsa, the union representing the workers.

Workers in one of the Mercedes Benz plants went on strike last week in support of demands for a minimum hourly wage of R5.

Late last week, the company obtained an interdict against the union in the Industrial Court, restraining it from participating in the strike and simultaneously issued the ultimatum to return to work on Monday.

On Monday, a planned meeting between management and Numsa failed to materialise when management informed the union's negotiating team that three of its members — senior shop stewards — had been dismissed. — Elnews.

'Forced' ANC funeral

By MARTIN NTSOELENGOE

ALEXANDRA township "comrades" allegedly forced a family to bury their son in the township as an ANC soldier, instead of in the homelands, as they wished.

This was revealed before Judge FH Grosskopf in the Rand Supreme Court this week by the dead man's brother.

Appearing in court are seven Alexandra men and a 17-year-old youth on charges of high treason, sedition or subversion. All have pleaded not guilty to all the charges.

The accused are: Ashwell Mxolisi Zwane, 20, Vusi Andries Ngwenya, 20, Andrew Mafutha, 22, David Ma-

futha, 19, Arthur Selby Vilakazi, 24, Albert Sebola, 21, Piet Magano, 28, and the 17-year-old youth.

The dead man's brother, who may not be named, said after his brother's death comrades came to their house and told him that his brother died as an unrest victim and must, therefore, be buried as an ANC soldier.

He said his father was very upset about the comrades' decision.

Under cross-examination by the prosecutor, E du Toit, he admitted that his brother died of natural causes.

He said on the day of the funeral, his brother was buried with 17 others

at a mass funeral held at the Alexandra cemetery.

Another State witness said that, after his brother had died from tear-gas fumes, comrades came and told his sister-in-law that her husband would be buried as an ANC soldier.

He said at the eve of the mass funeral, comrades put up a tent and also brought plastic chairs.

Later they were told that there would not be any night vigils at any of the victims' houses, but a joint service would be held for all those who had died at the Roman Catholic Church.

The case is proceeding.

Officer fined R1 500

CP Correspondent

A PORT Elizabeth policeman, Constable Winston Owen Vencencie, 24, was fined R1 500 or 12 months in jail plus one year conditionally suspended in the Port Elizabeth Regional Court this week.

CP Correspondent

CISKEI police disrupted the funeral of a Potsdam community leader last weekend, according to Black Sash officials who witnessed the incident.

Sue Power, chairperson of the Sash's Border region, described how mourners at the funeral of Zola Nozewu, allegedly mur-

Potsdam funeral disrupted

dered by vigilantes, were first teargassed then sjambokked without warning.

She added there was no reason for the disruption as the funeral was "most or-

derly".

Ciskei police PRO Colonel Avery Ngaki confirmed that teargas was used twice at the funeral, but claimed the funeral crowd had been dispersed when they became rowdy.

He denied Power's claim that there had been no warning and that people had been sjambokked. — Elnews.

Molefe: UDF made victim of repression

Pretoria Correspondent

19/8/84
331 Star

The United Democratic Front (UDF) became a victim of repression when several of its leaders were detained, said UDF general secretary Mr Popo Molefe (35) in cross-examination in the Pretoria Supreme Court yesterday.

Mr Molefe is on trial with 18 other members of the UDF, Azapo and local civic organisations. They have pleaded not guilty to high treason and alternative charges ranging from terrorism and subversion to murder.

Mr Molefe said he himself was "a victim of of detention without trial" when he was jailed for about three months at the end of 1984.

The hearing continues.

High-ranking ANC men jailed for terrorism

By Duncan Guy

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Two high-ranking officers, who served in African National Congress (ANC) training camps in Angola from 1977 to 1982, were today jailed for 11 and 12 years respectively by a Johannesburg magistrate. Solomon Molozi Makape (34) and Theodore Vuzimusi Bigboy Zwane (36) were found guilty on two charges of terrorism and one charge under the Internal Security Act.

Zwane was sentenced to a year more than Makape because he was charged with having more firearms in his possession at the time of their arrest in Bophuthatswana last year.

Makape was said to have been "chief of defence" and Zwane "chief of ordinance" at the camps in Angola.

They were further charged with having left South Africa in 1976 and joined the ANC's military wing, Umkhonto we Sizwe, and having undergone military training in the Soviet Union.

They pleaded not guilty initially but changed their pleas to guilty after a secret witness, who was one of their trainees, testified that he recognised them.

Makape and Zwane were arrested last October in Bophuthatswana on a mission which they said involved observing houses in the Northern Transvaal to accommodate ANC members.

The State could not give precise details on the nature of their mission.

The magistrate, Mr I J J. Luther, said although the men had grievances against the system in South Africa, it was not for the court to decide whether it was justified that they join the ANC. Giving evidence in mitigation of sentence, Makape testified that before 1976 he had been harassed by police in Soweto because his girlfriend was not entitled to be in the township.

He also said he worked for little money on the mines, some of the time as an assistant nurse. His original plan when he left South Africa was to study medicine in United States. He decided to join Umkhonto we Sizwe once he was out the country.

In his evidence Zwane recalled being a victim of a forced removal as a child and finding it difficult to get work because of job reservation.

He added that the use of Afrikaners as a medium of instruction in black schools hindered his educational opportunities.

He also recalled seeing his ill mother being "arrested like a thief" because she owed R18 to a shop. He said this would not have happened were she white.

The magistrate pointed out that the men were arrested they had arms, including hand grenades and an automatic weapon, which they said they would have used against security forces if they were cornered.

"Luckily, there was no confrontation."

ided they stand

caucus
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ANC
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and ade-

By LESTER VENTER
Political Correspondent

quate information about the trip before leaving.

They were Mr Peter Gastrow, MP for Durban Central and the party's youthful national chairman, Mr Pierre Cronje, MP for

Greytown, and Mr Pieter Schoeman, a President's Council member. Their apologies were released to the media.

The outcome of the affair that highlighted deep divisions within the party was seen as a victory for its conservative faction.

And although the Dakar differences are now ostensibly settled, the questions and tensions that were revealed continue to gnaw at the fundamentals of the party's existence.

Some party sources are not ruling out the likelihood that the party could in future split over its internal differences.

On Thursday, party cohesion will be tested anew when the PFP faces the full brunt of Government attack in the Parliamentary debate on the State President's vote. Mr P W Botha will himself lead the assault.

The Dakar incident — ostensibly a procedural technicality — has illustrated the rise of a conservative, pragmatic faction in the party. Until now a group of idealistic, liberal purists were seen to hold the sway.

The idealists were responsive to a swell of opinion, mainly among party rank-and-file youth, that Parliament governed without the legitimising assent of the majority of the population. It should, on those grounds, leave the institution, they said.

Demoralised

Or at least the party should not pander to the prejudices of the electorate and should spell out its ideals, such as on universal franchise, unequivocally.

This faction peaked immediately after the May 6 election, as the badly demoralised party assessed its losses to the National Party.

However, this period also saw the pragmatists gathering muscle. They argue there is no point being in politics if one is not going to enter the market for votes.

They point to the successes of the Independents, who stood on very much the same principles as the PFP — but played their rhetoric much closer to the Nats and were much more successful in drawing disenchanted and

Faction cracks show in PFP's Dakar dilemma



PETER GASTROW
A party Idealist



COLIN EGLIN
Man in the middle



HARRY SCHWARZ
Conservative leanings

doubtful Nat voters. The latter is the key to electoral success for any opposition party.

In this respect the pragmatists saw the Dakar talks as harmful to the party's image, particularly in the wake of the Johannesburg bomb blast

the day before the expedition's leader, Dr Frederik van Zyl Slabbert, returned to South Africa.

The idealists are identified with Claremont MP Mr Jan van Eck, and include Mr Cronje, Mr Gastrow, Mr Tian van der Merwe (Greenpoint) and Mr Jan van Gend (Groote Schuur).

The pragmatists are associated with Mr Harry Schwarz, MP for Yeoville, Dr Marius Barnard (Parktown), Mr Ray Swart (Berea) and Prof Nic Olivier (nominated).

A large group straddle both strains of thought and gather around Mr Eglin.

The existence of the two factions arises from what the party's analysts call its "dual constituency" ... and illustrate the dilemma of promoting liberal thought in South Africa.

The PFP's dual constituency consists of the largely conservative white voters on the one hand, and black and extra-Parliamentary politics on the other.

Opposed

Years of the terror war of the ANC, and the propaganda war that has been mounted as part of the Government's counter-assault, have created a voting population vigorously opposed to the ANC and anything associated with it.

Yet a serious political group cannot move very far in black politics without bumping into the United Democratic Front, the ANC itself, or schools of thought sympathetic to it.

The PFP's principles commit it to working for a reconciliation of the two aspects of its dual constituency.

While in Parliament it runs an Unrest Monitoring Action Committee, headed by Mr van Eck, and a programme called Outreach, aimed at establishing contact with communities outside the Parliamentary orbit.

Some PFP members, many observers, and thousands of voters believe the party is, in a polarised society, trying to mix fire and water.

urai — much more style for a whole
KB Fleetside 1,6ℓ petrol — a defiant
with the kind of features normally
a huge 73 litre fuel tank; tinted win-
dows; 195 x 14 radial tyres on
styled wheels with chrome nuts; a
gun-metal front bumper with extra
cooling slots; inertia reel seatbelts;
NEY, a step-up rear
bumper; and a
load - compen-
sating braking
tem with a load-sensitive brake limiting
to ensure that the rear braking effort
directly proportional to the load being
ried. The new hydraulic clutch also fea-
oid operated limiting valve that slows

Bethal terrorism trial resumes

The trial of 30 Witbank activists on charges of terrorism, subversion, public violence and nine counts of attempted murder resumed in the Bethal Regional Court today.

The crimes are alleged to have been committed between July 1985 and July 1986.

The accused, who have pleaded not guilty, first appeared in the Bethal court on June 15, many of them after spending a year in detention.

The 29 men and one woman are aged between 13 and 34 and live in the Witbank townships of Lynnville, Ackerville and Thushanang. They are members of the Witbank Educational Co-ordinating Committee, the Witbank Youth Congress and the Witbank Student Congress.

They include a first-year Rhodes University law student, Mr Sam Mkhabela, and a second-year Wits University student, Mr Peter Mnisi.

'OVERTHROW THE GOVERNMENT'

The State alleges the accused conspired with the African National Congress and its military wing, Umkhonto we Sizwe, to overthrow the South African Government.

They are alleged to have conspired with other organisations, including the United Democratic Front, the National Union of Mineworkers, the Soweto Parents' Crisis Committee (SPCC) and the Detainees' Support Committee (Descom), to fur-

ther the aims of the ANC by providing it with information, recruiting people to join its ranks and carrying out its instructions and campaigns.

The State alleges they held meetings to popularise the ANC and its military wing, Umkhonto we Sizwe, indoctrinated members of the black community in Witbank and committed acts of violence against town councillors and police officers.

They are also alleged to have encouraged and intimidated people to stay away from school, organised marches, manufactured petrol bombs, attacked delivery vehicles, sought confrontation with the security forces, threatened alleged informers with the "necklace" and formed people's courts.

There are 17 alleged co-conspirators, including the general secretary of the South African Catholic Bishops' Congress, the Rev Smangalis Mkhatswa, the general secretary of the Congress of South Trade Unions, Mr Jay Naidoo, and the editor of *New Nation*, Mr Zwelakhe Sisulu.

During the earlier part of the trial, six State witnesses were each given a two-year jail sentence for refusing to give evidence.

The accused are represented by Mr Rodney Black and Mr P Mojapelo. Counsel for the State is Mrs M L P van der Walt.

Star (331)
17/8/87

All should govern, says UDF's Molefe

By MONK NKOMO

POWER to govern should not be confined to the minority but given to all people in South Africa, Mr Popo Simon Molefe, general secretary of the United Democratic Front, said in the Pretoria Supreme Court yesterday.

Mr Molefe also said the Government's implementation of the new constitution had failed to end apartheid, exploitation of the oppressed masses, bantustans and the Group Areas Act.

"The new constitution is a perpetuation of apartheid," said Mr Molefe.

The Government had failed to address key

A call from witness box

problems that included evictions and stringent influx control laws and instead introduced black local authorities which cannot solve these issues and were in fact "incapacitated by apartheid", Mr Molefe told the court.

He and 18 others, including Mr Patrick "Terror" Lekota, the national publicity secretary of the UDF, and other senior members of the organisation and high-ranking officials of the Azanian

People's Organisation have pleaded not guilty before Mr Justice van Dijkhorst and an assessor to charges of murder, treason, subversion and terrorism.

Mr Molefe said the Government would never abandon apartheid if blacks did not protest against these laws. He stressed, however, that the UDF, a non-racial organisation, encouraged peaceful protests.

Although they were against apartheid, the

UDF wished to "win back" those responsible for implementing these laws and show them better and progressive ways of running the country, said Mr Molefe.

Cross-examined by Mr P B Jacobs, SC, for the State, Mr Molefe denied that the UDF had mobilised to build anger among the masses.

"What we want is a vote for all the people in South Africa. What we want is a government elected by the people," he said.

Mr Molefe said the struggle was against apartheid. He added: "Power to govern should not be in the hands of the minority — but all the people in South Africa."

(Proceeding)

'Border war deaths can be ended'

By MONK NKOMO
Pretoria Bureau

THE scrapping of apartheid will put an end to the unnecessary death of young South Africans who are fighting each other at the borders, Mr Popo Simon Molefe, the general secretary of the UDF said in the Pretoria Supreme Court yesterday.

"All those young men dying on the border are South Africans. An end to apartheid will put a stop to the unnecessary deaths and compulsory military conscription," Mr Molefe said.

Cross-examined by Mr P. B. Jacobs, SC, for the State, Mr Molefe said the number of people who do compulsory military service and who are fighting on the border would be reduced should Namibia be granted independence.

Complaints

Some of the resolutions taken by the UDF, Mr Molefe said, included complaints about the activities of the members of the South African Defence Force who were no longer defending the country against its enemies but waging "an unjust war against unarmed civilians in the townships."

Mr Molefe, who has been in the witness box for 12 days, warned that the longer apartheid and repression continued, the more distant the solution for peace and stability would be in the country.

He told the court that the UDF supported the call by black students for "a single, non-racial and democratic system of education for all the people in a democratic South Africa."

Mr Molefe and 18 others who include senior officials of the UDF and the Azanian People's Organisation have pleaded not guilty before Mr Justice van Dijkhorst, sitting with an assessor to charges of murder, treason, subversion and terrorism.

(Proceeding)

'HOW TO BRING PEACE'

AFRICAN National Congress leader Nelson Mandela and other political prisoners should be unconditionally released from jail and allowed to participate in the negotiations for a free and democratic South Africa, the Pretoria Supreme court heard yesterday.

Mr Popo Simon Molefe, general secretary of the United Democratic Front, said political prisoners should be released with the purpose of involving them in negotiations with the government to enable all South Africans the right to vote.

Mr Molefe told the court that it would be a "futile exercise" by the government to release Nelson Mandela and other political prisoners and subject them to apartheid policies that included banning.

"They went to jail because they protested against apartheid. It will be a futile exercise to release them into the same kind of situation.

By **MONK NKOMO**
Pretoria Bureau

They must be released and allowed to take part in negotiations for a peaceful and democratic system of government," said Mr Molefe.

He also warned that the use of the police and the army to silence those who spoke out against apartheid would not help solve the problems of this country.

"The cries for freedom and an end to apartheid will not stop. You can't silence people by manufacturing weapons to suppress them. And you don't need arms to have peace in this country," said Mr Molefe who has been in the witness box for three

weeks.

He and 18 others who included senior officials of the UDF and the Azanian People's Organisation have pleaded not guilty before Mr Justice van Dijkhorst, sitting with an assessor to charges of murder, treason, subversion and terrorism.

Cross examined by Mr P B Jacobs SC, for the State, Mr Molefe denied that the UDF was a revolutionary organisation.

"I am not in the revolution. I am in the struggle against apartheid.

"The key issue is the establishment of a democratic government voted into power by all the people in South Africa," said Mr Molefe.

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Swept
18/8

...A CLOTHING...

Q'town terror trial: major accused of misleading court

EAST LONDON — A major in the security police was accused of deliberately misleading the court during the sixth day of the Queenstown bombing trial held in the regional court here yesterday.

Advocate J. Poswa, who is defending Mr Fikile Owen Gwadana and Mr Mzwiwabantu Errol Dapula, who allegedly bombed a Queenstown shopping centre last year, said Major F.J. Venter failed to inform Mr Gwadana that he was not under arrest and therefore did not have to make a statement.

Mr Gwadana was taken from his place of work by Major Venter and another security police officer on June 31, 1986, and was questioned by them at a police station about a bomb that was detonated at the Fred Pettit Centre on June 28, 1986.

At a previous hearing,

it was said that while Mr Gwadana was being questioned at the police station, he admitted planting the explosive device at the centre.

Major Venter said Mr Gwadana was placed under arrest only after he admitted planting the bomb. He said the accused was free to leave before he was arrested.

He said he did not inform Mr Gwadana at the time that he was not under arrest and that he was only being interviewed as a possible witness.

Major Venter said they originally wanted Mr Gwadana to be used as a witness against Mr Dapula.

Mr Poswa put it to Major Venter that Mr Gwadana was under arrest all along and that he was "deliberately misleading" the court.

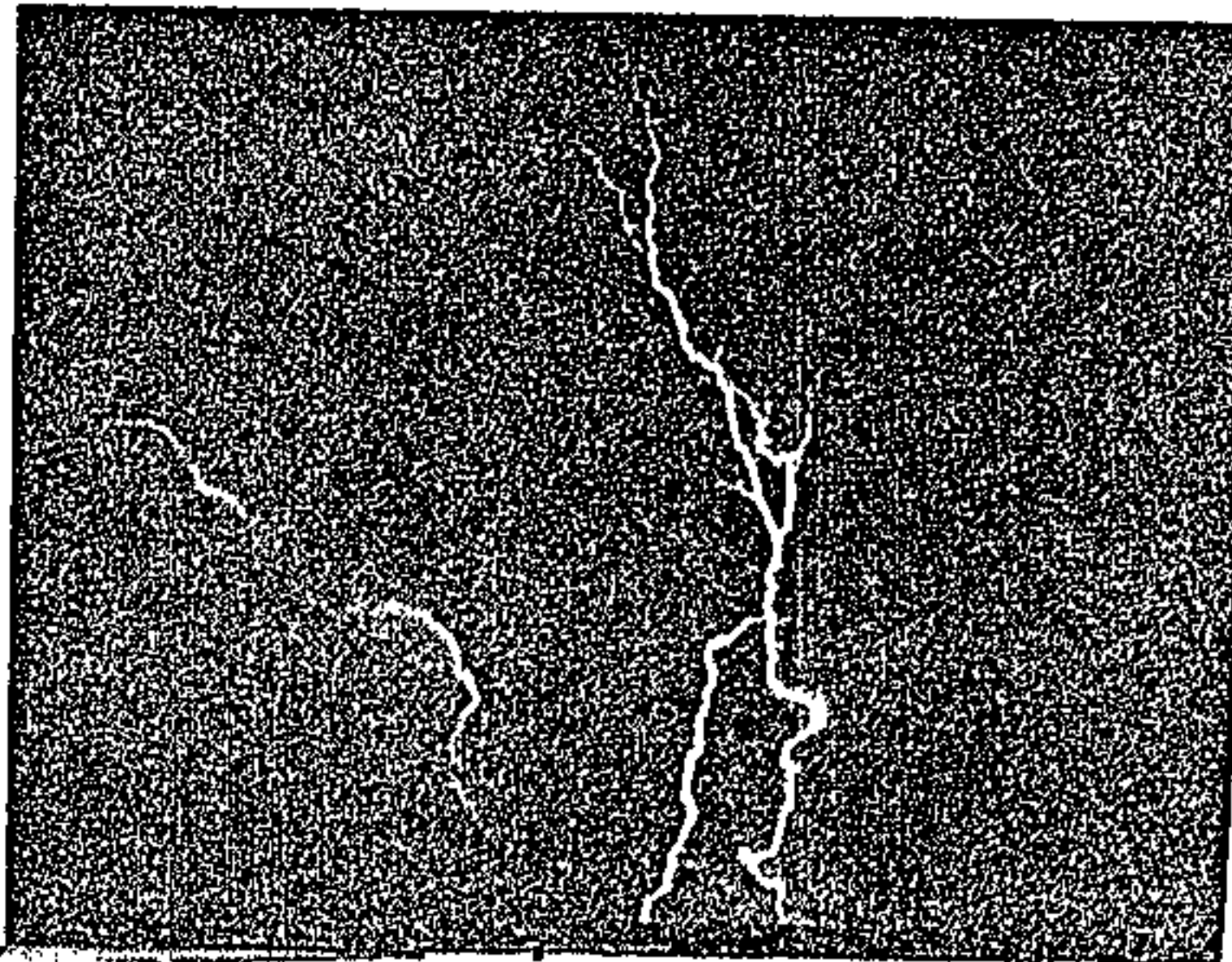
The case continues today. — DDC

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THE MEANING OF REVOLUTION

21/8/87
331

A HIGH-RANKING official of the United Democratic Front yesterday rejected allegations by the State that his organisation was engaged in a revolutionary struggle to overthrow the Government.

Mr Popo Simon Molefe, general secretary of the UDF, also dismissed suggestions by Mr. P. B. Jacobs SC, for the State, that Mrs Albertina Sisulu, a president of the UDF, and Miss Amanda Kwadi had propagated revolution during their speeches allegedly delivered at the annual conference of Azaso in 1984.

The two women belonged to the

UDF man explains term

By MONK NKOMO

Federation of Transvaal Women and were committed to a peaceful and non-violent struggle against apartheid, Mr Molefe told the Pretoria Supreme Court. The word "revolution" was loosely used in many speeches in the townships. The UDF was a non-violent organisation, he said.

Mr Jacobs also put it to Mr Molefe that a fellow-acused, Mr Patrick "Terror" Lekota, national publicity

secretary of the UDF, delivered a speech in Huhudi, Vryburg, in 1984, telling the people that the price of freedom was "blood and death."

Domination

The witness told the court that he interpreted the speech to mean that many people had died resisting domination ever since whites came to this country.

"He is not calling for any violent action", Mr Molefe said.

He also rejected suggestions by Mr

Jacobs that Mr Aubrey Mokoena, a UDF executive member, was committed to violence. Mr Molefe told the court that Mr Mokoena was a "committed Christian" who, in a speech called for the release of Nelson Mandela.

Nineteen people, including senior officials of the UDF and the Azanian People's Organisation, have pleaded not guilty before Mr Justice van Dijkhorst sitting with an assessor to charges of murder, treason, subversion and terrorism. The accused are represented by Mr George Bizos SC, Mr Gilbert Marcus and Mr Zac Jacob.

Nun in court

Art Times
22/8/87

331

JOHANNESBURG. — Sister Mary Maki Zellie Ncube, 51, appeared in the Regional Court here yesterday charged with sedition, alternatively subversion, after 14 months' detention.

Cape Times 22/8/77
**Busman
killer gets
death**

Staff Reporter

A MAN who shot dead an Oudtshoorn bus inspector on duty in the local black township of Bongolethu, was given a death sentence by the Supreme Court yesterday.

On a second charge of attempted malicious damage to property, Michael Lucas was sentenced to two years.

After tests were conducted to determine his age, the court decided he could either be 20 years and four months or 21 years and four months.

His co-accused, Jerome Myo, 26, and a 17-year-old youth were acquitted of murder at a previous hearing "by the skin of your teeth".

They were, however, convicted of attempted malicious damage to property and will be sentenced later.

Evidence was that on April 15 last year, during local unrest, Lucas, the 17-year-old youth and Myo were at a bus stop where a South Cape Bus Service bus stopped.

The bus was escorted by a bakkie with two inspectors to ensure the safety of the bus and its occupants.

While passengers were boarding, Lucas went to the bakkie and shot and killed Mr William Blaauw.

Myo then sprinkled petrol in the bus but before it could be set alight, the bus driver drove off. Myo jumped out.

Lucas told the court the gun went off while he was trying to keep Mr Blaauw from the bus.

"I did not know how to operate it, but I believed it would not fire a bullet if I pulled the trigger. I did not intend to fire a shot," he said.

Passing sentence, Mr Justice Williamson said Lucas was an "appalling witness and an opportunistic liar".

Mr G Titterton and Mr C H van Gend were the assessors. Mr A de V la Grange appeared for the state. Mr M Donen, instructed by E Moosa and Associates, appeared for the accused.

The wife who lives in fear of cops

Sowetan

331

August 1987

SINCE Mrs Phinda Molefe and her treason trialist husband, Mr Popo Molefe were married about three years ago, they have never enjoyed a normal married life.

The couple's short-lived marital bliss came to an end when Mr Molefe was detained a few months after getting married.

Mr Molefe, who is publicity secretary of the UDF, is one of 19 accused appearing in the Pretoria Supreme Court charged with treason, murder, subversion and terrorism. He is one of three accused who have been refused bail.

Mr Molefe's younger child, "Tina" — named after Mrs Albertina Sisulu — was only a month old when her father was detained.

Mrs Molefe (24), said it was tough enough to live alone without one's husband, only being able to visit him in jail, but what was worse for her was that she lived in constant fear of being detained again.

Last year she was detained without charge for seven months and was released in January.

Mrs Molefe said their older child, five-year-old Lisby, lived with her parents and that "Tina" lived with the family

Reports by NAT DISEKO

lawyer, Mrs Pricilla Jana's family.

"I always fear I will be detained again, so rather they take me alone knowing that Tina is safe.

"While in detention, I was once asked why I had married Popo because I am not involved in politics.

Reason

"To my thinking, this could be the reason for my detention. But as to why I married Popo is my own private business and I owe no one an explanation," Mrs Molefe said.

She said she also lived in fear of physical harm because their flat in Alexandra Township had been attacked with petrol bombs on three occasions.

"Two of the attacks took place while Popo was in detention and the flat caught fire.

"During one of the attacks, I saw some white attacks. I saw some whites outside. On another occasion, my neighbours saw whites throwing petrol bombs at our flat," Mrs Molefe said.

She said she had no alternative but to live with her fears as best she could.

"Popo worries a lot about my safety on top of having to bear the burden of being on trial.

"All this has been very difficult for us and I sometimes envy families who are together and happy. I love Popo very much and will wait for him," Mrs Molefe said.



MRS PHINDA Molefe outside the Pretoria Supreme Court this week. She never misses a court session.

SOWETAN, Monday, August 24, 1987

PEOPLE WHO SING ABOUT ANC LEADERS

THE Government should scrap apartheid laws and allow all the people to vote and have a share in the land and wealth of the country of their birth, Mr Popo Simon Molefe told the Pretoria Supreme Court on Friday.

Cross examined by Mr P B Jacobs, SC, for the State, Mr Molefe urged the Government to end apartheid so that all the people in South Africa could live peacefully without fighting each other at the borders.

"Let us all defend this country. We love it. There is no other land for us all. Let us not defend it for the interests of one group only," said Mr Molefe.

Jailed African National Congress leaders who included Mr Nelson Mandela, Mr Walter Sisulu, and Mr Ahmed Kathrada were regarded as leaders by black communities because they spoke out and openly protested against apartheid.

Mr Molefe rejected a suggestion by Mr Jacobs that they were regarded as leaders of the UDF.

He agreed that people sang about Mr Mandela and Mr Oliver Tambo at UDF meetings but denied that the UDF was popularising them.

Launch

Asked by Mr Jacobs why UDF officials did not stop these people from singing about the two ANC leaders, Mr Molefe replied: "People sang about them even before the UDF was launched".

Mr Molefe and 18 others, who include top-ranking officials of the UDF, the Azanian People's Organisation and the Vaal Civic Association have pleaded not guilty before Mr Justice K van Dijkhorst, sitting with an assessor to charges of murder, treason, subversion and terrorism.

The case continues today.

Nun charged with ^{Sowetan} seditio

THIRTEEN members of the Krugersdorp Residents Association, including Sister Mary Bernard Ncube (51), who is also president of the Federation of Transvaal Women appeared briefly before a Johannesburg regional magistrate on Friday.

They have been in detention for 14 months and were charged with sedition, alternatively subversion as well as assault.

Details have not been finalised on the charge sheet.

The magistrate postponed the hearing to September 4 for the defence team to apply for bail from the Attorney General.

After the hearing, "Amandla" was called from the dock to which the packed gallery gave a reply "awethu".

Sister Ncube was handed a bouquet of carnations by members of Fedtraw who wore green shirts.

Among the crowd were nuns and Sister Ncube's relatives.

The other accused are

Mr Joshua Dikene Makgotlo (46), chairman of the Krugersdorp Residents Association; Mr Mosuthu Isaac Genu (34); Mr Phana Zacharia Molefe (52); Mr Jerry Kgofela (60); Mr Morgan Ephraim Morwa Montoedi (54); Mr Abel Mokonyane (27); Mr Steven Oupa Mohingoe (24); Mrs Johanna Mokowe (41); Mr George Xolelizwe (25); Mr Moses Kelebone (18); Mr Christopher Manini Sithole (23) and Mr Mathews Rapula Gope (28).

Two other accused, Mr Lawrence Jonas Nklokoa (30) and Mr Petrus Bongani Dlamini (35), who are not in detention, did not appear in court.

1987, 25 JULY 1987
SOWETAN, Tuesday, August 25, 1987

MASS INCITED TO VIOLENCE

SPEECHES allegedly made by certain officials of the United Democratic Front and its affiliates incited the masses to engage in a violent revolution to overthrow the Government, Mr P B Jacobs, SC, the prosecutor, submitted in the Pretoria Supreme Court yesterday.

Mr Jacobs also submitted that the speeches also incited people to "destroy" the Government and its institutions. Speakers also urged the masses to make the country ungovernable," Mr Jacobs added.

But Mr Popo Simon Molefe,

Prosecutor alleges at trial

general secretary of the UDF rejected these suggestions and told the court that the UDF was a non-racial and peaceful organisation which was formed primarily to protest against the new constitutional proposals and the "Koorhof Bills."

Oppressive

Mr Molefe said during cross examination by Mr Jacobs that they regarded the Government as

an oppressive regime because of its apartheid policy.

The UDF was struggling for a united and democratic South Africa, Mr Molefe said.

"Peace will only prevail when everybody in this country has a vote," he told the court.

Mr Molefe and 18 others who include senior officials of the UDF, the Azanian People's Organisation and the Vaal Civic Association have pleaded not guilty before Mr Justice van Dijkhorst, sitting with an assessor to charges of murder, treason, subversion and terrorism.

(Proceeding)

Advocate says people fear security police

Dispatch Reporter

EAST LONDON — The death of Steve Biko and similar incidents helped create the impression that the security police assaulted detainees, an advocate told the regional court here.

Mr J. Poswa, who is defending Mr Fikile Owen Gwadana and Mr Mzwabantu Errol Dapula who are accused of bombing the Fred Pettit Centre in Queenstown on June 28, 1986, told the court that people living in black areas were afraid of the security police.

Mr Gwadana and Mr Dapula have been charged with terrorism and also face 15 alternative charges including unlawful possession of grenades, possession of explosives, malicious damage to property and attempted murder.

While cross-examining Warrant Of-

ficer N. A. Jordaan, one of the security policemen who arrested Mr Gwadana, Mr Poswa said that Mr Gwadana was afraid to tell the truth about his involvement in the bombing incident and that his confession was a result of his fear for the security police.

W/O Jordaan said Mr Gwadana was co-operative during questioning and did not appear to be afraid.

Mr Poswa put it to W/O Jordaan that the impression had been created among black people that the security police assaulted people to get information from them.

W/O Jordaan said the fear of the security police had been created by propaganda, but he could not exclude the possibility that Mr Gwadana was afraid of Major F. J. Venter and himself during questioning.

The case continues today.

UDF official 'will go on criticising SA laws'

231 (S) Pretoria Correspondent

26/8/87

The general secretary of the United Democratic Front (UDF) yesterday told the Pretoria Supreme Court he had criticised South Africa's security laws in the past, and would do so in the future as long as they operated as they did.

Mr Popo Molefe (35) is standing trial with 18 other high-ranking members of the UDF, Azapo and local civic organisations. They have pleaded not guilty to the main charge of treason and to the alternative charges of murder, subversion and terrorism.

He said many organisations and people had criticised the security laws — both in and out of Parliament.

He referred to long periods of detention without trial and to detainees' rights to visits from legal representatives, saying those who had been subjected to the laws knew "what goes on".

The State is attempting to prove the UDF conspired with the African National Congress and the South African Communist Party to overthrow the Government.

Mr Molefe said the UDF did not subscribe to the Freedom Charter, although many of its affiliates did.

He said the UDF had not identified the issues of black housing, the economy, general sales tax and the rising cost of living as ways of building up anger and politicising the masses, but rather as social problems that had to be dealt with.

— Argus Africa News Service.

Strike-hit mine seeks new labour

WINDHOEK. — The copper-mining Tsumeb Corporation is recruiting to replace more than 3 000 miners dismissed during a strike at its mines in northern SWA/Namibia. — Argus Africa News Service.

Two sentenced for terrorism

MARITZBURG. — Zenzele Terence Dlamini, 23, of Kwamashu, and Moses Jabulani Mkhize, 31, of Hammarsdale, have been sentenced to 10 and six years respectively for terrorism. — The Argus Correspondent.

Embezzler Snowy gets 10 years

JOHANNESBURG. — Snowy Tebelo Moshoeshoe, 30, ex-girlfriend of a fugitive Soweto tycoon, has been sentenced to 10 years for embezzling R7,7-million from the Standard Bank. — Sapa.

Call to stop Zulu faction fighting

JOHANNESBURG. — The Kwazulu government has asked all Amakhosi (tribal leaders) under its jurisdiction to discuss ways of ending faction fighting following an outbreak at Tugela Ferry, where eight people were killed. — Sapa.

Four held for R209 000 robberies

PRETORIA. — Four men have been arrested in connection with at least three armed robberies involving more than R209 000. — The Argus Correspondent.

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~~Argus 26/8/87~~
**Youths jailed
for burning
man to death**

Argus Bureau 331

PORT ELIZABETH. — Four teenagers have been jailed for the murder of a man who "died a hideous death for doing a good deed".

Mr Gens Paul Bassel Lorck, who worked for Volkswagen in Uitenhage, was burnt alive after giving some men a lift to a township.

He was robbed of his car and left to find his own way home. On the way he was intercepted by a mob of about 40 who beat and killed him.

In the Supreme Court here, Mr Justice Solomon told Siphiso Ketye, 19, a 15-year-old and two 16-year-olds that only their youth had saved them from the death sentence.

Ketye was jailed for 19 years, two of the youths for 15 years and the other for 10 years.

The court heard that Mr Lorck was beaten, bound and tortured before being taken to an old cemetery where he was stripped, wrapped in plastic and burnt alive. Four tyres were thrown over him.

'UDF had no plans for black local authorities'

28/8/86 Pretoria Correspondent

At the time of his arrest, the United Democratic Front had not made a decision on an alternative to the black local authorities, Mr Popo Molefe (35) the general secretary of the UDF said in the Pretoria Supreme Court. He is standing trial with 18 other high-ranking members of the UDF, Azapo and local civic organisations.

The men have pleaded not guilty to the main charge of high treason and alternative charges ranging from terrorism and subversion to murder.

The State is attempting to prove the UDF conspired with the African National Congress and the South African Communist Party to overthrow the Government.

He said the UDF and its affiliates had been planning to provide alternative structures to the black local authorities, but he was arrested before the matter had been discussed at an executive meeting.

He said the UDF had never planned to take over the Government.

The case continues.

Ambush officers to give evidence

CAPE TOWN — It was in the interest of justice that officers who were in command of a police ambush be called as witnesses, Mr Justice C T Howie said in the Su-

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Mr Dave Dalling, MP,

Spur 28/8/07

By Duncan Guy

BETHAL — A Witbank youth leader rejected evidence by two State witnesses yesterday that he had been an official in a "trial" where two boys were sjambokked at the Ackerville Stadium in a Witbank township.

Appearing before a Bethal regional magistrate, Mr Silverster Siboza (24), an executive member of the Witbank Youth Congress (Wyco) is one of 24 activists who have pleaded not guilty to terrorism, subversion, public violence and attempted murder, allegedly committed between June 1985 and June 1986.

The trial is in its sixth week.

Mr Siboza said one of the State witnesses had been among a group of "wild women" who had been aggressive towards him because of Wyco's disapproval of their drinking habits.

He said Wyco's aim was to organise black youth to unite to solve problems which included

Witness is a wild woman, says activist

unrest and a school stayaway.

Mr Siboza was arrested 14 months ago.

He said that another State witness who had testified against him was a man he had once beat up at a disco. Another executive member of Wyco, Miss Gloria Twala (18) denied being head of Wyco's female "disciplinary committee".

A similar denial was made by another accused Mr Jerry Lentsoane (30) who earlier this week testified that after his arrest, he and others were made to run through a gauntlet of police who whipped them with sjamboks.

The hearing continues on Monday.

Court orders couple to undergo tests

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9/11 Times 29/8/87 331 (304) (304)

Watson wins appeal in fire case

Own Correspondent

PORT ELIZABETH. — Mr Valence Watson yesterday won an appeal at Grahamstown Supreme Court against convictions for fraud and arson.

His sentence of an effective 30 months imprisonment was set aside. The conviction stemmed from the razing of the Watson family home here on October 19, 1985.

Passing judgment, Mr Justice Van Rensburg with Mr Justice Kroon concurring, said the only direct evidence linking Mr Watson with the commission of the two crimes was that of Mr Geoffrey Nocanda, an accomplice on the state's case.

His evidence was the cornerstone of the state's case and if his evidence could not be relied upon, then the appeal had to succeed.

In his view, Mr Nocanda and a Mr Mkele had set the house alight, but it remained to be decided whether it had been proved beyond reasonable doubt that the house had been set alight on Mr Watson's instructions.

Mr Nocanda was an accomplice and as such had stated his evidence had to be treated with the utmost caution.

It could hardly be said that the merits of Mr Nocanda's evidence and the demerits of Mr Watson's evidence were beyond question.

Mr Nocanda had started off by having to admit he had made a previous false statement and there were so many other unsatisfactory features of his evidence that it was dangerous to place any reliance on his evidence.

There was not sufficient basis for rejecting Mr Watson's evidence.

Necklace six acquitted

331
30/8/87
C/P/20

CP Correspondent

SIX members of the Humansdorp Youth Congress, including the chairman, have been found not guilty of murder by a Grahamstown Supreme Court judge.

The State alleged that the group killed an alleged police informer, Mbuyeseli Paul Mtimkulu, by necklacing him.

In his judgment, Judge DDW Kannemeyer said that the State had not proved its case against Monde Zakhe, 29, Xolile Luzipho, 29, Mongesi Hlele, 26, Fezile Bailey, 32, Maleyi Thomas, 19 and Ndukumbeni Panda, 29, and he therefore acquitted and discharged them.

Zakhe, chairman of the youth congress, admitted to having attended a meeting of "comrades" to discuss township police in the area.

The discussion later turned to informers and Mtimkulu's name was mentioned. It was decided to call him to the meeting.

After he had been fetched, he was questioned about his involvement with the police and about his former employers, the East Cape Administration Board.

It was then decided that he should be killed and two tyres and petrol were fetched.

Zakhe told the court he had been present when the alleged "impimpi" was killed, but that he had tried to stop the murder from taking place.

Three State witnesses agreed with Zakhe's statement and Kannemeyer found that Zakhe had done everything in his power to prevent the killing.

Kannemeyer also said that the evidence given by the State witnesses needed to be treated with caution as they were still very young.

He called a 13-year-old boy, who had described the events before and during the murder to the court, a "bright intelligent witness", but said his

evidence would have to be treated as that of a young child as the boy was only 12 when the incident took place.

During the trial the boy had identified one of the men who had fetched Mtimkulu to the meeting, telling the court he was was certain of this.

Later Advocate SA Majiedt, for the accused, revealed that the man identified had been in detention during the time.

Kannemeyer said that this clearly showed the boy's evidence could not be accepted without reservation.

The six - who have been in custody for over a year - were freed immediately and greeted by a large group of friends and relatives outside the court. - Ana.

day August 26 1987

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Hand-grenades thrown at SAP members

Natal men convicted on terror charges

Own Correspondent

MARITZBURG — Two Natal men were yesterday found guilty in the Pietermaritzburg Regional Court of acts of terrorism.

Judgment was passed on Zenzele Terence Dlamini (23) of kwaMashu and Moses Jabulani Mkhize (31) of Hammarsdale.

Magistrate Mr F Heuer found that Dlamini underwent training with the ANC in the use of

weapons and explosives in Angola in 1984 and that in 1986 he entered South Africa from Swaziland with arms, ammunition and hand-grenades.

Dlamini was found guilty of training people in the use of arms and hand-grenades and of attempting to form some of his trainees into a group to perform acts of terrorism.

The court found that on August 13 1986, Dlamini threw a hand-grenade into a caravan

used by the South African Police while it was parked at Sobantu.

Dlamini was found guilty of inciting certain people to throw a hand-grenade at SAP members who would be present at a commemoration service.

He was also found to have thrown a hand-grenade into the house of a Chief Mngadi at Mpolweni in October 1986, causing an explosion which injured one person and damaged the house and its contents.

Mkhize was found to have provided accommodation for Dlamini.

He was found guilty of allowing Dlamini to store a number of hand-grenades at his home and to use his house as a venue to meet and speak to people interested in assisting the ANC.

Mkhize provided transport on several occasions for Dlamini to carry out his work. In October 1986 he drove Dlamini and another person to Mpolweni so that they could throw a hand-grenade into the house of Chief Mngadi.

Roadblocks set up to 'win public faith'

CP Correspondent

A SOUTH African Police captain told an inquest court that the aim of setting up a roadblock in Queenstown last October was part of a strategy to restore and win public faith in the security forces' ability to maintain law and order.

The inquest is looking into the death of 12-year-old Rhyno Davids who was shot and killed by a member of the security forces after the car his father was driving failed to stop at a roadblock.

Captain BJ van der Westhuizen, who is the station commander of the Queenstown Police Station, said in an affidavit before the court that the roadblock was set up as part of a strategy to show the public that the security forces were involved in fighting unrest and preventing terror.

John Davids, a 36-year-old policeman stationed in Queenstown, told the court that he had, shortly before the fatal shooting of his son, been to a course on roadblocks.

"I was driving towards town when I noticed a dim torch light shining in the distance. I did not stop as nobody indicated that I should stop.

"If I had recognised the vehicle control point as a roadblock, I would have stopped. A car had previously been overturned and set alight in the area and I had no idea who was shining the torch," he said.

Davids said that he heard three shots fired in rapid succession and heard his son say: "Daddy, they've got me, drive to the hospital."

The soldier who fired the fatal shots, Rifleman Christopher Butler, said in an affidavit before the court

that it was not up to him question anything.

"We were trained in setting up roadblocks and I think that this particular roadblock was set up according to specifications. Even if all the prescribed specifications were not adhered to, I merely complied with instructions."

Butler told the court that he had fired three rounds at the car after he heard his commanding officer said he should "stop that car".

"I was taught that the command 'stop that car' means that the vehicle in question must be stopped by any means at my disposal," he said.

The father of the dead boy is suing the Minister of Defence for R65 551,93 for the death of his son. — Ana.

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C/11/87

More appeals for 32 in death row

By PETER DENNEHY

MORE appeals for the lives of 32 death-row prisoners awaiting execution for "politically-motivated" killings have been sent to the government.

The Austrian Vice-Chancellor and Minister of Foreign Affairs, Dr Alois Mock, has sent a message to the Minister of Foreign Affairs, Mr Pik Botha, appealing to the South African government not to carry out the death sentences passed on the 32 "accused of politically-motivated crimes".

The Austrian Ambassador in Pretoria, Mr A Christiani, said in a telex message that Austrians and their government would interpret a decision to save the lives of these persons "not as weakness but as a commendable humanitarian act which would contribute towards halting further escalation of violence".

The Southern African Catholic Bishops' Conference (SACBC) also appealed for the sentences to be commuted.

The SACBC said in a statement the 32 had been found guilty of various acts of violence, including two "necklace" killings and a bombing that resulted in three deaths.

Deaths attributed to the 32 included those of three community councillors, three alleged informers and two policemen.

"Great numbers of people consider that what these persons stand condemned for are 'acts of war' performed in the liberation struggle, in which the South African state is responsible for even greater and more widespread violence," the SACBC said.

"In the eyes of their supporters those condemned are patriots and heroes. Execution will endow them with the crown of martyrdom."

The SACBC added that "however we may recoil in horror from deliberate killing, indiscriminate bombing and the brutality of necklacing".

The South African Youth Congress (Sayco), the United Democratic Front, the Congress of South African Trade Unions, the Release Mandela Campaign and various other organizations have all endorsed the campaign to save the 32.

The 32 are: Mojalefa Sefatsa, Oupa Disinso, Duma Khumalo, Francis Mokhesi, Reid Mokoena, Theresa Ramashamola, Lillie Webushe, Alex Matsepane, Solomon Maowasha, Dickson Madikane, Desmond Majola, Patrick Mangida, Daniel Maleke, Josiah Tsawane, Moses Jantjies, Mlamli Mielies, Paul Setlaba, Similo Wonci, Christopher Makeleni, Ndumiso Sephenuko, Machezuana Menze, Robert McBride, Tjelubuyo Mgedeze, Solomon Nogwatti, Paulos Tshelana, Mzwandile Gqeba, Whanto Silinga, Lundi Wana, Theminkosi Feet, Mzwandile Mlinzi, Monde Tingwe, and Philip Ngidi.

Two to hang tomorrow

Own Correspondent

JOHANNESBURG. — The Transvaal Youth Congress (Trasco) has called on the government to spare the lives of two people, Wellington Mielies and Moses Mnyanda Jantjies, who are to hang tomorrow.

Mielies and Jantjies were sentenced to death for the killing of several members of the Kinikini family during the Eastern Cape unrest in 1984.

In its statement Trasco called on the black community to support the "Save the 32" campaign which was launched by the South African Youth Congress (Sayco) last month to save the lives of people sentenced to death as a result of unrest-related incidents.

The organization also highlighted the case of the six Sharpeville people — one of them a woman — condemned to die for the murder of a Vaal Triangle councillor in 1984 and awaiting execution. Last month 3 600 people in Norway signed a petition to grant them amnesty.

Argus 1/9/87

NATIONAL/INTERNATIONAL

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Two sentenced to death for necklacing policeman



Picture: HANNES THIART, The Argus

The five semi-finalists at Aliwal Road Primary school in the Golden Voice competition are, from left, Daniel Taylor, John Auld, Jonathan Crossland and, in front, Gavin Taylor and Jason Schuler. The competition is part of the Play Music Festival '87 organised by the Drakensberg Boys' Choir school.

Five from city

The Argus Correspondent

PRETORIA. — A murderer was led from court clad only in his underwear after being sentenced to death in the Supreme Court for necklacing a policeman in Soshanguve.

After being sentenced to the gallows, Oupa Josias Mbonane, 22, undressed and handed his clothes to relatives in court.

Mbonane and Sibusiso Senele Masuku were yesterday sentenced by Mr Acting Justice Human to hang for murdering Constable Madimetsa Jonas Lehutso on February 22 last year by placing two tyres around his head and abdomen, dousing him with petrol and setting him alight.

Terrorism

Masuku, who is serving a 10-year sentence for terrorism committed in April this year, was led away denying he had committed the murder.

A third accused, Abner Oupa Letsoalo, was found guilty of assault with intent to do grievous bodily harm, and given a two-year sentence, suspended for five years.

The court heard the policeman was murdered during a night vigil attended by about 1 000 people for a man, known as "Tamatie" who, it was believed, had been shot by a policeman.

Constable Lehutso had been caught standing in an alley and was punched and dragged by the feet to the middle of the road and burnt.

Danced

In mitigation the defence argued the two accused had been swept up by a "mass of people emotionally charged". Mbonane had danced around the burning body, which was indicative of hysteria.

Masuku told the court both his brother and father had been policemen and he had felt "heart-sore" knowing it could have happened to his brother.

Mr Justice Human told Mbonane and Masuku the incident was indicative of mass psychosis and hysteria. However, there was no evidence heard that they had been swept up by the emotional crowd.

He said the two were leading figures in the act and could not argue that they were influenced. "There are no mitigating circumstances in this case," he said.

Man appears on Parow car-bomb charge

Staff Reporter

AN alleged commander of a unit of Umkhonto we Sizwe, the military wing of the ANC, briefly appeared in the Supreme Court yesterday in connection with charges of terrorism and attempted murder.

Mr Mxolisi Edward Petani, 26,

of Crossroads, was not asked to plead.

The state alleges that on July 25 last year he parked a car containing a bomb and two gas cylinders at the entrance to a Parow shopping centre. The detonator was activated but failed to explode.

The state also alleges that he received military training at

camps in Angola and the Soviet Union.

It is also alleged that he tried to murder a group of policemen in KTC by "detonating a handgrenade" on November 27 last year.

The hearing was adjourned till tomorrow.

Mr J H Conradie presided with two assessors. Mr M Stowe appeared for the state. Mr M Donen, instructed by Mr Ramesh Vassen, appeared for the defence.

in Rygerberg Hospital last Friday, proved he did not have Congo fever, SABC radio news reported yesterday.

T-shirt charges dropped

PRETORIA. — The state has withdrawn charges against two Unisa students who were arrested on election day at a Pretoria polling booth wearing United Democratic Front T-shirts. Mr Adrian Blom, 24, and Mr L de Villiers, 29, were to have been charged with disturbing election procedures.

45 hurt in bus accident

PRETORIA. — About 45 bus passengers were hurt — some seriously — when a Putco bus overturned on the Moloto road north-east of here yesterday.

Reinforcing for road

PRETORIA. — Steel cables may be built into the Johannesburg-Potchefstroom road in the vicinity of the Kloof Mine to prevent it from falling away in the event of more sinkholes appearing, Transvaal roads director Mr L J Terreblanche said yesterday.

Eksteen affair 'closed'

JOHANNESBURG. — Dr Brand Fourie, chairman of the SABC Board, said last night that the board considered the Eksteen affair "closed". He said neither the question of Mr Riaan Eksteen resigning nor the termination of his services had been on the board's agenda at yesterday's meeting.

Jail for bomb threat

PORT ELIZABETH. — A man who threatened to blow up the city's main shopping centre has been sentenced to three years in prison.

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Parow bomb - KTC guerilla in court

By VUYO BAVUMA

AN alleged unit commander of the ANC military wing, Umkhonto weSizwe, appeared in the Supreme Court, Cape Town, this week on several charges of terrorism and two counts of attempted murder.

Mxolisi Edward Petane, 29, of KTC, Nyanga, had not yet been asked to plead when he appeared for the first time on Tuesday.

In a 12-page indictment the State claimed that in 1976 Petane received political instruction in the aims and policies of the ANC from a Lumko Huma.

In 1977 he allegedly left the Republic illegally for Botswana where he joined the ANC, and received training until June 1986 in the use of arms and explosives as well as political instructions of the ANC at various camps in Angola and the Soviet Union.

It is also alleged that from 1983 to 1984 Petane received instructions in Zambia in the trade unionism under the auspices of the ANC, and later, as a member of the South African Congress of Trade Unions (Sactu),

served the ANC by furthering its aims in labour movements and trade unions in the Republic.

The State alleges:

Sought help

- That near Gaborone, Petane sought help from Margaret Mfobo, Sandiswa Mfobo, Daniel Futiwa and Shadrack Ndlakuhlolo in achieving these objectives;

- That he also gave Futiwa and Ndlakuhlolo political instructions in the aims and policies of the ANC, and literature and stencils for reproduction and distribution on behalf of Sactu;

- That in October 1985 Petane was re-assigned to Umkhonto weSizwe, the ANC's military wing;

- That in May or June 1986 he infiltrated South Africa from Botswana with the intention of committing acts of terrorism;

- That in the Peninsula, Petane later recruited a Rasta and a Jackie to assist him in his terrorist activities. He further made contact with Agrippa, a trained member of Umkhonto weSizwe's Western Cape branch.

According to the indictment, in July 1986, near New Crossroads, Petane received a landmine from Agrippa. "He wanted to make a bomb from a limpet mine which he intended to detonate at a shopping centre at peak hours to cause maximum damage to property and injury."

Stolen car

The State claims on July 25 1986 Petane and Jackie parked a stolen car with the bomb and two large gas cylinders at the entrance to Dion's Shopping Centre, Parow; the detonation mechanism was activated but it failed to explode.

On June 26 1986, near NY 21 No 143 in Guguletu, Petane allegedly fired several shots with a Makarov pistol at Constable Johannes Kotze, who was seriously wounded.

On November 27 last year, near KTC squatter camp, he allegedly threw a handgrenade at four policemen, Andries Steenkamp, Sydney Shephard, Josias Engelbrecht and Paul Looock, injuring them.

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Monday September 3 1987

Soweto leader rejects charges in treason trial

Pretoria Correspondent

A high-ranking official of the Soweto Civic Association has rejected allegations that the organisation had set up alternative structures to promote its own form of government in Soweto.

Mr Thomas Manthata was testifying before Mr Justice van Dijkhorst in the Pretoria Supreme Court where he is standing trial with 18 other high-ranking members of the United Democratic Front, Azapo and other local civic organisations. The accused in-

clude Mr Popo Molefe, general secretary of the UDF.

The men have pleaded not guilty to the main charge of high treason and alternative charges ranging from terrorism and subversion, to murder.

'CONSPIRACY'

The State is attempting to prove the UDF conspired with the African National Congress and the South African Communist Party to overthrow the Government.

Mr Manthata said the Soweto Civic Association sought to resolve problems affecting the residents in a lawful manner.

He said it was concerned with issues such as high rentals, the plight of the aged, transport, and projects to deal with problems experienced by the unemployed.

He rejected allegations by the State that the organisation urged residents to revolt and make the township ungovernable.

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Terror counsel: Is ANC man a a PoW?

Staff Reporter

DEFENCE counsel in the Supreme Court trial of an alleged Umkhonto we Sizwe (MK) unit commander charged with terrorism and attempted murder yesterday told the court it could be argued that the man was a prisoner-of-war in terms of the Geneva Convention.

Mr Mxolisi Edward Petane, 26, of Crossroads, has been charged under the Internal Security Act with three charges of terrorism, as well as two charges of attempted murder. MK is the armed wing of the African National Congress.

The state alleges that between 1976 and 1986 Mr Petane was trained by the ANC in South Africa, Botswana, Angola and the Soviet Union; that he enlisted the support of other people to further the aims of the ANC; and that he placed a bomb which did not go off in a stolen car at the entrance of a Parow shopping centre in July 1986.

The other two terrorism charges relate to incidents in Guguletu and KTC last year in which he shot and injured one policeman and detonated a hand grenade, injuring four other policemen.

The two attempted murder charges relate to the same offences and apply in the event of the court finding Mr Petane not guilty of terrorism.

Mr Michael Donen, for Mr Petane, applied for an order directing the state to give answers to a request for further particulars relating to the charges as the state's present answers to defence questions were "vague and embarrassing".

He said that one of the state allegations was that an armed conflict existed between the ANC and the South African government, that Mr Petane received military training and was a member of MK.

The question arose whether the laws of armed conflict applied and whether Mr Petane was entitled to protection in terms of the Geneva Convention of 1949 as a prisoner-of-war.

The prosecutor, Mr Mike Stowe, initially said some of the defence questions were irrelevant and laughable but after argument said he would endeavour to be more precise and particular in his indictment.

The trial was adjourned to Tuesday next week.

Mr Justice J H Conradie presided, assisted by assessors Mr L P Francis and Mr W R Vivier. Mr Donen was instructed by R Vassen and company.



Cold

CAPE PENINSULA and Western Cape: Cloudy and occasional rain climatically later over the and the Boland. Verate south-westerly minimum and temperatures will 16 deg C.

Coastal belt Cape Infants Bay: Cloudy as occasional rain clear later.

Coastal Belt Plettenberg Afford: Cloudy and occasional rain, clearing later.

Namqualand and the Cape Interior: Mild and mild but cloudy the south, clearing in Pretoria, Witwatersrand Eastern Highveld: Mild but cold over the Transvaal: Partly cloudy over the northern Transvaal lowveld.

Free State: Partly cloudy in the south parts.

Natal: Cooler with occasional rain, spreading.

Too late for class

DEATHS

LEVENS. — Japie years, died suddenly 3rd, 19 missed and will be remembered by his family. Funeral: Saturday, Sept 10, 10:30 at Lutheran Church, Elsie's River.



6.00-8.00: Good
3.27: Programm
3.30: Take a Bri
4.00: The Racco
4.35: Hand in H
4.35: Santa Barb
5.00: Fast Forw
5.30: The Edison
6.00: News
6.15: Sundown
7.00: MacGyver
8.00: Netwerk
8.45: Police File
9.05: Die Strate
10.00: Die Komph
11.35: Spies en P
0.15: Uitsending

5.00: Tao Tao. (S
5.26: Ezemidlalo
competition

6.00: The World

7.00: Public Affa
7.18: News
7.39: Jikelele. M
8.28: Ziyaduma.
8.57: Epilogue

4.30: Sport. Form
9.03: The Green
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Vietnam.

11.29: M*A*S*H

11.55: Dream Girl
music and

0.28: Transmissi

State to firm up 'vague' terror charges in Petane case

Supreme Court Reporter

THE State is to streamline and sharpen up its "vague" charge sheet detailing the alleged deeds of Mr Mxolisi Edward Petane, accused of placing a bomb at the Dion's shopping centre in Parow.

Mr Michael Donen, for Mr Petane, argued yesterday that his client had been prejudiced in the preparation of his defence because of the vagueness of the indictment.

Mr Petane, 26, of Crossroads, faces three counts of terrorism as defined in the Internal Security Act and two of attempted murder, but he has not yet pleaded.

Conspired

Mr Donen contended that the State could not merely list the wording of the "terrorism" section of the Internal Security Act and then the accused's alleged actions without tying them up in some way.

During argument on this point by Mr Mike Stowe, for the State, Mr Justice Conradie said: "The sort of thing we have is that the accused is alleged to have conspired with others (to overthrow or endanger the State authority) and one thing he has done is leave the country for Botswana.

"What does that (his leaving) have to do with conspiracy?"

Mr Stowe: The State will then endeavour to be more precise and particular.

Mr Justice Conradie also said the "incitement" part of the internal Security Act section was difficult to tie up with the fact that the accused is said to have "received political instruction".

The hearing has been postponed until Tuesday.

Mr Donen also contended that the State's assertion that armed conflict existed between the ANC and the South African Government possibly meant that the laws of armed conflict applied and that Mr Petane

was entitled to protection in terms of the Geneva Convention as a prisoner of war.

Mr Stowe said the Geneva Convention did not apply in the case because there had been no declaration of war by South Africa on the ANC.

Failed

It is alleged that Mr Petane was a member of the ANC and Umkhonto we Sizwe and received a TMH 46 landmine and placed a bomb manufactured from it, with two large gas cylinders at the entrance of Dion Shopping Centre in Parow, on July 25.

The bomb did not explode.

Two other charges of terrorism related to incidents in Guguletu in June 1986 and at KTC in November last year in which five policemen were injured.

Mr Petane is alleged to have fired at a Constable Kotze with a Makarov pistol and to have exploded a hand-grenade near four other policemen.

Mr Justice Conradie's assessors are Mr LP Francis and Mr WR Vivier.

Collection for Home

TOMORROW'S street collection is for the Holy Cross Children's Home (fund raising number 08 800359 000 3). — Staff Reporter.

UCT Rag ra R679 355 fo

Staff Reporter

A RECORD R679 355 has been presented to the University of Cape Town's Student Health and Welfare Centres Organisation (Shawco) by the university's Rag committee.

It will be used to finance current projects and to start new ones, according to Bev Wrighton, incoming president of Shawco.

"Shawco expresses its deep appreciation for the work that the UCT students have done to raise this outstanding sum of

Maputo, SA
meet again

PRETORIA. — South Africa and Mozambique held the first discussions here yesterday since a joint liaison committee was established in Cape Town last month.

The South African delegation was headed by Foreign Affairs director-general Mr Neil van Heerden and the Mozambican delegation by Lieutenant-General Tobias Dai.

A Foreign Affairs news release said a wide variety of subjects, including security matters, were discussed "within the framework of the Nkomati Accord".

The statement concluded: "The meeting took place in a constructive atmosphere."

"The two delegations agreed to report to their respective governments on the outcome of today's discussions." — Sapa

Necklace killing
PE man to hang

Own Correspondent
Cape Times 5/9/87

PORT ELIZABETH. — The Supreme Court, sitting in New Brighton township, sentenced a 22-year-old man, Tsepo Letsoare, to death for the necklace murder of a former emergency regulation detainee.

Sentencing Letsoare of Motherwell Township, Port Elizabeth, Mr Justice Mullins said this was one of the most "horrible" crimes and a "deliberate cold-blooded killing". He found no extenuating circumstances.

Letsoare was charged with the murder of Miss Nozipho Grace Mvetye, an alleged police informer who, after being released from detention, was discovered by her sister under a pile of smouldering tyres in a sports ground in Motherwell on October 7, 1985.

Three co-accused were acquitted on Thursday after the judge found there was no evidence implicating them.

After listening to the judge pronouncing the death sentence, Letsoare maintained that he had no knowledge of the crimes of which he had been found guilty.

He said he had made statements to the police during interrogation because he had been assaulted and he had been paid out some money by the police.

Mr Justice Mullins said the court was satisfied that Letsoare had been identified among the groups who were chanting freedom songs and passing near the house of the dead woman and who had threatened to kill her because they alleged she was a "sellout".

A golden finger?

By DERRICK LUTHAYI

AN alleged member of the ANC who is facing charges of terrorism is suing the Minister of Law and Order for R60 000 for a fractured finger and a broken tooth allegedly sustained when he was assaulted by members of the police.

Moroa Patrick Barry Pule, of 161 Rockville, Soweto, alleges he was arrested on September 15 last year in the Eastern Transvaal, and assaulted while detained under section 29 of the Internal Security Act.

Pule, Patrick Vos Mazibuko and Nhlanhla Jeffrey Madonsela appeared in the Nelspruit Regional Court this week

and their case was postponed to October 16.

According to a charge sheet they planned to perform violent acts of terrorism, sabotage and of subversion against the inhabitants of Nelspruit and members of the Eastern Transvaal Commando.

A letter of demand to the minister from lawyers Phosa, Mojapelo and partners, says that, on or about September 16, Pule was taken to offices of the Nelspruit Police Station and was wrongfully and unlawfully assaulted by approximately six members of the police attached to the security branch.

AG calls for new Kei trial

CP Correspondent

THE extraordinary case of 12 people accused of terrorism who escaped from a Transkei court when their case was unexpectedly struck off the roll, comes under the legal spotlight again this week.

There was pandemonium in the Umtata Magistrate's Court when the case was suddenly dismissed. Twelve of the 25 accused managed to escape, but police recaptured the remaining eight.

Today the Transkei Supreme Court is to hear an application by the Transkei Attorney General, Christo Nel, to have the magistrate's ruling which freed the group set aside.

At issue is an incident on August 20, when 20 people made an appearance in an Umtata Magistrate's Court on a charge of treason which was dismissed by the magistrate, Joe Lukwago-Mogwera. — El-news.

THE Reverend Stanley Mogoba has been elected unopposed as new president of the South African Institute of Race Relations.

He succeeds Dr Stuart Saunders.

Mogoba, secretary of the Conference of the Methodist Church of Southern Africa, was elected during the annual council meeting of the institute in Johannesburg at the weekend.

He said his election came "at an historic or challeng-

Mogoba is new SAIRR president

ing moment in the life of South Africa". He added that the SAIRR had a vital role to play in providing a platform for groups in South Africa to share their vision of the future.

Mogoba, 54, was appointed as a minister while serving a six-month term in

solitary confinement during a three-year prison sentence of Robben Island.

He has written widely and has travelled extensively. He is also a member of a number of international ecumenical bodies, including the World Methodist Council. He is married, has four children and lives in

Kwa Mashu, Natal.

In keeping with tradition, Saunders was elected as one vice-president. Professor Wiseman Nkuhlu, vice-chancellor of the University of Transkei, Professor Lawrence Schlemmer and Sir Richard Luyt were also elected vice-presidents.

One new member of the executive committee was also elected. He is Professor Elwyn Jenkins, director of the Mamelodi campus of Vista University. — Sapa

Delegation snubbed

By SELLO SERIPE

A DELEGATION of eight, comprising of two lay workers, five Soweto priests and Auxilliary Bishop of Johannesburg, Bishop Patric Mvemve — were this week stunned when Councillor Letsatsi Radebe allegedly staged a walk-out during a meeting at Soweto council chambers.

The meeting between the Minister's United for Christian Co-responsibility and Soweto Management Committee was intended to facilitate a meeting between the council and the Soweto Civic Association to resolve the rent crisis.

However, the meeting continued despite his absence.

City Press failed to get comment from Radebe.

Town Clerk Nico Malan, however, confirmed that they held a meeting with the priests who presented them with a memorandum.

In the memorandum the priests appealed to the councillors to appoint Malan as a negotiator and to start talking to the SCA in an attempt to resolve the rent crisis.

An earlier meeting planned a fortnight ago between the SCA and Town Clerk Nico Malan failed to

take place after the association's office at Ipelegeng Community Centre was allegedly raided by the security police and files and a typewriter seized.

Delegation spokesman, Rev Sipho Masemola, said Radebe had accused the group of allowing anti-council meetings to be held in their churches.

Radebe allegedly walked out before the churchmen could defend themselves.

Meanwhile, the SCA general secretary, Patrick Lephunya, said that the association had no mandate from the community to talk to councillors.



Nico Malan

South Africans," story at a children's book

Extraordinary adventures

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'MOTLANA CALLED

BY MONK NKOMO

WELL-KNOWN Soweto medical practitioner, Dr Nthato Motlana, urged youths to align themselves with the banned African National Congress in a violent liberation struggle against the Government, the State alleged in the Pretoria Supreme Court yesterday.

Referring to a speech allegedly made by Dr Motlana, who was chairman of the Soweto Civic Association at the inauguration ceremony of the Soweto Youth Congress on July 31, 1983, Mr Hanekom, the prosecutor, submitted that the SCA was involved in a violent struggle to take over power from the South African Government.

Mr Hanekom also submitted that Dr Motlana, whose association was later affiliated to the UDF, had urged the youth, including members of Cosas and Azaso, to associate themselves with the UDF, the SCA and the Anti-Communism Council Committee.

According to the speech, Dr Motlana also warned that "nothing will restore peace" unless a one man, one vote

Alleged speech read in court

system was introduced in the country.

Mr Thomas Mantlata, secretary of the SCA who, together with 18 others, are facing charges that include treason, yesterday rejected the suggestion by Mr Hanekom that the ultimate aim of the SCA was to take over power from the Government.

Mr Mantlata said there would be no peace where people were deprived of a decent life. Mr Mantlata also denied allegations that the SCA had incited

FOR VIOLENT ACTION'

people not to pay increased rent in Soweto and that they in fact had taken the matter to court in an effort to resolve the issue.

Mr Hanekom put it to Mr Mantlata that their action related to civil disobedience.

"I don't think that a person who disobeys can go to court," replied Mr Mantlata.

Treason hearing

The witness also criticised black local authorities which, he said, impoverished people by increasing rents because they had limited means of generating funds to run the townships.

The 19 accused who include high ranking officials of the UDF, Azapo, Azanyu and the Vaal Civic Association have pleaded not guilty before Mr Justice van Dijkhorst, who is sitting with an assessor to charges of murder, treason, subversion and terrorism.

(Proceeding)



DR Motlana.

UDF 'not linked with ANC or communism'

 Pretoria Correspondent 

The Government's talk of reform in 1983 was an invitation to those involved in, among other organisations, the UDF to give their views on how they saw the future of South Africa, said Mr Patrick "Terror" Lekota in the Pretoria Supreme Court yesterday.

Mr Lekota (39), a key witness in the trial in which 19 high-ranking members of the UDF, Azapo and local civic organisations have pleaded not guilty to high treason, alternatively to charges ranging from terrorism and subversion to murder.

His testimony was marked by jokes between himself and Mr Justice van Dijkhorst and his assessor.

Mr Lekota, UDF national publicity secretary, said he had been convicted in terms of the 1967 Terrorism Act, although he had not committed any acts of violence. On Robben Island he met Nelson Mandela.

After his release he heard about attempts to form a united front. He attended its launch in 1983.

He denied the UDF had been formed on behalf of the ANC or the South African Communist Party, or in a secretive, conspiratorial way.

"The Government was talking about change, people had been unbanned. It was a relaxed atmosphere, one that invited free thought and free action be taken.

"As I understood it we were being invited to say how we saw the peaceful future of our country."

(Proceeding)

Prosecution not valid claims ANC trialist

Daily Dispatch Correspondent

CAPE TOWN — The trial of a New Crossroads man alleged to be a highly trained member of the ANC's military wing took a dramatic turn yesterday when he refused to plead and claimed the protection of the Geneva Protocol of 1977.

Mr Mxolisi Edward Petane, 26, of New Crossroads, bespectacled and neatly dressed in a jacket and tie, told the judge and assessors: "With reverence and respect for you as office-bearers of this court, I refuse to be party to these proceedings. I therefore refuse to plead."

A plea of not guilty was entered.

This was not the first departure from the usual turn of events. The Bench has taken to entering court before the prisoner — an apparent consequence of Mr Petane's militance in the dock — which he enters shouting slogans like "Viva Mandela!"

Yesterday he told the public gallery that he brought "revolutionary greetings from Comrade

Slovo and Comrade Tambo" before he was hustled downstairs to the cells to re-emerge quietly after Mr Justice J. H. Conradie had taken his place on the Bench.

Mr Petane is charged with three charges of terrorism and alternative charges of attempted murder, being a member of the ANC and furthering the aims of the ANC.

Mr Petane is alleged to have joined the ANC in 1976, subsequently receiving military training in Angola and Russia.

He is also alleged to have parked a stolen car containing two gas cylinders and a bomb — which was detonated but did not explode — outside the entrance of a shopping centre here in July last year.

Further allegations

are that he wounded a police constable trying to search his shack in June last year, and four months later wounded four other policemen in KTC by throwing a grenade at them before he was arrested.

After the plea procedure and a short adjournment, Mr Petane's counsel, Mr Mike Donen, said Mr Petane wished "to claim protection in terms of the Geneva Protocol of 1977 signed by the president of the organisation he is alleged

to be part of, Mr Oliver Tambo".

Mr Donen said that in order to prove that the South African Government was bound by the protocol although it had not signed it, he would have to lead expert evidence and needed time.

"I do appreciate it will take some time to assemble your forces for this argument," Mr Justice Conradie said.

The trial resumes on Tuesday.

BD
19/9/87
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'Perception councillors were oppressing blacks'

CALL TO KILL IS

THE general secretary of Soweto Civic Association, Mr Thomas Manthata, told Vaal-Triangle residents to kill local councillors if they refused to resign, it was alleged in the Pretoria Supreme Court yesterday.

Mr W Hanekom, the prosecutor, said the call was made during a meeting in 1984 to discuss increased rents in Sharpeville and was in line with the policy of the SCA "to get rid of puppets".

Mr Manthata rejected the allegations which he described as lies and also told the court: "The SCA has never killed a single man".

Mr Manthata also rejected a suggestion that he called on the Vaal residents not to pay rent. He admitted that he did tell them that the Government should pay the increased amounts and also urged them to negotiate with local councillors.

He denied having told the residents that they had the power but did not know how to use it.

Cross-examined by the prosecutor, Mr Manthata admitted that he told the residents that if they were not satisfied with the councillors, they could re-elect others.

"There was a general perception among blacks that councillors were oppressing them," he said.

By **MONK NKOMO**

Mr Manthata told the court that there was talk in the townships that the houses there had long been paid off through rent and that the Government was now reaping the profits.

A number of houses in Soweto had been paid off in terms of the 30-year leasehold scheme, said Mr Manthata.

Toilets

"Houses built for blacks lack some of the basic facilities such as inside toilets and bathrooms. This leaves people with limited chances of remaining clean," he said.

Mr Manthata is one of the 19 accused, including senior members of the UDF, Azapo, Azanyo and the Vaal Civic Association who have pleaded not guilty before Mr Justice van Dijkhorst, sitting with an assessor, to charges of treason, murder, subversion and terrorism.

(Proceeding)

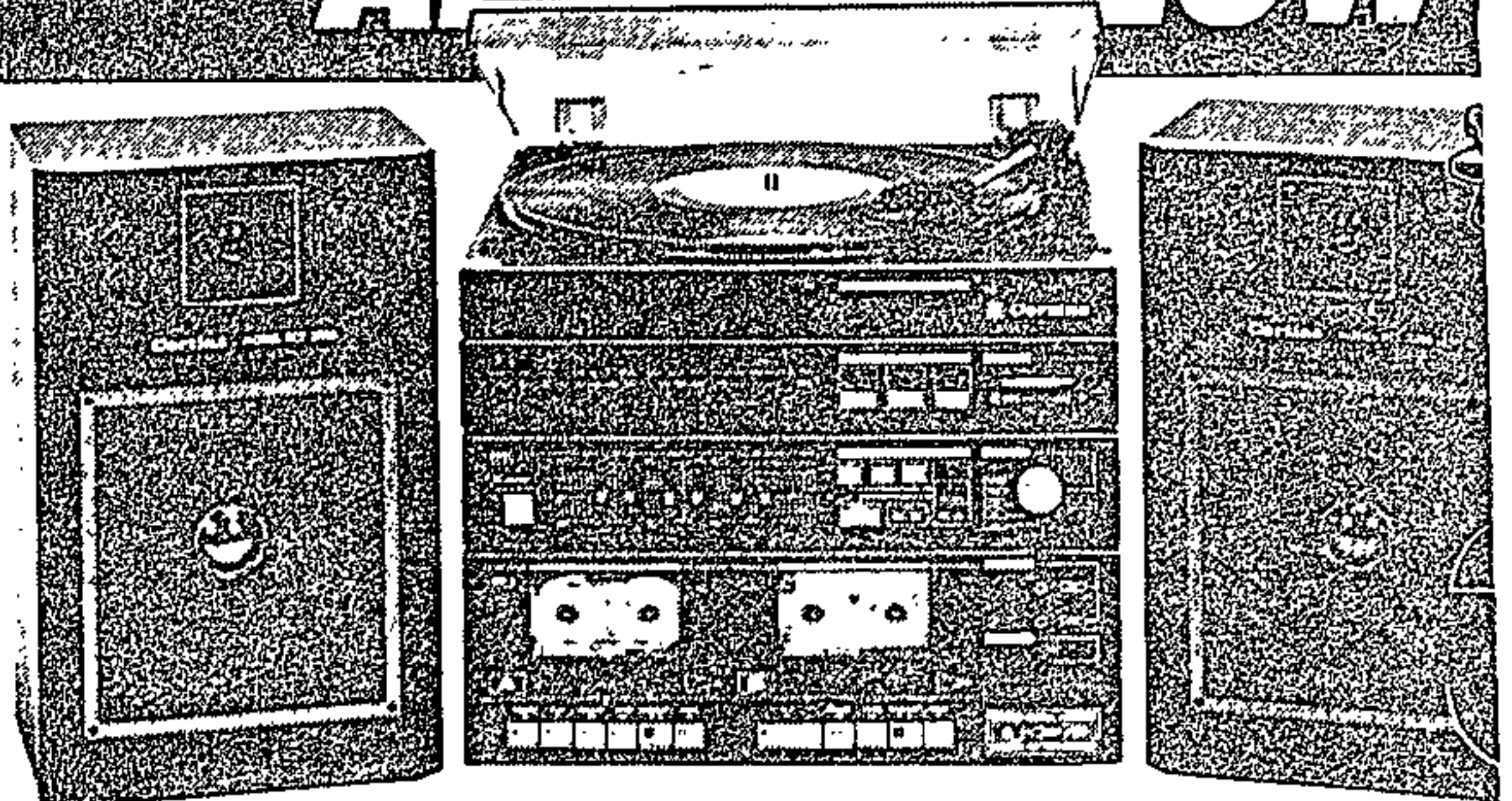
Treason hearing

331

Soweto 10/9/87

DENIED IN COURT

SUPERSO AT SUPERLOW



MOC STA 33 STEREO
RADIO-CASSETTE COMBINATION

* **BLAUPUNKT**
RADIO DOUBLE-CASSETTE

No end to Zwelethemba war zone

By CHRIS GUTUZA and
AYESHA ISMAIL

231

THREE Zwelethemba residents appeared in the Worcester Regional Court this week on charges of public violence arising from conflict between opposing factions.

Peace has shattered the township as fighting raged in two streets and observers say the area resembles a "war zone".

Youths and activists have fled for fear of assault or detention, and parents, community leaders and comrades are blaming each other for the violence.

There is confusion over who is responsible for the stonings and counter-assaults, but some residents say the trouble was caused by hoodlums who were trying to involve innocent comrades.

Bail refused

In court this week bail was refused to William Dingashe, Temba Konco and his sister, Meisie, who were arrested in Zwelethemba at the height of clashes at the end of last month.

No evidence was led and the case was postponed to September 28.

Recently Advice Forum media officer Mr Christopher Tyawana was detained and many people believe he would have been able to help bring peace in the turbulent township. Close relatives claimed they were told by police that Tyawana was being held under State of Emergency regulations.

• Full report, pictures, pages 12 and 13

Forces favourite

FAMILIES have a picnic on the banks of the Cunene River at Ruacana in far northern Ovamboland. On the other side of the river lies Angola.

But, even when the war rages kilometres away, whites living in Ruacana — most of them members of the security forces — are not prepared to give up their Sunday braai.

The crate lying on the sand under an umbrella is not filled with beer, but with hand grenades.

• No place to hide, page 11



Cmt. Trib 10/9/87 331

Geneva Protocol claimed in court

Supreme Court Reporter

THE trial of a New Crossroads man alleged to be a trained member of the ANC's military wing took a dramatic turn yesterday when he refused to plead and claimed the protection of the Geneva Protocol of 1977.

Mr Mxolisi Edward Petane, 26, of New Crossroads, told the judge and assessors: "With reverence and respect for you as office-bearers of this court, I refuse to be party to these proceedings. I therefore refuse to plead."

Pleas of not guilty to three charges of terrorism, as defined by the Internal Security Act, and alternative charges of attempted murder, being a member of the ANC and furthering the aims of the ANC were entered on his behalf.

Mr Petane is alleged to have joined the ANC in 1976, subsequently receiving military training in Angola and the Soviet Union. He is also alleged to have parked a stolen car containing two gas cylinders and a bomb — which was detonated but did not explode — outside the entrance to Dion's shopping centre in Parow on July 25 last year.

Further allegations are that he fired several shots that wounded a police constable trying to search his shack in June last year, and four months later wounded four other policemen in KTC by throwing a grenade at them before he was arrested.

After the plea procedure and a short adjournment, Mr Petane's counsel, Mr Mike Donen, said he had been instructed to remain at his post and further that Mr Petane wished "to claim protection in terms of the Geneva Protocol of 1977 signed by the president of the organization he is alleged to be part of, Mr Oliver Tambo".

Mr Donen said that in order to prove that the South African government was bound by the protocol although it had not signed it, he would have to lead expert evidence and needed time.

"I do appreciate it will take some time to assemble your forces for this argument," the judge said and the state was agreeable to a postponement because it "required time to mount counter-insurgency forces".

The trial resumes on September 15. Mr Justice J H Conradie was on the Bench. Mr L P Francis and Mr W R Vivier were assessors. Deputy Attorney-General Mr D W Rothwell SC appeared for the state with Mr M Stowe. Mr Donen was instructed by R Vassen and Co.

Register hints at police link to vigilantes

By JO-ANN BEKKER

A POLICE "operations register" contained evidence suggesting policemen had been involved in attacks on Alexandra activists, the Rand Supreme Court heard this week.

This information emerged during the cross-examination of the former Alexandra station commander, Colonel Ambrose Dickenson, by lawyers for eight Alexandra treason trialists.

The lawyers claimed the attacks on activists' homes on April 22 last year began soon after a senior black policeman made an entry in the operations register, stating that black policemen wanted to march into the township because one of their colleagues had been robbed.

A subsequent entry in the register records that 70 to 88 men "possibly black policemen" were standing in front of a burning house. Defence counsel TW Beckerling said that nowhere in the relevant entries did the police report any intervention in the violence — except to call the fire brigade.

Dickenson replied: "That is so according to the entries." He confirmed he had signed the operations register late on April 22, but said he could not recall whether he had read each entry. The former station commander said as far as he knew no progress had been made in investigating the incidents. He said he understood the investigating officer had encountered difficulties in speaking to witnesses.

The register entries read out to the court included number 543 made at 7.30pm, in which Warrant Officer Kaka recorded that policemen in the Alexandra barracks wished to march in the township because their colleague had been robbed.

In number 547, at 7.40pm, a policeman described a police Casspir patrol coming upon burning houses and cars. Thirty gunshots were heard as the patrol approached 61 17th Avenue in Alexandra. A group of 70 to 88 people, "possibly black policemen", had gathered in the area, the register entry read. Five motor vehicles were burning. A nearby house was on fire and two injured people were found.

The activists whose property was damaged in the attack included Alexandra Civic Association officials Linda Twala, Johan Andrew Brand and Mike Beza.

The Alexandra "people's court" trialists — who range in age from 17 to 28 — are charged with conspiring with the United Democratic Front, the African National Congress and the Congress of South African Trade Unions to undermine the state's authority. The trial began on April 27.

See the WEEKLY MAIL CLASSIFIEDS



Geneva protects me — ANC accused

By GAYE DAVIS,
Cape Town

IN an unprecedented legal turn, an alleged Umkhonto weSizwe member this week refused to plead to charges of terrorism, being an ANC member and furthering the organisations' aims — and instead claimed the protection of the Geneva Protocol of 1977.

Mxolise Edward Petane, 29, of New Crossroads told the Cape Town Supreme Court: "With reverence and respect for you as office bearers of this court, I refuse to be party to these proceedings. I therefore refuse to plead."

The protocol, which supplements the Geneva Convention of 1949, relates to the protection of victims of in-

ternational armed conflicts. A second protocol deals with the protection of victims of national armed conflicts.

South Africa is not a signatory of the Geneva protocol but the document bears the signature of the ANC leader, Oliver Tambo.

Pleas of not guilty to three charges of terrorism in terms of the Internal Security Act and alternative charges of attempted murder, being an ANC member and furthering the aims of the ANC were entered on Petane's behalf.

His counsel, Mike Donen, said he had been instructed to continue representing Petane. In order to prove that the government was bound by the protocol, although not a signatory, expert evidence would have to be led for which he required time. Judge JH Conradie granted his request.

Article 1(4) identifies as an international armed conflict "armed conflict in which peoples are fighting against racist regimes in the exercise of their right to self-determination, as enshrined in the Charter of the United Nations".

Apartheid features in Article 85

● To PAGE 2

ANC accused claims protection

● From PAGE 1

which condemns it as a "grave breach" of protocol.

Article 44 provides that "any combatant who falls into the power of an adverse party shall be a prisoner of war" and Article 45 lays down that, where there is any doubt about this, the person shall continue to have the status of a prisoner of war "until such time as his status has been determined by a competent tribunal".

Article 75 provides that "no sentence may be passed and no penalty may be executed on a person found guilty of a penal offence related to the armed conflict except pursuant to the conviction pronounced by an impartial and regularly constituted court respecting the generally recognised principles of regular judicial procedure".

The trial resumes on September 15.

— Sapa, Weekly Mail Reporter

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Internal opposition in legal firing line

South 13-23/9/87

SOUTH AFRICA'S entire internal opposition comes under the legal spotlight when labour leader Moses Mayekiso steps into the dock next month to face charges of treason.

Mayekiso, in detention since last June 29, is general secretary of the 130 000-member National Union of Metal Workers of SA (Numsa) and was at the time of his arrest head of the Alexandra Action Committee (AAC).

The trial has serious implications for both the country's burgeoning black trade union movement and the UDF.

More than 200 metalworkers and Alex residents crowded into the Rand Supreme Court on Monday, but the case was postponed.

At issue in the trial are alleged attempts by the AAC to set up an alternative "people's administrations" to replace the present township authority created by the government.

The State has charged Mayekiso and four other AAC officials, among them his brother, with responsibility for initiating these activities in Alexandra, a run-down slum community of about 120 000 people north of Johannesburg with no electricity, sewage or tarred roads.

Demands met

Ironically, in the months since the government imposed a State of Emergency last year, many of the AAC's immediate demands have been met.

Pretoria has begun a massive R120-million upgrading programme; tarring roads, installing electricity and water-borne sewage and upgrading badly run-down housing. Previous government programmes concentrated on knocking down existing houses and replacing them with new houses far too expensive for most Alexandra residents.

The political isolation of township council officials and police in 1985 and 1986 to make way for "organs of people's power" and subsequent establishment of these institutions, State prosecutors charge, constituted an "unlawful attempt to coerce, usurp or endanger the authority of the State. They cite calls by the ANC to "make South Africa ungovernable" as a prelude to the overthrow of apartheid, as proof of a wide-ranging conspiracy.

State prosecutors are also concentrating on people's courts established in many townships during the turmoil of early 1986.

People's courts

In a parallel trial, eight young Alexandra residents are charged with running a people's court which sat in judgment on a wide range of issues from residents' complaints that neighbours' dogs barked too loudly, to accusations of robbery and attempted murder.

Prosecutors charge that residents were intimidated into bringing grievances to people's courts, rather than police and government authorities.

"We are arguing that the people's courts were actually an attempt, and a relatively popular one, to bring order," a lawyer said.

To back up their case, defence lawyers have led evidence that police advised residents coming to them to "go to the people's courts" with their grievances.

They also intend leading evidence that an AAC "anti-crime campaign" led to a marked drop in crime.

In the "Alexandra eight" trial, the ANC, the South African Communist Party, the UDF and Cosatu are cited as "conspirators".

In Mayekiso trial both Cosatu and the ANC are cited as co-conspirators.

The Mayekiso trial, with up to 100 witnesses, is expected to continue until at least next July.— MEDIA SERVICES

'An education for ignorance'

By SOL MORATHI

THE basic flaw in the South African education system, as in many other areas of the national life, is that the black man is perceived as a foreigner.

This was said by the Soweto Civic Association general secretary, Tom Manthata, during cross-examination by State prosecutor, H Hannekom in the Pretoria Supreme Court this week.

Manthata was testifying in the trial of 19 people, including himself, who are facing charges of treason, terrorism, murder and subversion.

All the accused have pleaded not guilty to all the charges.

Manthata told the court that Bantu Education, which was instituted by the Nationalist government about 30 years ago, had been aptly described as "education for ignorance".

"When the National Party introduced Bantu Education, it created a monster that was to cost South Africa many lives, hobbled the economy and made economic development difficult."

"We need an educational philosophy common to all population groups, and to open all schools and education institutions to all South Africans," said Manthata.

The case is proceeding.

**ANC four
get six years**

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TWO Port Elizabeth women found by the Port Elizabeth Regional Court guilty of furthering the aims of the ANC, and two men who were "not unwilling" in the same charge, were each sentenced to an effective six years imprisonment on Monday.

The two women - Nontembiso Elsina Ndabeni, 30 and Bukiwe Gertrude Sufute, 34 - were found guilty of undergoing military training in Lesotho and providing military training to people in Port Elizabeth.

Fuzile Howard Tsewu, 37, and Madoda Ashley, 30, were found to have assisted the women in their operation.

All four accused admitted to being ANC members. - Ecna.

Political comment and newshills by P. Qoboza; headlines and sub-editing by F. Alberts, all of 204 Eloff Street, Ext. Johannesburg.

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Man hails ANC in court

JP/ep A MAN charged with terrorism and attempted murder had to be removed from the dock of the Cape Town Supreme Court this week when he loudly hailed the banned African National Congress, its armed wing, Umkhonto weSizwe, and the organisation's imprisoned leader, Nelson Mandela.

People in the public gallery who responded to his cries were ordered to leave the courtroom. 13/9/87

The trial of Mxolisi Petane, 26, was postponed. Sapa

'UDF NEVER CALLED FOR A BLACK RULER'

By MONK NKOMO

THE United Democratic Front has never called for a black government but had said that a leader of any race who would accept the humanity of all the people can lead this country, Mr Patrick "Terror" Lekota, national publicity secretary of the organisation, told the Pretoria Supreme Court on Friday.

Referring to a speech which is an exhibit in court — which he made at a UDF rally in Port Elizabeth on August 25, 1984 — Mr Lekota said they were not looking for a black prime minister or a black government. The UDF was calling for a government of all the people who would be represented in Parliament, he said.

"Experience has taught us that among African people as well, there are rascals and scoundrels, bantustan leaders and men who are committed to apartheid," said Mr Lekota. He added that it would be coincidental should a black, coloured or Indian

person be elected leader in a democracy in South Africa.

Mr Lekota stressed that any person could be elected to lead South Africa irrespective of his colour. "The primary condition for him to lead our country must be that he accept the humanity of the people of our country — all of them," said Mr Lekota.

He told the court that the UDF had persuaded the government to call

for a national convention where all the people of this country would decide and draft a constitution of their own choice which is acceptable to all.

Detained

Cross-examined by Mr George Bizos, Mr Lekota said he and a number of high-ranking officials of the UDF were detained in August 1984. They were released in December without being charged.

ber the same year. The detention of senior officials disrupted the smooth-running of the organisation and "threw the UDF into disarray," Mr Lekota said.

He and 18 others, including senior officials of the UDF, the Azanian Peoples' Organisation (Azapo) and the Vaal Civic Association, have pleaded not guilty before Mr Justice van Dijkhorst who is sitting with an assessor, to charges of murder, treason, subversion and terrorism.

APARTHEID CALLED A HERESY

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1/20/87

THE United Democratic Front sought peaceful and non-violent means to persuade the Government to abandon its policy of apartheid which is the basis for the escalation of violent conflict in the country, the Pretoria Supreme Court heard yesterday.

Mr Patrick "Terror" Lekota, national publicity secretary of the UDF rejected allegations that his organisation brought the Government into disrepute.

He agreed that the Government could have been labelled as being "undemocratic, cruel, illegitimate, immoral, racist and selfish" by speakers at UDF meetings.

Examined by Mr George Bizos, SC, for the defence, Mr Lekota said the Government was racist because of its pursuance of the policy of apartheid which had been declared a heresy by churches throughout the world.

Treason trial is told

community who resorted to the armed struggle," Mr Lekota said.

The armed conflict was increasing and innocent people were being killed. "When these bombs explode they don't choose if you are white or black. We find ourselves in an unsafe country. We want the Government to abandon the policy of apartheid which is the basis for this conflict," Mr Lekota said.

He rejected allegations by the State that the UDF conspired with the banned ANC to overthrow the Government by violent means. He also denied that he had incited people into acts of violence and that he had promoted a violent revolution in the country.

Mr Lekota and 18 others who include senior officials of the UDF, Azapo, Azanyu and the Vaal Civic Association have pleaded not guilty before Mr Justice van Dijkhorst, who is sitting with an assessor to charges of murder, treason, subversion and terrorism.

(Proceedings)

It was in conflict with the word of God." The Government was cruel because of its resettlement policy and its operations, including those at Crossroads in the Cape where administration officials razed shacks leaving families out in the cold, Mr Lekota said.

He said that the Government could have been criticised for being selfish. Underprivileged communities were deprived of certain jobs which were reserved for whites.

"Even the appointment of officials in the judiciary — judges, magistrates and prosecutors — are made on the basis of a person's colour because all those appointed are white," Mr Lekota said.

The UDF did not want to see bloodshed or worsening of the conflict. The continued exclusion of blacks from Parliament has frustrated large sections of the

Case Tents 15/11/7 (231)

Conviction for violence reversed

Supreme Court Reporter

A PUBLIC violence conviction and a three-year jail term imposed on an 18-year-old Bonteheuwel man, Mr Keith Paulse, by a Parow regional magistrate was reversed by the Supreme Court yesterday.

Mr Paulse was sentenced in November last year but has been on bail of R500 pending his appeal.

He was charged with four others, who were acquitted, after rioting youths broke the windscreen of a truck outside Bonteheuwel Senior Secondary School, overturned it and tried to set it alight on April 23 last year.

He was convicted on the basis of the evidence of a single witness, Mr Godfrey Williams, an employee of the fencing firm whose truck was overturned.

Mr Justice H A van Heerden yesterday said it was clear from a reading of Mr Williams's evidence that he was "a very unsatisfactory and weak witness".

The magistrate, Mr J Venter, erred in accepting Mr Williams's evidence, Mr Justice Van Heerden found. Mr Justice A J Lategan agreed.

Mr L A Rose-Innes, instructed by E Moosa and Associates, appeared for Mr Paulse. Mr W Viljoen appeared for the state.

Mayekiso trial postponed

THE treason trial involving Alexandra activist and unionist, Mr Moses Mayekiso, was postponed to Thursday by a Rand Supreme Court judge yesterday.

Mr Mayekiso is appearing with four others. They have not been asked to plead and were remanded into custody.

The four are Mr Paul Tshabalala, Mr Richard Mdakane, Mr Obed Bapela and Mr Mzwanele Mayekiso.

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CITY/NATIONAL

Nusas members usually 'docile, non-violent'

Tygerberg Bureau

A SERGEANT in the police special branch described Nusas members at the University of Stellenbosch as "docile, non-violent political activists who would not normally physically oppose the security forces or the authority of the State".

Sergeant Deon Goosen was giving evidence in the Stellenbosch Magistrate's Court in a case in which Mr Morris Khwidzihli, 36, a shop steward of the South African Railways and Harbours Workers' Union (SARHWU) in Kazerne, Transvaal, is charged with having made a subversive statement on the university campus on April 24 this year.

Evidence was that students headed by Nusas leader Mr Jaco Malan formed a "human wall" to prevent Sergeant Goosen reaching Mr Khwidzihli while he made his escape off the campus. Mr Khwidzihli was arrested on August 11.

Mr Khwidzihli was ordered by the Attorney-General of the Cape, Mr Niel Rossouw, to be charged under the Public Safety Act No 3 of 1953.

Mr J H de Lange, legal counsel for Mr Khwidzihli, said his client would deny having made any subversive or illegal statements to the students during his speech and that the NUSAS meeting he had been asked to address

had been moved by the students at the last moment from a building to an outdoor venue.

The trade unionist had been uncertain whether the meeting had been "banned" or not, Mr de Lange said.

Sergeant Goosen said that in his opinion contents of the trade unionist's speech had been subversive.

The accused had allegedly said among other statements that "we know, brothers, there is no freedom without blood", "we are going to fight, we are going to destroy Botha and his dogs, we are going to rule this land".

Sergeant Goosen said he believed that all these terms had been subver-

sive in that they affected the "normally pro-security force Nusas students of the university and incited them to violence".

He claimed that his opinion was proven by the students' actions after the speech when they formed the "human wall" which stopped him from arresting the trade unionist.

The Matie Nusas members would not normally use violence to oppose the security forces or the authority of the State as such, he said.

The magistrate, Mr G S Claassen, postponed the trial to September 18. Mr F E Els appeared for the State and Mr J H de Lange, instructed by Mr E Mohammed of E Moosa and Associates, defended Mr Khwidzihli.

12-22/10/87

were involved in a serious fight with the arresting officers. Police Lieutenant Pieter Nortje told the court he had tackled the accused and thrown them to the ground rugby-style. As a result, Maseko and Dladla suffered the injuries and grazes subsequently recorded by a district surgeon.

Empty galleries

THE Piet Retief trial has been marked by high security and a low turnout in the public gallery. For a time, in the face of strong objections from the defence lawyers, the trialists had to hobble in leg irons from the police van to the court.

The low attendance in a significant African National Congress trial might be ascribed to the four-to-five-hour journey from Johannesburg and Pretoria to Piet Retief.

But on one occasion the gallery was partly filled by a group of white school children from the Piet Retief school whose teacher had brought them along to watch a terrorism trial in action.

Under cross-examination, he agreed both men had hinted at maltreatment by the police. But he said he had not asked additional questions to clarify the matter.

The magistrate noted that Maseko complained his jaw and index finger hurt; his left eye was slightly swollen and he had a graze on his forehead. He said he received the injuries when he "fought with the police" during his arrest.

Subsequently Marais asked Maseko whether he had received any injuries after his arrest. He answered "no".

The next question was: "Were you assaulted by anyone?" Maseko answered: "While I was busy telling the police what happened, various people slapped me. That was yesterday, Sunday, the whole day."

Under cross-examination the magistrate asked Dladla and his replies.

He was told there was no room at the Royal Hotel, but the inn was not fully booked.

The owner of the Royal Hotel explained to a reporter that in following day.

Marais also read out the standard questions he had asked Dladla and his replies.

Dladla said he had not been threatened with assault if he did not make a statement. But asked whether he had any injuries he replied: "I have marks. The police at Sandton assaulted me when they arrested me." He pointed to a graze mark on his left hip bone and one on the right side of his groin.

Replying to the question: "Were you assaulted by anyone?" Dladla answered: "The police of Sandton assaulted me. No one else assaulted me."

Marais said he had not requested a police investigation into the two details' claims of assault. But he had passed the statements on to the police as he always did.

Under cross-examination the magistrate asked Dladla and his replies.

After a Port Elizabeth newspaper published the story, Naidu had a room with a bathroom the following day.

rate agreed that even one slap constituted an assault. However, he had not asked Maseko who had slapped him.

as "I did not believe it behaved my office at that moment and that with which I was busy."

Replying to a question from Judge H Daniels, the magistrate said: "I naturally expected that if he wanted me to institute an investigation he would have more or less requested it."

Marais said he attached equal weight to a suspect's statements, whether made to a magistrate or to a policeman.

He added his function was to record what the person making the statement said. He did not think it necessary to ask additional questions to gain clarity, whether in the interest of the police or of the suspect.

Judge Daniels pointed out the contradiction between Maseko telling Marais he had not been assaulted, then

ties. In fact, as Pretorius told the court, Lukisa had escaped and Nduku was shot but had survived.

Pretorius was subsequently recalled by the defence and cross-examined about a murder charge he is facing arising from the death of an elderly Alexandra township resident he allegedly shot. Pretorius refused to say whether the resident was armed and whether he had fired in self defence.

Before the trial officially opened, the third Piet Retief trialist, Ebrahim, brought an unsuccessful application to challenge a South African court's right to try him. He claimed he had been illegally abducted from Swaziland by South African agents, which constituted a violation of international law. But Judge Daniels found the South African police or any agent of the state had not been involved in the abduction.

Ebrahim's application was dismissed. However, Ebrahim has lodged a formal notice that he objects to the jurisdiction of the court.

THE two detainees were brought before a magistrate to make confessions. They spoke about various injuries and suggested these had occurred after their arrests.

The magistrate, Andre Marais, did not probe the claims. He read out the official questions from standard roneoed forms and carefully noted the answers.

The magistrate's "slavish" adherence to the forms and "rubber-stamping" were sharply criticised by defence advocates at a Piet Relief treason trial who accused him of "preventing an opportunity of undue influence being expressed".

The magistrate's admission was among evidence heard in a treason trial taking place outside the media spotlight in the remote eastern Transvaal town of Piet Retief. After a short recess, the hearing resumes on Monday.

The three accused include a man claimed to be one of the most senior Umkhonto we Sizwe commanders yet brought to trial, Ebrahim Ismail Ebrahim, and two alleged African National Congress guerrillas, Mandla Maeko and Magwaza Simon Dladla. They face treason and terrorism charges relating to land mine explosions on Eastern Transvaal farms last year in which seven farm workers and a white farmer's son were injured.

Since the trial began in early August, the Piet Retief Circuit Court has been hearing a trial-within-a-trial to determine whether confessions made last year by Maseko and Diadla to magistrate Marais were made voluntarily or under duress.

The state, represented by advocates Harry Prinsloo and Louiza van der Wal, has accepted responsibility for proving the statements were made freely. In terms of the trial-within-a-trial, the contents of the confessions can not be disclosed unless it is proved they were made voluntarily.

²Moreover, the state's version is that Maseko and Diadla resisted arrest when they were apprehended at a roadblock near Pretoria in the early hours of Sunday, June 22, 1986 and

Far beyond the media gaze, a major ANC trial unfolds in a remote Eastern Transvaal town. JO-ANN BEKKER recaps some of the dramatic evidence at the Piet Retief treason trial

were taken to Alexandra police station and then to Sandton police station where they were stripped and searched for weapons and explosives. They were questioned by security police but the relationship between the men and their interrogators was cordial.

They were subsequently transferred to Piet Retief. On June 23 last year, Masako made his confession to Marais, and Dladla made his confession to the same magistrate on July 1.

When the court resumes on Monday the defence — represented by Johannesburg attorney Priscilla Jana and Durban advocates Leonard Gerding and Kessie Naidu — will present their case in the trial-within-a-trial. However, the substance of Maseko and Dladla's version of events has emerged during the cross-examination of 20-odd state witnesses.

In short, the two claim they were not assaulted during their arrest. It was during their interrogation at Sandton police station that they received the injuries they showed to the district surgeon — including Dladla's perforated eardrum.

The men claim they were stripped and assaulted in separate interrogation sessions. They allege a mask which caused them to suffocate was placed over their faces, electric shock treatment was applied to their genitals. After they were threatened with prolonged detention, the two men agreed to participate in the experiment.

In a remote town, a major trial unfolds to empty seats

The petty race incidents of a

Small-town trial

THE policeman's remark came in the midst of a gruelling spell of cross-examination. "Your honour," Captain Lodewicus Pretorius said, "The Asian lady on my left is distracting me terribly. She stares at me as if I — if hinders me with the questioning."

The lady was the defence attorney in the Piet Retief treason trial, Priscilla Jana. The remark was just one of the racial innuendoes she has experienced during the hearing.

On the first day of the trial, Jana used a toilet off the tea room in the court building. When she returned the following day, the door was locked.

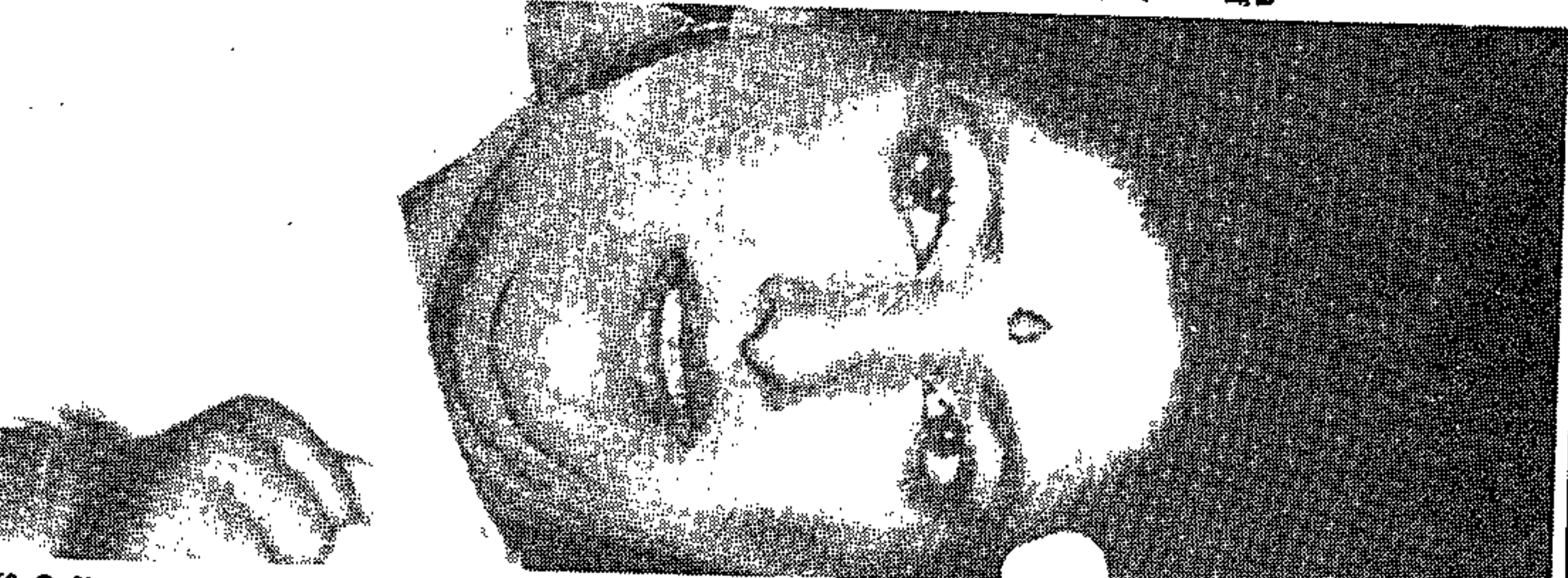
A black policeman in the tea room rushed off to fetch the key but came back empty-handed. "He said I should go to a toilet behind the court," she said.

A white policeman, apparently aware of her plight, showed her another toilet to use the next time. But when she did so she was confronted by a white woman employee of the court.

"She said I should not use that toilet, rather I must go behind the courtroom to some shack," Jana said. By then she had had enough. "I told her I would continue to use the toilet I had been directed me to, and I did."

Petty apartheid incidents are not unusual in political trials in conservative small towns.

One of the defence advocates, Kessie Naidu, experienced a problem in finding accommodation when he was acting for youths charged with public violence in Somerset East two years



Priscilla Jana ... distracting

fact there were no rooms with ensuite bathrooms available. He did not want to be responsible for what might happen if his Italian guest tried to use the com-

— in answering the next question — saying he had been slapped by police the whole day.

Marais said he had been aware of the contradiction at the time. "I realised he had clearly not told me the truth with the previous answer. I did not want to show that he was a liar." He said his second answer made it clear he should have said yes rather than no when asked if he had been assaulted. "It was for me therefore not a contradiction ..."

Naidu suggested Marais had "slavishly adhered to these roneoed forms". This "rubberstamping", Naidu said, had "prevented an opportunity of some indication of undue influence being expressed in these documents".

Another central witness was Captain Johannes Lodewicus Pretorius, a Sardon security policeman who described himself as a police officer with experience in interrogation. He told the court he had acted as a "sentry" during the interrogation of Dladla.

Pretorius denied defence counsel's claims that he had personally supervised and participated in Dladla's torture.

Naidu alleged on one occasion, when Dladla had been made to lie on the tile floor naked, Pretorius had straddled his stomach and applied a mask to his face. Pretorius strongly denied this claim and pointed out he weighed 210 pounds — considerably more than the slightly-built Dladla.

Pretorius — who said he was part of the security police investigation teams formed to interrogate Emergency detainees last year — said he would not pressurise a suspect to give information, “nor have I in the past pressurised any person”.

He denied counsel's accusation that after ascertaining Maseko was born on December 16, he had warned Maseko he was a descendant of the Boer trekker Andries Pretorius who had routed the Zulus on that date.

According to Gering, Pretorius went on to threaten to kill Maseko just as he said he had killed two Alexandra gangsters, Lukisa and

Denial that UDF was involved in violent action

WITNESSES LYING SAYS LEKOTA

THE treason trial took a dramatic turn yesterday when one of the accused, a senior official of the UDF, lashed out at the State and accused it of encouraging witnesses to tell lies in court.

Mr Patrick "Terror" Lekota, national publicity secretary of the UDF, told the Pretoria Supreme Court that a number of things left him "absolutely hurt" during the court proceedings.

The State, which should be upholding justice for all, Mr Lekota said, had misused its position of trust by

encouraging witnesses to tell lies in court that he went around the country teaching people how to make petrol bombs.

"I am being portrayed as an anarchist," Mr Lekota said.

Mr Justice van Dijkhorst interrupted and told Mr Lekota that the court still had to make a ruling on the claims that the State had encouraged a witness to tell lies in court.

Examined by George Bizos, SC, for the defence, Mr Lekota said the violence that erupted in Tumahole, Parys, could have been sparked off by the police who fired "teargas" at residents who protested peacefully against increased rent in 1984.

He rejected allegations that the UDF was involved in the violent action. "The UDF is opposed

to the Black Local Authorities but it is not our policy to instigate people into acts of violence and attack those who serve on these Government structures," Mr Lekota said.

Teargas

He told the court that he saw the police assaulting Mr Bonakele Ngalo at a police station in Parys. Mr Ngalo died

later in the police cell after Mr Lekota had seen him being "punched" by the police, the court heard.

Mr Lekota also told of an incident in Kroonstad in February 1985 when police fired "teargas" at mourners without any provocation.

Mr Lekota said he and a colleague, who is blind, retreated into the trees near the cemetery and he was hit by a teargas

canister. The grand-father of the deceased collapsed and was rushed to hospital after being overcome by the fumes," Mr Lekota said.

Mr Lekota and 18 others who include top ranking officials of the UDF, Azapo, Azanyu and the Vaal Civic Association have pleaded not guilty to charges of murder, subversion, treason and terrorism. (Proceeding)

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SAC 16/9/87

Children made to lie, court told

Pretoria Correspondent

The publicity secretary for the United Democratic Front, Mr Patrick Lekota, lashed out yesterday in the Pretoria Supreme Court at the State for "misleading little children to tell lies in court".

Mr Lekota is one of 19 members of the UDF, Azapo and other local civic organisations who have pleaded not guilty to the main charge of high treason and alternative charges ranging from terrorism and subversion, to murder.

In Mr Lekota's testimony, which began in the Supreme Court on September 9, he said there were a number of events that had occurred in the course of the proceedings of the hearing which had "deeply hurt him".

One of these, he said, was the way in which the State had used children to testify against him and tell lies at a time when he was facing five charges of murder.

He said they had portrayed him as an anarchist.

Mr Lekota's testimony yesterday was filled with details of riots and unrest in the black townships of Parys and Kroonstad in 1984 and 1985, as well as events surrounding a funeral held in Welkom on 1984 where he was a guest of the Cosas branch.

The hearing continues.

Employee faces theft charges over R63 000

A 49-year-old Heidelberg woman appeared in the Johannesburg Regional Court yesterday on 146 charges of theft involving R63 000.

Mrs Johanna Hendriks pleaded not guilty to the charges. It was alleged that she stole goods to the value of R63 000 from the V H Cables company — which has since been liquidated.

State witness Ms Belinda Coles told the court an amount of R500 was withdrawn every week and she was told by Mrs Hendriks that it was for "her husband's salary". She said she

sometimes worried about it, but "that it was not my duty to question it".

She said Mr Hendriks always kept the petty cash on his person. She said she worked under Mrs Hendriks at V H Cables learning how to "do the books".

She said part of an employee's salary was paid out in "transport money" so it was tax free.

V H Cables director Mr Antoine Maurice Vonk testified that Mr Hendriks was the brains behind the company and Mrs Hendriks was in charge of administration.

The hearing continues.

~~Cape Times 16/6/87~~
**Maties
stopped
unionist's
arrest**

Court Reporter

A POLICEMAN was unable to arrest a Transvaal trade unionist when Stellenbosch University students protected him by "forming a wall with their bodies", the Stellenbosch Magistrate's Court heard yesterday.

Mr Morris Pshililo Khwidzhili, 36, a South African Railway and Harbour Workers' Union shop steward, is charged with making subversive statements at the university on April 24.

In his plea explanation, his defence counsel, Mr E de Lange, said that while Mr Khwidzhili was visiting his union's offices in Cape Town, he had been asked by the students to inform them on the SATS strike in Johannesburg.

When he arrived, the hall where the meeting was to be held locked, and it was held in a stadium instead.

Sergeant Deon Goosen, of the security police in Stellenbosch, told the court he had taped Mr Khwidzhili's speech, during which "Amandla Ngawetu" and "Viva ANC" were shouted.

Sgt Goosen said that when he tried to arrest Mr Khwidzhili, a student, Mr Jaco Malan, pushed him (Mr Khwidzhili) away and other students formed a "wall with their bodies" through which he could not follow.

The hearing was adjourned.

Mr GS Claassen was the magistrate. Mr FE Els prosecuted. Mr De Lange was instructed by E Moosa and Associates.

ANC: Protection under 1977 Geneva protocol?

ANC Times 16/9/87 (331)

Supreme Court Reporter

GOVERNMENT law advisers "will peruse with great interest" the argument of counsel for an Umkhonto we Sizwe (MK) member claiming the protection of the Geneva protocols, the Supreme Court heard yesterday.

This was said by Deputy Attorney-General Mr D W Rothwell SC, who intervened to ask Mr Justice J H Conradie not to excuse the court stenographer — as normally happens during argument — because of this.

The MK member is Mr Mxolisi Edward Petane, 26, who has refused to plead to charges of terrorism in terms of the Internal Security Act, claiming the protection of the 1977 protocol.

Mr Petane says he should be treated as a prisoner-of-war and that as he has committed no war crimes, but rather taken legitimate action as a combatant against enemy forces, he should not be prosecuted.

His counsel, Mr Michael Donen, argued yesterday that numerous resolutions of the UN General Assembly and judgments of the International Court

supported the contention that the international community viewed apartheid as a crime and accepted the use of force to eliminate it.

Furthermore, the diplomatic relations that existed between members of the international community and the ANC confirmed its status as a liberation movement, as did its participation in the Geneva conference which formulated the 1977 protocols.

Mr Donen said the protocols codified international customary law on armed conflict and called on signatories to "ensure" respect for the protocols.

This alone entitled Mr Petane to protection but there was additional entitlement in Article 1 (4) of Protocol I which included as an international armed conflict those in which "peoples are fighting against racist regimes" — a clause specifically aimed at the government of South Africa.

Mr L P Francis and Mr W R Vivier were assessors. Mr Rothwell appeared with Mr M Stowe. Mr Donen was instructed by R Vassen and Co.

Watson brothers coming to terms with Life among the ruins

CITY OF CAPE TOWN

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PORT ELIZABETH. — The three Watson brothers who were on trial for fraud, arson and attempted murder this year, are now unemployed and unemployable.

According to Ronnie and Dan "Cheeky" Watson, they are unemployed because they have "exposed the close co-operation between big business and the government in their conspiracy of polarising the races to form Regional Services Councils".

Three years ago the brothers were partners in a successful family business, Dan Watson's American Imports. Now they are out of work, their business is under liquidation and they are being supported by their parents and friends.

Valence, 35, Ronnie, 37, and Cheeky, 32, have been unemployed since they were imprisoned for nearly six months in August last year awaiting trial. They were charged with fraud, attempted murder and arson.

All the counts arose from a mysterious fire on

October 19 1985, when a house in the name of their mother, Mrs Elaine Watson, was destroyed. They were accused of instructing two employees, Archie Mkele and Geoffrey Nocanda, to set fire to the home.

At the time the house was heavily bonded and the business was nearly R500 000 in debt.

Ronnie and Cheeky were found not guilty of fraud, arson and attempted murder while Valence was sentenced to an effective two and a half years.

He was released on bail of R15 000 in January pending appeal and three weeks ago Valence won the appeal. Ronnie and Cheeky are both suing the Minister of Law and Order for R250 000 for wrongful arrest and imprisonment while papers for Valence are still being prepared by the lawyers.

The Watson brothers have been the focus of controversy since they left the South African Rugby Board 12 years ago and joined the nonracial Kwazakhele Rugby Union which is an affiliate of the South African Rugby Union.

At the time Ronnie was a member of the Crusaders rugby club, Cheeky was a Junior Springbok who had played against the All Blacks, and Valence was captain of the Eastern Province side.

Christians

The brothers were challenged about their participation in racist rugby structures and Ronnie said that, as Christians, they felt they should love their neighbours in a practical sense.

"Rugby contact with township players raised our political conscious-



The Watson brothers, from left, Cheeky, Gavin and Ronnie, outside their home in Parkside which was gutted in 1985.

ness," said Ronnie.

In April this year an attempt was made on Ronnie's life while he was selling tooth picks in Gaborone.

During the 1984 consumer boycott, Watson's clothing business was exempted. After their home was razed to the ground and a second consumer boycott was implemented, the Watsons asked that they not be exempt.

They said they felt it had become too dangerous as

an exemption drew attention to them and they had experienced incredible harassment. Due to this, the business lost approximately R40 000 a month.

"My parents, our wives and in-laws have been supportive throughout — we're a family," said Ronnie.

But the brothers are not sure what they will be doing with their lives in the future.

"We are still talking and

trying to get things together," said Cheeky.

In spite of harassment during the consumer boycott, the imprisonment and court case and the attempted assassination, the Watsons will not stop opposing apartheid.

"It does not matter if we are killed or have to live in exile, if we don't continue fighting for righteousness and justice the last 12 years of our lives would have been a lie," he said. — ECNA

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South 17-23/9/87

By SIPHO VANGA

Petane seeks POW status

THE alleged unit commander of the ANC's military wing, Umkhonto weSizwe, should be granted a prisoner-of-war status, the Supreme Court heard this week.

Mr Michael Donen, defence counsel, was arguing at the trial of Mxolisi Edward Petane, 29, of KTC who is facing three terrorism charges and two attempted murder charges.

The State alleges that in June 1986 Petane placed a bomb at Dion Shopping Centre in Parow. The

bomb did not explode.

Last week a plea of not guilty was recorded after Petane "refused to be part of the court proceedings which he did not recognise."

Donen said the Geneva Protocol recognised that people fighting for self-determination should be granted prisoner-of-war

status.

"Petane has committed no crime — he participated in an "armed conflict" which involves South Africa and the ANC.

In terms of the Protocol to the Geneva Convention, people fighting for self-determination, or against a racist regime should be protected.

Asked about protection

given to POWs, under the convention, Donen said: "They are not to be prosecuted but are held till the conflict ends. If a combatant commits a breach of discipline or war crime he may be prosecuted but international law must be applied."

The state further alleges: That in November last year Petane threw a hand grenade at five policemen which injured them; that he fired several shots, and seriously wounded Constable Kotze in Guguletu.

The trial was postponed to September 23.

(33)

'MINORITY HAS LION'S SHARE'

A LION'S share of South Africa's wealth was only shared by the minority white population, Mr Patrick "Terror" Lekota, national publicity secretary of the UDF told the Pretoria Supreme Court yesterday.

Cross examined by Mr P Fick, for the State, Mr Lekota described himself as "an African nationalist" attracted to the ideas of socialism which included the sharing of wealth.

"I come from a deprived community that

By **MONK NKOMO**

has made a contribution to the wealth of this country but is deprived of its share," said Mr Lekota.

"A lion's share of our wealth in this country is only enjoyed by the minority", Mr Lekota told the court.

Each time blacks in South Africa made a call for the share of this country's wealth, they were being told that they were living better than Africans in other

countries such as Burundi or Uganda, said Mr Lekota.

"We are South Africans and our standard of life must be determined and measured according to our wealth and not of other African countries," he said.

Mr Lekota and 18 others who include high-ranking officials of the UDF, Azapo, Azanyu and the Vaal Civic Association have pleaded not guilty before Mr Justice van Dijkhorst, who is sitting with an assessor, to charges of murder, treason, subversion and terrorism.

Banned

Mr Fick yesterday put it to Mr Lekota that both the UDF and the banned African National Congress regarded education in South Africa as an issue upon which they could mobilise the masses.

Mr Lekota rejected the allegation and denied any links with the ANC. He agreed that the UDF had expressed support for students, in their demands for, among others, SRCs and an end to alleged sexual harassment of pupils by teachers.

Although the UDF was not directly involved in education issues, some of its affiliates which included Azaso, Nusas, Cosas, and Neusa, were concerned about education matters, Mr Lekota said.

(Proceeding)

Cap. Trip 18/9/87
Weaver
trial a
huge
cover-up
— PFP

Political Staff

THE prosecution of Mr Tony Weaver, deputy news editor of the Cape Times, on charges under the Police Act could not be considered as anything less than part of a huge cover-up, the Progressive Federal Party spokesman on law and order, Mr Tian van der Merwe, said yesterday.

He said the acquittal of Mr Weaver had "enormous consequences for the government".

"Not only has Mr Weaver been subjected to a lengthy prosecution costing him tens of thousands of rand in legal expenses, but he has been vilified and insulted and his professional integrity has been called into question.

"I have personally asked a number of questions of the Minister of Law and Order about the shooting of seven alleged ANC guerillas in Guguletu last year, the incident which was the subject of the charge against Mr Weaver.

"After some questions had been put, the minister refused to answer any further as he 'was not prepared to be cross-examined on the issue'.

'Lie to public'

"The charge against Mr Weaver can in the circumstances not be considered to be anything less than part of a massive cover-up and attempt to lie to the public about the events of March 10, 1986, in Guguletu, a cover-up which was arrogantly supported by the then Minister of Law and Order, whether knowingly or unknowingly, one does not know.

"I only hope that the judgment of Magistrate Lemmer, which put Mr Weaver in the clear, will lead to further investigations so that the truth can be established," Mr Van der Merwe said.

Reporter free as spotlight turns to police

33 BY GAYE DAVIS,
Cape Town

THE acquittal of journalist Tony Weaver under the Police Act yesterday has turned the spotlight back onto the police and the incident in which seven alleged guerrillas were shot in Guguletu, Cape Town, last year.

Weaver, the *Cape Times* deputy news editor, was yesterday acquitted on charges of contravening Section 27 (b) of the Police Act.

He had been accused of publishing untrue matter about the deaths of the seven alleged ANC cadres in a BBC interview the day after the shootings. In it he cited eye-witnesses' claims that some of the men were shot dead in cold blood and said families of the dead men felt Russian-made weapons had been planted on their bodies to justify their being shot.

Finding Weaver not guilty, magistrate J M Lemmer said the "true facts" were not put before the court by the State. He had no reason not to believe the medical evidence — unchallenged by the State — which contradicted police testimony on how six of the seven died, and evidence by three eye-witnesses called by the defence could therefore also not be rejected.

Lemmer added that even if he had found that Weaver had published false matter, the evidence was that he had reasonable grounds for believing it was true.

Weaver said this week he believed his acquittal was not the end of the matter.

He wished to know whether the Attorney General would re-open the inquest into the deaths of the seven alleged guerrillas.

Weaver said that at an inquest hearing, the presiding magistrate refused to allow oral evidence or the cross-examination of police witnesses. Yet the medical evidence showed conclusively that some of the police witnesses lied and that several of the men were shot at point-blank range.

He also wanted to know:

- Whether the "inexplicable" disappearance of part of the court exhibit and alterations made to a police register had yet been investigated.

- The reason why three other charges, relating to the same incident, were suddenly dropped at the start of the trial.

Blame the state for the UDF

— SAYS TREASON ACCUSED LEKOTA

By PATRICK LAURENCE

THE government and not the African National Congress was responsible for the formation of the United Democratic Front, according to the UDF publicity secretary, Mosiuoa "Terror" Lekota.

His assertion came during his testimony for the defence in the mammoth treason trial in Pretoria's Palace of Justice. Lekota, one of the 19 accused, has been giving evidence for the past week.

His declaration came as a counter to the state charge that the UDF was formed at the behest of the outlawed ANC and that it was part of a conspiracy to topple the government by violence.

Dressed in a grey striped suit, with a red carnation and a UDF badge vying for attention on his right lapel, Lekota said: "If anybody is to be blamed for the formation of the United Democratic Front it must be the government."

The formation of the UDF in 1983 was inspired by the present government, more specifically by the need to channelise opposition to its exclusion of blacks from its pending tri-racial constitution for whites, coloureds and Indians.

Earlier calls to form a united front, made in 1971, 1981 and 1982, did not produce concrete results because the time was not ripe. But in 1983, when the government finalised its plans for a "new dispensation", the situation was different.

As Lekota put it: "People were not happy about it, the call was made and there was a response to it."

A former Robben Island prisoner, Lekota, who has been in custody for the past 30 months, denied that the UDF was formed in response to a call for a united front by ANC president Oliver Tambo in January 1983.

There was no secret agreement and no secret agenda to work for the overthrow of the government, he

said, recalling that the launch of the UDF was a highly public — and publicised — event and that points in the founding declaration were openly debated.

"The UDF wants a peaceful solution and it calls on the government to call a national convention of the leaders of the respective peoples of the country to work out an acceptable constitution," Lekota said.

Led by defence lawyer George Bizos, SC, Lekota repudiated allegations that he had fanned violence, counter-charging that the state had tried to frame him and portray him as an anarchist.

His counter-charge referred to a witness for the state who implicated him in violence, charging that he had taught young people at Tumahole, Parys, to make petrol bombs.

Later, under cross-examination by Bizos, the witness retracted her evidence, describing it as false testimony given under duress and naming the prosecutor in the trial, Transvaal Deputy Attorney General PB Jacobs, as the person who told her to give evidence against Lekota, as laid out in a typed statement, if she did not want to go to jail for a long time.

That was in April last year. Stung by the memory, Lekota, who has had to wait for nearly 18 months before been able to respond, hit back, accusing state counsel of encouraging "people to come and lie".

Lekota told the court that he viewed people who received military training from the ANC as guerrillas rather than terrorists.

But he denied eulogising guerrilla violence, agreeing that Andrew Zondo, the Amanzimtoti bomber, had

murdered civilians and stressing that the UDF condemned all violence and that its quest was for a peaceful solution.

In response to a question from the bench on what constituted terrorism, Lekota replied that he had difficulty in giving a precise definition.

Unita leader Jonas Savimbi had been condemned as a terrorist in South Africa's corridors of power when he was fighting to overthrow Portuguese rule in Angola, Lekota said. "But now we see him invited to the opening of parliament in Cape Town."

The newly-freed South African commando, Major Wynand du Toit, was seen as a terrorist in Angola but received in South Africa as a hero, Lekota said.

A lover of history, Lekota told the court: "If there is to be a correction of the situation in our country we must participate in the process of correcting it."

It was not enough for the government to say, "Look, we dispense and you black communities must accept".

"We want to be there," he said. "We want to take the decision."

Consultation in which whites decided which black leaders would be consulted was not the way to peaceful settlement.

"There will always be men who are black like I am, even blacker than I am, who will be prepared to accept, to do anything just to please the government... What you may call baas boys, ja baas, ja baas."

They were were the tools of dictators, Lekota said, adding: "Let not our white compatriots choose for themselves who they will consult. Let us, the African community, let us, the black communities, decide who will speak for us."

FOR THE RECORD

THE Anglican Archbishop of Cape Town. | THE Chemical Workers Industrial Union

Applications for the University of Cape Town

331
Somerset
18/9/87

Many attend Alex case

A PROMINENT trade unionist and four community leaders facing treason charges were again remanded in custody when they appeared before Mr Justice B O'Donovan in the Rand Supreme Court yesterday.

They are, Mr Moses Mayekiso (38), of the National Union of Metalworkers and civic leaders, Mr Obed Bapela (28), Mr Mzwandile Mayekiso (22), Mr Paul Tshabalala (38) and Mr Richard Takane (29).

Their first appearance was on Monday when they were remanded in custody until yesterday. A big crowd turned out for the case. A similar crowd packed the public gallery yesterday.

Mr Mayekiso and the four civic leaders are charged with treason, alternatively sedition and subversion. The State alleges they committed the offences in Alexandra Township between January 1985 and June last year.

They were not asked to plead, and the case was postponed to a trial date on October 19. They are all represented by Advocate David Soggot SC.

Newsman IS acquitted

Mr. T. van der Spuy 18/9/82

By VVETTE VAN BREDa
Court Reporter

THE deputy news editor of the Cape Times, Mr Tony Weaver, was acquitted yesterday on a charge of making false statements to the BBC about a shootout in which seven alleged ANC guerillas had been shot dead by police.

The charge arose from an interview he had with the BBC's Africa Service on March 4 last year about the shootout at the intersection of NY1 and NY111, Guguletu, the day before.

Three charges relating to the printing of untrue matter were withdrawn at the beginning of the trial. In acquitting Mr Weaver on the fourth charge, the magistrate, Mr J M Lemmer, found Mr Weaver had reasonable grounds to believe that what he had told the BBC was true.

He said medical evidence contradicted evidence of the state witnesses and the court could not say for certain what the truth was.

'True feelings'

"Before the court acquits the accused I have to say that even if the court had found that the matter about the police was false, the accused clearly stated that he had reasonable grounds to believe what he had been told was true," Mr Lemmer said. There was no evidence to show Mr Weaver did not publish the "true feelings" of the parents of two of the deceased.

In his 90-minute judgment, Mr Lemmer summed up evidence since the trial started five months ago. The state had alleged that Mr Weaver unlawfully published untrue matter by claiming that:

- Some of the men had been "set up" by the police;
- Weapons were "planted" on certain men to create the impression that they were guerillas and to justify the killings;
- Two of the men were shot in cold blood while either trying to surrender to the police or while lying injured on the ground;
- A policeman took a pistol from the belt of one of the men, kned him in the stomach and punched him to the ground;
- Another policeman mentioned that they should

Sequel to BBC report on city shooting



Mr Tony Weaver

shoot the man whereupon police fired three shots into him with a rifle.

Previous evidence was that Mr Julian Borgeers of the BBC had telephoned Mr Weaver on March 3 for details of the shooting. He had given Mr Borgeers the police version.

Mr Weaver explained that he had not relayed the report of another Cape Times reporter, Mr Chris Bateman, as the report had not been cleared for publication.

The following day Mr Weaver was assigned to interview families of the deceased. He and a colleague, Mr Andre Koopman, had done so. He believed that the families were genuinely bereaved. They told him the dead men were not interested in politics and were not ANC members.

On his return to the office, Mr Borgeers contacted him for an update and later interviewed him "live" on the BBC. He had related the feelings of the family members and the versions of the eye-witnesses as reported by Mr Bateman.

He had stressed the emotional state of the family in the interview and said he had no proof that what they said was true.

Mr Bateman told the court he had interviewed three eye-witnesses who lived in the Dairybelle hostel overlooking the scene.

The report appeared on the front page of the Cape

Times the following day. He said he had no reason to believe that the three were unreliable witnesses and he had spoken to them in Zulu, a language he was fluent in.

One of them, Mr Bowers Vumazonke, said he saw a policeman shoot a man lying on the ground.

Another, Mr Cecil Msutu, said he saw a policeman shoot a man with his hands raised. Mr General Sibaca said he saw a man approach a policeman with hands raised and the policeman removed a gun from the man's belt.

Another policeman then grabbed the man by the back of the neck, kicked him in the small of his back and pulled him down.

"A policeman stationed in NY1 shouted 'shoot him' and then the policeman shot him. He was pointing the gun downwards," Mr Sibaca said.

The driver of a bus loaded with disabled children, Mr Ronald Bening, said a man wearing what appeared to be a police uniform had shot a motionless man on the ground at "point-blank range".

Medical evidence

Forensic experts Dr Johan van der Spuy and Dr David Klatzow said six of seven killed were shot at "very close range".

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eye-witnesses to the killings of three of the men more credible than that of the police evidence.

The police evidence was that they had received information that a police vehicle which passed a certain corner in Guguletu between 7am and 7.30am every day, would be attacked.

One of the policemen involved in the shooting, Major C A J "Dolf" Odendaal, said he was told the alleged attackers would be transported in a stolen minibus. Certain policemen had driven a vehicle to the intersection and others were placed in strategic positions in the area.

He described how a hand-grenade was thrown at a patrol van and how police retaliated with gunfire.

Various policemen described how they had fired at each of the seven victims in self-defence. They all denied planting weapons on the deceased.

Miss W van der Merwe prosecuted. Mr J J Gauntlett, instructed by Findlay and Tait, appeared for Mr Weaver.

23/16 ARKUS 19/9/87

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A-G: 'If only I'd known'



Tony Weaver

Weekend Argus Reporter

THE Attorney-General of the Cape, Mr Niel Rossouw, said if he had known about the existence of the witnesses called in Cape Times deputy-news editor Tony Weaver's defence it might have "changed his attitude" towards the prosecution.

In a statement issued yesterday Mr Rossouw outlined his reasons for dropping the first three counts against Mr Weaver and continuing with the fourth count of publishing untrue statements about the police.

The statement said: "In a tri-

al which received immense publicity right from its inception Mr Weaver was originally charged with four counts of contravening Section 27 B (1) of the Police Act, that is, in abbreviated form, to publish untrue reports about the SA Police.

"The first three counts relate to the taking of a statement from a Mr Msutu, the burial of seven men on a particular day and a demand that the burial take place immediately. Count 4 related to a report to the BBC purporting to describe the circumstances under which the seven men had died and reac-

tion of their relatives.

"The first three counts were not proceeded with because unforeseeable changed circumstances did not justify their continuance. It is not expedient in a statement of this kind to elaborate on all the circumstances leading to that decision.

"Before the trial I was never apprised from any source whatever of the existence of witnesses who might have lent credible/factual support to the report that Mr Weaver had rendered to the BBC.

"Had knowledge of the evi-

dence of the bus driver and his passenger (which only emerged during the defence case) been available to me earlier, it may well have influenced my attitude.

"The investigation which must now follow could consequently have taken place at a much earlier stage. In this regard I have already been in communication with the divisional commissioner of the South African Police in the Western Cape. The question of the reopening of the inquiry must await the results of the present investigation."

Shoot-out: AG orders investigation

CAPT. TIM'S 19/9/82 331

Staff Reporter

THE Attorney-General, Mr Niel Rossouw, yesterday ordered a full investigation into "all the questions raised" at the trial in which the deputy news editor of the Cape Times, Mr Tony Weaver, was acquitted on a charge under the Police Act this week.

In a prepared statement released yesterday, Mr Rossouw said he had "never been apprised from any source whatever" of the existence of witnesses who might have lent creditable factual support to the report that Mr Weaver rendered to the BBC.

In a telephone interview later he clarified this to mean a bus driver and his passenger.

Mr Rossouw said that had knowledge of the evidence of a bus driver and his passenger (which emerged only during the defence case) been available to him earlier, it "may well" have influenced his attitude.

The investigation which would now follow could subsequently have taken place at a much earlier stage, he added.

He had already contacted the Divisional Commissioner of Police in the

Western Cape about this investigation.

Mr Rossouw said the reopening of the inquest into the death of the seven alleged guerillas "must await the results of the present investigation".

Asked why the initial three charges relating to the taking of a statement from an eyewitness, Mr Cecil Msutu, the burial of the seven men on a particular day and an alleged demand that the burial take place immediately, were dropped early in the trial, Mr Rossouw replied:

"Unforeseeable changed circumstances did not justify their continuance and it is not expedient in a statement of this kind to elaborate on all the circumstance relating to that decision."

Mr Rossouw began his statement by outlining the four charges and saying that the trial had received immense publicity "right from its inception".

The magistrate, Mr J M Lemmer, found that even if Mr Weaver had published false matter about the police, he clearly stated that he had reasonable grounds for believing it to be true.

Acquitted newsman may sue police for malicious prosecution

29/6/77 THE POLICE took a newspaperman to court because they said his published report on township violence was untrue.

The newspaperman was acquitted but the police could now land up in the dock themselves.

The about-face took place this week when a magistrate heard witnesses describe how a shoot-out between policemen and seven alleged ANC terrorists in a township outside Cape Town had turned to slaughter.

Witnesses to the shootings including a busload of handicapped children — told the magistrate that they had seen policemen shoot two of the alleged terrorists in the head at point blank range as they were lying on the ground.

One man, who had raised his hands above his head in surrender, had also been gunned down, they said.

These facts emerged in court when Mr Tony Weaver, the deputy news editor of the Cape Times, was charged with making false statements to the British Broadcasting Corporation (BBC) about police activities.

Mr Weaver was charged under the controversial Sec-

By SYBRAND MOSTERT

tion 27(b) of the Police Act which makes it an offence to publish untrue matter about the police.

After Mr Weaver's acquittal, the Attorney-General of the Cape, Mr Neil Rossouw, called for a full transcript of the case to investigate "all the questions raised".

Mr Weaver said he is considering suing the Minister of Police, the former Minister of Police Mr Louis le Grange, and former Commissioner of Police, General Johan Coetzee, for malicious prosecution.

Bizarre

In a bizarre twist to the incident, a busload of handicapped children stumbled onto the scene to witness the shootings which took place in Guguletu on March 3 last year.

The bus was full of young children from the Astra School for the Disabled.

The bus driver, Mr Ronald Benting, said he saw a man in uniform shoot another man

"at point blank range in the head," a few metres from the bus.

"It happened in front of our very eyes," he told the court.

Mr Benting said that he had approached the intersection on his rounds and saw a number of policemen standing around a mini-bus.

A man was lying in the road and he stopped the bus.

"A white man wearing something like that," he said, pointing at the court orderly's uniform, "approached the man and shot him at point blank range."

"He put the gun close to his head and shot twice."

"I saw blood come out of his head and run onto his cheek."

Mr Benting was then approached by the police and asked what he was doing there.

A 15-year-old pupil with a "learning disability" said that he saw "a black man lift his hands in the air and then they shot him. He fell."

Mrs Patricia Smith, a house-mother at the school, said that she had been in a "terrible state of shock" after the incident.

She had seen "a man lying on the road. A white man had fired downwards at the man with a short gun," she said.

Police witnesses said in court — and at the earlier inquest held into the death of the seven — that they had received information that a police vehicle which passed a certain corner in Guguletu every morning would be ambushed.

Grenade

A stolen mini-bus would be used by the attackers, and the police had set up a trap.

Members of the Western Cape Unrest Unit and the Murder and Robbery Squad were involved in the shoot-out.

In the confrontation which followed, police said that they had been fired on and a hand grenade had been thrown at them. They had fired at their attackers from a distance in self-defence, they said. Russian weapons had later been seized after the shoot-out.

But the court was told by two forensic experts that six

of the seven had been shot at "very close range".

And both doctors said that forensic evidence on the death of three of the seven supported the eyewitness accounts more than that of the police.

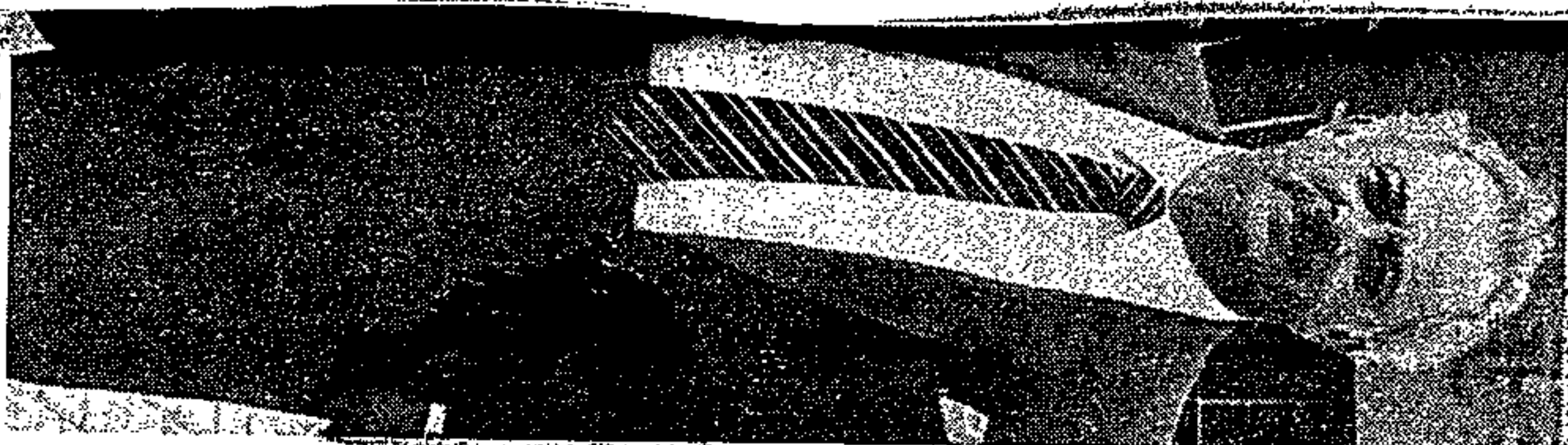
Another witness, Mr General Sibaca, had described how police had grabbed a man, taken a pistol from his belt and then knelt him to the ground.

A policeman in the distance had then shouted "shoot him", and three shots were fired as the man lay on the ground.

Mr Weaver said after the trial that "he was glad that a long period of strain and disruption is past."

He asked whether the inquest into the deaths of the seven would be opened again, as at the first hearing the magistrate had refused to hear oral evidence, and cross-examination of police witnesses had not been allowed.

"The expert medical and forensic evidence led in my trial shows conclusively that these police witnesses lied," he said.



George Bizos

Lekota denies teaching children to make bombs

THE United Democratic Front national publicity secretary, Patrick "Terror" Lekota, just had time to gulp down a cup of coffee before continuing to testify in the marathon trial of 18 people, including himself, accused of treason in the Pretoria Supreme Court this week.

Lekota, 39, wearing a red carnation attached to a UDF badge, was making his fifth appearance in the witness box to testify in a trial in which top UDF, Azapo and civic leaders are being charged with high treason, and alternative charges ranging from terrorism and subversion to murder.

All 19 have pleaded not guilty to all charges.

Once he had finished drinking his coffee, Lekota told the court how the State had tried to make people believe that he had taught black children to throw stones and manufacture petrol bombs.

"If I am not teaching people to pick up stones and rise up against the government, I am teaching people to manufacture and throw petrol-bombs at the police and other government structures."

SOL MORATHI reports

"This is the image the State is trying to put in the minds of people in South Africa," he said.

"I have a standing in the community, and neither my family nor respected people in the community would ever trust me if that is true."

"The suggestion that I teach people to throw stones and petrol bombs portrays me as an anarchist."

"The State is misusing its position of trust by encouraging witnesses to tell the court that I went around the country teaching people how to make petrol bombs," he said.

Lekota also told the court of the aims and objectives of the UDF, and the frustrations faced by black people in South Africa.

He said the UDF had two major objectives: to expose the serious shortcomings in the new constitutional dispensation and to pressure the government into calling a

"The government can be criticised as immoral, since it has violated the principle of democracy," Lekota pointed out.

He told the court that the SA Government was racist as it has chosen to ignore the aspirations of race groups other than whites.

"It has pursued a policy of racism which is decried all over the world," declared Lekota.

The 19 accused are represented by George Bizos SC.

The case is proceeding.

national convention of all the people of South Africa that would lead to the adoption of a democratic constitution.

He vehemently denied that the UDF was a political organisation and that it was violent.

"The UDF is not a political organisation, it is the national front. The impression created by the State that we are a violent organisation is devoid of truth," he said.

"We in the UDF seek a negotiated settlement because we believe that the less bitter the methods adopted to resolve the present problems, the easier will be the process of reconciliation."

"The longer the government resists a program of negotiation, the more it created the chance for a deepening of the conflict. The process of reconciliations then becomes more difficult," he added.

Lekota was being cross-examined by State prosecutor, P Fick, before Judge Van Dijkhorst sitting with an assessor.

Lekota also denied that he had attempted to promote a UDF-ANC conspiracy at the UDF public meetings, as well as incite people to be violent, as the State alleged.

He said it was correct that the SA government was "undemocratic, since it carried a program of reform without considering the views of the black people in South Africa."

"The State is not lawful since it has been placed in power by the minority of the population. As long as this is the situation in the country, there will not be peace and harmony for all."

Newsman sues minister for R115 000

Cape Times 22/9/87 331

Staff Reporter

LEGAL counsel for Mr Tony Weaver, deputy news editor of the Cape Times, served notice yesterday on the Minister of Law and Order, Mr Adriaan Vlok, for R115 000 in damages for "wrongful and malicious" prosecution.

Mr Weaver was acquitted last week by a Regional Court magistrate on a charge of making untrue statements to the BBC about a shootout in which seven alleged ANC guerillas were shot dead by police.

He was acquitted 18 months after the shootout and the trial lasted five months. The day before the hearing began, three other Police Act charges against him were dropped without explanation.

The magistrate, Mr J M Lemmer, found that even if the court had found that the matter about the police was false, Mr Weaver had clearly stated that he had reasonable grounds for believing what he had been told to be true.

Mr Weaver's lawyers said in the notice served on Mr Vlok that "notwithstanding the submission by Mr Weaver of a full affidavit setting out his defence . . . three charges were dropped after substantial legal costs had already been incurred".

They contended that "in all the circumstances — regard being had in particular to the fact that the evidence of five eye-witnesses, and two medico-forensic experts, which demonstrated conclusively that certain of the police witnesses had lied to the court" — the prosecution against Mr Weaver was wrongful and malicious.

This maliciousness was further indicated by "certain public statements of the then Minister of Law and Order, and by an exchange of correspondence between Mr A H Heard, then editor of the Cape Times, and General Coetzee, then Commissioner of the SAP".

Mr Vlok's office has been given a month's notice to pay or face a court summons.

AKus 22/9/87: (331)

CITY/NATIONAL

Sats unionist defends his remarks to Maties

Tygerberg Bureau

A SOUTH AFRICAN Transport Services trade unionist on trial in Stellenbosch for allegedly making a subversive statement said he preferred shouting "Viva Mandela" to "Viva Botha" because Mr Mandela was the man who had brought the black workers together.

Mr Morris Khwidzhili, 35, of the Sats hostel in Kazerne, Johannesburg, said this yesterday in the Stellenbosch Magistrate's Court during cross-examination by the prosecutor, Mr F E Els.

He has pleaded not guilty to making a subversive statement during a speech to University of Stellenbosch students on April 24 this year.

An application by the defence counsel, Mr J H de Lange, to have Mr Khwidzhili discharged on the grounds that the students could not have been incited by his speech, in Zulu, as it had been incorrectly interpreted and misunderstood, was dismissed by the magistrate, Mr G S Claassen.

Security branch Sergeant Deon Goosen alleged that Mr Khwidzhili had made subversive statements when saying: "There is no freedom without blood" and: "We are going to fight, we are going to overcome Botha and his dogs, we are going to rule this land."

Mr Khwidzhili had also referred to the Minister of Transport, Mr Eli Louw, as "Louw and his gangsters", and said: "Botha and his gangsters want to kill us ..."

The speech had incited the Matie students to violence against a security force member in the first such incident on the "normally conservative" campus of Stellenbosch University.

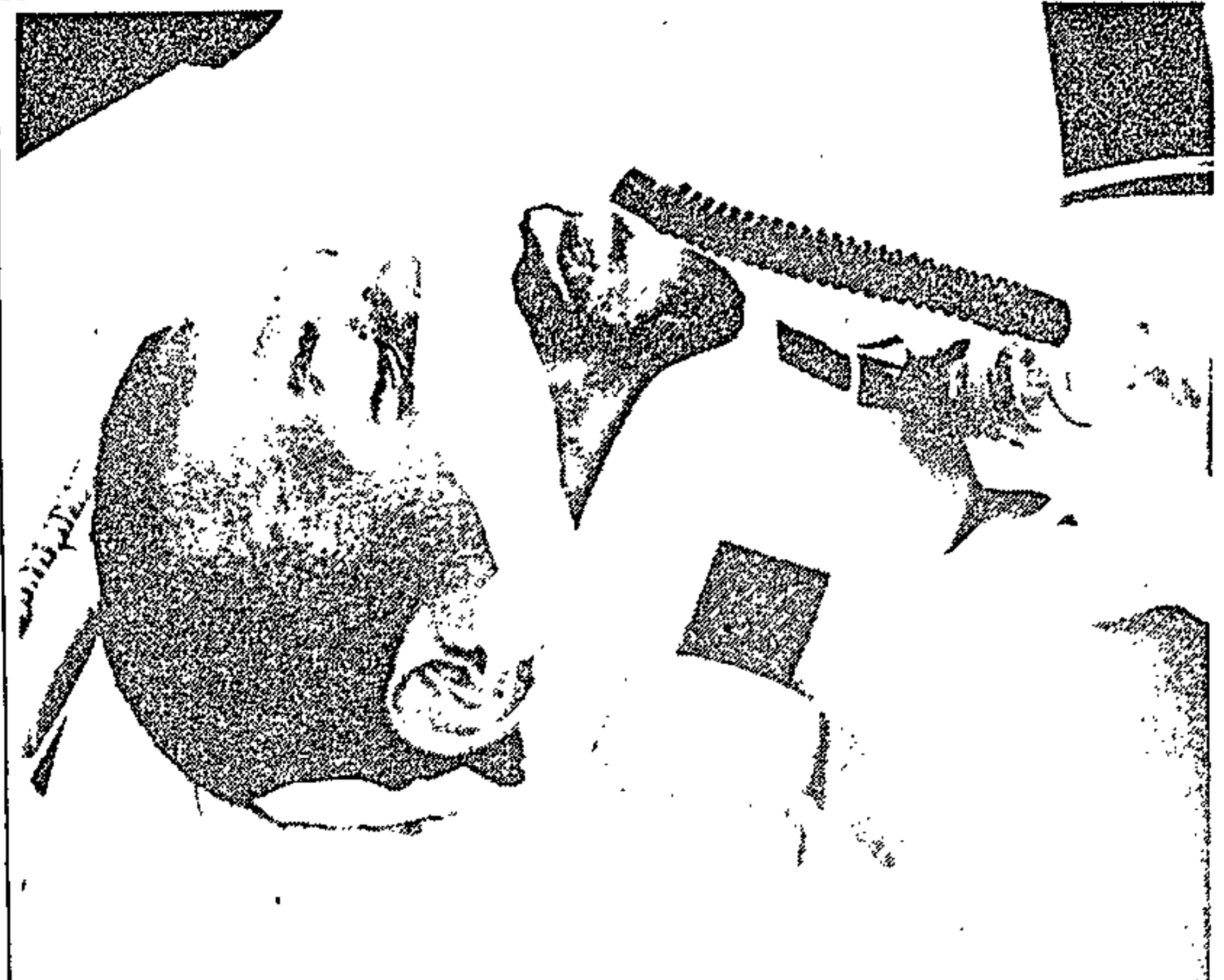
Formed a "human wall"

He said during this incident, the students had physically opposed him and formed a "human wall" which stopped the sergeant from arresting Mr Khwidzhili.

Mr Khwidzhili was arrested on August 11 in Johannesburg and brought to Stellenbosch for trial.

Mr Khwidzhili said in evidence that he had referred to the dogs used by the Defence Force and the SAP, "which bit our people during the shooting in Germiston, when our people were shot down innocently".

The hearing continues today.



SMASH VICTIM: Ray Phiri, above, leader of the band Stimela, is in a "stable but very, very serious" condition in Milpark Hospital after a car crash near Kroonstad. He was flown to Johannesburg by emergency helicopter yesterday. The pop star was one of 16 people injured in a smash outside the Free State town on Sunday night. The Mercedes in which he was travelling, right, was in collision with a minibus carrying 19 people. Four minibus passengers and three people in Mr



Student leaders fined for illegal gathering

CME Times 22/9/87
Court Reporter 331

THE chairwoman and the former vice-president of UCT's SRC were yesterday each fined R50 (or 25 days) in Wynberg Regional Court for attending an illegal gathering where students "protested peacefully against the brutal action of police" at UCT days before.

Carla Sutherland, 23, of Welgelegen Road, Mowbray, and Cameron Dugmore, 24, of Roughmoor Road, Mowbray, both pleaded guilty.

They appeared separately but their advocate, Mr J Whitehead, led evidence in mitigation for both of them.

In statements handed in to court, they admitted that on April 28 they attended a peaceful gathering of several hundred students who were picketing in protest at actions perpetrated by police on campus on April 24 and 27.

They also admitted knowing the gathering was prohibited by law.

Sutherland and Dugmore had acted as marshals at the protest to ensure that students did not throw stones or act violently.

When students reached the verge of De Waal Drive, a police vehicle had stopped and a policeman had ordered the students to disperse.

After a discussion between police and lecturers on the manner in which they were to disperse, they were told to disperse in two minutes.

As Sutherland was about to instruct the students to disperse, a helicopter "swooped so low and she could not be heard".

Dugmore said he became aware that police were moving in from behind the students, some of whom were arrested. He had gone home.

He stayed at a friend's house, "primarily

to study but also so as not to be picked up by the police". He was arrested at Rondebosch police station about a month later when he went there on "unrelated" business.

Deputy vice-chancellor Professor James Leatt told the court that Sutherland was "a tower of strength" in spite of her size. He had seen her physically intervene between angry students to avoid a confrontation.

Dugmore was fluent in Xhosa and was one of the few white students at UCT to bridge the gap between Nusas and the South African National Students' Congress (Sansco).

The two played a leadership role and were instrumental in achieving the "near miracle" of preventing a repeat of the violence of the two previous days, Professor Leatt said.

Mr A S McCarthy was the magistrate. Mr P Mostert prosecuted. Mr Whitehead was instructed by Ms A Durbach.

Cape 71-45
Jaffer 22/9/82
appeals 331
against
sentence

Staff Reporter

MS Zubeida Jaffer, media officer for the University of the Western Cape, yesterday appealed in the Supreme Court against a sentence imposed on her in Wynberg Regional Court for obstructing a security policeman from carrying out his duties.

Ms Jaffer, of Wynberg, was fined R100 (or 50 days) after an incident last year, and sentenced to three months' imprisonment suspended for three years.

She said in evidence that she had grabbed the security policeman, Lieutenant Frans Mostert, by his lapels to prevent him shooting her husband, Mr Johnny Issel, a prominent UDF activist.

She said that on September 3, 1986, a vehicle arrived outside her mother's house and blocked off the van in which her husband and brother were driving off.

Mr Issel had jumped out of the van and ran past her. Lt Mostert, who was in the car, "went for his gun".

Thinking that the security policeman was going to shoot her husband unlawfully, she "jumped in and grabbed at him".

Mr A le Grange, for the state, said Ms Jaffer's action could not be classified as "automatism".

Judgment was reserved.

Mr Justice Tebbutt presided with Mr Acting Justice W Thring. Mr Le Grange was instructed by the State Attorney. Mr Desai, for Ms Jaffer, was instructed by E Moosa and Associates.

(131)

Terror's 2 weeks in dock

THE United Democratic Front has never urged people at their meetings to join the banned African National Congress or its military wing, Umkhonto we Sizwe, Mr Patrick "Terror" Lekota, national publicity secretary of the UDF told the Pretoria Supreme Court yesterday.

He has been in the dock for two weeks.

Gross-examined by Mr P Fick, for the State, Mr Lekota said the UDF wanted to peacefully persuade the Government to abandon its apartheid policy. And this would eventually lead to the end of armed conflict in the country. He added that the National African Congress (ANC) took up arms after being frustrated by the "unjust policies of the Government."

By MONK NKOMO

Mr Lekota rejected suggestions by the State that they were linked with the ANC and that the UDF's call for unity among the black masses was a call to overthrow the Government. "That is news to us. The allegation is a creation of the State," he said.

He added that each time blacks opposed any law promulgated by the Government, the authorities always thought that they had been told to do so by someone else "because we are used to being pushed from pillar to post."

Mr Lekota also told the court that the Government had smeared the UDF locally and abroad and also refused to grant some of its officials passports to go overseas. The Government was afraid that they were going to expose the real issues of this country "which are not said by bantustan leaders when they are there."

The Government, Mr Lekota added, has said negative things about the UDF, labeling them "agitators" and "a bunch of people" who conspired with the ANC.

"We are opposed to the apartheid policy. And many organisations, churches and black and white people have also voiced their opposition to it. Why should the UDF be wrong to say things that are also said by others," he asked.

Mr Lekota and 18 others who include senior officials of the UDF, Azapo, Azanyu and the Vaal Civic Association, have pleaded not guilty before Mr Justice van Dijkhorst, who is sitting with an assessor, to charges of treason, murder, subversion and terrorism.

Mr Lekota told the court that the recent decision by the UDF — which he read in the newspapers while in detention — to adopt the Freedom Charter, did not "make us a baby" of the ANC because that organisation also subscribed to it. "We don't get any instructions from the ANC," Mr Lekota said.

(Proceeding)

Attas 23/9/87 331

Slogans not banned, defence tells court

Tygerberg Bureau

A TRADE unionist had as much right to fight for his freedom as the Afrikaner had done in the past, his defence counsel told Stellenbosch Magistrate's Court.

Mr J H de Lange appeared for Mr Morris Khwidzhili, 35, of the Sats hostels in Kazerne, Johannesburg, a shop steward of the Railways and Harbours Workers' Union who is charged with making a subversive statement.

Mr Khwidzhili, who was asked to address Nusas students at Stellenbosch University on the Sats strike on April 24, has pleaded not guilty.

Summing up yesterday, Mr de Lange said he disagreed with the State's insistence that the words "Viva ANC", "We will fight for our freedom", "We will overcome Botha and his dogs", "We are going to rule this land" and other slogans were subversive under the media regulations.

MAINTAINED PEACE THEME

"Nowhere in the media regulations does it state that slogans such as 'Viva ANC' are prohibited from publication," he said.

"And saying 'We are going to fight for our freedom' does not necessarily imply that my client intended using violence. On the contrary, he maintained his theme of peaceful negotiations with the Government throughout his speech."

Mr Khwidzhili had as much right to fight for his freedom in this manner as did the Afrikaner in his own history.

Judgment will be given on October 5. Mr Khwidzhili, who has been in custody awaiting trial since August 11, was granted R500 bail.

Mr G S Claassen was on the Bench. Mr F E Els appeared for the State. Mr de Lange was instructed by Mr E Mohammed of E Moosa and Associates.

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28/9/87

Lekota on the 'enemy'

THE United Democratic Front referred to the government as an enemy because of its entrenchment of apartheid — "a cancer must be excised". Mr Patrick "Terror" Lekota, national publicity secretary of the UDF, said in the Pretoria Supreme Court yesterday.

Mr Lekota said there was no compromise between the UDF and apartheid. Quoting from one of the exhibits presented in court, he said: "Often in the day to day heat of the struggle we forget that our enemy is the apartheid system and not those whose views differ with ours".

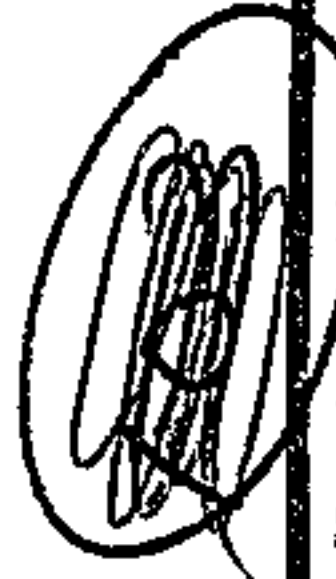
The enemy in this country, Mr Lekota stressed, was apartheid and not the State.

Mr Lekota said that if our present rulers were blacks who also entrenched the policies of apartheid, the UDF would have opposed that system.

Mr P Fick, for the State, put it to Mr Lekota that both the UDF and the banned African National Congress had called for a "people's government" in South Africa.

Mr Lekota and 18 others who include senior officials of the UDF, Azapo, Azanyu and the Vaal Civic Association have all pleaded not guilty before Mr Justice van Dijkhorst, who is sitting with an assessor to charges of treason, murder, subversion and terrorism.

A-G appeals after 12 acquitted, run from court

 EAST LONDON. — The extraordinary case of 12 terrorism accused who escaped from a Transkei court when their case was unexpectedly struck off the roll comes under the legal spotlight again this week.

There was "pandemonium" in the Umtata Magistrate's Court when the case was suddenly dismissed. Twelve of the 20 escaped but police recaptured the other eight.

On Friday, the Transkei Supreme Court is to hear an application by the Transkei Attorney-General, Mr Christo Nel, to have the magistrate's ruling which freed the group set aside.

On August 20, they appeared on a charge of treason. They included a government employee, a doctor and a public prosecutor.

The case, at that stage involving only 17 people, had first come to court on June 24, and had been remanded repeatedly.

The other three accused were added during this time, and the Attorney-General issued a certificate refusing bail.

On August 20, the defence opposed a further postponement, arguing that

the State had had ample time to complete a charge sheet.

The accused had been in detention for a very long time, in one case since August 1985, defence counsel said.

The next day, the Ugandan magistrate, Mr Joe Lukwago-Mogwera, ruled the State was not entitled to a further postponement, and struck the case off the roll.

Everyone was surprised. The lawyer told the accused they were free, and they immediately jumped over the dock and disappeared in the crowd.

The police managed to rearrest eight. Charges against one were subsequently dropped, and the remaining seven have since appeared in court again on a terrorism charge.

The Attorney-General said the magistrate effectively overruled his certificate refusing bail. He said the ruling put the state in an "invidious position," forcing it to rearrest people every time it needed a postponement.

The respondents cited in the application are the magistrate, Mr Lukwago-Mogwera, and 18 of the accused.

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Sanfr 24-30/9/87

Suspended sentences for Cradock 7

By EDYTH BULBRING

PORT ELIZABETH. — There were tears and smiles at the Regional Court here this week when seven Cradock residents charged under the Internal Security Act were given suspended sentences.

But as three walked free, four were led off in handcuffs by policemen.

They have all been held under the Emergency regulations since last June.

The charge arose from incidents at the funeral on June 20 1985 of Cradock leaders Matthew Goniwe,

Fort Calata, Sparrow Mkhonto and Sicelo Mhlawuli who were murdered under mysterious circumstances between Port Elizabeth and Cradock. Their killers have not been found.

The accused were found guilty of exhibiting Russian, South African Communist Party and ANC flags and banners at the funeral, attended by more than 40 000 people.

Temba Jimmy Basini, 42, Lwandile Noru, 21, Mpumelelo Faxi, 21, Mthuthuzeli Ntombela, 29, Vulindlela Puwani, 24, Thami Madolo, 40, and a 16-year-old youth, were found guilty

of furthering the aims of the banned organisation.

Six were sentenced to two years imprisonment, and the youth to one year with all sentences suspended for five years.

During the marathon trial, the magistrate, Mr A Meiring, accepted photographs and two videos taken at the funeral as evidence coupled with the testimony of Major E W Winter, head of the security police in Cradock, as well as nine others at the funeral.

Meiring found that the gathering was more of a political demonstration than

a funeral. The slogans used were clearly communist, Dr Alan Boesak's address contained inflammatory political statements and the exhibition of the flags had given publicity and support to the banned organisations.

In March last year, the accused were released on bail after being held in custody since November 1985. When the State of Emergency was declared on June 12 last year, they were all detained under the Emergency regulations and three were released later.

Mr Justice Poswa for the defence argued that in the present political cli-

mate there was uncertainty as to how association with the banned organisations should be regarded.

He mentioned the examples of MPs visiting Dakar, the contact between religious leaders and the ANC and rumours of future negotiations between the government and the ANC.

In passing sentence, Meiring said he had taken Poswa's argument in mitigation of the sentence into account and found that the court could not be sure that the public would want the accused to be imprisoned. — ECNA



Dr Allan Boesak

Ban on service: Magistrate steps down

EAST LONDON. — A King Williamstown magistrate involved in trials arising from a visit to the town by Dr Allan Boesak has stepped down from one of the cases.

The trials followed the banning of a service planned to celebrate the first anniversary of the Breidbach Civic Association.

Police dispersed crowds who had gathered to hear Boesak, and a hearing was later held to decide whether the gathering was illegal.

Several witnesses to the police action, were called to give evidence and three were charged with making false statements.

One of the three, Rosemary Scheepers, was acquitted. However, another witness, the Rev Hendrick Pillay, was found guilty by magistrate D Cronje and fined R750.

Now, Cronje has stepped down from another case relating to the incident.

A local lawyer Johnny Smith was charged under the Police Act for allegedly publishing untrue statements about the police without reasonable grounds for believing them to be true.

COURT ROUNDUP

Azapo lawyer criticises ANC

By PETER AUF DER HEYDE
GRAHAMSTOWN — People attending a terrorism trial in the Kenton Regional Court were taken aback when the defending advocate severely criticised the ANC.

Advocate I Moosa, who is a member of Azapo, was arguing in mitigation of sentence on behalf of Xolile Tshikila and Kwanele Matiwane who pleaded guilty to terrorism charges.

Tshikila, 28, left the country in 1981 and joined the ANC. After receiving military training he returned to South Africa five years later with instructions to blow up a power station in De Aar.

He was caught before being able to put the plan into operation and was last week sentenced to the maximum of 10 years.

'No different'

Matiwane, 28, who pleaded guilty to helping and harbouring a member of the ANC, was jailed for four years.

Moosa told the court that the ANC was no different from the Afrikaner Nationalists who had resisted the British.

He said the ANC was the oldest liberation movement in the world "but they have still not achieved as much as many of the younger movements, like Frelimo and Zanu.

Quoting from a publication handed to the court as evidence by the prosecutor, Moosa said the ANC called on South Africans to make the country ungovernable.

"They have, however, not had any hand in this. They have no control over what the masses are doing and in radical circles the organisation is known as moderate," he said.

"The ANC has called on its members to give no quarter to the enemy and if my client is an example of this, then the ANC is in serious trouble."

Propaganda

Moosa called on magistrate C Fouche to differentiate between statements made by the ANC executive and the true aims of the organisation.

The statements were often propaganda to rouse up feelings, but they did not necessarily reflect the aims of the ANC, he said.

In his plea, Tshikila said he did not regard himself as a "terrorist" but as a "freedom fighter".

Tshikila said he joined the ANC in 1981 and told the court his actions were planned to further its aims and objects.

Emotional

Passing sentence, Fouche said the court had to protect society from acts of terror and had to impose a sentence which told society that its safety was the priority of the court.

Referring to Moosa's argument in mitigation, he said this had been emotional and political.

"The court is not a forum for political opinions and many of the things Moosa said had nothing to do with mitigation."

Youths get 7 cuts for pamphlets

THREE Bridgton youths, convicted on charges relating to subversive pamphlets, were sentenced by the Oudtshoorn Regional Court last week to seven strokes and four years suspended for five years.

Colin Lucas and Llewellyn Wagenaar, both 18, and a 17-year-old youth will appeal against their conviction and sentences under the Emergency Regulations.

They were each released on R100 bail pending the outcome of their appeal.

They were all students at Morester Secondary School at the time of the offence in October last year.

Lucas and the youth were convicted on a charge of disseminating subversive pamphlets and Wagenaar was convicted for printing them.

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SOWETAN Friday, September 25, 1987

'Hunger strike' - Prisons Dept replies

consideration in this such cases three meals accepted guidelines "Prisoners' food is corresponds with international process. are still provided daily pertaining to the provided according to an national nutritional process. It does sometimes and prisoners are treated handling of those approved diet scale standards. "Prisoners can apply happen that prisoners go strictly in accordance persons as is embraced in drawn up in consultation with dieticians, it also to be transferred from on hunger strikes. In with the internationally the Tokyo declaration.

one prison to another. Each application will receive due consideration and will be dealt with on merit. It is therefore unnecessary for prisoners to resort to hunger strikes in order to have their demands met." — East Cape News Agency.

TIMOTHY Litha Mlahleki, who is serving an effective 42 years in Brandvlei prison after he was found guilty of 15 charges under the Terrorism Act, has been on a hunger strike since September 3.

According to his brother, Zolisa Mlahleki, who saw him on September 5, Mlahleki will fast "until death" unless he can be moved to a prison for political prisoners.

Mlahleki was sentenced to 108 years' imprisonment nine years ago in what J F Cloete, the Judge President of the Grahamstown Supreme Court described as "if not the worst case I have come across, certainly one of the worst."

He was found guilty on four counts of attempted murder, three counts of robbery, three counts of arson and five charges of malicious damage to property, the possession of firearms and resisting arrest.

In all four cases of attempted murder, policemen and their families were involved. One of the cases of robbery involved the theft of a revolver from a policeman, and two of the sabotage attempts were made on the homes of policemen.

The court found that Mlahleki committed these crimes during a six-week spree of violence at the age of 19 years.

Mlahleki, a former Standard eight pupil at the Kwazakhele High School in Port Elizabeth, was a member of the now banned South African Students' movement.

The Press liaison officer for the South African Prisons Service, Lieutenant-Colonel A E van Vuuren commented: "At the outset it should be pointed out that there are no political prisoners in SA prisons.

"As far as the rest of your enquiry is concerned, it is policy of longstanding not to comment on the incarceration circumstances of individual prisoners, however it can be mentioned that at present there is no person on hunger strike at the Brandvlei prison.

"It is the prerogative of the Commissioner of Prisons to decide on matters such as the classification and transfer of prisoners. Several factors such as length of sentences, the privilege classification system and training abilities of the prisoner etc., are taken into

SEVEN people who raised Soviet, ANC and SA Communist Party flags during a political funeral two years ago were found guilty this week of furthering the aims of banned organisations — and then given suspended sentences.

Pictures of the flag-raising incident were widely published in South Africa and abroad at the time world attention focused on the country's State of Emergency.

The seven were charged in the Eastern Cape Regional Court, Port Elizabeth, under Section 13 of the Internal Security Act after incidents at the mass funeral of Cradock leaders Matheu Goniwe, Fort Calata, Sparrow Mkontlo and Sicelo Mhlawuli, murdered under mysterious circumstances while travelling between Port Elizabeth and Cradock.

The accused were found guilty on Wednesday of exhibiting Soviet, SACP and ANC flags and banners at the funeral, which was attended by more than 40 000 people in Cradock.

the officer commanding

Suspended sentences for seven who raised red funeral flags

on June 20, 1985 — the day the first, partial State of Emergency was declared.

By EDYTH BULBRING, Port Elizabeth

uncertainty as to how association with the banned ANC would be regarded.

By exhibiting the flags, Temba Jimmy Basini, 42; Lwandile Nguru, 21; Mpumelelo Faxi, 21; Mthuzeli Ntombela, 29; Yulindile Puwani, 24; Thami Madolo, 40; and a 15-year-old youth furthered the aims of the banned organisations, the court found.

Six of the accused were sentenced to two years' imprisonment, and the youth to one year, with all sentences suspended for five years.

After the six-and-a-half hour judgment on Tuesday, advocate Justice Poswa for the defence argued that in the current political climate there was

He cited examples of meetings with the ANC by members of parliament and Afrikaans-speaking religious leaders in Dakar. If the government wanted to stop these meetings from taking place it could have done so, he said.

"There were rumours of a future national convention, the changing attitude of the government and the volatile political climate," Poswa argued, and suggested the court take these factors into consideration when passing

ing sentence.

Magistrate A Meiring said he considered Poswa's argument and found the court could not be sure that the public would want the accused to be imprisoned.

During the 20-month trial the magistrate accepted photographs and two videos taken at the funeral as evidence, coupled with the testimony of Major EW Winter, head of the security police in Cradock and nine other observers at the funeral.

Meiring found the funeral was more of a political demonstration than a funeral as the slogans used were "clearly communist", Dr Allan Boesak's address contained inflammatory political statements, and the ex-

hibition of the flags gave publicity and support to the banned organisations.

In March last year the accused were released on bail after being held in custody since November 1985. When the State of Emergency was declared on June 12 last year, they were all detained under the Emergency regulations. Three were released shortly afterwards.

The continued detention of the other four resulted in disruptions and postponements throughout the trial.

After sentencing, four of the men, Mpumelelo Faxi, Mthuzeli Ntombela, Victor Puwani and the youth, were led away in handcuffs by the police.

The defence team, advocates Poswa and Habiman Rapiiti, described the sentence as a victory and unprecedented in the Eastern Cape. They said they would not appeal against the sentence. However, they hoped their four clients would be released soon. — East Cape News Agency.

A PREACHER this week told a court he heard the announcement "Knock off men, we have finished the job" broadcast in Xhosa from a police Casspir immediately before *widoeke* vigilantes emerged from burning shacks in Cape Town's KTC squatter settlement.

Elliot Samuel was giving evidence in the Cape Town Supreme Court in a test case in which 21 KTC families and the Methodist Church in Africa are suing the minister of law and order for R312 000 damages.

The outcome of the trial, expected to last well into next year, is crucial to a further 3 198 squatter families who have similar suits — totalling more than R5-million — pending against the minister.

All the claimants allege the South African Police caused the destruction of the Crossroads satellite squatter camps of Portlands Cement, Nyanga Bush and Nyanga Extension and the nearby KTC settlement during May and June last year either by taking part or by doing nothing to stop the *widoeke* from burning down thousands of shacks. An estimated 70 000 people were left destitute.

In his evidence, Samuel described watching Warrant Officer Hendrik "Barrie" Barnard and several *widoeke* enter his church in KTC.

"They came out again and I saw smoke coming from the roof. The church started to burn," he said.

Camerman tells how his unrest footage mysteriously 'changed'

When he returned the next day, the church was destroyed. That afternoon he heard the announcement in Xhosa, relayed from a loudspeaker in a police Casspir, telling listeners they had "finished the job".

"*Widoeke* who had been burning the places came out immediately after the announcement," Samuel said.

Two days earlier he had seen police in a Casspir firing at residents trying to defend themselves against a *widoek* attack on a centre harbouring hundreds of refugees who had been burned out of their homes.

Visnews television cameraman Jimi Matthews described feeling "a bit confused" seeing police in Casspirs stationed between five and 10m away take no action to prevent *widoeke* from torching the centre.

He said *widoeke* smashed the windows of cars parked nearby, set-

Witnesses tell a Cape court of how they watched *widoeke* torch shacks while policemen stood by.
GAYE DAVIS reports

ting some alight. "Some *widoeke* then entered the Zolani Centre and soon afterwards we saw flames which indicated they had set it alight," he said.

In another area he watched *widoeke* torching KTC residents shacks, breaking windows, kicking and breaking down doors and throwing "objects which to me looked like petrol bombs, which caused the houses to burn".

Matthews identified sections of a video shown to the court as footage he himself had shot in KTC. He said he had no idea how his film came

into the possession of whoever compiled the video.

"It seems a very crude attempt was made to blot over or erase some of my pictures by dubbing over them with ... aerial shots and bits of news broadcast material," he said.

Matthews said he and other foreign TV crews filed to Johannesburg via the SABC's microwave facility in Cape Town, from where footage was transmitted overseas by satellite. The SABC is the sole source of such facilities.

Part of the video, which included aerial shots of the area and segments of the SABC news programme *Nerewerk*, showed Major Dolf Odendaal, deputy chief of the riot squad, threatening a young boy with assault.

The footage, filmed by Matthews hours before the attack on the camp began, shows a local Anglican cler-

gyman, the Rev Syd Luckett, approaching a police van.

Odendaal is seen to leap out of the van, exchange angry words with Luckett, push him away and get back in — only to burst out again and, arm raised, to advance on a young boy while threatening "*Ek donner jou, keffji*".

Matthews said he had not heard what the youngster said to Odendaal. Meanwhile, after initial opposition, counsel for the minister have now agreed in principle that evidence by photographer David Hartman may be led on commission in London.

The court has yet to make an order on Hartman's evidence.

Some 59 photographs taken by Hartman on assignment for *Agence France Presse* during the conflict form part of the court exhibit.

Classified under South African law as a conscientious objector on religious grounds, Hartman has refused to work the required six years in a government department. As a result, while willing to testify, he fears he will be prosecuted, jailed or detained if he returns to South Africa.

THERE were tears and smiles of relief at the Port Elizabeth Regional Court on Wednesday as seven Cradock residents charged under the Internal Security Act were given suspended sentences.

However, as three walked outside, accompanied by friends and relatives, four were led off in handcuffs by policemen — they have been held under the emergency regulations since June last year.

The charge arises from incidents at the mass funeral of Cradock leaders Matthew Goniwe, Fort Calata, Sparrow Mkonto and Sicelo Mhlawuli.

The accused were found guilty of exhibiting Russian, South African Communist Party and ANC flags and banners at the funeral which was attended by over 40 000 people.

By exhibiting the flags, Temba Jimmy Basini (42), Lwandile Mquru (21), Mpumelelo Faxi (21), Mtutuzeli Ntombe-la (29), Vulindlela Puwani (24), Thami Madolo (40) and a 16-year-old youth, were found guilty of furthering the aims of banned organisations.

Six of the accused were sentenced to two years' imprisonment, and the youth, one year, with all

Tears, smiles after Cradock terror trial

sentences suspended for five years.

During the marathon trial, the magistrate accepted photographers accepted photographs and two videos taken at the funeral as evidence, coupled with the testimonies of Major F W Winter, head of the Cradock security police and nine other observers at the funeral.

Funeral

Magistrate Adolf Meiring found that the occasion was more of a political demonstration than a funeral as the slogans used were clearly communist. Dr Allan Boesak's address contained inflammatory political statements and the exhibition of the flags which had given publicity and support to the banned organisations, the magistrate found.

In March last year, all of the accused were released on bail, after being held in custody since November, 1985. When the state of emergency was declared

on June 12 last year, they were all detained under the emergency regulations and three of the accused were released shortly afterwards. The continued detention of the four resulted in disruptions and postponements throughout the four-month trial.

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COURT TOLD OF HEROES

Lekota denies links with the ANC

EVEN whites would never feel free as long as apartheid prevailed, Mr Patrick "Terror" Lekota, national publicity secretary of the UDF said in the Pretoria Supreme Court yesterday.

Mr P Fick, for the State put it to Mr Lekota that most of the UDF leadership comprised of people who had previous convictions for taking part in activities of the banned African National Congress and sedition.

He listed some of the executive members who included Mrs Alberina Sisulu, Mr Edgar Ngoyi, Mr Steve Tshwete, Mr Oscar Mpeha and Mr Murphy Morobe.

Mr Fick also put it to Mr Lekota that these executive members and patrons were elected because of the existing link between the UDF and the ANC, both of which wanted to overthrow the Government by violent means.

Mr Lekota rejected the suggestions and said the leaders were elected because of their standing in the community and their opposition to

apartheid.

"They were not elected because they were the best criminals. They were elected because they are regarded as heroes in the struggle for a just and democratic system of government in this country," said Mr Lekota.

Mr Fick told the court of another UDF executive member, Mr Rashid Seria and said he was a former member of the Media Workers Association of South Africa and vice-president of the banned Union of Black Journalists.

Banned
"The fact that he was a member of the UBJ which was later banned does not make him a criminal or a member of the ANC," said Mr Lekota.

He added that Mwaswa was a legal organisation. Mr Lekota said the Government, through its arbitrary laws, banned people and organisations without giving reasons for such actions.

"When you oppose apartheid you get banned or detained without trial", the court was told.

Black heroes, Mr Lekota said were now criminals because of their political activities against apartheid.

Mr Lekota said white people always felt terrified when blacks talked about the sharing of political power and wealth in this country. "Nobody will ever be free in this country as long as there is apartheid. Black and white people will

remain in the bondage of apartheid", said Mr Lekota.

Mr Lekota and 18 others who include high-ranking officials of the UDF, Azapo, Azanyu and the Vaal Civic Association have pleaded not guilty before Mr Justice van Dijkhorst who is sitting with an assessor to charges of murder, treason, subversion, terrorism.

THE Mamelodi City Council has embarked on the R19 million low cost housing project, the mayor, Mr Zikhali Ndlati, announced yesterday.

He was speaking at the council's monthly meeting yesterday. He said his council had obtained a loan from the South African Housing Trust to build houses for needy families.

"Work has already started and we are aiming

Needy to get houses

at providing houses for 780 families as a starting point. The needs of most of our people have been neglected in the past due to lack of finance," Mr Ndlati said.

The meeting also heard that:
• The Government has

allocated the Mamelodi council about R110000 for the creation of jobs in the township;

• The Department of Education and Training has donated R850 000 for the upgrading of the newly established Moretele Park in Mamelodi;

• The more than 100 families who have been living in an area known as "a flood area" in the township will not be moved.

Nobody beats Mr...
YELLOW RIBBON SPECIALS

FREE!
PLASTIC
WASHING BUCKET
AND PEG BAG

27/9/80/Press

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'Viva ANC is not subversive'

THE media regulations do not state that slogans such as "Viva ANC" are prohibited from publication, the Stellenbosch Magistrate's Court heard.

This was according to JH de Lange, defence counsel for a shop steward of the SA Railways and Harbours Workers Union, Morris Khwidzihili, of the Sats hostel in Kazerne, Johannesburg, who is on trial for making a subversive statement.

Khwidzihili, who had been asked to address Nusas students at Stellenbosch University on the Sats strike on April 24, has pleaded not guilty to the charge.

De Lange disagreed with the State's

insistence that the slogans such as "Viva ANC" and "We will fight for our freedom" had been subversive under the media regulations.

He said: "Nowhere in the media regulations does it state that slogans such as "Viva ANC" are prohibited from publication.

"And saying: 'We are going to fight for our freedom' does not necessarily imply that my client intended using violence. On the contrary, he maintained his theme of peaceful negotiations with the government leaders throughout his speech."

He said that Khwidzihili had as much right to fight for his freedom in this manner as did the Afrikaner in his own history.

The assembled students could not have been incited or subverted by the speech (in Zulu) as it had been incorrectly interpreted at the time and thus misunderstood.

"The State also agreed there were many differences between the original speech and the interpreter's version of events, after closer scrutinisation of the security police's secret tape-recording," he said.

Magistrate GS Claassen will give judgement on October 5.

Khwidzihili, who has been in custody awaiting trial since August 11, was granted R500 bail. — Sapa

'Mandela seen as a leader'

By SOL MORATHI

NELSON Mandela and political prisoners like him are regarded by the black community as their leaders, despite their association with outlawed organisations like the African National Congress and the Pan Africanist Congress.

United Democratic Front publicity secretary, Patrick "Terror" Lekota said these under cross-examination by the state prosecutor, P Fick in the Pretoria Supreme Court this week.

Lekota, 39, was testifying in the trial of himself and 18 others, including high-ranking UDF and Azanian People's Organisation leaders facing charges of high treason, terrorism, subversion and murder.

He told the court that there was no need for the UDF to popularise Mandela and some of the political prisoners, as the State alleged.

"Whether or not they belong to the ANC or PAC, people regard them as their leaders. And they are already well-known among the masses, and would therefore be a futile exercise to try and popularise them.

"These are people who are committed to the unification of our people, hence they have a great following."

Lekota mentioned Raymond Mhlaba, Gov Mbeki, Elias Motsoaledi, Andrew Mlangeni and Zeph Mothopeng as some of the leaders of great stature.

Lekota pointed out that the position of these prisoners among the black community was assailable, and not even the government elected town councillors could compete with them.

"Polls have even shown that the councillors cannot even compete with UDF leaders like Comrade Archie Gumede. They are a hopeless lot," he said.

ANC flag bearers get suspended sentences but only 3 walk free

CP Correspondent

THERE were smiles and tears of relief in the Port Elizabeth regional court on Wednesday as seven Craddock residents charged under the Internal Security Act were given suspended sentences.

However only three were able to walk free. The other four, held under the emergency regulations since June last year, were led off in handcuffs by policemen.

Temba Jimmy Basini, 42, Lwandile Ngru, 21, Mpumelolo Faxi, 21, Mtuthulezi Ntombela, 29, Vulindlela Puwani, 24, Thami Madolo, 40 and a 16-year-old youth, were found guilty of furthering the aims of banned organisations for exhibit-

ing Russian, SA Communist Party and ANC flags and banners.

Six of the accused were sentenced to two years imprisonment, and the youth, one year. All sentences have been suspended for five years.

The charge arises from incidents at the mass funeral on June 20 of Craddock leaders Matthew Goniwe, Fort Calata, Sparrow Mkonto and Sicelo Mhlawuli.

In passing sentence at the end of the 20 month trial, Magistrate A Meiring said that the funeral had been more of a political demonstration than a funeral. He cited slogans shouted, the flags displayed and speeches given as examples of this.

On Tuesday, Justice Poswa for the defence argued that, in the present political climate there was uncertainty as to how association with the banned African National Congress should be regarded.

He mentioned the examples of Members of Parliament visiting Dakar, the contact between religious leaders and the ANC and rumours of future negotiations between the government and the ANC.

The defence argued that the court should take the changing attitude of the government and the political climate into consideration and that the violence of the ANC was in response to the violence of the State.

In passing sentence, Meiring said he had taken Poswa's argument in mitigation of the sentence into account and found that the court could not be sure that the public would want the accused to be imprisoned. — Ecna.

Political comment and newsbills by P Qoboza; headlines and subediting by Jon Swift, all of 204 Eloff Street Ext, Johannesburg.

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SOWETAN, Monday, September 28, 1987

UDF IS DISCIPLINED — LEKOTA

By MONK
NKOMO

THE United Democratic Front is a non-violent and peaceful organisation that regards discipline as its weapon, Mr Patrick "Terror" Lekota, its national publicity secretary, said in the Pretoria Supreme Court on Friday.

Referring to court exhibits that related to the UDF "million signature campaign" rejecting the new constitution and the "Koorhof bills" in 1983, Mr Lekota said their organisers were urged to behave in a lawful manner and not to fight the police. They were also told to lay charges against anybody, including the police, who assaulted them.

Cross-examined by Mr P. Fick, for the State, Mr

Lekota said the UDF regarded discipline as its weapon to ensure their survival and prevent any potential disruptions during the campaign. The campaign, Mr Lekota said, gave the UDF a chance to popularise itself and its principles of "non-racialism, democracy and unity in struggle".

The UDF distributed handbooks to their organisers during the campaign to guide them on provocation by the police or people who had different views from that of his organisation, said Mr Lekota.

The handbooks also warned the organisers against intimidation. They read in part: "We

are all aware that the democratic movement in South Africa has been and will be continually harassed, intimidated and attempts will be made to disrupt whatever campaign it is involved in".

Mr Lekota and 18 others, who include senior officials of the UDF, Azapo, Azanyu and the Vaal Civic Association, have all pleaded not guilty before Mr Justice van Dijkhorst, who is sitting with an assessor, to charges of treason, murder, subversion and terrorism.

Mr Lekota also told the court that organisers during the campaign were also told by the UDF leadership to try and locate lawyers in their respective areas "in times of crisis".
(Proceeding)

Three appear in EL terror trial

Daily Dispatch
Reporter

EAST LONDON — Three men appeared in the regional court here yesterday charged with terrorism.

It is alleged that during the period from July 1981 to December 1986, one of the accused, Mr Mthunzi Qumza, 24, left South Africa, joined the ANC and underwent military training under the auspices of the banned organisation.

It is also alleged that during December 1986 he returned to South Africa with the intention of finding a safe house, where he could train people in politics and the use of weapons to blow up fuel depots and power stations.

It is further alleged that during December 1986, in the district of Queenstown, he and a few others tried to recruit members for the ANC, whom they could train in the use of explosives.

Mr Qumza is also charged with leaving South Africa at the end of 1986 to make contact with the ANC. It is alleged that he returned to South Africa in January 1987, to arrange to smuggle weapons, ammunition and explosives into the country, and stayed with the two other accused, Mr Madoda Hoko, 26, and Mr Andile Hoko, 28.

The Hoko brothers are charged with either knowingly or unknowingly giving assistance to Mr Qumza and another unnamed person, who had either received training from the ANC or was a member of its military wing, Umkhonto We Sizwe.

The brothers are also charged with harbouring Mr Qumza.

Mr Andile Hoko said he was arrested at his home in Queenstown on January 24 1987.

"I was then taken to the police station where I was questioned by Warrant Officer N. A. Jordaan.

"I was not willing to make a statement because, as far as I was concerned, I knew nothing, but W/O Jordaan said that I had to make a statement.

"W/O Jordaan told me that Mthunzi was an ANC member from Angola and he wanted me to admit this to the magistrate.

"W/O Jordaan then got up from his chair, came towards me, got hold of me by the collar and started shaking me.

"He said that in this office people only told the truth and that if the truth was not told it was dragged out of a person and they had means of doing this.

"I then told W/O Jordaan that the last time I had seen Mthunzi was at the end of 1981, he approached me again in December 1986, but during the four years he was away I did not know what he was doing.

"W/O Jordaan then physically threatened me for a second time and said that he knew that Mthunzi and others were members of the ANC.

"I still did not agree to make a statement, but after being assaulted and told I would remain in detention until next year if I didn't, I decided to do what W/O Jordaan said.

"I asked W/O Jordaan if I could ask these persons if they were ANC members but he said that I was not allowed to speak to them.

"I told W/O Jordaan that if he alleged that these men had told him they were from the ANC, I would have to admit that this was so.

"On my first visit to the magistrates court I

did not make a statement as I discovered the place I was taken to was not a court and the interpreter was a policeman and I did not trust anything that he said — I thought the police were plotting against me.

"I returned to the police station and W/O Jordaan wanted to know why I did not want to make a statement.

"I said that I wanted to speak to my parents first, as I believed this statement would incriminate me."

Mr Andile Hoko said he was then taken to his brother Madoda. "I was allowed to speak to Madoda and I discovered that he had made a statement.

"It was no good if Madoda went one way and I went another — so I decided to make a statement.

"I told the magistrate that Mthunzi had come to Queenstown for a holiday and that I did not know anything about him smuggling arms into the country.

"Mthunzi asked me to find accommodation for him. I told him that I hoped he was not here to cause trouble because at the time, police and soldiers were milling around the location.

"Mthunzi then instructed me to find a friend of his whom he believed worked at CDA (Mercedes-Benz of South Africa).

"I had no message for this man, only to establish his whereabouts.

"I discovered that Mthunzi's friend was no longer working at the plant, but had left CDA two years ago to study at Rhodes University."

The case is proceeding.

Mr N. R. Oosthuizen was the magistrate. Mr R. Esterhuysen appeared for the state and Advocate S. Gyanda, instructed by Mr H. Siwsa appeared for the accused.

'BLACKS ARE DENIED RIGHT TO WEALTH'

THE struggle in South Africa was also against capitalism — a system that denied blacks the right to compete equally with other races, Mr Patrick "Terror" Lekota, national publicity secretary of the UDF told the Pretoria Supreme Court yesterday.

"Benefits in this country," Mr Lekota said, "were only enjoyed by whites. The benefits flow in one direction. We want a system of free enterprise and not a system that ties other people's hands depriving them of the right to compete equally," Mr Lekota said.

Cross-examined by Mr P Fick, for the State, Mr Lekota, who has been in the witness box for three weeks now, also told the court that the UDF national executive rejected suggestions for a defiance campaign during the boycott of elections and the rejection of the new constitution in 1984.

Mr Fick put it to Mr Lekota that the UDF "worked hand in hand" with community newspapers such as *Grassroots*, *Saspu*, *The Eye* and *Speak* in the struggle against apartheid in South Africa.

Mr Fick also told the court that Mr Murphy Morobe, a senior UDF

By MONK
NKOMO

official, was a chairperson of *Speak*.

Mr Lekota rejected the allegations and said these newspapers were independent publications and that the UDF had no say on their editorial policy or on how they were operated.

"We did not tell them which stories to publish," said Mr Lekota. He did not even know that Mr Morobe was chairperson of *Speak*, the court heard.

Mr Lekota and 18 others who include senior officials of the UDF, Azapo, Azanyu and the Vaal Civic Association, have pleaded not guilty before Mr Justice van Dijk-

horst, who is sitting with an assessor to charges of murder, treason, subversion and terrorism.

Mr Lekota yesterday told the court that the UDF had planned a peaceful demonstration by a small group of prominent people as a sign of protest against the introduction of Black Local Administration and the new constitution. The UDF had also encouraged the working class to participate in the struggle "and make their voice heard".

Asked by Mr Fick where the UDF got its funds from, Mr Lekota said they received money from their affiliates and overseas countries such as Sweden, Britain, West Germany and the United States.

(Proceeding)

THE Urban Councils Association of South Africa has appointed a new board of trustees to manage its pension fund.

This follows elections held countrywide.

The pension fund was started on March, 1985 and has a membership of over 100 councils covering 14 000 employees.

Known as the Ucas Pension Fund, it was formed to provide pension fund benefits for employees of local authorities.

A further 70 councils have indicated their intention of joining the fund, and it is envisaged that some 200 councils with over 20 000 employees will be covered under the fund.

In a statement the new board of trustees said the Ucas pension fund was a non-racial, non-political body concerned solely with the provision of employee benefits for its members.

Members elected to the new board are: Mr G D Scholtz (chairman), Mr S M Nkatlo (deputy chairman), Mr A R

Pension fund's new trustees



MR STEVE Nkatlo . . . trustee.

Xaba, Mr H T Bosvark, Mr F M Nhlapo, Mr S A Mpondo, Mr J R

Manjinja, Mr A Mokoc-na and Mr J Mohla-koane.

Call for urgent meeting on rent

LAWYERS acting for the Soweto Civic Association yesterday sent a telex to the Soweto City Council asking for an urgent meeting to resolve the rents dispute.

Lawyers have also asked the council to suspend evictions during the period of negotiation as a show of "good faith".

The telex said: "This firm will represent the interests of the SCA and its members at the

meeting. We believe these negotiations will prove fruitful and be in the interests of the community of Soweto.

Reply

"Kindly give this matter your urgent attention and furnish us with a date upon which the initial meeting could take place to commence

the process of negotiation and eventual settlement."

Yesterday afternoon, the Soweto council's town clerk, Mr Nico Malan, said he had not yet seen the telex as he had been in a meeting. He said the council would reply "accordingly" after the message had been studied.

Mr Malan said the council's executive committee had indicated that it was willing to

discuss the rents crisis, especially with the SCA.

"The mayor, Mr Nelson Botile, has emphasised that his door is open. Although he is out of town at the moment, the chairman of the executive committee is around," Mr Malan said.

In the past, the major stumbling block to talks between the council and the SCA has been that the association prefers to hold talks with Mr Malan

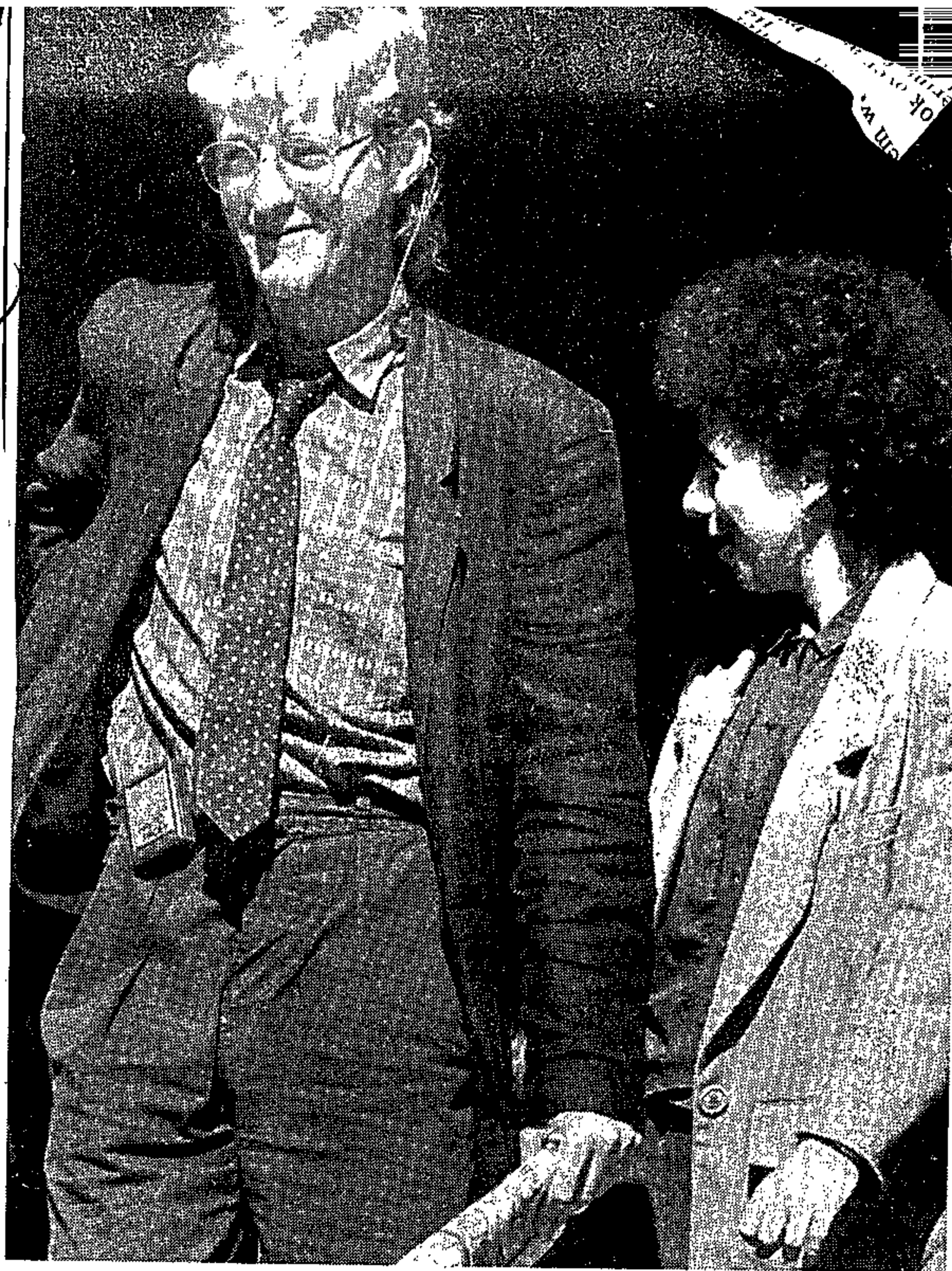
and not with the councillors.

But the view of the councillors is that Mr Malan is only their employee and that the SCA must hold talks with the councillors.

Yesterday Mr Patrick Lephunya, secretary of the SCA said his organisation's mandate was that it talk to Mr Malan, who the SCA regard as being the representative of the Government.

By NAT
DISEKO

Sanetun 29/9/87



HAPPY TO BE ACQUITTED ... Worldwide Television News cameraman Mr Craig Matthew with his attorney, Ms Andy Durbach, outside the Magistrate's Court after his acquittal yesterday.

Picture: ANNE-LAING

Cape Times 11/10/87 331 **Cameraman acquitted of obstructing cop**

Court Reporter

WORLDWIDE Television News cameraman Mr Craig Matthew was yesterday acquitted in the Magistrate's Court on charges of resisting arrest and obstructing a policeman in the course of his duties at the funeral of Mr Ashley Kriel.

Mr Matthew, 29, of Camp Street, Gardens, pleaded not guilty.

Sergeant Ignatius Rademeyer said he had been present at the funeral of Mr Kriel to ensure that only 800 people attended and that no one carried cameras. Mr Kriel was an alleged ANC guerilla who had been killed by police.

On July 18 at the Woltemade Cemetery, Kensington, he noticed three people running towards the grave.

He had stopped them and while he was questioning their actions, Mr Matthew interrupted him three times.

One of the men, Cape Times reporter Mr Andre Koopman, said he, together with a Cape Times photographer Mr Obed Zilwa and another photographer, Mr Abduragheem "Gimmie" Johnson, had entered the cemetery through another gate. There was a large army and police presence, but they had not been stopped.

Sergeant Rademeyer stopped and searched them as they ran towards the grave. The three were told they were under arrest.

When Mr Koopman questioned this, Sergeant Rademeyer cocked his gun. "He told us to walk in a straight line. We must have wavered because he said 'I only warn once', then cocked his shotgun again behind us. He led us to a wall. I called Craig and told him to contact the news desk and tell them we had been arrested."

Sgt Rademeyer had pushed Mr Matthew away and he left.

Mr Matthew said he had seen Sgt Rademeyer retrieving some film canisters which had been thrown by one of the three to a passerby. Sgt Rademeyer had told him to mind his own business.

After the three were taken away, Sergeant Rademeyer approached Mr Matthew, and "grabbed my clothes saying I was under arrest. I asked him several times why, but he would not tell me".

The magistrate, Mr J W Z Havenga, said the interference was not serious. He said Mr Matthew had resisted arrest but was justified in doing so.

Mr J Siabbert prosecuted, Mr P Gamble, instructed by Ms A Durbach, appeared for Mr Matthew.



FLASHBACK ... Anti-apartheid activists Ms Zubeida Jaffer and husband Mr Johnny Issel reunited on February 5 last year when he was conditionally released on bail of R1 000, without being charged, after over seven weeks in detention.

'Feared for husband': Jaffer's fine set aside

By SHAUNA WESTCOTT
Supreme Court Reporter

THE Wynberg magistrate who convicted 29-year-old anti-apartheid activist Ms Zubeida Jaffer of wilfully obstructing a policeman in the course of his duties was "incorrect", the Supreme Court ruled yesterday.

Mr Justice P Tebbutt, with Mr Acting Justice W G Thring agreeing, set aside Ms Jaffer's conviction and sentence of R100 (or 50 days) plus a further three months suspended.

Ms Jaffer appeared before magistrate Mr S K E Liebenberg in November last year and conducted her own defence.

The state case consisted of the evidence of a single witness, Lieutenant Frans Mostert, of the security police.

He said he was on duty in Lower Bath Road in Wynberg on September 3 last year when he saw a "white woman" for whom he had a warrant of arrest.

She ran in the direction of Ms Jaffer's house, which he and other policemen surrounded.

A red Golf bakkie was reversing out of the driveway and Lt Mostert blocked its path.

He saw Ms Jaffer's husband, UDF activist Mr Johnny Issel, jump out and run for the house.

He wanted to arrest Mr Issel but was prevented by Ms Jaffer who grabbed him by the lapels of his jacket.

Ms Jaffer admitted grabbing the lieutenant by the lapels but said it was to prevent him from shooting her husband.

Lt Mostert "went for his gun", she said, and she reacted instinctively, fearing for her husband's life.

Lt Mostert denied drawing his gun at that stage but admitted under cross-examination that he drew it later when he entered the house to search — in vain — for Mr Issel. He also conceded that it was his habit to draw his gun when intending to make an arrest.

Ms Jaffer said she knew the lieutenant well. She had often seen him with a gun, he had detained both her and her husband in December 1985 and had uttered death threats to them both.

The Court ruled that the magistrate's conviction of Ms Jaffer was incorrect.

Mr S Desai appeared for Ms Jaffer. Mr A de V la Grange appeared for the state.

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Challenge to Ngoyi acquittal

By EDYTH BULBRING

PORT ELIZABETH. - Six months after the United Democratic Front's East Cape president Edgar Ngoyi was acquitted of murder, the state has challenged his acquittal and that of co-accused Lulamile Mkalipi. The State has appealed against the acquittal to the Appellate Division.

In March this year, Ngoyi, 62, Mkalipi, 22, and seven others were tried for the murder at Kwazakhele of Azapo member Pakamisa Nogwaza on June 8 1985.

The killing took place during clashes between UDF and Azapo supporters which started in April 1985. Twenty UDF members under Mkalipi were guarding Ngoyi's house after two petrol bomb attacks.

Nogwaza, 24, and his mother arrived at Ngoyi's house. Ngoyi left to make a phone call, leaving his visitor in the house. While he was away, Nogwaza was killed.

The state alleged Ngoyi deliberately failed to foresee the dangers when he went away, leaving Nogwaza at the Ngoyi home.

Controls comrades

A 17-year-old youth was sentenced to 14 years in jail for the murder of Nogwaza and two others. Funamekile Siyoni, 21, and Xolile Pete were sentenced to four years each, two of which were suspended for five years for beating the deceased with a stick. The six others were acquitted.

The court found that while Ngoyi was in control of the "comrades", his failure to take steps to prevent the crime did not make him guilty.

Ngoyi spent 17 years on Robben Island for his membership of the ANC. He was released in 1981.

He was arrested after Nogwaza's murder on June 10 1985. Although released on bail of R50 000 in December 1985, he was detained under the emergency regulations in June last year and has not yet been released. Judgment has been reserved.

No access to witnesses for Ebrahim's defence

By JO-ANN BEKKER

28/10/87 W/mail (M)
THE Piet Retief circuit court this week dismissed an unprecedented application for defence lawyers to have access to people detained as state witnesses but not called by the state.

The ruling is a blow to detainees' rights as it confirms the state attorney general's ultimate control over those detained as potential witnesses — a power the Supreme Court judge hearing the case said he could not challenge.

The application was brought by lawyers representing Piet Retief treason trialists Ebrahim Ismail Ebrahim, allegedly a senior African National Congress official, and alleged ANC guerrillas Mandla Maseko and Simon Dladla.

It came after the state closed its case during a trial within a trial to determine the admissibility of alleged confessions made by the accused under interrogation.

The application centred on two men detained under Section 31 of the Internal Security Act, which gives the attorney general power to detain state witnesses until the end of court proceedings. Although the two had been named as potential state witnesses in the trial within a trial, they had not been called.

Ismail Mahomed SC, for the defence, applied for the two to be subpoenaed by the court. He argued, and the judge accepted, that the accused did not know whether the witnesses' evidence was material to the case, or whether it would support the defence.

Judge H Daniels ruled it was the attorney general's prerogative to decide

when a Section 31 detainee be called to testify. It was not within the court's jurisdiction to order that a detainee be brought to court if the attorney general did not consent to this.

Daniels said the purpose of Section 31 was to avoid interference with a detainee, prevent him from absconding and protect his interests and those of the administration of justice.

But he went further. He said the purpose was not merely to ensure a person gave evidence, but that he gave evidence about the offences referred to in the attorney general's schedule, and that such evidence was not tainted by intimidation or by the witness absconding.

Daniels said it did not appear to be the intention of the defence to call the two witnesses to testify to the merits of the case. That appeared to be the intention of the attorney general. Only when he did so did the restriction on access to the men cease.

Responding to an objection by Mahomed that the accused would be prejudiced in conducting their case if their defence was restricted by the attorney general, Daniels said the enquiry did not centre on whether they would be deprived of a fair trial, but whether they would be deprived of the right to call Section 31 detainees as witnesses.

He dismissed the application.

The Piet Retief trial — which centres on a series of landmine explosions on farms in the Eastern Transvaal last year — has been postponed till Monday, October 19.

(231) 2/10/87

EL terror trial postponed

Daily Dispatch Reporter

EAST LONDON — The two-week long Qumza-Hoko terrorism trial has been postponed to October 8 for judgment, the regional court magistrate, Mr N. R. Oosthuizen, said here yesterday.

Mr Mthunzi Qumza, 24, Mr Madoda Hoko, 26, and his brother Mr Andile Hoko, 28, are facing charges of terrorism with an alternative charge of furthering the aims of the ANC.

Mr Madoda and Andile Hoko also face charges of giving assistance to and harbouring Mr Qumza and another unnamed person, who was either a member of the military wing of the ANC or had received training.

It is also alleged that during the

period July 1981 to December 1986 Mr Qumza left South Africa, joined the ANC, and underwent military training under the auspices of the ANC.

During 1986 he allegedly returned to South Africa with the intention and aim of finding a safe house, to train people in politics and in the use of weapons and to blow up or destroy fuel depots and power stations.

It is alleged that during December 1986, Mr Qumza left South Africa again to make contact with the ANC or its members, and that he returned to South Africa in January 1987 to stay with Mr Madoda and Andile Hoko and to arrange to smuggle weapons, ammunition and explosives into South Africa.

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Education, Engineering, Law, Science, Technology, and the Environment

State challenges Ngoyi's acquittal

2-8/10(8) 4/10/85
SIX months after the United Democratic Front's East Cape president, Edgar Ngoyi, was acquitted of murder, the state has challenged his acquittal and that of co-accused Lulamile Mkalipi.

During March this year, Ngoyi, 62, Mkalipi, 22, and seven others were tried for the murder of Azanian People's Organisation member Pakamisa Nogwaza at KwaZakhele on June 8 1985.

The killing took place during violent clashes between United Democratic Front and Azapo supporters which started in April 1985. On the day of the murder 20 UDF members, under the leadership of Mkalipi, were guarding Ngoyi's house after two petrol bomb attacks had taken place.

Nogwaza, 24, and his mother arrived at Ngoyi's house and Ngoyi left to make a phone call, leaving his visitor in the house. While he was away, Nogwaza was killed.

Ngoyi's alleged crime was that of murder by default or omission — murder because of what he did not do. The state alleged that he deliberately failed to foresee the dangers when he went away, leaving Nogwaza at the Ngoyi home.

A 17-year-old was sentenced to 14 years imprisonment for the murder of Nogwaza and two others, Funamekile Siyoni, 21, and Xolile Pete, were sentenced to four years each, two of

By EDYTH BÜLBRING,
Port Elizabeth

which were suspended for five years for beating the deceased with a stick. The six other accused were acquitted.

The court found that while Ngoyi was in control of the "comrades", his failure to take steps to prevent the crime did not make him guilty. This was Ngoyi's second murder charge in 23 years. In 1963 he was charged with the murder of an alleged informer. The charges were dropped before reaching court.

Ngoyi, who spent 17 years on Robben Island for being an African National Congress member until his release in 1981, was arrested on June 10 1985 after the murder of Nogwaza. He got out on bail of R50 000 in December 1985 and was detained under the Emergency regulations in June last year. He has not been released.

The state has challenged on a question of law, the acquittal of Ngoyi and Mkalipi. In an application by the attorney general, argued by W Kingsley, the prosecutor in the trial, the court was asked to refer the question of whether or not the two men had made themselves accomplices by vicarious responsibility to the Appellate Division for consideration. Mr Justice Allan Solomon reserved judgement. — Ecna

Mandela held in high esteem court told

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2/10/87
BOTH Mr Nelson Mandela and Mr Joe Slovo, leaders of the banned ANC and the South African Communist Party, were regarded highly in the black communities long before the UDF was formed, the Pretoria Supreme Court heard yesterday.

Mr Patrick Terror Lekota denied under cross-examination by Mr P Fick, the prosecutor, that songs chanted at UDF meetings or rallies about the ANC and its leaders suggested that they popularised the organisation or conspired with the ANC to violently overthrow the government.

"Who are we to come in 1983 and tell the people, including our parents that Mr Mandela and Mr Tambo are not our leaders?" asked Mr Lekota in reply to a question by Mr Fick that both men belonged to violent organisations.

"The UDF," Mr Lekota said, "has from time to time publicly stated its policy of non-violence."

Mr Lekota also told the court that opinion polls conducted recently revealed that Mr Mandela was the most popular leader in South Africa. Mr Slovo was also regarded as a leader in the black community

"at a time when I was still a child."

Some of the songs chanted at the UDF's meetings, Mr Lekota said, were also sung at weddings, funerals and parties in the townships. "These songs must not be understood literally," Mr Lekota said. "The UDF, he added, "does not even compose these songs against the councillors or the Government."

Mr Fick put it to Mr Lekota that these songs, including one that referred to burnt buildings and a supreme court, were sung to popularise violent action of the Unkhonto we Sizwe, the military wing of the ANC.

Mr Lekota rejected the suggestion.

Mr Lekota, who has been in the witness box now for four weeks, has, together with 18 others pleaded not guilty before Mr Justice van Dijkhorst, who is sitting with an assessor, to charges of murder, treason, subversion and terrorism.

The case will proceed on Monday October 5.

run concurrently with the main case

Can. Tnt. 3/10/87
ANC membership charge 331

A GRASSY PARK woman appeared in the Regional Court yesterday charged with being a member of the ANC, taking part in their activities and furthering the banned organization's aims. Mrs Farieda Khan, 27, of Seventh Avenue, was not asked to plead. She was granted bail of R500 and the hearing was adjourned to November 13.

Police behaviour at UCT shocked me, says academic

Court Reporter

AR 645 5/10/87 (331)

A PROFESSOR of the University of Cape Town today told the Wynberg Regional Court he had been "extremely shocked" at the "undisciplined, provocative" behaviour of riot police during a confrontation with students on campus at the end of April.

This was evidence in mitigation in the trial of Andrew David Brown, 21, a second-year law student, who pleaded guilty and was convicted on two charges of public violence on Friday, April 24 and Monday, April 27.

Professor Denis Davis, associate professor in the department of law, said he was giving a paper at a conference of about 40 academics from South Africa and abroad on the Friday when he was interrupted by a commotion in University Avenue.

"We heard screams and shouts of panic from a number of students who were being pursued by a group of policemen armed with sjamboks, rifles with teargas canisters and sub-machineguns.

"Near our building the police stopped. By that stage students had dispersed. At that point the police used a megaphone and told them to disperse.

LAUNCHED TEARGAS

"They had already dispersed and there were only others, including ourselves, who were watching.

"They (the police) launched teargas in a manner which appeared to be indiscriminate — one landed in the tearoom — and we had to move out of our conference hall because of the fumes.

"Then a policeman made announcements which I considered to be extremely provocative. He said that if students

(Turn to Page 3, Col 4)

Court told of police action

(Continued from page 1)

ever came down to the grass verge again they would feel the full wrath of the police."

Professor Davis said he was disappointed at the police behaviour and extremely angry because his paper and a major academic activity had been interrupted and the sanctum of learning was disrupted.

Other academics were as shocked as he was, he said.

He added that there were no visible signs of any arrests being made and he did not understand what the police were doing there.

Professor Davis said that on the following Monday he was researching in the law library when a police helicopter arrived, making "a rather loud noise".

He said that again there were sounds of screams near the P D Hahn building and he and three other academics investigated.

"A number of students came running up the steps pursued by sjambok-wielding policemen."

(Proceeding).

Sedition case is postponed

Fifteen members of the Krugersdorp Residents' Organisation (KRO), including Federation of Transvaal Women president Sister Mary Ncube (51), appeared before a Johannesburg regional magistrate on Friday.

Charges of sedition, alternatively subversion, and assault were detailed in the charge sheet. They were not asked to plead.

It is alleged that between July 1985 and July 1986, through KRO and other organisations, the 15 were involved in creating local authorities in Kagiso and Munsieville townships and establishing "courts" — held at schools and churches — where people received corporal punishment.

They allegedly undermined State entities such as village councils, magistrate's courts and the police.

It is further alleged that they intimidated people not to report criminal matters to the police, to boycott several white-owned businesses, including Greyhound Bus Lines, and urged councillors to resign.

ORGANISATIONS

The other organisations they allegedly acted through were Kagiso Youth Congress, Munsieville Youth Congress, Kagiso United Front, the Womens' League Committee, the Business and Economic Committee, the Justice Committee, the Transport Committee, the Health Committee, the Education Committee and the Housing and Rent Committee.

The other accused are Mr Joshua Dikene Makgotlho (46) (KRO chairman), Mr Lawrence Jonas Ntlokoa (30), Mr Mosuthu Isaac Genu (34) (KRO vice-chairman), Mr Petrus Bongani Dlamini (35), Mr Phana Zacharia Molefe (52), Mr Jerry Kgofela (60), Mr Morgan Ephraim Morwa Montoedi (54), Mr George Xolelizwe (25), all of Kagiso, Mr Abel Mokonyane (27), Mr Steven Oupa Motingoe (24), Mrs Johanna Mokowe (41), Mr Moses Kelebone (18), Mr Christopher Manini Sithole (23) and Mr Matthews Rapula Kope (28), all of Munsieville.

The hearing was provisionally postponed to January 18 next year.

331

'BLA's helped spark unrest'

THE introduction of Black Local Authorities resulted in rent increases and the violence that erupted in Tumahole, Parys, because these structures were not economically viable, the Pretoria Supreme Court heard yesterday.

Mr Patrick "Terror" Lekota, national publicity secretary of the UDF, also told the court that although his organisation was opposed to the BLA's, it was not their policy to attack those serving on these structures in a violent manner.

Cross-examined by Mr P Fick, for the State, Mr Lekota said he had made a call at a public meeting on July 20, 1984, urging residents in Tumahole to stop attacking councillors and burning their houses, shops and other properties.

The court heard that a State witness, known as IC17 because he may not be identified, went to UDF patron Archbishop Desmond Tutu's office at Khotso House in Johannesburg in July 1984 to complain that he had heard rumours that his properties were destroyed by the UDF and the Tumahole Youth Organisation.

Mr Lekota said he and co-accused Mr Popo Simon Molege, general secretary of the UDF, were called to Archbishop Tutu's office where they explained their non-violent stance to IC17 and his family.

They denied the UDF was involved in the attack.

Mr Lekota said IC17 told them that he was going to seek compensation and then cut relations with the administration board because they were responsible for the damages he suffered.

Mr Lekota denied under cross-examination by Mr Fick that IC17 was told that the UDF would never help him as long as he "stayed with the council". Mr Lekota told the court that Archbishop Tutu also called for calm in Tumahole even before they met IC17 and his family.

30/7/87 60 minutes

CMLT Times 30/9/87 (331)

Student on violence charges is acquitted

By YVETTE van BREDA
Court Reporter

A UNIVERSITY of Cape Town student was yesterday acquitted in Wynberg Regional Court on charges of public violence, assaulting a policeman who was "75% sure she threw stones" and attending an illegal gathering.

Ms Carol Green, 20, of Arnold Street, Observatory, pleaded not guilty to all the charges arising out of an encounter on April 27 between police and students on the campus.

Charges against her were that she assembled with about 400 other students, and — carrying stones "or other dangerous objects" — walked in the roads "creating a riot", attended an illegal gathering, placed tyres and other objects in the road with the intention of endangering or disrupting traffic and assaulting policemen.

It was also alleged that she had assaulted Warrant Officer I Meyers by throwing a bottle at him.

Warrant-Officer Myers said he had arrived on the scene with other policemen and saw Ms Green in a group hurling missiles at the police.

He was "100% sure that she had been part of the group but only 75% sure she had thrown stones".

Warrant-Officer Myers chased her up a flight of stairs and through the Student Union Building. During the chase she threw a bottle at him.

Ms Green, a final-year Bachelor of Arts student, said she had been at a geography practical and afterwards had gone to the Student Union Building.

She was with a friend and they saw police sjambokking students. The situation was not normal on campus.

Ms Green denied being where Warrant-Officer Myers said she had been, claiming she had been much higher on another level. Another student had been arrested and students had thrown stones from behind where she was standing.

The magistrate, Mr A S McCarthy, said it was clear the policeman had no "axe to

grind with the accused. He was doing what he gets paid to do".

"He was honest with the court but honesty is insufficient when an identity is in dispute. When a court has to make a finding the witness also has to be reliable," he said.

It was clear that Warrant officer Myers did not see the face of the person he saw throwing stones and out of 100 students he did not have a very good opportunity to ascertain what clothing the person wore, Mr McCarthy said.

When the court weighed up the evidence, "you were not the person he saw throwing missiles at the police". He could only have caught a brief glimpse of the face of the person who threw the bottle at him.

He had identified Ms Green from her clothing and not seen her face.

There was no reason why he should reject the versions of Ms Green and her friend (who also gave evidence) and accept the policeman's, Mr McCarthy said.

Mr P Mostert prosecuted. Mr J Whitehead, instructed by Ms A Durbaach, appeared for Ms Green.

CARL TROTS 6/10/87

Student guilty of public violence

331

By YVETTE VAN BREDA
Court Reporter

A UCT student, convicted in the Wynberg Regional Court yesterday of throwing stones at police who teargassed students on campus, had his trial adjourned for a report on community service as an alternative to a prison term.

Andrew Brown, 21, a final year BA student, of Monroe Avenue, Claremont, pleaded guilty and was convicted on two counts of public violence.

In a statement handed into the court, he admitted that on April 24 he threw four stones at a place police appeared to be firing teargas from. He denied hurling stones at the general public and said he intended them for the police, although they (the police) were obscured from his view.

Brown also admitted that on April 27, he threw a stone at and hit an unoccupied stationary police vehicle on De Waal Drive. There was no traffic on the road at the time, he said.

He told the court he saw Mr Salie Adams and Ms Siobhan Mills being arrested "for no apparent reason". He also saw that Ms Carol Green and Ms Sally Andrews, two of his friends, had been arrested. "I was very angry indeed when I threw the stones,"

he said.

His list of previous encounters with the police, which included being detained for two weeks in November 1985, had been non-violent, he said. He was normally a controlled person and regretted what he had done.

Professor Denis Davis, an associate professor in the Department of Law at UCT, said that on April 24 he was reading an academic paper at a prestigious conference when he was disturbed by screams of panic.

He saw police chasing students down University Avenue. The police were armed with sjamboks and teargas dispensers. The students ran up the verges.

Provocative behaviour

Police launched teargas and one of them announced "something to the effect that if the students come down the verges they would feel the wrath of the police".

He said he was disappointed, shocked and most distressed at the provocative behaviour of the police and the indiscriminate way they were firing teargas. He expected them to behave maturely, given the wide powers they had.

On April 27, he heard a helicopter hovering over the university.

He went to the parking lot where he saw a number of students running into a building.

"They were pursued by quirt-wielding policemen" who turned towards him and three other lecturers "and we ran very speedily into the building. I have no doubt I would have been whipped if I had stood there."

Professor Davis said he taught Brown, who had an impressive record.

Brown's father, Professor Alexander Claude Brown, head of the Zoology Department at UCT, said his son came from a stable background where he had been taught to develop a keen sense of judgment, high moral values and the right to stand up for his beliefs.

Professor Brown said his son was also taught not to discriminate racially and he was proud of Andrew, whose academic progress was outstanding. Brown also had a deep political involvement and was "over-obedient", his father said.

The magistrate, Mr A S McCarthy, said Brown's past history was impressive and his guilty plea was a sign of remorse.

He adjourned the matter to November 16 as he wanted an official "report saying what kind of community service is available".

Mr P Mostert prosecuted. Mr J Whitehead, instructed by Ms A Durbach, appeared for Brown.

October 6 1987

331 SM 6/10/87

Top UDF man tells court Govt is dishonest

Trialist tells why he called Botha a tsotsi

Pretoria Correspondent

The national publicity secretary of the United Democratic Front yesterday testified in the Pretoria Supreme Court that when he called Mr P W Botha a "tsotsi" during a speech in 1985, he had meant Mr Botha was dishonest in the manner in which the Government had treated the people.

Mr Patrick "Terror" Lekota (39) is a key witness in the on-going treason trial in which 19 high-ranking members of the UDF, Azapo and local civic authorities have pleaded not guilty to high treason and alternative charges ranging from terrorism and subversion to murder.

STRUGGLE AGAINST APARTHEID

Mr Lekota, who has been on the witness stand for nearly a month, said the Government was

holding forth a government structure which the people had made clear was unacceptable to them.

He said their struggle was against apartheid and "what we want is a government in which all people can rule."

Mr Lekota denied inciting the people to partake in violence and said they were fighting the same struggle their forefathers had fought against apartheid.

SUSPECTED POLICE INFORMERS

He denied that a speaker, Mr Aubrey Mokeona, had told the meeting that the UDF was not part of the ANC simply because they suspected that "police informers" were present at the meeting.

Mr Lekota said after his speech the crowd were specifically told he had not instigated violence and that the UDF was not part of the ANC.

He said if this had been said because police informers were in the meeting, it would have been said at the outset of the meeting and not at the end, as was the case.

He said the frustrations and suffering caused by apartheid were responsible for producing sections of the population who thought the solution lay in violence, but there were still people committed to a non-violent solution.

The hearing continues.

Death 'due to brain degeneration'

Pretoria Correspondent

Pretoria Regional Court heard yesterday that a 42-year-old cafe owner died as a result of brain degeneration through lack of oxygen, 18 months after a doctor performed a 45-minute routine operation to remove a stone from his ureteric.

Dr Hermanus Bernardus Scholtz of Elizabeth Grove, Lynn-

wood, Pretoria, faces a charge of culpable homicide following the death of Mr Constandino Pattichides two years ago.

The State alleges that Dr Scholtz, an anaesthetist, was negligent during the operation on Mr Pattichides and was subsequently responsible for his death 1½ years' later on July 1 1985.

The hearing continues.

17645 6/10/87 (221) 331

Three to hang for necklace killing of woman, daughters

The Argus Correspondent

EAST LONDON. — Three men have each been sentenced to death three times over by the Supreme Court in Grahamstown for the necklace murder of a woman and her two daughters in Kubusie Township, Stutterheim.

Mxolisi Malgas, 38, Michael Mambukwe, 28, and Lulamile Maneli, 27, were sentenced to be hanged after they were found guilty of three counts of murder with no extenuating circumstances.

THREE YOUTHS

They were also sentenced to 18 months in jail for arson.

Mr Justice Beckley, sitting with two assessors, found there were extenuating circumstances with regard to seven other accused, three of whom are youths, who were also convicted on all four counts.

They were given prison sentences varying from 10 to 14 years.

The 10 were among 16 people charged with the necklace murder in December 1985 of Mrs Nobanzi Yaze and her two daughters, Miss Nonceba Yaze, 32, and Miss Nosisi Yaze, 40.

The 16 were also charged with setting fire to Mrs Yaze's home, resulting in damage of R1 300.

Six of the 16 were acquitted on all four counts.

Pamphlets portrayed ANC aims, court told

(331) Stw 2/18/87

By Duncan Guy

BETHAL — Security Branch senior officer Brigadier Herman Stadler told a Regional Court magistrate in Bethal yesterday that pamphlets condemning township councillors and policemen as "puppets" portrayed the aims of the banned African National Congress.

He said the ANC used legal organisations as part of its strategy to stage a violent revolution in South Africa.

He was testifying in the trial of 30 Witbank activists who have pleaded not guilty to terrorism, public violence, subversion and attempted murder, all allegedly committed in the town's black residential areas between July 1985 and July last year.

In cross-examination defence council Mr Rodney Black put to Brigadier Stadler that several voices — including those heard in Parliament and in the Press — criticised the system in South Africa without having anything to do with the ANC.

The Brigadier replied that the mass mobilisation seen in unrest since September 1984, with similar incidents such as rent and consumer boycotts in many centres, was "orchestrated, not spontaneous".

This, he said, followed a visit to Vietnam by ANC president Oliver Tambo where he learned of strategies used against the French and later the United States.

He added that the writer of a pamphlet issued by the Witbank Educational Co-Ordination committee, the Witbank Youth Congress and the Witbank Students Congress must have been aware the message was part of ANC strategy.

The State alleges that the 30 conspired with the ANC and its military wing, Umkhonto we Sizwe, to overthrow the Government.

They are also accused of encouraging and intimidating pupils to stay away from school, making petrol bombs, attacking delivery vehicles, forming people's courts and making "necklace" threats.

Organisations they are alleged to have conspired with include the United

Democratic Front, the National Union of Mineworkers, the Soweto Parents' Crisis Committee and Detainees Parents' Support Committee.

Alleged co-conspirators include South African Catholic Bishops Congress general secretary the Reverend Sman-galiso Mkhathshwa, Congress of South African Trade Union's General Secretary Mr Jay Naidoo, and New Nation editor Mr Zwelakhe Sisulu.

The court has heard that in October 1985, after schools closed, a community delegation that included two of the accused met Eastern Transvaal security branch Colonel Schalk Visser.

"They said, unrest would stop provided detainees were released, police withdrew from the townships and school examinations were postponed to February," said Colonel Visser.

The hearing continues.

News 6/10/87

331
METROPOLITAN

UCT stone-throwing 'prompted by anger'

Court Reporter

ANDREW Brown, a University of Cape Town final-year law student who threw stones at police in April was prompted by the cumulative effects of his own detention, police harassment and anger at police action on campus, Wynberg Regional Court has been told.

Evidence was being led in mitigation of sentence for Brown, who said he threw stones at police on campus on Friday, April 24. He also said he threw a stone at a police van on De Waal Drive.

He was found guilty on two counts of public violence and the hearing was postponed to November 16 for a Nicro report.

The magistrate, Mr A S McCarthy, told Brown: "It's not as if you threw a stone in an isolated incident. You committed an offence on Friday and then again on Monday."

Mr McCarthy said the offence struck at society as a whole. Drivers on De Waal Drive were endangered until the road was closed and then

people could not drive there at all.

"Public violence has been described as an expensive occupation which society cannot tolerate."

Brown said that on the Friday when he saw police sham-boking students on campus after a peaceful picket protest, he threw a few stones at them in anger and frustration.

On the following Monday, when he saw police arrest two students and take two others away, the cumulative effects of his own experiences at the hands of the police and anger at police action on campus made him "very angry indeed" and he momentarily lost control.

He said he had previously been arrested for putting up posters and being in a prohibited area. He had been assaulted and detained in police cells four times without trial. Once he paid a R75 admission-of-guilt fine for attending an illegal gathering.

In 1985, at the age of 19, he was detained for two weeks

and kept in solitary confinement with only a Bible to read and without recourse to a lawyer, doctor or his parents, except for one visit by his mother. He was then released without being charged.

"I found my treatment particularly abusive and aggressive and totally unnecessary."

Brown said the stones he threw would not have hit members of the public or cars on De Waal Drive.

"Very sorry"

He was "very sorry" now for what he had done.

Claudia Regnardt, a vice-principal at Westford High School and Brown's teacher for the final three years of school, testified that Brown was an exceptionally intelligent pupil as well as a sensitive, compassionate person.

Miss Regnardt said Brown achieved an A aggregate for matric and his English essay was judged by external examiners to be the best in the country.

She had maintained close contact with Brown and others

in the 1984 matric class. All had near-genius IQ ratings.

She knew Brown as a person who always maintained a balanced perspective in spite of his strong political views and she found his actions in throwing stones "completely uncharacteristic".

Dr Ramsay Karelse, psychiatrist, said that after being released from detention Brown had therapy for post-traumatic depression and insomnia as well as other problems.

"Although it's uncharacteristic for him to be violent, I can understand why he did this thing."

"His sense of commitment and dedication to political involvement was so great I was worried about his health."

From listening to evidence before court he concluded that Brown's action in throwing stones at police was a sign of spontaneous anger which was not confined to students but shared by academics.

Mr P Mostert appeared for the State. Brown was represented by Mr John Whitehead, instructed by Ms Andy Durbach.

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'MEN DRIVEN TO VIOLENCE'

THE "unjust laws" of apartheid had forced "men of calibre" including lawyers such as Mr Nelson Mandela and the late Mr Braam Fischer, to resort to violence in an effort to dismantle the policy of apartheid, the Pretoria Supreme Court heard yesterday.

Cross examined by Mr P Fick, for the State, Mr Patrick "Terror" Lekota told the court: "If apartheid can push professional people who also include Mr Oliver Tambo, an attorney, Mr Walter Sisulu, an estate agent and Mr Ahmed

By MONK
NKOMO

Kathrada, a businessman to resort to violence, then there is something drastically wrong with apartheid."

Mr Lekota denied that the UDF had links with the banned African National Congress and that they conspired with them to violently overthrow the Government.

The UDF was involved in a justified and non-violent struggle against apartheid, Mr Lekota said.

Mr Lekota has been in the witness box for four weeks now. He and 18

others, including senior officials of the UDF, Azapo, Azanyu and the Vaal Civic Association have pleaded not guilty before Mr Justice van Dijkhorst who is sitting with an assessor to charges of treason, subversion, murder and terrorism.

Mr Fick yesterday put it to Mr Lekota that the UDF was involved in a revolutionary struggle against the Government and referred him to a speech allegedly made by Mr Cedric Kekana, an official of the Saulsville/Atteridgeville Youth Organisation, a UDF affiliate, calling on the

youth to make the country ungovernable.

The speech was allegedly made at a UDF youth rally in Lenasia on July 28, 1984.

Mr Cedric Kekana also allegedly called on the youth to be "stubborn" and "uncontrollable" and urged them to resist and fight for their liberation and not to negotiate "with the enemy."

Mr Lekota dissociated himself from the speech and said he did not know Mr Kekana and that he was not representing the UDF at the rally.

(Proceeding)

Speech not UDF policy — Lekota

By MONK
NKOMO

A SPEECH made by an identified woman at the launching of the UDF in August 1983 in which she told the audience that there was a civil war in South Africa was quoted in the Pretoria Supreme Court yesterday.

Mr Fick, for the State, suggested that she was not "repudiated" by any of the UDF officials because the organisation was involved with the ANC in a violent revolution to overthrow the Government.

Mr Patrick "Terror" Lekota, national publicity secretary of the UDF denied the allegation and said the speech was not adopted as a policy.

of the UDF.

Mr Lekota also rejected claims by Mr Fick that songs at the launching of the UDF about ANC president, Mr Oliver Tambo and Mr Nelson Mandela, were sung because they wanted to popularise the violent actions of Umkhonto we Sizwe.

The unidentified woman was quoted as telling delegates that the SADF was spending R1-in a day on the war in Namibia where the army was rejected by local residents who

viewed their presence there as "an army of occupation."

"More and more of South Africa's youths are giving up hope of a peaceful solution in South Africa and crossing our borders to take up arms. There is a civil war in South Africa and the SADF is playing the role of defending apartheid," she said.

Mr Lekota told the court that the situation in South Africa was worsening because of the continued implementation of the policies of apartheid.

"We are calling for a national convention where all races including

freed political prisoners will participate in negotiations to dismantle apartheid and set up a constitution acceptable to all in this country with the hope of bringing about peace in South Africa," Mr Lekota said.

Mr Lekota and 18 others who include senior officials of the UDF, Azapo, Azanyu and the Vaal Civic Association have pleaded not guilty before Mr Justice van Dijkhorst who is sitting with an assessor to charges of murder, treason, subversion and terrorism.

(Proceeding)

Accused alleges doctor's complicity with police

Daily Dispatch Reporter

MDANTSANE — An accused in the terror trial being heard the regional court here said yesterday he had not shown a cut he had on his hand to a magistrate who paid him a visit in January this year because a copy of his complaints would be given to the police.

Mr Mzwandile Mampunye said he did not want the people responsible to see that he had complained about their assaults to the magistrate.

Mr Mampunye, 35, who was detained on December 22 last year, said that he was visited by a magistrate for the first time on about January 23 this year.

Mr Mapunye is one of four men charged with terrorism, unlawful possession of arms, being members of an unlawful organisation and harbouring a terrorist.

His co-accused are Mr Xolile Matebese, Mr Mlamli Faku and Mr Xolani Ngudle.

They have all pleaded not guilty to the charges.

Mr Mampunye said he told the magistrate he wanted to be charged or

released; he wanted a change of clothes; and he wished to see a lawyer.

Mr Mampunye said that whenever a magistrate visited a detainee in prison, the magistrate would inform the detainee that he would leave a copy of his complaints with the police.

On the day in question, the magistrate had told him he would leave a copy of his complaints with Colonel Nhonhoh.

Mr Mampunye also told the court that he saw a doctor for the first time while in detention on January 14 though he had requested to see one since December 24 last year.

On December 24 he had shown Captain Mfundisi the cut on his

hand and told him that he had difficulty with swallowing food, he had a head-ache and he could not hear properly.

Captain Mfundisi had only asked him if he wanted to lay a charge with the doctor and left him.

Mr Mampunye said also that he had told Captain Mfundisi that he had incurred his injury and discomfort through being throttled, assaulted and suffocated with a rubber tube when he was tortured by police officers.

He said he heard from other detainees on December 31 last year that a doctor had visited other detainees who had requested medical attention on that day.

When the prosecutor put it to him that what he said did not make sense because the police had nothing to gain by refusing him medical attention, Mr Mampunye said that the police did not bring him a doctor on that particular day because they did not want the doctor to

see his swollen face.

Mr Mampunye said a doctor visited him on January 14 and treated him for his ailments.

The prosecutor said that Mr Mampunye had not received any treatment on the day he claimed to have received treatment.

He suggested that the headache Mr Mampunye was talking about had arisen on the same day he claimed to have received medical treatment.

He said Mr Mampunye had never complained of any assaults to the doctor and the fact was that he had not been assaulted.

The prosecutor put it to Mr Mampunye that if the doctor would lie about the events of January 14, then "he would have to be working with the police".

Mr Mampunye said he had suspected that the doctor was working with the police and after a number of experiences he had with the doctor during his many deten-

tion periods, he had lost confidence in him.

He had only reported his complaints and the reasons for them to the doctor because he needed medical treatment.

The doctor was also the detainees' dietician, and had not changed food that was "not fit for human consumption" when asked to do so.

He had also not booked Mr Mampunye into a hospital when he felt that he needed to be hospitalised.

When Mr Mampunye requested that the lights in his room, which were left on through the day and during the night, be switched off because he had a vision problem, nothing was changed because "the lights are still left on 24 hours a day even now", said Mr Mampunye.

He said he thereafter lost confidence in the doctor and suspected him of working with the police.

The trial continues today.

10/8/73
33

Whites will never feel free, court told

EVEN whites would never feel free as long as apartheid prevailed Patrick "Terror" Lekota, national publicity secretary of the UDF, said in the Pretoria Supreme Court.

Lekota was giving evidence in the Delmas treason trial, in which he and 18 others are accused in South Africa's biggest political trial since the 1950s.

Mr P Fick, for the State, put it to Lekota that most of the UDF's leadership comprised of people who had previous convictions for sedition and participating in the activities of the banned African National Congress.

UDF and ANC

Fick asked Lekota whether these executive members and patrons were elected because of the existing link between the UDF and the ANC, both of which wanted to overthrow the Government by violent means.

Lekota rejected the suggestions. Leaders were elected because of their standing in the community and their opposition to apartheid, he said.

"They were not elected because they were the best criminals. They were elected because they are regarded as heroes in the struggle for a just and democratic government in this country," said Lekota.

Fick told the court of an-



Patrick Lekota

other UDF executive member, Mr Rashid Seria, and said he was a former member of the Media Workers Association of South Africa (Mwasa) and vice-president of the banned Union of Black Journalists (UBJ).

"The fact that he was a member of the UBJ does not make him a criminal or a member of the ANC," said Lekota. He added that Mwasa was a legal organisation.

Seria is now editor of SOUTH.

Lekota said the government, through its arbitrary laws, banned people and organisations without giving reasons for such actions.

"When you oppose apartheid you get banned

or detained without trial," the court was told.

Black heroes, Lekota said, were now criminals because of their political activities. Lekota said white people always felt terrified when blacks talked about the sharing of political power and wealth in this country.

"Nobody will ever be free in this country as long as there is apartheid. Blacks and white people will remain in the bondage of apartheid," said Lekota.

Lekota and the others — including high-ranking officials of the UDF, Azapo, Azanyu and the Vaal Civic Association — have pleaded not guilty to charges of murder, treason, subversion and terrorism.

Cosatu
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acquitted

Court Reporter

A REGIONAL executive member of the Congress of South African Trade Unions was acquitted in the Magistrate's Court yesterday on a charge of intimidating a fellow South African Transport Services worker.

Mr Paul Kutu, 20, of Langa, who is also a national executive committee member and shop steward for the South African Railways and Harbour Workers Union (SARHWU), pleaded not guilty to threatening to kill or injure Mr Patrick Johnson to force him to join either Cosatu or SARHWU.

The state alleged that the incident took place between May and June in Table Bay Docks.

The magistrate, Mr M.J.C. Tolken, said the state had failed to prove beyond a reasonable doubt that Mr Kutu intimidated Mr Johnson.

Mr J.M. McEwan prosecuted. Mr G. Woodland, instructed by E. Moosa and Associates, appeared for Mr Kutu.

Accused alleges cuffs forced off his hand

Daily Dispatch Reporter

MDANTSANE — The court was adjourned briefly yesterday to conduct a demonstration of how a handcuff was allegedly forced off Mr Mzwandile Mampunye's wrist with the aid of soap and water by a security police officer on December 22 last year.

Mr Mampunye and three others, Mr Xolile Matebese, Mr Mlamli Faku and Mr Xolani Ngudle, are charged with terrorism, possession of arms, being members of an unlawful organisation and harbouring a terrorist.

They have all pleaded not guilty.

Mr Mampunye said he was detained on December 22 last year.

On arrival he was interrogated for a few minutes by Warrant Officer Chris Engelbrecht, who was dissatisfied with his answers, saying they were lies.

Before leaving with Capt Mfundisi, W/O Engelbrecht said "I will leave you with my chaps so that they can deal

with you accordingly," Mr Mampunye alleged.

He said W/O Ncandana then ordered Mr Mampunye to undress and went out of the room.

He came back after a few minutes carrying a plastic container with a parcel inside.

Mr Mampunye said he removed all his clothing, apart from his trousers.

W/O Ncandana took an item out of the plastic bag that looked like a T-shirt and used it to tie his hands behind his back. He also put on handcuffs.

Mr Mampunye said Major Potwana ordered him to lie down. When he refused, Major Pot-

wana punched him on the chest and he fell down.

"Swelindawo sat on my stomach. Out of the plastic container Ncandana took out a rubber tube and put it on my face".

Major Potwana ordered W/O Ncandana to remove the tube at intervals so that he could breathe.

When Capt Mfundisi and W/O Engelbrecht came into the room, Mr Mampunye told Capt Mfundisi that the handcuffs were cutting into his skin and the captain ordered W/O Ncandana to remove them.

Mr Mampunye said that while W/O Ncandana was removing the handcuffs, the key broke.

One handcuff remained on his wrist and while W/O Ncandana was removing it with the aid of soap and water, Mr Mampunye said, he

sustained a cut of about 2 cm on his wrist.

The handcuff was forced off successfully and he was taken back to the office where he underwent another torture session.

During cross-examination, the prosecutor put it to Mr Mampunye that the court assumed that when the T-shirt cloth was removed from under his handcuffs, the remaining handcuff should have been looser.

The handcuff could therefore not have cut the wrist and slipped off his hand without any other visible injury.

The magistrate, Mr J. Dracatos, said he found it difficult to understand how the handcuff could have been slipped off Mr Mampunye's wrist.

He requested that the court adjourn to the kitchen so that, with Mr Mampunye's permission, a demonstration could be conducted.

A police constable poured water over Mr Mampunye's handcuffed wrist, which he smeared with soap.

The constable succeeded in removing the handcuff after about four minutes.

The prosecutor put it to Mr Mampunye that he had been fabricating his evidence.

When Mr Mampunye said he was finding it difficult to answer questions after the demonstration because of the pain he had just gone through, the prosecutor said he found it hard to believe Mr Mampunye was still in pain after 10 minutes and suggested that the pain was making him tell lies about what had happened during "the alleged assaults".

Mr Faku was granted bail of R200 and his three co-accused were remanded in custody until their next appearance on November 24.

331/80
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2931

It's one of many — but the Alex treason trial is different

Reason trials have become almost commonplace in South Africa, but the trial behind closed doors in the and Supreme Court of five black men is without parallel in this country's legal history.

The gravamen of the charge against the five, all residents of Alexandra on the outskirts of Johannesburg, is that they tried to usurp the authority of the State by establishing "organs of people's power" in the township.

Specifically, they are alleged to have organised the people of Alexandra into yard, block and street committees, and to have formed people's courts to maintain discipline by adjudicating on quarrels and meting out punishment to transgressors.

The yard, block and street committees were interlinked through representatives elected by the smaller units to serve on the larger ones. The structure's peak was in the Alexandra Action Committee (AAC), on which the five accused are said to have served.

A document submitted by the

State as part of the indictment, explains the origin, structure and rationale of the committees.

"In factories, the workers have already formed workers' organs of power like trade unions... here in Alexandra, the people's organs of power have been started. Unlike other townships, the lowest structure is the yard committee. The reason for this is that each yard in Alex has more than one family."

The objectives of organised people's power, as set out in another document dated April 13 1986, included the withdrawal of troops and police from the township.

CHAIRMAN OF AAC

It also included dissolution of the town council, "comfortable houses which we can afford", and — a reference to the clashes with security forces in February — "recovery of missing corpses and people".

The number one accused Mr Moses Mayekiso (38), a prominent trade union leader, is alleged to have served as chairman of the AAC. His younger brother by 16

PATRICK LAURENCE

years, Mr Mzwanele Mayekiso (22), is the fifth accused. He is alleged to have been the AAC's organiser.

Standing trial with the Mayekiso brothers are Mr Paul Tshabalala (38), Mr Richard Mdakane (29) and Mr Obed Bapela (28).

The people's courts, the State says, had their own gendarmes, known as "marshalls" or "comrades", who served as court functionaries, liaising with street committees to maintain discipline and impose punishment.

According to records kept by the people's courts, complaints dealt with included "tribalism and being bossy", "adultery", "husband and wife fighting", "swearing" and "be- witching". More serious crimes allegedly heard included assault, rape and attempted murder.

Apart from the five Alexandra men, another 35 people are at present accused of treason in four other trials in South Africa. Last year 49 people were indicted for treason in eight trials.

But the Alexandra trial is rare. It is the only one where the accused are alleged to have established alternative "people's structures" to vie with those created by the State for the allegiance of Alexandra's 100 000 people.

The outcome is critical to the future of scores of people. A conviction by the State may lead to the prosecution for treason of men and women in black townships across the country where similar attempts are said to have been made to establish people's committees and courts.

BOYCOTT FOCUS

The Alex trial started on Wednesday before a packed public gallery. The accused had been in detention since June last year. But the gallery was cleared on the orders of Mr Justice Judge van der Walt, who ruled that the evidence of State witnesses should be heard in camera to protect them against retribution.

The judge is sitting without assessors, an auspicious sign for the

accused. South African law requires that a judge call assessors to assist him if, after reading the indictment, he concludes that he may have to impose the death penalty.

Evidence so far has been largely from businessmen operating in or near Alexandra. Their testimony focused on a consumer boycott, allegedly organised last year by the AAC and directed against businesses run or owned by entrepreneurs deemed to be hostile to the people of Alexandra, or too closely associated with the security forces or with members of the officially approved Alexandra Town Council.

During cross-examination by defence counsel Mr David Soggo, SC, the court heard of Alexandra's "six-day war" — a time of bloody conflict between "comrades" and police in Alexandra in February last year which left 17 dead.

It heard, too, of later attacks on the houses of black policemen in Alexandra, and how they were driven out of the en masse resignation of Alexandra town councillors,

of how residents were told at the police station to take their complaints to the "comrades", and of how the "comrades" tried to contain crime and maintain law and order.

One witness told of the absolute rejection of the Government sanctioned town council, of how its members were generally believed to be corrupt, of how his friend was shot dead by soldiers.

NUMBERS 1 to 5

His friend, he said, was trying to push a scrap car on to the road. He told of a widespread perception during the "six-day war" that soldiers shot people for no reason.

Sitting in a row in front of the white-haired judge, the numbers one to five printed on rectangular pieces of cardboard hanging above their heads, the accused listened intently as the same witness described Alexandra's "six-day war" as one which pitted the whole community, and not merely the "comrades", against the security forces.

Three get death for burning mum, girls

CP Correspondent

AT least 36 people are known to be on South Africa's death row for a variety of crimes, following the sentencing to death this week by the Grahamstown Supreme Court of three East Cape men.

Mxolisi Malgas, 38, Michael Mambukwe, 28, and Lulamile Maheli, 27, were originally accused with 13 others, including three youths, for the murder of a mother and her two daughters - who were burnt to death in Stutterheim at the end of 1985.

The accused were charged with assaulting and setting alight Nombanzi Yaze and her two daughters, Nonceba and Nosisi, all of whom died as a result of

their injuries. It was not clear whether the women were necklaced, though according to the charges, tyres were used.

The accused were also charged with arson for having set fire to Yaze's house.

However, the court found six of the 16 accused not guilty on all four charges and they were released.

The remaining 10 were found guilty on all four counts.

In arguing for extenuating circumstances, defence counsel said there had been "uneasiness" in the Stutterheim area at the time as a result of the state of emergency.

A consumer boycott had also

been implemented and the atmosphere resulting from this had led to different camps forming and to faction fighting.

The court, however, accepted the prosecution's argument that the murders had not been the result of a faction fight. The underlying motive had been "political" and there had been a "common purpose" to kill the deceased.

Courts have continually rejected group action or "mob psychology" as an extenuating factor.

The court was unable to find extenuating circumstances in the case of three of the men and they were sentenced to death on all counts. The men were also sen-

tenced to 18 months' imprisonment on the count of arson.

The remaining seven, including three youths, were given sentences ranging from 10 to 14 years' imprisonment.

In passing sentence, the judge said that the crime was "heinous" and as a result of these murders many children had been left without a mother or a grandmother.

This is the second time in less than a week that East Cape courts have imposed the death sentence.

A 21-year-old Uitenhage man was last week sentenced to death after a "people's court" ordered the necklacing of a man from Kabah in the Eastern Cape. - Ana.

C/Press

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11/10/87

C/Pres 11/10/87

UDF man (33) ends long stay in box

By SOL MORATHI

THE State prosecutor's submission in the Pretoria Supreme Court this week that he had no further questions, ended the marathon cross-examination of UDF national publicity secretary Patrick Terror Lekota.

Lekota had been testifying in the trial where he and 18 men, who include high-ranking members of the UDF, Azapo and civic association leaders, are accused of high treason, subversion and murder.

All of the accused have pleaded not guilty before Judge Van Dirckhorst, sitting with an assessor.

Lekota was allowed to step down from the witness box after spending four weeks under cross-examination, where human, political, economic and sociological issues were dealt with.

Lekota tried to prove to the court that the UDF did not conspire with the African National Congress to violently overthrow the government, and how blacks were made to suffer through apartheid laws.

During proceedings, Lekota told the court that apartheid was the basic reason for the formation of the UDF.

While under cross-examination by State prosecutor P Fick, he pointed out that the UDF's main purpose was to address the question of dispensation and the Koornhof Bills.

Lekota emphatically denied that the UDF conspired with the ANC.

After Lekota had stepped down from the witness box, the Transvaal UDF regional secretary, Moses Chikane, was called.

He told the court under examination by the defence counsel how boycotts broke out in Atteridgeville and Saulsville schools in February 1984, of the death of Emasthekge, a local pupil and of the subsequent meetings and riots in these Pretoria townships.

The accused are represented by George Bizos, SC and Gilbert Marcus. The case is proceeding.

'Jail OC delaying visit'

CP Correspondent

EPAINETTE Mbeki, wife of 76-year-old Rivonia trailist Govan Mbeki, this week applied to the Supreme Court in Cape Town for an order giving permission to his attorney, Pricilla Jana, to have legal consultations with him.

Mbeki, of Idutywa, Transkei, said she believed the officer commanding Robben Island prison was delaying, without reason, an application by Jana to see her husband, who is serving a life sentence.

The application was made on August 24.

She and Jana had last had consultations on August 21 this year - about the House of Assembly statement by State President PW Botha, in which his name had been mentioned.

Mbeki said that after the last consultation with her husband, Jana immediately requested a further legal consultation to complete their unfinished deliberations.

The matter was postponed to October 28.

s be-
ILENI

assaulted by 'green flies'

C/Pres 11/10/87
Tel Ishiwula and two others forced into a vehicle of the Council by three municipal men and driven to the golf course.

They were made to strip naked and their stomachs and were

Magistrate W Viljoen found that the Ibhayi Town Council, as employees of the municipal police, were liable for their actions and ruled that the council should pay the costs and an amount still to be decided on by the

AKG us 13/10 D7

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Five fined for for attending illegal UCT gathering

Staff Reporter

FOUR University of Cape Town students and an unemployed man were each fined R50 in Wynberg Regional Court today for attending an illegal gathering on the campus in April.

Claus Karl Preisen, 33, of Brabayou Court, Vredehoek, Shaun Field, 26, of Arnold Street, Observatory, Andrew Murray Wheeldon, 22, of Windower Road, Claremont, Ephraim Jane, 22, of Driekoppen residence, and Mohammed Obarey, 22, of Shanti Crescent, Gatesville, all pleaded guilty.

The magistrate, Mr A S McCarthy, said the court had taken into account the personal circumstances of each of the accused.

Mr McCarthy said the court believed a nominal fine would suffice.

The five admitted in a joint statement handed to the court that they attended a meeting on UCT property next to De Waal Drive on April 28.

They said the meeting was a peaceful, non-violent gathering of several hundred students picketing in protest against "the provocative and violent actions committed by members of the South African Police against students at UCT on April 24 and 27".

REMORSE

Mr John Whitehead, for Preisen, Field, Wheeldon and Jane, said in mitigation that his clients were first offenders and their plea of guilty indicated remorse.

Mr Neville Cohen, for Obarey, said his client was unemployed and living with his parents.

He was not a registered UCT student and "circumstances got him involved in this unfortunate situation".

He said Obarey was "aware of the seriousness of the offence and would be forwarned of the consequences".

Mr P Mostert prosecuted. Mr Whitehead was instructed by Ms Andy Durbach of Bernardt, Vukic and Potash.

UCT students fined for picket

CAT 74113 14/10/81
Court Reporter

FOUR UCT students and an unemployed man were each fined R50 (or 25 days) in the Wynberg Regional Court yesterday for attending an illegal gathering in protest against "provocative and violent action" by police on the campus.

Claus Karl Preisen, 33, of Vredehoek; Shaun Field, 26, of Observatory; Ephraim Jane, 23, Drie Koppen Residence; Andrew Murray Wheeldon, 22, of Claremont; and Mahmoud Obary, 23, of Athlone all pleaded guilty.

In a joint statement handed to the court they said that on April 28 they attended a peaceful, non-violent gathering of several hundred students who were picketing in protest against the "provocative and violent actions" committed by the police against students on the campus on April 24 and 27.

They admitted the gathering had been prohibited. Mr N Cohen, for Obary, said his client was unemployed. Mr John Whitehead, for the other four, said his clients' guilty plea indicated remorse.

Mr P Mostert prosecuted. Mr Whitehead was instructed by Ms A Durbach.

'Woman lit necklace match'

AN 18-YEAR-OLD Soweto woman struck the first match when a suspected police informer was set alight in the township early this year, a witness told the Rand Supreme Court yesterday.

The witness, who may not be identified, was testifying in the murder trial of five Naledi Extension II youths, who include a 16-year-old boy.

The five have pleaded not guilty to assault with intent to do grievous bodily harm, and to the murder of Mr Mandlenkosi Khoza who was necklaced on April 23 this year.

The witness said 18-year-old Miss Thalita Matsitse fetched matches from fellow accused, Mr Abraham Mngomezulu before striking the first match.

This was after Mr Mngomezulu had told a crowd of about 20 to 30 that those whose names were on the list which was allegedly taken to the police by Mr Khoza should come and set him alight at a place known as "Blue Sky" in Naledi, the witness said.

The witness said Mr Khoza pleaded with Mr Mngomezulu to release him, but Mr Mngomezulu said they could not let him go because he was an

By ALI MPHAKI

"impimpi" (informer) and he would sell them out to the police.

The five accused are Mr Raymond Ngwenya (19), Mr Mngomezulu (23), Mr Timothy Tshabalala (18), Miss Matsitse and a 16-year-old boy who may not be identified.

Counsel for Miss Matsitse said his client will testify that Mr Mngomezulu, also known as "Bizzah," slapped her and also forced her to strike the match.

The witness denied the suggestion.

Mr Justice A J O'Donovan, sitting with two assessors, is presiding and Mr J L Boyce and Mr G Barlow are defending the accused.

Sonnetun 15/10/87 (proceeding)

REPORTS, pictures and comment in this edition may be censored in terms of the Government's state of emergency.

RI:50 across-the-board

PI: MBUZENI ZULU

whom a trust fund will be officially launched tomorrow evening. A funeral service starting

committee which was

Union official fined for campus speech

Tygerberg Bureau

MORRIS Tshililo Khwidzhili, 36, a South African Railways and Harbour Workers' Union shop steward, has been fined R1 000 (or one year) by a Stellenbosch magistrate for making a subversive statement.

Half the sentence was suspended for five years.

Khwidzhili, who lives at a Sats hostel in Kazerne, Jeppe, was found guilty in terms of the media regulations promulgated in the Government Gazette on January 29, Proclamation R18.

Immediately after the sentence notice of intention to appeal was lodged and Khwidzhili's R500 bail was extended.

Emotional

The magistrate, Mr G S Claassen, said Khwidzhili tried to influence people in an emotional, aggressive and subversive way while addressing University of Stellenbosch students on April 24 near the Kosie Gericke library on campus.

He said: "The accused moved in the political field and should therefore have been informed of these media regulations governing his public statements."

"His speech had to be seen in total," said Mr Claassen. "He said, for instance, that 'police and soldiers were sent with guns, when they met the people they shot them, teargassed them, hit them with stones. But we know there is no freedom without blood. We are heading for freedom... we are dying for the truth and for our rights.'"

Mr Claassen said Khwidzhili also acted with aggression and subversively when urging students to write to Minister Eli Louw asking "why he had killed innocent black people".

Crimes

Khwidzhili's defence counsel, Mr J H de Lange, said his client was "being victimised either because of his black skin or because he was a trade unionist, or both".

"The reason I submit this is that many others present that day at the campus meeting committed various crimes which were described by a police witness in this court, yet the witness admitted that no one else was charged except my client.

"My client had made a speech — something which none of the other people present had done. He became the first non-journalist in the country to be found guilty under the media regulations."

Mr F E Els appeared for the State. Mr de Lange was advised by Mr E Mohammed of E Moosa and Associates.

Soapy test for handcuffs story

By FRANZ KRÜGER, East London

PARTICIPANTS in a Ciskei terrorism trial gathered in the court kitchen this week to test whether soap suds were enough to remove locked handcuffs.

The incident occurred during the terrorism trial of a former head of the Mdantsane Committee of Ten, Mzwandile Mampunye, and three others. The committee represented Mdantsane commuters during the marathon bus boycott which began in July 1983 and claimed a number of lives.

Appearing with Mampunye in the Mdantsane Regional court are Xolile Matebese, Mlamli Faku and Xolani Ngudle.

They have pleaded not guilty to charges of terrorism, possession of arms, being members of an unlawful organisation and harbouring a terrorist.

Mampunye was in the witness box last week in a trial-within-a-trial to test the admissibility of verbal statements allegedly made by the accused to the police, and which the state wants to use as evidence against them.

Giving evidence of alleged assaults and torture, Mampunye testified a handcuff was removed with soap and water after the key had broken off inside the lock. A policeman had poured water over his hand, he said,

smearing it with soap and forced the handcuff off. Mampunye told the court he had sustained a 2cm cut.

The magistrate, J Dracatos, said he found it difficult to understand how the handcuff could be slipped off in this way. A demonstration was arranged in the court's kitchen.

As the magistrate and court officials watched, a constable pulled and tugged at the handcuff for about four minutes, and managed to get it off.

Mampunye said he was detained on December 22 last year and was initially interrogated by Warrant Officer Chris Engelbrecht.

A Warrant Officer Ncandana had ordered him to undress, he said, and brought a plastic container with a parcel inside. Ncandana had tied his hands behind his back.

Mampunye testified that he had been ordered to lie down, but refused and was then punched so that he fell, and another policeman sat on his stomach. "Out of the plastic container Ncandana took out a rubber tube and put it on my face," he told the court. The tube choked him, and it was pulled back at intervals so that he could breathe.

The case has been postponed to November 24. — elnews

IT IS A dark day in the Great War. A hospital ship, the British Llandovery Castle, is torpedoed. This is a crime against the international laws of war.

Two lieutenants, part of the crew of a German U-boat which has sunk the vessel, give orders to fire on the lifeboats bearing sick, wounded and other survivors. The submarine's commander has ordered these two to act thus because he wants to leave no trace — for he fears the consequences.

Are these two junior officers entitled to the defence that they were merely carrying out orders? Can they shelter behind the contention that, had they disobeyed their superior officer, they would probably have been court-martialled for serious breach of discipline?

The German Supreme Court in Leipzig in 1921 answered these questions in the negative. It held that the commander's orders to leave no trace did not free the accused from guilt.

The court was applying the principle of the existing German Code of Military Law, which provided that the defence of "superior orders" would not excuse a soldier where he must have known with certainty that the order was illegal.

But for some decades there was considerable confusion in international legal circles as to the correct law on the subject.

The British Manual of Military Law of 1914 had stated that "members of the armed forces who commit such violations of the recognised rules of warfare as are ordered by their governments or their commander are not war criminals and cannot be punished by the enemy," though the "officials or commanders responsible for such orders may be punished if they fall into the enemy's hands".

However, this view was in due course rejected by leading writers on international law, like Oppenheim, and in 1944 the British and American Manuals of Military Law amended the rule and said that soldiers "cannot escape liability if, in obedience to a command, they commit acts which both violate the unchallenged rules of warfare and outrage the general sentiment of humanity". They are "bound to obey lawful orders only".

If the order is obviously unlawful the accused is guilty. The high degree of resolution, however, required for a subordinate to disobey his superior officer justifies the recognition that there were mitigating circumstances. This indeed was what the Leipzig court said.

It was also the line taken in the historic trial of the major war criminals of Germany held at Nuremberg from November 1945 to October 1946. The whole approach of the Allies in formulating the indictment against the 22 Nazi

'I was ordered to do it'

In a murder trial last month in Bellville, Cape, two policemen accused of shooting people during a period of unrest pleaded they had acted under "superior orders". They were acquitted when the two assessors overruled the judge. GERALD GORDON, QC, looks at the legal history of the "superior orders" defence

leaders — including Goering, Von Ribbentrop, Kettel, Rosenberg, Streicher, Jodl — was that these men were to be prosecuted as individuals participating in what Judge Robert Jackson described in his opening address as "a plan and design to which all Nazis were fanatically committed, to annihilate all Jewish people..."

In his concluding address he said: "Germany became one vast torture chamber. Cries of its victims were heard round the world and brought shudders to civilised people everywhere."

It was apparently realised at the London Conference, where in mid-1945 the Allies met to draft the indictment "Crimes Against Peace," "War Crimes," and "Crimes Against Humanity," that the Nazi terror which so permeated the whole of Germany and later most of Europe could not be segmented into questions of separate "superior orders".

In the Charter of the International Military Tribunal which the "Four Powers" (Britain, America, Russia and France) produced, it was expressly provided that the tribunal was forbidden to entertain pleas based on the defence of superior orders — except as a mitigating factor. The plea of superior orders failed and 12 of the accused went to the gallows.

Adolf Eichmann, one of the principal Nazis implicated in effecting "The Final Solution of the Jewish People" — that is, by elimination — was charged in 1961 in Jerusalem to which he had been brought from his hide-out in the Argentine, with the killing of millions of Jews by gassing, burning and other means in the Auschwitz, Maidanek, Treblinka and other extermination camps.

His main defence was that at all times he was acting on orders from above, and his counsel, Dr Serva-

tus, cited the British Manual of 1914.

His own evidence, however, destroyed whatever possible reliance might have been placed on this defence, for he told the court: "Your Honour ... I must declare that I see in this murder, this extermination of the Jews, one of the gravest crimes in the history of humanity ... I would ask the Jewish people for pardon ... I am bowed down with shame at the thought of the iniquities committed against the Jews and the injustices done to them..."

His own words were evidence of his guilty knowledge that this was no legal order.

And in the recent Cape case of *S v Villet and Kruger* (September 15, 1987) Mr Justice Howie cited Snyman's *Strafreg*: "Our law, like most civilised systems, will not be prepared to excuse a soldier who on the command of an officer commits rape or, like the war criminal Eichmann, mass murder, solely on the ground that he was obeying the order of a superior."

Until last month the only reported local case on "superior orders" was *Rex v Smith* in the Cape courts in 1900 during the Anglo-Boer War. The accused, a private, was ordered by his captain to shoot a farm-hand dead if he did not hand over a bridle and saddle to the patrol which had occupied the farm. Upon the farm-hand's refusal, the accused did shoot and kill him.

The court laid down that a soldier is obliged to obey only an order which is not "manifestly illegal". On this basis it acquitted the accused.

In the *Villet and Kruger* case the evidence was that, during certain unrest in the Bellville area, the two accused policemen had, under orders from Captain O van Schalkwyk (a former riot squad commander), hidden themselves in

a garden at the corner of two streets. The police district commandant, Colonel Martinus Mans, and Van Schalkwyk were in the vicinity.

A crowd of about 50 had gathered and there was an order to arrest those who set up obstructions and set fire to them. Kruger said he had been ordered "to eliminate" those who again acted (against the police) (*hy het opdrag gekry om dié wat weer sou kom optree, te "elimineer"*) and that the word "eliminate" was used by Van Schalkwyk.

Kruger interpreted this to mean that he was to do all in his power to arrest those who committed acts of unrest, and if necessary for this purpose, to shoot. They were to shoot those who made trouble (*die wat kak maak*).

Teargas was soon used, the crowd moved past the corner and some ran. Kruger said he decided what action was needed and instinctively shot at the crowd — in order to obey the command Van Schalkwyk had given him. The two accused fired seven shots with shotguns. The court found that from their own evidence it was clear they did not shoot in order to make arrests.

In consequence of the shooting a young woman, Miss Sarah van Wyk, was killed and three persons were wounded. The court was satisfied that the woman died through shooting by Kruger. When shot, she was less than six metres from him.

Mr Justice Howie sat with two assessors. In a court so constituted questions of law are for the judge alone, but questions of fact are for all three and any two can overrule the third. In the event this is what happened. The assessors overruled the judge and acquitted both accused.

"The pith of the question of the two accused' guilt," they said, "lay in the nature and contents of

the relevant command which, originating from Mans and spoken by Van Schalkwyk, was given to them, as well as the manner and spirit in which it was carried out."

The orders had to be seen against the background of the events of the day and the unrest which had prevailed. There was no room for discretion on the part of the two men and the congratulation of the accused by Mans immediately after the event left the assessors in no doubt that the accused did everything that evening just as they had been told to do.

However, the learned judge, who had analysed the authorities and, while citing conflicting views on the *Rex v Smith* decision, adopted it in broad terms and said he would have found Kruger guilty on the charge of murdering Miss Van Wyk and of attempting to murder the three wounded people. On the latter charge he would have likewise found Villet guilty, but not on the charge of murder.

He said the two men had been ordered to wound people with lethal weapons. This was not a lawful order. Killing of our fellowmen is always *prima facie* unlawful and the use of a firearm is a drastic operation.

While he agreed that the shooting could not be considered in isolation, this was a shooting not at people who were busy committing a crime but at a group of persons, some of whom had shown criminal intentions but in circumstances in which it was impossible to determine who they were. In his lordship's view the orders were manifestly illegal.

It is perhaps to be pondered whether, in the light of the considerable amount of juristic writing on the "superior orders" defence and the plethora of decisions in the forums of the world, the determination of a case like this does not turn fundamentally on a question of law and not of fact.

In this context one should notice that the issue as to whether it is a question of law or fact is itself a question of law to be decided only by the judge. If there is substance in this respectfully posed query, assessors in such cases could be debarred from contributing to the finding on the guilt or otherwise of the accused.

A concluding thought: if in any system the lawfulness of an order given in the armed or police forces cannot be questioned either at the lowest or highest or any other level, we would reach a state of government summed by that brilliant satirist of autocratic Rome in the first century of this era, Juvenal: "*Hoc volo, sic jubeo, sit pro ratione voluntas*" ("I will have this done, so I order it done; let my will replace reasoned judgment").

The spotlight focuses on Welkom trial

18/10/87 (33)



By REVELATION NTOULA

THE political spotlight suddenly fell on the conservative Free State town of Welkom this week where five youths are appearing on charges under the Terrorism Act.

The trial, held in the Welkom Regional Court, is said to be the biggest of its kind to be conducted in the province.

Appearing on terrorism charges are: Raymond Organg Maele, Jack Themba Nkabinde, Pule Herbert Isak Makgoe, Vusumuzi Philip Khiba and Ratshabonyane Thom Letsoenyo.

All are from the Vaal triangle area, including Tumahole township near

Parys.

Maele and Nkabinde are alleged to have received military training in Angola and East Germany between 1979 and 1984.

They are further alleged to have been found in possession of an AK47 automatic weapon and several rounds of ammunition between August 1985 and October 5 last year.

Makgoe, Khiba and Letsoenyo are alleged to have carried out acts of terrorism in Tumahole between July 1985 and October 5 last year.

All had pleaded not guilty to the charge.

The tiny court was packed with youths while heavily armed police-

men stood guard outside the courtroom and in the corridors.

The police, however, did not carry out any body searches, as is usually the case at such political trials.

In his evidence, security branch Detective Simon Skhopsana told how he and a senior white police officer drove from town to town in search of the accused before they were eventually arrested at different places in the Free State.

Skhosna described how he and a white police officer had traced Khiba and Nkabinde to a bus stop near Kroonstad where they had spotted Makgoe get onto a bus.

He said he and the other policeman had later intercepted the bus as it drove away from the station where they had first arrested Maele and later Nkabinde, who was seated on the back seat of the bus.

Under cross-examination, Skhopsana said he had known Nkabinde since his youth because they grew up together at Tumahole and that he, therefore, had no difficulty in pointing him out in the bus.

The big X-word draw is soon

The City Press-Score Furnishers Operation Hunger Crossword winners will be drawn on October 26 at a Johannesburg hotel. The names of those who have struck it rich

or won consolation prizes will be announced in our Sunday issue dated November 1, and both editions the following weekend.

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'Old lieutenant' is promoted after the Stofile trial

CP Correspondent

A Ciskei police lieutenant, who was the investigating officer in the Stofile case, has been promoted to the rank of captain.

UDF official Reverend Arnold Stofile and three co-accused were found guilty of arms and terrorism charges in the Bisho Supreme Court in May this year.

Stofile was jailed for 11

years, but the case is to be taken on appeal.

Throughout the dramatic and lengthy trial, Lieutenant Jonas Mfundisi was a familiar figure in the Bisho courtroom.

As the investigating offi-

cer in the case, Mfundisi sat next to Ciskei Attorney-General Willem Jurgens, who was prosecuting, to assist in the State's case.

Mfundisi, who is attached to the Ciskei security police in Mdantsane, confirmed his promotion,

but denied it had anything to do with his role in the Stofile case.

Mfundisi said he was an "old lieutenant" and was due for promotion.

In June this year, Ciskei paraded six heavily dis-

guised security policemen before chiefs and members of the homeland's National Assembly to congratulate them for their role in the Stofile case.

It is not known whether Mfundisi was among them. - Elnews.



Accused and police in a kitchen for little demo

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18/10/87
C/Press

A MAGISTRATE, lawyers, the accused and the police trooped into the kitchen of a Ciskei court for an unusual demonstration - to see whether a prisoner's handcuffs can be forced off his wrists while they are locked.

The incident occurred during the terrorism trial of a former head of the Mdantsane Committee of 10, Mzwandile Mampunye, and three others.

The Committee of 10 represented Mdantsane commuters during the marathon bus boycott which began in July 1983 and claimed a number of lives.

Appearing with Mampunye in the Mdantsane Regional Court, are Xolile Matebese, Mlamli Faku and Xolani Ngudle.

They have pleaded not guilty to charges of terrorism, possession of arms, belonging to an unlawful organisation and harbouring a terrorist.

Mampunye was in the witness box last week in a trial-within-a-trial to test the admissibility of verbal statements allegedly made by the accused to the police, and which the

State wants to use as evidence against them.

Giving lengthy evidence of assault and torture, Mampunye said that a handcuff was removed with soap and water after the key had broken off inside the lock.

A policeman had poured water over his hand, smeared it with soap and forced off the handcuff. Mampunye told the court he had sustained a 2cm cut during the process.

The magistrate, J Dracatos, said he found it difficult to understand how the handcuff could be slipped off in this way, and a demonstration was arranged in the court's kitchen after Mampunye agreed to undergo the experiment.

As the magistrate and court officials watched, a constable struggled with the handcuff for about four minutes and managed to get it off.

Mampunye said he was detained on December 22 last year and was initially interrogated by Warrant Officer Chris Engelbrecht, who ac-

cused him of lying.

Engelbrecht had said he would leave Mampunye with "my chaps so that you can be dealt with accordingly".

Warrant Officer Ncandana had ordered him to undress and brought a plastic container with a parcel inside. Ncandana had tied his hands behind his back with something that looked like a T-shirt.

Mampunye had been ordered to lie down. He refused and was then punched until he fell. Another policeman sat on his stomach.

"Out of the plastic container Ncandana took out a rubber tube and put it on my face," Mampunye said.

The tube choked him, and it was pulled back at intervals so that he could breathe.

Mampunye also alleged that other security policeman had refused to help Ncandana in the torture session, and that he had criticised them for calling Mampunye "Bra Mzwai".

Ncandana said prisoners should not be called

"Bra" and the reason no information could be extracted from UDF leader Arnold Stofile was because everyone had called him "Bra Stof".

Under cross-examination, the prosecutor accused Mampunye of inventing the allegations of assault.

The first accused, Xolile Matebese, is alleged to have undergone military training under the ANC in Angola, and of having returned to the Ciskei on an ANC mission.

Mampunye is accused of having arranged safe accommodation for him; Ngudle of having harboured various "ANC-backed insurgents" and Faku of being in possession of ANC documents, manuals and some arms.

Charges relating to an alleged plan to give various people military training in Mdantsane have been dropped.

Faku was granted R200 bail, while the other accused were remanded in custody.

The case has been postponed to November 24. - Elnews.

AWB man to
be charged?

JOHANNESBURG — A docket on an alleged contravention of the laws against intimidation by Afrikaner Weerstandsbeweging leader Mr Eugene Terre'Blanche has gone to the Attorney-General for a decision on prosecution, Law and Order spokesman said at the weekend.

The docket relates to statements made by Mr Terre'Blanche against Labour Party leader Mr Allan Hendrickse before 3 000 people at an AWB meeting in Durban in July. He allegedly threatened Mr Hendrickse with physical violence if he tried to speak at Pretoria's Skilpad hall.

33) 20/10/87

Own Correspondent

MARITZBURG — Four alleged ANC terrorists yesterday pleaded not guilty to all charges when they appeared in the Supreme Court here before Mr Justice Broome and two assessors on charges of terrorism.

The accused are Mr Thuso Tshika (22) of Lamontville and Mr Mtunzi Sithole (24), Mr Thembinkosi Nkosi (19) and Mr Abraham Mathe (33), all of the Newcastle area. Three of them are accused of bombing buildings in Durban, Newcastle and Glencoe.

CONSUMER BOYCOTT

Mr Tshika and two men allegedly bombed the OK and Game stores in West Street, Durban, on September 27 last year. He allegedly conspired with other people to place bombs at vari-

Four men plead not guilty to charges of terrorism

ous shops in Durban in support of a consumer boycott.

On December 8, 1985, Mr Tshika and another man allegedly bombed the Mobeni post office with a demolition charge.

On December 20, 1985, Mr Tshika's military unit was told to retaliate in response to a raid allegedly carried by the SA Defence Force in Maseru.

He and another man subsequently placed a limpet mine on a vehicle at the corner of Pine and Albert streets, Durban.

It is alleged that on November 11 last year Mr Nkosi bombed the Newcastle Magistrate's Court, injuring 23 people

and causing R13 000 damage.

On the same day Mr Sithole allegedly placed a bomb in Game Arcade, Newcastle, damaging the CNA, Clicks, Game, a Wimpy Bar and other businesses.

On October 10 last year Mr Tshika and Mr Nkosi allegedly attacked the Osizweni police station with AK-47 rifles.

RAILWAY STATION

On September 20 last year Mr Nkosi allegedly bombed the Glencoe railway station. It is alleged that Mr Tshika had arms, ammunition and explosives and literature disseminated by the

ANC in Lamontville and Osizweni. Mr Nkosi is alleged to have had explosives.

Mr Tshika has been charged with possession of a machine rifle and ammunition, grenades and/or bombs, explosives, and publications disseminated for an unlawful organisation.

Mr Nkosi has been charged with the possession of bombs, grenades and explosives.

Mr Christo van Schalkwyk and Mr Andre de Wet are appearing for the State. Mr L Skweyiya is appearing for the accused.

The trial is expected to last at least a month.

5794. 20/10/82 (37)
**Treason trial
to begin today**

The treason trial of Metal and Allied Workers' Union (Mawu) official, Mr Moses Mayekiso, and four other Alexandra community leaders begins today.

The trial of Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mzameni Mdakane (29), Mr Obed Kopeng Bapela (28) and Mr Mzwanele Mayekiso (22) was due to begin yesterday.

Judge ³³¹ *Mr. Toms 20/10/82* shortens jail term

Supreme Court Reporter

A YOUNG Guguletu carpenter jailed for five years for an unsuccessful attempt to leave the country to become a trained PAC guerilla had three years of his sentence suspended by the Supreme Court yesterday.

The Bench, noting that 24-year-old Andile Gusha had been in jail — "in solitary confinement apparently" — for 16 months before he was sentenced, found that an effective sentence of over six years was "excessive in this case".

Mr Justice A P Burger said courts should distinguish between those taking tentative steps and those advanced further down the road towards terrorism.

Mr F Bunting, instructed by Syfret Godlonton, Fuller Moore, appeared for Gusha. Mr C Viviers appeared for the State.

Terror trial hears of father's fear

Own Correspondent

A father sprinted down a Durban street to his bombed, blazing minibus, thinking that his wife and two daughters could be trapped in it, the terrorism trial Court was told here yesterday.

The man, Mr Christiaan de Jong, of Boksburg, whose daughters sustained shrapnel injuries, said that he was buying presents for them on December 21, 1985 when he heard an explosion.

He went to Pine Street still not knowing that his vehicle was alight.

"I then saw it in flames. I sprinted towards it as I had left my wife and daughters in it. At the time I did not know that they had been taken two blocks away."

He was giving evidence in the case in which four alleged ANC terrorists, Mr Thusa Tshika (22) of Lamontville, and Mr Mtunzi Sithole (24), Mr Thempinkosi Nkosi (19) and Mr Abraham Mathe

(33), all of the Newcastle area, are appearing before Mr Justice Broome and assessors Mr Bruce Dalling and Mr Neville Fuller. They have pleaded not guilty to all charges.

It is alleged that Mr Tshika and other men detonated bombs at OK Bazaars and Game in West Street, Durban, and at the Mobeni post office.

Mr Tshika is also alleged to have had arms, ammunition, explosives and grenades and ANC literature at Lamontville and more armaments at Osizweni, near Newcastle.

Mr Nkosi allegedly bombed the Newcastle Magistrate's Court, injuring 23 people, in November last year.

Mr Sithole allegedly bombed the Game Arcade in Newcastle, damaging several businesses, on the same day.

Mr Christo van Schalkwyk and Mr Andre de Wet are prosecuting and Mr Lewis Skweyiya and L Pitje, instructed by Mlaba, Made and Partners and Mxenge, Ngxingweni and Shezi, for the accused.

The case continues.

Seven on (33) trial released on R500 bail

By Jo-Anne Collinge

Sister Bernard, the 51-year-old Kagiso nun who faces charges of sedition, was granted bail and stepped out into the streets of Johannesburg yesterday, 16 months after being detained under emergency regulations.

Six co-accused were released on bail with her.

They were the last of the 15 accused in the Kagiso and Munsieville sedition trial to be granted bail. The trial is scheduled to start on January 18.

The other six freed yesterday are Mr Abel Mokonyane, Mr Steven Motingoe, Mr George Xolelizwe, Mr Moses Kelebane, Mr Matthew Kope and Mr Christopher Sithole.

The 15 trialists first appeared in court in August after several months' detention under emergency provisions and a year in solitary confinement under the Internal Security Act.

The Attorney-General issued certificates prohibiting the court from considering the granting of bail to seven of them.

This week, after the withdrawal of the certificates, the seven were freed on bail of R500 each.

EMOTIONAL scenes of hugging and handshaking took place between five Alexandra treason trialists and their relatives in the Rand Supreme Court yesterday.

Mr Moses Mayekiso, general secretary of the National Union of Metalworkers of South Africa, was appearing with four other Alexandra community leaders on charges of treason, alternatively subversion.

The four others are Paul Tshabalala, Richard Mdakane, Obed Bapela and Mzwanele Mayekiso.

Prominent local and international trade unionists attended yesterday's trial, including British Trade Union Council official Mr Tony Shaw, Cosatu president Mr Elijah Barayi. More unionists are expected

from overseas later this week. Mr Shaw, who arrived in South Africa last Friday, told reporters he was here to observe the court proceedings. "We know Mr Mayekiso very well, and my union had been in touch with him during the Sarmcol strike

in which his colleagues were involved." Last week, hundreds of people demonstrated outside the South African Embassy in London in support of the year.

Outside the court, a man was approached by police and asked to sign a form. The form required him, "as a witness in the case, to keep the police informed of his address." The five leaders are appearing before Mr Justice van der Walt.

Meanwhile the Alexandra Youth Congress yesterday called on the State to drop the charges against the five Alexandra leaders. "We wish to express our support to our heroes and their families," the Ayco statement read.

Ayco also called on authorities to halt the demolition of shacks in the township and to address themselves to the residents' needs.

• The actual case of Mayekiso and four co-accused facing treason charges starts today at the Rand Supreme Court.

They are charged with treason, alternatively sedition and subversion. The State alleges they committed the offences between January 1983 and June last year in Alexandra township.

Yesterday they were not asked to plead and the case was yesterday postponed till today when trial begins. They are all represented by Advocate David Sogot SC.

JOY FOR FAMILY AS MAYEKISO APPEARS

SOWETAN, Wednesday, October 21, 1987

(331)

A PERSON found guilty of treason could be given a death penalty, Mr. Justice van der Walt, warned in the Rand's Supreme Court yesterday when the trial of Moses Mayekiso and other Alexandra residents started.

But, he said, in the case of the trade unionist and four civic leaders appearing before him, he did not consider such a sentence to be appropriate. He said he reached such a conclusion after having studied the indictment and for that reason he did not even find it necessary to have the assessors to assist him in this case.

Mr Moses Mayekiso (38) of the Metal and Allied Workers Union (Mawu), and four civic leaders, Mr Obed Bapela, (28), Mr Mzwandile Mayekiso (22), Mr Paul Tshabalala (38) and Mr Richard Mdakane (29),

JUDGE WARNS

Treason can carry the death sentence

all of Alexandra Township, appeared before him.

They are charged with treason, alternatively subversion or sedition. The State alleges they committed the offences between January 1985 and June last year in Alexandra Township. They have pleaded not guilty to all charges and

are being represented by Mr David Soggo, SC, and Mr Nick de Vos, Mr A C Human, SC, assisted by Mr P van Staden, is prosecuting.

Emotional

Before the proceedings started, there was emotional hand shaking and waving between the

crowd of spectators who packed the public gallery and five accused men in the dock, neatly dressed in suits and sportswear.

The judge said: "We live in different times", when he granted an application by advocate Human for the case to be held in camera. Rightfully, said the judge, the trial should be opened to the

public. The court was told this was for the safety of the twelve State witnesses who may not be identified.

The judge said the witnesses were residents, businessmen and women, employees and accomplices, all living in Alexandra Township. Accredited members of the Press said the judge,

would be allowed to remain but warned that they should not identify the witnesses in any way.

Before the packed public gallery was cleared, the judge said it was regrettable as they had shown keen interest in the case. They would be allowed to return, he said, if the case was not held in camera.

More than ten policemen, some in uniform and the others in civilian clothes, mingled with the crowd of spectators in the corridor during the morning tea break. Some of the policemen in

uniform were warned by a representative of the firm of attorneys not to chase the spectators in the corridors out of the building. He told the policemen that the spectators had the right to remain in the corridor.

The first witness, warrant officer P M Marx, told the court that one of the maps and aerial pictures displayed in court, showed sections of Alexandra Township, where "people's courts" were located and the homes of the five men in the dock.

(Proceeding)

2/10/87

Shopkeepers tell court of consumer boycott as . . .

Mayekiso treason trial begins in Supreme Court

By Lesley Cowling

Six shopkeepers yesterday testified in the Rand Supreme Court that their businesses in and around Alexandra had been badly hit by a consumer boycott early last year, costing them thousands.

The witnesses, who may not be named, gave evidence in the trial for treason of Mr Moses Mayekiso, General Secretary of the National Union of Metalworkers of South Africa (Numsa), and four other Alexandra community leaders.

Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mzameni

Mdakane (29), Mr Obed Baphela (28) and Mr Mzwanele Mayekiso (22) yesterday pleaded not guilty to treason, alternatively subversion, alternatively sedition.

The trial has attracted international attention with the launch of a campaign to free Mr Mayekiso. Many foreign news correspondents attended the start of the trial yesterday.

The five are accused of attempting to usurp the authority of the State by making Alexandra ungovernable.

Mr Justice P J van der Walt ordered the evidence of the first 12 witnesses to be heard in camera, but said members of the press could report on proceedings without identifying the witnesses.

The witnesses told the court yesterday that in about April last year they became aware that their stores or businesses were being boycotted. Pamphlets were pushed under their doors which listed their businesses as targets of a consumer boycott.

The boycott had been enforced by groups of youths who gathered outside shops to prevent people from buying, the witnesses said.

Portuguese shopowners

One said the turnover of his business dropped from R20 000 a month to R30 a week during the three-month boycott. He eventually closed up and moved away.

Another said it looked as if the boycott was aimed at Portuguese shopkeepers. In his area, all the Portuguese-owned shops had been boycotted while a Chinese-owned shop had not been affected.

Under cross-examination, he said he had never heard his customers complain that Portuguese shopkeepers maltreated their staff and customers.

Yesterday, Mr Justice van der Walt said that although treason was a charge that could carry the death penalty, he did not think that it would be appropriate in this case.

The hearing continues.

Police came for man, arrested his brother

CARL THOMPSON 21/10/82

Court Reporter

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WHEN police went to the home of Alexander Sinton High School teacher Mr Dehraan Swart in search of his brother Raoul, they arrested Mr Swart for possession of PAC and other banned publications, the Wynberg Regional Court heard yesterday.

This was evidence in the trial of the 25-year-old teacher, of Third Avenue, Fairways, who pleaded not guilty to possessing on April 24 last year publications distributed or disseminated by the PAC.

Mr Swart also pleaded not guilty to possessing, inter alia, "Nelson Mandela: The Peoples' Leader", "The Rise of the South African Reich" and "Manifesto to the People of Azania".

Warrant Officer J Stip said he had gone to the Swart home to arrest Mr Raoul Swart, but had found banned publications in Mr Dehraan Swart's room.

The hearing continues on October 23.

Mr A S McCarthy was the magistrate. Mr P Mostert prosecuted. Mr L Rose-Innes, for Mr Swart, was instructed by Mr E Daniels.

In-camera evidence at treason trial

Boycott leaflet 'ruined business'

THE owner of an Alexandra business told the Rand Supreme Court yesterday his turnover had dropped from R20 000 to R120 a month after a pamphlet urging a boycott of his shop was distributed last year.

The businessman, who may not be identified, was giving evidence before Mr Justice van der Walt at the treason trial of trade unionist Moses Mayekiso and four others.

Mayekiso, 38, Paul Tshabalala, 38, Richard Mdakane, 29, Obed Bapela, 28, and Mzwanele Mayekiso, 22, have all pleaded not guilty to treason, alternatively subversion and sedition.

The charges arise from their alleged involvement in the establishment of the Alexandra Action Committee, "organs of people's power" and "people's courts" in 1985 and 1986.

The witness said he had no problems until two pamphlets were distributed in about June last year urging Alexandra residents to boycott his business. Both pamphlets were handed in as exhibits.

The businessman said immediately after he got the first pamphlet, turnover dropped from R20 000 a month to about

SUSAN RUSSELL

R30 a week. Business was bad for eight months. He said he had never helped soldiers as the pamphlet alleged, nor had he dealt with the SAP or the Alexandra Town Council.

After an agreement between State and defence counsel, Mr Justice van der Walt ordered that the evidence of this witness and 11 others, either resident or owning businesses in Alexandra, be heard in camera.

The judge said the Press would be welcome to attend without identifying any of the witnesses.

He said the death sentence could be imposed for treason and in such a case he would have to summon two assessors to sit with him.

But on a reading of the indictment, the annexures and summary of substantial facts together with particulars supplied in relation to the trial, he was of the opinion at this stage that in the event of a conviction the death sentence would not have to be imposed. Therefore he did not intend to summon assessors. The trial continues today.

1K64S 21/10/87

State argues against ANC man's PoW plea

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Supreme Court Reporter

IN argument against a claim for protection under the 1977 Geneva Protocol by an alleged guerrilla, the deputy Attorney-General said an "unambiguous" South African statute took precedence over international law, of which the protocol is a part.

Mr D Rothwell, SC, said in the Supreme Court yesterday that Mr Mxolisi Edward Petane, 29, of New Crossroads, could not say he was a member of the African National Congress and ask to be treated as a prisoner of war when the Internal Security Act said he could not belong to a banned organisation like the ANC.

Mr Petane has refused to plead to three charges of terrorism and two of attempted murder.

One of the terrorism counts includes an allegation that Mr Petane placed a bomb outside Dion's shopping centre in Parow in July last year. The bomb did not go off.

Mr Rothwell said international law was part of South African law except when it conflicted with South African legislation or common law.

Even if the protocol had become part of international customary law, Mr Petane's membership of the ANC and his actions conflicted with the clear terms of the South African statutes, Mr Rothwell said.

International law therefore did not carry more weight and the claim for protection should fail on this point alone.

The hearing continues.

BUSINESSMEN yesterday told the Rand Supreme Court of an Alexandra Township consumer boycott that cost them thousands of rands and forced some to close down in April last year.

They were giving evidence in the treason trial of a trade unionist and four civic leaders appearing before Mr Justice P J van der Walt. The case is held in camera and they may not be identified.

One of the traders assumed that his business was boycotted because he co-operated with the police.

Another said it might be because he was in good terms with an Alexandra Township employee.

Other possible reasons given were:

- Refusing to donate towards a funeral;
- Being suspected of maltreating staff and

TRADERS TELL OF ALEX BOYCOTT

By MANDLA NDLAZI

customers; and
• A boycott of white-owned shops.

They all told the prosecutor, Mr A C Human, SC, that they did not know the five men in the dock.

The accused are Mr Moses Mayekiso (38) of Metal and Allied Workers Union and Mr Obed Bapela (28), Mr Mzwandile Mayekiso (22), Mr Paul Tshabalala (38) and Mr Richard Mdakane (29), all Alexandra Township civic leaders.

They are charged with treason, alternatively sedition and subversion. The State alleges they committed the offences between January 1985 and June last year in Alexandra Township. They have pleaded not guilty.

One of the traders said his turnover dropped from R20 000 a month to R30 a week during the three-month boycott and he was forced to close down.

Asked by Mr David Sogot, SC, for the defence, one trader said he did not know a white group called the Alex-

andra Action Committee that was set up to help white businessmen and around Alexandra Township.

Another told Mr Sogot that he threw Christmas parties for the children of Alexandra. He said he remembered an occasion when he fired at a group of pupils.

He said he did not aim at the group but shot at a wall. This could be the reason why his business was boycotted.

Another reason, said the trader, could be that police often used his premises without his consent. A shebeener said he was forced to close because he was

employed by the Alexandra Town Council.

But he was allowed to operate when he resigned from the council.

He said he had attended the "people's court" at 7th Avenue where he was told why his shebeen was boycotted. (Proceeding)

MEN OF ACTION

331

A time for the 'quiet voice of reason'

5/5/87 22/10/87

There was a heavy burden on the law and its practitioners in times of unrest to speak with a "quiet voice of reason", said Mr Justice Kriegler.

When passions were inflamed, the law must bring reason, restraint and reconciliation. These qualities were not merely to be professed in theory but to be put into effect at the workplace of the law namely in the criminal courts.

In times of unrest, when law enforcement agencies were stretched, ordinary societal restraints slackened, the detection and apprehension of criminals obstructed and prosecution and conviction rendered more difficult, judicial officers tended, rightly, to increase the severity of their sentences.

Where, however, judicial officers tended to increase sentences unduly for deterrent purposes because of the general unrest in society, they transgressed on to the field of inequity towards the accused, he said.

EXCESSIVE SEVERITY

"No judicial officer can restore law and order to society and no combination of judicial officers, by whatever sentences they wish to impose, can achieve that object. Law and order and stability in society are restored and maintained by society at large. There are agencies of state much better qualified and charged with the duty on behalf of society of restoring and maintaining stability."

Although the courts had a role to play in protecting the people as a whole and enforcing peace and the law on their behalf, this role was limited and "must not be allowed to tempt a judicial officer into transgressing into excessive severity when imposing sentences".

Various studies had reported a lack of confidence in the judicial system amongst significant numbers of

In a recent address on "Sentencing in Times of Political Unrest" at the University of Botswana, Mr Justice J.C. Kriegler said that in times of political unrest, it was not only the accused that was on trial, but also the judicial process, reports ZENNAIDE VENDERLO.

blacks and this was supported by a "disturbing rash of makgotla, people's courts, lynch law and the abomination of necklacing".

The judiciary had a duty to be mindful of this lack of confidence and to conduct their courts so that confidence was restored as soon as humanly possible.

Judge Kriegler said that in South Africa the vast majority of judicial officers were white, middle-class, tending towards middle age, probably conservative, male, and of one language group.

It was also true that in South Africa society was not only ethnically divided but there were deep divisions on fundamental issues within particular ethnic groups.

"Vigilantes and wildoekie on the one hand and comrades on the other hand, charterists and black consciousness adherents, AWB and Dakar-goers are examples of fundamental differences in the perceptions of the future of this sub-continent."

"Those differences are not only political. Those differences permeate the world view of the strong adherents of those particular points of views. They affect their perceptions of the future societal structures of South Africa and southern Africa."

Sentencing officers were *inter alia* to have regard to the interests of society but where did they identify

that society and how did they go about finding out which was the society whose views they were to express and whose interests they were to protect?

This, suggested Mr Justice Kriegler, was not an abstract theoretical question but one which every judicial officer had a duty to grapple with.

Judicial officers "worthy of their salt" had to be aware that South Africa was a society in transition and was therefore subjected to abnormal stresses.

If the sub-continent, over 99 percent of cases where people came face to face with the courts was in the lower criminal courts.

These citizens were, in the vast majority of cases, black and, in a substantial majority of cases, underfunded. An equally significant percentage were ignorant of the law or of any judicial process. Many of them were, moreover, illiterate.

In each and every criminal case, be it ever so petty, the ideal was to ensure that justice was done to that particular accused, said the judge.

SENTENCE TAGGED ON

He said sentence was the sharp end of the whole judicial process and manifested the "prophylactic purpose" of the criminal procedure.

However, in South Africa, as in many other countries sharing the English criminal procedural tradition, sentencing was often tagged on as if it were an afterthought to the trial.

"Great care and effort are expended in establishing the guilt of the accused and then, somehow as if the practitioners became exhausted by that exertion, the deliberation upon sentence is dashed off."

The use of community service sentences as an alternative to imprisonment had been extensively dealt with and provided for but yet it was not applied, he

added. In South Africa these cases were few and far between while in the United Kingdom there were now no less than 28 000 public service sentences each year.

More than 80 percent of the South African prison population was a short-term population and more than 61 percent of them were there due to an inability to pay a fine.

"I venture to suggest that if you decided upon a fine in order to keep a man out of jail and you then impose a fine without satisfying yourself that he can pay the fine within a reasonable time and without giving him an opportunity so to do, you are substituting your own intention."

"If, moreover, you have never even considered in the case particularly of a juvenile and particularly a juvenile involved in a public violence situation where damage was done — a community service sentence, it can be questioned whether you have really brought your mind to bear on the subject." Mr Justice Kriegler said, noting that the standard sentence for unrest offenders, even youngsters, was imprisonment.

"I cannot frankly imagine any better form of punishment for someone who has participated in vandalism, in the destruction of property, than to say to him: 'Fix it up.'"

The cost to society as compared to the cost of imprisonment would be minimal and there would be no loss of liberty or criminalisation of someone who was not a criminal. More importantly, no martyrdom would be bestowed.

"In victimless crimes, such as the destruction of a public building, I frankly cannot think of any sentence more appropriate for a juvenile first offender swept up in a public violence situation. I would suggest that there lies one of the best ways of restoring confidence in our judicial process."

432 - PLYWO

Superceding

AREA A: Bar
River.

AREA B: Cap

AREA C: Stellenbo
Pinetown,
Germiston
Nigel,
Randfonte
Westonaria

Mayekiso treason trial is told: 331

Boycott led to Alex man leaving council

By Lesley Cowling

An Alexandra businessman told the Rand Supreme Court yesterday he resigned his job with the town council when his business was boycotted. It then returned to normal.

The witness, who may not be identified, was giving evidence in the trial of Mr Moses Mayekiso, general-secretary of the National Union of Metalworkers of South Africa (Numsa), and four other Alexandra community leaders.

Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mzameni Mdakane (29), Mr Obed Batela (28) and Mr Mzwanele Mayekiso (22) have pleaded not guilty to treason, alternatively subversion, alternatively sedition. They are alleged to have tried to seize control of Alexandra in 1985 and 1986.

The witness, an Alexandra resident, said he started losing customers early last year and realised he was being boycotted. He approached a "people's court" to find out why he had been targeted.

THINGS BECAME NORMAL

A man called "Giant" told him it was because he worked for the council. He left his job, then informed The Star of his resignation. His customers returned, and things became normal once again.

The witness was the 12th trader to give evidence in camera on how businesses in and around

Alexandra were hit by a consumer boycott last year. Mr Justice P J van der Walt has ordered the evidence of these witnesses to be heard behind closed doors.

Under cross-examination by counsel for the five men yesterday, the witness said he had heard at the time of the unrest in Alexandra last year that police refused to help Alexandra residents who reported crimes. He was told that people were referred to the "comrades".

BARRICADES IN THE STREETS

In answer to questions by Mr D Soggot SC, the man said he remembered one night when a crowd of people alleged to be policemen had attacked "comrades". The next day, no residents had gone to work, he said.

People, mostly youths, began to put up barricades and dig trenches in the streets. "People were saying their children might die," he said.

He agreed that there had been a general feeling of resentment against the police in Alexandra at that time. "Most people wanted the police to leave," he said.

A number of shopkeepers in and around Alexandra have told the court that in April last year they were badly hit by the consumer boycott.

The State alleges that the consumer boycott was one of the actions taken by the five men in an attempt to usurp the authority of the State and force it to accede to their demands.

The hearing continues.

In Memoriam

AR 645 23/10/87 (331)

Shop-centre bomb propaganda — claim at terror trial

Supreme Court Reporter

A CAR-bomb outside a Parow shopping centre "did not have the detonating capacity to explode", counsel for African National Congress member Mr Mxolisi Edward Petane told the Supreme Court.

Mr Michael Donen was arguing that Mr Petane, 29, of New Crossroads, was entitled to prisoner-of-war status in terms of the 1977 Geneva Protocol.

Mr Donen said that as a "military commissar" Mr Petane's had to see that military activity was geared to achieve implementation of the Freedom Charter — the ANC's political programme.

Mr Petane perceived no benefit in bombing civilians and placed the bomb as "armed propaganda" to show that South African security forces did not have the military capacity to enforce apartheid, Mr Donen said.

Mr Petane's case was that he acted legitimately against the forces of a racist regime and had not committed war crimes. If it were found that Mr Petane had committed war crimes, he would lose the protection of prisoner-of-war status, he claimed.

THE DU TOIT AFFAIR

Mr Donen said the State's argument that the Government had never accepted the protocol founded on the basis of the Government's conduct in the Major Wynand du Toit affair.

Major du Toit went to Cabinda to blow up petrol tanks and the Government accepted his prisoner-of-war status.

"Although he was not involved in an armed conflict and he had no justification for resorting to force, the State never prosecuted him for malicious damage to property. He was blowing up tanks — not acting against enemy soldiers."

Mr Justice Conradie will rule on Mr Petane's status on November 3.

Mr Petane has refused to plead to three charges of terrorism and two of attempted murder. Pleas of not guilty have been entered by the court.

Mr Justice Conradie presided with assessors Mr W R Vivier, and Mr L P Francis. Mr D W Rothwell, SC, and Mr M Stowe appeared for the State. Mr Donen was instructed by R Vassen and Co.

Intimidation, assault charges dropped

ARC 23/10/82 331

Staff Reporter

CHARGES against Mr Russel McGregor, former general secretary of the University of the Western Cape's Student Representative Council, have been withdrawn on the instructions of the Attorney-General, Mr Niel Rossouw.

It was alleged that Mr McGregor intimidated and assaulted UWC academic Professor George Delpiere.

Mr Rossouw said in a statement today Mr McGregor had been told he was no longer required to appear in Parow Regional Court on Monday.

50. AAGCS 73/10/82
**Schoolchildren
charged with ~~200~~
public violence** 331

Mitchell's Plain Bureau

SIX pupils from Mitchell's Plain and Manenberg have appeared in court on public violence charges.

They are juveniles and cannot be named.

They were not asked to plead when they appeared in the Mitchell's Plain Magistrate's Court yesterday and the hearing was postponed to December 1.

They were warned to appear.

The charges relate to an incident on October 9 when a police car was allegedly stoned in Mitchell's Plain.

Mrs G Roux was on the Bench. Mr S Haasbroek appeared for the State.

Umkhonto man's bomb was 'incapable of exploding'

Supreme Court Reporter

THE car-bomb placed outside a Parow shopping centre in July last year by Umkhonto we Sizwe cadre Mr. Mxolisi Petane was incapable of exploding, the Supreme Court was told yesterday.

This was the dramatic final point made by Mr Petane's counsel, Mr Michael Donen, at the end of several days of argument on whether Mr Petane is entitled to prisoner-of-war status.

"My client was a military commissar whose function was to see that the use of force which did occur was aimed at achieving the political purposes of the ANC — the implementation of the Freedom Charter," Mr Donen said.

"As such, my client sees no profit in bombing civilians and the actual placing of the bomb in question was performed for purposes of armed propaganda. It was not intended to injure any civilians.

"Evidence will be that the bomb in question was incapable of exploding. It did not have the detonating capacity to explode.

23/10/82 331
"The object of placing the bomb was to show the public that the South African security forces do not have the military capacity to enforce apartheid, and to persuade the public not to support the apartheid regime," Mr Donen said.

Argument on Mr Petane's status followed his refusal to plead to charges of terrorism framed in terms of the Internal Security Act, and his claim to the protection of the 1977 Geneva Protocol ratified by ANC president Mr Oliver Tambo in 1979.

Mr Donen said the state's argument that the South African government had never accepted the protocol was destroyed by its conduct in the matter of Major Wynand du Toit, "who went to Cabinda to blow up petrol tanks".

Mr Justice J H Conradie yesterday adjourned the case to November 3, when he will rule on, as Mr Donen put it, "whether the law of war or the law of peace applies" in Mr Petane's case.

Mr L P Francis and Mr W R Vivier were assessors. Deputy Attorney-General Mr D W Rothwell SC appeared for the state with Mr M Stowe. Mr Donen was instructed by R Vassen and Co.

ARL 23/10/87

CITY/NATIONAL

337

Judge hits at ignorance of jails and conditions

The Argus Correspondent

JOHANNESBURG. —

There was a prevailing ignorance among judicial officers about the realities of prisons and the efficacy of imprisonment, said Mr Justice JC Kriegler in an address on sentencing in times of political unrest.

Speaking at the University of Bophuthatswana (Unibo), Mr Justice Kriegler asked how many officers of the court had any knowledge of penology and how many of them knew what the inside of a prison look liked.

"Even those who have done jail visits, like myself, have but a superficial knowledge.

"To see the neat rows of folded bedding and the deferential phalanx of orange-garbed men teaches one little about the reality of prison life," he said.

He suggested that judicial officers got to know a great deal more about what a jail sentence really meant.

"In times of political unrest, when it behoves each and every one of us to do his utmost to restore the image of the criminal process, we cannot allow this kind of ignorance to continue."

The judge said it was the duty of members of the judiciary to know what happened in prisons and their duty to know how effective, in fact, were the sentences "that we blithely impose on people often of tender years".

"If it is so that a doctoral thesis has been embargoed, we should take note of that and we should inform ourselves all the better concerning the realities of our system of prisons and how it really works."

It was unfortunately true, he added, that there was public apathy about penology.

This was understandable,

just as it was understandable that there was public apathy about mental hospitals and the treatment of mental patients.

"None of us in normal society likes to be reminded of those unpleasant corners on the fringes of our awareness."

It was also so that any organisation run by any bureaucracy resented any scrutiny of its affairs.

This was normal, natural and could even be right, said Mr Justice Kriegler.

However, it was certainly not the function of the judiciary to adopt a non-pursuous attitude in those circumstances.

'Premises razed during consumer boycott'

Businessman tells treason trial he was rejected by friends

By Lesley Cowling

An Alexandra businessman told the Rand Supreme Court yesterday that his friends and township residents began to reject him in 1985 because he was related to a council employee.

The witness, who may not be identified, was giving evidence in the trial of Mr Moses Mayekiso (38), general secretary of the National Union of Metalworkers of South Africa (Numsa), and four other Alexandra community leaders.

Mr Mayekiso, Mr Paul Tshabalala (38), Mr Richard Mzameni Mdakane (29), Mr Obed Bapela (28) and Mr Mzwanele Mayekiso (22) have pleaded not guilty to treason, alternatively subversion, alternatively sedition. They are accused of trying to seize control of Alexandra in 1985 and 1986.

Under cross-examination by Mr D Soggot SC, for the five, the witness agreed that the threat of the removal of the coloured population from Alexandra became real in 1985.

Another trader said his premises were razed after the consumer boycott started last year.

He said his house was stoned and children would gather in front of his home and shout: "Sell-out." This was because they said members of the Security Forces had eaten in his shop.

The witness was the 15th trader to give evidence in camera on how businesses in and around

Alexandra were hit by a consumer boycott. Mr Justice P J van der Walt has ordered the evidence of these witnesses to be heard behind closed doors.

The court has heard that the consumer boycott was enforced by groups of children and youths who would gather outside their premises and prevent people from buying.

Most shopkeepers not resident in Alexandra have said they had not asked the youths or residents why they were being boycotted. However, one said he thought it was because he refused to make a donation to the "comrades" for the funeral of a youth allegedly shot by a security guard.

The State alleges that the consumer boycott was one of the actions taken by the five men in an attempt to usurp the authority of the State and force them to accede to their demands.

It is also alleged the men tried to make Alexandra ungovernable by the State by forming the Alexandra Action Committee, uniting the residents into street, yard and block committees, forming people's courts, establishing a group called the "comrades" or "marshals" to police the township and launching a rent boycott.

This amounted to treason, or subversion or sedition, the State alleges.

The hearing continues.

Care Times 24/10/87

Teacher: 'No idea' about PAC papers

Court Reporter *331*

ALEXANDER SINTON High School teacher Mr Dehraan Swart yesterday told Wynberg Regional Court he had "no idea" how banned publications found in a room in his family's home got there.

Mr Swart, 25, of Third Avenue, Fairways, pleaded not guilty to possessing publications distributed or disseminated by the PAC on April 24 last year.

He also pleaded not guilty to possessing publications which included "Nelson Mandela: The Peoples' Leader", "The Rise of the South African Reich" and "Manifesto to the People of Azania".

At a previous hearing the court heard that police had gone to the house in search of his brother, Raoul.

Inside the house, in a back room, they found the publications. The police were under the impression that Mr Swart slept in the room and arrested him.

Yesterday Mr Swart said he did not know how the publications came to be in his room or who put them there.

"There are vast amounts of publications and I don't keep a list of them," he said.

Because of this, he failed to notice them although he used the room as a study.

The hearing was adjourned to November 30.

Mr A S McCarthy was the magistrate. Mr L Rose-Innes, instructed by Mr E Daniels, appeared for Mr Swart.

Mayekiso's trial looks set for a marathon run

By MARTIN NTSOELENGOE

THE treason trial involving the general-secretary of the then Metal and Allied Workers' Union and four others is poised to turn into another marathon trial, like the former Delmas trial now heard in Pretoria.

In a detailed 161-page indictment the State alleges that the five committed treason, subversion or sedition.

The five, who have pleaded not guilty

to all the charges, are: Moses Mayekiso, 38, general-secretary of Mawu, Obed Bapela, 28, Mzandile Mayekiso, 22, younger brother of Moses, Paul Tshabalala, 38, and Richard Mdakane, 29, all of Alexandra.

Before witnesses were called to testify, Judge Van der Walt ordered the public to clear the court.

"For the sake of justice, trials are normally held in public, but the times we live in are far from normal."

"I know as well as counsel knows that, with the kind of allegations the accused are faced with, witnesses will be reluctant to give evidence for fear of retaliation, intimidation and retribution," he said.

The State alleges that the five men acted with a hostile intent to coerce, overthrow, usurp or endanger the authority of the State.

It claims they were engaged in:

- Sedition, with the intent to subvert the authority of the State.
- Seizure and control of Alexandra and to render it ungovernable.
- Establishing "people's courts" power, or self-government by the so-called popular organisational structures by forming the Alexandra Action Committee.
- Perpetuating the activities of the AAC.
- Organising and uniting residents of Alexandra into yard, block and street committees.
- Forming their own courts called "people's courts".
- Forming a group known as "marshalls" or "comrades" charged with duties investigating misbehaviour by residents and to discuss disciplinary measure.
- Liaising with the yard, block and street committees on how punishment should be meted out.
- Launching campaigns against members of the South African Police, South African Defence Force, the Alexandra Town Council and councillors, its employees or collaborators.
- Launching rent or consumer boycotts of industries near Alexandra, and shops belonging to Portuguese owners in the area.

They are alleged to have changed existing street names in Alexandra to MK, Steve Biko, Kathrada, Mabhida, Sloyo, Mbeki, Vincent, Sobukwe, Bazooka, Oliver and Dos Santos.

They are also alleged to have distributed pamphlets calling on Alexandra residents to organise and build for "people's power" under the Alexandra Action Committee.

All the activities are alleged to have been planned by Moses Mayekiso who eventually became chairman of the AAC.

On February 21, 1986, at the Alexandra Stadium, residents were allegedly coerced and threatened not to lay charges with the police but rather with the "people's courts".

Political comment and newsbills by P Qohooza; headlines and subediting by Jod Swift, all of 204 Eloff Street Ext, Johannesburg.

Man refuses to plead to terror

25/10/87 CP Correspondent C11022
AN alleged ANC member has applied to the Cape Town Supreme Court for protection under the 1977 Geneva Protocol.

Mxolisi Edward Petane, 29, of New Crossroads, has refused to plead to three charges of terrorism and two of attempted murder.

Pleas of not guilty were entered for him by the court. Arguing against the application, deputy Attorney-General of the Cape D Rothwell, said a clear and unambiguous South African statute took precedence over international law of which the protocol is part.

He said that international law was part of South African law except when it conflicted with South Africa legislation or common law.

Judge Conrade is on the bench, with assessors LP Francis and W Vivier.

Two go on trial

THE case against two alleged members of the African National Congress who face 10 counts of murder and 24 counts of attempted murder, re-opens in Messina this morning.

In the dock will be Mr Mthetheleli Zephania Mncube (27) and Mr Mfondeleli Euclide Nondula (24) who also face several charges of possession of military weapons. The two are appearing before acting Justice Mr J P O de Villiers in a special Supreme Court set up to deal with "terrorism" cases.

Their appearance follows a spate of landmine explosions in the Messina area.

CNC 7/10/82
**Belhar man
sentenced
for poster** *331*

Court Reporter

A BELHAR Advice Office worker was yesterday fined R400 (or 12 months) in Kuils River Regional Court for making a subversive statement by putting up a poster stating "Stay Away May 5 and 6" at a station.

Clement John Botha, 25, of Keurboom Avenue, Belhar, had pleaded not guilty. He was sentenced to a further nine months suspended for five years.

The poster said inter alia: "Defend COSATU, Fight for a minimum national wage, Build a mass ANC, Forward to Socialism."

The magistrate, Mr A Louw, said Cosatu's activities were not limited to the labour field and there was a link with the ANC.

Mr D J Brand prosecuted. Mr D Potgieter, instructed by Mallinck Inc, appeared for Botha.

pear Court. — Sapa

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sentenced for poster

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By Ralph Smith

SA362 735 Bln, Kim, Uin 0645
SA600 735 EL, Dbn 0650
SA606 737 PE, Dbn 0740
SA603
SA301

Brigadier tells of big increase in deeds of terror after unrest

MARITZBURG — Security Police Chief of Intelligence, Brigadier Hermanus Stadler, testified in the Maritzburg Supreme Court yesterday against four men charged with terrorism.

The accused, Mr Thuso Tshika, Mr Mtunzi Sithole, Mr Thembinkosi Nkosi and Mr Zwelinjani Mathe, have all pleaded not guilty to charges of contravening Section 54 (1) of the Internal Security Act and other charges under the Arms and Ammunition and Explosives Acts.

Brigadier Stadler said it was his duty to develop strategies to combat the onslaught against the country by the ANC and the SA Communist Party.

He said the training of insurgents took place mainly in Angola but there were attempts to covertly train people locally.

Brigadier Stadler said as a result of the unrest in the country in 1976, the ANC alliance went over to a policy of "armed

propaganda" which was essentially any act of terror used to grab attention.

"In 1978 an ANC delegation under the ANC president, Mr Oliver Tambo, went to Vietnam to conduct research into the methods used by the (north) Vietnamese in the revolutionary struggle against France and South Vietnam," he said.

On the necklace method of execution, Brigadier Stadler said the masses in South Africa had used the necklace against "sell-outs", council members and other government supporters to advance the revolutionary struggle.

Nearly 400 "burnings" had taken place since September 1984.

Acts of terror had "increased gradually" between 1976 and 1984. However, there has been a drastic increase which could be tied directly to the unrest situation which broke out in 1984, Brigadier Stadler said. — Sapa.

Accused 'trained in use of weapons'

Northern Transvaal Bureau

MESSINA — One of the accused in the Messina terror trial, Mr Mthetheleli Mncube, a South African citizen, attended the Solomon Mahlangu Freedom College in Tanzania and received instructions in politics and the use of firearms in Angola, before going to Zambia and Zimbabwe, from where he entered South Africa.

This has been claimed by the State in documents before Mr Justice J P O de Villiers.

Mr Mncube was allegedly a member of a group supplied with landmines, handgrenades, explosives, rifles, ammunition and anti-personnel mines.

The State says he was arrested in 1986 but escaped after shooting two policemen. He was later re-arrested.

It says the other accused, Mr Mzondeli Nondula, allegedly received training in Mozambique, Angola and East Germany.

He later became a political instructor at an Angolan training camp.

The State says Mr Nondula was arrested when he re-entered the country to form political and military cells.

Bereaved witnesses break down in court

War situation on border, says attorney

By Dirk Nel, Northern Transvaal Bureau

MESSINA — There was conflicting evidence during the Supreme Court hearing in Messina yesterday about the security situation on the Zimbabwe-South Africa border.

Mr Rodney Black, appearing for the two accused, Mr Mthetheleli Zephania Mncube (27) and Mr Mzondeli Euclid Nondula (24), claimed a war situation existed along the border when a series of landmines were detonated there in November and December 1985.

The two men have pleaded not guilty to 10 charges of murder, 24 of attempted murder, one of treason, and other charges in terms of the Internal Security and Arms and Ammunitions Acts.

The charges arise from landmine blasts which killed eight people, and a shooting incident near Messina in which two policemen died.

Mr Gerrie de Villiers, who was uninjured when his bakkie detonated a landmine, denied during cross-examination by Mr Black, that there was "a low intensity war" at the time of the blasts.

"That may be the case now but the explosions in 1985 were the first to occur there, to my knowledge," he told the court.

Mr de Villiers said the original purpose of a radio network along the border was for use in the event of telephone disruptions to warn everyone

when the river was in flood. But the network was now also serving a military purpose.

Another blast victim, Sergeant Hermanus Pelser of the SAP, testified that he was "doing normal police duty" when the Casspir he was driving was blown up by a landmine.

But several other members of the Defence Force and police told the court their duties were to patrol the area, and to watch for people entering the country illegally.

Mr Black also questioned witnesses about the fact that all farmers in the area were compelled to join the local commando.

WITNESSES BREAK DOWN

Earlier, Mr Johannes de Nysschen and Mr Dirk van Eck broke down while telling about the landmine explosion which claimed the lives of members of their families.

Mrs Maria de Nysschen (56), Carla de Nysschen (8), Kobus de Nysschen (3), Nelmarie van Eck (8), Ignatius van Eck (2), and Mrs Jacoba van Eck (34) died when a bakkie driven by Mr de Nysschen went over a landmine at Amersham Farm, west of Messina on December 15, 1985.

Constables Theunis Gerber and Joggie Nel were shot dead near Messina on December 26 1986 after two arrests had been made in connection with the landmine blasts.

The hearing continues.

Joburg council briefs

Boksburg fees

Boksburg's water restric-

28/10/87
Circ 7 in 15
331

Korean War hero in secret nuclear trial

Supreme Court Reporter
FLYING ace and arms dealer Brigadier Johann "Jannie" Blaauw is facing trial behind closed doors on charges of attempted extortion, fraud, corruption and contravening the Nuclear Energy Act.

Such is the secrecy surrounding the Supreme Court trial that the press have been refused access to anything other than the brigadier's identity, a bald statement of the charges and the information that he has surrendered his passport and is on bail of R50 000.

It is known, however, that the list of state witnesses reads like an extract from a South African "Who's Who", including leading business and political figures.

Brigadier Blaauw is being charged in terms of Section 70 of the Nuclear Energy Act which makes it an offence

— punishable by a fine of R20 000 or 20 years in prison or both — to receive any information about nuclear licences, sites or installations "knowing or having reasonable grounds to believe" that such information is communicated without the written permission of the Atomic Energy Corporation.

Brigadier Blaauw was a hero of the Korean War, in which he commanded the South African Air Force's "Cheetah Squadron", winning a decoration for bravery from the United States Air Force and the Distinguished Flying Cross.

The trial of Brigadier Blaauw is proceeding.

Mr Justice G Friedman is presiding with two assessors. Deputy Attorney General Mr F Kahn is prosecuting. Mr M Hannon SC, instructed by Werksman of Johannesburg, is appearing for Mr Blaauw.

DD 29/10/87

Worker tells court of (331) strange men, footprints

MESSINA — A farm worker told the circuit court sitting here yesterday how he saw three strange men on a road near the scene of two landmine blasts that occurred the following day.

Mr Joseph Muphatagla of the farm Yiepe, bordering the banks of the Limpopo river, said on the night of November 25, 1985, he saw three strange men on the border road while he was on his way to switch off irrigation pumps.

"When they saw me, the men went into the grass at the side of the road and crept away. I walked past and made as if I hadn't seen them.

"I went back to the spot the following morning but the people were not there. I saw some tracks; one of the shoes had a fine pattern of spots on the sole. When a Mr Gert de Villiers went over a mine, (on the morning of November 26) I told the police what I saw the previous night and showed them the tracks.

"We followed them to where we found two unexploded landmines on

the border road, east of where I saw them the previous evening."

He said he found the same tracks at a point where Mr De Villiers hit the mine which had come from a gate in the border fence on the farm of Mr Wynand Erasmus. The tracks went east to where Mr De Villiers' bakkie was blown up and continued in the same direction to where the live mines were found.

The tracks then turned round and led to the border fence, under the fence and towards the Limpopo river, Mr Muphatagla said.

Under cross-examination by Mr Rodney Black, for both accused, he said that although a number of people had gathered at the place of the detonated landmine, the marks on the sole were different to the sort of shoes workers in the area wore.

Mr David Tanjani, another worker on the Yiepe farm, told the court that Mr Muphatagla had shown him some tracks during the early morning of November 26 and told him about the three men he had seen.

Following the explosion which damaged Mr

De Villiers' bakkie, Mr Tanjani said he saw a spot in the road where the ground had been disturbed. He ran to call the police.

A policeman, Lieutenant Laubsher, combed the ground with his fingers and when he found something shiny, Mr Tanjani ran away. When the police officer came to the Yiepe Cash Store he showed the people there a round object and told them it was a bomb.

Under cross examination Mr Tanjkani said military vehicles used the border road and other roads in the area regularly. — Sapa

Drama at hearing in Messina

29/10/87
331

By MATHATA
TEDU

THERE was drama in the Messina Circuit Court yesterday when the prosecutor told the presiding judge that a State witness was lying.

This was when Mr Hendrik Fourie (19), was being cross-examined by defence counsel Mr Rodney Black about the map displayed in court as an exhibit.

Mr Fourie, in answering a question, said he had never been shown the map before. He said the prosecutor, Mr F Roots, had not shown him the map yesterday morning. Mr Roots then stood up and told the court that the witness was "lying".

"I showed him the map in this courtroom this morning during consultation", he said.

Mr Fourie, who had been the driver of an SADE buffel that struck a landmine during a mine sweeping near Messina in 1985, was testifying in the trial of two alleged African National Congress guerillas facing 41 charges including murder, attempted murder, terrorism, possession of weapons of war and an alternative charge of treason.

The State alleges that Mr Mthetheleli Zephania Mncube (27) and Mr Msondeleli Euclide Nondula (24), planted several landmines in the Messina area as part of the operations of the ANC. Both have pleaded not guilty to all the charges.

Earlier, a former tracker of the SADE Battalion 116, Mr Musa

Chigambe testified about a landmine blast on November 27, 1985, when he was seriously injured.

Mr Chigambe, who gave evidence in English with a Zimbabwean accent, said that he had been a tracker in the area from 1981 until the blast. He said he was involved in follow-up operations and had survived a "contact" with guerillas in the Alldays area in 1983.

He said the injuries he sustained in the 1985 blast had led to his transfer to another battalion where he was now a signal man. He said the Limpopo River

(Proceeding)

CHRG 11/15 29/10/87

331

Uncompromising arms dealer is a man of mystery

By CHRIS STEYN

BRIGADIER Jan Blaauw, Korean air ace, arms dealer — and at present the accused in a top-secret Supreme Court trial on charges of attempted extortion, fraud, corruption and contravening the Nuclear Energy Act — is a man of mystery.

He never speaks to the press. Secrecy surrounds his every move, although in the past few years he has not been able to avoid publicity, thanks to a series of controversial court cases in which he has been involved.

He adopts such a low profile that this week a reporter covering the start of the trial — which is taking place behind closed doors in the Supreme Court, Cape Town — had to identify the grey-haired, goateed accused from old photographs taken in less hush-hush times.

The only facts supplied to the press at the start of the current trial were Brigadier Blaauw's identity, a statement on the charges and the information that he has surrendered his passport and is on bail of R50 000.

However, it is known that police investigations into the activities of Brigadier Blaauw and Mr Frans Whelpton, former private secretary of Mr Fanie Botha (former Minister of Manpower) and an associate of the brigadier's, began in November 1983.

Because the matter is *sub judice*, little can be revealed about the trial at this stage, except that leading business and political figures are among the state witnesses.

Brigadier Blaauw attracted public notice as far back as January 1985,



Brigadier Blaauw... At the time of the Korean War (left) and, years later, in 1983.

when the then Minister of Law and Order, Mr Louis le Grange, confirmed police had been tapping his telephone as part of a 13-month investigation concerning national security.

The national security probe was brought into the open when a police officer, Captain Dirk Coetzee, was suddenly suspended from duty after making an affidavit in which he alleged that the police were tapping

telephone lines illegally in investigations unrelated to national security.

Captain Coetzee was subsequently suspended without pay and as far as is known his claims were not taken any further.

Brigadier Blaauw was a legendary figure in the South African Air Force during service which spanned World War II and Korea, where he commanded the SAAF's famed 2

Squadron, the "Flying Cheetahs", and was decorated with the Distinguished Flying Cross.

One of the stories still told about him is that he stopped a proposed South African invasion of Rhodesia dead in its tracks by informing the then Prime Minister, Mr John Vorster, of the plans afoot in military circles. Mr P W Botha, who was then Minister of Defence, dismissed these claims as "nonsense".

Described by close associates as "proud, arrogant and uncompromising", very active and still super-fit, although in his mid-sixties, he is a very private man.

His high-powered business activities have brought him into the limelight on several occasions.

In March the following year Brigadier Blaauw — as a member of an international syndicate — sued Sasol and other parties in one of the biggest lawsuits in South African history.

Among the defendants in the case, in which more than R270m was at stake, were the Strategic Fuel Fund Association and the honorary Peruvian consul-general in Cape Town, Mr H Storch-Nielsen.

The case was brought by Brigadier Blaauw and a mysterious British businessman, Mr Maurice Selier, who had close connections with Ms Susan Guinness, member of a prominent titled British family.

In March of 1985 Brigadier Blaauw launched a Supreme Court action against the state over West Coast diamond concessions which he claimed were granted to his company, Ondombo Beleggings (Pty), by Mr Fanie Botha.

Police used irregular methods, court hears

The charges

TWO members of the Port Elizabeth Reaction Unit, Warrant Officer Leon de Villiers, 36, and Const David Patrick Goosen, 26, face two charges of murder, two of aggravated assault and of attempting to defeat the ends of justice.

It is alleged that on July 26, 1986, they murdered Mr Wheanut Mlungisi Stuurman, 18 and Mr Andile Plaatjies, 25 and that they:

- Assaulted Mr Zixolisile Goniwe, 20, and Mr Michael Qhina, 45, with the intention of causing grievous bodily harm.

- Defeated the ends of justice by ordering or persuading other members of their unit to give an incorrect version of the events.

All charges stem from incidents which occurred when the two travelled to Cradock to observe a funeral last year. Both pleaded not guilty.

By CHRIS RENNIE, Court Reporter

GRAAFF-REINET — Glaring irregularities in methods used by some members of the unrest unit were disclosed in the Supreme Court here today.

Const Michael Douglas Neveling was rounding off 3½ days in the witness box during the trial of two of his colleagues, WO Leon de Villiers, 36, and Const David Patrick Goosen, 26, on two charges of murder, two of aggravated assault and one of attempting to defeat the ends of justice.

The charges arose out of alleged incidents that occurred when a 10-man squad of the unrest unit under WO de Villiers was sent to Cradock to "monitor" a funeral there on July 26 last year.

During the trial it emerged that a number of people — including one of the deceased, Mr Wheanut Mlungisi Stuurman — were arrested, interrogated and assaulted by the unit.

After Const Neveling's evidence, one of the assessors, Mr B P Loots, questioned him about his reasons for arresting Mr Stuurman.

He said he had because Mr Stuurman was wearing a Cradock shirt and ran away when they approached. Up to then he had been lying peacefully with two others on a patch of grass.

When Const Neveling was asked whether he thought this was sufficient reason, he agreed that the arrest was illegal.

Pressed, he conceded that all the other arrests they had made were unlawful too.

Mr Loots: "What did you hope to achieve by them?"

Const Neveling: "You never know until you try. It's pure luck if you get anything."

Mr Loots: "And if the person does not want to talk?"

Const Neveling: "You make them talk."

Mr Loots: "How?"

Const Neveling: "As we did — assaults, plastic bags and so on."

Mr Loots: "Is that legal?"

Const Neveling: "No."

Mr Loots: "You mentioned a water method."

Const Neveling: "Yes, you hold them under until they talk."

Mr Loots: "Did you think that was what was going to happen when Mr Stuurman was taken to the river?"

Const Neveling: "It was a possibility."

Mr Loots then asked whether Const Neveling or any of the other members had got any information from the people they had arrested in Cradock. Const Neveling replied that they had not.

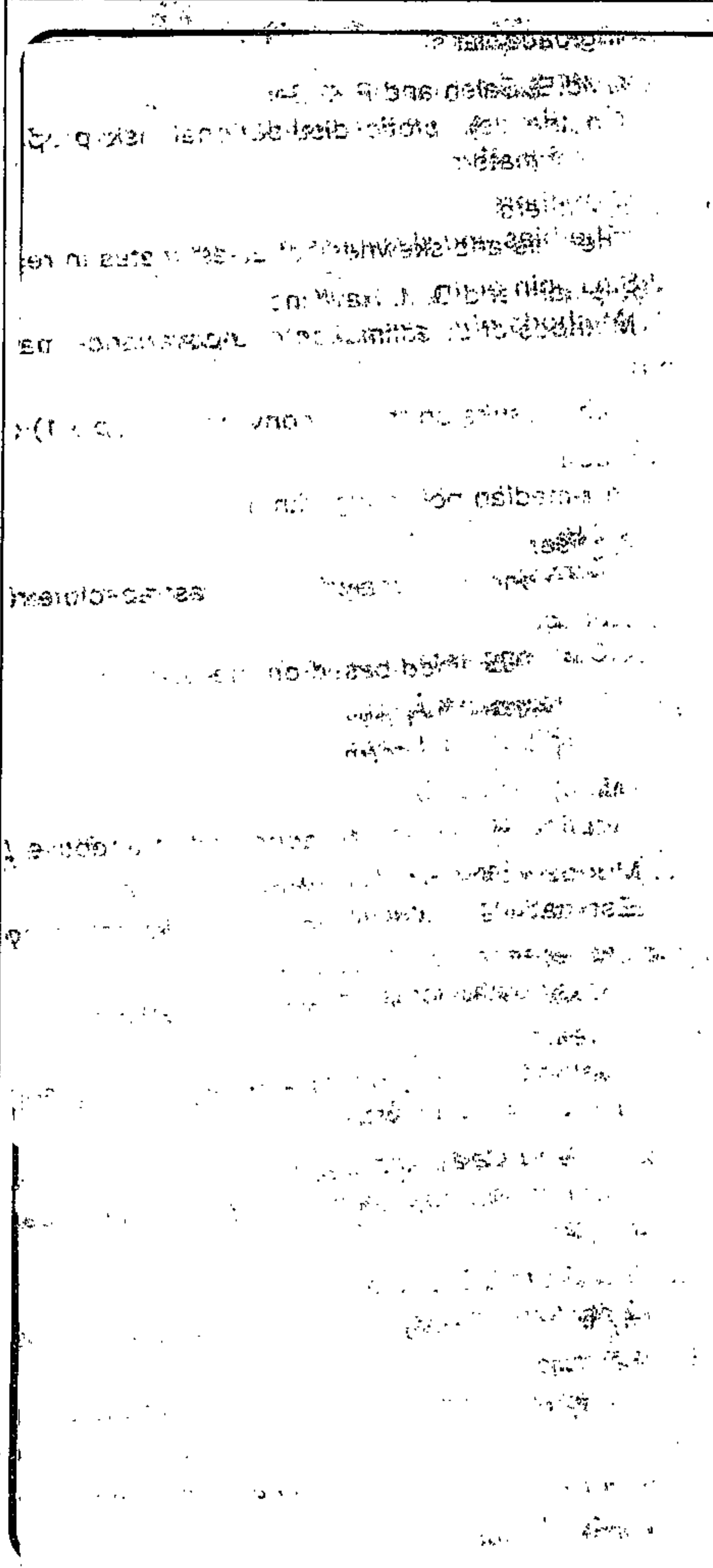
Mr Loots: "But how did you expect to when you did not even have anybody who could speak Xhosa?"

Const Neveling: "If you take them far enough, they talk Afrikaans."

Const Neveling also said that it was common practice for members of the unit to collect their liquor from shebeens without paying and to drink it on duty.

He said the unit's vehicles and men were never inspected by officers while they were on patrol. He agreed that it was against regulations.

Mr Justice Zietsman was on the Bench with Mr Loots and Mr J van der Riet as assessors. The Attorney-General, Dr J A van S D'Oliveira, SC, assisted by Mr W Kingsley, appeared for the State. Mr C Jansen, SC, assisted by Mr N du Toit and instructed by Huisamen and Roelofse, appeared for the defence.



By MATHATHA
TSEDU

THE defence lawyer in a Messina trial yesterday told the court that he was concerned that a policeman against whom evidence of "gross misconduct" was to be led by the defence, was acting as a bodyguard for the judge.

Mr Rodney Black, SC, addressed the court when Warrant Officer Joseph Venter was about to testify for the State in the trial of two alleged African National Congress guerrillas who have been charged with 10 counts of murder, 24 counts of attempted murder, five counts of unlawful possessions of

Cop is judge's bodyguard

Defence lawyer tells the Messina trial

weapons of war, one count of terrorism and an alternative charge of treason.

The State alleges that Mr Mthetheli Zephania Mncube (27) and Mr Msondeleli Euclide Nondula (24), laid landmines that killed eight people in the area of Messina in 1985 and 1986. Mr Mncube is further alleged to have

shot and killed two white policemen after his arrest. They both pleaded not guilty to all charges.

Mr Black said Warrant Officer Venter, who is attached to the security

branch, will later have to testify on "crucial issues relating to this trial when defence will put allegations of gross misconduct against him". He said he was not asking for a refusal of the witness but

had wanted to express his concern to the court.

Mr Acting Justice J P O de Villiers, who is sitting with two assessors, said W/O Venter had travelled with him in his car "once or twice" during his stay in Messina. He did not know that the policeman would testify in the trial and added "otherwise I would not have allowed it". The prosecutor, Mr F Roots, said he did not know about the arrangements of the judge's bodyguards.

Earlier, the court heard how a police casspir investigating a landmine blast that had damaged an army Buffel detonated another mine and was wrecked.

The former commanding officer of the police station at Beit Bridge, told how he spent three days following, losing and then picking up again the trail of three, eight and five alleged "infiltrators" following a spate of landmine blasts in the border area at the end of 1985.

Major Muller told the court that on November 27, 1985, he received a report that a military Buffel had hit a landmine and went to the scene. He dispatched a Casspir to go and alert farmers in the area and shortly after it had been dispatched he heard an explosion which was the Casspir detonating a landmine. Behind the damaged Buffel he found some

tracks including prints that "were reasonably smooth similar to the sole of a Grasshopper shoe."

The imprint was the same toe to heel and the sole made small indentations in the ground, he said.

The tracks went in a easterly direction on the farm Overvakte. By then it was dark and the search was postponed until the following morning.

When it was resumed, Major Muller found a hole in the ground "that looked as if a mine had been buried." The tracks went East and turned South into South Africa. On the trail he found a grey knitted hat and a blue sock.

The following day, November 28, on the trail he found two butter-scotch sweets and a brown knitted hat.

At 7.10am he discovered the place where 8 people had slept on the farm Amersham. The footprints were the same he followed the previous day.

(Proceeding)

Judge's bodyguard a witness in terror trial

MESSINA — A circuit court judge sitting in a murder, treason and terrorism trial "had a good mind to recuse" himself from the case when it was found that the man travelling with him and responsible for his security was a key witness in the case and against whom "allegations of gross misconduct would

later be made".

When Warrant Officer Joseph (Joep) Venter was called to the witness stand in the trial yesterday, Mr Rodney Black, SC, for the accused, said he wished to point out that W/O Venter had been driving the judge Mr J. P. O. de Villiers and had been assigned to protect him.

Mr Black said it was a breach of ethics and etiquette.

W/O Venter was about to give evidence in the trial of Mr Mthetheleli Zephania Mncube, 27, of Diepkloof, Soweto and Mr Mzondeleli Euclid Nondula, 24, of Queens-town, who have both pleaded not guilty to 41 charges.

Mr Black said "there will be allegations of misconduct on the part of this witness who is responsible for the judge's security. I do not ask for the witness to be recused as his evidence is important and would just like him to draw this matter to your (Mr Justice de Villiers) attention".

Mr Justice de Villiers said: "He has been in my car. I did not know he was going to be a witness otherwise I certainly would not allow it. It must be put right of course."

Mr Frans Roets, who appears for the state, claimed he was not aware of the situation.
— Sapa

331 00 30/10/87

Court may SM not take ⁽³³⁾ evidence of ^{30/10/87} two detainees

A bid by the defence in the Pistorius treason trial to get a court order to obtain evidence from detained State witnesses had failed, a member of the defence team disclosed.

Mr Justice Daniels on Wednesday gave judgment on the application for an order commissioning a magistrate to ask two detainees certain questions on behalf of the defence and to record their answers as evidence for the defence.

The judge refused to grant the order on the grounds that section 31 of the Internal Security Act, in terms of which the two witnesses are detained, forbade access to detainees by anyone other than servants of the State, the defence lawyer said.

The accused are Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim Ismail Ebrahim, who was abducted from Swaziland and brought to Pretoria prior to the trial.

The accused also face charges of attempted murder arising from four landmine blasts on farms in the south-eastern Transvaal.

The two detainees to whom the defence aimed to gain access are Mr Adam Malatjie and Mr Arthur Msimango, who were travelling in a car with the first two accused in June last year when they were detained at a roadblock.

AT RIAL IN CHAMPS

SOUTH Africa's biggest single terror trial, involving 10 counts of murder, several of attempted murder, illegal possession of ammunition and high treason, commenced in the Messina Circuit Court this week with two alleged African National Congress members standing trial.

By REVELATION NTOLU

Some of the unique features of the trial, which is being heard by Judge JPO de Villiers and two assessors, is the fact that it is believed to be the first in the history of terror trials in South Africa in which alleged insurgents face so many counts of death-penalty carrying crimes, and that seldom do terror trials appear in leg chains.

The fact that most of the alleged deaths and attempted murders coincided with the height of political unrest in the country is another peculiar characteristic of the Northern Transvaal trial.

These alleged crimes occurred in 1985 after the Vaal uprisings of 1984. Eight of those who were killed were allegedly killed by landmines while other two were policemen said to have been killed in a shootout with one of the two alleged ANC insurgents.

An earlier application by defence counsel Rodney Black SC, that the leg chains on the accused be removed during the trial, was rejected by De Villiers after counsel for the State had told the judge that such an action would not be in the interests of security.

The unusual presence of a military helicopter, which hovered over Messina during the lunch adjournment, also seemed indicative of the seriousness and importance of the trial, which is taking place only a few kilometres from the troubled Zimbabwe/South African border where the insurgents are alleged to have crossed into South Africa.

The strip on the South African side of the border has been a hot spot in clashes between the country's security forces and ANC insurgents.

Facing a total of 41 counts, are: Mithelheleli Zephania Mncube, 27, of Diepkloof, and Mzandeleli Euclid Nondula, 24, of Queensdown.

Apart from the eight murder charges, the accused face 24 counts of attempted murder, contravening the Arms and Ammunition Act, terrorism and alternatively treason.

Most of the charges relate to a series of landmine blasts in the Messina area between November 26 and December 15, 1985.

Supra reports from court evidence how five members of a family were killed and five others injured when a bakke they were travelling in detonated a landmine south of the South African-Zimbabwean border.

In evidence, Johannes de Nysschen said he was the owner of two farms, Annemstroom and Chatsworth, in 1985.

On December 15 that year, Dirk van Eck and his family had come to visit and they decided to go for a drive to view game.

They went in De Nysschen's bakke, with him driving and Van Eck and his son Africa, 18, ngahls in the front.

At the bakke, sitting with their backs to the cab, were De Nysschen's wife, Maria, Tiodora de Nysschen and Kobie van Eck. The children, Carla de Nysschen, 8, Grisel de Nysschen, Nelmarie van Eck, 8, and three-year-old Kobus de Nysschen were sitting at the back of the bakke facing forward.

Ignatius van Eck, 30 months, was sitting on top of a wheel arch on the right side of the wheel.

"I heard an explosion and lost my consciousness for a few seconds. I was told we had hit a landmine and could not get out of the vehicle," said De Nysschen.

"I heard my wife calling, 'I'm burning, I'm burning!' She was two metres behind the bakke."

At this point counsel for both accused, Rodney Black SC, said the landmine incident, and the events concerning the incident, were not in dispute and he did not wish to call any witnesses.

Short-lived freedom

CP Correspondent

A GUGULETU man's freedom has ended abruptly — barely days after it had been reported that he had been jailed under the wrong name.

Graham Mitchell, 22, was this week again brought before Magistrate JD Hugget, who originally convicted him of stealing a radio and cassette recorder from a car.

THE EMERGENCY

The newspaper has been produced under emergency regulations, which permit it to print without delay any information of public interest, to the detriment of its normal security procedures. It can be published without permission, however, within the limits of these regulations. The press will continue to report news after 11 p.m. and before 5 a.m.

Man gagged, chaos in Ndwendwe relief

By SIBU KENGADI

MAGISTRATE BJ Buthelezi, who, through City Press, highlighted the plight of about 30 000 starving villagers in the rural Natal community of Ndwendwe as a result of being cut off from the rest of the world by the recent floods, has been prevented from giving further interviews.

A source at the Ndwendwe Magistrates' Court said Buthelezi had been gagged by

tion had hired the helicopter earlier to prepare people to be ready to receive food the following day.

But pilot Vaughan Peacock told journalists that when he had flown to the village he found it to be normal.

He said that the business people in the area were angry that Operation Hunger was sending in food and feared this would cripple their businesses. When probed about claims by relief

Choosing SA's winning competition entry



A moment of anticipation as Selinah Dlamini draws the winning entry in the City Press — Score competition.



World-famous
CRAVVEN "A"

importance of the trial, which is taking place only a few kilometres from the troubled Zimbabwe/South African border where the insurgents are alleged to have crossed into South Africa.

The strip on the South African side of the border has been a hot spot in clashes between the country's security forces and ANC insurgents.

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On December 15 that year, Dirk van Eck and his family had come to visit and they decided to go for a drive to view game.

They went in De Nysschen's bakkie, with him driving and Van Eck and his son, Eric, 18 months, in the front.

At the back, sitting with their backs to the cab, were De Nysschen's wife, Maria, Tiodora de Nysschen and Kobie van Eck. The children, Carla de Nysschen, 8, Grizel de Nysschen, Nelmarie van Eck, 8, and three-year-old Kobus de Nysschen were sitting at the back of the bakkie facing forward.

Ignatius van Eck, 30 months, was sitting on top of a wheel arch on the right side of the wheel.

"I heard an explosion and lost my consciousness for a few seconds. I was told we had hit a landmine and could not get out of the vehicle," said De Nysschen.

"I heard my wife calling, 'I'm burning, I'm burning!' She was two metres behind the bakkie."

At this point, counsel for both accused, Rodney Black SC, said the landmine incident, and the events concerning the incident, were not in dispute and he did not see why "this poor man has to be put through all this again".

De Nysschen said he lost three members of his family - all had died on the spot.

His daughter, wife, Dirk van Eck and Eric survived the ordeal.

Another witness, Gert de Villiers, a farmer from Overvlakte in the Messina district, was returning to his farm after dropping off workers to attend a funeral on November 26, 1985.

He was alone in the cab of his bakkie and his dog was on the back.

The rear wheels of the vehicle hit a landmine and the back of the bakkie was blown 30m away from the cab. The dog was killed.

De Villiers said he had only sustained a small cut over his eye and said that as far as he knew it was only the second landmine blast in the area. A cement truck had detonated a mine five minutes earlier that day.

Another witness, farm-hand Joseph Muphataga, told how he had spotted three strangers near the scene of the two landmines the following day.

On the bank of the Limpopo River, he said, on the night of November 25, 1985, he saw three strangers on the road near the border while he was on his way to switch off the irrigation pumps at about 9pm.

"When Gert de Villiers went over a mine, I told police what I saw the previous night and showed them the tracks."

"We followed them to where we found two unexploded landmines on the border road, east of where I saw them the previous morning," he said.

WIN!

WIN!

It's a go

AN SA sports introduced this week mini goalposts, players tried to score goals!

Marks Mapongoe and Trevor M... to score goals! O these goals to g over the next tv about it on Page

Race up

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Chikane calls for unity

By SOL MORATHI

FOR the sake of peace and harmony in this country, all South Africans - irrespective of race, colour or creed - must learn to live together.

This can possibly succeed, but only on the absolute condition of unity throughout the broad spectrum of South African society.

The Transvaal regional secretary of the UDF, Moses Chikane, made this statement during cross-examination by Mr PB Jacobs in the Pretoria Supreme Court on Wednesday.

Chikane is appearing with 18 other men, who include high-ranking UDF and Azapo leaders.

The men are facing charges of high treason, terrorism, subversion and murder.

All have pleaded not guilty before Judge Van Dijkhorst.

Chikane said for peace and harmony to prevail, there must be a unity of purpose between the whites, who were entitled to vote and the black majority who were being denied that opportunity.

Chikane pointed out that unity of purpose couldn't, however, be accomplished if people shouted at each other from distant corners and ran each other down as either irrelevant or mischief-makers fomenting unrest.

Chikane called for the dismantling of apartheid policies, making particular reference to the black local authorities.

Chikane told the court that blacks had no powers and money to satisfy the needs of the black community.

Chikane said the easiest way to achieve "our kind of South Africa" was to simply remove the concept of race from the country's constitution.

"I have no doubt in my mind that many people will be surprised at the ease with which white South Africa will adjust to the new dispensation."

Chikane said that man's greatest attribute was his ability to adapt to changing conditions.

The hearing continues today.

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Dimbaza 2 convicted

CP Correspondent

33
CIP/20
TWO of the seven men in the Dimbaza terrorism trial were found guilty and sentenced in the Zwelitsha regional court.

Macebo Tokwe was found guilty on one count of possession of a dangerous weapon and was sentenced to six months' imprisonment, suspended for five years.

Madala Goniwe was found guilty on two charges of public violence and the burning of a truck and was sentenced to an effective five years' imprisonment.

S. Times 1/11/82 (33)

Terror before 'execution'

By BILL KRIGE

A YOUTH'S terror during an assault by policemen, one of whom later shot him dead on a river bank, was vividly described in a Graaff Reinet murder trial this week.

Under cross-examination, Constable Michael Neveling told how Wheaman Stuurman, 18, kept repeating "nee, my baas" as policemen struck him while he was being taken to a "quiet place" near the Cradock sewerage plant.

Two members of a 10-man squad of the Port Elizabeth Unrest Unit face two charges of murder as well as counts of assault and attempting to defeat the ends of justice.

Brandy

One of the accused, unit commander Warrant Officer Leon de Villiers, 36, allegedly offered Mr Stuurman a cigarette at some stage during the assault, which allegedly took place on July 26 last year.

But the youth was shaking so badly the cigarette had to be stuck into his mouth.

Mr Stuurman was then given a plastic mug full of neat brandy by Constable David

Goosen, 26, the policeman who allegedly executed him after W/O de Villiers said: "This boy must be taken out — he is too badly hit to detain."

In earlier evidence, Constable Neveling said Mr Stuurman, who had been picked up with three other men during a daylight patrol, was still clutching the mug when he was led down to the Fish River to be shot.

Counsel for the defence Mr C Jansen has suggested Constable Goosen slipped when taking Mr Stuurman to the river to wash blood off his face.

In falling, his service revolver discharged, killing the youth.

Constable Neveling told Mr Justice Zietsman that after the killing W/O de Villiers asked Constable Goosen how he had shot the youth.

"I shot him from behind through the neck. I saw the bullet come out of his face and hit the opposite bank. Sand flew. The boy fell like an ox. We threw him into the river," Constable Neveling recalled. Constable Goosen

relating.

At the end of 3½-days in the witness box, one of two assessors, Mr B P Loots, asked Constable Neveling why Mr Stuurman had been arrested.

He replied that he had been wearing a youth organisation T-shirt. It had "Forward People's Power" on the back.

He agreed the arrest was illegal. Asked why it had been made, he replied: "You never know until you try. It's pure luck if you get anything."

Earlier, the court was told that the previous night the

unit had entered the Cradock township without permission and with most of the policemen drunk from liquor confiscated from shebeens.

They saw a man and chased him and Constable Neveling said he saw Constable Goosen stab him in the chest.

Another witness, Mr Monde Ngindi, said he was walking home with friends when a police van drove up.

They scattered. Later he found a companion, Mr Andile Plaatjes, in the yard with a wound in the stomach. The next day he was dead.

ANC violent because they are unable to negotiate, terror trial told

Daily Dispatch Correspondent

PIETERMARITZBURG — The reason the banned African National Congress supported violence was because the organisation was unable to negotiate with the South African Government, it was suggested at the College Road terrorism trial here yesterday.

The suggestion was made by counsel for the defence, Mr Lewis Skweyiya, while cross examining Brigadier H. D. Stadler, head of intelligence services of the security branch in Pretoria. Brig Stadler strongly denied the suggestion and told Mr Justice

dent's invitation?"

Brig Stadler said the organisation was not prepared to hold discussions unless they concerned the transfer of power.

"The ANC has said they are not interested in reform. They are interested in power."

On the question of the continued imprisonment of the ANC leader Nelson Mandela, Brig Stadler said the matter hinged on the question of violence against South Africa.

Nelson Mandela was a commander in chief of the military wing of the ANC, Umkhonto we Sizwe, and was one of the first to opt for violence.

"The Government has invited Mandela to renounce violence and he will be freed but he has refused."

Mr Skweyiya suggested to Brig Stadler that the ANC had shown its willingness to talk to a variety of people from this country with varying political views. "These people are

naive. I could have told them before they went what the ANC's response would be," Brig Stadler replied.

Brig Stadler said the ANC had a problem in that since 1983 it had been attempting to move away from its terrorist image. But in the final instance they were not prepared to negotiate.

Mr Skweyiya also put it to Brig Stadler that the ANC leaders, including Oliver Tambo and Joe Slovo, viewed injuries to civilians with dis-favour.

Brig Stadler replied that what the ANC said and what happened in practice were two different matters.

A large part of yesterday's hearing was conducted in-camera.

Four men, Thuso Tshika, 22, Mtunzi Sithole, 24, Theminkosi Nkosi, 19, and Abraham Mathe, 33, are facing charges of terrorism relating to various bombings in Northern Natal and Durban in 1985/86. The hearing continues.

331 9/11/87

Trial judge may decide on recusal

Northern Transvaal Bureau

MESSINA — The Messina terror trial resumes today amid speculation that Mr Justice de Villiers may recuse himself following certain allegations by defence counsel Mr Rodney Black.

On Thursday last week, Mr Black queried that a State witness, Warrant Officer Joep Venter, had been assigned to escort the judge to and from the court each day.

Mr Black is expected to pursue his questioning on the matter this week.

The hearing, which enters its second week today, has provoked great public interest with most seats in the public gallery filled each day.

Mr Mthetheleli Zephania Mncube (27) and Mr Mzondeleli Euclid Nondula (24) have pleaded not guilty to charges of murder, attempted murder, terrorism, treason, and contraventions of the Internal Security and of the Arms and Ammunition Acts.

The State alleges the two men received extensive training outside South Africa, and returned to place landmines and to promote the aims of the African National Congress with the purpose of overthrowing the government by violent means.



Some of the items police say they collected during follow-up operations after the landmine explosions. These were exhibited in court on Thursday, and the state has indicated it will continue to refer to the items this week.

Mine 'on plastic explosive'

MESSINA — The Circuit Court sitting in Messina heard today that a Czech-made landmine was found on top of 5 kg of plastic explosives on a farm in the Alldays area in October last year.

Lieutenant Frederick Swarts, a security branch policeman from Louis Trichardt, told the court he was called to the farm Samaria on October 8 and discovered a PTMBA III landmine, which he rendered harmless, and about 5 kg of plastic explosive.

He said the method was an accepted terrorist manoeuvre. The plastic would explode "in sympathy" with the land-

mine for a greatly increased explosion.

Such a blast would be "devastating to any regular vehicle that drove over it and detonated the mine".

Under cross-examination by Mr Rodney Black, for both accused, Lieutenant Swarts said he could not give a complement of members of the special branch in Louis Trichardt as it was "sensitive".

"You may scratch to get the number of special branch members ... but I don't want it to come from my mouth."

As far as he knew, no arrests had been made in connection with the planting of landmines. — Sapa.

Treason trial shown films (331)

EVIDENCE in the Vaal Triangle treason trial yesterday centred on the technical aspect of the filming of several meetings where the new constitutional proposals were being discussed.

Mr Kevin Arthur Harris, an independent film producer, testified for the defence in the Pretoria Supreme Court

about the meetings he filmed in Soweto, Cape Town and the Vaal Triangle in 1983 and 1984.

Mr Harris told the court that he filmed the meetings at the request of the South African Council of Churches.

Mr Harris was testifying in the trial of 19 men who include senior

officials of the UDF, Azapo, Azanyu and the Vaal Civic Association who have pleaded not guilty before Mr Justice van Dijkhorst, who is sitting with an assessor, to charges of murder, treason, subversion and terrorism.

The case has been postponed to tomorrow.

Soweto 3/11/87

ARGUS 3/11/87

Sabotage sentences on six men are reduced by court

Supreme Court Reporter

THE Supreme Court has reduced on appeal the sentences of six men convicted of committing sabotage in Kraaifontein more than two years ago.

The sabotage on October 22 1985 resulted in fires which caused about R1.5-million damage to Bloch's Supermarket and the Egg Board's premises.

Although the convictions were upheld, Mr Justice Conradie and Mr Justice Burger ordered that the men's sentences on the two counts run concurrently instead of cumulatively.

"VILLAINS"

Jan Douries, 29, and John van der Westhuizen, 29, both of Scottsdale, were both jailed for nine years and five years cumulatively, but will serve an effective nine years.

A 14-year sentence gave Douries and Van der Westhuizen — described as "villains" (booswigte) by the court — no chance of picking up the pieces of their lives, the judges said.

The five-year and three-year terms imposed on Pieter Cyster, 18, of Scottsdale, Chrisjan Horne, 18, of Watsonia Park, and Andries Carelse, 18, of Kraaifontein, will also run concurrently.

"DELINQUENTS"

Cyster, Horne and Carelse were 17 when they were sentenced on August 1 last year.

David Williams, 21, of Watsonia Park, who was jailed for six years for the Bloch's incident and four years for the Egg Board fire, had his sentences reduced to four years and three years to run concurrently — an effective four-year sentence.

The court found that all the appellants except Williams

were probably "ordinary juvenile delinquents" and that they did not deserve the heavy maximum sentences used to deter political activists, something none of the six appeared to be.

The judges found that the convictions on two counts of sabotage as defined in the Internal Security Act could not be set aside.

They found that the men's intention of endangering the interests of the public and the production and distribution of commodities and foodstuffs fell specifically under actions prohibited in the Act.

Counsel for the appellants argued that the State had not shown beyond reasonable doubt that the men had this intent and that they should be convicted only of arson.

Evidence was that the six were in a group who marched to the shopping centre.

"BLINDLY"

The judges said: "There is no indication that they bore any grudge against the owner of the centre or the Egg Board."

"The damage was caused blindly and there is no indication that they tried to ensure or even hoped that fire damage would be limited to one or other shop."

"From this one can most probably conclude that they wanted to do more than just cause individual's damage."

"The appellants aimed to endanger the interests of the public and the production and distribution of commodities and foodstuffs."

Mr D Delahunt appeared for all the appellants except Van der Westhuizen, who was represented by Mr R Tainton.

CARE 10/11/82
**PAC trial
resumes 331**

PRETORIA. — The trial of five alleged PAC guerrillas and two alleged members of the Muslim organization Qibla resumed in the Regional Court yesterday with the continuation of a trial within a trial.

Mr E Moseneke, for the defence, continued the argument that statements made during April last year by two of the accused, Mr Mabatu Enoch Zulu and Mr Siyabulela Ndoda Gcanga, are inadmissible because he alleged they were not voluntarily made.

Mr Zulu and Mr Gcanga face charges of contravening the Internal Security Act with Mr Vincent Alson Mathunjwa, Mr Setsiba Paul Mahohlo and Mr Daniel Saul Nkopodi. — Sapa

Messina trial: accused identified for first time

MESSINA — One of the accused was identified for the first time yesterday by a witness on the fifth day of formal evidence in the Messina landmine trial.

This is the first time since the start of the trial in which two men face a total of 41 charges, that either of the accused had been brought in to evidence — most of which centred around a series of landmine blasts in the Messina area in November and December, 1985.

The officer commanding 907 Special Services Company based in Messina, Major Petrus Oosthuizen, told the circuit court how his unit conducted follow-up operations after a group of five armed men had been discovered and chased by a farmer on Christmas Day, last year.

He said four men had been shot dead while the fifth was captured and taken away by two police officers.

The major said the police officers and pris-

oner left Wiepe military base on Boxing Day, last year, in a bakkie.

The bakkie with the prisoner and the late Warrant/Officer Theunis Gerber and Sergeant Marthinus Nel left the army base about 45 minutes before the major.

The next day he found W/O Gerber and Sgt Nel's bodies.

Earlier he had identified Mr Mthetheleli Zephania Mncube, one of the accused as having been the only person captured of the party.

The court heard that a Czech-made landmine was discovered on top of five kilograms of plastic explosives on a farm in the Alldays area in October, last year.

A security branch policeman from Louis Trichardt, Lieutenant Frederick Swarts, told the court he was called to the farm Samaria on October 8, where he discovered a landmine.

He said such a blast would be "devastating to any regular vehicle that drove over it". — Sapa

MG45 4/11/87

331

No-plea man tells of assault before statement

Supreme Court Reporter

TERRORISM accused Mr Mxolisi Edward Petane alleged in the Supreme Court that he was assaulted by police and had made a statement to a magistrate because he feared "more force" from the police.

Mr Petane, 29, of KTC, has refused to plead to three charges of terrorism and two of attempted murder.

Pleas of not guilty were entered on his behalf.

Yesterday, when the State handed in a statement made by Mr Petane to a Wynberg magistrate on November 27 last year, defence counsel Mr M Donen contested its admissibility.

He said Mr Petane would deny it was made freely and voluntarily.

In a trial-within-a-trial, Mr Petane said the day he was arrested he awakened to find the area where he lived cordoned off by police.

ARMED HIMSELF

He armed himself with a Makarov pistol, 27 rounds of ammunition and a handgrenade, which he threw towards policemen who were pursuing him.

"Another group in front of me took cover on top of me and handcuffed me once the grenade had exploded. I was kicked towards a police Landrover and thrown in the back," Mr Petane said.

"On the way to Guguletu police station I was punched on my right eye three or four times. When we reached there it was closed. My head was bashed against the floor."

He showed the court marks on his wrists allegedly made by tight handcuffs.

Mr Petane said he was manhandled out of the police van and had his jacket cut from his body while a policeman stood with his foot on his neck.

"Security police later took me to a place where they questioned me."

"On the way they put a balaclava and bank money-bag on my head so that I couldn't see where we were going."

"NO ALTERNATIVE"

"While I was being fingerprinted, I was punched three or four times in the ribs — still with the hood on."

"Lieutenant Liebenberg asked me about my activities in the Western Cape and I told him about the incident in which I shot at Constable Kotze."

"Nobody told me it wasn't necessary to say anything, or that anything I said could be used against me in a trial. I had no alternative but to answer questions."

He answered questions from a Warrant Officer Nel because the earlier beating told him something could happen to him if he did not, he said.

"Warrant Officer Nel asked me if I would repeat what I had said to him to a magistrate," said Mr Petane.

IMPRESSION

Mr Donen: Did you want to go to the magistrate?

Mr Petane: The impression I got was that if I didn't go, Warrant Officer Nel would not believe what I was telling him and if so I assumed force was going to be used on me.

"I had no alternative but to make the statement to the magistrate. I also told him I had been beaten at the Guguletu police station and I could not see him properly because of my eye injury," he said.

(Proceeding).

Mr Justice Conradie is sitting with assessors Mr L P Francis and W R Vivier. Mr D Rothwell SC and Mr Stowe appear for the State.

Can Times 4/11/87 331

Judge rejects prisoner-of-war claim by accused

By SHAUNA WESTCOTT

THE claim of an Umkhonto we Sizwe member Mr Mxolisi Petane that he is entitled to prisoner-of-war status in terms of Geneva Protocol I of 1977 was dismissed by Mr Justice J H Conradie in the Supreme Court yesterday.

The judge ruled that the protocol was not part of international customary law, which was "founded on practice not preaching".

He said Article 1 (4) of the protocol, which includes in the definition of international armed conflicts those in which "peoples are fighting against racist regimes", had been controversial from the day it was adopted.

It had been criticized for vagueness and introducing political objectives into humanitarian law.

However, in its concern for the protection of civilians, the protocol could be described as "an enlightened humanitarian document", the judge said, adding: "If the strife in South Africa should deteriorate into an armed conflict, we may all one day find cause for regret that the ideologically provocative tone of Article 1 (4) has made it impossible for the government to accept its terms."

He noted that only 66 states had endorsed the protocol, compared with 165 who were parties to the Geneva Convention of 1949.

Not one of the 66 was a major power, he said.

This state of affairs was "far too half-hearted to justify the inference that the protocol's principles have been so widely accepted as to qualify as part of international customary law".

The judge rejected the argument that frequent condemnation of South Africa expressed by practically all the states of the world and the United Nations constituted state practice supporting an opposite view of the status of the protocol.

"The practice of condemning South Africa is evidence only of a general dislike of its internal policies."

"I fail completely to appreciate how condemnation, or even the labelling of apartheid as a crime against humanity, leads to the inference that Protocol I has been accepted as part of customary international law."

"One must look at what states have done on the ground in the harsh climate of a tempestuous world and not at what their representatives have mouthed in the ideologically overheated atmosphere of the UN."

"Their indignation, feigned or real, is frequently a surrogate for action," Mr Justice Conradie said.

The trial continues.

Mr Justice Conradie presided with two assessors, Mr L P Francis and Mr W R Vivier. Deputy Attorney-General Mr D W Rothwell SC appeared for the state with Mr M Stowe. Mr M Donen, instructed by R Vassen and Co, appeared for Mr Petane.

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BUSINESS DAY, Wednesday, November 4 1987

Court hears of police isolation

MUNICIPAL policemen in Alexandra stopped using public transport and buying at local shops during the unrest in the township last year after the "comrades" told the community to isolate them and other "collaborators", the Rand Supreme Court heard yesterday.

This evidence was given by a State witness in the treason trial of trade unionist Moses Mayekiso and four others.

Mayekiso, Paul Tshabalala, Richard Mdakane, Obed Bapela and Mzwanele Mayekiso have all pleaded not guilty to treason, alternative charges against them arise from allegations that they were involved in a conspiracy to seize control of Alexandra and make it ungovernable.

It is also alleged they were involved in the establishment of organs of people's power, the formation of people's courts and the Alexandra Action Committee.

The state witness, who is one of a number giving evidence in camera, told the court the comrades had distributed a publication saying all municipal police and SAP members must resign and join the struggle.

The witness also told the court that municipal policemen left the township and went to stay in tents in Kew because they did not want to remain in Alexandra after the SAP left.

SUSAN RUSSELL

Landmine trial: Farmer tells of shooting

MESSINA. — The head of an engineering company and owner of four farms in the Messina district told a Circuit Court yesterday that he discovered and chased five armed men while firing an old .308 rifle from the hip.

Mr Rudolph Schubert, whose firm manufactures classified items for Armscor and the SADF, said he was taking a group of five West German visitors game viewing on Christmas Day last year on his farm, Newmark, when he spotted five men near a "Deurmekaar" tree.

They were dressed in blue overalls and armed with AK47s, he said. He called to them to stand still or he would shoot.

"The men started running and spreading apart." He fired shots that missed the men and hit the tree after which they ran away.

At the tree he found two landmines, three rucksacks — one of which contained handgrenades, AK47 ammunition, tinned food and a booklet, "The South African Communist" — and a radio.

These he took to a Captain Smith at a nearby army base.

Mr Schubert was giving evidence at the trial of Mr Mthetheleli Zephania Mncube, 27, of Dieploof, Soweto, and Mr Mzondeleli Euclid Nondula, 24, of Queenstown, who are facing charges of murder, attempted murder and contravention of the Terrorism and Arms and Ammunition acts, and are alleged to be members of the African National Congress.

They face eight charges of murder and 24 of attempted murder, arising from a spate of landminings in the Wiepe area between November 26 and December 15, 1985.

Mr Mncube faces two additional charges of murder after two security policemen were killed in an alleged escape attempt last December. — Sapa

Accused 'not a terrorist'

AN ACCUSED in the trial involving seven alleged members of the banned Pan Africanist Congress and Qibla, a Muslim organisation, allegedly told two white policemen that he was not a "terrorist" and that if he was one, it was because of them, a Pretoria magistrate heard yesterday.

Constable Itumeleng Abram Rantlhwana, of the Zeerust security police, said this before Mr J H Bekker during the trial within a trial to determine the admis-

sibility of the statements which were made by the accused before a magistrate.

He said Mr Mabatu Enoch Zulu said he was not a "terrorist" after a white policeman had referred to him as one. Mr Zulu, the witness said, had overheard two white policemen speaking while they were travelling in a kombi.

"Mr Zulu told the white policemen that they should rejoice for having arrested him," Constable Rantlhwana

said.

Appearing with Mr Zulu are Mr Siyabulela Ndoba Gcanga of Transkei, Mr Vincent Mathunjwa of Springs, Mr Setsiba Mohohlo of Johannesburg, the Reverend Daniel Nkopodi of Bophuthatswana, Mr Achmad Cassim and Mr Yusuf Patel, both of Cape Town.

All have pleaded not guilty to 24 counts of terrorism, attempted murder, and defeating the ends of justice.

(Proceeding)

'CHILDREN LED ATTACK'

**SOWETAN
Reporter**

COUNCILLORS in Alexandra township resigned en-bloc and police moved out to live in tents at nearby Kew township, the Rand Supreme Court heard yesterday.

This followed instructions from the "commandos" that all "collaborators" like the police and councillors should resign from their jobs and join the "struggle". Shops affected by a

consumer boycott had been looted and destroyed by fire, the court heard.

Some houses of "collaborators" were also set alight, a policeman was killed and trenches were dug in some streets to make it impossible for vehicles to pass. This was done to disrupt the movement of police and soldiers in the township.

Treason

This evidence was given at the trial of Mr Moses Mayekiso (38), of the Metal and Allied Workers Union (Mawu) and civic leaders, Mr Obed Bapela (28), Mr Mzwandile Mayekiso (22), Mr Paul Tshabalala (38) and Mr Richard

Mdakane (29), all of Alexandra township.

They are charged with treason, alternatively subversion and sedition. The State alleges they committed the offences between January 1985 and June last year in Alexandra township.

They have pleaded not guilty and are appearing before Mr Justice P J van der Walt. The case is in camera.

A witness, who may not be identified, said he had been living in Alexandra since 1985. He said some councillors resigned and those who remained eventually resigned because they could not form a quorum. The comrades, he said, forced the councillors to resign.

The council police in the area wore a green uniform and were called "Green Beans". Following a night vigil on February 15 last year a big crowd stoned and petrol-bombed police guarding council property and told them to quit Alexandra, said the witness.

Police scared them off by shooting on the ground, he said.

The witness said children aged about 10 and 15 led the huge crowd and adults remained at the back.

(Proceeding)

Court told five men tracked, 4 shot dead

MESSINA — A member of the Defence Force and a farmer told the Circuit Court here yesterday how four of a group of five men were tracked and shot dead following an incident on a farm near the South African/Zimbabwe border on Christmas day.

The officer commanding unit 907 Special Services company, Major Petrus Oosthuizen, told the court how his company had tracked five men after they were seen by a farmer, Mr Rudolph Shubert.

The evidence was being given in the trial of Mr Mthetheleli Zephania Mncube, 27, of Diepkloof, Soweto, and Mr Mzondeleli Euclid Nondula, 24, of Queens-town, who face a total of 41 charges including murder, attempted murder, terrorism and treason.

They have pleaded not guilty.

Yesterday, Lt Arend Eloff, also of 907 Company, told the court how the group followed five sets of footprints and found a man in a crevice in a rocky outcrop and shot him.

The man had crept under some rocks and Lt Eloff warned him to come out showing his hands. The man did not.

Two shots were fired by a Corp Willie Mhlari, killing the man.

The man wore a pair of blue overalls and there was a loaded AK-47 rifle next to the body.

A helicopter was called in, and two men were seen going to the spot where the first man had been shot.

Lt Eloff went back and saw two armed men in the crevice. He told them to come out, but they did not react.

"One of the men took out a handgrenade from behind him and made as if he was about to throw it. I shot both of them," he said.

The chase of the two remaining members of the party continued and an AK-47 rifle was found on a path.

The tracks split up and the group followed one set running north towards the Limpopo River.

They found a man two kilometres from the same stoney outcrop.

Lt Eloff identified Mr Mncube as the person they had caught. He said he was wearing a blue overall and a green and white track suit bottom.

The lieutenant made him remove his clothes, apart from a pair of shorts. He said it was a security precaution to eliminate the possibility of weapons being concealed.

A farmer the Messina area, Mr Jack Rall, was at the head of a search party looking for the remaining member of the group of five on December 27.

He said a Mr Schneider was driving the vehicle and a group of trackers were on the back.

His bakkie was ahead of a vehicle driven by Major Oosthuizen and an army buffel.

Mr Rall heard banging on the vehicle's roof, it stopped and he saw the trackers jumping off the vehicle and his foreman pointed to something ahead in the road.

"There was a man lying in a dip in the road pointing an AK-47 at me," Mr Rall said.

"I got out, my foreman gave me my rifle, I ran to the front of the bakkie and saw the man in the road was busy trying to cock the AK and I shot him," he said.

Another witness, Major John Linden, who is in charge of Soutpansberg military area's intelligence service, told the court that on December 26 he went to the farm Chatsworth in the Messina area, took pictures and identified Mr Mkube as being at the scene.

On January 4 Major Linden took pictures of Mr Mkube at Beit Bridge. "He was in a worse condition than when I saw him on December 23."

He said he spoke to Mr Mkube on December 26 and found out that the leader of the group was someone called Agrippa.

Mr Mkube said the group's purpose was to plant landmines south of the border road.

Mr Mkube said he was not a terrorist and was forced to come to South Africa as a guide, and to wear the blue overall. He carried an AK-47 for protection.

Mr Mkube was handed over to W/O Theunis Gerber and Sgt Marthinus Nel who were to transport him, four AK-47s and other items back to Messina.

No cross-examination of Maj Oosthuizen and the subsequent two witnesses will take place until all the evidence has been heard.

Mrs Sally Heyns, whose husband owns a farm about 150 km east of Messina, also testified that a mine and a quantity of plastic explosives were found on their driveway on October 8 last year. — Sapa

By SHAUNA WESTCOTT
Supreme Court Reporter

UMKHONTO WE Sizwe
member Mr Mxolisi Pe-

tane, whose claim to

prisoner-of-war status

was refused by the

Supreme Court on Tues-

day, is now involved in a

battle over the admissi-

bility of a statement

made to a magistrate.

Mr Petane said he

made the statement to

"appease police" who

had assaulted him "from

the moment I was arrest-

ed".

Police deny any as-

sault, saying Mr Petane's

injuries were received

in a struggle when he

was arrested in KTC on

CPL
Trevor's
5/11/84
2024.6.11.21

Petane alleges assault

November 27 last year.

A helicopter woke Mr

Petane that morning, he

told the court. When he

went outside he was told

police had cordoned off

the area.

Mr Petane said he

made the statement to

"appease police" who

had assaulted him "from

the moment I was arrest-

ed".

Police deny any as-

sault, saying Mr Petane's

injuries were received

in a struggle when he

was arrested in KTC on

Mr Pe-

tane said

Another group of

police appeared in

front of him and he

threw the grenade be-

hind him and dived for

cover. Policemen dived

on top of him. There was

a struggle.

"I was handcuffed

with my hands behind

my back and kicked from

there until I reached a

landrover. I was thrown

into the back of it, on my

head. A policeman sat on

back. A policeman sat on

Mr Pe-

my chest and punched

my right eye three or

four times and called me

a 'kaffer'."

Mr Petane said he was

manhandled from the

vehicle to an office in

the Guguletu police sta-

tion where he was

thrown face down on the

floor.

After being punched,

he was questioned and

felt he "had no alterna-

tive" but to reply. Simi-

larly, when it was sug-

gested to him by a

Warrant Officer Nel that

been held in solitary

confinement since his

arrest almost a year ago,

told the court, this had

harmened his health. He

suffers severe head

aches, lapses of memory

and, concentration, and

cannot sleep without

pills.

The trial continues.

Mr Justice J H Conradie pre-

sided with two assessors, Mr I P

Francis and Mr W R Vivier. Dep-

uty Attorney-General Mr D W

Rothwell SC appeared for the

state with Mr M Stowe. Mr M

Donen, instructed by R Vassen

and Co, appeared for Mr Petane.

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proved by making a
statement to a magis-
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been held in solitary

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and Co, appeared for Mr Petane.

‘ANC shot Court told how farmer man’

THE Messina Circuit Court heard yesterday how a white farmer had shot and killed an alleged guerilla who was trying to shoot back with a jammed AK47 rifle.

By MATHATHA
TSEDU

The court had earlier been told of how three other alleged African National Congress guerillas had been shot dead a day before while hiding under rocks — with one of them killed while attempting to throw a handgranade at army trackers.

This evidence included a description of the capture of one of the accused, came during the trial of Mr Mthetheli Mncube (27) and Mr Msondeleli Nondula (24), who both face 41 charges ranging from murder to treason.

They are appearing before Mr Acting Justice J P O de Villiers sitting with two assessors, and have pleaded not guilty to all charges.

Mr Jack Vivian Raal, who owns the Petershof farm and is a corporal in the Dongola commando, testified that he had been part of a team following the tracks of an alleged guerilla near the Zimbabwe border on December 27, last year.

He said his farm labourers had pointed at a man lying in a ditch on the road pointing an AK47 rifle at their vehicle. "I jumped and got my R1 rifle and ran in front of our van.

"The man on the road was trying to cock the AK47 and I shot him dead," Mr Raal said, adding that the spot was about 6 km from the Zimbabwe border.

Earlier, Lieutenant Zacharia Eloff of the SADF's Special Task Force, described how a black corporal had shot and killed the leader of

there were no concealed weapons. He had no weapons on him," he said. He identified the man as Mr Mncube.

An SADF intelligence officer, Major John Linden, testified that he had spoken to Mr Mncube immediately after his capture. "He told me the group had come to lay landmines south of the Messina tar road and was due to return to Zimbabwe by December 29.

"He told me without being asked that he was not a terrorist and that he had been forced to return to South Africa," the major said.

Earlier evidence has been that Mr Mncube was later handed over to two security policemen who tied him up with shoe laces before loading him on the back of an open van with four loaded AK47 rifles. The policemen were later found shot dead in the van. Mr Mncube had disappeared with one of the rifles and was captured on January 2.

the five-man group of alleged guerillas after the leader had refused to surrender. This was on December 26.

Lt. Eloff said minutes later he had shot and killed two other men hiding in crevices on the rocky hills. "One tried to throw a handgranade and I shot them both dead," he said.

He added that he had then followed tracks of two of the men who had run away from the spot headed north towards Zimbabwe.

"About 21 m away I found one of the men and arrested him. The man never stopped running. He did not surrender and I had to catch up with him. I ordered him to undress to make sure

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Vaal treason trial man absent

331
5/11/87

ONE of the 19 accused in the Vaal treason trial had his R15 000 bail provisionally estreated when he failed to appear in the Pretoria Supreme Court yesterday.

Mr Oupa Hlomuka failed to appear until at about 10,30am when the court was adjourned to this morning to allow a defence witness, Mr Kevin Arthur Harris, an independent film producer, to go through certain court exhibits with the State's expert on films.

Bail

Mr George Bizos, SC, assisted by Mr Karel Tip, for the defence, told the court that although they did not know the reason for Mr Hlomuka's absence, estreatment of bail "might be an unjust punishment". Mr Bizos also submitted that the accused might have a genuine reason why he was late or absent.

Mr P B Jacobs, SC, for the State, told the court that he understood the defence counsel's problem and said he had no objection to Mr Bizo's submissions.

Warrant

Mr Justice van Dijkhorst, who is sitting with an assessor, ordered that Mr Hlomuka's R15 000 bail be provisionally estreated and that a warrant for his arrest be authorised but only issued at 10am today.

Mr Hlomuka and 18 others who include senior officials of the UDF, Azapo, Azanyu and the Vaal Civic Association, have pleaded not guilty to charges of murder, treason, subversion and terrorism.

(Proceeding)

Terror trial hears how lives changed

Farmers' wives are armed, says witness

By Dirk Nel,
Northern Transvaal Bureau

MESSINA — A military intelligence officer yesterday told the court in Messina that one of the accused in the terrorism trial told him that he had been forced to act as a guide to a group of insurgents.

PURPOSE OF INCURSION

Major J D Linden said he questioned Mr Mthetheli Zephania Mncube (27) at Beit Bridge after he was arrested during a follow-up operation in December last year.

Mr Mncube and Mr Mzondeleli Euclid Nondula (24) have pleaded not guilty to 10 charges of murder, 14 of

attempted murder and other charges of terrorism and treason.

"Mr Mncube told me that he was not a terrorist and that he had accompanied the group against his will. He said the leader, a man named Agrippa, insisted that he wear a blue overall like the others, and that he carry an AK47 rifle to defend himself," Major Linden said.

He said Mr Mncube told him that the purpose of the incursion was to plant landmines south of the Messina-Pontdrif tar road. The group had to return to Zimbabwe by December 29, 1986.

When questioned further about his conversation with Mr Mncube, Major Linden said he did not use any force, threats or promises.

Counsel for the defence, Mr Rodney Black, has indicated that he will contest the admissibility of this evidence.

According to other evidence before the court, Mr Mncube escaped later that day while being taken to Messina by two policemen, Warrant Officer Theunis Gerber and Sergeant Joachim Nel.

The two policemen were found murdered in the police vehicle about 10 km from Messina.

The lifestyle of the border farmers and their families changed drastically after a series of landmine blasts, and the discovery of undetonated devices in 1985 and 1986, the court heard.

WOMEN ARMED

Earlier, a farmer and member of the Welpe Commando, Mr Jack Rall, said his family were reluctant to travel anywhere, especially at night. His two daughters were also not allowed to go anywhere on the farm without him.

A mother of two children, Mrs Sally Heyns, said all farmers' wives were armed, and received regular instruction in the use of firearms.

"We were shocked and rather scared after two landmines were discovered on the roads near our farmhouse in October last year," she said.

The hearing continues.

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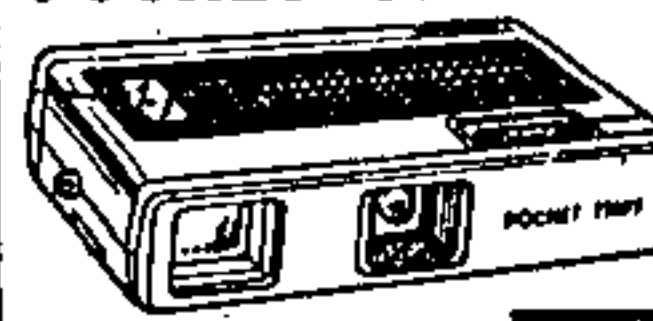


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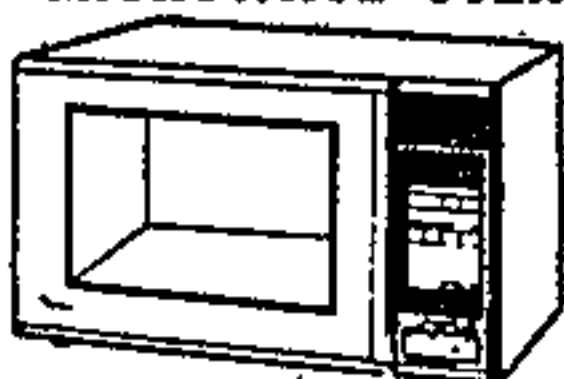
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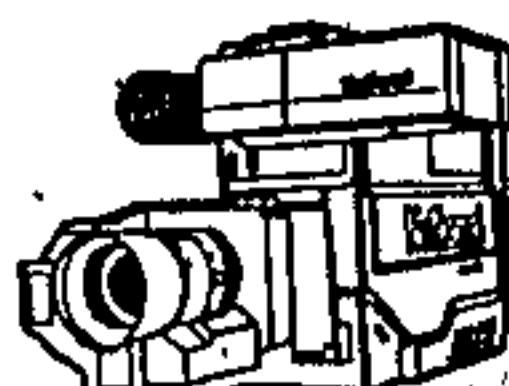
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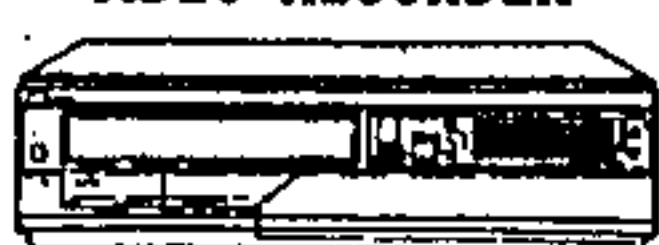
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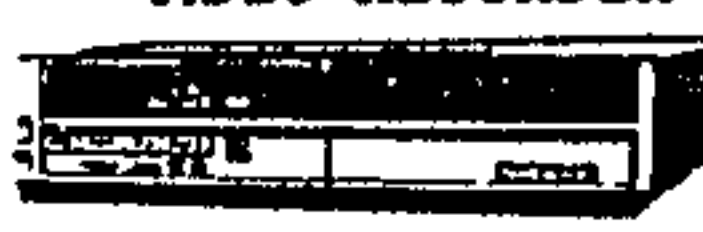


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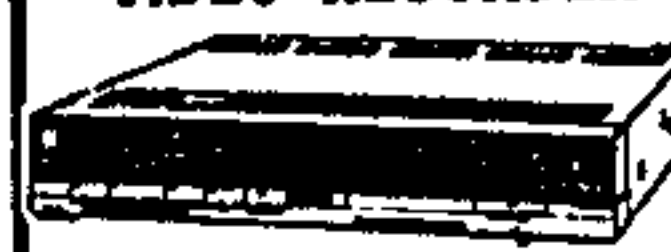


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I beat accused cop admits

A SECURITY police officer told a Pretoria magistrate yesterday that he assaulted one of the seven alleged members of the Pan Africanist Congress and Qibla, a Muslim organisation, facing charges of terrorism.

Warrant Officer Johannes Petrus van Wyk was testifying before Mr JH Bekker. He said this under cross-

5/11/87
By ALINAH DUBE

examination by Mr Dikgang Moseneke who appeared for four of the accused.

The court heard that the assault took place at a house where Mr Mabatu Enoch Zulu was arrested in Bophuthatswana.

Evidence was being led during a trial within a trial to determine the admissability of the statements the accused are alleged to have made

before a magistrate. (33)

The policeman said he hit Mr Zulu twice with a firearm butt. "This was after he had grabbed a hand-grenade from a container on the table. The grenade fell from his hand.

"I pointed a firearm at him to stop him from reaching the grenade for the second time. A moment later I left the house and did not see how he was moved to a vehicle in which he was

transported," the policeman said.

Mr Zulu and six others have pleaded not guilty to 24 counts of terrorism, murder and defeating the ends of justice.

Others are Mr Siyabulela Ndoda Gcanga of Transkei, Mr Vincent Mathunjwa of Springs, Mr Setsiba Mohohlo of Johannesburg, the Reverend Daniel Nkpodu of Bophuthatswana, Mr Ahmad Cassim and Mr Yusuf Patel.

1 000 in anti SA protest

THE campaign for the release of Mr Moses Mayekiso, general secretary of the National Union of Mineworkers of South Africa, and four others appearing on charges of treason in the Rand Supreme Court is gaining momentum in Britain.

The South African Embassy in London's Trafalgar Square has been the scene of demonstrations and protests at which thousands of people have been demanding the release of these men.

There has been a non-stop picket of South Africa House since April 19, last year at which the Anti-Apartheid Group has been calling for the release of ANC leader, Nelson Mandela and other political prisoners.

The other four appearing with Mr Mayekiso are Mr Obed Bapela, Mr Paul Tshabalala, Mr Richard Mdakane and Mr Mzwanele Mayekiso.

Speakers at the rally held on the first day of the trial included Mr Gora Ebrahim, the secretary for foreign affairs of the Pan Africanist Congress of Azania.



9/11/87
London

Terrorism trial (331) men 'are PoWs'

MARITZBURG — A submission that four alleged African National Congress members facing a terrorism charge in the Supreme Court were prisoners of war, and that the court had no jurisdiction to try them, was made yesterday by defence counsel Mr Louis Skweyiya.

He said the accused should be treated as prisoners of war in terms of international law in the light of evidence that the ANC was a signatory to the Geneva Convention of 1949.

State counsel Mr Christo Van Schalkwyk objected to the application, saying there was no evidence that the accused were members of the ANC.

Before the court are Mr Thuso Tshika (22) of Lamontville and Mr Mtunzi Sithole (24), Mr Thembinkosi Nkosi (19) and Mr Abraham Mathe (33) all of the Newcastle district.

The hearing continues. —
Own Correspondent.

SM 6/11/27

Cape Times 6/11/87

Bonteheuvel children freed, no charges laid

331

By CHRIS BATEMAN

EIGHT of the 17 Bonteheuvel children arrested in connection with "over 300 serious crimes" over the past two months have been released without being charged, police said yesterday.

However, police could not say whether two Bonteheuvel teenagers released last week after a month in jail were among the 17 — dubbed the "Bonteheuvel Military Wing" by Minister of Law and Order Mr Adriaan Vlok.

Mr Vlok claimed during a speech in Boksburg last month that "a gang of teenagers" in Bonteheuvel, some of whom had received weapons training, had been arrested in connection with more than 300 crimes, including arson, attempted sabotage and attacks on the homes of policemen.

Brigadier Leon Mellet, a spokesman for Mr Vlok, speaking from his home

last night, declined to disclose the number of Bonteheuvel children still in detention, saying this "could hamper the investigation".

However later, a police directorate of public relations spokesman, Lieutenant Peet Botma, said he had contacted senior security police officers who said that eight of 17 Bonteheuvel children originally linked to the crimes had been released.

The two 14-year-olds released last week are Fuad Hartzenberg, a Std 4 pupil at Cedar Primary in Bonteheuvel, and Lorenzo Brown, a shop assistant.

According to Fuad's mother, Mrs Shamiela Hartzenberg, her son had gone into hiding to avoid being re-detained.

Brig Mellet said the investigation was continuing and would be "lengthy". Some of those arrested would be witnesses.

November 6, 1987

(23) 584/12/11/87

Terrorism court hears story of shootings

Arrested man tied up with only a shoelace

By Dirk Nel,
Northern Transvaal Bureau

MESSINA — A suspected terrorist's hands were tied behind his back with a shoelace after his arrest because nothing else was available. He was, in any case, surrounded by armed men, a SADF officer told the Messina Supreme Court terrorism trial hearing yesterday.

Under cross-examination by Mr Rodney Black, counsel for the defence, Major P M Oosthuizen, commanding officer of a reaction unit doing follow-up work in the Messina area, who identified Mr Mthetheleli Mncube (27), told the court that

Court security tightened

Police security was tightened in Messina yesterday as the public gallery filled to capacity before the start of the terrorism trial.

The building was heavily guarded and everyone entering was searched with an electronic detector. Several armed policemen and plainclothesmen sat in the court.

During an adjournment, Mr Fans Roets, representing the State, reprimanded people in the public gallery for communicating with the accused while the session was in progress.

The two accused have been in leg-irons and chains throughout the hearing, which has been adjourned until Monday.

Warrant Officer Theunis Gerber and Sergeant Joachim Nel of the Security Branch took the arrested man to Messina.

When they left, Warrant Officer Gerber was driving and Sergeant Nel was sitting on the back of the bakkie with the captured man.

Later Major Oosthuizen was summoned to a spot about 10 km west of Messina, where the two policemen had been found dead in their vehicle. Both bodies were in the cab, and it was clear a shot had been fired through the back window.

The captured man was missing, and one of four AK-47 rifles put on the bakkie were gone.

Lieutenant A Eloff, a member of the same unit, told the court that he found an alleged terrorist among the rocks on a hill on Chatsworth farm near Messina. He ordered the man to surrender, but he refused and was shot dead by one of Lieutenant Eloff's deputies.

Later more suspects were found on the koppie, and Lieutenant Eloff said he shot both dead when one produced a hand grenade.

The accused are Mr Mncube and Mr Mzondeleli Nondula (24). They have pleaded not guilty to charges of murder, attempted murder, terrorism, treason, promoting the aims of the banned ANC, and Arms and Ammunition Act offences.

The State alleges that the two men were responsible, among other things, for the planting of landmines in the Messina area in 1985 and 1986 which killed eight people, including members of the De Nysschen and Van Eck families.

ANC, PAC MVEB FREE

6/11/87
Smuts

RIVONIA treason trialist and veteran African National Congress leader Govan Mbeki and other political prisoners were released from jail yesterday.

In the other dramatic development one of the country's longest serving political prisoners, John Nkosi, who was convicted for Pan Africanist Congress activities, was also released.

Nkosi and Jeff Mosemola, who was not released, were the first political prisoners to be sentenced to life in the country — in June, 1963.

Significantly, three other political prisoners were released after Mr Koble Coetsee, Minister of Justice, said they had served their "sentences to such an extent that they can now be released".

Govan Mbeki among those out of prison

The three are Mike Matsobane and Walter Tshikila, both sentenced for activities of the PAC, and Tom Masuku, serving a jail term for ANC activities.

The Government has also granted special remission of sentence to prisoners J D Viljoen and H G Jacobz, according to the statement.

Mr Coetsee's announcement

follows that by the State President on August 13 that the release policy applicable to prisoners in general would in future apply to security prisoners as well.

The State President has also approved a three-month amnesty for all sentenced prisoners who would be in prison on December 1 this year, but excluding those sentenced for crimes of violence, rape, robbery, security, unrest, stock theft or prisoners sentenced for refusing to testify.

"It is expected that a considerable number of prisoners of all population groups will benefit from this over a period of time," Mr Coetsee added.

Mbeki was jailed for life in 1964 for plotting to overthrow the Government, along with ANC president Nelson Mandela, and has served his sentence on Robben Island.

**SOWETAN Reporter
and SAPA**

Side-by-side at the court: Two Alex treason trials

ON the fourth floor of the Rand Supreme Court, two treason trials are taking place side-by-side in which Alexandra residents are charged with trying to make the township ungovernable.

The trial of prominent unionist and chairman of the Alexandra Action Committee, Moses Mayekiso, and four alleged executive members of his AAC, began in courtroom 4E this week.

In room 4F, the state this week closed its case in the six-month-long hearing against eight alleged members of the Alexandra Youth Congress.

Both trials have far-reaching significance.

If Mayekiso and his co-accused are convicted, it could set a precedent for all anti-government activities to be declared treasonable — even if they are not unlawful.

And if the eight alleged Ayco members are convicted, the thousands of township residents who participated in people's courts and street committees throughout the country could face charges of treason.

The treason trial of trade unionist Moses Mayekiso, which has drawn international attention, began this week. In the court next door, a similar trial of eight men from the same township, JO-ANN BEKKER and MONO BADELA report

The eight trialists — Mxolisa Zwane, Vusi Ngenya, Andrew Mafutho, David Mafutho, Arthur Vilikazi, Albert Sibola, Piet Magano and a 17-year-old — were among about 30 people detained when police raided a house in 15th Street, Alexandra, while a people's court was allegedly in progress.

While the two treason hearings are based on similar charges, Mayekiso and his co-accused are charged with greater responsibility for the alleged attempts to make Alexandra ungovernable.

Mayekiso, 38, his 22-year-old brother Mzwanele, Ndlovu Tshabala, 38, Mzameni Mdakane, 29, and Obed Bapela were allegedly office bearers in the AAC. As such, they are accused of master-minding the setting up of people's courts and structures like yard and block committees.

The hearing of the eight Alexandra youths — who range in age from 17 to 28 years — has attracted little publicity.

But Mayekiso's trial drew crowds of spectators before the judge ordered the trial be held in camera while the evidence of Alexandra residents and business owners is heard.

Nearly 200 people crowded into the court on Monday to hear Mayekiso, general secretary of the National Union of Metalworkers of South Africa, and his co-accused plead not guilty to the charge of treason and alternative counts of subversion and sedition.

Among the supporters were Tony Shaw of the British Trade Union Council and International Metalworkers' Federation officials. The local unionists present included the Congress of South African Trade Unions' top leaders, Elijah Barayi, Jay Naidoo and Sydney Mafumadi; Numsa president Daniel Dube, and scores of metal workers.

The state alleges from 1985 to June 1986 the five men attempted to over-

throw the authority of the state by conspiring to seize control of Alexandra and make the area ungovernable.

They did this, it is claimed, by establishing organs of "people's power". This included forming or participating in the AAC; organising residents of Alexandra into yard, block and street committees under the AAC and forming people's courts.

The five are also charged with forming a group known as the marshalls or comrades, to investigate "misbehaviour" by residents, liaise with block and street committees on heavy punishment, execute discipline, act as functionaries of the people's courts, enforce decisions of the AAC and "act as a people's army and/or an army of comrades".

According to the state, the trialists waged a campaign against the police, army, the Alexandra town council and collaborators. They are also charged with launching a rent boycott and boycotts of shops, industries or businesses.

The indictment claims the five attempted to hijack the judicial authority of the courts, through establishing people's courts. Similarly, they allegedly tried to seize the state's authority to maintain law and order by dissuading residents from assisting the police.

The five are charged with conspiring with each other, with Alexandra's organisations for youth, women and students, and with the Congress of South African Trade Unions.

They are also charged with conspiring with the African National Congress and South African Communist Party — which, allegedly propagate the overthrow of the state *inter alia* by forming organs of people's power and making areas ungovernable. However, it is not alleged the AAC acted on the instruction of the ANC — only that they had similar goals.

According to the indictment, Mayekiso believed "the working class, as the vanguard for liberation, should be in the centre of and in control of the struggle". He allegedly believed the working class or its unions should seize control of the state.

tion and of the residential areas. With these aims in mind, the state claims, he planned the structures of the AAC and became its chairman.

Most of the state witnesses called by the state in the first week of the trial were shop and business owners in the Alexandra area who said their businesses had been severely affected by boycotts. The court ruled that the witnesses' identities could not be revealed.

One witness said that two pamphlets distributed in June last year had urged Alexandra residents to boycott his business. After this his turnover dropped from R20 000 a month to about R30 a week.

However, under cross-examination, one of the businessmen said the crime rate, murders and stabbings had dropped significantly in the township when the youth had policed an anti-crime campaign.

"During that time there were no people found dead in the streets, because they were scared of those people (youth)," he said. "Now it is quiet people are dying again in the streets."

The witness said more than 15 families sometimes lived on one stand in Alexandra. There was a high rate of poverty and unemployment and no sewerage, storm-water facilities or electricity.

At the outset of the trial, Judge PJ van der Walt indicated the death sentence would not be applied if the accused were convicted.

He said although treason carried the death penalty, he had decided after examining the indictment and trial documents that this would not apply in this case.

In terms of the country's law, a judge must be accompanied by two assessors if there is a chance the death penalty will be imposed. But the judge said in this case he would not sit with assessors.

● Van der Walt was the presiding judge in the trial of Marion Sparg, the first white woman member of the ANC's Umkhonto weSizwe convicted of high treason. He found her race and privileged position in South African society an aggravating factor when he sentenced her to 25 years' imprisonment. She had admitted placing limpet mines in several police stations.

Court told of piled bodies

CORPSES of three alleged guerillas killed after contact with the SADF were piled on a captured colleague, the Messina Circuit Court heard yesterday.

The allegation was made by defence counsel, Mr Rodney Black, when he was cross-examining a State witness in the trial of Mr Mthetheleli Mncube (27) and Mr Msóndeleli Nodula (24).

The two, who are appearing before Mr Acting Justice JPO de Villiers, face 41 charges, ranging from murder to treason.

The State alleges that they were members of the African National Congress responsible for laying landmines in the Messina area in 1985 and 1986.

They have both pleaded not guilty to all the charges.

Major Petrus Oosthuizen of the SADF's Special Services Company denied that corpses had been piled on Mr Mncube after he was captured: "No, they were with him at the back of the van."

Major Oosthuizen said Mr Mncube had later told him that he was "not a terrorist but a freedom fighter."

The defence counsel said Mr Mncube would deny that he had said so.

Reference was also made yesterday to the state of mind and physical bearing of Mr Mncube at the time of his capture. A comparison with the recent-released South African commando, Major Wynand du Toit, was made.

Major Oosthuizen said Mr Mncube had been calm and unafraid. he said Major du toit had had reason to be scared as he had been shot when he was captured by the Angolan soldiers.

"The accused was not assaulted; he was treated humanely," he said.

He said Mr Mncube was tied with shoe laces because there were no handcuffs available.

Major Oosthuizen told of his shock when two policemen who had been with Mr Mncube in a police van were found shot dead. He said Mr Mncube had disappeared with one AK47 rifle.

Answering another question, Major Oosthuizen said guerillas of the ANC infiltrating South Africa through the northern border were always dressed in blue or green overalls.

He said the Special Services Company, of which he was the commander, comprised of black soldiers and two whites, including himself. He said some of the black troopers were from Zimbabwe.

The case continues on Monday.

Smectan

331

6/10/87

Fate of death row six hangs in the balance

BY REVELATION NTOULA

EVENTS of the historic second eruption of Sharpeville – and the gruesome killing of Lekoa's deputy mayor, Jacob Dlamini, on September 3, 1984 – were recalled in the Bloemfontein Appeal Court this week.

Awaiting their fate on death row following the appeal are: Mofalefa Reginald Setlisa; Reid Malebo Mokoena; Oupa Moses Diniso; Theresa Ramashemola;

Duma Joshua Khumalo and Francis Don Mokgesi who last year were found guilty of murder without extenuating circumstances.

Motseki Christian Mokubung and Motsidi Gideon Mokone are appealing against their convictions of public violence for which they were each sentenced to five years in jail.

The "Sharpeville Six" were among the first to face charges of murder or high

treason following the September 3 eruption which also led to the current rent impasse in the Vaal triangle and areas in the Reef.

Evidence in the trial was that Dlamini had been disarmed, stoned and burnt.

However, Advocate Jack Unterhalter, applying for the reversal of the convictions and sentences imposed on the six, argued that there was no evidence that the throwing of a stone, or any other act

by Safatse or Mokoena had caused Dlamini's death.

He also pointed out that medical evidence was that Dlamini had died of brain injuries and burning. Dlamini was still alive when he was set alight and that the brain injuries had not caused his death.

Unterhalter's argument followed a successful application that he argue on the full record in the appeals.

(331)

C. J. P. 8/11/87

Police 'urged Witdoeke'

WITDOEKE gathered in front of the Divco clinic in Nyanga, then surged forward and torched the Zolani Centre and refugees' tents pitched beside it after a policeman in a Casspir urged them to charge, the Cape Town Supreme Court heard this week.

This was the evidence of 26-year-old Dr Mark Blecher, the seventh witness to testify in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when most of KTC was destroyed last year.

From a window in the clinic where he was working on June 9, Blecher said he saw several hundred armed

Witdoeke approaching from Old Crossroads.

"They charged a group of so-called comrades who were opposite the clinic and a battle ensued. Four Casspirs and Buffels were patrolling the area but did absolutely nothing to prevent the attack, let alone stop it," he said.

"The Witdoeke then gathered in front of the clinic and I saw a policeman in a Casspir stationed next to them beckon with his hands to the Witdoeke to charge in the direction of the Zolani Centre.

"He then turned and aimed his gun and from where I was it looked as if he was shooting at the comrades in the direction of the Zolani Centre. The

Witdoeke then surged forward to Zolani centre.

"Next I saw a single Witdoek go up to the main refugee tent, pour liquid from a bottle onto it, light a match and set it on fire."

Blecher said about four other Witdoeke set the other refugee tents on fire.

"All this was done a mere 10-15m away from a stationary Casspir. The policemen in the Casspir did nothing to prevent the tents being burnt, nor did they take any action whatsoever against the Witdoeke who burnt the tents," he said.

The trial continues. — Sapa.

Two jailed for terror 331

CP Correspondent

TWO of three Queenstown terror trialists were this week sentenced to a total of 12 years' jail in the East London Regional Court.

Mthunzi Bereng Qumza, Madoda Hoko and Andile Hoko were charged with terrorism, alternatively furthering the aims of the ANC.

Madoda Hoko and Andile Hoko were also charged with giving assistance to and harbouring Qumza and another unidentified person who was either a member of

the military wing of the ANC or had received training.

They all pleaded not guilty to the charges.

It was also alleged that between July 1981 and December 1986 Qumza joined the ANC and underwent military training under the auspices of the ANC.

Qumza was sentenced to an effective eight years' imprisonment, and Madoda Hoko to an effective four years' imprisonment. Andile Hoko was acquitted. — E! news.

CP Correspondent

A CRADOCK youth who was shot and killed the day he was arrested, was detained by police because he was wearing a Cradock Youth Congress T-shirt.

A member of the Port Elizabeth unrest unit, Constable Michael Neveling, told the Graaff Reinet Supreme Court that Wheanut Stuurman, 18, was so badly assaulted during questioning that it was decided to "take him out".

Neveling said that Stuurman was taken to a river by Constable David Goosen and shot in the back of his neck.

Neveling admitted in court that the arrest had been unlawful and that Stuurman had been assaulted to get information from him before being shot by Goosen.

Goosen, 26, and Warrant Officer Leon de Villiers, 36, are facing two charges of murder, two of aggravated assault, and one of attempting to de-

Police killed youth, says police

feat the ends of justice.

It is alleged that in July 1986 they murdered Stuurman and Andile Plaatjies, 25.

They are also accused of assaulting Zixolisile Goniwe, 20, and Michael Qhini, 45, with the intent of causing them grievous bodily harm.

On July 28, 1986, they are alleged to have defeated the ends of justice by ordering or persuading other members of their unit to give an incorrect version of the events.

The unit, under De Villiers' command, was sent to Cradock to monitor the funeral of an unrest victim.

Earlier, the court heard how members of the unit had gone on a drinking spree before entering the township.

One of the men allegedly assaulted by the policemen, Goniwe, told the court that he had been standing in his yard when police vehicles appeared and he and three others were arrested.

Goniwe said that he was then taken into the back of a bus and told to sit down.

When he sat on a seat, one of the policemen hit him on the back of the head with a rifle butt and told him to sit on the floor.

Soon after that the man in charge came and sat opposite him.

When the bus stopped near the Methodist church, De Villiers started clouting and hitting him with his fists.

Afterwards, De Villiers asked for a fan belt, which he twisted around Goniwe's neck and throttled him until he was unconscious.

The trial continues.
Ana.

New bail request for 3 'Delmas' men

A new application for bail is to be made for three United Democratic Front leaders who have been in jail throughout the longest political trial in South African history — the Delmas treason trial.

The three men are UDF publicity secretary Mr Terror Lekota, its general secretary Mr Popo Molefe and former Transvaal executive member Mr Moss Chikane.

They have been in custody for two years and seven months.

Mr Lekota's family lives near Pinetown in Natal. He has three children and his wife, Cynthia, is a teacher. They are able to see him during school holidays only.

Mr Molefe has a three-year-old child, Albertina, who was born less than a year before he was detained. His lawyer Mrs Priscilla Jana is caring for her.

Mr Molefe's wife, Pinda, was detained for several months during the course of the trial and their baby was left without parents for a while.

Mr Chikane is from the Pretoria area. He is also married and has a young child.

to plead to any charges and the hearing postponed to the December 17.

CAPE TOWN 10/18/81
Terrorist suspect in court

MR. MNCEDISI MCITEKA, 32, of Guguletu, appeared in the Cape Town Regional Court yesterday in connection with charges of terrorism, subversion and sabotage. He was not asked to plead to any charges and no evidence was led. The hearing was adjourned to December 7.

331

Treason trial hears of vigilantes' attempt to seize control in Alex

By Lesley Cowling

An Alexandra Town Council official said yesterday that vigilante activity took place in the township last year.

The witness, who may not be identified in terms of a court order, was giving evidence in the Rand Supreme Court in the trial of Mr Moses Mayekiso, general secretary of the National Union of Metalworkers of SA,

and four other Alexandra community leaders.

Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mr Mzwanele Mayekiso (22) have pleaded not guilty to treason, alternatively subversion, alternatively sedition.

They are alleged to have tried to seize control of Alexandra in 1985 and 1986.

REPRISALS FEARED

Mr Justice van der Walt has ordered that Alexandra residents' evidence be heard *in camera* to prevent possible reprisals.

Yesterday the witness said vigilantes were operating against those connected with the "comrades".

The vigilantes were known among township residents as the "amakabasa".

He said people involved in political or community activities were attacked by vigilantes one night in April last year.

Residents thought the attackers were policemen and were terrified of similar attacks.

Trenches were dug in the streets and barricades put up to prevent police from moving around the township.

But it was the "comrades, not residents, who wanted to dig trenches," he said.

Yesterday the court went on an *in loco* inspection and the case was postponed to tomorrow.

November 10 1987

SPR 10/11/87

Witness tells of course in combat tactics Terror trial accused 'trained by ANC at camps in Angola'

By Dirk Nel,
Northern Transvaal Bureau

MESSINA — The two accused in the Messina terrorism trial attended African National Congress training camps in Angola, a state witness testified during the Supreme Court hearing yesterday.

The witness may not be identified.

He said he attended a camp where accused No 1, Mr Mthetheli Mncube, was a firearm instructor. Other training offered at the camp included

combat tactics, map reading, the history of freedom struggles in other countries, and anti-aircraft weaponry.

He said Mr Mncube, with whom he had daily contact, was known as "Caesar" or "Scissor".

"I recognised him as soon as I entered this courtroom", the witness told the judge. He added that he had encountered the other accused, Mr Mzondeleli Nondula, at another training camp.

An explosives expert, Lieutenant JH Loubser, demonstrated to the court how various so-called terrorist devices are activated. These included a Czech-made land mine, a Russian anti-personnel mine and various handgrenades.

He said the weapons had been brought into South Africa from Zimbabwe and Botswana.

The accused have pleaded not guilty to charges of murder, attempted murder, terrorism, and illegal possession of arms and ammunition.

The case arose from a series of landmine blasts which killed eight people in the Messina area in 1985, and a shooting incident which claimed the lives of two policemen in 1986.

The State also alleges that the two men promoted the aims of the ANC, and that they were involved in attempts to overthrow the Government by violent means.

'It would be like talking to a ghost'

Northern Transvaal Bureau
MESSINA - The Supreme Court trial of two alleged terrorists took a dramatic turn yesterday when Mr Justice JPO de Villiers ordered that the evidence of a State witness be heard in camera.

Mr Frans Roets, for the State, wanted the witness to wear a balaclava and also wanted the press barred from court.

He said disclosure of the identity of the witness and the nature of his testimony could endanger his life.

Mr Rodney Black, appearing for the two accused, Mr Mthetheli Mncube (27) and Mr Mzondeleli Nondula (24), objected, saying it was unheard of to have a disguised witness testifying in court.

"I do not want a disguised person in the witness stand — it would be like talking to a ghost," said the judge. He suggested that, if the press was barred, a joint statement concerning the evidence would have to be issued by the prosecutor and council for the defence.

After an adjournment Mr Roets told the judge that the State acceded to the defence's insistence that the press remain and the witness be undisguised.

IN-CAMERA ROW

THE Messina Circuit Court heard yesterday that one of the two accused facing charges relating to landmine blasts in 1985 and 1986 had been a firearm instructor at an African National Congress training camp in Angola.

The evidence was led by a witness who cannot be identified as the hearing was held in camera. He was testifying in the trial of Mr Mthetheleli Mncube (27) and Mr Msondeleli Nondula (24), who face charges of murder and attempted murder resulting from a spate of landmine blasts in the Messina area in 1985 and 1986. They have pleaded not guilty to all charges.

A lengthy argument had preceded the witness's appearance when defence counsel Mr Rodney Black objected strongly to an application by the prosecutor,

Prosecutor wanted witness to appear in a balaclava

AT MESSINA

By MATHATA
TSEDU

Mr Frans Roets, that the witness should testify in camera. Mr Roets had further requested that the Press be barred from the hearing and that the witness should testify wearing a balaclava.

Mr Roets said the witness was still going to testify in other similar cases.

"If the accused can see him, they can tell their relatives who he is and word can go out to the outside world about his identity," Mr Roets said.

Mr Black argued that the Press should be allowed in subject to conditions that the identity of the witness should not be disclosed. "It is important that

justice should not only be done but it must be seen to be done," Mr Black added.

Mr Acting Justice J P O de Villiers said he had never heard of the case where a witness had testified behind closed

doors wearing a balaclava.

Following a short adjournment, Mr Roets told the court that the witness would testify without a balaclava and that the Press could remain. Members of the Press were then ordered to stand up and were warned by the judge not to identify the witness "directly or indirectly". Members of the public were then ordered to leave the court.

The witness said he was a "rehabilitated member" of the ANC presently attached to the security branch of the South African Police in Pretoria. He said he had joined the ANC in 1982 and had undergone training in combat tactics, the handling and use of firearms, topography, political education and anti-aircraft defence at training camps in Angola.

He said he had met both accused in Angola where Mr Mncube had been a firearm instructor. He said Mr Mncube's revolutionary name was Ceasar. He said he had also seen Mr Nondula at another camp in Angola during 1985 but did not know what Mr Nondula had been doing there.

(Proceeding)

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'ANC making no progress, so I quit'

State witness says he knew alleged terrorists in Angola

By Dirk Nel Northern Transvaal Bureau
MESSINA — The evidence of a second State witness was heard *in camera* when the Supreme Court trial of two alleged terrorists continued here yesterday.

The witness, who may not be identified, said he was trained in Angola as a terrorist by the ANC.

DECIDED TO GIVE HIMSELF UP

After entering South Africa for the purpose of enlisting and training new ANC members, he decided to give himself up to the police.

"I became tired of the ANC because I saw they were making no progress," he told the court.

The witness said he got to know both the ac-

cused — Mr Mthetheleli Mncube and Mr Mzondleli Nondula — well.

Mr Mncube was at a training camp with him in Angola and they later lived at the same address in Zambia. Mr Nondula was his instructor in politics during his training, he added.

He told the court that targets for terrorists attacks in South Africa included installations such as power stations, and people such as Defence Force members and policemen.

Another witness, who may not be identified, earlier told Mr Justice J P O de Villiers he was trained in Angola, where he met both the accused.

The witness said he was arrested after entering South Africa from Botswana and was now working for the security police.

He was scheduled to testify against ANC members in several cases, he said.

The defence advocate, Mr Rodney Black, put it to this witness that he had been given the choice of joining the security branch, and being a State witness, or of serving a heavy sentence for his ANC activities.

Emmanuel No

FOR SUBSCRIPTION INQUIRIES — TELEPHONE

Rehabilitated ANC member identifies landmine accused

DD 11/11/87 331
MESSINA — A second rehabilitated member of the ANC yesterday identified both the accused in the Messina landmine trial.

The witness gave his testimony under an assumed name, in camera, in the circuit court before Mr Justice J. P. O. de Villiers and two assessors.

The witness said he met one of the accused at an ANC camp while undergoing a crash course in military and political training. The accused, he said, was there to do a refresher course in survival and landmines.

The witness identified the second accused as a lecturer in politics at another Angolan training camp.

The accused, Mr Mthetheleli Zephani Mncube, 27, of Diepkloof, Soweto, and Mr Zondeleli Euclid Nondula, 24, of Queenstown, have pleaded not guilty to a total of 41 charges including eight of murder, 24 of attempted murder, treason and terrorism following a spate of landmine incidents in the Messina area in late 1985.

The witness said he had lived in the same building in Angola as Mr Mncube for three months.

He said the last time he saw Mr Mncube was in 1985 at a transit house in the Vaal Triangle.

The witness said he received lessons in politics from Mr Nondula between once and three times a week for a period of about three months at another ANC training camp in Angola.

Earlier yesterday, another former ANC member, who underwent rehabilitation and joined the Security Police, said he blamed the ANC for the death of his friend in a Mozambique prison when he and two others left South Africa to join the organisation.

He said he spent about nine months in prison before the ANC had him released and he went to live in a residential section.

He also identified both the accused as having been at ANC training camps in Angola. — Sapa

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17/5/87 11/11/87

Matric pupil loses appeal

Education Reporter

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SOUTH Peninsula High School pupil Bradley van Niekerk, 18, who is writing matric, has lost his appeal against a 12-month prison sentence for public violence.

He was convicted in Cape Town Magistrates' Court in November 1985 after an incident in Kensington on October 23, 1985.

An application to appeal to the Appellate Division was turned down and teachers, pupils and parents formed the Save Bradley from Prison Committee to petition the

Chief Justice for permission to appeal.

The Chief Justice, who was handed a petition of 25 000 signatures, gave him permission to appeal in September, 1986.

This appeal was turned down yesterday.

A committee spokesman said today Bradley has been the focus of a campaign started by his school's Parent-Teacher-Student Association to draw attention to the "harsh sentences imposed on many people convicted of public violence".

CAPE TIMES 11/11/87 331

Two ex-ANC men testify in court trial

MESSINA. — A second, rehabilitated member of the ANC identified both the accused yesterday in the landmine trial here.

The witness, who cannot be identified, gave his testimony under an assumed name in camera in the Circuit Court before Mr Justice J P O de Villiers and two assessors.

The witness said he met one of the accused at an ANC camp while undergoing a crash course in military and political training. The accused, he said, were there on a refresher course in survival and landmines.

The witness identified the second accused as a lecturer in politics at another Angolan training camp.

The accused, Mr Mthetheleli Zephania Mncube, 27, of Diepkloof, Soweto, and Mr Zondeleli Euclid Nondula, 24, of Queens-

town, have pleaded not guilty to a total of 41 charges including eight of murder, 24 of attempted murder, treason and terrorism following a spate of landmine incidents in the Messina area in late 1985.

Neither of the accused looked at the witness when they were asked in turn to stand up for identification but Mr Mncube showed some nervousness by drumming a ballpoint pen against his fingers during parts of the testimony.

The witness said he had lived in the same building in Angola as Mr Mncube but in different rooms for about three months.

"What I cooked we ate and what he cooked we ate," he told the court.

Mr Justice De Villiers asked the witness if he knew anything of Mr Mncube's family or home life, to which he replied he did

not, adding that all they talked about at mealtimes was war.

He said the last time he saw Mr Mncube was in 1985 at a transit house in the Vaal Triangle.

The witness said he received lessons in politics from Mr Nondula between once and three times a week for a period of about three months at another ANC training camp in Angola.

He said that Mr Nondula's nom de guerre was Gaba.

The witness said he was to return to South Africa and to identify enemies such as the police and army and installations such as power stations.

He was also instructed to find members to form his own group and train them, but instead of carrying out the ANC orders he handed himself over to the police.

Earlier another former ANC member, who underwent rehabilitation and joined the security police, said under cross-examination by Mr Rodney Black, for both the accused, that he blamed the ANC for the death of his friend in a Mozambique prison when he and two others left South Africa to join the organization. — Sapa

pe Town area has three main radio trans-
-sion booster stations

Doctor in court over detainees

CARE TMS
11/11/87
331

JOHANNESBURG. — A medical doctor appeared in the Magistrate's Court here yesterday after being subpoenaed to reveal the identity of former detainees who were his patients.

The matter was postponed pending a review of the subpoena in the Supreme Court.

Dr Paul Davis, who appeared in the British television film "Witness to Apartheid", has been subpoenaed in terms of Section 205 of the Criminal Procedure Act to disclose the names of former detainees who consulted him for treatment of injuries received in detention, or detainees who complained of injuries.

He is required to hand to the court all his notes and records from these consultations.

Hippocratic Oath

Should he fail to do so, he could face a jail sentence of up to two years.

The subpoena would require him to break his professional vow of confidentiality.

In terms of the Hippocratic Oath, doctors are required to keep secret all details of their patients, but no legal protection exists for doctors on this ethical stand.

Mr Denis Kuny SC, for Dr Davis, argued yesterday that the subpoena was "so vague and meaningless" it was invalid. It did not specify who was assaulted or any details of time and place, he said.

"What the doctor is supposed to do is guess what he's supposed to produce his records about. Section 205 is not intended as a witchhunt or a fishing expedition, nor is it meant to be an inquisition."

No power

It was too open-ended to require Dr Davis "to betray the confidence which exists between doctor and patient".

The prosecutor, Mr A van Wyk, said Mr Kuny was asking the magistrate to review his own document. This he had no power to do.

Alternatively, he said Dr Davis had had meetings with the state in which it was made clear what was required and, if confusion existed, he had a duty to ask for further particulars.

The magistrate, Mr J van der Merwe, in postponing the matter, said he could not review his own judgment in issuing the subpoena.

Dr Davis's subpoena follows a study on his treatment of former detainees, which was reported in The Star. Earlier this year, a Star reporter was subpoenaed to reveal his name, which she refused to do, having promised to protect his identity.

Before her final appearance, Dr Davis released her from her obligation. — Sapa

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Slow

FRELIMO LOCKED UP UP SAYS WITNESS

A "rehabilitated" member of the African National Congress who is now with the Security Police told the Messina Circuit Court yesterday that he had spent nine months in a Mozambican jail after leaving South Africa.

The witness, who may not be named by order of the court, was testifying

By MATHATHA
TSEDU

in camera in the trial of Mr Mithetheleli Mncube (27) and Mr Msondeleli Nondula (24). Both men face charges of murder, attempted murder, terrorism and treason. They are appearing before Mr Acting Justice J P O de Villiers, sitting with two

assessors. They have pleaded not guilty.

The witness said he had joined the ANC because he had felt strongly about injustice and the oppression of black people in South Africa. He said he had left for Mozambique with other people.

"We were arrested by Frelimo and were held in jail for nine months. One of my friends died in jail. I do not know what caused his death," he said.

He said he had undergone military training in various ANC camps in Angola and even became drill and marching instructor. He said he had seen the accused in camps in Angola. Mr Mncube, who is facing two charges of murder for allegedly shooting two white men, had been a firearms instructor, he said.

One of the people shot and killed when Mr Mncube was captured last year had been a political commissar known as "Slow."

Mr Rodney Black SC, for the defence, put it to the witness that the four pictures that he had identified as being of one person, (Slow) were actually of two different people.

SECURITY at the trial of Mr Mthetheleli Mncube (27) and Mr Msondeleli Nondula (24), in the Messina Circuit Court, is among the tightest ever seen in the country.

The two alleged African National Congress guerillas appear in leg chains, and according to their legal representatives, "they are in chain for 24 hours".

They face 10 charges of murder, eight of them involving whites who include two policemen.

The sound of chains

The sound the chains make on the court's cement floor as the two come in has become as normal as the metal detectors and body searches conducted outside the courtroom.

The two accused spend their nights at the Louis

Messina trial set to drag on

By MATHATHA
TSEDU

Trichardt prison — about 100 km away — whence they are driven daily in a convoy of at least four police vans. Thirty or more policemen guard the building — with no less than eight in the courtroom at any time. Police dogs are also used to guard the building.

Mr Justice J P O de Villiers turned down a defence application at the start of the trial on Monday last week for the removal of the chains. He pointed to the array of AK-47 rifles and loaded magazines exhibited in court as one of the

reasons.

The accused sit quietly in court and speak to their relatives during breaks. They follow the trial closely, making notes and sometimes passing written messages to their legal representatives. With most of the evidence mainly in Afrikaans, the interpreter has to translate into several languages at any one time.

The judge ruled last week that answers by witnesses should be translated into Afrikaans.

Parents of both men attended the hearing throughout last week. They are staying in the nearby Nancefield

township where their presence has galvanised the local churches' women's groups into action. Women of various denominations have come together to look after the Mncube and Nondula families.

These volunteers supply all meals to the families and the trialists — with hot lunches delivered during the day. The local NG Kerk in Afrika minister, the Reverend Lesiba Matsaung, has allowed these groups to use his church. Several church services were held for the trialists in the past week.

The trial has become the major talking point in this sun-drenched one-

horse town where the temperature, even at night, never seems to go below 20 degrees.

Locals have packed the courtroom daily to see "the boys" and to listen to the proceedings.

The State alleges that the two, who come from Johannesburg and Queenstown respectively, are members of the ANC who were responsible for a spate of landmine blasts in the Messina area almost two years ago.

Eight people, including two blacks, died in the blasts.

Mr Mncube is further alleged to have shot and killed two white policemen after his arrest on Boxing Day last year. He escaped and was re-arrested on a local farm more than a week later.

With at least 122 State witnesses lined up to testify, the stage seems set for a long trial.

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South Nov 12-18 1987

COURT ROUNDUP 331

ALLEGED ANC unit commander Mxolise Petane this week told the Supreme Court he considered himself to be a soldier.

Petane, 29, charged with terrorism and attempted murder, said he was committed to soldiering and despite being in custody, was determined to carry out the struggle in any way he could.

He told the court he was not ashamed of what he had done.

Asked whether the grenade he threw at police before his arrest did not pose a danger to him, he said: "No, because I had ample time to take cover."

Petane whose application for a prisoner

ANC man describes KTC arrest

of war status was turned down, told the court he shouted to police to take cover when he threw a handgrenade at them.

He was arrested in KTC in November last year. Petane said on the day of his arrest he was awakened by a helicopter and crowd excitement.

He went to investi-

gate. The whole camp was cordoned.

Asked why he investigated, Petane said: "Since I am a soldier it's exciting to see a soldier armed and I wanted to see the formation of the cordon."

He said from the shack he moved to "point B". He was surprised to see "kits constabls" patrolling "point B", an area police had no access to. He went inside KTC.

While passing the police, somebody pointed at him and a voice called "Hy jy kom hier". He replied "Wie ek".

Petane said he ignored and moved on. The police chased him and he ran and threw a handgrenade at them.

He claimed he was pinned down and a struggle ensued. The police handcuffed him and he was kicked as he was taken to a landrover.

He said three policemen were in the back. One set on his chest while he was punched repeatedly on his right eye.

He was taken to Guguletu police station. He claimed he was put in an office where he lay face down. His jacket was cut, jeans and shoes stripped off and he was left in his underpants.

Surprise

He was moved when a Lieutenant Liebenberg, a Warrant Officer Nel and a Sergeant Kass came in.

Petane said Liebenberg surprised him when he greeted him in his combatant name, "Thandi".

Liebenberg unlocked the handcuffs after he promised to co-operate. Petane said he had marks on his wrists from the handcuffs.

Nel asked what his activities were in the Western Cape. He gave information to avoid being beaten.

He was taken to a magistrate, Mr Richard Peckham, to make a statement.

Petane claimed that 11 months in isolation during detention had affected him. He had suffered severe headaches, lapse of memory and loss of concentration. He had received sleeping tablets in prison and tranquillisers.

Petane was well spoken although he had a "slight swelling" in the eye.

Lieutenant William Liebenberg of the security police told the court Petane confessed he was involved in the Dions bomb incident in Parow last year but denied knowledge of the Lakeside post office explosion.

Stofile lawyers still await judgment

EAST LONDON. — Defence lawyers in the Stofile case are still waiting for a copy of the judgment — more than four months after the case ended, according to defence attorney Hitsa Siwisa.

The judgment is needed for incorporation into the court record before an appeal in the case can be heard.

Siwisa said the registrar of the Ciskei Supreme Court had told him he had no idea when the judgment would be available.

The trial, heard in the Ciskei Supreme Court, ended in May with the conviction of UDF official the Rev Arnold Stofile, his brother Linda Michael Stofile, Mzwakhe Nelson Ndlela and Mveleli Gladwell Gqibitole on charges of terrorism and illegal possession of arms.

A fifth accused, Nomvuyiso Stofile, was found not guilty of harbouring Ndlela. Rev Stofile was sentenced to 12 years, Ndlela to 15 and the other two to eight years each.

They were granted leave to appeal against both convictions and sentence at the time. — ELNEWS

November 12 1987

Alexandra became 'a safer place'

Witness praises anti-crime drive

By Lesley Cowling

Alexandra became a safe place to live in for the first time in years after local youths started an anti-crime campaign in 1985, the Rand Supreme Court was told yesterday.

The court was hearing evidence in the trial of Mr Moses Mayekiso, general secretary of the National Union of Metalworkers of SA (Numsa), and four other Alexandra community leaders.

Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mr Mzwanele Mayekiso (22) have pleaded not guilty to treason, alternatively subversion and alternatively sedition. They are alleged to have tried to seize control of Alexandra in 1985 and 1986.

Yesterday, a State witness who may not be named in terms of a court order, said that in 1985, residents thought Alexandra had a worse crime rate than any other township.

LIVING IN 'PARTICULAR MISERY'

The witness also agreed with counsel for the men, Mr D Soggot SC, that residents felt they lived in particular misery because of the rubbish lying on the roads and waste water running in the streets.

Often about 15 families lived on one stand, and because of the crowded conditions, much quarrelling and fighting took place, he said.

The witness said large groups of youths started

a campaign against crime. They would stop tsot-sis and take away their weapons and also asked shebeens to close at 9 pm every day.

This made Alexandra a safer place than it had been in years, and the community looked on the work of the youngsters with pride. Groups of youngsters acted in their own areas, he said.

The witness agreed with submissions by Mr Soggot that in 1984 and 1985, police often did nothing about crimes reported to them.

SOME POLICEMEN WERE 'CORRUPT'

Residents thought that some policemen were corrupt because innocent people would be arrested instead of criminals, he said.

After the anti-crime campaign was started, residents often approached the youths for help and sometimes the culprit would be sjambokked.

Last January, the witness said he heard that police had sjambokked and teargassed mourners at a funeral. Residents were angry with the police because funerals were sacrosanct.

In February, he heard that a youth called Michael Dirading was shot by a security guard after he had been joking with him. Residents were shocked by this.

People believed the guard had not been arrested and they felt there was no justice. Thousands went to the youth's funeral.

The witness said he saw police teargassing a huge crowd of mourners on the day of the funeral. A Hippo was stoned and it left the scene.

The hearing continues.

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321 ~~SPAIN~~ 12-18/11/87

Court told of Hofmeyer terror

GRAHAMSTOWN. — An interim interdict prohibiting 14 kitskonstabels from unlawfully assaulting, arresting, detaining, threatening or intimidating eight residents of Hofmeyer township was granted by the Supreme Court here last week.

The residents brought an urgent application for an order restraining police from taking part in any unlawful arrest, detention, assault, attack, threat, insult, harassment and intimidation.

The applicants were Mbitha Fuba, Mondile Duna, Patrick Methule, Patrick, Winana Tasana, Simile Jaya, Ndenzile Mantla and Kaya Nohatla.

The respondents were the Minister of Law and Order, the Commissioner of Police, the Divisional Commissioner, SAP in the South Western Districts, the station commander of Hofmeyer, and kitskonstables Goliath Mbizo, Pumelelo Matolengwe, Zola Winta, Andile October, Mbulelo Mbiyoso, Sandile October Boettieje, Zwelendumela Giba and Velile Mtoni.

Justice Kroon said the court had to come to the aid of the applicants. What had been sketched in papers was a situation which, if true, the courts could not countenance. It constituted a course of conduct to which the authorities had turned a blind eye.

The court would however curtail the wide ambit of the application and grant a temporary order against only certain of the respondents, the kitskonstables.

Unlawful assaults

In papers before court, Mr Robert Watson, a researcher with UCT's Institute of Criminology, said he had taken statements from residents in the township after a firm of attorneys in Cape Town had been requested to investigate unlawful assaults on the part of kitskonstables in the township.

Several residents had alleged that they had been brutally assaulted by kitskonstables without any lawful reason and that these residents had been intimidated and humiliated when they tried to lay charges against their assailants.

He had been told that the police refused to respond to any of the complaints. The residents had been denied access to the courts because they were prevented from laying criminal charges.

In an affidavit, Mondile Duna alleged he had been beaten with a sjambok by kitskonstables on October 9. He said he had been told by the police he was not allowed to lay a charge.

Ndenzile Matla said in papers before the court that two kitskonstables had been to his house on September 25 and told him they had seen him drunk in the old location that day. They beat, punched and kicked him and took him to their living quarters.

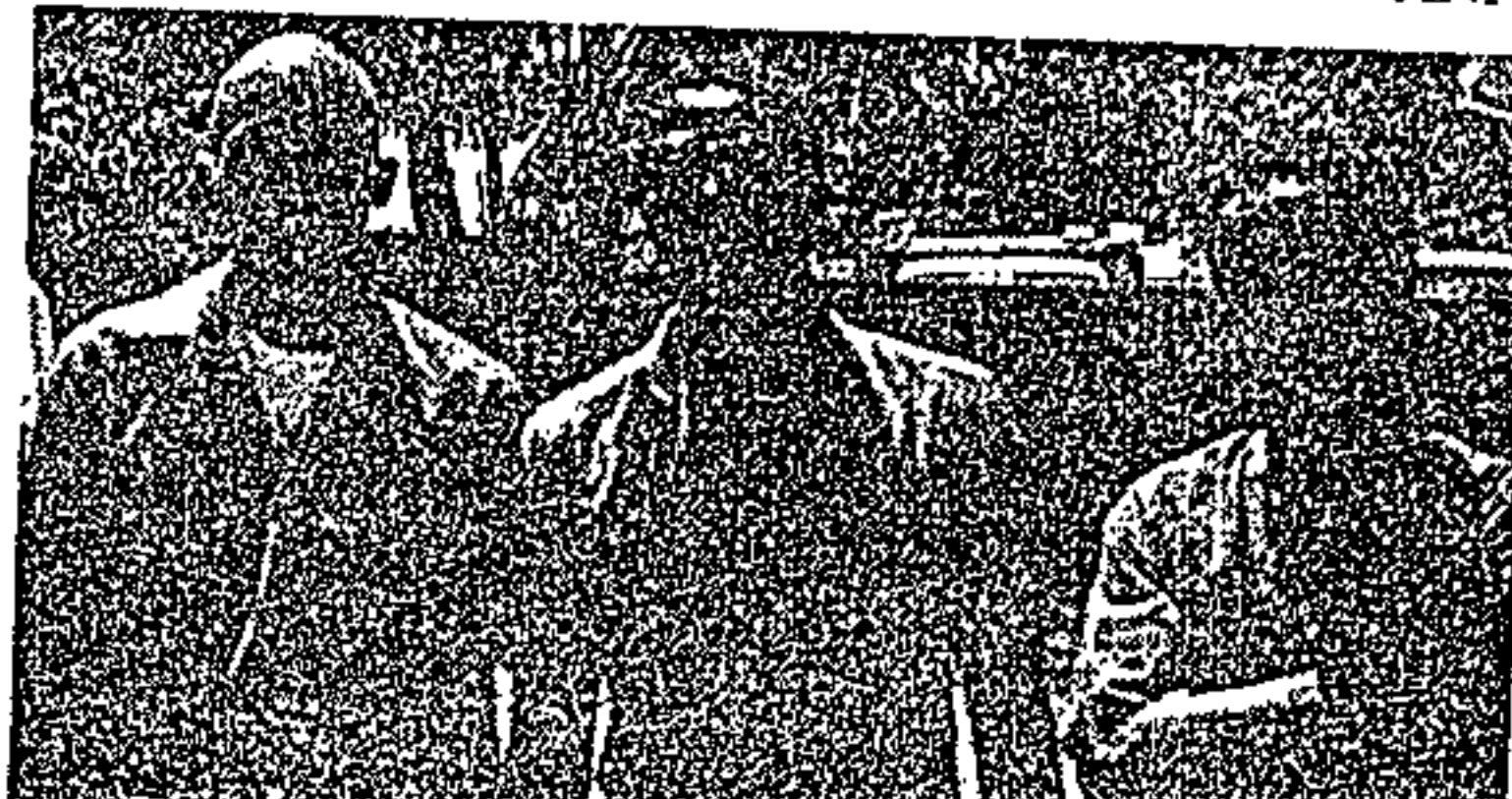
Once there, he was told to stand against the wall. The two kitskonstables punched him on his head and body and the back of his head crashed into the wall from the blows.

He said he was then taken to the police station and locked into the cell. He was bleeding from a head wound, but did not receive medical attention.

On the Monday, he was fined R30 for being drunk. When he went back the next day to lay a charge of assault against the kitskonstables, he was told he could not lay a charge as he must have been beaten because he was doing something wrong.

Kaya Nohatla said his left wrist was handcuffed to his right ankle by kitskonstables.

"Once I was in such a vulnerable helpless crouching position, they all assaulted me by punching, kicking and sjambokking me. There were many blows, I cried and shouted in fear and pain," he said in his affidavit. - ANA



MESSINA — The finding of the bullet-riddled bodies of two security policemen was graphically recounted in the Circuit Court sitting here yesterday.

The discovery followed an alleged escape attempt by one of two accused, facing 41 charges including murder, terrorism and treason.

Mr Mthethele Zephania Mncube, 27, of Diepkloof, Soweto, and Mr Zondaleli Euclid Nondula, 24, of Queens-town, pleaded not guilty to all the charges.

Mr Mncube faces two charges of murder following the death on December 26 last year of security branch policemen W/O Johannes Gerber and Sgt Marthinus Nel.

W/O H. H. Franken of the Security Branch stationed at Beit Bridge told Mr Justice J. P. O.

Policemen shot in back, court told

de Villiers and two assessors how he was called to a spot about 12 km west of Messina just before midnight on December 26.

W/O Franken said he got to the scene and found W/O Gerber and Sgt Nel dead in the cab of the bakkie which was transporting Mr Mncube, four fully-loaded AK47s and a quantity of other equipment found during the chase.

He immediately returned to Messina, alerted members of the military and returned to the damaged vehicle.

Describing photographs taken early on December 27, W/O Franken said indications

were that both policemen were shot in the back with bullets with at least one burst of an AK47 assault rifle.

The photographs showed W/O Gerber sitting in the cab with Sgt Nel lying diagonally across the cab.

He said W/O Gerber appeared to have been shot in the back while driving.

The W/O also said his impression was that Sgt Nel had been shot in the back and the bullets came out of his chest. His left arm had a flesh wound running the length of it which indicated that he had been resting it on the window sill and the bullet had

grazed it.

After a tip-off on January 3, W/O Franken went back to the Messina road, where he found Mr Mncube in a stormwater drain 5 km from where the bakkie had been found.

He was thin and had a number of scrape marks on his body. W/O Franken believed he got the marks while walking through the bush.

He said Mr Mncube looked "in far worse condition" than he did in court yesterday.

When shown photographs taken on the day following his arrest, Mr Frans Roets, for the state, pointed out that

Mr Mncube's face appeared swollen. He had swelling and marks on his forehead, a mark on his left shin, his lips were prominent and W/O Franken said he appeared like that when he had been arrested.

A second former member of the African National Congress — who turned himself in to the police and is currently being held under Section 31 of the Internal Security Act — identified both the accused as having attended ANC training camps in Angola and Mr Mncube as sharing a house with him when he was in Lusaka.

He was the second former ANC member to give evidence under an assumed name in camera. Both identified the accused.

The case continues today. — Sapa

Captain tells of confession

By Dirk Nel
Northern Transvaal Bureau

MESSINA — Mr Mthetheleli Mncube (27), one of the accused in the Messina terrorism trial, admitted on January 3 1987 that he had shot two policemen near Messina, a security police officer, Captain J Strydom, told the Supreme Court hearing here this morning.

But counsel for the defence, Mr Rodney Black, contested the admissibility of the alleged confession, claiming it was not made voluntarily.

After a debate between Mr Justice J P O de Villiers and Mr Black, it was decided that a "trial within a trial" would be held in connection with this evidence. Mr Black is to cross-examine Captain Strydom and other witnesses in this regard on Tuesday.

Captain Strydom said that after Mr Mncube was brought to his office at Beit Bridge and had been identified as the arrested man who was with Warrant Officer Theunis Gerber and Sergeant Joachim Nel before they died in a shooting incident near Messina on December 26 1986, he

formally arrested him on a charge of murder.

Earlier, Warrant Officer H H Franken told the court he had picked up Mr Mncube as a murder suspect on January 3 and taken him to Beit Bridge.

"I identified myself clearly, and informed him of his rights, while he was in my office," said Captain Strydom. He added that no force was used to influence the arrested man to make a statement.

Mr Mncube then made a statement to him, in which he said he was sorry he had killed the two policemen, and promised to co-operate with the police.

Lieutenant P A Dreyer testified that Mr Mncube then took him to a spot in the veld, where an AK-47 rifle and a tracksuit had been hidden under a fallen tree.

Mr Mncube and Mr Mzondeleli Nondula (24) have pleaded not guilty to 10 charges of murder, 14 of attempted murder and charges of terrorism and treason.

The case continues on Tuesday.

State summarises course of Messina terrorism hearing

By Dirk Nel
Northern Transvaal Bureau

MESSINA — Mr Frans Roets, representing the State in the Messina terrorism trial, summarised the progress made with the hearing so far, when introducing "phase seven" of the State's evidence yesterday.

He said the first six phases had dealt with the scenes of alleged landmine crimes, the search for other landmines in the Messina area, follow-up op-

erations, the Pontdrif landmine discoveries some distance from Messina, contact with terrorists and the alleged training the accused received outside the country.

The seventh phase would deal with the death of two policemen, the escape and re-arrest of Mr Mncube, and evidence about firearms and other weapons used by terrorists.

He indicated there would be three more phases in the State's case.

Alleged car thief gets R3 000 bail

Mr Joe Martins (21), co-owner of Boobs Disco in Hillbrow, was granted R3 000 bail by a Johannesburg regional magistrate yesterday after he was arrested on a charge of car theft involving four luxury models worth about R350 000.

Opposing the application, Detective Sergeant Pierre du Plessis of the Vehicle Theft Branch at John Vorster Square said he feared Mr Martins would tamper with State witnesses.

The hearing was postponed to November 16.

ACCUSED WAS IN 'POOR CONDITION'

A MILITARY intelligence officer told the Messina Circuit Court yesterday that he had seen bruises and swellings on the face of one of the accused.

Major John Daniel Linden of the SADF's Zoutpansberg military area said he had also seen injuries on his leg. He said that all the injuries had not been there the day before.

He agreed that pictures shown to him in court revealed that portions of Mr Mthetheli Mncube's hair were missing.

Mr Mncube (27) and Mr Msondeleli Nondula (24), are appearing before Mr Acting Justice J P O de Villiers, facing 41 charges of murder, attempted murder, terrorism and treason.

They have pleaded not guilty to all the charges.

Major Linden was under cross-examination by defence counsel, Mr Rodney Black. He was recalled yesterday after testifying last week.

Major Linden said he

**By MATHATA
TSEDU**

was present when Mr Mncube was captured on December 26 last year after three alleged ANC guerillas were shot dead.

He said he had seen Mr Mncube again on January 3 this year at the Beit Bridge security offices.

"He was still wearing the blue underpants. He was in a very poor condition compared to when I had last seen him on December 26. He looked hungry and thirsty, as if he had not eaten for some days,"

Major Linden said.

Earlier evidence had been that Mr Mncube had escaped from police custody on December 26 after allegedly killing two white policemen with an AK47.

He was rearrested nine days later, on January 3. The major said he had seen Mr Mncube again on January 4 when he had gone to take pictures of the detainees.

He agreed with Mr Black that the pictures taken on January 4 revealed various injuries

on the lips, eyes and legs of Mr Mncube. He said portions of hair were missing. He said the injuries had not been there on January 3.

Earlier, a second "secret" witness told the court that he had read about the arrest of "Caesar and Gaba" in a Sunday paper in March this year.

The witness, who may not be named, gave evidence in camera and said he had been at various ANC training

camps in Angola with the two accused.

He said Mr Nondula, who was known as "Gaba", had been his political instructor. He said Mr Mncube's code-name was "Caesar".

The witness said he had immediately known that the newspaper article allegedly referring to "Caesar" and "Gaba" in fact referred to Mr Mncube and Mr Nondula.

(Proceeding)

The day Alex changed

SUSAN RUSSELL

"THE shooting continued throughout the day, right into the night — up until the next day".

This was how an eyewitness yesterday described the confrontation between mourners returning from the funeral of Michael Dirading and security forces in Alexandra, marking the beginning of last year's "six day war" in the township.

The witness was giving his evidence in camera at the treason trial of trade unionist Moses Mayekiso in the Rand Supreme Court.

Mayekiso, Paul Tshabalala, Richard Mdakane, Obed Bapela and Mzwanele Mayekiso have all pleaded not guilty to treason, alternatively subversion and sedition.

The witness said this under cross-examination by D Soggot SC.

He said: "A Hippo appeared and tear-gas was shot. The crowd was walking, singing and filling the street. At that stage there was no harm."

The witness told the court stone-throwing started and the Hippo withdrew after which municipal police arrived and fired at the stone-throwers.

Asked by Mr Justice van der Walt whether the stoning and shooting stopped, the witness said: "No, there were some more police arriving. They did not get out of the vehicles. They were in the back and shooting through holes in the vans."

The trial continues before Mr Justice van der Walt.

331 12/11/87 B/day.

Ex-UDF

official

cleared

The Argus
Correspondent

EAST LONDON. — A former official of the United Democratic Front has been acquitted of perjury after a Ciskeian policeman was found to be an unreliable witness.

Miss Lucille Yvonne Meyer, formerly the administrative secretary of the UDF in the Border, appeared in Zwelitsha Magistrate's Court.

The charge of statutory perjury arose out of her appearance as a State witness in the trial of UDF leader Arnold Stofile, sentenced in May to 11 years' imprisonment on arms and terrorism charges.

It was alleged that Miss Meyer made on statement under oath to the police but her evidence in court contradicted the statement.

At the close of the State case the magistrate granted a defence application for her discharge.

It was submitted that the prosecution did not make out a case for her to answer.

On appeal: Case of the one detainee to be freed

WMA 13-19 NOV 1987

BY GARMEL RICKARD, Durban 331

THE court-ordered release of a senior member of the Azanian People's Organisation earlier this year goes before a full bench of the Natal courts today on appeal.

In February Judge John Didcott ordered the release of Patrick Moodly, resources director of Azapo's *Frank Talk* editorial collective, who was detained under Section 29 of the Internal Security Act on December 12 last year.

Moodly's case was the first in which police, having disclosed to the court some grounds for holding a detainee, were nevertheless ordered to release the prisoner. Giving reasons for holding Moodly police said they had it from an undisclosed source that Moodly was a member of an underground African National Congress cell. The cell was responsible for distributing propaganda and collecting information.

Moodly's father and Azapo challenged these grounds, saying anyone who had "even a nodding acquaintance with South African politics would realise it was incompatible with the detainee's position in the black consciousness organisation, Azapo, for him to be a member of the ANC".

Colonel Hendrick Buchner, for the police, denied this was necessarily so.

He told the court, "I know there is apparently a hostile relationship between Azapo and the ANC, but I

submit that it is not a necessary conclusion in law that he could therefore not be a member of the ANC."

Ordering Moodly's release the judge did not refer to the Azapo-ANC question. He ruled that the grounds given — which he had to accept because the police said there were no other reasons — did not provide a reasonable basis for Buchner to believe Moodly had committed any offence referred to in Section 29.

He said the evidence before the court was insufficient to satisfy him that it was reasonable for Buchner to rely on the information he had been given, and he therefore ruled Moodly's detention unlawful.

After the Appeal Court ruled in 1986 that police had to show the basis on which they had "reason to believe" that a detainee had committed Section 29 offences (including sabotage and subversion), police have advanced reasons in all applications for the release of detainees.

Although relatives of a number of detainees have brought court applications challenging their detention and the grounds on which they are held, Moodly's case is believed to be the only one which has been successful.

Leave was given to the state to appeal to a full bench of the Natal Supreme Court, rather than to the Bloemfontein Appellate Division.

Death for 'simple'

Cops tell of capture

331
13/11/87 Summary

THE recapture of an alleged African National Congress guerilla who had allegedly killed two policemen before escaping into the night was recounted in the Messina Circuit Court yesterday.

Police witnesses testified that Mr Mthethleli Mncube (27) was found in a storm drainage pipe wearing only tattered black short pants and with pieces of tyres tied to his feet serving as shoes.

The evidence was led in the case in which Mr Mncube and Mr Msondeleli Nondula (24) are charged with planting landmines in the Messina area during 1985/86.

Several people died from the blasts.

The two are appearing before Mr Acting Justice J P O de Villiers and two assessors. They have pleaded not guilty.

Mr Mncube also faces two charges of murder for allegedly shooting two white security policemen on December 26 last year after his capture by SADF members earlier that day.

Pictures of the dead policemen were exhibits in court. The forehead of one of the policemen was blown off. Witnesses testified that both policemen were shot from behind the van where Mr Mncube had been lying with his hands tied with shoe laces.

The Security Branch

By MATHATHA
TSEDU

commanding officer at Beit Bridge, Captain Johannes Strydom, told the court that after his recapture, Mr Mncube had told him that he was sorry that he had shot the two policemen. "I don't know why I did it and I am prepared to co-operate fully," Mr Mncube allegedly told Captain Strydom.

The admissibility of this statement is now the subject of a trial within a trial which starts on Tuesday when the cross-examination of Captain Strydom and other police witnesses will begin.

Captain Strydom said in answer to a question that Security Police did not keep an occurrence

book. He said there were no written notes on the alleged confession to the killing of the two policemen by Mr Mncube.

Another security policeman, Lt Pieter Dryer of Louis Tri-chardt, said Mr Mncube had pointed out a spot near a fallen log where the AK-47 rifle allegedly used in the shooting of the two policemen had been hidden.

He said the rifle and a tracksuit trousers were found under branches.

All the policemen who testified denied that Mr Mncube had been assaulted before making statements or pointing out where the rifle had been hidden.

The trial resumes on Tuesday.

Magistrate to decide on statement

13/11/87
A PRETORIA regional magistrate will today give judgment on whether a confession made by Mr Siyabulela Ndoda Gcanga, an accused in the PAC terrorism case, is admissible as evidence or not. (32) *Smetham*

Mr Gcanga and six other people, allegedly members of the Pan Africanist Congress and Qibla, a Muslim organisation, are appearing before Mr J H Bekker.

They are facing 24

counts of terrorism, attempted murder and defeating the ends of justice.

All the accused have pleaded not guilty.

Other accused are Mr Mabatu Enoch Zulu, Mr Vincent Mathunjwa, Mr Setsiba Mohohlo, the Reverend Daniel Nkopodi, Mr Achmad Cassim and Mr Yusuf Patel.

Mr Dikgang Mose-neke, for the defence, said Mr Gcanga agreed

to make a statement because of the treatment he got from the time of his arrest at Ngobi, Bophuthatswana.

He said his client was allegedly assaulted and that according to the statements he made before a magistrate, a policeman had promised to give him an earlier trial if he agreed to make the statement.

Libyan-trained men to testify on Qibla

SA 13/11/87 Pretoria Correspondent

The Pan Africanist Congress (PAC) and Qibla trial will take an interesting turn today when the State calls several Libyan-trained terrorists to testify against the two alleged Qibla members.

The trial, in which five men are accused of belonging to the banned PAC and two of being members of the Muslim Qibla organisation, is set to run until December 11.

Mr Vincent Alson Mathunjwa (29), Mr Sestiba Paul Moholo (29), Mr Achmad Cassiem (41), Mr Yusuf Patel (27), Reverend Daniel Saul Nkopodi (27), Mr Mabatw Enoch Zulu (52) and Mr Siyabulela Ndoda Gcanga (26), have pleaded not guilty to charges of terrorism, attempted murder and defeating the ends of justice. They also face about 23 charges under the Internal Security Act.

Defence counsel for Mr Gcanga, Mr Dikgang Moseneke, is challenging the admissibility of his client's statement. According to Mr Moseneke, his client was assaulted and threatened.

Magistrate J H Bekker will pass judgment on the admissibility of the statement today.

The hearing continues.

NUM is man charged over speakers at stadium meeting

STAR 13/11/87 331

By Duncan Guy

EVANDER — National Union of Mineworkers (NUM) regional organiser, Mr Tshediso Mothupi (27) pleaded not guilty to a charge under the Internal Security Act in the Evander Regional Court yesterday.

The trial is a sequel to a meeting addressed by Mrs Winnie Mandela following the Kinross mine disaster in which 177 miners died.

Mr Mothupi has also pleaded not guilty to an alternative charge under the Internal Security Act.

GOT PERMISSION TO HOLD MEETING

The court heard that Mr Mothupi received permission to hold an outdoor meeting at Embalenhle sports stadium in Embalenhle township, Evander, on condition that only speakers listed on an application to the Evander magistrate addressed the crowd.

Neither Mrs Mandela nor another speaker, Mr

Jay Naidoo, general-secretary of the Congress of South African Trade Unions, were on the list.

The State further alleges that other conditions — that the meeting should only be a memorial service; that those attending get there using public transport and that the peace not be disturbed — were not adhered to.

CROWD RAN AROUND ATHLETICS TRACK

A police video recording of the meeting showed a crowd running round the stadium's athletics track, singing, before being addressed. The commentator remarked: "They are obviously not heartsore."

Constable Justice Khantsi testified that he took notes of speeches broadcast over a public address system as he sat outside the stadium.

He said the crowd were asked to pray for those who died at Kinross.

NUM general secretary, Mr Cyril Ramaphosa, accused President P W Botha of being a liar and a criminal for failing to "show overseas people the accident" after saying he would do so, he said.

He added Mrs Mandela sent greetings from the ANC and said the miners "dug gold that pays those people outside who buy those cars".

Constable Khantsi added that Mr Mothupi told workers who survived the disaster that they, too, were unfortunate because they would suffer from asthma.

Mr Douglas Lee, chief photographer for *The Citizen*, told the court said he took a picture at the meeting of a man carrying a tyre.

The hearing continues.

ember 13 1987

(331) SMC 13/11/87

Judge to rule on 'murder confession'

'Upset' officer tells of finding shot friends

Northern Transvaal Bureau

MESSINA — The death of two security policemen, Warrant Officer Theunis Gerber and Sergeant Joachim Nel, near Messina on December 26 1986, featured prominently in yesterday's evidence during the Supreme Court trial here of two men facing charges of murder, attempted murder, terrorism and treason.

Mr Mthetheleli Mncube (27) and Mr Mzondeleli Nondula (24) have pleaded not guilty to the charges.

The case arose from a series of landmine blasts near Messina in 1985 which killed eight people, the shooting of the two policemen, and alleged activities by the two men which promoted the aims of the banned African National Congress, and endangered the security of the State.

Warrant Officer H H Franken said he found the two policemen dead in the cab of a police vehicle on the Messina-Pontdrif road at midnight on December 26.

As they were friends and colleagues, the sight of their bodies left him shocked and upset, he told the court.

He added that Sergeant Nel's forehead was blown away, and Warrant Officer Gerber had been shot in the back. According to other evidence the two policemen had been taking Mr Mncube to Messina after his earlier arrest.

Four AK 47 rifles were on the back of the police bakkie. When Warrant Officer Franken arrived at the scene of the shooting, Mr Mncube was missing and one of the rifles was gone.

Warrant Officer Franken told the court he picked up Mr Mncube on January 3 as a murder suspect, and took him to security police headquarters at Beit Bridge, where he was arrested on a charge of murder by Captain J Strydom.

In his evidence, Captain Strydom testified that Mr Mncube admitted in a statement that he shot the two policemen, and said he was sorry. He promised to co-operate with the police, and later took them to a place in the veld where an AK 47 rifle and a track suit were hidden.

The defence advocate, Mr Rodney Black, contested the admissibility of this evidence, claiming the confession was not made voluntarily.

Mr Justice J-P O de Villiers ruled that a trial within a trial be held to test the validity of this evidence.

The hearing will continue on Tuesday.

Men appear on terror charges

WELKOM — Five men appeared in the Welkom Regional Court yesterday facing allegations of promoting or contributing towards acts of violence or a threat of violence in South Africa.

The men, Mr Raymond Organg Maele (26), Mr Jack Themba Nkabinde (30), Mr Pule Herbert Isaac Makgoe (24), Mr Vusumuzi Philip Khiba (26) and Mr Ratshabonyana Tom Letsoenyo (30), have all pleaded not guilty to the charges.

The state alleges that Mr Maele of Rocklands in Bloemfontein underwent military training in East Germany and at the Caxito Camp in Angola between 1979 to 1984.

The magistrate Mr W G Pruis postponed the hearing to January 25 next year. — Own Correspondent.

231

ANC man wouldn't take 'cheap way'

A MEMBER of Umkhonto we Sizwe, Mr Mxolisi Petane, "refused to take the cheap way out of not taking responsibility for actions he believed to be right", the Supreme Court found yesterday.

This opinion was expressed by Mr Justice J H Conradie in ruling that a statement Mr Petane made to a magistrate on the day he was captured in November last year was admissible as evidence.

Mr Petane — who earlier refused to plead to charges of terrorism as defined by the Internal Security Act, claiming he should be treated as a prisoner-of-war — had argued that the statement was not admissible because it had been extracted under duress.

Mr Petane's evidence was that after his arrest he was handcuffed so tightly that his wrists were still scarred, had a policeman sit on his chest, been thrown on the floor of a police station, thrown into a Landrover, he was punched in the eye, and menaced by a silent man who kept shooting a rubber band at him.

Among the judge's findings was that the interrogators were not responsible for any of the alleged assaults and Mr Petane had no reason to fear worse treatment at their hands than he had already received.

"The accused regarded himself as a soldier and refused to take the cheap way out of not taking responsibility for actions he believed to be right," the judge said.

The trial continues.

Mr Mr L P Francis and Mr W R Vivier were assessors. Deputy Attorney-General Mr D W Rothwell SC appeared for the state with Mr M Stowe. Mr Donen was instructed by R Vassen and Co.

SB COP DENIES INSULTS

A SECURITY policeman, Lieutenant Johannes Prinsloo, told a Pretoria magistrate yesterday that he told some of his colleagues that he was "not afraid of terrorists" when the accused in the Pan Africanist Congress trial were arrested last

year.

He was being cross-examined by Mr Dikgang Moseneke, for the defence, in a trial within a trial to determine the admissibility of a statement made by Mr Siyabulela Ndoda Gcanga before a magis-

trate. 11/11/87

Seven alleged members of the PAC and Qibla, a Muslim organisation, are appearing before Mr J H Bekker on charges of terrorism, attempted murder and defeating the ends of justice.

Insult

The accused, who have pleaded not guilty to all the charges, are Mr Gcanga, Mr Mabatu Enoch Zulu, Mr Vincent Mathunjwa, Mr Setsiba Mohohlo, the Reverend Daniel Nkopodi, Mr Achmand Cassim and Mr Yusuf Patel.

Lt Prinsloo told the court that he did not

insult any of the accused when their fingerprints were being taken at the Hammanskraal police station. He said he was trained not to use vulgar language.

The policeman said that Mr Zulu had his fingerprints taken in a garage-like room which was used as an office. Mr Zulu was taken into that room after he had refused to have his fingerprints taken while he was with another of the accused in an office.

Lt Prinsloo said that Mr Gcanga, Mr Mathunjwa and Mr Mohohlo did not cause the police any problems.

(Proceeding)

Cape UDF leaders' hearing is postponed

THE Cape Town Supreme Court has postponed an application from eight UDF leaders in the Western Cape for their release from detention to December 2.

The hearing was due to have started on Tuesday.

The original application was for the release of 15 emergency regulations detainees, but eight of them have since been released.

One of the applicants is former UDF secretary in the Western Cape, Trevor Manuel. He was detained 15 months ago and is the longest held Western Cape detainee.

Other applicants are: Naseegh Jaffer (11 months); Zonke Philip Jacobs (11 months); Zollie Malindi (10 months); Christmas Tinto (nine months); Roseberry Sonto (eight months) and Lizo Mathews Kapa (eight months).

Respondents in the matter are the State President, the Minister of Law and Order and the officers commanding Pollsmoor and Victor Verster prisons.

Manuel's wife, Lyn Mathews, has sent a telegram from the detainees' families to President Botha, the Cape Judge President and the Ministers of Justice and Law and Order objecting to the postponement.

Four months on - Stofile still waiting

CP Correspondent

DEFENCE lawyers in the Stofile case are still waiting for a copy of the judgment - more than four months after the case ended.

The judgment is needed for incorporation into the court record before an appeal in the case can be heard.

The trial, which was heard in the Ciskei Supreme Court, ended in May with the conviction of UDF official Reverend Arnold Stofile, his brother Linda Michael Stofile, Mzwakhe Nelson Ndlela and Mveleni Gladwell Gqibitole on charges of terrorism and illegal possession of arms.

Rev Stofile was sentenced to 12 years, Ndlela to 15 years and the other two to eight years each.

They were granted leave to appeal against both the convictions and sentences at the time.

However, defence attorney Hintsa Siwisa said he had not yet received a copy of the judgment.

He said the registrar of the Ciskei Supreme Court had told him he had no idea when the judgment would be available.

The judgment must be verified by the presiding judge in the case, Benjamin de V. Pickard, who is also Chief Justice of the Ciskei, before an appeal is lodged. - El-news.

Terror hearing: 15 in court

Clenched fists and
shouts of 'Viva'

JUNE

SAAWU

UWCWU

By DENNIS CRUYWAGEN
Staff Reporter

UNIVERSITY of the Western Cape students Mr Ashley Alexander Forbes, 22, and Mr Peter Jacobs, 23, Bonteheuvel teacher Mr Leon Scott, 30, and 12 others appeared in the Cape Town Magistrate's Court today charged with terrorism.

An application for their release on bail was refused after a Attorney-General's certificate was handed in to court.

The 15 are: Mr Forbes and Mr Jacobs of Dunster Road, Athlone; Mr Scott of Loganberry Road, Bonteheuvel; Miss Yasmina Pandey, 22, of Batts Road, Wynberg; Mr Nicklo Louis Pedro, 20, of Hibiscus Avenue, Mossel Bay; Mr Anwa Dramat, 21, Melknot Street, Bonteheuvel; Mr Nazeem Howe, 24, of Allen Road, Diep River; Mr Walter Rhoope, 23, of 47th Avenue, Elsies River; Mr Clement Baatjies, 19, of Bonteheuvel Avenue, Bonteheuvel;

Mr Jeremy Alan Veary, 23, of Botha Street, Cravenby Estate; Mr David Johannes Fortuin, 32, of 34th Street, Elsies River; Mr Ashraf Karriem, 20, of Halt Road, Elsies River; Mr Wayne Ingemar Malgas, 22, of Lantana Road, Uitsig, Ravensmead; Mr Collin Cairncross, 22, of the University of the Western Cape men's hostel; and Mr Colin Clive Martin Petersen, 23, of Flower Close, Grassy Park.

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Section 29

They will appear again on
November 30 when a date for
their trial in the Supreme
Court will be set.

Police have been holding all
15 in terms of Section 29 of the
Internal Security Act, Mr
Forbes and Mr Jacobs for 185
days.

More than 100 relatives and
friends stood up, clenched their
fists and chanted "Viva, viva"
as the accused were led into
Court 28.

The 15, led by Mr Forbes, re-
sponded by clenching their fists
and shouting "Viva".

Police ordered the 15 back to
the cells while an appeal was
made for those in court to re-
main calm.

When the accused were led
back into the court they
clenched their fists and
stamped their feet.

The spectators stood up
again, clenched their fists and
responded in similar fashion.

One of them hoisted a bright
yellow poster bearing the
words "Happy Birthday Leon".

Major Dolf Odendal then or-
dered the accused to return to
the cells again and a number of
spectators were ordered from
the courtroom.

(Turn to page 3, col 4)

Laaiplek violence — six men jailed

Staff Reporter

16/4/87
SIX men have been jailed after a weekend of violence at Laaiplek on the West Coast earlier this year.

The violence on January 3 and 4 was sparked by a racial incident at a café and in the flare-up which followed teenager Jonathan Slabbert died, shot in the head.

Constable Pieter van der Merwe died in hospital after

being struck by a stone.

Five men were convicted of arson and malicious damage to property and sentenced in Vredenberg Regional Court last week.

Clive Liebenberg, Esau Coetzee, Adrian America, Morgan Blaau and Ralph Carolus were each sentenced to five years' imprisonment, with two years' suspended.

They pleaded guilty to

charges of attempting to burn down the café with petrol bombs and causing about R3 000 damage.

Liebenberg was sentenced to a further two years, with 18 months suspended, for malicious damage to property when he stoned a car.

Stanford Don was sentenced to three years' imprisonment, with 18 months' suspended, for smashing the café's windows.

331

32 Six Laaiplek men jailed for arson

Staff Reporter

SIX MEN, including the brother of a Laaiplek youth killed in racially linked violence in the West Coast village around New Year, have been jailed for arson.

The convictions came in Vredenburg Magistrate's Court last week, 11 months after a racial incident in the Oase Cafe when a white man said to a youth "julle Hotnots moet loop" (you Hotnots must get out).

The incident sparked a weekend of violence on January 3 and 4, which left 17-year-old Jonathan Slabbert dead.

The day his death, a policeman, Constable Pieter van der Merwe, 34, died after a stoning incident, when about

400 Laaiplek residents gathered outside the police station to demand the arrest of a man believed to be responsible for the youth's death.

They told the court they were so incensed by Jonathan's death that they decided to take revenge.

They admitted making petrol bombs and setting alight the local cafe causing about R3 000 in damage.

The dead youth's brother Esau Coetzee, Clive Liebenberg, Adrian America, Morgan Blaau and Ralph Carolus were each jailed for five years (two years suspended) for arson.

Stanford Don received a three-year jail sentence (18 months suspended) for smashing the cafe windows.

the background, work proceeds on the Natal Building Society building and the renovation of the former Stuttards block.

Picture: RICHARD BELL

major explosion and fire in the field, estimated at 130 million barrels, gushing into the Gulf. — Sapa-Reuter

15 on terror charges

By YVETTE VAN BREDA
Court Reporter

FIFTEEN people including UWC students Mr Ashley Forbes and Mr Peter Jacobs, who have been in detention for about six months, appeared in the Regional Court yesterday in connection with charges of terrorism.

They were not asked to plead and bail was refused after Mr W Viljoen, for the state, handed in a certificate from the Attorney-General opposing bail.

However, he said the defence attorneys could apply to the Attorney-General's office for bail.

The 15 are being held in terms of Section 29 of the Internal Security Act.

They are: Mr Forbes, 22, of Athlone; Mr

Jacobs, 23, of Athlone; Mr Leon Scott, 30, a Bonteheuwel teacher; Ms Yasmina Pandey, 22, of Wynberg; Mr Nicklo Pedro, 20, of Mossel Bay; Mr Anwa Dramat, 19, of Bonteheuwel; Mr Nazeem Lowe, 24, of Diep River; Mr Walter Rhooode, 23, of Elsie's River; Mr Clement Baatjies, 19, of Bonteheuwel; Mr Jeremy Veary, 22, of Cravenby Estate; Mr David Fortuin, 22, of Elsie's River; Mr Ashraf Kariem, 20, of Elsie's River; Mr Wayne Malgas, 22, of Ravensmead; Mr Colin Cairncross, 22, of the UWC hostel; and Mr Colin Petersen, 23, of Grassy Park.

There was a strong police presence outside the court.

The accused were led into a court packed with relatives and friends who greeted them with shouts of "Viva! Viva!".

The 15 repeated the chant, clenching

their fists.

The gallery was asked to stay calm and the accused were returned to the cells.

When the accused were brought back to court, some people reacted similarly and a poster reading "Happy Birthday Leon" was unfurled.

The 15 were returned to the cells again and a number of spectators were ordered from the court room.

After legal representatives Mr E Mohammed and Mr A Abercrombie spoke to the accused, they returned to the court again and were told they would face charges of terrorism.

The 15 were remanded to November 30 for a trial date in the Supreme Court.

Mr P M A Louw was the magistrate. Mr Viljoen is from the Attorney-General's office. Mr Mohammed appeared for 14 of the people and Mr Abercrombie for Mr Malgas.

Hubby begged for another

sold at Pen and Aab

IN THE COURTS

ANC men 'leaders'

SUSAN RUSSELL

8/dec/87
17/11/87
331
NELSON Mandela, Oliver Tambo and Walter Sisulu were generally regarded as leaders by residents of Alexandra township, a young Alexandra man told the Rand Supreme Court yesterday.

Albert Ali Sebola and seven co-accused have pleaded not guilty to treason, alternatively sedition and subversion.

The charges against them arise from their alleged involvement in attempts to make Alexandra and/or other areas of SA ungovernable and involvement in the holding of "people's courts" last year.

Accused with Sebola are Vusi Andries Ngwenya, Andrew Mafutha, David Mafutha, Arthur Selby Vilakazi, Ashwell Mxolise Zwane, Piet Mogane and a 17-year-old youth.

Sebola said he had attended a funeral, held in the township's stadium on March

5 last year, of people killed in unrest.

Freedom songs — "songs honouring the leaders" — were sung and political poetry was read.

Sebola said one of the dead was a friend of his.

"I was very, very, very upset." He said the crowd was "very upset" too.

Sebola told the court he had become a member of the Alexandra Youth Congress on April 21. Before that, he had sympathised with Ayco's policy and principles.

"They envisaged a non-racial democratic society in SA. I was in favour of that.

"Ayco was a non-violent organisation."

The trial continues.

A. LEGAL wrangle

CH & Times 17/11/82

Inside story of SA Navy spy

331
Own Correspondent

JOHANNESBURG. — Former Simon's Town Naval dockyard commander Dieter Gerhardt, sentenced to life imprisonment as a traitor in 1983, offered his services to the Russians while on secondment to the Royal Navy in 1962, says British author Chapman Pincher in his new book "Traitors".

According to Pincher, when Gerhardt confessed in 1983 he described how, while seeking recruits for the SA Navy in London, he had interviewed many Royal Navy sailors, including some in Polaris submarines. Gerhardt gave the Russians a list of those sailors who seemed discontented or might have exploitable character weaknesses.

Gerhardt had a "professionally" supportive marital arrangement. He offered the Soviets his services when he was 25, divorced his English wife and married Ruth Johr, a Swiss woman who was already a Soviet agent, the match having been blessed by the GRU Russian intelligence agency, says Pincher.

The Gerhardts were able to take joint vacations to Vienna, sometimes journeying on to Moscow surreptitiously for further training.

Gerhardt and his wife were caught only because a Soviet defector happened to know about them, says Pincher.

Gerhardt, who professed to be ideological, was paid very large amounts — one Swiss bank account alone contained £85 000 (about R298 000).

News in Brief

Cam Times 17/11/87
Priest had illegal gun *28 331*

JOHANNESBURG. — SA Catholic Bishops' Conference general secretary Father Smangalis Mkhathshwa, 48, was found guilty yesterday of illegally possessing a 0,38 special revolver and 50 bullets and sentenced in Pretoria Regional Court to a fine of R500 or 150 days' jail.

Cam Times 17/11/87
Four die at Maritzburg *276*

PRETORIA. — Four people died violently over night in continuing unrest in the Maritzburg area. The SAP yesterday said security forces shot dead two of the four, while the other two were stabbed to death by mobs.

Treason trial told of call at night vigil

Alex residents 'urged to form committees'

STAR 17/11/87

(331)

Alexandra residents attending a night vigil on March 4 last year in commemoration of unrest victims were encouraged to form yard, street and block committees to unite the people of the township, the Rand Supreme Court was told yesterday.

The evidence was given by Mr Albert Sebola (23), one of seven Alexandra men who, with a 17-year-old youth, have pleaded not guilty to high treason, alternatively subversion and sedition.

The charges relate to unrest incidents in Alexandra last year.

NIGHT BEFORE MASS FUNERAL

Mr Sebola, the first witness to be called by the defence, said he attended the vigil at the Alexandra Stadium on March 4, the night before the mass funeral of the victims was to take place.

A speaker, whom he could not identify, said yard, street and block committees would be beneficial to the Alexandra community.

There were many different tribes in the townships and due to tribalism there was no peace in the yards, in which many different families lived, Mr Sebola recalled the speaker as saying.

The next day he went to the funeral service at the stadium at about 9 am.

The stadium was packed. No police were present.

The coffins, in the middle of the stadium, were draped in black, green and gold flags, which he knew to be the colours of the African National Congress.

Banners were being carried in the stadium. One had a slogan which read: "What are the police doing at our funeral? It is our Comrades we are burying — Go away now."

POLITICAL POETRY READ OUT

Among the speakers at the funeral was Mrs Albertina Sisulu, president of the United Democratic Front, who said all the mothers of South Africa, black and white, should join hands, and mothers of white children should not allow their children to kill their own black brothers in the townships.

Freedom songs were sung and political poetry was read out. The poems discussed living conditions of black people, police actions and called for police to stop shooting small children.

The ceremony went on for a long time, after which the coffins, still draped in flags, were carried to the cemetery.

The hearing continues.

QIBLA - COURT GIVES RULING

331 17/1/82
Inverm
A PRETORIA magistrate ruled yesterday that the State should prove beyond reasonable doubt that the documents which were to be presented to a State witness in a terrorism trial were from Qibla, and that Qibla was an organisation as defined in the Internal Security Act.

Mr J H Bekker made the ruling after Mr Denis Delahunt, for the defence, submitted that it would be "a gross irregularity to present a witness with an inadmissible document."

This was after the prosecutor, Mr J P Pretorius, had presented a Qibla member who is giving evidence in camera with documents he alleged were from Qibla.

The witness was testifying in a case involving seven alleged members of the Pan Africanist Congress and Qibla, a Muslim organisation.

The accused are facing charges of terrorism, attempted murder and defeating the ends of justice. They have pleaded not guilty.

They are Mr Mabatu Enoch Zulu and Mr Siyabulela Ndoda Gcanga, both of Transkei, Mr Vincent Mathunjwa of Springs, Mr Setsiba Mohohlo of Johannesburg, the Reverend Daniel Nkopo-di of Bophuthatswana, Mr Achmad Cassim and Mr Yusuf Patel, both of Cape Town.

In his evidence, the witness referred to Qibla as an Islamic movement based in the Western Cape.

He identified a number of items which he said he brought with him after undergoing PAC training in Libya. Among the documents which were submitted in court were *Azanian Combat*, the basic documents of the PAC, the political career of John Nyathi Pokela, leader of the PAC, Pokela on Sharpeville and the speeches of Mangaliso Sobukwe.

(Proceeding)

Two found not guilty 331 on pamphlets charges

Court Reporter

MAN and a woman have been acquitted in the Wynberg Regional Court of distributing pamphlets containing subversive statements.

Miss Brendaline Marks, 24, of Orrel Avenue, Steenberg, and Mr Vernon Brandon Rossouw, 24, of Flora Street, Retreat, pleaded not guilty.

It was alleged they distributed pamphlets published by the Cape Youth Congress advertising a meeting on June 15 last year and others calling for the unbanning of the African National Congress, the release of political prisoners and declaring June 16 a "youth day".

Evidence was that Miss Marks tried to hand two pamphlets to Mrs Wilhelminia Williams of Steenberg who refused to accept them and called the police.

Counsel for Miss Marks, Mr S Desai, argued that the court was dealing with an offence which was no longer an offence because it had been superseded. He submitted that because the State called only one witness it had failed to prove that Miss Marks and Mr Rossouw distributed the pamphlets to the public.

"The evidence of two policemen that the accused were found in possession of subversive pamphlets does not apply because the accused were not charged with possession," he said.

Mr Desai said the wording "We support the June 16 stayaway" meant only that the organisation publishing the pamphlet supported a principle and was not an incitement to others to commit an unlawful act.

EMINENT PEOPLE

Mr Y Ebrahim, for Mr Rossouw, argued that the words "unban the ANC" appeared daily in the newspapers as quotes from eminent people in South Africa and overseas and could not be construed as subversive.

The magistrate, Mr A P Kotze, said he was surprised that the State had called only one witness.

"It now appears the State's case falls through on the pamphlet itself.

"Exhibit A does not fall under the relevant section and Mrs Williams described the second one as being orange, which was clearly not exhibit B," said Mr Kotze.

Mr P A Botha appeared for the State. Mr Desai was instructed by E Moosa and Associates.

Court told suspect 'threw grenade'

Cape Times 18/11/87
By RONNIE MORRIS

A POLICE sergeant yesterday told the Supreme Court how he and another policeman were wounded by shrapnel when a suspect they were chasing in KTC flung a handgrenade at them.

Sergeant Andries Steenkamp was giving evidence in the trial of Mr Mxolisi Petane, 26, of New Crossroads, who is facing three charges of terrorism and two alternative charges of attempted murder.

He is alleged to have parked a stolen car containing two gas cylinders and a bomb — which was detonated but failed to explode — outside the entrance of Dion's Shopping Centre in Parow on July 25 last year.

It is also alleged that Mr Petane is a member of the ANC's military wing, Umkhonto we Sizwe (MK), received military training in Angola and the Soviet Union, and that he fired several shots that wounded a police constable and wounded four other policemen by throwing a grenade at them.

Sergeant Steenkamp said on November 27 last year he was part of a platoon of policemen who conducted a house-to-house search for illegal firearms, stolen property and explosives in KTC.

Mr Petane ran off while he and a colleague were body-searching him, and during the chase he flung a grenade at them. "I sank to my knees and the next moment I heard a tremendous explosion. My eyes were full of sand and I realized I had been wounded."

Sergeant Pieter Jurgens Taljaard, an explosives expert, said he had inspected the site of the explosion and recovered fine metal shards and also part of a detonator of a Russian-manufactured F1 handgrenade.

Mr Robert Frank Beddingham, security manager at Dion's in Parow, said on July 25 last year, during a search of the parking area, he had found a "home-made bomb" in a coffee tin in a car.

He cordoned off the area and called the police who removed the car and the "bomb", he said.

The trial continues today.

Mr Justice J H Conradie presided with two assessors, Mr L P Francis and Mr W R Vivier. The Deputy Attorney-General, Mr D W Rothwell, appeared for the state with Mr Mike Stowe. Mr M Donen, instructed by R Vassen and Co, appeared for Mr Petane.

Train crash: How it happened

1645 18/11/87 (331)

Court told of bomb search at Parow supermarket

Supreme Court Reporter

A "bomb" in a coffee tin was found in a shopping trolley outside Dion's in Parow in July last year, the Supreme Court was told.

This was evidence yesterday in the trial of Mr Mxolisi Edward Petane, 29, of KTC, charged with three counts of terrorism and two of attempted murder.

One of the terrorism charges is based on an allegation that Mr Petane placed a car-bomb outside the shopping centre. It did not explode.

Mr Robert Beddingham, former security manager at Dion's, said he was told on July 27 of a fire in a car in the parking area the previous day.

GAS CYLINDERS

He found a red Ford Escort parked in a bay reserved for handicapped shoppers. There were two gas cylinders on the floor and signs of fire on the back seat.

"I ordered an immediate search and was told someone had found something in the trolley area," he said. "I saw a greyish substance which appeared to have been burnt in a 1,5kg coffee tin. There was also a small travelling alarm clock, a battery and a small section with wires.

"I assumed it to be a bomb."

Mr Beddingham said about 5 000 people would have been in the shopping centre on the last Friday of the month.

Detective-Warrant Officer Josias Steenkamp, describing events on November 27 1986, when Mr Petane was arrested, said he joined other policemen chasing Mr Petane in KTC.

TUSSLED

"Suddenly he ran around a house into me," Warrant Officer Steenkamp said. "I grabbed him, but let him go when I saw he had something in his hand. We tussled briefly and I grabbed him again. We both fell to the ground.

"I heard someone, not the accused, shout 'Hand-grenade' and the next minute there was a violent explosion."

Mr Petane has refused to plead to the charges and the court has entered pleas of not guilty. The hearing continues.

Mr Justice Conradie is sitting with assessors Mr WR Vivier and Mr LP Francis. Mr D Rothwell, SC, and Mr M Stowe appear for the State. Mr M Donen, instructed by R Vassen and Co, appears for Mr Petane.

People's court orders witness:

Mend marriage or be sjambokked

STAR 18/11/87

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Young boys in Alexandra had threatened to sjambok a man if he and his estranged wife did not reconcile their differences, the Rand Supreme Court was told yesterday during the treason trial of Mr Moses Mayekiso.

Mr Mayekiso (38), the general secretary of the National Union of Metalworkers of South Africa, Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mr Mzwanele Mayekiso (22), all of Alexandra, have pleaded not guilty to charges of treason, alternatively sedition and subversion.

The State alleges they attempted to usurp the authority of the State by making Alexandra ungovernable.

A State witness, who may not be identified, said he had been told by a group of youngsters to go to a house in 7th Avenue, Alexandra, on April 10 last year after he and his wife had quarrelled.

He was told to go to a corrugated iron shed, in which people were sitting on benches. A candle was burning. His wife was also present.

A girl, aged between 18 and 19 years, asked himself and his wife questions "as if she was a magistrate". They answered.

He and his wife were told to go and live together as man and wife, but his wife did not agree to do so.

The girl acting as the "magistrate" said the couple could leave, but should live together.

During a subsequent "hearing" at the 7th Avenue address, a male, aged between 40 and 45 years, asked them questions.

On this occasion, small boys said they would sjambok the witness if he and his wife did not reconcile their differences.

The couple were later divorced.

The hearing continues.

By MARTIN
NTSOELENGOE

PEOPLE who formed the Alexandra Action Committee had done so in order to enrich themselves with residents' money and the "people's courts" were sometimes conducted by inexperienced small children.

This was said in the Rand Supreme Court this week in a case involving the general-secretary of the Metal Allied Workers' Union, Moses Mayekiso, and four others.

The five have pleaded not guilty to charges of treason and sedition, alternatively subversion, before Judge Strydom.

The other four are: Paul

The AAC is a 'profit-making organisation'

Tshabalala, 38, Richard Mdakane, 29, AAC general-secretary Obed Bapela, 28, and Moses's younger brother, Mzwanele Mayekiso, 22, an organiser for the AAC.

A State witness who may not be named said the AAC and the "people's courts" were formed in Alexandra

by people who wanted to line their pockets with money at the expense of residents.

The witness added that the courts were sometimes conducted by inexperienced small children who knew very little about the law.

The State alleges that

the five attempted to take over Alexandra by establishing alternative "people's institutions" under the auspices of the AAC and they are also alleged to have launched a campaign against the security forces.

The AAC strategy was to harass the Alexandra Town Council, its employees, and people they called collaborators and sellouts (impimpis), initiating the rent boycott.

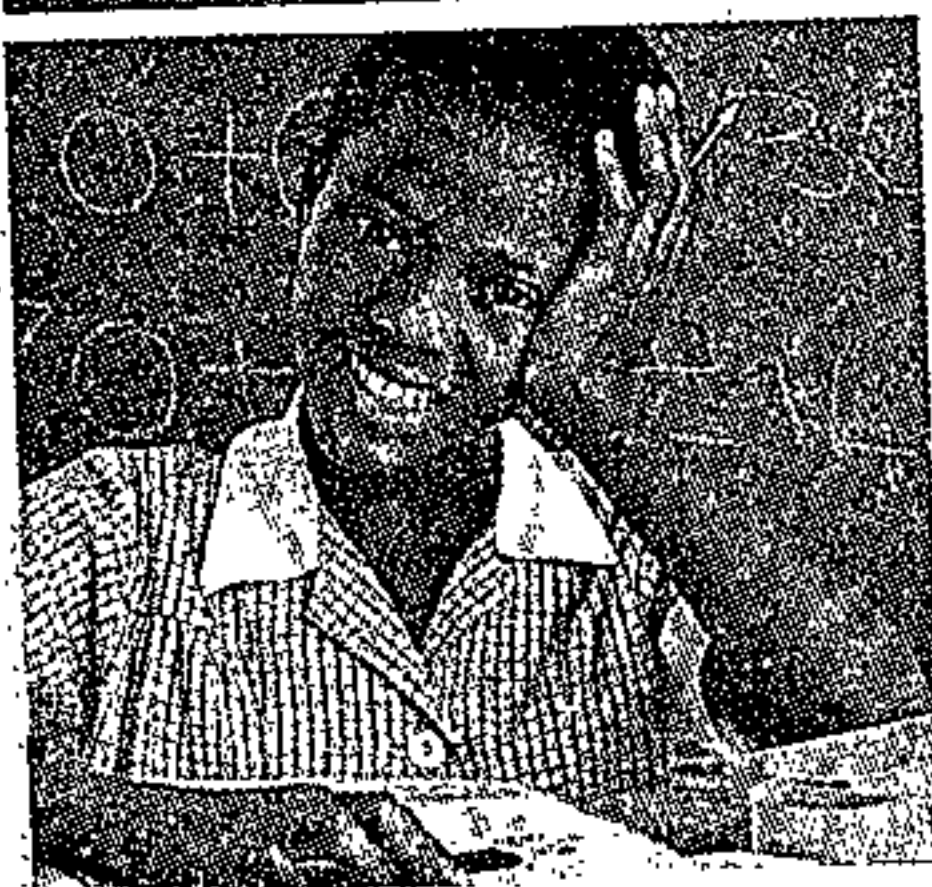
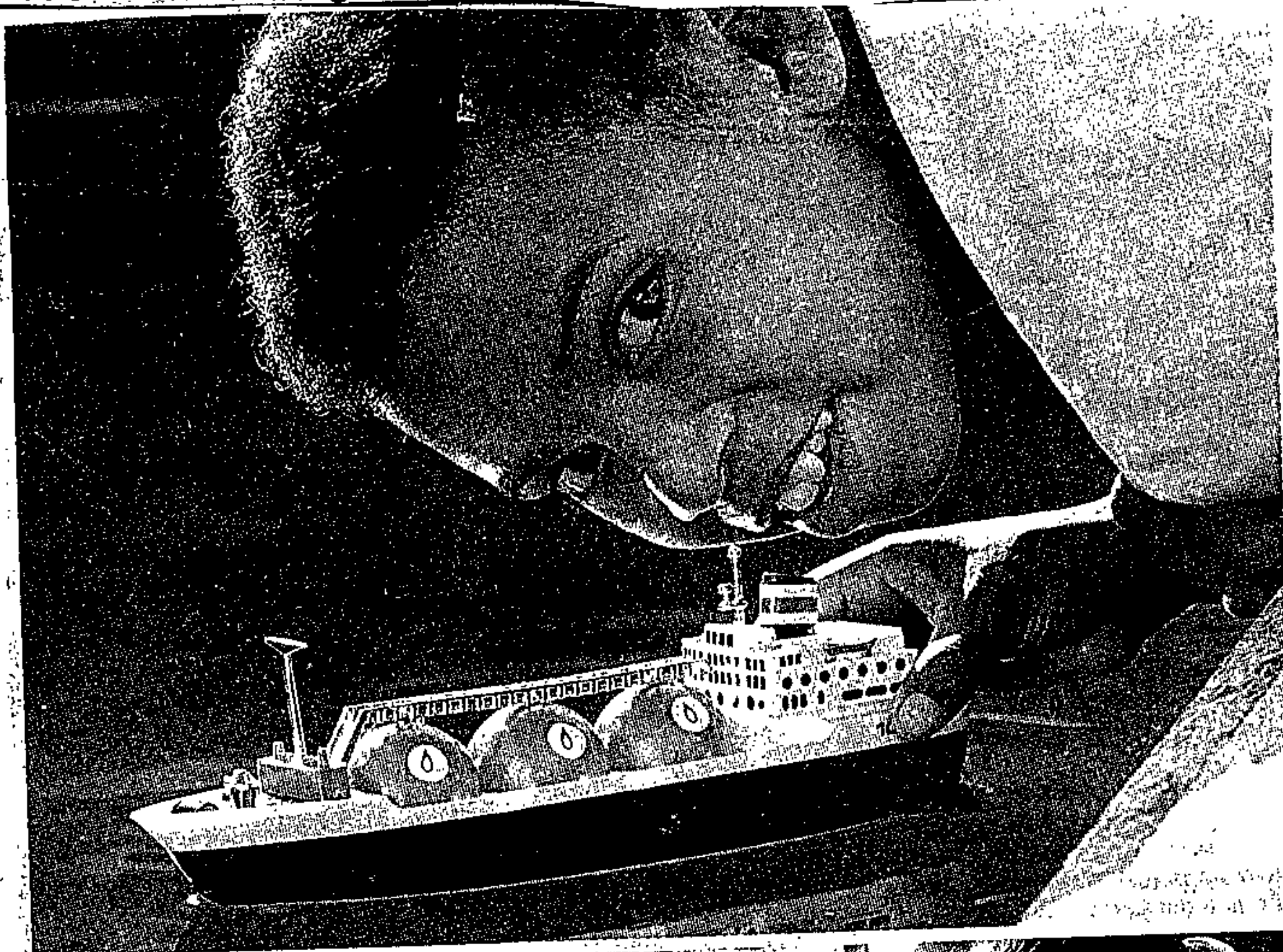
At its inception on February 5 last year, the AAC set itself the task of controlling and monitoring the township's infrastructure, including transport, housing, retrenchment, unemployment and education.



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A child from Bongweni township looks through the dividing fence.



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sumed after a short recess. It continued in the same courtroom where the African National Congress leader, Mr Nelson Mandela, and seven co-accused were jailed for life for planning a violent revolution and committing acts of sabotage.

The essence for the State's case in the present trial is that accused conspired to overthrow the State by violent means. Their purported conspiracy is alleged to have existed between the United Democratic Front and the outlawed ANC or, alternatively, within the UDF on its own.

From January to October 1986 the State, represented by three lawyers, including Deputy Attorney General, Mr P B Jacobs, called more than 150 witnesses and submitted thousands of documents in support of its charges.

The defence started its bid to rebutt the state indictment in January 1987. Mr Arthur Chaskalson, SC warned at the time: "The defence may prove to be as long as the State case." Judging by the progress so far, it is likely to be longer.

Prove longer

So far 14 of the accused have given evidence in their own defence, including two national executive members of the UDF, Mr Patrick "Terror" Lekota and Mr Popo Molefe. Each of the accused has been cross-examined by the State for about two weeks.

Scores more may still testify for the defence. The end is still not in sight.

After the defence has called its last witness, a mammoth task awaits both counsel for the State and the defence, who will have to present their final arguments. An even more forbidding task awaits the judge, who will have to sift through literally thousands of pages of evidence.

The core of the defence case, as summarised by Mr Chaskalson in his opening address, rests on a triad of counter-arguments.

They are that the UDF did not pursue a policy of violence; that the accused cannot be held responsible for the violence which swept the country in 1984 and 1985 (three of the accused were in detention at the time of the trouble in the Vaal Triangle) and that the UDF was not formed in response to a call by the ANC president, Mr Oliver Tambo, in January 1983, for the unification of all "democratic forces" into one front.

If the trial of the 19 — three of original 22 accused were acquitted at the end of the State's case — is the biggest and the most important treason trial, the trial of the five Alexandra men is without parallel in South African legal history.

The gravamen of the charge against the five Alexandra men is that they tried to usurp the authority of the State by establishing "organs of

Moses Mayekiso

More serious crimes allegedly heard included assault, rape, and attempted murder.

The outcome is critical to the future of literally scores of people. A conviction by the State may lead to the prosecution for treason of men and women in black townships across the face of the country where similar attempts were reportedly made to establish people's committees and people's courts.

The trial of the five finally started last Wednesday before a packed public gallery, the accused having been in detention since June last year.

But the gallery was cleared on the orders of judge, Mr P J van der Walt, who ruled that the evidence of state witnesses from Alexandra should be heard in camera to protect them against retribution.

The judge is presiding without assessors, an auspicious sign for the accused. South African law obliges a judge to call assessors to assist him if, after reading the indictment, he concludes that he may have to impose the death penalty should the evidence lead to a conviction.

Evidence so far has been largely from businessmen operating in or near Alexandra. Their testimony focused on a consumer boycott, allegedly organised last year by the ACC directed against businesses run or owned by entrepreneurs deemed to be hostile to the people of Alexandra or too closely associated with the security forces or with members of the officially-approved Alexandra Town Council.

Bloody conflict

But during cross-examination by defence counsel, Mr David Soggot, SC the court heard of Alexandra's "six-day war", a time of bloody conflict between "comrades" and police in Alexandra in February last year which left 17 dead.

It heard, too, of attacks on the houses of black policemen in Alexandra and how they were driven out; of the en masse resignation of Alexandra town councillors; of how residents were told at the police station to take their complaints to the "comrades" and of how the "comrades" tried to contain crime and maintain law and order.

One witness told of the absolute rejection of the government-sanctioned town council, of how its members were generally believed to be corrupt, of how his friend was shot dead by soldiers while trying to push a scrap car onto the road, and of a widespread perception during the "six-day war" that soldiers shot people for no reason.

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Trials — no end in sight

From PATRICK LAURENCE
JOHANNESBURG.

— With 40 people charged with treason in five current trials and 10 convicted of treason last year, treason trials are no longer unusual in South Africa.

But two present treason trials merit special attention, having carved a special niche for themselves in South African legal history.

They are the trials of 19 men — including two executive members of the United Democratic Front — in the Palace of Justice in Pretoria and of five men from Alexandra in the Rand Supreme Court.

The trial of the 19 is the longest treason trial in South African legal history, having already overtaken the marathon treason trial of 1956-61, if the start of that trial is taken as August 1959 when hearings on a reformulated indictment against 30 of the original 156 accused began.

More than 17 000 pages of evidence have been heard so far in the present case, more than 900 co-conspirators have been named and over 30 organisations implicated by the State.

Longest trial

The trial of the 19 was originally dubbed the Delmas Trial by the media because all evidence for the State and some of the evidence for the defence was heard in the highveld farming town. Delmas, however, is only one of four venues where the court has sat.

The accused, some of whom were detained shortly after the upsurge of violence in the Vaal Triangle townships in September 1984, were first called before the Regional Court in Pretoria in June 1985.

Later they appeared for a single day at another farming town, Bethal, before Mr Justice Kees van Dijkhorst.

In August 1987 the venue changed again to Pretoria's Palace of Justice when the trial

people's power" in the impoverished township. Specifically they are alleged to have organised the people of Alexandra into yard, block and street committees and to have formed "people's courts" to maintain discipline by adjudicating on quarrels and meting out punishment to transgressors.

The yard, block and street committees were inter-linked through representatives elected by the smaller units to serve on the larger ones. The structure culminated in the Alexandra Action Committee (ACC), on which the five accused purportedly served.

The objectives of organised "people's power", as set out in another document dated 13 April 1986, included the withdrawal of troops and police from the township; the dissolution of the town council; "comfortable houses which we can afford" and — a reference to the clashes with security forces in February — the "recovery of missing corpses and people".

The number one accused, Mr Moses Mayekiso, a prominent 38-year-old trade union leader, is alleged to have served as chairperson of the ACC. His younger brother by 16 years, Mr Mzwanele Mye, is also an accused. He is alleged to have been the ACC's organiser.

Standing trial with the Mayekiso brothers are Mr Paul Tshabalala, 38, Mr Richard Mdakane, 29, and Mr Obed Bapela, 28.

The "people's courts", the State avers, had their own gendarmes, known as marshalls or comrades, who served as court functionaries, liaising with street committees to maintain discipline and impose punishment.

According to records kept by the "people's courts", complaints dealt with included "tribalism and being bossy", "adultery", "husband and wife fighting", "beating",

Return of the Cookhouse 'outcasts'

The fencesitters

8/11/87

(331)

HIGH fence divides the African township of Cookhouse.

On one side of the road is Ebongweni - a place of pride.

And on the other Eku-phumleni - a place of rest - a cluster of fifty newly-built houses surrounded by a 15-metre fence.

On top of the fences, the rows of curled barbed wire discourage any in-

truders, and the gates, closed day and night, keep out unwanted guests.

This is the home for 200 people who have returned to the township of Ebongweni after eighteen months of exile. Here they live apart from the rest of the community in self-imposed prison conditions.

During the height of the unrest in Cookhouse in

March 1986, these people fled the township and spent the next year and a half camped outside the small Cookhouse police station in tents and makeshift shelters with tarpaulins provided by the South African Transport Services and the Defence Force.

Toilet and water facilities were supplied and this camp became the home of the residents until

September this year when they returned home.

However, they were not to return to their old homes in the familiar street, but to new houses behind fences which separate them from the rest of the township.

According to the residents of Ebongweni, the problem centres on differences over the consumer boycott. In 1985, at the height of

the boycott, a member of the Kekane family opened a shop in Ebongweni. To many residents, the shop was a front for a white business person in Cookhouse and many stopped buying there. Later, the shop was burnt down.

The Kekane family refused to support the boycott and were labelled collaborators.

In February last year, Nkthaya Menzie, the

wife of UDF leader Edward Menzie, was beaten to death.

The Menzie family, in the forefront of the formation of the UDF-affiliated Cookhouse Youth Congress, was respected in the community.

They also owned a shop in the township which had wide community support.

Following the murder of Menzie, violence broke out between sympathisers

of the Kekane and Menzie families.

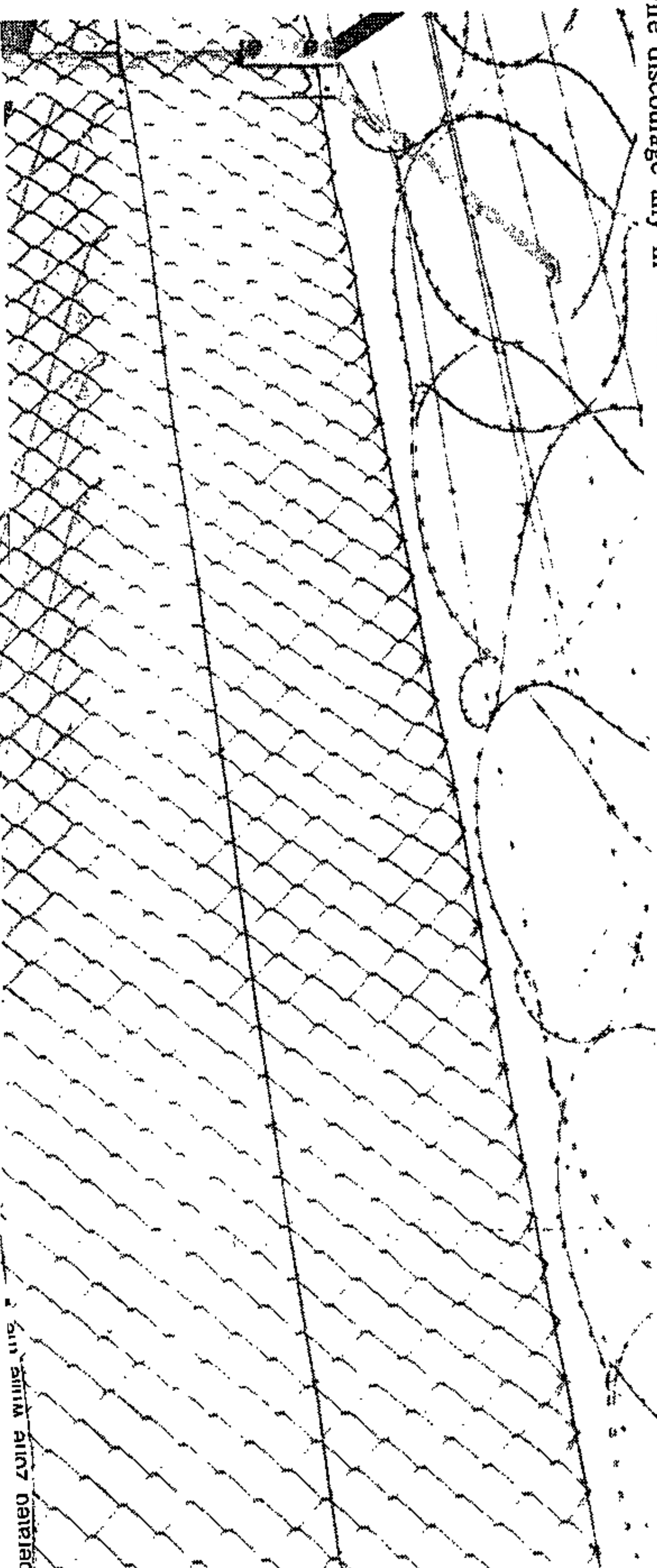
After the funeral of Menzie, the Kekane family and sympathisers of about 50 households were run out of the township and sought protection from the police.

The seven municipal policemen in the township are drawn from the Kekane families.

They too live behind the high wire fences.

Story and pics by
EDYTH BULBRING

Behind the barbed



Sanitising area outside a town home



Wire

WOMEN were cutting wood and children playing ball between the houses when we ventured behind the wire fences.

A man with a wheelbarrow, tentatively opened one of the gates and shut it carefully after him. The bulge in his back pocket betrayed a gun.

Ekuphumleni residents said they were pleased to return to the township although they were concerned how they would pay the rent on their new houses.

They said they could not return to their old homes as they were burnt down.

They explained the fences and the barbed wire as "protection from the other residents" and said they could not see a time in the near future when the fences would come down.

Sad about division

One woman said she was sad about the division between the community.

She was not interested in politics, but fled to the police station with her husband.

Her friends, she said, she still met at the shops or in the town, but could never go to their houses or have them visit her inside the fences.

Rents on the houses were very high and because most of her neighbours were unemployed, they would not be able to pay the R40,00 at the end of the month.

Cookhouse, which has one main street, is largely a wheat and dairy farming community which provides few jobs for the township residents.

"But we will not be evicted," she said. "Where will they send us? We can't go back into Ebongweni, and I'm sure the police station won't have us again."

"They got sick of all the people with the chickens and goats hanging around."

'Comrades versus collaborators'

Self-imposed exile. A woman stands at the fence which separates feuding factions in Bongweni township in Cookhouse. She is one of 200 people who were driven from the township and lived for 18 months in tents outside the Cookhouse police station before moving back last month

8/11/87 (34)

THE STRUGGLE that the Kekane family refused to join the Cookhouse Youth Congress. Unless the UDF could provide documented proof that the youth body and its activities were legal, they would have nothing to do with it. However, the separation of the Kekane and the Menzie parties is rooted in politics, according to residents and lawyers.

The Kekane family also denied allegations that they were members of the Azanian People's Organisation (Azapo) and stated that their support lay with P W Botha. Later, they refused to support other residents refusing to buy at a township shop allegedly owned by a white person.

During the stay at the police station, members of the Kekane family were abducted from their tents and killed. The cross-border raids between the township and the police station continued. A Port Elizabeth lawyer, who has spent two years handling legal cases in the Cookhouse area, told SOUTH most

of his cases involved clashes between the Kekane and Menzie families. The feud, he emphasised, was one of "comrades" versus "collaborators". Members of the two factions would call themselves a Kekane or a Menzie to indicate their political affiliation rather than a blood

relationship. Edward Menzie and his son have been in detention since June last year and are among seven residents from Cookhouse presently being held under the Emergency regulations. Several residents interviewed outside the Menzie cafe, now run by friends, said Ebongweni had been quiet.

They said the Cookhouse Youth Congress was still active although it was very low key at the moment. Asked why 200 residents lived behind fences inside the community, they shrugged, as if the answer was obvious, and one five-year-old child said: "Those are the Kekanes."

'Comrades kicked me out of my house'

A WITNESS told a treason trial judge yesterday that "comrades" instructed him to vacate his house after he separated from his wife.

The witness, who may not be identified in terms of a court order, was giving evidence in the trial of a trade unionist and four civic leaders.

Appearing before Mr Justice P J van der Walt on charges of treason, sedition, alternatively subversion are, Mr Moses Mayekiso (38) general secretary of the National Union of Metal Workers of South Africa (Numsa), Mr Obed Bapela (28), Mr Paul Tshabalala (38), Mr Mzwandile Mayekiso (22) and Mr Richard Mdakane (29), all of Alexandra township.

The State alleges they committed the offences between January 1985 and June last year in Alexandra

By **MANDLA NDLEZI**

township. They have pleaded not guilty.

The witness said he was approached by boys who called themselves "comrades". They told him that he should vacate the house and leave it to his wife. This was after the superintendent of the township had said he could stay in the house. They had told him that they would burn the house if he remained in it, he said.

The witness said he did not know the five accused. Cross-examined by Mr David Soggot, for the defence, the witness said he had told the "comrades" that he would reconcile with his wife and accept her back if she stopped practising witchcraft.

He still loved her, he said.

(Proceeding)

Trialist 'beaten, hit' co

Cape

MESSINA.—A murder and terror-trial accused was made to eat his own faeces and lick clean a chair, it was alleged yesterday in the Circuit Court sitting in Messina.

The allegations arose during cross-examination of a witness, Warrant Officer H H Franken, during a trial-within-a-trial in the Messina landmine case. The trial-within-a-trial is being conducted to determine whether the evidence concerning the arrest of one of two accused is to be taken into account.

The trial involves charges including murder, attempted murder, terrorism and treason against Mr Mthetheleli Zephania Mncube, 27, of Diepkloof, and Mr Zondeleli Euclid Nondula, 24, of Queenstown. Both have pleaded not guilty to all the charges.

Mr Mncube faces an additional two charges of murder following an alleged escape attempt on December 26 last year in which two policemen were shot dead.

Mr Rodney Black, for both accused, put it to WO Franken that following Mr Mncube's arrest, he was assaulted by members of the security police on no less than three occasions that day.

Mr Mncube was allegedly assaulted by a group of 10 security policemen shortly after he was arrested following a hunt for terrorists on December 26.

"The accused was handcuffed, thrown on the floor, hit and kicked and hit with a stick until he screamed," Mr Black alleged.

WO Franken denied this and the fact that there were about 10 people present. He said that later on January 3, the date of the arrest and alleged assault, he took Mr Mncube to a point on the road west of Messina where he met Lieutenant Pieter Dreyer of the security police in Louis Trichardt.

Lt Dreyer took the accused into the bush. The group from Messina followed at a distance of about 50 to 60m.

Lt Dreyer called from the bushes and showed the

group an AK-47 rifle and part of a track suit. WO Franken said Mr Mncube had been handcuffed and put in leg-irons with a chain connecting the two devices. He said Mr Mncube's hands were in front of him.

Mr Black submitted that Mr Mncube had his hands cuffed behind him and when the rifle was found, the chain joining the cuffs and leg-irons was pulled and Mr Mncube fell flat on his face.

He allegedly suffered injuries in the fall.

When Mr Mncube was taken back to Beit Bridge, he was again assaulted, Mr Black said.

Mr Black alleged that a Sergeant Erasmus assaulted Mr Mncube so badly that he screamed and cried.

"Sgt Erasmus stamped his foot on his stomach with such force that there was excrement on the floor and the accused lost consciousness for about a minute," Mr Black said.

He then alleged that WO Franken hit Mr Mncube in the face with a "flip-flop" sandal. The warrant

mes, Wednesday, November 18, 1987 7

urt told

officer emphatically denied this.

After Mr Mncube messed on the floor, he was taken to another office and made to sit on a chair. As Mr Mncube was wearing only a pair of shorts at the time, the chair was also soiled.

Mr Black put it to WO Franken that he told the accused that he must eat the mess on the chair and lick it clean.

The accused would not be given water until he had "cleaned" the stool.

While in WO Franken's presence, a black member of the security police came in and told the accused: "You are lucky your forefathers' ghosts are with you because other policemen next door were discussing taking you out into the veld and killing you, but they decided not to."

WO Franken denied the allegations, saying: "No one at any stage assaulted him (Mr Mncube) in my presence."

The hearing continues. — Sapa

Witness refuses to testify for State

18/11/87 *Sawefan* (331)

A 27-YEAR-OLD Qibla member, Mr Abdul Aziz Kadar, yesterday refused to testify for the State in the Pan Africanist Congress trial at the Pretoria Regional Court.

Mr Kadar was to testify in a case of seven alleged members of the PAC and Qibla, a muslim organisation. He is due in court on December 3 when his fate will be decided.

The accused, Mr Mabatu Enoch Zulu, Mr Siyabulela Ndoda Gcanga, Mr Vincent Mathunjwa, Mr Setsiba Mohohlo, the Reverend Daniel Nkopodi, Mr Achmad Cassim and Mr Yusuf Patel, have pleaded not guilty to charges of terrorism, attempted murder and defeating the ends of justice.

Mr Kadar had first asked to address the court when called. He told Mr J H Bekker, the magistrate, that for the past 18

months, the police had kept him in solitary confinement and that he wished to apply for legal representation.

He told the court that he was under emotional stress and that giving evidence for the State was against Islamic principles. "I am a practising Muslim and have to choose between being what I am and testifying," he said.

Asked by Mr J P Pretorius, for the State, if he was "willing to take more stress" by refusing to testify, Mr Kadar said he viewed what he was doing on a long term basis. What he was presently undergoing, he pointed out, was short term.

His lawyer, Mr Ben Ngoepe, asked the court to postpone his case until December 3 to enable the defence to call witnesses.

(Proceeding)

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SOWETAN, Wednesday, November 18, 1987

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'RICHES WERE SUDDEN'

By MONK NKOMO

A PUBLIC meeting in August 1984 to discuss rent increases in the Vaal Triangle was told that community councillors enriched themselves "from poor people", the Pretoria Supreme Court heard yesterday.

Mr Khehla Vitalis Namane (54) of Sebokeng, Vereeniging, said another speaker told residents at the meeting

held on August 26, 1984, that rent increases were being "repeatedly" implemented since the introduction of community councils while there were no improvements in the provision of services. The meeting was held in the Roman Catholic Church hall at Small Farns, Evaton.

Mr Namane said speakers also accused

councillors of selling their own people. Other speakers said councillors were not good because they did not fulfil promises they made to the community.

"The next thing was that many councillors were all of a sudden rich as soon as they were elected," speakers said.

Mr Namane, who is giving evidence for the defence, denied that the audience was incited by speakers to commit acts of violence. He also denied that threats were made against councillors and that there was a call to kill them and destroy their property.

Mr Namane was testifying in the trial of 19 men, who include high ranking officials of the UDF, Azapo and the Vaal Association who have pleaded not guilty before Mr Justice van Dijkhorst, who is sitting with an assessor to charges of murder, subversion, treason and terrorism.

23/11

Man forced to eat excrement

Messina
court
is told

SECURITY police based at Beit Bridge had assaulted an alleged ANC guerilla and forced him to eat human excrement, it was alleged in the Messina Circuit Court yesterday.

BY MATHATA
TSEDU

The allegation was made by defence lawyer Mr Rodney Black when he cross-examined Warrant Officer H H Franklin. The testimony is part of the trial-within-a-trial to determine the admissibility of confessions allegedly made by Mr Mthetheleli Mncube. Mr Mncube (27) and Mr Msondeleli Nondula (24), face 41 charges ranging from murder to treason.

Mr Black put it to Warrant Officer Franklin that a Sergeant Erasmus had repeatedly trampled on Mncube's stomach "as he lay on the ground chained and handcuffed until excretion came out of him".

The witness denied that this had happened. "... He was taken into an office and he sat on a

chair which was soiled by the excretion leaking through his underpants . . . You and Sergeant Erasmus ordered him to smear the excretion on a chair and to lick the chair clean and only thereafter did you give him water to drink," Mr Black said.

Warrant Officer Franklin reiterated that Mr Mncube had not been assaulted in any way in his presence.

Warrant Officer Franklin denied that Mr Mncube was seriously assaulted. He also denied an assault on Mr Mncube in the veld where Mr Mncube allegedly pointed out the AK47 rifle used in the killing of two policemen.

PAC trial: Man won't testify

A CAPE Town man, Mr Abdul Aziz Kader, this week refused to testify against seven alleged PAC men in the Pretoria Regional Court.

Kader, 27, of Rylands Estate, was asked to testify against Mr Achmad Cassiem of Hanover Park, and seven others who have been charged with furthering the aims of the Pan Africanist Congress.

Kader refused to give evidence in camera and asked to testify in

an open court. When this was granted he refused and said it was against his Islamic principles to testify against his brothers.

He told the magistrate Mr J H Bekker, that for the last 18 months he was kept in solitary confinement and that he was under emotional stress. He also asked for legal representation.

"I am a practising Muslim and had chosen between what I am and testifying for the State," he said.

Asked by State prosecutor Mr J P Pretorius, if he was willing to take more stress by refusing to testify, Kader replied "I viewed what I was doing on a long-term basis. What I am presently undergoing is short-term."

His advocate, Mr Ben Ngoepe, asked the court to postpone Kader's matter until December 3 to enable the defence to call witnesses.

The trial continues.

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(231) SMM 19/11/87

Police do not keep records, officer tells terror trial

By Dirk Nel,
Northern Transvaal Bureau

MESSINA — No record of arrests or investigations are kept by the Beit Bridge Security Police and members are not compelled to carry personal notebooks, a senior officer told Mr Justice J P O de Villiers during the trial of two alleged terrorists in Messina yesterday.

Captain J Strydom, under cross-examination by the defence, said he did not know whether the same procedure was followed at the Far North divisional headquarters in Pietersburg or elsewhere in the country.

Captain Strydom said one of the accused, Mr Mthetheleli Mncube, was held on January 3 and 4 this year as a murder suspect, but was later detained under Section 29 of the Internal Security Act and handed over to Security Police in Pietersburg.

Mr Mncube (27) and Mr Mzondeleli Nondula (24) have pleaded not guilty to 10 charges of murder and 14 of attempted murder, charges of terrorism, and treason, and offences under the Internal Security Act and Arms and Ammunition Act.

The State alleges the accused were responsible for deaths and injuries arising from a series of

landmine blasts in the Messina area in 1985, that Mr Mncube killed two policemen in 1986 and that the two were involved in activities that promoted the aims of the ANC and endangered State security.

Earlier, defence counsel Mr Rodney Black called for the submission of the personal notebooks of security policemen as exhibits in the case.

Mr Frans Roets, representing the State, said the information in some of the notebooks could prejudice the State's case.

Another member of the Security Police, Constable M Sephuma, told the court that Mr Mncube was handcuffed, with his feet chained together, before he was formally placed under arrest on January 3 this year.

Constable Sephuma said the accused had scratches all over his body, as if he had been hurt by thorn branches.

He said that Mr Mncube was clad only in a pair of underpants and had a blanket draped around his shoulders when he was arrested. He remained that way during questioning.

Security Police members have all denied allegations by Mr Black that Mr Mncube was assaulted, refused food and water and made to eat his own excrement while being questioned at Beit Bridge.

The defence claims that certain disclosures made by Mr Mncube during his questioning were not made voluntarily.

The hearing continues.

331 19/6/87

Terrorism trial postponed

EAST LONDON — The Queenstown terrorism trial scheduled to resume today was postponed until tomorrow in the East London Regional Court because one of the accused was writing a history examination.

Charged on the main count of terrorism are: Mr Fikile Owen Gwadana, 33 and Mr Mziwabantu Errol Dapula 25, both from Zibeleni in Queenstown.

Mr Dapula is also charged with harbouring an alleged terrorist, a Mr Luvuyo Lerumo, in his house. Mr Lerumo has since died.

Both accused are alternatively charged with sabotage, unlawful possession of hand grenades, possession of explosives and malicious damage to property.

They are also alternatively charged with the attempted murder of Mr Arnold Neppen and Mr Noel Evan Potgieter who sustained injuries during an explosion at Fred Pettit Centre in Queenstown on June 28 last year.

At a previous hearing the accused pleaded not guilty to all the charges.

— Sapa

Policeman denies presence at assault

MESSINA — A policeman denied yesterday that he was present when an accused in the Messina landmines case was allegedly assaulted.

At the trial yesterday Const Mishack Siphuma denied he was present when the accused, Mr Mthetheli Zephania Mncube, 27, of Diepkloof, Soweto, allegedly soiled a chair he sat on and was made to eat the excreta.

The constable also said it was a lie that the first time the prisoner was given water was after he had to clean the chair.

Mr Mncube, and Mr Mzondeleli Euclid Nondula, 24, of Queenstown, face a total of 41 charges, including murder, attempted murder, terrorism and treason.

Const Siphuma, of the Beit Bridge security branch, was cross-examined yesterday by Mr Rodney Black, for both accused.

Mr Mncube had allegedly been in the bush for about 10 days following an alleged escape attempt on December 26 last year.

When the accused arrived at the Beit Bridge security branch headquarters, he had asked for water and Const Siphuma had given him a cool drink from the fridge.

Once Mr Mncube had been identified as the man captured during a terrorist hunt on December 26, he was handcuffed and placed in leg irons.

Mr Mncube was arrested on January 3 and found wearing a piece of blan-

ket and pair of shorts.

Const Siphuma also told the court that when Mr Mncube was brought back to Beit Bridge he had left to investigate other matters in the Wiepe district and did not return that day.

Other evidence indicated that Const Siphuma was at Beit Bridge on the afternoon of January 3.

The head of the security branch at Beit Bridge, Capt. J. A. N. Strydom, told the court Mr Mncube had received water for the first time on the group's return from recovering the rifle that afternoon.

Capt Strydom also said it was not compulsory for members of his branch to use notebooks. "If books are used they are destroyed for security purposes."

He added that no records were kept of arrests and the only records held by the branch were vehicle log books which were written up weekly.

He said on January 3 he was summoned to Beit Bridge by W/O Franken as they had picked up a man on the Pont Drift road. He did not ask why.

After Mr Mncube had been identified as the man captured on December 26 last year and taken away by the late W/O Johannes Gerber and Sgt Marthinus Nel, the captain felt the prisoner was responsible for the murders and he officially arrested him a short while later.

The case continues. — Sapa

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19/1/87

WITNESSES TELL OF 'RENT PROMISES'

A FORMER Sebokeng,

Vereeniging, community councillor promised residents that there would be no rent increases if he was elected and also lashed out at other councillors accusing them of being dishonest, a witness told the Pretoria Supreme Court yesterday.

Mr Khehla Vitalis Namane (54), who was giving evidence for the defence, said he attended a meeting addressed by Councillor Makiwane in Sebokeng before the community council elections in November

1983. Mr Makiwane, who was a candidate, accused the present local councillors of not keeping their promises and of owing cars.

Councillor Makiwane also told the meeting that the present councillors were poor when elected but owned businesses and enlarged their houses after a period of about four months being in office. "Makiwane promised that if he was elected as a councillor rent will never be increased," Mr Namane said.

The councillor, he

By MONK NKOMO

added, also promised residents that the streets would be tarred and the township electrified.

"One of the residents asked him what should be done if he too failed to keep the promises like the other councillors he had referred to, he replied that residents could vote the council out of office," the court heard.

Mr Namane, who described Mr Makiwane as a neighbour and a good friend, said he was

not happy with his reply. He asked Mr Makiwane why it was necessary to pay a deposit of R200 as a candidate and what he would get in return for having paid the amount.

Jobs

"He told me that the money was paid in accordance with the law. He also gave me an example and said Dr Piet Koorhof was in Parliament because he paid some money. I asked him who in the

Cabinet was poor," Mr Namane said.

The court heard that Mr Makiwane angrily told Mr Namane that he did not beg anybody to vote for him. "I was unhappy about the reply because I wanted to know why we were voting. It then became clear to me that there was something sinister in the community council,"

added Mr Namane.

He is testifying in the trial of 19 men who include senior officials of the UDF, Azapo, Azanyu and the Vaal Civic Association who have pleaded not guilty before Mr Justice Van Dijkhorst, who is sitting with an assessor to charges of treason, murder, subversion and terrorism.

19/11/87
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Sowetan

Group to monitor trial

WASHINGTON — Ten prominent US jurists announced this week the formation of a committee to monitor the treason trial of a South African union leader, Moses Mayekiso.

The committee, created at the request of Own Bieber, president of the United Auto Workers, intends to dispatch witnesses to the trial and to keep abreast of developments in the case.

Mayekiso, 39, a former autoworker elected general secretary of the National Union of Metalworkers of South Africa last year, was detained in June 1986 after a trip to Sweden.

Mayekiso was held for 10 months before he and four other co-defendants were formally charged with treason, subversion and sedition.

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Sweden
19/11/87

Cop is quizzed 331

A DETAINEE who had spent nine days without water was given a cold drink by a security policeman when he complained of thirst, the Messina Circuit Court heard yesterday.

The testimony by Constable Nthlovhedzeni

Siphuma, came amid denials that he had participated in intensive interrogation and severe assaults on an alleged ANC guerilla, Mr Mthetheleli Mncube.

Constable Siphuma, of the security branch at Beit Bridge, was testify-

ing before Mr Acting Justice J P O de Villiers in the trial in which Mr Mncube (27) and Mr Msondeleli Nondula (24), face 41 charges which include murder, terrorism and treason. They have pleaded not guilty to all the charges.

19/11/87 Sowetan

'I went to Libya'

331
Sawetun
19/11/87
A CAPE Town man told a Pretoria magistrate yesterday that he left the country after he was offered a scholarship to study in Iran.

By ALINAH
DUBE

The witness, who gave

evidence in camera, told hungry and thirsty when arrested at a road sign near the spot where two security policemen had

been killed nine days earlier.

He said Mr Mncube was taken to Beit Bridge where he had told Constable Siphuma that he was thirsty.

"One policeman brought a tin of coke which had been in the fridge and I shared it with him," he said.

Defence counsel, Mr Rodney Black, told the witness that the evidence was not true.

"I put it to you that the only time accused number one was given water was after you and your colleagues had assaulted him and made him eat his own excretor," Mr Black said. Constable Siphuma denied this.

(Proceeding)

Why councillors are puppets — court told

20/11/87
COMMUNITY councillors in Sebokeng, in the Vaal Triangle, were labelled "puppets" and "sellouts" after they had announced the R5,60-a-month rent increase in 1984, the Pretoria Supreme Court was told yesterday.

Mrs Mary Zulu, who is giving evidence for the defence, said residents at a public meeting held on August 26, 1984, were "sad and in pain" because of the community council's move to increase rent.

33
Cross-examined by Mr P B Jacobs, SC, for the State, Mrs Zulu denied speakers and residents at that meeting were angry. The meeting resolved that councillors should be asked to resign — "not killed" — and that the R5,90 rent increase should not be paid, the court heard.

The meeting also resolved that residents, including teachers, should stay away from work on September 3, 1984, and to march to the Houtkop Administration Board offices to protest against the increases.

Mrs Zulu was testifying in the trial of 19 men, including senior officials of the UDF, Azapo, Azanyu and the Vaal Civic Association who have pleaded not guilty before Mr Justice van Dijkhorst and an assessor to charges of murder, treason, subversion and terrorism.

(Proceeding)

Mayekiso trial adjourned ^{(33) 500}

The Rand Supreme Court treason trial of Mr Moses Mayekiso, general secretary of the National Union of Metalworkers of SA and of four other Alexandra community leaders was adjourned yesterday because State witnesses were reluctant to give evidence.

Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mr Mzwanele Mayekiso (22) have pleaded not guilty to treason, alternatively subversion, alternatively sedition.

They are alleged to have tried to seize control of Alexandra in 1985 and 1986. 29/11/87

Further

Accused are PAC's top brass — witness

20/11/87 Sawefan 331

TWO of the accused in the Pretoria terrorism trial held senior posts at a Pan Africanist Congress camp in Tanzania, a State witness said yesterday.

Mr Lungelo Donald Dhlomo (28), of Krugersdorp said this before Mr J H Bekker. He was testifying for the State in a case involving seven

alleged members of the PAC and Qibla, a Muslim organisation.

He said he met Mr Mabatu Enoch Zulu, Mr Siyabulela Ndoda

Gcanga, Mr Vincent Mathunjwa and Mr Setsiba Mohohlo in Tanzania, where he underwent military training after leaving the country in 1978.

Mr Zulu was a member of the central committee (of the PAC), Mr Dhlomo said.

The court also heard that Mr Mohohlo was a leader of a PAC squad responsible for tracking down PAC members who escaped from the camp in 1982.

Problems

Mr Dhlomo said: "After I was sent to Sudan for further training, I returned to Dar es Salaam where the PAC leadership was accused of corruption. We also experienced problems with food and went through lots of hardships.

"Those of us who voiced our grievances were accused of being unpatriotic and capitalist. Seeing that we had had enough of the PAC and wanted to terminate the relationship with the organisation we tendered letters of resignation before we fled to Kenya.

Also facing charges of terrorism, attempted murder and defeating the ends of justice are the Reverend Daniel Nkomo, Mr Achmad Cassim and Mr Yusuf Patel. They have all pleaded not guilty.

(Proceeding)

Accused didn't show where rifle was hidden, court told

By Dirk Nel,
Northern Transvaal Bureau

5151
20/11/87

(33)
MESSINA — A report by a police ballistics expert, submitted during yesterday's session of the Messina terrorism trial, stated that two security policemen, Warrant Officer Theunis Gerber and Sergeant Joachim Nel, were shot through the back window of the bakkie in which they were taking one of the accused to Messina on December 26, 1986.

The report said 12 or 14 shots had been fired from an AK-47 rifle.

The State alleges that Mr Mthetheleli Mncube (27), who was in the custody of the two policemen, fired the fatal shots.

The ballistics report said the shots were fired from a rifle identified by Mr Mncube at a spot in the veld near Messina.

Mr Mncube and Mr Mzondeleli Nondula (24) have pleaded not guilty to charges of murder, attempted murder, treason and terrorism, arising from a series of landmine blasts, the shooting incident which claimed the policemen's lives, and activities that allegedly promoted the aims of the African National Congress.

Yesterday counsel for the defence, Mr Rodney Black, said Mr Mncube at no time volunteered to supply information or show police where the rifle was hidden, as testified by several State witnesses.

Mr Black said Mr Mncube would testify that he had been assaulted on several occasions by security policemen after his arrest on January 3 this year on suspicion of murdering the two policemen.

The trial was adjourned to Monday.

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Coffee
and cake,
tea and
pastries,
indoors
or out.

PROTEA RD, NEWLANDS 64-4122



I was PAC victim, says State witness

The Argus Correspondent

PRETORIA. — A former member of the Pan Africanist Congress told a magistrate here he was giving evidence against some of the accused because previously he was their victim. Now they were to be his victims.

State witness Mr Lungelo Donald Dlomo, 28, was giving evidence yesterday at the trial of five alleged PAC members and two alleged members of the outlawed Islamic Qibla movement.

Seven accused face 23 charges under the Internal Security Act, including terrorism, attempted murder and belonging to a banned organisation.

Mr Dlomo said he knew four of the accused, Mr Mabutu Enoch Zulu, 52, Mr Siyabulela Ndoda Gcanga, 26, Mr Vincent Alson Mathunjwa, 29, and Mr Sestiba Paul Moholo, 29.

SELECTED FOR TRAINING

He said Mr Zulu was a high-ranking official in the PAC and a member of the central committee who selected him for training in the PAC armed forces.

Mr Dlomo said he was a member of the PAC stationed in Dar es Salaam, but decided to leave because he had "had enough of the PAC". He was a dancer.

The other accused are Mr Achmad Cassiem, 41, Mr Yusuf Patel, 27, and the Rev Daniel Saul Nkopodi, 27.

The hearing continues.

Men in the galoot of Van der Stel

Squatters acquitted but homeless

By JO-ANN BEKKER

WMAAL 20-26 NOV-87

SQUATTERS on Eikenhof farm outside Johannesburg scored a hollow victory this week. A Johannesburg magistrate acquitted them on charges of trespassing but warned them to leave the property as they were living there illegally.

Evidence before court was that the squatters understood they had permission to remain in their settlement about 10km from Johannesburg.

But Johannes Jacobus de Wet, a legal official acting for Beste Belegings and Tuckers, which bought the farm, said he had told the community to leave. He had also asked the Mondre police to arrest the squatters.

However, De Wet admitted that until this year Tuckers did not know the exact location of the property or

whether people were living on it.

And he could not say whether the six accused — Joseph Molefe, 67, Margaret Nkosi, 62, Elizabeth Maduna, 32, Christina Jholwane, 63, Godfrey Mangaba, 21 and Alfred Khumalo, 62 — were among the group of 15 squatters he had addressed.

Magistrate H Swanepoel said "the fact that they have been acquitted does not mean the court gives permission for them to live there".

Late this week the Eikenhof community's legal representatives were involved in negotiations with Tuckers in a final bid to secure their right to remain on their family land.

New US campaign for Mayekiso

THE campaign to support Moses Mayekiso, the trade union and community leader on trial for treason in Johannesburg, has spread to the United States.

The United Auto Workers (UAW) union in the US, which has close links with Mayekiso's National Union of Metalworkers of SA (Numsa), is spearheading the campaign.

A parallel campaign has been running in Britain for some weeks.

UAW president Owen Bieber has convened a group of 10 distinguished American jurists to monitor Mayekiso's trial in the Rand Supreme Court.

"We intend to focus the international spotlight on the Mayekiso case because the SA government is trying to weaken the anti-apartheid movement and the black trade unions which in recent years have emerged as the key force opposing the apartheid regime,"

Weekly Mail Reporter

Bieber said.

The committee includes former US attorney general, Griffin Bell, former Supreme Court judge Arthur Goldberg, federal appeal court judges Damon Keith, Abner Mikva and Stephen Reinhardt and Benno Schmidt, the president of Yale University.

OFFICE SPACE TO LET

The Weekly Mail has office space to rent in its new Johannesburg city centre premises from January. Ideal for journalists, photographers, graphic designers. Excellent rentals and convenient access to wire services, darkrooms, typesetting facilities. For more details phone CLIVE COPE or PHALDI SOLOMON at 337-5350.

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WMAAL

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8/10/87 20/11/87
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Mayekiso trial adjourned

THE treason trial of National Union of Metal Workers of SA general secretary Moses Mayekiso was adjourned yesterday until this morning.

The adjournment was apparently due to the reluctance of State witnesses to give evidence.

Mayekiso, Paul Tshabalala, Richard Mdakane, Obed Bapela and Mzwanele Mayekiso have all pleaded not guilty in the Rand Supreme Court to treason and alternative charges of sedition and subversion.

The State alleges they were involved in a conspiracy to make Alexandra ungovernable and in the formation of the Alexandra Action Committee, "organs

SUSAN RUSSELL

of people's power" and "people's courts" in 1985 and last year.

State witnesses have until now given their evidence *in camera*.

Adjourning the trial, Mr Justice van der Walt said despite the court sitting *in camera* and witnesses not being known ahead of time, it appeared matters did become known. So witnesses were sometimes reluctant to come forward.

"For that reason we have adjourned until tomorrow," said the judge.

He added: "The apparent reluctance of witnesses is probably due to the general atmosphere prevailing."

Ch. 6 Times 20/11/87

Policemen shot: AK47 evidence

MESSINA. — Between 12 and 14 rounds from an AK47 rifle were fired into the cab of a vehicle in which the bodies of two security policemen were found, the landmine trial here heard yesterday.

Reading from a ballistics report by a Captain Lottering, Lieutenant Pieter Deyer, head of the special branch in Louis Trichardt, said the rounds were fired from a rifle recovered from one of the accused on his recapture on January 3 this year.

The accused, Mr Mthetheli Zephania Mncube, 27, of Soweto, and Mr Mzondeleli Euclid Nondula, 24, of Queenstown, have pleaded not guilty to all charges.

The charges include eight of murder, 24 of attempted murder; treason and terrorism.

Mr Mncube faces two additional murder charges following the death of W/O Johannes Gerder and Sgt Marthinus Nel who were shot while transporting Mr Mncube after his capture last year. — Sapa



A mine-resistant farm vehicle parked in Messina's main street. Farmers wishing to buy these receive an 80 percent subsidy from the Government.

Terror trial stirs up sweltering Messina

Dirk Nel,
Northern Transvaal Bureau

Messina is accustomed to heavy-duty haulers, military vehicles, big-game hunters — and stifling midday temperatures of up to 40 deg C.

But during the past three weeks the non-stop procession of reporters, legal men, policemen and spectators has caused a stir among residents.

The Supreme Court trial of Mr Mthetheleli Mncube (27) and Mr Mzondeleli Nondula (24), on charges of murder, attempted murder, terrorism and treason, has been conducted amid some of the strictest security measures yet seen at any court hearing in South Africa.

A permanent road block has been set up outside the court and only official vehicles are admitted to the parking zone, where a 24-hour surveillance is kept.

Everyone entering the area on foot is subjected to careful screening and a "body scan" by a policeman with an electronic detector. Some spectators stopped attending court when security police started insisting on seeing

identity documents.

Mr Jack Klaff, a town councillor, has been one of the daily visitors to the court.

"We can do without this kind of publicity," he says, pointing to a report on the court case displayed prominently in a daily newspaper.

He plans to show newsmen "the real Messina" and its people, whom he says are friendly, hospitable townsfolk who treat visitors to a braaivleis at the drop of a hat.

Mr Klaff, who has worked hard to attract industrialists and tourists to the town, says news of landmine blasts and terrorist hearings, such as the present one, tends to "put us back a couple of years".

But despite such setbacks and "negative publicity", large numbers of people visit the mineral resorts, nature reserves and game farms, especially during the winter season.

"Life goes on as usual here. We do not have a siege mentality because we live in a border town," he says.

The court hearing, which started on October 26, is expected to continue for several weeks.

November 20, 1987

(331) Sawetan 20/11/87

Blue Sky recalled

AN accused in the Naledi murder trial yesterday told the Rand Supreme Court he had assaulted a man who was alleged to be an

ALI MPHAKI

informer with a garden fork and also slapped him with an open hand. Mr Timothy Tshabalala

(18), of Naledi Ext 2, Soweto, told the court that he was at home on April 23 when he saw a group of "comrades" walking along the street. He said he asked one

of them where they were going to and was told that a person by the name of Mandla at Block B in the area was an "impimpi", an informer.

Mr Tshabalala was testifying in a trial in which he and four other Naledi youths, including an 18-year-old girl, are charged with assault with the intent to do grievous bodily harm and murder.

He told the court that they accosted Mandla near a street corner and he was told he was being taken to a place called Blue Sky. Mandla was going to be disciplined there.

"Along the way to Blue Sky I hit Mandla on the neck with my open hand and twice on his back with a garden fork. I hit him because I heard he was an *impimpi*," Mr Tshabalala said.

He said three people with whom he is accused were also in the group. They are Mr Abraham Mngomezulu (23), Mr Raymond Ngwenya and Miss Thalitha Matsitse (18). He did not see the 16-year-old boy whose name may not be published.

Forks

The court had earlier heard that Mr Mandlenkosi Khoza was assaulted with garden forks, kicked numerous times before a tyre was put around his neck, doused with paraffin and set alight. Mr Khoza died of severe burns before he could get medical help.

Under cross-examination Mr Tshabalala said while they were walking towards Blue Sky he took a garden fork from Mr Mngomezulu (accused) which he used to strike Mr Khoza. A State witness also took an old chair and hit Mr Khoza on the chest, Mr Tshabalala said.

Mr Tshabalala said he then realised that this person was going to be set alight. He left because he did not want to see a person being burnt in his presence.

Asked whether there was no way in which he could stop what he was anticipating, Mr Tshabalala replied that the youths from Emdeni looked angry. He said he personally did not know if Mr Khoza was an informer and was only told by the youths from Emdeni.

(Proceeding)

Mr Mngomezulu asked Mr Khoza a question from there I saw him sjambokking him. Mr Khoza was being asked a lot of questions and while this was happening, a tyre was brought along," Mr Tshabalala added.

inature Gentian Co 0.45ml Kama Pills: Each pill contains:
Ferri Sulph Exsicc 129.6mg Pulv Aloes 32.4mg

'You will be burnt, warning'

A CROWD that attended a meeting at the Alexandra Township Stadium was told that residents should not pay rent until their houses were repaired, the Rand Supreme Court heard yesterday.

A witness, who may not be identified in terms of the court's order, said a speaker at the meeting also told residents that they should not buy from white-owned shops and that residents who defied these instructions would be burnt.

Appearing before Mr Justice P J van der Walt are Mr Moses Mayekiso (38), general secretary of the National Metal Workers' Union of South Africa (Numsa), civic leader Mr Obed Bapela

By **MANDLA
NDLAZI.**

(28), Mr Paul Tshabalala (38), Mr Mzwandile Mayekiso (22) and Mr Richard Mdakane (29), all of Alexandra Township.

They are charged with treason, sedition, alternatively subversion. The State alleges they committed the offences between January 1985 and June last year in Alexandra. They have pleaded not guilty and the case is in camera.

The witness was being cross-examined by Mr David Soggot SC, counsel for the defence. She said the speaker was addressing people who had gathered at the

stadium for the night vigil of 17 people who were shot dead in the township.

The witness said she was one of the many people who were escorted to the stadium by comrades. Some of the comrades were armed with pangas and sjamboks.

Witness

In reply to Mr Soggot earlier, the witness said she was at one stage accused of being a police informer. This was after residents had seen the police visit her place on a number of occasions.

She said Mr Mayekiso was one of the speakers at the night vigil. Mr

Mayekiso told the residents that they should not allow the "boers" to sit on their shoulders.

"This is our country and our father is Mandela," Mayekiso said, according to the witness.

When Mr Soggot told her that Mr Mayekiso would deny that he spoke at the night vigil, the witness insisted that he did.

She said she had seen Mr Mayekiso with some men she did not know in the township. She only knew him by sight. She said she got his name from another woman who sat next to her at the stadium.

It was incorrectly stated in an earlier report that Mr Mayekiso had accused her of being a police informer.

Examined yesterday by Advocate A C Human, SC, appearing for the State, the witness said she recall that a woman named Theresa was set alight. She said the woman was accused of being a "impimpi". She said she did not get near the spot where the woman was being set alight.

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By
MATHATHA
TSEDU

TOP COP DENIES PART IN BEATING

Demand for ID books at trial

THE commander of the security branch in Louis Trichardt, Lieutenant P J Dreyer, yesterday denied that he had taken part in a series of assaults on one of the accused in the Messina murder and treason trial.

Lt Dreyer denied taking part in three alleged assaults in which Mr Mthetheli Mncube (27) was:

- Assaulted with open hands

and kicked all over the body while lying on the ground screaming for help at Beit Bridge.

- Taken to the veld on the Pont Drift road where he allegedly pointed out a hidden AK47 rifle. Thereafter he was thrown to the ground on to a thorny bush when Lt Dreyer had pulled the leg chains from behind. He sustained wounds on his body and face following various assaults and trampling of his body.

- Taken back to Beit Bridge where he was assaulted again and trampled on his stomach until excrement flowed out from his body. He lost consciousness for sometime, woke up and was made to eat his own excrement.

Lt Dreyer denied taking part or witnessing such assaults. He also denied that he had thrown a heavily loaded carton on Mr Mncube's chest. He said Mr Mncube was only wearing underpants and added that he had not seen anyone giving Mr Mncube water or food on that day.

are appearing before Mr J P O de Villiers facing 41 charges ranging from murder to treason. Mr Mncube is facing two separate charges of murder for allegedly killing two white security policemen after his initial arrest on December 26 last year.

They have both pleaded not guilty to all the charges.

- POLICE managing security checkpoints at the Messina court building have been demanding reference books from black spectators at the treason trial that is being heard there.

A forensic report prepared by a Captain Lottering was handed in yesterday. The report states that ballistic tests conducted had proved that the shots that killed two security policemen were fired from the AK47 rifle that Lt Dreyer alleges was pointed out to him by Mr Mncube.

Mr Mncube and Mr Msondeleli Nonqula (24)

But the process was resumed yesterday.

15 on terrorism charges

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CP Correspondent

22/11/87

SEVEN University of the Western Cape students and a teacher, with eight others, have been charged with terrorism in the Cape Town Magistrates' Court.

An application for their release on bail was refused.

The accused are: Ashly Alexander Forbes, 22, Peter Jacobs, 23, Yasmina Pandy, 22, Nicklo Louis Pedro, 20, Anwa Dramat, Nazeem Howe, 24, Walter Rhooide, 23, Clement Baatjies, 19, Jeremy Alan Veary, 23, David Johannes Fortuin,

32, Asraf Karriem, 20, Wayne Malgas, 22, Colin Cairncross, 22, and Clive Petersen, 23.

More than 100 relatives and friends were in court when the 15 appeared.

They stood up, clenched their fists and chanted "Viva, Viva!" as the accused were led into court.

The 15, led by Forbes, responded by clenching their fists and shouting "Viva".

Police ordered the accused back to their cells while an appeal was made for those in court to remain calm.

Hanekom freed, deported

JOHANNESBURG. — Mrs Patricia Hanekom, freed after more than three years in jail for dealings with the African National Congress, was deported to Zimbabwe on Friday night, the Saturday Star reported.

Mrs Hanekom, a Zimbabwean, was sentenced to 38 months jail in September 1984 for contravening the Internal Security and Publications Act. — Sapa

231 5000 24/11/87

Terror trial accused recaptured 'after walking around in bush for 8 or 9 days'

MESSINA — An accused in the Messina terrorism and murder trial walked around the bush for eight or nine days and was between 10 and 15 percent dehydrated when he was recaptured by security forces, a doctor told the Circuit Court yesterday.

Dr S J Pistorius said he had been called to examine Mr Mthetheleli Zephania Mncube at Security Branch headquarters at Beit Bridge after his re-arrest on January 3 this year.

BULLET-RIDDLED BODIES

He examined the prisoner again the following day.

Mr Mncube was initially captured on December 26, 1986, and was last seen on that day being taken back to Messina on a police vehicle.

The bullet-riddled bodies of the Secu-

rity Branch policemen transporting him — Warrant Officer Johannes Gerber and Sergeant Marthinus Nel — were found in the vehicle the following day.

Mr Mncube (27) of Diepkloof, Soweto, and Mr Mzondeleli Euclid Nondula (24) of Queenstown, have pleaded not guilty to 41 charges.

They include 10 of murder, 24 of attempted murder, illegal possession of arms and ammunition, belonging to and furthering the aims of a banned organisation, terrorism and treason.

The charges arise from a series of landmine blasts in the South Africa/Zimbabwe border area mainly between November 25 and December 15, 1985.

Mr Mncube also faces two additional murder charges following the death of the two policemen.

Dr Pistorius said Mr Mncube appeared healthy but tired.

He said he had been told that Mr Mncube had been walking around in the bush for eight or nine days.

Another witness yesterday, Mr Freddy Madonsela, a former army sergeant, described how Mr Mncube was captured on December 26 by his section of 116 Battalion.

He said when Mr Mncube was captured the only thing that could be found to secure him was a shoelace.

Mr Madonsela said Mr Mncube was put onto a Buffel with his hands tied behind him. — Sapa.

Activists held

SEVEN people — including five political activists and a grandmother — were detained by the security police in Pretoria early last Friday.

They are Mr Thabo Sehume, chairman of the Central Transvaal region of the Azanian People's Organisation; Mr Brutus Manana, national organiser of the Azanian Youth Organisation; Mr Phil Mosupye, secretary of the Atteridgeville branch of Azapo; Miss Kedibone Meso, treasurer of the CTR of Azapo; and Mr Denis Ndlovu, chairman of the Mamelodi branch of Azapo.

Others detained with them are Mrs Flora Molema and her daughter-in-law, Mrs Gladys Molema.

The SAP police directorate in Pretoria yesterday said it could not confirm the detention.

Mr Nkosi Molala, national president of Azapo, said the five political activists detained were all involved in making arrangements for a commemoration service for 21 people who died on November 1, 1985, during a protest march against rent increases in Mamelodi, which was to be held on Saturday.

• Four members of the Azanian Student Movement (Azasm) were detained in Sekhukhuni-land, northern Transvaal on Saturday after a raid on their meeting.

They are Miss Judith Kodibona (19), Miss Glory Radingoana (17), Mr Laymon Radingoana (24) and Mr Albert Mahlakoana (17).

Spokespersons for Azasm and Azanian Youth Organisation in Sekhukhuni said the four had attended a joint meeting of the two organisations on Saturday.

DETAINEE

A DETAINEE being held by the Venda security police has been admitted to hospital after suffering a nervous breakdown, it was learnt yesterday.

He is Mr Frederick Dau, an insurance broker, who was detained in August 5 this year. He is being treated at the Siloam Hospital. Medical sources said he was



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Police evidence disputed in landmine trial

81D
25/11/87
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MESSINA — Legal argument was the highlight of yesterday's proceedings in the Messina landmine trial.

Argument concerned the admissibility of evidence describing how one of the accused pointed out places where landmines were allegedly placed.

The circumstances leading up to the pointing out, and a confession, were also subject to argument yesterday and for a short time a trial-within-a-trial was underway.

The wrangle concerned the second accused in the case, Mr Mzondeleli Euclid Nondula, following his arrest in Bophuthatswana on January 2 this year.

Mr Nondula, 24, of Queenstown, and Mr Mthetheleli Zephania Mncube, 27, of Diepkloof, Soweto, are facing a total of 41 charges including 10 of murder, 24 of attempted murder, belonging to and furthering the aims of a banned organisation, treason and terrorism. Both have pleaded not guilty to all charges.

The testimony of Lieutenant J. J. Wehrmann of the Special Branch in Zeerust was declared to be part of a trial-within-a-trial yesterday by the judge, Mr Justice J. P. O. de Villiers. It concerned the circumstances under which a confession was made before a magistrate.

Mr Rodney Black, for both accused, said he did not want any part of the "confession" to be entered as a part of the trial-within-a-trial but wanted the judge to ascertain whether the confession was in fact made freely and voluntarily.

Due to the unavailability of witnesses, the trial-within-a-trial was stopped after a short adjournment and testimony then revolved around spots in the Messina district pointed out by Mr Nondula.

Later, Lieutenant J. F. Groenewald, of the Pietersburg vehicle theft branch, gave evidence concerning the areas pointed out by Mr Nondula.

A six-page document was to be handed in as part of Lt Groenewald's evidence.

But Mr Black submitted that mere presence of an accused at a "pointing out place" was admissible as evidence, but any statements made during that pointing out were not, whether or not force was used.

Mr Frans Roets, for the State, said this was not the case and even "if the accused was black and blue" from an assault, the statement would be admissible.

Mr Justice de Villiers, however, said if the accused was black and blue and the witness said no force was used it would be obvious from the accused's appearance that an assault had taken place and no matter what was on a piece of paper, it would be obvious that force had been used and therefore the evidence would not be accepted.

He said if Lt Groenewald could give evidence without referring to the statement and if it was seen that he was lying, no amount of pieces of paper would change the judge's opinion of the evidence.

Mr Roets later decided not to submit the document and the hearing proceeded with Lt Groenewald's testimony.

In his evidence, Lt Groenewald told how he took Mr Nondula to point out certain spots in the area around the Limpopo River on January 16.

He said he had had no idea what places would be pointed out and what they would refer to.

He told the court that photographs of Mr Nondula were taken before the group left Messina CID headquarters that morning and again when the group returned in the late afternoon.

"In cases of this nature it is often alleged that suspects are assaulted to make them point things out," he said, adding that the pictures taken later were to show that Mr Nondula "was in the same physical condition as when he was handed over earlier" that day.

Photographs were taken of Mr Nondula at a dry reservoir, at an electricity pylon near a private runway and near a borehole, all on various private farms.

The case was postponed to today, when cross-examination of Lt Groenewald will begin. — Sapa

ay November 25 1987

Terror accused was dehydrated, doctor tells Messina court

By Dirk Nel, Northern Transvaal Bureau

MESSINA — The first evidence linking accused No 2 in the Messina terrorism trial, Mr Mzondeleli Nondula (24), with charges in connection with the series of landmine blasts that killed eight people and injured 14 others near Messina in 1985 was led during the Supreme Court hearing here yesterday.

Lieutenant J F Groenewald of the SA Police in Pietersburg testified that Mr Nondula pointed out various sites on farms in the Weipe area, west of Messina, to him on January 16 this year.

BEING HELD AS AN ANC SUSPECT

Photographs showing Mr Nondula identifying certain places were submitted as court exhibits.

Earlier Lieutenant P J Wehrman of the Security Police told the court he had taken Mr Nondula into his custody at Mmbatho on January 3 after

being informed he was being held as an ANC suspect in Bophuthatswana.

On January 9 Mr Nondula volunteered to point out certain points to the police, and he was handed over to Lieutenant Groenewald for this purpose on January 15.

Lieutenant Groenewald said Mr Nondula indicated to him that he had not been threatened or assaulted in any way.

A doctor told the court that he had found the other accused in the case, Mr Mthetheleli Mncube (27) dehydrated and very tired when he examined him shortly after his arrest on January 3. He had recommended that the detainee be given food and plenty of water.

FIT TO BE QUESTIONED

Mr Mncube was quite coherent and was declared fit to be questioned, he said.

In answer to questioning by defence counsel, Mr Rodney Black, the doctor said extreme dehydration could drastically affect a person's normal physical functions and judgment.

The defence has been questioning the admissibility of evidence that Mr Mncube confessed to shooting two policemen on December 26 last year.

The hearing continues.

SA's 'violent society'

PORT-ELIZABETH. — South Africa in the 1980s had become an "atrocious-producing society" and was one of the most violent in the world, a psychologist told Grahamstown Supreme Court.

Professor Noel Chabani Manganyi, clinical psychologist and senior researcher in the African Studies Institute at Wits University, gave evidence in mitigation for two Fort Beaufort residents convicted of murder.

The Judge-President of the Eastern Cape, Mr Justice J P G Eksteen, found extenuating circumstances existed in the case

of Sinandu Duma, 28, and a 17-year-old youth convicted of murdering Mr George Nelani and three-year-old Ntombentsha Nelani.

Sentences ranging from an effective 21 years to 3½ years were imposed by the court on eight people convicted of murder, culpable homicide and public violence.

31 charged

The eight were among 31 Fort Beaufort residents charged with murdering Mr Nelani and Ntombentsha, who were burnt to death when their house was set alight on the night of March 7, 1985.

Duma, 28, was sentenced to 21 years — 16 for two counts of murder and five for public violence.

The youth was sentenced to five years for murder, with three suspended for five years. He was also sentenced to four years — two suspended for five years — for public violence.

Lucky August, 22, Pumla Ngwata, 25, Mfundo Mdiza, 27, and Sisa Ganto, 28, were each sentenced to a total of 12 years — seven for culpable homicide and five for public violence.

Sandile Vutuza, 20, and Nomalungisa Jikela, 19, were sentenced to three years each for culpable homicide, half sus-

pended for five years, four years for public violence with two suspended for years.

Mr Justice Eksteen there were extenuating circumstances in the case youth, who was 15 at the

He found that Duma deliberately set out to kill Nelani. He went to the with the crowd, whose object was to set it on fire.

Professor Manganyi said Fort Beaufort was a "shockingly depressed area" characterised by unemployment, incomplete families and overcrowding. Sapa

Court told of missing TDF trial exhibits

D/D 25/7

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UMTATA — Some exhibits in the trial of seven Transkei Defence Force soldiers accused of fraud were missing and were believed to have been taken, a police officer told the magistrates court here yesterday.

The court, which was hearing a bail application for the seven soldiers, was told that some pay sheets and salary documents, which would have been exhibits, had disappeared last week.

The officer said it was believed they had been taken by some members of the TDF to the accused men in detention and he had heard from reliable sources that two TDF soldiers had visited the accused in detention with the missing documents.

The investigating officer, Lieutenant Zola Bambalele, who is in the commercial branch of the Transkei Police, told the court the amount involved in the fraud case had risen from R274 000 to over R580 000.

The soldiers were making their third appearance before Mr R. Madlanga since their arrest on November 12.

They are Major Mkangeli Nundu, Lance Corporal Mandlenkosi Ngcibi, Staff Sergeant Vabaza Mzimvubu, Lance Corporal Tobela Ngxawu, Lance Corporal Vuyani Zweni, Lance Corporal Meshack Kowa and Corporal Tozamile Rasi.

Lieut Bambalele told the court he objected to bail on the grounds that the amount involved in the case had risen to R583 000,53, while another R20 000 was still under investigation.

Lieut Bambalele said that if the soldiers were released there was a strong possibility they might interfere with state witnesses and hamper investigations. He cited the missing exhibits in support of his fears.

He said the two departments involved in the case were the Department of Defence and the

TDF, but people not in government employment were also involved. He feared that these people, who were possible witnesses, might be tampered with before statements were taken from them.

Lieut Bambalele said that Maj Nundu was a senior officer in charge of the finance section and if he went back to his work the soldiers remaining at work would be unable to speak the truth to the police.

"I also entertain fears that the accused might run away and escape justice," he said.

Under cross-examination by Mr Msimang Madikizela, for the defence, Lieut Bambalele said he had no special knowledge of accounting, but was well-trained in the commercial branch services.

He admitted that the 138 government cheques involved could have been negotiated at banks because the mark, "not negotiable", had been cancelled and the cheques paid out by different private firms.

He said if the accused were released on bail, they might interfere by going to the firms which had cashed the cheques.

He had already contacted some of the firms, but not all of them because of a heavy workload.

Lieut Bambalele asked the court to keep the soldiers in custody for the next 14 days pending the outcome of his investigations.

After a short adjournment, the defence attorneys and the prosecutor agreed to meet and strike a compromise to be brought to court today.

The court adjourned to 8.30 am today and the seven men were remanded in custody.

Mr R. Madlanga presided while Mr D. M. Mdletye appeared for the State and Mr Msimang Madikizela, Mr Cwengile Mapoma and Mr Zilindile Sangoni appeared for the defence.

Case Files 25/1/187
3 sentenced to death *331*
JOHANNESBURG. — Three men who "neck-
laced" a woman were sentenced to death by the
Rand Supreme Court yesterday. They were con-
victed of murder without extenuating circum-
stances.

331 (331) 25/11/87

I STOOD GUARD, SAYS CONSTABLE

A POLICE constable told a Pretoria magistrate yesterday that he stood guard outside a room in which an accused in the Pan Africanist Congress trial, Mr Vincent Mathunjwa, made a statement before a magistrate.

Constable P J van Niekerk was giving evidence before Mr J H Bekker during a trial within a trial to determine the validity of the statement Mr Mathunjwa made before a magistrate.

The constable said he was posted near the room's window to be on

the lookout "in case the accused tried to escape".

The policeman said he did not remember who had instructed him to stand outside the room. "I was a police cadet at the time and did not ask for reasons why I was supposed to stand there. The very person who gave me instructions also warned me against peeping through the window. I was standing next to", he said.

Arrested

Mr Mathunjwa and his co-accused, Mr Siyabulela Ndoda Gcanga were allegedly assaulted by the police after they were arrested at a house at Ngobi, Bophuthatswana, last year. They were also tied to a tree, trampled on and assaulted repeatedly with the butt of a firearm, according to evidence led earlier in court.

The two and others have pleaded not guilty to terrorism, attempted murder and defeating the ends of justice.

(231) Summary 25/1/87

Terror trial told of injuries

A MEDICAL doctor, who treated one of the Messina terror trialists after his arrest testified yesterday that he had not regarded his relationship with the detainee as that of a doctor and his patient.

Dr PJ Pistorius, a Pietersburg-based private practitioner who was in the South African Defence Force at the time, said he saw his primary responsibility as being to ascertain whether Mr Mthetheleli Mncube could withstand further interrogation by the Security Police or whether he had been assaulted.

Mr Mncube (27) and Mr Msondeleli Nondula (24) are appearing before Mr Acting Justice J P O de Villiers. They face 41 charges ranging from murder to treason arising from a series of landmine blasts in the Messina area during 1985/86.

They have both pleaded not guilty to all the charges.

Dr Pistorius said he had examined Mr Mncube on January 3 and 4 this year and had found the detainee emaciated and suffering from 10 to 15 percent dehydration.

On both occasions, he said, several members of Security Police were in the room with Mr Mncube handcuffed and in leg irons.

He said he could not remember whether he had asked for the chains and the handcuffs to be removed but they had not hindered his examination.

He said he had not asked Mr Mncube:

- How he was being treated by the Security Police;
- Whether he had been assaulted;
- His medical history; and
- Why some of his hair was missing from his head and whether he had any complaints or had had any food or water.

Under further cross-examination by defence counsel Mr Rodney Black, Dr Pistorius said he had "said" that Mr Mncube should be given food and "a lot of water".

He had told no one in particular, he said. He said he had not prescribed any medicine for the swellings and several cuts and abrasions that he had found on Mr Mncube's body.

He said "someone" had told him that Mr Mncube was being held "secretly", and that was why the district surgeon was called to examine Mr Mncube.

He said no one had told him that Mncube had fainted earlier on January 3 during interrogation and assaults by members of the Security Police.

Terror trial postponed

MDANTSANE — The trial of four Mdantsane men charged with terrorism was postponed by the regional court's magistrate here, Mr J. Dracatos, until this morning.

Mr Xolile Matebese, Mr Mzwandile Mampunye, Mr Xolani Ngudle and Mr Mlamli Faku have pleaded not guilty to the charges.

Mr Dracatos said the postponement had been granted at the request of counsel for the defence who had commitments elsewhere. No evidence was led and the accused, except Mr Faku, who is on bail, were remanded in custody. — DDR

25/11/87

D/331

Accused in terrorism trial tells court of arrest, torture

26/11/87 Daily Dispatch
37 Reporter

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MDANTSANE — An accused in a terrorism trial, Mr Xolani Ngudle, told the regional court here that he had been held at gunpoint by policemen at his uncle's kraal in Mncotsho before he was arrested on the morning of December 23 last year.

Mr Ngudle was testifying in a trial-within-a-trial to determine the admissibility of statements made by the accused.

Mr Ngudle, Mr Xolile Matebese, Mr Mzwandile Mampunye and Mr Mlali Faku, all of Mdantsane, have pleaded not guilty to charges of terrorism.

Mr Ngudle said the policemen arrived early in the morning and knocked at the door of a hut in which he was sleeping.

He said three policemen — one black and two white — entered the hut carrying "big guns" which they pointed at him. He identified the

black policeman as Captain M. Mfundisi, the investigating officer.

Mr Ngudle said the police asked for his name which he gave them. He said he had been shocked to see the policemen.

At first he did not know they were police since they were in plain clothes.

He realised they were policemen when he was outside and saw many other black and white policemen with guns.

He said he was taken to the police station, where he was asked questions by a policeman called Funani.

He said he was accused of telling lies, and was suffocated with a tube while seated with his hands tied behind his back.

The torture continued for some time during which the tube was sometimes removed from his head.

A policeman sat on his legs to prevent him from moving them. A chair

was placed between his arms and another policeman sat on it.

At one stage Captain Mfundisi came into the office and asked whether he had not yet told the truth.

He had suffered a bloodshot eye and developed blotches after the torture and could not sleep properly.

Mr Ngudle said he had tried to modify his answers during each session of interrogation so the tube might not be applied again, but this had not worked. He had then been threatened with death.

The interrogating team threatened to tie him to a helicopter that would be flown above the sea so "sharks could choose the part they wanted on his body," he said.

Judging from the attitude of the policemen and the way he had been tortured, he believed the threats were not idle.

He said that on December 24 he was again

taken from the cells to an office, where his hands were bound behind his back while he was seated.

A policeman who was holding a tube questioned him while advancing threateningly towards him.

The policeman was told by another policeman to untie him and take him to another office and to detain him under Section 26 of the Ciskei National Security Act. He was then taken to the cells.

Mr Ngudle said when he asked for medical treatment, the doctor did not attend to him during his first visit. The doctor attended to him in January when his eye had healed.

He said a magistrate visited him late in January. He told the magistrate he wanted to be charged or released.

The trial continues today.

Mr J. Dracatos presided. Mr F. Nel appeared for the state. Mr M. Moerane, instructed by Mr H. K. V. Siwisa, appeared for the defence.

Returned to 'fight terror'

By SIPHO VANGA

SELF-CONFESSED ANC member and Umkhonto weSizwe soldier Mxolisi Petane told the Supreme Court, Cape Town this week he re-entered South Africa to "fight against terror and defend the people".

Petane, 29, of KTC near Guguletu, is charged with three counts of terrorism and two of attempted murder. He left the country in 1977 to join the ANC and was arrested in November last year.

He told the court he had been politically trained in Angola and had received military training in the Ukraine, Soviet Union. He was political commissar of his Umkhonto weSizwe (MK) unit and an explosives expert.

He defined MK as an organised resistance movement fighting for self-determination on behalf of the oppressed masses. As political commissar he had to ensure internal and international political understanding in his unit.

Fight extreme exploitation

Petane said he joined the exiled South African Congress of Trade Unions to mobilise workers and fight "extreme exploitation" and improve workers' lives. He told the court he did not aim to change the country's economy, nor make it ungovernable.

He said he received a TM landmine from one Agrippa. He made a bomb with this.

He made it without a primer (a home-made device which makes bombs explode) and put it and two gas cylinders in the car. He drove to Dions shopping centre

in Parow where he parked the car in a bay for disabled drivers to attract the attention of security guards.

Petane said he knew the bomb would not explode. He had left the windows open so security guards could see the smoke.

In June last year an unarmed constable, Kotze, tried to force open a locked door of Petane's shack in NY 21. Petane said he opened the door and Kotze asked for dagga. He said he had none but Kotze insisted on searching the shack. Petane went to his bed and took out a Makarov pistol and pointed it at Kotze.

Open the cubby hole

He said Kotze resisted and grabbed him. Petane shoved Kotze outside and followed him. When they neared a parked police van Kotze went to the passenger seat and tried to open the cubby hole.

Petane thought Kotze would take out his pistol so he fired six shots at him to "scare" him. Kotze ran away.

Petane said Agrippa was no longer an MK member but was a rehabilitated "terrorist" or a sell-out.

Under cross-examination by the State, Petane said the ANC did not necessarily execute collaborators. Asked whether ANC sanctioned the use of necklacing, Petane denied the ANC had initiated necklacing. Asked what would happen to the present Government if the ANC took over South Africa Petane said it would be replaced by a democratic government.

State: "Would the government be socialist?"

Petane: "No, the Freedom Charter does not purport socialism".

IN HOUSE & BUREAU

(331) South Nov 26 - Dec 2 '87

Treason trialist tells of torture by Ciskei police

EAST LONDON — An accused man yesterday told the Mdantsane Regional Court he was tortured by the police in December 1986.

Mr Xolani Ngudle said, during the trial within a trial at the Ciskei treason hearing, that he was arrested at Mncotsho in the Eastern Cape on December 23 last year. He said he was asleep when Captain Jonas Mfundisi and two armed white men arrived. A third white man entered the room. He said he knew one of the white men as a Mr Engelbrecht.

INTERROGATED

He said he was taken to Mdantsane police station. A Lieutenant Fumani took him to an office where he found many policemen.

He said he was interrogated by Lieutenant Fumani and answered the questions, but was told he was telling lies. Lieutenant Fumani then ordered that he be tied with a belt.

He was told to lie on his back on the floor. A chair was put between his hands and a tyre tube was produced. He was questioned again by Lieutenant Fumani.

He said one constable told another

to put the tube on his face, which prevented him from breathing. A Warrant Officer Hlulani sat on his legs. The "tube" was repeated several times.

Captain Mfundisi and a Major Mbyeni entered the office and Captain Mfundisi asked whether he had told the truth.

He said he was told "No," and Captain Mfundisi asked whether the tube had been applied. The court was told that Captain Mfundisi ordered Mr Ngudle's hands to be untied.

Mr Ngudle said Captain Mfundisi said he would be held in terms of the Ciskei National Security Act.

Mr Ngudle said on December 24 Captain Mfundisi and a man named Nobuswana took him to the office of a Major Potwana who asked Mr Nobuswana to tie his hands behind his back. Major Potwana questioned him while holding a tube.

Cross-examined by the State, Mr Ngudle said he had changed his answers to be "relieved from the application of the tube". He said because of the threats, he agreed with the police. The hearing continues. — Sapa.

Wife to visit Cassiem

By AYESHA ALLIE

MRS Fatiema Cassiem will fly to Pretoria this week to attend the trial of her husband, Mr Achmad Cassiem, who has been charged with furthering the aims of the Pan Africanist Congress.

Mrs Cassiem, of Hanover Park, last attended the trial at the Pretoria Regional Court three months ago.

Due to financial limitations, she has only been able to see her husband three times in the past two years.

Frustrating

"Thanks to community support, I can make the journey this week. I would never have done it on my own.

"If I had the money I would have gone to listen to the trial more often," she said.

"He is far away from us, but people have not forgotten him. The family survives with the community's support," she said.

When her husband was banned for five years, the family had no income except donations from organisations and concerned



Mrs Fatiema Cassiem with some of the children at the creche

members of the community.

"My husband has two university degrees, but could not find work and had to stay at home."

Mrs Cassiem said it was not easy to get time off from her half-day job at a nearby creche.

"I must do my best to keep my job. I am dependent on the little I earn," she said.

The Cassiems have four children: Wagheda, 14, Zubayr, 6, Feraaz, 5, and Yassier, 15.

Yassir is living with relatives in Johannesburg so he can attend his father's

trial. Their other children have also travelled to Pretoria to see their father. Mrs Cassiem hoped to send the children to see their father next month.

"Feraaz often asks when his father is coming home. He is still too young to understand why he is in prison and that he cannot come home now," Mrs Cassiem said.

Detained

"It is tough and frustrating to raise the children all on my own now.

Although all of us want to be brave, there are moments when we break

down and cry. Those are the times when we miss him and feel his absence," she said.

Mrs Cassiem said since their father's detention, Feraaz had become very attached to men.

"He misses his father so much, that he easily takes a liking to other men. He is very attached to a worker at the creche he attends. He hangs around this man the whole day."

Cassiem, 41, who was

detained early in May last year has been charged with six other men for allegedly furthering the aims of the PAC.

They are Yusuf Patel, 36, of Paarl; Mabusu Enoch Zulu, 53, and Siyabulela Ndoda Gcanga, 26, both of Transkei; Vincent Alson Mathunjwa, 34, of Springs; Sestiba Paul Mohlolo, 29, of Johannesburg and the Rev Daniel Saul Nkopodi, 27, of Bophuthatswana.

G

RED

Whistles blow trainees' hopes

By EDYTH BULBRING

FOR SUBSCRIPTION IN

D/D. 26/1/87

Woman on charges of aiding ANC

QUEENSTOWN — A 22-year-old Mlungisi woman, Miss Noma-thamsanqa Mbilini, appeared in the Regional Court here yesterday charged with attempting to further the aims of the banned ANC.

Miss Mbilini faces an alternative charge of taking part in an activity of the ANC by being in possession of a document reflecting the aims of the organisation.

She pleaded not guilty to the charges.

The hearing was postponed to the East London Regional Court for February 16 and 17, 1988. — DDR.

'No reason to keep Delmas three in jail'

star 26/11/87

By Jo-Anne Collinge

The State had failed to show any causal connection between three jailed UDF leaders and the unrest which persisted on the Reef and, therefore, the mere assertion that a "revolutionary climate" had prevailed was no reason to continue to deny the men bail.

This argument was advanced in the Pretoria Supreme Court yesterday in the "Delmas" treason trial on behalf of UDF national secretary Mr Popo Molefe, publicity secretary Terror Lekota,

and former regional secretary Mr Moss Chikane in a bid to get them released before Christmas.

They are the only three of the 19 trialists who are still in custody and have been behind bars for more than 30 months in the longest political trial in South African history.

If they fail to get bail, it is likely they will spend another full year in jail before the trial is concluded, the defence disclosed yesterday.

The State submitted statistics regarding sabotage attacks, strikes, public violence, arson and the like in recent months. "The revolutionary climate and security situation are still such that the applicants, who were involved in the coordination of campaigns cannot be released," said Mr Fick.

Mr George Bizos, SC, for the applicants, said that to invoke the "revolutionary climate" was as good as using slogans. He questioned whether it had ever been suggested that the applicants had been involved in any of the acts of sabotage or violence listed by the State.

He asked how the trio could be held responsible for what organisations did while they were in prison, while office bearers of the same organisations allegedly involved in offensive actions were free to continue working for their organisations.

Mr Justice van Dijkhorst reserved judgment. It is expected before the court adjourns for the Christmas break tomorrow.

Terror trial man had to strip for photos

By Dirk Nel,
Northern Transvaal Bureau
MESSINA — One of the Messina terror trial accused was requested twice to strip completely for police photographs on January 16 this year, the Supreme Court hearing was told here yesterday.

Lieutenant J F Groenewald of Pietersburg said he was asked to accompany Mr Mzondeleli Nondula.

ALLEGATIONS

Mr Nondula, he said, wished to point out several places on farms in the Weipe area near Messina.

Lieutenant Groenewald told the court he ordered Mr Nondula to undress before their departure and

after their return so that photographs could be taken of him.

This was done to prove that the accused was physically unmarked, "in case allegations arose later".

When asked by defence counsel Mr Rodney Black why he did not get a doctor to examine Mr Nondula before and after the trip, Lieutenant Groenewald replied that he did not think this was necessary, as there was obviously nothing wrong with the accused.

In response to further questioning, Lieutenant Groenewald said he did not think the photo session had been a humiliating experience for the accused.

The pictures were submitted as exhibits during yesterday's proceedings.

During his intensive cross-examination of Lieutenant Groenewald, Mr Black claimed the witness was not telling the truth about certain events on that day, because he was intent on protecting two other policemen.

Lieutenant Groenewald insisted that Sergeant J McCabe and Major V Human of CID headquarters in Pietersburg were not present when he took Mr Nondula to Weipe.

Mr Black said the reason for Lieutenant Groenewald's denial would become evident in due course.

He indicated that he would be recalling Sergeant McCabe, who had testified earlier in the trial.

The hearing continues.

Judge to rule on use of policeman's book

By Dirk Nel,
Northern Transvaal Bureau

MESSINA — The personal notebook of a detective, which the defence regards as vital evidence, became a major issue during yesterday's Supreme Court session of the trial of Mr Mthetheleli Mncube and Mr Mzondeleli Nondula.

Mr Rodney Black, appearing for the two accused, told Mr Justice J P O de Villiers that he had been trying for two weeks to obtain the notebook of Sergeant J McCabe, who played a prominent role in police investigations after the two men were arrested in January this year.

Mr Frans Roets, representing the State, said he would oppose

the use of the notebook, because it contained "privileged information". Mr Black then said he would seek a court order, if necessary.

The judge asked the two advocates to discuss the matter with him after the day's adjournment. A ruling is expected today.

Earlier, Mr Black tried to obtain the journals of several members of the security police, but was told no official records were kept and that the policemen were not compelled to carry notebooks.

The judge said he was not prepared to issue a "blanket order" on the matter.

The two accused have pleaded not guilty to 41 charges.

26/1/87

Bomb placed as propaganda, Petane claims

By SHAUNA WESTCOTT
Supreme Court Reporter

UMKHONTO we Sizwe political commissar Mr Mxolisi Petane chose a disabled person's parking bay near the entrance of a Parow shopping centre as the site for staging a "psychological and propaganda" exercise, the Supreme Court heard yesterday.

Giving evidence "to prove I committed no war-crimes and am still eligible for prisoner-of-war status", Mr Petane said what the State alleged was a car bomb was nothing of the sort.

It was a device he had deliberately constructed without a "primer" so that it was incapable of exploding.

He placed it in an old coffee tin which he positioned with two gas cylinders on the back seat of a car to be clearly visible.

He parked the car in a bay reserved for disabled people virtually under the noses of security guards permanently stationed at the shopping centre entrance.

He said the device was constructed to ignite, creating a fire big enough to attract attention — if the car and its contents had not done so already — but not so big as to cause an explosion.

He left the car windows open so that people could remove the device, and left the lid of the old coffee tin next to it on the seat so that whoever rushed to the rescue would be able to put out the fire by merely putting the lid on the tin.

The purpose of the whole exercise, Mr Petane said, was to demonstrate to security forces the damage that could be caused by MK if intended to.

Further, it was to show that despite the state of emergency and assurances that the State could defend its supporters, MK was still able to operate.

Finally it was to boost the morale of the masses and to impress on government supporters that apartheid does not work — that security forces encircling townships would be unable to maintain

their iron grip if they had to defend shopping centres as well.

Mr Petane — who earlier refused to plead to charges framed in terms of the Internal Security Act, claiming the Geneva Protocol of 1977 afforded him prisoner-of-war status — said he left South Africa in 1977 to join the ANC and returned in 1986 "to defend our people against state terror and apartheid crimes".

Counsel for the State is due to argue today.

Mr Justice J H Conradie presided with two assessors, Mr L P Francis and Mr W R Vivier. Deputy Attorney-General Mr D W Rothwell SC appeared for the State with Mr M Stowe. Mr M Donen, instructed by R Vassen and Co, appeared for Mr Petane.

'Evidence irrelevant'

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26/11/82 Jonenken

THE Vaal treason trial counsel, Mr George Bizos, SC, yesterday lashed out at a police captain for allegedly submitting unreliable information in opposing a bail application for three of the 19 accused in the marathon treason trial.

Mr Bizos, assisted by Mr Karel Tip and Mr Gilbert Marcus also submitted that the court should reject "voluminous" papers submitted by the State because they carried irrelevant and inadmissible evidence.

"We have been favoured with innumerable copies of

By MONK NKOMO

Sechaba, the banned mouthpiece of the African National Congress, Mr Bizos said.

The three trialists — Mr Popo Simon Molefe national general secretary of the UDF, Mr Patrick "Terror" Lekota, national publicity secretary and Mr Moses Chikane, former Transvaal UDF secretary, have made a new application for bail.

Three previous applications have been turned down by the court since their arrest in April 1985 on the grounds that they

were a threat to state security.

Captain Frederick Botha, a security branch policeman stationed in Pretoria, submitted in an affidavit opposing their application yesterday that he had received information that Mr Molefe made contact with Mr Solly Smith, an official in London during April 1984.

Protest

He also submitted that both officials agreed to stage a protest meeting outside the South African Embassy in

London because most of the UDF officials were in detention at the time.

Mr Bizos lashed out at Captain Botha for having left this information from the Attorney-general, the prosecutors and the investigating officer since 1984.

Mr Bizos also submitted that the State's placing of the number of acts of terrorism in the country during the past three years before court was "irrelevant and prejudicial". He told the court that this was an attempt by the State to influence the judge, Mr Justice van Dijkhorst and his assessor.

Mr Bizos also told the court that a letter written by Mr Lekota to Mr Govan Mbeki shortly after his release was intercepted by the police. Mr Lekota had only expressed his delight at his release.

"What is contained in the letter is not different from what Mr Lekota had told this court," Mr Bizos added.

(Proceeding ends)

Policeman denies he covered up for others

A POLICE witness in the Messina trial was yesterday accused of lying to the court in an attempt to protect other policemen.

The accusation came from defence counsel, Mr Rodney Black, during cross-examination of Lieutenant Jacobus Groenewald.

The policeman told the court that he had received instructions on January 15 this year to accompany Mr Msondeleli Nondula, an alleged ANC guerilla, around the Messina/Weiße area where landmines had been planted.

He said they had driven in two casspirs, one carrying an SAP video team. He said he had sat with Mr Nondula and the driver in one of the casspirs. He said he

had offered Mr Nondula food but the detainee had refused and said he preferred water.

Lt Groenewald denied that the far north CID officer, a Major Human, and Detective Sergeant McCabe, had been in the same vehicle. He further denied that a white farmer had been brought into the casspir to help point out various spots where Mr Nondula was then ordered to stand while being photographed.

Mr Nondula (24) and Mr Mthetheleli Mncube (27), are appearing before Mr Acting Justice J P O de Villiers. They face 41 charges which include murder, attempted murder, terrorism and treason. They have pleaded not guilty to all the charges.

(Proceeding)

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Smeets
26/4/87

Allegations of assault in landmine trial

MESSINA — Allegations that one of the two accused in the Messina landmine trial was assaulted by authorities in Bophuthatswana were made in the Circuit Court yesterday.

Lieutenant J. J. Wehrmann was being cross-examined by Mr Rodney Black for both accused and was asked if he noticed any swelling around the eye of Mr Mzondeleli Euclid Nondula when he was collected by the South African authorities.

Lieut Wehrmann, of the Security Branch in Zeerust, said he did not notice any injuries when he collected the accused on January 5 this year from Mmabatho. Mr Nondula was taken into custody by the Bophuthatswana authorities on January 2.

It was also alleged that Mr Nondula was not formally arrested on South African soil and was told by his interrogators that no one knew he was being held and would be kept until he co-operated.

Lieut Wehrmann denied the allegations saying Mr Nondula was formally arrested when the group conveying him arrived on South African soil at Buurman's Drift, about 12 km from Mmabatho.

Mr Nondula co-operated with the police and was not threatened in

any way, nor were any promises made to him, he said.

Mr Nondula, 24, of Queenstown and Mr Mthetheleli Zephania Mncube, 27, of Diepkloof, Soweto have pleaded not guilty to all 41 charges they are facing.

The charges include 10 of murder, 24 of attempted murder, illegal possession of arms, belonging to and furthering the aims of a banned organisation, treason and terrorism.

The charges arise out of 16 landmine incidents on the South African-Zimbabwe border area near Messina between November 1985 and late last year.

Mr Mncube faces two additional charges of murder following the death of two security branch officers who were transporting him after his arrest on December 26 last year during an operation to catch five "terrorists" seen on a farm in the Messina district on Christmas Day. Four of the men were shot dead.

Lieut Wehrmann went to collect Mr Nondula on January 5 after the Bophuthatswana authorities informed him they were holding a suspected member of the African National Congress.

Mr Nondula was in-

formed he was being held under Section 29 of the Internal Security Act on January 8, Lieut Wehrmann said.

Mr Nondula was interrogated on an almost constant basis between January 6 and 14, but was treated humanely, he said.

Lieut Wehrman is to testify later about confessions allegedly made by Mr Nondula and this is expected to form part of a trial-within-a-trial as to whether the statements were made voluntarily.

On Wednesday, Mr Frans Roets, for the state, indicated that he would not accede to a

request by the defence for the pocket notebook of the officer investigating the deaths of the two security officers but yesterday handed over copies of the relevant portions of the document.

The case was postponed to January 20 next year.

About 22 more witnesses are to be called by the state when the trial resumes, Mr Roets indicated to Mr Justice J. P. O. de Villiers just before the adjournment.

Although less than 60 of the State's list of 123 witnesses have been called so far it seems that the testimony of about 22 is pertinent, he said. — Sapa

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Messina defence disputes evidence

'Police blindfolded terror trial accused'

Northern Transvaal Bureau

MESSINA — Evidence by a security policeman that accused number two in the Messina terrorism trial, Mr Mzondeleli Nondula, was treated well after his arrest, and that he co-operated willingly with police, was disputed by the defence during yesterday's Circuit Court hearing.

Lieutenant J F Wehrman said Mr Nondula volunteered to show him several places near Messina, and was in a friendly mood while he was questioned by security police and military intelligence officers in January this year.

'WAS UNDER PRESSURE'

The defence advocate, Mr Rodney Black, said Mr Nondula would testify that he was blindfolded at one stage, that he was under pressure from continuous interrogation, and was threatened.

At no time did Mr Nondula offer voluntarily to show police certain places near Messina, he said.

Lieutenant Wehrman said he formally arrested Mr Nondula at Buurmansdrif, on the border of South Africa and Bophuthatswana, on January 6, while taking him from Mmbatho to Groot Marico.

WAS QUESTIONED REPEATEDLY

Mr Nondula was questioned repeatedly between January 8 and 14. During this period, he was held at Potchefstroom, Fochville, and Potgietersrus, before being taken to Messina, Lieutenant Wehrman said.

Mr Nondula (24) and Mr Mthethelei Mncube (27) have pleaded not guilty to charges of murder, attempted murder, terrorism and treason.

The hearing was adjourned to January 20.

● The dispute surrounding the availability of a detective's notebook was resolved during yesterday's ses-

sion of the trial when Mr Frans Roets, representing the State, told the court he had obtained the book, and would make it available to the defence.

Earlier, counsel for the defence, Mr Rodney Black, had threatened to obtain a special court order, because he regarded information in the notebook of Sergeant J McCabe as vital for his evidence.

Terror trial document inadmissible

Daily Dispatch Reporter
MDANTSANE — A document submitted by a Mdantsane magistrate, Mr Gladstone Mncedisi Zamxaka, in support of his state evidence in a terrorism trial, was ruled inadmissible by the regional court yesterday.

Mr Zamxaka was testifying against four

Mdantsane men — Mr Xolile Matebese, Mr Mzwandile Mampunye, Mr Mlamli Faku and Mr Xolani Ngudle — who are facing charges under the Ciskei National Security Act to which they have pleaded not guilty.

The charges are in connection with allegations of harbouring terrorists, receiving mili-

tary training for purposes of overthrowing the state and furthering the ANC's aims.

The presiding regional magistrate, Mr J. Dracatos, ruled that the document submitted by Mr Zamxaka had not fulfilled the legal requirements in that it had not been signed by him.

Mr Zamxaka, who said he had been a judicial officer since 1977, claimed he had visited the accused in the Mdantsane prison on December 23, 1986.

He said he compiled a report after the visit and drafted it to the director-general of justice on the detainees' condition.

The report was signed by his superior whom he could not remember.

He said what he presented to court was a copy of a copy of the

original report.

Under cross-examination by the defence counsel, Mr M. Moerane, Mr Zamxaka insisted he had seen the accused in prison on December 23 and that the report submitted to the court was the same as the original which was sent to Bisho.

Mr Moerane pointed out to Mr Zamxaka that the accused were at the Mdantsane police station at the time Mr Zamxaka had said he had visited them.

Mr Moerane said the accused had left the station on January 5. They were detained on December 23, and it was impossible for Mr Zamxaka to have visited them then.

Mr Zamxaka conceded that his report was incorrect.

The defence also put it to Mr Zamxaka that the report had not been signed by him. He agreed and said he was not sure which of his superiors had signed it.

When asked if he had seen some of the accused at the Vulindlela police station, Mr Zamxaka said he had not.

The defence counsel pointed out to him that in his report he said he had seen two of the accused at the station.

Mr Moerane submitted that what Mr Zamxaka was telling the court was not true.

Mr Zamxaka conceded that he was not sure of the date he visited the accused.

Mr Moerane submitted that the report was incorrect.

He said the document was not the original as was required by law, that Mr Zamxaka had not signed it and that Mr Zamxaka did not know who had signed it.

He said the report could not be admitted as evidence in support of the state case since it lacked authenticity.

The dates in the document did not relate to the events and the document was prejudicial to the accused, he said.

Mr Barry Nel for the state, argued that Mr Zamxaka had no independent recollection and relied on the only document he had submitted to court.

He said the visits might not have taken place on the dates mentioned in the document and that the signature was not Mr Zamxaka's.

The law provided that as long as the court document had been issued by a state official it was acceptable, he said.

Mr Dracatos ruled the report was not admissible as evidence in court.

The trial continues today.

Three leaders denied bail in 'longest' trial

PRETORIA. — Family members and friends of three leading United Democratic Front figures burst from the Supreme Court here weeping yesterday as bail was once more refused to the "Delmas" treason trial trio who have spent more than 30 months behind bars while the case proceeds.

The bail application was made on behalf of UDF publicity secretary Mr Patrick "Terror" Lekota, its general secretary, Mr Popo Molefe, and former Transvaal executive member, Mr Moss Chikane, who are the only three trialists who have been refused bail.

They have been in jail for two years and seven months.

Mr Justice K van Dijkhorst said in judgment that he had not been convinced by the accused that there had been a change in "the situation" since their last application for bail in July this year.

The judge failed to set out reasons for refusing bail, saying it could influence both parties in the further conduct of the case and could possibly create the wrong impression.

The accused, all high-ranking members of the UDF, Azapo and local civic organizations, have pleaded not guilty to the main charge of treason and alternative charges ranging from terrorism to subversion.

The trial is said to be the longest political trial in South African history and runs to more than 19 000 pages of recorded evidence. — Sapa

331 C/P 29/11/87

Alex trial postponed

By MARTIN NTSOELENGOE

THE treason trial of the general-secretary of the National Union of Metal Workers of South Africa, Moses Mayekiso, and four others will resume in the Rand Supreme Court in three months' time.

This week, the State and defence agreed that the case be postponed to February 1.

Mayekiso, 38, Paul Tsabalala, 38, Richard Mdakane, 29, Obed Bapela, 22, and Mzwanele Mayekiso, 22, face charges of treason and sedition, alternati-

vely subversion.

The accused, all from Alexandra, have pleaded not guilty to all the charges before Judge PJ van der Walt.

The five are accused, among other things, of:

- Aiming to establish their own alternative civic authority to govern Alexandra township.
- Unlawfully striving to create political, social and cultural awareness and solidarity among township residents.
- Unlawfully striving to create new structures to replace the magistrates' court in the area and the town council.

- Mobilising residents of Alexandra to resist the order and structures created by the State.

- Being involved in "people's courts" where people were sentenced to punishments including corporal punishment.

- Inciting or intimidating residents to participate in consumer boycotts.

- Committing actions which could lead to confrontation with the security forces.

- Hampering the due process of law and order and the administration of justice.

- And committing actions that led to "various offences" such as forming street committees.

UDF 3 still dangerous, says State

29/11/87

233/1/1/87

By SOL MORATHI

THE State yesterday vehemently opposed a bail application of three United Democratic Front officials during a heated argument with the defence counsel in the Pretoria Supreme Court.

The State still maintains that Popo Molefe, Patrick Lekota and Moses

Chikane are a threat to national security and must, as a result, be refused bail.

But George Bizos SC, for the defence, argued that the State was denying the trio bail for its own selfish and manifestly unfair reasons.

Despite having failed to give substantial and logical facts of the dan-

gers posed by Molefe, Lekota and Chikane, he said.

"There are glaring loopholes in the State's case which the court must sternly look into before giving judgement," said Bizos.

Bizos also said the State had failed to show any casual connection between the trio and the unrest that occurred in the Vaal.

He further pointed out that the mere assertion that a "revolutionary climate prevailed in South Africa" was no reason to continue denying the men bail.

The State handed in a letter written by Lekota to ANC leader Govan Mbeki on his recent release from Robben Island.

It also submitted statistics regarding sabotage attacks, public violence, strikes and arson in recent months.

State prosecutor Peter Sick said the revolutionary climate in the country was still going on and there were no doubts that the trio might fan the flames even more upon their release.

Molefe, Lekota and Chikane have been refused bail on three occasions in the past. If the three men do not succeed with their application, they might spend yet another Christmas and, perhaps, one more year in custody.

Sixteen of their co-accused have been granted conditional bail of R15 000 each.

All of them are facing charges of treason, terrorism, subversion and murder. They have pleaded not guilty to all the charges.

30/11/82

'Car bomb' could not explode, court told

331 Supreme Court Reporter

THE long trial of Umkhonto we Sizwe political commissar Mr Mxolisi Petane — the first captured ANC soldier who has claimed prisoner-of-war status in terms of the Geneva Protocol on armed conflict — is drawing to a close, with judgment due tomorrow.

Mr Petane's claim, argued by Mr Michael Donen, was rejected by the court, which entered pleas of not guilty on his behalf to charges framed in terms of the Internal Security Act.

Mr Petane is accused of shooting and wounding a police constable, injuring four other policemen by throwing a hand-grenade and planting a car bomb outside Dion's shopping centre in Parow.

He told the court the "car bomb" was nothing of the sort, since he constructed it to be incapable of exploding. He said it was planted in a disabled person's parking bay under the noses of security men as a "propaganda and psychological" demonstration.

Whether this act fell within the Internal Security Act's definition of violence was a question that occupied the court during argument.

The Act lays down that violence "includes the inflicting of bodily harm upon or killing of, or the endangering of the safety of, any person, or the damaging, destruction or endangering of property".

Canvassing this question, Mr Justice J H Conradie put it to Mr Donen that "shooting someone in self-defence is not an act of violence".

Mr Justice Conradie presided with two assessors, Mr L P Francis and Mr W R Vivier. Deputy Attorney-General Mr D W Rothwell SO appeared for the state with Mr M Stowe. Mr M Donen, instructed by R Vassen and Co, appeared for Mr Petane.

TEARS AS UDF 3 BAIL PLEA FAILS

FRIENDS and relatives of three treason trialists — two of whom are high-ranking officials of the UDF — broke down and wept immediately after the judge rejected their fourth bail application in the Pretoria Supreme Court on Friday.

Mr Justice Van Dijkhorst, who is sitting with an assessor, dismissed the application ruling it "inopportune" to give reasons for his decision even after Mr George Bizos, SC, for the defence submitted that the security situation in the country had improved enough for the three to be released. The three political activists who brought a new application for bail are Mr Popo Simon Molefe, national general secretary of the UDF, Mr Patric "Terror" Lekota, national publicity secretary of the UDF, and Mr Moses Chikane, former Transvaal UDF secretary.

The three, together with 16 others who include senior officials of the UDF, Azapo, Azanyu and the Vaal



BIZOS . . . "national security improved"

Civic Association have pleaded not guilty to charges of treason, murder, subversion and terrorism.

• Two witnesses for the defence in the same trial told the Pretoria Supreme Court that a peaceful protest march against rent increases was disrupted by police who fired shots and used tearsmoke to disperse them in Sebokeng, Vereeniging, in 1984.

Mr Mahase Mokamen and Mr Maletsane Dlamini, said they were part of the march to the Houtkop Administration Board offices on September 3, 1984, when their paths were blocked by the police who parked "hippos" across the street.

Court hears of accused's 'last chance'

AN ACCUSED in the Pretoria terrorism trial, Mr Vincent Mathunjwa, yesterday said he refused to have his thumb print taken and also informed a magistrate of his wish to see a lawyer "as a last chance" to indicate that his statement was not "freely and voluntarily" made.

Mr Mathunjwa also told Magistrate Mr J H Bekker, that as a person who did not understand law, he believed a lawyer would be able to explain the implications of making a statement before a magistrate.

He was being cross-examined by Mr P J

Pretorius, for the State, during a trial-within-a-trial to determine the validity of his statement.

"I deemed it fit to tell the magistrate of my intention to see a lawyer as I had been afraid to tell the policemen who interrogated me. This was after they had warned me to be careful of what to say before the magistrate."

"The police had also instructed me to co-operate with them failing which I would land in hospital. One of them told me that each detainee in the country was obliged to make a statement before a magistrate," the accused said.

Although the accused found it proper to refuse to give his thumb prints and informed the magistrate of his intention, he said he would not ask for the magistrate's protection as he knew that the statement he made was to be returned to his interrogators. He stated that he feared he would be in trouble.

His defence counsel, Mr Dikgang Moseneke, scolded the magistrate who took his client's statement for having

failed to ask Mr Mathunjwa why he wanted to see a lawyer. He asked the court to take into account what could have happened if the accused had been asked to explain his decision to see a lawyer.

The advocate said the methods used to persuade the accused to make a statement were "misleading."

He said an inadmissible statement could be made voluntarily. The test, he stated, was not for the accused to be told what to say before a magistrate but whether his volition had been tampered with.

When Mr Justice Conradie concluded his judgment in the Supreme Court Petane responded with three clenched-fist salutes and a piercing cry of "Victory or death. We shall win."

Petane, who wore a black zip-up jacket with green and gold stripes on the shoulder, described himself during the trial as a "soldier" of Umkhonto we Sizwe, the armed wing of the African National Congress.

He claimed the car bomb was intended as a psychological and propaganda weapon and that he had built it so that it could not explode.

Threat

The judge found that "by a stroke of the most marvellous good fortune", a "brave and cool-headed" Mr Anton van der Berg had seen smoke in the car, removed a coffee tin containing TNT and a handgrenade and closed the tin.

Mr Justice Conradie found that the bomb was a threat to property and life in terms of the Internal Security Act.

The judge said that even if the device had not been made to explode as Petane claimed and had not been a direct threat to property and life, Petane would have been guilty of an act of terrorism because the "very real threat" of placing the bomb was intended to convey the message that Umkhonto we Sizwe had the skill, material and capability to plant bombs "of this diabolical kind".

Deactivated

Petane told the court he left the tin lid beside the device so that whoever found it could easily put out the fire in the tin, which had been started by a flash light filament embedded in potassium chlorate, the judge said.

Having deactivated the bomb about 4pm, Mr van der Berg waited one and a half hours for the police, but left when they did not arrive.

The remaining components of the bomb were left in the car until the next morning when the bomb disposal squad arrived.

Petane was found guilty of the attempted murder of Constable Johan Kotze and of the attempted murder of policemen who pursued him in KTC the day he was arrested, some of whom were wounded by a handgrenade Petane threw in their direction.

(Proceeding)

Mr Justice Conradie is sitting with assessors Mr L P Francis and Mr W R Vivier. Mr D Rothwell, SC, and Mr M Stowe appear for the State and Mr M Donen, instructed by R Vassen and Co for Petane.

By DALE LAUTENBACH
Staff Reporter
AFRICAN National Congress "soldier" Mxolisi Edward Petane, 29, who placed a car bomb at the Dion shopping centre in Parow last year, was convicted today of terrorism and attempted murder.

Shops 'boombier' found guilty

State evidence should be accepted, court told

GRAHAMSTOWN — The state witnesses in the trial-within-a-trial in the case against two unrest policemen should be accepted, the state argued yesterday.

Mr W. Kingsley submitted that the only alternative explanation for the dispute between state and defence evidence was that of a conspiracy against Constable David Goosen, which he had denied.

Const Goosen, 26 and Warrant Officer Leon de Villiers, 36, are charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arise out of alleged incidents in Cradock, where the squad monitored a funeral on July 26 last year.

The trial-within-a-trial arose over the admissibility of explanations Const Goosen made to Captain J. F. van Heerden.

The defence alleged that pressure and threats were made to persuade Const Goosen to make a statement.

Mr Kingsley dealt with the difference in the onus of proof required to prove a confession and an admission.

He submitted that the explanations amounted to no more than a non-inculpatory admission.

He then went on to deal with the alleged threats and pressures that the defence claimed amounted to undue influence.

At one stage, Mr Justice Zietsman said in his opinion Const Goosen had been arrested in Port Elizabeth on August 28 and taken to Cradock and detained in the hope that he would make a statement.

Mr Kingsley argued that Const Goosen could have refused.

17 injured in five city accidents

BRANCH

and 10 in Transkei

Terror witness: hatred cause^{DD} of deflection^{2/12/87} ⁽³³¹⁾

Daily Dispatch Reporter MDANTSANE — A state witness told the regional court here yesterday she had trained in Angola as a terrorist because of her hatred for the South African Defence Force after two of her colleagues died in an SADF raid in Lesotho in 1982.

The witness, who can be identified only as Miss X, said she was caught and became a "willing informer" for the South African Police against the banned African National Congress.

The court ruled that Miss X's name could not be revealed and only accredited members of the press were allowed into the court.

She was testifying against Mr Xolile Matebese, Mr Mzwandile Mampunye, Mr Mlamli Faku and Mr Xolani Ngudle who have been charged with numerous acts relating to terrorism — including the harbouring of terrorists, possession of arms, and furthering the aims of the ANC.

They have all pleaded not guilty to the charges.

Miss X said she worked for the SAP because she wanted money which was unobtainable to her as a member of the ANC. The police supplied her with all the necessities she needed.

She agreed under cross-examination that she informed on her former ANC colleagues and was remunerated, though not in direct monetary terms.

She said she had not

yet joined the police force officially. She first wanted to further her studies and it would then be up to the police to consider whether she was eligible for selection.

The witness said she was proud to inform on her erstwhile ANC colleagues.

She said she had left the country in 1982 after a strike at her school and joined the ANC. She wanted to further her studies and was told she could do so if she left the country and joined the ANC.

Before she left, she and other pupils attended political meetings in a house where they were taught about the aims and objectives of the ANC.

There were five in her group when they left with false documentation for Lesotho, where they were given refugee status and housed separately.

After the raid by the SADF, all the refugees were ordered to leave the country and she was flown to Mozambique.

After a week in Mozambique they were told they were going to Zambia. However, they remained on the aircraft in Lusaka and were sent to Angola.

Once in Angola they were sent to the Vienna transit camp.

Later, she was sent to Kalakule, a military camp, where she was trained in the use of politics, firearms and explosives.

She said she returned to Lesotho in 1985 but the then reigning government was not positively disposed towards the ANC and thus no protection was afforded to them.

Miss X said that she and her unit, comprising of five members, were supposed to follow the orders of their superiors.

She said two of her unit members infiltrated South Africa and a third was killed while trying to do so.

A fourth member was deported by the Lesotho Government to Zambia after the coup d'état.

When she left Lesotho for South Africa, she was told by her commanders that she would meet a commander in South Africa and that her targets were railway lines and a former ANC member who had defected.

She said she arrived in South Africa last year and was arrested in

February. She decided to work with the police and was happy to have done so.

The witness said she had asked to testify in camera because it would make it difficult for the ANC to trace her and affect reprisals against her.

Asked why she thought she would be traced by the ANC and possibly be attacked, she replied that she had been a committed member of the ANC military wing, Umkhonto we Sizwe, and she knew that the ANC had an efficient intelligence service.

She was aware that the ANC would be able to trace her even though she gave evidence in camera, but it would not be as easy as when she testified at a public hearing.

The trial continues today.

Mr J. Dracatos was on the bench. Mr B. Nel appeared for the state. Mr M. Moerane instructed by Mr H. K. V. Siwisa, defended.

about R22 500 struction in Blue Downs.

Court overturns four violence convictions

By SHAUNA WESTCOTT

WORCESTER Regional Magistrate Mr A J van Wyk "misdirected himself and committed an irregularity", the Supreme Court ruled this week in overturning public-violence convictions and sentences imposed on four Zwelethemba residents.

The four were convicted on December 10, 1985. Mr Mpho Letaba, Mr Ernest Ntlantsana and Mr Ntobeko Nkwali — aged 21, 20 and 17 at the time — were sentenced to five years' imprisonment with two years suspended. Mr Xolani Ndabeni — 16 years old at the time — was sentenced to six strokes.

Their convictions followed Mr Van Wyk's refusal to grant a postponement to their attorney, Mr Alan Chiat, who then refused to cross-examine.

In this week's Supreme Court review, Mr Justice A J Lategan, with Mr Justice H C Nel agreeing, ruled Mr Van Wyk's behaviour had amounted to the denial of the basic right to legal representation, and found all subsequent trial proceedings null and void.

Mr J R Whitehead, instructed by Bernadt Vukic and Potash, appeared for the four. Mr J Reebein appeared for the state.

R63m for

Helping hand for business people

MORE than 150 people from South Africa and other parts of Africa are expected to attend the launching of the Business Challenge trust fund in Swaziland from December 4 to 6.

Business Challenge is an organisation formed early this year to help businessmen to obtain loans from financial

By NKOPANE
MAKOBANE

institutions.

To become a member, one has to pay a joining fee of R60 and a subscription fee of R50 a month. The subscriptions are to be kept in a trust fund.

Mr Phil Khumalo, a founder-member and director of BC, will be the key speaker on Saturday. He will explain BC's structure and how it will be run.



MR PHIL KHUMALO

Nigerians and Botswana and Lesotho nationals.

The Nigerians, he said, were interested in starting a similar organisation.

For those members who will be unable to attend the Swaziland launch, a report-back meeting will be held on December 20 at the Carlton Hotel (Cape Town Room) at 1pm.

For more details about Business Challenge, prospective members should telephone (011) 23-7620.

Messina trial ⁽³³¹⁾

THE Messina landmine blast trial, in which two young men alleged to be African National Congress guerillas face 41 charges ranging from murder to treason, is to resume on January 20 next year.

Mr Mthetheleli Mncube (27) of Diepkloof, Soweto, and Mr Msondeleli Nondula (24) of Mdantsane, East London, are appearing in chains before Mr J P O de Villiers and two assessors.

They have pleaded not guilty to all the charges.

Nigerians

The welcome address will be given by Professor Mike Matsebula, professor of economics at the University of Swaziland. Another speaker will be Mr Maxwell Mayisela, a manager of an employee benefit consultancy.

Mr Khumalo said they were expecting more than 100 BC members from South Africa.

There would be at least 50 Swazi nationals at the launching as well as some

1/12/87.

⁽³³¹⁾ Somerset 1/12/87

CMS Ticks 2/12/87
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ANC trialist salutes as he is convicted

Supreme Court Reporter

DRESSED in ANC colours, Umkhonto we Sizwe "political commissar" Mxolisi Petane gave the ANC salute and shouted "victory or death!" after Mr Justice J. H. Conradie convicted him yesterday of terrorism as defined by the Internal Security Act.

The judge ruled that what Petane claimed was a propaganda exercise — a bomb built so that it could not explode, placed on the back seat of a car parked, with its windows open, in a disabled person's parking bay at the entrance to Dions supermarket in Parow — was a threat to property and life.

The judge said that even if the bomb had been unable to explode, as Petane said, placing it would remain "an act of terrorism" because placing it was "a very real threat", intended to convey that Umkhonto we Sizwe was capable of planting bombs "of this diabolical kind".

Petane was also convicted of two

counts of attempted murder — for shooting a policeman who came to his shack looking for a previous resident he wanted to recruit as an informer, and for throwing a grenade which wounded four policemen pursuing him on the day he was arrested in KTC.

Petane's counsel, Mr Michael Donen, requested — and was refused — a postponement until the court's new term in 1988, to prepare evidence in mitigation.

He said this evidence would be in three categories — a history of the ANC's 49-year peaceful struggle and the eventual decision to resort to force of a limited kind, evidence on "morality and theology", and a history of the armed struggle.

"I shall be interested to hear about the morality of putting bombs outside toy shops, and the theology too," Mr Justice Conradie said.

The trial was postponed to Tuesday, December 8.

Mr L P Francis and Mr W R Vivier were assessors. Mr Rothwell appeared with Mr M Stowe. Mr Donen was instructed by R Vassen and Co.



RELATIVES of two of the men appearing on charges under the terrorism act are seen outside court with defence team Mr Dikgang Moseneke, second from left, and Miss Nonkosi Mavundia of Seriti and Mavundla, the instructing attorneys.

The two relatives are Mr Hilton Dwera, who is related to Mr Siyabulela Gcanga and Mr Yasser Cassiem, the son of Achmad Cassiem.

I did not understand accused - magistrate

A **MAGISTRATE** who took a statement from an alleged Pan Africanist member, Mr Setsiba Mohohlo, told a Pretoria Magistrate yesterday that he had communication problems with the accused.

Mr Petrus Geldenhuys of Lichtenburg told Mr J H Bekker that he did not use the services of an interpreter because the accused had elected to speak in English. He was testifying during a trial within a trial to determine the validity of Mr Mohohlo's statement before him.

The magistrate told the court that the accused

had to spell some of the names of the people and places he referred to. "I did not understand the accused on a number of occasions. I had problems with his accent," he said.

The witness disagreed with Mr Dikgang Moseneke, for the defence, when he said there was a possibility that part of the information contained in a form which the magistrate filled in was inaccurate. He also denied that some of the English words were spelled to him.

An interpreter, who was present when Mr

Mohohlo made a statement, Mr Mpho Thomas Matsimela, also told the court that the accused had elected to give the statement in English. Mr Moseneke argued that the form which the magistrate filled in at the time did not contain accurate information. He said the magistrate did not record the questions he asked the accused when he made the statement.

"The court cannot rely on an Afrikaans form which has English answers without knowing what the magistrate precisely said to Mr Moho-

hlo. There is no record of the actual questions he asked and one cannot rely on these documents to make judgment," Mr Moseneke said.

Mr Mohohlo and six others has pleaded not guilty to terrorism, attempted murder and defeating the ends of justice. Others are Mr Mabatu Enoch Zulu, Mr Vincent Mathunjwa, Mr Siyabulela Ndoda Gcanga, the Rev Daniel Nkpodu, Mr Achmad Cassim and Mr Yusuf Patel.

(Proceeding)

331 Smetan 2/12/87.

'ACCUSED TOLD TO BE NEGATIVE'

Mr SETSIBA Mohohlo, an accused in the Pan Africanist Congress trial, yesterday told a Pretoria magistrate that the police warned him not to say anything negative about them before he was taken to a magistrate to make a statement.

He also told Mr J H Becker that he had to answer questions in a manner which suited his interrogators when he made a statement before Mr Petrus Geldenhuis on April 24, last year.

"I did not even want to disclose that the sore on my left leg had been caused by the leg irons I

Mr Mohohlo was giving evidence during a trial within a trial to

By ALINAH
DUBE

determine the admissibility of the statement. He was being cross-examined by the State advocate, Mr P J Pretorius.

Assault

Mr Mohohlo said that it was a known fact that security detainees were being assaulted by police. He said he concluded that he would also be assaulted after a Bophuthatswana policeman had told him the South African Police

would not "tolerate" him after being handed over to them.

Appearing with Mr Mohohlo are Mr Mabatu Enoch Zulu, Mr Siyabulela Ndoda Gcanga, Mr Vincent Mathunjwa, the Reverend Daniel Nkopodi, Mr Achmad Cassim and Mr Yusuf Patel.

The seven, alleged members of the PAC and Qibla, a Muslim organisation, have pleaded not guilty to 24 counts of terrorism, attempted murder and defeating the ends of justice.

(Proceeding)

3/12/87
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An artist's impression of the scene in court this week during Petane's trial

A SELF-CONFESSED Umkhonto weSizwe soldier listened intently as he was convicted this week of terrorism and two counts of attempted murder.

The trial in the Supreme Court, Cape Town of Mxolisi Edward Petane, 29, of KTC, was remarkable in comparison to other political trials.

There were no crowds in the corridors vying for places in the public dock. And the quiet, bespectacled man did not have the full force of the media's spotlight throughout his trial.

Petane refused to plead because he said he did not recognise the court proceedings. And he applied for Prisoner-of-War status in terms of the Geneva Convention. His application was turned down.

Ashley Kriel

On Tuesday when Mr Justice Conradie handed down judgment, Petane was dressed in a zip-up green, gold and black tracksuit and a T-shirt bearing the Ashley Kriel's face and the words: "Hamba Kahle Qabane".

He looked stony-faced as he was convicted.

He had been charged in terms of the Internal Security Act for placing a bomb in July last year near Dions shopping centre in Parow, for shooting and injuring Constable Johannes Kotze in Guguletu and for injuring four policemen when he threw a hand-grenade at them.

Petane, whose roundish face bears the thin strip of a moustache, had told the court he regarded himself as a trained MK soldier and an explosives expert.

At times formally dressed either in a suit or jacket and tie, Petane usually appeared relaxed and in fine spirits during the trial.

Defiant stand in dock

3-9/12/87
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Soutp

His familiar posture of standing with his hands behind his back was broken only when he gestured with his hands while answering questions, or when he occasionally raised a clenched fist and shouted slogans. At least once he was warned of being charged with contempt of court.

His determination and commitment came across when he answered questions.

His repartee under cross-examination would often astound those in the public gallery.

He would often smile and try to catch a glimpse of his relatives in the public gallery.

Petane told the court he left the country in 1977 and returned in June last year to "defend our people against state terror and apartheid crimes".

Asked why he armed himself when policemen were searching KTC, Petane shrugged his shoulders, opened his arms slightly and said: "I

was expecting action. I was prepared to put up a fight. Even if it meant killing someone. Well, that is part of war. I am a soldier."

He told the court that he put a pistol and hand-grenade between his stomach and the waistband of his jeans.

Unconventional

Asked whether he felt uncomfortable when he was running, Petane unhesitatingly said: "I am used to that. We are not only trained for conventional means but also unconventional means."

Petane also explained that he lost the pistol after throwing the hand-grenade. "My intention was to use it, not to throw it away. After the hand-grenade explosion I would be unarmed."

Before he turned to walk down the stairs to the cells, Petane stood with his left fist raised and shouted: "Victory or Death, we shall win".

The trial continues on Tuesday.

This weeks
PECEALS

Hulleths
Sugar
2,5kg

2,49

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Delmas three seek release before Christmas

By SEFAKO NYAKA

JUDGEMENT in the bail application for three of the 19 accused in the Delmas treason trial is expected today before the Pretoria Supreme Court adjourns for the festive season break.

United Democratic Front national publicity secretary Terror Lekota, national secretary Popo Molefe and former Transvaal secretary Moss Chikane made a fresh bid to be released before Christmas after three previous bail applications failed.

Previous applications were turned down on the grounds that the applicants were a threat to state security.

In opposing bail this week the state submitted statistics regarding sabotage attacks, strikes, public violence, arson and other unrest-related acts in recent months.

Molefe's alleged contact with a high-ranking African National Congress official, Solly Smith, and a letter written by Lekota to Govan Mbeki after the jailed leader's release were also submitted by the state in opposing the application.

A security police captain, Frederick Botha, submitted in an affidavit opposing the application that he had received information that Molefe had made contact with Smith in London during April 1984.

Molefe denied having had any contact with Smith.

George Bizos, for the applicants, said it was not clear why Botha had kept the information, which he termed unreliable, from his seniors, the deputy attorney-general and the attorney-general.

In an affidavit Lekota said he drafted a letter to Mbeki after a Michael Raraza, who is a member of the Motor Assemblies and Component Workers' Union, had told him that he was returning to Port Elizabeth to see Mbeki in the flesh.

He said he had been moved by Mbeki's release because he had been a prisoner with him on Robben Island.

Bizos said the state's submission before the court of the number of acts of terrorism over the past three years was irrelevant and prejudicial in attempting to influence Justice Van Dijkhorst and his assessor.

The activities of the Congress of South African Trade Unions and the South African Youth Congress could not be used to deny the men bail, Bizos said.

He told the court that the state had failed to show any causal connection between the continued detention of the three accused and the unrest which persisted on the Reef.

The three men have been in custody for over 30 months.



LEFT: Three-year-old Abduraghaman Kartiem, youngest brother of Ashraf, raises his fist at a meeting at St George's Cathedral after the hearing.



RIGHT: Mrs Dorothea Pedro, her son Roderick and a family friend, Mrs Galiema Semaar, leave the court after the trial

Pics GREG FLATT

Trial date set

THE rattle of chains announced the entry into the Cape Town Regional Court of 14 men and a woman charged with terrorism.

The men were all in leg-irons when they appeared this week as a large crowd of relatives, friends and police gathered inside and outside the court. Some of the relatives said they had been at the court since 7am. The accused only arrived about two hours later.

There was tension at the entrance to the court building as people were told to clear the doorway and that only 30 people would be allowed inside.

The crowd became noisy as a policeman at the door told them he would allow them in when he felt like

Leg-irons shock families

THE family of Nicolo Pedro, one of the accused in the terrorism trial, travelled 800km to see him appear in court for 15 minutes this week.

Mrs Dorothea Pedro said she and two of her children had travelled from Mossel Bay to be at the trial. "I feel wonderful because Nicolo blew a kiss to me, but I feel a bit upset because he was chained," Mrs Pedro said.

She spoke to SOUTH at St George's Cathedral, where the families of the accused gathered after the court appearance.

The parents of all the accused said they were shocked to see their children in leg-irons.

Mrs Pedro stayed in Cape Town for two days and visited her son at Pollsmoor Prison on Tuesday morning.

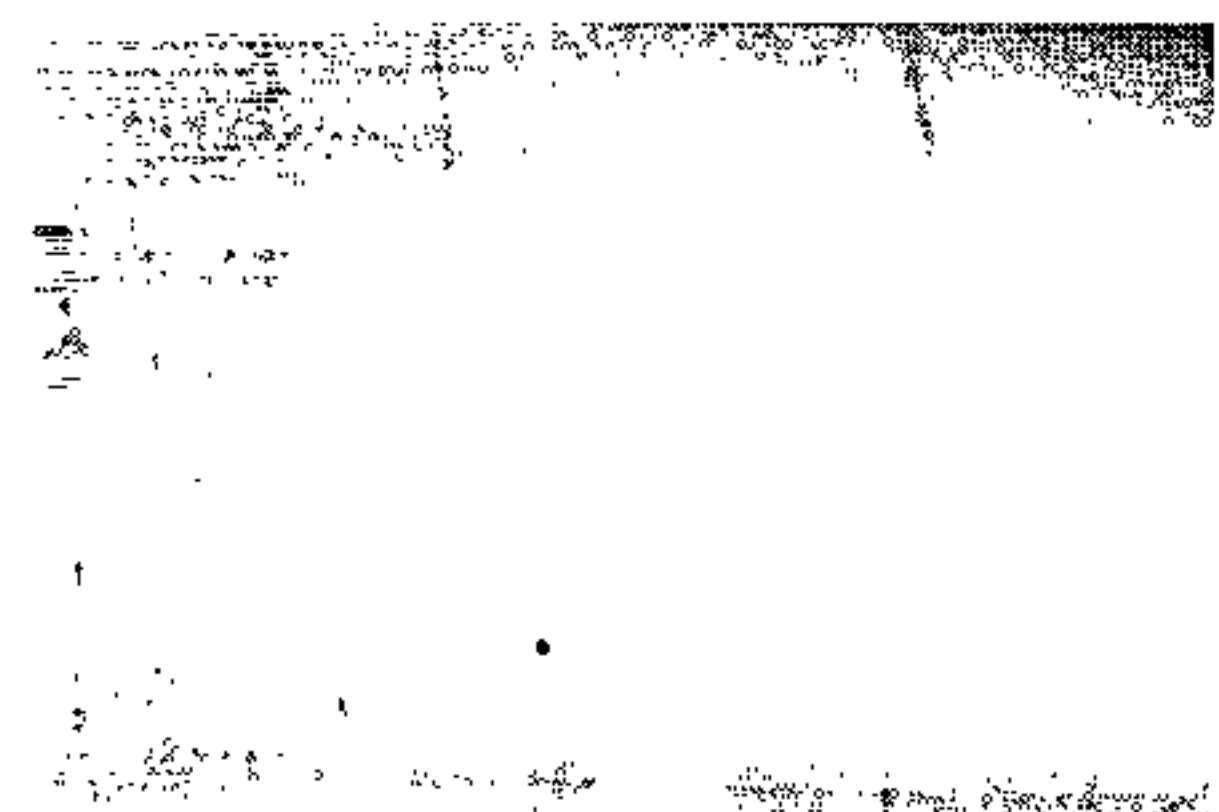
Her son, Fernando, said his mother visited Nicolo on only one previous occasion.

"My mother is a nurse and my father a teacher. They cannot visit Nicolo as often as they'd like because of the jobs they have. Week-end visits are out."

"My mother came for the hearing and visited Nicolo the next day. Her next visit will be on Christmas day, but that is still being negotiated, as Christmas is on a Friday," Pedro said.

Awaiting trial prisoners are allowed visits on Tuesdays and Thursdays only.

Mrs Tina Forbes said she felt "very sad because I could not



it, and that he would close the doors after 30 people were inside.

The 30 people, mainly parents and close relatives were allowed to enter Court 28, one of the smallest courts in the building at about 9am.

Tension

The atmosphere in court was tense as about 15 uniformed police watched over the spectators.

The spectators were told to be quiet and orderly when the accused entered the court.

There were shouts of "amandla" as the people nearest to the dock tried frantically to touch the trialists.

Many of the spectators gasped when they saw the 14 men were in leg-irons.

A dull thud echoed through the courtroom as the men dropped their chains simultaneously.

Yasmina Pandey, 20, of Wynberg, the only woman accused, was elegantly dressed in a pink dress, white scarf and white high-heeled shoes.

The 14 men who appeared are: Ashley Forbes, 22, of Athlone; Peter Jacobs, 22, of Athlone; Leon Scott, 29, of Bonteheuwel; Yasmina Pandey, 20, of Wynberg; Nicolo Pedro, 20, of Mossel Bay; Anwar Dramat, 19, of Bonteheuwel; Nazeem Lowe, 24, of Diep River; Walter Rhooode, 23, of Elsie's River; Clement Baadjies, 19, of Bonteheuwel; Jeremy Veary, 22, of Cravenby Estate; David Fortuin, 22, of Elsie's River; Ashraf Karriem, 20, of Elsie's River; Wayne Malgas, 22, of Ravensmead; Colin Cairncross, 22, of UWC hostels; and Colin Petersen, 23, of Grassy Park.

Slogans

The 15 stood with clenched fists and chanted slogans, to which the crowd responded.

Someone in the crowd shouted "Happy birthday Peter" and others followed. A yellow cloth with "Happy birthday Peter" written on it, was held up by one of the spectators and seized by a policewoman.

Peter Jacobs turned 22 last Friday.

The policemen in court stood still as the highly-spirited spectators and accused continued to chant slogans.

The case was postponed for a Supreme Court hearing in March next year, and the 15 were remanded in custody.

The attorney for the accused, Mr E



Family and friends of the trialists walk past policemen lining the entrance to the court

Mohamed, told the court that the Attorney-General had issued a certificate refusing bail.

The spectators rose as the accused left the courtroom, singing: "I'm proud to be a soldier." Spectators joined in and sang till the voices of the accused faded as they walked down the steps towards the underground cells.

Outside court, about 100 people

waited to catch a glimpse of the truck taking the accused to Pollsmoor Prison.

As the truck passed, some people tried to reach out to the accused who were waving through the bars of small windows on the sides of the truck.

The singing and dancing crowd followed the van until they were dispersed by police with dogs.

Three women, including the mother and sister of Leon Scott, were shoved into the back of a police van in which a dog was barking fiercely.

The women, Mrs Dora Scott, 63, Halimena Scott, 31, Faghmiada Cloete, were taken to Caledon Square Police Station and later released.

They were each fined R30 for "dancing, singing and shouting in the street."

Brave smile

"Ashley and the others looked very strong. He gave me a broad smile in court and that made me feel good."

Mrs Begum Pandey said she was upset because an application for bail was not granted.

She said her daughter, Yasmina "looked well".

"She waved and smiled at me. That made me very happy."

"I don't feel so good after they came up in chains. I thought the days of slavery were over," said Mrs Fawzia Lowe, mother of Nazeem.

"I grabbed his hand as he came up. It was good to have had physical contact with him. He looked well, but has lost some weight."

Good health

She said the postponement was long, but she would be able to visit him twice a week.

Mr and Mrs A R Karriem said they were happy to see their son in good health.

Mrs Karriem said Ashraf's brothers and sisters missed him, especially his 3-year-old brother, Abduraghaman, whom she had brought along to court to see him.

"Ashraf has lost a lot of weight and that worries me a bit," she said.

"Peter looks very depressed to me and I am a bit worried about that," said Mrs Patricia Jacobs.

"I was shocked to see them in chains. They are not dangerous criminals."

Singing

Mrs Jacobs said she was disappointed because she could not touch his hand and that he only has to appear in March next year.

Mrs Margarette Mitchell, mother of Wayne Malgas, said she felt good everytime she saw Wayne.

"He waved to us and gave me a bright smile. We miss him a lot and can't wait for this trial to be over."

Mrs Dora Scott, mother of Leon Scott, was too upset to talk after she returned from Caledon Square after being fined for allegedly dancing, singing and shouting in the street.

"I was glad to see my son," she said with tears in her eyes.

'Geneva' man guilty

UMKHONTO weSizwe member Mxolisi Edward Petane, whose application for prisoner-of-war status in terms of the Geneva Convention was earlier dismissed by a judge, was this week found guilty of terrorism.

Wearing green and gold flashes on the shoulder of his black jacket, Petane gave three ANC salutes and shouted "Victory or death! We shall win!" as judgment was concluded.

Expert witnesses will now testify on the history of the African National Congress and its eventual resort to violence when the trial, resumes in the Cape Supreme Court next week.

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W/maile 4-10/12/87

MAGISTRATE who gave a lawyer three hours to discuss a case with clients he had not yet met, was rapped over the knuckles by the Supreme Court.

Worcester regional court magistrate AJ van Wyk's behaviour was found on review to have resulted in four young residents of the town's Zwelethemba township being denied their right to legal representation.

Van Wyk found them guilty of public violence (stone-throwing) on December 10 1985. Mpho Letaba, Ernest Ntantsana and Ntobeko Nkawali — aged 21, 20 and 17 at the time — were sentenced to five years' jail with two years suspended. Xolani Ndabeni, then 16, was to receive six cuts.

All four have been on R1 000 bail each for the past two years, pending the outcome of this week's application. Now their convictions and sentences have been set aside.

Mr Justice AJ Lategan, with Mr Justice HC Nel concurring, found Van Wyk had "misdirected himself and committed an irregularity" when he refused to allow a postponement of the original trial.

Cape Town attorney Alan Chiat explained in an affidavit why he had asked for a postponement. In the week since he was first asked to act for the accused, attorneys couldn't get into Zwelethemba to consult with them or their witnesses. Police had sealed off the township to everyone but residents.

He also needed more details of the serious charges his clients faced, charge sheets in public violence trials usually being of a "vague nature", as well as time for an *in loco* inspection and to prepare his cross-examination of state witnesses.

Van Wyk refused — among his reasons being that state witnesses had travelled from Pretoria for the trial and that a third party, the Dependents' Conference, had instructed Chiat, rather than the accused.

He stood the matter down for three hours, during which time Chiat was expected to:

- Consult nine accused (five were acquitted) and 10 possible witnesses;
- Study the charge sheet, which gave no details of the times or place of the alleged offences or of damage or injuries suffered;
- Get further details of the charges, study them and consult his clients;
- Visit the area in question, assimilate all the facts "and thereafter do justice" to his clients' case.

The lack of time and having to work through a Xhosa interpreter meant he got only superficial details from the accused — one of whom was unavailable as he was "still being detained". He couldn't consult with a single witness.

He again asked for a postponement. Van Wyk dismissed it. When the trial resumed the next day, Chiat told the magistrate he would remain in court to protect his clients' interests but would not cross-examine witnesses or lead evidence because he was insufficiently prepared.

He decided that if his clients were convicted and sentenced, he would make use of appeal and review pro-

By GAYE DAVIS,
Cape Town

ceedings. His decision was vindicated this week.

"Magistrate Van Wyk has not responded to attorney Chiat's affidavit which amounts to an uncontested statement and it is quite clear that Magistrate Van Wyk misdirected himself and committed an irregularity in not granting a postponement," Justice Lategan said.

"An accused's right to legal representation is one of the basic rights an accused in a criminal trial has.

"The net result of the magistrate's refusal to grant such a postponement was a denial of this basic right ... by denying the postponement (the magistrate) denied the accused an opportunity to be properly represented by an attorney."

This irregularity was of such a nature that the four's subsequent conviction and sentence, "must be held to be null and void and to no effect".

It was up to the Attorney General whether they should be charged again — "and if so, preferably before another magistrate".

Van Wyk presided over a well-publicised case in May last year when 120 residents of the Boland township of Zolani, near Ashton, appeared.

Many of the women were clad only in underwear or nighties and some of the men in their underpants. They had been arrested in a midnight raid two days earlier and many bore marks of beatings. Their condition shocked Black Sash court monitors and other observers, but Van Wyk failed to make any comment. Bail was eventually granted on appeal to the Attorney-General and charges against 90 were withdrawn. The remaining 30 were acquitted in January this year for want of evidence against them.

Attorneys dealing with public violence cases arising out of the political turmoil of the past two years said this week the decision set a "welcome" precedent.

"We have experienced situations where cases, particularly those in rural areas where the accused are more often than not unrepresented, have been dealt with very quickly.

"With this decision, the supreme court has stipulated very clearly that everything possible must be done to accommodate the accused," a lawyer said.

A rebuke for 'three-hours delay' magistrate

WEEKLY MAIL, December 4 to December 10, 1987

Makgabudi and Rabuli were convicted on seven charges of contravening the Internal Security Act, Protection of Information Act and the Official Secrets Act.

Makgabudi was sentenced to a total of 36 years and Rabuli to 34, but the magistrate, Mr A F Snyman, ruled that they run concurrently.

They were acquitted on three charges of taking part in terrorist activities, and under two sections of the Internal Security Act.

Supporters

The former constables were active supporters and members of the ANC from July 12, 1982, until last year, when they were arrested.

During this time they had access to security police files relating to the ANC as well as secret information about police action to combat ANC activity.

The court heard how the accused handed classified files to Piet Malaza, a police constable stationed at Nelspruit. Malaza subsequently made regular contact with the ANC in Swaziland.

Malaza, who left the country to join the ANC, handed the information to the ANC's head of intelligence in Swaziland, a man known as "M1".

The greater part of the trial was held in camera, as sensitive evidence was led and witnesses who may not be identified were called. Among them was the so-called "M1".

Money

Malaza apparently paid the accused "substantial amounts of money" for passing on the "top-secret" information.

Makgabudi and Rabuli joined the security police in 1979 and 1980 respectively, and were recruited to the ANC by Malaza.

They were known as Zero and Phatudi by the ANC.

Testifying for the State, Brigadier Jacobus Buchner, an expert on the aims and functions of the ANC, said the classified files and information passed on to the ANC by the accused could have "serious after-effects".

Brigadier Buchner said information passed on to the ANC by Malaza had led to the assassination of several police informers.

This could cause the security police a setback in their fight against the ANC, because, "primarily the police success lies in the data passed on by informers".

Brigadier Buchner said in the past 11 years there had been 633 acts of terrorism by the ANC against South Africa in which people of all races and colours had died.

Minority

Defence counsel Mr Dikgang Mosenke asked Brigadier Buchner whether the majority or minority of South Africans supported the banning of the ANC. The brigadier asked to be "excused from answering".

Mr Mosenke said the information obtained by the ANC from the accused was not placed before court. This meant the court could not determine whether the information was of any use to the ANC and whether it had any "serious after-effects".

Mr Mosenke felt that not all members of the community condemned membership of the ANC, and many people would not demand that Makgabudi and Rabuli be sent to jail.

(Turn to page 3, col 5)

Security police spied for ANC

(Continued from page 1)

"A greater measure of mercy must be exercised by the court when convicting people in political cases," he said.

Mr Mosenke told the court that the accused were both married and had children. He added that Makgabudi would turn 30 tomorrow.

State advocate Mr H Prinsloo of the attorney-general's office, said the court should show no mercy in sentencing the men.

He referred to Miss Odile Harington, the South African spy recently sentenced to 25 years in the Zimbabwean Supreme Court for spying on the ANC.

"The ANC seemed to approve of the sentence," he said.

The men will appeal against the conviction and sentence.

The Argus Correspondent

PRETORIA. — Two former security policemen, found guilty of spying for the African National Congress, have been sentenced in the Regional Court to an effective 14 years' imprisonment.

The men, formerly attached to the Pretoria security branch of the South African Police, are Matswenyego Daniel Makgabudi, 29, of Ateridgeville, and Tshifango Cedrick Rabuli, 35, of Soshanguve.

Policemen spied for ANC, jailed

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4/12/82 J. Smith

Drama at terror case

CONDITIONS under which security detainees were being kept in the country may leave some of them with permanent psychological disorders, a Cape Town psychologist, Professor Donald Foster, said in the Pretoria Regional Court yesterday.

Professor Foster, who is author of a book *Detention and Torture in South Africa*, was testifying for the defence during a trial of Mr Abdul Aziz Kadar (27) of Cape Town.

Mr Kadar is a member of Qibla, a muslim organisation, and has refused to testify against the seven alleged members of the Pan Africanist Congress and Qibla who are facing charges of terrorism.

The psychologist told the court that his evidence was based on the legal aspect of detention under Sections 29 and 31 of the Internal Security Acts. He said these provided for indefinite detention, solitary confinement, removal of personal support and allowed lengthy interrogation.

"Detention under these sections results in impaired reasoning, ability and motivational functioning and increased susceptibility, solitary confinement in itself causes severe psychological stress and lack of control on the possibility of prediction," he said.

The witness said the effects of the conditions operative under the South African detention would be disturbed mental conditions. He added that an organism could not control reliable psychological consequences once it experienced trauma.

Quoting the findings of a research he conducted among South African former security detainees, the psychologist said several psychological consequences were identified after detention. He said these included sleeplessness coupled with nightmares and that most former detainees suffered psychological disorders for considerable periods and others permanently.

(Proceeding)

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**Bus man's death:
Leave to appeal
turned down**

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BLOEMFONTEIN. — An application by Michael Lucas, of the Oudtshoorn area, for leave to appeal against a finding that there was no extenuation for the murder of a bus inspector has been dismissed by the Appeal Court in Bloemfontein.

Mr Willem Blou was shot at Bongaletu outside Oudtshoorn on April 15, 1986.

At the same time, a bus was sprinkled with petrol, but was driven away before it could be set alight.

Lucas was convicted by Mr Justice D M Williamson in the Cape Supreme Court on August 21, 1987.

As there was no extenuation for the murder, the death penalty was imposed.

He was also imprisoned for two years for malicious damage to property for the bus incident. — Sapa.

Capt on the ANC

6/12/87 CP Correspondent (35)

A SOUTH African police captain this week said under cross-examination in a Ciskei terrorism trial that the ANC was a liberation movement whose democratic objectives were to get rid of apartheid.

Captain J van Wyk was giving evidence in the trial within a trial in which Xolile Matebese, Mzwandile Mampunye, Mlamli Faku and Xolani Ngudle face charges related to terrorism, alternatively taking part in the activities of unlawful organisation.

Matebese and Mampunye are also charged of being members of the ANC, with Faku and Ngudle charged of possession of limpet mines or firearms.

They have pleaded not guilty to all the charges.

Van Wyk said attacks on houses of several policemen in Mdantsane in previous years were "an attempt to demoralise the security branch, and to show that the target was not only the policemen but also their families".

The trial continues. - Elnews

(331) 6/12/87

Alex case to start again in February

By MARTIN NTSOELENGOE

THE trial of seven Alexandra men and a youth charged with treason resumes in the Rand Supreme Court on February 1 next year.

The State and defence agreed that the case be postponed.

The accused are: Mxolisi Ashwell Zwane, 20; Vusi Ngwenya, 20; Andrew Mafutha, 22; David Mafutha, 19; Arthur Vilakazi, 24; Albert Sebola, 21; Piet Magano, 28; and a 17-year-old youth, all of Alexandra.

They are charged with treason and sedition, alternatively subversion.

The eight have all pleaded not guilty to all the charges before Judge P J van der Walt.

They are alleged to have:

- Tried to create an alternative civic authority to govern Alexandra.
- Unlawfully strived to create political, social and cultural awareness and solidarity among township residents.
- Unlawfully strived to create a structure to replace the magistrate's courts in the area.
- Mobilised Alexandra residents to resist the order and structures created by the state.

- Been involved in "people's courts" where people were sentenced to punishments including corporal punishment.

- Incited or intimidated residents to participate in consumer boycotts.

- Committed actions that could lead to confrontation with the security forces.

- Hampered the due process of law and order and the administration of justice.

- Committed actions that led to various offences such as forming yard committees, street committees and appointing youth marshalls.

ANC bombing buddies to meet — in court

By SHAUN HARRIS

TWO old friends, who together formed the nucleus of a group responsible for a bombing rampage that rocked Natal last year, are likely to meet again in the Supreme Court.

The one is Gordon Webster, South Africa's most wanted ANC unit commander. Police say they captured him, trying to re-enter South Africa in September.

Webster appeared in the Durban magistrate's court on Friday and was indicted on one count of murder, two of attempted murder, and 12 counts of terrorism. His trial begins on March 1 in

the Supreme Court, Maritzburg.

It is almost certain that his close friend, Robert McBride, the "Magoo's Bomber" — sentenced to death for three murders earlier this year — will be subpoenaed from death row to give evidence.

Pact

Webster featured prominently in McBride's trial, although he had fled the country after being freed from police custody in hospital by Robert and his father, Derrick McBride.

He sent a written statement to the court from London, where he was staying at the time.

As an ANC unit commander, he recruited McBride into the organisation. The two had been friends for a long time, sharing an interest in, among other things, reggae.

They allegedly worked together on bombing missions.

One of the charges facing Webster is that in March last year he, McBride, and an unnamed person set off four limpet mines attached to a transformer in Jacobs, an industrial area of Durban.

McBride told the court during his trial of a pact between himself and Webster whereby they swore to free each other if either was arrested.

McBride kept his part of the pact when he freed Webster from Edendale hospital in Maritzburg in a daring armed raid which left one man dead and four wounded.

Webster had been wounded by police and was being treated in hospital under guard when McBride's unit burst into the ward and, after firing several shots, wheeled Webster out on a trolley.

He was hidden in a caravan in Durban by McBride before being smuggled out of the country, evading an intense police search.

Then, in September, came the surprise announcement by police that they had re-arrested Webster

while he had been trying to slip back into South Africa.

According to the indictment, Webster is alleged to have returned to South Africa to seize hostages to be used for prisoner exchanges.

Training

The murder charge against Webster arises from a double explosion which killed a senior police officer, Col Robert Welman.

The terrorism charges trace Webster's history with the ANC.

It is alleged that in September 1984 he went to Botswana and became an ANC member.

He then went to Zambia and Angola, where he allegedly received military training.

In November 1985 he returned to South Africa where, it is claimed, he recruited three people as ANC members and gave them military training, including the use of guns and explosives.

Other terrorism charges relate to the placing of explosive devices at sub-stations in and around Durban, Maritzburg and in the Capetown district.

Webster is being kept in custody until his trial starts next year.

His brother, attorney George Webster, will conduct his defence.

Training was not in revolution says Meer

CP Correspondent

TWO Chesterville men who pleaded guilty of receiving military training in Angola and Zambia left the country to train as unionists, claims a Durban sociologist.

Durban sociology professor Fatima Meer testified this week in the Port Shepstone Magistrate's court that Stephen Pashe, 28, and Christopher Nzama, 29, studied abroad as trade unionists to escape a vicious cycle of unemployment and police and vigilante harassment.

"After the two left the country, events that followed were hardly of their making. From being victims of one social order, they became victims of another," said Meer.

The two men spent 18 months out of South Africa, of which three were spent in military training, six waiting to be sent to their destination for education plus a year learning the usual school subjects with the exception of trade unionism.

"This record hardly suggests training in revolution," said Meer.

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6/12/19

TREASON TRIAL STATEMENTS PROBE

No force - cop

A PRETORIA magistrate heard on Friday that "it was sheer coincidence" that four of the accused in the Pan Africanist Congress trial made statements before magistrates after their arrest last year.

This was said by a security policeman, Captain J H Potgieter, before Mr J H Bekker. He was being cross-examined by Dikgang Moseneke a defence lawyer, during a trial within a trial to determine the validity of a statement by one of the accused, Mr Setsiba Mohohlo.

Captain Potgieter told the court that it was his opinion that the accused preferred to

make a statement before a magistrate to making use of the services of a lawyer or making a statement before a police officer.

Although the policeman conceded that minor threats and assaults were enough to influence certain individuals to make statements, he stated that no force was used in Mr Mohohlo's case.

"The accused made a statement after I had fully explained the usual rights of the security detainees to him. Among what I said was that he was not obliged to make such a statement before a magistrate,"

Captain Potgieter said.

The other three are Mr Mabatu Enoch Zulu, Mr Siyabulela Ndoda Gcanga and Mr Vincent Mathunjwa. Statements made by Mr Zulu and Mr Gcanga have already been admitted as part of the evidence against them.

Appearing with the four are the Reverend Daniel Nkopodi, Mr Achmad Cassim and Mr Yusuf Patel. All have pleaded not guilty to terrorism, attempted murder and defeating the ends of justice.

(Proceeding)

Charged with aiding terrorists

Court Reporter

MGUS 8/12/87 (331/87)

A GUGULETU man has appeared in Cape Town Regional Court on charges under the Internal Security Act.

The trial of Mr Mncedisi Mciteka, 32, of NY135, was postponed to February 10 for plea.

The State alleges that he helped four terrorists — alternatively that he became an official of the African National Congress and took part in activities and furthered the aims of the organisation.

Bail of R1 000 was extended.

Mr A L Laubscher was on the Bench, Mr Dirk Brand appeared for the State and Mr Mciteka was represented by Mr S Desai, instructed by E Moosa and Associates.

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ANC wants 'negotiations for peace'

By ANDREW DONALDSON

THERE was nothing the ANC wanted more than "true negotiations that will result in genuine peace and lasting justice for all", convicted Umkhonto we Sizwe (MK) member Mxolisi Petane told the Supreme Court yesterday.

Elegantly dressed in a grey suit, the well-spoken Petane — convicted of terrorism in terms of the Internal Security Act — was reading from a prepared statement as evidence in terms of mitigation of sentence.

Last week, the 29-year-old man was found guilty of placing a bomb in the back seat of a car in a parking lot, and of two counts of attempted murder — shooting a policeman who came looking for him at his shack and throwing a grenade which injured four others on the day he was arrested in KTC.

Beginning his address, he turned to the Bench: "Allow me to express my appreciation of the sensitivity of this court during the course of this trial to my position as a soldier of Umkhonto we Sizwe."

He had refused to plead because — as he told the court — his prosecution had been a grave breach of international law in terms of the 1977 Additional Protocols to the 1949 Geneva Convention to which the ANC was party.

The charges against him had been an attempt by the state to deprive MK

combatants and all struggling people of their right to fight and overthrow apartheid, described as a "crime against humanity".

"I first experienced the cruel and ruthless tyranny of this regime during the 1976-77 riots. With stones and dust-bin lids against Hippos, teargas and live ammunition we resisted and rejected Bantu Education and all unjust and discriminatory laws of apartheid's oppression."

He joined MK "not because of my desire for violence but because the time had come in my life where I was left with only two choices — to submit or to fight apartheid".

MK was not a terrorist organization, he said. From the outset, the organization had rejected terrorism as a "form of fighting".

Earlier, Mr D Rothwell, the Deputy Attorney-General, questioned the general secretary of the South African Council of Churches, Mr Frank Chikane, about Christianity and the Bible.

"Are you a Christian?" Mr Rothwell asked.

"Yes I am," Mr Chikane replied.

"Are you familiar with the Bible?"

"I read it 9½ times when I was in prison," said Mr Chikane, a Pietermaritzburg Treason trialist.

The hearing continues today.

Mr Justice H Conradie presided with two assessors, Mr L P Francis and Mr W R Vivier. Mr D Rothwell, Deputy Attorney-General, appeared for the state with Mr Mike Stowe. Mr M Donen, instructed by R Vassen and Co, appeared for Petane.

'ANC wants talks, peace', — terrorist

Staff Reporter

THE African National Congress wanted nothing more than "true negotiations" resulting in "genuine peace and lasting justice" but this was impossible while apartheid was intact, convicted terrorist Mxolisi Edward Petane told the Supreme Court.

Giving evidence yesterday in mitigation of sentence, Petane, 29, a member of the ANC's armed wing, Umkhonto we Sizwe, said his organisation's struggle was for justice and rejected the Government's definition of the ANC as a terrorist organisation.

He said: "The ANC accepted the invitation to participate in the deliberations that produced the 1977 Additional Protocols (to the 1949 Geneva Convention) and in 1980 became the signatory of this document, thus abiding itself to observe the law of war."

Petane said no terrorist organisation had been invited to take part in the talks, only legitimate liberation movements.

The ANC and Umkhonto we Sizwe "emphatically reject terrorism as a form of fighting".

In its early stages Umkhonto we Sizwe opted for a sabotage campaign emphasising that the loss of life should be avoided at all costs, said Petane.

Intransigence

"The motive behind this campaign was that the regime should come to its senses about the seriousness of the demand for self-determination by the oppressed majority before there is bloodshed."

Government intransigence had resulted in the guerrilla war gaining momentum and in the inevitability of bloodshed.

This realisation and its insistence on minimising bloodshed and humanising the war led the ANC to enter the Additional Protocol talks.

Petane began his address to the court by telling Mr Justice J H Conradie and his assessors: "Since this is my last opportunity to speak I would like to express my appreciation of the sensitivity of this court during the course of this trial to my position as a soldier of Umkhonto we Sizwe and to my lordship for your sensitivity and that of the members of the Bench."

Believing his prosecution to be a "grave breach of international law",

Petane refused to plead to the charges at the start of the trial.

He said they were "an attempt by the state to deprive MK (Umkhonto we Sizwe) combatants and all struggling people of their legitimate right to fight and overthrow this crime against humanity, as apartheid is now recognised in international law".

He "denied the legitimacy of the ruling government" because the British Government had violated the 1919 League of Nations Covenant and granted independence to a white minority community.

As a result subsequent South African governments "became merely de facto", he said.

"I believe that such governments have no legitimacy because they are not based on the will of the people."

The de facto governments had gradually become "tyrannical regimes and enemies of the common good".

"Friend and foe"

Petane said he first experienced "the cruel and ruthless tyranny of this regime" during the 1976 riots with the "violent reaction to our initially peaceful demonstrations against inferior Bantu education".

He realised that the conflict was not simply between black and white but between oppressor and oppressed.

"Colour played very little role in distinguishing between friend and foe (during the riots).

"We were shot by black policemen and treated by white doctors who risked their lives by coming to the townships, and their jobs by not reporting those who had bullet wounds to the police."

Petane said he read the Freedom Charter at this time.

"It provided a sober and objective solution to this country's constitutionalised problems declaring 'South Africa belongs to all who live in it, black and white' and that 'no government can justly claim authority unless it is based on the will of the people'.

"An organisation with this kind of approach to this country's future naturally became my political home after my experiences during the riots and I therefore joined the ANC.

"It was not because of my desire for violence but because I was left with only two choices ... submit to tyranny or fight apartheid."

(Proceeding)

'Shot in the back'

Shock evidence in 'Trojan Horse' inquest

By RYLAND FISHER

MICHAEL MIRANDA, the 11-year-old boy who died in the "Trojan Horse" incident in Thornton Road, Athlone, in 1985, was shot in the back, an inquest court heard in Wynberg this week.

Quoting a pathologist's report, advocate J Gauntlett said it had been found Miranda had four wounds in the back.

Hidden in crates

Gauntlett appeared for the families of Miranda and Shaun Magmoet, who was 16 at the time of his death.

Jonathan Claasen, 21, was also killed on October 15 1985 when police hidden in crates on the back of a railway truck, opened fire on a crowd at the corner of Thornton and St Simons Roads.

Details of Miranda's wounds were revealed during the cross-examination of Sergeant Frank van Niekerk, who admitted to shooting four

rounds of buckshot from one of the crates on the railways truck.

In a written statement, Van Niekerk said on October 15 1985 he was sent with other policemen in an unmarked police vehicle "to patrol the unrest-ridden area of Athlone to control and prevent unrest".

"Our aim was to arrest stone-throwers."

He said they had gone in a "Ford railway truck with registration number SASRW 530756".

"We hid in crates on the back of this open truck."

"About 16h56 we moved down Thornton Road. Near St Simons Road. I noticed a group of about 200 coloured people congregating on both sides of the road."

They stoned the truck and I heard how the truck's windows were hit.

"We jumped out the crates and started shooting at the stone-throwers because our lives were in danger."

"I saw a burning barricade in Thornton Road in front of the truck and the truck had to stop there. I fired four shots of buckshot at the stone-throwers. I don't know if I hit anyone."

"The crowd of stone-throwers quickly dispersed and we ceased fire immediately. We got off the truck to catch some of them."

Stone-throwers ran

"I saw a group of stone-throwers running into the grounds of No 47 St Simons Road, and I followed them. I caught six of them on the stoep of that house."

"I picked up pieces of brick and stones that were thrown at the truck. After we stopped firing and I left the truck, I did not use my firearm again, and I also did not hear any more shots that were fired after that by any of my colleagues."

Under cross-examination by Gauntlett, Van Niekerk said he had been in the police for 19 years and

had been a sergeant for 10 years.

Before doing unrest duty, he had worked in the charge office at Manenberg and Athlone.

"At the beginning of 1985, I went for unrest training. We had trained for three weeks only when the unrest broke out and we had to go and do our duty," he said.

Gauntlett asked him if he knew what was happening in Thornton Road before he jumped up in the crate to shoot.

"We patrolled that street regularly, so I made my own conclusion."

Gauntlett: Did you hear an order to begin shooting?

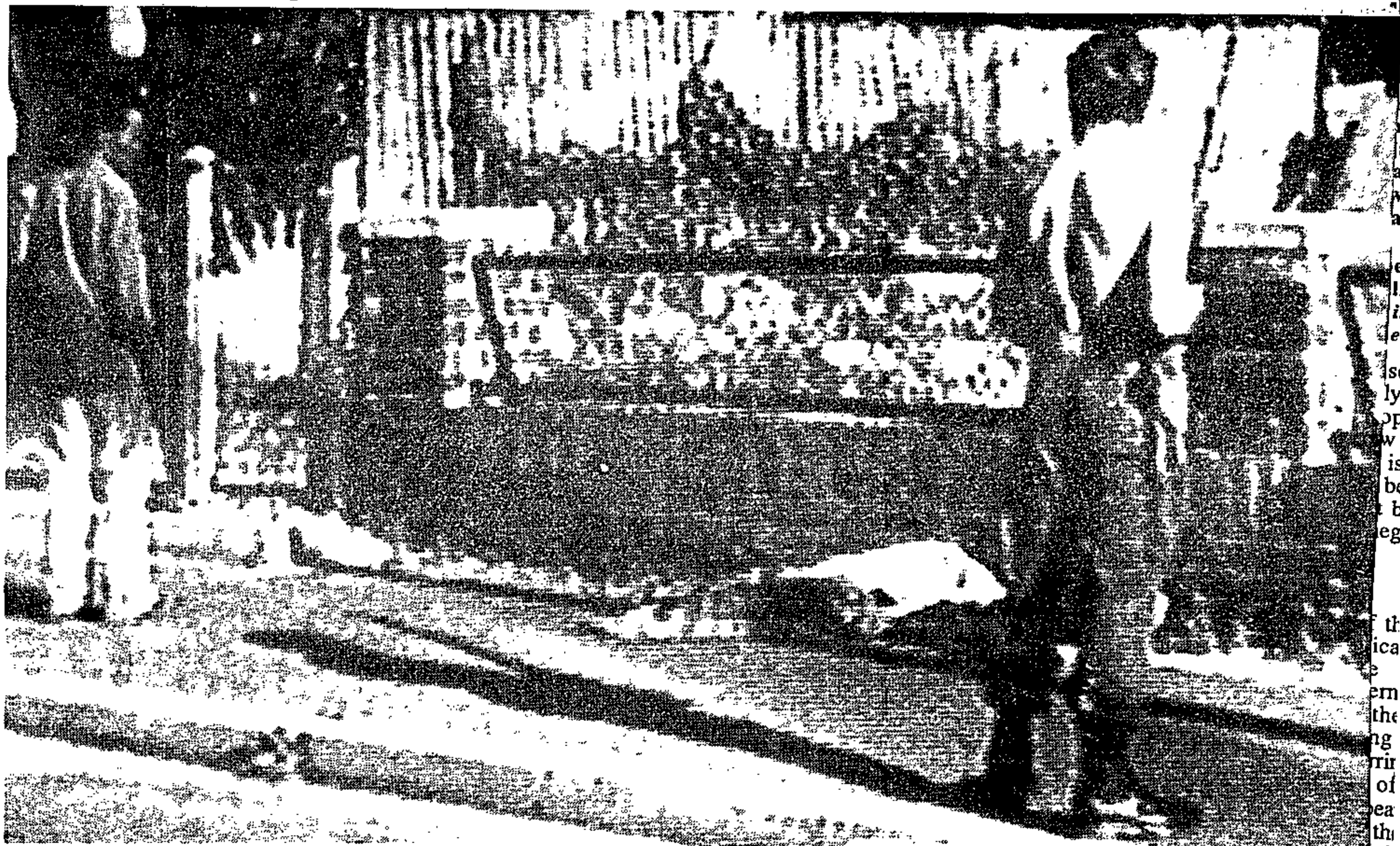
Van Niekerk: It's not necessary to hear an order everytime.

Gauntlett: Did you hear an order?

Van Niekerk: I don't know. I can remember.

Gauntlett: Did the police shout people to stop before they started shooting?

Van Niekerk: I can't remember anything like that.



A soldier guards a body covered with his flak jacket as a passerby looks on.

10-16/12/87 (351)



Security forces open fire from behind packing cases

Overcome with emotion

THE inquest into the "Trojan Horse" shootings was interrupted twice on Tuesday when witnesses were overcome with emotion and had to step down.

Mrs Zanap Ryklief nearly fainted in the witness stand and another witness, Amina Abrahams, began crying while she was giving evidence.

Ryklief went into the witness stand after the lunch adjournment on Tuesday, the second day of the inquest.

She told the court she had made a statement to the police in November 1985 about the events of October 15.

Before she could be questioned by the prosecutor, Mrs Ryklief felt her forehead and her legs began to buckle.

Gauntlett asked for a brief adjournment and for Ryklief to be allowed to step down because "the witness is obviously not feeling well".

He said she could have been affected by the tension of having to wait the whole day to give evidence.

Abrahams was then called to the stand.

The inquest was attended only by close relatives of Miranda and Magmoet, and members of the Ryklief family who live at 102 Thornton Road, the house Magmoet ran into before he died.

Abrahams, whose two children were injured in the shooting, cried during questioning and the court had to be adjourned for 15 minutes.

Burning tyres

In a statement, she told the court she lived in Hood Road but had gone to 102 Thornton Road to wait for her children to return from the Muslim school.

"I saw several people standing on the corner of St Simons and Thornton Roads. I had never seen so many people there before even though I went there almost every day.

"I noticed burning tyres strewn across Thornton Road opposite a shop. This scared me and I fetched the children from the Muslim school.

"At 102 Thornton Road, I made the children put on other clothes. As usual they played on the double bunk in the front room.

"Zanap Ryklief, Ghowa Ryklief, Rokieya Ryklief were in the house at the time, with my children, Toyer and Ashraaf, and the others, Ghalieb Ryklief, Shaun Magmoed, Ebrahim Ryklief, Shafiek Ryklief, Shawaan Ryklief, and Ismail Abrahams.

"Ismail Abrahams wanted to go home. Zanap Ryklief told him to stay, but he would not listen. Zanap opened the door for him and the other children, with the exception of my two, followed him out.

"I looked out of the kitchen window to see if it was safe outside. Before I reached the window, there were shots from crates. I took cover behind the wall as bullets were coming through the kitchen window.

"When the soldiers stopped firing I rushed to my children in the lounge and found my son, Toyer, had been shot in the leg. Ashraf

had been shot on his body, around his lungs, his right arm, his buttocks and legs.

"I carried them to the bedroom where I found Ismail Ryklief lying under the dressing table, while Shaun Magmoed was halfway on the bed. It appeared as if Shaun was dead. Ismail Ryklief had blood on his body.

"While I was in the bedroom a well-built man wearing military fatigues and a man wearing blue clothing entered the bedroom. I was crying and the blue-uniformed man told me not to worry as an ambulance was on its way. The other man dragged Shaun to the lounge.

Groote Schuur

"When the ambulance arrived I carried my two children and Galieb and Ismail Ryklief as they were injured.

"We went to Groote Schuur where the children were treated. My kids and Ashraaf were transferred to Red Cross for further treatment. Ashraaf remained in hospital for an operation."

'Man panelbeaten, killed'

From JEREMY BERNSTEIN GRAHAMSTOWN. — A witness in the murder trial of two policemen agreed this week that the actions of one of the accused amounted to murder.

And, for the second time in the marathon six-week trial, a police witness has admitted that the two accused decided to "take out" (execute) a suspect

who had been injured and was bleeding badly after being interrogated.

Constable Raynard Fourie was testifying in the Grahamstown Supreme Court at the trial of Constable David Patrick Goosen, 26, and Warrant Officer Leon de Villiers.

The two have been charged with two counts of murder, two of assault,

and one of attempting to defeat the ends of justice.

The charges arise out of incidents alleged to have taken place at a funeral in Cradock in July last year.

The two accused were members of a 10-man unrest unit, which included a former member of Koevoet, sent to Cradock from Port Elizabeth to monitor a "terrorist funeral".

Blood

On the day of the funeral, the unit patrolled the township and arrested five men for questioning. Four of the men were released after being interrogated and assaulted.

The other man, Wheanut Mlungisi Stuurman, 18, was taken to "a quiet place for questioning", near the Fish River and was shot dead. Fourie, who said he saw blood on Stuurman's face, said at De Villiers request he took the accused and Stuurman to the river to "wash the blood off his face".

On the way to the river, he heard De Villiers say Stuurman was "gepanelbeat" (literally panelbeaten), and that he should be "taken out". Goosen agreed.

This is the second time in the trial that the court has heard from a witness

that members of the unit had decided to "take out" Stuurman. Earlier in the trial, another member of the unit and former Koevoet member Sergeant Heinrich Blumenthal also testified to that effect.

that De Villiers said: "Dis maar bad dat 'n mens so jonk moet dood gaan". (it's bad that a person should die so young).

Fourie said he had heard another member of the unit, Constable D Hanekom, ask Constable M Neweling what "take out" meant. Neweling said it meant "kill".

On the way to the river, Fourie heard Goosen tell Stuurman to walk, keeping his eyes in front of him, and to "follow the baas".

Body

Fourie then turned off the path to relieve himself, when he heard Goosen shout "go, go". He looked up to see Goosen with his pistol in front of him. A shot went off and Stuurman fell to the ground.

Goosen then shouted at him and Constable Booyens to help. Goosen rolled Stuurman onto his back and grabbed his shoulders. Fourie took his feet, and between them they carried Stuurman to

the river, about two metres away.

They swung him twice, and Goosen released the body first, causing the body to turn in the air, and land face down in the sandbank. Stuurman's body was left lying at the river.

Thumbs up

On the way back to the van, while Goosen jogged ahead, Fourie said he turned to Booyens and said "that was murder". Booyens agreed. Goosen had already told them that they had acted as accomplices, and "there was nothing they could do".

On the journey back to Cradock, De Villiers asked Goosen: "Coolie, how do you feel now?" Goosen gave a "thumbs up" sign and winked.

De Villiers later warned the squad that nobody was to talk about what happened, not even to their families. The men returned to the township, washed the blood out of the van, and continued patrolling.

During the patrol they were stoned, and a number of the men fired shotguns at youths — one of whom was hit in the face and shoulders. Later, De Villiers had also fired an R1 at a group of "inquisitive people".

By GEORGE HILL

TWO University of the Western Cape students will be charged next year with being commanders of African National Congress structures in the Western Cape.

Ashley Forbes is alleged to have been an ANC commander, and one of his co-accused, Peter Jacobs, was allegedly an ANC "commissar" in the same unit.

Forbes, Jacobs and 13 others will appear in the Supreme Court, Cape Town in March next year on charges of terrorism relating to alleged ANC activities between January 1985 and October this year.

Those whom the state alleges are ANC members, it claims, continued their membership specifically to participate in Umkhonto weSizwe activities.

According to a preliminary indictment which has been given to the accused to prepare their defence, the state alleges that Forbes, 22, became a member of the ANC in 1985.

It is further alleged that after undergoing five months of military training in Angola last year, Forbes returned to the Peninsula where he became an ANC commander.

Wynberg

Forbes was allegedly involved in the planning and execution of a hand-grenade attack on Manenberg Police Station on November 17 1985.

From 1986 to 1987 Forbes allegedly secured an arms cache for the "safe storage" of arms (known as a "DLB") at 11 Park Road, Wynberg.

Among the other allegations are that on about February 12 this year Forbes assisted by Jacobs — who is also alleged to have undergone military training in Angola — planned and executed a limpet mine attack on an electrical power pylon near the Goodwood Showgrounds.

Forbes and Jacobs were detained in May this year and spent six months in solitary confinement.

It is alleged that on April 23 this year Forbes participated in the planning and execution of a hand-grenade attack on the house of a former policeman in Rangerslot, Mitchells Plain.

He allegedly drove a vehicle to and from the scene with Jacobs and Nicklo Pedro, another co-accused, as passengers. He also allegedly instructed that two other handgrenade attacks (one in Bonteheuwel and the other in Uitsig) to take place on the same date.

Forbes is also alleged to have trained Pedro in the use of limpet mines, supplied him with one and instructed him to arrange an attack on a specific bus shelter in Rondebosch.

Heideveld

The state alleges that Forbes instructed Pedro to arrange limpet attacks on the railway lines near Parow and Heideveld.

In about June, Forbes allegedly possessed a handgrenade and a pistol and trained fellow-accused, Yasmina Pandey, to use them.

According to the state, Jacobs who is alleged to have joined the ANC in 1985, controlled the "revolutionary propaganda" of the ANC unit and was involved in recruiting members in the Peninsula.

It is also alleged that in about February this year, Jacobs instructed another accused, Leon Scott, to publish and distribute a revolutionary pamphlet titled "The Call to form Mass Revolutionary Bases".

At his arrest on May 16 this year, Jacobs allegedly possessed a handgrenade hidden in a pillow on his bed.

Leon Scott allegedly became a member of an ANC propaganda unit in the Peninsula on or about November 1984.

He allegedly recruited Walter Rhoode as a member of the propaganda unit in about January 1985. Towards the end of that year, Scott is alleged to have secured a second person code-named "Allie" to be a member of the propaganda unit.

According to the charge sheet, Pandey, knowing Forbes was leaving the country for military training under the ANC, and "thus knowing that he was a person who intended to commit acts of terrorism or sabo-

Forbes an 'AN

tage" forwarded him R850 on June 6 last year from Gatesville Post Office to Hillbrow Post Office and again R300 on June 26 last year from Gatesville Post Office to Mbabane Post Office (Swaziland).

Yasmina Pandey allegedly often saw Forbes in the Peninsula from January 19 this year until his arrest on May 16 without reporting his presence to the police.

She is alleged to have left for Lesotho on August 15 this year to receive military training under the ANC.

Pedro allegedly joined the ANC in 1985. The state alleges that last year during the absence of Forbes and Jacobs, he commanded an ANC structure in the Peninsula. He alleged recruited among others, Anwar Dramat, Clement Baadjies and Colin Petersen.



Yasmina Pandey

After the return of Forbes and Jacobs Pedro allegedly acted as contact person between them and the different cells or "detachments". As such he is alleged to have controlled different cells and relayed to them orders regarding recruitment of new members; the selection of possible targets and the attack of selected targets.

It is also alleged he was responsible for the supply and distribution of arms to be used in such attacks.

In about February he allegedly received a box containing several limpet mines and handgrenades from Nazeem Lowe or Forbes which he handed over to Dramat instructing him to store it in a safe place.

Forbes allegedly trained Nicklo Pedro in about February or March this year in the handling of handgrenades and limpet mines from Forbes. He in return allegedly trained Dramat and Baadjies.



Leon Scott

Pedro allegedly punctured the tyre of a former policeman's car in Rangerslot, Mitchells Plain, on April 23 this year during an handgrenade attack.

Pedro allegedly supplied Ashley Kriel with a handgrenade and a .22 pistol in April this year.

About May 2 this year Pedro al-

legedly planned and instructed a limpet mine attack by Dramat and Baadjies on a bus shelter in Main Road, Rondebosch.

Anwa Dramat allegedly became a member of the ANC in August last year and an ANC cell commander from about January this year. From about May this year Dramat allegedly acted as the commander of the "Noordhoek Structure" which consisted of a cell in the townships of Elsies River, Ravensmead and Uitsig.

From August 14 when Pedro left the area Dramat is alleged to have assumed command over the whole structure of the ANC in the Peninsula.

On the instruction of Colin Cairncross, Dramat and Baadjies allegedly painted the slogans "Viva ANC, Viva MK, Unban the ANC" on the wall of Kings Transport, Valhalla Drive, Epping on September 15 last year.

On the instruction of Cairncross, Dramat and Baadjies allegedly planned and executed a petrol bomb attack on a house of a policeman in Bonteheuwel on October 13 last year.

Bonteheuwel

He is alleged to have been trained in the handling of a limpet mine by Pedro and subsequently in the handling of handgrenades and hand-

guns. About February 5 this year Dramat and Baadjies went to a busstop in front of Groote Schuur Estate in Main Road, where Dramat allegedly placed a parcel and activated a limpet mine.

In February this year Dramat allegedly received several limpet mines, handgrenades and detonators from Pedro which he stored in a cache (known as a "DLB") in his backyard in Bonteheuwel.

On the instruction of Pedro and Baadjies, Dramat allegedly planned a handgrenade attack on the house of a policeman, Constable Jones. It is claimed that on April 23 this year Dramat threw a handgrenade through a window of Jones' house in Bonteheuwel.

Dramat is said to have instructed Baadjies to do a handgrenade attack on a mobile police station (caravan) in Jakkalsvlei Avenue, Bonteheuwel at the end of April this year and handed him a handgrenade for that purpose.

It is alleged that after being instructed by Pedro, Dramat and Baadjies planned and executed a limpet mine attack on the railway line between Netreg and Heideveld Stations in May this year.

On August 17 this year and at 35B Melkhout Street, Bonteheuwel, Dramat possessed a limpet mine, two handgrenades, five detonators, 12 rounds of ammunition and timing devices for limpet mines.

Nazeem Lowe is alleged to have been a member of the ANC since 1985 and to have formed a "cell" with Forbes and "one Adnaan".

Manenberg

Lowe allegedly participated in the planning and execution of a handgrenade attack on the Manenberg police station on November 17 1985.

Lowe is alleged to have been particularly involved in the storage of arms and explosives. In about April last year he allegedly received 13 handgrenades and six limpet mines with detonators from Forbes. He also allegedly acquired three handguns which he stored.

Towards the end of last year, Lowe allegedly commanded a cell called "C detachment". He was also allegedly a contact person between another cell, known as "Q detachment" and Pedro who commanded their activities.

According to the charge sheet, he instructed the members of his cell and those of "Q detachment" to do

surveillance of police stations and policemen's homes.

This information he is alleged to have passed on to Pedro or one Anthony Fisher, who assisted Pedro.

Last year Lowe allegedly received a handgrenade from Pedro which he handed to a member of another cell of the ANC (known as the "Q detachment") with the instruction to use it on a target yet to be selected.

Netreg

Walter Rhoode allegedly became a member of the propaganda unit of the ANC in the Peninsula in January 1985. At the request of David Fortuin, Rhoode allegedly became a member of a "military unit" known as "The Detachment" early this year.

On about May 2 this year, Rhoode allegedly participated in the execution of a limpet mine attack on the railway line between Parow and

Netreg stations by standing guard while Fortuin and Jeremy Veary placed the device on the tracks.

Clement Baadjies allegedly joined the ANC last year. On the instruction of Cairncross, Baadjies and Dramat allegedly planned and executed a petrol bomb attack on the house of a policeman in Bonteheuwel.

In October last year Baadjies is alleged to have received a trunk containing four handgrenades, three limpet mines, detonators and other items from Pedro, which he stored at his house in Bonteheuwel.

Sometime thereafter he allegedly also received two handguns from Pedro which he stored with the other arms, after he had been shown how to use the handguns.

In about January this year Baadjies was allegedly trained in the handling of limpet mines by Pedro and subsequently received further training in the handling of limpet mines, handgrenades and handguns.

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Ashley Forbes

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In about January this year Baadjes was allegedly trained in the handling of limpet mines by Pedro and subsequently received further training in the handling of limpet mines, handgrenades and handgrenades.

Baadjes was also allegedly involved in the limpet mine attack on a busstop shelter in Rondebosch in February this year.

Jeremy Veary allegedly became a member of the ANC in about July last year and early this year became the "commander" of a cell called the "Che Detachment", the other members of the cell being David Fortuin (commander), Walter Rhooode and one Richard Mawle.

David Fortuin was allegedly recruited in 1985 as a member of the ANC by Cecil Essau. Fortuin is said to have recruited Wayne Malgas as a member and the three formed an ANC cell to operate in the township between Parow and Elsies River Stations.

He is alleged to have bought a handgrenade to be used by the organisation and stored it at his house.

David Fortuin was allegedly recruited in 1985 as a member of the ANC by Cecil Essau. Fortuin is said to have recruited Wayne Malgas as a member and the three formed an ANC cell to operate in the township between Parow and Elsies River Stations.

Fortuin allegedly recruited Veary last year and instructed him to recruit two more persons as members of the cell. In December last year he allegedly received a trunk containing about eight handgrenades and two limpet mines from Pedro which he stored at his house.

He allegedly persuaded Rhooode to leave the propaganda unit and join his cell in about January this year. Subsequently a new cell, known as "Che Detachment" was formed with Fortuin as "commander", Veary as

"commander" and other members being Rhooode and one Richard Mawle.

According to the State, their first duties were to acquire travel documents, to select possible targets for future attacks and to establish caches for the safe storage of arms.

Fortuin and Veary allegedly fabricated an explosive device with a handgrenade and limpet mine in May this year, which they, with the assistance of Rhooode who stood guard, placed on the railway line between Parow and Elsies River Stations.

Ashraf Karlem allegedly became a member of the ANC in the last year and instructed him to recruit two more persons as members of the cell. In December last year he allegedly received a trunk containing about eight handgrenades and two limpet mines from Pedro which he stored at his house.

He allegedly persuaded Rhooode to leave the propaganda unit and join his cell in about January this year. Subsequently a new cell, known as "Che Detachment" was formed with Fortuin as "commander", Veary as

by Fortuin and together with Cecil Essau they formed a cell in the township Uitsig. Early this year Malgas allegedly formed his own cell in Uitsig.

He is said to have assisted Scott and Rhooode with the production and distribution of a revolutionary pamphlet titled "The Call to form Mass Revolutionary Bases" early this year.

Malgas allegedly threw a handgrenade at the house of a policeman in Lavender Street, Uitsig, on April 23 this year.

Colin Cairncross allegedly joined the ANC in 1985. The charge sheet says he became a commander of a cell consisting of Baadjes and Dramat last year. Cairncross, among others, instructed them to acquire travel documents and "safe houses".

In September last year he allegedly instructed Dramat and Baadjes to paint slogans on walls in Epping Industrial area.

It is claimed that shortly afterwards he instructed them to do a petrol bomb attack on a policeman's house in Bonheuwel. He allegedly participated in the planning of the attack which occurred on October 13 last year.

He allegedly stored two handgrenades at the request of Pedro in December last year.

Last year he allegedly became the "commander" of a new cell in the ANC structure, known as "J.B." or "Bush Detachment". The other members of the cell being Karlem and Colin Petersen.

Petersen allegedly joined the ANC last year. He became a member of a cell of the ANC consisting of himself, Dramat, Baadjes and Cairncross who was their commander.

In September last year he allegedly participated in the planning of the October 13 petrol bomb attack on a policeman's house in Bonheuwel.

Petersen is alleged to have joined the "J.B." or "Bush Detachment" cell in about March this year. Some of their first duties was to establish

caches for the storage of arms on the UWC campus and to select targets to be attacked with handgrenades or limpet mines. Petersen participated in a decision to launch such an attack on either the Unibell Station or a car of a campus security officer.

On or about May 3 Veary allegedly participated with Fortuin and Rhooode in the placing of an explosive device (limpet mine and a handgrenade) on the railway line

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'Community interests a factor' in ANC case

Staff Reporter

THE interests of the community had to be taken into account when a person was sentenced for a crime. In sentencing a member of the African National Congress convicted of terrorism, the court would have to decide which community it was serving.

This was said in the Cape Town Supreme Court yesterday by Mr Michael Donen, appearing for Mxolisi Edward Petane, 29, the ANC member who has been convicted of terrorism and two counts of attempted

murder.

Mr Donen argued that it would be a very small community that would require Petane to be "destroyed by his sentence".

"The guidelines set down for sentencing suggest that a sentence must be in the interests of the community. Which community? If you asked the international community or most of the community of South Africa what they felt and what they thought of the accused's crime they would probably say 'He did it for us'."

Mr Donen referred to evidence given by Dr Tom Lodge,

a political scientist who is considered an expert on the ANC. Dr Lodge said the ANC had the support of 40 percent of the population.

If 40 percent of the country would say Petane did it for them, there were those in the Christian community and not necessarily ANC supporters who accepted violence and counter-violence and understood it as such, said Mr Donen.

Petane's character and intelligence were such that he might one day be able to make a contribution to the country.

"Yes, my own feelings are

that he is likely to," Mr Justice Conradie said.

Earlier Petane said he would forfeit his right to prisoner-of-war status if he attacked civilian targets.

He argued that his trial in a criminal court was a "grave breach of international law".

The judge asked Petane if he would expect to be treated as a PoW if he attacked civilian targets.

Petane: No sir. I would lose my status.

Under cross-examination by Mr D Rothwell, SC, for the State, Petane said he was a soldier in Umkhonto we Sizwe, the armed wing of the ANC.

Mr Rothwell: If this court sent you to prison would you still hold that position of authority after your release?

Petane: I hope so.

Mr Rothwell: Would it still be your duty to continue the struggle?

Petane: If by then apartheid is not overthrown, yes.

Mr Rothwell: If you go to prison don't you think you'll become rehabilitated, that you'll leave the ANC and lead a normal life?

Petane: Still under apartheid?

Mr Rothwell: Yes.

Petane: No, sir.

Prison won't change me — Petane

By SIPHO VANGA

SELF-CONFESSED ANC soldier, Mxolisi Edward Petane who will be sentenced for terrorism and attempted murder this week, expressed his appreciation for the way the court handled his trial.

Asked by the state whether he would use the opportunity of a prison sentence to rehabilitate himself, Petane, 29, said rehabilitation under apartheid would mean nothing to him.

In mitigation of sentence, Petane's defence counsel, Mr Michael Donen, said Mr Justice H Conradie should measure the sentence in terms of Petane's actions which were politically motivated.

He said the sentence for terrorism should be separated from the two attempted murder counts. Donen said the court should prove beyond reasonable doubt that the bomb Petane planted at the Dions Shopping Centre in Parow would have exploded and not rely on suspicion.

The public gallery at the Supreme Court, Cape Town which has been virtually empty throughout Petane's trial was packed with spectators this week.

A boisterous crowd loudly greeted and waved at Petane and ignored an order from a court orderly to keep silent during arraignment.

The crowd eventually calmed down after a security policeman intervened and told them to behave as if they were "in church".

The Reverend Frank Chikane, general secretary of the South African Council of Churches, spoke as a defence witness about the role of the church regarding the struggle and the use of violence in general.

Chikane said after discussions with liberal English churches, the conclusion was reached that the government did not represent the will of the people.



Mxolisi Petane

"While representing the interests of the minority group, we felt the government was illegitimate and did not represent the common interests of the people, including those of whites."

"The nature of violence by the State against its own people compelled liberation movements to take up arms to defend themselves in order to bring peace and justice," he said.

He referred to the period of passive resistance and repeatedly stressed that the church believed in non-violence.

A second defence witness, Mr Tom Lodge, a political scientist from the University of Witwatersrand, recounted the history of the ANC.

Lodge told the court the ANC mainly represented Africans when it was founded in 1912.

During the 1940's a change in the political climate in the country saw an emergence of a new group within the organisation, the ANC Youth League, which comprised Fort Hare graduates. They urged the leadership to adopt a more militant stance.

Lodge told the court the tremendous community support enjoyed by the ANC had been tested by academic institutions. Military attacks by the ANC in the 1980's had improved its reputation.

Quoting a BBC interview with Joe Slovo, Lodge said: "As far as the ANC is concerned its attacks are not directed against civilians."

Rothwell: "Does the ANC claim responsibility for the attacks?"

Lodge: "It does."

Rothwell: "So the movement does have a policy of violence?"

Lodge: "For the organisation violence was the only alternative in order to achieve freedom."

Rothwell then asked whether the ANC used violence to gain popularity or as a means to an end to achieve freedom. He also questioned Lodge on necklacing.

Lodge: "The ANC never publicly supported 'necklacing'."

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'Ours is a fight against the violence of apartheid'

We want genuine peace, ANC guerilla tells court

CAPE TOWN — The ANC wanted nothing more than "true negotiations that will result in genuine peace and lasting justice for all," convicted Umkhonto We Sizwe cadre, Mxolisi Petane, told the Cape Town Supreme Court yesterday.

Elegantly dressed in a grey suit, Petane was giving evidence in mitigation of sentence from a hand-written statement.

Beginning his address, he turned to the Bench: "Allow me to express my appreciation of the sensitivity of this court during the course of this trial to my position as a soldier of Umkhonto we Sizwe (MK).

"I first experienced the cruel and ruthless tyranny of this regime during the 1976-77 riots. With stones and dustbin lids against Hippos, teargas and live ammunition we resisted and rejected Bantu Education and all unjust and discriminatory laws of apartheid's oppression.

"Despite the great advantage of the regime's monopoly of military science, superior weapons and the nerve to use them against defenceless schoolchildren, the Nationalist government had proved to be the enemy of the people and incapable of governing this country."

He joined the ANC after realising that no amount of peaceful persuasion would change the NP's attitude toward the oppressed majority.

"I entertained no illusions about the government committing suicide by abandoning its policies because it's elected and put into power precisely because of its racially-biased policies," he said.

He had joined MK "not because of my desire for violence but because the time had come in my life where I was left with only two choices — to submit or to fight apartheid."

'ANC REJECTS TERRORISM'

He said MK was not a terrorist organisation. From the outset, the organisation had rejected terrorism as a "form of fighting".

"State propaganda and the mass media have chosen to call what the oppressed majority is doing as 'they struggle for their legitimate rights 'violence' and not what apartheid is doing to us in general.

"Our situation today is the struggle for justice against apartheid's injustice. To speak of negotiations between the two is not only unrealistic but wrong.

"There is nothing that the ANC wants more than true negotiations that will result in genuine peace and lasting justice for all."

Last week, the 29-year-old guerilla was found guilty of placing a bomb in the back seat of a car in a parking lot and of shooting a policeman and throwing a grenade which injured four others when he was arrested in his shack in KTC.

Earlier yesterday, Mr D Rothwell, the

Deputy Attorney-General, questioned the general secretary of the South African Council of Churches, Rev Frank Chikane, about Christianity and the Bible.

Mr Chikane had testified that the Lusaka Document issued by the World Council of Churches earlier this year affirmed the "right of liberation movements" to use force.

"Are you a Christian?" Mr Rothwell asked.

"Yes I am," Mr Chikane replied.

"Are you familiar with the Bible?"

"I read it 912 times when I was in prison," said Mr Chikane.

Acknowledging this answer, Mr Rothwell asked: "Are you familiar with Christ's teaching that if one is struck on the one cheek . . . ?"

"I think that applies to a deeper concept of non-violence. It doesn't mean a passive acceptance of everything."

"You don't accept it as it stands in the Bible?"

Mr Chikane replied that, taken out of context, he did not; there was more to it than "smiling at your enemy as if there was no problem."

Before his conviction, Petane had refused to plead on the grounds that his prosecution was a breach of international law in terms of the Geneva Convention.

The hearing continues — Sapa.

SOUTH, DECEMBER 10 TO 16

Trialists, police in court scuffle

PORT ELIZABETH — A scuffle broke out in the Uitenhage Regional Court after relatives approached the dock to speak to the accused during an adjournment.

The 17 accused, most of them juveniles who have been charged with the murder of a suspected informer, Thomazile Dondashe, have been in custody since November 1985. Last week the case was postponed to January 6.

Families of the accused said they approached the trialists after the magistrate had left the court. One of the accused was allegedly pulled from the dock.

Reinforcement

A fight broke out as other accused stepped in. A police re-inforcement was called and a teargas canister was sprayed.

The accused were moved into a waiting room adjoining the court and the cells.

"It was chaos and everybody ran in all directions," said one of the relatives.

Magistrate

The magistrate, Mr N G Carroll did not see any of the happenings that took place.

Police press liaison officer for the Eastern Province, Captain Peet Grobler, said the relatives' description of the incident was far from the truth.

Grobler said four of the accused kicked and pushed a policeman. Two policemen were present in the courtroom. One of them used aerosol teargas and only squirted one person. After this the accused went calmly downstairs to the cells. — Pen

10/12/87

★ Cape Times, Thursday, Dec

ANC's Petane a leading figure 'in future SA'

Staff Reporter

CONVICTED Umkhonto We Sizwe (MK) soldier Mxolisi Petane was capable of contributing to a future South Africa in the same manner as other soldier-statesmen — like Jan Smuts, Louis Botha and B J Vorster — his counsel, Mr Mike Donen, argued in the Supreme Court yesterday.

The judge, Mr Justice H Conradie, responded that it was "my own feeling that he is likely to do so".

Petane has been convicted of one count of terrorism, in terms of the Internal Security Act, and two counts of attempted murder. He placed a bomb in a car outside a Parow shopping centre in July last year and, in subsequent action, shot a policeman and threw a grenade at four others on the day he was arrested in KTC.

Petane had argued that he was entitled to prisoner-of-war (POW) status in terms of the Additional Protocols of the Geneva Convention.

The exchange between Mr Donen and the Bench

took place during argument by counsel after evidence in mitigation was led.

Mr Donen, submitting that Petane had been a "well-trained instrument", said that from being a youth "he was never out of an environment that said: 'we don't submit — we fight'".

"Those circumstances and the situation which he found himself in were mitigating factors," he said.

He also argued that Petane did not need rehabilitation — his motivation for committing violence would stop when the apartheid regime ended.

"As for the community support the ANC... We have heard that 40% of the community

They will say: 'He (Petane) did it for us — no

matter how misguided he may have been."

Mr Donen suggested that Petane's character be "preserved" in the same way that other statesmen — "like Mugabe and other persons in this country who had become Prime Ministers" — had been preserved by their respective sentences for violence.

"My submission is that one day the accused will also — although not on the same scale — be able to do the same thing; like Smuts, Vorster and Louis Botha," Mr Donen said.

"It is my own feeling that he is likely to do so," the judge said.

Mr Donen replied that if he had known the "feeling" of the Bench he would have curtailed his arguments.

"Don't curtail them too much," the judge advised.

Earlier, Petane was cross-examined by the Deputy Attorney-General, Mr D Rothwell, who complimented him on the manner in which he presented his statement to the court on Tuesday.

"You entered this country as a political commissar; and that is a position of authority and presumably you have some authority over other soldiers in the field?" he asked.

"I was a deputy commander," Petane replied.

"If you'd been given a term of imprisonment you don't think you'd be rehabilitated?"

"In what way?" Petane asked.

"To give up the struggle."

"Still under apartheid?"

"Yes," Mr Rothwell said. "Under the present government."

"No sir."

Mr Justice Conradie presided with two assessors, Mr L P Francis and Mr W R Vivier. Mr Rothwell appeared with Mr Mike Stowe. Mr Donen was instructed by R Vassen and Co.

Captive

Court hears of 'panelbeating' for dead detainee

HOURS after 18-year-old Wheanut defeat the ends of justice.

Mlungisi Stuurman was detained for questioning by members of an "unrest unit", he was taken to a "quiet place" to be tortured and then murdered, a police witness this week told the Grahamstown Supreme Court.

For the second time in the six week trial, police witnesses have told the court that Stuurman had to be taken out (executed) after he had been "panelbeaten" during an interrogation session.

Constable Raynard Fourie was testifying at the trial of Constable Patrick Goosen and Warrant Officer Leon de Villiers, who face two charges of murder, two charges of assault with intent to do grievous bodily harm, and a further charge of attempting to

A court hears how a

detainee who refused to talk was taken to a 'quiet place' near a sewerage works for 'panel-beating'.
JEREMY BERNSTEIN
reports from Grahamstown

tioning" near a sewerage works at the Fish River. However, Fourie later conceded that the only reason Stuurman was taken to a "quiet place" was to torture him further, as it was obvious that continued questioning would not help.

Fourie said De Villiers had already hit Stuurman and then throttled him with a fan belt. He denied that mem-

bers of the squad had hit and kicked Stuurman after he had sworn at them.

At the sewerage works only De Villiers, Goosen and Stuurman remained in the riot van. When Fourie returned to the van he saw blood on Stuurman's face and clothes but did not see any injuries.

On De Villier's request, Stuurman was taken to the river to wash the blood off his face. On the way to the river, he heard De Villiers say that Stuurman was *gepanelbeaten* and he should be "taken out". Goosen agreed.

Earlier in the trial former Koevoet member Sergeant Heinrich Blumen-thal testified that De Villiers and Goosen had agreed that Stuurman should be executed.

Blumenthal stated that De Villiers had said: "Dis maar bad, dat 'n mens so jonk moet moet dood gaan". And later, while they were on the way to the river, De Villiers had said that he wondered when they were going to shoot Stuurman.

Fourie said he had heard another member of the unit, Constable D Hanekom, ask Constable M Neweling what "take out" meant "kill".

On the way to the river, Fourie heard Goosen shout, "loop, loop". He looked round to see Goosen, about one metre away from Stuurman, with a loaded pistol pointed out at the deceased's head. A shot went off and Stuurman fell to the ground.

Goosen shouted to Fourie and another officer, Constable Booyssens to "kom help my". Goosen and Fourie carried Stuurman to the river and threw his body into a sandbank.

On the way back to the van Fourie said to Booyssens: "That was murder". Goosen had told them they had acted as accomplices and "there was nothing they could do".

On the journey back to Cradock, De Villiers asked Goosen: "Coolie, how do you feel now?" Goosen gave a "thumbs up" sign and winked.

De Villiers later warned the squad that nobody was to talk about what happened. The men returned to the township, washed the blood out of the van and continued patrolling.

During the patrol they were stoned and a number of policemen fired shotguns at youths — one of whom was hit in the face and shoulders. Later, De Villiers fired an R1 rifle at a group of "inquisitive people".

When an investigation into the incident started, the squad had decided to say that Goosen had "tripped" on the way to the river and accidentally shot Stuurman in the back.

Goosen had warned the others that if anybody turned against him, he would "take them out or take them with him".

News Agency

— Albany

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Petane bid for plea on PoW status turned down

Staff Reporter

LEAVE to appeal on the question of whether African National Congress member Mxolisi Edward Petane could claim the right of prisoner-of-war status in terms of the Geneva Protocols was turned down in the Supreme Court, Cape Town.

Petane was sentenced to an effective 17-year jail term on one count of terrorism and two counts of attempted murder.

His counsel, Mr Michael Donen, requested leave to take the question of Petane's PoW status to the Appellate Division.

Mr Donen said the Appeal Court should consider whether the Geneva Protocol was part of international customary law; if it was, whether it was excluded from South African domestic law by virtue of some provision in South African law; whether on the facts found, Petane was entitled to the protection of the protocols and to what extent the three previous questions — if answered by the Appeal Court in the affirmative — would vitiate Petane's prosecution and sentence.

Mr Justice J H Conradie, who found in the course of Petane's trial that he was not eligible for PoW status, said he did not believe a different court would come to a different conclusion and refused leave to appeal on this aspect of the case.

The judge sat with assessors Mr L P Francis and Mr W R Vivier. Mr Donen was instructed by R Vassen and Company. Mr D Rothwell SC, with Mr M Stowe, appeared for the State.

ANC man jailed for 17 years

ANC TIMES
11/12/87
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By ANDREW DONALDSON

UMKHONTO we Sizwe (MK) member Mxolisi Petane was sentenced in the Supreme Court yesterday to a total of 17 years imprisonment after being convicted of one count of terrorism, in terms of the Internal Security Act, and two counts of attempted murder.

Petane had placed a bomb in a car outside a Parow shopping centre in July last year and had, in subsequent actions, shot at an unarmed policeman and injured four other policemen by throwing a grenade at them to escape arrest in KTC.

The 29-year-old MK deputy commander had refused to plead to the charges, claiming that as a prisoner of war and in terms of the Additional Protocols of the Geneva Convention he should not have been tried at all.

It was an argument that "opened up a (legal) can of worms" concerning future security trials, according to Mr Justice H Conradie.

Sentencing Petane, the judge said "there are deeds that are so morally detestable" and these included attacks by insurgents on civilian targets.

"I have been told that everyone — even the African National Congress — disapproves of them."

Petane had placed a bomb outside a crowded shopping centre which he claimed would not go off. It was intended to strike a psychological blow and to have drawn members of the security forces from the townships to white areas — and the judge found

he did not "fall into this category" of insurgents.

"He did not desire the detonation of the bomb," the judge said.

"His culpability does not lie in having desired the destruction of lives; it lies in having risked the death and destruction (had the bomb gone off)."

For the terrorism charge, he was sentenced to 12 years imprisonment and for each of the attempted murder charges, seven years imprisonment.

The two seven-year sentences are to run concurrently; two years of which will run concurrently with the 12-year sentence.

An application by Mr Mike Donen, Petane's counsel, for leave to appeal was refused.

Earlier, in his argument, the Deputy Attorney-General, Mr D Rothwell, called for a life sentence "or a very long term of imprisonment" for the terrorism conviction and 10 years for each of the attempted murder charges.

Mr Rothwell said that at the time the bomb was planted the shoppers would consist of people of all races and shades of political opinion.

"Forty percent of them may well have been supporters of the ANC... the chances of it (the bomb) not going off were not that great."

When Petane was led away finally he shouted "Amandla!" to the gallery.

Mr Justice Conradie presided with two assessors, Mr L P Francis and Mr W R Vivier. Mr Rothwell appeared with Mr Mike Stowe. Mr Donen was instructed by R Vassen and Co.

Seventeen years for MK accused who 'could be another Smuts'

By GAYE DAVIS,
Cape Town

A JUDGE who sentenced a man to 17 years on terrorism charges said the accused was likely to contribute to a future South Africa as much as other statesmen sentenced for violence — men such as Jan Smuts, Louis Botha and BJ Vorster.

Mxolisi Edward Petane, an Umkhonto weSizwe deputy commander, was convicted under the Internal Security Act and of attempted murder.

Donen said people would say Petane "did it for us" and suggested Petane would one day be able to "do the same thing", albeit on a smaller scale, as Zimbabwean president Robert Mugabe and South African statesmen who became prime ministers after being sentenced for violent acts.

"It is my own feeling that he is likely to do so," said the judge.

Yesterday Justice Conradie sentenced the 29-year-old MK deputy commander to an effective 17 years in jail — a 12 year sentence for planting a bomb incapable of detonating outside a shopping centre (in what Petane said was a propaganda exercise), and seven years each for two counts of attempted murder. The seven-year sentences are to run concurrently, and two years of each are to run concurrently with the 12-year sentence.

Petane's culpability lay more in the fact that he risked death and destruction, Justice Conradie said. (Petane said he designed the bomb so it couldn't explode)

In considering evidence led in mitigation of sentence by general secretary of South African Council of Churches, the Rev Frank Chikane and Dr Tom Lodge, an expert on the ANC, the judge said he was "not unmindful of the frustration of black people caused by years of political impotence".

Justice Conradie said Petane's sentence "should serve as a warning that courts will not tolerate acts of urban terrorism".

Petane's counsel now wants the Appellate Division to consider questions surrounding Petane's claim — earlier dismissed by the judge — to prisoner of war status.

The contents of this newspaper
have been restricted in terms of
Emergency regulations

Portrait of conviction

SPECIAL REPORT by DALE LAUTENBACH, Political Staff

The conclusion this week of the trial of a trained member of *Umkhonto we Sizwe*, the armed wing of the African National Congress, provided a rare insight into the thinking of a young man who swears allegiance to Spear of the Nation.

A combination of court privilege and the uncompromising commitment of 29-year-old Mxolisi Edward Petane revealed the sort of detail about life with the Spear in hand to which most South African readers have precious little access.

Petane was sentenced to a total of 17 years' imprisonment on a conviction of terrorism and two counts of attempted murder. He admitted planting a bomb outside the Dions Shopping Centre in Parow in July last year. The device was not intended to explode, he said, but to be a psychological weapon. Its message to the security forces was get out of the townships and guard places like shopping centres where the ANC has the wherewithal to place this sort of bomb.

In the course of the trial Petane revealed his biography to the court, refusing, as the judge Mr Justice J H Conradie put it, to "take the cheap way out".

Petane claimed throughout that he was a soldier, a trained explosives expert, a political commissar and deputy commander of an *Umkhonto we*

The months before his decision to depart had been a political experience by his own account.

"I first experienced the cruel and ruthless tyranny of this regime during the 1976-77 riots," he described the violence which met the initially peaceful demonstrations against the "inferior Bantu Education" and the "unequal skirmishes" between "defenceless schoolchildren with stones and dustbins" against hippos, teargas and live ammunition.

He realised too that the conflict was not one of black versus white, but of oppressor versus oppressed and he paid tribute to the white doctors who risked their lives and their jobs in treating those wounded by the police.

"I was convinced beyond any reasonable doubt by the government's actions that it must be replaced by another government — one that has been elected by the majority of the people with an explicit mandate to rule in the interests of all people."

He was introduced to the Freedom Charter with its "sober and objective solution to the country's constitutionalised problems" and decided that "an organisation with this kind of approach to this country's future naturally became my political home."

Early in 1977 he left for Botswana where he joined the ANC. Via Zambia, he reached Angola where he received "general training in guerrilla warfare" and political instruction. At the end of that year he and about 60 colleagues left for the Soviet Union for further training at Brivlina, a camp in the Ukraine.

"Here 20 of us specialised in military engineering — in other words explosives — until 1978."

During the trial and after some complicated evidence about the manufacture of home-made bombs using a combination of pedestrian materials and what military equipment was available, Petane was asked whether he considered himself an explosives expert.

"Yes, sir," he replied, smiling.

BACK in Southern Africa in 1978 Petane was deployed from Angola to Mozambique and back to Angola again where he worked in air defence. By mid-'83 he was in Zambia for training in trade unionism. He used these new skills with the SA Congress of Trade Unions in Gabarone, Botswana, until late 1984 when he was arrested and deported back to Zambia.

ABOVE: MR Charlton and Mrs Evelyn Petane; Their only son, African National Congress member Mxolisi Edward Petane, was sent to prison for 17 years this week.

"Seventeen years is seventeen days," was the cry from the women who gathered around Mrs Petane and



her daughter Cindy outside the court after sentence was passed.

Petane's 88-year-old grandmother pressed a handkerchief to her eyes.

"Come, come," clucked the woman and Mrs Petane pressed a comforting hand against her mother's cheek. Petane's advocate, Mr Mil-

chael Donen, argued in mitigation of sentence that Petane's character was such that he might well make a contribution to his country.

"Yes, my own feelings are that he is likely to," replied Mr Justice J H Conradie.

Petane's mother went further. Is she proud of him? She laughed, shook her

head and was almost embarrassed by her response: "Too much."

Stepping to embrace the small woman and wish her goodbye, Mr Donen's tall figure dwarfed her. "Thank you, thank you," she said. "You've worked so hard ... you're number one."

Picture: WILLIE de Klerk, The Argus.

UDF men lose application

JOHANNESBURG. — The acting general secretary of the UDF, Mr Murphy Morobe, and the acting publicity secretary, Mr Mohamed Vallie Moosa, yesterday lost an urgent application to have their detentions under emergency regulations set aside by the Rand Supreme Court.

Both men were arrested in Port Elizabeth on July 22 and were moved to Diepkloof Prison in Johannesburg.

UCT student acquitted

A UCT student who was sjambokked and attacked by a dog during protests on the campus in April was yesterday acquitted in the Wynberg Regional Court of public violence.

First-year medical student Mr Saleigh Adams, 19, of Diep River, pleaded not guilty to public violence, alternatively attending an illegal gathering on campus on April 27.

While standing on some steps he was confronted by policemen and one of them hit him with a quirt, he said.

He ran up the stairs and was "brought down by a dog". He denied that he formed part of a group or that he threw any projectiles at the police.

Constable A Holgate said Mr Adams appeared to be a leader in the group and then he saw him throwing stones. He commanded his Alsation to tackle Mr Adams. He said all the policemen then "pounced" on Mr Adams while he pulled the dog away.

Mr M S Knox was the magistrate. Mr P Mostert prosecuted. Mr M A Albertus instructed by Mr D Adams appeared for Mr Adams.

'Christians are using violence to end tyranny'

THE general-secretary of the South African Council of Churches, Rev Frank Chikane, gave evidence in mitigation of sentence in the trial of Mxolisi Edward Petane, an ANC member convicted of terrorism in the Cape Town Supreme Court this week.

He said that a large percentage of the international Christian community accepted the right of liberation movements to use force to end oppression in South Africa.

Referring to the Lusaka Document released by the World Council of Churches conference in Lusaka earlier this year, he said: "The Christian community recognises that the nature of the South African regime, which wages war against its own people and neighbours, compels these movements to use force to end oppression."

He said Christians had to examine their faith in context and the South African context was a violent one in which Christians were fighting one another.

He said: "Our crisis is that, in terms of the law, you can be stopped violently for acting non-violently."

Chikane said there were few non-violent options left for South African blacks.

He referred to hundreds of youths who left South Africa following the June 1976 uprisings.

"Most of them made that decision not of their own free choice but because circumstances forced them to leave."

"They were ordinary children, some of them in my Sunday school, who would never under ordinary circumstances have made these choices," he said.

He told the court of the writing of the Kairos Document which concluded that the government did not govern in the interests of the community and did not have the community's good at heart.

He said: "In terms of the torture, detention and oppression of the State, it was declared a tyranny and hostile to the common good in principle."

He said the liberation movements were called to give evidence at the Lusaka conference and they made it clear that, because of State repression and violence, they had been forced to resort to force as a way of ending oppression.



Frank Chikane

He said institutionalised violence or State violence was structured violence based on specific laws which made it possible to treat people violently.

Victims of apartheid had little space left in which to oppose the system non-violently, he said.

Peaceful meetings, boycotts and strikes were viewed as subversive and peaceful organisations had been banned in the 1960s.

"People went underground and had to decide how to respond to the violence of the State."

"While they were non-violent they were forced to conclude that they had no option but to adopt violent methods of resistance."

"I am expressing the crisis that every black person goes through. You need protection to argue and debate about non-violence."

"The white community has that space and protection because the police force is there to implement apartheid laws."

"The victims of apartheid have no police force to go to and that is our crisis because more and more Christians are resorting to force to end oppression," concluded Chikane.

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No chance' to escape bullets

CP Correspondent

FOUR teenagers were saying goodbye to a friend in Athlone on October 15, 1985 when a railway lorry arrived and shots were fired at them during the so-called "trojan horse" incident, a Wynberg court has heard.

Three people, Jonathan Clasen, Michael Cheslyn Miranda, 12, and Sean Magmoet, 16, died in Thornton Road that day when railway and riot police, hidden in crates on the back of the lorry, opened fire on them.

The inquest started this week.

An eyewitness, Galieb Ryklief, 19, said school had finished an hour earlier that day and he had walked to his aunt's house in Thornton Road.

There were burning barricades in the

street ahead but he could not see what was burning, he said.

Ryklief said there were many people standing around and he was aware that stones were being thrown.

He said friends and members of his family were at his aunt's home and at about 4pm they prayed together.

He and his friend, Sean Magmoet, decided to go home and he and three others walked with him a short way along the street towards the shop.

"We stood on a concrete slab and talked and suddenly a truck arrived and there was shooting so we ran back into the house," he said.

He said he did not hear a police warning before the shots were fired.

JJ Gauntlett, for the families, asked Ryklief if he had any chance to get away before the shots were fired and Ryklief replied: "No."

Sean was wounded and collapsed onto his aunt's bed. Ryklief said he was also wounded in his right arm and left thigh.

Two policemen then knocked on the door, kicked it open and said Sean was dead.

Ryklief said the policeman took him outside to a group of other children who had been wounded. They took his name and address and a man with a video camera photographed them.

He was later taken to Groote Schuur by the police where he was treated and discharged.

A few weeks later police arrested him

and he appeared in the Wynberg Regional Court.

Earlier, the court heard that the only order given to policeman about to go on patrol in Athlone in the lorry was that they should shoot on their own initiative if their lives were endangered.

S Swart, for the State, asked a Constable AJ Smith what instructions he had received from his commanding officer before going on patrol.

"That we should shoot if our lives were in danger," answered Smith, one of the railway policemen who hid in crates on the back of the seven-ton lorry when it patrolled Thornton Road in Athlone.

Smith said he had fired six shots from his pump-action shotgun in the direction of a crowd around the lorry as he feared for his life.

Slowness breeds arrest

CP Correspondent

A GROUP of accused in an Um-tata terrorism trial who were not fast enough to leave the court after their case was dismissed three months ago have found themselves back in court again in three separate trials relating to ANC activities.

The cases are a spin-off from an incident in August, when a magistrate dismissed a case against 20 people. The accused included government employees, a doctor and a public prosecutor.

The case had been repeatedly remanded and the State had not

drawn up a charge sheet. The accused had also been in detention for a long time - in one case over a year.

The magistrate ruled that the State was not entitled to another postponement and struck the case off.

According to witnesses, the accused immediately leapt over the dock, trying to leave. Most of them succeeded, but eight were re-arrested.

One case arises from a bomb blast at the Wild Coast Sun last year.

Ndibulele Ndzaleta, Phumzile Mayaphi and Leonard Mdingi are

facing two charges of murder, terrorism and sabotage in connection with the bombing.

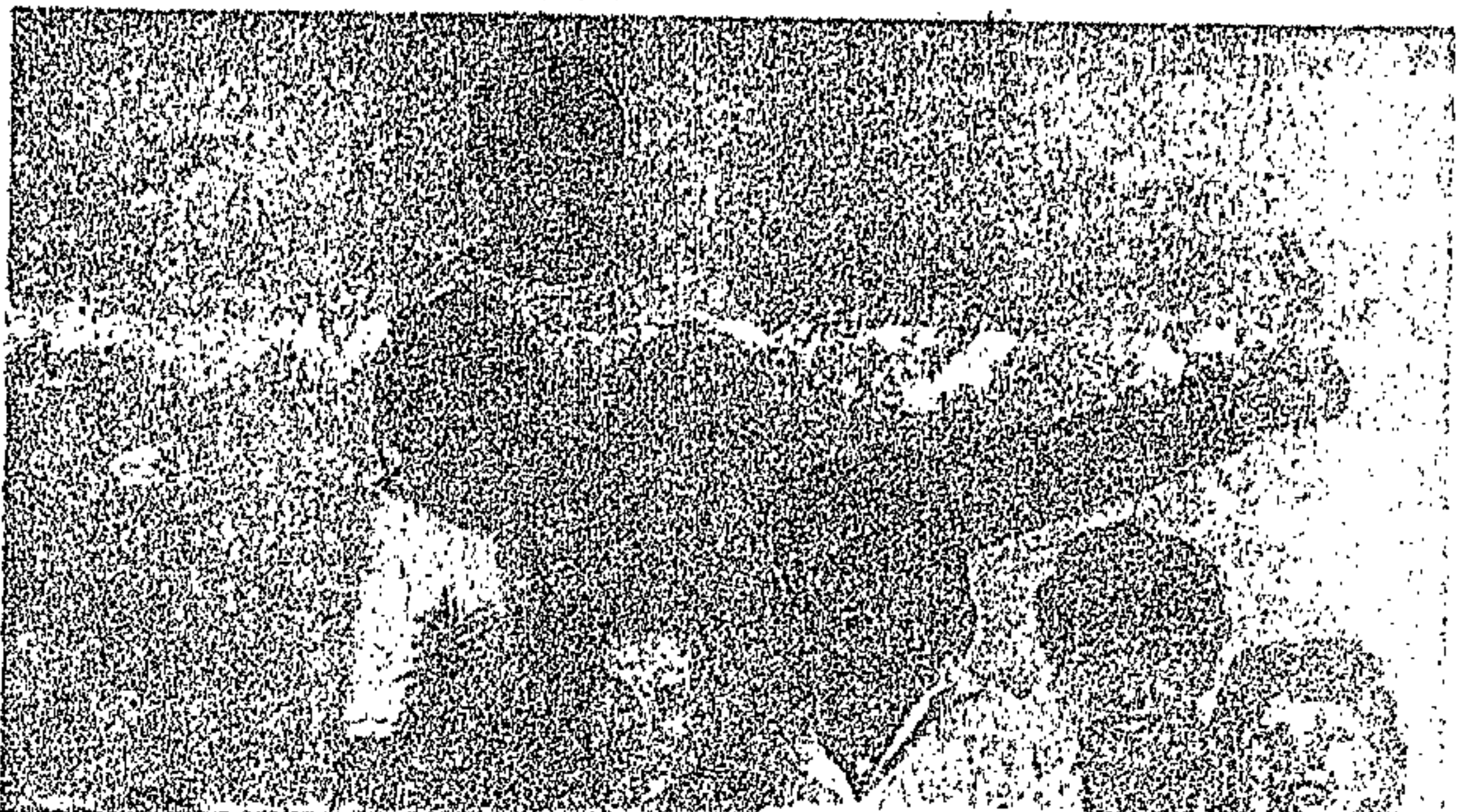
Mdingi is also facing charges of assisting the first two, whom the State alleges are trained ANC terrorists.

In the second case, Ngxokolo Sontshu and Tasika Ntshobane are facing charges of terrorism.

In the third case, Dr Warren Nombe and Mhleli Madaka are facing charges of terrorism in connection with allegations that they harboured ANC guerrillas.

No dates for the cases have been set yet. - Elnews.

Players from Ivor Ichikowitz Productions (right) in the witty retelling of the nativity story *Butterfingers Angel*. The play, part of the company's goodwill message, will be at the Market Theatre from December 16 to 24.



CP Correspondent

A SCUFFLE broke out in the Uitenhage Regional Court last Friday between 17 accused and police when the accused attempted to talk to their relatives after the trial had been adjourned.

The accused, most of them juveniles, are charged with murder of a suspected informer, Thomazile Don-dash. They have been in

Accused and police clash in court

jail since November 1985, when they were arrested and charged.

Families of the accused who were present at the court said that after the magistrate had postponed the case to January 6 and had left the court, the relatives were speaking to the accused. A white policeman

then mishandled one of the accused and pulled him down from the dock.

"He was speaking in Afrikaans. He said, 'Gaan af' and the boy resisted and a scuffle broke out," said the mother of one of the accused.

A fight broke out as oth-

er accused helped their colleagues. Police re-inforcements were called and a teargas canister was sprayed in the court.

The accused were shuffled into a waiting room adjoining the court and the cells.

"It was chaos and everybody ran in all directions,"

said one of the relatives present.

The relatives claim they were chased out of the court, mishandled and assaulted.

Relatives say the magistrate, NG Carroll, peered into the court without saying anything and left. Another magistrate then came

in and told the relatives to "voetsek". Carroll said once he had adjourned the court, he left and did not see any of the happenings that took place.

"A black policeman threatened to shoot other members of the gallery," said one of the relatives.

Police Press liaison offi-

cer for the Eastern Province, Captain Peet Grobler, said the description of events as put to him was untrue.

Grobler said four of the accused kicked and pushed a policeman. Two policemen were present in the courtroom. One of them used aerosol teargas and only squirted one person. After this the accused went calmly downstairs to the cells. — Pen.

THAT WAS MURDER — POLICE

CP Correspondent

A WITNESS in the trial of two policeman appearing in the Grahamstown Supreme Court on charges of murder, assault and defeating the ends of justice, this week agreed that the actions of one of the accused amounted to murder.

And, for the second time in the marathon six-week trial, a police witness has admitted that the two accused decided to "take out" a suspect who had been injured and was bleeding badly following interrogation.

Constable Raynard Fourie was testifying at the trial of Constable David Patrick Goosen, 26, and Warrant Officer Leon de Villiers.

The charges arise out of incidents alleged to have taken place at a funeral in

Craddock in July last year.

The two accused were members of an unrest unit, which included a former member of Koevoet, sent to Craddock from Port Elizabeth to monitor the funeral.

According to Fourie, the men were told that the funeral was a "terrorist funeral" and other terrorists were expected to attend.

On the day of the funeral, the unit had patrolled the township and arrested five men for questioning. Four of these men were released after having been interrogated and assaulted — an incident in which Fourie himself had been involved.

The last to be arrested, 18-year-old Wheannut Mlungisi Stuurman, was taken to "a quiet place", near the Fish River for questioning. On arrival, Goosen and De Villiers re-

mained at the "riot van" with Stuurman.

When he (Fourie) returned to the van, he saw blood on Stuurman's face and clothes.

On De Villiers' request, Fourie led them to the river so that Stuurman could "wash the blood off his face". Fourie then took them to a low water bridge across the river, but Goosen said it was too public.

On the way to the river, he heard De Villiers say that Stuurman was "ge-paneelbeaten" (literally, panelbeaten), and that he

should be "taken out". Goosen agreed.

This is the second time in the trial that the court has heard from a witness that members of the unit had decided to "take out" Stuurman. Earlier in the trial, another member of the unit and former Koevoet member, Sergeant Heinrich Blumenthal, testified that De Villiers and Goosen had agreed to "take out" Stuurman.

Blumenthal also testified that De Villiers said: "Dis maar bad dat 'n mens so jonk moet dood gaan"

(It's bad that a person should die so young).

Fourie said as he turned off the path to relieve himself, he heard Goosen shout "Go, go". He looked up to see Goosen with his pistol in front of him. A shot went off and Stuurman fell to the ground.

Goosen then shouted at him and Constable Booyens to help. Goosen rolled Stuurman onto his back and grabbed his shoulders. Fourie took his feet, and between them they carried Stuurman to the river, about two metres away.

They had swung him twice, and Goosen had released the body first, causing the body to turn in the air and land face down in the sandbank. Stuurman's body was left lying at the river.

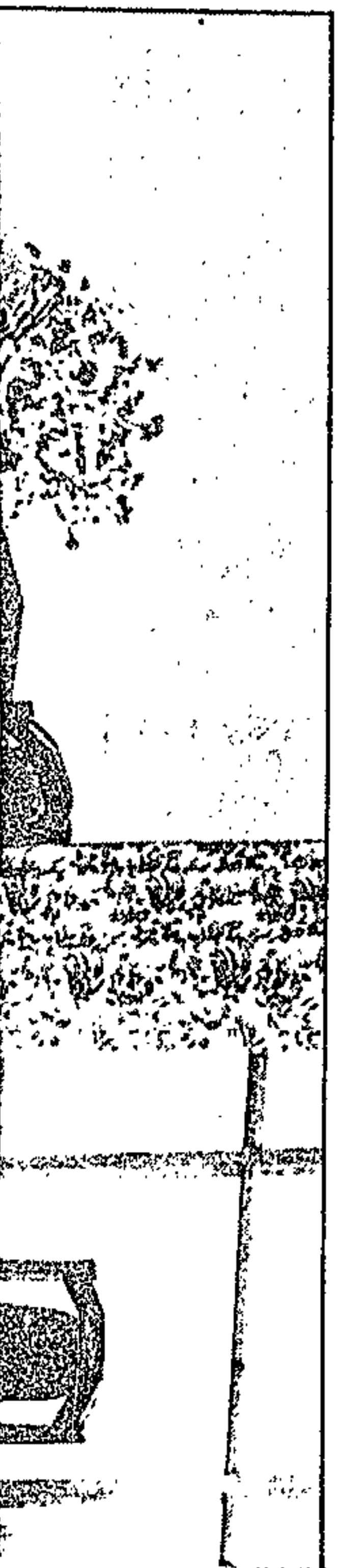
On the way back to the van, while Goosen jogged ahead, Fourie said he turned to Booyens and said, "That was murder." Booyens agreed. Goosen had already told them that they had acted as accomplices and "there was nothing they could do".

On their return to Port Elizabeth, Fourie said he had confronted Goosen and told him he would never get away with what he had done. Goosen just laughed.

Once an investigation into the incident had started, the squad had decided on a story of an accidental shooting, saying that Goosen had "tripped" on the way to the river.

The trial is continuing. — Ann.

8 Piece COLOGNE
IMBUIA
DINING ROOM SUITE



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14/12/82
THE Pan Africanist Congress trial being heard in the Pretoria Regional Court was on Friday postponed to February 22.

Seven people, including a priest, are appearing on charges of terrorism, attempted murder and defeating the ends of justice.

They are also alleged to be members of the

PAC trial adjourned

banned PAC and Qibla, a Muslim organisation.

The accused are Mr Mabutu Enoch Zulu, Mr Siyabulela Ndoda Gcanga, both of Transkei, Mr Vincent Mathunjwa of Springs, Mr Setsiba Mohohlo of Johannesburg, the Reverend Daniel Nko-

podu of Bophuthatswana, Mr Achmad Cassim and Mr Yusuf Patel.

They have pleaded not guilty and are defended by Mr Dikgang Mosenke, Mr Gert van Tonder, Mr Denis de la Hunt and Mr Omar Adam.

Parents not aware of charges

THE launching of your newspaper, Court in March next year on was not aware of the actual that quite a lot of people in our SOUTH, gave the people the charges of "terrorism", your charges against their children community like to believe only impression that, at last, we would newspaper went about tabulating until they read your newspaper. the worst of others, and, when the have an objective mouth piece "of the allegations against some of Could your paper not have found press rushes to stoke the fire by the people for the people".

SOUTH would report matters in a fair and just manner without implicating unfortunate victims undoubtedly, projects the of those charged whether they were all aware of the charges against their kin. Worst So well done SOUTH for your position to defend any allegations or criticism against them by the ruthless political radicals who and/or that they were some kind of planned to create havoc — in a bid to overthrow the State. It appeared as if SOUTH was revealing "scoop" and purported yet in a position to defend themselves. I can assure that we, the parents of the 15 people involved, their kinsman, and the community at large are not at all impressed, of the direction you have taken to try to "sell" your newspaper.

Terrorism

Your edition of December 10. "only outlining the State's allegations" against them, but did he really do these young people any justice in the manner in which he reported the matter. Was SOUTH aware that some or most of the parents of the accused It should be a well-known fact

SIGNED BY SOME
OF THE PARENTS

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Boy scout who *South* *331* became *17-23/12/8* a soldier *[Signature]*

MXOLISI PETANE, self-confessed Umkhonto we-Sizwe member, is a boy scout who became a "soldier".

Petane, 29, was last week sentenced in the Cape Town Supreme Court to an effective 17 years for terrorism and two counts of attempted murder.

The court found he had placed a bomb in front of a shopping centre in Parow, shot and injured a policeman, and injured three policemen by throwing a hand-grenade at them.

Petane set the tone for a political trial with a difference when he refused to plead guilty on the basis that he was entitled to prisoner-of-war status.

Umkhonto

This prompted the presiding officer to comment that Petane's argument had "opened a legal cans of worms".

Petane appeared to be proud of his actions as a soldier of Umkhonto we-Sizwe.

Looking confident, he told the court he regarded himself as an explosives expert.

Placing a bomb was part of a psychological war to show MK was able to carry out its duties even during the State of Emergency, he said.

Questioned about the warning he gave to the policemen before throwing the hand-grenade, Petane responded:

"Four seconds is enough time for trained soldiers to take cover."

Petane, who shouted pro-ANC slogans in court, was warned at least once for contempt of court.



Mr and Mrs Petane

In the early seventies he was an enthusiastic Scout member. He was chosen to represent his group on a trip overseas but missed his flight.

He told the court he first experienced the "cruelty and tyranny" of the State during 1976 riots.

"During these clashes with the police, I realised the conflict was between the oppressor and the oppressed," he said.

Petane said the Freedom Charter provided sober and objective solutions to the country's constitutional problems.

Explaining why he joined Umkhonto we-Sizwe, Petane said:

"At that stage I became convinced that no amount of peaceful persuasion will ever change the attitude of the Nationalist government and its supporters towards the oppressed majority."

"I entertained no illusion about the government committing suicide by abandoning its policies because it has been put in power precisely because of its racist policies," he said.

Petane said the ANC's aim was true negotiation that would result in genuine peace and lasting justice for all.

Petane was born in Steenberg while it was still a "mixed" area.

His mother was a domestic worker at Fish Hoek while his father worked at a Newlands brewery.

In 1962 the Petane family moved to Guguletu township in terms of the Group Areas Act.

Petane was an enthusiastic scout at the Ikhwezi Community Centre in Guguletu. He became a squad leader after showing leadership qualities.

Protests

In 1976 Petane could not sit for examinations because of country-wide school protests.

In March 1977 Petane left the country to undergo military training.

His parents told SOUTH that they had been adversely affected by the six-month trial.

His father, Charlton, a grey 78-year-old pensioner, said:

"Ever since the trial began, I have been unable to sleep well. Sometimes during the night I took my chair and relaxed outside the house."

Mrs Evelyn Petane said she became thin and sick during the trial.



Save Bradley from Prison Committee chairman Mr Eshaam Palmer, left, with Bradley van Niekerk.

MR 645 18/12/87 331

Appeal fails, but Bradley, 20, 'prepared for jail'

Education Reporter

NEXT Tuesday when his peers are waiting for their matric results, Bradley van Niekerk, 20, will report to the Cape Town Magistrate's Court to start a 12-month prison sentence for public violence.

"I am prepared for prison," said Bradley, a South Peninsula High School pupil, at a Press conference yesterday.

The threat of prison has hung over his head since he was convicted in November 1985 after an incident in Kensington.

He said: "It has affected my family. There were times when we would sit up at night to discuss my case. It affected me at first, but I have come to grips with going to prison. It is my contribution to the struggle."

Appeal turned down

The thought of leaving the country and not waiting for the outcome of his appeal had crossed his mind, he said. "I decided to stay and see out the situation."

He was preparing to write his English exam last month when he heard that the Appellate Division had turned down his appeal against his sentence.

"I was shattered. There was havoc at home," he said.

Although he was hoping his appeal would succeed, he has been preparing himself for prison. He has had a session with a psychologist and is due to see him again on Saturday.

When Bradley's appeal was turned down and he was refused permission to appeal to the Appellate Division, teachers, pupils and parents formed the Save Bradley from Prison Committee to petition the Chief Justice for permission to appeal.

The Chief Justice, who was handed a petition of 30 000 signatures, gave him permission in September last year. The appeal was turned down last month.

CAPE TIMES 22/12/87
Matriculant starts year sentence

331
Staff Reporter

BRADLEY VAN NIEKERK, a 20-year-old matriculant, will start his 12-month prison sentence for public violence at Pollsmoor Prison this afternoon after an appeal against the sentence failed.

Van Niekerk was convicted and sentenced for a stone-throwing incident at Kensington High School two years ago. Leave to appeal against the sentence was initially refused, but after a

petition to the Chief Justice, an appeal was heard.

The Save Bradley from Prison Committee was formed and launched a publicity campaign to focus on the "harsh" sentences imposed on school children on charges of public violence: 30 000 people signed a petition.

Mr Brian Isaacs, Van Niekerk's former headmaster, said yesterday Van Niekerk is due to report to the Cape Town Magistrate's Court at 3pm today.

'Sharpeville Six': US adds voice to appeals

ARCUS 22/12/87 331

The Argus Correspondent

JOHANNESBURG. — A further appeal has been made to the government to commute the death sentences on the "Sharpeville Six", this time by the United States.

In a statement yesterday, the United States — through its embassy in Pretoria — joined several European leaders and other organisations in appealing for clemency for the six men who were sentenced to death on December 13, 1985.

The Appeal Court in Bloemfontein earlier this month turned down the appeals of Mojalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joshua Khumalo and Francis Don Mokgetsi against death sentences passed for the murder of Lekoa town councillor and deputy mayor, Mr Kuzwayo Jacob Dlamini.

Mr Dlamini was killed as he fled from his house after it had been set alight by a mob on September 3, 1984. The six accused were sentenced to death by Mr Acting Justice W J Human in the Transvaal Supreme Court.

The embassy said: "We believe that carrying out the sentences would further weaken efforts towards reconciliation and set back attempts to negotiate over the political future of the South Africa, a process which we support and encourage."

"Compassion"

"We consequently hope that the South African Government will respond to the clemency appeal with compassion."

Other people, governments and institutions which have urged the State President to commute the sentences include Mrs Helen Suzman of the Progressive Federal Party, the Congress of South African Trade Unions (Cosatu), the European Community, the Israeli Government, and individual members of Amnesty International in the United States and West Germany.

The South African Government has so far not reacted to the clemency appeals.

22/12/87

Boy's leg torn apart in blast court told

Daily Dispatch
Reporter

EAST LONDON — A 14-year-old boy described in the Regional Court here yesterday how his left leg had been torn apart below the knee by an explosion at the Fred Pettit Centre in Queens-town in June last year.

The boy was testifying in the trial of Mr Mzwabantu Dapula and Mr Fikile Gwadana, both of Queenstown, who are charged with terrorism and 15 alternate charges, including the unlawful possession of grenades, possession of explosives, malicious damage to property and attempted murder.

They are alleged to have prepared, and planted the device that exploded outside a chemist shop at 11:40 am on June 28, 1986.

Both have pleaded not guilty to all charges.

The boy said he was visiting the centre with his father and was standing near the window of the Protea chemist shop when the bomb went off, shattering windows, blowing a hole through a wall and damaging the roof of the centre.

Earlier, the magistrate, Mr D. Cronje, ruled in his judgment of a trial-within-a-trial that a statement made by Mr Dapula while in detention was admissible as evidence.

Mr Cronje said he was

aware that section 29 of the Internal Security Act could influence an accused into making a statement he would not otherwise have made, but, on the evidence as a whole, the section of the act had not influenced the accused's statement.

A shootout on the road between East London and King William's Town in July last year, in which four insurgents were killed by the SAP and Ciskei Police, was recalled during yesterday's trial.

Warrant Officer J. Engelbrecht told the court that about 30 policemen were involved in the operation

under the command of Captain J. Van Wyk.

The mutilated bodies of two of the insurgents were found near the road after a running battle with police which ended in thick bush near Fort Jackson.

During the battle grenades were thrown at Ciskei policemen and the area was cordoned off before police sections moved in.

Two pistols, one of Soviet origin, as well as a part of a grenade, were found between the two bodies.

An explosives expert with the South African Police, Sergeant D. F. Killian, testified that

small pieces of metal he found after sifting through rubble at the shopping centre after the explosion were compatible with parts of a 158 mini limpet mine.

Sgt Killian said during cross-examination by Advocate Justice Poswa, for the defence, that he was unable to be certain of how many similar mines were involved in the explosion, but that the 158 mini limpet mine had been present.

The trial continues in today.

The prosecutor was Mr J. Du Plessis and Mr Poswa was instructed by Mr T. M. Ntsaluba of the Sangoni Partnership.

Freedom the

main cry in

SA's courts

THE USUAL lurid assortment of blood and guts Supreme Court murder trials have periodically grabbed the headlines this year. But the central issue dominating these courts has been that of human freedoms.

Supreme Courts around the country have been dominated by attempts by individuals and political organisations to win back some of the rights eroded by the imposition of the emergency regulations and stifling media curbs.

Gains have been few and far between, resulting in a tightening of clamps. But to some extent the independence of the judiciary has been upheld.

In January the two major Press groups — Argus and SAAN (now Times Media Limited) — won an order in the Rand Supreme Court invalidating an order by the Commissioner of Police on January 8 prohibiting the publication of reports about banned organisations.

New powers

The court found the Commissioner did not have the authority to grant himself the power to make such an order.

Within hours of the court granting the order, a promulgation by the State President gave the Commissioner sweeping new powers of censorship.

In March, the Johannesburg Star was granted an interim order preventing the Commissioner of Police from seizing editions of the newspaper on March 11 after it had published an amended advertisement placed by the Detainees Parents Support Committee.

SUSAN RUSSELL

People around the country held under the emergency regulations and in terms of the Internal Security Act also challenged the legality of their detentions in Supreme Courts.

Dismally few of these succeeded.

New Nation editor Zvelakhe Sisulu, National Education Crisis Committee chairman Vusumuzi Khanyile, Wits Law lecturer Raymond Suttner and UDF officials Murphy Morobe and Mohamed Valli were only a handful who failed to win their freedom.

Trade unionist Michael Roussos and Krugersdorp Residents Organisation members Lawrence Ntlokoa and Bongani Dlamini — all of whom were detained in terms of section 29 of the Internal Security Act — were all released by order of the Rand Supreme Court. This year has also seen the start

of several lengthy treason trials around the country.

During the second half of 1987 two treason trials started in adjacent courtrooms on the fourth floor of the Rand Supreme Court.

Both trials centred on the unrest in Alexandra during 1985 and 1986 when the township saw the emergence of the "people's courts" and attempts to set up alternative structures to the existing State authorities.

Bitter battle

In court 4E, trade unionist Moses Mayekiso and four co-accused have pleaded not guilty to treason, alternatively sedition and subversion.

The allegations against them arise from their alleged involvement in the formation of the Alexandra Action Committee, organs of people's power and people's courts. Next door in 4F, Ashwell Zwane and seven others are standing trial

for their alleged involvement in the holding of people's courts in Alexandra. Both trials resume early next year.

The Rand Supreme Court also reflected the bitter battle between the National Union of Mineworkers and the major mining houses during this country's largest strike.

Management and the NUM both brought urgent applications during the strike, with allegations of sabotage and intimidation on one side and claims of victimisation of workers by mine security on the other.

Suspended

This year also saw a protracted court battle between former Wit Nigel MD Peter George and members of the mine's board in their attempts to oust him.

George finally took the Johannesburg Stock Exchange to court when Wit Nigel shares were suspended after he went ahead with the announcement of a share transaction between Wit Nigel and Springs Dagg.

He won his case against the JSE, who were then given leave to appeal against the order.

A lengthy Supreme Court squabble between Operation Hunger and finalist Anna Curtin over who should get the Rlm Gold Rush prize also dominated headlines for a while.

Curtin and the other finalists involved in the court action eventually agreed to an order dismissing their application, and the prize was awarded to Family Ties — the original winners.

ments, Judge Alan Rowland and Judge Auret van Heerden, had reputations as "tough-minded judges who are not as partial to civil liberties as

Division — are showing the effect of "Emergency law". The most obvious indication of the

No longer the grand conspiracies. Day-to-day politics in the dock

SEVERAL new trends emerged in political trials during 1987:

• Indictments in treason trials were no longer concerned with grand conspiracy theories — day-to-day political activities were sufficient for a charge of high treason.

• A new policy was adopted whereby several terrorism trials were moved to the scenes where the alleged crimes were committed; and

• Against a backdrop of mass demonstrations and banned meetings, trials became one of the few public platforms where activists could express their views.

The shift this year to treason trials which focused on day-to-day political activities is illustrated by two trials involving Alexandra residents which began in the Rand Supreme Court. The ongoing "Delmas treason trial" which opened at the beginning of 1986, turns, in the main, on the

state's allegation that the United Democratic Front's formation and activities were the brainchild of and directed by the outlawed African National Congress, and that the 19 trialists are part of a UDF-ANC-South African Communist Party conspiracy.

But the Alexandra trials are different. Prominent unionist and Alexandra activist Moses Maveliso and four alleged members of the Alexandra Action Committee are accused of master-minding the setting up of people's courts and grassroots structures such as yard and block committees.

If they are convicted of high treason, it could set a precedent for many anti-government activities to be declared treasonable — even if they are lawful.

Eight young residents of the township are being tried on similar charges in an adjoining court. They were accused of being among about 30

"mind" of the Appellate Division. This is the joint ruling on three applications, one of which was brought

Political trials have shifted to remote rural areas, seldom attended by either press or public. Yet in a period when Emergency curbs place severe restrictions on reporting of unrest, courts provide a rare glimpse of political conflict. JO-ANN BEKKER reports

people detained when police raided a house in Alexandra while a people's court was allegedly in progress. If they are convicted, the thousands of township residents who participated in people's courts and township committees throughout the country could face charges of treason.

Another new trend followed the decision by Transvaal attorney general, Don Brunette, to try terrorism accused near the site of the alleged deed. Brunette told a Johannesburg newspaper: "The interest of the public in the trial in a particular area is paramount."

Briefly, the judgement dealt with two major issues: the right of Emergency detainees to be heard (the audi

Thus special circuit court sittings were held at Ermelo, Messina, Piet Relief, Witbank and Potchefstroom, many of them linked to land mine explosions in those areas.

Lawyers representing the two men charged with the Messina land mines which killed eight people tried without success to have the trial shifted away from the "emotionally charged" Northern Transvaal town. Attorney Azhar Cachalia said that while returning from Messina after a postponement of the trial, his car was forced off the road by a man "who wanted to know why I was defending what he called the terrorists."

"I subsequently established his father had been killed in the blasts." The Messina trial will continue next year, as will a similar trial in Piet Relief, where Ebrahim and two others are charged with land mine attacks in the area.

This month the Nelspruit Regional Court sentenced ANC member Patrick Masibuku to eight years imprisonment for planning a land mine which caused extensive damage to an army vehicle last year. Nhlania Jeffrey Madonsela, who provided him with accommodation while he was planning the act, was jailed for five years.

In a year when the state continued to use the national State of Emergency to quell political meetings and detain activists, the witness box became one of the few avenues where the voice of extra-parliamentary political leaders could be heard.

The "Delmas trial", in particular, became a public platform as most of the accused, including senior UDF members Popo Molefe, Terror Lekota and Moss Chikane, countered the accusations of the state. Molefe, for example, attacked the

been intended by parliament. The attitude expressed by the four was that there is a State of Emergency

state's allegations that the UDF was formed in response to a call from ANC president Oliver Tambo. He listed a series of calls for a broad front of opposition from people within the country — including himself — which predated Tambo's call.

On another level, under the Emergency press curbs which place severe restrictions on reporting of unrest-related activities, court records and hearings were one of the few sources of news on political conflict and detentions.

But, with the renewal of the national Emergency in June, the state moved to close off even this avenue. Court records concerning the conditions in which Emergency detainees were held can now be published only when there is a final judgement. The fact that many urgent applications brought by detainees are settled out of court, or that detainees are released before the applications are finalised, has meant that much news on this subject is never seen in print.

The trend of calling anonymous state witnesses, allegedly former members of exiled organisations, continued in 1987. One of the most sensational anonymous witnesses was "M1" who gave evidence in the trial of two black security policemen found guilty of spying for the ANC and sentenced to 14 years' jail in early December. "M1" claimed to be the ANC's chief of intelligence in Swaziland and his evidence was crucial in convicting the two former constables.

The court found they had been active members of the ANC from 1982 until last year when they were arrested. During this period they had access to secret information and files of the security police relating to ANC activities and police action to combat these activities. Evidence was that the two constables had passed on information and classified files to Piet Malaza, a police constable stationed in Nelspruit. Malaza later made regular contact with the ANC in Swaziland and left South Africa to join the ANC.

this is not a view which one should not empowered to lightly entertain. I think, however, which removed



A condemned man's father prays, in vain,

The two policemen, Matswenyego Makgubudi, 29, of Atteridgeville and Tshifhanggo Rabuli, 35, of Soshanguve near Pretoria, received sentences of 36 years and 34 years' imprisonment respectively for seven convictions of contravening the Internal Security Act, Protection of Information Act and the Official Secrets Act. Their sentences will run concurrently, giving an effective sentence of 14 years. But the exact nature of the documents they passed on to the ANC was never revealed in court. The magistrate was convinced of its severity by the fact that the documents were stamped "Top Secret".

More generally, 1987 will go down

as the year in South African history when the security "turning" (a story, the agency over such a story), the vicinal were dead trial when a member, who claimed, was taken from the South African unsuccessful against a South African him for treason. Judge H Dams Circuit Court 4 properly denied the abduction of Rahim. But the if South Africa napped him, a still had the rights. However, see political cases. Azanian People's member Patrick

this is not a view which one should not empowered to make a regulation in the Easter Case, a Durban magis-
lightly entertain. I think, however, which removed that fundamental client being held in prison. trate refused permission for an out-



A condemned man's father prays, in vain, for a reprieve. Despite mounting pressure, the hangings have escalated. Picture: GIDEON MENDEL

The two policemen, Matshwenyego Makgubudi, 29, of Atteridgeville and Tshifhango Rabuli, 35, of Soshanguve near Pretoria, received sentences of 36 years and 34 years' imprisonment respectively for seven convictions of contravening the Internal Security Act, Protection of Information Act and the Official Secrets Act. Their sentences will run concurrently, giving an effective sentence of 14 years.

But the exact nature of the documents they passed on to the ANC was never revealed in court. The magistrate was convinced of its severity by the fact that the documents were stamped "Top Secret".

More generally, 1987 will go down

as the year in South Africa's legal history when the interests of "state security" triumphed over individual rights.

Apart from the effects of the Emergency over such rights (see accompanying story), the rights of the individual were dealt a blow in one political trial when an alleged ANC member, who claimed he had been kidnapped from Swaziland by agents of the South African state, brought an unsuccessful application to challenge a South African court's right to try him for treason.

Judge H Daniels of the Piet Retief Circuit Court found the police had properly denied any involvement in the abduction of Ebrahim Ismail Ebrahim. But the judge ruled that even if South African police had kidnapped him, a South African court still had the right to try him.

However, several judgements in political cases did uphold individual rights.

Azanian People's Organisation member Patrick Moodley was freed from detention by the Durban Supreme Court in February. It was the first time that a judge was given reasons for the imprisonment of a detainee under Section 29 of the Internal Security Act — but he nevertheless found the grounds insufficient.

The reasons given for Moodley's detention were that he was allegedly a member of a senior ANC cell, an assertion, his lawyer pointed out, which was very unlikely considering Azapo's ideological differences with the ANC. In November, the Appeal Court upheld the judgement and ruled that the police had not proved they had reasonable grounds to detain Moodley.

In July, two more Section 29 detain-

ees were freed by the Transvaal Supreme Court. Bongane Dlamini and Lawrence Ntlokoa of Kagiso, Krugersdorp, were released on evidence

that they had not been interrogated. Section 29 allows for indefinite detention, but only for the purposes of interrogation.

me notable trials

was sent to jail for one year for spray-painting "Botha is a lesbian" "Away with apartheid" and other slogans on buildings in Bredasdorp in 1985. He was found guilty of furthering the aims of the ANC and sentenced to three years' imprisonment, of which two were suspended. He was also fined R100 for damage to property.

End Conscription Campaign member Dominique Souchon was fined R100 in June for trying to receive two letters from his detained girlfriend, Janet Cherry. He pleaded guilty to contravening the Prisons Act.

Benjamin de Bruin of Stellenbosch was sent to jail for six years, three years suspended, for furthering the aims of the ANC. The evidence was a tattoo on his body.

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Tears flow as bail refused for Delmas 3

PRETORIA — Family members and friends of three leading United Democratic Front figures burst from the Pretoria Supreme Court weeping yesterday as bail was once more refused to the Delmas treason trial trio who have spent more than 30 months behind bars while the case proceeds.

The bail application was made on behalf of the UDF publicity secretary, Mr Patrick "Terror" Lekota, its general secretary, Mr Popo Molefe, and a former Transvaal executive member, Mr Moss Chikane, who are the only three trialists who have been refused bail.

They have been in jail for two years and seven months.

Mr Justice K. van Dijkhorst said in judgment that he had not been convinced by the accused that there had

been a change in "the situation" since their last application for bail in July this year.

The judge failed to set out reasons for refusing bail, saying it could influence both parties in the further conduct of the case and could possibly create the wrong impression.

The courtroom was packed with friends and relatives of the three accused, hoping to welcome them home for Christmas when the court adjourned yesterday for six weeks.

Many left the courtroom weeping.

The accused, all high ranking members of the UDF, Azapo and local civic organisations, have pleaded not guilty to the main charge of treason and alternative charges ranging from terrorism and subversion to murder. — Sapa

Court refuses Benoni man bail *STW* **Boyd would have** *(331) 28/12/87* **been State witness in trial, says policeman**

By Anna Louw,
East Rand Bureau

The investigating officer in the Bobby Boyd murder, which took place 26 years ago, told a Benoni magistrate last week that Mr Boyd was to have been a key State witness in a trial against Mr Derick Richard Preston.

Mr Preston (54) of Mahogany Street, Northmead Extension 4, Benoni, appeared before Mr A L Becker on Thursday in a lengthy bail application. Bail was refused.

Lieutenant Nick Vlok of the East Rand Murder and Robbery Unit is the investigating officer in the murder of Mr Robert James Boyd, who was shot dead in his sports car near the Morehill golf course in Benoni on August 16, 1961.

He gave evidence for the State which opposed a bail application by Mr Preston's legal representative, Mr A E Sawyer.

He told the court that he was investigating the following allegations against Mr Preston: murder, theft of firearms, possession of firearms without licences, illegal possession of ammunition as well as the illegal possession of a machine-gun, fraud, alternatively being in possession of stolen goods and illegal possession of grenades and explosives.

This was Mr Preston's second appearance in connection with the death of Mr Boyd.

Police initially thought Mr Boyd's death was suicide, but later discovered that he had been shot three times in the head. His firearm was found next to him.

Lieutenant Vlok said he had known Mr Preston for the past 17 years. He said Mr Preston made a statement to him at a party in 1974, when he (Lieutenant Vlok) was a constable.

He said the statement was too sensitive to disclose at this stage of the investigation.

He said he and other detectives arrested Mr Preston at his home about 10 days ago. They took possession of an arms cache which was hidden under a false bottom concealed by a wooden floor in an outbuilding on the premises. A table and car parts stood on the floor, said Lieutenant Vlok.

He said Mr Preston had several previous convictions and alleged that Mr Preston had interfered with State witnesses.

Letter had been misplaced

Lieutenant Vlok said State witnesses in the Boyd case were terrified of Mr Preston. He said one man moved to Durban because he feared for his life.

He alleged that Mr Preston had interfered with State witnesses in another trial in Benoni and was convicted of illegal possession of arms and ammunition. Lieutenant Vlok said that when Mr Preston was arrested at the time, he told the investigating officer that he had a letter of authorisation from a man giving him permission to keep his firearms.

Mr Preston, at the time of his arrest, told the police he had misplaced the letter, Lieutenant Vlok said.

He told the court that during the proceedings Mr Preston produced letters from six State witnesses giving him permission to keep their guns.

He alleged that Mr Preston could not be trusted not to interfere with the witnesses in the Boyd case.

Lieutenant Vlok said that he had spent the past 12 months investigating the Boyd murder. According to him Mr Boyd was to have been a key witness against Mr Preston. He alleged that Mr Boyd had been killed with his own firearm.

He also alleged that Mr Preston was known to have removed court exhibits.

Lieutenant Vlok said Mr Preston told him that police took possession of a Volkswagen with a Porche engine during the investigation of a car theft in 1963.

He said Mr Preston told him he took the car back from the police because young constables were driving around in it at night.

No passport

Sergeant Leon Nel testified he was the investigating officer in an arms case against Mr Preston.

He said Mr Preston had managed to get letters from six of the 15 State witnesses giving him permission to keep their firearms.

He said Mr Preston had produced the letters after he had been granted bail.

The prosecutor, Mr Charl Coetzee, said Mr Preston faced six years' imprisonment, suspended from two previous trials, which would come into effect if he should be convicted in this trial.

He pointed out that the law stipulated a maximum of 10 years' imprisonment for the conviction of possession of a machine-gun.

Mr Coetzee pointed out that such an allegation was being investigated against Mr Preston.

He said the court had heard evidence that Mr Preston had interfered with State witnesses at a previous trial and could not take the risk in this case.

The magistrate accepted that Mr Preston had lived at the same address for the past 20 years and that he was not in possession of a passport. He said Mr Preston had not given evidence to support the application for bail by the defence.

The hearing was remanded to January 6.

CAPE TIMES 29/12/87

Journalist sues police, Vlok for R107 000

Staff Reporter

LAWYERS acting for the deputy news editor of the Cape Times, Mr Tony Weaver, yesterday served summons on the State Attorney, claiming over R107 000 in damages for "wrongful and malicious" prosecution.

Mr Weaver is suing the Minister of Law and Order, Mr Adriaan Vlok, after being acquitted in September by a Regional magistrate on a charge of making untrue statements to the BBC.

Mr Weaver claims the prosecution was malicious because police knew that what he told the BBC was the truth or that they knew he had reasonable grounds for believing his statements to be true.

He also claims police recklessly failed properly to inform themselves when it "lay within their power to establish precisely how the killings happened".

Expert medical evidence at his trial was that eyewitness accounts of the shootings were more likely to be true than the police versions. Mr Weaver testified that his statements were emphasized as allegations and the "feelings" of newly-bereaved relatives.

Mr Weaver is claiming R30 000 for impairment of dignity and R77 064 for legal fees.

Police have a month to file notice of intention to defend Mr Weaver's claim.

still be in prison at the turn of the century following his conviction of terrorism and attempted murder earlier this month. But there are some who believe — including the Supreme Court judge who sentenced him — that the ANC political commissar will still play an important role in a future South Africa. ANTHONY JOHNSON reports.

Mxolisi Petane 'destined for future greatness in SA'

33/106 TABS 29/12/87

MXOLISI EDWARD PETANE is slated to spend the next 17 years of his life on Robben Island — but those that have got to know the ANC member remain convinced he is destined for greatness in a future South Africa.

After the Umkhonto We Sizwe (MK) soldier was convicted of terrorism and attempted murder in the Supreme Court earlier this month, his counsel submitted, after evidence in mitigation was led, that the 29-year-old Capetonian was capable of contributing to a future South Africa in a manner similar to other soldier-statesmen like Jan Smuts, Louis Botha and B.J. Vorster.

The judge, Mr Justice H. Conradie, concurred: "It is my own feeling that he is likely to do so."

68-year-old Mrs Evelyn Petane is doubtful whether she will live to see the release of her son, the youngest of six children, but nevertheless believes he "could become a great leader one day, if God spares him".

Mrs Petane remembers her son, who "disappeared from home without telling anyone" early in 1977, as a "gifted person" who was "so clever".

Because of the Guguletu schoolboy's flair for sketching and sculpture, she believed the young Mxolisi would forge a career for himself as an artist — rather than an ANC fighter and political commissar.

The 78-year-old Mr Charlton Petane, on the other hand, thought his son was headed for law school at UCT before he left the country, along with fellow matric pupils, in the wake of the 1976-77 nationwide riots.

Clearly still distraught by the turn of events, "too much went wrong when he left", Mr Petane insists that "I still love my son" and "Yes, yes... he will be a big leader when he comes out (of prison)".

Ms Sindiswa Mfobo, 30, a cousin of Mxolisi who went to school with him, at one time believed that the multi-talented youngster would end up as an engineer.

Early signs of leadership

However, now both she and her 38-year-old sister Margaret Mfofo (who shared a home with the young Mxolisi) believe that the MK deputy commander will make his mark in politics when he eventually emerges from prison after the turn of the century.

Mxolisi Petane was born in 1958 in Steenberg but his family was moved to Guguletu in terms of the Group Areas Act four years later.

He was especially bright, and his family and friends remember him during his school years as being an "ordinary", friendly child, an extrovert who loved cracking a joke.

However, he did show early signs of his leadership ability by becoming the squad leader of the Boy Scouts at the Ikhwezi Community Centre in Guguletu. He was chosen to represent his troop on a trip overseas in the early 1970s, but missed his flight.

His other passion at school — apart from schoolwork and art — was soccer.

According to his family, the convicted ANC soldier was an easy-going youth, not prone to aggression.

Mrs Petane recalls: "He was a peaceful child — not once did he fight in front of me with the others." Mr Petane: "I still remember him playing... No, he was not a fighter." A school friend: "He was not an angry person — he was always full of jokes."

Education crisis pivotal

Friends and family also insist that the young Mxolisi showed a limited or no interest in politics until 1976, when he could not sit for examinations because of countrywide protests. They were adamant that Mxolisi "never talked politics at home".

Why then does a budding intellectual, with a promising university career, leave the country to become an ANC fighter?

Mrs Petane: "I think it was Bantu Education. The education system was very bad and that made him angry."

Ms Sindiswa Mfobo also believes that the crisis in Bantu Education played a pivotal role in his decision to leave: "It was very hard for him to go further."

Petane's counsel, Mr Mike Donen, argued during evidence in mitigation that from his youth "He (Petane) was never out of an environment that said: 'We don't submit — we fight.'"

"Those circumstances and the situation in which he found himself were mitigating factors."

The reasons advanced by Petane himself for joining MK also related to

his circumstances in the conflict-ridden townships but were more complex. He told the court while giving evidence in terms of mitigation of sentence this month that he first experienced the "cruelty and tyranny of this regime" during the 1976-77 riots.

"The government exploited the concept of law and order to enforce and maintain the inferior Bantu Education. Our demands for a non-racial, free and compulsory education were depicted as lawlessness and disorder that deserved to be crushed and suppressed by hippos, teargas and live ammunition."

Saw only two choices

He said that during these "unequal skirmishes" with the police and anti-riot squads he came to realize that the conflict was not simply between black and white but between "oppressor and oppressed".

"Despite the great advantage of the regime's monopoly of military science, superior weapons and the nerve to use them against defenceless schoolchildren, the Nationalist government had proved to be the enemy of the people and incapable of governing the country in the interests of all the people."

It was during this time that Petane, a matric student at Nompulelo Secondary School in Guguletu, began reading ANC literature. He was particularly impressed by the programme contained in the Freedom Charter, which he described in court as a document which provided "a sober and objective" solution to the country's constitutional problems.

He singled out the preamble to the Charter which declares that "South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of the people".

Petane decided to join the ANC after his experiences during the riots and because of his belief that the government and its supporters were impervious to peaceful persuasion.

"I entertained no illusions about the Government committing suicide by abandoning its policies, because it's elected and put into power precisely because of its racially-biased policies."

"The government must therefore be

forced by all means within our power to abandon apartheid."

"When I joined Umkhonto We Sizwe it was not because of my desire for violence but because the time had come in my life where I was left with only two choices — to submit or to fight apartheid."

Petane eventually left South Africa with a group of fellow students to join the ANC in Botswana early in 1977. He received general training in guerilla warfare in Angola and this was followed by specialist training in "military engineering", including the use of explosives, in Ukraine in the Soviet Union.

Between 1978 and 1983 he worked at various camps in Angola and Mozambique on "logistics" and anti-aircraft duties. During this period he read widely on world politics and economics and was an avid listener to international radio stations.

In mid-1983 he left for Lusaka, where he first underwent training in trade unionism under top economists and then worked for the South African Congress of Trade Unions.

Hope for a free country

Petane re-entered South Africa in June last year as a political commissar to "defend our people against state terror and apartheid crimes".

He was arrested in KTC in November but when brought to trial refused to plead to charges of terrorism under the Internal Security Act.

In an unprecedented bid for prisoner-of-war status in terms of the Geneva Protocol of 1977, Petane contended that as a soldier fighting an enemy, and having committed no war crimes, he was entitled to protection in terms of rules regulating international armed conflict. (Judge Conradie ruled that South Africa was not bound by the Protocol since it had not become part of international customary law).

Petane told the court that he remained committed to soldiering and, despite being in custody, was determined to continue the struggle in any way he could.

Petane's friends last week expressed the hope that there would be no need for soldiering when he was eventually released from prison.

As one put it: "We hope he will come out not just as a free man but into a free country."

Passtoors in escape bid

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The Argus Correspondent

JOHANNESBURG. — The Department of Prisons says African National Congress activist Helene Passtoors has been caught trying to escape from the Kroonstad women's prison where she is serving a 10-year sentence for treason.

Passtoors is the former wife of Klaas de Jonge, who spent almost 26 months holed up in the Dutch Embassy buildings in Pretoria before being released from South Africa in a complex prisoner swap.

She was found in a stormwater drain in the courtyard of the prison by prison officials yesterday morning.

Passtoors, 45, who holds Dutch and Belgian passports, was found guilty of treason in May last year.

PRETORIA BOMB BLAST

She was alleged to have been involved in the 1983 Pretoria bomb blast which killed 19 people and injured more than 200.

However, it is now feared that Passtoors's escape attempt will jeopardise behind-the-scene moves to have her released and deported before her sentence is up.

The Belgian government and the Belgian Human Rights League said this year the decision to jail Passtoors on treason charges might ease her repatriation.