

**HUMAN RESOURCES RESEARCH DIVISION\***

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Aims and Objectives:

We specialise in internal communications within companies and organisations. Our main objective is to help management gain insight into the effectiveness of their own internal communications, as well as to compare their company's performance against the South African workers norm. In addition we provide management with access to the latest international trends concerning internal communications.

Current Programmes:

On-going research into internal communications and development of norms of the South African working population.

Services Offered:

Consultancy - advice and interpretation / analysis of internal communication problems.  
Commissioned research - conduct surveys covering all aspects of internal communications.

# TOTALITARIANISM — POLITICAL TRIALS

1988

MAY

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# Woman guilty of racial insult (33)

PIETERMARITZBURG  
— A woman was fined R250 (or two weeks) by a Pietermaritzburg magistrate for calling a man a "kaffir" in public.

A cafe owner's wife, Wilma Meyer, was found guilty of crimen injuria for calling a security guard, Mr Jabulani Mkhize, a "kaffir" in December, last year.

Giving evidence, Mr Gert van der Linde, who was working at the cafe, said a drunk man had stumbled into the shop and had knocked a juice machine over.

When Mr Van der Linde went to phone the police, he saw Mr Mkhize had brought the man back into the shop.

Mr Van der Linde said Meyer had been upset and had told Mr Mkhize: "Take this kaffir out of the shop otherwise I'll moer (hit) you and him."

Earlier, Mr Mkhize told the court Meyer's words to him were "hey kaffir, do your job".

Passing judgment, the magistrate said "kaffir" was the most offensive insult that could be directed at a black person.

He said the outburst could have led to a racial incident. — Sapa

# Murder trial told of 'humiliation'

By Joe Openshaw *Steyn 31/3/88*

Accusations of white railway employees swearing at black workers and humiliating them, and of workers being charged with being cheeky and disrespectful if they objected, were levelled in the Rand Supreme Court yesterday at the trial of 18 members of the SA Railways and Harbours Workers Union.

The 18 have 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 assault, two charges of robbery and a charge of intimidation. The men are in custody.

Two police video recordings of the alleged murder scene — taken by

torchlight at midnight on April 28 and just before 8 am on April 29 — showing the burnt bodies of the four alleged murder victims were watched on monitors by the judge and his assessors, the State and defence counsel, the accused and a crowded public gallery.

## 331 TRIVIAL ACTIONS

Both Mr M Luitingh and Mr E Dane, for the defence, yesterday quoted examples of "trivial" disciplinary actions against black employees to show that there was a general atmosphere of grievance and dissatisfaction among workers before the strike in 1987, which had been aggravated by the subsequent actions of the police and the army.

Mr Justice Spoelstra asked during cross-examination of Mr Cecil Mitchell, a Sats personnel supervisor, what relevancy legal or legal, fair or unfair, disciplinary actions had to do with what was at issue in the trial.

Mr Dane said the petty disciplinary actions were a sore point with workers and contributed to an atmosphere that gave rise later to their behaviour.

There were railway workers, he said, who had 20 years' service but had not been viewed as permanent staff.

He said the situation had changed since the strike.

The chief district surgeon of Johannesburg, Dr Vernon Kemp, gave evidence of bruises he had found on the buttocks of Mr Albert Phuluwa, a railway worker who escaped from the alleged murder scene.

Pretoria Correspondent

The defence counsel for the 19 people accused of treason in the so-called Delmas trial yesterday called on Mrs Sheena Duncan, a former president of the Black Sash, to give evidence.

The trial, in which some of the accused are former United Democratic Front executive members and trade unionists, asked Mrs Duncan to testify on the Black Sash's opposition to constitutional development in South Africa.

She told Mr Justice van Dijkhorst she had been a member of the Black Sash since 1963 and

## Sheena Duncan testifies in Delmas trial

was currently national co-ordinator of the Black Sash's advice office.

She said that in the beginning the Black Sash was "purely a protest movement" with 10 000 members. It later became a smaller organisation fighting for human and civil rights in South Africa.

"The main objective of the Black Sash is to work for justice and democracy in South Africa. We are a political pressure group and we took an active part in opposing constitutional development

taking united action and seeking unity.

Mrs Duncan said it never became a large movement. She said these meetings were not secret and, as it called for united action, members of the various organisations were asked to discuss issues discussed in the ad hoc committee with their organisations.

### HOMELANDS POLICY

The ad hoc committee concerned itself with constitutional structures in South Africa, she said. Mrs Duncan told the

court the Black Sash took an active part in voicing its opposition to the homelands policy and the black local authorities legislation.

A document she wrote, entitled "You and the New Pass Laws", was handed to the court.

A copy of this document was found in one of the accused's possessions. She said this document suggested to people what they could do to oppose the new legislation. Mrs Duncan told the court that statements, such as "violent conflict

is inevitable", which she had made at various meetings, were not meant to incite violence.

Mrs Duncan told the court that a personal and major concern of hers was the way the Government and the authorities created an image of the enemy.

"It is a recurring theme in my speeches. It is important to realise who we are fighting against. We are fighting brothers, sons and fathers — all part of our people. "The enemy is not an anonymous mass coming from abroad to attack our borders," she said. The case is proceeding.



## Trial report — defence to seek contempt move 331

By Therese Anders, Highveld Bureau

BETHAL — Defence counsel in the Bethal treason trial are to ask Mr Justice H Daniels to start contempt proceedings against the SABC for news reports by television journalist Mr Chris Olckers.

Yesterday, Mr Kessie Naidu, representing Mr Ebrahim Ismail Ebrahim, told the court he believed that reports by Mr Olckers on television news last week had been "calculated to prejudice the accused".

He later told the press that arrangements were being made for tapes of the SABC news bulletins to be reproduced.

Mr Naidu said: "Once the tapes are available we are going to request the judge to move for contempt proceedings against the SABC."

Mr Justice Daniels said in court yesterday Mr Olckers had telephoned him in Bethal on Friday night.

On Friday, Mr Justice Daniels told the court he had seen Mr Olckers's report on the news and had observed that some of the report was incorrect.

He inquired if anyone from SABC-TV had been present in court the day before.

The prosecutor, Mr Harry Prinsloo, said there had not.

Yesterday, the judge told the court

that Mr Olckers had telephoned him after he had heard about his remarks in court.

Mr Justice Daniels said: "He didn't know what my complaints were all about. I didn't think it was appropriate to discuss it with him then."

"He then apologised for any inconvenience and said he had not meant to give the impression of prejudicing the issue."

The judge said that if anything else about the matter came to hand he would contact the SABC through the State about possible contempt action.

● See Page 6.

as as the

22 Snorkelling  
22 Wind-surfing

10 Poolside fun

# Accused seen with ANC, says witness (33)

By Therese Anders,  
Highveld Bureau

BETHAL — A former African National Congress unit chief of staff and instructor told the Bethal treason trial yesterday he had seen one of the accused on several occasions at ANC premises in Luanda and Lusaka. SK 3/58

Defence counsel Mr H K Naidu, for accused Mr Ebrahim, said his client denied having been in Luanda during the 1982-83 period when the witness claimed to have seen him.

The former ANC member, who was arrested in 1986 at Umlazi near Durban, is being referred to throughout the trial as Mr X4.

He was giving evidence against Mr Ebrahim, Mr Acton, Mr Mandla Maseko and Mr Simon Diadla, who are charged with treason and terrorism.

Mr X4 said he left South Africa in July 1980 to join the ANC in Swaziland.

From Swaziland he was sent to Maputo, then to "Vienna", a transit camp in Angola, where he waited to be sent to "Gamelundi" military science training camp.

Later he went to East Germany to further his training.

He returned to Luanda in December 1981 and he worked for the Angolan chief representative of the ANC and the ANC's army regional headquarters.

It was here that he claimed to have seen Mr Ebrahim.

In 1985 he went to Lusaka where he stayed at an ANC house known as the "the revolutionary council".

Mr X4 said he saw Mr Ebrahim twice during his 10 days at the house. He also saw convicted terrorist Gordon Webster. The case continues.

Friday May 3 1988

## Extenuating circumstances found

# Webster gets sent to jail for 25 years

331

MARITZBURG — ANC member Gordon Webster was jailed for an effective 25 years by the Maritzburg Supreme Court yesterday after being convicted of murder, attempted murder and 12 counts of terrorism.

Mr Justice McCreath sentenced Webster to a total of 116 years for all 14 counts, but ordered that the sentences run concurrently.

Earlier in the hearing, Mr Justice McCreath found extenuating circumstances regarding Webster's conviction for murder after the death of Colonel Robert Welman, who was killed when a limpet mine, which Webster admitted placing, exploded at the Chamberlain Road electricity sub-station in Durban.

### INDIRECT INTENT

The judge said Webster's intent was an indirect one and was based on foreseeability, as his object was not the destruction of human life but to attack electrical sub-stations.

He also found that Webster's background and personal circumstances were an extenuation, and said he was affected by "a complex situation" as a result of his parentage and his colour.

Sentencing Webster, the judge said he found him to be an unreliable witness in certain aspects.

He said that on Webster's own admission, he lied while giving evidence on commission in London in the trial of his friend, Robert McBride, who was sentenced to death for placing a car bomb outside Durban's Parade Hotel.

Referring to those aspects that the court found unfavourable, Mr Justice McCreath said Webster claimed in court that he was not equipped with firearms, and yet when he was arrested such firearms were found in his possession.

He said he also found unsatisfactory Webster's explanation as to why he placed a second limpet mine at a hole in the fence he had cut at the Shongweni Assegai substation. — Sapa.



Mr Reg Buchholz police," he said.

are. for their immediate mediation," he said.

D10 3/5/88  
**3 appear in court  
on necklace charge** (331)

Daily Dispatch Reporter  
EAST LONDON — Three middle-aged men appeared briefly in the regional court here yesterday, accused of placing a car tyre around another man's neck and threatening to "necklace" him.

Mr Kolecki Tomose, 46, of Luka township; Mr Malangeni Yawa, 49, of Luba township; and Mr Mpostile Mkhohwakali, 41, of Laka township, are facing main charges of intimidation and alternative charges of kidnapping and assault.

The three men are alleged to have warned a Mr Mybooi Yehawi in

Tuba location, not to return to the location.

They are accused of tying Mr Yehawi's hands together, placing a tyre around his neck and threatening to kill him in the "necklace method".

The case was postponed to tomorrow, and a warrant of arrest was issued for three state witnesses who failed to appear in court yesterday.

Mr Tomose, Mr Yawa and Mr Mkhohwakali were warned to appear.

The magistrate was Mr P. M. A. Pretorius. Mr H. Hannan prosecuted and Mr S. Gyanda, instructed by H. Lalla and Company, appeared for the defence.

D10 3/5/88  
**Stutterheim man  
guilty of arson** (331)

Daily Dispatch Reporter  
EAST LONDON — A Stutterheim man was found guilty in the regional court here yesterday of trying to burn down a farmhouse by placing car tyres at both front and back doors, dousing them with petrol and setting them alight.

Mbuyiseli Mthamyeli, 25, of Kubusie, was sentenced to six years' imprisonment, two of which were suspended for five years.

Mthamyeli committed the crime on October 9-10, 1987, on Goodhope farm in the Stutterheim district, belonging to Mr Ronald Robert Muller, 76.

In delivering sentence, the magistrate, Mr A. G. Kotze, said that although the damage to the farmhouse was not serious, Mthamyeli could count himself lucky that he was not facing more serious charges, as he would have if Mr Muller had been injured in the blaze.

Mr Kotze said the fact that Mthamyeli had no previous convictions and his youthfulness weighed in his favour, but said society needed to be protected against such actions.

The prosecutor was Mr A. J. Smith and Mr T. Fourie, instructed by M. Lalla and Company, defended Mthamyeli.



## Alexandra treason trial is postponed

ST 3/5/88 By Bruce Anderson 331  
The trial on a charge of treason of Mr Moses Mayekiso, former chairman of the Alexandra Action Committee, and four other Alexandra community leaders was postponed in a Rand Supreme Court yesterday until May 23 for the hearing of a defence application for the discharge of the men.

The State yesterday closed its case against the five men.

It is alleged that the five 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.

Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28), and Mr Mzwanele Mayekiso (22) have pleaded not guilty and are in custody.

news 3/5/88 (331)

## Webster sent to jail for 25 years after bombings

MARITZBURG. — ANC member Gordon Webster was jailed for an effective 25 years by a Supreme Court judge following his conviction of murder, attempted murder and 12 counts of terrorism.

Mr Justice McCreath sentenced Webster to a total of 116 years on the 14 counts, but ordered that the sentences run concurrently.

Earlier in the hearing, Mr Justice McCreath found extenuating circumstances regarding Webster's conviction of murder following the death of Colonel Robert Welman, who was blown up by a limpet mine Webster placed at the Chamberlain Road substation in Durban.

### EXTENUATION

Webster had not intended to take human life, but to attack electrical substations. Mr Justice McCreath also found extenuation in Webster's background and personal circumstances.

However, Webster had been an unreliable witness. On his own admission, he had lied while giving evidence in the trial of his friend, Robert McBride, who was sentenced to death for placing a car-bomb outside the Parade Hotel in Durban. He had also lied about not having firearms and had not given a satisfactory explanation about the placing of a mine at the Shongweni substation.

Webster was a "very lucky boy", his mother, Mrs Agnes Webster said yesterday.

She smiled and seemed almost jolly.

Other members of her family hugged one another and wept tears of relief that Webster had escaped the gallows.

Mrs Webster said that his sentence was "nothing". He had "also escaped death" when he was shot while trying to escape a year ago.

Webster showed no emotion throughout the day's proceedings.

Mr Ismail Mahomed, SC, leader of the defence team, said there was to be no appeal. — Sapa and Argus Correspondent.

# Webster Sentenced to 116 years

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331

Sowetan

CONVICTED African National Congress member, Gordon Webster, received an effective 25 years imprisonment by a supreme court judge yesterday following his conviction of murder, attempted murder and 12 counts of terrorism.

Delivering sentence to a packed courtroom, Mr Justice McCreath sentenced Webster to a total of 116 years for all 14 counts and ordered that the sentences are to run concurrently.

Earlier in the hearing, Mr Justice McCreath found extending extenuating circumstances regarding Webster's conviction of murder following the death of Colonel Robert Welman, who was killed when a limpet mine that Webster admitted placing exploded at the Chamberlain Road substation in Durban.

He said Webster's intent was an indirect one and was based on foreseeability, as his object was not the destruction of human life, but to attack electrical substations.

He also found that Webster's background and personal circumstances were an extenuation and said he was affected by "a complex situation" as a result of his parentage and the colour of his skin.

**MISS Mathilda Gaborikwe (left) and Miss Ntombi Thena were among those who attended the Miss Elleries beauty contest at the Johannesburg City Hall at the weekend. Both girls are from Dobsonville, Soweto.**

## Unreliable

Sentencing Webster, the judge said he found him to be an unreliable witness in certain aspects.

He said that on Webster's own admission, he lied while giving evidence on commission in London in the trial of his friend, Robert McBride, who was sentenced to death for placing a car bomb outside the Parade Hotel in Durban.

Referring to those aspects which the court found unfavourable, Mr Justice McCreath said Webster claimed in court that he was not equipped with firearms, and yet when he was arrested such firearms were found in his possession.



Daily Dispatch  
Correspondent

PIETERMARITZBURG

ANC terrorist, Gordon Webster, was jailed yesterday for an effective 25 years on 14 charges of terrorism, murder and attempted murder.

The Supreme Court had earlier found extenuating circumstances which reduced his moral blameworthiness in the murder of a Durban police officer, Colonel Robert Welman, in a limpet mine explosion in January 1986.

Mr Justice McCreath, sitting with two assess-

## Webster to serve 25 years

sors, told the convicted man he had given "earnest consideration" to imposing a discretionary death penalty nonetheless, but said he had come to the conclusion that "this is not the extreme case to which the authorities have referred, which requires that I should pass the ultimate penalty on any of the charges."

The judge said however this was an "exceptional" case. He sentenced Webster to a

total of 116 years imprisonment, but ordered that portions of the sentences run concurrently, reducing it to an effective 25 years imprisonment.

Mr Justice McCreath said it was not the policy in South Africa to impose effective imprisonment of more than 25 years and this should only be done in very exceptional cases.

He said in spite of Webster's personal circumstances and other

factors in his favour, he was of the opinion that this case fell within "that exceptional class". "The interests of the community and the gravity of the crimes demand it," he told Webster.

The charges against Webster included the sabotaging of various electricity substations; a plot to seize hostages in South Africa, including a Supreme Court judge, Mr Justice Shearer and senior police officers, to

use in bargaining for the release of the convicted Parade Hotel bomber, Robert McBride; the murder of Colonel Robert Welman and attempted murders of Sergeant Roelof van der Merwe and Mr Mervyn Dunn in the second of two limpet mine blasts at the Chamberlain Road substation.

There was a tense atmosphere in the crowded courtroom yesterday as the court gave

judgment on extenuating circumstances in connection with the murder charge, and later when sentence was passed.

Gordon Webster's mother, Mrs Agnes Webster, said she was "very happy" with the sentence imposed on her son, and relieved that he had not received the death penalty. "I think he is a lucky man today."

Mrs Webster said she had spoken to Gordon after the sentencing and he was "satisfied" with the outcome.

# WINNIE TAKEN TO COURT



Mrs WINNIE Mandela

*Sowetan 26/5/86*  
A RAND Supreme Court judge granted an urgent interim interdict restraining Mrs Winnie Mandela and another woman from threatening or injuring a Soweto man.

The application was brought before Mr Justice R Goldstone by Mr Joseph Billy Leballo, a Soweto businessman.

He told the court in an affidavit that his wife Joyce had first become friends with Mrs Mandela in June 1976 and had been detained in June 1987 under the emergency regulations.

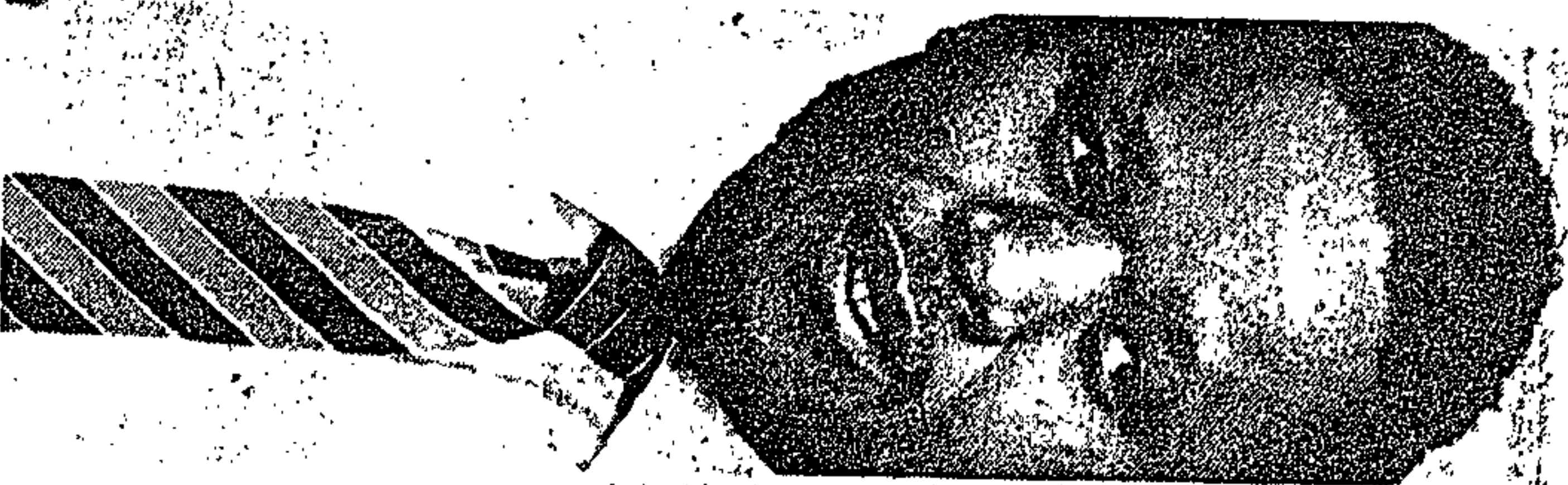
*331*  
of comrade youths to remove him from his home and to harm him if he attempted to return.

Mr Justice Goldstone issued an interim interdict restraining Mrs Mandela and Mrs Leballo from threatening, abusing, harassing or injuring Mr Leballo.

In terms of the interdict the two women are also prohibited from removing or damaging property belonging to Mr Leballo.

Mrs Mandela and Mrs Leballo were also ordered to pay the costs of the application.





THE Rev Frank Chikane.

ONE of the country's landmark trials draws to a close in Messina today when Mr Acting Justice J P O de Villiers is due to pass sentence on two African National Congress guerrillas.

Mr Acting Justice de Villiers told a packed court yesterday, after listening to lengthy legal argument by both counsel, that he would deliver his sentence this morning.

Mr Rodney Black, for the defence, had argued in mitigation that there were extenuating circumstances for the nine murders for which the two have been convicted.

He cited Monday's judgment and sentence in the Maritzburg Supreme Court where Gordon Webster was sentenced to an effective 25 years jail, as an example.

Earlier, the general secretary of the SACC, the Rev Frank Chikane, told the court that the

# Messina case sentenced today

BY MATHATHA TSEDU

legitimacy of the South African Government in the eyes of the majority of people in the country was a factor to be taken into consideration in debating the armed struggle waged by the liberation movement.

## Suffering

He was testifying before Mr Acting Justice de Villiers and two assessors in the Messina landmine blast trial.

Mr Chikane said that while most whites in

South Africa view the present Government as legitimate, blacks saw it as an illegitimate government responsible for their oppression and suffering.

He said most whites would also condone

actions of the army and the police, while these forces were seen as organs of harassment and torture by blacks. He said many blacks saw guerrillas as people fighting for their freedom.

Mr Chikane said a distinction had to be made in actions by guerrillas in militarised areas such as the landmine blasts in the northern border area, against the planting of bombs in densely populated shopping areas.

He said the latter was "a form of terror that I have problems with".

Mr Chikane quoted from the Lusaka Statement adopted by various churches last year which states: "While remaining committed to peaceful

change we recognise that the nature of the South African regime, which wages war against its own inhabitants and neighbours, compels the movements to the use of force along with other means to end oppression."

The two accused, Mr Mthetheli Mncube (28), of Soweto and Mr Mzondeleli Nondula (25), of Mdantsane, have been found guilty of three and six counts of murder respectively. Both counsel wound up their arguments yesterday.



# WEBSTER 'VERY LUCKY' - MOM

Sowetan  
4/5/88  
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AFRICAN National Congress bomber Gordon Christopher Webster (24) was a "very lucky boy", his mother, Mrs Agnes Webster, said on Monday after he had been sentenced in the Supreme Court, Maritzburg.

She smiled freely and seemed almost jolly after a day of almost unbearable tension.

Other members of her family hugged one another and wept tears of relief that Webster had escaped the gallows.

Mrs Webster said that

## Sowetan Correspondent

his sentence — a total of 116 years in jail or an effective 25 years' imprisonment — was "nothing" to him.

He had "also escaped death" when he was shot while trying to escape from policemen a year ago, she said.

## Death

Webster himself showed no emotion in court throughout the day.

Mr Justice McCreath and assessors found that there were extenuating circumstances in Web-

ster's murder of Colonel Robert Welman in 1986. The judge said that the court had given very earnest and long consideration to whether there was extenuation.

The fact that there was extenuation meant that the death penalty was not mandatory, but the court still had a discretion to impose it for the murder and for some of the terrorism convictions, especially one in which Webster, knowing that Colonel Welman had died after two limpet mines were planted at a

Durban sub-station, again planted two mines to explode at different times at a Shongweni sub-station.

State counsel Mr Ian Slabbert, SC, said that this action manifested a positive intention, if not to kill, then to cause serious injury.

## Innocent

On Colonel Welman's murder, he said that innocent people whose duty it was to investigate damage caused by explosions expected the perpetrators to be suitably punished.

Mr Justice McCreath

told Webster that he had given an unsatisfactory explanation about placing the limpet mines at Shongweni and an improbable reason for it.

The judge said that he had given earnest consideration as to what his duty should be in regard to his discretion. "I have come to the conclusion that this is not an extreme case in which I am required to pass the ultimate penalty on any of the charges."

Mr Ismail Mahomed, SC, leader of the defence team, said after the case that there was to be no appeal.

Sharpeville (34)  
6 — deadline  
for affidavits

Defence lawyers who have applied for a re-opening of the "Sharpeville Six" trial have until Monday May 9 to hand in to the Pretoria Supreme Court sworn affidavits by witnesses.

The six — five men and a woman — were to be executed on March 17 for the murder of Lekoa deputy mayor Mr Kuzwayo Dhlamini.

On April 26, the Attorney-General for the Transvaal gave notice that defence counsel had 14 days in which to hand in the sworn affidavits, one of them by a State witness, Mr Josef Maneti, who has alleged that he was forced by the police to make a statement implicating two of the accused. — Sapa.

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By Dirk Nel  
Northern Transvaal  
Bureau SKV 4/5/88

## Messina terror trial unique, says counsel

MESSINA — Counsel for the defence in the Messina terrorism trial, Mr Rodney Black, said yesterday that the case was unique.

Mr Black was submitting his final argument in connection with possible extenuating circumstances in the trial of Mtheteleli Mncube (27) of Soweto and Mzondeleli Nondula (24) of Mdantsane who have been found guilty of murder, attempted murder, terrorism and illegal possession of arms and ammunition.

"We are dealing here with two men trained

as soldiers by the African National Congress, who believed they were under military orders, and not merely with undisciplined people acting on their own initiative," Mr Black told Mr Justice J P O de Villiers.

"The nature of the crimes are not in question here, but the moral blameworthiness of these men," said Mr Black.

He submitted that their belief that they were involved in a just struggle, which was re-

cognised and supported internationally, represented extenuating circumstances.

Mr Frans Roets, representing the State, said there were in his opinion no extenuating circumstances, and called on the judge to impose the maximum sentence.

"When Mncube left the country, he was not an impressionable youngster, but already a grown man and a member of the ANC, who had a school record of radical activities."

Earlier the general

secretary of the South African Council of Churches, the Rev Frank Chikane, expressed his strong opposition to the use of violence in efforts to bring about a non-racial society in South Africa.

He added that he had reluctantly become aware of a "war situation" between the ANC and the Government.

He was familiar with the situation the two accused had found themselves in during township unrest, which prompted them to leave the country for ANC training.

The judge said he would give his verdict on extenuation today.



# Accused said to hold senior post in ANC

By Therese Anders  
Highveld Bureau

One of the accused in the Bethal treason trial, Mr Ebrahim Ismael Ebrahim, was yesterday described as a man of "high position" in the ANC by a former ANC unit chief of staff.

Giving evidence *in camera* as a State witness, the former ANC member said he had heard from other cadres that Mr

Ebrahim had a position within the organisation "to do with money".

The witness, who was arrested near Durban in 1986 after infiltrating South Africa, is referred to throughout the trial as Mr X4.

Mr X4 was giving evidence against Mr Ebrahim, Mr Acton Mandla Maseko and Mr Simon Dladla, who are charged with

treason and terrorism.

Mr X4 said he had seen Mr Ebrahim at the ANC offices in Luanda during 1982/83, and during 1985 in Lusaka at the ANC house known as the "revolutionary council".

He said the only other time he had seen Mr Ebrahim had been in court on Monday.

However he had seen a photograph of Mr Ebrahim when a police investigating officer had shown him an album during his interrogation.

Earlier Mr X4 had been asked by defence advocate Mr H K Naidu to supply his Umkhonto we Sizwe (MK) name to the court. Mr X4 initially resisted this request, explaining "that the cadres who may be sent to eliminate me will know me by my MK name".

After a request by the judge, Mr X4 wrote his MK name on paper and handed it to the court.

The hearing continues.

CME Times 4/5/88 (331)

# 15 accused fear 'unfair' hearing

## Supreme Court Reporter

JUDGMENT will be passed in the Supreme Court today in an application by Mr Ashley Forbes and his 14 co-accused in a city terrorism trial for the withdrawal of the judge because they fear they would not get a fair trial.

Mr Michael Donen, for the accused, yesterday asked for the recusal of the presiding judge, Mr Justice D M Williamson, on the grounds that he failed to hold an inquiry before ordering the clearing of the public gallery last week.

The accused felt it would be difficult for the judge to disregard the "heavy" six-month prison sentences imposed on them for contempt of court.

"The accused believe that their trial might not be fair, not because Your Lordship is unable to administer justice, but because it appears not to have been done."

Mr Justice Williamson said it was a problem where there was a big public gallery and that the

court could not conduct a lengthy inquiry into the noise.

Mr Jeremy Veary, who was not represented yesterday, read out a statement in which he applied for the recusal of the judge.

He described the actions of Mr Justice Williamson as "unfair and biased" when he ordered the clearance of the public gallery.

Mr Veary said the court's judgment was incorrect and was based on "hearsay from informers".

"Your information is incorrect, our families did not respond. We sang in Xhosa, something they could not have understood. I acknowledge they responded with clenched fists," he said.

Ms Yasmina Pandey, who was also not represented, also asked for the recusal of the judge and said the "so-called disruption occurred when we were walking down the steps".

She found the six-month sentence for contempt of court "grossly excessive and unfair".

"The state is aware that myself and Ashley Forbes have applied

to be married. We have been told that the state would ask for the death sentence in respect of some of the accused.

"With you as a judge Ashley will not make it to the altar, but instead will make it to the gallows."

Ms Pandey said Mr Justice Williamson had not acted correctly in ruling that the gallery be cleared.

"You gave police an order to use force and it is clear that the police and the judiciary is inter-related," she said.

Mr W C Viljoen, for the state, said that from a legal point the application had no merits.

The accused are: Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Veary, Walter Rhooode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf Karriem, Colin Clave Martin Petersen, Leon Scott and Pandey.

The hearing continues today.

Mr C H van Gend and L P Francis were the assessors. Mr Viljoen was assisted by Mr M Stowe. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for all the accused except Veary and Pandey.

CME Twp 4/5/88 (31)

# 15 accused fear 'unfair' hearing

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Mr Michael Donen, for the accused, yesterday asked for the recusal of the presiding judge, Mr Justice D M Williamson, on the grounds that he failed to hold an inquiry before ordering the clearing of the public gallery last week.

The accused felt it would be difficult for the judge to disregard the "heavy" six-month prison sentences imposed on them for contempt of court.

"The accused believe that their trial might not be fair, not because Your Lordship is unable to administer justice, but because it appears not to have been done."

Mr Justice Williamson said it was a problem where there was a big public gallery and that the

court could not conduct a lengthy inquiry into the noise.

Mr Jeremy Veary, who was not represented yesterday, read out a statement in which he applied for the recusal of the judge.

He described the actions of Mr Justice Williamson as "unfair and biased" when he ordered the clearance of the public gallery.

Mr Veary said the court's judgment was incorrect and was based on "hearsay from informers".

"Your information is incorrect, our families did not respond. We sang in Xhosa, something they could not have understood. I acknowledge they responded with clenched fists," he said.

Ms Yasmina Pandey, who was also not represented, also asked for the recusal of the judge and said the "so-called disruption occurred when we were walking down the steps".

She found the six-month sentence for contempt of court "grossly excessive and unfair".

"The state is aware that myself and Ashley Forbes have applied

to be married. We have been told that the state would ask for the death sentence in respect of some of the accused.

"With you as a judge Ashley will not make it to the altar, but instead will make it to the gallows."

Ms Pandey said Mr Justice Williamson had not acted correctly in ruling that the gallery be cleared.

"You gave police an order to use force and it is clear that the police and the judiciary is inter-related," she said.

Mr W C Viljoen, for the state, said that from a legal point the application had no merits.

The accused are: Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Veary, Walter Rhooode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf Kariem, Colin Clave Martin Petersen, Leon Scott and Pandey.

The hearing continues today.

Mr C H van Gend and L P Francis were the assessors. Mr Viljoen was assisted by Mr M Stows. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Son, appeared for all the accused except Veary and Pandey.



# Judge refuses to withdraw from ANC terror trial



By MICHAEL DOMAN  
and JEREMY DOWSON  
Staff Reporters

NR645  
4/5/88  
331

THE judge in the terrorism trial of 15 alleged African National Congress members today refused to withdraw from the hearing.

Mr Justice Williamson said he found himself "totally unpersuaded" by the arguments for his recusal which had been submitted by the defence.

Defence counsel Mr Mike Donen yesterday applied on behalf of 12 of the accused for Mr Justice Williamson to recuse himself on the grounds that he had failed to conduct an inquiry before clearing the public gallery last week and that it would be difficult for him to disregard the six-month sentences imposed on the accused for contempt of court after making a noise in court.

Yasmina Pandey, representing herself, said she feared that the judge would sentence her fiancé and co-accused, Ashley Forbes, to death.

Mr Justice Williamson said he had ap-

pealed repeatedly to the public and the accused not to make a noise.

"My appeals were ignored and the noise continued."

This state of affairs could not be allowed to carry on, the judge said.

"I felt that the proper way to deal with it was to exclude the public for a couple of days."

The submission that he should have conducted an inquiry into who was responsible for the gallery noise was impracticable.

Such a trial-within-a-trial would be "enormously time-consuming" and could "degenerate into a farce".

The judge said the accused had been "restive and noisy" on Thursday. They were warned that they would be dealt with summarily if the noise continued.

"When I and my assessors came back (after the lunch adjournment) the accused started chanting loudly in unison."

Each was sentenced to six months' imprisonment for contempt of court. This was "by no means unduly harsh".

"The accused were warned time and again. They cannot claim they were unfairly treated."

Pandey's submission that she feared he would sentence her fiancé to death was "ludicrous and melodramatic".

Mr Donen asked Mr Justice Williamson for an adjournment, saying he found himself in the "embarrassing situation" of not being certain whether he still had a mandate from the accused.

(Turn to page 3, col 8)

Wednesday May 4 1988 3

NR645 4/5/88 331

## Judge refuses to quit terror trial

(Continued from page 1)

The other accused are Peter Anthony Jacobs, 23, Nicklo Louis Pedro, 20, Nazeen Lowe, 24, Anwa Dramat, 19, Clement Baadjies, 19, David Johannes Fortuin, 22, Jeremy Alan Veary, 22, Walter Rhooode, 23, Wayne Ingemar Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Clave Martin Petersen, 23, and Leon Scott, 29.

(Proceeding)



# Man tells court of necklacing threat

010415/88

331

**Daily Dispatch Reporter**

**EAST LONDON** — A 36-year-old man described in the regional court here yesterday how three men from Tuba township, near Qwelera, tied him up and threatened to "necklace" him if he ever returned to the township.

Mr Mybooi Yekani, of Goodhope farm, was testifying at the trial of Mr Koleki Jinawa Tomose, 47, Mr Mpostile Mkhakali, 40, and Mr Malangeni Yawa, 49, who are facing main charges of intimidation and alternate charges of kidnapping and assault.

Mr Yekani said he had lived in Tuba until March 1986. Because he had not attended meetings in the township, he was called "impimpi" (sellout or informer).

Mr Yekani said he had returned to Tuba on August 1, 1987, to see his father, who was visiting his grandfather, and had stayed the night. He was woken up 1 am by dogs barking and voices outside.

"My brother, Domile, and three other men

came into the room."

Asked by the prosecutor, Mr H. Hannan, who the three men were, Mr Yekani indicated the three accused.

He said his brother told him he must go for a "walk" with them. When they were away from the house, they asked about a friend, Kholisi. "I replied that he had gone home."

"They said they were not worried because they had me."

Mr Yekani said he was taken to the house of Father Leikya. Inside, his hands were tied together and a tyre was placed around his neck.

His brother had not said or done anything to stop the men who kept on asking him why he was back in Tuba.

Mr Yekani said that when Father Leikya awoke he told the men to release him. "I was let loose at about 5 am and I left the house with my brother."

When cross-examined by the defence attorney, Mr S. Gyanda, Mr Yekani said he knew a man

named Mbobe Gkava but had not seen him for a long time.

He had also not heard of a person being "necklaced" a few weeks before the incident.

"Can you dispute that people have to question others who come to the location at night, so they can find out who killed Gkava?" Mr Gyanda asked.

Mr Yekani replied that he could not dispute anything, but that the accused had not asked him anything about the death of Gkava.

The reason for his late arrival at Tuba was that he had been working and it was late when he heard that his father was visiting there.

Mr Domile Yekani said that he had taken the three accused to his brother because they had said they wanted to talk to him.

Asked why he had done nothing to help his brother, he said he had been afraid.

The case continues today.

1. Additional Allowance - Bicycle allowance

Footnotes

AREA C: In all other areas.

Worcester.

AREA B: Bloemfontein, East London, Kimberley, Klerksdorp, Odendaalsrus, Paarl, Pietermaritzburg, Somerset West, Stellenbosch, Strand, Virginia, Welkom, Wellington, Witbank and

AREA A: Alberton, Bellville, Benoni, Boksburg, Brakpan, The Cape, Durban, Germiston, Goodwood, Inanda, Johannesburg, Kempton Park, Krugersdorp, Kull's River, Nigel, Oberholzer, Pinetown, Port Elizabeth, Pretoria, Randburg, Randfontein, Roodepoort, Sasolburg, Simon's Town, Springs, Uitenhage, Vanderbijlpark, Vereeniging, Westonaria, Wonderboom and Wynberg;

Superseding w.d. no's: 310 & 377

# Terror trial judge to decide on recusal bid

CAPE TOWN — Mr Justice D. M. Williamson will decide today whether he will withdraw from the Supreme Court trial of 15 people on terrorism charges.

Yesterday Mr Michael Donen, for 12 of the accused, applied for the judge's recusal on the grounds that he failed to conduct an inquiry before ordering the public gallery cleared for two days.

Mr Donen said the accused also felt that it would be difficult for the judge to disregard the "heavy" six-month jail sentences imposed on them for contempt of court when he gave his verdict.

The accused are Ashley Forbes, 22, Peter Jacobs, 23, Nicklo Pedro, 20, Nazeem Lowe, 24, Anwa Dramat, 19, Clement Baadjies, 19, David Fortuin, 22, Jeremy Veary, 22, Walter Rhooode, 23, Wayne Malgas, 22, Colin Cairncross, 22, Ashraf Karriem, 20, Colin Petersen, 23, Léon Scott, 29, and Yasmina Pandy, 20.

Miss Pandy appealed to Mr Justice Williamson to withdraw, saying she feared he would sentence her fiancé and co-accused, Ashley Forbes, to death.

Miss Pandy asked for Mr Justice Williamson's recusal on the grounds that he had excluded the public from the gallery on "insubstantial evidence" about a "so-called disruption" after the judge had left the room.

Mr Justice Williamson ordered the

gallery cleared because of singing after last Wednesday's adjournment.

"The accused say they deliberately chose a song the public didn't know and sang at a lower volume."

"They understood there was no objection to their singing if it did not disturb other courts," Mr Donen said.

"Your lordship did not ask questions or decide if all or only some of the members of the public gallery were singing," Mr Donen added.

The judge said that when a large number of people made a noise it was impossible to separate those who participated from those who did not.

It was unrealistic to expect an inquiry into such an incident because it could take weeks, he said.

"My action was preceded by ample warning," the judge said.

The accused were each sentenced to six months in jail after their chanting prevented the court sitting on Thursday afternoon.

Mr Donen said the accused felt it would be difficult for the judge to dismiss their behaviour from his mind when it came to sentence.

In reply Mr Justice Williamson said: "Singing is just bad behaviour... it has nothing to do with the offences with which the accused have been charged."

The court was adjourned until today for the judge's decision. — Sapa



# 'Uppington 25' may hang for municipal policeman's murder

TWENTY-FIVE residents of a tiny Northern Cape black township may face the gallows after being convicted of the 1985 murder of a municipal policeman.

Their conviction rests on a legal principle applied in the controversial Sharpeville Six judgement — that of common purpose.

After a marathon 18-month trial, Mr Justice J Basson found the 25 — ranging in age from 20 to 60 and including three women — guilty of murder, convicting a 26th of attempted murder.

Most of the accused were convicted on the basis that they were part of a crowd which stoned the home of a municipal policeman before he was killed and his body assaulted and set alight, also by a crowd of people.

The court found the intention of the group was to drive the man from his house and kill him. Those involved in the stoning thus associated themselves with the common purpose of the group.

The incident took place in the Uppington township of Paballelo on November 13 1985, after a meeting called by residents to discuss high rents and other grievances was broken up by police using teargas.

Soon afterwards, the home of municipal policeman Lucas Tshenolo Sethwala, better known as "Jetta", was stoned by a crowd of people.

According to a summary of the facts, Jetta fired a shotgun from his house, wounding someone before

There was a world outcry when the "Sharpeville Six" were sentenced to death.

Now, in a remarkably similar case, unreported for 18 months, the "Uppington 25" face a similar fate. By

GAYE DAVIS

fleeing.

Tackled and brought down in a nearby field, he was hit twice over the head with his shotgun. The blows broke the butt of the rifle and killed him, according to evidence by a pathologist called as a defence witness.

His body was then stoned and kicked, before being set alight. The court found this was done by the same group of people who stoned the man's house.

Using the doctrine of common purpose, the judge found that even though the accused may not have taken part in the policeman's actual killing, the fact they were part of a crowd which threw stones at his house was enough for him to infer the intention was to drive him from his house and kill him.

He found that most of the accused were part of the crowd that threw stones — and that by doing so, they actively associated themselves with the group and its purpose.

The case has received scant publicity: from its start in 1986 until February this year it was held *in camera*

because some of the accused were still minors.

Last week Mr Justice Basson concluded his 400-page judgement. Argument in mitigation and on extenuating circumstances resumes on June 1.

Those who face the death sentence include:

●A former mayor of Paballelo township, Kenneth Khumalo, 31, who was serving as the town council's treasurer at the time of his arrest in December 1985. It was found he helped stone Jetta's house and was seen with a container filled with liquid resembling petrol.

There was no evidence he actually took part in assaulting Jetta but the court noted that bottles were found near the place where the body was set alight. The court found that by his action he had formulated an intention to kill the man — and on this basis, convicted him;

●Justice Bekebeke, 26, a male nurse found to have played a major role in that he stoned the policeman's house, thus furthering the common purpose, chased him and struck him twice on the head with the shotgun, fatally wounding him;

●Elijah Matshoba, 22, found to be a "principal offender" for taking part in the assault on the policeman after the two blows which killed him had been struck;

●Xoliswa Dube, 21, one of three women convicted, found to have incited the crowd by shouting that Jetta was inside his house. The court also found she knew the crowd wanted to drive him from his house and kill him and that by her incitement, actively associated herself with the common purpose. Dube gave birth during the trial. Her child is now 10 months old;

●Gudlani Bowu, 27, found to have gathered with others outside the policeman's house before the stoning, where they talked while looking towards the house. The court found this and their part in the stoning sufficient to infer common purpose;

●Boy Jafta, 23, found to have associated himself with the common purpose by stoning the house and that, with Ronnie, 22 and Wellington Masiza, 26, he was seen returning from general direction where policeman's body was set alight.

## FOR THE RECORD

RHODES University workers staged a four-day strike ending on Monday. The Transport and General Workers Union is presently negotiating for minimum wages of R800, instead of the R169 per month some workers receive. Three workers were briefly detained.

THE formation of a national, non-racial teachers' union has drawn closer following a conference in Harare this month, which included representatives of "progressive" teacher groupings and of the officially-recognised black, "coloured" and Indian teacher groups.

MORE than 200 Paper, Wood and Allied Workers' Union members at Sappi-Adamas paper mills in Port Elizabeth this week downed tools after a deadlock in wage negotiations. The union demanded an across-the-board increase of R1.30 an hour.

THE 18-month-old dispute between General

Motors South Africa and the 3 000 workers dismissed following GM USA's pull-out from South Africa continued this week in an Industrial Court hearing in Port Elizabeth.

BRITAIN's National Union of Railwaymen (NUR) has launched a campaign for the release from prison on humanitarian grounds of veteran South African trade unionist Harry Gwala.

CHARGES of assault and unlawful detention have been laid against policemen in Durban who allegedly beat up a student attending a recent township funeral.

THE Ciskei MP recently jailed for activities as a vigilante leader is to be asked to resign his seat in the Ciskei National Assembly.

Reports by Elnews, Weekly Mail Reporters and Pen



**We have lost the battle but not the war, says accused**

# DEATH FOR MESSINA

Sowetan SIS (88)

(331)

By MATHATHA



**TWO** self-confessed members of the banned African National Congress (ANC) yesterday received four and seven death sentences respectively in the Messina Circuit Court after they were found guilty of murder and terrorism.

Twenty-eight-year-old Mthetheleli Mncube, of Diepkloof, Soweto, and Msondeleli Nondula (24), of Mdantsane, East London, were sentenced to four and seven death penalties respectively for murder and one each for terrorism.

To Page 2

## MESSINA 2 MUST HANG SAYS JUDGE

Sowetan  
SIS  
331

From Page 1

Mr Justice de Villiers said he found no extenuating circumstances in all the counts — seven of which resulted from landmine blasts near Messina between 1985 and 1986.

They were also sentenced to an effective 25 years' imprisonment each for attempted murder and treason. Leave to appeal has been granted.

It was tense in the courtroom as both Mncube and Nondula told Justice de Villiers before the death penalties were pronounced that blacks would eventually win their freedom.

### Trauma

A tear behind the thick lenses of Mrs Winnie Mncube, Mncube's mother, was the only outward sign of the obvious trauma that she must have felt at the pronouncement of the death sentence on her son.

Pieces of tissue paper later exchanged hands in the public gallery as sisters and other relatives dubbed their eyes after the pronouncement of the death sentence.

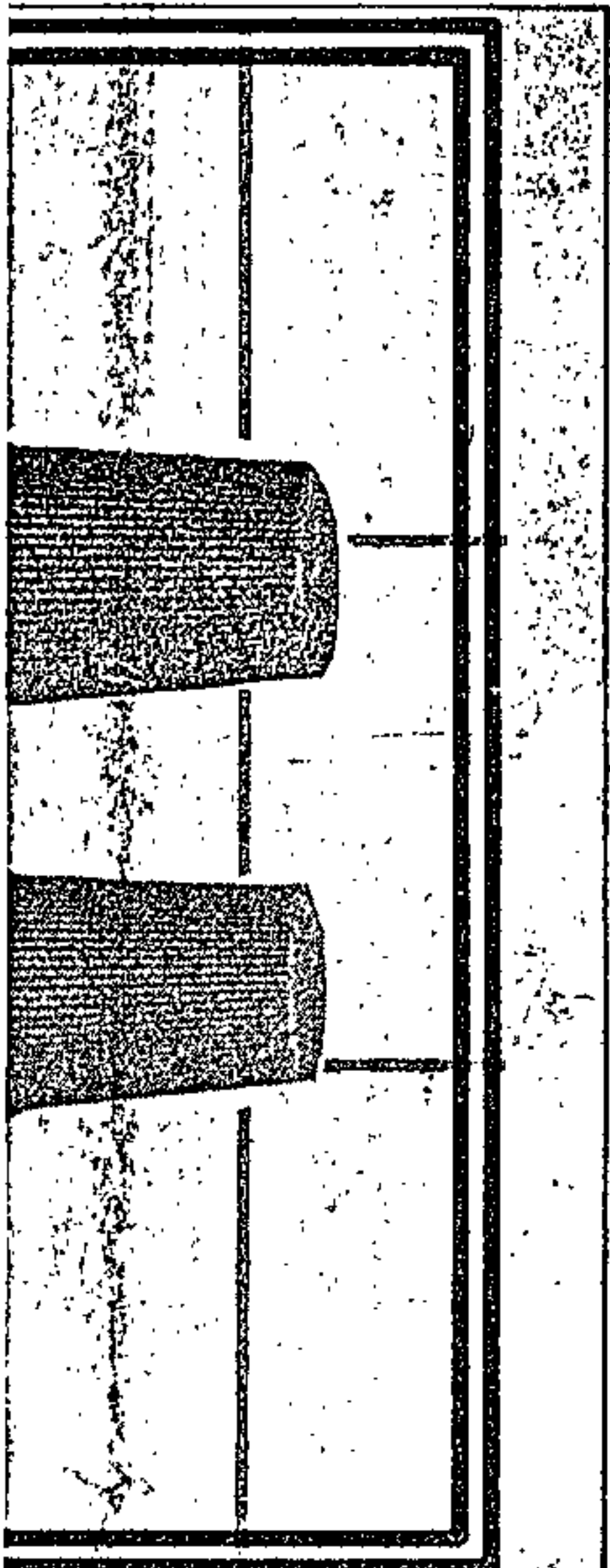
Mrs Eugenia Nondula sat stone-faced throughout the sentence.

Mncube's last words in court were:

"I'm not satisfied with the judgment because the court only considered evidence given by the State. Ours was not considered. I want to add that we lost the battle but not the war. We will win the war. We shall win."

Nondula's last words: "I concur with what my comrade has said."

(See Page 12)





# ANC saboteur Webster won't face gallows

By CARMEL RICKARD,  
Durban

AFRICAN National Congress saboteur Gordon Webster escaped with his life this week when Mr Justice McCreath found extenuating circumstances and sentenced him to an effective 25 years in jail.

Webster was convicted of murder, attempted murder and several counts of terrorism.

The murder charge related to the death of a senior Durban police officer. While investigating a limpet mine explosion he was caught in the blast of a second mine. Both bombs were laid by Webster but he denied they were planned as a booby trap and said he had intended they should detonate together.

The judge accepted Webster intended to attack electrical substations and did not aim to destroy human life.

He also accepted Webster's background and personal circumstances provided extenuation, that he showed remorse and that he was not a person of "inherent vice".

However, he was found to be an unreliable witness on several aspects: he admitted to the court that he lied when giving evidence in London during the trial of Robert McBride, a close friend and fellow ANC trainee; Webster also claimed he was not equipped with firearms, but he had firearms in his possession when he was arrested; his explanation for placing a second limpet mine at the Shongweni substation fence was also unsatisfactory.

During argument on extenuation, Webster's legal team said there were signs of emotional immaturity and that he was particularly vulnerable to outside influences in view of his background.

# Terror trial judge won't withdraw

CAPE TOWN — The judge in the terrorism trial of 15 alleged ANC members yesterday refused to withdraw from the hearing.

Mr Justice D M Williamson said he found himself "totally unpersuaded" by the arguments for his recusal which had been submitted by the defence.

Defence counsel Mike Donen had applied on behalf of 12 of the accused for Mr Justice Williamson to recuse himself on the grounds that he had failed to conduct an inquiry before clearing the public gallery last week and that it would be difficult for him to disregard the six-month sentences imposed on the accused for contempt of court after making a noise.

Mr Justice Williamson said he had appealed repeatedly to the public and the accused not to make a noise in the court.

"My appeals were ignored and the noise continued." This state of affairs could not be allowed to carry on, the judge said.

"I felt the proper way to deal with it was to exclude the public for a couple of days."

The submission that he should have conducted an inquiry into who was responsible for the gallery noise was impracticable.

Such a trial-within-a-trial would be "enormously time-consuming" and could "degenerate into a farce".

The judge said the accused had been "restive and noisy" and had been warned they would be dealt with summarily if the noise continued. — Sapa.



# Death ten times for Messina two

By VUSI GUNENE

5-12/88 w/maile 331

TWO African National Congress guerrillas received multiple death sentences yesterday as the Messina "land mine trial" moved to an end.

Sitting with two assessors in the Messina Circuit Court, Justice JPO de Villiers gave Mthetheleni Zephania Mncube, 28, four death sentences and a further 25 years on charges of terrorism and attempted murder.

Mzondoleli Euclid Nondula, 25, received six death sentences for the deaths of members of the De Nyschenn and Van Eck families when the bakke in which they were travelling detonated a land mine on December 15, 1985.

Nondula had been the sole survivor of the South African Defence Force raid on Maseru in 1982, in which 42 people had been killed, Professor Fatima Meer told the court earlier in the week.

Giving evidence in mitigation of sentence, she said Nondula had been saved only by having been squashed under bodies and left for dead.

Mncube had attended the funeral of victims of a 1981 raid in Matola, Mozambique, in which 13 members of the ANC had been killed.

The two were both found guilty last week on charges arising from a series of land mine blasts in the area during 1985 and 1986. Nondula was found to have planted a land mine on the farm Amersham in the Messina area which exploded on Christmas Day, 1985, killing members of two families.

Mncube was found to have shot two policemen who had left him in the back of a van with the corpses of three of his colleagues and a pile of AK47s.

Meer, a sociologist from the University of Natal, said Mncube and Nondula grew up in different parts of South Africa — Mncube in Soweto and Nondula in Mdantsane, near East London — but shared the effects of poverty and racism.

The eruptions of 1976 in Soweto that proliferated to other parts of South Africa was the turning point in the lives of the accused.

"It saw the exodus of black youths in search of temporary refuge across the borders, some to pursue education, many to undergo military training in order to combat a government that had become hateful in their eyes.

"It is actions subsequent to their leaving that has brought these men to this court for sentencing," she added.

The raids on Matola and Maseru had led the two to join the ANC's Umkhonto we Sizwe.

She said Mncube attended the funeral of those killed in the Matola raids where ANC president Oliver Tambo delivered a powerful and moving speech.

Mncube, she said, rejected and discarded all his life, achieved a sense of social status in the ANC.

She said Nondula left the country in 1981 with the idealism of youth, intending to return to it and to change it.

"He arrived in Maseru in 1981," she said, "and sounded out both the ANC and the Pan Africanist Congress and opted for the ANC. He found the Freedom Charter particularly appealing and the fact that the ANC offered him the option of education."

Earlier during the hearing, the Rev Frank Chikane, general secretary of the South African Council of Churches, said in mitigation that the legitimacy of the South African government was questionable.

"Violence in itself is a bad thing," he said. "The legitimacy of this government is questionable."

"Apartheid is a sin on its own because it is based on racism and the separation of people. I have a critical view of the present government. Seventy percent of the South Africans have no say in the running of the government."

Justice de Villiers granted the accused leave to appeal.

# Terror trial: Judge's duty 'to continue'

CAB. Trials 5/5/88

331

## Supreme Court Reporter

MR Justice D M Williamson, the presiding judge in the trial of Ashley Forbes and his 14 co-accused, yesterday said it was his duty to refuse an application for his recusal.

Delivering judgment after the application, Mr Justice Williamson said he was "totally unpersuaded" by arguments by the defence for his recusal. The accused had behaved badly, disrupted court and had been warned that they were disrupting other courts. They had then "crowned this with open defiance of the court" and prevented it from carrying on.

If he recused himself the situation could be repeated and "this could go on and on until there is no one left to sit in this trial".

On Tuesday Mr Michael Donen, for the accused, brought the application on the grounds that Mr Justice Williamson had failed to conduct an inquiry before clearing the public gallery last week.

The court would also find it difficult

to disregard the six-month sentence imposed on the accused for contempt of court, he said.

A statement by Yasmina Pandey, who represented herself, that she and Forbes had applied to be married and that she feared that Forbes would "make it to the gallows" instead of the altar, was rejected by Mr Justice Williamson as "ludicrous and melodramatic".

At the resumption of his evidence — which was interrupted with the accused's chanting last Thursday — Warrant Officer Schalk van der Merwe, a security policeman and an explosives expert, testified he had been called to Manenberg police station on November 7 last year after an explosion.

## Unexploded hand grenade

At a gate to the yard — which housed the temporary headquarters of the riot squad — he had found an unexploded F1 defensive hand grenade and later the detonation point of another grenade between two caravans.

The F1 grenade, which was of Russian origin, was primarily an anti-personnel device which worked on a very short fuse. These grenades, depending from which Eastern Bloc country they came, contained either TNT or a mixture of TNT and RDX — a military high explosive.

The grenade was lethal within a range of 3m and could be dangerous for up to 20m.

The hearing continues today.

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 Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for all the accused except for Pandey and Jeremy Veary.

## Multiple deaths for Messina accused 331

MESSINA. — Both the accused in the Messina landmine trial were given multiple death sentences by Mr Justice J P O de Villiers and two assessors of the Circuit Court yesterday.

Mthetheleli Zephania Mncube was given a triple death sentence for the murder of a cement truck passenger, and the deaths of two security branch policemen.

Mzondeleli Euclid Nondula was given the death sentence six times for the deaths of members of the De Nyschenn and Van Eck families when the bakkie in which they were travelling detonated a landmine on December 15, 1985.

On hearing the sentence Mncube said: "I am not happy with the judgment by the judge because he considered only evidence from the state. We have lost the battle, but not the war. We shall win."

Mr Justice De Villiers is still to pass sentence on other charges of which the accused were found guilty. These include attempted murder; the illegal possession of arms, ammunition and landmines; treason and terrorism. — Sapa



## Landmine-trial accused given death sentence

MESSINA — Both accused in the Messina landmine trial were given multiple death sentences by Mr Justice De Villiers and two assessors sitting in the Circuit Court yesterday.

Mthetheleli Zephania Mncube was given a triple death sentence for the killing of the passenger in a cement truck and the deaths of two security branch policemen.

Mzondeleli Euclid Nondula was sentenced to death six times for the deaths of members of the De Nyschenn and Van Eck families when the bakkie in which they were travelling detonated a landmine on December 15, 1985.

Sentences have still to be passed on the other charges on which the men were convicted, including attempted murder, the illegal possession of arms, ammunition and landmines, treason and terrorism.

Sapa.

(331) B/day 5/5/88

# Bodies covered with bruises, court told

By Bruce Anderson

A Johannesburg district surgeon yesterday described to a Rand Supreme Court the injuries he had found while performing post-mortems on the burnt bodies of four men who were allegedly murdered by 18 members of the South African Railways and Harbour Workers' Union (Sarhwu).

The 18 union members have 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 assault, two charges of robbery and a charge of intimidation. The 18 are being held in custody. (331)

## SATS STRIKE

The charges arise out of incidents during a strike last year by employees of the South African Transport Services.

Dr Hans Bukofzer, the principal district surgeon for Johannesburg, told the court he had assumed, from the nature of other injuries on the bodies, that the four men must have been dead by the time they were burnt.

Dr Bukofzer said that the skull of one of the men had been flattened by a heavy object.

During the post-mortems Dr Bukofzer had found clear bruises on the buttocks of three of the bodies and in one case proof that a solid, linear object, such as a stick or a sjambok, had come into contact with the buttocks. *St-V 5757 & 5*

Dr Bukofzer said he had found 25 stab wounds on one of the bodies.

Lieutenant Gert Zeelie, a member of the South African Police who had been stationed at Sandton

at the time of the alleged offences, told the court he had taken three of the accused, Mr Patrick Molefe (27), Mr David Dzevhe (30) and Mr Phineas Neshitungulwane (25) on separate trips to point out sites connected with the alleged offences.

Two of the men, Mr Molefe and Mr Dzevhe, had pointed out sites near a cluster of bluegum trees just off the Heidelberg-Alberton road, while Mr Neshitungulwane had been unable to point out any sites.

The case continues.

# Terror trial judge refuses calls to recuse himself

CAPE TOWN: — The judge in a terrorism trial of 15 alleged African National Congress members yesterday refused to withdraw from the hearing.

Mr Justice D M Williamson said he found himself "totally unpersuaded" by arguments for his recusal.

Defence counsel Mr Mike Donen had applied on behalf of 12 of the accused for the judge to recuse himself on the grounds that he had failed to conduct an inquiry before clearing the public gallery last week and that it would be difficult for him to disregard the six-month sentences imposed on the accused for contempt of court after making a noise in court.

Yasmina Pandy (20), representing herself, said she feared that the judge would sentence her fiancé and co-accused Ashley Forbes to death.

Mr Justice Williamson said he had appealed repeatedly to the public and the accused not to make a noise.

"My appeals were ignored and the noise continued."

This state of affairs could not be allowed to carry on. — Sapa.



Men guilty of most serious terrorism imaginable, says judge

# Messina terror pair sentenced to death

By Dirk Nel  
Northern Transvaal  
Bureau

MESSINA — There was a hush in the packed Messina Circuit Court yesterday, as Mr Justice J P O de Villiers imposed multiple death sentences on two convicted terrorists at the end of the marathon trial which started on October 26 last year.

The judge found there were no extenuating circumstances in the case.

## LANDMINE

Mthetheleli Zephania Mncube (27) of Diepkloof, Soweto received the death penalty four times for shooting two policemen. Warrant-Officer Theunis Gerber and Sergeant Joachim Nel on

December 26 1986, for planting the landmine which killed Mr Edward Meluba, a passenger in a truck destroyed by a blast on November 26 1985; and for offences which the judge described as "the most serious terrorism imaginable".

He was also given an effective jail sentence of 25 years on two counts of attempted murder and the illegal possession of arms and ammunition.

Mzondeleli Euclid Nondula (24) of Mdantsane was sentenced to death seven times. The court found he was responsible for the deaths of Mrs Maria de Nysschen (56), Carla de Nysschen (8), Johannes de Nysschen (3), Nelmar van Eck (8), Ignatius van Eck (2) and Mrs Jacoba van Eck (34) in a landmine blast on December 15 1985.

In addition, Nondula received an effective jail sentence of 25 years on 22

counts of attempted murder and for the illegal possession of arms and ammunition.

## ANC TRAINING

In his summary Mr Justice de Villiers said both men knew from the outset that there were heavy penalties for terrorist activities and the murder of innocent people. They were fully aware of the aims of the ANC before they left the country for training in Angola and elsewhere.

He said the contention of the defence that the area near Messina, where the incidents occurred, was a "battle zone", was unacceptable.

"If one is fighting the Government, you do not kill people left and right, and plant landmines at random to injure and kill innocent people," he said.

He granted a defence application for leave to appeal against the convictions and sentences.



# FOCUS

# The blast at led to death Row

While all the dead were civilians, many of the 24 people injured in the blast were soldiers and policemen involved in mine sweeping and patrol operations.

Such was the interest in the case that the Press contingent that descended on the far-flung Northern Transvaal border town had to be allocated two benches in the 10-bench courtroom.

- The security surrounding the accused was also unique.

The accused defiantly proclaimed their membership of the ANC and insisted that they were soldiers and not terrorists.



**MTHETHELELI Mncube . . . to hang.**

**MZONDELELI** Nondula... to hang.

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# Court is told of burnt bodies

A MIXTURE of petrol and fish oil prolongs the burning of a human body, a Rand Supreme Court judge was told yesterday at the trial of 18 members of the South African Railways and Harbours Workers Union.

Doctor Hans Bukofzer, the principal district surgeon for Johannesburg, was giving evidence on the post-mortems he performed on the bodies of four men who were allegedly abducted and murdered during a strike by South African Transport Services (SATS) employees on the Witwatersrand last year.

Mr C B Ferreira, appearing for the State, had asked Dr Bukofzer whether petrol and fish prolonged the burning of a body.

Dr Bukofzer, who told the court that he had conducted many post-mortems on burnt bodies, said the mixture does prolong the burning of the body.

## Petrol

Mr Ferreira had said containers of petrol and fish oil were found at the scene of the alleged crime.

Earlier evidence was that one of the four bodies was found burning a day after it was set alight. The bodies were found in a ditch covered by tall grass and blue-gum trees opposite Kaserne, Johannesburg.

Appearing before Mr Justice T T Spoelstra and two assessors are Mr Johannes Joja Ngcobo (24), the Transvaal secretary of Sarhwu, and 17 members of the union.

They are charged with four counts of murder,

By **MANDLA  
NDLAZI**

five of abduction, one of attempted murder, two of robbery, intimidation and assault.

The State alleges they committed the offences during a strike by SATS employees between March 13 and April 28 last year.

They have pleaded not guilty.

The four men — one coloured and three blacks, who were allegedly kidnapped and murdered on April 28 last year are Mr Joseph Mulaudzi, Mr John Sebopelo, Mr Petrus Morenane, and Mr Jerry Goodman.

Dr Bukofzer, who performed the post-mortems on the bodies, said the men died as a result of burning, stabbing and the dropping of rocks on some of the men's heads and bodies. Some of the bodies had charred ropes on their ankles.

## Clerk

In earlier evidence, Mr Sechaba Makgetha, a booking clerk at Mzimhlophe station, said he knew Mr Jerry Goodman. They worked together and both did not participate in the strike, he said. Mr Makgetha said he last saw Mr Goodman on April 28 last year.

**SARHWU  
TRIAL**

Mr Makgetha recalled a day when he was confronted by a group of men, some wearing red Sarhwu tee shirts. He said he drew a knife and threatened them when they told him to go to Cosatu House. He said he refused because he was a member of a rival trade union.

Mr Makgetha said he carried a knife to protect himself from groups that intimidated workers who did not join the strike. He had heard that the intimidators would injure those who did not join the strike.

Sowetan  
5/5/88  
331



610515188

## Two get multiple death sentences

MESSINA — Both accused in the Messina landmine trial were given multiple death sentences by Mr Justice J. P. O. de Villiers and two assessors in the Circuit Court yesterday.

Mthetheleli Zephania Mncube was given a triple death sentence for the killing of three people.

He was again sentenced to death for terrorism and an effective 25 years for attempted murder and terrorism, and to 20 years each on two charges of attempted murder.

Mzondeleli Euclid Nondula was given the death sentence six times for the deaths of members of two families.

He was sentenced to an effective 25 years imprisonment for 22 counts of attempted murder.

Leave to appeal was granted. — Sapa

D10 575788

## Intimidation trial postponed

331

Daily Dispatch Reporter

EAST LONDON. — The trial of three Tuba township men in the regional court here on charges of intimidation and alternative charges of kidnapping and assault, was postponed after the accused made a brief appearance yesterday.

Mr Koleki Jinawa Tomose, 47, Mr Mpostile Mkhakali, 40, and Mr Malangeni Yawa, 49, are accused of having tied Mr Mybooi Yekani's hands and of threatening to necklace him if he returned to their township.

The magistrate, Mr P. M. A. Pretorius, postponed the hearing to July 6 for judgment.

The prosecutor was Mr. H. Hannan. Mr S. Gyanda, instructed by Mr Lalla and Company, defended.

D/10  
5/5/88

# Cradock unrest trial: Supreme Court asked to find common purpose

(321)

their evidence was not true.

He argued that the "group reaction" to the shooting of Mr Stuurman made it clear that the shooting was expected.

So too did W/O De Villiers' actions of promptly leaving the scene and failing to report it, thereby breaking all the police standing orders for procedure in shooting incidents.

The subsequent actions of W/O De Villiers and Const Goosen could only be described as a cover-up attempt.

Dr D'Oliveira asked the court to find the psychiatric evidence, led by the defence, about the shooting, to be no more than of academic interest.

GRAHAMSTOWN — At the trial of two unrest policemen here, the Attorney-General, Dr J. A. van S D'Oliveira, SA, for the state, asked the Supreme Court yesterday to find common purpose.

Before the court were Warrant/Officer Leon de Villiers, 37, and Constable David Patrick Goosen, 27, charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arise out of alleged incidents at Cradock on July 26, 1986.

Dr D'Oliveira asked the court to find that W/O De Villiers and Const Goosen acted in common purpose when they launched a largely inebriated squad on a "black-bashing" expedi-

tion into the township during the early hours of that Saturday.

He asked that the court also find common purpose in the decision to eliminate a badly injured suspect at the Great Fish River later that day.

He argued that the proven circumstances precluded the night's expedition into the township from being an official action.

It could only have been a completely reckless tour of assault

which foreseeably left one man dead and another injured.

Mr Justice Zietsman queried whether the evidence showed what the common purpose was, whether the accused could have foreseen the result, whether the state had proved the identity of the injured man and whether it had proved the cause of Mr Andile Plaatjies' death.

Dr D'Oliveira asked the court to find that the accused carried their reckless and contemptu-

ous behaviour into the township again on Saturday morning.

They had made a series of unlawful arrests and tried to beat information out of their victims.

There was no likelihood that the inexperienced youngsters in the squad would have queried their actions at the time.

Equally, there was no reason these youngsters would lie themselves into being accomplices to murder and assault if



# Lawyer killed: A-G's decision awaited on inquest findings

Daily Dispatch Correspondent

DURBAN — Relatives of a slain civil rights lawyer, Mrs Victoria Mxenge, this week said they were waiting for the Attorney-General's decision on the findings of an inquest into her killing three years ago.

The relatives' lawyer, Mr T. A. Ngxengweni, said a Durban inquest magistrate, Mr F. M. Vorster, had found that Mrs Mxenge had died "as a result of acts committed by unknown person or persons."

The court's findings had been forwarded to the Attorney-General, who could call for a further investigation if he felt it necessary.

Mrs Mxenge was killed at her Umlazi home on August 1, 1985. She had been shot and axed, according to evidence before the inquest court which sat in February, this year.

Mr I. Farlam, SC, who represented the family at the inquest, told the magistrate that the method used to kill her,

especially the axing, indicated that it was a "political assassination".

He asked the court for a formal inquiry into the murder, and said he believed that no stone should be left unturned so that the South African public and the world could see there was no cover-up.

Mrs Mxenge's death triggered a wave of unrest in Durban townships resulting in several deaths.

DID 5/5/88  
331

# World <sup>Star</sup> anxiety <sup>(31)</sup> over Six <sup>(11)</sup> continues

By Jo-Anne Collinge

40 The position of the Sharpeville Six continues to cause international concern.

Since the temporary reprieve towards the end of March, The Star has received almost 100 copies of letters about the Six addressed to the State President and the Minister of Justice.

The writers in many cases are associated with the non-aligned human rights group Amnesty International, and church and student organisations from all over the world have written.

Many express "appreciation" at the temporary stay for the group, convicted in 1985 of killing a Sharpeville councillor during the rent unrest of September 3 1984.

The stay of execution was given on the grounds that there appeared to be sufficient fresh evidence to consider reopening the case.

A formal application to the courts for the reopening of the case has been lodged and is expected to be heard in a few weeks' time.

cap & trip 6/5/88

## March: Dean King charged

By ANDRE KOOPMAN 23/351

The Anglican Dean of Cape Town, the Very Reverend Edward King, has been told he faces charges following the protest march on Parliament by about 150 clergymen earlier this year.

None of the other clergymen involved in the march, including the Anglican Archbishop, the Most Reverend Desmond Tutu, were to be charged, Dean King said last night.

He said he was only "mildly interested" in the charges. "These people are quite ridiculous really", he added.



# Judge warns women in city trial of 15

By RONNIE MORRIS  
Supreme Court Reporter

MORE drama followed in the Ashley Court terrorism trial in Supreme Court yesterday when two women were warned by Mr Justice D M Williams that they could be jailed for contempt of court if they failed to rise in court when the judge and assessors entered.

Immediately after the lunchtime adjournment, Mr Justice Williams ordered the women, Ms Soraya Pandy and Ms Colene Williams, to come from the public gallery and appear before him.

Asked if he had spoken to members of the public, Mr Michael Dohen for the defence replied that he had.

Mr Justice Williams said the women had deliberately remained seated while he and the assessors were taking their seats.

Ms Pandy said she was present in the public gallery when Mr Dohen addressed the public but did not hear what was said.

Mr Justice Williams said that ordinary courtesy is that everybody stands when the judicial officers enter the court. When I came in everybody stood up except you. Why did

you behave that way?"

Addressing Ms Williams, Mr Justice Williams said standing in court when the judge entered was a "normal courtesy reserved for the conduct of court. Don't you consider it your duty to observe that courtesy?"

Mr Justice Williams said: "I am not going to fine you or send you to jail this time but if I see any further lack of respect but if I see any further with that person. You saw what happened to the accused, it is no idle threat."

Warrant Officer Andreas Jacobus

Steenkamp, a security policeman and explosives expert, said he was called to an area between Heideveld and Netreg railway stations where an explosion had taken place.

He found a mini-limpet mine without a detonator and from the shrapnel found concluded that an RG 42 offensive hand grenade must have caused the explosion.

A length of copper wire was also found and attached to one end he found a hand grenade safety pin. There was tape around the limpet mine and he concluded that it had been used to tie the hand grenade to the mine.

The hearing continues on Tuesday.

The accused are: Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhooode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf Karriem, Colin Clave Martin Petersen, Leon Scott and Yasmina Pandy.

Mr C H van Gend and Mr L P Francis were the assessors. Mr W C Viljoen, assisted by Mr Mike Stowe, appeared for the state. Mr Dohen and Mr J de Lange, instructed by E Moosa and Associates, appeared for the accused.

## Sharpeville six appeal in

PRETORIA. — The defence counsel for the "Sharpeville six" handed in affidavits in the Supreme Court here yesterday asking for their retrial on the basis that a witness — or witnesses — had come forward with new evidence.

The six — Mojalefa Sefatse, 32, Reid Mokoena, 24, Oupa Diniso, 32, Duma Khumalo, 28, Francis Mokgesi, 30, and a woman, Theresa Ramashola, 26 — have been sentenced to death for the murder of Lekoa deputy mayor Mr Kuzwayo Dhlamini on September 3, 1984. He was killed by a mob enraged by rent increases.

Their defence counsel was given

till Monday, May 9, to give notice of an application for a retrial.

According to the registrar of the court, Mr P J van Zyl, the next step would be a reply to the affidavits.

The six won a reprieve from the gallows on March 17 and again on April 18.

In documents handed in to the court on April 15, the attorney for the defence, Mr Prakash Diar, applied for a reopening of the trial for further cross-examination of a state witness, Mr Josef Maneti, who alleged that he had been forced by the police to give evidence against two of the accused. — Sapa

arsonists. — Sapa

## Court told of burnt bodies

JOHANNESBURG — A mixture of petrol and fish oil prolongs the burning of a human body, a Rand Supreme Court heard yesterday at the trial of 18 members of the SA Railways and Harbours Workers' Union, reports said yesterday.

Dr Hans Bukofzer, principal district surgeon for Johannesburg, was giving evidence on the post-mortems he performed on the bodies of four men who were allegedly abducted and murdered during a strike by SATS employees on the Witwatersrand between March 13 and April 28 last year.

Appearing before Mr Justice T T Spoelstra and two assessors are Mr Johannes J Ngcobo, 24, the Transvaal secretary of Sarhwi, and 17 members of the union. They are charged with four counts of murder, five of abduction, one of attempted murder and two each of robbery, intimidation and assault.

They have pleaded not guilty. — Sapa

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# Embassy 'demos' fined

Cape Times 6/5/88  
Court Reporter

SEVEN people were yesterday fined R200 (or two months) each for demonstrating outside the Israeli Embassy in Cape Town over alleged Israeli atrocities against Palestinians.

Another demonstrator, Shamiel Manie, 25, was fined R300 (or two months) and was further sentenced to four months' imprisonment suspended for five years. He has a previous conviction for attending an illegal gathering.

Ms Mastoera Sadan, 20, and Ms Shalhieda Green, 27, both of Grassy Park, were acquitted.

The seven are Moe-Arfieja Jonas, 21, of Grassy Park, Rashieda Shabudien, 20, of Belhar, Abubaker Shabodien, 24, of Heideveld, Majidi Abrahams, 26, and Adielia Parker, 25, both of Lansdowne, Faeziah Peters, 25, of Bridgetown and a 17-year-old female from Athlone.

In a statement they admitted that on January 21 they assembled on the corner of Spin and Parliament streets in the city. "The purpose of the assembly

was to demonstrate in the vicinity of the Israeli Embassy against the atrocities committed by Israelis against our Palestinian brothers and sisters," they said.

"We expressed ourselves by displaying placards bearing slogans: 'Allah is greater than Botha and Sharon; Tambo and Arafat shall return; Viva Comrade Yasser; Only two regimes detain children — SA and Israel'," they said.

They said the demonstration took place in the open air, in the presence of members of public and in the vicinity of Parliament and they knew it was wrong.

The policeman in command of the unit who arrested them, Lieutenant J van Lill, said he saw 12 to 15 people with placards outside the "Jewish embassy". He gave instructions to his men to arrest them.

He said the demonstration was "peaceful" and the people were not threatening in any way.

Mr G Rossouw was the magistrate. Mr J M McEwan prosecuted. Mr N M Arendse appeared for the 10.

HAPPY FAMILIES PHOTO

Swept down from Mount  
above this up

Joining our va

# Call for retrial of Sharpeville Six

Defence counsel for the Sharpeville Six handed in affidavits to the Pretoria Supreme Court yesterday asking for their retrial on the basis that a witness, or witnesses, had come forward with new evidence.

Mojalefa Sefatse (32), Reid Mokoena (24), Oupa Diniso (32), Duma Khumalo (28), Francis Mokgesi (30) and Theresa Ramashola (26) were sentenced to death for the murder of Lekoa deputy mayor, Mr Kuzwayo Dhlamini, on September 3 1984. He was killed by a mob enraged by rent increases.

Their defence counsel was given until Monday to give notice of an application for a retrial.

According to the registrar of the court, Mr P J van Zyl, the next step would be a reply to the affidavits.

## CALL TO CROSS-EXAMINE WITNESS

The six won a reprieve from the gallows on March 17 and again on April 18.

In documents handed in to court on April 15, the attorney for the defence, Mr Prakash Diar, applied for a reopening of the trial for further cross-examination of a State witness, Mr Josef Maneti, who alleged he had been forced by the police to give evidence against two of the accused.

Mr Diar said that in view of Mr Maneti's evidence, other witnesses might also be called.

The case has evoked international outcries against South Africa.

In mid-March, West German Chancellor Helmut Kohl appealed to President Botha to spare the lives of the six people on death row. "I strongly request you not to ignore this appeal," he said.

The Canadian Department of External Affairs also called on the Government to grant a month's stay of execution to provide time for "further legal consideration". — Sapa.

DID 6/5/88

## Six: affidavits handed in asking for retrial (331)

PRETORIA — Defence counsel for the "Sharpeville Six" handed in affidavits at the Pretoria Supreme Court yesterday asking for their retrial on the basis that a witness — or witnesses — had come forward with new evidence.

The six — Mojalefa Sefatse, 32, Reid Mokoena, 24, Oupa Diniso, 32, Duma Khumalo, 28, Francis Mokgesi, 30, and a woman, Theresa Ramashola, 26 — have been sentenced to death for the murder of Lekoa deputy mayor, Mr Kuzwayo Dhlamini, on September 3, 1984, although it was never shown that they had contributed directly to his death. Their appeal was dismissed by the appellate division in Bloemfontein last year.

Their defence counsel was given until Monday, May 9, to give notice of an application for a retrial.

But, the government has filed papers opposing the application to reopen the trial of the six.

According to the registrar of the court, Mr P.J. van Zyl, the next

step would be a reply to the affidavits.

The six won a reprieve from the gallows on March 17 and again on April 18.

In documents handed in to court on April 15 this year, attorney for the defence, Mr Prakash Diar, applied for a reopening of the trial for further cross-examination of a state witness, Mr Josef Maneti, who alleged that he had been forced by the police to give evidence against two of the accused. Mr Diar said that in view of Mr Maneti's evidence, other witnesses might also be called.

Mr Diar said the state prosecutor's office filed papers on Wednesday registering its opposition to reopening the case.

If Supreme Court Judge J. Human refuses to reopen the trial, the process leading up to their execution and likely to take a week or two would begin immediately, Mr Diar said.

The case has evoked international outcries against South Africa.

In mid-March the chancellor of the Federal Republic of West Germany, Dr Helmut Kohl, urgently appealed to Mr P.W. Botha to spare the lives of the six people on death row, as did the South African Bishops Conference. — Sapa-RNS



# Terror trial told of grenade blast

CAPE TOWN — An explosives expert found metal fragments similar to shrapnel from foreign-made grenades at the Manenberg police station and a policeman's home, the Supreme Court heard during a terrorism trial yesterday.

Warrant Officer Schalk van der Merwe said he found metal fragments of the type normally found on the scene of an F1 de-

fensive hand grenade detonation at a temporary Manenberg police station on November 17 1985.

## KILLING RANGE

He said the F1 hand grenade, an "anti-personnel device" which he described as Soviet-made, was lethal up to 3 m and dangerous up to 20 m from the detonation point.

On April 23 1987 he

found similar fragments after an explosion near the Uitsig home of a Warrant Officer Engelbrecht.

Warrant Officer van der Merwe said that on February 5 1987 he found signs of the use of a minilimpet mine at an explosion site on the corner of Klipper and Main roads, Rondebosch.

The accused are Ashley Alexander Forbes (22), Peter Anthony Jacobs (23), Nicklo Louis Pedgo (20), Nazeen Lowe (24), Anwa Dramat (19), Clement Baadjies (19), David Johannes Fortuin (22), Jeremy Alan Veary (22), Walter Rhooide (23), Wayne Ingemar Malgas (22), Collin Cairncross (22), Ashraf Karriem (20), Colin Clave Martin Petersen (23), Leon Scott (29), and Yasmina Pandey (20).

They are charged un-

der the Internal Security Act in that between January 1984 and October 1987 they planned to overthrow the State or promote illegal constitutional, political, industrial, social or economic aims.

Some are alleged to have planned and carried out hand grenade and limpet mine attacks.

Alternative charges are that they were officials or members of the African National Congress (ANC) or the South African Communist Party (SACP) or both, or took part in their activities of or supported these organisations.

Mr Justice Williamson entered not guilty pleas on behalf of the accused after they refused to plead to the charges.

The hearing continues.

# Witness tells of rifts in ANC

By Therese Anders 331  
Highveld Bureau

**BETHAL** — Antipathy exists in the ANC between Transvaal and Natal cadres, a former ANC member claimed in the Bethal treason trial yesterday.

Originally Mr X2, a secret State witness, told an *in camera* hearing that the division was due to "tribalism", but under cross-examination he admitted it was a regional difference.

He was giving evidence against Mr Ebrahim Ismael Ebrahim, Mr Acton Mandla Maseko and Mr Simon Dladla, who are charged with treason and terrorism.

Mr X2 said he had sent for Mr Ebrahim to come to his flat in Swaziland in 1986 because

he wished to convey complaints to the ANC headquarters in Lusaka and Mr Ebrahim "did not discriminate".

According to Mr X2 Mr Ebrahim was the chairman of the Regional Political Military Committee (RPMC) in Swaziland.

When asked by defence advocate Mr HK Naidu why he had not passed on his complaints to his superior at the South African Congress of Trade Unions (Sactu) in Swaziland of which Mr X2 was an employee, he said: "Because there is tribalism in the ANC".

He said his superior — who also worked for the ANC — was a Zulu and, because Mr X2 was a Sotho, his complaints would be ignored.

However in later

cross-examination Mr X2 said he was a Zulu.

Mr X2 said Mr Ebrahim was "not like us".

"He is an Indian and I trusted him to do what I wanted him to do".

When questioned about the complaints he wished Mr Ebrahim to forward, Mr X2 said he wanted ANC headquarters to know "that if I was involved with bomb explosions while infiltrating people it would not be fair if they didn't know about this".

He wanted ANC headquarters to know he was doing other work apart from his Sactu duties.

He also wanted to complain about a Sactu car which he was not allowed to use.

Another Sactu member "who had been arrested for forging R20

notes" had been allowed the car's use.

When asked by Mr Naidu why he was communicating his problems to Mr Ebrahim, Mr X2 said because Mr Ebrahim was head of the RPMC and, according to what he had been told, the RPMC was "now above Sactu" although he had not received this news officially.

He said labour reports Sactu wrote were given to ANC messengers to send to Sactu's head office.

Mr X2 said Mr Ebrahim came to his residence twice during 1986.

However, defence counsel Mr Naidu said Mr Ebrahim had not only never been to his flat, but he had "never met him at any stage".

The hearing continues.



NEWS

# Above the law? ANC pushes POW claims

54-715188

PATRICK LAURENCE

Captured African National Congress guerrillas increasingly describe themselves as soldiers entitled either to treatment as prisoners of war or, at the least, to a status above that of ordinary criminals.

The six-month long Messina landmine trial, which ended on Wednesday when the judge imposed multiple death sentences on Mthetheli Mncube, of Soweto, and Mzondedei Nondula, of Mdantsane, is a reminder of that.

Both Mncube (27) and Nondula (24) regarded themselves as soldiers of the ANC underground army Umkhonto we Sizwe. But, in sentencing them to death for murder and terrorism, Mr Justice P O de Villiers rejected their view of themselves as combatants in a war.

Mncube was convicted for lay-

ing a landmine which killed a farm worker and for killing two policemen. Nondula was convicted for planting the landmine which killed six members of the De Nysschen and Van Eck families.

Dismissing the contention that the two men were operating in a "battle zone," Mr Justice de Villiers said: "If you are fighting the Government, you do not kill people left and right and plant landmines at random to injure and kill innocent people."

But the argument is not over. Mr Justice de Villiers granted them leave to appeal. The argument that they are soldiers fighting a war which they — and much of the rest of the world — believe is justified will be heard before the Appeal Court.

Another related appeal is pend-

ing that of Mxolisi Petane, deputy ANC commander in the Western Cape who was jailed for 17 years last year.

His appeal is different in one important respect from that of the Messina trialists. Where Mncube and Nondula want the court to recognise that their view of themselves as soldiers constitutes an extenuating circumstance, Petane is contesting the right of the courts to try him as a prisoner of war.

The ANC, as Professor John Dugard explained in his evidence for the defence in the Messina trial, has filed a declaration with the International Committee of the Red Cross, committing itself "wherever practically possible" to abide by the Geneva Conventions

on the conduct of war.

The ANC commitment was made in 1980, three years after new protocols were added to 1949 Geneva Conventions, extending them from wars between states to "armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination".

The ANC is so far the only "national liberation movement" to file a declaration of acceptance with the International Red Cross. In theory it means that, in the eyes of international law, captured ANC guerrillas are entitled to treatment as prisoners of war.

There is one major problem: South Africa is not a signatory to the 1977 protocols and is thus not bound by them.

In addition, as Mrs Christina

Murry, of the University of Cape Town, has argued, the protocols impose obligations on signatories and, by implication, on the ANC.

One is to distinguish "at all times between the civilian population and combatants and between civilian and military objectives and to direct their objectives only against military objectives".

Another is that combatants must distinguish themselves from the civilian population "while they are engaged in an attack or in a military operation preparatory to an attack".

Mncube claimed he and his comrades were wearing blue overalls which distinguished them from the local population.

His two comrades were killed by the SADF. He was captured but escaped after his hands were

tied with his shoelaces and he was loaded into the back of a police bakkie.

He untied himself, grabbed a gun and killed his captives. He was recaptured a few days later.

The ANC regards farmers as part of the military network since they are linked up to the SADF's area defence network. That may justify, in the minds of its commanders, the planting of landmines on farm roads used by the SADF. It has so far failed to impress the courts.

So has the ANC's commitment to the 1977 protocols. Five years ago three ANC guerrillas — Simon Mogerane, Jerry Mosololi and Marcus Motlwaung — were sentenced to death. They attacked three police stations, which prima facie qualify as military targets.



# REMORSE SAVED Gordon Webster

(331) C/Prew 8/5/88

By S'BU MNGADI

ANC guerrilla Gordon Webster's last-minute change of heart saved him from the hangman's noose.

There was no chanting of slogans, singing or toyi-toyi-ing in the Maritzburg Supreme Court when Webster was led down to the cells below after being sentenced to a total of 116 years in jail.

Delivering sentence, Judge McCreath, ordered that the sentences run concurrently.

The court found there were extenuating circumstances regarding Webster's murder conviction for the death of Col Robert Welman, who was killed when a limpet mine, which Webster admitted placing, exploded at the Chamber-

## No chanting as he goes down

lain Road sub-station in Durban.

Webster's two-month trial had apparently transformed him from a hardened guerrilla back to the teacher he always wanted to be when he fled the country in his second year at Durban's Bechet Teachers' Training College.

Before sentencing him to an effective 25 years, McCreath cited Webster's background and personal circumstances as extenuating, and said he was affected by "a complex situation" as a result of his "parentage and the colour of his skin".

He took into account Webster's personal circumstances and that he



Joy for sister Sheila Webster and mom Agnes.

had expressed remorse.

Earlier, Ismail Mahomed, SC, for Webster, said his client told him he was no longer a committed revolutionary.

In his own words, Webster had told the court in mitigation that although he still regarded himself as an ANC man, he was getting disillusioned with the ANC.

The charges against Webster included sabotaging various electricity sub-stations. He was also involved in a sensational plot to seize hostages in SA - including Natal's Judge Shearer, who presided at the trial of his comrade-in-arms, Robert McBride, now on death row after receiving triple death sen-

tences last year - to be used to bargain for the release of McBride and others.

Comparing the Webster case to McBride's, the judge said McBride had launched a deliberate plan to destroy human lives. In Webster's case, the judge said, it was apparent that the object was electrical installations.

In finding extenuating circumstances in Webster's favour, the judge took into account the "unchallenged" evidence of three experts - a clinical psychologist, a special psychiatrist and a lecturer in social work at the University of Cape Town - that Webster was emotionally immature, vulnerable and prone to influence from others.

McCreath added that Webster's skin colour caused him difficulties and frustrations in various spheres of his early life and in his relationship with his mother.

The expert evidence was that his intellectual make-up was impaired as a result of his background influences.

With a Zulu mother, a coloured father and a paternal Irish grandfather, he experienced an identity crisis.

As the court proceedings folded this week, Webster's mother, Agnes, was most relieved.

She smiled freely and seemed almost jolly. She told reporters she was "very happy" that her son had not been sentenced to death.

# Messina pair given 11 death penalties

By REVELATION NTOULA

A TOTAL of 11 death sentences and 50 years imprisonment were imposed on the two Messina trialists this week.

Mthetheli Mncube, 27, of Diepkloof, Soweto, was sentenced on three murder charges, while Mzondeleli Nondula, 24, of Mdantsane, East London, was condemned on six murder charges by Judge JPO de Villiers.

The men were also each sentenced to death on a terrorism charge relating to their receiving military training outside South Africa and entering the country with arms of war and ammunition.

Each was also sentenced to 25 years imprisonment on various

charges of attempted murder.

Shortly before the death penalty was imposed, Mncube told the court, "We have lost the battle, but not the war."

"If yesterday was the darkest hour, then today is the beginning of the brightest day," said Nondula.

Mncube insisted in court he was an ANC soldier, and not a terrorist.

Neither of the men showed any emotion when sentenced.

Nondula did not give evidence or plead in mitigation.

Apart from a confession he made to a Groot Marico magistrate shortly after his arrest in Mma-batho, in which he said he was a member of Umkhonto We Sizwe, he has not publicly admitted to being a member of the ANC.

8/5/88

C/Pres

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CMB T.m.B 9/5/88

# 25 face possible death sentence

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JOHANNESBURG. — Twenty-five black South Africans are facing a possible death sentence in a murder trial similar to the one which condemned the "Sharpeville Six" to death and provoked a world outcry.

## Largest group guilty in trial

group ever convicted of murder in a single South African trial.

The killing followed the pattern of many others during mass riots which swept South Africa's crowded townships between 1984 and 1986.

After an 18-month trial held mostly in camera, the 25, all of Paballelo township near Upington, were last week found guilty of complicity in the lynch mob killing of a policeman during anti-apartheid riots in 1985.

Like the Sharpeville Six, granted a stay of execution in March hours before they were due at the gallows, the 25 were convicted of murder under the legal principle of "common purpose" with the actual killers.

Mr Justice Basson of the Northern Cape Circuit Court took a week to read the 400-page verdict and set June 1 as the start of defence arguments for extenuating circumstances to save the 25 from the hangman's noose.

Legal experts say the Upington 25 form the largest

Police in Paballelo

fired tear gas to break up a meeting called on November 13, 1985, to protest at municipal rent increases.

An enraged mob of about 120 later attacked the home of policeman Lucas Sethwala with stones. He opened fire with his shotgun, wounding one of the attackers, and fled across a field.

The assailants caught him, breaking the butt of the gun on his head and killing him instantly. The mob then stoned and kicked his body before setting it alight.

Mr Justice Basson ruled that they intended forcing the constable out of the house and therefore associated themselves with the actual killers. — Sapa-Reuter



# Messina death sentence reveals racial chasm

9/15/85

Savetson

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**Nancefield will never be the same again**

THE black township of Nancefield near Messina will never be the same again following the marathon court trial which ended in the town at the weekend.

The trial has not only become the subject of discussion everywhere in the township but has also revealed the chasm between the white inhabitants and the black people of the area.

When the trial began in October, the Dutch Reformed Church Minister in the township, the Reverend Lesiba Matsaung, offered the

families of the two accused sanctuary in the church house.

At the same time, women's groups of the various denominations came together and offered to cook and look after the two families. It was an offer that was to ensure that both accused had fresh hot home-cooked meals for lunch everyday of the trial.

The Rev Mr Matsaung was accused by the white sister church in town of being supportive to "terrorists" by providing sanctuary to the families.

The Rev Mr Matsaung is due to appear before the church circuit to answer the allegation.

He is, however, unperturbed. "I am on God's mission to minister to the needy. We in the Nancefield congregation

feel that we had to support the families and what their sons did or are said to have done is not our interests," he said.

Several Nancefield residents who braved the massive security at the court were later visited by security police and

questioned about their interests in the case.

The Dutch Reformed Church commitment to helping the families has been tested to the limit as more relatives came and went during the trial — with some sleeping in the

church hall.

Church services were held in the evenings and another one was held on Wednesday morning. It was a moving and emotional experience as parents, relatives and newly-found friends beseeched God to have mercy on Thethi and Zondi.

# Upington 25 face similar sentence to Sharpeville 6

JOHANNESBURG — Twenty-five black South Africans are facing a possible death sentence in a murder trial similar to the one which condemned the "Sharpeville Six" to death and provoked a world outcry.

**D11 915788**  
After an 18-month trial held mostly in camera, the 25, from a township near Upington, were last week found guilty of complicity in the lynch mob killing of a policeman during anti-apartheid riots in 1985.

Like the Sharpeville Six — granted a stay of execution in March hours before they were due at the gallows — the 25 were convicted of murder under the legal principle of "common purpose" with the actual killers.

Mr Justice J. Basson of the Northern Cape Circuit Court set June 1 as the start of defence arguments for extenuating circumstances to save the 25 from the hangman's noose.

Legal experts say the Upington 25 form the largest group ever convicted of murder in a single South African trial.

The incident came about when police fired tear gas to break up a meeting called on November 13, 1985 to protest municipal rent increases.

An enraged mob of about 120 later attacked the home of a policeman, Mr Lucas Sethwala, with stones. He opened fire with his shotgun, wounding one of the attackers, and fled across a field.

The assailants caught him, breaking the butt of the gun on his head and killing him instantly. The mob then stoned and kicked his body before setting it alight.

The case has raised controversy as half the defendants were convicted of murder for having been among those who stoned Mr Sethwala's home and not the gang that killed him.

Mr Justice Basson ruled they intended forcing the constable out of the house and therefore associated

themselves with the actual killers.

● The lawyer representing the condemned Sharpeville Six has reacted with surprise to the release by the Bureau for Information of a lengthy statement on behalf of the "concerned residents of Lekoa".

The statement released late last week dealt with the death of a Lekoa councillor, Mr Jacob Dlamini, for whose murder the "Six" were sentenced to hang. A Sunday newspaper, however, reports that legal moves on behalf of the "Six" are still in progress.

The statement, said the paper, asks what happened to Mr Dlamini's family.

Reference is also made to the fact that his wife was later admitted as a mental patient to the Sterkfontein Hospital in June 1986 and died in April this year.

Mr Dlamini was killed on September 3, 1984.

Quoting "medical reports," the group said Mrs Dlamini became "psychologically unstable, hyper-religious, aggressive and suffered from suicidal tendencies following the murder of her husband".

Mrs Dlamini left three children aged 17, 11 and eight, "orphans who once had a bright future in a happy and talented home".

The family was also experiencing intimidation, the statement said.

Mr Diar said the statement "comes as a complete surprise to me".

"I'm not aware of any intimidation. If there was any intimidation, the police would act."

He said the state filed its case on Wednesday against the Six's application for a re-hearing.

"We now have seven days to reply to this. I don't understand why the Bureau for Information releases such a statement while the case is still pending." — Sapa

# GOVT OPPOSES '6' COURT BID

THE Government has filed papers opposing an application to reopen the trial of the "Sharpeville Six" — five men and a woman — condemned to hang in connection with a 1984 township murder, their lawyer said last week.

Mr Prakash Diar told Reuters that the State prosecutor's office filed papers last Wednesday registering its opposition to re-opening the case.

He said it was a routine step leading to a hearing possibly later this month on whether to recall a witness who said after the six were convicted that he lied under police pressure.

The six, all residents of Sharpeville, were granted a stay of execution 15 hours before they were to go to the gallows in Pretoria's Central Prison on March 18.

The temporary reprieve was granted when Mr Diar produced a statement by prosecution witness Mr Joseph Manete alleging he was tortured by police and told what to say.

If Supreme Court judge J Human refuses to reopen the trial, the process leading up to their execution and likely to take a week or two would begin immediately, Mr Diar said. — Sapa-  
Reuter.

89/5/2  
Sowetan 9/5/88



worrisome trend,

*Case 12/25 10/5/8*  
**Terror charges  
denied in court**

**MARITZBURG** — Two alleged ANC supporters, facing 16 charges of terrorism and related counts, appeared in the Supreme Court here yesterday and pleaded not guilty to all charges.

The charges against Mr Gayo Jabulani Walter Nxumalo, 35, of Durban and Mr Desmond Mzinkhulu Motha, 25, of Madadeni, Newcastle, relate to bomb blasts at Pick 'n Pay and Game shopping centres in Newcastle in April last year, and two explosions at the Newcastle railway station in May.

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# SABC editor faces charge

By Sue Olswang

Star 10/15/88  
SABC acting editor-in-chief Mr Christo Kritzinger appeared in the Johannesburg Magistrate's Court yesterday on a charge of contravening the Prisons Act.

It is alleged that a black and white photograph of Helene Passtoors, who was sentenced to 10 years in jail for terrorist activities, appeared on the 8 pm TV1 news broadcast on July 9 last year.

The Prisons Act forbids the use of photographs of a convicted person after 30 days from the date of conviction and sentence.

The photograph of Passtoors allegedly appeared at the end of a story about her husband, Mr Klaas de Jonge, who made international headlines by hiding in the Netherlands Embassy in Pretoria to escape standing trial for terrorism.

Mr Kritzinger told the court that the story was run to mark the second anniversary of Mr de Jonge's refuge in the embassy.

Yesterday the court heard evidence from Mr Chris Olckers, a specialist SABC TV news reporter, who told the court that all SABC TV news staff were instructed to examine a daily "instruction" file to keep up to date with the laws concerning the media.

## 33) OWN PURPOSES

Mr Olckers said nobody in the newsroom would have agreed to use the photograph of Passtoors because "everyone knows that it is illegal".

"It would seem to me that somewhere in the SABC there is a person who used our corporation for their own purposes to break the law," he said.

Mr Kritzinger told the court that he, or another senior staff member, would have approached the Prisons Department for permission to use the photograph if he had known that it was going to be used together with the De Jonge story.

Mr Kritzinger has pleaded not guilty and the case has been postponed to May 24 for judgment.

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## Two alleged ANC supporters plead not guilty to terrorism

Daily Dispatch Correspondent

PIETERMARITZBURG — Two alleged supporters of the African National Congress, facing 16 charges of terrorism and related counts in the Supreme Court here, yesterday pleaded not guilty to all charges.

The charges against Mr Gayo Jabulani Walter Nxumalo, 35, of Durban and Mr Desmond Mzinkhulu Motha, 25, of Madadeni, Newcastle, include an alternative charge of attempted murder, illegal possession of arms, ammunition and explosives, possession of unlawful publications and the theft of a motor vehicle.

The terrorism charges against them relate to bomb blasts at the Pick 'n Pay and Game shopping centres in Newcastle in April, 1987; two explosions at the Newcastle railway station in May last year, the second of which

slightly injured a police officer, Lieutenant J. C. van Niekerk; and an explosion on the Newcastle-Volksrust railway line in March last year.

The attempted murder charge relates to an attack with an AK-47 rifle on the house of a security policeman, Mr Dlowakhe Eric Malinga, at Madadeni on November 30, 1986.

Neither of the accused have made statements indicating the basis of their defence.

The head of intelligence services in the South African security police, Brigadier H. Stadler, testified for the state yesterday, outlining the history of the ANC and aspects of its campaign.

The hearing before Mr Acting-Judge Hugo and two assessors will continue in the College Road Supreme Court today.



## Alleged Qibla members face charges under Internal Security Act

Sowetan 10/5/88

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# Application Contested

THE State yesterday led evidence in a Pretoria regional court to contest an application by a suspected member of the Muslim Qibla movement who refused to testify against two accused in the Pan Africanist/Qibla trial.

The trial, in which five alleged PAC members and two suspected members of the outlawed Qibla organisation resumed yesterday.

Mr Aziz Kader (27), who was arrested in Cape Town on June 17, last year, was to be used as State witness and testify against Mr Achmad Cassiem (41) and Mr Yusuf Patel (27) — also alleged Qibla members.

They — along with five other alleged PAC members — face 23 charges under the internal security act. The charges include murder and belonging to a banned organisation.

The trial began 10 months ago and is expected to run for a further five weeks until the next postponement.

The hearing continued yesterday with evidence being led by the State to determine the mental condition of Mr Kader, who claimed that he suffered severe mental disorder after the first nine weeks he was held in detention. His attorney, Mr P Sonn of Cape Town, previously called Professor Don Foster, psychology department head, of the University of Cape Town. Prof Foster said Mr Kader was unfit to testify but the State contested his opinion.

If the magistrate, Mr J H Bekker, finds no valid reason for the refusal of Mr Kader's testimony, he faces a sentence of up to five years' imprisonment.

# Police witness gets English test in court

## Supreme Court Reporter

A Xhosa-speaking State witness "passed" an impromptu English proficiency test in the Supreme Court but counsel for 15 accused of terrorism alleged that he had mistaken a client's Wynberg address for Winburg.

The witness, Detective Constable Rosewell Ngwane, said he had questioned Nicklo Pedro and Yasmina Pandy in English after they were handed over to him by another policeman at the Telebridge border post between Transkei and Lesotho on August 15 last year.

Pedro and Pandy, both 20, are among the 15 accused of terrorism as defined by the Internal Security Act.

The others are Ashley Alexander Forbes, 22, Peter Anthony Jacobs, 23, Nazeen Lowe, 24, Anwa Dramat, 19, Clement Baadjies, 19, David Johannes Fortuin, 22, Jeremy Alan Veary, 22, Walter Rhooode, 23, Wayne Ingemar Mal-

gas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Clave Martin Petersen, 23, and Leon Scott, 29.

Constable Ngwane said his English was "perfect".

Mr Michael Donen, defence counsel: You say your English is perfect. Why do you make use of a Xhosa interpreter in court? Would you agree to a test of your English?

Constable Ngwane: I'm prepared to answer questions in English.

## Valid passport

Constable Ngwane repeated in English the questions he put to Pedro and Pandy, dealing with their addresses and destinations, and their answers.

Pandy had said they were from Winburg and were travelling in the area, and that they were on their way home.

Pandy had told him that she and Pedro were given a lift by two women in a car which coincidentally was at the border post when they were brought there.

"Pandy said they asked the women to drop them near the border because they were no longer proceeding to Lesotho," Constable Ngwane said.

After an objection by Mr Mike Stowe, for the State, about the length of the "test", Mr Justice Williamson said: "The witness has demonstrated quite clearly that he has quite a good command of English. It is obviously not his home language."

Mr Donen: I agree that your English is quite good but perhaps not as good as it should be. Pandy says she told you she comes from Wynberg, not Winburg.

Constable Ngwane said Pandy had a valid passport but Pedro had no travel documents.

He said he had been suspicious and had called the South African Police at Aliwal North, who later fetched the pair from the border post.

Mr Justice Williamson postponed the trial to tomorrow so that Eid-ul-Fitre could be observed.

## State asks for trial in camera

EAST LONDON — The prosecution has applied for a terrorism trial in the East London Regional Court to be held *in camera* to protect a State witness.

Defence counsel, Mr V E Tshabalala, said he would make an application for the press to be allowed in court on certain conditions.

Evidence has been led during a trial-within-a-trial on the identity of a weapons journal in possession of the two accused.

They were arrested near a bus stop in Bophuthatswana on February 13 last year.

Evidence has also been heard of a document found in the possession of Mr Mgcineni Mgqatsa on February 16.

On trial are Mr Mgqatsa (53) of Qumbu, Transkei and Mr Thozamile Tiyo (24) of Fort Beaufort, eastern Cape.

They have pleaded not guilty to furthering the aims of the Pan-Africanist Congress and of having received terrorist training in Tanzania and Libya. — Sapa.



# Messina terror trial highlighted fatal errors by ANC and police

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By Patrick Laurence

Both the African National Congress and the security police made fatal mistakes in the grisly trail of events that led to the conviction for multiple murders of two ANC insurgents in the Messina landmine trial.

A study of the court records highlights failures in ANC training and planning, counterbalanced by the astonishing negligence of the two security policemen who were shot dead by one of the insurgents.

## LANGUAGE PROBLEMS

Three defects emerge in the ANC campaign to send saboteurs into the area. Neither of the two men sentenced to death last week, Mthetheleli Mncube of Soweto and Mzondeleli Nondula of Mdantsane, spoke the languages of the local black people fluently, if at all.

The languages of blacks in the Messina area are Venda, Northern Sotho and Shangaan. But the two insurgents were Ngunis. Mncube was Zulu-speaking; Nondula spoke Xhosa.

Coming from the multilingual Soweto, Mncube was better off than Nondula, whose home township is essentially unilingual.

According to the court record both men were not en route to their home areas, but on a mission to the border area.

As Nondula put it in his confession: "Our instructions were to lay a landmine and then return to Zimbabwe and on our return (to the border area) to plant more landmines."

Neither man seems to have been trained to resist interrogation. Nondula made a detailed confession to a magistrate.

Yet neither Mncube nor Nondula were ordinary ANC insurgents.

Mncube served as a commander of ANC trainees and was a weapons instructor.

Nondula, who was described in court as a political commissar, received military training in East Germany and Angola. At Caxito in Angola he was a political instructor. Later, in Morogoro, Tanzania he underwent an introductory commanders' course.

The third of the fatal mistakes was made by two security policemen.

It involved Mncube, who was a member of a four-man insurgent unit intercepted by the SADF. Three of the ANC men were shot dead.

Mncube, the sole survivor, was handed over by the commanding SADF officer to two security policemen, Warrant-Officer Theunis Gerber and Sergeant Joachim Nel. Their orders were to take him to Messina.

They bundled him into the back of a bakkie with the corpses of his dead comrades and four loaded AK-47 rifles.

It was night. Sergeant Nel initially sat in the back to guard Mncube. The captive's hands were tied with his own shoe laces. He was blindfolded.

Later, according to Mncube's testimony, the vehicle stopped to unload the three corpses. His blindfold was removed and, Mncube told the court, he was told that he would be killed. Sergeant Nel then got in front with Warrant-Officer Gerber, leaving the AK-47s in the back.

## ONLY A SHOELACE

Mncube managed to untie his hands, grabbed one of the AK-47s and shot his captors dead. "I killed them as a soldier," he told the court.

Why was Mncube left alone at the back of the bakkie with only a shoelace between him and loaded rifles? Why was he not handcuffed?

Mncube escaped into the night. He was not much more than 10 km from the border; hardly more than an hour's run away. Yet he wandered around for nine days, making the elementary mistake of heading south instead of north.

POLICE deliberately packed the small Wynberg Magistrate's court for a terrorism trial on March 15, the Minister of Law and Order, Mr Adriaan Vlok, virtually conceded yesterday.

## Police packed Wynberg court

He was replying to questions by the non-aligned MP for Clairmont, Mr Jan van Eck, who wanted to know who had given the police the order to pack the court.

Mr Van Eck posed the questions to the Minister of Justice, Mr Kobie Coetsee, who was absent from Parliament. His reply was read by Mr Vlok.

Mr Coetsee wrote that he had been informed by the magistrate that because only 60 seats were available, discussions had been held about admission to the court.

It was agreed that three family members for each of the eleven accused were to be allowed in court." Mr Van Eck, who had attended the proceedings, then asked Mr Vlok who had ordered the police to pack the room.

He replied there were "certain" police in court to ensure order.

Mr Van Eck said in a statement later he was pleased that Mr Vlok had now conceded that the court had been deliberately packed.

"Family members did not all get seats."

## Pilgrims to have vaccines

ALL pilgrims visiting Mecca will apparently now be required to have valid immunization certificates against yellow fever, cholera and meningitis. The Director-General of the Department of National Health and Population Development, Dr C F Slabber, said yesterday his department had made arrangements to make the vaccines available.

# Mothers 'may touch accused'

Own Correspondent (331)

CAPE TOWN — Mr Justice Williamson will allow a physical-contact visit between 15 terrorism accused and their mothers in the Supreme Court here today.

At the start of yesterday's proceedings the judge said he had received a letter from the mother of one of the accused asking for such a visit.

"I have decided to allow this tomorrow during the tea adjournment. Every mother may come down and see her son on the floor of the court. The security officials will have been allowed to arrange that."

A chorus of "Thank yous" greeted the announcement.

The accused are Mr Ashley Alexander Forbes (22), Mr Peter Anthony Jacobs (23), Mr Nicklo Louis Pedro (20),

Mr Nazeen Lowe (24), Mr Anwa Dramat (19), Mr Clement Baadjies (19), Mr David Johannes Fortuin (22), Mr Jeremy Alan Veary (22), Mr Walter Rhooode (23), Mr Wayne Ingemar Malgas (22), Mr Collin Cairncross (22),

Star 11/5/88  
Mr Ashraf Karriem (20), Mr Colin Clive Martin Petersen, (23), Mr Leon Scott (29), Ms Yasmina Pandy (20.)

In evidence yesterday Miss Fiona Sterley said she heard an explosion at a bus stop in Main Road, Rondebosch, in front of the Groote Schuur Estate, on February 5 last year.

"I put my hands to my ears because it was a piercing noise. I sank to my knees ... I was afraid that what was flying around might hit me," she said.

Miss Sterley said she was not hurt, but afterwards found five finger-sized holes in her dress at about knee height.

Mr Edward Jones said he thought a kitchen dresser had fallen in his home in the early hours of April 23 last year when he heard a loud explosion.

More than R4 000 damage was caused to his home.

Sergeant Raymond Titus said he was inspecting the premises of the Manenberg police station on November 17 1985 when he heard an explosion.

It shattered six panes of glass in a nearby block of flats, he said.

The case is proceeding.



# Witness tells of blast in bedroom

Supreme Court Reporter

A MITCHELLS PLAIN mother and her two children were awakened by the sound of breaking glass followed by an explosion in their bedroom, the Supreme Court heard yesterday.

She was giving evidence at the trial of Ashley Forbes and 14 people accused of terrorism. They refused to plead to the charges and said they are participating in the trial "under protest".

Mrs A Nissen, of Mitchells Plain, said that on April 23 last year she was awakened by her bedroom window breaking followed shortly by an explosion in the room. She then grabbed her two children and tried to run from the room.

"My son, who was closest to the window, was hurt and I noticed a gash in his arm. When I lifted him I saw blood all over."

When she went outside she found that one of the wheels of her car had been punctured and she could not use the car.

As a result of the explosion she had had to receive psychiatric treatment for six months.

Mr Christo Nissen, a security guard, testified that he had been a policeman but had resigned from the force in 1982. He wore his security guard uni-

form on occasions and also went home with the company vehicle and there was no way that he could be mistaken for a policeman.

His wife had phoned him at work that night and reported the explosion.

He confirmed that his wife had received psychiatric treatment and added that his children had suffered from sleeplessness for some time after the incident.

Mr W C Viljoen, for the state, asked for an adjournment saying the next witnesses would testify about the arrest of the accused.

Mr Mike Donen, for the accused, said he had been instructed to appeal against the conviction and six-month prison sentence imposed on the accused for contempt of court.

Nearly two weeks ago the accused was sentenced to imprisonment for contempt of court after defying the judge and chanting slogans from the dock.

Papers relating to the appeal are to be filed on Tuesday next week when the hearing continues.

The accused are: Ashley Alexander Forbes, Peter Anthony Jacobs, Nicko Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Basdjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhooie, Wayne Ingemar Maigae, Collin Calmcross, Ashraf Karlem, Colin Cleve Martin Peterson, Leon Scott and Yasmina Pandey. Mr Justice D M Williamson was on the Bench. Mr C H van Gend and Mr L P Francis were the assessors. Mr Viljoen is assisted by Mr Mike Stowe. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for all the accused.



ARSON... and Mr Jo communal

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# Craddock deaths trial nears end

Daily Dispatch  
Correspondent

331

GRAHAMSTOWN

Judgment in the trial of two Unrest Unit policemen for alleged murders in Craddock was provisionally reserved by Mr Justice Zietsman to May 23.

Warrant Officer Leon de Villiers, 37, and Constable David Patrick Goosen, 27, have, in a 74-day trial, faced 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 Craddock on July 26, 1986.

Concluding the defence argument yesterday, Mr C. Jansen, SC, conceded that the two policemen had assaulted Mr Mlungisi Stuurman, with others according to the defence case, or alone according to the state. In either event, they had to accept the blame.

But, he submitted, the state had not proved that they had acted in

common purpose in shooting Mr Stuurman subsequently.

He said the probabilities favoured Const Goosen's version that he had shot Mr Stuurman by "reflex action" while in an anxiety state resulting from his post traumatic stress disorder (Vietnam Syndrome).

It was too bizarre to believe that two experienced policemen would have plotted to murder a person who could be traced directly to them in cold blood.

Mr Jansen also conceded that he had a "bit of a problem" with the question of negligence which might give rise to a finding of culpable homicide. Const Goosen might have been negligent in drawing and cocking his pistol when the "nameless fear" gripped him.

Mr Jansen contended that the state had failed to prove who had killed Mr Andile Plaatjies the night before, or for that matter the exact cause of Mr Plaatjies's death.

The state had already abandoned one of the assault charges. He argued that on the state's own evidence it could not have been members of the unit who assaulted Mr Michael Qhina. He was allegedly in hospital an hour before they entered the township.

On the attempt to defeat the ends of justice charge, he submitted that the state evidence was so confused and contradictory that the court could not find that it was proved beyond a reasonable doubt.

# Minister turns down call for inquiry into death penalty

CAPE TOWN — The Minister of Justice, Mr Kobie Coetsee, yesterday turned down a call for a commission of inquiry into the death penalty, stating that nothing had been said during the debate on his Budget to warrant it.

But Mr Coetsee said the government would possibly seek advice from the judiciary on the principle of not making the death sentence mandatory in cases of murder where there were no mitigating circumstances.

The minister said that only 25 countries had abolished the penalty and nothing had happened to indicate that it should not longer be available to the judiciary.

He said to that argue that it had not assisted in combating crime was wrong, adding that some countries which had abolished the death penalty, such as Britain, were trying to reinstate it. — DDC

LO - METAL CONTAINERS AND ALLIED PRODUCTS INDUSTRY, CERTAIN AREAS.

Superceding w.d. nos: 320 & 408

AREA A: Municipal Areas: East London and Harrismith

AREA B: Bellville, The Cape, Goodwood, Paarl, Port Elizabeth, Simonstown, Uitenhage, Wynberg, Durban, Inanda, Pinetown, Sasolburg, Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria and Wonderboom

Footnotes

1. Overtime hours - The maximum hours overtime per week in factories manufacturing metal containers or allied products used in canning of perishable raw materials is 20.



# Investigation not warranted, says Minister

# Suzman calls for

# probe into hanging

Star 12/5/88

South Africa was fast developing a reputation as a punitive, hanging country, Mrs Helen Suzman (PFP, Houghton) said in the House of Assembly yesterday.

"To hang 200 people over the past 15 months sends shivers down my back. It is a cruel and unnatural punishment," she said in debate on the Justice Vote.

Mrs Suzman said she supported the call by her colleague, Mr Dave Dalling (PFP, Sandton), for the appointment of a judicial commission of inquiry to investigate the efficacy of the death sentence as a deterrent.

The Minister of Justice, Mr Koble Coetsee said that nothing raised in the debate on his Vote warranted the appointment of a commission of inquiry into the death penalty.

But, Mr Coetsee said, the Government would possibly seek "refined advice" from the judiciary on the principle of not making the death sentence mandatory in murder cases without mitigating circumstances.

## Abolished in 25 countries

Unisa academics found that the death penalty had been abolished in only 25 countries.

In Britain, the public was 3 to 2 for reintroducing it.

Nothing had happened to indicate that the death penalty should no longer be available to the South African judiciary.

Earlier in the debate, Mr Dalling said that 164 people were executed in South Africa last year. Mistakes could occur and the irreversibility of the sentence precluded correction.

More than 50 years had elapsed since the death penalty was investigated in depth. The Minister of Justice should consider instituting an investigation through the offices of the Law Commission.



Mrs Helen Suzman . . . "this cruel and unnatural punishment sends shivers down my spine."

The immediate past Director-General of Justice, Mr J P J Coetsee, had said that further steps should be taken to be certain of the guilt of a person sentenced to death.

Mr Coetsee had argued that an automatic right of appeal be instituted against the death sentence.

"When a person's life is at stake, he should be allowed the opportunity to put his case before the highest court in the land as a matter of right," said Mr Dalling. — Sapa.



# The fifth son of a bishop — terrorist or freedom fighter?

Seven people died in mine blasts: two will hang for it. VUSI GUNENE spoke to the guerrillas' families

TO many South Africans, Mthetheleni Mncube and Mzondeleli Nondula, who received multiple death sentences last week in the Messina Circuit Court, were either "terrorists" or "freedom fighters".

The two described themselves in court as members of the outlawed African National Congress and of its armed wing Umkhonto we Sizwe.

The court found the two had laid land mines on farm roads in the northern Transvaal, killing three members of two families and a farm worker; and that one of the defendants, Mncube, had killed two policemen.

The *Weekly Mail* visited the Mncube family at their four-roomed house in Diepkloof, Soweto a week after both men were sentenced.

Mncube's parents described the series of events which led their son across the border, first to Swaziland, then north for military training.

Thethe, as he is commonly known, was a part-time photographer who spent much of his spare time taking pictures at weddings and social gatherings in Soweto.

"He took photographs everywhere and supplemented the family's income," said his father, George Mncube, a retired part-time painter.

Mncube says his son was disturbed by the killing of his friends and other students during the June 16, 1976 uprising and the events that followed.

"My son changed a lot during the riots. He looked very unhappy and worried. And I can understand because he watched police killing two of his friends. From that time onwards Thethe was never the same.

Thethe, the fifth of seven children, had been a member of the New Jerusalem Church of Zion, which his father heads as bishop.

## Poverty's path to the gallows

By VUSI GUNENE

MZONDELELI NONDULA led an unstable life, according to evidence given during the trial.

Born in Mdantsane, near East London, in 1962, he was seven when his father, Joshua Nondula, was stabbed to death; the family blamed security forces.

His mother, who had been unemployed, was forced to borrow money from sympathetic neighbours and in 1969 found employment, but the family was split up temporarily. Young Mzondeleli was sent to stay with relatives in a rural area for a time.

By the age of nine — home again — he was sniffing glue and smoking dagga, snatching bags to pay for these indulgences. He also worked as a caddie.

At one stage he and a brother were selling dagga. His mother objected to that, but it brought income from which they could afford clothing, food and school fees.

The court heard that Mzondi's educational record was poor, and he had suffered several failures before reaching high school.

Mzondi left the country in 1981 at the age of 19, after having attended the funeral of Black Consciousness leader Steve Biko.

On December 9, 1982, Mzondi became the only survivor of a raid on Maseru in which 42 people had been killed. He had been saved only by having been squashed under bodies and left for dead.

"My son used to go with us to church in Alexandra every Sunday,"

Thethe's girlfriend was the daughter of a journalist, Molefe Pheto, who, said Mncube, went into exile in the United Kingdom.

Thethe corresponded with Tshiro, his girlfriend, until "one day the police came to our house looking for Thethe. We took it that Thethe had done something wrong at school."

They came a second time, he said, and "produced copies of the letters that Thethe wrote to his girlfriend. They told him that he should stop telling Tshiro about the situation in the country."

"That became a deep-seated pain for my son who I saw had undergone some radical changes." The two young people lost contact.

In 1979, Mncube said, his son joined the banned Congress of South African Students.

The Silverton siege in which three ANC guerrillas were killed became the last straw for Thethe, who knew two of the dead men; they had lived near his grandmother's house.

Thethe left the country for Swaziland in 1980 at the age of 20, while in Std 9. "He left a note to say he was going to pursue his studies."

Thethe later left for Mozambique, where he attended a funeral for 13 ANC members killed in the Matola raid. At the funeral he met ANC president, Oliver Tambo. Soon afterwards he joined the military wing of the ANC and spent most of the following three years in military camps.

When the *Weekly Mail* visited the family this week, Thethe's mother, Winnie Mncube, was feeding two babies who she said were neighbours' children she looked after to supplement her husband's pension.

She said she did not believe her son had planted the land mines he was convicted of having placed.

"Our only hope is that the appeal court will commute their sentence to life imprisonment like Mandela and other political prisoners received. We feel that both these boys have committed the same crime as Mandela and others. We feel they should be treated the same."

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## Messina — a frontier town of armed farmers

YOU can't really miss Messina, white frontier town of the far northern Transvaal. It's the town where the farmers look like security policemen, and the vehicles are all equipped with citizen band radios.

In Messina this week, two young black South Africans, both self-proclaimed members of the African National Congress, were sentenced to death on charges arising from a series of land mine blasts in 1985 and 1986.

The trial has been the talk of the tiny town for five months, and has served to heighten the already-existing atmosphere of militarisation, tension and suspicion which permeates this "operational area".

During the early hearings, a large proportion of the farming community attended, including relatives of victims of land mine blasts, and a contingent of white and black policemen.

The only other black faces around were those of the families of the accused, and a few journalists.

Defence lawyers requested proceedings be moved to a metropolitan area, such as Pietersburg, 200km away, but this was turned down by the Transvaal attorney general.

As you enter Messina, the tension is

**There are few black people in the streets of the northern Transvaal town. Only armed farmers. VUSI GUNENE visits Messina during the trial of two ANC guerrillas**

immediately noticeable. Driving through the streets is an eerie experience: there are almost no black people on the streets.

The appearance of a stranger — particularly a black one — in the *dorpie* excites interest. A café-owner asks: "Are you on your way to Zimbabwe? Or are you attending the court case?" These, it seems, are the only two possibilities.

The only newspapers sold at the cafe are the *Citizen* and Afrikaans papers like the *Transvaler*. "We do not get other papers like the *Star* here," says the owner.

The militarisation of the town is apparent. Farmers' families have been trained in counter-insurgency techniques, and it shows in the assertive manner of the whites.

The opposite applies to black peo-

ple working in the cafés and filling stations. They are unwilling to talk. But if persuaded, they will confess that they know about the court case and hold little hope for the two men.

The militarisation is even reflected by the fact that one of the two magistrates in the area has the task of paying out the government's monthly R500 "incentive" to white farmers to stay in the region.

Security at the entrances and inside the court has been tight throughout the trial, with members of the South African Police conducting body searches with the aid of metal detectors and dogs, and taking the particulars of those attending the trial.

In court, a large contingent of security policemen constantly watched proceedings, and two armed policemen stood behind the accused, monitoring their every move.

The largest crowd to have filled the court in the past fortnight was made up of Federation of Transvaal Women members, who came up from Johannesburg in minibuses.

The convicted men showed no signs of tension or emotion throughout the trial, often engaging in chats with families and friends.

~~The fifth of a...~~



# Terror trial of 'Libya trained PAC members'

By CHRIS MABUYA,  
East London

THE terrorism trial of two alleged members of the Pan Africanist Congress is being heard in the East London Regional Court.

The two were first arrested in Bophuthatswana after allegedly infiltrating from Botswana. They are Thozamile Tiyo, 24, of Fort Beaufort and Mgcineni Mgcqatsa, 53, of Qumbu in Transkei, and they were arrested on February 13 1987.

The state alleges that the accused left the country in 1983 and went to Lesotho where they joined the PAC. It is further alleged that both accused had undergone military training in warfare, sabotage, terrorism and subversion in Tanzania and Libya.

The accused had allegedly being trained in "communistic doctrine ideology". According to the charge sheet, the two had attempted to infiltrate the country through Botswana and Bophuthatswana.

According to evidence before court, the accused were found in possession of two Scorpion machine pistols, four Scorpion magazines, one AK 47 rifle, four AK magazines, 28 x 200 gramme TNT blocks, two x 400 gramme TNT blocks, 182 x 7,65mm rounds of live ammunition and 80 x 7,62mm rounds of ammunition.

They were also alleged to have been found in possession of a communist document, cash amounting to R676 and a Botswana banknote of 10 pula.

The trial is continuing. — Elnews

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w/mail  
13-14/88

CAPE TOWN — Several factors, including the cost of teargas canisters, could have militated against police acting against Witdoeke in KTC during the destruction of the area in June 1986.

This was said by the former Commissioner of Police, General Johan Coetzee, in a hearing in the Supreme Court in which a R200 000 damages claim has been made by 21 KTC resi-

## Did 13/5/86 Coetzee: cost to quell riot Was factor against action 33/

dents as well as the local Methodist Church against the Minister of Law and Order.

Mr Justice M. R. de Kock asked General Coetzee why the police did not take action to prevent Witdoeke and Com-

rades clashing in KTC on June 9, 10 and 11.

General Coetzee answered: "A potential unrest situation is extremely unpredictable."

"The action a commanding officer takes in

that situation would be influenced by the number of policemen available to him, how well equipped they were and how big the challenge facing them was.

"One must also think of finance. Teargas can-

isters cost R28 each... the police can't just shoot them off. One has to look at the budget."

KTC was destroyed in attacks by Witdoeke on June 9, 10 and 11, 1986.

The plaintiffs have alleged that the police helped in the attacks or failed to prevent them.

The minister has denied complicity.

The hearing continues. — Sapa

# Officer quizzed on AWB

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Sowetan 13/5/64

A SENIOR police officer was quizzed in the Rand Supreme Court on whether the Afrikaner Weerstandbeweging was against black trade unions, writes MANDLA NDLAZI.

The officer was also asked in the Rand Supreme Court whether the AWB was against black organisations and whether its members had infiltrated the police force.

This was at the trial of 18 members of the South African Railways and Harbours Workers' Union (SARHWU), appearing before Mr Justice T T Spoelstra and two assessors on charges relating to a strike by employees of the South African Transport Services (SATS) in the Witwatersrand last year.

Captain Schutte, second-in-command of the riot squad based in Diepkloof, was being cross-examined by defence counsel, advocate, Mr Eric Dane.

## Unions

Captain Schutte said he had no opinion on whether the AWB was anti-black trade unions or black organisations. He said he also had no opinion on whether the AWB members had infiltrated the police force.

When showed a photograph of a police vehicle that had an AWB insignia on its bonnet, Captain Schutte said he had seen the picture in the *Sowetan* and *New Nation* newspapers. According to him, it was a swastika and made of black tape. He said police were investigating how it got onto the bonnet of the vehicle.

Captain Schutte said SATS did not inform the riot squad but the Security Branch police about the strike. He denied that there was co-operation between the riot squad and the SATS.

When Mr Dane gave him a paper to draw an AWB insignia, Captain Schutte drew a swastika.

Mr Johannes Joja Ngcobo (24), Transvaal secretary of SARHWU and 17 members of the union are appearing on charges of murder, abduction, attempted murder, assault, robbery and intimidation. They have pleaded not guilty. The case continues today.



# PMB deaths verdicts too soft, say lawyers

SENTENCES in one of the first mass trials resulting from the violence in the Pietermaritzburg area have caused consternation because of their alleged leniency.

Lawyers acting for victims of the conflict in the region say they fear, as a result, an increased reluctance by potential witnesses to give evidence.

Members of the legal profession have also commented on the "alarming disparity" between sentence passed in this case and that of the "Sharpeville Six".

Last week six members of Inkatha appeared in the Pietermaritzburg Supreme Court before an acting judge from the Cape. They pleaded guilty to murdering an elderly woman by beating and stabbing her to death with assegais and sticks.

They said they had believed she was a supporter of the United Democratic Front; that she gave other UDF supporters special herbs for extra strength and that she provided shelter at her home for UDF members. They believed her sons were UDF members and were responsible for some of the violence in the district.

The judge said he took into account that the six had lost family, friends and possessions in the violence, and that they acted in a state of "mass psychosis".

However, he called it a "brutal murder" and said their victim had not provoked them in any way.

They were sentenced to jail terms of between three and seven years, but in each case, half the sentence was suspended, meaning they will serve a maximum sentence of one and a half to three and a half years.

A number of lawyers have compared this case with that of the Sharpeville Six in which the accused were sentenced to death for the 1984 murder of a councillor, Khuzwayo Dlamini, at a period of heightened unrest.

The judge in that case held the six were guilty of "common purpose" even though he found that at least some of them had not directly caused Dlamini's death.

The acting dean of law at the University of Zululand, Charles Dlamini, said he found the disparity between the sentences handed down in the two cases "really disturbing".

"The sentencing process is a very delicate issue, but when a judge gives a sentence, the community must feel that justice has been done. In this case, however, the public could well feel that motives other than consider-

A murder trial — similar to that of the 'Sharpeville Six' — in which six Inkatha members are accused of beating an elderly woman to death, ends with a surprisingly lenient judgement

CARMEL RICKARD reports

ations of justice have intruded.

"This disparity, if it is not explained, raises a lot of suspicion in the minds of the public."

James Lund, dean of the School of Law, University of Natal, Pietermaritzburg, said the public had the right to expect some degree of consistency in sentencing, although obviously each case was different. However, there was cause for concern about the leniency of the sentences in the Pietermaritzburg case. This, and the "alarming disparity" between the two cases, not fully explained by the differences in detail between them, could bring the administration of justice into disrepute.

Lawyers acting for families who have lost relatives in the Pietermaritzburg violence have also spoken about their concern lest the judgement further undermine their clients' faith in the legal process.

One commented that in view of pending trials of so-called war-lords, he was concerned whether the sentence passed on the "Pietermaritzburg Six" might be "an unfortunate precedent" in other cases involving serious crimes of violence in the continuing conflict in the region.

The Natal attorney general and the police have complained on a number of occasions about the difficulty they are experiencing in getting witnesses to come forward to give evidence about crimes of violence.

"Witnesses wanting to participate in the legal process could be made even more afraid to speak when the accused are given virtually meaningless sentences which put them back on the street."

Dean of law at Natal University, Durban, David McQuoid Mason, said he anticipated the sentence in the case of the "Pietermaritzburg Six" could cause "concern and disquiet" among Natal judges, members of the legal profession and members of the public, because it could affect the credibility of the courts.

W/m  
13-19/5/88

'Private prosecution' to be instituted

# 'Trojan Horse' deaths: families to lay charges

Star 13/7/88

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By Tim Cohen

An unusual "private prosecution" is to be instituted against the policemen involved in the "Trojan Horse" incident — a move likely to again focus attention on South Africa's criminal law system.

South African criminal law came under the international spotlight recently following the conviction of the Sharpeville Six for murder in terms of the doctrine of common purpose.

Criticism of the case led to an unprecedented outburst by Acting Chief Justice Rabie who said any attack on the independence of the judiciary "should be rejected with scorn".

Now attorneys acting for the families of two youths killed in the "Trojan Horse" incident said this week they have been instructed to go ahead with a private prosecution following the Attorney-General's decision last week not to prosecute the policemen involved.

Three youths died in the incident, which happened during widespread unrest in Athlone near Cape Town three years ago.

In summing up the evidence submitted at the inquest, Magistrate Mr G Hoffman said Athlone was "besieged by rioters" at the time; barricades were set up and burning tyres were strewn across roads.

Rioters normally fled when police vans appeared and so, on October 15, three senior offi-

cers of the South African Police, the Railways Police and the Defence Force decided to send an unmarked vehicle into Athlone on a previously agreed route, Mr Hoffman said.

A Transport Services truck was used for the operation and three wooden crates were placed on the back, each containing two armed policemen.

At a point on the route, after stones had been thrown at the truck, more than 39 rounds of triple-A shot and buckshot were fired at a crowd of about 200 people, and three people aged 16, 21 and 11, were killed, the magistrate concluded.

## Evidence

The incident was captured on video by two foreign television crews, BBC and CBS, and both videos were handed in as evidence at the inquest.

In March this year Mr Hoffman ruled that a police lieutenant and his task force were responsible for the killings and that negligence was involved.

But the Attorney-General of the Cape, Mr Niel Rossouw, has said he does not intend to prosecute the eight policemen.

And Minister of Justice Mr Kobie Coetsee said in Parliament this week that he was not prepared to intervene over the Attorney-General's decision.

Mr Coetsee said neither inquest hearing nor the evidence presented proved any causal link between the policemen and deaths of the three people.

Lawyers totally discount the possibility that the Attorney-General was in any way politically biased in not prosecuting the policemen involved.

They point to at least three possible defences the policemen could bring.

But now the families of two of the three boys who died, Michael Miranda (11) and Shaun Magmoed (16), have decided to launch a private prosecution in terms of the Criminal Procedure Act.

A private prosecution — a criminal charge which is brought by a private person rather than by the State — can be laid by anybody who has a "substantial and peculiar interest" in the issue.

## 'Wronged'

They exist, in the words of a Wits University criminal law lecturer, "so that people who believe they have been wronged don't reach for the shotgun under the bed".

The reason a criminal action — which aims at punishment — is being sought, rather than a civil action for damages, is that the youths were not breadwinners and therefore their families cannot claim substantial compensation for loss of support.

A civil action was in fact launched in this case and the funeral expenses of two of the boys were paid by the Minister of Law and Order.

In an out-of-court settlement he paid the parents of two of the deceased R900 and R750.

Now, says attorney Mr Gary Jansen, the parents of the youths say they would like to see justice done. Lawyers have not yet formulated charges and have not decided in which court to bring the action.

If the charge is murder, the action will have to be brought in the Supreme Court.

This might make a significant difference to the families of the deceased, because if they lose they might be asked to pay legal costs, which will be substantial.

If the charge is culpable homicide it might be brought in a Regional Court, where it would be heard by a magistrate, who is not empowered to hand down a verdict of murder.

But whichever court is decided on by the lawyers, the State will be watching proceedings carefully.

The State is empowered in terms of the Criminal Procedure Act to step in at any stage and take over the prosecution.

According to the Wits lecturer, if the prosecution looks as if it is going well, the State is likely to step in.

"The State has an obvious interest in avoiding embarrassment as a result of its initial failure to prosecute," he said. "But of course its real motivation for taking over the prosecution would be its responsibility to see that justice is done."



# Qibla witness faces prison

By SOL MORATHI

A SUSPECTED member of the Muslim Qibla movement faces imprisonment of up to five years if a Pretoria magistrate finds that he did not have a valid reason for

refusing to testify against two accused in the RAC-Qibla trial. (33)

Aziz Kader, 27, was to be a State witness against Achmad Cassiem and Yusuf Patel, who with five other al-

leged PAC members, face 23 charges under the Internal Security Act, including terrorism and attempted murder.

All have pleaded not guilty to the charges.

Kader has made an appli-

cation in court that he cannot testify against the two men because of his mental condition.

He claims he suffered severe mental disorder during the first nine weeks of his detention in June last year.



# Applications made

D/D 16/8/88 (243) ~~243~~ media (331)

BETHEL — Applications for contempt proceedings against the media were made in the Bethel treason trial yesterday.

The defence counsel, Mr H. K. Naidu, submitted a transcript of an April 28 SABC TV news item on the trial and copies of stories from Rapport, Beeld and Die Burger.

Mr Naidu said some stories contained factual inaccuracies and 'gross distortions' "which have no resemblance to the evidence", or were speculative comment.

He invited the court to move for contempt proceedings by issuing a rule nisi calling on Mr Chris Olckers of the SABC and the editor and reporters of the newspapers involved to show cause why they should not be committed for contempt of court.

Regarding the television news item, Mr Naidu said that the only factually correct statements in the report were that the three accused pleaded not guilty and that the trial was being held in the Bethel court.

Mr Justice H. Daniels commented: "It even referred to the wrong judge, because I'm not J. (Daniels)." ~~243~~

The State Prosecutor, Mr Harry Prinsloo, made an application for a contempt charge against a report on the trial in The Star. He alleged that the report contravened a judge's order and that details in it may have led to the identification of a secret witness.

Judgment was reserved. — Sapa

I thought I was going to be killed — witness

# 'Assaults took place at Cosatu House'

By Bruce Anderson  
An SA Transport Services ticket inspector told a Rand Supreme Court yesterday that after being assaulted at Cosatu House by members of the South African Railways and Harbours Workers Union (Sarhwi) and taken to a deserted spot near the Heidelberg road, he thought: "It is now time to die."

Mr Albert Phuluwa told the court he escaped by breaking away from his captors, although another man who had been abducted with him was not so fortunate.

Upon returning with members of a nearby SADF unit, Mr Phuluwa saw a fire in the bush near the road.

He said that with the aid of a soldier's torch he realised that "these things lying there were

people. One of them was the coloured man — the fire was still burning on his body".

Mr Phuluwa is a State witness in a case in which 18 Sarhwi members, including the former regional secretary of the union, Mr Johannes Ngcobo, have pleaded not guilty before Mr Justice Spoelstra and two assessors to four charges of murder, one charge of attempted murder, five charges of abduction, four charges of assault, two charges of robbery and a charge of intimidation. The 18 are being held in custody.

## Strike

The charges arise out of incidents during a strike last year by Sats employees.

Mr Justice Spoelstra refused a State application for Mr Phuluwa's

evidence to be heard in camera.

In his testimony Mr Phuluwa told the court how he had been working as a ticket inspector at Bosmont station near Johannesburg on April 28.

At about 1.40 pm he had been grabbed from behind. He turned and saw a tall man, whom he later identified in court as Mr William Rikhotso.

He said he was then surrounded by a crowd of 16-18 men, and Mr Rikhotso said to him: "Impimpi, (informant) we've got you."

Mr Phuluwa said he was taken to Cosatu House in Johannesburg by the group and there he and four other men were assaulted by a crowd of about 35 men and two young boys before being told by one of his captors at 8 pm that night to "pray here for the last time".

At that stage Mr Phuluwa said he realised "these people are going to kill me".

Later in the evening a man in a Cosatu T-shirt entered the room in which Mr Phuluwa and the four other non-strikers were being held and said: "Oh, these are the men who have got a bonus."

Mr Phuluwa said three of the non-strikers were taken from Cosatu House and then he and another coloured man were driven to a spot just off the Heidelberg road, where he managed to escape.

Mr Brink Ferreira, who appeared for the State, said at the end of yesterday's hearing that he would today show the court a video lasting 1½ hours in which Mr Phuluwa, dressed in overalls and a balaclava, pointed out men at Cosatu House the day after the alleged abduction and murders.

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**Killing of  
alleged  
mpimpis**

# HOW

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Sowetan 17/5/88

# ESCAPED

**Victims  
told to  
make last  
prayers —  
evidence**

FIVE men who were abducted during a strike by South African Transport Services employees were told to make a short and last prayer before being killed, a Rand Supreme Court judge heard yesterday.

One of the men, Mr Albert Phuluwa, described in court yesterday how he managed to break loose and ran hard for his life. He escaped after they had been taken out of a station wagon that was parked near tall grass and trees at Kazerne.

Mr Phuluwa was giving evidence in the trial of 18 members of the South African Railways and Harbours Workers Union (SARHU) who are appearing before Mr Justice T T Spoelstra and two assessors. They are facing five counts of abduction, four of murder, one of attempted murder, two of robbery, four of assaults and intimidation. They have pleaded not guilty.



SOME of the delegates who attended the Congress of South African Trade Unions' special congress at the Wits University at the weekend. Pic: VUSI MANYONI

By MANDLA NDLAZI

**Witness  
tells of  
escape**

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• From page 1  
did not see in court yesterday though they were also part of the mob.

He said he was taken to Khotso House. Later he was taken to Cosatu House where he saw a lot of people. He said the people there were told by Mr Rikhotso that he was "another mpimpi".

Mr Wilson Mtshali (33), one of the accused, then tied him with a rope around his neck. He said he was assaulted with a piece of piping and a broomstick. He pitied a coloured man who was the worse for punishment.

Mr Phuluwa said they were forced to clean bloodstains on the floor. He was bleeding from the nose. They were also made to clean the toilets. They were later taken to another room where Mr David Maphanga, one of the accused, told them to make their short and last prayers because they were going to be killed.

According to the charge sheet, those who were abducted and later murdered are Mr Joseph Mulaudzi, Mr John Sebopelo, Mr Petrus Moremane and Mr Jerry Goodman.

Mr Phuluwa said he did not participate in the strike. He said he was kidnapped by a group of men at Bosmont railway station where he was a barrier attendant. The men had alighted from a train to Randfontein on the night of April 28 last year.

## **Accused**

He said one of the men, Mr William Rikhotso, an accused, told him: "We've got you mpimpi". He said he did not answer. Among the group of men was Mr Isaac Mogorosi (30), Mr Freddie Mothisi (30), Mr David Maphanga (25), Mr Jacob Mmatloa (33), Mr Michael Ikageng, all of them among the accused. There were other men he

• To Page 2



# Union 14 charged with assault

FOURTEEN members of the South African Textile and Allied Workers' Union, yesterday appeared in two groups before a Johannesburg magistrate charged with intimidation, damage to property and assault.

Mr J J B Esterhuizen did not ask them to plead and they are out on warning.

The State alleges that on October 16 last year, there was a strike at a factory in Kerk Street where the accused are alleged to have prevented Ms Lauretta Makoe from working.

## Clothing

It is also alleged that they assaulted her and damaged her clothing locker.

On the same day it is also alleged that the accused assaulted Ms Ethel Khumalo and forced her not to go to work.

The first group consists of Ms Elizabeth Mooketsi (24), Ms Margaret Maruping (23), Ms Martha Pitso (36), Ms Elizabeth Mndaweni (23), Ms Eva Thobane (23), Josephine Moalosi (28), Ms Maria Taylor (28) and Ms Grace Mhlongo (28).

The second group comprises Ms Elizabeth Mndaweni (23), Ms Gloria Molete (23), Ms Emily Koao (22), Ms Josephine Moalosi (28), Ms Elizabeth Mbongo (21) and Ms Susan Motsie (29).

Daily Dispatch  
Correspondent

JOHANNESBURG

Five non-striking Sats workers were told they must pray for the last time, after being taken to Cosatu House and assaulted during the rail strike last year, the Rand Supreme Court was told yesterday.

This evidence was given at the trial of 18 South African Railway and Harbour Workers' Union members who pleaded not guilty to murdering four non-striking employees during the Sats strike on April 28 last year.

A Sats employee, Mr Albert Phuluwa, pointed out one of the accused,

9/10/1978  
Court told how

Sats men died

Mr Jacob Machaka, as the man who had told him and the four others to pray.

He told the court that the five of them were driven to a spot near Prolecon where he had run away while everyone was getting out of the station wagon.

He said he had thought that he was about to die.

Mr Phuluwa described how he then got help and was taken to a nearby army camp.

He led a group of SADF members to the spot where he had escaped. When they got there they saw flames and "things" lying on the ground.

The "things" were found to be the bodies of the other men who had been driven there with him.

Earlier Mr Phuluwa demonstrated how he had covered his head with his arms to protect himself from his assailants at Cosatu House.

He also testified how he and others were told to clean toilets on the premises and wipe up water that had been thrown over them.

All 18 accused have pleaded not guilty to murdering Jerry Rudolph Goodman, Vhulani Joseph Mulaudzi, Kati John Sebopelo and Mulatele Petrus Moremane.

They have also pleaded not guilty to a charge of attempting to murder Mr Phuluwa, five counts of kidnapping, four of assault with intent to do grievous bodily harm, two counts of robbery with aggravating circumstances and intimidation.

# Two ANC men in court today

Soweto 17/5/88

331  
By MATHATHA  
TSEDU

THE trial of two alleged African National Congress members which was scheduled to start in the Tzaneen Regional Court yesterday was delayed to today.

Court officials said the two accused, Mr Willie Lancelord Madikoto (31) of Bloodriver Village near Pietersburg and Mr Lucas Lesiba Mamakganyane (23), of Sekhukhu-

ne, also near Pietersburg, were being held in Pretoria and were to have been flown to Tzaneen by helicopter yesterday morning.

By 3pm yesterday, however, the two had not arrived.

Exhibits in court included three AK47

rifles, 700 rounds of AK47 ammunition, a Makarov pistol and its loaded magazine and blankets.

The two face seven counts which include terrorism and membership of the ANC's military wing, Umkhonto we Sizwe.

The State alleges that Mr Madikoto left South Africa in 1982 and joined the ANC.

He received military training at various camps in Angola and returned to South Africa last year with another guerilla and recruited Mr Mamakganyane into the ANC.

The trial is expected to start today before Mr J G J van de Venter.



## Police alerted by 'suspicious' pair

Supreme Court Reporter

TWO accused in a Cape Town terrorism trial aroused interest by acting suspiciously in an area near the Transkei-Lesotho border, where there were no "coloureds like them", a Transkei policeman told the Supreme Court yesterday.

Detective Warrant Officer Vuyile Gcaba, giving evidence in the trial of Ashley Forbes and 14 others, said he had seen three people standing at a car parked at the side of the road on August 15 last year.

He had seen an elderly woman transfer something from one bag to another. He then went to the border post to report his suspicion.

He yesterday identified two of the people as Yasmina Pandy and Nicklo Pedro.

When he returned he saw two people in the car and later saw Pedro and Pandy attempt to climb over a fence bordering the road. When he asked them where they were going they appeared "lost" and did not clearly tell him where they were from.

Pandy later told him they were from Aliwal North and said they were looking for a telephone. They did not appear to belong to the area, WO Gcaba said.

Under cross-examination, WO Gcaba said that when he spoke to them Pedro mumbled while Pandy spoke for both of them. He had the impression she was trying to conceal something.

Their explanation did not satisfy him and he handed them over to the Transkei police.

Asked why he had been suspicious, WO Gcaba said: "There are no coloureds like them in that area."

The hearing continues today.

The accused are: Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazem Lowe, Amwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhodes, Wayne Ingemar Malgas, Collin Calmcross, Ashraf Karim, Colin Clave Martin Petersen, Leon Scott and Yasmina Pandy.

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 Mike Stowe, appeared for the state. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused.

Democrats held at Oct. 18/5/88

where

## ANC kills 331 deserters — ex-member

BETHAL. — African National Congress deserters are killed if found by the organization, a former ANC member said in the Circuit Court here yesterday.

The witness, who may be identified only as Mr X2, was giving evidence at the trial of Mr Acton Mandla Maseku, Mr Simon Dladla and Mr Ebrahim Ismail Ebrahim, who face charges including high treason and terrorism. They have pleaded not guilty.

Questioned by Mr Justice H Daniels about what happened to a person who leaves the ANC and is later found by the organization, Mr X2 said: "Such a person is killed. Shot dead."

The judge then asked him: "What happens to a person who gives evidence against the ANC in a trial and they know about it?"

"Such a person is killed," the witness said.

He said that once a person joined the ANC, he was not allowed to leave.

Mr X2 said he knew of an ANC member who was shot dead because the ANC believed he was a traitor. — Sapa

## Bomb defused

WINDHOEK. — Police defused a powerful time bomb with only 42 seconds to spare at Walvis Bay Post office on Monday. Police said the activated bomb was in a plastic bag. — Sapa

# Bethal trial witness tells of men shot for desertion

## Highveld Bureau

BETHAL — The fate of those who leave the ANC came under the spotlight at the Bethal treason trial yesterday.

A secret State witness, former ANC member "X2", said those who left the organisation were either killed or arrested and sent to the ANC's

Quatro prison camp in Angola.

Defence counsel Mr H K Naidu put it to X2 that only those intent on betrayal had anything to fear when they left the ANC. The witness denied this.

X2 was giving evidence against Mr Ebrahim Ismael Ebrahim, Mr Acton Mandla Maseko and Mr Simon Dladla, who are charged with treason and

terrorism.

Asked by Mr Justice H Daniels if members were told they could terminate their membership "such as with three months' written notice, or six weeks' or whatever", X2 replied: "There is no such practice in the ANC. If you leave, they will kill you or arrest you."

X2 said he knew of two people who had left the ANC and been shot.

"One — I don't know if he was in Soweto or Durban — was shot in bed with his wife. "He was shot by ANC people because he became a policeman."

The other person was shot in a Mozambican restaurant following allegations that he was a betrayer.

Later Mr Naidu put it to another secret witness, former ANC commander "X1", that his own uncle had left the ANC and was now the principal of a school in Canada.

"My instructions are that he has never been harmed or hurt," said Mr Naidu.

A second man, "Zakes", who was known to X1, had also left the organisation two years ago and was living in Swaziland, said Mr Naidu.

X1 replied: "We are grateful for him."

Earlier X2 said he had "tired" of the ANC before his capture by the police in South Africa earlier this year.

## Handcuffed

X2 said the moment he decided to leave the ANC was when he was being handcuffed by the police.

Under cross-examination he said he believed that if he had not co-operated with the police he would have gone to jail.

He said he was not kept in detention after his arrest.

He helped police when

they asked him about people he knew in Swaziland, and he told them about their work.

When asked by Mr Justice Daniels what happened to a person who gave evidence against the ANC in a trial "like this", X2 replied: "Such a person is killed."

The hearing continues.



# Bishop tells of funeral 'tradition'

STC/ 18/5/87 By Claire Robertson  
Pretoria Bureau

Much of crowd behaviour at so-called political funerals had roots in African and Christian tradition, the SA Council of Churches president, Bishop Manas Buthelezi, said at the Vaal Triangle treason trial in Pretoria yesterday.

Dr Buthelezi, testifying in the trial of 19 men accused of treason and murder, was asked by defence counsel Mr Geroge Bizos, SC, about singing, slogans, banners and flags, and hoisting coffins shoulder high at funerals.

Songs such as "Nkosi Sikelel' iAfrika" (God Bless Africa) and the colours green, gold and black were "not exclusive to the African National Congress," he said.

The colours were also those of Inkatha and numerous other organisations.

Dr Buthelezi said he had heard "the national anthem, 'Nkosi Sikelel' iAfrika', sung alongside 'God Save the King'

at school".

Even songs which mentioned Nelson Mandela did so because the imprisoned ANC leader was "a hero" in the townships.

Earlier, the more than two-year-long trial had heard a recording of a song which included the words:

"The Supreme Court is burning/ The boys hit Sasol/ We will catch the boers and their children ...".

To evaluate the importance and place of a song, one had to bring to bear the traditional understanding of songs in African culture, he said.

With no written history, songs had been used by generations of Africans as "one of the instruments of documentation".

In Zulu culture there existed *izimbongi* — community poets or praise singers, Dr Buthelezi explained.

The hoisting of coffins shoulder high had roots in Hebrew, Christian and African traditions, he said.

The hearing continues.

# Not guilty plea

18/5/88  
Sowetan  
TWO alleged members of the African National Congress yesterday pleaded not guilty to seven counts including terrorism when they appeared in the Tzaneen Regional Court.

Mr Willie Lancelot Madikoto (31), of Blood River Village near Pietersburg, and Mr Lesiba Lucas Mamakganyane (23) of Appel in Sekhukhuneland, appeared before Mr C J J van de Venter charged with membership of the outlawed organisation and possession of arms and ammunition.

The State alleges that Mr Madikoto left South Africa in 1982 and received military training at ANC camps in Angola where, it is further alleged, he also became an instructor. It is also

SOWETAN  
Reporter

alleged that Mr Madikoto and a Tebogo recruited Mr Mamakganyane into the organisation. ~~422~~ 231

A police witness, Lt J A van der Westhuizen of the security police in Pietersburg, testified and told the court that he was

an expert on the ANC. He said the late former president of the United Democratic Front in the Northern Transvaal, Mr Peter Nchabeleng, had been a member of the ANC.

Lt van der Westhuizen said Mr Nchabeleng's son, Alex, was being detained for ANC activities.

A RAND Supreme Court Judge was yesterday shown a video recording of close to 2 000 people, mostly men, who filed through a door in Cosatu House while three men wearing balaclavas and blue overalls identified suspects allegedly involved in incidents relating to the Witwatersrand strike by the South African Transport Services employees last year.

The 2000 were some of the people who were trapped in Cosatu House when the riot squad police sealed the place off on April 29 last year. This was a day after four

# VIDEO USED IN SARHwu CASE

By MANDLA NDLAZI

men were found murdered and burnt in a bush near Heidelberg Road. A fifth man escaped. Mr Albert Phuluwa, who escaped from his captors, was one of the three disguised men. The defence team successfully argued that he should not be allowed to remain in court while the video,

lasting about two hours was being shown. The video showed a police officer inside Cosatu House force open a door by kicking it several times.

## Suspects

The 2000 people then filed out in a single line, and nine of them were

identified as suspects by the three disguised men. Eight were arrested on charges of murder and the ninth on charges of attempted murder. A tenth suspect was among people in a different room. He was also arrested for murder when he was identified by the three disguised men.

The recording was evidence at the trial of Mr Johannes Joja Ngcobo (24), Transvaal secretary of Sarhwu, and 17 members of the union. They are appearing before Mr Justice T. T. Spoelstra and two assessors on five counts of abduction, four of murder, one of attempted murder, two of robbery, four of assault and intimidation. The State alleges they committed the offences on March 13 and April 28

last year. They have pleaded not guilty. According to the charge sheet, those who were abducted and later murdered are Mr Joseph Mulaudzi, Mr John Sebopelo, Mr Petrus Moremane and Mr Jerry Goodman.

## Consult

The case was postponed until 2pm today, after the advocate, Mr Martin Luitingh, for the defence had said the defence needed time to study the video and consult with the accused. He said cross examination of Mr Phuluwa would be mainly on identification.

(Proceeding)



D/D 19/5/88

## Six: case to be <sup>331</sup>~~229~~ reopened

PRETORIA — Defence counsel for the Sharpeville six have successfully applied for a reopening of their trial, and argument against the death sentence will be heard by Mr Acting Justice W.J. Human in the Supreme Court on June 6.

The six — five men and a woman — have won two temporary reprieves from the gallows since March 17. They were sentenced to death for the murder of Lekoa deputy mayor, Mr Kuzwayo Dhlamini, on September 3, 1984.

The reopening of the trial follows defence counsel replies to an answering affidavit by the attorney-general of Transvaal handed to the court on April 25.

The attorney for the six, Mr Prakash Diar, applied for a reopening of the trial after new evidence came to light.

1966 19/5/88  
331  
**Papers, SABC may face  
contempt charges  
over terror-trial reports**

BETHAL. — News organisations including Die Burger, the Johannesburg Star, SABC TV and Beeld have been cited for possible contempt of court by Mr Justice H Daniels in the Bethal terror trial.

Yesterday the judge said perhaps the only true statement in the SABC TV report by reporter Chris Olckers was that the accused pleaded not guilty and that the hearing was proceeding.

Reports on the trial, in the Bethal Circuit Court, carried by SABC TV, Beeld, Die Burger and Rapport, were described by defence counsel Mr H K Naidu as "highly prejudicial to his client", Mr Ebrahim Ismail Ebrahim. He applied for a rule nisi against them.

Mr H Prinsloo, for the State, said a report in the Star contained information that could allegedly lead to the unmasking of a State witness referred to only as Mr X4.

**INACCURACIES**

He asked the judge to consider the possibility that the report was contrary to a ruling that the identity of former African National Congress and Umkhonto we

Sizwe members was not to be made public.

Referring to reports by SABC TV, Mr Justice Daniels agreed with Mr Naidu that they contained gross inaccuracies, such as an allegation that a letter mentioned by reporter Olckers was written by an accused.

This, Mr Justice Daniels said, was totally incorrect.

The judge agreed with Mr Naidu that no evidence had been led to substantiate the allegation by Olckers that Mr Ebrahim was a former lover of Helene Passtoors, who is serving 10 years for treason.

Beeld was mentioned for alleging that Mr Ebrahim was the lover of Passtoors and that certain letters were written by him — allegations not substantiated in evidence.

The newspaper Rapport allegedly connected Mr Ebrahim with the shooting of five policemen on the East Rand.

Die Burger allegedly referred to a handwriting sample used in a handwriting analysis as being that of Mr Ebrahim, when no such admission was made. — Sapa.

## 4 newspapers, SABC named at treason trial

# Media accused of contempt of court

By Therese Anders  
Highveld Bureau

An application for contempt proceedings against the SABC and four newspapers was made in the Bethal treason trial on Tuesday.

Defence counsel Mr

H K Naidu submitted to the court a transcript of an April 28 SABC-TV news item on the trial and copies of stories from *Rapport*, *Beeld* and *Die Burger*.

Prosecutor Mr Harry Prinsloo applied for a contempt charge arising from a report on the trial

in *The Star*.

He alleged the report contravened a judge's order, and details in the report might have led to the identification of a secret witness.

Judgment was reserved.

Mr Naidu said some stories in *Rapport*,

*Beeld* and *Die Burger* contained factual inaccuracies and gross distortions "which have no resemblance to the evidence", or were speculative comment.

Mr Naidu invited the court to move for contempt proceedings by issuing a rule nisi calling on Mr Chris Olckers of the SABC and the editors and reporters of the three newspapers to show cause why they should not be committed for contempt of court.

Mr Naidu said that in the SABC-TV news report the only factually correct statements were "the three accused pleaded not guilty" and "the trial continues".

Mr Justice H. Daniels commented: "It even referred to the wrong judge, because I'm not J" (Daniels).

The trial continues.

Star 19/5/88

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Argument against death sentence to be heard on June 6

# THE GET NEW TRIAL

Southern 19/5/88

331



MISS Happy Madala... see story on page 2

**Dragged out of  
white municipal  
bus in Jo'burg**

DEFENCE counsel for the "Sharpeville Six" have successfully applied for a re-opening of their trial, and argument against the death sentence will be heard by Mr Acting Justice W J Human in the Supreme Court on June 6.

The Six — five men and a woman — have won two temporary reprieves from the gallows since March 17. They were sentenced to death for the murder of Lekoa deputy mayor, Ku-zwayo Dlamini, on September 3, 1984.

The re-opening of the trial follows defence counsel replies to an answering affidavit by the Attorney-General of the Transvaal handed to the court on April 25.

Attorney for the six, Mr Prakash Dair, applied for a re-opening of the trial after new evidence surrounding the circumstances of Mr Dlamini's death came to light — Sapa.



Lifebuoy

200



# SABC, press criticized in treason trial

CAT-71215 19/5/88 331

BETHAL. — Applications for contempt proceedings against the media were made in the treason trial here yesterday.

Defence counsel Mr H K Naidu submitted a transcript of an April 28 SABC-TV news item on the trial and copies of reports from Rapport, Beeld and the Burger.

Mr Naidu said some reports contained factual inaccuracies and gross distortions "which have no resemblance to the evidence", or were speculative comment.

Mr Naidu invited the court to move for contempt proceedings by issuing a rule nisi calling on Mr Chris Olckers of the SABC and the editor and reporters of the three newspapers to show cause why they should not be committed for contempt of court.

Mr Naidu said regarding the TV news item that the only factually correct statements in the report were that the three accused pleaded not guilty and that the trial was being held in the Bethal court.

Mr Justice H. Daniels commented: "It even referred to the wrong judge, because I'm not J (Daniels)."

State prosecutor Mr Harry Prinsloo made application for a contempt charge against a report on the trial in the Star. He alleged the report contravened a judge's order and details in the report may have led to the identification of a secret witness.

Referring to the reports carried by SABC-TV, Mr Justice Daniels agreed with Mr Naidu that they had contained a number of inaccuracies, such as an allegation that a letter mentioned by reporter Chris Olckers had been written by one of the accused.

This, Mr Justice Daniels said, was totally incorrect.

The judge also agreed with Mr Naidu that no evidence had been led to substantiate the allegation made by Mr Olckers that Mr Ebrahim was a former lover of Helene Passtoors, who is serving 10 years for treason.

Mr Justice Daniels remarked that perhaps the only true statement in the report by Olckers had been that the accused in the trial pleaded not guilty and that it was proceeding.

Judgment was reserved. — Sapa

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## Limpet mine shown to police by terror accused — evidence

### Supreme Court Reporter

TERRORISM accused pointed out a limpet mine, bullets, a detonation timetable and two hand-grenades to police, the Supreme Court, Cape Town, has heard.

This was evidence yesterday in the trial of Wynberg student Ashley Forbes and 14 others who are accused of terrorism under the Internal Security Act.

The accused are Forbes, 22, Peter Anthony Jacobs, 23, Nicklo Louis Pedro, 20, Nazeen Lowe, 24, Anwa Dramat, 19, Clement Baadjies, 19, David Johannes Fortuin, 22, Jeremy Alan Veary, 22, Walter Rhooode, 23, Wayne Ingemar Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Clave Martin Petersen, 23, Leon Scott, 29, and Yasmina Pandy, 20.

### HANDCUFFS

Sergeant Wilhelm Bellingham, of the Pretoria security police, said he was in a police team which held Lowe at a house in Allen Way, Windsor Park, Diep River, early on August 17 last year.

After handcuffing him they asked him to tell them if he had any weapons.

Sergeant Bellingham said: "We searched his room and dug near the corner of the plot where we suspected something might be hidden, but found nothing."

He said Lowe was questioned at security police offices at Culemborg and later that day took them to a house in 11th Road, Heathfield, where he showed police a box containing

a limpet mine, bullets and a detonation timetable.

Sergeant Douw Willemse said he and three other policemen arrested Baadjies at his home at 143 Bonteheuwel Avenue, Bonteheuwel, also early on August 17.

No weapons were found, but after questioning at Culemborg, Baadjies took the police back to his house, Sergeant Willemse said.

"He removed a test panel in the bath and removed three packets from under the bath.

"In the first there were two pairs of rubber gloves, in the second two hand-grenade detonators and in the third two Russian F1 hand-grenades.

"We also found three balaclavas in one of the packets."

The policemen will be cross-examined today.

Earlier Captain Willem de Lange, a security policeman from Aliwal North, said he took Pedro and Pandy to Cape Town after they told him at the Tele Bridge border post between Transkei and Lesotho that they were heading for Lesotho.

In cross-examination, defence counsel Mr Michael Donen said Pedro and Pandy would deny saying this.

Captain de Lange denied threatening Pedro with violence.

Mr Justice Williamson is on the Bench, with Mr L P Francis and Mr C H van Gend as assessors. Mr W Viljoen and Mr M Stowe appear for the State. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appear for the accused.



*Cape Times 29/5/88*  
**Sharpeville**  
**Six report**  
**incorrect 331**

PRETORIA. — On Wednesday Sapa incorrectly reported that defence counsel for the Sharpeville Six had successfully applied for a reopening of their trial and that argument against the death sentence would be heard by Mr Acting Justice W J Human on June 6.

A spokesman for the Department of Justice, Mr P A du Rand, said here yesterday that defence counsel for the six had not "successfully applied for the reopening of the trial". Furthermore, argument against the death sentence would not be heard by the trial judge on June 6.

"The statement 're-

opening of the trial follows defence counsel's replies to an answering affidavit by the Attorney-General of the Transvaal' is also incorrect," Mr Du Rand said.

"The actual position regarding the criminal matter of the state versus Sefata and others (the Sharpeville Six) at present is that the trial court judge has given permission that argument be presented for the possible reopening of the trial.

"At this stage the defence counsel as well as the attorney-general have lodged affidavits in this regard, and June 6 has been set aside as a date on which argument by the defence counsel and the AG's representation regarding the question of the reopening of the trial will be heard."

— Sapa

# SHARPEVILLE SIX THE TRUE POSITION

THE Department of Justice yesterday said it was incorrect that defence counsel for the Sharpeville Six had successfully applied for a re-opening of their trial and that argument against the death sentence would be heard by Mr Acting Justice W. J. Human on June 6.

The *Sowetan* yesterday led Page One with a story received from the South African Press Association (Sapa) which Mr P A du Rand, a spokesman for the

Department of Justice pointed out was incorrect.

Mr Du Rand yesterday said defence counsel for the six had not "successfully applied for the re-opening of the trial."

Furthermore, argument against the death sentence would not be heard by the trial judge on June 6.

Sapa yesterday issued a correction from the Department of Justice to all newspapers, most of whom had used the incorrect version sent on Wednesday night.

"The statement 're-opening of the trial follows defence counsel's replies to an answering affidavit by the Attorney-General of the Transvaal ...' is also incorrect," Mr du Rand said.

"The actual position regarding the criminal matter of the State versus Sefata and others (the Sharpeville Six) at present is that the trial court judge has given permission that argument be presented for the possible re-opening of the trial.

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# 331 Limpet mine shown to police by terror accused — evidence

## Supreme Court Reporter

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After handcuffing him they asked him to tell them if he had any weapons.

Sergeant Bellingham said: "We searched his room and dug near the corner of the plot where we suspected something might be hidden, but found nothing."

He said Lowe was questioned at security police offices at Culemborg and later that day took them to a house in 11th Road, Heathfield, where he showed police a box containing

a limpet mine, bullets and a detonation timetable.

Sergeant Douw Willemse said he and three other policeman arrested Baadjies at his home at 143 Bonteheuwel Avenue, Bonteheuwel, also early on August 17.

No weapons were found, but after questioning at Culemborg, Baadjies took the police back to his house, Sergeant Willemse said.

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The policemen will be cross-examined today.

Earlier Captain Willem de Lange, a security policeman from Aliwal North, said he took Pedro and Pandey to Cape Town after they told him at the Tele Bridge border post between Transkei and Lesotho that they were heading for Lesotho.

In cross-examination, defence counsel Mr Michael Donen said Pedro and Pandey would deny saying this.

Captain de Lange denied threatening Pedro with violence.

Mr Justice Williamson is on the Bench, with Mr L P Francis and Mr C H van Gend as assessors. Mr W Viljoen and Mr M Stowe appear for the State. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appear for the accused.



Supreme Court Reporter  
POLICE seized a limpet mine, handgrenades and detonators during the arrest of two accused in a Cape Town terrorism trial, the Supreme Court heard yesterday.

Sergeant Wilhelm Bellingham, a security policeman from Pretoria, said he had gone to an address in Windsor Park on August 17 last year at 3.30am to look for Mr Nazeem Lowe and weapons that he may have had in his possession.

He found Mr Lowe in a back room and handcuffed him after searching the room. Police had information that something had been hidden in the grounds but during a search, nothing was found.

After questioning, police took him to an address in Heathfield where Mr Lowe led an explosives expert to a kitchen cupboard where he pulled out a box attached to a string.

The explosives expert

# Court told of arms caches

CAPT TMS 24/5/08 331

found a limpet mine, a timetable for limpet mines and a box of bullets and returned Mr Lowe to security police headquarters.

Sergeant Douw Willemse said he had gone to an address in Bonteheuvel where he found Mr Clement Baadjies. After questioning at another venue, Mr Baadjies said he wanted to point something out to them at the Bonteheuvel house.

He took them to the bathroom, moved a washing basket aside and from a test panel at the side of the bath took out three packets. One of the packets contained two handgrenade detonators, another two Russian F1 handgrenades

and the third packet contained two pairs of rubber gloves. Police also found three balaclavas in one of the bags, he said.

Earlier yesterday Captain Willem de Lange, of the security police in Aliwal North, said that on August 15 last year he had been called to the Transkei-Lesotho border by the Transkei police, where another accused, Pedro, was apparently hiding out.

Capt De Lange took him to Aliwal North and later transferred him to Cape Town.

He said Pedro had said he was going to Lesotho. The captain also had a photograph of Pedro with the name

Jerome Pedro written on the back. After questioning, Captain De Lange said, he was satisfied that he had enough information about Pedro to have him transferred to Cape Town.

Mr Michael Donen, for Pedro, said his client would deny that he had said he was going to Lesotho. Pedro would also say that he and Captain De Lange were alone in an office and that the policeman had threatened to use violence if Pedro did not tell him who he was.

Captain De Lange denied this and said he felt he knew enough about Pedro and from answers given to have him transferred to Cape Town.

The hearing continues today.

The accused are: Ashley Forbes, Peter Anthony Jacobs, Nicko Louis Pedro, Nazeem Lowe, Amwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoads, Wayne Ingemar Matjas, Collin Cairncross, Ashraf Karim, Colin Clave Martin Petersen, Leon Scott and Yasmina Pandey.

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 Mike Stowe, appeared for the state. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Son, appeared for the accused.

# State asks for terror trial to be secret

Star 20/5/88  
331

## Northern Transvaal Bureau

**TZANEEN** — The hearing in the trial of two alleged terrorists was conducted *in camera* in the Tzaneen Regional Court yesterday.

Prosecutor Mr D J Fouche placed evidence before magistrate Mr G J J van Deventer to support his claim that the testimony of certain witnesses should be heard behind closed doors for their protection.

The magistrate will give a ruling when the hearing resumes on October 3.

Mr Willy Lanslord Madikoto (31) of Pietersburg and Mr Lukas Lesiba Maganyane (23) of Sekhukhune are facing seven charges of terrorism, allegations that they promoted the aims of the ANC and arms and ammunitions charges.

### HIDDEN WEAPONS

The State alleges that Mr Madikoto received ANC training outside South Africa, and re-entered the country with another insurgent in 1987 carrying automatic rifles, pistols, 900 rounds of ammunition, a limpet mine, a hand grenade and explosives, which were all hidden near the Limpopo River.

Mr Madikoto then allegedly enlisted Mr Maganyane as an ANC member. He was also trained outside South Africa.

The State has said the three men were arrested last August 21 after returning to South Africa.



# WITNESS DENIES DEFENCE CLAIM

THE man who escaped from his captors during a strike by South African Transport Services employees last year denied in the Rand Supreme Court yesterday that he gave evidence to implicate the accused.

He also denied that he was told about the accused.

Mr Albert Phuluwa said: "When I was told to pray for the last time, I thought that that was the end of my life, I was going to be killed."



GENERAL Magnus Malan

## Fears for media

WARNINGS were made yesterday in the wake of a double-barrelled attack on sections of the media by senior Cabinet Ministers that further measures against the media were imminent.

The Government has re-opened its attack on sections of the Press defending the recent banning of some newspapers and defence force secrecy.

The attack came in two different Houses of Parliament.

Mrs Helen Suzman MP (PFP Houghton) said "It is all very ominous from a government that does not hesitate to use its powers."

In the House of Representatives Minister of Home Affairs Mr Stoffel Botha, accused sections of the media helping the ANC in its objective of violent revolution.

But he denied that the Government was generally in conflict with the media.

General Magnus Malan, Minister of Defence, said he subscribed to the principle of the public right to know but said this had to be balanced by the security of the country.

He said he could not escape from the car parked near Cosatu house because there was a person standing next to the door. He sat behind Mr Wilson Jali, one of the accused, who was behind the wheel.

Mr Phuluwa was being cross-examined by defence counsel, Mr Martin Luitingh in the trial of 18 South African Railways and Harbours Workers' Union members appearing before Mr Justice T.T. Spoelstra and two assessors, on charges relating to a strike on March 13 and April 28 last year. They have pleaded not guilty.

Mr Phuluwa, who was one of the three men wearing balaclavas and blue overalls at an identification parade in Cosatu House on April 19, last year, said he failed to point out Mr Simon Mulomoni, one of the accused. He said Mr Mulomoni "could" have been among the 2000 people who filed through a door, but he missed him.

### Captors

He said Mr Mulomoni was the man who came to a room in Cosatu House on the night of April 28, last year, and demanded that the three men should be brought to him. He said Mr Mulomoni was wearing a yellow Cosatu T-shirt.

He identified Mr Mulomoni in court yesterday, but said the man looked different. He said the last time he saw Mr Mulomoni he had a beard like he had now but a clean shaven head. He said he thought the three men Mr Mulomoni demanded to have were going to be killed.

He said on April 29, the day after he had escaped from his captors, he failed to identify Mr Mulomoni at the parade. He said he only saw the video recording once in John Vorster Square police station when the police questioned him about the activities on the individual men.



Also in tins of 20



B/day 20/5/88

~~SC 2/1/88~~ 331

SUSAN RUSSELL

A STATE witness denied under cross-examination yesterday he had been told to identify people he did not recognise as those responsible for assaulting him at Cosatu House and murdering four co-workers during the Sats strike last year.

Albert Phuluwa was giving evidence at the trial of 18 members of the South African Railway and Harbour Workers Union (SARHWU) before Mr Justice Spoelstra in the Rand Supreme Court.

All 18 have pleaded not guilty to murdering four non-striking Sats workers, Jerry Goodman, Vhulani

## Witness denies he was told whom to identify

Mulaudzi, Kati Sebopelo and Mula-telo Moremane and attempting to murder Albert Phuluwa on April 28 last year.

They have also pleaded not guilty to kidnapping the five men, two counts of robbery with aggravating circumstances, four counts of assault with intent to do grievous bodily harm and the intimidation of non-strikers.

It is alleged that the five men were taken to Cosatu House where

they were assaulted before being driven to a spot at Prolecon.

Phuluwa managed to escape and the bodies of the other four were found when he returned to the place with members of the Defence Force.

Before his cross-examination the court was shown a video taken by the police on April 29 which showed Phuluwa pointing out various people at Cosatu House.

The trial continues today.

BETHAL — A former ANC member giving evidence in the Bethal treason trial said yesterday he had been instructed to kill the Zulu leader, Chief Mangosuthu Buthelezi, and other "homeland" leaders.

He was giving evidence against Mr Ebrahim Ismael Ebrahim, Mr Acton Mandla Maseko, and Mr Simon Dladla, who are charged with treason and terrorism.

The witness called X4 said that in Maputo "we discussed the subject of

killing".

"A colleague told me if I should go to Ulundi, I should see if I could get the opportunity to kill Gatsha.

"I did go to Ulundi, had a look and decided that it would not be suitable at the time."

## Court told of plan to kill Chief Buthelezi

He said he understood the purpose of his training overseas had been to come back to South Africa to "overthrow the government by killing".

He said that in Maputo he was shown photographs of people referred to as traitors.

The counsel for the defence Mr H. K. Naidu asked: "Were you to kill these people?"

Witness X4 answered: "Yes, and I was also told where the people could be found."

He said the people in the photographs were people he was instructed to kill "if we came across them".

He added that the people could have been traitors.

The hearing continues. — Sapa

DID 201578.  
**Six: application not successful**

PRETORIA — Yesterday the South African Press Association (Sapa) incorrectly reported that the defence counsel for the Sharpeville six had successfully applied for a reopening of their trial and that argument against the death sentence would be heard by the Mr Acting Justice W. J. Human, on June 6.

A spokesman for the Department of Justice, Mr P. A. du Rand, said in Pretoria yesterday that the defence counsel for the six had not "successfully applied for the reopening of the trial".

Furthermore, argument against the

death sentence would not be heard by the judge on June 6.

"The actual position regarding the criminal matter of the state versus Se-fata and others (the Sharpeville Six) is that the trial court judge has given permission that argument be presented for the possible reopening of the trial. (331) (2251)

"At this stage the defence counsel as well as the attorney-general has lodged affidavits and June 6 has been set aside as a date on which argument by the defence counsel and the attorney-general's representation regarding the question of the reopening of the trial will be heard." — Sapa



~~331~~ (331) Wiphile 26/5/88

# The balaclava man of Cosatu House tells how he escaped death

## VUSI GUNENE reports on the trial of eighteen railway unionists

THE "balaclava man" who pointed out alleged killers to police during last year's siege of Cosatu House told a court this week how he narrowly escaped death on a deserted road.

Eighteen members of the SA Railways and Harbours Workers' Union (Sathwu) are standing trial in Johannesburg on charges of kidnapping, assault, robbery, murder, attempted murder and intimidation.

The state alleges that between March and April 1987, the accused "conspired and/or formed a common purpose to encourage and/or instigate or incite and/or intimidate" non-strikers to join the strike, and withhold their services from Sats.

Albert Phuluwa, a Sats employee, told the court he was taken from his place of employment by "other people" including some of the accused. He alleges they called him an *impimpi* (informant), and said he had betrayed his colleagues.

He claims he was then taken to Cosatu House, the then-headquarters of the Congress of South African Trade Unions, and was beaten with fists and sticks. He was later driven to "the bush near the Heidelberg road

with a coloured man". While the other passenger was taken out of the vehicle, Phuluwa made his escape. Four captives were allegedly killed at this spot.

Phuluwa said he ran to seek help from people in a nearby building and requested the white occupants of the house to call the police.

Police were unable to come and the occupants offered to take him to a South African Defence Force camp. He said when he reached the base he explained how he had escaped, and offered to take the soldiers to the scene of the killings.

The place was searched and the badly burnt body of the coloured man was discovered, said Phuluwa. He identified the man by his jacket, and also saw the bodies of the other three victims, although he could not identify them.

"I went back to the camp with a senior army official, who communicated with someone by radio. We later went back to the scene where we found a fleet of police vans. I remained in the back of a Casspir.

"The following day I went to Cosatu house in the company of police. I went to identify the people who look me to the bush and those who had assaulted me. I wore a balaclava that had an opening on the eyes but covered my whole face.

"I pointed the people out as they filed out of Cosatu House, and went to the doctor later that evening. I was taken to the mortuary on May 4 1987 to identify the bodies of those killed in the bush. I saw the bodies and identified them to the police."

A two-hour video recording of the "siege" of Cosatu House on April 29 last year was shown to Judge TT Spoelstra in the course of the week's proceedings. It showed some 2 000 people filing out of the building.

Phuluwa was one of the three men shown in the video disguised in balaclavas.

In evidence last week, defence lawyers argued that the actions of the police could have exacerbated tensions among the strikers.

It was also successfully argued by the defence that Phuluwa's evidence should not be heard in camera.

The accused are charged with the abduction and murder of Vhulani Joseph Malandzi, Kati John Sebopelo, Mulatele Petrus Moremane and Jerry Rudolph Goodman. They are further charged with the abduction and attempted murder of Albert Phuluwa.

# Court told of escape

A WITNESS described in the Rand Supreme Court last Friday how he managed to escape from his captors during last year's railway strike, writes MANDLA NDLA-ZI.

Mr Albert Phuluwa said one of the accused, Mr William Rikhotso, was opening the boot of a car near a bush in Karzene when he got a chance to escape.

He said this during the trial of 18 members of the South African Railways and Harbours Workers' Union (Sathwu).

The 18 are appearing before Mr Justice T T

*Sowetan*  
Spoelstra and two assessors on five counts of abduction, four of murder, one of attempted murder, four of assault with intent to do grievous bodily harm and two of robbery with aggravating circumstances and intimidation.

The State alleges they committed the offences during a strike by Sath employees in the Witwatersrand on March 13 and April 28, last year. They have pleaded not guilty.

## Boot

Mr Phuluwa was being cross-examined by defence counsel, Mr Martin Luitingh, when he told the court that Mr Rikhotso was still opening the boot of the station wagon parked near a bush near Karzene when he escaped.

The four men who were abducted with him

331 and later found murdered and burnt were, according to the charge sheet, Mr Joseph Mulaudzi, Mr John Sebopelo, Mr Petrus Moremane and Mr Jerry Goodman.

Mr Phuluwa denied that Mr David Dzevhe, one of the accused, pulled him out of the vehicle and "let him go." He also denied that he had told the accused that he was also a member of Sathwu.

He said Mr Wilson Mtshali, one of the accused, assaulted him with a broomstick and hit him with a piece of pipe on his buttocks. He denied that he was assaulted because he had told a lie that he had not been working during the strike. He also denied that a ticket clipper and ticket book were found in his pockets. He said he could not identify the people who robbed him.

Daily Dispatch  
Correspondent

# JOHANNESBURG

The Appeal Court ruling which upheld the death sentences passed on the Sharpeville Six failed to address several crucial aspects of the defence case, an advocate from the Centre for Applied Legal Studies at Wits University, Mr Edwin Cameron, said.

As a result one of the six, Oupa Diniso, 30, might be executed for a crime he did not commit, Mr Cameron said. Furthermore, in the Appellate Division had rejected, without explanation, its own precedent on the question of limited participation, set in the Maureen Smith murder case appeal.

Mr Cameron, who it emerged last week would not have action taken against him by the Bar Council for earlier criticism he had voiced of the Bench, was speaking on the state of the South African judiciary

## Advocate slams Appeal Court's ruling on six

at a Black Sash conference in Johannesburg.

He highlighted two specific aspects of the case of the six, who are currently under a stay of execution and awaiting the outcome of an application for their case to be re-opened as a result of new evidence.

Firstly, Mr Cameron said that in the case against Diniso, he was convicted and sentenced to death because, apart from lying as to what exactly he said to the police at his home, he was unable to give any explanation as to why another of the six, Majalefa Sefatse, 30, could have been able to point him out as the person in possession of the pistol

which was taken from the murder victim, the deputy mayor for Lekoa, Mr Kuzwayo Dlamini.

Mr Cameron said the Appeal Court inferred from this evidence that Diniso was at the murder scene and was one of those who disposed Dlamini of his weapon with murderous intent.

"In my contention this reasoning does not stand up to the high standards of logic required by a civilised legal system for a conviction of murder."

Mr Cameron said the judgement failed to deal with the reasonable possibility that Diniso was innocent.

"The strict logic of

criminal law exists precisely for those unpalatable cases where suspicious circumstances exist but where proof beyond reasonable doubt is not present.

"In the case of Diniso, in my view, a real and frightening possibility exists that an innocent man will be required to pay with his life for a crime he did not commit."

Secondly, Mr Cameron said the Appeal Court's attention was specifically drawn by lawyers for the six to its own decision concerning the chauffeur in the Smith case. His lesser participation in the murder was a ground for extenuation which allowed him to escape the death penalty.

Mr Cameron asked why this principle was not applied in the case of the six.

This failure could only be described as "bizarre", he said.

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CRK 7015 24/5/88  
**Public violence appeal** (331)

BLOEMFONTEIN.— The appeal of Adrian Cleophas, of Bellville South, against his prison sentence for public violence, was allowed by the Appeal Court yesterday.

The court allowed that a fine or imprisonment be substituted for imprisonment.

He was convicted in the Parow Regional Court on February 5, 1986, and sentenced to five years, of which half was conditionally suspended.

He was ordered to pay R50 to the police for their vehicle that was damaged in the violence.

An appeal to the Cape Supreme Court was dismissed on September 30, 1986.

Yesterday Mr Justice Hefer ordered that Cleophas be fined R750 (or one year), plus three years conditionally suspended for five years. — Sapa

331  
Cape Times, Tuesday, May 24, 1988

# Judge: SABC report 'full of inaccuracies'

BETHAL. — The judge in the Bethal treason trial yesterday found that the SABC's television report of April 28 on the case was "full of inaccuracies, bad reporting and caused embarrassment for all concerned".

However, Mr Justice H Daniels said the report had not prejudiced the outcome of the trial, and as such did not warrant further investigation or action.

The night after the report appeared, reporter Mr Chris Olckers, phoned him to apologise for any inconvenience it caused.

The judge said he had taken into consideration that Mr Olckers had apologised.

Regarding the stories in three Afri-

kaans newspapers — Beeld, Die Burger and Rapport — which the defence counsel requested a rule nisi with a view to contempt proceedings, the judge said the stories had contained inaccuracies. However they were not of a contemptuous nature and accordingly did not warrant prosecution.

The judge said he could find nothing wrong with a report in The Star on the trial which the state prosecutor had alleged might identify a secret state witness.

Last week the prosecutor, Mr Harry Prinsloo, asked the judge to consider whether The Star's report had broken the judge's order not to identify former ANC members who were giving evidence against the accused. — Sapa

## Nothing wrong with <sup>(331)</sup> Star's report — Judge

*Star 24/8/81*  
The judge in the Bethal treason trial said yesterday that he could find nothing wrong with a report in The Star which the State prosecutor had alleged might identify a secret State witness.

Last week the prosecutor, Mr Harry Prinsloo, asked the judge to consider if The Star's report had broken the judge's order not to identify former ANC members who were giving evidence against the accused.



# Bethal witness tells why he left ANC

By Therese Anders  
Highveld Bureau

BETHAL — A former ANC member told the Bethal treason trial yesterday how he broke out of a Swazi police station, jumped the South African border and handed himself over to security police at Piet Retief police station.

Earlier the secret State witness, who is known only as X3, said he still believed in the principles of the Freedom Charter, even years after leaving the outlawed organisation.

X3 was giving evidence against Mr Ebrahim Ismael Ebrahim, Mr Acton

Mandla Maseko and Mr Simon Dladla, who are charged with treason and terrorism.

He said he decided to leave the ANC after an incident which took place between ANC people and Swazi police.

"As a result of that incident I decided within myself that it is now over with the ANC ... I even closed my file."

The event was a shooting incident in which a Swazi police officer died and another man was shot.

X3 said he and three ANC members were arrested and kept in a Swazi police station.

On the same day the ANC men planned their escape, "there was agreement among us that we would leave the ANC".

The men "violently grabbed" and overpowered a policeman and then fled.

They ran through the bush and then hitched a lift on a truck.

After slipping over the border into South Africa they eventually arrived at Piet Retief police station.

At the charge office X3 asked to see a security policeman as he had something "of great importance that I would like to make known to them".

## MERCENARIES

Earlier X3 said ANC "mercenaries" had fought with Mr Joshua Nkomo's forces during the Rhodesian war.

In more recent times ANC men based in Angola had found themselves "involved in battles with Unita", he added.

The hearing continues.

# TV trial report was 'inaccurate'

By Therese Anders  
Highveld Bureau 331

BETHAL — The judge in the Bethal treason trial found yesterday that the SABC's television report of April 28 on the case was "full of inaccuracies, bad reporting and caused embarrassment for all concerned".

But Mr Justice H Daniels said he felt the report had not prejudiced the outcome of the trial and did not warrant further investigation or action.

He said that the night after the report, presenter Chris Olckers telephoned him to apologise for any inconvenience the report might have caused.

Regarding the stories in three Afrikaans newspapers, *Beeld*, *Die Burger* and *Rapport*, for which defence counsel requested a rule nisi with a view to contempt proceedings, the judge said the stories had contained inaccuracies. But they were not of a contemptuous nature and thus did not warrant prosecution.

The hearing continues.

# Judge finds SABC report inaccurate

BETHAL — The judge in the Bethal treason trial yesterday found that the South African Broadcasting Corporation's television report of April 28 on the case was "full of inaccuracies, badly reported and caused embarrassment for all concerned".

Mr Justice H. Daniels, however, said that he felt the report had not prejudiced the outcome of the trial and as such did not warrant further

investigation or action.

He said the night after the report was televised, Mr Chris Olckers, who wrote the report, phoned him to apologise for any inconvenience the report may have caused.

The judge said he had taken into consideration that Mr Olckers had apologised.

Regarding the stories in three Afrikaans newspapers — Die Beeld, Die

Burger and Rapport — over which the defence counsel requested a rule nisi with a view to contempt proceedings, the judge said the stories had contained inaccuracies.

They were not, however, of a contemptuous nature and accordingly did not warrant prosecution.

The judge said he could find nothing wrong with a report in

The Star on the trial which the state prosecutor had alleged might identify a secret state witness.

Last week the prosecutor, Mr Harry Prinsloo, asked the judge to consider if The Star's report had broken the judge's order not to identify former ANC members who were giving evidence against the accused.

The case is proceeding. — Sapa



# Doctors testify on police cells

By Jo-Anne Collinge

Two district surgeons responsible for the medical care of detainees held at Soweto's Protea police station gave evidence in the Rand Supreme Court yesterday in fulfillment of a directive issued at the weekend by Mr Justice R Goldstone.

Details of the evidence given by district surgeons Dr N Jacobson and Dr E Krausey in relation to 24 Protea detainees may not be published, because the emergency regulations prohibit reporting on the treatment or conditions of an emergency detainee until "final judgment" is given.

The doctors' report to the court was delivered during the second of the two urgent applications, in which an interim order restraining the police from assaulting Mr Samuel Seleke Mokgoetsi was sought by the detainee's brother.

The respondents in the matter are the Minister of Law and Order, the commanding officer of Protea, and the Commissioner of the South African Police.

The earlier application, heard on Friday, concerned detainee Mr Abbey Lekoaletsoe.

Counsel for the police, Mr B W Burman extended a formal undertaking issued at the weekend, guaranteeing police would not unlawfully assault Mr Mokgoetsi. The undertaking will hold until the matter is fully argued.

Counsel for Mr Mokgoetsi, Mr Martin Brassey, appealed to the judge to issue an order protecting all detainees at Protea.

Mr Justice Goldstone said he was reluctant to make such an order without hearing full argument.

In the case concerning Mr Lekoaletsoe, an agreement was reached between the parties that the detainee should be admitted to the Johannesburg Hospital where an independent doctor of the family's choice should examine him. He is currently in the neurological unit undergoing tests.

**X** Report Restricted

This report has been restricted because, in terms of the Emergency Regulations, newspapers may not report evidence of the treatment in detention of a detainee until the court concerned has given a final judgment.



# Early release for 6 pupils

Cape Times 25/5/88

By CHRIS STEYN

SIX of the seven Wynberg pupils convicted of public violence in 1985 have been released from Pollsmoor Prison.

The teenagers — who became known as the "Wynberg Seven" — were released on Thursday last week after having served just over 11 months of their year sentences. The seven were escorted to prison by their parents on June 18 last year after losing a year-long battle to stay out of jail.

They were imprisoned after a petition for leave to appeal against their sentences of between one and three years was rejected by the Chief Justice in Bloemfontein.

The six released are: Ms Venetia de Klerk, 20, Ms Dee Dicks, 20, Mr Julian Stubbs, 20, Mr Shoukie Enous, 19, Mr Naasir Masoet, 19, and Mr Igshaan Amlay, 19.

## Family overjoyed

Family of all six said yesterday they were overjoyed at their early release.

The family of Ms Dicks told the Cape Times that they would only comment on her release at a press conference, scheduled for June 1, at which it was

hoped all six would be present to talk about their experiences.

Mr Amlay's mother, Mrs Zuleiga Amlay, yesterday said she was "very, very happy" about her son's unexpected release.

## 'Mixed feelings'

Mr Masoet told the Cape Times that his release left him with "very mixed feelings".

"I have difficulty coping with people. I still have two suspended sentences hanging over my head. I need time to recover," he said.

Mr Enous' mother, Mrs Majeda Enous, said her son had gone back to school to complete his matric. "He was immature when he went inside. But he is very mature now," she said.

Mr Stubbs' sister, Karin, told the Cape Times, that he was "well, but very quiet — we are so pleased to have him back; it is like he was never gone".

Mrs Katie de Klerk said her daughter Venetia had completed matric in prison before starting a Business Management diploma.

Wayne Jordaan, aged 20, who was sentenced to five years, of which two were suspended, is still in jail.



HOME AGAIN... Mr Shoukie Enous reunited with his parents, Mr Ebrahim and Mrs Majeda Enous.

Picture: ANNE LAING



1764) 28/5/88 (331)

COURTS

## 'I'm sorry, comrade,' friend tells Forbes during arrest

Supreme Court Reporter

PETER JACOBS, one of 15 people charged with terrorism, apologised to fellow-accused Ashley Forbes after leading security police to the house where Forbes was arrested, the Supreme Court heard.

Lieutenant William Liebenberg told the court yesterday that Mr Jacobs, who was arrested near an off-course tote in Rylands by other policemen, was seen by him on May 16 last year.

At security police headquarters Mr Jacobs said he would take police to his home in Dunster Road, Athlone, where he had a hand-grenade.

### GRENADE IN A PILLOW

"At the house I pushed Jacobs into a room where I saw someone I recognised as Ashley Forbes lying on a bed," Lieutenant Liebenberg said.

"Jacobs said: 'I'm sorry, comrade,' to Forbes when we entered.

"I pushed Jacobs out of the room. I arrested Forbes and told him it was for a charge of terrorism.

"Jacobs then pointed out a hand-grenade in a pillow on another bed.

"We searched the room and confiscated several documents."

Mr Jacobs, 23, and Mr Forbes, 22, are alleged to have possessed a hand-grenade and several revolutionary documents.

The State alleges that both were members of Umkhonto we Sizwe, the military wing of the African National Congress, and that they planned grenade, limpet-mine and petrol-bomb attacks in the Western Cape.

Other accused in the trial are Nicklo Louis Pedro, 20, Nazeem Lowe, 24, Anwa Dramat, 19, Clement Baadjies, 19, David Johannes Fortuin, 22, Jeremy Alan Veary, 22, Walter Rhooode, 23, Wayne Ingemar Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Clave Martin Petersen, 23, Leon Scott, 29, and Yasmina Pandy, 20.

The case continues tomorrow.

Mr Justice Williamson is on the Bench, with Mr L P Francis and Mr CH van Gend as assessors. Mr W Viljoen and Mr M Stowe appear for the State. Mr M Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appear for the defence.

## 5 years' jail for grenade attack

Argus Africa News Service

WINDHOEK. — An Angolan-born member of the SWA Territory Force, Alo Andre, has been jailed for five years for throwing a grenade into a house in the city's Katutura township.

Three people were injured in the blast, which caused extensive damage to the house.

Mr Justice Hendler said in passing sentence in the Supreme Court that the courts would act strictly against any soldier who used issued weapons to settle personal quarrels.



## Intimidation verdict on Khayelitsha men set aside

**Court Reporter**

**EIGHT** Khayelitsha men found guilty by a Mitchell's Plain magistrate of intimidation have had their convictions set aside by two Supreme Court judges.

They are: Mr Thomas Ngwane, 35, Mr William Moleleki, 38, Mr Ndakusiva Bokova, 31, Mr Bonsile Jonga, 52, Mr Shadrack Nontaza, 34, Mr Nelson Konana, 41, Mr Jackson Jack, 49, and Mr Dickson Maremene, 45.

They were found guilty of intimidating three Khayelitsha women by threatening to

assault and necklace them if they refused to denounce a Crossroads leader who had moved to Khayelitsha.

Two others, Mr James Dumell, 42, and Mr Alfred Matunzi, 43, were acquitted.

The case was referred by regional court magistrate Mr F Botes to the Supreme Court for review.

This week Mr Botes told the eight men and their representatives, Miss S Chetty and Mr Joel Krige, that Mr Justice Fagan and Mr Justice Tebbutt had set their conviction aside.

CAPE TOWN — An application by terrorism accused Ashley Forbes and 14 others for leave to appeal against their conviction and six-month sentences for contempt of court was refused yesterday.

Defence counsel Mr Mike Donen argued that the 15 had not understood that the contempt of court proceedings were separate from the terrorism trial and that

28/5/88 (33)  
**Contempt of court:  
no appeal allowed**

they were entitled to legal representation.

The conviction and sentences were imposed on April 28.

Mr Justice D. M. Williamson said the grounds on which the defence based its appli-

cation were "specious".

He was satisfied each of the accused had understood they would be dealt with summarily if they deliberately made a noise.

While it might be desirable for judicial offi-

cers to inform people of their right to representation, there was no onus on them to do so.

Of the defence counsel's submission that the sentence was "unduly harsh", Mr Justice Williamson said: "The fact remains that the authority and dignity of this court was being scandalously abused."

"I consider the sentence an appropriate one." — Sapa

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a.

# 'Neither alleged nor proved'

IT WAS neither alleged nor proved that trade unionist Moses Mayekiso and his four co-accused had conspired to overthrow the State with the use of violence, it was argued in the Rand Supreme Court yesterday.

This was argued by D Soggot, SC, in an application for the discharge of Mayekiso, Paul Tshabalala, Richard Mdakane, Obed Bapela and Mzwanele Mayekiso on charges of treason and sedition.

All five have pleaded not guilty to the

SUSAN RUSSELL

charges against them which arise from their alleged involvement in the establishment of the Alexandra Action Committee, "organs of people's power" and "people's courts" in 1985-6.

Soggot said the application was being made on the basis that certain legal elements had not been alleged or proved.

Argument continues today.



# Sats case witness on video

By Inga Molzen

A police video of a State witness making a statement on his alleged abduction by striking South African Transport Services workers last year was viewed in the Rand Supreme Court yesterday.

The witness, Mr Albert Phuluwa (34) of Soweto, had been a ticket collector for 10 years with Sats when he was allegedly abducted from Bosmont station by between 16 and 20 people on April 28 last year and taken to the union's former headquarters at Cosatu House in Johannesburg.

Mr Phuluwa is a witness in a case in which 18 South African Railways and Harbours Workers' Union members have plead-

ed not guilty to the murders of four non-striking Sats employees.

They also face charges of attempted murder, abduction, assault, robbery, and intimidation.

The charges arise out of incidents during a strike.

The court refused a State application to have the evidence of Mr Phuluwa heard in camera.

Mr Justice Spoelstra said if defence counsel decided to apply to re-examine Mr Phuluwa regarding the video recording then potentially inadmissible evidence might be made admissible.

The hearing continues today.

'State can't prove men intended to use violence'

# Call to drop charges against Alex five

By Bruce Anderson

Charges of treason and sedition against Mr Moses Mayekiso, former chairman of the Alexandra Action Committee (AAC), and four other men should be dropped, a Rand Supreme Court heard yesterday.

Mr David Soggot, SC, who appears on behalf of the five men, said this was so because the State had failed to allege or prove that the men intended to use violence to overthrow the Government.

He was arguing a defence application before Mr Justice P J van der Walt for the discharge of the five on charges of treason and sedition.

## 19 Randfontein children injured when bus overturns

West Rand Bureau

Nineteen primary school children were slightly injured when a bus carrying 109 children and three teachers overturned in the Krugersdorp Game Reserve yesterday morning.

A West Rand police spokesman said the children, all from Toekomsrus Primary School in Randfontein, were on an educational outing in the Krugersdorp Game Reserve when the bus apparently went out of control and toppled over on a steep bend just outside the lion camp.

The five men — Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mzameni Mdakane (29), Mr Obed Bapela (28) and Mr Mzwanele Mayekiso (22) — have all pleaded not guilty to charges of treason, alternatively sedition, alternatively subversion.

The State alleges that the five, all AAC executive members, attempted to usurp the authority of the State by trying to seize control of Alexandra in 1985 and 1986 by establishing "organs of peoples' power" in the township.

Mr Soggot told the court there should have been an allegation in the indictment that the accused and their organisation set out to overthrow the Government by using violence.

He said there was a single requirement that the State had neither alleged nor proved — which was that the alleged conspirators intended to use violence in some shape or form to overthrow the State.

During Mr Soggot's argument, Mr Justice van der Walt suggested the element of violence might have been implied in the word "overthrow" in the charge sheet.

The judge also suggested there might have been non-constitutional, non-violent means of coercing the Government which could, foreseeably, have led to violence.

Mr Soggot told the judge that the defence team had never understood that violence was a part of the State case. "We say it is not a part of the State case, and if it was, we would have asked for particulars."

Mr Soggot will resume his argument in the application today.

Star 25/5/88  
(33)

**'Lack of discipline and control in riot unit'**

# Policemen found guilty of murder

Star 26/5/88

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**Own Correspondent**

**GRAHAMSTOWN** — Two members of a police riot squad unit which was sent to Cradock last year to monitor an ANC funeral were found guilty yesterday of murdering Mr Mlungisi Stuurman (18).

Warrant Officer Leon de Villiers (37) and Constable David Patrick Goosen (27) were also found guilty of attempting to defeat the ends of justice.

They were acquitted of murdering Mr Andile Plaatjies and of assaulting Mr Zixolisile Goniwe and Mr Michael Qhina because of lack of evidence.

Mr Justice Zietsman, who referred to the "complete lack of discipline and control" in the unit, said there was no doubt De Villiers and Goosen planned and carried out the murder.

## **Severely assaulted**

The court could not accept that Mr Stuurman, who had been severely assaulted in the township at Cradock, was driven 8 km to wash his face in the Fish River and left there to find his way home.

There were other places he could have washed.

Nor could the court accept the defence's contention that Goosen had experienced acute fear as a result of a post-traumatic stress disorder which had led to the shooting.

There was conflicting evidence about the shooting, the judge said.

If Goosen had suffered from stress because of pre-

vious experiences in fighting and combating terrorism it was more likely that this would have manifested itself the previous evening when the unit was in the township and believed terrorists were in the area.

Mr Justice Zietsman said Mr Stuurman had been severely assaulted and had not shown any indication that he was trying to get away, nor was he in a position to be threatening.

De Villiers had been drinking heavily and was under the influence when he decided to take his unit into the township on July 25 last year.

They had no authorisation to go into the township and no check was made on what weapons they were carrying.

In fact there was evidence that De Villiers had told members to take their "moering" weapons with them.

De Villiers was carrying an axe.

People in the streets were assaulted at random.

But police had made every effort to ensure that justice was done when they investigated the case, regardless of the poor publicity for the SAP.

The judge said that neither Goosen nor De Villiers were good witnesses and their evidence was not accepted. There was no doubt they planned and carried out the murder.

They also fabricated the story about an accidental shooting which they had told other members of the unit to corroborate or they could be involved as accomplices.

The hearing continues.



# Defence completes argument

By Bruce Anderson

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The defence advocate who is appearing in the treason trial of Mr Moses Mayekiso, former chairman of the Alexandra Action Committee (AAC), and four other men, yesterday completed arguing a defence application for the discharge of the five on charges of treason and sedition.

Mr David Soggot, SC, completed his argument in the application before Mr Justice P J van der Walt yesterday afternoon.

The five, Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mzameni Mdakane (29), Mr Obed Bapela (28) and Mr Mzwanele Mayekiso (22) have all pleaded not guilty to the charges of treason, alternatively sedition, alternatively subversion.

The State alleges that the five 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".

The hearing continues.

# 'Comrade' led police to Forbes — evidence

CASE TITLED 26/5/88 331

Staff Reporter

A SECURITY policeman told the Supreme Court yesterday that he arrested Mr Ashley Alexander Forbes, the main accused in the ANC terrorism trial, after being taken to his Athlone home by Mr Peter Anthony Jacobs, who was arrested earlier that day.

Captain William Rudolph Liebenberg testified that Mr Jacobs apologized to Forbes for leading the police to him. Capt Liebenberg: "He said, 'I am sorry, comrade.'"

Capt Liebenberg said he opened the door to the Dunster Road room with a key which Mr Jacobs had given him, and found Mr Forbes lying on his bed.

The court heard that police had been hunting Mr Forbes for "a considerable time" in connection with the possession of "a huge quantity of Russian arms".

Mr Jacobs then showed police an

RPG 5 handgrenade, which was hidden in a pillow on his bed in the room which he shared with Mr Forbes.

Capt Liebenberg gave the court details of documents, books, pamphlets, letters and notes found in the room.

A shoebox filled with hair — "for the purpose of disguise"; a tape recording entitled "Love Language"; and The Freedom Charter were also among items confiscated by the security police.

The case was adjourned until tomorrow morning to give defence counsel an opportunity to show the accused the dozens of documents handed in to the court as exhibits.

The accused are: Ashley Alexander Forbes, Peter Anthony Jacobs, Nicko Louis Pedro, Nazeem Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoope, Wayne Ingemar Malgas, Collin Caimcross, Ashraf Kariem, Colin Clave Martin Petersen, Leon Scott and Yasmina Pandey.

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 Mike Stowe, appeared for the state. Mr M Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused.

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Cape Times 26/5/88

## Alleged UDF official in court

### Court Reporter

THE first person known to have been brought to court in connection with furthering the aims of one of the 18 organizations restricted in the government's February crackdown appeared in the Magistrate's Court yesterday.

Ms Fébé Potgieter, 21, of Hyacinth Road, Belhar, a member of the Western Cape regional executive of the United Democratic Front, was not asked to plead. The charge sheet indicates that she may be charged with furthering the aims of a restricted organization.

She was released on warning and the hearing adjourned to July 25.

Mr M J C Tolken was the magistrate. Mr E S Grobbelaar prosecuted. Ms C Burger of E Moosa and Associates appeared for Ms Potgieter.



DEFENCE counsel yesterday applied in the Rand Supreme Court to have the treason and sedition charges against Mr Moses Mayekiso, general secretary of the National Union of Metalworkers of South Africa, and four Alexandra Township civic leaders dropped.

Mr David Soggot, SC, said the State had failed to prove that the accused intended to use violence to overthrow the Government.

He said there should

## Drop charges - Mayekiso lawyer

have been an allegation in the indictment that the accused or the Alexandra Action Committee were set to overthrow the Government.

Mr Soggot said the State had neither alleged or proved that the alleged conspirators intended to use violence in "some shape or form" to overthrow the State. (331)

Appearing before Mr Justice P J van der Walt on charges of treason, alternatively sedition and subversion are Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mr Mzwandile Mayekiso (22).

# INTIMIDATION CONVICTION IS SET ASIDE

THE conviction of eight people on a charge of intimidation was set aside in the Cape Town Supreme Court this week when two judges agreed with a finding by a regional court magistrate that the proceedings had not been in accordance with the law.

Mr Justice Fagan said he agreed with the regional court magistrate's views and his reasons. Mr Justice Tebbutt concurred.

The review is a sequel

to a case in the Mitchell's Plain Magistrate's court when 10 men were charged with intimidation after allegedly threatening three women with assault, injury and necklacing if they refused to denounce a Crossroads leader, a Mr Magula, who had moved to Khayelitsha.

Evidence was that on April 19 the women were

called to a meeting on an open field in Site A, Khayelitsha, and asked why they wanted Mr Magula to be leader of the site.

The men allegedly produced a tyre and a can of petrol and said the women should be tied and the tyre placed around them. The women were released after a group of youths who had been playing soccer arrived to fetch a ball and asked what was happening.

The accused, all of Site

A, were: Mr Thomas Ngwane (35), Mr William Moleki (38), Mr Ndakuziva Bokova (31), Mr Alfred Matunzi (43), Mr Bonisile Jonga (52), Mr James Bumile (42), Mr Shadrack Nontaza (34), Mr Nelson Konana (41), Mr Jackson Jack (49), and Mr Dickson Makemene.

The regional court magistrate said he could not agree with the magistrate that the men acted together and in common purpose. — Sapa.

Sowetan 26/5/88

(331)

# Defence objects

DEFENCE counsel objected in the Rand Supreme Court yesterday to the screening by SABC-TV of a video recording showing the identification of two men in the trial of 18 South African Railways and Harbours Workers Union members.

Raising his objection, Mr Martin Luitingh said this was a "sensitive issue". The use of the picture was improper and pre-judicial in that likely State witnesses

would now know what the two men looked like.

Mr Luitingh asked the judge to make a directive against the use of such material involving the trial.

The video on the TV 8pm newscast showed a State witness, Mr Albert Phuluwa wearing a

balaclava and blue overalls pointing out two men at an identification parade in Cosatu House on April 29 last year.

The identified men are among the 18 Sarhwa

members appearing before Mr Justice T T Spoelstra and two assessors on charges relating to a strike by South African Transport Services employees.

They have pleaded not guilty to five counts of abduction, four of murder, one of attempted murder, four of assault with intent to do grievous bodily harm, two of robbery with aggravating circumstances and another of intimidation.

CAT 7/11/85  
26/5/85  
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## SABC's Olckers criticized again

JOHANNESBURG. — SABC-TV's news coverage of the South African Railways and Harbours Workers Union trial, in which 18 of its members are facing charges of murder, was criticized as "prejudicial" in the Rand Supreme Court yesterday.

The objections to a report on Tuesday night by television news reporter Mr Chris Olckers was brought to the attention of Mr Justice T T Spoelstra and his two assessors at the start of yesterday's proceedings.

Mr Martin Laitingh, who appears on behalf of a number of the accused, objected to the identification of two of the accused on film footage — obtained from a video recording made by the police — of a State witness making his statement last year.

During the prime time coverage of the trial, two of the accused were shown as having been identified by a former ticket collector, Mr Albert Thuluwa, who was allegedly abducted and assaulted for his non-participation in the SA Transport Services strike last year.

The union's former regional secretary, Mr Johannes Ngcobo, and his 17 co-accused have pleaded not guilty to four charges of murder, one charge of attempted murder, five charges of abduction, four charges of assault, two charges of robbery and a charge of intimidation.

"Their identities were shown to all and sundry. This trial is one where identity of the accused is crucial and the weight of any evidence still to be led has been affected," said Mr Laitingh.

He said the coverage may have defeated the ends of justice, and "was not only an offence but contrary to fair play". He added that the exposure of the identity of the accused to potential State witnesses still to lead evidence "is dangerously close to being improper". — Sapa



# Freed detainee appears in court

Argus 26/5/88 (331)  
Court Reporter

A THIRD-year University of the Western Cape law student, Miss Fébé Charlene Potgieter, released on Tuesday after 54 days in detention, has appeared in Cape Town Magistrate's Court.

No charge sheet was available when she appeared yesterday and Miss Potgieter, 21, of Hyacinth Road, Belhar, was warned to appear again on July 25.

The matter will be referred to the Attorney-General.

Mr M C Tolken was on the Bench. Miss Potgieter was represented by Miss Christine Burger of E Moosa and Associates.

By JO-ANN BEKKER

Applying for the discharge of the Alexandra community leader and his four colleagues at the end of the state's case, he said violence was an essential element of treason.

Soggot quoted from sources ranging from Roman writers — who recorded the wearing of purple as defiance of authority — to modern authors to support his premise that there were two distinct types of treason: associating with a foreign enemy and violent rebellion.

Mayekiso, 38, his younger brother Mzwanele Mayekiso, 22, Paul Tshabalala, 38, Richard Mdakane, 29, and Obed Bapela, 28, all face charges of treason and alternate charges of subversion and sedition.

version and sedition. Their alleged conspiracy involved the Alexandra Action Committee — to which all five trialists allegedly belonged — and youth, civic and women's groups in the Johannesburg township. It also involved the Congress of South Africa Trade Unions, the African National Congress and the South African Communist Party, and persons who "propagate the subversion of the state" by the formation of "organs of people's power".

The five are charged with seizing control of Alexandra and making it ungovernable by the state; establishing organs of people's power; forming the Alexandra Action Committee; organising residents into yard, block and street committees; forming people's courts, and forming the "marshalls" to exert discipline.

They are also charged with launching a campaign against the police, defence force and Alexandra Town Council and launching a rent and consumer boycott.

Justice PJ van der Walt asked if violence was not implicit in overthrowing the state with hostile intent. Soggot said whatever ambiguity there might be in the word "overthrow" was neutralised by the indictment and particulars supplied by the state — which made no mention of violence.

The judge asked about the conspiracy with the ANC — “surely to a great degree their acts involve violence”. Soggot said the ANC was one of a “constellation of conspirators” but “the fact that the ANC has a history of violence does not mean we (the trialists) are involved in violence”.

C Human, for the state, argued that if violence was implicit in the crime of treason, it was not necessary to spell it out in the indictment. He also attacked Soggot's argument by quoting legal authorities who did not regard violence as an essential element of treason.

Justice Van der Walt suggested one way the state could respond to the defence application would be to reframe the indictment. He said Sogot's argument was "novel and interesting". But he said "we are not busy with games here, it is a serious criminal matter".

The application was postponed until next Thursday.

# Policeman tells of bugged rooms

By VUSI GUNENE  
in Bethal

THE hotel rooms of Bethal treason accused Ebrahim Ismail Ebrahim were bugged by security police on a number of occasions. *W. Mene*

Warrant Officer Nick Deetlefs told the court yesterday how he bugged rooms in Durban and Johannesburg where Ebrahim and Helene Passtoors were staying. *27/5-26/88*

He said Passtoors had fled from one bugged flat in Yeoville to another — also allegedly bugged.

Deetlefs told the court that he followed both Passtoors and Ebrahim from Johannesburg to Durban where he bugged a room at the Blue Waters Hotel.

Passtoors is serving a 10-year sentence for treason. Ebrahim and two others, Mandla Maseko and Simon Dladla, are facing charges of treason, attempted murder and terrorism.



# Charges not valid, <sup>AKG 43</sup> defence <sup>5-7/5/88</sup> tells court <sup>331</sup>

Court Reporter

TWO people arrested for allegedly publishing and distributing subversive statements last year could not be charged because the 1986 emergency regulations had expired, their counsel submitted in Cape Town Regional Court.

Ms Shafika Isaacs, 21, of Goliath Street, Kensington, and Mr Vernon Ashley Bryant, 22, of Willow Road, Observatory, have not yet been asked to plead to the charges under the 1986 emergency regulations.

## ARRESTED

Mr L Rose-Innes said the regulations promulgated on June 12 1986 expired on June 12 1987. Ms Isaacs and Mr Bryant were arrested on May 4 1987 and appeared in court on May 18.

Mr J K Rossouw, for the State, argued that the new regulations, promulgated at midnight on June 11 1987, replaced the old regulations.

The magistrate, Mr P M A Louw, postponed the hearing to June 8.

Mr Rose-Innes was instructed by Bernardt, Vukic and Potash.

# Charge against Alex 5 'cannot be sustained'

steer 27/5/68

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By Bruce Anderson

Defence argument in an application for the discharge of Mr Moses Mayekiso and four other men on charges of treason and sedition was "novel and interesting", a Rand Supreme Court judge said yesterday.

Shortly after Mr Chris Human, SC, who appears for the State, had begun replying to the defence application, Mr Justice P J van der Walt put the defence argument to him.

The judge said that defence advocate Mr D.H Soggot, SC, had argued that violence was a necessary component in a charge of treason and, since violence was not alleged in the indictment, the charge could not be sustained.

The five men, Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mda-kane (29), Mr Obed Dapela (28) and Mr Mzwanele Mayekiso (22) have all pleaded not guilty to charges of treason, alternatively sedition, alternative-

ly subversion.

They were all executive Alexandra Action Committee (AAC) members.

Mr Justice van der Walt said it was possible to raise objections to alleged deficiencies in an indictment at the end of the State's case.

It was also possible, he said, for the State to cure alleged deficiencies in the indictment by evidence.

Mr Human suggested that a State application to amend the indictment might be a second way of rectifying any alleged deficiencies in the document.

Mr Justice van der Walt told Mr Human that Mr Soggot had submitted that it was not sufficient for the State to just allege a conspiracy between the AAC and the ANC. Instead, Mr Soggot had submitted, that "somewhere in the list of allegations the element of violence must come forward".

The case was postponed until June 2.

## Trial of railwaymen takes surprise turn

# Man in witness box refuses to testify

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By Inga Molzen

A man called as a State witness yesterday refused to testify during the Rand Supreme Court trial of 18 members of the South African Railways and Harbours Workers Union.

The trial, in which the former regional secretary of the union Mr Johannes Ngcobo is among those charged with murder and abduction arising from last year's three-month-long railway strike, took a surprise turn when the State's fourth witness for the day shook his head as he was about to be sworn in.

The court had heard that the man to be called, Mr Wilson Mabasa, had been detained under section 185 of the Criminal Procedure Act.

A person may be detained under this section of the Act if the Attorney-General decides, from information placed before him, that it is necessary for the personal safety of the witness, or if he is likely to abscond, be tampered with or intimidated.

### ABDUCTION AND MURDER

The 18 accused, in custody for more than year, have pleaded not guilty to kidnapping, murder, attempted murder, intimidation, assault and robbery.

The State alleges that from March 13 to April 28 last year they conspired and acted in common purpose to encourage, incite or intimidate non-striking employees of the South African Transport Services (Sats) to withhold their services.

The accused are charged with the abduction and murder of Mr Vhulani Joseph Malaundzi, Mr Kati John Sebopelom, Mr Mulatelo Petrus Moremane and

Mr Jerry Rudolph Goodman.

Further, it is alleged they abducted and attempted to murder a ticket collector, Mr Albert Phuluwa, who told the court of his escape from Prolecon, where the grisly remains of four other former railway employees were found on April 28 last year.

During yesterday's proceedings Mr Brink Ferreira, appearing for the State, asked the court to warn Mr Mabasa that he was a possible accomplice but could be granted indemnity from prosecution if he gave evidence satisfactorily.

A court interpreter told Mr Justice T T Spoelstra that Mr Mabasa wanted to see a lawyer.

Mr Ismail Semanya, of Cheadle Thompson & Hayson, said he wished to consult with Mr Mabasa.

Accompanied by a policeman, Mr Semanya spoke to Mr Mabasa for about half-an-hour outside the courtroom but the court heard that he needed more time for consultation.

Captain G C F Smuts of the Security Branch said that during a photograph identity parade in July last year another witness, Mr Phuluwa, identified a man who had abducted him from Bosmont station, where he worked; a man who had assaulted him and four others in a hall; a man who had worn a Cosatu T-shirt.

Captain Smuts was unable to comment on an observation by Mr E Dane, who appears for a number of the accused, that all except one of the accused were represented in the photograph album which contained both black-and-white and colour photographs of people.

The hearing was postponed until today.



# 'Subversive pamphlets' couple brought to court

cap 7/12/65 27/5/88 331  
Court Reporter

AN ADVOCATE yesterday argued in the Cape Town Regional Court that his clients, who face charges of publishing and distributing subversive statements, could not be prosecuted under expired emergency regulations.

Mr Les Rose-Innes, counsel for the defence, was arguing in the appearance of Miss Shafieka Isaacs, 21, of Goliath Street, Kensington, and Mr Vernon Bryant, 23, of Willow Road, Observatory, who have not been asked to plead.

The two were detained for about two weeks after their arrest on May 4. The charge sheet indicates that they may be charged with contravening the Public Safety Act by publishing and distributing subversive pamphlets in Woodstock on May 4 last year.

The alleged subversive statements are: "Forward to Socialism", "Unban the ANC", "Defend Cosatu" and "Build a Mass ANC".

Mr Rose-Innes said the two were facing charges in terms of the emergency regulations which "owe their existence to the Public Safety Act". The particular regulations expired on June 11 last year, nullifying grounds for prosecution.

He said a state of emergency was limited to a year — unless withdrawn before the expiry date. The emergency regulations would automatically lapse with the lifting or expiry of the state of emergency.

The current state of emergency started at midnight on June 10/11 while the first ended at midnight on June 11/12 thus, for 24 hours, there were two states of emergency.

The current emergency regulations "are retrospective for four days — which still does not reach the date of the offence — and the state is not entitled to prosecute on the grounds the expired emergency regulations".

The prosecutor, Mr J K Rossouw, said two states of emergency could not exist at the same time as it would have no effect. He submitted that there had been no expiry of the regulations and the current current state of emergency started immediately after the old one.

At no time "was there no state of emergency, therefore the regulations can apply as they are the same as the old ones and merely have different numbers".

The hearing was adjourned to June 8 for the magistrate, Mr P M A Louw, to make a decision.

Mr Rose-Innes was instructed by Mr CS Kahanovitz.

~~crisis times 2/15/86~~  
**Mayekiso  
charge 331  
violence a  
possibility**

Own Correspondent

JOHANNESBURG. —

The indictment charging trade unionist Mr Moses Mayekiso and four others with treason did not exclude violence as a possibility, as it alleged they had conspired with the ANC — which included violence as part of its strategy.

This argument was put before Mr Justice van der Walt by counsel for the State, Mr A C Human SC, in the Rand Supreme Court yesterday.

Mr Human was arguing against an application for the discharge of Mayekiso and his co-accused on charges of treason and sedition.

Mr Mayekiso, Mr Paul Tshabalala, Mr Richard Mdakane, Mr Obed Bapela and Mr Mzwanele Mayekiso have all pleaded not guilty.

The charges against them arise from their alleged involvement in the establishment of the Alexandra Action Committee, "organs of people's power" and people's courts in 1985-86.

Counsel for the five, Mr D Soggott SC, has argued that violence was a necessary element of treason and nowhere had it been alleged or proved that his clients had intended to overthrow the State with the use of violence.

During Mr Human's argument, Mr Justice van der Walt said Mr Soggott's argument was a novel and interesting one which he had argued persuasively at this stage.

Mr Human said he did not see the necessity of spelling out in the indictment that violence was an inherent element of treason.

Mr Human said the accuseds' alleged acts did not have to contain an element of violence.

# SATS TRIAL DRAMA

By MANDLA  
NDLAZI

THE trial of the 18 Sarhwi members took a dramatic turn in the Rand Supreme Court yesterday when a State witness entered the witness box and refused to testify.

The witness, Mr Wilson Mabaso, told the court that he wished to consult with his advisor, Mr Ishmael Semenya, first. He was given the opportunity when the case was adjourned until today.

Earlier, Mr Albert Phuluwa told the court that he could not be specific on who abducted him from his place of work in Bosmont, assaulted him in Cosatu House and later took him to a bush where he managed to escape from his captors.

The evidence was

given at the trial of 18 members of the South African Railway and Harbours Workers' Union appearing before Mr Justice T T Spoelstra and two assessors.

They have pleaded not guilty to five counts of abduction, four of murder, one of attempted murder, four of assault, two of robbery and a charge of intimidation.

Mr C B Ferreira, appearing for the State, has told the court that one of the accused, Mr Jacob Mmatloa (33), started the strike in March last year.

Cross-examined by defence counsel, Mr Eric

Dane yesterday, Mr Phuluwa said the first of the eleven men he had pointed out at an identification parade in Cosatu House on April 29, last year, was wearing a white hat. He said the man was among those who abducted him from his work place in Bosmont.

He said he could not remember talking to anybody, not even the police when he identified the men.

He said he could not specify what each of the men he identified did. He could not remember the police or investigating officer who questioned him. What he remembered, he said, was that they were all white police officers.

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## State indictment links treason with violence

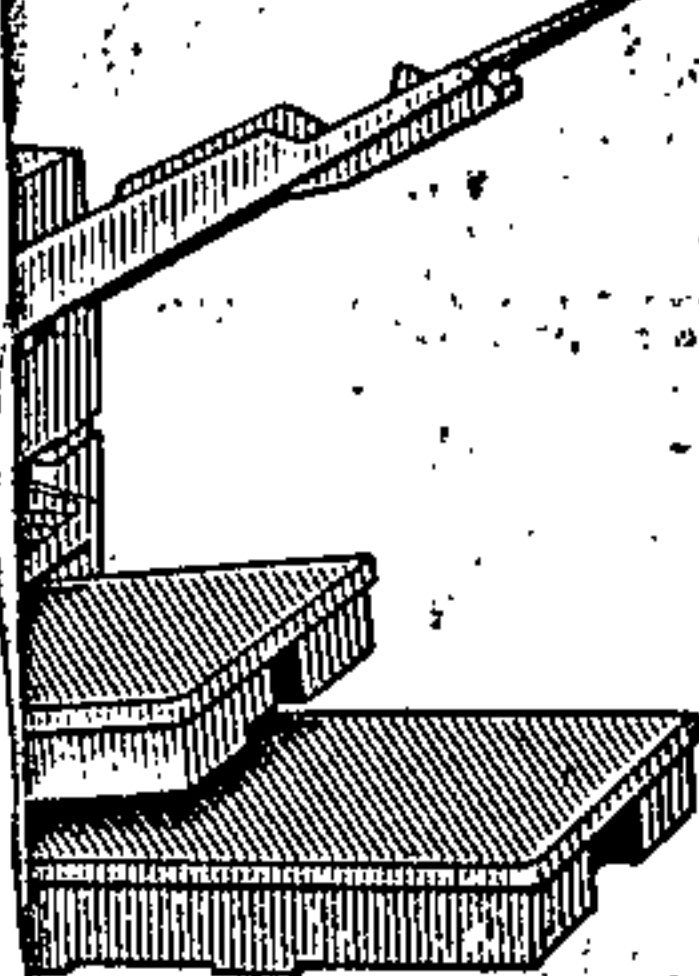
8/10/78 215188 SUSAN RUSSELL (33)

THE indictment "charging trade unionist Moses Mayekiso and four others with treason did not exclude violence as a possibility because it alleged they had conspired with the ANC.

This argument was put before Mr Justice van der Walt by counsel for the State, A C Human SC, in the Rand Supreme Court yesterday.

Counsel for the five, D Soggott SC, argued that nowhere had it been alleged or proved that his clients had intended to overthrow the State with the use of violence. The trial continues on Thursday.

# U.S.A.



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Picture: ANDREW INGRAM

**FREE AGAIN:** Celebrating their freedom are five of the "Wynberg Seven": In front, Dee Dicks and Venecia de Klerk; and back, from left, Showqie Enous, Julian Stubbs and Naasir Masoet. They were convicted of public violence in 1985 and have served 11½ months in Pollsmoor Prison. They lost a year-long battle to stay out of jail when the Chief Justice rejected their petition for leave to appeal against their sentences last June. Another member of the group, Igsaan Amley, has also been freed. But the seventh member, Wayne Jordaan, is still serving a three-year term.



# 'SADF threw tearsmoke into bus' 321

By Paul Olivier

A bus driver alleged in the Johannesburg Civil Court yesterday that a tearsmoke canister had been lobbed into his vehicle — while it was carrying University of the Witwatersrand students — by an SADF member after a May Day rally in Soweto.

He also claimed that the students were held at

gunpoint while being searched. *Star 27/5/86*

Mr Stuurman Peto was testifying in a case in which 52 students are claiming damages against the Minister of Defence.

The students say their bus was stopped in Soweto and tearsmoke lobbed into it after they had obeyed an order to disembark.

They also say members of the SADF held them at gunpoint and forced them back into the bus before the tearsmoke had dissipated.

They claim that some of them "suffer from asthma which was aggravated by the tearsmoke".

In a statement the respondents admitted using tearsmoke but denied that it was thrown into

the bus. They also denied holding the students at gunpoint and forcing them back into the bus before the tearsmoke had dissipated.

They said the bus was stopped to be searched for unlawful literature, and the students had refused to obey an order to disembark.

Mr Peto told magistrate Mr M P Prinsloo that when his bus was stopped "a soldier came to the door and knocked on it with his rifle.

"I opened it and he entered and ordered everybody out. As the students were leaving, a canister was thrown inside. I lost consciousness because of the smoke and found myself outside on the grass."

Mr Peto claimed that after being ordered back on the vehicle he had to drive with the window open because there were still fumes in the bus.

The hearing continues.



## Security police 'would not use violence' — evidence

Supreme Court Reporter

SECURITY police would not use violence or threaten detainees with violence because that would be illegal, a security policeman told the Supreme Court yesterday.

This was said under cross-examination by Captain William Rudolph Liebenberg in the terrorism trial of Ashley Forbes and 14 co-accused.

Mr Michael Donen, defence counsel, told Capt Liebenberg that Forbes would say that shortly after his arrest his pants and underpants had been pulled down to his ankles, his coat and shirt had been unbuttoned and his T-shirt had been pulled over his head.

Mr Donen said Forbes alleged that a security policeman, Warrant Officer Jeff Benzien, had ordered him to lay on the floor, placed his foot on his back, pulled a wet cloth tightly over his head and asked him about weapons.

The wet cloth had smothered Forbes and caused him to lose con-

sciousness and was loosened either to ask him questions or allow him to regain consciousness.

Mr Donen said Forbes would say that this procedure was followed on three separate occasions and that on another occasion W/O Benzien told him: "I'll take you to the verge of death as many times as I want to."

All this led to Forbes disclosing his identity and admitting to possessing a handgrenade.

Captain Liebenberg denied all the allegations and said Forbes had never been tortured in his presence.

During his interrogation Forbes had either withheld information or had given information in "bits and pieces".

At the time of his arrest Forbes had been warned that he was not compelled to answer questions.

The hearing continues on Wednesday.

Mr Justice D M Williamson was on the bench. Mr C H van Gend and Mr L P Francis were the assessors. Mr C W Viljoen, assisted by Mr Mike Stowe, appeared for the State. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Fonn, appeared for the accused.

# Soldier threw teargas into bus, court told

SA 39/5/84 By Duncan Guy

A former Wits University student, Mr Stephen Pearce, told a Johannesburg Civil Court magistrate on Friday that he kicked open the rear window of a bus after a teargas canister was thrown in by an SADF man.

Mr Pearce and 51 others are claiming damages from the Minister of Defence.

Mr Pearce said that when he got out of the bus after a May Day rally in Soweto he thought he was going to be shot.

"Then I saw another student falling out the window and ran to catch her. If I hadn't she would have fallen on her head."

Under cross-examination by Mr N van der Walt, for the Minister of Defence, Mr Pearce denied that subversive pamphlets had been burnt shortly before the teargas incident. He said students had burnt paper to combat the teargas.

He denied passengers had displayed black power salutes to "make trouble with the army".

They had been singing at the rally and giving the salutes, when there was no SADF, and carried on in the bus.

Ms Leane Bricker testified she was told that passengers giving black power salutes should expect to be tear-gassed.

The case was postponed to a date still to be set.

# Mayekiso case resumes Wednesday

THE trial of Mr Moses Mayekiso, general-secretary of the National Union of Metal Workers of South Africa and four civic leaders, will be resumed in the Rand Supreme Court on Wednesday.

The trial was adjourned after Mr Chris Human, SC, for the State, had replied to the defence argument for the discharge of the accused on the charges of treason and sedition.

The five accused, Mr Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mdakane (29), Mr Obed Bapela (28) and Mr Mzwandile Mayekiso

(22) are appearing before Mr Justice P J van der Walt on charges of treason, alternatively sedition and subversion. They have pleaded not guilty.

The State alleges they 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" and "people's courts" in the township.

In his application for a discharge on the charges of treason and sedition defence counsel David Soggot, SC, submitted that violence was a necessary component in

a charge of treason and since violence was not alleged in the indictment, the charge could not be sustained.

The judge said the defence argument in the application for a discharge on the charges of treason and sedition, was "novel and interesting."

## Cure

The judge said it was possible to raise objections to alleged deficiencies in an indictment at the end of the State's case. He said it was also possible for the State to cure alleged deficiencies in the

indictment by evidence.

Mr Human suggested that a State application to amend the indictment might be a second way of rectifying any alleged deficiencies in the document.

The judge also told Mr Human that Mr Soggot had submitted that it was not sufficient for the State to just allege a conspiracy between the Alexandra Action Committee and the African National Congress. Instead Mr Soggot had submitted that "somewhere in the list of allegations the element of violence must come forward."

19/5/03

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# SARHWU witness gets chance to consult lawyers

331

Southern 30/5/88

THE man who refused to testify in the trial of 18 members of the South African Railways and Harbours Workers Union has been given an opportunity to consult his legal advisers.

Mr Justice T T Spoelstra, sitting with two assessors, adjourned the case to next Monday, to give the witness, Mr Wilson Mabaso, time to consult with his lawyers.

When he refused to testify last Thursday the court had heard that he had been detained under Section 185 of the Criminal Procedure Act. A person may be

detained under this section of the Act if the Attorney-General decides, from information placed before him, that it is necessary for the personal safety of the witness, or if he is likely to abscond, be tampered with or intimidated.

Before the drama on Thursday, Mr C B Ferreira, appearing for the State, had asked the court to warn Mr Mabaso that he was a possible accomplice but could be granted indemnity from prosecution if he gave evidence satisfactorily.

Earlier, Mr Albert Phuluwa, had told the packed court that he

could not be specific on who had abducted him from his place of work in Bosmont, assaulted him at Cosatu House and took him to a bush where he later managed to escape from his captors.

Mr Phuluwa was being cross-examined by defence counsel, Mr Eric Dane, who is representing some of the accused in the trial of 18 SARHWU members appearing on charges relating to the strike on the Witwatersrand by South African Transport Services workers between March 13 and April 28 last year.

They have pleaded not guilty to five counts of

abduction, four of murder, one of attempted murder, four of assault with intent to do grievous bodily harm, two of robbery with aggravating circumstances and one charge of intimidation.

Under cross-examination, Mr Phuluwa said the first of the 11 men he had pointed out at an identification parade in Cosatu House on April 29 last year, wore a white hat. He said the man was among those who abducted from his

work place in Bosmont.

Mr Phuluwa said he could not remember talking to anybody, not even the police, when he identified the men. He said he told the police that he was abducted from his work place, taken to Cosatu House where he was kept under guard and later assaulted, before being taken to a bush where he escaped.

He said he did not remember discussing the case with anybody, not even the police.

## Union man's conviction set aside

### Supreme Court Reporter

A SOUTH AFRICAN Railways and Harbours Workers Union (Sarhwi) organiser, convicted of making a subversive statement in a speech at Stellenbosch University in April last year, has had his conviction and sentence set aside on appeal in the Supreme Court.

Mr Morris Tshililo Khwidzhili, 36, of Kazerne, Jeppe, in Johannesburg, was fined R1 000 (or one year) by Stellenbosch magistrate Mr G S Claasen on October 6 last year. Half the sentence was suspended for five years.

He was found guilty in terms of the media regulations.

The basis for the conviction was that Mr Khwidzhili addressed students on the subject of the South African Transport

Services (Sats) strike in Johannesburg and encouraged them to support it.

Mr Claasen found that he had tried to influence people in an "emotional, aggressive and subversive way".

### "NO FREEDOM"

Mr Claasen said Mr Khwidzhili had said: "Police and soldiers were sent with guns. When they met the people, they shot them, teargassed them, hit them with stones. But we know there is no freedom without blood. We are heading for freedom... we are dying for the truth and our rights".

The magistrate found that Mr Khwidzhili acted with aggression and subversively when urging students to write to (Transport) Minister Eli Louw

asking "why he had killed innocent black people".

However, yesterday Mr Justice Berman, with Mr Justice Nel concurring, set aside Mr Khwidzhili's conviction and sentence on the basis of evidence by a Sats labour relations official called as a witness by the magistrate in the original trial.

The witness, Mr Phillip Bekker, told the trial court that the strike had ended on April 22, two days before the Stellenbosch University speech.

Mr Justice Berman found that Mr Khwidzhili could not have encouraged support for a strike which had ended.

Mr T Prins appeared for the State. Mr S Desai, instructed by E Moosa and Associates, appeared for Mr Khwidzhili.

## Killer blast at resort: Two on murder charges

MCUS 31/5/88 331  
UMTATA: — Two men appeared on two charges of murder and one of terrorism in the Transkei Supreme Court here after a bomb blast at the Wild Coast Sun, Mzaba, on April 18 1986 in which two people died and three were injured.

Mr Ndibulele Ndzamela, 23, and Mr Phumzile Mayaphi, 30, pleaded not guilty.

The State alleges Mr Bhekinkosi Moffat Ntakane was injured in an explosion in one of the toilets and died on the way to hospital. The blast also killed a Durban youth, Thomas Hudson.

The accused are also charged with causing damage of R130 000.

It is alleged both men received military training in Lesotho, Angola, Zambia and East Germany from August 1981 to December 1985.

The State alleges that during December 1986 Mr Ndzamela was found in possession of five handgrenades, a gun and ammunition. — Sapa.



# Convicted ANC assassin sentenced to hang

DURBAN — An African National Congress terrorist who shot dead a man thought to be a police informer, has been sentenced to death in the Zululand District Circuit of the Supreme Court in Stanger. ~~47~~

The man, who said he had been trapped into joining the ANC, was also sentenced to eight years' jail for terrorism. 331

Mandla Mngomezulu (25) of Ingavuma, who told the court that he was arrested in Swaziland, said he had killed his victim on the instructions of the ANC in May last year.

The body was hidden and found only in August.

Mngomezulu said that if he had refused to carry out the killing it might have endangered his own life.

He said that when he was recruited he thought he was joining the Swazi army and was trapped into joining the ANC.

Mngomezulu told the court that in 1986, after he was tricked into joining the ANC, he underwent military training in Angola.

He returned to the Ingwavuma area with instructions to recruit people to the ANC and to undergo similar training.

He admitted recruiting people and, with the help of a man named Jabulani, hiding AK47 rifles near his and Mr Jabulani's respective homes.

Mngomezulu has applied for leave to appeal against the decision that there were no extenuating circumstances. Star 31/5/88

# TOTALITARIANISM - POLITICAL TRIALS

1988

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## Organiser's conviction quashed

CAPE TOWN — A South African Railways and Harbours Workers Union (Sarhu) organiser convicted of making a subversive statement in a speech at Stellenbosch University last year has had his conviction and sentence set aside on appeal in the Supreme Court.

Mr Morris Tshililo Khwidzhili (36) was fined R1 000 (or one year) by a Stellenbosch magistrate last year. Half the sentence was suspended for five years.

He was found guilty in terms of the media regulations.

The basis for the conviction was that Mr Khwidzhili, addressing students on a Sats strike in Johannesburg, en-

couraged them to support it.

The magistrate quoted Mr Khwidzhili as saying: "Police and soldiers were sent with guns. When they met the people, they shot them, tear-gassed them, hit them with stones. But we know there is no freedom without blood. We are heading for freedom. We are dying for the truth and our rights."

Yesterday Mr Justice H Berman, with Mr Justice Nel concurring, set aside Mr Khwidzhili's conviction and sentence after hearing that the strike had ended on April 22, two days before the Stellenbosch University speech. — Sapa.



11 treason (331)  
accused on  
hunger strike

CAPE TOWN — Eleven people on trial for treason have gone on hunger strike in protest against conditions in Cape Town's Pollsmoor prison, relatives said yesterday.

Mr Leslie Yengeni, father of one of the accused, said the 11 began an indefinite hunger strike on Tuesday.

The Prisons Service had no immediate comment.

The 11 are charged with conspiring to further the aims of the ANC.

According to a document sent by their lawyers to the Commissioner of Prisons, the 11 are demanding to be kept together on a non-racial basis and to be treated equally. — Sapa-Reuter.



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11645 2/6/88 (331)

# Schoolgirl fined R200 for attending illegal gathering

## Court Reporter

A 17-YEAR-OLD Nyanga schoolgirl has been fined R200 (or 100 days) for attending an illegal gathering in central Cape Town two years ago.

The girl, who is in standard 5, wept after being convicted in the Cape Town Magistrate's Court yesterday, saying she had not known what she was doing was against the law. She pleaded not guilty.

Captain Hendrik de Wet Oosthuisen told the court he had information that a group of students and others were planning to deliver a petition to the State President on June 10 1986.

When the crowd arrived in the city bearing placards and "screaming", he gave the order to disperse, in both official lan-

guages, quoting the section, clause and Act they were contravening.

He told the court he noticed the girl, wearing a red jersey, singing, dancing and waving a placard bearing a photograph of Nelson Mandela.

Captain Oosthuisen said that later, after a group of people had been arrested, he again saw the girl and ordered her arrest.

## PAMPHLET

The girl told the court through an interpreter that a "madam" whose name was Jenny and who lived in Observatory, gave her a pamphlet with the picture of Nelson Mandela and asked her to join others on the corner of Wale and Adderley Street.

She said she was singing

*Nkosi Sikelel' iAfrica* with about 150 people and when police told them to disperse she walked away.

She said she was on her way to the railway station when she was arrested.

The girl told the court the jersey she was wearing that day was white, not red.

In reply to a question from the magistrate, Mr M J C Tolken, the girl said she was not at school that day because she did not have books.

Mr Tolken said he accepted "to a degree" that a white woman had persuaded her to take part in the gathering.

"It looks as if the instigators are not always of one race group only," he said.

Mr E S Grobbelaar appeared for the State.

# Forbes: 'Details' found in rubbish

CAT TIPS 2/6/88

331

## Supreme Court Reporter

A SECURITY policeman told the Supreme Court yesterday he had found shredded pieces of paper in a rubbish bag which had revealed details of a hiking club, guard duty, discipline and command systems.

The find was made by Warrant Officer Jeff Benzien in a raid on the house where Mr Ashley Forbes was staying.

He was testifying in the terrorism trial of Mr Forbes and 14 co-accused.

Describing the events which led to Mr Forbes' arrest, WO Benzien said that Mr Peter Anthony Jacobs had been arrested on May 16 last year. During interrogation he had been evasive and had "clearly been playing for time".

WO Benzien said police knew that trained people kept their rendezvous with colleagues or had "cut-off times".

When a cut-off time is reached and a person fails to make the rendezvous, the other person is supposed to get away, he explained.

## Entered the office

After Mr Jacobs' arrest, police had removed his watch and set their watches two hours ahead to beat the cut-off time and confuse Mr Jacobs.

When their watches said 4pm, WO Benzien entered the office where Mr Jacobs was being held and told them it was 4pm and that he was going home.

"When the accused heard that, he spontaneously told us he was going to show us where he lived."

Police went to a house in Dunster Road, Athlone, where they found Mr Forbes lying in bed. He was forced to the ground, handcuffed and his feet tied.

A handgrenade was found in a pillow case and a plastic bag of kitchen refuse confiscated.

WO Benzien threw the contents on the floor and found shredded pieces of paper which were later reconstructed to reveal information.

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 C W Viljoen, assisted by Mr Mike Stowe, appeared for the state. Mr Michael Dohen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused.



# Treason accused 'on hunger strike'

Staff Reporter

ELEVEN people awaiting trial in Pollsmoor Prison on treason charges are on a hunger strike, according to relatives.

They are Mr Tony Yengeni, Mr Michael Lum-bambo, Mr Mbutu Nduku, Mr Wellington Nkwandla, Mr Mthetseleli Titana, Mr Gary Kruser, Mr Sitlabocha Mahale, Mr Alpheus Ndude, Miss Jennifer Schreiner, Miss Lumka Nyamza and Mr Christopher Giffard.

They are due to appear in court on July 5.

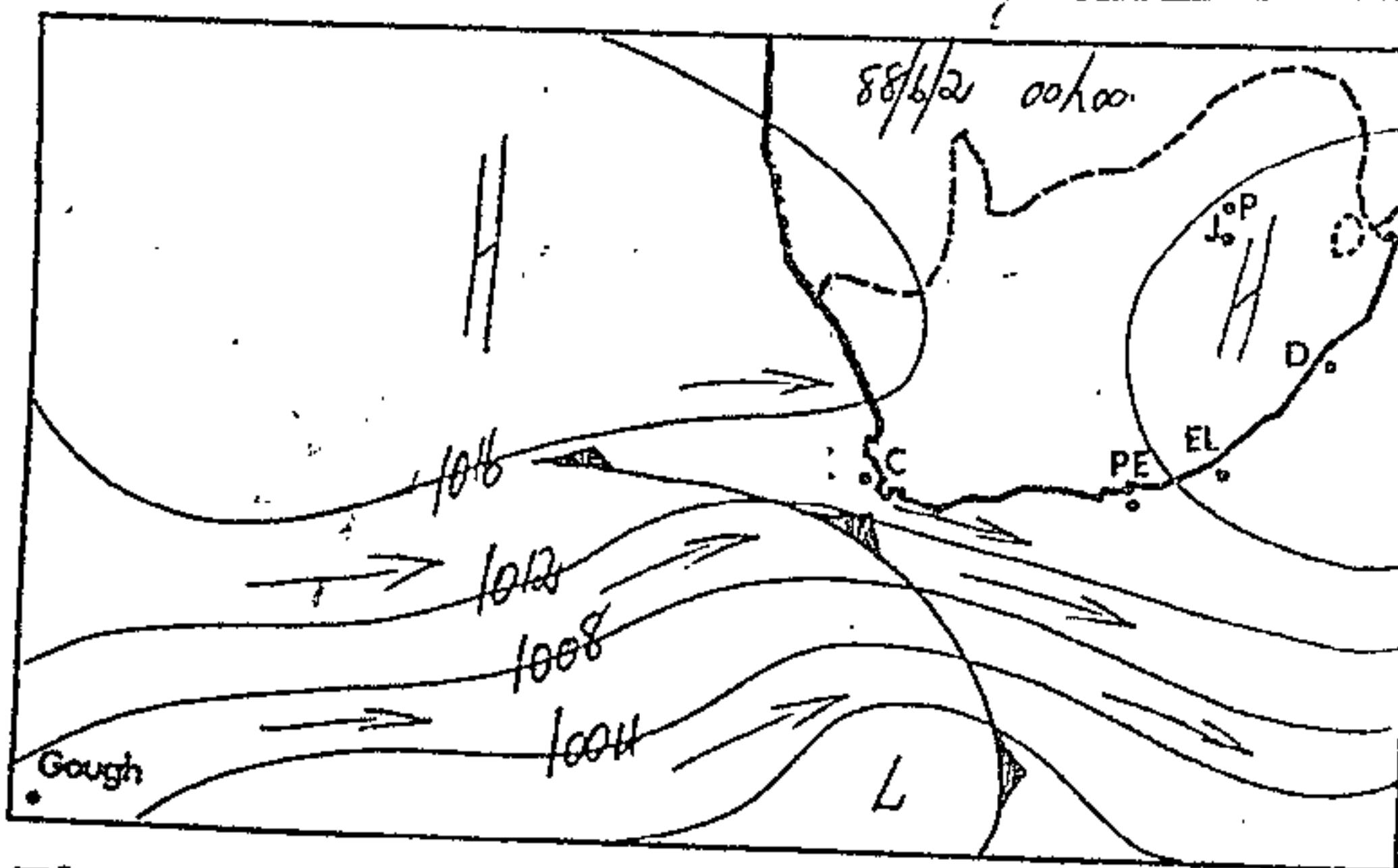
Miss Schreiner is the daughter of Professor Denys Schreiner, deputy vice-chancellor of the University of Natal.

Mr Tony Yengeni's father, Mr Leslie Yengeni, said yesterday the 11 started their hunger strike on Tuesday and intended to continue "indefinitely".

They were protesting against circumstances under which they were being held.

A document listing their demands has been sent by their lawyers to the Commissioner of Prisons.

## WEATHER TODAY



The cold front will cause cloudy weather and rain.

**Cloudy  
cold**

WEATHER



**S**

# Sentence delayed for 'Uppington 25'

UPINGTON. — Defence lawyers yesterday won an extra nine months in their battle to save the lives of 25 people convicted of killing a policeman here.

Mr Justice J Basson gave the lawyers until February next year to prepare evidence in mitigation of sentence of the 25, all from Uppington's Paballelo township.

The case of the "Uppington 25" bears similarities to the "Sharpeville Six" trial, which provoked a storm of protest around the world.

Several of the 25 were convicted on the basis of "common purpose" with those who actually killed Constable Lucas Sethwala on November 13, 1985.

The 25, the biggest group to be convicted of murder in a single South African trial, were yesterday in high spirits as they waved

to the 30 relatives who crowded the small courtroom.

Aged between 20 and 60, the group includes three women, among them 20-year-old Ms Annie Duba whose daughter Innocentina was born exactly a year ago in prison.

Should Mr Justice Basson not find extenuating circumstances to the killing, which occurred at the height of the unrest, he will be obliged by law to sentence all 25 to death.

Sporadic riots erupted along the township's roads two days before the murder, after the 25 000 residents were told of rent increases. Residents say police killed four people.

On the day of the killing, about 3 000 people gathered at a township soccer field to debate the increase. The judge rejected evidence that residents had been urged by a police officer to as-

semble at the grounds to discuss grievances.

The meeting was dispersed by police firing teargas. A group broke away from the crowd and ran past Constable Sethwala's house in Pilane street.

Residents say the attack on the house began after the constable opened fire with a shotgun on the crowd fleeing from the pandemonium at the soccer field.

The policeman fled his house, but was caught by the enraged mob a short distance away. One of the assailants grabbed his gun and broke it on Constable Sethwala's head, killing him instantly.

The mob then kicked his body and set it alight.

All 25 pleaded not guilty. Following their conviction, lawyers called several experts to argue in mitigation of sentence. — Sapa-Reuter



COURTS

## Shredded 'military' notes in bin — evidence

Supreme Court  
Reporter

SECURITY police pieced together 14 pages of notes describing a mountain hike in military language from shreds of paper they found in a dustbin at the flatlet shared by terrorism accused Ashley Forbes and Peter Jacobs.

Warrant Officer Jeff Benzien told the Supreme Court yesterday that Jacobs took police to the flatlet in Dunster Road, Athlone.

He was giving evidence in the trial of Forbes, 22, Jacobs, 22, Nicklo Louis Pedro, 20, Nazeem Lowe, 24, Anwa Dramat, 19, Clement Baadjies, 19, David Johannes Fortuin, 22, Jeremy Alan Veary, 22, Walter Rhooode, 23, Wayne Ingemar Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Clave Martin Petersen, 23, Leon Scott, 29, and Yasmina Pandey, 20.

### Grenade found

Warrant Officer Benzien said he handcuffed Forbes and bound his feet with a belt after he was found in the bedroom of the flatlet.

"A handgrenade was found in a pillow slip.

"I confiscated shreds of paper I found when I emptied the contents of a white plastic bag containing rubbish."

Warrant Officer Benzien read into the court record the pages of notes he helped piece together from the paper.

The handwritten notes spoke of a six-man hiking party which would climb in the Outeniqua Mountains "to get fit". Mentioned just under "Outeniqua" was "Paarl".

### "Wake-up bell"

Under the heading "Rules" were listed the following: "Nobody is allowed to leave the camp. Everybody participates in all aspects of prog. No drinking of wine or taking of drugs. No fighting. No anarchy, subversion or mutiny. For this period, soldiers of P Army and everything by order. No singing in the camp."

A day was broken up into activities to be marked by bells, starting with a "wake-up bell" at 5.15am.

Other "bells" denoted "fall in", "news read", "march and drill", "training and tactics" and "detachment meeting (paper delivery)".

Opposite "eighth bell" stood the word "curfew" and a proposed guard duty roster of two-hour shifts, from 10 pm to 6 am.

On another page, next to the heading "Discipline", the notes read: "The role of the People's Army, especially now. Discipline mother of victory. Discipline in organisation ..."

### "Red alert"

Under the heading "The command system" was an item: "General security — requirements of underground workers and the importance of a red alert."

"Change regular meeting place. Change code names. Do regular counter-surveillance (sic) ..."

Another page read: "The need for Rev. War! Convey the correctness of our approach. What it means to be a people's soldier. Requirements of a people's soldier."

Elsewhere under the heading "The command system" was written: "...the importance of secrecy, rules of secrecy and examples of methods used to conceal underground work: checking mistakes, doing counter surveillance (sic) and DLBs (earlier described in evidence as 'dead letter boxes') for documents."

(Proceeding)

Mr Justice Williamson is on the Bench, with Mr L P Francis and Mr C H van Gend as assessors. Mr W Viljoen and Mr M Stowe appear for the State. Mr M Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appear for the accused.



# Plea is opposed

JUDGMENT in the application for the discharge of a trade unionist and four civic leaders on charges of treason and sedition will be given in the Rand Supreme Court on Monday.

Mr Justice P J van der Walt said this yesterday, soon after the State, represented by Mr A C Human, SC, had completed its argument against the application by the defence.

In his application for a

discharge on the charges of treason and sedition, defence counsel, Mr David Soggot, SC, submitted that violence was a necessary component in a charge of treason and since violence was not alleged in the indictment, the charge could not be substantiated.

In his argument yesterday, Mr Human submitted that "the acts of the accused speak for themselves". He said the acts of the accused were

"pregnant with danger and cannot be undertaken without the idea of imperilling the State".

Appearing before Mr Justice van der Walt 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 are charged with treason, alternatively sedition and subversion.

The State alleges they attempted to usurp the authority of the State by trying to seize control of Alexandra township in 1985 and 1986 by the formation of the Alexandra Action Committee and "organs of people's power" and "people's courts".

They have pleaded not guilty.

## ANC articles:

Star 2/6/88 (331)  
two in court

By Ayesha Ismail

Two people appeared in the Johannesburg Magistrate's court yesterday in connection with the alleged possession of publications relating to the African National Congress and the banned South African Communist Party.

Ms Petronella Vytjie Mabel Mentor (24) of Vergenoeg, Kimberley, and Mr Freddie Mpifikile Vanga (22) of Thabong, Welkom, were arrested in Johannesburg on May 17.

According to the charge sheet, they were in possession of publications such as "Journal of the ANC Women's Section" and "The African Communist".

They were not asked to plead and both are out on bail of R200.

# Prison Service responds to hunger strike

Staff Reporter

THE Prison Service today responded to claims by 11 hunger-striking prisoners in Pollsmoor Prison who are waiting trial on treason charges.

Relatives of the 11 said they were refusing food in protest against prison conditions and alleged discrimination against the blacks in the group.

The trialists are Mr Tony Yengeni, Mr Michael Lumambo, Mr Mbutu Nduku, Mr Wellington Nkwandla, Mr Mthetseleli Titana, Mr Gary Kruser, Mr Sitlabocha Mahale, Mr Alpheus Ndude, Miss Jennifer Schreiner, Miss Lumka Nyamza and Mr Christopher Giffard.

They are demanding adequate, properly prepared and served food, proper exercise time and "not to be unnecessarily provoked, assaulted, or threatened". They also want to be held together on a non-racial basis.

Mrs Elsa Schreiner said her daughter looked ill and had lost weight.

## "INVESTIGATED"

The Prison Service's liaison department commented today that a letter from the 11 had been sent to the Commissioner of Prisons on May 30 and the matter was being investigated.

"It is unfortunate that a matter like this is exploited publicly in such an unprofessional and reprehensible manner for short-lived propaganda gain.

"Prisoners go on so-called hunger strikes for various reasons (mostly unjustified) from time to time.

"The SA Prison Service deals responsibly with these situations by attending to various complaints, warning prisoners of the health dangers of hunger strikes and ensuring that food is still served at each meal-time."

Medical treatment was continually available and district surgeons' prescriptions were strictly adhered to.

"All directives with regard to the Tokyo Declaration are complied with."

In terms of classification policy, categories of prisoners, including different race groups, were accommodated at the discretion of the head of the prison. A high premium was placed on the correct and professional handling of prisoners by trained personnel.

"Assaults are not tolerated — the Prisons Act is quite emphatic in this regard."

The record of the Prison Service spoke for itself and steps had been taken against members guilty of assault.

"On the other hand, the Prisons Act makes provision for the use of the necessary force should prisoners resist being locked up or moved from one section to another. There are strict guidelines in this regard."

## OVERCROWDED

"Obviously this depends on the weather. Normally the time allowed exceeds the minimum by far. This also holds true for the people in question."

It was no secret that most prisons were overcrowded and Pollsmoor was no exception.

"It must however be emphasised that this matter is dealt with with the utmost responsibility. Everything possible is done to distribute the excess prisoners as evenly as possible among the various prisons."

Prisoners were given the opportunity to lodge complaints and requests daily.

Food, while not catering for individual preferences, was provided "according to an approved diet scale drawn up in consultation with dieticians and which corresponds to international nutritional standards".

"Chief inspectors of prisons and district surgeons visit kitchens regularly to ensure a high standard."



**COURTS**

# **Judge 331 refuses to postpone terrorism trial**

Supreme Court  
Reporter

MR Justice Williamson has refused an application by 15 terrorism accused for their trial not to continue next Wednesday, the last of three days of national peaceful protest called by the Congress of South African Trade Unions and community organisations.

Defence counsel Mr Michael Donen said yesterday the accused saw themselves as part of the community which supported the Cosatu call and felt morally bound to answer it.

The matter was due to be postponed to Wednesday and the accused asked that this be extended to Thursday next week, Mr Donen said.

Mr Justice Williamson said that on the face of it there did not seem to be legitimate grounds for the postponement.

## **"Political"**

He said he postponed the case for Eid ul Fitre last month because it was a recognised religious holiday.

"It seems to me this is a purely domestic political event in which the accused want to participate. I don't think it is appropriate for the court to be influenced by that sort of consideration.

"In the circumstances I'm afraid I don't see my way clear to acceding."

In earlier evidence Detective-Warrant Officer Jeff Benzien said he was handed several coded messages during the arrest of Anwar Dramat at his parents' home in Melkhout Street, Bonteheuwel, last July.

## **Refused**

The court heard that Dramat initially refused to answer questions, but took police back to Bonteheuwel after they showed him a fellow-accused, Nicklo Pedro, at Sea Point police station.

Detective-Warrant Officer Benzien said: "He handed me four envelopes containing sheets of paper and two other sheets of paper, from two jackets in cupboards in his bedroom."

Series of numbers on the sheets which, the court heard, were codes, were later decoded by police and revealed names, addresses, telephone numbers and proposed meeting places.

A loose sheet contained the words "5 pine-apples and 2 detonators" and spoke of "big and small fuses".

## **Trawler**

Warrant Officer Benzien said he arrested accused David Fortuin on the fishing trawler on which he worked in Table Bay harbour on August 21 last year.

After informing him he was being arrested for alleged terrorism, police searched his cabin and found a file which contained personal papers and some handwritten notes.

The notes spoke of problems or recruitment in organisations and structures and contained references to the Uitsig and Ravensmead "units" and "MK" work. Warrant Officer Benzien said "MK" was used as an abbreviation for Umkhonto we Sizwe, the military wing of the African National Congress.

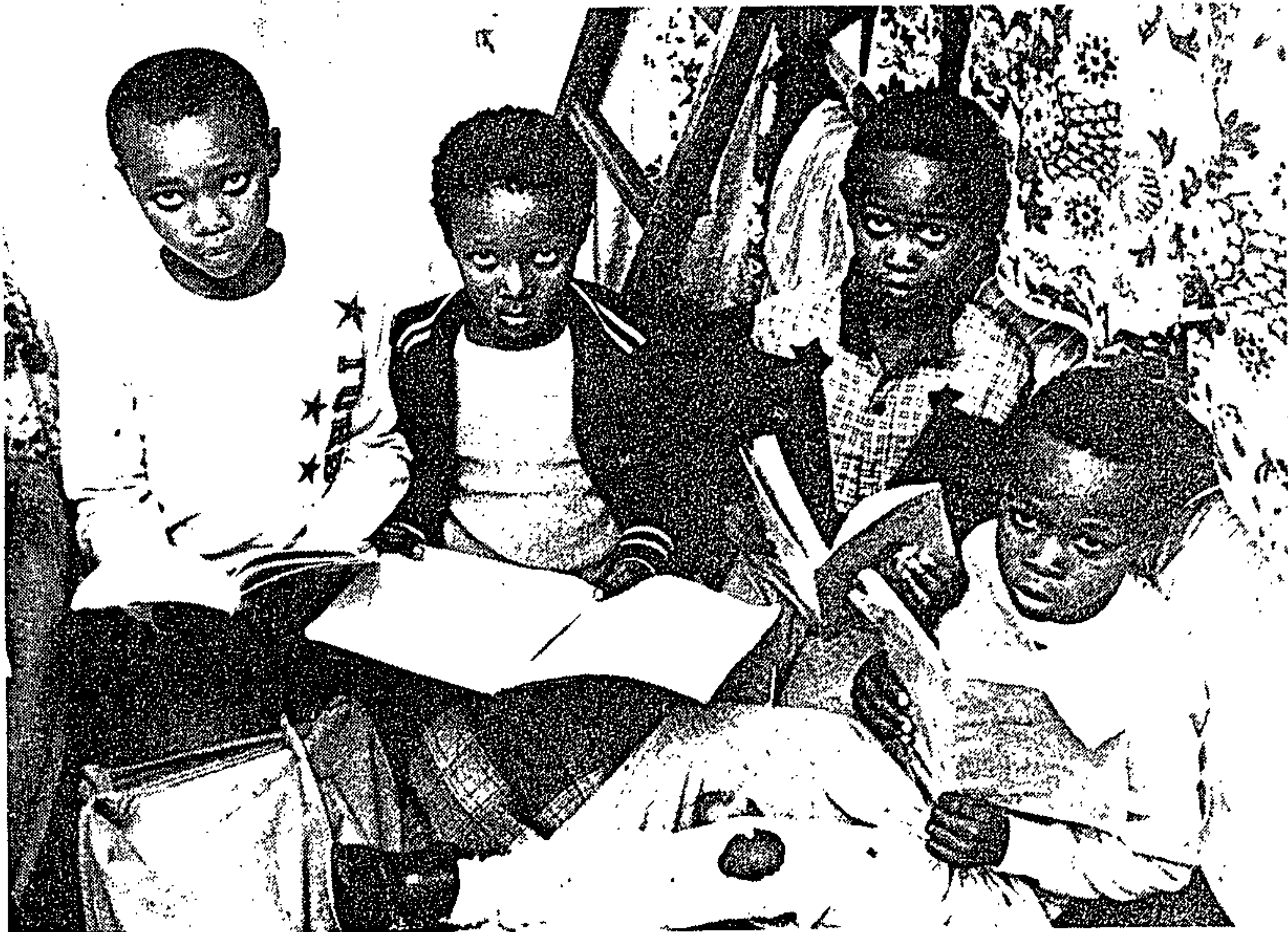
The accused are Ashley Alexander Forbes, 22, Peter Anthony Jacobs, 22, Nicklo Louis Pedro, 20, Nazeen Lowe, 24, Anwa Dramat, 19, Clement Baadjies, 19, David Johannes Fortuin, 22, Jeremy Alan Veary, 22, Walter Rhooode, 23, Wayne Ingemar Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Clave Martin Petersen, 23, Leon Scott, 29, and Yasmina Pandey, 20.

Mr L P Francis and Mr C H van Gend are assessors. Mr W Viljoen and Mr M Stowe appear for the State. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appear for the accused.



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**ORPHANED . . .** Four of the five children of Mrs Hilda Ndude and her husband Alpheus. Mrs Ndude was detained under the emergency regulations yesterday morning. Her husband was arrested in October last year and is on trial with 10 alleged ANC members. The children are (from left) Nolizwe, 12, twins Nosisi and Toto, 8, and Vuzumzi, 7.

Picture: RICHARD BELL

## Mother of 5 joins father in prison

By CHRIS STEYN

FOUR Cape Town children were left "orphaned" yesterday morning when their mother, United Democratic Front press officer Mrs Hilda Ndude, was detained under the emergency regulations.

The children's father, Mr Alpheus Nkwana Ndude, 45, was arrested in October last year. He is on trial with 10 alleged African National Congress members, including Ms Jenny Schreiner, daughter of the Vice-Chancellor of the University of Natal.

Mrs Ndude was detained at her Guguletu home at 6am yesterday,

the family lawyer, Mr Bolelani Ngcuka, confirmed. She took her youngest child, three-year-old Noluthu, to prison with her.

Friends of the family yesterday expressed concern for the child. "She is asthmatic and needs medication," said Ms Buyiswa Jack, a Western Province Council of Churches worker who is looking after the children — Nolizwe, 12, twins Nosisi and Toto, 8, and Vuzumzi, 7.

Her concern was shared by Mr Ngcuka, who visited mother and daughter at Pollsmoor Prison yesterday afternoon.

"Hilda is very concerned about

the child and her other children. The little one was complaining that she felt cold and she was coughing," said Mr Ngcuka. "I wanted to bring the child home, but they refused. I was told that she had to be examined by a district surgeon first."

Ms Jack told the Cape Times that the children "understand" why their parents were taken away by police.

"But we are worried about them because they are very upset," she said. "It is not easy to know that your father is in jail, and then to have your mother taken away just like that."



CAT-Tim is 3/6/88 331

# Accused ask for recess on protest day

By RONNIE MORRIS  
Supreme Court Reporter

IN A surprise application in the Supreme Court yesterday, Mr Ashley Forbes and his 14 co-accused asked that the court not sit next Wednesday because they felt morally bound to observe a call for three days of national peaceful protest.

Mr Michael Donen, counsel for the accused, said he had been instructed to ask for the postponement because "it appears that the South African labour movement led by Cosatu and other non-restricted community organizations will observe three days of national peaceful protest starting on Monday and running through till Wednesday.

"The accused believe the community supports the call and see themselves morally bound to observe that call and ask that Your Lordship not sit that one day."

Mr Justice D M Williamson replied that there were no legitimate grounds to grant a postponement because he had already granted a previous postponement on Eid day, a recognized religious holiday celebrating the end of the Muslim fasting month of Ramadan.

"It seems to me it's purely a domestic political event in which the accused want to participate. I don't think it's appropriate for the court to be influenced by that. In the circumstances I'm afraid I do not see my way clear to accede," Mr Justice Williamson said.

Earlier, Warrant Officer Jeffrey Benzien of the security police told the court that during a search of Mr Anwar Dramat's room on August 21 last year, he confiscated envelopes which were found in a jacket.

Documents found inside the envelopes contained a series of numbers and letters which did not make sense, but which he suspected were coded

messages.

The basis of the coding was the substitution of letters of the alphabet by numerals. In order to scramble the letters a code word — "knypers, rugby or druiwekonfyt" — is used and this is then followed by the alphabet omitting letters used in the code word.

One of the decoded notes with the code word "knypers" read: "Mondays, Wednesdays, Sundays; Mnandi beach parking area; six pm — Aneez Salie. Mr Lungu — bread; sent by Ertjie."

Another decoded message with the code word "marching" read: "Meet Moses on Monday, Wednesday, Sunday at seven pm. Kentucky Grassy Park parking lot in Victoria Road. Car parked facing and as close to Victoria. Tissue box and coke bottle on dashboard. Ask price of whole chicken. Answer is eight rand fifty."

## Reference to MK

WO Benzien said that later that same day, because of information he had, he and another policeman boarded a trawler in Table Bay in search of Mr David Johannes Fortuin.

During a search of Mr Fortuin's sleeping place he found a black file containing personal documents and also several handwritten pages. These pages contained a reference to "MK", WO Benzien said.

Asked by Mr Justice Williamson what MK meant, WO Benzien said it was an abbreviation used by trained members of Umkhonto we Sizwe, the military wing of the ANC.

He was also present at the arrest of Mr Ashraf Karriem on August 27 last year and had confiscated a Russian-manufactured RPD 5 handgrenade, WO Benzien said.

The hearing continues next Wednesday.

The other accused are: Peter Anthony Jacobs, Nicko Louis Pedro, Nazoen Lowe, Clement Baadjies, Jeremy Alan Veary, Walter Rhooie, Wayne Ingemar Mafgas, Collin Cairncross, Colin Clave, Martin Petersen, Leon Scott and Yasmina Fandy.

Mr C H van Gend and Mr L P Francis were the assessors. Mr CW Viljoen, assisted by Mr Mike Stowe, appeared for the state. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused.



*Cap Times 4/6/88*  
**ANC men close to gallows**  
*331*

Own Correspondent

DURBAN. — Two convicted ANC guerillas who each planted a bomb which exploded in the Newcastle area last year and who also tried to kill a security policeman, were fortunate not to be facing murder charges, a Supreme Court judge here said yesterday.

Before sentencing Gayo Jabulani Walter Nxumalo, 35, and Desmond Mzimkhulu Motha, 25, to effective 20-year jail sentences, Mr Acting Justice Hugo said they had come close to facing the gallows.

It was fortunate that no one had been killed in a bomb blast at a shopping centre in Newcastle on April 16 last year. And security policeman, Sergeant Eric Malinga, was "extraordinarily lucky" to have escaped unhurt when his Madadeni home was fired at on November 30, 1986.

# Treason trial draws to a close

By MARTIN NTSOELENGOE

THE Alexandra treason trial is drawing to a close in the Rand Supreme court after several months.

It entered its final stages this week with the start of argument.

According to the prosecutor, Etienne du Toit, the State will take 10 days to argue from the mass of documents handed to the court as exhibits since the case started in October last year.

Judge Grosskopf agreed to continue with the trial and not go on recess.

The eight accused are: Ashwell Mxolisi Zwane, 20, Vusi Ngwenya, 20, David Mafutha, 24, Peter Mafutha, 19, Albert Sebola, 21, Arthur Vilakazi, 24, Peter Magano, 28, and a 17-year-old.

They have all pleaded not guilty to treason and sedition, alternatively subversion.

The State alleges they tried to make Alexandra ungovernable by forming yard and street committees and by appointing marshalls and comrades.

They are also alleged to have urged residents to boycott white-owned and suspected collaborators' shops, and incited residents against the security forces and the Alexandra Liaison Committee led by Sam Buti.

The last witness to give evidence was Steve Burger, who was appointed administrator after councillors were allegedly forced to resign.

He said Buti and his councillors worked hard to please residents.

Many people in the township were "very unhappy" when Buti's house was twice petrol-bombed, he said.

He added that two other councillors resigned after they were attacked.

reached a deadlock when the two drew equal votes from fellow councillors, but Ndlazi eventually

fidence in the management committee. Another committee was elected, this time without Mokone," he

objected to that, Ndlazi told me why I should worry because it wasn't my own money," he said.

newspapers and issue pamphlets calling on the Indian sector to join the protest. Two former member un-

## Accused forced to eat live cockroach - claim

CP Correspondent

AN alleged Transkei bomber told the Umtata Supreme Court this week he had been forced by Security Police to eat a live cockroach during an interrogation.

Ndibulele Ndamela, 24, who is charged with Pumile Mayapi, 32, with two counts of murder and one of terrorism, was testifying before Judge Mitchell in a trial-within-a-trial to decide on the admissibility of

a confession he allegedly made to a magistrate.

The two are alleged to have caused the death of Thomas Anthony Hudson and a child, Bhekinkosi Moffat Ntakane, by causing an explosion at the Wild Coast Hotel Sun on April 18, 1986.

Ndamela said he had been kicked by police when he was arrested on December 29, 1986.

His hands and feet were tied and he was slapped in the face. When

they arrived at the Security Police office, a policeman lifted him, using his handcuffs and placed him in an office where they continued assaulting him.

Asked if he could identify the policemen, Ndamela said he could name a few and he could identify others by sight.

He named Security Officers Njikitja and Dandala.

The case is proceeding.



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C/Rep

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## More time for 25 cop killers

DEFENCE lawyers won extra time this week in their battle to save from the gallows 25 township residents convicted of killing a policeman.

Judge Basson yesterday gave lawyers until February to prepare evidence in mitigation of sentence of the 25 from Paballelo Township near Upington.

The case of the "Upington 25" bears similarities to the trial which condemned the "Sharpeville Six" and provoked a storm of protest around the world.

The trial in the remote northern Cape town has provoked controversy as several of the 25 were convicted on the basis of "common purpose" with those who actually killed Const Lucas Sethwala on November 13, 1985.

The 25 - the biggest group ever convicted of murder in a single South African trial - were in high spirits as they wayed to the 30 relatives who could find space in the small courtroom.

Aged between 20 and 60, the group includes three women.

Should Judge Basson not find extenuating circumstances in the killing which occurred at the height of anti-apartheid riots that swept South Africa, he will be obliged by law to sentence the 25 to death.

Sethwala's murder put Paballelo on South Africa's political unrest map where it had not featured since its foundation in 1960. One of the defendants, Myner Bovu, 28, said Paballelo was not a publicised township like others in South Africa.

we had never had any problems there," he said.

Sporadic outbursts erupted along the township's untarred roads two days before the murder. The unrest came after the 25 000 residents were told of rent increases. Residents say four people were shot dead by police.

On the day of the killing, about 3 000 people gathered at a dusty soccer field to debate the increase. The judge rejected evidence that residents had been urged by a police officer to assemble at the grounds to discuss grievances.

The meeting was dispersed by police firing teargas and a group broke away from the crowd and ran past Sethwala's house on Pilne Street. The Judge found that Sethwala opened fire after the group began stoning his home to force him out.

Residents say the attack on the tiny red house began after the constable fired on the crowd fleeing from the pandemonium at the soccer field.

The policeman fled his house but was caught by the enraged mob a short distance away, where one of the assailants grabbed his gun and broke it on Sethwala's head, killing him instantly.

They then kicked his body and set it alight.

All 25 had pleaded not guilty but were convicted in April following an 18-month trial. Lawyers are enlisting an array of experts to argue in mitigation of sentence.

The case resumes on February 6. Sapa

# ANC men get 20-year prison sentences

Sowetan 6/6/88

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TWO African National Congress members were each sentenced to a effective 20 year's imprisonment in the Maritzburg Supreme Court on Friday after being convicted on terrorism and attempted murder following attacks in northern Natal.

Gayo Jabulani Nxumalo (35) of Durban was sentenced to a total of 29 years imprisonment and Desmond Motha (25) of Newcastle was given a 26 years sentence. The

sentences are to run concurrently.

The two men were originally charged with 16 counts, including terrorism, attempted murder and illegal possession of arms and ammunition and explosives.

## Car

They also faced charges of possession of unlawful publications and the theft of a motor vehicle.

Both men were found guilty of having contravened the Internal Security Act, of attempting to murder Constable Dlowakhle Malinga in Newcastle in November 1986 and of the theft of a motor vehicle.

Nxumalo was also convicted of blowing up the Newcastle/Volksrus railway line and Motha was convicted of placing explosives at a shopping centre in Newcastle in April last year.

The men were denied leave to appeal against the sentences. — Sapa.

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## Sharpeville 6 lawyers in plea for new trial

PRETORIA. — Lawyers trying to save the Sharpeville Six from the gallows appealed to the Supreme Court here today to reopen their trial for the 1984 murder of a black township councillor.

The six were temporarily reprieved in March, hours before they were due to hang, when their lawyer, Mr Prakash Diar, produced a last-minute statement from a witness who said he lied under police pressure.

The death sentence imposed on the six provoked an international storm of protest.

Today Mr Diar asked the Supreme Court to reopen the trial of the five men and a woman and admit new evidence.

The hanging was postponed indefinitely to give lawyers time to apply for the reopening of the trial and the re-examination of witness Joseph Manete, who said after sentencing that police forced him to identify and implicate two of the six.

### THREATS REJECTED

Before the reprieve President Botha rejected threats of diplomatic sanctions and appeals from Western governments and human-rights organisations to commute the sentences.

Mr Diar said today he would present oral and written argument but did not expect to produce Manete in court.

The six, all of Sharpeville, were condemned for being part of a crowd of more than 100 blacks who murdered black township councillor Mr Jacob Dlamini during riots in September 1984.

Mr Dlamini was the first victim of a black uprising that has claimed more than 3 000 lives since 1984.

Representatives of the London-based human rights group Amnesty International and diplomats from a number of Western countries were in court today as the hearing got under way.

"We are trying to reopen the trial and to admit evidence that was previously not allowed," Mr Diar said as he entered the court.

He said the case was of particular significance because the six were condemned not for actually killing Mr Dlamini but for sharing a common purpose with the murderers. — Sapa-Reuter.



# Prof volunteers to be sjambokked

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A LEADING South African pathologist, Professor Johan David Loubser, on Friday volunteered to be sjambokked to prove that marks found on a body he had examined could have been caused by a sjambok, writes MATHATA TSEDU.

Testifying in the inquest hearing into the death of Kgapane student leader, Mr Ngwako Ramalepe, at the Kgapane Magistrate's Court, Prof Loubser said there was no doubt that the multiple wounds and lacerations found on the body could have been caused by a sjambok.

Mr Ramalepe died on October 18, 1985 — nine hours after being picked up alongside a lonely road where he had allegedly been dumped by the police. He had been arrested the previous day following student demonstrations in the township.

Family lawyer, Mr. Dikgang Moseneke, alleges that the police inflicted the wounds before dumping Mr Ramalepe and another student at the roadside. Police witnesses have denied this.

Prof Loubser said Mr Ramalepe had died from loss of blood caused by exposed veins ruptured by severe beatings that the deceased had been subjected to. He said he had observed more than 40 sjambok wounds on the body which were found to have been inflicted at the same time.

He said he had found blood in the stomach

which Mr Ramalepe apparently swallowed during the beatings. The professor said the wounds were caused by a hard, non-flexible object.

This, he said, could have been a sjambok being used in a reversed position.

The inquest hearing was postponed to September 19 to hear the testimony of the student who was arrested and allegedly assaulted before being dumped with Mr Ramalepe.

Sowetan 16/6/88

5 November 1988  
**Sharpeville**

**6 plea**

(371)

ARGUMENT relating to the possible re-opening of the "Sharpeville Six" trial will be heard in the Pretoria Supreme Court this morning.

The six, who have won two temporary reprieves from the gallows, are: Duma Joshua Khumalo, Francis Don Mokgesi, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola and Mojalefa Reginald Sefatsa.

They were sentenced to death by Mr Acting Justice W J Human for the murder of Lekoa's deputy mayor, Mr Khuzwayo Daniel Dlamini, on September 3, 1984.

Attorney for the six, Mr Prakash Diar, has lodged affidavits applying for the re-opening of the trial after new evidence surrounding the circumstances of Mr Dlamini's death came to light.

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## Sharpeville 6 witness was 'forced to tell lies'

The Argus Correspondent

PRETORIA. — Counsel for the Sharpeville Six told the Supreme Court that the applicants had exhausted all the established and recognised avenues of relief open to them.

Mr Jack Unterhalter, SC, for the five men and one woman sentenced to death for the murder of Mr Khuzwayo Dhlamini, said yesterday the court had the inherent jurisdiction to grant them the relief they sought.

Counsel for the defence said: "In essence, the applicants claim that new evidence which has come to light since their conviction and sentence render a re-opening of their case essential in order to effect a re-appraisal of the evidence against them."

The Appellate Division had indicated that, if the evidence of Joseph Manete was rejected, the case would need to be re-appraised, he said.

Mr Unterhalter told Mr Acting Justice Human that there was evidence on affidavit that State witness Mr Joseph Manete, had told attorney Mr Amichand Somon that he had been detained by security police who had assaulted him and forced him to write a statement naming Mr Duma Khumalo and Mr Francis Mokgesi as being involved in the Dhlamini killing.

Mr Manete had also, on two occasions, told another attorney Mr Mohamed Bham that he had not told the truth.

### THREATENED

There was evidence that another witness, Mr Johannes Mongaule, had been threatened by police and because of fear had signed a statement to the effect that Mojalefa Sefatsa and Oupa Diniso had grabbed the deceased but that this was not true. He had been coached as to what to say in court, Mr Unterhalter said.

Mr Unterhalter submitted that the only way the truth could be obtained would be to reopen the hearing.

(Proceeding).



**T**HE case of the Sharpeville Six has focused renewed attention on the death penalty in South Africa, but there are 48 "politicals" on death row at the moment.

Over the last 10 years 1 218 people have been hanged in South Africa, with the number rising from 121 in 1986 to 164 in 1987.

This has led to a number of organisations calling for a formal investigation into the death penalty in South Africa's legal system.

Recently the Faculty of Law of the University of the Witwatersrand (Wits) urged the Government to respond to the disquiet evoked by the alarming increase in hangings over the last 10 years.

Another organisation, a brainchild of the now outlawed South African Youth Congress (Sayco) — Save the Patriots Campaign — has called for a broad alliance of "peace-loving" people to fight the executions.

According to the organisation, 10 "political" convicts have been executed recently:

- Matshape Matsepane and Mankopane Malwasha of Tzaneen, who were executed in December, 1986 for murdering an alleged informer;
- Welile Webushe of Jansenville, who was executed in August last year for a "necklace murder", Moses Jantjies and Mlamli Mielies of Uitenhage;
- Tshepo Letsoara of Port Elizabeth, for killing an alleged police informer in the township;
- Similo Wonci, Mziwoxolo Makeleni, Ndumiso Sephenuko and Machezuana Menze, who were sentenced to death for killing a farmer and his wife in the southern Cape.

The last four were hanged in March this year. Lawyers acting for Bekisizwe Phillip Ngidi (20), of Soweto, sentenced to death in June last year for killing a Soweto policeman, said yesterday that on August 23 a date has been set aside for argument for his appeal.

### Records

According to records of the Save the Patriots Campaign, those currently on death row include:

- Dickson Madikane, Desmond Majola and Patrick Manginda from Oudtshoorn, who were sentenced to death in September, 1986 for killing a township councillor;
- Robert McBride of Wentworth, Durban, sentenced to death in April, 1987 for a Marine Parade bombing which killed three women;
- Daniel Maleka and Josiah Tswane of Sebokeng, who were sentenced to death in September, 1986 for killing a policeman;
- Oupa Mbonane and Sibusiso Masuku of Soshanguve near Pretoria, who were sentenced to death in August last

- year for the murder of a policeman;
- Paul Setlaba of Colesburg in the Cape, sentenced to death in December, 1986 for killing an alleged police informer;
- Tyeluboyo Mgedezi, Mangaliso Nongwati and Tsietse Tshlane sentenced to death in May last year for killing team leaders at the Vaal Reefs mine;
- Mzwandile Gqueba, Wanto Silinga, Lunki Wana, Thembinkosi Feet, Mzwandile Mninzi and Monde Tingwe of Queenstown;

### Policeman

- Joseph Cindi of Tembisa, sentenced to death in September last year for the murder of a community councillor;
- Menzi Tafeni and Ledube Mnyamana, sentenced to death in September last year for the murder of a Burgersdorp businessman's son;
- Mlondolozzi Gxotiwe

of Port Elizabeth, sentenced to death for the murder of a policeman in September last year;

- Rodney Moloi (24) and Standord Lebepe (24) of Tembisa, sentenced to death this year for killing and setting alight a municipal policeman.

They have applied for leave to appeal.

- Xolani Stuurman, Gilindoda Gxekwa and Vuyani Jacobs, sentenced to death in February this year by the Port Elizabeth Supreme Court for the murder of an alleged informer;
- Mxolisi Malgas, Michael Mambukwe and Lulamile Maneli of Grahamstown, sentenced to death in October, 1987 for "necklace murders" in Stutterheim;
- Johannes Maseki (24), of Tembisa, sentenced to death in October, 1987 for the murder of a policeman;
- Mtutuzeli Ngqanda of Uitenhage, sentenced to death in November last year for the murder of a policeman;

- Mzazile Ntombela (30), sentenced to death by the Rand Supreme Court in November last year for the murder of a replacement labourer during a dairy strike;

- Thembisile Baneti (35), of Alice, sentenced to death by the Ciskei Supreme Court last November for the murder of a vigilante; and

- Abraham Mngomezulu (23), sentenced to death in the Rand Supreme Court last year for the murder of a police informer.

### Lest we forget

THE *Sowetan* today remembers journalists around the country who are in detention:

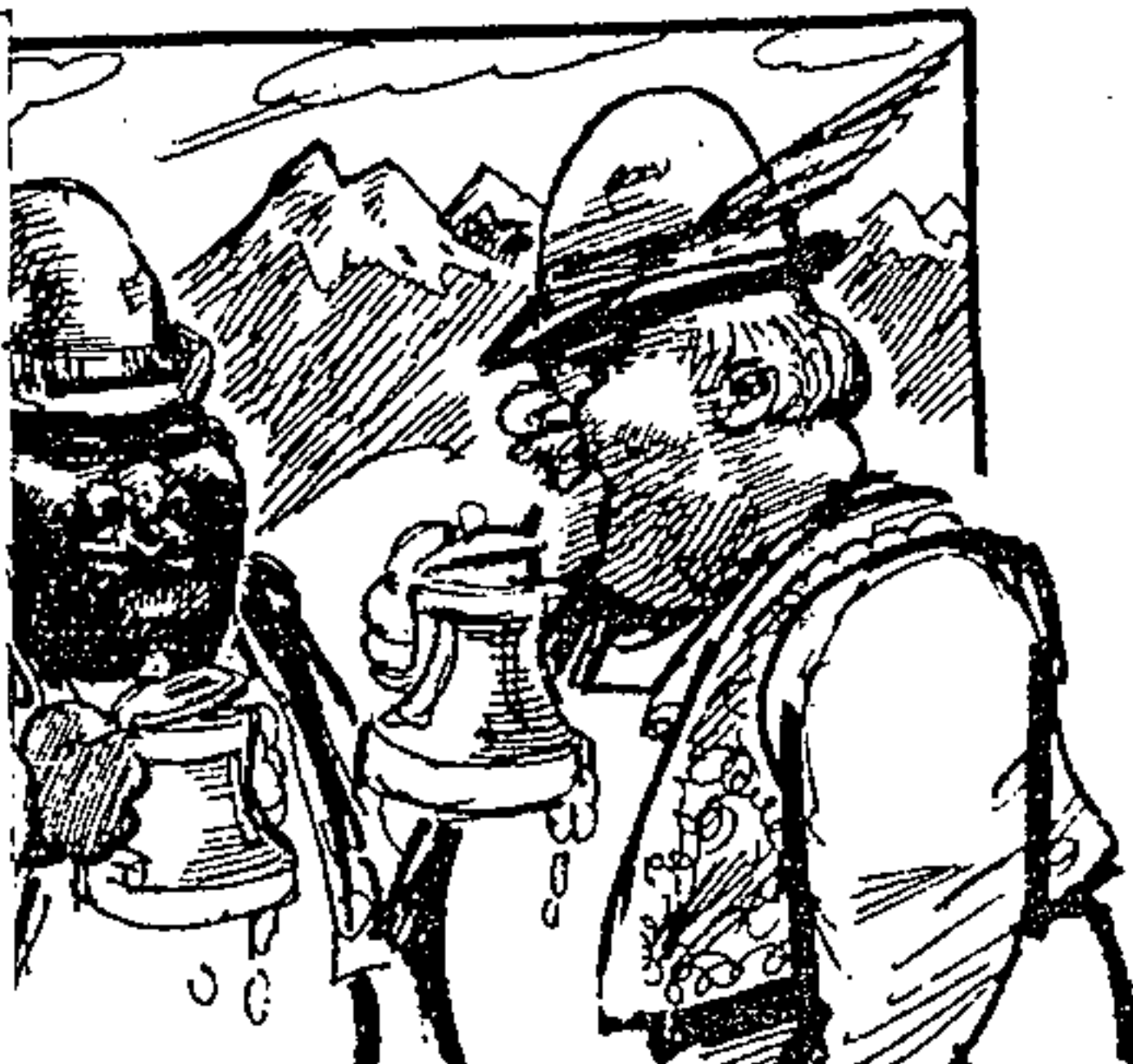
- Zwelakhe Sisulu, Editor of the *New Nation*, who has been in detention under the emergency regulations for 537 days;
- Brian Sokutu, Eastern Cape freelance

**FOCUS**

# Spotlight on death sentence as 48 more wait to die

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# Bid to free Alex 5 fails

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Sowetan 7/6/88

A DEFENCE application for the discharge of Alexandra community leader Mr Moses Mayekiso and four other men on charges of treason and sedition failed in the Rand Supreme Court yesterday.

Giving judgment in the application which was brought at the close of the State's case, Mr Justice P J van der Walt said the indictment against the five men contained all the legal elements necessary for the charges of treason and sedition.

Advocate for the defence, Mr D J Soggo, SC, had argued that violence was a necessary component in a charge of treason and, since violence was not alleged in the indictment, the charge could not be sustained.

## Hostile

The judge said "that treason can be committed in peacetime is clear from our case law."

Treason, he said, was a crime committed by a person, whom with hostile intent disturbs or injures the authority of the State.

It was not necessary that acts of violence should actually have been committed.

The five men, Mr Mayekiso (38), his brother, Mr Mzwanele Mayekiso (22), Mr Paul Tshabalala (38), Mr Richard Mdakane (29) and Mr Obed Datla (28) have all pleaded not guilty to charges of treason, alternatively sedition, alternatively subversion.

The State alleges that, from 1985 to June 1986

## SOWETAN Correspondent

the five men attempted to overthrow the authority of the State by conspiring to seize control of Alexandra and make the area ungovernable.

They did this, it is alleged, by establishing organs of "people's power."

This included forming or participating in the Alexandra Action Committee and forming people's courts.

According to the State, the trialists waged a campaign against the South African Police, the South African Defence Force, and their members and the Alexandra Town Council.

## Boycott

It is claimed they launched a rent boycott and organised boycotts of shops, industries and businesses in the

Alexandra area.

The five men heard yesterday that the trial, which began in October last year, was postponed to August 1 after the recess of the Rand Supreme Court.

The court heard that the defence case would begin on this date and conservatively, with evidence and cross-examination, would take three months.

Appearance: Mr Chris Human, SC, appeared for the State.

# Sergeant shot during drug deal

A SOUTH African Police sergeant is in a satisfactory condition after he was shot during a drug deal at a five-star hotel on Durban's Golden Mile on Sunday.

Police said yesterday that Sergeant G H Mashego, a member of the Narcotics Bureau in Johannesburg, was working with members of the Durban drug squad when the shooting occurred in a bedroom of the hotel on the 20th floor.

## Mandrax

Major Charl du Toit, police public relations officer for Port Natal said that the police had arrested three coloured men soon after the shooting and were anxious to contact a fourth person, Mr Velayathum "Vela" Thamburan (37), who they believe can assist them in their investigations.

Major du Toit said the policemen were approached by a group of men who were about to do a mandrax deal with him. The men then said they were policemen and attempted to rob Sergeant Mashego.

During a struggle one of the men fired a shot which struck the policeman in the mouth, emerging through his neck.

Other members of the drug squad who were deployed nearby then arrived and saw the suspects running out. Two shots were fired at them.

Three coloured men were arrested as they were leaving the hotel. The other man managed to escape.

Police have taken possession of a .32 revolver.

Charges of dealing in drugs and attempted murder are being investigated.

Police said they would like to interview Mr Thamburan, who was last year sentenced to seven years' imprisonment for dealing in mandrax. He is presently out on bail, pending an appeal.

# Cocaine: Man held

RABAT — Police have arrested a Uruguayan at Casablanca airport after customs officials found 1,5 kg of cocaine hidden in his suitcase, the daily *Le Matin* reported yesterday.

The newspaper named him as Enrique Villanueva Deani and said he was on his way to Malaga, Spain.

*Le Matin* said the cocaine had an estimated street value of three million dirhams (R750 000). — Sapa-Reuter.

# New Soweto 16/88 plea for 'Six'

DEFENCE counsel for the "Sharpeville Six", condemned to death for the murder of the deputy mayor of Lekoa, Mr K Dhlamini, told the Pretoria Supreme Court yesterday the truth could be arrived at only if certain witnesses were cross-examined.

The "Six" — Mojalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joshua Khumalo and Francis Don Mokgesi — won a temporary reprieve from the gallows on March 17.

Mr Jack Unterhalter, SC, submitted to the court yesterday that there was evidence the police had threatened and assaulted certain witnesses into making false statements.

In an amendment to a notice of motion dated April 15 for the reopening of the trial, he applied for orders in the following terms:

- Condoning 'the applicants' (the Minister of Justice and Attorney-General of the Transvaal) failure to apply for a special entry to be made on the record either during their trial or within a period of 14 days after their conviction on charges of murder and subversion.
- Directing the hearing of the evidence of Joseph Motsumi Manete and Johannes Mongaule, in regard to their allegations that they were threatened and assaulted by members of the SA Police and procured to give false evidence against the applicants.

## Assaulted

• From Page 1

Mr Unterhalter said one witness had said that he was threatened by a white policeman, elbowed by a black policeman and afterwards arrested and assaulted and forced to make a statement.

Asked by Mr Acting Justice W J Human whether he was relying on the evidence of Mr Manete, and what evidence he had that the others had been beaten up by the police, Mr Unterhalter said the facts had been stated in the applicants' affidavits.

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# Bid to free Alex 5 fails

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## SOWETAN Correspondent

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Appearance: Mr Chris Human, SC, appeared for the State.

**Bid to have trial reopened**

# State guilty of fraud in 'Six' case — counsel

STW  
X/6/88  
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By Claire Robertson,  
Pretoria Bureau

An application for the reopening of the Sharpeville Six case began in the Pretoria Supreme Court yesterday with counsel for the six asking the court to hear evidence about the alleged assault and intimidation of State witnesses.

Mr Jack Unterhalter, SC, contended that a "fraud" was committed on the court by the State in that witnesses lied after allegedly being threatened or beaten by police.

Counsel for the Attorney-General of the Transvaal argued yesterday that Mr Acting Justice Human did not have the inherent jurisdiction to hear an application for the re-opening of the case.

## Judgment 'void'

Mr Unterhalter said a finding that fraud was committed solely on the statements by two State witnesses before and since the trial would allow the court jurisdiction to reopen the case on the grounds that the judgment was void.

The six are Duma Joshua Khumalo, Francis Don Mokgesi, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola and Mojalefa Reginald Sefatsa.

They were sentenced in 1985 to hang for the murder in 1984 of the Deputy Mayor of Lekoa, Mr Kuzwayo Dhlamini. The court found that they had common cause with the mob which killed him.

An appeal was dismissed in December. The six won a stay on the eve of the execution date, March 17, to enable them to apply for reopening.

Mr Unterhalter asked yesterday that Mr Acting Justice Human heard evi-

dence about allegations by State witnesses Mr Joseph Manete and Mr Johannes Mongaule that they were threatened and assaulted by the police, and thereby procured to give false evidence during the trial.

Mr Acting Justice Human said he could not see how this would influence the verdict because he had not relied entirely on the evidence of the two men, and had rejected that of Mr Mongaule entirely.

Finding that Mr Manete's evidence was tainted could permeate the State case and other evidence, said Mr Denis Kuny, SC, appearing for the six.

Mr J L van der Merwe, appearing for the Attorney-General, argued that the only provision in the Criminal Procedure Act for the tendering of further evidence after an appeal had failed was to petition the State President, who could refer the evidence to the court for assessment.

The court heard yesterday that the applicants had unsuccessfully petitioned the President six months ago on the basis of only some of the statements by the two State witnesses.

## Only procedure

The Government had at that stage said: "It is out of our hands. It is in the hands of the court," said Mr Kuny.

Mr Acting Justice Human said: "But that is not correct. It is entirely in the hands of the State President. It seems to me that going to the State President is the only procedure available (to have the case reopened)."

Mr van der Merwe argued that reopening a case on the basis of a witness having later recanted his or her statement was open to abuse.

The hearing continues.



# Cape man to hang — claim

ONE of the 32 "political" prisoners awaiting death at the Pretoria Central Prison, Paul Tefo Setlhaba (22), may be hanged on Friday.

A spokesman for the sheriff in Pretoria yesterday said that he could not deny or confirm that Mr Setlhaba will be executed on Friday. He said he did not want to disclose such information beforehand and asked the *Sowetan* to phone again on Friday when he could confirm that the execution had taken place.

An attorney acting on behalf of Mr Setlhaba, Mr H Lalla of East London, said that he has sent stay of execution applications to the Minister of Law and Order, Mr Adriaan Vlok. If that fails he would apply to the Supreme Court to stop the hanging.

He said when he heard that a notice to execute Setlhaba had been issued he flew to Pretoria on Sunday to speak to him. He gained the impression that Setlhaba was unaware of the notice.

Mr Lalla said he was also caught by surprise because he did not expect the execution to take place so soon after

## SOWETAN Reporter

the dismissal of Mr Setlhaba's appeal. He had expected the notice to be given after six or nine months.

Mr Setlhaba was sentenced to death on December 13, 1986 in Graaff-Reinet in the Eastern Cape for his involvement in the death of an alleged police informer in Coleberg in the Northern Cape during a consumer boycott.

A campaign was launched last year by the South African Youth Congress and several other organisations to "Save the 32" "political" prisoners who are on the death row. Mr Setlhaba is one of them.

The Southern Africa — The Imprisoned Society (SATIS) organisation in London is to hold a demonstration in front of the South Africa House in London over Mr Setlhaba's impending execution. The demonstration is to take place on Wednesday.

The Anti-Apartheid Movement together with SATIS will make representation to the Foreign Office urging it to intervene over Mr Setlhaba's pending execution.



By Inga Molzen

A defence application for the discharge of Alexandra community leader Mr Moses Mayekiso and four other men on charges of treason and sedition failed in the Rand Supreme Court yesterday.

Giving judgment in the application brought at the close of the State's case, Mr Justice P J van der Walt said the indictment against the five men contained all the legal elements necessary for the charges of treason and sedition.

Prominent trade union leader Mr Mayekiso (38), his younger brother by 16 years, Mr Mzwanele

## Five must stand trial for treason, says judge

Mayekiso, Mr Paul Tshabalala (38), Mr Richard Mdakane (29) and Mr Obed Bapela (28) have pleaded not guilty to charges of treason, alternatively sedition, alternatively subversion.

They have been held in custody since June 1986. The trial began in October last year.

### SEDITION

At the close of the State's case during May, defence advocate Mr D J

Soggot SC argued that charges of treason and sedition should be dropped.

He said this was because the State had failed to allege or prove that the men intended to use violence to overthrow the Government.

Mr Soggot submitted that violence was a necessary component in a charge of treason. Since the violence was not alleged in the indictment, he said

the charge could not be sustained.

Mr Justice van der Walt, sitting without assessors, said the basis of the application for a discharge was a legal argument for which the defence counsel had presented a detailed and well-prepared argument.

Treason, he said, was defined as a crime committed by a person with hostile intent towards the State and where violence was a frequent element

but not a necessary prerequisite. Mr Justice van der Walt added: "That treason can be committed in peace time is clear from our case law."

### SEIZE CONTROL

During 1985 to June 1986, the State alleges the men attempted to overthrow the authority of the State by conspiring to seize control of Alexandra and make the area ungovernable.

They did this, it is claimed, by establishing organs of "people's power". This included forming or participating in the Alexandra Action Committee and forming people's courts.

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## Treason: application dismissed

SUSAN RUSSELL

AN application for the discharge of trade unionist Moses Mayekiso and four others on a charge of treason and an alternative charge of sedition was dismissed in the Rand Supreme Court yesterday.

Mayekiso, Paul Tshabalala, Richard Mdakane, Obed Bapela and Mzwanele Mayekiso have all pleaded not guilty to treason, alternatively sedition and subversion.

### Formation

The charges arise out of their alleged involvement in the establishment of the Alexandra Action Committee and formation of people's courts in the township during 1985-6.

Dismissing the application, Mr Justice van der Walt said looking at the old authorities and cases, violence, actual or contemplated, was not a necessary element of treason in SA law and never had been.

He said the charges in the indictment against the accused contained all the legal elements necessary for the charges of treason and sedition.

The trial was postponed until August 1.

Political comment in this issue by Ken Owen. Newsbills by Trevor Bisseker. Headlines and sub-editing by Michael Moon. All of Times Media Ltd, 11 Diagonal Street, Johannesburg.

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## Petition only recourse — State

# Fraud alleged in case of 'Six'

Star 8/6/88

(331)

By Claire Robertson

Counsel for the Sharpeville Six continued yesterday trying to persuade Mr Acting Justice Human in the Pretoria Supreme Court to hear evidence relating to an alleged fraud committed on the court by the State.

If the facts were to show that the judge was induced by fraud to give a judgment improperly, the judge was empowered to nullify his judgment, Mr Denis Kuny, SC, for the Sharpeville Six, said.

Counsel for the Attorney-General of the Transvaal, Mr J L van der Merwe, who is opposing the reopening of the trial, has argued that the Supreme Court has no jurisdiction over a case already heard in the Appeal Court. The only avenue left was to petition the State President, he said.

### DEATH ROW

The Six, who are on death row following their murder convictions for the killing of Lekoa deputy mayor Mr Khuzwayo Dhlamini in 1984, are attempting to have the case reopened.

They are Duma Joshua Khumalo, Francis Don Mokgesi, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola and Mojalefa Reginald Sefatsa.

The fraud alleged by the applicants

is that the police assaulted or threatened at least two State witnesses to get them to give false evidence at the original trial in 1985.

In an affidavit by one witness, Mr Johannes Mongaule said: "I was assaulted by a white policeman, with fists in my face, and I was elbowed by a black policeman ...

"At the police station I ... said I knew nothing of Dhlamini's death and this time I was threatened with a long arrest and they, about four white policemen, threatened to throw me out of the window at the police station."

Police and their attorneys have denied any assault or intimidation.

Mr Acting Justice Human said he had "two sets of affidavits before me, one denying that it ever happened".

"It's very easy for the police to deny it," said Mr Kuny.

"It's as easy for one as for the other," said the judge.

"In the interests of justice, your Lordship should exercise your discretion in favour of the applicants. The consequences of this are drastic ... Your Lordship should say 'There is a conflict in the (court) papers and I should hear the evidence'."

● Judgment in the application to reopen the case of the Sharpeville Six will be given on Monday June 13.



ALLEGATIONS that police had threatened and assaulted certain witnesses into making false statements were far-fetched and provided no basis for the re-opening of the trial of the Sharpeville Six, the Pretoria Supreme Court was told yesterday.

Mr J L van der Merwe, SC, for the State, also urged Mr Acting Justice Human to dismiss the allegations as hear-say evidence.

Judgment was reserved until Monday.

Mr van der Merwe said no affidavit had been placed before court to prove that Mr Joseph Manete, one of the State witnesses, had been assaulted by police.

He said there should have been an affidavit alleging the fraud and giving reasons on which it was based.

"The court has no basis from which to infer that these allegations are true. These are far-fetched allegations and the court cannot take any cognisance of the statement Manete is alleged to have made

# Vaal Six: Judgment reserved

Sowetan 8/6/88

Allegations far-fetched,  
Pretoria court is told

By ALINAH DUBE

before his lawyer," he said.

The State further submitted that police behaviour could not be regarded as a subject for an application for a retrial. Such an application, according to Mr van der Merwe, could only be lodged in cases where there had been an

irregularity in the proceedings.

The falsity of the evidence, the court heard, did not form part of court procedure.

Mr Denis Kuny, SC, for the applicants, said that any communication between lawyers acting on behalf of the six and Mr Manete would have been improper.

He said Mr Manete was still a potential State

witness and that there was nothing improper or peculiar about the defence team not having obtained his affidavit.

He told the court that the accused had a *prima facie* case and considered the court a proper forum for Mr Manete to come forward with his evidence.

Mr Kuny submitted that the court had inherent jurisdiction

which flowed from common law and certain powers. He added that this jurisdiction did not flow from the Criminal Procedure Act.

According to him, Section 327 of the Criminal Procedure Act which, according to the State, empowered only the State President to deal with the application, did not limit the court's powers but created an additional avenue which could be used by the accused.

## Set aside

Mr Kuny further stated that the court had powers to set aside its own sentence.

"The Appellate Division may not have known about the fraud practice in the trial as they dealt with the judgment placed before this court as valid evidence."

"The State President, although he might know about the fraud committed, can still decide not to do anything about the matter. Court always retains power over its decisions and its own judgment."

(Proceeding)

# Not afraid of police

sowetan 9/6/88

331

By MONK NKOMO

ONE of the seven accused in the PAC/Qibla trial, Mr Yusuf Patel, had boasted that his organisation was not afraid of the South African Police because it had arms and ammunition to fight them, a state witness told a Pretoria Regional Court yesterday.

Mr X, who was examined by the prosecutor, Mr H P Pretorius, said he met Mr Patel in Johannesburg in December, 1985.

They discussed the

situation in the Cape and Mr Patel wanted to know if he wanted to join any organisation.

"I told him that I did not have an organisation. He then told me that he was a leader of Qibla and that his organisation was not afraid of the South African Police because they had arms and ammunition to fight them," Mr X said.

## Qibla

The accused include five alleged members of the PAC and two alleged leaders of Qibla — a Muslim organisation. They are Mr Mabatu Enoch Zulu, Mr Siyabulela Ndoda Gcanga, Mr Vincent Mathunjwa, Mr Setsiba Paul Mohlohlo, the Reverend Daniel Nkopodi, Mr Achmad Cassiem and Mr Yusuf Patel.

The witness, who may not be identified in terms of a court order, said he and a group of other

persons, including Mr Patel, drove to Botswana in December, 1985 where they met leaders of the Pan Africanist Congress, among them Mr J Mkhwanazi.

He said Mr Mkhwanazi asked them in Zimbabwe if they wanted to undergo military training. The court heard that nobody answered the question. Mr X said he told Mr Mkhwanazi that he first wanted to go back home to see his wife although he knew that he would not be coming back.

## Fugitive

He and the group came back to South Africa two years ago. He became a fugitive from the police since April this year because he did not want to testify in the trial. Mr X, who was warned to answer all questions by the magistrate, including those that incriminated him, said he was arrested last Wednesday, June 1.

X



# Court told of escape bid by Forbes men

CHC-Tails 9/6/88 (331)

By RONNIE MORRIS  
Supreme Court Reporter

ASHLEY FORBES and his fellow-accused were being held in 24-hour-a-day solitary confinement following a bid by some of them to escape from Pollsmoor Prison, the Supreme Court heard yesterday.

The court heard that the men had tried to escape by sawing through a bar. Defence counsel Mr Michael Donen said Forbes and his 14 co-accused, all of whom are charged with terrorism, slept in cells with broken windows and received a sparse diet. The court was also told that the men were manacled.

At the start of the proceedings, Mr Donen asked for a postponement to consult with the accused. Certain irregularities had taken place which would be prejudicial in the cross-examination of a security policeman, Warrant Officer Jeffrey Benzien.

He said that on Sunday, instructions drawn up by the accused were confiscated by prison authorities and he had "reason to believe" that WO Benzien had access to the documents.

He said that about 4am on Sunday, prison warders entered the cell occupied by all the accused, with the exception of Yasmina Pandey, and that "two or three" were pointed out. Their cell was searched and all documents were seized.

## Conditions 'abominable'

Most of the documents were returned after 48 hours but some of Nicklo Pedro and Anwa Dramat's documents were not returned.

Asked by Mr Justice D M Williamson how the problems arose, Mr Donen said all 14 accused were taken from the cell and put in solitary confinement. He said they always slept with their chains on.

"They claim conditions are abominable. The quality of the food has deteriorated, they also have insufficient blankets and those that they have are lice-infested. The cell windows are broken."

All the accused were kept under these conditions so that those suspected of the attempted escape could confess.

"One would have expected the police to be called in to investigate the matter but the security police were called, including the investigating officer, WO Nortje, and WO Benzien who is still under cross-examination."

Mr Donen said WO Benzien was seen going through a box containing documents and was allowed to interrogate one of the accused.

"This is seriously affecting our preparation for the trial. It might be that I would have to cross-examine WO Benzien and he would be in possession of instructions I am to use."

"The prison authorities have also confiscated a file and there were two

indentations in a bar."

Mr Justice Williamson remarked: "Presumably this is something which should not have been there in the first place."

Mr WC Viljoen, for the state, replied that he could not agree that the request for a postponement had nothing to do with an application last week for a postponement till today.

"This has a longer history than that which is before the court," he said.

"This weekend some noise was heard in the cell where the accused were kept. The authorities had a look and saw two accused involved in an attempted escape. Further investigation revealed that the accused had made an attempt to saw off a window to the cell. One person had been seen sitting on top of a cupboard at the window."

"By the time warders got to the cell, it was difficult to catch a person in possession of the saw," Mr Viljoen said.

A "v-shaped cut" was made in one of the bars and a metal saw with "some sort of handle" was confiscated. If the bottom of the bar was sawn off the whole beam could have been bent outward.

## Left the country

Mr Viljoen said the accused were misusing their own attempted escape to achieve a postponement and the fact that they were caught and were being punished had nothing to do with the court; it was just another attempt to thwart court proceedings.

Cross-examined after the lunch break on Ashley Forbes, Peter Jacobs and Nicklo Pedro, WO Benzien said Forbes was alleged to have left the country in June, 1986. He went through Swaziland, Maputo and Lusaka to Luanda and from there to a camp in Angola where he received training under the banner of the ANC.

Forbes, Jacobs and another person known as Mark Henry left the country on the same day and in a similar manner.

His information had been that Forbes was in possession of arms, including limpet mines, and had infiltrated back into South Africa. He believed that Jacobs would also be armed.

Mr Donen said it appeared that the security police office at Culemborg had some "magical powers" as far as the interrogation of accused was concerned.

"After they visited Culemborg you obtained this information. If I am correct you are the person who obtained the most information from the accused," said Mr Donen.

Mr Donen said: "I put it to you that your role, when an accused is unwilling to co-operate, is to scare him and make him fear for his life."

WO Benzien "strongly denied" this. The hearing continues today.



# How Govt failed in black education

Soweto 331  
9/6/8

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S 20716

THE Government's failure to carry out the main recommendations of the De Lange Commission of inquiry was partly to blame for the current crisis in black education, a Pretoria Supreme Court judge was told yesterday.

Testifying for the defence in the Vaal Triangle treason trial, educationist Dr Kenneth Hartshorne also told Mr Justice van Dijkhorst and an assessor that

much as the commission's recommendations were not a blueprint for education, "they did provide a starting point."

He said despite the commission's faults, education would have improved had its major recommendations been accepted.

Dr Hartshorne, who is attached to the Centre for Continuing Education at the University of the Witwatersrand, said the commission was appointed to investigate all aspects of education following the 1976 uprisings.

The Human Sciences Research Council appointed a committee to carry out investigations at the Government's request.

The De Lange Commission's report was the outcome of these

investigations. A task force was appointed to advise the authorities on which part of the report to accept.

Eleven principles of the commission, which largely dealt with the responsibilities of the State, were dealt with in court yesterday.

Dr Hartshorne pointed out that although the commission's main objective was to have one education ministry in the country, "we ended up with five".

"The White Paper (government's reaction to the report) failed to address the fundamental issue which originally brought the De Lange investigation into being — the separation and isolation of the black education systems and their failure to meet the needs and aspirations of the people they were set up to serve," Dr Hartshorne said.

## PRACTICAL COURSES IN

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# The killing of Ashley Kriel: Police evidence

AAGUS

9/6/88

331

By MICHAEL DOMAN  
Supreme Court Reporter

THE fatal shooting last year of Bonteheuvel student and African National Congress member Ashley Kriel has been described in the Supreme Court, Cape Town, by a security policeman.

Detective-Warrant Officer Jeff Benzien was giving evidence under cross-examination yesterday in the trial of Wynberg student Ashley Forbes and 14 others on charges of terrorism.

The accused are Forbes, 22, Peter Anthony Jacobs, 22, Nicklo Louis Pedro, 20, Nazeem Lowe, 24, Anwar Dramat, 19, Clement Baadjies, 19, David Johannes Fortuin, 22, Jeremy Alan Veary, 22, Walter Rhooode, 23, Wayne Ingemar Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Clave Martin Petersen, 23, Leon Scott, 29, and Yasmina Pandey, 20.

Warrant Officer Benzien denied "in the strongest terms" that he got information from suspects by scaring them and making them fear for their lives.

Defence counsel Mr Michael Donen suggested that security police offices at Culemborg seemed to hold some "magical power" because when some of the accused had been there police got "all the information".

Mr Donen said Pedro would say that Warrant Officer Benzien started his interrogation by joking that "we shot Ashley Kriel".

Mr Donen: Who murdered Ashley Kriel?

Warrant Officer Benzien: I'm not aware of any murder charge. The term is totally incorrect. I don't know who murdered him.

Mr Justice Williamson: Was he murdered?

Warrant Officer Benzien: The inquest ... is sub judice. I was present when he was arrested

and fatally wounded, but the result of the inquest is still pending. I object to the question 'Who murdered him?'. There is no evidence I know of that he was murdered.

Mr Donen asked Warrant Officer Benzien whether he had shot Kriel dead.

Mr Willie Viljoen, for the State, objected to the question, saying he did not see its relevance.

Mr Donen said it related to the credibility of the witness and to "how it comes about that when the accused are interrogated by him they immediately speak and point things out".

Warrant Officer Benzien said Kriel had a firearm when he was being arrested.

"We were involved in a struggle. A shot went off."

Mr Donen: Who pulled the trigger?

Warrant Officer Benzien: It is difficult to say.

## Search

"We had information that Ashley Kriel was a trained member of the ANC's military wing.

"While we were doing a house-to-house search I saw a movement inside a house.

"My weapon was concealed under a pair of overalls. I told a colleague to knock at the back door.

"A person opened ... it was Ashley Kriel. His hands were held together in front of his body under a jersey and a towel.

"I decided I would try to arrest him bare-handed although I was convinced that his hands were covered for some reason ... either a hand-grenade or a firearm.

"I used the trick of saying we were checking the plumbing system.

"When we looked into each other's eyes I realised he knew what was going on. I grabbed his arms

and turned him so that his back was towards me.

"The jersey and towel fell and I saw he had a gun.

"A colleague and I wrestled with him near the back door of a house. Ashley Kriel was between us.

"Within a few seconds we managed to overpower him and I took the gun from him. I hit him a tremendous blow on the forehead in an attempt to knock him out so we could arrest him.

"He lay on his back and I told Sergeant Abels to handcuff him. When his right hand had been handcuffed Kriel sat up and tried to take the weapon.

"There was a struggle. Sergeant Abels was holding on to the handcuffs ... I was on Ashley Kriel's back ... a shot went off.

"It hit him in the right shoulder-blade. I felt his body go limp immediately. It looked as though he was badly wounded.

"The whole incident didn't take more than 30 seconds. We searched the house. There was nobody else there and we found a hand-grenade.

Mr Donen: Whose hand was on the trigger?

Warrant Officer Benzien: In all honesty until today I don't know. I can't say if it was my finger or if the gun hooked on clothing, or how the shot was fired.

"If it is found that my fingerprint was on the trigger, I'll acknowledge it."

Mr Donen: Pedro's version is that when you started interrogating him your first words were: "You are deep in the sh... I know everything about you. Do you know Ashley Kriel? I shot him and you are lucky you are still alive today."

Warrant Officer Benzien: I could have asked him if he knew Ashley Kriel, but I deny the rest in the strongest terms.

The hearing continues.



# Education is the focus at Delmas treason trial

By Esther Waugh

Black education was the focal point at yesterday's hearing of the Delmas treason trial in the Pretoria Supreme Court in which 19 people are facing charges of treason, murder, subversion, terrorism and furthering the aims of the African National Congress.

Dr Ken Hartzhorne, a lecturer and writer on education, and particularly black education in South Africa, was testifying to the state of black education in the country between 1980 and 1985.

He told Mr. Acting Justice van Dijkhorst that the differences between black and white education were "indefensible".

Dr Hartzhorne said education was concerned with:

- Protecting group identities and interests.
- Differences and diversity instead of a common South Africanism and a common humanity.
- With obedience to author-

ity, particularly that of the State, instead of encouraging creative thinking, independence and dissent.

- Discriminate against people on the grounds of colour.

Dr Hartzhorne said it was naive to think politics could be kept out of education.

## CRISIS

"One cannot hope to understand the current crisis in education except against the broad background and against the more immediate canvas of political ideologies and practice in South Africa."

Dr Hartzhorne, a member of the De Lange Committee on Education, said it was appointed because of a general dissatisfaction among various population groups about education between 1976 and 1980.

He said black parents had very little choice regarding their children's education and no democratic say in educational decision-making.

(Proceeding.)



## Detainee asks court to restrain police

SKV 9/6/68 By Jo-Anne Collinge (338)

An application for an interdict to restrain police from unlawfully assaulting a Soweto detainee was brought in the Rand Supreme Court yesterday.

The applicant, Mr Abram Molifi Rapetswa (22), was a pupil at Mokgome High School who was detained on April 28 and taken initially to Protea police station in Soweto. He was later transferred to Diépkloof prison.

His application relates to his treatment by police at Protea.

Detailed allegations of unlawful treatment are included in his founding affidavit to the court.

Emergency regulations prohibit The Star from disclosing details of the allegations made in this and supporting affidavits until the court has given a "final judgment" in the case.



# HOW Ashley Kriel died

BY RONNIE MORRIS  
Supreme Court Reporter

IN A dramatic twist to the Ashley Forbes terrorism trial yesterday, detailed evidence on circumstances surrounding the death of ANC member Ashley Kriel on July 9 last year, was given by police.

There was a stunned silence in the Supreme Court when defence counsel Mr Michael Donen asked security policeman Warrant Officer Jeffrey Benzien: "Who murdered Ashley Kriel?"

WO Benzien: "I object. I am aware of Kriel; counsel makes a statement that Ashley Kriel was murdered. I am not aware of any charge of murder. The term is completely inaccurate."

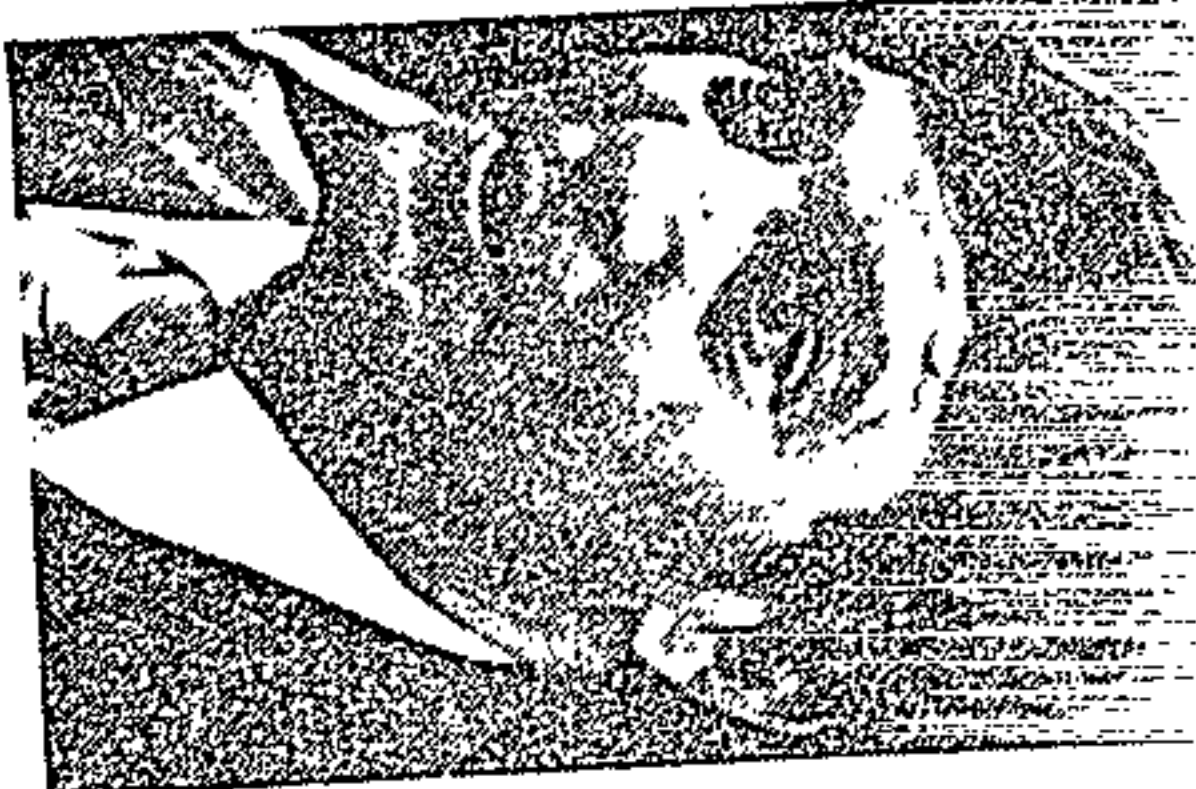
Donen: "I would like an answer."

Benzién: "I do not know who murdered Ashley Kriel."

Mr Justice Williamson: "Was he murdered?" Benzien: "The inquest is sub-judice. I was present when Ashley Kriel was arrested and fatally injured. The finding of the inquest court is still pending. I object to the question put to me. There is no evidence that Kriel was murdered in my presence. I believe the court which will hear the inquest will make a correct (regmatige) finding."

Donen: "My instructions are that Ashley Kriel was a well-known student at UWC and also the founding member of the Bisco (Bonteheuwel Inter-Schools Congress)."

Warrant Officer  
Jeff Benzien



To page 3

From page 1

Donen: "He was known by the students at UWC including Forbes, Jacobs and Pedro."

Benzién: "That may be so."

Donen: "... and he was shot dead."

Benzién: "I interpret shot dead and fatally wounded differently."

Donen: "What I actually want to know is did you shoot him dead?"

WO Benzien replied that to put the evidence in its proper context he would have to relate to the court the attempt to arrest Kriel.

Mr W C Viljoen, for the state, objected and said he could not see the relevance of the line of questioning. Kriel's arrest did not take place in the presence of any of the accused, he said.

Mr Donen said it was relevant because it related to the credibility of WO Benzien because as soon as the accused and other people appeared in front of him they "immediately spoke and pointed out things".

Mr Justice Williamson said he thought it was relevant.

Donen: "Did you shoot Ashley Kriel?"

WO Benzien said that during Kriel's arrest, "Kriel's firearm came into my possession and during a struggle a shot went off and he was fatally injured".

Donen: "Who pulled the trigger?"

Benzién: "It is difficult to say." He said security police had information that Kriel was a trained ANC guerilla but police could not find an address for him.

While he and two colleagues were patrolling Athlone and after stopping at an apparently deserted house, he had seen a movement behind a curtain. Convinced that it was "not just a shadow", he had entered the property and knocked on the back door. He was dressed in an overall, his firearm was not

easily accessible and he did not have a walkie-talkie. The door was opened by Kriel whose hands were covered by a jersey and a towel.

"In that split second I decided to arrest Kriel. I was convinced he had a firearm or a handgrenade under the jersey and towel. We used a ploy and said we were examining the sewerage system. I moved away from the door and he gave two steps forward.

"When we looked in each other's eyes I realised he knew what was going on."

WO Benzien said he had grabbed Kriel by the arms, turned him around and when the jersey and towel fell, saw Kriel had a firearm. Kriel pointed the firearm at a colleague who was standing between them.

"After a few seconds I managed to overpower Kriel and gave him a tremendous blow on his forehead in an attempt to render him unconscious. He was lying on his back and my colleague took out his handcuffs.

"When my colleague was putting the handcuffs on Kriel's right hand he came up into a sitting position and tried to take the firearm from me. He got to his feet and tried to get into the house.

"In the ensuing struggle a shot went off and hit him in the right part of his shoulder blade (regterblad). He immediately went limp and was handcuffed. It appeared that Kriel was badly wounded and both his hands were cuffed."

A quick search of the house revealed nothing, but when reinforcements arrived a handgrenade was found under a pillow, WO Benzien said.

Donen: "Who's hand was on trigger?"

Benzién: "In all honesty I can say I do not know. He could not say if his finger was on the trigger or how the shot went off, WO Benzien said.

"If my fingerprints are on the trigger I would

admit it."

He said that within days it was common knowledge that he was present at the scene of the shooting and he was forced to change his telephone number and special security measures, still in force, were taken at his home.

Kriel was highly regarded in a section of the community and he, his wife and children were in danger, WO Benzien said.

Mr Donen put it to WO Benzien that when he first met accused Nicklo Pedro, he had told him: "You are deep in s... I know everything about you. Do you know Ashley Kriel?" And that when Pedro replied that he did, WO Benzien told him: "I shot him, you are lucky to be alive". WO Benzien replied: "It is possible that I asked him whether he knew Kriel. The rest I deny strongly."

WO Benzien rejected as a "blatant lie" Mr Donen's submission that Pedro was scared when he (WO Benzien) told Pedro: "We went to shoot Kriel when he did not want to co-operate."

Asked if he had a photograph of Kriel in his office, WO Benzien said he did not.

Mr Donen said that during the interrogation of the accused at present on trial, WO Benzien had a Cayco (Cape Youth Congress) photograph of Kriel mounted on a poster on the wall with the words "Freedom or death, victory is certain".

Mr Donen said that following those words, the words "not for you" were written and an "X" was drawn over Kriel's face, with the words "One down, one to go" added.

WO Benzien admitted there was a Cayco poster of Kriel which he had written the words "not for you". But he did not know whether his colleagues had written the other words as a joke or as a tribute. The hearing continues today.



# Mr X tells of attitude to Govt

A STATE witness giving evidence in camera in the Pan Africanist Congress/Qibla terror trial yesterday told the Pretoria Regional Court that although he abhorred apartheid and the suppression of black people in South Africa, "I have no political grievances against the Government."

Mr X also told the court during cross-examination by the defence lawyer, Mr Dikgang Moseneke, that he did not know why he was warned by the court that he might incriminate himself in the trial.

He said he left the country while on holiday with a valid passport in December, 1985.

"I am not a member of the PAC or Qibla and it has never been my intention to be a member of these organisations," Mr X said.

He was testifying in the trial of five alleged members of the PAC and two of Qibla.

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

## Reverend

They are Mr Mabutu Enoch Zulu, Mr Siyabulela Ndoda Gcanga, Mr Vincent Mathunjwa, Mr Setsiba Paul Mohohlo, the Reverend Dan Nkopodi, Mr Achmand Cassiem and Mr Yusuf Patel.

Mr X said he and a group of people, including one of the accused, Mr Patel, left South Africa in December, 1985, for Botswana and ultimately Zimbabwe.

They stayed for a while in Botswana before leaving for Zimbabwe where they stayed at two houses which he described as residential areas of the PAC.

His intentions, the court heard, had never been to leave South Africa permanently or to join any organisation.

Cross-examined by Mr Moseneke, Mr X said he has never been a member or sympathiser of a political organisation.

## Grievances

Asked by Mr Moseneke if he had any grievances against the South African Government, Mr X said he only had two, "suffering of blacks and apartheid."

Mr X said his passport, which was seized temporarily by Zimbabwe's intelligence police, was later given to him and he came to South Africa by air during March, 1986.

He conceded during cross-examination that he was not arrested by the police because he had gone to these countries while on holiday. He was arrested last Wednesday.

(Proceeding)



# State's claim refuted

THE involvement of black student organisations in resolving education issues was not to "take over power" but a means of bringing about change in the black education system, a Pretoria Supreme Court judge heard yesterday.

This was said by Dr Kenneth Hartshorne, an educationist, under cross-examination by Mr P Fick for the State. He was giving evidence for the defence before Mr Justice Van Dijkhorst and an assessor in the Vaal Triangle treason trial.

He rejected the State's suggestion that the Azanian Students Organisation and the Congress of South African Students aimed at mobilising the youths and taking over power. He said there was a connection between education and the politics and words such as "mobilising" were political terms often used in expressions.

"These organisations were concerned with inadequacies and discrimination, naturally, everyone concerned with education, including teachers and leaders wanted change in the educational system," he said.

They added that concerned organisations were suspicious of the De Lange Commission and later opposed to statements contained in the white paper.

He also pointed out that boycott action did not mean opposition to education. He said there had been disturbances at schools during the early 40s.

For many years, Dr Hartshorne said, teachers associations, school boards and other committees unsuccessfully tried to persuade the Government and the Department of Education to make certain changes.

"Behind all these frustrations and desperation the children feel that these people are not listening and that they have to do something to make them listen to them," he told the court.

Proceeding.

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## Stay of execution for killer

PRETORIA. — A 24-year-old man, due to be hanged here today, was yesterday granted a stay of execution by the Supreme Court, Pretoria.

Paul Setlaba was sentenced to death in December 1986 for the murder of a suspected police informer.

Setlaba's attorney, Mr Roshan Dehal, said yesterday that the Supreme Court order had granted his legal team two months in which to submit a plea for clemency to President P W Botha.

Setlaba's previous attorney had not lodged an appeal on his behalf.

Mr Dehal said the order had been granted unopposed.

Setlaba was convicted of murder and public violence in Graaff-Reinet on December 12, 1986. — Sapa

NR 545-10/6/88 (331)

## Terrorism accused 'swallowed note'

### Supreme Court Reporter

A SECURITY policeman told the Supreme Court he examined a terrorism accused's faeces for a note he was alleged to have swallowed.

Detective-Warrant Officer Jeff Benzien was giving evidence under cross-examination in the trial of Wynberg student Ashley Forbes and 14 others on terrorism charges.

Warrant Officer Benzien said he first saw accused Nicklo Pedro at the security police offices at Culemborg on August 17 last year.

Pedro appeared to be co-operating during interrogation.

### RUBBER GLOVES

Warrant Officer Benzien said there was talk of a piece a paper bearing a telephone number which Pedro was alleged to have swallowed.

"He said he had to call someone in Maseru when he got to Swaziland. Unpleasant as it may seem, I had to check his faeces while wearing rubber gloves. I didn't find the paper."

Warrant Officer Benzien denied threatening Pedro by saying nobody knew he had been arrested and police could do what they liked with him.

Asked why Pedro was not given food on August 17 until late in the afternoon after he returned from making a statement to a magistrate, Warrant Officer Benzien said: "I can't answer. Maybe he wasn't hungry."

Warrant Officer Benzien denied handcuffing Pedro to bars in an office so that his feet hung just above the ground, smacking and hitting him in the face and shouting and swearing at him.

It was not true that Pedro had asked for food and to be allowed to go to the toilet and had been refused, he said.

"If a person refuses to answer (questions) there is absolutely nothing one can do and one has to leave it at that."

Defence counsel Mr Michael Donen: Pedro says you hit him and threatened to smother him and he then said he would point out the houses of four of the other accused.

### ANC NETWORK

Warrant Officer Benzien: That's a lie.

His information was that Pedro had handed over command of a network of ANC cells in the Cape to Anwar Dramat when he decided to leave the country because the police were pursuing him.

The court heard that Warrant Officer Benzien took part in Dramat's arrest at his parents' home in Bonteheuwel after Pedro showed police the house.

He denied assaulting Dramat in an attempt to find the whereabouts of weaponry allegedly in his possession.

The hearing continues.



# Suspect 'ate number'

By RONNIE MORRIS  
Supreme Court Reporter

SECURITY policeman Warrant Officer Jeff Benzien waited for a detainee suspected of having swallowed a piece of paper bearing a telephone number to go to the toilet and searched for the information — but found nothing, the Supreme Court heard yesterday.

Testifying in the terrorism trial of Mr Ashley Forbes and 14 others, WO Benzien said accused Mr Nicklo Pedro was arrested near the Lesotho-Transkei border and brought to their Culemborg, Cape Town, offices for interrogation.

It was possible that Mr Pedro had to meet a contact in Swaziland and because there was talk that he had swallowed a piece of paper with a telephone number, he waited for him to go to the toilet and then searched for the paper.

"As unpleasant as it may sound, I had to find it. I did not," said WO Benzien.

He described as "rubbish" defence counsel Mr Michael Donen's submission that he threatened Mr Pedro and told him he could do with Mr Pedro as he wished.

Mr Donen put it to WO Benzien that Mr Pedro had been refused food and sleep, had not been allowed to visit the toilet and that in his (WO Benzien's) presence during the interrogation, another policeman had said: "You are now dealing with the Special Branch and they kill people without anyone knowing about it."

WO Benzien rejected all of this as "absurd" and said Mr Donen's submission that Mr Pedro was slapped, stripped of his clothes and had his hands handcuffed to a window above his head so that his feet just about touched the floor, were "lies".

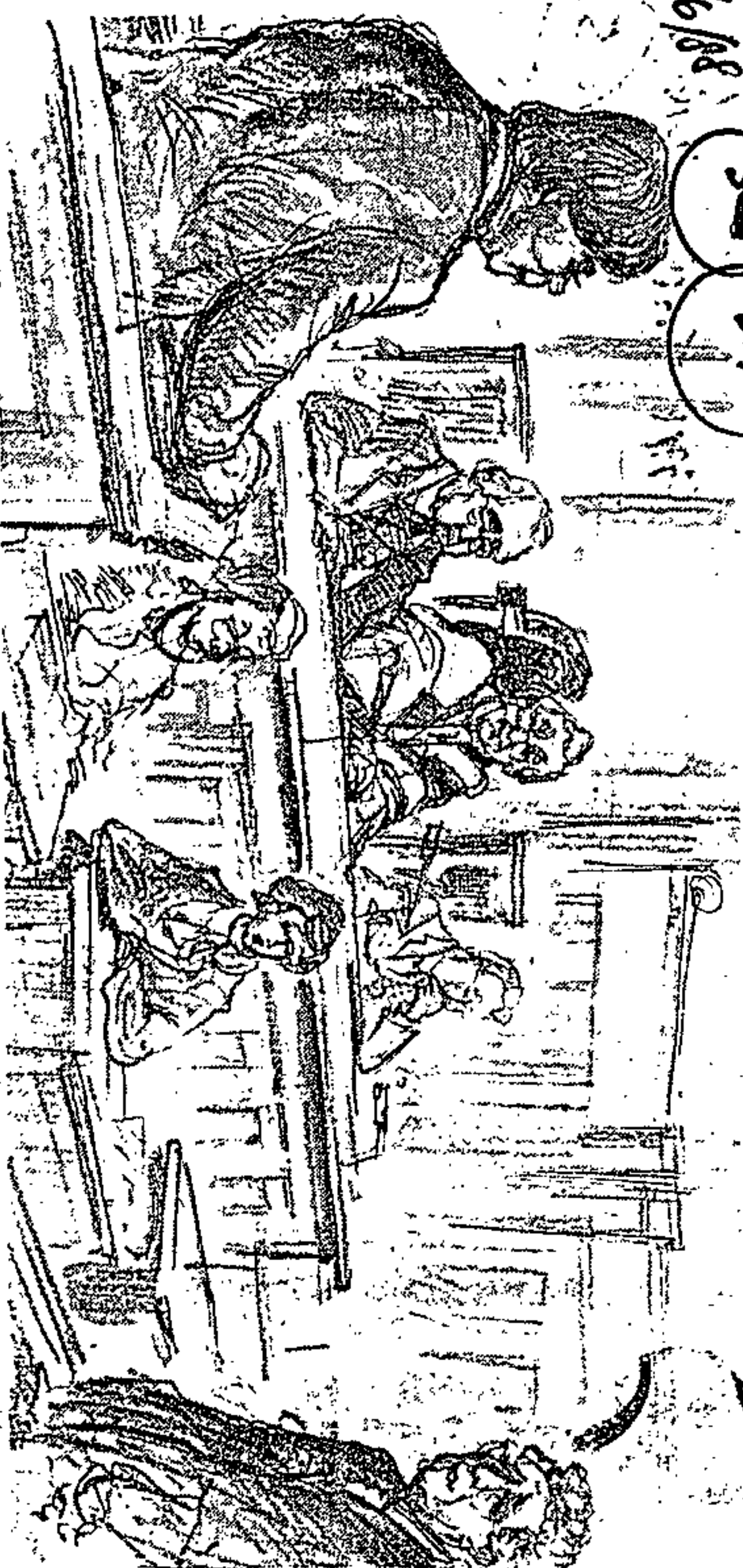
He said there "is nothing I can do" if a person not held under Section 29 refused to answer questions or refused to say where weapons were hidden.

After interrogation Mr Pedro had made a confession to a magistrate which was contained in a "bulky" document and taken to the Sea Point police station where he was kept in a cell with his feet handcuffed to the bed.

He wanted to prevent Mr Pedro from going to the toilet during the night without anyone knowing because he still wanted the paper with the telephone number, WO Benzien said.

He also had information that Mr Anwa Dramat would take over the command structure of an ANC cell after Mr Pedro learnt that police were after him.

He and some colleagues had raided Mr Dramat's house and arrested him.  
The hearing continues today.



**COURT SCENE...** Cape Times artist Tony Grogan's impression of the scene in court at the trial of Ashley Forbes and 14 others. On the left is WO Jeff Benzien being cross-examined by defence counsel Mr Michael Donen, on the far right. In front, to the left, is the stenographer, and to her right the judge's registrar. At the back are Mr Justice D M Williamson (centre) and assessors Mr L P Francis (left) and Mr C H van Gend.



**IN THE DOCK...** Grogan's impression of the accused in the dock. Immediately in front are three policemen, with the accused seated in the dock behind them.



# From mysterious X1, X2 and X3, tales of Quatra ANC base

*The Bethal treason trial, which adjourned this week until August, has heard mystery witnesses tell of an ANC prison camp. VUSI GUNENE reports*

HELENE PASSTOORS, now serving a 10-year prison sentence for treason, may find herself in court again — as a state witness at the Bethal trial.

Passtoors, found guilty of smuggling arms into the country, has been subpoenaed and may be called at the beginning of August when the treason trial resumes in Pretoria.

The state alleges Passtoors helped an alleged senior member of the outlawed African National Congress, Ebrahim Ismail Ebrahim, enter and leave South Africa illegally in 1985.

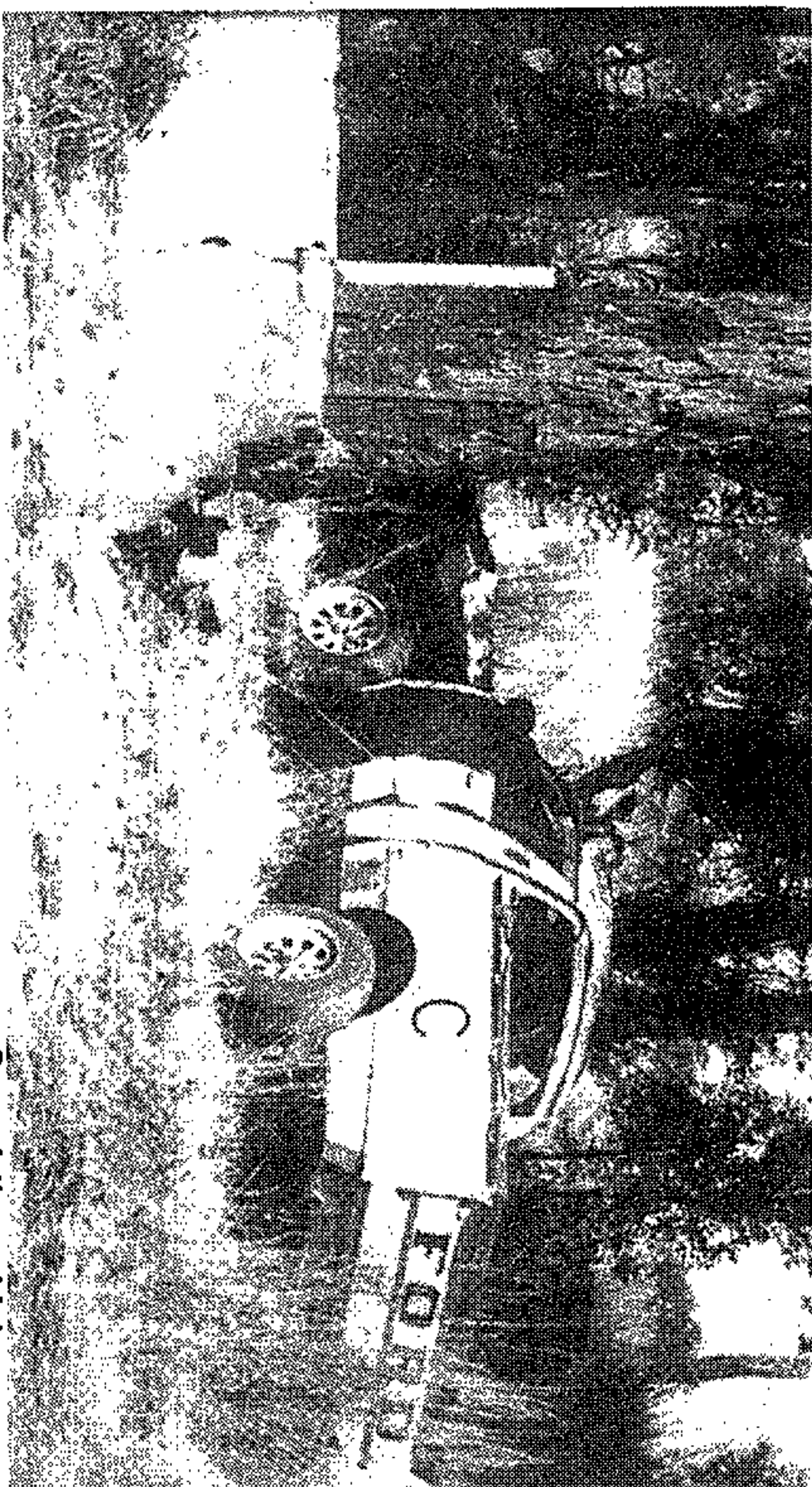
Ebrahim is appearing with two alleged ANC guerrillas, Mandela Maseko and Simon Dladla, on charges of attempted murder, terrorism and treason. If the state can prove its allegations, Ebrahim would be the highest-ranking ANC official to stand trial since Nelson Mandela and other Rivonia treason trialists in the early 1960s.

According to the indictment, he was in charge of the ANC's Regional Political Military Committee, based in Swaziland, which co-ordinated the ANC's machinery in the Transvaal and Natal from 1984.

The trial has been characterised by the protection given to secret state witnesses. The presiding judge has ruled that in some cases their identities not even be revealed to the court. They have testified in an *in-camera* court and have been identified only as X1, X2, X3 and X4.

Charges against the accused relate, *inter alia*, to the explosions of four land mines in April and June, 1986 on farms in the Eastern Transvaal. Explosions at Volksrust and Beveten in the Eastern Transvaal injured two farmworkers and wrecked vehicles and tractors.

Ebrahim is also charged with having entered the country illegally in 1985 and for leaving it illegally later that year to attend the second consultative conference of the ANC in Lusaka. The state alleges he was aided



in this by Passtoors.

The remote town of Bethal in the Eastern Transvaal has, for the past four months, been hearing military and political aspects of the outlawed ANC. The court heard from a secret

state witness how ANC members who left the organisation were either killed or arrested. The witness, a former ANC member who may not be identified, said in an *in-camera* hearing that there was no provision for ever resigning from the ANC.

He told the court former members who were arrested were sent to the ANC's Quatra prison camp in Angola where he said people were ill-treated and some were killed.

The defence gave notice in the course of cross-examination of the

secret witnesses that a number of members of the National Executive Committee of the ANC and the exiled South African Congress of Trade Unions (Sactu) would deny certain allegations made by these witnesses.

The names of the people the defence mentioned included the general secretary of the South African Communist Party, Joe Slovo, John Nkandimeng and Joe Mkhwanazi, both of Sactu.

The leading witness for the state thus far, identified as X1, testified he had been a senior member of the ANC's military structure in Swaziland.

In terms of a court order, the witness did not have to disclose his real name or that which he had used as a member of Umkhonto we Sizwe, the

**One of the vehicles destroyed by a landmine blast in the Eastern Transvaal: the picture was presented as evidence in court.**

ANC's military wing, to the court. As it was considered that the accused knew his name, the defence had been ordered not to reveal it. The defence could interview persons the witness specifically referred to in evidence, but would not be allowed to disclose to such persons the name of the witness. Similar orders also apply to the other secret witnesses.

The state also led evidence of documents allegedly photographed by an informer in the ANC's headquarters in Lusaka.

Under cross-examination, state witnesses have conceded there were no indications whether the photographs were of original documents and the allegation that they were photographed in ANC headquarters is only what the informer told his handler in the security police.

The court ruled that the security police did not have to reveal the identity of their informer.

In a similar vein two weeks ago, the court ordered a security policeman did not have to disclose the identity of a fellow policeman who was the handler of one of the secret witnesses.

The court also heard from a senior member of the security police attached to the Witwatersrand branch how he travelled to Zeerust on June 23, 1985 to search the vehicle which Klaas de Jonge had been using.

He said in evidence he found a secret compartment at the back seat of the car, where a number of documents were hidden.

He told the court some of the documents had been written in code. The court heard some of those documents revealed planned escape routes to Swaziland.

Evidence led also revealed that Passtoors' house and flat had been searched and a number of documents and articles seized, including a typewriter and two books — *Petals of Blood* by Ngugi wa Thiong'o and *The House of the Seven Gables* by Nathaniel Hawthorne — allegedly used to make up codes.

Another police witness told the court he had analysed a piece of carbon paper found near Passtoors' typewriter and worked out what had been typed on it.

Justice H Danieels is presiding with two assessors. The state is represented by H Prinsloo and L van der Walt.

The defence team is led by L Gering assisted by HK Naidoo, instructed by Priscilla Jana Associates. The trial is proceeding.



# City terror accused deny rights warning

Supreme Court Reporter  
THE 15 accused in the Supreme Court terrorism trial have denied they were warned of their rights after being arrested.

This was alleged by defence counsel Mr Michael Donen, appearing for Ashley Forbes and 14 others, during the third day of cross-examination of Detective-Warrant Officer Jeff Benzien yesterday.

Warrant Officer Benzien had said he explained their rights to the accused because they were entitled to them.

Mr Donen: Accused David Fortuin says that after he was arrested on board a fishing trawler he asked you to allow him to see a lawyer.

Warrant Officer Benzien: No he didn't. He was taken to (security police offices at) Culemborg. There were telephones there and if he had asked he would have been given the opportunity.

Mr Donen: He says you swore in reply and told him not to talk s...

Warrant Officer Benzien: I deny this in the strongest terms. It appears to me there is a clear campaign of blackening my name.

The parents of another accused, UWC student Ashraf Karriem, exchanged angry words with him when police arrested him at their home, Warrant Officer Benzien said.

Warrant Officer Benzien admitted that he had gone through a box of documents confiscated from the communal cell of the accused after their alleged attempted escape on Sunday.

The accused are Ashley Forbes, 22, Peter Jacobs, 22, Nicklo Pedro, 20, Nazeen Lowe, 24, Anwar Dramat, 19, Clement Baadjies, 19, David Fortuin, 22, Jeremy Veary, 22, Walter Rhoo de, 23, Wayne Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Petersen, 23, Leon Scott, 29, and Yasmina Pandy, 20.



Cape Times, Saturday, June 11, 1988 3

# Terror trialist 'upset' parents with politics

Supreme Court Reporter

DURING the arrest of terrorism accused Ashraf Karriem, his upset parents complained they had worked for years so that he could attend university, only to see him become involved in "hotnots-politiek", a security policeman, Warrant Officer Jeff Benzien, told the Supreme Court yesterday.

WO Benzien was replying to questions during the terrorism trial of Ashley Forbes and his 14 co-accused.

WO Benzien said his information was that Karriem had a RPD-5 Russian handgrenade and was regarded as dangerous.

On August 27 last year, Karriem's mother pointed him out at their house and WO Benzien pulled a duvet off a sleeping Karriem and pointed a pistol at him.

He took Karriem to the bathroom and after Karriem denied knowledge of the handgrenade, he arrested him for terrorism.

He explained that since Karriem's father was recovering from an operation, "I wanted to cause as little trauma as possible".

## Father 'started crying'

He conceded having made an "error of judgement" when defence counsel Mr Micheel Donen said he was "a little naughty" in asking Karriem about the handgrenade when he had not been warned about his rights.

He had explained Karriem's rights in the car, and Karriem had later admitted having the handgrenade, which was handed to police on a second visit to the home, when his father "started crying and said he had worked all his life to enable Karriem to attend university".

"His father said: 'Now you are involved in hotnots-politiek.' I had to prevent his mother from hitting him." Karriem made certain scandalous remarks, said WO Benzien, and said his parents "did not understand the struggle".

Karriem did not ask to see a lawyer and WO Benzien admitted telling Karriem's mother not to telephone lawyer Mr Essa Moosa.

He said he was aware that Mr Moosa represented detainees charged with terrorism, but denied fearing that Mr Moosa would learn of Karriem's arrest. His motive was to prevent the handgrenade from going missing.

WO Benzien denied threatening to detain Karriem's parents if he refused to hand over the handgrenade, but agreed that he told Karriem that he would have to take responsibility if his parents died.

It was said in another context because Karriem's parents were upset, he said.

The hearing continues on Tuesday.

# ACQUITTAL REFUSED

AN APPLICATION for the acquittal of one of the seven alleged members of the banned Pan Africanist Congress and the dropping of some of the 24 charges of terrorism against others was dismissed in the Pretoria Regional Court on Friday.

Mr. Dikgang Mose-neke, the defence counsel, made an

application for the acquittal of Mr Vincent Mathunjwa on all counts because of lack of evidence implicating him in the case.

A statement by Mr Mathunjwa which he made to the police was ruled inadmissible by the magistrate, Mr J H Bekker, earlier during the trial after it was proved that it was not

made freely and voluntarily.

Mr Bekker dismissed the application but discharged two of the accused on one charge of terrorism.

The seven accused have pleaded not guilty to 24 counts of terrorism and defeating the ends of justice.

The case was postponed to July 15.

# THE 'SIX' IN COURT TODAY (331)

A JUDGE is scheduled to rule today on whether to re-open the trial of the Sharpeville Six, whose death sentences have drawn protest from around the world.

Pretoria Supreme Court Justice W. J. Human, who presided over the original trial in 1985, has been asked by defence lawyers to re-open the case to consider allegations that police coerced two State witnesses.

12/6/87  
for 507



## Fate of Six to be determined today

Judgment will be handed down today in the Pretoria Supreme Court on an application for the re-opening of the Sharpeville Six murder trial.

The five men and a woman were sentenced to death last year after the death of the deputy mayor of Lekoa, Mr Kuzwayo Dhlamini.

Legal counsel for the Six argued that the trial should be reopened because alleged police assaults on two witnesses resulted in false evidence being submitted. *STW 19/6/68*

The Attorney-General of the Transvaal opposed the application.

## Durban man faces terrorism charges

A Durban man appeared in the Johannesburg Magistrate's Court yesterday in connection with allegations of terrorism.

Mr Teboho Augustines Qhoboshiane (27) of Chesterville, Durban, who was arrested on June 10, was not asked to plead.

The case was postponed to July 5 for further investigation and Mr Qhoboshiane was remanded.

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## Soweto man appears on terrorism charges

By Ayesha Ismail

A Soweto man appeared in the Johannesburg Magistrate's Courts yesterday on charges of terrorism.

The state alleged that Mr Abraham Pule (46) unlawfully and intentionally tried to overthrow or endanger the state security of South Africa during April 1987 to May 2 last year.

It is also alleged that Mr Pule conspired with the African National Congress (ANC) to perform acts aimed at bringing about violence.

According to the charge sheet, during April 21 to May 2 1987 Mr Pule smuggled or conveyed from Botswana into South Africa eight limpet mines, 10 F1 handgrenades and detonators, two limpet mines, 10 limpet mine detonators, about 40 m of detonation fuse, 19 D8-type military detonators, two 400 g blocks of TNT, eight 200 g blocks of TNT, one 9 mm Makarov pistol and two magazines and 29 rounds of 9mm ammunition.

Mr Pule pleaded not guilty to all the charges.

The case was postponed to June 27.



## Man accuses (331) police of assault

A Soweto man charged with terrorism told a Johannesburg Regional Court yesterday he had made a statement to a Klerksdorp magistrate because he was assaulted by two white South African security policemen in Bophuthatswana.

Mr Johannes Setlhapelo (39), of Dobsonville extension, Soweto, said he was made to do about 100 push-ups and had a knife stuck under his stomach after he was arrested in Bophuthatswana. He said the policemen also punched him several times.

### HANDED OVER

He told the court he was arrested on September 17, 1987 by two Bophuthatswana soldiers who handed him to the SAP.

According to the charge sheet, Mr Setlhapelo visited Botswana in 1982 and became a member or supporter of the African National Congress.

In 1984 he allegedly received political training from the ANC in Botswana. In December 1986 he allegedly had bombs and grenades in his possession and in June 1987 he took the bombs and grenades from a graveyard in Doornkop to Dobsonville.

Mr Setlhapelo has pleaded not guilty. The hearing continues.





ANXIOUS families of the Sharpeville Six talking to their lawyer, Mr Prakesh Diar, after judgment was delivered in the Pretoria Supreme Court yesterday.

## Claim is rejected

14/6/88

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• From Page 1

Ramashamula and Mojalefa Reginald Sefatsa. They were all sentenced to death for the murder of a Lekoo councillor, Mr Khuzwayo Jacob Dlamini, on September 3, 1984.

The court rejected the defence team's claim that they did not obtain Mr Manete's affidavit as he was a State witness. Judge Human said this reason was "utterly unconvincing and unacceptable".

The hearing of further evidence in the case involving the Sharpeville Six, according to the judge, would be an exercise in futility. He said the court had no inherent jurisdiction and therefore the application should be referred to the State President in terms of Section 327 of the Criminal Procedure Act.

Before making another application for leave to appeal against yesterday's decision, Mr Prakesh Diar, defence lawyer told reporters that his hope was diminishing rapidly. He said he was both "surprised and shocked" at the outcome of the application.

"Today's situation seems to have been dealt with as completely different to what the judge said when granting a stay of execution for the Six on March 17. At the time made mention that if he had known or had heard the facts relating to Manete's assault by the police he would have decided otherwise", the lawyer said.

Refusing an application for leave to appeal against his decision, Judge Human said there was no prospect for success for such an application. He stayed the execution of the Six until July 19.

He also rejected the defence's suggestion that the executions be stayed until such time that the Chief Justice has given his decision.

Defence lawyers announced yesterday that they were to petition the Chief Justice.

# THE 6 - PLEA FAILS

Sowetan 14/6/88

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## Stay of execution until July 19

AN application for the reopening of the trial of the Sharpeville Six was dismissed by a Pretoria Supreme Court judge yesterday.

Mr-Acting Justice W J Human said the application was "frivolous" and "absurd". He also said granting an order for the re-trial would

REPORTS, pictures and comment in this edition may be censored in terms of the Government's state of emergency.

be an abuse of the court process.

Leave to appeal against yesterday's decision was also refused.

According to the judge, the evidence of Mr Joseph Motsumi Ma-

By ALINAH DUBE

nete, a State witness who the police are alleged to have assaulted and threatened into making a false statement did not have anything to do with the guilt of four of the accused.

He said that only Don Mokhesi and Duma Khumalo were incriminated by the State witness' evidence.

The judge also said that from what Mr Manete had said in a statement to his lawyer, it was clear that both Mokhesi and Khumalo were at the scene of the crime.

"No reliance was placed on the evidence of another State witness, Mr Johannes Mongaule in coming to the verdict," the judge said.

Other applicants were Read Malebu Mokoena, Oupa Diniso, Theresa

• To Page 2



# 'Intimidation at factory gates' — two in court

## Court Reporter

TWO Guguletu men have appeared in Cape Town Regional Court charged with intimidating or assaulting an employee of Tiger Oats, Maitland, on February 10.

Mr Wilson Kolonisi, 46, and Mr Alson Makolota, 46, of the Cape Oil hostel, have pleaded not guilty to charges of intimidating Mr Bernard van Harte into staying away from work by grabbing his belt, throwing him to the ground and kicking him, alternatively assaulting him.

Mr van Harte, a machine controller, said he arrived at the gates about 5.50am and was told by security guards he could not go in.

He tried to open the gates and Mr Kolonisi grabbed him, saying "You must not work today. There is a legal strike".

"I told him I was married with children. I had to work."

Mr van Harte said Mr Makolota kicked his packet of sandwiches from his hand. As he bent to pick them up Mr Makolota kicked him and he fell.

Mr van Harte said he had known Mr Kolonisi for about 20 years and Mr Makolota for

about six years. Mr Kolonisi did not kick him.

Mr van Harte said he stood across the road until another man said those who wanted to work could sign a form and the others could stay outside.

Mr van Harte said he signed the form and clocked in.

Defence counsel Mr P Gamble asked Mr van Harte why he told a disciplinary inquiry that he had been assaulted three times.

## NERVOUS

Mr van Harte replied he had been assaulted three times, but that he had never been in a court before, was nervous and had forgotten.

Mr Gamble: Did someone put you up to coming to court to testify against these two men?

Mr van Harte: No. Not at all.

Mr Gamble said the accused would say that Mr van Harte was injured when about 100 workers stampeded forward to hear what was being said by a senior company man, Mr T Bingle, when he appeared at the gates with a loud-hailer.

The hearing was postponed to August 22.



# 'Six' judgment stirs concern

From NEIL LURSEN  
The Argus Foreign Service

WASHINGTON. — The fate of the Sharpeville Six is becoming a major issue again in South Africa's external relations.

Observers here believe the outcome of the case — whether the six accused live or die — could have an important impact on a decision by the US Congress later this year on stiffer economic sanctions.

This week, the case was featured prominently on network television. The film clip included an interview with a relative of Mr Khuswayo Dhlamini, the Lekoa deputy mayor whose 1984 murder led to the death sentences on six people in the 1985 trial.

The relative, speaking with emotion, said someone had to pay for Mr Dhlamini's death.

## TOO HARSH

But the prevailing view in the US is that the sentences are too harsh in the circumstances and that all six should be spared from the gallows on humanitarian grounds.

The United States Government has asked the SA Government through diplomatic channels for either clemency or a new trial. The US expressed concern yesterday at the newest de-

velopment in which leave to appeal to reopen the case was rejected by the Pretoria Supreme Court.

State Department spokesman Mr Charles Redman recalled that President Reagan had personally appealed to President Botha last March for clemency.

"Subsequent to that appeal, we were heartened by the decision by the Pretoria Supreme Court to stay the executions, pending a decision on whether to grant a new trial. Now the same court has decided that it does not have the authority to grant a new trial.

## APPEAL

"We are following developments in the case closely," Mr Redman said. "We continue to appeal for a humanitarian resolution."

British Labour leader Mr Neil Kinnock has also appealed to President Botha "in the name of common humanity" to reprieve the six.

He is expected to ask Mrs Margaret Thatcher to intervene personally.

Bishop Trevor Huddleston and a number of MPs announced they would join a mass demonstration outside the South African Embassy this afternoon to call for clemency for the Sharpeville Six.

## UK demo for clemency

Star 14/6/88 The Star Bureau

(331)

LONDON — Another international outcry is gaining momentum following the decision of the Pretoria Supreme Court not to re-open the Sharpeville Six case.

British Labour leader Mr Neil Kinnock yesterday appealed to President P W Botha "in the name of common humanity" to reprieve the six, sentenced to hang for the death of a community councillor in Sharpeville in September 1984.

He was expected to ask Mrs Thatcher to intervene personally on behalf of the six.

Bishop Trevor Huddleston and a number of MPs announced they would join a mass demonstration outside the South African Embassy today to call for clemency.

The demonstration will follow a meeting at the Foreign Office between Junior Foreign Office Minister Ms Lynda Chalker and a joint delegation from the Anti-Apartheid Movement and South Africa — The Imprisoned Society (Satis).



# THE WEATHER

# Worker kicked by strikers, court told

Cape Times 14/6/88

Court Reporter

182 (331)

AN EMPLOYEE at the Tiger Oats company yesterday told Cape Town Regional Court his clothes were torn and he was kicked when he tried to enter the Tiger Oats premises during a strike in February.

Mr Bernard van Harte was giving evidence in the trial of Mr Wilson Mwisi Kolanisi, 46, and Mr Alson Makalde, 44, both of Guguletu, who pleaded not guilty to compelling Mr Van Harte to stay away from work by grabbing him by the belt of his trousers, throwing him to the ground and kicking him.

They also pleaded not guilty to the alternative count of assault with intent to do grievous bodily harm.

Mr Van Harte said that when he arrived for work on February 10 and went to open the gate, Mr Kolanisi grabbed the pocket of his pants and tore it. He also tore two buttons off Mr Van Harte's shirt. Mr Makalde kicked his lunch parcel from his hand and trod on it, and when Mr Van Harte bent to pick it up, Mr Makalde kicked him in the side.

Mr Kolanisi "told me not to work as we were on a legal strike", Mr Van Harte said.

The hearing was adjourned to August 22.

Mr M J Langenhoven was the magistrate. Mr J M Koen prosecuted. Mr P Gamble, instructed by Mr C S Kahanovitz of Bernadt, Vukic and Potesh, appeared for the defence.



Stay of execution extended

# Appeal bid by the Six

From page 1  
Sharpeville Six

Geoffrey Howe, made appeals for the lives of the six to be spared at the appeal stage.  
In the House of Commons yesterday, Labour MP Mr David Winnick tried and failed to get an emergency debate on both the extension on the state of emergency in South Africa and the refusal to reopen the Six's trial.  
The leader of the Labour Party, Mr Neil Kinnock, said: "In the name of common humanity and for the sake of preventing violence in South Africa, I urge President Botha to prevent the execution of the Sharpeville Six." — Own Correspondent and Sapa-  
Reuter

CAN Trials

14/6/88

33/

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CAN Trials 14/6/88

**JOHANNESBURG. —** Lawyers for the Sharpeville Six are to petition the Acting Chief Justice to be allowed to appeal in the Appellate Division against the Pretoria Supreme Court ruling yesterday which rejected their bid to reopen the trial of the six.

Lawyers for the Six said yesterday that only once this option was exhausted would an appeal again be made to the State President for clemency to save the Six from being hanged.

Earlier this year President Botha declined to exercise clemency — in spite of an international campaign calling on him to

## Own Correspondent

do so because it was argued none of the Six directly contributed to the death of Lekoa deputy mayor Mr Khuzwayo Dlamini.

The current stay of execution was extended yesterday to July 19 by Mr Acting Justice Human.

Sapa-AP reports that in rejecting the application yesterday, Mr Justice Human, who presided over the original trial in 1985, said the only remaining hope for saving the Six lay in petitioning Mr Botha again.

The application for a retrial was based on allegations that police coerced two state witnesses.

Mr Justice Human said that aside from these allegations, there was ample uncontested evi-

dence to implicate all six defendants and described the request to pursue the case as "frivolous and absurd".

Mr Jack Unterhalter, SC, for the defence, asked for leave to appeal on grounds that the judge had erred in dismissing the application to reopen the hearing.

"I see no reason why, if appropriate evidence is brought before the court for leave to appeal, that the situation will not change," he said.

Mr Dennis Kuny, SC, also for the defence, said that despite the attorney-general's submission that the court did not have the inherent jurisdiction for the reopening of the case once the Appeal Court had confirmed the Supreme Court's verdict, the Appeal Court may well take a different view to the extent that fraud

was an attributable factor.

Mr Mac van der Merwe, SC, for the Transvaal attorney-general, said he opposed the application to appeal as there was no prospect of success.

He said: "You can grant leave to appeal provided there is a prospect of success. I submit that on the facts of the matter there is no merit for the application and we oppose it."

● The six accused are Mojalefa Sefatsa, Reid Mokoena, Oupa Diniso, Duma Khumalo, Francis Mokgesi and Theresa Ramashamola.

## US and Germany appeal to SA

**WASHINGTON. —** The United States issued an appeal yesterday on behalf of the Sharpeville Six, after the Supreme Court rejected pleas to reopen their case.

"We continue to appeal for a humanitarian resolution of the Sharpeville Six case, whether it be clemency or the granting of a new trial," said US State Department spokesman Mr Charles Redman.

The West German Foreign Minister, Mr Hans-Dietrich Genscher, has asked his officials to draft a tough statement on South Africa to put to other Euro-

pean Community foreign ministers today.

European Community foreign ministers discussed foreign policy issues on the first day of their two-day meeting in Luxembourg yesterday but diplomats said South Africa was not raised because they were seeking more information about the court ruling.

The court decision was making major news in Britain last night with calls for Mrs Margaret Thatcher to intervene personally to urge clemency.

A spokesman for the Foreign Office said the decision "had been noted".

Mrs Thatcher and the Foreign Secretary, Sir

## UK demo for clemency

Star 14/6/88 The Star Bureau

(331)

LONDON — Another international outcry is gaining momentum following the decision of the Pretoria Supreme Court not to re-open the Sharpeville Six case.

British Labour leader Mr Neil Kinnock yesterday appealed to President P W Botha "in the name of common humanity" to reprieve the six, sentenced to hang for the death of a community councillor in Sharpeville in September 1984.

He was expected to ask Mrs Thatcher to intervene personally on behalf of the six.

Bishop Trevor Huddleston and a number of MPs announced they would join a mass demonstration outside the South African Embassy today to call for clemency.

The demonstration will follow a meeting at the Foreign Office between Junior Foreign Office Minister Ms Lynda Chalker and a joint delegation from the Anti-Apartheid Movement and South Africa — The Imprisoned Society (Satis).



DETAILS of the last seconds in the life of Ashley Kriel, the student leader turned African National Congress guerrilla who died in an Athlone backyard last year, emerged last week amid dramatic developments in a Cape terrorism trial.

Before defence counsel Michael Donen asked security policeman Warrant Officer Jeff Benzien "Who murdered Ashley Kriel?", the court heard that 14 of the 15 defendants had been in solitary confinement, permanently manacled since prison authorities uncovered an alleged escape bid last Sunday.

He said his clients were sleeping in their shackles on lice-infested sleeping mats with too few blankets. Cell windows were broken, they were cold and getting less food, of a poorer quality.

However, a main concern was that documents seized in a cell search included defendants' instructions to counsel. Some had yet to be returned, Donen said. He asked that an "irregularity" in proceedings be put on record.

Another "distressing aspect" was that Warrant Officer Benzien was heading the investigation into the alleged escape. Benzien "might well be in possession of the very instructions I'm relying on to cross-examine him," Donen said.

State advocate WC Viljoen said two of the trialists were believed to have tried to cut through a metal window frame with a piece of metal saw.

#### Inquest

Most of the security police had been involved with the case at some stage so it was "impossible to escape the fact that a witness in this case may be involved in the investigation of the actual escape," Viljoen said.

After an adjournment for counsel to consult with the accuse, Warrant Officer Benzien entered the witness stand. He denied Donen's suggestion that his role during their interrogation was to make the defendants "fear for their lives" and offer information.

Donen: Mr Benzien, who murdered Ashley Kriel?

Viljoen: I object, the term murder is altogether incorrect.

Benzien: I don't know who murdered Ashley Kriel. An inquest is still sub judice. I was present when Ashley Kriel was arrested and fatally wounded but the outcome of the inquest is still pending. There is no evidence he was murdered. I believe the court which hears the matter will make a just finding.

The court heard Kriel was a University of the Western Cape student leader who had helped found the Bontcheuwel Inter-Schools Congress. Police had information he was a trained member of the African National Congress' military wing, Umkhonto weSizwe.

Donen: All I want to establish is did this particular witness shoot Ashley Kriel? It relates to how it comes about that as soon as the accused and various other persons are interrogated by this particular witness they immediately speak and point out things.

Benzien then described to the court how he and a colleague, a Sergeant Abels, received information that Kriel was hiding out in an Athlone home for which they had no address.

Going from house to house, they came upon one that looked deserted until Benzien spotted movement behind a curtain.

#### Overalls

He made Abels knock on the door and Kriel opened it, a jersey and towel covering his hands.

Using the ploy that they were checking the sewerage system — Benzien was dressed in overalls — they drew Kriel a few steps out of the house.

"When we looked in each other's eyes I realised he knew what was going on," Benzien said.

He said he pinned Kriel's arms to his sides, seeing he had a gun, which he seized after a struggle.

"I gave him an almighty blow with the same gun on his forehead in an attempt to render him unconscious so an arrest could be effected. He fell flat on his back."

While Abels was handcuffing him, Kriel suddenly sat up and tried to grab the gun from Benzien before getting to his feet and trying to re-enter the house, Benzien said.

# Kriel's last moments

They fell to the ground and a shot went off. Kriel went limp. Benzien told Abels to handcuff Kriel's free hand and they cursorily searched the house for others before calling in reinforcements.

"I can't say whether my finger was on the trigger or whether it caught on his clothes or how the shot was fired," Benzien said.

He denied starting an interrogation with one of the accused, Nicklo Pedro, with the words: "You are

deep in the shit. I know everything about you. Do you know Ashley Kriel? It is I who shot him and you are lucky to be alive today."

He denied boasting of killing Ashley Kriel, saying word had spread fast that he was possibly responsible resulting in him having to change his telephone number and arrange special protection for his family.

He admitted having a Cape Youth Congress poster carrying Kriel's

face in his office for a short time — put up by a colleague either as a joke or a tribute.

It carried the words, "Freedom or death, victory is certain" — under which someone had written "Not for you".

He denied an X had been drawn through Kriel's face and the words "One down ... to go" written, or that he had interrogated Pedro in his office.

The trial continues.



Ashley Kriel



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# Terror-case father gets nine years' jail

Star 15/6/88

331

**Lowveld Bureau**  
**NELSPRUIT** — A 25-year-old man, part of a gang which planted six explosive devices in and around Malelane last year, was jailed for nine years by a Nelspruit Regional Court magistrate last week.

The magistrate, Mr J A le Roux, found Alan Mathonsi guilty of five terrorism charges in terms of the Internal Security Act.

Mathonsi pleaded not guilty to all the charges.

## EXPLOSION

His court appearance followed a landmine explosion near a refuse dump at the Kaalrug farming estate near Malelane on May 5 1987.

Labourers Mr Boy Mahoi and Mr Philemon Sithole, travelling by tractor, triggered the landmine which caused a hole almost 1m sq.

The labourers escaped with burst eardrums and minor injuries but the trailer they were towing was flung 40m away.

Mathonsi was also linked to five explosions caused by mini-limpet mines in Malelane's town centre on July 23.

The court heard that no one was injured but extensive damage was caused to buildings.

In passing sentence, Mr Le Roux said it was

most unfortunate that this type of terror was escalating and that innocent people were being maimed or killed.

He said newspaper reports indicated that there had been 26 landmine and limpet mine explosions since June 1 last year.

Referring to Mathonsi as a strong and healthy young man, and the father of a one-year-old child, Mr le Roux said he found it strange that he should have become involved in politics.

## EDUCATION

Not having had much education — he apparently failed Grade Two — Mr le Roux said it was unlikely that he would have planned something like this on his own.

"It is obvious to me, therefore, that this unfortunate man had been chosen to do the dirty work of the rest of the gang who fled to Swaziland," Mr le Roux said.

# 'Black struggle'



Dr MOTLANA . . . defence witness.

*Sowetan 15/6/88*  
THE struggle for the liberation of the oppressed was not that of the African National Congress but for all those who believed in justice, a Pretoria Supreme Court judge was told yesterday.

Saying this under cross examination by the prosecutor was Dr. Nthato Motlana, chairman of the Soweto Civic Association. He was testifying for the defence in the Vaal Triangle treason trial.

Nineteen officials of the United Democratic

Front, Azapo, The Vaal Civic Association and Azanyu are appearing on a charge of treason and alternative charges of terrorism, subversion and murder.

They have all pleaded not guilty.

Dr Motlana also rejected the State's suggestion that chants about the ANC leader, Mr Oliver Tambo, at meetings were an indication that people were identifying with the ANC's struggle. He also denied that political activists used a clenched fist sign because it was adopted by the ANC Youth League.

Dr Motlana also told the court that protest campaigns were there long before the UDF was formed. Those protests organised by the UDF were merely a continuation of earlier ones.

(Proceeding)

## Not enough

*Sowetan 15/6/88*  
LONDON — Dutch anti-apartheid organisation Komitee Zuidelijk Afrika has criticised Dutch Foreign Minister Mr Hans van den Broek for not doing enough to help eradicate apartheid.

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**Six** *Sowetan*  
*15/6/88*

# want leave to appeal

LAWYERS for the "Sharpeville Six" will petition for leave to appeal against the Pretoria Supreme Court judgment rejecting an application for a re-trial.

A spokesman for the lawyers confirmed yesterday that they would petition the Chief Justice for a retrial and the State President, Mr P W Botha, for clemency.

Mr Acting Justice Human of the Pretoria Supreme Court rejected the application for a re-opening of the trial as "frivolous" and "absurd" on Monday.

He also refused leave to appeal against his decision.

A mass demonstration outside the South African Embassy in London joined by Archbishop Trevor Huddleston and a number of MPs yesterday afternoon called for clemency for the "Six."

Britain's opposition Labour Party foreign affairs spokesman, Mr George Robertson, called on Prime Minister Mrs Margaret Thatcher and the Foreign Secretary, Sir Geoffrey Howe, "to put the screws on the South African Government."

## Campaign

Silence from Britain will be judged to be complicity," he added.

The outlawed Pan Africanist Congress of Azania (PAC) called on all governments, international organisations and support groups the world over to intensify the campaign once more to save the "Six."

The ANC has also expressed concern.

The general secretary of the South African Council of Churches, Rev Frank Chikane, has called on the State President to reprieve the "Six."

The European Community has expressed deep distress and concern over the fate of the "Six."

The Save the Sharpeville Six Campaign also expressed its concern over the fate of the "Six."

The "Six" are Mojalefa Sefatsa, Reid Mokoena, Oupa Diniso, Duma Khumalo, Francis Mokhesi and Theresa Ramashamola, the only woman on death row.

They were convicted of complicity in the 1984 mob killing of a black town councillor during riots provoked by a rent increase.

They were granted a stay of execution on March 17, one day before they were to hang.



2 Cape Times, Wednesday, June 15, 1988

# Policeman denies using torture

## Supreme Court Reporter

SECURITY policeman Warrant Officer Jeff Benzien denied in the Supreme Court yesterday that he had used several torture methods, including electric shocks and pulling a wet bag over the head of terrorism-accused Mr Peter Anthony Jacobs, to make him talk.

Mr Michael Donen, defence counsel, put it to WO Benzien that Mr Jacobs claimed when he (WO Benzien) arrived at the Cutemborg offices of the security police, he had asked a team of interrogators if Mr Jacobs had talked.

When one said that "this boy will not talk, he laughs" (die boy gaan nie praat nie, hy lag), WO Benzien had said "leave him, they all do that".

WO Benzien denied the allegation.

Mr Donen said Mr Jacobs maintained WO Benzien left the office and returned after about 15 minutes with a pair of surgical gloves, a bucket of water, a piece of carpet and a bank bag.

WO Benzien denied this. When asked how another accused, Mr Nicklo Louis Pedro, could have known about the surgical gloves, WO Benzien said he was speculating, but suspected that the accused held a caucus during their arrest.

He also denied that when he had entered the office a second time he had pushed a colonel aside and remarked, "You are wasting too much f... time".

Mr Donen said Mr Jacobs alleged that square-shaped handcuffs had been removed and replaced with others and a wet cloth was placed underneath.

WO Benzien denied this and said Mr Jacobs's handcuffs were never replaced in his presence.

Mr Donen said further: "The accused alleged that his trousers and underpants were pulled down to his ankles, his coat and shirt were unbuttoned and pulled to his wrists and you pulled his T-shirt over his head."

"I deny that in its totality. All the time I saw him, his hands were handcuffed behind his back," WO Benzien said.

He also denied allegations that he had forced Jacobs to place his foot on his back and pulled his head back.

Mr Donen said Mr Jacobs claimed the bank bag was placed over his head and water thrown on the bag, stifling him. He lost consciousness.

WO Benzien denied this. He dismissed as "a lie" an allegation by Mr Jacobs that when he regained consciousness something was placed in his rectum and in his eyes and he received electric shocks.

The allegations that after the electrical shocks were administered he had asked Mr Jacobs if he was prepared to answer questions and that he had again pulled the bag over Mr Jacobs's head as if he was going to administer the shocks, were also lies, WO Benzien said.

He further denied that he

had said to Jacobs: "I'll take you to the verge of death as many times as I want to" or that the procedure with the wet sack had been repeated three times.

Mr Donen said Mr Jacobs's version was that in the end he was so scared that he made certain admissions. It was also not necessary to keep WO Benzien present during interrogations, because at the mention of his name Mr Jacobs talked.

In reply to the question of whether he had received training in the interrogation of suspected terrorists, WO Benzien said he had been a detective for 10 years and interrogation, which was an art, could be learnt.

"Irrespective of the end result", interrogation remained the same, WO Benzien said.

The hearing continues today. The accused are: Ashley Forbes, Jacobs, Pedro, Nazreen Love, Anna Durrat, Cherrin Beadles, David Johannes Fortuin, Jeremy Alan Verry, Walter Rhodde, Wayne Ingemar Malgas, Colin Cairncross, Astrid Kamren, Colin Cleve Martin Petersen, Leon Scott and Yessmina Pandey. Mr Justice D M Williamson was on the bench. Mr CH van Gend and Mr L P Francis were the assessors. Mr WC Viljoen appeared for the state. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abertrombe and Sohn, appeared for the accused.

# Policeman denies torturing suspect

## Supreme Court Reporter

A SECURITY policeman has denied using the "Stockholm Syndrome" — making a suspect so scared he will do anything he is asked — on Peter Jacobs, one of 15 people on trial in the Supreme Court for terrorism.

Under cross-examination yesterday, Detective Warrant Officer Jeff Benzien denied torturing Jacobs at security police offices at Culemborg after his arrest in May last year.

Defence counsel Mr Michael Donen said Jacobs would say Warrant Officer Benzien handcuffed him, bound his feet and smothered him with a wet cloth bag until he lost consciousness.

Jacobs would say the policeman gave him shock treatment by inserting objects into his ear and rectum, the court heard.

Warrant Officer Benzien said: "I deny all these allegations."

He also denied that Warrant Officer Johannes Nel acted as

an accommodating "father figure" during Jacobs's interrogation and that he (Benzien) tortured Jacobs again when Warrant Officer Nel had difficulty.

Mr Donen: Jacobs says he was eventually so afraid that he made an admission about his address and the fact that there was a handgrenade there.

## Afraid

Mr Donen put it to Warrant Officer Benzien that he tried to give the court the wrong impression that Ashraf Karriem did not have the support of his parents.

He had told the court that Mr Karriem was angry with his son, saying he had worked all his life to give his children a university education, and that police had to stop Mrs Karriem hitting her son.

He also alleged that Mr Karriem accused his son of getting involved in "hotnot-politiek".

Mr Donen: My instructions

are that you made the statement about "hotnot-politiek".

Warrant Officer Benzien: That's a downright lie.

Mr Donen: I put it to you that you are wrong, that they did support him and wanted to get legal advice.

Warrant Officer Benzien: I deny it.

The accused are Ashley Forbes, 22, Peter Jacobs, 22, Nicklo Pedro, 20, Nazeen Lowe, 24, Anwar Dramat, 19, Clement Baadjies, 19, David Fortuin, 22, Jeremy Veary, 22, Walter Rhooode, 23, Wayne Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Petersen, 23, Leon Scott, 29, and Yasmina Pandy, 20.

(Proceeding)

Mr Justice Williamson is on the Bench, with Mr L P Francis and Mr C H van Gend as assessors. Mr W Viljoen and Mr M Stowe appear for the State. Mr M Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appear for the accused.



# Pressure on Maggie to step up pleas on 6

star 16/6/88 (33)

LONDON — Pressure is mounting on British Prime Minister Margaret Thatcher and other European leaders to step up pleas to President Botha to save the Sharpeville Six.

European Community (EC) Foreign Ministers have agreed a statement to Pretoria expressing "deep distress and concern about the Sharpeville Six", and urging that "all legal options available in South Africa be used to prevent the death penalty from being carried out".

In the House of Commons, the Liberal Party's spokesman on foreign affairs, Sir Russell Johnston, has called on Mrs Thatcher to make a personal appeal to President Botha.

He said that if appeals are unsuc-

cessful, "six people will hang for a crime which it has never been claimed they personally committed".

He added that "such a senseless waste of life can only deepen the South African crisis and make the possibility of reconciliation even more remote".

In another development yesterday, a delegation representing Lawyers Against Apartheid delivered to 10 Downing Street a petition calling on Mrs Thatcher to make a personal appeal for clemency, and on the British government to cut all diplomatic and trade links with South Africa.

In an editorial yesterday, *The Times* of London said President Botha's "excuse that he does not interfere in the judicial process has begun

to look threadbare since he summarily stopped a murder trial involving members of the South West African Territory Force earlier this year.

"Political instinct, if nothing else, should direct him to exercise his prerogative of mercy. In this case, to be merciful is also to be wise."

In Paris yesterday, France summoned the South African ambassador to the Foreign Ministry to express its concern over the fate of the Sharpeville Six.

## DISTRESS

An official in charge of African affairs told the ambassador Mr Hendrick Geldenhuys that France felt "deep distress" over the affair.

In another development yesterday, Norway offered the Sharpeville Six residency.

It is understood the offer was made by letter to the five men and one woman on death row before their successful application in March for a stay of execution.

The Swedish ambassador in South Africa, Mr J O Lundrik, said yesterday: "Some kind of reaction against the South African Government is being considered in Stockholm, but we are not so quick off the mark as some other countries."

"The Sharpeville issue is not a matter of impending execution, so it is not yet sure what action we will take, if any." — The Star Bureau, Own Correspondent, Reuter.



CAP 71-5 16/6/88 (231) (18)

## Calls to cut SA ties after appeal fails

Own Correspondent

LONDON. — Five hundred members of Britain's legal community have written to Prime Minister Mrs Margaret Thatcher asking her to sever diplomatic relations with SA as a result of the Sharpeville Six being given the death sentence.

In a letter accompanying the petition signed by the 500 people, Ms Adri-

enne Barnett, chairwoman of Lawyers Against Apartheid, said: "We cannot remain silent as the South African judiciary continues to demonstrate that it is an inseparable part of the apartheid system."

The British Liberal Party foreign-affairs spokesman, Sir Russell Johnston, has called on the Prime Minister to make a personal appeal for clemency for the Sharpeville Six. — Sapa

Cart Tols 16/6/88

## Students in court over protests

Staff Reporter 331

THE trial of the 41 Peninsula Technikon students facing charges of taking part in an illegal gathering was adjourned in Cape Town Magistrate's Court yesterday.

The students, who were warned to appear on July 18, face charges of attending an illegal gathering on March 17 this year near Plein and Barrack streets in the city.

The state alleged the students took part in a wrongful

and unlawful gathering and demonstration.

They were protesting against the scrapping of the automatic bursary system for education students.

The students are: Jacob Khumalo, Fundungane Mcofelo, Yoli Tshabalala, Gladman Spookman, Vivian Philip Braaf, Michael Terentseal, Bennet Kenneth Bailey, Michael Henry, Peter Anabena, Johan Africa, Stephen Mark Brown, Graham Siebritz, Bles Rosie, Glenville Meyer, Martinus Morton, Nceba Loli Cwayi, Bongani Mooyi, Dumisani Kurnalo, Albert Mrambo, Mzwabantu Mahola, Brian Kiewiets, Sidwell Hugo, Edward Raymond, Vumani Mtati, Morris Manikus, Ivan Feris, Allan Victor Jennokas, Frederick Volkswyn, Trevor Adolph, Petrus Van der Horst, Martin Boukes, Colleen Hulley, Lucia Kekene, Vivienne Botha, Jacobus Dassie, Peter Newman, Sandra Christoffel, Edward Regus, Ephraim Makgathi, Jacqueline Bailey and Stephen Rhytt.

The magistrate was Mr M J C Tolken. The prosecutor was Mrs A van den Berg. Ms Christina Burger appeared for the accused.

# Dispute over documents of terror accused

Supreme Court Reporter

ASHLEY FORBES and his 14 co-accused did not expect to get a fair trial after documents, including instructions on what their defence would be, were confiscated and read by security police, Mr Michael Donen, defence counsel in the terrorism trial, told the Supreme Court yesterday.

Mr W C Viljoen, for the state, said allegations had been made that security police had read certain documents which belonged to the accused.

His instructions from prison authorities were that after an attempted escape was discovered, the accused were ordered to pack all their documents in boxes — which were placed in a storeroom — and placed in solitary confinement.

They had access to the documents at all times and no one had confiscated them.

Certain documents were confiscated but almost all were later returned. However a few documents, which were not "conspicuously relevant" to the case, were handed to the investigating officer, Warrant Officer Nortje, Mr Viljoen said.

He said WO Jeff Benzien, a former witness, had been allowed to enter the storeroom but that was so that he could search for paint.

No instructions between accused and attorneys were confiscated and handed to police. The accused had gone through the documents themselves and confirmed none were missing, Mr Viljoen said.

## Dispute of fact

Mr Donen replied that he "cannot leave that unanswered. My difficulty is there seems to be a dispute of fact".

He asked that Mr Justice D M Williamson make a special entry on the record in terms of the Criminal Procedures Act because "I would not like it said I kept quiet about this".

"The accused now fear they are incapable of having a fair trial. WO Nortje and WO Benzien — who was still under cross-examination at the time — and a Sergeant Coetzee have probably read our instructions and are aware what the defence of the accused is."

Mr Justice Williamson said "maybe at the end of the trial the facts in dispute will become clear".

Mr Donen said it was clear on the evidence that WO Benzien had read through the documents.

"The instructions of Forbes, Peter Jacobs, Nicklo Pedro, Anwa Dramat, Veary, Ashraf Karriem, Colin Cairncross and Leon Scott, which were in Pedro's possession, were all taken away and returned 48 hours later.

"The charge sheet of Veary, on which the defence of all the accused were written, was confiscated and never returned," Mr Donen said.

Sergeant Pieter Jurgens Taljaard, a security policeman and explosives expert, gave evidence on the arrest of Forbes, Veary and Walter Rhooode.

The hearing continues today.

Mr C H van Gend and Mr L P Francis were the assessors. Mr Viljoen was instructed by the State Attorney. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Son, appeared for the accused.



Cape Times  
ay, June 17, 1988 ★

331

# Court told of Bonteheuwel arms cache find

## Supreme Court Reporter

ARMS which included a limpet mine, handgrenades and timing mechanisms for limpet mines were seized when police dug out an arms cache at the Bonteheuwel home of terrorism accused Anwa Dramat, the Supreme Court heard yesterday.

Evidence was also that Dramat's father had been called to the site as an "insurance measure" in case the cache had been booby-trapped.

Before the start of the proceedings, defence counsel Mr Michael Donen addressed family and friends in the public gallery, saying that a police video team was present in court "for your protection in case there is trouble".

During the tea adjournment Ashley Forbes asked for a minute's silence to remember Ashley Kriel, Christopher Truter and "all those who have fallen including the comrade who has fallen this morning".

Testifying, Warrant Officer Willem Schalk van der Merwe, a security policeman and explosives expert, said that on August 17 last

year he went with WO Jeff Benzien, Lieutenant Frans Mostert and other policemen to Dramat's home in Bonteheuwel.

Dramat was woken and warned by WO Benzien that he was being arrested for terrorism and was not obliged to say anything, WO Van der Merwe said.

WO Benzien told Dramat he had certain information about the accused.

They went to Sea Point police station where Dramat was taken to a cell where his co-accused, Nicklo Pedro, had been held, WO Van der Merwe said.

## Booby-trapped

They returned to Dramat's home where he showed police a cement slab and told them an arms cache was buried underneath it. The slab was lifted and Dramat was given a spade to uncover the arms.

Asked by Mr Mike Stowe, for the state, why police had not dug themselves, WO Van der Merwe said experience had shown that caches were sometimes booby-trapped. He said he had taken over from Dramat when the ac-

cused started digging voluntarily. Among the arms found wrapped in newspaper were an SPM limpet mine, two F1 defensive handgrenades, several 9mm and .38 bullets, a time switch for a limpet mine, a timetable and colour-coded lead bars for a limpet mine.

Under cross-examination, WO Van der Merwe said the only information he had had about Dramat was that he could have been in possession of arms.

When Mr Donen put it to WO Van der Merwe that he and another policeman had dug the cache and not Dramat, the policeman disagreed.

"When I saw him start digging voluntarily I took over from him. His father was called to stand with him as an insurance measure and to determine if the cache was booby-trapped."

The limpet mine and handgrenades did not have detonators and could not be exploded, WO Van der Merwe said.

The hearing continues today.

The accused are: Ashley Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazreen Lowe, Dramat, Clement Boodjes, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhoades, Wayne Ingemar Melgas, Collin Calmross, Ashraf Kartem, Colin Dave Martin Peterson, Leon Scott and Yasmina Pandey. 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 Stowe, appeared for the state. Mr Donen and Mr J de Lange, instructed by E Moosa and Associates and Abercrombie and Sonn, appeared for the accused.

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# SAVE THE MOUNTING PLEAS



MRS MARGARET Thatcher

**LONDON —** Pressure is mounting on British premier Margaret Thatcher and other European leaders to step up pleas to President P W Botha to save the Sharpeville Six.

EEC foreign ministers have agreed a statement to Pretoria expressing "deep distress and concern about the Sharpeville Six," and urging that "all legal options available in South Africa be used to prevent the death penalty from being carried out."

In the House of Commons, the Liberal foreign affairs spokesman, Sir Russell Johnston, called on Mrs

Thatcher to make a personal appeal to President Botha.

He said that "if appeals to the Chief Justice and the President are unsuccessful, six people will hang for a crime which it has never been claimed they personally committed."

## Crisis

Sir Russell added that "such a senseless waste of life can only deepen the South African crisis and make the possibility of reconciliation even more remote."

In another development on Wednesday, a delegation representing Lawyers Against Apartheid, delivered to 10 Downing Street a petition of 500 signatures, calling on Mrs Thatcher to make a personal appeal for clemency, and on the British government to cut all diplomatic and trade links with South Africa.

• Britain's *Guardian* newspaper expressed concern on Wednesday that "as an attempt is to be made in October, with new municipal elections for Africans, to revive the black councils of which the murder victim was a symbol, a reprieve looks unlikely."

SOWETAN Foreign News Service

Sowetan 17/6/88

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~~off 7/17/88~~  
**Soldiers get ~~20~~  
terms reduced** 331

A SENTENCE of 18 months in detention for each of three national servicemen of Western Province Command has been reduced, on review, to eight months for two of them and six months for the third.

The three soldiers, Scout Heinrich Johannes Monnig, Scout Pieter Reinhard Pludderman and Corporal Desmond William Thompson, were convicted by a court martial of conspiring to disclose sensitive information to the End Conscription Campaign.

The SADF said the review board had confirmed the court martial's findings.

Cpl Thompson received the six-month term and has also been stripped of his rank. — Sapa



## 33

Using the ploy that they were checking the sewerage system, he said they had drawn Kriel out of the house.

"When we looked in each other's eyes, I realised he knew what was going on," Benzien said.

Benzién said he had seized a gun from Kriel.

"I gave him an almighty blow with the same gun on his forehead in an attempt to render him unconscious so an arrest could be effected. He fell flat on his back."

Benzién said Kriel had suddenly sat up while Abels was handcuffing him, and tried to grab the gun. In the scuffle that followed, a shot had gone off and Kriel had gone limp.

Last week in court, Benzien denied starting the interrogation of one of the accused, Nicklo Pedro, with the words: "Do you know Ashley Kriel? It is I that shot him and you are lucky to be alive today."

Benzién denied this. He also denied Pedro's claims that Benzien had struck him repeatedly in the face after stripping him naked and handcuffing him from window bars so that his feet barely touched the floor.

Benzién also denied boasting of killing Ashley Kriel, saying he had had to change his telephone number and arrange special protection for his family because word had spread that he was responsible for the death.

Before cross-examining Benzien, Dönen also recorded an "irregularity" in the trial's proceedings.

It related to the fact that Benzien was heading an investigation into an alleged escape bid by some of the accused which was uncovered by prison authorities on June 5.

Documents seized in a cell search included defendants' instructions to counsel. Some had yet to be returned, Dönen said.

Dönen told the court that 14 of the 15 defendants — one is a woman, who has been jailed separately — had been in solitary confinement, permanently manacled, since the alleged escape attempt.

He said his clients were sleeping in their shackles on lice-infested sleeping mats with too few blankets. The cell windows were broken, he added, and the 14 were cold and receiving less food of a poorer quality.

**By GAYE DAVIS**

ARGUS 17/8/88

## Terror<sup>331</sup> accused pause for 'fallen heroes'

### Supreme Court Reporter

THE 15 accused in the terrorism trial in the Supreme Court, Cape Town, yesterday joined the packed gallery in observing a moment's silence for "fallen heroes".

During the tea interval, after Mr Justice Williamson had left the court, the accused turned to face the gallery and University of the Western Cape student Ashley Forbes said: "It is at times like this when we remember those who have fallen... people like Ashley Kriel and the comrade who fell this morning."

The accused and people in the gallery stood for a moment with fists raised.

Forbes is alleged by the State to have been the commander of a special operations unit of the African National Congress's armed wing Umkhonto we Sizwe.

After the court adjourned for lunch the accused left the court chanting.

### VIDEO TEAM

Before the court convened yesterday morning Mr Michael Donen, counsel for 14 of the accused, told those in the gallery that a police video team was in court and if there was "trouble" police would be able to identify those responsible.

The camera was not used and the police team left at tea-time.

In evidence Warrant Officer Willem Schalk van der Merwe said that Anwar Dramat, one of the accused, was arrested at his parents' house in Melkhout Street, Bonteheuwel, early on August 17 last year. Dramat was warned of his rights.

"I drove the car which was to have taken him to the security police offices at Culemborg, but on the way I was told by Warrant Officer Jeff Benzien to drive to the Sea Point police station," W/O van der Merwe said.

"There Dramat was shown someone sleeping in a cell. The person was known to me as (Nicklo) Pedro, accused No 3.

### UNDER A STONE

"We went back to the Dramat home, where Anwar Dramat pointed out a hiding place under a paving-stone in the backyard.

"In case it was booby-trapped, he was asked to open it up, but after he had dug for a while I took over."

Police found a limpet mine, two hand-grenades, bullets and items used with limpet mines.

W/O van der Merwe said documents confiscated from the flatlet shared by Ashley Forbes and Peter Jacobs would be used by someone receiving or giving training.

The accused are Forbes, 22, Jacobs, 23, Pedro, 20, Nazeen Lowe, 24, Dramat, 19, Clement Baadjies, 19, David Fortuin, 22, Jeremy Veary, 22, Walter Rhooide, 23, Wayne Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Petersen, 23, Leon Scott, 29, and Yasmina Pandy, 20.

The hearing continues.

## Student fails to appear

*Cape Times* 18/6/88  
Court Reporter

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THE R1 800 bail of a UCT student, charged with public violence, was estreated in Wynberg Regional Court yesterday after the man failed to appear for a second time.

Mr Ziko Tamela, 22, had pleaded not guilty previously to public violence, alternatively malicious damage to property.

The state alleges that Mr Tamela and 20 others stoned a truck and set it alight on campus last year during a confrontation with police.

Mr P J Putter was the magistrate. Ms E Bezuidenhout prosecuted.  
Mr J Singer appeared for Mr Tamela.



f the Times

# Tenants used false names — witnesses

Supreme Court Reporter

A WITNESS yesterday told the Supreme Court that Ashley Forbes and Nicklo Pedro, both accused of terrorism, had minded her flat, using false names, while she was out of Cape Town.

This was evidence in the trial of Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhooode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf Karriem, Colin Clave Martin Petersen, Leon Scott and Yasmina Pandy who pleaded not guilty to terrorism.

Ms Dawn Rossouw told the court she had left Cape Town and had been asked by her niece to provide accommodation for a UWC student.

She subsequently met Forbes who was introduced to her as "Gerald" and later when she visited her flat was introduced to Nicklo Pedro as "Jerome".

She returned to her flat from time to time where "like two good boys they were sitting at home".

They vacated her flat a week before April 12 last year when they had been scheduled to move.

Mrs Elizabeth Elias, of Dunster Road, Athlone, said that after advertising a flatlet on her property for rent, she met two men who introduced themselves as Faizel Abrahams and David Samuels. She identified Forbes and Peter Jacobs as the tenants.

The Supreme Court went into recess yesterday and the hearing continues on August 2.

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 and Mr Mike 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.

# PW walks a tightrope over Death Row

With the resumption of the countdown for the execution of the "Sharpeville Six", triggered by the Supreme Court's refusal to order a re-opening of their trial, the spotlight shifts once again to President Botha as the man who has the power to save them from the noose.

Mr Acting Justice Human, who presided over the original trial of the six and who turned down an application to re-open the case, advised defence counsel that there was only one course of action left: to petition the State President to direct the court to hear new evidence.

But a decision over the Six is only one of several difficult decisions which Mr Botha faces on the fate of prisoners on Death Row.

Apart from the six, there are now four white policemen among the roughly 275 people on Death Row.

They are Captain Jack la Grange and Sergeant Robert van der Merwe who were found guilty of murdering two men and attempting to kill a third, and Warrant Officer Leon de Villiers and Constable David Goosen who were convicted of killing a young black man.

Theoretically, the question of whether to reprieve a death row prisoner or not is a strictly judicial matter. But execution in South Africa is often inextricably entwined in political controversy.

An international cry for clemency for the Six arose from major Western capitals, including London, Washington and Bonn, in the days before their original

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PATRICK LAURENCE

Staff 18/6/86

execution date, March 18. It will almost certainly be heard again as the deadline for the expiry of the second stay of execution, July 17, approaches.

Rightly or wrongly, execution of the six may even tilt the balance in favour of the Delius Bill, a tough law proposed in the United States to sever all but specially exempted trade and investment with South Africa.

These are the kinds of considerations of which President Botha must be aware, however hard he and his legal advisers from the Department of Justice may try to separate the judicial factors from the political ones.

Against that, execution of the four policemen may precipitate a different set of political repercussions. They will reverberate mainly within the body politic of South Africa in a manner likely to agitate the increasingly active right wing.

Van der Merwe told the court that he had been told that the three victims, one of whom, Mr Ernest Molokoane, narrowly escaped death, were members of the African National Congress and were thus — as Van der Merwe averred to understand the situation — legitimate targets for assassination.

A similar political defence was offered in the trial of De Villiers and Goosen. Their victim, Mr Mlungisi Stuurman, was said to have worn a Craddock Youth Congress T-shirt with a badge inscribed on it, causing counsel for the defence to argue that the policemen had seen the victim as a member of a terrorist organisation.

However facile these arguments may be — and the courts rejected both — it does not follow that they are perceived as shallow and specious by people in ultra-right circles.

Mr Botha's task is compounded by his decision in March to halt the trial of six soldiers for the murder in Namibia of a former Robben Island prisoner, Mr Immanuel Shifidi, late in 1986.

Mr Shifidi died after a crowd of men, allegedly including members of the SADF's 101 battalion, waded into a Swapo rally in Katutura, attacking the audience with an assortment of weapons.

Earlier, in July 1986, Mr Botha ordered charges to be withdrawn against four soldiers for allegedly murdering a black man in Namibia, Mr Frans Upota.

Mr Botha is empowered under the Defence Act to issue a certificate ordering the withdrawal of charges against soldiers if he believes that they were acting in good faith in the war against terrorism in the operational area.

But, the ultra-right wing may well ask if the four policemen are hanged, why did Mr Botha not use his power to grant clemency, particularly as the four policemen claimed to be acting against terrorism?

As Mr Tian van der Merwe, Progressive Federal Party MP for Green Point and no sympathiser with the ultra-right cause, argued in Parliament, Robert van der Merwe may well have been influenced by Government propaganda that it was in the national interest to act against suspected "terrorists" wherever they might be.



## Clemency plea for Six

NEW YORK — The Security Council yesterday appealed to South Africa to cancel the scheduled executions of the Sharpeville Six and to commute their death sentences.

(331)  
The United States declined to exercise its veto power and allowed the mercy plea to pass in a clear signal to the Pretoria Government of Washington's displeasure with plans to execute the Six.

Sapa-AP.

Star 10/16/88



# Cop accused of torture in Cape terror trial

CP Correspondent

A SECURITY policeman denied in the Cape Town Supreme Court that he had made a terrorism suspect so scared he would do anything he asked.

Under cross-examination this week, Detective WO. Benzien denied using the method - known as the "Stockholm Syndrome" - which makes a suspect so scared he will do anything he is asked on Peter Jacobs, one of 15 charged with terrorism.

He denied torturing Jacobs at the security police office at Culmborg after his arrest in May last year.

Defence counsel Michael Donen said Jacobs would say Benzien handcuffed him, bound his feet and smothered him with a wet bag so he lost consciousness.

Jacobs would say Benzien

gave him shock treatment by inserting objects into his ear and rectum, the court heard.

Said Donen: "Jacobs will say you threatened to 'take him to the verge of death'."

"Jacobs says he was eventually so afraid he made an admission about his address and the fact that there was a hand grenade there."

Benzien also denied that during interrogation a policeman put the barrel of a gun on Jacob's head while it was covered by the cloth bag and that a shot went off soon afterwards.

Donen put it to Benzien that he tried to give the court the wrong impression that another accused, Ashraf Karriem did not have the support of his parents while he was in custody. He had told the court

Karriem, was angry with his son, saying he had worked all his life to give his children a university education.

He had also alleged that Karriem accused his son of getting involved in "hot-notpolitiek".

Benzien: "That's a downright lie."

Donen: "I put it to you that you are wrong, that they did support him and wanted to get legal advice."

The accused are Ashley Forbes, 22, Peter Jacobs, 22, Nicklo Pedro, 20, Nazeen Lowe, 24, Anwar Dramat, 19, Clement Baadjies, 19, David Fortuin, 22, Jeremy Veary, 22, Walter Rhooide, 23, Wayne Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Petersen, 23, Leon Scott, 29, and Yasmana Pandy, 20.

C1 Press  
19/6/88  
(33)

# The Six: Envoys may be recalled

9706 Turis 20/6/88

Own Correspondent

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JOHANNESBURG. — A number of European ambassadors are likely to be recalled from South Africa for consultation — a gesture of severe protest — if the Sharpeville Six are executed, on July 19.

At least one senior ambassador, West Germany's Dr Immo Stabreit, has confirmed that he was set to return to Bonn, on the instructions of his government, when the Sharpeville Six were first due to be hanged, in March. The recall was cancelled when a stay of execution was granted.

Diplomatic sources indicated that several other governments, mainly from the group of 12 European Community (EC) states represented in South Africa, were likely to follow West Germany's lead.

It could not be ascertained at the weekend exactly how many European governments are committed to recalling their ambassadors if the executions go ahead. One senior diplomat said there was no concerted plan at present.

"It's still too early for that kind of joint decision. There are four weeks before the executions are to take place, and our hopes are high that something will happen before then to save the Six."

Appeals for clemency have come from all over the world, including the United States, France, Britain and Japan. On Friday, the UN Security Council unanimously appealed for clemency for the Six.



# Dutch protest over Sharpeville six

**THE HAGUE** — The Dutch Government on Friday urged South Africa to commute the death sentences of the Sharpeville six, and protested draft legislation banning foreign financial support for anti-apartheid organisations, a foreign ministry spokesman said.

South African ambassador Frank Quint was summoned to the Dutch Foreign Ministry, where top official Henri Wijnands asked for "clemency" for six black South Africans sentenced to death for their involvement in the 1984 killing of a town councillor in Sharpeville.

"We asked for clemency or any other measure that will prevent their execution," the spokesman said. He spoke in exchange for anonymity in line with ministry practice.

## Rejected

A stay of execution was granted on March 17, the day before the six were to hang, and last week a judge extended the stay until July 19 while rejecting a request to reopen their trial.

Defence lawyers plan

Some from 20/6/88

to file petitions with the Chief Justice and President P. W. Botha seeking to halt the executions.

The unilateral move of the Dutch, who in issues such as anti-apartheid protests usually prefer joint action with the other common market member states, reflecting the deeply-rooted distaste for South Africa's legal system of racial segregation.

Wijnands also expressed the Dutch Government's concern over pending legislation that would effectively ban foreign funding of anti-apartheid organisations operating within South Africa, according to the spokesman.

Meanwhile, the execution of the Sharpeville six could give rise to political turmoil and adversely affect a peaceful solution to South Africa's problems, the Japanese acting Foreign Minister, Mr Keizo Obuchi, said on Friday. — Sapa.

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## Man to hang for killing Tosh

**KINGSTON, Jamaica** — Reggae poet and street vendor Dennis Lobban was found guilty and sentenced to hang on Friday for the murder of reggae singing star Peter Tosh.

Lobban (33) maintained throughout his trial that he was innocent and was drinking with friends the night of September 11, 1987 when Tosh, radio disc jockey Jeff Dixon and Wilton "Doc" Brown were murdered by three gunmen who burst into Tosh's home.

### Friends

Lobban said he and Tosh were good friends and used to rehearse music together.

The trial before a jury



PETER Tosh

Like all trials involving illegal firearms, the hearing was held behind closed doors in the gun court division of the home circuit court. Reporters were allowed to attend on the condition that they did not publish the names of the witnesses. — Sapa-AP.

Don't

forget

Soccerpot



CNT Times  
21/6/88

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# Envoy will go if 'Six' hang

**THE HAGUE.** — The Netherlands will withdraw its ambassador from South Africa unless the death sentence on the Sharpeville Six is commuted, a spokesman for the Foreign Ministry said yesterday.

If the six are executed on July 19, the Dutch ambassador will be withdrawn.

In a message conveyed through South African Ambassador Mr Frank Quint on Friday, the Dutch have already asked South Africa to commute the sentence.

A West Germany Foreign Ministry spokesman indicated yesterday that his government would act against South Africa if the Sharpeville Six are executed.

## 'Execution must not take place'

Mr Reinhard Bettzuege said he could not disclose what the West German reaction would be, but there would be one, "The execution must not take place," he said.

It is reported from London that anti-apartheid activists will meet British Deputy Foreign Secretary Ms Lynda Chalker today to urge the UK government to intervene to stop the execution of more than 50 people in SA.

AAM executive secretary Mr Mike Terry and prominent lawyer Mr Geoffrey Bindman will focus specifically on the case of Robert McBride, who failed last week in his application to reopen his trial. — UPI and Own Correspondent

**CAPE PENINSULA** and vicinity and Western Cape Coast Belt: Cloudy and cold with showers clearing over the Peninsula and Boland. Wind moderate south-westerly becoming south-easterly late. The minimum and maximum temperature will be between 06 and 18 deg C.

**Coastal belt Cape Infanta to Plettenberg Bay:** Cloudy and cold with occasional rain.

**Coastal belt Plettenberg Bay to Port Alfred:** Cloudy and cold with occasional rain.

**Coastal belt Port Alfred to Port Edward:** Partly cloudy and mild becoming cloudy and cold with occasional rain.

**Namaqualand and the South-Western Cape Interior:** Partly cloudy and cold but cloudy with isolated showers where it will clear late.

**Pretoria, Witwatersrand and Eastern Highveld:** Fine and becoming partly cloudy with isolated light showers.

**Transvaal:** Partly cloudy and becoming fine and mild.

**Free State:** Partly cloudy and with isolated showers.

**Natal:** Cloudy and colder from south with showers. Snow will occur on the southern fensberg.

**Namibia:** Partly cloudy and clearing.

**Botswana:** Fine and mild becoming colder.

### YESTERDAY'S READINGS

	noon	8
Barometer .....	1020,2	101
Humidity .....	80,0	9
Temperature .....	13,5	1
	max 15,5	min 10,9
(At D F Malan 24 hours to 8 pm)		
Hours of sunshine: 2,4		
Wind (D F Malan) 8 pm: Calm		

## TV TODAY

# Reprieve the Six, say World Seven

PRGUS 27/6/88 331

TORONTO. — World leaders attending the three-day annual summit here have called on the South African Government to reprieve the Sharpeville Six.

The summit ends today and the leaders are hoping for con-

crete accords on the African debt crisis and agricultural subsidies.

"Essentially we have an agreement" on the debt issue, Canadian Foreign Minister Mr Michael Wilson told reporters yesterday after the leaders of the seven largest industrialised nations met twice earlier in the day and issued a wide-ranging political communiqué.

"All we have to do is work out some words of the technical agreement."

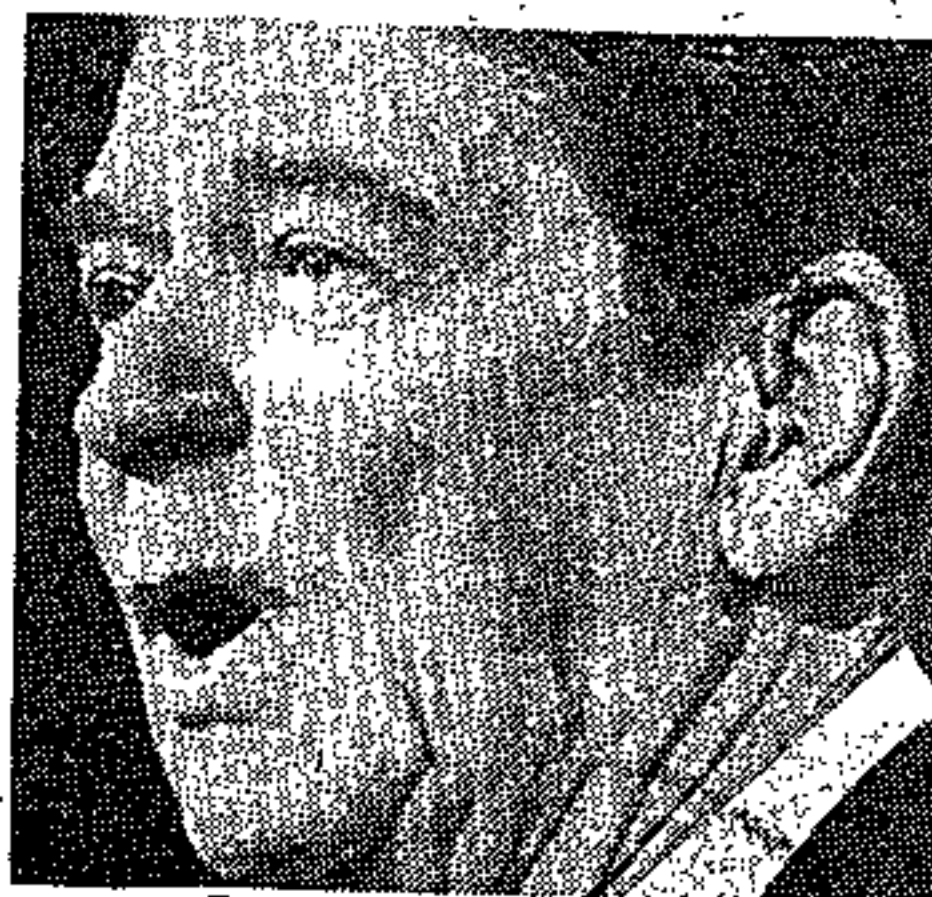
The plea of clemency for the Sharpeville Six was not part of the main political statement.

The statement saluted America's President Reagan for his nuclear arms negotiations and offered encouragement to Kremlin leader Mr Mikhail Gorbachev to pursue his reform programme.

It also endorsed Mr Reagan's call for tougher action to combat terrorism and illegal drug trafficking.

The statement by the leaders of the United States, France, West Germany, Italy, Britain, Japan and Canada followed four hours of formal talks. They also met informally at a dinner that included a forceful discussion on the environment and acid rain.

On the African debt US Treasury Secretary Mr James A



President Reagan

Baker said the summit would probably produce agreement on a relief plan sponsored by France and Britain for sub-Saharan nations, which he described as having "no reasonable prospect of ever getting back on their feet".

No agreement had been expected on the agricultural subsidies issue.

The leaders also welcomed the beginning of the Soviet withdrawal of troops from Afghanistan, insisting "it must be total and apply to the entire country. The Afghan people must be able to choose their government freely".

They said the presence of massive Soviet conventional forces in Eastern Europe and the strength of the Warsaw Pact forces lay at the core of the security problem in Europe. — Sapa-AP.



## Brigadier testifies at Mamelodi inquest

# 'I did not order use of live ammo'

Star 21/6/88

331

By McKeed Kotlolo,  
Pretoria Bureau

A former divisional inspector of the northern Transvaal police, Brigadier Hertzog Lerm, yesterday told an inquest hearing that he did not give orders to use live ammunition during the Mamelodi shootings in which 12 people were killed.

Brigadier Lerm said he ordered only that teargas be used to disperse "about 8 000 residents" at the local town council offices on the morning of November 21 1985.

### No need to shoot

He told the court there was no need to shoot at the people who had gathered there to present their grievances to the mayor, Mr Zikhali Ndla-zi.

He added that the huge crowd had not threatened any violence.

The brigadier was testifying at the inquest into the death of 12 people, including pensioners, who were allegedly shot during a Mamelodi rent protest march. The residents had also called for the withdrawal of police from the township.

Brigadier Lerm said he was called to Mamelodi to bring in police reinforcements to help disperse thousands of residents moving from Mamelodi East to the town council offices in Mamelodi West.

He could not go into the township but was blocked by a crowd of residents at the entrance about 60 m from the town council premises.

He said he told Lieutenant-Colonel Loots, who asked him whether to use teargas to disperse the people, that he should "use teargas and nothing else" because there was no need to use firearms.



Brigadier Lerm ... 'ordered teargas only'.

Brigadier Lerm said he warned the crowd — which he estimated at 5 000 — three times and gave them 10 minutes to disperse before the shooting occurred.

He then ordered that the policemen in Lieutenant-Colonel Loots's vehicle fire teargas from a strategic point so that it could be effective with

the direction of the wind. He stressed that no other weapons should be used.

The brigadier added that at the time some senior officers were in a helicopter which hovered over the crowds.

He also said that as the number of people increased, he asked them to go to the local stadium where the mayor would be able to address them, but they refused.

He said most of the people in the front row were women who appeared to be under the influence of liquor.

Brigadier Lerm said the shooting occurred at about 9.50 am. At about 1 pm — after an 11 am meeting with SAP and SADF officers — he received information that three men and five women were killed in the shootings. The number increased to 12 at about 5 pm, he said.

The hearing continues.



# Comrades were 'in local control'

Stc 21/6/88 Pretoria Bureau

An inquest into the 1985 Mamelodi shootings, in which 12 people were killed, yesterday heard that the incident happened when the three Pretoria black townships were under the "total control of the comrades".

Former Divisional Inspector of the Northern Transvaal police Brigadier Hertzog Lerm, said that on November 21 1985, when security forces opened fire on a crowd protesting against the high rentals and police presence in the township, Mamelodi "appeared to have been under the total control of the comrades".

"There was no longer law and order, people reported cases to the comrades, they held courts; rent, water and electricity were no longer being paid. Schools were no longer being attended," he said.

Brigadier Lerm stressed that those who protested on the day of the shootings "were intimidated and forced to go there".

## WARNING LETTER

He referred to a letter which was earlier read in court, to show that they were intimidated.

The letter, purporting to be from the banned Congress of the South African Students, warned a person called "Solly" not to stay at home on November 21.

Brigadier Lerm's interpretation of the letter was that "Solly" stood for "soldier".

A State pathologist, Professor J D Loubser, said 10 people died of gunshot wounds while two died of heart failure. He said most of the victims were shot in the back. The wounds were inflicted by different types of firearms.

The dead were: Mr Sam Nkonyane (51), Mrs Elizabeth Thoko Malaza (28), Mrs Salome Mabasa (50), Mrs Sarah Tefu (66), Mrs Mirriam Mello (65), Mr Moses Motsei (21), Mr Jerry Ngwatle (19), Mr Jacob Songo (24), Mrs Elizabeth Msiza (41), Thabo Makola (16), Mr Jacob Masanabo (32) and Mr Freddie Mavimbela (67).

# ST-21/6/88 (331) Germans threaten S Africa over Six

The Star's Foreign  
News Service

MUNICH — West Germany threatened South Africa yesterday with undisclosed counter-measures if the Sharpeville Six are hanged.

A West German Foreign Office spokesman, Mr Reinhard Bettzuege, would not say what the measures would be.

They would only become known if the Sharpeville Six were executed, he said.

Mr Bettzuege would not confirm reports from Johannesburg that the West German Ambassador, Mr Immo Stabreit, would be recalled if the executions went ahead.

The six have been granted a stay of execution until July 19.

# Right of protest not absolute, court told

Star 21/6/88

331

By Bruce Anderson

For the first time in South African history "persons took it upon themselves to create unconstitutional alternatives to the police, local authorities and especially the judiciary", a State advocate said during a trea-

son trial in the Rand Supreme Court yesterday.

Mr E du Toit SC, in his closing argument, told the court: "No right of assembly or protest is absolute".

He was presenting argument before Mr Justice F H Grosskopf in the

trial of Mr Ashwell Zwane and seven other Alexandra residents on a main charge of treason and alternative charges of sedition and subversion.

Mr Zwane (20) and his co-accused, Mr Vusi Ngwenya (20), Mr Andrew Masutha (22), Mr David Masutha (19), Mr Arthur Vilakazi (24), Mr Albert Sebola (21), Mr Piet Mogano (28) and Mr Phillemon Phalongwane (17), have pleaded not guilty to all charges.

Mr du Toit said South African law placed importance on the democratic right of free assembly and the right of protest against authority, its institutions and decisions.

But, "no right of assembly or protest is absolute," he said.

"Already in Roman times, it was recognised that the existence of the State was more important than the rights of the individual and that overthrow of the State leads to chaos, anarchy and strife."

The hearing continues.



# Officer tells of protest crowd

PRETORIA. — Some of the people in a crowd of Mamelodi residents, 12 of whom were allegedly shot dead by police during a rent protest march in November 1985, were under influence of alcohol, Brigadier Hertzog Lerm told a Pretoria North Magistrate's Court yesterday.

Brig Lerm, who was attached to the office of the area's divisional police commissioner at the time, and was called to the scene of protest shortly before the alleged shootings, was giving evidence at the inquest into the death of the 12 Mamelodi residents.

State pathologist Mr Johan Loubser testified that ten of the 12 died as a result of R1 and/or R4 submachinegun fire and buckshot and two of them due to heart failure.

He said that after he was telephoned by a Lieutenant-Colonel Loots informing him that thousands of Mamelodi East residents were marching to the stadium to speak to the mayor, Mr Bernard Ndlazi, and after receiving a radio message that the residents had gathered at the local municipal offices, he drove to the scene.

"When I arrived at the municipal offices I saw thousands of black people, chanting and singing and standing shoulder-to-shoulder down the street. Mr Ndlazi was addressing them but their screams were drowning his voice.

"The front of the crowd was made up of women, mostly under the influence of alcohol. I ordered them to disperse and some started to retreat but a young black man moved forward shouting at the women not to listen to me," said Brig Lerm.

The brigadier said one youth told him: "Today you cannot win. We are much more than you are."

"I then asked the crowd why the demonstration was taking place. A youth told me the the mayor was building houses for himself and for the community; that tariffs were increased and that they were protesting against the presence of the SADF and police in Mamelodi."

He said the crowd then started to push him against the fence after which he requested them to go to the soccer stadium "as I feared they would trample each other to death".

*Cape Times  
21/6/88*

# Weaver trial <sup>331</sup> probe 'soon'

THE investigation into questions raised by the acquittal of the former deputy news editor of the Cape Times, Mr Tony Weaver, on charges related to the Police Act last year, would be attended to "soon", the Attorney General, Mr Niel Rossouw, said yesterday.

Mr Weaver was acquitted in September of breaking the Police Act by making untrue statements to the BBC about the killing of seven alleged guerillas by police in a shootout in Guguletu on March 3, 1986.

## Investigation

Soon afterwards, Mr Rossouw ordered an investigation into whether any of the policemen involved in the shootout should be charged with murder, and whether the inquest into the deaths of the seven should be reopened.

Eye-witnesses to the shootout claimed that one suspected guerilla was shot and killed after trying to give himself up, and that another, lying wounded on the ground, was "finished off" by police.

The trial magistrate, Mr J.M. Lemmer, found that Mr Weaver had reasonable grounds for believing what he reported to be true and that expert medical evidence contradicted the police version of what happened.

● Mr Weaver is suing the Minister of Law and Order for over R107 000.

ONE of eight young Alexandra men charged with treason had encouraged and assisted in the creation of alternative constitutional structures such as yard, street and block committees, it was submitted in the Rand Supreme Court yesterday.

This was said in argument by State counsel E du Toit, SC, referring to Ashwell Zwane.

Zwane, Vusi Andries Ngwenya, Andrew Mafutha, David Mafutha, Arthur Selby Vilakazi, Albert Ali Sebola, Piet Mogano and Phillemon Chick Phalongwane have all pleaded not guilty to treason and

## Court is told of street committees.

SUSAN RUSSELL

alternative charges of sedition and subversion.

Du Toit submitted that a quotation found in an exercise book saying, "The day is coming when the Boers will be made to pay for innocent African blood which is wasted day by day" had been written by Zwane.

Argument continues before Mr Justice Grosskopf today.

Sophy's theft: mother g



# Brig tells court of violent marchers

*Sowetan 22/6/88*

A SENIOR police officer who was in Mamelodi when 12 people died during action by the security forces three years ago, reported to his seniors that they would have to "kill thousands of people" to stop a violent mob march in Mamelodi East, an inquest court was told yesterday.

Brigadier Hertzog Lerm, former Divisional Inspector of the SAP in the Northern Transvaal, who was in charge of the security forces that day, said Colonel Loots reported early that morning that a large number of people

marching in the streets were violent and throwing stones near the Pienaars River bridge in Mamelodi East. The mob also carried placards.

Colonel Loots also reported to him that the police station and the police single quarters were being attacked. Brigadier Lerm said Colonel Loots, who died in November last year, also told him that: "We must kill thousands of people if we have to stop the mob."

He was testifying before the magistrate, Mr J M Pretorius at an inquest into the deaths of

12 people who died during security force action in Mamelodi on November 21, 1985.

Two of the victims died of heart failure. Mr Morris Basslian, assisted by Mr Dikgang Moseneke put it to Professor David Johan Laubscher, an expert state pathologist, that it was going to be argued that Mr Sam Nkonyane died as a result of a gunshot wound and that he was fit and healthy and never suffered from heart failure. **331**

Mr Basslian yesterday put it to Brigadier Lerm that police officers, including Colonel Loots, who were at the scene in Mamelodi East that morning, have not mentioned incidents of violence in their statements which have already been submitted before court. Brigadier Lerm stressed that incidents of violence were reported to him by Colonel Loots.

(Proceeding)

# UK keeps eye on Sharpeville Six

Star 22/6/88

331

The Star Bureau

LONDON — The Minister of State in the British Foreign Office, Mrs Lynda Chalker, is watching the case of the "Sharpeville Six" closely and will appeal for mercy on their behalf should their clemency pleas to President Botha fail, says the Anti-Apartheid Movement (AAM).

A delegation from the AAM and South Africa the Imprisoned Society (Satis) emerged from an hour-long discussion with Mrs Chalker yesterday, saying she had promised to consider renewed pleas for clemency for the six.

She also said she would consider a plea for clemency on behalf of convicted Amanzimtoti bomber Robert John McBride should his clemency appeal to President Botha fail.

A spokesman for the Foreign Office said Mrs Chalker referred the delegation to British policy — which involved not intervening until the legal process had run its course — but undertook to consider the cases.

The delegation, headed by Satis chairman and leading human rights lawyer Mr Geoffrey Bindman, was sent to Whitehall to express AAM and Satis fears that the British Government was "dragging its feet" over the case of the six — who are due to hang next month — and others.

The Star's Foreign News Service reports from Madrid that SA ambassador Mr David Louwe has been told by the Spanish government that South Africa's continued relations with the entire European Community could be jeopardised if the Sharpeville Six are executed.

The Spanish government would be "obliged" to adopt political methods against South Africa if the six or any others were executed, Mr Louwe was told.

Four men granted  
stay of execution

Pretoria Correspondent

Four men who were due to be hanged today were granted a stay of execution by the Pretoria Supreme Court yesterday.

Mr Justice O'Donovan granted Sipho Mtetwa (32), Jeffrey Tsotetsi (21), Richard Mbuli (35) and Isaac Tsotetsi (51) a stay of execution for a month, in order for them to petition the Chief Justice for leave to appeal against their double death sentences.

Serviceman dies  
in crash, 54 hurt

Pretoria Correspondent

A member of the South African Defence Force died in a military vehicle accident in the operational area on Monday night, a SADF spokesman said.

He was Rifleman Ian Michael Webb (20) of 25 Frere Road, Glenwood, Durban.

Fifty-four other servicemen were injured in the accident, two of them seriously, the spokesman said.

US welcomes Govt  
national forum plan

By Neil Lurssen,  
The Star Bureau

WASHINGTON — The South African Government's plan for a new multiracial national forum, announced by President Botha this week, has been conditionally welcomed in the United States.

"We welcome any development whose goal is further democratisation of South Africa," a spokesman for the US State Department said yesterday.

US officials have been super cautious in their comments on constitutional proposals and initiatives in the Republic

ever since they ran into a firestorm of criticism when they welcomed South Africa's current tricameral parliamentary system as a "step in the right direction".

Angry denunciations of the US by black SA leaders who rejected the tricameral plan stung Reagan administration officials who felt their attitude toward reform in South Africa had been misunderstood.

As a result, the Americans have been careful to note that their ultimate aim is to see an end to apartheid and the full participation of all South Africans in a new system of government.

No Olympic boycott by black Africa

LAUSANNE — The International Olympic Committee's first special meeting on apartheid was "a show of unity with black African nations" which earlier had threatened to boycott the Seoul Games.

Black African sports officials said after the meeting yesterday at IOC headquarters here that they currently see no reason for staying away.

The IOC reaffirmed its opposition to apartheid as a "scourge in sport" and urged further action to freeze South Africa out of international competition — AP.

Dunem said his impression at recent meetings with South African officials in London and Brazzaville was that they wanted America out of the process.

He and Mr Pedro de Castro van-Dunem, Angola's Economics Minister, expressed outright distrust of South Africa in the peace talks. They wanted the United States involved as a mediator, they said.

They alleged South African breaches of the Nkomati Accord with Mozambique, and efforts to sabotage Angola's oilfields days after a top-level South African assurance that Pretoria wanted peace, made them want a witness to the negotiations.

Angola's priority was to get South Africa out of Angola before all else, the two leaders noted.

Mr Pedro van-Dunem doused any hopes of direct settlement talks between his government and Unita. Once foreign forces were off their soil, he said, Angolans could sit down as individuals to talk of the country's future. He seemed to rule out such talks with Unita.

Methodists

The Star Wednesday June 22 1988



22/6/85  
33/

# Court dispute over tape

THE inquest into the death of 12 Mamelodi unrest victims in 1985 was abruptly adjourned yesterday when counsel for the families disagreed with the magistrate's ruling on a video tape recording as evidence.

The objection by advocate Morris Baslian for the families followed the showing in court of video tapes demonstrating the roles of police witness Brigadier Hertzog Lerm, Mamelodi mayor Zikhali Ndlazi and thousands of protesters and members of the police and SADF.

Baslian disagreed with magistrate

SIPHO NGCOBO

P J Pretorius's ruling that the crowd appeared peaceful at first and that it later became aggressive.

He also argued the crowd outside the court yielded to the police command to leave.

Under cross-examination by Baslian, Lerm, who was in charge of the police in Mamelodi on November 21, 1985, when the 12 people died, testified that he may have left out important aspects in his statement taken five months after the incident.

331 Sharpeville 6: Spanish threat

MADRID. — Spain has threatened to impose political sanctions against South Africa if it executes six blacks sentenced to hang for their part in the murder of a black official, the Foreign Ministry said yesterday.

A spokesman would not disclose what specific sanctions were being considered, but said they could include recalling Madrid's ambassador from Pretoria and reducing the number of South African diplomats in Spain.

South African Ambassador Mr David Louw was told of the possible sanctions when he visited the ministry on Monday.

Foreign Minister Mr Francisco Fernandez Ordonez said recently that Spain would impose sanctions if the "Sharpeville Six" were hanged.  
— Sapa-Reuter

# 'CHANGE IS NEEDED'

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Sowetan  
22/6/88

A DEFENCE witness in the Vaal Triangle treason trial told the Pretoria Supreme Court yesterday that no radical change could take place in the black education system without the society itself being transformed.

## Tragedy

A MAMELODI woman was electrocuted in the shack in which she lived late on Sunday.

Ms Daphney Tlou (38), who was certified dead on arrival at the Mamelodi Day Hospital, lived in one of the shacks in a coalyard behind Beka's shopping complex in Mamelodi East.

## Indaba

COMMISSIONERS of prison services, their deputies and other senior prisons personnel of South Africa, Transkei, Bophuthatswana, Venda and Ciskei, are to meet on Thursday in Mzamba, Transkei.

## 'New deal'

THE proposed National Council would enable blacks to take part in making laws not only for their own community but for all the people of South Africa, the president of the East Cape Urban Councils' Association, Mr Milford Sili, said in Cape Town yesterday.

My Lybon Mabasa, Azanian People's Organisation vice-president, said the workers had also to realise that there would be no change for as long as apartheid was still in force.

The workers were the backbone of the struggle and had to challenge exploitation and harassment at their work place.

## Treason

He gave evidence in the trial of 19 leaders of UDF, Azapo, VCA and Azanyu.

The accused in the trial have pleaded not guilty to a charge of treason and alternative charge of terrorism, subversion and murder.

Asked by the prosecutor why Azapo had never declared itself as a peaceful organisation, Mr Mabasa said there had been no need to do so repeatedly "as if we doubt our credibility of being peaceful."

Proceeding.



# 'No fair trial for ANC 15'

TERRORISM trialists Ashley Forbes and 14 others would not have a fair trial because three security policemen had probably read their instructions and were aware of their defence, it was alleged in the Cape Town Supreme Court this week.

Defence counsel Mr Michael Donen said there seemed to be a dispute of fact between the defence and the State as to what had happened to documents belonging to the trialists after an alleged escape attempt by them on Sunday June 5.

Appearing with Forbes, 22, and Jacobs, 22, on charges of terrorism under the Internal Security Act are Niklo Pedro, 20, Nazeem Lowe, 24, Anwar Dramat, 19, Clement Baadjies, 19, David Fortuin, 22, Jeremy Veary, 22, Walter Rhooode, 23, Wayne Malgas, 22, Collin Cairncross, 22, Ashraf Karriem, 20, Colin Petersen, 23, Leon Scott, 29, and Yasmina Pandey, 20.

The accused said a copy of the charge sheet belonging to Veary, which contained the defence arguments of all the

trialists, had not been returned after police confiscated their papers.

Prosecutor Mr Willie Viljoen said security police still had some papers, but Mr Donen confirmed they did not include the charge sheet in question.

The last witnesses called by the State testified they offered accommodation to Forbes, Jacobs and Nicklo Pedro, who gave false names.

## Arrested

Ms Dawn Rossouw of Hanover Park said Forbes and Pedro, who gave the names "Gerald" and "Jerome", minded her flat for three months in 1987.

Mr Benjamin Elias, owner of the flat in Dunster Road, Athlone, where Forbes was arrested in May last year, said Forbes and Jacobs had lived there only a month before their arrest.

There was laughter in the gallery when Donen said there were no questions in cross-examination, but Forbes and Jacobs said they had not been repaid their deposit on the flat.

Mr Elias responded: "They didn't say they were leaving. They just left."

He said earlier Forbes and Jacobs gave their names as "Faizel Abrahams" and "David Samuels".

On June 16 the accused and the gallery faced each other with clenched fists and paid tribute to "fallen heroes".

A moment's silence was observed after Forbes said: "It's at times like these that we remember those who have fallen ... people like Ashley Kriel and the comrade who fell this morning."

The court is now in recess until August 2. It means that the faithful group of parents and friends will not see and speak to the trialists until then.

## Children

Since the 15 accused were all jailed for six months for contempt of court, families have been restricted to only one prison visit a month.

However, the judge has allowed the accused to remain in court during the tea break every day and speak to friends and relatives in the gallery.

On one occasion last week trialists Walter Rhooode and Colin Petersen were allowed to hold their children Karl and Kirsha in the dock.

Kirsha Petersen was born days after her father was detained in August last year and is now nine months old. She was bewildered by the experience and started crying.

Karl Rhooode, a little older, lapped up the attention of all the trialists and explored the wooden dock adventurously.

## Four appear in court over demonstration

CAPE TOWN — Three Cape Town journalists and a graphic artist, picked up by police on Tuesday during a placard demonstration against the media restrictions, appeared briefly in the Cape Town Magistrate's Court yesterday on a charge of contravening the Gatherings and Demonstrations Act.

The case against the four — Robert Houwing, a reporter on *The Argus* and western Cape vice-president of the Southern African Society of Journalists; *Cape Times* reporters Chris Steyn and Peter Dennehy, and graphic artist Tina Coombes — was postponed to July 7 for further investigation.

No charge was put to them and they were not asked to plead. The four are on bail of R50 each. — Own Correspondent.

# Court hears of <sup>331</sup> coffins in church

By Bruce Anderson

Alexandra Youth Committee (AYCO) members "had decided that coffins should be kept in churches to prevent the hijacking of funerals by police", the Rand Supreme Court was told yesterday.

This submission was made yesterday by State Advocate Mr E du Toit, SC, on the third day of his closing argument before Mr Justice Grosskopf in the trial of Mr Ashwell Zwane and seven other Alexandra residents. They face a main charge of treason and alternative charges of sedition and subversion.

The co-accused of Mr Zwane (20) are: Mr Vusi Ngwenya (20), Mr Andrew Mafutha (22), Mr David Mafutha (19), Mr Arthur Vilakazi (24), Mr Albert Sebola (21), Mr Piet Mogano (28) and Mr Phillemon Phalongwane (18). They have pleaded not guilty to all charges and are in custody.

The trial results from unrest incidents in Alexandra between January and July 1986.

On Tuesday, Mr du Toit dealt with the role allegedly played by Mr Vilakazi and a number of the other trialists.

He told the court that Mr Vilakazi attended a mass funeral on March 3 1986 in Alexandra where he "joined in the singing of freedom songs".

At another funeral, Mr Vilakazi "carried one of the coffins draped in an ANC flag".

It was also claimed that Mr Vilakazi had joined an AYCO anti-crime campaign to "show youth the right way".

Mr du Toit submitted that Mr Vilakazi had searched and "punished" people during each of these campaigns, and regardless of their sex. He also claimed a young girl had been lashed.

Mr Vilakazi had said that he regarded Nelson Mandela as his leader and had no objection to the renaming of Alexandra streets with names such as AK-47, Bazooka and Grenade, said Mr du Toit.



# Inquest views <sup>(37)</sup> videos <sup>5/23/86</sup>

Videos showing Mamelodi residents trampling each other during a protest march to avoid tear-gas, as well as the outbreak of shooting in which 12 people died, were viewed by a Pretoria magistrate on Tuesday.

The inquest into the deaths of 12 Mamelodi residents on November 21 1985 was adjourned until today to allow counsel for the families to study the four police videos handed in as exhibits to the Pretoria North Magistrate's Court.

The videos showed Brigadier Hertzog Lerm, who was in charge of the police on that day, talking to the crowd, using a loud hailer.

Another recording showed a large group of chanting, singing and placard-waving people.

The outbreak of the shooting was also shown. Tearsmoke canisters were hurled into the crowd and people could be seen trampling each other in an attempt to get away from the fumes.

Another video showed groups walking away from the scene after the shooting, while the fourth depicted the situation as seen from the helicopter.

The magistrate said it was clear as the number of people increased, the mood of the crowd changed. — Sapa.

2001-96765 23/6/88

## ANC woman gets 8 years

KROONSTAD (331) A black woman who received ANC training in Angola was sentenced by the Kroonstad Regional Court yesterday to eight years, three suspended, on a charge of terrorism.

Regina Tseleng Madumise, 39, a former domestic worker who also worked as a cleaner at the Parys provincial hospital had pleaded guilty.

She was arrested on October 7, 1987 at Kroonstad after returning to SA with the instruction from the ANC to observe police and SADF offices at Parys, Kestell, Thaba Nchu and in QwaQwa.

Madumise, mother of a deaf son, had no previous convictions. — Sapa

## 4 city journalists in court

Cape Times 23/6/88 Court Reporter

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THREE Cape Times journalists and an Argus reporter appeared in the Cape Town Magistrate's Court yesterday in a sequel to a placard demonstration against media restrictions outside Newspaper House.

The four are Cape Times reporters Ms Chris Steyn, 27, of Gardens; Mr Peter Dennehy, 30, of Crawford; graphic artist Ms Tina Coombes, 26, of Constantia, and Argus reporter Mr Robert Houwing, 24, of Claremont.

They were not asked to plead, but the charge sheet indicates that they may be charged with contravening the Gatherings and Demonstrations Act in that they displayed placards.

The four are out on bail of R50 each.

The hearing was adjourned to July 7 for further investigation.

Mr MJC Tolken was the magistrate. Mr ES Grobbelaar prosecuted. Miss Andy Durbech appeared for the four.

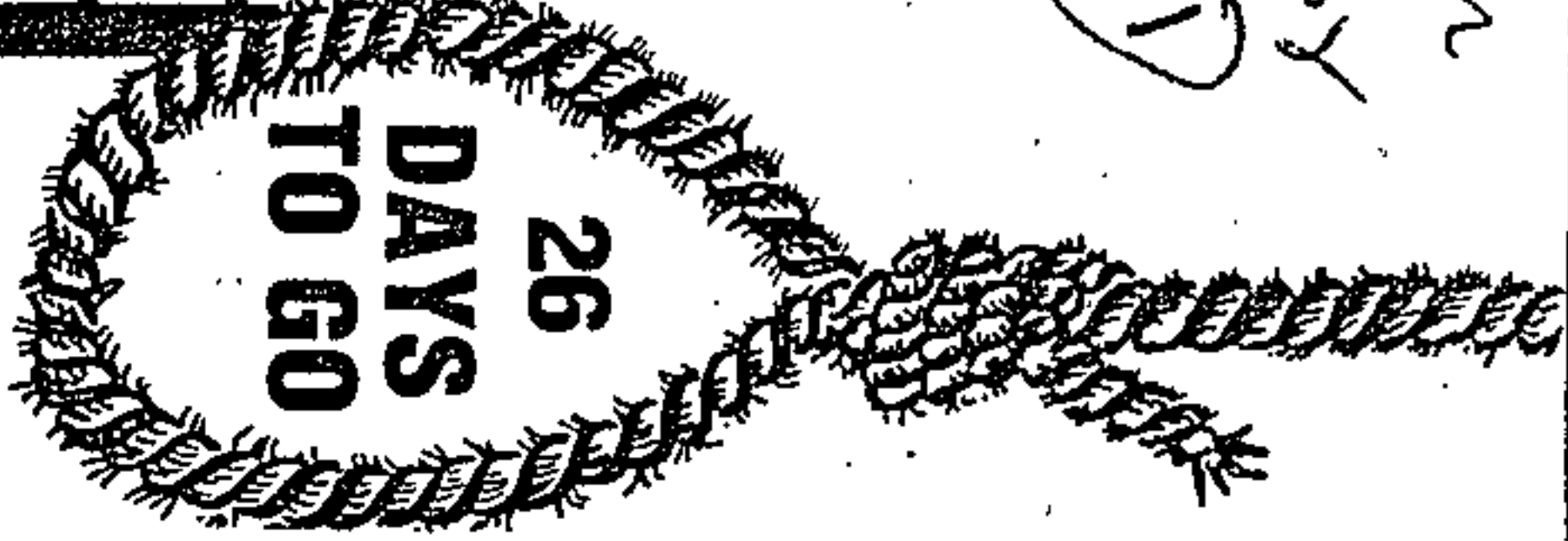


# SAVE THE SIX

Southern  
23/6/87  
331



JUNE		JULY	
M	T	W	T
20	21	22	23
27	28	29	30
4	5	6	7
11	12	13	14
18	19		



## Race against time to save Vaal 6

### BY THEMBA MOLEFE

MR ACTING Chief Justice P J Rabie will receive a petition to re-open the case of the "Sharpeville Six" next week. Their lawyers are engaged in a last-ditch attempt to save them from the gallows for the murder of a Lekoa councillor.

The attorney for the "Six", Mr Prakash Diar, yesterday said they were finalising details of the petition.

On June 13 the Pretoria Supreme Court rejected an application to re-open the case but granted them a further stay of execution until July 19.

The "Six" are Mojale-

Joseph Manele, had made an affidavit saying he was threatened and tortured by the police into incriminating two of the "Six".

Mr Manele was not cross-examined during the trial. On June 13 Mr Acting Justice Human refused the defendants leave to appeal.

Their last resort is to petition the Chief Justice or the State President.

### Threatened

In March Mr Acting Justice W J Human granted the "Six" a stay of execution after Mr Diar presented him with evidence that a State witness in the trial, Mr

• The Spanish Government has warned that South Africa's relations with the entire European Community could be jeopardised if the "Six" were executed.

## SADF trial details may emerge

DETAILS of the secret trial in which three national servicemen were convicted of conspiring to disseminate classified South African Defence Force information may still become public.

This will depend on the outcome of a Cape Supreme Court hearing on August 2, arising from an application brought earlier this year by the End Conscription Campaign.

Last week an SADF review council upheld the finding of the military tribunal which convicted the three men — but reduced the 18-month detention barracks sentences of Peter Pluddeman, 25 and Hein Monnig, 24, to eight months and that of Desmond Thompson, 20, to six months.

The ECC launched its application in

the wake of the conscripts' conviction earlier this year. Judgement handed down by the military tribunal was not covered by the secrecy ruling and the *Weekly Mail* was able to report in February that the information they were found guilty of conspiring to disseminate related to anti-ECC activities by the SADF.

An interim order restraining the SADF from harassing or interfering with the ECC was granted and August 2 was set as the return date for the matter to be argued in full.

The minister's bid for the ECC's application to be heard behind closed doors will now be argued on August 2. Depending on the judge's decision, details of the men's trial and the ECC's application might become public knowledge.

24-30/688

(331)

W/Mail

# Another plea for Sharpeville 6

LAGOS — Speaking at a concert devoted to the *Solidarity Day* with Soweto, Foreign Minister Ike Nwachukwu demanded that the South African Government repeal the death sentence passed on the Sharpeville Six currently on death row for the murder of the Lekoa deputy mayor in 1985.

"Social justice will be attained in South Africa only if the Pretoria regime legalises the activities of all anti-apartheid organisations, lifts the state of emergency and sets all political prisoners free",

said Ike Nwachukwu.

He stressed that Nigeria will continue to oppose apartheid until the aim, for which the Soweto school students had given their lives, was attained.

Meanwhile, Gennadi Gerasimov, head of the USSR Foreign Ministry of Information Department, said at a Press briefing held at the Foreign Ministry Press Centre that the Soviet Union was "seriously concerned" about the decision of the South African Supreme Court to reject the appeal by the Sharpeville Six.

He stressed that the State had failed to produce any irrefutable evidence of their complicity in the murder of the Lekoa deputy mayor. (326) (331)

"The Soviet Union supports the appeals of the United Nations and leaders of other countries to the South African authorities to show humaneness and repeal the death sentence", Gerasimov said.

Commenting on the second round of talks to begin in Cairo between Angola, Cuba and South Africa with the mediation of the United States

on settling the conflict in Southern Africa, Gerasimov said Moscow hopes that all participants will demonstrate a "constructive and responsible approach, conducive to achieving reasonable agreements with full respect for UN decisions and the norms of international law".

## Talk of the Town

THE publicity shy author of our Thursday column, *Talk of the Town*, is back after a month's leave. The column will appear again from next Thursday.



331 w/maile 24-30/6/88

# Day 414 of the 3,5 metre trial

PUT into a pile, the 24 637 pages of court records in the "Delmas" treason trial would stand three-and-a-half metres high. This is not counting about 15 000 pages of exhibits.

For once, the hackneyed phrase "marathon trial" is entirely appropriate.

On Wednesday this week, the 414th court day of South Africa's longest-running hearing, the defence closed its case. The court will be adjourned to allow lawyers for both the state and the accused to prepare for argument — likely to begin in August.

It is thought that the full legal process will have run its course by the end of November.

The trial, in which 19 men face charges of treason, subversion, murder, terrorism and furthering the aims of the African National Congress and South African Communist Party, is of tremendous political significance — involving, as it does, key figures of the now-restricted United Democratic Front, as well as members of the Azanian People's Organisation and Azanian National Youth Unity.

Its political resonance is given an added dimension because of the trial's location — it moved from Delmas to Pretoria on August 1, 1987 — in Criminal Court C of the Palace of Justice.

This is the very courtroom, and dock, in which Nelson Mandela and his co-accused received their life sentences in the "Rivonia" trial 24 years ago.

In addition, a further 911 people, including high-profile leaders like Archbishop Desmond Tutu and CF Beyers Naude, are named on the charge sheet. Conviction of the accused may have implications for all the others, some observers believe.

It would certainly have tremendous bearing on the future of internal resistance activity.

The trial is not only distinguished by its length: it is also believed it will go down as the most costly in the history of political trials in South Africa.

Most of the accused, whose ages range from late-20s to mid-60s, are from townships in the Vaal Triangle, and many were active in the Vaal Civic Association (VCA).

Evidence has centred around events resulting from anti-rent protests in these townships and elsewhere in 1984 and 1985, when countrywide "unrest" erupted.

For the state, Advocate PB Jacobs

## *The 'Delmas' trial defence closes its case in the same courtroom where Mandela was once convicted*

By **SHAUN JOHNSON**

and his deputies have sought to prove that the accused conspired in the planning of this unrest.

All the accused pleaded not guilty at the beginning of the trial, saying they had employed peaceful means of protest and had worked within the law.

In rebuttal of the state's case — the indictment runs to more than 100 pages — the defence team, headed by Arthur Chaskalson, SC, and George Bizos SC, has led 127 witnesses from all over South Africa, reaching as far afield as Paarl and Worcester in the Western Cape, and Grahamstown in the Eastern Cape.

Of the 19 accused, three — Popo Molefe, Patrick "Terror" Lekota and Moss Chikane — have been refused bail, and are approaching their third year in custody. The trial began on October 16, 1985.

There were originally 22 accused, but three were acquitted when the state wound up its case at the end of 1986. Last year was taken up by the evidence of the accused, and this year has heard defence witnesses.

The case has been marked by repeated bail applications, beginning in November 1984, prior to the commencement of the trial. The first two attempts were unsuccessful, but after an agreement between defence and state in November 1986, six of the accused were released. A further 10 won bail in July 1987.

Much publicity was given to the dismissal — in terms of Section 147 of the Criminal Procedures Act — of one of Mr Justice K van Dijkhorst's assessors, Dr Willem Joubert, in March 1987. It was held that Joubert had supported the UDF's "Million

Signature Campaign" in 1983.

Defence lawyers argued unsuccessfully that the dismissal had been unfair, and failed in a subsequent attempt to get the judge to recuse himself.

If convicted, the accused could face sentences ranging from the death penalty to periods of imprisonment.

The trialists are:

●Popo Simon Molefe, 36, general secretary of the UDF

●Patrick "Terror" Lekota, 39, publicity secretary of the UDF

●Moses "Moss" Mabokela Chikane, 39, former Transvaal secretary of the UDF and member of the Community Resources and Information Centre, Johannesburg

●Patrick Mabuya Baleka, 28, insurance salesman and Azanyu member

●Rev Tebogo Geoffrey Moselane, 41, Anglican priest from Sharpeville

●Oupa John Hlomuka, 34, insurance salesman and Azapo member

●Gcinumuzi Petrus Malindi, 28, former leader of Evaton Baptist Church youth committee

●Morake Petrus Mokoena, 49, Evaton cafe owner and secretary of Evaton Ratepayers' Association

●Tsietso David Mphuthi, 50, branch vice-chairman of the VCA and salesman

●Naphtali Mbuti Nkopane, 42, Vereeniging furniture store employee and VCA branch chairman

●Tebello Ephraim Ramakgula, 37, Sebokeng electrician and VCA branch treasurer

●Bavumile Herbert Vilakazi, 32, Vaal Triangle Urban Training Project worker, and VCA executive member

●Sekwati John Mokoena, 35, former secretary of the Boipatong Residents' Committee

●Simon Tseko Nkoli, 28, an employee of the SA Institute of Race Relations from Sebokeng

●Pelamotse Jerry Thlopane, 29, Sebokeng salesman

●Serame Jacob Hlanyane, 39, Sebokeng electrician and VCA branch treasurer

●Thomas Madikwe Manthata, 48, field worker for SA Council of Churches and Soweto Civic Association member

●Hlabeng Sam Matlole, 63, employee at a dry-cleaning factory and VCA branch treasurer

●Thabiso Andrew Ratsomo, 30, Rhodes University journalism student from Sebokeng, and former VCA treasurer.

# Judge hears of township courts

331

8/day  
24/6/88

TREASON accused Piet Mogano was part of an Alexandra Youth Congress (Ayco) branch which actively participated in the creation of alternative, unconstitutional structures in the township, it was argued in the Rand Supreme Court yesterday.

State counsel E du Toit, SC, submitted that Mogano had been present at all the meetings of the 14-16th Avenue branch where the creation of alternative structures was discussed.

Mogano, Ashwell Mxolisa Zwane, Vusi Andries Ngwenya, An-

SUSAN RUSSELL

drew Mafutha, David Mafutha, Arthur Selby Vilakazi, Albert Ali Sebola and Phillemon Chick Phalongwane have all pleaded not guilty to treason and alternative charges of sedition and subversion.

The charges arise from their alleged involvement in holding people's courts in Alexandra during the first half of 1986 and attempts to render the township ungovernable.

Mogano "was also criminally re-

sponsible" for renaming 14-16th avenues as Bazooka, AK47 and Handgrenade streets.

Mogano "was an active supporter of the Alexandra Action Committee, the ANC and the Comrades".

It would be argued that Mogano had played a major and senior role in the 14-16th Avenue branch of Ayco.

Mogano had also attended all the Anti-Crime Campaigns conducted by this group, du Toit said.

Argument continues before Mr Justice Grosskopf today.

# Protest over 6

Sowetan 24/6/88

331

THE HAGUE — The Dutch Cabinet is considering reducing the number of South African diplomats in The Hague in protest at the death sentence meted out to the Sharpeville Six.

It is also understood that the Dutch may delay replacing their ambassador to South Africa for a period should the six hang. The present

incumbent, Mr Hugo Carsten, is due to return in July.

Such moves would signal a departure from the Dutch Government's traditional policy of not taking unilateral steps against the South African Government for its apartheid policies.

Although strongly

opposed to apartheid, the Dutch usually act in concert with other European governments in expressing their criticism of South Africa.

A spokesman for the Dutch Foreign Office confirmed Wednesday that the Dutch Foreign Minister Mr Hans van den Broek had recently

called in the South African ambassador, Dr Frank Quint, to inform him "in unmistakable terms" about the Dutch stance on the Sharpeville Six.

The Foreign Office has said Mr Carsten will ultimately be replaced by Mr Pieter van Buuren (58).



# Tale of the tapes

*Sowetan*  
24/6/88  
331

LAWYERS acting for the families of the 12 people killed during security force action in Mamelodi three years ago, will give reasons before a Pretoria North inquest court today why they oppose the magistrate's judgement on video tapes submitted as exhibits this week.

The inquest into the deaths of the 12 people, who include pensioners, was postponed again yesterday following a delay by the police to give lawyers representing the families the four video tapes that showed scenes of crowds of people who had gathered in front of the administration board offices on the morning of November 21, 1985.

The magistrate, Mr J M Pretorius, after viewing the four tapes on Tuesday afternoon, said he had observed that although the large crowd was well-behaved and had waved to the police earlier, "the mood of the people changed as the numbers increased".

His observation was challenged by Mr Morris Basslian, assisted by Mr Dikgang Moseneke, who argued that no incidents of violence could be detected on all the tapes. He also submitted that the magistrate had ignored several relevant facts on the tapes.

# 'Lured to join ANC'

A JOHANNESBURG Regional Court magistrate heard yesterday how a Soweto man was angered by his Botswana friends who tried to lure him into joining African National Congress.

Mr Johannes Mohurutse Sethlapelo (39), told the magistrate Mr Hoffman that he was a

regular visitor to Botswana between 1980 and 1987 because he enjoyed discussing and reading political and history books.

The State alleges that between 1982 and 1987, Sethlapelo was a member or supporter of the ANC, that he received political training from the ANC in Botswana and that he had in his possession limpet mines and hand

grenades.

He told the court he started hating his Botswana friend, Jacob, who used to finance his trips between Botswana and South Africa after Jacob had suggested that "I should join the ANC so that they can get a bursary for me to study in Britain, Germany or United States of America."

**WORLD**

# 115 are saved

Sowetan 24/6/88

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THE State President commuted 115 death sentences between 1983 and the end of 1987, the Minister of Justice, Mr Kobie Coetsee, said in a written reply to a question from Mr Pieter Soal (PFP Johannesburg North).

He said 994 people were sentenced to death over the same period, 182 of them in 1983, 168 in 1984, 189 in 1985, 207 in 1986 and 248 in 1987. Of this total 593 had been executed.

## Defended

Information on how many of those sentenced to death had been defended by pro deo counsel was not readily available in the department.

Asked whether consideration was being given to providing more experienced senior counsel for pro deo defences, Mr Coetsee said the decision as to which advocate was appointed rested with the Bar Council concerned.

— Sapa.



# Alex trialists saw SAP and SADF as enemy — State

By Bruce Anderson

371

It was clear that since its inception in 1983, the Alexandra Youth Committee (Ayco) regarded the police and the SADF as "the enemy", a State advocate yesterday claimed in a Rand Supreme Court.

The submission was made by Mr E du Toit, SC, on the fourth day of his closing argument before Mr Justice F H Grosskopf, in the trial of Mr Ashwell Zwane and seven other Alexandra residents on a main charge of treason and alternative charges of sedition and subversion.

Mr Zwane (20), and his co-accused Mr Vusi Ngwenya (20), Mr Andrew Mafutha (22), Mr David Mafutha (19), Mr Arthur Vilakazi (24), Mr Albert Sebola (21), Mr Piet Mogano (29) and Mr Phillemon Phalongwane (18), have pleaded not guilty to all charges. They are being held in custody.

The trial relates to unrest incidents in Alexandra between January and July 1986.

Yesterday Mr du Toit claimed that an analysis of the minutes of meetings held by Ayco showed (among other points) that:

- The first function of the group was to encourage and see to the creation of yard committees and the election of yard representatives.
  - A decision was taken to "assist harassed comrades or political activists who perform duties in the struggle, at all costs".
  - Defence committees be set up and to whistle when "danger (apparently police or SADF units) was near".
  - Students (in homelands and in boarding schools) should be encouraged to come back "to fight for Peoples' Education".
  - An anti-crime campaign be established.
- The hearing continues.

News in Brief

*CHE-7mB 25/6/88*  
**Jail for Webster's driver 331**

JOHANNESBURG. — A Regional Court magistrate imposed a 10-year sentence on Johannes Setlhapela yesterday after convicting him of terrorism. Setlhapela drove the vehicle in which ANC terrorist Gordon Webster planned to return to South Africa, but the car was stopped by police manning a roadblock.

# EEC war looms over 'the six'

Star 25/6/88

331

BRUSSELS — Britain and Germany are expected to clash sharply at next week's EEC summit in Hanover over Britain's refusal to consider new sanctions should the Sharpeville Six be executed.

Prime Minister Mrs Margaret Thatcher and Foreign Secretary Sir Geoffrey Howe have made it clear that they will not abandon their no-sanctions line despite intensified pressure for Britain to join other Community countries in wielding the sanctions stick.

The case of the six — sentenced to die for the killing of a community councillor despite a court finding that they had not physically done the deed — has provided new focus and motivation for the European sanctions lobby.

A renewed drive for sanctions is being led by the Bonn government, which previously shared Britain's opposition to such measures.

As the current EEC president, West Germany has drawn up a list of measures including the recall of EEC nations' ambassadors from Pretoria, bilateral reductions in diplomatic staff and limits on landing rights for South African Airways.

It has lobbied for, and received, the support of all the other EEC member states — except Britain.

## Britain digs in heels against sanctions call

SUE LEEMAN

Holland has been particularly vociferous in its condemnation of the death sentence imposed on the six. Not known for acting alone, it revealed this week that it is considering the unilateral reduction of the number of South African diplomats in The Hague should the six hang.

Holland and other EEC members are keen to go further than the German sanctions package and impose a ban on imports of South Africa coal. However, Portugal, many of whose citizens work as coal miners in South Africa, is resisting this.

As European leaders meet in Hanover on Monday and Tuesday, the sparks are expected to fly over moves by Sir Geoffrey to block a joint declaration by the EEC on the six.

Although the statement eventually went out, Britain managed to have it watered down to such an extent that it contained no call to President P W Botha for clemency, stating simply that "all legal options available in South Africa should be used to prevent the death penalty being carried out".

The British argument — reiterated to a British Anti-Apartheid Movement lobby group earlier this week — is that all the legal channels must be explored before approaches are made to South Africa's Head of State.



NEWS

# After 400 days, trial nears end

THE policeman's voice came up the stairs linking the dock in Court C to the cells below in Pretoria's Palace of Justice. "Terror ... Popo," he called, his voice hardly above speaking level.

His tone was not hostile. It was more like a friend's. He was chivvying the two men on, not unlike a brother urging siblings to hurry on for their own good.

The two men, Mr "Terror" Lekota and Mr Popo Molefe, were saying goodbye to family and friends before returning to

## PATRICK LAURENCE

the security section of Pretoria's Central Prison.

They responded in the same spirit, moving down the stairs, smiling as a sign to their loved ones to be strong.

With them was Mr Moss Chikane, like them destined to spend more than a month in prison before appearing again in the same historic courtroom.

The three men were among the 19 men charged with treason in what has become South Africa's longest and, in some ways, best known treason trial.

Mr Lekota and Mr Molefe were top men in the United

Democratic Front at the time of their arrest more than three years ago. Mr Lekota served as publicity secretary and Mr Molefe as general secretary. Mr Chikane was a member of the executive of the Transvaal branch of the UDF.

The occasion was the closure of the defence case on Wednesday, after calling more than 100 witnesses. The marathon trial covering more than 400 working days had gone into recess to allow counsel for the defence and the state to prepare their final arguments for presentation to Mr Justice Kees van Dijkhorst on August 1.

The trial first began with a

*Spur 25/6/88*  
**Judge to decide.**

## When does protest

## turn to treason?

bail hearing in the Pretoria Magistrate's Court more than three years ago. It has been distinguished by several hallmarks, the friendly, relaxed attitude of the court policemen being but one of them, one which, incidentally, belied the serious nature

of the charges.

As evidence and counter-evidence was chronicled since the start of the trial proper more than 30 months ago, several important phases were passed. The last was the closure of the defence case.

The trial has won a niche in the annals of South African legal history as the longest continuous treason trial (the treason trial of 1956-62 was characterised by a long break, during which charges were reformulated against 30 of the 156 original accused).

Excluding the initial bail hearings in the Pretoria Magis-

trates Court, the court has met at three venues: Bethal, for one day only; Delmas for more than a year; and Pretoria since August last year.

When the trial resumed in Court C in Pretoria's Palace of Justice, it moved, so to speak, into the shadow of history. Court C was the venue of the black consciousness trial of 1975-76 (in which Mr Lekota was one of the accused). More significantly, it was the court where Nelson Mandela and seven co-ANC leaders were jailed for life in the Rivonia Trail of 1963-64 after being convicted of sabotage.

As the trial pursued its course, three of the original 22 accused — Lazarus More, Simon Viliakazi and Amos Malinda — were acquitted, all but three of the remaining 19 were granted bail under stringent conditions, and one of the two assessors, Professor W A Joubert, was dismissed by Judge van Dijkhorst.

Professor Joubert had been a signatory to the UDF's million-

signature campaign, and thereby, in the eyes of the judge, forfeited his claim to neutrality. This argument the defence countered by pointing out that the second assessor, Mr W F Krugel, was allowed to remain despite being an admitted member of the Broederbond.

Alternate charges of terrorism, subversion, of furthering the aims of the ANC and five counts of murder were pressed. The state argument on the murder charges was that the accused were indirectly responsible for the violence which swept across the Vaal Triangle in September 1984 and which claimed the lives of four township councillors and one of their aides.

The defence led evidence to show the UDF was formed to peacefully oppose the 1983 tricameral constitution and a trio of bills known as the Koornhof bills.

It countered a state charge that the UDF was formed in response to a call by the ANC leader, Mr Oliver Tambo, on Jan-

uary 8 1983, for a unified coalition of "democratic forces" against apartheid, with evidence that calls for a united front were part of South Africa's political tradition, reaching back into the 1950s.

Witnesses for the defence testified that calls for a united front had been made before Mr Tambo's speech by the anti-apartheid clergyman Dr Allan Boesak, the scholar and political activist Dr Neville Alexander and Mr Molefe himself.

The defence argued that the roots of the violence which erupted in the Vaal Triangle and in black townships elsewhere lay in conditions in the townships and that these conditions pre-dated the formation of the UDF in August 1983.

Apart from the fate of the accused, the cardinal issue has been laid bare by argument and counter-argument since the trial first started in January 1986. Put simply, it is: where does legitimate protest end and treason begin?

## Police videos show rush to avoid shots

VIDEOS showing Mamelodi residents being trampled underfoot in a scramble to avoid police bullets fired during a protest march where 12 people died, were viewed by a Pretoria magistrate this week.

The inquest into the deaths of 12 Mamelodi residents on November 21, 1985, was adjourned to allow counsel for the families to study the four police videos handed in as exhibits to the Pretoria North Magistrate's Court.

The videos showed a large crowd gathered in front of the administration office near the entrance to Mamelodi.

Brig Hertzog Lerm, who was in charge of the police on that day, was seen talking to the crowd, using a loud hailer.

Several other people at-

tempted to address the crowd, but they were drowned by the noise made by the crowd and a circling helicopter.

Another recording showed a large group of chanting, singing, and placard-waving people.

The shooting was also shown. Teargas canisters were hurled into the crowd, and people trampled each other to get away from the scene after the shooting. Another video depicted the scene from the helicopter.

The magistrate said it was clear that as the number of people increased, the mood of the crowd changed.

This was opposed by counsel for the families, who said there was "no single incident of violence or any hostile move made by the crowd". - Sapa

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cfers

26/6/88



# Sharpeville Six poser for the Govt

WHILE foreign governments call for clemency for the Sharpeville Six, Western diplomats are aware just how great are the difficulties President P W Botha faces over the issue. *Sweeten*

They believe his greatest single problem concerns black participation in the October 26 municipal elections, which the Government regards as a priority in order to prove its reforms are working.

If President Botha granted clemency to the Six, it could be seen by thousands of potential

black election candidates as a signal that their lives are in danger as the Government is weakening in its resolve to grant them maximum protection against physical attack. 27/6/88

The Six were sentenced to death in 1985 for being involved in the mob killing of Mr Jacob Dhlamini, the deputy mayor of Lekoa. The court relied on the principle of common purpose, which has been the subject of the controversy. 331

● To Page 2

**Poser  
over  
'Six'**

● From page 1 331

President Botha has so far declined to exercise his right to grant clemency, saying his policy was to let the judicial process take its course.

Earlier this month the Supreme Court in Pretoria turned down an application to reopen the trial. Lawyers for the Six are to petition the Acting Chief Justice to be allowed to appeal to the Appellate Division to reopen the trial.

Political pressure on South Africa over the issue continues to grow.

**Sanctions**

The West Germans threaten new sanctions if the Six are executed. The Netherlands threatens to reduce the number of South African diplomats in the country and other countries are also considering punitive measures should the Six be hanged.

Diplomats privately believe President Botha would find it politically impossible to grant them clemency before October 26, as this could spread a feeling of physical insecurity among black municipal candidates, especially if the African National Congress aims to disrupt the elections.



# Jailed for 10 years

A FORMER Fort Hare University student, Johannes Mohurutse Sethlapelo of Dobsonville, was last week sentenced to an effective 10 years jail sentence by a Johannesburg regional magistrate after being found guilty of terrorism.

Mr Sethlapelo (39), who was arrested by the Bophuthatswana police at a road block and handed over to the South African police on March 9, this year, was found guilty of being a member of the African National Congress, transporting ANC members into the country; receiving military and political training in Botswana and being in possession of limpet mines and grenades.

Magistrate Mr H Hoffman said the court was satisfied that Sethlapelo transported ANC members including Mr Gordon Webster (who was sentenced to 25 years jail term for terrorism) into the country.

# Inquest told crowd was 'aggressive'

## Colonel questioned on protesters' behaviour

By Mckeed Kotlolo,  
Pretoria Bureau

A retired district commander of the Pretoria North police, Colonel Fredrik Dawid Calitz, told the November 21 Mamelodi shootings inquest on Friday that the residents who had gathered at the local town council offices that day were "aggressive and threatened violence".

Colonel Calitz said that on several occasions he had warned the crowd to disperse, but they had refused.

Asked by Mr Morris Basslian, appearing for the families of the victims, how he had come to decide that the crowd was aggressive, the colonel said: "The situation was frightening. The people ignored the warnings to disperse and go home. They laughed, sang and danced. They made a lot of noise and caused a commotion."

They were aggressive even after the arrival of Brigadier Hertzog Lerm about 30 minutes after he (Colonel Calitz) had warned the people to disperse.

Brigadier Lerm had testified earlier that the crowd was not aggressive and did not threaten any violence.

The colonel also said the residents were aggressive when the mayor, Mr Zikhali Ndlazi, addressed them before the shootings.

The witness agreed with Mr Basslian when he said that in video recordings Mr Ndlazi greeted the masses and "they responded by saying 'Hello'".

The colonel said certain sections of the crowd listened as they were addressed by the mayor and other police officers, but others were not co-operative.

Mr Basslian said that nowhere in the video tapes viewed in court did the residents show any signs of aggression nor did any of the statements submitted by other policemen and witnesses who were at the scene at the time mention any aggression on the part of the crowd.

Asked if he had seen any resident carrying a weapon at the town council offices, Colonel Calitz replied: "I did not see any weapon."

Asked if he had received any information from policemen about people carrying stones, he said he was not in charge that day and "nobody reported to me anything about stones or weapons".

He said in his 38 years in the police force the refusal to disperse when asked to do so was an "essential sign of aggression".

Mr Basslian suggested that he did not ask the crowd to disperse because that did not appear in any of the many statements submitted by policemen, the mayor and other witnesses who were at the scene.

He said teargas canisters were fired at the crowd after Brigadier Lerm had given them about five minutes to disperse.

## Affidavits ruled as (331) admissible evidence

EAST LONDON — The presiding judge ruled yesterday that the affidavits of three of the accused on trial in the East London Supreme Court for an alleged "necklace" murder were admissible as evidence.

Eighteen Stutterheim residents have pleaded not guilty to charges of murder, public violence, arson and other related alternative charges, allegedly committed in the township on November 4 1985.

A "trial-within-a-trial" resulted after the defence tested the admissibility of the statements made by three of the accused to a policeman.

Mr Justice E M du Toit said the court unanimously agreed that the State had proved the three made the statements voluntarily. — Sapa.



# Court to decide on conflicting views

**Pretoria Bureau** 331  
The inquest into the November 21 1985 Mamelodi shootings which left 12 residents dead, was postponed to today after the magistrate yesterday ordered lawyers for the families of victims to submit statements of witnesses who testified at a private commission of inquiry in 1986. *Star 28/6/88*

The three-man inquiry was under the chairmanship of advocate Arthur Chaskalson and was sponsored by the Pretoria Council of Churches (PCC).

Advocate Morris Basslian for the families had put it to a retired District Commander of the Pretoria North Police, Colonel Fredrik Dawid Calitz, during cross-examination on Friday that

Colonel Calitz's evidence about residents being "aggressive" differed with a statement made by the mayor of Mamelodi, Mr Zikhali Ndlazi, during the 1986 inquiry.

Before postponing the hearing to today, Mr T N Pretorius ordered Mr Basslian to submit all the statements made at the 1986 commission of inquiry to the court.

Mr Dikgang Moseneke, also for the families, told the inquest that before they could submit the statements, they would have to consult the witnesses.

The instructing attorney in the case, Mr Nano Matlala, said the statements in their possession belonged to the PCC.

# Accused 'showed their acceptance of violence'

Star 28/6/88 331

Eight young Alexandra men facing charges of treason, alternatively subversion or sedition, showed their acceptance of violence because they belonged to an organisation named after a member of the banned African National Congress who was killed in action, the Rand Supreme Court heard yesterday.

Mr E du Toit SC, for the State, submitted that the accused — Mr Ashwell Zwane (20), Mr Vusi Ngwenya (20), Mr Andrew Mafutha (19), Mr David Mafutha (23), Mr Arthur Vilikazi (24),

Mr Albert Sebola (21), Mr Piet Mogano (28) and Mr Phillemon Phalongwane (18) — were members of the Vincent Tshabalala section's branch of the Alexandra Youth Congress (AYCO).

Vincent Tshabalala was a founder member of AYCO who later left South Africa to join the ANC's military wing, Umkhonto We Sizwe, the court heard.

He was killed in a hand grenade explosion following a shoot-out with police in the township on February 9 1986.

The hearing continues.



# PRETORIA INQUEST TAKES NEW TURN



Mr ZIKHALI Ndlati... statement.

THE presiding magistrate at the inquest into the deaths of 12 Mamelodi residents yesterday ordered lawyers representing the bereaved families to submit statements made by witnesses, at a private commission of inquiry conducted by the Pretoria Council of Churches two years ago.

Mr J M Pretorius ordered Mr Morris Basslian and Mr Dikgang Moseneke, to submit all the statements, including that of Mamelodi mayor, Mr Zikhali Ndlati. *Sowetan* 28/6/88

The private commission of inquiry into the death of the 12 including

## BY MONK NKOMO

pensioners, during security force action on November 21, 1985, was chaired by Mr Arthur Chaskalson SC and was conducted in 1986. *331*

The magistrate said he made this ruling following a submission by Mr Basslian on Friday that Mr Ndlati had already testified somewhere that the crowd on the day of the shootings was not aggressive.

Mr Basslian submitted this while cross-examining Colonel David Calitz, former district commandant for the Northern Transvaal, who told the court on Friday that the crowd near the

administration boards offices was aggressive that morning.

After a lengthy adjournment yesterday, Mr Pretorius postponed the hearing to today to give the defence lawyers time to consult people who testified at the commission of inquiry.

Earlier, Colonel Calitz, now in retirement, told the court that although he could move about in the large crowd that had gathered near the administration board's offices that morning, he felt threatened. The crowd was aggressive, he added. He conceded that although he told the crowd to go home, this was not reflected in the statement he has submitted in court.



28/6/88 SOWETAN

# '8 comrades ruled Alex'

A STATE advocate, Mr E du Toit, SC, yesterday asked a Rand Supreme Court judge to convict eight men from Alexandra Township on charges of treason.

In his argument for a conviction, Mr du Toit said there was evidence that the eight were "comrades" who governed Alexandra Township by fear between January and July 1986.

He said this was substantiated by witnesses who said "comrades" assaulted people during their anti-crime campaigns and at proceedings held at the people's court.

## Treason

"All the accused were comrades as per definition and according to the evidence of Mr Albert Ali Sebola," said Mr du Toit.

He said the term "comrade" in the communistic world, has a specific political connotation or meaning.

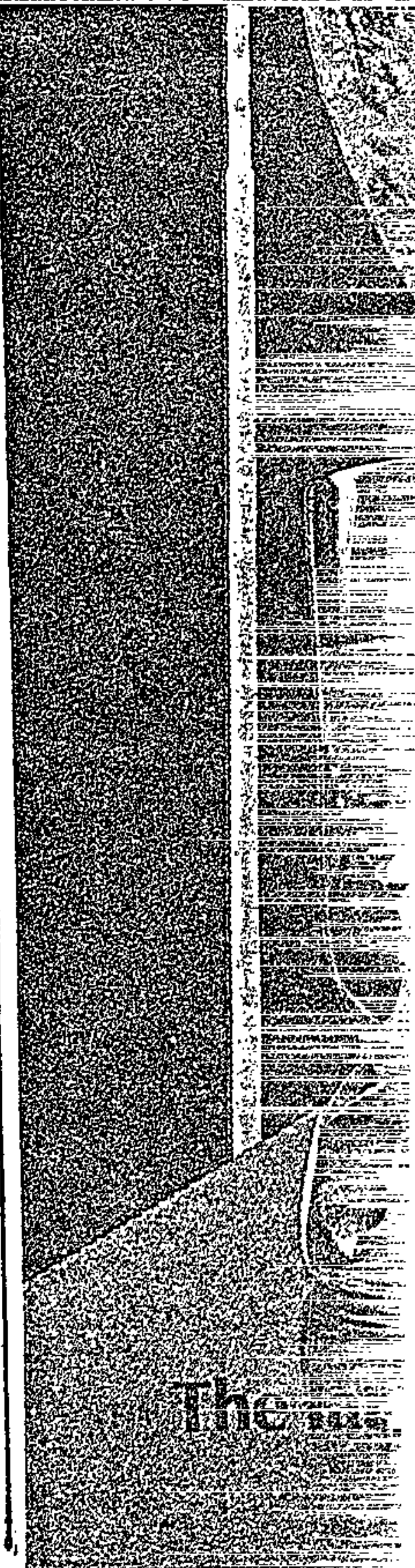
He submitted, in his argument, that the

SOWETAN  
Reporter

accused were involved in a conspiracy to overthrow the Government. He said that intention made all their meetings in schools, church halls and at the local stadium unlawful.

Appearing before Mr Justice F H Grasskopf on charges of treason, alternatively sedition and subversion are Mr Ashwell Mxolisa Zwane (20), Mr Vusi Ngwenya (20), Mr Andrew Mafutha (22), Mr David Mafutha (19), Mr Arthur Vilakazi (24), Mr Albert Sebola (21), Mr Piet Mogano (29) and Mr Philemon Phalongwane (18).

They have pleaded not guilty and are held in custody.



## Weapons case date

THE terrorism trial of Mr Abram Pule (46) of Soweto was yesterday postponed to August 1 by a Johannesburg magistrate *Scueta 28/6/88*

Mr Pule has pleaded not guilty to charges which include that of unlawfully and intentionally trying to overthrow or endanger State security between April 1987 and May 2 last year.

The State alleges that between April 21 and May 2 1987 Mr Pule smuggled or conveyed from Botswana into the country eight limpet mines, 10 FI handgrenades and detonators, two limpet mines, 10 limpet mine detonators, about 40m of detonation fuse, 19 D8 type military detonators, two 400g blocks of TNT eight 200g blocks of TNT, one 9mm Makarov pistol and two magazines and 29 rounds of 9mm ammunition.

He was remanded into custody.

immense sardine activity and the consequent  
netting of 68 sharks.

*apt 7/1/5 28/6/88*  
**Court withdraws charges** *351*

JOHANNESBURG. — Robbery and assault charges against 11 trade unionists from the Eastern Transvaal have been withdrawn in the Ermelo Regional Court, Cosatu reports.



CM. Fran 28/6/88

331

# Britain won't recall envoy if Six hang

From MIKE ROBERTSON

LONDON. — On the eve of the European Economic Community (EEC) summit in Hanover, the British Foreign Secretary, Sir Geoffrey Howe, has firmly rejected calls to recall the British Ambassador to South Africa if the Sharpeville Six are hanged.

EEC leaders, with the exception of Britain, are expected to ratify a sanctions package, drafted by West Germany in its role as community president.

The package, which will be put into action if the Sharpeville Six are hanged, includes the recall of ambassadors and cutting down the South African diplomatic presence in EEC countries to the same level as that of the 12 EEC states in South Africa.

This will result in South Africa's diplomatic strength being cut by almost two-thirds.

Interviewed by the International Herald Tribune, Sir Geoffrey said that as the Sharpeville Six were likely to be granted a stay of execution beyond July 19 it was academic to discuss whether the hangings would spark diplomatic sanctions.

"We don't think that a fact of that kind — however tragic and however deeply to be regretted it would be — should justify any change in our central view on economic sanctions nor, indeed, on continued representation by an ambassador in Cape Town and

Pretoria.

"We believe that the removal of apartheid — which we devoutly wish — is more likely to be hastened by sustained advocacy, and not by the kind of isolation implicit in economic sanctions, which would drive the decision-makers in South Africa further in the wrong direction."

However, while Britain is standing firm, the conservative West German government has undergone a major policy shift on sanctions.

According to Dr Rudolph Gruber, the South African Foundation representative in Bonn, the banning of the UDF and other extra-parliamentary groups on February 24 marked a watershed for the change in West German attitudes.

West German opposition to sanctions, he says, was based on a belief that evolutionary change through negotiation was still possible.

"Now the feeling is that Pretoria has turned its back on negotiations and they can no longer hope for progress in this direction."

"The feeling is that the National Party is hanging on to white power and privilege and is not sincere in what it has been saying."

Foreign Minister Mr Hans-Dietrich Genscher, whose influence has grown since Chancellor Helmut Kohl backed him in a clash over South African policy with Bavarian leader Mr Franz Josef Strauss, has decided to link any future action against South Africa to the Sharpeville Six.

## Ellis Park six in court (331)

By Ayesha Ismail

Star 28/6/88  
Six people, including a 16-year-old youth, appeared in the Johannesburg Magistrate's Courts yesterday in connection with last year's Kruger Day killings at Ellis Park Rugby Stadium.

Mr Sidwell Ntuli (20), Mr Mathews Matope (18), Mr Clement Mokotedo (18), Mr Si-phiwe Tshabala (18), Mr Vusi Eric Koos Masitene (29) and the 16-year-old were not asked to plead and no charges were put to them.

The court is awaiting a decision from the Attorney-General.

Counsel for Mr Ntuli, Mr L Levisohn, said the case had been going on since October last year and that the Attor-

ney-General had had enough time to formulate charges.

He told the court that none of the accused had been pointed out at an identity parade held last year.

Mr Levisohn said he hoped that charges would be put to the accused by July 4. He said if charges were not formulated by then, the charges should be withdrawn and the accused should be released.

Ms L van der Walt for the state said this was a difficult case which would take a lot of investigating.

She told the court the case was sensitive and politically orientated.

She added that the Attorney-General's decision would be ready on July 4.

# Mamelodi shootings: cameramen to testify

Star 29/6/88  
331  
By McKeed Kottolo  
Pretoria Bureau

The inquest into the November 21 1985 Mamelodi shootings was postponed to today following an order by magistrate Mr J N Pretorius calling the cameramen who shot the video tapes, submitted in court by the police as exhibits, to testify.

The order follows a request by Mr Morris Basslian, for the families, to get the crew that filmed the incidents to explain how the pictures were taken.

## INTIMIDATION

The video tapes were yesterday viewed in court during a cross-examination involving the former divisional inspector of the northern Transvaal police, Brigadier Hertzog Lerm, so that he could point out scenes in the videos that showed intimidation of the residents.

Before postponing the hearing to today, Mr Pretorius ordered that the cameramen should appear before the inquest this morning.

Earlier in the hearing, Brigadier Lerm told the court that the people who stood in front of him when he spoke on his arrival outside the Mamelodi council premises had been "intimidated".

Mr Basslian put it to him that there were no scenes of people being intimidated in the

tapes viewed in court.

Brigadier Lerm said that, before the shooting occurred, he had pleaded with the people to go to the local stadium where the mayor Mr Zikhali Ndlazi would address them, or to disperse to avoid being fired at with teargas.

Brigadier Lerm said their reply was: "We are not going to the stadium because we don't want to be fired (at) with teargas inside the stadium."

He later suggested they go to an open space opposite the council offices after he spotted thousands of people approaching from the side of the stadium. At the open space he asked them again to disperse.

He told the hearing that he also asked them to appoint a delegation to discuss their grievances with Mr Ndlazi.

## ILLEGAL GATHERING

He said he had warned the crowd in both official languages, but Mr Basslian put it to him that "in the video tape you only used Afrikaans".

Brigadier Lerm warned the crowd that their gathering was illegal and said the masses had blocked the road and refused to move away when he requested them to do so.

Earlier, lawyers for the families submitted statements and affidavits made by witnesses at the 1986 inquiry into the shootings.



## Charges against 5 men are withdrawn

# Emergency provision is declared invalid

By Jo-Anne Collinge

A Free State judge this week declared invalid an emergency provision that made it an offence "verbally or by any other act, to threaten to inflict upon any other person ... harm, hurt or loss" to their person or property.

As a result of the successful attack on the regulations, charges against five young men from the Free State town of Petrus Steyn have been withdrawn, the Johannesburg attorney for the accused said.

He believed the judgment by Mr Acting Justice H W O Kloppers would have implications for others charged under section 4(a) of the State President's emergency proclamation R109 of June 1986.

The attorney said he was aware there had been a spate of similar prosecutions in areas such as Sasolburg, Heilbron and Bloemfontein. If any of those involved had been convicted, the ruling should provide grounds for the conviction to be rescinded.

The regulation reads: "Any person who directly or indirectly, verbally or by any other act, threatens to inflict upon any other person or upon any of such person's relatives or dependents any harm, hurt or loss, whether to his or their person or property, or in any other way, shall be guilty of an offence."

Counsel for the defence, Mr B Spilg, argued that the regulation was invalid for these reasons:

- It was *ultra vires* because the State President was acting beyond the powers assigned to him by the Public Safety Act in making so broad a regulation.
- The regulation was unreasonable and very vague.

### Circumstances

Mr Spilg said there were numerous circumstances in domestic life and in business where people made the kinds of threats referred to in the proclamation.

The Public Safety Act, which empowered the State President to make regulations, stipulated that such regulations must be "necessary or expedient for providing for the safety of the public or the maintenance of public order" or that they must contribute to the ending of the state of emergency. Regulation 4(a) of regulation R109 went well beyond this, it was argued.

The accused, originally detained in June 1986, were charged in February 1987. They are Mr Percy Melato, Mr Raymond Melato, Mr Petrus Lekaje, Mr Patrick Mothebele and Mr Simon Motsoeneng.

8/29/68  
**Alexandra  
men acted  
corruptly** (331)

Eight Alexandra "people's court" officials acted corruptly by punishing people who frequented shebeens and carried knives — because two of them indulged in such practices themselves, the Rand Supreme Court heard yesterday.

This was submitted by Mr E du Toit, SC, in argument for the State.

Mr Ashwell Zwane (21), Mr Vusi Ngwenya (21), Mr Andrew Mafutha (23), Mr David Mafutha (20), Mr Arthur Vilikazi (25), Mr Albert Sebola (22), Mr Piet Mogano (29) and Mr Phillemon Phalongwane (18) have pleaded not guilty to treason, alternatively sedition and corruption. The hearing was postponed to August 1.

## Sanctions threat if Six are executed

STR 29/6/88 (331)

HANOVER — South Africa will face sanctions by a number of European countries if the execution of the Sharpeville Six goes ahead. But Britain yesterday blocked a European Community move to try to halt the threatened hangings.

The Foreign Secretary, Sir Geoffrey Howe, said the British aim was to see that any actions taken or words used achieved the aim of saving the Six from execution.

The original draft statement would not have done that. British diplomats said the language used would have put such pressure on President Botha that he would not have been able to grant clemency.

As it was, the final summit communique was delayed while an extra phrase was written in at the insistence of France and The Netherlands. This noted "with great concern" that relations between the 12 EC nations and South Africa were in danger of worsening.

Earlier, Britain had argued that a similar sentence should be deleted, and this was done. But at the last minute the majority rejected Sir Geoffrey's advice.

Britain is opposed to sanctions and is likely to be on its own if action is taken against South Africa. Even West Germany, which has large investments in South Africa, has said it will withdraw its ambassador if necessary. — The Independent News Service.



# 'Save 6' campaign criticised

THE international campaign to save the Sharpeville Six was "hypocritical" and intolerable interference, a Spanish constitutional expert said yesterday.

In a telephone interview with the Spanish service of Radio RSA, the SABC's external service, Professor Ricardo de la Cierva condemned the international campaign to prevent the execution of the six condemned to death for the murder of the deputy mayor of Lekoa township. Describing it as "hypocritical", he said the campaign was an "intolerable interference in the internal affairs of another country".

## Parallels

Prof de la Cierva said there were strong parallels between South Africa's reform experience and that in Spain at the end of the Franco era. He said that during the early stages of Spain's political reform process, the country had come under strong international pressure for more change, as South Africa was experiencing today.

Spain's international critics had not been interested in orderly reform at a measured pace, but wanted to force the issue as quickly as possible.

This pressure had

## SAPA

reached its greatest intensity during the three years following the assassination of President Carero Blanco by Basque guerillas in 1973. Despite this pressure, Spain's reform programme had succeeded. This was because it had come from within and was carried out in the interests of the Spanish people.

Prof de la Cierva said South Africa could learn from the Spanish experience, and he stressed the importance of not being influenced by negative campaigns.

He said Spain had diplomatic and commercial relations with South Africa and should respect the decisions of the South African Government. Spain had suffered from terrorist problems for more than a decade, and if a foreign government were to support these terrorists, allowing them to open offices in its capital, Spain would "shout very loudly."

## Campaign

Prof de la Cierva said South Africa was the target of an international disinformation campaign, mainly because of its strategic importance.

Prof de la Cierva was Minister of Culture during the transitional government of President Adolfo Suarez. He was later elected senator of Murcia province. — Sapa.

Sowetan 27/6/88 (331)

# Kruger Day killings case

SIX people including a 16-year-old youth appeared in the Johannesburg Magistrate's Court on Monday in connection with last year's Kruger Day killings at Ellis Park.

Mr Sidwell Ntuli (20), Mr Mathews Matope (18), Mr Clement Mokotelo (18), Mr Siphwe Tshabalala (18), Mr Vusi Eric Koos Masitene (29) and the 16-year-old were not asked to plead and no charges were put to them.

The court awaits a decision from the Attorney-General before charges can be put.

The accused are appearing on allegations of two counts of murder, public violence and attempted murder.

Counsel for Mr Ntuli, Mr L Levisohn said the case has been on since October last year and felt that the Attorney-General has had enough time to formulate charges for the accused to plead.

He told the court an identity parade was held last year and none of the accused was pointed out.

Mr Levisohn said he hoped that charges would be put to the accused by July 4. He said if charges were not formulated by then, the charges should be withdrawn and the accused should be released from custody.

## SOWETAN Reporter

Ms L van der Walt for the State said this was a difficult case which takes a lot of investigation.

She told the court this case was sensitive and politically orientated.

Mr van der Walt said that the Attorney-General's decision would be ready on July 4.

Mr Ntuli, Mr Tshabalala and Mr Masitene were remanded. Mr Matope and Mr Mokotelo are out on R2000 bail and the 16-year-old youth is out on R1000 bail.



# Judge throws out 'threat' regulation

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29/6/88

The Argus Correspondent

JOHANNESBURG. — A Free State judge has declared invalid an emergency provision which says it is an offence "to threaten to inflict upon any other person ... harm, hurt or loss".

As a result of the successful attack on the regulations charges against five men from the Free State town of Petrus Steyn have been withdrawn, their Johannesburg attorney said.

He believed the judgment by Mr Acting-Justice Kloppers would have implications for others charged under Section 4(a) of the emergency proclamation R109 of June 1986.

If anyone had been convicted under the regulation the ruling should provide grounds for the conviction to be rescinded, he said.

The regulation reads: "Any person who directly or indirectly, verbally or by any other act, threatens to inflict upon any other person or upon any of such

person's relatives or dependents any harm, hurt or loss, whether to his or their person or property, or in any other way, shall be guilty of an offence."

Counsel for the defence Mr B Spilg argued that the regulation was invalid for three reasons:

- It was ultra vires because the President was acting beyond the powers assigned to him by the Public Safety Act in making so broad a regulation;

- The regulation was exceedingly vague; and

- It was unreasonable.

## Domestic examples

Mr Spilg said there were numerous circumstances in domestic and business life where people made the kinds of threats referred to in the proclamation.

For example, a landlord who threatened to lock his tenants out might be considered to be breaking the emergency regulation, but would not be threatening public safety and order.

The Public Safety Act, which empowers the President to make regulations, stipulated that such regulations must be "necessary or expedient for providing for the safety of the public or the maintenance of public order" or that they must contribute to ending the emergency.

Regulation 4(a) of regulation R109 clearly went well beyond this, it was argued.

The accused, originally detained under emergency regulations in June 1986, were charged in February of the following year. They are Mr Percy Melato, Mr Raymond Melato, Mr Petrus Lekaje, Mr Patrick Mothebele and Mr Simon Motsoeneng.



# DISPUTE OVER FALLEN FENCE

**Top cop, mayor differ about event**

EVIDENCE by the mayor of Mamelodi, Mr Zikhali Ndlazi that part of the fence bordering the local administration board offices was flattened by a large crowd on November 21, 1985 but only after tearsmoke was used, was not the truth, a senior police officer said yesterday.

Brigadier Hertzog Lerm, former Divisional Inspector for the Northern Transvaal, said the fence was flattened before the crowd was dispersed by the police with tearsmoke that morning.

Mr Morris Basslian, who is representing the families of 12 people who were killed that day, put it to the witness that Mr Ndlazi had testified at a commission of inquiry that the fence was not damaged before the police used tearsmoke.

"That is not true," replied Brigadier Lerm.

He was testifying in the Pretoria North Magistrate's Court at an inquest into the deaths of 12 people who were

By MONK NKOMO

allegedly shot by security forces on November 21, 1985.

Cross-examined by Mr Basslian, who is assisted by Mr Dikgang Moseneke, Brigadier Lerm said he had ordered the large crowd thrice to disperse before he ordered tearsmoke be used.

## Refused

The police officer said he wanted the crowd to go to the nearby football stadium but the crowd refused saying that they feared they "would be teargassed," the court heard.

Brigadier Lerm said he ordered the crowd to disperse because he feared they would trample each other to death. There was pandemonium and the crowd was emotional. They were shouting and raising clenched fists, Brigadier Lerm said.

He agreed under cross-examination that none of the people in the crowd carried weapons, bricks or stones. He also did not

hear of or see any acts of violence being committed by the crowd.

Mr Basslian put it to Brigadier Lerm that video tapes submitted in court as exhibits did not depict any scenes of violence or people being dragged or threatened.

"I believe what you say," replied Brigadier Lerm.

The defence lawyer, following a court order on Monday, yesterday submitted 28 statements made by witnesses during a private commission of inquiry which was conducted by the Pretoria Council of Churches in 1986. Mr Basslian submitted that although the police were invited to testify at the inquiry, they did not respond.

Proceeding.



BRIGADIER Lerm . . . warning.

# 29/1/88 Ayco obeyed ANC

THE Alexandra Youth Congress embarked on anti-crime campaigns in the area in response to "the ANC call to the nation," the Rand Supreme Court heard yesterday.

This was a submission made by the State Advocate, Mr E du Toit, SC, in his arguments for a conviction of the eight Alexandra Township young men charged with treason, alternatively sedition or subversion.

The eight young men appearing before Mr Justice S H Grasskopf are, Mr Ashwell Zwane (20), Mr Vusi Ngwenya (20), Mr Andrew Mafutha (22), Mr David Mafutha (19), Mr Arthur Vilakazi (24), Mr Albert Sebola (21), Mr Piet Mogano (29) and Mr Philemon Thalongwane (18).

## Exhibits

The State alleges they committed the offences between January and July in 1986 in Alexandra Township. They have pleaded not guilty and are held in custody.

Mr du Toit said the accused were all members of Ayco who embarked on anti-crime campaigns in Alexandra in response to a call to the nation by the ANC.

Quoting from one of the exhibits in court, Mr du Toit said the ANC call stated:

"We call on our people and, more especially, our fighting youths in every black community, school and university to find ways of organising themselves into small mobile units which will protect the people against anti-social elements and acts in an organised way in both white and black areas against the enemy and its agents."

The case was then adjourned to August 1, after Mr Norman Kades, counsel for the defence, had told the judge that he would require time to prepare for his arguments.



No sign of violence — SAP cameraman

# Mamelodi 'peaceful before shootings'

By Mckeed Kotlolo  
Pretoria Bureau

A cameraman who filmed the November 21 1985 Mamelodi shootings from a helicopter told the inquest court yesterday that there were no signs of violence from the residents before the shootings.

Major Warnick Rossouw of the South African Police said he received orders at about 10 am to go to Mamelodi and film the incidents. He left the SAP College in a helicopter shortly after 10 am and they arrived in Mamelodi 15 to 30 minutes later. They immediately started taking pictures.

Major Rossouw was testifying at the inquest into the deaths of 12 people who were allegedly shot during a Mamelodi rent protest march. The residents were also calling for the withdrawal of members of the police force in the township.

He said there were four people in the helicopter, including his assistant and the pilot. Any of the occupants who saw a scene worth filming could have drawn his attention to it.

He agreed with Mr Morris Basslian, for the families, that if they had seen "any stone-throwing, people surrounding a police vehicle or attacking something" they would have filmed the incident.

Mr Basslian asked if anything like a teargas canister was thrown or fired from the helicopter. Major Rossouw replied that nothing was fired from the helicopter.

## People were not violent

The major repeatedly answered that the people were not violent before the shootings outside the town council offices and he also denied that there were people on the roofs of houses.

Asked by Mr Basslian if he had seen a fallen fence at the council offices before the shooting occurred, the major said he had not.

Major Rossouw told the court that he filmed about 40 burning objects in the township that day but only 33 appeared on the video tapes.

Asked by Mr J H Hugo SC, for the police, if there was any violence from the side of the police before the shootings, Major Rossouw said there was none.

The senior prosecutor at the Pretoria North Magistrate's Court said some Mamelodi policemen whose houses were allegedly attacked on the day of the shootings would testify in court today.

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# Court sees video tapes

*some of us*  
A VIDEO cameraman who took pictures from the air during the Mamelodi shootings on November 21, 1985, yesterday told an inquest court that he did not see any act of violence being committed or people attacking security force vehicles.

Major Warnich Rossouw also told the court during cross-examination by Mr Morris Basslian, appearing for the families of 12 people who died on that day, that he saw no incidents of violence near the administration board offices even before security forces sprayed tearsmoke to disperse the large crowd that had gathered nearby.

Major Rossouw was testifying before Mr J N Pretorius in the Pretoria North Magistrate's Court at the inquest into the deaths of the 12 who were allegedly shot dead by security forces in Mamelodi on November 21, 1985.

## Barricades

The police officer said that a number of streets in the township were barricaded with objects such as stones and burning tyres after the large crowd was dispersed with tearsmoke.

After viewing the two video tapes taken by Major Rossouw, the court yesterday found that there were 33 burning objects in the streets. Most of these were tyres.

Cross-examined by Mr Basslian Major Rossouw said he did not see any of the people in the crowd near the administration board offices throwing stones, surrounding and or attacking a police or SADF vehicles while he took the shots.

TOTALITARIANISM — <sup>02E</sup>POLITICAL TRIALS

1988

JULY — AUGUST

SUPPORT GROUPS



# A court hears of the Alex 'Six Day War' 33

EIGHT Alexandra youths "usurped the authority of the police" during 1985 and 1986 and should be convicted of treason, the Rand Supreme Court heard this week.

The state was concluding its argument in the second major trial involving events in the small township north of Johannesburg three years ago.

The trial has received less public attention than that of Alexandra trade unionist and activist Moses Mayekiso and his co-accused — also being heard in the Rand Supreme Court — but involves similar issues. Evidence centres on the political turmoil which resulted in a "six-day war" early in 1986 involving the community and Security Forces.

The accused were all members of the Alexandra Youth Congress (Ayco). Ashwell Zwane, 21, Vusi Ngwenya, 21, Andrew Mafutha, 23, David Mafutha, 20, Arthur Vilakazi, 25, Albert Sebola, 22, Piet Mogano, 29, and Philemon Phalongwane, 18, are charged with promoting "alternative structures" and conducting "people's courts".

It is alleged they conspired with organisations like the African National Congress (ANC), South African Communist Party (SACP), United Democratic Front (UDF), and the Congress of South African Trade Unions (Cosatu).

They face alternate charges of sedition and subversion.

The accused are said to have helped the Alexandra Action Committee (AAC), headed by Mayekiso, in setting up street, block and yard committees — referred to as "organs of people's power".

They are also said to have "intimidated" residents during an "anti-crime campaign", and allegedly conducted searches for weapons. They used *sjamboks* during these searches, the state claims.

All the accused were arrested on the night of July 9, 1986, in the *mkhukhu* (backyard shack) of house number 64, 15th Avenue, Alexandra. The shack was allegedly their headquarters.

A number of others were arrested at the same place. Many are still in detention and several have appeared as state witnesses.

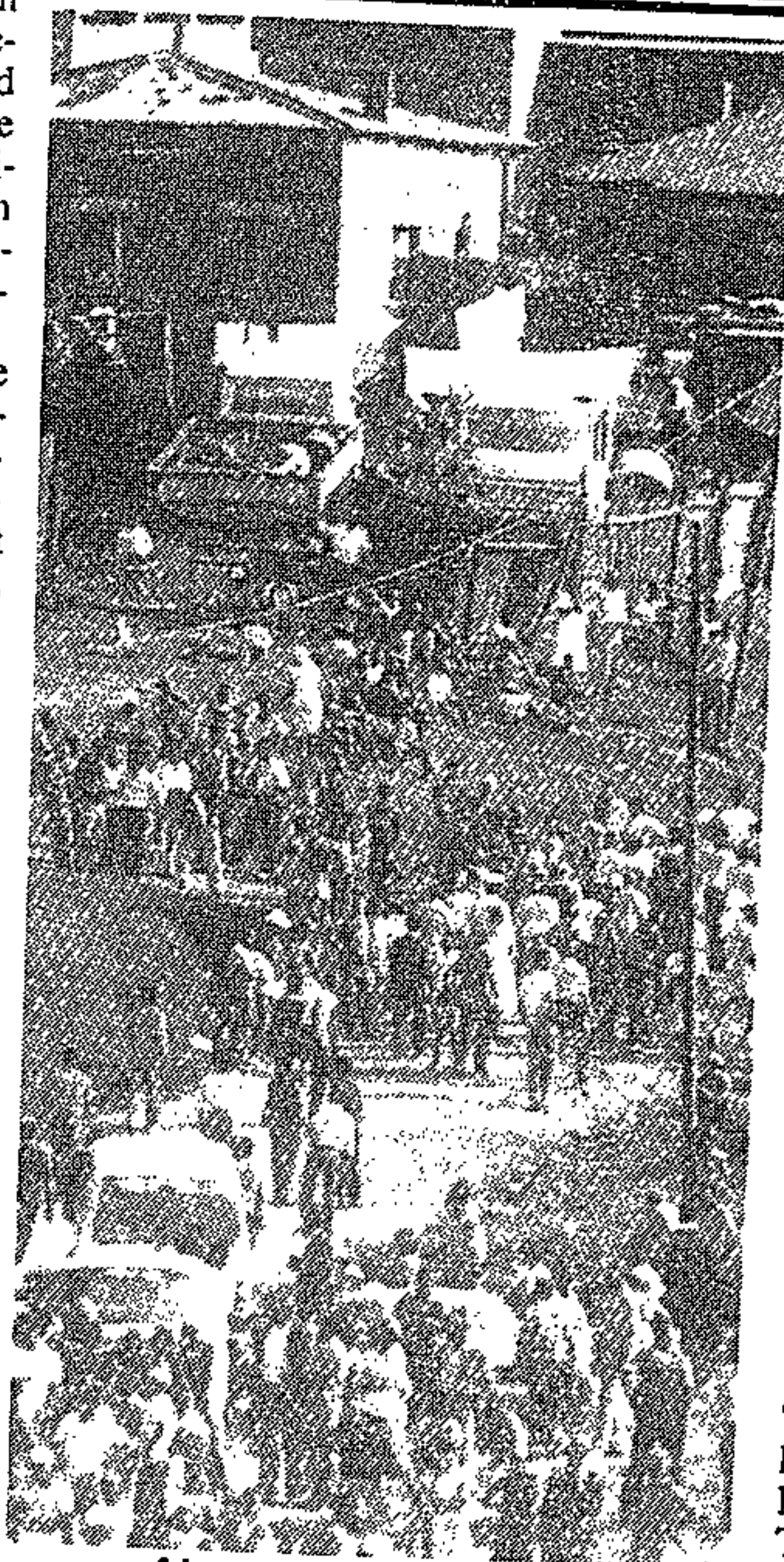
A number of documents which were seized have been presented as court exhibits. Although much of the state's argument is based on these documents, the authorship of several has been questioned.

"Exhibit CCCC", for example, "A call to the Nation" has not been clearly sourced, although it might be an ANC document. Similarly, the authors of other political documents have not been identified.

The state led more than 50 witnesses, one of whom claimed to have been a member of

**Less well known than the case of Moses Mayekiso, the case of the Alexandra Eight involves very similar issues.**

**MUSA ZONDI reports**



**Alexandra township**

the ANC. Identified only as witness number 4, he claimed activists were supposed to form "people's courts" and to get police out of the township. Alexandra civic organisations would then police the area. However, the witness was unable to recall specific instructions coming from particular organisations about the formation of the "courts" — nor did he discuss them with anyone.

It emerged under cross-examination that the witness was "non-political" until 1975, but then claimed to have joined the ANC and become a member of its armed wing, *Umkhonto We Sizwe* (Spear of the Nation), in 1981.

Giving evidence about the "anti-crime" campaign, Colonel A Dickenson, a former

Station Commander in Alexandra, testified that there had been a 50 percent drop in the number of murder cases reported in Alexandra during this period. He ascribed this to "intimidation" by the "comrades".

He also claimed there had been a general disruption of the activities of the police in 1986. He conceded that the deaths of residents at the hands of police and the "vigilante attack" of April 22, 1986 had contributed to the outbreak and continuation of unrest.

Dickenson also admitted there had been a late entry in police records about the digging of trenches and other forms of barricades to prevent the police from gaining access to the township.

The police station operational occurrence book had gone missing for the period covering April 22, he said. Under cross-examination, he said a large number of "unrest-related" deaths were due to the police action, and no inquests had been held.

The state has conceded that there has been no direct evidence that the accused had driven the police out of Alexandra. However, many witnesses testified that they were told not to present their cases to the police any longer, but should approach the "comrades".

The state argues that residents were "intimidated" into reporting to "people's courts", and that a strained relationship had developed between "comrades" and other residents.

Counsel for the state argued that the accused had shown "hostile intent" by changing the names of streets and identifying with ANC leaders. Police and army members were referred to as the "enemy", he added.

Streets had been renamed "Bazooka" and "Biko", and the accused were alleged to have been members of the "Vincent Tshabalala section" of Ayco, according to the state. Tshabalala was an ANC guerrilla who had been killed in Alexandra on February 9, 1985.

The state has referred to the findings of Mr Justice PJ van der Walt, presiding in the Mayekiso trial, as to what is admissible evidence. Defence lawyers contested the substance and relevance of documents handed in by Brigadier H Stadler of the SAP, but Judge H Grosskopf ruled against them.

A major issue highlighted by the proceedings is the failure of local township councils, the first of which was created in Alexandra in 1983. The accused are said to have contributed to the resignation of Alexandra's town council.

The court record thus far runs to some 6 000 pages. Defence lawyers will begin their argument when the trial reopens on August 1.



# McBride: Time runs out

1-7/7/88  
Wynand

TIME is running out for Robert McBride, the 25-year-old African National Congress guerrilla who this week petitioned President PW Botha to save him from the gallows.

But while McBride anxiously awaits Botha's verdict, the man who persuaded him to bomb Magoo's Bar on the Durban beachfront is free.

This was one of the grounds raised in submissions to Botha by McBride's lawyers this week.

McBride's attorney, Roshan Dehal, said "a host of leading South Africans" had written to Botha entreating him to grant clemency to McBride. Dehal was hopeful the petitions would succeed.

The explosion at Magoo's Bar on June 13, 1986, one day after the first national State of Emergency was declared, killed three white women.

McBride, dubbed the "Magoo bomber" by the press, received a triple death sentence for planting the limpet mine. He had, however, initially planned to plant the mine in Durban's commercial centre.

Both the trial court and the appeal court found that the change of plan was instigated by a fellow ANC guerrilla who later turned state witness and gave evidence incognito. However, both courts held that McBride had time to reflect and to refuse X's suggestion, but the emotions then influencing him overwhelmed his moral character.

Although the trial judge, Justice Shearer, did not grant X indemnity from prosecution, he was never charged with the crime.

McBride's lawyers, David Gordon SC and MTK Moerane, argued in their submissions to Botha there "seems to be a general moral or equitable imbalance in the circumstances that notwithstanding that the trial court refused to extend indemnity to X, X is free but the petitioner is scheduled to die".

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# Mamelodi policeman fired birdshot

By **MANDLA NDLAZI**

A MAMELODI police constable yesterday told the Pretoria North Inquest Court that he fired at a mob stoning a local policeman's house on November 21, 1985, but the crowd just stood there saying the bullets fired were "bird shot" that will not kill them.

Constable Philemon Morudi said he fired four shots at a mob stoning Constable Vuma's house in Mamelodi East that day. He said he first fired a single shot at the crowd's feet following instructions from a Captain N Moerane.

Constable Morudi added that the stoning continued for a period he

could not determine and he fired three more shots at the mob. "The crowd just stood there and remarked that it was birdshot that was fired and that it will not kill them", Constable Morudi said.

He told the court that he did not know if anybody was wounded during the shooting. It was possible that some people could have been injured, Constable Morudi added.

He was testifying at the inquest into the death of twelve people, including pensioners, who were allegedly shot dead by security forces during a rent protest march on November 21, 1985.

Mr Morudi said he was accompanied by a Constable Kapine when

they received information that Constable Vuma's house was being attacked by about 200 or 300 people. Constable Morudi said the mob continued throwing stones as he tried to extinguish a burning sofa inside the house. The stoning only stopped when police reinforcement arrived at the scene, he added.

Cross examined by Mr Morris Basslian, assisted by Mr Dikgang Mose-neke and the instructing attorney Mr Nano Matlala, Constable Morudi said he was not struck by the stones that were thrown by the mob. Constable Kapine also did not tell him if he was hit. The police vehicle they were travelling in was not damaged by the stones, the court heard.

(Proceeding)

## Lekoa secretar pleads not guilt

THE owner of a company that went insolvent in 1985 told a Vereeniging Regional Court yesterday that R220 000 was split between him and the Lekoa Town Council secretary.

Mr Johannes Jacobus Opperman, owner of the Nolits Fencing and Engineering Construction Company said this when cross-examined by H O Des, counsel for the defence.

Appearing before Mr O J G Olivier on 104 charges of fraud involving R492 450 was Mr Ben Scott, secretary of the Lekoa Town Council. He has pleaded not guilty.

Cross-examined by Mr Des for the defence, Mr Opperman said if according to council auditors he was paid R220 000, half of it went to him and the other half to Mr Scott. He said for the work he did for the

council he doubled the amount for payment. This was an arrangement entered into with M Scott.

He said he went 50-50 with Mr Scott and on occasions he would get more, though he could not remember the amount. He said he gave the documents for the work he did to Mr Scott who was in his office.

Still on the cross examination, Mr Opperman said his construction company went insolvent in 1985. He said he paid his employees R90 a week.

## Politicised crime

A GREAT deal of crime is being committed in the guise of politics, according to the chairman of the Ministers Council of the House of Delegates, Mr Amichand Rajbansi.

## Bina proves writer wrong

WEST African writer Ayi Kwei Armah once wrote "the beautiful ones are not yet born". But with the likes of petite Bina Makinita, surely the African writer must review his statement. The lass hails from Diepkloof, Soweto, and is presently in matric.

Allan Edwards®

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# Constable 'tried to put out fire in house' I fired 4 shots at the crowd, says witness

By McKeed Kotlolo,  
Pretoria Bureau

Constable Philemon Morudu, of Mamelodi, yesterday told the inquest into the November 21 1985 shootings in the township that he did not know if anybody was wounded when he fired four shots at a mob that stoned a policeman's house.

Constable Morudu said he was on patrol with a Constable Kabini at about 10 am on November 21, when they received orders over the radio to go to the house of the late Constable Sinki Vuma in Mamelodi East which was being attacked by a mob. He said smoke was coming out of the house and a mob of 200 to 300 people was stoning it.

Constable Vuma was not at home at the time and "I pushed the jarred door and got in to the house to save people who might be trapped inside", he said.

Constable Morudu was testifying at the inquest into the death of 12 people shot during a Mamelodi rent protest. The residents were also calling for the withdrawal of police from the township.

Constable Morudu said the mob continued to stone the house while he made five trips inside with a bucket of water to extinguish the fire.

Constable Morudu said he fired four shots from a shotgun after he was ordered to do so by a Captain Nemarwane who arrived at the scene and warned the mob to disperse.

The constable, who said he was not trained to control a crowd, told the inquest that he aimed his first shot at the feet of the crowd.

"I fired three more shots at the mob, which refused to disperse, and that seemed to provoke them. One of

the attackers said they should not be afraid because I was firing birdshot, which does not kill," he said.

Asked by advocate Morris Basslian, for the families, if he knew whether anybody in the crowd was wounded, he said: "I did not see any wounded person, but it was possible that some could have been injured."

He told the court that "the mob would have killed us if I did not fire at them."

## Fence was flattened

He said he did not see or hear of any policeman struck or injured by a stone from the mob. He said that one section of the high fence at the home of Constable Vuma was already flattened when they arrived.

He said the crowd had burnt car tyres, which made it difficult for him to give the court an estimate of the distance between the house and the mob during the stoning.

Asked if he was not taught during his training as a policeman, "to use minimum force to disperse a crowd, to first warn the people to disperse, then use teargas before using bird or buck shot," the constable replied: "That's what all policemen are taught during training."

He said some neighbours tried to help him put out the fire inside the house, "but I stopped them and told them to go away because I feared that the stone throwers might also join and pretend to assist while the aim was to kill us".

The hearing continues.

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# Witness tells PW: I lied in 'Six' trial

JOHANNESBURG. — A key witness at the trial of the Sharpeville Six, sentenced to hang for their part in a mob killing, has written to President P W Botha and told him he lied in court, the man's lawyers said yesterday.

Mr Joseph Motsumi Manete repeated earlier statements in his handwritten letter that he gave false testimony at the trial of the five men and one woman because of police threats and torture.

He sent a similar letter to Mr Chief Justice P J Rabie.

"I would like to tell you ... that what I have told the court was not my words, because the police had written my statements on my behalf and without my presence," his letter to Mr Botha said.

He went on to say police tortured him and threatened to kill him unless he co-operated in implicating two of the accused.

All six were convicted of sharing "a common purpose" in the 1984 mob killing of township councillor Mr Kuzwayo Dlamini. Mr Manete's evidence was crucial in obtaining two convictions.

Defence lawyers sought a retrial on the grounds that Mr Manete had perjured himself at the trial, but last month the Pretoria Supreme Court rejected the application but extended a stay of execution until July 19. The court said the fate of the six rested with Mr Botha.

According to Mr Manete's lawyer, Mr Mohamed Bam, his client "did not see any of the six persons at the scene of the killing. He has suffered since the case started four years ago, and he has now decided to tell the truth".

The six are Reginald Sefatsa, 32, Theresa Ramashamola, 26, Francis Mokgesi 30, Reid Mokoena, 24, Oupa Diniso, 30 and Duma Khumalo, 28. — Sapa-  
Reuter-UPI



# 'Cop aimed at heads'

*Sowetan 4/7/88*

By MONK  
NKOMO

A POLICE constable who was labelled an untruthful witness told the Pretoria North inquest court on Friday that when he fired three shots at a stone-throwing mob in Mamelodi on November 21, 1985, he had aimed at their heads.

## Not struck

Constable Philenon Morudi said he fired four shots at a mob of about 300 people who were stoning a Constable Vuna's house that day. He aimed one shot at

the feet and the other three at the heads following instructions to shoot by Lieutenant Nemorane. He did not know if anybody was wounded during the shooting.

Constable Morudi said he was not struck by any of the stones. The police vehicle was also not damaged. He was never informed if any of his colleagues were hit by the stones, the court heard. He offered no comment when the defence lawyer, Mr Morris Basslian, put it to him that if about 300 people were stoning the house the police would not have parked their van near the gate. Mr Basslian, who described the police man's evidence as "amazing", put it to Constable Morudi that his evidence contradicted his statement submitted in court. Constable Morudi declined to comment. Constable Morudi was testifying before Mr J N

untruthful," and that he had a deliberately evasive memory.

Pretorius at the inquest into the death of 12 people who were allegedly shot by security forces in Mamelodi on November 21, 1985.

Mr Basslian, assisted by Mr Dikgang Moseneke and Mr Nano Matlala, the instructing attorney, put it to Constable Morudi that he was going to argue at the end of the inquest that he was "deliberately evasive."

Another witness, Mrs Phyllistus Lerutla, told the court that she and 10 other people were ordered off a taxi while on their way to work about 8am that day. They were told to go to the local administration board offices. Mrs Lerutla said she was about 500 metres away from the offices when she saw tear smoke being sprayed to disperse a

large number of people who were fleeing in different directions.

"I was shot in the left leg," said Mrs Lerutla, who added that the bullet was still lodged in her leg. She told the court that she was choked by the tear smoke fumes "and my face was hot."

## Operated

Mrs Lerutla said she picked up a wet cloth in a street and wiped her face. She was taken to the local Day Hospital and later transferred to the

Kalafong Hospital where she was operated on.

Cross-examined by Mr Basslian, Mrs Lerutla said she saw a number of people at the hospital who were also injured. "Two wards were full of people who were injured that day," Mrs Lerutla said.

Asked by Mr J H Hugo, SC, who is appearing for the police, if she knew where all the injured people came from, she replied, "They were all from Mamelodi." (Proceeding)



# Lawyers lodge final appeal today for Six

JOHANNESBURG. — Defence lawyers for the Sharpeville Six yesterday said they would lodge a final judicial appeal today to save their clients from the gallows.

The appeal, coinciding with renewed international pressure on the government to abandon plans to execute the five men and one woman known as the Sharpeville Six, is the last judicial avenue open to the defence before appealing to President P W Botha for clemency.

Mr Prakash Diar, the leader of the defence team, said the appeal would be filed with Supreme Court Chief Justice P J Rabie today to overturn a June 13 decision by Pretoria Supreme Court judge Mr Justice Paul W J Human, who refused to reopen the trial.

"I hope he acts as soon as possible," Mr Diar said. "My clients have been on death row since December 13, 1985. The longer this case is prolonged, the more difficult it becomes for them."

Mr Justice Human, who convicted the six on December 13, 1985, granted a stay of execution on March 17, some 15 hours before the six were to be hanged at Pretoria Central Prison, on the basis of new evidence by the defence that star prosecution witness Mr Joseph Mosumi Manete may have given perjured testimony. — UPI

# Vaal residents plea to PW

*Sowetan 4/7/88*  
VAAL Triangle residents, community organisations and trade unions yesterday made an impassioned plea to the State President, Mr P W Botha, to scrap apartheid, release all political detainees and reprieve the "Sharpeville Six."

The plea was made at a prayer meeting attended by hundreds of people at Boipatong Township, Vanderbijlpark.

The residents also appealed to Mr Botha to release the 19 people facing charges relating to the 1984 Vaal unrest. The trial is being heard at the Pretoria Supreme Court.

## Singing

The meeting, characterised by the singing of hymns, heard local priest, the Rev Jonas Ntshingila, say the Vaal had "bathed in blood in the fight for liberation since 1960 and after the 1984 unrest."

Mr Ntshingila said as some of the people bowed their heads in tears: "We pray to God to soften the heart of our President to reprieve the 'Six'."

Speakers also appealed for an end to rent evictions. A resident, Mr S. Mabote, called on the Government to grant reprieve to the 19 trialists "so that they can participate in the decision-making process of the country."

## Kolisang

Also present were members of the Vaal Residents' Representative Party, led by councillor Mr Samuel Kolisang.

The meeting took place after statements by Lekoa mayor, Mr Esau Mahlatsi, that he would not intervene in the case of the "Six" because he would be betraying the memory of his former colleague, Mr Jacob Dlamini.

# Residents were not violent, inquest told

Spec 417158  
231  
By McKeed Kotlolo, Pretoria Bureau

A young Mamelodi mother, Mrs Phillistus Lerutle, who was shot in the leg during the November 21 1985 shootings in the township, told a magistrate on Friday that no residents were involved in stone-throwing or any form of violence.

Mrs Lerutle, with a bullet still lodged in her left leg, said she was on her way to work when a taxi she had boarded in Mamelodi East was stopped by a group of youths who told them to go to the local town council offices where there was a rent protest.

She said on the way to the council offices in Section 'A' Mamelodi West, they were dispersed by security forces using teargas and guns.

She told the court that there were many people, but she did not see anybody carrying or throwing stones. She also said she did not personally see the police.

## GUN SHOTS

She said she heard gunshots and people scattered. "I saw white smoke from a distance and shortly afterwards the fumes choked me."

Mrs Lerutle said a short time later her left leg was "wet" and she sat down because she could not walk.

Other people had fallen, but she did not see whether they were bleeding or not. All she remembered was that many were overcome by the teargas fumes.

Asked By Mr Morris Basslian for the families whether she saw any police vehicle in the area at the time, she replied: "No, I only saw two helicopters."

## HOSPITAL

She also said she did not see anyone singing or dancing.

Mrs Lerutle said she was taken to the local day hospital from where she was transferred to the Kalafong Hospital where she found many wards full of Mamelodi residents.

Asked by Mr J H Hugo SC, for the South African Police, how she knew that those admitted to the two wards were from Mamelodi, she replied she could not walk "but some of them visited me and the nursing sisters at the hospital also told us".  
The hearing continues.



# 'BAG OF POTATOES' HAD ARMS

A WITNESS in a PAC terrorism trial said her uncle gave her a bag containing arms and ammunition and told her that they were potatoes.

Mrs Martha Monnkgoro was giving evidence in the trial of Mr

Themba Jack Phikwane (32) of Bophuthatswana charged with terrorism and membership of the banned PAC. He has pleaded not guilty to both charges and is appearing in the Johannesburg Magistrate's Court.

The prosecutor, Mr J A van der Merwe, asked Mrs Monnkgoro why she was given the arms and she said Mr Phikwane had asked her to keep the arms for him. She told the court that she gave the arms to her sister who went to hide them.

BY SONTI  
MASEKO

Three other witnesses who were all relatives of the accused were called to give evidence for the State. They said they all last saw Mr Phikwane in 1983 until he came to visit them in April last year.

Another witness Mr Elias Mkele said Mr Phikwane came to visit him on March 31 last year. They went out for drinks in a bakkie owned by Town Talk Furnishers where Mr Mkele was employed.

Two days later he was called by the assistant manager of the shop, Mr Daniel Lucas Hartman, who told him that he had discovered a gun and two magazines between the seats of the car he had been driving.

He denied knowledge of the weapons but told the manager that the last person he drove with in the car was his uncle. He said when the police were called they told him to find his uncle and that if he failed he himself would be arrested.

331

# SOWETAN

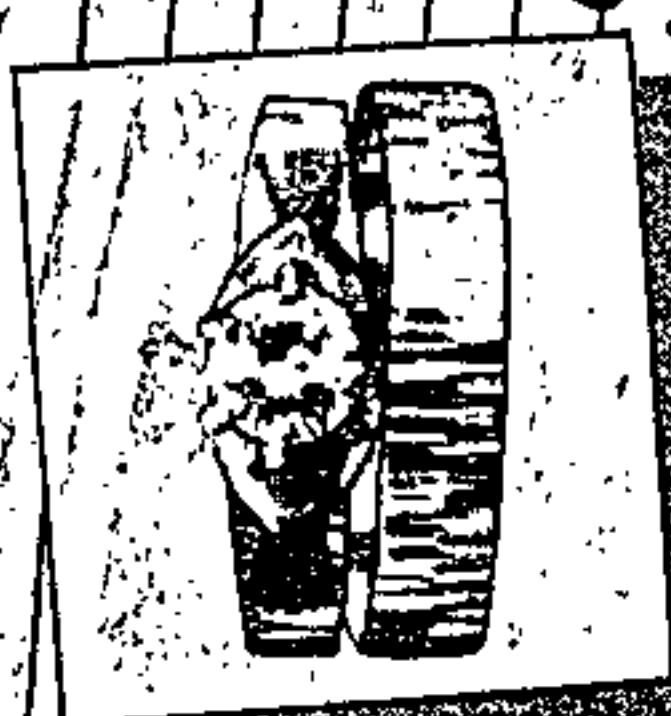
TUESDAY, JULY 5, 1988

LATE FINAL

RSA 40c (36c + 4c GST)

OUTSIDE 40c

96 Eloff Street JOHANNESBURG



S 20834

## Another bid to save the Vaal

By THEMBA MOLEFE

LAWYERS representing the "Sharpeville Six" on Death Row for the murder of a Lekoa town councillor yesterday petitioned the Chief Justice in another attempt to have their case re-opened as July 19, the final day for them to have done so, nears.

Attorney Mr Prakash Diar said a 500-page

document was yesterday handed over to Mr Acting Justice P J Rabie who would make a decision before July 19.

On June 13 the Pretoria Supreme Court rejected an application to re-open the case but granted them a further stay of execution until

July 19.

The "Six" are Mojalefa Sefatsa (32), Malebo Mokoena (24), Oupa Diniso (32), Theresa Ramashamole (26), Duma Khumalo (28) and Francis Mokhezi (30). Source: SOWETAN

who died during the outbreak of unrest in the Vaal, September 3, 1984.

The "Six" escaped the hangman's noose on March 14 when defence counsel presented trial judge, Mr Acting Justice W J Human, with an affidavit by one of the key State witnesses, Mr Joseph Manete, that contradicted his evi-

dence.

Mr Manete alleged he had been tortured by the police and threatened with detention if he did not incriminate two of the "Six".

He was not cross-examined during the trial because of the privileged client-lawyer

Unrest

They were sentenced to death for the murder of Mr Jacob Dlamini

Perjury

The "Six" can also petition the State President who, however, has in the past refused to grant them a reprieve.

Continued on page 2



## Postponed

(331) source 5/7/88  
THE trial of six people, including a 16-year-old youth, charged with the murder of two people and the attempted murder of seven others at the Kruger Day killings in Ellis Park last year will be held at the Rand Supreme Court on August 12.

They are Mr Sidwell Ntuli (20), Mr Matthews Matope (18), Mr Clement Makotedo (18), Mr Siphwe Tshabalala (18), Mr Vusi Eric Koos Masitene and a 16-year-old youth.

The case was postponed at the decision of the attorney-general.



Cross-jet, Spirit of the Cape.

*Not Tapes 5/2/88*  
**PAC trial: Not guilty plea** *331*

JOHANNESBURG. — An alleged Libyan-trained Pan Africanist Congress member pleaded not guilty to charges of terrorism in the Magistrate's Court here yesterday. The state alleges that Mr Themba Jack Phikwane, 32, of Hartswater was a member of the banned PAC and its military wing, the Azanian People's Liberation Army, from May 1983 to April 5, 1987.

**'Six' petition on appeal right** *5/7/88*

**BLOEMFONTEIN.** —

The petition by the Sharpeville Six for leave to appeal against the dismissal of their application to reopen their trial was lodged yesterday with the Appeal Court here.

Mojalefa Reginald Se-fatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joshua Khumalo and Francis Don Mokgesi lost their appeals in December against the death sentences they had received for the murder of the deputy mayor of Lekoa, Mr Kuzwayo Jacob Dlamini.

Mr Dlamini was stoned and burnt to death outside his house. — Sapa

STV 57488  
**Mandela**

**photo: 2**

**in court**

(33/)

Two men appeared briefly in the Johannesburg Magistrate's Court yesterday on allegations of contravening the Prisons Act.

Mr J Schaderberg (57) of Randburg, and Mr J R A Bailey (68) of Muldersdrif are alleged to have published photos of Nelson Mandela, Ahmed Khathrada and Walter Sisulu in 1987 without the written permission of the Commissioner of Prisons. They were not asked to plead and no charges were put to them. The hearing was postponed to August 2.



Star 5/17/85

## Sharpeville plea given to Chief Justice

The petition for the right of the Sharpeville Six to appeal against the Pretoria Supreme Court's decision not to reopen their trial has been lodged with the office of the Chief Justice in Bloemfontein.

Attorney for the Six, Mr Prakash Diar, confirmed the papers were submitted yesterday.

He also pointed out that the stay of execution of the Six, who were sentenced to death in 1985 for the murder of a community councillor, holds good only until July 19.

If a response to the petition to the Chief Justice has not been received by July 19, the Six will have to turn again to the courts for another stay of execution.

The application to reopen the trial was made on the basis of fresh evidence.

# Man pleads not guilty to PAC terrorism charges

548-577-188  
331  
By Ayesha Ismail (MA)

A Bophuthatswana man pleaded not guilty in the Johannesburg Magistrate's Court yesterday to charges of terrorism and membership of the banned Pan Africanist Congress (PAC).

Mr Jack Themba Phikwane (32) is alleged to have gone outside the country illegally to join the PAC and received military training in 1983 from the the organisation or its military wing, the Azanian People's Liberation Army (APLA). The training is said to have been at Dukwe Camp in Botswana.

In March 1987 he is alleged to have brought into South Africa two Scorpion machine-guns, 90 rounds of 7.65 ammunition, a stick-grenade and two M52 hand grenades.

## Soldier fired at me, <sup>(331)</sup> <sup>Star 5/11/88</sup> says Mamelodi witness

### Pretoria Bureau

A Mamelodi mother told an inquest into the 1985 Mamelodi shootings yesterday that she was shot by a soldier while she was on her way home on November 21.

Mrs Evelyn Mthimunya, who still has pellets lodged in her buttocks, said she was en route

from her aunt's place to her Section Q house, when she saw a group of youths running away from an army vehicle.

She said the youths had just passed her when she saw a soldier pointing a rifle at her. Then she heard a gunshot.

She said she was hit in the buttocks and fell to the ground. She estimated that the shot was fired from about 20 m.

Asked by Advocate D S Fourie, for the SADF, how she knew that she was shot by a soldier, she said she saw their "dark brown uniform" and that they were travelling in an army vehicle.

She also told the court that the running youths were unarmed.

The hearing continues.



SOWETAN, Tuesday, July 5, 1988

# SGT EMPTIED HIS GUN ON A MOB

Sowetan 5/7/88 331  
A MAMELODI police sergeant yesterday described how he fired eight shots at a stone-throwing mob of about 200 people who attacked his house on November 21, 1985.

Sergeant Esau Nkwe said he saw a woman lying on the road near his house after he had emptied his .765 pistol into the crowd at about 11,30am that day.

He did not know if the woman was killed or wounded. "I did not see her moving," he added.

Sgt Nkwe was testifying before a Pretoria North magistrate, Mr J N Pretorius, at the inquest into the deaths of 12 people, including pensioners who were allegedly shot by security forces in Mamelodi on November 21, 1985.

The policeman said the mob arrived at his Block A house and started throwing stones and other missiles. He was with two of his sister's children. "I feared that they were going to kill or injure us," Sgt Nkwe said.

He told the court that he took his .765 pistol which was loaded with eight bullets.

Examined by Mrs A van Tonder, who is appearing for the State, Sgt Nkwe said he fired all the shots through a window that was broken during a previous attack. Asked if he could see what he was firing at, the policeman told the court that he aimed at the feet of his attackers. Part of his roof was damaged during the attack.

Cross-examined by Mr Morris Basslian, Sgt Nkwe said the mob fled when police arrived at the scene in three Landrovers. Neither he nor the other policemen went to look at the woman who lay in the street near his house, he said.

"I was frightened. The police in the three Landrovers only took my particulars and even refused to leave one policeman with me to protect us," said Sgt Nkwe.

(Proceeding)



# Two more women in treason trial

App Times 6/7/86 331

## Only relatives 'who can behave' allowed to attend

By YVETTE VAN BREDA  
and PETER DENNEHY

ONLY three relatives "who have obviously shown that they can behave themselves" were allowed at the appearance of 13 alleged ANC members or supporters at a Wynberg Regional Court yesterday.

At a previous hearing the magistrate, Mr A S McCarthy, ruled that the family and friends of 11 of the 13, who face charges of treason, alternatively terrorism as defined by the Internal Security Act, would not be allowed in court unless evidence was led because they disrupted the proceedings.

Yesterday Mrs Colleen Lombard, 38, of Montevideo and Ms Zuraya Abass, 35, of Maitland appeared with the other 11 for the first time. They had bail of R3 000 extended. The three people present at the hearing are believed to be their relatives and were not present at the previous appearance.

After Mr V Saldanha, representing some of the 13, applied for the families to be allowed in, Mr McCarthy refused the application. He said only the people

present yesterday would be permitted at future appearances.

The other 11 are: Mr Tony Sithembiso Yengeni, 33, Ms Jenny Schreiner, 31, Ms Lunka Elizabeth Nyanza, 25 (Mr Yengeni's wife), Mr Michael Mzimkhulu Lumbambo, 35, Mr Mbutu Richmond Ndiku, 26, Mr Wellington Mongomeli Nkwandla, 31, Mr Mtheteli Tlana, 26, Mr Gary Kruser, 27, Mr Christopher John Giffard, 27, Mr Siliabochu Charles Mole, 37, and Mr Alpheus Nkwana Ndude, 45.

They are awaiting trial in the Supreme Court. Mr Saldanha invited Mr McCarthy to inspect the conditions under which the 11 were being held at Pollsmoor Prison, saying that the 11 had a history of complaints with regard to the conditions which Mr McCarthy could inquire into.

Mr McCarthy said he would bring the matter to the attention of the chief magistrate at Wynberg and would ask that a visit be made to the prison.

Mr Saldanha and Ms C Burger, appearing for the rest of the 13, expressed dissatisfaction at the attorney-general's decision to adjourn the matter to the Regional Court until after the October recess in the

Supreme Court.

The court heard that there was another detainee who may join the 13, but further investigation had to be done.

Mr Saldanha said that many other people may be arrested and may be joined to the 13 which meant they did not know when the matter would be finalized.

The hearing was adjourned to August 23.

As the 11 went down to the cells, they chanted and sang and raised clenched fists.

There was a large contingent of police inside and outside the court and all roads surrounding the building were sealed off yesterday. Only three members of the press and about 20 policemen attended the hearing besides the three relatives.

Some journalists were excluded from the hearing. Major Jan Calitz, a police liaison officer for the Western Cape, said afterwards that no journalists had been allowed in, as far as he knew.

"That is a decision from the Department of Justice or the presiding officer," he said. "Evidence was to be given in camera."

Asked why some journalists had been allowed in and others excluded, he said he did not know of any being allowed in.

Regional Court control prosecutor Mr P Mostert said yesterday that Mr McCarthy had not made any order to exclude the press.

"At the previous appearance there was singing and noise in court," Mr Mostert said. He explained that there had been applications for the proceedings to be carried out in the absence of the accused and of their family members.

He did not think that exclusion of a certain sector of the public because of their behaviour could be construed as proceeding in camera.

However, he added, any police officer with the rank of captain or above had the power, in terms of the emergency regulations, to exclude "any person from any proceedings" if the person was part of a group.

A Cape Times reporter was refused entry several times by policemen of various ranks, including a captain, when he tried to go in alone and as part of a group.



ON TRIAL... Ms Jenny Schreiner, 32, who is one of the 13 accused in the ANC case in the Wynberg.

## Inquest court told of 'burning' threat

By McKeed Kotlola  
Pretoria Bureau

A former Mamelodi town council employee, Mr. Jurie Jahannes Kuhn, told the Mamelodi shootings inquest yesterday that he and his black colleagues were warned to stop working or "they will burn us".

Mr. Kuhn said small groups of unarmed youths passed near the council's workshop and "threatened to burn us if we continued to work".

At least 12 people died in Mamelodi on November 21 1985 after security forces opened fire on thousands of residents protesting against high monthly rentals and police presence in the area.

He was frightened, Mr. Kuhn said, and had to lock the workshop at about 9.25 am. He then drove through groups of people who opened the way for him. The black staff used back doors to leave the workshop.

He said he did not see anybody carrying stones, sticks or any missiles — and he did not see any attacks on anything by the residents that morning. *SK 6/11/85*

The witness told the inquest that the following morning when he reported for work he found one side of the workshop's fence flattened, the store-room slightly burnt and council trucks and window-panes of the building damaged.



# Bodies found in car court told

LAST year's Corlett Drive shootings, in which three suspected insurgents were killed by the Brixton Murder and Robbery Squad detectives, were recalled yesterday in the PAC terrorism trial in the Johannesburg Magistrate's Courts. 33(1)

Warrant Officer C Zillie, a security branch officer and an explosives expert of the Brixton police station, gave evidence in the trial of Mr Themba Jack Phikwane (32), charged with terrorism and membership of a banned organisation, the Pan Africanist Congress (PAC). 33(1)

Mr Phikwane has pleaded not guilty to both charges.

W/O Zillie said that on August 4, last year, he was called to Corlett Drive where a car with the registration HJC 058 T had smashed into a tree. The car had bullet holes and the windows were shattered.

In the car, he found three men, two in front and one at the back who were all dead and had bullet wounds.

He told the court that in the front, back and between the front seats of the car he found Scorpion pistols with loaded magazines and that the safety catches were removed and the weapons ready to fire.

## Terrorism allegations

*Soweto 6/7/88*  
A SOWETO man appeared in the Johannesburg Magistrate's Court yesterday on charges of terrorism. (331)

He is Mr Solomon Modiselle (21), of Naledi, Soweto, who was referred to a mental institution after being arrested on April 18, this year.

According to the medical certificate attached to the charge sheet, "he is fit to stand trial."

He was not asked to plead and the case was postponed to August 1. He is in custody.

Southern 6/17/88

THREE people, including two women — one of whom died — were shot by members of the SADF in Mamelodi on November 21 1985, it was alleged in the Pretoria North Magistrate's Court yesterday.

331

# 'Woman gunned down'

SOWETAN, Wednesday, July 6, 1988

Page 3

Mr Joseph Matimbe, of Block C Mamelodi West, who is also chief security official of Mamelodi Sundowns Football Club, said he was standing in his yard that morning when he saw a member of the SADF on a truck, pointing a firearm at him (Matimbe). There was a woman he identified as Thoko Beauty Malaza. She was "walking at a fast pace" near his house.

Mr Matimbe said he then saw Miss Malaza fall in the street. "She was shot because she was bleeding from the head," said Mr Matimbe.

He added that he turned and walked towards the house. "I was then shot from the back. I fell. I was later taken to the local day hospital and transferred to Kalafong Hospital where I was operated on," said Mr Matimbe.

He was testifying at the inquest into the death of twelve people, including Ms Malaza, who were allegedly shot by security forces in Mamelodi on November 21, 1985.

Another witness Mrs Evelyn Mthimunye told the court she was on her way to work that morning when five sjambok-wielding youths ordered her to join other residents to discuss the rent issue at the local administration board offices.

Mrs Mthimunye said on her way home she saw a SADF vehicle behind a group of running youths.

She added: "I saw a member of the SADF on and ordered her to join a hippo pointing a firearm at me. I then heard a shot. I lost consciousness after being shot in the buttock. I was taken to Kalafong Hospital. Some of the gunshot pellets are still lodged in my buttocks."

(Proceeding)



Statement  
admissible  
— court  
rules

331

KING WILLIAMS  
TOWN. — The Regional  
Court here ruled this  
week that a statement  
made by an alleged  
African National  
Congress guerilla was  
admissible as evidence.

The ruling was made  
in the terrorism trial of  
Mxolisi Sokopo, 25, who  
denied having made the  
statement freely and vol-  
untarily. He told the  
court he made the state-  
ment because security  
police promised him he  
would not be charged.

In the statement he  
admitted pointing  
firearms in Vryheid.

The state alleged  
Sokopo was an ANC  
member, involved in  
ANC activities and fur-  
thered the organisation's  
aims and objectives.

He pleaded not guilty  
on all counts.

His trial started in  
April with the State  
leading evidence about  
his arrest in Duncan Vil-  
lage in East London on  
December 22 1986.

- VERITAS

Scout 7-13/7/88

# Trialists call for prison probe

ELEVEN alleged African National Congress members facing various charges including treason and terrorism this week requested a Wynberg magistrate to investigate their detention conditions at Pollsmoor Prison.

They said they had tried every avenue to improve their prison conditions but in vain.

The magistrate, Mr A S MacCarthy, promised to refer the accused's complaint to the Chief Magistrate of Wynberg.

The eleven are Tony Yengeni, 39, Miss Jenny Schreiner, 31, Miss Lumka Elizabeth Nyamza, 25, Mr Michael Mzimkhulu Lumbambo, 35, Mr Mbutu Richmond Nduku, 26, Mr Wellington Mongamele Nkwandla, 31, Mr Micheal Titana, 26, Mr Gary Kruser, 27, Mr Christopher Giffard, 27, Mr Charles Mohale, 37, and Mr Alpheus Ndude, 45.

## Indictment

They were joined by two women, Miss Zurayah Abass, 35 and Mrs Collen Lombard, 37. Their bail of R3 000 each was extended.

The prosecutor, Mr P Mostert, said the indictment against the 13 was not yet ready.

He said another person was still being held under Section 29 of the Internal Security Act. The person might join the 13, but nothing had been finalised.

The defence objected to the delay.

The case was postponed to the Wynberg Regional court on August 23.

# DAY WOMAN LOST HER RIGHT HAND

*Sowetan 11-7-88*

331

## Shot while on her way home

A 26-YEAR-OLD woman yesterday told the Pretoria North Magistrate's Court how she lost the use of her right hand after being shot in Mamelodi on November 21, 1985.

BY MONK  
NKOMO

Miss Doreen Baloyi of Section D in Mamelodi West, an employee at the local Cheney's Dry Cleaners, said she and eight others were on duty at about 9am that day when an unidentified man came in and ordered them to close shop. The man told them that nobody in the township had gone to work that morning.

While on her way home she saw a stationary SADF vehicle about 200 m away. She was walking between Section B and C near the football stadium.

### Pain

"I then felt a pain in my right hand. I fell to the ground. A number of people helped and took me to Kalafong Hospital where I was told that I had been shot at. I was admitted to the hospital until December 30, 1985," said Miss Baloyi.

Miss Baloyi said they were frightened and decided to close the premises and left at about 9.30am. She went home.

She added: "After being shot I saw a bone sticking out of my hand. I cannot use my right hand anymore. I still undergo regular treatment at the hospital."

Miss Baloyi was testifying before the magistrate, Mr J N Pretorius, at the inquest into the death of 12 people, including pensioners, who were allegedly shot by security forces in Mamelodi on November 21, 1985.

Examined by Mr Morris Bassian, assisted by Mr Dikgang Mosenke, Mrs Baloyi said at the time she was shot at, she was not doing anything unlawful.

"I did not see anybody carrying stones, bottles or sticks or attacking the army and police vehicles", she said.  
(Proceeding)



# More Sowetan 7/7/88 spare 321 the Six pleas

THE vice premier and Minister of Foreign Affairs of Israel, Mr. Shimon Peres, and a union of Swedish teachers, have appealed to the South African Government to grant clemency to the "Sharpeville Six" whose lawyers await a decision from the Chief Justice whether to re-open their case or not.

Counsel for the "Six" lodged a petition with the Chief Justice on Monday.

Attorney for the "Six", Mr Prakash Diar, said the stay of execution granted them by Mr Acting Justice W J Human, in the Pretoria Supreme Court hours before they were to be hanged on June 13 held good until July 19.

He said defence counsel would have to make another application

In a statement released by the Israeli Embassy in Pretoria, Mr Peres said: "I wish to express our concern over the impending execution of the "Sharpeville Six". I appeal to you on humanitarian and compassionate grounds to exercise your influence to show clemency and commute their death sentences".

331  
1/7/88

## British won't act now on Six

Own Correspondent

LONDON — British Labour MPs have again pressed the British government to ask President P W Botha for clemency for the Sharpeville Six.

And once again the British government has refused to take any further action until all possible legal moves have been made.

Foreign Secretary Sir Geoffrey Howe told the House of Commons during question time yesterday that he had been in touch with the British ambassador in South Africa. "We are seeking, in the way we think the most effective, to secure the result that the whole House wants," he said.

## Out in the wet at toyi-toyi trial

FAMILIES and friends of 11 treason trialists stood in the rain under the eye of riot police this week — barred from entering the court room by a magistrate's order. (33)

Among them was Momphumelelo Irene Nyamza, 55, the mother of trialist Lumka Nyamza. She is a domestic worker who travelled from East London even though her employers had told her she was wasting her time, as "my daughter was going to hang anyway". 8-74788

A request by the trialists' legal representatives for relatives and supporters to be granted access was refused by Wynberg Regional Court magistrate AS McCarthy. At an earlier hearing he ruled they would not be allowed in because they disrupted proceedings.

The 11, who face charges of treason, alternatively terrorism as defined by the Internal Security Act, were joined in the dock for the first time. Colleen Lombard and Zuraya Abass, whose bail of R3 000 was extended.

Abass' husband and Lombard's doctor and a friend were allowed to attend. McCarthy said they had "shown they can behave themselves".

The 11 have been in Pollsmoor Prison awaiting a supreme court trial since March 15 and were previously held for three to six months under Section 29 of the Internal Security Act.

Through their attorneys, they extended an invitation to the magistrate to see for himself conditions under which they are being held.

Last month the 11, who entered the court *toyi-toying* and chanting "Long live SACP", staged a hunger-strike in a bid to get Pollsmoor Prison authorities to address their grievances.

Attorney Vincent Saldanha told the court that despite representations to prison authorities and the commissioner of prisons, the trialists believed their complaints had not yet been resolved. McCarthy said he would alert Wynberg's chief magistrate to their complaints and ask him to visit the prison. *W/maile*

The court heard another person, held without access to family or lawyers under Section 29 since May, may join the 13, pending "further investigation".

Saldanha said the 13 did not know when the matter would be finalised: many other people could be arrested and included among the defendants.



'Lieutenant told me he killed 2 men'

# Cameraman tells of Mamelodi shootings

By McKeed Kotlolo, Pretoria Bureau

A cameraman for the South African Police, Sergeant Paul Henry Nel, who filmed the November 21 1985 Mamelodi shootings, yesterday told the inquest into the shootings that a Lieutenant le Roux told him that he (Le Roux) had shot and killed two black men that morning.

Sergeant Nel, who shot video films from a Casspir vehicle and from the ground, was testifying at the inquest into the shootings that claimed the lives of 12 residents. The inquest was postponed to December.

Sergeant Nel, of the SAP's video unit, said Lieutenant le Roux had taken him to two houses in Section C in Mamelodi West, where the two people were shot dead shortly after teargas was used to disperse the crowd that had gathered outside the town council offices.

At the first house, Lieutenant le Roux had told him: "A group of black men was standing against a wire fence. They started throwing stones and bricks at the Casspir and wounded a warrant officer and damaged the right-hand-side headlight of the Casspir."

The sergeant said: "Le Roux told me that he shot and killed the man. Later, he took me to another house where he told me that a group of black men on the roof of the house hurled stones and bricks at a passing patrol. Members of the SAP and the SADF were injured by the bricks."

Sergeant Nel added that Lieutenant le Roux had

told him that "I shot and killed a man with an R1 rifle". He then showed him a pool of blood near an outside toilet where the man had fallen.

The video tapes played in court showed a man in uniform on top of the roof of house No 780 'C' Mamelodi West, where the second man was shot. And at the edge of the roof on the side of the house lay two bricks.

During cross-examination by Advocate Morris Basslian, for the families, Sergeant Nel said that since he arrived in the township that morning before the local mayor, Mr Z B Ndlazi, addressed the crowd outside the council premises, until the time of the shootings, "I did not see any person carrying stones or weapons".

## 'Taken by surprise'

He also denied seeing a violent incident or the crowd being aggressive.

Sergeant Nel told the inquest that the crowd had been "orderly" after requested to go to an open field opposite the council premises. He expected some action but the firing of teargas "took me by surprise".

He added that before the firing of teargas into the crowd, he had not been frightened by the people around the Casspir he was shooting films from.

Sergeant Nel told the court that after the firing of teargas, he stopped filming because he had been affected by the fumes.



## Briefing

In 11 days — on July 19 — the Sharpeville Six are due to be hanged.

All that stands between them and the gallows are petitions to the acting Chief Justice and President Botha.

If they hang, South Africa will be plunged into a grave international crisis.

Executions could push sanctions over the brink in the United States — and the tough, anti-South African Dillums Bill could become law. In March, President Reagan appealed to Mr Botha to exercise clemency.

The hanging would certainly lead to sanctions being imposed by the European

# 11 days away from gallo

Community.

West Germany, a long-time opponent of sanctions, has abandoned that position over the Sharpeville Six and is now leading the EC campaign.

Britain is the only EC country opposing sanctions if the six are hanged. The others plan to withdraw their ambassadors, reduce the numbers of their diplomats and limit SAA landing rights in their countries.

Some EC members are also threatening to ban imports of coal and take other, unspecified action.

A host of countries including Holland, Denmark and Norway threatened action over the Sharpeville Six.

The five men and a woman convicted of the 1984 murder of the mayor of Lekoa, Mr Khuzwayo.

## RIGHT TO APPEAL

The conviction was controversial on the doctrine of common law and holding that although it was established that the six had physically

South Africa back in world spotlight after 'Six' verdict

Europe begins to boil over Sharpeville Six

Sanctions warning over Sharpeville Six

# The Six — do they deserve

On the issue of a grant of clemency for the Sharpeville Six the view has been expressed that there is no reason to doubt the findings of the courts. Is this justified?

I believe that at least the conviction of No 3 accused, Oupa Dimiso, and the refusal to take account of extenuating circumstances in the case of No 4, Theresa Ramashamola, are open to serious doubt.

Dimiso was convicted solely on the basis of circumstantial evidence. The other five were all identified as having been involved in one way or another. But not Dimiso.

## False explanation

His conviction arose from the fact that a police officer was taken to his house by the first accused where he was pointed out as "presumably in possession of a pistol". The gun of the deceased was indeed found there and Dimiso gave a false explanation for his possession of it. The court on appeal upheld his conviction on the basis that the only reasonable inference was that No 3 was the person who dispossessed the deceased of his pistol.

In 1939 the Appellate Division laid down, in Blom's case, the fundamental tests for reasoning by inference in these terms:

"In reasoning by inference there are two cardinal rules of logic which cannot be ignored:

"(1) The inference sought to be drawn must be consistent with all the proved facts. If it is not, the inference cannot be drawn.

"(2) The proved facts should be such that they exclude every reasonable inference from them save the one to be drawn. If they do not exclude other reasonable inferences then there must be a doubt whether the inference sought to be drawn is correct."

These rules have been followed and applied in a great many cases and the crucial consideration now is whether they were properly applied in relation to Dimiso. Certainly a number of proved facts emerge from the judgment which do not appear to have been taken into

account by the court in upholding the conviction of Dimiso. They are:

- A prosecution witness, Mabuti, testified that the first accused, together with others, had seized the victim and tried to dispossess him of his gun. Mabuti could not say whether in fact the first accused obtained possession of the weapon which means that he could not say that any other person had been responsible. (On the evidence, therefore, the first accused could have been the person who dispossessed the deceased of his firearm).

- Despite having witnessed the struggle for the gun, Mabuti failed to identify Dimiso as the person who, according to the inference drawn by the trial court and confirmed on appeal, actually dispossessed the deceased of the weapon. Another witness, namely the wife of the deceased, was also unable to identify him as having been at the scene. Presumably an identification parade was held, but whatever the case, the two witnesses obviously did not identify Dimiso in court. (These facts are clearly more favourable to the accused than the opposite).

- When the police officer, Mr Wessels, arrived at Dimiso's house, he asked him "whether he had a firearm in his possession and the reply was affirmative." There is not the slightest hint that Dimiso prevaricated or was reluctant to make the admission. Further, and apparently with equal lack of hesitation, "Accused No 3 took a pistol from between some cardboard boxes, through an opening in the ceiling of his house, and handed it to Wessels." (Surely if Dimiso had been involved in the attack on the deceased and had dispossessed him of his firearm and hidden it, it is more probable than the reverse that he would have shown hesitation and lack of candour right at the outset).

- Some nine and a half weeks elapsed before the pistol was found in the possession of the third accused. (As a matter of ordinary logic, the shorter the period of time between the commission of a crime and the finding of an incriminating article in the possession of an accused, the more likely that he was involved in the offence, and the longer the period, the

The writer of this article, senior Johannesburg lawyer **MR ROLEY PEART**, submits that the court's findings in the case of the Sharpeville Six ARE open to question. He suggests serious doubt about the conviction of one of them; and the death sentence of another.



Still fighting . . . Mr Prakash Diar, attorney for the Sharpeville Six.

greater the opportunity and prospect that the article may have changed hands in the meantime and therefore the lesser the likelihood).

Looking at these undisputed facts as a whole and applying the first of the Blom tests, can it really be said that the inference that was drawn, that Dimiso had participated in the murderous attack

and dispossessed was consistent with the answer must give.

As to the second test, every other inference deduced by the proved reasonable possibility of the first accused who and who later got accused for safe that such a proved facts?

Again the answer.

The court obviously weight to the fact. But there is much proposition that a full not to attach untruthfulness.

It certainly does cause an accused probably guilty.

All the same must be carefully lar it has to be do deny or falsify fear that by involvement of even may attract an cipation disproportionate. In the present reasonable inference full not only greater implication wish not to imply.

To sum up, suggestions have been, but is beyond all reasonable.

Turning to the third circumstance, reference to No 4 accused, Ramashamola, the fact that although convicted on a massive intention was principal offices to proposed increases in which most of strongly.

No 4, the only accused, was given a on which was meaning "We have nothing in the



# days away from gallows

(331)

Germany, a long-time opponent of Sharpeville Six and is now leading campaign.

is the only EC country opposing if the six are hanged. The others withdraw their ambassadors, re-numbers of their diplomats and A landing rights in their countries. EC members are also threatening ports of coal and take other, un-action.

A host of countries including Australia, Holland, Denmark and Norway have threatened action over the Sharpeville Six.

The five men and a woman were convicted of the 1984 murder of the deputy mayor of Lekoa, Mr Khuzwayo Dhlamini.

## RIGHT TO APPEAL

The conviction was controversial, relying on the doctrine of common purpose and holding that although it was not proved that the six had physically murdered

Mr Dhlamini, they were at one with the mob who did.

An application to reopen the trial to introduce statements made by a State witness, who said he had lied during the trial after being intimidated, was refused last month. Now lawyers are petitioning the acting Chief Justice, Mr Justice Rabie, for the right to appeal against that decision.

If it fails, another appeal will be made to Mr Botha. But, on one occasion already, he has refused to grant the six clemency.

Now Mr Botha is under intense pressure, and execution of the six could be a turning point in SA's international relations.

gins to boil  
eville Six

Sanctions warning  
over Sharpeville Six

Envoys keeping close eye on  
case against Sharpeville Six

# do they deserve to die?

Star 8/7/88

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ney are:

Mabuti, testified, together with the victim and of his gun. Mabuti in fact the first of the weapon. he could not say he had been responsible, therefore, the first on the person who used of his fire-

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The writer of this article, senior Johannesburg lawyer **MR ROLEY PEART**, submits that the court's findings in the case of the Sharpeville Six ARE open to question. He suggests serious doubt about the conviction of one of them; and the death sentence of another.



Still fighting . . . Mr Prakash Diar, attorney for the Sharpeville Six.

greater the opportunity and prospect that the article may have changed hands in the meantime and therefore the lesser the likelihood).

Looking at these undisputed facts as a whole and applying the first of the Blom tests, can it really be said that the inference that was drawn, that Dimiso had participated in the murderous attack

and dispossessed the victim of his gun, was consistent with all the proved facts? The answer must surely be in the negative.

As to the second of the Blom tests, is every other reasonable inference excluded by the proved facts? What about the reasonable possibility that it was the first accused who disarmed the victim and who later gave the gun to the third accused for safe-keeping? Can it be said that such a possibility is excluded by the proved facts?

Again the answer must be negative.

The court obviously attached great weight to the fact that Dimiso had lied. But there is much case authority for the proposition that a court must be careful not to attach undue importance to untruthfulness.

It certainly does not follow that because an accused lies, he is therefore probably guilty.

All the surrounding circumstances must be carefully examined. In particular it has to be remembered that people do deny or falsify the truth because they fear that by admitting an incidental involvement of even a minor nature they may attract an inference of guilty participation disproportionate to the reality. In the present case, it is not an unreasonable inference that Dimiso was untruthful not only because of his own fears of greater implication but also because of a wish not to implicate the first accused.

To sum up, suspicious his conduct may have been, but is that proof of guilt beyond all reasonable doubt? Surely not.

Turning to the question of extenuating circumstances with particular reference to No 4 accused, Theresa Ramashamola, the judgment makes it clear that although rioting and violence erupted on a massive scale in Lekoa, the initial intention was to march to the municipal offices to protest against the proposed increases in service levies about which most of the residents felt so strongly.

No 4, the only woman among the accused, was given a placard to carry aloft on which was written "Arenas Shelete", meaning "We have no money". There is nothing in the judgment to suggest that

No 4 was doing anything other than carrying the placard at the stage when the crowd first assembled outside the house of the deceased and when the police arrived to disperse them. In the course of the police action "she was struck on the head by a rubber bullet fired by the police", and it is important to note that up to this point there was nothing to connect her with any of the stone throwing which had thus far taken place.

The judgment is silent as to the physical consequences for No 4 of being struck by the rubber bullet, although it seems that she was not physically incapacitated. However it is at least a reasonable inference that she must have been angered by what had happened to her, that her anger would not have evaporated by the time the crowd had re-assembled, and that her feelings would have compounded when she saw the deceased emerge from the house and fire a shot which hit somebody.

It was at this point that she lost control of herself and shouted for the deceased to be killed.

## Severely provoked

It must have been very soon afterwards that she slapped the face of another woman who was protesting against his incineration. Thus one finds in the judgment clear grounds for the belief that she must have been severely provoked.

Furthermore it is clear that No 4's participation was limited. Her conduct fell far short of direct involvement in the actual killing of the deceased. It was not alleged that she threw stones, or made petrol bombs, or stabbed the deceased, or set him alight, and although there is Appellate Division authority for the proposition that a lesser and subsidiary role in the commission of a crime may constitute an extenuating circumstance, this does not seem to have weighed with the trial court. According to the judgment, the trial court did not misdirect itself on the issue of extenuating circumstances. Nevertheless I believe that the above facts afford convincing grounds in favour of the grant of clemency by the executive.



## UK in touch<sup>231</sup> with SA over Sharpeville 6

LONDON — Appeals to the South African Government for clemency for the Sharpeville Six were unlikely to succeed if they were accompanied by threats, the British Foreign Secretary, Sir Geoffrey Howe, has told the House of Commons.

He said the House, including the Prime Minister, Mrs Margaret Thatcher, was concerned about the question of the Six.

For that reason, Britain had been in touch with South Africa this week — through its embassy — in order to ascertain the present position.

Sir Geoffrey was responding to criticism from opposition Labour Party MPs. — Sapa.

SOWETAN, Friday, July 8, 1988

# COP TOLD HOW HE

By MONK NKOMO

A POLICE lieutenant shot dead two people who allegedly attacked and wounded security force members in Mamelodi on November 21, 1985, according to a police video cameraman who filmed the scene in the township on that day.

Sergeant Paul Henry Nel yesterday told a Pretoria North inquest court that he filmed a scene where Lieutenant le Roux explained to him that he had shot dead two black men.

Sgt Nel said Lt le Roux told him that one of the men was killed when a group of people, standing against a fence at house No. 780c, threw stones and bricks at the police. A warrant officer was wounded and the right headlight of a casspir was damaged.

Sgt Nel, who was testifying at the inquest into the death of 12 people in Mamelodi on November 21, 1985, said he also filmed a scene at another house where le Roux told him that he shot dead a black man

with a R1 rifle.

Lt le Roux, the court heard, also told him that the group of people on a roof of a house hurled stones and bricks at a passing patrol. He told him that members of the South African Police and the South African Defence Force were wounded during the attack.

"Lt le Roux explained that the shot fired from the R1 rifle was fatal as the body of the black man was found some metres away from the house near an outside latrine," said Mr Nel.

Another witness, Mr Moses Sekgatlle, a motor mechanic at the council's workshop in Mamelodi contradicted earlier evidence by a former white employee of the Administration Board in Mamelodi that seven town council vehicles were damaged by unknown people that day.

# SHOT VICTIMS

Sowetan 8/7/88

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C/Poers 10/7/88

# Activists get search order for security police offices

## CP Correspondent

TWO activists in the Border region have successfully been granted what is known as an Anton Pillar application, in the Ciskei Supreme Court that the security police offices in Zwelitsha be searched to examine any apparatus pointed out by them.

Judge Heath this week granted the application heard in camera, where trade unionist Tando Dyantyi and Border Council of Churches field worker, Boyce Soci, asked for permission to have access to the security police offices.

Both are former security detainees under the Ciskei National Security Act.

The two alleged that during their spell in detention they were assaulted and tortured by the security police.

The court order granted permission to Dumisani Tabata and John Smith, the applicants attorneys and the deputy sheriff, together with Dyantyi and Soci to inspect the offices

looking for objects used in torturing the two.

Some of the objects used for torturing Dyantyi were found and the security police were given instructions not to dispose of them, as they would be required to be produced in court as evidence in civil claims.

In his affidavit Dyantyi said he was blindfolded and placed in what he believed to be a chair, his hands and arms were fastened to the armrests and he was electrocuted.

He alleged that he was castigated for making too much noise and a piece of cloth was placed in his mouth. He said the torture was extremely painful and he lost consciousness.

The applicants said as a result of the events, he instructed his lawyers to institute a civil claim for damages against the Ciskei Minister of Justice and policemen concerned.

"In view of the nature of such conduct and likelihood that the perpetrators will do everything possible to conceal the truth. I sub-

mit that it is essential that I be given an opportunity to attempt to secure evidence which would support my allegations and in the circumstances, if possible to do so, I wish to secure as evidence, equipment which was used in commission of the acts," Dyantyi said.

He said policemen responsible for torturing him had displayed such contempt for human life and law that they were likely to obstruct any investigation. He applied that the application be heard in camera.

Soci filed a supporting affidavit detailing similar allegations of assault and torture by the security police. He went further to name the security police involved.

Soci submitted that in the interest of justice, the order should be granted to enable them to prove their allegations.

Meanwhile, a King William's Town Regional Court this week ruled that a statement made by an alleged ANC guerrilla is admissible as evidence against him.

This ruling was made in a terrorism trial where Mxolisi Sokopo, 25, in a trial-within-a-trial, denied that he made it freely and voluntarily.

Sokopo told the court the security police promised him he would not be charged and as a result, he made the statement. Amongst admissions he made, was pointing out arms in Vryheid.

His trial has been going on since April, with the State leading evidence regarding the circumstances under which the alleged

cadre was arrested at Dunman Village in East London on 22/12/87

The State alleges that Sokopo was involved in ANC activities, its membership and furthering its aims and objectives and that he underwent military training in Angola, and East Germany.

He is further charged with being in possession of weapons and banned publications and also faces fraud-related charges.

Sokopo pleaded not guilty to all counts.

The trial continues at the end of July. — Elnews



# 'INHUMAN

# JAIL'

## 5 prisoners claim in Supreme Court action

FIVE prisoners, including a 64-year-old man, who are serving terms ranging between three and 20 years, have alleged in affidavits that conditions inside the Wellington Prison in Umtata, Transkei, were inhuman.

In papers lodged with the Transkei Supreme Court last week the men sought the improvement of the conditions inside the prison, that prison officials refrain from assaulting them, that they be allowed reading material and study facilities, given proper food and that they be allowed to participate in sporting activities.

### Jail

The matter has been set for hearing on September 1.

The applicants are Shadrack Nongoma (44), Victor Cassim Mdluli (35), Joseph Jongile (34), James "Castro" Kati (66) and Marelane Kopman (39).

Kati was sentenced to 13 years' jail on October 6, 1982 for furthering the aims of the African National Congress and terrorism. The sentence was reduced to seven years after an appeal.

He said in his affidavit that he was not afforded political prisoner status and despite several letters to the Prisons Board since 1985 he was still graded "B", meaning he was a common prisoner.

Kati said he had also not been allowed study



ORLANDO Pirates' striker Lawrence Maake in a mid-air battle for the ball with Farook Nkuna of Magic Curl Celtic. This was in their thrilling Castle League match played at Orlando Stadium yesterday. The game ended in a goalless draw.

Pic: JOE MOLEFE

## MANDELA CONCERT NOW IN BALANCE

THE staging of the Mandela Concert for Peace hung in the balance at the weekend following the detention in Cape Town of activists connected with the venture.

Weekend reports linked the nine detainees with the concert being planned as a birthday party for jailed African National Congress (ANC) leader, Nelson Mandela. The nine, who include a journalist, a teacher, a photo journalist and various office bearers of the restricted United Democratic Front, were detained on Friday.

Relatives were quoted as saying the nine were being held under emergency regulations.

Their detention, which came after the

release last week of other UDF leaders, was widely seen as a prelude to the banning of the concert. Release Mandela Committee spokesman, Mr Aubrey Mokoena, said at the launch of the concert that he did not "think" that the Government would ban the concert.

The nine detainees are Mr Jonathan Shapiro, a cartoonist; Mr Bulelani Ngcuka, a lawyer; journalist Rehana Rossouw; Mrs Veronica Simmers; Mr Omar Badsha, a photo journalist; Mr Saleem Mowzer, a high school teacher; Mr Zolile Malindi, UDF Western Cape president; Mr Nabs Wessels, of the Dependents Conference and Monde Belfour of the KTC peace committee.

The mild cigarette that satisfies

Rothmans King Size Special

Made in South Africa. Also in Great Britain, Canada, Holland, Malaysia.



## Pair is charged

*Sowetan 11/17/88*  
A MAN and a woman will appear in the Johannesburg Magistrate's Court today charged with being in possession of undesirable literature. (321)

Miss Petronella Mabel Mentor (24) of Vergenoeg Township, Kimberley and Mr Freddy Mpifikile Vanga (22) of Thabong Township, Welkom, were arrested in a Johannesburg hotel on May 17 this year.

The State alleges that the two were found with publications which included *Voice of Women*, *Year of Advanced People's Power*, and *Journal of the African National Congress Women Section No. 2 and 3, 1987*.

The two are out on bail of R200 each.

## hold talks over Six

LONDON — In what appears to be a change of heart, British Prime Minister Mrs Margaret Thatcher has agreed to see Miss Joyce Mokhesi, the sister of one of the Sharpeville Six on death row in South Africa.

Miss Mokhesi told *The Independent* that she would ask the Prime Minister tomorrow to intervene personally with President Botha to persuade him to exercise clemency, or reopen the trial of the five men and one woman convicted of the murder of a black councillor in the Transvaal township.

"I will ask her to see the injustice in the case ... and try to make her see that the Six have not been justly dealt with. I will point out some of the inconsistencies in court procedure.

"I still feel that if the case was reopened, if new evidence was reviewed, there would be a different result."

Mrs Thatcher has said she will not intervene again until all legal remedies have been exhausted. However, Miss Mokhesi reacted that in that case the Six might be executed before Mrs Thatcher could intervene.

### WARNED

Pretoria has warned that too much international pressure for the lives of the Sharpeville Six could be counter-productive. But a telephone call from Mrs Thatcher to Mr Botha could be decisive.

Although some 50 people in South Africa face the gallows for unrest-related offences, the Sharpeville Six have drawn particular attention because they were convicted under the legal doctrine of "common purpose."

Last week, Mr Joseph Manete, a key state witness, wrote to President Botha saying he committed perjury. Mr Manete added that the police had threatened to torture him if he did not name two of the accused.

In March, Mrs Thatcher turned down Miss Mokhesi's request for a meeting. — The Independent News Service.

Domino



# Jail claim

● From Page 1

South Africa 11/7/86  
facilities after several attempts to get permission.

Nongoma was sentenced to 17 years' imprisonment on August 1986 for armed robbery. In December he was given an additional two years' jail for escaping from custody.

In the affidavit he said:

"Arguments and fighting between prisoners in cells is common as are incidents of sodomy and indecent assaults," he said.

**JOYCE Mokhesi, sister of one of the "Sharpeville Six", describes her feelings on seeing his accuser, and on the social consequences of execution by either judges or mob.**

**'M**Y brother has been on death row since December 1985. It is a separate block within Pretoria Central Jail.

People arrive in vans. They leave in coffins. Until they are hanged, they spend most of each day in solitary confinement, lone witnesses to the steady progression of death.

More than 300 people have been executed since my brother Francis arrived.

Waiting for your brother's execution, and hoping that calls for clemency will be successful, is a punishing experience. Really, I do not wish anyone to have a relative on death row. I find thoughts of Francis suddenly overwhelm me with tears — in the street, while cooking, at lonely airports waiting for the next plane to take me to another Western country, or in my sleep.

But last Friday night, there was Joseph Manete on television in England, one of the two key State witnesses who testified against the Sharpeville Six. And he was explaining what the lawyers have long suspected, namely that the South African Police had forced him to tell lies.

### Responsible

I had never really thought what it would be like to meet someone directly responsible for putting my brother on death row. I had assumed that my heart would be dead to the person, that I would feel a cold indifference to whether he lived or died. No so.

When I saw Joseph Manete on television last Friday, only one thought went through my mind:

**Mokhesi's sister pleads for Manete's life**

**FOCUS**

This man must not die. My feelings are normally private. That they cannot be in this matter is an example of how the violence inflicted on us Africans by the South African State corrupts our society, even as it stirs people to revolt.

I saw that Manete had not escaped punishment either. I shall not forget the sight of this man, his voice flat, his spirit smashed. A person who said that justice had impelled him to speak the truth, and who looked so dead to the world that I could see he would risk anything to ease his guilt and recover his self respect.

He carried the pain of crushing shame, which Judas must surely have felt. Of course, Manete is not a Judas. Judas

# Save my brother's betrayer

Sowetan 12/7/88



Miss JOYCE Mokhesi, sister of Francis Mokhesi, who is on death row.

betrayed out of love for money. Manete bore false testimony out of fear. Many of our young people do the same, they get caught up in larger forces, they sign statements they do not mean, if they try to retract them they face long years in prison.

At each step down this road, the risks of telling the truth become greater.

### Impelled

The spirit of justice has now impelled Manete to take the biggest risk of all. Those who advised him to appear on television bear a heavy responsibility for his safety.

The security forces will not be pleased with him. They may find some opportunity to demonstrate their feelings. But the risk comes also from my people. Informers and those who become State witnesses in political trials are often necklaced if they are ever identified later.

Shortly before the Six were due to hang last March, my brother reached the point where he no longer felt the need to plead for his life. If President Botha wanted to kill him, then he was prepared to be a martyr for justice. If President Botha wanted to spare the Six, he was happy to live too.

But while my brother was adjusting to the prospect of his execution, Manete must surely have

realised that if the Six died, he would not be able to repent for his sins.

Watching him on television, I understood why Judas would have believed, however wrongly, that he was hateful to Christ. The thought clarified my own feelings too.

My whole family is angry with Joseph Manete. He had the opportunity at the trial not to tell lies. He did not take it. Another State witness, Johannes Mongale, was braver and retracted his evidence at the start of his cross examination.

Manete is now in the position where he is rejected by his own people and by the State he sought to appease. But although I am angry with Manete, I do not hate him. My feelings would

not be important, if our society were not being consumed by violence.

Necklacing is the most horrible way to die. As bad as the whispering rumours that a particular person is an informer. Terrible mistakes are made, old scores are settled. All killing is wrong.

### Consequences

Even when real informers are killed, the consequences are entirely bad, both for his killers and for society. For this sort of killing encourages our people to feel their lives are cheap — just as cheap, in fact, as the system tells us we are. Such killings take away our humanity, they make people believe that compared with their victims they are perfect.

In fact, injustice makes victims of us all. Worst of all, these murders turn us into the narrow-minded, selfish and prejudiced demons who support the system that oppresses us.

We cannot gain our freedom or build a fair society on such foundations. It is for this reason that I have to state clearly: Although Manete is an informer and a State witness I want to see him live.

• The Independent News Service, London.



Political comment in this issue by Aggrey Klaaste and Joe Tholoe. Sub-editing, headlines and posters by Sydney Matlhaku. All of 61 Commando Road, Industria West, Johannesburg.

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# 'SEND 6 TO WEST GERMANY'

*Sowetan 12/7/88 (331)*  
THE Sharpeville Six should be pardoned on condition that they are given sanctuary in West Germany, the Victims of Apartheid organisation has said.

It petitioned the State President Mr P W Botha, to allow this and has appealed to the West German Government to take the Six.

The Durban-based Victims of Apartheid is a group that tries to re-settle oppressed black South Africans in industrialised countries. Its chairman is Mr J P Thomasah.

"As we believe that they should be pardoned on humanitarian grounds and also to placate hostile world opinion, we appeal for clemency on their behalf. But a pardon should be made conditional on West German help in their future well-being."

West Germany is the current leader of the European Economic Community (EEC).

• Sapa reports that lawyers for the Six expect to have to apply this week for a further extension of the stay of

## SOWETAN CORRESPONDENT

execution for their clients, due to hang next week.

Mr Prakash Diar, acting for the Six, explained that if it was thought that the Chief Justice would not have responded to the petition by the July 19 deadline for the stay of execution, the Six would ask for an extension of their temporary reprieve.

• *The Independent* reports from London that in what appears to be a change of heart, Prime Minister Mrs

Margaret Thatcher has agreed to see Joyce Mokhesi, the sister of one of the Six.

Mrs Thatcher has said she will not intervene again until all legal remedies have been exhausted but Miss Mokhesi said that, if the Prime Minister waited till then, the Six might be executed before she could intervene.

In March, Mrs Thatcher turned down Miss Mokhesi's request for a meeting.

• See page 4.



## Ministers to discuss tightening sanctions

OTTAWA — Canada said yesterday that a committee of Foreign Ministers of eight Commonwealth countries, dedicated to speeding racial reform in South Africa, will meet in Toronto on August 2-3.

The Commonwealth Committee of Foreign Ministers on Southern Africa, created at the meeting of Commonwealth leaders last October, will examine the application of sanctions "with a view to tightening and intensifying measures," a statement by Canada's Department of External Affairs said. Sapa-Reuter.

# Ex-Tambo bodyguard was needed for trial

By Jo-Anne Collinge

A former bodyguard of African National Congress leader Mr Oliver Tambo, who was shot dead in Soweto last week, was likely to have given evidence in defence of Mr Ebrahim Ismail Ebrahim, allegedly the highest ranking ANC member to stand in the dock since the Rivonia Trial.

The legal defence team in the Ebrahim trial "was shocked and stunned" at the killing of Mr Sidney

Jabulani Msibi (31), said attorney Mr Chris Watters.

He pointed out Mr Msibi had been the only man known to them in South Africa whose personal experience put him in a position to dispute evidence given by State witnesses.

Mr Msibi ended up living in Soweto again after being kidnapped from Swaziland in July 1986 and detained by the South African police until November that year.

He was shot dead in Pimville on Tuesday night while he was helping a friend close his shop. He was certified dead on arrival at Baragwanath Hospital.

In recent weeks he assisted lawyers who are defending three alleged ANC men — Mr Ebrahim, Mr Simon Dladla and Mr Acton Mandla Maseko, who face charges of treason.

They are alleged to have been involved in the placing of landmines in the southeastern Transvaal in 1986.

Mr Watters said part of the State's case was that Mr Ebrahim was chairman of the Swaziland-based body which controlled all ANC operations in the Transvaal and Natal from 1984.

Mr Watters said Mr Msibi's testimony had been sought especially in relation to this allegation.

## English RFU sidesteps SA man

The Star Bureau

LONDON — The English Rugby Football Union has avoided the potentially embarrassing situation of having an SA-born president in the year it helps host the World Cup.

Mr Danie Serfontein, a Newcastle dentist who has lived in England since 1964, was due to take over the RFU in the 1991/92 season.

However, former England lock forward Mr Peter Yarranton will now get the job.

Mr Serfontein said yesterday he had agreed to the change and was not disappointed as "I can't afford the time that would be required to help run the World Cup".

South Africa will almost certainly be excluded from the World Cup, as it was in New Zealand and Australia in 1987.

Mr Serfontein has represented Northumberland on the RFU committee since 1972.

The RFU presidency is normally passed on every two years.

Deaths

Deaths

Funeral Notices

Funeral Notices

Funeral Notices

## Bid for sanctuary for Sharpeville Six

Own Correspondent

542 12/27/68  
(33) DURBAN — The Sharpeville Six should be pardoned on condition that they are given sanctuary in West Germany, the Victims of Apartheid organisation has said.

It petitioned State President Mr P W Botha to allow this, and has appealed to the West German government to take the Six.

The Durban-based Victims of Apartheid is a group that tries to re-settle oppressed black South Africans in industrialised countries.

"They should be pardoned to placate hostile world opinion," it said.

## Case postponed

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A MAGISTRATE in Johannesburg yesterday postponed the case of two people charged with being in possession of undesirable literature to August 5.

They are Petronella Mabel Mentor (24), of Vergenoeg, Kimberley, and Freddy Mpifikile Vanga (22), who were

arrested in Johannesburg on May 17, this year. They pleaded not guilty.

The State alleges they were found in possession of "Voice of Women", "Year of Advanced People's Power", "Journal of the ANC Women Section No. 2 & 3 1987" and a document without a heading.

Southern 12/7/88



**JOHANNESBURG.** — The Minister of Justice, Mr Kobie Coetsee, yesterday formally ordered a stay of execution of the condemned Sharpeville Six while appeal judges consider a last-chance defence plea to reopen the 1985 trial.

In a statement, Mr Coetsee said the five men and a woman must "be afforded the opportunity of exhausting the remedies which the law offers". The six were given until July 19 to lodge an appeal.

Amid pleas for clemency and Western threats of diplomatic retaliation if the six are executed, Mr Coetsee also urged against "arousing feelings for or against the prisoners".

The spokesman for the defence team, attorney Mr Prakash Diar, yesterday said judges at the Appeal Court, the nation's court of last resort, had not yet ruled on the petition to reopen the case.

### Clemency

If the appeal is denied, Mr Diar said, the defence would ask President P W Botha for clemency.

Mr Coetsee said: "The prisoners have now filed a petition with the (Appeal Court) for leave to appeal.

"Consequently their execution has been suspended to afford them the opportunity to pursue the remedy of a possible appeal as well as all other legal remedies at their disposal."

The minister's statement said the Transvaal Provincial Division of the Supreme Court had ordered that the execution of the six prisoners be postponed to July 19.

However, Mr Coetsee said, "Since no sentence can be executed prior to the legal processes having been completed, the date of July 19 is therefore no longer of any significance."

Mr Diar said Mr Coetsee "acted reasonably" in staying the executions indefinitely.

"We believe there is sufficient legal ground for these people not to hang."

In a trial judgment later upheld by the Appeal Court, Mr Justice Human convicted the six in December 1985 on the "common cause" principle of taking part in the mob killing and burning of councillor Mr Khuzwayo Jacob Dlamini although no evidence proved any one caused his death.

Mr Justice Human on March 17 stayed the executions 15 hours before the six were scheduled to go the gallows, when Mr Diar and other defence lawyers challenged evidence by state witness Mr Joseph Manete who said he was a "police-pressured state witness".

Meanwhile, the sister of one of the six said in London yesterday that a 40-minute talk with the British Prime Minister, Mrs Margaret Thatcher, had given her hope.

Miss Joyce Mokhesi declined to discuss the meeting in detail.

In parliament yesterday Mrs Thatcher said she was prepared to renew an appeal to President Botha for clemency. Should a death sentence be confirmed, representations "will be made not only by me but by the Toronto summit seven and the (European) Community 12", she said. — Sapa-Reuter and UPI

# Six get a stay

Minister orders a delay of execution for the Sharpeville Six

SpC - Timis 13/7/88 331

Monday, July 13, 1988



MRS Thatcher.

# Now Thatcher takes a stand Minister stalls execution of the Vaal Six

*Sowetan*  
13/7/88  
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## SA Press Association

THE execution of the Sharpeville Six has been suspended again to allow them to pursue a possible appeal, the Minister of Justice, Mr Kobie Coetsee, said yesterday.

He said in a statement that in the case of the State versus Mojalefo Reginald Sefatsa and others, a petition had been filed with the registrar of the Appellate Division for leave to appeal.

The execution of the Six prisoners was postponed to July 19 by the Transvaal Supreme Court on June 13 this year to give them "the opportunity of availing themselves of any further legal remedies that may be at their disposal."

He said the court's approach was to ensure that the prisoners were afforded the opportunity of exhausting legal remedies, including any appeal.

"Since no sentence can be executed prior to the legal processes having been completed, the date of July 19 is therefore no longer of any significance."

"All interested parties are requested to refrain from arousing feelings for or against the prisoners. This can serve no purpose and may only tend to obstruct the

course of justice," he said.

Mr Prakash Diar, a lawyer representing the Six, welcomed the news of the reprieve, saying the Minister of Justice had "acted reasonably."

He said: "We were going to apply for a stay of execution had he (the Minister) not taken this decision. We are now waiting for the Chief Justice to respond to a petition calling on him to grant us leave to appeal, so that we can have the trial re-opened."

Meanwhile the British Prime Minister, Mrs Margaret Thatcher, has pledged to make a personal appeal to the State President, Mr P W Botha, to save the Sharpeville Six once all legal moves have been exhausted.

She made the promise after a 40-minute meeting with Miss Joyce Mokhesi, sister of one of the Sharpeville Six, Francis Mokhesi yesterday.

A smiling Miss Mokhesi was obviously keen to keep an agreement made with the British Premier not to reveal exact details of their discussion, which she described as "interesting and productive."

But she indicated that the telephone call to President P W Botha that she so badly wants Mrs Thatcher to make may not be out of the question.

"And she was clearly delighted at such public confirmation that Mrs Thatcher was behind efforts to save the Six from the gallows."

Miss Mokhesi, who has seen a number of other heads of State during her 12-month crusade to persuade Western governments to intervene, believes that Mrs Thatcher's word carries great weight with Mr Botha and that her personal intervention "could be decisive."

She said during the meeting Mrs Thatcher had appeared very "caring and concerned" about the fate of the Six. "She has not given up hope, and I am more hopeful now."

The meetings, she said, had "provided a lot of support to the campaign to obtain clemency for the Six."



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**CLINIC**

## Postponed hanging welcomed in Britain

LONDON — The decision to postpone indefinitely the execution of the Sharpeville Six has been widely welcomed in Britain.

It was a major item on television and radio broadcasts last night and is front-page news in several of today's newspapers. Both Whitehall and Downing Street, where Mrs Thatcher met Miss Joyce Mokhesi yesterday, welcomed the decision.

One commentator, John Dickie of the *Daily Mail*, says South Africa has "bowed to worldwide concern. The suspension of the executions had all the appearances of a face-saving device", he writes.

In the House of Commons, Mrs Thatcher told MPs she was prepared to renew an appeal to President Botha for clemency on behalf of the Six.

The execution of the Sharpeville Six has been suspended again to allow them to pursue a possible appeal, Justice Minister Kobie Coetsee said in Pretoria yesterday.

In the case of the State versus Mojalefo Reginald Sefatsa and others, a petition had been filed with the Registrar of the Appellate Division for leave to appeal, the Minister said in a statement. — The Star Bureau and Sapa.

## Attack on

THIRTEEN STORIES



## Left and Right clash over executions

# Views differ on fate of Sharpeville Six star 13/7/88 321

By Esmaré van der Merwe,  
Political Reporter

Parties on the political Left have expressed concern about a serious deterioration in international relations and increased internal tension should the execution of the Sharpeville Six take place.

The Conservative Party, on the other hand, said South Africa should not pay any attention to the "expected, orchestrated" international reaction.

The Six — five men and a woman — were convicted under the doctrine of common purpose of the murder of the deputy mayor of Lekoa, Mr Khuzwayo Dhlamini. The State President was petitioned for clemency but said he would not interfere with the

processes of law. A petition has also been sent to the Acting Chief Justice who has yet to give a decision.

Spokesmen for the National Democratic Movement (NDM), the Independent Party (IP) and the Progressive Federal Party (PFP) yesterday called on President Botha to exercise his prerogative to save the Six from the gallows.

They stressed they did not question the validity of the Supreme Court's finding (upheld by the Appeal Court) or the integrity of the judiciary.

Mr Malan said the Six should be reprieved in the light of the "political emotion and political consequences" involved in this particular case. He suggested that long jail sentences should be imposed.

If the Six were hanged, international punitive measures against South Africa, such as sanctions and boycotts, would be increased massively.

### Favourable consideration

PFP justice spokesman Mr Jan van Gend hoped that the Chief Justice would give favourable consideration to the petition delivered to him.

Applications to the court to have the case reopened "should not be refused, even if there is only the slightest prospect of new evidence".

A spokesman for the Independent Party warned of a worldwide outcry against South Africa. Internally, the hangings would increase tension and polarisation.

CP spokesman Mr Moolman Mentz said the Six had been found guilty through the normal processes of law. If the court could find no grounds for mitigation, its decision should stand.

# Sharpeville Six: UK welcomes decision

17645 13/7/88

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**The Argus Foreign Service**  
LONDON. — The decision to postpone indefinitely the execution of the Sharpeville Six has been widely welcomed in Britain.

It was a major item on television and radio broadcasts last night and is front-page news in several of today's newspapers.

Both Whitehall and Downing Street, where Mrs Margaret Thatcher met Miss Joyce Mokhesi, sister of one of the Six, welcomed the decision.

In the House of Commons, Mrs Thatcher told MPs she was prepared to renew an appeal to President Botha for clemency on behalf of the Six.

She said: "Representations have been made by me through the usual channels, the best channels, for clemency. Should the death sentences be upheld, they will be made again not only by me but reinforced by the Toronto summit seven and the European Community 12."

Commentator John Dickie, of the Daily Mail, says South Africa has "bowed to worldwide concern. The suspension of the executions had all the appearances of a face-saving device".

Minister of Justice Mr Kobie Coetsee said yesterday the execution of the Six had been suspended again to allow them to pursue a possible appeal.

In a statement, he said that in the case of the State versus Mojalefo Reginald Sefatsa and others, a petition had been filed with the Registrar of the Appellate Division for leave to appeal.

The execution of the six prisoners was postponed to July 19 by the Transvaal Supreme Court on June 13 this year to

give them "the opportunity of availing themselves of any further legal remedies that may be at their disposal".

He said the court's approach was to ensure that the prisoners were afforded the opportunity of exhausting legal remedies, including any appeal.

"Since no sentence can be executed prior to the legal processes having been completed, the date of July 19 is therefore no longer of any significance.

"All interested parties are requested to refrain from arousing feelings for or against the prisoners. This can serve no purpose and may only tend to obstruct the course of justice," he said. — The Argus Foreign Service and Sapa.



By PATRICK LAURENCE

After four stays of execution, the Sharpeville Six still wait in the shadow of the gallows. Whatever their fate, their story will be remembered.

The last-minute reprieve granted the Sharpeville Six is the fourth time they have temporarily escaped the death penalty.

The drama surrounding the case — which is threatening South Africa's international relations — stretches back to September 3 1984.

On that day, the Six — Mojaleta Sefatsa, Reid Mokoena, Oupa Diniso, Theresa Ramashamola, Dumu Khumalo and Francis Mokgesi — were part of an angry mob of 100 people which murdered a Sharpeville councillor, Mr Kuzwayo Dlamini. The Six have lived in the shadow of the gallows

# Waiting in shadow of the gallows

ever since they were sentenced to death by the Supreme Court in December 1985.

But the drama surrounding their situation has intensified since December 1987, when the Appeal Court confirmed the verdict of the Supreme Court.

Their fourth stay of execution was made by the Minister of Justice, Mr Kobie Coetsee, to defer their execution indefinitely.

He intervened barely five days before the expiry of the latest stay of execution on Monday, July 19.

He did so to enable lawyers for the condemned Six — five men and a woman — to exhaust all legal avenues open to them to save their clients.

At present the Six have petitioned the Chief Jus-

tice for permission to appeal against the refusal of Mr Justice Human to order a re-opening of the trial.

The application to Mr Justice Human was made in June after a state witness, Mr Joseph Manele, said he been forced to perjure himself and, in the process, to implicate two of the accused in the murder of Mr Dlamini.

Mr Justice Human, however, rejected the application for a re-opening of the trial to allow cross-examination of Mr Manele and to hear further evidence as "trivial and absurd".

Cross-examination of Mr Manele would be "an exercise in futility", he said.

It was then that Mr Justice Human extended the

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SA 1417188

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stay of execution to July 19. He had earlier granted two stays of execution, the first, on March 17, only hours before the Six were scheduled to be hanged.

In his judgment on June 13, in which he rejected the application for a re-opening of the trial, Mr Justice Human noted that two courses of action remained open to the lawyers for the Six: they could petition the Chief Justice for leave to appeal against his decision refusing to re-open the trial and/or they could appeal to the President either to order a re-opening of the trial or to grant clemency to the Six.

He ordered a stay of execution until July 19, saying he was of the view that 35 days was enough "to pursue either of these remedies".

With only five days to go to the expiry date, lawyers and family of the Six were still anxiously awaiting a response from the Chief Justice to their petition for leave to appeal. Very little time was left to appeal to the State President.

It was then that Mr Coetsee interceded to extend the July 19 deadline indefinitely, saying: "Since no sentence can be executed prior to the legal processes having been completed, the date, July 19 1988, is no longer of any significance."

Nearly seven months ago, when the Appeal Court confirmed the death sentences, Mr Justice J A Botha agreed that none of the Six had been proved to have "contributed causally" to the death of Mr Dlamini. But he found that "each of the accused shared a common purpose to kill the deceased with the mob as whole".

Whatever fate awaits the Six, their story will certainly echo in the corridors of history.





Professor SAS Strauss at the London conference.

## UK gets 'other (631) side of (254) picture' <sup>STV 14/7/68</sup>

The Star Bureau

LONDON — The South African Embassy in London acted yesterday to answer the furor surrounding the Sharpeville Six and the detention of children.

A video film shown at a press conference was intended to respond to the BBC's recent "Suffer the Children" programme.

Professor SAS Strauss, professor of criminal law at Unisa, was introduced to the conference at the embassy to "explain procedures" in the Sharpeville Six case.

He thought it unlikely that the case would be resolved until October or November this year, and said the judgment in the trial of the Six had been "fully in accordance with the manifest legal view of the Appeal Court over a long period of time".

He rejected suggestions that politics had influenced the judgment.

In answer to a question he said that in theory, according to the court's interpretation of the doctrine of common purpose, the entire crowd of 100 allegedly involved in the incidents leading up to the death of a Sharpeville community councillor could hang for murder. But it was unlikely.

The high point of the conference was meant to be the short film.

Ambassador Mr Rae Killen warned that the contents were "fairly horrifying".

The film was a grainy black-and-white production with a poor soundtrack that was only discernible in part.

Much of the film, called "The Other Side of the Picture", was taken up with gruesome shots of children beating prone bodies with sticks and burning others.

"Why did 'Suffer the Children' almost completely ignore what these children have been doing?" it asked.

Mr Killen was later unable to give journalists specific details on where the incidents shown in the film had taken place or who had filmed them. He thought they were "mainly taken by overseas television crews".

The film also showed interviews with two youths who, it was alleged, confessed that they had lied to the producers of "Suffer the Children" about police treatment.

Mr Will Wyatt, speaking for BBC's "Suffer the Children", said: "The individual stories brought to the independent producer were all brought by priests, lawyers working in South Africa, and reputable business people who had been studying and looking at these cases over a period of time."

CMC-Tin (331)  
14/7/88

## Bodyguard was state witness, say police

PRETORIA. — Police yesterday reacted to press reports about the killing of a former bodyguard of ANC leader Mr Oliver Tambo by unidentified assailants in Soweto last week.

The Sowetan reported on Tuesday that Mr Sidney Jabulani Msibi, 31, who was shot dead on July 5 in Soweto, was to have given evidence in the defence of Mr Ebrahim Ismail Ebrahim.

Police said the report did not place the incident in the "correct perspective" as Mr Msibi "gave evidence for the state in a case against Mokgabudi and others".

Mr Ebrahim, who along with two others is facing charges of treason and terrorism at Bethal, is allegedly the highest-ranking ANC member to have been tried since the trial of the ANC leadership in the Rivonia case in the 1960s.

The Sowetan reported that a member of Mr Ebrahim's defence team, Mr Chris Watters, was "shocked and stunned" at the killing of Mr Msibi.

Mokgabudi was sentenced to 14 years' imprisonment for terrorism.

The state also intended calling Mr Msibi as a witness in the case against Mr Ebrahim.

"The impression which the Sowetan apparently wishes to create, that Mr Msibi was murdered because he would have given evidence for the defence in the trial of Mr Ebrahim, definitely does not place this incident in the correct perspective," the statement said. — Sapa

CAT TIPS 14/7/88 331

# SA govt explains Sharpeville Six

Own Correspondent

LONDON. — South Africa's ambassador here, Mr Rae Killen, yesterday held a major press conference to put the government's case on the Sharpeville Six and the detention of children.

Mr Killen did not put the case himself; Professor Sas Strauss, a law professor of Unisa, fielded questions.

Professor Strauss defended the judgment in the Sharpeville Six case, saying there was ample precedent for the application of the common purpose doctrine.

He said it was possible the six could escape execution if new evidence were found to exonerate them.

"I think what we might see is that the Chief Justice will call for full argument and that is unlikely to be completed within the next six weeks."

Professor Strauss speculated that it was likely that a final ruling on the six would be made only as late as October or November this year.

He rejected any suggestion that the decision in the Sharpeville Six case had been influenced by government. Nor, he said, had the decision by the Minister of Justice, Mr Kobie Coetsee, to grant an indefinite stay in execution been influenced by political considerations.

Asked to comment on remarks by former British Lord Justice of Appeal Lord Scarman, that aspects of the case against the six

## 'It is sapping my blood' — father

SHARPEVILLE. — Mr Basie Mokgesi, the ageing father of Francis Mokgesi, one of the Sharpeville Six, yesterday said he still hoped his son's life would be spared but admitted the affair "is sapping my blood".

"I'm getting tired of it," Mr Mokgesi, 75, told a visitor.

"What can I do?" he asked. "Let the white man do what the white man will do."

Mr Mokgesi's daughter Joyce is on a mission funded by Western European embassies, a church source said, to lobby for more international pressure on the government to reopen the case.

A former court translator, Mokgesi's father said he viewed Presi-

dent P W Botha as "fairer" than the prime ministers of the past and believed that "justice will be justice" in the case of his son.

Mrs Leah Mokoena, the mother of Reid Mokoena, the youngest of the Six at 24, yesterday openly wept in the tidy garden outside her home over the four-year incarceration of her son.

Mokoena was convicted on the basis of his confession, while in police custody, that he threw a rock at the back of Mr Khuzwayo Dlamini as he lay on the ground. The court rejected defence arguments that the confession was extracted by police through the use of electric shocks. "I wish all six to be freed," said Mrs Mokoena. — UPI

were "dangerous and perverse", Professor Strauss said: "It's questionable whether a Lord Justice should pronounce on the findings without having full access to the full trial record."

When a reporter interjected that Lord Scarman had read the full record, Professor Strauss said: "I can't see how a judge who has not seen or heard witnesses can pronounce on their credibility."

Professor Strauss said he had not read the full trial record him-

self, but had accepted an invitation by the embassy to answer questions because he was satisfied, from studying the judgment, that all arguments had been heard.

Later the embassy screened a government-made film denying allegations of the torture of children and brutality on the part of police in a recent BBC documentary "Suffer the Children".

The government film contained extensive footage of children beating and jumping on necklace victims.



CAPE TOWN 14/7/88

## Giving of privileged info 'very dangerous'

331 Own Correspondent

GRAHAMSTOWN. — A "very dangerous precedent" would be set if an advocate were to be compelled to give evidence about privileged communications which had been made to him by a former client.

This was argued yesterday in the Supreme Court here by Mr Ian Farlam, SC, who appeared on behalf of the Eastern Cape Society of Advocates and two advocates, Mr B Ford and Mr T Fourie.

Before yesterday's developments, Mr Justice Zietsman gave leave to the state to call Mr Ford and Mr Fourie as witnesses against their former clients, seven Sterkstroom residents, who face charges of murder, arson and the possession of explosives.

The advocates, who initially appeared for the seven as pro Deo counsel, were due to testify yesterday on certain instructions given to them by their clients at consultations.

However, when Mr Fourie was called by the state, Mr Farlam intervened and requested the court to allow further argument to be heard on the matter.

He submitted that the court could reconsider its decision — a judgment given on the admissibility of evidence could be recalled by the judge before the end of the case.

Mr Justice Zietsman gave leave to the Eastern Cape Society of Advocates to intervene and to Mr Farlam to submit arguments as to whether the judgment should be reviewed.

The present application appeared to be an unprecedented one in South Africa.

## Respite for Death Row man

A 25-YEAR-OLD Soweto man who was last year sentenced to death for the "necklace" murder of an alleged informer, was yesterday granted a stay of execution by a Pretoria Supreme Court judge.

Mr Acting Justice O'Donovan also granted Abram Mngomezulu, who was due to be hanged this morning, leave to petition the chief justice. The order also enables him to petition the State President, Mr P W Botha. *Sowetan 14/7/88*

Mngomezulu and four others were sentenced in the Rand Supreme Court on November 25, last year, following the "necklacing" of Mr Mandla Justice Khoza. No extenuating circumstances were found to exist in their case and they were refused leave to appeal. *331*

# Msibi, Bopape: Police react

POLICE said a report in the *Sowetan* yesterday on the death of a former bodyguard of ANC president, Mr Oliver Tambo, did not place the incident in the "correct perspective."

A police statement said Mr Sidney Jabulani Msibi, who was shot dead on July 5, in Soweto, "gave evidence for the State in a case against Mokgabudi and others."

In this trial, "the State was, to a large degree, dependent on the

evidence of Mr Msibi."

Mokgabudi was sentenced to 14 years' imprisonment for terrorism. The State also intended calling Msibi as a witness in the case against Mr Ebrahim Ismail Ebrahim. Mr Msibi would also have been an important witness in this trial.

"The impression which the *Sowetan* apparently wishes to create, that Mr Msibi was murdered because he would have given evidence for the defence

in the trial of Mr Ebrahim, definitely does not place this incident in the correct perspective," the statement said.

It added: "It is the acknowledged, stated, policy of the ANC to put to death so-called sell-outs, including State witnesses. A number of persons who have given evidence for the State have been killed by the ANC. These include Messrs: Abel Mtembu, Leonard Nkosi, Ben Langa and Bartholomew Hlapane and his wife."

POLICE yesterday said publishing the escape on June 12 of Mr Johannes Maisha Stanza Bopape while he was being taken to Vereeniging would have jeopardised investigations into activities of trained ANC guerillas in the area.

A statement from the SAP public relations division, Pretoria, said: "Mr Bopape wilfully escaped from police custody during the night of June 12, 1988 while being escorted by motor vehicles to Vereeniging, where certain police investigations were in process".

"A flat tyre en route necessitated the police vehicle to stop and while

the spare tyre was being fitted, Mr Bopape made good his escape.

"His present whereabouts are unknown," the statement said.

"An official case docket pertaining to his escape was registered on June 13, 1988 and is still under investigation.

"The escape was not made public at the time as it would have jeopardised a current police investigation".

"The SA Police appeals to anyone who may have any information as to the present whereabouts of Mr Bopape to contact their nearest police station".



# Fedcrow acts on official

*Soweto 14/7/88*

*331*

TRADE unionist Mr Isaac Mpiti has been restrained by the Rand Supreme Court from continuing to act as an official of the Federal Council of Retail and Allied Workers, writes LEN MASEKO.

This follows an urgent application lodged by Fedcrow last Friday, seeking a court interdict to restrain Mr Mpiti from calling a meeting under the union's auspices.

Mr Mpiti was to have convened a meeting of Fedcrow members from Edgars stores at a hall in Dobsonville on July 10, according to papers filed by the union.

In terms of the interim order, Mr Mpiti is to:

- Return all property belonging to the union;
- Refrain from "holding himself out" to be a

representative or office bearer of the union; and

- Refrain from using stationery belonging to the union.

The return date is August 2, when Mr Mpiti will be asked to show cause why a final order should not be granted against him.

Meanwhile Mr Mpiti and Fedcrow are to be the subject of another Supreme Court case in which he contested the validity of elections which brought a new executive committee into office, a spokesman for the union said.

Mr Mpiti, according to Fedcrow, has asked the court to declare the meeting in which the elections were held null and void. The date for the hearing has not yet been set.

# Tambo's man was treason trial witness

By MUSA ZONDI

THE former African National Congress bodyguard and guerrilla who was gunned down in Soweto last week was to be a crucial witness in an ANC treason trial.

Sidney Jabulani Msibi, 31, was the only person in South Africa whose personal experience put him in a position to dispute evidence given by the state witnesses in the trial of Ebrahim Ebrahim, Simon Dladla and Mandla Maseko.

On the other hand the police have claimed the state had considered calling Msibi as a state witness.

Ebrahim, Dladla and Maseko are charged with treason for the alleged placing of landmines in the southeastern Transvaal in 1986.

According to defence counsel for Ebrahim, Msibi was to be called as a witness for the defence.

Ebrahim's attorney Chris Watters said Msibi was the only person who could have disputed the state's allegation that Ebrahim was the chairman of the Swaziland branch of the ANC. The branch allegedly controlled all ANC operations in the Transvaal and Natal in 1984.

But police said Msibi had given evidence for the state in the trial of two former security policemen who spied for the ANC. In this trial the state was "to a large degree dependent on

the evidence of Msibi". The state had also intended calling Msibi as a state witness in Ebrahim's trial.

Msibi was gunned down in Soweto last week by an unidentified gunman.

He had been abducted in Swaziland in 1986 by the South African security police but released when his lawyers threatened court action. Citing examples of Ben Langa and others, police claimed it was the policy of the ANC to "put to death so-called sell-outs including state witnesses".

Msibi had been living with his family in Pimville at the time of death. His mother, Edna Gigaba, said Msibi had no enemies except the police who detained him twice in 1986 after his release from custody.

~~SECRET~~

331

W/Heil 15-21/7/88

# State puts its case on Six

Sowetan 15/7/82

331

Sowetan Foreign News Service

**LONDON —** The South African embassy here moved on Wednesday to answer the mounting furore surrounding the Sharpeville Six and the detention of children.

However, the poor quality of a film intended to respond to the BBC's recent *Suffer the Children* programme left journalists at a well-attended Press conference snickering.

Professor SAS Straus, professor of criminal law at Unisa, was introduced to the conference at the embassy building on Trafalgar Square to "explain procedures" in the Sharpeville Six case.

He said he thought it unlikely the case, which has enjoyed front-page prominence in British newspapers, would be resolved until October or November.

He thought the judgment in the trial of the Six had been "fully in accordance with manifest legal view of

the appeal court over a long period of time."

Prof Strauss rejected suggestions that politics had influenced the judgment.

He was asked if the court's interpretation of the doctrine of common purpose meant that the entire crowd of 100 allegedly involved in the incidents leading up to the death of a Sharpeville community councillor could hang for murder: "Theoretically it is possible," said Prof Strauss.

Prof Strauss denied that he was at the conference as part of the South African Government's propaganda drive.

But the high point of the conference, attended by representatives of almost all London's major newspapers, radio services and television networks, was meant to be the short film.

Ambassador Mr Rae Killen warned that the contents were "fairly horrifying and might turn your stomach."

The attendant journalists were treated to a grainy black-and-white production with an appalling soundtrack that was only discernible in part.



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ANC bodyguard was to  
have been state witness

JOHANNESBURG. — The ANC has no idea who killed the former bodyguard of ANC leader Mr Oliver Tambo in Soweto earlier this month.

Police have said that Mr Sydney Jabulani Msibi, 31, gunned down outside a shop in Pimville, had joined the movement in the seventies.

He was abducted by SA agents in Swaziland in 1986 and later 'turned'.

The ANC said the last it had heard about Mr Msibi was when he was abducted from Swaziland in 1986 by the SAP.

"After his release in '86, he never came back to the ANC and we do not know what his activities in SA were," it said.

In a statement, police said the state had intended calling Mr Msibi as a witness in the case against alleged treason accused Mr Ebrahim Ismail Ebrahim and two others. In this trial, Mr Msibi would have been an important witness.

Police said Mr Msibi had previously given evidence for the state against Mokgapudi and others, a case heard in Pretoria Regional Court.

*Sept 18/7/88*  
**Assocom to tell  
govt about 'Six'**

*10/12 31*  
**JOHANNESBURG**

Assocom was reporting to the government on overseas impressions of the Sharpeville Six, the chief executive of the Association of Chambers of Commerce and Industries (Assocom), Mr Raymond Parsons, said yesterday.

He was reacting to reports in certain Sunday newspapers yesterday regarding the role of Assocom and the Sharpeville Six, whose execution was recently postponed. — Sapa



# JAIL FOR 'SICK MA

A CAPE Town man who suffered psychological stress while in detention for two years was sentenced to two years imprisonment in a Pretoria Regional Court yesterday for refusing to testify against seven alleged members of the Pan Africanist Congress and Qibla — a Muslim organisation.

Abdul Aziz Kader refused to testify and submitted that he would be psychologically destroyed because of the stress he sustained during lengthy periods of interrogation in the hands of the security police.

He was arrested on June 17, 1986 and admitted to the Groote Schuur Hospital in Cape Town after being held in solitary confinement for nine weeks. The court heard that he was depressed and suffered from acute stress when he was admitted.

He has been in detention ever since and is still receiving psychiatric treatment.

The magistrate, Mr J H Bekker said Kader had already told the court that it was against his Islamic religion to testify against the accused. He also told the court that he would be ostracised by the community if he testified for the State.

Mr Bekker rejected medical evidence that Kader would suffer from psychological stress if he testified. He said that there was no evidence that Kader was assaulted by the police while in detention. There was also no evidence that the interrogation was brutal.

He ruled that Kader had failed to provide a just reason why he did not want to testify.

Kader refused to testify against Mr Mabatu Enoch Zulu, Mr Ndoba Gcanga, Mr Vincent Mathunjwa, Mr Setsiba Paul Mohohlo,

## Refused to give evidence

the Reverend Daniel Nkopodi, Mr Achmad Cassiem and Mr Yusuf Patel.

Mr Percy Sonn, who appeared for Kader, yesterday submitted in mitigation that the court must take into account that his client was a sick

person who had been in detention since June 17 1986.

Before passing sentence, Mr Bekker said he had taken into consideration the fact that Kader had been affected by the recent death of his mother and aunt and that he had psychological problems while in detention. He also took into account that Kader had been in detention under the Internal Security Act since June 17, 1986.

## Killed by robbery

A PART-TIME worker at a fast food outlet in Rockville, Soweto, was shot dead by three robbers who made away with R500 cash on Saturday night.

Mr Simon Muganzi (29), was about to close George's Fish and Chips in Vundla Drive, when three armed men entered the shop and demanded money. Three shots were fired and one hit Mr Muganzi on the right side of the body. He died on arrival at

Baragwanath Hospital.

Mr Muganzi was among 17 people who lost their lives in various acts of violence in Soweto at the weekend.

The Soweto police PRO, Major Fanyana Zwane, said of the 17 people killed, five had bullet wounds while the rest had either knife wounds or those caused by sharp instruments.

Four armed robberies were

reported cases.

In one robbery of cash.

Fourteen and police three of the cars were one case.

Major Z. were arrested mandrax in

## DESIGNER FASHION GENUINE LEATHER!





# Adjournment for 41 protesters to pay fines

CME Times 19/7/88  
Court Reporter

331

FORTY-ONE students, who appeared in Cape Town Magistrate's Court yesterday in connection with a protest march against a bursary scheme, had their hearing adjourned for arrangements to be made for them to pay admission-of-guilt fines.

The students, mostly of the Peninsula Technikon, were not asked to plead and appeared in connection with contravening the Gatherings and Demonstrations Act.

Mr Peter Newman, 21, who is serving a 12-month prison sentence for spraying anti-government slogans on a wall in Bredasdorp, was held in custody.

The other 40, released on warning, are: Mr Jacob Khumalo, 19, Mr Ndungane Mckalo, 30, Mr Yell Tshabalala, 22, Mr Gladman Speckman, 22, Mr Vivian Philip Braaf, 21, Mr Michael Tarentaal, 22, Mr Bennett Kenneth Bailey, 26, Mr Michael Henry Klayn, 20, Mr Peter Mabena, 23, Mr Johan Africa, 19, Mr Stephen Mark Brown, 21, Mr Graham Siebritz, 20, Mr Bles Rosi, 30, Mr Glenville Meyer, 23, Mr Marthinus Mouton, 20, Mr Nceba Leki Cweti, 20, Mr Bongani Moeti, 20, Mr Dumisan Kumalo, 20, Mr Albert Mtambu, 19, Mr Mzwabantu Mahola, 21, Mr Brian Kiewiets, 21, Mr Sidwill Hugo, 22, Mr Edward Raymond, 21, Mr Vumani Mtati, 24, Mr Morris Mannikus, 22, Mr Ian Feris, 21, Mr Allan Victor Jenneker, 18, Mr Frederick Volkwyn, 25, Mr Trevor Adolph, 22, Mr Petrus van der Horst, 19, Mr Martin Baukes, 22, Ms Colleen Hulley, 24, Ms Vivienne Botia, 22, Mr Jacobs Dasse, 21, Ms Sandra Christoffel, 19, Mr Edward Regue, 21, Mr Ephraim Makgethi, 19, Ms Jacqueline Bailey, 19, Ms Lucia Kekane, 22, and Mr Stephen Rhyne, 19.

Mr M J C Tolken was the magistrate. Mr E Mohammed of E Moose and Associates appeared for the 41.

No deaths were reported.

**ANC courier gets 10 yrs**

AN ANC courier of Mabateng in Lesotho was sentenced in Klerksdorp Regional Court to 10 years' imprisonment. Paul Sepere Lehloenya, 28, was arrested at a roadblock in the Western Transvaal in November last year. Eight limpet mines, 158 mini-limpet mines, six AK-47 rifles, other weaponry and ammunition were found.



# 41 students in court after protest march

Staff Reporter

M645 19/7/88 (33)

FORTY-ONE Peninsula Technikon students have appeared for the third time in the Cape Town Magistrate's Court over a protest march in the city on March 16.

The students appeared yesterday on a charge under the Gatherings and Demonstrations Act for attending an illegal gathering in the precincts of Parliament.

Mr E S Grobbelaar, for the State, said R50 admission of guilt fines would be arranged for 40 of the students by August

18. The students were not asked to plead.

Peter Newman, who appeared in chains, is serving a 12-month sentence in Pollsmoor Prison for spraying slogans on walls.

The students were accompanied to court by the rector of the Peninsula Technikon, Mr Franklin Sonn, the vice-rector, Mr Brian Fijagi, members of the technikon's administrative staff, fellow students and representatives of the Western Province Tertiary SRC.

The students are Mr Jacob Khumalo, 19; Mr Ndungane

Meckelo, 30; Mr Gladman Speckman, 22; Mr Vivian Philip Braaf, 21; Mr Michael Henry Kleyn, 20; Mr Graham Siebritz, 20; Mr Frederick Volkwyn, 25; Miss Jacqueline Bailey, 19; Mr Bles Rosi, 30; Mr Glenville Meyer, 23; Mr Marthinus Mouton, 20; Mr Nceba Loki Cwati, 20; Mr Bongani Moeti, 20; Mr Dumisan Kumalo, 20; Mr Albert Mtembu, 19; Mr Mzwabantu Mahola, 21; Mr Brian Kiewiets, 21; Mr Sidwell Hugo, 22; Mr Edward Raymond, 21; Mr Vumani Mtati, 24; Mr Morris Mannikus, 22; Mr Ivan Ferris, 21; Mr Allan Jenneker, 18;

Mr Trevor Adolph, 22; Mr Petrus van der Horst, 19; Mr Martin Beukes, 22; Miss Colleen Hulley, 24; Miss Vivienne Botha, 22; Mr Jacobus Dassie, 21; Peter Newman, 21; Miss Sandra Christoffel, 19; Mr Edward Regue, 21; Mr Ephraim Makgathi, 19; Mr Stephen Rhyn, 19; Mr Michael Tarentaal, 22; Mr Bennet Bailey, 27; Mr Yeli Tshabalala, 22; Mr Peter Mabena, 23; Mr Johan Africa, 19; and Mr Stephen Brown, 21.

Mr M J C Tolken was on the Bench. Mr E S Grobbelaar appeared for the State. Mr E Mohammed appeared for the students.

CAIC Times 20/7/88

## Former detainee refuses to testify

PRETORIA. — A Cape Town man who suffered psychological stress while in prison for two years was sentenced to two years imprisonment by a Regional Court yesterday for refusing to testify against seven alleged members of the Pan Africanist Congress and Qibla (a Muslim organization).

Abdul Aziz Kader refused to testify and submitted that he would be psychologically destroyed because of the stress he suffered during lengthy periods of interrogation at the hands of the security police.

He was arrested on June 17, 1986 and admitted to Groote Schuur Hospital after being held in solitary confinement for nine weeks. The court heard that he was depressed and suffered from acute stress when he was admitted.

He has been in detention ever since and is still receiving psychiatric treatment.

The magistrate, Mr J H Bekker, said Kader had already told the court that it was against his Islamic religion to testify against the accused. He told the court he would be ostracized by the community if he testified for the state.

Mr Bekker rejected medical evidence that Kader would suffer psychological stress if he testified. He said there was no evidence that Kader was assaulted while in detention. — Sapa

AN alleged PAC member yesterday said he made a false statement to a magistrate to protect himself from the police who had threatened to take steps against him.

## PAC case

Mr Themba Jack Phikwane (32) of Pampierstad near Bophuthatswana testified in the trial where he is charged with terrorism and membership of the PAC. He pleaded not guilty to both charges before Mr L P Virtue in the Johannesburg Regional Court.

Under cross-examination by the prosecutor, Mr J A van der Merwe, Mr Phikwane said he was also influenced to make the statement because his relatives were assaulted by the police in Bophuthatswana.

He denied making the

statement freely and voluntarily and said he was assaulted and threatened by policemen in Potchefstroom and by Major van Wyk and Captain Van Rensburg at Jeppe and John Voster police stations.

He said he could not tell the magistrate about the assault because before taking his statement, the magistrate opened his suitcase and Phikwane saw a gun. He thought the magistrate worked in collaboration with the police because they also carried guns, the court was told.

(Proceeding) (33)



## PAC case resumes <sup>23</sup>

THE trial of seven alleged members of the banned Pan Africanist Congress who are facing 24 counts of terrorism and defeating the ends of justice will resume in the Pretoria Regional Court this morning.

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

They have all pleaded not guilty before magistrate Mr J H Bekker. Mr Nkopodi is expected to give evidence this morning.

*Seifain 20/7/68*

# Alice student's case postponed

CP Correspondent

A FIRST-year Fort Hare University BA student, Sicele Hela, appeared before the Zwelitsha Regional Court this week on terrorism charges.

Hela was not asked to plead and no evidence was

led.

According to the charge sheet, he performed acts aimed at bringing about terrorism.

Hela of Alice is also charged with having failed to report the presence of terrorists.

It was alleged that he harboured "terrorists" in or about the area of Alice. He was detained under Section 26 of the Ciskei National Security Act in May.

Hela's case was postponed to September 23. - Veritas

Pres 31/7/88  
(331)

# Trialist 'angry' over District 6

CAPC Trials 7/17/88 331

## Court Reporter

AN elderly Woodstock man on terrorism charges yesterday told a city Regional magistrate that he was "a fiery opponent of P W Botha and his regime" and could "never forgive him for declaring District Six white".

Mr Jozua Joubert, 67, of Ravenscraig Road, said this in a statement handed in to the court.

He and his four co-accused, Mr Anwar Mentoor, 27, Mr Fadiel Adams, 27, Mr Yunus Adams, 30, and Mr Nazeem Adams, 25, all of Mitchells Plain, pleaded not guilty to terrorism, alternatively illegally possessing a petrol bomb, a firearm and ammunition.

Mr Joubert said he could not forgive the State President over District Six and that "in time I felt that the pace of reform had come to a standstill".

"I was deeply concerned about the plight of the non-white people in the country.

"The continual state of emergency brought my frustration to a head and I thought about committing violence. I spoke to some of my young friends and

influenced them to see things my way.

"I chose a safe target in Paarden Eiland. It was an office."

Mr Joubert said he devised a particular method to petrol-bomb the office and bought a gun from a soldier who was home from the border.

The state alleges that the five men attempted to overthrow the state, bring about political change and demoralize or scare the public.

It is also alleged that they conspired to commit an act of violence by possessing a petrol bomb or an explosive substance on May 3, in Paarden Eiland.

They pleaded not guilty to an alternative charge of possessing an explosive substance under circumstances that led to the reasonable deduction that they intended to hurt someone or damage property.

The state further alleges that they illegally possessed a 9mm Browning pistol and eight rounds of ammunition.

The hearing continues today.

Mr J M Lemmer was the magistrate. Mr D J Brand prosecuted. Mr J de Lange, instructed by E Moosa and Associates, appeared for the five.



## Application for <sup>(33)</sup> 81/21/788 reopening of trial

EAST LONDON — The Queenstown terrorism trial took a dramatic turn yesterday when the defence counsel asked that the trial in the East London Regional Court be reopened to call more witnesses.

The defence's application on behalf of Mr Fikile Owen Gwadana (35) and Mr Mzuwabantu Errol Dapula (27) was granted by the presiding magistrate, Mr D Cronje after the defence had closed its case on Tuesday.

The accused are charged with terrorism and attempted murder.

The trial resumes today. — Sapa.

331

# Comrade goes to jail for assault

AN Alexandra township "comrade", Moses Maseko, was yesterday sentenced to four years' imprisonment, and a further three years to run concurrently with the four years, after being found guilty on four counts of intimidation and assault with intent to do grievous bodily harm.

Earlier, Maseko (30) had appeared with Mr Aaron Buthelezi (25) and David Manyathelani (34) after being arrested in Alexandra in October 22, 1986.

The State withdrew the case against the other two men. Maseko appeared in the Johannesburg Regional Court.

The magistrate, Mr I J Luther, said that the court was convinced that Maseko, who called himself a comrade, arranged a meeting at a house in Alexandra in October 6, 1986 where Mr William Madisha refused to be the yard committee chairman.

## Comrade

Mr Madisha was made to lie with his pants lowered and Maseko inflicted serious sjambok wounds on his buttocks.

Mr Luther also said that Maseko threatened Madisha with the "necklace death" if he reported the beating to the police.

The magistrate also said that Maseko forced Mr Madisha to assault Mr Stephen Matshika and another person, known as Betty, who were alleged to have been laughing and passing remarks when Maseko sjamboked Madisha.

# SHARPEVILLE 6 IN APPEAL TO COURT Chief Justice to hear their petition

331

THE Sharpeville Six's petition will be heard in the Appeal Court on September 7.

Their petition to the Chief Justice for leave to appeal against the trial court's refusal to reopen their case for further evidence, is the Six's last legal recourse to prevent their execution.

Their only other avenue of hope is to petition the State President for clemency in terms of Section 327 of the Criminal Procedure Act.

The five men and one

## SOWETAN Reporter

woman, who have now become known as the Sharpeville Six, have been on death row since December 1985 for the murder of Lekoa deputy mayor, Mr Jacob Kuzwayo Dlamini.

The convicted are Mojalefa Sefatsa (32), Reid Mokoena (24), Oupa Diniso (32), Duma Khumalo (28), Francis Mokhesi (30) and Theresa Ramashola (26).

Their petition follows the refusal by the trial

court to allow the Six leave to appeal against the judge's decision in June not to reopen the case to hear the evidence of a State witness, Mr Joseph Manete, who alleged that he perjured himself.

In terms of an Appeal Court rule, Rule 3(1)(b), the Acting Chief Justice, Mr Rabie, has decided that five Appeal Court judges will hear argument for the petition for leave to appeal against the trial court's decision before the court decides to grant or refuse the petition.



## Court told of mental state

331  
Sawyer  
2/11/88

THE conditions under which an alleged member of the PAC was kept during his detention could have led him to make a statement to a magistrate, a clinical psychologist told the Johannesburg Regional Court yesterday.

A clinical psychologist Mr Graeme Friedman gave evidence for the defence in the trial of Mr Themba Jack Phikwane (32), accused of terrorism and being a member of the banned PAC. Mr Phikwane pleaded not guilty before Mr L P Virtue.

Mr Friedman, who said he dealt mostly with detainees, was called to explain the mental state of Mr Phikwane at the time when he made the statement to a magistrate on June 22 last year.

Mr Phikwane told the court that he had been threatened with assault, torture and suffocation by the security police if he did not tell the magistrate that he came into the country on two occasions to recruit for the PAC.

He said during his consultation with Mr Phikwane he found that he had been subjected to conditions that enhanced a feeling of powerlessness which in turn suggested the futility of resistance and encouraged compliance with his captors.

(Proceeding)

# Save the Six — councillor

331 Sowetan 21/7/88  
THE leader of the opposition Vaal Residents Representative Party, Mr Samuel Kolisang, has appealed to the State President, Mr P W Botha, to have mercy on the Sharpeville Six.

His party is to hold a rally for all Vaal Triangle residents at the Phatang Stadium, Zone II, Sebokeng on Sunday at 8am, to pray for peace and the Six.

Councillor Kolisang, whose properties were destroyed by mobs during the 1984 Vaal unrest, said commuting the death sentence on the six would create a "healthy atmosphere" for the forthcoming municipal elections.



**Mr SAMUEL Kolisang**

Mr Kolisang had his home, filling station, cars and other property gutted by fire during the uprisings. He fled Sharpeville, but later returned and built himself a new home.

He said he was a Christian and believed that the Six should be pardoned for their actions: "After all even Jesus Christ asked God to forgive his persecutors," he said.

Mr Kolisang has sent a letter to the State President thanking him for the "mercy" shown to the Six to date and asking him to act as their saviour.

# Man denies that weapons on train belonged to him

SKV 21.1.71.88 Pretoria Correspondent (331)

A Soweto man denied yesterday being in possession of explosives, machine-guns and ammunition on a train near Zeerust and said he had been in Botswana selling perfume.

The State said in the Pretoria Regional Court that Mr Noah Seboge (30) of Rockville, Soweto, was arrested on the train after a bag containing 10 hand grenades, three AK 47s and 360 rounds of ammunition was found.

Sergeant Joseph Nkomazana has testified that during a routine search on the train, travelling from Mafikeng to Groot Marico, Mr Seboge drew a loaded Makarov pistol when he was confronted, but was overpowered before any shots were fired.

Mr Seboge, who has pleaded not guilty to four charges, said the bags containing the weapons and ammunition were found under the seat opposite to where he was seated.

He said he had been selling perfumes and shirts in Botswana and was returning from a business trip when he was arrested on April 12 last year.

"After being questioned and searched I was punched several times," he said.

The court heard that Mr Seboge had been held under Section 29 of the Internal Security Act.

Proceeding.



# I TOLD LIES PASTOR TELLS TERROR TRIAL

*Sowetan 21/7/88*

## **Alleged courier for PAC**

A CHURCH minister facing charges of terrorism yesterday said he "lied" when he told a magistrate two years ago that he intended informing the police about members of the banned Pan Africanist Congress he had transported

from Botswana into South Africa.

Reverend Daniel Nkopodi, who was attached to the AME Church in Lobatsi before his arrest on April 9, 1986, also said he did not tell the truth when he testified, before Mr. Ezak Potgieter in the Groot Marico

Magistrate's Court on April 11 that year.

He told the court that after giving a number of PAC members a lift from Botswana to South Africa, he later intended to tell the police where they had hidden their weapons.

Mr Nkopodi, who is also alleged to have been a courier for the PAC, denied being a member of the outlawed organisation and told the court: "I was never a member of a political organisation. I am a pastor of the AME Church."

Mr Nkopodi said he did not tell the truth when he told the court in Groot Marico that after transporting PAC members into the Republic he became worried and intended to inform the police "who they were, where they were and where they had hidden their weapons."

According to the statements he made before court, he conveyed them to Rustenburg, Zeerust and Mabopane.

### **Statements**

Examined by Mr Gerald van Tonder, his lawyer, Mr Nkopodi yesterday said he also lied when he told Mr Potgieter that following an agreement with Sello Mogale, he transported members of the PAC from Botswana into South Africa on three occasions.

The other accused are Mr Mabatse Enoch Zulu, Mr Ndoda Gcanga, Mr Vincent Mathunjwa, Mr Paul Setseba, Mr Achmad Cassiem and Mr Yusuf Patel.

Mr Nkopodi and six other alleged members of the PAC and Qibla — a Muslim organisation — have pleaded not guilty before Mr J H Bekker in the Pretoria Regional Court to 24 counts of terrorism and defeating the ends of justice.

# US actor urges clemency

By Jo-Anne Collinge

From the piles of letters urging President Botha to show mercy to the Sharpeville Six, peeps the picture of a laughing, bearded face with real devilment about the eyes.

Something familiar about it? Sure — it's American comedy actor Dom DeLuise among the ranks of Amnesty International supporters, adding his uncharacteristically sombre voice to the campaign to save the Six from execution.

South Africans might be aware that Mr Botha has refused to exercise his power to grant clemency and



that the case of the Sharpeville Six is winding its way slowly through court channels in the hope of winning the right to a fresh court hearing.

But many people around the world still look to Mr Botha to exercise his power of clemency — and they let him know daily in a steady flow of letters.

Dom DeLuise and his wife Carol are just two such people. Their letter to Mr Botha asserts that they are "peace-loving Americans con-

cerned for the welfare and lives of Mojalefa Sefatsa, Oupa Diniso, Reid Mokoena, Theresa Ramashamola, Duma Khumalo and Francis Mokgesi and all other South African political prisoners".

It continues: "We beg you to forgo the imposition of the death sentence on these human beings. We join our own President Reagan and all other peace-loving Americans in urging clemency for the Sharpeville Six on humanitarian grounds."

Dom DeLuise is no white-hot anti-apartheid campaigner. He visited SA in 1986 to make a film, despite the cultural boycott.

But when it comes to the Six he's not joking — it's a straight pitch for Mr Botha to rise to his "greatest act of compassion".

22/7/88  
Star

# Pastor 'didn't see any killing'

321  
Soweto 22/1/86

A. BOPHUTHATSWANA, NA church minister yesterday told a Pretoria Regional Court that he did not view members of the banned African National Congress and the Pan Africanist Congress as "murderers" because he had never seen them kill anyone. Reverend Daniel Nkopodi, an alleged courier of the PAC, also told the court that he was not a member of the outlawed organisation. He did not even know the aims and objects of the PAC and that he would never transport members of the PAC or ANC or bring their weapons from Botswana into South Africa because these organisations were banned in this country.

Asked by the prosecutor, Mr J M Pretorius, if he would report the presence of PAC members to the police, Mr Nkopodi replied: "I do not work for the police. I am not a police informer. The police have their intelligence service. I work for the AME Church".

Mr Nkopodi of Bophuthatswana, who was attached to the AME Church in Botswana and six other alleged members of the PAC and Qibla — a Muslim organisation — have pleaded not guilty before Mr J H Bekker to 24 counts of terrorism and defeating the ends of justice.

The other accused are Mr Mabatu Enoch Zulu, Mr Ndoda Gcanga, Mr Vincent Mathunjwa, Mr Setsiba Mohohlo, Mr Achmad Cassiem and Mr Yusuf Patel, both of whom are alleged leaders of Qibla.

Cross examined by Mr Pretorius, Mr Nkopodi said his detention since April 9, 1986, had affected him "but my mentality is okay". Asked how he felt about the lives of black people in South Africa, he said he was now a Bophuthatswana citizen, but he was dissatisfied about their living conditions at the time he was staying there.



# 'Mpilo' is dead, but his ghost haunts our courts

AMAZIZI MAQHEKEZA, shot dead in his Maseru hospital bed in March, spent three years roving Transkei as an African National Congress guerrilla.

Allegations in at least five current cases link Maqhekeza, under several names, to various incidents in Transkei. Most of the cases involve charges of harbouring him.

According to charge sheets and schedules in the cases, Maqhekeza was being assisted by various accused for overlapping periods from January 1984 until February 1987, in areas as far apart as Lusikisiki, Umtata, Willowvale, Cala and Sterkspruit.

In addition, he is mentioned in the recent Cape Town application for the

extradition of Mzwandile Vena to Transkei. Transkei wants to extradite Vena to stand trial for his part in the June 1985 multiple bombing which destroyed the Umtata bulk fuel depot and put the power station and water lines out of action. Papers link Maqhekeza to this attack.

Maqhekeza was among three people involved in a shoot-out with Lesotho police in February this year. One of the men was killed and Maqhekeza

was admitted to hospital in Maseru with serious injuries.

Relatives claimed the men had been victims of a police hit squad, but Lesotho police said the men had attacked them. Maqhekeza was later murdered in his hospital bed by an unknown gunman.

In evidence in the Cape Town extradition hearing, the state alleged that Vena had moved to Cape Town in August 1987 to take over the Western

separate trials around the country, each of which describes him as a crafty guerrilla who dodged police for three years. LOUISE FLANAGAN and FRANZ KRÜGER report

Cape command of Umkhonto weSizwe after Lizo Bright Ngqungwana was jailed. Jenny Schreiner, currently on trial for treason, is accused of transporting Vena from Botswana to Cape Town.

In a statement Vena allegedly made to a Wynberg magistrate shortly after he was detained, he admitted blowing up the Umtata bulk fuel depot on June 25 1985.

Vena allegedly said that he and an-

other four guerrillas, including one named "Mpilo", had sabotaged the fuel depot, the Umtata water pipelines and power station. "Mpilo" is believed to be one of the names used by Maqhekeza.

The extradition application was granted but Vena is appealing against the decision.

Maqhekeza, who had been a magistrate in Idutywa before he first left Transkei in 1980, was also linked to a major shoot-out in Willowdale on January 21-22, 1987.

Shortly after the *Weekly Mail* exposed details of the shoot-out in December last year, Law and Order Minister Adrian Vlok named Maqhekeza as helping the guerrilla escape to Lesotho, together with Zolile Ntathi (whom Vlok identified as commander of the ANC military machinery in Transkei) and another guerrilla.

Maqhekeza is mentioned in the following cases:

●The terrorism trial of Neo Mzimba, Mzimkulu Tukela and Sonwabo Mbekela. They are charged with harbouring Maqhekeza and Vena between January 1984 and September 1985 in Umtata and Libode.

●The terrorism trial of Mcebisi Mfo. He allegedly harboured Maqhekeza and Dumisani Mafu between October 1985 and February 1987. Mfo is also accused of trying to arrange for Maqhekeza and Mafu to kill two Butterworth security policemen who were seen as "stumbling blocks to the struggle".

●The terrorism trial of Dr Warren Nombe and Mhleli Mdaka. Nombe is charged with harbouring several guerrillas, including Mdaka and "Mpilo" between January 1985 and February 1987 in Sterkspruit (near the Lesotho/Transkei border) and sur-

rounds. Nombe is also accused of transporting "Mpilo" and Dumisani Mafu from Willowvale to Sterkspruit in February 1987.

●The terrorism and sabotage trial of Teko Mokhou. Mokhou is charged with causing a limpet mine explosion at the Cala post office on April 24 1986.

He is also accused of acting as a go-between for guerrillas, including "Pieces" and Zola Dubeni, between January 1984 to September 1986 in Umtata, Lusikisiki and Cala. The state alleges that he underwent training under "Pieces" in Umtata.

"Pieces" is believed to be another nickname for Maqhekeza, whose name literally means "pieces of bread" in Xhosa.

●The trial of Ernest Sontsu and Pasika Ntshobane, charged with organising for the ANC and promoting ANC views. They are accused of assisting guerrillas "Mpilo" and another named only as Zola, sometime between June 1985 and March 1986. They are also accused of forming units for the ANC, with co-conspirators including government clerks and Maqhekeza's brother, Dugard. - Elnews

# I planned bombing, says 67-year-old

A 67-YEAR-OLD Woodstock man told a Cape Town Regional court he planned to throw a petrol bomb at a "soft target" because he could not forgive State President PW Botha for declaring District Six a white area.

Jozua Joubert, in a statement handed in to the court, said he was "a fiery opponent of PW Botha and his government".

He was frustrated with the pace of Botha's reform, feeling that the whole process "had come to a standstill."

"I was deeply worried over our sorry situation, especially that of the non-white people in our country."

"The prolongation of the State of Emergency heightened my frustration."

Joubert, who stands accused with four others on charges of terrorism, alternatively possessing explosive devices on May 3 last year, said he first thought of the possibility of committing violent acts 20 months ago.

He discussed it with his friends, whom he said he "influenced in my way of thinking". All the accused

By GAYE DAVIS,  
Cape Town

have pleaded not guilty. 2-28/7/88

Joubert said he chose a "soft target" — an office in industrialised Paarden Eiland — and "devised a method to throw a petrol bomb in there".

When the men reached their destination, they decided "such work was not for us", the court heard.

"It was my own scheme. I feel that I alone must take the blame," Joubert said.

Police evidence was that a "suspicious-looking" vehicle was spotted driving slowly through the area and pulled over. A bottle of petrol, a plastic bag of petrol, a 9mm pistol, a stop watch, three balaclavas and a pair of rubber gloves were found.

The trial resumes on August 29

W / Mail

CAPE TOWN 22/7/88

# Terror trial held over for judgment

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Court Reporter

THE trial of five men charged with terrorism and possessing a petrol bomb has been adjourned to August 29 for judgment in the Cape Town Regional Court.

One of the men, Mr Jozua Joubert, 67, of Ravenscraig Road, Woodstock, earlier told the court he was a "fiery opponent of P W Botha and his regime. I can never forgive him for declaring District Six white."

"In time I felt that the pace of reform had come to a standstill. I was deeply concerned about the plight of the non-white people in the country."

He said all this made him think about committing violence and he influenced some friends to help him bomb an office in Paarden Eiland.

Mr Joubert and his four co-accused, Mr Anwar Mentoor, 27, Mr Fadiel Adams, 27, Mr Yunus Adams, 30, and Mr Nazeem Adams, 25, all of Mitchells Plain, pleaded not guilty to terrorism, alternatively illegally possessing a petrol bomb, firearm and ammunition.

The state alleges that they attempted to overthrow the authority of the state, bring about political change or demoralize or scare the public.

It is also alleged they conspired to commit an act of violence by possessing a petrol bomb or an explosive substance on May 3, in Paarden Eiland.

They pleaded not guilty to an alternative charge of possessing an explosive substance under circumstances that led to the reasonable deduction that they intended to hurt someone or damage property.

The state further alleges that they illegally possessed a 9mm Browning pistol and eight rounds of ammunition.

Defence advocate Mr J de Lange told the court that by the time police stopped the five men, they had turned back after deciding not to go through with their plan. That meant that there was no intention to bomb the office.

The hearing was adjourned to August 29.

Mr J M Lemmer was the magistrate. Mr D J Brand prosecuted. Mr J de Lange, instructed by E Moosa and Associates, appeared for the five.



## 'Promoting ANC': Bail for pair

*Oct 7/15 22/7/88* Court Reporter

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TWO men were released on bail of R1000 each after they appeared briefly in the Cape Town Regional Court yesterday in connection with allegedly furthering the aims of the African National Congress.

Mr Xolile Thompson Jaxa, of Guguletu, and Mr Molliat Mziwoxolo Mfeketo, of Umtata, were not asked to plead.

They have to report to the police every week.

Mr J M Lemmer was the magistrate. Mr D J Brand prosecuted. Mr E Mohammed, of E Moosa and Associates, appeared for the two men.

# Court to rule on statement

*Sowetan 22/7/88* (331)  
A DECISION on whether a statement made by an alleged member of the Pan-Africanist Congress should be admitted as evidence in his trial will be made on Monday in the Johannesburg Magistrate's Court.

Mr Themba Jack Phikwane (32), pleaded not guilty before Mr L P Virtue to

charges of terrorism and membership of the banned PAC. He also denied having freely and voluntarily made a statement to a magistrate on June 22 last year. The statement was submitted as evidence in court.

Mr Phikwane told the court that he had been assaulted and threatened several times by the security policeman in Bophuthatswana and

**By SONTI  
MASEKO**

South Africa when he was arrested last year.

He alleged that the police had told him what to say in the statement and he complied with the threats for fear that he was going to be suffocated by the police if he did not.

A security policeman, Constable Joseph Seleke, yesterday denied that Mr Phikwane was assaulted by a man, unknown to him, when he was transferred from Bophuthatswana to Johannesburg last year. Mr Phikwane had alleged that Constable Seleke and his colleague picked up a man in Potchefstroom who assaulted him in the car as his hands and feet were chained.

Replying to Mr Virtue, Constable Seleke said he did not know why his colleague, who was driving his car, took a longer route

210 00 each

# Terror trial told of arms

A KLIPTOWN Regional Court magistrate yesterday heard how three alleged members of the banned Pan Africanist Congress and its military wing, the Azanian Peoples Liberation Army, were stopped at a roadblock and a quantity of arms and ammunition and banned PAC publications found in their car.

Warrant Officer J A Marais was giving

evidence against Mr Jaki Seroke (28), of Motheong Section, Tembisa; Mr Mandla Cele (24), of 494 KwaMashu in Durban and Mr Thembinkosi Khongwane (24), of 2 Mdantsane, East London.

The three are appearing before Mr Hoffman on charges of terrorism, belonging to unlawful organisation and four alternative counts of being in possession of explosives, pistols, ammunition and publications of the PAC.

They pleaded not guilty.

Mr Marais told the court that on September

9, 1987, a station wagon driven by Mr Seroke in the company of two other men was stopped and searched at a roadblock near Koster in the Western Transvaal.

"Under the front passenger seat of the car I found a bag containing banned PAC publications, pamphlets and on the seat I found two magazines of a Scorpion handgun".

He also told the court that under the driver's seat he found hand grenades and on the floor of the car 11 hand grenades and two boxes of ammunition covered with a blanket.

(Proceeding)



# PAC suspect alleges police torture in trial within trial

24/7/88 C/Pres

By MARTIN NTSOELENGOE

AN alleged PAC member intended telling a magistrate how he was beaten up and threatened by security policemen, but when he saw a pistol in the magistrate's briefcase, he changed his mind.

Themba Jack Phikwane, 32, of Pampierstad, Bophuthatswana testified this week before LP Virtue, in a trial within a trial in the Johannesburg Magistrate's Court. He is facing charges of terrorism and of being a member of a banned organisation.

He has pleaded not guilty to both charges, and said he made a false statement because he feared for his life.

Phikwane claimed he was tortured by homeland police before he was transferred to South Africa.

Adriaan Joubert, the magistrate who took the statement from Phikwane, denied he had a pistol that day.

He said he never carried a pistol to court.

Phikwane said that after being transferred to the South African security police, they threatened to send him back to Bo-

phuthatswana, where he would be tortured again, if he did not make a statement.

A medical report submitted in court by a Johannesburg clinical psychologist, G Friedman, who had three interviews with Phikwane, said the accused suffered from the dependency, debility and dread syndrome.

Friedman said under similar conditions most people would become physically debilitated, emotionally as well as physically dependent upon their captors, and would be in a state of continuous and pervasive fear and dread.

The prosecutor, J Van der Merwe, said Phikwane's statement was false. Friedman said the criteria that determined his diagnosis of Phikwane were:

- The existence of a recognisable source of stress that would evoke significant symptoms of distress in almost anyone.
- Re-experiencing the trauma as evidenced by his recurring and intrusive recollections of the traumatising events.
- Numbing of responsiveness to, or reduced involvement with, the external world.

# Objector Bruce says no to 'racist' army, risks jail

By KERRY CULLINAN  
SIMILARITIES between Nazi Germany and the South African political system were alleged in the Johannesburg Magistrate's Court this week in the trial of David Robert Bruce, who has refused to serve in the SADF.

Bruce, 25, - found guilty by Magistrate J. Bredenkamp of the main charge of contravening the Defence Act - said he believed the SADF was being used to uphold a racist po-

litical system and he would not participate in it.

"I am opposed to racism and am not prepared to serve in the SADF," said Bruce. A declared agnostic, he does not qualify for religious objector status.

Bruce said he was not a pacifist and would be prepared to serve in an army he believed was defending all the country's people.

He added that doing his military service in the police force was not an option, as he saw the SAP in the same light as the

SADF, and believed that black South Africans viewed both forces as oppressive.

Bruce said he had developed his opposition to racism at an early age and that the experiences of his Jewish mother and her family during the Holocaust in Germany had had a particular influence on him.

"What happened in Germany was because of racism. I saw that racism was something that personally threatened me," said Bruce.

He also said he was not prepared to leave South Africa like his mother's family had left Nazi Germany, because he did not want to become "another refugee from racism".

"If I had been a German soldier, I would not have been involved in upholding that system," said Bruce, adding that his decision to stand trial was an attempt to resolve a dilemma in his life and not because he wanted to become a martyr.

His mother, who is blind, gave evidence in mitigation of sentence and told of the persecution of herself and her family because they were Jewish.

"I was expelled from school because Jewish children were not allowed to attend schools where they could come into contact with Aryans," said Ursula Bruce.

"My uncle couldn't even visit the barber shop as they said they could not use the same brush on an Aryan and a filthy Jew."

She added that 12 members of her immediate family had died in the Holocaust, including two aunts who had died in Auschwitz.

When Advocate Edwin Cameron for the defence asked whether she saw similarities between Nazi Germany and South Africa, she said there were points of similarity.

"The concept that any group of humans is inferior to another is dehumanising and degrades everyone."

She said that while forced removals to places with few amenities were not the gas ovens Jews were put into, they were not dissimilar.

The case was postponed to Monday when more evidence will be heard in mitigation.

## Media group plans to challenge action against agencies

By S'BU MNGADI

THE government is heading for a showdown with journalists over the compulsory registration of news agencies - including mainstream newspapers - and freelance journalists.

As the July 31 registration deadline approaches, chief director of media relations in the Department of Home Affairs, AJ Engelbrecht, has shaken the media establishment with his announcement that mainstream newspapers could also have to register as news agencies under the emergency regulations.

Although urged to seek legal advice on their individual positions, these newspapers face fines of up to R20 000 if they are obliged to register and they do not.

The regulations have been criticised as being so wide that even the government's Bureau for Information, columnists, part-time correspondents and public relations officers may be affected.

Media lawyers have said that in practical terms, every journalist operating in SA - whether freelance or full-time - would be affected by the regulations, whether directly or indirectly.

Journalists have responded by forming a loose coalition - the Save the Press Campaign - made up of journalist associations, independent news agencies, anti-censorship watchdogs and freelance

journalists. The coalition will challenge the validity of the media regulations.

Papers are expected to be filed on August 1 - a day after the government's deadline on registration - in the Maritzburg Supreme Court.

The matter may be heard in tandem with the Natal Indian Congress' application on August 8 against the validity of the current third state of emergency.

Journalists have interpreted the latest clampdown as a "stealthy introduction through the backdoor" of the mandatory registration of journalists, as first mooted in the 1982 findings of the Steyn Commission.

The Commission recommended the drawing up of a register which could exclude journalists convicted of security offences and those who break a statutory code of conduct.

Organisations in the Save the Press Campaign include the Association of Democratic Journalists, the Media Workers' Association of SA, the SA Society of Journalists, Concord News Agency, Eastern Cape news agencies, and the Anti-Censorship Action Group.

Meanwhile, the coalition in Johannesburg is today briefing industrialists on the situation and a Newspaper Press Union delegation meets Home Affairs Minister Stoffel Botha on August 11.

24/7/88  
CP Press

## 'Forgive' plea

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500000  
A CHURCH minister accused of being a courier for the banned Pan Africanist Congress told a magistrate that soon after his arrest in 1986 he had wanted to hand over "the murderers" to the police, the Pretoria Regional Court heard on Friday.

Reverend Daniel Nkopodi also told the magistrate, Mr Izak Potgieter, that he wished to be forgiven by the State and the people

concerned for his deeds "which only bring destruction to the citizens and retard the progress of the country."

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Mr Nkopodi admitted having said this before the magistrate but said the statement was a made up story following an agreement between him and a Mr du Plessis, a policeman who told him to say good things about himself (Nkopodi).



# Judgment: Advocates let off the hook

CHM TWP  
27/7/88

331

Own Correspondent

GRAHAMSTOWN. — Two Grahamstown advocates will not have to give evidence in court against their former clients.

This is the effect of a judgment made yesterday by Mr Justice Zietsman.

He ruled that the outcome of his judgment made two weeks ago, in which he had given leave to the state to call two advocates as state witnesses, was incorrect.

The judge said that in the light of this finding, the state's application to call advocates Mr B Ford and Mr T Fourie to give evidence on instructions given to them by their former clients, seven Sterkstroom residents, was refused.

Mr Fourie and Mr Ford initially appeared for the seven, who face charges of murder, arson and the illegal possession of explosives, as pro Deo counsel.

The judge said that after he had delivered his judgment on July 11, Mr Ian Farlam, SC, sought leave to intervene in the matter on behalf of the Eastern Cape Society of Advocates and Mr Ford and Mr Fourie to ask the judge to change his decision.

Mr Farlam had submitted that the court was incorrect in its decision that the privilege attached to the communications made by the accused to their former counsel in consultations had been waived.

Alternatively, he had submitted that the court had a discretion and that the judge should use this discretion and refuse the application.

Standing by his earlier decision on the first issue, Mr Justice Zietsman yesterday said that on the facts of the case, a waiver of privilege had taken place.

Turning to the question of discretion, he said Mr Farlam had emphasized the far-reaching effects of the judgment given on July 11 — that it could hamper the administration of justice and that clients would have difficulty in gaining the confidence of pro Deo counsel.

Cape Times 27/7/84 331

## Pamphlet 'furthered ANC'

THREE men appeared in Paarl Regional Court yesterday afternoon charged with distributing a sheet of paper, which allegedly furthered the interests of the African National Congress.

They were Mr Sella Simon Moahloti, 34, Mr Stanley Godfrey, 25, and Mr Joseph France, 18, all of Mbekweni township at Paarl. They pleaded not guilty.

The sheet of paper containing writing in a black language was handed to the court with an English translation attached, and was allegedly distributed on January 7 at Newton, halfway between Paarl and Wellington and close to Mbekweni.

It said the ANC was formerly a body known as the SA Native Congress and was established on January 8, 1912.

For 48 years, according to the pamphlet, the ANC had spoken to the government and they got "bullets" in reply.

The case was adjourned to September 19. Each of the accused was granted bail of R500. — Sapa



# 'PAC ACCUSED IS WAR LEADER'



of beauty and brains. The Soweto lass, aged 23, is a has taken part in a number of beauty contests.

ONE of the accused in the Pan Africanist Congress terrorism trial, Mr Enoch Mabatu Zulu (53), was an official in the banned organisation's High Command, Mr J Pretorius, the prosecutor, submitted in the Pretoria Regional Court yesterday.

Presenting his argument for the conviction of seven alleged members of the PAC and Qibla — a Muslim organisation — Mr Pretorius said evidence that four of the accused — Mr Zulu, Mr Ndoda Gcanga, Mr Vincent Mathunjwa and Mr Paul Mohohlo — had received military training outside South Africa was never challenged.

## Plead

The four accused, together with Reverend Daniel Nkopodi, Mr Achmad Cassiem and Mr Yusuf Patel have pleaded not guilty before Mr J H Bekker to 24 counts of terrorism and defeating the ends of justice.

Mr Pretorius submitted that Mr Zulu was an official of the High Command of the PAC and had received military training in China. There was also evidence presented in court that he gave lessons in "battle-field tactics" in PAC camps in Tanzania, said Mr Pretorius.

Mr Zulu, he added, was also known as a deputy camp commander who gave military training to certain people

who were in possession of six AK47 assault rifles and a carton with ammunition inside.

Mr Pretorius said there was also evidence that both Mr Gcanga and Mr Mathunjwa had received military training in Yugoslavia. Mr Mohohlo underwent training in Guinea, the court heard. The three accused together with Mr Zulu were arrested in Bophuthatswana in April 1986.

## Supporter

The prosecutor also called for the conviction of Mr Nkopodi for being the supporter of the PAC and for having acted as a courier for the outlawed organisation.

(Proceeding)

By MONK NKOMO

in Ingwavuma during 1975.

Mr Pretorius submitted that the accused, in his confession, stated that he infiltrated South Africa, went to Cape Town and later to Ngobi in Bophuthatswana where he was to meet members of the PAC.

Mr Zulu said at Ngobi he found two members of the PAC who had already been trained and

## DET's plans

THE Government's 10-year programme to upgrade the education of blacks, coloureds and Indians, would increase State expenditure from R6,8 billion to R10 billion by 1996, SABC Radio News has reported.

At the opening of the Cape regional conference of the Department of Education and Training in Port Elizabeth yesterday morning, the Minister of Education and Development Aid, Dr Gerrit Viljoen,

referred to the 10-year programme announced in April 1986.

He said that the programme was designed to improve the qualification of teachers and the teacher-pupil ratio as well as to accommodate the expected massive increase in the number of black pupils.

The Department was also committed to the policy of promoting the upward mobility of black educationists in the ranks of the Department.

## ON COSTS

office management sign out the past and regulating the future to become the sole source of right for the post office and its workers."

Judgment was reserves to an unspecified date.

"It should not consti-



# Europe will act on Six, says Assocom

By Michael Chester

Assocom has warned the Government that it can expect severe reaction from western Europe if it allows the Sharpeville Six to be executed.

Mr Alec Rogoff, president of Assocom, has told the Government in top-level talks that the withdrawal from South Africa of all ambassadors by members of the European Community may be only the first in a series of measures.

The EC already has a programme ready to swing into action if the Government does not show clemency.

Apart from recalling ambassadors, other likely measures could include:

- Orders to South Africa to make sharp cutbacks in its diplomatic staff in EC countries.
- Requirements for South Africans to have visas to visit EC countries.
- Withdrawal of South African Airways' landing rights.

## Warning of plans

Mr Rogoff said warning of the EC plans had been delivered to the Government in a round of behind-the-scenes meetings on the return of a special Assocom mission overseas to discuss sanctions and disinvestment issues in Europe, the United States and Israel.

The mission had talks with political leaders, public servants, businessmen, trade unionists and church leaders in London, Paris, Brussels, Bonn, Washington and Tel Aviv.

Mr Rogoff said the possible execution of the Sharpeville Six had drawn intense criticism and severe counter-action seemed inevitable unless clemency was shown.

Other issues which were causing concern included:

- The implications of proposed legislation to control the foreign funding of political activities in South Africa.
- The restrictions imposed on trade unions on February 24.
- Proposed amendments to labour relations legislation.

- Restrictions on the media.
- The question of child detainees.
- The general issue of civil rights.

Mr Rogoff said it was clear that the cumulative impact of these factors "could mean a further irrevocable shift in overseas opinion against South Africa".

"In that event, further anti-South Africa steps may be taken in the near future by EC countries."

However, there now seemed a good chance that the planned Dellums Bill in the US, which would seek to sever almost all trade links with South Africa, would not be passed this year.

The Bill has found no favour in the EC especially on chain-reactions to US threats to penalise outside countries filling the American trade gap.

Mr Rogoff said that, on the whole, most EC countries were opposed to further economic sanctions, and keen to expand their trade with South Africa. This was particularly the case with Britain.

"Yet, even in Europe, banks and businessmen are under increasing political pressure to limit their involvement in South Africa and this pressure is assuming serious dimensions."

## Slow pace of reform

There was growing dismay over the slow pace of reform, worsened by signs of an actual slowdown in the reform programme since 1985.

Mr Rogoff said: "South Africa needs the world economy in order to successfully address its development needs."

"This is an urgent matter as South Africa stands on the threshold of yet further punitive steps against it."

"It is not a question of capitulation to overseas pressure, but rather of keeping it down to manageable proportions."

"We must display finesse in our foreign policy, even in the face of great provocation."

"We must help our friends overseas to help us through the successful handling of change in South Africa, and by remaining sensitive to civil rights issues."

**JOHANNESBURG.** — If the Sharpeville Six are executed, major European countries could be expected to reduce South Africa's diplomatic presence and refuse landing rights to aircraft from South Africa and visas to Republic passport-holders.

This grim warning was given at an Assocom press conference here following the return of a delegation which studied foreign perceptions of South Africa. The delegation was led by the chairman, Mr Alec Rogoff, and chief executive officer, Mr Raymond Parsons.

The Assocom mission, which visited the US, Europe and Israel, has conveyed its report to the "highest levels" of government.

Mr. Rogoff said that if the six were executed, European Economic Community (EEC) countries would take "measures of displeasure" against South Africa.

These steps would include:

- Reducing the number of SA diplomats in EEC countries.

- The expulsion of certain ambassadors.

- The refusal of landing rights to aircraft from SA.

- The refusal of visas to SA passport-holders.

Mr Rogoff said that while the EEC was against economic sanctions, it would regard the above steps as acceptable and meaningful.

### Urgent matter

However, Assocom had told the EEC that the steps were "economic" and that by preventing SA businessmen direct access to Europe the steps could damage the SA economy.

"South Africa must not confuse its friends with enemies, nor take actions which make it impossible for our friends overseas to defend us."

It went on to say: "The cost of further political isolation will be high in term of economic growth and prosperity. South Africa needs the world economy in order to successfully address its development needs."

"This is an urgent matter as South Africa stands on the threshold of further punitive steps against it."

"It is not a question of capitulating to overseas pressure, but rather of keeping it down to manageable proportions."

Assocom said in their report that the issues that particularly upset Europeans were:

- The question of the Sharpeville Six and their possible execution.

- The implications of the proposed legislation to control foreign funding of political activities in South Africa.

- The restrictions placed on certain trade unions on February 24.

- The proposed amendments to the Labour Relations Act.

- The restrictions on the media.

To page 2

P.T.O.

# Sharpeville Six Grim Warning

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27/7/68  
(331)



SOWETAN, Thursday, July 28, 1988

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# SHARPEVILLE SIX

## Lawyer to fight to the finish

**HARARE** — The campaign to save the lives of the Sharpeville Six, which started during their trial towards the end of 1985, has not only made him come to share the grief and hope of his condemned clients, but has made a Johannesburg attorney, Prakash Diar, resolve to fight to the finish.

"I have resolved to fight to the bitter end," Mr Diar told Zimbabwe's Ziana News Agency in an interview. The international focus on the Six has shot Mr Diar into prominence.

He shys away from the fame he finds himself in for sharing the stage with his clients behind whom the world is rallying. He says his being in the limelight is "a by-the-way."

At the height of the Vaal Triangle township riots of August/September 1984, four councilors were killed by irate mobs protesting against rent increases. Four murder cases, one of them the one involving the Sharpeville Six, arose.

Mr Diar was instructed to defend clients in three of the cases, and successfully achieved acquittals in the two other cases.

"The facts and legal principles involved in the two cases were similar to those surrounding the case of the Six," Mr Diar said.

So far he has won two reprieves and a hearing for a retrial for Mofalefa Sefatsa (32), Reid Mokoena (24), Oupa Diniso (32), Duma Khumalo (28), Francis Mokhesi (30) and Theresa Ramashamola (26), following an admission by a State witness that he had given perjured evidence against some of the accused.

for justice. We would like to believe that we are reasonable people . . . and we both do not have any meaningful political rights," Mr Diar said.

During the long struggle for justice, which began in September 1985, at one stage Mr

Diar felt all was lost — when the death sentence was announced.

Nevertheless, the zest to fight did not diminish. It was further fuelled by the conviction in him

that his clients did not deserve to hang.

"That in itself was enough for me to fight on," he said. Mr Diar said he and his clients "do really appreciate"

the concern shown by numerous people, organisations and countries as they called on South Africa to spare the lives of The Six. — Sapa.

The petition is expected to be heard by a full bench in the appeal court in Bloemfontein on September 7.

"My main concern was to try to protect my clients from the beginning of the case. Not in the least did I expect the extent of the exposure that I have got."

### Research

Mr Diar said the case was taking more than 90 percent of his time. It was a full-time job with lots of things "legal" and "non-legal" to be done.

"It means research of the law at all times, consultation with my clients, their families and counsel. It means giving interviews explaining the case and talking to journalists and embassies."

Defending The Six has come to mean a lot to him both professionally and personally, although he says it is difficult to distinguish between the two.

Mr Diar said he has lived with the case since it began in 1985, and it has become part of his life.

"So I am not only involved at a professional level, but at a personal and human level as well. I will continue to do whatever I can so that my clients get what they are seeking — justice."

Unlike his clients, he was not raised in the ghetto, but came from a poor family as they do. The case has brought them closer together.

"We have a common feeling. Both of us have a sense for fairness, a sense



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# Journalist charged for harbouring ANC guerillas

Own Correspondent

JOHANNESBURG. — A journalist who was detained under Section 29 of the Internal Security Act for a year was charged in the Magistrate's Court here yesterday on two counts of harbouring trained ANC guerillas.

The state alleges Mr Themba Jerry Khumalo, a freelance journalist for the Toronto Star, Southam News and Associated Press, transported trained ANC guerilla Mr Vuyisile Tshabalala to the surgery of a Dr Motlana for treatment after he was injured in a shooting incident with the police in February 1987.

It is alleged Mr Khumalo then transported Mr Tshabalala to the home of Dr Roger Harris in Honeydew who enlisted the help of a Dr David Seftel who again treated Tshabalala's wound with the help of Ms Zinzi Mandela.

It is further alleged that after Mr Tshabalala's wound began to heal, Mr Khumalo removed him from the home of Dr Harris and accommodation was found for him. The state alleges Mr

Tshabalala was later killed.

Mr Khumalo was allegedly trained by Mr Tshabalala in the use of firearms and security and intelligence methods used by the ANC.

The state alleges Mr Khumalo acted as a courier on four occasions for Mr Tshabalala by taking progress reports to certain leaders in Botswana.

Mr Khumalo is also charged with harbouring ANC trained guerilla Mr Oupa Alex Seheri in November 1986.

The charge sheet states Mr Seheri was trained by the ANC in the use of firearms and re-entered South Africa with the task of training locals in the use of the AK-47.

The state alleges Mr Khumalo arranged accommodation for Mr Seheri at Crown Mines, visited him there and was trained by him in the use of the AK-47.

The attorney-general issued a certificate in terms of the Internal Security Act prohibiting bail in June.

The case was postponed to November 1 for trial.

Durban's smoking rules shelved | Girl, 7, dies trying

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B/don  
28/7/28

## 9 IN COURT FOR FURTHERING AIMS OF ANC

Own Correspondent

**PORT ELIZABETH** — Nine men from local townships appeared in the Port Elizabeth Magistrate's Court yesterday charged with terrorism and furthering the aims of the ANC.

Appearing amid tight security in a packed courtroom were Ludwe Lemuel Lebesse, 27, of Makina Street, Zwile; Zolile Michael Dikiza, 28, Edward Gadu, 51, Tembile Mtulu, 28, Andile Mtulu, 28, Michael Fuzile Witbooi, 28, Nene Metshile, 29, all of Kwazakhele; Charles Sipho Adams, 34, of Gaba Street, Motherwell; and Monde Dougmore Johnson, 31, of Zibonda Street, New Brighton.

The State alleges that between July 8 1980 and March 8 1988 they unlawfully and intentionally undermined or endangered the authority of the State in SA.

It alleges they associated with or became members of the banned ANC with the intention of bringing about political, industrial, social and economic change in SA.

It also alleges they received military, political and ideological training in Angola, Yugoslavia and East Germany or other unknown countries, and set up a courier to convey messages, information, instructions and weapons between SA and other countries.

The accused were not asked to plead and no evidence was led. The case was postponed to August 3.

**TRENDS**

# Sharpeville Six: What the court evidence showed.

By EDYTH BULBRING

THERE have been renewed appeals for clemency for the Sharpeville Six, found guilty of murdering Lekon Town Council deputy mayor Khuzwayo Dlamini on September 3, 1984. He was stoned, stabbed and burnt to death.

Lawyers acting for the six are petitioning the Acting Chief Justice to allow an appeal against a court ruling which declined to re-open the trial. A stay of execution was extended to July 19 by Mr Acting Justice Human and has now been further extended by Minister of Justice Mr Kobie Coetsee.

In the original trial, the court found the six people had acted in common purpose with the crowd that attacked Dlamini's house with the intention of killing him.

The six are:

● **Mojalefa Reginald Sefatsa (32)**, implicated in the attack by Dlamini's widow, who has since died, and a state witness identified only as Y. They said Sefatsa grappled for Dlamini's weapon before throwing the first stone that felled him.

● **Malebo Reid Mokoena (24)**, who was convicted on the basis of a confession he made to the magistrate while in custody. In court, he said he made the statement after electric shock torture by the police.

He admitted being one of the crowd who stoned Dlamini's house before the arrival of the police and rejoining the crowd when it reassembled. He said he had thrown a stone that struck Dlamini on the back and run away when the police arrived for the second time.

● **Oupa Diniso (32)**, on whom police found Dlamini's gun two months after the murder. Diniso said he was returning from golf on the day after Dlamini's death and had taken the gun from a group of boys. His lawyers argued possession of the gun was not sufficient evidence that he had been involved.

● **Theresa Ramashamola (27)** who, according to evidence, was standing in front of Dlamini's house when he fired a shot. She had shouted: "He is shooting at us, let's kill him." This evidence was given in camera by an unidentified witness.

● **Duma Khumalo (28)** who, according to State witnesses X and Y, was part of the crowd throwing stones at Dlamini's house and among people who made petrol bombs in a nearby yard. They also said Khumalo poured petrol on Dlamini's kitchen door and set it alight, and pushed his car into the street.

Khumalo said he had been forced to join the crowd but had left to assist a friend who was struck by a bullet during the first attack on Dlamini. The friend gave evidence that Khumalo had taken him to a nearby house for treatment, as did its owner.

● **Francis Don Mokgesi (31)**, who was convicted on the basis of evidence given by X and Y. They said he had gone to one of the witnesses once the crowd had reassembled and said: "Why are you not with the people? Why are you not fighting?"

They said he was among those who made petrol bombs and later handed out petrol bombs to the crowd, telling them to surround Dlamini's house and set it on fire.

Mokgesi said he was nowhere near the scene of the attack. He had been injured playing soccer the previous week and could walk only with difficulty. Confirmation of this injury by the team coach and a doctor was accepted by the court.



## PAC/Qibla terror trial draws to end

PRETORIA — The final stages of the marathon Pan Africanist Congress/Qibla terrorist trial in the Pretoria Regional Court have begun, with the closing of the state's argument.

The hearing, in which about 55 trials within trials took place and 120 witnesses testified, began in 1986.

In his argument for the state, advocate Mr Johan Pretorius said all seven accused should be convicted as charged.

The accused are Messrs Mabutu Enoch Zulu, 52, Siyabulela Ndoda Gcanga, 26, Vincent Alson Mathunjwa, 29, Sestiba Paul Moholo, 29, the Rev Daniel Saul Nkopodi, 27, Achmied Cassiem, 41, and Yusuf Patel, 27. They face 24 charges under section 54 (1) of the Internal Security Act.

According to the state the first four accused are members of the banned PAC, while Mr Nkopodi has been charged with being a PAC courier who transported trained PAC terrorists from neighbouring states into South Africa.

He also allegedly transported weapons and ammunition.

Mr Pretorius submitted Mr Zulu and Mr Gcanga were members of the PAC high command and that Mr Gcanga was also on the PAC's central committee.

Mr Zulu, he said, had been trained in Egypt and Angola in the Holden Roberto camp during the 1960s.

Mr Cassiem and Mr Patel were members of the Muslim Qibla organization and had conspired with the PAC to overthrow the government, the state alleged. — Sapa

# All night session

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Sowetan  
28/1/88

A MAN in detention is not in a hotel, a police officer yesterday said at the trial of three alleged members of the PAC in the Kliptown Magistrate's Court.

The officer, Sergeant Norman Lemmer, said one of the three accused,

Mr Mandla Cele, did not have a chance to sleep as he was interrogated throughout the night. Mr Lemmer said he himself never had a chance to sleep during that night.

Appearing before Mr H Hoffman was Mr Jaki Seroke (28), of Tembisa, Mr Thembinkosi Khungwane (24), of Mdanetsane, East London and Mr Cele (24), of KwaMashu in Durban.

They are facing charges of terrorism, belonging to an unlawful organisation and four alternative counts of being in possession of explosives, pistols, ammunition and publications of the PAC. They have pleaded not guilty.

Examined by defence counsel, Mr L. Skweyiya, Sgt Lemmer said a Mr Marodopi was also arrested on October 1, last year. He said he did not know the type of information Mr

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331 ~~1/2~~ Bldom  
28/7/28

## 9 IN COURT FOR FURTHERING AIMS OF ANC

Own Correspondent

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Appearing amid tight security in a packed courtroom were Ludwe Lemuel Lebesse, 27, of Makina Street, Zwide; Zolile Michael Dikiza, 28, Edward Gadu, 51, Tembile Mtulu, 28, Andile Mtulu, 28, Michael Fuzile Witbooi, 28, Nene Metshile, 29, all of Kwazakhele; Charles Sipho Adams, 34, of Gaba Street, Motherwell; and Monde Dougmore Johnson, 31, of Zibonda Street, New Brighton.

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The accused were not asked to plead and no evidence was led. The case was postponed to August 3.



AN alleged leader of Qibla — a Muslim organisation — was found by police in possession of a document which called for unity among the oppressed and warning that apartheid was a recipe for building a corrupt society, the Pretoria Regional Court heard yesterday.

The document, which was allegedly found in Mr Achmad Cassiem's possession and written in his own handwriting also called for the people to "take the lead and join hands with the militant oppressed masses and have confidence in ourselves."

This evidence emerged during argument by the prosecutor, Mr J Pretorius, who called for the conviction of Mr Cassiem and Mr Yusuf Patel — both alleged members of Qibla — for having conspired with the banned Pan Africanist Congress.

Mr Pretorius asked the court to convict them on the grounds of common purpose.

Both accused, together with Mr Mabatu Enoch Zulu, Mr Ndoda Gcanga, Mr Vincent Mathunjwa, Mr Paul Mohohlo and the Reverend Daniel Nkopodi have pleaded not guilty before Mr J H Bekker to 24 counts of terrorism and defeating the ends of justice.

The document, which is an exhibit in

## **Court told of call for unity**

court, also quoted Islam as a school of thought for those who struggle against imperialism. It called "for the unity of the oppressed people to destroy the oppressive system of Government."

The document also urged people to:

- Sever all relations with government institutions;
- Refuse to co-operate with them;
- Refrain from any action which might be construed as aiding them; and
- Establish new judicial, financial, economic, cultural and political institutions.

The document further read: "Great men, with broad horizons of thought, never despair or pay attention to the circumstances in which they find themselves — for example imprisonment or captivity — which may continue indefinitely. Instead they continue making plans for the advancement of their cause."

(Proceeding)

## Winnie, Motlana, named in trial

JOURNALIST Themba Jerry Khumalo, who has spent over a year in detention and most of it in solitary confinement, has been charged with "harbouring, assisting or failing to report terrorists".

He appeared briefly this week to hear the two charges for the first time but was not asked to plead and was remanded in custody until his trial on November 1.

Also mentioned in Khumalo's charge sheet are TV producer Roger Harris, doctors David Seftel and Nthato Motlana, as well as Winnie Mandela and her daughter, Zinzi.

Khumalo is alleged to have helped Oupa Alex Seheri and Vuyisile Tshabalala. Seheri, say the lawyers, is in custody awaiting trial while Tshabalala, according to the charge sheet, is dead.

In February 1987, Tshabalala was wounded in the foot during a shoot-out with police. Khumalo allegedly found him a hideout in Dube and took him to Motlana's surgery.

According to the charge sheet Khumalo then drove him to Harris' house in Honeydew and when the wound did not heal, Harris called in Seftel. The doctor was allegedly assisted by Zinzi Mandela "who had been brought there by the accused".

When the wound began to heal, Khumalo is alleged to have taken Tshabalala to accommodation found for him by Winnie Mandela.

The state alleges Khumalo had reason to suspect that Seheri intended to

commit crimes in terms of Section 54 of the Internal Security Act, that he was aware of the presence of Seheri, that he harboured him, directly or indirectly helped him and failed to report any of this to the police.

Seheri is alleged to have received training under the auspices of the African National Congress outside South Africa in the use of firearms. He had an AK47 and conducted some local training.

Khumalo helped arrange accommodation for Seheri at Crown Mines and visited him there for two months until his arrest, according to the charge sheet. During one of these visits, Khumalo was shown how to use an AK47.

Tshabalala was also said to have received training outside the Republic and re-entered the country with "objects to be used in training".

Khumalo allegedly provided the transport for Tshabalala and co-operated with him and others in training ventures "under Vuyisile's (Tshabalala) tutorship".

Khumalo is alleged to have driven a hired car and used a false passport for four trips to Botswana to convey reports from Tshabalala to "certain leaders on *inter alia* the progress of Vuyisele".

At the time of his detention, Khumalo worked for several Canadian and US news organisations as a stringer and translator.

29/7-4/8/88  
331 By PAT SIDLEY  
W/Mandela

# ANC trial told of 'jumps through hoops'

TWO African National Congress guerrillas pleaded guilty this week to leaving the country illegally and joining the outlawed ANC.

In their pleas read to the Heidelberg Regional Court, Mongezi Tshongweni and Vusi Thabethe, both 25, described events which led them to join the ANC.

Tshongweni had been a member of the Katlehong branch East Rand People's Organisation and Thabethe had joined the Tsakane Youth Organisation. Both were youth organisations which, they said, were trying to address the issues in their community, and this attracted the attention of the police. They said they had wanted to further their studies but could not do so inside the country because of police harassment.

The two had also been charged with furthering the aims of the ANC and recruiting people; those charges have been dropped.

The experience of black schoolchildren was among arguments offered in mitigation by the director of Case

MUSA ZONDI

(Community Agency for Social Enquiry) and the former deputy director of the South African Institute for Race Relations, Mark Orkin, who had consulted with the accused.

Black schoolchildren, Orkin said, have to "jump through many hoops" to succeed in life. They have to work hard to achieve matric exemption but still face the possibility of being rejected at universities.

Tshongweni, he said, had to face the consequences of being a Transkeian: at one time he could not take up employment because of his Transkeian citizenship.

He was also detained in 1985 a week before he had to leave for Roma University in Lesotho. After his detention, said Orkin, the psychologist who examined him found that he suffered from depression and disorientation.

"This saga of mounting frustration, anger and anxiety" led him to "look for greener pastures". His hope re-

sulted in him leaving the country and joining the ANC. He did not join the military wing of the ANC because of the belief that "violence inflicts lasting wounds irrespective of who inflicts it".

Orkin found that Thabethe had had roughly the same background as Tshongweni. He grew up in a family of five, who lived in a cramped household. Two families shared a two-bedroomed house and Thabethe had to be sent to stay with grandparents for education and a place to stay.

Thabethe admitted being a member of the ANC but the quest for more education drove him out of the country. "I saw no future for myself", he said in his plea. He said he had the choice of joining the ANC's military wing (Umkhonto weSizwe) but he opted for education and he had to wait for his scholarship.

Both the accused sought a more "active involvement with regards to social issue. They translated alternative politics into action", Orkin said. Sentence is scheduled for Monday.



## Soweto journalist appears in court

8/29/78  
(331)  
A Soweto journalist appeared in the Johannesburg Regional Court in connection with two counts of harbouring, assisting or failing to report the presence of certain persons.

Mr Themba Khumalo (31), of Diepkloof, Soweto, was not asked to plead when he appeared before Mr P J du Plessis on Wednesday.

Mr Khumalo, who was a stringer for the *Toronto Star*, *Southern News* and *Associated Press*, is alleged to have harboured and assisted two trained ANC members during November 1986 and February last year. The case was postponed to November 1 for trial.

## Six: petition date chosen

Pretoria Correspondent

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The Sharpeville Six's petition will be heard in the Appeal Court on September 7.

Their petition to the Chief Justice for leave to appeal against the trial court's refusal to reopen their case for further evidence, is the Six's last legal recourse.

Their only other avenue of hope is to petition the State President for clemency in terms of section 327 of the Criminal Procedure Act.

The five men and one woman, who have become known as the Sharpeville Six, have been on death row since December 1985 for the murder of Lekoa deputy mayor Mr Jacob Dlamini.

The convicted are Mójalefa Sefatsa (32), Reid Mokoena (24), Oupa Diniso (32), Duma Khumalo (28), Francis Mokgesi (30) and Theresa Ramashola (26).

Should the petition be successful, the case will be heard in Bloemfontein.

# Terror trial: 331

South African 20/1/88

## Defence argues

By MONK  
NKOMO

**ADVOCATE** Dikgang Moseneke, who represents four of the seven accused in the Pan Africanist Congress terrorism trial, will present his argument in the Pretoria Magistrate's Court this morning.

The four accused, all alleged members of the outlawed organisation who received military training outside South Africa, are: Mr Mabatu Enoch Zulu, Mr Ndoda Gcanga, Mr Vincent Mathunjwa and Mr Paul Mohohlo.

They, and three others — Mr Daniel Nkopodi, Mr Achmad Cassiem and Mr Yusuf Patel — have

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

The State alleges that both Mr Cassiem and Mr Patel were leaders of Qibla — a Muslim organisation.

Mr J Pretorius, who represents the State, has called for the conviction of all the accused, adding that Mr Cassiem and Mr Patel should also be found guilty of conspiring with the PAC.

The seven accused were arrested in April and May 1986. Mr Nkopodi is represented by Mr Gerald van Tonder and both Mr Cassiem and Mr Patel are represented by Mr Dennis de La Hunt.



Accused had 'confrontation' with a man in interrogation room

# COURT IS TOLD OF 'CLASH'

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Sowetan 29/7/88

By **MANDLA NDLAZI**

IT IS possible that one of the three alleged members of the Pan Africanist Congress had a "confrontation" in detention with a man known as Maropodi, a witness told the Kliptown Magistrate's Court yesterday.

Warrant Officer Norman Nemmer said this when cross-examined by defence counsel, Mr L Skweyiya, at the trial of Mr Jackie Seroke (28), of Tembisa, Mr Mandla Cele (24), of Kwa-Mashu in Durban, and Mr Tembinkosi Khongwane (24), of Mdantsane in East London.

They are appearing before Mr H Hoffman on charges of terrorism, belonging to an unlawful organisation and four alternative counts of being in possession of explosives, pistols,

ammunition and publications of the banned PAC. They have pleaded not guilty and are held in custody.

W/O Nemmer said he did not remember, but it was possible that Maropodi got involved in some "confrontation" with Mr Cele when he was brought into the interrogation room to identify Mr Cele.

He denied that Mr Cele was assaulted by "various members of the force". He denied that he was involved in the assault.

W/O Nemmer said he saw an injury on Mr Cele, but denied that it was caused by an assault by the police. He said the man who was arrested with Mr Seroke was also present when Mr Cele

# Journalist in court

3/1

A SOWETO journalist appeared in the Johannesburg Regional Court charged with two counts of harbouring, assisting or failing to report the presence of certain persons.

Mr Themba Khumalo (31), of Diepkloof, Soweto, was not asked to plead when he appeared before Mr P J du Plessis on Wednesday.

Mr Khumalo, who was a stringer for the Toronto Star, Southern News and Associated Press is alleged to have harboured and assisted two trained ANC members, Mr Oupa Sehere and Mr Vuyisile Tshabalala during November 1986

and February last year.

The State alleges that during November 1986 Mr Khumalo arranged accommodation for Mr Sehere of whose training he was aware, at Crown Mines. For two months he visited him there where he demonstrated to him the working of the AK47.

When Sehere was arrested the State alleges that Mr Khumalo left his home to avoid being arrested by the police.

The State further alleged that he assisted Mr Vuyisile Tshabalala during February last year with transport and incorporated with him in the use of firearms, security and intelligence

methods of the ANC. He is also said to have acted as a courier for the ANC.

According to the State Mr Tshabalala was involved in a shootout with the police. He sustained a leg injury and Mr Khumalo took him to a house in Dube and obtained assistance for him from Dr Nthaid Motlana. He also took him to a farm in Honeydew where he got further medical assistance from Dr David Settel.

Tshabalala was later removed from the farm and accommodation was sought for him elsewhere by Mrs Mandela. He later died.

Mr Khumalo is in police custody and will appear on November for trial.

*30/7/88* *10/8/88* *31*  
**'300 men in PAC's army'**

**JOHANNESBURG.** — The military wing of the Pan African Congress (PAC), the Azanian People's Liberation Army, had about 300 members, Brigadier Herman Stadler of the security police told the magistrate's court yesterday.

He was giving evidence in the trial of an allegedly highly-trained PAC terrorist, Mr Themba Jack Pikwane, 32, of Hartswater.

Mr Pikwane, who has denied guilt on charges of terrorism and belonging to an illegal organization, was arrested in Pampierstad near Hartswater in January this year. — Sapa



# Minister was shot dead during lawful police action

## inquest

CAPE TOWN — An inquest magistrate has found that the New Crossroads minister, the Reverend Dalimthelo Cameron Kani, who died of multiple gunshot wounds in February, was killed during "lawful police action".

Mr G Hoffmann said in a lengthy finding this week that Mr J J Gauntlett's criticisms of the police investigation and the fact that Warrant Officer Theunis Rosslee had used tracer bullets did not change the outcome.

Reviewing the police evidence, Mr Hoffmann said police from the Western Province Unrest Unit 10 were on patrol in New Crossroads at about midnight on February 2 when they heard a shot.

Police said Lieutenant Eugenius Bester was shot and wounded in the stomach while investigating what he thought was a possible car theft in Mr Kani's garage.

Four shots were then fired from the garage at Warrant Officer Rosslee who returned fire at a "shape" in the dark.

The man fell to the ground and police kicked a gun from his hand and fired more shots at him.

Constable Shaun van Wyk picked up the revolver, a .357 Magnum, and removed six spent cartridges.

The man, who was Mr Kani, did not move and they thought he was dead.

An ambulance took Lieutenant Bester to Tygerberg Hospital.

Other police arrived and searched the house "to make it safe".

About 15 minutes later a policeman heard Mr Kani groan and realised he was still alive. Another ambulance was called.

The driver of the second ambulance, which arrived approximately half an hour after the first, examined Mr Kani and told police he was already dead.

Because an investigation was in progress the ambulance left without him.

Mr Kani was eventually taken by a third ambulance to Groote-Schuur Hospital where, at 3 am, he was certified dead on arrival.

### GILL TURNBULL

Referring to the Kani family's evidence, Mr Hoffmann said this was so full of lies and contradictions that they could be charged with perjury.

"They contradicted themselves and each other so frequently that it is not necessary for the court to recount their discrepancies.

"The court believes that no one (in the house) saw the shooting."

Referring to the evidence of Mr Kani's 15-year-old son who said he saw police pump five bullets into his father's body, Mr Hoffmann said one wondered how he could see this "dramatic shooting" because he had already said the lead light which was in his father's hand had fallen and shattered.

Mr Hoffmann said the Kani family asked why it was necessary for Warrant Officer Rosslee to take Lieutenant Bester's place after he was shot.

"What must he do. Duck behind the car or hide around the corner?"

"Here is a police patrol, armed and ready to shoot back if attacked. It was Rosslee's duty to not only protect Bester but also himself. According to him he was also fired on."

To the question of why Mr Kani had a gun, Mr Hoffmann said his status as a minister did not preclude him from buying a stolen revolver on the black market and it was not necessary to tell the others in the house that he owned one.

"He lived in an unrest area, his house was damaged in 1983. Perhaps he decided to arm himself while he worked in his garage late at night."

"Possibly, after his early experience with the Comrades, when he heard a gunshot and footsteps he protected himself."

Mr Hoffmann rejected the evidence of Dr Richard Muller, head of the Tygerberg Trauma Unit, who said Mr Kani might have lived had he been treated by ambulance men and taken to the trauma unit within an hour.

Mr Hoffmann accepted the evidence of State pathologist DL van Iperen, "who had examined the

body and was honest about the probabilities of the deceased being alive after 45 minutes" that Mr Kani could not have survived his multiple wounds.

On the question of whether the police were negligent in not getting medical help for Mr Kani in time to save his life, Mr Hoffmann said the court was satisfied the second ambulance attendant was qualified to establish that Mr Kani was already dead.

"The police have a duty to protect a person around whom a crime is being committed. The deceased was not such a man. The question of why the ambulance took Bester and not the deceased must be seen against the situation as a whole."

Mr Hoffmann concluded it was not the police's lawful duty to inform the first ambulance attendant that a man whom they thought was dead was lying in the garage.

He added that, at the time, they had many other things to do.

Mr Gauntlett was instructed by Mr Justin Hardcastle, Mr Piet Steyn led the evidence and Mr J Stabbert appeared for the Minister of Law and Order.



# White man jailed - 'no to racist SA military'

By KERRY CULLINAN

AS Magistrate PH Brendenkamp left the Johannesburg Regional Court after sentencing David Robert Bruce to six years jail for refusing to serve in the SADF, the crowded court room burst into Nkosi Sikelel' iAfrika, their fists held high.

And friends of Bruce - who believes the SADF upholds racism - pushed towards the dock with tears pouring down their faces, hoping to touch him one last time before he was led away to begin his sentence.

When he gave evidence, Bruce said he regarded South Africa as being in a state of civil war, and that he was not prepared to serve in any of the SADF's structures.

Soweto community leader Dr Nthato Motlana, giving evidence in mitigation the morning before sentence was passed, said black South Africans supported Bruce's view that the SADF was racist.

He also said Bruce was regarded as a hero by blacks for his stand against racism.

Church leader Dr Allan Boesak sent a letter to Bruce shortly before he was sentenced, expressing his "deep admiration" for

Bruce's stand.

"At a time when many are doubting the viability of non-racialism in our struggle, you have given me faith again," said Boesak.

Support for Bruce's stand also came from Cosatu, the End Conscription Campaign, the National Union of South African Students and Wits University SRC, while PFP MP Helen Suzman described his sentence as "savage".

Bruce comes from a family that was persecuted by Nazis in Germany for being Jewish. Twelve close family members on his blind mother's side died in the Holocaust.

Their experiences had a major impact on the young Bruce, who said his opposition to racism had developed at an early age.

"I became aware that I was living in a society that was fundamentally racist," he said, adding that he became convinced he could not uphold racism in any way.

"Nazi officials accused of war crimes in the Nuremberg trials frequently used as their defence the assertion that they were just obeying orders. But for David Bruce this was not good enough," said Wits

SRC president Rosemary Hunter, adding the SRC was very proud of its former student.

Bruce's attorney, Kathy Satchwell, reminded people that there were many black South Africans in prisons throughout the country for their stand against racism.

The ECC, Nusas and Suzman called for alternative service to be introduced for those opposed to serving in the SADF for moral or political reasons.

Bruce's parents said that while their son had their support and love, they were appalled at a system that rejected neither "moral integrity nor freedom of conscience".

Bruce's lawyers are to lodge an appeal against the sentence as they believe the magistrate was wrong when he said he felt obliged to impose the maximum six-year sentence.

However, they said they expected the appeal only to be heard in March next year.



A Wits student protests against the imprisonment of Dave Bruce.

# PAC trial nears end

By SOL MORATHI

THE State this week closed its case in the marathon PAC/Qibla trial in the Pretoria Regional Court.

The hearing began on December 1, 1986, with seven people accused of terrorism and subversion.

The accused are Mabatu Enoch Zulu, 52, Ndoda Geanga, Vincent Mathunjwa, 29, Paul Moholo, 29, Rev Daniel Nkopodi, 27, Aehman Aessiem, 41 and Yusuf Patel, 27.

All have pleaded not guilty to 24 charges under the Internal Security Act.

According to the State, Zulu, Geanga, Mathunjwa and Moholo are members of the PAC, and Nkopodi a PAC courier.

Nkopodi is alleged to have transported weapons and ammunition.

The court heard Zulu was trained in Egypt, China and Angola during the 1960s.

He came back into the country several years ago, and stayed in Ngobi near Hammanskraal before his arrest by Bophuthatswana police.

Cassiem and Patel are alleged to be members of the Muslim Qibla organisation and share a common cause to overthrow the SA government.

Before closing the case, State prosecutor, J Pretorius asked the court to find the accused guilty on all charges.

The case is proceeding.

C/press

3/17/87



CP Correspondent

THE King William's Town Regional Court heard in a terrorism trial this week that the banned ANC was a fact of political life in South Africa.

This was conceded by an expert State witness, Brigadier J Buncher under cross examination by defence counsel MTK Moerane.

Buncher was giving evidence in a trial of Mxolisi Sikopo, 25, charged with terrorism.

The State alleges that he participated in ANC activities and furthering its aim.

He is further charged with undergoing military training in East Germany and Angola and being in possession of banned publications and weapons of foreign origin.

Sikopo is further charged with fraud-related charges.

He pleaded not guilty to all counts.

Buncher further conceded

# Majority support ANC top cop

ed in his evidence that the ANC enjoyed support from the majority of the people.

Moerane said black people in particular were not given their political rights and from 1948 to 1961 racial discrimination was the order of the day.

It was in this background that the leaders of the ANC turned to the armed struggle.

Buncher from Natal was giving expert evidence.

In his evidence he agreed

with the defence, that ANC leaders received numerous international awards, in particular Chief Albert Luthuli who received a Nobel Peace Prize.

He agreed with the defence that even parliamentarians had been saying that the ANC was central to the solution of this country's problems.

In his evidence about documents before court about the tactics of the ANC's guerrilla warfare and its intelligence, he said the documents could be used to train ANC members.

He said what he was telling the court was information he had gathered from the police infiltrators and ex-members of the ANC.

He agreed that he had no direct evidence to say the documents before court were used by the ANC to train its members.

The trial continues. — Veritas

# Prominent E Tvl men go on trial for death of policeman

By REVELATION  
NTOULA

NINE prominent residents of Lynville, near Witbank, will appear in the Pretoria Supreme Court next week charged with the murder of a policeman in 1986.

They are Donald Mnisi, Stanley Phalamohlake, Sunday Komane, Gastive Mlotswa, Abel Ntuli, Banda Khoza, Silvester Sibozza, Moses Magagula and Oupa Lentswane.

Some of them are already serving long sentences on Robben Island.

Their appearance is a sequel to the death of Const Solomon Mandlazi who died on May 31, 1986.

According to the charge sheet, Mandlazi was attending a funeral at Lynville Township when he was attacked by

mourners about to bury an unrest victim.

He was assaulted by the mob and, while unconscious, was thrown into a nearby open grave where he was allegedly further assaulted.

The open grave in which he had been dumped was later filled with soil by the angry mob before it left the cemetery.

His body was later dug up by members of the police, states the charge sheet.

The hearing, expected to run on for several weeks, is expected to attract much attention in view of the fact that many of the accused are well-known Lynville residents.

Others feature in civic politics in the Witbank township.

31/7/88 C/P 2020



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# 'Burn your pal or we burn you'

SUSAN RUSSELL

A TEMBISA man was told by a group of people, all but one of them teenagers, to set his friend alight or be burned himself, the Rand Supreme Court was told yesterday.

The 20-year-old man said in evidence the group abducted him and his friend, gave him matches and said if he did not set his friend alight he would be burned himself.

He said he took the matches and his friend "started burning".

He was giving evidence at the trial of six young people charged with the necklace murder of Laurence Sipho Thibi in Tembisa on May 11 last year.

The six are also charged with

attempting to murder the 20-year-old man.

Zebulon Paulus Ndlovu, 19, Jeremiah Menzi Shongwe, 18, Alfred Bongani Nzama, 20, two 17-year-olds and a 16-year-old have all pleaded not guilty.

Counsel for the State asked the Press not to identify the 20-year-old witness because he said he had been threatened.

It is alleged by the State that he and Thibi were abducted from his house by a group which included the accused and taken to a place where Thibi was struck with bottles, stones, sjamboks and pieces of wire.

It is also alleged Thibi's hands were then bound with wire before petrol was thrown over him, a tyre put on him and he was set alight.

The group was disturbed before they could complete the attack, the State alleges, and Thibi died a few days later.

The 20-year-old witness said the group did not do anything to him and they ran away when soldiers arrived.

Under cross-examination he said he did not seek help from the driver of a vehicle the group asked for petrol.

The trial continues.

PABX

TIME

## Haskins still detained

MICHAEL HARTNACK

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# 'FREE PAC ACCUSED'

By **MONK  
NKOMO**

FOUR alleged members of the banned Pan Africanist Congress who were arrested in Bophuthatswana in 1986 were not supposed to stand trial in South Africa because the State has failed to prove that their mission was to perpetrate acts of terrorism in this country, their lawyer Mr Dikgang Moseneke submitted in a Pretoria Regional Court on Friday.

The four accused — Mr Mabatu Enoch Zulu, Mr Ndoda Gcanga, Mr Vincent Mathunjwa and Mr Paul Mohohlo — were arrested by the South African Police and Bophuthatswana police at Ngobi in April 1986.

Mr Moseneke told the court: "I do not know why the accused are charged in South African courts as the State has failed to prove that their mission was to come to South Africa. It is obvious that the South African Police are not policemen or State functionaries in Bophuthatswana."

Mr Moseneke said most of the charges were duplicated and called for the acquittal of the four accused on all 23 counts of terrorism. He submitted that the State has failed to prove that the four were members of the Pan Africanist Congress, underwent military training and wanted to endanger the maintenance of law and order in the country.

The evidence of seven State witnesses, including that of a Lieutenant Prinsloo was "self-contradictory, untrust-

worthy and should be rejected," Mr Moseneke said.

The four accused, together with the Reverend Daniel Nkopodi, an alleged courier of the PAC, Mr Achmad Cassiem and Mr Yusuf Achmad, both alleged members of Qibla — a Muslim organisation — have pleaded not guilty before Mr J H Bekker to 24 counts of terrorism and defeating the ends of justice. The trial has been postponed to September 2.

Mr Moseneke submitted that one of the State witnesses, Mr X, a former PAC official, had told the court that Mr Zulu had no military mission in South Africa. In his confession, Mr Zulu said he came to Cape Town to canvas PAC members over possible negotiations with the South African Government.

Mr Zulu also had no instructions to execute any acts of violence and both XI and Colonel Jakobus Buchner, an expert on ANC and PAC activities, had conceded that some PAC missions could be entirely political, said Mr Moseneke.

He also submitted that Mr Gcanga was a citizen of the Transkei who stated in his confession that he was supposed to go and work in that homeland "to mobilise recruits."

Mr Moseneke also argued that there was no evidence that Mr Mathunjwa had any part of South Africa as his destination. There was no evidence that he intended to stay or perform prohibited acts in this country, the court heard.

# Venda terror trial

FIVE of 19 detainees held in Venda since May last year are now being held under Section 31 of the Maintenance of Law and

Order Act, it was confirmed last week.

A police spokesman said Mr Thizwilondi Muthewana, Mr Norman Makumbane, Mr Reuben Tshishonga, Mr George Madilonga and Mrs Christina Mabara, were expected to testify in the trial of six men charged with terrorism. *Swela*

The five were part of a group of 19 people detained by Venda security police last year. Eight others were released while six were charged.

*331 18/8*

# Marathon UDF <sup>Mas</sup> trial 2/8 resumes

The Argus <sup>331</sup>  
Correspondent

PRETORIA. — After a two-week adjournment the marathon United Democratic Front trial has resumed in the Supreme Court here.

The State yesterday opened with argument which seeks to establish that the UDF is the internal wing of the African National Congress and of the South African Communist Party and that it conspired to foment a bloody revolution.

The trial is the longest political trial in South African history and runs more than 19 000 pages of recorded evidence.

## ON BAIL

On trial are 19 people, including members of the UDF and the Azanian People's Organisation (Azapo).

Bail has been granted to all but three high-ranking members of the UDF, Mr Patrick Lekota, general secretary, Mr Popo Molefe, former Transvaal executive member, and Mr Moss Chikane.

They have been in custody since the start of the trial in spite of five bail applications which were rejected by Mr Justice van Dijkhorst.

The accused have all pleaded not guilty to the main charge of high treason and to the alternative charges ranging from terrorism to murder.

The State closed its case in November 1986.



# Crucial treason trials resume in Pretoria

JOHANNESBURG. — Two of the most significant political trials in South African history resumed yesterday in adjacent courts in the Palace of Justice, Pretoria.

In Court C the four-year-old "Delmas" treason trial entered its last leg, with the state opening its argument.

Among the 19 accused are UDF secretary Mr Popo Molefe and the organization's publicity secretary, Mr. Patrick "Terror" Lekota.

Among the key questions to be decided by Mr Justice Van Dijkhorst is whether the UDF aimed to overthrow the state by violence. The outcome is regarded as crucial to the existence of the UDF.

In Court D, before Mr Justice Daniels, three alleged members of the ANC are also appearing on charges of treason.

One of the accused, Mr Ebrahim Ismail Ebrahim, is alleged in the indictment to have been chairman of a Swaziland-based ANC committee which controlled all military and underground political activities of the ANC in the Transvaal and Natal.

If the indictment is correct, Mr Ebrahim is apparently the highest-ranking member of the ANC to have appeared in court since the Rivonia Trial of 1964. — Sapa

WELAN, Tuesday, August 2, 1988

# PEACEFUL FIGHT A CONSCIOUS LIE

2/8/88  
331  
S. M. J. van der Merwe

THE fact that the United Democratic Front and its followers were involved in a peaceful struggle for freedom was "a conscious lie and a distortion of reality," the Pretoria Supreme Court was told yesterday.

This was said by the prosecutor, Mr P F Jacobs, at the beginning of his argument in the trial involving 19 prominent leaders of the UDF, Azanian People's Organisation, Vaal Civic Association and Azanian National Unity.

The accused, among them Mr Popo Molefe, secretary general of the UDF, Mr Patrick "Terror" Lekota, UDF publicity secretary, and Mr Moses Chikane, former Transvaal executive member of the UDF, have pleaded not guilty to a charge of treason, and alternative charges of terrorism, subversion and murder.

## Resumed

The trial resumed yesterday after an adjournment of about two months. Mr Jacobs told Mr Justice van Dijkhorst and an assessor that the concept of the freedom in which the UDF, its affiliates and active supporters were engaged was of cardinal importance. He said it (struggle) was even of interest to the African National Congress and the South African Communist Party.

"All the organisations and those involved have a purpose of involving the masses, especially the blacks, in the struggle against the authorities in South Africa," he said.

Referring to earlier evidence that certain political organisations, particularly the UDF, were striving for peaceful change, and that the Government and its officials were the cause of deeds of violence in the country, Mr Jacobs said such statements were untrue.

"That is an absolute lie being used by the UDF, its affiliates and activists for self preservation, their continued existence and purposes of waging war against the State and

By ALINAH DUBE

State related institutions."

"The concept of peaceful struggle on the part of the UDF and its followers is a conscious lie and a distortion of reality," he submitted.

(33) Stay  
P.B.

## Masses were to be mobilised — State

Pretoria Correspondent

The longest treason trial in South African history resumed in the Pretoria Supreme Court yesterday after a two-week adjournment.

On trial are 19 members of various organisations including the UDF and the Azanian People's Organisation (Azapo).

During his argument yesterday State advocate Mr P B Jacobs, the deputy Attorney General for the Transvaal, said it was clear from evidence that the Vaal Civic Association (VCA) — which was formed to bridge the gap between local residents and local black authorities over the issue of increased rents — under the influence of the UDF had planned to organise and mobilise the masses living in the Vaal area to support a stayaway on September 3 1984.

The ulterior aims of the VCA became clear during three meetings which took place on August 26 1984.

These meetings were attended and chaired by some of the accused.

It was also clear from evidence regarding the founding meeting of the VCA that actions at the gathering were intended to promote support for the UDF and the ANC.

The State also claimed that the masses were led to believe that local black authorities were part of the Government's policy of "suppression" and that they should, therefore, not vote in the municipal elections.



# Accused tells of meetings

ALEXANDRA Township residents were urged to unite and actively participate in the fight for their rights and the improvement of the area, a treason trialist told a packed Rand Supreme Court yesterday.

Mr Richard Mdakane, who was giving evidence in his defence, said the residents were urged at the meetings held in the township. He said the residents were told to have self-respect and control over these issues.

Mr Mdakane (29), is appearing with trade unionist, Mr Moses Mayekiso (38), Mr Paul Tshabalala (38), Mr Mzwanele Mayekiso (22) and Mr Obed Bapela (28), on charges of treason, alternatively subversion and sedition.

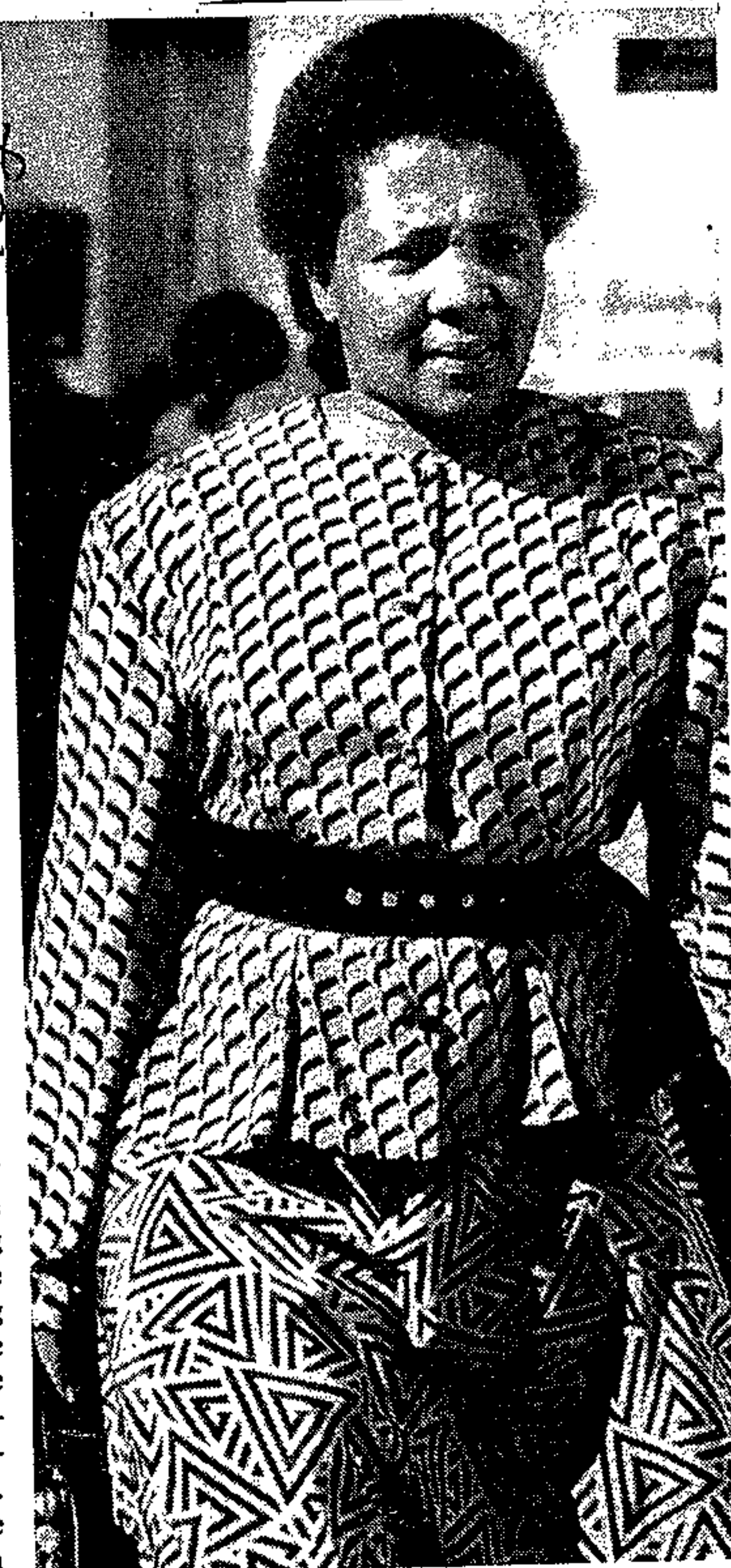
It is alleged they attempted to usurp the authority of the State by trying to seize control of Alexandra in 1985 and 1986 by establishing "organs of people's power and people's courts". It is further alleged that they launched a boycott of shops in and around Alexandra. They have pleaded not guilty and are held in custody.

Mr Mdakane said the Alexandra Civic Association was not supported by the masses because many residents did not know about it. He said he had attended the resident's meeting where Mr Moses Mayekiso was one of the speakers. He

By **MANDLA  
NDLAZI**

said Mr Mayekiso appealed to residents at that meeting that an organisation should be formed to assist the community. Later yard and street committees were formed.

Mr Mdakane said the committees were to approach the authorities on improving the conditions in the area. By then, he said, children were no longer attending school because of the many problems facing residents. When he returned home after the meeting he told neighbours to form committees for "harmony". About 15 people in the yard shared a toilet and a tap.



MRS KOLA Mayekiso leaving court yesterday.

(23/7)  
28/8 Star

## Alexandra's '6-day war' is recalled

By Ayesha Ismail

A community leader told the Rand Supreme Court yesterday of events during a "six-day war" in Alexandra.

The National Union of Metal Workers of South Africa secretary, Mr Moses Mayekiso (38), Mr Paul Tshabalala (38), Mr Richard Mzameni Mdakane (29), Mr Obed Kopeng Bapela (28) and Mr Mzwanele Mayekiso (22) have pleaded not guilty to treason, subversion or sedition.

It is alleged they attempted to usurp the authority of the State by forming the Alexandra Action Committee (AAC), uniting the residents of Alexandra into street, block and yard committees and launching a rent and consumer boycott.

Mr Mdakane, first of the accused to testify, told the court of a meeting in 1976 attended by about 2 000 Alexandra residents when it was decided to form an organisation to sort out problems with electricity, housing, roads and crime.

He said at further meetings they discussed "awareness, building of unity among the people, discipline, mass-based and control and democracy".

Asked what was meant by "mass-based and control", he replied that the organisation should be mass-based and represent the community.

He told of a night vigil for a youth shot by a security guard at which police arrived and fired teargas at mourners.

"Old grannies choked and children suffocated," he said.

"The people were angry because they had done nothing wrong as they were only singing."

The police had not reacted to complaints.

"I was told that a delegation of the South African Council of Churches went to see the Commissioner of Police but that some members were not allowed to enter the township."

The hearing continues.

The election will be for 57 members of the Legislative Assembly. The statement said Ma-

Mabuza and instal a more pliable Chief Minister," it said.

election to educating the Kangwane people in democracy".

Enos Mabuza

## Seven cleared of Moutse murder rap

By REV NTOULA

SEVEN men were this week acquitted in the Witbank Circuit Court on charges relating to the murder of two policemen.

Their appearance before Judge Curlewis was a sequel to the burning alive of a David Murudi in the Moutse area on New Year's day in 1986.

Abner Bopape was also killed in the same incident.

218188  
The seven - who were not asked to plead - are January Tsatsi, 24, Joel Magashule, 31, Willie Manannja, 49, George Magobasha, 29, Peter Mashilo, 31, Master Magashoa, 26, and Klaas Mobopa, 39.

Three others - Lucas Makhubela, 25, Shadrack Mmakola, 27 and Klaas Scerane, 39 - pleaded guilty to assault with intent to do grievous bodily

harm.

CFR 331  
The State prosecutor accepted their pleas and they were found guilty.

The judge said he would be willing to consider an appeal for suspended sentences on condition that arrangements were made to compensate the dependents of the deceased.

The three were released on R300 bail each.

Mmakola and Scerane - who are senior members of

the Zion Christian Church - were clad in their full church garb when they appeared in court.

The public gallery was packed with ZCC supporters.

Before postponing sentence, Curlewis said he would only listen to a plea for suspended sentences once a firm agreement between the three accused and the dependents of the deceased had been made.



## Kentridge will argue 'Six' case

Distinguished jurist and defence advocate in the Biko inquest, Mr Sydney Kentridge, QC, has been instructed to argue the Sharpeville Six's appeal, an attorney, Mr Prakash Diar, said last night.

He said the decision to change the advocates instructed to represent the Six was motivated by a desire to get the best legal representation possible.

Mr Kentridge and Mr Ishmail Mahomed, SC, will argue the appeal to be heard in Bloemfontein on September 7.

Star  
331  
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# Probe took cop out of town — evidence

33/ Supreme Court Reporter

SECURITY police Warrant Officer Jeff Benzien told the Supreme Court yesterday that his investigation after the arrest of Ashley Forbes and others had taken him to various cities and towns. WO Benzien was testifying in the terrorism trial of Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhooode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf Karriem, Colin Clave Martin Petersen, Leon Scott and Yasmina Pandy.

He said Forbes accompanied him to hotels and holiday camps, where he pointed out inscriptions in registers where he and Jacobs entered false names.

**THE ULTIMATE**

Real wild, man

**Security charges: Three on bail**

Staff Reporter

*M&A 3/8/88 (231)*

TWO women and a man have appeared in Cape Town Magistrate's Court on charges under the Internal Security Act.

Miss Sindiswa Beauty Dlavu, 27, of Kwazakele, Port Elizabeth, Mr Xolile Mini, 30, and Miss Khungaka Gloria Mali, of Khayelitsha, were released on R1 000 bail each.

The hearing was postponed to September 5.



# Treason trial hears of stayaway plan

3/8/88 B/Day 331

PRETORIA — The Vaal Civic Association (VCA) had, under the wing of the United Democratic Front (UDF), planned to organise a mass stayaway on September 3, 1984, the treason trial in the Pretoria Supreme Court heard yesterday.

The trial was initially held in Delmas.

The VCA was formed to bridge the gap between residents and black local authorities over rent increases, State advocate B P Jacobs, Transvaal's Deputy Attorney-General, said at the resumption of the marathon trial in which 19 office-bearers of organisations including the UDF and the Azanian People's Organisation face a number of charges.

Jacobs said it was against UDF policy to negotiate with any government organ. The VCA's ulterior motives had become clear at three meetings attended and chaired by

some accused on August 26, 1984.

It was also clear, he said, from evidence about the VCA's founding meeting, actions at the gathering were intended to propagate the UDF and the ANC, and people were urged to take part in the freedom struggle.

The masses, Jacobs continued, were led to believe black local authorities were part of government's suppression and that people should not vote in the local elections.

The State is attempting to prove that the UDF is the internal wing of the African National Congress and of the SA Communist Party and that it conspired to foment revolution.

All the accused are on bail except for three high-ranking UDF members, Patrick Lekota (general secretary), Popo Molefe (former Transvaal executive member) and Moss Chikane. They have all pleaded not guilty to high treason. — Sapa

CAP-74153/8/88  
33/

# Civic planned stayaway — State

PRETORIA. — The Vaal Civic Association (VCA), an organization formed to bridge the gap between residents and the black local authorities over the issue of rent increases, had, under the wing of the United Democratic Front, planned to organize a mass stayaway on September 3, 1984.

This evidence was submitted by state advocate Mr B P Jacobs, deputy Attorney-General for the Transvaal, at the resumption of the marathon Delmas treason trial — the longest in SA history — in the Pretoria Supreme Court of 19 office-bearers of organizations including the UDF and the Azanian People's Organization.

The state is attempting to prove that the UDF is the internal wing of the African National Congress and of the SA Communist Party and that it conspired to foment revolution.

All the accused are on bail except for three high-ranking UDF members, Mr Patrick Lekota (general secretary), Mr Popo Molefe (former Transvaal Executive member) and Mr Moss Chikane.

The accused have all pleaded not guilty to the main charge of high treason and to alternative charges ranging from murder to terrorism.

Mr Jacobs said the ulterior motives of the VCA had become clear at three meetings attended and chaired by some of the accused on August 26, 1984.

It was also clear from evidence regarding the founding meeting of the VCA that actions at the gathering were intended to propagate the UDF and the ANC, where people were urged to take part in the freedom struggle, he said. — Sapa

# Arms 'found at Mandela home'

Star By Ayesha Ismail

(331)

A Soweto Security Policeman told the Rand Supreme Court yesterday that an AK-47 rifle and a Scorpion machine-pistol were found at the Orlando West home of Mrs Winnie Mandela in February last year.

Lieutenant A Kritzingher was giving evidence at the trial of Mr Oupa Alex Seheri (33), Ms Priscilla Mkhonza (29), Mr Ben Dlamini (27), Mr Setimbiso Butjelize (25) and Mr Charles Zwane (18).

They are charged with two counts of murder, two counts of attempted murder, the unlawful possession of an AK-47 rifle, a Scorpion machine-pistol and ammunition.

The state alleges that the accused killed Mr Mlando Michael Ngubeni and Mr Xola Ashley Colin Mokhaua in January last year.

They are also charged with attempting to murder Mr Jeremia Benkankosi Nkosi and Mr Colin Dlamini. All accused have pleaded not guilty to the charges.

Lieutenant Kritzingher told the court Mr Seheri took him and other policemen to a house in Orlando West where an AK-47 rifle was found in a back room. It is alleged the room was occupied by Mr Seheri.

Lieutenant Kritzingher said three rounds of live ammunition were found in a vase on top of a television set in one of the rooms.

31/8/88  
"When we inquired about who the room belonged to, we were told it was the room of Miss Zindzi Mandela," Lieutenant Kritzingher said. He said the ammunition was found in the presence of Mrs Mandela and her daughter.

On February 10 last year the Soweto Security Branch received information that an alleged terrorist, Mr Vuyisile Tshabalala, was at the house of Mrs Mandela, Lieutenant Kritzingher said.

He said Mr Seheri accompanied the police to the Orlando West home of Mrs Mandela, but Mr Tshabalala was not there.

## WANTED PERSON

The court heard that on February 27 last year the police again received information that a wanted person was at the house of Mrs Mandela. An investigation took place and Ms Zindzi Mandela's room was searched.

Lieutenant Kritzingher said a travel bag was spotted on top of the wardrobe.

"We took it down and found a Scorpion machine-pistol inside. Because Mrs Mandela and her daughter were not present we put it back and kept the house under guard until they came home.

"When they arrived we asked them who the machine-pistol belonged to but we got no positive response from them," he said.



331 3/8/88  
Sawefan

## Court told of six-day war

Mr RICHARD Mzameni Mdakane (29), an Alexandra community leader, told the Rand Supreme Court yesterday that conditions in Alexandra were so bad during the "six-day war" that a medical clinic had to be set up.

This was said at the trial of National Union of Metal Workers of South Africa's secretary, Mr Moses Mayekiso (38), Mr Paul Tshabalala (38), Mr Mdakane, Mr Obed Kopeng Bapela (28) and Mr Mzwanele Mayekiso (22), who have pleaded not guilty to charges of treason, subversion or sedition.

### Usurp

The State alleges that they attempted to usurp the authority of the State by forming the Alexandra Action Committee (AAC), uniting the residents of Alexandra into street, block and yard committees and launching a rent and consumer boycott.

Mr Mdakane said a group of doctors from the National Medical and Dental Association (Namda), organised by the bishops at Khotso House provided the clinic at a church in Alexandra.

He said he assisted the doctors and acted as an interpreter. Many children went missing and were injured during the six-day war, Mr Mdakane said.

### Inquire

He said residents went to the police station to inquire about arrests, injured and dead people, but police took no notice of them.

After going to see the South African Council of Churches (SACC), a delegation of priests and bishops came to the township to try and solve problems. The residents met at a stadium in Alexandra and Archbishop Tutu made a speech, the court heard.

Archbishop Tutu appealed to workers to go back to work and to children to return to school.

He also asked the people to stop the fighting between them and the police.

The court heard that a group of local priests and bishops marched through Alexandra to go to the police station.

# Court accepts Cele's confession

A KLIPTOWN Regional Court magistrate yesterday ruled that a confession made by an alleged member of the Pan Africanist Congress to a magistrate in Roodepoort last year was admissible.

The magistrate, Mr H Hoffman, said at the end of a trial within a trial that the statement which was made by Mr Mandla Cele (24), was freely and voluntarily made in accordance with Section 217 of the Criminal Procedure Act 51 of 1977. The contents of the confession will be used later as evidence in court.

## The PAC

Mr. Cele is appearing with two other men, Mr Jaki Seroke (28), of Tembisa, and Mr Theminkosi Khongwane (24), of Mdantsane, East London. They face charges of belonging to an outlawed organisation and four counts of being found in possession of pistols, ammunition

tion, explosives and literature of the PAC. They have all pleaded not guilty. <sup>to the day</sup> Later in the day another trial within a trial to look into the admissibility of the statement made by Mr Khongwane to a Krugersdorp magistrate was held. Mr Khongwane said he was promised that should he make a statement he would not be charged and will be used as a State witness.

The accused were represented by Advocates Essop Patel, Lewis Skweyiya and Ben

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3/8/88

## VCA accused

331  
COUNSEL for the State yesterday told the Pretoria Supreme Court that the Vaal Civic Association was responsible for inciting residents against councillors in the Vaal Triangle.

Mr P F Jacobs also told Mr Justice van Dijkhorst and an assessor that the VCA managed to do this by highlighting some of the grievances which were not genuine. He said that anger of the Vaal Triangle residents was then used against councillors, the council and the State in general.

The prosecutor was arguing in the trial of the

19 leaders of the United Democratic Front, Azanian People's Organisation, VCA and the Azanian National Youth Unity who have pleaded not guilty to treason and alternative charges of terrorism, subversion and murder.

Mr Jacobs told the court that black people were at a particular meeting incited and encouraged to take united action to eradicate councillors and the system itself. The VCA leaders, he said, played a leading role in organising meetings at the time.

(Proceeding)



Jan 28/80

## Tutu urged end to disturbances

# Alexandra's 'war wounded' needed emergency clinic

(33)

By Ayesha Ismail

Community leader Mr Richard Mzameni Mdakane (29) told the Rand Supreme Court yesterday that conditions were so bad during Alexandra's "six-day war" that a medical clinic had to be set up.

He was giving evidence at the trial of National Union of Metal Workers of South Africa secretary Mr Moses Mayekiso (38), Mr Paul Tshabalala (38), Mr Mdakane, Mr Obed Kopeng Bapela (28) and Mr Mzwanele Mayekiso (22) who have pleaded not guilty to charges of treason, subversion or sedition.

The State alleges they attempted to usurp the authority of the State by forming the Alexandra Action Committee, uniting residents into street, block and yard committees, and launching a rent and consumer boycott.

Mr Mdakane said a group of doctors from the National Medical and Dental Association had provided the clinic at a church in Alexandra for the injured of

the "six-day war".

He assisted the doctors and acted as an interpreter.

He added that the police "took no notice" when residents went to them to inquire about arrests, missing children, the injured and the dead.

After going to see the South African Council of Churches, a delegation of priests and bishops went to the township in an attempt to solve problems. The residents met at a stadium in Alexandra and Bishop Desmond Tutu made a speech.

He appealed to workers to go back to work and to children to return to school. He also asked them to stop fighting the police.

A group of local priests marched through Alexandra towards the police station to inquire about the dead, injured and arrests, but they were stopped by army and police members.

Mr Mdakane told the court that "people's courts" were started in Alexandra after the SAP had refused to accept complaints from the community.

The hearing continues.

CAPE TOWN 3/8/88

# Kentridge to act for the Sharpeville Six

Own Correspondent

JOHANNESBURG. — The distinguished South African jurist and advocate in the Biko inquest, Mr Sydney Kentridge, QC, has been instructed to argue the application for leave to appeal against the Pretoria Supreme Court ruling against the reopening of the Sharpeville Six trial.

Mr Kentridge will argue the application in the Appellate Division in Bloemfontein with advocates Mr Ismail Ayob and Mr Jack Unterhalter, on September 7.

Argument will be heard before five Appeal Court judges, which the attorney for the Six, Mr Prakash Diar, said was "unusual". Appeals are usually heard before two judges.

Mr Diar said advocates were changed to get the best possible legal representation.



Mr Sydney Kentridge

not yet come up with any trace of her whereabouts.

*Cape Times 4/8/89 (209)*  
**Cosatu man refused bail** *33*

MARITZBURG. — Cosatu office-bearer Mr Alfred Ndlovu, who faces charges of terrorism and attempted murder, was refused bail in the Regional Court here yesterday.



## Accused tells of promise

*Samefar*

AN ALLEGED Pan Africanist Congress member told the Klip-town Regional Court yesterday that police promised to make him a State witness if he co-operated and made a statement to a magistrate.

*331**4/8/88*

Mr Thembinkosi Khongwane, who faces charges of terrorism, membership of a banned organisation, possession of arms and banned literature is appearing with Mr Jaki Seroke and Mr Mandla Cele. They have pleaded not guilty to all charges.

He told the court that he did not know that he could make a statement to a magistrate until the policemen suggested it to him. He said he was also told that if he co-operated the case would be speeded up and referred to an Attorney-General as he would not be prosecuted as a State witness.

The magistrate, Mr H Hoffman, asked him if he did ask the police why he had to make another statement to a magistrate since he had made one already to the police. He said he thought that the police wanted to make sure that he would co-operate.

A security policeman, Warrant Officer, Jacobus Terreblanche, testified that Mr Khongwane was not promised anything.



# 'Plan for revolution'

331

By ALINAH DUBE

BLACK political and student organisations united themselves in a revolution to overthrow the State and impose a government based on the Freedom Charter, the prosecutor said in the Pretoria Supreme Court yesterday.

In his submission, Mr P F Jacobs told Mr Justice van Dijkhorst and an assessor that the State had proved beyond

reasonable doubts that the Soweto Civic Association, Soweto Youth Congress, Congress of South African Students and the United Democratic Front took such united action.

He said this in argument during the Vaal Triangle treason trial in which 19 leaders of the UDF, Azapo, VCA and Azanyu have pleaded not guilty to treason and alternative

charges of terrorism, subversion and murder.

Mr Jacobs told the court that Azapo actively worked together with the SCA, Soyco and Azanian Students Organisation.

"It can respectfully further be argued that the SCA did not concern themselves with local issues but in fact participated in the national freedom struggle for the eventual takeover of authority by the

so-called people's government," he said.

Mr Jacobs also submitted that the UDF was responsible for a campaign against black local authorities. He said although the SCA might have dealt with issues relating to BLA before the formation of the UDF, it was after the UDF came into existence that the campaign was co-ordinated.

(Proceeding).

4/8/80

Sowetan

# State asks judge to convict 18 Delmas trialists of treason

Pretoria Correspondent

The State yesterday asked a Pretoria Supreme Court Judge to find 18 of the 19 accused in the mammoth "Delmas" trial, guilty of high treason.

At the end of the fourth day of argument in the trial of office bearers of various organisations, Mr P B. Jacobs SC, Deputy Attorney-General of the Transvaal, asked the court to find the State had proved there was a conspiracy between the UDF and its affiliates, and the UDF and the ANC, to overthrow the Government.

The 19 accused have pleaded not guilty to several charges ranging from high treason, to murder and terrorism.

Yesterday Mr Jacobs asked the court to find the members of the conspiracy internally — meaning the UDF — incited the masses to violence against State authority and State institutions.

From the facts, these organisations showed a hostile disposition towards the State. Mr Jacobs said it had been proved the accused had had a part of this disposition.

Presiding judge Mr Justice van Dijkhorst asked Mr Jacobs whether violence was an element in the crime of high treason.

Mr Jacobs said violence was not a necessary element.

The judge then asked the Deputy Attorney-General whether he had read a recent judgment on high treason. When Mr Jacobs replied in the negative, Mr Justice van Dijkhorst asked how it was that someone from the Attorney-General's office didn't know something of that nature.

Mr Jacobs said he had been busy with the Delmas trial.

The trial continues.



## Treason trial is told of workshops

# We discussed Alex problems — accused

By Ayesha Ismail

The Rand Supreme Court heard yesterday that workshops were set up in Alexandra during April 1986 by the Alexandra Action Committee (AAC) to discuss community problems.

Mr Mzameni Richard Mdakane (29) said the workshops would serve as community gatherings where people could discuss problems and air views.

Mr Mdakane, Mr Moses Mayekiso (38), Mr Paul Tshabalala (38), Mr Obed Bapela (28) and Mr Mzwanele Mayekiso (22) have pleaded not guilty to charges of treason, alternatively sedition or subversion. The State alleges they tried to usurp the authority of the State by forming yard, street and block committees.

Mr Mdakane said the workshops were attended by about 120 people representing the different organisations in Alexandra. Recommendations were made at the workshop, and would then be taken back to the different constituencies for discussion.

### Pupils should help

He said it was recommended that progressive organisations (those advocating non-racialism, democracy and mass control) should help the AAC build up its structures.

It was also proposed that pupils at boarding schools should return to Alexandra and fight for a free, compulsory, equal and non-racial education.

Asked to comment on the proposal of non-participation with the police, Mr Mdakane replied that

it was suggested at the workshop that the police should be isolated socially.

"If a policeman boards a bus or taxi, people should get off. People were angry with the police for their actions during the six-day war and wanted to punish them," he said.

The court heard it was also suggested that shopkeepers should not sell goods to policemen and they should not be allowed to drink in the shebeens.

Mr Mdakane said it was also proposed that town councillors be isolated from the community because it was the councillors' police who were killing people.

He said the purpose of the non-participation campaign against the police and town councillors was to punish them.

Mr Mdakane told the court of the mass funerals held on May 16 and 17 for the people who died during vigilante attacks.

He said the people had openly said that the vigilante attacks were perpetrated by the police. The court heard that Mr Mdakane's brother had also died in the attacks.

People's courts were discussed at a report-back meeting and many people were not in favour of them, the court heard.

Mr Mdakane said that although people's courts settled many disputes, there were complaints of people being lashed.

He said members of the action committee went to the various houses where people's courts were being held to tell them to stop.

The hearing continues.

# UDF - ANC 'linked'

A PRETORIA Supreme Court judge was yesterday told that leaders of the United Democratic Front were involved in mobilising and politicising people in Cradock.

The prosecutor, Mr P B Jacobs SC, also told Mr Justice van Dijkhorst and an assessor, that Mr Matthews Goniwe, who held important positions in the Cradock Residents Association and Cradock Youth Association, was the organiser of the Eastern Cape Region of the UDF.

"He played important roles in all three

By ALINAH DUBE

organisations by promoting the UDF policy to mobilise and politicise the people of Cradock," he said.

Mr Jacobs also argued that UDF affiliates, Cradock and Cradock, contributed in the commission of violent deeds and unrest.

In dealing with one of the statements submitted to court as exhibits, the prosecutor said the fact that the African National Congress was generally viewed and recognised as a national democratic movement, "shows

therefore that we are presently dealing with an acknowledged link" between the UDF and the ANC.

The statement he was referring to read: "The UDF represent a unity acquired through several years of reconstruction of the national democratic movement."

He said with the UDF having been in existence for just over a year and a half at the time when the statement was made, it was improbable that the speaker would have been referring to unity acquired by the UDF.

Yesterday was the State's first day of

argument in the trial of the 19 prominent leaders of the UDF, Azanian People's Organisation, Vaal Civic Association and Azanian National Youth Unity, who have pleaded not guilty to treason and alternative charges of terrorism, subversion and murder.

Mr Jacobs' argument

is expected to take far less time than he had estimated following the judge's ruling that he should not go into "finer details".

The judge said that it was not necessary for him to read all his arguments as they were on paper.

(Proceeding).

## Fergie's baby on the way

LONDON — The Duchess of York will go into hospital to have her baby before the end of the week, her friends have predicted.

They said Fergie's

baby will be born earlier and her gynaecologist is prepared to induce the birth. Her family, the friends said, have cancelled weekend plans so they can be at her side.

## Booklet 'justifies' detention

GLOSSY publication seeking to justify the detention of children is being distributed by the Bureau for Information.

The booklet, called 'They Young Revolutionaries' contains gruesome pictures of 'necklace' victims as well as shots of sunlit

prison cells and spotless prison kitchens.

More than 30 000 copies of the booklet had been printed at a cost of R28 000, a spokesman for

the Bureau said.

The booklets would be distributed locally on request and to "contacts."

According to the head of the Bureau, Mr Dave Steward, the book aims to "counter" "domestic and international propaganda" on the question of children in detention.

It says scant attention is paid to the position of children in other countries and says it was recently reported that more than 6 000 children under the age of 10 were being held in the United States in connection with a range of crimes.

It says "a state of emergency and the detention of children are unacceptable to the

civilised standards and life which the majority of South Africans seek and desire."

A number of anonymous statements purporting to come from youths involved in 'necklace' murders and other politically related killings are listed.

The booklet argues that no government could allow children who perpetrate such atrocities to roam the streets at will — no matter how young they are.

It has become necessary to "isolate a few children from society and detain them."

The booklet says there is a misconception that children and adults are detained in South Africa for expressing legitimate political opinions.





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By ALINAH DUBE

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*7/11/68 6/18/68*  
**Charges against  
5 are withdrawn**

A CAPE TOWN magistrate yesterday withdrew charges against five people alleged to have furthered the aims of a banned organization.

They are Ms June Esau, Mr Steve Metrovich, Ms Dawn Adams, Ms Aziza Charles and Mr Mike Norton.

They were detained on July 6 under the emergency regulations at the Clothing Workers' Union offices in Salt River.

Mr E Louw was the magistrate. Mr F Silbert prosecuted. Mr M Parker appeared for the five.

*Chit. 1-15-6/8/08*  
**Banned books:3/  
Woman punished**

JOHANNESBURG. — A woman charged with the possession of undesirable literature was found guilty in the Regional Court here yesterday and sentenced to nine months' imprisonment, suspended for four years.  
Petronella Mabel Mentor, 24, was sentenced after she changed her plea to guilty. Co-accused Freddie Mpifikile Vanga, 22, was found not guilty. — Sapa

# Find Delmas 19 guilty, says State

6/8/88 Star  
Lawyers for the 19 accused in the Delmas treason trial were refused a two-week postponement of the case after the State yesterday closed its case in the Pretoria Supreme Court.

Mr P B Jacobs (SC), advocate for the State, concluded his argument by asking the court to find all 19 accused, except Mr Pelamotse Jerry Tlhopane, guilty of high treason.

He said 18 office-bearers of various organisations, including the United Democratic Front and the Azanian People's Organisation, should be found guilty of alternative crimes if the treason charges did not hold.

These included sedition, contraventions of the Internal Security Act and murder.

Mr Jacobs argued that the killing of black town councillors in 1984 arose out of a campaign by the UDF against them.

After Mr Jacobs' address, Mr A Chaskalson (SC), on behalf of the defence, asked the presiding judge, Mr Justice Van Dijkhorst, for a two-week postponement as the defence team had to deal with more than 1 000 pages of argument.

Mr Justice van Dijkhorst said the defence had had six weeks before the State presented its argument, in which to prepare and ordered that the case resume Monday.

One of the accused, the Rev Tebogo Geoffrey Moselane, was yesterday given permission to attend a family funeral in Kimberley this weekend.

— Own Correspondent.



# Lawyers want retrial for four in Ciskei jail

CP Correspondent

LAWYERS for former UDF leader Arnold Makhensi Stofile, jailed for 11 years, applied to the Ciskei Supreme Court this week for special entry to be made in his trial record.

The lawyers asked that the court record be changed to indicate that an interpreter at Stofile's trial had not been sworn in properly and was therefore incompetent.

The application was brought before Chief Judge Pickard, who convicted Stofile and three others.

The hearing has been postponed.

The four activists were convicted in May last year on charges of terrorism and possession of arms.

They are currently serving sentences ranging from eight to 15 years in the Ciskei Central prison in Middledrift.

The three others are Stofile's younger brother Linda, Mveleni Gqibithole and an ANC guerrilla Mzwakhe Ndlela.

It had emerged in the perjury trial of Tamsanqa Magelana, a State witness in the Stofile trial, that the court interpreter of the Supreme Court had not been sworn in properly.

The interpreter, Sikhumbuzo Matole, told the Zwelitsha Regional Court in the Magelana trial that he had not been sworn in.

This emerged during the cross examination of Matole, who had interpreted for Magelana in the Supreme Court at Bisho during the Stofile case.

Advocate Shakenovsky, acting for Stofile and others in the Ciskei Supreme Court, argued that the fact that the interpreter had not been properly sworn in was borne out by the Magistrate's Court record.

Shakenovsky asked Judge Pickard to call for the court record and the evidence of Matole and a former Ciskei magistrate, S Maritz, to clarify what they had said in their affidavits.

He further suggested that Matole be called to give evidence, to allow the court to find exactly what had happened.

In reply, the Judge said he had difficulties in that Matole could not say more than he had said before.

"Why should I call for evidence when in terms of the section I'm supposed to determine?", he asked.

The Ciskei Attorney General, WF Jurgens, said the court should establish facts by way of evidence.

The fate of the four men will be decided in the Appeal Court on August 17 and 18. They have appealed against conviction and sentence. - Veritas

# UDF STANDS FOR TRUE DEMOCRACY

THE Government would save R40-million on education of black teachers if all openings in white colleges were filled.

This was said by Professor A L le Roux, chairman of the Council of Rectors and Dean of Teacher Education in Kwa-Zulu-Natal, in his annual report to the council at Pinetown at the weekend.

Prof le Roux said such a saving would be a boost for the economy and could help in the development of other schools.

**'State could save R40-m'**

to be admitted that there was a "tragic anomaly" of the excess of white teachers in white schools and the underprovision of teachers in black schools.

THE defence counsel in the Vaal Triangle treason trial submitted in the Pretoria Supreme Court yesterday that the United Democratic Front did not intend to overthrow the Government with violence.

Mr Arthur Chaskalson, SC, also told Mr Justice van Dijkhorst and an assessor, that according to evidence before court, the UDF was in a struggle against apartheid.

## **Vaal treason trial is told**

Mr Chaskalson was speaking in the case in which 19 leaders of the UDF, Azapo, Vaal Civic Association and Azanian National Youth Unity have pleaded not guilty to treason, and alternative charges of terrorism, subversion and murder.

The State has asked the court to find 18 of the

accused guilty of high treason, the exception being Mr Jerry Thobane.

Mr Chaskalson submitted that the UDF stood for true democracy, a single, non-racial and unfragmented South Africa. He said the organisation demanded that all people be included in decision-

making bodies.

He pointed out that he found it strange the State had implied in its argument that the Government would never accede to the UDF's demands.

Mr Chaskalson said the State had failed to tell the court why some of the statements made by the accused had to be rejected. The statements he mentioned included one by Mr Popo Molefe, secretary general of the UDF.

## **'Delmas 19' trial draws to a close**

*Cap 7-118 9/18/88*  
PRETORIA. — Counsel for the 19 accused in the Delmas treason trial yesterday opened final arguments before Mr Justice Van Dijkhorst in the Supreme Court here.

Mr Arthur Chaskalson, SC, said the cornerstone of the state's argument was the alleged planning and implementation of the violent overthrow of the government by the United Democratic Front.

Mr Chaskalson said the state led no direct evidence of any plans of such a scheme by the UDF.

He said the state argued that the UDF had contemplated the idea that the government would never submit to the organization's demands.

Mr Chaskalson said it was a very strange argument by the prosecution as it implied that the government was so determined to hold on to power that it would do so irrespective of the will of the majority.

The defence said the state was wrongly equating the UDF's freedom struggle with power seizure.

Counsel for the defence said they intended to show the UDF's freedom struggle was not a struggle to seize power.

The case continues. — Sapa



# PAC trial resumes

THE Pan Africanist Congress terrorism trial resumes at the Kliptown Regional Court tomorrow. The trial was postponed last Friday after the magistrate ruled that a statement made by one of the three men accused of terrorism will be admissible as evidence.

The magistrate, Mr H Hoffman, said the reasons for the ruling would be disclosed at a later stage. Three alleged PAC members, Mr Jackie Seroke, Mr Mandla Cele and Mr Thembinkosi Khonongwe have pleaded not guilty to charges of terrorism, membership of a banned organisation and the possession of arms and banned literature. 9/8/88

Counsel for the defence had applied that the statement made by Mr Khonongwe should not be admissible because it was not made freely and voluntarily.

Mr Khonongwe testified that security policemen had threatened to detain him under Section 29 of the Internal Security Act and promised to make him a State witness and not prosecute him if he went to make a statement to a magistrate.

10/8/88 *S. M. M. M.*

# DREAM TO SEE SA AS SOCIALIST

Swetani  
331  
9/8/88

ONE of the Alexandra five on trial for treason told a Rand Supreme Court judge yesterday that his dream was to see South Africa turned into a socialist state.

Mr Richard Mdakane said the change would benefit all people in South Africa.

Led by Advocate David Soggot, SC, counsel for the defence, Mr Mdakane was giving evidence in his defence.

He said when the Alexandra Action Committee was formed, the members conceived a mass-based democratic organisation that had no ideology. An organisation that could represent the community and negotiate with the local and government officials for the improvement of the area.

"Our priority was to protect the interests of the working class," said Mr Mdakane.

He said the "danger" in any struggle is to neglect the interest of the workers.

He said the "struggle" was to achieve a non-racial democratic society in South Africa based on a one-man one-vote system. He said this would be done in "peaceful means" in

getting the black and white people together.

He said petitions, negotiations and "sometimes strikes" were peaceful means that could help the community in its demands.

Mr Mdakane said he was opposed to the present system of councils because they largely depended on money raised from rents. He said the rent increases made the community suffer.

He said councillors in Alexandra were "corrupt" and failed to fulfill the demands of the residents. The council police, he said, harassed the residents and were involved in the "six-day-war" in Alexandra.

Mr Mdakane said the Alexandra Action Committee did not take part in the boycott of councillors, and never thought it could take over from the Alexandra town council.

Mr Mdakane (29), is appearing with trade unionist, Mr Moses Mayekiso (38), Mr Paul Tshabalala (38), Mr Mzwanele Mayekiso (22) and Mr Obed Bapela (28), on charges of treason, alternatively sedition and subversion.

331 B/Dew 9/8/88

PRETORIA — Counsel for the 19 accused in the Delmas treason trial opened final argument before Mr Justice Van Dijkhorst in the Pretoria Supreme Court yesterday.

Defence counsel Arthur Chaskalson, SC, said the cornerstone of the State's argument was the alleged planning and implementation of the violent overthrow of government by the UDF.

He added that the State had led no direct evidence of any such scheme. Chaskalson said the State argued

## State's 'strange argument'

that the UDF had contemplated the idea that government would never submit to the organisation's demands.

These demands, contained in the UDF's declaration, included: creation of a true democracy; all South Africans to take part in government; a non-racial SA free of bantustans and group areas; and an end to oppression.

Chaskalson termed it a very strange argument by the prosecution as it implied government was so determined to hold on to power that it would do so irrespective of the will of the majority.

The defence said it would show the UDF's struggle was not to seize power.

The hearing continues. — Sapa.



9/8/88

The Star Tuesday Aug

# 'Violence scheme' by UDF under challenge

Pretoria Correspondent

Counsel for the 19 accused in the "United Democratic Front treason trial" yesterday opened final argument before Mr Justice van Dijkhorst in the Pretoria Supreme Court.

Mr Arthur Chaskalson, SC, said the cornerstone of the State's argument was the alleged planning and implementation of the violent overthrow of the Government by the UDF.

Mr Chaskalson said the State had led no direct evidence of any plans of such a scheme.

He said the State argued that the UDF contemplated that the Government would never submit to the organisation's demands.

Mr Chaskalson said these demands were contained in the UDF's declaration. They were:

- The creation of a true democracy.
- All to participate in the government.
- A non-racial South Africa, free of bantustans and group areas.
- And end to oppression.

Mr Chaskalson said it was a very strange argument by the prosecution, as it implied that the Government was so determined to hold on to power that it would do so irrespective of the will or the majority of the people.

He said the State had a faulty premise in equating the UDF's freedom struggle with that of a seizure of power.

Mr Chaskalson said evidence showed that the struggle had a long history which had taken different forms and was pursued by different people. The only common factor among the different strands of the freedom struggle was the liberation of the majority of South Africans from oppression.

He said evidence showed that the UDF came into existence when a new constitution was being proposed for South Africa.

Counsel said evidence showed that the UDF's opposition to the constitution included two factors: struggle against apartheid and struggle for democracy.

The hearing continues.

**AUDIENCE:** A crowd of about 500 listens to Dr Zac de Beer, Progressive Federal Party leader.

## Ex-Sats workers guilty of murdering non-strikers

JOHANNESBURG. — Eight former South African Transport Services workers have been convicted in the Rand Supreme Court of murdering four non-strikers who were found stabbed, beaten and burnt during a strike last year.

Eight other accused were found guilty on charges ranging from culpable homicide, to kidnapping, intimidation and attempted murder.

Two accused, Mr Isaac Mogorosi and Mr Jacob Mmatloa, were acquitted.

Statements by 16 of the 18 members of the South African Railways and Harbours Workers' Union were handed into court. In the statements, accompanied by new pleadings, the accused explained their roles in the kidnapping, assault and murder of Mr Vhulani Mulaudzi, Mr Kati Sebopelo, Mr

Mulatelo Moremane and Mr Jerry Goodman.

The 18 accused all originally pleaded not guilty of five kidnappings, four murders, one attempted murder, four assaults with intent to do grievous bodily harm, two robberies with aggravating circumstances and intimidation.

Bongisi Sibisi, Wilson Matsili and Mafemane Rikhotso, were convicted of four counts of murder, attempted murder, and five counts of kidnapping and intimidation.

George Maungedzo, Patrick Molefe and Takalani Mamphaga were convicted of four counts of murder, attempted murder and intimidation.

David Dzevhe was convicted of three counts of murder and one of intimidation, while Phineas Netshitungulwane was convicted of four counts of murder and one of intimidation. — Sapa.

## murdered Korean sailor

... had made a poor impression the court.

"The court does not accept the ... that Wallace shot the de-

Taliep had been with Mr Son and his companion all evening and noticed they had money.

Wallace knew Talien intended



# Counsel denies (231) ANC, UDF link *Star*

Pretoria Correspondent

As the final argument of the defence team in the Delmas treason trial entered its second day yesterday, counsel outlined evidence which contradicted the State's argument that the United Democratic Front (UDF) was the internal wing of the ANC.

Counsel for the defence, Mr Arthur Chaskalson SC, told the Pretoria Supreme Court that the failure to condemn the ANC did not mean one was involved in a conspiracy.

## PUBLICATIONS

He said one of the 19 accused, Mr P S Molefe, a former UDF general-secretary, denied during his evidence-in-chief that he was ever a member of the ANC or the South African Communist Party (SACP).

Mr Chaskalson drew the court's attention to the fact that Mr Molefe testified that he never had access to ANC

publications.

Mr Molefe further denied that there was any link between the UDF and the ANC.

"During his evidence Mr Molefe said we (the UDF), always denied being a front for the ANC," Mr Chaskalson said.

He said Mr Molefe also testified that during the launch of the UDF interim committee in the Eastern Cape, he mentioned that the UDF was not an extension of the ANC.

Mr Chaskalson also quoted Mr Molefe as testifying "we don't envisage a link between the ANC and the UDF as we (the UDF) are a legal organisation and dedicated to non-violence".

Counsel for the defence further said the State alleged that UDF members had made contact with the ANC. This allegation was denied by Mr Molefe during his evidence.

The hearing continues.

10/8/88



33  
**'To save  
own skins'**

*Sawefin*  
EVIDENCE given by African National Congress recruits, who testified against the 19 accused in the Vaal Triangle treason trial was a means to save their own skins, the Pretoria Supreme Court was told yesterday.

*10/10/77*  
This was said by defence counsel Mr Arthur Chaskalson, SC, before Mr Justice van Dijkhorst and an assessor. He said allegations that the United Democratic Front was an internal wing of the ANC were sheer speculation and based on hearsay.

Mr Chaskalson said there had been no evidence to suggest that the ANC instigated the founding of the UDF.

(Proceeding)

# Delmas trialists deny ANC link

CAP T1015 11/18/88 331

**PRETORIA.** — Defence counsel in the Delmas treason trial now entering its final stages has outlined evidence which contradicts the state's argument that the United Democratic Front was the internal wing of the African National Congress.

Presenting his final argument, Mr Arthur Chaskalson, SC, told the Pretoria Supreme Court that failure to condemn the ANC did not mean an organization was involved in a conspiracy.

He said one of the accused, Mr P S Molefe, a former UDF general secretary, denied he ever was a member of the ANC or the South African Communist Party.

Mr Chaskalson drew the court's attention to the fact that Mr Molefe testified he never had access to ANC publications.

"During his evidence Mr Molefe said we (the UDF) always denied being a front for the ANC," Mr Chaskalson said.

He said Mr Molefe also testified that during the launch of the UDF interim committee in the Eastern Cape, he mentioned that the UDF was not an extension of the ANC.

Mr Chaskalson also quoted Mr Molefe as testifying: "We don't envisage a link between the ANC and the UDF as we (the UDF) are a legal organization and dedicated to non-violence."

# Wanted as witnesses: the ANC leaders

By VUSI GUNENE

DEFENCE lawyers in the Ebrahim treason and terrorism trial are to lodge an application for additional evidence to be heard in London — probably from senior members of the African National Congress.

Ebrahim Ismael Ebrahim, Mandla Maseko and Simon Dladla are appearing in the Pretoria Supreme Court on charges of attempted murder, treason and terrorism. The trial moved from Bethal earlier this year.

The defence application, which would involve evidence being given "on commission" in London next week, comes as the state is preparing to wrap up its case. State lawyers are expected to call one more witness next week.

The defence application is based on the assertion that senior ANC and South African Congress of Trade Unions (Sactu) officials — named by secret state witnesses in the trial — would deny allegations made about them if given the opportunity to give evidence.

The names the defence mentioned included the chairman of the South African Communist Party, Joe Slovo, and Sactu members John Nkadimeng and Joe Mkhwanazi.

At home, the defence might consider calling jailed ANC leader Nelson Mandela to give defence evidence.

Charges against the accused relate, *inter alia*, to the explosion of four land mines in April and June 1986 on farms in the Eastern Transvaal. Two farmworkers were injured.

Ebrahim is also charged with having entered the country illegally in 1985 and for leaving it illegally later that year to attend the second consultative conference of the ANC in Lusaka.

The state alleged that he was aided in this by Helene Passtoors — who was subpoenaed to testify for the state, although she has not been called.

The trial which was heard in the remote town of Bethal in the Eastern Transvaal, is now heard in Court "D" of the Palace of Justice in the Pretoria Supreme court.

Running concurrently to it is the "Delmas treason trial" in Court "C".

Justice H Daniels is presiding with two assessors. The state is represented by H Prinsloo and L van der Walt.

The defence team is led L Gering assisted by HK Naidu, instructed by Priscilla Jana and Associates.

The trial is proceeding.

W/Mail 331

12-18/8/88



# State accused of unfairness by defence

12/8/88  
Sawetani  
331

DEFENCE counsel yesterday criticised the State for having asked a Pretoria Supreme Court judge to disbelieve the evidence contained in 5 800 pages of the court records of the Vaal Triangle treason trial.

Mr George Bizos, SC, who has taken over the defence argument from Mr Arthur Chaskalson, SC, told the court that the accused's evidence constituted a third of the trial's record and said he found it unacceptable that the State had set out its own interpretation of issues and went out to say that they were common cause.

Mr Bizos told Mr Justice van Dijkhorst and an assessor that the evidence of the accused and that of defence witnesses had been inaccurately and unfairly summarised.

"The State spells out as common cause what we have spent two and a

By ALINAH  
DUBE

half years denying," he said.

Mr Bizos said the fact that a member of a particular organisation had had contact with the outlawed African National Congress did not mean that there was conspiracy between his organisation and the ANC.

He said that an individual member advocating violence in a statement did not prove that his organisation was party to the conspiracy. It was for the State to prove the alleged conspiracy.

(Proceeding).



MR GEORGE Bizos

Two years for  
planning  
Casspir attack

DURBAN. — The man who planned an attack on an army Casspir in 1986 was jailed for two years by a Regional Court magistrate here yesterday.

Thembinkosi Blessing Ngobese, 24, pleaded not guilty to the charge under the Internal Security Act when he appeared before Mr G G Gerber.

The court heard that Ngobese detailed the manoeuvres of troops at Chesterville township. He planned a terror attack on a Casspir at a street where the Casspir would make a turn.

Other details written out by Ngobese were the movement and times of security patrols. However, he was arrested before the plans could be carried out.

Mr Gerber took into account that Ngobese had spent 18 months as an awaiting-trial prisoner. This was a long time, he said. — Sapa

*Cape Times 13/8/88*  
**Stofile appeal next week** 331

BISHO. — The Ciskei Appellant Division will hear the Stofile appeal over two days in the Bisho Supreme Court next week. Arnold Makhenkesi Stofile, the Border UDF executive, his younger brother Linda Stofile, Nelson Nellela and Mveleli Gqibithole were convicted of terrorism and possession of arms in May last year.

*Cape Times 13/8/88*  
**ANC suspects in court** 331

PORT ELIZABETH. — Ten alleged members of the ANC — eight men and two women — appeared in the Port Elizabeth Magistrate's Court yesterday on charges of terrorism and illegal possession of explosives. They were remanded to August 26.



CAPE  
Times  
13/8/88

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## Terror charges, two sentenced

EAST LONDON. — Two Queenstown terrorism trialists were yesterday sentenced in the Regional Court here to a total of 20 years imprisonment.

The magistrate, Mr D Cronje, sentenced Fikile Owen Gwadana, 35, to 10 years on a terrorism charge, five years on attempted murder and two years for possession of hand grenades.

The court ordered that part of the sentences should run concurrently. He will serve an effective 12 years in prison.

Errol Mziwabantu Dabula, 27, was jailed for three years on a charge of terrorism. He was acquitted on the other charges.

Gwadana and Dapula, both of Ezideleni, Queenstown, had pleaded not guilty to all the charges, following a bomb blast at the Fred Pettit Centre in Queenstown on June 28, 1986.

Neither had previous convictions. — Sapa

# Now Delmas trial is legal landmark

(331)

STimes

14/8/88

IT ENTERS the South African record books as the longest-running treason trial.

Through 400 long court days the State and defence in the Delmas trial, now drawing to a close, have argued on two central questions: Were the 19 accused part of a conspiracy to overthrow the State? Had protest lurches into treason?

The accused are the among the top echelon of black anti-apartheid leaders.

## Expensive

In its scope and length it is second in political significance only to the celebrated Rivonia trial which saw Nelson Mandela and others sent to Robben Island for life.

The marathon started in 1985. To date it has cost both parties, by several conservative estimates, more than R5-million.

More than 900 alleged co-conspirators are listed in the 500-page indictment — high profile figures like Archbishop Desmond Tutu, ANC president Oliver Tambo, the

By MANDLA TYALA

Rev Frank Chikane of the SACC and Dr Beyers Naude.

Also listed are 50 community and labour organisations as well as church groups.

For the 19 trialists the three years have not been without event.

They were, for instance, among the last people in South Africa to see the Church of England's special envoy, Terry Waite, before he vanished in Beirut on a peace mission.

Mr Waite attended a courtroom wedding for one of the trialists, Mr Mohapi Lazarus More, who has since been acquitted.

Archbishop Tutu and Bishop Suffragen Simon Nkoane officiated at the ceremony.

Sixteen of the trialists are out on bail but the other three — UDF leaders Popo Molefe, Terror Lekota and Moss Chikane — have celebrated three birthdays in police cells after five unsuccessful bail applications.

## Similar

Two of them have seen their youngest children for the first time from the dock. Lekota's third child was born in 1985, five months after his detention.

Chikane's second child was born three months after his arrest.

There were originally 22 accused but three were acquitted when the State wound up its case at the end of 1986.

The Delmas and Rivonia trials have more than basic similarities.

Criminal Court C in Pretoria's Palace of Justice is where Mandela and company were sentenced to life, and the Delmas trial is being heard in the same courtroom.

George Bizos, who appeared for the defence in the Mandela trial, is now defend-

ing the Delmas trialists — 24 years later.

The trialists themselves represent a wide range of community leadership — from a 41-year-old priest to a 25-year-old youth leader; from a 65-year-old father of five to a former Steve Biko lieutenant who has served time on Robben Island.

The trial is a sequel to the Vaal Triangle revolt of 1984 which started as a rent protest.

## Peaceful

The State is alleging a conspiracy between the UDF and the ANC/SACP alliance to overthrow the Government.

It has asked the court to find that members of the UDF incited the masses to violence against State authority and State institutions.

The accused have maintained that they employed peaceful means of protest and worked within the law. Their lawyers have argued that the Vaal Triangle uprising was rooted in township conditions which existed long before the UDF was formed in 1983.

Judgment in the trial is expected before the end of the year. Its implications for the country are potentially enormous.

331  
CPH

## Putco files used to identify suspects

14/8/88

THE Durban trial of four men charged with the murder of a Putco bus driver in 1986, heard this week that the police were given 30 of the company's 700 employee files to look for suspects.

Giving evidence in the Durban Supreme Court, M Edwards, who was employed by Putco as the superintendent of traffic administration, said he had selected files to be shown to the investigating officer, Det W/O Mbatha.

He said that when Mbatha had wanted to see photographs of employees in connection with the death of Petford Shezi, he had shown them files of people who had been active in the strike in October and November 1986.

In court, Edwards was shown the photographs of three bus drivers - Stanford Ngubo, Johannes Buthelezi and Betwell Sabelo - who, with Vusumuzi William Khuzwayo, have been charged with Shezi's murder.

Asked if he could identify the men from the photographs, Edwards said Ngubo was "familiar". He said he definitely recognised Buthelezi and was not sure about Sabelo.

The State alleges that on November 20 the three drivers and Khuzwayo had gone to a bus stop on the Umbumbulu road where Khuzwayo had jumped on the bus and shot Shezi.

All four accused have pleaded not guilty before Judge van Heerden and two assessors.

The hearing continues.  
- Sapa



# Youths jailed for public violence

**CP Correspondent**

TWO Stutterheim pupils were this week sentenced by the East London Supreme Court to five years' imprisonment for public violence.

Three years of the sentences were conditionally suspended for five years.

There were originally 19 accused, of whom 17 were acquitted of all charges.

Wonke Maqubela, 20, and Neliswa Nonuna Dyan-dyi, 21, were acquitted of

charges of murder, arson and damage to property.

Their appearance was a sequel to the death of Ndi-kela Magala at Mlungisi township, near Stutterheim, in November 1985.

Passing sentence, Judge EM du Toit said public violence was a serious crime and that they had broken up a meeting held by their elders, endangering the safety of the people and depriving them of their homes.

He said that in their own evidence, each had admitted taking part in disturbing the peace in 1985.

It was also revealed that Maqubela had joined the group of elderly people at their invitation, and had not been forced to join them.

Counsel for the defence, Thembile Skweyiya, asked the court to take into account the youthfulness of the two accused at the time of the offence.

331 C/P 14/8/88

331 Court jails two  
necklace killers

PORT ELIZABETH. —  
Two men were jailed in  
the PE Supreme Court  
yesterday for the murder  
of a security branch de-  
tective's brother.

Thebo Mehlo, 18, was  
sentenced to 14 years  
and Tabo Mahlana, 23, to  
12 years for the necklace  
murder of Mr G Cobani  
Tungata at KwaZhakele  
on September 8, 1985.

## Court postpones Forbes trial

Wt. Times 16/8/88 Supreme Court Reporter 331

THE trial of Ashley Forbes and 14 other people charged with terrorism was yesterday again postponed, because the state and defence had reached the "final stages of negotiation".

This was said by Mr CW Viljoen, for the state during a brief appearance of terrorism accused Forbes, Peter Anthony Jacobs, Nicklo Louis Pedro, Nazeen Lowe, Anwa Dramat, Clement Baadjies, David Johannes Fortuin, Jeremy Alan Veary, Walter Rhooode, Wayne Ingemar Malgas, Collin Cairncross, Ashraf Karriem, Colin Clave Martin Petersen, Leon Scott and Yasmina Pandy.

A postponement would allow both sides to finalize the matter, Mr Viljoen said.

The hearing continues on August 24.



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## Two appear in pamphlet trial

*Cap Times 10/18/88*  
A MAN and a woman were arrested in the early hours of the morning after police stopped their vehicle and found about 100 anti-election pamphlets, the Cape Town Regional Court heard yesterday.

The accused, Miss Shafieka Isaacs, 21, of Kensington, and Mr Vernon Bryant, 23, of Observatory, pleaded not guilty to contravening the Public Safety Act by publishing and distributing subversive statements in Woodstock on May 4 last year.

The case continues.

## ANC 'failure' pleads guilty

OWN Correspondent

JOHANNESBURG. — An ANC member, who failed in the two missions he was sent on in South Africa, pleaded guilty in the Johannesburg Magistrate's Court yesterday to charges of terrorism, subversion and being a member of a banned organization.

Samuel Stanley Thabo Ramaditse, 32, said in mitigation of sentence he had left SA for Botswana after having seen friends killed during the 1976 Soweto uprisings.

When the ANC approached him in Botswana with scholarship offers, he joined the organization.

He was sent on a mission into South Africa in 1986 but after crossing from Botswana into SA his companion became ill and they returned.

On October 2, 1987, he travelled to South Africa alone. He was arrested on October 3 in Baragwanath. Ramaditse was remanded to August 17.

# 'Imbalance the cause of Vaal dissent'

Same page  
16/8/88  
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THE grave imbalance in the allocation of power was the direct cause of political dissatisfaction among the Vaal Triangle residents, a Pretoria Supreme Court judge heard yesterday.  
Saying this during argument before Mr Justice van Dijkhorst and an assessor, was a defence counsel for the 19 Vaal Triangle treason trialist, Mr George Bizos, SC.

He said with the town councils having been generally viewed as bodies with limited powers and also as based upon the apartheid institutions, each of the accused in the trial also had a right to hold such an attitude.

Mr Bizos told the court that the Vaal Civic Association had been mandated by residents to oppose the Black Local Authorities. The aim, he said, was to get the opposition recognised by the authorities, who in turn, were expected to bring about structures acceptable to the residents.

The accused, who include prominent leaders of the UDF, Azapo, VCA and Azanyu, have pleaded not guilty to the main charge of treason and alternative charges of treason, subversion and murder.

(Proceeding).



# No evidence of treason, counsel tells court

(331)

SUSAN RUSSELL

ON AN analysis of the law and the facts before the court there was no evidence to substantiate a conviction of treason against eight Alexandra men, it was argued before the Rand Supreme Court yesterday.

The eight, Ashwell Zwane, Vusi Ngwenya, Andrew Mafutha, David Mafutha, Arthur Vilakazi, Piet Magano, Albert Sebola and a 17-year-old youth have all pleaded not guilty before Mr Justice Grosskopf to treason and alternative charges of sedition and subversion.

The State alleges they were involved in attempts to render Alexandra ungovernable.

Counsel for the eight said mere disobedience to executive government, the laws of the land, or the political regime did not constitute treason.

Nor was resistance to the political regime which was not intended to overthrow or coerce the State but merely to alter its political regime.

The trial continues.

15/10/88  
16/10/88

## Court told of injuries, jail and abortive missions

EDWYTH BULBRING

AN ANC member who failed in his only two missions in SA pleaded guilty in the Johannesburg Magistrate's Court yesterday to charges of terrorism, subversion and being a member of a banned organisation.

Samuel Stanley Thabo Ramaditse, 32, said in mitigation he had left SA after seeing colleagues and friends killed during the Soweto uprisings.

He had taken part in a student march to Orlando Stadium on June 16, 1976, during which he had seen Hector Pieterse shot dead.

Later police had fired teargas into his school. He had run towards a house for shelter and shots fired at him had killed a pregnant woman.

He went to Botswana in November 1976 and was arrested under the illegal immigration Act.

He joined the ANC after they offered him a scholarship.

### Shot

He received political and military training, trained recruits in Mozambique, worked as a cook, and fought in Joshua Nkomo's Zipra army.

While in Swaziland he was shot by Swazi security forces and after three months in hospital was deported to Tanzania.

He was sent on a mission into SA in 1986 but his fellow traveller became ill and they returned to Botswana without carrying out their mission.

In 1987 he travelled to SA alone and was arrested in Baragwanath. He was held in solitary confinement for six months.

He said a cadre that targeted bombs at civilians was not following orders as the ANC was fighting the SADF, the SAP and government installations.

Asked whether the ANC had therefore lost control of its cadres, Ramaditse replied: "When they were shooting at us in 1976, had the government lost control of the SAP?"

CAB Tint 17/8/88

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# Defence calls for London evidence

PRETORIA. — Counsel for the three accused in the Bethal treason trial yesterday filed a notice of motion for an application for the court to set up a commission in London to hear the evidence of seven ANC members.

The application was opposed by the state.

State prosecutor Mr H J Prinsloo said the aim of the application was to refute the evidence of the two state witnesses — X1 and X2.

Mr Prinsloo said the accused should testify before evidence is heard by the seven proposed ANC members.

The accused, Mr Ebrahim Ismail Ebrahim, Mr Acton Mandla Maseko and Mr Simon Dadla, are facing charges of treason and terrorism.

The state argued that the seven proposed witnesses were fugitives from justice, as well as collaborators in the state's case.

Counsel for the defence, Mr H K Naidoo, handed to Mr Justice Daniels unsigned affidavits

by seven ANC members and an order, which was made in the case of convicted ANC member Robert McBride.

Mr Naidoo said the defence intended to call another witness from Robben Island at a later stage.

He submitted that, for all practical purposes, the court could decide on the application without the affidavits being signed.

The examination of the seven prospective witnesses would be in the interests of justice, he said.

## Fear of returning to SA

The court heard that in the case of witnesses living outside South Africa, the court could dispense with their attendance and set up a commission.

The witnesses had expressed fear of returning to South Africa but were prepared to testify before a commission.

On Monday, Mr Prinsloo had argued that the transcripts of two conversations between Mr Ebrahim and Helena Passtoors, convicted of treason in 1986, as well as a conversation with two unknown persons, together with

several other exhibits before the court, combined to prove allegations in the indictment.

The court ruled that the transcripts were admissible as evidence.

The state alleges that Mr Ebrahim and Passtoors met in a Johannesburg hotel room on May 25, 1985, where they talked about buying a smallholding for the ANC. The smallholding was to be used as shelter for ANC members as well as a depot for weapons, ammunition and explosives.

It is also alleged that the establishment of underground ANC structures in Johannesburg, as well as the establishment of "safe accommodation" for ANC members, were discussed between Mr Ebrahim and two unknown men at a Johannesburg hotel on May 27, 1985.

Mr Prinsloo said the transcripts also proved Mr Ebrahim and Passtoors had discussed the so-called "Mango Operation" in a room at the Blue Waters Hotel in Durban in June 1985. The "Mango Operation" was a planned secret route to enable ANC members to exit the country illegally, according to the indictment. — Sapa

CAB Tint 17/8/88

Royal wishes



# Posters: Two convicted on 'technicality'

ARG 45 17/8/88 331  
Court Reporter

TWO people who were arrested last year while in possession of posters calling for a stayaway have been convicted on a technicality in Cape Town Regional Court.

Shafieka Isaacs, 21, of Goliath Street, Kensington, and Vernon Ashley Bryant, 22, of Willow Road, Observatory were each fined R400 (or 100 days).

They pleaded not guilty to charges of making subversive statements but admitted possessing the posters.

In mitigation Isaacs said two people approached her at an Athlone May Day rally and asked if she would be interested in helping with posters.

Bryant testified that he was a library assistant at the University of Cape Town and was studying part-time.

The magistrate, Mr J P Vermaak, took into account that both were young and had no previous convictions.

"Perhaps, at a glance the offence does not appear to be serious."

He added: "The two accused were thwarted in their effort to bring their call to the attention of the public, therefore the present case must be seen as technicality in view of the intent."

Mr J M Koen appeared for the State. Mr L Rose-Innes, instructed by Bernardt, Vukic and Potash, appeared for the defence.



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# Court asked to allow ANC evidence at treason trial

By Jo-Anne Collinge

The Pretoria Supreme Court has been asked to issue an order enabling four national executive committee (NEC) members of the African National Congress to give evidence in a treason trial involving three alleged ANC members.

An application for evidence to be taken on commission outside South Africa from seven ANC members, including NEC members Mr John Nkandimeng, Mr Ronnie Kasrils, Mr Thabo Mbeki and Mr Jacob Zuma, was made yesterday to Mr Justice Daniels.

Judgment will be given tomorrow.

Such evidence, the court was told, was material to the case and essential if justice were to be done in the trial of Mr Acton Mandla Maseko, Mr Simon Dladla and Mr Ebrahim Ismail Ebrahim, who made the application for the appointment of a commissioner.

None of the men could testify in South Africa.

Apart from treason, the accused face

alternative charges of attempted murder arising from landmine explosions in the south-eastern Transvaal in mid-1986. They have pleaded not guilty.

Counsel for the defence, Mr Kessie Naidu, told the court that evidence taken on commission from certain witnesses would place in dispute the evidence of three State witnesses whose identities have been kept secret.

Mr Johannes Mkhwanazi and Mr Kasrils would dispute evidence that Mr Ebrahim had been presented as chairman or treasurer of the regional politico-military committee of the ANC, controlling Natal and the Transvaal.

The State has opposed the application, arguing that it would be inappropriate to order a commission in the absence of signed statements from the potential witnesses confirming the kind of evidence they would be able to give.

The defence has said it was attempting to secure such statements, but they had not yet arrived.

# 'EVIDENCE CONTRIVED' 321

THE Pretoria Supreme Court was told yesterday that allegations that the Azanian People's Organisation co-operated with the Vaal Civic Association as part of a conspiracy against the State were contrived evidence.

This was said by a defence counsel for the 19 accused in the Vaal

Triangle treason trial, Mr George Bizos SC. He was arguing before Mr Justice van Dijkhorst and an assessor.

Mr Bizos said none of the State's "adverse allegations" made in the indictment had been proved. 17/8/88

He told the court that the State alleged that the Reverend Tebogó Moselane, an accused in the case, was an Azapo member and that he had arranged a mass meeting at his church "in the furtherance of the alleged conspiracy".

*Sawetan*  
Mr Bizos said although the State led no evidence to that effect, it persisted with its allegations against the accused.

Mr Bizos pointed out that the weight of the evidence of Mr Lybon Mabasa, Azapo's vice president, was in favour of the defence version. Mr Mabasa told the court that Mr Moselane was not a member of Azapo and that he (Mabasa), as a high ranking official of the organisation, would have been aware of the priest's membership.

All the accused have pleaded not guilty to a main charge of treason and alternative charges of subversion and murder.



# 'Biggest nab since Rivonia'

## Last leg of Delmas trial

From MONO BADELA  
JOHANNESBURG.-  
Two of South Africa's most significant political trials resumed this week in adjacent courts in the Palace of Justice, Pretoria.

In Court D, before Mr Justice Daniels, three alleged members of the ANC appeared on charges of treason.

In the indictment, Mr Ebrahim Ismail Ebrahim is alleged to have been chairman of a Swaziland-based committee of the ANC which controlled all military and underground political activities of the ANC in the Transvaal and Natal.

### Kidnapped

In Court C the "Delmas Treason Trial" - now several months into its fourth year - entered its last leg this week, with counsel for the defence opening final argument which is expected to last at least a week.

In the Ebrahim trial, the alternative charges include several counts of attempted murder arising from landmine explosions in the South-Eastern Transvaal between April and June 1986.

Ebrahim was allegedly kidnapped in Swaziland in December 1986 and then detained by police in Pretoria.

If the indictment is correct, Ebrahim is apparently the highest ranking member of the ANC to have appeared in court since the Rivonia trial in 1964.

His co-accused are Mr Acton Mandla Maseko and Mr Simon Dladla.

The trial has been transferred from Bethal, where most State witnesses gave evidence.

Appearing as an expert State witness this week was Brigadier H D Stadler, head of intelligence for the security police.

Cross-examined on the history of the ANC, Brigadier Stadler said he understood that the ANC decided to resort to violence in 1961 because "the ANC considered at the stage they had tried by peaceful methods to bring about change; that they tried to get a national convention, but this was refused and so they resorted to violence".

He acknowledged that the ANC was banned in 1960 without its having taken any decision to participate in a "revolutionary onslaught".

He believed that even after the banning, avenues of political organisations remained open "not for the ANC as such - under that name - but the black people could still take part in political activity".

He said blacks presently did participate through the United Democratic Front and its hundreds of affiliates.

Defence counsel Mr

Leonard Gering asked whether UDF activity had not become impossible since the virtual banning of the organisation.

Brigadier Stadler said he

believed certain activities were still open to it. "I can't say precisely what restrictions are imposed upon them, but I know that they are restricted."



**RELEASE OSCAR** — Relatives, family and friends of Oscar Mpetha gathered in Nyanga at the weekend to celebrate the 79th birthday of the jailed political prisoner with a call for his immediate release. The former trade unionist is believed to be the oldest security prisoner in the country. A diabetes sufferer who has had one of his feet amputated, he is being treated at Groote Schuur Hospital.

PIC: BENNIE GOOL

**COSAW**  
Congress of South African  
Writers (Western Cape Region)  
COSAW is a progressive  
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We are looking for a  
**REGIONAL**  
**CO-ORDINATOR**

JOHANNESBURG. — In Court C the "Delmas Treason Trial" - now several months into its fourth year - entered its last leg this week, with counsel for the defence opening final argument which is expected to last at least a week.

Mr Arthur Chaskalson, SC, said the cornerstone of the State's argument was the alleged planning and implementation of the violent overthrow of the government by the United Democratic Front.

He said the State led no direct evidence of any plans of such a scheme by the UDF.

The State had argued that the UDF contemplated the idea that the government would never submit to the organisation's demands.

He said these demands were contained in the UDF's declaration and included several aspects: The creation of a true democracy; all South Africans to participate in government; a non-racial South Africa, free of bantustans and group areas; and an end to oppression in South Africa.

Among the 19 accused are United Democratic Front general secretary Popo Molefe and the organisation's national publicity secretary, Patrick "Terror" Lekota.

The trial has as its focus the rent protests which flared into violence in the Vaal Triangle area in September 1984.

### Crucial to UDF

The outcome of the case is regarded as crucial to the very existence of the UDF.

Also before Mr Justice van Dijkhorst are 17 office bearers of various organisations including the now restricted Azanian People's Organisation (Azapo) and of the Vaal Civic Association.

All are facing charges including high treason, murder and terrorism.

Among the key questions to be decided by Mr Justice van Dijkhorst is whether the UDF aimed to overthrow the State by violence, either of its own volition or in conjunction with the African National Congress.

Mr P B Jacobs, SC, for the State, concluded his argument by asking the court to find the accused, except Mr Pelamotse Jerry Tlhopane, guilty of high treason.

He said 18 office-bearers of various organisations, including the UDF and Azapo, should be found guilty of alternative crimes if the treason charges did not hold.

These included sedition, contraventions of the Internal Security Act and murder.

Mr Jacobs argued that the killing of black town councillors in 1984 arose out of a UDF campaign against them.

The accused pleaded not guilty to the charges when the trial began on January 20 1986 - more than two and half years ago.

Last week lawyers for the 19 accused were refused a two-week postponement of the case after the State closed its case.

## 2 jailed for bomb

EAST LONDON. - Two men have been given lengthy jail sentences in the Regional Court for their involvement in a bomb blast in a Queenstown shopping centre two years ago.

Fikile Owen Gwadana, 35, and Mziwabantu Errol Dabula, 26, turned to the public gallery and shouted "amandla", as they were led away after sentencing.

Gwadana was sentenced to ten years for terrorism, two years for the illegal possession of grenades and five years for attempted murder.

The sentences will run concurrently, and he will serve an effective 12 years.

Dabula was sentenced to three years for terrorism, for having assisted his co-accused. —

ELNEWS

## 'Secret'

## inquest held

EAST LONDON. — An inquest, effectively held in secret, has failed to answer any of the many questions still surrounding the murder last year of IDASA official Eric Mntonga.

The inquest was held in June in the Zwelitsha Magistrate's Court, but neither the family, the lawyers nor Idasa were informed. Details only emerged when journalists made inquiries.

After an informal hearing, the court found that Mntonga's death was caused by "unknown persons". No evidence was led, and the finding was based on a series of affidavits submitted by police.

Ciskei attorney-general Willem Jurgens said his office had not yet received a file from the inquest court. There was a legal requirement that notification should be sent to the next-of-kin.



# I saw missing man, court told

By MAKHAYA MANI

WITNESSES told a court this week they saw a Port Elizabeth Black Civic Organisation (Pebco) official in police cells after he was reported missing — in one case, three months later.

They were testifying at the supreme court hearing of an application brought by the mother of Qaqawuli Godolozzi, Pebco president, calling on the minister of law and order and the officer in command of the Alexandria Police Station to produce her son.

Godolozzi and his colleagues Siphon Hashe, Pebco general secretary and organiser Champion Galela disappeared on May 8, 1985 when they went to meet a British visitor at the HF Vewoerd Airport in Port Elizabeth. Repeated requests to police for information have been unsuccessful.

But Philemon Nomuganga said he saw Godolozzi, whom he had known since childhood, at the Alexandria Police Station on August 24.

Nomuganga told the court he was arrested on August 20 for failing to pay a speeding fine and transferred to the Alexandria cells on August 23.

On the following day he was standing

near the grill gate of his cell when he saw Godolozzi 10 paces away, accompanied by a policeman. He said he greeted Godolozzi, calling him by name; Godolozzi did not say anything but waved his hand in response.

He said he had signed an affidavit on October 1985 stating he had seen Godolozzi.

A second witness, Luvuyo Willie Buya, told the court he had been arrested on May 10 for failing to pay maintenance and shortly afterwards was transferred to the Algoa Park Police Station. As he and the other prisoners transferred with him were put into a room they saw Godolozzi "standing with a few other black men" Buya did not know.

An earlier witness, a 16-year-old youth, was recalled to tell the court that he saw Godolozzi in Alexandria Police Station with a "Sergeant du Plessis".

The contents of a statement purported to be signed by a fourth witness, Victor Sizani, were disputed by the witness. The hearing continues — Pen.



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## Leading NZ barrister is in Ciskei for Stofile appeal

BISHO — Leading New Zealand barrister Ted Edmund Walter Thomas, QC, is in Ciskei to attend the hearing of Border UDF regional president Arnold Stofile's appeal against his conviction and sentence under the Ciskei National Security Act.

The appeal by Stofile and three others serving prison sentences ranging between eight and 15 years started in the Bisho Supreme Court yesterday.

In May last year Thomas raised about NZ\$18 000, mainly from lawyers, to assist Stofile.

He said Stofile had struck those who met him in New Zealand in 1985 as "a thoroughly likeable, pleasant and gentle person".

Thomas said he had been advised that someone who was arrested and tried on a political charge in Ciskei did "not have much of a chance".

The appeal will be heard by three retired South African judges.

Thomas said the court of appeal was usually of a higher calibre than the trial court. An appeal was therefore worthwhile.

Thomas said he was officially recognised as an international observer at the appeal by the New Zealand Law Society, the New Zealand section of the International Commission of Jurists and the Commonwealth Lawyers Association in London.

The purpose of attending the hearing was to focus international attention on the proceedings.

Stofile's lawyers and Sydney Kentridge, QC, had advised him that it would be "extremely helpful" to have an international observer at the appeal, he said.

Thomas, 64, was appointed QC in 1981 and has been vice-president of the New Zealand Law Society and President of the Auckland District Law Society. — Sapa.

# State opposes contact with ANC witnesses

PRETORIA — Judgment of an application to hear the evidence of seven ANC members outside SA, for submission in the Bethal treason trial, will be handed down today in the Pretoria Supreme Court.

The application was brought by defence counsel H K Naidoo on behalf of three alleged ANC members, Ebrahim Ismail Ebrahim, Acton Mandla Maseko and Simon Dadla, who have each been accused of treason and terrorism.

In terms of the application seven ANC members will give evidence before a commission outside SA because, it was said,

18/8/88  
B/day 331  
they are afraid of returning to the country.

The application was opposed by H J Prinsloo, for the State.

He said the seven prospective witnesses were fugitives from justice and collaborators in the case.

Naidoo submitted that the provisions of section 171 of the Criminal Procedures Act provided for an order to appoint a commission when certain judicial facts were available.

An affidavit by Ebrahim, handed to the court, said the examination of the seven witnesses was necessary for a proper presentation of his defence. — Sapa.

331  
**Four in court  
after demo**

**Court Reporter**

FOUR city journalists who appeared in Cape Town Magistrate's Court yesterday in connection with a placard demonstration, face fines of R300, six months' imprisonment, or both, if convicted.

They are Cape Times reporters Ms Chris Steyn, 27, of Gardens, Mr Peter Dennehy, 30, of Crawford, Cape Times graphic artist Ms Tina Coombes, 26, of Constantia, and Argus reporter Mr Robert Houwing, 24, of Claremont.

Their appearance follows a demonstration against media restrictions on June 21.

The hearing was adjourned to October 5.

Mr BJ Viljoen was the magistrate. Mr J M McEwan prosecuted. Mr J Sandler appeared for the four.



# Ramaditse sentence today

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A JOHANNESBURG Regional Court will pass sentence today in the terrorism trial of Thabo Stanley Ramaditse, convicted for terrorism, subversion and membership of the banned African National Congress.

Mr Ramaditse, a 32-year-old former pupil of Mapetla Junior Secondary School, has pleaded

guilty before Mr T F du Plessis to all the charges.

Professor Lawrence Schlemmer a sociologist and director of political study at Wits University testified for the defence. He said in 1976 there was a big recession and economic growth in South Africa slowed down.

He said in 1975 there

was a 25 percent increase in Standard Eight classes in black schools and the education system was overburdened. There was a climate of tension and when Afrikaans was introduced as the medium of instruction it tipped the pupils over the edge.

Mr Kathleen Satchwell, for the defence, said

18/8/88 Sawefan  
the court had no option but to give a minimum sentence of five years.

## Motivated

She said Mr Ramaditse was chiefly motivated by fear, desire for education and security, a degree of guilt and gratitude to commit the crime.

She said that he was

propelled into a situation that he did not create in 1976 nor did he choose to be black, male, poor and to be in South Africa at the time.

The prosecutor, Mr S van Eck asked the court to impose a severe sentence that will serve as a deterrent against people who wanted to join the ANC.

## 'Stofile should be acquitted'

18/8/88  
33/10  
Sawyer

THE Border United Democratic Front president, the Reverend Arnold Stofile, should be acquitted of terrorism, the Bisho Supreme Court heard yesterday.

The submission was made by Mr David Gordon before three Ciskei appeal judges, Mr Justice L van Winsen, Mr Justice O Galgut and Mr Justice L A Damont, who are hearing the appeal of Stofile, his younger brother, Linda, Nelson Ndelela and Mveleli Gqibitole.

The men are appealing against conviction and sentences imposed by the Ciskei Chief Justice, Mr Justice Benjamin Pickard, in May last year.

They are currently serving sentences from eight to 15 years. Yesterday's hearing was attended by Mr Ted Thomas, QC, an international observer who is a leading barrister in New Zealand.

Mr Gordon submitted that, on the state's case there was insufficient evidence to justify a conviction.

# New taxi-rank near Bara

19/8/88 332 Sowetan

THE Diepmeadow Town Council has decided to set aside R150 000 towards building a new taxi rank near the Baragwanath Hospital in an attempt to reduce feuding between taxi operators and Putco bus drivers on the present

premises. This was announced yesterday by the Diepmeadow Director of Protective Services, Mr Thomi Mabambe, after a meeting between representatives of the Southern Africa Black

Taxi Association and a delegation from the bus company.

The meeting follows large scale misunderstanding between taxi operators and bus drivers as a result of congestion and other difficulties at

the rank — the biggest in Soweto.

Mr Mabambe said the congestion crisis had resulted in a number of serious incidents that were highlighted by both parties during the meeting.

"Putco was allocated certain lanes which were apparently used by taxis and that created problems during their daily operations," he said.



# Kiwi lawyer attends Stofile Ciskei appeal

(33)  
Ches  
21/8/88

THE distinguished New Zealand lawyer, Ted Thomas QC, attended the Stofile appeal in Ciskei this week, representing international legal associations as an observer.

Rev Arnold Stofile was sentenced to 11 years' imprisonment for terrorism in May 1987 by the Bisho Supreme Court. Three of Stofile's co-accused, including his brother, Linda, were sentenced to a total of 31 years in jail, also for terrorism.

Stofile's lawyers have lodged an appeal against his conviction and sentence, which was heard in Bisho this week.

Thomas has been official-

ly designated by the New Zealand Law Society, the New Zealand section of the International Commission of Jurists and the Commonwealth Lawyers' Association to observe the trial.

Thomas said he was attending the hearing to focus international attention on the proceedings.

Thomas appeared in the New Zealand rugby tour proceedings launched in the High Court of New Zealand in 1985 that resulted in the injunction which stopped the All Black tour of South Africa planned for that year.

He called Stofile as a witness during the hearing.

Stofile's evidence related to the situation in South Africa and the probable consequences of the rugby tour.

Thomas described Stofile's evidence as compelling.

"It had a marked effect on all who heard it," he added.

He said Stofile gave evidence without hesitation, despite the risk of reprisals on his return to South Africa.

Thomas said Stofile had struck those he had met in New Zealand as a "likeable, pleasant and gentle person".  
- Veritas

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**SOL MORATHI**

THE State has failed to prove allegations made in the indictment in the trial of 19 men, that include prominent leaders of the United Democratic Front and the Azanian People's Organisation, said George Bizos for the defence.

The State has rambled along in an endeavour to find the 19 accused guilty without any justifiable cause the defence said in the Pretoria Supreme Court

# State has no case against 19 accused, says defence

this week at the trial of 19 men accused of charges of treason, terrorism, subversion and murder before Judge Van Dijkhorst, sitting with an assessor.

The charges arise from

uprisings resulting from rent boycotts in the Vaal area four years ago.

During that period a number of people were killed, many injured and property was destroyed.

The accused have all pleaded not guilty to the charges.

Bizos told the court that the State had no case against the 19 men and thought it proper that the

charges be withdrawn.

Three of the accused, Popo Simon Molefe, Moss Chikane and Patrick Lekota, have been in custody since 1985 after being refused bail on five occasions.

Bizos pointed that it was unfair for the State to continue keeping them in jail while it had failed to prove the allegations made against them in the indictment.

The hearing continues.

# PAC trial set to resume next week

## CP Correspondent

21/6/88 CP news  
THE terrorism trial of two alleged PAC members, due to resume this week, has been postponed to next Monday.

Thozamile Tiyo, 24, of Fort Beaufort, and Mgcineni Mqatsa, 53, of Qumbu in Transkei, were expected to appear in the East London Regional Court last Monday after the case was postponed a month ago.

The defence asked for postponement as they were still involved with other cases this week.

The two were arrested in Bophuthatswana on February 13, 1987, after allegedly infiltrating from Botswana.

The State alleges that the accused left the country and went to Lesotho where they joined the PAC in 1983.

Both accused allegedly underwent military training in warfare, sabotage, terrorism and subversion in Tanzania and Libya.

Evidence before the court was that the accused were found in possession of two Scorpion machine pistols, one AK47 rifle, explosives and ammunition.

It is further alleged that the accused were in possession of a communist document, R676 in cash and a 10 pula Botswana banknote. — Elnews



ANC member  
gets 23 years

JOHANNESBURG.  
An ANC member was  
sentenced yesterday to  
23 years in jail on  
charges of terrorism,  
subversion and member-  
ship of a banned organi-  
zation.

Stanley Samuel Thabo  
Ramaditse, 32, who  
skipped the country dur-  
ing the June 1976 upris-  
ing, was sentenced in the  
Regional Court here.

He received military  
training in Tanzania,  
Angola and the Soviet  
Union. — Sapa

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# Union 'did nothing for the workers'

By Ayesha Ismail

Alexandra treason trial accused Mr Richard Mdakane (29) yesterday told the Rand Supreme Court that a metal industry union had been formed because workers saw the SA Boilermakers Association as being part of management.

He was referring to the formation of the Metal and Allied Workers Union (Mawu), now known as the National Union of Metalworkers of South Africa.

Mr Mdakane, Mr Moses Mayekiso (38), Mr Paul Tshabalala (38), Mr Obed Kopeng Bapela (28) and Mr Mzwanele Mayekiso (22) have denied charges of treason, subversion or sedition.

They are all members of the Alexandra Action Committee (AAC).

Mr Mdakane said the SA Boilermakers Association did nothing for workers and only deducted money from their salaries.

Asked by counsel for the defence, Mr A C Human, what he expected the association to do, Mr Mdakane replied: "They should have done something about our low wages and our working conditions."

Mr Human showed Mr Mdakane a document which he said appeared to be a constitution written by Mr Mayekiso dealing with the "conscientising of people".

"Yes, people were being made aware about the bad ways of apartheid and how this can be stopped," Mr Mdakane said.

The trial continues.

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(331) Star 23/8/88

**Pretoria Correspondent**

A Pretoria Supreme Court judge ordered yesterday that a commission hear the evidence of six active ANC members in London.

This followed an application by counsel for the three accused in the Bethal treason trial.

The accused, Mr Ebrahim Ismail Ebrahim, Mr Acton Mandela Maseko and Mr Simon Dladla, are facing several charges of terrorism and treason.

Mr Justice Daniels ordered that an attorney, Mr John Peter Herhold, a partner in London of the firm Shephstone & Wilie, is to take the evidence.

The judge said should Mr Herhold not be available any other person who is acceptable to the State and the defence would do.

During the commission the State is to be represented by Mr H J Prinsloo and a Mrs Van der

# ANC members to submit evidence on treason accused

Walt. The accused are to be represented by Mr H K Naidu, Mr L Gering, Ms P Jana and Mr C Watters.

The judge ordered that the six witnesses — Mr John Nkadi-meng, Mr Vusi Khumalo, Mr Jacob Suma, Mr Ronnie Kasrils, Miss Todzi Memela and Mr Johannes Nkhwanazi — be examined, cross-examined and re-examined.

Mr Justice Daniels said the testimony should be confined to matters relevant to the indictment and to the credibility of the witnesses.

The only other people allowed at the commission are Warrant Officer NJ Deetlefs and Warrant Officer SJ Pienaar. Mr Justice Daniels said it would take 10 days to constitute the commission and he postponed the case before him to October 3.

Mr Justice Daniels said the application had been brought on the basis that it was in the interests of justice.

The judge said the names of seven proposed witnesses were given to the court, and in their affidavits it was stated that they

were active members of the ANC involved in furthering the aims of the ANC.

The judge said if the application had been brought only on behalf of Mr Dladla, he would have refused it.

Mr Justice Daniels said Mr Maseko's position was different. The judge said the proposed evidence of Mr Khumalo was relevant to his case.

The judge said Mr Ebrahim's position was different from the other two accused. He said Mr Nkadi-meng and Mr Kasril's evidence had bearing on the credibility of State witness No X1.



# Delmas — a question of

By JOANNE COLLINGE

The Delmas treason trial will go down in history for its judgment on whether the United Democratic Front committed high treason by conspiring to overthrow the State by violent means.

Other aspects of the trial are linked to events in the Vaal Triangle in the chaotic September of 1984. Most of the accused are from the Vaal and much evidence and argument relates to their alleged participation in events there.

Judgment on such serious charges as five counts of murder hinge primarily on the 'Vaal' section of the case.

But as the trial draws to a close, the primary question of the alleged UDF conspiracy comes ever more clearly to the fore. The initial arguments advanced by both the State and the defence on this are summarised below.

It is almost four years since the first of the Delmas treason trialists were taken into custody after the Vaal Triangle rent protests, which brought violence and loss of life in their wake, and form the focus of the trial.

It is more than three years since the original 22 accused first appeared in court.

For longer than three years the three most prominent trialists have remained in jail. They are United Democratic Front general secretary Mr Popo Molefe, publicity secretary Mr Patrick "Terror" Lekota and former Transvaal executive committee member Mr Moss Chikane.

The record of proceedings has outrun 25 000 pages so far. Three accused have been discharged along the way — Mr Amos Malindi, Mr Lazarus More and Mr Simon Vilakazi.

Before his acquittal and while still in jail, Mr More brightened the course of the trial by getting married — bringing flowers and confetti into the remote courtroom at Delmas.

Tense moments were played out in that same room in Delmas when the presiding judge, Mr Justice K van Dijkhorst, dismissed one of his two assessors, Dr W A Joubert of the University of South Africa, who had been found to have signed the UDF Million Signature Campaign petition.

## Threats of violence

The main charge is high treason and it consists of all the accused allegedly having conspired — as officials of the UDF and members of the management structures of the UDF, organisations affiliated to the UDF and bodies supporting the UDF — to implement and further certain aims of the African National Congress and the South African Communist Party or those of the UDF.

The aims of the ANC/SACP and the UDF are seen in the indictment as being identical: "The wrongful overthrow and endangering of the lawful Government by violence and/or threats of violence and/or other methods which include or contemplate the use of violence."

According to the indictment, these aims are viewed by both organisations as being achievable by the same methods — by acting to "unite, organise, mobilise, politically incite and indoctrinate, condition and activate the masses — especially the black masses — to participate in activities, deeds, projects, actions and/or violence which must render the Republic of South Africa ungovernable and which situation must develop into a violent revolution."

Alternative charges to the main charge are:

- Two charges of terrorism in terms of Section 54 (1)(i) and (ii) of the Internal Security Act. These involved committing acts of violence or performing other activities aimed at causing violence with the objective of overthrowing or endangering the State; achieving constitutional, political, social and economic change; inducing the Government to change its standpoint; and demoralising the public or specific groups of people.

## Five counts of murder

- Two charges of subversion, involving the causation of general disorder and dislocation and the hampering of people maintaining law and order to achieve the same objects as those listed above.

Alternative to the terrorism and subversion charges are five counts of murder arising from the deaths of four councillors and one other man who were killed during the Vaal rent uprising of September 1983.

Treason and murder are both common-law crimes which carry a maximum sentence of death. Treason carries no minimum sentence.

Terrorism, although a statutory crime, carries the same penalties as treason, while subversion carries a maximum penalty of 20 years' imprisonment.

Mr Justice van Dijkhorst is assisted by assessor Mr W F Krugel. The State is represented by Mr P B Jacobs, SC, Mr P Fick and Mr H Smith. The defence counsel are Mr A Chaskalson, SC, Mr G Bizos, SC, Mr K Tip, Mr Z Yacoob and Mr G Marcus.

The co-accused are: Mr Patrick Mabuya Baleka; Mr Oupa Hlomuka; Reverend Tebogo Geoffrey Moselane; Mr Gelnumuzi Petrus Malindi; Mr Morake Petrus Mokoena; Mr Tsietse David Mphuthi; Mr Naphtali Mbuti Nkopane; Mr Tebello Ephraim Ramakgula; Mr Bavumile Herbert Vilakazi; Mr Sekwati John Mokoena; Mr Simon Tseko Nkoli; Mr Pelamotse Jerry Thopane; Mr Serame Jacob Hlanyane; Mr Thomas Madikwe Manthata; Mr Thabang Sam Matlole; and Mr Thabiso Andrew Ratsoma.



Five of the Delmas treason trial accused in a relaxed moment between sittings in the country courtroom from which the marathon trial takes its name.



Mr Patrick 'Terror' Lekota ... UDF secretary-general.



Mr Popo Molefe ... publicity secretary of the UDF.



Mr Arthur Chaskalson, SC ... appearing for the defence.

## The case for the defence

The defence in the Delmas trial argues that the cornerstone of the State's case should be knocked out by Mr Justice van Dijkhorst just as it was by Mr Justice Rumpff in the treason trial of 1956-61.

The essential element of the present State case on the main treason charge was that the United Democratic Front (UDF), either in pursuit of its own ends or those of the African National Congress and the South African Communist Party, aimed to overthrow the State by violence, the defence asserted.

A non-violent form of treason had never been suggested by the prosecution, defence counsel Mr Arthur Chaskalson, SC, argued earlier this month.

And this was precisely where the State's case collapsed in the trial of 1956-61 (officially known as S v Adams), Mr Chaskalson submitted.

He quoted Mr Justice Rumpff's words: "The task which the prosecution set itself was to prove that, over the period of the indictment, the organisations it had cited had a policy to overthrow the State by violence and that each of the accused actively supported that policy."

Mr Justice Rumpff observed that the State had argued that the accused had used strikes and passive-resistance campaigns in an attempt to coerce the Government, and that this was treason.

### NOT THE COURT'S DUTY

"Interesting and important as this suggestion may be, it is not the court's duty to consider it because the entire case for the prosecution was brought and conducted on the basis of a conspiracy to commit violence against the State."

The failure of the State to prove this policy of violence had led to the collapse of the State's case, Mr Justice Rumpff ruled.

Mr Chaskalson attacked the prosecution's strategy, saying: "Any evidence of any acts of unrest anywhere in the country at any time is put in (as evidence) and it is all put into a pot and stirred, and put into the oven, and out pops a conviction with no attempt to disaggregate what has gone into it."

He argued that the "disaggregation" of evidence had to be done. A wealth of documents admissible as evidence under the Internal Security Act — which governs the alternative charges of subversion and terrorism — had to be disregarded in relation to the main charge of treason, he said. And differences in the degree of the probative value of documents had to be considered.

Mr Chaskalson further argued that the State had defined the charges in a particular way and would have to stick to these definitions to get a conviction.

He observed that although two "parallel" conspiracies were detailed in the indictment (one involving UDF officials and members of the management structures of UDF-affiliated and supporting organisations and the other involving all these persons plus the ANC and SACP), they involved the same end-result.

This was the overthrow or endangering of the State by means of violence or threats of violence.

In both cases the conspiracy was "based on adherence to the declaration of the UDF" which was adopted at its launch at Rocklands, Cape Town in August 1983, Mr Chaskalson said. It was not contended by the State that the conspiracy came about in the UDF at a later stage but that "at Rocklands in 1983 this agreement took form and it was put before the public at that stage".

It was also not the State's case that a small clique in the UDF was party to the conspiracy. The conspiracy, according to the State, was laid on the basis of UDF policy, the defence insisted.

Dealing with the broader of the two alleged conspiracies — the one involving the ANC — Mr Chaskalson argued that "the State has not produced a jot of evidence to support the proposition that anybody associated with the founding of the UDF did so at the instance of the ANC or as a result of a speech by Oliver Tambo in January 1983".

On the second type of conspiracy — embracing the UDF, its affiliates and supporters but excluding the ANC — Mr Chaskalson said there was again no direct evidence of an agreement to overthrow the State.

### POLICY OF NON-VIOLENCE

Mr Chaskalson argued that there had been no conspiracy for the overthrow of the State at the launch, as the prosecution contended.

He said there was considerable evidence before the court that the UDF had a policy of non-violence.

He argued that the State's response to this was: "Well, though you (UDF) said this to your own supporters, though you publicly projected this image, though you never mentioned violence in your documents, though we produce no witnesses to confirm our case by direct evidence, somewhere there were people plotting violence."



# conspiracy

## The case for the State

The very nature of action which materialised countrywide in correspondence with the organisation and planning of the United Democratic Front and its affiliates "confirms without doubt that the freedom struggle is a violent struggle," the State has argued in the closing stages of the "Delmas" treason trial.

The State's argument, prepared by Mr P B Jacobs, SC, assisted by Mr P Fick and Mr H Smith, includes the submission that "the irrefutable evidence is that the UDF and its leaders at all times encouraged the masses to confrontation and deeds of violence against State authorities and the Government".

It was argued that repeated assertions that the UDF was a peaceful organisation constituted an "absolute lie" which was invoked by the UDF for purposes of self-preservation.

The freedom struggle in which the UDF was involved, along with the ANC and the South African Communist Party, had as its basic feature the active involvement of the masses — especially the black masses — in the struggle against the authorities, the State submitted.

The UDF and its affiliates identified a common enemy which included the State, the Government, and government institutions and officials, the prosecution stated.

"Precisely this fact, the identification of a common enemy which must be actively tackled in united action by the forces of the UDF and its affiliates and which must be destroyed, is confirmation that confrontation should be violent," the State argued.

"The propensity of defence witnesses (including Mr Popo Molefe, Mr Patrick Lekota and Mr Moss Chikane) to lie is shown by the fact that, in practice, the attacks in the freedom struggle have been consciously aimed at councillors, police and their property, at council property, schools and other State property."

The State further argued that the fact that the UDF had supported the idea of a national convention did not mean that it was not interested in the seizure of power.

"It appears that the proponents of a national convention in the ranks of

the UDF had from an early stage a clear and unambiguous concept of total and unconditional abdication by the South African Government."

They intended that the point of a national convention be reached not by talks and negotiation among leaders but as a result of "physical action by the masses which by its nature can only give way to violence", according to the prosecution.

In support of this proposition it quotes a document of the national general council of the UDF: "There is still time for the racist minority regime to consult with the authentic leaders of the people, with the sole objective of making the necessary arrangements for the speedy and effective dismantling of the apartheid State and the transfer of power to the people."

The State said the UDF clearly foresaw bloodshed if the Government did not meet certain demands.

The role of the UDF in the freedom struggle was to organise, plan, promote and co-ordinate, the State said.

Evidence of this strategy lay in the Vaal rent protest of 1984, the PWV stayaway of November 1984, mass attendances at funerals of victims of political violence, widespread school boycotts and the campaign against black local authorities.

The State submitted that certain people among the UDF held that there were two stages in the UDF struggle — protest and challenge.

The latter, according to a 1984 secretarial report of the UDF, involved making State programmes and institutions unworkable and isolating the State from support. The consequence of this approach was the establishment of "people's power".

Three of the accused were members of the management structures of the Azanian People's Organisation in the Vaal, the State said.

Azapo, subscribing to Black Consciousness, had ideological differences with the UDF, the State said.

The State argued that Azapo executives fell within the scope of the conspiracy by virtue of the fact they had agreed to co-operate with UDF organisations in the Vaal to oppose the black local authorities.

## ANC man gets 10 years (331)

A MEMBER of the African National Congress, Thabo Samuel Ramaditse, raised a clenched fist and shouted "long live the ANC and Umkhonto We Sizwe" after a Johannesburg Regional Court magistrate sentenced him to 23 years' imprisonment yesterday.

The 32-year-old former pupil at Mapetla Junior Secondary School in Soweto, will serve an effective 10-year sentence for terrorism, subversion and two counts of being a member of the ANC.

The other sentences will run concurrently with the first. His attorney, Ms K Satchwell, has indicated that Ramaditse will appeal against the sentence. His mother left the court shortly after the sentence, and her loud sobs could be heard.

The magistrate, Mr T F du Plessis, said Ramaditse was still a member of the ANC and associated with its aims to overthrow the Government by violent means.



## Judge allows ANC six to testify in London

PRETORIA — Six ANC members will be allowed to testify at a special hearing in London on behalf of colleagues on trial for treason in SA.

Mr Justice H R Daniels yesterday granted a defence request, in the Supreme Court, for appointment of a

commission to hear evidence abroad probably next month.

Defence lawyers argued that active ANC members were the only people able to refute evidence from state witnesses but could not come to SA for fear of being arrested.

One of the three defendants in the treason and terrorism trial, Ebrahim Ebrahim, is described as the highest-ranking ANC commander to be captured in 20 years.

The judge said cross-examination of the six ANC members would be allowed. — Sapa-AP.

# Accused in treason trial meet senator

CAPE TIMES 24/8/88

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PRETORIA. — US Senator Paul Simon met defendants in a long-running Delmas treason trial yesterday and reiterated his support for tougher sanctions against South Africa.

Mr Simon, who arrived on Monday on a five-day fact-finding visit, briefly attended a session of a three-year-old treason trial in which 19 activists are accused of conspiring with the outlawed African National Congress to incite widespread anti-government violence.

During a break in defence arguments at the Pretoria Supreme Court, Mr Simon spoke with the only three defendants who have been refused bail — Mr Terror Lekota, Mr Popo Molefe and Mr Moss Chikane. They are officials of the restricted United Democratic Front.

Mr Simon, a Democrat from Illinois who campaigned unsuccessfully for president this year, is chairman of the Senate Foreign Relations sub-committee on African Affairs. He will play a major role in deliberations on pend-

ing legislation to increase economic sanctions against South Africa.

"I am a supporter of sanctions because I believe it is one way of trying to make peaceful change come to this country," he told reporters. "Change will come. We would rather it was peaceful than violent."

Mr Simon is accompanied by Congressman Richard Lehman, a Democrat from California.

Mr Simon plans to visit black townships and meet attorneys for the Sharpeville Six. Mr Simon and US Senator Nancy Kassebaum of Kansas launched a nation-wide campaign last week urging clemency for the six facing execution for the 1984 mob murder of a town councillor.

Mr Simon will meet with foreign and local journalists to discuss press restrictions under the national emergency.

He is also scheduled to meet the Foreign Minister, Mr Pik Botha, and other government officials before flying to Botswana on Friday. — Sapa-AP

The Issuing House

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# PAC trial postponed

EAST LONDON. - The terrorism trial of two alleged Pan-Africanist Congress members, due to resume this week, has been postponed.

Thozamile Tiyo, 24, of Fort Beaufort and Mgcineni Mgoqatsa, 53, of Qumbu in Transkei were expected to appear in the Regional Court this week after the case was postponed a month ago.

However, the defence said the trial had to be postponed again as they were still involved with other cases this week.

The two were first arrested in Bophuthatswana on February 13 1987, after allegedly infiltrating from Botswana.

The state alleges that the accused left the country and went to Lesotho where they joined the PAC in 1983; and that they were trained in Tanzania and Libya.

The evidence before court was that the accused were found in possession of two scorpion machine pistols, one AK47 rifle, explosives and ammunition.

—ELNEWS

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## Detainee joins 13 accused in treason trial

Staff Reporter

A WOMAN who spent about three months in solitary confinement joined 13 alleged ANC members or supporters who face charges of treason, alternatively terrorism, when they appeared in the Wynberg Regional Court yesterday.

Ms Gertrude Fester, 35, of Maitland, was told that she had 14 days to oppose a state application to the attorney-general for a certificate frustrating bail. She will appear in court again on September 12.

Ms Fester joined Mr Tony Yengeni, 33, Ms Jenny Schreiner, 31, Ms Lumka Elizabeth Nyamza, 25, (Mr Yengeni's wife), 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 Sitlabocha Charles Mahlale, 37, Mr Alpheus Nkwana Ndude, 45, Mrs Colleen Lombard, 38, and Ms Zurayah Abass, 35. Mrs Lombard and Ms Abass had bail of R3 000 each extended.

The 13 wore either black, yellow or green track-suits.

### Disrupted the proceedings

The court ordered that Mr Ndude have immediate medical attention for a cut on his hand sustained during the journey from Pollsmoor Prison to the court. His attorney, Ms C Burger said he received the "severe" cut when the police vehicle accelerated and braked "causing the accused to be thrown around".

At a previous hearing the magistrate, Mr A S McCarthy, ruled that the family and friends of 11 of the 14 would not be allowed in court unless evidence was led, because they disrupted the proceedings.

Defence attorneys Ms Burger, Mr R Vassen and Mr V Saldanha applied for relatives to be allowed, saying the 14 and their families had assured them that they would not disrupt proceedings.

Mr McCarthy did not make a final ruling.

He said a magistrate had visited Pollsmoor Prison on July 18 and 21 to investigate complaints made by the accused and had made representations "to the authorities concerned".

The prosecutor, Mr P Mostert, handed in 14 copies of the final indictment.

The defence attorneys objected to the postponement date of October 18, saying 11 of the trialists had been in detention for six months before their first appearance and Ms Schreiner for 340 days "to date".

# Plea for Thabo Mbeki to give evidence

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JOHANNESBURG. — One of the country's most celebrated treason trials took a dramatic turn in the Palace of Justice, Pretoria, this week when counsel for the defence asked the Supreme Court to issue an order enabling four top ANC executive members to give evidence.

On Monday, counsel applied for evidence to be taken on commission outside South Africa from seven ANC members, including National Executive Committee member Mr Thabo Mbeki, ANC director for publicity and information, Mr John Nkademeng, Sactu general secretary, and Mr Ronnie Kasrils and Mr Jacob Zuma.

The court was told that such evidence was material to ensuring justice would be done in the trial of Mr Ebrahim Ismail Ebrahim, Mr Acton Mandla Maseko and Mr Simon Dladla.

They are facing charges of treason and several alternative charges including

attempted murder arising from landmine explosions in the south-eastern Transvaal in mid-1986. All three have pleaded not guilty.

Counsel Mr Kessie Naidu said the defence intended to call another witness from Robben Island at a later stage. Examination of the seven prospective witnesses would be in the best interests of justice.

In the case of witnesses residing outside South Africa, the court would dispense with their attendance and set up a commission.

The witnesses had expressed fear of returning to South Africa but were prepared to testify before a commission. Their evidence would dispute the evidence of three State witnesses.

Ebrahim was allegedly kidnapped from Swaziland in December 1986 and brought to South Africa. He is charged with being a senior office-bearer of the ANC.

# Plea for Thabo Mbeki to give evidence

18-24/8/88  
Sant  
331

JOHANNESBURG. — One of the country's most celebrated treason trials took a dramatic turn in the Palace of Justice, Pretoria, this week when counsel for the defence asked the Supreme Court to issue an order enabling four top ANC executive members to give evidence.

On Monday, counsel applied for evidence to be taken on commission outside South Africa from seven ANC members, including National Executive Committee member Mr Thabo Mbeki, ANC director for publicity and information, Mr John Nkadimeng, Sactu general secretary, and Mr Ronnie Kasrils and Mr Jacob Zuma.

The court was told that such evidence was material to ensuring justice would be done in the trial of Mr Ebrahim Ismail Ebrahim, Mr Acton Mandla Maseko and Mr Simon Dladla.

They are facing charges of treason and several alternative charges including

attempted murder arising from landmine explosions in the south-eastern Transvaal in mid-1986. All three have pleaded not guilty.

Counsel Mr Kessie Naidu said the defence intended to call another witness from Robben Island at a later stage. Examination of the seven prospective witnesses would be in the best interests of justice.

In the case of witnesses residing outside South Africa, the court would dispense with their attendance and set up a commission.

The witnesses had expressed fear of returning to South Africa but were prepared to testify before a commission. Their evidence would dispute the evidence of three State witnesses.

Ebrahim was allegedly kidnapped from Swaziland in December 1986 and brought to South Africa. He is charged with being a senior office-bearer of the ANC.



# Black Sash members pay fines for protest

*case 7075 25/8/88 (331)*  
TWENTY-NINE Black Sash members, arrested while protesting near Parliament in support of clemency for the "Sharpeville Six", have paid admission-of-guilt fines, Cape Town Magistrate's Court heard yesterday.

The women, whose ages range from 22 to 69, 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, Anne-Marie Hendricks, Cindy Tyrell, Brenda McKay, Anne Schuster, Margaret Matthews, Desiree Burman, Ruth Copelands, Judy Woodward, Karen Chubb, Pam Allen, Margie Probyn, Alison Saayman, Anne Greenwall, Jill Gribble and Denise Smith. Mr M J C Tolken was the magistrate. Mr E S Grobbelaar prosecuted. Ms A Durback represented the women.

State not a... (AAA83042)

# Trialist protests bar on mom

ONE of 14 alleged guerrillas, detained more than 10 months ago, this week protested to a Wynberg magistrate that his parents from Paarl were not allowed to attend the court proceedings.

Mr Michael Tlana, 26, told the magistrate that he was shot and detained on September 19 last year and had never been visited by his parents while he was kept in hospital.

"Instead I was placed under Section 29 and I was interrogated for long periods," he said.

"On my first appearance I came to court excited to see my parents but could not see them clearly.

"I saw my mother coming into court crying. She was forced to sit on the floor because the courtroom was full of policemen." Tlana said he experienced difficulties when he returned to

Pollsmoor.

He was kept alone in a cell and refused to eat.

"I even manhandled a policeman because of these conditions. As a result I injured my leg," he said.

"My parents come from Paarl but now they have to stand outside the court. I think it will be justice if my parents are allowed to listen to my case."

Tlana is one of 14 people facing charges of high treason, alternatively terrorism.

This week they appeared dressed in either black, green or gold tracksuits.

They are Tony Yengeni, 33, Miss Jenny Schreiner, 31, Miss Lumka Nyamza, 25, (Yengeni's wife), Mr Michael Mzimkhulu Lubambo, 35, Mr Mbutu Richmond Nduku, 26, Mr Wellington Mongameli Nkwandla, 31, Mr Gary Kruger,

27, Mr Christopher Giffard, 27, Mr Sihabocha Charles Mohale, 37, Mr Alpheus Nkwana Ndude, Ms Zurayah Abass, 35, and Mrs Colleen Lombard, 38.

They were joined by Getrude Fester, a lecturer at Hewat Teachers' Training College lecturer, who spent about three months in solitary confinement.

She was told she had 14 days to oppose the State's application to deny her bail. The application would be heard on September 12.

One of accused, Ndude, complained that he received cuts on his hands when the prison van accelerated and braked causing them to be thrown around.

The court ruled that he should receive immediate medical attention.

Earlier, counsel for the accused protested against a further delay in setting a trial date in the Supreme Court.

Mr Rameesh Vassen, Mr V Saldanha and Miss Christine Burger said the accused had been kept in detention and custody for a long time.

Mr Vassen said some of the accused had spent more than six months in detention prior to their first appearance in March. Lombard and Abass are the only trialists out on bail.

Miss Burger said that Schreiner had to date spent 340 days in detention.

The defence also applied for families of the accused to be allowed to attend the proceedings. They assured the court that the families would behave.

Earlier, the magistrate decided not to allow the families in court because they had disturbed proceedings.

The magistrate said he would make a final ruling on the matter on October 18.

(321)

South 2578-119/88

# No evidence of 'violence' — counsel

AGG's  
25/8/88 (331)

## The Argus Correspondent

PRETORIA. — Counsel for the 19 accused in the Delmas treason trial has replied to the State's argument that the United Democratic Front's policy was to overthrow the government with violence.

Mr Arthur Chaskalson SC told Mr Justice van Dijkhorst in the Pretoria Supreme Court that the State's argument made no reference to any evidence given by witnesses in the case.

"The State apparently saw nothing in the evidence which was relevant to its argument," Mr Chaskalson said.

Counsel said the State instead cited extracts from document and speeches without any regard for its context.

## Perception

The defence counsel said the perception of the accused and other witnesses of the "freedom struggle" was different to the one advanced by the State.

Mr Chaskalson said the struggle had its roots in the

fact that the majority of South Africans, who do not have the right to vote, were ruled by laws about which they had no say.

Mr Chaskalson referred to UDF general secretary Mr Popo Molefe's evidence.

When cross-examined about the freedom struggle, Mr Molefe said the blacks had long been part of it, in fact, since the implementation of apartheid.

Counsel asked Mr Justice van Dijkhorst what he would have done had he been in the

same position as Mr Molefe.

Mr Molefe also testified that the UDF was involved in a struggle for meaningful rights and not a struggle for the government to hand over power.

Mr Chaskalson said the same evidence emerged from all the witnesses which was ignored by the State.

Mr Chaskalson said the state was incapable of understanding the concept of a non-racial society and this inability lead the State to talk of seizure of power.

(Proceeding)



## Seven face terrorism charges

The Argus Correspondent 25/8/88 (33)

PRETORIA. — Seven men yesterday briefly appeared in a Pretoria Regional Court where they face several charges of terrorism.

The accused are Messrs Samuel Mokhubela, 29, of Soshanguve, Thekiso Mogoerane, 31, of Vosloorus, Conrad Lekhumbi, 28, of Mamelodi East, Motshele Makwela, 35, of Ma-

mamelodi West, Neo Moerane, 26, of Soshanguve, Lucas Mabe, 26, of Atteridgeville, and Sello Khota, 34, of Mamelodi-East.

They have all been accused under the Terrorism Act (74) of 1982. Several accused face alternative counts of attempted murder, while Mr Mokhubela faces further charges of theft of a firearm and possession of an unlicensed firearm and ammunition.

25/8/88 (331) Star

## Delmas defence slams State case

# UDF 'not intent on violence to overthrow Govt'

By Jo-Anne Collinge

The prosecution's incapacity to understand the concept of a non-racial society led it to talk of the United Democratic Front as if it were "on a war of conquest" and to insist that the organisation was intent on seizing power.

This was submitted by defence counsel Mr Arthur Chaskalson SC to "Delmas" treason trial judge Mr Justice van Dijkhorst in the Pretoria Supreme Court yesterday.

Mr Chaskalson said it was "quite extraordinary that there is not a single reference (in the State argument) to any evidence given by any of the witnesses" despite the fact that the record of evidence ran to over 24 000 pages.

### Not admissible

He said that the State's treason case against the UDF relied on extracts from 21 speeches made by 18 people at only nine meetings and on fewer than 60 documents, many of which he had argued were not admissible in relation to the treason charge.

The UDF organised or helped organise only four of the relevant meetings and only four of the speakers held positions of regional UDF executive members or higher.

On this basis, the State had argued that the freedom struggle in which the UDF was engaged meant to overthrow the State by violent revolutionary warfare and to replace it with a democratic government based on the Freedom Charter.

This view had been "persistently put to witnesses and was persistently rejected by them", Mr Chaskalson said.

A very different picture of the freedom struggle had emerged from witnesses, he said. "Their perception of the struggle for freedom is essentially a struggle for access to power by those who are powerless."

Its goal was "the abandonment of apartheid; the ending of white privilege and the extending of the vote to all" so that "the government of the day would be responsible to the needs of all and not just the white elite".

Mr Chaskalson highlighted evidence by UDF general secretary Mr Popo Molefe, who said that the front was supported a national convention in which all representatives of all constituencies should "hammer out the best constitution for the future of South Africa".

The question was not whether a common or non-racial society was better or worse than a racially structured one, but whether it was legitimate to strive for such a society.

"The issue is whether people who undertake that struggle necessarily must be said to be committed to violence," said Mr Chaskalson. He argued it was a *non sequitur* to insist this was so.

Mr Chaskalson submitted that, as with the ANC in the treason trial of 1956/61, the existence of a plot to overthrow the State by violence would have to be judged on the policy of the UDF established by ascertainable facts.

The State had not been able to establish that the ANC had a policy for the violent overthrow of the State in 1961 despite much stronger evidence than in the present case, Mr Chaskalson argued.

# Students sentenced

25/8/88  
Soweto

THREE Soweto students were yesterday sentenced to seven years imprisonment and another to one year for the possession of an AK-47 rifle, live ammunition and a handgrenade by a Johannesburg Regional court magistrate.

The magistrate, Mr H J du Toit ordered that the six-year sentence for the rifle should run concurrently with the one-year sentence for ammunition for Elias Siphwe Khunou (19), of Orlando West High, Kenneth Mandla Lekalakala (20), also of Orlando West High, Moses and Veli Lale (22), of George Thabe Technikon.

The fourth student, Abednigo Radebe (22), of Emadwaleni High School was sentenced to one year imprisonment for the possession of a hand grenade.

The four students had pleaded guilty to the charges. In their statements read in court Khunou, Lekalakala and Lale said early in June

last year, while they were studying for their exams at Lale's home, one Roger who was a cousin to Lale, came to them with another person, Bongane and showed them a firearm. He left the weapon and said he would collect it the next day.

Three days later Lale visited his co-accused and told them that Roger had left the firearm at his house and that he was informed that he had been arrested. He was worried that the police would find the rifle at his home and asked them to help him conceal the weapon. They all agreed to help Lale, who was their friend and they hid the weapon.

In passing sentence Mr du Toit said (the accused) were not to be treated differently from the principal offender because they helped him to escape conviction and made it difficult for the police to confiscate the instruments.



331 South  
2518- 11/9/88

## ANC officials to give evidence

PRETORIA. — The Supreme Court here has granted permission for evidence to be obtained on commission in London from leading ANC officials as part of the treason trial of alleged Umkhonto weSizwe activists.

The evidence is required in the trial of Ebrahim Ismail Ebrahim, Simon Dladla and Acton Mandla Maseko.

Mr Justice H R Daniels this week granted a defence request for evidence to be obtained from Mr Ronnie Kasrils, recently appointed to the ANC's national executive committee, Mr John Nkadimeng, general-secretary of the South African Congress of Trade Unions (Sactu), Mr Vusi Khumalo, Mr Jacob Zuma, Miss Todzi Memela and Mr Johannes Mkwanazi.

### Refute

The defence argued that active ANC members were the only people able to refute the evidence of state witnesses, but could not come to South Africa for fear of being arrested.

Mr Justice Daniels ordered that an attorney, Mr John Peter Herhold, a partner in the London firm of Shepstone and Willie, take the evidence.

The judge ordered that no evidence be taken from the ANC's information secretary, Thabo Mbeki, as he did not sign a letter stating that he was willing to give evidence.

Mbeki had earlier submitted an affidavit to the court refuting the evidence of a state witness, senior police officer and ANC expert Herman Stadler.

Ebrahim is described in the indictment as the highest-ranking ANC commander to be captured since the Rivonia swoop.

Ebrahim was allegedly kidnapped in Swaziland in December 1986 and brought to South Africa. He is also charged with being a senior office-bearer of the ANC.

(33) 5

# It's 23 years for the guerrilla who hadn't the time to start

By TYLER PARRY

A GUERRILLA who bungled both his missions inside South Africa was sentenced to a total of 23 years' imprisonment this week.

Samuel Stanley Thabo Ramaditse will spend an effective 10 years in prison for what his lawyer Kathy Satchwell called, in her closing argument, "a pretty unproductive time in terms of doing ANC work".

Magistrate PF du Plessis ruled in Johannesburg that Ramaditse's two 10-year sentences for subversion and terrorism and a three-year sentence for being a member of the African National Congress would run concurrently.

The events which brought Ramaditse to trial began on June 16 1976, when as a Std 8 pupil he marched to Soweto's Orlando Stadium to protest against the introduction of Afrikaans as a medium of instruction. He said police opened fire on the pupils and he saw the fatal shooting of Hector Pieterse.

During the following months, Soweto "was like hell", Ramaditse told the court. "We were regarded as animals, Soweto was a shooting range."

Professor Lawrence Schlemmer, director of the University of the Witwatersrand's Centre for Policy Studies — who gave evidence in mitigation — said Soweto youth believed they were at war with the security forces.

According to evidence before the Cillier Commission, Schlemmer said, more than 16 000 rounds of ammunition was fired by the police in the first three months following June 16.

"The sound of gunshots was like Christmas crackers in the township," he said.

Ramaditse said when he returned to school in October police fired teargas into the classrooms. He fled and two shots fired by the police, which he believed were intended for him, had killed a pregnant woman.

After this incident Ramaditse said his life became intolerable. He was threatened by angry relatives of the deceased woman.

On November 6, after reading a newspaper report that there were over 500 students in Botswana, he left the country to join them. On his arrival in Botswana he was arrested for being an illegal immigrant and was held in a Gaborone jail.

Ramaditse was visited in jail by Pan Africanist Congress members who asked him to join them.

He refused as he wanted to continue with his education. When the ANC visited him and offered him a scholarship he joined them.

Ramaditse was then transported by the ANC to Zambia where he spent a day in a Zambian jail before

travelling to Tanzania.

With 80 other new ANC members, Ramaditse was lectured on the history of the ANC, of which he knew nothing. After hearing people were being shot in Soweto he decided to join Umkhonto we Sizwe.

Schlemmer said it was impossible for a person in that context to make a balanced decision as Ramaditse's frame of reference had become distorted.

Ramaditse received military training in Southern Angola with Swapo troops. He then spent 18 months at a Zambian transit camp, did political work with ANC recruits in Mozambique and cooked in Angolan camps.

In 1979 he was sent to fight in Joshua Nkomo's Zipra army until he was deported to Zambia by the Zimbabwe government in April 1980. The next three years in Ramaditse's career as a soldier were uneventful — more military training in Angola, political work in Zambia and a visit to Swaziland.

In April 1984 while in Swaziland, Ramaditse was shot by Swazi security forces and wounded in the leg. He received medical treatment in Tanzania for two years and a month in the Soviet Union.

In 1986, he and a colleague were sent on Ramaditse's first mission inside South Africa. The day they arrived his colleague became ill and they crossed back into Botswana without even ascertaining the details of their mission, Ramaditse said. They were deported to Zambia.

On October 2 1987 Ramaditse was sent on a second mission. He said the ANC was reluctant to send him because of his disability, but he was homesick and insisted.

He said he was to receive his mission instructions on presenting two keys at a certain house.

However, before Ramaditse visited his contact he was arrested outside Soweto's Baragwanath taxi rank — a day after he arrived in the country.

During his six-month detention under Section 29 of the Internal Security Act, Ramaditse claimed he was shot in his injured leg by members of the security police. A charge of attempted escape was withdrawn.

He said an ANC member who directed a bomb at a civilian target was not following orders and would be withdrawn and dealt with accordingly.

The state prosecutor JAC van Eck asked if this meant the ANC had lost control of its members Ramaditse replied: "When they were shooting at us in 1976 had the government lost control of the police?"

# 37 in courts on charges relating to '85 uprising

By MAKHAYA MANI and KAREN EVANS, Port Elizabeth

IN A remarkable escalation of political trials in the Eastern Cape, 37 people are currently facing charges in five separate cases.

Crimes allegedly committed in the 1985/6 uprising are finally being brought to court.

Some of the accused have been kept in custody for over two years before being charged. For example, earlier this year 17 Uitenhage residents who had been in prison since 1985 were brought to court and charged with the murder of a councillor.

They were refused bail.

● Eleven people, arrested in June 1986, are being tried in the holiday town of Kenton-on-Sea, a place too far away for relatives to travel to regularly but small enough to boast tight security.

They face five counts of terrorism, four alternative charges of attempted murder and one of harbouring guerrillas. Among the accused is Lizo Pityana, a former vice-president of the Port Elizabeth Black Civic Association.

● Ten people from PE and Uitenhage appeared last week in the PE Magistrate's Court on terrorism-related charges. The state alleges that some of the 10, who include a prominent KwaZakhele businessman, were ANC members and they received military, political and ideological training. They also allegedly imported a machinegun, two rifles and ammunition.

● A terrorism trial of nine PE residents has been postponed until September.

It is alleged that between 1985 and 1988 they were members of the ANC, received military training and were in possession of grenades, limpet mines and AK-47 guns.

● Enock Kwezi, a resident of Port Elizabeth, has appeared on charges of terrorism. He is alleged to have received military training and recruited people to the ANC.

● Six young Port Elizabeth men are charged with the murder of a policeman in 1985. — Pen

37

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26 10 September 1, 1988

# It's Bethal in Britain to hear ANC evidence

BY VUSI GUNENE

DEFENCE and state lawyers in the "Bethal treason trial" are due to meet members of the African National Congress in London next week, after the Pretoria Supreme Court granted six ANC members permission to give defence evidence on commission.

John Nkadameng, a national executive member of the ANC and five others said — in affidavits submitted to Justice H Daniels — they feared possible arrest if they were to give evidence in South Africa.

The six are expected to give evidence to refute state claims about treason trialist Ebrahim Ismael Ebrahim's seniority in the ANC. Police have claimed he is the most senior member of the ANC to have been captured in the past 20 years.

Ebrahim is appearing with alleged ANC guerrillas Acton Mandla Maseko and Simon Dladla. They face charges of treason, attempted murder and terrorism arising out of landmine attacks in the Eastern Transvaal.

Justice Daniels has issued a commission to JP Herholdt — a South African attorney and the resident London partner of the South African attorneys Shepstone and Wylie — to take down evidence of the witnesses.

ANC members due to give evidence with Nkadameng are Vusi Khumalo, Jacob Zuma, Ronnie Kasrils, Todzi Memela and Johannes Mkhwanazi.

According to a court order issued by Justice Daniels, the state will be represented by state counsel, H Prinsloo and L van der Walt. The trialists will be represented by their advocates, L Gering and HK Naidu, and attorneys Priscilla Jana and Chris Watters.

Counsel for the state and defence will have the right to cross-examine the witnesses.

Also expected to be present at the commission's hearing, are two police officers, warrant officers NJ Deetleefs and FJ Pienaar, who gave state evidence during the trial.

Costs of the trip will be paid individually by both counsels, while the cost for the commissioner and personnel for the recording and transcription of the evidence will be paid by the state.

The trial was postponed to October 3, when defence counsel is expected to resume its defence argument.

### CP Correspondent

THE Eastern Cape is experiencing a remarkable increase in terrorism-related trials.

Thirty-one residents of Port Elizabeth's black townships are currently facing terrorism charges in four separate cases.

Rev M Xundu, director of justice and reconciliation in the Anglican Church of the Diocese of Port Elizabeth, said the increase in politically-related trials reflected the government's response to the unrest situation.

"The authorities are increasing the degree of terror instead of treating the causes which give rise to the cases before the court today," said Xundu.

"These trials should be a way of indicating to the authorities that the people are still resisting dehumanization."

The recently-formed Eastern Cape Youth Congress said that because of youth militancy in the Eastern Cape, the State was attempting to criminalise the political activities of the youth.

Following is the breakdown of the trials:

- The trial involving 11 Port Elizabeth people formerly detained under Section 29 of the Internal Security Act will this week

# Terror trials increase

class 20/8/78  
331

resume in the holiday town of Kenton-on-Sea.

The 11, who include Lizo Pityana, brother of self-exiled civil rights activist and former vice-president of the Port Elizabeth Black Civil Organisation, Rev Barney Pityana, are facing five counts of terrorism, four alternative charges of attempted murder, and one of harbouring three alleged terrorists.

- Ten people from Port Elizabeth and Uitenhage appeared last week in the Port Elizabeth Magistrates Court on charges of terrorism. The accused include two women and a prominent KwaZakhele businessmen.

The State alleges that some of the accused received military, political and ideological training in South Africa, Botswana, Angola, Lesotho, Mozam-

bique, Zambia, East Germany and the Soviet Union.

It is alleged they planned to bring about political, industrial, economic and social change in South Africa through violence. The State alleges that the accused imported and were in possession of one Commando machine-gun, two rifles and seven rounds of ammunition.

They were allegedly in possession of or in control of explosives and illegally in possession of ammunition. During the same period they allegedly joined and remained members of the African National Congress.

Prosecutor HS Goosen asked the court that the male accused be transferred to Grahamstown as there was no accommoda-

tion for them in Port Elizabeth.

- A terrorism trial of nine residents of Port Elizabeth has been postponed to September.

The State alleges that the nine received military training in Yugoslavia, Angola, Mozambique, Nigeria, and the Soviet Union and that they all possessed grenades, limpet mines and AK47 guns.

The accused were Section 29 detainees before they made their first appearance this month.

- Enock Kwezi, another Port Elizabeth resident, is also facing charges of terrorism. He allegedly "directly or indirectly terrorised the State" by attempting to bring about political, industrial, economic and social change in the country. He is alleged to have received military training in Angola and Port Elizabeth.

The State also alleges that Kwezi recruited people to join the ANC so as to further its aims. He is also charged with the possession of hand grenades or landmines, some of which he smuggled to Port Elizabeth or the Eastern Cape.

In April this year he used a false name and produced a false identity document at a road block in Pongola, near Piet Retief.

- Pen



# Delmas trial families suffer

## Wife of accused tells of eviction

By SOL MORATHI

THE marathon Vaal treason trial – popularly known as the Delmas trial – has caused friends and relatives of the accused to experience feelings of futility, despair and frustration.

City Press now brings to light heart-rending accounts by relatives of the accused in interviews conducted in Pretoria this week.

Samaria Nkopane, 40, wife of Naphtalie Nkopane, one of the 19 accused of terrorism, murder, treason and subversion, said:

"When this trial comes to an end, I will have lost 20kg in weight.

"No matter how hard I have tried to have a strong heart throughout the proceedings, things don't just seem to work out right.

"I can't take it anymore. The sooner this case comes to an end, the better. I want to lead a normal life, like anybody else," Nkopane said.

She travels three times a week from Sebokeng to the hearing.

She has been a regular at the trial since it began in Pretoria in 1985. After that the trial was moved to Delmas where it sat for almost a year.

It was moved back to Pretoria in May last year.

"At one stage, I was forced to sleep in the open after my furniture was thrown out of the house by council police, because I had not paid rent," Nkopane said.

"It was raining on that day and I was soaked."

She said if it had not been for special transport arrangements made by the SA Council of Churches for her to travel to the hearing, she would have spent more than R10 000 on transport.

Mmansepa Tlhopane, the mother of accused Pelamotse Tlhopane, is a domestic worker who has also been hard hit by her son's trial.

She said that since his arrest and trial, she had found it hard to cope with life.

She said her daughter, Caroline, was forced to leave school because there was nobody to finance her.

"I had depended on Pelamotse before he was detained. Now that he is involved in this case, I can't maintain my family on my meagre salary."

The two women are some of the many people who travel weekly – sometimes daily – to Pretoria from the Vaal to attend the trial.

The defence is still presenting its argument, but judgment is not yet expected until November.

Charges against the 19 emanate from rent boycotts in the area in 1984.

Several people were killed, many injured and property was destroyed.

Among those killed were deputy Lekoa mayor Khuzwayo Dlamini, Jacob Chikane, Philemon Diphoko and Phineas Matibidi.



Capit Times 30/8/88 331

# Terror accused guilty

Court Reporter

A 67-YEAR-OLD man who could "not forgive (President) P W Botha for declaring District Six white" was yesterday convicted of terrorism by a Cape Town regional magistrate.

Jozua Joubert, of Ravenscraig Road, Woodstock, admitted in a statement handed to the court that he devised a method to petrol-bomb a Paarden Eiland office and influenced four friends to help him with his plan on May 3.

He was convicted of terrorism in that he attempted to overthrow the state authority, bring about

political change, demoralize or scare the public, or that he conspired to commit an act of violence by possessing a petrol bomb.

Joubert was also convicted of having a pistol and ammunition.

His four co-accused, Anwar Mentoor, 27, Fadiel Adams, 27, Yunus Adams, 30, and Nazeem Adams, 25, all of Mitchells Plain, were convicted on an alternative charge of illegally possessing a petrol bomb.

The were also convicted of possessing the firearm and ammunition. All five were acquitted on

theft of the firearm.

In the statement, Joubert said he was a "fiery opponent of P W Botha and his regime — I can never forgive him for declaring District Six white.

"The continual state of emergency brought my frustration to a head and I thought about committing violence. I spoke to some of my young friends and influenced them to see things my way."

The hearing was adjourned to October 24 for sentence.

The magistrate was Mr J M Lemmer. Miss A A Peckham prosecuted. Mr J de Lange, instructed by E Moosa and Associates, appeared for the five.

## Judgment reserved in public violence case

*Cape Times 30/8/88 (331)*  
JUDGMENT was reserved in the Supreme Court yesterday in the appeal against the conviction of four Knysna residents — three of whom were wounded when police fired on people at a burning barricade — charged with public violence.

The residents, Samuel Mabokane, Malcolm Kobi, Isaac Zenzile and Julian Semeni, were convicted in Knysna Regional Court on 16 October, 1986, on a charge of public violence.

Evidence at the trial was that police found a burning barricade on the Concordia road on March 16, 1986. The police vehicles left the scene, but nine policemen remained behind and hid in a ditch, about 40m away.

When a group of about 80 people gathered around the burning barricade, police opened fire and some people were wounded, including the appellants.

They were arrested and Mabokane, Kobi and Zenzile were sentenced to three years, while Semeni was sentenced to four years, conditionally suspended.

Mr Justice D M Williamson and Mr Justice S Selikowitz were on the Bench.

# Student's appeal: Judgment today

Cape Times 30/8/88 331  
Supreme Court Reporter

JUDGMENT will be given in the Supreme Court today in the appeal of University of Cape Town student Andrew Brown against his jail sentence for public violence.

Yesterday counsel for Brown, Mr J. Whitehead, said that on February 11 this year Brown pleaded guilty to charges of public violence which related to two incidents at UCT, on April 24 and 27 last year, when he threw stones. He was sentenced to an effective one year's imprisonment.

The trial magistrate had committed a "fundamental misdirection" when, during sentencing, he had said that "the court must strive for some sort of parity".

Brown "must not feel he is being treated severely and that the court would be lenient with one sector of a divided society".

"What was uppermost in his mind at the time of sentencing was what was going to happen if a white student does not go to jail," Mr Whitehead said.

In his evidence in mitigation, Brown described "unfortunate" experiences with police which led to his "uncharacteristic" behaviour.

He had been detained twice and released without being charged and, in 1985, was detained under the emergency regulations and spent two weeks in solitary confinement at Pollsmoor Prison.

Mr Justice D M Williamson and Mr Justice S Selikowitz were on the Bench. Mr G P C de Kock appeared for the state.



#### Supreme Court Reporter

ANDREW BROWN, a fourth-year law student at UCT, yesterday had an effective one-year prison sentence overturned on appeal to the Supreme Court.

Instead he was sentenced to six months on each of two counts of public violence conditionally suspended for four years. He was also ordered to serve 400 hours' community service.

Passing judgment, Mr Justice D M Williamson — with Mr Justice S Selikowitz concurring — said: "I regard the community service option as an alternative to imprisonment, fundamental to our system of justice.

"It is a welcomed and civilized response as to how society could react to criminal actions. The magistrate has not said why he was of the opinion that community service was not an option.

"In my view the magistrate was seriously misdirected where it appears there's no similarity between this and other public violence cases."

Brown was 22 years old and a third-year law student at the time of the offences. He had a brilliant school career and attained four As in matric and was doing well at university.

Besides his academic prowess he had fine personal qualities and was a gentle person by nature and not prone to violence. His behaviour at the time of the offences were described as "uncharacteristic", Mr Justice Williamson said.

On the first occasion Brown threw four stones over the extension to the Sports Centre in the direction of the police. No one was hurt.

On the second occasion he threw one stone at an unoccupied police van and no damage was

caused.

"The accused said those acts were motivated by his previous contact with the police. He had been detained in solitary confinement and said he was treated in an abusive and aggressive way by the police. As a result he

suffered from insomnia and fits of depression.

"This goes a long way in explaining these uncharacteristic acts of violence."

Mr Justice Williamson said that when Brown first arrived on campus he saw police there and encountered students

who had been sjambokked.

"He was angry and it was in this frame of mind that he threw the stones."

Brown had expressed remorse for his actions.

Mr J Whithead, instructed by Ms A Durbach of Bernad, Vukic and Potash, appeared for Brown. Mr G P C de Kock appeared for the state.

## UCT student's jail sentence overturned



**RELIEF ...** Andrew Brown with girlfriend Patti Silbert after his year-long jail sentence had been shortened and suspended on appeal in the Supreme yesterday. They are flanked by his parents, Prof and Mrs Alec Brown.



can this 3/1/88  
**Arms found  
at Mandela  
home - 331 - cop**

JOHANNESBURG. — A Soweto security policeman told the Rand Supreme Court yesterday that an AK-47 rifle and a Scorpion machine-pistol were found at the Orlando West home of Mrs Winnie Mandela in February last year.

Lieutenant A Kritzinger was giving evidence in the trial of Mr Oupa Seheri, 33, Ms Patricia Mkhonza, 29, Mr Ben Dlamini, 27, Mr S Butjelize, 25, and Mr Charles Zwane, 18.

They have pleaded not guilty to murdering Mr Xola Ngubeni on January 24 last year in Soweto. They have also pleaded not guilty to attempting to murder Mr Collin Dlamini and Mr Jeremiah Nkosi.

Lieutenant Kritzinger told the court Mrs Mandela's home was searched after information had been received that a wanted person was at the house. Sapa

Cap 1715 3/6/82  
Man fails  
to appear

A WARRANT for the arrest of a Transkei man was issued in Cape Town Regional Court yesterday after he failed to appear in connection with charges of furthering the aims of the African National Congress.

Mr Molliat Mziwoxolo Mfeketo, of Umtata, had his bail of R1 000 provisionally estreated. Unless he appears on September 19 the bail will be finally estreated.

His co-accused, Mr Xolile Thompson Jaxa, of Guguletu, had his bail of R1 000 extended. He was not asked to plead.

The state alleges that the two transported three men to Botswana for military training by the ANC or to make contact with its members. It is further alleged that Mr Jaxa and Mr Mfeketo distributed a publication — "Tambo's Speech".

Mr J M Lemmer was the magistrate. Miss A A Packham prosecuted. Miss C Burger of E Moosa and Associates appeared for the two men.