TOTALITARIANISM — POLITICAL TRIALS

[redacted] 1988

JANUARY — FEBRUARY

Federal Party spo...

Cape Times 15/6/88

Jail term starts for 2 city men

Staff Reporter

A MINISTER in the Dutch Reformed Mission Church, Cyril Afrika, 28, and another city man, Robert Claasens, 29, reported to Pollmsoor Prison yesterday to begin 18-month sentences for public violence.

Both men were arrested on October 15, 1985, after the "Trojan Horse" shootings in Athlone, and were sentenced in July 1986 to 36 months' imprisonment each, of which half was suspended for four years.

Their appeals to the Supreme Court, Cape Town, and petitions to the Chief Justice against conviction and sentence last year were dismissed.

A legal respresentative of the two said the judgement was based on circumstantial evidence and there was no direct evidence that the men had thrown stones.

The Cyril Afrika and Robert Claasens Ad-hoc Support Group said that their imprisonment was "a symbol of the callousness of the state and its machinery".

US legal heavyweights form group to monitor Mayekiso treason trial

SML 13/1/88.

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By Neil Lurssen,
The Star Bureau

WASHINGTON — Ten prominent American lawyers, including a former justice of the US Supreme Court and a former US attorney-general, have formed a committee to monitor the treason trial of Mr Moses Mayekiso, general secretary of the National Union of Metalworkers of SA.

The panel has been organised by Mr Owen Bieber, president of the United Automobile Workers of the US, who said the UAW planned to focus international attention on the Mayekiso trial which resumes next month.

WISE MEN

The group includes Mr Arthur Goldberg, formerly an associate justice of the US Supreme Court and before that a Cabinet member of the Kennedy administration; Mr Griffin Bell, US attorney-general in the Carter administration; Mr William Coleman, who was a member of President Gerald Ford's Cabinet; and Dr Benno Schmidt, jnr, president of Yale University.

Mr Bell and Mr Coleman served with Mr Bieber on the "Panel of Wise Men", the advisory committee appointed by President Reagan in 1986 to advise on US policy toward South Africa. Their report criticised Reagan policy as ineffective and recommended sanctions.

Some of the committee members will seek visas to enter South Africa during the trial, but they have not yet been named.

But one of the panel, Mr Marvin Frankel, a former judge of the Federal District Court, has already been to South Africa where he met members of Mr Mayekiso's defence team.

Mr Frankel was detained this week by police in Kenya where he was observing an inquest into the death of a political detainee. Arrested with him was Mr Robert Kirschner, an American pathologist. Both were interrogated before being released.

A Kenya government spokesman said afterwards that the two observers were arrested for taking notes during the court proceeding — an offence in that country.

The inquest was into the death of Mr Peter Karanja, a businessman who died after 22 days in police custody.

Mr Frankel said that the world community was paying attention to the Mayekiso case and would continue to do so.

UNION MOVEMENT

Mr Bieber, a frequent protester against South Africa's race policies, said here that the Mayekiso case was important because the SA Government was trying to weaken the anti-apartheid movement and the black trade union movement — which had emerged as the leading opposition of the regime.

In an interview this week, Mr Goldberg said: "On the whole, SA judges try to do justice under law."

He noted that South Africa followed the British tradition that parliament was supreme.

Soldiers plead not guilty to defence charges

Defence Correspondent

THREE national servicemen of Western Province Command yesterday pleaded not guilty to charges under the Protection of Information and Defence Acts when they appeared before a military court at the Castle.

The accused are Corporal Desmond William Thompson, 20, of Lusern Street, Fochville, Transvaal; Private Peter Reinhard Pluddemann, 25, of Commander Avenue, Stellenbosch, and Scout Heinrich Johannes Mönnig, 23, of Salveria Street, Van der Stel.

Arrested

Private Pluddemann and Scout Mönnig were in the last month of their national service when the three men were arrested in December. Corporal Thompson, a top Western Province Command debater, is not due to be mustered out till July this year.

The accused have been charged in terms of the Protection of Information Act, and alternatively in terms of the Defence Act. Details of the indictments are not known because yesterday's session, with Colonel Manie Dempers presiding, was held in camera.

All three accused, who are being defended by civilian lawyers, were released on their own recognizances earlier this month.

Third day of court martial

Staff Reporter

THE court martial of three soldiers enters its third day at the Castle in Cape Town today.

Corporal Desmond William Thompson, 20, of Fochville, Rifleman Peter Reinhart Plüddemann, 25, of Stellenbosch and Scout Heinrich Johannes Mönnig, 23, of Somerset West have pleaded not guilty to charges under the Protection of Information Act, alternatively the Defence Act.

The hearing is in camera.

Colonel Mannie Dempers is the presiding officer. Rifleman Plüddemann is represented by Mr J van der Bergh, Scout Mönnig by Mr R Corin and Corporal Thompson by Lieutenant W Knoetze. Captain J L Esterhuizen and Lieutenant J Kotze are prosecuting.

Professor takes 'full responsibility'

Own Correspondent

A University of Cape Town (UCT) professor yesterday told the Pretoria Regional Court he took full responsibility for the contents of a book on detentions in South Africa.

Professor Don Foster, newly appointed head of the psychology department at UCT, is the author of the book "Detention and Torture" and is a member of the Psychological Association of South Africa.

FULL RESPONSIBILITY

He told the court he stood by what was written in the book. He was giving evidence at the resumption of the PAC-Qibla terrorism trial.

Professor Foster said although the book was co-written with a number of his colleagues and a law professor, he took full responsibility for it.

The book deals with the psychological effects of detention and torture on detainees and carries interviews with a number of former detainees.

Professor Foster agreed that there had been criticism of the book from the University of South Africa, as well as a number of psychologists and the then Minister of Law and Order Mr Louis le Grange, when it was published in 1985.

He told the court he did not regard himself as a leading authority on detention and torture in South Africa.

The accused, Mr Mabutu Enoch Zulu (52), Mr Siyabulela Ndoda Gcanga (26), Mr Vincent Mathunjwa (29), Mr Sestiba Paul Moholo (29), Mr Achmad Cassiem (41), Mr Yusuf Patel (27) and the Reverend Daniel Nkopodi have all pleaded not guilty.

They are facing charges under the Internal Security Act and 23 other counts. The State alleges that the PAC and Qibla conspired to "terrorise" the people of South Africa.

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Defence attempt to halt in-camera hearing fails ...

'Secret' trial links SADF men to ECC

By GAYE DAVIS, Cape Town

THE first details of the *in camera* military trial of three national servicemen in Cape Town have emerged — confirming that the charges relate to attempts to disseminate secret documents and that some of the accused are linked to the End Conscription Campaign (ECC).

Although the SA Defence Force has drawn a veil of silence over the proceedings, *Weekly Mail* is able to report some details that emerged before the closed-door ruling was invoked.

The court president, Colonel Manie Dempers, ruled the trial be *in camera* from the point where pleas were recorded to its conclusion.

The three — all close friends who worked at Western Province Command headquarters in Cape Town's Castle — have been charged with obtaining secret documents and attempting to disseminate their contents, to the detriment of the SADF.

Before the three pleaded not guilty, an attorney representing one of the men argued the military court should recuse itself as it could not act impartially.

Attorney John van den Berg, appearing for Private Peter Pluddeman, argued Pluddeman had acted in the interests of the ECC, a legal organisation which the SADF had nevertheless identified as an enemy.

Van den Berg argued that, as military personnel, those consituting the court owed their loyalty to one master — the SADF. He contended the court would have to make a finding that the SADF acted illegally and morally reprehensibly as a matter of policy against the ECC and that it would not be possible for the court to find that it was indeed the policy of the SADF to defame the ECC.

Attorneys Reid Corin and Lieutenant Willie Knoetze, acting for the other accused, supported the application. However, Dempers ruled the Defence Act gave a military court trial jurisdiction and therefore was properly constituted.

All three men have reserved their rights fully to take the matter to the supreme court on review.

They have been charged under Article 4(1)(b) of the Protection of Information Act, read with section 18(1) of the Riotous Assemblies Act.

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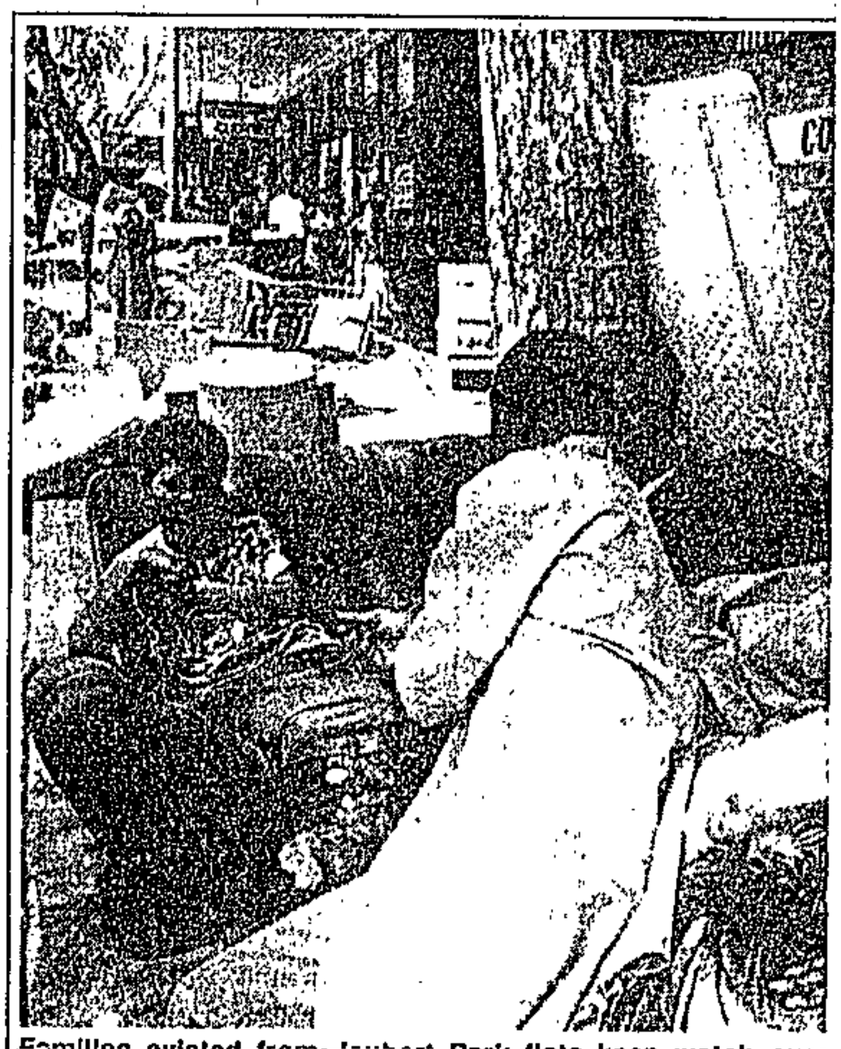
● The contents of this newspaper have been restricted in terms of the Emergency Regulations



Families evicted from Inkwet Park flats keep watch over

Charged soldiers linked to ECC

It is alleged that between December 11 and 14, at the Castle, they obtained official documents classified as confidential or secret and attempted to disseminate the documents or information to someone with no right to access to it, or to make it public to the detriment of the SADF.

Pluddeman, a 25-year-old Stellenbosch University English honours graduate, was arrested with Corporal Desmond Thompson, 20, of Fochville and Scout Hein Monnig, 23, of Cape Town on December 14 last year. They were released on January 5.

A fourth man, a Stellenbosch University philosophy honours student, was arrested with them but released soon afterwards.

●From PAGE 1

At the time of the arrests, *Weekly Mail* reported that sources said it was believed they had information relating to a "dirty tricks" drive aimed at the ECC. Within the Castle is a section responsible for producing propaganda usually identified as emanating from the SADF.

When unsourced anti-ECC posters appeared in Cape Town last year, speculation was rife that they originated from the same department.

Delmas ninteen's trial to resume

17/11/88 By SOL MORATHI 331

NINETEEN men, including high-ranking leaders of the UDF, Azapo and the Vaal Civic Association, face trial on Monday for high treason, terrorism, subversion and murder.

The case was postponed in November last year and resumes in the Pretoria Supreme Court, after having run for more than two years.

Three of the 19 Delmas trialists were refused bail for the fourth time before the case was adjourned.

Their applications were turned down on the grounds that they were a threat to State security.

The trio are Moses Chikane, Patrick "Terror" Lekota and Popo Simon Molefe. Chikane is the former secretary of the Transvaal region of the UDF, Molefe is the general secretary, and Lekota the national publicity secretary of the UDF.

In opposing bail before adjournment last year, the State submitted statistics regarding sabotage attacks, strikes, public violence, arson and other unrest-related acts.

Molefe's alleged contact with an ANC official, Solly Smith, and a letter Lekota wrote to Govan Mbeki after the jailed ANC leader was released were also submitted by the State in opposing the application.

A security police captain, Frederick Smith, submitted in an affidavit that he had received information that Molefe had contact with Smith in London during April 1984.

Marathon Delmas trial resumes

By Jo-Anne Collinge

When the longest trial in South African history — the Delmas treason trial — resumed in Pretoria yesterday, United Democratic Front national secretary Mr Popo Molefe awoke to his 980th day in jail and to the familiar routine of a day in Court C of the Palace of Justice.

Mr Molefe and two of his fellow accused — UDF publicity secretary Mr Terror Lekota and former regional secretary Mr Moss Chikane — are believed to hold the unenviable title of the longest-serving unsentenced prisoners in the country.

Jailed since April 23 1985, they are the only three of the 19 accused to have been refused bail.

The Delmas trial — so-named because the entire State case was presented while the court sat in the Eastern Transvaal town of that name — has two distinct facets:

- The allegation that the UDF, either with the ANC or on its own, conspired to overthrow the State by violence.
- The more particular allegations relating to the killing of councillors and generalised violence in the Vaal Triangle during the rent protests of September 1984.

The defence has argued that the indictment was ill-conceived and that the trial could have been more quickly and effectively dealt with if it had been divided.

The case is widely regarded as the political trial of its time. The future of the UDF is likely to depend on the judgment.

IMMEDIATE BANNING

If a conviction is obtained on the charge of treason or if the allegation of a conspiracy between the front and the ANC is upheld by the court, the most likely consequence would be the immediate banning of the UDF.

In the last major trial which involved a political organisation and which ran its full course — that of the South African Students' Organisation (Saso) — the banning of the organisation in 1977 followed the conviction at the end of 1976.

An acquittal in the Delmas trial would not necessarily save the UDF from banning but it would indicate that the judiciary did not endorse the action taken by the executive arm of the Government.

Mr Justice K van Dijkhorst, who presides, allows no hint of speculation as to the result of this legal marathon. In December he refused to give full reasons for his third refusal of bail to the UDF trio, saying that, if he did so, people might gain the impression he had already formed an opinion on some of the major questions before the court.

ASSESSOR DISMISSED

In spite of the tight reign kept by the judge, the trial has been one of rare drama which peaked early last year with the dismissal of one of the two assessors, Professor Willem Joubert.

Asked to recuse himself by Mr Justice van Dijkhorst on the grounds that he signed the UDF "One Million Signature" petition, Professor Joubert refused and was dismissed.

In an application challenging the dismissal and asking for the trial to be quashed because the action was irregular, the defendants said: "We have seen the disappearance of the only member of the court who we believed was not hostile to us. We have been told that a person who signed the 'Million Signature' declaration is not fit to be a member of the court that tries us. If this is so we cannot accept that a member of the Broederbond and a judge who is seemingly hostile to us are fit to do so."

Tensions ran high in the country courthouse as the competence of a judge to rule on his own decisions was questioned.

One of the affidavits submitted by Professor Joubert was declared inadmissible as evidence and its contents remained secret. Mr Justice van Dijkhorst maintained his original position — and the case continued without Professor Joubert.

The political significance of the Delmas trial, as well as the stature of Mr Molefe and Mr Lekota, has drawn a constant stream of eminent people to the Delmas and Pretoria courtrooms.

The Archbishop of Canterbury's special envoy, Mr Terry Waite; the British Foreign Secretary, Sir Geoffrey Howe; and the British Labour Party deputy leader, Mr Dennis Healey, were just a few who made their way to Delmas.

In their trial, as in political life, Mr Lekota and Mr Molefe have been leading figures. Between them they occupied the witness stand for almost two months, explaining how they envisaged that the UDF, by mobilising the masses, could bring sufficient pressure to influence the Government to bring about a process of peaceful change.

DEFENCE WITNESSES

By the time the trial resumed yesterday the last of the accused had given his testimony and the first of scores of defence witnesses was in the stand under cross-examination.

Defence lawyers predict that the scene in Court C will look much the same throughout this year as the defence of the multi-faceted case against the 19 trialists takes its course.

Soweto man on terrorism charges

By Paul Olivier

A 46-year-old Soweto man who allegedly acted to further the aims of the African National Congress, appeared in the Johannesburg Magistrate's Court yesterday on charges of terrorism and of contravening the Internal Security Act.

Mr Abraham Pule of Naledi, Soweto, is alternatively charged with the unlawful possession of explosives, a firearm, ammunition and a grenade.

He pleaded not guilty to all the charges.

The State alleges that Mr Pule smuggled various types of arms and ammunition to South Africa from Botswana between April 21 and May 2 last year.

ARMS CACHE

It is further alleged that he established an arms cache at Naledi, where he buried eight limpet mines.

Mr Pule allegedly undertook a mission to South Africa where he was to contact a person and enable him to obtain arms and ammunition.

Captain Christoffel Smit, of Zeerust, said Mr Pule was apprehended at a roadblock between Zeerust and Mafikeng on May 2. He was accompanied by "a Bophuthatswana police officer".

Captain Smit testified that "suspicious looking parcels" were seen behind the car's back seat and the men were ordered out of the vehicle.

He said 10n hand grenades with detonators, two mini limpet mines, two parcels of 400 g and eight parcels of 200 g of T N T explosives, as well as a Makarov pistol with 29 9 mm rounds, were found in the back of the vehicle.

Shots were fired from AK47, court told

By Dirk Nel, Northern Transvaal Bureau

MESSINA — Twelve to 14 shots were fired into the cab of a police vehicle from a Russian-made AK47 rifle on December 26 1986, a forensic expert told Mr Justice J P O de Villiers when the terrorism trial resumed in Messina yesterday.

Captain W Lottering of Pretoria was explaining his findings in connection with a shooting incident which resulted in the death of two policemen, Sergeant Joachim Nel and Warrant Officer Theunis Gerber.

Mr Mthetheleli Mncube (27) and Mr Mzondeleli Nondula (24) have pleaded not guilty to 10 charges of murder, 14 of attempted murder, and charges of terrorism and treason.

Captain Lottering said the shots were fired through the back window of the police bakkie.

LAND-MINE BLASTS

He said he was of the opinion that the last two shots were fired after the vehicle had come to a stop. Tests carried out by himself had clarified these points, he claimed.

The State alleges that Mr Mncube fired the shots, as he was in the custody of the two policemen at the time. According to earlier evidence, he disappeared after the incident and was later rearrested.

The trial arose from a series of landmine blasts in the Weipe area near Messina in 1985, which killed eight people and injured 14 others, the deaths of the two policemen and the alleged activities of the two accused which endangered the security of the State.

The hearing continues.

Why boycott was called

21/11/88

Smuts Ntsu

A PRETORIA Supreme Court judge yesterday heard that the Vaal Triangle rent boycott was meant to remain in force until such time that the local councillors were prepared to discuss rent related issues with residents in the area.

This was said by Mrs Lilian Mamoleko Nyembe (30) before Mr Justice Dijkhorst and an assessor. She was being cross-examined by State advocate Mr P B Jacobs, SC, in the Vaal Triangle treason trial.

High-ranking officials of the United Democratic Front, the Azanian People's Organisation and Vaal Triangle civic bodies are facing a charge of treason, and alternative charges of terrorism, subversion and murder. They have pleaded not guilty.

The court heard that Mrs Nyembe had not paid her rent since 1984. She said the decision to boycott rent was taken by residents following their futile attempt to discuss the R5,90 rent increase with councillors on September 3, that year.

"After the thousands of people who had marched to the administration offices to meet councillors were dispersed, we decided that it be left to councillors to initiate a plan to resolve the rent issue. The people felt that councillors would have to take it upon themselves to explain the increases," Mrs Nyembe said.

(Proceeding)

Community leader acquitted

Own Correspondent

DURBAN. — A regional magistrate here yesterday acquitted community leader Mr Morris Fynn, 57, of perjury but said he had found Mr Fynn's evidence highly suspicious.

Mr Fynn had pleaded not guilty to the charge resulting from his late appearance in court on July 9 last year in connection with an allegation of malicious damage to property.

At that time he told the court his car had broken down on the way to court.

On that day he had been photographed carrying a placard protesting against apartheid on the beaches. A perjury charge was later laid against him.

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Messina trial

JOY AT COURT

By MATHATHA TSEDU

THERE were happy scenes at the Messina Circuit Court yesterday when the families of two men accused of treason met for the first time since the adjournment of the trial in November last year.

Both the accused wore T-shirts — one with a map of the Kyalami race track and the other espousing the beauty of South Africa.

Mr Mthethleli Mncube of Soweto (27) and Mr Msondeleli Nondula of East London (24), face 41 charges which include 10 counts of murder, 24 of attempted murder, terrorism and treason. They have pleaded not guilty to all the charges.

The charges arose from a series of landmine blasts that rocked the Northern Transvaal border areas between 1985 and 1986.

They are also alleged to be members of the outlawed African National Congress.

The trial reopened with testimony by a police forensic expert who testified on weapons. Captain Williams Lottering told Mr Acting Justice J P O de Villiers that tests revealed that the bullets that killed two white security policemen near Messina were fired from an AK47 rifle which was later allegedly handed over to the police by one of the accused.

Mr Mncube is also alleged to have shot and killed the two white policemen from the back of a police van after he was captured in 1986.

Captain Lottering testified that tests proved that the two policemen were killed from behind. He said he had concluded that between 12 and 14 bullets were fired at the time. State prosecutor Mr Frans Roets tried to lead evidence on similarities and differences between various types of AK47 rifle but was cut short by the judge.

"The evidence is very interesting but is it relevant? If it is not relevant to the case then I don't want to hear anything about it. Very interesting evidence indeed but I do not have the time," the judge said.

(Proceeding)

TO PLACE A CLASSIFIED AD — TELEPHONE EAST LONDON 434343

Appeal to AG to expedite hearing

DD · 21/4/88

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PORT ELIZABETH — The Attorney-General for the Eastern Cape was yesterday requested by the Supreme Court here to expedite the hearing of the trial of 13 Uitenhage people, including an unmarried mother of three children, who had been awaiting trial prisoners for more than two years.

Mr Justice Jones made the request during an urgent application for bail for the 13 accused.

He found, however, that the matter was not urgent enough to warrant the Supreme Court to hear it during the recess.

The judge said the applicants should have launched the application after October 15, during the Supreme Court term which ended on December 15, and when it was clear that their case would not be heard during that term.

The application was brought by Mr D. Chetty, on behalf of Mr Mthetheleli Lucas, 23, Mr Thozamile Cliff Mooi, 25, Mr Thembile Joe Matana, 27, Miss Violet Hombakazi Matebese, 39, Mr Phillip Thembile Kinikini, 21, Mr Sipho Nxele, 19, Mr Zimasile Fulani, 20, Mr Morris Michael, 18, Mr Patrick Blaauw, 19, and four youths aged 17.

They are charged with the murder of Mr Whytie Dondashe in Kwanobuhle on October 24, 1985.

In affidavits supporting their application, the applicants said they had spent an inordinate length of time in prison awaiting trial.

They said they did not intend evading standing trial and claimed they knew nothing about the alleged murder and did not know who the state witnesses were.

They all said they pleaded not guilty to the murder charge at a hearing in the Uitenhage Magistrate's Court on April 28, 1986.

In his opposing affidavit, Detective Warrant-Officer J. W. Pentz said if the accused were to be released on bail, they would disappear without trace, interfere with state witnesses, or be killed by other factions in the townships in view of the current United Democratic Front (UDF) and Azanian People's Organisation (Azapo) clashes in Uitenhage.

Mr P. J. Strauss, the Deputy Attorney-General for the Eastern Cape, said because of the huge backlog of cases, there was a number of matters as old as the case of the 13 applicants that had not as yet been set down for trial.

Mr Strauss said that was no fault of his office but merely the lack of sufficient courts. The matter would have been heard at a special sitting on August 3, 1987, but the date was turned down by the defence as not being suitable for the particular defence counsel which they wished to appoint.

In her affidavit, Miss V. J. Brereton, the defence attorney, said it would be misleading to say that the defence had turned down the August 3 trial date because a particular defence counsel was not available. She said she had contacted numerous counsel to represent the accused on that day and not one was available.

She said she had suggested to Mr Strauss that the case of the state versus Ngqandu and others be heard on that day because the applicants were a large number and needed time to prepare their case.

Miss Brereton said even on that day, there was no judge available until August 17.

Mr Justice Jones said for the applicants to say the matter was urgent merely on the basis that their liberty had been violated was not enough to induce him to hear the application during the recess when there were not enough judges to hear the application.

He postponed the matter to a date to be set by agreement between the state and the defence. He requested the Attorney-General to bring the murder case against the accused for trial as soon as possible.

Mr G. J. Burcy assisted by Mr T. Price represented the office of the Attorney General. — DDC

I was forced to make a statement, says witness

(331)
22/11/88 Grutman

A SOWETO man yesterday told a Johannesburg magistrate that police forced him to make a statement in which he confessed to bringing arms into South Africa from Botswana.

Mr Abraham Pule (46) of Naledi, Soweto, said the police assaulted him and said he should tell the magistrate that he took the weapons from

By MANDLA NDLAZI

his brother in Botswana.

He is appearing before Mr T J le Grange in the Johannesburg Regional Court on charges of terrorism and contravening the Internal Security Act. He is alternatively charged with the unlawful possession of explosives, a firearm, ammunition and a grenade.

Botswana

The State alleges he smuggled them into South Africa from Botswana between April 21 and May 2 last year.

It is further alleged that he buried eight limpet mines in Naledi, Soweto.

Mr Pule has pleaded not guilty to all the charges. He is represented by Mr Morris Basslian.

Mr Pule was in the witness box to dispute evidence that he voluntarily made a statement to a magistrate confessing his involvement in the smuggling of arms into the country. He also denied that he is a member of the African National Congress.

He said police assaulted him during interrogation.

Mr Pule said police took him to a spot near the Lutheran Church in Naledi on May 3 last year. He was handcuffed and told to stand near a stone. Police dug a hole in the ground and took photographs. They later took a plastic bag from the hole, he said..

Mr Pule said he had never been to that spot before. He followed the policemen's instructions when told to point at the spot while pictures were being taken. He did not refuse because he feared that he would be assaulted.

COURT TOLD OF PETITION

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A DEFENCE witness in the Vaal Triangle treason trial yesterday told a Pretoria Supreme Court judge that the Lekoa Town Council had indicated willingness to postpone the R5,90 rent increase which sparked off the 1984 unrest on condition that residents drew up a petition.

Mrs Martha Oliphant, a member of the Vaal Organisation of Women, said this under cross examination by Mr P B Jacobs, for the State, in the case in which 19 high ranking members of the UDF, Azapo and Vaal Triangle civic bodies are appearing.

They have pleaded not guilty to treason and alternative charges of terrorism, subversion and murder.

Mrs Oliphant said a Sebokeng resident, Mr Chika Selebalo, told a residents meeting in 1984 that the councillors had promised to postpone the rent increase. She said according to Mr Selebalo, residents would have to draw up a petition and submit it to the council.

The witness said the promise was made at a council meeting which Mr Selebalo attended to find out about rent.

She said attempts to draft a petition were abandoned after Mr Selebalo failed to attend meetings. He was the only person who knew what they were supposed to have done, she said.

The witness rejected Mr Jacob's suggestion that failure to draw up a petition came as a result of residents wanting to use the rent issue against the council and councillors.

Passtoors told to testify against ex-lover

By PAT SIDLEY

HELENE PASSTOORS, the Belgian/Dutch citizen serving a 10-year sentence for treason, has been subpoenaed to give evidence against her friend and ex-lover Ebrahim Ismael Ebrahim — who is also on trial for treason.

According to Passtoors' lawyer Azhar Cachalia, Ebrahim was abducted from Swaziland and later surfaced in the hands of the South African Police.

He had featured in Passtoors' trial, during which she was alleged to have helped find an escape route from South Africa for him.

Cachalia told the *Weekly Mail* Passtoors received the subpoena some months ago, but he had not known about it.

He was able to see her last week — the first time since her move from Pretoria to Kroonstad prisons late last year. In the interim, she had only received visits from the Belgian consul.

Cachalia's visit followed news that she was to be charged with attempted escape after prison officials said she had been found in a manhole over a stormwater drain in a prison excerise yard.

The move from Pretoria, where Passtoors had been in the company of other white women political prisoners, was made with no official explanation, said Cachalia. Passtoors is said to be suffering from depression.

Soon after she was placed in Kroonstad, the attorney general and the state's legal team from the Ebrahim case arrived to attempt to persuade her to give evidence in the trial.

Passtoors faces a difficult choice. Refusal to give evidence could lead to several extra years in prison. However, if she decided to co-operate this might involve a compromise of principles. Further, if she was to be deported having given such evidence, it would probably serve against her interests outside the country.

The wrangle has already led to the halting of progress in dealings between the Belgian and South African governments reportedly aimed at having her released and deported — a practice for which there are precedents. The South Africans are said to be insisting that she gives evidence.

Earlier this year Foreign Minister Pik Botha and his Belgian counterpart Leo Tindermans met to discuss the possibility of her deportation.

The Belgian government's unhappiness about the "stalling" eventually led this month to Belgium requesting South Africa to remove three of its embassy officials from Brussels by January 31. This is regarded in diplomatic circles as an extremely severe move.

The Belgian government has already been angered, say diplomatic sources, by the fact that Passtoors' former husband, Dutch citizen Klaas de Jonge, and Frenchman Pierre Albertini were deported last year in an elaborate prisoner swop without Passtoors being included.

Accused retracts statement

22/11/88 **Court Reporter** (33) SM

A "trial within a trial" was held in the Johannesburg Regional Court yesterday to consider the admissibility of a statement made by a terrorism accused while in detention.

Mr Abraham Pule (46) of Naledi, Soweto, is appearing on charges of terrorism and of contravening the Internal Security Act.

He is alternatively charged with the unlawful posession of explosives, a firearm and a grenade.

He pleaded not guilty to the charges.

The State alleges that Mr Pule furthered the aims and objectives of the ANC by smuggling arms and ammunition to South Africa from Botswana between April 21 and May 2 last year.

Mr Pule claims he made the statement to a Johannesburg magistrate "because I was scared of further assaults" by security policemen.

Mr J la Grange was on the Bench. Mr G van Rensburg appeared for the State and Mr M Basslian for Mr Pule.

The hearing continues.

'Delmas' enters third year

300-page indictment with UDF full history

M A FARQUHARSON

The "Delmas" treason trial, in which the State is attempting to prove that the United Democratic Front (UDF) is the internal wing of the ANC, entered its third year this week.

On January 20, 1986, the political show trial began in Delmas for "security reasons". In July last year it moved to the Pretoria Supreme Court.

The central issue is the actions and roles played by the 22 accused — all members of the United Democratic Front, Azanian Peoples Organisation, or various community organisations — in riots during 1984 following a proposed R5,90 a month rent increase in the Lekoa Town Council area.

The State is trying to prove that the UDF is the internal wing of the banned ANC and the South African Communist Party and conspired with these organisations to foment bloody revolution.

Charter 'deadline'

To do this the State has an indictment, which runs to more than 300 pages, and contains a history of the UDF since its inception in August 1983.

The State maintains that the UDF gave the Government a 1985 deadline for implementing the Freedom Charter. If this was not done, blacks would resort increasingly to violence.

The accused have all pleaded not guilty to high treason and to the alternative charges, ranging from terrorism and subversion to murder.

Many of the state witnesses, some former members of the ANC, and others being Lekoa town councillors, told of events in the Vaal Triangle townships prior to September 3 1984.

Councillors themselves told the court how they were regarded by the community as being "sellouts".

The witnesses also told of the decision taken in some townships to organise marches to council offices to make their feelings over the rent issue known.

State witnesses said they had heard speakers at these meetings urge the community to kill the councillors.

The state closed its case in November 1986, and the defence applied for the discharge of all 22 accused.

This was turned down by Mr Justice van Dijkhorst who said that on the facts placed before the court, a reasonable man might find the UDF could have been involved in a conspiracy to overthrow the government.

The State's evidence showed that a certain pattern emerged in areas where there had been disturbances. Attacks were launched on councillors and damage done to their property, the property of local authorities, schools, post offices, police vehicles and public transport.

In cases where the disturbances conformed to this pattern, a UDF presence was shown.

The defence aims to prove the accused had campaigned against proposed rent increases but had in no way advocated the overthrow of the State.

The formation of and the campaign by the Vaal Civic Association (VCA) to oppose the increased rents in the Vaal Triangle in August and September 1984 were part of a local initiative and not spearheaded or even co-ordinated by the United Democratic Front, it was claimed.

Three defence witnesses gave evidence this week before Mr Justice van Dijkhorst, his assessor Mr W F Krugel, four advocates (three for the state and one for the defence), the 19 accused and the public.

The accused are: UDF publicity secretary Mr Patrick Lekota of Claremont, Durban; UDF general secretary Mr Popo Simon Molefe of Soweto; Anglican priest and Azapo member Rev Tebogo Moselane of Sharpeville, Vereeniging; former UDF secretary for the Transvaal Mr Moses Chikane of Mamelodi; Mr Patrick Mabuya Baleka of Soweto; Azapo member Mr Oupa Hlomoka of Sebokeng; Vaal Information Service member and Rhodes Black Students' Society member Mr Thabiso Andrew Ratsomo of Sebokeng; Vaal Civic Association member Mr Gcinumuzi Petrus Malindi of Sebokeng; secretary of the Evaton Ratepayers' Association Mr Petrus Mokoena of Evaton; executive of the Vaal Civic Association Mr Tsietsi David Mphuthi of Sebokeng; Mr Naphtali Mbuti Nkopane of Sebokeng; Mr Tebello Ephraim Ramakgula of Sebokeng; educator with the Urban Training Project Mr Bavumile Herbert Vilakazi of Sebokeng; Vaal Civic Association executive Mr Sekwati John Mokoena of Boipatong;Cosas leader and now Institute of Race Relations worker Mr Simon Tseko Nkodi of Sebokeng; Mr Pelamotse Jerry Tlhopane of Sebokeng; Mr Serame Jacob Hlanyane of Sebokeng; Soweto Civic Association member and worker for the South African Council of Churches Mr Thomas Madikwe Manthata of Soweto; and Vaal Civic Association executive member Mr Hlabeng Sam Matlole (61), of Sebokeng. The occupations given or positions held are those current at the time of their first appearance. Those acquitted were: Mr Simon Vilakazi, Mr Mohapi More, and Mr Mkhambi Malindi.

Accused Doris Thinane (left) leaves court this week.

Delmas trialists start year in style

City Press
24/1/88
331

By SELLO SERIPE

THE marathon Delmas treason trial involving the UDF, Azapo and Vaal Civic Association members resumed in style in the Pretoria Supreme Court this week with all 19 accused wearing matching outfits.

In sharp contrast with their previous appearances – where all were always immaculately but differently dressed – the accused were elegantly dressed in grey trousers, snow white shirts and ties.

There were wild, jubilant scenes in court before the hearing resumed. Many of the trialists had not seen each other during the recess.

There were especially warm welcomes for the three high-ranking UDF members who had been refused bail and had spent Christmas in jail – Popo Molefe, Terror Lekota and Moses Chikane.

Also appearing before Judge K van Dijkhorst were Geoff Moselane of the Anglican Church, Tom Manthata of the Soweto Civic Association and 14 others.

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

The tone of the new year's defence proceedings was set by the first witness, Motlalepule Oliphant, 44, of Sebokeng. She strongly denied that organisations to which the accused belonged had conspired with the ANC and the SA Communist Party to overthrow the government.

House meetings held in the Vaal Triangle before the outbreak of the 1984 violence were not aimed at rendering the country ungovernable. They were about the controversial R5,90 rent increases imposed at the time.

Oliphant, who said she was a member of the Vaal Organisation of Women, told the court that on August 26, 1984 a general residents meeting was held at a Catholic church in Small Farms where several speakers, including herself, expressed disgust about the rent increase.

She could not remember the names of some of the speakers but identified Sam Matlole and Naphtali Mbuti Nkopane, who were among the accused, and Sebokeng resident, Rina Mokoena.

There was laughter in the courtroom when the witness said one of the speakers was middle-aged and another was three years younger than defence advocate George Bizos.

Bizos said he was 60 years old. She replied the speaker must have been 57.

Another Sebokeng resident called by the defence, Lilian Nyembe, 30, told the court she attended the same meeting where residents resolved to stay away from work and march to the local council headquarters in Houtkop on October 3 in protest against the rent increase.

Rev Tebogo Moselane ... appeared again.

When questioned by prosecutor PB Jacobs, she denied that speakers at the meeting had referred to councillors as sell-outs and had said that they should be killed and their properties destroyed.

In the audience were Anglican Archbishop Desmond Tutu, Greek Ambassodor Lucas Tsilas, Pauline Moloise, whose son Benjamin was hanged for ANC activities as well as members of the Federation of Transvaal Women.

The case continues.

No plan to kill court is told

RESIDENTS of Sharpeville were not happy about the rent increases which were effected on September 1, 1984, the Pretoria Supreme Court heard yesterday.

Mr Victor Matabane Mbatyazwa (46), a Sharpeville resident, said this in evidence before Mr Justice van Bijkhorst.

This was after Mr George Bizos SC, for the defence, had asked what his response was to evidence by State witnesses that residents meetings in the Vaal Triangle did not protest against the increases.

The witness was giving evidence for the defence in the Vaal Triangle treason trial which involves high ranking officials of the UDF, Azapo, Vaal Civic Association and Azanyu.

The accused have pleaded not guilty to treason and alternative charges of treason, subversion and murder.

Mr Mbatyazwa also refuted a claim by a State witness that a speaker at one of the meetings called for the killing of councillors and the destruction of their property.

He said although residents were unhappy about the move to increase rent, none advocated violent means of resolving the rent issue.

The court heard that pensioners and the unemployed also reacted strongly to the proposed increases. He said they accused local councillors of having turned against the people who elected them into power by not keeping the promises they made during their election campaigns.

Pensioners demanded to know where they were expected to get money to pay the increases.

Proceeding

0 46
Grade B4 Um
176.18

0 46
Grade B5 Um
210.68

0 46

Visit to scene of Messina landmine blasts is mooted

By Dirk Nel, Northern Transvaal Bureau

MESSINA — The possibility of a visit by Supreme Court members to the area near Messina where several landmines exploded in 1985 and 1986 was raised by counsel for the defence, Mr Rodney Black, when the Messina terrorism trial continued yesterday.

Mr Justice de Villiers said the court would consider visiting the area "in the interests of justice".

Mr Mzondeleli Nondula (24) and Mr Mthetheleli Mncube (27) have pleaded not guilty to charges of murder, attempted murder, terrorism and treason.

Mr Johannes Jacobus de Nysschen, whose mother and two children were killed in a landmine explosion in 1985, was recalled to the witness stand yesterday to identify certain places photographed by police.

The case in continuing.

(631) SPA 27/11/88

'Police drank beer in Casspir'

Landmine trial: SAP challenged

MESSINA — A statement that one of the two accused in the Messina terrorism trial wanted to point out places where he had planted landmines because he "regretted" what he had done, was yesterday challenged in the Circuit Court in Messina.

Earlier Lieutenant Cornelius Petrus de Lange, of the CID in Potgietersrus, told the court that, although he had twice warned Mr Mthetheleli Zephania Mncube that he need not show police the spots, the accused was "adamant" that he wanted to continue pointing out the places.

"Yes, I am prepared to point out certain areas because I regret what I have done," the lieutenant's statement quoted Mr Mncube as saying.

Under cross-examination yesterday by Mr Rodney Black SC for the accused, Lieutenant de Lange denied that Mr Mncube was told to point to where he and his friends had planted landmines.

Lieutenant de Lange was giving evidence in the trial of Mr Mncube (27) of Diepkloof, Soweto and Mr Mzondeleli Euclid Nondula (24) of Mdantsane, who are facing a total of 41 charges, including 10 of murder, 24 of attempted murder, treason and terrorism stemming from a spate of landmine explosions in the Messina area in late 1985.

Mr Black put it to Lieutenant de Lange that Mr Mncube had complained before the party left Messina that he was barefoot and would have to walk on thorns.

Lieutenant de Lange denied this but added that Mr Mncube had complained later during the day that the ground was hot.

He also told the court he had carried Mr Mncube over the thorns for a few metres.

Mr Black agreed that his client had been carried but said Mr Mncube had then been dropped on the thorns and that police at the scene had laughed. Lieutenant de Lange denied this.

DISTRICT SURGEON

The court heard that Mr Mncube had been examined in his cell on February 13 by the Louis Trichardt district surgeon, a Dr Jacobs, in the presence of Lieutenant de Lange.

Mr Black said the lieutenant had not seen Mr Mncube in his cell and quoted from a cell register which showed that only the doctor went to see Mr Mncube.

Lieutenant de Lange said it was not necessary to put every visitor's name in the register.

Mr Black then quoted other entries from the register which seemed to indicate that all visitors' names were reflected in them.

It was alleged that during the trip to point out the landmine sites police were drinking cans of beer at the back of the Casspir used to transport them.

Lieutenant de Lange said there were two bags with cool drinks in them and a dozen tins of shandy, but he denied there was beer.

The hearing continues. — Sapa.

331 Smuts 27/1/88

BOYCOTT STRATEGY

THE boycott of businesses owned by councillors in the Vaal Triangle was not a fight aimed at councillors as individuals, but a means of persuading them to identify with the residents and address their needs fully, a Pretoria Supreme Court judge heard yesterday.

This was said by a defence witness in the Vaal Triangle treason trial, Mr Victor Matabane Mbatyazwa while being cross-examined by state advocate Mr P Fick.

The trial involves high ranking officials of the UDF, Azapo, Vaal Civic Association and Azanyu. All have pleaded not guilty to treason and alternative charges of terrorism, subversion and murder before Mr Justice van Dijkhorst and an assessor.

Mr Mpatyazwa said the idea of launching a boycott against councillors' businesses in the area was brought up by an accused in the case, Mr Oupa Hlomuka, at a meeting to discuss the R5,90 rent increases in 1984. The accused, according to the witness, said the decision to impose an increase showed that councillors lacked consideration.

"Mr Hlomuka told the meeting that the boycott was not a fight against the councillors but that they (councillors) would have to understand that we wanted them to feel for us. He said by not buying from their shops, they would also be subjected to the same type of pain they had inflicted on us by increasing the rent," said Mr Mpatyazwa.

The witness rejected Mr Fick's suggestion that it was Mr Tom Manthata, also an accused, who called for the boycott of these businesses and that councillors would have to be killed and burnt for refusing to resign their posts.

The court further heard that the council was also accused of having paid little attention to what was being done with the money they received from people for rent. It was suggested that residents should concern themselves with the administration of the money they were paying to the council, the witness said.

(Proceeding)

Landmine trial: court tests admissibility of confessions

DB 27/11/88 (331)

MESSINA — A trial-within-a-trial began in the landmine case in the Circuit Court sitting in Messina yesterday, regarding the admissibility of confessions made by both the accused at the beginning of last year.

Mr Mthetheleli Zephania Mncube, 27 of Diepkloof Soweto, and Mr Mzondeleli Euclid Nondula, 24, of Mdantsane have pleaded not guilty to a total of 41 charges arising from a series of landmine explosions and discoveries in the Messina area in 1985.

Mr Mncube faces an additional two charges of murder following his alleged escape after he was arrested on December 26, 1986.

The bullet-riddled bodies of the two security policemen who were transporting Mr Mncube to Messina, along with some captured equipment, including four AK-47 rifles, were discovered in their bakkie early the following day.

According to the defence, confessions made in Louis Trichardt by Mr Mncube and by Mr Nondula in Groot Marico, were made following assaults and threats, and therefore not admissible as evidence.

At the the start of the trial-within-a-trial, the Groot Marico magistrate, Mr Adriaan Johannes Barnard, told the court he took a confession from Mr Nondula on January 8 last year.

He asked if Mr Nondula had been coerced in any way to make a statement or promised anything if he did. He told the court Mr Nondula had said no.

When Mr Nondula was asked by the magistrate if he had any injuries, he pointed to his eye "where there was an old wound." Mr Barnard added that he did not see any swelling as suggested by Mr Rodney Black, appearing for both accused.

Mr Black then pointed out two other old injuries to the court which Mr Barnard said he had not noticed.

The translator at Groot Marico, Mr Peter Kubayi, told the court he did not see any injuries and had not heard Mr Nondula say he had been assaulted by soldiers.

He had also not heard Mr Nondula say he had given a statement to the police as was put to him by the defence.

The confessions are expected to be introduced today.

Earlier, Lieutenant Cornelius Petrus de Lange, of the CID in Potgietersrus, denied under cross-examination that he had dropped Mr Mncube on some thorns after carrying him for a few metres.

Mr Mncube was pointing out certain places to Lieut de Lange when the incident was alleged to have occurred.

The lieutenant also told the court that the place identifications were done voluntarily as Mr Mncube had said he was "adamant" he wanted to show certain areas as he "regretted what he had done."

Mr Black put it to him that he was taken to the place and made to point while photographs were taken.

Lieut de Lange denied this. — Sapa

'Longest running trial' resumes

331

JOHANNESBURG — The "longest-running political trial in the history of South Africa", the Delmas trial, resumed in the Pretoria Supreme Court recently.

Three of the 19 trialists, United Democratic Front national secretary Popo Molefe, UDF publicity secretary Patrick "Terror" Lekota, and former regional secretary Moss Chikane, have already spent 980 days behind bars.

They are believed to be the longest-serving unsentenced prisoners in South Africa.

The three were taken into custody on April 23, 1985 and are the only accused refused bail.

UDF

The State alleges the UDF, either with the assistance of the exiled African National Congress (ANC) or on its own, conspired to overthrow the Pretoria regime by violence, and generalised violence in the Vaal Triangle area during the rent protest in September 1984. Some of the accused also face charges related to the killing of town councillors during the rent protest.

The political stature of Molefe and Lekota has drawn considerable interest from both inside and outside the country.

All the accused, who include members of the UDF, the Azanian People's Organisation (Azapo) and Vaal Triangle civic bodies, have pleaded not guilty to treason and alternative charges of terrorism, subversion and murder.

When the trial resumed on January 18 in Pretoria, the last of the accused had given his testimony and defence witnesses were being cross-examined. — *ANO*

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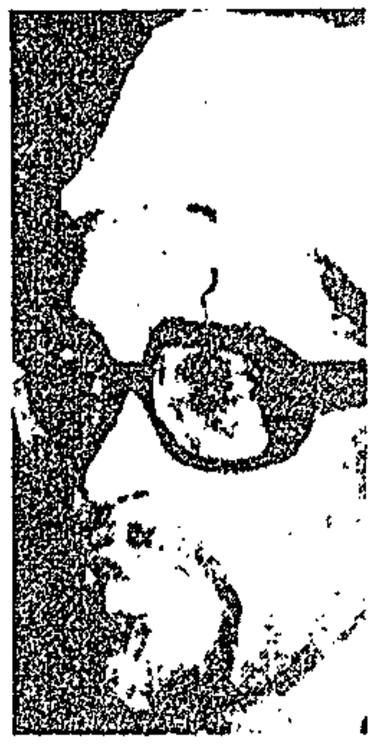
Qibla in PAC link



Achmad Cassiem

(331) 28/1 — 3/2/88

By AYESHA ALLIE 'South'

QIBLA, a Cape Town based Muslim organisation, agreed to assist the banned Pan Africanist Congress in its local activities in exchange for military training.

This allegation was made by the State in the trial of Qibla leader Achmad Cassiem, 42, and Qibla member Yusuf Patel, 37.

Full story — page 9

The two appeared with five others in the Pretoria Regional Court for allegedly furthering the aims of the PAC.

In a 90-page charge-sheet made available this week, the State alleges Qibla was in contact with the PAC in Botswana, Zimbabwe and Cape Town. In Cape Town, Qibla discussed with two PAC members weapons and explosives to be given to the organisation.

They also helped a person named as Hanif Sayed, sought by the police on a murder allegation, to flee the country. Patel took him to Botswana by car, the State alleges.

Sayed was named as a "key figure" in the Lincoln Tavern murder trial.

Red faces at Mardi Gras over SA flag

A SOUTH African flag caused Cape District Football Association officials to flutter with embarrassment on the eve of the annual Mardi Gras carnival at the William Herbert Sportsground in Wynberg.

The orange, white and blue flag was hoisted above the rollercoaster and could be seen from the M5 freeway which passes behind the sportsfield.

Flags from other countries, like the United States and France, could also be seen.

Talking point in area

Irate Wynberg residents contacted SOUTH to complain. Some said they had not seen the flag themselves, but it was the talking point of the area.

It was not in keeping with the nonracial principles of the South African Council of Sport (Sacos) to display the South African flag was the general feeling of residents.

Cape District president Mr Arthur Jephta had the last word.

"The matter has been dealt with."

Asked if the flag had been removed, he said: "The matter has been settled."

28/— 3/2/88

State links Qibla to PAC

Achmad Cassiem

QIBLA, the Cape Town-based Muslim organisation, agreed to assist the banned Pan Africanist Congress (PAC) in its local activities in exchange for the military training of Qibla members by the PAC.

This is one of the allegations made by the State against leading Muslim activist and Qibla leader, Achmad Cassiem, 42, who has recently appeared with six others in the Pretoria Regional Court.

The case will resume on February 22.

Appearing with Cassiem are Yusuf Patel, 37, of Paarl, Mabatu Enoch Zulu, 53, and Siyabulela Ndoda Gcanga, 26, both from Transkei, Vincent Alson Mathunjwa, 30, of Springs, Sestiba Paul Mohlolo, 30, of Johannesburg, and the Rev Daniel Saul Nkopodi, 28, of Bophuthatswana.

They are charged under various sections of the Internal Security Act relating to possession of arms, recruitment of people for military training and the promotion of the aims of a banned organisation. Zulu is also charged with attempted murder.

In the 90-page charge sheet recently made available to SOUTH, Qibla is described as an organisation pretending to "motivate and activate the Muslims to become more socially, politically and economically aware" and to bring about its "own just social order".

According to the State, Cassiem, a former teacher and father of four, and Patel, who has one daughter, were active supporters of Qibla, an organisation which made contact with the banned PAC three times.

Cassiem was a founder member and the leader of Qibla, an organisation with the pretended aims of mobilising the whole Muslim community to join it, and bringing the message of Islam countrywide to all.

The state alleged that Qibla was in contact with the PAC on three occasions - in February 1985 in Botswana, in January 1986 in Zimbabwe, and in February 1986 in Cape Town.

Cassiem had instructed Patel and other members of the movement to make contact with the PAC, the State alleged.

During February 1986 alleged PAC members Enoch Zulu and Ndoda Gcanga visited Cassiem in Cape Town to discuss weapons, ammunition and explosives to be given to Qibla.

These arms would have been used for acts of warfare, sabotage, terrorism and/or subversion, the State alleged.

The accused also made arrangements to hide these weapons.

Due to the working relationship between Qibla and the PAC and their commitment to each other, Qibla agreed to help the PAC inside the country, while the PAC would give military training to Qibla members, the State said.

Qibla identified people to undergo military training with the PAC, either inside or outside the country, and Cassiem and Patel helped recruiting these people.

They also printed the pamphlets "Afrika Our Afrika", "Africa Events" of December 1985 (an interview with Johnson Mlambo, present chairperson of the PAC), "Land! Freedom! Justice!" and "Pokela on Sharpville" on behalf of the PAC.

Violence

The organisation, Qibla, which pretended to be an innocent organisation with rightful demands, intended to overthrow the state with violence, threats of violence or other means, the State alleged.

Qibla and its members:

- recruited people in the Republic or elsewhere to join or support Qibla, and
- deployed people in the Republic to commit acts of warfare, terrorism, sabotage and/or subversion.

Cassiem and Patel were active supporters of Qibla from 1981 until their arrests in May 1986, the State said.

During November and December 1985 they helped a person by the name of Hanief Sayed to flee the Republic. Sayed was wanted by the police in connection with a murder and a warrant of arrest was out for him.

Cassiem and Patel were aware that Hanief was wanted by the police and made plans to let him escape the country by car. Patel accompanied him by car to Gaborone, the State alleged.

Death sentence has set legal precedents

Cape Times 29/1/85

331

Unlikely martyr is sitting out her last days in Pretoria jail's Death Row

By STEPHEN ROBINSON
of the Daily Telegraph

WHEN Theresa Ramashamola, a 24-year-old former waitress, drops from the gallows at Pretoria Central Prison later this year, she will become one of South Africa's unlikeliest political martyrs.

Until her arrest and conviction for the murder of a black township councillor in 1984, Ramashamola shared a one-bedroomed house with her mother in the squalid and overcrowded township of Sharpeville, commuting each day to Vereeniging for her work.

She is a practising Catholic and used to attend mass regularly at her local church. Father Patrick Nonan, an Irish priest who has lived and served in Sharpeville for the past four years, describes her as an unsophisticated woman with no understanding of politics. She passes her days on death row reading religious pamphlets.

The gruesome ritual

On September 3, 1984, a large, unruly crowd protesting at township rent increases gathered outside the home of Sharpeville's deputy mayor, Khuzwayo Dlamini.

Stones were thrown, Dlamini pulled a gun and fired into the crowd. As he tried to escape over his garden fence, he was pulled down by three unknown assailants and disarmed of his pistol. More stones were thrown at him, until Dlamini was dragged unconscious onto the street and set alight.

It was the sort of gruesome, ritualistic murder which occurred with sickening regularity in South Africa's black townships in 1984-85. Dlamini, a councillor working within an unpopular government-sponsored system, was murdered by a baying mob demanding "people's power".

Theresa Ramashamola was part of that crowd. She and five others were arrested, charged and found guilty of murder, even though the court acknowledged there was no direct evidence to suggest the conduct of any of them had contributed directly to Dlamini's murder.

The "Sharpeville Six" are to hang because the court found them to have "common purpose" with the crowd whose intention was to murder Dlamini.

One person's evidence

Ramashamola was convicted on the evidence of a single State witness, who claimed to hear her shout: "He (Dlamini) is shooting at us, let's kill him" — a charge she denied. She also allegedly slapped a woman who had remonstrated with the crowd not to burn Dlamini. But no evidence was led to suggest she was guilty of physically killing him.

"There are two deeply disquieting things about this judgment," says Edwin Cameron of the Wits Law Department.

"It applied the doctrine of common purpose in a way that could implicate a crowd of thousands and render them liable to the death sentence.

"It also established, for the first time in South African criminal law, that conduct not proved to contribute causally to a death can nonetheless lead to conviction for murder."

Most ominous of all, Cameron believes, is that "the Appeal Court has widened the doctrines of criminal liability in response to evidence of township revolt".

A petition for clemency

Lawyers acting for the six have played their last card, and delivered petitions for clemency to President P W Botha, the only man who can save them now.

Sharpeville residents believe the six will hang as an example to others that government will not tolerate assaults on its system of black local administration.

It will be turning six unpoliticized blacks into political martyrs.

PAC publications: Teacher acquitted

ALEXANDER SINTON High School teacher Mr Dehraan Swart was yesterday acquitted in Wynberg Regional Court of possessing banned publications which police found at his home during a search for his brother Raoul.

Mr Swart, 25, of Third Avenue, Fairways, had pleaded not guilty to possessing publications distributed by the Pan Africanist Congress 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".

Unrelated to the present trial, Mr Swart was detained for about 11 months for possessing "subversive stickers" — but the Supreme Court found otherwise.

At a previous hearing the court heard that police had gone to the Swart home in search of his brother Raoul, who Mr Swart said was in Zimbabwe.

During the search, they found the publications in a room which Mr Swart said was used by all the family members mainly as a study and for listening to music. It also contained "vast amounts" of publications.

The police were under the impression that Mr Swart occupied the room, and they arrested him.

In acquitting Mr Swart, the magistrate, Mr A S McCarthy, said the state had failed to prove that he had the necessary intent to possess the documents.

Mr P Mostert prosecuted. Mr L Rose-Innes, instructed by Mr E Daniels, appeared for Mr Swart.

Surprise defence of the Delmas trialists by an Inkatha member

C/Press 31/1/88

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By SELLO SERIPE

THE "Delmas" treason trial took a dramatic turn this week when an Inkatha member took the witness box in defence of the 19 accused who include high ranking UDF and Azapo officials.

Grey-haired 67-year-old Paul Mahamba'ayetwa Nhlapo of Sharpeville said under cross-examination by defence advocate George Bizos that he would have strongly rejected suggestions from any of the accused that councillors be killed or have their properties burned.

But he told the Pretoria Supreme Court that no such suggestions were forthcoming.

The Inkatha member, who walks with the aid of a stick, denied that speakers at two meetings which he attended on August 12 and 19, 1984, had called on the residents to kill councillors.

The State has charged the 19 with treason – alternatively subversion, terrorism and murder.

They have been accused of being instrumental in instigating the 1984 violence in protest against rent hikes in the Vaal Triangle.

All pleaded not guilty before Judge K van Dijkhorst.

Nhlapo told the court that accused Anglican Church member Rev Geoff Moselane chaired both meetings, and that the meetings both started with hymns and prayers.

When questioned by the prosecutor, PH Vick, Nhlapo reaffirmed his Inkatha membership and said he would attend meetings if he could. However, he said he was inactive because of his age.

He said at one stage, after the inception of Lekoa council in 1983, councillors promised that rent in the area would not be increased.

Instead, councillors had promised that it would be reduced or scrapped.

However, on August 5, 1984, councillors called a meeting where residents were told that rents would be increased by R5,90 from September 1.

"I was the first to question their promise that rent would not be inreased. My question was not answered as other people queried the same statement," Nhlapo said.

He added that when another resident, Nozipho Mjeza, also objected to the increase, a councillor had said residents only complained about the increase because they wanted to buy beer with the money.

The Inkatha member said residents were told the council was acting on instructions from the municipality. However, the council had taken over the municipality's duties.

The witness said the "truth came to light" when another councillor stood up and said the council was responsible for the increase. The councillor then said: "Praise the Lord," and sat down.

Other witnesses, Victor Mbatyazwa and Madala Radebe also denied that speakers at meetings held before the violence had encouraged residents to attack councillors.

Defence advocate George Bizos.

TO /

11/02/88

PAC trial resumes

D/Dispatch

UMTATA — The trial of seven people facing charges relating to activities of the banned Pan Africanist Congress will resume in the regional court here this week.

The accused are Mr Leo Rubusana Kantolo, Mr Salakatya Villiers Simuku, Mr Sigqibo Agreement Mpendulo, Mr Synod Madlebe, Miss Nomthandazo Lusizi, Mr Vivien Mzimkulu Swaartbooi and Mr Victor Ntsokolo Zamela.

The seven have all pleaded not guilty to charges of being members of the PAC, engaging in activities to promote the PAC and arranging PAC meetings. — DDR

331

Student "freed" after 8 months in jail

AR665 2/2/88

331

Supreme Court Reporter

A LAW student jailed for three years for daubing "political" slogans on the property of an employer has been "freed" by the Supreme Court after serving eight months.

Stanley Martiens of Belhar, an LLB student at the University of the Western Cape, was convicted in Malmesbury Magistrate's Court last April of causing R410 damage to the property of Piketberg farmer Mr M C Kitshoff.

He pleaded guilty.

He also admitted poisoning Mr Kitshoff's pigs, two of which died.

He was jailed for five years, two of which were conditionally suspended.

He was acquitted of furthering the aims of the African National Congress by painting the slogans and also on three charges of theft.

Bail pending an appeal against sentence was refused. When Martiens's appeal reached the Supreme Court three weeks ago the court ordered his immediate release.

Yesterday Mr Justice Rose-Innes and Mr Justice Berman reduced the sentence to eight months.

The court heard that Martiens was employed for six months on Mr Kitshoff's farm, Erfdeel.

Unhappy about Mr Kitshoff calling his workers "hotnotte", Martiens painted slogans on the walls and floor of the animal stalls, poisoned the pigs and dumped 80 litres of milk.

Among the slogans were: "Police stay away", "Mandela, Dr Boesak — the UDF will take revenge" and "ANC was here — UDF".

Yesterday the judges ruled that the magistrate misdirected himself in finding that the damage to the property was politically motivated.

They said he overlooked the fact that Martiens had a valid grievance and one's dignity should not be attacked by racism.

Mr F Buntting appeared for Martiens and Mr P Marais for the State.

Trial delayed by illness

Star 2/4/88

MESSINA — The State advocate in the Messina terrorism trial, Mr Frans Roets, became ill with suspected malaria at the weekend, causing a further delay in a Supreme Court hearing already dogged by several unscheduled adjournments.

Mr Justice de Villiers adjourned the trial until today, pending more details about Mr Roets's condition.

The two accused, Mr Mthetheleli Mncube (27) and Mr Mzondeleli Nondula (24), have pleaded not guilty to charges of murder, attempted murder, terrorism and treason.

The charges arise from landmine blasts in the Messina area and the deaths of two policemen. — Northern Transvaal Bureau.

Sunday Times 2/2/88

'SOAPY MOUTHWASH'

331

A MARRIED woman was forced to drink water mixed with washing powder in an attempt to sober her up, the Rand Supreme Court heard yesterday.

After drinking the water mixed with Omo washing powder, she was then sjambokked.

The woman was also a drunkard who did not look after her child, the court was told.

These allegations were made by the woman's husband, who may not be identified, according to a court ruling. He was giving evidence for the State in the trial of Mr Moses Mayekiso (38), general secretary of the National Union of Metal Workers of South Africa

By MANDLA NDLAZI

and four civic leaders, Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mr Mzwandile Mayekiso (22).

They are appearing before Mr Justice van der Walt on charges of treason, and alternatively of sedition and subversion. The State alleges they were involved in a conspiracy to make Alexandra ungovernable, and in the formation of an Alexandra Action Committee, "organs of peoples' power" and a "peoples' court", between January 1985 and June 1986.

They have all pleaded not guilty. The case was resumed yesterday after a short break last year. There were shouts of "Amandla" and "Aluta Continua" from the packed public gallery. This was after the judge had said the case would be heard in camera and the gallary should be cleared of spectators.

The spectators waved their hands and fists as they walked out of the courtroom.

A witness who may not be identified in terms of a court ruling, said he was fetched by four men from his house sometime in 1986. He said the men took him to a yard where he found many men and women, young and old.

The witness said he was given six lashes with a sjambok for failing to maintain his family. He said several men took turns in lashing him with a sjambok as he lay on a bench.

Cross-examined by advocate David Soggot SC, council for the defence, the witness said his wife had told the men who fetched him from his home that he did not maintain her and the child. The witness said he heard in a shebeen that wrongdoers were taken to a shack in 19th Avenue where they were disciplined by being sjambokked.

As a result of this, he said, the numbers of people who drank decreased.

(Proceeding)

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Witness says police slapped, pricked him

Daily Dispatch Reporter

UMTATA — A state witness in the trial of seven people accused of Pan Africanist Congress (PAC) activities, which resumed in the regional court here yesterday, Mr Victor Soga, said security policemen stuck pins on his shoulders and slapped him across the face while interrogating him.

Appearing before Mr R. N. Mickelsfield are Mr Leo Rubusana Kantolo, Mr Salakatya Villiers Simuku, Mr Agreement Sigqibo Mpendulo, Miss Nomthandazo Lusizi, Mr Vivien Mzimkhulu Swaartbooi and Mr Victor Ntsokolo Zamela.

The seventh accused, Mr Synod Madlebe, has not attended court since he was admitted to hospital last year after suffering a stroke.

Mr Madlebe, a former Robben Island prisoner, was granted bail of R2 000 with certain conditions after he was released from hospital, and has not been able to attend the court hearings.

The accused have all pleaded not guilty to charges of being members of the PAC, engaging to promote the PAC by recruiting members and arranging meetings for the organisation.

Mr Soga said that apart from being pricked with straight pins, he was threatened by the policemen with being put on a "Boeing" which, he said, a fellow detainee had told him meant being tied around the wrists and suspended from a table while being assaulted.

He was also told he would get the "TV" treatment if he did not speak the truth, and to explain this a policeman showed him a bucket of water.

He told the court that the pinpricks were no longer visible as he had developed a rash of pimples over the area where the pins had been stuck, and was now covered in black spots.

He said he had become afraid of the policemen because of the torture he received during his first detention, and the assaults only stopped when he answered the way the police wanted him to answer.

During his second detention, he said he was held for one night and released the next morning "on warning".

When questioned by the defence counsel, Mr Justice Poswa, Mr Soga said one of the accused, Mr Kantolo, had given him a pamphlet called The political career of John Pokela, which he had read, but could not remember the contents, as he was poor in reading English.

He said he had also got a book called Strategies and Tactics of the ANC from a friend, Mr Andile Gqalane, which again he could not read.

The witness said he had kept the book for a long time among his other books, which were detective novels. He said he had never read any political books other than those given to him by Mr Gqalane and Mr Kantolo.

When Mr Poswa suggested that Mr Soga was misleading the court and that there were things he did not want to state accurately, Mr Soga said it was only because he had a poor memory.

Mr Soga told the court that he had just come out of detention at the end of 1985 when he first met Mr Kantolo in the office of a lawyer, Mr Mda. He said Mr Kantolo was going to organise a bursary for him to go to university.

He said he was still expecting to be charged at the time, and had also gone because his father arranged that he be defended in court by Mr Mda.

He agreed with the defence counsel that the police felt that the bursary was not the only reason for meeting Mr Kantolo, but that there was also a political reason.

He said this feeling had also been expressed by some of the investigating officers because of the pamphlet received from Mr Kantolo.

The trial continues today.

Mtgs 2/2/88

Jail sentence set aside for Guguletu man

331

Supreme Court Reporter

A 19-YEAR-OLD Guguletu man, jailed for an effective six months for allegedly stoning a police Casspir in the KTC squatter camp on May 6 — on the day of last year's House of Assembly elections — has had his conviction and sentence set aside on appeal.

Mr Livingstone Jekana was convicted in the Athlone Magistrate's Court in July last year. He was jailed for a year, with six months conditionally suspended, on charges of public violence.

Mr Justice Rose-Innes and Mr Justice Berman found yesterday that the evidence of policemen who were in the Casspir was contradictory.

RED JERSEY

One policeman said he saw Mr Jekana, wearing a red jersey, among a group of youths at a trench dug across the road, the court heard.

When the group dispersed, the policeman said he saw Mr Jekana run to a shack and twice throw stones at the Casspir from the door before going inside.

The other policeman did not see Mr Jekana in the original group and said Mr Jekana fled behind a shack, from where he threw stones.

Case against King attorney postponed

DD 02/02/88 (331)

EAST LONDON — The case in the regional court here against a former spokesman for the King William's Town Civic Association and a King William's Town attorney, Mr J. Smith, under Section 27 (b) of the Police Act has been postponed to April 11.

The charge concerns the alleged publication of untruths against the police following an incident at Breidbach in 1986 when the patron of the UDF, Dr Allan Boesak, was to have addressed a mass meeting.

Mr Smith is being charged in connection with statements he made to the Daily Dispatch about the incident on March 19, 1986.

The report contained comments on the conduct of the police during an incident which occurred while a group of people were waiting for the outcome of a court application challenging the banning of a service that was to be conducted by Dr Boesak.

Last year the Attorney-General declined to prosecute the then editor of the Daily Dispatch, Mr George Farr, and two former members of its editorial staff on the same charges. — DDR

D/D 2/2/88 331

I was ordered to shoot youth policeman tells Supreme Court

Daily Dispatch Correspondent

GRAHAMSTOWN — Events in the Supreme Court trial here of two Unrest Unit policemen charged with assault and murder took a surprise turn yesterday when a witness alleged that he had been ordered to shoot a black youth.

Before the court were Warant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, charged with murdering Mr Mlungisi Stuurman by shooting, murdering Mr Andile Plaatjies by stabbing and assaulting Mr Zixolisile Goniwe and Mr Michael Qhina.

They were also charged with attempting to defeat the ends of justice by persuading their colleagues to tell a false story about the death of Mr Stuurman.

All the charges arise out of alleged incidents in Cradock when a 10-man unit under W/O de Villiers went to monitor a funeral on July 26, 1986.

In spite of nearly two months' evidence and the testimony of three other of the men present, the court heard for the first time yesterday that Const R. M van der Nest had been ordered to shoot the injured Mr Stuurman.

In his evidence, Const van der Nest said they had been told there was an ANC funeral and it was expected that terrorists would attend. Their job was to counter the terrorists.

He described how they had driven around picking up men for questioning, sometimes accompanied by assaults, about the expected terrorists.

Mr Stuurman was the last of four or five people detained.

After the others were released, he was kept in the van while it drove to a "quiet spot" near the sewerage works.

All the members of the unit except W/O De Villiers and Const Goosen left the van.

While he was out Const van der Nest said he heard screams from the bus.

When he returned Mr Stuurman was huddled over clutching a plastic mug. He was crying loudly and there was blood all over his face.

There had been nothing wrong with Mr Stuurman when he had left the bus, he said.

W/O De Villiers said Mr Stuurman must be taken to a deserted place where his face could be washed without people seeing him or who had taken him there.

At their arrival at the river W/O De Villiers turned to him and said: "Yes, you are going to shoot the boy."

Const Van der Nest said he did not answer. Const D. E. Botes asked him if he would obey, and he said he would not. Const Botes said he would not either.

He saw Const Goosen disappear with Mr Stuurman around the back of the bus.

When he was finished he said: "I wonder when Goosen is going to shoot the boy."

Soon after there was a shot.

Const Goosen returned and reported that he had shot the boy through the neck.

He then threw the body into the river but it landed on a sandbank. Const Goosen said it did not matter because the river would come down later and wash it away.

Later Const R. Fourie and Const Booyens arrived back at the bus.

Const Goosen had appeared "quite normal" but they were shocked and very quiet.

Const Van der Nest said as they returned from the river there was a radio message recalling all units to base.

W/O De Villiers ignored it and insisted they go to the township where they were involved in several more shootings.

Const Van der Nest said when W/O De Villiers told him to shoot Mr Stuurman he did not take him seriously. He thought they had only gone to the river to wash Mr Stuurman.

When W/O De Villiers wondered when Const Goosen would shoot he still had doubts.

But when he heard the shot he knew.

The trial will continue today.

Mr Justice Zietsman was on the Bench with Mr B. P. Loots and Mr J. van der Riet as assessors. Dr J. A. van S D'Oliveira and Mr W. Kingsley appeared for the state. Mr C. Jansen SC and Mr N du Toit, instructed by Huisamen and Roelofse, appeared for the defence.

3/2/88

By Dirk Nel,
Northern Transvaal Bureau

331 STAR

MESSINA — One of the accused in the Messina land-mine trial yesterday told the Circuit Court that he had spent the night of his arrest in a Mmbatho police cell in handcuffs and with his legs in irons.

Mr Mzondeleli Euclid Nondula, who was giving evidence in the trial-within-a-trial to see if the confessions made by him and a fellow accused, Mr Mthetheleli Mncube, were admissible and had been made freely, said he was also blindfolded.

Mr Mncube (27) and Mr Nondula (24) have pleaded not guilty to 41 charges which include murder, attempted murder, terrorism and treason.

The prosecutor, Mr Frans Roets, recovered sufficiently from his recent illness to attend the proceedings. It was found he had not contracted malaria, as suspected.

POLICE THREATENED HIM WITH DEATH

While cross-examining Mr Nondula, Mr Roets queried why the accused had taken almost a year to voice his complaints about the treatment he had received after his arrest.

Mr Nondula said that he was assaulted by Defence Force members when he was arrested in Bophuthatswana on January 2 last year, that he was later blindfolded and hit in the face by a South African Security policeman, that he was threatened with

Court told confession in Messina landmine trial made under duress

331
DID 3/2/88

MESSINA — The contents of a confession made by one of the accused in the Messina landmine trial might be released during the trial-within-a-trial, concerning the admissibility of the document.

The trial-within-a-trial started to establish whether statements made by both the accused in the case were given voluntarily.

So far in the trial only the circumstances surrounding the confessions were made, but yesterday Mr Mzondeleli Euclid Nondula told the prosecutor, Mr Frans Roets, under cross-examination that only parts of the confession were true.

It was established that Mr Nondula had made the statement on the instructions of Lieutenant J. J. Wehrmann of the Security Branch in Groot Marico.

Mr Nondula said the parts of the confession that were his own were true.

The judge, Mr Justice J. P. O. de Villiers, said he would make a ruling today on whether parts of the confession could be introduced into the court or not.

Earlier yesterday Mr Nondula told the circuit court that he had spent the night of his arrest in a Mmbatho police station cell with his legs in irons, his hands cuffed behind his back and blindfolded.

He claimed he had been hit in the face during the interrogation.

He was later interrogated by Lieut Wehrmann, who had earlier claimed that he had not questioned Mr Nondula until he was on South African soil on January 6.

Lieut Wehrmann said if he did not co-operate he would be held indefinitely during which time the police could "do whatever they wanted, as no one knew I had been arrested."

Mr Nondula, 24, of Mdantsane and Mr Mthetheleli Zephania Mncube, 27, of Diepkloof Soweto have pleaded not guilty to a total of 41 charges, including murder, attempted murder, terrorism and treason.

During the interrogation he was made to write statements which were described by Lieut Wehrmann as rubbish, and torn up.

He was taken to a cell and chained to a pole with his leg irons.

He was also interrogated by two black men who also forced him to write things down and then tore the paper up.

He was later taken to Groot Marico where he was put in a mosquito-filled cell.

On January 7, Mr Nondula was interrogated by Lieut Wehrmann and another policeman, who asked him to identify certain spots on a map.

"On January 8 I was taken to the magistrate, and I made the statement so the police would not carry out their threats to keep me indefinitely, or torture me and to save my life," Mr Nondula said.

The magistrate asked him if he had been assaulted and he was told that soldiers had assualted Mr Nondula.

At the start of yesterday's procedings Mr Black asked that the leg irons of both accused be removed, as they had spent more than a year with their legs restrained.

Mr Justice de Villiers said he was not prepared to overrule the security police on the issue.

At the start of the trial the security police said both men were dangerous. There were also AK-47 rifles and ammunition in the court, they said.

The trial continues today. — Sapa

State ordered to reveal info

A JOHANNESBURG magistrate, Mr J B Esterhuizen, yesterday ordered the State to furnish detailed information concerning crimes alleged to have been committed by 15 accused of sedition and subversion including Sister Bernard Ncube, president of the Federation of Transvaal Women.

The order followed earlier requests by Mr C R Mailer that the State give full particulars as to what the accused had done, when and where, or amend the indictment, or quash it.

According to the indictment, the accused are alleged to have been officers, office bearers and/or members and/or supporters of the Krugersdorp Residents Organisation — who apparently committed offences between June 1985 and June 1986 at or near Kagiso, Krugersdorp, Munsieville or other places unknown to the State.

The case has been postponed to February 19 and all accused are out on bail of R500 each, except Petrus Bongani Dlamini, who was not required to pay any bail.

Cop told to shoot man, court told

4/9/88 South (331)

THE commanding officer of a Port Elizabeth unrest unit on patrol in Cradock told a policeman to shoot a man they had arrested earlier that day, Constable RM van der Nest, 20, told the Grahamstown Supreme Court this week.

He was giving evidence in the trial of Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26.

They are facing two charges of murder, two of assault and one of attempting to defeat the ends of justice.

Van der Nest told the court De Villiers and Goosen had driven Mr Mlungisi Stuurman, whom they arrested following the funeral of an unrest victim in July 1986, in a police bus to a quiet place.

There they questioned Stuurman. Only the two accused remained in the vehicle with Stuurman.

When he came back to the bus he saw blood on Stuurman's face, Van der Nest said.

"There was a serious difference in his condition between the time we left the bus and when we entered again. De Villiers then said we should wash the man's face."

While they were driving De Villiers told him to shoot the man.

Shooting

"I ignored his statement and he did not say anything further, so I decided that he must have been joking."

When they reached the river Goosen took Stuurman out of the vehicle and disappeared with him, the court was told. After a while he returned. He had thrown Stuurman into the river after having shot him in the neck, Van der Nest said.

Goosen said the man had fallen on a sandbank, but that when the river came down he would be carried away. The other two men who had gone with Goosen then came back. One of them, a Constable Fourie, looked shocked.

The unit then returned to the township for a further patrol.

During this patrol De Villiers told them that he was a good shot. He showed them how good he was by shooting close to the feet of a woman standing near them.

Their weapons were taken away from them when they reported for duty in Port Elizabeth on Monday morning, Van der Nest said.

That evening they had gone to De Villiers' house and he told them they would all have to stick together. He said they should all say Goosen had slipped and that his gun had gone off by accident.

The next day Goosen told the unit that if anyone spoke about the events he would look for that person, no matter how long it would take."

Terror trialist lacked judgment, says psychiatrist

4/4/88

331

By Dirk Nel,
Northern Transvaal Bureau

MESSINA — Mr Mzondeleli Nondula (24), one of the accused in the Messina terrorism trial, had no choice but to make a confession after police had obtained certain information from him, the State prosecutor, Mr Frans Roets, told the Supreme Court hearing in Messina yesterday.

Mr Roets was cross-examinining Mr Nondula in connection with a disputed confession he signed before a magistrate at Groot Marico on January 8 last year. He said it was unthinkable that Lieutenant Hannes Wehrman, of the Security Police, would take an unknown man, arrested in a neighbouring state (Bophutatswana), to a magistrate and force him to make a confession, as claimed by the accused.

"Did it occur to you that Lieutenant Wehrman knew more about you than you thought?" Mr Roets asked Mr Nondula.

Mr Nondula replied that Lieutenant Wehrman had tried to give him that impression.

Mr Roets also contended that it was impossible for a person to spend more than four hours compiling a 24-page confession, as Mr Nondula had done, just from information dictated to him by police — unless he had memorised it all.

"On your own evidence, you could no longer concentrate after questioning by the police; the confession is not the work of an exhausted man," Mr Roets told the accused.

LIST OF CHARGES

Mr Nondula and Mr Mthetheleli Mncube (27) have pleaded not guilty to charges of murder, attempted murder, terrorism, treason, and offences under the Internal Security and Arms and Ammunition Acts, arising from landmine blasts near Messina, the shooting of two policemen, and alleged activities which promoted the aims of the banned African National Congress.

A clinical psychologist, Mr Graeme Friedman, told the court that, in his opinion, Mr Nondula's period of prolonged isolation and interrogation had impaired his judgment and reality perception.

The dividing line between his own thoughts and those of others became unclear and he was vulnerable to suggestion at the time he signed the confession.

Mr Friedman said he came to these conclusions after three consultations with Mr Nondula in October and November last year.

To support his findings, he quoted from several authorities on the subject of police detention and interrogation. The effects of prolonged lack of sleep were particularly devastating in Mr Nondulas case, he claimed.

Mr Roets was granted his request for an adjournment until Monday to allow him to consult sources of reference in Pretoria before cross examining Mr Friedman.

DD 4/2/88

Transkei police arrest PAC trial witness

331

Daily Dispatch Reporter

UMTATA — The Transkei security police yesterday arrested Mr Vuyisile Mnyani, described in the regional court as a hostile witness during the trial of seven people charged with being members of the banned Pan Africanist Congress.

The public prosecutor, Mr D. Sankey, had earlier asked the presiding magistrate, Mr R. N. Mickelsfield, to declare Mr Mnyani a hostile witness because there were many discrepancies and contradictions in his evidence, compared to the statement he made to the police.

When Mr Mnyani first gave evidence on Tuesday he explained to the court that his written statement to the police was what the police had wanted him to say.

He described how he had been assaulted and ill-treated until he agreed to sign the statement.

The hearing was held up for about 90 minutes, because the investigating officer, Detective Sergeant Zolani Madikizela, was not available to take the stand. He was busy processing Mr Mnyani's arrest.

When Sgt Madikizela took the witness stand he told the court that he had and other security policemen had arrested Mr Simuku in Kentane and Mr Zamela in Butterworth.

He said he had not found anything at Mr Simuku's residence, but had found a number of books, documents and posters at Mr Zamela's home.

He told the court that a member of his team, Sergeant Habe, had taken down in free hand the list of items found at Mr Zamela's home, but the list had to be corrected and typed later so that a proper docket could be prepared.

Written on Sgt Habe's original list, were the books, On trial for my country, Steve Biko's I write what I like, Muthobi Motloatse's Reconstruction, Detained, Mao Tse Tung, Chief Albert Luthuli's Let my people go, a Steve Biko poster and a January 8, 1986 speech by Oliver Tambo.

There was also a Book of Life and travel documents belonging to Mr Zamela, and Sgt Madikizela said there were 28 ordinary music cassette tapes which were left behind in the office of the Butterworth security police.

The trial continues today.

FOR SUBSCRIPTION INQUIRIES — TELEPHONE EAST LONDON 261

DID 4/2/88

Confession made under duress — psychologist

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MESSINA — A clinical psychologist told the Circuit Court sitting in Messina yesterday that one of the accused in the landmine trial was under stress or undue influence when he made a confession to a Groot Marico magistrate on January 8 last year.

The psychologist, Mr Graeme Freidman, was giving evidence in the trial-within-a trial of two men facing 41 charges including murder, attempted murder, treason and terrorism.

The trial-within-a-trial is being held to determine whether confessions made by both accused were made freely or not.

Mr Friedman said Mr Mzondeleli Euclid Nondula was suffering from the "triple D syndrome — debility, dependency and dread".

He said that indefinite incarceration and solitary confinement were well known disoreinting techniques, and the former was regarded as a form of torture by the South African Institute of Clinical Psychology.

To explain Mr Nondula's condition while in detention, Mr Friedman quoted from papers and books by psychologists, medical and legal experts.

He and another clinical psychologist, Mr Lloyd Vogelman, examined Mr Nondula on three occasions and diagnosed that he was suffering from an acute post traumatic stress disorder.

They made a secondary diagnosis of a typical depression.

Mr Friedman said Mr Nodula had not shown exaggerated startle response, hyperalertness, sleep disturbance, short-term memory or concentration impairment before his arrest.

Mr Friedman said threats, degradation, control of perceptions, isolation, induced debilitation and exhaustion and indefinite confinement were among those which could have brought Mr Nodula's condition on.

He illustrated each of the reasons from Mr Nondula's account of how he was treated by the police before he went before a magistrate to make a 24 page confession.

Mr Friedman said Mr Nondula suffered from a poor appetite, psychomotor retardation, feelings of worthlessness, guilt and self reproach, diminished ability to concentrate, recurrent thoughts about death, persistent crying, loss of energy and a loss of interest.

Earlier, during cross-examination by Mr Frans Roets, acting for the State, Mr Nondula asked for a short adjournment as he was losing his concentration.

Mr Roets said he had only be asking him questions for a little over an hour and asked why he was not able to cencentrate as he had spent four hours with a magistrate making his statement.

Mr Roets put to the accused that "You did not have to concentrate with Lieutenant Wehrmann (a special branch policemen interrogating Mr Nondula) because you told him the truth."

Yesterday Mr Justice Villiers ruled that the contents of Mr Nodula's confession could not be revealed.

"The question of truths and untruths contained in the confession were elicited through astute cross-examination and did not come from the evidence in chief and therefore any mention of the contents will be disallowed," he said.

Mr Nondula was also asked if he had contemplated suicide and he replied that he had, but had dismissed the thought.

Mr Roets pointed out that on Tuesday while giving evidence, Mr Nondula had told Mr Black, who appears for both accused, that he had not thought about suicide.

"The reason you did not contemplate suicide is that you were not so badly assaulted and treated that you thought of killing yourself," Mr Roets said.

The case was postponed to February 8. — Sapa

Reason for Vaal meeting

A WITNESS in the Vaal treason trial rejected suggestions that the Vaal Civic Association called a meeting as a means to show the people that councillors were responsible for the increase of rent and that they made life unbearable for the community.

These suggestions were made by the State advocate, Mr P J Jacobs, during cross examination of a defence witness, Mr Themba Mazibuko, in a case in which Mr Justice van Dijkhorst and an assessor are presiding.

Mr Mazibuko also denied claims that at the meeting held to discuss the R5,90 rent increase during 1984, it was suggested that those who defied the rent boycott would be "in serious trouble and might be hurt."

He said speakers did not talk ill of councillors. Nineteen members of the United Democratic Front, Azanian People's Organisation, Vaal Civic Association and Azanian National Youth Unity have pleaded not guilty to treason and alternative charges of treason, subversion and murder.

Unity have pleaded not guilty to treason and alternative charges of treason, subversion and murder.

'Go to comrades' claim

ALEXANDRA Township residents who went to the local police station to lay charges were turned away and told to go to the "comrades", the Rand Supreme Court heard yesterday.

It is not known whether this led to the formation of the "people's court", a witness, who may not be identified in terms of a court ruling, told Mr Justice van der Walt.

The witness was being cross-examined by the defence lawyer, Mr David Soggot, SC, in the trial of Mr Moses Mayekiso, general secretary of the National Union of the Metal Workers of South Africa.

Mr Mayekiso (38) and four civic leaders, Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mr Mzwandile Mayekiso (22), are facing charges of treason, sedition and subversion. 331

Conspiracy

The State alleges they were involved in a conspiracy to make Alexandra "ungovernable" and in the formation of the Alexandra Action Committee, "organs of people's power," and "people's court" between January 1985 and June 1986.

They have pleaded not guilty. The trial is being held in camera.

Mr A C Human, SC, assisted by Mr P van Staden, is prosecuting.

The witness denied that he was assaulted by the police who told him to be a witness. He also denied that the police promised him money.

He said he left school in Standard 4 and his father was a pensioner.

Sowetan 4/2/88

Children told to stay out of rent protest'

Star 5/2/88

331

Pretoria Correspondent

SHARPEVILLE — Parents ordered their children to stay out of the rent increase battle which hit many black residents in the Vaal Triangle in 1984, the Pretoria Supreme Court was told yesterday.

Nineteen high-ranking members of the United Democratic Front and other community organisations have pleaded not guilty to charges ranging from high treason to murder and subversion.

The trial concerns events leading up to the outbreak of violence in the Vaal Triangle in September 1984 in which councillors were murdered and property valued at millions of rand was destroyed.

Mrs Maria Mokati told the court yesterday that she had attended several protest meetings about the rent increase.

She said that at a meeting on August 20 1984 she had made it clear to the children that they should not involve themselves in the rent increase battle, as they did not pay rent.

Mrs Mokati said she told the meeting: "My dear children, do not fight. The government is not fighting nor is the law involved in any fighting.

"I told them to stop breaking things and burning buses because the rent issue was a matter to be looked into by the parents only," she said.

At one of the meetings a priest told the children to leave their parents and give them a chance to take action against the Lekoa Council in court, Mrs Mokati said.

She said there was talk about signing a petition in protest against the rent increase of R5,90 a month but no mention was made of a stayaway or protest march.

Constable tells of drink contest before patrol

By PETER AUF DER HEYDE, Grahamstown

TWO hours after winning a "drinking competition" the commanding officer of a police unrest unit decided to send his men into Cradock's township to curb unrest.

This evidence was heard in the Grahamstown Supreme Court this week at the trial of Warrant Officer Leon de Villiers and Constable David Goosen. The two are facing two counts of murder, two of assault and a count of attempting to defeat the ends of justice.

Constable MPA Booysens told the court he had unsuccessfully tried to equal De Villiers' consumption while they were travelling to Cradock in July 1986 to monitor a funeral. They began drinking during the trip from Port Elizabeth and continued during the night.

He said after a while he had stopped trying to keep up with his commanding officer and continued drinking at a "slower pace".

Booysens said while they were drinking they heard a radio report that someone in the Cradock township had thrown stones at a Casspir. De Villiers suggested they go in and show the people "how it is done".

Booysens testified he had "flattened" an old man with a spade during the patrol.

Earlier the court heard how De Villiers told one of the policemen to shoot a suspect they had assaulted during questioning.

Constable RM van der Nest said he had ignored De Villiers' order thinking he was joking. But when they arrived at a quiet place beside a nearby river Goosen took the suspect out of the police vehicle and disappeared with him.

Van der Nest added that when Goosen returned to the bus he told De Villiers he had shot the man through his neck and thrown the body into the river.

Booysens said he had initially accompanied Goosen and the suspect — but when he saw Goosen draw his gun he went away because he knew the man would be shot.

He said Goosen had shouted that the suspect, who was half-looking over his shoulder, should: "Walk, walk, and look in front." Booysen started to cross the river. Seconds later a shot rang out.

Booysens said after the shot, Goosen was standing, legs astride, with his gun pointing down against his side. The suspect was lying face-down on the river bank.

Booysens said the three policemen swung the man twice and threw him. Because Goosen released him first, the body landed face down on a sandbank.

On the way back to the riot police van the other policemen remarked that "plain murder" had been committed. Booysens said he agreed. Goosen told them sarcastically they were accomplices and laughed.

The trial is continuing. — ANA.

Soldiers' trial reveals anti-ECC campaign

defence of the ECC against what he saw as an illegal campaign by the SADF.

Monnig said he did not participate in this, but wanted to expose lax security within the SADF.

Thompson said he had taken no final decision to participate in any effort to protect the ECC.

The court rejected Monnig's version as improbable and Thompson's as untruthful. Pluddeman's evidence he found credible — but rejected it. He said Pluddeman's defence of necessity did not fall within the ambit of a requirement of law — adding that there were reasons for this. He did not give them, however. His judgement did not refer to the second prong of Pluddeman's defence — that he honestly believed he was enti-

●From PAGE 1

tled to act as he had.

The court also found:

●It was not proved that documents obtained from the SADF were to be used by the accused — and therefore fell out of contention in the trial;

●However, they were nevertheless in possession of information related to the smear campaign, contained in their written notes. This information emanated from protected sources, the court said;

●It was not proved there was an attempt to disseminate information to the ECC — there were only "acts of preparation" to do so.

However, the court found the three had agreed to disseminate information, and that amounted to the crime of conspiracy.

Dempers called the accused's action a "despicable act of undermining the SADF in a time of crisis". He said: "It's a sad day when employees of the SADF conspire against it," adding their actions came close to "mutiny".

He mentioned no points in favour of the accused made in lengthy legal argument which preceded their being sentenced.

Describing the sentence as "shocking", Pluddeman's advocate, John van den Berg said it had been made without apparent consideration of mitigating factors — or of the law dealing with such. "The moral blameworthiness of the accused was not considered," he said.

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IN Mail 5-11/2/88

Constable admits assault on murder victim

B Star 5/4/88

331

GRAHAMSTOWN — A 20-year-old policeman admitted in the Supreme Court here that he had gone into Cradock's black township in July 1986 with ten other policemen to arrest and assault people he found on the street.

Although there was a curfew in the township, he had no intention of detaining arrested people, merely to "panel beat" them.

Constable Booyens was testifying at the trial of Warrant Officer Leon de Villiers (36), and Constable David Patrick Goosen (26), on two counts of murder, two of assault and one of attempting to defeat the ends of justice.

During his evidence Constable Booyens admitted that he had kicked Mr Mlungisi Stuurman on the head during his interrogation by Warrant Officer de Villiers and Constable Goosen.

According to his evidence he had known before they left the township that Mr Stuurman was to be "taken out" (killed) at the river.

In dealing with the subsequent investigation, he said the whole squad had agreed to say that Constable Goosen had taken Mr Stuurman to the river alone to wash the blood off his face.

While they were there Constable Goosen had slipped and a shot had gone off.

A few days later, all the young members of the squad were taken to Cradock for interrogation.

They initially stuck to the story but after Constable D Hanekom was interrogated and disappeared, he decided he would tell the truth.

The trial continues. — Sapa.

A large contigent of armed soldiers blockaded the main entrance of the the reading of poetry and speakers who condemned the restrictions on Brigadier Gerhardus van Zyl, act- tend the service

Soldiers' trial reveals plan to discredit ECC

A COVERT Defence Force campaign to discredit the End Conscription Campaign was revealed in the judgement of three national servicemen in Cape Town this week.

After an *in camera* military trial Peter Pluddeman, 25, Hein Monnig, 23 and Desmond Thompson, 20, were acquitted of disseminating information to unauthorised persons but found guilty of conspiring to do so.

They were sentenced to 18 months in detention barracks. Any appeal is ruled out in terms of the Defence Act — but all three are taking their case to the supreme court on review.

By GAYE DAVIS, Cape Town

Court president Colonel Manie Dempers ordered the three men be immediately taken into custody. Brigadier AK de Jager, officer commanding Western Province Command, agreed however to release them, pending the ratification of their sentences — which could take place within the next two weeks.

He allowed this on condition they neither contacted the ECC nor propagated their case and that when they eventually reported for detention, they did not arrive with large numbers of protesting sympathisers.

In his judgement, Dempers said that during cross-examination, the commanding officer of Communication Operations at Western Province Command Headquarters in Cape Town's Castle, Colonel JJ Claassen, had conceded there was an SADF campaign to discredit the ECC in order to undermine its goodwill — in the sense of its ability to attract members and funds.

Among those who gave evidence, it emerges from the judgement, was Stellenbosch University philosphy honours student Jannie Swart, who was originally arrested with the three on December 14 but later released.

Dempers said Swart testified that Pluddeman was concerned about the SADF campaign against the ECC, that he was morally outraged and therefore wanted to act by furnishing information to the ECC to warn the orgainisation.

The judgement referred to the evidence of the three accused, saying that Pluddeman had said he acted in

● TO PAGE 2

W/Mail 5-11/2/88

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People's court 'brought peace to Alex'

5/12/88 W/Mail 33

By VUSI GUNENE

THE people of Alexandra township lived in harmony when people's courts and street committees were operating, the Rand Supreme Court was told this week.

A state witness in the treason trial of leading trade unionist and community leader Moses Mayekiso said there was "harmony and good neighbourliness in Alexandra" at the time.

However, the witness, who may only be identified as "X", said he was forced to join the "comrades" — though there was nothing that he liked about them.

"I was afraid that if I did not join them, (the comrades) would say I side with the government and I would be burnt," the witness said under cross-examination by counsel for the defence, David Soggot.

"Before the comrades, Alexandra township was a dangerous place to live in. There were drinking problems and as a result people would be involved in crime, assaults and stabbings.

"But during the time of the comrades, there were less murders and drunkenness on the streets and Alexandra was no longer a dangerous place to live in," the witness said.

More than 100 people attended the reopening of the trial on Monday this week. Increasing international attention is being focused on the trial, with calls for Mayekiso's release coming from around the world.

Mayekiso, in custody since June 29, 1986, is general secretary of the 130 000-strong National Union of Metalworkers of South Africa, the second largest affiliate of Cosatu.

Facing charges of treason and alternatively sedition and subversion alongside Mayekiso are his younger brother, Mzwandile, 22, Paul Tshabalala, 38, Richard Mdakane, 29, and Obed Bapela, 28, all of Alexandra. They pleaded not guilty to all the charges.

The state alleges they were involved in a conspiracy to make Alexandra ungovernable through the formation of the Alexandra Action Committee, "organs of people" and "people's courts".

The evidence given this week by state witnesses, none of whom may be identified, included descriptions of consumer boycotts, street committees, yard committees and the "people's courts".

"X" told the court that four men known to him as "comrades" had come to his house and taken him to a shack were he was given six strokes for not maintaining his wife and children.

He said he never knew anything about a people's court except the shack where he was beaten.

A witness identified as "Y" told the court that the people of Alexandra township agreed at a residents' meeting to the establishment of people's court. The courts, he said, would operate as "some kind (of) disciplinary court", dealing with community complaints.

The trial continues.

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D/D 5/2/88

Court hears of assaults (331) in Cradock

GRAHAMSTOWN — A 20-year-old policeman admitted in the Supreme Court here yesterday that he had gone into the Cradock black township with ten other policemen to arrest and assault people he found on the street.

Constable M. P. A. Booyens said he was the "ring leader" but his friend Constable M. D. Nevelling had agreed with him.

Although there was a curfew in the township, they had no intention of detaining the people they arrested, merely to "panel beat" them.

Const Booyens was testifying at the trial of W—O Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on 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 on July, 26, 1986.

During his evidence Const Booyens — who had been warned as an accomplice — admitted that he had "flattened" a drunk old man with a blow to the head with a spade, kicked Mr Mlungisi Stuurman on the head during his interrogation by W—O De Villiers and Const Goosen, and possibly helped in another interrogation assault.

He had also volunteered to accompnay Const Goosen and Const R. Fourie when they took Mr Stuurman to the river.

According to his evidence, he had known before they left the township seven kilometres away, that Mr Stuurman was to be "taken out" (killed) at the river.

At one stage, Mr Justice Zietsman asked him: "Would it have given you pleasure to hurt people without reason?"

He answered: "At the time — yes."

In dealing with the subsequent investigation, he said the whole squad had agreed to say that Const Goosen had taken Mr Stuurman to the river alone to wash the blood off his face.

While they were there Const Goosen had slipped and a shot had gone off.

A few days later, all the young members of the squad were taken to Cradock for interrogation.

They initially stuck to the story but after Const D. Hanekom was interrogated and disappeared, he decided he would tell the truth.

He made his statement to Lieutenant J. D. Meyer.

It took two weeks to complete the statement.

During that time he visited various of the scenes with the investigating officer, Major G. P. S. Goosen.

Each night he was taken to sleep at Mortimer or in the police barracks at Cookhouse.

Each day he returned to Cradock.

He said he joined the police in January 1986 and was sent to the police college in the same month. A number of the others in the squad were at college with him.

He graduated in June, 1986, and was posted to the Unrest Unit on June 24, 1986.

The trial continues today. — DDC

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COURT TOLD OF BOYCOTTS

ALEXANDRA township youths instructed residents to return their children from private schools, boycott the *Sowetan* newspaper, stop paying rent and buy from local shops where prices would be monitored, the Rand Supreme Court was told yesterday.

By MANDLA NDLAZI

The instructions were given in April 1986 after a meeting in the township, the court was told.

The witness, who may not be named in terms of a court ruling, was giving evidence in the trial of Mr Moses Mayekiso (38), general secretary of the National Union of Metal Workers of South Africa and civic leaders Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mzwandile Mayekiso (22).

They are appearing before Mr Justice van der Walt on charges of treason, alternatively sedition and subversion. They have pleaded not guilty and the trial is being held in camera.

The witness said the instructions came from the "comrades". He feared them.

He identified a document exhibited in court which stated, in part, that residents' complaints should be directed to "people's court."

Some of the instructions tabled on the document were that from April 16 of that year, residents should not pay their rent and arrears.

It further stated that the *Sowetan* should be boycotted because most reports in it were false. Canned liquids were not to be bought in support of a boycott against Metal Box.

In case of police raids, residents were to alert each other by clapping hands and blowing whistles.

The witness identified another document which stated that residents should buy from local shops where prices would be monitored.

Another document exhibited in court was used as a collection list for a mass funeral in the township.

(Proceeding)

Cop tells court of youth's death trip

A YOUNG man, so badly "panel-beaten" by riot police that his execution was ordered, had stopped crying when he took his last short walk to death, a Grahamstown murder trial heard this week.

The court heard that, on the day of a political funeral in July, 1986, a riot squad unit, most of whom had been drinking heavily, drove through the streets of a Cradock township selecting people at random and assaulting them.

Unit member Constable Matthys Booyens, 20, testified to flattening an old man with a spade — referred to as a "moering tool".

The last person to be picked up was Mr Mlungisi Stuurman. He was driven in

By Bill Krige

the police vehicle to a "quiet place" near a sewage farm.

Riot unit member Constable R M van der Nest told Mr Justice Zietsman that every one, except the two murder accused, Warrant Officer Leon de Villiers, 36, and Constable David Goosen, 26, left the van.

He heard screams and the sounds of assault and, when next he saw Mr Stuurman, he was weeping loudly and clutching a plastic mug. His face was covered in blood.

Constable Booyens, fresh out of police college, said WO de Villiers told them the youth was too badly "panel-beaten" and must be "taken out".

They drove 7km to the banks of the Fish River. He knew Mr Stuurman was going to be shot and they used his tracksuit top to mop up blood in the back of the vehicle.

Mr Stuurman was calm as he walked to the river, and Constable Goosen told him to "walk, walk and look in front". He heard a shot and saw Goosen holding a gun.

Constable Booyens said he had been drinking beer the previous day and had switched to brandy.

After midnight they heard a radio report of a Casspir being stoned. WO de Villiers told them to fetch "moering tools" and they entered the location without authority.

Someone shouted: "There's suspect number one," and Constable Booyens chased an elderly and drunk man, Mr Michael Qhina, and struck him down with a spade.

At daybreak the unit entered the township "officially". They picked up five men for interrogation and he saw two of his colleagues, Constables Neveling and Fourie, suffocating a man with a plastic bag. He admitted holding the man's legs.

PAC trial continues in Umtata

CP Correspondent

A MAJOR trial of seven people accused of being members of the Pan Africanist Congress, has resumed in Umtata.

The seven are accused of being members of the PAC, furthering its aims, harbouring two guerillas and helping people to undergo military training.

All have pleaded not guilty.

They are: Lco Rubusana Kantolo, Salakatya Villiers Simuku, Agreement Sgqibopmpendulo, Nomthandazo Lusizi, Vivien Mzimkhulu Swartbooi, Victor Ntsokolo Zamela and Synod Madlebe. – Elnews.

Arms case resumes

THE trial of four men charged under the Internal Security Act, the Arms and Ammunition Act and the Explosives Act resumed in the Supreme Court at College Road in Maritzburg after a break of more than a month.

The four men, Thuso Tshika, Mtunzi Thabani Basil Sithole, Thembinkosi Patrick Nkosi and Abraham Zwellinjani Mathe, have all pleaded not guilty to the charges. – Sapa.

Delmas charges denied

By SOL MORATHI

TWO Sebokeng residents this week denied in the Pretoria Supreme Court that the Vaal Civic Association had intimidated people into staging a rent boycott in 1984.

Nineteen men are facing charges, including treason in the case dubbed the Delmas treason trial.

Under cross-examination by prosecutor PJ Jacobs, Clifton Lepelle said the aim of the Vaal Civic Association was to address residents' problems.

It had not intimidated people, he said.

Also under cross-examination, Themba Mazibuko denied that it was suggested at a September 1984 meeting in Sebokeng that those who defied the rent boycott would be "in serious trouble".

The meeting was only called to discuss the rent increases as councillors had failed to explain them.

Accused claims interrogation after sleep deprivation

Star 9/21/88 (331)

By Jo-Anne Collinge

An alleged African National Congress kingpin, Mr Ismail Ebrahim, who was kidnapped in Swaziland in December 1986 and brought forcibly to Pretoria's Compol building, was subjected to police interrogation after spending 40 hours without sleep, his defence counsel said yesterday.

This was said during cross-examination of security policeman Captain Martin Johan Naude as the treason trial of Mr Ebrahim and two others, Mr Acton Mandla Maseko and Mr Simon Dladla resumed — this time in the Bethal Court.

DEPRIVATION

Captain Naude said he had no knowledge of Mr Ebrahim's deprivation of sleep. He said Mr Ebrahim had declared himself prepared to answer questions except where they related to his work abroad for the ANC, and to Helene Passtoors, the Belgian citizen sentenced to 10 years for ANC activity.

The State finally opened its case yesterday only to find that by mid-morning it was engaged once more in a trial-within-a-trial.

The objective was to determine the admissibility of certain comments made by Mr Ebrahim about articles presumed to have belonged to him and to have been taken from his home in Swaziland.

The State submitted that it was not necessary to establish that Mr Ebrahim had owned the contents of the small tin trunk about which he had given explanations during interrogation.

RELEVANT LINK

As long as he had given his statements freely and some relevant link to the articles could be shown, the court should have to consider what he had said about the exhibits, the State argued.

The two policemen called to give State evidence said Mr Ebrahim had not been threatened. Defence counsel argued that the onus of proving Mr Ebrahim had spoken freely rested with the State.

Under cross-examination, Captain Naude said:

- Mr Ebrahim had complained of being abducted.
- He had been informed he was being detained in terms of section 29 of the Internal Security Act and could be held until he answered all questions to the satisfaction of the police.
- He had been in leg-irons throughout his interrogation.

The trial continues today.

17 killed as MNR hits town

MAPUTO — Seventeen people were killed and 32 injured in an attack on Saturday night on Moamba, between Maputo and the South African border, the national news agency Aim reported.

It said a four-month-old baby, already orphaned in an attack earlier this month, survived for eight hours in the burning hospital.

The news agency said 500 MNR raiders attacked the town from three sides. Moamba is about 25 km east of the South African border.

Aim said three guerillas were killed and a witchdoctor-guide was taken prisoner. No casualty figure for the town forces were given.

The news agency said the guerillas looted the local hospital, two shops and three homes, which they set on fire, and also blew up five trucks.

Treason trial court told of Vaal meetings

Inkatha man was 'only an interpreter'

Pretoria Correspondent

Chairman of the local committee of Inkatha in Sharpeville, Mr Amos Nkani Msimanga, acted purely as an interpreter during two meetings in which residents of the township expressed their grievances at rent increases in the Vaal Triangle in 1984.

Mr Msimanga was giving evidence yesterday in the Pretoria Supreme Court during the trial of 19 high ranking members of the United Democratic Front (UDF) and other organisations.

They have pleaded not guilty to the main charge of high treason and to alternative charges ranging from terrorism and subversion to murder.

The trial concerns events preceding the eruption of violence in Vaal Triangle townships on September 3 1984, during which councillors were murdered and property valued at millions of rands was damaged.

NOT SATISFIED WITH RENT INCREASE

In his evidence, Mr Msimanga said he had attended a meeting at the Sharpeville Anglican Church during August 1984 after hearing about it from a colleague.

He said he was also not satisfied with the rent increase and had therefore decided he would attend the meeting.

He testified that at the meeting resolutions from a previous gathering were read out which included that the increase of R5,90 would not be paid and that a document containing complaints would be signed by residents of the community.

He said people at the meeting asked him to act as an interpreter since they could not understand Sotho.

He identified one of the speakers at the meeting as one of the accused, Mr Tom Manthata from the "Committee of 10".

According to the witness, Mr Manthata said in his address the rent had been increased too much and it would be difficult for people to pay it. He suggested that the community meet councillors.

'PLEAD WITH COUNCILLORS'

"He said we had to plead with councillors to do something and if they turned us down we will have to ask them to resign," he said.

According to Mr Masimanga, Mr Manthata further said an increase in rent would not only be difficult to afford, but people would not be able to maintain their families or to send their children to school.

The witness identified accused Mr Patrik Balega, a member of the Azanian National Youth Unity, as the second speaker during the meeting.

(Proceeding).

Cradock policeman denies hanging threat

GRAHAMSTOWN — A witness denied yesterday he was threatened that unless he turned State evidence he would be charged and hanged with the rest.

Constable M P A Booyens was testifying in the Supreme Court at the trial of Warrant Officer Leon de Villiers (36) and Constable David Patrick Goosen (26) on two charges of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arise out of alleged incidents in Cradock when 10 members of the unrest unit were sent to monitor a funeral on July 26 1986.

Constable Booyens was being cross-examined about a statement to the police which he said had taken him two weeks to make.

He said when the eight younger members of the unit were taken to Cradock for interrogation, they had agreed on a version of the shooting of Mr Mlungisi Stuurman at the Great Fish River.

Nothing had come out up to then about the "panel-beating expedition" the previous night.

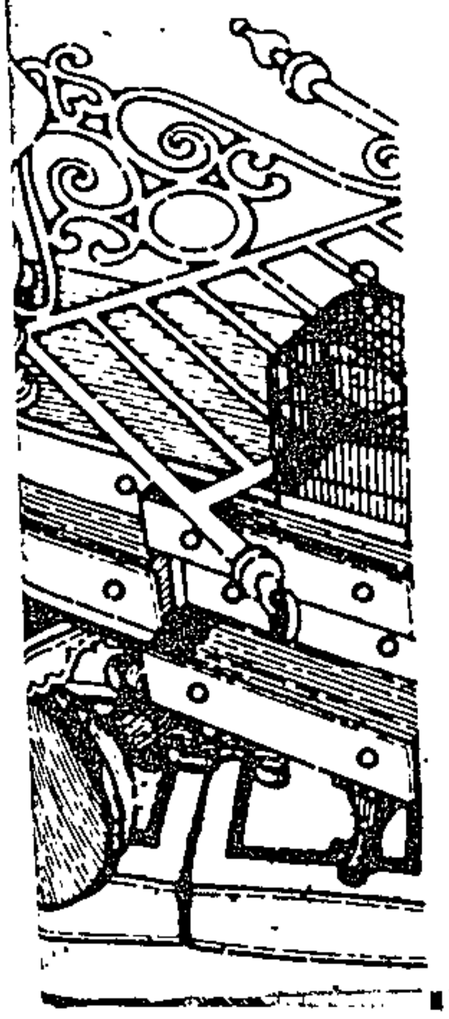
Constable Booyens said he was worried about this because he knew he could be in trouble for assaulting an old man with a spade.

The first statement they made in Cradock was the agreed statement and the investigating officer, Major G P S Goosen, told them it was a pack of lies.

Constable Booyens said Constable D Hanekom had not returned from interrogation and he thought that he had been locked up for sticking to the agreed statement. He feared he would also be locked up if he stuck to it, so when Major Goosen said it was lies, he agreed.

He said he was friendly with a certain constable. He could not remember discussing the making of his statement with him.

He denied telling the constable he was forced to make the statement or that he was told that the only way to prevent himself being charged and hanged with the others, was to turn State evidence. The hearing continues. — Sapa.



Bonn urged to aid Namibia

MUNICH — The Bavarian Christian Social Union, Dr Franz Josef Strauss's party, has called for West German aid for Namibia. The demand conflicts with Bonn government policy.

Chancellor Helmut Kohl emphasised this policy last week, saying no aid would be given to Namibia until it achieved independence along the lines of United Nations and European Community plans.

Ricci affair 'amazing'

Apr 9/2/88

Accused confessed 'to relieve stresses'

MESSINA — Clinical psychologist Mr Graeme Friedman was questioned yesterday in the Circuit Court about his statement last week that Mr Mzondeleli Euclid Nondula, one of the two accused, had made a confession under pressure.

A trial-within-a-trial is taking place to see if the confessions made by the accused are admissible as evidence.

Mr Mthetheleli Zephania Mncube (27) of Soweto and Mr Nondula (24) of Ciskei have both pleaded not guilty to 41 charges, which include 10 of murder, 24 of attempted murder, illegal possession of arms, ammunition and banned literature, treason and terrorism.

Mr Justice J P O de Villiers asked Mr Friedman yesterday if he had "dealt with the accused as a mentally disturbed person".

Mr Friedman said that, at the time of the confession, Mr Nondula had a mental disorder.

Mr Justice de Villiers asked if it was possible that Mr Nondula could have exaggerated his situation prior to the confession.

Mr Friedman said it was not likely. "An uninformed" person would not be able to come up with the combination of symptoms which Mr Nondula suffered from as a result of his detention and treatment.

Mr Friedman said the only way Mr Nondula felt he could relieve the stresses he was under was to make the confession. — Sapa.

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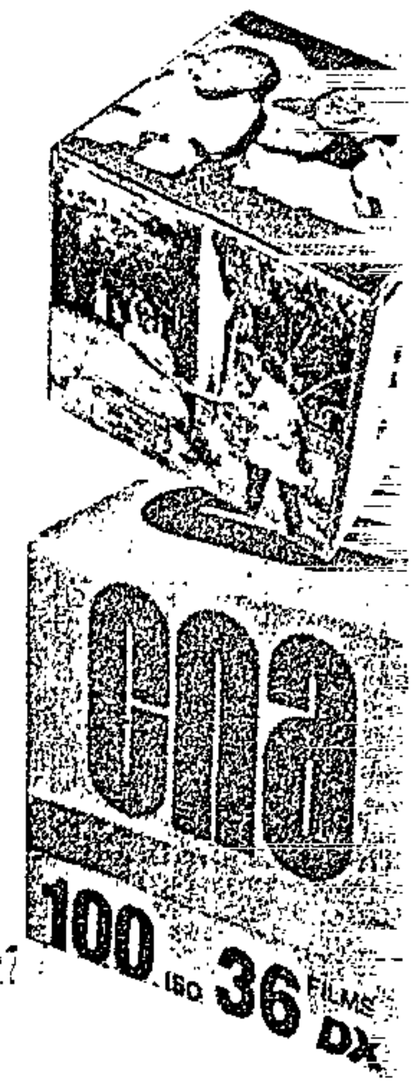

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Bomb: Man's appeal against sentence upheld

Cark 11m15 9/2/88 231

Staff Reporter

AN APPEAL by a Parkwood Estate man against a two-year sentence for possessing an unexploded petrol bomb outside the home of Democratic Workers Party leader Mr Dennis de la Cruz, was upheld yesterday. His conviction and sentence were set aside.

Mr Nehemiah Meyer, 24, of Wattle Road, was convicted by Mr A P Kotze in Wynberg Magistrate's Court in June 1986 of possessing an unexploded substance in Grassy Park on September 5, 1985 and was sentenced to four years' imprisonment, half of which was suspended.

He had been acquitted on a first charge of arson or malicious damage to property, which the state had tried to relate to another petrol bomb which landed on Mr De la Cruz's roof that night.

Mr Justice D M Williamson and Mr Justice A J Lategan presided. Mr W Viljoen appeared for the state. Mr M Donen, instructed by R Vassen and Co, appeared for Mr Meyer.

Cape Times 10/2/88

43 convicted for Natal violence

Own Correspondent

MARITZBURG — Forty-three Inkatha members were yesterday convicted in the Regional Court here on a charge of attending an unlawful gathering in terms of the Internal Security Act following disturbances which flared in central Maritzburg last week.

All had pleaded guilty to the charge.

Regional magistrate Mr G J Barnard sentenced 30 juvenile accused to corporal punishment while 13 adults were fined R100 (or three months).

The minors were each sentenced to five cuts with a light cane to be administered in private.

The court was told earlier that last Wednesday's violence was sparked off by an attack on five of the accused — all members of Inkatha — who came to town to seek employment, and followed the killing of two Inkatha members in Retief Street by UDF members the previous day.

Detainee not guilty of murder

Own Correspondent

PORT ELIZBETH. — Relatives of Mr Madoda Jacobs, a Cradock youth organization (Cradoya) member, wept with relief in the Grahamstown Supreme Court yesterday after he was acquitted on a murder charge.

Minutes after being told he had been discharged, Mr Jacobs was led back to prison where he is being detained under emergency regulations.

Family and friends were told by a police officer they were not allowed to talk to him as he was in detention under the emergency regulations.

Mr Justice Van Rensburg, sitting with two assessors, found that Mr Jacobs was not guilty of murdering a constable in the police force, Mr Lulama Bomali, in Lingelihle township on February 2, 1985.

Mr Justice Van Rensburg was assisted by Mr J H Meyer and Mr G Renolds. Mr M A Mncwabe appeared for the defence. Mr G Bursey and Mr L S Moffitt appeared for the state.

Terror trial suspect 'was co-operative'

By Dirk Nel, Northern Transvaal Bureau

MESSINA — Police had "excellent co-operation" from terror trialist Mr Mzondeleli Nondula (24) after his arrest in Bophuthatswana on January 2 last year, Lieutenant Hannes Wehrman of the Security Branch told Mr Justice J P O de Villiers yesterday.

The lieutenant was under cross-examination by defence council, Mr Rodney Black, during the Supreme Court trial of Mr Nondula and Mr Mthetheleli Mncube (27), who have pleaded not guilty to 10 charges of murder, 14 of attempted murder, and charges of terrorism, treason, illegal possession of firearms and ammunition, and allegations of activities that endanger State security.

"Mr Nondula gave us such important information in Mmbatho that we decided to take it up with our superiors, who instructed us to arrest him as a terror suspect," Lieutenant Wehrman said.

He denied allegations by Mr Nondula that he used a firearm on January 3, 1987 to threaten Mr Nondula with death or indefinate detention if he refused to co-operate.

After sitting in on an interrogation conducted by Bophutatswana Intelligent Service officials in Mmbatho on January 5 and 6, the policeman took Mr Nondula to Groot Marico, and on the way arrested him at Buurmansdrif, he said.

"When I told him he was being taken to Groot Marico for questioning as a suspected ANC member, he replied, 'sure, sure'.

When asked whether he was prepared to repeat before a magistrate what he had told the policeman, he again replied, "sure, sure". The accused signed a confession before a magistrate at Groot Marico on January 8.

The defence is contesting the admissibility of this confession, claiming it was not made voluntarily.

The hearing continues.

UDF members 'control central Maritzburg'

MARITZBURG — The United Democratic Front claimed to control central Maritzburg's streets, shops and buses and Inkatha members had been indiscriminately attacked for entering these "UDF zones", a city regional court heard at the trial of 43 Inkatha members yesterday.

The 43 pleaded guilty to a charge of contravening Section 57 of the Internal Security Act by forming an illegal gathering in the Boshoff Street area on February 3.

Magistrate Mr G J Barnard sentenced 13 adults in the group to a fine of R100 or three months imprisonment and the remaining 30 — all under the age of 21 — to five cuts with a light cane.

The majority of the 43 were either scholars or unemployed.

Three children aged 12 and 13, who were arrested with the 43, were released without being charged.

The 43 were initially charged with public violence and with forming an illegal gathering. However, only the lesser charge of forming an illegal gathering was put to them yesterday.

In argument before sentence Mr W von Willich, for the 43, said that their actions should be seen against a background of an ongoing "ideological feud" between members of Inkatha, "the moderate Zulus", on the one side, and the UDF, Cosatu, the ANC and the South African Communist Party on the other side.

At least 100 members of the Inkatha Youth Brigade had been killed by the UDF in the last few months, he said.

Mr Kuhn for the State said the facts were not in dispute, however, people could not take the law into their own hands.

The court should also take into account that there was not only one faction at fault but that the violence "works both ways", said Mr Kuhn. — Sapa.

Hearts and minds - SADF

SOLDIERS were specifically instructed not to kill but to win the hearts and minds of township residents, the Rand Supreme Court heard yesterday — from Colonel Holland Muter of the SADF, while under cross-examination by the defence. Sowetan 10/2/88

Answering Mr David Soggot, counsel for the defence, he said he was at a mass funeral in Alexandra Township when he saw an ANC flag and a red flag with a hammer and sickle.

Appearing before Mr Justice Van der Walt on charges of treason, alternatively sedition and subversion, was Mr Moses Mayekiso, general secretary of the National Union of Metal Workers of South Africa.

Mr Mayekiso (38), is appearing with four civic leaders, Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mr Mzwandile Mayekiso (22). The State alleges they were involved in a conspiracy to make Alexandra Township ungovernable. 331

DD 10/2/88

Witness: accused willing to talk

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MESSINA — One of the accused in the Messina landmine trial had shown an extraordinary amount of co-operation and offered so much information that no threats were necessary, Lieutenant J. J. Wehrmann of the security police in Zeerust told the circuit court sitting here.

He was giving evidence in the trial-within-a-trial of one of the two accused in the case which involves a total of 41 charges which include murder, attempted murder, treason and terrorism.

The accused is Mr Mzondeleli Euclid Nondula, the admissibility of whose confession is the basis of the trial-within-a-trial.

Yesterday Lieut Wehrmann said the outstanding feature of Mr Nondula's behaviour was his willingness to get everything off his chest

Mr Nondula, 24, of Mdantsane and Mr Mthetheleli Zephania Mncube, 27, have pleaded not guilty.

'No plan to kill councillors'

331 Smithm 10/2/88

A SHARPEVILLE resident who had interpreted for two of the accused in the Vaal Triangle treason trial at a meeting to discuss rent increases in the area, yesterday told a Pretoria Supreme Court judge that the speakers had not advocated violence.

Mr Amos Msimanga, a defence witness, told Mr Justice van Dijkhorst and an assessor that he would not have interpreted for Mr Tom

By MANDLA NDLAZI

Manthata and Mr Patrick Baleka if they were to have called for violent action against councillors.

He said some of the people at the meeting, which was held to discuss the R5,90 rent increase, requested him to interpret as speakers used different languages. At that time, he added, only rent-related issues were discussed.

The judge heard that Mr Manthata suggested that councillors be asked to resign after other means of persuading them not to increase rent had been exhausted. That Mr Manthata called on people to kill and burn local councillors was untrue, said the witness.

Mr Msimanga added that the other accused, Mr Baleka, had told the meeting that the move to increase rent would add to the problems which already existed in the area. He rejected the State's suggestion that the accused announced that "the youths knew how to fight" and would lead their parents".

Officials of the United Democratic Front, Azanian Peoples' Organisation, Vaal Civic Association and Azanian National Youth Unity have pleaded not guilty to treason, and alternative charges of terrorism, subversion and murder.

Star 11/2/88

State ends its case in terror trial

331

By Dirk Nel,
Northern Transvaal Bureau

MESSINA — The Messina terrorism trial resumed yesterday with Brigadier J Stadler, an authority on the African National Congress, on the witness stand.

Brigadier Stadler testified on the aims and methods of the organisation and was cross-examined at length by counsel for the defence, Mr Rodney Black.

The State prosecutor, Mr Frans Roets, has indicated that he does not plan to call more witnesses and Mr Black is expected to present evidence in support of his case this week.

PLEADED NOT GUILTY

The accused, Mr Mthetheleli Mncube (27) and Mr Mzondeleli Nondula (24), have pleaded not guilty to charges of murder, attempted murder, terrorism and treason.

A confession made by Mr Nondula before a magistrate at Groot Marico on January 8 1987, shortly after his arrest, was accepted on Friday as evidence by Mr Justic J P O de Villiers, despite arguements by the defence that the statement was not made voluntarily.

The hearing continues.

Star 11/2/88

Messina judge to rule on statement

331

By Dirk Nel
Northern Transvaal Bureau

MESSINA- Both the State and the defence yesterday presented their final arguments to Mr Justice J P O de Villiers on a disputed confession by Messina terror trialist Mr Mzondeleli Nondula (24), shortly after his arrest on January 2 last year.

The judge's ruling on the matter is expected this week.

INTERROGATED

Mr Nondula claimed he was subjected to ill-treatment, prolonged interrogation and threats, before being taken to a magistrate at Groot Marico to make a statement on January 8.

Mr Mthetheleli Mncube (27) and Mr Nondula have pleaded not guilty to charges of murder, attempted murder, terrorism and treason arising from a series of land-mine blasts near Messina and the deaths of two policemen.

Defence counsel Mr Rodney Black said evidence by Mr Nondula and a clinical psychologist outweighed the testimony of Lieutenant Hannes Wehr man of the security police.

The State prosecutor, Mr Frans Roets, said that even if Mr Nondula was induced under false pretences to make the statement, it was in order, because he believe it was made voluntarily.

The hearing continues.

7 shots from 'Trojan horse'

THE commanding officer of a police unit, Lieutenant Douw Vermeulen, fired seven shots without warning from an unmarked vehicle in the direction of a youth in unrest-stricken Atlone in October 1985, a Wynberg inquest court heard last week.

Jonathan Claasen, 21, Michael Miranda, 11, and Shaun Magmoed, 16, were shot dead in what has become known as the "Trojan Horse" incident.

Lieutenant Vermeulen said he and his men were hidden in crates on the back of an unmarked truck. The aim of the operation was to identify and arrest ringleaders.

Vermeulen said stones and half-bricks were thrown and the truck was damaged.

Vermeulen had earlier refused to give evidence under oath.

Vermeulen said he shot because his life was in danger. He said he did not have time to identify himself and did not fire a warning shot.

Mr Jeremy Gauntlett, representing the Magmoed family, argued that the police had used unnecessary force that day and that their actions were illegal.

Vermeulen said he identified Magmoed as the man he shot but it was possible that he could have shot another person.

Major Christiaan Loedolff, Commander of the defunct SA Railway Task Force, said he told Vermeulen not to endanger the lives of his men, and only to shoot if there was no other way out.

Magistrate Mr G Hoffman asked Loedolff why they used "this strange ghost truck".

Loedolff said it was not strange as the same truck was also used in Nyanga in October 1985.

"The next time we used a police van because the unmarked truck with crates failed to attract stone throwers," said Loedolff.

Loedolff said he thought the Trojan horse operation had been successful.

The inquest was postponed to February 15 for argument and judgment.

Confession denied

A CONFESSION made by a security detainee was unreliable and should not be accepted as evidence in court, the Messina Circuit Court was told yesterday.

Defence Counsel Mr Rodney Black told Mr Acting Justice J P O de Villiers and two assessors that security legislation and the solitary confinement of detainees led to a stressful situation which induces captives to make incriminating statements.

Mr Black was leading argument in a trial-within-a-trial to determine whether an alleged confession by one of the accused was admissible as evidence.

Mr Mthetheleli Mncube (27) of Soweto and Mr Msondeleli Nondula (24) of Mdantsane are facing 41 charges relating to landmine blasts in the Messina area during 1985/86. They have pleaded not guilty to all the charges.

The alleged confession was submitted by the prosecutor, Mr Frans Roets, who argued that it was made voluntarily. But the defence has challenged this and said Mr Nondula made the "confession" because of fear of further detention, torture and threats of deaths.

"Lieutenant Wehrmann (a State witness who interrogated Mr Nondula) said the accused was proud of his links with ANC and was a self confident man. On the other hand he told the court that the accused wanted to make the confession to clear his conscience.

"Only people with feelings of guilt and remorse can want to clear their conscience. By Werhmann's own admission the accused had no such guilt feelings. It is an illogical argument which can only make sense if the accused wanted to give the enemy ammunition with which to crush him," Mr Black said.

Mr Black added that the confession, whose contents have not been divulged, should not be accepted as it was not made voluntarily. He urged the court to accept the findings of a clinical psychologist who assessed Mr Nondula last October and found that he had been suffering from a form of mental disorder at the time of making the statement.

Messina judge to give ruling today

331

Star 12/2/88.

By Dirk Nel
Northern Transvaal Bureau

MESSINA — Mr Justice JPO de Villiers indicated yesterday that he will give his verdict on the admissibility of a disputed confession by one of the Messina terror trialists, Mr Mzondeleli Nondula, today.

Mr Nondula (24) and Mr Mthetheleli Mncube (27) have pleaded not guilty to charges of murder, attempted murder, terrorism and treason.

The defence claims that Mr Nondula's confession was not made voluntarily.

Mr Nondula and a security policeman, Lieutenant Hannes Wehrman, were recalled to the witness stand yesterday to testify in connection with disputed entries made in police registers.

Mr Nondula said he was questioned by Lieutenant Wehrman at Groot Marico on January 7 last year "for four or five hours". The questioning lasted from mid-morning to 3 or 4 pm, Mr Nondula said.

Lieutenant Wehrman confirmed a cell register entry, signed by himself, which indicated that he had taken Mr Nondula from his police cell at 2 pm and returned with him at 3.25 pm.

The State prosecutor, Mr Frans Roets, asked the court to approach the earlier testimony of a clinical pyschologist, Mr Graeme Friedman, with caution, as he had only had three brief consultations with Mr Nondula, before declaring that the latter had been under stress when he signed the confession on January 8 last year.

Mr Roets claimed the only two people who could form an opinion of Mr Nondula's condition were Lieutenant Wehrman and the magistrate in whose office the statement was made, because both saw the accused on that date.

Lieutenant Wehrman testified that Mr Nondula was "very cooperative", and the magistrate told the court that the accused was calm when he made the statement, and had no complaints.

Student jailed for violence

Star 12/4 86

331

CAPE TOWN — A University of Cape Town student who threw stones at police during confrontations at the campus in April last year was yesterday sentenced by a Wynberg Regional Court to an effective one year on a public violence charge.

Andrew Brown (21), a fourth year law student of Claremont, pleaded guilty to and was convicted on two counts of public violence.

He was sentenced to nine months imprisonment on each count of which six months of each are to run concurrently.

In a statement handed to the court he admitted that on April 24 and 27 he threw four stones at a place police appeared to be firing teargas from, and one stone which hit an empty, stationary police vehicle on De Waal Drive.

He denied hurling stones at the general public.

The magistrate, Mr A S McCarthy, said Brown's past history was impressive and his guilty plea was a sign of remorse.

He accepted that no one was injured and no damage was done.

He said Brown had been one of the few people brought to court for throwing stones. "Ninety percent of them have gone unpunished and their conduct was as reprehensible as yours."

Brown's attorney, Miss A Durbach, said an application for leave to appeal would be filed and he was granted R50 appeal bail. — Sapa.

Trial of Boksburg ex-mayor postponed

Star 12/4/88

331

By Bruce Anderson

The trial of a former Boksburg mayor, Mr Andrew Wheeler (47) on charges of attempted murder was postponed in the Johannesburg Regional Court yesterday to allow his wife — a complainant in the case — to give evidence.

Mrs Lorraine Wheeler (42) was admitted to hospital suffering from hysteria the day before her husband's trial.

The State alleges that Mr Wheeler attempted to murder Mrs Wheeler and his stepdaughter, Miss Dezere Prinsloo (18), with a hammer in October last year.

Mr Wheeler has pleaded not guilty to both charges.

Before yesterday's postponement, Sergeant Marius Mountjoy, of the South African Police in Boksburg, told the court that on October 29 last year — the day after Mr Wheeler had allegedly attempted to murder his wife and stepdaughter — he went to Mr Wheeler's house.

There he found Mr Wheeler, who had apparently tried to commit suicide by taking an overdose of tranquilisers.

Sergeant Mountjoy said he also discovered a suicide note left on the front seat of Mr Wheeler's car.

Another policeman, Constable Dirk van der Merwe, testified that he entered Mr Wheeler's house on October 28 and found blood splashes on the floor and walls of one room. He also found a hammer on a washbasin unit in the bathroom.

The trial was postponed to April 26.

Mr J D Pretorius was on the Bench. The prosecutor was Mr G Thiart and Mr C Botha appeared for Mr Wheeler.

ANC 'delivery man' convicted

DURBAN — A 25-year-old ANC member, convicted of terrorism by Mr J H Laubscher in the Durban Regional Court yesterday, delivered the limpet mine to those responsible for the explosive blast at Sanlam Centre in Amanzimtoti.

The blast killed five people, injured several and caused considerable damage on December 23 1985, Mr Laubscher said while convicting Sipho Nhlanhla Maphumulo.

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Maphumulo had pleaded not guilty.

The court found he had left the country for military training in Angola in 1984 and 1985 and returned to South Africa via Swaziland.

He had also recruited and attempted to recruit people to join the ANC and had himself been a member of the military wing of the organisation, Umkhonto We Sizwe.

He was also convicted of possessing, without a licence, an AK-47 rifle and 100 rounds of ammunition.

Sentence will be passed tomorrow after a defence witness gives evidence in mitigation. — Sapa.

Star 12/21/88

Jailed for ANC aid

Star 12/2/88

331

CAPE TOWN — Mncedisi Stuart Mciteka (33), address given as Khayelitsha, was sentenced in the Cape Town Regional Court yesterday to five years' imprisonment, two conditionally suspended for five years, for assisting three members of the African National Congress.

Mciteka pleaded guilty of failing to report the men's presence in the Peninsula to the police and to assisting them.

REALISED

In his explanation of plea, he said a friend introduced him to the three.

Later he realised that they were trained members of the ANC and intended to commit an offence against the Terrorism Act.

He said he did not report the presence of these persons to the police "as I was in law obliged to do". — Sapa.

UCT student is sentenced for stoning police

Own Correspondent

CAPE TOWN — University of Cape Town law student Andrew Brown was sentenced yesterday to an effective year in jail for public violence.

The magistrate, Mr A S McCarthy, sentenced Brown (22) to nine months' jail on each of two counts of throwing stones at police during confrontations on at UCT on April 24 and 27, 1987.

Six months' jail is to run concurrently.

Brown pleaded guilty and was convicted in October last year.

Mr McCarthy, who said Brown had an "impressive academic record with a tremendous future ahead of him", took into account evidence in mitigation by a psychiatrist who described Brown as a sensitive, responsible person with a deep commitment and dedication to political involvement.

The psychiatrist said Brown's actions in throwing stones at police, who were sjambokking and teargassing students, was a "spontaneous sign of anger which was not confined to students but shared by academics".

PEACEFUL PICKET

Mr McCarthy said a police video recording, viewed in court yesterday, had given him a clearer picture of events during the three-day confrontation that started with a peaceful picket above De Waal Drive and ended after appeals to students and police by UCT chancellor Dr Stuart Saunders.

Mr McCarthy said that of all those who threw stones at police, Brown was one of the few to appear in court and he had to be punished.

"Ninety percent have gone unpunished and their conduct was as reprehensible as yours.

"The court has also seen the circumstances in which the offences were committed and accepts this.

PUNISHED SEVERELY

"In this type of offence, very few are brought to court and for this reason sentence must deter others who must realise that if they get caught and convicted they will be punished severely."

Mr McCarthy took into account that nobody had been injured and no damage caused.

He said the court could not ignore other cases in the past, many of which had ended up in the Supreme Court. "This court must be mindful of the remarks of the judges in the Supreme Court and the Appellate Division."

He added that after weighing all the facts, he would treat Brown as leniently as possible.

Mr McCarthy rejected a recommendation that Brown do community service.

Brown's attorney, Miss Andy Durbach, told the court an application for leave to appeal would be filed, and Brown was released on R50 bail.

Miss Durbach said there was a reasonable prospect that another court might impose a different sentence.

SACC rethink on court funds

Weekly Mail Reporters

THE South African Council of Churches is reconsidering funding political trials because there is no guarantee of a "just outcome".

Frank Chikane, general secretary of the SACC, told a Johannesburg press conference yesterday judges had to act according to unjust laws — and the legal system was obviously influenced by the political climate.

He said the SACC was re-examining its aid to apartheid victims on trial as "there is no guarantee of a just end to the court process".

The press conference was called to highlight the plight of the "Sharpeville Six" — who are on death row for having "common purpose" with the unknown killers of a Sharpeville councillor in 1984.

A lawyer acting for the six argued they should have been acquitted by the court. He said the state's evidence against them included many "grey areas" — chief among them that several of the six were convicted on the "contradictory evidence" of one anonymous state witness.

W/Mercury 331

12-18/2/88

Messina landmine trial verdict today

DD 12/2/88 (331)

MESSINA — Both the defence and the state completed their final submissions to the judge in the Messina landmine trial yesterday, in respect of a disputed confession signed by one of the accused.

The judge, Mr Justice J. P. O. de Villiers, indicated he would give his verdict in the trial-within-a-trial today.

Counsel for the defence, Mr Rodney Black, referred the court to precedents created by other cases, saying if the confession was found to have been made voluntarily, the court could, at its own discretion, still decline to accept the document.

The state prosecutor, Mr Frans Roets, questioned the evidence of the accused, Mr Mzondeleli Euclid Nondula, that he was assaulted by members of the Bophuthatswana Defence Force members after his arrest on January 2 last year.

"Anything is possible in Bophuthatswana after what happened this week," Mr Justice de Villiers said.

Mr Nondula, 24, of Mdantsane and Mr Mthetheleli Zephania Mncube, 27, of Diepkloof Soweto have pleaded not guilty to a total of 41 charges which include murder, attempted murder, treason and terrorism.

The case arises from a series of landmine explosions and discoveries in the Messina area in late 1985.

Mr Roets said the testimony of a clinical psychologist, Mr Graeme Friedman, had to be treated with caution, as he had found Mr Nondula was under stress when he signed the confession on January 8 last year.

"This after only three brief consultations with the accused," he said.

The two people best qualified to form an opinion of Mr Nondula's condition, were Lieut J. J. Wehrmann of the security police in Zeerust, who had questioned the accused on January 7, and the magistrate in whose office the statement was made.

Lieut Wehrmann had testified that Mr Nondula was "one of the most co-operative people the had ever questioned."

The magistrate told the court Mr Nondula was calm when he made the statement and had no complaints.

The case continues today. — Sapa

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Jail for law student

Court Reporter

A UCT law student who threw stones at police on the campus was sentenced to an effective one year's imprisonment on a public violence charge in the Wynberg regional court yesterday.

Andrew Brown, 21, of Claremont, pleaded guilty to two counts of public violencer.

Brown was sentenced to nine months imprisonment on each count of which six months of each are to be concurrent.

In a statement he admitted that on April 24 and 27 he threw four stones at a place police appeared to be firing teargas from, and one stone which hit an unoccupied police vehicle on De Waal Drive.

He denied throwing stones at the general public and said he intended them for the police.

Brown told the court after he saw some of his friends and peers being arrested "for no apparent reason", he threw the stones. "I was very angry indeed when I threw the stones," he said.

However, he was normally a controlled person and regretted his actions.

Professor Denis Davis, an associate professor in the Department of Law at UCT said that on April 24 he saw police chasing students down University Avenue. The police were armed with sjamboks and teargas.

He had been shocked and distressed at the provocative behaviour of the police. He had expected them to behave maturely, given the wide powers they had.

Brown's father, Professor Alexander Claude Brown, head of the Zoology Department at UCT, said his son had been taught to develop a keen sense of judgment, high moral values and have the right to stand up for one's beliefs.

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.

The magistrate, Mr A S McCarthy, said Brown's past history was impressive and his guilty plea was a sign of remorse. He accepted that no one had been injured and no damage done.

Mr McCarthy said a police video, shown in court yesterday, had given him a clearer picture of the events.

Brown had been one of the few people brought to court for throwing stones. "Ninety percent of them have gone unpunished and their conduct was as reprehensible as yours."

Mr McCarthy said the sentence imposed on Brown had to deter others "who must realise that if they caught and convicted they will be severly punished".

Brown's attorney, Miss A Durbach, said an application for leave to appeal would be filed and Brown was granted R50 bail.

Mr P Mostert prosecuted.

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CA&L Trials 12/2/80

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Man jailed for helping ANC trio

Court Reporter

THE manager of a charity organization was jailed yesterday for three years by a Regional Magistrate for contravening the Internal Security Act by helping three ANC members.

Mncedisi Stuart Mciteka, 33, of Khayelitsha, was sentenced to five years' imprisonment, of which two were suspended for five years.

He was charged with contravening Section 54(4) of the Act.

In a statement handed to the court, Mciteka said a friend of his, Mr Sam Pietersen, introduced him to three men, Temba, Mancane and Agrippa.

He eventually realized that the three were trained members of the ANC and intended to commit an offence.

Mciteka said: "I noticed at one stage that Agrippa had weapons in his possession. At Sam's insistance, I transported the aforesaid persons in Sam's vehicle on a few occasions and provided other assistance.

"I did not, however, in any way, participate in their unlawful activities.

"I also did not report their presence to the police," he added.

Mr M Stowe, of the Attorney-General's office, prosecuted. Mr S Desai, instructed by Mallinick, Ress, Richman and Closenberg, appeared for Mciteka.

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DD 13/2/88

Claim: union not informed of staff cuts

Daily Dispatch Reporter

EAST LONDON — A member of the South African Textile and Allied Workers' Union (Satawu) charged with intimidation told the regional court here yesterday that management had informed a rival union of retrenchments before telling Satawu.

Mr Boy-Boy Loliwe, who is one of six accused, said that before Satawu or its committee was able to negotiate with management on the retrenchments, "workers of the Garment Workers' Union (GWU), were openly talking about the matter in the factory".

Mr Loliwe said he believed that GWU members were talking about the retrenchments at the top of their voices in order to taunt Satawu workers.

He added that although workers were taunted, there were no disturbances as a result of this.

Mr Loliwe, who was one of 15 retrenched workers, said that he was angry when he first heard of his retrenchment.

He said that, although there was a lot of unfriendliness and misunderstanding between the two unions when the retrenchments were announced, "I was angry with management and not with the GWU".

He added, however, that his anger had soon subsided.

At the time of Mr Loliwe's arrest, he was found to be in possession of a flick knife.

Mr Loliwe denied that the knife belonged to him or that he was aware that it was in the pocket of his trousers.

"At the time of my arrest I was wearing trousers which I had previously lent to my brother.

"He had obviously left his knife in the trousers.

"From 7 am, the time I got ready for work, until my arrest, just before noon, I was unaware that I was carrying it in my back pocket," Mr Loliwe said.

He added that he had received "quite a fright" when the knife was discovered.

The other accused are Mr Lungisile Bless, 22, Mr Lungelo Sidwell Skepu, 20, Mr Mziwonke Mzendana, 24, Mr Patrick Mlamli Yoyo, 24, and Mr Dally Qoni, 21.

The case was postponed to June 6 and bail was extended to the accused on condition they appear in court on that date.

Mr N. R. Oosthuizen presided, Mr H. Hannan prosecuted and Advocate V. Soni, instructed by Magqabi and partners, appeared for the defence.

Landmine trial: no duress ruling

D/D 13/4/88 (331)

MESSINA — Mr Justice J. P. O. de Villiers ruled in the Circuit Court sitting in Messina yesterday that one of the accused in the landmine trial, Mr Mzondeleli Euclid Nondula, made a confession voluntarily before a magistrate at Groot Marico on January 8 last year.

The reasons for the judge's finding are to be given later.

In the confession, handed in as evidence by Mr Frans Roets, who appears for the State, Mr Nondula admitted receiving political and military training in East Germany and at ANC camps in Angola.

He said he entered South Africa with others from Zimbabwe in 1985, laid landmines in the Messina area and returned to Zimbabwe.

Mr Nondula added that he twice infiltrated from Botswana in 1986 and 1987.

He was arrested by the Bophuthatswana Defence Force at a roadblock near the Botswana border on January 2 last year.

Mr Mthetheleli Zephania Mncube, 27, of Diepkloof Soweto and Mr Nondula, 24, of Mdantsane, have pleaded not guilty to charges of murder, attempted murder, terrorism and treason arising from the deaths of eight people and injuries to 14 others in the landmine blasts, the shooting of two policemen and alleged activities connected with the ANC.

The judge's ruling on the confession came after two weeks of evidence on the issue by both the State and the defence. Allegations of ill-treatment, death threats and prolonged interrogation were brought by the defence.

The court adjourned until Monday afternoon, when, according to Mr Roets, the State will close its evidence in the trial.—Sapa

18 accused of killing during Sats strike

JOHANNESBURG. — Eighteen men accused of kidnapping, assault, robbery, murder, attempted murder and intimidation appeared briefly in the Rand Supreme Courty.

Mr Johannes Joja Ngcobo, 24, of Highpoint, Johannesburg, was the secretary of the regional committee of the South African Railways and Harbours Workers Union and the other men were employed by South African Transport Services during the Sats strike last year.

It is alleged that on April 28 last year they kidnapped five Sats employees who were not taking part in the strike, took them to Cosatu House where two of them were robbed, then took all five into the veld near Prolecon where four of them were assaulted and murdered.

Mr Albert Phuluwa escaped. The bodies of Mr Vhulani Joseph Mulaudsi, Mr Cati John Sebopelo, Mr Mulatelo Petrus Moremane and Mr Jerry Rudolph Goodman were found later that night.

SET ALIGHT

They had been stabbed, hit on the head with a heavy stone, doused with petrol and set alight.

The other accused are: Mr Bongisi Sibisi, 33, Mr Wilson Matshili, 35, Mr David Dzevhe, 30, Mr Jacob Thapelo Machaka, 33, Mr Patrick Molefe, 27, Mr Phineas Metshitungulwane, 25, Mr Takalani David Mnamphaga, 25, Mr Mafemane William Rikhotso, 33, Mr George Maungedzo, 36, Mr Daniel Condilizwe Nkholoktho, 36, Mr Freddie Mothisi, 30, Mr Isaac Mogorosi, 30, Mr Jacob Mmatloa, 33, Mr Wilson Mushaishano, 33, Mr Johnson Mogesi, 36, Mr Simon Mulomoni, 42, and Mr Michael Ikaneng, 38.

By agreement between the State and the defence, the hearing was postponed to April 11.

The accused, who are all in custody, were not asked to plead. — Sapa.

Witness turned away to avoid seeing man shot

Daily Dispatch Correspondent

GRAHAMSTOWN — A witness told the Supreme Court here yesterday he turned aside when he saw Constable David Goosen draw his pistol, because he knew he was going to shoot a man.

Constable M. P. A. Booyens was testifiying at the trial of Warrant Officer Leon de Villiers, 36, and Constable Goosen, 26, who are charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arose from alleged incidents when a 10-man squad from the unrest unit was sent to Cradock to monitor a funeral on July 26, 1986.

Earlier Const Booyens testified how he had "flattened" an old man with a spade the previous night when the squad descended on the black township after a lengthy drinking session.

He explained how the next morning the squad, on official duty this time, had gone to the townships again to seek terrorists who were expected to attend what they had been told was a ANC funeral.

During one arrest, Constable N. D. Neveling told him that he may have stabbed a man and showed him a bent knife.

He had also seen Const Neveling and Const R. Fourie try to suffocate a man with a plastic bag in the riot van.

After the van had been driven to "a quiet place" near a sewerage farm, he watched Warrant Officer de Villiers and Const Goosen interrogate Mr Mlungise Stuurman.

When Mr Stuurman fell over during the assault, he (Const Booyens) kicked him on the head to make him sit up.

Previous witnesses said that everybody left the van at the sewerage farm except W/O de Villiers, Const Goosen and Mr Stuurman.

Const Booyens said that after the interrogation, W/O de Villiers told them that the "boy" was too badly "panel beaten" and must be "taken out" (shot).

Const Booyens said that when he saw Const Goosen draw his pistol, he went to join Const Fourie because he knew the boy was to be shot.

He said Const Goosen shouted that Mr Stuurman, who was half looking over his shoulder, should "walk, walk and look in front".

Const Booyens stared across the river and seconds later there was a shot.

He heard a shot and after looking back he saw Const Goosen standing with the gun still next to his side.

Const Goosen said "chaps, help me", and grabbed Mr Stuurman's middle while Const Fourie took his feet and Const Goosen his shoulders.

They then threw him face down on the bank.

On the way back to the riot van, Const Fourie said to him "that was plain murder" and he agreed.

Const Goosen told them half sarcastically that they were accomplices and laughed.

The trial continues today.

Q'town terrorism known — police

Daily Dispatch Reporter

EAST LONDON — The police were aware of incidents of terrorism in the Queenstown area, the head of the security police in the Border, Brigadier Johannes Griebenauw, told the regional court here yesterday.

Brig Griebenauw was testifying in the trial of a 22-year-old Mlungisi woman, Miss Nonathamsanqa Mbilini, who is charged with attempting to further the aims of the 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 ANC.

In response to a question by the prosecutor, Miss Rene Garman, Brig Griebenauw outlined the history and aims of the ANC as he saw them.

Counsel for the defence, Mr D. Ntsebeza, said he was trying to establish whether the ANC was a nationalist movement or a socialist movement.

Brig Griebenauw said he did not know as his knowledge was based on practical, rather than theoretical, knowledge.

Mr Ntsebeza said the distinction was "crucial to his argument" and Brig Griebenauw admitted that there was a difference between the two movements.

Mr Ntsebeza went on to try to establish that the ANC alliance with the South African Communist Party was not socialist.

"I am not prepared to say if it is or isn't because it depends on which is the dominant factor in the alliance," Brig Griebenauw said.

Mr Ntsebeza asked Brig Griebenauw if it was true that many of the objectives of the ANC had been adopted by other organisations, to which Brig Griebenauw said yes.

The case continues today.

Security charges: 5 in court

98[Tmis 17/2/88 Court Reporter (331)

FIVE men appeared briefly in the Regional Court yesterday in connection with allegations of unlawfully possessing a petrol bomb, weapon and ammunition.

Mr Jozua Joubert, 67, of Woodstock, Mr Anwar Mentoor, 27, Mr Fadiel Adams, 27, Mr Yunus Adams, 30, and Mr Nazeem Adams, 25, all of Mitchells Plain, were not asked to plead to charges of contravening the Internal Security Act.

The charge sheet indicates that they may be charged with attempting to overthrow the authority of the state, bring about political change or demoralize or scare the public.

It is also alleged, among other things, that they conspired to commit an act of violence by possessing a petrol bomb or an explosive substance on May 3 in Paarden Eiland.

The hearing was adjourned to April 25.

Mr P M A Louw was the magistrate. Mr J K Rossouw prosecuted. Mr J de Lange, instructed by E Moosa and Associates, appeared for the five.

State witnesses accused of fabricating evidence

Daily Dispatch Reporter

MDANTSANE — Two state witnesses in a terrorism trial in the regional court here, Captain Mhlangabezi Mfundisi and Lieutenant Mkuseli Hlela, were accused yesterday by counsel for the defence of fabricating evidence.

The two Ciskei security branch police officers were testifying against Mr Xolile Matebese, 30, Mr Mzwandile Mampunye, 37, Mr Newell Faku, 42, and Mr Xolani Ngudle, 23, who have pleaded not guilty to charges of terrorism, harbouring a terrorist, possessing arms and furthering the aims of a banned organisation.

Mr Matebese, Mr Mampunye, and Mr Ngudle have been held in custody since their arrest in December, 1986. Mr Faku is out on R300 bail.

Captain Mfundisi told the court during cross-examination that when he found the limpet mine and detonator, Mr Ngudle admitted that the weapons were his.

He denied that Mr Ngudle was called from another hut and shown the weapons.

He also told the court that in another hut at Mncotsho village, the police had found a bed, a wooden box and other items.

The defence advocate, Mr M. Moerane, put it to Captain Mfundisi that his evidence was a fabrication.

Mr Moerane said if Mr Ngudle had admitted to the ownership of the weapons, it would not have been necessary for the police to detain him for several months under security legislation or to assault him.

He said if Mr Ngudle had made such a statement to Captain Mfundisi, Captain Mfundisi should have noted that down and taken Mr Ngudle to a magistrate.

Mr Moerane put it to Captain Mfundisi that when the police arrived at Mncotsho, they found Mr Ngudle in one of the two huts.

He said there were also white members of the South African security police among them.

Captain Mfundisi and two white policemen entered the hut.

A third white officer called on Mr Ngudle to come outside, Mr Moerane said.

He said that among the white policemen were Captain Van Wyk and Warrant Officer Engelbrecht.

Mr Ngudle was taken by a white officer to the other hut which was locked with a padlock, and this hut was opened with a key and not forced open as stated by Captain Mfundisi, Mr Moerane said.

He said there was a counter and merchandise in the hut and not a bed and wooden boxes.

Mr Moerane said Captain Mfundisi then called for Mr Ngudle to return to the first hut, and it was then that Captain Mfundisi showed Mr Ngudle the weapons he alleged to have found in Mr Ngudle's possession.

Mr Moerane said Captain Van Wyk had said that Mr Ngudle should be left behind, but Captain Mfundisi had insisted that he be taken away.

Mr Moerane also accused Lieutenant Hlela of fabricating his evidence concerning the police visit to house 566 in NU 13 where they arrested Mr Matebese.

Lieutenant Hlela had testified that he was present when Mr Matebese was arrested, and that he stood guard with other policemen around the house when Captain Mfundisi arrived with Mr Mampunye early on December 23, 1986.

Lieut Hlela had said that when Captain Mfundisi and Mr Mampunye entered the house, he too went inside and while he was outside he stood at the corner of the house facing the door.

He said he saw Mr Matebese opening the door for Captain Mfundisi from inside.

When he was in the house, he saw Captain Mfundisi, Mr Mampunye, Mr Matebese and a small child.

Mr Moerane said it was impossible for Lieut Hlela to recognise the person who opened the door from the position he was standing in outside the house.

The Lieutenant had also testified that he searched the house and found a reference book and R400 in ten rand notes in the bag owned by Mr Matebese.

He said he gave the items to Captain Mfundisi and later took Mr Matebese's fingerprints on Captain Mfundisi's instructions.

Mr Moerane put it to Lieutenant Hlela that he was never at the house on the day in question, and that the items he was talking about were brought to him at the NU 2 police station.

Apart from the people he mentioned were in the house, there was also a 15-year-old boy who stayed in the house.

Lieutenant Hlela had made up his evidence and it was not true, Mr Moerane said.

At the end of the state evidence, the state closed its case.

The defence applied for the discharge of Mr Faku on the grounds that there was no evidence against him.

The application was turned down.

The trial was postponed until Thursday for argument.

Mr J. Dracatos was on the bench. Mr B. Nel appeared for the state.

Mr M. Moerane, instructed by Siwisa and company, appeared for the defence.

break even.

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b(1) 18/2/88

Accused's statement forced, court told

Daily Dispatch Reporter

EAST LONDON — A 22-year-old Mlungisi woman charged with attempting to further the aims of the ANC testified yesterday that she was tortured by police and forced to sign a statement that she had made involuntarily.

Miss Nonathamsanqa Mbilini has pleaded not guilty to charges of attempting to further the aims of the ANC and of taking part in ANC activities by being in possession of a document reflecting the aims of the organisation.

Miss Mbilini told the regional court here that she was arrested at her house in Queenstown on September 16, 1986, and taken to the police station.

She said that a warrant/officer from the security branch questioned her about a document found in her house.

She said the document, which was claimed to further the aims of the ANC, was given to her by a friend in August. He said he would fetch it from her that same day.

She said that she and some of her friends were busy with a discussion session, as they were about to write their matric exams, when the man arrived.

She went to the kitchen to prepare some food and when she went back to the room all the books, including the document, had been cleared away.

She said she did not see the document again and presumed that the man had taken it with him.

The next time she saw the document was at the police station when the warrant/officer confronted her with it.

When she told him it did not belong to her he did not want to listen and "just got angry."

A Major Venter then arrived and was shown the document.

"When I told him it was not mine, he told me I was lying and slapped me in my face," Miss Mbilini said.

The warrant/officer then bound her hands together with twine and put a plastic tubing material over her face.

She said she was told to lie on the floor and she felt water being poured over her.

The counsel for the defence, Mr D. Ntsebeza, said: "Are you saying that you were mistreated."

She replied: "Yes, that is correct."

Miss Mbilini said the warrant/officer made her sign the statement in the presence of other policemen.

She said he was sitting at a desk with the statement in front of him and his arm was over it showing the place where she was to sign.

She asked him to explain to her what she was signing but the warrant/officer just said she had to sign it.

Mr Ntsebeza asked her if she had ever advised or encouraged others through the document or other documents about the ANC, to which she replied, "I never did that."

A senior lecturer in the department of philosophy at the University of the Western Cape, Mr Andrew Nash, testified yesterday that to his knowledge the ANC was not a socialist organisation.

"There is no clear picture of the ANC as a socialist organisation," he said.

He said the document that Miss Mbilini was alleged to have had in her presence was "crude, characterised by confusion, and not drawn up by someone who was an accomplished theorist."

When Mr Ntsebeza asked him if he thought the document promoted the aims of the ANC, he replied that it was not consistent with ANC stategies.

The trial was postponed until March 9, 1988.

Mr I. C. Kitching presided. Miss R. Garman prosecuted and Mr D. Ntsebeza apeared for the defence.

Faku found not guilty on charge of terrorism

D/D 19/2/88 (09) (331)

Daily Dispatch Reporter

MDANTSANE — An executive member of the bus boycott Committee of Ten, Mr Newell Faku, 42, was found not guilty in the regional court here yesterday of terrorism and possession of arms.

Mr Faku was appearing with three other Mdantsane men, Mr Mzwandile Mampunye, 37, Mr Xolile Matebese, 30, and Mr Xolani Ngudle, 23.

They all pleaded not guilty to terrorism, harbouring a terrorist, possessing arms and furthering the aims of a banned organisation.

When the defence closed its case yesterday, the presiding magistrate, Mr J. Dracatos, acquitted Mr Faku because there had been no evidence against him.

Addressing the court, the defence advocate, Mr M. Moerane, argued that the three remaining men should not be convicted because there was no evidence to back up the charges.

He said the state had failed to prove the guilt of the accused.

Turning to the evidence of the state witnesses, Mr Moerane charged that Captain Mhlangabezi Mfundisi had contradicted himself about the find of the limpet mine and a firearm at Mncotsho.

He said Mr Ngudle could therefore not be found guilty of possession of arms if the court considered Captain Mfundisi's evidence.

Mr Moerane said the court should also not convict Mr Mampunye of harbouring a terrorist because what Mr Mampunye did was to find accommodation for Mr Matebese.

Mr Moerane argued that it did not constitute a breach of the National Security Act to find someone accommodation.

He said there had been no evidence to prove that Mr Mampunye was a member of the African National Congress (ANC).

On evidence against Mr Matebese that he was a trained terrorist, Mr Moerane said there was no evidence to prove that Mr Matebese had undergone military training under the banner of the ANC.

He said Miss X had testified that Mr Matebese had been a guard at an ANC armoury in a camp in Angola.

Miss C had not given any evidence that Mr Matebese did any military training in Angola, Mr Moerane added.

Mr Moerane argued that Mrs Nomalizo Mirriam Siyo's evidence should not be accepted since she had been an evasive witness who had told the court that she had been assaulted by the police and that that was why she was testifying against the accused.

He said Mrs Siyo told the court that the assaults only stopped when she made mention of the ANC.

Mr Moerane said Mrs Siyo had at no stage made mention of Mr Mampunye's connection with the ANC in her evidence.

The prosecutor, Mr B. Nel, asked for the conviction of all the accused on all the charges.

MR FAKU

He said the court should accept the evidence of Mrs Siyo, Miss X and Captain Mfundisi.

The case was postponed to March 28 for judgment.

Mr J. Dracatos was on the bench. Mr B. Nel appeared for the state. Mr M. Moerane, instructed by Siwisa and company, appeared for the defence.

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Secret State witness tells of training with ANC

By Jo-Anne Collinge

BETHAL — A former member of the ANC, testifying for the State behind closed doors in a treason trial in Bethal, said he had known one of the three accused as a member of the Transvaal Urban Military Machinery of the ANC in 1978.

This was the second time that the witness, who may be identified only as Mr X1, had referred to the first accused, Mr Acton Mandla Maseko.

Mr Maseko, Mr Simon Dladla and Mr Ebrahim Ismail Ebrahim, appearing before Mr Justice Daniels, face alternative charges of terrorism and eight counts of attempted murder arising from landmine blasts near Volksrust and Breyten in mid-1986.

Mr Maseko and Mr Dladla are said to have been involved in selecting target areas for the landmine blasts.

Mr Ebrahim is described in the indictment as a key ANC figure functioning from Swaziland between 1980 and 1986.

Mr X1 pointed to a man in the dock and said he had first met him (Mr Maseko) in Angola while they were both at the ANC's Funda Camp.

"Accused Number One was known by his MK (Umkhonto we Sizwe) name, Scotch Dube. I only knew his MK name. I later came to know that 'Scotch Dube' had received military training in the Soviet Union."

Training courses compared

Mr X1 said he and Mr Maseko had done a refresher course together at Funda Camp. It was during the part of comparing training (Mr X1 was trained in East Germany) that he had come to know where Mr Maseko had been.

He testified that Mr Maseko had disappeared from the camp during the refresher course and he saw him next some months later when they were both stationed temporarily in Maputo.

"While moving around town we met. He and others did not live with us. They lived in a suburb known as Liberdade."

The house where Mr Maseko lived was the house where the command structure of the Transvaal Urban Military Machinery was accommodated, said Mr X1.

"The fact that this was the place for the urban military machinery was not such a great secret that I would not know about it."

Asked by the judge whether Mr Maseko's place of residence was the sole reason for him inferring the man's position in the urban military machinery, Mr X1 said: "Not only that. When we met we would tease each other, saying: 'Oh, some of us belong to the platteland and others to the city'. It was a jest, in which there was truth."

The hearing continues today.

Trojan Horse case: Finding likely this week

By GAYE DAVIS,
Cape Town

A FINDING is expected next Friday in the inquest into the deaths of three Cape youngsters shot by police in 1985 in what has become known as the Trojan Horse incident.

Evidence before the court is that members of a police task-force were ordered to conceal themselves in wooden crates on the back of an open-bed railways truck which was then driven twice down Thornton Road in the Athlone residential suburb. Its driver and passenger wore dustcoats of the type worn by railways employees.

On its second trip, a crowd of between 150 and 200 people had gathered and stones were thrown at the vehicle. The policemen sprang up from their hiding places and without any warning started firing pump-action shotguns "in the direction of stone-throwers".

Michael Miranda, 11, Shaun Magmoed, 16 and Jonathan Claassen, 21, died in the incident. Pathologists' reports indicated that Miranda and Magmoed were shot from the rear.

Police witnesses maintained their orders were to "arrest the ringleaders" behind the stonings and burning barricades which were a feature of the political turmoil in the area at the time. They said they fired because they feared for their lives.

The families of the dead youngsters maintain police were negligent.

Addressing the court, Jeremy Gauntlett — counsel for two of the families — said the shootings were *prima facie* unlawful.

The underlying approach of the police had been: "Here's trouble — we must stamp it out," Gauntlett contended. In oral evidence, there had been a "last-ditch" attempt by the police to put the operation on a more defensible basis by invoking the need to enforce law and order.

A disturbing feature of the case was the "inexact and sometimes misleading" evidence in police witnesses' written statements, on which the court might have made its finding had the inquest not been open, requiring oral evidence, he said.

Another was the fact that none of the nine policemen involved had any special skills for such an operation.

Miranda and Magmoed were shot while in a crowd of people, not all of whom were throwing stones. The commanding officer of the task-force, Lieutenant D Vermeulen, had conceded that he could have shot an innocent bystander when he emptied his magazine of buckshot.

AH Veldhuizen, appearing for the minister, warned against the court "judging police action out of order in the tranquillity of court".

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KRISJAN LEMMER'S DIARY

YOU KNOW, things are hotting up in my former neck of the woods with these by-elections coming up. Now I find it all very interesting, but there is a problem for me: Lemmer is a famous old name in the district, and there are a lot of them. Worse, one is the National Party candidate in Schweizer-Reneke. As a result, my once-underworked secretary now faces a daily deluge of enquiries. Some callers want to donate money to my "campaign fund". (This is fine.) Some want to tar and feather me. (This is not.)

AND the HNP's newspaper, *Die Afrikaner*, has made matters worse by publishing an exposé under the headline "LEMMER 'N BROEDER". This has caused people to shun me, even though I have assured them that the statement is only true insofar as my sister Krisjanette is concerned. So, friends, I must once again ask for help. Please assure doubters that the only parties I belong to are the ones where snacks are served in between generous pourings of brandy and coke.

I HAVE just received an invitation to what looks like a very interesting conference in the homeland-everyone-wants-to-visit, Bophuthatswana. Organised by the National Occupational Safety Association, the gathering (at Sun City) is entitled "Safety and its Spin-offs". Personally, I think it is very timely in view of the Rocky path the homeland has recently been travelling. The sessions themselves are very practical, too. For example, there's "Explosives Usage", "Flameproofing — The Rules", and "Housekeeping Pays Off". Then, as a real crowd-pleaser, a special paper on "Troubled Employees". One can only hope this is to be delivered by sometime-president Lucas Mangope, who knows more about them than most.

I think I must attend, don't you? The R450-a-night price is a bit stiff, I admit, but it does include a Superbowl Banquet. And I have been couped up here for too long.

THERE is much confusion about the latest advertisement from everyone's favourite multinational, Shell. Erudite Cape Town artist Nicolaas Vergunst says not only is the picture adapted from a 1926 Soviet poster by Adolf Strakhov (original slogan: "You are a free woman — help to build socialism"), but the text is adopted from the Congress Alliance's 1955 Freedom Charter: "Everyone has the right to vote for all law-making bodies".

The 1926 Soviet original

"Both picture and slogan originate from mass-based struggles for socialist democracy," says Nicolaas, "so what is this piece of promotional propaganda about?" Has Shell suddenly become convinced of the merits of a socialist future? he wonders.

Well, Nicolaas, this sort of talk goes above my head. But I do hear a rumour that Shell is denying all knowledge of the historical legacy of the new campaign material. Which is a good way to retain credibility on office (and factory) floors.

A SPORTY friend tells a story about Tony Lewis, the former England cricket captain and now BBC journalist who has been visiting as the guest of the South African Cricket Union and SABC-TV. Now my friend has no doubt Lewis is well qualified to pronounce on matters regarding the willow and leather: it's his views on the politics of the sport that stump him.

Why? Well, for one thing, when asked whether he had consulted the rival South African Cricket Board (a Sacos affiliate), Lewis said he "hadn't had time". My friend said some doubt was cast on his sincerity when it was pointed out that he'd just returned from a lengthy round of golf. But Lewis, who has publicly called for an MCC tour of South Africa, was unabashed: "I have been to all the townships where cricket is played", he said. (My friend estimates such a feat would take longer than a verbatim reading of the collected speeches of Jaap Marais.)

Asked if Sacos would be making efforts to meet Lewis on his next safari, a representative would only comment: "There is no place here for a full toss."

AMONG the Ciskei army officers who received quick promotions after their colleagues in Bop got out of hand was one Colonel S Zwelendaba, now elevated to the rank of Brigadier and deputy commander of the Ciskei Defence Force. I am told by a friend who follows intrigues in Bisho that his recommendation for promotion — delivered by Ciskei Minister of Defence, Chief DN Mavuso — included the following: "Colonel Zwelendaba is one of the original members of the CDF, and he has been in the operational areas of South Africa". Some mistake, surely, thought my informant. But no: asked about the citation, Zwelendaba confirmed he had served in "South West Africa". "I did border duty," he said with appropriate military gruffness.

And people laughed when PW talked of homeland armies and the SADF coming to each other's aid in times of need ...

BOP's *klein couptjie* has even caused ferment in the local wine industry, writes a cultivated imbiber. Since the coup, he says, bottles of *Falcon Crest Paarl Rouge* (sic) — which had, until then, proudly borne the inscription "Bottled in the Republic of Bophuthatswana" — admit only to their South African origins.

The bizarre vintage — which claims to have been "judged superior to such classics as *Chateau Mouton Rothschild* in blind taste tests" — had been spotted at discerning stores in Midrand and Maraisburg. It sold for R3.99 — "buy two, get one free".

According to my correspondent's own blind tastings, *FCPR*, whether admitting to its Bop connection or not, is "best described as a fighting wine. Like most of Bop, it pongs".

Nevertheless, I think I should try it: so if you spot one, I am prepared to get blind with you.

THAT'S about all for now, friends, except for one thing. I have it noted in my diary that today is the day that Adelmarie Bekker's "Universal Bond" political party expects to achieve its reconstitution of Southern Africa. Which means that I am now living in Southernstate. And some of you are in Parkstate. Still others in Zulustate. And Botswana has disappeared.

Strangely, though, I don't feel any different ... K. Lemmer.

IN A MAJOR CASE, INKATHA LEADERS ARE ACCUSED FOR THE FIRST

To court: A case accusing Inkatha leaders

THE first court application in which the Inkatha leadership is accused of directing the Pietermaritzburg violence was referred to trial by the Natal Supreme Court this week.

The trial date is still to be announced by the court registrar.

In the meantime, three alleged Inkatha "warlords", Vitus Vusumuzi Mvelase, urban representative of the KwaZulu legislative assembly and a member of Inkatha's Central Committee, Nsikayezwe Zondi, chief of the Mpumuza area, and David Ntombela, an Inkatha branch chairman, have undertaken not to assault or threaten any person or any property.

But the "consent order" stresses that the three men deny they committed any of the criminal acts alleged in the founding affidavits.

The application was brought by 19 residents of Ashdown and Sweetwaters townships, outside Pietermaritzburg, and Cosatu.

Two of the "warlords" cited as respondents, Manfana Majola and Gende Dlamini, were not served with papers as lawyers could not find them.

In addition, Inkatha has denied that Zondi is an official of the organisation. According to the replying papers, chiefs are "ex officio patrons" of Inkatha "which affords them no authority as such".

Cries of 'Abajojwe ... stop them! Abajojwe! Kill them!'

By CARMEL RICKARD, Pietermaritzburg

INKATHA leaders used a rally to urge their members to attack and kill political opponents, according to affidavits presented in support of an interdict against the organisation.

Central to the application is the sworn statement of Andreas Mpangase, a building society clerk who describes himself as having "no political allegiance to any group".

Mpangase, now being treated in hospital for a gunshot wound, attended a meeting called by key Inkatha members on January 31.

Following the rally, according to the applicants' version of events, large groups of armed people — many in Inkatha uniforms — launched unprovoked attacks on local residents.

Mpangase claims that before the meeting residents had been warned by Philip Zondi, brother of a local chief, that "all those who did not attend would be attacked and their houses burnt".

Mpangase had thus decided to attend and on arrival saw a large number of people, many wearing Inkatha uniforms and badges.

"Most of the men were armed with sticks, stabbing spears and shields. There were several yellow police vans parked in the vicinity and a number of ... policemen in attendance."

Speakers included several high-ranking Inkatha leaders and chiefs, said Mpangase.

He alleges the same Zondi who issued the threats said the only way to end violence in the area was "to drive the UDF and Cosatu from KwaZulu to Xhosa areas. The UDF and Cosatu were 'Indian' organisations and all who belonged to them should go and live with the 'Indians'.

"Any 'Indian' who did not move or repent and apologise, would be killed. He advised parents whose children had joined the 'other camp' to kill their children."

Mpangase alleges that KwaZulu MP Velaphi Ndlovu started his speech by "instructing us to remain loyal to the chiefs and to be certain that if we live in a chief's area to be members of Inkatha.

"He stated that our children must also be members of Inkatha and if they were not they must be brought to the chief's house where a formal apology was expected. Failing that, we would have to leave the area.

"He threatened that refusal to join and refusal to leave would be reason for being killed."

An unnamed chief from Ladysmith allegedly said in his address to the meeting: "Cosatu is controlled by Slovo who is receiving instructions from Russia."

"He became emotional and started chanting. He rhythmically punctuated his chant with the Zulu word *abajojwe* (stab them), while simultaneously stabbing into the air with his spear.

"'What should we do about them? *Abajojwe!* Let's stop them! *Abajojwe!* Finish them off! *Abajojwe!* ... Kill them!' At each stabbing of the spear, the women would ululate and the men would stab into the air with their spears or sticks. As the pace increased the crowd became more frenzied."

'Ntombela said anyone who did not want to belong to Inkatha should be killed. He was prepared to go anywhere and kill those who are not Inkatha'

Statement by injured man Andreas Mpangase

At this point, Mpangase claims, a woman screamed that houses were burning at ePhayephini. Some people rushed off, but others remained at the rally.

Other speakers then allegedly pursued the theme that 'Indians' should no longer live in the area.

The last address was delivered by David Ntombela, one of the respondents.

According to Mpangase, "He said anyone who did not want to belong to Inkatha should be killed. He said he was prepared to go anywhere and kill all those who are not Inkatha. He said he would go to each of the chief's areas and kill the *amaqabane* ("comrades"). He asked permission od the chiefs to stop the meeting so that he could lead the people out (and) drive the UDF and Cosatu from the area."

After the meeting, claims Mpangase, he witnessed Inkatha supporters chasing, then shooting and repeatedly stabbing a former Sarmcol worker who lived in the area.

On his way home, Mpangase was challenged by some in his party about where his son had been during the meeting (he told the court his sons were "active supporters of the UDF"), and he was later allegedly shot by one of the group.

Several other statements before the court detail the threats allegedly made to those who did not attend the meeting, but most concern incidents in the 24 hour period following the rally.

Witnesses described the circumstances of the deaths of two men — allegedly at the hands of people returning from the rally — and of injuries suffered by several others.

The first affidavit in the application was from the director of the Pietermaritzburg Agency for Christian Social Awareness (Pacsa), Peter Kerchhoff.

He argued that the Inkatha Central Committee was responsible for implementing the "entire policy of the movement", exercising complete control over officials and disciplining all officials.

He held further that office bearers of each local committee were directly answerable to the central committee and subject to its discipline and control.

Kerchhoff said the rally was well planned and held under Inkatha's auspices. During the rally "high ranking (Inkatha) officials directly incited the audience to continue the violence against persons who did not associate themselves with (the organisation)."

The violence which followed the

Dead: The man who told th

Johannes Nkomo was an Inkatha member, but he feared Inkatha 'warriors' most. Two days after making a statement, he was found dead.

JO-ANN BEKKER reports

SEVENTY year old Johannes Bhekamafa Nkomo told the Pietermaritzburg Supreme Court he was "living in fear that the Inkatha warriors will again attack us" — and two days later he was dead.

Stranger still, Nkomo was an Inkatha supporter. His wife had renewed her Inkatha membership the day before his death.

According to witnesses, the elderly Sweetwaters man was stabbed to death by the very "warlords" he had named in an affidavit supporting the urgent application he launched last Friday with the Congress of South African Trade Unions and 18 other Pietermaritzburg residents.

The matter had been postponed till Wednesday this week to give Inkatha and six "warlords" time to reply to the application.

In one of the replying affidavits, Vitus Vusumuzi Mvelase, urban representative of the KwaZulu legislative assembly and a member of Inkatha's Central Committee, said he had no knowledge of most of the allegations in Nkomo's statement. "The allegation that Nkomo is 'certain that Inkatha will return and again attack our community' is wholly unsubstantiated," Mvelase said.

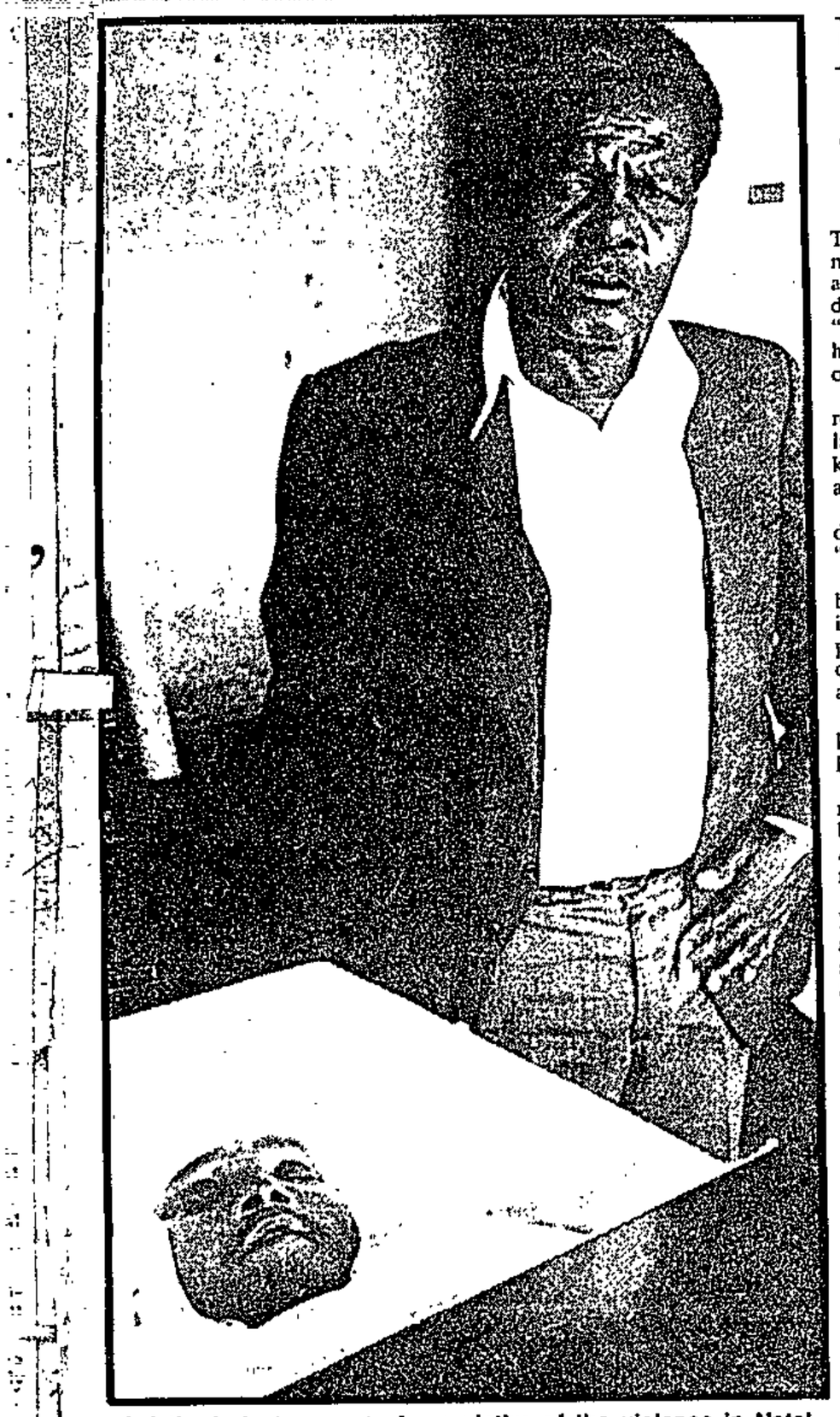
Nkomo's daughter, Nomabheka Flora Nkomo, told *Weekly Mail* her father was murdered on Sunday evening — just one day after her mother had gone to the tribal court to renew their Inkatha membership.

"Inkatha people said if she did not come she could not collect pension money." But the membership ticket could not undo the fact that the 70-year-old man's son, Bongi, was a United Democratic Front supporter.

In his founding affidavit, Nkomo said his harassment began after he was ill and did not attend Inkatha's meeting in Mpumuza on January 31.

That evening, an armed group of young men, including Mahlamvana Ndlovu and Jabulani Buthelezi, came to his house looking for Bongi. The following day a larger group, again including Ndlovu and Buthelezi, returned.

"Mahlamvana (Ndlovu) came up to me where I was standing," Nkomo said. "I asked, 'What's going on my children?' He hit me on the chest with the flat of his dagger and said we must now pack our things and leave the place, we were not to stay in the area. Mahlamvana also struck my wife on the nose with the flat of his bayonet. They then asked for my son, Bongi, and we said we had not seen him. Buthelezi then slapped my face."



A father's last respects for a victim of the violence in Natal
Picture: CEDRIC NUNN, Afrapix

Even if members go on rampage ... there is little Inkatha can do

By JO-ANN BEKKER
In Pietermaritzburg

THE crowd which left an Inkatha meeting in Mpumuza on January 31 and attacked residents in nearby Ashdown acted in self-defence against "radicals" who had burnt their homes, according to a senior Inkatha official.

Vitus Vusumuzi Mvelase, urban representative of the KwaZulu legislative assembly and a member of Inkatha's central committe, claimed also:

- The police, correctly in his view, did not stop people retaliating in "self-defence".
- Inkatha would not punish members who acted in self-defence. Even if the members should go on the rampage, Inkatha did not have the machinery to take any effective steps against them.

Mvelase made these assertions in papers in the Pietermaritzburg Supreme Court this week.

He was one of several respondents replying to an urgent application brought by the Congress of South African Trade Unions and 19 Pietermaritzburg township residents.

The application sought to restrain Inkatha's office bearers from killing, assaulting or threatening non-Inkatha supporting residents of Ashdown and Sweetwaters.

Mvelase said there was no connection between acts of atrocity detailed in the court application and Inkatha, or the named "warlords". He denied any of the alleged attacks took place on the instructions of the Inkatha leadership. And he claimed "radicals" often wore Inkatha uniform, or colours, which were the same as those of the African National Congress.

In his replying affidavit, KwaZulu leader and Inkatha president Mangosuthu Buthelezi added there was no connection between Inkatha and the tribal chiefs. "If they are members of Inkatha, then that is incidental ... I am unable to control the manner in which they act in their capacity as chiefs."

Mvelase said the affidavit by Peter Kerchhoff of the Pietermaritzburg Agency for Christian Social Awareness was based on newspaper reports and therefore hearsay. He asked for it to be struck out.

Inkatha did not have the organisational structure to police compliance with Inkatha leadership, he said. He said "if the Inkatha members of a certain branch were to act in self-defence against an attack by the radicals, ... no punishment would be called for.

"Even if the members of a certain branch of Inkatha had actually gone on the rampage, there is very little that the Disciplinary Committee can do in terms of the Constitution ... To the higher echelons of authority in the Inkatha structure such as the respondents in this matter, it is totally impossible to take any effective steps whatsoever."

Mvelase said the January 31 meeting had been called to end the violence in the area. Speakers had appealed to children to follow the "old customs of the Zulu nation".

Mvelase said while a member of the KwaZulu legislative assembly was addressing the audience, a woman shouted that houses were burning at ePhayephini, an area in Mphumuza.

A large number of people who lived there ran back to their homes and found them burning. The "radicals" responsible were lying in ambush, but they "managed to drive the arsonists back to Ashdown", Mvelase said.

"I believe that the residents of ePhayephini whose homes had been set alight retaliated by setting alight to their assailants' homes as well. I wish to emphasise that this was a spontaneous reaction to arson and an attack which had been initiated by the radicals."

Mvelase denied as "preposterous" allegations that the police stoody idly by while the attacks took place. "I am virtually in daily contact with members of the police force who are desperately trying to stop the conflict."

'A woman shouted that houses were burning at ePhayephini. A large number ran off to find their homes burning. The radicals responsible lay in ambush'
Statement by Inkatha leader Vitus Mvelase

But Mvelase added: "The police and defence force did not disarm the attackers because they had been provoked beyond all endurance by having their houses set alight, and then attacked by the radicals."

Mvelase denied people had attended the meeting out of fear, or that speakers incited the crowd against the United Democratic Front or Cosatu.

He also denied he had derided the UDF and Cosatu as "Indian" organisations or suggested parents should kill their children if they joined the anti-Inkatha camp.

He said he had blamed violence in the area on bus drivers who were members of the Cosatu-affiliated Transport and General Workers Union. The drivers, he said, transported Cosatu and UDF members at night to attack moderate Zulus.

Mvelase admitted telling the audience that "Cosatu/UDF were the tools of the ANC and the Communist Party and that they should not listen to them. I added that in spite of having resigned (from the ANC military leadership), Joe Slovo was behind all the violence in South Africa. I finally besought them not to pay any attention to Cosatu and the UDF but to respect and support their chiefs, the KwaZulu government, and also Inkatha."

Inkatha branch chairman and member of the Mpumuza Tribal Authority, David Ntombela, also denied allegations that he had called for violence.

He said the theme of his speech was that he was "bitterly opposed to violence" and committed to assisting the authorities to stamp it out. "I said I would volunteer to act for the victims of any criminal acts and to point out their attackers to the police."

He said his sister had been attacked by "a well-known UDF supporter".

Ntombela said he left the meeting on the late afternoon of January 1988 in a convoy of vehicles. As they were returning home they were confronted by a group of 50 shouting, "Come all together *maqabane* ("comrades") and kill the *Thelaweni* (Inkatha supporters)."

The police arrived and dispersed the attackers. But the Inkatha group were attacked again. "The police were, however, able to protect us and we reached home safely."

In his affidavit, Buthelezi accuses the UDF and Cosatu of using the court application — and a string of previous interdicts against Inkatha warlords — for propaganda.

He places the blame for the violence squarely on the shoulders of the ANC, UDF and Cosatu.

In strongly-worded statements which echo the state's case in the "Delmas" treason trial, Buthelezi accuses the UDF of being a "surrogate of the ANC" and being formed "with the express instruction to exclude (Inkatha) from affiliation.

"The main subjective cause of the violence," says Buthelezi, "is essentially to be found in the attitude of the external mission of the ANC to first respondent (Inkatha) and to myself as chief minister of KwaZulu government and president of first respondent. The UDF is in substance an internal surrogate organisation of the ANC external mission and has adopted a similar attitude to first respondent and to myself."

Mvelase echoed Buthelezi's views. A former member of the ANC Youth League, Mvelase cited two periods in detention and police interrogation as being instrumental in his conclusion that the ANC was "infiltrated by the communists".

He said the UDF's determination to abolish the tribal system "has fostered decadent, detribalised gangs of youths."

rally was "precisely what officials had exhorted ... members to do."

Kerchhoff said no senior member of Inkatha had subsequently repudiated the meeting and its aftermath, although both had been widely publicised.

"The only inference to be drawn ... is that the rally with its associated incitement and condonation of further violence must have taken place with the knowledge and consent of (Inkatha's) central committee," he said.

d the court he lived in fear

On Tuesday, February 2, Nkomo reported the incident to his local *induna*. "He said he could do nothing, the reason being that we did not cooperate in reporting our children's misbehaviour, so he could not help me now."

On his way home he watched from a distance as one of his three daughters, Eunice, carried goods out of the main house. He saw three men waiting, one of whom he recognised as Jabulani Buthelezi. While Eunice continued to empty the house, two of the men set fire to the grass roof of one of Nkomo's four outhouses. "All my belongings, bank books, trunk, bicycle, stove and identification book had been destroyed," he said.

He said he was at first "afraid to be seen approaching the police to report the matter, in case Inkatha-sympathetic neighbours attacked us again." He did, however, report the matter the following day. And although his wife also reported the attack, no action had been taken by the time the application came before court.

"Although I am an Inkatha supporter, I strongly believe that these warriors should be disciplined."

In an affidavit filed before the court on Wednesday, Nomabheka Nkomo, 35, said she was at home with her family [illegible] when a large crowd of people arrived — including Mahlamvana Ndlovu and Jabulani Buthelezi and a number of others she recognised as Inkatha supporters.

The crowd broke all the windows of the house with knobkieries and empty beer bottles. "They then broke down the door and shouted that they wanted my brother, Bongi."

Mahlamvana Ndlovu and another man entered the house. Nomabheka Nkomo was stabbed on her right shoulder. As she retreated to a window, she was stabbed on her left shoulder by a man she identified as Mabhayi Mngadi.

"I then saw Mabhayi Mngadi and Mahlamvana Ndlovu stab my father," she said. "Ndlovu had a home-made knife approximately 12 inches long which he used to stab my father three times on the chest and in the mouth. Mngadi stabbed my father once in the back through the broken window with the same spear he had used on me. My father died immediately."

Pietermaritzburg attorney Julian van Klemperer told the court he had informed Captain UR Upton, station commander of the police's Pietermaritzburg unrest investigation squad, that Nkomo's daughter wished to bring charges of murder and attempted murder against the people named in her affidavit.

Upton told Klemperer's secretary he would arrange for Nomabheka Nkomo's affidavit and a copy of Klemperer's letter to be collected on Tuesday.

By 4.30pm on Tuesday they had not been collected.

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LEN ASHAMS BETHAN UDEN

Policeman had knife 'to curb unrest'

CP Correspondent

A MEMBER of an unrest unit sent to Cradock to monitor a funeral told the Grahamstown Supreme Court he had seen a policemen take a diving knife into the township to "curb unrest."

Constable J van Loggenberg was testifying at the trial of Warrant Officer Leon de Viliers and Constable David Goosen. Both are charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice.

Van Loggenberg told the court that he had seen Goosen put a diving knife into his belt. The next time he had seen the knife was when Goosen was walking towards him the township.

"There was blood on the knife," he said.

He also related an incident in which a Constable Neveling had run after a person they had seen in the township.

"Neveling dived for the man and both of them fell to the ground. The black man managed to get up and run away and Neveling told us that he had hurt himself, because he fell on his knife. He also said that he might have stabbed the man."

When asked by the judge why he had arrested a man during one of their patrols in the township, Van Loggenberg admitted there was no reason for him doing so.

Earlier, a police major stationed in Port Elizabeth told the court the police had "eliminated" an ANC member after storming the house in which he was hiding.

Major RF Berg said the police had received a tip-off about the presence of a "terrorist" in Soweto near Port Elizabeth.

Four policemen entered the house, but retreated after a hand grenade was thrown at them. They then fired 20 shots into the house.

As their fire was not returned, they again entered the house. Berg said the man was still alive.

"We then eliminated him," he said.

When asked by the counsel for the defence if the event, which happened in 1985, could have had a lasting effect on Goosen, Berg replied the possibility existed.

The trial continues. — Ano

World concern grows over Mayekiso's trial

By MARTIN NTSOELENGOE

THE International Congress and Federation of Trade Unions is to put pressure on the government to give treason trialist Moses Mayekiso and his co-accused bail and a fair trial.

A firm decision on what kind of pressure should be applied on South Africa will be made at ICTU's six-day conference which is to be held in Europe from March 10 to 16.

This was disclosed by ICTU secretary-general Peter Michalzik, who jetted into the country a few hours before the trial resumed again this year.

The ICTU is not the only international body to show concern over Mayekios's detention.

Ten other prominent American lawyers are monitoring mayekiso's trial.

The committee was constituted by Owen Bieber, president of the United Automobile Workers of the United States of America.

Mayekiso, 38, general secretary of the newly formed National Union of Metalworkers of South Africa, was arrested at Jan Smuts Airport after visiting many overseas countries on trade union matters.

After spending sometime in detention, he was charged – together with Paul Tshabalala, 38, Richard Mdakane, 29, Obed Bapela, 28, and his younger brother, Mzwandile Mayekiso, 22, all of Alexandra - with treason, sedition alternatively subversion.

All have pleaded not guilty to the charges.

The State alleges that the five acted with hostile intent to coerce, overthrow, usurp or endanger the authority of the State.

The five are also alleged to have launched a campaign against the South African Police, the South African Defence Force and the Alexandra Town Council in their bid to make the township ungovernable.

The accused, who are said to be members of the the Alexandra Action Committee, are also alleged to have formed yard and street committees and organised boycotts of nearby shops.

The ICFTU, which is represented in 98 countries and has 100 affiliates around the world, has been campaigning for the release of Mayekiso since his arrest about a year ago.

Michalzik told *City Press* that the ICFTU was an umbrella body of all big trade unions in the world.

He added that the more than 1 500 delegates at next month's meeting, would decide on what form of pressure to apply on the South African government.

He further said that pamphlets were being printed throughout the world in more than 100 languages to give Mayekiso moral support.

"We want to stand in solidarity with Mayekiso and those charged with him, and show the world that they are not alone in their struggle.

"The federation is at the moment busy raising funds for Mayekiso and his friends.

"It's common cause that a trade unionist will always be forced by circumstances to partake in the affairs of his community," Michalzik said.

He had lots of praise for Mayekiso, whom, he said, was not only respected in South Africa as a good trade union leader, but was also held in high esteem throughout the world.

"Mayekiso is an extraordinary leader and we in the ICFTU have the confidence that he will be freed from all the charges," he said.

Youths' actions exceeded policy, says UDF official

21/2/88 331 Cpress

CP Correspondent

YOUTHS in the black townships who went to "extreme lengths" to enforce a work stayaway and consumer boycott, had acted outside the policy and "plan of action" of the UDF, the Cape Town Supreme Court heard this week.

This was said in evidence by Reverend Syd Luckett in the R31 200 damages suit against the Minister of Law and Order, Adriaan Vlok, after the KTC camp was destroyed by vigilantes in 1986.

Luckett, a UDF executive member in 1985 and 1986, said the boycott originated with UDF to bring pressure to bear on white businesses. However, he could not recall that the UDF had any policy to stop people from going to work.

The UDF executive was told by the Cape Youth Congress that it had had difficulty with certain people. Steps had been taken against these people and they were expelled from the organisation, he said.

Asked about the KTC violence, Luckett said he and another clergyman had gone into KTC on June 9, 1986, to assess the situation and "form a barrier between the vigilantes and the KTC community."

In NY78, they had seen refugees on the road, with their belongings piled on the pavement and police Casspirs moving up and down.

He had first seen between 300 and 500 vigilantes or "witdoeke" moving along Miller's Road. Some were carrying household goods.

They had seen a police Casspir parked very close to the corner of NY5 and had stopped their vehicle to speak to the policeman in charge.

The hearing continues today. — Sapa.

State witness shakes hands with trialists

(33) Sowetan 22/2/88

THERE was drama at the Rand Supreme Court on Friday when a State witness shook hands with five treason trialists shortly after giving evidence against them.

By MANDLA NDLAZI

The witness, who may not be identified in terms of a court order, stepped out of the box minutes after he had given evidence for the State, shook hands with the five men in the dock, and walked out of the courtroom.

He had requested the judge who gave him permission before he left the witness box. There were smiles and an exchange of laughter as he shook hands with the accused.

The accused are Mr Moses Mayekiso (38), general secretary of the National Union of Metal Workers of South Africa, and four civic leaders, Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28), and Mr Mzwandile Mayekiso (22).

They appeared before Mr Justice van der Walt on charges of treason, alternatively sedition and subversion. They were still smiling as they left the dock on their way to the cells.

The State alleges they were involved in a conspiracy to make Alexandra township "ungovernable" and in the formation of the Alexandra Action Committee "organs of people's power" and "people's courts" between January 1985 and June 1986.

They have pleaded not guilty and are represented by advocates David Soggot SC and Nick de Vos. The State is represented by advocate A C Human SC assisted by Mr P van Staden.

In evidence on Friday, the witness said he was approached at the beginning of February 1986 by a group of young men who wanted a venue for a meeting. He said they did not tell him who they were but he organised a place for them to meet.

He said the group approached him a second time and he again assisted in finding a venue for them. He said the group consisted of Mr Mzwandile Mayekiso, Mr Obed Bapela and Mr Richard Mdakane.

Cross-examined by Mr Soggot, the witness said he had attended a mass funeral of people allegedly gunned down by the police. He said he was, like the majority of the residents of Alexandra, deeply grieved by the death of these people. He said they were "unfairly" killed and it would surprise him if it was said some did not die as a result of shooting.

Still under cross-examination, the witness said that, on April 22, residents were attacked by a vigilante group that destroyed their property by fire. He said some members of the group wore powder blue shirts similar to those worn by police and the others had overcoats. Some were armed with kieries and baseball bats.

He said he heard several gun shots that night and heard a group of people singing as they passed the house where he was staying.

(Proceeding)

...case on today

23/2/88

THE case in which a trade unionist and four other Alexandra Township civic leaders are appearing on charges of treason, alternatively sedition and subversion, was yesterday postponed to today in the Rand Supreme Court.

The State did not call any witnesses and the five accused left the dock. They are Mr Moses Mayekiso, general secretary of the National Union of Metal Workers of South Africa, and civic leaders Mr Paul Tshabalala, Mr Obed Bapela, Mr Richard Mdakane and Mr Mzwandile Mayekiso.

The State alleges that the five men were involved in a conspiracy to make Alexandra "ungovernable" and in the formation of the Alexandra Action Committee and "organs of people's courts" between January 1985 and June 1986 in Alexandra Township.

They have pleaded not guilty and are represented by Mr David Soggot, SC, and Mr Nick de Vos. The State is represented by Mr A C Human, SC, assisted by Mr P van Staden.

The court has so far heard evidence on unrest in Alexandra, the consumer boycott and the "comrades" and the "people's courts."

Ebrahim a leader of ANC special structure — Mr X1

By Jo-Anne Collinge 23/2/88

BETHAL — A secret State witness, who admits he was a member of a regional command structure of the African National Congress, has named one of the three accused in a treason trial as secretary and treasurer of a special ANC Co-ordinating Committee set up in Swaziland after the Nkomati Accord was signed.

MEETING IN SWAZILAND

The witness, known only as Mr X1, told the Bethal Circuit Court yesterday that accused number three, Mr Ebrahim Ismail Ebrahim, had occupied these positions on a committee chaired by Mr Ronnie Kasrils. He had met Mr Ebrahim in these capacities when they both attended a meeting of the Co-ordinating Committee in Swaziland in July 1984, said Mr X1.

Mr Ebrahim was abducted from Swaziland in December 1986 and was then formally detained by the Security Police in Pretoria. He and his co-accused, Mr Acton Mandla Maseko and Mr Simon Dladla, face alternative charges which include terrorism and eight counts of attempted murder arising from landmine blasts in 1986. They have pleaded not guilty to all counts.

Mr X1 said he went to Swaziland in July 1984 from Lusaka where he had been sent shortly before the Nkomati Accord between South Africa and Mozambique was concluded in March that year.

Before that he had been based in Maputo and had gone for training in the Soviet Union as a member of a military command structure for one of the regions in which the ANC operated.

In Lusaka Joe Slovo had "explained he had set up a new structure. This would be known as the Co-ordinating Committee," testified Mr X1. His instructions were to report to this committee in Swaziland, where it met after his arrival there in July 1984.

"After Nkomati it was said a structure had to be set up to co-ordinate military and political functions (of the ANC) for Natal and the Transvaal," said Mr X1.

The July meeting was attended by members of the command structures of the Transvaal military and political machinery in an attempt to identify where co-ordination could begin, he said.

Mr Ebrahim had reported to the meeting on the work of underground political units functioning in the PWV and in rural areas, Mr X1 said. He said the work of political units was to infiltrate lawful organisations in order to give the ANC an indirect influence.

Qibla trial today (331) 22/2/88

ANOTHER major trial will resume in the Pretoria regional court today.

The case involves seven alleged members of the Pan Africanist Congress and Qibla, a muslim organisation. They have pleaded not guilty to 24 counts of terrorism, attempted murder and defeating the ends of justice.

23/2/88 Sunday Times

Witness' severe disorder

331

A CAPE Town man who has refused to testify against seven alleged members of the Pan Africanist Congress and Qibla, a Muslim organisation, was admitted to Groote Schuur Hospital with severe mental disorders after the first nine weeks he spent in detention, a Pretoria magistrate heard yesterday.

By ALINAH DUBE

This was disclosed by Dr Robert William Holmes, a registrar with the Department of Psychiatry at the University of Cape Town. He was giving evidence for the defence of Mr Abdul Aziz Kader (27), before Mr J H Bekker.

Mr Kader, who is a Qibla member, was to be a State witness against two Cape Town men, Mr Achmad Cassim (41) and Mr Yusuf Patel (27), also alleged to be Qibla members. The two, along with five alleged members of the PAC, have pleaded not guilty to 24 counts of terrorism, subversion and attempted murder.

According to Dr Holmes, Mr Kader was considered "a suicidal risk" when he was referred to the Groote Schuur Hospital in 1986. This was after he had been in solitary confinement for nine weeks.

When admitted, the patient gave an impression of being depressed. He said he had been interrogated on a number of times, he cried frequently during interviews, hallucinated and was depersonalised," he said.

Dr Holmes said that after the patient was put on treatment for about two weeks and was "reasonably well", he was transferred to the hospital section of the Pollsmoor prison. There, he said, he continued to see him once in a week.

The court also heard that Mr Kader's condition deteriorated after he was transferred from Section 29 to Section 31 of the Internal Security Act. He became increasingly depressed and articulated suicide, the court heard.

As from that time, he had constantly been on psychiatric treatment. The doctor said his condition was aggravated after his mother and aunt died in an accident.

Evidence before the court is that the two died on their way home from visiting Mr Kader in Prison. His father is said to have been charged with culpable homicide following the accident.

(Proceeding).

Accused tells court of shooting drama

THE dramatic events leading to the killing of three ANC guerillas in the northern Transvaal in 1986 and the capture of another were recalled in the Messina Circuit Court yesterday.

In the witness box was Mr Mthetheleli Mncube (27), who, together with Mr Msondeleli Nondula (24), face 41 charges relating to landmine blasts near Messina in 1985/86 before Mr Acting Justice J P de Villiers and two assessors.

Mr Mncube said he had been a member of the military wing of the African National Congress, Umkhonto we Sizwe. He said he and four other guerillas had crossed into South Africa from Zimbabwe on December 24, 1986 to study South African military bases in the border area.

He said a group of young whites that came

By MATHATA TSEDU

across the guerillas on that morning and started firing at them could have been "wiped off" from the fire power at the disposal of the insurgents. "We did not return the fire because we are not allowed to shoot civilians," he said.

Scared

Mr Mncube said all members of the group had been wearing blue overalls which he said was a "combat uniform" of Umkhonto we Sizwe. Mr Mncube said following the shooting by the white group the guerillas had run for the whole night without rest. The following day, he said, a helicopter had circled above them before opening fire.

"There was shooting all round. I was very scared and decided to drop my gun and run. I knew that the soldiers would not shoot me if I was not armed," he added.

He said three of his "comrades" were killed on the spot. He outran the soldiers who chased him but could not outpace the helicopter which kept hovering above him. "I stopped and sat under a tree. I was very tired and scared. Army soldiers came and surrounded me. The black soldiers told me that I should have killed myself because I was to be handed to the security police who would kill me. This scared me very much because I had heard of several people who died while detained by the security police," he said.

Earlier evidence had been that Mr Mncube was later handed to the security police who took him away in an open van with his hands tied with shoelaces. The two policemen were later found shot dead — with Mr Mncube and an AK47 rifle missing.

(Proceeding)

331 Grahamstown 23/2/88

Family claims lawyer was assassinated

P/D 23/2/88

DURBAN — Facts surrounding the murder of a Durban civil rights lawyer, Mrs Victoria Mxenge, indicated it could have been a political assassination, a inquest magistrate here heard yesterday.

This was said by Mr I. G. Farlam, SC, appearing for the dead woman's family at the hearing before Mr F. M. Vorster.

Mrs Mxenge was gunned down while walking from her car to her front door in Umnlazi on July 31, 1985.

Yesterday, the court heard Mr Farlam ask for a formal inquiry into the murder.

He said the family believed that the investigating officer, Warrant Officer Prinsloo, had not done his job completely.

He asked that the court subpoena W/O Prinsloo to answer questions about certain information he had had at his disposal but had allegedly not investigated.

The court was told that a few months before Mrs Mxenge's death, a Mr Kanyi had told Mr Domnick Shezi, an attorney who was in practice with Mrs Mxenge, that he had heard certain people saying they had evidence that Mrs Mxenge was training ANC cadres at Umlazi and she needed to be "sorted out" or words to that effect.

Mr Shezi had gathered that Mr Kanyi knew the people who were talking.

In an affidavit, Mr Shezi also said that about a week before her death, Mrs Mxenge had been walking past Durban Cathedral when a student said it was being stated in Umlazi that Mrs Mxenge was the person who had sent people to stone the house and car of Mr J. E. Ndolvu, who was Umlazi's mayor and a member of the KwaZulu parliament.

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The affidavit added that during a memorial service for Mrs Mxenge on August 7 at a cinema in Umlazi, a group of armed men attacked people and several were killed.

It added that there were a number of policemen there and there should be no difficulty in identifying them and arresting those responsible.

The court was told that shortly before the burial, a group of armed men went to Mrs Mxenge's house and ordered people out as they wanted to set fire to the house.

Police took action about this.

Mr Farlam said Mr Prinsloo had been given this information.

Mrs Mxenge was first shot and then axed on the head as she lay on the ground.

Mr Farlam said she had been the treasurer of the UDF.

At the end of the proceedings, Mr Vorster said he found that she had been murdered by a person or persons unknown.

He said it was not the function of an inquest court to allow the investigating officer's investigations to be scrutinised.

Mr Vorster said the case would be automatically sent to the Attorney General who might order the matter to be re-opened.

Mr B. J. Schonfeldt appeared for the state.

I shot two policemen, says Messina accused

By Dirk Nel,
Northern Transvaal Bureau

MESSINA — One of the accused in the Messina terrorism trial, Mr Mthetheleli Mncube (27), yesterday admitted that he shot two policemen near Messina on December 26 1986, shortly after being detained by the South African Defence Force, who in turn handed him over to the security police.

He said he was blindfolded, and had his hands tied behind his back by security police, while being threatened with death several times unless he cooperated with them.

At one stage, the bodies of three of his companions who were shot during the encounter with the Defence Force, were thrown on top of him in the back of the bakkie.

"I expected to be treated as a war prisoner by the defence force, but became worried when I was handed over to the security police, as I knew they were a notorious group of people", he told the court.

Mr Mncube said he knew about a man detained by security police who had jumped from a second floor window at John Vorster Square.

While being transported in a bakkie by two policemen in Messina he broke the shoelaces with which his hands were tied behind his back, took an AK47 rifle which was on the bakkie, and shot wildly through the back window of the cab, he testified.

The vehicle came to a halt, whereupon he jumped off and ran into the bush. He did not know whether or not he had killed two policemen.

"It all happened in a matter of seconds, and I did not have time to think of what I was doing; I was terrified, and wanted to escape from the security police", he told the judge.

Mr Mncube then related how he spent days wandering around in the bush, trying to find his way back to Zimbabwe. During this time he ate only three mangoes, which he found on a tree, and drank a little water.

After he was rearrested on January 3 1987 he was interrogated for long periods by security police, who also assaulted him repeatedly, causing him at one point to pass out.

At the start of the trial, Mr Mncube pleaded not guilty to the murder of Warrant Officer Theunis Gerber and Sergeant Joachim Nel, as well as charges of terrorism and treason.

The other accused in the case, Mr Mzondeleli Nondula (24) is facing eight charges of murder and charges of terrorism and treason arising from a series of landmine blasts near Messina in December 1985. He has also pleaded not guilty, but a confession he made before a magistrate in January 1987 has been accepted as evidence by Mr Justice de Villiers.

Mr Frans Roets, representing the State, cross-examined Mr Mncube at length, questioning the accused's claim that he was a member of a "reconnaisance group" when he entered South Africa from Zimbabwe.

"You testified that the group was combat ready when they heard the vehicle approaching them on a farm, shortly after they entered the country; to me that indicates that you were ready for a fight."

If the group's main purpose was to investigate military activities on the South African side of the border, why were they carrying landmines, plastic explosives, AK47 rifles and ammunition and handgrenades, Mr Roets wanted to know.

Mr Mncube replied that these were necessary in case they were attacked and forced to retreat. But the fact that they did not fire at the approaching vehicle, which turned out to be a civilian Land Rover, proved that they had orders to avoid civilian targets.

"If that is the ANC's policy, what about the car bomb in Pretoria, the blast at Amanzimtoti, and the explosion outside a court?" asked Mr Roets.

Mr Mncube said the people responsible for these acts were "undisciplined" members of the organisation.

"In this country we call people who shot policemen and lay landmines terrorists", Mr Roets told the accused.

"I don't know how to answer that, because Lieutenant Eloff of the Defence Force also shot a man, and was not given a title" Mr Mncube replied.

Mr Roets retorted that he would describe the accused as "a terrorist and a liar".

Mr Mncube denied those allegations.

The hearing continues.

Alex trial

(33)
24/2/88

THE case against trade unionist, Mr Moses Mayekiso, and four civic leaders charged with treason, alternatively sedition and subversion was yesterday postponed to tomorrow in the Rand Supreme Court.

Mr Mayekiso, general secretary of the National Union of Metal Workers of South Africa, and civic leaders Mr Paul Tshabalala, Mr Obed Bapela, Mr Richard Mdakane and Mr Mzwandile Mayekiso, are appearing before Mr Justice van der Walt. They have all pleaded not guilty.

The State alleges that the five accused were involved in a conspiracy to make Alexandra "ungovernable" and the formation of the Alexandra Action Committee, "organs of people's power" and the "people's court."

Two Group Areas convictions in 1987

By BARRY STREEK
Political Staff

HOUSE OF ASSEMBLY. — The police investigated 1 243 complaints last year in terms of the Group Areas Act, but only three people were charged and tried for contravening the law, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday.

And the Minister of Justice, Mr Kobie Coetsee, said two people were found guilty last year of contravening provisions of the Group Areas Act.

This showed that "a vast amount of police manhours is being wasted on the maintenance of apartheid, while they could have spent their time fighting crime and protecting people from violent crime", commented Mr Tian van der Merwe, Progressive Federal Party MP for Green Point.

"It confirms our belief that the Group Areas Act is at that stage of degeneration and is ignored on such a vast scale that its abolition is inevitable. The sooner the government gets down to this the better," Mr Van der Merwe added.

Mr Vlok said in reply to a question from Mr Van der Merwe that 357 of the 1 243 complaints investigated by the police in 1987 were false, 330 complaints were withdrawn, 100 dockets were withdrawn, 100 case dockets were at present with various attorneys-general for their decisions and 453 complaints were still being investigated.

Mr Coetsee told Mr Van der Merwe that so far this year a further three people had been prosecuted and one case had been finalized.

Mr Van der Merwe said these replies showed there was "clearly an increase in police activity and investigations into Group Areas Act offences.

"This may be attributed among other things to the encouragement given to the public to complain to the police by not only the Conservative Party and other far-right groups but also by certain members of the cabinet and certain Nationalist MP's.

"In spite of that, the number of prosecutions that actually end up in court remains low and is even lower than previous years," Mr Van der Merwe said.

The Minister of Constitutional Development and Planning, Mr Chris Heunis, told Mr Jasper Walsh (PFP Pinelands) that 60 open trading areas had been declared by February 19 this year and 31 investigations into open trading areas were held by the Group Areas Board last year.

Politically-related offences in 1987: 73 cases

Political Staff

CHARGES were withdrawn or acquittals obtained in 26 of 35 completed cases involving politically-related offences in the Western Cape last year, the Repression Monitoring Group said yesterday.

In its latest newsletter, RMG said that last year 264 people were involved in 73 cases about politically related offences in the Western Cape and surrounding areas.

It estimated its totals to be about 70% of the actual number of people charged in the area.

RMG said 35 of the cases, involving 103 people, were completed in 1987 and 38 cases, involving 161 people, were not completed.

In 20 completed cases under the Internal Security Act, charges were withdrawn in eight cases, there were acquittals in two cases and five were "kicked out". In three cases, people were given R25 to R500 fines, one person was sentenced to 17 years' jail and another to five years' jail with two years suspended.

In the 15 completed cases under the Criminal Procedures Act, charges were withdrawn in six cases, there were acquittals in four cases and one person was found not guilty.

In two cases, the accused were sentenced to one year in prison, in one case one person was given six cuts and in another case one person received six months' imprisonment, another person was given 12 months suspended and another's sentence was postponed until he turned 18.

NEED a new lounge suite?

Spied on SADF — court told

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JOHANNESBURG. — An accused in the Messina trial admitted entering South Africa from Zimbabwe as a member of a reconnaisance group to gain information about activities of the South African Defence Force along the SA/Zimbabwean border near Beit Bridge.

Mr Mthetheleni Mncube, 27, was the first of the accused called to give evidence in the Messina Circuit Court on Monday. He is appearing with Mr Mzondleli Euclid Nondula, 24, on 41 charges including murder, attempted murder, treason and terrorism. They pleaded not guilty to all charges.

Mncube and Nondula are alleged to be members of the African National Congress' military wing, Umkhonto we Sizwe.

The trial arises from a series of landmine explosions and the discovery of landmines in the Messina area in 1985.

AK47

Mncube said he he had entered South Africa only on December 24, 1986. The reconnaisance group, of which he had been a member, encountered a Land-Rover on a farm but they did not shoot at the vehicle as they had instructions not to harm civilians or farmers.

All members in the group were armed with AK47 automatic rifles. The driver of the vehicle opened fire, but the group turned away without shooting back at the vehicle and its driver, he said.

Later the group exchanged fire with a group of South African soldiers.

He was caught shortly thereafter by soldiers who followed him with a military helicopter, and was subsequently detained.

Earlier Nondula told the court he had been threatened with indefinite incarceration, injuries and even death by the police following his detention under Section 29 of the Internal Security Act.

It was alleged in court that Nondula gave the Bophuthatswana police information concerning trained and armed ANC members in Lusaka and elsewhere who were ready to come to South Africa.

Earlier a psychologist, Mr Graeme Friedman, gave evidence in a trial-within-a-trial to determine whether the two accused made confessions voluntarily

He testified that one of the accused, Nondula, was under stress or undue influence when he made confessions to a Groot Marico magistrate on January 8 last year.

The trial is continuing.

SOUTH, FEB 25 TO MAR 2 /5

Suicide risk, PAC trial told

JOHANNESBURG. — A Cape Town man who refused to testify against seven alleged members of the Pan Africanist Congress (PAC) and Qibla, a Muslim organisation, was admitted to Groote Schuur Hospital after nine weeks in deten tion, with severe mental disorder, a Pretoria magistrate heard this week.

Dr Robert Walban Holmes, a registrar with the Department of Psychiatry at the University of Cape Town (UCT) was giving evidence for the defence of 27-year-old Mr Abdul Aziz Kader before Mr JH Bekker.

Kader, a Qibla member, was asked to be a state witness against two Cape Town men, Mr Achmad Cassiem, 41, and Mr Yusuf Patel, 27, also Qibla members.

Cassiem

Cassiem

The two, along with five alleged members of the PAC, have pleaded not guilty to 24 counts of terrorism and attempted murder.

According to Holmes, Kader was considered a suicide risk when he was referred to Groote Schuur Hospital in 1986. This was after he had been in solitary confinement for nine weeks.

The patient appeared to be depressed when admitted. He said that he had been interrogated a number of times. He cried frequently during interviews, hallucinated and felt depersonalised, Holmes said.

Holmes said after the patient was put on medication for two weeks and was "reasonably well", he was transferred to the hospital section of Pollsmoor Prison. Here he was visited once a week by Holmes.

Qibla

• Mrs Fatima Cassiem, wife of political trialist Achmad Cassiem, has issued a statement expressing her concern and disappointment at an article entitled "Qibla in PAC link" in SOUTH Jan 28 to Feb 23.

"The headline was misleading and allegations made by the state were presented as points of facts," she said.

She also denied that her husband acted as an organiser for Azapo.

SOUTH wishes to reiterate that the contents of the report largely contains allegations by the state.

Several references were made to point out that the allegations came from the state's 90-page charge sheet.

A cameraman on the mystery 'wiping' of the film that showed the KTC blaze

A film containing crucial evidence to the Crossroads case is discovered to be blank. The cameraman says it could not have happened accidentally.

GAYE DAVIS reports

SHADOWY images of what looked "very much like the inside of a Casspir" are all that remain of footage filmed by television cameraman Craig Matthew in Cape Town's KTC squatter settlement during June, 1986.

There was no possibility of his accidentally destroying his own film, Mat[illegible] the Cape Supreme Cou[illegible]

"The process of actually wiping that tape from beginning to end takes a very conscious effort of rewinding the tape, putting it on play/record and for a period of 22 minutes actually sitting and wiping the tape," he said.

Matthew, employed by Worldwide Television News, was giving evidence at the resumption of a trial in which the Methodist Church in Africa and 21 KTC families are suing the minister of law and order for R312 000 damages.

Depending on the outcome, another 3 198 squatter families might bring similar, pending, suits — totalling more than R5-million — against the minister.

The claims all hinge on the allegation that the South African Police caused the destruction of squatter camps in the Old Crossroads complex during May and June 1986 either by taking part or by doing nothing to stop *witdoeke* vigilantes from razing thousands of shacks.

Matthew said his camera was seized by police soon after he and his soundman, Vernon Matzopoulos, were arrested in KTC, where they had been filming *witdoek* vigilantes "moving in a very methodical way, burning more and more shacks", while police in Casspirs did "absolutely nothing" except patrol slowly alongside them.

While they were being arrested, several *witdoeke* were standing metres away with "bottles filled with petrol, pangas and axes".

When they queried their arrest, they were sworn at and threatened with violence, he said. A number of policemen seized him and started to bundle him into the back of the Casspir.

The policeman who appeared to be in command wore neither insignia of rank nor the standard name-tag and requests for his name and rank were "either rudely turned down or he ignored us", Matthew said.

On arrival at Manenberg police station he was punched and his camera roughly taken from him and thrown onto the Casspir's back-seat. Matthew spent the night in a police cell (charges against him were later dropped) and his soundman collected his camera, which was still lying on the Casspir's seat.

But when it was played back, the tape was blank.

On his arrest, another cameraman was called in to replace him. His name was George D'Ath, and he was later to die of injuries received when he was attacked — allegedly by *witdoeke* — in KTC.

While D'Ath was still fighting for his life in hospital, Matthew — who has yet to be cross-examined by counsel for the minister — collected his equipment from the Guguletu police station.

He found a great deal of D'Ath's footage consisted of a freeze frame. To his knowledge, it was "impossible" to achieve this "without actually going to an editing suite and doctoring that tape", he told the court.

Other evidence this week included that of Guguletu Day Hospital superintendent Dr John Frankish, who told the court how police tipped the bodies of two dead men off stretchers into a Casspir, where they landed with a "thud" — drawing cries of outrage from people who had gathered.

Weekly 19 - 25 Feb 1988

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MR MTHETHELELI Mncube ... gave evidence yesterday.

FIVE East Rand men — three of the relatives — were killed in a car accident in the Free State at the weekend.

By MZIKAYISE EDOM

They were: Mr Goodman Phasiya (55), Mr Wellington Mabona (37), and Mr Magobyane Mdoda (50), all of Dlomo Street in Wattville, Benoni. They were all related.

The other two were Mr Metlala Khumalo of Bhele Street in Daveyton, Benoni and a friend known only as Richard, the driver of the car.

Accident

The accident was at Villiers, in the Free States on Saturday night. The group was on its way to a relative's funeral in Tsolo, Transkei.

Mr Albert Mhlale, who is related to three of the victims said the dead men's car was involved in an accident with a panel van. He said the car was cut into two pieces and the five died on the spot.

He said: "We only received a report on Monday evening that the men were killed in an accident."

Mr Mhlale said four of the victims, except Richard, will be buried in Tsolo on Saturday. Richard will be buried in Wattville.

Mr Mhlale who is related to Mr Phasiya, Mr Mabona and Mr Mdoda said two buses will leave on Friday afternoon, one from Daveyton and another from Wattville and that mourners would pay R50 return fare.

ACCUSED TELLS JUDGE HOW HE SHOT COPS

24/2/88

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Smuts

ONE of the accused in the Messina terrorism trial, Mr Mthetheleli Mncube (27) yesterday admitted shooting two security policemen near Messina on December 26, 1986, while being transported to Messina after his arrest.

He said he was blindfolded, had his hands tied behind his back by security police and threatened with death if he did not co-operate with them.

At one stage the bodies of three of his companions, shot during an encounter with a Defence Force unit, were thrown on top of him in the back of a bakkie.

"I expected to be treated as a war prisoner by the Defence Force, but became worried when I was handed over to the security police as I knew they were a notorious group of people," he told the court.

While being transported in the bakkie by the two policemen, he broke the shoelaces with which his hands were tied, grabbed an AK-47 rifle which was in the vehicle and shot wildly through the back window of the bakkie's cab, he told the court.

The vehicle came to a halt, whereupon he jumped off and ran into the bush. He did not know whether or not he killed the two policemen.

"It all happened in a matter of seconds and I did not have time to think of what I was doing. I was terrified and wanted to escape from the security police," Mr Mncube told the judge.

At the start of the trial Mr Mncube pleaded not guilty to the murder of Warrant Officer Theunis Gerber and Sergeant Joachim Nel as well as charges of terrorism and treason.

The other accused in the case, Mr Mzondeleli Nondula (24), is facing eight charges of murder and charges of attempted murder, terrorism and treason, arising from a series of landmine blasts near Messina in December 1985.

He has also pleaded not guilty, but a confession he made before a magistrate in January 1987 has been accepted as evidence by Mr Justice J P O de Vlliers.

The hearing is continuing.

D/D 25/2/88

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Accused in landmine trial cross-examined

MESSINA — The prosecutor in the landmine trial in the Circuit Court here, Mr Franz Roets, continued his lengthy cross-examination of one of the accused in the case, Mr Mthetheleli Mncube, 27, yesterday.

Referring to Mr Mncube's claims that automatic rifles, grenades and landmines brought into South Africa via the "reconaissance group", of which he was a member, were only for the purpose of retaliating if they were attacked, Mr Roets said, "these are a lot of lies".

"Are you telling me you carried landmines all the way from Zambia, through Zimbabwe, just to use in case you were pursued, and through the bush?" he asked the accused.

Mr Mncube replied that his group had crossed several roads, and could possibly have been followed by military vehicles.

Regarding Mr Mncube's admission that he shot two policemen on December 26, 1986, Mr Roets described the reason the accused gave for his action as nonsense.

"No doubt you knew that many suspects held by security police have been brought to trial, and your claim that the two policemen were planning to kill you was therefore not valid."

Mr Roets added that the policemen could have shot Mr Mncube while they were alone with him in the bush, but they did not.

Mr Mncube and Mr Mzondeleli Nondula, 24, have pleaded not guilty to a total of ten charges of murder, 14 charges of attempted murder and various charges of terrorism, treason and offences under the Arms and Ammunition Act.

The hearing has been adjourned until April 11. — Sapa

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SWEETS FOR ARREST OF MAN

A BLACK girl who called the police to arrest an ANC guerilla in the northern Transvaal was given sweets by police as a reward, the Messina landmine blast trial heard yesterday.

By MATHATHA TSEDU

The evidence was given by Mr Mthetheleli Mncube (27), one of the accused facing 41 charges ranging from murder to treason. Mr Mncube said he had approached the girl at a farm and asked her for water.

He was very thirsty and hungry, he said, having spent nine days in the Mopane summer heat unclothed and barefoot with only three mangoes and rain water for food.

"The girl told me to wait at the gate but after some time when she did not come back I decided to go. Along the way I met a police van going to the farm. I realised that the girl must have called the police. I could have disappeared there but I was very weak. I had to use a stick to support myself and I rested every five minutes," Mr Mncube said.

He said he saw the police van coming back towards him. "It stopped next to me and I was arrested," he added. Mr Mncube said he was dressed in a tattered blanket which he found in some ruin. He also had two pieces of tyres — known in the area as "Phashane" — serving as shoes. His clothes had been taken nine days earlier when he was captured by the SADF.

I was taken back to the farm and the girl confirmed that I was the one who asked for water. She was given a lift into town and Warrant Officer Joop Venter bought sweets for her there," Mr Mncube said.

Under cross-examination by the State prosecutor Mr van Roets, Mr Mncube said he was not a terrorist but a soldier of the ANC. He said he was aware that the charges against him would result in the death sentence.

Mr Mncube had denied involvement in laying landmines that resulted in the death of six whites and two blacks and said he was captured on his first infiltration into the country.

He said he had not known his co-accused, Mr Msondeleli Nondula, before they were charged together in July last year.

He said the five men guerilla group in which he was, had not returned the fire from the white civilians who had shot at them because "we have been taught during our training that we should rather endanger our own lives rather than involve civilians". He said his group could have wiped the entire white group that had come upon them on a road near the Zimbabwe border. He said a "disciplined soldier would not plant a car bomb in civilian areas and said those that were responsible for the Pretoria, Amanzimtoti and Johannesburg car bombs fell in this category.

The case has been postponed to April 11.

GIVING evidence . . . MTHETHELELI Mncube

'Detention is torture'

A CAPE Town senior psychiatry specialist, Professor E S Nash, yesterday told a Pretoria magistrate that detention under the South African security laws was torture.

Professor Nash said this under cross-examination by State prosecutor, Mr P J Pretorius, during the trial of a Cape Town man, Mr Abdul Aziz Kader (27), who has refused to testify for the State in the Pan Africanist Congress trial. She was giving evidence for the defence.

The specialist said she started having this view of the country's security laws "since I became aware of what happens to people in this country." She pointed out that detention could be equated or even be worse that floods and fire disasters.

"Impaired concentration has been a consistent feature in Mr Kader. He has failed to use a computer as effectively as he used to before his detention. He took ages and ages to do something he used to do in a short space of time at the time he worked as a computer programmer," Professor Nash said.

Mr Kader, who was to turn State witness against two alleged members of

By ALINAH DUBE

Qibla, Mr Achmad Casim and Mr Yusuf Patel, has been in detention since 1986. He was allegedly being interrogated and kept in solitary confinement.

The detainee became mentally disturbed and was admitted to the Groote Schuur hospital after spending nine weeks in custody. To date, he has been on psychiatry treatment.

The alleged Qibla members are appearing with five alleged members of the PAC. They have all pleaded not guilty to terrorism, subversion, attempted murder and defeating the ends of justice.

Cape Times 26/2/88

Witness 'may be suicidal'

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PRETORIA. — The condition of a witness who recently refused to give evidence in the "Qibla/Pan Africanist Congress trial" was such that he may have suicidal inclinations, a Cape Town doctor testified in the Pretoria Regional Court.

Dr Robert Holmes of the Department of Psychiatry at the University of Cape Town was answering a question by the prosecutor, Mr P J Pretorius, during the case of five alleged PAC and two alleged Qibla members.

Dr Holmes said he diagnosed Mr Aziz Kader, an alleged member of the outlawed Qibla movement, who was arrested in Cape Town in 1986, as suffering from chronic post-traumatic stress syndrome.

The state is trying to establish whether Mr Kader is able to give evidence before Mr J H Bekker during the trial of Mr Achmad Cassiem, 41, and Mr Yusuf Patel, 27, two alleged Qibla members, and alleged PAC members Mr Mabutu Zulu, 52, Mr Siyabulela Gcanga, 26, Mr Vincent Mathunjwa, 29, Mr Setsiba Moholo, 29, and the Rev Daniel Nkopodi, 27.

The seven, who have pleaded not guilty, are facing more than 30 charges under the Internal Security Act, including attempted murder, terrorism and belonging to banned organizations.

The case continues. — Sapa

More delays for Uitenhage 17 accused of necklacing

(331) Ares 28/2/84

CP Correspondent

A "NECKLACE" trial in which 17 Uitenhage residents are being charged with murder was this week postponed for the third time due to unforeseen circumstances.

The first time the group was to appear, the Grahamstown Supreme Court heard that not all accused were present and the trial could therefore not start.

It emerged that two of the accused were appearing in another case on the same day.

Gilindoda Gxekwa, 22, of Uitenhage, and Vuyani Jacobs, 19, were sentenced to death on Monday after being found guilty of murder.

Gxekwa had already been sentenced to death last year for a murder in Uitenhage in 1985.

Jacobs and Gxekwa were among the 17 Uitenhage residents accused of the "necklace" killing of a former "comrade", who allegedly refused to continue working with them.

When their trial was to start on Tuesday, the counsel for the defence asked for a postponement because they had not yet had time to consult all their clients.

It was later stated that a kombi carrying relatives of the accused to Grahamstown for the case had been involved in an accident in which the mother of one of the accused was killed and many other relatives were badly injured.

The judge then ordered the second postponement.

When court was to start on Wednesday, the judge was told that one of the assessors had been involved in the earlier trial in which Jacobs and Gxekwa were sentenced to death and could therefore not officiate in this trial.

One of the accused will not appear in court once the trial finally gets underway, as he has escaped. – Ana

, February 29, 1988

331 Sowetan 29/2/88

McBRIDE CASE GOES ON APPEAL

JUDGMENT has been reserved by the Appeal Court in Bloemfontein in the appeal of Robert John McBride, of Wentworth, Durban, against the finding that there was no extenuation for the murders of the three women who died as a result of the car bomb explosion on the Marine Parade on June 14, 1986.

The finding that there was no extenuation was a majority decision of the Natal Supreme Court on April 13, 1987.

McBride was sentenced to death for each murder.

Mr D A Gordon, SC, and Mr M T K Moerane, for McBride, submitted that the majority of the trial court had misdirected themselves in that fundamental to their decision (that there was no extenuation) was the finding that McBride's act was a gross, calleous and atrocious act.

Factors

He also submitted that it appeared that the extenuating features had been weighed against the aggravating factors in a manner in which the latter were regarded as neutralising or outweighing the former.

It was submitted that this also amounted to a misdirection.

It was submitted that facts relevant to extenuation were McBride's psychological make-up — his politicisation, the influence of his father, that he was a product of Wentworth, his coloured identity, the impact of the state of emergency, the change of target from the original target of a department store in West Street, Durban, and the influence of the man who persuaded him to change the target.

Luanda steps up air defence

LUANDA — Angola has beefed up its southern anti-aircraft defences after South African planes pierced its modern radar and missile screens twice in one week and pounded targets near the city of Lubango, a major military and economic centre.

The raids surprised Angolan military commanders in Lubango, an important airbase.

TOTALITARIANISM — POLITICAL TRIALS

MARCH 1988

Court told of Alex raid

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Sowetan 1/3/88

THE homes of a trade unionist and two civic leaders were raided and documents removed, a policeman told the Rand Supreme Court yesterday.

Captain G L S van Huysteen said on March 4, 1987, he went to the home of Mr Moses Mayekiso and took some documents. He had earlier raided the home of Mr Paul Tshabalala where he also took documents, some of which related to the Alexandra Action Committee.

He said he also took some documents from the house of Mr Obed Bapela.

He also went to the offices of the South African Youth Congress, and also took documents that related to the Alexandra Action Committee.

A witness, who may not be identified in terms of a court order, said she attended "the people's court" on occasions.

Mr Obed Bapela presided during the proceedings.

She said offenders were sentenced to three or five cuts with a sjambok.

Appearing before Mr Justice van der Walt on charges of treason, alternatively sedition and subversion, are Mr Moses Mayekiso, general secretary of the National Union of Metal Workers of South Africa, Mr Obed Bapela, Mr Paul Tshabalala, Mr Richard Mdakane and Mr Mzwandile Mayekiso.

The State alleges they were involved in a conspiracy to make Alexandra ungovernable and in the formation of the Alexandra Action Committee, organs of people's power and people's court between January, 1985 and June, 1986 in Alexandra township.

Court told of priest's arrest

By ALINAH DUBE

AN ACCUSED in the Pan Africanist Congress trial, the Reverend Daniel Nkopodi, was arrested after police received information that he was a PAC member and was also involved in its activities, a security policeman said yesterday.

Warrant Officer L M du Plessis said this before Mr J H Bekker during a trial-within-a-trial to determine the admissibility of a statement Mr Nkopodi made before a magistrate after he was arrested in Zeerust in April, 1986.

The priest and six other alleged members of the PAC and Qibla, a Muslim organisation, have pleaded not guilty to terrorism, subversion, attempted murder and defeating the ends of justice.

The policeman said he was the only security force member who had information about the accused's activities.

He said he had asked policemen in Zeerust to set up roadblocks and look for a brown Cressida car in which Mr Nkopodi was driving. The roadblock was also manned at the Bophuthatswana border post.

The court heard that the accused was arrested at the Zeerust Police Station where he had gone to find out why he was being sought. This was after he had been told that police were looking for him.

Warrant Officer du Plessis said: "I informed him that there were allegations against him relating to the PAC. I also informed him of his rights and that he would be requested to make a statement if he so wished."

(Proceeding)

Kuzwayo gives evidence in treason trial

CP&A Times 2/3/88 (331)

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Dr Ellen Kuzwayo

PRETORIA. — A prominent fighter for women's rights and in civic affairs, Dr Ellen Kuzwayo, yesterday testified in the Pretoria Supreme Court that she had always been involved in the struggle for the liberation of her people, both as a woman and as a member of her community.

Dr Kuzwayo, who wrote "Call Me Woman", was awarded an honorary doctorate by the University of the Witwatersrand for public service and is involved in numerous consumer, civic, women's and housing organizations, was giving evidence in the trial of 19 high-ranking members of the United Democratic Front and other community organizations.

The 19 accused have pleaded not guilty to the main charge of high treason, and to alternative charges ranging from terrorism and subversion to murder.

The trial concerns the events preceding the eruption of violence in the Vaal Triangle townships on September 3, 1984, during which councillors were murdered and property worth millions of rands was damaged.

She said the black people had been deprived for generations of the opportunities that the other communities enjoyed such as education employment opportunities, housing and their heritage which resulted in the people feeling disadvantaged.

She said the manner in which black women had been treated motivated her to write a book. She said the women in the community determined the extent to which the community and the nation could go forward and that it could not grow without the woman.

"I have always felt that as black women we were treated as if we were at the bottom of the pile."

The case continues. — Sapa

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DD 2/3/88

Witnesses questioned about arms on train

331

Daily Dispatch Reporter

KING WILLIAM'S TOWN — An East London man appeared in the regional court here yesterday charged with attempting to overthrow the authority of the state and six other terrorism-related and fraud charges.

Mr Mxolisi Peter Sokopo, 25, of Nduduso Street, Duncan Village, pleaded not guilty to all the charges. He did not disclose the basis of his defence.

The state alleges that he committed the offences between 1981 and 1986.

Constable Richard Sipondo, of the Railway Police stationed at Germiston, told the court that on July 26, 1986, he was one of a number of policemen patrolling a train travelling from Johannesburg to Durban.

Before the train reached Standerton they searched luggage in the compartments. They found two suitcases in a compartment which none of the passengers they questioned claimed as theirs.

Const Sipongo said that a previous state witness, Constable Richard Masinga, had opened one of the suitcases and found two AK47 rifles, six handgrenades, seven loaded magazines and ammunition.

In another suitcase they found an AK47 rifle, a landmine, a limpet mine, four loaded magazines and a detonator. The items were hidden under men's clothing.

Const Sipondo said he and Const Masinga were taking out a magazine from one of the rifles when a shot went off. When they reached Standerton they made a report and telephoned Germiston. The weapons were handed over to Lieut Samuel Killian at Heidelberg.

Cross-examining Const Masinga, counsel for the defence, Mr M. T. K. Moerane, suggested that he was in no position to tell the court which firearms were found in which suitcase.

Const Masinga said he was unable to pinpoint which firearms were found in which suitcase as he had not recorded his findings.

Mr Moerane also suggested that the witness was in no position to say that the hand grenades before the court were found in the suitcases on the train.

The witness said he had seen the hand grenades on the train, but he was unable to identify them as being the same ones exhibited in court yesterday.

The railway policeman who was in charge of the search on the train, Constable G. F. Cuyle, said he had noted what was found by his colleagues.

"The three AK47s before the court are the ones that were found on the train," he said.

Warrant Officer G. M. van der Merwe testified that on July 26 he was called to Heidelberg to defuse terrorist arms. He took the weapons to Johannesburg where they were kept.

The case continues.

The prosecutor was Mr T.H. Cartens. The magistrate was Mr P.M.A. Pretorius. Mr Moerane was instructed by H. K. V. Siwisa and company.

Court told how man avoided bomb

331 Ster 21388.

Own Correspondent

MARITZBURG — The act of fetching a torch saved Durban Corporation security manager Mr Vincent Zimmerman from a bomb explosion, which set alight two policemen and an electrician in January 1986, it was said at the trial of alleged ANC terrorist Mr Gordon Webster (24) here yesterday.

One policemen, Colonel Bobby Welman, died in hospital.

Mr Zimmerman said the blast that hit Colonel Welman, Detective-Sergeant R G van der Merwe and Durban Corporation electrician Mr Mervyn Dunn took place 25 minutes after the first explosion in the Chamberlain Road electricity sub-station.

They had gone to inspect the damage caused by the first explosion. Mr Zimmerman, who also went to inspect the explosion, said that he had given his torch to Colonel Welman to investigate the damage and was on his way to fetch another torch when he was thrown to the ground by the second explosion.

Mr Webster has pleaded not guilty to charges of murder, attempted murder and terrorism.

Constable tells of weapons on train

Star 2/3/88 331

KING WILLIAM'S TOWN — A police constable told the regional court here yesterday he was searching luggage in a train when he found weapons in a suitcase for which no-one had claimed ownership.

Constable Richard Masinga was giving evidence in the terrorism trial of Mr Mxolisi Peter Sokopo (25) of Duncan Village.

The State alleges that the accused took part in terrorist activities, undertook military training as a member of Umkhonto we Sizwe with intention to overthrow the State and further the aims of the ANC.

Mr Sokopo was also allegedly found with banned publications and, in 1986 in Vryheid, East London and Heideberg, with weapons and explosives.

Defence counsel, Mr M T K Moerane, suggested that Constable Masinga was not in a position to tell the court that the weapons before court were the ones found by him on the train on July 26 1986.

Const Masinga pointed out exhibits before the court as the weapons he found.

Before the court as exhibits were two AK47 rifles, one AKM47 rifle, four AK47 magazines, one limpet mine, five hand grenades, six F1 hand grenades, one round of ammunition and seven magazines.

The trial continues today. — Sapa.

'Black women are treated the worst'

Star 23/8/85 331

A prominent fighter for women's rights, Dr Ellen Kuzwayo, yesterday told the Pretoria Supreme Court that she had always been involved in the struggle for liberation of her people, both as a woman and as a member of her community.

Dr Kuzwayo, who was awarded an honourary doctorate by the University of the Witwatersrand for public service, is author of "Call Me Woman".

She was giving evidence in the trial of 19 high-ranking members of the United Democratic Front and other community organisations.

The 19 accused have pleaded not guilty to the main charge of high treason, and to alternative charges ranging from terrorism and subversion to murder.

Dr Kuzwayo said the black people had been deprived for generations of the opportunities that the other communities enjoyed such as education and employment opportunities, housing and their heritage which resulted in the people feeling disadvantaged.

She said the women in the community determined the extent to which the community and the nation could go forward and that it could not grow without the women.

"I have always felt that as black women we were treated as if we were at the bottom of the pile."

The hearing continues. — Sapa.

Terror trial judge to rule on witnesses

QUEENSTOWN — Judgment in the application for the disclosure of the names of two State witnesses, who are to give evidence in the Queenstown terrorism trial, will be given in the East London Regional Court today.

On trial in terms of the Terrorism Act are Mr Fikile Owen Gwadana (35) and Mr Errol Mziwabantu Dapula (27) of Mlungisi township near Queenstown.

The State alleges that the accused intended to overthrow or endanger the authority of the State from January to June 1986.

Mr Dapula is also charged with accommodating or harbouring an alleged terrorist, Mr Luvuyo Lerumo, who was killed in a shootout with police near Fort Jackson, East London, on July 13, 1986.

The accused are alternatively charged with sabotage, unlawful possession of handgrenades, possession of explosives, malicious damage to property and attempted murder following a bomb blast at Fred Pettit Centre that injured Mr Noel Evan Nepgen and a youth in Queenstown on June 28, 1986. — Sapa.

CAPE TIMES 2/3/88 331

Leave to appeal for SA spy girl

Own Correspondent

HARARE. — A Zimbabwean Supreme Court judge has granted self-confessed South African spy Odile Harington leave to appeal against the controversial 25-year jail sentence imposed on her last November.

Lawyers acting for the 27-year-old arts graduate, who bungled an attempt to infiltrate the ranks of ANC guerillas, yesterday confirmed that Mr Justice Alan Gubbay had reversed the High Court's refusal of leave to appeal by an order given in Chambers.

At her trial, Mr Justice Wilson Sandura imposed the maximum possible sentence on her under Zimbabwe's Official Secrets Act, rejecting pleas for clemency by her counsel, Mr Julian Colegrave, on the grounds that she was "not a Mata Hari, but someone who is pathetically naïve".

Mr Colegrave also asked for the court to accept in mitigation that she suffered torture, including sexual assault, while under interrogation by the Zimbabwean Central Intelligence Organization.

Firing squad

Passing sentence, Mr Justice Sandura regretted his inability to sentence Odile Harington to death by firing squad.

The mastermind behind Odile Harington's totally abortive mission was alleged to be Mr Geoffrey Price, a former chief superintendent in the Rhodesian police, now employed by the South African security service. Mr Price's name has been linked to numbers of whites detained following an explosion on January 12 at an ANC house in Bulawayo.

The head of the South African Trade Mission in Harare, Mr Johann Viljoen, was unable to confirm persistent rumours that Odile Harington may be exchanged for Marion Sparg and Helen Passtoors, currently serving lengthy sentences in South African prisons for aiding the ANC.

It is not known when the Supreme Court will hear Harington's appeal against sentence and conviction.

A delay of up to a year may be expected.

Her lawyers are likely to plead that her activities caused no prejudice to the government and people of Zimbabwe.

Webster-ANC 'hostage plan'

331

South 3-1/3/88

DURBAN. — An alleged member of the African National Congress (ANC), Mr Gordon Webster, who two years ago made a dramatic escape from police custody while in hospital, is appearing in the Pietermaritzburg Supreme Court on a charge of murder and 12 counts of contravening the Internal Security Act.

Murder rap

Webster, 24, who was sprung from the hospital by his friend Robert McBride, was re-captured by the South African Police in September last year while trying to re-enter the country from Botswana. McBride, subsequently convicted of murder, is on death row in Pretoria.

Webster is being charged for the murder of a security policeman, Mr Robert Welman, who died while inspecting a bomb explosion at an electric sub-station in Chamberlain Road, Durban on January 6 1986. It is alleged that Webster was responsible for placing explosives at the sub-station.

The State alleges he left the country for Botswana in 1984 where he became a member of the ANC.

After returning in November 1985 he recruited three people as members of the ANC and trained them to use firearms and explosives, the State claims.

On January 18, it is alleged, he placed explosive devices on two transformers at the Huntleys Hill, Westville electricity substation and a day later he placed an explosive device on a transformer in Camperdown which later blew up.

Limpet mines

He placed four limpet mines at the substation in Jacobs, all of which exploded; and when he was arrested he was in possession of two MUV mechanical explosive activators and BZD IM activating mechanism.

The State also alleges that there was an agreement between Webster and ANC members that he return to South Africa to seize hostages, who were to be used for prisoner exchanges.

However, before this plan could be put into operation he was arrested on September 17 last year in Bophuthatswana.

Found guilty

Webster created headline news in April 1986 when he was arrested after exchanging fire with police in a township near Maritzburg.

He was shot in the stomach twice and taken to the Edendale Hospital where he was held under police guard.

During this period he was sprung from hospital by McBride, his father, Derrick, and Greta Aplegren. McBride was sentenced to death after being found guilty of being responsible for the Magoos Bar bombing in which three people were killed and several others were injured.

Mitigation

At a subsequent trial, his father, Derrick McBride, was sentenced to jail for 12 years and Greta Aplegren to 18 months imprisonment for their part in springing Webster from hospital.

While outside the country, Webster gave evidence in London in mitigation for McBride.

Then, while he was one of South African Police's most wanted man, he was captured in September last year while trying to enter the country from Botswana. — Press Trust of SA

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Q'town terror trial: state evidence heard in camera

D|D 3/3/88 (331)

Daily Dispatch Reporter

EAST LONDON — State evidence in support of an application for the identities of two witnesses in the Queenstown terrorism trial not to be disclosed, was held in camera yesterday.

The state further applied for the evidence of the two witnesses to be given in camera.

Mr Fikile Owen Gwadana and Mr Mzwabantu Errol Dafula are facing a number of terrorism related charges arising from incidents that took place in the first half of 1986, including a bomb explosion at the Fred Pettit Centre in Queenstown.

The magistrate, Mr D. Cronje, said that if evidence for the application was not held in camera, the purpose of the application would be defeated before it had been decided whether or not to grant it.

The head of the Queenstown branch of the Security Police, Major F. J. Venter, and another witness who may not be named gave evidence for the application.

The trial continues today.

Mr J. Du Plessis prosecuted and Mr J. Poswa appeared for the defence.

Minister agrees to pay girl scarred by rubber bullet

D/D 3/3/88

331

Daily Dispatch Correspondent

GRAHAMSTOWN — An amount of R15 500 has been paid in damages by the Minister of Law and Order to a Grahamstown schoolgirl shot in the forehead with a rubber bullet by a member of the South African Police.

The mother of the girl brought an action for damages on behalf of her daughter against the Minister of Law and Order after the shooting incident which occurred almost three years ago.

The matter, which was set down for hearing in the Supreme Court later this month, was settled out of court this week after the minister agreed to pay an amount of R15 500 without prejudice.

According to papers before the court, the girl's mother alleged her daughter, who was 14 at the time, had been negligently shot at by a member of the SAP on May 27, 1985, in Wood Street, Grahamstown.

As a result of the shooting, the girl had sustained severe injuries to her forehead and had been in hospital until June 18.

The minister admitted that on the day in question, a rubber bullet, which had been fired at fairly close range by a member of the SAP, had struck the girl.

However, he said the bullet had been fired unintentionally and he denied the SAP member had acted negligently.

A medical report drawn up a year after the incident refers to an "extensive" scar on the girl's forehead, consisting of several different scars.

A plastic surgeon, who examined the girl, said he believed the combination of all three scars would prove too extensive for plastic surgery and the scars would therefore be permanent.

The plaintiff was represented by Nettletons and the defendant by Whitesides.

Members of FAWU in court

D/D 3/3/88

EAST LONDON — Seven members of the Food and Allied Workers' Union (Fawu) appeared in the regional court here yesterday in connection with allegations of intimidation.

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The seven were Mr Kenneth Thembinkosi, 35; Mr Themba Skipper Toko, 27; Mr Nceba Simon Sodo, 28; Mr Limited Mcebisi Sitshowcwana, 30; Mr Totoyi Vincent Mavaun, 39; Mr Malixole Qaungaua, 27; and Mr Ronnie Songatsha, 37; all of Mdantsane.

The seven appeared in connection with four counts of intimidation and an alternative count of assualt at the Distillers Co-operative in November last year.

The charges were not put to them and they were not asked to plead.

The case was postponed to May 30, and the seven were released on warning. — DDR.

Webster bombing deaths trial opens

THE trial of Gordon Webster, the alleged African National Congress guerrilla who topped the police most-wanted list after being sprung from hospital in 1986, started in Pietermaritzburg this week.

He has pleaded not guilty to all the charges against him including murder and attempted murder. These counts relate to the death of a security police officer, Colonel Robert Welman, who was caught in a second bomb blast while investigating an explosion at a Durban sub-station. Welman died some time later of burns.

He was first arrested in April 1986, after being shot as he tried to escape a road-side police check on his car, later allegedly discovered to contain ammunition.

He was admitted to hospital in a serious condition but was sprung by a team under the leadership of ANC guerrilla Robert McBride, a young Durban man now on death row.

331 Welman

470/3/88

DID 4/3/88 331

Witness: police assault caused memory lapse

Daily Dispatch Reporter

KING WILLIAM'S TOWN — A witness told the regional court here yesterday that a statement he had made conflicted with his evidence presented in court, because his memory had lapsed after he had been assaulted by police following his arrest on December 22, 1986.

Mr Mzikhulu Ndiki said that in addition to the assault, he had been kept in solitary confinement for several months which had made his recollections of his association with the accused hazy.

Mr Ndiki was giving evidence in the trial of a Duncan Village man, Mr Mxolisi Peter Sokopo, who is charged with attempting to overthrow the authority of the state and six other terrorism and fraud related charges.

After being warned by the magistrate, Mr P. M. A. Pretorius, that in giving evidence he could be implicated as an accomplice, Mr Ndiki refused to take the oath until he consulted his lawyer.

This he was allowed to do and then said he was prepared to give evidence.

Mr Ndiki said he had met Mr Sokopo, who was looking for accommodation, in December 1986. Mr Sokopo was with another man who later became known to him as Mr Mturu.

Mr Ndiki said that he had made arrangements for the men to stay at a Mrs Fetsha's house in Duncan Village.

He had asked Mr Mturu why his friend wanted a place to stay and he had said that he wanted to work near East London.

Mr Ndiki said that after he had taken Mr Sokopo to Mrs Fetsha's house he was arrested.

"The police also confiscated two newspapers and a book," he said.

Mr Ndiki said that while he was in jail the police gave him a letter which they said was from the Minister of Law and Order, Mr Adriaan Vlok.

The letter said that he was being detained under section 31 of the Internal Security Act, but would be released at the end of the trial.

Mr Ndiki said he was not aware of the charges that the accused was facing. The charges were then read to him.

Mr Ndiki said he could not remember whether Mr Sokopo had told him anything about the charges.

Although he knew what the ANC was — an organisation fighting for the liberation of the people — he did not remember whether Mr Sokop told him anything about the ANC.

Mr Ndiki agreed that his signature was attached to the statement, but said he had not been "in his full senses" when he made the statement.

"The reason there is a statement is because of the conditions under which I gave the statement," he said. He was threatened by a policeman that he would be shot if he did not give a statement.

The case continues.

The prosecutor was Mr T. H. Cartens. The magistrate was Mr P. M. A. Pretorius. Mr M. T. K. Moerane, for the defence, was instructed by H. K. V. Siwisa and company.

4-10/3/88

Inquest raps policemen for 'Trojan Horse' shootings

BY MOIRA LEVY
in Cape Town

POLICE who killed three Cape youngsters in the 1985 Trojan Horse shooting were negligent, a Cape Town inquest court found yesterday.

Magistrate D Hoffman also described police evidence as "unreliable and evasive" and rejected police claims that they had fired because they feared their lives were in danger.

The incident — which was filmed by an American network — caused an international outcry. The image of police leaping out of crates on the back of a truck and firing pump-action shotguns at a crowd, which included young children, became a symbol of South African repression that flashed thoughout the world.

Michael Miranda, 11, Shaun Magmoed, 16, and Jonathan Claassens, 21, died after members of a police task-force who were hidden in wooden crates on the back of an open railway truck fired into a crowd gathered in Thornton Road, Athlone, Cape Town, on October 15, 1985.

At the inquest into their death yesterday, the magistrate said police witnesses exaggerated the size of the crowd and the damage done to the truck.

He said there was no evidence that Miranda and Claassens had been identified as stone-throwers and the balance of probability was that Magmoed also could not be identified as a stone-thrower.

He said police were not taken by surprise in the incident. They went to the area with the intention of catching the stone-throwers by surprise and teaching people a lesson. (Police evidence was that their orders were to catch the "ringleaders" and that they fired because their lives were in danger.)

INSIDE
MAYHEM IN THE GARDEN OF EDEN
The rains turned northern Mozambique into a lush Eden. A chilling setting for war and famine ....
PAGE 14

Hoffman described the operation as "poorly prepared and planned".

He said it would have been impractical for men to jump one and a half metres from a box and then another one metre from the truck to arrest people.

Policemen's oral evidence also did not tally with evidence shown in the form of a video.

Hoffmann said one of the policemen tried to mislead the court about the size of the burning barricade the truck came upon on its second journey down Thornton Road on the day of the incident.

He found police witnesses also exaggerated the size of the crowd which had gathered by the time the truck made its second journey down the road. They claimed it had been between 150 to 200 strong.

Hoffmann found this an exaggeration and that it was more likely half that size.

Police claimed everyone in the crowd had stones and bricks, which was not substantiated by the facts.

Hoffmann noted that almost 40 rounds of buckshot and birdshot were used in the shooting.

He said police evidence in the inquest hearing contradicted that given in an earlier public violence trial arising from the incident.

The contents of this edition have been restricted in terms of the Emergency regulati

Army accused given stay of execution

o/l ARGUS 5/3/88

331

by MICHAEL DOMAN
Supreme Court Reporter

THREE national servicemen, due to start a sentence of 18 months in detention barracks yesterday, were granted a stay of sentence after an urgent application to the Supreme Court.

Mr Justice King granted an interim order restraining the authorities from implementing the sentences pending review proceedings to be instituted by the men.

The court heard claims that a pamphlet alleging that the End Conscription Campaign was "an extension of Moscow's web" was produced at the Castle in Cape Town by the Defence Force.

The claims were made in papers in the application by Scout Heinrich Mönnig, 24, who, with Rifleman Peter Plüddemann, 25, and Corporal Desmond Thompson, 20, were sentenced by a court martial last month.

The three were convicted of contravening a section of the Protection of Information Act, read with the Riotous Assemblies Act, in that they conspired to disclose sensitive military information to an unauthorised organisation, the ECC.

The sentences were confirmed yesterday morning by the Defence Force and the men were told to report to the military police in Wynberg at 4pm yesterday.

Appeal

The Minister of Defence, the Officer Commanding Western Province Command, the president of the court martial, and the confirming authority, Brigadier A K de Jager, must show cause on March 22 why the order staying the sentence should not be granted.

The judge said: "In accordance with the fundamental principles of freedom of movement, a person should not have to start a sentence until he has exhausted all avenues of appeal and review open to him."

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DID 513188 (331)

Former ANC member gives evidence under pseudonym

Daily Dispatch Reporter

EAST LONDON — A former African National Congress (ANC) and Umkonte we Sizwe (the ANC military wing) member gave evidence under the pseudonym Peter in the Queenstown terrorism trial yesterday.

Mr Fikele Owen Gwadana and Mr Mzwabantu Errol Dapula are facing charges of terrorism following the bomb blast at the Fred Pettit Centre in Queenstown.

The magistrate, Mr D. Cronje, ruled that the witness could give evidence in camera and under a pseudonym and that a second witness, a woman, who was known to the accused, could give evidence in camera and that her name or identity might not be made public.

Mr Cronje also ruled that the press might be present and report on the proceedings so long as their reports in no way identified either of the witnesses.

He said that on the basis of the evidence of the head of the Queenstown branch of the Security Police, Major F. J. M. Venter, and Peter, the court had been shown that there was a danger or possible danger to the witnesses.

Mr Cronje said Major Venter had handed in a poster which had appeared in public places in Queenstown.

The poster apparently showed photographs of previous state witnesses and had the words: "Death to the witnesses- . . . these are the unforgivable traitors . . . they should not be left to live a minute longer".

Mr Cronje said that counsel for the defence, Mr J. Poswa, had made a strong objection to the name of the witness being withheld from the defence.

He said that the court found no fault with the name being withheld from the defence but, "if the witness gives evidence under a pseudonym it may hinder the defence in cross-examination".

"The court must therefore bear this in mind when evaluating the evidence," he said.

Peter testified that he had met a man known as Farah in an Umkonto we Sizwe camp called Caxito in Angola in 1984.

"He was doing some refresher courses on small arms, military engineering, topography and politics," he said.

In reply to Mr Cronje's question about who could go to the camp, Peter said it was only for members of Umkonto and that most of them had received training in other camps.

Peter said that when he left the camp in July 1984 Farah was still there.

Asked whether Farah could have come into South Africa, Peter said he was to be infiltrated into the country.

Peter said he (Peter) was a member of the ANC for eight years.

In reply to a question by the prosecutor, Mr J. du Plessis, Peter said the ANC aimed "to overthrow the South African Government by force".

Under cross-examination by Mr Poswa, Peter said he had not met anyone last year in connection with this case.

Asked where he had first met Major Venter, Peter replied that he had seen him, but not met him, when he was in a police station writing his biography.

He had then not seen Major Venter again until he met him at court earlier this week.

Mr Poswa asked Peter if he had not said in his evidence during the application that he had met Major Venter in connection with the case last year.

"I made a mistake," Peter said.

Mr Poswa asked him why he had not mentioned this when the prosecutor had asked him whether he was not making a mistake in saying he had met Major Venter last year.

Peter said he realised he had made a mistake when he was being cross-examined but he did not have an opportunity to say so.

The case was postponed to Monday.

P/D

Witness must stay unknown — prosecutor

5/3/88

331

KING WILLIAMS TOWN — An application by the state to hold the Sokopo terrorism trial in camera was granted in the regional court here yesterday.

The prosecutor, Mr T. H. Cartens, made the application to call a witness and hold his evidence in camera.

The unidentified witness will be giving evidence in the trial of a Duncan Village man, Mr Mxolisi Peter Sokopo, who is charged with attempting to overthrow the authority of the state and six other terrorism and fraud related charges.

Mr Cartens said the witness's name should not be published for his safety, "because he is a member of the ANC and the public must not know his identity".

Mr M. T. K. Moerane, for the defence, said that once again the defence had been taken by complete surprise, "and it is difficult for me to formulate an attitude."

"In principal I am opposed to a witness giving evidence in camera," he said, adding that at this point in time the defence was completely in the dark. — DDR

The magistrate was Mr P. M. A. Pretorius. Mr Moerane was instructed by H. K. V. Siwisa and company.

Court stays jailing of 'spies'

Supreme Court Reporter

THE Minister of Defence was early yesterday evening restrained from placing three soldiers — convicted by a court-martial of conspiring to disclose information of a military nature to the End Conscription Campaign — in detention barracks to serve an 18-month sentence, pending a review of the sentences.

In an urgent application in the Supreme Court brought by Mr Hein Mônnig, Mr Peter Pluddeman and Mr Desmond Thompson late yesterday afternoon, an interim order was granted restraining the Minister of Defence, the Officer Commanding, Western Province Command, Brigadier A K de Jager (in his capacity as the confirming authority in respect of the court-martial), and Colonel M Dempers (in his capacity as president of the court-martial) from executing the sentence pending review proceedings.

The sentence imposed by the court-martial was confirmed at the Castle yesterday morning and the men were required to report to the Military Police at 4pm.

In an affidivit before the court, Mr Mônnig said that on February 4 this year he and two other national servicemen (Mr Pluddeman and Mr Thompson) were convicted by the military court of conspiring to disclose information of a military nature to the ECC and sentenced to 18 months' each in a military detention barracks.

The verdict was "palpably incompetent" in that the "information" in question did not constitute information of the protected kind contemplated by the Defence Act, but was either "evidence of clandestine operations conducted by the SADF against the

To page 3

From page 1

ECC or entirely anodyne information".

Copies of pamphlets produced at the Castle (ostensibly produced by the "Anti-Liberal Alliance") were attached to his affidavit.

One pamphlet accused the ECC of assisting Umkhonto we Sizwe (the military wing of the banned ANC) by attempting to neutralize the SADF.

Although he was not a member of the ECC, he understood it to be a lawful organization which propagated the adoption of alternatives to compulsory military service.

After completing his basic training at Kimberley, he was drafted to Western Province Command and stationed at the Castle, where he began work in the Intelligence Section, more specifically the Communications Operations Department (known as "Komops").

Mr Mônnig said he intended seeking a review of both his conviction and sentence.

He said Colonel Dempers exhibited "gross bias and partiality" in his judgment on sentence.

It was also a matter of "considerable anguish" to his wife who had suffered accutely under the strain and was under medical treatment.

"Detention barracks, unlike imprisonment, further involves a directly punitive regime. Hard labour is a feature, as is incarceration with drug offenders," he said.

"I have no doubt that I and my co-accused will be subject to the harshest victimization."

Mr Mônnig said he had been made to strip to his underpants and "stripped of my personal effects, save for certain basic essentials such as blankets, linen and a pillow. I was then handed a military overall to wear and placed in a cell in solitary confinement for 21 days".

Because of the court-martial he had been suspended from teaching by the Cape Education Department, Mr Mônnig said.

Granting the interim order, Mr Justice King said a person who had been convicted, should not have to start a sentence till he had exhausted all avenues of appeal.

"That is consistent with the fundamental principles of freedom of movement and the right not to have those principles interfered with."

The hearing was adjourned to March 21.

Kuzwayo testifies at Pretoria hearing

A PROMINENT fighter for women's rights and civic affairs, Dr Ellen Kuzwayo, this week testified in the Pretoria Supreme Court that she had always been involved in the struggle for the liberation of her people, both as a woman and as a member of her community.

Kuzwayo, who was awarded an honourary doctorate by Witwatersrand University for public service, and author of *Call me Woman*, was giving evidence in the treason trial of 19 high-ranking members of anti-apartheid organisations.

The accused have pleaded not guilty to the main charge of high treason, and to alternative charges.

The trial concerns the events preceding the eruption of violence in the Vaal Triangle townships in September 3, 1984, during which councillors were murdered and property worth millions of rands was damaged.

She said black people had for generations been deprived of the opportunities that other communities enjoyed. This resulted in the people feeling disadvantaged.

She said the women in the community determined the extent to which the community and the nation could go forward. A community could not grow without women.

The case continues. – Sapa

RESS, March 6, 1988

(331) Upers 6/3/88

Witness's 'wise words' delight courtroom

By MARTIN NTSOELENGOE

THE usually dignified atmosphere of the Rand Supreme Court was broken this week when a judge, the accused and court officials burst into laughter after a witness told of aspects of a "people's court" in Alexandra.

During cross-examination of a witness in the treason trial of five Alexandra residents, the witness provoked laughter when she described one of the accused, Obed Bapela, 28, as a "judge" given to leniency, and the wisdom of Solomon.

The other accused appearing before Judge PJ van der Walt were, labour and community leaders Moses Mayekiso, 38, Paul Tshabalala, 38, Richard Mdakane, 29, and Mzwandile Mayekiso, 22.

The witness (who cannot be named) was telling the court how two "people's court judges" handled their cases.

One of the "judges" was the accused Bapela and another man known as Mandla, who was not in court.

The witness said of the "two judges," Bapela was reasonable, while Mandla was unreasonable.

Defence advocate David Soggot, SC, wanted to know from the witness why it was that Mandla was unreasonable. The witness threw her arms in the air and said: "Oh that one, he was very horrible."

It transpired that the witness meant that in the "people's court," Mandla was a man of few words. His judgement was swift and harsh – "sjambok style."

The witness said a woman took her husband before Bapela because he refused to have sex with her.

"After Bapela had attentively listened to the woman, he told them both to go home and try and solve their sexual problems there," said the witness

The State alleges that the two Mayekisos, Tshabalala, Mdakane and Bapela and other residents unknown to the State, had conspired to make the township ungovernable by forming the Alexandra Action Committee and other organisations of people's power, including "people's courts", between January 1985 and June 1986.

They were also alleged to have created an alternative civic authority to govern Alexandra.

Webster pleads not guilty

Alleged ANC guerrilla, Gordon Webster, who was freed from custody in an attack on the Edendale Hospital near Maritzburg in May last year, has pleaded not guilty to 12 charges of terrorism, one of murder and one of attempted murder.

Appearing before Judge S McCreath and two assessors in the Maritzburg Supreme Court, Webster is accused of being involved in the establishment of arms caches near the capital and undergoing military training outside the country.

The murder charge is in connection with the killing of Col Robert Welman who died of burns after an explosion at a Durban substation in January 1986.

The case continues. – Sapa.

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told it was expected that six lettuce were very scarce

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The trial continues. — DDC

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Terror trial witness asked about man he met in camp

D/D 8/3/88

Daily Dispatch Reporter

EAST LONDON — A witness giving evidence in the Queenstown terrorism trial said yesterday he had not questioned what had happened to a man he had met at an Umkhonto we Sizwe camp in Angola when he was asked to identify him from pictures shown to him by police.

The witness, who was giving evidence under the pseudonym Peter, was testifying in the trial of Mr Fikele Owen Gwadana and Mr Mzwabantu Errol Dapula, who are facing a charge of terrorism arising from a bomb blast at the Fred Pettit Centre in Queenstown in 1986.

Earlier, Peter testified that he had met a man called Farah at an ANC training camp, Caxito, in Angola in 1984.

Yesterday under cross-examination by defence counsel, Mr J. Poswa, Peter said he knew the man as Farah and other people, including the senior commander of the camp, known as Herman, had called him by that name.

Peter said the names Farah and Herman were "MK" names given by Umkhonto.

Under cross-examination, Peter admitted he knew another Farah, whom he had met in Vienna camp in Luanda.

This Farah came to Caxito while the first Farah he mentioned was still there and the two were together at the camp from April 1984 until Peter left in July 1984, after which he never saw them again.

In answer to Mr Poswa's question, Peter said he did not know whether the Farah he had met at Vienna was in custody or whether either of the Farahs he knew had since died.

"Isn't that a bit strange? The man you say is Farah has been identified in this court as a man killed in a shoot-out. The shoot-out occurred before you were shown the photograph.

"Can you honestly tell the court that none of the policemen told you that the man had died and you did not have the curiosity to ask where he was?" Mr Poswa asked.

"No I did not," Peter said.

The case was postponed to today.

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with two beaches in his area, the ratepayers of his ward were entitled to know what crowd control measures were being planned.

"We know that Mr De Pontes has publicly said that our beaches must be opened, but is this government policy?" Mr Whitaker asked.

He said it was the government's decree that local beaches were closed and it was this law which had to be en-

years on Springbok Radio and then on Egyptian State Broad-

TO ADVERTISE ON THIS PAGE — TELEPHONE EAST LONDON 26141

Accused explains demonstration

GRAHAMSTOWN — The trial of two Unrest Unit policemen resumed in the Supreme Court here yesterday after a break of 11 days.

Warrant/Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, are charged on 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 when a section of the unit was sent to monitor a funeral on July 26, 1986.

Yesterday, the cross-examination of W/O De Villiers continued. He was asked about the instructions he had been given for the trip and why he had demonstrated "house penetration" to his unit.

He said he had been told it was expected that six or seven terrorists would attend the funeral and the youngsters who comprised 80 per cent of his section had not been trained to combat urban terrorism. He tried to brief them on the positions they would assume if the terrorists were located, and show how he and Const Goosen would "penetrate" a house if they took shelter.

After he had been questioned about the route the unit took when it entered the townships, Mr Justice Zietsman was constrained to ask the relevance of the cross-examination.

He asked the Attorney General, Dr J. A. van S D'Oliveira to leave "every little turn and detail" and get to the important differences between the state and defence versions.

The trial continues. — DDC

Defence claims Cape terror trial evidence incorrect

EAST LONDON — The defence in the Queenstown terrorism trial yesterday requested an adjourment to investigate part of the evidence of a State witness.

The defence claimed it was incorrect.

Appearing before the East London Regional Court are Mr Fikile Owen Gwadana (25) and Mr Mzwabantu Errol Dapula (29) of Mlungisi township near Queenstown.

They have pleaded not guilty to the main count of terrorism and other related crimes the State alleges they committed between January and June 1986.

Last week a State witness, Peter, whose identity is protected by the court, said he had met a person called Farah while at an ANC military training camp in Angola in 1984.

The defence yesterday submitted that Farah had not been mentioned in the charge sheet and as there was no basis for mentioning the person, they wished to investigate the matter.

Cross-examined by the defence, Peter said he stayed for a few months in a camp in Angola and had met two Farahs there.

The one was the Farah in the photographs exhibited in court. He knew another Farah whom he met at Vienna Camp in Luanda in 1984.

He gave a description of the other Farah, aged about 20. He said that later, both Farahs had been together in the same camp in Angola, and he had been with them until he left the camp in July 1984.

Peter said that from 1981 to 1984 he had been at different camps and had also visited Zambia.

Peter said he had not been shown the photograph of the first Farah whom he met at Luanda with the police.

He said he did not know whether the Farahs had died, and had not asked the police if one of them had died in a shoot-out.

The court adjourned to allow the defence to conduct its investigation.

The hearing continues today. — Sapa.

ANC camps described

EAST LONDON — A witness giving evidence in the Queenstown terrorism trial said yesterday he had not questioned what had happened to a man he had met at an Umkhonto we Sizwe camp in Angola when he was asked to identify him from photos shown to him by police.

The witness, who was giving evidence under the pseudonym Peter, was testifying in the trial of Mr Fikele Owen Gwadana and Mr Mzwabantu Errol Dapula, who are facing charges of terrorism arising from a bomb blast at the Fred Pettit Centre in Queenstown in 1986. It has also been alleged that Mr Dapula harboured and conspired with an ANC member, Mr Luvuyo Leruma, who was killed in a shootout with South African police in July 1986.

Earlier, Peter testified that he had met two men both called Farah at ANC training camps in Angola in 1984.

In answer to Mr Poswa's question, Peter said he did not know whether the Farah he had met at Vienna training camp was in custody or whether either of the Farahs he knew had since died.

The case was postponed to today. — Sapa.

'Why I'm testifying for the State'

Sowetan 5/3/88

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A FORMER member of the South African Students Association yesterday told a Pretoria Magistrate that he would not have turned State witness had it been not for the fact that he was being detained, writes ALINAH DUBE.

Mr Fuad Arhman of Cape Town, and a founder member of Sasa, also told Mr J H Bekker that he would also not have testified against alleged Qibla members facing terrorism charges if he knew what the organisation stood for. He said this after State prosecutor Mr P J Pretorius, asked him what the conditions of his detentions were. The prisoner also asked to tell the court his feelings giving evidence for the State.

Mr Arhman is a witness in the Pan Africanist Congress trial involving seven alleged PAC and Qibla members. He has been in detention since February 12 this year.

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

All the accused have pleaded not guilty to terrorism, subversion, attempted murder and defeating the ends of justice.

Mr Arhman told the court that he heard of Qibla, a Muslim organisation, at a meeting held 10 years ago. He said this was at the time when the Sasa executive had decided to have the name of the organisation changed.

"Achmad Cassim, an accused before this court, suggested that at that meeting that Sasa's name be changed to Qibla. This led to an argument between us. I disagreed with the use of a Muslim name," the witness said.

Under cross-examination by defence lawyers Mr Denis De la Hunt, the witness said he might have confused some of the issues discussed at the meeting.

(Proceeding).

Witness tells of time in ANC

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Daily Dispatch Reporter

EAST LONDON —Cross-examination of a state witness in the Queenstown terrorism trial continued the whole day yesterday.

In response to a question by the magistrate, Mr D. Cronje, as to the relevance of his numerous questions to the witness, counsel for the defence, Mr J. Poswa said he was trying to show that the witness was changing his evidence during questioning and that since there would probably not be a lot of evidence on the ANC in the trial, this witness's evidence was important.

The witness, a former African National Congress and Umkhonto we Sizwe member, was giving evidence under a pseudonym, Peter, to protect his identity, in the trial of Mr Fikele Owen Gwadana and Mr Mzwabantu Errol Dapula.

Mr Gwadana and Mr Dapula have been charged with terrorism following a bomb blast at the Fred Pettit Centre in Queenstown in June 1986.

Mr Cronje also ruled that names of places where the witness had been, dates of when he had been there, the age of the witness and when he joined the ANC were not to be published as they might lead to his identification.

Under cross-examination, Peter said he had left South Africa for a neighbouring country because he wanted to get a scholarship from that country's government to further his studies.

He said he left with a group and they had deliberately avoided the border posts.

He did not know about the ANC until he was in that country, he said.

Peter explained that in that country he and others in his group went to the local authorities to ask for assistance in their studies.

They were then taken to the immigration officials who put them in prison, where they were approached by the ANC, he said.

Peter also confirmed that he was aware that the ANC was looking for people to join its army to fight the South African Police and army.

Later, he said he had expected to be enabled to continue his studies, and not to be compelled to join Umkhonto.

Under cross-examination, Peter said he spent a number of months while he was with the ANC in transit between neighbouring countries, and then some time in training camps. He spent part of his seven years as an instructor in small arms and some of it as a courier.

When asked by Mr Poswa whether he had received a lot of education from the ANC, Peter answered in the affirmative.

He agreed that he had been placed in a position where he could understand communism and capitalism, but said he did not take sides.

He said that literature on both communism and capitalism had been available in the ANC libraries, but they had also been given lectures by people from communist countries to give them confidence in socialism.

"No one in the camp could survive if they stood up for capitalism," he said.

"I wished I could be sent to Russia because I was reading so much about communism and I wanted to see it in practice, but I never got the opportunity," he said.

Asked about the nature of the ANC, Peter said: "The ANC is a nationalist organisation. In the ANC there are members of the Communist Party — the Communist Party recruits in the ANC," he said.

Asked what prompted him to leave the ANC, Peter replied: "I left because I became disillusioned. A number of things made me think the ANC was no longer good for me.

"I realised that it was no longer possible to further my studies because I knew the secrets of the army," he said.

Asked if he considered himself to have grown up suffering from the effects of oppression of the blacks, Peter replied in the affirmative.

In answer to Mr Poswa's question he said that those who made the apartheid laws were oppressing the black people.

Peter said he had shared the views of the students who boycotted in 1976, but since then there had been a lot of changes.

"Apartheid is still there. I don't like it, but the government is trying to uplift the level of the blacks to that of the whites — it cannot happen overnight," he said.

Peter said in answer to Mr Poswa's question that he agreed, putting aside the method of the ANC, he had no disagreement with the aim of the ANC to bring about change as in equality for races, but it was difficult to compare the equality the ANC was trying to bring about and that which the government was trying to bring about.

Peter also said he agreed with the principle of the Freedom Charter and agreed that if only what was contained in the charter was implemented, a state that was not communist would be achieved.

Later, however, Peter, said some of the clauses of the charter laid down the basics for communism.

The case will continue today.

Mr J. Du Plessis prosecuted. Mr J. Poswa, instructed by Mr T.M. Ntsaluba of the Sangoni Partnership, appeared for the defence. Mr D. Cronje was on the Bench.

the bath with her head immersed in the water.

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singer who was unjustly imprisoned.

CAPE TIMES 10/3/88

A-G probe into Weaver case 'a priority'

Staff Reporter

THE investigation by the Attorney-General into questions raised at the trial in which former deputy news editor of the Cape Times Mr Tony Weaver was acquitted, was still "a priority".

Attorney-General Mr Niel Rossouw ordered the investigation after Mr Weaver's acquittal under the Police Act on September 17 last year.

Mr Rossouw said that because of pressure he hadn't been able to "give full attention to the matter".

"Among all the other things that do have priority, this one also has a priority — we certainly want to get on with it."

The charging of Mr Weaver under Section 27b (1) of the Police Act, which prohibits publication of "untrue matter about police without having reasonable grounds for believing it to be true", received wide publicity here and abroad.

The case centred on Mr Weaver's granting of an interview to the BBC on the killing of seven alleged guerillas by police in a shootout in Guguletu on March 3, 1986.

Eye-witnesses to the shootout claimed that one suspected guerilla was shot and killed after attempting to give himself up, and that another, lying wounded on the ground, was "finished off" by police.

The magistrate, Mr J M Lemmer, found that Mr Weaver did have reasonable grounds for believing what he reported to be true and that expert medical evidence contradicted the police version of what happened.

Wynberg inquest magistrate Mr G Hoffman found that the seven died of bullet wounds during police activity.

● Mr Weaver is suing the Minister of Law and Order for over R107 000 in damages for "wrongful and malicious" prosecution.

D/D 10/3/88

Witness says dates in evidence not exact

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Daily Dispatch Reporter

KING WILLIAMS TOWN — A former African National Congess member giving evidence in camera in the trial of a man accused of terrorism, had changed certain dates around to fit the facts, the regional court was told yesterday.

Counsel for the defence, Mr M. T. K. Moerane, said that the evidence given by the witness in this trial conflicted with his testimony in previous trials.

He had previously testified in terrorism-related trials in Durban and Pietermaritzburg.

The witness gave evidence yesterday in the trial of Mr Peter Mxolisi Sokopo who is charged with attempting to overthrow the authority of the state and on six other terrorism-related counts.

The court ruled that the names of places where the witness had been, the dates when he had been there, or any other facts that could lead to his identification may not be published.

Under cross-examination the witness reminded counsel that when he gave evidence in a trial in Durban he had previously spent 14 months in detention, stating that "my mind was not altogether there".

"In the trial I also gave approximate and not exact dates," he added.

The witness said to counsel that if they went through his evidence in a fair manner they would see that a lot of what had been seen as contradictory evidence had in fact been taken out of context.

Asked why he did not tell the court that he was giving approximate and not exact dates, the witness said that it was possible that he did not mention the clause, "I think", in his evidence.

Asked if he had been an enthusiastic and dedicated member of the ANC up to the point of his arrest, he said "yes, to a certain extent".

"Enthusiasm goes according to the extent you get involved in something and I am not a fanatic. I don't idolise people.

"I have taught myself to approach every situation with an open eye," he added.

Mr Moerane said that in a previous trial the witness had said that he was a dedicated ANC member.

The witness replied that the implications of the question put to him at the previous trial, differed in context to that which was being asked in the present trial.

"In that particular case they were talking about training people and I was dedicated as far as that was concerned," he said, adding that Mr Moerane was quoting him out of context.

The witness said that he could not remember the name of the person who trained him in a camp in a neighbouring state, although it sounded similar to Swanepoel.

Mr Moerane said that because it was an Afrikaans name "perhaps you'd rather forget it".

The witness said that his memory for events which occurred around this time was bad due to the effects of the war.

He said that he remembered seeing the accused working in the kitchen in the camp, adding that on several occasions he supplied the accused with arms as at that time he was working in the armoury section.

After a lengthy cross-examination, counsel for the defence suggested to the witness that he did not supply the accused with arms at any stage, because when he started working in the armoury the accused had already left the camp.

The witness added that there were hundreds of men in the camp and it was impossible to know the whereabouts of each man.

Mr Moerane added that he was a trainee and according to the instructions he received from the accused, trainees were not employed in the armoury section.

The witness said that as far as he knew, everyone was being trained in the camp.

The witness said that he also could not remember when the accused first came to the armoury or how many times he came.

He also could not remember the names of all the people who worked with him in the armoury section.

Mr Moerane suggested that the witness's evidence was vague because it was completely untrue.

The witness said that he has seen the accused attend training classes in the camp.

Mr Moerane said that the accused was not a trainee in the camp and according to his instructions from the accused, persons who were deployed in various positons were not trainees.

"There is a distinction between trainees and those employed in certain positions," Mr Moerane said.

The trial continues today.

Mr T. H. Cartens prosecuted. The magistrate was Mr P. M. A. Pretorius. Mr Moerane was instructed by H. K. V. Siwisa and company.

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Handgrenades seen in house court told

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EAST LONDON — Handgrenades had been seen in the house of a terrorism trial accused on more than one occasion, a state witness told the court yesterday.

The witness, whose identity may not be revealed, said she was an acquaintance of Mr Mzwabantu Errol Dapula in eZibeleni in Transkei.

Mr Dapula and Mr Fikele Owen Gwadana are facing charges of terrorism following a bomb blast at the Fred Pettit Centre in Queenstown on June, 28, 1986.

They are also alleged to have harboured and conspired with a former ANC member, Mr Luvuyo Leruma, who was killed in a shootout with South African Police on the East London/King William's Town road in July 1986.

The witness said a photograph exhibited in court was of a man who had been staying with Mr Dapula when she saw the grenades. She knew the man as Xolani Ndodana Mabija, who had been introduced to her by Mr Dapula as a clerk from Lady Frere.

An earlier witness, Peter, told the court the photograph was of a man known as Farah.

In his cross-examination, counsel for the defence said the man had also been identified by the police as Luvuyo Leruma.

The woman told the court she had seen handgrenades on three different occasions in Mr Dapula's house — once under the bed, once under a table and once under a room-divider in the lounge.

She said she could not remember how many grenades she had seen, there was more than one on each occasion, but on questioning said she did not think there were as many as six.

She told the court that both Mr Dapula and the man she knew as Xolani were present on the first two occasions. The third time she saw the grenades she was alone. One the second occasion, Mr Gwadana was also present.

"When I asked Mr Dapula about them, he said they belonged Xolani. He said I must not tell anyone about it. Xolani said the same to me."

Asked why she had not reported the grenades to the police or her father, who was a member of the Transkei Security Police, she said she was afraid to report the grenades to the police as it would be known who had made the report. She did not want to discuss it with her father, as he did not know of her association with Mr Dapula.

Later, when asked by Mr Poswa whether Mr Dapula had not said to her that Xolani had said to him that both of them dare not report what they had seen otherwise they would run a serious risk, she said "yes".

She also agreed when asked by the magistrate, Mr D. Cronje, that Mr Dapula had said he was afraid to report the grenades to the police because of other people he did not know.

Asked whether it was possible that if Mr Gwadana was present on the second occasion when she saw the grenades, they could have escaped his attention, the witness said that Xolani had removed the grenades from under the table and walked past Mr Gwadana. "How could he not have seen them?" she said.

Mr Poswa also asked her if she remembered the time when she was playfully hiding in Xolani's wardrobe and bumped her head on an object in a jacket in the wardrobe.

She said she remembered the incident and had felt the object, but had not inspected it. She said Mr Dapula had told her that it was a handgrenade.

The witness had earlier told the court that Mr Dapula had told her that he was at school with Xolani.

Under cross-examination, she agreed that she could have mistaken Mr Dapula saying he had grown up with Xolani as him saying he had gone to school with him.

She admitted that she had heard terrorists associated with handgrenades, but had not associated Xolani with terrorists because the terrorists she had seen on television had worn uniforms.

The woman told the court that she knew that they were handgrenades she had seen because she had seen pictures of them on posters at the post office in Queenstown and on Police File on television.

In reply to Mr Poswa's question, she said she had been approached by the South African Police in Transkei in connection with the case, and was taken to Queenstown to make a statement by her father.

A warrant officer for the East London Security Police and inspector of explosive substances, Mr Guillaume Viljoen, told the court he had attended a number of courses in explosive and had nine years experience in explosives.

Mr Viljoen said he was called to Queenstown after the bomb blast on June 28.

He identified two exhibits as pieces of magnet similar to that found on a mini-limpet mine and parts of explosive from a detonator, usually of Russian origin.

He said that the first exhibit had been found in the parking lot of the centre and the second at the chemist. He said it seemed to him that more than one limpet mine had been used.

Mr Viljoen said he had been to Queenstown in August again, where he was asked by the police to organise an exhibition of weapons to see if Mr Gwadana, who was being held in custody there, had any knowledge of them.

Mr Poswa objected to Mr Viljoen's further evidence as it may have involved a confession by the witness.

Judgment will be given on the objection when the case continues today.

Mr J. Du Plessis prosecuted. Advocate J. Poswa instructed by Mr T. M. Ntsaluba of the Sangoni Partnership appeared for the defence. Mr D. Cronje was on the bench.

Terror trial witness tells of ANC training

10/3/88

Own Correspondent

MARITZBURG — A witness in the Webster trial, who may not be identified, told the Pietermaritzburg Supreme Court yesterday that he left South Africa to go to school but ended up doing military training in the ANC, mainly in Angola.

The witness was being cross-examined by Mr Nigel Willis, counsel for Mr Gordon Webster (24), who is charged with the murder of Colonel Robert Welman, two attempted murders and 12 counts of terrorism, most arising out of bombings of electrical sub-stations and the establishment of armament caches. He has pleaded not guilty to all the charges.

The witness said that he was trained as an operator after he joined Umkhonto we Sizwe (the military wing of the ANC).

He said that the instruction was mainly given in English by instructors who came from South Africa.

The hearing continues.

(331) STM 10/3/88

'I saw grenades in room'

EAST LONDON — An acquaintance of one of the accused in the Queenstown terrorism trial told the East London Regional Court yesterday that she had seen some hand-grenades in a room occupied by the accused at Ezibeleni near Queenstown in 1986.

The woman was giving evidence in camera in the trial of Mr Fikile Owen Gwadana (37) and Mr Mzwabantu Errol Dapula (29).

They have pleaded not guilty to all the charges against them.

The woman, whose identity is protected by the court, said she knew Mr Dapula and said the accused had stayed alone in his room.

She said that she had seen the grenades in the room on three occasions.

On the first occasion she saw them under a bed, on the second occasion under a table and on the third occasion in a room divider.

The hearing continues. — Sapa.

Court rejects condemned man's appeal

PRETORIA. — An 11th-hour bid by an Oudtshoorn man for a stay of execution failed in the Supreme Court here yesterday, and Michael Lucas was due to be hanged at 7am today.

A spokesman for attorneys acting for Lucas said the court rejected the application because it could find no grounds to hear an appeal against the death sentence.

Six British Labour MPs, led by Mr Richard Caborn, appealed to the South African authorities to commute the death sentence.

The MPs yesterday put down a motion on the Commons Order Paper in which they deplored the execution of Tsepo Letsoara in South Africa on March 18 and the impending execution of Lucas today.

Lucas was found guilty of shooting a black bus driver during a riot in Bongolethu township at Oudtshoorn in April, 1986.

He told the court a gun he had in his hand had gone off.

Lucas has been on death row in Pretoria since his conviction for murder in May, 1987 and he will be the second person to hang for a crime arising out of the 1984-1986 black uprisings that claimed more than 2 500 lives.

He is also believed to be one of at least 44 people on death row for crimes linked to the unrest that began in 1984. — Staff Reporter and Sapa-Reuter

Alex case delay

Sowetan 10/3/88 10/3/88 331

THE treason trial of five Alexandra men, including trade unionist, Mr Moses Mayekiso, was postponed this week to March 16, in the Rand Supreme Court.

Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mr Mzwanele Mayekiso (22), are accused of trying to seize control of the township by forming organs of "people's power".

The State has alleged they formed the Alexandra Action Committee, organised street committees, formed "people's courts" and formed a group known as the "Marshals or the comrades."

The men pleaded not guilty to treason when they appeared in court in October last year.

Mr Mayekiso is the general secretary of the National Union of Metalworkers of South Africa.

'Case against nun vague'

Sowetan 10/3/88 (331)

THE case of Sister Bernard Ncube, president of the Federation of Transvaal Women and 14 other people, was yesterday postponed to today when the defence will ask the court to quash the charges because the charge sheet was "defective."

Mr C R Mailer, for the defence, told the court that he was basing his argument on the fact that the State failed to give a reasonable degree of clarity on what the case was about.

Earlier, the defence submitted that there was a lot of confusion about what the State alleged.

Mr Mailer said it was not clear what the State meant by saying the accused were officers, office bearers, and or members and or supporters of the Krugersdorp Residents' Organisation (KRO).

Younger Pityana in 'terrorism' trial

PORT ELIZABETH - Younger brother of self-exiled civil rights activist, the Rev Barney Pityana, was among 11 Section 29 detainees in court this week on trial for terrorism.

The 11 appeared in the magistrate's court on five counts of terrorism, four alternative charges of murder and one of harbouring three alleged terrorists.

Amoung the accused is Mr Lizo Pityana, former Vice President of the Port Elizabeth Black Civic Organisation (Pebco). Barney Pityana, is the newly appointed director of the World Council of Churches' Programme to Combat Racism.

Five other section 29 detainees who were expected to appear in court were released on Tuesday after charges against them were dropped. The accused, many of whom have been held under Section 29 detention for over six months, met their lawyers for the first time in court on Tuesday.

No evidence was led and the accused were not asked to plead. The case was postponed to March 22. - *PEN*

D/D 11/3/88

Terrorism: FB three guilty

331

KENTON ON SEA — Three men, two of whom admitted being members of the Pan Africanist Congress, were yesterday convicted of terrorism by the regional court here.

Milton Bayi Joyi, 29, Mkeli Sabelo Williams, 23, and Tamsanqa Forcus Duma, 31, faced a charge of terrorism under the Internal Security Act in that they participated in various activities between 1977 and July 28, 1987.

The three, arrested at Fort Beaufort on July 28 last year, were also convicted of illegally possessing arms.

Joyi and Williams admitted joining the PAC and undergoing military training.

Sentence will be passed today. — DDC

Bid to have charges against Sr Ncube dropped

Sowetan 11/3/88 331

AN APPLICATION to nullify charges against a Kagiso nun and 14 alleged members of a local residents' organisation was yesterday made by their defence counsel in the Johannesburg Regional Magistrate's Court. The lawyer alleges that the State has failed to clarify what the case is about.

Advocate Mr C R Mailer, who is defending Sister Bernard Ncube and 14 others, pointed out that the State had had enough time to prepare and furnish details of what the accused are alleged to have done, where and when.

Mr Mailer said if the State had a case against the accused, it would have provided the information after it was also ordered to do so by the court. The State has failed to do so, he said.

The 15 are appearing before Mr J B Esterhuizen, charged with sedition, alternatively subversion.

(Proceeding)

331 STATE 11/3/88

Mr X1 testifies in treason trial:

'I left ANC because I wanted a new life'

By Jo-Anne Collinge

BETHAL — A secret witness in a treason trial told the Bethal Circuit Court yesterday that he had taken only a few oaths in his life — one had been a pledge of allegiance to the African National Congress and another, seven years later, an oath of loyalty to the South African Police.

The witness, who may be identified only as Mr X1, was being cross-examined in the trial of three alleged ANC members, Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim Ismail Ebrahim.

If the indictment is correct, Mr Ebrahim is probably the most senior ANC man to stand trial since the Rivonia case. He was kidnapped from Swaziland in December 1986 and handed to the Security Police in Pretoria.

The alternative charges against him and his co-accused include eight counts of attempted murder arising from landmine blasts in the South-Eastern Transvaal. They have pleaded not guilty.

Mr X1, in his evidence-in-chief a fortnight ago before Mr Justice Daniels, said that he had been a member of the command structure of a regional "military machinery" of the ANC. He had taken an oath of loyalty to the ANC in 1979 in the presence of its president, Mr Oliver Tambo.

Yesterday, questioned by defence counsel Mr Leonard Gering, he said he had joined the SAP six months after leaving the ANC and presently held the rank of constable.

He added that he had given a sworn statement in relation to the present trial only after he had joined the police. In signing up with the SAP, he had taken an oath of loyalty and undertaken never to betray police secrets, he said.

Mr X1's earlier evidence was that he had left the ANC in August 1986.

While with the ANC in Swaziland, he had been arrested on August 13 1986 because his papers were not in order. He had been badly assaulted and put in a Swazi jail.

On the evening of August 14, ANC men had sprung him from the country jail where he was kept, he said. It was decided that since he had been released by violent means, he should lie low in South Africa.

Yesterday, he said he had been thinking of leaving the ANC and the notion of defecting had "come strongly upon" him in jail after his assault. "I thought I'd be leading a better life back home," he said.

Mr Gering reminded Mr X1 that in his earlier evidence he had said that his first notion of leaving the ANC had occurred to him after he was back in South Africa on August 14/15 "walking in the bushes near the Houtkop Border Post". Mr X1 admitted it had occurred to him strongly then.

What had caused this, Mr Gering asked. "I was just tired of being with the ANC in Swaziland and having to be hiding myself. I wanted to come home ... When I found myself in the bushes near Piet Retief, I just felt tired. I wanted to start a new ' ' I felt I wanted to pursue my studies as I had intended when leaving the country."

He had gone to the Security Police in Piet Retief and surrendered himself. The trial continues today.

Witness: accused familiar with mines

D/D 11/3/88

331

Daily Dispatch Reporter

EAST LONDON — The accused in a terrorism trial was familiar with the workings of a mini-limpet mine and how to activate it, a witness in the trial told the regional court here yesterday.

A warrant officer in the Security Police and explosives inspector, Mr Guillaume Viljoen, said that Mr Fikele Owen Gwadana had chosen the mini-limpet mine from among a number of weapons and their components which had been exhibited to test his knowledge of them.

Mr Gwadana and Mr Mzwabantu Errol Dapula are facing charges of terrorism following a bomb blast at the Fred Pettit centre in Queenstown in June 1986.

Mr Viljoen said Mr Gwadana had picked out two components of the time switch and fitted them together and placed them where they belonged in the mine.

Mr Viljoen said he had purposely left two components, the mechanical detonator and the safety pin, out of the exhibition.

"The accused indicated that he knew they were missing by looking around for something else and by what he said to me," Mr Viljoen said.

Asked by the prosecutor, Mr J. du Plessis, what conclusion he had drawn from this, Mr Viljoen replied: "That he was familiar with the working of the mine as well as its components and that he knew how to activate it to cause an explosion."

In his cross-examination of the witness, counsel for the defence, Mr J. Poswa, asked Mr Viljoen about his experience, and he told the court that he was an explosives inspector, appointed by the minister, in terms of the Explosive Substances Act.

He said that it had been his full-time career for nine years and he had attended a three-month basic course on explosives followed by various other courses.

Every year he also attended a refresher course to update his knowledge on explosives, he said.

Mr Poswa asked him to name the types of explosives he knew.

Mr Viljoen listed limpet mines, hand grenades, landmines, crude explosives, commercial explosives and demolition charges.

On Wednesday, Mr Poswa objected to Mr Viljoen's further evidence because he said it might amount to an admission or a confession by the accused to the witness.

The magistrate, Mr D. Cronje, said at the beginning of yesterday's proceedings he could not decide the issue until he had heard the evidence.

The case was postponed until Monday.

Mr J. du Plessis prosecuted. Mr J. Poswa instructed by Mr T.M. Ntsaluba of the Sangoni Partnership appeared for the defence. Mr D. Cronje was on the bench.

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Ex-ANC man: I will help to crush ANC

D/D 11/3/88 (331)

Daily Dispatch Reporter

KING WILLIAMS TOWN — A former African National Congress member told the regional court here yesterday that he hated the ANC and would do everthing in his power to help the South African Police crush the ANC.

The man, who may not be identified, was giving evidence in the trial of Mr Peter Mxolisi Sokopo, who is charged with attempting to overthrow the authority of the state and six other terrorism-related counts.

Counsel for the defence, Mr M. T. K. Moerane; said the witness had shown that he would do everything in his power to help the police crush the ANC, which included giving false evidence against the accused.

The court ruled that the names of places where the witness had been, the dates when he had been there, or any other facts that could lead to his identification should not be published.

Mr Moerane said that in all the courts where the witness had previously testified about the camps he had attended in neighbouring states, he had mentioned that he was involved in engineering and nothing else.

In the present trial the witness had enlarged his scope of training and activities in the camp "so as to get room to implicate the accused".

To this the witness remarked that the counsel was trying to confuse him "or make a fool of me".

Mr Moerane said that contrary to what the witness had previously told the court, Mr Sokopo had never received or undergone any training in the camp, although Mr Sokopo did admit that he was in the camp and employed in the kitchen unit.

Mr Moerane said that the witness was a dedicated member of the ANC.

"This was his position up until his arrest a few years ago," he said, adding that he regarded members of the South African Police and South African Defence Force, particularly the security branch, as his enemy.

"I assume you also had a passionate hatred for police informers and defectors of the ANC."

The witness said that while he was in the ANC training camp there were also members within the camp he did not like "and if I were to meet them now they would not survive".

He said that he would only kill these people if he had a firearm. "At the moment I don't have one so they would probably survive".

Asked why he had previously hated the SAP and SADF the witness said this was a very broad question.

"Every country has police and the work of the police is not popular. I hated them because I interpreted the role of the police in this way, but now I understand politics has many aspects and each aspect has to be carefully explored.

"It was also because I believed they were pillars of the government's apartheid and I hated the policy of apartheid with a passion."

The witness said he was aware of recent announcements by churches declaring the practice of apartheid as a sin, adding that as a soldier it was his duty to destroy apartheid.

Asked if he regarded apartheid as a crime against humanity the witness said that it depended from which view the whole subject was seen.

The witness said that although he was a Catholic, attending church services was forbidden in the camp as it was anti-communist.

Mr Moerane said he detected a bias in the witness against the ANC which prevented him from telling the whole truth, "as it is known fact that there is a department of religious affairs in the ANC".

The witness said he was not aware of this department.

Mr Moerane said it was known that the leader of the ANC, Mr Oliver Tambo, was a practising Christian and the ANC had never said it was anti-religion.

The witness said he recognised the parliaments in Ciskei, Transkei, Venda and Bophuthatswana and to an extent the ANC also recognised them.

The witness said he had no connections with the SAP although he had been called on by the SAP several times to identify ANC suspects.

"The police call me when they want me," he said.

He admitted that for this purpose he travelled to various parts of the country, such as Newcastle, to assist the police in tracking down ANC suspects.

Asked if he also questioned ANC suspects he said this was the work of the police.

Mr Moerane added that he had received information that the witness had questioned ANC suspects in Newcastle.

The witness denied that he had questioned or interrogated any ANC suspects in any way.

He said that, apart from doing odd jobs to make ends meet, he was also paid by the Department of Justice for testifying, although the amount he received did not constitute a monthly income.

The trial continues today.

Mr T. H. Cartens prosecuted. The magistrate was Mr P. M. A. Pretorius. Mr Moerane was instructed by H. K. V. Siwisa and company.

News in Brief

3 guilty of terrorism

Cape Times 11/3/88

331

PORT ELIZABETH. — Milton Bayi Joyi, 29, Mkeli Sabelo Williams, 23, and Tamsanqa Forcus Duma, 31, were yesterday convicted of terrorism by the Regional Court. Joyi and Williams admitted being members of the Pan Africanist Congress. The three participated in various activities between 1977 and July, 1987 and were in possession of arms and ammunition.

D10 12/3/88

331

Court told accused not fully informed of rights

Daily Dispatch Reporter

KING WILLIAM'S TOWN — Counsel for the defence in the Sokopo terrorism trial, Mr M. T. K. Moerane, told the regional court here yesterday the accused had not been warned in terms of judges rules when he was arrested at the end of 1986.

Mr Moerane said that when Mr Mxolisi Peter Sokopo was arrested on December 22, 1986, he was not properly informed of his right to remain silent.

A member of the security police, Lieutenant A. J. Muller, one of the policemen responsible for Mr Sokopo's arrest, said he had told the accused to be careful about what he said because it could be used as evidence in court.

Lieut Muller said that he thought this warning was sufficient.

Mr Moerane added that the most important part of the judges rules was the warning to the suspect that he was not obliged to say anything which could be used against him.

Lieut Muller said that although Mr Sokopo was Xhosa-speaking, he warned Mr Sokopo in English becaused he noticed that the accused could speak it.

Lieut Muller said a woman who was arrested with Mr Sokopo was released the following day.

A number of days after Mr Sokopo's arrest, he was taken to Vryheid.

En route he identified a spot where a plastic bag was later found and also pointed out trees on the right hand side of the road, Lieut Muller added.

"On January 8, 1987, we went back to the place pointed out by the accused," he said. The sole purpose of Mr Sokopo's trip to Vryheid was to identify this spot.

Mr Sokopo and another policeman, Major Le Roux, had returned from the spot "with nothing", Lieut Muller added.

Mr Moerane said that according to his instructions, Mr Sokopo and Lieut Muller had arrived in Vryheid without any place having been identified.

He suggested to Lieut Muller that he and Mr Sokopo had initially driven into town and only later gone on to a spot outside of town.

There the vehicle was stopped "and you, the accused and another policeman got out of the car and went to this 'place'," Mr Moerane said.

The following day, Mr Moerane added, Mr Sokopo had left, with a person he believed was Major Le Roux, to view the spot he had previously identified.

Contrary to Lieut Muller's testimony, at no stage had a dog been present when Mr Sokopo went to this spot.

Mr Sokopo had only been told that a dog had been at the scene, he said.

Mr Moerane said that the entire exercise was a charade.

Lieut Muller confirmed that during this time Mr Sokopo was held under section 29 of the Internal Security Act and as a result was kept in solitary confinement with no access to a lawyer.

The case continues.

P/D 12/3/88 (331)

7 appear on ANC charges

UMTATA — Seven men accused with activities relating to the banned African National Congress yesterday appeared in three separate trials.

They are charged with offences ranging from murder, possession of explosives, firearms and ammunition, to harbouring and rendering assistance to terrorists. — DDR

'Charges vague and confusing'

AN advocate claimed in the Johannesburg Magistrate's Court on Friday that the State had failed to provide clear information on charges it had preferred against Sister Mary Bernard Ncube, president of the Federation of Transvaal Women, and 14 others charged with her.

Mr C R Mailer said the State had failed to comply with a court order. Because of this, the court had no alternative but to reject as not valid the charges against all the accused.

In addition, he said, there was no other information that could be deduced from the documents titled "further and better particulars" provided to the defence by State on February 2.

The defence pointed out that the indictment which was supposed to "contain intelligible

SISTER Ncube

information, was vague and confusing."

The 15 were arrested on August 20, last year and are charged with sedition, alternatively subversion. The assault charges have since been dropped. They have not as yet been asked to plead.

All are out on bail of R500 each except Mr Lawrence Ntlokoa who is on free bail.

The case has been postponed to March 17 to allow the State to reply.

CAPE TIMES 15/3/00

Detainees in court today

MORE than 12 people who have been held under Section 29 of the Internal Security Act for up to six months are expected to appear in Wynberg Magistrate's Court today.

An attorney for five of the people, Mr Essa Moosa, said they were expected to be released brought to court. He said he understood 14 people were to be charged, probably with treason and terrorism.

Attorneys are not allowed access to clients who are detained under Section 29.

Among those expected to appear is Ms Jenny Schreiner, who was detained with 10 others last year.

The Attorney-General, Mr Niel Rossouw, could not be reached for comment.

331 STAR 15/3/88

Exile will challenge claims by Mr X1

Evidence on ANC faulty, court told

By Jo-Anne Collinge

BETHAL — A secret witness, who says he was once part of a regional military command of the African National Congress and is now a constable in the South African security police, was told yesterday that he was giving evidence on ANC structures of which he had no direct knowledge and was basing his claims on incorrect hearsay evidence.

The challenge came from the defence in the treason trial of Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim Ismail Ebrahim which is being heard in the circuit court at Bethal before Mr Justice Daniels.

Defence counsel Mr Leonard Gering challenged the witness, identified only as Mr X1, saying the ANC's Mr John Nkadimeng would challenge evidence that he (Nkadimeng) was chairman of the Senior Organ of the ANC between 1980 and 1982.

SENIOR ORGAN OF THE ANC

Mr Nkadimeng would also contradict evidence by Mr X1 that Mr Ebrahim had been a member of the Senior Organ, an ANC structure based in Maputo.

Mr X1 responded to Mr Gering's submission, saying: "Well, John Nkadimeng would be lying."

The defence submitted that Mr X1's information on the Politico-Military Committee (PMC) — founded in 1983 after the Senior Organ was disbanded — included the following defects:

- The chairman of the PMC was not Mr Nkadimeng (as Mr X1 had said) but one of three men, Mr Oliver Tambo, Mr Joe Slovo or Mr Thomas Nkobi.
- The deputy chairman of the PMC was not Mr J Jele, as the witness had testified, and his correct first name was Josiah, not Johannes, as Mr X1 had said.
- The defence stated that Mr Simon Makana (known to the witness by the name Nkokeli) and Mrs Ruth Mompathi had never been part of the PMC as the witness claimed.

INTERVIEW WITH TOP MAN

Mr Gering said the basis for his instruction on these matters was, among other things, an interview with Mr Jacob Zuma of the ANC. It is common cause that Mr Zuma was a member of the PMC.

During the course of these submissions, Mr X1 replied: "Well, I have told this court what I knew about people I personally knew. You see I was personally there and (to Mr Gering) I never saw you there."

When questioned about whether he was ever on the PMC or in attendance at its meetings he conceded he had not been "but I was serving in structures under the PMC".

The three accused have pleaded not guilty to the main charge of high treason and to alternative charges which include eight counts of attempted murder arising from landmine blasts in the Eastern Transvaal in April and June 1986.

Mr Ebrahim, who is described in the indictment as a key figure in ANC regional structures in Swaziland, was kidnapped from Swaziland in December 1986 and brought to Pretoria where he was detained.

The trial continues.

DID 16/3/88

Outcry as Lawson announces budget surplus in Britain

LONDON — The Chancellor of the Exchequer, Mr Nigel Lawson, yesterday announced Britain's first budget surplus in nearly 20 years and huge tax cuts for the rich.

He was shouted down by opposition MPs, in one of the unruliest annual budget presentations in Parliamentary history.

The deputy speaker twice suspended the sitting during Mr Lawson's speech.

Opposition Labour members chanted "Shame, shame," as Mr Lawson announced he was slashing the top tax bracket from 60 per cent to 40 per cent.

Mr Alec Salmond, of the Scottish National Party, was expelled after denouncing the budget as an "obscenity", with tax cuts instead of extra spending on health and welfare services.

Mr Lawson cut the basic rate of tax from 27 to 25 per cent.

In the most sweeping reforms Britain's six tax bands were cut to just two — 25 per cent and 40 percent.

Mr Lawson, declaring that the Conservative government has transformed the British economy, announced a surplus of £3 billion in the £147,6-billion budget for the 1987/88 fiscal year.

In an unprecedented development, the Commons was suspended while MPs voted overwhelmingly to expel Mr Salmond.

"Tax breaks for the rich, poll tax (a new property tax) for the poor, and nothing in it for the health service — it's an absolute and utter obscenity," shouted Mr Salmond.

His expulsion went ahead after a vote that delayed Mr Lawson's speech for 12 minutes.

The two other Scottish nationalists in the 650-member Commons walked out in sympathy.

Parliamentary officials hustled four uniformed nurses out of the public gallery after they shouted slogans in defence of state-funded health care.

"The National Health Service is not safe in your hands. Thanks a lot Thatcher," one shouted.

The new 40 per cent top tax rate will be payable on income over £19 300 a year.

Analysts estimated that a person earning an average £11 500 a year will save about £5 a week under the new measures.

For a person getting £100 000 a year, the budget meant a £250 a week bonanza.

The Labour Party leader, Mr Neil Kinnock, described the budget, the most adventurous since Mrs Thatcher won power, as a "tragedy".

Mr Lawson's spring budget dealt only with revenue-raising measures.

Planned expenditure, which totals £156,8 billion for the 1988/89 fiscal year ending next April 5, was announced in a separate autumn statement.

● The budget was lauded by big business, which called Mr Lawson the "great reformer".

One of the most significant measures was a "charter for wives", under which married women will get complete independence and privacy over their tax and financial affairs from 1990.

Fears of punitive taxation on the good life were not realised as the price of 20 cigarettes was increased just an average 3p to 4p — against predictions of 20p, with only 1p on a pint of beer, 4p on a bottle of table wine and no increase in tax on spirits.

Ambulance overturns

EAST LONDON — An ambulance overturned in Kidds Beach last night, causing the patient it was transporting from Frere hospital to his home, to be re-admitted.

The driver and the co-driver, were also admitted to Frere hospital after the accident, a spokesman for the ambulance service said.

The spokesman said no-one was seriously hurt in the accident

DID 16/3/88

Treason: eleven (331) appear in court

CAPE TOWN — Miss Jenny Schreiner, 31, the daughter of the deputy vice-chancellor of the University of Natal, and ten others were charged with treason in the Wynberg Regional Court here yesterday.

Neither she nor the other ten alleged African National Congress members or supporters were asked to plead, but all of them were charged with treason, alternatively terrorism.

Miss Schreiner is alleged to have primed two mines in two rest rooms at the D. F. Malan airport here. One of the bombs exploded, but nobody was hurt.

Ms Schreiner is also alleged to have primed a limpet mine and gas bottle bomb that exploded outside flats here where SADF personnel live. Nobody was hurt.

Appearing with Miss Schreiner are: Mr Tony Sithembiso Yengeni, 33, Miss Lumka Elizabeth Nyamaza, 25, Mr Michael Mzimkhulu Lubambo, 35, Mr Mbutu Richmond Nduku, 26, Mr Wellington Mongomeli Nkwandla, 31, Mr Thetheli Titana, Mr Gary Kruser, 27, Mr Christopher John Giffard, Mr Sitlabocha Charles Mahlale, 37, and Mr Alpheus Nkwana Ndude, 45.

They are alleged to have committed treason from 1979 to December last year in that they "conspired jointly or severally" with the ANC.

They were remanded to March 29. — DDC

Witness: accused's rights were protected

D/D 16/3/88 331

Daily Dispatch Reporter

EAST LONDON — The job of a justice of the peace was to protect the rights of an accused and this was done in the case of one of two accused in a terrorism trial, a lieutenant in the South African Police told the regional court here yesterday.

Lieutenant William Charles Landman was testifying in a trial within the trial of Mr Fikile Owen Gwadana and Mr Mzwabantu Errol Dapula, who are accused of preparing and planting an explosive device in the Fred Pettit Centre in Queenstown on June 28 1986.

The trial-within-a-trial was to test the admissibility of the contents of a "pointing out document" which contained a statement that Mr Gwadana gave to Lieut Landman on August 1 1986.

During examination by the prosecutor, Mr J. du Plessis, Lieut Landman said that he had been told by the then Colonel Griebenauw of the security police, who is now a brigadier, that there was a person in Queenstown who wanted to make a "pointing out statement".

At this point, Mr Justice Poswa, appearing for the defence, objected to this statement because he said "it was all hearsay" on the part of Lieut Landman.

This was scrapped from the court record.

Lieut Landman said he was the branch commander of the East London Murder and Robbery Unit at the time of the explosion in 1986.

Mr Poswa said he thought there must have been many commissioned officers of the peace in East London and Queenstown in 1986.

"Why did Col Griebenauw send you when he could have sent anyone else?" Mr Poswa asked, to which the lieutenant replied that he did not know.

Lieut Landman said he went to the charge office in Queenstown and Mr Gwadana was handed over to him.

"I took him to a private office," he said.

"The only other person present was a black policeman who acted as an interpreter."

Lieut Landman said that he "recorded everything that transpired" between Mr Gwadana and himself.

He said that after Mr Gwadana had signed the document indicating that what he wanted to show the lieutenant was made without any force being placed on him, they had gone to "the scene" so that Mr Gwadana could "point things out".

The court has not yet heard where and what these things were that needed pointing out.

Lieut Landman said that two other policemen had accompanied Mr Gwadana and himself in the car, while the official police photographer had followed them in another car.

Mr Poswa asked the lieutenant if he had taken anyone to point things out before that incident, to which Lieut Landman replied: "Yes, on many occasions."

Mr Poswa then asked if Lt Landman's outlook towards "pointing out" had changed at all from the time he was a constable, to a warrant officer, to now when he was a lieutenant.

"Yes it has because a constable or warrant officer is not a justice of the peace, so nothing the accused says to them is admissible and can be used as evidence against him," Lt Landman said.

Both the accused were remanded and the case continues today.

Drama in court as ANC trial opens

Cape Times 16/3/88 (331)

11 on treason charges

Staff Reporters

MS Jenny Schreiner, 31, the daughter of the deputy vice-chancellor of the University of Natal, and ten others were charged in Wynberg Regional Court yesterday with treason.

Neither she nor the other ten alleged African National Congress (ANC) members or supporters were asked to plead, but all were charged with treason, alternatively terrorism as defined by the Internal Security Act.

According to the charge sheet, Ms Schreiner is alleged to have primed two mines which she placed in "two different toilets in the ladies' rest rooms" at D F Malan Airport.

One of the bombs exploded but nobody was hurt. Ms Schreiner is said to have drafted a letter to the press explaining why bombs had been placed, according to the charge sheet.

Ms Schreiner is also alleged to have primed a limpet mine and gas bottle bomb that exploded outside a block of flats in Tennant Street, Cape Town, where SADF personnel and their families live. Nobody was hurt there either.

Those who appeared with Ms Schreiner are: Mr Tony Sithembiso Yengeni, 33, Ms Lumka Elizabeth Nyamaza, 25, Mr Michael Mzimkhulu Lubambo, 35, Mr Mbutu Richmond Nduku, 26, Mr Wellington Mongomeli Nkwandla, 31, Mr Thetheli Titana, Mr Gary Kruser, 27, Mr Christopher John Giffard, Mr Sitlabocha Charles Mahlale, 37, and Mr Alpheus Nkwana Ndude, 45.

According to the charge sheet, they are alleged to have committed treason between 1979 and December last year in that they "conspired jointly or severally" with the ANC or its members or supporters and with one another to further the aims and objects of the ANC "or their own hostile and treasonable intent".

They are alleged to have committed "a series of acts", set out in lengthy schedules.

Explosives

The allegations include the following:

- that Mr Tony Yengeni underwent military training in Angola and the USSR;
- that he received explosives, arms and ammunition and stored them in his home in Searle Street, Lansdowne;
- that he supplied explosives to a

To page 3

By PETER DENNEHY

FAMILY members, friends and supporters of the 11 treason trialists who appeared in Wynberg Regional Court yesterday angrily confronted police when the trial venue was changed from A to C court at the last moment.

At the new venue, a short distance down the corridor, almost every seat in the court was taken by men in plain clothes.

Even the press benches were occupied. A small cohort of policemen stopped family members and friends from going into the packed court.

Tempers flared as journalists and lawyers were prevented access to the court.

An attorney, Ms Christine Burger, announced to the crowd in the corridor that she would ask the magistrate if family members would be allowed in the courtroom.

She came back with permission for three family members for each of the accused to enter.

Before proceedings started, the court rang with shouts of "Viva!" In the dock the accused chanted slogans and sang songs.

Mr Andrew Corbett, an attorney, said he wanted to place on record that two of his clients alleged they had been assaulted. He named three security police men who he said were alleged to have been involved in assaults on Mr Tony Yengeni.

He did not have details of the alleged assaults as he had consulted with his clients for the first time about an hour before the trial.

From page 1

Treason trial

Mr Abednego Jonas with instructions to use them to attack the Athlone Magistrate's Court and "various service stations";

• in mid-1987 Ms Schreiner is alleged to have transported explosives, arms and ammunition from the Searle Street house to her flat in Wellington Avenue, Wynberg.

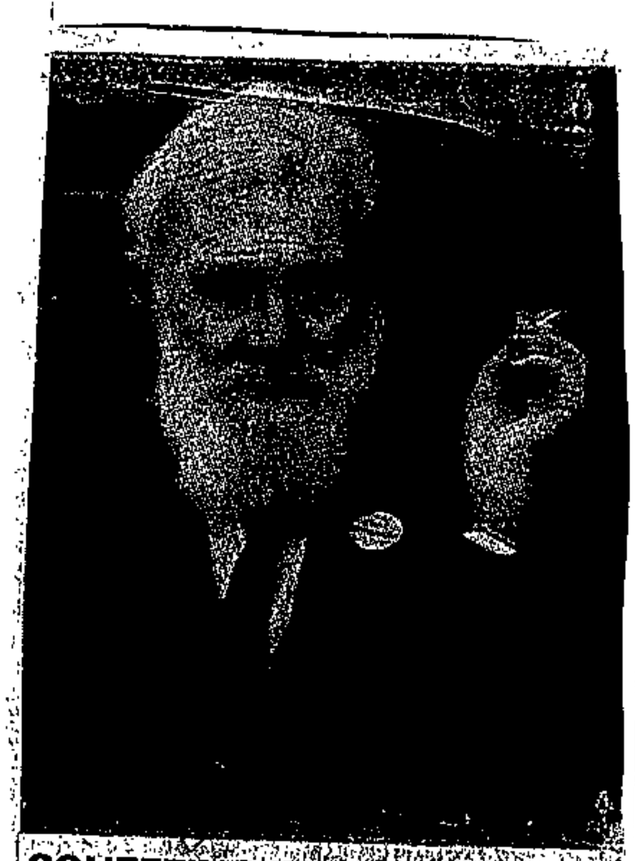
• that Ms Schreiner was responsible for the funds of the ANC in the Western Cape;

• that she met Mr Chris Hani, Supreme Commander of Umkhonto we Siswe, in Harare early last year;

• that she asked Mr Chris Giffard to fetch Mr Yengeni's wife, Ms Lumka Nyamza, alias Shirley, from Swaziland.

• when Ms Nyamza was arrested last year she is alleged to have possessed a Makarov pistol and two magazines.

The hearing was postponed to March 29.



SQUEEZING IN - Family members, friends and supporters of the treason trialists crowd around the entrance to the Wynberg Magistrate's courts yesterday. Initially there was no space for lawyers or journalists in the crowded court room. Police eventually let people in three at a time. **ABOVE**: Professor Denys Schreiner, deputy vice-chancellor of the University of Natal, waits outside the Wynberg courts. His daughter Jenny is one of the trialists.

Pictures: ALAN TAYLOR

Last bid to save the Sharpeville 6

CAPE TIMES 16/3/88

331

Mercy plea

OHANNESBURG. — Lawers acting for the Sharpeille Six will bring an urent application in the retoria Supreme Court toay in a bid to head off the lanned execution which nleashed a storm of pro-est yesterday.

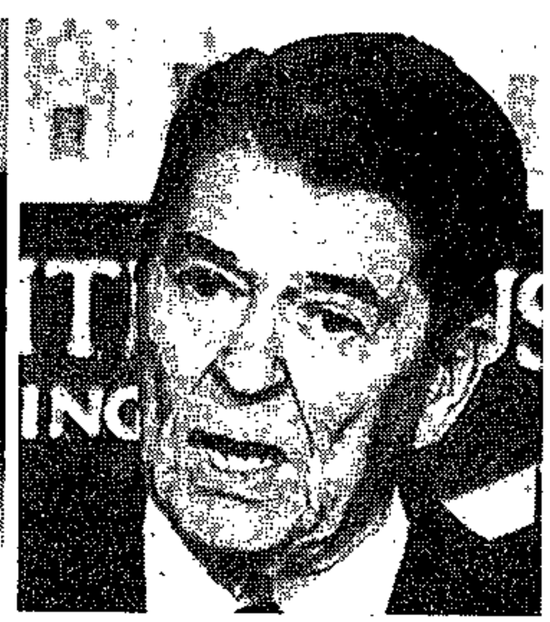
Lawyers were last night drawing up pers in preparation for the applicaon, according to lawyer Mr Prakashar.

The eleventh hour bid to save the es of the six yesterday came as:

- President Ronald Reagan joined her world leaders and human rights oups in urging clemency;
- Mrs Margaret Thatcher took the usual step of making a personal apal to the South African Government spare their lives. Earlier, two relatives of the Sharpeville Six, Mrs Julia Ramashamola and Mrs Joyce Mokhesi, spent 30 minutes with two of Mrs Thatcher's aides at Downing Street and told them that a personal plea to the State President was their only hope;
- West German Chancellor Helmut Kohl also called on to President Botha saying "I ask you urgently not to deny this appeal"; and
- PFP leader Colin Eglin and national chairman Mrs Helen Suzman were granted a meeting to see President P W Botha tomorrow morning to urge him to use his discretionary powers of clemency.

Mrs Thatcher ... personal appeal.

MOTHER'S PLEA ... Mrs Julia Ramashamola, whose daughter has been sentenced to hang.



Mr Reagan ... urges clemency.

Last night a spokesman for the State President's Office told the Cape Times that the president had not received messages calling for clemency for the six.

However, the spokesman added: "It is a matter of course that we cannot comment on communications between the State President and other heads of state of governments."

The six — Majalefa Sefatse, 30, Reid Mokoena, 22, Oupa Diniso, 30, Theresa Ramashola, 24, Duma Khumalo, 29, and Francis Mokgesi, 29, sentenced to death for the murder of Sharpeville councillor Kuzwayo Dlamini during the Vaal uprisings in September 1984 — are due to hang on Friday after President Botha rejected local and international appeals.

The move comes amid mounting international and local pressure.

To page 3

P. T. O.

The african component decreased from 50% in 1970 to 37% by 1985. The asian component increased from 3% in 1970 to 5% by 1985. The coloured component increased from 11% in 1970 to 19% by 1985. The white component ranged between 36% and 41%.

.C.9.1.2 RESERVE AUTRHORITIES

In 1972 (the first year for which data was available) 42 000 were employed. Employment increased everry year until 1976 when it reached 125 970. Employment dropped between 1976 and 1979 before rising again until 1981. Employment dropped again between 1981 and 1982 before rising ~~again~~. By 1985, employment was 117 434. All the employment data refer to africans.

.C.9.1.3 PROVINCIAL AUTHORITIES

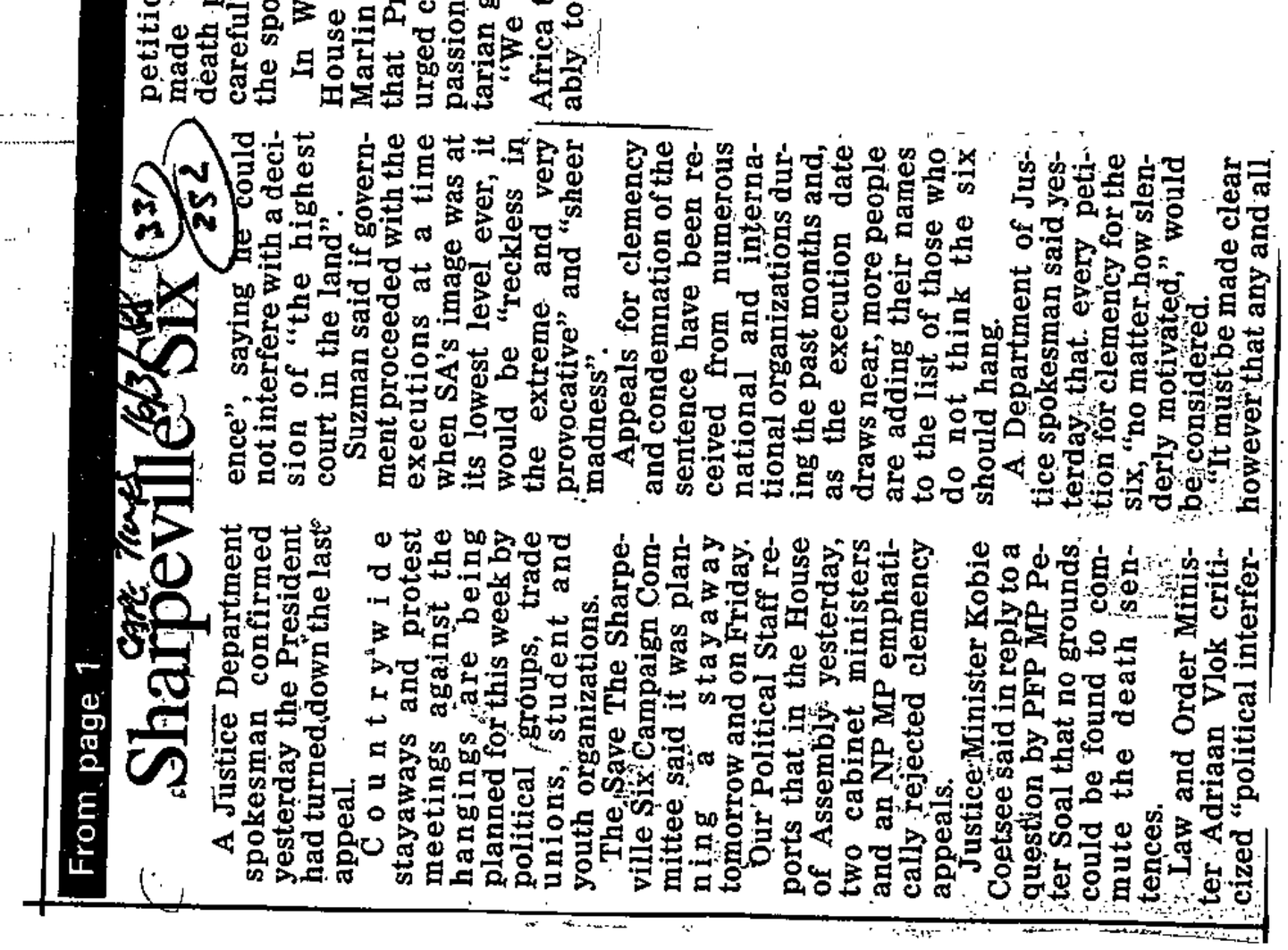
In 1970, 185 361 were employed in provincial authorities. Employment growth was positive every year until 1984. In 1985, employment was 258 259.

The african component of the workforce decreased from 42% in 1970 to 37% by 1985. The asian component increased from 1% to 2% by 1985. The coloured component increased from 7% in 1970 to 11% by 1985. The white component [illegible] and 51%.

.C.9.1.4 LOCAL AUTHORITIES

In 1970, employment was [illegible] upward. By 1985, empl[illegible]

The african component of [illegible] to 58% by 1985. The asian [illegible] 3% by 1985. The coloured [illegible] 1985. The white compone[illegible] 1985.



From page 1

Sharpeville Six

petitions or appeals made in cases of the death penalty are given careful consideration," the spokesman said.

In Washington White House spokesman Mr Marlin Fitzwater said that President Reagan urged clemency on compassionate and humanitarian grounds.

"We implore South Africa to respond favorably to these requests.

An act of compassion such as this by the South African government would be welcomed vorably by all Americans," Mr Fitzwater added.

In London yesterday Julia Ramashamola and Joyce Mokhesi, relatives of two of the six, met British PM Margaret Thatcher at Downing Street.

ence", saying he could not interfere with a decision of "the highest court in the land".

Suzman said if government proceeded with the executions at a time when SA's image was at its lowest level ever, it would be "reckless in the extreme and very provocative" and "sheer madness".

Appeals for clemency and condemnation of the sentence have been received from numerous national and international organizations during the past months and, as the execution date draws near, more people are adding their names to the list of those who do not think the six should hang.

A Department of Justice spokesman said yesterday that every petition for clemency for the six, "no matter how slenderly motivated," would be considered.

"It must be made clear however that any a

A Justice Department spokesman confirmed yesterday the President had turned down the last appeal.

Countrywide stayaways and protest meetings against the hangings are being planned for this week by political groups, trade unions, student and youth organizations.

The Save The Sharpeville Six Campaign Committee said it was planning a stayaway tomorrow and on Friday.

Our Political Staff reports that in the House of Assembly yesterday, two cabinet ministers and an NP MP emphatically rejected clemency appeals.

Justice Minister Kobie Coetsee said in reply to a question by PFP MP Peter Soal that no grounds could be found to commute the death sentences.

Law and Order Minister Adriaan Vlok criticized "political interfer-

ARGUS 16/3/88 (331)

11 'ANC members' to face treason charges

FATHER: Professor Denys Schreiner, deputy vice-chancellor of the University of Natal, was among the relatives at court. His daughter, Miss Jennifer Schreiner, is one of the accused.

Court Reporter

ELEVEN people alleged to be members of the African National Congress, including those alleged to have planted a series of bombs in Cape Town last year, are to stand trial in the Supreme Court on a charge of treason.

The 11 appeared in the Wynberg Regional Court yesterday.

They are Miss Jennifer Ann Schreiner, 31, Mr Tony Sitembiso Yengeni, 33, Lumka Elizabeth Nyamza, 25, Mr Michael Lumbambo, 35, Mr Inbutu Richmond Nduku, 26, Mr Wellington Mongameli Nkwandla, 31, Mr Mtheteleli Titana, 26, Mr Gary Kruser, 27, Mr Christopher John Giffard, 27, Mr Sitlabocha Charles Mohale, 37, and Mr Alpheus Nkwana Ndude, 45.

Miss Schreiner is the daughter of Professor Denys Schreiner, deputy vice-chancellor of the University of Natal.

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

Limpet mines

Among allegations contained in the charge sheet are that Miss Schreiner was involved in placing bombs in toilets at D F Malan Airport and the car bomb outside a Defence Force block of flats in District Six in July.

The State also alleges that some of the 11 were involved in bombing the Athlone Magistrate's Court and in limpet-mine blasts at petrol stations in Plumstead and Maitland.

They are alleged to have committed treason between 1979 and December last year by conspiring jointly or severally with the ANC or its members and supporters or with one another to further the aims and objects of the ANC "or their own hostile and treasonable intent".

Mr P Mostert, for the State, told the court the 11 would be tried in the Supreme Court on a main charge of treason, alternatively terrorism as defined by the Internal Security Act.

He said they were being held in terms of Section 30 of the Internal Security Act which precluded the court from considering an application for bail. Mr Mostert said defence attorneys could make representations to the Attorney-General about bail.

He said the Attorney-General had indicated he was prepared to accept applications for bail up to March 23.

Attorneys for Mr Yengeni, Lumka Nyamza and Mr Titana said they wished to place on record allegations that their clients had been assaulted by police.

The four attorneys appearing for the 11 told the court they had not had time to take proper instructions from their clients, who were brought to the Wynberg court cells at 1pm.

The magistrate, Mr A S McCarthy, postponed the hearing to March 29 and said the 11 would remain in custody.

● There was a heavy police presence at the court.

Relatives waited in the court to which they were directed until Mr Mostert announced that the 11 would appear in another court.

When the group of about 50 relatives got to the other court their way was barred by police and they were told the room was full.

Mr Mostert announced that only lawyers and journalists would be allowed in and that no one would be permitted to speak to or touch the accused.

Relatives protested angrily and surged towards the door. Some burst into tears. The court door was locked, leaving attorneys and some journalists outside.

A court official announced that three relatives of each of the accused would be admitted through a side door. Attorneys and journalists were also allowed in.

Pictures: LEON MÜLLER, The Argus

WAITING: Relatives and friends of the 11 treason trialists wait at the Wynberg Magistrate's Court for their appearance yesterday.

Accused took part in ANC meeting, says X1

By Jo-Anne Collinge

BETHAL — The defence in a treason trial of alleged ANC members claimed for the second day in succession in the Bethal Circuit Court that it would be able to present evidence from ANC leaders in exile to refute evidence of a secret State witness, Mr X1.

Mr X1, who has stated that he was a member of a regional military command structure of the ANC and is now a constable in the South African security police, has given evidence about the alleged role of two of the three accused in ANC political and military operations.

The accused are Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim Ismail Ebrahim.

The witness testified yesterday that Mr Ebrahim had participated in a meeting in Swaziland in July 1984, where he had outlined ANC political units operating underground in South Africa.

He said the aim of the meeting was to co-ordinate military and political units and that the meeting had given instructions that one such unit — "Collins Unit", operating from Soweto — should be co-ordinated immediately.

He testified that this unit had emerged independently of the ANC as the Soweto Suicide Squad (SSS) which undertook petrol bomb attacks.

Because one of the SSS had known an ANC political cadre, a certain "Fuel Injection" Vusi (so named because of his huge capacity for alcohol), the squad had become part of the ANC political machinery — although its functions were virtually military.

Vusi and a certain Gubuza were to undertake the task.

At the end of the witness's evidence defence council Mr Leonard Gering submitted: "On my instructions Gubuza and accused number three (Mr Ebrahim) will say your evidence of such a meeting is a complete fabrication (and) the man you referred to as the chairman of the meeting, 'ANC' Kumalo (alias Ronnie Casrils) will deny such a meeting ever took place."

Mr X1 responded that they would be lying.

The trial continues.

Five sentenced for housebreaking, theft

By Anna Louw
East Rand Bureau

A fourth-year law student, Andre du Plessis (24), was yesterday sentenced by a Germison magistrate to three years' imprisonment, suspended for five years, and to five strokes with a light cane, for housebreaking and theft.

The magistrate, Mr J J van der Watt, told Du Plessis that an additional punishment was that he would not be allowed to practise as a lawyer because of his record.

Du Plessis was one of a gang of 17 arrested for a series of burglaries on the East Rand and in Johannesburg, involving goods valued at about R100 000.

The crimes were committed between September last year and January this year in Edenvale, Boksburg, Alberton and the Johannesburg suburbs of Booysens and Mondeor.

Du Plessis pleaded guilty to one count of housebreaking and theft which took place in Edenvale on January 16 this year.

George Henry Irons (18) and three 17-year-old youths were sentenced to four years' imprisonment, conditionally suspended for five years, and five strokes with a light cane for housebreaking and theft.

Mr Brett Lodder (24), Mr Stan Marais (21) and Mr Victor Perreira (28) have also been accused of housebreaking and theft.

NATIONAL/INTERNATIONAL

Western leaders add voices to protest; PFP to see Botha

Last-ditch plea for 'Six'

By TOS WENTZEL
Political Correspondent

LAST-MINUTE attempts were being made in political circles today to get President Botha to grant clemency to the "Sharpeville Six".

Britain, Germany and the United States are making further representations to the South African Government.

At home Mr Botha has agreed to see Mrs Helen Suzman, MP, and Mr Colin Eglin, leader of the Progressive Federal Party, tomorrow morning.

The matter was mentioned in the Assembly yesterday.

'Sheer madness'

Calling for clemency then, Mrs Suzman said it would be "sheer madness" to add the six to South Africa's many martyrs.

The Minister of Law and Order, Mr Adriaan Vlok, said he had not comment to make other than that the high authority of the Appeal Court should be respected. He could not interfere with the decision of the highest court in the land.

Answering questions in the Assembly the Minister of Justice, Mr Kobie Coetsee, said representations had been received from various persons and organisations for the commuting of the death sentences.

No ground could be found to commute the sentences imposed by the court and confirmed by the Appellate Division.

Presentations

A spokesman for the President's office said today that it was widely known that presentations for clemency had been made but he declined to comment further.

He referred all inquiries to the Department of Justice.

Mrs Suzman today warned Mr Botha that the executions would have a tremendous impact externally and internally.

She dismissed the argument that court decisions could never be challenged. Had this been the case there would not have been the principle of clemency. Clemency was in fact extended from time to time in spite of court decisions.

United Women's Congress members hand a letter to Mr Jeffrey James, a senior British Embassy official, today. Picture: WILLIE de KLERK, The Argus

Argus 17/3/88 331

City mothers ask Britain to intervene

By TYRONE SEALE
Staff Reporter

SEVEN mothers, members of the United Women's Congress, asked the British Government today to intervene on behalf of the Sharpeville Six who are due to be hanged tomorrow.

The six have been convicted of the murder of Mr Jacob Mamasi, deputy mayor of Lekoa, near Sharpeville.

The women, who have all had children in detention, handed an open letter to Mr Jeffrey James, head of chancellory at the British Embassy in Parliament Street, and asked him to telex a copy to London.

Mr James agreed the women could stay at the embassy until they had proof that the telex had been sent.

The women are Mrs Amy Thornton, representing the Claremont branch of the congress, Mrs Nellie Jibeliza (Guguletu), Mrs Adelaide Mtiya (Langa), Mrs Rhoda Joemat (Surrey Estate), Mrs Rashieda Abdullah (Surrey Estate), Mrs Begum Pandy (Wynberg) and Mrs Raghmat Omar (Wynberg).

Their letter said: "We have come here today to register our absolute protest against the intended hanging of Theresa Ramashola and five others tomorrow morning."

It added: "We call on the British Government to sever ties with South Africa."

DIO 17/3/88

Interpreter not up to standard hears court (331)

Daily DispatchCorrespondent

EAST LONDON — An SAP sergeant was told in a terrorism trial in the regional court here yesterday that his ability as an interpreter left a "lot to be desired".

Detective/Sergeant Mzwandile Dinwayo was testifying in a trial-within-a-trial of Mr Mzwabantu Errol Dapula and Mr Fikile Owen Gwadana, who are alleged to have prepared and planted an explosive device in the Fred Pettit Centre in Queenstown on June 28, 1986.

They have pleaded not guilty.

During his cross-examination by the counsel for the defence, Advocate Justice Poswa, Sgt Dinwayo was told a Xhosa phrase he had used was incorrect.

The trial-within-a-trial was to test the admissibility of the contents of a "pointing out document" which contained a statement that Mr Gwadana gave to Lieutenant William Charles Landman of the SAP, who, because of his rank, had acted as a justice of the peace.

Sgt Dinwayo was asked to read from the document what Lieut Landman had said and then say in Xhosa what he had told Mr Gwadana.

"I introduced him as igosa lasemthethweni, which means officer of justice," Sgt Dinwayo said.

Mr Poswa told the officer the word meant "officer of law" and not "officer of justice".

"If you told an accused that a police officer was a lieutenant, that does not mean he will understand that the officer is a justice of the peace."

Sgt Dinwayo said that if a man did not understand he should say so.

Mr Poswa said that there were a "number of laymen" who did not know the ranks of policemen. "I have even discovered that a number of policemen don't know which of them are justices of the peace. Have you found that?," Mr Poswa asked.

"I won't dispute that," Sgt Dinwayo replied.

Mr Poswa asked him if he knew the distinction between a commissioned and non-commissioned police officer.

"A statement recorded by an officer, with a rank of a lieutenant or higher, carries more weight than one obtained by a non-commissioned officer," Sgt Dinwayo.

Mr Poswa asked Sgt Dinwayo if he did not mean that a statement made to a non-commissioned officer was not admissable in court, whereas a statement made to a commissioned officer was admissable.

Sgt Dinwayo said: "that is correct".

Mr Poswa said he felt the accused should know that he was making a confession to a commissioned officer.

"Did you hope the accused would understand that the man was a commissioned officer if you said he was a lieutenant," Mr Poswa asked.

Sgt Dinwayo replied: "He understood it that way. I tried to make him understand that he was an officer of a higher rank."

Sgt Dinwayo said he didn't dispute that he might have used the wrong word to introduce Lieut Landman to Mr Gwadana. "As Mr Poswa puts it now, I understand it. I interpreted it to the best of my ability."

"I think that your ability leaves a lot to be desired. Your ability does not reach a standard required for interpreting," Mr Poswa said.

Sgt Dinwayo said that he would leave that for the court to decide.

The prosecutor, Mr Johann du Plessis, said that he thought Mr Poswa was arguing with the witness.

He said if Mr Poswa wanted to testify himself or call any other witnesses to explain the meaning of the word, he could.

Mr Cronje said Mr Poswa was "fighting about two words." Mr Poswa argued that "the crux of a warning" was that the accused "must realise who the person he was speaking to was."

The magistrate, Mr D. Cronje, overruled this objection.

Earlier Sgt Dinwayo had testified that when he interpreted for Lieut Landman and Mr Gwadana, he had not interpreted "word for word".

"I said to him he was being warned, that he was not obliged to say anything or point anything out. I said that he could say nothing if he wanted to."

Sgt Dinwayo said that he was Xhosa speaking and regarded himself as being well conversant in the language.

He said that he did not have any difficulty in understanding what was written in the pointing out statement.

The hearing was postponed to tomorrow and the accused remanded.

Advocate Poswa was advised by Mr T. M. Ntsaluba of the Sangoni Partnership.

CBM Times 17/3/88 331

Western leaders are 'the only ones' who can save the Six

NEW YORK. — Zam ia yesterday called for an urgent UN Security Co ncil meeting to consider the fate of the Sharpeville Six as leaders of the major Western powers urge President P W Botha to grant them clemency.

Amid mounting overseas and local concern for the six, who face execution at Pretoria Central Prison tomorrow at 7am, their defence lawyer told Sapa that "they don't want mercy, they want justice ..."

Mr P Diar said after visiting them in prison on Tuesday: "They believe that Ronald Reagan, Margaret Thatcher and Helmut Kohl are the only people who can save them."

The six, aged 24 to 32, were not convicted of direct involvement in the killing of Sharpeville township counsellor Mr Jacob Dlamini, who was stoned to death and burned during a black uprising. But an appeals court ruled they were guilty because they had common purpose with the perpetrators.

Meanwhile French President Francois Mitterrand, right-wing Premier Jacques Chirac and Italian Foreign Minister Mr Guilio Andreotti joined the worldwide calls for clemency saying President Botha should listen to the appeals from world leaders such as Prime Minister Margaret Thatcher of Britain, President Richard von Weiszaecker and Chancellor Helmut Kohl of West Germany, President Ronald Reagan and UN Secretary-General Mr Javier Perez de Cuellar.

West German Foreign Minister Mr Hans-Dietrich Genscher yesterday told the relatives of two of the six, Mrs Julia Ramashamola, mother of Theresa Ramashamola, the only woman among the six, and Ms Joyce Mokgesi, sister of Francis Mogkesi, that he would ask South African officials to spare their lives.

The other four condemned men are Mojalefa Sefatsa, Reid Mokoena, Oupa Diniso and Duma Khumalo.

In the French capital, a number of political and anti-apartheid organizations plan to demonstrate outside the South African Embassy.

In a rare show of unanimity the House of Commons yesterday united to call on President Botha to spare the lives of the six. The same degree of unanimity was evident in the leading articles of major British newspapers.

The European Community also urged the government to spare the lives of the six as government leaders in Spain and Sweden joined numerous appeals from around the world to commute the death sentences.

East Germany said the hanging of the six would be a "planned crime" which "speaks volumes for President Botha's ideas of law and justice".

The World Council of Churches also issued an appeal saying "such an act of magnanimity will be in the best interest of all people of SA and abroad".

Vigils for the six have been organized in Port Elizabeth, Cape Town, Pretoria and Johannesburg. — Own Correspondent, Sapa-Reuter-AP and UPI

Gallows countdown for Sharpeville Six

Argus 17/3/88 (331) 253

THE fate of the Sharpeville Six, due to hang tomorrow morning, could depend on the outcome of today's urgent application to the Supreme Court in Pretoria in more ways than one.

President Botha today told Progressive Federal Party leader Mr Colin Eglin and Mrs Helen Suzman, the party's spokesman on justice matters, that new facts could be introduced in court today that could affect his final decision even if the court upheld the death sentences.

An urgent application, based on the contention that a key witness in the trial had been forced to give false evidence, was launched yesterday. Judgement was expected at 11,30am today.

The PFP delegation met President Botha and the Minister of Justice, Mr Kobie Coetsee, for 45 minutes to discuss the death sentences and the possibility of commuting them.

COURT CASE "PIVOTAL"

Mr Eglin said Mr Botha had outlined the procedures followed in commuting death sentences, and that the tradition had been not to interfere with the courts in such decisions unless there were indications from the judges of other factors.

There had been none in this case. The President was now waiting to see whether there would be any significant factors arising from today's court hearing.

Mr Eglin said Mr Botha had listened "patiently and intently. It is quite clear that what happens in court today is pivotal."

The South African Government has come under huge international pressure to stay the death sentences of the Sharpeville Six.

However, Deputy Minister for Information Dr Stoffel van der Merwe said the Government rejected any pressure to allow political considerations to influence a decision on clemency.

Such a step would send out a signal that politically motivated murder was a less serious crime and that every citizen would now be exposed to it, he said at a special press briefing today.

PERSONAL APPEAL

United States Secretary of State Mr George Shultz has telephoned Foreign Minister Mr Pik Botha in an intensification of American pressure on the Government to prevent the executions.

A US State Department spokesman said Mr Shultz's personal plea to Mr Botha yesterday "reinforced" a formal appeal the US embassy in Pretoria had made to the Government.

In what is seen as an unusual intervention, President Reagan yesterday called for mercy on compassionate and humanitarian grounds.

In London, the Pan Africanist Congress has added its voice to calls on Mrs Thatcher to intervene personally to save the lives of the Sharpeville Six.

The PAC's foreign secretary Mr Gora Ebrahim handed a letter in to 10 Downing Street yesterday. He was accompanied by Labour MPs, Anti-Apartheid Movement activists and trade union leaders.

A crowd of more than 300 people gathered outside 10 Downing Street, displaying posters urging: "Thatcher, ring Botha now. Save the lives of the six", and chanting "The Sharpeville Six must not hang" and "Apartheid embassy out of Britain".

CRUCIAL MEETING: The leader of the Progressive Federal Party, Mr Colin Eglin, and the party's national chairman, Mrs Helen Suzman, head for Tuynhuys where they met President Botha today to discuss the fate of the Sharpeville Six.

RELATIVES TOLD

At the United Nations, the Security Council yesterday unanimously urged the South African Government to stay the executions.

In Rome, Foreign Minister Mr Giulio Andreotti said he had instructed the Italian ambassador in Pretoria to appeal to South African authorities to call off the scheduled executions.

In Madrid, the Spanish Foreign Ministry summoned the South African Ambassador yesterday to plead for the lives of the Six.

In Bonn, West German Foreign Minister Hans-Dietrich Genscher yesterday told the relatives of two of the Six he would ask South African officials to stay the executions.

West German Chancellor Helmut Kohl and President Richard von Weizsaecker have also appealed to South Africa to spare the Six.

Dr Kohl, in his capacity as president of the European Council appealed to President Botha today "on humanitarian grounds to exercise clemency and to spare the lives of the Sharpeville Six".

Japan has also urged the Government to stay the executions, and New Zealand sent a rare message to South Africa asking for the Six to be spared. — Political Staff, Argus Foreign Service, Sapa-AP-Reuter.

South NATIONAL

I'll destroy ANC – defector

KING WILLIAM'S TOWN - A defector from the African National Congress (ANC) told the King William's Town Regional Court last week that he hated the ANC and he would do anything in his power to crush it.

The defector, who cannot be indentified in terms of a court ruling, was giving evidence in camera in the terrorism trial of Mr Mxolisi Sokopo, 25, of Duncan Village, East London.

Banned

Sokopo pleaded not guilty on all counts.

The state is alleging that Sokopo participated in ANC activities, underwent military training as a member of Umkhonto We Sizwe, was a member of the ANC, furthered the aims of the ANC, and was found in possession of weapons of foreign origin and banned publications. He also appeared on fraud-related charges.

Asked by defence counsel Mr MTK Moerane whether working with the police in this manner was not working against everything that he believed while in the ANC, the witness said he hated the ANC and would even assist the police in destroying the movement.

The witness denied having any connections with the police. They knew how to contact him for the identification of ANC members, he said.

The witness admitted that he went around the country for the purpose of indentifying members of the ANC who were captured by the police.

Moerane alleged that the witness participated in the interrogation of an ANC member in Newcastle, which the witness denied.

He said his sole purpose for going there was to identify the ANC member, which he did. He maintained that he was not being paid for what he was doing.

The witness told the court that when he was not travelling around the country testifying, he sold soft goods to make a living.

The witness said he was released from detention in Durban after testifying in two political trials.

He agreed with Moerane that the ANC enjoyed support internally and that its international status had improved.

Training

He told the court that he had changed his views about the ANC after his arrest. He said Umkhonto We Sizwe was said to be the military wing of the ANC, but as far as he was concerned it was the military wing of the SACP, ANC and SACTU.

The witness told the court that when he was a member of the ANC, he underwent training in Angola and East Germany.

He specialised in communications.

The trial continues. – *VERITAS NEWS AGENCY*

Bid to save Sharpeville 6 from gallows

'WITNESS LIED AT TRIAL'

Lawyers' urgent application to Supreme Court

LAWYERS acting for the "Sharpeville Six," due to hang tomorrow, yesterday claimed in papers before the Pretoria Supreme Court that a State witness was assaulted and coaxed to give untrue evidence.

These allegations were made in an urgent application brought by the "Six" for a stay of execution.

The application was heard by the trial judge, Mr Acting Justice Human, who postponed the hearing until 11,30am today.

Mr Dénis Kuny, SC, counsel for the Six, said a witness, Mr Joseph Manete, has provided an affidavit that he had given perjured evidence in the trial.

Mr Manete alleged that he had repeatedly been assaulted by police and coaxed into giving perjured evidence.

Mr Manete alleged that he named two of the accused after their names were supplied to him by the police.

Meanwhile leaders of several Western countries, including the United States, Britain and West Germany, yesterday sent last minute appeals to the State President, Mr P W Botha, for clemency for the Six.

The leader of the Progressive Federal Party, Mr Colin Eglin and ~~PFP MP~~, Mrs Helen Suzman, were yesterday granted an urgent interview with Mr Botha to plead for clemency.

British Prime Minister, Mrs Margaret Thatcher, who saw representatives of the Six on Tuesday,

To Page 2 ☛

SOWETAN Reporter and Sapa

Mrs REGINAH Sefatsa . . . wife of Reginald Sefatsa, one of the Sharpeville Six who are due to hang tomorrow morning unless the State President, Mr P W Botha, grants them a reprieve.

Page 2

'Witness says he lied'

☛ From Page 1

said Britain and other Western governments had already urged the South African Government to exercise clemency.

The Chancellor of the Federal Republic of Germany, Dr Helmut Kohl, said in a message to Mr Botha: "On behalf of my government and on my own behalf I urgently appeal to you to spare the lives of those six citizens from Sharpeville for reasons of humanity and to pardon them."

The Association of Law Societies has also added its voice to the clemency plea.

DID 17/3/88 (331) (329)

Assault, false statement claims form basis of urgent application

JOHANNESBURG — Allegations that a key witness in the trial of the Sharpeville Six was forced to make a false statement after being assaulted by police formed the basis of an urgent application in the Pretoria Supreme Court yesterday for a stay of execution.

The application is being heard by the trial judge who sentenced the six to death, Mr Acting Justice Human.

In yesterday's court action, Mr Denis Kuny SC, for the six, submitted affidavits from a witness, Mr Joseph Manete, referred to in the trial as "Mr X2".

In one, Mr Manete, whom the judge had ruled could not be cross-examined at the trial, waived his rights.

In another, Mr Manete said he was forced to make a statement on the death of Mr Jacob Dlamini in which he mentioned the names of two of the six — Don Mokhesi and Duma Khumalo.

He said the names were given to him by the police.

"I was also forced to say that Reverend Moselane and other UDF leaders had meetings in Sharpeville and inflamed people to protest against high rentals.

"All the names were furnished by the police.

"I was questioned by two policemen and one was a Schoeman.

"I was assaulted by the other policeman, and not Schoeman.

"I was punched about three times on the head," he said.

In argument, Mr Kuny said although Mr Manete had in his evidence implicated only two of the six in the murder, if his evidence was in question it had a bearing on all of the six.

Mr Manete's evidence was used in corroboration of other evidence.

His statement that he was assaulted also raised the whole issue of police conduct in the case.

It also put in question the evidence of other witnesses, he said.

Mr Kuny pointed out Schoeman was the investigating officer and was alleged to have been involved in the alleged confession of another of the six.

He asked for a stay of execution pending the filing of a substantial application for leave to re-open the case.

Mr Justice Human adjourned the hearing to today.

He asked Mr Kuny to supply information on the circumstances which led Mr Manete to sign a waiver of his rights, as well as how he came to see the attorneys representing the six.

PW won't step in to stop Six's hanging

(Case 331) Cape Times 17/3/88

Staff Reporter

PRESIDENT P W BOTHA will not intervene to save the lives of the Sharpeville Six — the five men and a woman due to hang in Pretoria tomorrow for the 1984 murder of a Sharpeville councillor.

This follows an appeal by Archbishop Desmond Tutu during a 40-minute meeting with Mr Botha yesterday.

Political Correspondent ANTHONY JOHNSON reports that President Botha and various cabinet minister have made it clear they would abide by any decision made by the courts.

President Botha said: "I am not willing to place the independence of the South African judiciary in jeopardy.

"I can only act according to convention — that is — if a judge informs me that there are extenuating circumstances which he did not tell me, or if there are new facts or evidence that were not before me before."

According to church spokesman Mr John Allen, Archbishop Tutu was told that if new evidence arose from a Supreme Court action being held in Pretoria in connection with the six, there would be a review. But Mr Botha would not intervene personally.

The Supreme Court, Pretoria, yesterday heard an urgent application for a stay of execution after allegations that a key witness in the trial of the Sharpeville Six was forced to make a false statement after being assaulted by police.

Mr Denis Kuny SC, for the six, submitted affidavits from witness Mr Joseph Manete, referred to in the trial as "Mr X2".

Mr Manete said he was forced to make a statement on the murder of the councillor in which he mentioned the names of two of the six — Don Mokhesi and Duma Khumalo. He said the names were given to him by the police.

"I was questioned by two policemen and one was a Schoeman. I was assaulted by the other policeman, and not Schoeman. I was punched about three times on the head."

In argument, Mr Kuny said that although Mr Manete had in his evidence implicated only two of the six in the murder, if his evidence was in question it had a bearing on all of the six.

Mr Kuny said Schoeman was the investigating officer and was alleged to have been involved in the alleged confession of another of the six.

He asked for a stay of execution pending the filing of a substantial application for leave to reopen the case.

The application is being heard by Mr Acting Justice Human, the trial judge who originally sentenced the six to death.

Mr Justice Human adjourned the hearing to today.

Today's hearing will coincide with a visit by two PFP MPs, Mrs Helen Suzman and Mr Colin Eglin, to the State President on the matter.

Yesterday's meeting was attended by the archbishop, the president, the Minister of Justice, Mr Kobie Coetsee, the director-general in the State President's office and the archbishop's personal assistant, Mr Matt Esau.

Last night Archbishop Tutu expressed his "extreme distress" at President Botha's decision.

Mr Allen said: "The archbishop's appeal to President Botha was to intervene personally and not made on legal grounds. He simply asked for mercy to be shown."

The Anglican Church also cancelled today's talks with the Ned Geref Kerk and called on the NGK executive to join Anglican leaders in prayers for the Sharpeville Six.

Archbishop Tutu said the cancellation was a result of "the extraordinary attack made on our church" by the NGK's General Synodical Commission yesterday.

● Western leaders can save Six — Page 3

ANC trial mystery

17 2/3/88 South 331

By AYESHA ISMAIL and MARC DOBSON

MYSTERY surrounds the non-appearance of one of those named as an accused in the Wynberg treason trial.

Mr Abedenego Bongani Jonas, whose name appears on the charge sheet, was not in court when 11 of the 14 accused appeared in the Wynberg Magistrate's Court this week on charges of treason.

Attorneys acting for Jonas telexed the police for information concerning his detention.

SOUTH also telexed police headquarters in Pretoria requesting information about his detention.

At the time of going to press, neither the attorneys nor SOUTH had received replies from the police.

The prosecutor, Mr P Mostert, reacting to inquiries about the absence of Jonas, said he believed he had been released on bail. This was disputed by Jonas' family.

A legal representative of Jonas said unconfirmed reports had been received that Jonas had been in hospital until two weeks ago.

Ms Colleen Lombard and Ms Zuraya Abass, who had been granted bail of R3 000 each at a hearing on February 2, were also named on the charge sheet. They did not appear in court.

It is not clear whether the February 2 case is related to this week's trial.

Those who appeared this week were in high spirits. They ignored a request from a policeman to keep quiet. The prosecutor warned them that if they did not stop singing the case would be heard without them.

The 11 are alleged to be members of the African National Congress and to have committed treason between 1979 and December 1987 by conspiring with the ANC to further the organisa-

• Turn to page 2

Trialists represent broad spectrum — page 3

P.T.O.

ANC trial mystery

• From page 1

tion's aims.

The State alleges that some of the 11 were involved in the bombing of the Athlone Magistrate's Court and in limpet-mine blasts at petrol stations in Plumstead and Maitland.

The trialists are Mr Tony Sithembiso Yengeni, 33; Ms Jennifer Ann Schreiner, 31; Ms Lumka Elizabeth Nyamaza, 25; Mr Michael Mzimkhulu Lumbambo, 35; Mr Mbutu Richmond Nduku, 26; Mr Wellington Mongomeli Nkwandla, 31; Mr Mthetheli Titani, 26; Mr Gary Kruser, 27; Mr Christopher John Giffard, 27; Mr Sitlaboucha Charles Mahlale, 37; and Mr Alpheus Nkwana Ndude, 45.

Family and friends of the trialists gathered outside the court before 2pm on Tuesday for the start of the trial.

Some people — under the impression it would be difficult to get seats — hid in the toilets during the lunch-break while the court was closed.

As it turned out, seats were hard to get. Twelve minutes after families and friends had seated themselves in the allocated court, it was announced that the 11 would appear in a court two doors down.

Tony Yengeni's parents. Mrs Olive Yengeni and Mr Leslie Yengeni

When people rushed to the new court they found most seats — including the press bench — had already been taken. There was a heavy police presence both inside and outside the court.

Some family members were then allowed into the court room. However, a tense situation developed when the police announced the court was full and refused to permit anyone else to enter. Journalists and lawyers were also initially denied access.

Scuffles broke out and police brought dogs into the building. The tension was defused when an attorney approached the magistrate for permission to allow more people into the court. The request was granted.

The trialists stamped their feet as they entered the dock. Titani, however, entered the dock on crutches. He was allegedly shot by police during his arrest.

Some family managed to touch their loved ones despite being warned by the prosecutor that no one would be allowed to speak to or touch the trialists.

The prosecutor told the court the 11 would be tried in the Supreme Court on a main charge of treason, alternatively terrorism as defined by the Internal Security Act.

According to the charge sheet, the 11 are alleged to have committed "a series of acts", including:

• That Yengeni underwent military training in Angola and the USSR; that he received explosives, arms and ammunition and stored them in his home in Searle Street, Lansdowne.

• That Schreiner transported these to her flat in Wellington Avenue, Wynberg; that she was involved in placing bombs in toilets at D F Malan Airport and the car bomb outside a Defence Force block of flats in District Six in July.

• That some of the 11 were involved in bombing the Athlone Magistrate's Court and in limpet-mine blasts at petrol stations in Plumstead and Maitland.

The 11 are being held in terms of Section 30 of the Internal Security Act which precluded the court from considering an application for bail. However, defence attorneys were told they could make representations to the Attorney-General.

Attorneys for Yengeni, Titani and Nyamaza said they wished to place on record allegations that their clients had been assaulted by police. Nyamaza was allegedly assaulted in the Piet Retief area.

The magistrate, Mr A S McCarthy, postponed the hearing to March 29.

Scrapbook 331 17-23/3/88

11 treason trialists in court ... behind 'closed' doors

By CLARE HARPER, Cape Town

THE families of 11 treason trialists who have been held incommunicado for six months were prevented from attending their first appearance this week because the court was packed with about 50 government officials.

After the incident at the Wynberg Magistrate's Court, independent MP Jan van Eck handed a letter to Minister of Justice Kobie Coetsee protesting against the "mean and petty ... planned attempt" to prevent family and friends from attending the hearing.

The 11 trialists — including two women, Jenny Schreiner, 31, and Lumka Elizabeth Nyamaza, 25 — were not asked to plead, but were formally charged with treason, alternatively terrorism.

Family, friends and supporters — who were emotional, but well-behaved, according to Van Eck — had filed into a court, awaiting their first glimpse of the trialists since their detention in September last year.

After being told the hearing had been moved to an adjacent court, the group surged out of the room and down the passage, only to have police shut a set of doors in their faces.

When they reached the new venue, the crowd discovered the entire court was packed, and the entrance blocked by police.

Van Eck said the "plain-clothed" men were either security policemen or officials and had "no idea" what trial they were attending.

Tempers flared, and the crowd shouted at police, who prevented even lawyers and journalists access to the court.

Defence team attorney Christine Burger intervened, getting permission for three family members from each accused to attend the hearing.

Before proceedings began, shouts of "Viva", "Down with Botha" and "Long live MK" (Umkhonto we Sizwe, the ANC's armed wing) filled the courtroom. In the dock, Thethele Titana thumped his crutches, while others defiantly sang freedom songs.

A plain-clothed man warned the accused that if they did not stop singing the trial would continue in their absence.

At one point the accused ignored a request from the magistrate, AC McCarthy, to stand. The attorneys interjected; and after lawyers consulted with their clients, the accused stood.

According to the charge sheet, Schreiner, daughter of University of Natal Vice-Chancellor Professor Denys Schreiner, is alleged to have primed two mines which were placed in the women's toilets at Cape Town's DF Malan Airport. One of the bombs exploded, but nobody was hurt. Schreiner is also alleged to have drafted a letter to the press explaining why the bombs were placed.

She is also alleged to have primed a limpet mine and gas bottle bomb, which exploded outside a block of flats in Tennant Street, Cape Town, where South African Defence Force personnel lived. Nobody was hurt in the explosion.

According to the charge sheet, accused number one, 33-year old Tony Sithembiso Yengeni, is alleged to have undergone military training in Angola and the USSR, received explosives, arms and ammuition and stored them in his Lansdowne home.

The other accused are Michael Mzimkhulu Lubamabo, 35, Mbutu Richmond Nduku, 26, Wellington Mongomeli Nkwandla, 31, Gary Kruser, 27, Sitlabocha Charles Mahlale, 37, and Alpheus Nkwana Ndude, 45.

The hearing was postponed until March 29.

● Asked to comment yesterday, the SAP public relations division said: "As this matter has been taken up with the Minister of Justice (according to your report), we are not prepared to comment on the allegations made.

"With regard to the circumstances surrounding the case in question, this matter is *sub judice* and we have no comment."

P10 18/3188

Witness claims he was abducted, forced to join ANC

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PIETERMARITZBURG — A secret witness yesterday claimed he was abducted from South Africa and taken to Swaziland where he had to join the ANC, although he was never interested in joining the armed struggle of the ANC.

The claim was made in evidence during the trial of Mr Gordon Webster, who is appearing in the Supreme Court here charged with 12 counts of terrorism, a count of murder and a charge of attempted murder.

The witness, who may not be named in terms of a court order, said he first left the country and went to Swaziland where he was promised a scholarship.

He said he remained in Swaziland for about two months and when he realised that there was no scholarship, he returned home.

He said under cross examination that after his return to South Africa, he was invited by a man to a shebeen and on the way back he was bundled into a car, blindfolded and taken into Swaziland the next morning.

When asked by the defence counsel, Mr Nigel Willis, how he was able to get into Swaziland, the witness said when they arrived at a place called Gonela, the car was stopped and he, with three others, crossed a fence.

The car then passed through the border post and when inside Swaziland, the driver picked them up again.

He said he was taken from Swaziland into Mozambique in the same way and from there he was flown to Angola.

During all this time he was an unwilling participant, the witness said.

He added that he was aware of plans by Mr Webster to rescue convicted ANC member, Robert McBride, but he did not think they would be successful as "it would be difficult to carry out the plan".

The hearing continues today. — Sapa

41 students to appear for 'gathering'

By PETER DENNEHY

FORTY-ONE education students, most of them from the Peninsula Technikon, appeared in the Cape Town Magistrate's Court yesterday in connection with possible charges of attending an illegal gathering as defined in the Internal Security Act, Act 52 of 1973.

The charge sheet was not made available to the press, but the allegedly unlawful gathering apparently took place yesterday at the corner of Plein and Barrack Streets, or alternatively on the route between the Grand Parade and the offices of the Department of Education and Culture in Roeland Street.

Several of the students who appeared are members of the Western Province Tertiary Institutions' Students' Representative Council, which has protested against a decision to severely limit bursaries for student teachers.

The magistrate, Mr M C Tolken, adjourned the matter to April 21 for further investigation, and all were released on their own recognizances.

Mr Franklin Sonn, rector of the Peninsula Technikon, attended the court hearing. Three members of Parliament — Mr Jan van Eck, independent MP for Claremont, Mr Ken Andrew, MP for Gardens and Mr Jasper Walsh, MP for Pinelands — also attended.

Mr M C Tolken was on the Bench. Mr E S Grobbelaar appeared for the State. Mr Essa Moosa, of E Moosa and Associates, assisted by Mr B Waglay, appeared for all the students.

Hope of new trial for Six

PRETORIA. — The Sharpeville Six were given hope of a new trial yesterday only hours before they were due to be hanged in Pretoria Central prison when Mr Acting Justice Human granted them a temporary reprieve in the Supreme Court here.

Friends and family of the Six clapped their hands in the public gallery when they heard the execution would be postponed for four weeks, to April 18. They then filed outside where a crowd shouted "Amandla Awethu!"

The successful 11th-hour application was brought on the grounds that a state witness's — Mr Joseph Monete's — evidence may have been perjured.

The postponement will enable the condemned six's attorneys to lodge an application for the case to be re-opened.

Western countries, including the United States and Britain, had joined African states in urging South Africa to show mercy in a case that involved complex legal issues.

TRADE UNIONS OF S.A. *

'Nonsense'

Yesterday Mr Acting Justice Human, the original trial judge, heard from attorneys Mr Denis Kuny and Mr Prakash Diar that Mr Monete had been assaulted and coaxed by police into giving false evidence and that three different statements to the courts contained three different versions of events.

The judge also criticized the foreign media for implying that the six were merely part of the crowd and did not take actual part in the killing.

"Nonsense", he told the court. "We have proof that they have taken part in the violence, were active participants, and have associated themselves with the people who committed the crime."

The six were to die today for the murder of Lekoa deputy mayor Mr Kuzwayo Dhlamini on September 3, 1984.

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Vendor, waitress, foot baller, student . . .

(23) Cape Times 18/3/88

SHARPEVILLE. — They include a waitress, a footballer and a street vendor.

Now they have become known as the Sharpeville Six.

The six, who have been cast as martyrs by many South African blacks, the five men and a woman waiting on death row in Pretoria Central Prison have no record of political involvement.

Before their arrest on charges of complicity in the mob killing of councillor Mr Jacob Dlamini on September 3, 1984, the six had not met.

Following are brief portraits of the group:

Theresa Ramashamola, 26, was implicated by a single witness who testified at the trial that she shouted, "let us kill him" when the mob surrounded Mr Dlamini.

Until her arrest, she shared a one-bedroomed home with her 50-year-old mother, commuting to the nearby Vereeniging, where she worked at a roadhouse as a waitress.

Ramashamola is a practising Catholic. Her neighbourhood priest described her as an unsophisticated woman with no understanding of politics. Unmarried.

Francis Mokgesi, 30, was a window-dresser known for his prowess as a player with the Vaal Professionals soccer club.

A prosecution witness testified he saw Mokgesi stone Mr Dlamini's house, make petrol-bombs and order the burning of the councillor's house. Married with one daughter.

Reginald Sefatsa, 32, used to earn a living selling vegetables and fruit from the back of a pick-up truck.

Mr Dlamini's wife identified him at the trial as the man who hit her husband with a stone and the ring leader in the attack. Sefatsa claimed to be elsewhere in the township at the time. Married. His daughter was born while he was awaiting trial.

Reid Mokoena, 24, was unemployed at the time of his arrest. Police said he made a statement admitting that he threw a stone at Mr Dlamini as the councillor lay face down on the ground.

He is engaged to be married to the mother of his daughter.

Oupa Diniso, 32, worked as an inspector at a steel factory. Police found the murdered councillor's firearm at his house.

A keen golfer, he told the court that on his way from golf, he met two youths wrestling with the firearm. He took it to his home and put it in his tool box.

Duniso said he did not want to report the matter to police for fear the community would label him an informer. Married, the father of two girls.

Duma Khumalo, 28, was in his final year of study for a teacher's diploma. A prosecution witness said Khumalo stoned Mr Dlamini's house.

Khumalo testified he was not at the scene and was helping a friend injured by a police bullet. An unmarried father of a six-year-old son. — Sapa-Reuter

SILENT PROTEST . . . 29 Black Sash women stand close to Parliament with a banner asking that the lives of six prisoners — who were sentenced to death for a politically motivated murder — should be spared. Picture: ALAN TAYLOR

From page 1

The Sharpeville Six were convicted of being part of a mob of 100 that stone, hacked and burned to death Mr Dlamini. Although not directly identified, they were convicted on grounds of "common purpose", because they were in the mob of residents angered by rent increases.

The judge said if a certain statement by Mr Monete had been brought to his attention during the trial he would have allowed Mr Monete to be cross-examined.

He said there was prima facie evidence that Mr Monete had given perjured evidence.

Mr J H Hugo, counsel for the respondents, opposed the application for a stay of execution.

Archbishop Desmond Tutu said there was a "tremendous sense of relief and I give praise to God. We are very grateful to all those who have tried to influence the decision".

Relief at the decision was expressed by President Richard von Weizsaecker of West Germany, the West German Foreign Minister, Mr Hans-Dietrich Genscher, Archbishop Trevor Huddleston, leader of the Anti-Apartheid Movement in London and Miss Joyce Mokgesi, a sister of one of the six. The Organization of African Unity in Addis Ababa expressed gratitude to all who had fought for the lives of the six.

In Lusaka, the African National Congress said it had cancelled a memorial service after hearing of the stay of execution.

Yesterday morning, Progressive Federal Party leader Mr Colin Eglin and the PFP MP for Houghton, Mrs Helen Suzman, met President P W Botha for 45 minutes in a bid to persuade him to commute the sentences.

A group of seven women from the United Womens' Congress presented a petitition to the British Ambassador yesterday morning, pointing out that one of the six, Theresa Ramashando, would be the first woman hanged for her political beliefs.— Sapa

Political pressure will fail

Political Staff

THE Minister of Information, Dr Stoffel van der Merwe, yesterday made it clear that the government would not bow to "political pressure" as far as the Sharpeville six were concerned.

However, this did not mean that calls for a reprieve would disqualify individuals on death row from possibly having their sentences commuted, Dr Van der Merwe said at a Bureau of Information press conference.

He was addressing a press briefing before the decision by the Pretoria Supreme Court to grant the six a stay of execution.

Dr Van der Merwe said while the pressure from abroad on the Sharpeville Six was "basically politically motivated", the government's attitude was that the case should be treated in an apolitical way.

Sister's plea: Reopen inquiry into cameraman's death

THE sister of slain ITN cameraman George De'Ath applied to the Cape Supreme Court this week to set aside the findings of the inquest into her brother's death. Elizabeth Tiley also asked that the inquiry into De'Ath's death be reopened.

In the application, Tiley asked for a review of the decision by magistrate WJP Marais, who had refused to hear oral evidence.

On August 13 last year, Marais found De'Ath had been "extensively assaulted by a person or persons unknown to the state".

By CLARE HARPER, Cape Town

De'Ath, 34, and his soundman, Andile Fosi, were assaulted in Crossroads on June 10, 1986 while covering disturbances there. De'Ath died of head injuries in the Groote Schuur Hospital three days later.

Legal experts said the outcome of the application could set a precedent in determining the scope of inquest courts and the boundaries of judicial discretion.

Advocate JJ Gauntlett, for Tiley, argued that in refusing to allow oral evidence, the magistrate had failed to apply his mind.

Because an inquest was not a trial and could depart from ordinary accepted proceedures, this did not mean "open season" on natural justice, he said. The paramount purpose of an inquest was to hold an inquiry to instil confidence in the public. It should be as full and fair as possible.

In an affidavit, the attorney acting for Tiley, Gordon Rushton, said there was an absence of important evidence and material disputes of fact in the inquest.

Advocate PB Hodes, SC, for Marais, said except for Fosi's affidavit, the supporting affidavits had no connection with De'Ath's death.

But he argued the Inquest Act left it to the magistrate's discretion whether oral evidence should be heard.

The purpose of an inquest, he said, was not to satisfy public confidence, but to hold an official investigation, for it is the holding of the investigation that instils public confidence.

Officer says he told accused he was not involved in case

D/D 16/3/88

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Daily DispatchReporter

EAST LONDON — A sergeant in South African Police told the regional court yesterday he had told a terrorism trial accused that he was not involved in the accused's case when he acted as an interpreter for him.

Detective-Sergeant Mzwandile Dinwayo was testifying in a trial within the trial of Mr Mzwabantu Errol Dapula and Mr Fikile Owen Gwadana, who are alleged to have prepared and planted an explosive device in the Fred Pettit Centre in Queenstown on June 28, 1986.

They have pleaded not guilty.

The trial-within-a-trial is to test the admissibility of the contents of a "pointing out document", which included a statement given by Mr Gwadana to Lieutenant William Charles Landman of the SAP, who, because of his rank, had acted as a justice of the peace.

Sgt Dinwayo who had acted as interpreter when Lieut Landman had warned Mr Gwadana of his rights and again when they went to "the scene" where Mr Gwadana could "point things out".

The defence counsel, Advocate Justice Poswa, said Mr Gwadana had told him that neither Sgt Dinwayo nor Lieut Landman had mentioned that they were not investigating the case.

Sgt Dinwayo replied that although it had not been written down in the pointing out document, their non-involvement in the case had been raised.

Mr Poswa replied: "The accused said no. I specially raised the point with him".

He said Mr Gwadana had told him that neither Lieut Landman nor Sgt Dinwayo had asked Mr Gwadana how the "investigating team" was treating him.

Mr Poswa asked the sergeant if he could remember interpreting for Lieut Landman and Mr Gwadana after they left the office.

"I don't remember. He started talking English," Sgt Dinwayo said.

He said that there could have been parts that he did interpret.

Sgt Dinwayo said that he had no recollection of what happened at "the scene" except "some pictures were taken".

Mr Poswa asked the sergeant if an "accused might act violently at a pointing out".

Sgt Dinwayo said he had never been to a pointing out before.

Mr Poswa said: "The accused said that you did not say that Lieut Landman was a justice of the peace or a peace officer."

He said that Mr Gwadana had told him that Sgt Dinwayo had introduced Lieut Landman, in Xhosa, by saying: "He is a policeman, a lieutenant in the South African Police".

Sgt Dinwayo said he remembered saying something like that, but not with that wording.

"I tried to explain that he was an officer of a high rank," he said.

Mr Poswa said that Mr Gwadana had not been told that Sgt Dinwayo and Lieut Landman came from East London.

"The accused said that you did not say that you weren't from the security police," Mr Poswa added.

Sgt Dinwayo replied that he could not remember "exactly if he did not know".

"I thought that since he was from the Queenstown area, he would know who the policemen were," he said.

The case was postponed until Monday. Both accused were remanded.

Advocate Poswa was instructed by Mr T. M. Ntsaluba of the Sangoni Partnership.

Rand, city Six protests dispersed

Membership

17 000

7 097

24 097

Cape Times 18/3/88

POLICE yesterday broke up two demonstrations — one in Cape Town and the other in Johannesburg — which had demanded clemency for the Sharpeville Six.

In Cape Town, police arrested 29 Black Sash members after they ignored warnings to disperse while demonstrating in front of Parliament.

The women, including Black Sash president Mrs Mary Burton, carried a banner demanding clemency for the six, who later were given a four-week stay of execution from the gallows. They had been scheduled to hang this morning.

The women were taken into custody after failing to heed a six-minute warning to disperse.

In Johannesburg, police dispersed a group of about 500 students demonstrating off-campus against the death penalty for the six condemned prisoners.

Two television journalists were detained and their film taken for viewing to see if they had violated state-of-emergency rules regarding the filming of police action.

Lieutenant-Colonel Frans Malherbe, Witwatersrand police liaison officer, said the men taken from the scene of the protest were Mr Willie Kubeka and Mr Z Manona of Viznews.

The students re-grouped inside the campus boundary and there were no further incidents, police said.

● White and black Zimbabweans staged a vigil outside the South African Trade Mission in downtown Harare yesterday , protesting against the scheduled hangings. — Sapa and UPI

Sash women in court

By PETER DENNEHY

TWENTY-NINE Black Sash women appeared in the Cape Town Magistrate's Court yesterday in connection with possible charges of attending an illegal gathering near Parliament.

Among the women were the national president of the Black Sash, Mrs Mary Burton; the national vice-president, Mrs Jenny de Tolly; and the Western Cape regional chairperson, Ms Beverley Runciman.

Others who appeared were Mrs Sue van der Merwe, wife of the Progressive Federal Party MP, Mr Tian van der Merwe; Mrs Val Rose-Christie of the PFP's Unrest Monitoring Action Committee; and a nun, Sister Joan Rafferty.

They appeared with Margaret Nash, Lou Shaw, Sue Philcox, Sarah Christie, Mary Shepherd, Helen Marree (nee Zille), Lynne Munnik, Jane Prinsloo, Annemarie Hendrickz, Cindy Tyrell, Brenda McKay, Anne Schuster, Margaret Matthews, Desireé Burman, Ruth Copelands, Judy Woodward, Karen Chubb, Pam Allen, Margie Probyn, Alison Saayman, Anne Greenwall, Jill Gribble, and Denise Smith.

The state requested a postponement of the matter to April 22 for further investigation. All the women were released without bail, and warned to appear on that date.

The prosecutor said the charge which would be investigated would be one of allegedly attending an illegal gathering as defined in the Internal Security Act, Act 52 of 1973.

They were arrested shortly before 1.30pm in Government Avenue yesterday as they stood in silent protest behind a banner which read "Clemency for the Sharpeville Six".

Sowetan

Ncube case dropped

18/3/88

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THE case of Sister Bernard Ncube, president of the Federation of Transvaal Women, and 14 other people, was quashed by the Johannesburg Regional Magistrate's Court yesterday.

There was hugging and kissing among black and white friends and relatives of the accused and shouts of "Bless the Lord."

After a lengthy argument by the defence lawyer Mr C R Mailer, who reiterated that the State had failed to comply with the court order, Mr J J B Esterhuizen announced the quashing of the case. He did not elaborate.

The accused, who were arrested on August 20 last year, were charged with sedition, alternatively subversion.

Gary Kruser's family. Lyndon, 18; Lee-Ann, 14; Mrs Christina Kruser, 52; and Kempton, 21

Trialists represent broad spectrum

South 331 17-23/3/88

THE 11 alleged ANC members facing charges of treason represent a broad cross-section of South African society. With occupations ranging from community workers through to labourers and academics, they collectively belong to a wide variety of organisations.

Mr Tony Sithembiso Yengeni, 33, was detained in October 1987. He is married to Lumka Elizabeth Nyamza, 25.

The eldest of five children, Yengeni was unemployed at the time of his arrest. He lived in Guguletu.

He passed standard eight at Fezeka High school and went to Fort Beaufort to complete his education.

Ms Jennifer Ann Schreiner, 31, was detained on September 17 in 1987. She is unmarried and is the daughter of the deputy vice-chancellor of the University of Natal, Professor Denys Schreiner.

She is a UCT Masters graduate and a member of the United Women's Congress.

Ms Lumka Elizabeth Nyamaza, 25, of Guguletu is married to Yengeni. She was detained in October 1987.

She was unemployed at the time of her arrest.

Mr Michael Mzimkhulu Lumbambo, 35, was detained on September 22, 1987. He lives in Guguletu and is unmarried.

A member of the National Union of Textile Workers, he was working as a machine operator at the time of his arrest.

Mr Mbutu Richmond Nduku, 26, of Khayalitsha, was detained last year.

He is unmarried. He grew up in Alice and was working as a labourer at the time of his arrest.

Mr Wellington Mongomeli Nkwandla, 26, was detained on September 22, 1987.

He is married with two children. He was a shop steward for the National Union of Textile Workers at the time of his arrest.

Mr Mthetheli Titani, 22, was detained on September 20, 1987. He is unmarried and lives in Mbekweni, Paarl.

He was educated in Transkei and was unemployed at the time of his arrest.

Mr Gary Kruser, 27, of Gleemore, was detained on September 21, 1987. He is unmarried.

He matriculated from Spes Bona in 1978. A Cayco member, he was a World Vision project worker at the time of his arrest.

Mr Christopher John Giffard, 27, was detained on December 16, 1987. He grew up in East London and is unmarried.

An honours graduate in economic history, he was busy completing his Master's dissertation on the history of the Tramways and Omnibus Workers Union at the time of his arrest.

He was active in Nusas and served on the SRC at UCT in 1982.

Mr Sitlabocha Charles Mahlale, 37, was detained in October 1987.

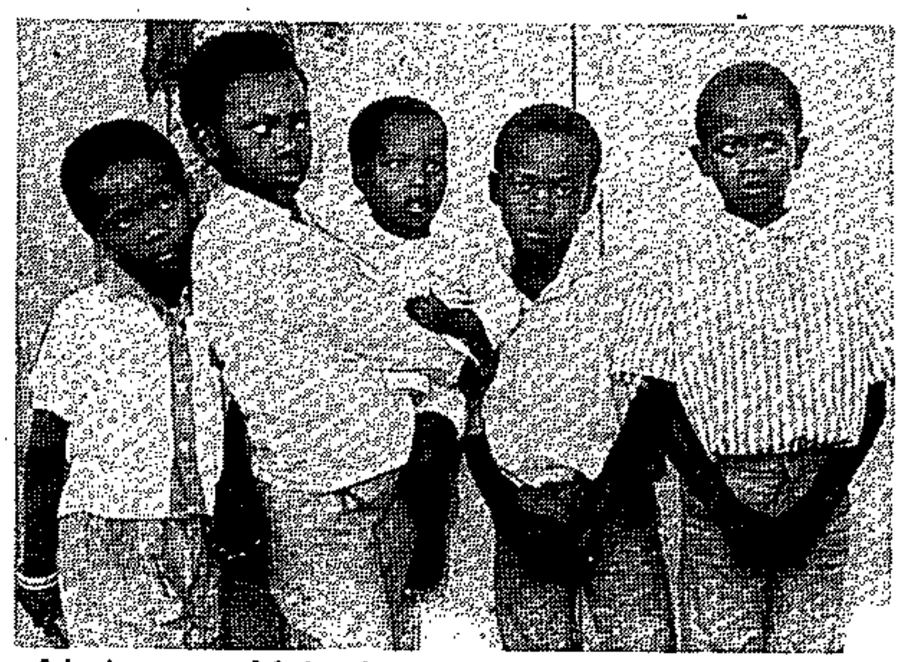
He is married with three children and lives in Guguletu.

He was working as a community worker at the time of his arrest.

Mr Alpheus Nkwana Ndude, 45, was detained on October 26, 1987.

He was working as an Adult Learning Project organiser at the time of his arrest. He was actively involved with the Western Cape Civic Association.

He is married to UDF publicity secretary Hilda Ndude. They have five children ranging in age from two to 12 years.



Alpheus Ndude's children. Khanyiswa, nine; Nolizwe, 12; Nolethu, two; Vusumzi, eight; and Khaynyiso, nine

TODAY:

Sharpeville Six thrilled by 11th hour reprieve

THE Sharpeville Six were overjoyed to hear they would not be hanged today at dawn and the only woman condemned burst into tears and hugged a prison warden when she realised she had been reprieved.

Their attorney, Mr Prakash Diar, said he was the first person to tell the six they would not die and "there are no words to describe how they felt".

"Theresa Ramashamola, 26, burst into tears and grabbed the prison warden before touching my hand through the glass window to say thank you."

Mr Diar said: "She thanked me for saving her life and when I replied it was God's hand she told me perhaps the Lord had helped her through me."

Speaking shortly after breaking the news to the six reprieved prisoners, he said the others were all

Argus Correspondent Johannesburg

thrilled by the news though they hadn't cried.

"I did explain to them that this was not the end of the road, though I believe they have a chance."

Mr Diar said he had not believed the six would be reprieved before the case, though he had been determined not to leave any stone unturned.

"We needed to explore every legal avenue and couldn't stand back and forget the case.

"I believed we had a strong case on appeal and a strong case when we pleaded to the President for clemency."

He believed Mr Acting Justice Human had reached his decision on his own and that as far as the judge was concerned he had not been influenced by international pressure.

He added that the papers in the urgent application had not differed substantially from the appeal sent to President Botha. He said the President had known one of the witnesses had committed perjury.

He said counsel had until April 18 to file papers in an application to reopen the case so that certain witnesses could be recalled.

He contended the case should be heard before the same judge.

He said that if permission was not granted to reopen the case the six might still hang.

YESTERDAY:

Applause greets stay for 'Six'

THUNDEROUS applause shook the Pretoria Supreme Court yesterday as Mr Acting Justice Human granted one month's stay of execution for the Sharpeville Six.

Outside the courthouse a crowd of hundreds cheered and shouted "Amandla!" as the applicants' attorney, Mr Prakash Diar, sped off to give the good news to his clients on death row at Pretoria's maximum security prison.

Mr Acting Justice Human granted the stay until April 18, exactly a month from today, the day set down for the execution of the five men and a woman — minutes after counsel for the respondents presented their case.

"There is sufficient material (available) at this stage to grant a stay of execution," said Mr Acting Justice Human.

The application for a stay of execution was based largely on recently freed statements by a State witness, Mr Joseph Manete, which

Argus Correspondent Pretoria

became available as new evidence after Mr Manete waived his right to attorney-client privilege this week.

The statements conflict with one another and in one Mr Manete says "the statement I made to police ... was not entirely true".

In another he says he was threatened and forced to make a statement implicating two of the convicted men.

He said: "I saw (two of the convicted men, Duma Khumalo and Francis Mokgesi) throw stones at (the home of the victim, Mr Jacob Dlamini) but I did not see them actually pouring petrol on the house or stoning Dlamini himself."

Counsel for the Ministers of Law and Order and Justice, the officer commanding the maximum security prison, and the sheriff and Attorney-General of the Transvaal had argued that even if counsel for the applicants managed to recall Mr Manete and "destroy his evidence", the guilt of Khumalo and Mokgesi was established by another "very strong" State witness.

The six convicted of complicity in Mr Dlamini's murder in 1985, Majalefe Sefatsa, Reid Mokoena, Oupa Diniso, Theresa Ramashamola, Khumalo and Mokgesi, will remain on death row for the duration, according to Mr Diar.

Following the granting of the stay of execution, Mr Acting Justice Human admonished newspapers for the "suggestion that they were convicted merely because they were standing in a crowd and did nothing".

Man hanged for necklace murder

The Argus Correspondent

PRETORIA. — A man due to be executed alongside the Sharpeville Six, who were reprieved yesterday, was hanged at 7am today, the Department of Justice confirmed.

Tsepo Letsoaro, 25, was sentenced to death last September for the necklace murder of Ms Nozipho Grace Mvetye on October 6 1985, near Motherwell Township, Port Elizabeth.

His execution at Pretoria maximum security prison today brings to 22 the number of hangings this year.

Ms Mvetye, who was accused by township residents of being an informer, was burnt to death after a tyre was placed over her head.

The court found there were no extenuating circumstances.

● See page 11.

Alleged Umtata bomber in court

19/3/88

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Daily Dispatch Correspondent

CAPE TOWN — An alleged senior African National Congress (ANC) member appeared briefly in the Wynberg magistrate's court yesterday.

Mr Mzwandile Vena, 32, was brought before court where Mr C. Viviers, for the state, launched an application for his extradition to Transkei.

The Warrant of Apprehension issued in Umtata on March 10 said there were reasonable grounds for suspecting that Mr Vena of Qunu, "committed the crime of sabotage and terrorism" on June 26, 1985.

This is the date on which Umtata was rocked by a series of limpet mine explosions.

Mr Vena is alleged to have come to Cape Town in August last year "to take command of the Western Cape military machinery of the ANC to replace Lizo Bright Ngqungwana".

This allegation was made in the charge sheet relating to 11 other trialists who appeared in the Wynberg regional court earlier this week.

Mr Tony Yengeni, who appeared this week with Miss Jenny Schreiner and nine others, is alleged to have gone to Botswana in August last year to help Mr Vena to enter South Africa.

The application for an extradition order was postponed to April 11 to allow Mr Vena's attorney, Miss Christine Burger, to prepare to oppose it.

Bov. 16

News in Brief

Cape Times 19/3/68 331

Case against nun quashed

JOHANNESBURG. — The sedition case of Sister Bernard Ncube, president of the Federation of Transvaal Women, and 14 others was quashed by the Regional Court here on Thursday.

Umtata blast suspect in court in city

By PETER DENNEHY

AN alleged senior African National Congress (ANC) member — wanted in connection with the bomb blasts which crippled Umtata nearly three years ago — appeared briefly in Wynberg Magistrate's Court yesterday.

Mr Mzwandile Vena, 32, of no fixed address, was brought before court where Mr C Viviers, for the state, applied for his extradition to Transkei.

According to the charge sheet, Mr Vena is a Transkeian citizen..

The warrant of apprehension, stamped in Umtata and dated March 10, said there were reasonable grounds for suspecting that Mr Mzwandile Vena, of Qunu, "committed the crime of sabotage and terrorism" on 26 June 1985.

This is the date on which Umtata was rocked by a series of limpet mine explosions in rapid succession which destroyed its bulk fuel storage depot, cut off the entire city's electricity supply for many hours and severely disrupted its water supply.

Nobody was injured in the explosions, but they caused millions of rands' worth of damage.

To take over

Mr Vena is alleged to have come to Cape Town in August last year "to take command of the Western Cape military machinery of the ANC as a replacement for Lizo Bright Ngqungwana, who had been arrested".

This allegation was made in the charge sheet relating to 11 other trialists who appeared in Wynberg Regional Court earlier this week.

The application for an extradition order was postponed by agreement to April 11 to allow Mr Vena's attorney, Ms Christine Burger, to prepare to oppose it.

As he turned to leave court, Mr Vena raised his fist and shouted: "Viva ANC! Viva the South African Communist Party! Viva UDF!"

Mr P D Theron was on the Bench. Mr C Viviers appeared for the state. Ms C Burger of E Moosa and Associates appeared for Mr Vena.

Pule case postponed

331

SOWTEAN REPORTER

THE terrorism trial of Mr Abram Pule Pule (46) was yesterday postponed to March 30.

Mr Pule has pleaded not guilty. He is in custody.

The State alleges that between April 21 and May 2, 1987 at or near Soweto and Zeerust, Mr Pule was found in possession or had under his control explosives which he intended to use in injuring people or damaging property.

On May 2, the same year, at or near Zeerust Mr Pule is alleged to have been in possession of a 9 mm Makarov gun and 29 rounds of ammunition.

21/3/88 Sowetan

Booby trap killed colonel, court told

The Argus Correspondent

MARITZBURG. — A witness in a terrorism trial here described in the Supreme Court how alleged African National Congress terrorist Gordon Webster pointed to a page one picture in the Daily News of bandage-swathed Colonel Robert Welman, and said: "This is the man that was fooled by a booby trap".

Mr Webster also allegedly told the witness, whose name is being kept secret to protect him: "The Boers wanted to cut our throats in Durban."

The witness said that on January 10 1986, the day after Colonel Welman was burned in an explosion at a Durban electricity sub-station, Mr Webster had brought the Daily News to the witness's home and showed him pictures of Colonel Welman and Mr Mervyn Dunn, who was also burned, in hospital.

VAPORISED OIL

Mr Webster has pleaded not guilty to the murder of Colonel Welman, who died of burns three weeks after he was torched by vaporised oil when an explosive device blew up as he was examining damage caused by another device which had exploded 25 minutes earlier.

Mr Webster has also pleaded not guilty to the attempted murder of Mr Dunn and Detective Sergeant Roelof van der Merwe, who were burned with Colonel Welman, and to 12 counts of terrorism.

The witness said he and Mr Webster had been friends. "If I was arrested he had to do everything in his power to free me.

"If he could not get me released he had to leave the country, either for Lesotho or Swaziland.

"On arrival in Lesotho or Swaziland he was to go to the ANC.

COMMANDER

"He told me that if I had to leave this country I had to look for an Indian man, the commander of special operations."

The witness said that on the night of February 19 1986, Mr Webster had given him an F1 handgrenade and stationed him at the perimeter fence of an electricity sub-station in Umlaas Road, and told him to watch out if anybody came. Mr Webster cut holes in the outer and inner fences and went up to a transformer.

The State alleges that Mr Webster attached an explosive device to a transformer, which was extensively damaged later that evening by an explosion.

The trial continues today.

Cop killed in blast was 'fooled by booby trap'

Own Correspondent

MARITZBURG. — Alleged ANC guerilla Gordon Webster pointed out a photograph of Colonel Robert Leslie Welman who was killed in an explosion in Durban in January 1986, and remarked that he had been "fooled by a booby trap".

This was evidence given by a third state witness testifying in-camera at Mr Webster's trial before Mr Justice McCreath and two assessors in the Supreme Court here yesterday.

Col Welman, who suffered serious burns in the explosion, died of his injuries on January 30.

Mr Webster is facing a charge of having planted two explosive devices on two transformers at the electricity sub-station in Jacobs, as well the murder of Col Welman and two counts of attempting to murder electricity training officer Mr Mervyn James Dunn and Sgt Roelof Petrus Gerhardus van der Merwe.

According to the indictment, after one of the two devices had exploded Col Welman and the other two men went to the scene of the explosion. While they were there the second device exploded.

The state witness told the court he was recruited to join the ANC by Mr Webster.

FOR SUBSCRIPTION INQUIRIES — TELEPHON

DID 23/3/88

Witness denies knowledge of assault charge (331)

EAST LONDON — The chief investigating officer in a terrorism case told the regional court here yesterday he did know that allegations of assault had been made to a doctor who examined one of the two accused.

Warrant-Officer N. A. Jordaan was testifying in a trial-within-a-trial of Mr Mzwabantu Errol Dapula and Mr Fikile Owen Gwadana, who are alleged to have prepared and planted an explosive device in the Fred Pettit Centre in Queenstown on June 28, 1986.

They have pleaded not guilty.

The trial-within-a-trial is to test the admissibility of the contents of a "pointing out document", which included a statement by Mr Gwadana to Lieutenant William Charles Landman of the SAP, who, because of his rank, had acted as a justice of the peace.

W/O Jordaan testified that he had not made arrangements for the "pointing out" of the "scene", but that a Major Venter had been responsible.

W/O Jordaan testified that a doctor had come to examine Mr Gwadana.

He said the pointing out was all in Major Venter's hands and he had had nothing to do with it.

The defence counsel, Mr Justice Poswa, said Mr Gwadana would say that W/O Jordaan was responsible for the "pointing out". W/O Jordaan said it was not so.

Mr Poswa put it to W/O Jordaan that he was not concerned in his capacity as chief investigating officer about the "pointing out". W/O Jordaan said he was interested.

"Did you make inquiries about the pointing out?" Mr Poswa asked. W/O Jordaan replied that he had not.

Mr Poswa said Mr Gwadana would say that nothing was said about the "pointing out" on July 31. W/O Jordaan denied this and said Mr Gwadana had known about it.

Mr Poswa put it to W/O Jordaan that he was pushing all the arrangements onto Major Venter so that it did not look as if he himself was responsible for the allegations of assault. W/O Jordaan denied this.

The case continues today. — DDR

Mr D. Cronje was on the bench. Mr Poswa was advised by Mr T. M. Ntsaluba of the Sangoni Partnership.

Carl Timms 23/3/88

Soldiers' detention halted

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By RONNIE MORRIS
Supreme Court Reporter

THE Officer Commanding Western Province Command yesterday undertook not to execute an 18-month detention sentence on each of three soldiers — convicted by court martial of conspiring to disclose sensitive information to the ECC — pending the review of their sentences.

Following an urgent Supreme Court application on March 4, Mr Hein Mónnig, Mr Peter Plúddemann and Mr Desmond William Thompson won an interim order restraining the Minister of Defence, the Officer Commanding Western Province Command, Brigadier A K A de Jager, and the court martial president, Colonel M Dempers, from executing the sentence pending the review.

The undertaking was given by Brigadier De Jager who was named as the second and third respondent in the application.

The sentence imposed by the court martial was confirmed at the Castle on March 4 and the men were required to report to the military police at 4pm that day.

In an affidavit before the court, Mr Mónnig said that on February 4 this year, he and two other national servicemen (Mr Plúddemann and Mr Thompson) were convicted by the military court of conspiring to disclose information to the ECC and sentenced to 18 months each in detention barracks.

The verdict was "palpably incompetent" in that the "information" in question did not constitute protected information as contemplated by the Defence Act. It was either "evidence of a clandestine operation conducted by the SADF against the ECC or entirely anodyne information".

Mr Mónnig said he intended seeking a review of both his conviction and sentence.

He said Colonel Dempers exhibited "gross bias and partiality" in his judgment on sentence.

"Detention barracks, unlike imprisonment, further involves a directly punitive regime. Hard labour is a feature, as is incarceration with drug offenders.

"I have no doubt that I and my co-accused will be subject to the harshest victimization," he said.

Granting the order, Mr Justice King said a person who had been convicted should not have to start a sentence till he had exhausted all avenues of appeal.

SADF call to keep court proceedings a secret

Supreme Court Reporter

THE Defence Force will lodge an application in the Supreme Court today asking that the review proceedings of three soldiers — convicted and sentenced to 18 months' detention for conspiring to disclose military information to the ECC — be held in camera.

The soldiers — Mr Heinrich Mönnig, Mr Peter Plüddeman and Mr Desmond Thompson — were convicted by court martial on February 4 and sentenced to 18 months' detention each.

The sentence was confirmed at the Castle on March 4 and the men were required to report to the Military Police at 4pm that day.

In an urgent application later that day, the men were granted an interim order restraining the Minister of Defence and the Officer Commanding, Western Province Command, Brigadier A K de Jager, from placing them in detention barracks pending the review of their conviction and sentence.

An attorney acting for one of the men yesterday confirmed that in the application today, the minister and Brig De Jager will ask that publication of the review proceedings be prohibited.

They will also ask that the Registrar of the Supreme Court be ordered to make documents concerning the applications and the court martial record available to only the court and the legal representatives.

In his affidavit, Brig De Jager will say the court martial was held in camera because a public sitting was not desirable for reasons of safety.

The court martial record including exhibits — some of which contained information which could have been used to the detriment of the SADF — have been classified secret, Brig De Jager will say.

He will also say it would be in the public interest that further hearings be held in camera.

Exhibits handed in during the court martial related to SADF projects and the manner in which they were executed and would be of "considerable interest" to any person or organization who "have as purpose the obstruction" of these projects, the brigadier will say.

Secret witness tells of bombings

Own Correspondent

MARITZBURG. — A secret witness, testifying against alleged ANC terrorist Mr Gordon Webster, yesterday said he had planned simultaneously to bomb three electricity sub-stations the day he was shot and arrested in April 1986.

Testifying in the College Road Supreme Court, the witness, who was to have participated in the bombing of the sub-stations, said a land-mine, with an SZ3 demolition charge, was to have been planted in the road leading to one of three sub-stations to blow up police vehicles on their way to the explosion.

The plan was not executed when Mr Webster was shot.

Mr Webster is facing 14 charges including murder, attempted murder and terrorism before Mr Justice McCreath and two assessors.

The witness said he also accompanied Mr Webster and Robert McBride, the convicted Magoos Bar bomber, when they planted explosives at an electricity sub-station in Durban in March 1986.

He said Mr Webster took him to a room in Landauville outside Maritzburg which he referred to as his "armoury room", where he fetched two AK-47 rifles, four limpet mines, fuses and delay devices which he placed in a bag and took to Durban.

He and Mr Webster were armed with AK-47 rifles to be used if they were intercepted by the police on the journey, the witness said.

Mr J S Lombard was the magistra
D C Owen appeared for Froman.

SADF court record to be kept secret

Cape Times 24/3/88 331

Supreme Court Reporter

THE SADF yesterday succeeded in denying members of the public and the press access to review proceedings and court-martial records of three Cape national servicemen.

The order was granted in the Supreme Court by the Judge President, Mr G G A Munnik.

The soldiers, Mr Heinrich Mönnig, Mr Peter Plüddemann and Mr Desmond William Thompson, were convicted by court martial of conspiring to disclose military information to the ECC and sentenced to 18 months' detention.

They were required to report to the military police at 4pm on March 4 but brought and won an interdict that day restraining the SADF from executing the sentence pending review.

Yesterday the Minister of Defence, General Magnus Malan, and the Officer Commanding Western Province Command, Brigadier A de Jager, were granted an order authorizing the Registrar of the Supreme Court to make the record of the court martial and the soldiers' application available only to the court and the legal representatives of both parties.

An application for the review proceedings to be held in camera and for publication of the proceedings to be prohibited, was postponed to a date still to be determined.

In an affidavit supporting the application, Brig De Jager said the court martial was held in camera because a public sitting was not desirable for reasons of security.

The court martial record including exhibits — some of which contained information which could have been used to the detriment of the SADF — had been classified secret.

Exhibits handed in during the court martial related to SADF projects and the manner in which they were executed, and would be of "considerable interest" to any person or organization who "has as purpose the obstruction" of these projects.

It was in the public interest that the further hearings be held in camera, Brig De Jager said.

ANC 15: Who's who

FIFTEEN people including ten students, two teachers, one pupil and two others appeared in the Supreme Court this week on charges of terrorism.

They are:

ASHLEY Alexander Forbes, 22, a second year physical education student at the University of the Western Cape (UWC) at the time of his detention on May 16 last year, is a founder member of the Wynberg Youth Congress.

He matriculated from Wittebome High School.

He lives in Wynberg and is the last of eight children. He is a member of the Anglican church and attended the Emmanuel Youth Sunday school.

Forbes was also a member of the Methodist Boys Scouts, St Johns Football Club, Veld and Vlei and the Wynberg Swimming Club.

PETER Anthony Jacobs, 22, was a second year education student at UWC when he was detained on May 16 1987. He is a Cape Youth Congress (Cayco) member.

He was born in George, but grew up in Mitchells Plain. He is the third of four children. He matriculated from Portlands High School in Mitchells Plain.

He is a member of the Dutch Reformed Church, a

LEON Scott, 29, a final year B Sc student at UWC, was detained on June 29 1987.

He was born in Athlone, but later moved to Bontcheuwel. He is the last of eight children. He matriculated from Modderdam High School.

He is a member of the AME Church and holds the position of laypreacher. He is a keen rugby player and a member of Veld and Vlei.

Scott worked at the Churches Urban Planning Committee for about three years. He also assisted in starting several advice offices.

YASMINA Pandy, 21, a second year human ecology student at UWC, was detained on August 16 1987. She is a member of Call of Islam, Wynberg Youth Congress and the Wynberg Girl Guides.

She lives in Wynberg and is the first of six children. Pandy matriculated from South Peninsula High School.

NICKLO Louis Pedro, 20, a second year BA student at UWC, was detained on August 17 1987. He is from Mossel Bay.

ANWAR Dramat, 19, a first year electrical engineering student at the Peninsula Technikon in Bellville, was detained on August 17 last year.

He lives in Bonteheuwel and is the second of four children. He matriculated from Spes Bona High School.

Dramat is a midfielder for Sea Point Swifts soccer club in Bonteheuwel.

NAZEEM Lowe, 23, was a teacher at Fairmount High when he was detained on August 17 last year.

He obtained a BA degree from the University of Cape Town (UCT) and a diploma in higher education from UWC.

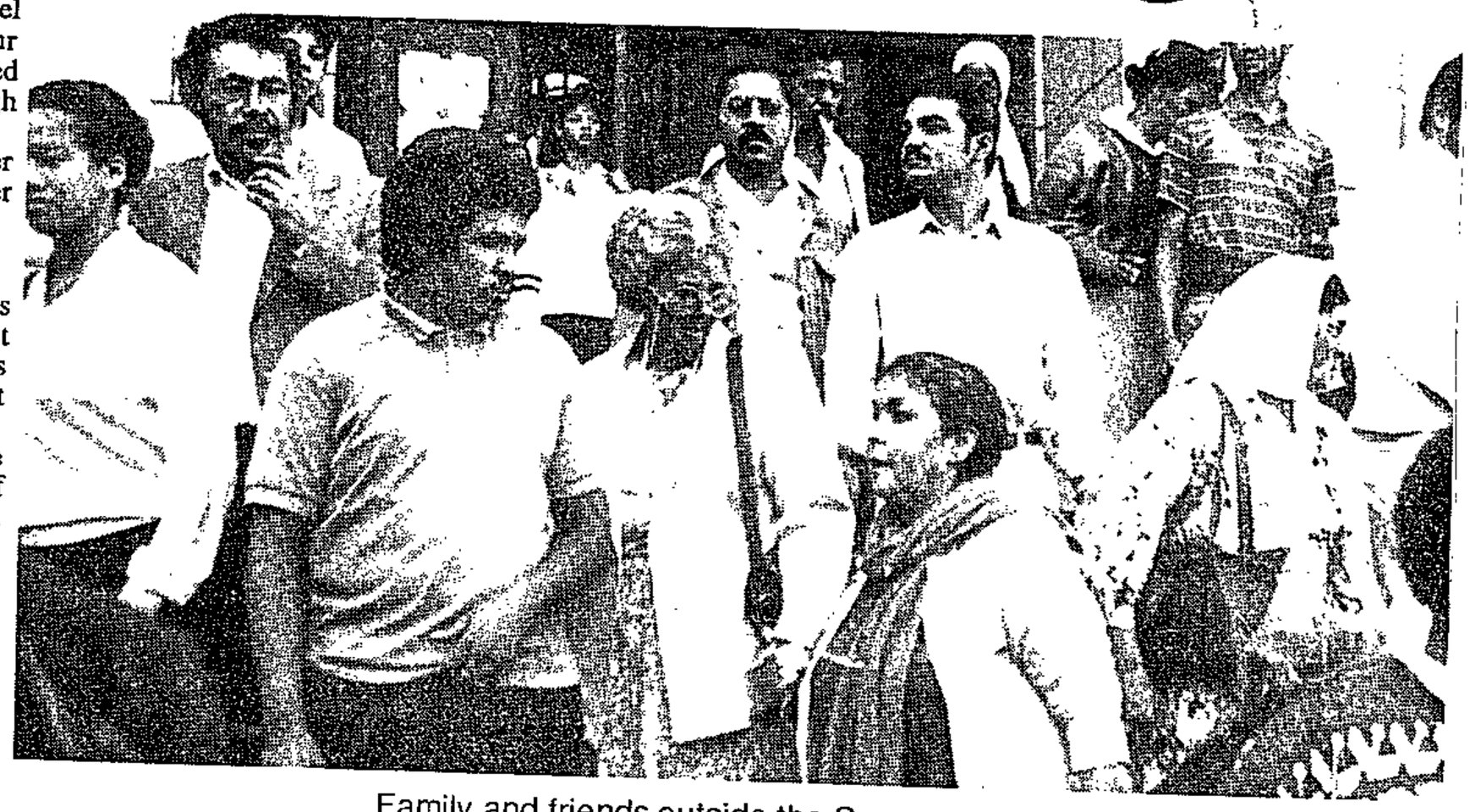
He lives in Windsor Park and is the second of four children. Lowe matriculated from South Peninsula High School.

WALTER Rhoode, 24, a final year engineering apprentice at Atlantis Diesel Engineering (ADE), was detained on August 17 last year.

He lives in Elsies River and is the oldest of three children. He matriculated from Spes Bona High School.

He is a member of the Moravian Church and Moravian youth group, and a keen soccer player.

CLEMENT Baatjies, 20, a Standard 9 pupil at Arcadia High School, was detained on August 17 1987. Baatjies lives in Bonteheuwel and is the fifth of six children.



Family and friends outside the Supreme Court

He is a member of the Resurrection Church in Bonteheuwel.

JEREMY Alan Veary, 25, a teacher at West End Primary School, was detained on August 17 1987.

He is a member of the Western Cape Teachers Union (Wectu).

He was born in Elsies River but later moved to Genadendal. Veary is the first of three children. He matriculated from John Ramsey High School in 1981.

He was suspended from Valhalla High in 1985.

He is a member of the Moravian Church and belongs to various youth organisations.

DAVID Johannes Fortuin, 22, was detained in August 23 1987.

He lives in Elsies River and is the youngest of nine children. Fortuin matriculated from Uitsig High School. He works for Irvin and Johnson (I&J).

He is a member of the Moravian Church youth group, and plays the trumpet in a brass band.

ASHRAF Karriem, 21, a final year B Comm student at UWC, was detained on August 27 last year.

He was born in District Six but had to move to Elsies River due to the Group Areas Act. Karriem matriculated from Valhalla High School and is the seventh of eight children.

He is a keen squash player.

WAYNE Ingemar Malgas, 21, a final year law student at UWC, was detained on August 24 last year.

He lives in Ravensmead and is the third of six children. Malgas matriculated from Belhar High School.

He is a member of the Seventh Day Adventists, Pathfinders and Scouts.

He is a keen chess player.

COLLIN Cairncross, a UWC student, was detained on September 3 last year.

COLIN Clive Martin Petersen, 23, a second year education student at UWC, was detained on August 27 last year.

He lives in Lotus River and is the seventh of eight children. Petersen matriculated from Portlands High School in Mitchells Plain.

He is a member of the Anglican Church, and Scouts.

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Mother sees son after 11 years

RELATIVES of the 11 detainees involved in the ANC trial spoke of their joy at seeing their loved ones again after several months.

But one mother had more reason to shed tears of happiness than the others.

Last week was the first time in 11 years that Mrs Olive Yengeni had seen her son, Tony. He had left his Guguletu home in 1977.

"We did not know where he was because he did not write to us. When I saw him in the dock, I was shocked to see this old man with a thick beard," she said.

Yengeni said she had heard her son was married to trialist Ms Lumka Nyamaza, but she had not met her yet.

"I saw her for the very first time in court this week," she said.

The Yengenis have another son, Norman, 31, serving ten years for treason on Robben Island. He was sentenced in 1981 and is studying for a law degree.

Another mother, Mrs Christina Kruser, said she was very happy to have seen her son Gary after an absence of six months.

"I am glad that we are allowed to see our loved ones, but at the same time I am very disappointed that we have to speak to them through glass windows. They are not criminals," she said.

According to the families the trialists have gone on a hunger strike in protest against the food and conditions at Pollsmoor Prison, where they are being held.

They are also demanding that one of the trialists, Mr Christopher Giffard, be held in the same section as them.

Relatives said they had been told by the trialists that they were being kept three to a single cell.

The trialists had also told them that they had each been given a mat and two "old" blankets.

They complained that the food given to them was that designated for common criminals. This consisted mostly of bread spread with fat.

The trialists had told them that they could not, and would not, eat it, the relatives said.

A spokesperson for the Prisons Service denied that the trialists were on a hunger strike.

New turn in ANC trial

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South

THE trial of 15 alleged African National Congress members took a surprise turn in the Supreme Court, Cape Town this week.

The State has released a summary of charges which differs substantially from last year's preliminary indictment.

The new charge sheet links the 15 to at least ten attacks in the Western Cape between 1985 and last year.

Slain ANC guerilla Ashley Kriel is mentioned in the charge sheet as having received a hand grenade and .22 pistol from one trialists.

Reference is also made to meetings at UWC venues and church youth camps between alleged ANC members.

The order of the trialists on the charge sheet has changed and criminal charges have been brought against three trialists.

Former University of the Western Cape students Ashley Forbes and Peter Jacobs remain the first two accused, but teacher Leon Scott has been moved from three to 14, while another UWC student Yasmina Pandy has moved from four to 15.

Nicklo Pedro, a second-year BA student at UWC, has become the third accused. He was previously the fifth accused.

High school teacher Nazeem Lowe has moved from number seven to number four.

Defence counsel Mike Donen said he had problems consulting with the trialists at Pollsmoor Prison.

The authorities interfered during consultations.

Copies of charge sheets were confiscated and only one charge sheet was given to the trialists.

Mr W C Viljoen, for the State, said he would look into the matter.

• See Pages 2, 6

D/D 24/3/88

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Policeman tells court he was following orders

Daily Dispatch Reporter

EAST LONDON — A detective-sergeant from Queenstown told the regional court here yesterday that the head of the security police in the town, Major F. J. Venter, had told him to go to Elliot to fetch a Mr Gwadana in a terrorism case on August 1, 1986.

Det/Sgt Joseph Baleni was testifying in a trial within the trial of Mr Mzwabantu Errol Dapula and Mr Fikile Owen Gwadana, who are alleged to have prepared and planted an explosive device in the Fred Pettit Centre in Queenstown on June 28, 1986.

They have pleaded not guilty.

The trial-within-a-trial is to test the admissibility of the contents of a "pointing out document", which included a statement by Mr Gwadana to Lieutenant William Charles Landman of the South African Police (SAP), who, because of his rank, had acted as a justice of the peace.

Det/Sgt Baleni testified that he and Sergeant Ngqwaru had been instructed by Major Venter to take Mr Gwadana to Elliot on July 31, 1986, and to bring him back to Queenstown the following morning for the "pointing out".

He said they had taken Mr Gwadana to the charge office at the police station when they had arrived in Queenstown on August 1, at 9.30 am.

Det/Sgt Baleni said he saw Mr Gwadana again that day when he took his fingerprints.

The defence counsel, Mr Justice Poswa, asked the witness when he had learnt that he was required to give evidence yesterday, and he replied that the prosecutor, Mr Johann du Plessis, had informed him that afternoon.

He said Mr Du Plessis had asked him to bring his pocketbook for July and August 1986.

Mr Poswa asked him if he had seen Warrant/Officer N. A. Jordaan on either of the two days in question.

Det/Sgt Baleni said he could not remember if he had seen W/O Jordaan on August 1, but said he had seen him at the main office at the security branch on July 31.

Mr Poswa asked the witness if he or Sergeant Ngqwaru had spoken to Mr Gwadana on the way to Elliot and he replied that they had not.

"But don't you agree that ordinarily three people in a car would exchange some words?" Mr Poswa asked and the witness replied "yes".

Det/Sgt Baleni said that he had not spoken to Mr Gwadana because he had had nothing to do with him apart from transporting him.

Asked whether Mr Gwadana had been handcuffed by him or Sergeant Ngqwaru, Det/Sgt Baleni replied that he was not sure.

Mr Poswa said Mr Gwadana would tell the court that it was Det/Sgt Baleni who had handcuffed him.

Det/Sgt Baleni said that when Maj Venter had told him to take Mr Gwadana to Elliot he had spoken Xhosa quite well but Mr Poswa said he recalled Maj Venter telling the court that he could not speak Xhosa well.

The case continues today.

RISING
PHONE COSTS
Dean Martin
deinn weell

ANC cell in Uitsig, State claims

• FROM PAGE 2

joined the cell. He was allegedly present at the meeting and participated in the planning of the attack.

Dramat and Baadjies allegedly selected the target and informed Cairncross and Petersen accordingly at a meeting a week later. Their first prearranged attempt failed but subsequently on October 13 1986 Dramat and Baatjies went to the selected target and allegedly carried out a petrol bomb attack on the home of a policeman at 22 Ironwood Road, Bonteheuwel.

During October 1986 Pedro introduced Cairncross to Norman, another member of the ANC, who temporarily took over the command of the cells, which were known as detachments.

An appointment was made and Cairncross subsequently had another meeting with Norman in a library room on the university campus.

Norman allegedly instructed Cairncross in the handling and use of a 9 mm and a .22 pistol. In the course of this training a shot was fired and the bullet was lodged in a wall.

Cairncross stored these handguns for some time in his room on the campus.

About December 1986 Dramat, Baatjies and Petersen allegedly had a meeting in Bonteheuwel where Dramat produced three handguns and trained Cairncross in their handling and use. Dramat retained possession of the arms.

In November 1986 it was decided that the cell which Cairncross commanded, consisting of himself, Dramat, Baatjies and Petersen, would be known as "Larry Detachment", in honour of Esau, whose code name was Larry.

The State alleges that another accused, David Johannes Fortuin, met Esau at a Moravian Youth Camp where they had discussions on the ANC.

Esau allegedly instructed him to recruit members for a cell to operate in Uitsig.

Fortuin allegedly recruited a fellow student at the UWC, Wayne Ingemar Malgas, and the three together formed the ANC cell in Uitsig.

In accordance with the ANC policy of expanding the organisation and its structures, Fortuin allegedly recruited several other persons for Umkhonto weSizwe during the period from 1985 until his arrest in 1987.

The standard orders he allegedly gave each one were to recruit another two persons and to form a cell, to secure "safe houses" where they or any other ANC member could hide from the police, and to acquire travel documents.

They were also to establish caches and conduct surveillance and select suitable targets to be attacked.

In 1985, Fortuin allegedly recruited a person known as "Roland" or "Kolonel" and gave him the "standard instructions"

After "Roland" reported that he had formed a cell and that they had selected a certain policeman as target, Fortuin allegedly acquired a Luger pistol from Esau and handed it to "Roland" with the order to use it in the attack.

Ashley Forbes

Yasmina Pandy

During 1985 Fortuin also allegedly recruited a person known as "Peter", who in turn recruited another two members to form a cell.

Early in 1986 Fortuin allegedly recruited Jeremy Allan Veary for the ANC. Veary afterwards reported that he had recruited two members.

During March 1986 Esau introduced Fortuin to Pedro. They were to perform a certain task, but before the details could be discussed, Esau and several other ANC members in the Western Cape were arrested by the police.

The State alleges that during June 1986 Fortuin attended another Moravian Youth Congress in Mossel Bay where he saw Pedro and learnt that Pedro had taken over the command of the ANC cells in the Western Cape.

Back in Cape Town, Fortuin again had discussions with Veary and Malgas and received the details of the persons that each of them had recruited and passed it on to Pedro.

During this period from about June 1986 to December they had regular meetings during which Veary conducted the political training and morale boosting.

In December 1986 Pedro allegedly took a trunk containing handgrenades and limpet mines to Fortuin, who stored it in a backroom where Walter Rhoode had stayed. Pedro collected it again after about a forthnight.

During the period October 1986 to March 1987 Pedro, Dramat and Baatjies also allegedly possessed two unlicenced firearms.

During 1986, while Lowe was allegedly the commander of "C Detachment", he also acted as the contact person between Pedro (known to him as Ronny) and the other detachments.

With the view to selecting targets for attacks, Lowe allegedly instructed the members of his cell and those of "Q Detachment" to keep police stations and homes of policemen under surveillance.

He passed the information he received from them to Pedro and Anthony Fischer (also known to him as Allan). In this period Lowe once handed the commander of "Q Detachment" a hand grenade, instructed him in the use of it and ordered him to select a target. The order was not complied with.

During this period Lowe also had discussions concerning ways of importing arms into the Republic for the use by cell members with Pedro, Anthony Fischer and another member, John. At these meetings the possibility of leaving the Republic in order to receive formal military training from the ANC was also discussed, the State alleges.

One of the major tasks undertaken by Lowe was the safe-storage and hiding of weapons which he received from other members.

Lowe further saw to the repair of weapons and in 1987 repaired the firing-pin of a .22 revolver which was given to him by Pedro. Lowe further recruited Keiyaamoedeen Ryklief as another member of his "C Detachment".

Forbes and Jacobs returned to the Republic in December 1986 and travelled to Port Elizabeth where they stayed at the Griffen and Diaz hotels under the aliases of P Philander and K Samuels, the State alleges.

Jacobs phoned Pedro at Mossel Bay and informed him that they had returned from Angola and needed accommodation in Mossel Bay.

Pedro arranged accommodation at a camping site at Diaz Beach and supplied them with a tent. They thereupon travelled to Cape Town and from December 12 1986 stayed at the Kensington Hotel, Kensington, under the aliases of Y or D Philander and D Samuels.

Alex trial traces reasons for 'people's power'

"TAKE note," warned the then-"mayor" of Alexandra in 1981, "that unless the grievances of the black people of the township are heeded, an eruption — a serious eruption — in the community can take place."

These words, spoken by the Reverend Sam Buti seven years ago, were recalled in the Rand Supreme Court this week at the trial of five Alexandra activists who face charges arising from precisely the kind of "eruption" which had been predicted.

Moses Mayekiso and his co-accused, Paul Shabalala, Richard Mbhekane, Obed Bapela and Mzwanele Mayekiso, are charged with treason — for attempting to render South Africa "ungovernable".

They did this, it is alleged, by creating "alternative" structures such as

By MUSA ZONDI

"people's courts" as a precursor to "people's power".

The charges relate to a period of intense unrest in the compact township, spanning the period 1985-1986.

Defence lawyers argued this week that the accused had been attempting to achieve a more direct say in the running of their own affairs. Led by Advocate David Soggot, they argued that the creation of such structures could seen as a result of the failure of Black Local Authorities.

This conclusion, they suggest, is supported by the government-commissioned Van Der Walt report on the 1985/6 uprisings. The report alleges that not a single person interviewed had anything good to say about the local authorities.

The defence is contesting allegations by Brigadier H Stadler that there might be connections between the actions of the accused and various calls made by the outlawed African National Congress.

Defence lawyers argue Stadler might be biased, because of his loyalty to the police force, which he joined in 1953. It was claimed he is concerned with preserving the honour of the force, and would naturally attempt to clear its name from — for example — vigilante activities.

Stadler also claimed to "balance" his perceptions by reading academic work on the ANC. However, he was unable to name any "non-sympathetic" academic other than Dr Tom Lodge.

FRIDAY, MARCH 25, 1988 MORNING FINAL PWV 30c (27 + 3c GST) COUNTRY 35c

Vaal Triangle treason trialist held in prison for more than 2 years

UDF MEN IN 5th BAIL BID

Sowetan 25/3/88

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A MEMBER of the Association of Democratic Journalists holds a poster outside Darragh House, where the banned *New Nation* had its offices. See Page 4.

MR JUSTICE van Dijkhorst yesterday reserved judgment in the Pretoria Supreme Court bail application launched by three accused appearing in the Vaal Triangle treason trial.

Sowetan Reporter

The three men, United Democratic Front publicity secretary Mr Popo Molefe, UDF general secretary Mr Patrick Lekota and former UDF Transvaal executive member Mr Moses Chikane, have been in prison for more than two years since before their arrest in June 1985.

They have been refused bail four times. The other 16 accused were released on bail in 1986 and last year.

Attorney

Judgment was yesterday reserved while counsel attempt to clear up a matter involving one of the defence counsel, instructing attorney Ms Priscilla Jana.

The defence counsel's bona fides were questioned by the State because Ms Jana was, it was said, involved in a court challenge to the restrictions placed on the UDF and 16 other organisations last month, barring them from any political activity.

Defence counsel Mr George Bizos, SC, had mentioned the restrictions in argument when he said that the penalty for contravening the virtual banning would be an effective deterrent to the three carrying out UDF activities while on bail, as the State feared.

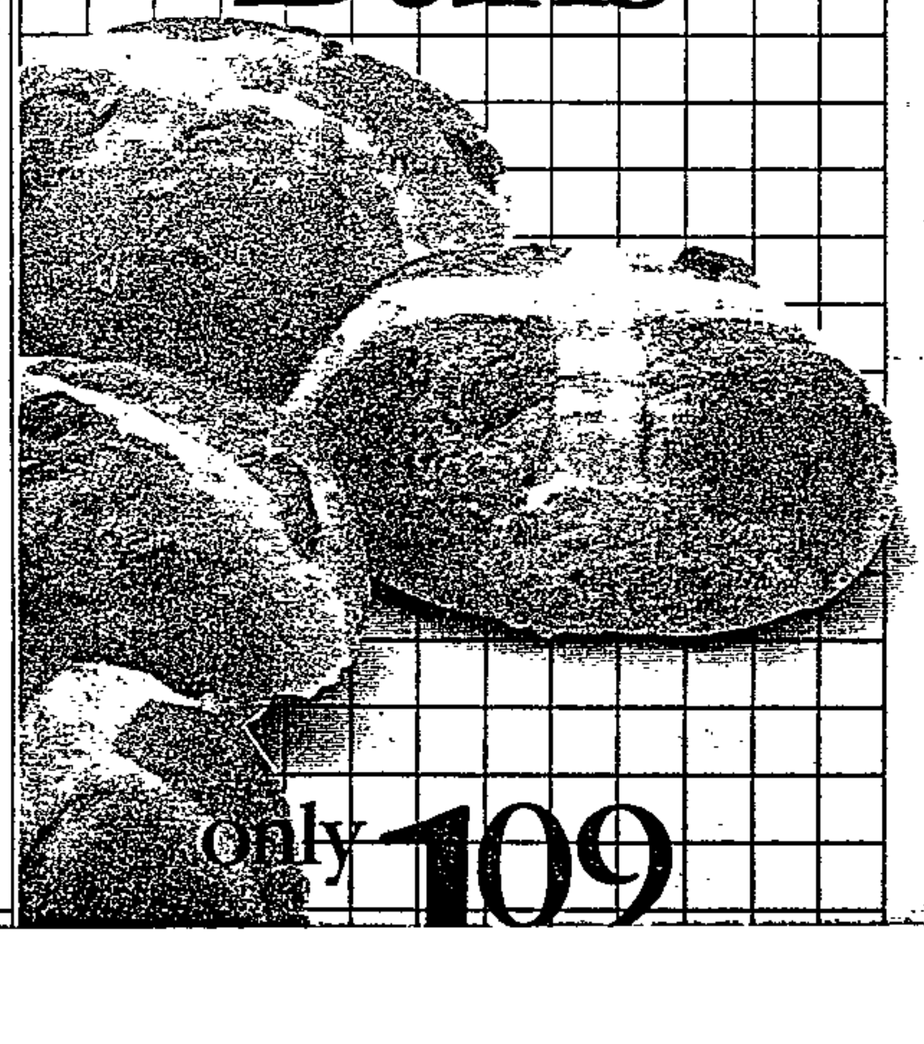
Mr Bizos said yesterday that the "attack on our instructing attorney and her integrity was hardly called for".

The law reports were full of cases dealing with the restrictions, "some successful, some not, and some complete failures".

Mr P B Jacobs, SC, for the State, asked if the defence disputed that Ms Jana was involved in a challenge to the restrictions launched on behalf of the Detainees' Parents' Support Committee, the Release Mandela Campaign and Cosatu in Cape Town on March 10.

Mr Bizos said he "knew nothing of this" and the bail application was temporarily halted to enable the defence to seek clarification.

Hot Cross Buns



only 109

State appeal to put Sister Bernard back in the dock

By THAMI MKHWANAZI

THE state intends to appeal against the court decision last week to drop sedition and subversion charges against Sister Bernard Ncube, president of the Federation of Transvaal Women, and her 13 co-accused.

Magistrate JJB Esterhuizen quashed all the charges last Thursday following an application brought by the accused.

According to a representative of Priscilla Jana and Associates, the accused's lawyers, prosecutor H van Eden announced the state would appeal against the magistrate's decision.

Members of the group submitted that the state had not complied with the magistrate's order of February 2 which required the prosecution to furnish further particulars.

Opposing the application last week, Van Eden argued the accused had been supplied with sufficient particulars to prepare their case and knew the exact nature of the charges.

It was announced at a press conference last Thursday that the 14 and another man, Bizos Katane, who had been detained with the group but was not charged, would be suing the minister for damages totalling R5,5-million.

Summonses had been served on the minister of law and order between January 19 and February 18 this year. The group claimed they had been unlawfully detained for a year from the period of their detention under section 29 of the Internal Security Act on August 21, 1986. The 15, all members of the Krugersdorp Residents Organisation, were originally detained in June 1986 at the beginning of the State of Emergency.

On July 21, 1987, Mr Justice Leveson ordered the release of one of the 15, Lawrence Ntlokoa, following an application brought by family members. In their affidavits, Ntlokoa and another detainee argued that although the purpose of section 29 detention is interrogation, the applicants had not been interrogated while in detention under that section.

Ntlokoa was subsequently charged on August 21 last year with 13 others for sedition, subversion and assault with intent to do grievous bodily harm. A state application for leave to appeal against Justice Leveson's decision releasing Ntlokoa was dismissed with costs.

Bail for the other accused was eventually granted after a lengthy battle. Bail conditions restricted the accused, all residents of the Krugersdorp townships of Kagiso and Munsieville, from entering the magisterial district of Krugersdorp; they stayed in Johannesburg near the trial court.

The state alleged the 14 had aimed to establish their own alternative civic authority in order to govern the townships of Kagiso and Munsieville and had unlawfully striven to create political, social and cultural awareness and solidarity among black people in those townships.

Six Inkatha inquest accused attended 'paramilitary' camp

AT least six of the nine Inkatha members found responsible this week for the deaths of three people in Mpophomeni were trainees at KwaZulu's Emandleni-Matleng camp, a controversial training centre run on paramilitary lines, ostensibly to teach community development skills.

The ruling by Howick inquest magistrate G Niewoudt that the nine Inkatha members were responsible for the deaths of the Phineas Sibiya, Simon Ngubane and Flomena Mnikathi — all three closely associated with the then Metal and Allied Workers Union — is a vindication of claims made at the time which led to Inkatha threats of legal action against the newspapers which carried the claims.

Sibiya and Ngubane were office bearers of Mawu and Mnikathi was the daughter of one of their colleagues.

In one of the first incidents of violence of this kind in the area, the three and a fourth Mawu member who narrowly escaped the same fate were seriously assaulted by members of Inkatha at the Mpophomeni community hall in the early hours of Saturday, December 6, 1986.

They were then bundled into a car, driven to a lonely spot where they were killed and their bodies and the car set alight by Inkatha members.

According to evidence at the inquest, the morning after the murders, Mpophomeni residents blamed the killing on Inkatha members, gathered at the hall for a rally later in the day. Fighting broke out between the two groups and the rally was called off.

A civil damages claim for almost half a million rand has been lodged against Inkatha and the KwaZulu minister of police in connection with the three deaths, the killing of a fourth person later on the Saturday, and other injuries and damage to property.

The magistrate ruled that apart from the witnesses who gave technical evidence — doctors and police — only two witnesses gave testimony which was not shown to be false. They were Micca Sibiya, the man who jumped out of the car shortly before his three companions were murdered and set alight, and an under-age youth who linked the Inkatha Youth Brigade members found to be responsible for the deaths to the Emandleni-Matleng training camp.

In his evidence, Sibiya said he and the three others who died were at his home in Mpophomeni outside Howick on the evening of December 5, 1986 when people "from the Inkatha movement" armed with revolvers, assegaais and knobkerries entered the yard and ordered the four to go with them.

They were taken to the community hall where a large crowd of Inkatha members were gathered. They were interrogated and badly assaulted. Sibiya said he, his brother Phineas Sibiya and Mnikathi were bundled into a car while Simon Ngubane was put into the boot before they were taken on the fatal trip.

The only witness apart from Sibiya

Weekly Mail Reporter, Durban

found to be truthful — he cannot be named as he is a minor — said Inkatha youth organiser Mabaso came to the Emandleni camp the month before the rally to recruit Emandleni trainees frm the Pietermaritzburg area to attend the gathering.

He said that on the way home after the rally was cancelled, one of his Emandleni companions who had been a "security guard" at the hall shook hands with his "co-guards", saying "Comrades you have done good work". The witness added that one of this group later told him that "he and the others with whom he had been standing guard had burnt a car and killed some people. He further mentioned that there was a black male and a black female in the car when they struck it alight."

The Emandleni camp attended by the "security guards" found responsible for the deaths is a controversial KwaZulu school. Allegations have been made that the training has a more sinister purpose than its publicly-acknowledged aims.

At last year's "passing-out parade", InkathaPresident Mangosuthu Buthelezi — who described himself as "commander-in-chief of the *amabutho* in Emandleni-Matleng — said the aim was to train youth in community development skills, to "fight against poverty, ignorance and disease". Referring to criticism of the camp and the training it offered, he said, "I am disgusted with all those who accuse us of fanning the flames of violence and of developing this camp as a para-military camp because we are intent on killing for political reasons."

He said the camp was run on paramilitary lines for disciplinary purposes, like the Salvation Army and the boy scouts.

"The end products of Emandleni-Matleng Camp are quite clearly not sent off to burn, maim and kill. Emandleni-Matleng Camp is a place where our youth are prepared to become useful citizens."

In a statement issued a few days after the murders, Inkatha said they had "now completed our investigation" into what happened over the weekend and strongly denied the suggestion that Inkatha was behind the violence and killings.

An Inkatha official added the organisation was planning legal action against the newspapers which had linked it with the murders and "condemned in the strongest terms possible the irresponsible attitude of the Bureau of Information" which issued a report tying the deaths to Inkatha.

He said Inkatha "unreservedly condemned the violence from both sides", saying the deaths occurred in the context of "violence between two warring factions" and "not a one-sided Inkatha attack now alleged by Mawu and the press".

The three Mawu deaths had a particular significance to the Mpophomeni community. Mawu had been helping keep united about 1 000 sacked Sarmcol workers, many of whom lived in the township.

The murders occurred during the lengthy industrial court case between Mawu and Sarmcol contesting the sackings. Subsequent to the mass dismissals at the company, Sarmcol had employed new workers and then signed a recognition agreement with the Inkatha-backed United Workers Union of South Africa.

● The nine found responsible for the deaths were Joseph Mabaso, assistant national Inkatha youth organiser (since the incident he has been killed in a car accident), Morris Thusi, an employee of the KwaZulu government, at the time of the killings the caretaker of the Mpophomeni hall where the assaults took place, Nhlanhla Tshabalala, Thulani Mchunu, Bhekisisa Majosi, Mzikayikani Cele, Vela Mchunu, Dumisani Mkhize and Bhekinkwenza Mtshali. The magistrate said that although the nine had been named, the court's findings did not rule out the possibility that other Inkatha members could also have been found responsible. However, on the testimony presented at the inquest, there was not enough evidence to make a finding on their involvement. She said the record of the proceedings would be sent to Natal Attorney-General Michael Imber for a decision.

Appeal fails: Lucas and six others hanged

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Argus 25/3/88

The Argus Correspondent

JOHANNESBURG. — Seven convicted murderers, including Michael Lucas whose last-minute bid for a stay of execution failed yesterday, were hanged in Pretoria this morning.

Lucas was sentenced on August 21 last year in the Cape Town Supreme Court after he was found guilty of murdering a bus driver in Oudtshoorn during riots in 1986.

The others were Richard Mduduzi Jeza, Albert Hlathi, Boy Tafeni, Amos Meje, Samson Vusimuzi Cele, and Benjamin Mlondolozi Gxotiwe.

● The Argus Foreign Service reports from London that about 30 members of the Anti-Apartheid Movement held an all-night vigil outside the South African embassy for Lucas.

A short service for Lucas was held this morning, and AAM members laid a wreath in his memory.

were asleep next to the Heidelberg Road ... on Thursday.

Terror trial: 3 guilty

MARITZBURG. — Three men, Thuso Tshika, Mtunzi Sithole and Thembinkosi Nkosi, were found guilty in the Maritzburg Supreme Court yesterday on charges of terrorism relating to bomb blasts in Durban and northern Natal in 1985 and 1986. Another accused, Mr Abraham Mathe, was found not guilty.

Bhongolethu mourns their son at dawn

CHC Times 26/3/88

By SAHM VENTER 231

A SOMBRE church service was held in Oudtshoorn at dawn yesterday to mark the execution of Bhongolethu youth, Michael Lucas.

It stood in stark contrast to a militant service of about 1 500 people at the Alphen cinema in an Oudtshoorn suburb of Bridgton the previous night.

About 100 friends, family and supporters — including a contingent from Cape Town — participated in the emotionally-charged service at St Simon's Anglican Church.

Several policeman waited outside the church. Armed men in plainclothes took down registration numbers of cars parked outside.

The service was timed to co-incide with the hanging of Lucas, 22, at Pretoria Central Prison at 7 am, for the April 1986 killing of a bus inspector and former security policeman, Mr William Blaauw.

According to a community worker, Lucas had expressed his gratitude to his attorney, Mr Essa Moosa, for attempting an eleventh-hour appeal to the Pretoria Supreme Court.

Mrs Nettie Majola, mother of Mr Desmond Majola, another Bhongolethu man sentenced to death for the "necklace" killing of a community councillor in 1985, wept silently as the congregation knelt in prayer.

Father Isaac Josephs led a prayer for "our brother, Michael Lucas as he prepares himself to be executed". As the hour drew closer, several people kept an eye on their watches. There was nothing left to do but pray.

As the sun rose over the southern Cape town, church bells rang out and the congregation sang 'Nkosi Sikelel' i'Afrika' (Lord Bless Africa). It was 7 am and Michael Lucas was dead

Terror trial postponed

THE terrorism trial of Mr Johannes Mohurutsi Sethlapelo (39) has been postponed to June 13.

Mr Sethlapelo who appeared before Mr A B Booysen in the Johannesburg Magistrate's Court, pleaded not guilty on terrorism charges alternatively of being in possession of firearms and explosives. He is in custody.

He is also accused of smuggling weapons into the country which were alleged to have been kept at the Doornkop Cemetery.

Court chaos as treason trialists ordered out

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AR645
29/3/88

By DENNIS CRUYWAGEN and VERNON BRENT
Staff Reporters

RELATIVES and friends of 11 people charged with treason, alternatively terrorism as defined by the Internal Security Act, were ordered out of the Wynberg Regional court today.

The magistrate also ordered the trialists to be taken back to the cells.

The drama started when the singing and chanting 11 were led into the courtroom.

They turned their backs on the magistrate, Mr A S McCarthy, faced the crowded courtroom, raised their fists and sang *Nkosi Sikelel' iAfrika*, a Xhosa hymn.

Mr McCarthy, shouting above the noise, asked defence lawyers to find out "how long will it carry on for?", but they were unable to get an answer from their clients.

BARRED

After several minutes of singing the magistrate ordered police to clear the public gallery and to lead the accused back to the cells.

Among those barred from the court were Professor Denuys Schreiner, Deputy Vice-Chancellor of the University of Natal, and his wife who are the parents of accused No 2, Miss Jenny Schreiner.

After a short adjournment Mr McCarthy ruled that neither the accused nor relatives would be allowed back into court today and proceedings continued in their absence.

"ASSAULTED"

The State prosecutor then applied for the public to be barred at all subsequent proceedings as they had 'severely impaired the dignity' of the court.

Lawyers for the accused placed on record that several of their clients had been manhandled and assaulted by police at Pollsmoor prison and at court today.

Among the allegations were that Mr Tony Yengeni, accused No 1, had been bodily lifted and thrown into a police van at Pollsmoor by a Captain du Toit and a Captain Liebenberg and had bruised his head and body.

Miss Elizabeth Nyamza claimed she had been manhandled on arrival at Wynberg court.

Mr P Mostert, for the State, said police wished to place on record that Mr Yengeni refused to enter a police van at Pollsmoor Prison and that Miss Nyamza refused to enter Wynberg Court and tried bite and kick the policemen.

BARRIER

Mr Mostert asked that the prisoners be remanded to July 5.

A certificate prohibiting bail has been issued by the Attorney-General in terms of Section 30 of the Internal Security Act.

Relatives formed a group outside the building as riot police, armed with shields, formed a human barrier across Court Road.

Police were instructed to disperse the crowd.

Relatives regrouped in a parking lot at the end of Court Road.

AGREED

There they were addressed by Mr E Mohamed, of E Moosa and Associates, who appeared for some of the accused.

"We are consulting with all the accused and have explained the situation to them. They have agreed to be quiet if their families are allowed back in court," Mr Mohamed said.

He said he would convey this to the magistrate and request permission for the families to be allowed to return to court.

Earlier, police and traffic policed cordoned off roads around the court. Only relatives who produced a permit were allowed to attend.

Security personnel searched all handbags outside the court.

D D 29/3/88

Accused's statement judged as admissible

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EAST LONDON — The regional court yesterday judged the contents of a "pointing out document" and a statement by an alleged Queenstown terrorist to be admissible evidence, following a trial-within-a-trial.

The statement in question was made by Mr Fikile Gwadana, who is alleged to have prepared and planted an explosive device in the Fred Pettit Centre in Queenstown on June 28, 1986.

Defence counsel, Mr J. Poswa, had requested a trial-within-a-trial as he said the onus rested on the state to prove beyond reasonable doubt that the statement had been made voluntarily.

The magistrate, Mr D. Cronjé, said the court had carried out a detailed investigation on the matter, as the defence had raised several valid objections.

Analysing Mr Poswa's argument, Mr Cronjé pointed out that statements were equally admissible, whether made to a magistrate, a police officer or an ordinary policeman.

Administration procedure and routine questions were designed to prevent malpractices, but if they were not all observed, the statement was not necessarily inadmissible, he said.

"Breaches in routine administration may carry weight in determining whether or not the statement was made voluntarily, however," he said.

Mr Cronjé added that the state had called and questioned four police witnesses regarding the circumstances under which the statement had been made, but the defence had limited its allegations of "undue influence" to only one of these witnesses.

He had denied the allegations, and since there was no evidence to contradict his denial, it was not the duty of the court to seek out other possible influences, Mr Cronjé said.

"The court is under no obligation to engage in speculation and examine all other possible explanations, since doubt must be based on reasonable grounds."

Mr Cronjé said the state was therefore satisfied that it had proved beyond reasonable doubt that the accused had not been unduly influenced when making his statement.

The trial continues today, and the state will call a witness to testify on the contents of the statement.

Mdantsane men found guilty of terrorism

DIP 29/3/88

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Daily Dispatch Reporter

MDANTSANE — A former chairman of the East London-Mdantsane Committee of Ten, Mzwandile Mampunye, 36, was found guilty in the regional court here yesterday of harbouring a terrorist and taking part in activities of the banned African National Congress.

Two co-accused, Xolile Matedesa, 29 and Xolani Ngudla, 22, were also found guilty of terrorism.

A fourth accused, Mr Newell Saku, also a member of the Committee of Ten, was acquitted when the state closed its case.

Matedesa was found guilty of terrorism and of being a member of the ANC while Ngudla was found guilty of terrorism and possession of a limpet mine.

Sentence will be passed today.

30 1988

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Wynberg gathering was baton-charged

Staff Reporter

POLICE used batons to disperse a crowd outside the Wynberg Magistrate's Court when 11 people appeared on charges of treason.

The Argus covered yesterday's court proceedings but was unable to report on the incident outside the court building in terms of the emergency regulations.

The police unrest report stated today that "at Wynberg (Cape Town) a group of blacks gathered illegally outside the local court building and refused to disperse. Police used batons to disperse them. No injuries or arrests were reported".

● Other incidents in the unrest report included the wounding of a 28-year-old municipal policeman by an unknown gunman in Dobsonville, Soweto, reports Sapa.

A woman was seriously injured when she was shot by an unknown gunman at Mpumalanga near Hammarsdale, Natal.

Police made more than 100 arrests when a large group gathered illegally at Longdale, Transvaal, and refused to disperse.

In a similar incident police used batons and dogs to disperse a large group of blacks in Industria, Johannesburg.

In Umlazi, Durban, arsonists caused "fairly extensive" damage to a house.

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'Addo 4' will not be hanged today — dept

PRETORIA. — The Department of Justice said yesterday that reports that four members of the Addo Youth Congress were to be executed today were wrong.

A spokesman said the "process" leading to the execution of the four murderers had not been finalized yet. The "process" refers to the period within which those on death row can make representations for clemency or an effective postponement of their execution.

It could not be established when the four — S Wonci, M Menze, M Makeleni and N Sephenuko — would be executed.

Seven men were hanged yesterday, taking the number of executions on the Pretoria gallows to 36 this year.

White brothers Benjamin and Dirk Roussouw were convicted of a murder in Vryburg, black brothers Richard, Sihle and Victor Mzinane for a murder in Ladysmith and Sipho Mahala and Lungile Rewu for a killing in Port Elizabeth. — Sapa, Sapa-Reuter

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No bail for 11 treason accused

Court Reporter

TWO women who were detained for almost six months and who appeared in Cape Town Magistrate's Court yesterday, will join 11 alleged ANC members or supporters in Wynberg Regional Court on July 5.

At their second appearance yesterday, Mrs Colleen Lombard, 38, of Monte Video, and Ms Zurayah Abass, 35, of Maitland, were not asked to plead and no formal charges were put to them. Bail of R3 000 each was extended.

The Attorney-General had issued a certificate preventing bail for the 11 who emerged from the cells at Wynberg Regional Court with clenched fists raised. Facing the public gallery, they sang "Nkosi Sikelel' i'Afrika" and failed to see the magistrate, Mr A S McCarthy, entering.

Questioned by Mr McCarthy, defence attorney Mr A Corbett tried to take instructions but could get no response.

Mr McCarthy ordered the court cleared. The 11 were sent back to the cells, and the police forced family members out of the courtroom and back down the corridor towards the lifts. Mr McCarthy ruled that the public, including family members, would be barred from the court unless evidence was led.

In their absence, Mr Tony Sithembiso Yengeni, 33, Ms Jenny Schreiner, 31, Ms Lumka Elizabeth Nyamza, 25, Mr Michael Mzimkhulu Lumbambo, 35, Mr Mbutu Richmond Nduku, 26, Mr Wellington Mongomeli Nkwandla, 31, Mr Mtheteleli Titana, 26, Mr Gary Kruser, 27, Mr Christopher John Giffard, 27, Mr Sitlaboçha Charles Mohale, 37, and Mr Alpheus Nkwana Ndude, 45, were remanded till July 5.

The charge sheet indicates that they may be charged with treason alternatively terrorism as defined by the Internal Security Act.

After a recess, Mr Corbett said his clients had undertaken not to sing on condition that their family members were allowed in the court. Mr McCarthy said: "I have no intention of allowing them in this court today."

Mr R Vassen for Mr Titana, said the 11 had been singing a hymn. Mr McCarthy said the court was "not a church".

The attorneys placed on record that when police fetched the 11 from Pollsmoor Prison yesterday, some of them had allegedly been manhandled and thrown into the vehicle by Captains Du Toit and Liebenberg. Ms Nyamza had allegedly been ill-treated by police at the court.

Mr Vassen said Mr Titana, who was on crutches, was thrown into a truck by police. As a bullet was still lodged in his body, he could have been seriously injured.

PROSecutor Mr P Mostert said police wished to deny the claims.

Ms C Burger of E Moosa and Associates and Mr V Saldanha also appeared for the 11.

12 found guilty of terrorism in Witbank

Eleven men and a woman were convicted in the Bethal Regional Court yesterday on terrorism charges relating to unrest and the establishing of "peoples' courts" in the Witbank area in 1986.

They were acquitted of alternate charges of subversion and public violence and 12 counts of attempted murder.

All had pleaded not guilty to all charges.

The court found the 12 convicted were members of, supporters of, or sympathisers with the African National Congress and attempted between July 1985 and July 1986 to establish in the Witbank area constitutional, political, industrial, social and economic structures alternative to the existing State structures.

Street, block and area committees were formed.

The accused incited, politicised and mobilised the inhabitants of Witbank's black townships to achieve these goals, according to the State case, based on the evidence of two witnesses identified as X4 and X8.

Those convicted were: the regional chairman of the National Union of Mineworkers, Mr Clement Zulu (30), of Landau Mine, Witbank; Mr Jerry Lentsoane (34), of Thushanang, Witbank; Mr David Maloma, no age given, of Thushanang; Miss Gloria Twala (18), of Ackerville, Witbank; Mr Abraham Sebopela (23), of Thushanang; Mr Sylvester Siboza (23), of Lynnville; Mr Stanley Phanlamohlake (18), of Thushanang; Mr Lazarus Chiwayo (19), of Lynnville; Mr Elias Bennet Nkosi (29), of Ackerville; Mr Mpini Mokoena (22), of Thushanang; Mr Banda Khoza (23), of Lynnville; and Mr Peter Mnisi, no age or address given.

Seroke faces terror charge

Sowetan 30/3/88

A DIRECTOR of Skotaville Publishers, Mr Jackie Seroke (27) and two other men are due to appear in the Johannesburg Magistrate's Court on April 7 on charges of terrorism.

This was confirmed by a spokesman for a firm of lawyers representing Mr Seroke of Tembisa, Mr Mandla Cele (24) of KwaMashu and Mr Thembinkosi Kolongo — no age given.

Disappeared

Mr Seroke disappeared on September 8 last year.

He is a member of the African Writers' Association and the Mafube Arts Commune. The three appeared in court for the first time on March 11.

DD 30/7/88

Terror trial postponed (33)

EAST LONDON — The Queenstown terrorism trial in the regional court here has been postponed to July 18.

Mr Fikile Owen Gwadana, 37, and Mr Mzwabantu Errol Dapula, 29, have pleaded not guilty to terrorism and other related charges.

Their trial is a sequel to an explosion after a device was placed at the Fred Pettit centre in Queenstown on June 28, 1986. The accused are in custody. — Sapa

Four convicted of executing alleged informer

D/D 30/3/88

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Daily Dispatch Correspondent

GRAHAMSTOWN — The men who murdered an alleged police collaborator in Kwanobuhle had taken the law into their own hands and had, in the pursuance of political objectives, committed a public execution of a man they believed had betrayed them.

This was said in the Grahamstown Supreme Court yesterday by Mr Justice van Rensburg who found that no extenuating circumstances existed for any of the four men who were convicted of the murder of Mr Thozamile Michael Dondashe on October 24, 1985.

The four were: Mthetheleli Lucas, Tozamile Mooi, Gilindoda Gxekwa and Vuyani Jacobs.

The judge said words could scarcely describe the horror and disgust with which this type of killing must be viewed by the community.

Because Mr Dondashe was believed to be an informer, he had been forcibly removed from his home by a crowd and taken to a secluded spot in the bushes where his head was chopped open and he was set alight.

The judge said the fact that the axe blow which had caused Mr Dondashe's death had not been delivered by any of these four men did not render their actions less morally reprehensible.

The court found that the four were directly involved in the proceedings leading to the death of Mr Dondashe.

Lucas was one of the people who entered the home of Mr Dondashe to fetch him. He also held his arm on the way to the bush and admitted to assaulting him five times. He said in a statement that he had tied Mr Dondashe's feet together before he was set alight.

Apart from entering the house, Mooi had been present with the group which took Mr Dondashe to the place where he was killed. He assaulted him on the way and again after Mr Dondashe had pleaded for his life.

Gxekwa had been seen armed with an axe at the Dondashe home. He admitted to stabbing Mr Dondashe twice.

For some reason, Jacobs had attempted to exonerate the other accused by taking all the blame on himself. He did not impress the court favourably when he gave evidence. It was clear that as a "general", he was the commanding officer of the comrades in Uitenhage and on his own admission was in charge of the proceedings on the day. He was one of the people who decided to kill Mr Dondashe.

Arguing in mitigation of sentence for the six who were convicted of public violence on the same charge of murder, Mr D Chetty, for the defence, submitted that all six had spent more than two years in prison awaiting trial.

They had spent an "extremely long" time in custody and the court should bear this in mind when passing sentence.

Mr G. Bursey, for the state, said there was a strong possibility that, if the accused were given too light a sentence, they would go out and commit similar offences.

The trial continues today.

Advertisement

THE STATE V. MOSES MAYEKISO

Why American Jurists Are Monitoring The Mayekiso Trial

Moses Mayekiso, a leading trade unionist, currently faces treason charges in a trial that resumed February 1 in a Johannesburg court. Widespread international attention has focused on this case, beginning with Mayekiso's arrest in June, 1986, and continuing during the onset of his trial last October.

A committee of prominent American jurists formed four months ago to monitor the Mayekiso trial, because of its worldwide importance. The jurists' group includes a former Justice of the United States Supreme Court (America's highest judicial body), a former Attorney General, a number of Appeals Court judges and other prominent legal figures.

One member of the Committee visited South Africa last year and acquainted himself with the facts of the case. It is hoped that one or more of this distinguished jurists' group will be permitted to enter South Africa to observe portions of the Mayekiso trial.

Mayekiso is general secretary of the National Union of Metalworkers of South Africa (NUMSA) - the second largest black trade union and an affiliate of the Congress of South African Trade Unions (COSATU).

He and four others - Paul Tshabalala, Richard Mdakane, Obed Bapela and Mzwanele Mayekiso - are accused of undermining government administrative and judicial authority in Alexandra township through alleged support for rent and consumer boycotts and "people's courts".

Observers believe the Mayekiso case is crucial because it could determine the legal parameters of a number of political activities that have occurred throughout the country during the past few years.

The American Jurists Committee monitoring the case of Mayekiso convened at the invitation of United Auto Workers Union President Owen Bieber. The Committee will monitor fairly and accurately the quality of justice being administered in this trial and report to the American public on the proceedings as they develop.

The Committee believes the trial of Mayekiso and his four co-defendants raises critical questions about fundamental issues of justice and due process under law. The case is an unparalleled test for South Africa's legal system beneath the spotlight of international opinion.

MEMBERS OF THE AMERICAN JURISTS COMMITTEE MONITORING THE CASE OF MOSES MAYEKISO

GRIFFIN B. BELL

Judge Bell is a former Attorney General of the United States. He now is a senior partner with the law firm of King & Spalding based in Atlanta and Washington. For nearly 15 years he served on the U.S. Court of Appeals for the Fifth Circuit until late 1976. Formerly he was the President of the American College of Trial Lawyers.

WILLIAM T. COLEMAN, JR.

Formerly the Secretary of the U.S. Department of Transportation during the Ford Administration, Mr. Coleman is currently Board Chairman of the NAACP Legal Defense and Educational Fund and is a partner in the law firm of O'Melveny & Myers based in Los Angeles and Washington.

ARTHUR J. GOLDBERG

Justice Goldberg served on the U.S. Supreme Court from 1962 through 1965 following two years as Secretary of the U.S. Department of Labor during the Kennedy Administration. He has served as the U.S. Ambassador to the United Nations and as a law professor, and currently is in private practice in Washington.

MARVIN E. FRANKEL

For 13 years Judge Frankel served on the U.S. District Court for the Southern District of New York and since 1978 has been in the private practice of law in New York City. He also has been a law professor at his alma mater Columbia University and a prolific writer of legal articles.

ELIZABETH HOLTZMAN

Following her eight years as a Member of the U.S. Congress representing part of New York City, Ms. Holtzman in 1981 was elected the first woman District Attorney (for Brooklyn) in the history of the city. She served on the House Judiciary Committee during the impeachment hearings of Richard Nixon and on the House Budget Committee.

DAMON J. KEITH

For the past 10 years Judge Keith has served on the U.S. Court of Appeals for the Sixth Circuit. A former President of the Detroit Housing Commission and Chairman of the Michigan Civil Rights Commission, he has won dozens of public service awards and holds more than 20 honorary doctoral degrees.

ABNER J. MIKVA

Judge Mikva since 1979 has served on the U.S. Court of Appeals for the District of Columbia. Previously for 10 years he served as a Member of the U.S. Congress representing north Chicago, serving on the Judiciary and Ways & Means Committees. Judge Mikva currently also teaches law at Georgetown University and is the co-author of a political science textbook on Congress.

ELEANOR HOLMES NORTON

Professor Norton serves on the faculty of the law school at Georgetown University. She is the former chair of the U.S. Equal Employment Opportunity Commission. An authority on affirmative action, labor law, race and sex issues, she also serves on the Board of the Rockefeller Foundation and other institutions.

STEPHEN REINHARDT

Since 1980 Judge Reinhardt has served on the U.S. Court of Appeals for the Ninth Circuit. Previously he was a partner in a Los Angeles law firm where he also was President of the Los Angeles Police Commission. Judge Reinhardt served as the Secretary of the 1984 Los Angeles Olympic Organizing Committee and currently is a member of the executive committee of Yale Law School.

BENNO C. SCHMIDT, JR.

In 1986 Benno Schmidt became the 20th President of Yale University. Formerly the Dean of the Columbia University Law School, he is a legal scholar specializing in constitutional law and American law concerning mass communications and the history of race relations. Schmidt served as a law clerk to U.S. Supreme Court Chief Justice Earl Warren.

This ad is sponsored by the American Jurists Committee Monitoring the Case of Moses Mayekiso, and is paid for by the United Auto Workers Union, 1757 N Street, N.W., Washington, D.C., 20036 U.S.A. Telephone: (202) 828-8500.

desired results.

Capt Times 31/5/88

Pityana trial postponed

PORT ELIZABETH. — The former vice-president of the Port Elizabeth Black Civic Organization (Pebco), Mr Lizo Grant Pityana, 40, appeared briefly with 10 other people in the Magistrate's Court here yesterday on counts of terrorism and attempted murder. No evidence was led and the accused were not asked to plead. The case was postponed to June 3.

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

Man jailed for harbouring a terrorist

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The Argus Correspondent

EAST LONDON. — An Mdantsane community leader has been sentenced to two years in jail by a Ciskei court on charges of harbouring a terrorist.

Mzwandile Mampunye was sentenced by Mr J Dracatos in the Mdantsane Regional Court.

Mampunye is a former chairman of the Committee of Ten, which represented Mdantsane commuters during a lengthy and bloody bus boycott which began in 1983.

A co-accused, Xolile Matebese, was sentenced to six years on a count of terrorism, and another three years for membership of a banned organisation.

The court found he had had military training under the auspices of the ANC in Angola, and subsequently entered Mdantsane to carry out an unknown mission.

Mampunye was found guilty of having arranged accommodation for Matebese, but was acquitted on the main count of terrorism.

A third accused, Xolani Ngudla, was sentenced to six years for terrorism, and three years for illegal possession of a mine.

The charges were based on the discovery of a limpet mine in his home. Two years of Ngudla's sentence are to be served concurrently, and he will serve an effective seven years. The defence noted its intention to appeal.

Court trials 31/3/88

Bombers were 'indifferent' 331

Own Correspondent

MARITZBURG. — Three men who planted bombs which exploded at various public places in northern Natal and Durban had been "reckless and indifferent" as to the consequences of their action, a Supreme Court judge said before sending them to jail.

More than 60 people were injured and damage estimated at R278 871 was caused in explosions in Pine Street, Durban, at Game Arcade, Newcastle, the Newcastle Magistrate's Court and at Glencoe railway station.

Mr Justice Broome, sitting with two assessors, sentenced Thuso Tshika, 22, of Lamontville, to 15 years in jail; Mtunzi Sithole, 24, of Newcastle to nine years, and Thembinkosi Nkosi, 19, also of Newcastle, to 16 years.

P/D 3/1/88

20 years' jail for three

MDANTSANE — A former chairman of the Mdantsane Committee of Ten, Mzwandile Mampunye, was sentenced to two years imprisonment in the regional court here yesterday for taking part in the activities of an unlawful organisation, the ANC.

Mampunye and two other accused were sentenced to a total of 20 years imprisonment when they were found guilty in the Ciskei terrorism trial.

Xolile Matabese, 29, a Transkeian, who was described as an Umkhonto we Sizwe militant, was jailed for nine years on the charge of terrorism, and three years for being a member of an unlawful organisation, the ANC.

Mzwandile Mampunye, 35 and Xolane Ngundle, 24, both of Ciskei were jailed for a total of 10 years.

Abass, Lombard in court

TWO women, named in the Wynberg treason trial, appeared briefly in the Cape Town Regional Court this week.

Ms Colleen Lombard, 38, of Monte Video, and Ms Zuraya Abass, 35, of Maitland, were not asked to plead and no formal charges were put to them.

Their case has been postponed to July 5 at the Wynberg Regional Court. According to their attorneys, they will appear with the 11 people charged with treason for allegedly conspiring to further the aims of the African National Congress.

3/3-4/88

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Sapa

Fifty barred from ANC trial

POLICE forcibly removed people from the Wynberg Regional Court this week after 11 alleged ANC trialists were joined by family and friends singing freedom songs and Nkosi 'Sikelel' iAfrika with clenched fists.

This happened after the magistrate, Mr A S McCarthy, walked out of court when the trialists refused to stop singing.

Police were seen grabbing people in the gallery and dragging them out of court. Others alleged they were sjambokked outside the court.

Attorneys for the 11 put on record after a 30-minute adjournment that their clients had been manhandled at court and also at Pollsmoor Prison on the morning of their

• TO PAGE 8

Family and friends of 11 alleged ANC trialists filter out of the magistrate's court building after being barred from the hearing

• FROM PAGE 1

appearance.

Family and friends were barred from court after the adjournment and their seats were taken by plainclothes policemen.

Appearing on charges of treason, alternatively terrorism, were Tony Sitembiso Yengeni,33, Jennifer Ann Schreiner, 31, Lumka Elizabeth Nyamza, 25, Michael Mzimkhulu Lumbambo, 35, Mbuti Richmond Nduku, 26, Wellington Mongameli Nkwandla,31, Mthethelf Titana, 26, Gary Kruser, 27, Christopher John Giffard, 27, Sitlabocha Charles Mohale,37, and Alpheus Nkwana Ndude, 45.

Before their appearance there was a high police presence in and outside the court building. Uniformed police with dogs patrolled the aisles.

A policeman at the gate issued families with dockets which they had to present on entering the court.

Facing gallery

While the singing continued the magistrate entered the court. The trialists had their backs turned on him and were facing the gallery.

McCarthy asked defence attorney Mr Andrew Corbett whether the singing would continue much longer. Corbett tried unsuccessfully to consult his clients.

McCarthy then walked out of the court and ordered the families to be removed from court.

It is believed that four people were arrested outside the building.

The court proceedings resumed after 30 minutes in the absence of the families and the trialists.

The prosecutor, Mr P Mostert, said the attorney-general had issued a certificate refusing bail in terms of section 30(1) of the Internal Security Act.

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He asked for the case to be postponed to July 5.

Thrown in

Corbett, acting for Yengeni, Nyamza and Giffard, said his clients would return to court and they undertook not to sing if their parents were allowed to return to the gallery.

Magistrate McCarthy: "I have no intention of having the accused back in court today."

Mr R Vassen, appearing for Titana, said his client, who was using crutches, was thrown into a police van at the prison while a fellow trialist was assisting him.

"My client still has a bullet in his body," he said.

Mostert said police would like to place on record that the police arrived at Pollsmoor at 6.30am and had to wait until 7.50am for trialists to come from their cells.

Obscene

He said Yengeni refused to enter a police van. Nyamza refused to enter Wynberg Court and tried to bite and kick a policeman.

Schreiner and Nyamza used foul and obscene language at members of the SAP.

Mostert opposed an application by the defence to allow families in court. He said the families did not respect the dignity of the court.

"They did not show any remorse. How do we know they will not do it again?" he said.

McCarthy said the family would be allowed in court when evidence was led.

3 bombers get heavy sentences

Own Correspondent

MARITZBURG — Three young men who placed bombs in and near buildings in Durban, Newcastle and Glencoe were sentenced to jail terms of nine to 16 years by Mr Justice Broome in the Supreme Court here yesterday.

Thuso Tshika (24) of Lamontville, who placed a limpet mine in Game Discount Store in Durban's West Street, was jailed for 15 years.

Mtunzi Sithole (24) of Osizweni, who bombed Game Arcade in Newcastle was given nine years.

A term of 16 years was given to Thembinkosi Nkosi (19), also of Osizweni. He placed a bomb at the Newcastle Magistrate's Court, injuring 42 people.

The judge said the bombings and other attacks on people and buildings were cowardly acts committed by stealth.

They were recklessly indifferent about the consequences of their acts and death could easily have resulted.

Sowetan 31/3/88

'Detainee can go to court'

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THE Appeal Court in Bloemfontein has upheld a woman's application to have her detained husband appear in court.

The court upheld an appeal by Mrs Lindiwe Monica Nkwentshe, of Keiskammahoek, against the refusal of the Judge President of the Eastern Cape, Mr Justice J P G Eksteen, on November 18, 1986, to grant an order for her husband, Mr Thozamile Winston Nkwentshe, of Zwelitsha to be produced in court and take part in the proceedings.

Mr Nkwentshe was detained under the emergency regulations on July 1, 1986, and his wife brought the application against the Minister of Law and order and the Commissioner of the South African Police.

Sapa

At issue was the legality of his detention but when the matter came before the Eastern Cape court, Mr Nkwentshe was not brought to court although a subpoena had been served on him because the Minister had declined to allow him to go to court and had relied on Emergency Regulation 3(10) for this.

Altered

Mr Justice Vivier, with the concurrence of the Acting Chief Justice Mr Justice Rabie, Mr Justice van Heerden, Mr Justice Hefer and Mr Justice Grosskopf, altered Mr Justice Eksteen's order to read: "It is ordered that the detainee be brought to court on a date to be fixed by the registrar to give *via voce* (oral) evidence in the present proceedings. Respondents are ordered to pay the costs of the application." — Sapa.

100 unionists to seek bail

Sowetan 31/3/88

MORE than 100 members of the Food and Allied Workers' Union appeared in the Johannesburg Magistrate's Court yesterday.

They were charged with intimidation.

They appeared before Mr J J B Esterhuizen, and were not asked to plead. Their case was postponed to today for a bail application.

They were arrested in Industria on Tuesday and appeared with blood-stained clothing while others had bandages on their heads, arms and legs.

'No extenuation for three murders'

McBride's appeal against death fails

BLOEMFONTEIN — The Appeal Court has dismissed an appeal by Robert John McBride against the finding that there was no extenuation for the murders of the three women who died as a result of the car bomb explosion on the Marine Parade, Durban, on June 14, 1986.

On April 13, 1987 the Natal Supreme Court found there was no extenuation and sentenced McBride, of Wentworth in Durban, to death for each murder.

The Appeal Court emphasised that in the absence of misdirection or irregularity, of which there was none, the question which it had to consider was: Was the majority decision of the trial court one to which no reasonable court could have come?

Mr Justice Corbett — with the concurrence of Mr Justice Viljoen, Mr Justice Hefer, Mr Justice Grosskopf and Mr Justice Vivier — said he was of the view that the question must be answered negatively.

There was, accordingly, no ground for interference with the majority decision of the trial court on the issue of extenuating circumstances.

In his judgment the judge had re-stated the principles by which the Appeal Court is guided when asked on appeal, in a case of murder, to reverse a finding by the trial court that there were no extenuating circumstances.

EXTENUATION PRINCIPLES

These are that the decision as to the existence or otherwise of such circumstances is, in the first instance, essentially one for the trial court; and in the absence of any misdirection or irregularity the Appeal Court will not interfere on appeal with the trial court's finding as to the non-existence of extenuating circumstances unless that finding is one to which no reasonable court could have come.

The judge said that it was clear that the majority of the trial court had weighed the nature of the crime committed by McBride, together with the various grounds of extenuation that had been mentioned in the Appeal Court judgment, in passing a moral verdict on the conduct of McBride.

In doing so, they acted in accordance with the legal position and committed no misdirection. Counsel's first ground for interference with the majority decision could accordingly not succeed.

The same went for the related submission that the majority of the court misdirected themselves by weighing the extenuating features against the aggravating features and finding that the latter outweighed the former.

The judge said that if by this was meant that the majority of the court had regard to the nature of the crime and the manner of its commission in passing moral judgment, they were guilty of no misdirection.

The submission that the majority of the court had misdirected it self by having regard to the identity of the victims was not well-founded in law and was no ground of misdirection. — Sapa.

DD 31/3/88

4 Uitenhage men sentenced to death

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Daily Dispatch Correspondent

PORT ELIZABETH — Vuyani Jacobs, who described himself as a "general in the comrades", shouted "Viva!" after he and three other Uitenhage men were yesterday sentenced to death by the Grahamstown Supreme Court for the murder of an alleged informer.

This is the second time Jacobs, 21, has been sentenced to death and the third time Gilindoda Gxekwa, 25, has received a death sentence for an unrest related case.

The other two men sentenced to death yesterday for the killing of alleged police collaborator Mr Thozamile Michael Dondashe on October 24 1985 were Tozamile Mooi, 27, and Mthetheleli Lucas, 24.

The four were not given an opportunity to speak before sentence was passed, but Jacobs shouted "Viva!" immediately after sentence.

Both Gxekwa and Jacobs were sentenced to death last month in the Supreme Court here for the murder of another alleged informer in Kwanobuhle.

And last year, Gxekwa was sentenced to death for a necklace murder.

Jacobs was also sentenced last year to 17 years imprisonment for a necklace murder and to 10 years in 1986 for attempted murder.

Yesterday, Mr Justice van Rensburg also passed sentence yesterday on the six men convicted of public violence on the same charge of murder.

He said found the six had joined in with the activities of the crowd that had gathered at the home of Mr Dondashe on the night in question.

Were it not for the fact that they had been awating trial for two years, their sentences would have been much heavier, Justice van Rensburg said.

Njamana Kinikini, 18, and Fumanekile Boyce, 18, were sentenced to three years imprisonment, of which 18 months were suspended for five years.

Tembile Matana, 28, and Sipho Nxele, 21, were sentenced to an effective three years imprisonment. They received four years, of which 12 months were suspended for five years. Both had previous convictions.

Philip Kinikini, 22, was sentenced to four years, of which 18 months were suspended for five years.

Morris Michael, 20, will serve an effective two years in prison. He was sentenced to thr years, of which months were suspended

(31)

The State's allegations against Yengeni, others

ELEVEN alleged members or supporters of the African National Congress appeared in the Wynberg Regional Court this week on charges under the Internal Security Act.

In a 44-page indictment the State alleges they conspired to further the aims of the ANC.

Under an alternative charge it is alleged they intended to overthrow the State and committed acts of violence or performed acts aimed at causing violence.

The men and women are Tony Sitembiso Yengeni, 33, Jennifer Ann Schreiner, 31; Lumka Elizabeth Nyamza, 25, Abednego Bongani Jonas, 28, Michael Mzimkhulu Lumbambo, 35, Mbutu Richmond Nduku, 26, Wellington Mongameli Nkwandla, 31, Mthteleni Titana, 26, Gary Kruser, 27, Christopher John Giffard, 27, Sitlabocha Charles Mohale, 37, Alpheus Nkwana Ndude, 45, Zurayah Abass, 35, and Colleen Lombard, 37.

Jonas is mentioned in the list of accused persons, but separate allegations against him have been removed from the charge sheet. He, however, features prominently in allegations against others.

The State alleges Tony Sitembiso Yengeni received military training in Angola and Russia between 1978 and 1980; that he worked for the ANC in Lesotho, including the organisation's Regional Military Council "responsible for the infiltration of trained members into the Republic"; and was a member of the "political department of the ANC machinery" in Lesotho.

The State also claims he entered South Africa from Lesotho and lived in the Cape Peninsula to make contact with ANC members; to arrange accommodation for ANC members; and receive and store explosives, arms and ammunition for the use of ANC members.

During May and July 1987 he allegedly received explosives, arms and ammunition which he stored in his house in Lansdowne.

The State alleges he supplied explosives to Jonas for use in attacks on the Athlone Magistrate's Court and various service stations; that in mid-July 1987 he informed Jennifer Schreiner they were to use an explosive device at Castle Corner, Tennant Street, Cape Town, the quarters of married members of the South African Defence Force.

Schreiner allegedly bought six gas cylinders and stole a car. She and Yengeni allegedly attached two mini limpet mines to the gas cylinders.

She allegedly drove the car to the area as instructed, pulled the safety pin and made her way back to Yengeni.

The car bomb exploded causing extensive damage to the building and parked vehicles in the area.

On July 21 Yengeni allegedly informed Schreiner that DF Malan Airport would be their next target. On the same night Schreiner allegedly placed two limpet mines, given to her by Yengeni, in two toilets in the airport building.

Lawyers briefing friends and family outside court this week

One exploded, causing extensive damage, while the other was exploded by the SA Police under controlled circumstances.

Midway through 1987 Yengeni and Schreiner allegedly transported explosives, arms and ammunition from Yengeni's house in Lansdowne to Schreiner's flat in Wynberg for safekeeping.

At the time of Yengeni's arrest on September 16 1987 he was allegedly in the possession of a Makarov pistol and two loaded magazines.

AK47 assault rifles and magazines, ammunition, limpet mines and mini limpet mines, mechanical timers, detonators and other military equipment were found in Schreiner's flat, the State alleges.

Apart from her involvement in the bombings, the State also alleges that Schreiner received training in "the politics of mass organisation" from the ANC in Botswana in 1979; that she had been instructed to gather information for the ANC in Cape Town; that during 1986 she also received training in the principles of underground work and the perspectives of the ANC, the South African Communist Party (SACP) and the South African Council of Trade Unions (Sactu) in Harare, Zimbabwe.

She was allegedly instructed to do propaganda work for the organisations in Cape Town, to link up with people sent by the ANC to the Western Cape , to give political guidance through propaganda, and to link up with Giffard to instruct him to work with her.

Between 1986 and 1987 she allegedly produced and distributed leaflets on an academic boycott, detentions, May Day, the ANC's response to the State of Emergency, National Women's Day, "A Call on White South Africa" and "Taking People's War into the White Areas".

The State quotes the latter pamphlet: "No regime, even in a period of crisis, falls of its own accord — it has to be pushed over. That is our target."

The State further alleges she went to Harare in October or November 1986 and reported to the ANC on organisations and the political climate in the Western Cape.

On her return she allegedly brought back to Cape Town R10 000 in cash, certain codes and a message for Yengeni.

After her return she allegedly became responsible for the funds of the ANC in the Western Cape, then rented a house in Lansdowne and a flat in Wynberg to accommodate ANC members and store explosives, arms and ammunition.

Early in 1987 she allegedly again visited the ANC in Harare, where she met Chris Hani, the Supreme Commander of Umkhonto we Sizwe, the military wing of the ANC.

They discussed details of her propaganda work, steps to be taken to ensure regular funds reached ANC members in the Western Cape, and how to get more trained personnel and equipment into the region, the State alleges.

She met the ANC leadership in Harare and was briefed on underground action, the cultural boycott and the strengthening of worker participation in the ANC, SACP and Sactu.

Early in 1987 Schreiner allegedly instructed Giffard to fetch Nyamza from Swaziland.

After the two bomb explosions Schreiner and Yengeni drafted a letter to the press to explain reasons for the explosions, the State says.

Under the State's allegations against Schreiner it is also claimed Yengeni and "one Max Ozinsky" travelled to Botswana in August 1987 to help Mzwandile Vena enter South Africa unlawfully.

The object of Vena's journey to the Western Cape was allegedly to replace Lizo Bright Ngquangwana as commander of the Western Cape mili[illegible] ANC.

porters, is alleged to have undergone military training in Lusaka, Zambia, and elsewhere in 1984.

During May 1986 he and two other militarily trained members of the ANC allegedly entered South Africa from Botswana through Bophuthatswana and made their way to the Western Cape. Titana had an AK 47 rifle, a pistol and four hand grenades in his possession, it is alleged.

They allegedly made contact with Yengeni in 1986, with Titana instructing two members of the ANC known as "Rasta" and "Mickey" in the use of firearms, ammunition and explosives.

In June 1987 Titana allegedly received a number of hand grenades from Jonas which were given to Rasta and Mickey to carry out attacks on houses of people regarded as enemies of the ANC. Four such attacks were allegedly carried out by them.

At the time of his arrest on September 19 1987 he was in the possession of an AK 47 rifle with three magazines, seven offensive hand grenades, one defensive hand grenade, eight striker mechanisms and 90 rounds of AK 47 ammunition, the State says.

In July 1987 Gary Kruser was asked to travel to Botswana to collect something for the ANC, the State alleges.

Eustuce Nyerenda is alleged to have supplied him with a car, R1 000 in cash and a concealed note to buy explosives, which were hidden in the car by ANC members in Botswana.

In August 1987 he was again approached to go to Botswana and there received certain messages which he conveyed to Jonas on his return, the State alleges.

He allegedly arranged to meet Jonas on a regular basis at Cine 400 cinema in Athlone where he was arrested on September 21 1987.

The State alleges Christopher Giffard was introduced by Schreiner to an ANC member in September 1984; that this person requested him to take a report to Botswana; that he was unsuccessful, but delivered the report to the ANC in Zimbabwe.

In January 1985 he allegedly received training in underground political work in Zimbabwe and received instructions from the ANC to establish an organisation to assist South Africans who refused to do military training.

He was also allegedly instructed to communicate with the ANC in Zimbabwe in code and invisible ink.

Durin[illegible] November 1985 the

assurance
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South March 31 – April 6
1988

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Ngquangwana had been arrested by the South African Police.

State allegations against Lumka Elizabeth Nyamza include:

• She worked for the ANC with Yengeni in Lesotho between 1980 and 1986, and she was particularly active in the women's section of the ANC in 1984.

• She unlawfully entered South Africa in 1982 and was met on the South African side of the border by Giffard.

• She stayed with her husband Yengeni in Lansdowne and assisted him in furthering the aims of the ANC in the Western Cape.

• In May and July 1987 she went to Botswana to obtain funds for the ANC in the Western Cape. In Gaborone she made contact with ANC members.

• At her arrest on September 16 1987 a Makarov pistol and two magazines filled with ammunition was found in her possession.

Michael Mzimkulu Lumbambo is alleged to have received training in the use of firearms and explosives in or near Cape Town; that three of the accused, including Lumbambo, were given hand grenades by Abednego Jonas for an attack on a house in Crossroads during 1987; that it was decided not to attack the house.

It is further alleged that on July 19 1987 Lumbambo and Nduku allegedly accompanied Jonas and a fourth person to Palm Tyres in Maitland where two limpet mines were set; that one exploded, causing damage to the petrol pumps and the premises of Palm Tyres; that a limpet mine was also set at Willquix Motors in Plumstead, but it was exploded under controlled conditions by the South African Police.

Lumbambo was in possession of hand grenade with a detonator at his arrest on September 22 1987 in Guguletu, the State alleges.

Mbutu Richmond Nduku is alleged to have received training in the use of firearms and explosives from Jonas, and to have been involved in the aborted attack on the Crossroads house and the placing of limpet mines at petrol stations.

Wellington Mongameli Nkwandla allegedly also received training in the use of firearms and explosives, and was involved in the aborted attack on the Crossroads house.

At his arrest he was allegedly in possession of a limpet mine, two mini limpet mines, two limpet mine detonators and one mechanical detonator.

Mtheteleni Titana, or Jonas Cele [illegible], as he is known to ANC supporters, allegedly left South Africa in 1983 and went to Botswana where he met ANC members. He allegedly received training in the use of firearms and explosives, and returned to South Africa where he was arrested by the South African Police.

He allegedly made a statement to the police in which he implicated Lumbambo and Nduku in the attack on the Crossroads house.

Titana allegedly also received training in the use of firearms and explosives, and was involved in the aborted attack on the Crossroads house.

Titana

South NEWS

State witness Webster's accomplice

PIETERMARITZBURG - A State witness told the Supreme Court here how he and Gordon Webster, the alleged ANC member who was sprung from a Maritzburg hospital to escape a police dragnet last year, went to various bomb targets.

Webster has pleaded not guilty to a charge of murder, attempted murder and 12 charges of terrorism before Mr Justice McCreath and two assessors.

The evidence was led by an unidentified state witness said to have been Webster's accomplice. The witness, who is the third state witness giving evidence in camera against Webster, said he was to have taken part in a plan to plant explosives at three electricity sub-stations in 1986, and has linked Webster to the Jacobs "Bobby-trap" explosion south of Durban on April 9.

On that occasion, a police bomb expert, Colonel Robert Welman was extensively burned when he went to investigate the scene where the bomb exploded.

Welman and two others, Mr Mervyen Dunn and Sergeant Roelof Petrus Gerhardus van der Merwe, who accompanied him, were seriously injured when another device exploded. Welman later died in hospital on April 30 while the other two survived the burns.

The murder and attempted murder charges Webster faces are in connection with Welman's death and the injuries sustained by the other two.

According to the State witness, three other electricity sub-stations were targeted to be blown-up simultaneosly at the Natal Midlands town of Mooi River.

The plan had fallen through after Webster was shot by police in Maritzburg and later admitted to Edendale Hospital, where he was sprung to freedom before being recaptured late last year.

His daring escape story hit international headlines when he resurfaced in London to give evidence under special circumstances in a bid to save his friend and comrade-in-arms, Mr Robert Mcbride, sentenced to hang three times for the Magoo's Bar bombing, and presently on death row.

Limpet mines

During his testimony the witness described to the court how on January 10, a day after Welman was injured, Webster bought a copy of the daily newspaper and when they were at his home, showed him pictures of Welman and Dunn in hospital.

The witness also alleged that during the operation at Jacobs they had been accompanied by Mcbride and his co-accused, social worker Greta Apelgren. She allegedly picked them up from a warehouse at Jacobs after they had planted four limpet mines.

The witness also told the court that he accompanied Webster to an electricity sub-station in the Camperdown District one night in February 1986.

On arrival Webster gave him a F1 handgrenade.

Webster cut through two fences using bolt cutters and entered. He went to the transformer and when he returned he showed the witness a pin from a SPM limpet mine.

"I realised there was going to be an explosion," he said.

Two weeks later, the witness claims to have accompanied Webster to the Shongweni/Assagay turn-off on the N2 from Durban to Maritzburg. He and another man dropped Webster and picked him up two hours later.

In the vehicle Webster showed him two pins from SPM limpet mines. Earlier, the witness told the court that Webster trained him in the use of guns and handgrenades, and how to attack electricity sub-stations.

He had been introduced to Webster at Machibiza, a Maritzburg black township. They discussed politics and Webster said he was a member of the ANC and asked the witness to join the organisation.

The witness claims to have agreed to join the ANC because he was unemployed at the time, and also because he was afraid his life was in danger if he refused.

"I realised that if I failed to join something bad might happen to me," he said. The hearing continues. - CONCORD NEWS AGENCY

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Electricity Struggles	1983	50c
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TOTALITARIANISM - POLITICAL TRIALS

1988

APRIL

Eight appear in courts on ANC related charges

Daily Dispatch Reporter

UMTATA — Eight people charged with offences relating to the banned African National Congress in five separate cases yesterday appeared in the regional and magistrate's courts here for the hearing of the attorney-general's decisions.

Mr Mcebisi Mfo, who faces charges of terrorism and of possession of explosives and ammunition, was referred to the Butterworth regional court. The public prosecutor will decide on April 15 on a trial date.

Dr Warren Nombe and Mr Mhleli Mtadaka, who are charged with unlawful possession of firearms and ammunition and undergoing terrorist training, were remanded to 15 April in the Umtata regional court. The public prosecutor will fix the trial date.

Mr Justice Ncallangisa, charged with terrorism, appeared in the Umzimkulu magistrate's court. His trial was fixed for May 16 in the Mount Frere regional court.

Mr Ndibulele Ndzamela, Mr Pumzile Mayapi and Leonard Mdingi were committed to the Supreme Court on two counts of murder, four of terrorism and one of assisting terrorists, and their trial was set for May 30 up to June 3.

The two murder counts relate to the deaths of a child, Bhekinkosi Moffat Ntakane, and Mr Thomas Hudson, who died during an explosion at the Wild Coast Hotel at Mzamba on April 18, 1986.

Mr Teko Mokhou, is charged with sabotage and terrorism, and is alleged to have damaged the Cala Post Office by causing an explosion, and was remanded to April 15 for the attorney-general's decision as the public prosecutor said he had not been told anything.

Cape Times 6/4/88

UDF man in court

Staff Reporter

UNITED Democratic Front executive member Mr Willie Hofmeyr appeared briefly in the Magistrate's Court yesterday in connection with the contravention of a restriction order.

He was not asked to plead and no evidence was led. It is believed the charge may arise out of the fact that Mr Hofmeyr, 33, of Jarvis Street, recently moved house, possibly in contravention of the order.

Alleged PAC 3 on terror charges

Sowetan 8/4/88 331

By MONK NKOMO

THREE alleged members of the banned Pan Africanist Congress and its military wing, the Azanian People's Liberation Army, appeared in the Johannesburg Regional Court yesterday on charges of terrorism.

The three are Mr Jaki Seroke (28), of 244 Motheong Section, Tembisa, Mr Mandla Njabula Bula Cele (24), of L A 494, KwaMashu, Durban and Mr Thembi-Nkosi Patrick Khonongwe (24), of 3711 Unit 2, Mdantsane, East London.

They were not asked to plead and the magistrate, Mr T J le Grange, postponed the case to July 21.

A bail application for the three men will be heard in the same court on April 21.

The prosecutor, Mr J P Malan, indicated to the court yesterday that the State has already applied for a certificate from the Attorney-General that could prohibit the accused from getting bail.

The accused are facing charges of terrorism, membership of an unlawful organisation and four alternative counts of being in possession of explosives, pistols, ammunition and publications of the PAC.

The State alleges that Mr Seroke left South Africa on September 8 last year and, together with Mr Percy Ntsala, went to Boiswana and came back with 12 handgrenades, five Scorpion machine pistols, 11 magazines and a quantity of 7,65 mm round ammunition.

Mr Cele and Mr Khonongwe are alleged to have received military training in Lesotho or Tanzania, Lybia and Zimbabwe. They allegedly infiltrated into South Africa to commit acts of violence.

The State alleges that both accused hid weapons and ammunition near Tlapeng in Bophuthatswana.

All the accused were arrested on March 10 this year.

The three were represented by Advocates Dikgang Moseneke, Louis Skweyiya and Essop Patel.

Jailed for painting SA embassy red

Sunday Times
8 Jun 88
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A 25-YEAR-OLD man was recently sentenced to 14 days' imprisonment after being found guilty of throwing red paint at the South African embassy in London.

The sentence is a sequel to an incident on May 6 last year — South Africa's whites-only election day — when Adam Bowles and two others, all members of the London Anti-Apartheid Movement, smeared the front door of the South African embassy with red paint as a protest against the killing of six South African trade unionists.

Bowles, Liz Minczer (20) and Irene Minczer (18), were arrested and charged with causing criminal damage to the embassy estimated at R5 000. As a consequence of their actions the front doors of the embassy were closed for three days.

The Minczers were each fined R1 000 or 60 days.

During their trial the three acknowledged that they had smeared the paint, but argued that they had done so in order to prevent the commission of the more serious crime of apartheid.

Bowles told the court: "The United Nations has proclaimed that the South African Constitution is null and void and that any elections within these territories are null and void. What we are talking about is three people . . . taking action to stop the phony, proxy so-called elections taking place in London."

Twelve Witbank activists jailed for 'terrorism'

By MUSA ZONDI

IN a dramatic finalé to a six-month trial in the Bethal Regional Court, 12 Witbank community activists convicted of "terrorism" were last week sent to prison for periods ranging from three to seven years.

The trial centred on the massive "eruptions" resulting from school boycotts in Witbank's townships in 1985.

Thirty activists — members of the Witbank Parents' Education Co-ordinating Committee, the Witbank Youth Congress, or the Unemployed People's Congress — originally faced charges of terrorism, subversion, public violence and attempted murder.

Twelve were convicted of terrorism, but acquitted of the further charges, and a further twelve were acquitted on all counts. Six men who were discharged at the end of the state's case remain in custody in Witbank pending separate charges of murder.

The state's case was that the accused attempted to render South Africa "ungovernable" by creating "alternative" structures. It was held that the organisations acted in concert with the outlawed African National Congress, and that the acccused were sympathisers or active supporters of the ANC.

The accused were said to have "intimidated, mobilised, politicised and demoralised the masses".

After sentences were handed down one of those set free expressed sadness that many of his colleagues faced terms in prison. Sam Mkhabela, a representative of the WPECC, told the *Weekly Mail:* "You leave with mixed feelings, leaving behind people you had learned to live with. It is made worse by the gloomy atmosphere in this country today."

He said the organisations to which the trialists belonged were formed in response to the turmoil of the 1985/6 period. Their aim was to serve as a direct link between the youth (including students), parents, teachers and the educational authorities.

It was the efforts of these organisations, he said, which resulted in the resumption of classes in 1986, following an almost total boycott in 1985. The WPECC held negotiations with the Department of Education and Training.

The 12 who have been convicted are:

- Clement Zulu, 29, assistant Hostel Personnel Officer at Landau mine. Branch chairman and regional treasurer of the National Union of Mineworkers. Family breadwinner, married with four children. In custody since December 12, 1986. Sentenced to seven years.
- Jerry Lentsoane, 37, self-employed. President of UPCO. Married with three children. In custody since July 10, 1986. Sentenced to seven years.
- David Maloma, 21, standard nine school pupil. In custody since July 10, 1986. Sentenced to six years, with two years suspended.
- Gloria Twala, 19, standard eight school pupil. Assistant secretary of WYCO. In custody, alone, since November 19, 1986. Sentenced to four years, with three years suspended.
- Abram Sebopela, 24, unemployed. Secretary of UPCO. One child. In custody since July 10 1986. Sentenced to seven years.
- Sipho Siboza, 23, WYCO executive member. Family breadwinner. In custody since June 12, 1986. Sentenced to seven years.
- Stanley Phanlamohlake, 18, standard six school pupil. WYCO member. In custody since July 10, 1986. Sentenced to six years, with three years suspended.
- Lazarus Chiwayo, 20, standard nine pupil. WYCO executive member. In custody since September 15, 1986. Sentenced to six years, withtwo years suspended.
- Bennet Nkosi, 30, self-employed. Married with two children. In custody since July 10, 1986. Sentenced to four years.
- Mpini Moses Mokoena, 22, unemployed. UPCO member. In custody since July 10, 1986. Sentenced to four years.
- Vusi Khoza, 23, clerk at Escom. UPCO member. Two children. In custody since December 11, 1986. Sentenced to seven years.
- Peter Mnisi, 26, student at the University of the Witwatersrand. Member of youth and church organisations. In custody since May 26, 1987. Sentenced to seven years.

331 WM Mail 8-14/4/88

Sharpeville Six leader: paper refuses to print criticism

Daily Dispatch Correspondent

CAPE TOWN — The Times of London has refused to publish a letter from the General Council of the Bar of South Africa, sharply criticising a leader in that newspaper about the Sharpeville Six case.

The chairman of the council, Mr Henri Viljoen, told the delegates to the National Bar Conference in Cape Town yesterday he was "incensed" at the decision.

When he announced that he had received a letter from the editor of the Times saying that he was "not able to find room for it in the correspondence columns", the judges and top lawyers present reacted with surprise and anger.

A spokesman for the Times said the council's letter had not been published because it had been received at the same time as one from the Charge D'Affaires at the South African Embassy in London, which had been published.

The Bar council letter referred to a leader in the Times of March 16, in which the South African Appeal Court's decision to uphold the death sentences imposed on the Sharpeville Six was described as "a disgraceful piece of legal chicanery".

The leader went on to describe the South African judicial system as "little more than a charade designed to deter and intimidate — terror tailored to the purposes of the State."

The letter stated that the trial judgement in fact applied the doctrine of common purpose which had been laid down in earlier judgments of the court and which had originally been taken over from English law.

The court had found that all the accused had actively associated themselves with the conduct of the mob and shared a common purpose to kill the deceased.

"The court found that it would constitute a drastic departure from firmly established practice to hold that a party to a common purpose to kill cannot be convicted unless a causal connection is proved between his own conduct and the death of the deceased.

Justice A. S. Botha's judgement in the Appellate Division had been in accordance with a previous judgment in a case with no political overtones, the letter said.

Mr Viljoen's letter concluded, "given the lack of factual substance for your opinions, they constitute a disgraceful and unwarranted attack on the South African judiciary."

More reports page 16

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Strike: Court hearing begins

Sowetan 11/4/88

THE trial of 18 members of the South African Railways & Harbours Workers' Union (Sarhwu) begins today in the Rand Supreme Court.

The accused, all employees of the South African Transport Services (Sats) face charges of murder, abduction, assault, robbery, attempted murder and intimidation.

The State alleges that they took part in a strike in the Witwatersrand last year and kidnapped five Sats workers who were not striking on April 28 last year.

The accused are: Mr Bongisi Sibisi (33), Mr Wilson Mtshali (33), Mr David Dzevhe (30), Mr Jacob Thapelo Machaka (33), Mr Patrick Molefe (27), Mr Phineas Nitshitungulwale (25), Mr Takalane David Mamphaga (35), Mr Mafemane William Rhikotso (33).

Mr George Maugedza (36), Mr Daniel Khandilizwe Mkholokotho (36), Mr Freddie Mothisi (30), Mr Isaac Mogorosi (30), Mr Jacob Mmaltoa (33), Mr Wilson Mushainshano (33), Mr Johnson Mogesi (36), Mr Johannes Joja Ngcobo (24), Mr Simon Molomoni and Mr Michael Ikaneng.

By MANDLA NDLAZI

Treason trial resumes

Sowetan 11/4/88 331

THE trial of trade unionist Mr Moses Mayekiso, and four civic leaders charged with treason, alternatively sedition and subversion, will be resumed at the Rand Supreme Court today.

Their first appearance before Mr Justice van der Walt was on October 19 last year.

The case will be resumed today after the Easter recess.

Mr Mayekiso, general secretary of the National Union of Metal Workers of South Africa, is appearing with civic leaders Mr Paul Tshabalala, Mr Obed Bapela, Mr Richard Mdakane and Mr Mzwandile Mayekiso.

The State alleges they were involved in a conspiracy to make Alexandra township "ungovernable" and in the formation of "organs of people's power" and "people's courts" between January 1985 and June 1986 in Alexandra.

They have pleaded not guilty and are represented by Advocates David Soggot, SC, and Nick de Vos. The State is represented by Advocates A C Human, SC, and P van Staden.

'Tests inadequate'

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Sowetan 12/4/88

By MATHATHA TSEDU

A MEDICAL examination conducted by a doctor on one of the Messina treason trialists was completely inadequate and of no value, the landmine blast trial heard yesterday.

Testifying before Mr Acting Justice J P O de Villiers and two assessors, Wits medical school lecturer, Dr Joe Variava, said the doctor had not performed "basic tests" and had not shown concern for his patient that a doctor should have.

Dr Variava was testifying for the defence in the trial of Mr Mthetheleli Mncube (28) and Mr Msondeleli Nondula (25), who face 41 charges ranging from murder to treason. They have both pleaded not guilty.

Dr Variava was called in to testify on the examination conducted by Dr S Pistorius on Mr Mncube on January 3 and 4, last year. Dr Pistorius was a member of the South African Defence Force at the time.

In his testimony, Dr Pistorius told the court that he had communicated with Mr Mncube during the examination at the Beit Bridge security police offices.

He said Mr Mncube's hands and feet were chained and connected with an interlocking chain during the examination. He said he had not asked Mr Mncube for his medical history or whether he had been assaulted.

Dr Pistorius also said he did not regard his relationship with Mr Mncube as one of a doctor and his patient and added that there had been no trust between the two of them.

(Proceeding)

Terror trial: Change in plea to guilty

CMR Trials 12/14/88

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Own Correspondent

MARITZBURG. — The trial of alleged ANC terrorist Mr Gordon Webster in the Supreme Court here took a dramatic turn yesterday when his advocate indicated that Mr Webster wanted to change his plea to one of guilty.

Mr Webster, 24, is facing 12 charges of terrorism, one of murder and two of attempted murder.

At the start of the trial in March this year he pleaded not guilty to all counts before Mr Justice McCreath and two assessors.

Defence counsel Mr Nigel Willis yesterday said his client now wished to tender a plea of guilty and applied to hand in a written statement signed by Mr Webster. He said the document contained certain admissions as well as explanations by Mr Webster.

Conflicted with evidence

Mr Webster would confirm the contents of the statement under oath and be cross-examined, Mr Willis said.

He said he was aware the state did not accept all the facts contained in the statement which at times conflicted with evidence already given by state witnesses during the trial.

However, there were other points with which the state agreed.

The matter was adjourned for legal argument by both the state and defence after the judge raised various questions as to the correct legal procedure to be followed.

The court will decide today after hearing argument whether to accept the change in plea as well as the statement.

DD 13/4/88 (331)

Trial of seven adjourned

EAST LONDON — The trial of seven men charged with four counts of intimidating co-workers during a strike at the Distillers Corporation in November last year was postponed in the regional court here yesterday to May 30.

The accused are Mr Kenneth Thembinkosi Mshewula, 35, Mr Themba Skipper Toko, 27, Mr Nceba Simon Sodo, 28, Mr Limited Mcedisa Sitsholwana, 30, Mr Totoyi Vincent Mavaun, 39, Mr Malixole Qaungava, 27, and Mr Ronnie Songatsha, 37, all of Mdantsane. — DDR

Witnesses deny police under influence at teargassing

D/P 13/4/88

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Daily Dispatch Reporter

EAST LONDON —Three state witnesses denied in the regional court here yesterday that policemen had been under the influence of alcohol during a teargassing incident in Breidbach in 1986.

A King William's Town attorney and former spokesman of the King William's Town Civic Association, Mr John Smith, faces charges under section 27 (b) of the Police Act.

Captain Frederick Johannes le Roux, of the South African Police, and Lieutenant Phillip Fouche and Lieutenant Henry Belling of the King William's Town Security Branch, said that every policeman present during the incident was fit for duty.

The charge against Mr Smith concerns the alleged publication of untruths against the police following the incident on March 19, 1986, when the patron of the UDF, Dr Allan Boesak, was to have addressed a mass meeting.

Police threw four teargas canisters at people who had gathered outside the Breidbach community hall.

While being cross-examined by Mr Ian Farlam, for the defence, Lieut Belling said that if a policeman smelled of alcohol he would not be permitted to perform his duties.

As far as he knew, there was no regulation stating that a policeman could not consume liquor before going on duty or while off duty.

Lieut Belling said he had been off-duty between 4 pm and 6 pm on March 19.

Lieut Fouche, who was the acting officer in command at the time, said he inspected his men both before and after the incident — a statement which was later supported by Lieut Belling.

The three witnesses' descriptions of the scene of the incident coincided. They all said a number of people were dancing, singing and giving clenched fist salutes, and refused to disperse after being warned to do so.

Captain Le Roux said on Monday that he had addressed the people with a megaphone and told them to disperse as they were taking part in an illegal open air meeting.

He said he gave the people five minutes to disperse before ordering that four teargas canisters be fired at them.

Lieut Belling and Lieut Fouche supported Captain Le Roux's evidence with similar statements yesterday.

They said a large number of youths got out of a bus and started chanting "viva Boesak", singing and doing a "freedom dance" they both called the "toy-toy".

Lieut Belling said he had seen the "toy-toy" incite crowds to violence in the past. He added that he had thrown one of the teargas canisters into the crowd.

Lieut Fouche and Lieut Belling said they were present when Captain Le Roux spoke to Dr Boesak. They said he asked Dr Boesak to tell the people to disperse, after which he walked away.

They said Dr Boesak told the police to stop teargassing the crowd.

The case continues today.

The magistrate was Mr G. Steyn and the prosecutor was Mr H. Bence. Mr Farlam was instructed by Mr Deva Pillay and Mr D. Tabata.

Landmine trial nears its end

(331)

13/4/88 SUPP

MESSINA — Mr Frans Roets, representing the State at the Messina landmine trial, yesterday called for the conviction of Mr Mzondeleli Nondula (24) on 31 charges — six of murder, 22 of attempted murder, one each of terrorism and treason, and one in respect of a contravention of the Arms and Ammunition Act.

In closing his final argument Mr Roets also asked Mr Justice J P O de Villiers to find Mr Nondula's co-accused, Mr Mthetheleli Mncube (27) guilty on four counts of murder and two of attempted murder and other charges including terrorism and treason.

The prosecutor claimed that Mr Nondula was linked to the murder and attempted murder charges by his confession, made before a Groot Marico magistrate shortly after his arrest in January last year, and by the fact that he pointed out spots where landmines were laid in 1985 and 1986.

The State said Mr Nondula should be convicted of the deaths of three members of the De Nyschenn family and three members of the Van Eck family in December 1985.

Both Mr Mncube and Mr Nondula had pleaded not guilty to 41 charges arising from the explosion or discovery of 16 landmines near the Zimbabwe/South African border between November 1985 and late 1986.

No confession was submitted for Mr Mncube.

Mr Roets said Mr Mncube should be convicted of the deaths of Mr Edward Meluba, a passenger in a cement truck, and Mr Glabi Ncube, a tractor driver. He should also be convicted of the two charges against him following the shooting of two security police who were transporting him in December 1986. — Sapa.

Accused admits setting mines

Daily Dispatch Correspondent

PIETERMARITZBURG — A murder and terrorism trial accused, Mr Gordon Webster, has admitted in the Supreme Court here to having plotted with the ANC to seize hostages in South Africa.

He also admitted to planting two limpet mines which exploded at the Chamberlain Road sub-station in Durban in 1986.

The explosion caused the death of a policeman, Colonel Robert Leslie Welman, and injured two other people.

At the start of yesterday's proceedings before Mr Justice McCreath and two assessors at the College Road Supreme Court, the defence counsel, Mr Nigel Willis, withdrew a plea of guilty tendered on behalf of Mr Webster on Monday.

However, he handed in a document containing admissions which were confirmed by Mr Webster.

In it Mr Webster admitted that on January 9, 1986, he had placed two limpet mines on transformers at the Chamberlain Road substation.

Mr Webster also said he had agreed with members of the ANC to seize hostages in South Africa to be used in bargaining for prisoners held here.

A state witness testified earlier in connection with a list of proposed hostages to be taken in South Africa.

Mr Webster said he had joined the ANC after leaving South Africa for Botswana in September 1984.

He left South Africa because he had become "very frustrated and distressed at my treatment in the country".

Because he was classified "coloured" he was obliged by law to live in certain confined areas, be excluded from certain schools and from the enjoyment of various public amenities, he said.

He admitted having recruited others for the ANC while in South Africa and giving them military training.

He also admitted having attempted to plant explosives at Mayville electricity sub-station in Durban and to having placed bombs which exploded at sub-stations in Umlaas Road, Westville and Shongweni—Assagay.

DID 13/4/88

Statement's admissibility tested in terror trial

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KING WILLIAM'S TOWN — A trial-within-a-trial to determine whether or not one of the accused in a terrorism trial made a statement voluntarily started in the regional court here yesterday.

Mr Thozamile Tiyo, 34, of Qumbu, Transkei, and Mr Mgcineni Mgqatsa, 53, of Fort Beaufort are accused of furthering the aims of the Pan Africanist Congress and of possessing weapons and explosives.

Mr Tiyo said under cross-examination by the prosecutor, Mr R. Esterhuyse, that a police officer, before taking him to the magistrate's office at the time of his arrest a year ago, had told him to write in his statement that he had been given the weapons and explosives and was "supposed to hand them to his leader".

Mr Tiyo said the rest of his statement had not been influenced by anyone, but this was only because he had thought his statement would allow him to "escape" section 29 of the Prevention of Terrorism Act under which a person is kept in custody for a "long time".

The magistrate was Mr N. R. Oosthuysen. Advocate V. E. Tshabalala, instructed by Mr B. B. Ntonga, appeared for the accused. — DDR

Sowetan 13/4/88 (331)

STATE CALL TO CONVICT 2

's' struggles in the South
, 1978.

THE shooting and killing of two security policemen by a self-confessed ANC guerilla was an act of cold-blooded murder for which he must be convicted, the Messina trial was told yesterday.

By MATHATHA TSEDU

In argument, prosecutor Mr Frans Roets said the assertion by Mr Mthetheleli Mncube that he shot the two white policemen out of fear of being killed was a "flight of his own fancy" which must be rejected.

Mr Roets called for Mr Mncube's conviction on four counts of murder, two being landmine blasts in which two blacks died. He also called for a conviction on two counts of attempted murder.

Mr Roets said the court should find Mr Mncube's co-accused, Mr Msondeleli Nondula, guilty of six counts of murder and 22 counts of attempted murder. The deaths, of six whites, resulted from one landmine blast in the same area. The attempted murder charges arise from injuries in landmine blasts.

On Mr Mncube, who admitted shooting the two security policemen who were escorting him to Messina after his capture on December 26, 1986, Mr Roets said the accused had later pointed out scenes of landmine blasts to a policeman. This, he added, should be accepted as conclusive proof of his involvement in the planting of the mines.

He said the court should reject Mr Mncube's evidence that he was on a reconaissance mission when he was captured near Messina.

On Mr Nondula, Mr Roets said the court should also find him guilty of contravention of the Internal Security Act and contraventions of the Arms and Ammunition Act and the Terrorism Act. He said the pointing out of scenes of landmine blasts by Mr Nondula was irrefutable evidence of his involvement in the planting of the mines which resulted in the six deaths and the injury and maiming of 22 others. "There is no other way the accused could have known the sites of the blasts," Mr Roets added.

Mr Mncube (28) and Mr Nondula (27) are appearing before Mr Acting Justice J P O de Villiers and two assessors.

SACC drama-man for mental check

A YOUNG trainee prison warder yesterday appeared briefly in the Johannesburg Regional Court in connection with Monday night's South African Council of Churches hostage drama.

Mr Denzil Bruce Mellor of 15 Hewitt Road, Brakpan, was not asked to plead to charges of kidnapping, bomb threat and illegal possession of a firearm and ammunition.

Magistrate Mr P F du Plessis postponed the case to April 25, after prosecutor, Mr Joe Dawidowids asked that he be referred for mental observation.

Clean-shaven, Mr Mellor, dressed in a grey striped tracksuit, appeared calm as he faced the bench.

Mr Mellor's appearance was a sequel to the 90-minute drama at Khotso House in Johannesburg, in which the council's library secretary, Miss Beverley Fasser (23), of Newclare, Johannesburg, was held hostage at gunpoint by a young white man who allegedly identified himslef as "Denzil".

Miss Fasser later received treatment for shock.

Court told confessions linked accused to murder

MESSINA — Mr Frans Roets, representing the state at the Messina landmine trial, called for the conviction of an accused, Mr Mzondeleli Nondula, 24, on 31 charges.

These include six charges of murder, 22 of attempted murder, one each of terrorism and treason, and one in respect of a contravention of the Arms and Ammunitions Act.

Mr Roets also asked Mr Justice J. P. O. de Villiers to find the co-accused, Mr Mthetheleli Mncube, 27, guilty on four counts of murder, two of attempted murder, as well as on charges of terrorism, treason and an offence under the Arms and Ammunitions Act.

The prosecutor claimed that Mr Nondula was undisputably linked to the murder and attempted murder charges by his confession to a Groot Marico magistrate in January last year, and by the fact that he pointed out spots where landmines were laid in 1985 and 1986.

The state said Mr Nondula should be convicted for the deaths of three members of the De Nyschenn family, and three members of the Van Eck family in a blast near Messina on December 25, 1985.

Mr Roets said Mr Nondula was guilty of the injuries sustained by 22 other people in several landmine explosions in the border area.

Mr Mncube and Mr Nondula had pleaded not guilty to a total of 41 charges arising from the explosion or dicovery of a total of 16 landmines near the Zimbabwe-/South African border in 1985/1986.

Regarding Mr Mncube's possible guilt, the state contended that evidence rested mainly on the testimony of a Lieut Neels de Lange, who said the accused willingly pointed out several places to him, and also by the accounts of various witnesses about footprints seen in the landmine areas.

This corresponded directly with Mr Mncube's own evidence about the type of shoes worn by insurgents.

Mr Roets claimed that Mr Mncube's evidence about his insurgent group "merely being on a reconnaissance trip" should not be accepted. The group was carrying landmines, rifles and ammunition.

The state also alleged that Mr Mncube, as a South African citizen, committed an act of treason by failing to report the insurgency he was aware of and took part in.

Mr Roets indicated that the state would drop one terrorism charge against each of the accused.

The court has accepted Mr Nondula's confession. No confession was submitted for Mr Mncube.

Mr Roets said Mr Mncube should be covicted of the deaths of Mr Edward Meluba and Mr Glabi Ncube and the shooting of two security police.

Tomorrow the defence is due to start its final argument. — Sapa

Police seek assistance from EL resident

EAST LONDON — A man who discovered a body in his flat last year is being sought by police to assist them with their investigations.

Mr Frank Morris found the body in his Clifford Court, Quigney, flat on December 15.

He has since left that address. He was working at a hotel here at the time.

Anyone who has any information regarding Mr Morris' whereabouts should contact Detective Warrant Officer N. Daza at 43 4883. — DDR

ANC 13 refused appeal

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Cape Times 13/4/88

BLOEMFONTEIN. — Lizo Bright Ngqungwana, of Ladysmith, since 1986 commander of the African National Congress' military wing, Umkhonto we Sizwe, in the Western Cape, and 12 others convicted under the Internal Security Act have been refused leave to appeal by the Appeal Court here.

During the trial the court heard that Thembinkosi Mzukwa activated a limpet mine at Langa on June 12, 1985 and threw a hand grenade at a police Casspir on September 11, 1985. Joseph Ngoma planted mines at Mowbray railway station on April 29, 1986.

Three other accused imported and concealed arms and limpet mines. The other men's offences included rendering assistance to suspected terrorists or failing to report suspected terrorists. — Sapa

ANC group's appeal bid fails

AM645 13/4/88 331

BLOEMFONTEIN. — Lizo Bright Ngqungwana, of Ladysmith, who was commander of the African National Congress's military wing, Umkonto we Sizwe, in the Western Cape from 1986, and 12 others, who were convicted of contraventions of the Internal Security Act, have been refused leave to appeal by the Appeal Court in Bloemfontein.

They were convicted by Mr Justice H C Nel in the Cape Supreme Court on May 22 last year. Ngqungwana was imprisoned for life and the others for terms varying from three to 25 years.

Ngqungwana, Thembinkosi Theophilus Mzukwa, Joseph Malusi Ngoma, (both of Langa, imprisoned for 25 years), Reed Zwelethu Macozoma (Langa, five years) and Quentin Deon Michels (Mandalay, 12 years) and one other were convicted of a contravention of section 54(1) of the Act.

Sazi Livingston Veldtman (Nyanga, 15 years), Mthetho Douglas Myamya (Guguletu, eight years), Joseph Susele Mkhulhwa and Anderson Zingisele Ncivata (both Langa, five years), Cecil Esau (Wynberg, 12 years), Gladwin Mthethehihi Mabenyeza (Guguletu, eight years), Cyril Moyisi Ntabeni (Khayelitsha, three years), Norman Siseko Macanda (Langa, three years) and another were convicted of a contravention of Section 54(4) of the Act.

The judge found that Ngqungwana, Mzukwa and Ngoma were trained terrorists who embarked on a campaign of terrorist activities in the Cape, with Ngqungwana as the leader.

Among those activities were that Mzukwa activated a limpet mine at Langa on June 12 1985 and threw a handgrenade at a police Casspir on September 11 1985, while Mgoma planted mines at Mowbray railway station on April 29 1986.

Veldtman, Michels and Esau played important roles, ranging from the importation to the concealment of arms and limpet mines. Among the offences that led to the convictions of the other men were rendering assistance to suspected terrorists or failing to report suspected terrorists. — Sapa.

Terror trial accused was assaulted, claims defence

By Dirk Nel
Northern Transvaal Bureau

MESSINA — The court could not ignore the likelihood that the accused in the Messina terrorism trial, Mr Mthetheleli Mncube (27), was assaulted by police after his arrest in January 1987, defence counsel Mr Rodney Black said in Messina yesterday.

Mr Black was continuing his final argument in the trial in which Mr Mncube and Mr Mzondeleli Nondula (24) are facing charges of murder, attempted murder, terrorism and treason. Both men have pleaded not guilty.

Mr Black pointed out contradicting evidence about conditions during Mr Mncube's detention, given during the trial by security policemen, and claimed that the accused was probably assaulted, as he had earlier claimed in court.

Mr Black said Mr Mncube had readily admitted he was a member of the military wing of the African National Congress (ANC) and also that he had shot two policemen, Warrant Officer Theunis Gerber and Sergeant Joachim Nel. However, the accused denied any knowledge of landmine blasts near Messina in 1985 which killed a tractor driver and a passenger in a truck.

Referring to the State's reliance on the evidence of a policeman, Lieutenant Neels de Lange, that Mr Mncube voluntarily pointed out several landmine sites to him, Mr Black submitted that this evidence could only be accepted if the circumstances were clearly above suspicion, which, in his opinion, was not the case.

He pointed out that Mr Mncube had testified that he was taken to these places by Lieutenant de Lange in February 1987, more than a year after the explosions.

The hearing continues.

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DD 14/4/88 (280) 331

8 King policemen deny being at Boesak meeting

Daily Dispatch Reporter

EAST LONDON — Eight policemen from the security and detective branches in King William's Town testified in the regional court here yesterday that they had not been in Breidbach on March 19, 1986, when the patron of the United Democratic Front, Dr Allan Boesak, was to have addressed a mass meeting.

A King William's Town attorney and former spokesman of the King William's Town Civic Association, Mr John Smith, faces charges under Section 27 (b) of the Police Act.

The charge against Mr Smith concerns the alleged publication of untruths against the police following the incident in Breidbach.

The eight witnesses said they had not been anywhere near Breidbach that day and had only heard about the incident after it had taken place.

Another state witness, Sgt J. Pieterse, testified that he had not consumed any alcohol before he went on duty at 6 pm that day, nor did he have any afterwards.

He said he and other policemen at Bredibach had seen Mr Smith and Dr Boesak walk to a bus in front of a Mr Swarts's property.

Dr Boesak got into the bus, together with a crowd of youths, and said to them, "I will see you soon".

Sgt Pieterse said Dr Boesak and Mr Smith got out of the bus and walked away.

He said he had not seen any teargas but had heard about it afterwards.

None of the policemen on duty were under the influence of alcohol, he said.

Asked by Mr Ian Farlam, for the defence, how many of the policemen he had actually come into contact with, Sgt Pieterse replied that he had spoken only to the two who were in the car with him at the time.

The case continues today.

Mr G. Steyn was on the bench and Mr H. Bence prosecuted. Mr Farlam and Mr Deva Pillay, instructed by Mr D. Tabata, appeared for the defence.

SOWETAN, Thursday, April 14, 1988

Small church focal point for relatives of accused

FAMILIES PRAY

Sowetan Sunday 331

A SMALL church in Nancefield township, Messina, has become the focal point for friends and relatives of Mthetheleli Ncube and Msondeleli Nondula who are charged with murder, attempted murder, terrorism, treason, possession of arms of war and membership of the African National Congress.

By MATHATHA TSEDU

14/4/88

The State summed up this week and prosecutor Mr Frans Roets asked the presiding judge to find the two accused guilty of a combined eight counts of murder — eight of the victims were whites.

Yesterday afternoon the defence counsel started with his argument for the acquittal of the men.

Alexandra township-born Mthetheleli Mncube (28), of 8391 Zone 6, Diepkloof in Soweto and 25-year-old Msondeleli Nondula of Mdantsane township near East London, face a total of 41 charges before Mr Acting Justice J P O de Villiers and two assessors.

The trial opened in August last year in the dusty one-horse border town of Messina. It is a town where uniformed men seem to be in equal numbers as ordinary civilians.

The parents and relatives of the two men have attended the hearing daily, without fail. But as the case neared its end this week, it was — in a way — like all hands on deck with additional family reinforcement arriving.

From the Mncubes came six additional members including nephews, sisters and sisters-in-law. Tea breaks have resulted in emotional scenes when relatives who had not seen the accused for several years hugged each other.

The families are housed at the local NG Kerk in Afrika at the Nancefield township. It is a convenient place for the relatives as they spend most of their free times in prayers for the accused. Friends also come here to comfort the families and most of the time is spent in prayer.

Mrs Nondula had not yet arrived this week when Mr Roets told Judge de Villiers to convict her son for six murders and 22 attempted murders.

Sharpeville 6 case before court again

MGC 14/4/88

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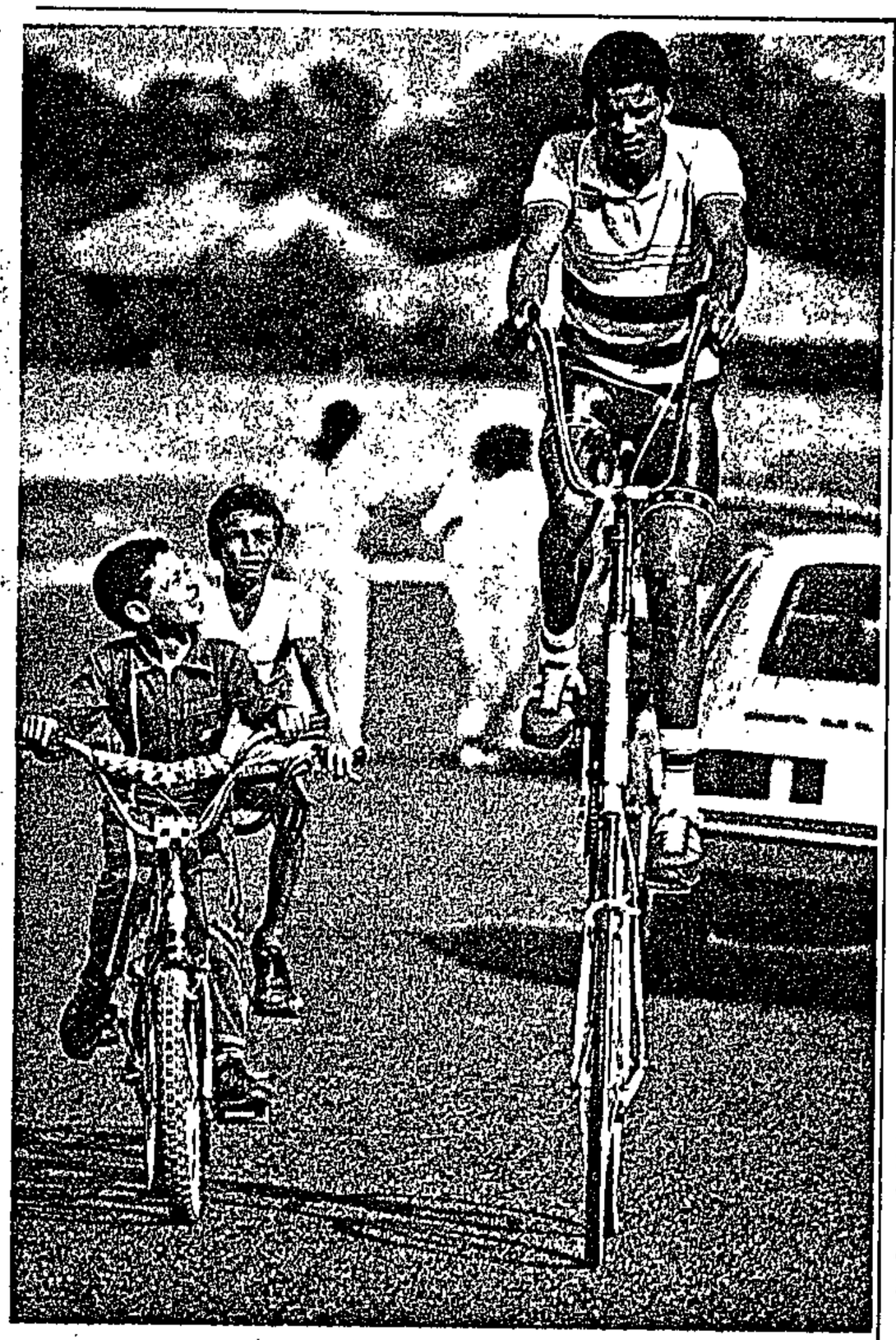

Picture: LEON MÜLLER, The Argus.

RIDING TALL: It's a long way to fall from this bike, but the extra height doesn't seem to bother Eric Kruger. Ashley Charles of Factreton and his friend on their more conventional BMX bikes keep up with Eric.

Staff Reporter

AN APPLICATION to reopen the trial of the "Sharpeville Six" will be made in the Supreme Court, Pretoria tomorrow.

This was announced by Athlone attorney Mr Essa Moosa at a Press conference called by the "Save the Patriots" committee yesterday.

The application follows an urgent interdict on March 17 granting the six a month's stay of execution.

"The grounds on which the application was brought was a State witness's admission that the evidence he had given was not true," Mr Moosa said. The witness claimed he was assaulted by police who forced him to say what he had said.

"If the court refuses the application the Sharpeville Six will be executed," Mr Moosa said.

If the court grants the application the defence will have to lead further evidence and recall the witness, Mr Moosa said. The State would also be entitled to call witnesses to refute any new evidence.

The court would then find that if it had had the benefit of the new evidence it would have come to a different conclusion, or to the same conclusion, he said.

If the court found it would have found differently, the Appellate Division would be able to set aside the conviction and sentence.

Mr Moosa said that what had emerged from the case was frightening.

"Innocent people can be sent to the gallows on the false testimony of witnesses," he said.

"Because of the inherent dangers so classicaly illustrated in this case, the Democratic Lawyers' Organisation calls for the abolition of the death penalty."

ANC planned 'hostage seizure'

DURBAN. — Self-confessed ANC guerilla Gordon Webster told the Pietermaritzburg Supreme Court this week he had planned to hold hostages in South Africa to bargain for the release of political prisoners.

In a surprise turn, Webster changed his plea to guilty to charges of causing the death of security policeman Colonel Robert Leslie Welman by placing two limpet mines at a Durban sub-station in 1986 and other contraventions of the Internal Security Act.

Webster hit the headlines two years ago when he was sprung from police custody at the Edendale Hospital by his friend, Robert McBride. McBride was sentenced to death for the murder of a guard who died during the dramatic escape.

Re-entering country

Webster was recaptured by the police in September last year while trying to re-enter the country from Botswana.

The charges include leaving the country for Botswana in 1984 where he became a member of the ANC and for recruiting three people as members of the banned organisation and training them to use explosives and firearms.

Other charges are that he placed explosive devices on two transformers at a Westville electricity sub-station and on a transformer in Camperdown which later exploded.

Webster said while in Lusaka last year he had agreed with members of the ANC to seize hostages in South Africa but no specific plan or hostages had been chosen at the time of his arrest in September 1987.

He left South Africa because of the apartheid laws and his frustration and distress "at my treatment in the country".

"I was particularly distressed by the possibility of being compelled to do military service in the SADF. In my perception and in the perception of a lot of black persons, the SADF was effectively defending that which I considered unjust."

He said he was recruited to the ANC's special operations division in 1985 after undergoing training in Lusaka and Angola, but he resigned from that position before he was re- arrested in September 1987. The trial continues. — PTSA

Khan jailed

A 27-YEAR-OLD woman told a Cape Town court this week that she was a member of the banned African National Congress (ANC).

Ms Farieda Khan of Grassy Park, Cape Town, said she and her husband, Patrick Ricketts, formerly of Paarl, became members of the ANC after they went to Botswana in search of jobs.

She pleaded guilty and was sentenced.

Ms Khan, right, leaves the Cape Town Regional Court this week flanked by her defence counsel, Michael Donen, left, and Dr Andy Dawes of the University of Cape Town (UCT). Behind is her lawyer, Enver Daniels.

• **See page 3 for full details**

14-20/4/88 South (331)

ANC's Khan jailed

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Sowetan 14-20/4/87

By AYESHA ISMAIL

A WOMAN was this week sentenced to two years imprisonment for being a member of the banned ANC.

Farieda Khan, 27, of Grassy Park, Cape Town pleaded guilty. Eighteen months of the sentence was suspended for five years. She was released on R500 bail pending the outcome of an appeal against sentence.

Khan admitted in a statement to the Cape Town Regional Court to being a member of the ANC. She said she and her husband Patrick Ricketts went to Botswana in December 1982 to seek employment. Both became members of the ANC.

Visited family's home

She had not ceased to be a member of the ANC at the time of her arrest in June 1987 in South Africa. She knew the ANC was an unlawful organisation.

She said she visited her family's home in Belhar during November 1985 and March 1986. She returned from Botswana in May 1987 and stayed until the time of her arrest.

Her mother, Mrs Rugaya Khan, called as a witness for the defence,said her daugter was "soft, non violent and a person who hardly spoke". Asked whether her daughter was fit to stand trial, she said Khan was in poor health and could "have a breakdown" at anytime.

Pre-school teacher

Mrs Khan said her daughter bore a child in August 1984 but because of her health, the child was sent to Cape Town and was in her care. According to a medical report, Khan suffered from insomnia, anxiety and depression.

The court also heard that Khan was one of eight children and a qualified pre-school teacher.

Magistrate P M A Louw said Khan's clean record was of significance to the court. It was in her favour that she had not undergone military training.

"I will suspend a portion of your sentence bearing in mind that you were held for three months under the Internal Security Act. You have shown remorse for what you have done."

Teacher to appeal against jail sentence

MG 6115 14/4/88

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Court Reporter

PRE-SCHOOL teacher Farieda Khan is to appeal against an effective six-month jail sentence for being a member of the African National Congress.

Khan pleaded guilty yesterday to being a member of the ANC from December 1982 to June 1987 and was sentenced to two years, of which 18 months was conditionally suspended for five years.

In a statement, Khan admitted becoming a member of the banned ANC in 1982 when she and her husband, Mr Patrick Ricketts, went to Botswana.

Her counsel, Mr M Donen, told the court in mitigation that Khan, 27, had been "reluctant and unwilling" to be trained by the ANC military.

Mr Donen said Khan caught malaria in Angola in 1983 and was sent to Hungary for treatment.

On her return to Lusaka, ANC doctors asked her to leave and she returned to South Africa with her child.

Magistrate Mr P M A Louw took into consideration that Khan had not been involved in political activities and Mr Donen's submission that in terms of her Muslim marriage, Khan was influenced by her husband and obliged to obey his instructions.

"Mr Donen argued that society desired you to be returned to the community, but there are others who require that you be severely punished."

Mr Louw took into consideration that Khan was a first offender, had spent three months in detention and had shown remorse by pleading guilty.

She was released on R500 bail pending the appeal.

Durban blast damage of R1m

Cape Times 14/4/88 331

Own Correspondent

MARITZBURG. — Bomb blasts at various electricity substations — allegedly caused by ANC guerilla Mr Gordon Webster who is facing charges of murder and terrorism — resulted in damage estimated at more than R1 million.

This was one of several admissions made by the defence in the trial before Mr Justice McCreath and two assessors in the College Road Supreme Court yesterday.

The trial was adjourned until today for legal argument after both the state and defence closed their case.

Mr Webster, 24, did not testify. However, earlier this week his defence counsel, Mr Nigel Willis, submitted admissions confirmed by Mr Webster in which he admitted planting explosives at various substations in Durban.

He said he planted two limpet mines which exploded at the Chamberlain Road substation in Durban, causing the death of policeman Col Robert Leslie Welman, and injuring Sgt Roelof van der Merwe and Mr Mervyn Dunn on January 9, 1986.

He also admitted plotting with members of the ANC in Lusaka to seize hostages in SA prior to his arrest.

Cape Times 14/4/88 331

City job reservation still exists

Staff Reporter

FORMAL job reservation may be on the way out, but the informal variety is still very much alive — in Cape Town it is sanctioned by a branch of at least one major employees' association.

A "gentleman's agreement" exists between a branch of the mainly-white SA Association of Municipal Employees (SAAME) and the now defunct Cape Divisional Council that certain posts remain "traditionally for members of the white population group", according to a report leaked to the press recently.

The Cape Times was unable to establish which posts these were.

But the secretary of the mainly-coloured Western Province Local Authority Workers' Association, Mr J Schippers, confirmed that his association had asked that this "gentleman's agreement" be nullified.

It had made the request even before the Regional Services Council (RSC) had taken over from the Divisional Council.

ANC member gets six months' jail

By YVETTE VAN BREDA
Court Reporter

A SHY pre-school teacher and mother, who became a member of the African National Congress after she and her husband went to Botswana to seek employment, was sentenced yesterday to an effective six months' imprisonment.

Farieda Khan, 27, of Seventh Avenue, Grassy Park, was sentenced in the Cape Town Regional Court to two years' imprisonment, of which 18 months were suspended for five years. She is on R500 bail pending an appeal against her sentence.

Khan pleaded guilty to contravening the Internal Security Act by being a member of the ANC between December 1982 and June last year.

In a statement handed to the court, she said she and her husband, Mr Patrick Ricketts, went to Botswana, where they hoped to find work. In Botswana, they both became members of the ANC.

Khan said she returned to South Africa in May last year and resided at her parents' Belhar home until her arrest and three-month detention.

In a confession which she made to a magistrate shortly after her arrest, Khan said when she and her husband arrived in Gaborone, they were taken to an "ANC house" by two men.

Later, she went to the ANC headquarters in Lusaka and in February, 1983, she left for Angola, where she attended "a small transit camp" for nearly two weeks and was spoken to about "politics" in South Africa.

She then left for a bigger camp, where she was the only woman among 50 men. Here, she was also lectured to on various subjects of a political nature.

After a month at this camp, she contracted malaria and after medical treatment, she was joined by her husband and both of them returned to Gaborone.

Khan said she also went to Hungary for about two months as she was suffering from the after-effects of malaria. Her parents fetched their child and brought him to South Africa. Her husband is still in Botswana and her son is three years old.

Khan's mother, Mrs Rugaya Khan, said the Khan family was a close and very religious one. As they were Muslim, the wife had to obey her husband and had very little rights of her own.

She said Khan was a "very soft person and also sickly. She is not at all violent. Since the case she is very nervous and has seen a psychologist".

Mrs Khan said when she visited her daughter in Gaborone, she had no idea that she was "involved in politics".

Mrs Freda Hendricks, a director of 10 pre-school centres on the Cape Flats, said she had lectured Khan at the Athlone Training College.

Mr Hendricks became friendly with Khan and described her as an "honest, shy but friendly, hardworking" person. She was dedicated to teaching and very fond of children.

The magistrate, Mr P M A Louw, took into account that Khan did not receive military training, although she was interviewed by the ANC to take up such training in Gaborone, Lusaka and Luanda.

Mr W J Human prosecuted. Mr M Donen, instructed by Enver Daniels and Co, appeared for Khan.

Defence closes argument in Messina terror trial

(331) S'mail 15/4/88

By Dirk Nel
Northern Transvaal Bureau

MESSINA — The defence closed its final argument in the Messina terrorism trial yesterday and Mr Justice J P O de Villiers announced he would start his judgment on April 21.

The trial has been in progress since October 26 last year, and more than 60 witnesses have testified.

In his final summary, counsel for the defence, Mr Rodney Black, claimed there was reasonable doubt about the alleged involvement of one of the accused, Mr Mzondeleli Nondula (24), in the laying of a landmine which killed Mrs Maria de Nysschen, Mrs Jacoba van Eck, and four children — Carla de Nysschen (8), Johannes de Nysschen (3), Nelmari van Eck (8) and Ignatius van Eck (2) — when they were travelling in a bakkie on a farm near Messina on December 15, 1985.

The State has called for the conviction of Mr Nondula on these six counts of alleged murder, 22 charges of attempted murder arising from injuries sustained in several landmine blasts, as well as charges of treason, terrorism and illegal possession of arms and ammunition.

The other accused, Mr Mthetheleli Mncube (27), is facing four charges of murder, two of attempted murder and charges of terrorism, treason and illegal possession of arms and ammunition. The State claims he is guilty of shooting two policemen and laying the mines which killed a tractor driver and a passenger in a truck.

Both men pleaded not guilty, but the judge accepted a confession made by Mr Nondula.

D/D 15/4/88

331

Call to dismiss charges against attorney fails

Daily Dispatch Reporter

EAST LONDON — An application in the regional court here yesterday by the defence counsel to discharge a King William's Town attorney, Mr John Smith, who faces charges under Section 27(b) of the Police Act, was unsuccessful.

The charge against Mr Smith concerns the alleged publication of untruths against the police following an incident in Breidbach where the patron of the United Democratic Front, Dr Allan Boesak, was to address a mass meeting.

Mr Deva Pillay, who is appearing for the defence in the absence of Mr Ian Farlam, asked the court to discharge Mr Smith because the state had failed to prove that the allegations made by him were false.

He said that eight policemen from King William's Town had been called on Wednesday and they all testified that they had not been in Breidbach on March 19, 1986, when the incident took place.

Mr Pillay said that some policemen who could possibly have been on the scene had not been called.

State witnesses had also testified that Dr Boesak had spoken to a Mr Schoeman, but it was not known whether he had spoken to anyone else or not.

Mr Pillay asked the court to acquit his client because there was such a big gap in the state's evidence on those two points.

The prosecutor, Mr H. Bence, opposed the application, saying the state had in fact called everyone who could possibly have been in Breidbach of March 19.

He said the state had proved beyond reasonable doubt that none of the policemen were under the influence of alcohol on the night in question and that none of them had behaved improperly towards Dr Boesak.

Earlier, a state witness, Mr G. Swanepoel, who was a detective-sergeant at the King William's Town police station at the time but who subsequently left the police force, said he had been asked by his superiors to be on standby that night.

D|D 15/4/88

Court grants interdict against EL workers

Daily Dispatch Correspondent

GRAHAMSTOWN — Factory workers from an East London furniture manufacturer were interdicted yesterday by the Grahamstown Supreme Court for refusing to work overtime without first complying with the provisions of the pre-strike procedure in the Labour Relations Act.

Mr Justice Mullins ordered that 178 employees of Bebel Investments be restrained from refusing to work normal overtime with the intention of persuading the firm to reinstate employees it had retrenched.

The judge also ordered that the Paper, Printing, Wood and Allied Workers' Union be interdicted from instigating, inciting or taking part in any refusal by the workers to continue to work normal overtime.

The judgment was the outcome of an urgent application brought in February by Bebel Investments against the Paper, Printing, Wood and Allied Workers' Union, a union organiser, three shop stewards representing the workforce in the factory and 175 factory workers.

In a judgment handed down yesterday, Mr Mullins said on December 4 last year the firm had given written notice to approximately 36 of its employees that they were to be retrenched one week later.

The retrenchment led to correspondence and meetings between the firm and the union's organiser, Mr D. Mabhengeza, as to the legality of the retrenchments and what form of action would be taken by the union on behalf of the workers.

However, before the question of the retrenchments could be resolved, the remainder of the workforce decided to refuse to work overtime until the retrenched workers were re-instated.

The reason given for this ban on working overtime was that the firm had not complied with a dispute procedure prescribed by a Recognition Agreement entered into between the firm and the union.

The judge said in his view, it was quite clear the the overtime ban imposed by the workforce was in protest against the retrenchments and was intended as a form of pressure on Bebel Investments to reinstate the retrenched workers.

The argument in court centred principally around the definition of the word "strike" in the Labour Relations Act.

Mr K. R. McCall, SC, for the applicant argued that the conduct of the employees in refusing to work overtime fell squarely within the definition of "strike".

Mr McCall said that the collective action of a number of employees in refusing to work with the purpose of pressurising the employer was unlawful unless it was preceeded by a procedure provided for in Section 65 of the Act.

The judge said he found this argument not only appealing but sound.

He said he trusted that the union would explain to the workers that the effect of the judgement was not to compel them individually to work overtime, but to restrain them from collectively refusing to do so without first complying with the pre-strike procedure.

He left open the question of whether it was a term of their contract to work overtime.

Mr McCall was instructed by Bate, Chubb and Dickson in East London and Whitesides in Grahamstown.

Appearing for the defence was Mr Van Niekerk. He was instructed by the Bax Partnership in East London and Wheeldon, Rushmere and Cole in Grahamstown.

Alex case delay

THE five treason trialists from Alexandra township were in court for about 10 minutes yesterday before their case was adjourned to Monday.

The adjournment came shortly after defence counsel David Soggot, SC, had questioned a State witness about the correctness of the date of an alleged incident in Alexandra.

The witness, who may not be identified, in terms of a court order, said he made a mistake by having said the date was

By MANDLA NDLAZI

on a Wednesday or Thursday. The case was then adjourned.

The witness had earlier told the court that the vehicle he was driving on that day was hijacked by a group of men in the streets of the township. The vehicle was later found abandoned. He recalled a day when he not be identified in terms court." He was not able to identify the men he saw there.

The five are appearing before Mr Justice van der Walt on charges of treason, alternatively sedition and subversion. They are Mr Moses Mayekiso, general secretary of the National Union of Metal Workers of South Africa and civic leaders Mr Paul Tshabalala, Mr Obed Bapela, Mr Richard Mdakane and Mr Mzwandile Mayekiso.

The State alleges they were involved in a conspiracy to make Alexandra township "ungovernable" and in the formation of "organs of people's power," and the "people's court" between January 1985 and June 1986 in Alexandra.

They have pleaded not guilty and are represented by advocates Soggot and Nick de Vos. The State is represented by advocates A C Human, SC, and P van Staden.

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'Accused did not know blast area'

THE presence of Mr Mthetheleli Mncube at the sites of various landmine blasts in the company of police was a scheme hatched by police who linked him with landmine killings, the Messina Circuit Court heard this week.

In his argument for the defence, Mr Rodney Black said the State was relying only on the fact that Mr Mncube pointed out the blast scenes to link the accused the the blast. This must be rejected or treated with caution, he said.

He said Mr Mncube did not know the area and had been forcefully taken to the landmine blast areas by police who ordered him to point at various points while being photographed.

"If he had known the areas as the State submits, and had been so knowledgeable that he could actually take the police to places that he had visited more than a year earlier, why then does he wander around the same area for nine days trying unsuccessfully to escape until he is re-arrested? He would have crossed into Zimbabwe," Mr Black said.

Mr Mncube and Mr Msondeleli Nondula, who face 41 charges, are appearing before Mr Acting Justice J P O de Villiers and two assessors. They have pleaded not guilty to all the charges. The State has called for Mr Mncube's conviction on four counts of murder and six for Mr Nondula.

Mr Black said the court should accept that Mr Mncube had been viciously assaulted "in an emotional attack not designed to extract information but because he was seen as the person who had killed two policemen".

Mr de Villiers also said he found it very difficult to believe that Mr Mncube had defecated during tramplings on his stomach by security police during the alleged assaults at Beitbridge security police offices on January 3 last year.

Mr Black continues with his argument today.

(Proceeding)

331 DED WITNESS 15-21/4/88

Charged: Lawyer who said police were drunk

A KING William's Town attorney is being charged for "publishing untrue matter about the police". It is believed to be the first time anyone but a journalist has been charged for this offence.

The trial of John Eldred Smith, a well-known human rights lawyer who has been accused of making an untrue statement to the *Daily Dispatch*, began this week in the East London Regional Court.

Smith has been charged under Section 27 (b) 1 of the Police Act, generally directed at journalists.

A few days later, the *Daily Dispatch* published a report quoting Smith as

By FRANZ KRÜGER, East London

criticising the police for taking "unnecessarily provocative action".

He alleged that police had fired teargas at people standing around peacefully, and that Boesak had been addressed rudely by police who were clearly under the influence of liquor.

Appearing for Smith, Ian Farlam, SC, said his client did not dispute having made the statement, but denied it was untrue. He also indicated the defence intended calling Boesak as a witness.

In early police evidence, Captain Frederik Le Roux testified he had been in charge of the police contingent that evening. He had inspected his men before and after the action, and none of them had been under the influence of alcohol.

He said a large crowd of people had arrived in a bus and were dancing and *toyi-toying* in the street when he warned them to disperse. The crowd ignored the warning, and he then gave the order to fire teargas.

Under cross-examination, he insisted that although they were only dancing and singing, they had not been peaceful. "They were clearly trying to Stir up the situation," he said. - elnews

Date still to be set for application of Sharpeville Six

PRETORIA — It was unlikely that the application for a reopening of the trial of the Sharpeville Six would be completed on Monday, the registrar of the Pretoria Supreme Court, Mr P. J. van Zyl, said yesterday.

The application was filed by defence counsel yesterday. Mr Van Zyl said the Attorney-General would first have to study the documents and decide on a date.

The six were to die on Monday for the murder of the deputy mayor, Mr Kuzwayo Dhlamini, who was killed on September 31, 1984, by a mob of residents who were angered by rent increases.

They were given a month-long reprieve on March 17.

The applicants are Mojalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joshua Khumalo and Francis Don Mokgesi. The respondents are the Attorney-General of Transvaal and the Minister of Justice.

Yesterday's application asked for the hearing of further cross-examination of the witness Joseph Motsumi Manete and for the further cross-examination of any other state or defence witnesses arising from the cross-examination of Mr Manete.

It also asked for the hearing of any other or further evidence which the court might require to be called. — Sapa

Trial of Alex five is drawing international attention

After more than 1 600 pages of evidence and the testimony of more than 60 witnesses, the State's case in the trial of Mr Moses Mayekiso and four other men on a charge of treason is drawing to a close. As the defence prepares to open its case, the trial of the prominent trade unionist continues to attract considerable international attention. BRUCE ANDERSON reports.

The trial of Mr Moses Mayekiso (38) and his four co-accused began in late October last year before a public gallery crowded with journalists and observers.

Last week the public gallery was almost empty, with only the poster-sized aerial photographs and maps of Alexandra, which are on display all over the courtroom, distinguishing the trial from any other in the Rand Supreme Court.

The main thrust of the charge against the five is that they are alleged to have attempted to usurp the authority of the State by trying to seize control of Alexandra in 1985 and 1986 by establishing "organs of people's power" in the township near Sandton.

The State alleges the five established people's courts, waged a campaign against the police and army, and launched a rent boycott. They also allegedly organised boycotts of shops, industries and businesses in the Alexandra area.

The accused were all executive members of the Alexandra Action Committee (AAC) and are resident in the township.

The five men, Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mzameni Mdakane (29), Mr Obed Bapela (28) and Mr Mzwanele Mayekiso (22), the younger brother of accused number one, have pleaded not guilty.

They have been denied bail in compliance with a certificate issued by the Attorney-General in terms of section 30 of the Internal Security Act and are being held in custody at Johannesburg Prison.

The five have been charged with conspiring with other organisations in Alexandra and with the Congress of SA Trade Unions. In addition the State alleges that the five, as members of the AAC, conspired with the African National Congress and the SA Communist Party.

More than two-thirds of the State witnesses have been Alexandra residents and businessmen who have given evidence mainly on the alleged consumer boycott in force in the township in 1986.

Last week a wide range of documents, including community and trade union leaflets and documents alleged to be in the accuseds' handwriting, were handed into court as exhibits.

The large aerial photographs and maps of Alexandra in the courtroom bear witness to the complexity of the trial. The alleged targets of the consumer boycotts, the venues of the people's courts, the residences of the five accused and other landmarks associated with the case are marked and numbered in coloured pens.

The trial continues to attract international interest, largely as a result of Mr Mayekiso's prominence as general secretary of the National Union of Metalworkers of SA.

Last month a committee of prominent American jurists placed a full-page advertisement in the *Weekly Mail* explaining their interest in the trial by saying: "The case is crucial because it could determine the legal parameters of political activities that have occurred throughout the country during the past few years."

A distinguished English barrister, Lord E Hoosen QC, visited South Africa last year to monitor the trial.

The State's case is expected to last for another two weeks.

Mr D H Soggot will then begin to present the case for the defence.

(331) STAR 18/4/88

Treason trial set to enter its third year

Pretoria Bureau

The Vaal Triangle treason trial, soon to enter its third year, has notched up some impressive statistics.

The 217th witness, at a conservative estimate, is on the stand this week. A member of the State prosecution team this week estimated the number of its witnesses at between 140 and 150. The defence has called 63 witnesses and 14 of the 19 accused to the stand.

Moving toward its third year, the trial looks set to be second in duration only to the first "treason trial" in South Africa which lasted from 1958 to 1961. It ended with the acquittal of 28 of the 30 people eventually charged. The other two accused died or fled the country during the trial.

The Vaal Triangle trial, which moved from Delmas to the Pretoria Supreme Court last year, has already cost "several millions of rands" according to a member of the defence team.

The court record now stands at around 22 000 pages.

Defence attorney Mr George Bizos, SC, who has spent almost three years on the trial to the exclusion of all other work, told the court recently that the trial could last until the end of the year.

BAIL REFUSED

Bail has been refused to three of the accused five times; United Democratic Front general secretary Mr Patrick Lekota, UDF publicity secretary Mr Popo Molefe and former UDF Transvaal executive member Mr Moses Chikane have spent close to three years in jail.

The other 16 accused were released on bail in 1986 and last year. Most of the accused belong to or hold office in the UDF — which was virtually banned this year.

The three men who have been in prison since before their arrest in June 1985 — they were detained at different times before that date — have celebrated a handful of personal anniversaries between them in that time.

Two of the men, Mr Lekota and Mr Chikane, had children born into their families while they were in prison.

Mr Lekota's daughter was

217th witness takes stand this week

Chikane's son was born in November that year.

Mr Molefe witnessed the birth of his daughter in March 1985, a month before he was detained.

Mr Chikane and Mr Lekota expect to celebrate their 40th birthdays in prison in the next few months.

All three have already spent three birthdays behind bars, and expect to spend the fourth in the Pretoria Central Prison before the year is up.

The accused are: Mr Lekota, of Claremont Durban; Mr Molefe, of Soweto; Mr Chikane, of Mamelodi; Anglican minister the Rev Tebogo Geoffrey Moselane, of Sharpeville; Azanyu member Mr Patrick Mabuya Baleka, of Soweto; Azapo member Mr Oupa Hlomoka, of Sebokeng; Vaal Information Service member and Rhodes Black Student Society member Mr Thabiso Andrew Ratsomo, of Sebokeng, Vaal Civic Association member Mr Gcinunuzi Petrus Malindi, of Sebokeng; secretary of the Evaton Ratepayers Association Mr Petrus Mokoena, of Evaton; executive member of the Vaal Civic Association Mr Tsietsi David Mphuthi, of Sebokeng; Mr Naphtali Mbuti Mkopane, of Sebokeng; Mr Tebello Ephraim Ramakula, of Sebokeng; educator with the Urban Training Project Mr Bavumile Herbert Vilakazi, of Sebokeng; Vaal Civic Association executive member Mr Sekwati John Mokoena, of Boipatong, Vanderbijlpark; former Cosas leader and now Institute of Race Relations worker Mr Simon Tseko Nkodi, of Sebokeng; Mr Pelamotse Jerry Tlhopane, of Sebokeng; Mr Serame Jacob Hlanyane, of Sebokeng; Soweto Civic Association member and worker for the South African Council of Churches, Mr Thomas Madikwe Manthata, of Soweto; Vaal Civic Association executive member Mr Hlabeng Sam Matlole, of Sebokeng.

Terror trial postponed

CAPE TIMES 20/4/88 331

Staff Reporter

THE Supreme Court trial of 15 people accused of terrorism was yesterday postponed until today to a bigger courtroom and for the defence to study information supplied by the state.

Mr Justice D M Williamson granted the postponement requested by Mr W C Viljoen, for the state.

The accused are Mr Ashley Forbes, Mr Peter Jacobs, Mr Nicklo Pedro, Mr Nazeem Lowe, Mr Anwa Dramat, Mr Clement Baadjies, Mr David Fortuin, Mr Jeremy Veary, Mr Walter Rhoode, Mr Wayne Malgas, Mr Collin Cairncross, Mr Ashraf Karriem, Mr Colin Petersen, Mr Leon Scott and Ms Yasmina Pandy.

The assessors were Mr C H van Gend and Mr L P Francis. Mr Viljoen was assisted by Mr M Stowe. Mr M Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused.

Cape, to have his name restored to the roll of graceful conduct that arose from prescription was suspended for six months. — Sapa.

US jurists still monitoring SA trade unionist's trial

By Bruce Anderson

A committee of prominent American jurists — including a former United States attorney-general and six judges — is continuing to monitor the trial in the Rand Supreme Court of Mr Moses Mayekiso, general secretary of the National Union of Metalworkers of South Africa (Numsa) and four other men on charges of treason.

The committee was convened last year at the invitation of Mr Owen Bieber, president of the United Auto Workers' (UAW) union in the US.

Mr Mayekiso's attorney, Mr Norman Manoim, said the committee received regular reports on the trial and had indicated that it hoped to send an observer later this year.

The trial of the five men, all former executive members of the Alexandra Action Committee, began in October last year. The State's case is expected to close by the end of next week.

Mr Manoim said Mr Bieber's union had close links with Numsa and that Mr Bieber requested permission, during a visit to South Africa at the end of 1986, to visit Mr Mayekiso — who was then in detention under Section 29 of the Internal Security Act. The request was refused.

The UAW and Numsa had similar roles in their respective countries, Mr Manoim added.

property in ... The hearing continues today.

... Webster found guilty ...

Mr Mine... shoot"

DD 24/4/87

Court convicts ANC bomber

331

Daily Dispatch Correspondent

PIETERMARITZBURG — The ANC bomber Gordon Webster was yesterday found guilty of the murder of Colonel Robert Welman of the Durban police, and attempted murders of two other people when he planted two limpet mines at the Chamberlain Road substation in January 1986.

Webster, who was found to have joined the ANC in 1984 and received military training outside South Africa, was convicted by Mr Justice McCreath and two assessors on all 14 charges agalnst him of terrorism, murder and attempted murder.

On the murder charge the judge said although Webster claimed he had expected and believed that both the limpet mines would detonate at the same time, in the light of his background training and knowledge of explosives the court was of the view that he did in fact foresee the possibility that the two explosions might not occur simultaneously.

Colonel Welman, Sgt Roelof van der Merwe and Mr Mervyn Dunn, a Durban Corporation training officer, all suffered severe burns when the second limpet mine at the Chamberlain Road substation detonated about 25 minutes after the first explosion, according to evidence before the court.

Colonel Welman died in hospital some weeks later.

The judge said that on another occasion when Webster admitted planting explosives at the Shongweni-Assagay substation, it was quite clear that he had deliberately used different coloured lead plates on two limpet mines to ensure that a substantial number of hours elapsed between the explosions, and in fact Webster had admitted this. The second limpet mine had been planted at a hole in the security fence where Webster had gained entry.

The court also accepted the evidence of an in-camera state witness who was part of a conspiracy led by Webster to attack substations in the Mool River district in April 1986, who testified that it was to have been his duty to plant a land mine in a dirt road leading to one of the substations.

Webster was also convicted on charges of attempting to attack the Mayville electricity sub-station in Durban, and of having planted bombs which exploded at Umlaas Road, Durban; another explosion at Chamberlain Road substation; and a blast at Huntley's Hill substation in Westville.

In addition he was found guilty of having established and concealed caches of arms and explosives during 1986.

The court also found that he had recruited others into the ANC and given them training in the use of firearms and explosives.

The trial resumes on Friday.

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THE STATE V. MOSES MAYEKISO

Why American Jurists Are Monitoring The Mayekiso Trial

Moses Mayekiso, a leading trade unionist, currently faces treason charges in a trial that resumed February 1 in a Johannesburg court. Widespread international attention has focused on this case, beginning with Mayekiso's arrest in June, 1986, and continuing during the onset of his trial last October.

A committee of prominent American jurists was formed four months ago to monitor the Mayekiso trial, because of its worldwide importance. The jurists' group includes a former Justice of the United States Supreme Court (America's highest judicial body), a former Attorney General, a number of Appeals Court judges and other prominent legal figures.

One member of the Committee visited South Africa last year and acquainted himself with the facts of the case. It is hoped that one or more of this distinguished jurists' group will be permitted to enter South Africa to observe portions of the Mayekiso trial.

Mayekiso is general secretary of the National Union of Metalworkers of South Africa (NUMSA)—the second largest black trade union and an affiliate of the Congress of South African Trade Unions (COSATU).

KRAWCZYK

He and four others—Paul Tshabalala, Richard Mdakane, Obed Bapela and Mzwanele Mayekiso—are accused of undermining government administrative and judicial authority in Alexandra township through alleged support for rent and consumer boycotts and "people's courts."

Observers believe the Mayekiso case is crucial, because it could determine the legal parameters of a number of political activities that have occurred throughout the country during the past few years.

The American Jurists Committee monitoring the case of Mayekiso convened at the invitation of United Auto Workers Union President Owen Bieber. The Committee will monitor fairly and accurately this trial and report to the American public on the proceedings as they develop.

The Committee believes the trial of Mayekiso and his four co-defendants raises critical questions about fundamental issues of justice and due process under law. The case is an unparalleled test for South Africa's legal system beneath the spotlight of international opinion.

MEMBERS OF THE AMERICAN JURISTS COMMITTEE MONITORING THE CASE OF MOSES MAYEKISO

GRIFFIN B. BELL
Judge Bell is a former Attorney General of the United States. He now is a senior partner with the law firm of King & Spalding based in Atlanta and Washington. For nearly 15 years he served on the U.S. Court of Appeals for the Fifth Circuit until late 1976. Formerly he was the President of the American College of Trial Lawyers.

WILLIAM T. COLEMAN, JR.
Formerly the Secretary of the U.S. Department of Transportation during the Ford Administration, Mr. Coleman is currently Board Chairman of the NAACP Legal Defense and Educational Fund and is a partner in the law firm of O'Melveny & Myers based in Los Angeles and Washington.

ARTHUR J. GOLDBERG
Justice Goldberg served on the U.S. Supreme Court from 1962 through 1965 following two years as Secretary of the U.S. Department of Labor during the Kennedy Administration. He has served as the U.S. Ambassador to the United Nations and as a law professor, and currently is in private practice in Washington.

MARVIN E. FRANKEL
For 13 years Judge Frankel served on the U.S. District Court for the Southern District of New York and since 1978 has been in the private practice of law in New York City. He also has been a law professor at his alma mater Columbia University and a prolific writer of legal articles.

ELIZABETH HOLTZMAN
Following her eight years as a Member of the U.S. Congress representing part of New York City, Ms. Holtzman in 1981 was elected the first woman District Attorney (for Brooklyn) in the history of the city. She served on the House Judiciary Committee during the impeachment hearings of Richard Nixon and on the House Budget Committee.

DAMON J. KEITH
For the past 10 years Judge Keith has served on the U.S. Court of Appeals for the Sixth Circuit. A former President of the Detroit Housing Commission and Chairman of the Michigan Civil Rights Commission, he has won dozens of public service awards and holds more than 20 honorary doctoral degrees.

ABNER J. MIKVA
Judge Mikva since 1979 has served on the U.S. Court of Appeals for the District of Columbia. Previously for 10 years he served as a Member of the U.S. Congress representing north Chicago, serving on the Judiciary and Ways & Means Committees. Judge Mikva currently also teaches law at Georgetown University and is the co-author of a political science textbook on Congress.

ELEANOR HOLMES NORTON
Professor Norton serves on the faculty of the law school at Georgetown University. She is the former chair of the U.S. Equal Employment Opportunity Commission. An authority on affirmative action, labor law, race and sex issues, she also serves on the Board of the Rockefeller Foundation and other institutions.

STEPHEN REINHARDT
Since 1980 Judge Reinhardt has served on the U.S. Court of Appeals for the Ninth Circuit. Previously he was a partner in a Los Angeles law firm where he also was President of the Los Angeles Police Commission. Judge Reinhardt served as the Secretary of the 1984 Los Angeles Olympic Organizing Committee and currently is a member of the executive committee of Yale Law School.

BENNO C. SCHMIDT, JR.
In 1986 Benno Schmidt became the 20th President of Yale University. Formerly the Dean of the Columbia University Law School, he is a legal scholar specializing in constitutional law and American law concerning mass communications and the history of race relations. Schmidt served as a law clerk to U.S. Supreme Court Chief Justice Earl Warren.

This ad is sponsored by the American Jurists Committee Monitoring the Case of Moses Mayekiso, and is paid for by the United Auto Workers Union, 1757 N Street, N.W., Washington, D.C., 20036 U.S.A. Telephone: (202) 828-8500.

ranian threats the region.

Cape Times 21/4/88 331

ANC member convicted on four terrorism counts

MARITZBURG. — ANC member Gordon Webster, 24, was convicted yesterday on four counts of terrorism by Mr Justice McCreath and two assessors sitting in the Supreme Court here, SABC radio news reports.

The charges relate to Webster's becoming a member of the ANC in Botswana, his undergoing military training under the auspices of the organization in Angola to overthrow or endanger the state, and recruiting others to join the ANC, the radio said.

He was also found guilty in connection with attempts to plant explosives at the Mayville electrical sub-station, in Durban.

Judgment is continuing. — Sapa

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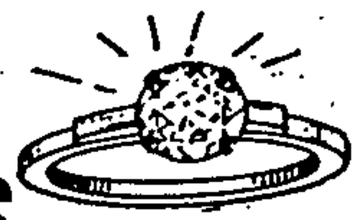

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Dumped with the dead then...

ANC man kills cops

JUDGMENT is expected this week in the Messina Circuit Court in the "landmine" trial of two men appearing on 41 charges of murder, attempted murder, terrorism and the illegal possession of arms.

The men, Mtheleli Mncube, 27, of Soweto and Mzondeleli Nondulo, 24, of Mdantsane, have pleaded not guilty. They have been on trial since October last year.

The State claims that the men are responsible for the series of landmine blasts in the Messina area in the Northern Transvaal between 1985 and 1986. Eight people, including six whites, died after detonating landmines.

Mncube also faces murder charges for the killing of two security policemen, Joachim Nel and Theunis Gerber, who were shot from the back of a bakkie.

Political education

The State alleges that Mncube went to Swaziland in 1981. He then went to Tanzania, where he studied at Solomon Mahlangu Freedom College - an African National Congress institution. He then left for Maputo.

In 1984, he went to Angola where he underwent an intensive six months course in the use of weapons and killing people. He also received political education.there.

The State further alleges he was taken from Zambia to Zimbabwe in 1985 and 1986 and received further training there.

His helpers entered the Republic in 1986 with the intention to plant landmines. They were armed with handgrenades, explosives, rifles, ammunition and anti-personnel mines.

The State alleges that Nondula left the country to join the ANC in Lesotho.

He is alleged to have returned to different training camps in Angola such as "Vienna and Cacusso". In 1985 he went to Tanzania and Zimbabwe.

In 1986, he allegedly received instructions from Lusaka to return to the Republic and set up political and military groups. He also had to build contacts. He entered the country but later returned to Botswana.

Nondula was arrested in January 1987 when he returned from Botswana.

The State claims Mncube and Nondula planted landmines near Messina which killed whites, and placed booby traps in the Messina area in November 1985 and December 1986.

Earlier in the trial, Mncube told the court how he shot and killed the policemen with an AK47 after he had been captured and thrown in a back of a van.

Mncube said he and four others were on a recoinnaissance mission of SADF bases and Border patrol patterns.

"We were shot at by a white farmer. Our commander instructed us not to return the fire as we are not allowed to hit civilians."

The farmer alerted the SADF and their group disintegrated as they tried to evade the SADF units, he said.

He was arrested by the security forces after he was spotted from a helicopter.

"I dropped and ran until I got tired. I then sat down as the helicopter hovered above me. Later I discovered that my comrades had been shot dead by the soldiers," he said.

ANC suspect Mtheleli Mncube pictured in chains after his capture — one of the photographs submitted as an exhibit in court

Mncube said the security forces undressed him before they handed him over to the security police.

"Later I was asked to identify the bodies of my three comrades who had been killed. I was blindfolded and my hands were tied to my shoe laces. I was dumped in the back of an open van with the bodies."

Later the policemen stopped the van and allegedly threatened to kill him.

"They did not replace the blindfold before we continued the journey. At that time the bodies of his three comrades started smelling because of the intense heat. I was scared that the policemen were going to kill me.

"As the journey continued I spotted a loaded AK47 near me. I don't know how I freed myself. I grabbed the gun and just sprayed the cabin until the van stopped."

Dressed in underpants only, Mncube said he wandered in the area for nine days, and lived on three mangos and rainwater. He was later arrested by police who took him to Beit Bridge.

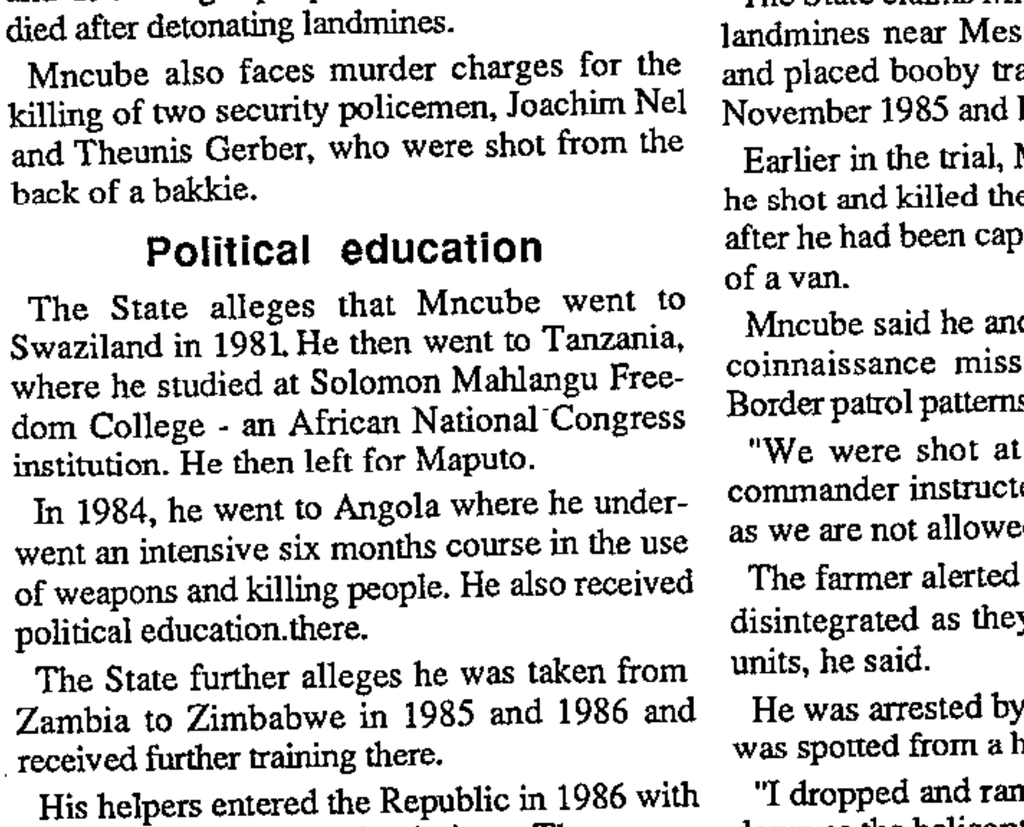
He claimed he was assaulted and forced to eat his own excrement before he was given water.

Throughout the trial Mncube and Nondula denied they planted landmines.

Mr Frans Roets, for the State, rejected Mncube's evidence that he had entered the country on a reconnaissance mission.

Before closing its case last week, the defence argued that the likelihood that Mncube was assaulted in detention could not be ignored.

The court ruled the confessions the men had made in detention were admissible evidence.



The blood-spattered cabin in which two died

Cape Times 21/4/88 331

ANC member convicted on four terrorism counts

MARITZBURG. — ANC member Gordon Webster, 24, was convicted yesterday on four counts of terrorism by Mr Justice McCreath and two assessors sitting in the Supreme Court here, SABC radio news reports.

The charges relate to Webster's becoming a member of the ANC in Botswana, his undergoing military training under the auspices of the organization in Angola to overthrow or endanger the state, and recruiting others to join the ANC, the radio said.

He was also found guilty in connection with attempts to plant explosives at the Mayville electrical sub-station, in Durban.

Judgment is continuing. — Sapa

CHR Trials
2/14/88 331

ANC trial postponed — charge amended

Supreme Court Reporter

CONFUSION about amendments to the charge sheet of 15 people accused of terrorism and related offences yesterday led to the postponement of the hearing to next Tuesday.

The accused are: Mr Ashley Alexander Forbes, Mr Peter Anthony Jacobs, Mr Nicklo Louis Pedro, Mr Nazeem Lowe, Mr Anwa Dramat, Mr Clement Baadjies, Mr David Johannes Fortuin, Mr Jeremy Alan Veary, Mr Walter Rhoode, Mr Wayne Ingemar Malgas, Mr Collin Cairncross, Mr Ashraf Karriem, Mr Colin Clave Martin Petersen, Mr Leon Scott and Miss Yasmina Pandy.

At their appearance yesterday, they sang and shouted slogans.

Soon after Mr Justice D M Williamson entered, Mr Forbes shouted "attention!" and his co-accused stood up. When Mr Justice Williamson and the assessors had taken their seat, Mr Forbes shouted "at ease" and they sat down.

Mr C H van Gend and Mr L P Francis were the assessors. Mr W C Viljoen, assisted by Mr M Stowe, appeared for the state. Mr Michael Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused.

Two Ciskei policemen shot dead

Star 22/4/88

ALICE — Two Ciskei security policemen were shot dead and another wounded in a shoot-out near here yesterday morning.

A Ciskei police spokesman said the incident took place at about 4 am in the Lower Gqumashe reserve.

He said five members of the Ciskei security police were conducting an investigation and, when they went to a house in the reserve, were "fired on by a suspected terrorist or terrorists".

The person or persons who fired on the police were using "heavy arms" but, at this stage, it was not known what type of weapons were involved.

A hospital spokesman said the injured policeman was in a "stable and satisfactory" condition and was being treated for shrapnel wounds in the chest.

Two policemen escaped injury, said the spokesman.

No arrests have been made and intensive police investigations are continuing. — Sapa.

Vereeniging Bureau

'Cold' murderer gets double death sentence

VANDERBIJLPARK — Alpheus Banda (29), who killed a Vanderbijlpark man and his employee by first shooting and then clubbing them to death with a hammer, was given a double death sentence in the Vanderbijlpark Circuit Court yesterday.

Banda of Venterstad, who was described as a "cold and calculating killer", was convicted on two counts of murder by Mr Justice J H Coetzee.

He was also found guilty of theft and two counts of robbery with aggravating circumstances and sentenced to a total of 24 years' imprisonment.

Some of the sentences were ordered to run concurrently.

The judge and two assessors found there were no extenuating circumstances and rejected as bizarre a story that Banda had killed Mr Joseph Mkgwanazi (29) because he had killed his (Banda's) mother.

Banda's version that he was in a state of panic and confusion when he killed Mr Mkgwanazi's employer, Mr Johannes de Peuter (53), shortly after committing the first murder was also rejected as false.

Mr Justice Coetzee said the court's unanimous finding was that the sequence of crimes commenced with the accused's avowed intention to steal a gun to carry out his brazen and open threat to "finish off" Mr Mkgwanazi.

Three days later, he shot Mr Mkgwanazi in the head with a stolen gun while his employer was out and then hit him several times on the head with a hammer to make

Judge begins summing up in Messina terrorism trial

Star 22/4/88

331

By Dirk Nel, Northern Transvaal Bureau

MESSINA — Strict security measures were enforced at the Messina terrorism trial yesterday as Mr Justice J P O de Villiers began his judgement.

The two accused, Mr Mthetheleli Mncube (27) of Soweto, and Mr Mzondeleli Nondula (24) of Queenstown, have pleaded not guilty to charges of murder, attempted murder, terrorism, treason and illegal possession of arms and ammunition.

The judge said he would, for the purposes of judgement, deal separately with each accused's case as the State had indicated there had been no common purpose between the two men.

Mr Mncube has been charged with the landmine deaths of a tractor driver and a passenger in a truck in November 1985, and the shooting of two policemen in January 1987.

Mr Nondula allegedly planted the landmines which killed members of the de Nysschen and Van Eck families on December 15 1985.

The case is continuing.

Charges dropped in Messina trial

THE State yesterday dropped three charges against the two accused in the five-month-old Messina landmine trial.

The charges are high treason, participating in terrorist activities and distributing banned publications. The two now face a combined charge of contravening the Internal Security Act and furthering the aims of the banned African National Congress.

Mr Justice J P O de Villiers, sitting with two assessors, was expected to pronounce a verdict yesterday but would instead finish summing up the hundreds of pages of evidence before him today.

Mr Mthetheleli Zephania Mncube (28) of Zone 6 Diepkloof, Soweto, and Mr Msondeleli Euclide Nondula (25) of Mdantsane, East London, have pleaded not guilty to 10 charges of murder and 16 of attempted murder.

By THEMBA MOLEFE

Mr Mncube is also accused of murdering two policemen, Warrant Officer Pheunis Johannes Gerber and Sergeant Joachim Martinus Nel, whom he allegedly shot dead when they arrested him in Messina on December 26, 1986.

Mr Justice de Villiers recounted how six members of two white farming families were killed in a series of landmine blasts in the Messina area between November 1985 and February 1986. Those who died included four children aged between two years and eight years.

ANC MAN'S TRIAL IS NEAR END

Sowetan 22/4/88

331

THE defence for Gordon Webster, found guilty on Wednesday of the murder of a senior Durban security policeman, Colonel Robert Welman, is to lead evidence on extenuating circumstances when the trial resumes in the Maritzburg Supreme Court today.

Webster (24), who was found to have joined the African National Congress in 1984 and received military training outside South Africa, was convicted by Mr Justice McCreath and two assessors on all 14 charges against him of terrorism, murder and attempted murder, including a plan to seize hostages in South Africa to use in bargaining for other prisoners.

The judge said Webster had admitted he agreed with other members of the ANC to seize hostages in South Africa but maintained that no specific plan or hostages had been decided on when he was arrested while attempting to re-enter South Africa last September.

SAPA

Mr Justice McCreath said, however, the evidence of a secret State witness went further and referred to a list of prospective hostages including the name of Mr Justice Shearer, who was the presiding judge at the trial of convicted Parade Hotel bomber, Robert McBride.

Other names were those of senior police officials who Webster admitted were all connected with the McBride trial.

Threat

The witness also referred to various arrangements made prior to Webster attempting to re-enter South Africa.

In finding Webster guilty of terrorism in connection with this count, the judge said in his view it was clear that a threat of violence "at least" would have been involved in the execution of this plan.

In so far as the murder charge was concerned, the judge said although Webster claimed that he had expected and believed that both the limpet mines would detonate at the same time at the Chamberlain Road sub-station in January 1986, in the light of his background training and knowledge of explosions the court was of the view that he did in fact foresee the possibility that the two explosions might not occur simultaneously.

He said Webster was clearly aware of the dangers relating to the use of explosives. It was apparent from evidence that he had instructed others in the use of limpet mines and this would hardly be expected of a man who had a "scanty knowledge" of their workings.

Col Welman, Sergeant Roelof van der Merwe and Mr Mervyn Dunn, a Durban Corporation training officer, all suffered severe burns when the second limpet mine at the sub-station detonated about 25 minutes after the first explosion, according to evidence before the court.

Col Welman died in hospital some weeks later.

PROFILE OF TWO IN THE MESSINA DOCK

331
Soweten
22/4/88

WHO are the two young men appearing in the Messina Circuit Court where they are charged with 41 counts relating to a series of landmine blasts?

The two share a birthday, May 19.

Mthetheleli Zephania Mncube was born in 1960 in Alexandra township. He is the fifth son of Mr George Mncube (67) and Mrs Winnie Mncube (58), of 8391 Zone 6, Diepkloof, Soweto.

By THEMBA MOLEFE

He started school in 1971 in Alexandra township and was a Standard 9 pupil at the Selelekela Secondary School in Orlando East when he left the country aged 20.

He did not know that he had passed because the results arrived when he had already left.

He was a keen photographer and a rising football star who played for the Sheffield Football Club in Diepkloof.

His co-accused, Msondeleli Euclide Nondula, was born in 1963 and left the country on January 23, 1982. He is the sixth child of widowed Mrs Eugenia Nondula of Mdantsane, East London.

He passed his Standard 8 at the David Mana High School in Mdantsane in 1981.

Mrs Mncube said yesterday that the last time she saw her son was after they had a meal of chicken which he ate in a hurry. "That was sometime in November 1980," she said. Mrs Mncube added that the first time she saw her son again was on January 3, 1987 at the Louis Trichardt Prison.

Mrs Nondula said her son was a bookworm who liked reading James Hadley Chase thrillers. His father died in 1967 when Msondelelei was only four years old.

Judgement today in land-mines trial

JUDGEMENT in the Messina "land-mine" trial began yesterday in a courtroom packed to capacity, and will continue today.

Mr Justice JPO de Villiers confirmed that the state had dropped three of 41 charges against Mthetheleli Mncube, 27, of Soweto, and Mzondeleli Nondula, 24, of Queenstown. They still face several charges which carry the death penalty.

The men are charged with murder, terrorism, treason and illegal possession of arms and ammunition. The dropped charges relate to alternative counts of terrorism and illegal possession of explosives.

Justice De Villiers said the accused would be judged separately as they had not acted with common purpose.

Mncube has been charged with the deaths of a tractor driver, a passenger in a truck and two policemen in the Messina area.

Nondula allegedly laid landmines which caused the deaths of members of the De Nysschen and Van Eck families. — Sapa

● See PAGE 7

22-28/4/88 (33) Willem

Police pictures show the scale of a conflict along the Zimbabwe border ...

Pictorial court record: Manacled guerrilla Mzondeleli Nondula in custody ... Blast damage on SADF vehicle ... And a landmine

At a forgotten trial, rare details of a forgotten war

A major trial in remote Messina in which two ANC guerrillas face murder and treason charges, has revealed vivid details of shoot-outs between ANC and SADF along the Zimbabwe border. VUSI GUNENE and SHAUN JOHNSON report

EVIDENCE given in the Messina "land mine" trial, now drawing to a close, has painted a graphic picture of what one witness described as a "low-intensity war situation" involving the South African Defence Force and African National Congress guerrillas along a stretch near the Limpopo River separating South Africa from Zimbabwe.

Two ANC guerrillas face a total of 40 charges in the Circuit Court held at Messina, including murder and treason. Fifteen of the charges carry the death penalty, while the rest involve lengthy prison sentences.

The charges against Mthetheleni Zephania Mncube, 27, and Mzondeleli Euclid Nondula, 24, arise from a series of land mine blasts in the Weipe area near Messina in the Eastern Transvaal in 1985 and 1986.

The trial commenced on October 25 last year. At the close of argument last week state prosecutor Frans Roets asked Justice JPO de Villiers to convict Mncube — whose ANC military name is "Caesar" — on four counts of murder, two of attempted murder, and further charges of terrorism, treason, and violations of the Arms and Ammunitions Act.

Roets asked the court to convict Nondula — ANC name "Gaba" — on six counts of murder, 22 of treason, one of terrorism and treason, and on contraventions of the Arms and Ammunitions Act.

Mncube, who described himself in court as an ANC soldier, was captured in December 1986, while Nondula, a political commissar, was arrested by the Bophuthatswana Defence Force at a roadblock near Mafikeng in January 1987.

Evidence before the court about the circumstances prior to their jailing tells of 16 separate land mine blasts in the area between November 1985 and late 1986, several of which caused damage to military vehicles.

The region — referred to as the Soutpansberg Military Area — has become increasingly militarised in recent years as the threat of insurgence has become a reality. In addition, according to observers, the trial has seen a heightening of tensions between the white and black populaces. The white farming community, in particular, has armed itself heavily.

Mncube's testimony tells of face-to-face contact between the SADF and ANC. He described how he and his colleagues infiltrated South Africa from Zambia and Zimbabwe in order to reconnoitre SADF bases and patrol patterns in the border area.

While doing so they were detected by a farmer, who opened fire. Mncube said his group commander ordered the guerrillas not to shoot back, "for fear of killing civilians".

"We could have wiped them out if the commanding officer had ordered us to do so," said Mncube.

The group retreated from the farm, and a day later was engaged in a fierce fire-fight with SADF soldiers, who had launched a full-scale search after being alerted by the farmer. Mncube testified that he abandoned his rifle during the contact — in which three of his group, including the commanding officer, were killed — and ran for a long distance.

Pursued by SADF personnel, who also deployed a helicopter, he became exhausted and was eventually captured. He was placed in a vehicle with the corpses of his three colleagues, and was later transferred to the back of a van driven by two policemen.

His hands were tied with shoelaces and he was blindfolded. After one of the policemen threatened him, he said, he was left alone on the back of the van. He managed to untie himself and grabbed one of the captured AK47 rifles lying nearby, fatally shooting Sergeant Joachim Nel and Warrant Officer Theunis Gerber through the back of the cab.

He fled from the van and wandered in the bush for nine days before his eventual arrest at Beit Bridge.

The murder charges against the other accused, Nondula, relate to the deaths of three members of the De Nyschenn family and three members of the Van Eck family, all killed in a single blast at Amersham Farm near Messina on December 25, 1985.

Much of the defence argument has centred around the interrogation of both Mncube and Nondula after their separate captures. It was argued that Mncube might have been assaulted immediately after his arrest, and that a medical examination — held, possibly, because it was feared that the arrestee might die — was "hopelessly inadequate".

The court heard that Mncube had swellings around the eyes, nose and lips. A day after his recapture, hair was missing from the left side of his head, allegedly having been pulled out during interrogation.

It was further alleged that Mncube had been forced to eat his own excrement.

Defence lawyers held that Nondula was similarly under pressure from continuous interrogation.

Related to the allegations of protracted interrogation and assault, defence lawyers have contested the state's claim that the accused voluntarily pointed out spots where landmines had been laid to police.

It is asserted, rather, that the accused were taken to the spots and then photographed. Mncube, it was argued, was obviously unfamiliar with the area as he had wandered around for nine days. It was held he would have been unable to relocate specific places.

A similar argument was forwarded in the case of Nondula. Defence lawyers noted that the "pointings out" took place a year after the original incidents, and involved locations by then well-known to the security forces. It was emphasised that in his confession Nondula said he had planted land mines in the Eastern Transvaal near Beit Bridge, but did not know the area. As a stranger to the area, he would not be able to rediscover the spots where they had been planted.

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ANC bomber faces death sentence

(331)

Weekly Mail Reporter

THE fate of convicted African National Congress bomber Gordon Webster hangs in the balance today as his defence team prepares to argue on whether there are extenuating circumstances which would save him from the gallows.

Webster, dramatically "sprung" in May 1986 from Edendale Hospital where he was under police guard, was this week found guilty in the Pietermaritzburg Supreme Court of 14 counts including murder, attempted murder and terrorism.

The murder count relates to senior Durban police officer Robert Welman who died after being caught in a limpet mine blast. The bomb exploded shortly after he arrived at a Durban electricity substation to investigate an earlier limpet mine blast. Both mines were planted by Webster.

He was also convicted of attempted murder in connection with two other people who were seriously hurt in the blast, but survived.

In addition, Webster was found guilty of 12 counts of terrorism, related to explosions at a number of substations around Durban and Pietermaritzburg.

He admitted in a statement that he had planted the two mines at the substation where Welman was injured, but said he intended them to go off together.

22-22 14/88

W/Mail

The reported decision brought to justice.

Judge withdraws 3 charges

D/D 22/4/88 3319

MESSINA — Three charges in the case in which two alleged members of the ANC are involved were withdrawn by Justice J. P. O. de Villiers at the Messina Circuit Court.

The three charges are: high treason, participating in terrorist activities and possession of banned literature.

Mr Justice de Villiers will continue judgement today on the two accused, Mr Mthetheleli Vephania Mncube, 27, of Soweto and Mr Mzodeleli Eucleud Nondula, 24, of Queenstown, who are facing 38 charges.

Mr Mncube has been charged with the deaths of a tractor driver, a passenger in a truck and two policemen in the Messina area.

Mr Nondula allegedly laid landmines which caused the deaths of members of the De Nysschen and Van Eck families, who detonated a device while travelling in a bakkie on a farm road on December 15, 1985. — Sapa

Trial of 29 women postponed

Staff Reporter

THE TRIAL of 29 Black Sash women, who may be charged with attending an illegal gathering near Parliament, was postponed till August 24 in Cape Town Magistrate's Court yesterday.

Ms Desirée Burman, a British citizen, was given bail of R150 on condition that she appear in court on August 24. The rest of the group are on their own recognizances.

The women were not asked to plead and no charges were put to them.

They were arrested on March 17 while protesting near Parliament for the "Sharpeville Six".

The women are Mary Burton, Jenny de Tolly, Beverley Runciman, Sue van der Merwe, Val Rose-Christie, Joan Rafferty, Margaret Nash, Lou Shaw, Sue Philcox, Sarah Christie, Mary Shepherd, Helen Marree, Lynne Munnik, Jayne Prinsloo, Annemarie Hendrickz, Cindy Tyrell, Brenda McKay, Anne Schuster, Margaret Matthews, Desirée Burman, Ruth Copelands, Judy Woodward, Karen Chubb, Pam Allen, Margie Probyn, Alison Saayman, Anne Greenwall, Jill Gribble and Denise Smith.

The prosecutor was Mr E S Grobbelaar. The women were represented by Ms Andy Durbach.

Judgment awaited in Messina trial

Soweto Sun 25/4/88

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By THEMBA MOLEFE

THE Messina landmine blast trial, which began five months ago, reaches a climax this week when Mr Justice J P O de Villiers is expected to hand down judgment which will decide the fate of the two young men in the dock.

Appearing before Mr Justice de Villiers and two assessors in the Messina Circuit Court are Mr Mthetheleli Zephania Mncube (28), of Zone 6, Diepkloof, Soweto, and Mr Mzondeleli Euclid Nondula (25), of Mdantsane, East London. They have pleaded not guilty to the original 41 counts following a series of landmine blasts in the tropical Messina area between 1985 and 1986.

Last week the State dropped three charged against the two men. The charges are high treason, participating in terrorist activities and distributing banned literature. They now face a charge of contravening the Internal Security Act.

On Friday, before postponing the case to today, the judge ruled that a 24-page confession made by Mr Nondula in which he admitted planting the landmines was admissible as evidence. This followed a trial-within-a-trial to determine whether Mr Nondula made the statement under duress while in custody at Groot Marico.

The judge said although Mr Nondula was psychologically pressured before confessing, he was aware of what he was saying before magistrate Mr A J Barnard.

Mr Nondula has also admitted that he was the sole survivor in the South African Defence Force Maseru raid in which 40 people were killed in December, 1982.

Sharpeville Six sentenced 'on well-established SA legal principle'

Judgment was right, say experts, but several urge law reform

Star 25/4/88 (331)

The case of the Sharpeville Six — five men and a woman sentenced to death after being found guilty of murdering a Lekoa town councillor in 1984 — has become one of the most controversial in South Africa's history.

Contradictory views on their conviction and sentencing have come from not only within the country but from nations, legal experts and organisations worldwide.

The six are currently on death row but their executions have been stayed as they await the result of an application to have the case reopened.

The case has again fuelled the debate on the death sentence and focused attention on its imposition when the accused are convicted on the doctrine of common purpose, as the Sharpeville Six were.

According to the doctrine of common purpose, a person can be found guilty of murder if it is proved he shared an intent to kill.

In the Sharpeville Six case, the Appeal Court accepted that it was not proved that any of the six had "contributed causally to the death of the deceased", Mr Khuzwayo Dhlamini, who was stoned and set on fire by a rampaging mob on September 3 1984.

However, they "shared a common purpose, to kill the deceased, with the mob as a whole".

Esmaré van der Merwe interviewed leading criminal law experts at South African universities on their opinions on the death sentence and on the case of the Sharpeville Six.

Most leading South African criminal law experts believe that no fault can be found — as the law stands — with the court's decision that the Sharpeville Six were guilty of murder on the doctrine of common purpose.

However, some criticised the common purpose principle and six experts urged its reform.

One academic said he was totally opposed to the death sentence, while three said the death penalty should be imposed only in extreme cases. Four said the Sharpeville Six should have received a lighter sentence.

Two academics said State President Mr Botha should have exercised his prerogative of mercy in the Sharpeville Six case.

The Star contacted legal experts at 13 South African universities for their opinions on the Sharpeville Six case and the death sentence in cases involving common purpose.

The 11 (edited) replies are published alphabetically:

Cape Town (Institute of Criminology), Professor Dirk van Zyl Smith:

The doctrine of common purpose is suspect because there should be some direct causal link between the accused and the crime.

The fact that many of the Sharpeville Six) accused were only indirectly linked to the killing should have been sufficient for the death penalty not to be imposed.

It is certainly a ground on which the State President ought to (show) mercy.

Durban-Westville, Mr Saleem Khan:

It is conceivable in terms of South African law that persons who contribute indirectly to the death of a person would be guilty of murder — for example where several persons act in common purpose with the intention of causing death.

There does not have to be a direct causal link between the conduct of all such persons and

In this case the court was obliged to impose the death penalty.

The death penalty serves a vital purpose as the ultimate deterrent.

Fort Hare, Mr Paul van Zyl:

I cannot criticise the imposition of the death sentence in this case as the law stands.

Natal (Maritzburg), Professors John Milton and Jonathan Burchell:

The circumstances of the Sharpeville Six were such that the State President ought to have commuted the death sentence.

In upholding their conviction the Appellate Division adopted an approach to the doctrine of common purpose that is controversial among lawyers, since it amounts to the recognition and adoption of an exception to the general principles usually applied in determining criminal liability.

In such a situation considerations of humanity suggest that the law's most drastic penalty should not be carried out.

caused the death of the victim. This means their role in the death of the victim at the most was a limited one.

While this does not alter their legal guilt, it would ordinarily be seen to be a factor that diminishes their moral blameworthiness so as to justify a punishment other than death.

To (disregard) that view seems to us an extraordinarily harsh attitude to adopt. (The judgment) smacks of simple vengeance.

Potchefstroom, Professor Nic Pretorius:

In terms of the common purpose doctrine, which is of English origin and is well established in South African law, a person may be liable for a killing committed by another provided that the intent to kill is proved beyond reasonable doubt and it is similarly proved that the killing fell within his and the actual perpetrators' common design.

A court convicting an accused of murder is obliged to impose the death penalty except where there are extenuating

To my mind it is sound law to provide for the imposition of the death penalty on an accused found guilty of murder even though he did not take part in the actual killing.

The circumstances might be such that the death penalty is the only suitable sentence; on the other hand, the very fact that the accused was not directly involved in the killing, or other factors, might constitute extenuating circumstances.

The death penalty should of course only be imposed in extreme cases.

Pretoria, Professor Ferdinand van Oosten:

The question whether the death penalty should be imposed upon a participant in murder where no causal connection between his act and the death of the victim is proved, can obviously be answered from different angles.

In terms of the so-called "common purpose doctrine" such a participant can be found guilty of murder and sentenced to death.

includes lesser acts than individually causing death, but is restricted in so far as mere presence at the scene of the crime and mere approval of the crime itself is not sufficient to attract liability.

If our law were to draw a proper distinction between perpetrators (those who individually cause death) and accomplices (those who do not cause death, but who associate themselves with it) as two different kinds of participants in murder, a strong case can be made out for the view that accomplices in murder should not receive the death penalty.

Perhaps this is an issue on which law reform holds the answer.

Rhodes, Professor Ivan Schafer:

I have very mixed feelings about the death sentence. As the law stands, the Sharpeville Six sentence was proper.

Unisa, Professor Jan van Rooyen:

People who were present at the scene of a murder are not necessarily accomplices to

South African law they could be found guilty of murder on the principle of common purpose. The law should be reformed.

University of the North, Professor Koos van den Heever:

I am totally opposed to the death sentence. Therefore, I do not distinguish between the Sharpeville Six case or any other case in which the death penalty is imposed.

Western Cape, Professor Louis van Huyssteen:

I agree with the general principle that the State must prove that an accused caused the death of a deceased.

I do not think it ought to be shown that the accused was the direct cause of death.

I am uneasy with the legal policy that the requirement can be dispensed with in cases of common purpose, and particularly so if it is done on the ground of exigency.

If it is judged to be in the interest of the community to dispense with the requirement, then it should be done in limited and well-defined circumstances.

In general, I am a[illegible]

Crt. Appls 26/4/88 (331)

Sharpeville 6 trial: Reopening opposed

PRETORIA. — The attorney-general of the Transvaal yesterday filed notices of intention to oppose the application of the "Sharpeville Six" to have their trial reopened.

The second respondent, the Minister of Justice, is however not opposing the application and has decided to abide by the court's decision.

This follows an application by the five men and a woman for the reopening of their case after their attorney, Mr Prakash Diar, found new evidence which may influence their positions.

The six on death row applied successfully a month ago for a stay of their executions on the grounds that a state witness had lied to the court.

In papers filed with the Supreme Court, Pretoria, a week ago, the witness's attorney, Mr M S Bham, said he had consulted with his client in September 1985 after his client was subpoened to give evidence and confirmed that the evidence was false and that he had not seen either the first or second applicant at the scene of the crime.

"He also confirmed to me that the police had mentioned the names of the first and second applicants to him and instructed him to say in his evidence that they were at the scene of the crime." — Sapa

Murder trial of 18 unionists adjourned

DID 26/4/88 (1)(804) (331)

Daily Dispatch Correspondent

JOHANNESBURG — The trial of 18 South African Railways and Harbours Union (Sarhwu) members charged with the murder of four co-workers during the Sats strike last year began in the Rand Supreme Court yesterday, with defence counsel applying for further particulars of the allegations against their clients.

It was argued before Mr Justice T. T. Spoelstra that the allegations were vague and embarrassing and that further particulars were necessary for the 18 to answer the case.

The state, which alleges that the 18 acted in common purpose, opposed the application.

All 18 have been charged with five counts of kidnapping, four of murder, one of attempted murder, two of robbery with aggravating circumstances, two of assault with intent to do grievous bodily harm and intimidation.

It is alleged that they kidnapped five co-workers who had not joined the strike — Vhulani Joseph Mulaudzi, Kati John Sebopelo, Mulalelo Petrus Moremane, Albert Phuluwa and Jerry Rudolph Goodman — on April 28 last year and took them to Cosatu House.

There, according to the allegations, they were assaulted and robbed before being driven from Cosatu House.

It is alleged that four of the kidnapped workers, Mulaudzi, Sebopelo, Moremane, and Goodman, were stabbed, and had a 31 kg rock dropped on them before being doused with petrol and set alight.

Phuluwa managed to escape.

Among the 18 accused is the Sarhwu regional secretary for the Transvaal, Johannes Joja Ngcobo.

The other accused are: Bongisi Sibisi, Wilson Matshili, David Dzevhe, Jacob Thapelo Machaka, Patrick Molefe, Phineas Netshitungulwane, Takalani David Mamphaga, Mafemane William Rikhotso, George Maungedzo, Daniel Candilizwe Mkholokotho, Freddie Mothisi, Isaac Mogorosi, Jacob Mmatloa, Wilson Mushaishano, Johnson Mogesi, Simon Mulomoni and Michael Ikaneng.

Mr Justice Spoelstra reserved judgment on the application, for further particulars, until today.

ANC men convicted of nine murders

Messina terrorism trial: 2 found guilty

By Dirk Nel, Northern Transvaal Bureau

MESSINA — The two accused in the Messina terrorism trial were found guilty yesterday by Mr Justice J P O de Villiers on nine charges of murder, 24 of attempted murder, one each of terrorism, illegal possession of arms and ammunition, and one of promoting the aims of the banned African National Congress (ANC).

SERIES OF LANDMINE BLASTS

The charges arose mainly from events in the Messina area between November 1985 and February 1987, including a series of landmine blasts which killed eight people, and the shooting of two policemen.

Mthetheleli Mncube (27) of Diepkloof, Soweto, was convicted of killing Mr Edward Meluba, a passenger in a truck which detonated a landmine at Weipe, near Messina, on November 26 1985, and also of the murder of Warrant Officer Theunis Gerber, and Sergeant Joachim Nel, before escaping from their custody on December 26 1986.

He was also found guilty of attempting to murder Mr Elijah Makgamatha, the driver of the truck, and Mr Gerry de Villiers, whose bakkie detonated a land mine near the spot where the truck was destroyed.

The judge also found that Mncube received ANC military training outside South Africa, promoted the banned organisation when he returned, and was illegally in possession of grenades, AK-47 rifles, landmines, explosives and ammunition, for the purpose of endangering the security of the State.

Mzondeleli Nondula (24) was found guilty of laying the landmines which caused the deaths of Mrs Gertruida de Nysschen, Mrs Jacoba van Eck and four children — Carla de Nysschen (8), Johannes de Nysschen (3), Nelmari van Eck (8) and Ignatius van Eck (2) — when their bakkie detonated a landmine near Messina on December 15 1985.

He was found guilty of attempting to murder the members of the two families who survived the blast, as well as 17 other people injured in explosions in the area.

Nondula was also convicted on one charge of terrorism and a contravention of the Arms and Ammunition Act.

Both men had pleaded not guilty to the charges.

Defence witnesses will be called to testify in mitigation before sentence is passed.

Zola determined to go on training for Olympics

The Star Bureau

LONDON — Zola Budd is still training for the Olympic Games despite admitting there is "little hope" that she will be allowed to compete.

She must wait for a month while a new inquiry ordered by the British Amateur Athletics Board investigates her alleged involvement at a track meeting in South Africa.

As she prepared yesterday for her daily 9 km run across Surrey farmland near her home in Merrow, near Guildford, she said: "I just don't know how I'm going to get through the next month. It will be a terrible ordeal for me.

"But although I can't do or say anything until the results of the inquiry are known I can't just give up."

She confirmed that she had applied for a part-time job at Surrey University to strengthen her ties with Britain.

Pat Butcher, athletics correspondent of *The Times*, reports that IAAF officials were yesterday "tripping over their tongues", pretending they did not threaten to suspend the BAAB if it did not suspend Miss Budd.

He adds: "But credibility, or a lack of it, has been the lot of the IAAF for some time now, what with the attempts to suppress debate on the evident misdemeanours of Italian officials (including at least one attached to the IAAF) reponsible for cheating at the world championships in Rome last summer."

A-G opposes Six re-trial

Defence counsel's application to re-open the trial of the Sharpeville Six, who were to be executed on April 18, has been opposed by the Attorney-General of the Transvaal.

According to the Pretoria Supreme Court's registrar, Mr P J van Zyl, a decision will be given in court next Tuesday.

The six were granted a second stay of execution a week ago on the grounds that a State witness's evidence may have been perjured in certain material respects.

The six were condemned to death for the murder of Lekoa deputy mayor Mr Kuzwayo Dhlamini on September 3 1984.

The Minister of Justice, Mr Kobie Coetsee, as second respondent, has not opposed the application.

Fate of 'Sharpeville Six' still in balance

STATE 'NO' TO RETRIAL

Sowetan 26/4/88

331

THE Attorney-General of the Transvaal yesterday gave notice that the State would oppose the application of the "Sharpeville Six" to have their trial re-opened.

The second respondent, the Minister of Justice, is however not opposing the application and has decided to abide by the court's decision.

This follows an application by the five men and a woman for the re-opening of their case after their attorney, Mr Prakash Diar, found new evidence which may influence their positions.

The six on death row applied successfully a month ago for a stay of their executions on the grounds that a State witness, X2, had lied to the court.

Mr Acting Justice W J Human, who sentenced the six to death, granted their stay of execution with the understanding that a substantive application be filed on or before April 18.

Affidavit

The judge also asked for a further affidavit from witness X2.

In papers filed with the Pretoria Supreme Court a week ago, X2's attorney, Mr M S Bham, said he had consulted with his client in September 1985, after his client was subpoenaed to give evidence against the Sharpeville Six.

"I further confirm that on Tuesday, March 15, 1988, Manete (X2) informed me that the evidence he had given at the trial of the above-mentioned accused was false and that he had not seen the first and second applicants (Don Mokgesi and Duma Khumalo) at the scene of the crime.

"He also confirmed to me that the police had mentioned the names of the first and second applicants to him and instructed him to say in

• To Page 2

9 counts of murder

MTHETHELELI Mncube (left) and Msondeleli Nondula

Messina trial pair is found guilty

TWO young men were yesterday found guilty of nine counts of murder and a total of 26 attempted murder counts arising from a series of landmine blasts in the Messina area between 1985 and 1986.

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Msondeleli Euclide Nondula (25), of Mdantsane, East London, showed no emotion when Mr Justice J P O de Villiers, sitting with two assessors, told him he was guilty of six murder charges. Sowetan 26/4/88

The victims included children, a boy aged two, a girl aged 6 and two other eight-year-old girls.

Mthetheleli Zephania Mncube (28), of Zone 6, Diepkloof, Soweto, was found guilty of shooting two white policemen and a civilian. The two white policemen were escorting him to Messina shortly after his arrest.

"You admitted to spraying gunfire on the policemen with an AK47 rifle," Mr Justice de Villiers told him.

Both men were originally charged with ten murder counts.

The judge based his verdict, regarding Nondula, on a 24-page confession which he made to the police in Groot Marico a few days after his arrest in Bophuthatswana.

Nondula was also responsible whether directly or not to the landmine explosion which injured eleven members of the South African Police and the South African Defence Force and which damaged several armoured vehicles.

The two men were also convicted of being members of the African National Congress, undergoing military training outside South Africa and of being in possession of arms and ammunition.

The defence team led by Mr Rodney Black, SC, is to begin with extensive mitigation evidence today and sentence is expected to be passed by May 5.

Azapo challenges Govt curbs - P3

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Mr. J.P. Brummer, Principal, Damelin Correspo

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GREY-PHILLIP

• From Page 1

his evidence that they were at the scene of the crime." Sowetan 26/4/88

Mr Diar said yesterday he "remained hopeful that they will not be hanged." — Sapa.

Trial bid by six opposed

D10 2.6/4/88

331

PRETORIA — The Attorney-General of the Transvaal yesterday filed notices of intention to oppose the application of the "Sharpeville six" to have their trial re-opened.

The second respondent, the Minister of Justice, is not opposing the application and has decided to abide by the court's decision.

This follows an application by the five men and a woman for the re-opening of their case after their attorney, Mr Prakash Diar, found new evidence which may influence their positions.

The six on death row applied successfully a month ago for a stay of their executions on the grounds that a state witness, X2, had lied to the court.

In papers filed with the Pretoria Supreme Court a week ago, X2's attorney, Mr M. S. Bham, said that on Tuesday, March 15 1988, X2 had informed him that the evidence he had given was false. — Sapa

ANC bomber 'felt remorse'

CAPE TIMES 26/4/88

331

Own Correspondent

DURBAN. — Convicted ANC terrorist Gordon Webster had felt remorse and sadness when he learnt of the death of police colonel Robert Welman after a limpet mine explosion at a sub-station in 1986 for which he was responsible, the Supreme Court here was told yesterday.

Mr Gordon Isaacs, a senior lecturer in social work at UCT, told Mr Justice McCreath and two assessors he believed extenuating circumstances existed which reduced the moral blameworthiness of Webster in the murder of Colonel Welman.

Mr Isaacs said that during an interview with Webster when the subject of Colonel Welman's death was brought up Webster had expressed remorse and become tearful. He said he felt sadness when he learnt of the death of the policeman and of the injury to others that he had caused. He had also told Mr Isaacs that he was unable to share his remorse with anyone at the time as this would have indicated weakness on his part.

Mr Isaacs testified that in interviews with Webster, his family, former teachers and acquaintances, he had formed the opinion that there were four main features influencing Webster which amounted to extenuation. These were emotional immaturity, vulnerability resulting from his childhood background, influence of more powerful forces and people on him — including indoctrination by the ANC — and an absence of any inherent wickedness in Webster.

Statement to authorities

Mr Ian Slabbert SC, for the state, asked Mr Isaacs under cross-examination how he explained the fact that while Webster expressed remorse for the death of Colonel Welman, he shortly afterwards again planted two limpet mines at a sub-station, one of which was timed to detonate some time after the first and had been placed at the point where he gained access to the sub-station grounds.

Mr Isaacs said Webster had told him that he did not intend to kill or injure humans. "He said he believed the mine would go off when no one was present."

The planting of the mines was a statement to the authorities that Webster or the ANC could set off explosives at will, Mr Isaacs said.

Referring to a plan by Webster to seize hostages in South Africa to be used in securing the release of his friend, convicted Parade Hotel bomber Robert McBride, Mr Isaacs said this demonstrated Webster's immaturity.

Webster had not planned ahead and when questioned as to what he would have done had he succeeded in seizing one or two hostages, he said he did not know.

Mr Isaacs said Webster's feelings toward McBride were ambivalent. McBride was a person to whom he felt extraordinarily close but he was unable to reconcile himself with the actions of McBride in placing a car bomb outside the Parade Hotel in Durban.

He had been told that Webster had on one occasion defied senior ANC member "Rashid" who instructed him to place a car bomb in a public place.

The hearing continues today.

Messina blasts: Accused guilty

MESSINA. — Both the accused in the Messina landmine trial were yesterday found guilty of all but three of 41 charges following a spate of landmine blasts and discoveries in late 1985 and 1986.

Earlier in the case three of the charges — which include murder, attempted murder, treason and terrorism — were dropped, and yesterday in his judgment Mr J P O de Villiers found insufficient evidence to convict one of the accused, Mthetheleli Mncube, of the murder of Mr Glabi Ncube who was the driver of a tractor that detonated a landmine in the Wiepe district.

Mncube, 27, of Diepkloof, Soweto, was found guilty of the murder of Mr Edwrd Meluba, a passenger in a truck which detonated a landmine also at Wiepe on November 26, 1985, and of the shooting of W/O Theunis Gerber and Sgt Joachim Nel, on December 26, 1986.

He was also found guilty of attempting to murder Mr Elijah Makgamatha, the driver of the truck and Mr Gerrie de Villiers whose bakkie was destroyed in an explosion not far from the spot where the truck detonated a landmine.

According to the judge, there was little doubt that Mncube had received ANC military training outside South Africa.

The other accused, Mzondeleli Nondula, 24, of Mdantsane was found guilty of six charges of murder — the deaths of Mrs Jacoba van Eck, Mr Gertruda de Nyschenn and four children, Ignatius van Eck, 2, Nelmari van Eck, 8, Carla de Nyschenn, 8, and Johannes de Nyschenn, 3.

The bakkie in which both families were viewing game detonated a landmine on Amersham farm near Messina on December 15, 1985.

Nondula was also found guilty on 22 charges of attempted murder, involving the injured people in the series of landmine blasts which occurred in the Messina area in 1985 and '86.

He was also found guilty of terrorism and a contravention of the Arms and Ammunition Act.

The men had pleaded not guilty.

Mr Justice De Villiers rejected both accuseds' versions of events that led to their arrest.

INQUIRIES — TELEPHONE EAST LONDON 26141

DIP 26/4/88

ANC bomber was remorseful over death, court told

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Daily Dispatch Correspondent

PIETERMARITZBURG — The convicted ANC terrorist Gordon Webster felt remorse and sadness when he learned of the death of Colonel Robert Welman after a limpet mine explosion at a substation in January 1986 for which he was responsible, the Supreme Court here was told yesterday.

Mr Gordon Isaacs, a senior lecturer in social work at the University of Cape Town, told Mr Justice McCreath and two assessors he believed extenuating circumstances existed which reduced the moral blameworthiness of Webster in the murder of Colonel Welman.

Mr Isaacs said during an interview with Webster when the subject of Col Welman's death was brought up Webster expressed remorse and became tearful.

Mr Isaacs testified that in interviews with Webster, his family, former teachers and acquaintances, he had formed the opinion that there were four main features influencing Webster which amounted to extenuation.

These were emotional immaturity, vulnerability resulting from his childhood background, influence of more powerful forces and people on him including indoctrination by the ANC, and an absence of any inherent wickedness in Webster.

Mr Ian Slabbert, SC, for the state, asked Mr Isaacs under cross-examination how he explained that while Webster expressed remorse for the death of Col Welman, he shortly afterwards again planted two limpet mines at a substation, one of which was timed to detonate some time after the first and had been placed at the point where he gained access to the substation grounds.

Mr Isaacs said Webster told him he did not intend to cause death or injure humans. "He said he believed the mine would go off when no one was present."

The planting of the mines was a statement to the authorities that Webster or the ANC could set off explosives at will, Mr Isaacs said.

Referring to a plan by Webster to seize hostages in South Africa to be used in securing the release of his friend, the convicted Parade Hotel bomber Robert McBride, Mr Isaacs said this demonstrated Webster's immaturity.

Webster's feelings towards Robert McBride were ambivalent. He was a person to whom he felt extraordinarily close but he was unable to reconcile himself with the actions of McBride in placing a car bomb outside the Parade Hotel in Durban.

Mr Isaacs said Webster was born in York near New Hanover in 1963 and was the last born of 10 children.

He had enjoyed freedom and played with children, including whites, but early on became aware of racial discrimination.

He had mixed feelings of pride and shame towards his mother, who was a black Zulu woman, while his father was a coloured man. His father died when he was 18 months old.

He left the country to join the ANC while in his second year at the Bechet Teachers Training College after he became disillusioned with aspects of teaching.

When he gained refugee status in Botswana his unconditional acceptance by the ANC gave him a feeling of status and identity.

The hearing continues today.

Messina trial: guilty verdict

26/4/88

331

B/Boy

MESSINA — Both accused in the Messina landmine trial were yesterday found guilty of all but three of 41 charges — including murder, attempted murder, treason and terrorism — after a spate of landmine blasts in late 1985 and 1986.

Earlier in the case three of the charges were dropped and yesterday Mr Justice J P O de Villiers found insufficient evidence to convict Mthetheleli Mncube of murdering Glabi Ncube, the driver of a tractor that detonated a mine near Wiepe.

Mncube, 27, of Diepkloof Soweto, was found guilty of murdering Edward Meluba, a passenger in a cement truck which detonated a landmine, also at Wiepe, in 1985, and of shooting W/O Theunis Gerber and Sgt Joachim Nel in 1986.

He was also found guilty of attempting to murder Elijah Makgamatha, the driver of the cement truck, and Gerrie de Villiers, whose bakkie was destroyed in an explosion.

The judge said there was little doubt Mncube had received ANC military training outside SA, that he had promoted the aims of the organisation, and that there had been ample evidence to prove he had endangered the security of the state.

The other accused, Mzondeleli Nondula, 24, of Mdantsane, was found guilty of six charges of murder — arising out of the deaths of Jacoba van Eck, Gertruda de Nyschenn, and four of their children.

The bakkie in which both families were viewing game detonated a landmine on Amersham farm near Messina in 1985.

Nondula was also found guilty on 22 charges of attempted murder, involving the injured people in the series of landmine blasts near Messina in 1985 and 1986. He was also found guilty of terrorism and contravening the Arms and Ammunition Act.

Both men had pleaded not guilty. — Sapa.

Canada and Israel.

had been removed.

district.

Inquest on activists postponed

D17 24 27/4/88 (331)

Daily Dispatch Correspondent

PORT ELIZABETH — The inquest on a Cradock teacher and regional organiser of the United Democratic Front, Mr Matthew Goniwe, and three other political activists was postponed yesterday.

Mr Goniwe; the chairman of Cradora, Mr Sparrow Mkonto; a UDF executive member, Mr Fort Calata; and a UDF member, Mr Sicelo Mhlawuli; disappeared after they left Port Elizabeth for Cradock on June 27, 1985.

Their gutted car was found the next day and their mutilated bodies were found between Bluewater Bay and St George's Strand, after a massive police search lasting five days.

When the informal inquest opened in February this year, Mr H van der Walt, who was to have led evidence, informed the court that representatives of the families intended to bring an application for an order that a formal inquest be held and that the full investigation docket be made available.

Mr Van der Walt told the hearing that it had been agreed between the parties that, because of the information contained in statements accompanying the application, further investigation would be necessary.

When the inquiry resumed yesterday, the inquest magistrate, Mr E. L. de Kok, was informed that the state needed time for further investigations and an application was made for the inquest to be postponed to July 25.

The application was granted.

Rifle victim identified

DURBAN — The policeman who was shot dead by an attacker armed with an AK-47 rifle, in Newcastle's Osizweni township this week, was identified as Sergeant Joseph Mazibuko.

Sgt Mazibuko was the father of nine children, police said yesterday. DDC.

Only 4 black bowling teams in national championships

D 28/4/88 (48 14/4/88)

PORT ELIZABETH — Only four of the almost 500 teams participating in the national men's bowls championships in Port Elizabeth consist solely of black players.

Included in this group is the 1986 Southern Transvaal champion Jack Shabangu.

He says lack of sponsorship, the cost of the game and the perception that bowls is an "old man's sport" have affected black participation.

The four clubs are: Perseverance Bowling Club from Port Natal, Dube Bowling Club from Southern Transvaal, Umtata Prisons from Transkei and Bosele from Western Transvaal.

Mr Shabangu said yesterday that his team, Dube Bowling Club, would be playing only in the fours and not the pairs and singles because of a lack of sponsorship.

Dube was the first black bowling club to participate in a national bowls tournament when they took part in 1977.

Introducing... EREFI

UNDER R40 BARGAINS

15 in city ANC trial say why they refuse to plead

By MICHAEL DOMAN and JEREMY DOWSON
Staff Reporters

WYNBERG student Mr Ashley Forbes and 14 others today refused in the Supreme Court to plead to a charge of terrorism, but said they would take part in their trial under protest.

Mr Justice Williamson entered pleas of not guilty.

The State alleges they are members of the African National Congress and were involved in hand-grenade and limpet-mine blasts in the Peninsula, including attacks on Manenberg police station, a bus shelter in Rondebosch and policemen's homes.

When Mr Forbes was asked to plead he refused and read a four-page statement with which the other 14 associated themselves.

VIOLATED

He said his basic human rights had been violated when he was held in solitary confinement without the right to legal representation for many months.

He said he and the others had been tortured or coerced to divulge information and evidence to the police which would presumably be used against them.

"The inherent political system of racial discrimination, that is, apartheid, has prevented the majority of South Africans from participating in making the laws which are now being enforced against me.

"The international community, through the United Nations General Assembly and Security Council, has repeatedly condemned the apartheid system as a crime against humanity and has recognised the legitimacy of the struggle of the oppressed people of South Africa in pursuance of their human and political rights as set forth in the charter of the United Nations and the universal declaration of human rights.

"A HERESY"

"The International Court of Justice has ruled that racial discrimination is a breach of a country's obligation to the international community and that apartheid is not in conformity with the international obligations assumed by South Africa under the Charter of the United Nations.

"Churches and leaders of the international and national religious community have decreed that apartheid is a heresy.

"Consequently I find myself in conscience unable to plead

(Turn to page 3, col 2)

15 in city ANC trial refuse to plead

(Continued from page 1).

to charges which label me a terrorist for opposing apartheid and I regard the prosecution itself as a crime against humanity.

"Lastly, with all due respects to your Lordship, I foresee my trial being used by the State to deceive my fellow countrymen and the world at large into believing that the judiciary is independent and that there is justice in South Africa.

"I believe that unjust laws cannot by definition be justly applied.

"Therefore I do not believe that these proceedings can be

after the pleas of not guilty had been entered, the judge said to Mr Forbes: "I spoke to you yesterday about behaviour in court. What is the meaning of this?"

Mr Forbes: "To show that all the accused associate with what has been said."

Mr Justice Williamson warned them not to do it again or he would have to take action.

Mr C H van Gend and Mr L P Francis are the assessors. Mr W C Viljoen, assisted by Mr M Stowe, appears for the State and Mr M Donen and Mr Wilde Lange, instructed by E Mossop and Associates and Abercrombie and Sonn, appear for the defence.

Mr Ashraf Karriem, Mr Colin Clave Martin Petersen, Mr Leon Scott and Miss Yasmina Pandy associated themselves with Mr Forbes's statement and refused to plead.

During the tea break the 15 chatted with friends and relatives in the gallery.

"AMANDLA"

Mr Justice Williamson yesterday granted them the right to remain in the dock during breaks on condition they did not disrupt court proceedings with "singing and noise".

When a voice from dock called out "Amandla, awethu"

Mr Anthony Jacobs, Louis Pedro, Mr Na- Mr Anwa Dramat, t Baadjies, Mr Da- es Fortuin, Mr Jer- Veary, Mr Walter r Wayne Ingemar r Collin Cairncross,

Messina trial accused Mthetheleli Mncube tells judg

'MY MISSION IS UNFINISHED'

MTHETHELELI Zephania Mncube yesterday told the Messina Circuit Court that if he was released from custody he would carry on with the mission of the African National Congress because he was a trained, disciplined soldier and not a murderer. Soweton 27/4/88

By THEMBA MOLEFE

Mncube (28), of Diepkloof, Soweto, is facing three possible death sentences for the murder of two white policemen and a black man between 1985 and 1986.

He was addressing Mr Justice J P O de Villiers on extenuation and mitigation of sentence in the Messina Circuit Court.

Mncube and Msondeleli Euclide Nondula of East London have been convicted on nine murder charges and 26 attempted murder charges arising from a series of landmine explosions in the Messina area.

Mncube, who admitted he shot Warrant Officer Theunis Gerber and Sergeant Joachim Nel dead before escaping from custody on December 18, 1986, said:

"I feel sorry for their deaths and for their bereaved families, but it is unfortunate that their children do not understand the political situation in South Africa."

He said as a disciplined soldier who was proud to be a member of the ANC's Umkhonto we Sizwe, he would continue with the organisation's mission of ending violence in South Africa. He said he was not a violent person himself but he was forced to kill, especially the two policemen.

He said if he was a murderer then members of the South African Defence Force who had raided the ANC in other countries also had to be brought to court.

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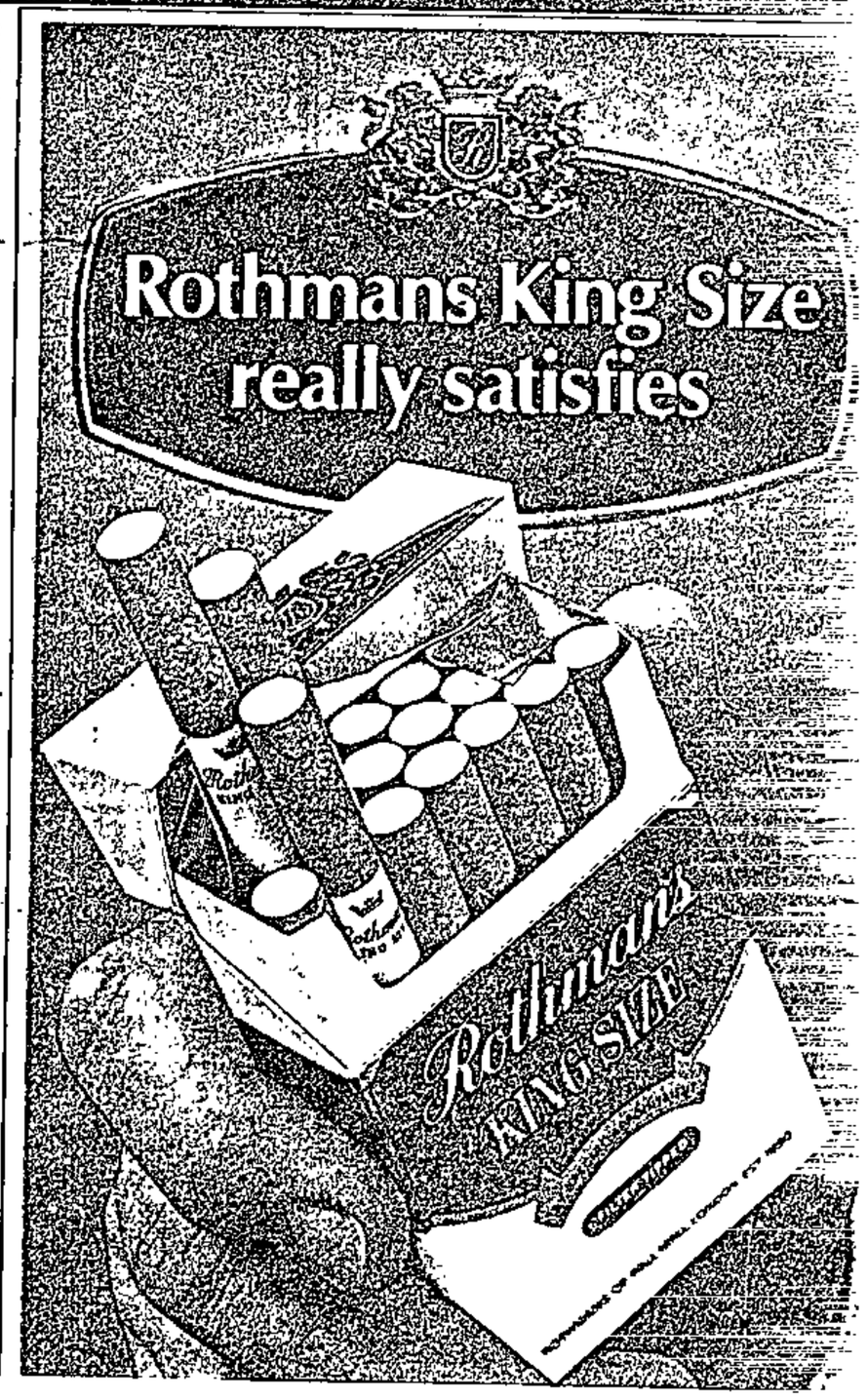
Attack

Recalling a 1981 Matola raid on ANC houses in Mozambique, Mncube said he was only three streets away from the attack which claimed 30 lives. He said that incident contributed towards him joining the military wing of the ANC.

Mncube said he was especially impressed by ANC president, Mr Oliver Tambo, represen-

• To page 4

MTHETHELELI Mncube . . . "disciplined soldiers".



Student protests

Soweton 27/4/88 331

• From page 1

tatives of Frelimo and other governments who spoke at the funeral of the 30 victims in Mozambique.

He told the judge the ANC was recognised by many governments, especially in Africa, whereas the South African Government was not.

Mncube also spoke of his growing up in Alexandra Township among nine brothers and sisters, how his parents struggled to make ends meet and how they lived in cramped conditions while white children had playing facilities and lived in big houses.

Poverty

He said his mother, Mrs Winnie Mncube, had to leave her job as a cleaner at Baragwanath Hospital in 1977 because of ill-health. That added to the poverty of his family.

"I wanted to relieve my mother but could not do so because I was still at primary school at the time," he said.

Mncube also spoke of how he was involved in the 1976 Soweto students' protests against Afrikaans and Bantu Education.

He said the ANC's mission was military targets in South Africa and not ordinary civilians. He was on a reconnaisance mission when he entered the country through Zimbabwe in 1986.

"I should have been treated as a soldier by the SADF when I was captured because soldiers do not kill other soldiers when they capture them," Mncube said.

Nondula is expected to give evidence today.

Kidnap case man speaks

Mr DENZIL Bruce Mellors (19), yesterday described to a Johannesburg magistrate, during an application for bail, the events which led to his holding a South African Council of Churches secretary hostage at Khotso House this month.

Mr Mellors, of Brakpan, is facing charges of kidnapping, causing a bomb scare, unlawful possession of a firearm and ammunition and theft of a firearm.

He has not been asked to plead.

He told the court he had been on a 10-day pass from the South African Prison Services training centre in Kroonstad when he became worried, as a Methodist, about what he termed reports that Methodists might be ordered by their church leaders "not to do military service."

On Monday, April 11, instead of returning to Kroonstad as scheduled, he went to Khotso House where the SACC had offices, to get more information on the matter.

He took the gun for self-protection. As he read pamphlets shown to him in the library, he realised that the SACC was linked to the ANC and ultimately to the Soviet Union, he said.

A secretary came in and he took out the gun and told her to sit down in an office, close the door and telephone the police.

He later telephoned a friend, a Sergeant Kruger in Nigel, and asked him to come to Khotso House as he realised he was acting childishly and Sergeant Kruger could possibly help.

While waiting for the policeman, Mr Mellors heard people in the passageway and told the secretary to tell them there was a bomb in the vicinity.

When Sergeant Kruger arrived, Mr Mellors handed himself over.

Bail was yesterday fixed at R2 500 and the case postponed to May 27.

Convicted bomber says he had no wish to kill anyone

DURBAN — After African National Congress bomber Gordon Webster had caused the death two years ago of Colonel Robert Welman with staggered explosions, he again staggered detonations at a sub-station to show that the "ANC could enhance its sabotage campaign and that it could kill if it wanted to", the Supreme Court was told here yesterday.

Webster, who has been convicted and was giving evidence in mitigation of sentence, said he had never intended to kill anyone.

Webster, who on January 9 1986 placed the limpet mine which caused Colonel Welman to be so badly burned that he died 21 days later, placed two limpet mines to explode at varying times in an electricity sub-station at Shongweni on March 2 1986.

At about 8 pm he had placed a timing device in one mine to make it detonate in one hour. In another mine he placed a timing device to make it go off nine hours later.

Had he wanted to kill, he said, he would have inserted a timing device to make the second mine go off four hours later, when people were likely to be examining damage caused by the first blast.

NO REJOICING

He said that if he had wanted to kill, he had the arsenal and the opportunity to do so: "I had no wish or inclination then or now to do so.

"When I was arrested, I was found with a lot of arms and ammunition. I never tried to use them, although I had the opportunity.

"I have never had the desire nor temptation, no matter how transient, to kill a policeman. I do not rejoice when I hear of white young men being killed in the operational area."

Webster, who said he had recruited Robert McBride, now awaiting execution for the beachfront Magoo's Bar bombing murders, into the ANC, said he was angry with McBride for detonating the car-bomb.

He felt, however, that he should do something for McBride, who had freed him from police custody in Edendale Hospital.

'Naked men put in car boot'

EAST LONDON — A police officer told the East London Regional Court yesterday that, after two alleged terrorists were arrested in Bophuthatswana on February 13 last year, they were disarmed, stripped naked and put in the boot of a car.

Mr Mgcineni Mgqatsa (53), of Transkei, and Mr Thembinkosi Tiyo (24), from the Eastern Cape, have pleaded not guilty to a charge of furthering the aims of the PAC, receiving military training and possessing arms, explosives and ammunition.

Warrant Officer J Jaggers said he was doing border duties in Bophuthatswana and was involved in the arrest.

He said the accused were arrested near a bus stop about 1,5 km from the Marabastad base.

The accused were put in the boot of a car after they were stripped naked and, at that stage, they were blindfolded.

He said precautions had to be taken as a policeman had recently been shot dead and the accused had to be disarmed.

The accused had to be stripped naked before being put in the boot so that their clothing could be searched for arms, he said.

A list of what they possessed was drawn up at the Marabastad base. Mr Mgqatsa was also found to be in possession of a Scorpion firearm and ammunition.

Cross-examined by the defence, Warrant Officer Jaggers said two black policemen were present when the arrests were made. The hearing continues today. — Sapa.

State must give details

Sowetan 23/4/84

THE State was yesterday ordered by a Rand Supreme Court judge to furnish more particulars requested by the defence in the trial of a trade union official and 17 other accused who are employees of the South African Transport Services (Sats) facing charges relating to a strike last year.

Mr Justice Spoelstra, sitting with two assessors, ordered the State to furnish more particulars on three of the 38 paragraphs dealing with the defence request for more information.

The judge said what the State alleged against accused number 8, Mr William Rikhotso (33), was ambiguous. More information was needed, said the judge.

On the other two paragraphs relating to victims, the judge said the identity of the victims was known by the State and should therefore furnish such particulars.

He said the State had furnished particulars on the other 35 paragraphs. The accused were not asked to plead and the case was postponed to today.

Appearing are Mr Johannes Joja Ngcobo (24), Transvaal secretary of the South African Railways and Harbours Workers' Union and the 17 members of the union who were employed by Sats during the alleged strike.

They are facing four counts of murder, five of abduction, one of attempted murder, four of assault with intent to do grievous bodily harm, two of robbery with aggravating circumstances and intimidation.

Terrorist joined ANC so as to help people to better life, court told

DLD 27/9/88

331

MESSINA — One of the two convicted terrorists in the landmine trial held in the Messina Circuit Court said yesterday he acted as any soldier would when he shot two policemen in December 1986.

Mtheetheleli Mncube, 27, of Diepkloof Soweto, was testifying in mitigation of sentence after being convicted on three counts of murder, two of attempted murder as well as charges of terrorism and illegal possession of arms and ammunition.

He said he joined the banned African National Congress in 1981 becuase he felt it would be the best way for him to help his people achieve a better political deal in South Africa.

Shortly after Mncube joined the ANC in Mozambique, the South African Defence Force attacked buildings occupied by the organisation there, and this action embittered him.

At their funeral he met the ANC's head Mr Oliver Tambo, Frelimo officials, and representatives of several governments, and realised that the ANC enjoyed wide international recognition.

He told of his experiences whilst being trained in transit camps in Angola and elsewhere, saying the organisation had helped him to gain his self-respect, after a difficult childhood during which his family struggled to make ends meet.

Circumstances forced both his parents to get jobs and they were away from home all day — his grandmother often looked after him.

During his high school years he participated in student boycotts, to protest against the "bantu-education system".

During cross-examination, Mr Frans Roets, for the state, suggested that the struggles of Mr Mncube's family was not the South African Government's fault, but due to the fact that his parents did not practice birth control.

Mr Roets submitted that Mncube had left the country, not because he wanted a better education or had a desire to help his people, but because things had "become too hot" due to his many radical activities.

The hearing continues today. — Sapa

I'd do it again — terror trialist

Star 27/4/88

Northern Transvaal Bureau

(3311)

MESSINA — Convicted terror trialist Mthetheleli Mncube (27), told Mr Justice J P O de Villiers yesterday that he would commit the acts he was found guilty of again, if he was released, providing the violence of the South African Government continued.

He was called by defence counsel Mr Rodney Black to testify in mitigation, after being found guilty, together with Mzondeleli Nondula (24), on Monday on charges of murder, attempted murder, terrorism and the illegal possession of arms and ammunition.

Mncube said he grew up in Alexandra township, and that his parents struggled to support the family of nine children.

He was involved in the June 16 riots in 1976. The death of several of his friends strengthened his resolve to change the situation in South Africa.

He left South Africa in 1981, and joined the African National Congress in Mozambique.

Regarding the shooting of two policemen, which he admitted being responsible for after reentering the country in December 1986, Mncube said: "I am not a murderer, but killed them in my capacity as a soldier."

If he was a murderer, Mncube claimed, then the SADF soldiers who took part in a raid on ANC houses in Mozambique where people were killed, should also be tried.

Asked by Mr Frans Roets, for the State, whether he believed it was correct to use violence to overthrow the Government, Mncube replied that the situation forced him to.

Date for 'Six'

Sowetan
27/4/88

331

THE "Sharpeville Six", granted yet another reprieve from the gallows on Monday, have 14 days for their defence team to file sworn affidavits in the Pretoria Supreme Court in an attempt to stay their execution.

Earlier, the court prosecutor had decided on May 3 as a tentative date on which the re-trial would take place. However, only after the affidavits have been filed, the registrar in consultation with the judge can then set a date for the rehearing based on new evidence by the defence.

Should the respondents not reply in time, a new date will be put forward by Mr Acting Justice W J Human, who has been presiding during the trial.

The Attorney-General of Transvaal gave notice that he would oppose the re-trial of the six — five men and a woman, sentenced to death for the murder of a Lekoa deputy mayor, Mr Khuzwayo Dhlamini, on September 3, 1984.

'Enough evidence' in Sarhwu trial

ST 21/4/88 By Bruce Anderson (331)

The State was not obliged to supply further details of a common purpose which 18 SA Railways and Harbour Workers Union (Sarhwu) members allegedly entered into before the killing of four men last year, a Rand Supreme Court judge ruled yesterday.

Mr Justice Spoelstra was giving judgment in a defence application for further particulars in the case of 18 Sarhwu members who face four charges of murder, a charge of attempted murder, five charges of abduction, four charges of assault, two charges of robbery and a charge of intimidation.

The 18 men have not yet pleaded to the charges and are being held in custody.

The charges relate to the alleged abduction and murder of four men on April 28 last year during the SA Transport Services strike.

The defence counsel for the 18, Mr Eric Dane, had asked the court to order the State to supply further details of the allegations against the men, including particulars of a common purpose alleged by the State in the preamble to the indictment.

The preamble describes the alleged common purpose as an agreement among the 18 to persuade Sats workers not to return to work.

The judge ruled that the indictment, read together with the preamble, contained "sufficient information to apprise the accused of the nature of the State's case in relation to the existence of the alleged conspiracy and common purpose".

The court has, however, ordered the State advocate, Mr Brink Ferreira, to reply with further and better particulars to three of the 38 paragraphs in which the defence requested more particulars.

The accused are: Mr Bongisi Sibisi (33) of Soweto, Mr Wilson Matshili (33) of Krugersdorp, Mr David Dzevhe (30) of Germiston, Mr Jacob Machaka (33) of Johannesburg, Mr Patrick Molefe (27) of Alberton, Mr Phineas Netshitungulwane (25) of Soweto, Mr Takalani Mamphaga (25) of Johannesburg, Mr Mafemane Rikhotso of Soweto, Mr George Maungedzo (36) of Soweto, Mr Daniel Mkholokotho (36) of Soweto, Mr Freddie Mothisi (30) of Soweto, Mr Isaac Mogorosi (30) of Johannesburg, Mr Jacob Mmatloa (33) of Johannesburg, Mr Wilson Mushaishano (33) of Soweto, Mr Johnson Mogesi (36) of Krugersdorp, Mr Johannes Ngcobo (24) of Johannesburg and Mr Michael Ikaneng (38) of Soweto.

Cape Times 27/4/88

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ANC bomber's 'silly' rescue plan

Own Correspondent

MARITZBURG. — Gordon Webster told the Supreme Court here yesterday that his plan to seize hostages to secure the release of Magoos Bar bomber Robert McBride was "far-fetched and silly".

He was giving evidence in extenuation following his conviction last week for terrorism, murder and attempted murder.

He said that when he learnt of McBride's action in placing a car bomb outside a Durban hotel, causing death and destruction, he was "angry and horrified".

However, he was grateful to McBride for rescuing him after he had been shot by police and lay injured in hospital. He decided he should assist him after learning of his arrest.

Webster said he did not regard himself as wicked but believed that "Rashid", his former ANC commander of special operations, was. Rashid had on one occasion instructed him to plant a car bomb in a public place but he had refused.

"I believe Rashid is a bloodthirsty person."

He said he was with McBride when the instruction was given. Later, when he heard what McBride had done, he was horrified because he did not agree with killing or injuring.

Webster said he had cried only twice in his adult life — when his childhood friend Bheki Ngubane was shot and killed by police while they were on a mission to bomb sub-stations at Mooi River (and when he himself was injured), and when being interviewed about his emotions in connection with the death of a Durban policeman who was killed in an explosion caused by him (Webster).

"We were told we should avoid loss of life. It was not the policy of the ANC to kill innocent people. I was quite happy with that," he said.

The hearing continues today.

DRESSED TO KILL
Defence Forces ma

Traffic con 'ordered | Monster crab | News in Brief

CMG Times 27/4/88

Judge arranges ANC trial pact

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Supreme Court Reporter

FIFTEEN people accused of terrorism were yesterday given 15 minutes to talk to family and friends during an adjournment, in exchange for an undertaking that they would not disrupt Supreme Court proceedings by singing and chanting slogans during adjournments.

At the start of yesterday's proceedings, Mr W C Viljoen, for the state, said there had been problems with the behaviour of the accused.

Mr Justice D M Williamson called accused one (Mr Ashley Forbes) to the witness box to appeal to him for his co-operation.

"I've asked you as it has become apparent that you have a certain amount of influence over the others.

"I know it's an ordeal for you and for all of us. I do not want to make it difficult and would appreciate your co-operation. The problem is if you make a noise and shout some of the other courts would have to adjourn.

"I want to appeal to you not to create a disturbance which would force me perhaps to sit at another venue.

"In a very real sense it is in your hands if the trial continues here. I appreciate that you have feelings that you want to give expression to. I have no objection, as long as that doesn't interfere with the court. You have little time enough to see your family and friends."

Mr Forbes replied: "I don't think it's our intention to disrupt the court. We had stopped singing well before your honour entered the court."

Mr Justice Williamson said: "If you give me that undertaking I will allow you to stay in court 20 minutes or so to speak to your families."

The judge then gave Mr Forbes and his co-accused permission to discuss the matter. It would not be necessary to adjourn court, the judge said, adding: "I don't mind waiting."

Mr Forbes and his co-accused then left the dock to discuss the matter in the cells. On their return, Mr Forbes asked if the 15-20-minute stay in court during the tea adjournment would apply every day.

The judge said: "There is no contact at court and people remain in the public gallery. A far as I am concerned I see no reasons why you cannot stay here (in court) during the adjournments."

Asked by Mr Forbes if the accused could not meet one parent during the lunch adjournment, Mr Justice Williamson said he would discuss the matter with the people concerned.

Mr Forbes then undertook that there would be no noise or singing during lunchtime which would disrupt any court proceedings.

Addressing the public gallery, the judge said he had allowed the accused to remain in court where they could speak to family and friends. This was greeted with loud thank you's.

The hearing continues today.

The accused are: Mr Forbes, Mr Peter Anthony Jacobs, Mr Nicklo Louis Pedro, Mr Nazeem Lowe, Mr Anwa Dramat, Mr Clement Baadjies, Mr David Johannes Fortuin, Mr Jeremy Alan Veary, Mr Walter Rhoode, Mr Wayne Ingemar Malgas, Mr Collin Cairncross, Mr Ashraf Karriem, Mr Colin Clave Martin Petersen, Mr Leon Scott and Miss Yasmina Pandy.

Mr C H van Gend and Mr L P Francis were the assessors. Mr Viljoen was assisted by Mr M Stowe. Mr Michael Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused.

Six have 14 days to file affidavits

PRETORIA — The "Sharpeville Six", granted yet another reprieve from the gallows on Monday, have 14 days for their defence team to file sworn affidavits in the Pretoria Supreme Court in an attempt to stay their execution.

Earlier, the court prosecutor had decided on May 3 as a tentative date on which the retrial would take place. However, only after the affidavits have been filed can the registrar, in consultation with the judge, then set a date for the retrial based on new evidence by the defence.

Should the respondents not reply in time, a new date will be put forward by Mr Acting Justice W. J. Human, who has been presiding during the trial.

The Transvaal Attorney-General gave notice on Monday that he would oppose the retrial of the six — five men and a woman sentenced to death for the murder of a Lekoa deputy mayor, Mr Khuzwayo Dhlamini, on September 3 1984. — Sapa

E SALDRU PRESS CLIPPINGS

Social Security - Unemployment Insurance Fund.

NATAL PASSENGER TRANSPORT UNION

General Secretary: L.M. Govender

Membership:

	Total
1981	400 $

Registered for: Non-European drive
European passanger bus transport se
conductors in the service of the
Durban and the South African Railwa

Industrial Council: Non-European P
(Durban)

Closed-shop agreement: Non-Europ
Trade (Durban)

Terror trial 15 boycott

By MICHAEL DOMAN and JEREMY DOWSON, Staff Reporter

WYNBERG student Mr Ashley Forbes and 14 others on trial in the Supreme Court for terrorism refused to take part in proceedings today unless relatives and friends were present in the public gallery.

Mr Justice Williamson today ordered the gallery cleared until Tuesday because of singing and chanting by the accused and members of the public yesterday afternoon.

After a brief adjournment, defence counsel Mr Michael Donen told the court that the accused refused to re-enter the courtroom while the gallery was empty and had instructed their lawyers not to go ahead without them.

Mr Donen said: "The accused say that if they are not in court we should not be in court. We cannot remain in court without our clients. We have to withdraw."

Mr Justice Williamson said: "I suspect I shall see you next week."

Counsel left the court.

After discussions with State counsel Mr W Viljoen, Mr Justice Williamson adjourned the court for tea and directed that the accused be present when it reconvened.

He said: "I hope it won't be necessary, but if they resist they will have to be brought up forcibly."

The judge earlier mentioned the possibility of the accused being handcuffed if they chose to disrupt court proceedings.

He said it had come to his attention that after the court adjourned yesterday, "singing and shouting" emanated from the accused and people in the gallery responded.

Mr Justice Williamson said: "Yesterday I very carefully explained that this sort of disturbance could not be tolerated here as it disturbed the other courts. I've been very patient about this."

The judge said his request for quiet had obviously been "deliberately flouted".

He said: "I feel the only thing I can do under the circumstances is to exclude the public, certainly for today and tomorrow."

He said: "My instructions are that they misunderstood the order."

Mr Justice Williamson said: "I'm not satisfied there's been a genuine misunderstanding."

By excluding the public he hoped to "bring home the importance of being quiet."

Upon entering the dock today, the accused faced the gallery and raised their right arms in clenched-fist salutes. The gesture was returned by several people in the gallery.

When the court was adjourned for the gallery to be cleared, the accused chanted and sang as they were led downstairs to the cells.

● See page 11

"I hope then the lesson will have been learnt," the judge said.

Counsel for the defence, Mr Mike Donen, said lawyers had "tackled" the accused after yesterday afternoon's incident.

He said: "My instructions are

DTD 28/4/88 (331)

Convicted terrorist admits to lying in London bomb trial to save his friend

PIETERMARITZBURG — The convicted African National Congress (ANC) terrorist, Gordon Webster, admitted in the Supreme Court here yesterday that he had lied while testifying on commission in London last year during the trial of the Parade Hotel bomber, Robert McBride.

Webster said he lied to in order to "save" McBride to whom he owed his own life.

He was being cross-examined by the state yesterday after testifying earlier this week during an inquiry into whether any extenuating circumstances exist in his favour following his conviction last week of murder, attempted murder and terrorism.

The conviction relates to explosions at substations, mainly near Durban, including one in Chamberlain Road which caused the death of a Durban policeman, Colonel Robert Welman, in January 1986 and injured Sgt Roelof van der Merwe and Mr Mervyn Dunn.

He also told the court that the scheme to seize hostages in South Africa to secure the release of McBride had been hatched prior to his giving evidence in London.

He told the court he owed his life to Robert McBride who had rescued him from the intensive care unit at Edendale hospital after he was shot and wounded by police while on a mission to bomb substations in Mooi River in April 1986, and he had wanted to save him in return.

Webster told Mr Justice McCreath and two assessors that he had been dishonest when he testified in London that he had shot people in Edendale Hospital during his rescue. He admitted that in fact he had been incapable at the time of handling a firearm.

Webster denied however that he was prepared to lie now in order to save his own life.

He said he did not believe he was asked to take the oath when he gave his evidence in London but agreed it was possible that he had done so.

"Even if I had I would have told the same story because I was trying to save Robert's life."

Earlier Webster said he was "horrified" at McBride's action in planting a car bomb. "On the other hand, he helped me and I owed my life to him."

He has also denied evidence by a secret state witness that Webster had instructed him to plant a landmine in a road leading to a Mooi River substation aimed at police who would be attracted to an explosion there.

His mission had been to sabotage substations but to avoid injury or loss of life, he said.

The hearing continues today.

Officer: SAP had informer in ANC offices

BETHAL — As recently as March this year, the South African Police had an informer at the African National Congress offices in Lusaka.

Warrant/Officer Nic Deetlefs, of the SAP security branch, testified in the Bethal terror trial yesterday that photographs of ANC documents handed in to the court as an exhibit had been taken by a police informer at the ANC's Lusaka offices.

In his testimony W/O Detleefs said that it was not possible for the police to procure the originals of the documents as they had no official access to the ANC's offices.

Because of an objection raised by counsel for the defence Mr H. K. Naidu, on the admissablity of the photographs, the documents have not as yet been admitted as evidence.

W/O Deetlefs said that as the documents were obtained secretly, it would not be in the interests of state security nor in the public interest to divulge the exact method that had been used, nor the identity of the police informer.

The accused, Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim Ismail Ebrahim, have pleaded not guilty to charges under the Terrorism Act and of high treason.

The judge is Mr Justice J Daniels, assisted by two assessors. — Sapa

18 on trial as court sees videos of burnt bodies

331
Star
28/4/88

By Bruce Anderson

A police video recording of an alleged murder scene which showed four partly burnt bodies — one of which was still burning — was shown to a Rand Supreme Court yesterday during the trial of 18 members of the South African Railways and Harbours Workers Union.

The 18 men had earlier pleaded not guilty before Mr Justice T T Spoelstra and two assessors to four charges of murder; one charge of attempted murder; five charges of abduction; four charges of assualt; two charges of robbery and a charge of intimidation. The 18 are being held in custody.

The two tapes showed the burnt bodies of the four murder victims arranged in the shape of a "U".

According to testimony by Sergeant Dirk Coetzee of the Jeppe police, the bodies were found in a patch of veld off the Heidelberg Road near Prolecon, after police had received a report on the night of April 29.

Sergeant Coetzee said "one body was still burning" when he arrived at the scene. Burnt pieces of rope were found around the wrists and ankles of some of the victims, which seemed to indicate that the men had been tied up. One of the bodies had a rope around its neck.

A large boulder — produced in court as an exhibit — was found resting on one of the bodies, said Sergeant Coetzee.

The blade of a butcher's knife and an empty plastic petrol container were also found near the bodies of the four men.

Under cross-examination by Mr Martin Luitingh, who appeared for a number of the accused, Sergeant Coetzee conceded that certain aspects of his evidence were not based on facts but on his own speculative opinion.

STOPPED WORK

Another State witness, Mr Ockert Strydom, a deputy director of the South African Transport Services (Sats), told the court that one of the men on trial, Mr Johnson Mogesi (36) had stopped working on March 23 last year.

When Mr Strydom asked Mr Mogesi and a number of his colleagues why they were not working he was told: "Phone City Deep and they will tell you what is going on."

Mr Strydom said he was aware that workers had gone on strike at the Sats City Deep depot on March 13 last year and that the strike had spread to the rest of the Reef shortly thereafter.

The hearing continues.

ANC training for sabotage, not killing, bomber tells judge

Own Correspondent

DURBAN — African National Congress bomber Gordon Webster (24), last week convicted in the Supreme Court, Pietermaritzburg, of murder, attempted murder and 12 counts of terrorism, said yesterday that in the ANC's armed struggle against the South African Government, installations were to be sabotaged, but death and injuries were to be avoided.

He was being cross-examined by Mr Ian Slabbert, SC, a deputy attorney-general.

Mr Slabbert asked Webster how the proviso that death and injury were to be avoided accorded with the 1983 Pretoria motor car bomb which killed and maimed many.

SELL-OUTS ELIMINATED

Webster said that he had asked instructors in Angola why people were being hurt and killed and the reply was that the people inside the country were not controlled by the ANC.

Mr Slabbert said that there had been evidence by Security Branch commander Brigadier Jack Buchner, based on ANC literature, that collaborators and "sell-outs" were to be eliminated.

Webster said he was taught that in his mission, which was mainly to sabotage electrical sub-stations and to recruit people for the ANC, lives were not to be taken.

Mr Slabbert said that Webster had been provided with firearms and notes he wrote for his recruits stated that AK47 rifles were to be used to "kill or engage the enemy".

Convicted pair swept into violence at 15, court told

Ster 25/9/88

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By Dirk Nel,
Northern Transvaal Bureau

MESSINA — Both men convicted in the Messina terrorism trial were plunged into a nightmare of violence at the age of 15, a witness told the court yesterday.

Durban sociologist Professor Fatima Meer, said Mthetheleli Mncube (27) and Mzondeleli Nondula (24) were politicised in the classroom, not by what they were taught, but by the way they were treated.

FROM CHURCH-GOING FAMILIES

Tracing the childhood experiences of the two men she said they were born into church-going families, and were taught at an early age to believe; so it was easy for them to believe in the African National Congress, given their circumstances amid instability and widespread township unrest.

She added that Nondula at one stage sold dagga to get money for food and to further his education.

Professor Meer claimed in her evidence in mitigation of sentence that the notion that the white man gave the black man his Bible but took away his land was very prevalent among blacks.

A survey in which she had been involved showed that the ANC had enormous grassroots support among blacks, as it had acquired a certain legitimacy with them.

"Had these two been born at any other time, or in another country, they would not be standing before this court today," Professor Meer said.

During cross-examination by Mr Frans Roets, for the State, she said she was against apartheid and had sympathy with the ANC. She confirmed that she had been banned by the Government on two occasions, and told the court that she was associated with the "Free Mandela Campaign".

She said she had testified in the McBride case and admitted that her husband, Mr I C Meer, was a listed communist. However, she rejected a claim by Mr Roets that she went "from terror trial to terror trial testifying for the defence".

"I make my expertise as a sociologist and my cross cultural experience available on request, in order to assist the courts," she said.

Mr Roets showed her photos of the bodies of landmine victims, and asked whether these acts of violence were part of the ANC's aim to "fulfil a dream", as described by Mncube to the court.

TRAGIC

Professor Meer said she would describe the pictures as an illustration of the tragic results of the unfortinate South African situation, adding that no pictures of the bodies of victims of SADF raids into neighbouring countries were available to the court.

Mr Roets described Professor Meer's evidence to the court as "biased and one-sided".

Mncube and Nondula were found guilty this week on altogether 38 charges, including nine of murder and 24 of attempted murder.

The hearing continues.

Webster 'distressed at injuries'

Sowetan 28/4/88

CONVICTED African National Congress member Gordon Webster said he felt distressed, sad and worried when he heard three people were injured in an explosion as a result of limpet mines he placed at a substation, the Maritzburg Supreme Court heard on Tuesday.

Giving evidence in extenuation, Webster said he was still distressed that Colonel Robert Welman was killed as a result of his injuries.

Webster said he placed two limpet mines at the Chamberlain Road substation and removed the safety pins together because he "expected and believed they would explode simultaneously".

He said he went to Botswana where he explained to his "contacts" what had happened and took precautions to ensure it did not happen again.

When he placed similar limpet mines at the Westville substation, there were no "accidents".

Negotiation

Responding to questions from Mr Ismael Mohamed, SC, for the defence, Webster said isolated acts of sabotage were part of the "multi-faceted campaign" of the ANC to force the South African Government into negotiation.

He said he was impressed by the lectures he received at the ANC military camp in Angola as he was taught to avoid the loss of life or expose people to any danger.

"It is not the policy of the ANC to kill anyone . . . I was happy with this," he said.

Speaking on the ANC policy towards white people, Webster said they were always seen as an indigenous people of South Africa and the struggle was against the system of government. By introducing the system, the white government entrenched itself more than before" and he said he did not wish to defend the apartheid system.

When questioned by Mr Mohamed about his opinion of soldiers dying on South Africa's borders, Webster replied: "All these deaths are unnecessary. I am not happy about death".

Car bombing

He left the country in the hope of furthering his studies at the ANC college in Tanzania, but said he was not a mature person at the time of leaving and he had no clear idea of what or where he would be studying.

Speaking of his reaction to the car bombing at the Parade Hotel in Durban, for which his friend, Robert McBride, was convicted and sentenced to death, Webster said he was "angry and horrified".

He admitted his plan to take hostages in the hope of freeing McBride was "far-fetched and quite silly" and said there were no definite plans of how it would be carried out. — Sapa.

'Gave life for ANC'

MR MNCUBE
... Mthethelell's father.

FATIMA Meer

ONE OF the two young men convicted of killing two policemen by a Messina Circuit Court judge, sacrificed his life for the African National Congress and black South Africans.

Another one, found guilty of six murder counts, left the country with idealism of youth and returned to transform his country.

Mrs Fatima Meer, Associate Professor in the Department of Sociology, Natal University, said these words yesterday before Mr Justice J P O de Villiers.

Mthetheleli Zephania Mncube (28), of Diepkloof, Soweto, and Msondeleli Euclide Nondula (25), of East London, face possible death penalties on a number of murder counts.

"The ANC is at war with South Africa," Professor Meer said, "and the majority of black, Indian and coloured South Africans believe so."

Prof Meer, presenting a lengthy sociological report in mitigation of sentence said of Mncube: "He sacrificed his life for the ANC and South Africa's blacks."

The post 1976 social climate in the black townships was far from conducive to schooling. The school population had proved itself as a ready made anti-government weapon and there were forces at work ready to exploit these weapons. In Soweto in particular, there were constant calls for school boycott," Prof Meer said.

Prof Meer said it was ultimately police harassment that expelled the two youths from the country.

She described the Silverton Siege of 1977 in which three young ANC guerillas were shot dead by the police. This affected Mncube so much because he knew two of the three young men as he grew up with them in Diepkloof, Prof Meer said.

Another traumatic event which ultimately contributed to Mncube's departure was the hanging on April 6, 1977, of Solomon Mahlangu, another ANC guerilla.

Professor Meer said Mncube was also distressed when his 16-year-old girlfriend left the country with her father, well-known poet, Molefe Phetoe, to live in exile.

(Proceeding)

Police officer tells of finding bodies in a ditch smelling of petrol

HOW UNION 4 DIED

A POLICE officer told a Rand Supreme Court judge yesterday that he found four burnt bodies, some with ropes around their necks and limbs in a ditch that smelt of petrol opposite Kazerne, Johannesburg.

This was evidence at the trial of 18 members of the South African Railways and Harbours Workers Union (SARHWU). They pleaded not guilty to charges of murder, attempted murder, abduction, robbery and intimidation at the beginning of their trial yesterday.

Detective Sergeant D Coetzee stationed at Jeppe said this in evidence at the trial of Mr Johannes Joja Ngcobo (24) Transvaal secretary of SARHWU and 17 members of the union.

He said the place was dark and he had parked his car and walked to where he found the bodies. It seemed the alleged killers knew the place very well, he said.

The State alleges that the 17 men who were employed by the South African Transport Service (Sats) allegedly committed the crimes during a strike on the Witwatersrand on March 13 and 28 last year.

Sgt Coetzee told the court that he went to City Deep at midnight on

By MANDLA NDLAZI

April 28 last year as a result of information he had received. He then went to a ditch where he found bodies.

Police took pictures of the bodies at the scene. He said he saw bodies of three black men and one coloured man. He took notes of everything he saw and took away weapons found at the scene.

Sgt Coetzee said he found one burnt body with the jacket pulled over its head. The other body had stab wounds and a rope around its neck and another with the hands tied behind its back.

He said he collected documents and other items that seemingly belonged to the victims. He said the area smelt of petrol and the head of one victim was placed on a big stone that was among the exhibits in court.

Earlier, one of the defence counsel, Mr Martin Luitingh successfully applied to the court that the numbers identifying the accused should be removed from the dock. He had submitted that the numbers would prejudice the accused and make it easy for witnesses to identify them.

Mr Luitingh also successfully applied to the court that the notes made by the police during investigations and signed by the accused should be made available to the defence team.

(Proceeding)

2 SOUTH, APRIL 28 TO MAY 4 1988

south NEWS

'Proud to be ANC soldier'

JOHANNESBURG. — "If I am a murderer then members of the South African Defence Force who have raided the ANC in other countries also have to be brought to court," Mthetheleli Zaphania Mncube said in the Messina trial this week.

Mncube, 28, of Diepkloof, Johannesburg, was giving evidence in mitigation after he was found guilty with Mzondeleli Euclide Nondula of East London on nine counts of murder and 26 counts of attempted murder

The year-long trial stemmed from a series of landmine explosions in the Messina area.

Mncube told the Messina Circuit Court if he were set free he would carry on with the mission of the African National Congress to end violence in South Africa.

He admitted he shot Warrant Officer Theunis Gerber and Sergeant Joachim Nel before escaping from custody on December 18 1986.

Feel sorry

He said: "I feel sorry about their deaths and for their bereaved families, but it is unfortunate their children do not understand the political situation in South Africa."

He was a disciplined soldier who was proud to be a member of the ANC's Umkhonto we-Sizwe. He was not a violent person but he was forced to kill, especially the two policemen.

Recalling a 1981 raid on ANC houses in Maputo, Mozambique, he said he was only three streets away from the attack which claimed 30 lives. That incident contributed towards him joining the military wing of the ANC.

He was especially impressed by ANC president Oliver Tambo, representatives of Frelimo and other governments who spoke at the funeral of the 30 victims.

He told Mr Justice J P O de Villiers the ANC was recognised by many governments, especially in Africa, while the South African government was not.

Poverty

He grew up in Alexandra township with nine brothers and sisters. His parents struggled to make ends meet. They lived in overcrowded conditions while white children had playing facilities and lived in big houses.

His mother, Mrs Winnie Mncube, had to leave her job as a cleaner at Baragwanath Hospital in 1977 because of ill-health. That added to the poverty of his family.

"I wanted to help my mother but could not do so because I was still at primary school," he said.

Mncube also spoke of his involvement in the 1976 Soweto students protests.

He said the ANC's targets were military and not civilian.

Forbes outlines refusal to plead

UWC STUDENT Ashley Forbes and his 14 fellow accused, charged with various counts under the Internal Security Act, refused to plead when they appeared in the Supreme Court, Cape Town, this week.

Outlining his refusal to plead, Forbes read a statement supported by the other accused, to the court. This is the full text:

With due respect to Your Lordship and the learned Assessors, I refuse to plead to the charges against me for certain reasons which I desire to place on record:

1) The inherent political system of racial discrimination, ie apartheid, has prevented the majority of the people in South Africa from participating in the making of the laws which are now being enforced against me.

2) The charges against me are that I allegedly committed acts to eradicate the apartheid system so that the majority of South Africans could participate in the making of this country's law.

3) The international community, through the United Nations' General Assembly and Security Council, has repeatedly condemned the apartheid system as a crime against humanity and has recognised the legitimacy of the struggle of the oppressed people of South Africa in pursuance of their human and political rights as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights.

4) The International Court of Justice has ruled that racial discrimination is a breach of a country's obligations to the international community and that apartheid is not in conformity with the international obligations assumed by South Africa under the Charter of the United Nations.

5) Churches and leaders of the international and national religious community have decreed that apartheid is a heresy.

6) Consequently, I find myself in conscience unable to plead to charges which label me as a terrorist for opposing apartheid and I regard the prosecution itself as a crime against humanity.

7) I furthermore state that my basic human rights, as embodied in the United Nations Universal Declaration of Human Rights, have been violated in that:

a) I was held in solidarity confinement, without the right to legal representation for many months under Section 29 of the Internal Security Act, which I found to be a vicious form of torture in itself;

b) I, and others, have been tortured and/or coerced in many other ways to divulge information and evidence to the security police and police at large, information which will presumably be used against both myself and these other persons.

8) Lastly, with all due respect to Your Lordship, I foresee my trial being used by the State to deceive my fellow countrymen and the world at large into believing that the judiciary is independent and there is justice in South Africa. I believe that unjust laws cannot by definition be justly applied. Therefore I do not believe that these proceedings can be just, or that the judicial system can be independent or indeed that it can operate for any other purpose than for the further entrenchment of white domination.

Consequently I refuse to plead to the charges.

I shall participate in these proceedings under protest in order to expose the methods used by the governing regime through their security police and security forces in general.

I lied in testimony — Webster

CAPE TIMES 28/4/88 337

Own Correspondent

MARITZBURG. — Convicted ANC guerilla Gordon Webster admitted in the Supreme Court here yesterday that he had lied while testifying on commission in London last year during the trial of Parade Hotel bomber Robert McBride.

Mr Webster said he lied to "save" McBride to whom he owed his own life. McBride had rescued him from the Edendale hospital.

He was being cross-examined by the state yesterday after testifying earlier this week during an inquiry into whether any extenuating circumstances exist in his favour following his conviction last week of murder, attempted murder and terrorism.

The conviction relates to explosions at substations, mainly near Durban, including one in Chamberlain Road which caused the death of Durban policeman Colonel Robert Welman in January 1986 and injured Sgt Roelof van der Merwe and Mr Mervyn Dunn.

He told the court the scheme to seize hostages in South Africa to secure the release of McBride had been hatched before his giving evidence in London.

The names of potential hostages, including a Natal Supreme Court judge, Mr Justice Shearer, and senior police officers connected with the McBride trial, were obtained from a book in London belonging to McBride's instructing attorney — a Mr Dehal — as well as from an ANC official in Lusaka, he said.

Strike killing on video

JOHANNESBURG. — A police video showing the still burning corpse of one of four railway employees allegedly murdered by co-workers during the SATS strike last year was screened in the Rand Supreme Court yesterday.

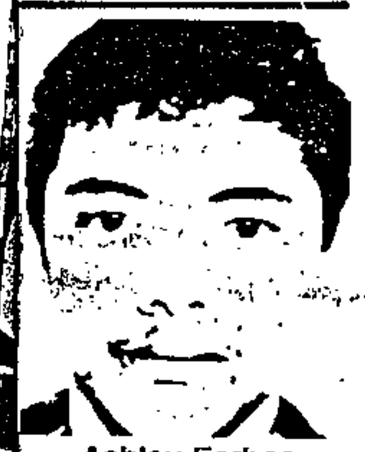
It was taken at Prolecon on the night of April 28 last year and early the next morning.

All 18 SA Railways and Harbours Union members charged with the murders of Mr Vhulani Joseph Mulaudzi, Mr Kati John Sebopelo, Mr Mulalelo Petrus Moremane and Mr Jerry Rudolph Goodman yesterday pleaded not guilty.

They also all pleaded not guilty to five counts of kidnapping, one of attempted murder, two of robbery with aggravating circumstances and four of assault.

Man set

O MAY 4 1988 TEL: 415-2012



Ashley Forbes

Why ANC 15 won't plead

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South 4/5/88

COURT No 1 was tense this week as Ashley Forbes, first accused in a treason trial, read out a statement outlining the reasons why he and 14 other alleged ANC members would not plead.

The trialists, ten students, two teachers, one pupil and two others told the Supreme Court, Cape Town they would participate in the court proceedings under protest.

Forbes' full statement — Page 8

The trialists entered the dock quietly with raised fists after Ashley Forbes, alleged to be a commander of the ANC's military wing Umkhonto weSizwe, undertook earlier that the trialists would not sing or make a noise at future hearings.

Mr Justice D M Williamson entered a plea of not guilty for all the trialists.

On Wednesday Forbes was reprimanded by the judge after the trialists shouted Amandla.

Charges of robbery against three of the trialists were dropped.

ANC guerillas' friendship pact led to freeing

DURBAN — The friendship of two ANC guerillas led to an unusual pact — they would free each other from South African jails if they were apprehended.

The two, Gordon Webster and Robert McBride, had also decided that should their freeing bids fail, they would commit suicide

This emerged in evidence led in mitigation of sentence in the trial of Webster in the Supreme Court, Pietermaritzburg.

Webster was earlier found guilty of the murder of Colonel Robert Welman of the security police in January 1986. He was also found guilty on a number of charges under the Internal Security Act.

Suicide pact

Welman was killed in a limpet mine explosion at an electric sub-station near the Coloured township of Wentworth while investigating an earlier explosion.

The court was told Webster and McBride, who is on death row for the Magoo Bar bombing in Durban in which a number of people were killed, made the suicide pact to deny the police the opportunity to obtain information from them.

Webster was sprung from the Edendale Hospital near Maritzburg in April 1986 after being injured in a shoot-out with the police.

He was shot twice in the stomach and had been under police guard when McBride and two others burst into his ward and wheeled him to freedom on a trolley. A guard was killed during the escape.

Webster was recaptured by South African policemen in September last year while trying to re-enter the country from Botswana.

Webster admitted in court he had agreed with the ANC to seize hostages to seek the release of prisoners, including McBride.

Mr Gordon Isaacs, lecturer in social work at the University of Cape Town, told the court Webster had felt "shame" and "anger" when his mother had been referred to in derogatory terms at a school in Durban.

He said Webster had suffered the humiliation of racial prejudice not only in the broader South African society, but also in the "Coloured" community.

His mother was a Zulu and his father, who died when he was 18 months old, a "Coloured".

The experience of racial prejudice had a profound effect on him later in life.

He was born in York in the Natal midlands in 1963 and was the youngest of 10 children.

His attitude changed in his second year at Bechet Teachers' Training College in Durban when he found he was part of a discriminatory system and that his education was inferior to that of whites.

He left the country during boycotts at the college in 1984.

Isaacs said a number of features could be considered as mitigating factors in Webster's favour.

They included emotional immaturity, vulnerability resulting from his background, influence of more powerful forces and people on him, including "indoctrination" by the ANC, and an absence of any inherent wickedness.

Romantic notion

Webster felt remorse and sadness when he learnt of the death of Welman and he had rejected an order by an ANC member, "Rashid", to place a car-bomb.

He also felt anger when he had learnt of the number of people killed after McBride detonated the car-bomb at the Magoo Bar in Durban.

Isaacs said the plan to take hostages to free McBride, to whom he owed gratitude for rescuing him from the South African police, reflected "immaturity".

The idea was no more than "a fanciful and romantic notion".

Webster was expected to be sentenced this week

ARGUS 28/4/88

'I never used a firearm' says convicted bomber

331

The Argus Correspondent

MARITZBURG. — African National Congress bomber Gordon Webster, convicted here last week of murder, attempted murder and 12 counts of terrorism, said he had never taken a firearm with him on his sabotage missions and had never used one.

Webster, who has spent more than a day in the witness box giving evidence in possible mitigation of sentence, said yesterday he had had the opportunity of using firearms.

He could have risked lives by throwing grenades at police stations or placing limpet mines in supermarkets or at busstops.

He said it was more dangerous to bomb an electricity substation than to place a mine in a supermarket.

He had told the men he had been trained not to risk lives in their acts of sabotage.

He said that if he had been able to further his studies he would not have joined the ANC. At that stage he had about R40 and no travel papers.

Asked by the leader of the defence, Mr Ismail Mahomed, SC, why ANC special operations commander Rashid had wanted him to plant a motor car bomb, Webster said that it was to kill many people.

He hated Rashid and had resisted him.

Cape Times 28/4/88

Charges 'a crime' — court hears

331

Supreme Court Reporter

MR Ashley Forbes and 14 others charged with terrorism yesterday said they were in conscience unable to plead to charges which labelled them as terrorists for opposing apartheid.

Instead, Mr Forbes read out a four-page statement with which his co-accused associated themselves. They said they would participate in the trial "under protest".

Mr Forbes said in his statement that apartheid had prevented "the majority of the people in South Africa from participating in the making of the laws which are now being enforced against me.

"The charges against me are that I allegedly committed acts in order to eradicate the apartheid system so that the majority of South Africans could participate in the making of this country's law."

The United Nations General Assembly and Security Council had repeatedly condemned apartheid "as a crime against humanity and has recognized the legitimacy of the struggle of the oppressed people of South Africa in pursuance of their human and political rights" as set forth in the UN's Universal Declaration of Human Rights.

'Torture'

Mr Forbes said he regarded the prosecution itself as a crime against humanity.

His basic human rights had been violated when he was held in solitary confinement, without the right to legal representation, for many months under Section 29 of the Internal Security Act. This was "a vicious form of torture in itself", he said.

Mr Forbes said he and others had been tortured and/or coerced in many other ways to divulge information and evidence.

"Lastly, with all due respect to Your Lordship, I foresee my trial being used by the state to deceive my fellow countrymen and the world at large into believing that the judiciary is independent and that there is justice in South Africa.

"I believe that unjust laws cannot by definition be justly applied."

The accused are: Mr Forbes, Mr Peter Anthony Jacobs, Mr Nicklo Louis Pedro, Mr Nazeem Lowe, Mr Anwa Dramat, Mr Clement Baadjies, Mr David Johannes Fortuin, Mr Jeremy Alan Veary, Mr Walter Rhoode, Mr Wayne Ingemar Malgas, Mr Collin Cairncross, Mr Ashraf Karriem, Mr Colin Clave Martin Petersen, Mr Leon Scott and Miss Yasmina Pandy.

The hearing continues today.

Mr Justice D M Williamson was on the Bench. Mr C H van Gend and Mr L P Francis were the assessors. Mr W C Viljoen, assisted by Mr M Stowe, appeared for the state. Mr Michael Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused.

Students refuse to plead to charge of terrorism

D/P 28/4/88

331

CAPE TOWN — A Wynberg student, Mr Ashley Forbes, and 14 others yesterday refused in the Supreme Court to plead to a charge of terrorism, but said they would participate in their trial under protest.

Mr Justice Williamson entered pleas of not guilty.

The state alleges they are members of the African National Congress and were involved in hand grenades and limpet mine blasts in the Peninsula including attacks on the Manenberg Police Station, a bus shelter in Rondebosch and policemen's homes.

When Mr Forbes was asked to plead, he refused and read a four-page statement.

He said his basic human rights had been violated when he was held in solitary confinement without the right to legal representation for many months.

He said he and the others had been tortured or coerced to divulge information to the police which would be used against them.

"The inherent political system of racial discrimination, that is apartheid, has prevented the majority of South Africans from participating in making the laws which are now being enforced against me.

"Churches and leaders of the international and national religious community have decreed that apartheid is a heresy.

"Consequently I find myself in conscience unable to plead to charges which label me a terrorist for opposing apartheid and I regard the prosecution itself as a crime against humanity.

"Lastly, with all due respects to your Lordship, I foresee my trial being used by the state to deceive my fellow countrymen and the world at large into believing that the judiciary is independent and that there is justice in South Africa."

He said he refused to plead but would participate under protest "to expose the methods" by the government.

Mr Peter Anthony Jacobs, Mr Nicklo Louis Pedro, Mr Nazeen Lowe, Mr Anwa Dramat, Mr Clement Baadjies, Mr David Johannes Fortuin, Mr Jeremy Alan Veary, Mr Walter Rhoode, Mr Wayne Ingemar Malgas, Mr Collin Cairncross, Mr Ashraf Karriem, Mr Colin Clave Martin Petersen, Mr Leon Scott and Miss Yasmina Pandy associated themselves with the statement and refused to plead.

Mr Justice Williamson yesterday granted them the right to remain in the dock during breaks on condition they did not disrupt court proceedings. — Sapa

15 jailed for contempt

Terrorism trial an attempt to deceive the world, says accused

Supreme Court Reporter

FIFTEEN terrorism accused have each been jailed for six months for contempt of court for creating a disturbance in the Supreme Court which prevented their trial from proceeding.

After the lunch adjournment yesterday the 15 chanted slogans in the dock for about five minutes before the court convened and carried on after Mr Justice Williamson entered.

After conferring with the judge, a police orderly ordered that they be taken back to the cells.

Mr Justice Williamson said he had watched to see that each was chanting and he was satisfied this was the case.

Silent

The judge called the accused back into court individually and asked them if they had anything to say about being convicted of contempt of court.

Mr Ashley Forbes and Mr Jeremy Veary remained silent.

Mr Peter Jacobs said: "The whole judicial system is not independent. You have been prejudiced in refusing our families permission to be in the gallery.

"This whole thing is an attempt to deceive the world and the country at large. If the chant constitutes contempt of court, then so be it. You have made up your mind already."

"Amandla"

After being jailed for six months Mr Jacobs shouted "Amandla".

Mr Nicklo Pedro, Mr Anwa Dramat and Mr Colin Petersen said they would not take part in the proceedings because their parents, friends and counsel were not in court.

Mr Wayne Malgas and Mr Ashraf Karriem shouted: "Long live the spirit of no surrender" before being sentenced.

Mr Karriem added that he had "nothing to say to this court or any other in South Africa".

Mr Nazeem Lowe, Mr Clement Baadjies, Mr David Fortuin, Mr Walter Rhoode, Mr Collin Cairncross, Mr Leon Scott and Yasmina Pandy said nothing.

Mr Justice Williamson had cleared the public gallery because of singing and chanting by the accused and public.

The 15 then refused to re-enter the court unless relatives were allowed back and defence counsel Mr M Donen and Mr J de Lange withdrew on their clients' instructions.

Mr Justice Williamson then directed that the accused be brought into court after the tea adjournment, with force if necessary.

Refused to plead

On Wednesday the 15 refused to plead to a charge of terrorism and not-guilty pleas were entered.

Alternatives to the main count are that they were members or officials of the African National Congress (ANC) or the South African Communist Party (SACP) or both; took part in the activities of the ANC or SACP or both; advocated, advised, defended or encouraged the achievement of the objects of the ANC or performed acts calculated to further the achievement of these objects.

The hearing continues.

Mr Justice Williamson is assisted by assessors Mr C H van Gend and Mr L P Francis. Mr W C Viljoen and Mr M Stowe appear for the State.

CITY/INTERNATIONAL

15 want judge to withdraw

NTGS 29/4/88 331

By MICHAEL DOMAN and JEREMY DOWSON
Staff Reporters

COUNSEL for 15 alleged African National Congress members on trial for terrorism gave notice in the Supreme Court today of their intention to apply for Mr Justice Williamson and his assessors to withdraw from the case.

Mr Justice Williamson

Mr Michael Donen said when the court convened that he and Mr Johnny de Lange, for Wayne Maigas, had been reinstated as counsel for the 15 for the "limited purpose" of bringing the recusal application.

The advocates withdrew yesterday on the instructions of their clients who refused to take part in proceedings until the judge allowed their relatives and friends to attend the trial.

Mr Donen said: "We are at the disadvantage of not having been present in court yesterday.

"A lot of the foundation (for the application) seems to be based on subsequent events.

"We have had no opportunity to talk to the accused."

Acrimony

"(We understand) the level of acrimony reached such a peak that it is inconsistent with the trial.

"The other basis is that one of the assessors, Mr L P Francis, sat with Mr Justice Nel in the trial of Cecil Esau. It is alleged Esau was in the same cell as some of the accused."

Mr Justice Williamson said he would certainly hear the application.

He postponed the matter to Tuesday to enable counsel to consult their clients.

They are no longer awaiting-trial prisoners after being sentenced to six months' imprisonment yesterday for contempt of court after disrupting proceedings.

Silent

Today they entered and left the dock silently.

They appeared in court casually dressed today and the men had new short haircuts and shaven faces.

Friends and relatives, barred from the gallery until Tuesday for causing a disturbance on Wednesday, gathered near the entrance of the Supreme Court building as the police convoy prepared to take the 15 back to Pollsmoor prison.

● See Page 5.

Webster's ANC lectures 'relentless'

Star 29/4/88

Own Correspondent

331

MARITZBURG — Convicted ANC bomber Gordon Webster was influenced to engage in acts of sabotage by "relentless" ANC lectures over a period of six months in Botswana and Zambia, a lecturer in clinical psychology at the University of Natal told the Supreme Court here yesterday.

The psychologist, Mr F M Bassa, said that Webster generally had a submissive personality as a result of the absence of an appropriate father figure during his formative years and his adolescence. He had an extremely close relationship with a harsh, punitive mother with the emphasis on the control of emotions.

His feelings of a lack of effectiveness led to a sense of inadequacy and low self esteem. These feelings were aggravated by discrimination on the grounds of skin colour.

Mr Bassa was giving evidence on possible mitigation for the defence.

Webster was not a psychopath and did not not show any signs of inherent wickedness, he said.

The hearing continues.

Dugard testifies in ANC trial

By Dirk Nel,
Northern Transvaal Bureau

MESSINA — The fact that the two men convicted in the Messina terrorism trial believed they were legitimate soldiers, under orders from their ANC superiors to undertake military missions in South Africa, diminished their moral guilt, if not their legal guilt, the circuit court heard yesterday.

Professor John Dugard of the Wits law faculty was testifying in mitigation of sentence in the trial of Mthetheleli Mncube (27) of Soweto, and Mzondeleli Nondula (24) of Mdantsane.

He pointed out that, in terms of an international protocol conference in 1977, the international community did not regard members of liberation movements fighting for self-determination or independence as aggressors.

It was now part of customary international law to regard struggles against colonial or racist regimes as international conflicts, and the two convicted men believed they were fighting such a war, Professor Dugard explained.

Mncube and Nondula were found guilty on Monday of murder, attempted murder, terrorism and the illegal possession of arms and ammunition.

The case arose from landmine blasts in the Messina area, the shooting of two policemen, and activities which the court found had endangered the security of the State.

Another witness, Dr Tom Lodge, a lecturer in political studies at Wits, said he had made a thorough study of the ANC, and it was not ANC policy to attack civilian targets.

The man found guilty of the explosion at an Amanzimtoti shopping centre had admitted he violated the ANC code, said Dr Lodge.

In the light of overall statistics, the ANC did not appear to be a very violent body. But, he added, armed insurgency was part of the ANC strategy.

When asked by the judge whether the random laying of landmines was, in fact, armed insurgency, Dr Lodge replied that it was, particularly as the ANC regarded all border areas as battle zones, because the civilian population there was fully integrated into the SADF.

The State prosecutor, Mr Frans Roets, said he had no questions to put to these two witnesses.

The court adjourned to May 3 to hear further evidence in mitigation.

Terror trialists get 6 months' jail after defying the judge

Star 29/4/88

331

CAPE TOWN — Mr Ashley Forbes and his 14 co-accused in a Cape Town terrorism trial were yesterday sentenced to six months imprisonment for contempt of court after defying the judge and chanting slogans from the dock.

The incident occurred as the court resumed after the lunchtime adjournment when the accused continuously chanted "advance, retreat, consolidate" for a few minutes after the judge had taken his seat.

When it became clear that the accused intended to continue chanting, they were ordered down to the cells by Mr Justice D M Williamson.

He said he was satisfied that all of them had participated and had been "manifestly in contempt of court". He then called them to the dock individually.

Adressing Mr Ashley Forbes, Mr Justice Williamson said: "I consider your behaviour grossly contemptous."

Asked if he had anything to say, Mr Forbes looked ahead and did not answer. He was found guilty of contempt of court and sentenced to six months imprisonment.

All the accused were then called and either refused to say anything or said they had nothing to say and were then sentenced to six months.

Earlier Mr Justice Williamson said: "After I adjourned yesterday there was again a disturbance. My information is that it emanated from the accused and that the public gallery responded. The other day I explained that that kind of disturbance could not be tolerated as it disturbed the other courts.

"It is something I feel very passionate about. I feel the only thing I can do in the circumstances is to exclude members of the public, certainly for today and tomorrow."

The accused are: Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf Karriem, Colin Clave Martin Petersen, Leon Scott and Yasmina Pandy. — Sapa.

ANC reports produced in court despite objections

BETHAL — African National Congress documents, photographed by a South African Intelligence operative in Lusaka, were handed in as exhibits yesterday in the Bethal terrorist trial, despite defence's objection.

Mr Justice J. Daniels overruled objections lodged by Mr H. K. Naidu on behalf of accused number three, Mr Ebrahim Ismael Ebrahim, in the Circuit Court.

The three accused, Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim are charged under the Terrorism Act and with high treason.

Mr Justice Daniels ruled that he would review the matter after all the evidence had been heard.

The documents consisted of reports from ANC regional centres in various frontline states to ANC headqarters in Lusaka.

These recounted the many probems experienced by the ANC as a result of shortages of weapons, funds and the infiltration of informers.

One document dated November 1986 from Umbrella Dubay — an ANC codename — was signed by Mzwandile, earlier identified by a witness as Mr Ebrahim.

He complained that "cadres" failed to turn up for appointments.

Furthermore, the South African Police had arrested a "comrade" identified as "Comrade Scotch" in Soweto.

An ANC operative identified as "September" was kidnapped.

Four cadres were killed in an armed clash in a border area.

The security situation "continues to be precarious" and the enemy, presumably South Africa, "continues to move around the area quite freely".

Secure accommodation had become a problem and that the support network enjoyed previously had thinned out.

He referred to an attack on Efesus House "which was done with great impunity" by the "enemy."

The local authorities, thought to be the Swazi government, continued to be hostile to the ANC, the report continued.

Of the eight so-called Lusaka documents, handed in to court by the police Security Branch, five were signed by Mzwandile.

An expert witness, Captain J. D. Quinton, of the police forensic laboratory in Pretoria, testified that the handwriting in some of the Lusaka documents corresponded with that of a specimen document he he been handed earlier.

Another police witness testified that the specimen document had been compiled in his presence by Mr Ebrahim.

The signature (Mzwandile) appeared on five of the Lusaka documents, but Capt Quinton said there had been certain differences.

There had, however, been enough similarities, for him to form the opinion that it was indeed the handwriting of the person from whom a specimen had been provided.

The case continues tomorrow. — Sapa

Accused get six months for contempt of court

CAPE TOWN — Fifteen people appearing in a terrorism trial here were yesterday sentenced to six months imprisonment for contempt of court after defying the judge and chanting slogans from the dock.

The incident occurred as the court resumed after the lunchtime adjournment when the accused continuously chanted "advance, retreat, consolidate" for a few minutes after the judge had taken his seat.

When it became clear that the accused intended to continue chanting, they were ordered down to the cells.

Mr Justice D. M. Williamson said he was satisfied that all of them had particiated and had been "manifestly in contempt of court" and sentenced each of the accused individually to six months imprisonment for contempt.

At the start of the proceedings yesterday morning, Mr Justice Williamson said: "After I adjourned yesterday there was again a disturbance. My information is that it emanated from the accused and that the public gallery responded.

"I feel the only thing I can do in the circumstances is to exclude members of the public, certainly for today and tomorrow."

The accused left the dock singing and gave a clenched fist salute to those in the public gallery.

At the resumption of proceedings, the accused refused to come up from the cells while the gallery was empty. They also discharged their legal team.

Mr W. Viljoen, for the state, told the court in terms of the Criminal Procedures Act, the trial could continue in the absence of the accused if their behaviour warranted it.

Mr Williamson replied that it was obviously a plan to "thwart" the proceedings and ordered court orderlies to bring the accused into the court with "whatever reasonable force is required."

The accused then entered the dock chanting "Viva ANC" and "Viva Mkhonto we Sizwe".

LAST WORDS OF A SATS WORKER

331 1000 D/Rep

THE South African Transport Services employees on strike, among them some of the 18 on trial, told an official who criticised their action: "An injury to one is an injury to all", a Rand Supreme Court judge heard yesterday.

By MANDLA NDLAZI

Mr O J Strydom told the court that on March 23, last year, he found a group of employees in the tearoom on Sats premises at Union Square, (Park Station).

When he asked them why they were not at work, they told him to phone City Deep. When he asked what that meant, they told him "an injury to one is an injury to all."

Mr Strydom said this when cross-examined by one of the defence team, Mr Eric Dane.

Mr Strydom said he did not phone City Deep because it was not under his jurisdiction.

Examined by Mr C B Ferreira, for State, Mr Strydom said later, four employees said they wished to work. That was on April 28, and the next day, one of them never returned.

The witness said he knew Mr Joseph Mulaudzi. He was the man who did not return to work on April 29. He said Mr Mulaudzi wore spectacles and did the same job as Mr Johnson Mogosi, who is one of the accused.

Mr Strydom said the spectacles exhibited in court were similar to those that Mr Mulaudzi wore.

Earlier, a police video recording of the alleged murder scene was shown in court. It showed four partly burnt bodies, one of them still burning. Detective Sergeant D Coetzee had told the court that some of the bodies — three black men and one coloured man, had ropes around their necks and limbs and also had stab wounds.

Murder

Appearing before Mr Justice T T Spoelstra and two assessors, are Mr Johannes Joja Ngcobo (24), Transvaal's secretary of the South African Railways and Harbours Workers' Union and 17 members of the union.

They have pleaded not guilty to charges of murder, abduction, attempted murder, assaults, robbery and intimidation. The State alleges they committed the offence during a strike on the Witwatersrand on March 13 and April 28, last year.

SAS, 1982.

Treat ANC members entering SA for military operations as prisoners of war — prof

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D1D 29/4/88

MESSINA — Members of the ANC who entered South Africa to carry out military operations should be treated as prisoners of war, the land mine trial in the Messina circuit court heard yesterday.

The director of the Centre for Applied Legal Studies at the University of the Witwatersrand, Professor John Dugard, said this while giving evidence in mitigaton for two ANC members.

Mr Mthethetheleli Zephania Mncube, 28, of Soweto and Mr Mzondeleli Euclid Nondula, 25, of Mdantsane were earlier found guilty on 38 of 41 charges.

Their trial follows a series of landmine explosions in the South African/Zimbabwe border area between late 1985 and 1986.

The charges included murder, attempted murder, illegal possession of arms and ammunition, treason and terrorism.

Prof Dugard told Mr Justice J. P. O. de Villiers and two assessors that Mncube carried arms, wore a uniform, and was subjected to a military commander as well as military discipline.

He said Mncube regarded himself as a soldier and was expected to be treated as one when captured.

He said the ANC was recognised by the international community as a national liberation movement engaged in a just struggle.

"The reasonable man, both inside and outside the Republic of South Africa, believes the accused should not be sentenced to death on the grounds that their guilt is morally diminished by virtue of the fact that they had subjectively been led to believe they were engaged in an international conflict as soldiers," he said.

South Africa's race policy had been widely condemned as inhuman and in violation of South African obligation under the Charter of the United Nations.

"The General Assembly has condemned apartheid in every annual session since 1963.

"The International Court of Justice has found the policy of apartheid in general to be contrary to South Africa's obligation under the Charter of the UN," he said.

He added the ANC had received wide recognition by the UN which had served to confer legitimacy on its activities by the offer of international aid and through invitations to participate in debates at the UN and at UN-sponsored conferences.

"In 1973 the General Assembly rejected the credentials of South Africa and in 1974 the General Assembly excluded South Africa from participating in the proceedings of the assembly, an exclusion which continues till this day."

He said in 1973 the General Assembly adopted the resolution which declared the South African regime had no right to represent the people of South Africa.

The liberation movements, the ANC and the Pan Africanist Congress recognised by the Organisation of African Unity, were the authentic representatives of the overwhelming majority of the South African people.

"The General Assembly of the United Nations gave its approval to the treaty that captured ANC freedom fighters should be granted prisoner of war staus," Prof Dugard said.

"In this present case there is apparently uncontroverted evidence to show that Mncube, at least, fell within the scope of Protocol One of the Geneva Covention of August 12, 1949, on the treatment of prisoners of war.

"If captured he should be treated as a prisoner of war because he was engaged in a fight for liberation and his role in the conflict served to reduce the moral blameworthiness and should therefore be considered as an extenuating factor," Prof Dugard concluded.

The trial continues on Tuesday, May 3. — Sapa

'Informer at ANC office in Lusaka'

AS recently as Februry this year, the South African Police had an informer at the African National Congress in Lusaka, a security branch officer testified in the Bethal terror trial on Wednesday.

Warrant Officer Nic Deetlefs testified that photographs of ANC documents handed in to the court as an exhibit had been taken by a police informer at the ANC's offices in Lusaka.

In the trial in which three accused, Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim Ismail Ebrahim, pleaded not guilty to charges under the Terrorism Act and to high treason, he testified that it was not possible for the police to procure the originals of the documents as they had no official access to the ANC's offices.

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Documents

Because of an objection raised by defence counsel for Mr Ebrahim, Mr H K Naidu, on the admissibility of the photographs, the documents have not yet been admitted as evidence. — Sapa.

Goniwe inquest

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THE inquest on Mr Matthew Goniwe, Cradock teacher and regional organiser of the United Democratic Front and three other political activists, has been postponed to July 25 for further investigation.

Mr Goniwe, Mr Sparrow Mkonto, chairman of Cradora, Mr Fort Calata, UDF executive member, and Mr Sicelo Mhlawuli, a member of the UDF, disappeared after they left Port Elizabeth for Cradock having attended a UDF briefing on June 27, 1985.

29/4/88 Sowetan

Sowetan 29/4/88

POW status claim

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A LEGAL expert said in the Messina Circuit Court yesterday that captured guerillas of the African National Congress should be given prisoner-of-war status as the organisation was internationally recognised as a national liberation movement engaged in a just struggle.

By THEMBA MOLEFE

The director of the Centre for Applied Legal Studies at the University of the Witwatersrand, Professor John Dugard, was giving evidence in mitigation of sentence in the trial of Mr Mthethelei Zephania Mncube (28), of Diepkloof, Soweto, and Mr Msondeleli Euclide Nondula (25), of East London.

Mr Justice J P O de Villiers has found the two guilty of a total of nine murder counts and 26 other charges, including undergoing military training.

Prof Dugard said contemporary international law showed a trend in favour of treating members of national liberation movements as POW's.

He said that with regard to international law and South Africa's racial policies had been widely condemned as inhuman and as a violation of South Africa's obligation under the Charter of the United Nations.

He said Mncube and Nondula entered the country to carry out military operations and in the belief that they were soldiers, carrying out orders.

"It appears that in the case of Mncube's mission he carried arms openly, wore a uniform, was subject to his military commander and military discipline, and regarded himself as a soldier who expected to be treated as one if arrested.

"He therefore fell in the category of combatant as defined in the Geneva protocols which required that combatants distinguish themselves from the civilian population while engaged in an attack or in a military operation for an attack," Prof Dugard said.

Mncube also carried his arms openly and was visible to his captors, said the professor.

"South Africa, however, has not signed, rectified, or acceded to the 1977 protocol which came into effect in 1978 and, therefore, was not bound to affording POW status on members of the ANC or the PAC.

Mncube has been found guilty on three murder charges, two of which he has admitted to shooting dead two white policemen with an AK-47 rifle after he was arrested on December 26, 1986.

Ten people were killed in a series of landmine blasts in the Messina district between 1985 and 1986.

(Proceeding)

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15 defy judge: Jail for contempt

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By RONNIE MORRIS
Supreme Court Reporter

MR Ashley Forbes and his 14 co-accused in a city terrorism trial were yesterday sentenced to six months' imprisonment for contempt of court after defying the judge and chanting slogans from the dock.

The incident occurred as the court resumed after the lunchtime adjournment when the accused, alleged to be ANC members, chanted "advance, retreat, consolidate" for a few minutes after the judge had taken his seat.

When it became clear that the accused intended to continue chanting, they were ordered down to the cells by Mr Justice D M Williamson.

The judge said he was satisfied that all 15 had been "manifestly in contempt of court".

He then called them to the dock one at a time.

Addressing Mr Forbes, the judge said: "I consider your behaviour grossly contemptuous."

Asked if he had anything to say, Mr Forbes looked ahead and did not answer. He was found guilty of contempt of court and sentenced to six months.

Each of the accused was then called. They were sentenced to six months after either refusing to reply or stating that they had nothing to say.

The state alleges, among other things, that from January 1984 to October 1987 the 15 planned to overthrow the state or promote constitutional, political, industrial, social or economic aims or change.

Alternative charges include that they were officials or members of the ANC or SA Communist Party or both.

At the start of the proceedings yesterday morning, the judge said: "After I adjourned yesterday there was again a disturbance. My information is that it emanated from the accused and that the public gallery responded. The other day I explained that that kind of disturbance could not be tolerated as it disturbed the other courts.

"It is something I feel very passionate about. I feel that the only thing I can do in the circumstances is to exclude members of the public, certainly for today and tomorrow."

Mr Michael Donen, for the accused, said defence counsel had already "tackled" the accused after yesterday afternoon's incident. The accused had misunderstood the order, he said.

Mr Justice Williamson replied that he could not see why there should be a misunderstanding as he had also addressed the public gallery.

"I cannot allow that other courts be disturbed by noises emanating from this court. I will adjourn while the public gallery is cleared."

The accused left the dock singing and gave clenched-fist salutes to those in the public gallery.

At the resumption of court, Mr Donen informed the court that the accused refused to come up from the cells while the gallery was empty. They had also discharged their legal team and accordingly he and advocate Mr J de Lange had to withdraw.

Mr Justice Williamson replied: "That forces the court to adjourn . . . it makes a mockery of the court."

Mr W Viljoen, for the state, told the court that in terms of the Criminal Procedures Act, the trial could continue in the absence of the accused if their behaviour warranted it.

"It would be a sad situation if the trial proceeded without the accused," he said.

The judge replied that there was obviously a plan to "thwart" the proceedings and ordered court orderlies to bring the accused

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ANC trial CAPE TIMES 29/4/88 331

into the court with "whatever reasonable force is required".

"I hope it won't be necessary but if they resist they must be brought up here by force."

The accused then entered the dock chanting "Viva ANC" and "Viva Umkhonto we Sizwe".

The judge told them that if they did not behave, the trial would continue in their absence. This, he said, was something he did not want.

"Having terminated your legal representatives' mandate, you are unrepresented. You will have to conduct your own defence."

Mr Forbes replied that they refused to participate in the court proceedings. "The only reason we are here (in the dock) is because force would have been used against us."

When the judge ordered that the trial continue, Mr Forbes said the 15 could not accept the situation and would "prefer to be removed from the court and taken back to Pollsmoor".

The judge said he would rather have the accused present in court: "I can't in a sense have the court blackmailed by the accused insisting that the public be allowed back."

The court adjourned for 15 minutes and when they returned, Mr Forbes said: "We do not recognize the court, the proceedings are a farce. Maybe a better way to put it is to say it's a joke. I can't see any normality in the proceedings."

Mr Justice Williamson replied that "any abnormality is due to your behaviour and that of the public".

Mr Forbes responded by saying they would participate in proceedings only if their family and friends were allowed back.

The judge said: "I have excluded them for just two days to teach them a lesson. If they continue to misbehave it does make a farce or joke of the proceedings."

He said he had granted the accused a privilege not normally granted to people in detention by allowing them to remain behind in tea adjournments to see their families.

"You have now in fact abused that privilege. What has happened you have brought upon your heads by singing."

The accused are: Mr Forbes, Mr Peter Anthony Jacobs, Mr Nickio Louis Pedro, Mr Nazeen Lowe, Mr Anwa Dramat, Mr Clement Baadjies, Mr David Johannes Fortuin, Mr Jeremy Alan Vearn, Mr Walter Rhoode, Mr Wayne Ingemar Malgas, Mr Collin Calmeroos, Mr Ashraf Karrem, Mr Colin Clive Martin Petersen, Mr Leon Scott and Miss Yasmina Pandy.
The hearing continues today.

Six months for the singing 15

331 W Mail

By GAYE DAVIS

IN a dramatic turn in a terrorism trial yesterday, the 15 defendants were each sentenced to six months on contempt of court charges after a spate of singing, chanting and dancing.

The 15 had refused to enter the courtroom where their trial is in progress unless their family and friends were allowed to be present. When the accused were brought back to court yesterday they were singing and *toyi-toyi-ing*, and as the judge entered they sat and chanted: "Consolidate. Defend. Advance."

The judge ordered police to take the defendants back to the cells. They were then brought up individually and sentenced for contempt of court.

The incident followed an order by Mr Justice DM Williamson that the public gallery be cleared until Tuesday. He said he had learned that the

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The contents of this newspaper have been restricted in terms of the Emergency Regulations

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Singing 15 jailed

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accused had sung and chanted when they left the dock on Wednesday this week, in breach of an earlier undertaking.

The deal struck the day before was that the accused agreed not to sing or chant during adjournments and in exchange would be allowed to talk to family and friends.

After a brief adjournment yesterday while the gallery was cleared, defence counsel Michael Donen reportedly told the court the accused refused to re-enter the courtroom while the gallery was empty and had instructed their lawyers not to proceed without them.

"The accused say if they are not in court we should not be in court. We cannot remain in court without our clients. We have to withdraw," he was reported as saying.

The judge then adjourned for tea and ordered that the accused be present when it reconvened. "I hope it won't be necessary, but if they resist they will have to be brought up forcibly," he was reported as saying.

Family and friends of the accused sat outside on the steps of the supreme court after being ordered out of the gallery.

2/4-4/5/88 W Mail

Police accused of killing student leader

By SI NGOMANE and KAREN EVANS

A SECURITY policeman yesterday identified two of his colleagues as the killers of Daveyton student leader Caiphus Nyoka last year.

The policeman, Sergeant AH Engelbrecht of the Benoni Security Branch, identified the killers as a Sergeant Stander and Sergeant Marais.

He was giving evidence at the terrorism trial of Daniel Ntsoseng and Moses Mahlangu, both close friends of Nyoka. They are being charged with possession of six landmines, eight Russian handgrenades, eight handgrenade detonators, five detonators and six armament shells.

Engelbrecht said he was present when police raided Nyoka's home in the early hours of August 23 after receiving information that there were guns and explosives at the home.

He said they found Nyoka there with three other people. Engelbrecht took the three outside, and while he was outside heard shots being fired.

When asked by the defence counsel which of the sergeants shot Nyoka, Engelbrecht said that they both shot at him.

Major L van der Berg, also giving evidence, claimed that Ntsoseng was being worked on to become a police informer before Nyoka's death. His orders as head of the branch was to keep in contact with him "as he might be of use".

'ANC documents' in Bethal terror trial

BETHAL. — Secret ANC documents, photographed by a South African intelligence agent at the organization's Lusaka offices, were handed in as exhibits yesterday in the Bethal terrorist trial — in spite of an objection by the defence.

Mr Justice J Daniels overruled objections lodged by Mr H K Naidu on behalf of accused Mr Ebrahim Ismael Ebrahim, in the Circuit Court.

Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim are on trial on charges of high treason and under the Terrorism Act.

The documents — reports from ANC regional centres in various frontline states to ANC headquarters in Lusaka — recounted the many problems experienced by the ANC as a result of shortages of weapons and funds and the infiltration of informers.

One document dated November 1986 was signed by Mzwandile, earlier identified as Mr Ebrahim. It refers to arrests by the SAP and the death of four cadres in an armed clash in an unidentified border area. He writes that secure accommodation had become a problem and the support network enjoyed previously had thinned out considerably.

The defence contested the testimony.

The case continues. — Sapa

Webster rued being 'freedom fighter'

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MARITZBURG. — Convicted ANC bomber Gordon Webster became disenchanted with his "brief history as a freedom fighter" and found the ANC's attitude to "soft targets" abhorrent.

This was evidence given in the Supreme Court here yesterday by Webster's brother, Mr George Webster, who is an attorney.

He was testifying for the defence into whether extenuating circumstances exist in Webster's favour following his conviction on 14 counts of murder, attempted murder and terrorism.

Mr Webster told the court that he had a close relationship with his brother who confided in him.

He said his brother had always been "sorrowful" over the death of Durban policeman Col Robert Welman. But he was not concerned about that death alone. "He is violently against the taking of human lives."

Mr Webster said he believed that his brother in his heart was still convinced that the principles for which the ANC stood were correct. However, he found the organization's attitude towards the taking of innocent lives, or soft targets, to be abhorrent.

He said his brother had told him that he felt disenchanted with his short "history as a freedom fighter" and he believed this to be authentic.

Mr Webster said his brother was not a wicked person. In his youth he had always been "gentle, caring and very loving".

Before he left the country to join the ANC, while he was a student at the Bechet Teachers Training College in Durban, he had not been content. He found it difficult to live in the present situation and could not reconcile himself to discrimination and it effects.

CAPE TIMES 30/4/88

Dramatic twist in Forbes' trial

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Supreme Court Reporter

IN A DRAMATIC twist in the terrorism trial of Ashley Forbes and 14 co-accused, defence counsel yesterday said an application will be brought for the judge and his assessors to withdraw from the case.

Mr Michael Donen, said he and Mr Johnny de Lange had been reinstated by the accused "for the limited purpose" of bringing the application. They had been dismissed as counsel on Thursday when the judge, Mr Justice D M Williamson, ordered their family and friends form the public gallery after they had made a noise.

Mr Donen said they were at a disadvantage of not being present in court on Thursday and "a lot of the foundation (for the application) seems to be based on subsequent events. We have had no opportunity to talk to the accused.

"The level of acrimony has reached such a level that it is inconsistent with a fair trial.

"The other basis is that one of the assessors, Mr L P Francis sat with Mr Justice Nel in the trial of Cecil Esau. It is alleged that Esau was in the same cell as the accused."

Mr Justice Williamson said the accused were entitled to bring the application.

Mr de Lange, said he wished to place on record that the accused had been unnecessarily threatened by police in the cells. "This creates further tension and makes it difficult for us."

Mr Justice Williamson said in the absence of any clear evidence he was unable to make a finding.

"If their behaviour down there is anything like that of yesterday, they would invite reaction," he said.

Forbes and his co-accused, who were openly defiant on Thursday, filed quietly into the dock yesterday. Many of them had new haircuts and shaven faces.

They are now convicted prisoners after they were convicted of contempt of court and sentenced to six months imprisonment on Thursday.

The incident occurred as the court resumed after the lunchtime adjournment when the accused continuously chanted "consolidate, advance, defend" for a few minutes after the judge had taken his seat.

When it became clear that the accused intended to continue chanting, they were ordered down to the cells by Mr Justice Williamson who after he had called them into court one by one said he was satisfied that all of them had participated and had been "manifestly in contempt of court".

The accused are: Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf Kamiem, Colin Clave Martin Petersen, Leon Scott and Yasmina Pandy.

The hearing continues on Tuesday.